

## REGULAR COUNCIL MEETING

The Clear Lake City Council met in regular session on Monday, October 21, 2013, at 6:30 p.m., in the Council Chambers, at City Hall, with Mayor Nelson P. Crabb presiding. All Council Members present.

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

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

- A. Minutes – October 7, 2013.
- B. Approval of the bills & claims.
- C. Licenses & Permits:
  - Liquor License: Class C Liquor License (LC) (Commercial) with Sunday Sales, Bikerz; Class C Liquor License (LC) (Commercial) with Outdoor Service & Sunday Sales, "SIPS" North Shore Kitchen & Bar, (renewals).

Roll Call: All Ayes.

Mayor Crabb announced that it was the time and place for the citizen's forum.

Bill Otterman, 107 S 18<sup>th</sup> Street, stated that he is a property owner affected by the S. 20<sup>th</sup> Street Improvement Project and a sidewalk was installed adjacent to his property for which he is being specially assessed. He further stated that he believes since the sidewalk is for public use the property owner should not be financially responsible for the entire cost of the sidewalk. Scott Flory, City Administrator, advised the Council that the City is funding 60% of the cost of the sidewalk for this project and that the property owner is being assessed for 40% of the cost.

Peter Lagios, 308 4<sup>th</sup> Ave S, stated that he agrees with Mr. Otterman and that the City should bear all financial responsibility for the sidewalk project and that the property owners should not be assessed for public improvements. He encouraged the Council to consider implementing a public polling system allowing citizens the opportunity to vote on issues presented before the City Council.

Scott Flory, City Administrator, reviewed the proposed North Shore Drive STP Street Improvement Project and stated that the project location is N Lakeview Drive, between Main Ave & 1<sup>st</sup> Ave N; 1<sup>st</sup> Ave N, between N Lakeview Drive & N Shore Drive; and N Shore Drive, between Main Ave & 7<sup>th</sup> Avenue N. He stated the project will include: excavating the existing pavement, placement of new crushed stone base, sub-drain, street paving, curb & gutter, sanitary sewer main, water main, storm sewer, pedestrian scale street lighting, sidewalks and ADA compliant curb ramps, driveways, street tree plantings, and private water and sewer service lateral replacements (as necessary). He noted the segment of N. Lakeview Drive will also receive additional enhancements including an extension of the existing N. Lakeview Drive bike lane, brick paver walkway adjacent to the seawall, and colored stamped brick paver crosswalks. He advised that the schedule calls for the Council to initiate the special assessment proceedings as this meeting and the public hearing on the "Resolution of Necessity" would be held on November 25<sup>th</sup> at 5:30 p.m. and that the notices to the affected property owners will be mailed on November 8<sup>th</sup>.

Jason Petersburg, P.E., Veenstra & Kimm, reviewed the preliminary plat & schedule of assessments and stated that the total estimated cost of the project including engineering, legal, and administrative fees is \$2,495,556 and that the estimated special assessments to the affected property owners is \$462,491.47 or 17.8% of the cost of the project. Petersburg also reviewed the project construction schedule and stated that the construction will be completed in a series of stages and that during the summer and fall of 2014 primarily the underground utility work will be completed along with some paving. He noted the balance of the paving will be completed between April and June, 2015.

Unsworth introduced the following **Resolution** and moved its adoption, seconded by Callanan. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

### RESOLUTION No. 13-62

#### A PRELIMINARY RESOLUTION FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS IN THE CITY OF CLEAR LAKE, STATE OF IOWA

Brant introduced the following **Resolution** and moved its adoption, seconded by Callanan. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 13-63

A RESOLUTION FIXING VALUE OF LOTS

Nelson introduced the following **Resolution** and moved its adoption, seconded by Brant. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 13-64

A RESOLUTION ADOPTING PRELIMINARY PLAT & SCHEDULE, ESTIMATE OF COST AND PROPOSED PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE NORTH SHORE DRIVE STP STREET RECONSTRUCTION PROJECT

Boehnke introduced the following **Resolution** and moved that the date for the public hearing on the Resolution of Necessity be set for November 25<sup>th</sup> at 5:30 p.m., seconded by Nelson. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 13-65

A RESOLUTION OF NECESSITY (PROPOSED)

Flory reviewed the US HWY 18 Watermain Improvement Project and stated that on February 18, 2013, the Council awarded the construction contract to North Iowa Septic Solutions of Mason City in the amount of \$278,410.71, which was 6.6% below the engineer's estimate of \$298,391. He advised that there were three change orders on the project resulting in a net increase of \$885 to make the "revised" contract amount \$279,295.71, however, the actual value of the work completed by the contractor was \$270,006.12, which is roughly \$8,400 less than the original contract amount and nearly \$9,300 less than the "revised" contract amount. He stated that the contractor has recently completed the work and the consulting engineer has now filed the "Certificate of Completion" with the City Clerk indicating that the Project has been completed in accordance with the plans, specifications, and form of contract.

