

October 18, 2013

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 21, 2013**, 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

TONY J.
NELSON
Ward 2

JIM
BOEHNKE
Ward 3

MIKE
CALLANAN
At Large

TERRY
UNSWORTH
At Large

ITEM #6A. **North Shore Drive Street Project.** N. Lakeview Drive, between Main Ave & 1st Ave N.; 1st Ave N., between N. Lakeview Drive & N. Shore Drive; and N. Shore Drive, between Main Ave & 7th Ave N. will be fully reconstructed beginning in July of 2014. 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). 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.

It should be pointed out that the Project will also include widening the traveled portion of the street (N. Shore Dr.) ½' between Buddy Holly Place and 5th Ave N. Likewise, the segment of N. Shore Dr. between 1st Ave N. and 4th Ave N. will be widened from an existing 31' (B-B) to 33' (B-B). The segment between 5th Ave N. and 4th Ave N. will be narrowed from 41' (B-B) to 33' (B-B) and feature a re-design of that intersection.

The Project will be completed in a series of stages. During the summer and fall of 2014, primarily the underground utility work will be accomplished. However, those specific segments that do not involve any, or rather just minimal, underground improvements such as: N. Shore Drive, between 7th Ave N. & Buddy Holly Place; 1st Ave N., between N. Lakeview Dr. & N. Shore Drive; and N. Lakeview Drive, between 1st Ave N. & Main Avenue will be paved during this time as well. The balance of the paving will be completed between April and June, 2015.

At the previous City Council meeting the Project consulting engineer reviewed the proposed preliminary plans & specifications for the project. That review was preceded by a public information meeting held on October 1st at City Hall; the purpose of which was to provide affected



property owners and interested citizens an opportunity to ask questions prior to the public hearing.

The schedule calls for the Council to initiate the special assessment process at the October 21st meeting. The public hearing on the "Resolution of Necessity" would be held on November 18th. Notices to affected property owners will be mailed on or about November 5th. The Project bid letting will occur in January, 2014.

The engineer's opinion of the probable cost of construction is \$2,194,465. Indirect project costs such as engineering, legal, and administrative are estimated at \$301,091. Therefore, the total estimated cost of the project is \$2,495,556. Estimated special assessments total \$462,491.47 or 17.8% of the cost of the project. It should be noted that the assessments for street paving alone are estimated \$193,870.65 or 7.8% of the project. Assessments for other improvements such as water & sewer services and mains are estimated at \$268,620.82 or 10.8% of the project. There are no assessments included for driveway replacements.

ITEM #6B. US HWY 18 Watermain Improvement Project. On February 18, 2013, the City Council awarded the construction contract to North Iowa Septic Solutions (Mason City). The original amount of the contract was \$278,410.71, which was 6.6% below the engineer's estimate of the probable cost of construction (\$298,391). There were three (3) change orders on the Project, which resulted in a net increase of \$885 to make the "revised" contract amount \$279,295.71. It is important to note, however, that the actual value of the work completed by the contractor was \$270,006.12, which is roughly \$8,400 less (3%) than the original contract amount and nearly \$9,300 less (3.4%) than the "revised" contract amount.

The contractor has recently completed work on the project and the City's 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 previously approved by the City Council. Enclosed in your packet is Pay Estimate #6, which serves as the final pay estimate for the project. In accordance with the applicable provisions of the Code of Iowa, following the Council's acceptance of the work, payment of the retainage (5%) cannot occur prior to 30 days having elapsed.

As a reminder, the Project entailed the replacement of an existing 4" (1940's era) ductile iron watermain. The watermain was located under a portion of US HWY 18. Construction included the placement of 2500 LF of new 12" diameter watermain. This particular segment of watermain had

been one of the most problematic in the City's distribution system in terms of the number of breaks. Over the course of the past five (5) years, there have been six (6) breaks.

A total of thirteen (13) properties are served directly by this segment of watermain, including Oakwood Care Center – the City's single largest water consumer. The Project also serves as a critical final link between the 12" diameter watermain that was constructed in 2010 (Clark Road to N. 9th St W.) and an 8" diameter watermain that was constructed about the same time (Buddy Holly Place to N. 3rd St. W.).

ITEM #6C. Economic Development Project Planning Area - MOU.

Back in 1999, the Cities of Clear Lake and Mason City and Cerro Gordo County completed a joint planning effort primarily focused on land use planning for the portion of the Iowa highway 122 corridor within the unincorporated portion of CG County lying between the two communities. That effort, which was in part facilitated by the North Iowa Area Council of Governments (NIACOG), resulted in a planning document entitled, "Developing Common Ground". It is often referred to as the "HNTB Study" after the name of the consulting firm who prepared the Plan.

The Plan contained various recommendations regarding the future development of the unincorporated portion of the "HWY 122 Corridor". One such recommendation is that developments occur only as can be accommodated by municipal utilities. Logically, then, prospective future development would extend from the respective corporate boundaries of the two cities.

Following an effort by the North Iowa Corridor EDC (NICEDC) to recruit a development prospect, which would have located within the unincorporated portion of the "HWY 122 Corridor" area - on undeveloped property owned by Cerro Gordo County which is located adjacent to Mason City - the NICEDC concluded that, based upon information it received through that recruitment process, various aspects of the "Developing Common Ground" Plan would have proven beneficial in furtherance of that effort. As a result, the NICEDC convened a work group comprised of elected and appointed representatives of all three (3) public entities to discuss a strategy to build upon and implement a fundamental component of that Plan. The end result of which was a draft Memorandum of Understanding (MOU) related to the potential future development of primarily the parcel of property currently owned by Cerro Gordo County, which is contiguous with the corporate limits of the City of Mason City.

