

**ELY CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 11, 2013  
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Dale Stanek, Bill Grove, Dave Rasmussen and Bob Ballantyne; Kay Hale absent, excused. Also present: Sarah Sellon, Rachel Hendrickson, Jim Miller, Annette Weineke, Robert Sion, City Engineer Scott Pottorff, and Clerk-Administrator Aaron Anderson.

Mayor Doyle led the City Council and others attending in the Pledge of Allegiance.

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

- Agenda
- Minutes of the January 14, 2013 regular City Council meeting
- Minutes of the January 22, 2013 special meeting
- Minutes of the January 28, 2013 special meeting
- Treasurers Report for the period ended January 31, 2013
- Bills Payable for January 2013, totaling \$58,248.65

Motion carried – 4 to 0.

Treasurer’s Report (summary) for the period ended January 31, 2013

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 31,773.66	\$ 49,932.63		\$ 661,784.08
Road Use	13,783.43	14,514.52		76,314.99
L O S T	18,723.30			237,427.04
TIF Fund	1,065.30			208,654.13
Debt Service		44,795.00		-13,339.80
Other Projects				-12,398.25
Library Project				-9,106.23
Way Point Sign				-13,405.79
North End Infra				-28,589.93
Water Utility	21,900.44	17,827.60		308,786.23
Water/Sewer Reserve	5,217.25			63,062.65
Sewer Utility	24,505.81	18,087.76		121,234.64
Sewer Debt Service	8,629.00			-92,690.92
Sanitary Utility	6,595.20	5,573.10		44,431.11
Farmers Market	100.00			1,090.11
PR Clearing	14,652.80	17,212.20		1,066.38
Totals	\$ 146,946.28	\$ 164,942.83		\$1,554,302.34

**Communications.** Deputy LeMense presented the Sheriff’s Office Monthly Activity Report.

**Citizen Requests.** Jim Miller noted the asphalt is breaking up with the spring freeze-thaw cycle.

**Rachel Hendrickson re: Notice to Remove Chickens from Property at 1910 State Street.** Rachel Hendrickson, 1910 State Street, distributed a handout and photographs to the Mayor and

City Council, and discussed communication she received from the City Administrator regarding removal of chickens from her property. Ms Hendrickson's comments include, but are not limited to: that she does not believe the City Code prohibits having chickens, that she considered having chickens and studied the City Code thoroughly before she started raising chickens, that she has the chickens for a guaranteed source of high quality eggs for her personal at home use, that she is not engaged in a commercial activity as an agricultural business and that Ely had chickens when she moved to town roughly eighteen years ago. Ms Hendrickson noted the Planning and Zoning Commission is currently working on an ordinance regarding keeping urban chickens, and asked the City Council to defer further action while that ordinance is being worked on. City Council discussed this matter with Ms Hendrickson; the consensus of the Council was to continue with formal process for removal of the chickens.

### **Re-Zoning of Property in Downtown Dows Street Area from C-1 Central Business Commercial to C-1a Downtown Commercial**

**Public Hearing re: Ordinance No. 233, Amending the Ely Zoning Map by Designating Described Parcels as C-1a - Downtown Commercial. – 7:00 p.m.** City Administrator Anderson reported notice was sent to owners of the property considered for rezoning, and owners of property within 200-feet of the area, and published in the Cedar Rapids Gazette as required by City Code and State law. Ballantyne moved to open a public hearing re: Ordinance 233, Amending the Ely Zoning Map by Designating Described Parcels as C-1a – Downtown Commercial at 7:42 p.m., second by Grove. Motion carried – 4 to 0.

Mayor Doyle summarized the proposed ordinance including the area proposed for rezoning, and asked for comments regarding the matter. Bob Sion asked if it is likely the C-1a district would be expanded, or kept the same size. Bob Ballantyne suggested it would grow if warranted. Dave Rasmussen stated any expansion of the area to the north or south would have to be done by ordinance. Mr. Ballantyne stated we have more commercial property and the C-1a district can be expanded as commercial building develops, or a separate ordinance can be written. He noted extra parking requirements and setbacks are required in the existing C-1 district which would be undesirable for developers. Mayor Doyle noted the city can always amend the C-1a district to include more property.

