

## REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, June 21, 2010, 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 Monson. Passed Unanimously.

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

- A. Minutes – June 7, 2010.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
  - Cigarette Permit: The Quick Shop, (renewal).
  - Amusement License: Boathouse Bar & Grill and Rumorz, (new).

Roll Call: Passed Unanimously.

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

Monson introduced **ORDINANCE #794** “ AN ORDINANCE AMENDING AN ORDINANCE OF THE CITY OF CLEAR LAKE, IOWA, NOW KNOWN AS ‘PARK REGULATIONS’ CHAPTER 47 OF THE CLEAR LAKE MUNICIPAL CODE BY AMENDING THE PROVISIONS OF SECTIONS 47.02 AND 47.05 TO CLARIFY RULES RELATING TO VEHICLES IN PARKS AND TO ADD A NEW SECTION (47.08) PROVIDING FOR PARK RULES” (Final reading), seconded by Callanan. Roll Call: Passed Unanimously.

Callanan moved that the matter regarding the requests for expanded outdoor service area from The Boathouse and Rumorz be taken off the table and open for Council discussion, seconded by Monson. Passed Unanimously.

After general discussion, Monson moved to approve the requests for expanded outdoor service areas from The Boathouse and Rumorz, seconded by Nelson. Passed Unanimously.

Scott Flory, City Administrator, reviewed a proposed re-write of the current “Public” zoning district classification section of the City’s Zoning Ordinance and stated that the Council could now act on a Resolution setting the day for a public hearing on the proposal. He noted that the City’s Planning & Zoning Commission would review the proposed changes at its regular meeting in June and make a recommendation to the Council. 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. 10-46

#### A RESOLUTION TO SET THE TIME AND DATE FOR A PUBLIC HEARING ON A PROPOSAL TO REVISE SECTION 165.27 “PUBLIC ZONE” OF THE ZONING ORDINANCE OF THE CITY OF CLEAR LAKE, IOWA

Joe Weigel, Public Works Director, gave an update on the 2010 Water Distribution System Improvement Project and reviewed Pay Estimate #2 to McKiness Excavating, Inc. of Mason City in the amount of \$214,543.31. Cooney moved to approve Pay Estimate #2 to McKiness Excavating of Mason City, seconded by Furleigh. Passed Unanimously.

Weigel gave an update on the Surf District Plaza & Parking Area Project and reviewed Pay Estimate #2 in the amount of \$49,327.80 to Dean Snyder Construction of Clear Lake. Nelson moved to approve Pay Estimate #2 to Dean Snyder Construction, seconded by Callanan. Passed Unanimously.

Flory reviewed the 2<sup>nd</sup> Avenue North Street Reconstruction Project and stated that the project bid letting was held on June 16<sup>th</sup> with bids being received from four general contractors, with YohnCo. of Clear Lake submitting the lowest responsive responsible bid. Mike Danburg, P.E., Yaggy Colby, stated that the total base bid (PCC paving) was \$356,678.22, which is 17% below the engineer's estimate of probable cost of construction, which was \$430,941. He noted that underground work on the project will be completed this fall and paving will begin in the spring of 2011. Flory advised that initiation of work on the project can possibly be delayed until after RAGBRAI is over in Clear Lake.

Mayor Crabb stated it was now the time and place for the previously established public hearing on the 2<sup>nd</sup> Avenue N. Street Reconstruction Improvement Project. Hearing no public comment, Callanan moved to close the public hearing, seconded by Nelson. Passed Unanimously.

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. 10-47

A RESOLUTION ADOPTING PLANS, SPECIFICATIONS,  
FORM OF CONTRACT AND ESTIMATED COST

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. 10-48

A RESOLUTION MAKING AWARD OF CONTRACT

Flory reviewed a proposed 28E Agreement for Emergency Medical Services between the City of Clear Lake and the City of Ventura and stated that the agreement provides that the City of Clear Lake will receive the revenue from any transports, as well as \$100 per call from the City of Ventura. He stated that the agreement would be reviewed by the Ventura City Council at its next regular meeting. He noted that the proposed agreement is effective July 1, 2010 and expires June 30, 2011. Monson asked who the secondary or back-up provider would be if the Clear Lake ambulance was on another call. Flory advised it would be the Garner volunteer ambulance service. Nelson introduced the following **Resolution** and moved its adoption, seconded by Monson. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 10-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE  
AUTHORIZING AN INTERGOVERNMENTAL EMERGENCY MEDICAL SERVICES  
AGREEMENT WITH THE CITY OF VENTURA

Weigel gave an update on the following projects: North Shore Drive Lift Station Improvement Project and the North 4<sup>th</sup> Street Improvement Project.

Weigel gave an update on the Cemetery Columbarium Project and reviewed the proposed rate structure for the niches.

Callanan moved to go into Closed Session at 7:35 p.m. pursuant to Code of Iowa Section 21.5© 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 Furleigh. Roll Call: Passed Unanimously.

Nelson moved to return to regular session at 8:43 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 8:45 p.m., seconded by Monson. Passed Unanimously.

NEXT REGULAR MEETING – JULY 6, 2010

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

ATTEST:

/S/ Jennifer Larsen  
Jennifer Larsen, City Clerk

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