

**ELY CITY COUNCIL
REGULAR MEETING
FEBRUARY 12, 2007
ELY CITY COUNCIL CHAMBERS**

Mayor Dale Stanek called the meeting to order at 7:00 p.m. Council members present: Bob Ballantyne, Mark Banowetz, Kevin Meskimen, John Smith and Tom Winkowski. Guests included: Jennifer Jordebek, Cheri Franke, Millicent Cozzei, Shelley Bulechek, Bill Grove, John Vassen, Joel Miller, and Jim Miller.

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

- Agenda
- Minutes of the January 8, 2007 regular and January 23, 2007 special City Council meetings
- Treasurers Report for the period ended January 31, 2007
- Bills Payable for February, 2007
- Purchase Order for February, 2007 as follows:

Vendor	Purpose	Amount
Brown Concrete & Backhoe, Inc	Annual Sewer Maintenance Program	\$ 4,317.60
Total Requested		\$ 4,317.60

- Appointment of Sharon Furler to the Historic Preservation Commission, term to expire February 1, 2009.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended January 31, 2007

	Receipts	Disbursements	Ending Balance
General	\$ 3,953.03	\$ 22,752.30	\$ 242,590.87
Road Use	8,205.91	7,622.75	-3,275.32
TIF Fund	650.94		283,846.37
Debt Service	273.49	4,012.50	15,634.92
Other Projects		5,225.00	122,935.89
Library Project			3,169.70
Water Utility	12,464.32	6,631.03	145,661.19
Water/Sewer Reserve			50,000.00
Sewer Utility	16,360.68	24,658.31	268,039.37
Sanitary Utility	5,249.00	621.35	59,120.82
PR Clearing	10,154.95	10,717.15	593.52
Totals	\$ 57,311.95	\$ 82,240.39	\$1,188,317.53

Communications:

Deputy James of the Linn County Sheriff’s Office presented the Monthly Activity Report. The City Council received Plan and Zoning Commission minutes.

Citizen Requests. Cheri Franke reported the Linn County Sheriff’s Office is scheduled to appear before the County Supervisors to pass a resolution requesting the Iowa legislature to pass a law rescinding residency requirements for sex-offenders, and all local ordinances that establish additional residency requirements. Ms Franke expressed considerable concern with this matter,

and asked the City to communicate with the Board of Supervisors and/or the legislature to protect children and the community from sexual predators.

Jim Miller stated the Road crew did a good job with the streets and snow removal after recent snowstorms.

Sanitary Sewer Back-up at 1800 Highland Road – Bulechek. Shelley Bulechek, 1800 Highland, reported the sanitary sewer had backed up into her residence in January, and presented a request for the City to reimburse them for certain costs they incurred related to the incident and for clean up. Clerk-Administrator Anderson reported a copy of Ms Bulechek's request and additional information has been forwarded to the City's insurance carrier for review to determine what, if any, liability the City has in this matter. Banowetz, second by Meskimen, moved to table this matter until the City's liability insurance carrier has reviewed the situation and responded. Motion carried – 5 to 0.

2007 Wastewater Treatment Plant Improvements Project

Resolution No. 07-0212-09, Approving Contract and Bond for Construction of Wastewater Treatment Plant Improvements Project. This resolution would approve a contract with Miron Construction of Neenah Wisconsin to construct the 2007 Wastewater Treatment Plant Improvements project at a lump sum of \$2,305,800, as set out fully in the contract, plans and specifications. Meskimen, second by Winkowski, moved to approve Resolution No. 07-0212-19:

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

Resolution No. 07-0212-10, Approving Amendment #1 to Contract for Engineering Services. This resolution would approve an amendment to the engineering services contract with MMS Consultants, decreasing the contract cost for construction review and increasing the contract cost for project design with no change in total net cost to the City. Ballantyne, second by Smith, moved to approve Resolution No. 07-0108-02:

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

Rogers Creek Trunk Project. Cary Solberg, engineer with MMS Consultants, discussed planning and project design for the Rogers Creek Trunk project from Main Street to the wastewater treatment plant. Mr. Solberg reported they are investigating the option of installing water and sanitary sewer trunk lines on the south side of Rogers Creek instead of north of the creek. He reported the south option appears to be less complicated and is expected to cost less to perform.

Amend Urban Renewal Plan to Include Location of City WWTF Site.

