# REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, November 21, 2011, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. Council Members present: Cooney, Unsworth, Furleigh, Nelson. Absent: Callanan.

Mayor Crabb requested that the consent agenda be amended by adding the following item:

Fireworks Permit: Clear Lake Area Chamber of Commerce, Christmas by the Lake Celebration.

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

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

A. Minutes – November 7, 2011.
B. Approval of the bills & claims.
C. Licenses & Permits:

Street Closing Request: Clear Lake Area Chamber of Commerce, Christmas by the Lake Celebration, December 3rd and 4th.

Roll Call: All Ayes.

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

Angela Laack, 1009 Pine Brooke Court, stated that she and her husband own Lot #11 in Pine Brooke 2nd Subdivision and that there is a stormwater utility easement that runs directly along the rear and east side yard where they would like to construct a fence. She requested that the Council consider an easement encroachment agreement which would allow the construction of the privacy fence within the utility easement. Mayor Crabb stated that the Council would take the request under advisement and get back to her.

Jason Petersburg, P.E., Veenstra & Kimm, gave an update on the CDBG Sanitary Sewer Collection System Improvement Project and reviewed Pay Estimate #7 in the amount of $304,331.07 to R&R Excavating, Hutchinson, Minnesota. Unsworth moved to approve Pay Estimate #7, seconded by Cooney. Passed Unanimously.

Scott Flory, City Administrator, reviewed the FY 2011 financial report that is required to be submitted to the State Auditor and the Iowa Department of Management by December 1st. Total actual audited revenues and expenditures for the fiscal year ending June 30, 2011 were $16,937,927 and $14,026,079. He noted that the State of Iowa limits the amount of general obligation debt a City may incur and that the City's current general obligation debt limit is $37,367,465. He further noted that as of June 30, 2011, the City has roughly $7.2 million in general obligation indebtedness. Nelson introduced the following **Resolution** and moved its adoption, seconded by Unsworth. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 11-85

A RESOLUTION APPROVING THE CITY OF CLEAR LAKE'S ANNUAL FINANCIAL REPORT FOR THE 2011 FISCAL YEAR

Petersburg gave an update on the 10th Avenue N. (5th Place N – Buddy Holly Place) Street Reconstruction Project and reviewed Pay Estimate #2 in the amount of $141,116.86 to Wicks Construction of Decorah, Iowa. Unsworth moved to approve Pay Estimate #2, seconded by Furleigh. Passed Unanimously.

Flory gave an update on the 19 S. 3rd Street Parking Lot Improvement Project and stated that the City has now received the certificate of completion from the engineer, Yaggy Colby, and that the Council may act on a Resolution accepting the project. Mike Danburg, Yaggy Colby, reviewed Pay Estimate #3 (final) in the amount of $40,875.64 to Dean Snyder Construction. Unsworth moved to approve Pay Estimate #3, seconded by Cooney. Passed Unanimously. Nelson 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. 11-86

A RESOLUTION ACCEPTING WORK

Flory reviewed the Annual Appropriation Resolution for the North Iowa Cultural Center & Museum, Titan Pro SCI, and Snyder Construction Partnership (Moss Buster). Flory explained that the City previously entered into Development Agreements with each business which provides for certain property tax rebate incentives. He advised that in accordance with those Agreements the Council must annually approve allocating funds in the upcoming fiscal year budget for repayment. He stated that the Agreement with Snyder Construction Partnership (Moss Buster) included a job creation requirement and that he has not received documentation from the company that those requirements have been met. Furleigh moved that the following **Resolution** be approved pending satisfactory documentation is received regarding the job creation requirements and that documentation must be received by June 1, 2012, seconded by Unsworth. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 11-87

A RESOLUTION OBLIGATING FUNDS FROM THE CLEAR LAKE CONSOLIDATED URBAN RENEWAL TAX INCREMENT FUND FOR APPROPRIATION TO THE PAYMENT OF ANNUAL APPROPRIATION TAX INCREMENT FINANCED OBLIGATIONS, WHICH SHALL BECOME DUE IN THE SUCCEEDING FISCAL YEAR (Snyder Construction Partnership (MossBuster))

Unsworth introduced the following **Resolution** and moved its adoption, seconded by Nelson. Roll Call: Ayes: Unsworth, Furleigh, Nelson. Abstain: Cooney, due to conflict of interest. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 11-88

A RESOLUTION OBLIGATING FUNDS FROM THE CLEAR LAKE CONSOLIDATED URBAN RENEWAL TAX INCREMENT FUND FOR APPROPRIATION TO THE PAYMENT OF ANNUAL APPROPRIATION TAX INCREMENT FINANCED OBLIGATIONS, WHICH SHALL BECOME DUE IN THE SUCCEEDING FISCAL YEAR (North Iowa Cultural Center & Museum)

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. 11-89

A RESOLUTION OBLIGATING FUNDS FROM THE CLEAR LAKE CONSOLIDATED URBAN RENEWAL TAX INCREMENT FUND FOR APPROPRIATION TO THE PAYMENT OF ANNUAL APPROPRIATION TAX INCREMENT FINANCED OBLIGATIONS, WHICH SHALL BECOME DUE IN THE SUCCEEDING FISCAL YEAR (Titan Pro SCI)

Flory reviewed a request from Ken Emerson, Emerson's by the Lake, for assistance through the Retail Recruitment Incentive Program. He stated the proposed agreement is for a 5-year property tax rebate in an amount not to exceed $25,000. He noted that Mr. Emerson will be required to use the funds to make physical repairs and rehabilitation improvements to the building. 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. 11-90

A RESOLUTION TO FIX A DATE OF MEETING AT WHICH IT IS PROPOSED TO APPROVE A DEVELOPMENT AGREEMENT WITH EMERSON'S-BY-THE-LAKE, INCLUDING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS IN AN AMOUNT NOT TO EXCEED $25,000

Mayor Crabb congratulated incoming Council Members Jim Boehnke and Dana Brant on their election to the City Council terms beginning January 1, 2012 and also recognized Council Members Unsworth and Callanan on their reelection to the Council.

Danburg gave an update on the 12th Avenue S. Bridge Rating Analysis Report and stated that the estimated cost to have a bridge rating determined would be roughly $8,000. He stated that currently the City has a 5-ton load limit on the road west of this bridge and that most of the City's equipment would exceed this limit. He further stated that he recommends the City have the bridge rated for liability purposes.

Flory stated that the USGS gaging station has now been relocated from the end of Main Avenue to 15th Avenue S. and that project is complete.

There being no further business before the Council, Cooney moved to adjourn at 7:40 p.m., seconded by Nelson. Passed Unanimously.

NEXT REGULAR MEETING – MONDAY, DECEMBER 5, 2011

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

ATTEST:

/S/ Jennifer Larsen
Jennifer Larsen, City Clerk

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