

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, May 3, 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 Cooney:

- A. Minutes – May 3, 2010.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
 - Sign Erector's License: Nagle Signs, Waterloo, (renewal).
 - Amusement License: Clear Lake Area Chamber of Commerce, 4th of July Carnival, Wednesday, June 30th through Monday, July 5th.
 - Fireworks Permit: Clear Lake Area Chamber of Commerce, 4th of July Celebration, Clear Lake Area Chamber of Commerce, RAGBRAI, July 27th.
 - Cigarette Permit: Casey's General Store #1427, Casey's General Store #1896, Pilot Travel Center, Kum & Go #302, Kum & Go #301, South Shore Pit Stop, (renewals).
 - Street Closing Requests: Twin City F-100 Club, June 11th & 12th; Clear Lake Area Chamber of Commerce, 4th of July Celebration; Clear Lake Antique Boat Show, July 17th; Clear Lake Noon Lions Chicken BBQ, July 18th.

Roll Call: All Ayes.

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

Mary Margaret Morris, 207 7th Avenue S, expressed her concern regarding the paint that is chipping off of the water tower located by City Beach.

After general discussion regarding Ordinance #793, Monson moved to amend the Ordinance to add under section 122.21 item d. The RAGBRAI vendor committee may waive the vendor fees for donated items subject to RAGBRAI review, seconded by Callanan. Passed Unanimously.

Callanan introduced **ORDINANCE #793** "AN ORDINANCE AMENDING AN ORDINANCE OF THE CITY OF CLEAR LAKE ENTITLED RAGBRAI – MISCELLANEOUS PERMITS", with amendment, (2nd reading) seconded by Nelson. Roll Call: Passed Unanimously.

Scott Flory, City Administrator, reviewed the FY 10 Budget Amendment #2 and stated that at its previous meeting the Council set the date for a public hearing on the proposed amendment. He stated that the amendment is needed that primarily due to the recently completed bond refunding, as well as the initiation of some projects for which grant funding has recently been approved. He noted that the budget amendment needs to be filed with the County Auditors office prior to May 31st.

Mayor Crabb stated that it was now the time and place for the previously established public hearing on the FY 10 Budget Amendment #2. Hearing no public comment, Cooney moved to close the public hearing, seconded by Callanan. Passed Unanimously.

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. 10-36

A RESOLUTION APPROVING THE FY 2010 BUDGET AMENDMENT (#2) FOR THE CITY OF CLEAR LAKE

Flory reviewed the proposed 2nd Avenue North (N. 6th to N. 8th Street) Street Reconstruction Project and stated that the Council previously set the date for the public hearing on the proposed "Resolution of Necessity" for the project. He noted that the project consists of the reconstruction of 2nd Avenue N, between N. 6th Street and N. 8th Street and includes pavement removal and excavation; upgrade and replacement of existing water main from a 4" to an 8"; sanitary sewer manhole replacements; new sanitary sewer and water service lateral replacements (where necessary); storm sewer and intake improvements; sub-drain; defective sidewalk replacement; ADA compliant sidewalk ramps; driveway approaches; and either ACC or PCC paving.

Mike Danburg, P.E., Yaggy Colby Associates, reviewed the project plans & specifications and stated that the total project cost, including engineering, legal, contingency, and administrative is conservatively estimated at \$564,058 and that the total amount funded by special assessments is \$101,564 or about 18% of the total project cost. He stated that the tentative project schedule sets a bid letting for June 16th, consideration and award of contract at the June 21st council meeting, with construction of the underground utilities after the July 4th holiday. He noted that completion of the underground utilities would be in the fall of 2010 and grading and paving would be in June of 2011.

Mayor Crabb stated it was now the time and place for the previously established public hearing on the 2nd Avenue North Improvement Project, 2010.

Larry Morris, 207 7th Avenue S, asked if the water and sewer services for the proposed new fire station would be stubbed into the property the City owns. Danburg stated that would be done as part of the project.

Hearing no further public comment, Callanan moved to close the public hearing, seconded by Furleigh. Passed Unanimously.

Furleigh 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. 10-37

A RESOLUTION WITH RESPECT TO THE ADOPTION OF THE RESOLUTION OF NECESSITY PROPOSED FOR THE CLEAR LAKE, IOWA, 2ND AVENUE NORTH IMPROVEMENT PROJECT, 2010

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. 10-38

A RESOLUTION DIRECTING PREPARATION OF DETAILED PLANS AND SPECIFICATIONS, FORM OF CONTRACT AND NOTICE TO BIDDERS ON THE CLEAR LAKE, IOWA, 2ND AVENUE NORTH IMPROVEMENT PROJECT, 2010

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. 10-39

A RESOLUTION ORDERING BIDS, APPROVING PLANS, SPECIFICATIONS AND FORM OF CONTRACT AND NOTICE TO BIDDERS, FIXING AMOUNT OF BID SECURITY, AND ORDERING CLERK TO PUBLISH NOTICE AND FIXING A DATE FOR RECEIVING SAME, AND FOR A PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COSTS

Danburg updated the Council on the N. 4th Street Improvement Project and reviewed Pay Estimate #2 in the amount of \$81,306.28 to McKiness Excavating of Mason City. Callanan moved to approve Pay Estimate #2, seconded by Furleigh. Passed Unanimously.

Joe Weigel, Public Works Director, updated the Council on the Surf District Park & Parking Area Improvement Project and reviewed Pay Estimate #1 in the amount of \$19,068.75 to Dean Snyder Construction. Cooney moved to approve Pay Estimate #1, seconded by Furleigh. Passed Unanimously.

Weigel updated the Council on the 109 N 8th Street Building Demolition & Site Restoration project and reviewed Change Order #1 in the amount of \$10,155. He also reviewed Pay Estimate #1 (final) in the amount of \$26,386.25 to Brian Nettleton Excavating of Joice, Iowa. Callanan moved to approve Change Order #1 and Pay Estimate #1 (final), seconded by Nelson. Passed Unanimously. 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. 10-40

A RESOLUTION ACCEPTING WORK

Weigel gave an update on the 2010 Water Distribution System Improvement Project and reviewed Pay Estimate #1 in the amount of \$254,725.46 to McKiness Excavating of Mason City. Nelson moved to approve Pay Estimate #1, seconded by Monson. Passed Unanimously.

Weigel gave an update on the 2009 Clear Lake Stormwater Quality Improvement Project and reviewed Pay Estimate #3 (final) in the amount of \$176,817.04 to YohnCo. of Clear Lake. Callanan moved to approve Pay Estimate #3 (final), seconded by Cooney. Passed Unanimously. Callanan 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. 10-41

A RESOLUTION ACCEPTING THE WORK

Sue Keefe, Park & Recreation Director, reviewed a proposal to revise the City of Clear Lake's park ordinances. She stated that the purpose of the proposed ordinance is to more clearly define vehicular access to city parks, park hours and other general park rules. Furleigh introduced **Ordinance #794** "AN ORDINANCE AMENDING AN ORDINANCE OF THE CITY OF CLEAR LAKE, IOWA, NOW KNOWN AS PARK REGULATIONS, CHAPTER 47 OF 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 NEW SECTION 47/08 PROVIDING FOR PARK RULES" (1st reading), seconded by Monson. Roll Call: Passed Unanimously.

Weigel updated the Council on the North Shore Drive Lift Station Improvement Project.

Flory stated that an agreement has been reached between the City and the Clear Lake Sanitary District regarding the CDBG Sanitary Sewer Collection System Project.

Flory stated that letters were mailed to those property owners that have not had sump pump inspections completed. He stated that the letters were sent in an effort to expedite the completion of the project.

Flory stated that due to the recent sale of the former Sunset School property located at 408 Mars Hill Drive, the City would need to rezone the property. He stated that the property is currently zoned Public.

Greg Peterson, Police Chief, stated that two Patrol Officers have recently completed their training through the Law Enforcement Academy and that he is recommending to the Council the appointment of Cory Gute and Troy Wilson. Mayor Crabb then administered the Oath of Office to Gute and Wilson.

There being no further business before the Council, Callanan moved to adjourn at 8:16 p.m., seconded by Cooney. Passed Unanimously.

NEXT REGULAR MEETING – MAY 17, 2010

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk