



"Where People Make the Difference"

CITY OF CLEAR LAKE

15 North 6th Street • P.O. Box 185 • Clear Lake, IA 50428
Phone (641) 357-5267 • Fax (641) 357-8711
www.cityofclearlake.com

Mayor
NELSON P.
CRABB

April 17, 2015

HONORABLE MAYOR & CITY COUNCIL MEMBERS:

City
Administrator
SCOTT
FLORY

The next meeting of the Clear Lake City Council is scheduled for Monday, **April 20, 2015**, at 6:30 p.m., in the Council Chambers, at the Clear Lake City Hall. Please refer to the enclosed agenda for the items discussed below.

COUNCIL
MEMBERS

DANA
BRANT
Ward 1

ITEM #6A. **2015 Alley Improvement Project**. At its regular meeting on March 16th, the City Council set the date for the public hearing on the proposed Project plans, specifications, form of contract, and estimate of cost, as well as the date for a Project bid letting. The bid letting was set for 11:00 a.m. on April 15th and the public hearing was set for 6:30 p.m. on April 20th.

TONY J.
NELSON
Ward 2

The location of the Project is the public alley between Main Avenue and 1st Avenue N. and between N. 4th Street and the mid-block intersection (133 LF). The project generally includes the removal of the existing alley pavement and PCC alley approach, including curb and gutter along N. 4th Street. Additionally, 36 LF of existing 8" clay sanitary sewer main will be repaired, including replacement of defective pipe and replacement or abandonment of private service connections. Active sewer services will be upgraded with new wyes and PVC service pipe within the limits of the construction project paving. Following completion of the underground work, the alley, as well as drive approach & curb & gutter will be graded and a 6" PCC pavement will be constructed over a 6" modified sub-base.

JIM
BOEHNKE
Ward 3

MIKE
CALLANAN
At Large

GARY
HUGI
At Large

At the letting, there was a total of one (1) bid received. The bid from Larson Contracting, Lake Mills, IA, was \$34,867.25. The engineer's opinion of the probable cost of construction was \$37,975. The Project is set to be completed by not later than June 19th.

ITEM #6C. **P & J 1st Subdivision**. The City has adopted by Ordinance, pursuant to the Code of Iowa Section 354.8, "extra-territorial" subdivision review authority. This provides the City with the legal authority to review proposed subdivisions or plats within 2 miles of the corporate limits of the City.

The Cerro Gordo County Planning & Zoning Commission heard a request for Final Plat approval for P & J 1st Subdivision on April 2nd. The City's Planning & Zoning Commission considered the request at its April 7th meeting.



The subject property is located at 15232 Evergreen Avenue. The property is owned by Raymond & Gloria Humberg. The property is zoned "R-2" (single-family residential) and the total area of the proposed 2-lot residential subdivision is 4.60 acres. No infrastructure improvements are proposed as part of the subdivision.

ITEM #6D. **Sunset Ridge Subdivision Development**. The City Council entered into a Development Agreement with Sunset Ridge LLC back in August of 2007, following public notice and hearing. The City and Developer later amended the Development Agreement in September of 2008 to revise the project phasing and schedule. The City and Developer now propose to amend the Development Agreement for a 2nd time to modify the development schedule.

The proposed development is ultimately a roughly 40-lot residential subdivision, located north of Pine Brooke Addition and would be developed in three (3) separate phases. Phase 1 would entail five (5) building lots located on a new east-west street to be constructed off of Buddy Holly Place, between 10th Ave N. and 14th Ave N. and four (4) additional building lots to be constructed off an extension of 12th Avenue N. from where it dead-ends east of N. 7th Street W.

Preliminary engineering and subdivision design work is underway. It is anticipated that construction of the infrastructure for proposed development would begin this May and be completed by November.

Smart Quote: "People won't have time for you if you are always angry or complaining." -- Stephen Hawking, theoretical physicist

Scott Flory
City Administrator

PUBLIC NOTICE IS HEREBY GIVEN that the following governmental body will meet at the date, time, and place herein set out. The tentative agenda for said meeting is as follows:

TENTATIVE AGENDA
CLEAR LAKE CITY COUNCIL
CITY HALL – 15 N. 6TH STREET
MONDAY, APRIL 20, 2015
6:30 P.M.

1. Call to Order and Pledge of Allegiance led by Mayor Nelson P. Crabb.
2. Approval of Agenda.
3. Consent Agenda:
 - A. Minutes – April 6, 2015
 - B. Approval of the bills & claims.
 - C. Licenses & Permits:
 - **Liquor License**: Class B Beer, Class C Native Wine Permit, with Outdoor Service & Sunday Sales, Oak Hills Par 30; Class C Liquor License with Outdoor Service, MNG Restaurant Corp dba District 619, (renewals).
 - **Excavator's License**: Navratil Excavating, Mason City; West Union Trenching, West Union; Jennings Excavating, Clear Lake; Dean Snyder Construction, Clear Lake; Morts Inc., Latimer; (renewals).
 - **Street Closing Request**: Clear Lake Fishing Club Walleye Classic, May 16th & 17th.
4. Citizens opportunity to address the Council on items not on the agenda:
 - In conformance with the City Council's Rules of Procedure, no action can occur on items presented during the Citizens forum.
 - Please walk to the lectern, state your name (spell last name), address, and subject of your discussion.
 - Speakers are limited to a maximum of five (5) minutes per person.
5. Unfinished Business:
6. New Business:
 - A. 2015 Alley Improvement Project:
 - Introduction by Scott Flory, City Administrator.
 - Review and recommendation concerning an award of contract, Mike Danburg, P.E., SEH Yaggy.
 - Public hearing.

- **Motion** to close public hearing by City Council.
- Discussion and consideration of **Motion** by City Council.
- **Motion** to approve **Resolution #15-15**, “Resolution approving plans, specifications, form of contract, and estimate of cost.”
- **Motion** to approve **Resolution #15-16**, “Resolution Making an Award of Contract.
- Discussion and consideration of **Motion** by City Council.

B. Water Treatment Plant High Service Pump(s) Improvement Project:

- Project update and review of Pay Estimate #2 by Jason Petersburg, P.E., Veenstra & Kimm.
- **Motion** to approve Pay Estimate #2 by City Council.
- Discussion and consideration of **Motion** by City Council.

C. P & J 1st Subdivision – Final Plat:

- Introduction by Scott Flory, City Administrator.
- Recommendation from Planning & Zoning Commission, Michael Ritter, Building Official.
- **Motion** to approve **Resolution #15-17**, “A Resolution approving P & J 1st Subdivision to Cerro Gordo County, Iowa.”
- Discussion and consideration of **Motion** by City Council.

D. Sunset Ridge Residential Subdivision Development Agreement:

- Review of request, Scott Flory, City Administrator.
- **Motion** to approve **Resolution #15-18**, “Resolution approving a second amendment to original development agreement for Sunset Ridge Subdivision.”
- Discussion and consideration of **Motion** by City Council.

E. Clear Lake Veterans Memorial Project Task Force Committee Report:

- Review of recommendation, Dave Parks.
- Discussion and questions by City Council.

7. Chief of Police’s Report:

8. Mayor’s Report:

9. Public Works Director's Report:

- Project updates: N. Shore Drive; City-owned decorative street light retro-fit; N. 6th Street; and Northwest Water Tower.
- Review of bids for the sale of the City's 1979 IHC Truck Loader with 1973 SnoGo rotary snow blower.

10. City Administrator's Report:

- Retirement reception for John Marino, April 30th, 4-6 p.m.

11. City Attorney's Report:

12. Other Business:

13. Adjournment.

NEXT REGULAR MEETING – MAY 4, 2015

This notice is given pursuant to Chapter 21.4(1) of the Code of Iowa and the local rules of said governmental body.

RESOLUTION NO. _____

A RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST FOR
THE 2015 PUBLIC ALLEY IMPROVEMENT PROJECT

WHEREAS, on March 16, 2015, plans, specifications, form of contract, and estimate of cost were filed with the office of the City Clerk for the construction of certain public improvements described in general as "2015 Public Alley Improvement Project"; and

WHEREAS, notice of hearing on plans, specifications, form of contract, and estimate of cost for said public improvements was published as required by law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEAR LAKE, IOWA:

That the plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for said public improvements, as described in the preamble of this Resolution.

PASSED AND APPROVED this 20th day of April, 2015.

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk



TABULATION OF BIDS

2015 Public Alley Improvement Project Clear Lake, Iowa SEH No.: CLRLI 131406 Bid Date: 11:00 a.m., Wednesday, April 15, 2015				Engineer's Estimate \$37,125.00		Larson Contracting Central, LLC 508 West Main Street Lake Mills, IA \$34,867.25	
Item No.	Item	Unit	Est. Quantity	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization	LS	1	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
2	Traffic Control	LS	1	1,000.00	1,000.00	2,640.00	2,640.00
3	Removal of HMA Pavement	SY	285	10.00	2,850.00	10.35	2,949.75
4	Removal of PCC Pavement	SY	35	25.00	875.00	15.50	542.50
5	Excavation Cl. 10	CY	45	20.00	900.00	6.35	285.75
6	Modified Subbase	TON	100	18.00	1,800.00	19.85	1,985.00
7	PCC Pavement, Alley, 6"	SY	245	45.00	11,025.00	62.10	15,214.50
8	PCC Driveway, 6"	SY	65	50.00	3,250.00	62.10	4,036.50
9	Curb & Gutter, PCC, Class C	LF	35	35.00	1,225.00	17.25	603.75
10	Sanitary Sewer Point Repair, 8"	LF	36	150.00	5,400.00	12.65	455.40
11	Sanitary Sewer Service Pipe, 4" or 6"	LF	38	50.00	1,900.00	10.95	416.10
12	Sanitary Sewer Service Wye, 8" or 6"	EA	4	500.00	2,000.00	243.25	973.00
13	Special Backfill Material, Trench	TON	75	20.00	1,500.00	20.45	1,533.75
14	Density Testing, Trench Backfill	LS	1	750.00	750.00	360.00	360.00
15	BT-5 Joint Bar	EA	15	10.00	150.00	24.75	371.25
TOTAL BID PRICE					\$37,125.00		\$34,867.25

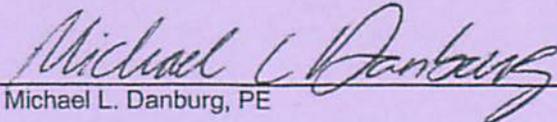
Comments

A total of one bid was received. The bid was submitted by Larson Contracting Central, LLC of Lake Mills, Iowa in the amount of \$34,867.25 which is \$2,257.75 (6%) below the engineer's opinion of probable cost of \$37,125.00. The bid appears to be both responsible and responsive.

Remarks

Short Elliott Hendrickson Inc. recommends awarding the construction contract to Larson Contracting Central LLC of Lake Mills, Iowa for the amount of \$34,867.25. The contract documents require the bids to remain valid for 30 days following the opening.

To the best of Short Elliott Hendrickson Inc.'s knowledge, the above is a true and correct tabulation of the bids opened at 11:00 am on April 15, 2015.


Michael L. Danburg, PE

4/16/15
Date

RESOLUTION NO. _____

A RESOLUTION MAKING AWARD OF CONTRACT FOR THE
2015 PUBLIC ALLEY IMPROVEMENT PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEAR LAKE, IOWA;

That the bid of Larson Contracting, Lake Mills, Iowa, in the amount of \$34,867.25, for the 2015 Public Alley Improvement Project, be and is hereby accepted, the same being the lowest responsible bid received for said work.

The Mayor and Clerk are hereby directed to execute said contract awarded above for the construction of said improvements, said contract not to be binding on the City until the necessary certificate of insurance have been received and approved by the Project Engineer, City Administrator and Public Work Director. Said contract and bonds to be approved in the future, by Resolution of this Council.

PASSED AND APPROVED this 20th day of April, 2015.

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk

APPLICATION AND CERTIFICATION FOR PAYMENT

TO OWNER City of Clear Lake
 ATTN: Joe Weigel
 15 North 6th Street
 Clear Lake, Iowa 50428

Services PROJECT: Clear Lake Water
 Treatment Plant High
 Service Pump Replacement

APPLICATION NO 14501-2
 PERIOD TO: 3/31/15

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR
 ENGINEER

FROM CONTRACTOR:
 Dean Snyder Construction Co.
 PO Box 181
 Clear Lake, IA 50428

VIA ENGINEER: Veenstra & Kimm, Inc.
 Jason Petersburg
 2800 Fourth Street SW, Suite 9
 Mason City, Iowa 50401

PROJECT NOS:

CONTRACT FOR: Replacement of high service pumps at the Clear Lake Water Treatment Plant CONTRACT DATE November 3, 2014

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
 Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$	365,000.00
2. Net change by Change Orders	\$	0.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$	365,000.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	111,278.00
5. RETAINAGE:		
a. 5 % of Completed Work (Column D + E on G703)	\$	5,563.90
b. 5 % of Stored Material (Column F on G703)	\$	0
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	5,563.90
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	105,714.10
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	58,885.75
8. CURRENT PAYMENT DUE	\$	46,828.35
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	259,285.90

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: [Signature] Date: April 2, 2015
 State of: Iowa County of: Cerro Gordo

Subscribed and sworn to before me this 2nd day of April, 2015
 Notary Public: Megan M Haines
 My Commission expires: 11-01-16



ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 46,828.35
 (Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ENGINEER:
 By: [Signature] Date: 4/14/15

APPROVAL OF OWNER

The undersigned Owner hereby approves payment of the AMOUNT CERTIFIED above by the Engineer.

OWNER:
 By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

APPLICATION NO: 14501-2
APPLICATION DATE: 3/31/15

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: 3/31/15

Use Column I on Contracts where variable retainage for line items may apply.

ARCHITECT'S PROJECT NO: 0

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G + C)		
	General Conditions	\$46,715.00	\$23,000.00			\$23,000.00	49%	\$23,715.00	\$1,150.00
	Bonds/Insurance/Permits	\$3,285.00	\$3,285.00			\$3,285.00	100%		\$164.25
	Removals/Patching -All Areas	\$65,000.00	\$32,500.00			\$32,500.00	50%	\$32,500.00	\$1,625.00
	Painting	\$8,000.00						\$8,000.00	
	1972 HS Pump #1 and #3 -Labor	\$42,000.00		\$820.00		\$820.00	2%	\$41,180.00	\$41.00
	1948 Pump Discharge Piping -Labor	\$19,000.00						\$19,000.00	
	Pipe & Valve Materials	\$19,000.00		\$8,570.00		\$8,570.00	45%	\$10,430.00	\$428.50
	HS Pump Provider	\$42,000.00						\$42,000.00	
	Sump Pump Materials	\$1,500.00						\$1,500.00	
	Schammel Electric	\$32,000.00	\$3,200.00			\$3,200.00	10%	\$28,800.00	\$160.00
	TTL, Controls	\$86,500.00		\$39,903.00		\$39,903.00	46%	\$46,597.00	\$1,995.15
	CHANGE ORDERS CO#1 ()								
	GRAND TOTALS	\$365,000.00	\$61,985.00	\$49,293.00	\$0.00	\$111,278.00	30%	\$253,722.00	\$5,563.90

RESOLUTION NO. 15- _____

RESOLUTION APPROVING P & J FIRST SUBDIVISION,
CERRO GORDO COUNTY, IOWA

WHEREAS, Raymond D. Humburg and Gloria Lynn Humburg ("Owners") are the owners of a parcel of real estate located in Clear Lake Township, Cerro Gordo County, Iowa, which lies within two miles of the city limits of Clear Lake, Iowa;

WHEREAS, said Owners desire to file their subdivision plat of P & J First Subdivision, Cerro Gordo County, Iowa, with Cerro Gordo County, Iowa, pursuant to the provisions of Iowa Code chapter 354, which requires the approval or waiver of the right to review by the City of Clear Lake, Iowa, according to the provisions of Iowa Code section 354.9 (2015);

WHEREAS, the Owners submitted a request to the Planning & Zoning Commission of the City of Clear Lake, Iowa, to review their proposed subdivision, pursuant to the provisions of Iowa Code section 354.8 (2015);

WHEREAS, on _____, 2015, the Planning & Zoning Commission of the City of Clear Lake, Iowa, recommended approval of P&J First Subdivision, Cerro Gordo County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clear Lake, Iowa:

Section 1. That the City of Clear Lake, Iowa, hereby approves the subdivision plat of P & J First Subdivision, Cerro Gordo County, Iowa.

Section 2. That the City Clerk should be and is hereby directed to certify a copy of this resolution of approval for attachment to the subdivision plat as required by the provisions of Iowa Code section 354.11 (2015).

PASSED AND APPROVED this _____ day of _____, 2015.

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk



PLANNING AND ZONING
Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254 (641) 421-3075
Tom Drzycimski, AICP, Administrative Officer FAX (641) 421-3088
Michelle Rush, Executive Assistant

March 4, 2015

Mayor Nelson Crabb
City of Clear Lake
PO Box 185
Clear Lake, IA 50428

RE: Proposed P & J First Subdivision

Dear Mayor Crabb:

This office would like to make you aware of a proposed 2 lot subdivision located at 15232 Evergreen Avenue. The property is owned by Raymond & Gloria Humburg.

The property is located within two miles of the City of Clear Lake.

The Cerro Gordo County Planning & Zoning Commission will hear the request on **April 2, 2015 at 4:00 p.m.** in the Board of Supervisors meeting room at the Courthouse in Mason City.

You are welcome to attend this meeting if you have any concerns or comments, or you may provide written comments prior to the April 2nd meeting.

Should you have any questions, please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Drzycimski".

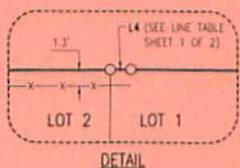
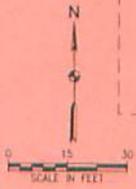
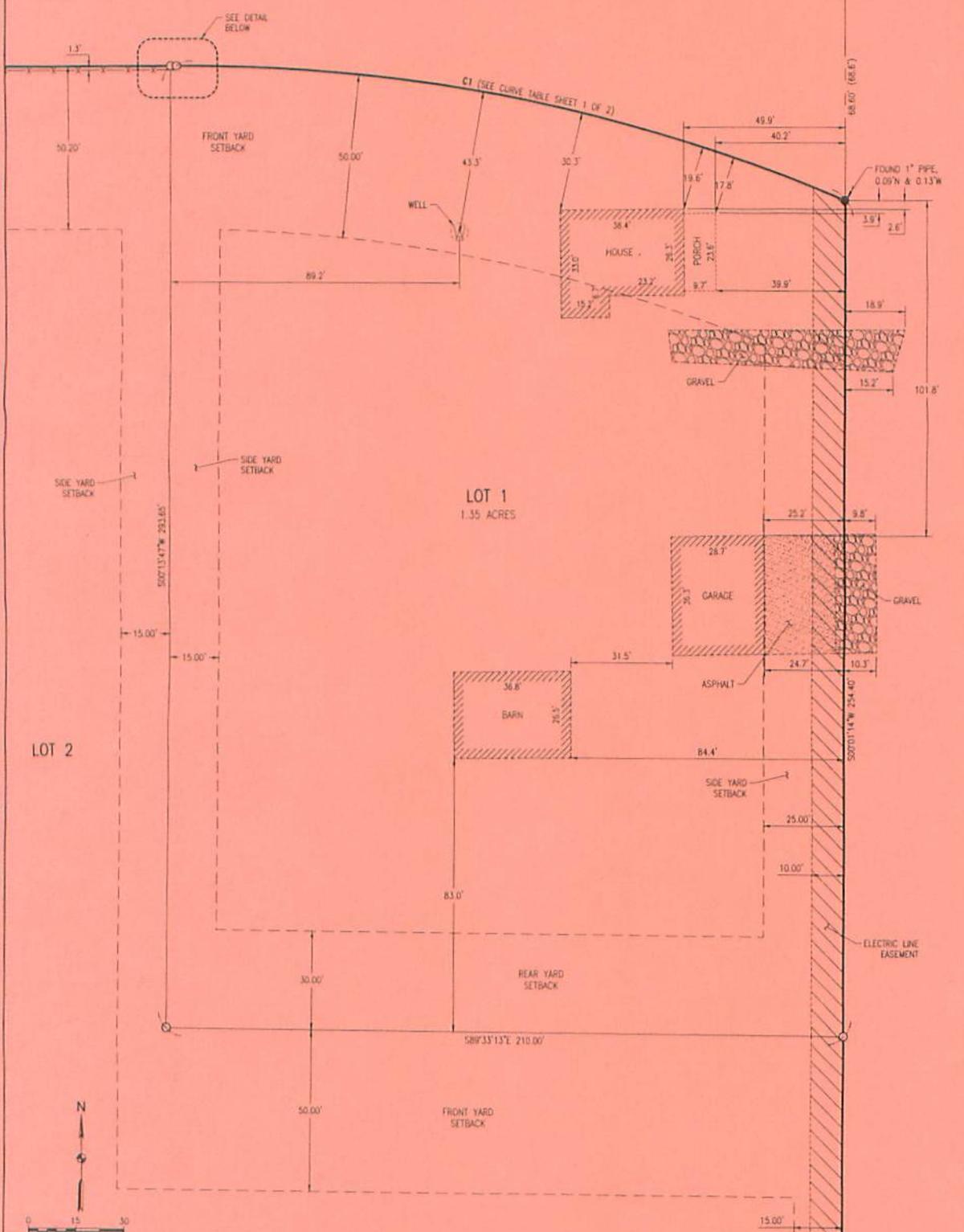
Tom Drzycimski
Administrative Officer

TD:mr

Enclosure

FINAL PLAT
P & J FIRST SUBDIVISION
CERRO GORDO COUNTY, IOWA
MARCH 2015

NE CORNER SW1/4 SW1/4
 SEC 23-196N-R22W
 FOUND 5/8" ROD



BRIAN J. DIEHL, P.L.S.
LAND SURVEYING SERVICES
 10 SUMAC
 MASON CITY, IA 50401
 641-512-8004
 brianjdiehlps@gmail.com

Prepared by: Jacquelyn K. Arthur, Heiny, McManigal, Duffy, Stambaugh & Anderson P.L.C.,
11 4th Street N.E., P.O. Box 1567, Mason City, Iowa 50402-1567 (641-423-5154)

Send Tax

Statements: Raymond D. Humburg and Gloria Lynn Humburg, 15232 Evergreen Avenue,
Clear Lake, Iowa 50428

Return to: Jacquelyn K. Arthur, Heiny, McManigal, Duffy, Stambaugh & Anderson P.L.C.,
11 4th Street N.E., P.O. Box 1567, Mason City, Iowa 50402-1567 (641-423-5154)

**DEDICATION OF PLAT
OF
P & J FIRST SUBDIVISION,
CERRO GORDO COUNTY, IOWA**

STATE OF IOWA, CERRO GORDO COUNTY) SS:

Raymond D. Humburg and Gloria Lynn Humburg, husband and wife, ("Developers") the owners of the real estate described on the Plat attached to this Dedication, acknowledge they have caused said real estate to be surveyed and platted for the purpose of establishing and creating a Subdivision in Cerro Gordo County, Iowa, to be known as "P & J FIRST SUBDIVISION, CERRO GORDO COUNTY, IOWA." The Plat is made with the full and free consent and in accordance with the wishes and desires of Developers.

The real estate is within two miles of the City limits of Clear Lake, Iowa, and Ventura, Iowa. There is attached the Resolution approving the Plat:

- i. by the Board of Supervisors of Cerro Gordo County;
- ii. by the City Council of Clear Lake; and
- iii. by the City Council of Ventura.

2/18/15

The Lots contained within the Subdivision are to be used for only those purposes allowed or permitted under the Zoning Ordinances of the applicable governing authority.

Easement is reserved and reservation is made in favor of Cerro Gordo County for the free and uninhibited access to all private and common areas by the fire, police and other public safety vehicles and personnel for the customary performance of their respective duties and responsibilities.

The easement is perpetual. The easement is dedicated to the public use.

This Dedication is executed by Developers on a separate signature page which also contains the notary acknowledgment.

Attachments:

- a. Signature Page of Developers.
- b. Certificate of County Treasurer.
- c. Auditor's Approval.
- d. Final Plat.
- e. Resolution of Board of Supervisors of Cerro Gordo County.
- f. Resolution of City Council of Clear Lake.
- g. Resolution of City Council of Ventura.
- h. Opinion of Title.

**SIGNATURE PAGE OF DEVELOPERS
TO DEDICATION OF PLAT OF
P & J FIRST SUBDIVISION,
CERRO GORDO COUNTY, IOWA**

"DEVELOPERS"

2-20-15

Raymond D. Humburg Dated: 2015
 Raymond D. Humburg,
 by Gloria Lynn Humburg, By Gloria
 Attorney-in-Fact POA

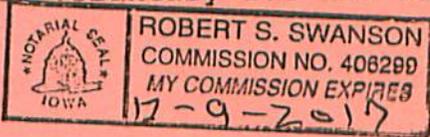
2-20-15

Gloria Lynn Humburg Dated: 2015
 Gloria Lynn Humburg

STATE OF IOWA)
)
 COUNTY OF CERRO GORDO)

(SS:

On this 20th day of February, 2015, before me the undersigned, a Notary Public in and for said State, personally appeared Gloria L. Humburg, wife of Raymond D. Humburg, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

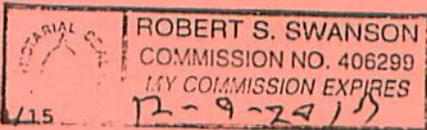


Robert S Swanson
 Notary Public in and for said State

STATE OF IOWA)
)
 COUNTY OF CERRO GORDO)

(SS:

On this 20th day of February, 2015, before me the undersigned, a Notary Public in and for said State, personally appeared Gloria Lynn Humburg, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she as Attorney-in-Fact executed the same on behalf of and as Attorney-in-Fact for Raymond D. Humburg, husband of Gloria Lynn Humburg.



Robert S Swanson
 Notary Public in and for said State

2/10/15

RESOLUTION # _____

RESOLUTION APPROVING SECOND AMENDMENT TO ORIGINAL DEVELOPMENT AGREEMENT FOR SUNSET RIDGE SUBDIVISION

WHEREAS, Sunset Ridge, LLC, a South Dakota Company ("Developer") has requested an amendment to the Sunset Ridge Subdivision Development Agreement ("Development Agreement") to commence Phase I of Sunset Ridge Subdivision and complete Sunset Ridge Subdivision according to a revised Project construction schedule and scope; and

WHEREAS, the City and developer first entered into a Development Agreement, following public notice and hearing, relative to the development known as Sunset Ridge Addition, dated August 6, 2007 (the "Original Development Agreement"); and

WHEREAS, the City and Developer previously approved an amendment (1st Amendment) to the Original Development Agreement on September 15, 2008; and

WHEREAS, the City previously conducted a public hearing, following legally proscribed notice, regarding the Original Development Agreement and disposal of real property herein identified as "Outlot "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clear Lake, Iowa as follows:

1. That the 2nd Amendment to the original Sunset Ridge Development Agreement is hereby approved.
2. That all other understandings and representations, verbal or written, are repealed to the extent of any conflict with the 2nd Amendment.
3. The City Council approves and authorizes the Mayor and City Clerk to sign the Amendment to Development Agreement on behalf of the City.

PASSED and APPROVED THIS _____ DAY OF _____, 2015.

Nelson P. Crabb, Mayor

Attest:

Jennifer Larsen, City Clerk

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT FOR SUBDIVISION IMPROVEMENTS FOR SUNSET RIDGE SUBDIVISION

This Second Amendment to Development Agreement (the "Second Amendment") regarding the Sunset Ridge Subdivision (the "Development") is entered into by and between the City of Clear Lake, Iowa, a municipal corporation ("City") and Sunset Ridge, LLC, a South Dakota Company ("Developer") effective when signed by both parties.

RECITALS

WHEREAS, the City and Developer, following public notice and hearing, entered into a Development Agreement dated August 6, 2007, (the "Original Agreement") and a First Amendment to Development Agreement approved September 15, 2008, (the "First Amendment"); and

WHEREAS, previous economic conditions, including construction bidding, beyond the control of the Developer adversely affected the Project schedule and resulted in the proposed Sunset Ridge Development progressing at a slower pace than was originally anticipated; and,

WHEREAS, the Developer wishes to further amend the Original Agreement and First Amendment to begin Phase I of Sunset Ridge and complete the Sunset Ridge Subdivision Addition and the City has agreed to do so pursuant to this Second Amendment (the "2nd Amendment"), all on the terms set forth more fully herein; and

WHEREAS, the Original Agreement, the First Amendment, and the 2nd Amendment shall be collectively referred to herein as the "**Development Agreement.**"

AGREEMENT

IN WITNESS WHEREOF, in consideration of the above recitals, which are incorporated herein by reference, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer agree as follows:

Project Scope & Schedule

The construction of the Sunset Ridge Development shall be constructed in accordance with the following schedule:

Phase I Lots shall include: Lots #1-8/9 and be completed by the fall of 2015. Phase II Lots shall be completed by 2021. Phase III Lots shall be completed by 2025.

Buddy Holly Place Storm Sewer Improvements

The Parties agree that Section 2 of the Development Agreement pertaining to the extension of the Buddy Holly Place Storm Sewer shall remain in its entirety with the exception that the City shall not begin work on this Project prior to July 1, 2015 and/or prior to the Developer's commencement of underground infrastructure improvements associated with Phase I of Sunset Ridge Subdivision.

W. 12th Ave N. Street & Water Main Extensions

The Parties agree that Sections 3 and 4 of the Development Agreement pertaining to the proposed street and water main extensions of W. 12th Ave N., will remain in their entirety with the exception that no engineering or construction work shall be initiated by the City prior to July 1, 2015, and that the improvements shall be completed by November 15, 2015.

Conveyance of Outlot Parcel

The Parties agree that all provisions of the Development Agreement pertaining to the conveyance of Outlot "A" are confirmed and hereby restated by reference and that the conveyance of Outlot "A" by the City to the Developer shall not occur later than June 15, 2015.

Water and Sanitary Sewer Main Pipe Material

The City has allocated funding in its FY 16 municipal budget to reimburse the Developer for the actual material cost only for water and sanitary sewer main pipe material associated with Sunset Ridge Addition. This does not include installation or any other costs associated with design or construction.

Period of Affordability & Tax Abatement

All provisions of the Development Agreement related to either Period of Affordability and/or Tax Abatement referenced in Section "A 11" shall no longer be applicable to the proposed Sunset Ridge Development.

Ratification

Except as expressly modified hereby, the Original Agreement and First Amendment are hereby ratified and reaffirmed by the City and the Developer as if set forth in full herein.

IN WITNESS WHEREOF, this Agreement is effective as of the _____ day of _____, 2015, when fully executed by the City and Developer.

CITY:

SUNSET RIDGE LLC

Nelson P. Crabb, Mayor

Tim Stenberg, President

Attest:

Jennifer Larsen, City Clerk



APPROVED
PLANNING & ZONING COMMISSION
CITY OF CLEAR LAKE, IOWA

COUNT TO

BY _____
Chairman

BY _____
Secretary

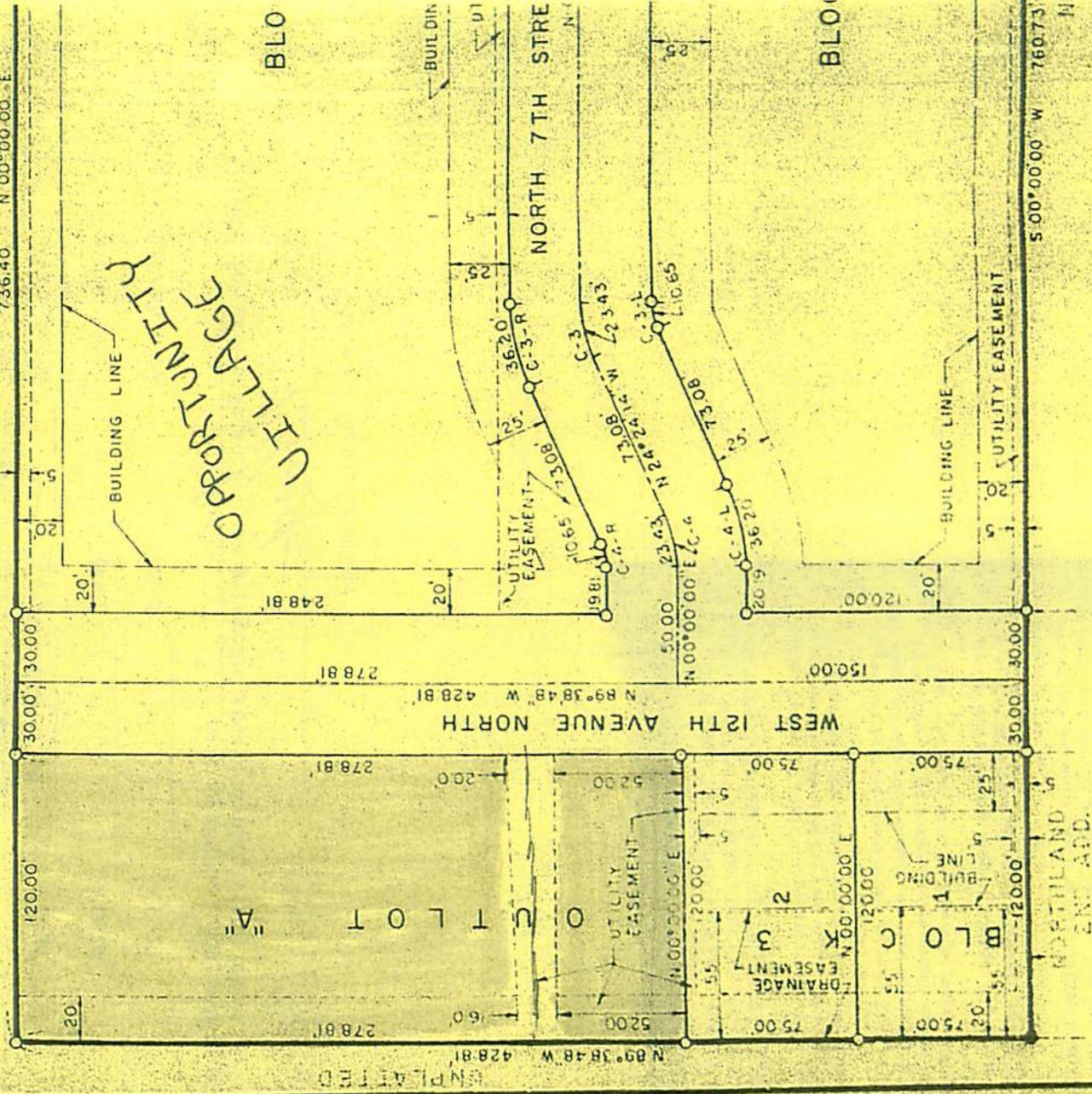
APPROVED BY CITY COUNCIL

DATE _____

SCALE: 1" = 40'

UNPLATTED

736.40' N 00°00'00" E



ZONING: "M" DISTRICT, MULTIPLE FAMILY
 FRONT YARD - 25' AS SHOWN
 SIDE YARD - 5' MIN. 0.45' REQUIRED
 BY ORDINANCE
 REAR YARD - 20' AS SHOWN
 IRON T-BAR MON. CO.
 IRON MON. FOUND. CO.
 "X" IN CONC. PAD. @
 AREA: 7.30 ACRES

PREPARED BY
 WALLACE HOLLAND KASTLER SCHMITZ & CO.
 CONSULTING ENGINEERS AND PLANNERS
 MASON CITY, IOWA

AFFIDAVIT OF PUBLICATION

State of Iowa, Cerro Gordo County, SS:

The following notice, a copy of which is hereto attached and made a part hereof, was published in the Clear Lake Mirror-Reporter, a newspaper of general circulation regularly published and printed in the English language at Clear Lake, in Cerro Gordo County, Iowa

for 1 issues, the said notice being published
first on the 25th day of July A.D. 2007
the second on the _____ day of _____ A.D. 20_____
the third on the _____ day of _____ A.D. 20_____
the fourth on the _____ day of _____ A.D. 20_____

I, _____ do hereby state that I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct as I verily believe.

Signed Michael J. Finnegan Date 4/10/15
Michael J. Finnegan, Publisher

Clear Lake City Legals

NOTICE OF PUBLIC HEARING ON SALE OF REAL PROPERTY -
"OUTLOT 'A'" OF COUNTRYSIDE ADDITION, CLEAR LAKE, IOWA - AND
DEVELOPMENT AGREEMENT WITH JOSHUA HOMES INC.

Under Section 364.7, the City Council of the City of Clear Lake will conduct a public hearing on the proposed sale of the City's interest in "Outlot 'A'", Countryside Addition, Clear Lake, Iowa, and a development agreement with Joshua Homes Inc.

Under the development agreement, the above referenced property, which is currently a "non-developable" water detention pond, would be developed into residential building lots. As part of the development agreement, the developer will be specially assessed for a portion the cost of the 27th Avenue N. The proposed sale price of the property is \$18,000.

The hearing will be held on Monday, August 6, 2007, at 6:30 p.m. in the City Hall located at 15 N. 6th Street, Clear Lake, Iowa. All persons wishing to be heard on the matter are invited to attend.

The development agreement is on file in the Office of the City Clerk at the City Hall. Questions or comments should be directed to Scott Flory, City Administrator

/s/ Jennifer Larsen
City Clerk

Pine Brooke First Subdivision

Assess. Yr 2015

Assessed Value

<u>Lot #</u>	<u>House # Street</u>	<u>Owner</u>	<u>Assessed Value</u>
1	602 Pine Brooke Dr	Anderson, Jeanine & Marsolek, Gerald	131,430
2	600 Pine Brooke Dr	Myers, Erik & VanEngelehoven, Shawna	104,500
3	512 Pine Brooke Dr		0
4	510 Pine Brooke Dr	Lefebvre, Lindsey & Stock Jason	239,450
5	508 Pine Brooke Dr	Harthan, Jeanette	138,830
6	506 Pine Brooke Dr	Coleman, Jennifer & Marc	110,680
7	504 Pine Brooke Dr	Garman, Angela	133,260
8	502 Pine Brooke Dr	Hill, Lansing & Emily	188,750
9	500 Pine Brooke Dr	Boyd, Jasper & Kimberly	208,610
10	414 Pine Brooke Dr	Pals, Rustin & Sandra	205,850
11	412 Pine Brooke Dr	Litwiler, Terry & Tammy	234,300
12	410 Pine Brooke Dr	Morrison, Justin & Sarah	202,650
13	408 Pine Brooke Dr		0
14	406 Pine Brooke Dr	Shannon, Joanne	135,690
15	404 Pine Brooke Dr	Behne, Tyler & Asbe-Snyder, Aria	215,440
16	402 Pine Brooke Dr	Dohlman, Dan & Michaela	214,210
17	400 Pine Brooke Dr	Zirbel, Zane	221,750
18	312 Pine Brooke Dr	Maulsby, Grant	188,610
19	310 Pine Brooke Dr	Enabnit, Joshua & Kelly	215,340
20	308 Pine Brooke Dr	Froehner, Nathan & Katelyn	149,930
21	306 Pine Brooke Dr	Russell, Michael S & Sylvia	124,410
22	305 Pine Brooke Dr	Vaage, Jeff & McGrath, Jeslynn	132,740
23	307 Pine Brooke Dr	Smith, Ashley	103,530
24	309 Pine Brooke Dr	Lopez, Roberto	201,520
25	311 Pine Brooke Dr	Engebretson, Bobbie Jo & Floy, Lisa	173,480
26	409 Pine Brooke Dr	Richtsmeier, Dale & Kate	202,500
27	411 Pine Brooke Dr	Tatum, Jennifer	199,250
28	413 Pine Brooke Dr	Miller, Randall & Melissa	106,950
29	501 Pine Brooke Dr	Frayne, Patricia	202,870
30	503 Pine Brooke Dr	Pals, Derek	181,680
31	505 Pine Brooke Dr	McLeod, Davin	153,310
32	507 Pine Brooke Dr	Knoup, Robert & Sharon	203,920

Pine Brooke Second Subdivision

1	604 Pine Brooke Dr	Agler, Micah	101,280
2	606 Pine Brooke Dr	Rosenbaum, Joseph & Autumn	133,740
3	608 Pine Brooke Dr		0
4	610 Pine Brooke Dr	Lovik, Laura	106,360
5	609 Pine Brooke Dr	Foster, Jessica & Kalvig, Joshua	127,920
6	607 Pine Brooke Dr	Pannkuk, Jill	148,560
7	605 Pine Brooke Dr	Wright, Curtis	132,070

8	603 Pine Brooke Dr	Thompson, Joshua	152,830
9	1001 Pine Brooke Ct		0
10	1005 Pine Brooke Ct	Stuver, Michael & Bridget	165,870
11	1009 Pine Brooke Ct	Dillavou, Matthew & Jennifer	210,310
12	1012 Pine Brooke Ct		0
13	1008 Pine Brooke Ct	Jurgensen, Matthew & Michelle	244,550
14	1004 Pine Brooke Ct	Joshua, Inc.	137,720
15	1000 Pine Brooke Ct	Joshua, Inc.	159,570

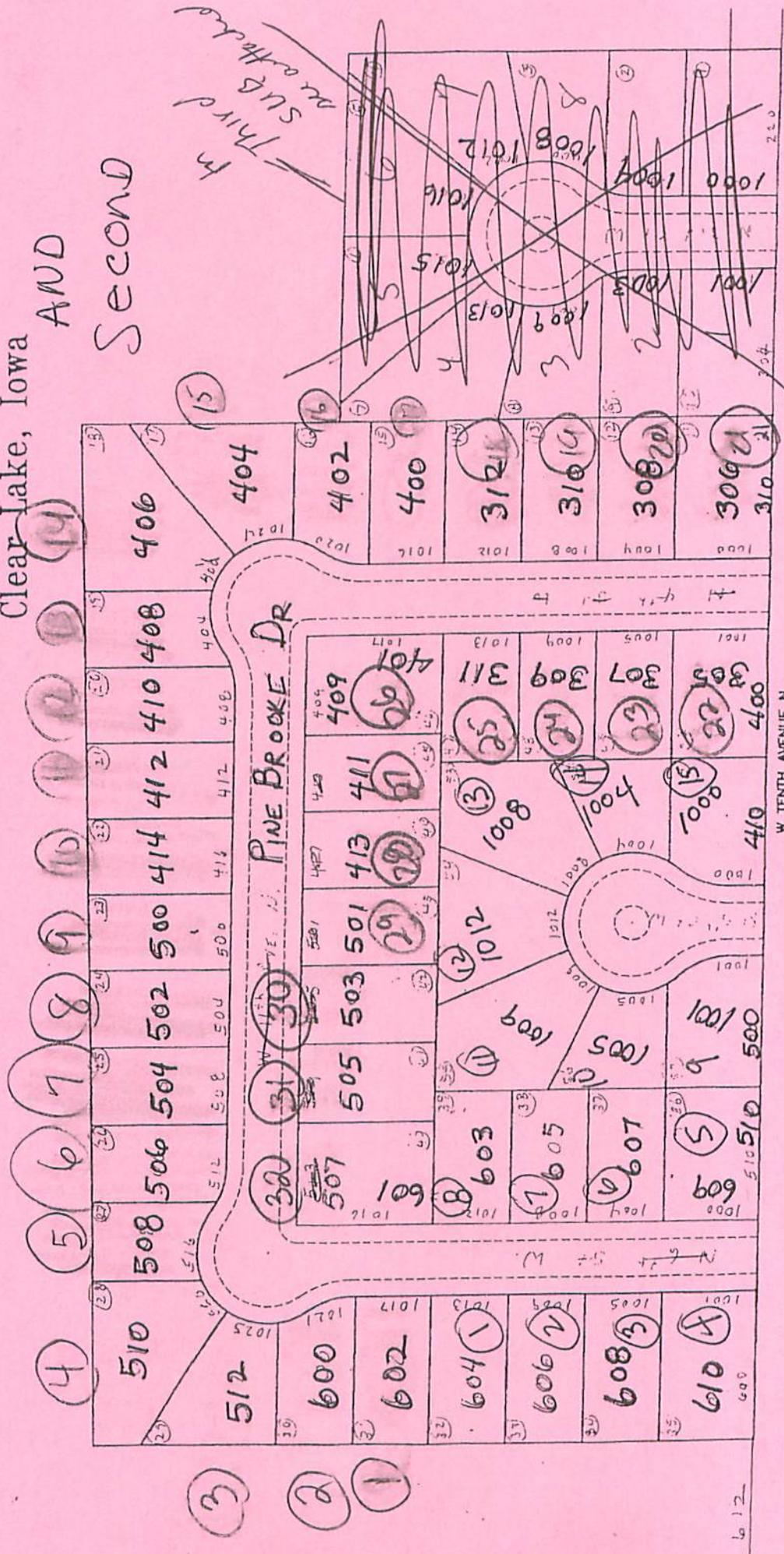
Pine Brooke Third Subdivision

1	Nash Ct	Joshua, Inc.	690
2	Nash Ct	Joshua, Inc.	38,460
3	Nash Ct	Joshua, Inc.	510
4	Nash Ct	Joshua, Inc.	780
5	Nash Ct	Joshua, Inc.	600
6	Nash Ct	Joshua, Inc.	800
7	Nash Ct	Joshua, Inc.	510
8	1004 Nash Ct	Krause, Kenneth & Rhonda	400,810
9	Nash Ct	Joshua, Inc.	690
<hr/> TOTAL ASSESSED VALUE (100%) <hr/>			7,490,070

PINE BROOKE FIRST SUBDIVISION

Clear Lake, Iowa

AND
Second



Third
Sub
Map attached

WHKS & CO.
PINE BROOKE FIRST SUBDIVISION
CLEAR LAKE, IOWA

10

TIMBERLAKE
DR.

33

400 W. 10th St.

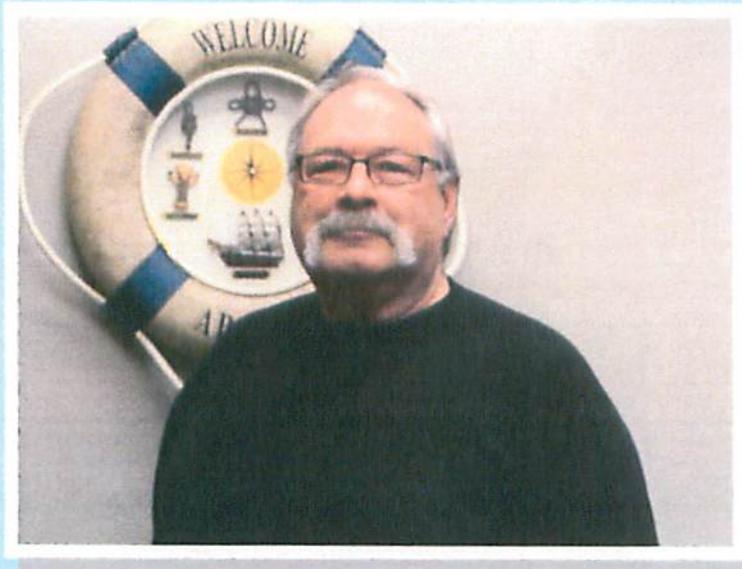
302 4th St.

NORTH

~~PLANS~~

Retirement Party

For John Marino



John Marino
City Building Official
31 Years of Service

Thurs.
April 30
4-6 pm
@ City Hall

All Welcome
to Attend



15 N 6th St, Clear Lake