



CITY OF CLEAR LAKE

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Mayor
NELSON P.
CRABB

December 16, 2011

HONORABLE MAYOR & CITY COUNCIL MEMBERS:

City
Administrator
SCOTT
FLORY

The next meeting of the Clear Lake City Council is scheduled for Monday, December 19, 2011, at 6:30 p.m., in the Council Chambers, at City Hall. Please refer to the enclosed agenda for the items discussed below.

COUNCIL
MEMBERS

ITEM #6A 2011 Street Resurfacing Project. Back in June, the Council awarded the construction contract for the Project to Heartland Asphalt of Mason City, IA. The amount of the contract was \$409,420.96. However, the City had only budgeted \$425,000 for the Project, including engineering and other fees. This left an anticipated \$403,000 for actual construction.

SHANE W.
COONEY
Ward 1

The contractor has completed the work on the Project and the engineer has now filed the "Certificate of Completion", with the City indicating that the Project has been completed in conformance with the plans & specifications previously approved by the City Council. Enclosed in your packet is Pay Estimate #2, which serves as the "final" pay estimate for the Project. In accordance with the Code of Iowa, payment of the 5% retainage amount cannot occur prior to 30 days having elapsed following the Council's acceptance of the Project.

TONY
NELSON
Ward 2

BEN
FURLEIGH
Ward 3

The total value of work completed was \$400,573.09, which is roughly \$2,400 under the construction budget and nearly \$9,000 less than the contract amount.

MIKE
CALLANAN
At Large

The only unresolved item pertains to the amount of liquidated damages to be charged to the contractor for late completion of the project. The contract between the City and Heartland calls for \$400 per "calendar" day. The original completion date on the Project, as bid, was September 15th. The completion date was later extended by the Council (Change Order #1), at the urging of Heartland Asphalt, to September 30th. The Project engineer has indicated that the Project was complete, with the exception of incidental seeding & backfilling, on October 19th.

TERRY
UNSWORTH
At Large

The amount of liquidated damages, based on an October 19th substantial date, would be \$7,600 (19 days at \$400/day). Heartland is not in agreement with the number of days that are proposed to be assessed as liquidated damages. The Council will ultimately need to make a determination on the number of days to be applied as liquidated damages and the final pay estimate will be revised to reflect that number.



ITEM #6B. Police Services Agreement with Ventura. The City is under contract to provide Police Services to the City of Ventura through June 30, 2012. Under the terms of that contract, if Ventura wishes to renew the agreement, notice to Clear Lake was necessary prior to December 1, 2012.

Chief Peterson has previously advised the Council of the City of Ventura's desire to extend the Police Services Agreement with Clear Lake. The City Council of Ventura has approved a proposed extension of the current agreement, with annual cost adjustments included for personnel and capital expenses. The proposed extension would be for a 3-year term ending on June 30, 2015.

Except for the term of the Agreement and costs for personnel and vehicle expenses, all other aspects of the current Agreement are unchanged.

ITEM #6C. Water Systems Module Update. In November of 2010, the City retained Veenstra & Kimm to conduct an update to its water model. This was desired to better understand the impact that the recently completed water distribution system improvements (at that time [west-end & south-end loops]) would have on the distribution system. Because other critical water distribution system improvements were anticipated to be made as part of the CDBG Phase 1 project, it was determined to wait to conduct any field analysis until that project was completed.

Now that the CDBG Phase 1 improvements have been completed, Veenstra & Kimm has done some preliminary field testing on the distribution system to determine the impact that those water system improvements made in 2010 & 2011 have had on the system. The preliminary report is included in your packet and will be reviewed with the Council.

Please feel free to contact me if you have questions about any of the agenda items.

Scott Flory
City Administrator

Cc: Jennifer Larsen, City Clerk (with attachments)
Joe Weigel, Public Works Director (with attachments)
Linda Nelson, Finance Officer (with attachments)
Greg Peterson, Chief of Police (with attachments)
Charlie Biebesheimer, City Attorney (with attachments)
Jim Boehnke, 3rd Ward City Council Member-elect (with attachments)

Dana Brant, 1st Ward City Council Member-elect (with attachments)

TENTATIVE AGENDA
CLEAR LAKE CITY COUNCIL
CITY HALL – 15 N. 6TH STREET
MONDAY, DECEMBER 19, 2011
CITY HALL – COUNCIL CHAMBERS
6:30 P.M.

1. Call To Order by Mayor Nelson P. Crabb.
2. Approval of Agenda.
3. Consent Agenda:
 - A. Minutes – December 5 & 13, 2011.
 - B. Approval of the bills & claims.
 - C. Licenses & Permits:
 - Liquor License: Class C Liquor License (LC) (Commercial) with Outdoor Service & Sunday Sales, The Other Place, (renewal).
 - Amusement License: The Other Place, (renewal).
4. Citizen's 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. 2011 Street Resurfacing Project:
 - Introduction by Scott Flory, City Administrator.

- Review of Pay Estimate #2 (final) and “Certificate of Completion”, Jason Petersburg, P.E., Veenstra & Kimm.
- **Motion** to approve **Resolution #11-93**, “A Resolution Accepting the Work.”
- Discussion and consideration of **Motion** by City Council.

B. Police Services Agreement between the Cities of Clear Lake and Ventura:

- Review of request by Greg Peterson, Chief of Police.
- **Motion** to approve **Resolution #11-94**, “A Resolution extending an Agreement for Police Services between the City of Clear Lake and the City of Ventura.”
- Discussion and consideration of **Motion** by City Council.

C. Water System Model update – Review of preliminary report::

- Introduction by Scott Flory, City Administrator.
- Review of preliminary report, Jason Petersburg, P.E., Veenstra & Kimm.
- Discussion by City Council.

D. Purchase of financial, accounting, & utility billing software (including conversion and training) from Civic Systems, LLC, Madison, WI:

- Introduction by Scott Flory, City Administrator.
- **Motion** to authorize the purchase of financial, accounting, & utility billing software (including conversion and training) from Civic Systems, LLC, Madison, WI:
- Discussion and consideration of **Motion** by City Council.

7. Chief of Police’s Report:

8. Mayor’s Report:

- Date and time for the “swearing-in” ceremony for newly elect City officials.

9. Public Works Director’s Report:

- Update regarding construction of the Airport Watermain Extension Project.

10. City Administrator’s Report:

11. City Attorney's Report:

12. Other Business:

13. Adjournment.

NEXT REGULAR MEETING – January 2, 2012