

Mayor  
NELSON P.  
CRABB

November 16, 2012

City  
Administrator  
SCOTT  
FLORY

HONORABLE MAYOR & CITY COUNCIL MEMBERS:

The next meeting of the Clear Lake City Council is scheduled for Monday, **November 19, 2012**, at 6:30 p.m., in the Council Chambers, at City Hall. Please refer to the enclosed agenda for the items discussed below.

COUNCIL  
MEMBERS

DANA  
BRANT  
Ward 1

ITEM #6A. **Annual Financial Report – 2012 Fiscal Year.** By December 1<sup>st</sup> of each year, all cities in Iowa must submit an annual financial report to the Iowa Department of Management and State Auditor's Office. Enclosed herewith is a copy of the financial report for the 2012 fiscal year, which the City is required to publish in the newspaper.

TONY J.  
NELSON  
Ward 2

**Significant "budgeted" vs. "actual" variances are as follows:**

JIM  
BOEHNKE  
Ward 3

Revenues:

MIKE  
CALLANAN  
At Large

- 1) Other City Taxes – Local Option Sales Tax, over estimate: \$94,000 and Utility Franchise Fees, over estimate: \$10,000.
- 2) Intergovernmental Revenue – CDBG Grant, under estimate: \$526,000; N. Shore Drive Streetscape Project, not started: \$87,000; 10th Ave North Project, grant funds not received as of June 30<sup>th</sup>: \$198,000.
- 3) Miscellaneous – Over budget due to recording \$246,465 of contributed capital related to the airport water main extension project.
- 4) Other financing sources – Transfers of \$1,100,000 under estimate due to timing of capital projects.

TERRY  
UNSWORTH  
At Large

Expenditures:

- 1) Public Safety: Police Radio Communications Equipment Upgrade Project, not started: \$165,000.
- 2) Public Works: Street Maintenance, under budget: \$47,000; Snow removal (including prior year reserve), under budget: \$57,000; Miscellaneous alley & sidewalk improvements and street signs, under budget: \$19,000; Utilities and Vehicle maintenance supplies, under budget: \$44,000.
- 3) Health & Social Service: Mosquito spraying - not performed.
- 4) Culture and Recreation – Library Foundation, under budget: \$13,000; Park & Rec contracted services, under budget: \$10,000; Swimming Pool operations, under budget: \$14,000.



- 5) Capital Projects – CDBG Project, construction not completed: \$1,400,000; N. Shore Drive Streetscape, not completed: \$150,000; and Police Station/City Hall professional services, not completed: \$60,000.

**Prior year comparisons:**

Fiscal Year	Revenues	Expenditures
2002	\$11,065,787	\$10,604,432
2003	\$ 8,791,567	\$ 8,214,433
2004	\$ 9,420,524	\$ 8,493,544
2005	\$ 8,800,782	\$ 8,337,912
2006	\$13,187,960	\$12,206,526
2007	\$14,791,336	\$13,563,575
2008	\$11,828,856	\$ 9,641,551
2009	\$13,545,513	\$12,699,556
2010	\$15,102,126	\$13,841,674
2011	\$16,937,927	\$14,026,079
2012	\$16,299,724	\$11,165,416

The Iowa Constitution limits the amount of General Obligation debt a City may incur to no more than 5% of its 100% valuation. For FY 2012, the City's GO debt limit was \$38,788,534. Typical advice from auditors and municipal financial advisors is that a City should not incur any more than 70% GO indebtedness or risk a potential lower bond rating. For Clear Lake, that threshold would be roughly \$27.1 million. However, Clear Lake's current level of GO bonded indebtedness is only \$6 million or roughly 15 ½%.

**ITEM#6B. Titan Pro SCI Building Project (Phase 2) Development Agreement.** At its November 5<sup>th</sup> regular meeting, the City Council voted to 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. By law, the City is required to publish notice of the public hearing in the newspaper and then, subsequently, conduct the hearing on the matter as published. The public hearing was set for November 19, 2012. 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.

The City of Clear Lake originally entered into a Development Agreement with Titan Pro SCI on March 1, 2010. The Development agreement provided for, among other things, a property tax rebate incentive in a cumulative amount not to exceed \$800,000 over a period of 10 years. Prior to construction of Phase 2 of its building project, on July 5, 2011, the City Council approved a Letter of Intent with the Company that allowed for additional property tax rebate incentives on that future component as well. The City is required, prior to December 1, 2012, to take action to amend the existing development agreement 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 the same 10-year period.

**ITEM#6E. N. 40<sup>th</sup> Street Bridge Rehabilitation Project.** On August 6, 2012, the City Council awarded a construction contract to Larson Contracting (Lake Mills) in the amount of \$47,415. The scope of the Project consisted of: spot (full-depth) bridge deck repairs; milling of 1 ¾' of the deck surfacing; 2" concrete overlay of the bridge deck; and approach slab repairs. The City budgeted \$176,000 for the project (FY 13). The engineer's opinion of the probable cost of construction prior to bid letting was \$108,000.

The construction work required by the contract documents was completed on October 17, 2012, to the satisfaction of the City's consulting engineer. The "Certificate of Completion", indicating the final cost of construction as \$52,449.90, has now been filed with the City Clerk.

*A summary of the costs is as follows:*

Original Contract Cost: \$47,415.40  
Final Quantity Adjustments: +\$5,034.50  
Final Contract Cost: \$52,449.90

The final contract price reflects a ten percent (10%) increase to the original contract as a result of the aforementioned final quantity adjustments. It is recommended that the Council accept the work for the project and approve the final pay estimate, thereby authorizing release of the retainage monies not sooner than 31 days after acceptance of the project. The work on the Project is covered by a four (4) year maintenance bond, which begins following approval of the Resolution Accepting the Work by the Council.

**ITEM#6G. Purchase of two (2) new zero-turn radius mowers.** The current fiscal year budget (cemetery division) provided for the replacement of the two (2) remaining zero-turn radius mowers for the Public Works dept. The total amount budgeted was \$16,000. These mowers are primarily used in the cemetery, parks, various City properties, and right-of-way areas. In accordance with the City's purchasing policy requirements, staff obtained competitive bid proposals through the written quotation process. The results were as follows:

Swartzrock (Charles City)	\$10,519
Kramer Hardware (Clear Lake)	\$10,928
Casady Bros Implement (Clear Lake)	\$12,146

The lowest cost proposal was submitted by Swartzrock, Charles City, IA, in total amount of \$10,519, which included delivery to Clear Lake. All proposals are "net" and reflect trade-in of the City's 2006 ExMark LX535 72" deck and 2006 ExMark LZ27 60" deck mowers, which were purchased in 2006. The City purchased a new 2011 ExMark 34HP, 72" deck from this same vendor last year at this time.

**Please feel free to contact me if you have questions about any of the agenda items.**

**Scott Flory  
City Administrator**

TENTATIVE AGENDA  
CLEAR LAKE CITY COUNCIL  
CITY HALL – 15 N. 6<sup>TH</sup> STREET  
MONDAY, NOVEMBER 19, 2012  
CITY HALL – COUNCIL CHAMBERS  
**6:30 P.M.**

1. Call To Order by Mayor Nelson P. Crabb.
2. Approval of Agenda.
3. Consent Agenda:
  - A. Minutes – November 5, 2012.
  - B. Approval of the bills & claims.
4. Citizen's opportunity to address the Council on items not on the agenda:
  - In conformance with the City Council's Rules of Procedure, no action can occur on items presented during the Citizens Forum.
  - Please walk to the lectern, state your name (spell last name), address, and subject of your discussion.
  - Speakers are limited to a maximum of five (5) minutes per person.
5. Unfinished Business:
6. New Business:
  - A. Annual Financial Report – FY 2012:
    - Review by Scott Flory, City Administrator.
    - **Motion** to approve the "FY 2012 Annual Financial Report" by City Council.
    - Discussion and consideration of **Motion** by City Council.
  - B. Titan Pro SCI (Phase II) Building Project:
    - Review by Scott Flory, City Administrator.
    - Public Hearing.
    - **Motion** to approve **Resolution #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."
    - Discussion and consideration of **Motion** by City Council.

- **Motion** to approve **Resolution #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 obligations which shall come due in the next succeeding fiscal year (Titan Pro SCI).”
- Discussion and consideration of **Motion** by City Council.

C. North Iowa Corridor EDC Quarterly Report:

- Review by Brent Willett, Director, North Iowa Corridor EDC.
- Questions and discussion by City Council.

D. North Shore Drive Streetscape Improvement Project:

- Update regarding construction activities and review of Pay Estimate #2, Jason Petersburg, P.E., Veenstra & Kimm.
- **Motion** to approve Pay Estimate #2 by City Council.
- Discussion and consideration of **Motion** by City Council.

E. N. 40<sup>th</sup> Street Bridge Deck Rehabilitation Improvement Project:

- Introduction by Scott Flory, City Administrator.
- Update regarding construction activities and review of Pay Estimate #2 (final), Jason Petersburg, P.E., Veenstra & Kimm.
- **Motion** to approve Pay Estimate #2 (final) by City Council.
- Discussion and consideration of **Motion** by City Council.
- **Motion** to approve **Resolution #12-69**, “A Resolution Accepting the Work for the N. 40<sup>th</sup> Street Bridge Rehabilitation Project.”
- Discussion and consideration of **Motion** by City Council.

F. CDBG Sanitary Sewer Collection System Improvement Project – Phase II (paving):

- Update regarding construction activities and review of Pay Estimate #7, Jason Petersburg, P.E., Veenstra & Kimm.
- **Motion** to approve Pay Estimate #7 by City Council.
- Discussion and consideration of **Motion** by City Council.

G. Purchase of two (2) new zero-turn radius mowers:

- Review of request, Joe Weigel, Public Works Director and Dave Whitehurst Asst. Public Works Director.
- **Motion** to approve purchase of two (2) zero-turn radius mowers by City Council.
- Discussion and consideration of **Motion** by City Council.

7. Chief of Police's Report:

8. Mayor's Report:

9. Public Works Director's Report:

- Update regarding construction of the 1<sup>st</sup> Ave S. & S. 3<sup>rd</sup> Street(s) alley way project.

10. City Administrator's Report:

- Issuance and review of RFP for legal services.
- Utility Billing Clerk Position announcement
- FY 2012 Municipal Audit Report (12/3/12)

11. City Attorney's Report:

12. Other Business:

13. Adjournment.

NEXT REGULAR MEETING – DECEMBER 3, 2012

November 9, 2012

To: Scott Flory, City Administrator

From: Linda Nelson, Finance Officer

Re: FY 2012 Annual Financial Report

Attached is the State of Iowa 2012 Financial Report which the City must complete each year and submit to the State Auditor by December 1, 2012. Please place on the November 19, 2012 agenda for council approval.

Significant budgeted to actual variances are as follows:

**Revenues**

- 1) Other City Taxes – Local Option Tax over estimate by \$94,000; and Utility Franchise fees over estimate by \$10,000.
- 2) Intergovernmental Revenue – CDBG Grant under estimate by \$526,000; Streetscape project not started \$87,000; 10<sup>th</sup> Ave North Grant not received as of June 30 \$198,000.
- 3) Miscellaneous – Over budget due to recording \$246,465 of contributed capital related to the airport water main.
- 4) Other financing sources – Transfers of \$1,100,000 under estimate due to timing of capital projects.

**Expenditures**

- (1) Public Safety – Police Radio upgrade project not started \$165,000.
- (2) Public Works – Street Maintenance under budget by \$47,000; Snow Removal (including prior year reserve under budget by \$57,000; Miscellaneous alley, sidewalk improvements and street signs under budget by \$19,000; Utilities and Vehicle Maintenance Supplies under budget by \$44,000.
- (3) Health and Social Services – Mosquito spraying not done.
- (4) Culture and Recreation – Library foundation under budget by \$13,000; Park & Rec contracted services under budget by \$10,000; Pool operations under budget by \$14,000.
- (5) Capital Projects – CDBG Project Construction not completed \$1,400,000; North Shore Dr Streetscape not completed \$150,000; and Police Remodel services not completed \$60,000.
  
- (6) Business type/Enterprise

- a. Principal payments of debt are liquidating a liability, thus they are not shown as an expenditure \$197,000.
- b. Capital asset purchases and construction of infrastructure are recorded as an asset of the fund and depreciated over the life of the project. For this fiscal year capital items and construction exceeded depreciation by \$1,400,000.
- c. Capital projects not completed
  - i. CDBG Project \$137,000,000.
  - ii. Water Tower land purchase \$100,000.
  - iii. North Shore Streetscape \$42,000

Prior year comparisons:

Fiscal Year	Revenues	Expenditures
2002	\$11,065,787	\$10,604,432
2003	\$ 8,791,567	\$ 8,214,433
2004	\$ 9,420,524	\$ 8,493,544
2005	\$ 8,800,782	\$ 8,337,912
2006	\$13,187,960	\$12,206,526
2007	\$14,791,336	\$13,563,575
2008	\$11,828,856	\$ 9,641,551
2009	\$13,545,513	\$12,699,556
2010	\$15,102,126	\$13,841,674
2011	\$16,937,927	\$14,026,079
2012	\$16,299,724	\$11,165,416

If you have any questions, please let me know.

