

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, March 18, 2013, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Pro-Tem Mike Callanan presiding. Council Members present: Brant, Unsworth, Nelson.

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

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

- A. Minutes – March 4, 2013 & March 6, 2013.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
 - *Excavator's License: Mayer's Digging Co, Osage, (renewal).*
 - *Liquor License: Class B Beer (BB) (Includes Wine Coolers) with Outdoor Service & Sunday Sales, Oak Hills Par 30; Class C Liquor License (LC) (Commercial) with Outdoor Service & Sunday Sales, Veteran's Memorial Golf Club, (renewals).*
 - *Farmer's Market: Request for use of City Hall Parking Lot on Saturday mornings beginning May 11th through October 12th.*

Roll Call: All Ayes.

Mayor Pro-Tem Callanan announced that it was the time and place for the citizen's forum. There was no citizen comment.

Scott Flory, City Administrator, reviewed the future Cemetery Expansion Area & Site Grading Project and stated that the bid letting for the project was held on March 13th with twelve bids received and that the lowest responsive responsible bid was submitted by Charlson Excavating of Clear Lake in the amount of \$37,775 which is approximately 49.6% below the engineer's estimate of the probable cost of construction of \$75,000. Mike Danburg, P.E., Yaggy Colby Associates, reviewed the project bid tabulation and stated that the next lowest bid submitted was \$45,620 and that the bids ranged to a high of \$106,000. Danburg noted the anticipated start date for construction is early April and completion date is set for not later than June 7th. Mayor Pro-Tem Callanan stated it was now the time and place for the public hearing on the plans, specifications, form of contract, and estimate of cost for the Cemetery Expansion Area & Site Grading Project as previously established by the Council. Hearing no public comment, Unsworth moved to close the public hearing, seconded by Nelson. Passed Unanimously.

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

RESOLUTION No. 13-22

A RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST FOR THE FUTURE CEMETERY EXPANSION AREA & SITE GRADING PROJECT

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

RESOLUTION No. 13-23

A RESOLUTION MAKING AN AWARD OF CONTRACT

Flory reviewed the 12th Avenue S. Outdoor Recreation Area Trail Improvement Project and stated that the bid letting for the project was held on March 13th with one bid being submitted which was from Heartland Asphalt of Mason City in the amount of \$105,525.25. Danburg stated that the bid from Heartland Asphalt is 5.8% in excess of the engineer's estimate of the probable cost of construction of \$99,675 and noted that the completion date for the project is prior to June 7th. Mayor Pro-Tem Callanan stated it was now the time and place for the public hearing on the plans, specifications, form of contract, and estimate of cost for the 12th Avenue S. Outdoor Recreation Area Trail Project as previously established by the Council. Hearing no public comment, Nelson moved to close the public hearing, seconded by Brant. Passed Unanimously.

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

RESOLUTION No. 13-24

A RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT,
AND ESTIMATE OF COST FOR THE 12TH AVENUE S. OUTDOOR
RECREATION AREA TRAIL PROJECT

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

RESOLUTION No. 13-25

A RESOLUTION MAKING AN AWARD OF CONTRACT

Flory reviewed a proposed Resolution authorizing the reimbursement of funds previously expended from the General Fund and Water Revenue Fund from the proceeds of the Tax Increment Fund for various projects. He indicated the auditors have suggested this be done by Council Resolution. Unsworth introduced the following **Resolution** and moved its adoption, seconded by Brant. Roll Call: Passed Unanimously. Whereupon, the Mayor Pro-Tem declared the following duly adopted:

RESOLUTION No. 13-26

A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF FUNDS EXPENDED
FROM THE GENERAL FUND AND WATER REVENUE FUND FROM THE PROCEEDS
OF THE TAX-INCREMENT FUND FOR PURPOSES OF CAPITAL PROJECTS INCIDENT
AND RELATED TO THIS RESOLUTION

Jason Petersburg, P.E., Veenstra & Kimm, gave an update on the 10th Avenue N STP Street Reconstruction Project and reviewed Pay Estimate #7 in the amount of \$1,135.35 to Wick's Construction of Decorah, Iowa. Brant moved to approve Pay Estimate #7, seconded by Unsworth. Passed Unanimously.

Flory reviewed the proposed S. 20th Street Intersection, Stormwater & Sidewalk Project and stated that the Council previously set March 18th as the date for the public hearing on the proposed "Resolution of Necessity" for the project. He noted that following the hearing the Council must then act on the proposed "Resolution of Necessity". The Council may vote to 1) defer action to a later date, time & place; 2) adopt the Resolution of Necessity with amendments; or 3) adopt the Resolution of Necessity without amendments.

Petersburg reviewed the project plans & specifications and stated that the total project cost, including engineering, legal, contingency, and administrative is estimated at \$420,192 and that the total amount to be funded by special assessments is \$62,443.44, which is roughly 14.9% of the total cost of the project. He noted the project schedule sets a bid letting for April 11th, with consideration of an award of contract and public hearing on the plans & specifications to occur at the April 15th council meeting.

Mayor Pro-Tem Callanan stated it was now the time and place for the previously established public hearing on the S. 20th Street Intersection, Stormwater, & Sidewalk Project.

Carol Story, 108 S 17th Street, stated that she objects to the proposed 5 foot wide sidewalk and that because there is minimal pedestrian traffic in this area she doesn't see the need for a sidewalk.

Alyssa Muller, 107 S 20th Street, stated she is opposed to the sidewalk portion of this project but has no objections to the stormwater and street intersection improvements being proposed.

Bill Otterman, 107 S 18th Street, stated he is opposed to a 5 foot sidewalk being installed along 2nd Avenue South.

Shelly Wander, 18 S 19th Street, stated that she objects to the sidewalk being installed along 2nd Avenue S and that if installed she is concerned about snow removal because the sidewalk would be in her rear yard.

Hearing no further public comment, Nelson moved to close the public hearing, seconded by Brant. Passed Unanimously.

After general discussion by the Council, Unsworth moved that the following **Resolution** be adopted without amendments, seconded by Nelson. Roll Call: Passed Unanimously. Whereupon, the Mayor Pro-Tem declared the following duly adopted:

RESOLUTION No. 13-27

A RESOLUTION WITH RESPECT TO THE ADOPTION OF THE RESOLUTION OF NECESSITY PROPOSED FOR THE S 20TH STREET (MAIN AVENUE – 2ND AVENUE SOUTH) INTERSECTION & STORMSEWER PROJECT, CLEAR LAKE, IOWA

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

RESOLUTION No. 13-28

A RESOLUTION DIRECTING PREPARATION OF DETAILED PLANS AND SPECIFICATIONS, FORM OF CONTRACT AND NOTICE TO BIDDERS ON THE S 20TH STREET (MAIN AVENUE – 2ND AVENUE SOUTH) INTERSECTION & STORM SEWER PROJECT, CLEAR LAKE, IOWA

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

RESOLUTION No. 13-29

A RESOLUTION ORDERING BIDS, APPROVING PLANS, SPECIFICATIONS AND FORM OF CONTRACT AND NOTICE TO BIDDERS, FIXING AMOUNT OF BID SECURITY, AND ORDERING CLERK TO PUBLISH NOTICE AND FIXING A DATE FOR RECEIVING SAME, AND FOR A PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COSTS

John Marino, Building Official, reviewed a proposed Right-of-Way Encroachment Agreement to be entered into between the City and the property owner of 801 Main Avenue. He stated the proposed encroachment agreement is to enable a prospective building tenant to be able to expand the paved driveway area of the property, within the City's ROW, for the purpose of providing required "off-street" parking for a proposed new business – "Lake Time Brewery". He further noted the zoning code requires the proposed business must have not less than three (3) "on-premise" parking stalls, one of which is to be designated as an ADA/handicapped compliant parking space and advised that the ROW encroachment agreement will enable a parking area to be constructed that will accommodate 4 vehicles and allow said vehicles to leave the premises without requiring them to back out onto the 4-lane S. 8th Street, which is also a requirement of the zoning code. Bill Rolling, Lake Time Brewery, reviewed his proposal with the Council. Unsworth moved to approve the Right-of-way Encroachment Agreement, seconded by Nelson. Passed Unanimously.

Unsworth moved to set the dates for the Annual Spring Large Item Pick-up as April 8, 9, & 10 with appliance pickup on April 11th, seconded by Brant. Passed Unanimously.

Joe Weigel, Public Works Director, gave an update regarding the necessary repairs to Well #1 and stated that the replacement and repair costs would be approximately \$46,000. After general discussion by the Council, Weigel was directed to move forward with the repairs to Well #1.

Flory reminded the Council that a pre-construction conference is scheduled for March 19th at 10:00 a.m. for the Highway 18 (N. 3rd Street W – N. 9th Street W) Water Main Improvement Project.

Flory stated that at its next regular meeting on April 1st the Council will review the Northwest Water Tower Engineering Report.

John Sorensen, City Attorney, gave an update regarding the Iowa Court of Appeals - Ollenburg vs. Board of Adjustment of the City of Clear Lake and stated that the Court of Appeals affirmed the decision of the Board of Adjustment to grant a conditional use permit in the matter regarding the former Sunset School property.

There being no further business before the Council, Brant moved to adjourn at 8:23 p.m., seconded by Unsworth. Passed Unanimously.

NEXT MEETING – MONDAY, APRIL 1, 2013

Mike Callanan, Mayor Pro-Tem

ATTEST:

Jennifer Larsen, City Clerk