

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, December 5, 2011, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. All Council Members present.

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

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

- A. Minutes – November 21, 2011.
- B. Approval of the bills & claims.
- C. Tax Abatement Application: Betty Hren, 604 Pine Brooke Drive.
- D. Licenses & Permits:
 - Liquor License: Class B Beer (Includes Wine Coolers) with Sunday Sales, Pizza Hut, #13796, (renewal).

Roll Call: All Ayes.

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

Ms. Sherry Meyer, Partner, McGladrey & Pullen, reviewed the City of Clear Lake Fiscal Year 2011 Audit Report. She stated the City has received an “unqualified” opinion, which is the highest rating that can be received. Mayor Crabb commended the City Finance Officer, and the City Administrator, as well as the Council for their collective work in ensuring that the City continues to be financially well managed. Furleigh moved to accept the 2011 Fiscal Year Audit Report, seconded by Callanan. Passed Unanimously.

Scott Flory, City Administrator, reviewed a proposal to enter into a funding agreement with the North Iowa Corridor Economic Development Corporation (NICEDC) and stated that as a result of the dissolution of the legal not-for-profit entity previously known as the Clear Lake Economic Development Corporation (CLEDC), the NICEDC will be the sole economic development corporation working on behalf of the City of Clear Lake. He stated that at its November 7th Council Meeting members of the NICEDC requested that the Council consider a multi-year funding agreement with the NICEDC, using the same revenue source that had previously been dedicated by the City to the CLEDC. He noted that the revenue source is 1% of the original 5% hotel/motel tax, which was originally approved by the voters in the early 1990's and that amount equates to roughly \$50,000 annually. He advised that the proposed agreement is for a 3-year period, beginning on January 1, 2012 and that the agreement is subject to annual appropriation by the Council. Vickie Snyder, representing the NICEDC, addressed the Council and expressed gratitude for the City's continued support of the organization. Unsworth moved to approve a Funding Agreement between the City of Clear Lake and the North Iowa Corridor Economic Development Corporation, seconded by Furleigh. Passed Unanimously.

Flory once again reviewed a request from Ken Emerson, Emerson's by the Lake, for assistance through the City's Retail Recruitment Incentive Program. He stated that the proposed agreement is for a 5-year property tax rebate in an amount not to exceed a cumulative total of \$25,000. He further stated that at its previous meeting the Council reviewed the proposal and established the date and time for the public hearing on the proposed development agreement.

Mayor Crabb stated it was now the time and place for the public hearing on the proposed development agreement between the City of Clear Lake and Emerson's by the Lake as previously established by the Council. Hearing no public comment, Nelson moved to close the public hearing, seconded by Callanan. Passed Unanimously.

Unsworth 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. 11-91

A RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT WITH EMERSON'S BY THE LAKE, INCLUDING INCENTIVE PAYMENTS

Flory gave an update on the Fire Station Building Project and stated that the City has now received the certificate of completion from the architect, SEH & Associates, and that the Council may act on a Resolution accepting the project. Stan Owens, SEH & Associates, stated that the project is now complete per the contract documents. He noted that as part of the contract their firm would conduct a one-year warranty walk through next summer. 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. 11-92

A RESOLUTION ACCEPTING WORK

Flory reviewed the proposed 2103 North Shore Drive Storm Sewer Improvement Project and stated that the Council had previously approved a Development and Easement Agreement with the property owner Les Nelson Investments for the project. He stated that terms of the agreement require the developer to submit plans and specifications to the City for approval. He noted that if approval is given per the agreement the City would fund up to \$15,000 for the project and that if the contractor chooses to proceed without approval of the plans by the Council they would be responsible financially for the entire project.

Mike Danburg, Yaggy Colby Associates, reviewed the proposed plans and specifications for the project and stated that the proposed plans involve the placement of a 30” steel casing pipe with a 24” carrier pipe. He noted that it is also proposed that the contractor use the existing opening at the seawall where the storm sewer drains into the lake to protect the integrity of the seawall. Unsworth addressed questions to Matt Berry, legal counsel for LNI, and Danburg regarding the casing pipe not running continuously from the North Shore Drive storm sewer intake to the seawall and the lack of the proposed alignment for the new pipe being closely centered within the easement area of 15’. Callanan also addressed those same issues. After general discussion by the Council, Cooney moved to approve the plans and specifications as proposed, seconded by Furleigh. Roll Call: Ayes: Cooney and Furleigh. Nays: Unsworth, Nelson, and Callanan. Motion failed.

Flory gave an update on the proposed renewal of the Police Service Agreement with the City of Ventura and stated that Chief Peterson has had preliminary discussions with the City of Ventura and that he anticipates a proposed agreement will be presented at an upcoming Ventura City Council meeting and then presented to this Council.

Unsworth moved to set the date for the 2012 Strategic Planning & Goal Setting Session for Tuesday, December 13th, from 10:00 a.m. to 3:00 p.m. at the Fire Station, seconded by Furleigh. Passed Unanimously.

Joe Weigel, Public Works Director, gave an update on the CDBG Sanitary Sewer Improvement Project (Phase 1) and the 10th Avenue N. Street Improvement Project.

Flory stated that as part of the recently approved Memorandum of Understanding between the City and the Veteran’s Memorial Golf Club Foundation Inc. they are required to submit an annual report to the City for review outlining potential future capital improvement projects. He stated that the report was received and has been distributed to the Council.

There being no further business before the Council, Unsworth moved to adjourn at 8:03 p.m., seconded by Callanan. Passed Unanimously.

NEXT REGULAR MEETING – MONDAY, DECEMBER 19, 2011

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

ATTEST:

/S/ Jennifer Larsen
Jennifer Larsen, City Clerk