**STATE OF IOWA**  
**2012**  
**FINANCIAL REPORT**  
**FISCAL YEAR ENDED**  
**JUNE 30, 2012**

16201700100000  
City of Clear Lake  
PO Box 185  
Clear Lake, IA 50428

**CITY OF CLEAR LAKE, IOWA**

**DUE: December 1, 2012**

*(Please correct any error in name, address, and ZIP Code)*

**WHEN COMPLETED, PLEASE RETURN TO**  
David A. Vaudt, CPA  
Auditor of State  
State Capitol Building  
Des Moines, IA 50319-0004

**NOTE** - The information supplied in this report will be shared by the Iowa State Auditor's Office, the U.S. Census Bureau, various public interest groups, and State and federal agencies.

**ALL FUNDS**

Item description	Governmental (a)	Proprietary (b)	Total actual (c)	Budget (d)
<b>Revenues and Other Financing Sources</b>				
Taxes levied on property	3,938,531		3,938,531	3,938,531
Less: Uncollected property taxes-levy year	0		0	
<b>Net current property taxes</b>	3,938,531		3,938,531	3,938,531
Delinquent property taxes	11,745		11,745	
TIF revenues	2,166,371		2,166,371	2,154,800
Other city taxes	1,614,903	0	1,614,903	1,510,340
Licenses and permits	83,560	0	83,560	87,650
Use of money and property	54,817	2,970	57,787	69,773
Intergovernmental	2,297,785	0	2,297,785	3,092,018
Charges for fees and service	541,709	1,780,231	2,321,940	2,292,660
Special assessments	164,142	0	164,142	150,000
Miscellaneous	127,837	247,224	375,061	97,116
Other financing sources	1,822,810	1,645,089	3,267,899	4,363,635
<b>Total revenues and other sources</b>	12,624,210	3,875,514	16,299,724	17,756,523
<b>Expenditures and Other Financing Uses</b>				
Public safety	2,569,059	0	2,569,059	2,777,131
Public works	1,193,225	0	1,193,225	1,424,488
Health and social services	558	0	558	2,845
Culture and recreation	1,003,283	0	1,003,283	1,086,315
Community and economic development	401,870	0	401,870	421,987
General government	787,747	0	787,747	811,686
Debt service	1,096,577	0	1,096,577	1,096,578
Capital projects	2,275,009	0	2,275,009	3,890,100
<b>Total governmental activities expenditures</b>	9,327,308	0	9,327,308	11,511,130
Business type activities	0	1,838,108	1,838,108	3,833,214
<b>Total ALL expenditures</b>	9,327,308	1,838,108	11,165,416	15,344,344
Other financing uses, including transfers out	3,182,116	45,520	3,227,636	4,326,635
<b>Total ALL expenditures/And other financing uses</b>	12,509,424	1,883,628	14,393,052	19,670,979
<b>Excess revenues and other sources over (Under) Expenditures/And other financing uses</b>	114,786	1,791,886	1,906,672	-1,914,456
Beginning fund balance July 1, 2011	6,402,936	18,433,230	24,836,166	24,836,166
Ending fund balance June 30, 2012	6,517,722	20,225,116	26,742,838	22,921,710

*Note - These balances do not include:*  
 - held in non-budgeted miscellaneous funds;  
 - held in pension trust funds;  
 - held in P/val/Purpose trust funds and  
 - held in agency funds which were not budgeted and are not available for city operations.

Indebtedness at June 30, 2012	Amount - Omit cents	Indebtedness at June 30, 2012	Amount - Omit cents
General obligation debt	\$ 6,008,500	Other long-term debt	\$ 120,000
Revenue debt	\$ 0	Short-term debt	\$ 0
TIF Revenue debt	\$ 0		
		General obligation debt limit	\$ 38,768,534

**CERTIFICATION**

**THE FOREGOING REPORT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF**

Signature of city clerk	Date Published/Posted	Mark (x) one <input type="checkbox"/> Date Published <input type="checkbox"/> Date Posted
Printed name of city clerk	Telephone	Area Code
Signature of Mayor or other City official (Name and Title)	Number	Extension
	Date signed	

**PLEASE PUBLISH THIS PAGE ONLY**

Part I		REVENUE AND OTHER FINANCING SOURCES FOR YEAR ENDED JUNE 30, 2012				CITY OF CLEAR LAKE			<input checked="" type="checkbox"/> GAAP <input type="checkbox"/> NON-GAAP - CASH BASIS <small>Indicate by placing an "X" in the appropriate box on this sheet ONLY.</small>			
Line No.	Item description	General (a)	Special revenue (b)	TIF special revenue (c)	Debt service (d)	Capital projects (e)	Permanent (f)	Total governmental (Sum of cols. (a) through (f)) (g)	Proprietary (h)	Code	GRAND TOTAL (Sum of cols. (g) and (h)) (i)	Line No.
1	<b>Section A - TAXES</b>											1
2	Taxes levied on property	2,772,012	588,106		578,413			3,938,531			3,938,531	2
3	Less: Uncollected property taxes - Levy year							0			0	3
4	Net current property taxes	2,772,012	588,106	0	578,413	0	0	3,938,531		T01	3,938,531	4
5	Delinquent property taxes	8,527	1,813		1,405			11,745		T01	11,745	5
6	Total property tax	2,780,539	589,919	0	579,818	0	0	3,950,276			3,950,276	6
7	TIF revenues			2,166,371				2,166,371		T01	2,166,371	7
8	Other city taxes											
8	Utility tax replacement excise taxes	31,093	6,614		5,362			43,069		T15	43,069	8
9	Utility franchise tax (Chapter 364.2, Code of Iowa)	120,810						120,810		T15	120,810	9
10	Parimutuel wager tax							0		C30	0	10
11	Gaming wager tax							0		C30	0	11
12	Mobile home tax							0		T19	0	12
13	Hotel/motel tax	156,736						156,736		T19	156,736	13
14	Other local option taxes	1,294,288						1,294,288		T09	1,294,288	14
15	TOTAL OTHER CITY TAXES	1,602,927	6,614	0	5,362	0	0	1,614,903	0		1,614,903	15
16	Section B - LICENSES AND PERMITS	83,560						83,560		T29	83,560	16
17	Section C - USE OF MONEY AND PROPERTY											17
18	Interest	16,835	16,612	3,089	939	1,368	1,903	40,746	2,970	U20	43,716	18
19	Rents and royalties	14,071						14,071		U40	14,071	19
20	Other miscellaneous use of money and property							0		U20	0	20
21								0			0	21
22	TOTAL USE OF MONEY AND PROPERTY	30,906	16,612	3,089	939	1,368	1,903	54,817	2,970		57,787	22
23												23
24	Section D - INTERGOVERNMENTAL											24
25												25
26	Federal grants and reimbursements											26
27	Federal grants	62,941				126,047		188,988		B89	188,988	27
28	Community development block grants					1,232,466		1,232,466		B50	1,232,466	28
29	Housing and urban development							0		B50	0	29
30	Public assistance grants							0		B79	0	30
31	Payment in lieu of taxes							0		B30	0	31
32								0			0	32
33	Total Federal grants and reimbursements	62,941	0	0	0	1,358,513	0	1,421,454	0		1,421,454	33
34												34
35												35
36												36
37												37
38												38
39												39
40												40

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Line No.	Item description	General (a)	Special revenue (b)	TIF special revenue (c)	Debt service (d)	Capital projects (e)	Permanent (f)	Total governmental (Sum of cols. (a) through (f)) (g)	Proprietary (h)	Code (i)	GRAND TOTAL (Sum of (g) and (h)) (j)	Line No.
41	Section D - INTERGOVERNMENTAL - Continued											41
42	State shared revenues											42
43	Road use taxes		731,630					731,630		C46	731,630	43
44												44
45												45
46												46
47												47
48	Other state grants and reimbursements											48
49	State grants	17,906				51,447		69,353		C89	69,353	49
50	Iowa Department of Transportation							0		C89	0	50
51	Iowa Department of Natural Resources							0		C89	0	51
52	Iowa Department of Economic Development							0		C89	0	52
53	CEBA grants							0		C89	0	53
54								0		C89	0	54
55								0			0	55
56								0			0	56
57								0			0	57
58								0			0	58
59								0			0	59
60	Total state	17,906	731,630	0	0	51,447	0	800,983	0		800,983	60
61												61
62	Local grants and reimbursements											62
63	County contributions	4,451						4,451		D89	4,451	63
64	Library services	41,739						41,739		D89	41,739	64
65	Township contributions							0		D89	0	65
66	Fire/EMT services	29,158						29,158		D89	29,158	66
67								0		D89	0	67
68								0			0	68
69								0			0	69
70	Total local grants and reimbursements	75,348	0	0	0	0	0	75,348	0		75,348	70
71	TOTAL INTERGOVERNMENTAL (Sum of lines 33, 60, and 70)	156,186	731,630	0	0	1,409,960	0	2,297,785	0		2,297,785	71
72	Section E - CHARGES FOR FEES AND SERVICE											72
73	Water							0	631,674	A91	631,674	73
74	Sewer							0	347,628	A82	347,628	74
75	Electric							0		A93	0	75
76	Gas							0		A93	0	76
77	Parking							0		A91	0	77
78	Airport							0	481,582	A81	481,582	78
79	Landfill/garbage							0		A96	0	79
80	Hospital							0		A96	0	80

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Part I		REVENUE AND OTHER FINANCING SOURCES FOR YEAR ENDED JUNE 30, 2012 - Continued				CITY OF CLEAR LAKE			<input checked="" type="checkbox"/> GAAP		<input type="checkbox"/> NON-GAAP - GAAP BASIS	
Line No.	Item description	General	Special revenue	TIF special revenue	Debt service	Capital projects	Permanent	Total governmental (Sum of cols. (a) through (f))	Proprietary	Code	GRAND TOTAL (Sum of cols. (g) and (h))	Line No.
		(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)		(i)	
81	<b>Section E - CHARGES FOR FEES AND SERVICE - Continued</b>											81
82	Transit							0		A94	0	82
83	Cable TV							0		T15	0	83
84	Internet							0		A03	0	84
85	Telephone							0		A03	0	85
86	Housing authority							0		A50	0	86
87	Storm water							0	119,337	A80	119,337	87
88	Other:											88
89	Nursing home							0		A89	0	89
90	Police service fees	86,932						86,932		A89	86,932	90
91	Prisoner care							0		A89	0	91
92	Fire service charges	1,125						1,125		A89	1,125	92
93	Ambulance charges	336,206						336,206		A89	336,206	93
94	Sidewalk street repair charges	3,651						3,651		A44	3,651	94
95	Housing and urban renewal charges	758						758		A50	758	95
96	River port and terminal fees							0		A87	0	96
97	Public scales							0		A89	0	97
98	Cemetery charges	29,500						29,500		A03	29,500	98
99	Library charges							0		A89	0	99
100	Park, recreation, and cultural charges	81,122						81,122		A61	81,122	100
101	Animal control charges							0		A89	0	101
102	Other charges - Specify							0			0	102
103	Mosquito spray, copies	2,415						2,415			2,415	103
104	<b>TOTAL CHARGES FOR SERVICE</b>	541,709	0	0	0	0	0	541,709	1,780,231		2,321,940	104
105												105
106	<b>Section F - SPECIAL ASSESSMENTS</b>	164,142						164,142		U01	164,142	106
107	<b>Section G - MISCELLANEOUS</b>											107
108	Contributions	12,614	14,582			4,037		31,233	246,465	U99	277,698	108
109	Deposits and sales/fuel tax refunds							0		U99	0	109
110	Sale of property and merchandise	16,224						16,224	759	U11	16,983	110
111	Fines	57,259	8,953					66,212		U30	66,212	111
112	Internal service charges							0		NR	0	112
113	Other miscellaneous - Specify							0			0	113
114	PRS Settlement Agreement			14,168				14,168			14,168	114
115								0			0	115
116								0			0	116
117								0			0	117
118								0			0	118
119								0			0	119
120	<b>TOTAL MISCELLANEOUS</b>	88,097	23,535	14,168	0	4,037	0	127,837	247,224		375,061	120

Continued on next page

Part I	REVENUE AND OTHER FINANCING SOURCES FOR YEAR ENDED JUNE 30, 2012 - Continued	CITY OF CLEAR LAKE					<input checked="" type="checkbox"/> GAAP	<input type="checkbox"/> NON-GAAP - CASH BASIS				
Line No.	Item description	General (a)	Special revenue (b)	TIF special revenue (c)	Debt service (d)	Capital projects (e)	Permanent (f)	Total governmental (Sum of cols. (a) through (f)) (g)	Proprietary (h)	Code	GRAND TOTAL (Sum of cols. (g) and (h)) (i)	Line No.
121	<b>TOTAL ALL REVENUES (Sum of lines 6, 7, 16, 16.22, 71, 104, 106, and 120)</b>	5,446,075	1,368,310	2,183,628	586,119	1,415,365	1,903	11,001,400	2,030,425		13,031,825	121
122												122
123	<b>Section H - OTHER FINANCING SOURCES</b>											123
124	Proceeds of capital asset sales	40,263						40,263		NR	40,263	124
125	Proceeds of long-term debt (Excluding TIF internal borrowing)							0		NR	0	125
126	Proceeds of anticipatory warrants or other short-term debt							0		A89	0	126
127	Regular transfers in and interfund loans	191,940	5,300		101,281	219,000		517,521	1,254,619		1,772,140	127
128	Internal TIF loans and transfers in				415,026	650,000		1,065,026	390,470		1,455,496	128
129								0			0	129
130								0			0	130
131	<b>TOTAL OTHER FINANCING SOURCES</b>	232,203	5,300	0	516,307	869,000	0	1,622,810	1,645,089		3,267,899	131
132	<b>TOTAL REVENUES except for beginning balances (Sum of lines 121 and 131)</b>	5,678,278	1,373,610	2,183,628	1,102,426	2,284,365	1,903	12,624,210	3,675,514		16,299,724	132
133												133
134	Beginning fund balance July 1, 2011	3,435,508	1,980,297	172,603	11,409	448,960	354,159	6,402,936	18,433,230		24,836,166	134
135												135
136	<b>TOTAL REVENUES AND OTHER FINANCING SOURCES (Sum of lines 132 and 134)</b>	9,113,786	3,353,907	2,356,231	1,113,835	2,733,325	356,062	19,027,146	22,108,744		41,135,890	136
137												137
138												138
139												139
140												140
141												141
142												142
143												143
144												144
145												145
146												146
147												147
148												148
149												149
150												150
151												151
152												152
153												153
154												154
155												155
156												156
157												157
158												158
159												159

Continued on next page

Line No.	Item description	General (a)	Special revenue (b)	TIF special revenue (c)	Debt service (d)	Capital projects (e)	Permanent (f)	Total governmental (Sum of cols. (a) through (f)) (g)	Proprietary (h)	Code	GRAND TOTAL (Sum of cols. (g) and (h)) (i)	Line No.
1	<b>Section A — PUBLIC SAFETY</b>											1
2	Police department/Crime prevention — Current operation	1,479,747	273,231					1,752,978		E62	1,752,978	2
3	Purchase of land and equipment	113,800						113,800		G62	113,800	3
4	Construction							0		F62	0	4
5	Jail — Current operation							0		E04	0	5
6	Purchase of land and equipment							0		G04	0	6
7	Construction							0		F04	0	7
8	Emergency management — Current operation	12,577						12,577		E89	12,577	8
9	Purchase of land and equipment							0		G89	0	9
10	Flood control — Current operation							0		E59	0	10
11	Purchase of land and equipment							0		G59	0	11
12	Construction							0		F59	0	12
13	Fire department — Current operation	128,465	15,772					144,237		E24	144,237	13
14	Purchase of land and equipment	17,945						17,945		G24	17,945	14
15	Construction	7,015						7,015		F24	7,015	15
16	Ambulance — Current operation	422,888	32,664					455,552		E32	455,552	16
17	Purchase of land and equipment	62,691						62,691		G32	62,691	17
18	Building inspections — Current operation							0		E66	0	18
19	Purchase of land and equipment							0		G66	0	19
20	Construction							0		F66	0	20
21	Miscellaneous protective services — Current operation							0		E66	0	21
22	Purchase of land and equipment							0		G66	0	22
23	Construction							0		F66	0	23
24	Animal control — Current operation	2,264						2,264		E32	2,264	24
25	Purchase of land and equipment							0		G32	0	25
26	Construction							0		F32	0	26
27	Other public safety — Current operation							0		E89	0	27
28	Purchase of land and equipment							0		G89	0	28
29								0			0	29
30								0			0	30
31								0			0	31
32								0			0	32
33								0			0	33
34								0			0	34
35								0			0	35
36								0			0	36
37								0			0	37
38								0			0	38
39								0			0	39
40	<b>TOTAL PUBLIC SAFETY</b>	<b>2,247,392</b>	<b>321,667</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,569,059</b>	<b>0</b>		<b>2,569,059</b>	<b>40</b>

Part II		EXPENDITURES AND OTHER FINANCING USES FOR FISCAL YEAR ENDED JUNE 30, 2012		— Continued			CITY OF CLEAR LAKE			<input checked="" type="checkbox"/> GAAP <input type="checkbox"/> NON-GAAP BASIS		
Line No.	Item description	General (a)	Special revenue (b)	TIF special revenue (c)	Debt service (d)	Capital projects (e)	Permanent (f)	Total governmental (Sum of cols. (a) through (f)) (g)	Proprietary (h)	Code	GRAND TOTAL (Sum of cols. (g) and (h)) (i)	Line No.
41	<b>Section B — PUBLIC WORKS</b>											41
42	Roads, bridges, sidewalks — Current operation	513,561	159,255					672,816		E44	672,816	42
43	Purchase of land and equipment	182,608	52,300					234,906		G44	234,906	43
44	Construction	5,545						5,545		F44	5,545	44
45	Parking meter and off-street — Current operation							0		E60	0	45
46	Purchase of land and equipment							0		G80	0	46
47	Construction							0		F80	0	47
48	Street lighting — Current operation	26,027	74,403					100,430		E44	100,430	48
49	Traffic control safety — Current operation	4,788	29,350					34,138		E44	34,138	49
50	Purchase of land and equipment	20,239	15,103					35,342		G44	35,342	50
51	Construction							0		F44	0	51
52	Snow removal — Current operation	19,293	20,583					39,876		E44	39,876	52
53	Purchase of land and equipment							0		G44	0	53
54	Highway engineering — Current operation	29,324	4,083					33,407		E44	33,407	54
55	Purchase of land and equipment	953						953		G44	953	55
56	Construction							0		F44	0	56
57	Street cleaning — Current operation	35,557	255					35,812		E81	35,812	57
58	Purchase of land and equipment							0		G81	0	58
59	Airport (if not an enterprise) — Current operation							0		E01	0	59
60	Purchase of land and equipment							0		G01	0	60
61	Construction							0		F01	0	61
62	Garbage (if not an enterprise) — Current operation							0		E81	0	62
63	Purchase of land and equipment							0		G81	0	63
64	Construction							0		F81	0	64
65	Other public works — Current operation							0		E89	0	65
66	Purchase of land and equipment							0		G89	0	66
67	Construction							0		F89	0	67
68												68
69												69
70												70
71												71
72												72
73												73
74												74
75												75
76												76
77												77
78												78
79												79
80	<b>TOTAL PUBLIC WORKS</b>	837,893	355,332	0	0	0	0	1,193,225	0		1,193,225	80

Continued on next page

Part II		EXPENDITURES AND OTHER FINANCING USES FOR FISCAL YEAR ENDED JUNE 30, 2012			— Continued			CITY OF CLEAR LAKE			<input checked="" type="checkbox"/> GAAP <input type="checkbox"/> NON-GAAP - CASH BASIS	
Line No.	Item description	General (a)	Special revenue (b)	TIF special revenue (c)	Debt service (d)	Capital projects (e)	Permanent (f)	Total governmental (Sum of cols. (a) through (f)) (g)	Proprietary (h)	Code	GRAND TOTAL (Sum of cols. (g) and (h)) (i)	Line No.
81	<b>Section C — HEALTH AND SOCIAL SERVICES</b>											81
82	Welfare assistance — Current operation							0		E79	0	82
83	Purchase of land and equipment							0		G79	0	83
84	City hospital — Current operation							0		E38	0	84
85	Purchase of land and equipment							0		G36	0	85
86	Construction							0		F36	0	86
87	Payments to private hospitals — Current operation							0		E36	0	87
88	Health regulation and inspections — Current operation							0		E32	0	88
89	Purchase of land and equipment							0		G32	0	89
90	Construction							0		F32	0	90
91	Water, air, and mosquito control — Current operation	558						558		E32	558	91
92	Purchase of land and equipment							0		G32	0	92
93	Construction							0		F32	0	93
94	Community mental health — Current operation							0		E32	0	94
95	Purchase of land and equipment							0		G32	0	95
96	Construction							0		F32	0	96
97	Other health and social services — Current operation							0		E79	0	97
98	Purchase of land and equipment							0		G79	0	98
99	Construction							0		F79	0	99
100								0			0	100
101								0			0	101
102								0			0	102
103	<b>TOTAL HEALTH AND SOCIAL SERVICES</b>	558	0	0	0	0	0	558	0		558	103
104												104
105												105
106												106
107												107
108												108
109												109
110												110
111												111
112												112
113												113
114												114
115												115
116												116
117												117
118												118
119												119
120												120

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Part II		EXPENDITURES AND OTHER FINANCING USES FOR FISCAL YEAR ENDED JUNE 30, 2012		— Continued			CITY OF CLEAR LAKE			<input checked="" type="checkbox"/> GAAP <input type="checkbox"/> NON-GAAP CASH BASIS		
Line No.	Item description	General	Special revenue	TIF special revenue	Debt service	Capital projects	Permanent	Total governmental (Sum of cols. (a) through (f))	Proprietary	Code	GRAND TOTAL (Sum of cols. (g) and (h))	Line No.
		(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)		(i)	
121	<b>Section D — CULTURE AND RECREATION</b>											121
122	Library services — Current operation	307,990	53,469					361,459		E52	361,459	122
123	Purchase of land and equipment	51,934						51,934		G52	51,934	123
124	Construction	16,659						16,659		F52	16,659	124
125	Museum, band, theater — Current operation	16,717						16,717		E61	16,717	125
126	Purchase of land and equipment							0		G61	0	126
127	Parks — Current operation	270,547	21,925					292,472		E61	292,472	127
128	Purchase of land and equipment	54,068						54,068		G61	54,068	128
129	Construction	13,311						13,311		F61	13,311	129
130	Recreation — Current operation	164,070	1,032					165,102		E61	165,102	130
131	Purchase of land and equipment	625						625		G61	625	131
132	Construction							0		F61	0	132
133	Cemetery — Current operation	20,336	189					20,525		E03	20,525	133
134	Purchase of land and equipment	10,391						10,391		G03	10,391	134
135	Community center, zoo, marina, and auditorium							0		E61	0	135
136	Other culture and recreation							0		E61	0	136
137	Purchase of land and equipment							0		G61	0	137
138	Construction							0		F61	0	138
139	<b>TOTAL CULTURE AND RECREATION</b>	<b>926,648</b>	<b>76,615</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,003,263</b>	<b>0</b>		<b>1,003,263</b>	<b>139</b>
140	<b>Section E — COMMUNITY AND ECONOMIC DEVELOPMENT</b>											140
141	Community beautification — Current operation		5,107					5,107		E89	5,107	141
142	Purchase of land and equipment							0		G89	0	142
143	Economic development — Current operation							0		E89	0	143
144	Purchase of land and equipment							0		G89	0	144
145	Housing and urban renewal — Current operation	71,589	7,421					79,010		E50	79,010	145
146	Purchase of land and equipment	3,400						3,400		G50	3,400	146
147	Construction							0		F50	0	147
148	Planning and zoning — Current operation	12,656						12,656		E29	12,656	148
149	Purchase of land and equipment							0		G29	0	149
150	Other community and economic development — Current operation	97,483						97,483		E89	97,483	150
151	Purchase of land and equipment							0		G89	0	151
152	Construction							0		F89	0	152
153	TIF Rebates			204,214				204,214		E89	204,214	153
154	<b>TOTAL COMMUNITY AND ECONOMIC DEVELOPMENT</b>	<b>185,128</b>	<b>12,528</b>	<b>204,214</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>401,870</b>	<b>0</b>		<b>401,870</b>	<b>154</b>
155				TIF Rebates are expended out of the TIF Special Revenue Fund within the Community and Economic Development program's activity "Other"								155
156												156
157												157
158												158

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Part II		EXPENDITURES AND OTHER FINANCING USES FOR FISCAL YEAR ENDING JUNE 30, 2012			— Continued			CITY OF CLEAR LAKE			<input checked="" type="checkbox"/> GAAP		<input type="checkbox"/> NON-GAAP — CASH BASIS	
Line No.	Item description	General	Special revenue	TIF special revenue	Debt service	Capital projects	Permanent	Total governmental (Sum of cols. (a) through (f))	Proprietary	Code	GRAND TOTAL (Sum of cols. (g) and (h))	Line No.		
		(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)		(i)			
159	<b>Section F — GENERAL GOVERNMENT</b>											159		
160	Mayor, council and city manager — Current operation	20,049						20,049		E29	20,049	160		
161	Purchase of land and equipment							0		G29	0	161		
162	Clerk, Treasurer, financial administration — Current operation	277,233	50,056					327,289		E23	327,289	162		
163	Purchase of land and equipment	44,548						44,548		G23	44,548	163		
164	Elections — Current operation	2,696						2,696		E89	2,696	164		
165	Purchase of land and equipment							0		G89	0	165		
166	Legal services and city attorney — Current operation	28,000						28,000		E25	28,000	166		
167	Purchase of land and equipment							0		G25	0	167		
168	City hall and general buildings — Current operation	33,971						33,971		E31	33,971	168		
169	Purchase of land and equipment							0		G31	0	169		
170	Construction							0		F31	0	170		
171	Tort liability — Current operation	258,377						258,377		E89	258,377	171		
172	Other general government — Current operation	72,817						72,817		E89	72,817	172		
173	Purchase of land and equipment							0		G89	0	173		
174								0			0	174		
175								0			0	175		
176	<b>TOTAL GENERAL GOVERNMENT</b>	<b>737,691</b>	<b>50,056</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>787,747</b>			<b>787,747</b>	<b>176</b>		
177	<b>Section G — DEBT SERVICE</b>													
178					1,096,577			1,096,577			1,096,577	177		
179								0			0	178		
180								0			0	179		
181								0			0	180		
181								0			0	181		
182	<b>TOTAL DEBT SERVICE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,096,577</b>	<b>0</b>	<b>0</b>	<b>1,096,577</b>			<b>1,096,577</b>	<b>182</b>		
183	<b>Section H — REGULAR CAPITAL PROJECTS — Specify</b>													
184	Fire Station, VFW Parking Lot, Lincoln School Site					440,466		440,466			440,466	184		
185	CDBG Project, 10th Ave N, N Shore Dr					1,405,012		1,405,012			1,405,012	185		
186	Bridges, Tourist Park, S 20th St, N 6th St Overlay		408,160			21,371		429,531			429,531	186		
187	Subtotal Regular Capital Projects	0	408,160	0	0	1,866,849	0	2,275,009			2,275,009	187		
188	<b>— TIF CAPITAL PROJECTS — Specify</b>													
189								0			0	188		
190								0			0	189		
191								0			0	190		
192	Subtotal TIF Capital Projects	0	0	0	0	0	0	0			0	191		
193	<b>TOTAL CAPITAL PROJECTS</b>	<b>0</b>	<b>408,160</b>	<b>0</b>	<b>0</b>	<b>1,866,849</b>	<b>0</b>	<b>2,275,009</b>			<b>2,275,009</b>	<b>193</b>		
194	<b>TOTAL GOVERNMENTAL ACTIVITIES EXPENDITURES</b>	<b>4,935,310</b>	<b>1,224,358</b>	<b>204,214</b>	<b>1,096,577</b>	<b>1,866,849</b>	<b>0</b>	<b>9,327,308</b>			<b>9,327,308</b>	<b>194</b>		
195	(Sum of lines 40, 80, 103, 139, 154, 176, 182, 193)											195		
196												196		

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Part II		EXPENDITURES AND OTHER FINANCING USES FOR FISCAL YEAR ENDED JUNE 30, 2011			— Continued			CITY OF CLEAR LAKE			<input checked="" type="checkbox"/> GAAP		<input type="checkbox"/> NON-GAAP — CASH BASIS	
Line No.	Item description	General	Special revenue	TIF Special revenue	Debt service	Capital projects	Permanent Fund	Total current governmental (Sum of cols. (a) through (f))	Proprietary	Code	GRAND TOTAL (Sum of cols. (g) and (h))	Line No.		
		(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)		(i)			
197	<b>Section I — BUSINESS TYPE ACTIVITIES</b>											197		
198	Water — Current operation								550,595	E81	550,595	198		
199	Purchase of land and equipment									G91	0	199		
200	Construction									F91	0	200		
201	Sewer and sewage disposal — Current operation								155,486	E80	155,486	201		
202	Purchase of land and equipment									G80	0	202		
203	Construction									F80	0	203		
204	Electric — Current operation									E92	0	204		
205	Purchase of land and equipment									G92	0	205		
206	Construction									F92	0	206		
207	Gas Utility — Current operation									E93	0	207		
208	Purchase of land and equipment									G93	0	208		
209	Construction									F93	0	209		
210	Parking — Current operation									E60	0	210		
211	Purchase of land and equipment									G60	0	211		
212	Construction									F60	0	212		
213	Airport — Current operation									E01	0	213		
214	Purchase of land and equipment									G01	0	214		
215	Construction									F01	0	215		
216	Landfill/Garbage — Current operation								460,987	E81	460,987	216		
217	Purchase of land and equipment									G81	0	217		
218	Construction									F81	0	218		
219	Hospital — Current operation									E36	0	219		
220	Purchase of land and equipment									G36	0	220		
221	Construction									F36	0	221		
222	Transit — Current operation									E94	0	222		
223	Purchase of land and equipment									G94	0	223		
224	Construction									F94	0	224		
225	Cable TV, telephone, Internet — Current operation									E03	0	225		
226	Purchase of land and equipment									G03	0	226		
227	Housing authority — Current operation									E50	0	227		
228	Purchase of land and equipment									G50	0	228		
229	Construction									F50	0	229		
230	Storm water — Current operation								35,120	E80	35,120	230		
231	Purchase of land and equipment									G80	0	231		
232	Construction									F80	0	232		
233												233		
234												234		
235												235		
236												236		

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Part II		EXPENDITURES AND OTHER FINANCING USED FOR FISCAL YEAR ENDED JUNE 30, 2012			— Continued		CITY OF CLEAR LAKE			<input checked="" type="checkbox"/> GAAP		<input type="checkbox"/> NON-GAAP		CASH BASIS	
Line No.	Item description	General	Special revenue	TIF special revenue	Debt service	Capital projects	Permanent	Total governmental (Sum of cols. (a) through (f))	Proprietary	Code	GRAND TOTAL (Sum of cols. (g) and (h))	Line No.			
		(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)		(i)				
237	Section I — BUSINESS TYPE ACTIVITIES — Cont.											237			
238	Other business type — Current operation											238			
239	Purchase of land and equipment									E89	0	239			
240	Construction									G89	0	240			
241										F89	0	241			
242	Enterprise Debt Service								49,357		49,357	242			
243	Enterprise Capital Projects								586,563		586,563	243			
244	Enterprise TIF Capital Projects										0	244			
245	Internal service funds — Specify											245			
246											0	246			
247											0	247			
248											0	248			
249											0	249			
250											0	250			
251	TOTAL BUSINESS TYPE ACTIVITIES								1,838,108		1,838,108	251			
252												252			
253	TOTAL EXPENDITURES (Sum of lines 194 and 251)	4,935,310	1,224,358	204,214	1,096,577	1,866,849	0	9,327,308	1,838,108		11,165,416	253			
254	Section J — OTHER FINANCING USES INCLUDING TRANSFERS OUT									NE		254			
255	Regular transfers out	593,200	507,420			626,000		1,726,620	45,520		1,772,140	255			
256	Internal TIF loans/repayments and transfers out			1,455,496				1,455,496			1,455,496	256			
257								0			0	257			
258	TOTAL OTHER FINANCING USES	593,200	507,420	1,455,496	0	626,000	0	3,182,116	45,520		3,227,636	258			
259	TOTAL EXPENDITURES AND OTHER FINANCING USES (Sum of lines 253 and 258)	5,528,510	1,731,778	1,659,710	1,096,577	2,492,849	0	12,509,424	1,883,628		14,393,052	259			
260												260			
261	Ending fund balance June 30, 2012:											261			
262	Governmental:											262			
263	Nonspendable						350,340	350,340			350,340	263			
264	Restricted		1,622,129	696,521	17,258	208,225	5,722	2,549,855			2,549,855	264			
265	Committed	590,586				32,251		622,837			622,837	265			
266	Assigned							0			0	266			
267	Unassigned	2,994,689						2,994,689			2,994,689	267			
268	Total Governmental	3,585,275	1,622,129	696,521	17,258	240,476	356,062	6,517,721			6,517,721	268			
269	Proprietary								20,225,116		20,225,116	269			
270	Total ending fund balance June 30, 2012	3,585,276	1,622,129	696,521	17,258	240,476	356,062	6,517,722	20,225,116		28,742,838	270			
271	TOTAL REQUIREMENTS (Sum of lines 259 and 270)	9,113,786	3,353,907	2,356,231	1,113,835	2,733,325	356,062	19,027,146	22,108,744		41,135,890	271			
272												272			

Continued on next page



**RESOLUTION \_\_\_\_\_**

**Obligating funds from the Clear Lake Consolidated Urban Renewal Tax Fund for appropriation to the payment of annual appropriation tax increment financed obligations which shall come due in the next succeeding fiscal year.**

WHEREAS, the City of Clear Lake, Iowa (the "City"), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Consolidated Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the "Urban Renewal Tax Revenue Fund"), which fund and the portion of taxes referred to in that subsection may be irrevocable pledge by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area: and

WHEREAS, the City has scheduled payments in an amount which represent the incremental property taxes paid with respect to the project estimated amount of \$80,000 (the "Annual Payment") which shall come due in the fiscal year beginning July 1, 2013 with respect to the City's Development Agreement with Titan Pro SCI dated March 2010; and

WHEREAS, it is now necessary for the City Council to obligate for appropriation to the Annual Payment, funds anticipated to be received in the Urban Renewal Tax Revenue Fund in the fiscal year beginning July 1, 2013;

NOW, THEREFORE, it is resolved by the City Council of the City of Clear Lake, Iowa, as follows:

Section 1. The City Council hereby obligates an estimate of \$115,000 for appropriation from the Urban Renewal Tax Revenue Fund to the Annual Payment in the fiscal year beginning July 1, 2013.

Section 2. The City Clerk is hereby directed to certify the amount obligated for appropriation in Section 1 above, on the City's December 1, 2012 certification of debt payable from the Urban Renewal Tax Revenue Fund and to reflect such amount in the City's budget for the next succeeding fiscal year.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved November 5, 2012.

\_\_\_\_\_  
Nelson P. Crabb, Mayor

Attest:

\_\_\_\_\_  
Jennifer Larsen, City Clerk

**VFNSTR & KIMM, INC.**

CONSULTANTS

Stone Creek Office Building  
2809 Fourth Street, Suite 9  
Miami City, Iowa 50851  
Ph: 641-421-8008 Fax: 641-260-0313

City of Clear Lake

Date: 11/13/12

Project Title: The Surf District - North Shore Drive Streetscape Improvement Project

Original Contract Amount: \$243,773.25

Contract Date: August 6, 2012

Contractor: Vieth Construction Corporation  
Cedar Falls, IA  
Pay Period: October 1 - October 31, 2012

APPLICATION FOR PAYMENT NO. 2



ITEM NO.	ITEM CODE	ITEM	UNIT	CONTRACT QUANTITIES		CONTRACT PRICES		STIP-E-1372(6)1B-IV-17		VALUE COMPLETED		TOTAL VALUE COMPLETED
				Participating	Non-Participating	UNIT PRICE	EXTENDED PRICE	Participating	Non-Participating	Participating	Non-Participating	
0010	2102-2710070	EXCAVATION, CLASS 10, ROADWAY AND BORROW	CY	462.0		\$ 18.00	\$ 8,316.00	320.0		\$ 5,760.00	\$	\$ 5,760.00
0020	2105-8435005	TOPSOIL FURNISH AND SPREAD	CY	9		\$ 110.00	\$ 990.00					\$ 990.00
0030	2115-0110000	MODIFIED SUBBASE	CY	413		\$ 36.00	\$ 14,868.00	281		\$ 10,116.00		\$ 10,116.00
0040	2301-1031070	STANDARD OR SIP FORM PCC PAVEMENT, C.G. CL. 3, 7" THICK	SY	227		\$ 45.25	\$ 10,271.75	197		\$ 8,914.25		\$ 8,914.25
0050	2301-6911222	PCC PAVEMENT SAMPLES	LS	1		\$ 550.00	\$ 550.00					\$ 550.00
0060	2303-0023500	HMA, 300.000 ESAL, 1 1/2" MIX, NO S/CL FRIE REQ.	TON	30.00		\$ 300.00	\$ 9,000.00	25.72		\$ 7,716.00		\$ 7,716.00
0070	2303-0243028	ASPHALT BINDER, PG 28-28	TON	1.80		\$ 650.00	\$ 1,170.00	1.47		\$ 955.50		\$ 955.50
0080	2402-0425031	GRANULAR BACKFILL	TON	100		\$ 33.00	\$ 3,300.00					\$ 3,300.00
0090	2435-0750100	INTAKE, SW-501	EACH	2		\$ 2,000.00	\$ 4,000.00	2		\$ 4,000.00		\$ 8,000.00
0100	2435-0660010	MANHOLE ADJUSTMENT, MINOR	EACH	4		\$ 550.00	\$ 2,200.00	2		\$ 1,100.00		\$ 1,100.00
0110	2435-0660010	INTAKE ADJUSTMENT, MINOR	EACH	3		\$ 650.00	\$ 1,950.00	2		\$ 1,300.00		\$ 1,300.00
0120	2502-8712306	SUBDRAIN, STANDARD, PERFORATED, 6" AS PER PLAN	EACH	527		\$ 12.00	\$ 6,324.00	366		\$ 4,392.00		\$ 4,392.00
0130	2502-8720193	SUBDRAIN OUTLET (RI-19C)	LF	22		\$ 91.00	\$ 2,002.00	20		\$ 1,820.00		\$ 1,820.00
0140	2503-0114212	STORM SWR G-MAIN, TRENCHED, RCP 2000D, 12"	LF	30		\$ 76.00	\$ 2,280.00	18		\$ 1,368.00		\$ 1,368.00
0150	2503-0114215	STORM SWR G-MAIN, TRENCHED, RCP 2000D, 15"	LF	10		\$ 188.00	\$ 1,880.00	0				\$ 1,880.00
0160	2503-0114218	STORM SWR G-MAIN, TRENCHED, RCP 2000D, 18"	LF	15		\$ 68.00	\$ 1,020.00	0				\$ 1,020.00
0170	2503-0200036	REMOVAL OF STORM SWR PIPE LE 36"	SY	509		\$ 13.50	\$ 6,871.50	350		\$ 4,725.00		\$ 4,725.00
0180	2510-6745850	REMOVAL OF PAVEMENT	EACH	1		\$ 850.00	\$ 850.00					\$ 850.00
0190	2510-6750600	REMOVAL OF INTAKES AND UTILITY ACCESSSES	SY	391		\$ 10.00	\$ 3,910.00	270		\$ 2,700.00		\$ 2,700.00
0200	2511-6745900	REMOVAL OF SIDEWALK	SY	37		\$ 54.00	\$ 2,000.00	10		\$ 540.00		\$ 540.00
0210	2511-6752600	SIDEWALK, PCC, 4" THICK	SY	46		\$ 1,664.00	\$ 76,464.00	26		\$ 4,336.00		\$ 4,336.00
0220	2511-6752606	SIDEWALK, PCC, 6" THICK	SY	108		\$ 54.00	\$ 5,832.00	84		\$ 4,536.00		\$ 4,536.00
0230	2511-6752810	DETECTABLE WARNINGS	LF	310		\$ 22.00	\$ 6,820.00	250		\$ 5,500.00		\$ 5,500.00
0240	2512-1725256	CLUB AND GUTTER, PCC, 2.5" WIDE	EACH	2		\$ 110.00	\$ 220.00	2		\$ 220.00		\$ 440.00
0250	2518-6910000	SAFETY CLOSURE	EACH	6.0		\$ 4,000.00	\$ 24,000.00					\$ 24,000.00
0260	2523-0000100	LIGHTING POLES	EACH	6.0		\$ 350.00	\$ 2,100.00	5.0		\$ 1,750.00		\$ 1,750.00
0270	2523-0000310	HANDHOLES AND JUNCTION BOXES	EACH	1		\$ 15,800.00	\$ 15,800.00					\$ 15,800.00
0280	2523-0000400	CONTROL CABINET	LS	1.0		\$ 2,600.00	\$ 2,600.00	0.8		\$ 2,080.00		\$ 2,080.00
0290	2528-8445110	TRAFFIC CONTROL	LS	1.0		\$ 15,500.00	\$ 15,500.00	1.0		\$ 15,500.00		\$ 15,500.00
0300	2533-4980005	MOBILIZATION	TON	40		\$ 46.00	\$ 1,840.00					\$ 1,840.00
0310	2552-0000210	TRENCH FOUNDATION	LS	1		\$ 500.00	\$ 500.00					\$ 500.00
0320	2552-0000300	TRENCH COMPACTING TESTING	LS	1		\$ 3,600.00	\$ 3,600.00	3		\$ 3,600.00		\$ 3,600.00
0330	2555-0000010	DELIVER AND STOCKPILE SALVAGED MATERIALS	LS	6		\$ 850.00	\$ 5,100.00					\$ 5,100.00
0340	2596-9999905	C-TYPE CONNECTION	FACH	5		\$ 125.00	\$ 625.00	2		\$ 250.00		\$ 250.00
0350	2596-9999905	INLET PROTECTION	FACH	4		\$ 4.00	\$ 16.00					\$ 16.00
0360	2596-9999905	TREE GRATE	LF	992.0		\$ 9.00	\$ 8,928.00					\$ 8,928.00
0370	2596-9999909	ELECTRICAL CIRCUIT, CIRCUITS 1A-1, 1A-2, 1B-1, & 1B-2	LF	25		\$ 20.00	\$ 500.00					\$ 500.00
0380	2596-9999909	ELECTRICAL CIRCUIT, CIRCUITS 1A-3, 1A-4, 1A-5, 1B-3, 1B-4, & 1B-5	LF	495		\$ 16.75	\$ 8,291.25	385		\$ 6,448.75		\$ 6,448.75
0390	2596-9999909	ELECTRICAL CIRCUIT, CIRCUITS C	LF	377		\$ 21.50	\$ 8,105.50	267		\$ 5,740.50		\$ 5,740.50
0400	2596-9999909	ELECTRICAL CIRCUIT, CONDUIT ONLY	LF	25		\$ 6.25	\$ 156.25	1,690		\$ 10,562.50		\$ 10,562.50
0410	2596-9999909	PAVER EDGE RESTRAINT, TYPE A	LF	1,725		\$ 3.00	\$ 5,175.00					\$ 5,175.00
0420	2596-9999909	PAVER RESTRAINT, TYPE B	LF	2,137		\$ 3.50	\$ 7,479.50	1,532		\$ 5,362.00		\$ 5,362.00
0430	2596-9999914	BRICK PAVEMENT, SUPPLY ONLY	SF	430		\$ 16.00	\$ 6,880.00					\$ 6,880.00
0440	2596-9999914	BRICK PAVEMENT, SUPPLY ONLY	SF	430		\$ 16.00	\$ 6,880.00					\$ 6,880.00
0450	2596-9999914	BRICK PAVEMENT, SUPPLY ONLY	SF	430		\$ 16.00	\$ 6,880.00					\$ 6,880.00
0460	2596-9999914	BRICK PAVEMENT, SUPPLY ONLY	SF	430		\$ 16.00	\$ 6,880.00					\$ 6,880.00
0470	2601-2639010	SODDING	SQ	0.56		\$ 550.00	\$ 308.00					\$ 308.00
0480	2601-0000120	TREES	EACH	4		\$ 425.00	\$ 1,700.00	4		\$ 1,700.00		\$ 3,400.00
0481	2401-6745356	REMOVAL OF CONCRETE FITTINGS OF LIGHT POLES	EACH	2		\$ 400.00	\$ 800.00	2		\$ 800.00		\$ 1,600.00
0482	2401-6745765	REMOVAL OF LIGHT POLES	EACH	2		\$ 400.00	\$ 800.00	2		\$ 800.00		\$ 1,600.00
0483	2596-9999914	REMOVAL OF BRICK PAVEMENT	SF	574		\$ 1.50	\$ 861.00	574		\$ 861.00		\$ 1,722.00
<b>TOTAL STIP - E - 1372(6)1B-IV-17</b>										<b>\$ 243,773.25</b>	<b>\$ 9,471.00</b>	<b>\$ 131,121.50</b>

City



RESOLUTION No. \_\_\_\_\_

A RESOLUTION ACCEPTING WORK

WHEREAS, on August 6, 2012 the City of Clear Lake, Iowa, entered into a contract with Larson Contracting Central, LLC, of Lake Mills, Iowa for the North 40<sup>th</sup> Street Bridge Deck Overlay Project, within the City, as therein described; and

WHEREAS, said contractor has fully completed the construction of said improvements, known as the North 40<sup>th</sup> Street Bridge Deck Overlay Project in accordance with the terms and conditions of said contract and plans and specifications, as shown on the certificate of the Engineer filed with the Clerk on November 2, 2012:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEAR LAKE, IOWA:

Section 1. That said report of the Engineer be and the same is hereby approved and adopted and said improvements are hereby accepted as having been fully completed in accordance with the said plans, specifications and contract. The total contract cost of the improvements payable under said contract is hereby determined to be \$47,415.40.

PASSED AND APPROVED this 19<sup>th</sup> day of November, 2012.

\_\_\_\_\_  
Nelson P. Crabb, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Larsen, City Clerk



**CERTIFICATE OF COMPLETION**

**CITY OF CLEAR LAKE  
NORTH 40<sup>TH</sup> STREET BRIDGE DECK OVERLAY PROJECT**

November 2, 2012

Veenstra & Kimm, Inc. hereby certifies that an on-site review of the completed construction of the North 40<sup>th</sup> Street Bridge Deck Overlay Project as performed by Larson Contracting Central, LLC has been performed.

As engineers for the project, it is Veenstra & Kimm, Inc.'s opinion that the work performed is in substantial accordance with the plans, specifications, and that the final amount of the Contract is Fifty Two Thousand Four Hundred Forty Nine and 90/100 Dollars (\$52,449.90).

**VEENSTRA & KIMM, INC.**

**Accepted: CITY OF CLEAR LAKE**

By: *Jason Petersburg*  
Jason Petersburg P.E.

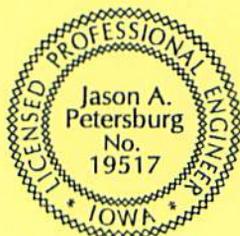
By: *Scott Flory*  
Scott Flory

Title: Project Engineer

Title: City Administrator

Date: 11/8/12

Date: 11-19-12



City



# VEENSTRA & KIMM, INC.

2800 Fourth Street SW, Suite 9 • Mason City, Iowa 50401-1596  
 641-421-8008 • 641-380-0313(FAX) • 877-241-8008(WATS)

## PAY ESTIMATE NO. 2 - FINAL

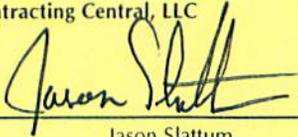
Date: November 6, 2012		Project Title: North 40th Street Bridge Deck Overlay Project City of Clear Lake		Contractor: Larson Contracting Central, LLC 508 West Main Street Lake Mill, IA 50450	
Original Contract Amount & Date: August 6, 2012		\$47,415.40		Pay Period: October 1 - November 2, 2012	

BID ITEMS								
Item No.	Specification Section / Description	Unit	Estimated Quantity	Unit Price	Extended Price	Quantity Complete	Value Completed	Percentage Completed
1	Deck Repair, Class B (2413-0698075)	SY	7.8	\$ 160.00	\$ 1,248.00	-	\$ -	0.0%
2	Deck Repair, Class A Special (2413-0698081)	SY	70.1	\$ 175.00	\$ 12,267.50	106	\$ 18,550.00	151.2%
3	Safety Closure (2518-6910000)	EA	2	\$ 110.00	\$ 220.00	2	\$ 220.00	100.0%
4	Object Marker, Type 3 (2524-9100030)	EA	4	\$ 137.50	\$ 550.00	4	\$ 550.00	100.0%
5	Traffic Control (2528-8445110)	LS	1	xxxxx	\$ 2,200.00	100.0%	\$ 2,200.00	100.0%
6	Patches, Full-Depth Finish, by Area (2529-5070110)	SY	41.6	\$ 168.00	\$ 6,988.80	41.6	\$ 6,988.80	100.0%
7	Mobilization (2533-4980005)	LS	1	xxxxx	\$ 1,825.00	100.0%	\$ 1,825.00	100.0%
8B	Deck Over-Depth Overlay (Class HPC-O PCC) (2413-0698051)	SY	405.8	\$ 54.50	\$ 22,116.10	405.8	\$ 22,116.10	100.0%
<b>TOTAL</b>					<b>\$ 47,415.40</b>		<b>\$ 52,449.90</b>	<b>110.6%</b>

SUMMARY			
		Contract Price	Value Completed
Original Contract Price		\$ 47,415.40	\$ 52,449.90
Approved Change Orders (list each)		\$ -	
		\$ -	
Revised Contract Price		\$ 47,415.40	\$ 52,449.90
Materials Stored			\$ -
Value of Completed Work and Materials Stored			\$ 52,449.90
Less Retained Percentage (5%)			\$ 2,622.50
Net Amount Due This Estimate			\$ 49,827.40
Less Estimate(s) Previously Approved	No.1	\$ 23,837.59	
	No.2		
	No.3		
	No.4		
	No.5		
Total Previously Approved			\$ 23,837.59
Percent Complete	110.6%	Amount Due This Estimate	\$ 25,989.81

The amount \$ 25,989.81 is recommended for approval for payment in accordance with the terms of the contract.

The retainage amount \$ 2,622.50 is recommended for payment 31 days after Owner acceptance of the work in accordance with the terms of the contract, providing all punchlist items are complete.

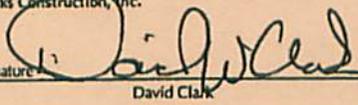
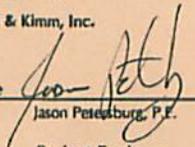
Quantities Complete Submitted By: Larson Contracting Central, LLC	Recommended By: Veenstra & Kimm, Inc.	Approved By: City of Clear Lake
Signature  Jason Slattum	Signature  Jason Petersburg, P.E.	Signature Nelson Crabb / Scott Flory
Title Project Manager	Title Project Engineer	Title Mayor / City Administrator
Date <u>11/9/12</u>	Date <u>11/9/12</u>	Date



BID ITEMS										
	Specification Section / Description	Unit	Estimated Quantity	Unit Price	Extended Price	CDRG Eligible Quantity Complete	Estimated CDRG Non-Eligible Quantity Complete	CDRG Eligible Value Complete	CDRG Non-Eligible Value Complete	
5.	Street & Related Work									
5.1	Pavement Removal	SY	8,100	\$ 5.00	\$ 40,500.00	0	8,100	\$ -	\$ 40,500.00	
5.2	Unstable Subgrade Preparation (Assumed Quantity)	CY	1,000	\$ 8.00	\$ 8,000.00	0	0	\$ -	\$ -	
5.3	Subgrade Stabilization Fabric	SY	9,400	\$ 2.00	\$ 18,800.00	5,465	2,947	\$ 10,930.00	\$ 7,870.00	
5.4	Subgrade Preparation	SY	20,200	\$ 0.75	\$ 15,150.00	16,280	3,920	\$ 12,885.00	\$ 2,265.00	
5.5	PCC Curb & Gutter, 7" Thick	LF	992	\$ 23.50	\$ 23,304.00	725	0	\$ 17,037.50	\$ -	
5.6	PCC Pavement Patch, 6" Thick	SY	380	\$ 36.10	\$ 13,718.00	275	0	\$ 9,927.50	\$ -	
5.7	PCC Drive Way Pavement, 6" Thick	SY	1,687	\$ 35.00	\$ 59,045.00	1,504	0	\$ 52,640.00	\$ -	
5.8	PCC Drive Way Pavement, 7" Thick	SY	886	\$ 37.00	\$ 32,782.00	752	65	\$ 27,824.00	\$ 2,405.00	
5.9	PCC Drive Way Pavement, Colored & Stamped, 7" Thick	SY	87	\$ 86.00	\$ 7,482.00	0	16	\$ -	\$ 1,376.00	
5.10	PCC Sidewalk, 4" Thick	SF	20,685	\$ 2.50	\$ 51,712.50	8920	14,722	\$ 22,836.00	\$ 28,876.50	
5.11	PCC Sidewalk, Colored & Stamped, 4" Thick	SF	6,342	\$ 3.00	\$ 19,026.00	0	5,927	\$ -	\$ 17,781.00	
5.12	PCC Sidewalk, 6" Thick	SF	1,876	\$ 4.50	\$ 8,542.00	0	1,542	\$ -	\$ 6,939.00	
5.13	ADA Detectable Warning	SF	346	\$ 32.00	\$ 11,072.00	0	178	\$ -	\$ 5,696.00	
5.14	Aggregate Surface Course	TON	200	\$ 15.00	\$ 3,000.00	0.00	0.00	\$ -	\$ -	
5.15	HMA Pavement Patch	TON	165	\$ 190.00	\$ 31,350.00	82.75	0.00	\$ 15,723.50	\$ -	
5.16	PCC Median Paving, Colored & Stamped, 4" Thick	SY	471	\$ 43.00	\$ 20,253.00	0	400	\$ -	\$ 17,200.00	
5.17	Trailing	LS	1	\$ 3,000.00	\$ 3,000.00	50%	50%	\$ 1,500.00	\$ 1,500.00	
6.	Landscaping									
6.1	Topsoil	CY	1,400	\$ 12.00	\$ 16,800.00	520	0	\$ 6,240.00	\$ -	
6.2	Seeding	SO	800	\$ 48.00	\$ 38,400.00	730	0	\$ 35,040.00	\$ -	
7.	Lighting									
7.1	Electrical Circuit (Conduits & Conductors)	LF	860	\$ 19.60	\$ 16,872.00	0	860	\$ -	\$ 16,872.00	
7.2	Conduit Only	LF	50	\$ 7.25	\$ 362.50	0	50	\$ -	\$ 362.50	
7.3	Light Pole	EA	9	\$ 3,791.00	\$ 34,119.00	0	9	\$ -	\$ 34,119.00	
7.4	Handhole / Junction Box	EA	9	\$ 312.00	\$ 2,808.00	0	9	\$ -	\$ 2,808.00	
					TOTAL BASE BID \$	\$ 884,299.00		\$ 266,857.50	\$ 247,859.35	
Alternate 1 -										
1.1.1	PCC Paving									
1.1.1.1	Excavation	CY	7,200	\$ 6.50	\$ 46,800.00	6445	855	\$ 41,892.50	\$ 4,907.50	
1.1.1.2	Aggregate Base Course, Embank & Install	TON	7,888	\$ 12.00	\$ 94,656.00	6,047.60	838.00	\$ 72,573.60	\$ 22,082.40	
1.1.1.3	Temporary Aggregate Surface, Subgrade and Stock Pile	TON	4,000	\$ 4.50	\$ 18,000.00	4,000.00	0.00	\$ 18,000.00	\$ -	
1.1.4	Aggregate Base Course, Install Subgrade Material	TON	4,000	\$ 4.50	\$ 18,000.00	4,000.00	0.00	\$ 18,000.00	\$ -	
1.1.5	PCC Pavement, 6" Thick	SY	5,727	\$ 24.25	\$ 138,879.75	5727	0	\$ 138,879.75	\$ -	
1.1.6	PCC Pavement, 7" Thick	SY	12,040	\$ 33.15	\$ 399,126.00	9,494	2,546	\$ 314,726.10	\$ 84,399.90	
1.1.7	PCC Pavement Trailing	LS	1	\$ 4,500.00	\$ 4,500.00	85%	15%	\$ 3,825.00	\$ 675.00	
					TOTAL ALTERNATE 1 \$	\$ 720,611.75		\$ 607,896.95	\$ 112,714.80	
					TOTAL CONSTRUCTION AMOUNT \$	\$ 1,304,820.75		\$ 874,754.45	\$ 348,557.75	

SUMMARY					
		Contract Price	CDBG Eligible Value Completed	Non-CDBG Eligible Value Completed	Total Value Completed
Original Contract Price		\$ 1,304,820.75	\$ 874,754.45	\$ 348,557.75	\$ 1,223,312.20
Approved Change Orders (list each)	Change Order 1	\$ -			
	Change Order 2	\$ 11,219.60			Based on Quantities Complete and Unit Prices
	Change Order 3	\$ 2,681.25			Based on Quantities Complete and Unit Prices
Revised Contract Price		\$ 1,318,721.60	\$ 874,754.45	\$ 348,557.75	\$ 1,223,312.20
Materials Stored		\$ -	\$ -	\$ -	\$ -
Value of Completed Work and Materials Stored		\$ 874,754.45	\$ 874,754.45	\$ 348,557.75	\$ 1,223,312.20
Less Retained Percentage (5%)		\$ 43,737.72	\$ 43,737.72	\$ 17,427.89	\$ 61,165.61
Net Amount Due This Estimate		\$ 831,016.73	\$ 831,016.73	\$ 331,129.86	\$ 1,162,146.59
Less Estimate(s) Previously Approved	No.1		\$ 71,457.15	\$ 11,769.07	\$ 83,226.22
	No.2		\$ 227,375.37	\$ 92,791.78	\$ 320,167.15
	No.3		\$ 63,703.29	\$ 91,401.63	\$ 155,104.92
	No.4		\$ 40,960.96	\$ 41,029.70	\$ 81,990.66
	No.5		\$ 190,215.17	\$ 24,590.18	\$ 214,805.35
	No.6		\$ 173,233.37	\$ 26,874.45	\$ 200,107.82
Total Previously Approved			\$ 766,945.31	\$ 288,456.81	\$ 1,055,402.12
Percent Complete	92.8%	Amount Due This Estimate	\$ 64,071.42	\$ 42,673.05	\$ 106,744.47

The amount \$ 106,744.47 is recommended for approval for payment in accordance with the terms of the contract.

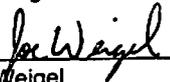
Quantities Complete Submitted By: Wicks Construction, Inc.  Signature David Clark Project Manager	Recommended By: Veenstra & Kimm, Inc.  Signature Jason Petersburg, P.E. Project Engineer	Approved By: City of Clear Lake  Nelson Crabb / Scott Flory Mayor / City Administrator
Date 10-15-12	Date 11/15/12	Date

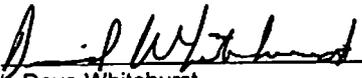
**BID SUMMARY  
LAWN MOWER PURCHASE**

Bidder	Model	List Price	Cash Price	Price w/Trade-In	Extra Blades & Belts Included	Total	Warranty
KRAMER HARDWARE Clear Lake, IA	Country Clipper 35 hp 60"	\$11,095.00		\$5,402.95	Included	\$5,402.95	2 Years
	Country Clipper 35 hp 72"	\$11,495.00		\$5,300	Included Mulch Kit Not Included	\$5,524.95	2 Years
						<b>Total Both \$10,927.90</b>	
CASADY BROTHERS Clear Lake, IA	2012 EXMARK LZX, 34 hp 72"	\$14,540.00		\$6,399.00	\$313.88	\$6,712.88	3 Years 2 Years Parts & Labor 1 Year Parts
	2012 Gravely 460 27 hp 60"	\$11,699.00		\$5,190.00	\$243.40	\$5,433.40	3 Years 2 Years Parts & Labor 1 Year Parts
						<b>Total Both \$12,146.28</b>	
SWARTZROCK Charles City, IA	2012 EXMARK LZX, 34 hp, 72"	\$14,690.00		\$5,720.00	Included	\$5,720.00	3 Years 2 Years Parts & Labor 1 Year Parts
	2012 EXMARK LZX, 29 hp 60"	\$13,358.00		\$4,977.00	Included	\$4,799.00	3 Years 2 Years Parts & Labor 1 Year Parts
						<b>Total Both \$10,519.00</b>	

After solicitation of the bids from 3 different dealers on 3 different brands of mowers and taking into consideration past experience, performance and trade value, we recommend accepting the bid of \$10,519.00 for 2 EXMARK LZX, 72" and 60" from Swartzrock, Charles City, IA delivered to the City's Public Works Department. Swartzrock Implement Company offers a zero downtime support program. If for any reason our mower needs repair that takes more than 24 hours, they will provide a mower to use until ours is repaired.

We budgeted \$16,000.00 in FY-13 for the purchase of these mowers.

  
 \_\_\_\_\_  
 Joe Weigel  
 Public Works Director

  
 \_\_\_\_\_  
 Dave Whitehurst  
 Foreman, Public Works

# SWARTZROCK IMPLEMENT CO., INC.

2192 - OLD HWY. ROAD SOUTH  
CHARLES CITY, IOWA 50616-8901

BUS: (641) 228-5735  
BUS: (641) 228-5714  
FAX: (641) 228-7004

www.swartzrock.com  
Email: sales@swartzrock.com

Fax

641-357-6150

pages sent = 3

Dave,

Here is the bid on the 2 new  
Exmark mowers.

\$ 4,844 <sup>00</sup>	on the 60" unit
\$ 5,771 <sup>00</sup>	on the 72" unit
<hr/>	
\$ 10,615 <sup>00</sup>	total price

We have the 60" unit on hand and would  
get the 72" from another dealer.

Let me know if you have any questions.

Thanks

Paul



BUY MORE FOR LESS! • FAMILY OWNED SINCE 1950

November 8, 2012

City of Clear Lake  
 1419 2nd Ave S  
 Clear Lake, IA 50428  
 641-357-6135  
 % Dave Whitehurst  
 641-529-2036

## Exmark Lazer Z Models

### Zero Turn Mid Mount Lawn Mowers

Model Year 2012

Model LZX801KA606SS X Series

29 hp Kawasaki engine

Heavy duty canister air cleaner

60" Cutting Width. Series 6 fabricated 5.5" deep deck

Patented deck support struts with transport lock

0-11.5 mph Forward Speed

Parker 16cc unitized pumps with 17.1cc motors

12 gallon fuel tank

24 x 12.0-12 Multi-Trac drive tires

13 x 6.5-6 Front caster tires

Exmark two tone deluxe full suspension seat with heavy duty material

3-D motion isolation and tilt up seat support

	\$	13,208
Freight, Service and Setup	\$	150
	\$	13,358
Mulch Kit	\$	274
Hydro Maintenance Kit (Belt and Filters)	\$	123
Drive Belt	\$	107
Notched Air Foil Blades (3)	\$	45
Extreme Blades (3)	\$	45
Engine Filter		Free
List Price	\$	13,952
Exmark Bid Assist Discount	\$	4,358
	\$	9,594
Trade Exmark LZ27KC605, 1705 hours (unit 2)	\$	4,750
Cash Trade Price	\$	4,844

3 year limited warranty for commercial mowers. Pick-up and delivery charges may apply. Swartzrock Implement Company offers a zero downtime support program. If for any reason your new mower needs repair that take longer than 24 hours, we will provide you a mower to use until yours is repaired. Pick-up and delivery charges may apply.

#### Bid good until

Swartzrock Implement CO, INC.

2192 Old Hwy Road

Charles City, IA 50616

641-228-5714 Fax 641-228-7004

[www.swartzrock.com](http://www.swartzrock.com)

email [sales@swartzrock.com](mailto:sales@swartzrock.com)

Contact

Paul Vetter, Sales

November 8, 2012

City of Clear Lake  
 1419 2nd Ave S  
 Clear Lake, IA 50428  
 641-357-6135  
 % Dave Whitehurst  
 641-529-2036

## Exmark Lazer Z Models

### Zero Turn Mid Mount Lawn Mowers

Model Year 2012  
 Model LZX940KC726 X Series  
 34 hp Kohler engine  
 Heavy duty canister air cleaner  
 72" Cutting Width. Series 6 fabricated 5.5" deep deck  
 Patented deck support struts with transport lock  
 0-11.5 mph Forward Speed  
 Parker 16cc unitized pumps with 17.1cc motors  
 12 gallon fuel tank  
 24 x 12.0-12 Multi-Trac drive tires  
 13 x 6.5-6 Front caster tires  
 Exmark two tone deluxe full suspension seat with heavy duty material  
 3-D motion isolation and tilt up seat support

	\$	14,540
Freight, Service and Setup	\$	150
	\$	<u>14,690</u>
Mulch Kit	\$	274
Hydro Maintenance Kit (Belt and Filters)	\$	123
Drive Belt	\$	123
Notched Air Foil Blades (3)	\$	51
Extreme Blades (3)	\$	54
Engine Filter		Free
List Price	\$	<u>15,315</u>
Exmark Bid Assist Discount	\$	<u>4,794</u>
	\$	10,521
Trade Exmark LZ31BV724, 2012 hours (unit 3)	\$	<u>4,750</u>
Cash Trade Price	\$	5,771

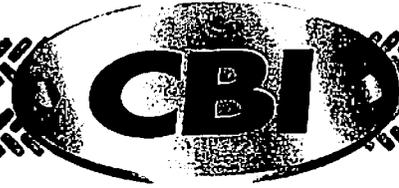
3 year limited warranty for commercial mowers. Pick-up and delivery charges may apply.  
 Swartzrock Implement Company offers a zero downtime support program. If for any reason  
 your new mower needs repair that take longer than 24 hours, we will provide you a mower  
 to use until yours is repaired. Pick-up and delivery charges may apply.

**Bid good until**  
 Swartzrock Implement CO. INC.  
 2192 Old Hwy Road  
 Charles City, IA 50616  
 641-228-5714 Fax 641-228-7004  
[www.swartzrock.com](http://www.swartzrock.com)  
 email [sales@swartzrock.com](mailto:sales@swartzrock.com)  
 Contact  
 Paul Vetter, Sales



**Central Iowa Farm Store**

309 Maytag Road  
Marshalltown, Iowa 50158  
(641) 753-3996



**Casady Bros. Implement**

1705 2nd Street  
Webster City, Iowa 50595  
(515) 832-4447

712 U.S. Highway 18  
Clear Lake, Iowa 50428  
(641) 357-1161

**BID FOR CITY OF CLEAR LAKE**

<b>MOWER</b>	<b>LIST PRICE</b>	<b>TRADE PRICE</b>
MOWER #1	\$11,699	\$5,190
Mower #2	\$11,939	\$5,349
Mower #3	\$12,599	\$5,785
Mower #4	\$12,849	\$5,948
Mower #5	\$12,764	\$5,319
Mower #6	\$13,208	\$5,591
Mower #7	\$14,984	\$6,679
Mower #8	\$14,540	\$6,399
Mower #9	\$15,880	\$7,223

**CARRYOVERS ARE SUBJECT TO AVAILABILITY**

60" GRAVELY BLADES	\$52.50	\$47.25
60" GRAVELY BELT	\$49.95	\$44.95
60" GRAVELY MULCH KIT	\$168.00	\$151.20
72" GRAVELY BLADES	\$73.50	\$66.15
72' GRAVELY BELT	\$144.10	\$129.69
72" GRAVELY MULCH KIT	\$182.00	\$163.80
60" EXMARK BLADES	\$39.93	\$35.94
60" EXMARK BELT	\$96.39	\$86.76
72" EXMARK BLADES	\$50.91	\$45.82
72" EXMARK BELT	\$111.08	\$99.98
60" & 72" MULCH KIT	\$186.75	\$168.08



**CIFS**

**Central Iowa Farm Store**

309 Maytag Road  
Marshalltown, Iowa 50158  
(641) 753-3996



**CBI**

**Casady Bros. Implement**

1705 2nd Street  
Webster City, Iowa 50595  
(515) 832-4447

712 U.S. Highway 18  
Clear Lake, Iowa 50428  
(641) 357-1161

## BID FOR CITY OF CLEAR LAKE

THIS BID IS FOR 1 60" ZERO TURN MOWER AND 1 72" ZERO TURN.

THE CITY IS TRADING IN 1 60" EXMARK LAZER AND 1 72" LAZER.

BOTH UNITS ARE TO BE IN GOOD RUNNING ORDER.

### DISCRIPTION OF MOWERS IN BID.

MOWER #1 2012 GRAVELY 460 27HP. KAWASAKI ENGINE. 60"  
WELDED DECK WITH HEAVEY DUTY Z5400 TRANSAXLES.

MOWER #2 2013 GRAVELY 460. SAME AS #1. SAME PART #.

MOWER #3 2012 GRAVELY 472. 31HP. KAWASAKI ENGINE. 72"  
WELDED DECK. HEAVEY DUTY Z5400 TRANSAXLES.

MOWER #4 2013 GRAVELY 472. SAME AS # 3. SAME PART #.

MOWER #5 2011 EXMARK LAZER LZX29KA606SS. 29 HP.  
KAWASAKI. 60" WELDED DECK.

MOWER #6 2013 EXMARK LAZER LZX801KAW606. 29HP.  
KAWASAKI. 60" WELDED DECK.

MOWER #7 2013 EXMARK LAZER LZX940EKC606. 34HP. KOHLER  
WITH ELECTRONIC FUEL INJECTION FOR BETTER FUEL ECONOMY.  
60" DECK.

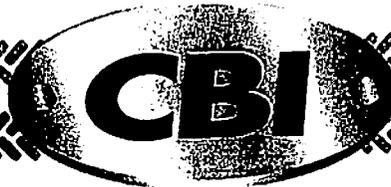
MOWER #8 2012 EXMARK LAZER LZX940KC726. 34HP. KOHLER. 72"  
DECK.

MOWER #9 2013 EXMARK LAZER LZX980EKC726. 38 HP. WITH EFI  
KOHLER. 72" DECK.



**Central Iowa Farm Store**

309 Maytag Road  
Marshalltown, Iowa 50158  
(641) 753-3996



**Casady Bros. Implement**

1705 2nd Street  
Webster City, Iowa 50595  
(515) 832-4447

712 U.S. Highway 18  
Clear Lake, Iowa 50428  
(641) 357-1161

TO  
CITY OF CLEAR LAKE

~~ATTACHED YOU WILL FIND BIDS FOR THE CITY TO TRADE IN A 60" AND A 72"~~  
EXMARK LAZER IN ON SIMILER MODELS. I HAVE BID BOTH THE EXMARKS AND  
GRAVELY ZERO TURNS.  
BOTH COMPANIES OFFER THE SAME 3 YEAR WARRANTY. THE FIRST 2 YEARS  
IT COVERS BOTH PARTS AND LABOR AND THE THIRD YEAR IT COVERS PARTS.  
WITH BOTH COMPANIES WE CAN OFFER A LOANER MOWER IF THE NEW  
MOWER CANNOT BE REPAIRED IN 24 HOURS. WE OF COURSE OFFER LOCAL  
SERVICE SO THERE WOULD BE NO TRANSPORTION COSTS TO THE CITY. WE  
HAVE A FULL TIME MECHANIC ON DUTY.  
THE GRAVELY MOWERS FEATURE A TRUE AIR RIDE SEAT AND ISOLATED  
OPERATOR PLATFORM FOR OPERATOR COMFORT. THE EXMARKS FEATURE A  
SUSPENSION SEAT.

THE SPARE PARTS ARE LISTED ON A SEPARATE SHEET.

CASADY BROTHERS IMPL.

712 HWY. 18 E.

CLEAR LAKE, IA. 50428

PHONE 641-357-1161

# KRAMER HARDWARE INC.

KRAMER HARDWARE INC.

Phone: 641-357-5590  
FAX: 641-357-5079  
email: LJKRAMER@NBTTNS.NET

## Memorandum

To: DAVE WHITEHURST  
From: LARRY KRAMER  
Date: NOV. 14, 2012  
Subject: MOWER BIDS

Country Clipper mowers are made in Coradon, Iowa and come with a two year warrentee and are serviced by Kramer Hardware. Kramer Hardware will provide a loaner at no charge if repairs can't be completed in a timely manor. In 2013 the Boss will be replaced with the Commaner. Prices will not be available on this unit until Feb. 2013. The Boss units listed are 2012 models and will be shipped late Dec., 2012 with the warrentee starting March 1, 2013.

BOSS 60" Deck with a 35 hp Kawasaki engine. Model 3560KAT-SR1220  
list price \$11,095.00

BOSS 60 inch cut	\$5,000.00
mulch kit	\$169.00
deck belt	\$ 79.99
engine to deck belt	\$ 69.99
highlift blades (3)	\$ 83.97

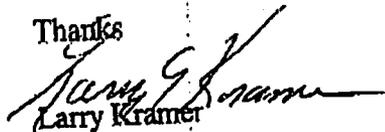
**TOTAL** \$5,402.95

BOSS 72" deck with a 35 hp Kawasaki engine Model 3572 KAT-SR1220  
list price \$11,495.00

BOSS 72 inch cut	\$5,300.00
mulck kit	not available
deck belt	\$ 69.99
engine to deck belt	\$ 79.99
high lift blades (3)	\$ 74.97

\*5524.95

Thanks

  
Larry Kramer

# BOSS

## Setting the Standard for Commercial Mowing

The BOSS is equipped with large Kohler and Kawasaki engine options and up to 72" cut widths. It uses rugged hydrostatic pump and wheel motors transmissions, with hydro pump oil cooler and cooling fans. The BOSS has a capacity HD seat and a roll over protection system. The right combination of rugged power and performance.



### FEATURES

25.5 hp Kawasaki air cooled, 37 hp Kawasaki DFI,  
35 hp Kawasaki V-Twin  
 or 27 hp Kohler Command Pro Engines

60" or 72" Cut Width

Joystick or Dual Lever Steering

Patented Stand-Up Deck

Pivoting Front Axle & Deck

Dual Hydrostatic Pump & Wheel Motors

Hydro Pump Oil Cooler

11 mph Forward Speed

Up To 6.4-8 Acres Per Hour

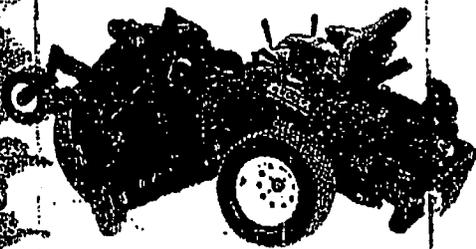
Fully Adjustable Enhanced Comfort Suspension Seat

Folding Roll Over Protection System with Seat Belt

Power Lift Electric Stand-Up Deck and Cut Height

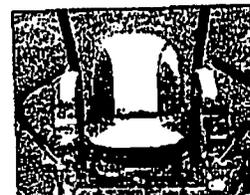
Adjustment on Select Models

### PATENTED POWER LIFT



With the Power Lift, under deck access has never been easier. With the simple push of a button, you can electrically stand up your deck or adjust your cutting height. This exclusive feature makes maintenance and cleaning a breeze but is AVAILABLE ONLY ON SELECT BOSS MODELS. See dealer for more information.

(Not available as an accessory)



The Boss suspension seat allows you to more fully adjust the ride for your own comfort.

**BID SUMMARY  
LAWN MOWER PURCHASE**

Bidder	Model	List Price	Cash Price	Price w/Trade-In	Extra Blades & Belts	Warranty	Total
KRAMER HARDWARE Clear Lake, IA	2012 BOSS, 35hp, 72"	\$11,495.00	\$8,254.00	\$6,000.00 <sup>2254</sup>	\$237.98	2 years	\$6,237.98
CASADY BROTHERS Clear Lake, IA	2011 EXMARK LZX, 34hp, 72"	\$14,096.00	\$9,950.00	\$6,950.00 <sup>3000</sup>	included	3 years 2 years parts & labor 1 year parts	\$6,950.00
SWARTZROCK Charles City, IA	2011 EXMARK LZX, 34hp, 72"	\$14,096.00	\$10,159.00	\$5,909.00 <sup>Trade + 250</sup>	\$233.00	3 years 2 years parts & labor 1 year parts Includes free Hydro Maintenance Program (\$500 value) Service intervals: 500 hrs., 1000 hrs., 1500 hrs.	<u>\$6,142.00</u>

*10/3/11  
City Council  
Approved  
purchase  
as recommended*

We recommend accepting the bid of \$6,142.00, for a 2011 EXMARK LZX, from Swartzrock, Charles City, IA, delivered to the City's Public Works Department.

Joe Weigel  
Joe Weigel  
Public Works Director

\_\_\_\_\_  
Dave Whitehurst,  
Foreman, Public Works



# CITY OF CLEAR LAKE

16 North 6th Street • P.O. Box 165 • Clear Lake, IA 50426  
Phone: (515) 357-5200 • Fax: (515) 357-1711  
www.cityofclearlake.com

September 30, 2011

Mayor  
NELSON P.  
CRABB

HONORABLE MAYOR & CITY COUNCIL MEMBERS:

City  
Administrator  
SCOTT  
FLORY

The next meeting of the Clear Lake City Council is scheduled for Monday, **October 3, 2011**, at 6:30 p.m., in the Council Chambers, at City Hall. Please refer to the enclosed agenda for the items discussed below.

COUNCIL  
MEMBERS

SHANE W.  
COONEY  
*Ward 1*

TONY J.  
NELSON  
*Ward 2*

BEN  
FURLEIGH  
*Ward 3*

MIKE  
CALLANAN  
*At Large*

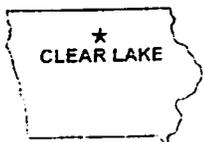
TERRY  
UNSWORTH  
*At Large*

**ITEM #6D Swift's 1<sup>st</sup> Subdivision – Final Plat.** Enclosed is a proposed Final Plat for Swift's First Subdivision. The subject property is located east of the Clear Lake corporate limits on 263<sup>rd</sup> Street in the vicinity of Natural Plus Landscaping & Nursery. No infrastructure improvements are proposed as part of the 2-lot subdivision. There are also no changes in the use of the property being proposed as a result of this request. It will essentially facilitate the sale of Lot #2, which is improved with a house and outbuildings.

Pursuant to Iowa Code Section 354.8, the City has established "extra-territorial" subdivision review authority over plats/subdivisions within two (2) miles of the corporate limits of the City. The Planning & Zoning Commission reviewed the proposed subdivision plat at its meeting on August 30<sup>th</sup> and has forwarded its recommendation that the subdivision final plan be approved by the City Council.

**ITEM #6E Lawn Mower Replacement for Public Works.** As part of the FY 12 budget, the Council appropriated \$9,000 for the replacement of one (1) of the three (3) public works department lawn mowers. The department has three zero-turn radius mowers that are utilized for mowing of city grounds including: cemetery, HWY 18 right-of-way, City parks, and various city building grounds. Competitive bids were solicited by City staff for replacement of the 2005 EXMark 31HP, 72" deck mower, which currently has over 1,600 hours on it. The City received responses from three (3) vendors. The lowest cost bid proposal was submitted by Swartzrock, Charles City, in the net amount of \$6,142, for a 2011 EXMark 34HP, 72" deck mower. The price includes delivery to Clear Lake.

The warranty as proposed by Swartzrock is superior to the other warranty coverage quoted by the other vendors. The Department advises that it has had a very good experience with the EXMark mower in terms of reliability. The Director, therefore, recommends the Council authorize approval to purchase the unit from Swartzrock.



**CITY OF CLEAR LAKE**

**BID SUMMARY  
FOR  
NEW 2006 COMMERCIAL ZERO TURN 72" & 60" MOWER**

**Brakke Imp., Inc. – Mason City, Iowa**

**John Deere – 757 MID ZTRAK 60" & John Deere 777 MID ZTRAK 72"**

Trade In JD M665 w/60" & JD 935 w/72"

Equipment Price	\$18,659.36
Less Trade – In	-7,000.00
<b>Total Purchase Price</b>	<b>\$11,659.36</b>

**Fertilizer Equipment Specialist - Garner, Iowa**

**EXMARK LX535 BV725 72" deck & EXMARK LZ27 KC605 60"**

Trade In JD M665 w/60" & JD 935 w/72"

Equipment Price	\$17,516.00
Less Trade - In	-6,950.00
<b>Total Purchase Price</b>	<b>\$10,566.00</b>

**Bidder Difference: \$1,093.36**

We recommend the purchase of the Exmark 72" Zero Turn and the 60" Zero Turn from Fertilizer Equipment Specialists. These mowers have a 2-year zero-downtime warranty that includes mower replacement, pickup and delivery, and all parts and labor.

CITY OF CLEAR LAKE  
OFFICE OF THE CITY ADMINISTRATOR

REQUEST FOR PROPOSALS  
CITY ATTORNEY SERVICES

Proposal Due Date: December 28, 2012

The City of Clear Lake invites proposals for contracted City Attorney services. Proposals are due to the City Administrator's Office by 4:00 p.m. on December 28, 2012. Faxed proposals should be submitted by 10:00 a.m. on December 28, 2012 to assure proper receipt. The City seeks services encompassing the traditional scope of work including legal counsel, opinions, consultation and coordination with special counsel. Attendance at a variety of meetings will be required, including staff meetings and Council meetings as specified. This will also include prosecuting services. For a copy of the RFP package phone Jennifer Larsen at 641-357-5267 or email [clclerk@netins.net](mailto:clclerk@netins.net). The RFP is also available on the City's website at [www.cityofclearlake.com](http://www.cityofclearlake.com).

**Delivery:** Proposals may be mailed, faxed, or hand-delivered to the City of Clear Lake City Administrator. Please see the RFP document for specific information regarding delivery.

**Minimum Qualifications:**

- (a) An attorney wishing to be considered must possess a Juris Doctorate degree and have graduated from law school accredited by the American Bar Association;
- (b) The attorney must be a member in good standing of the Iowa Bar Association;
- (c) The proposed designated City Attorney must have a minimum of five years experience; preferably in the field of municipal law with particular experience in land use, criminal law, and public sector or non-profit.

The City of Clear Lake reserves the right to reject any or all proposals, waive technicalities or irregularities, and to accept any proposal if such action is believed to be in the best interest of the City.

**Publish:** Clear Lake Mirror Reporter, November 28, 2012

## OVERVIEW

### Introduction

For information about the City of Clear Lake, visit [www.cityofclearlake.com](http://www.cityofclearlake.com).

Clear Lake has approximately 50 FT employees, and operates under a Mayor-Council form of government. The City Council consists of 5 members, 3 elected from wards and 2 elected at-large. The Mayor presides over council meetings and an appointed City Administrator directs all City operations.

The City currently utilizes the services of the Law Offices of Stillman, Goranson, Stone, & Lovell. The current City Attorney is Mr. Charlie Biebesheimer. Mr. Biebesheimer was appointed to the post by the City Council in August of 2004. The City Council believes it to be prudent to go through the RFP process to ensure that it is being responsive to other individuals and firms who may have an interest in the position and would like an opportunity to offer their services, as well as to ensure that the City continues to receive the highest quality and value for the cost.

The City anticipates that submitted proposals will identify a lead City Attorney that works on City business and will maintain central responsibility, and anticipates that an assisting attorney(s), depending upon the size, structure, specialties and preferences of the proposing firm may be used from time to time. Proposer's are welcome to submit alternative approaches, but this is the model that the City anticipates to be most successful to City practices.

In addition to Mr. Biebesheimer's firm, the City utilizes special counsel on an hourly basis, for certain litigations, claims, human resource concerns, public work construction and contract issues, and other special issues. Some of the current special counsels work could be transferred to the City Attorney firm, depending upon the depth and breadth of special services available from the winning firm for these services. Some special counsel work will continue with the existing relationships, particularly for litigation work. The awarded City Attorney firm will assist the City in coordination of these relationships to the City.

The City has seven (7) central departments (Fire, Police, Library, Public Works, Finance, Administrative Services, Parks & Recreation, and Building Department). Each department works actively and is coordinated through the City Administrator.

### Scope of Work

1. Provides legal advice, counsel, services, training, consultation, and opinions to the Mayor, City Administrator, City Council, Boards and Commissions, and all levels of the City government, on a wide variety of civil assignments, including but not limited to land use planning, law against discrimination, construction of public works, condemnation, purchasing and procurement, leasing, purchase and sale of property, employment legal matters, public disclosure issues, and tort law. The City attorney's advice includes methods to avoid civil litigation.
2. Furnishes legal representation at all City Council business meetings, and at other meetings when requested.
3. Appears before courts and administrative agencies to represent the City's interests.
4. Prepares and reviews ordinances and resolutions, contracts and other documents for legal correctness and acceptability, when directed by the City Administrator.

5. Works cooperatively with special legal counsel retained by the City for special projects.
6. Coordinates with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal issues among special counsel.
7. Assists City officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest prohibited transactions and appearance of prohibited transactions.
8. Assists City officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
9. Provides the Mayor and Council with guidance as to Robert's Rules of Orders and related procedural matters relating to council meetings.
10. Prepares legal opinions at the request of the City Administrator or the City Council.
11. Provides the Mayor, Council, and administration a legal perspective and advice on various governmental issues.
12. Performs other legal services and tasks, as assigned by the City Administrator or Council.

### **Specifications**

1. The appointed City Attorney attends the City Council business meetings. These are scheduled for every 1<sup>st</sup> and 3<sup>rd</sup> Monday night, from 6:30 p.m. until close, which could typically be from 7:30 to 9:00. The City Attorney is encouraged to attend all Council meetings, so that there remains continuity in representation.
2. The City attorney also attends some City Council Work Sessions. These are typically held on the third Monday, starting at 6:00 p.m. Attendance is determined by the City, and is generally requested by the City if there are matters of concern scheduled which could benefit by the City Attorney's attendance. Attendance may be for a portion of or for the entire meeting.
3. The City Attorney must be available by phone, cell phone, fax and email.
4. Timeliness of response and accessibility to the City Attorney is an important aspect of the service. Accessibility and responsiveness for the proposed designated City Attorney is of greatest importance, although these elements will also be considered in relation to assistant attorney(s) as well.

Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone. The City does not offer space for offices in a City location. The City may be able to assist in certain ways to promote efficient coordination among offices, such as mail delivery services or copy services, although this will be considered following award.

### **Contract Term**

The City anticipates a two-year contract, with automatic two-year renewals. Renewal beyond year six (6) of the contract will require Council reauthorization.

### **Schedule**

The City provides the following schedule. This is for information only and will be adjusted as needed. Proposers are encouraged to reserve flexibility for interviews from January 8 through January 15, as the City will not be able to allow much advance notice when scheduling initial interviews.

RFP Release Date:	November 20, 2012
RFP Submission:	December 28, 2012
Interviews:	January 8 through 15, 2013
Council Consideration:	January 22, 2013
Anticipated Start:	on or before February 1, 2013

## **HOW TO RESPOND**

Please provide 5 copies of a written response, responding to each inquiry in the order below. Please attach one set of business cards for your firm with each written response.

### **1. Vendor Business History**

Please complete and submit Attachment A.

### **2. Firm Experience**

- Provide a narrative description of the firm.
- Describe the general experience of the firm.
- Identify other municipal clients.
- Identify experience with municipal issues including land use, zoning, growth management, environmental law, complicated agreements including governmental agreements, public works, personnel, and other municipal specialties.

### **3. Proposed Attorney, Team**

- Name and describe the attorney(s) and/or assistant(s) proposed (if any). Clearly identify the lead City Attorney and name assisting attorney(s).
- Provide a resume or similar description for each team member, with considerable detail in the experience and qualifications of the lead City Attorney and any significant assisting attorney(s).
- Specify the organization structure applicable to this contract, including who the lead City Attorney is, and the relationship of any assisting attorney(s) to that lead City Attorney.
- If specialty attorney(s) or additional resources are available through your firm (in addition to the named team) to meet special or unusual needs, please briefly identify such individuals and specialties as well.

### **4. Accessibility and Responsiveness**

- Identify the accessibility of the proposed designated City Attorney, and the response time that the individual offers to the City. Specifically identify the lead-time required for attending scheduled or ad-hoc meetings. Identify how quickly the City Attorney can arrive in person to attend an unscheduled, urgent meeting.
- Identify the same for any assisting attorney(s).

### **5. Proposed Fee Structure**

Propose a compensation package, inclusive of all service costs. The City is open to a variety of approaches, including hourly rates or a flat monthly rate with add-ons. The City will select the finalist by considering the proposed compensation as a "best and final offer,"

although the City reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the City, including cost.

**6. References**

a. Provide three references for the lead City Attorney.

- The City prefers references that include municipal government experience.
- Inclusion of the reference in your proposal is also agreement that the City may contact the named reference.
- The City may contact any companies or individuals, whether offered as references or otherwise, to obtain information that will assist the City in evaluating the Proposer. The City retains the right to use such information to make selection decisions. Submittal of a proposal is agreement that the City may contact and utilize such information.

## **EVALUATION AND SELECTION**

### **Evaluation Process**

The City reserves the right to award the contract to that proposal that best meets the needs and interest of the City. The following steps are anticipated.

**Step 1:** Receipt and review of minimum qualifications.

**Step 2:** City Committee scoring of written proposals.

**Step 3:** Initial reference and information checks.

**Step 4:** Committee interviews of finalists.

**Step 5:** City Council Confirmation process.

### **Scoring and Evaluation of the Written Proposal**

Written proposals will be scored by the committee as follows. Those respondents that receive the highest scores and also achieve successful reference and information checks will be invited to interview:

- 400-Experience of proposed designated City Attorney, particularly municipal law experience
- 200-Depth and stability of firm or practice
- 200-Attorney(s) knowledge of special municipal legal issues
- 200-Cost
- 200-Accessibility and Responsiveness of both City Attorney and assisting attorney(s)
- 100-Overall presentation

### **Contract Negotiations**

The City of Clear Lake reserves the right to negotiate all elements which comprise the apparent successful proposal to ensure that the best possible consideration is afforded to all concerned. City representatives and the selected finalist will review in detail, all aspects of the requirements and the proposal. During the review of the most favorable, apparent successful proposal, the Proposer may offer and the City may accept revisions to the proposal.

### **Contract Term**

The City seeks a two-year contract, with automatic two-year extensions. City Council authorization will be required for the extension beyond year six (6).

**ATTACHMENT A: SUBMITTAL FORM**  
**BUSINESS STATEMENT**

*Please complete and submit with your proposal response.*

1. Name of Business: \_\_\_\_\_
2. Business Address: \_\_\_\_\_
3. Phone: \_\_\_\_\_ Business Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_
4. Business Classification (check all that apply):  
\_\_\_\_ Individual \_\_\_\_ Partnership \_\_\_\_ Corporation \_\_\_\_ Women or Minority owned
5. Federal Tax Number (a SSN or Federal Tax Number): \_\_\_\_\_
6. Name of Owner: \_\_\_\_\_
7. Does firm maintain minimum insurance in amounts specified by the City below:  
Yes: \_\_\_\_ No: \_\_\_\_  
General Liability insurance of at least \$1,000,000 per occurrence;  
\$1,000,000 aggregate, Combined Single Limit (CSL);  
Automobile liability of at least \$1,000,000 per accident CSL  
Professional Liability of at least \$1,000,000  
If No, describe differences: \_\_\_\_\_
8. Are there claims that are pending against this insurance policy? Yes: \_\_\_\_ No: \_\_\_\_  
If Yes, describe: \_\_\_\_\_
9. During the past five years, has the firm, business, or any attorney in the firm or business, been involved in any (1) bond forfeiture, (2) litigation personally involving the firm, business or any attorney in the firm or business (other than dissolution of marriage), or (3) claims filed with any insurance carrier concerning the firm, business, or any attorney in the firm or business, and/or (4) Bar Association complaints? Yes: \_\_\_\_ No: \_\_\_\_ If yes, attach an explanation.
10. Has company been in bankruptcy, reorganization or receivership in last five years?  
Yes: \_\_\_\_ No: \_\_\_\_
11. Has company been disqualified or terminated by any public agency?  
Yes: \_\_\_\_ No: \_\_\_\_
12. Has the proposed designated City Attorney practiced law a minimum of 5 years?  
Yes: \_\_\_\_ No: \_\_\_\_
13. Is each proposed attorney accredited and in good standing with the State Bar?  
Yes: \_\_\_\_ No: \_\_\_\_

14. Proposal Offers shall be good and valid until the City completes award or rejections of quotes. Failure to concur with this condition may result in rejection of the offer. Does the firm accept this condition? Yes: \_\_\_\_\_ No: \_\_\_\_\_ if no, please state the desired exception.

Having carefully examined all the documents of the solicitation, including the instructions, the Contract and Terms and Conditions, the undersigned proposes to perform all work in strict compliance with the above-named documents, as well as in compliance with all submitted proposal information.

FIRM NAME: \_\_\_\_\_ FID #: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_