

## REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, June 3, 2013, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. All Council Members present.

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

Unsworth moved that the license request from Walk on Water Stand Up Paddle be removed from the consent agenda and acted on separately, seconded by Nelson. Passed Unanimously.

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

- A. Minutes – May 20, 2013.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
  - **Liquor License:** Class C Liquor License (LC) (Commercial) with Sunday Sales, Lake Front Tap, (renewal); Special Class C Liquor License (BW) (Beer/Wine) Louie's Custom Meats, (new).
  - **Excavator License:** Navratil Excavating, Mason City, (renewal).
  - **Cigarette Permit:** Clear Lake Payless Foods, (renewal).
  - **Peddler's/Transient Merchant License:** Lake Chevrolet dba Munchies, (new).
  - **Street Closing Request:** North Iowa Herb Fest, Saturday, June 22<sup>nd</sup>.

Roll Call: All Ayes.

Unsworth moved to deny the license request from Walk on Water Stand Up Paddle to remain consistent with past decisions made by the Council regarding use of City property by for profit businesses, seconded by Callanan. Passed Unanimously.

Mayor Crabb announced that it was the time and place for the citizen's forum.

Rodger Nordman, representing the Lady of the Lake, stated that during events at City park which involve street closings it is difficult for caterer's and handicap individuals to access the Lady of the Lake via North Lakeview Drive. Mayor Crabb asked Police Chief Peterson to follow up with Nordman regarding his concerns.

Mike Danburg, P.E., Yaggy Colby Associates, gave an update on the Cemetery Expansion Area Site Grading Project and reviewed Pay Estimate #1 in the amount of \$23,797.50 to Charlson Excavating of Clear Lake. Unsworth moved to approve Pay Estimate #1, seconded by Callanan. Roll Call: Passed Unanimously.

Scott Flory, City Administrator, reviewed a proposal to enter into a Right-of-Way Encroachment Agreement with Shao Ting Guo (200 7<sup>th</sup> Avenue N) and stated that City staff have negotiated an agreement for use of the street right-of-way (ROW) adjacent to the building. He stated that the street ROW area has been utilized for many years by the various occupants of the building for such purpose, however, without benefit of a written agreement with the City. Flory advised the agreement between the City and the property owner memorializes the use of the area for off-street parking purposes and sets for the terms and financial responsibilities of the parties regarding a future resurfacing of the ROW area. Nelson moved to approve the Right-of-Way Encroachment Agreement, seconded by Callanan. Roll Call: Passed Unanimously.

Flory reviewed the CDBG Sanitary Sewer Collection System Improvement Project (Contract #1) and stated that on April 18, 2011, the Council approved the construction contract for the project with R&R Excavating of Hutchinson, Minnesota, in the amount of \$2,197,983.46. He stated that Contract #1 included all of the underground improvements and that the scope of the construction work included pavement removals; sanitary sewer main and manhole replacement; sanitary sewer services; watermain; water services; storm sewer, including intakes and manholes; sub-drain; temporary aggregate surfacing; and seeding. Flory also noted the Project engineer has filed the Certificate of Completion for the project with the City Clerk.

Jason Petersburg, P.E., Veenstra & Kimm, stated that the original contract amount was revised by a series of Change Orders to \$2,340,512.20 and that the final completed construction cost was slightly less than the revised amount of (-\$76,000) so the final value of the work completed was \$2,264,716.49. Petersburg reviewed the proposed Final Assessment Plat & Schedule and Pay Estimate #12 (final) in the amount of \$17,540 to R&R Excavating of Hutchinson, Minnesota.

Brant moved to approve Pay Estimate #12 (final), seconded by Callanan. Passed Unanimously. Unsworth introduced the following **Resolution** and moved its adoption, seconded by Boehnke. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 13-43

A RESOLUTION ACCEPTING WORK

Nelson introduced the following **Resolution** and moved its adoption, seconded by Brant. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 13-44

A RESOLUTION ORDERING THE FINAL PLAT & SCHEDULE OF ASSESSMENTS

Flory reviewed a proposal to enter into a professional services agreement with Veenstra & Kimm for evaluation of the water treatment plant high service pumps and stated that the proposed evaluation is in response to some recent operational issues with one the high service pumps. He stated the water treatment plant has four high service pumps however one has not been operational for many years and is not critical to the systems operation. Flory also noted the three remaining pumps are estimated to be more than 40 years old although each has been reconditioned but none more recently than more in excess of 23 years ago. Petersburg reviewed the proposed agreement and stated the cost of the agreement is \$6,000 and it is anticipated to be completed in approximately 3 months. Nelson moved to approve the Professional Services Agreement with Veenstra & Kimm, seconded by Callanan. Roll Call: Passed Unanimously.

Joe Weigel, Public Works Director, gave an update on the following projects: US HWY 18 (N 3<sup>rd</sup> St W – N 9<sup>th</sup> St W) Water Main Improvement Project; completion of the “porous paving” component of the 1<sup>st</sup> Ave S & S 3<sup>rd</sup> Street Alley Reconstruction Project; 12<sup>th</sup> Avenue S Outdoor Recreation Area Trail Project; Main Avenue Water Tower Demo & Site Restoration Project; and the pre-construction conference for the S 20<sup>th</sup> Street Intersection(s), Stormwater, & Sidewalk Project.

There being no further business before the Council, Brant moved to adjourn at 7:36 p.m., seconded by Boehnke. Passed Unanimously.

NEXT MEETING – MONDAY, JUNE 17, 2013

---

Nelson P. Crabb, Mayor

ATTEST:

---

Jennifer Larsen, City Clerk