



CITY OF CLEAR LAKE

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Mayor
NELSON P.
CRABB

August 17, 2012

HONORABLE MAYOR & CITY COUNCIL MEMBERS:

City
Administrator
SCOTT
FLORY

The next meeting of the Clear Lake City Council is scheduled for Monday, **August 20, 2012**, at 6:30 p.m., in the Council Chambers, at City Hall. Please refer to the enclosed agenda for the items discussed below.

COUNCIL MEMBERS

DANA
BRANT
Ward 1

ITEM #6A. **N. 40th Street Bridge Deck Rehabilitation Project**. At its regular meeting on August 6th, the Council awarded a construction contract to Larson Contracting (Lake Mills) for the N. 40th Street Bridge Deck Rehabilitation Project. The amount of the construction contract is \$47,415.40. The City has now received the Contract & bonds (performance, payment, & maintenance), as well as the Certificate of Insurance from the Contractor. The documents have been reviewed by the Project engineer and City staff and have been determined to be in compliance with the Project contract document specifications.

TONY
NELSON
Ward 2

The Project is anticipated to begin between August 29th and September 4th and be completed by October 19th.

JIM
BOEHNKE
Ward 3

ITEM #6B. **North Shore Drive (400 block) Streetscape Project**. The Council awarded the construction contract on August 6th to Vieth Construction Corporation (Cedar Falls, IA), in the amount of \$243,773.25. The City has now received the Contract & bonds (performance, payment, & maintenance), as well as the Certificate of Insurance from the Contractor. The documents have been reviewed by the Project engineer and City staff and have been determined to be in compliance with the Project contract document specifications.

MIKE
CALLANAN
At Large

TERRY
UNSWORTH
At Large

ITEM #6D. **ROW Encroachment Agreement – 444 N. Shore Drive**. Sip's Restaurant wishes to construct an addition to its building, located at 444 N. Shore Drive. The addition would primarily entail the construction of an "airlock" entry. The eaves/overhang of the proposed addition, however, would encroach into the City's N. Shore Drive street right-of-way, a distance of roughly 24". The Owner articulated his request to the



Council at the previous regular City Council meeting and the Council indicated its willingness to consider the matter formally at an upcoming meeting. City staff has prepared a "Right-of-Way Encroachment Agreement", which details the necessary particular conditions and terms, to be entered into between the City and the Owner - should the Council be inclined to approve the request.

ITEM #6E. **NW Elevated Water Storage Tower Project Site Acquisition.**

Although not specifically required by State law, consistent with other past land acquisitions, the Council has set the opportunity for a public hearing on the proposal to buy a roughly 1-acre parcel of real property, located on the north side of US HWY 18, west of N. 16th Street W. (1814 HWY 18 W), for purposes of constructing a new 1,000,000 gallon elevated water storage tower at that site. The Owners of the property, which is proposed to be purchased, are Michael & Stacia Sonderman of Clear Lake. The proposed purchase price is \$75,000 and was negotiated between the Owners and City staff.

The proposed location was one of seven (7) specific locations that was evaluated in the "Elevated Water Tower Site Analysis, April 2012" prepared by Veenstra & Kimm. It was also one of the sites upon which detailed soil exploration was conducted. Of the top two sites suggested by the consultant, this was the one that was within the City limits.

ITEM #6F. **US HWY 18 (N. 9th Street W. – N. 3rd Street W.) Watermain Improvement Project.**

One of the major capital improvement projects the Council budgeted for in FY 13 is the "US HWY 18 (N. 9th Street W. – N. 3rd Street W.) Watermain Improvement Project". This particular watermain is significant to the overall distribution system in providing some necessary redundancy and aiding in the filling of the area water tower, in addition to serving a number of commercial properties along US HWY 18. Redundancy in the watermain allows the City to provide water service from more than one direction. If a segment of water line needs to be temporarily shut down (due to a break, new connection, etc.), water can still be rerouted from another direction keeping the majority of users still in service. For budget planning purposes, the City

estimated a project cost of \$220,000, relying on a previously prepared project estimate from 2006.

