

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, August 16, 2010, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. Council Members present: Furleigh, Callanan, Nelson. Absent: Cooney.

Mayor Crabb requested that the consent agenda be amended by adding the following items:

Liquor License: Class C Liquor License (LC) (Commercial) with Sunday Sales, Lake Lanes, (renewal).
Amusement License: Lake Lanes, (renewal).

Callanan moved the agenda be approved, seconded by Nelson. Passed Unanimously.

Nelson moved to approve the consent Furleigh, seconded by Callanan:

- A. Minutes – August 2, 2010.
- B. Approval of the bills & claims.

Roll Call: All Ayes.

Mayor Crabb announced that it was the time and place for the citizen's forum. There was no citizen comment.

Callanan introduced **ORDINANCE #795** “AN ORDINANCE GRANTING TO INTERSTATE POWER & LIGHT COMPANY THE RIGHT AND FRANCHISE TO OPERATE A NATURAL GAS DISTRIBUTION SYSTEM IN THE CITY OF CLEAR LAKE” (2nd reading), seconded by Furleigh. Roll Call: Passed Unanimously.

Scott Flory, City Administrator, reviewed the N. 4th Street (1st Ave N. – 3rd Ave N.) Improvement Project and stated that the project is now complete and that the Council could now initiate the final assessment proceedings for the project. He noted that Council would act on the final assessment proceedings at the September 7th council meeting.

Mike Danburg, P.E., Yaggy Colby Associates, reviewed Pay Estimate #4 (final) for the N. 4th Street Project in the amount of \$17,849.19 to McKiness Excavating of Mason City. He noted that since this is the final pay estimate that the City is required to hold the payment for 30 days following acceptance of the project. Furleigh moved to approve Pay Estimate #4, seconded by Callanan. Passed Unanimously.

Callanan introduced the following **Resolution** and moved its adoption, seconded by Nelson. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 10-58

RESOLUTION ACCEPTING WORK

Furleigh introduced the following **Resolution** and moved its adoption, seconded by Callanan. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 10-59

RESOLUTION ORDERING PREPARATION OF FINAL PLAT AND SCHEDULE OF ASSESSMENTS

Joe Weigel, Public Works Director, gave an update on the Surf Plaza & Parking Area Improvement Project and reviewed Pay Estimate #4 in the amount of \$43,921.53 to Dean Snyder Construction of Clear Lake. Nelson moved to approve Pay Estimate #4, seconded by Callanan. Passed Unanimously.

Flory reviewed the alternatives to fill the At-Large Council vacancy created as a result of the resignation of Council Member Jon Monson. He stated the Council has 2 alternatives: (1) fill the vacancy by appointment, or (2) by special election. If the Council wishes to fill the vacancy by appointment, the appointment must be made within 40 days after the vacancy occurred. After general discussion, Callanan made a motion to fill the At-Large vacancy by appointment, seconded by Furleigh. Passed Unanimously.

Flory reviewed the StoneCliff 2nd Residential Subdivision and stated that the Council could now act on the Resolution accepting the dedication of public improvements, right-of-way, and easements for Bedford Street and Bedford Court along with the rest of the Subdivision. Monte Applegate, Yaggy Colby Associates, stated that the underground utility improvements were completed in 2006 and the paving in July of 2007. Applegate noted that the Developer is required to post a Maintenance Bond for four (4) years on the paving and two (2) years on the underground utilities and that it is proposed to apply the Maintenance Bond retroactively to the time the work was completed. Furleigh introduced the following **Resolution** and moved its adoption, seconded by Callanan. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 10-60

A RESOLUTION ACCEPTING THE OFFER OF DEDICATION FOR STREET RIGHT OF WAY AND EASEMENTS FOR PUBLIC USE AS SHOWN ON THE FINAL PLAT, ACCEPTING THE PUBLIC IMPROVEMENTS FOR MAINTENANCE, ACCEPTING THE SUBDIVISION MAINTENANCE BOND, AND RELEASING THE SUBDIVISION PERFORMANCE GUARANTEE FOR STONECLIFF 2ND SUBDIVISION

Nelson moved to set the date for a Special Council meeting for Monday, August 30th, at 6:30 p.m., seconded by Callanan. Passed Unanimously.

Callanan moved to reschedule the September 6th meeting to Tuesday, September 7th due to the Labor Day holiday, seconded by Furleigh. Passed Unanimously.

Weigel gave an update on the 2010 Water Distribution System Improvement Project.

Danburg gave an update on the 2nd Avenue North Improvement Project and stated that a pre-construction meeting is scheduled for Thursday, August 19th at 9:00 a.m. at City Hall.

Flory stated that competitive quotes for the 2010 Tennis Court Resurfacing Project would be opened on August 19th at 2:00 p.m. He noted that \$100,000 was budgeted for the project.

Flory gave an update on the Fire Station Building Project and stated that the architect on the project would be presenting final plans & specifications at the special meeting on August 30th.

Flory gave an update on the following projects: CDBG Sanitary Sewer Collection System Project; 10th Avenue N. STP Project; and the North Shore Drive Streetscape Project.

Callanan moved to go into Closed Session at 7:12 p.m. pursuant to Code of Iowa Section 21.5 (c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the government body in litigation, seconded by Nelson. Roll Call: Passed Unanimously.

Callanan moved to return to regular session at 7:31 p.m. with no final action taken on any matter in closed session, seconded by Furleigh. Passed Unanimously.

Nelson moved to direct City Attorney Biebesheimer to not proceed further with any appeals in the City vs. Kramer Court of Appeals decision, seconded by Furleigh. Passed Unanimously.

There being no further business before the Council, Callanan moved to adjourn at 7:33 p.m., seconded by Furleigh. Passed Unanimously.

NEXT REGULAR MEETING – AUGUST 16, 2010

/S/ Nelson P. Crabb
Nelson P. Crabb, Mayor

ATTEST:

/S/ Jennifer Larsen
Jennifer Larsen, City Clerk

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