

Mayor  
NELSON P.  
CRABB

November 22, 2013

City  
Administrator  
SCOTT  
FLORY

HONORABLE MAYOR & CITY COUNCIL MEMBERS:

The Clear Lake City Council will conduct a **special** City Council meeting on Monday, **November 25, 2013**, at 5:30 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

TONY J.  
NELSON  
Ward 2

JIM  
BOEHNKE  
Ward 3

MIKE  
CALLANAN  
At Large

TERRY  
UNSWORTH  
At Large

ITEM #6A. **City Hall/Police Department Renovation Project.** At the previous Council meeting, the Project architect reviewed a draft of the proposed plans for the City Hall/Police Department Renovation Project. The Council will consider a Resolution to set the date for a bid letting on the proposed project for January 14, 2014, at 2:00 p.m., and establishing January 20, 2014, at 6:30 p.m., as the date and time for a public hearing on the proposed plans & specifications, as well as consideration of an award of contract. The estimated cost of construction is roughly \$1.5 million. The proposed completion date is December 31, 2014.

ITEM #6B. **N. Shore Drive Street Reconstruction Project.** The Council previously set November 25, 2013, at 5:30 p.m., as the date & time for a public hearing on the proposed "Resolution of Necessity" for the N. Shore Drive Street Reconstruction Project. Upon concluding the public hearing, the Council may then act on the proposed "Resolution of Necessity". The Council may either: a) vote to defer action to a later date, time, & place; b) adopt the "Resolution of Necessity", with amendments; or c) adopt the "Resolution of Necessity, without amendments.

The adoption of the "Resolution of Necessity" must receive an affirmative vote of not less than ¾'s of the membership of the full Council – not less than 4 affirmative votes. If objections are filed, signed by property owners subject to 75% of the assessments, a unanimous vote of the Council would then be required.

The Project schedule calls for the Council to initiate the special assessment proceedings and conduct the necessary public hearing on the Resolution of Necessity at the November 25, 2013 meeting. The date proposed for the bid letting is February 18<sup>th</sup>, at the Iowa DOT in Ames. The public



hearing on the plans, specifications, form of contract & estimate of cost is proposed for the regular Council meeting on February 17<sup>th</sup>. Consideration of an award of contract would occur at the March 3<sup>rd</sup> City Council meeting.

Smart Quote: **"It has ever been my experience that folks who have no vices have very few virtues."** -- Abraham Lincoln, 16<sup>th</sup> U.S. president

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 25, 2013  
CITY HALL – COUNCIL CHAMBERS  
SPECIAL MEETING  
5:30 P.M.

1. Call To Order by Mayor Nelson P. Crabb.
2. Approval of Agenda.
3. 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.
4. Unfinished Business:
5. New Business:
  - A. City Hall/Police Department Building Renovation Project:
    - Review by Scott Flory, City Administrator.
    - **Motion** to approve **Resolution #13-75**, "A Resolution fixing the date for a public hearing on plans, specifications, form of contract, and estimate of cost and setting the date for a bid letting on the proposed 2014 City Hall/Police Department Building Renovation Project."
    - Discussion and consideration of **Motion** by City Council.
  - B. North Shore Drive Street Reconstruction Project:
    - Introduction by Scott Flory, City Administrator.
    - Review of proposed preliminary plans & specifications and preliminary plat & schedule of assessments, Jason Petersburg, P.E., Veenstra & Kimm.
    - Public Hearing.
    - **Motion** to close public hearing by City Council.
    - Discussion and consideration of **Motion** by City Council.
    - **Motion** to approve **Resolution #13-76**, "A Resolution with respect to the adoption of the 'Resolution of Necessity' proposed for the N. Shore Drive Street Reconstruction Project".
    - Discussion and consideration of **Motion** by City Council.

- **Motion to approve Resolution #13-77**, “A Resolution directing the preparation of detailed plans & specifications, form of contract, and notice to bidders on the N. Shore Drive Street Reconstruction Project”.
- Discussion and consideration of **Motion** by City Council.
- **Motion to approve Resolution #13-78**, “A Resolution ordering bids; approving plans, specifications, and form of contract; notice to bidders fixing bid security; and ordering Clerk to publish notice and fixing a date for receiving same; and for a public hearing on plans, specifications, form of contract, and estimate of cost.
- Discussion and consideration of **Motion** by City Council.

C. Voluntary Retirement Incentive Program (FY 2014):

- Review by Scott Flory, City Administrator.
- **Motion to approve Resolution #13-79**, “A Resolution approving a Voluntary Retirement Incentive Program”.
- Discussion and consideration of **Motion** by City Council.

7. Mayor’s Report:

8. Chief of Police Report:

9. Public Works Director’s Report:

10. City Administrator’s Report:

11. City Attorney’s Report:

12. Other Business:

13. Adjournment.

NEXT REGULAR MEETING – DECEMBER 2, 2012

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION WITH RESPECT TO THE ADOPTION OF THE RESOLUTION OF NECESSITY PROPOSED FOR THE NORTH SHORE DRIVE STP STREET RECONSTRUCTION PROJECT" and moved that it be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION WITH RESPECT TO THE ADOPTION OF  
THE RESOLUTION OF NECESSITY PROPOSED FOR  
THE NORTH SHORE DRIVE STP STREET  
RECONSTRUCTION PROJECT

WHEREAS, this Council has proposed a Resolution of Necessity for the North Shore Drive STP Street Reconstruction Project, has given notice of the public hearing thereon as required by law; and

WHEREAS, the public hearing has been held, all persons offering objections have been heard and consideration given to all objections and is pending before this Council; and

WHEREAS, this is the time and place set as provided for the taking of action on the proposed Resolution of Necessity;

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

Section 1. That the proposed Resolution of Necessity described above is hereby:

- Adopted, without amendment, and all objections filed or made having been duly considered are overruled.
- Adopted as amended by the Schedule of Amendments attached hereto as Exhibit A, and made a part hereof by reference. All objections filed or made having been duly considered are overruled.
- Deferred for later consideration to a Council meeting to be held on \_\_\_\_\_ day of \_\_\_\_\_, next, at \_\_\_\_\_ o'clock \_\_\_\_\_M, at this meeting place, with jurisdiction retained for further consideration and action at the adjourned meeting.
- Abandoned.

Section 2. That all written requests for agricultural deferment by property owners must be filed within ten (10) days following the date of adoption of this Resolution.

PASSED AND APPROVED this 25th day of November, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION DIRECTING PREPARATION OF DETAILED PLANS AND SPECIFICATIONS, FORM OF CONTRACT AND NOTICE TO BIDDERS ON THE NORTH SHORE DRIVE STP STREET RECONSTRUCTION PROJECT" and moved that it be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION DIRECTING PREPARATION OF  
DETAILED PLANS AND SPECIFICATIONS, FORM OF  
CONTRACT AND NOTICE TO BIDDERS ON THE  
NORTH SHORE DRIVE STP STREET  
RECONSTRUCTION PROJECT

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

That Veenstra & Kimm, Inc., Engineers, are hereby ordered and directed to prepare and file with the Clerk detailed plans and specifications for the construction of the North Shore Drive STP Street Reconstruction Project.

BE IT FURTHER RESOLVED that the Engineers are hereby ordered and directed to prepare and file with the Clerk a Notice to Bidders and form of contract for the construction of the North Shore Drive STP Street Reconstruction Project.

PASSED AND APPROVED this 25<sup>th</sup> day of November, 2013.

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Mayor

ATTEST:

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City Clerk

Council Member \_\_\_\_\_ introduced the following Resolution and moved its adoption. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon the Mayor declared the following Resolution duly adopted:

RESOLUTION ORDERING BIDS, FIXING AMOUNT OF BID SECURITY, AND ORDERING CLERK TO PUBLISH NOTICE AND FIXING A DATE FOR RECEIVING SAME, AND FOR A PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COSTS

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

That the North Shore Drive STP Street Reconstruction Project is hereby ordered to be advertised for bids for construction.

BE IT FURTHER RESOLVED, that the amount of the security to accompany each bid shall be in an amount which shall conform to the provisions of the notice to bidders hereby approved as a part of the specifications.

That the Clerk is hereby directed to advertise for bids for the construction of the improvements. Pursuant to joint agreement with the Highway Division, Department of Transportation, the bids will be received and opened under the supervision of the Division at in the City of Ames, Iowa, at 10:00 o'clock A.M., on the 18<sup>th</sup> day of February, 2014. The Contracts Engineer, Office of Contracts, Iowa Department of Transportation or his authorized representative is hereby named to attend at the opening of bids on behalf of the City. Thereupon the bids will be referred to the City Council for action upon the bids at a meeting to be held at the Council Chambers, City Hall, 15 North 6th Street, Clear Lake, Iowa, on the 3<sup>rd</sup> day of March, 2014, at 6:30 o'clock P.M. Notice to Bidders

is to be published once in the "Clear Lake Mirror Reporter", a legal newspaper printed wholly in the English language, the publication to be not less than four clear days nor more than twenty days prior to the date fixed for the letting.

That the Council hold a public hearing on the matter of the adoption of proposed plans, specifications and form of contract for the making of the improvements, which documents are now on file in the office of the Clerk, the hearing to be held at the Council Chambers, City Hall, 15 North 6th Street, Clear Lake, Iowa, on the 17<sup>th</sup> day of February, 2014, at 6:30 o'clock P.M., and that the City Clerk give notice of the hearing by publication once in a local legal newspaper, printed wholly in the English language, not less than four clear days nor more than twenty days prior to the date fixed therefor.

PASSED AND APPROVED this 25<sup>th</sup> day of November, 2013.

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Mayor

ATTEST:

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City Clerk

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

A RESOLUTION FIXING THE DATE FOR A PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT & ESTIMATE OF COST AND SETTING THE DATE FOR A BID LETTING ON THE PROPOSED 2014 CITY HALL/POLICE DEPARTMENT RENOVATION PROJECT

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

That the "2014 City Hall/Police Department Renovation Project" (hereinafter referred to as the "Project") is hereby ordered to be advertised for bids for construction.

BE IT FURTHER RESOLVED, that the detailed plans & specifications, as submitted for the Project, by Bergland & Cram, for the construction of the Project and the Form of Contract and notice to Bidders, be and the same are hereby approved, subject to hearing thereon, and are hereby ordered placed on file in the Office of the City Clerk for public inspection.

BE IT FURTHER RESOLVED, that the amount of security to accompany each bid shall be in an amount, which shall conform to the provision of the notice to bidders hereby approved as part of said specifications.

BE IT FURTHER RESOLVED, that the Clerk be and is hereby empowered and directed to publish notice to bidders once in the "Clear Lake Mirror Reporter", a legal newspaper, printed wholly in the English language, published at least once weekly, and having a general circulation in this City. In accordance with Section 384.96 of the Code of Iowa, publication shall be not less than four (4) nor more than forty-five (45) clear days prior to January 14, 2014, which date is hereby fixed as the date for receiving bids. Said bids are to be filed prior to 2:00 p.m., on said date.

In accordance with Section 384.100 of the Code of Iowa, bids shall be received and opened as provided in the public notice and the results of said bids shall be considered at the meeting of this City Council on January 20, 2014, at 6:30 p.m.

BE IT FURTHER RESOLVED, that, in accordance with Section 384.102 of the Code of Iowa, the Clerk is hereby empowered and directed to publish notice of hearing once in said newspaper, said publication to be not less than four (4) nor more than twenty (20) clear days prior to the date herein after fixed as the date for the public hearing on the plans, specifications, form of contract and estimate of costs for said project, said hearing to be held at 6:30 p.m. on January 20, 2014.

PASSED AND APPROVED this 25<sup>th</sup> day of November, 2013.

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

ATTEST:

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

**NOTICE OF PUBLIC HEARING & BID LETTING**  
**CLEAR LAKE CITY HALL/POLICE DEPT RENOVATION PROJECT**

Notice is hereby given that sealed proposals will be received by the City of Clear Lake, at the Clear Lake City Clerk's office, 15 North 6<sup>th</sup> Street, Clear Lake, IA, until 2:00 pm, Tuesday, January 14th, 2014, for furnishing materials and labor for "Clear Lake City Hall/Police Department Renovation Project, Clear Lake, IA". Proposals will be publicly opened by at the above time in the offices of the City Hall, 15 North 6<sup>th</sup> Street, Clear Lake, IA.

On Monday, January 20th, 2014, at 6:30 p.m., in the Clear Lake Council Chambers, 15 North 6<sup>th</sup> Street, Clear Lake, IA, a public hearing will be held on the proposed plans, specifications and proposed form of Contract for the "Clear Lake City Hall/Police Department Renovation Project, Clear Lake, IA", and at said hearing, any interested person may appear and file objections thereto or to the cost of said improvement.

Proposals will be acted upon by the Clear Lake City Council at their regularly scheduled Council meeting on Monday, January 20<sup>th</sup>, 2014 at the Clear Lake Council Chambers, 15 North 6<sup>th</sup> Street, Clear Lake, IA, at 6:30 p.m., or at such later time and place as may then be fixed.

The method of construction shall be by Single Stipulated Sum Contract, and all work is to be done in strict compliance with the plans and specifications prepared by Bergland & Cram Architects (and Consultants) Mason City, Iowa, which have heretofore been presented to the Clear Lake City Council and are now on file for public examination at the Clear Lake City Clerk's office, 15 North 6<sup>th</sup> Street, Clear Lake, IA, and at the following exchanges:

Fort Dodge Builders Exchange, 1406 Central Avenue, Fort Dodge, IA 50501, Telephone (515) 955-5500  
Master Builders of Iowa, 221 Park Street, Des Moines, IA 50309, Telephone (515) 288-8904  
Master Builders of Siouxland, 903 6<sup>th</sup> Street, Sioux City, IA 51101, Telephone (712) 255-9533  
McGraw – Hill Construction, 2507 Ingersoll Avenue, Des Moines, Iowa 50312, Telephone (515) 981-5654  
Waterloo Construction Update Plan Room, 612 Mulberry, Waterloo, IA 50703, Telephone (319) 232-3621

Each bid must be made out on a proposal blank furnished by the Bergland & Cram Architects, Mason City, Iowa and obtained at the office of the Architect.

Each proposal shall be sealed in an envelope marked "Clear Lake City Hall/Police Department Renovation Project, Clear Lake, IA". Each bid must be accompanied in a separate envelope by a bidding check, bid bond or a certified share draft in an amount not less than five percent (5%) of the bid price, said check being either a cashier's check, a check certified by a bank in Iowa or a bank chartered under the laws of the United States or a certified share draft on a credit union in Iowa or chartered under the laws of the United States, and made payable to the City of Clear Lake, IA, as security that the bidder will furnish the required bonds and enter into a contract within ten (10) days after the award of the contract to the bidder. Work shall commence immediately after award of contract, and be completed by December 31, 2014.

The Contractor and all Subcontractors shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin or age. The Contractor shall take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to their race, religion, color, sex, national origin or age. Such action shall include, but not be limited to the following; employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the policies of non-discrimination.

The Contractor and all Subcontractors shall, in all solicitations or advertisements for employees placed by them or on their behalf, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin or age.

Bidders shall not be permitted to withdraw their bids for a period of thirty (30) days after the same are opened.

By virtue of statutory authority, preference will be given to products of and provisions grown within the State of Iowa and to Iowa domestic labor.

Pursuant to Chapter 73 of the Code of Iowa, out-of-state bidders are hereby advised of the Iowa Bidding Preference Law extending to Iowa firms any preference which may be (a) strict preference, (b) reciprocal preference, or (c) combination preference and reciprocal. Application of such preference will be extended from any "public improvement" as defined in Chapter 23.1 of the Code of Iowa.

Bidders shall be expected to comply with Chapters 91C and 103A of the Code of Iowa concerning the registration and bonding of construction contractors and the successful bidder shall be required to supply the City of Clear Lake with proof of said compliance.

The required surety bond shall be executed on AIA Document A312, two-part Performance Bond and Labor and Material Payment Bond, conditioned for the faithful performance of all the terms of the Contract and the payment of all obligations arising thereunder with the amount shown on each part equal to the Contract Sum. Surety shall be a company licensed to do business in the State of Iowa and shall be acceptable to Clear Lake City Council Payment for said "Clear Lake City Hall/Police Department Renovation Project, Clear Lake, IA", will be made from the City of Clear Lake Building Fund or from such other funds as may be legally used for such purposes. The Architect will approve monthly estimates and the Owner will make payment to the Contractor in the amount of ninety-five percent (95%) of said estimate on or about the last week of the following month. Final payment will be made not sooner than thirty (30) days following final acceptance of the work by the Clear Lake City Council.

The bidders' attention is called to the prompt payment to subcontractors under Chapter 573.12 of the Code of Iowa.

The contractor shall commence said work within 10 days of notice to proceed.

There is a sales tax exemption on this project (HF2622). The letting authority (Owner) will issue tax exemption certificates and authorization letters to all contractors and subcontractors awarded this project.

Plans and specifications governing the construction of the proposed improvements have been prepared by Bergland & Cram Architects, of Mason City, Iowa, which plans and specifications, and also prior proceedings of the Clear Lake City Council referring to and defining said proposed improvements are hereby made a part of this notice and the proposed contract by reference, and the proposed contract shall be executed in compliance therewith.

Copies of said plans are now on file in the City Hall of the City of Clear Lake, IA and the Architect's office for examination by bidders. Copies may be obtained from Bergland & Cram Architects, Mason City, Iowa for a refundable charge of \$50.00 per set. Master Builders of Iowa (MBI) voucher cards are also accepted as deposit security.

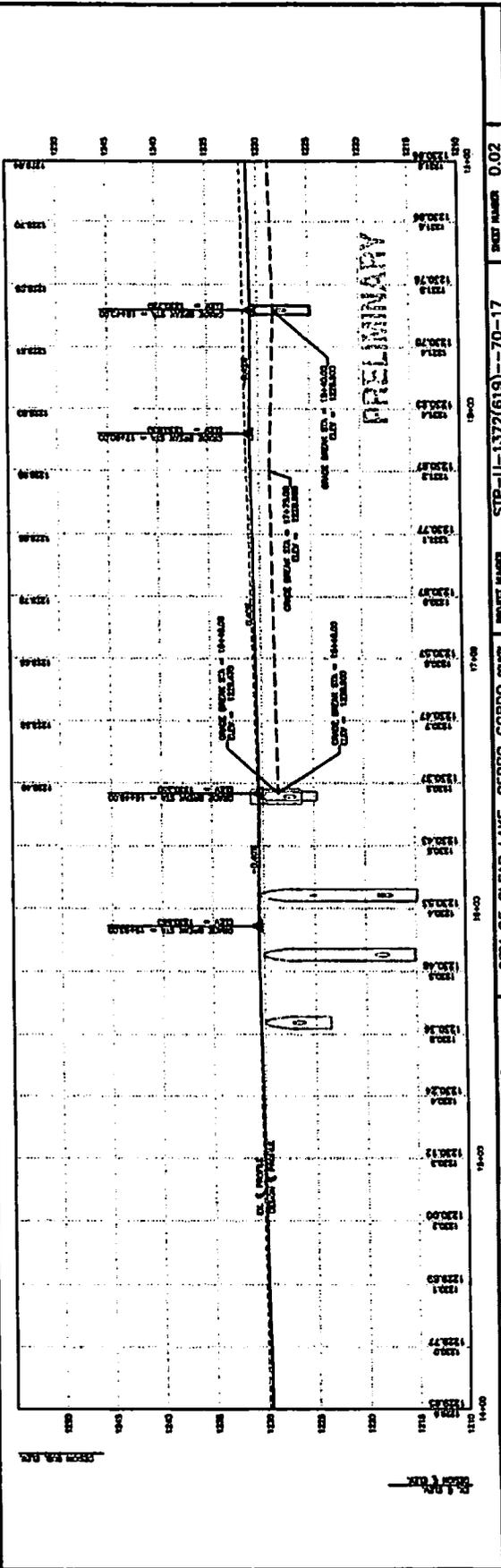
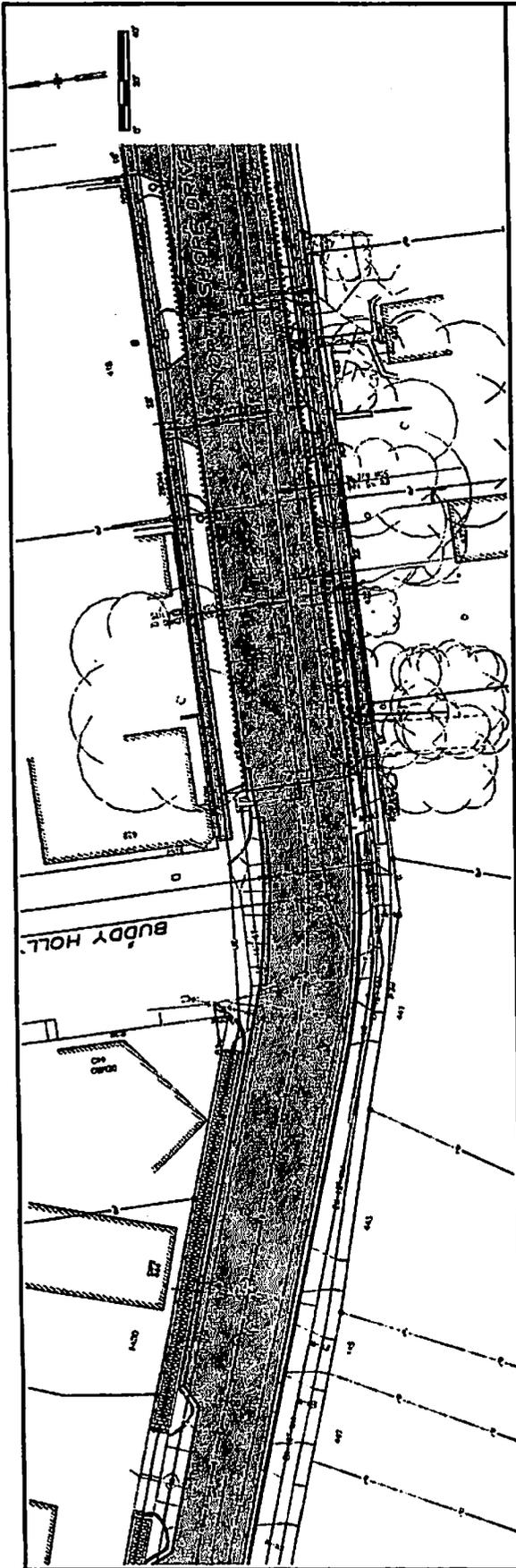
The Clear Lake City Council reserves the right to reject any and all bids and to waive technicalities and irregularities.

Published upon order of the Clear Lake City Council, Clear Lake, IA.

City of Clear Lake, Iowa  
15 North 6<sup>th</sup> Street  
Clear Lake, IA 50428

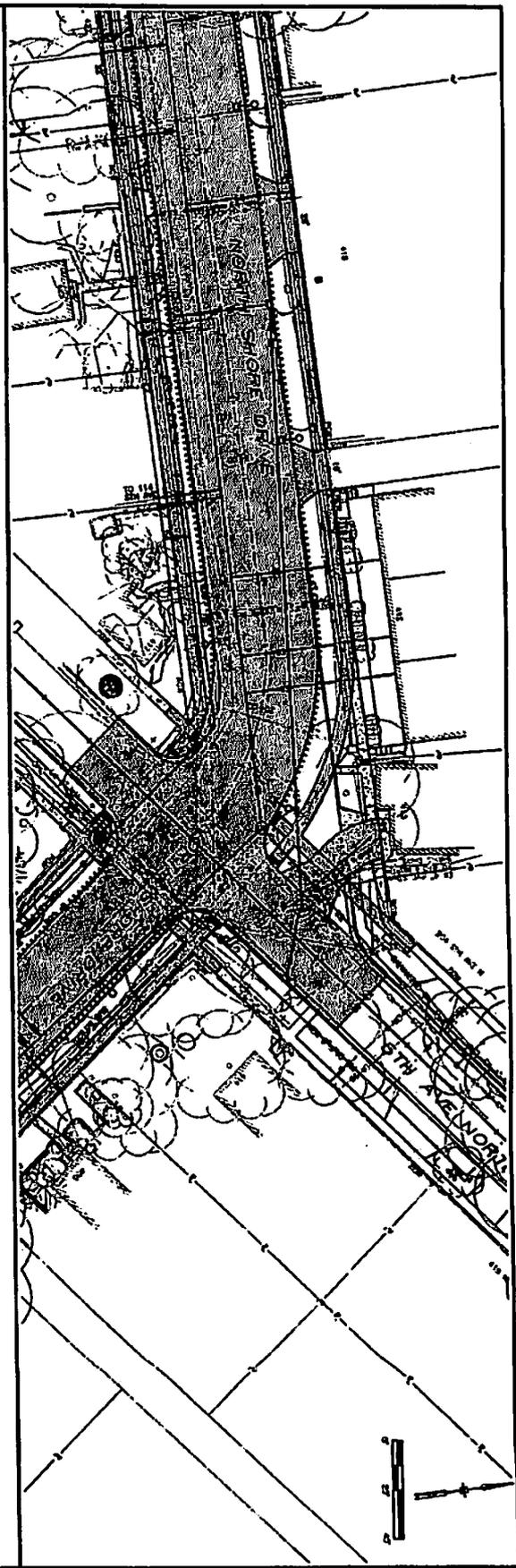
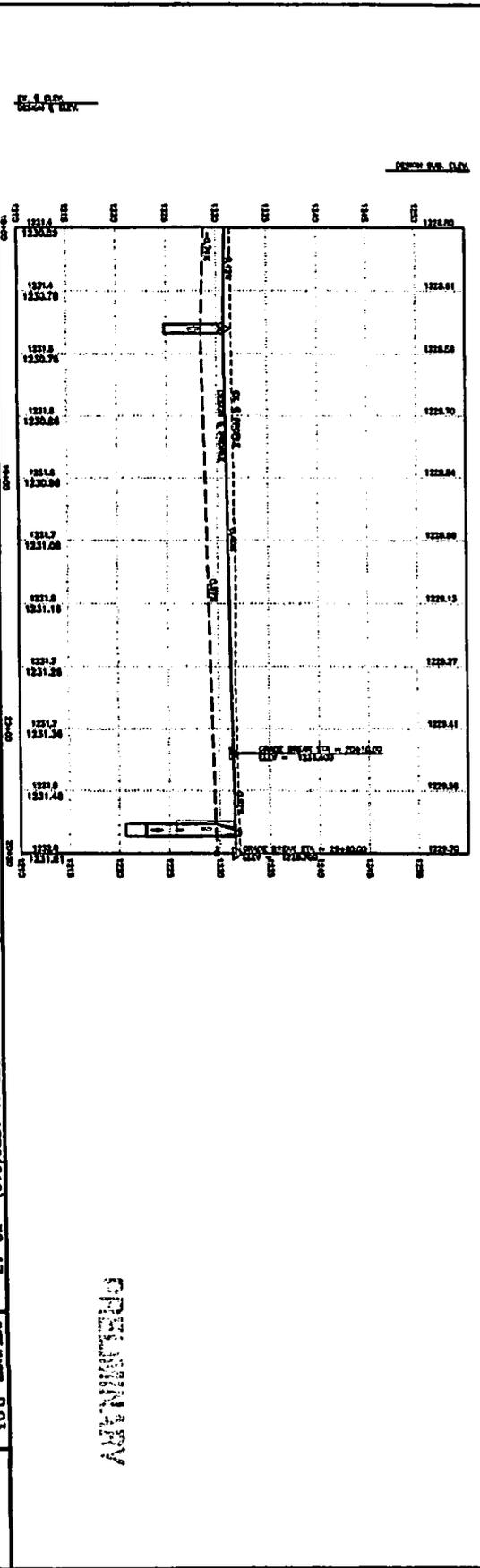




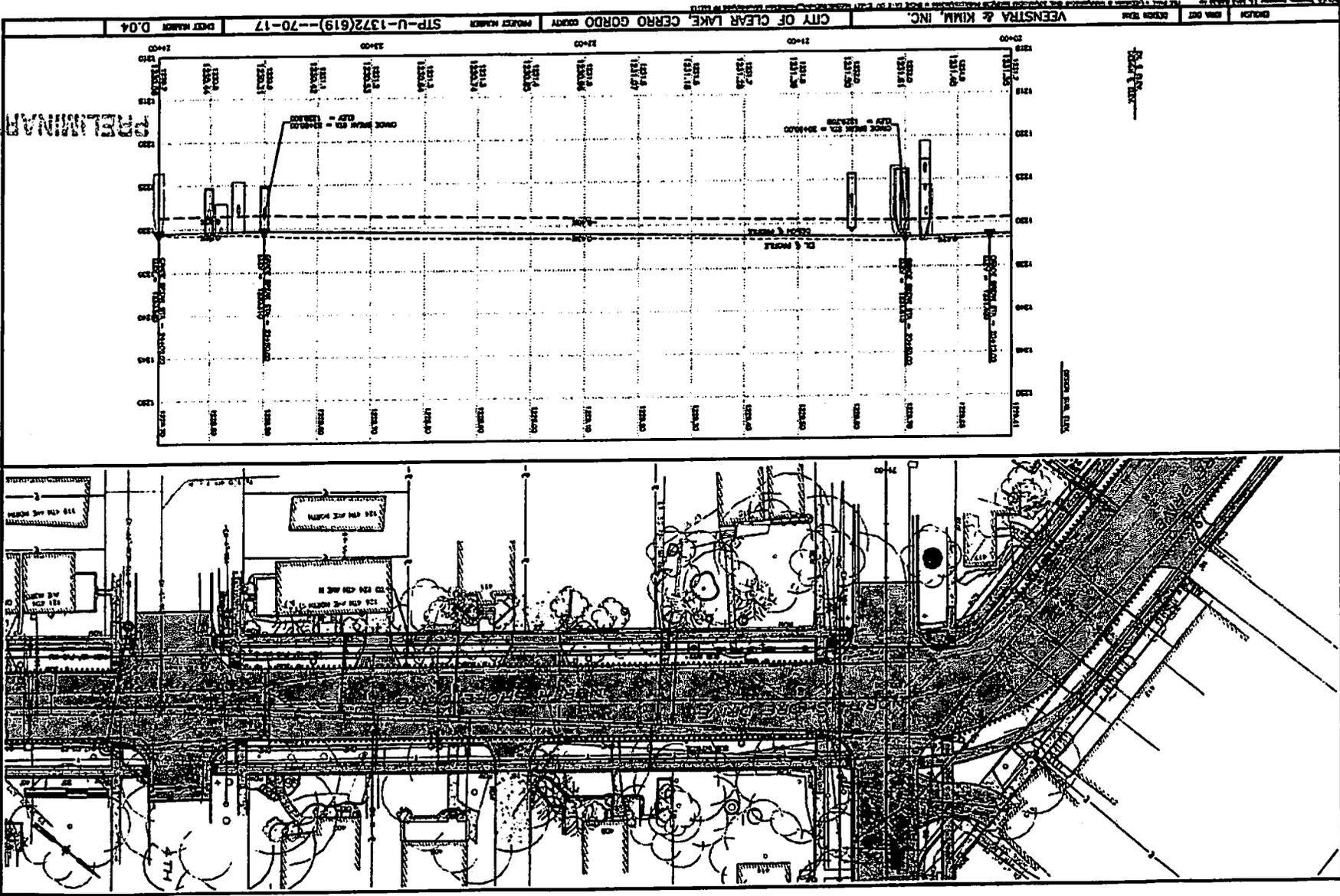


SHEET NUMBER 0.02  
 PROJECT NUMBER SIP-U-1372(619)--70-17  
 CITY OF CLEAR LAKE, CERRO GORDO COUNTY  
 VEENSTRA & KIMM, INC.  
 DESIGN TEAM  
 DESIGN DATE  
 DESIGNER  
 CHECKED BY  
 DATE

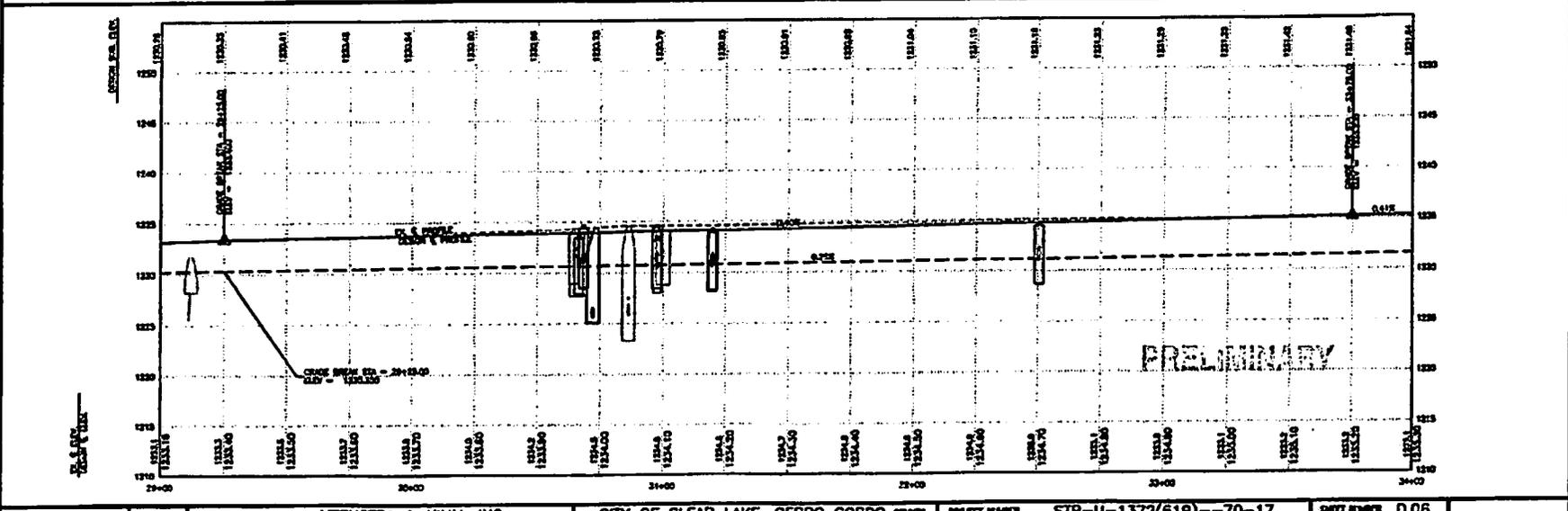
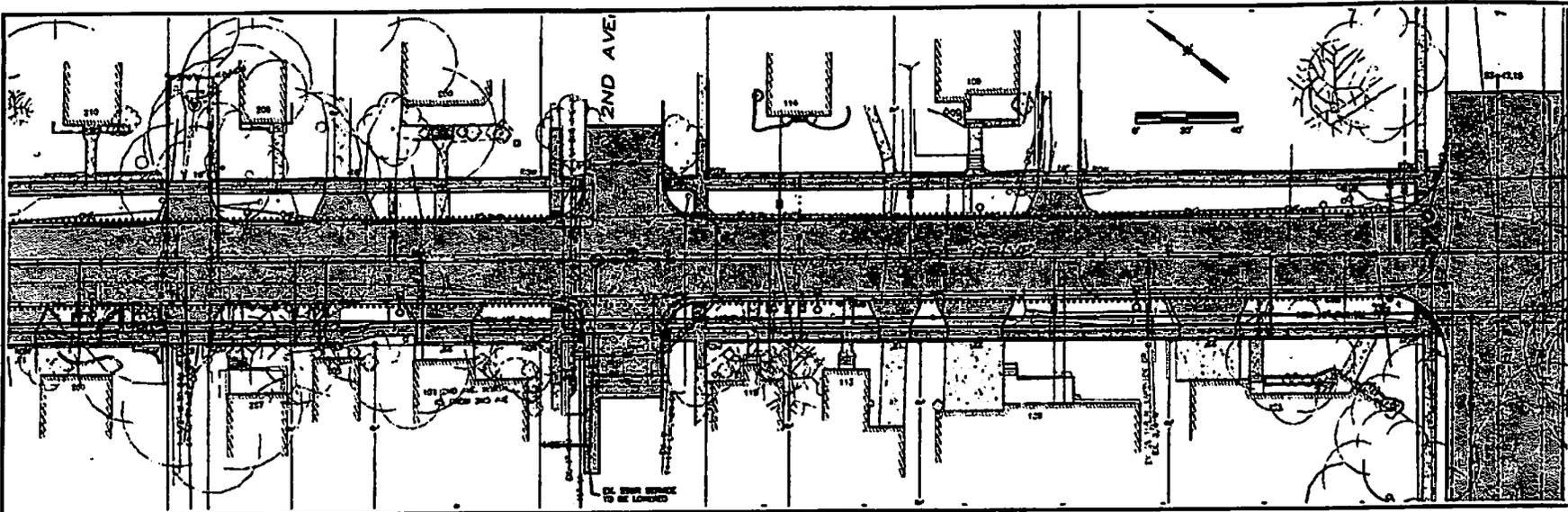
DESIGN: VENENSTRA & KINAH, INC. CITY OF CLEAR LAKE, CERRO GORDO COUNTRY PROJECT NUMBER: STP-U-1372(619)--70-17 DATE: 03



PRELIMINARY



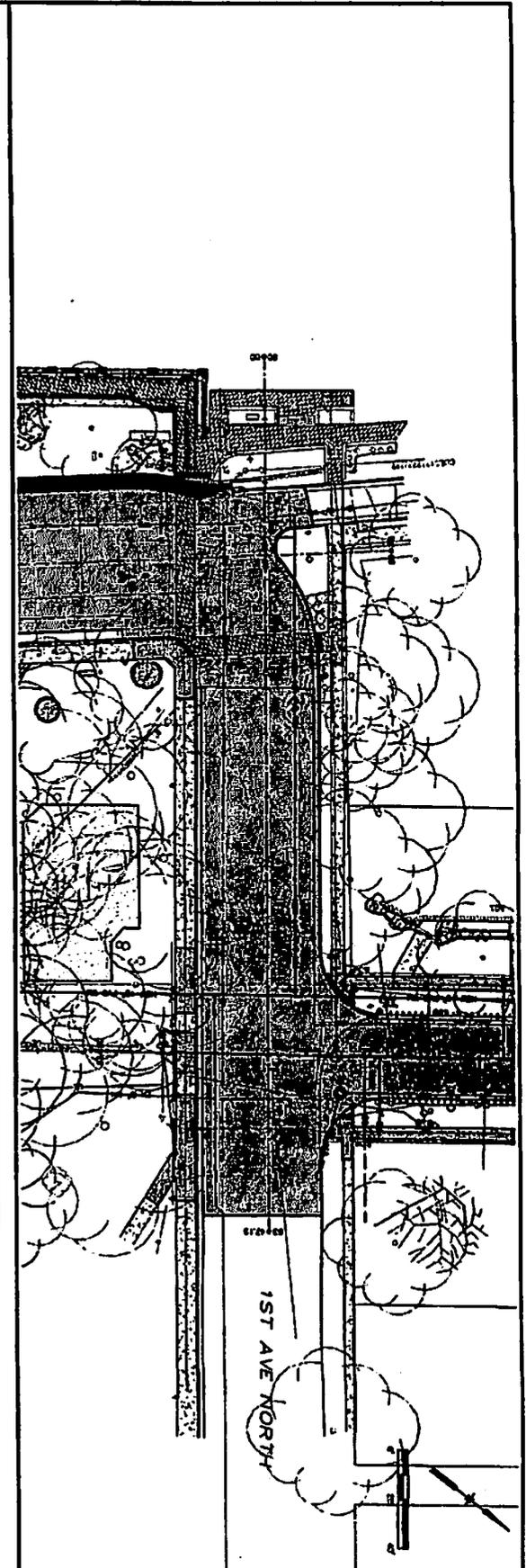
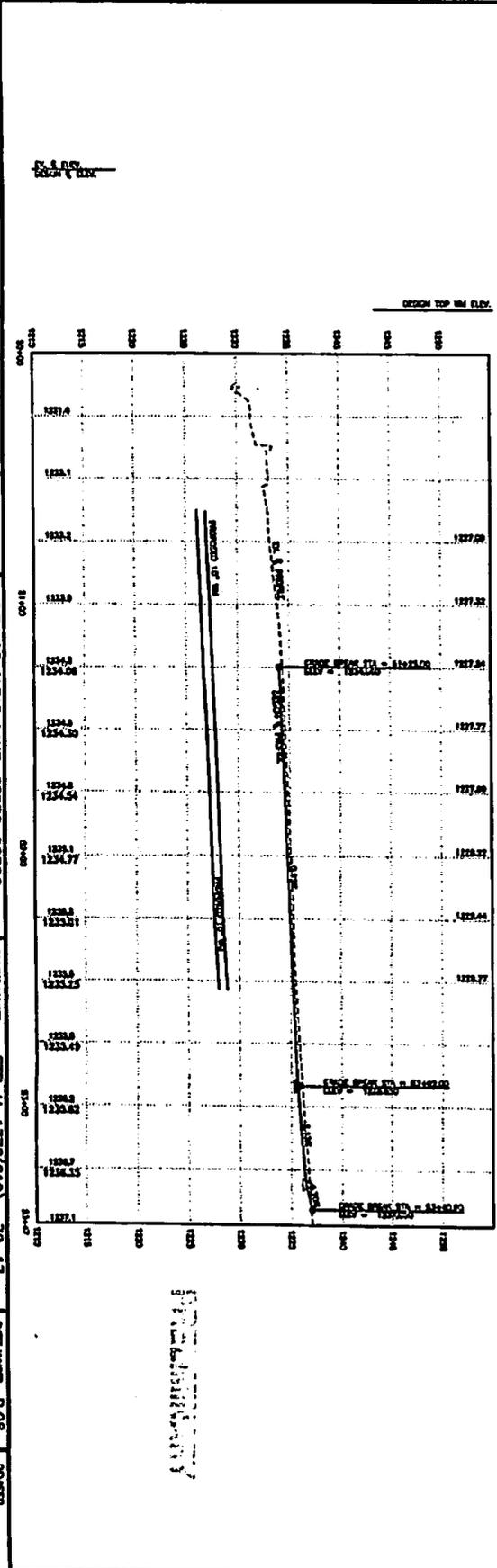




DESIGNER	DATE	DESIGN TEAM	VEENSTRA & KIMM, INC.	CITY OF CLEAR LAKE, CERRO GORDO COUNTY	PROJECT NUMBER	STP-U-1372(619)--70-17	SHEET NUMBER	D.06
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DESIGN: [ ] DATE: [ ] DESIGN TEAM: VEENSTRA & KIMM, INC. CITY OF CLEAR LAKE CERRO GORDO QUART. PROJECT NUMBER: SIP-U-1372(619)--70-17 SHEET NUMBER: D.08 REVISION: [ ]







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

**A Resolution of the City of Clear Lake Approving a  
Voluntary Retirement Incentive Program**

The Voluntary Retirement Incentive Program (VRIP) is a "voluntary" process that offers all benefited employees a severance package to separate from employment with the City of Clear Lake between January 1, 2014 and not later than April 30, 2014. The request must be filed with the Finance Officer between December 1, 2013 and December 30, 2013, with no requests after that date being accepted. No penalty is imposed on any employee that elects not to participate in the program.

**Purpose of the Program**

Helps reduce payroll costs;  
Supports a sustainable budget; and  
Provides a voluntarily separation opportunity for employees wishing to retire, but unable to do so because of financial consequences.

**Eligibility Requirements**

Eligibility to participate in the City of Clear Lake's VRIP is as follows:

Eligible participants must be currently employed in a benefited full-time or full-time equivalent position with the City of Clear Lake.

Participants must be eligible for "Normal" or "Early" Retirement through the Iowa Public Employment Retirement System (IPERS) or have the ability to achieve eligibility prior to March 1, 2014.

Eligible participants must be age sixty (60), with seven (7) or more years of continuous employment prior to December 31, 2013.

Those employees who elect to participate in the VRIP will receive the following benefits:

Two (2) weeks of net base pay as a cash payment, following retirement.

Remain up to five (5) years on the City's health insurance plan under a single policy, but in no case passed the age of 65, or when Medicare eligible.

Vacation Leave . 100% of balance, as of eligible participant's of last day, as a cash payment.

Sick Leave . 75% of the balance, as of eligible participant's last day of employment, can be converted to a "cash-equivalent" for health insurance subsidization for the purpose of defraying health insurance costs for a family premium based on the Retirees' FY 13 wage rate. Eligibility of all participants will cease at age 65 or when Medicare-eligible. Retirees must remain continuously covered under the City's medical insurance plan after retirement. Retiree's eligible dependent shall be allowed continued coverage under COBRA in the event the Retiree loses eligibility because of age or death.

Personal Leave & Comp Time 100% of balance on Retirees' last day as a cash payment.

Cash out of vacation leave, personal leave, and comp time balance at 100% will also be subject to IPERS (where applicable), State, Federal and FICA Income Tax.

The City of Clear Lake does not warrant or guarantee the tax consequences of participation in this program. Employee should consult with a tax advisor of their choice as to any tax consequences.

Participants in the program are not eligible to receive any wage rate increases following submission of their notice of intent to retire.

**Waiver and Release of Claims:**

Employee agrees to release the City of Clear Lake, Iowa, its elected officials, employees, officers and agents from all claims or demands Employee may have or may have had arising out of Employee's employment with the City, including but not limited to participation in this voluntary severance program. This release includes but not limited to:

Release of any claims, cause of action or damages arising under the Age Discrimination in Employment Act as amended.

Release of any claims, cause of action or damages arising under the Equal *Employment* Opportunity laws; Title VII Civil Rights Act of 1964 as amended; Family and Medical Leave Act; Older Workers' Benefit Protection Act; and any other basis.

All participating employees must execute a release. The consideration for this waiver and release is employee's participation in and receipt of benefits under this program.

PLEASE NOTE THAT EXECUTION OF THIS APPLICATION CONTAINING THIS WAIVER AND RELEASE OF CLAIMS MAY HAVE LEGAL CONSEQUENCES. YOU ARE ADVISED TO CONSULT WITH A LEGAL ADVISOR OF YOUR CHOICE.

Period for Review:

Employees have between December 1, 2013 and December 31, 2013 to review and consider entering into this "Voluntary Retirement Incentive Program". Election to participate in the VRIP is entirely voluntary and employees are under no obligation to elect participation.

Right to Revoke Agreement:

Employee may revoke this Agreement within seven (7) business days of Employee making the election. Revocation must be made in writing and received by the City Finance Officer no later than close of business of the seventh (7<sup>th</sup>) business day after Employee makes the election.

Cessation of Employment:

By electing the VRIP, Employee agrees to the following conditions:

Employee will be ineligible to apply for employment with or to return to work as an employee or a contract worker, with the City of Clear Lake for a period of one year measured from the date employment with the City terminates.

Employees who participate in this program acknowledge retirement is voluntary and that the City has work available to them at the time of their retirement.

Employee must retire from his/her position with the City of Clear Lake between January 1, 2014 – April 30, 2014.

Employee understands for acceptance of the request for voluntary retirement employee is required to maintain satisfactory performance and that failure to do so may result in discipline up to and including termination.

Application Process:

Employees who elect to participate in the VRIP are required to notify the Finance Officer of their intent to participate and enroll in the VRIP and accept the terms of the program.

Employees should review all program documents provided in order to make an informed election.

Please feel free to contact the Finance Officer if you have any further questions concerning the City of Clear Lake's VRIP.

PASSED AND APPROVED this 25<sup>th</sup> day of November, 2013.

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Nelson P. Crabb, Mayor

ATTEST:

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Jennifer Larsen, City Clerk

## RELEASE AGREEMENT

I voluntarily agree to participate in the Voluntary Retirement Incentive Program (VRIP) of the City of Clear Lake, Iowa ("City") as stated below upon cessation of my employment with the City. I understand that the City is under no obligation to provide this incentive but will do so as a special allowance in connection with the cessation of my employment.

In consideration of this VRIP, I unconditionally release the City, and its officers, agents and employees, from all causes of action, claims, complaints or liabilities, obligations or other promises, which I have or my heirs may have for any cause up to this date, including, but not limited to, all claims directly or indirectly relating to my employment, including those arising under federal, state, and local statutes, ordinances or common laws. This includes, but not limited to, claims arising under Age Discrimination in Employment Act as amended by Older Workers Benefit Protection Act, Title VII of the Civil Rights Act, Employee Retirement Income Security Act, Equal Pay Act, Family and Medical Leave Act of 1993, Civil Rights Act of 1991, Americans with Disabilities Act, the Iowa Civil Rights Act of 1965, and the Iowa Wage Payment Collection Law. However, I shall retain all rights accrued on my behalf as a result of my participation in any benefit plan(s) of or through the City, such as IPERS, MFPRSI, or others under the terms and conditions set forth in such plan or plans as of the date of my retirement.

I have been advised that I may choose to consult with an attorney, and I sign this Release Agreement knowingly, voluntarily, and without reliance upon any statements made by City employees.

Notice. I understand that I may rescind this Agreement within seven (7) calendar days after I sign it. If I choose to rescind, I agree to do so only according to the following procedures:

1. I will notify the City in writing and deliver or mail the notice to Scott Flory, City Administrator.
2. If I send my notice of rescission by mail, it must be postmarked within the seven (7) day period, sent by certified mail, return receipt requested, and properly addressed to:

City of Clear Lake  
Attention: Scott Flory, City Administrator  
15 N. 6<sup>th</sup> Street  
P. O. Box 185  
Clear Lake, Iowa 50428

If I do not rescind this Release Agreement, then I will receive the incentive listed below:

All benefits proscribed and approved by Resolution #13-79, which is attached hereto and made a part hereof.

This Release Agreement sets forth the entire agreement between the City and me, and fully supercedes and replaces any prior agreements or understanding between the parties, whether written or oral, regarding matters stated herein.

**Printed Name of Employee:** \_\_\_\_\_

**Signature of Employee:** \_\_\_\_\_

**Date:** \_\_\_\_\_