

SPENCER CITY COUNCIL MEETING

August 1, 2022

SPENCER, IOWA

The City Council of the City of Spencer, Iowa, met on the 1st day of August, 2022, at 6:30 o'clock P.M., in regular session in the Council Chambers, City Hall, Spencer, Iowa, pursuant to law, to adjournment and to the rules of said Council.

The meeting was called to order by Mayor Bomgaars, in the Chair and the roll being called, the following Council Members were present:

Present: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Balk

Absent: None

It was moved by Council Member Wunschel seconded by Council Member Nelson to approve items on the consent agenda, as follows:

Approve City Council Minutes of July 18, 2022;

Licenses: None;

Approve Residential Tax Abatement Application for Jimmy Sassman, 813 6th Ave SW;

Approve Purchase of Remanufactured Landfill Compactor from Tri County Equipment and Repair, Pierson, MI for \$539,600 (CIP Item);

Approve WWTP Roof Storm Damage Replacement, H&S Roofing Company, Spencer, IA for \$27,440;

RESOLUTION NO. 6343: TO PROVIDE FOR A NOTICE OF HEARING ON PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE GRAND AVENUE SIGNAL EQUIPMENT UPGRADES PROJECT, SPENCER, IOWA, ICAAP-SWAP-7170(630)—SH-21, (HEARING DATE 8/15/2022, 6:30 PM; LETTING DATE IS 08/16/2022 AT IOWA DOT);

The Mayor put the question upon the motion, and the roll being called, the vote thereon was as follows:

Ayes: Nelson, Orrison, Larson, Wunschel, Hanson, Reit, Balk

Nays: None

Whereupon the Mayor declared the motion duly carried.

The Mayor announced that this was the time and place set for Public Hearing on Plans & Specs, Form of Contract for 2022 25th St. & 11th Ave SW Sewer Extension Project;

The Mayor declared the public hearing open.

Written comments were filed by the following:

None

Oral comments were made by the following:

None

The Mayor declared the public hearing closed

Council Member Hanson introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Balk; and after due consideration, thereof by the Council, the Mayor, put the question upon the motion, and the roll being called, the following named Council Members voted:

AYES: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Balk

NAYS: None

Whereupon, the Mayor declared the motion duly carried and said Resolution adopted, as follows:

RESOLUTION NO. 6344 RESOLUTION FINALLY APPROVING AND CONFIRMING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE 2022 25TH STREET & 11TH AVENUE SW SEWER EXTENSION PROJECT;

It was moved by Council Member Orrison, seconded by Council Member Reit to approve a Utility Easement and Temporary Construction Easement from Eckhart Land Co. for the 2022 25th Street & 11th Avenue SW Sewer Extension. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Hanson introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Nelson; and after due consideration, thereof by the Council, the Mayor, put the question upon the motion, and the roll being called, the following named Council Members voted:

AYES: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Balk

NAYS: None

Whereupon, the Mayor declared the motion duly carried and said Resolution adopted, as follows:

RESOLUTION NO. 6345 RESOLUTION AWARDDING CONTRACT FOR THE 2022 25TH STREET & 11TH AVENUE SW SEWER EXTENSION PROJECT (VALLEY CONTRACTING \$426,931.00);

The Mayor announced that this was the time and place set for Public Hearing on Proposal to Enter into an Amended Sewer Revenue Loan and Disbursement Agreement and to Borrow Money Thereunder in a Principle Amount not to Exceed \$3,271,000;

The Mayor declared the public hearing open.

Written comments were filed by the following:

None

Oral comments were made by the following:

None

The Mayor declared the public hearing closed

Council Member Reit introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Orrison; and after due consideration, thereof by the Council, the Mayor, put the question upon the motion, and the roll being called, the following named Council Members voted:

AYES: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Balk

NAYS: None

Whereupon, the Mayor declared the motion duly carried and said Resolution adopted, as follows:

RESOLUTION NO. 6346 RESOLUTION AUTHORIZING AND APPROVING AN AMENDED LOAN AND DISBURSEMENT AGREEMENT AND PROVIDING FOR THE ISSUANCE AND SECURING THE PAYMENT OF \$3,262,000 TAXABLE SEWER REVENUE IMPROVEMENT AND REFUNDING BONDS, SERIES 2022

The Mayor announced that this was the time and place set for Public Hearing on Development Agreement with William J. Muller Revocable Trust, Including Annual Appropriation Tax Increment Payments;

The Mayor declared the public hearing open.