In essence, the MOU dictates that, should it be the preference of the prospective future developer, neither the City of Clear Lake nor Cerro Gordo County would object to the expansion of the corporate limits of Mason City, as it relates to what is primarily undeveloped County property identified within the MOU, in order to facilitate such development. The MOU was approved by the City Council of Mason City on 10/01/13 and Cerro Gordo County Board of Supervisors on 10/15/13. Unless one of the three entities elects to withdraw from the Agreement, the MOU shall remain in effect until 12/31/18.

Scott Flory
City Administrator

Smart Quote: "A good objective of leadership is to help those who are doing poorly to do well and to help those who are doing well to do even better." -- Jim Rohn, American entrepreneur.

TENTATIVE AGENDA
CLEAR LAKE CITY COUNCIL
CITY HALL – 15 N. 6TH STREET
MONDAY, OCTOBER 21, 2013
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 – 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).
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 Shore Drive STP Street Improvement Project:
 - Introduction by Scott Flory, City Administrator.
 - Review of Preliminary Assessment Plat & Schedule , Jason Petersbug, P.E., Veenstra & Kimm.
 - **Motion** to approve **Resolution #13-62**, "A Preliminary Resolution for the construction of the public improvements".
 - Discussion and consideration of **Motion** by City Council.
Motion to approve **Resolution #13-63**, "A Resolution Fixing Value of Lots".
 - Discussion and consideration of **Motion** by City Council.
 - **Motion** to approve **Resolution #13-64**, "A Resolution adopting Preliminary Plat & Schedule; estimate of cost; and proposed plans & specifications for the construction of the North Shore Drive STP Street Reconstruction Project".
 - Discussion and consideration of **Motion** by City Council.

- **Motion** to approve **Resolution #13-65**, “A Resolution of Necessity (proposed).”
- Discussion and consideration of **Motion** by City Council.

B. US HWY 18 (N. 3rd St. W – N. 9th St W.) Water Main Improvement Project:

- Introduction by Scott Flory, City Administrator.
- Project update and review of Pay Estimate #6 (final), Jason Petersbug, P.E., Veenstra & Kimm.
- **Motion** to approve Pay Estimate #6 (final) by City Council.
- Discussion and consideration of **Motion** by City Council.
- **Motion** to approve **Resolution #13-66**, “A Resolution Accepting the work for the “US HWY 18 (N. 3rd St. W – N. 9th St W.) Water Main Improvement Project” by the City Council.
- Discussion and consideration of **Motion** by City Council.

C. Economic Development Project Planning Area – Memorandum of Understanding between Clear Lake; Mason City, & Cerro Gordo County:

- Introduction by Scott Flory, City Administrator.
- Review of request, Brent Willett, North Iowa Corridor EDC.
- **Motion** to approve **Resolution #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”.
- Discussion and consideration of **Motion** by City Council.

7. Chief of Police’s Report:

8. Mayor’s Report:

9. Public Works Director’s Report:

- Pre-construction conference: 14th Avenue S. Public Approach Enhancement Project.
- Review of (10/14 – 10/16) Large Item Pick-up.
- Update on construction activities for the Northwest Water Tower Improvement Project.

10. City Administrator’s Report:

- Iowa Great Places Letter of Interest – Invitation for full submittal.
- Citywide Strategic Sidewalk Improvement Plan.

11. City Attorney’s Report:

12. Other Business:

13. Closed Session: Pursuant to *Code of Iowa* Section 21.5 (1)(j) to discuss the purchase of particular real estate.

14. Adjournment.

NEXT REGULAR MEETING – NOVEMBER 4, 2013

Council Member _____ introduced the following Resolution entitled "PRELIMINARY RESOLUTION FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS IN THE CITY OF CLEAR LAKE, STATE OF IOWA", 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 Resolution duly adopted as follows:

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

WHEREAS, this Council, after a study of the requirements, is of the opinion that it is necessary and desirable that streets, sidewalks, storm sewer, sanitary sewer and water improvements together with miscellaneous related work be constructed within the City of Clear Lake, State of Iowa, as hereinafter described; and

WHEREAS, it is proposed that the project be constructed as a single improvement under the authority granted by Division IV of Chapter 384 of the City Code of Iowa:

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

Subdivision A. That the City of Clear Lake, State of Iowa, construct streets, sidewalks, storm sewer, sanitary sewer and water improvements together with miscellaneous related work, as hereinafter described.

Subdivision B. The beginning and terminal points of the improvements shall be as follows:

**NORTH SHORE DRIVE STP STREET RECONSTRUCTION PROJECT
CLEAR LAKE, IOWA**

The location of the assessed improvements are as follows:

North Shore Drive from Buddy Holly Place to 1st Avenue North

Description of Improvements

The North Shore Drive STP Street Reconstruction Project includes the following improvements:

- Pavement Removal
- Sanitary Sewer Mains and Manholes Improvements
- Sanitary Sewer Service Improvements
- Water Main Improvements
- Water Service Improvements
- Storm Sewer, Intakes, and Manholes Improvements
- Subdrain Improvements
- Temporary Aggregate Surfacing
- New PCC or HMA Paving 33' and 41.5' Wide
(PCC = Portland Cement Concrete; HMA = Hot Mix Asphalt)
- Sidewalk Improvements Including ADA Ramps
- Driveway Improvements
- Miscellaneous Associated Work Including Sodding

Subdivision C. That Veenstra & Kimm, Inc. of Mason City, Iowa, having been employed as Engineers to prepare plats, schedules, estimates, plans and specifications and otherwise to act in the capacity with respect to the project is hereby ordered to

prepare and file with the Clerk preliminary plans and specifications and estimates of the total cost of the work and the plat and schedule of special assessments against benefited properties.

