

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, May 6, 2013, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. Council Members present: Boehnke, Nelson, Unsworth, Brant. Absent: Callanan.

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

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

- A. Minutes – April 15, 2013.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
 - **Liquor License**: Class C Liquor License (LC) (Commercial), **MNG Restaurant Corp dba The Island**; Class C Liquor License (LC) (Commercial with Outdoor Service and Sunday Sales, **Rumorz**; Class B Wine Permit with Sunday Sales, **Weathered Elements**; Class C Liquor License (LC) (Commercial) with Outdoor Service and Sunday Sales, **Ge-Jo's by the Lake**; (renewals).
 - **Excavator's License**: **Jennings Excavating**, Clear Lake; **Dean Snyder Construction**, Clear Lake; **Mort's Inc**, Latimer, (renewals) and **West Union Trenching**, West Union, (new).
 - **Peddler's License**: **Perry's Sweet Treats**, Clear Lake, (renewal).
 - **Tree Trimmer's License**: **Rolling Excavating**, Bancroft, (new).
 - **Cigarette Permit**: **Kum & Go #301**, **Kum & Go #302**, and **Fareway**, (renewals).
 - **Amusement License**: Lake Front Tap, (renewal).

Roll Call: All Ayes.

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

Chuck Conroy, 507 18th Street West, asked the Council to consider placing signage along North Shore Drive stating bicycles should ride single file and stated that it is a safety issue for those bicyclists who are riding three and four wide.

Unsworth moved that **Ordinance #807**, "AN ORDINANCE ESTABLISHING THE SALARY FOR THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE, IOWA, FOR THE TERM(S) BEGINNING JANUARY 1, 2014 FORWARD", be approved on the final reading, seconded by Brant. Roll Call: Passed Unanimously.

Scott Flory, City Administrator, reviewed a proposed ordinance that would prohibit the feeding of waterfowl at or within 300' of any City-owned and maintained recreation area, including City Beach and N Lakeview Drive, between Main Avenue and 4th Avenue N, the area of the seawall and the N Lakeview Drive walkway. He noted that the proposed ordinance has been reviewed and endorsed by the Association for the Preservation of Clear Lake, the Clear Lake Chamber of Commerce, and the Parks & Recreation Advisory Board. Mayor Crabb stated it was now the opportunity for Public Comment regarding the proposed Ordinance.

Nate Carney, representing the Clear Lake Chamber of Commerce Board, stated that the board endorses the ordinance and believes that the feeding of waterfowl will endanger the water quality of the lake and could have a negative impact on tourism in the community.

Hearing no further public comment, Unsworth moved that **Ordinance #808**, "AN ORDINANCE PROHIBITING THE FEEDING OF WATERFOWL AT OR WITHIN 300' OF ANY CITY-OWNED AND MAINTAINED PARK OR OTHER RECREATION AREA (INCLUDING CITY BEACH AND N. LAKEVIEW DRIVE, BETWEEN MAIN AVE AND 4TH AVE N.) WITHIN THE CITY OF CLEAR LAKE, IOWA, AND AMENDING THE CODE OF ORDINANCE OF THE CITY OF CLEAR LAKE, IOWA, 2003", be approved on the 1st reading, seconded by Nelson. Roll Call: Passed Unanimously.

Flory reviewed the S 20th Street Intersection, Stormwater & Sidewalk Improvement Project and stated that at its April 15th meeting the Council awarded the construction contract to Yohn Excavating of Clear Lake for the project. He noted the amount of the contract is \$279,922.75. He stated the City has now received the partially-executed contract, bonds, and certificate of liability insurance from the contractor and that all documents have been reviewed by City staff and the Project consultant and are in compliance with the Project specifications. Boehnke 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. 13-35

A RESOLUTION APPROVING CONTRACT AND BOND

Jim Collins, Key Account Manager, gave the annual report from Alliant Energy.

Flory reviewed the proposed professional services agreement for the City's Annual Audit and stated that at its meeting on March 4th, the Council authorized the issuance of a competitive RFP process and invited bids from several qualifying Certified Public Accounting firms. He stated the City received three proposals in response to its solicitation including a proposal from McGladrey & Pullen, LLP who has performed auditing services for the City for over 25 years. He further stated that a work group comprised of the Mayor, a City Council Member, the Finance Officer, and City Administrator conducted interviews with the three firms and concluded that the most competitive proposal received was from the Certified Public Accounting firm of Bohnsack & Frommelt, LLP. He noted the length of the agreement is for five fiscal years beginning June 30, 2013 through June 30, 2017. Unsworth introduced the following **Resolution** and moved its adoption, seconded by Nelson. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 13-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEAR LAKE, IOWA, APPROVING A PROFESSIONAL AUDIT SERVICES AGREEMENT BETWEEN THE CITY OF CLEAR LAKE AND BOHNSACK & FROMMELT, LLP, AND AUTHORIZING THE CITY ADMINISTRATOR AND CITY CLERK TO EXECUTE THE AGREEMENT

Flory reviewed the Pine Brooke 3rd Residential Subdivision and stated that the developer, Joshua Inc., has submitted and requests Final Plat approval for Pine Brooke 3rd Residential Subdivision. He stated the Planning & Zoning Commission and City Council each approved the preliminary plat for Pine Brooke 3rd Addition on April 24, and May 7, 2012 and on February 12, 2013, the Planning & Zoning Commission approved the Final Plat. 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. 13-37

A RESOLUTION APPROVING THE FINAL PLAT FOR PINE BROOKE 3RD SUBDIVISION, ACCEPTING IMPROVEMENT SECURITY, AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE SAME

Flory gave an overview of the proposed Professional Services Agreement between the City and RDG Planning & Design to develop a concept plan and design for the improvement of the Main Avenue Water Tower Site & N. Lakeview Drive (Main Ave – 1st Ave N.). Pat Dunn and Cory Scott, RDG Planning & Design, gave an overview of the scope of services for the project and stated that a concept plan for improvements to the area will be developed following several public meetings and workshops. Scott noted that it is anticipated that the concept plan will be completed by the end of June, 2013. Unsworth moved to approve the Professional Services Agreement between the City and RDG Planning & Design, seconded by Brant. Passed Unanimously.

Joe Weigel, Public Works Director, gave an update on the following: repairs/rebuilding of Well #1's pump; US HWY 18 Water Main Improvement Project (N 3rd to N. 9th Street W); and the Cemetery Site Grading Project.

Flory reviewed the Retail Recruitment Incentive Program and stated that the City had received a request for financial assistance through the program from Bob Sherman of the Lake Theatre. He noted that the request would involve a property tax rebate.

Bob Sherman, Lake Theatre, reviewed his request for assistance through the Retail Recruitment Incentive Program and stated that he is requesting a five-year property tax rebate from the City. He noted that this would allow him to make some improvements and repairs to the building.

After general discussion, it was the consensus of the Council to direct Flory to prepare an economic development agreement for consideration at the May 20th Council meeting.

Flory reviewed a position vacancy announcement for a Water Treatment Plant/Public Works Operator & Code Enforcement Officer position and stated that the position announcement will be published in the Clear Lake Mirror Reporter and the Globe Gazette. He noted that the position announcement will also be available on the City website.

There being no further business before the Council, Brant moved to adjourn at 7:32 p.m., seconded by Nelson. Passed Unanimously.

NEXT MEETING – MONDAY, MAY 20, 2013

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk