

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Tuesday, July 6, 2010, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. All Council Members present.

Mayor Crabb requested that Item 6A under New Business which deals with the proposed Zoning Ordinance change in zone requirements – Public Zone, upon the recommendation of the City Attorney, be removed from the agenda due to procedural reasons, pertaining to the notification provision, and that not action either for or against the proposal nor public hearing be held with respect to that item.

Callanan moved to approve the agenda with the deletion of Item 6A as recommended by the City Attorney, seconded by Furleigh. Passed Unanimously.

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

- 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.

Roll Call: Passed Unanimously.

Mayor Crabb announced that it was the time and place for the citizen's forum.

Tom Lovell, president of the Clear Lake Community School District Board, stated that the School Board is supportive of the proposed text changes to the Public Zoning District classification and stated they believe that the change would give the District the opportunity to explore opportunities for the disposal of its interest in the Sunset school building.

Scott Flory, City Administrator, reviewed the 2nd Avenue N. Street Reconstruction Improvement Project and stated that at its previous meeting the Council awarded the contract to Yohn Co. of Clear Lake in the amount of \$356,678.22. He stated that the City has now received the Contract & Bonds, including the Certificate of Liability Insurance, from the contractor and that the documents have been reviewed by City staff and the consulting engineer and are in compliance with the contract document provisions. Furleigh introduced the following **Resolution** and moved its adoption, seconded by Cooney. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 10-50

A RESOLUTION APPROVING CONTRACT AND BOND

Joe Weigel, Public Works Director, gave an update on the Clear Lake Municipal Cemetery Columbarium Project and reviewed the proposed rate schedule for the niches along with opening and closing costs. Weigel also stated that a section would be added to the current rules and regulations for the cemetery pertaining to the Columbarium. Cooney introduced the following **Resolution** and moved its adoption, seconded by Furleigh. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 10-51

A RESOLUTION ESTABLISHING FEES CHARGED FOR THE COLUMBARIUM AT THE CLEAR LAKE MUNICIPAL CEMETERY

Weigel gave an update on the North Shore Drive Lift Station Project and reviewed Pay Estimate #3 in the amount of \$28,776.45 to R & R Excavating of Hutchinson, Minnesota. Callanan moved to approve Pay Estimate #3 to R & R Excavating, seconded by Monson. Passed Unanimously.

Flory reviewed a proposed agreement with the Iowa DOT for the 10th Avenue N. Street Reconstruction Project (Buddy Holly Place – 5th Place N.). He stated that the City was previously awarded \$343,000 in grant funds by the Iowa DOT under the Federal-Aid Surface Transportation Program (STP). He stated that the Council could now act on a Resolution to enter into an Agreement with the DOT, which commits the DOT to pay for a portion of the project with federal funds. He reviewed a letter to the DOT that he drafted with assistance from the project engineer requesting the project be a local bid letting. Nelson 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. 10-52

A RESOLUTION TO PARTICIPATE IN FEDERAL-AID SURFACE TRANSPORTATION PROGRAM (STP) PROJECT WITH IOWA DEPARTMENT OF TRANSPORTATION – 10TH AVENUE N. (BUDDY HOLLY PLACE – 5TH PLACE N.).

Weigel gave an update on the following projects: N. 4th Street Improvement Project, Surf Plaza & Parking Area Improvement Project, and the 2010 Water Distribution Improvement Project.

Callanan moved to go into Closed Session at 7:05 p.m. 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, seconded by Monson. Roll Call: Passed Unanimously.

Callanan moved to return to regular session at 8:50 p.m. with no final action taken on any matter in closed session, seconded by Cooney. Passed Unanimously.

There being no further business before the Council, Callanan moved to adjourn at 8:52 p.m., seconded by Cooney. Passed Unanimously.

NEXT REGULAR MEETING – JULY 19, 2010

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

ATTEST:

/S/ Jennifer Larsen
Jennifer Larsen, City Clerk