Bob Ballantyne noted the proposed C-1a district looks like an "H" along Dows Street from State Street to Main Street, the P&Z and City are being careful in deciding the property to include in the C-1a district. Bob Sion asked if the C-1a district allows residential and commercial uses. Dave Rasmussen replied setbacks are zero if a building has residential use on second floor with commercial use on main floor in the C-1a district, and there are setbacks for buildings with residential use in the C-1 district. Mr. Ballantyne noted the C-1a district is more consistent with what is there now if someone needs to rebuild.

Bob Sion asked if there is enough parking available to accommodate if someone builds on the vacant lot. Dave Rasmussen and Jim Doyle both responded there is parking available on a first-come first-served basis. Bob Ballantyne noted there is a 40-spot city owned parking lot coming soon.

Rachel Hendrickson asked if the City has considered limiting time for parking spaces in the downtown area, and that her mother cannot get downtown for ice cream because parking spaces are not available. Jim Doyle noted there were two limited time spaces when the pizza place was open. Jim Miller asked where they were. Mr. Doyle stated the building Jim Strother owns.

Annette Weineke asked if existing buildings with apartments are grandfathered, and if so if the grandfather status expires with sale of the building. Aaron Anderson replied that the buildings would be considered legal non-conformities which would be allowed to continue as-is for as long as the building is there and not damaged to more than 50% of it's value, he noted the "grandfather" status runs with the land and survives sale or transfer. Mayor Doyle asked for further comments, none were offered.

Stanek moved to close the public hearing at 7:50 p.m., second by Grove. Motion carried – 4 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:50 p.m.

**First Reading of Proposed Ordinance No. 233, Amending the Ely Zoning Map by Designating Described Parcels as C-1a - Downtown Commercial.** Ballantyne moved to introduce and approve the first reading of Ordinance No. 233, second by Rasmussen.

Aye: Ballantyne, Rasmussen, Grove, Stanek  
Nay: None  
Absent: Hale

Mayor Doyle declared the motion carried and the ordinance introduced and first reading approved. Second reading of Ordinance No. 233 will be on the agenda for the March 11, 2013 meeting.

### **Sign Standards of Ely Zoning Ordinance**

**Public Hearing re: Ordinance No. 234, Revising the Sign Regulations of the Ely Zoning Ordinance. - 7:00 p.m.** City Administrator Anderson reported notice was published in the Cedar Rapids Gazette and posted at locations in Ely as required by City Code and State law. Ballantyne moved to open a public hearing re: Ordinance No. 234, Revising the Sign Regulations of the Ely Zoning Ordinance at 7:52 p.m., second by Stanek. Motion carried – 4 to 0.

Mayor Doyle summarized the proposed ordinance, noting it updates Ely's existing sign provisions and that City Attorney noted some questions regarding the current draft. Mayor Doyle asked for comments regarding the matter. Jim Miller asked what signs the ordinance would cover. Aaron Anderson reported it would cover all signs in Ely. Mr. Miller asked where the directional sign for the Ely Fire Station is. Mr. Anderson reported the sign is on the southeast corner of the intersection of State and Rowley Streets. Mayor Doyle asked for further comments, none were offered.

Stanek moved to close the public hearing at 7:53 p.m., second by Grove. Motion carried – 4 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:53 p.m.

**First Reading of Proposed Ordinance No. 234.** Stanek moved to transmit the proposed ordinance to the Planning and Zoning Commission for further consideration per the comments from the City Attorney, second by Grove. Motion carried – 4 to 0.

### **Boards and Commissions**

**Appointments to Parks Commission - Stephanie Mehmen, 1935 Meadowhill Place, and Brenda Jones, 2025 Hillside Dr.** Grove moved to appoint Stephanie Mehmen, 1935 Meadowhill Place, and Brenda Jones, 2025 Hillside Drive, to the Parks Commission, second by Stanek. Motion carried – 4 to 0.

### **Park Improvement Projects**

**Resolution No. 13-0211-03, Accepting Contract for Engineering Services for Final Design, Bid and Construction of Hillcrest Street Parking Lot at Ely City Park.** Rasmussen moved to table Resolution No. 13-0211-03, second by Stanek. Motion carried – 4 to 0.

**Restoration Plan for City Park Utility Extension Project.** City Engineer Scott Pottorff reported lawn/landscaping contractors he contacted have not responded with a quote to re-seed and restore the area affected by the utility extension project.

