

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, May 21, 2012, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. All Council Members present:

Mayor Crabb requested that the consent agenda be amended by adding the following item:

- Excavator's License: Erpelding Excavating, Algona, (new).

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

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

- A. Minutes – May 7th, 2012.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
 - **Liquor Licenses:** Class B Liquor License (LB) (Hotel/Motel), Super 8 Hotel, (renewal); Class C Liquor License (LC) (Commercial) with Sunday Sales, Lake Front Tap, (new); Request for extension of Outdoor Service Area on May 23rd, The Other Place.
 - **Amusement License:** Lake Front Tap, (new); The Other Place, request to add privilege of live entertainment to current license.
 - **Street Closing Request:** First Congregational Church, Concert in City Park, Wednesday, June 20th.

Roll Call: All Ayes.

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

Peter Lagios, 308 4th Avenue S, voiced his concerns regarding the volume level of the rebroadcasting of the council meeting video on the community channel on CLVision and the quality of the audio provided.

Scott Flory, City Administrator, gave a review of the proposed revisions to the proposed noise control ordinance and stated that since its last regular meeting City staff has researched noise control ordinances from other communities throughout Iowa and southern Minnesota. He stated that the proposed revisions incorporate several provisions that are contained within those ordinances. Greg Peterson, Chief of Police, stated that his recommendation would be that the council consider tabling the 2nd reading of the proposed ordinance until a further date in order for City staff and City Council members to complete additional research regarding the implementation of a noise control ordinance.

Mayor Crabb stated it was now time for public comment in regard to the proposed Noise Control Ordinance.

Peter Lagios, 308 4th Ave S, stated that he is in favor of the City adopting the noise ordinance and supports the Council continuing with the 2nd reading of the ordinance.

Brent Fischer, 624 9th Ave N, stated that he is not opposed to the noise ordinance but feels the proposed decibel levels should be more reasonable.

Laurie Cesar, 109 14th Ave S, stated that she is opposed to the noise ordinance.

Mary Margaret Morris, 207 7th Ave S, stated that she feels that the quality of life statement in the proposed ordinance violates the Civil Rights Act.

Phil McCormick, 210 S 3rd St, encouraged the Council not to support the ordinance as drafted.

Kristy McCormick, 210 S 3rd St, stated that she feels the provision regarding animal sounds is unclear and asked the Council to research this prior to the adoption of any such provision to the ordinance.

Michael Bainter, 414 N Shore Drive, stated he is in favor of the City adopting a noise ordinance.

Joe Rich, 214 N 3rd Street, encouraged the Council to follow the recommendation of the Chief to table the ordinance to allow additional research to be completed by City staff.

Bill Cavanaugh, 1800 W 5th Ave N, stated that he is not in favor of the adoption of a noise ordinance.

Will Heller, 624 18th Street W, stated that he is opposed to the limits on construction noise as proposed in the ordinance. He encouraged the Council to allow construction activities to begin at 7:00 a.m.

Jeff Gorbail, 1401 6th Ave S, representing Kingland Systems, asked the Council to consider favorably Mr. Flory's suggestion to include backup power generators as an exception to the ordinance.

Shaun Cesar, 109 14th Ave S, stated that he feels there are too many exceptions to the ordinance as proposed and does not support the ordinance.

Hearing no further public comment, Nelson moved to close the time for public comment, seconded by Callanan. Passed Unanimously.

Boehnke moved to table Ordinance #804 until the first regular meeting in May of 2013 to allow the City to do its due diligence regarding the adoption of a noise control ordinance, seconded by Unsworth.

Nelson stated that he is comfortable with tabling the ordinance but would prefer a more condensed timeline to bring it back to the council.

Unsworth requested that if the Council votes to table the ordinance that Chief Peterson keep the council abreast of the developments regarding the noise ordinance every quarter.

Mayor Crabb called the roll on the motion of tabling Ordinance #804. Ayes: Boehnke, Brant, Callanan, Unsworth. Nays: Nelson.

Jason Petersburg, P.E., Veenstra & Kimm, gave an update regarding the 10th Avenue N. STP Street Reconstruction Project and reviewed Pay Estimate #4 in the amount of \$83,226.22 to Wick's Construction of Decorah, Iowa. Unsworth moved to approve Pay Estimate #4 to Wick's Construction, seconded by Boehnke. Passed Unanimously.

Petersburg gave an update on the CDBG Sanitary Sewer Collection System Improvement Project (Phase 2) and reviewed Pay Estimate #1 in the amount of \$309,248.80 to Wick's Construction of Decorah, Iowa. Callanan moved to approve Pay Estimate #1 to Wick's Construction, seconded by Nelson. Passed Unanimously.

Brent Willett, Executive Director, North Iowa Corridor Economic Development Corporation, reviewed the strategic planning priorities as identified by the Board of Directors of the North Iowa Corridor EDC.

Flory advised that due to the scheduled retirement of Sue Keefe as the City's Parks & Recreation Director on May 24th he would like to recommend to the Council the appointment of current Assistant Parks & Recreation Director Randy Miller to the position of Parks & Recreation Director. He stated that Miller has been with the City for almost four years and is confident in his ability to perform the duties of the Parks & Recreation Director and that the appointment will be effective May 25th. 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. 12-31

A RESOLUTION CONFIRMING THE APPOINTMENT OF RANDY MILLER AS THE DIRECTOR OF PARKS & RECREATION OF THE CITY OF CLEAR LAKE, IOWA

Joe Weigel, Public Works Director, gave an update on the following projects: 7th Ave N. Storm Sewer Outlet (Willow Creek) Improvement Project; Industrial Park 3rd Addition Storm Sewer Improvement Project; and the Municipal Water System Improvements & Street Right-of-Way Restoration Project – Lincoln Village.

Flory gave an update regarding the grant application submitted to the Cerro Gordo Soil & Water Conservation District Commission for the alley improvement project associated with Fredriksen's on 1st. He stated that the City has been awarded funding in an amount up to \$18,750 for storm sewer upgrades and improvements.

Nelson moved to go into Closed Session at 8:27 p.m. pursuant to Code of Iowa Section 21.5 (1) (j) "To discuss the purchase of particular real estate only when premature disclosure would be reasonably expected to increase the price and governmental body could have to pay for that property", seconded by Callanan. Roll Call: Passed Unanimously.

Unsworth moved to return to regular session at 8:56 p.m. with no final action taken on any matter in closed session, seconded by Brant. Passed Unanimously

There being no further business before the Council, Brant moved to adjourn at 8:58 p.m., seconded by Nelson. Passed Unanimously.

NEXT MEETING – MONDAY, JUNE 4, 2012

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

ATTEST:

/S/ Jennifer Larsen
Jennifer Larsen, City Clerk