Petersburg reviewed Pay Estimate #6 in the amount of \$13,381.22 to North Iowa Septic Solutions of Mason City. Unsworth moved to approve Pay Estimate #6, seconded by Callanan. Passed Unanimously.

Nelson introduced the following **Resolution** and moved its adoption, seconded by Brant. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 13-66

A RESOLUTION ACCEPTING THE WORK FOR THE US HWY 18 (N 3<sup>RD</sup> STREET W – N 9<sup>TH</sup> STREET W) WATER MAIN IMPROVEMENT PROJECT

Flory reviewed the proposed Economic Development Project Planning Area Memorandum of Understanding and stated that in 1999 the Cities of Clear Lake and Mason City along with Cerro Gordo County completed a joint planning effort primarily focused on land use planning for the portion of the Highway 122 Corridor. He stated the plan, entitled "Developing Common Ground", contained various recommendations regarding the future development of the unincorporated portion of the "HWY 122 Corridor" and that one recommendation is that developments occur only as can be accommodated by municipal utilities. He advised that following an effort by the North Iowa Corridor EDC (NICEDC) to recruit a development prospect, which would have located within the "HWY 122 Corridor" area the NIEDC concluded that the "Developing Common Ground" Plan would have been beneficial during the recruitment process. Brent Willett, North Iowa Corridor EDC, stated that a work group was comprised of representatives of all three public entities to discuss a strategy to build upon and implement a fundamental component of that Plan and that the end result was a draft of a Memorandum of Understanding (MOU) related to potential future development in the "HWY 122 Corridor". He advised that the MOU was approved by the City Council of Mason City on October 1, 2013 and the Cerro Gordo County Board of Supervisors on October 15, 2013. Flory noted that unless one of the three entities elects to withdraw from the Agreement, the MOU shall remain in effect until

December 31, 2018. Unsworth introduced the following **Resolution** and moved its adoption, seconded by Brant. Roll Call: Passed Unanimously. Whereupon, the Mayor declared the following duly adopted:

RESOLUTION No. 13-67

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF CLEAR LAKE AND MASON CITY AND CERRO GORDO COUNTY, IOWA, FOR THE ECONOMIC DEVELOPMENT PROJECT PLANNING AREA

Joe Weigel, Public Works Director, gave an update on the following: Pre-construction conference for the 14<sup>th</sup> Avenue S. Public Approach Enhancement Project; review of (10/14 – 10/16) Large Item Pick-up; and the Northwest Water Tower Improvement Project.

Flory stated that the City has received notification from the Iowa Department of Cultural Affairs that the City has been invited to submit a full grant application through the Iowa Great Places Program. He stated the deadline to submit a full proposal is January 15, 2014.

Flory reviewed the proposed Citywide Strategic Sidewalk Improvement Plan and stated that the committee comprised of Flory, Mayor Crabb, Council Members Callanan and Unsworth have reviewed the proposals received and it is the collective opinion of the committee to develop a professional services agreement with Veenstra & Kimm. He advised that this item would be placed on the agenda for the November 4<sup>th</sup> regular Council meeting.

Nelson moved to go into Closed Session at 7:52 p.m. pursuant to Code of Iowa Section 21.5 (1)(j) to discuss the purchase of particular real estate, seconded by Nelson. Roll Call: Passed Unanimously.

Brant moved to return to open session at 8:11 p.m. with no final action being taken in Closed Session, seconded by Nelson. Passed Unanimously.

There being no further business before the Council, Boehnke moved to adjourn at 8:14 p.m., seconded by Nelson. Passed Unanimously.

NEXT MEETING – MONDAY, NOVEMBER 4, 2013

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

ATTEST:

/S/ Jennifer Larsen  
Jennifer Larsen, City Clerk