

CITY OF CLEAR LAKE

15 North 6th Street • P.O. Box 185 • Clear Lake, IA 50428
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www.cityofclearlake.com

Mayor
NELSON P.
CRABB

November 4, 2016

City
Administrator
SCOTT
FLORY

HONORABLE MAYOR & CITY COUNCIL MEMBERS

The next regular meeting of the Clear Lake City Council is scheduled for Monday, November 7, 2016, at 6:30 p.m., in the Council Chambers, at City Hall. Please refer to the attached agenda for the items discussed below.

COUNCIL MEMBERS

MARK
EBELING
Ward 1

TONY J.
NELSON
Ward 2

JIM
BOEHNKE
Ward 3

MIKE
CALLANAN
At Large

GARY
HUGI
At Large

ITEM #6A. 14th Avenue N. Street Reconstruction Project. One of the major capital improvement projects the City Council budgeted for in FY 17 is the reconstruction of 14th Avenue N., between Logan Drive and N. 8th Street. Currently, that segment is a 24' wide asphalt paved street (approximately 2" thick), with no curb & gutter or storm water improvements, and no sidewalks. The proposed improvements include: 7" thick PCC paving (31' wide back-of-curb to back-of-curb); 4' wide sidewalk on each side of the street, with ADA compliant sidewalk ramps; new 6" thick PCC driveway approach improvements; storm sewer and intakes; 6" longitudinal sub-drain; and new water and sanitary sewer service laterals (as needed).

The Project will be partially funded by special assessments against the benefited properties. Special assessments will be used to defray costs associated with 6" of the 7" thick PCC paving; driveway approaches; 4' wide sidewalks; and any necessary water and sanitary sewer service laterals.

At the previous City Council meeting, the consultant reviewed the proposed construction plans and draft of preliminary plat & schedule with the Council. The project engineer has now filed the preliminary plat & schedule with the City Clerk. The Council may now consider initiation of the special assessment proceedings. The anticipated date for the hearing on the proposed Resolution of Necessity is December 5th. The targeted date for the bid letting is January 11, 2017. Construction would commence in April of 2017 and conclude by late-June, 2017.

The engineer's opinion of the probable cost of construction is \$302,219.50. Indirect project costs, such as engineering, legal, and administrative are estimated at \$35,300 or 11.7% of the Project's estimated cost. Therefore, the total estimated cost of the Project is \$337,519.50. Estimated special assessments total \$91,939.38 or 27% of the cost of the Project.



ITEM #6B. **NICC&M Property Tax Rebate Agreement**. The Council has previously authorized property tax rebate agreements for the North Iowa Cultural Center & Museum. The initial Agreement was a 3-year agreement and was approved in January 2009, expiring in December of 2011. In February 2011, the Agreement was extended for a 2nd time; this time for a 5-year term, ending on December 1, 2016. The Board of Directors of the NICC&M has expressed its interest in renewing the property tax rebate agreement with the City for an additional term. Property tax repayments occur semi-annually on December 1st and January 1st. The semi-annual rebate payments are roughly \$5,000 each.

A draft Development Agreement is proposed for the Council's consideration that would extend the property tax rebate payments until June 1, 2021. Cumulative property tax rebate payments would be capped at a not to exceed \$50,000. The initial step in the process requires the Council to act on setting the date for a public hearing on the proposal and to publish notice of the hearing, as required by law.

ITEM #6D. **2016 Street Resurfacing Project**. Back at its regular meeting on May 16, 2016, the Council approved a construction contract with Heartland Asphalt in the amount of \$400,393.12 for the Project. The Project entailed the milling and resurfacing of approximately 9 segments (23 blocks) of City streets, including one alley, with a 2" hot-mix asphalt overlay. There were also some limited curb & gutter repairs and ADA compliant sidewalk ramps constructed.

The bid from Heartland was 2.2% above the engineer's opinion of the probable cost of construction, which was \$391,903.35. There were a series of minor change orders on the Project, which increased the contract by \$3,337.27 to a total of \$403,730.39. However, the final value of work completed on the project was \$384,920.11, which is \$15,473 (4%) less than the original contract amount.

On October 31, 2016, the Project engineer filed the "Certificate of Completion" for the Project with the City Clerk. The Project was completed by the June 30th completion date specified in the contract documents.

Smart Quote: "Many of life's failures are people who did not realize how close they were to success when they gave up." – Thomas Edison, inventor and businessman

Scott Flory
City Administrator

PUBLIC NOTICE IS HEREBY GIVEN that the following governmental body will meet at the date, time, and place herein set out. The tentative agenda for said meeting is as follows:

TENTATIVE AGENDA
CLEAR LAKE CITY COUNCIL
CITY HALL – 15 N. 6TH STREET
MONDAY, NOVEMBER 7, 2016
6:30 P.M.

1. Call to Order and Pledge of Allegiance led by Mayor Nelson P. Crabb.
2. Approval of Agenda.
3. Consent Agenda:
 - A. Minutes –October 17, 2016.
 - B. Approval of the bills & claims.
 - C. Licenses & Permits:
 - Liquor License: Class C Liquor License (LC) (Commercial) with Sunday Sales, Bikerz, (renewal)
4. Citizens opportunity to address the Council on items not on the agenda:
 - In conformance with the City Council’s Rules of Procedure, no action can occur on items presented during the Citizens forum.
 - Please walk to the lectern, state your name (spell last name), address, and subject of your discussion.
 - Speakers are limited to a maximum of five (5) minutes per person.
5. Unfinished Business:
6. New Business:
 - A. 14th Avenue N. (Logan Drive – N. 8th Street) Street Improvement Project:
 - Introduction by Scott Flory, City Administrator.
 - Review of project preliminary plans and specifications and preliminary plat & schedule, Andy Smith P.E., WHKS & Co.
 - **Motion** to approve **Resolution #16-50**, “A Preliminary Resolution for the construction of street, water, sanitary sewer, storm sewer, sidewalk, driveway approaches, and other public improvements in the City of Clear Lake, Iowa” by City Council.
 - Discussion and consideration of **Motion** by City Council.
 - **Motion** to approve **Resolution #16-51**, “A Resolution fixing lot values” by City Council.
 - Discussion and consideration of **Motion** by City Council.

- **Motion** to approve **Resolution #16-52**, “A Resolution adopting preliminary plat & schedule, estimate of cost, and proposed plans and specifications for the construction of the 14th Avenue N. Street Improvement Project” by City Council.
- Discussion and consideration of **Motion** by City Council.
- **Motion** to approve **Resolution #16-53**, “A Resolution of Necessity (proposed)” by City Council.
- Discussion and consideration of **Motion** by City Council.

B. Property Tax Rebate Agreement (renewal) – North Iowa Cultural Center & Museum:

- Introduction by Scott Flory, City Administrator.
- Review of request, Laurie Lietz, Executive Director, NICC&M.
- **Motion** to approve **Resolution #16-54**, “A Resolution to fix a date at which it is proposed to approve a Development Agreement with the North Iowa Cultural Center & Museum, including annual appropriation tax-increment payments in an aggregate amount not to exceed \$50,000.”
- Discussion and consideration of **Motion** by City Council.

C. Veterans Memorial Golf Course Stormwater Quality & Parking Lot Project:

- Project update and review of pay estimate #1, Joe Weigel, Public Works Director.
- **Motion** to approve Pay Estimate #1 by City Council.
- Discussion and consideration of **Motion** by City Council.

D. 2016 Street Resurfacing Project:

- Introduction by Scott Flory, City Administrator.
- Review of Pay Estimate #3 (final) and recommendation to accept the Project work, Jason Petersburg, P.E., Veenstra & Kimm.
- **Motion** to approve Pay Estimate #3 (final) by City Council.
- Discussion and consideration of **Motion** by City Council.
- **Motion** to approve **Resolution #16-55**, “A Resolution accepting the work” by City Council.
- Discussion and consideration of **Motion** by City Council.

E. Industrial Property Tax Exemption Requests:

- Introduction by Scott Flory, City Administrator.
- Review of requests, Chad Schreck, Director NIC EDC.
- **Motion** to set the date for a public hearing for November 21, 2016 by City Council.
- Discussion and consideration of **Motion** by City Council.

7. Chief of Police's Report:

8. Mayor's Report:

9. Fire Department Report:

10. Public Works Director's Report:

- Update on purchase of a new aerial lift (bucket) truck.

11. City Administrator's Report:

12. Other Business:

13. Adjournment.

NEXT REGULAR MEETING – NOVEMBER 21, 2016

This notice is given pursuant to Chapter 21.4(1) of the Code of Iowa and the local rules of said governmental body.

Council Member _____ introduced the following Resolution entitled "PRELIMINARY RESOLUTION FOR THE CONSTRUCTION OF STREET, WATER, SANITARY SEWER, STORM SEWER, SIDEWALK, DRIVEWAY APPROACHES AND OTHER PUBLIC IMPROVEMENTS IN THE CITY OF CLEAR LAKE, STATE OF IOWA", and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

PRELIMINARY RESOLUTION FOR THE CONSTRUCTION OF STREET, WATER, SANITARY SEWER, STORM SEWER, SIDEWALK, DRIVEWAY APPROACHES AND OTHER PUBLIC IMPROVEMENTS IN THE CITY OF CLEAR LAKE, STATE OF IOWA

WHEREAS, this Council, after a study of the requirements, is of the opinion that it is necessary and desirable that street, water, sanitary sewer, storm sewer, sidewalk, driveway approaches and other public improvements be constructed within the City of Clear Lake, State of Iowa, as hereinafter described; and

WHEREAS, it is proposed that the project be constructed as a single improvement under the authority granted by Division IV of Chapter 384 of the Code of Iowa:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEAR LAKE, STATE OF IOWA:

Subdivision A. That the City of Clear Lake, State of Iowa, construct street, water, sanitary sewer, storm sewer, sidewalk, driveway approaches and other public improvements, as hereinafter described.

Subdivision B. The beginning and terminal points of the improvements shall be as follows:

Section 1 – Location of Improvements

Assessment Area A

14th Avenue N.
Street Improvements

Along 14th Ave. N. from Logan Dr. to N. 8th Street

Assessment Area B

14th Ave. N.
Street Improvements
(this is sidewalk only)

Along 14th Ave. N from 18' west of west right-of-way line of Logan Dr. to east right-of-way line of Logan Dr. South side of road only.

Section 2. Project Description

Remove pavement on 14th Ave. N from Logan Dr. to N. 8th St. and construct new 31' wide 7" thick PCC curb and gutter street. The project will include new storm sewer pipe, intakes and subdrain tile. The project will also include new sidewalk, ADA ramps, driveway approaches, sanitary sewer and water service improvements. In addition, the project will include miscellaneous associated work including seeding.

Subdivision C. That Andrew J. Smith, P.E. of Mason City, Iowa, having been employed as Engineer to prepare plats, schedules, estimates, plans and specifications and otherwise to act in the capacity with respect to the project is hereby ordered to prepare and file with the Clerk preliminary plans and specifications and estimates of the total cost of the work and the plat and schedule of special assessments against benefited properties.

Subdivision D. That this Council hereby determines that all property within the area hereinafter described will be specially benefited by the improvements, to-wit:

Assessment Area A, all parcels abutting and within 127' of 14th Ave. N beginning at the east right-of-way line of Logan Dr. and ending at the west right-of-way line of N. 8th St. as shown on the preliminary assessment plat. The parcels are listed below:

LOTS 1, 4-5, 10-11, 16-17 Park View Addition
LOTS 1 and 2 The Grove's 2nd Residential Subdivision
PCL "D" LOC IN S1/2 SE NE 12-96-20 DESC IN SURV BK 2016 PG 3437

S1/2 SE NE 12-96-20 EXC THAT PART PLATTED AS THE GROVES
1ST & 2ND RESIDENTIAL SUBS & EXC BEG NE COR S1/2 SE NE
12-96-20 TH W 490' S 533' E 490' N 533' TO POB & EXC PCL "D"
DESC IN SURV BK 2016 PG 3437

In addition, Assessment Area B along 14th Ave. N from 18' west of west right-of-way line of Logan Dr. to east right-of-way line of Logan Dr. South side of road only as shown on the preliminary assessment plat. The parcels are listed below:

LOTS 1 Park View Addition

Subdivision E. The improvement shall be designated as the "14th Avenue North Street Improvement Project", and such name shall be a sufficient designation to refer to the improvement in all subsequent proceedings.

PASSED AND APPROVED this 7th day of November, 2016.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING VALUES OF LOTS" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION FIXING VALUES OF LOTS

WHEREAS, this Council after full investigation, has arrived at a determination of the value of each lot located within the 14th Avenue North Street Improvement Project, the valuation being set forth in a preliminary schedule entitled "14th Ave. N. Street Improvement Project - 2017, Clear Lake, IA", under the column therein headed "Council Value":

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEAR LAKE, STATE OF IOWA:

That the schedule of values, hereinabove referred to, be and the same is adopted as the valuations of the lots, with the proposed public improvements completed, within the boundaries of the improvements and the Clerk is hereby directed to forthwith deliver the same to Andrew J. Smith, P.E., the Engineer, for the project, the Engineer to insert the values in the schedule of assessments which is to be prepared and filed with this Council.

PASSED AND APPROVED this 7th day of November, 2016.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION ADOPTING PRELIMINARY PLAT AND SCHEDULE, ESTIMATE OF COST AND PROPOSED PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE 14TH AVENUE NORTH STREET IMPROVEMENT PROJECT" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION ADOPTING PRELIMINARY PLAT AND
SCHEDULE, ESTIMATE OF COST AND PROPOSED PLANS
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE
14TH AVENUE NORTH STREET IMPROVEMENT PROJECT

WHEREAS, this Council has caused to be prepared preliminary plat, schedule and estimate of cost, together with plans and specifications, for the construction of the 14th Avenue North Street Improvement Project, and this Council has fixed the valuations of the property proposed to be assessed as shown therein; and

WHEREAS, the Council finds that each lot separately assessed in the schedule of assessments meets the definition of a lot as described in Iowa Code Section 384.37(10) or in the case of lots consisting of multiple parcels that the parcels have been assembled into a single unit for the purpose of use or development; and

WHEREAS, the plat and schedule, estimate of cost and plans and specifications appear to be proper for the purpose intended:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEAR LAKE, STATE OF IOWA:

That the plat and schedule, estimate of cost and plans and specifications be and the same are hereby adopted as the proposed plat, schedule, estimate of cost and plans and specifications for the improvements and are hereby ordered placed on file with the Clerk for public inspection.

BE IT FURTHER RESOLVED, that the boundaries of the District for the making of the improvements, as shown in the Engineer's plat, be and the same are hereby fixed as the boundaries for the 14th Avenue North Street Improvement Project.

PASSED AND APPROVED this 7th day of November, 2016.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION OF NECESSITY (PROPOSED)", and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION OF NECESSITY (PROPOSED)

WHEREAS, preliminary plans and specifications and plat and schedule and estimate of cost are now on file in the office of the Clerk showing the boundaries of the District, containing the properties and lots to be assessed, locations of the improvements, each lot proposed to be assessed, together with a valuation of each lot as fixed by the Council, an estimate of the cost of the entire proposed improvements, stating the cost of each type of construction and kind of materials to be used, and an estimate of the amount proposed to be assessed against each lot, for the construction of the 14th Avenue North Street Improvement Project, as hereinafter described, in the City of Clear Lake, State of Iowa:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEAR LAKE, STATE OF IOWA:

That it is deemed desirable, advisable and necessary to construct as a single improvement the 14th Avenue North Street Improvement Project, in the City of Clear Lake, State of Iowa.

The District containing the properties to be assessed is set out and described in the following "Notice to Property Owners", set out in this Resolution.

The improvements within the District are located and described in the following "Notice to Property Owners", set out in this Resolution.

The method of construction shall be by contract.

Costs of the improvements will be assessed to the properties within the boundaries of the District. No property shall be assessed more than it is benefited by the improvements nor more

than 25% of its value on the date of its assessment. The assessment may include a ten percent Default and Deficiency Fund, as authorized by Section 384.44, City Code of Iowa.

A plat and schedule and estimate of costs are now on file in the office of the Clerk as required by law.

Any difference between the amount which is derived from cash payments made by property owners during the thirty day collection period and the sale of Improvement Bonds issued against assessments on benefited properties and the total cost of the improvements, shall be paid for from the proceeds derived from the issuance and sale of bonds as authorized by Section 384.25, City Code of Iowa, and/or from such other funds of the Municipality as may be legally used for such purpose.

BE IT FURTHER RESOLVED, that this Council meet at 6:30 o'clock P.M., on the 5th day of December, 2016, in the Council Chambers, City Hall, 15 North 6th Street, Clear Lake, Iowa, for the purpose of hearing property owners subject to assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of the District. Unless a property owner files objections with the Clerk at the time of the hearing on this Resolution, he shall be deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using special assessment procedure.

BE IT FURTHER RESOLVED, that the Clerk is hereby instructed to cause notice to be published and mailed as required by law of the pendency of this Resolution and of the time and place of hearing objections thereto, and to the preliminary plans and specifications, estimate of costs and to the making of the improvements; the Notice to be in substantially the following form:

(Two publications required)

NOTICE TO PROPERTY OWNERS

Notice is hereby given that there is now on file for public inspection in the office of the Council of the City of Clear Lake, State of Iowa, a proposed Resolution of Necessity, an estimate of costs and plat and schedule showing the amounts proposed to be assessed against each lot and the valuation thereof within District as approved by the Council of the City of Clear Lake, State of Iowa, for street, water, sanitary sewer, storm sewer, sidewalk, driveway approaches and other public improvements, designated as the 14th Avenue North Street Improvement Project, of the types and in the location as follows:

Section 1 – Location of Improvements

Assessment Area A

14th Avenue N.
Street Improvements

Along 14th Ave. N. from Logan Dr. to N.
8th Street

Assessment Area B

14th Ave. N.
Street Improvements
(this is sidewalk only)

Along 14th Ave. N from 18' west of west
right-of-way line of Logan Dr. to east
right-of-way line of Logan Dr. South
side of road only.

Section 2. Project Description

Remove pavement on 14th Ave. N from Logan Dr. to N. 8th St. and construct new 31' wide 7" thick PCC curb and gutter street. The project will include new storm sewer pipe, intakes and subdrain tile. The project will also include new sidewalk, ADA ramps, driveway approaches, sanitary sewer and water service improvements. In addition, the project will include miscellaneous associated work including seeding.

That the proposed District to be benefited and subject to assessment for the cost of such improvements is described as follows:

Assessment Area A, all parcels abutting and within 127' of 14th Ave. N beginning at the east right-of-way line of Logan Dr. and ending at the west right-of-way line of N. 8th St. as shown on the preliminary assessment plat. The parcels are listed below:

LOTS 1, 4-5, 10-11, 16-17 Park View Addition
LOTS 1 and 2 The Grove's 2nd Residential Subdivision
PCL "D" LOC IN S1/2 SE NE 12-96-20 DESC IN SURV BK 2016 PG 3437
S1/2 SE NE 12-96-20 EXC THAT PART PLATTED AS THE GROVES 1ST & 2ND RESIDENTIAL SUBS & EXC BEG NE COR S1/2 SE NE 12-96-20 TH W 490' S 533' E 490' N 533' TO POB & EXC PCL "D" DESC IN SURV BK 2016 PG 3437

In addition, Assessment Area B along 14th Ave. N from 18' west of west right-of-way line of Logan Dr. to east right-of-way line of Logan Dr. South side of road only as shown on the preliminary assessment plat. The parcels are listed below:

LOTS 1 Park View Addition

The Council will meet at 6:30 o'clock P.M., on the 5th day of December, 2016, at the Council Chambers, City Hall, 15 North 6th Street, Clear Lake, Iowa, at which time the owners of property subject to assessment for the proposed improvements, or any other person having an interest in the matter may appear and be heard for or against the making of the improvement, the boundaries of the District, the cost, the assessment against any lot, tract or parcel of land, or the final adoption of a Resolution of Necessity. A property owner will be deemed to have waived all objections unless at the time of Hearing he has filed objections with the Clerk.

This Notice is given by authority of the Council of the City of Clear Lake, State of Iowa.

City Clerk, City of Clear Lake, State of Iowa

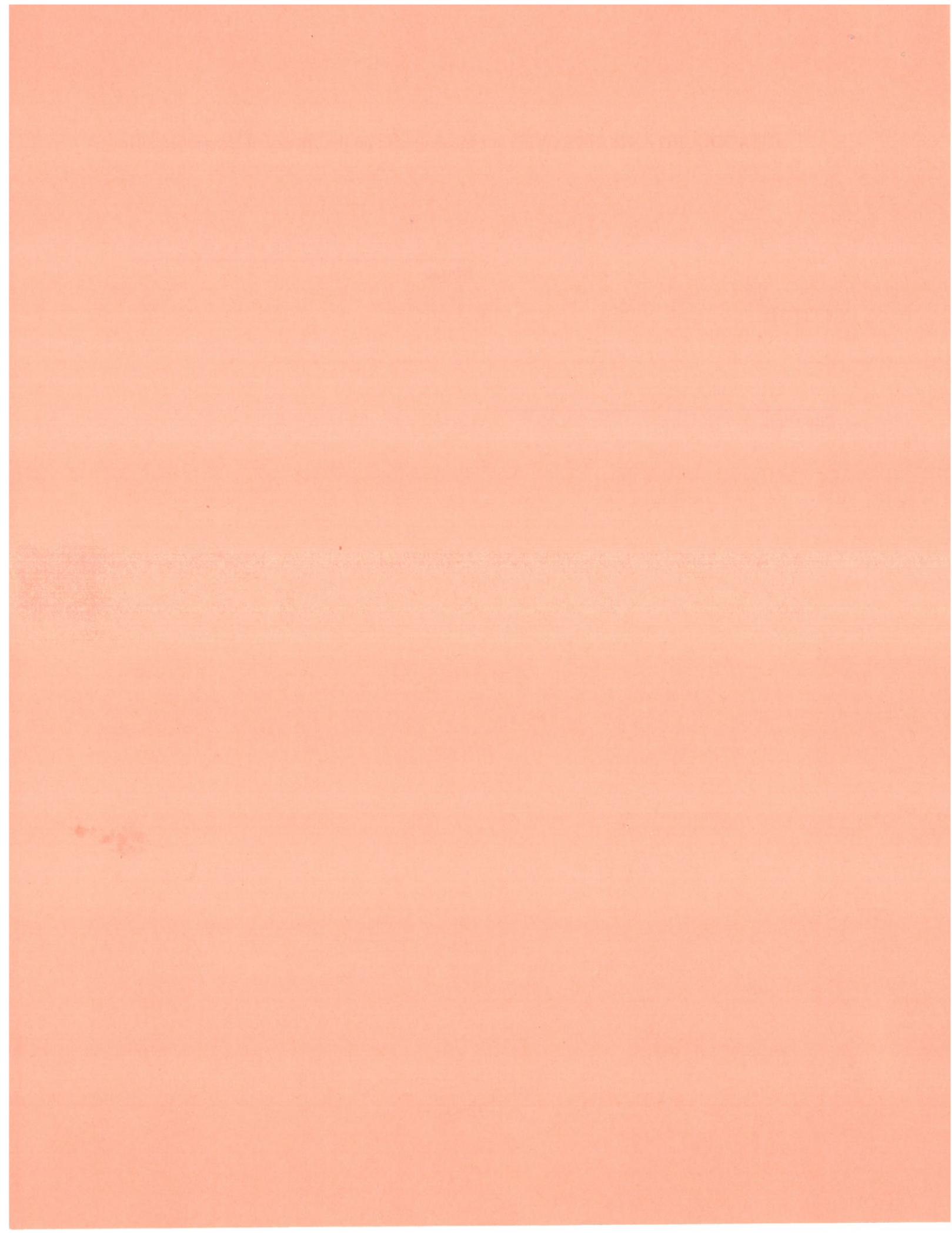
(End of Notice)

INTRODUCED AND APPROVED at a meeting held on the 7th day of November, 2016.

Mayor

ATTEST:

City Clerk

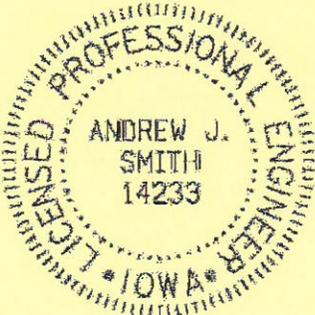
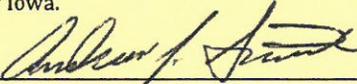


PRELIMINARY ASSESSMENT
PLAT & SCHEDULE

FOR

14th Ave. N. STREET IMPROVEMENT PROJECT
2017

CLEAR LAKE, IOWA

	<p>I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.</p>
	<p> 11-07-16</p>
	<p>Andrew J. Smith, P.E. Date</p>
	<p>License number <u>14233</u></p>
	<p>My license renewal date is December 31, 2017.</p>
<p>Pages or sheets covered by this seal:</p>	
<p><u>Pages 1-11, Schedule & Plat</u></p>	
<p>_____</p>	
<p>_____</p>	

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PRELIMINARY ASSESSMENT PLAT & SCHEDULE FOR
14TH AVENUE NORTH STREET IMPROVEMENT PROJECT
CLEAR LAKE, IOWA

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SECTION 1 – LOCATION OF IMPROVEMENTS

Improvements

Location

Assessment Area A

14th Ave. N.

Street Improvements

Along 14th Ave. N. from Logan Dr. to N. 8th St.

Assessment Area B

14th Ave. N.

Street Improvements

(this is sidewalk only)

Along 14th Ave. N. from 18' west of west right-of-way line of Logan Dr. to east right-of-way line of Logan Dr. South side of road only.

SECTION 2 – PROJECT DESCRIPTION

Remove pavement on 14th Ave. N from Logan Dr. to N. 8th St. and construct new 31' wide 7" thick PCC curb and gutter street. The project will include new storm sewer pipe, intakes and subdrain tile. The project will also include new sidewalk, ADA ramps, driveway approaches, sanitary sewer and water service improvements. In addition, the project will include miscellaneous associated work including seeding.

SECTION 3 – DESCRIPTION OF BENEFITED AREA

Assessment Area A, all parcels abutting and within 127' of 14th Ave. N beginning at the east right-of-way line of Logan Dr. and ending at the west right-of-way line of N. 8th St. as shown on the preliminary assessment plat. The parcels are listed below:

LOTS 1, 4-5, 10-11, 16-17 Park View Addition
LOTS 1 and 2 The Grove's 2 nd Residential Subdivision
PCL "D" LOC IN S1/2 SE NE 12-96-20 DESC IN SURV BK 2016 PG 3437
S1/2 SE NE 12-96-20 EXC THAT PART PLATTED AS THE GROVES 1ST & 2ND RESIDENTIAL SUBS & EXC BEG NE COR S1/2 SE NE 12-96-20 TH W 490' S 533' E 490' N 533' TO POB & EXC PCL "D" DESC IN SURV BK 2016 PG 3437

In addition, Assessment Area B Along 14th Ave. N. from 18' west of west right-of-way line of Logan Dr. to east right-of-way line of Logan Dr. South side of road only as shown on the preliminary assessment plat. The parcels are listed below:

LOTS 1 Park View Addition

SECTION 4—DESCRIPTION OF STREET ASSESSMENT PROCEDURE

A. General

All properties that are within 127' or abutting the proposed street reconstruction are included in the Benefited District.

The properties within the defined benefited district are assigned units of benefit based on a widely accepted proportional benefits formula that was developed in 1919. The average depth of the parcel is used to determine the units of benefit. The corresponding curve representing the formula is found with this description at the end of this section. The units of benefit for a property are multiplied by the property front footage to determine the Benefit Points listed in the Assessment Schedule.

The property assessment is then calculated by multiplying the Benefit Points by the Cost per Benefit Point (CBP). The Cost per Benefit Point (CBP) is calculated by dividing the estimated assessable total improvement cost by the total benefit points for all the benefited properties.

The City assesses 100% of all eligible assessment costs to the abutting properties and the City pays for 100% of all non-eligible assessment costs plus any deficiency costs. Eligible assessment costs for this project include 6" of the 7" thick PCC Street Improvements, Sidewalk Improvements, Driveway Improvements, Water Service Improvements, and Sanitary Sewer Service Improvements. In addition, indirect costs such as engineering, legal and administrative costs are also eligible. Where these items are within an intersection, they are considered to be NON-ELIGIBLE.

Some of the eligible assessment costs are considered Direct Assessment Costs and are for items considered to be "private" improvements that are required to comply with the City Ordinances. These items include driveway, sidewalk, water service and sewer service improvements.

Property dimensions utilized in the assessment procedure are based on platted dimensions as shown in property records from the Cerro Gordo County GIS office.

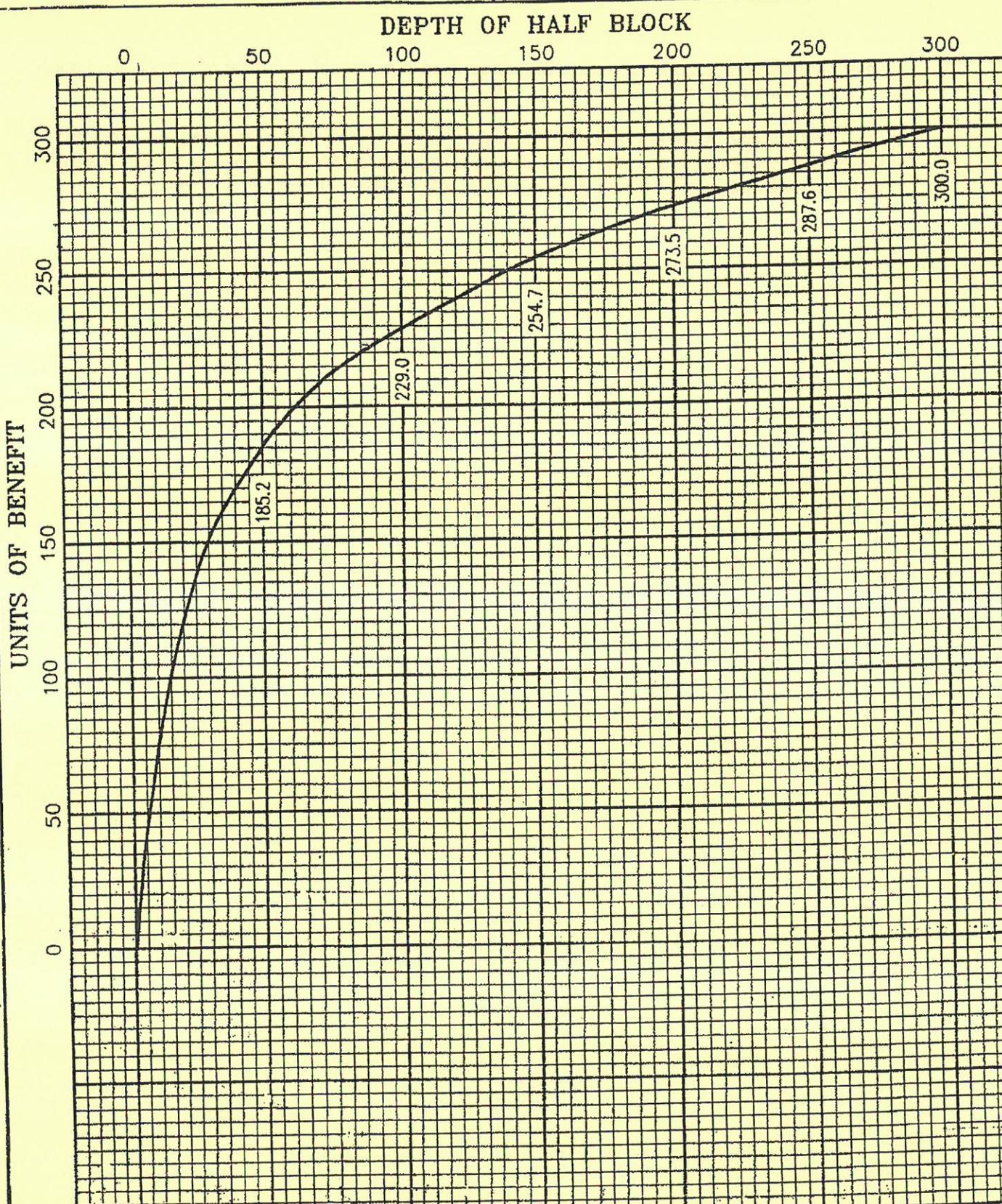
B. Lot Valuations

Section 384.46 of the Code of Iowa provides that valuations of each lot within the Assessment District must be determined and must represent the fair market value of the property with all improvements included. As directed by the City of Clear Lake City Council, the valuations shown on the Assessment Schedule for each property reflect the current assessed valuation on record in the Cerro Gordo County Assessor's office and include the total estimated cost of the improvement being assessed to each property. Certain other properties are valued for more than what the Cerro Gordo County Assessor's records show. This is primarily due to the fact that either improvements have been made and the current assessed valuation has not taken that into consideration or simply due to the fact that the assessed valuation is considerably lower than comparable sale prices in the area, specifically for empty lots.

In accordance with Section 384.62, assessments are limited to 25 percent of the valuation as shown on the Assessment Schedule. If the total assessable cost exceeds the 25 percent limit, the deficient amount is initially absorbed by the City. In accordance with Section 384.63, if a

private improvement is constructed on the lot during the period of amortization the Council may assess a pro rata portion of the deficiency to the lot.

Section 384.62 also provides that special assessments against land assessed as agricultural property may not become payable upon filing of a request for deferment by the owner. Certain other limitations apply and are further defined in Section 384.62 of the Code of Iowa.



PROPORTIONAL BENEFITS CURVE
FOR SPREADING PAVING ASSESSMENTS
FROM REPORT OF SPECIAL COMMITTEE
IOWA ENGINEERING SOCIETY
FEBRUARY 1919

SECTION 5 – ENGINEERS PRELIMINARY OPINION OF PROBABLE COST

A. General

The estimated project costs include construction costs and indirect costs. The Engineer's Preliminary Opinion of Probable Construction Costs can be found at the end of this section. The following represent a summary of these estimated costs:

CONSTRUCTION COSTS	=	\$302,219.50
INDIRECT COSTS	=	\$ 35,300.00
<hr/>		
TOTAL PROJECT COSTS	=	\$337,519.50

B. Indirect Costs

1. Engineering (per Engineering Agreement)	=	\$ 27,800.00
2. Legal (Bond Council, City Attorney, etc.)	=	\$ 6,000.00
3. Administrative (City Staff, permits, publications, postage, etc.)	=	\$ 1,500.00
<hr/>		

Total Indirect Costs \$ 35,300.00

Indirect costs will be allocated to the various improvements proportional to the total Indirect Costs as a percentage of Total Construction Costs.

Estimated Construction Costs = \$302,219.50

Indirect Costs have been allocated at 11.680 % of Construction Costs
(\$35,300.00 /\$302,219.50).

City of Clear Lake
 14th St. N Street Improvements
 Preliminary Assessment Plat Opinion of Probable Construction Costs

Item No.	Item Description	Unit	Assessable	Total	Unit Price	Assessable Cost	Non-Assessable Cost	Total Cost
1	CLEARING AND GRUBBING	LS	N	1.0	\$ 2,000.00	\$ -	\$ 2,000.00	\$ 2,000.00
2	EXCAVATION, CLASS 10, ROADWAY AND BORROW	CY	N	380.0	\$ 10.00	\$ -	\$ 3,800.00	\$ 3,800.00
3	TOPSOIL, FURNISH AND SPREAD	CY	N	250.0	\$ 40.00	\$ -	\$ 10,000.00	\$ 10,000.00
4	TOPSOIL, STRIP, SALVAGE AND SPREAD	CY	N	80.0	\$ 10.00	\$ -	\$ 800.00	\$ 800.00
5	MODIFIED SUBBASE	CY	N	130.0	\$ 45.00	\$ -	\$ 5,850.00	\$ 5,850.00
6-A	STANDARD SLIP-FORM P.C. CONCRETE PAVEMENT, CLASS C, CLASS 3, 7 IN. (Between Intersections)	SY	Y - 6/7	1597.0	\$ 47.00	\$ 64,336.29	\$ 10,722.71	\$ 75,059.00
6-B	STANDARD SLIP-FORM P.C. CONCRETE PAVEMENT, CLASS C, CLASS 3, 7 IN. (Intersections)	SY	N	713.0	\$ 47.00	\$ -	\$ 33,511.00	\$ 33,511.00
7	INTAKE, SW-501	EACH	N	5.0	\$ 3,250.00	\$ -	\$ 16,250.00	\$ 16,250.00
8	INTAKE, SW-503	EACH	N	2.0	\$ 5,000.00	\$ -	\$ 10,000.00	\$ 10,000.00
9	INTAKE, SW-505	EACH	N	2.0	\$ 5,000.00	\$ -	\$ 10,000.00	\$ 10,000.00
10	INTAKE, SW-512	EACH	N	2.0	\$ 4,500.00	\$ -	\$ 9,000.00	\$ 9,000.00
11	INTAKE, SUBDRAIN	EACH	N	2.0	\$ 800.00	\$ -	\$ 1,600.00	\$ 1,600.00
12	MANHOLE ADJUSTMENT, MINOR	EACH	N	2.0	\$ 1,500.00	\$ -	\$ 3,000.00	\$ 3,000.00
13	VALVE BOX ADJUSTMENT, MINOR	EACH	N	5.0	\$ 100.00	\$ -	\$ 500.00	\$ 500.00
14	SUBDRAIN, STANDARD, PERFORATED, 6 IN.	LF	N	1173.0	\$ 20.00	\$ -	\$ 23,460.00	\$ 23,460.00
15	SUDRAIN OUTLET, DR-303	EACH	N	16.0	\$ 200.00	\$ -	\$ 3,200.00	\$ 3,200.00
16	SUBDRAIN RISER, 6"	EACH	N	1.0	\$ 500.00	\$ -	\$ 500.00	\$ 500.00
17	STORM SEWER GRAVITY MAIN, TRENCHED, REINFORCED CONCRETE PIPE (RCP), 20000 (CLASS III), 15 IN.	LF	N	300.0	\$ 60.00	\$ -	\$ 18,000.00	\$ 18,000.00
18	REMOVAL OF PAVEMENT	SY	N	1904.0	\$ 5.00	\$ -	\$ 9,520.00	\$ 9,520.00
19	REMOVAL OF INTAKES AND UTILITY ACCESSES	EACH	N	1.0	\$ 750.00	\$ -	\$ 750.00	\$ 750.00
20	REMOVAL OF SIDEWALK	SY	N	9.6	\$ 15.00	\$ -	\$ 144.00	\$ 144.00
21	SIDEWALK, P.C. CONCRETE, 4 IN.	SY	Y	254.6	\$ 50.00	\$ 12,730.00	\$ -	\$ 12,730.00
22	SIDEWALK, P.C. CONCRETE, 6 IN.	SY	N	59.4	\$ 55.00	\$ -	\$ 3,267.00	\$ 3,267.00
23	DETECTABLE WARNINGS	SF	N	40.0	\$ 40.00	\$ -	\$ 1,600.00	\$ 1,600.00
24	DRIVEWAY, P.C. CONCRETE, 6 IN.	SY	Y	71.1	\$ 55.00	\$ 3,910.50	\$ -	\$ 3,910.50
25	TRAFFIC CONTROL	LS	N	1.0	\$ 4,000.00	\$ -	\$ 4,000.00	\$ 4,000.00
26	MOBILIZATION	LS	N	1.0	\$ 10,000.00	\$ -	\$ 10,000.00	\$ 10,000.00
27	CONNECTION TO EXISTING RCP STORM SEWER	EACH	N	2.0	\$ 850.00	\$ -	\$ 1,700.00	\$ 1,700.00
28	MULCH, BONDED FIBER MATRIX	ACRE	N	0.36	\$ 4,000.00	\$ -	\$ 1,440.00	\$ 1,440.00
29	SEED AND FERTILIZE (URBAN)	ACRE	N	0.36	\$ 3,000.00	\$ -	\$ 1,080.00	\$ 1,080.00
30	SOD	SQ	N	157.0	\$ 50.00	\$ -	\$ 7,850.00	\$ 7,850.00
31	QUALITY ASSURANCE TESTING	LS	N	1.0	\$ 2,000.00	\$ -	\$ 2,000.00	\$ 2,000.00
32	GRANULAR BACKFILL	TON	N	200.0	\$ 40.00	\$ -	\$ 8,000.00	\$ 8,000.00
33	POLYSTYRENE INSULATION, 2"	SY	N	12.0	\$ 20.00	\$ -	\$ 240.00	\$ 240.00
34	PERIMETER AND SLOPE SEDIMENT CONTROL DEVICE, 12 IN. DIA	LF	N	1243.0	\$ 5.00	\$ -	\$ 6,215.00	\$ 6,215.00
35	REMOVAL OF PERIMETER AND SLOPE SEDIMENT CONTROL DEVICE	LF	N	1243.0	\$ 1.00	\$ -	\$ 1,243.00	\$ 1,243.00
TOTAL PROJECT COSTS						\$ 80,976.79	\$ 221,242.71	\$ 302,219.50

SECTION 6 – SPECIAL ASSESSMENT COSTS

A. Street Paving Assessable Costs

Per the City of Clear Lake's Assessment Policy, the basis of assessments for the street paving is 31' wide measured from back of curb to back of curb and 6" thick PCC Pavement. The City does not assess paving within an intersection. This project has 7" thick PCC Pavement, therefore the assessable cost will be prorated at a ratio of 6/7 of the Total Street Paving Assessed Cost.

Assessable Street Pavement Quantity	1597.0 SY
Estimated Pavement Unit Price	\$47.00 / SY
Assessable Street Pavement Cost	\$75,059.00
Adjusted Assessable Street Pavement Cost (6/7 of Assessable Street Pavement Cost due to pavement thickness)	\$64,336.29
Indirect Cost (at 11.680 %)	\$7,514.48
Total Eligible Assessable Cost	\$71,850.77
Default Fund (0%)	\$0.00
Total Street Paving Assessed Cost	\$71,850.77
Total Benefit Points	250,337
Total Cost per Benefit Point (CBP)	\$0.287016
(\$71,850.77 / 250,337)	

B. Driveway Assessable Costs (Direct Assessment)

The basis of assessment for residential driveways per Clear Lakes Code of Ordinances shall be for 6" thick PCC pavement or 6" thick crushed stone base with 4" thick HMA pavement.

There are only two residential driveways within this project area and both are gravel and not up to City Code. The area of each driveway is individually calculated and multiplied by the unit price calculated below on a per square yard basis to determine each individual driveways direct assessment. Due to the nature of how the project is set up to bid, there is a separate line item for 6" sidewalk for the portion of sidewalk going through driveways. The quantity of 6" sidewalk through the associated driveway will be added to the separate driveway PCC quantity and multiplied by the unit cost determined below.

Assessable 6" thick PCC Residential Driveway Unit Cost	\$55.00 / SY
Indirect Cost (at 11.680 %)	\$6.42 / SY
Default Fund (0%)	\$0.00
Total Assessable Residential Driveway Unit Cost	\$ 61.42/ SY
Total Project Driveway Quantity	95.6 SY
Total Assessable Costs for Driveways	\$5,871.75

C. Sidewalk Assessable Costs (Direct Assessment)

The City of Clear Lake Code of Ordinances states that the City may order repair or construction of sidewalks. It also states that the City may specially assess the cost of such improvement to the abutting property owners.

This project area contains no sidewalks. Therefore the City has elected to have sidewalks constructed throughout the project area.

The basis of assessment is a 4' wide PCC Sidewalk, 4" thick of sidewalk to be replaced or constructed within the front foot limits of the benefited property. The area of new sidewalk for each property is calculated individually and multiplied by the unit price calculate below on a per square yard basis to determine the assessment associated with the sidewalk improvements for each property.

Assessable 4" thick 4' wide PCC Sidewalk Unit Cost	\$50.00 / SY
Indirect Cost (at 11.680 %)	\$5.84 / SY
Default Fund (0%)	\$0.00
Total Assessable Sidewalk Unit Cost	\$ 55.84 / SY
Total Project Sidewalk Quantity	254.6 SY
Total Assessable Costs for Sidewalk	\$14,216.86

F. Assessable Cost Summary

1	Street Paving	\$71,850.77
2	Driveway	\$5,871.75
3	Sidewalks	\$14,216.86
Total Assessed Costs Including Default Fund		\$91,939.38

G. City Costs

Total Project Cost	\$337,519.50
Less Total Assessed Costs	\$91,939.38
Plus Deficiencies	\$0.00
Plus City Owned Property	\$ 0.00
Total City Cost	\$245,580.12

**Preliminary Assessment Schedule
14th Ave. N. Street Improvement Project - 2017
Clear Lake, IA**

Name/Description	Rear Lot Line Depth 1 (Ft.)	Front Lot Line Depth 2 (Ft.)	Benefit Units	Width (Ft.)	Benefit Points	Street Assessment	Type of Direct Assessment	Direct Assessment	Previously Assessed Adjustment	Total Trial Assessment	Council Value	Deficiency	Total Preliminary Assessment	Percent of Total Assessed Cost	Percent of Total Project Cost
2017 14th Ave. N. Street Improvements															
=====															
1 51227604800 THE GROVES, INC 550 STATE ROUTE 401 NASELLE, WA 98638 L 2 THE GROVES 2ND RESIDENTIAL SUB		127.0	2.7	107.50	260.3	\$83.31	None	\$0.00 \$0.00 \$0.00	\$0.00	\$83.31	\$35,083.31	\$0.00	\$83.31	0.0906%	0.0247%
2 51227605200 MEESTER, JAMES D 1400 LOGAN DR CLEAR LAKE, IA 50428 L 1 THE GROVES 2ND RESIDENTIAL SUB		122.0	0.0	240.7	25875.3	\$7,428.62	Driveway Sidewalk	\$3,747.23 \$819.17 \$0.00	\$0.00	\$11,993.03	\$211,993.03	\$0.00	\$11,993.03	13.0445%	3.8533%
3 051227605300 ALCORN, KRISTOPHER P 313 BIRCH LANE CLEAR LAKE, IA 50428		127.0	243.4	178.00	43325.2	\$12,435.04	None	\$0.00	\$0.00	\$12,435.04	\$212,435.04	\$0.00	\$12,435.04	13.5253%	3.8842%
4 51227605400 GILBERT, JASON A 1403 N 8TH ST S1/2 SE NE 12-86-20 EXC THAT PART PLATTED AS THE GROVES 1ST & 2ND RESIDENTIAL SUBS & EXC BEG NE COR S1/2 SE NE 12-86-20 THW 490'S S33 E 1/4 PG 353 TO POB & EXC POL'D DESC IN SURV BK 2016 PG 3457		127.0	0.0	243.4	67908.8	\$19,490.87	Sidewalk (Area A) Sidewalk (Area B)	\$2,216.85 \$2,067.76 \$0.00	\$0.00	\$19,490.87	\$130,610.87	\$0.00	\$19,490.87	21.1997%	5.7747%
5 051243000100 MEYER PARKVIEW APARTMENTS LLC 7104 275TH WAY CLEAR LAKE, IA 50428 L 1 PARK VIEW ADD		127.0	0.0	243.4	21662.6	\$6,217.52	Sidewalk	\$3,295.12 \$0.00 \$0.00	\$0.00	\$6,217.52	\$800,562.12	\$0.00	\$10,502.12	11.4229%	3.1186%
6 51242800100 NETTLETON, ETHAN P 1310 N 7TH ST CLEAR LAKE, IA 50428 L 4 PARKVIEW ADD		60.0	0.0	188.2	24775.0	\$7,110.83		\$0.00	\$0.00	\$7,110.83	\$124,245.95	\$0.00	\$10,405.95	11.3183%	3.0831%