### **Hoover Trail Extension.**

**Report re: Status of Planning for Trail Extension through Ely to Johnson County, and Trail Alignment Options.** City Administrator Anderson reported Linn County Conservation contracted with Anderson Bogert Engineers to identify and design a trail route from the intersection of State and Rowley Streets to Seven Sisters Road, and discussed alignment options identified by Anderson-Bogert. Mr. Anderson also reported Johnson County is beginning planning to extend the Hoover Trail from Seven-Sisters Road to Solon, and scheduled an informational meeting for February 18, 2013 at the Solon Library.

### **State Street Improvements and Upgrade**

**Resolution No. 13-0211-04, Accepting Engineering Contract with MMS Consultants for State Street Corridor Study.** Stanek moved to approve Resolution No. 13-0211-04, Accepting Engineering Contract with MMS Consultants for State Street Corridor Study for base work only, second by Ballantyne.

Aye: Ballantyne, Rasmussen, Grove, Stanek

Nay: None

Absent: Hale

Mayor Doyle declared the motion carried and resolution approved 4 to 0.

### **Streets Maintenance and Resurfacing Program**

**Street Maintenance/Resurfacing Plan.** Mayor Doyle and City Council discussed the street maintenance/resurfacing plan and map prepared by Public Works Director Stark, including whether to pursue resurfacing or rebuilding segments Mr. Stark recommended for resurfacing. The consensus of the City Council was to pursue resurfacing the identified segments as maintenance level work rather than capital projects to rebuild.

**Resolution No. 13-0211-05, Accepting Engineering Contract with MMS Consultants for Design and Bid Services for Alternate Asphalt/Concrete Street Resurfacing/Re-building.** No action was taken on this item, the resolution died for lack of introduction or action.

#### **Downtown/Main Street Parking Lot**

**Resolution No. 13-0211-06, Accepting Amendment #1 to Contract for Engineering Services with MMS Consultants.** City Administrator Anderson reported this contract is for additional work to design and prepare plans and specifications for the Downtown/Main Street Parking lot at additional cost of \$3,000.00. Grove moved to approve Resolution No. 13-0211-06, Accepting Amendment #1 to Contract for Engineering Services with MMS Consultants, second by Ballantyne.

Aye: Ballantyne, Rasmussen, Grove, Stanek

Nay: None

Absent: Hale

Mayor Doyle declared the motion carried and resolution approved 4 to 0.

#### **Public Works – Streets, Water, Sewer & Equipment**

**Resolution No. 13-0211-07, Accepting City and County Project Agreement – Ely Bridge Inspection.** Stanek moved to approve Resolution No. 13-0211-07, Accepting City and County Project Agreement – Ely Bridge Inspection, second by Grove.

Aye: Ballantyne, Rasmussen, Grove, Stanek

Nay: None

Absent: Hale

Mayor Doyle declared the motion carried and resolution approved 4 to 0.

#### **Budget and Finance**

**Schedule Public Hearing re: Proposed FY 2013-14 Property Tax Levy and Budget.**

Ballantyne moved to schedule a public hearing re: the proposed 2013-14 property tax levy and budget for 7:00 p.m. Monday March 11, 2013, second by Stanek. Motion carried – 4 to 0.

#### **Administrative, Personnel and Staffing**

**Website Update.** Grove moved to name Mayor Doyle, Council members Ballantyne and Stanek, and City Administrator Anderson to an ad-hoc committee to review the proposals received and present a recommendation to the City Council, second by Rasmussen. Motion carried – 4 to 0.

**Ely Archives Room Heater/Air Conditioning Unit.** Mayor Doyle reported the 25 year old heater/air conditioner unit for the Ely Archives room needs to be repaired; quotes to repair the unit is \$1,294.00 with no warranty, quote to replace is \$2,472.00. Stanek moved to authorize up to \$2,472.00 to replace the heater/air conditioning unit for the Ely Archives room, second by Ballantyne. Motion carried – 4 to 0.

**Authorize Registration for Iowa Municipal Managers Institute – Anderson.**  
Ballantyne moved to authorize \$385.00 to register City Administrator Anderson for the Iowa Municipal Managers Institute, second by Stanek. Motion carried – 4 to 0.

Rasmussen moved to adjourn, second by Stanek; motion carried – 4 to 0. The meeting adjourned at 9:04 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator