



# CITY OF CLEAR LAKE

15 North 6th Street • P.O. Box 185 • Clear Lake, IA 50428  
Phone (641) 357-5267 • Fax (641) 357-8711

Mayor  
NELSON P.  
CRABB

July 2, 2010

HONORABLE MAYOR & CITY COUNCIL MEMBERS:

City  
Administrator  
SCOTT  
FLORY

The next meeting of the Clear Lake City Council is scheduled for Tuesday, July 6, 2010, 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. Zoning Ordinance – Public zone changes . At its regular meetings on May 17th, June 7th, and June 21st, the Council discussed a proposal from City staff to change the provisions of the Public Zoning District classification. On a unanimous vote of the City Council, the proposal was submitted to the Planning & Zoning Commission for its recommendation and report, in accordance with Section 165.49 of the Zoning Ordinance. On June 21st, the Council set the date for a public hearing on the proposal. Notice of the hearing was published in the newspaper.

SHANE W.  
COONEY  
Ward 1

The proposed revisions to the Public zoning district classification section of the City’s Zoning Ordinance expand the list of “permitted uses” from those that are exclusively property or uses of the Federal, State, City, County, or Clear Lake Community School District governments or subdivisions thereof. Conversely, it also makes some governmental uses “conditional uses”, rather than outright “permitted uses”.

TONY  
NELSON  
Ward 2

Section 165.03 (#164) of the Zoning Ordinance, “Definitions”, indicates that: “Rezoning” means a change in land use regulations. That section notes that rezonings can take 3 forms: 1) a comprehensive revision or modification of the zoning text and map; 2) a text change in zone requirements; 3) change in the map (i.e., zoning designation of a particular parcel).

BEN  
FURLEIGH  
Ward 3

MIKE  
CALLANAN  
At Large

The Planning & Zoning Commission reviewed the proposal submitted by the Council on June 29th. As a result of opposition to the proposed changes to the text of the Public Zone District, from residents in the vicinity of the former Sunset School facility, the Commission did not have a favorable recommendation to advance to the Council regarding approval of the proposed changes.

JON  
MONSON  
At Large

The proposed ordinance would require ¾’s approval of the Council.

ITEM #6D. 2nd Ave N. Street Reconstruction Project. At its regular meeting on June 21st, the Council awarded the contract for the 2nd Ave N. Street Reconstruction Project to Yohn Co. of Clear Lake in the amount of \$356,678.22. The City has now



received the contract & bonds, as well as the Certificate of Insurance from the contractor. All the documents have been reviewed by City staff and the consulting engineer and have been determined to be in compliance with the project contract documents. Enclosed in your packet is a Resolution approving the contact & bonds.

ITEM #6E. 10th Avenue N. Street Reconstruction Project. Enclosed in your packet is a Resolution authorizing the City's participation with the Iowa DOT in a Federal-Aid Surface Transportation Project (STP). The Agreement with the City commits the DOT to pay for a portion of the project with federal funds.

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

Scott Flory  
City Administrator of Clear Lake

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)  
Gary Bright, Director CL Chamber (C/A only – via e-mail)

TENTATIVE AGENDA  
CLEAR LAKE CITY COUNCIL  
CITY HALL – 15 N. 6<sup>TH</sup> STREET  
TUESDAY, JULY 6, 2010  
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 – June 21, 2010.
  - B. Approval of the bills & claims.
  - C. Licenses & Permits:

- Sign Erector License: Waitt Outdoor, Omaha, NE, (renewal).
- Excavator License: Peterson Excavating, Kensett, (renewal).
- Liquor License: Class B Beer (BB) (Includes Wine Coolers), Butchers Steakhouse & Fertile Meats (renewal); Class B Beer (BB) (Includes Wine Coolers), Clear Lake RAGBRAI, (new); Class C Liquor License (LC) (Commercial) Half Moon Inn, (renewal).
- Tax Abatement Application: Phillip & Melinda Hood, 312 Pine Brooke Drive.

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. Zoning ordinance change in zone requirements - Public Zone:

- Review of proposal, Scott Flory, City Administrator.
- Recommendation from Planning & Zoning Commission, John Marino, Building Official.
- Public Hearing.
- Discussion and consideration by City Council.
- **Ordinance #795**, "An Ordinance Amending the Zoning Ordinance of the City of Clear Lake, Iowa, by Repealing the existing Public Zone Chapter 165.27 and adopting new regulations in lieu thereof." (1<sup>st</sup> reading)

B. 2<sup>nd</sup> Avenue N. Street Reconstruction Improvement Project:

- Review of proposal, Scott Flory, City Administrator.
- Discussion and consideration by City Council.
- **Resolution #10-50**, "A Resolution approving Contract & bonds."

C. Clear Lake Municipal Cemetery Columbarium Project:

- Update regarding the construction of the improvements and review of proposed schedule of fees, Joe Weigel, Public Works Director.
- Discussion and consideration by City Council.
- **Resolution #10-51**, “A Resolution establishing fees charged for the columbarium at the Clear Lake municipal cemetery.”

D. North Shore Drive Lift Station Improvement Project:

- Update regarding status of the construction of the improvements and review of Pay Estimate #3, Joe Weigel, Public Works Director.
- Discussion and consideration by City Council.
- **Motion** to approve Pay Estimate #3 by City Council.

E. 10<sup>th</sup> Avenue N. Improvement Project (Buddy Holly Place - 5<sup>th</sup> Place N.):

- Review of proposal, Scott Flory, City Administrator.
- Discussion and consideration by City Council.
- **Resolution #10-52** “A Resolution to participate in Federal Aid Surface Transportation Program (STP) Project with Iowa Department of Transportation (10<sup>th</sup> Avenue N. Buddy Holly Place – 5<sup>th</sup> Place N.).”

7. Chief of Police’s Report:

8. Mayor’s Report:

9. Public Works Director’s Report:

- Update regarding the N. 4<sup>th</sup> Street Improvement Project.
- Update regarding the Surf Plaza & Parking Area Improvement Project.
- Update regarding the 2010 Water Distribution Improvement Project.

10. City Administrator’s Report:

11. City Attorney’s Report:

12. Other Business:

13. Closed Session – Pursuant to Iowa Code Section 21.5 (1)(i), "To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session."

14. Adjournment.

NEXT REGULAR MEETING – JULY 19, 2010