Written comments were filed by the following:

None

Oral comments were made by the following:

None

The Mayor declared the public hearing closed

Council Member Wunschel introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Larsen; and after due consideration, thereof by the Council, the Mayor, put the question upon the motion, and the roll being called, the following named Council Members voted:

AYES: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Balk

NAYS: None

Whereupon, the Mayor declared the motion duly carried and said Resolution adopted, as follows:

RESOLUTION 6347 RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH THE WILLIAM J. MULLER REVOCABLE TRUST, AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT

The Mayor announced that this was the time and place set for Public Hearing on Proposed Text Amendment to Title 6, of the Spencer City Code by Adopting a New Title 6, Chapter 4, Section 11, Entitled "Urban Chickens", as recommended by Planning & Zoning Commission;

The Mayor declared the public hearing open.

Written comments in favor of were filed by the following:

Kristal Jensen, Spencer, IA
Jason & Vanessa Moore, Spencer, IA
Jake & Liz Kluver, Spencer, IA

Oral comments in favor of were made by the following:

Donna Gabel, 105 19th St. SE, Spencer, IA in favor of, many benefits of allowing chickens. Main two, 4-H in creating a strong work ethic. Contacted the Iowa State Extension Office who is hopeful for more members to show poultry.

Nicole Harrington, 1713 2nd Ave E, Spencer, IA in favor of, Blue Zone Community which this would support. We are known for the Clay County Fair and many other cities allow them. Issues could be handled by each individual.

Written comments against were made by the following:

Lori Taylor, Spencer, IA
Nate Guinn, Spencer, IA

Oral comments against were made by the following:

None

The Mayor declared the public hearing closed

Council Member Hanson introduced and caused to be placed on file “An Ordinance Amending Title 6 of the Spencer City Code by Adopting a New Title 6, Chapter 4, Section 11, Entitled “Urban Chickens”, 1st filing. Council Member Balk seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

Ayes : Nelson, Larsen, Hanson, Balk
 Nays: Reit, Orrison, Wunschel
 Absent: None

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on 1st filing.

Council Member Wunschel introduced and caused to be placed on file “An Ordinance Amending Title 7, Chapter 8 by Adopting Provisions Regulating the Operation of Electric Stand Up Scooters be finally passed and adopted as Ordinance No. 894. Council Member Larsen seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

Ayes : Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Balk
 Nays: None
 Absent: None

Whereupon, the Mayor declared the motion carried and Ordinance No. 894 duly passed and adopted and signed his approval thereto.

ORDINANCE NO. 894 AN ORDINANCE AMENDING TITLE 7, CHAPTER 8 OF THE SPENCER CITY CODE BY ADOPTING PROVISIONS REGULATING THE OPERATION OF ELECTRIC STAND-UP SCOOTERS, ELECTRIC STAND-UP SCOOTERS HAVE BECOME AN OPTION FOR PERSONAL TRANSPORTATION IN THE CITY OF SPENCER; AND, UPON RECOMMENDATION OF THE CITY ATTORNEY, THE COUNCIL HAS CONSIDERED THE ADOPTION OF ORDINANCE PROVISIONS REGULATING THE OPERATION OF ELECTRIC STAND-UP SCOOTERS; AND, UPON CONSIDERATION, THE SPENCER CITY COUNCIL HAS DETERMINED THAT CERTAIN ORDINANCE PROVISIONS REGULATING THE OPERATION OF ELECTRIC STAND-UP SCOOTERS IN THE CITY SHOULD BE ADOPTED TO PROMOTE PUBLIC SAFETY, AS RECOMMENDED; PASSED BY THE COUNCIL THE 1ST DAY OF AUGUST, 2022, AND APPROVED THIS 1ST DAY OF AUGUST, 2022. THE FULL VERSION OF THE ORDINANCE CAN BE ACCESSED AT CITY HALL, 101 W 5TH ST., SPENCER, IA.

It was moved by Council Member Wunschel and seconded by Council Member Hanson that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Balk
 Nays: None

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member Orrison and seconded by Council Member Wunschel that the ordinance entitled “Ordinance No.895. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the July, 2022 Addition to the Spencer Consolidated Urban Renewal Areas, Pursuant to Section 403.19 of the Code of Iowa,” now be put upon its final passage and adoption. The Mayor put the question on the final passage and adoption of said ordinance and the roll being called, the following named Council Members voted:

Ayes: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Balk

Nays: None

Whereupon, the Mayor declared the motion duly carried and declared that said ordinance no. 895 had been duly adopted.

ORDINANCE NO. 895 AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE JULY, 2022 ADDITION TO THE SPENCER CONSOLIDATED URBAN RENEWAL AREAS, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

It was moved by Council Member Reit, seconded by Council Member Nelson to approve Amended Planning Director Job Description. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Nelson, seconded by Council Member Larsen to approve Agreement with Robert Mahan for Removal of 24' by 20' Building at 2979 River Road, Graettinger, IA (Landfill) for \$3,000. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Larsen, seconded by Council Member Orrison to approve Agreement with Heartland Contracting, LLC for Removal of Garage Structure at 2979 River Road, Graettinger, IA (Landfill) for \$1,000. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Orrison introduced and caused to be read the following resolution, and moved its adoption, seconded by Council Member Hanson; and after due consideration, thereof by the Council, the Mayor, put the question upon the motion, and the roll being called, the following named Council Members voted:

AYES: Nelson, Orrison, Larsen, Wunschel, Hanson, Reit, Balk

NAYS: None

Whereupon, the Mayor declared the motion duly carried and said Resolution adopted, as follows:

RESOLUTION NO. 6348 ACCEPTING WORK COVERING THE 2021 SPENCER SUBSTANDARD HOUSING REHABILITATION PROGRAM, PROJECT #11;

It was moved by Council Member Nelson, seconded by Council Member Wunschel to approve Electronic Waste Service Agreement between the City of Spencer and The Retrofit Companies, Inc. for a term of one year beginning August 1, 2022 and ending on July 31, 2023 with options to renew annually. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Reit, seconded by Council Member Balk to approve 28 E Agreement between the City of Spencer, Clay County and the Iowa State Patrol for use and maintenance of Clay County's new gun range. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Reit, seconded by Council Member Orrison to approve Fire Department A/C Repairs with Christian Sheet Metal, Spencer, IA for \$9,573. The motion was declared carried when all Council Members present voted aye on voice call vote.

Department Head Reports:

- A. Planning Department
- B. Library
- C. Fire
- D. Police
- E. Public Works

- F. Park & Recreation
- G. Golf Course
- H. City Attorney’s Report
- I. Human Resources

Engineer’s Reports:

City Manager’s Report:

Mayor’s Report:

It was moved by Council Member Nelson, seconded by Council Member Wunschel to Approve Appointment of John Curran to the Planning & Zoning Commission, to replace Cara Elbert, term expires 6/30/2027. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Committee Reports:

Upcoming Meetings:

- Regular City Council Meeting 8/15/2022, 6:30 P.M.
- Facility Tour

It was moved by Council Member Orrison, seconded by Council Member Balk to approve the Bills and Claims. The motion was declared carried when all Council Members present voted aye on voice call vote.

Other Business/Opportunity to Address the Council:

It was moved by Council Member Wunschel and seconded by Council Member Larsen to adjourn the meeting of the Spencer City Council at 7:48 o'clock P.M. The motion was declared carried when all Council Members present voted aye on voice call vote.

Steve Bomgaars, Mayor

ATTEST:

Brian Weuve, City Clerk

(SEAL)

Minutes are subject to approval by the Spencer City Council.

Claims 08/02/21

Vendor Name	Payable Description	Total Payments
A & M Inc	mats	446.06
A-1 Portables	porta pot	65.00
AFLAC	ins	1,658.13
AgSource Cooperative Services	pool test	26.75
Airgas North Central	carbon dioxide	86.78
Alex Air Apparatus Inc	parts	6,908.50

Amazon Capital Services	video games	663.30
Arnold Motor Supply LLP	repair	958.13
ASCAP	license fee	404.37
Asher Motor Company	repair	3,063.90
Atlantic Coca-Cola Bottling Company	concessions	712.71
Avera Medical Group	physical	1,636.00
Barco Municipal Products Inc	markers	149.53
Black Hills Energy	monthly utilities	35.26
Blacktop Service Company	pay estimate #6	100,271.78
Bohl, Stacy	campground refund	20.00
Boji Portable Toilets	porta pot cleaning	2,550.00
Bomgaars	shop seat	376.82
Book Farm LLC	kid books	174.55
BridgePay Network Solutions LLC	june cc fees	67.60
C & B Operations LLC	spindle replacement	557.10
Canon Financial Services LLC	copier contract	172.46
Carroll Construction Supply	rebar	2,504.09
Center Point Large Print	lp books	53.14
Clark, Linda	campground refund	80.00
Clay County Abstract	lien search	100.00
Clay County Auditor	LOST Payment	20,062.47
Clay County Treasurer	assessment	21.15
Coffmans Locksmith Shop	keys	36.00
Colonial Life Insurance	life insurance	87.84
Cooperative Energy Company	gasohol	42,679.30
Crescent Electric	electrical repairs	59.26
Crysteel Truck Equipment Inc	solenoid #30	117.00
Dels Garden Center Inc	flowers - cemetery	50.00
Department of Human Services	CHILD SUPPORT PAYMENTS	113.07
Department of the Treasury	PCORI Fee	218.12
Ecolab Pest Elimination	pest control	125.29
Emmetsburg Swanson Hardware	filters	174.93
Employee Benefit Services	mo group ins	155,373.67
Fahrner Asphalt Sealers LLC	retainage	15,221.77
Fareway Stores Inc #788	couples event	131.47
Farmers Trust & Savings Bank	PAYROLL TAXES	46,016.99
Fastenal Company	safety gear	584.64
Feld Fire	parts	62.67
Fleetpride Inc	software upgrade	757.02
Gale/Cengage Learning	lp books	139.45
Galens Pro Mow LLC	edger / timmer line	596.92
Gordon Flesch Company Inc	repair	166.46
Graham Tire Company of Spencer Inc	repair	178.00

Great Lakes Concrete Inc	repair	2,325.63
GRP & Associates Inc	sharps disposal	382.00
Hansons Plumbing & Heating Inc	service call	316.10
Heller Enterprise LLC DBA Northwest Iowa Sprinkler	repair	2,023.89
Hintz, Jonathon W	inspections	150.00
ICAN Inc	advertising	400.00
Imperial Supplies LLC	airline fitting	389.94
Ingram Library Services	rp books	315.73
Iowa Department of Natural Resources	npdes permit #2171004	1,275.00
Iowa Department of Transportation	lathe	103.44
Iowa Law Enforcement Academy	firearms	175.00
Iowa One Call	one call locates	174.10
Iowa Public Employees Retirement System	IPERS	47,581.63
Iowa Workforce Development-Tax Bureau	unemployment	2,277.00
Janitors Closet	supplies	209.08
JB Excavating LLC	repair	1,500.00
Johnston Automotive & Industrial of Spencer IA Inc	battery	353.98
Justice Fire & Safety	inspection	406.50
Knight Protection Inc	fire system monitoring service	300.00
Koenig Portable Toilets, Inc	clean pot	75.00
Loffler Companies Inc	copier contract	133.26
McCann, Linda	adult program	100.00
Menards -Spencer	supplies	953.69
Meyer Home Improvement	pay est #1F	20,716.93
Mid States Builders Inc	rocket slide	32,059.00
MissionSquare Retirement - 457	ICMA	520.00
Modern Marketing	badge stickers	1,409.52
Municipal Fire & Police Retirement System of Iowa	CIVIL SERVICE	47,158.38
Napa Auto Parts	air filters	911.80
New Cooperative Inc	diesel / unleaded	8,331.67
New Pig Corporation	spill kits	334.13
North Central International, Inc.	injector	948.90
Northern Lights Distributing Inc	concessions	3,838.62
Northwest Glass LLC	door closer	53.00
Northwest Iowa Planning & Development Commission	shield draw	2,837.50
Peterbilt of Sioux City	radiator hose	137.08
Petty Cash-Spencer Municipal Golf Course	golf checkbook replenishment	3,607.56
Plumbing & Heating Wholesale Inc	repairs	41.72
Ricks Pest Control	pest control	45.00
Rigby Lawn & Tree Service	grass abatement	2,085.00
River Valley Telecommunications Coop	phone/internet/office	99.92
Schoeneman Bros Company	form boards	254.96
Schomaker Construction	stolley trail repair	7,507.50

Secure Shred Solutions LLC	shred service	104.00
Shamrock Recycling Inc	woodchips	337.50
Sherwin Williams	paint sprayer	25.58
Shine Brothers Inc	process cardboard	12,656.40
Shine Family Trust	advertising	975.00
Solutions Inc	datto backup monthly	933.75
Speed Printers Inc	recycling calendar	1,772.13
Spencer Community Schools	LOST Payment	50,156.18
Spencer Main Street Company	FY 22 ssmid distribution	81,200.87
Spencer Office Supplies	ink	434.78
Spencer Trophy & Awards	name plate/plaque	54.75
Stanard & Associates Inc	testing booklets	157.50
State of Iowa Treasurer	STATE WITHHOLDING	18,516.08
Sunset Law Enforcement LLC	ammo	1,718.00
The Graettinger Times	advertising	76.80
The Retrofit Companies Inc	rcc disposal / ewaste recycling	6,132.91
The Water Connection Inc	water / cups	142.00
Tiger Pride Lawn Care LLC	spray airfield	2,458.70
Titan Machinery-Lake Park	broom seal kit	297.49
Toyne	pump certification	1,903.50
Truck Equipment Inc	parts	2,119.18
Uline	sign holders	215.81
Unity Point Clinic-Occupational Medicine	pre-employment drug tests	252.00
Vande Berg Scales	parts / service scale	3,378.00
Vander Haags Inc	light	64.22
Vans Sanitation Inc	recycling	852.96
Veolia Water North America	operating agreement	76,124.06
Verizon Wireless	pole cameras	120.30
Visa (Admin)	5715 - laCMA - fy 23 dues	774.85
Visa (Golf)	2316 - hy-vee - liquor	623.92
Visa (Landfill)	5566 - training	810.14
Visa (Library)	2241 - usps - postage & stamps	137.04
Visa (Park)	2399 - tubes for aq ctr	1,125.03
Visa (Planning)	3272 - ICC - inspector license renewal	243.00
Visa (Police)	2613 - axon - taser cartridges	2,021.51
Wood, Eugene	sidewalk grant - 17 w 1st st	1,156.00
Ziegler	parts / service - #851	2,997.81
Zimco Supply	wetting agent	724.16

Fund Summary

Fund	
001 - GENERAL FUND	202,037.92
055 - SIDEWALK RESERVE	1,156.00
056 - PARK RESERVE	37,609.00

091 - SUBSTANDARD HOUSING	21,366.93
114 - UNEMPLOYMENT	2,277.00
115 - GROUP INSURANCE	155,591.79
117 - CIVIL SERVICE	1,220.50
124 - LOCAL OPTION SALES TAX	70,218.65
162 - SSMID	81,200.87
300 - CAPITAL IMPROVEMENT	116,678.72
350 - CAPITAL IMP RESERVE	337.50
501 - RIVERSIDE TRUST	50.00
620 - SANITARY SEWER	82,418.98
660 - AIRPORT ENTERPRISE	2,687.15
670 - SOLID WASTE	35,341.00
673 - LANDFILL	19,750.33
690 - REGIONAL COLLECTION CENTE	2,358.05
949 - CENTRAL GRAGE	348.83
950 - FUEL EQUIPMENT	42,679.30
<u>Grand Total</u>	875,328.52