The Project entails the replacement of an existing 4" watermain, located underneath a portion of US HWY 18. The proposed construction would include 2,500 LF of new 12" watermain. Over the years, this has been one of the most problematic watermains in the City's distribution system. There have been 6 watermain breaks in this line over the past 5 years. Obviously, with a 4" watermain, this primarily commercial area has been underserved for a number of years. This Project will link to the new 12' watermain that was constructed in 2010 from N. 9th Street W. to Clark Road (West-end Loop Project).

The estimated cost of the Project has now been revised to \$300,000, based on anticipated increased construction costs and a "potential" requirement by the Iowa DOT to require casing pipe for all paved driveway and street crossings (estimated at \$45,000). The Project is proposed to be let for bids in January of 2013, with construction beginning on April 1st and commencing on June 21st

City staff has negotiated a Professional Services Agreement with Veenstra & Kimm to provide professional engineering services for the Project. These services will entail preliminary engineering analysis of three existing US HWY 18 watermain crossings; preparation of detailed plans & specifications; bid services; and construction services. The total cost of the proposed professional services agreement is not to exceed \$40,400, which is roughly 13.5% of the estimated cost of construction.

ITEM#6G. **Lease Agreements - CL Tel Wireless Inc.** As a result of the anticipated removal of the downtown Water Tower, both the City and CL Tel have taken the necessary steps to plan for the relocation of their respective wireless communications equipment currently located on that Tower. The City's emergency response radio repeater and CL Tel's wireless antenna telecommunications equipment are, of course, located on that Tower.

At a workshop meeting on June 4th, the City Council reviewed a tentative proposal to replace the existing approximately 100' lattice-style communications tower, located on the City Hall premises, just outside the police station, with a new monopole structure to be used for emergency response communications equipment purposes and CL Tel's wireless antenna telecommunications equipment. The approximate height of the proposed monopole structure would be 150', with a portion of the City's emergency response communications equipment being located very near the top. At its regular meeting on June 18th, the Council approved a "Letter of Intent" with CL Tel Wireless Inc. in which it indicated its willingness to proceed with development of the necessary Agreements to facilitate the project.

Enclosed in your packet are three (3) separate Agreements all dealing with the tentative proposal. The first Agreement involves an amendment to the City's existing water towers' lease agreement that was originally approved in June of 2007. Basically, this Agreement reflects the removal of the downtown Water Tower from the original water towers' lease agreement between the City and CL Tel Wireless Inc.

The second Agreement deals with the leasing of specific property at City Hall, adjacent to the police station. Should the Council proceed; an actual survey of the site will be performed for purposes of a detailed legal description. The term of the lease is for an initial period of 10 years, with an option to renew for 5 additional 5 year terms.

The final Agreement details the collocation of the City's emergency response repeater communications equipment on the proposed monopole structure, along with CL Tel's wireless antenna equipment. There will be no annual rent charged by CL Tel to the City for hosting its equipment on the monopole.

The monopole structure will be constructed by CL Tel and iWireless at no cost to the City. The Council did allocate funding in the FY 13 budget

for a new Tower, however. Some of this may still be required to remove the existing Tower outside City Hall and relocate the equipment itself from the downtown Water Tower.

The Council will consider a Resolution to set the date for a public hearing on the proposed Agreements. The hearing will be on September 4th.

Please feel free to contact me if you have questions about any of the agenda items.

Scott Flory
City Administrator

TENTATIVE AGENDA
CLEAR LAKE CITY COUNCIL
CITY HALL – 15 N. 6TH STREET
MONDAY, AUGUST 20, 2012
CITY HALL – COUNCIL CHAMBERS
6:30 P.M.

1. Call To Order by Mayor Nelson P. Crabb.
2. Approval of Agenda.
3. Consent Agenda:
 - A. Minutes – August 6, 2012.
 - B. Approval of the bills & claims.
 - C. Licenses & Permits:
 - Liquor License: Class C Liquor License (LC) (Commercial) with Outdoor Service & Sunday Sales, Fiesta Cancun Mexican Restaurant, (renewal).
 - Tree Trimmer's License: Miller Tree & Landscape, Mason City, (renewal).
 - Tax Abatement Application: David & Michelle Jack, 308 Pine Brooke Drive.
 - Street Closing Request: Seawall to Seawall Run, Saturday, September 1st.

4. Citizen's 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. N. 40th Street Bridge Deck Rehabilitation Improvement Project:

- Review by Scott Flory, City Administrator.
- **Motion** to approve **Resolution #12-46**, "A Resolution approving the Contract & bonds for the N. 40th Street Bridge Rehabilitation Improvement Project."
- Discussion and consideration of **Motion** by City Council.
- Pre-construction conference: August 28th at 11:30 a.m.

B. North Shore Drive (400 block) Streetscape Improvement Project:

- Review by Scott Flory, City Administrator.
- **Motion** to approve **Resolution #12-47**, “A Resolution approving the Contract and bonds for the North Shore Drive (400 block) Streetscape Improvement Project.”
- Discussion and consideration of **Motion** by City Council.

C. CDBG Sanitary Sewer System Improvement Project – Phase II (Paving):

- Review of Pay Estimate #4 and update regarding construction activities, Jason Petersburg, P.E., Veenstra & Kimm.
- **Motion** to approve Pay Estimate #4 by City Council.
- Discussion and consideration of **Motion** by City Council.

D. Right-of-Way Encroachment Agreement - 444 North Shore Drive (Sip’s):

- Introduction by Scott Flory, City Administrator.
- Review of Request, Dick Hayes, Sip’s Restaurant.
 - **Motion** to approve a Right-of-Way Encroachment Agreement.
 - Discussion and consideration of **Motion** by City Council.

E. Northwest Elevated Water Storage Tower Improvement Project:

- Review of proposal, Scott Flory, City Administrator.
- Public Hearing.
 - **Motion** to approve **Resolution #12-48**, “A Resolution approving and authorizing the acquisition of real property and empowering the Mayor, City Clerk, and City Attorney to sign documents related to the acquisition on behalf of the City.”
 - Discussion and consideration of **Motion** by City Council.

F. US HWY 18 (N.9th Street W. – N. 3rd Street W.) Watermain Project:

- Introduction by Scott Flory, City Administrator.
- Review of proposed Professional Services Agreement. Jason Petersburg, P.E., Veenstra & Kimm.
- **Motion** to approve Professional Services Agreement with Veenstra & Kimm by the City Council.

- Discussion and consideration of **Motion** by City Council.

G. Lease Agreements (Site, Tower Collocation, & Water Tower) with CL Tel Wireless Inc.:

- Introduction by Scott Flory, City Administrator.
- Review of proposal, Tom Lovell, General Manager, CL Tel
- **Motion** to approve **Resolution #12-49**, “A Resolution setting the date for a public hearing on First Amendment to Water Tower Lease; Site Lease with Option; and Tower Collocation Lease Agreement by and between the City of Clear Lake and CL Tel Wireless Incorporated”.
- Discussion and consideration of **Motion** by City Council.

7. Chief of Police’s Report:

8. Mayor’s Report:

9. Public Works Director’s Report:

- Update regarding construction of subdivision improvements at Pine Brooke Addition #3.

10. City Administrator’s Report:

- Buddy Holly Place - new sidewalk construction (HWY 18 to 10th Ave N.)

11. City Attorney’s Report:

12. Other Business:

13. Adjournment.

NEXT REGULAR MEETING – SEPTEMBER 4, 2012