

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, May 7, 2012, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. Council Members present: Brant, Nelson, Unsworth, Boehnke. Absent: Callanan.

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

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

- A. Minutes – April 16th & 30th, 2012.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
 - Liquor Licenses: Class C Liquor License (LC) (Commercial) with outdoor service & Sunday sales, Ge-Jo's By the Lake, (renewal).
 - Cigarette Permit: Pilot Travel Center, (renewal).
 - Street Closing Requests: Motorcycle Awareness Group, Motofest II, June 2nd, Twin City F100 Club, June 15 & 16; Clear Lake Area Chamber of Commerce, Thursday's on Main, beginning June 14th through August 6th.

Roll Call: All Ayes.

Mayor Crabb announced that it was the time and place for the citizen's forum. There was no citizen comment.

Unsworth moved that **Ordinance #803** "A SUMMARY ORDINANCE APPROVING AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE, IOWA, 2003, BY REPEALING CHAPTER 165 SECTION 53 "FLOODPLAIN MANAGEMENT" IN ITS ENTIRETY AND ADOPTING NEW "FLOODPLAIN MANAGEMENT" PROVISIONS IN LIEU THEREOF TO BE KNOWN AS CHAPTER 165 SECTION 53 "FLOODPLAIN MANAGEMENT" be approved on the final reading, seconded by Boehnke. Roll Call: Passed Unanimously.

Scott Flory, City Administrator, reviewed the proposed Municipal Water System Improvements & Street Right-of-Way Restoration Project – Lincoln Village and stated that at its meeting on April 30th the Council awarded the construction contract for the Project to YohnCo. of Clear Lake in the amount of \$123,908 and that the City has now received the Contract & Bonds and Certificate of Liability Insurance from the contractor. He noted the contract documents have been determined to be in compliance with project specifications. He further noted that a pre-construction conference has been set for May 8th at 9:00 a.m. and that the Project is to be substantially completed by June 29th. 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. 12-29

A RESOLUTION APPROVING CONSTRUCTION CONTRACT AND BONDS FOR THE MUNICIPAL WATER SYSTEM AND STREET RIGHT-OF-WAY RESTORATION IMPROVEMENT PROJECT – LINCOLN VILLAGE

Flory reviewed the preliminary plat for Pine Brooke Subdivision Phase 3 and stated that it is a 9-lot residential subdivision located on the north side of 10th Avenue N., near its intersection with N. 3rd Street W. and that it represents the final phase of the Pine Brooke development project. He noted the initial phase resulted in the creation of 32 building lots and the 2nd phase created an additional 15 lots. Project developer Tim Stenberg advised the Council that he anticipates letting the project for construction bids in June and completing the project by November 1st of this year. John Marino, Community Development Official, stated that the Planning & Zoning Commission reviewed the proposed Preliminary Plat at its meeting in April and has forwarded its recommendation that the Council approve the Plat. 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. 12-30

A RESOLUTION APPROVING THE PRELIMINARY PLAT OF THE PINE BROOKE 3RD SUBDIVISION IN THE CITY OF CLEAR LAKE, IOWA

Greg Peterson, Chief of Police reviewed the proposed Noise Control Ordinance and stated that a few minor revisions have been made to the Ordinance since the Council last discussed the draft proposal at its April 30th meeting. He noted that the Ordinance included in the Council packets is the final copy with those revisions. Mayor Crabb stated it was now time for public comment in regard to the proposed Noise Control Ordinance.

Phil McCormick, 210 S 3rd Street, stated that he is not in favor of the ordinance as he feels it puts too many restrictions on the community members.

Mary Morris, 207 7th Ave S, that she is not opposed to the City adopting a noise ordinance however she feels some aspects of the ordinance need more definition.

Peter Lagios, 308 4th Ave S, stated that he is in favor of the City adopting a noise ordinance.

Mike Connor, 400 Orchard Lane, stated that he is not in favor a noise ordinance and feels that what the City currently has in place is sufficient.

Kristy McCormick, 210 S 3rd Street, stated that she is not opposed to the adoption of a noise ordinance but feels that the Council needs to consider the fact that there are also individuals in the community who work nights and may be sleeping during the daylight hours.

James Potter, 7 S 17th Street, stated that he supports the adoption of a noise ordinance and supports addressing the noise from race cars being tuned up in residential areas during the racing season.

Will Heller, 624 18th Street W, stated that he is opposed to the adoption of a noise ordinance.

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

Council Member Nelson and Council Member Unsworth stated that they would support the ordinance as proposed and commended Chief Peterson for his work on drafting the Ordinance.

Council Member Boehnke stated that he is not in favor of the additional restrictions that are proposed in the Ordinance.

Nelson moved that Ordinance #804, "AN ORDINANCE AMENDING THE "CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE, IOWA, 2003", BY ADDING A NEW CHAPTER TO BE KNOWN AS "CAHPTER 48 NOISE CONTROL", be approved on the first reading, seconded by Unsworth. Roll Call: Ayes: Nelson, Unsworth, Brant. Nays: Boehnke.

Joe Weigel, Public Works Director, gave an update on the following: CDBG Sanitary Sewer Collection System Improvement Project (Phase2); 7th Avenue N. Storm Sewer Outlet (Willow Creek) Improvement Project; Industrial Park 3rd Addition Storm Sewer Improvement Project; and the 10th Avenue N. Street Reconstruction Project.

Flory stated the City received the health insurance renewal rates from Wellmark BC/BS and that the rates will increase 14% for FY 13. He noted that the City had budgeted in FY 13 for a 15% increase.

Unsworth moved to go into Closed Session at 7:48 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 the governmental body could have to pay for the property", seconded by Nelson. Roll Call: Passed Unanimously.

Unsworth moved to return to regular session at 8:26 p.m. with no final action taken on any matter in closed session, seconded by Nelson. Passed Unanimously

There being no further business before the Council, Brant moved to adjourn at 8:28 p.m., seconded by Unsworth. Passed Unanimously.

NEXT MEETING – MONDAY, MAY 21, 2012

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

ATTEST:

/S/ Jennifer Larsen
Jennifer Larsen, City Clerk

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