

**ELY CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 8, 2010  
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Dale Stanek, Bill Grove, Kay Hale, Stephanie Mai and Bob Ballantyne. Also present: Jim Miller, Aaron Cooper, Tom Rohner, Mark Banowetz, Kathleen Banowetz, Brian Schon, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

Stanek, second by Ballantyne, moved to approve the Consent Agenda consisting of:

- Agenda.
- Minutes of the January 11, 2010 regular meeting.
- Minutes of the January 18, 2010 workshop meeting
- Minutes of the February 1, 2010 workshop meeting
- Treasurers Report for the period ended January 31, 2010.
- Bills Payable for February 2010 totaling \$50,289.23.
- Purchase order for \$410.00 – registration for Iowa Municipal Management Institute.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended January 31, 2010

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 16,543.16	\$ 25,921.75		\$ 483,284.49
Road Use	8,018.49	8,659.93		25,950.89
L O S T	14,392.49	5,791.31		4,907.41
TIF Fund	4,768.91			160,779.09
Debt Service	1,231.47			21,216.09
Other Projects				-125,850.07
Library Project				2,749.22
North End Infra				-28,219.93
Water Utility	14,296.31	8,213.97		353,858.29
Water/Sewer Reserve				100,000.00
Sewer Utility	21,214.89	9,537.31		81,243.00
Sewer Debt Service				-46,666.92
Sanitary Utility	6,115.63	6,119.58		48,973.16
PR Clearing	6,904.05	12,750.44		988.17
Totals	\$ 93,485.40	\$ 76,993.39		\$ 1,083,813.98

**Communications:** Mayor Doyle reported receiving the following communications: minutes of the most recent Plan and Zoning Commission meeting, monthly activity reports from Public Works Director Ron Stark, and Deputy Clerk Teri Billick. Deputy Tim Payne presented the Sheriff’s Office Monthly Activity Report.

**Citizen Requests.** Aaron Cooper, representing MidAmerican Energy, reported MidAmerican Energy approved Ely’s request for money from the Trees Please program and presented a check from MidAmerican in the amount of \$1,000 to Mayor Doyle on behalf of Ely for the Trees Please Program.

**North Dows Pizza**

**Request for Special Class C Liquor License, STRO Enterprises LLP, dba North Dows Pizza, 1655 Dows Street.** Mayor Doyle reported Jim Strothers opened North Dows Pizza and has requested a “Special Class C Liquor License” for North Dows Pizza at 1655 Dows Street. Mayor Doyle reported the application was properly completed, reviewed by the Linn County Sheriff’s Office and appeared to be properly in order. Grove moved to approve an application for Special Class C Liquor License for STRO Enterprises, dba North Dows Pizza at 1655 Dows Street, second by Stanek. Motion carried – 5 to 0.

**Request for Temporary Partial Closing of Dows Street, Tom Rohner – Odie’s Bar n Grill.**

Tom Rohner, owner of Odie’s Bar n Grill, presented a request to close a portion of the south side of Dows Street on Saturday May 15, 2010 from 7:00 p.m. to midnight for an outdoor live music event associated with Odie’s Bar n Grill. Stanek, second by Mai, moved to approve a request to close the south side of Dows Street immediately in front of Odie’s Bar n Grill at 1650 Dows Street, May 15, 2010 from 7:00 p.m. to midnight subject to the following requirements:

- City will provide barricades and perform actual closing of portion of street,
- Pedestrian traffic along the south side of Dows Street is not to be impeded,
- Odie’s is to clean the street and have portion of street ready to re-open by 7:00 a.m. May 16, 2010

The motion carried – 5 to 0.

**Request for Handicapped Only Parking Space on Broadview Court near 1520 Broadview Court.** Clerk-Administrator Anderson reported Fire Chief Randy Zbanek and Public Works Director Ron Stark reviewed the request and recommended it not be approved. Stanek moved to deny the request for a “Handicapped Only” parking space on Broadview Court near 1520 Broadview Court, second by Hale; motion carried – 5 to 0.

**Updated Flood Insurance Rate Map & Flood Plain Management Ordinance.**

**Public Hearing re: Ordinance No. 217, An Ordinance to Update and Revise Flood Plain Management Regulations.** Stanek moved to open a public hearing regarding proposed Ordinance No. 217, “An Ordinance to Update and Revise Flood Plain Management Regulations” at 7:14 p.m., second by Ballantyne. Motion carried- 5 to 0. Mayor Doyle declared the public hearing open at 7:14 p.m.

Mayor Doyle reported the Federal Emergency Management Agency (FEMA) has completed updating the Flood Insurance Rate Maps (FIRM’s) for Linn County, including Ely. Kay Hale asked if the 100-year flood hazard area in Southbrook shown on preliminary maps was included on the updated flood insurance rate maps. City Administrator Anderson reported that area is not included on the “proof copy” of the final revised map Ely has received.

Aaron Cooper asked if the area by the Fire Station is included in the 100-year flood hazard area, Mr. Anderson reported that area along Rogers Creek appears wider but does not include the Fire Station because of the Fire Station’s elevation.

Jim Miller asked if the flood hazard areas along Hoosier Creek are bigger than the previous map. Aaron Anderson replied they appear to be the same as the 1993 version.

Bob Ballantyne briefly discussed other communities in Iowa that use the 500 year flood hazard area as the basis of regulation. Aaron Anderson replied Ely could enact flood plain management regulations based on the 500-year flood hazard area instead of the 100-year area, and that additional research might be warranted.

Stanek moved to close the public hearing at 7:17 p.m., second by Hale; motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:17 p.m.

Stanek moved to introduce and approve first reading of Ordinance No. 217, “An Ordinance to Update and Revise Flood Plain Management Regulations”, second by Hale.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and the first reading of the ordinance approved - 5 to 0.

#### **One Side of Street Parking – Walker Street Between Traer and Fuhrmeister Streets.**

**Schedule Public Hearing re: Ordinance No. 218, “Establishing One-Side of Street Parking on Walker Street Between Traer and Fuhrmeister Streets”.** Stanek moved to schedule a public hearing regarding an ordinance to allow parking on only the west side of Walker Street between Traer and Fuhrmeister Streets for 7:00 p.m. March 8, 2010, second by Grove. Motion carried – 5 to 0.

#### **Water Tower and Water System Improvements Project.**

**Progress Report.** City Engineer Scott Pottorf updated the City Council on progress on the Water Tower project, noting that the Iowa Finance Authority (IFA) has determined low interest IFA funds may only be used for total water storage of 300,000 gallons.

**Resolution No. 10-0208-04, Accepting Contract Agreement with Shoemaker-Haaland for Structural Foundation Consultation.** City Engineer Scott Pottorf reported MMS Consultants does not have structural engineers on staff as needed for the foundation design and construction for the water tower and recommended an agreement with Shoemaker-Haaland to provide design and construction consultation for the foundation of the water tower at a lump sum of \$6,900. Mr. Pottorf noted the construction contractor will be responsible for design of the water tower structure and foundation and that Shoemaker-Haaland will supervise and consult regarding the foundation. Stanek moved to approve Resolution No. 10-0208-04, second by Mai.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and the resolution approved - 5 to 0.

**Two & Five Year Plan.** Mayor Doyle and the City Council discussed identified potential two year projects and priorities, discussion noted that some of the projects are not as well defined as others. Stanek moved to table action on this matter, second by Grove. Motion carried – 5 to 0.

**Funding Opportunities through ARRA and I-Jobs**

**Authorize Application for Trail Construction Grant through Ely Park through “ARRA-2”.** City Administrator Anderson reported IDOT requested applications for trail projects that can be completed quickly for speculative funding through a second national economic stimulus bill. Stanek moved to authorize submitting a request for a grant of \$42,400 to construct a trail through Ely City Park from through the speculative ARRA-2 program, with Ely to provide \$10,600 in local option sales tax proceeds as local matching funds if the grant is awarded, second by Mai. Motion carried – 5 to 0.

**Authorize Application for Grant for Water Tower Construction to I-Jobs.** Stanek moved to authorize applying to the I-Jobs program for a grant and low interest loan to construct the Water Tower and System Improvements project, second by Mai. Motion carried – 5 to 0.

**Contracts for Operations and Ongoing Services.**

**Resolution No. 10-0208-05, Approving Contract for Law Enforcement Services with Linn County Sheriff’s Office.** Mayor Doyle reported Resolution No. 10-0208-05 would approve an agreement for the Linn County Sheriff’s Office to provide 25 hours per week of law enforcement at \$27.00/hour. Hale moved to approve Resolution No. 10-0208-05, Approving Contract for Law Enforcement Services with Linn County Sheriff’s Office, second by Ballantyne.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and the resolution approved - 5 to 0.

**Resolution No. 10-0208-06, Accepting Quote and Approving Contract for Mowing Services with Berns Brothers Mowing.** Mayor Doyle reported quotes for mowing services were solicited, the quote to mow the identified property for \$415.00/occurrence from Berns Brothers Mowing was the lowest responding quote, and that the Park & Recreation Commission recommends accepting the quote/proposal for mowing services from Berns Brothers Mowing. Stanek moved to approve Resolution No. 10-0208-06, Accepting Quote and Approving Contract for Mowing Services with Berns Brothers Mowing, second by Ballantyne.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and the resolution approved - 5 to 0.

**Authorize Soliciting Competitive Proposals for Operating Property, Equipment, Vehicle and Liability Insurance.** Stanek moved to authorize soliciting proposals for the City’s operating property, equipment and liability insurance, second by Grove. Motion carried – 5 to 0.

**Preparation of FY 2010-2011 Budget.**

**Review Changes from Workshop Meeting.** City Administrator Anderson presented the proposed budget with changes from the City Council's work shop meeting.

**Schedule Public Hearing re: Adoption of Budget and Property Tax Levy for FY 2010-2011.** Stanek moved to schedule a public hearing regarding the proposed FY 2010-11 budget and property tax levy for 7:00 p.m. March 8, 2010, second by Mai. Motion carried – 5 to 0.

**Discussion Items**

City Administrator Anderson discussed an estimate to refund existing GO debt prepared by Northland Securities with the Mayor and City Council. The general consensus was the likelihood of noticeable savings was not enough to justify making the upfront expenditures of the refunding process.

Grove moved to adjourn, second by Hale. Motion carried – 5 to 0. The meeting adjourned at 7:58 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator