

**ELY CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 14, 2011  
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, Shelby Crist, Tom Tjelmeland, Tom Rohner, Jim Westphal, Jeff Hilleman, Michael Struck, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

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

- Agenda.
- Minutes of the January 10, 2011 regular City Council meeting.
- Minutes of the January 24, 2011 City Council workshop meeting
- Minutes of the January 31, 2011 City Council workshop meeting
- Minutes of the February 7, 2011 City Council workshop meeting
- Treasurers Report for the period ended January 31, 2011.
- Bills Payable for February, 2011 totaling \$81, 142.96

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended January 31, 2011

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 7,627.73	\$ 17,945.45		\$ 558,339.74
Road Use	8,654.61	7,817.99		18,843.36
L O S T	13,623.13			89,519.94
TIF Fund	1,182.09			82,006.31
Debt Service	363.90			21,859.89
Other Projects	8,830.64	1,089.47		-111,874.03
Library Project				60,608.22
Way Point Sign				9,091.65
North End Infra				-28,219.93
Water Utility	14,224.16	12,280.77		260,101.45
Water/Sewer Reserve				100,000.00
Sewer Utility	22,232.94	6,983.24		73,721.99
Sewer Debt Service				-83,925.01
Sanitary Utility	6,154.15	5,728.41		46,411.37
Farmers Market				372.00
PR Clearing	8,234.38	5,623.19		3,602.25
Totals	\$ 91,127.73	\$58,058.52		\$ 1,100,459.20

**Communications:** Deputy Johnson of the Linn County Sheriff’s Office presented the Monthly Activity Report. Mayor Doyle summarized other correspondence received.

**Citizen Requests.** Tom Tjelmeland asked to be recognized during discussion of the Dows Streetscape agenda item. Tom Rohner said the Public Works crew did a great job of snow

removal after the recent blizzard. Bill Grove commended Keith Schulte for clearing the entrances to driveways in the Southbrook area. Jim Miller said he heard a lot of good reports about the recent snow removal.

**Request for Temporary Street Closure on Saturday April 30<sup>th</sup> 2011, Tom Rohner - Odie's Bar n Grill.** Tom Rohner, owner of Odie's Bar n Grill, presented a request to close the entire width of Dows Street from the alley south of 1655 Dows to the Post Office from 4:00 p.m. to midnight, Saturday April 30, 2011. The portion of street would be closed for his business to host an outdoor music event at which alcohol would be served, pending approval of the outdoor service permit. Mr. Rohner reported the area will be fenced in but pedestrian use of the sidewalks would not be hindered, that Odie's will be fully responsible for all set up and clean up for the event, and that Odie's will provide four portable restrooms for the event.

Mai moved to approve closing Dows Street from the alley between Walker and Main to the south property line with 1680 Dows Street Saturday April 30, 2011 from 4:00 p.m. to midnight with pedestrian use of the sidewalks not to be hindered, the city to provide street closure signs and barricades, Odie's to be responsible for setup and clean up, the street to be open to traffic after midnight and Odie's to provide four portable restrooms; second by Ballantyne. Motion carried – 5 to 0.

**Ordinance No. 224 - Ordinance to Revise Conditions and Requirements for Operation of Golf Carts and All-Terrain Vehicles on City Streets.** Mayor Doyle stated this is the proposed ordinance that would revise the requirements related to operating golf carts and ATV's on city streets in Ely, as discussed at workshop meetings. Mr. Doyle reported notice of public hearing was published and posted as required, and no comments received.

**Public Hearing re: Ordinance No. 224 Revising Requirements and Conditions for Golf Cart and All-Terrain Vehicle Permits.** Stanek moved to open a public hearing regarding proposed Ordinance No. 224 at 7:12 p.m., second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the hearing open at 7:12 p.m., and asked for comments from the public regarding the hearing item. Jim Miller asked if the permit is going to be just for the vehicle and not the driver. Mayor Doyle replied that is the case. Dale Stanek asked if Ely wants to define a golf cart. Aaron Anderson stated he advises against it because Ely's ordinance is based on state code, which does not include a definition for golf carts. Stanek moved to close the public hearing at 7:14 p.m.; second by Grove. Motion carried 5 to 0; Mayor Doyle declared the public hearing closed and meeting in regular session at 7:14 p.m.

**First Reading of Ordinance No. 224, Revising Requirements and Conditions for Golf Cart and All-Terrain Vehicle Permits.** Stanek moved to introduce and approve the first reading of Ordinance No. 224, Revising Requirements and Conditions for Golf Cart and All-Terrain Vehicle Permits, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Ordinance No. 225 - Ordinance to Revise Certain Parking Provisions in the Ely City Code.** Mayor Doyle reported this ordinance would change some parking rules in Ely, including that no vehicle may be parked at the same location on any city street for more than 48 hours and would change limited time parking at the Post Office on Dows Street. He reported notice was published and posted as required and no comments were received.

**Public Hearing re: Ordinance No. 225, An Ordinance to Revise Certain Parking Provisions in the Ely City Code.** Stanek moved to open the public hearing at 7:15 p.m., second by Ballantyne; motion carried 5 – 0. Mayor Doyle declared the public hearing open at 7:15 p.m., and asked for comments from the public regarding the hearing item. Jim Miller asked if the ordinance would result in any new parking spots on Dows Street. Mayor Doyle stated the ordinance would get rid of the 15-minute only spots in front of the former pizza restaurant at 1655 Dows St. 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.

**First Reading of Ordinance No. 225, An Ordinance to Revise Certain Parking Provisions in the Ely City Code.** Stanek moved to introduce and approve first reading of Ordinance No. 225, An Ordinance to Revise Certain Parking Provisions in the Ely City Code, second by Grove.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Extension of Local Option Sales Tax.** Mayor Doyle reported the Linn County Board of Supervisors scheduled a special election regarding imposing a 1% local sales and services tax that would begin July 1, 2014 and run through June 30, 2034; per the request from Cedar Rapids. Mr. Doyle reported Ely, and other cities in Linn County, need to identify a preferred term of years for the proposed sales tax and how Ely would use local sales and services tax money if the voters approve it. He stated Resolution No. 11-0214-07 would spell out Ely's request for the voters to approve a 1% local sales and service tax to run from July 1, 2014 through June 30, 2034 with the proceeds to be used for the same uses currently authorized.

**Resolution No. 11-0214-07, Concurring With the Linn County Commissioner of Elections to Conduct a Public Referendum on the Question of Imposing a Local Option Sales and Services Tax in the City of Ely, Iowa at the Rate of 1%, Designating the Uses for the Proceeds and Expiration of Said Local Option Sales and Services Tax if Approved by the Voters of Ely.** Ballantyne moved to approve Resolution No. 11-0214-07, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Downtown Dows Street Streetscape Project**

**Review Project Plans and Specifications.** City Engineer Scott Pottorf presented updated design options and estimate of cost for this proposed project, noting the estimate includes a 10% contingency. Mayor Doyle and the City Council discussed these with Mr. Pottorf; items discussed include, but are not limited to:

- Railing widths shown for the ADA ramp for the Post Office building are standard per ADA standards; it was the consensus of the City Council to use the “standard” rails and rail widths.
- Decorative street light poles – Mr. Pottorf suggested using “fluted” poles because they are stronger with minimal additional cost. City Council agreed by consensus.
- Trash Cans – Ely will provide trash cans for the contractor to install.
- Decorative street lights – City will provide for the contractor to install, City Engineer will request competitive quotes directly from vendors to provide the poles and fixtures. Poles will be fluted black aluminum.
- Posts for advisory signs, ADA parking spaces and other purposes in the streetscape project area will be fluted black aluminum, similar to decorative street light poles.
- Mr. Pottorf discussed the proposed traffic routing plan and staging of work. Work will occur in the following sequence:
  - From south of Hillcrest Street roughly 100 feet – work would be done in one half of the street width at a time.
  - From former railroad right of way to intersection with Main, traffic would be detoured along former railroad right of way that Ely now owns, down a segment owned by Joe Vavra to Traer Street.
  - South Side of Dows Street from Main to Walker– south half of the street closed.
  - Walker to State – traffic detoured via Rowley and Traer.
- The importance of maintaining access to the businesses in the project area during construction was discussed.

Mayor Doyle recognized Tom Tjelmeland who discussed several items with Mayor Doyle and the City Council, including:

- Whether the project was to make the area pretty or improve the economy; Mayor Doyle replied a combination of the two.
- Whether the Dows Streetscape is the city’s highest priority; Dale Stanek replied it was the product of the capital improvements project and planning process.
- How much it would cost to move the power lines; Bob Ballantyne replied \$180,000 but the work is being done at no direct cost to Ely per the terms of the franchise agreement with Alliant Energy. Mr. Tjelmeland suggested paying Alliant to move the poles and using the balance of the money for other projects like fixing Rowley Street.
- Mr. Ballantyne noted that Dows Street has become a coffer dam for runoff, and that the ditch on Walker Street north of Dows has filled in.
- Mr. Tjelmeland stated he does not believe this is a high priority project when the street is already in good shape.

Jeff Hilleman asked if the Dows St. and Hillcrest St. projects will be simultaneous, Mayor Doyle replied they will not; Hillcrest will start as soon as possible this spring and is scheduled for completion on July 1, Dows won't start until August at the earliest. Aaron Anderson suggested requiring work on the State to Walker segment to be delayed until spring 2012 if the contractor is not able to start before October 1.

Scott Pottorf discussed sign/signal options regarding the 4-way stop at the intersection of Dows and Main Street with the City Council. It was the consensus of the City Council to remove the overhead flashing red light at this intersection and install regular non-flashing stop signs that properly identify the 4-way stop status of the intersection. City Council confirmed authorization to spend up to \$1,000 for inspection by structural engineer of the building foundation at 1648 Dows Street.

**Authorize Advertising for Bids for 2011 Downtown Dows Streetscape Project.** Stanek moved to authorize advertising for bids for the 2011 Downtown Dows Streetscape Project, and to authorize soliciting competitive quotes for the decorative street lights; both to be received no later than 2:00 p.m. Wednesday March 9, 2011 and opened immediately after; second by Hale. Motion carried – 5 to 0.

**Schedule Public Hearing re: Plans, Specifications and Form of Contract for 2011 Downtown Dows Streetscape Project.** Stanek moved to schedule a public hearing regarding plans, specifications and form of contract for the 2011 Downtown Dows Streetscape project for 7:00 p.m. March 14, 2011; second by Hale. Motion carried - 5 to 0.

### **2011 Hillcrest Street Improvements Project**

**Public Hearing re: Project Plans, Specifications and Form of Contract.** Stanek moved to open a public hearing regarding the plans, specifications and form of contract for the 2011 Hillcrest Street project at 8:13 p.m., second by Ballantyne; motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 8:13 p.m.

Mayor Doyle noted notice was published and posted as required; and asked for comments regarding the public hearing item. Tom Tjelmeland asked if plans and specifications are on file at City Hall; Aaron Anderson replied they are. Jim Miller asked if the project is going to be to patch the damaged areas, replace the broken concrete sections or to repair the entire thing, City Council replied the project includes replacing the sanitary sewer, installing new storm sewer, placing new curb and gutter and street surface, and installing sidewalks.

Dale Stanek asked if the project could be changed to install sidewalks on Highland Road from Hillcrest Street, Aaron Anderson noted it might be better to work directly with the sidewalk subcontractor to perform this work. City Council discussed this idea further.

Stanek moved to close the public hearing at 8:17 p.m., second by Mai; motion carried 5 – 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:17 p.m.

**Resolution No. 11-0214-08, Adopting Plans, Specifications and Form of Contract for the 2011 Hillcrest Street Improvements Project.** Ballantyne moved to approve Resolution No. 11-0214-08, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Resolution No. 11-0214-09, Awarding Bid for 2011 Hillcrest Street Improvements Project.** Mayor Doyle reported Ely received bids for the 2011 Hillcrest Street Improvements project from ten bidders; and that the following were the three low responding bids:

\$308,450.21 - Dave Schmitt Construction (Cedar Rapids)

\$314,944.00 - Maxwell Construction (Iowa City)

\$325,255.40 - Gee Grading & Excavating (Cedar Rapids)

Mayor Doyle stated Resolution No. 11-0214-09 would award the bid for the Hillcrest Street project to Dave Schmitt Construction. Stanek moved to approve Resolution No. 11-0214-09, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**2011 General Obligation Bond to Pay for 2011 Hillcrest Improvements, 2011 Jappa Road Improvements (w/Linn County), and Refinance 2000 and 2002 GO Issues**

**Public Hearing re: the Authorization of a Loan and Disbursement Agreement and the Issuance of Notes to Evidence the Obligation of the City thereunder.** Stanek moved to open a public hearing regarding authorization of a loan and disbursement agreement and issuance of notes as evidence of the city's obligation under said note at 8:20 p.m., second by Grove; motion carried 5-0. Mayor Doyle opened the public hearing at 8:20 p.m. Mayor Doyle reported notice of hearing was published and posted as required, and no comments received; then asked for comments regarding the hearing item.

Tom Tjelmeland asked how much general obligation debt would be outstanding if the proposed note is issued; Aaron Anderson replied roughly \$1,200,000. Mr. Tjelmeland asked what Ely's constitutional debt limit is; Mr. Anderson replied it is roughly \$5,000,000. Mr. Anderson noted local option sales tax proceeds would be used to pay as much of this note as possible.

Grove moved to close the public hearing at 8:21 p.m., second by Hale; motion carried - 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:21 p.m.

**Resolution No. 11-0214-10, Resolution Instituting Proceedings to Take Additional Action for the Authorization of a Loan and Disbursement Agreement and the Issuance of \$845,000 General Obligation Capital Loan Notes, Series 2011.** Stanek moved to approve Resolution No. 11-0214-10, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Resolution No. 11-0214-11, Accepting Financial Advisory Services Agreement with Piper Jaffray & Co.** Stanek moved to approve Resolution No. 11-0214-11, 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. 11-0214-12, Approving Electronic Bidding Procedures.** Stanek moved to approve Resolution No. 11-0214-12, second by Grove.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Resolution No. 11-0214-13, Authorizing and Approving the Official Statement for the \$780,000 General Obligation Capital Loan Notes, Series 2011.** Stanek moved to approve Resolution No. 11-0214-13, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Resolution No. 11-0214-14, Approving "Consent to Allow Piper Jaffray to Submit a Sealed Bid for the Purchase of the Bonds which are to be Sold at a Competitive Sale".** Stanek moved to approve Resolution No. 11-0214-14, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Electric Utility Transmission Franchise Agreement, ITC Midwest, LLC.**

**Second Reading of Ordinance No. 223, Granting an Electric Transmission Franchise to ITC Holdings Midwest, LLC.** Stanek moved to approve the second reading of Ordinance No. 223, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Stanek moved to waive the third reading and make final approval of Ordinance No. 223, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Request for Annexation and Zoning of Parcels A&B of Plat of Survey No. 1643; Totaling Roughly 1.06+/- Acres on the North Side of Vista Road - Applicants: Russel Lehman, Joe Vavra and Jan Furler.** Clerk/Administrator Anderson reported this is a request to annex a 50 foot wide parcel at the west city limit as part of a boundary line correction. Mr. Anderson reported no new lots or parcels are requested or would be created as a result of the action.

**Schedule Public Hearing re: Request for Voluntary Annexation of Parcels A&B of Plat of Survey No. 1643.** Stanek moved to schedule a public hearing regarding this request for annexation for 7:00 p.m. March 14, 2011; second by Grove. Motion carried – 5 to 0.

**Schedule Public Hearing re: Request to Designate Zoning Parcels A&B of Plat of Survey No. 1643 as R-1 Single Family Residential.** Stanek moved to schedule a public hearing regarding a request to zone the identified parcel as R-1 after annexation into Ely for 7:00 p.m. March 14, 2011, second by Hale. Motion carried – 5 to 0.

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

**Approve Job Description for Temporary Davis-Bacon Compliance Official.** Ballantyne moved to approve the job description for Temporary Davis-Bacon Compliance Official prepared by City Administrator Anderson, second by Mai. Motion carried – 5 to 0.

**Authorize Hire of Temporary Davis-Bacon Compliance Official.** Ballantyne moved to authorize hire of temporary Davis-Bacon Compliance Official as recommended by Mayor, second by Hale. Motion carried – 5 to 0.

#### **Preparation of FY 2011-12 Budget**

**Schedule Public Hearing re: Adoption of Budget and Property Tax Levy.** Stanek moved to schedule a public hearing regarding the proposed property tax levy and budget as presented for 7:00 p.m. March 14, 2011, second by Ballantyne. Motion carried – 5 to 0.

#### **Discussion Items**

Bill Grove suggested working with Clary Illian and the Historic Preservation Committee to place a bulletin board in City Hall to recognize Ely's veterans.

Mai moved to adjourn, second by Hale; motion carried – 5 to 0. The meeting adjourned at 8:36 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator