

## REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, April 16, 2012, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. All Council Members present.

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

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

- A. Minutes – April 2, 2012.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
  - **Liquor Licenses:** Special Class C Liquor License (BW) (Beer/Wine) with Sunday Sales, Clear Lake Arts Council, (renewal); Class C Liquor License (LC) (Commercial) with Outdoor Service and Sunday Sales, South Shore Inn, (new).
  - **Excavator's License:** Lauen-Son Construction, Meservey; Mort's Inc., Latimer, (renewals).
  - **Amusement License:** Rumorz, (renewal).
  - **Tree Trimmer's License:** Blanchard Tree Service, Mason City; Keeling Tree Service, Mason City, (renewals).
  - **Cigarette Permit:** Kum & Go #301 and Kum & Go #302, (renewals).
  - **Street Closing Request:** Clear Lake Area Chamber of Commerce, Earth Day Fun Run & Festival, Saturday, April 21<sup>st</sup>.

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, reviewed the proposed Industrial Park 3<sup>rd</sup> Addition Storm Sewer Improvement Project and stated that at its previous meeting the Council awarded the construction contract for the Project to Charlson Excavating of Clear Lake in the amount of \$52,035 and that the City has now received the Contract & Bonds and Certificate of Liability Insurance from the contractor. He noted that the contract documents have been reviewed by City staff and the Project consulting engineer and have been determined to be in compliance with project specifications. He further noted that a pre-construction conference has been set for April 24<sup>th</sup> at 10:30 a.m. and that the Project is to be substantially complete by May 28<sup>th</sup>. 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. 12-23

#### A RESOLUTION APPROVING CONSTRUCTION CONTRACT AND BONDS FOR THE INDUSTRIAL PARK 3<sup>RD</sup> ADDITION STORM SEWER IMPROVEMENT PROJECT

Flory reviewed the proposed 7<sup>th</sup> Avenue N. Storm Sewer (Willow Creek) Outlet Project and stated that at its meeting on April 2<sup>nd</sup> the Council awarded the construction contract for the Project to Nettleton Excavating of Joice, Iowa in the amount of \$127,901.75 and that the City has now received the Contract & bonds and certificate of liability insurance from the contractor. He further stated that all documents have been reviewed by City staff and the consulting engineer and have been determined to be in compliance with project specifications. He noted that the Project is to be substantially complete by May 25<sup>th</sup> and ready for final acceptance not later than June 22<sup>nd</sup>. Boehnke 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. 12-24

#### A RESOLUTION APPROVING CONSTRUCTION CONTRACT AND BONDS FOR THE 7<sup>TH</sup> AVENUE NORTH STORM SEWER OUTLET (WILLOW CREEK) IMPROVEMENT PROJECT

Flory reviewed the Lincoln Village Planned Housing Development and stated that the Planning & Zoning Commission approved the preliminary Planned Housing Development for Lincoln Village at its meeting on January 31<sup>st</sup> and approved the final site plan at its meeting on March 27<sup>th</sup>. He stated that there are no changes to the project from the plans the Council has previously viewed as part of the consideration if its support for the relocation of various City infrastructure

and street right-of-way restoration in conjunction with the project. Gary Veeder, The Green Group requested the Council approve the request and thanked the Council for its continued support of the project. 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. 12-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE, IOWA,  
APPROVING SITE DEVELOPMENT AND PLANNED HOUSING DEVELOPMENT  
PERMIT FOR LINCOLN VILLAGE

Charlie Biebesheimer, City Attorney, reviewed a proposed update to the City's Flood Plain Management Ordinance. He stated that the updates are necessary to comply with FEMA regulations and that the proposed revisions, as recommended by the Iowa DNR, are mostly routine updating of names and vocabulary to the text of the Ordinance. He noted that the new Ordinance must be submitted to the State prior to the May 16<sup>th</sup> deadline. Mayor Crabb stated it was now the time and place for the public hearing as previously established by the Council pertaining to the Floodplain Management Ordinance Revisions. Hearing no public comment, Unsworth moved to close the public hearing, seconded by Nelson.

Nelson introduced **ORDINANCE No. 803**, "A SUMMARY ORDINANCE APPROVING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE, IOWA, 2003, BY REPEALING CHAPTER 165 SECTION 53 "FLOODPLAIN MANAGEMENT" IN ITS ENTIRETY AND ADOPTING NEW "FLOODPLAIN MANAGEMENT" PROVISIONS IN LIEU THEREOF TO BE KNOWN AS CHAPTER 165 SECTION 53 "FLOODPLAIN MANAGEMENT", seconded by Callanan. Roll Call: Passed Unanimously. (1<sup>st</sup> reading).

Flory reviewed the proposed S. 20<sup>th</sup> Street (Main Avenue to 2<sup>nd</sup> Avenue S.) Intersection(s) Reconstruction & Storm Sewer Improvement Project and stated that in 2009, Veenstra & Kimm completed a preliminary engineering report for S. 20<sup>th</sup> Street (Main Avenue to 2<sup>nd</sup> Avenue S.), on behalf of the City and that the purpose of the Report was to help City officials and staff in determining and planning the scope and nature of any future prospective improvement project. He stated that this segment of S. 20<sup>th</sup> Street was originally constructed in circa 1969 as a 24' wide roadway, from edge of pavement to edge of pavement and ten years later, a 42" curb & gutter section was added and assessed to the adjacent property owners. He noted that the street is currently in a distressed condition however the curb & gutter cross-section is primarily in good condition with only a few defective areas and that the consultant is of the opinion that the pavement distress is most likely the result of poor drainage in the area. He suggested that the City initiate a project that would entail the complete reconstruction of the following intersections: the south portion of the intersection of Main Avenue & S. 20<sup>th</sup> Street and the full intersections of S. 20<sup>th</sup> Street & 1<sup>st</sup> Ave S. and S. 20<sup>th</sup> Street & 2<sup>nd</sup> Ave S. Additionally, it is suggested that the Council initiate sidewalk construction in the neighborhood and construction of various stormwater improvements in the vicinity, including sub-drain and stormwater intakes.

Jason Petersburg, Veenstra & Kimm, stated that the estimated cost of this construction work is \$425,000 and that the sidewalk improvements represent roughly \$150,000 of that amount. Petersburg also reviewed the proposed professional services agreement with Veenstra & Kimm for complete services related to design, bidding, and special assessment work. He noted the proposal for the professional services is \$42,150, which is roughly 9.7% of the cost of construction. Unsworth moved to approve the Engineering Services Agreement with Veenstra & Kimm for the S. 20<sup>th</sup> Street (Main Ave – 2<sup>nd</sup> Ave S.) Intersection(s) Reconstruction & Storm Sewer Improvement Project, seconded by Callanan. Passed Unanimously.

Greg Peterson, Chief of Police, reviewed a proposed "draft" of a noise ordinance and stated that he feels the new ordinance will better address concerns that some council members have expressed. Mayor Crabb stated the ordinance would be on the agenda for consideration of the first reading at its special meeting on April 30<sup>th</sup>.

Joe Weigel, Public Works Director, gave an update on the CDBG Sanitary Sewer Project Contract 2 – Street Paving Improvements.

Brent Willett, Executive Director, North Iowa Corridor EDC, reviewed a proposed agreement between the City of Mason City, City of Clear Lake, and the Cerro Gordo County Board of Supervisors to adopt a policy to prevent private sector from pitting communities against one another in an attempt to inflate incentives for the attraction and/or retention of a business. Mayor Crabb stated that the Council would consider adopting the agreement at its special meeting on April 30<sup>th</sup>.

Mike Danburg, Yaggy Colby Associates, gave an update regarding the 209 1<sup>st</sup> Avenue S. alley way paving project and stated that he has spoken with David Knoll with the CLEAR Project in regards to possible grant funding available for the proposed project. He stated that Knoll advised that if submitted the application would likely receive favorable consideration with the CLEAR Project. After general discussion by the Council, Danburg was directed to complete the necessary application for funding from the CLEAR Project.

There being no further business before the Council, Brant moved to adjourn at 8:05 p.m., seconded by Unsworth. Passed Unanimously.

NEXT MEETING (SPECIAL) – MONDAY, APRIL 30, 2012

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

ATTEST:

/S/ Jennifer Larsen  
Jennifer Larsen, City Clerk