

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, October 4, 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 noted that the agenda would also include a presentation by Sam Bontrager, SEH, Inc., following the review by Scott Flory, City Administrator, under Item 6D. under New Business.

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

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

- A. Minutes – September 20, 2010.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
 - Class C Liquor License (LC) (Commercial), with Sunday Sales, VFW Post 4868 (renewal).
 - Special Class C Liquor License (BW) (Beer/Wine), Rose Cottage Tea Room & Gifts, (renewal).

Roll Call: All Ayes.

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

Unsworth moved that the matter regarding the LMU Zone Redevelopment Plan – 1525 S. Shore Drive (Heartland Inn annex) be taken off the table and open for Council discussion, seconded by Furleigh. Passed Unanimously.

Mark Minard, developer, reviewed the proposed development for the property located at 1525 S. Shore Drive (Heartland Annex) and stated that following a meeting with City staff and some members of the Council some revisions have been made to the proposed project plans. He noted that they have incorporated some of the suggestions that were discussed regarding improvements to enhance the aesthetics of the building's exterior.

Furleigh moved to approve the LMU Zone Redevelopment Plan, seconded by Callanan.

Council Members Furleigh and Callanan expressed that they believed the project is an upgrade to what is currently on the property and that the Council should vote to allow the developer to move forward with the project.

Council Member Cooney stated that he believes that this development is not being held to the same standard as other developments within the LMU Zone District and that he does not favor the project.

In response, Joe Minard, owner of the Heartland Inn, stated that he feels they have met the requirements of the LMU Zone District and that they have done what the City has asked them to do as far as upgrades to their original plans. He further stated that he is asking the Council to approve the project based on the new plans that have been submitted to allow the development to move forward.

Mayor Crabb took a roll call vote and the vote was: Ayes: Callanan, Furleigh. Nays: Nelson, Unsworth, Cooney. Motion failed 2 – 3.

Unsworth moved to hold another workshop with the developer at a date to be determined regarding the proposed project, seconded by Nelson. Passed Unanimously.

Nelson moved that **Ordinance #796** “AN ORDINANCE REZONING A TRACT OF LAND FROM “PUBLIC (P)” TO “LOW-DENSITY MULTI-FAMILY RESIDENTIAL (RM12)” IN THE CITY OF CLEAR LAKE, IOWA AND ALTERING THE ZONING MAP ACCORDINGLY (408 MARS HILL DRIVE)”, be approved on the second reading, seconded by Callanan. Roll Call: Passed Unanimously.

Cooney moved that the rules requiring an ordinance be considered and voted on for passage at two council meetings prior to this meeting be suspended with respect to **Ordinance #796** “AN ORDINANCE REZONING A TRACT OF LAND FROM “PUBLIC (P)” TO LOW-DENSITY MULTI-FAMILY RESIDENTIAL (RM12)” IN THE CITY OF CLEAR LAKE, IOWA AND ALTERING THE ZONING MAP ACCORDINGLY (408 MARS HILL DRIVE)” and that the Ordinance be approved on final reading, seconded by Unsworth. Roll Call: Passed Unanimously.

John Marino, Building & Code Enforcement Official, reviewed the final plat for Crane Creek’s First Subdivision and stated that the proposed subdivision will divide a roughly 34-acre parcel of land into three (3) lots. He noted that the City is required to review subdivision of plats of survey outside, but within two (2) miles, of its Corporate boundaries. He further noted that the Planning & Zoning Commission reviewed the proposal at its meeting on September 29th and is recommending City Council approval. Jacquelyn Arthur, attorney for the property owners answered general questions from the Council. Callanan 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. 10-70

A RESOLUTION APPROVING CRANE CREEK FIRST SUBDIVISION
TO CERRO GORDO COUNTY, IOWA

Scott Flory, City Administrator, reviewed a proposed Ordinance to change the traffic pattern from two-way to one-way on Beach Drive. He also reviewed a proposed Ordinance to place Yield Signs at Beach Drive and Allen’s Alley. He stated that the changes are proposed as a result of the Surf District Plaza & Parking Area Improvement Project.

Unsworth introduced **ORDINANCE #797** “AN ORDINANCE AMENDING AN ORDINANCE OF THE CITY OF CLEAR LAKE, IOWA, NOW KNOWN AS ONE-WAY TRAFFIC, CHAPTER 68 OF CLEAR LAKE MUNICIPAL CODE BY CHANGING THE PROVISIONS OF SECTION 68 TO ADD CERTAIN STREETS TO ONE-WAY TRAFFIC REQUIREMENTS” (1st reading), seconded by Callanan. Roll Call: Passed Unanimously.

Cooney introduced **ORDINANCE #798** “AN ORDINANCE AMENDING AN ORDINANCE OF THE CITY OF CLEAR LAKE, IOWA NOW KNOWN AS STOP OR YIELD REQUIREMENTS, CHAPTER 65 OF CLEAR LAKE MUNICIPAL CODE BY CHANGING THE PROVISIONS OF SECTION 65.04 TO ADD CERTAIN YIELD REQUIREMENTS AND 65.01 TO DELETE CERTAIN STOP REQUIREMENTS” (1st reading), seconded by Nelson. Roll Call: Passed Unanimously.

Flory reviewed the Fire Station Building Improvement Project and stated that a bid letting was held on September 28 and five bids were received. He stated that the Project architect has reviewed the bids and has determined that the lowest responsive and responsible bidder for the base bid and any combination of alternates is determined to be Henkel Construction of Mason City.

Sam Bontrager, Project Architect, SEH, Inc., reviewed the bid tab for the Fire Station Building Improvement Project and stated that his recommendation is to award the base bid and alternate #2 to Henkel Construction Company of Mason City. He noted the total contract cost with the base bid and alternate #2 is \$1,922,052. Council Member Unsworth questioned Bontrager on the thoroughness of the spec for Alternate #1. Bontrager advised that in his opinion it should have been understood by all bidders. He also advised that it was only as a courtesy to a local company who has previously indicated that they thought they could provide that item as a similar cost to the steel system that it was even added as a bid item alternate. But since it was bid quite a bit higher than the steel system, he felt it wasn’t justifiable.

Mayor Crabb stated it is now the time and place for the previously established public hearing on the plans, specifications, form of contract, and estimate of cost, for the Fire Station Building Improvement Project. Hearing no public comment, Callanan moved to close the public hearing, seconded by Unsworth. 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. 10-71

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

Furleigh introduced the following **Resolution** and moved that the contract be awarded to Henkel Construction of Mason City for the base bid and alternate #2 for a total amount of \$1,922,052, seconded by Unsworth. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 10-72

A RESOLUTION ACCEPTING THE BID AND AWARDING THE CONTRACT TO
HENKEL CONSTRUCTION FOR THE CONSTRUCTION OF THE 2010 FIRE STATION
BUILDING IMPROVEMENT PROJECT

Flory reviewed the proposed revisions to the LMU Zoning Ordinance and stated that the Council would need to remand the revisions to the Planning & Zoning Commission for review and recommendation. He noted that once Planning & Zoning has given their recommendation the Council could then act on the Ordinance adopting the revisions. Unsworth moved to remand the revisions to the Planning & Zoning Commission for their review and recommendation, seconded by Cooney. Passed Unanimously.

After conferring with the City Attorney, Cooney moved that a moratorium be place on issuance of building permits in the LMU Zoning District until the Council takes final action on the proposed revisions to the LMU Zoning Ordinance, seconded by Nelson. Passed Unanimously.

Mayor Crabb read a proclamation designating October as Domestic Violence Awareness Month.

Mayor Crabb asked the Council to consider rescheduling the next regular meeting to Tuesday, October 19th due to the absence of Flory on Monday, October 18th. Callanan moved to reschedule the meeting to Tuesday, October 19th at 6:30 p.m., seconded by Unsworth. Passed Unanimously.

Joe Weigel, Public Works Director, gave an update on the following projects: 2nd Avenue N. Street Improvement Project; Tennis Courts Resurfacing Improvement Project; Yard Waste Paving Improvement Project; and the 2010 Water Distribution System Improvement Project.

There being no further business before the Council, Cooney moved to adjourn at 7:52 p.m., seconded by Nelson. Passed Unanimously.

NEXT REGULAR MEETING – TUESDAY, OCTOBER 19, 2010

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

ATTEST:

/S/ Jennifer Larsen
Jennifer Larsen, City Clerk