

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, September 20, 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 5A. under Unfinished Business which deals with the LMU Zone Redevelopment Plan – 1525 S. Shore Drive (Heartland Inn Annex), be removed from the agenda due to a scheduling conflict of the developer for the project.

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

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

- A. Minutes – September 7 (Council Meeting) and 13 (Council Workshop), 2010.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
 - Liquor License:* Class C Beer Permit (BC) with Carryout Wine & Sunday Sales, Shell Food Mart; Class C Liquor License (LC) (Commercial) with Outdoor Service & Sunday Sales, SIPS North Shore Kitchen & Bar; Class C Beer Permit (BC) with Sunday Sales, Pilot Travel Center; Class C Beer Permit with Carryout Native Wine & Sunday Sales, Casey's General Store #1427.

Roll Call: All Ayes.

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

Scott Flory, City Administrator, gave an update on the 2010 Water Distribution System Improvement Project and reviewed Pay Estimate #5 in the amount of \$90,654.25 to McKiness Excavating of Mason City. He stated that the Council had previously requested staff to obtain a quote proposal from the contractor to hydroseed the project area in the vicinity of the north water tower versus conventional seeding that was originally included in the bid. He noted that the difference to hydroseed is approximately an \$850 increase and that if the Council is inclined to move forward a Change Order would be presented for consideration at the next regular meeting. Callanan moved to approve Pay Estimate #5, seconded by Unsworth. Passed Unanimously.

Flory gave an update on the Surf District Plaza & Parking Area Improvement Project and reviewed Pay Estimate #5 in the amount of \$102,120.25 to Dean Snyder Construction of Clear Lake. Furleigh moved to approve Pay Estimate #5, seconded by Nelson. Passed Unanimously.

Flory reviewed the Road Use Tax Financial Report for fiscal year 2010. He stated the report must be submitted annually to the Iowa Department of Transportation by September 30th and that the report includes the following major capital construction projects completed by the end of the 2010 fiscal year: South Shore Drive (Phase II); N. 4th Street (1st Ave N. – 3rd Ave N.); and the 2009 Stormwater Quality Improvement Project. He noted that some of these projects were included in the Report because “construction” was completed in FY 10, although the work was not accepted by the Council until a later date. Callanan 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. 10-69

A RESOLUTION APPROVING THE FY 2010 CITY STREET FINANCIAL REPORT

Nelson moved to set the date for the Fall Large Item Pick-up as October 11th, 12th, and 13th, seconded by Cooney. Passed Unanimously.

John Marino, Building & Code Enforcement Official, reviewed a proposal to rezone 408 Mars Hill Drive, the former Sunset School Property, from its current designation of “Public – ‘P’” to RM-12 (multi-family residential). He stated that the Planning & Zoning Commission considered this matter at its meeting on August 24th and has recommended the rezoning be approved by the Council. He noted that the Council had previously set the date for a public hearing on the proposal to rezone and that notice of the hearing was published in the newspaper as required by law.

Mayor Crabb stated it was now the time and place for the public hearing on the proposal to rezone 408 Mars Hill Drive (former Sunset school property).

Tom Lovell, president of the Clear Lake Community School District Board, stated that the School Board is supportive of the zoning change and that 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.

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

Furleigh introduced **ORDINANCE #796** "AN ORDINANCE REZONING A TRACT OF LAND FROM "PUBLIC (P)" TO "LOW-DENSITY MULTI-FAMILY (RM-12)" IN THE CITY OF CLEAR LAKE, IOWA, AND ALTERING THE ZONING MAP ACCORDINGLY (408 MARS HILL DRIVE)" (1st reading), seconded by Cooney. Roll Call: Passed Unanimously.

Unsworth moved to set "Trick or Treat" night as October 30th, from 5:00 p.m. to 7:00 p.m., seconded by Callanan. Passed Unanimously.

Flory reviewed a proposal for the Yard Waste Site Paving Improvement Project and stated that the City received a proposal from Heartland Asphalt of Mason City in the amount of \$28,251.25 for the work. Mike Danburg, Yaggy Colby Associates, stated that the estimate of probable cost for the work is \$28,145. Council Member Unsworth stated that he believes that improvements need to be made to the yard waste site, however he does not agree with spending the money to pave the site. He also stated that he would like to see the hours of the site extended to include hours on Sunday. Council Member Nelson stated that he would like to see these funds allocated to promote residential recycling instead of used to pave the yard waste site. Furleigh moved to approve the proposal from Heartland Asphalt for the Yard Waste Paving Project, seconded by Cooney. Roll Call: Ayes: Callanan, Furleigh, Cooney. Nays: Nelson, Unsworth.

Danburg gave an update on the following projects: 2nd Avenue N. Street Improvement Project and the Tennis Courts Resurfacing Improvement Project.

Flory reviewed the proposed Four Winds Drive Street & Storm Water Improvements and stated that the Council would review in further detail at a Council workshop on October 4th at 6:00 p.m.

Flory stated that he, Marino, and City Attorney Charlie Biebesheimer have discussed possible revisions to the LMU Ordinance and that the revised Ordinance would be presented to the Council at its regular meeting on October 4th.

There being no further business before the Council, Cooney moved to adjourn at 7:20 p.m., seconded by Callanan. Passed Unanimously.

NEXT REGULAR MEETING – OCTOBER 4, 2010

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

ATTEST:

/S/ Jennifer Larsen
Jennifer Larsen, City Clerk