

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Tuesday, September 7, 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 the agenda be amended under item 6A. to reflect that City Attorney Charlie Biebesheimer would administer the Oath of Office not Mayor Crabb.

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

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

- A. Minutes – August 16 & 30, 2010.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
Street Closing Request: Clear Lake Area Chamber of Commerce, Harvest Festival, October 2nd.

Roll Call: All Ayes.

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

Mayor Crabb reviewed the Council's process to fill a vacant Council seat and stated that the Council interviewed all 5 candidates who had sought to fill the vacancy in the Office of At-Large City Council Member. He explained that following the completion of the interviews, the applicants were scored by each Council member and the applicant receiving the highest composite score was determined and a basic background check was conducted on that individual. He noted that the person receiving the highest composite score was Terry Unsworth and that following a successful motion to make the appointment by the Council, the Oath of Office will be administered by, City Attorney, Charlie Biebesheimer. 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. 10-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE, IOWA, APPOINTING A SUCCESSOR TO FILL THE VACANCY IN THE OFFICE OF AT-LARGE COUNCIL MEMBER

Biebesheimer then administered the Oath of Office to Unsworth and he took his seat at the Council dais.

Scott Flory, City Administrator, reviewed the proposed Four Winds Drive Watermain Extension Project and stated that informal competitive bid proposals were solicited by the City through Veentra & Kimm for additional watermain work to be constructed in conjunction with the 2010 Water Distribution System Improvement Project. He stated that the proposed work consists of extending roughly 400 LF of 8" watermain, including a new fire hydrant, valves, aggregate pavement surface restoration, seeding, and clean-up, from the recently constructed 12" watermain along US HWY 18 into the Four Winds Drive subdivision. He noted that the lowest cost bid proposal was submitted by Brian Nettleton Excavating, Inc. in an amount of \$21,025. He further noted that the work is to be completed by November 19, 2010. Public Works Director Joe Weigel noted that the project would result in 150% increased fire flows at the hydrans serving the Four Winds Drive Subdivision. Unsworth introduced the following **Resolution** and moved its adoption, seconded by Cooney. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 10-64

A RESOLUTION APPROVING CONTRACT WITH BRIAN NETTLETON EXCAVATING, INC. FOR THE 2010 FOUR WINDS DRIVE WATERMAIN EXTENSION PROJECT

Flory reviewed the N. 4th Street Improvement Project and stated that the final assessment plat & schedule had been filed with the City Clerk on September 2nd and that the Council could now act on a Resolution adopting the final plat & schedule of assessments. Mike Danburg, Yaggy Colby Associates, stated that the final construction costs were approximately 25% under the engineer's estimate and that the total final assessments are approximately 15% less than the preliminary assessments. Flory reviewed the time schedule for the affected property owners to pay their assessments and for the Clerk to file and certify with the County Treasurer. 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. 10-65

A RESOLUTION ADOPTING AND LEVYING FINAL SCHEDULE OF ASSESSMENTS,
AND PROVIDING FOR THE PAYMENT THEREOF

Danburg reviewed the Tennis Court Resurfacing Project and stated that a bid opening was held on August 19th with one bid received that being from Heartland Asphalt of Mason City in the amount of \$83,145. He stated the bid was 13% below the engineer's estimate of the probable cost of construction, which was \$95,750. Flory reminded the Council that the project is being funded equally by the Clear Lake School District and the City. Danburg further noted that the work is to be substantially completed by October 15th, with final acceptance of the Project on or about October 29th. 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. 10-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE, IOWA,
AWARDING A CONTRACT FOR RESURFACING OF THE
N. 20TH STREET TENNIS COURTS

Flory reviewed a proposal to rezone 408 Mars Hill Drive (former Sunset school property) from its current designation of "Public – P" to RM-12 (multi-family residential). He stated that the property is adjacent to an RM-12 zoning district to the east and immediately adjoins an RM-12 zoning district to the south. He noted that the Planning & Zoning Commission considered the matter at its regular meeting on August 24th and has recommended that the proposed rezoning be approved by the Council. 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. 10-67

A RESOLUTION PROPOSING CONSIDERATION OF A ZONING ORDINANCE
AND MAP AMENDMENT AND AFFIXING A DATE FOR A
PUBLIC HEARING – 408 MARS HILL DRIVE

Jason Petersburg, Veenstra & Kimm, reviewed Change Orders #1 & #2 for the 2010 Water Distribution System Improvement Project. He stated that Change Order #1 results in a decrease of \$8,293 to the contract and Change Order #2 results in a \$3,312 increase to the contract. Callanan moved to approve Change Orders #1 & #2, seconded by Cooney. Passed Unanimously.

Flory reviewed issues related to a future general obligation bond issuance for the proposed 2010 Fire Station Improvement Project. He stated that the City will be "internally" financing some of the Project costs and is required by the Internal Revenue Code to make a declaration of the intent to reimburse itself from the proceeds of a subsequently issued bond. Unsworth 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. 10-68

A RESOLUTION RELATING TO THE FINANCING OF THE 2010 FIRE STATION IMPROVEMENT PROJECT BY THE CITY OF CLEAR LAKE, IOWA; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

John Marino, Building and Code Enforcement Official, introduced a proposed LMU Zone Redevelopment Plan for the property located at 1525 S. Shore Drive (Heartland Inn annex). He stated that the Planning & Zoning Commission reviewed the proposed development and found it to be consistent with the standards of the LMU Zoning classification. He noted that the Commission voted unanimously to recommend Council approval of the development plan. Council Member Nelson stated that he felt they needed more information from the developer before taking any action. He noted that the Developer is required to submit a copy of the proposed covenants and by-laws and that he was not in receipt of those documents. Marino advised that they were received but not until late on Friday after the Council packets had been delivered. After further discussion, it was a consensus of the Council to table the proposal and conduct a workshop session with the Developer on September 13th at 6:00 regarding the LMU Zone Redevelopment Plan. Nelson made a motion to table the item for action until the September 20th regular Council meeting, seconded by Unsworth. Passed Unanimously.

Joe Weigel, Public Works Director, gave an update on the following projects: 2nd Avenue N Street Improvement Project; Surf District Plaza & Parking Area Project; and the 2010 Watermain Distribution System Project.

There being no further business before the Council, Furleigh moved to adjourn at 7:30 p.m., seconded by Callanan. Passed Unanimously.

NEXT REGULAR MEETING – SEPTEMBER 20, 2010

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk