

REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, November 19, 2012, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. All Council Members present.

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

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

- A. Minutes – November 19, 2012.
- B. Approval of the bills & claims.

Roll Call: All Ayes.

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

Scott Flory, City Administrator, reviewed the FY 2012 financial report that is required to be submitted to the State Auditor and the Iowa Department of Management by December 1st. Total actual audited revenues and expenditures for the fiscal year ending June 30, 2012 were \$16,299,724 and \$11,165,416. He noted the State of Iowa limits the amount of general obligation debt a City may incur and that the City's current general obligation debt limit is \$38,788,534. He further noted that as of June 30, 2012, the City has roughly \$6 million in general obligation indebtedness or roughly 15 1/2 %. Unsworth moved to approve the FY 2012 Annual Financial Report, seconded by Boehnke. Passed Unanimously.

Flory reviewed the proposed Titan Pro SCI Building Project (Phase 2) Development Agreement amendment and stated that at its November 5th regular meeting, the Council set the date for a public hearing on a proposal to amend the existing Development Agreement between the City of Clear Lake and Titan Pro SCI. He advised that the proposed amendment to the development agreement is to increase the amount of annual property tax payments to be rebated back to the Company from a cumulative, not to exceed amount of \$800,000 to a cumulative, not to exceed amount of \$1,100,000 over a 10-year period. He noted that following the public hearing and consideration of the proposed amendment to the Development Agreement, the Council will also consider a separate Resolution authorizing the annual appropriation property tax rebate payment for FY 14.

Mayor Crabb stated it was now the time and place for the public hearing on the proposed amendment to a Development Agreement with Titan Pro SCI, increasing annual appropriation tax increment payments to an amount not to exceed \$1,100,000. Hearing no public comment, Nelson moved to close the public hearing, seconded by Callanan. Passed Unanimously. 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. 12-67

A RESOLUTION APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT WITH TITAN PRO SCI, INCREASING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS TO AN AMOUNT NOT TO EXCEED \$1,100,000

Callanan 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. 12-68

A RESOLUTION OBLIGATING FUNDS FROM THE CLEAR LAKE CONSOLIDATED URBAN RENEWAL TAX FUND FOR APPROPRIATION TO THE PAYMENT OF ANNUAL APPROPRIATION TAX INCREMENT FINANCED OBLIGATION WHICH SHALL COME DUE IN THE NEXT SUCCEEDING FISCAL YEAR (TITAN PRO SCI)

Brent Willett, Executive Director, North Iowa Corridor Economic Development Corporation, reviewed the 3rd quarter activities by the NIEDC.

Jason Petersburg, P.E., Veenstra & Kimm, gave an update on the North Shore Drive Streetscape Improvement Project and reviewed Pay Estimate #2 in the amount of \$84,930.78 to Vieth Construction of Cedar Falls, Iowa. Unsworth moved to approve Pay Estimate #2, seconded by Callanan. Passed Unanimously.

Flory gave an update on the N. 40th Street Bridge Deck Rehabilitation Improvement Project and stated that the construction work was completed on October 17th and that the Certificate of Completion has now been filed with the City Clerk. He noted that the engineer's opinion of the probable cost of construction was \$108,000 and that the final cost of construction was \$52,449.90. Petersburg reviewed Pay Estimate #2 in the amount of \$25,989.81 to Larson Contracting of Lake Mills, Iowa. Boehnke moved to approve Pay Estimate #2, seconded by Nelson. Passed Unanimously. 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. 12-69

A RESOLUTION ACCEPTING THE WORK FOR THE N. 40TH STREET BRIDGE REHABILITATION PROJECT

Petersburg gave an update on the CDBG Sanitary Sewer Collection System Improvement Project – Phase II (paving) and reviewed Pay Estimate #7 in the amount of \$106,744.47 to Wick's Construction of Decorah, Iowa. Unsworth moved to approve Pay Estimate #7, seconded by Boehnke. Passed Unanimously.

Joe Weigel, Public Works Director, reviewed a proposal for the purchase of two new zero-turn radius mowers and stated that City staff obtained competitive bid proposals through the written quotation process and that three proposals were submitted. He stated that the lowest cost proposal was submitted by Swartzrock of Charles City, Iowa, in a total amount (after trade-in of the City's two 2006 ExMark mowers) of \$10,519, which includes delivery to Clear Lake. He noted that current fiscal year budget provided for the replacement of the two remaining zero-turn radius mowers for the Public Works Department and that the amount budgeted was \$16,000. Nelson moved to approve the purchase of two (2) zero-turn radius mowers, seconded by Unsworth. Passed Unanimously.

Weigel gave an update on the on the 1st Avenue S. & S. 3rd Street alley way project and stated that at its previous meeting the contractor YohnCO proposed two options regarding the completion of the project. He stated that after consulting the project engineer, City staff determined that option #2 that would involve completion of the underground work this fall and the installation of the porous pavers in the spring of 2013 with the City receiving a lump sum credit of \$5,000 from the contractor was the preferred option. He noted that the proposed completion date for the work to be completed this fall is November 25th and it appears unlikely that the work will be completed prior to that date.

Flory stated that the City will be issuing an RFP for legal services and reviewed the timeline for that process. He stated that the schedule calls for submission of the proposals by December 28th, Council consideration at its January 22, 2013 regular meeting, and an anticipated start date on or before February 1, 2013. He further stated that current City Attorney, Charlie Biebesheimer, was appointed in 2004 and that the terms of the original RFP was an initial two-year contract with not more than two automatic two-year renewals. He noted that City Council authorization is required for an extension of the contract beyond a cumulative six year period.

Flory stated that current Utility Billing Clerk, Nancy Cash, will be retiring in a few weeks and that the position announcement was recently published in the Clear Lake Mirror Reporter and the Globe Gazette. He noted that the position announcement and job description are also available on the City website.

Flory noted that the FY 2012 Municipal Audit Report will be presented by McGladrey & Pullen at the December 3rd regular meeting.

Charlie Biebesheimer, City Attorney, stated that at the previous meeting the Council approved a liquor license for Brenda Thompson and Bikerz. Ms. Thompson is an employee and not the owner. He further stated that the application submitted to the Iowa Alcoholic Beverages Division (IABD) was in the name of MaryAnn Kenison, the owner, and was approved as such by the IABD. Flory suggested that the application, which is in Ms. Kenison's name, be placed on the agenda for the December 3rd regular meeting in order to clear up any misunderstandings regarding the license issuance.

There being no further business before the Council, Nelson moved to adjourn at 8:03 p.m., seconded by Brant. Passed Unanimously.

NEXT MEETING – MONDAY, DECEMBER 3, 2012

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

ATTEST:

/S/ Jennifer Larsen
Jennifer Larsen, City Clerk

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