Subdivision D. That this Council hereby determines that all property within the area hereinafter described will be specially benefited by the improvements, to-wit:

An area in Section 12, Township 96 North, Range 22 West of the 5th Principal Meridian located in the City of Clear Lake, Cerro Gordo County, Iowa. The description of the benefited area is as follows:

**NORTH SHORE DRIVE STP STREET RECONSTRUCTION PROJECT
CLEAR LAKE, IOWA**

<u>SUBDIVISION</u>	<u>BLOCK</u>	<u>LOTS</u>
• Camp Meeting Grounds	20	A
• M Tuttle 2 nd Add	30	1 - 5
• M Tuttle 2 nd Add	32	3, 4 & 7, 8
• M Tuttle 2 nd Add	31	5
• C R Hamstreet Repl		5 & 6
• M Tuttle 2 nd Add	31	1 - 4
• M & E A Tuttle 2 nd Add	29	1 - 7
• Auditor Plat		1 - 4
• Aud Sub		4 - 5
• Isaac Whitaker's Replat	3	1 - 19
• Repl	4	1 - 7
• Quinby & Rices Clear Lake	4	1 - 10
• Sub	9	1 - 4
• Clear Lake	28	1 - 6
• M & E A Tuttle Add	2	1 - 8
• Clear Lake	5	3 - 8
• Clear Lake		

Subdivision E. The improvement shall be designated as the "North Shore Drive STP Street Reconstruction Project", and such name shall be a sufficient designation to refer to the improvement in all subsequent proceedings.

PASSED AND APPROVED this 21st day of October, 2013.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING VALUES OF LOTS" 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 Resolution duly adopted as follows:

RESOLUTION FIXING VALUES OF LOTS

WHEREAS, this Council after full investigation, has arrived at a determination of the value of each lot located within the North Shore Drive STP Street Reconstruction Project, the valuation being set forth in a preliminary schedule entitled "Preliminary Assessment Schedule, North Shore Drive STP Street Reconstruction Project, Clear Lake, Iowa", under the column therein headed "Valuation Fixed by Council":

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

That the schedule of values, hereinabove referred to, be and the same is adopted as the valuations of the lots, with the proposed public improvements completed, within the boundaries of the improvements and the Clerk is hereby directed to forthwith deliver the same to Veenstra & Kimm, Inc., the Engineers, for the project, the Engineers to insert the values in the schedule of assessments which is to be prepared and filed with this Council.

PASSED AND APPROVED this 21st day of October, 2013.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION ADOPTING PRELIMINARY PLAT AND SCHEDULE, ESTIMATE OF COST AND PROPOSED PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE NORTH SHORE DRIVE STP STREET RECONSTRUCTION PROJECT" 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 Resolution duly adopted as follows:

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

WHEREAS, this Council has caused to be prepared preliminary plat, schedule and estimate of cost, together with plans and specifications, for the construction of the North Shore Drive STP Street Reconstruction Project, and this Council has fixed the valuations of the property proposed to be assessed as shown therein; and

WHEREAS, the Council finds that each lot separately assessed in the schedule of assessments meets the definition of a lot as described in Iowa Code Section 384.37(10) or in the case of lots consisting of multiple parcels that the parcels have been assembled into a single unit for the purpose of use or development; and

WHEREAS, the plat and schedule, estimate of cost and plans and specifications appear to be proper for the purpose intended:

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

That the plat and schedule, estimate of cost and plans and specifications be and the same are hereby adopted as the proposed plat, schedule, estimate of cost and plans and specifications for the improvements and are hereby ordered placed on file with the Clerk for public inspection.

BE IT FURTHER RESOLVED, that the boundaries of the District for the making of the improvements, as shown in the Engineer's plat, be and the same are hereby fixed as the boundaries for the North Shore Drive STP Street Reconstruction Project.

PASSED AND APPROVED this 21st day of October, 2013.

Mayor

ATTEST:

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION OF NECESSITY (PROPOSED)", 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 Resolution duly adopted as follows:

RESOLUTION OF NECESSITY (PROPOSED)

WHEREAS, preliminary plans and specifications and plat and schedule and estimate of cost are now on file in the office of the Clerk showing the boundaries of the District, containing the properties and lots to be assessed, locations of the improvements, each lot proposed to be assessed, together with a valuation of each lot as fixed by the Council, an estimate of the cost of the entire proposed improvements, stating the cost of each type of construction and kind of materials to be used, and an estimate of the amount proposed to be assessed against each lot, for the construction of the North Shore Drive STP Street Reconstruction Project, as hereinafter described, in the City of Clear Lake, State of Iowa:

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

That it is deemed desirable, advisable and necessary to construct as a single improvement the North Shore Drive STP Street Reconstruction Project, in the City of Clear Lake, State of Iowa.

The District containing the properties to be assessed is set out and described in the following "Notice to Property Owners", set out in this Resolution.

The improvements within the District are located and described in the following "Notice to Property Owners", set out in this Resolution.

The method of construction shall be by contract.

Costs of the improvements will be assessed to the properties within the boundaries of the District. No property shall be assessed more than it is benefited by the improvements nor more than 25% of its value on the date of its assessment. The assessment may include a ten percent Default and Deficiency Fund, as authorized by Section 384.44, City Code of Iowa.

A plat and schedule and estimate of costs are now on file in the office of the Clerk as required by law.

Any difference between the amount which is derived from cash payments made by property owners during the thirty day collection period and the sale of Improvement Bonds issued against assessments on benefited properties and the total cost of the improvements, shall be paid for from the proceeds derived from the issuance and sale of bonds as authorized by Section 384.25, City Code of Iowa, and/or from such other funds of the Municipality as may be legally used for such purpose.

BE IT FURTHER RESOLVED, that this Council meet at _____ o'clock _____ .M., on the 18th day of November, 2013, in the Council Chambers, City Hall, 15 North 6th Street, Clear Lake, Iowa, for the purpose of hearing property owners subject to assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of the District. Unless a property owner files objections with the Clerk at the time of the hearing on this Resolution, he shall be deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using special assessment procedure.

BE IT FURTHER RESOLVED, that the Clerk is hereby instructed to cause notice to be published and mailed as required by law of the pendency of this Resolution and of the time and place of hearing objections thereto, and to the preliminary plans and specifications, estimate of costs and to the making of the improvements; the Notice to be in substantially the following form:

(Two publications required)

NOTICE TO PROPERTY OWNERS

Notice is hereby given that there is now on file for public inspection in the office of the Council of the City of Clear Lake, State of Iowa, a proposed Resolution of Necessity, an estimate of costs and plat and schedule showing the amounts proposed to be assessed against each lot and the valuation thereof within District as approved by the Council of the City of Clear Lake, State of Iowa, for a public improvement, designated as the North Shore Drive STP Street Reconstruction Project, of the types and in the location as follows:

**NORTH SHORE DRIVE STP STREET RECONSTRUCTION PROJECT
CLEAR LAKE, IOWA**

The location of the assessed improvements are as follows:

North Shore Drive from Buddy Holly Place to 1st Avenue North

Description of Improvements

The North Shore Drive STP Street Reconstruction Project includes the following improvements:

- Pavement Removal
- Sanitary Sewer Mains and Manholes Improvements
- Sanitary Sewer Service Improvements
- Water Main Improvements
- Water Service Improvements
- Storm Sewer, Intakes, and Manholes Improvements
- Subdrain Improvements
- Temporary Aggregate Surfacing

- New PCC or HMA Paving 33' and 41.5' Wide
(PCC = Portland Cement Concrete; HMA = Hot Mix Asphalt)
- Sidewalk Improvements Including ADA Ramps
- Driveway Improvements
- Miscellaneous Associated Work Including Sodding

That the proposed District to be benefited and subject to assessment for the cost of such improvements is described as follows:

**NORTH SHORE DRIVE STP STREET RECONSTRUCTION PROJECT
CLEAR LAKE, IOWA**

An area in Section 12, Township 96 North, Range 22 West of the 5th Principal Meridian located in the City of Clear Lake, Cerro Gordo County, Iowa. The description of the benefited area is as follows:

<u>SUBDIVISION</u>	<u>BLOCK</u>	<u>LOTS</u>
• Camp Meeting Grounds	20	A
• M Tuttle 2 nd Add	30	1 - 5
• M Tuttle 2 nd Add	32	3, 4 & 7, 8
• M Tuttle 2 nd Add	31	5
• C R Hamstreet Repl		5 & 6
• M Tuttle 2 nd Add	31	1 - 4
• M & E A Tuttle 2 nd Add	29	1 - 7
• Auditor Plat		1 - 4
• Aud Sub		4 - 5
• Isaac Whitaker's Replat	3	1 - 19
• Repl	4	1 - 7
• Quinby & Rices Clear Lake	4	1 - 10
• Sub	9	1 - 4
• Clear Lake	28	1 - 6
• M & E A Tuttle Add	2	1 - 8
• Clear Lake	5	3 - 8
• Clear Lake		

The Council will meet at _____ o'clock _____ M., on the 18th day of November, 2013, at the Council Chambers, City Hall, 15 North 6th Street, Clear Lake, Iowa, at which time the owners of property subject to assessment for the proposed

improvements, or any other person having an interest in the matter may appear and be heard for or against the making of the improvement, the boundaries of the District, the cost, the assessment against any lot, tract or parcel of land, or the final adoption of a Resolution of Necessity. A property owner will be deemed to have waived all objections unless at the time of Hearing he has filed objections with the Clerk.

This Notice is given by authority of the Council of the City of Clear Lake, State of Iowa.

City Clerk, City of Clear Lake, State of
Iowa

(End of Notice)

INTRODUCED AND APPROVED at a meeting held on the 21st day of
November, 2013.

Mayor

ATTEST:

City Clerk

RESOLUTION No. _____

A RESOLUTION ACCEPTING WORK

Highway 18 Watermain (N 9th Street W – N 3rd Street W) Improvement Project

WHEREAS, on February 8, 2013 the City of Clear Lake, Iowa, entered into a contract with North Iowa Septic Solutions, of Mason City, Iowa, for the Highway 18 Watermain (N 9th Street W – N 3rd Street W) Improvement Project, within the City, as therein described; and

WHEREAS, said contractor has fully completed the construction of said improvements, known as the Highway 18 Watermain (N 9th Street W – N 3rd Street W) Improvement 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 September 24, 2013.

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

Section 1. That said "Certificate" 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 \$270,006.71.

PASSED AND APPROVED THIS 21st day of October, 2013.

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk

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)

CERTIFICATE OF COMPLETION

**CITY OF CLEAR LAKE
HIGHWAY 18 WATERMAIN IMPROVEMENT PROJECT**

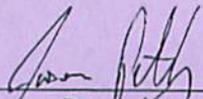
September 24, 2013

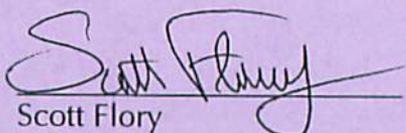
Veenstra & Kimm, Inc. hereby certifies that an on-site review of the completed construction of the Highway 18 Watermain Improvement Project as performed by North Iowa Septic Solutions has been performed.

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 Two Hundred Seventy Thousand Six and 12/100 Dollars (\$270,006.12).

VEENSTRA & KIMM, INC.

Accepted: CITY OF CLEAR LAKE

By: 
Jason Petersburg, P.E.

By: 
Scott Flory

Title: Project Engineer

Title: City Administrator

Date: 10/15/13

Date: 10-21-13





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. 6 - FINAL

Date: October 15, 2013

Project Title	Highway 18 Watermain Improvement Project Clear Lake, Iowa		Contractor	North Iowa Septic Solutions 2609 South Federal Avenue Mason City, IA 50401
Original Contract Amount & Date	\$278,410.71	February 18, 2013	Pay Period	September 1 - October 11, 2013

BID ITEMS

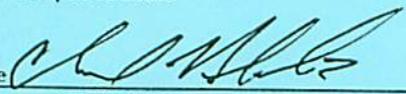
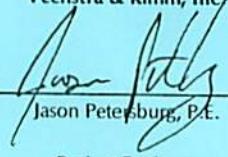
Item No.	Specification Section / Description	Unit	Estimated Quantity	Unit Price	Extended Price	Quantity Complete	Value Completed
1	Mobilization	LS	1	XXXX	\$13,000.00	100.0%	\$13,000.00
2	Traffic Control	LS	1	XXXX	\$6,000.00	100.0%	\$6,000.00
3	Silt Fence	LF	40	\$10.00	\$400.00	53	\$530.00
4	Intake Filter	EA	12	\$200.00	\$2,400.00	7	\$1,400.00
5	Perimeter Sediment Control Device	LF	1,066	\$3.00	\$3,198.00	1,080	\$3,240.00
6	Pavement Removal	SY	809	\$10.00	\$8,090.00	931	\$9,310.00
7	Fire Hydrant Removal	EA	3	\$500.00	\$1,500.00	3	\$1,500.00
8	Valve Manhole Removal	EA	2	\$500.00	\$1,000.00	2	\$1,000.00
9	Water Main Pipe						
	9.1 12" PVC	LF	2,391	\$32.75	\$78,305.25	2,391	\$78,305.25
	9.2 12" DI with Nitrile Gaskets	LF	175	\$33.00	\$5,775.00	175	\$5,775.00
	9.3 8" PVC	LF	30	\$30.00	\$900.00	16	\$480.00
	9.4 6" PVC	LF	60	\$28.50	\$1,710.00	45	\$1,282.50
	9.5 4" PVC (assumed quantity)	LF	20	\$28.50	\$570.00	0	\$0.00
10	Gate Valve & Valve Box						
	10.1 12"	EA	5	\$1,600.00	\$8,000.00	5	\$8,000.00
	10.2 8"	EA	1	\$1,100.00	\$1,100.00	1	\$1,100.00
	10.3 6"	EA	5	\$1,100.00	\$5,500.00	5	\$5,500.00
11	Gate Valve Box	EA	2	\$110.00	\$220.00	3	\$330.00
12	Fire Hydrant Assemblies	EA	5	\$2,400.00	\$12,000.00	5	\$12,000.00
13	Water Main Fittings	LB	2,150	\$3.39	\$7,288.50	1,799	\$6,098.61
14	Corporation Stop						
	14.1 3/4"	EA	11	\$500.00	\$5,500.00	11	\$5,500.00
	14.2 1"	EA	1	\$500.00	\$500.00	0	\$0.00
	14.3 1-1/2"	EA	1	\$500.00	\$500.00	2	\$1,000.00
	14.4 2" (assumed quantity)	EA	1	\$500.00	\$500.00	0	\$0.00
15	Copper Water Service						
	15.1 3/4"	LF	145	\$25.00	\$3,625.00	99	\$2,475.00
	15.2 1"	LF	10	\$30.00	\$300.00	0	\$0.00
	15.3 1-1/2"	LF	10	\$35.00	\$350.00	14	\$490.00
	15.4 2" (assumed quantity)	LF	10	\$40.00	\$400.00	0	\$0.00
16	Curb Stop & Box						
	16.1 3/4"	EA	11	\$400.00	\$4,400.00	4	\$1,600.00
	16.2 1"	EA	1	\$500.00	\$500.00	0	\$0.00
	16.3 1-1/2"	EA	1	\$500.00	\$500.00	0	\$0.00
	16.4 2" (assumed quantity)	EA	1	\$400.00	\$400.00	0	\$0.00
17	Water Main Insulation	LF	35	\$20.00	\$700.00	0	\$0.00
18	Stabilizing Material (assumed quantity)	TON	50	\$10.00	\$500.00	45.00	\$450.00
19	Granular Backfill Material (assumed quantity)	TON	200	\$10.00	\$2,000.00	102.25	\$1,022.50
20	Water System Compaction Testing	LS	1	XXXX	\$5,000.00	100.0%	\$5,000.00

BID ITEMS							
Item No.	Specification Section / Description	Unit	Estimated Quantity	Unit Price	Extended Price	Quantity Complete	Value Completed
21	Drain Tile Repair						
	21.1 4" to 10" (assumed quantity)	EA	3	\$150.00	\$450.00	4	\$600.00
	21.2 11" to 15" (assumed quantity)	EA	1	\$150.00	\$150.00	0	\$0.00
22	Adjust Sanitary Sewer Casting to Grade	EA	1	\$350.00	\$350.00	3	\$1,050.00
23	Storm Sewer Pipe, RCP						
	23.1 15"	LF	138	\$50.00	\$6,900.00	275	\$13,750.00
	23.2 18"	LF	155	\$60.00	\$9,300.00	0	\$0.00
	23.3 21"	LF	54	\$72.00	\$3,888.00	54	\$3,888.00
	23.4 24" (assumed quantity)	LF	10	\$84.00	\$840.00	0	\$0.00
24	C-Type Connection	EA	2	\$500.00	\$1,000.00	4	\$2,000.00
25	Connection to Existing Storm Sewer Intake	EA	2	\$750.00	\$1,500.00	1	\$750.00
26	Flared End Section, RCP						
	26.1 15"	EA	1	\$500.00	\$500.00	4	\$2,000.00
	26.2 18"	EA	1	\$550.00	\$550.00	0	\$0.00
	26.3 21"	EA	1	\$600.00	\$600.00	1	\$600.00
27	Circular Area Intake, 30" Diameter	EA	2	\$1,855.00	\$3,710.00	1	\$1,855.00
28	Grading	LS	1	XXXX	\$2,103.46	100.0%	\$2,103.46
29	Aggregate Base Course	TON	350	\$10.00	\$3,500.00	234.40	\$2,344.00
30	PCC Pavement Patch						
	30.1 6"	SY	178	\$40.00	\$7,120.00	165	\$6,600.00
	30.2 8"	SY	364	\$40.00	\$14,560.00	475	\$19,000.00
31	HMA Pavement Patch						
	31.1 4"	SY	80	\$50.00	\$4,000.00	113	\$5,650.00
	31.2 7"	SY	180	\$70.00	\$12,600.00	178	\$12,460.00
32	Aggregate Surface Course	TON	250	\$10.00	\$2,500.00	390.13	\$3,901.30
33	Seeding & Fertilizing	AC	1.65	\$850.00	\$1,402.50	2.1	\$1,785.00
34	Mulching, Bonded Fiber Matrix	AC	1.65	\$3,300.00	\$5,445.00	2.1	\$6,930.00
35	Rolled Erosion Control Mat	SY	2,450	\$1.30	\$3,185.00	2,285	\$2,970.50
36	Topsoil	TON	750	\$10.00	\$7,500.00	570	\$5,700.00
37	Sanitary Sewer Main, 8" DI	LF	25	\$45.00	\$1,125.00	13	\$585.00
38	Sanitary Sewer Service Pipe (Assumed Quantity)	LF	100	\$10.00	\$1,000.00	21	\$210.00
	TOTAL CONTRACT				\$278,410.71		\$269,121.12

SUMMARY			
		Contract Price	Value Completed
Original Contract Price		\$278,410.71	\$269,121.12
Approved Change Orders (list each)	Change Order 1	(\$240.00)	(\$240.00)
	Change Order 2	\$725.00	\$725.00
	Change Order 3	\$400.00	\$400.00
TOTAL ALL CHANGE ORDERS		\$885.00	\$885.00
Revised Contract Price		\$279,295.71	\$270,006.12
Materials Stored			\$0.00
Value of Completed Work and Materials Stored			\$270,006.12
Less Liquidated Damages			\$0.00
Final Contract Amount (Revised Contract Price Less Damages & Assessments)			\$270,006.12
Less Retained Percentage (5%)			\$13,500.31
Net Amount Due This Estimate			\$256,505.81
Less Estimate(s) Previously Approved	No.1	\$64,343.50	
	No.2	\$8,009.86	
	No.3	\$45,288.52	
	No.4	\$81,968.00	
	No.5	\$43,514.71	
	No.6	\$0.00	
Less Total Pay Estimates Previously Approved			\$243,124.59
Percent Complete	96.7%	Amount Due This Estimate	\$13,381.22

The amount \$13,381.22 is recommended for approval for payment in accordance with the terms of the contract.

The retainage amount \$13,500.31 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:	Recommended By:	Approved By:
North Iowa Septic Solutions	Veenstra & Kimm, Inc/	City of Clear Lake
Signature 	Signature 	Signature
Chad Nichols	Jason Petersburg, P.E.	Nelson Crabb / Scott Flory
Title Project Manager	Title Project Engineer	Mayor / City Administrator
Date 10/16/13	Date 10/15/13	Date

RESOLUTION No. _____

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 PROJECTS PLANNING AREA IN THE IA 122 CORRIDOR

BE IT RESOLVED by the Council of the City of Clear Lake, Iowa:

Section 1: That the attached Memorandum of Understanding between the cities of Clear Lake and Mason City and Cerro Gordo County, Iowa be and the same is hereby approved.

Section 2: That the Mayor and City Clerk be hereby authorized and directed to execute the necessary documents.

PASSED AND APPROVED this 21st day of October, 2013.

Nelson P. Crabb, Mayor

ATTEST:

Jennifer Larsen, City Clerk

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF CLEAR LAKE AND
MASON CITY AND CERRO GORDO COUNTY, IOWA –

ECONOMIC DEVELOPMENT PROJECT PLANNING AREA

This Memorandum of Understanding (the “Memorandum”) is entered into as of the _____ day of _____, 2013, by and between the City of Mason City, Iowa, a Municipal Corporation of the State of Iowa (“Mason City”), the City of Clear Lake, Iowa, a Municipal Corporation of the State of Iowa, (“Clear Lake”), and Cerro Gordo County, Iowa, a Municipal Corporation of the State of Iowa (the “County”).

WHEREAS, in Fall 1998 Mason City, Clear Lake and the County entered into an agreement to jointly fund a comprehensive plan for a portion of the Iowa Highway 122 corridor (the “corridor”) between the cities of Mason City and Clear Lake within Cerro Gordo County; and

WHEREAS, a comprehensive plan, “Developing Common Ground” was completed in December 1999 and its recommendations were provided to the participating entities; and

WHEREAS, that plan designated the unincorporated corridor area between the two cities as “Future Development” and recommended that any prospective future development not exceed the capacity or ability of the two cities to provide municipal water and gravity sanitary sewer service to development along the corridor; and

WHEREAS, the geographic proximity of the two cities to one another raises issues of mutual interest related to economic development project planning, land use planning, the provision of municipal services, and the construction of municipal facilities; and

WHEREAS, Mason City has determined that it can provide water and gravity sanitary sewer service to properties along both sides of the corridor adjacent to its western city limits (see Exhibit A), as may be required and necessary to facilitate an appropriate economic development project without need for new wells or lift stations; and

WHEREAS, the County has determined that the current zoning of certain properties along the corridor no longer correspond with desired development due to large areas being unsuitable for improvement due to floodplains; potential impacts on existing development; the desire to consider the impacts of specific proposals as they emerge; and the desire to improve the quality of development; and

WHEREAS, the mayors, administrative officers, and other representative officials, both elected and appointed, of the two cities and County have met to discuss the collective interests of the two cities and County in coordinating proactive economic development project planning and land use planning for said undeveloped area (see Exhibit A) between the two cities; and

WHEREAS, the City Councils of the two cities and the Board of Supervisors of Cerro Gordo County met separately to discuss proactive economic development project planning and land use planning issues of mutual concern to the two cities and County.

IT IS THEREFORE MUTUALLY UNDERSTOOD as follows:

1. In the interest of providing for effective and proactive economic development project planning in the undeveloped area contiguous and west of the Mason City city limits in the Highway 122 corridor, the two cities and County agree that the City of Mason City and Cerro Gordo County may treat any of the lands designated as the Economic Development Project Planning Area [EDPPA], attached hereto as Exhibit "A", as property that should, in the event of significant economic development activity in the EDPPA which places preference upon the provision of municipal services, be considered for future City of Mason City service extension and subsequent annexation.

2. The County agrees that properties along the IA 122 corridor currently zoned M-1 Light Industrial in Section 10, Township 96 North, Range 21 West, so long as said lands are not annexed to any city, shall be rezoned to A-1, Agriculture, within six (6) months of the date that this Memorandum is approved except the NE¼ of the SE¼ of said section which may remain zoned M-1. See Exhibit "B."

3. The County agrees that properties along the IA 122 corridor currently zoned C-2, General Commercial in Section 12, Township 96 North, Range 21 West, so long as said lands are not annexed to any city, shall be rezoned to A-1, Agriculture, within six (6) months of the date that this Memorandum is approved, except those lands currently used for commercial purposes, specifically Parcel No. 061230000200 and Parcel No. 061230000300, which may remain zoned C-2. See Exhibit "B."

4. The County agrees that properties along the north side of the County Road B-35 (255th Street) corridor currently zoned M-2 Heavy Industrial in Sections 10, 14, and 15, Township 96 North, Range 21 West, so long as said lands are not annexed to any city, shall be rezoned to A-1, Agriculture, within six (6) months of the date of this Memorandum is approved, except those lands located in the S½ of the NW¼ of Section 14, which may remain zoned M-2. See Exhibit "B."

5. For all other unincorporated lands along the IA 122 corridor, the County agrees to maintain the current zoning; however, the County may rezone lands with frontage along the corridor to a residential or commercial zoning district that permits uses also allowed in Mason City's Z4 Multi-Use District, so long as said lands have not been annexed to any city.

6. The County agrees not to object to any expansion of the Mason City Unified Urban Renewal Area or any other establishment of an urban renewal area, in accordance with Iowa Code, into or upon any of the lands annexed to Mason City pursuant to this Memorandum. Likewise, Mason City agrees not to object to any expansion of the County's Corridor Urban Renewal Area, in accordance with Iowa Code, on any property located in the unincorporated areas pursuant to this Memorandum.

7. All parties agree that the terms of this Memorandum of Understanding are consistent with the recommendations of the "Developing Common Ground" plan.

8. This Memorandum is not legally binding on any party, but is a mutual expression of intent by the City Councils of the two cities and the County Board of Supervisors. The parties acknowledge and agree that implementation of this Memorandum will require, where appropriate, legislative and administrative action, the allocation of public funds, and a commitment of city staff and other resources to effectuate the terms and commitments set forth in this memorandum.

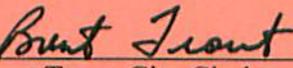
9. This Memorandum of Understanding may be amended upon mutual agreement of all parties.

10. This Memorandum of Understanding shall remain in effect until December 31, 2018 unless one (1) of the parties notifies the other two (2) in writing that it intends to withdraw from the Memorandum.

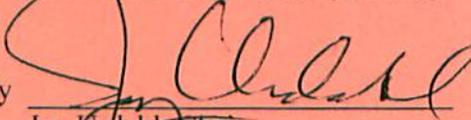
IN WITNESS WHEREOF, this Memorandum has been duly approved and executed as of the day and year first above written.

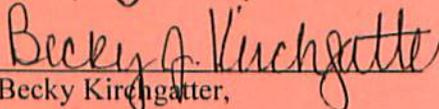
CITY OF MASON CITY, IOWA

By 
Eric Bookmeyer, Mayor

By 
Brent Trout, City Clerk

CERRO GORDO COUNTY, IOWA,

By 
Jay Ordahl, Chair
County Board of Supervisors

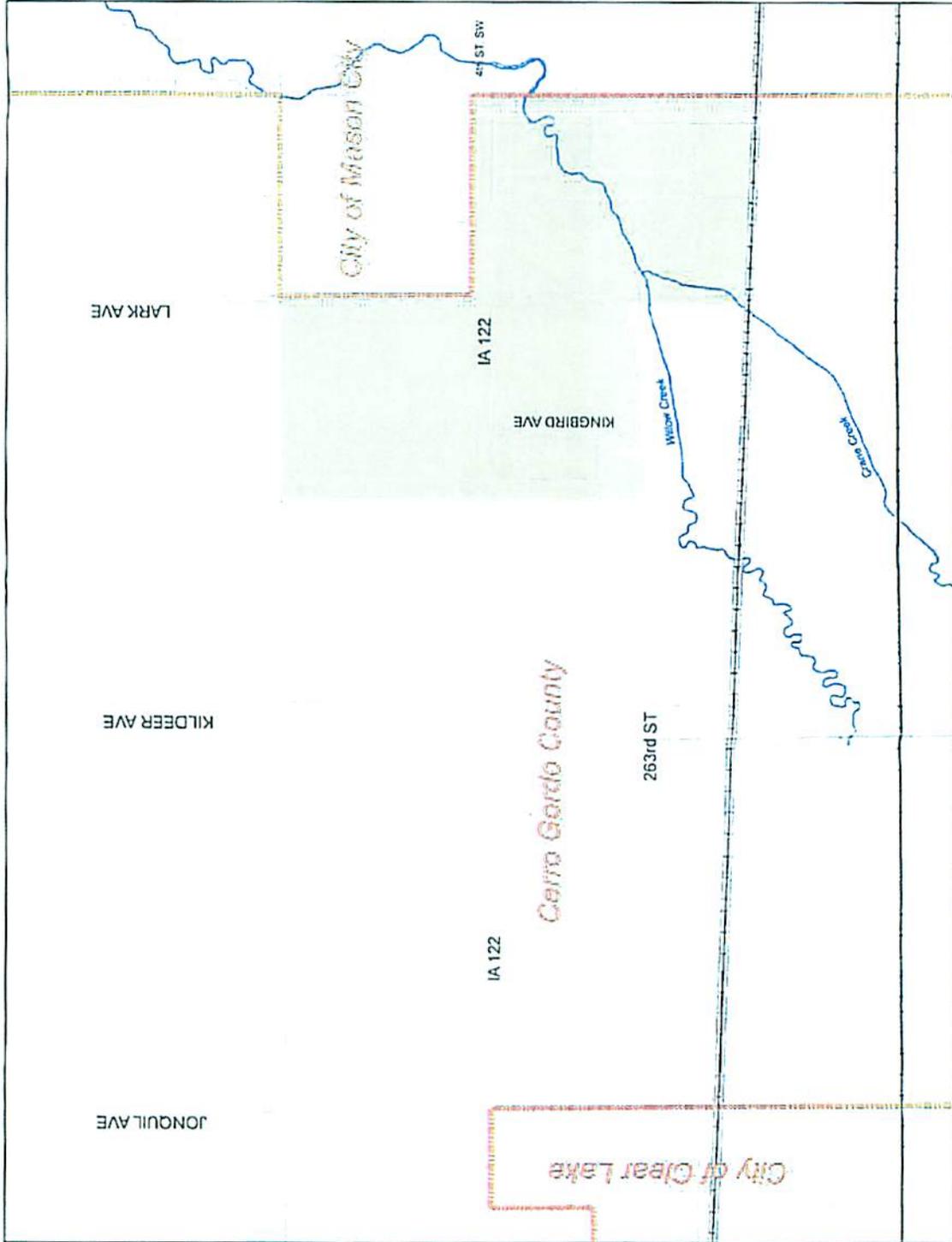
By 
Becky Kirchgatter,
Deputy Auditor

CITY OF CLEAR LAKE, IOWA

By _____
Nelson P. Crabb, Mayor

By _____
Jennifer Larsen, City Clerk

**EXHIBIT A
ECONOMIC DEVELOPMENT
PROJECT PLANNING AREA**



Existing Clear Lake and
Mason City City Limits
Planning Area



0 0.1 0.2 0.3 0.4 0.5 Miles
1 in = 0.25 miles

September 23, 2013
Development Services Department
City of Mason City

Corridor Zoning Map Exhibit B

Legend

- A-2
- C-2
- C-2 to A-1
- M-1
- M-1 to A-1
- M-2
- M-2 to A-1

Areas not shaded or outlined are A-1 - Agriculture

