

TENTATIVE AGENDA  
CLEAR LAKE CITY COUNCIL  
CITY HALL – 15 N. 6<sup>TH</sup> STREET  
MONDAY, NOVEMBER 4, 2013  
CITY HALL – COUNCIL CHAMBERS  
**5:30 P.M.**

1. Call To Order by Mayor Nelson P. Crabb.
2. Approval of Agenda.
3. Consent Agenda:
  - A. Minutes – October 21, 2013.
  - B. Approval of the bills & claims.
  - C. Licenses & Permits:
    - Sign Erector's License: Indigo Signworks, Fargo, (new).
    - Excavator's License: North Iowa Excavating, Mason City, (renewal).
    - Street Closing Request: Clear Lake Area Chamber of Commerce, Christmas by the Lake Parade, December 7<sup>th</sup>.
    - Fireworks Permit: Clear Lake Area Chamber of Commerce, Christmas by the Lake, December 7<sup>th</sup>.
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. North Iowa Corridor EDC Quarterly Report:
    - Update regarding EDC quarterly activities, Brent Willett NICEDC
    - Questions and discussion by City Council.

B. Annual Appropriation Development Agreements:

- Review of request by Scott Flory, City Administrator.
- **Motion** to approve **Resolution #13-68**, “A Resolution obligating funds from the Clear Lake Consolidated Urban Renewal Tax Fund for the appropriation to the payment of annual appropriation tax increment financed obligations which shall come due in the next succeeding fiscal year.” (Wess Inc.)
- Discussion and consideration of **Motion** by City Council.
- **Motion** to approve **Resolution #13-69**, “A Resolution obligating funds from the Clear Lake Consolidated Urban Renewal Tax Fund for the 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.
- **Motion** to approve **Resolution #13-70**, “A Resolution obligating funds from the Clear Lake Consolidated Urban Renewal Tax Fund for the appropriation to the payment of annual appropriation tax increment financed obligations which shall come due in the next succeeding fiscal year.” (North Iowa Cultural Center & Museum)
- Discussion and consideration of **Motion** by City Council.
- **Motion** to approve **Resolution #13-71**, “A Resolution obligating funds from the Clear Lake Consolidated Urban Renewal Tax Fund for the appropriation to the payment of annual appropriation tax increment financed obligations which shall come due in the next succeeding fiscal year.” (Snyder Construction Partnership)
- Discussion and consideration of **Motion** by City Council.

C. Citywide Strategic Sidewalk Plan:

- Introduction by Scott Flory, City Administrator.
- Review of proposed Professional Services Agreement, Jason Petersburg, P.E., Veenstra & Kimm.
- 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 on construction activities for the 14<sup>th</sup> Avenue S. Public Approach Enhancement Project.
- Update on construction activities for the Northwest Water Tower Improvement Project.

**10. City Administrator's Report:**

- Re-roofing of a portion of the Lakeview Community Room facility.
- Review of preliminary plans for City Hall/CLPD Renovation Project – 11/18.

**11. City Attorney's Report:**

**12. Other Business:**

**13. Adjournment.**

**NEXT REGULAR MEETING – NOVEMBER 18, 2013**

**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 \$16,000 (the "Annual Payment") which shall come due in the fiscal year beginning July 1, 2014 with respect to the City's Development Agreement with Wess Inc. dated January 2011; 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, 2014;

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 \$16,000 for appropriation from the Urban Renewal Tax Revenue Fund to the Annual Payment in the fiscal year beginning July 1, 2014.

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, 2013 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 4, 2013.

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Nelson P. Crabb, Mayor

Attest:

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Jennifer Larsen, City Clerk

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

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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 \$130,000 (the "Annual Payment") which shall come due in the fiscal year beginning July 1, 2014 with respect to the City's Development Agreement with Titan Pro SCI dated March 2010 and amended November 2012 ; 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, 2014;

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 \$130,000 for appropriation from the Urban Renewal Tax Revenue Fund to the Annual Payment in the fiscal year beginning July 1, 2014.

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, 2013 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.

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Jennifer Larsen, City Clerk

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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 \$11,000 (the "Annual Payment") which shall come due in the fiscal year beginning July 1, 2014 with respect to the City's Development Agreement with North Iowa Cultural Center & Museum dated February 2011; 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, 2014;

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 \$11,000 for appropriation from the Urban Renewal Tax Revenue Fund to the Annual Payment in the fiscal year beginning July 1, 2014.

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

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Nelson P. Crabb, Mayor

Attest:

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Jennifer Larsen, City Clerk

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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 \$35,000 (the "Annual Payment") which shall come due in the fiscal year beginning July 1, 2014 with respect to the City's Development Agreement with Snyder Construction Partnership dated December 2009; 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, 2014;

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 \$35,000 for appropriation from the Urban Renewal Tax Revenue Fund to the Annual Payment in the fiscal year beginning July 1, 2014.

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, 2013 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 4, 2013.

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Nelson P. Crabb, Mayor

Attest:

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Jennifer Larsen, City Clerk

**PROFESSIONAL SERVICES AGREEMENT**

THIS IS AN AGREEMENT, made as of \_\_\_\_\_, 2013, between City of Clear Lake, (CLIENT) and Veenstra & Kimm, Inc., (CONSULTANT) for professional services related to the Sidewalk Strategic Plan CLIENT and CONSULTANT agree:

1. CLIENT requires consulting engineering and planning services for the preparation and development of a **Sidewalk Strategic Plan** as defined in **EXHIBIT 1**.
2. **Scope of Services.** CONSULTANT shall perform professional services as stated in **EXHIBIT 2**.
3. **Compensation.** CLIENT shall compensate CONSULTANT for CONSULTANT's services as stated in **EXHIBIT 3**.
4. **General Considerations.** General considerations to this Agreement are as stated in **EXHIBIT 4**.
5. **Terms and Conditions.** CONSULTANT shall provide professional services in accordance with the Standard Agreement Terms and Conditions as stated in **EXHIBIT 5**. If CLIENT issues a purchase order or other document to initiate the commencement of services hereunder, it is agreed that any terms and conditions appearing thereon shall have no application and only the provisions of this Agreement shall automatically apply.
6. **Special Provisions.** Special provisions to this Agreement, if any, are stated in **EXHIBIT 6**.
7. CLIENT has provided or shall provide for payment from one or more lawful sources of all sums to be paid to CONSULTANT.
8. Following **EXHIBITS** are attached to and made part of this Agreement.
  - a. **EXHIBIT 1** - Project Scope
  - b. **EXHIBIT 2** - Scope of Services.
  - c. **EXHIBIT 3** - Compensation.
  - d. **EXHIBIT 4** - General Considerations
  - e. **EXHIBIT 5** - Standard Terms and Conditions
  - f. **EXHIBIT 6** - Special Provisions

IN WITNESS WHEREOF, the parties below have executed this Agreement as of the day and year first above written.

**CITY OF CLEAR LAKE**

By: \_\_\_\_\_  
Scott Flory

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

Attest:

\_\_\_\_\_  
Address for giving notices:

15 North Sixth Street  
P.O. Box 185  
Clear Lake, IA 50428

**VEENSTRA & KIMM, INC.**

By: \_\_\_\_\_  
Timothy A. Moreau, P.E.

Date: 10/25/13

Attest: Betsy Drondt

\_\_\_\_\_  
Address for giving notices:

2800 Fourth Street SW  
Suite 9  
Mason City, IA 50401

## EXHIBIT 1 PROJECT SCOPE

The purpose of the Sidewalk Strategic Plan is to create a process to aid the **CLIENT** in prioritizing sidewalk improvement projects within the City of Clear Lake which will:

- Define Acceptable Sidewalk Conditions
- Provide Guidance for the Replacement of Deficient Sidewalk Sections
- Guide the **CLIENT** in Regards to Installing New Sections of Sidewalk
- Develop a Program for Constructing Sidewalk Access Ramps on Existing Sidewalks to Ensure the **CLIENT** Complies with Current ADA Standards

**The Goal of the Sidewalk Strategic Plan is to ensure maximum value for pedestrian facility investments made by the CLIENT over the short and long term.**

Developing a strategic plan for making sidewalk improvements will benefit the City of Clear Lake in a number of ways. **Benefits to the community will include:**

- Provide Efficient Pedestrian Walkways throughout the Community
- Facilitate Accessible Pedestrian Links from one area of the Community to another
- Develop a Safe Walking Environment for Pedestrian Traffic
- Encourage Healthy Walking
- Reduce Infrastructure Construction Costs through Coordination of other Utility and Roadway Improvements
- Facilitate Implementation of ADA features in Future Sidewalk Improvements

It is understood there are four main objectives the **CLIENT** wants to achieve in developing a Strategic Sidewalk Plan. These objectives will result in tangible outcomes or deliverables that City Staff and the City Council can refer to in the future when analyzing and deciding on future infrastructure projects. **The four key products of the Sidewalk Strategic Plan include the following:**

1. Develop a Report that clearly outlines the process and rationale behind the **matrix used to identify and prioritize** future sidewalk improvements. In addition, the report will summarize the key observations made while developing an inventory of sidewalks and identifying those areas where pedestrian walkways are missing and needed. The report will also provide factual statistics related to pedestrian facilities including, but not limited to, length, width, pavement type, general condition, trip generating facilities and population density of area served.
2. Develop a Matrix with criteria to **evaluate and prioritize** sidewalk improvement projects. The matrix will be set up in a manner that can be used and updated to facilitate on-going assessments of sidewalk improvements.

3. Develop an **Inventory** of a) existing sidewalks, b) areas needing sidewalks and c) areas where the existing sidewalks are considered deficient. The inventory will be prepared in both tabular format as well as map(s) to graphically illustrate the inventory for quick reference.
  
4. **Develop a multi-year Sidewalk Capital Improvement Plan (CIP)** that identifies future sidewalk improvement projects on an annual basis based on the priorities previously established and funding parameters, provides budgetary cost estimates, identifies proposed funding sources for each proposed sidewalk project, and presents an annual work plan for the **CLIENT** to use as a guide for future sidewalk projects or in connection with other infrastructure projects.

## EXHIBIT 2 SCOPE OF SERVICES

### A. PROJECT MANAGEMENT

This task will include multiple items involving internal and external efforts. The effort will be clearly led by Tim Moreau, P.E. who will lead the charge internally and serve as the primary single contact externally. External efforts will be those items that focus on the City of Clear Lake, managing the development of deliverables and how **CONSULTANT's** team is progressing on the Sidewalk Strategic Plan.

Bi-weekly updates will be emailed to the **CLIENT** giving a brief summary of the past 2 weeks accomplishments and the upcoming activities to be accomplished. Information that is requested of the **CLIENT** will be identified as well as an informal schedule update.

Monthly progress updates will be formally prepared and mailed to the **CLIENT** along with the past month's billing. This document will include percent-completed estimates for individual tasks, status reports on major items such as planning, permits, project budget and public comments and input.

***Goal: Maintain continuous communication and keep City staff updated on project status.***

### B. PUBLIC MEETINGS

**CONSULTANT** will work with City Staff to develop an innovative Public Input Plan (PIP).

***Goal: The goal of the PIP will be to gain and maintain positive community support for the project.***

The efforts and process will strive to:

1. Communicate, inform and educate
2. Provide the Public with an opportunity for meaningful input on the process in general and more specifically on the matrix proposed for analyzing and prioritizing sidewalk improvements.
3. Identify affected property owners, stakeholders, businesses and develop specific strategies to be responsive to their needs.
4. Clearly demonstrate to the public that the Sidewalk Strategic Plan will be developed pursuant to a well executed PIP.
5. Notify the public in advance of potential impacts.

Public input and involvement will be monitored as part of our project management efforts. Public input strategies and scheduling will be discussed and developed in more detail with City Staff and City Council input. At a minimum, there will be one neighborhood planning meeting conducted in each of the City's three Wards. There will also be one general public meeting held for the community at-large.

### **C. DEFINE SIDEWALK ASSESSMENT CRITERIA**

One of the first tasks will be to define the criteria for determining acceptable sidewalk conditions. In order to determine which existing sidewalk segments are acceptable and which segments need to be replaced, specific guidelines will need to be defined with respect to the physical condition and construction of existing sidewalk segments. The assessment criteria will be used to identify sidewalk segments that are either in poor condition and pose a safety concern, or simply do not meet current ADA standards for accessibility.

### **D. SIDEWALK INVENTORY**

The next step in the process will be to develop a sidewalk inventory. This task will involve several key activities. Existing data will need to be examined and checked in the field to ensure it accurately reflects the locations of existing sidewalks. In addition, areas lacking sidewalk will be identified, and areas where the existing sidewalk are determined to not be acceptable will likewise be identified.

The Sidewalk Inventory will encompass all sidewalks City wide. The inventory will be developed in a table format (spreadsheet / data base) which will enable the CLIENT to update the inventory periodically as future improvements are constructed. The spreadsheet will also enable the CLIENT to sort the inventory by any number of criteria, be it age, width, condition, etc. The inventory will also be prepared graphically with a map to show:

- Locations of Existing Acceptable Sidewalks
- Locations of Existing Deficient Sidewalks
- Locations where Sidewalks are Currently Missing

Due to budget limitations and lack of time and resources to purchase the necessary computer hardware and software, and adequately train City staff in the use of GIS, a comprehensive binder will be prepared that contains a series of maps and tables which will provide a complete inventory of the existing sidewalks, general condition of the sidewalks, and identify those areas where sidewalks are lacking. This type of mapping / data system is much more cost effective and is within the CLIENT's financial means. More importantly, the time and effort to train City Staff will be minimal and CONSULTANT can periodically updates the maps and data base as needed when improvements are made or the system is expanded.

***Goal: Develop a comprehensive inventory of existing sidewalks with mapping and sidewalk data stored in a manner in which the data can easily retrieved and analyzed.***

## E. ANALYSIS AND PRIORITIZATION

This part of the strategic planning process will involve analyzing the sidewalk inventory. A matrix of criteria will be developed which will address width and condition of existing sidewalks, ADA compliance, traffic volume of streets, priority pedestrian routes based on origin / destination information, public input, deficient sidewalk segments and missing sidewalk segments. A draft of the matrix to be used will be presented at each of the neighborhood meetings as well as at the general public meeting. Comments and suggestions will be solicited as to how the matrix may be improved.

Then a scoring / ranking system will be developed to analyze the matrix of criteria to aid in prioritizing the areas where either new sidewalks need to be constructed or existing deficient sidewalks need to be replaced or modified. A Priority Rating Index will be determined based on the scoring / ranking system employed. Each sidewalk improvement would receive a Priority Rating Index which in turn will be used to categorize the improvements.

**CONSULTANT** to keep the prioritization categories relatively simple, with just three priority categories. The priority categories would include:

- High Priority
- Medium Priority
- Low Priority

***Goal: Develop a usable matrix which can be used for on-going assessments of sidewalks to prioritize future capital work for sidewalk improvements.***

## F. DEFINE IMPROVEMENT PROJECTS / PREPARE BUDGETARY COST ESTIMATES

After analyzing the data the **CONSULTANT** will, with City Staff input, identify future sidewalk improvement projects. Improvements which are geographically located in the same area of town and have been assigned to the same priority category will be combined to make up a potential sidewalk improvement project.

Budgetary cost estimates will then be prepared for each sidewalk improvement identified. The cost estimates will be prepared in a manner which will enable them to be updated easily due to inflation.

***Goal: Define Improvement Projects in a logical manner based on prioritization category and geographic location; Prepare budgetary cost estimates for use in developing a Capital Improvement Plan (CIP).***

## **G. CAPITAL IMPROVEMENT PLAN**

After the City Council defines the funding parameters for sidewalk improvements, **CONSULTANT** will prepare a multi-year sidewalk capital improvement plan. This Capital Improvement Plan (CIP) will become part of the **CLIENT's** larger overall capital improvement planning process, thus improving the effectiveness of capital expenditures. Typically a 5 year CIP is the most effective. To try and plan improvements beyond 5 years is normally not very realistic as conditions, funding, and priorities may change, however the plan can be updated yearly for a continuous plan.

***Goal: Develop an annual work plan for multiple years, i.e. a Sidewalk Capital Improvement Plan (CIP).***

## **H. FINAL REPORT**

At the culmination of developing the Capital Improvement Plan, a final written report will be prepared by **CONSULTANT** which will incorporate all of the data, analysis, maps, tables and other pertinent information used in developing the sidewalk inventory and prioritizing the sidewalk improvements. The report will be reviewed with City Staff before presenting the report to the City Council for their approval at a council meeting of the City's choice. Five copies of the final report will be provided along with one electronic copy on a flash drive.

***Goal: Prepare a bound report as a working tool for the CLIENT'S use in planning future sidewalk expenditures that will provide maximum benefit to the taxpayers of the City of Clear Lake.***

**EXHIBIT 3  
COMPENSATION**

The CLIENT shall compensate the CONSULTANTS for their services by payment of the following fees:

- A. Engineering & Planning Services.** For services under this Agreement, as set forth in **EXHIBIT 2 – SCOPE OF SERVICES:**
  - 1. Lump Sum Fee: \$32,500
  
- B. Additional Services.** For services requested and authorized in writing by CLIENT:
  - 1. A fee on the basis of the standard hourly fees for the time the CONSULTANT'S personnel are actually engaged in the performance of the work, plus direct out-of-pocket costs incurred by personnel who are actually engaged in the work, plus direct costs incurred by the CONSULTANT for work associated with the Project.
  
- C. Labor and Billing Rate Schedule.** Copy of CONSULTANT'S Labor and Billing Rate Schedule effective July 2013 is attached.