SCALE: AS SHOWN
PROJECT NO. 051227605200
DRAWN BY: A.S.
CHECKED BY: J.A.S.
SHEET

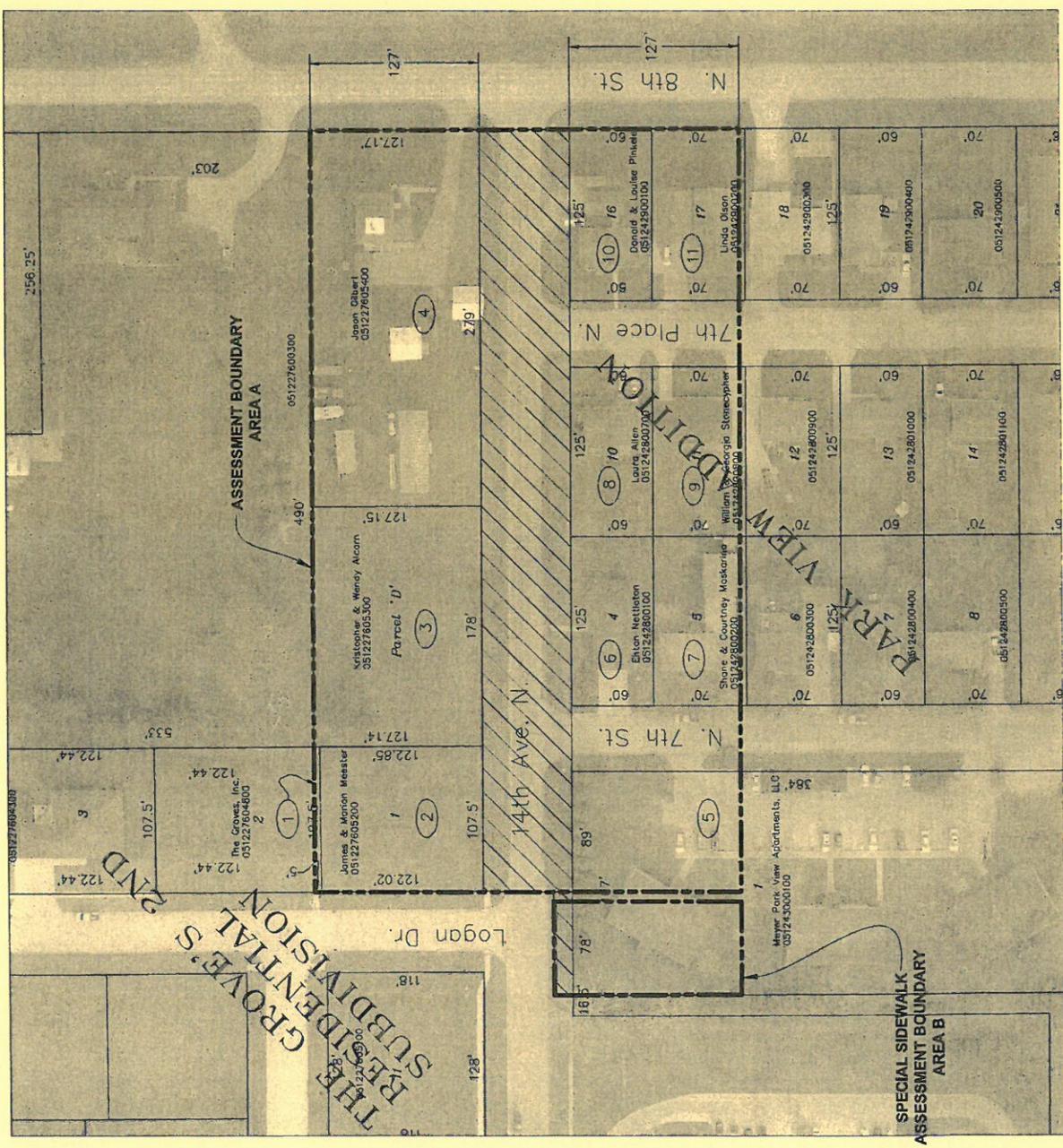
NO.	DATE	REVISIONS

PRELIMINARY ASSESSMENT PLAT



LEGEND

- Assessment Boundary (dashed line)
- Project Area (hatched area)
- County Parcel Identification # (circle with number)
- Property Identification # (circle with number)
- Lot # (circle with number)





November 2, 2016

Mr. Scott Flory, Administrator
The Honorable Nelson Crabb, Mayor
City of Clear Lake
P.O. Box 185
Clear Lake, IA 50428

Dear Scott & Nelson:

On behalf of the North Iowa Cultural Center and Museum (NICCM), we would like to thank you for both your past and continued support of the Surf Ballroom & Museum. The unique partnerships and synergy between the City of Clear Lake, Dean Snyder Family and the North Iowa Cultural Center and Museum have made a multitude of improvements to the Surf Ballroom and the Surf District possible.

Because of the City's support, and with the help of donations and grant funding, a number of significant renovation projects have been completed since our inception, including the resurfacing of the Surf Ballroom parking lot; replacement of the original swamp coolers; electrical upgrades to the majority of the building; new period carpet and pineapple murals installed in the lobby; lighting and audio/video upgrades; repair of the aging marquee canopy; and expansion of our museum displays. These projects would not be feasible without the financial and in-kind support that our organization receives from donors and our partners. This on-going support is vital to the venue's existence and continued operations!

We are writing today to request the City of Clear Lake's continued assistance to help us make the implementation of the RDG concept plan a reality. The expenses allocated to NICCM for the Surf Ballroom/Surf District area landscaping and improvement projects (as outlined in the Iowa Great Places application) total \$42,150. We are supportive of these improvements and believe that the entire community and especially the businesses and visitors of the Surf District will benefit from them greatly. Although we are moving swiftly to implement the plan, we have not budgeted for the unexpected expense. Our operational budget is dedicated to the day to day operation and ever-increasing overhead costs associated with keeping the ballroom open to visitors. Our limited reserves are needed to support our on-going non-profit mission and to fund needed building maintenance projects that arise frequently. As a mechanism to fund the implementation of the City of Clear Lakes Surf District Improvement Project, we request a five year extension of the Property Tax Rebate agreement that is nearing expiration.

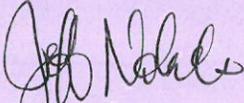
We are so pleased with the enhancements that have already been made to the Surf District. The aesthetics of the entire area have improved, with a number of business owners investing in their

460 North Shore Drive • Clear Lake, IA 50428
Phone: (641) 357-6151 Fax: (641) 357-6822
www.surfballroom.com

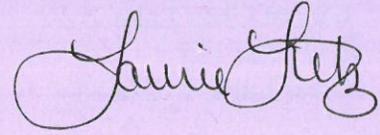
businesses privately. It is clear that our community will continue to benefit tremendously from the dollars spent by the visitors attracted to the Surf and the area surrounding it. With the City of Clear Lake's assistance via a renewed property tax rebate agreement, our non-profit organization will be able to continue our programming and investments into the Surf Ballroom, so that it can continue to be a National treasure for generations of fans and visitors to our community.

Thank you for your thoughtful consideration.

Respectfully,



Jeff Nicholas
President, NICCM



Laurie Lietz
Executive Director, NICCM

RESOLUTION No. _____

TO FIX A DATE OF MEETING AT WHICH IT IS PROPOSED TO APPROVE A DEVELOPMENT AGREEMENT WITH NORTH IOWA CULTURAL CENTER & MUSEUM, INCLUDING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS IN AN AMOUNT NOT TO EXCEED \$50,000

WHEREAS, the City of Clear Lake, Iowa (the "City"), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Clear Lake Consolidated Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the City proposes to enter into an agreement (the "Development Agreement") with North Iowa Cultural Center & Museum (the "Corporation") in connection with the Corporation's management of the Surf Ballroom; and

WHEREAS, the Development Agreement would provide property tax incentives to the Corporation in the form of annual appropriation incremental property tax payments in an amount not to exceed \$50,000 under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement, pursuant to Section 403.9 of the Code of Iowa;

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Clear Lake, Iowa, as follows:

Section 1. This council shall meet on the 21st day of November, 2016 at 6:30 p.m., at the City Hall, in the City, at which time and place proceedings will be instituted and action taken to approve the Development Agreement and to authorize the annual appropriation incremental property tax payments.

Section 2. The City Clerk is hereby directed to give notice of the proposed action, the time when and place where said meeting will be held, by publication at least once not less than four days and not more than twenty days before said meeting in a legal newspaper of general circulation in the City. Said notice shall be in substantially the following form:

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED this 7th day of November, 2016.

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk

NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH NORTH IOWA
CULTURAL CENTER & MUSEUM AND AUTHORIZATION OF ANNUAL APPROPRIATION TAX
INCREMENT PAYMENTS

The City Council of the City of Clear Lake, Iowa, will meet at the City Hall, on the 21st day of November, 2016, at 6:30 o'clock p.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement between the City and North Iowa Cultural Center & Museum, in connection with the management of the Surf Ballroom, which provides for certain property tax incentives in the form of annual appropriation incremental property tax payments in a total amount not exceeding \$50,000, as authorized by Section 403.9 of the Code of Iowa.

The Agreement to make annual appropriation incremental tax payments will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated within the Clear Lake Consolidated Urban Renewal Area. All payments under the Development Agreement will be subject to annual appropriation by the City Council.

At the meeting, the Council will receive oral or written objections from any resident or property owner of the City. Thereafter, the Council may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the City Council of Clear Lake, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Jennifer Larsen
City Clerk

DEVELOPMENT AGREEMENT

This Agreement is entered into between the City of Clear Lake, Iowa (the "City") and North Iowa Cultural Center & Museum (the "Managing Operator") as of the 21st day of November, 2016.

WHEREAS, the City has established the Clear Lake Consolidated Urban Renewal Area (the "Urban Renewal Area"), and has adopted a tax increment ordinance for the Urban Renewal Area; and

WHEREAS, the Managing Operator has entered into an agreement (the "Operating Agreement") with the owners of the Surf Ballroom (the "Property") to be the Managing Operator of the Property, located in the Urban Renewal Area (the "Project"); and

WHEREAS, the Managing Operator has requested that the City provide reimbursement of certain property tax payments in order to reduce the Managing Operator's costs; and

WHEREAS, Chapter 15A of the Code of Iowa authorizes cities to provide grants, loans, guarantees, tax incentives and other financial assistance to or for the benefit of private persons;

NOW THEREFORE, the parties hereto agree as follows:

A. **Managing Operator's Covenants**

1. The Managing Operator agrees to perform all duties required under the Operating Agreement, to file a copy of the Operating Agreement with the City Clerk prior to receipt of any Payments under this Agreement and to file an annual report of its activities with the City Council prior to December 1 of each year during the term of this Agreement.
2. The Managing Operator agrees to make timely payment of all property taxes with respect to the Property as they come due and to submit a receipt or cancelled check to the City Clerk in evidence of each such payment.
3. The Managing Operator agrees to maintain not less than one full time equivalent job on the Property, to be known as the "Executive Director".
4. The Managing Operator covenants to maintain its status during the term of this Agreement as an entity eligible for exemption from taxation and designated under Section 501(c)(3) of the Internal Revenue Code.

B. **City's Obligations**

1. In recognition of the Managing Operator's obligations set out above, and subject to the Managing Operator being in compliance with each of such obligations, the City agrees to make economic development payments (the "Payments") to the Managing Operator, pursuant to Chapters 15A and 403 of the Code of Iowa, in a total amount not exceeding \$50,000, and all Payments under this Agreement shall be subject to annual appropriation by the City Council.

The Payments will be made on June 1 and December 1 of each fiscal year, beginning on June 1, 2017, and continuing to and including June 1, 2021, or until such earlier date on which total Payments in the amount of \$50,000 have been made.

Each Payment shall be in an amount which represents the Incremental Property Tax Revenues received by the City with respect to the Property during the six months immediately preceding each Payment date. Incremental Property Tax Revenues are produced by multiplying the consolidated property tax levy (city, county, school, etc.) times the incremental valuation of the Property, then subtracting debt service levies of all taxing jurisdictions, subtracting the school district physical play and equipment levy and subtracting any other levies which may be exempted from such calculation by action of the Iowa General Assembly.

The Payments shall not constitute general obligations of the City, but shall be made solely and only from Incremental Property Tax Revenues generated within the Urban Renewal Area.

Each Payment shall be subject to annual appropriation by the City Council. Prior to December 1 of each year during the term of this Agreement, the City Council shall consider the question of obligating for appropriation to the funding of the Payments due in the following fiscal year, an amount of Incremental Property Tax Revenues to be collected in the following fiscal year equal to the amount of Incremental Property Tax Revenues that the City received from the Property in the preceding fiscal year (the "Appropriated Amount").

C. **Administrative Provisions**

1. This Agreement may not be amended without the express agreement of both parties. Further, the managing Operator's obligations and covenants set out in Section A hereof may not be assigned without the consent of the City, except that the City hereby gives its permission that the Managing operator's rights to

receive the Payments hereunder may be assigned by the Managing Operator to a lender, as security for a loan, without further action of the City.

2. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

3. This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

The City and the Managing Operator have caused this Agreement to be signed, in their names and on behalf, by their duly authorized officers, all as of the day and date written above.

CITY OF CLEAR LAKE

BY _____
Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk

NORTH IOWA CULTURAL CENTER &
MUSEUM

BY _____
Jeff Nicholas

ATTEST:

Laurie Lietz, Manager

RESOLUTION No. _____

A RESOLUTION APPROVING DEVELOPMENT AGREEMENT WITH NORTH IOWA CULTURAL CENTER & MUSEUM, AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT

WHEREAS, the City of Clear Lake, Iowa (the "City"), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the "Urban Renewal Tax Revenue Fund"), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, an agreement between the City and North Iowa Cultural Center & Museum has been prepared (the "Agreement"), pursuant to which the City has agreed to provide annual appropriation tax increment payments in a total amount not exceeding \$50,000 in connection with the Corporation's management of the Surf Ballroom (the "Surf Ballroom Project"); and

WHEREAS, this City Council, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on November 21, 2015, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a City may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a City Council must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a City Council must consider any or all of a series of factors;

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Clear Lake, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Council hereby finds that:

(a) The Surf Ballroom Project will add diversity and generate new opportunities for the Clear Lake and Iowa economies;

(b) The Surf Ballroom Project will generate public gains and benefits, particularly in the creation of new jobs and in maintenance of existing jobs, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. The Council further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the property tax payments to North Iowa Cultural Center & Museum.

Section 3. The Agreement is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and deliver the Agreement on behalf of the City, in substantially the form and content in which the Agreement has been presented to this City Council, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. All payments by the City under the Agreement shall be subject to annual appropriation by the City Council, in the manner set out in the Agreement. As provided and required by Chapter 403 of the Code of Iowa, the City's obligations under the Agreement shall be payable solely from the income and proceeds of the Urban Renewal Tax Revenue Fund.

Section 5. The City hereby pledges to the payment of the Agreement the Urban Renewal Tax Revenue Fund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Fund, provided, however, that no payment will be made under the Agreement unless and until monies from the Fund are appropriated for such purpose by the City Council.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Cerro Gordo County to evidence the continuing pledging of the Urban Renewal Tax Revenue Fund and the portion of taxes to be paid into such Fund and, pursuant to the direction of Section 493.19 of the Code of Iowa, the Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble thereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

PASSED AND APPROVED this 21st day of November, 2016.

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk



Building a Better World
for All of Us®

November 3, 2016

RE: City of Clear Lake
Veterans Memorial Golf Course - Parking
Improvements Project
PARTIAL PAYMENT CERTIFICATE NO. 1
SEH No. CLRLI 137953

Scott Flory
City Administrator
City of Clear Lake
15 North 6th Street
Clear Lake, Iowa 50428

Dear Mr. Flory:

This is to verify that the contractor for the above project, Charlson Excavating Co. Inc., has completed to the best of our knowledge, the work identified as complete in compliance with the contract documents.

Total Original Contract Amount	\$175,728.50
Total Contract Items Completed	\$87,002.50
Less Retainage (5%)	<u>\$4,350.13</u>
CURRENT AMOUNT DUE	\$82,652.37

A tabulation of the contract work completed as of October 28, 2016 is enclosed.

It is recommended that the Contractor be paid the current amount due, \$82,652.37. This payment does not indicate final acceptance of the work.

Please do not hesitate to call if you have any questions.

Sincerely,

Michael L. Danburg, PE
Project Manager

enclosure

c: Charlson Excavating Co., Inc. 4111 7th Avenue North, Clear Lake, IA 50428
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PAYMENT CERTIFICATE NO. 1
VETERANS MEMORIAL GOLF COURSE - PARKING IMPROVEMENTS PROJECT
CLEAR LAKE, IOWA
CLRLI 137953
November 3, 2016



NO.	ITEM	PLAN	QUANTITY	UNIT	UNIT	AMOUNT
		QUANTITY	TO DATE		PRICE	TO DATE
1	Remove Pavement	1,310	1310.00	SY	\$8.00	\$10,480.00
2	Remove Sidewalk	80	80.00	SY	\$10.00	\$800.00
3	Remove & Salvage Landscape Boulders	1	0.90	LS	\$1,000.00	\$900.00
4	Remove & Salvage Existing Aggregate Surfacing	1	1.00	LS	\$5.00	\$5.00
5	Class 10 Excavation	400	150.00	CY	\$10.00	\$1,500.00
6	PCC Pavement, 6", Cl. C	1,110	783.50	SY	\$52.50	\$41,133.75
7	PCC Curb & Gutter, 30", Cl. C	170	0.00	LF	\$35.00	\$0.00
8	Modified Subbase	450	250.00	TON	\$18.50	\$4,625.00
9	Permeable Interlocking Pavers (PaveDrain)	2,065	0.00	SF	\$13.00	\$0.00
10	Cover Aggregate Layer	70	0.00	TON	\$50.00	\$0.00
11	Stone Recharge Bed	375	0.00	TON	\$19.50	\$0.00
12	Geotextile Fabric	370	0.00	SY	\$2.50	\$0.00
13	Geogrid	280	0.00	SY	\$7.50	\$0.00
14	PCC Driveway, 6", Cl. C	106	106.00	SY	\$52.50	\$5,565.00
15	PCC Sidewalk, 4", Cl. C	1,470	790.00	SF	\$5.50	\$4,345.00
16	Aggregate Surfacing, Streets and Drives	50	0.00	TON	\$18.50	\$0.00
17	Intake, Storm Sewer, SW-512	1	1.00	EA	\$1,800.00	\$1,800.00
18	Longitudinal Subdrain, 6"	616	467.50	LF	\$18.50	\$8,648.75
19	Subdrain Cleanout	3	1.50	EA	\$500.00	\$750.00
20	Subdrain Outlet	1	1.00	EA	\$200.00	\$200.00
21	Roof Drain Connection	3	3.00	EA	\$250.00	\$750.00
22	Connect to Existing Intake	1	1.00	EA	\$500.00	\$500.00
23	'BT' Joint Bars	105	0.00	EA	\$12.00	\$0.00
24	Topsoil, Furnish and Place	20	0.00	CY	\$35.00	\$0.00
25	Sodding	10	0.00	SQ	\$150.00	\$0.00
26	Rock Mulching and Landscape Fabric	25	0.00	SY	\$20.00	\$0.00
27	Shrubs, Furnished & Installed with Warranty	8	0.00	EA	\$60.00	\$0.00
28	Silt Fence or Filter Sock	50	0.00	LF	\$5.00	\$0.00
29	Parking Lot Striping, Symbols and Signage	1	0.00	LS	\$800.00	\$0.00
30	Traffic Control	1	0.50	LS	\$1,500.00	\$750.00
31	Mobilization	1	0.50	LS	\$8,500.00	\$4,250.00
TOTAL PROJECT						\$87,002.50

RESOLUTION No. _____

A RESOLUTION ACCEPTING WORK

WHEREAS, on May 16, 2016 the City of Clear Lake, Iowa, entered into a contract with Heartland Asphalt, Mason City, Iowa for the construction of 2016 Street Resurfacing Project, within the City, as therein described; and

WHEREAS, said contractor has fully completed the construction of said improvements, known as 2016 Street Resurfacing Project in accordance with the terms and conditions of said contract and plans and specifications, as shown on the certificate of the Engineer filed with the Clerk on October 31, 2016:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEAR LAKE, IOWA:

Section 1. That said report of the Engineer be and the same is hereby approved and adopted and said improvements are hereby accepted as having been fully completed in accordance with the said plans, specifications and contract. The total contract cost of the improvements payable under said contract is hereby determined to be \$384,920.11.

PASSED AND APPROVED this 7th day of November, 2016.

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk



VEENSTRA & KIMM, INC.
 2800 Fourth Street SW, Suite 9 • Mason City, Iowa 50402-1596
 641-421-8008 • 641-380-0313 (FAX) • 877-241-8008 (WATS)

PAY ESTIMATE NO. 3 - FINAL

Date: October 31, 2016		Project Title: 2016 Street Resurfacing Project City of Clear Lake		Contractor: Heartland Asphalt, Inc. 2601 South Federal Avenue Mason City, IA 5041			
Original Contract Amount & Date		May 16, 2016 \$ 400,393.12		Pay Period: July 2 - October 31, 2016			
BID ITEMS							
	Specification Section / Description	Unit	Estimated Quantity	Unit Price	Extended Price	Quantity Complete	Value Completed
BASE BID - Priority 1 through 9							
1.1	Mobilization	LS	1	\$ 26,600.00	\$ 26,600.00	100%	\$ 26,600.00
1.2	Traffic Control	LS	1	\$ 3,500.00	\$ 3,500.00	100%	\$ 3,500.00
1.3	Railroad Provisions	LS	1	\$ 8,350.00	\$ 8,350.00	100%	\$ 8,350.00
1.4	Construction Sinking	LS	1	\$ 2,600.00	\$ 2,600.00	100%	\$ 2,600.00
1.5	Pavement Removal	SY	2,263	\$ 14.00	\$ 31,682.00	2,128	\$ 29,792.00
1.6	Pavement Scarification	SY	8,317	\$ 2.40	\$ 19,960.80	8,317	\$ 19,960.80
1.7	HMA Patch, 3" Thick	SY	1,393	\$ 22.60	\$ 31,481.80	1,316	\$ 29,741.60
1.8	PCC Curb & Gutter, 6" Thick	LF	893	\$ 33.80	\$ 30,183.40	1,050	\$ 35,490.00
1.9	PCC Radius / Flume Pavement, 6" Thick	SY	189	\$ 81.95	\$ 15,488.55	153	\$ 12,538.35
1.10	PCC Sidewalk, 4" Thick	SF	1,027	\$ 7.85	\$ 8,061.95	1,202	\$ 9,435.70
1.11	PCC Sidewalk, 6" Thick	SF	1,235	\$ 11.00	\$ 13,585.00	1,366	\$ 15,026.00
1.12	ADA Detectable Warnings	SF	192	\$ 42.95	\$ 8,246.40	216	\$ 9,277.20
1.13	PCC Driveway Pavement, 6" Thick	SY	115	\$ 75.20	\$ 8,648.00	83	\$ 6,241.60
1.14	Fixture Adjustment, Manhole - Type 1 - Riser Ring	EA	6	\$ 610.00	\$ 3,660.00	6	\$ 3,660.00
1.15	Fixture Adjustment, Manhole - Type 2 - New Casting & Adjust Ring	EA	6	\$ 905.00	\$ 5,430.00	6	\$ 5,430.00
1.16	Fixture Adjustment, Manhole - Type 3 - Ex. Casting & Adjust Ring	EA	5	\$ 610.00	\$ 3,050.00	5	\$ 3,050.00
1.17	Fixture Adjustment, Valve Box	EA	7	\$ 125.00	\$ 875.00	2	\$ 250.00
1.18	Curb Grinding	LF	30	\$ 14.00	\$ 420.00	30	\$ 420.00
1.19	Aggregate Base Course	TON	505.3	\$ 20.00	\$ 10,106.00	356.48	\$ 7,129.60
1.20	Aggregate Surface Course	TON	100	\$ 20.00	\$ 2,000.00	0.00	\$ -
1.21	HMA Level Course	TON	265.4	\$ 78.30	\$ 20,780.82	79.42	\$ 6,218.59
1.22	HMA Surface Course, 2" Thick	SY	16,820	\$ 8.37	\$ 140,783.40	16,820	\$ 140,783.40
1.23	HMA Wedge Curb	LF	152	\$ 5.00	\$ 760.00	152	\$ 760.00
1.24	Lawn Restoration	SY	910	\$ 4.00	\$ 3,640.00	1,207	\$ 4,828.00
1.25	HMA Testing	LS	1	\$ 500.00	\$ 500.00	100%	\$ 500.00
				TOTAL ORIGINAL CONTRACT	\$ 400,393.12		\$ 381,582.84
CHANGE ORDERS							
CO1.1	Bid Item 1.2 Traffic Control	LS	1	\$ 250.00	\$ 250.00	100%	\$ 250.00
CO1.2	Bid Item 1.3 Railroad Provisions	LS	1	\$ -	\$ -	100%	\$ -
CO1.3	Bid Item 1.6 Pavement Scarification	SY	201	\$ 2.40	\$ 482.40	201	\$ 482.40
CO1.4	Bid Item 1.22 HMA Surface Course, 2" Thick	SY	251	\$ 8.37	\$ 2,100.87	251	\$ 2,100.87
CO2.1	Geogrid	SY	144	\$ 3.50	\$ 504.00	144	\$ 504.00
				TOTAL CHANGE ORDERS	\$ 3,337.27		\$ 3,337.27
				TOTAL REVISED CONTRACT	\$ 403,730.39		\$ 384,920.11

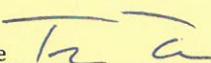
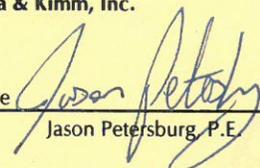
West Des Moines • Coralville • Omaha • Moline • Mason City • Sioux City • Liberty

City

SUMMARY			
		Contract Price	Value Completed
Original Contract Price		\$ 400,393.12	\$ 384,920.11
Approved Change Orders (list each)	Change Order 1	\$ 2,833.27	Based on Quantities Complete & Unit Prices
	Change Order 2	\$ 504.00	Based on Quantities Complete & Unit Prices
Revised Contract Price		\$ 403,730.39	\$ 384,920.11
Materials Stored			\$ -
Value of Completed Work and Materials Stored			\$ 384,920.11
Less Retained Percentage (5%)			\$ 19,246.01
Net Amount Due This Estimate			\$ 365,674.10
Less Estimate(s) Previously Approved	No.1	\$ 48,215.73	
	No.2	\$ 312,871.77	
	No.3		
	No.4		
	No.5		
Total Previously Approved			\$ 361,087.50
Percent Complete	95.3%	Amount Due This Estimate	\$ 4,586.60

The amount \$ 4,586.60 is recommended for approval for payment in accordance with the terms of the contract.

The retainage amount \$ 19,246.01 is recommended for payment 31 days after Owner acceptance of the work in accordance with the terms of the contract, providing all punchlist items are complete.

Quantities Complete Submitted By: Heartland Asphalt, Inc.	Recommended By: Veenstra & Kimm, Inc.	Approved By: City of Clear Lake
Signature 	Signature 	Signature
Travis Tarr Project Manager	Jason Petersburg, P.E. Project Engineer	Nelson Crabb / Scott Flory Mayor / City Administrator
Date <u>11-1-16</u>	Date <u>10-31-16</u>	Date



CERTIFICATE OF COMPLETION

**CITY OF CLEAR LAKE
2016 STREET RESURFACING PROJECT**

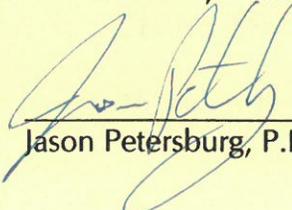
Substantial Completion Date: June 27, 2016
Seeding Completion Date: October 11, 2016

Veenstra & Kimm, Inc. hereby certifies that an on-site review of the completed construction of the 2016 Street Resurfacing Project as performed by Heartland Asphalt, Inc. has been performed.

As engineers for the project, it is Veenstra & Kimm, Inc.'s opinion that the work performed is in substantial accordance with the plans, specifications, and that the final amount of the Contract is Three Hundred Eighty-Four Thousand Nine Hundred Twenty and 11/100 Dollars (\$384,920.11).

VEENSTRA & KIMM, INC.

Accepted: CITY OF CLEAR LAKE

By: 
Jason Petersburg, P.E.

By: _____
Scott Flory

Title: Project Engineer

Title: City Administrator

Date: 10-31-16

Date: _____



NOTICE OF PUBLIC HEARING
INDUSTRIAL PROPERTY TAX EXEMPTION REQUEST

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Chapter 8, Section 8.07, of the Code of Ordinances of the City of Clear Lake, Iowa, as amended, will be held by the City Council of the City of Clear Lake, Iowa (the "City") on the 21st day November, 2016, at 6:30 p.m., in the Council Chambers at the Clear Lake City Hall, in connection with the following matter:

Ruter Racing, 2910 4th Ave. S. and Byrne & Co., 1111 10th Ave. N have each submitted a request to the City in connection with new building project to be located in Clear Lake seeking a partial property tax exemption on qualified real estate as provided for in Section 8.04 of the Code of Ordinances of the City of Clear Lake, Iowa, as amended.

At said time and place, the City council will hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed request.

This public notice is given by authority of the Clear Lake City Council as provided for by Section 362.3 of the Code of Iowa and Section 8.07 of the Code of Ordinances of the City of Clear Lake, Iowa, as amended.

Date public hearing set by City Council: November 7, 2016
Date Public Notice to be published: November 9, 2016
Date of Public Hearing: November 21, 2016

Jennifer Larsen, City Clerk