Public Hearing re: Annexation and Zoning of City-Owned Parcel. Meskimen, second by Winkowski, moved to open a public hearing regarding amending the Ely Urban Renewal Plan to include the site of the city wastewater treatment facility in the Urban Renewal Area; motion carried – 5 to 0. Mayor Stanek declared the public hearing open at 7:37 p.m. Clerk-Administrator Anderson reported no comments regarding the public hearing item had been received verbally or in writing. Mayor Stanek asked for comments

from the public, none were received. Banowetz, second by Ballantyne moved to close the public hearing; motion carried – 5 to 0. Mayor Stanek declared the public hearing closed at 7:38 p.m.

Resolution No. 07-0212-11, Declaring Necessity and Approving Amendment #4 to the Ely Urban Renewal Plan. This resolution would approve Amendment #4 to the Ely Urban Renewal Plan, which would include the site of the Ely wastewater treatment plant in the Urban Renewal area. Meskimen, second by Ballantyne, moved to approve Resolution No. 07-1212-11:

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

Water Utility.

Program to Replace Obsolete Water Meters. Clerk/Administrator Anderson discussed the status of many of the water meters installed throughout the City noting that many are beyond their expected useful life and are likely to be registering less water use than actually passes through. Mr. Anderson reported many customers are likely to have a discrepancy between the reading on the actual water meter and the older style dial type remote reading device. He also discussed a multi-year plan to replace obsolete water meters and outside registers and asked the Council to authorize waiving discrepancies between the water meter and outside reader when replacing an obsolete meter.

Resolution No. 07-0212-13, Authorizing Waiving Utility Fees for Meter/Outside Reader Discrepancies when Replacing Obsolete Water Meters. This resolution would authorize waiving utility fees when there is a discrepancy between the reading of the water meter and the remote read device when replacing an obsolete water meter, unless there is evidence of tampering. Meskimen, second by Winkowski, moved to approve Resolution No. 07-1212-13:

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

Dows Street Subgrade Drainage Improvements. Clerk/Administrator Anderson reported requests for quotations for the Dows Street Subgrade Drainage Improvements had been solicited, and only one received. Mayor Stanek opened the following quote for this project:

- Manatt's Inc., Brooklyn Iowa, total cost no more than \$52,610.00

The Council discussed this quote, the work proposed to be performed and options that may be more effective for this problem. Meskimen, second by Ballantyne, moved to table action on this matter until the next regular meeting to investigate this matter further. Motion carried – 5 to 0.

FY 2007-08 Budget.

Discuss Current Draft of Budget. Mayor Stanek and the City Council reviewed the most recent draft of the 07-08 budget, Clerk Administrator Anderson reported he needed to include funding for the first phase of development at the new park, and would include \$100,000 in capital projects funding through TIF proceeds for that purpose.

Schedule Public Hearing regarding Proposed FY 07-08 Budget and Property Tax Levy. Meskimen, second by Banowetz, moved to schedule a public hearing regarding the proposed FY 07-08 Budget and property tax levy for 7:00 p.m. March 12, 2007. Motion carried – 5 to 0.

Downtown Area Commercial Building Improvement Incentive Program.

Resolution No. 07-0212-14, Adopting the Downtown Commercial Building Improvements Program. This resolution would adopt a program that would offer up to \$5,000 in cash as incentive to construct improvements to commercial buildings in the downtown area of Ely. The City would recover money provided to business or building owners through increased taxes resulting from the improvements. Meskimen, second by Winkowski, moved to approve Resolution No. 07-0212-14:

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

Schedule Public Hearing re: Proposed Revision to Pool/Fence Requirements. Ballantyne, second by Banowetz, moved to schedule a public hearing regarding a proposed ordinance to revise provisions related to fence requirements around swimming pools for 7:00 p.m., March 12, 2007. Motion carried – 5 to 0.

Schedule Public Hearing re: Plan and Zoning Commission Recommendations. Meskimen, second by Winkowski, moved to schedule public hearings for 7:00 p.m., March 12, 2007 regarding the following items, as recommended by the Plan and Zoning Commission:

- Ordinance Regulating Adult Oriented Establishments
- Ordinance to Revise Subdivision Ordinance – Duration of Preliminary Plat.

Motion carried – 5 to 0.

Discussion Items.

Meskimen, second by Ballantyne, moved to adjourn. Motion carried – 5 to 0. The meeting adjourned at 8:06 p.m.

Dale Stanek, Mayor

Attest:

Aaron Anderson, Clerk/Administrator