

**SPENCER CITY COUNCIL MEETING**

**January 3, 2022**

**SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 3<sup>rd</sup> day of January, 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: Orrison, Larsen, Wunschel, Hanson, Reit (by telephone), Balk

Absent: Nelson

Comments by Mayor Steve Bomgaars

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

Approve City Council Minutes of December 20, 2021;

Licenses: Renewal of Class C Liquor License with Sunday Sales for **Spencer Bowl**; and 5 day Class B Beer Permit for Wild Turkey Federation, Inc. for event at **Sacred Heart Church** on February 5, 2022, both subject to final approval of Iowa ABD;

**RESOLUTION NO. 6264 RESOLUTION AUTHORIZING PERMANENT TRANSFER OF FUNDS OF BUDGETED TRANSFERS FOR MONTH ENDING DECEMBER 31, 2021;**

**RESOLUTION NO. 6265 RESOLUTION ADOPTING A FINAL ASSESSMENT SCHEDULE FOR THE CITY OF SPENCER 2021 SIDEWALK CONSTRUCTION PROJECT, AND CONFIRMING AND LEVYING ASSESSMENTS;**

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

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

Nays: None

Whereupon the Mayor declared the motion duly carried.

Council Member Hanson moved that the proposed ordinance entitled "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY AND AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING OF A PARCEL OF LAND LOCATED IN THE SW QUARTER OF THE SW QUARTER OF SECTION 1, TOWNSHIP 96 NORTH, RANGE 37 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLAY COUNTY, IOWA (2.905 ACRES) FROM "A" RESIDENTIAL TO "C-1" COMMERCIAL

CLASSIFICATION ” be placed on file for the second time. Council Member Wunschel seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

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

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on file before the Council for the second time.

Council Member Hanson, seconded by Council Member Reit moved that the rules requiring certain ordinances to be placed on file at two meetings prior to the meeting at which it is adopted be suspended. Whereupon, the Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

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

Whereupon, the Mayor declared the motion carried and said proposed ordinance, at this time, was placed upon its final passage and adoption.

Council Member Orrison moved that the proposed ordinance entitled “ AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY AND AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING OF A PARCEL OF LAND LOCATED IN THE SW QUARTER OF THE SW QUARTER OF SECTION 1, TOWNSHIP 96 NORTH, RANGE 37 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLAY COUNTY, IOWA (2.905 ACRES) FROM “A” RESIDENTIAL TO “C-1” COMMERCIAL CLASSIFICATION ” be finally passed and adopted as Ordinance No. 874. Council Member Larsen seconded the motion. The Mayor put the question upon the motion, and the roll being called, the vote thereon was as follows:

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

Whereupon, the Mayor declared the motion carried and Ordinance No. 874 duly passed and adopted and signed his approval thereto.

**ORDINANCE NO. 874 AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY; AND AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING OF: A parcel of land located in the Southwest Quarter of the Southwest Quarter of Section 1, Township 96 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa, described as follows to wit: Commencing at the southwest corner of the Southwest Quarter of Section 1, Township 96 North, Range 37 West of the Fifth Principal**

**Meridian, Clay County, Iowa, and running from this point north 89° 57' 27" east (north 89 degrees 57 minutes 27 seconds east) along the south line of the Southwest Quarter of said Section 1 a distance of 723.00 feet to the point of beginning and continuing from this point of beginning north 89° 57' 27" east along said south line a distance of 175.00 feet; thence north 00° 00' 00" east a distance of 723.00 feet; thence south 89° 57' 27" west a distance of 175.00 feet; thence south 00° 00' 00" west a distance of 723.00 feet to the point of beginning. All bearings stated in this description are based on the assumption that the south line of the Southwest Quarter of said Section 1 has a bearing of north 89° 57' 27" east. The area of the above described parcel of land is 2.905 acres. FROM "A" RESIDENTIAL TO "C-1" COMMERCIAL;**

Council Member Wunschel moved that the proposed ordinance entitled " AN ORDINANCE AMENDING TITLE 9, CHAPTER 2, CHAPTER 5, CHAPTER 7, CHAPTER 8, CHAPTER 9 AND CHAPTER 9A OF THE SPENCER CITY CODE TO PROVIDE FOR THE USE CLASSIFICATION OF "CUSTOM MEAT BUSINESS " be placed on file for the second time. 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 : Orrison, Larsen, Wunschel, Hanson, Reit, Balk  
Nays : None  
Absent: Nelson

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on file before the Council for the second time.

Council Member Reit moved that the proposed ordinance entitled " AN ORDINANCE AMENDING TITLE 8, CHAPTER 1 OF THE SPENCER CITY CODE CONCERNING CONSTRUCTION PERMITS " be placed on file for the second time. Council Member Wunschel seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

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

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on file before the Council for the second time.

Council Member Hanson moved that the proposed ordinance entitled " AN ORDINANCE AMENDING TITLE 5, CHAPTER 1 ARTICLE F CONCERNING COMMERCIAL USE OF PUBLIC PROPERTY " be placed on file for the second time. Council Member Orrison seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

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

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on file before the Council for the second time.

Council Member Hanson moved that the proposed ordinance entitled “ AN ORDINANCE AMENDING TITLE 3, CHAPTER 1, SECTION 1 OF THE SPENCER CITY CODE CONCERNING THE DEFINITION OF TRANSIENT MERCHANTS AND ADOPTING A NEW CHAPTER 8, TITLE 3 OF THE SPENCER CITY CODE REGULATING MOBILE FOOD AND BEVERAGE VENDORS “ be placed on file for the second time. 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 : Orrison, Larsen, Wunschel, Hanson, Reit, Balk  
Nays : None  
Absent: Nelson

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on file before the Council for the second time.

Council Member Reit moved that the proposed ordinance entitled “AN ORDINANCE CLOSING AND VACATING PORTIONS OF EAST ELEVENTH STREET, AND FIRST AVENUE EAST AND TO CONFIRM AND AUTHORIZE THE CONVEYANCE AND TRANSFER OF CITY PROPERTY TO THE SPENCER MUNICIPAL HOSPITAL” be finally passed and adopted as Ordinance No. 875. Council Member Orrison seconded the motion. The Mayor put the question upon the motion, and the roll being called, the vote thereon was as follows:

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

Whereupon, the Mayor declared the motion carried and Ordinance No. 875 duly passed and adopted and signed his approval thereto.

**ORDINANCE NO. 875 AN ORDINANCE CLOSING AND VACATING PORTIONS OF EAST ELEVENTH STREET, AND FIRST AVENUE EAST AND TO CONFIRM AND AUTHORIZE THE CONVEYANCE AND TRANSFER OF CITY PROPERTY TO THE SPENCER MUNICIPAL HOSPITAL;**

The Mayor announced that this was the time and place set for Public Hearing on Proposing the Establishment of the City of Spencer 7<sup>th</sup> Avenue Southwest Sanitary Sewer District and the Adoption of the Connection Fees;

Written comments were filed by the following:

**None**

Oral comments were made by the following:

**None**

The Mayor announced the hearing closed.

Council Member Orrison introduced and caused to be placed on file an ordinance entitled, “AN ORDINANCE ESTABLISHING THE CITY OF SPENCER “2021 7<sup>TH</sup> AVENUE SOUTHWEST SANITARY SEWER DISTRICT” AND ESTABLISHING SANITARY SEWER CONNECTION FEES IN THE DISTRICT” Council Member Hanson seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

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

Nays: None

Absent: Nelson

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

The Mayor announced that this was the time and place set for Public Hearing on Proposed Text Amendments to Title 9 of the Spencer Zoning Code to Provide a New Use Classification of “Data Center”, to Designate the Zoning Districts in Which the New Use if Permitted and to Adopt Reduced Minimum Lot Areas, Minimum Widths and Reduced Yard Setbacks in the “E” and E-1” Heavy Industry Zoning Districts;

Written comments were filed by the following:

**None**

Oral comments were made by the following:

**None**

The Mayor announced the hearing closed.

Council Member Wunschel introduced and caused to be placed on file an ordinance entitled, “AN ORDINANCE AMENDING TITLE 9, CHAPTER 9, SECTION 3 AND TITLE 9, CHAPTER 9A, SECTION 3 TO AMEND DEVELOPMENT REGULATIONS IN E AND E-1 HEAVY INDUSTRIAL ZONING DISTRICTS” 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 : Orrison, Larsen, Wunschel, Hanson, Reit, Balk

Nays: None

Absent: Nelson

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

Council Member Orrison introduced and caused to be placed on file an ordinance entitled, “AN ORDINANCE AMENDING TITLE 9, CHAPTER 2, CHAPTER 8, CHAPTER 9 AND CHAPTER 9-1 OF THE SPENCER CITY CODE TO PROVIDE FOR A USE CLASSIFICATION OF “DATA CENTER” Council Member Hanson seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

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

Nays: None

Absent: Nelson

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

It was moved by Council Member Hanson, seconded by Council Member Wunschel to Approve Precinct Memo of Agreement between Clay County and City of Spencer. The motion was declared carried when all Council Members present voted aye on voice call vote.

### **Department Head Reports**

Planning Department  
Library  
Fire  
Police  
Public Works  
Park & Recreation  
Golf Course  
City Attorney’s Report

### **Engineer’s Reports:**

### **City Manager’s Report:**

### **Mayor’s Report:**

Appointment of Bill Orrison, Mayor Pro-Tem

### **Council Committee Appointments:**

#### Public Safety

Chairperson – Tracey Larsen, Tom Nelson, Ron Hanson

#### Public Works

Chairperson – Ron Hanson, Tracey Larsen, Brian Balk

#### Personnel

Chairperson – Brian Balk, Loren Reit, Donavon Wunschel

#### Finance

Chairperson – Bill Orrison, Brian Balk, Loren Reit

Economic Development

Chairperson – Donavon Wunschel, Ron Hanson, Bill Orrison

Parks, Recreation and Culture

Chairperson – Tom Nelson, Bill Orrison, Donavon Wunschel

Long Term Planning

Chairperson – Loren Reit, Tom Nelson, Tracey Larsen

**Council Committee Reports:**

Upcoming Meetings:

-Committee of the Whole, 1/5/2022, 5:30 P.M.

-Regular City Council Meeting, 1/17/2022, 6:30 P.M.

-Goal Setting Session, 1/19/2022, 6:00 P.M.

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.

It was moved by Council Member Balk and seconded by Council Member Orrison to adjourn the meeting of the Spencer City Council at 7:45 o'clock P.M. The motion was declared carried when all Council Members present voted aye on voice call vote.

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Steve Bomgaars, Mayor

ATTEST:

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Theresa Reardon, City Clerk

(SEAL)

Minutes are subject to approval by the Spencer City Council.

<b>Vendor Name</b>	<b>01/03/2022 Payable Description</b>	<b>Total Payments</b>
A & M Inc	laundry	301.00
Abel Drainage & Excavating Inc	Demo House	10,500.00
Allegiant Technology	January 22 fax service	44.31
Alpha Wireless Communications Co	fix wig wag	32.50
Amazon Capital Services	external drive & tablet, Supplies	654.71
American Business Phones	phone system	24,031.08
Arnold Motor Supply LLP	stable for station	186.49

Baker & Taylor	YA books	678.03
BD Construction Services LLC	pay estimate #2	197,414.53
Bolton & Menk Inc	eng svcs	7,660.00
Bomgaars	18 volt batteries	353.22
C & B Operations LLC	headlight	72.64
C & D Refrgeration Co	Service Call	146.25
Canon Financial Services LLC	copier contract	344.92
Center Point Large Print	LP books	54.54
Clay County Auditor	LOST Monthly Pmt	22,157.97
Clay County Heritage Center	floor restoration	2,000.00
Clay County Regional Event Center	monthly contribution	4,166.66
Coffman Associates Airport Consultants	master plan	3,500.00
Crescent Electric	shop bulbs	331.77
Culligan of Spencer	Culligan water	102.90
Cummins Sales and Service	inspection	506.43
Dave's Sand & Gravel, Inc.	Golf Sand	129.97
DeLoss Construction Inc	downtown snow removal	1,480.00
Diamond Vogel Paint Center # 289	barricade paint	353.48
Ecolab Pest Elimination	pest control	125.29
Elliott Equipment Company	roller base	46.17
Elm USA Inc	disc clener contract	140.00
Employee Benefit Services	mo group ins	144,399.49
Engineering Design Associates Inc	library HVAC project	1,607.50
Fastenal Company	plow bolts	455.16
Fire Service Training Bureau	hazmat test	150.00
Fleetpride Inc	brake chamber	142.01
Fox International, Inc.	sensor o-ring	393.32
FulLife Safety Center	gas meter service	99.00
Galens Pro Mow LLC	new switches	132.78
Goodyear Tire & Rubber Company	new tires	2,081.72
Gordon Flesch Company Inc	copy machine contract	676.57
Graettinger Hardware	pump	161.78
Graham Tire Company of Spencer Inc	disposal of tires	1,185.96
GRP & Associates Inc	sharps disposal	382.00
H & S Roofing Company Inc	WWTP storm damage	462.00
Hagedorn Excavating Inc	downtown snow removal	970.00
Hansons Plumbing & Heating Inc	plumbing rcc bathroom addition	8,736.17
Hy-Vee Food Stores #1636	children's program	11.75
ICAN Inc	advertising	300.00
Ingram Library Services	regular print	848.59
Iowa Department of Natural Resources	qtry asr fee / state tipping fees	24,324.80
Iowa Lakes Community College	CT class patient care report documentation	30.00
Iowa Library Association	ILA dues	120.00
Iowa State University	training	750.00
Johnston Automotive & Industrial of Spencer IA Inc	wire connector, Parts	28.16
K & W Electric Inc	traffic signal repairs	765.00



Keltek Inc	ultra endcp, clear	72.57
Koenig Portable Toilets	Port a pots	2,210.00
Lawson Products, Inc.	nitrile gloves	56.33
Leading Edge Aviation Inc	monthly management fees	3,104.17
Lube Tech	bulk hydraulic fluid	4,029.00
MacQueen Equipment LLC	twister overhaul kit	185.61
Menards -Spencer	building repairs supplies	562.31
Michael Todd & Company	plow cutting edges	2,540.91
Mid Iowa Solid Waste Equipment Co Inc	2021 Loadmaster Legacy	75,980.00
Milton Cycle LLC	starter	165.00
Murphy Tractor - Power Plan	latch and fastener	43.54
Napa Auto Parts	filters	1,133.22
Neenah Foundry Company Municipal	storm MH grate	815.00
New Cooperative Inc	fuel	4,436.47
Norgaard LLC	downtown snow removal	1,120.00
Northern Safety & Industrial Co	nitrile gloves	18.89
Northern Tool & Equipment	oil pump	543.12
Northwest Glass LLC	window repair	38.36
Northwest Iowa Planning & Development Commission	shield draw	3,000.00
Office of Auditor of State	FY 2021 audit filing fee	850.00
People for Pets	monthly agreement	600.00
Petroleum Marketers Management Insurance Co	tank insurance renewal	1,943.00
PFM Financial Advisors LLC	sanitary sewer rate study	7,000.00
Quadient Finance USA Inc	postage replenishment	800.00
RC Hagedorn Trucking LLC	downtown snow removal	600.00
Ricks Pest Control	bug kill	90.00
Scholastic	children's books	282.00
Seamless Docs	annual subscription	12,500.00
Sebco Books	adult materials	439.50
Shine Brothers Inc	process crdboard	8,295.00
Spencer Auto Parts	snder wiring parts	351.60
Spencer Community Schools	LOST Monthly Pmt	50,186.61
Spencer Diesel Injection	injection cleaner	50.29
Spencer Municipal Hospital	pre-employment drug screen	79.26
Spencer Office Supplies	official copies	154.14
The Retrofit Companies Inc	TV waste disposal	3,884.48
Titan Machinery/Productivity Plus Account	hanger bearing	374.80
Tri County Equipment & Repair	harness assy	297.72
Truck Center Companies	wiper motor	57.25
Truck Equipment Inc	potentiometer	218.64
UMB Bank	registrar fees	1,450.00
Unity Point Clinic-Occupational Medicine	pre-employment drug screen	126.00
Vaughn DeLoss Construction	downtown snow removal	600.00
Wilkens Industries Inc	linkage rod	119.14
Winther Stave & Company LLP	progress billing	12,500.00
Woodman Controls Company	technical support	1,075.00
Ziegler	oil pressure sensor	204.05
Zimco Supply	chemicals	12,957.57

### Fund Summary

<b>Fund</b>	<b>Payment Amount</b>
001 - GENERAL FUND	54,936.67
045 - LIBRARY RESERVE	1,607.50
061 - ECONOMIC DEVELOPMENT	10,500.00
063 - RENAISSANCE INITIATIVE	2,000.00
085 - HOTEL/MOTEL TAX	4,166.66
092 - TECHNOLOGY FUND	36,531.08
115 - GROUP INSURANCE	144,399.49
124 - LOCAL OPTION SALES TAX	70,261.25
200 - DEBT SERVICE	1,450.00
300 - CAPITAL IMPROVEMENT	215,076.28
620 - SANITARY SEWER	8,954.39
660 - AIRPORT ENTERPRISE	5,392.38
670 - SOLID WASTE	17,455.88
671 - SOLID WASTE RESERVE	75,980.00
673 - LANDFILL	31,612.25
682 - ENVIRONMENTAL MANAGEMENT	300.00
690 - REGIONAL COLLECTION CENTE	382.00
949 - CENTRAL GRAGE	3,733.34
950 - FUEL EQUIPMENT	130.00
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	<b>684,869.17</b>
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