

**ELY CITY COUNCIL
REGULAR MEETING
MARCH 9, 2015
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Stephanie Mehmen, Kay Hale, and Bob Ballantyne; Bill Grove arrived during the meeting. Also present: Tom Rohner, Cullen Woods, Katherine Pieper, Seth Wennermark, Corbin Day, Eldy Miller, Judy Wery, Alan Wery, Joe Horaney, Sarah Sellon, Hannah Thurston, D.J. Wacker, Kati Jo Bruhn, Chuck Crutchly, Karen Crutchly, Jim Miller, Keith Schulte, City Engineer Scott Pottorff, and Clerk-Administrator Aaron Anderson.

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

Mayor Doyle reported the Ely area veteran who Marv Peters planned to introduce to the City Council was unable to attend the meeting.

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

- Agenda, as presented.
- Minutes of the February 9, 2015 regular meeting.
- Minutes of the February 19, 2015 special meeting.
- Treasurer's Report for the period ended February 28, 2015.
- Bills Payable for March, 2015 totaling \$78,229.33.

Motion carried – 3 to 0.

Council member Bill Grove arrived.

Treasurer's Report (summary) for the period ended February 28, 2015

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 10,867.53	\$ 22,206.45		\$ 673,297.98
Road Use	15,575.07	9,629.77		6,849.81
L O S T	17,164.41			294,083.80
TIF Fund	636.86			158,680.97
Debt Service				-19,368.36
Other Projects	596.75	5,349.14		662,985.61
Library Project				-64.23
Way Point Sign				-25,065.70
North End Infra				-25,589.93
Water Utility	16,133.78	24,816.35		294,827.10
Water/Sewer Reserve	11,776.68			149,921.48
Sewer Utility	25,038.07	35,258.90		63,204.52
Sewer Debt Service	23,576.68			91,221.52
Sanitary Utility	5,365.32	6,342.55		34,147.82
Storm Water	50.00			625.90
Farmers Market				1,220.76
PR Clearing	12,546.27	11,460.23		1,406.13
Totals	\$ 139,372.42	\$ 115,063.39		\$ 2,366,385.18

Communications. Library Director Sarah Sellon presented a report on activities at the Ely Public Library. Linn County Deputy Steffens distributed the monthly Sheriff's Office Activity Report.

Citizen Requests. Cullen Wood reported the stop sign at the corner of Vavra Dr. and State Street was down.

Mid-Term Vacancy on City Council

Appointment to Fill Mid-Term City Council Vacancy. Mayor Doyle reported Eldy Miller, 1995 Parkland Drive, and Judy Wery, 1195 Glendale Lane, seek to be appointed to the mid-term vacancy on City Council. Mayor Doyle noted both are present, and asked each to make a brief statement about their interest in the position. A summary of each follows:

- Eldy Miller stated he has enjoyed living in Ely since 2008; he almost ran for City Council at last election and is considering doing so in 2015, and thought it a good opportunity to help and pitch in when the vacancy occurred. Mr. Miller noted he has been on the Planning and Zoning Commission, sees Ely's potential and also the need to make sure people rally around and are proud to be from Ely.
- Judy Wery stated she has been coming to City Council meetings off and on for a few years, and has lived in Ely since 2005. She noted she has three children; two have graduated from Prairie and her youngest son still in school. Ms Wery stated she thought this is a good opportunity to get more involved and be more affiliated with the City. She stated she has always been active at various community functions like Fall Fest and 4th of July.

Mayor Doyle reported Council members would vote on whom to appoint to the mid-term vacancy by ballot, with the name of preferred person and Council member's initials. Mayor Doyle distributed a blank piece of paper to each City Council member and asked them to write the name of the person they prefer to fill the mid-term vacancy on it. Mayor Doyle collected the ballots and reported Eldy Miller and Judy Wery each received two votes.

General discussion regarding this matter followed, topics include but are not limited to: how to proceed in the case of a tie, whether the mayor can vote to break the tie, options available, and if the City Council may choose other methods to determine who to appoint to the vacancy. Clerk-Administrator reported Section 2-3-8.13 of the City Code states "the Mayor is not a member of the City Council and may not vote as a member of the Council.". Mr. Anderson also reported State Code leaves the decision on filling a mid-term vacancy to the City Council, and that the Council may choose the method for doing so.

City Council members decided to conduct a second ballot. Mayor Doyle distributed blank ballots to each City Council member, and then collected them when completed. Mayor Doyle reported Eldy Miller and Judy Wery each received two votes. Mayor Doyle reported this ballot was also tied.

City Council discussed the matter; consensus was that the balloting deadlock was unlikely to change. City Council determined to decide the matter by flip of a coin. Clerk-Administrator Anderson provided a coin; Mayor Doyle examined the coin; identified one side as "heads"

and the other as “tails”. Mayor Doyle stated if the up facing side of the coin is “heads” the winner is Eldy Miller, if “tails” the winner is Judy Wery. Mayor Doyle flipped the coin, which landed on the floor near Clerk-Administrator Anderson. Mr. Anderson picked it up, handed it to the Mayor. Mayor Doyle reported the upward facing side of the coin was “tails”, meaning the winner of the coin toss was Judy Wery.

Mehmen moved to confirm the outcome of the flip of coin and appoint Judy Wery, 1195 Glendale Lane, to the mid-term vacancy on the City Council, second by Ballantyne. Motion carried – 4 to 0.

Mayor Doyle noted the next step is for Ms Wery to take the Oath of Office as required by State Code.

Designation of Council Member re: Public Safety/Parks. Ballantyne moved to confirm Mayor Doyle’s designation of Stephanie Mehmen for Public Safety/Parks and Judy Wery for Finance, second by Hale. Motion carried – 4 to 0.

Linn County Solid Waste Agency Presentation, Joe Horaney. Joe Horaney, Linn County Solid Waste Agency Community Relations, discussed operations and activities of the Linn County Solid Waste Agency. Items discussed include, but are not limited to: the community credits program will end July 1, 2015 due to drop in materials received at the facility; Community Carton was purchased by Republic Services; it is okay throw out alkaline batteries because they no longer have any mercury content, and the landfill is now generating on average 1.56 MWh of electricity from the methane.

Odie’s Request for Street Dance – Saturday May 30, 2015

Authorize Closing Dows Street from Alley East of Walker to Main Street from 1:00 p.m. to Midnight, Saturday May 30, 2015. Tom Rohner, owner of Odie’s, reported he seeks to conduct a street dance on Saturday May 30, 2015, similar to events the City Council has approved in the past. Mehmen, second by Grove, moved to authorize closing Dows Street from the alley east of Walker St. to Main St. from 1:00 p.m. to midnight, Saturday May 30, 2015 subject to the following conditions:

- Segment of street may be closed from 1:00 p.m. through midnight May 30, 2015.
- Sidewalk traffic not be obstructed to non-participants during the event
- Odie’s is responsible for all clean up of the closed segment of street and sidewalk
- Odie’s is to provide at least four portable restrooms on their property including at least one ADA/accessible unit.
- Odie’s is responsible for providing additional security at their cost
- Odie’s is specifically authorized to erect traffic barricades to close the street no sooner than 1:00 p.m. May 30, 2015 and shall re-open the street by midnight. City will provide the barricades.
- The closed area of the street is to be open to traffic by midnight.
- Odie’s is responsible for any necessary clean up in the street and right of way area.

Motion carried – 4 to 0.

Request for Temporary Outdoor Alcohol Service Area – Class C Liquor Permit. Mehmen moved to approve a temporary outdoor alcohol service area for Odie’s, 1650 Dows Street, for Saturday May 30, 2015, second by Ballantyne. Motion carried – 4 to 0.

Hoover Nature Trail

Resolution No. 15-0309-08, Approving Revised Hoover Trail Snow Removal Agreement. Mayor Doyle reported this resolution approves an intergovernmental agreement with Linn County Conservation allowing Ely to remove snow from the Hoover Nature trail to Ely Road just south of Wright Bros. Blvd., he noted that under this agreement Ely performs the work at the city’s cost and fully indemnifies Linn County. Hale moved to approve Resolution No. 15-0309-08, second by Ballantyne.

Aye: Mehmen, Grove, Hale, Ballantyne
Nay: None
Absent: None

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

Banquet Facility on Rogers Creek Rd – Wacker, Thurston, Crutchly. Mayor Doyle reported the Plan and Zoning Commission advise the future land use map of the Ely Comprehensive Plan should be revised to reflect a commercial use of the parcel on the south side of Rogers Creek Rd east of the creek that is the proposed location of a banquet facility; and that the parcel needs to be re-zoned for the proposed use to be allowed. Mayor Doyle reported the P&Z reviewed the matter and requests at their February meeting, and recommended approval of both requests. D.J. Wacker reported they put in an offer on the land that the owner accepted.

Schedule Public Hearing re: Amending Future Land Use Map from Residential to Commercial. Ballantyne moved to schedule a public hearing re: amending the future land use map of the comprehensive plan to show low density/light intensity commercial use of the parcel described above for 7:00 p.m. April 13, 2015, second by Hale. Motion carried – 4 to 0.

Schedule Public Hearing re: Request to Re-Zone Parcel from R-1 Single Family Residential and R-2 Multi-Family Residential to C-2 Commercial. Ballantyne moved to schedule a public hearing to change the zoning designation of the property legally described as:

SOUTH ½ SW ¼ SECTION 29-82-6, LINN
COUNTY, IOWA, EXCEPTING THEREFROM
LOUIS FIELD THIRD ADDITION TO ELY, IOWA,
LOUIS FIELD FOURTH ADDITION TO ELY,
IOWA AND MEADOW BROOK ADDITION TO
ELY, IOWA LYING THEREIN AND ALSO
EXCEPTING THE PUBLIC HIGHWAY.

from R-1 Single Family and R-2 Multi-Family Residential to C-2 Highway Commercial for 7:00 p.m. April 13, 2015, second by Hale. Motion carried 4-0.

Ely Public Library

Accept “Ely Public Library Needs Assessment”. Mayor Doyle reported Library Director Sarah Sellon received a grant to help the Library to analyze needs and plan for the future. Sarah Sellon reported the Library commissioned George Lawson to conduct a needs

assessment, which is complete and was reviewed by the Library Board of Directors. Mehmen moved to accept the “Ely Public Library Needs Assessment” dated March 4, 2015, second by Hale. Motion carried – 4 to 0.

Public Works – Streets, Water, Sewer & Equipment.

Request for City to Provide Pressure Reducing Valves for Non-Residential Water Customers, Dave Hinton/Dave Takes. Clerk-Administrator Anderson reported Dave Hinton asked if the City can provide a 2” Pressure Reducing Valve for the dairy at the former Vavra Lumber building. 1600 Main, at the city’s cost. He reported the price is \$424.16; and that the City Council previously set policy to provide a ¾” diameter PRV at city cost to be installed by the building owner, and that Ely would decrease the cost for larger PRV’s by the cost of a ¾” diameter unit. No action taken, City Council direction is for policy to remain as previously approved.

Rogers Creek-Kunkel Addition Sanitary Sewer Expansion

Public Hearing re: Plans, Specifications and Form of Contract. Ballantyne moved to open a public hearing re: plans, specifications and form of contract for the Rogers Creek-Kunkel Addition Sanitary Sewer Expansion at 8:07 p.m.; second by Hale. Motion carried – 4 to 0. Mayor Doyle declared the public hearing open at 8:07 p.m. Clerk-Administrator Anderson reported notice was published and posted as required, and no verbal or written comments received

City Engineer Scott Pottorff reported the project is to replace roughly 500 lineal feet of 10” diameter sanitary sewer main 12” diameter main along Rogers Creek at lower elevation than the existing main to provide gravity sanitary sewer service for the area north of Banner Valley Road, which includes the Kunkel Addition, the proposed facility and other territory to the north and east. Mr. Pottorff stated the proposed sewer main replacement will be installed in coordination with the Kunkel Addition and avoids the need to install lift stations. Jim Doyle asked if the project will be beneficial for future development, Mr. Pottorff replied it will. Mr. Doyle asked if property that will be served by the expanded sewer main will help pay the cost. Mr. Pottorff stated they will.

Scott Pottorff stated the planned letting date is April 8, 2015 with the intent for work to start in May.

Jim Miller asked what the benefit is to the city. Bob Ballantyne stated the project is necessary to be able to serve other developments to the north and east, and not just the Kunkel Addition. Scott Pottorff stated the project will provide capacity to serve land to the east also. Mayor Doyle asked for further comments, none were offered.

Ballantyne moved to close the public hearing at 8:12 p.m., second by Hale. Motion carried – 4 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:12 p.m.

Resolution No. 15-0309-09, Approving Plans, Specifications and Form of Contract.

Ballantyne moved to approve Resolution No. 15-0309-09, Approving Plans, Specifications and Form of Contract, second by Mehmen.

Aye: Mehmen, Grove, Hale, Ballantyne

Nay: None

Absent: None

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

Highland Road Resurfacing and Ely City Park Parking Lot Project

Public Hearing re: Plans, Specifications and Form of Contract. Hale moved to open a public hearing re: plans, specifications and form of contract for the Highland Road Resurfacing and Ely City Park Parking Lot at 8:13 p.m., second by Mehmen. Motion carried – 4 to 0. Mayor Doyle declared the public hearing open at 8:13 p.m. Clerk-Administrator reported notice of hearing was published and posted as required by law and no verbal or written comments received.

City Engineer Scott Pottorff reported this project includes resurfacing Highland Road with either asphalt or concrete, and surfacing the parking lot at Ely City Park. Jim Miller asked if the parking lot and street will have the same surface. Scott Pottorff replied the parking lot will be surfaced with asphalt, and Highland Road could be either asphalt or concrete depending on the bids received. Mr. Pottorff reported the base bid for work is from Hillcrest Street to North Drive, with alternate to extend project work to Knoll Court; potential contractors will bid either concrete or asphalt surface. He noted the project includes installing ADA compliant sidewalk ramps, larger water main and replacing a fire hydrant.

Jim Doyle asked when work will start. Scott Pottorff replied work will start the early start date is July 8, 2015, bids will be received and ready for City Council consideration at the April 13, 2015 regular meeting. Jim Miller asked if the street will be open for the 4th of July, Scott Pottorff replied it will be. Mayor Doyle asked for additional comments regarding the public hearing item, none were offered. Ballantyne moved to close the public hearing at 8:18 p.m., second by Hale. Motion carried - 4 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:18 p.m.

Resolution No. No. 15-0309-10, Approving Plans, Specifications and Form of Contract. Hale moved to approve Resolution No. 15-0309-10, Approving Plans, Specifications and Form of Contract, second by Ballantyne.

Aye: Mehmen, Grove, Hale, Ballantyne

Nay: None

Absent: None

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

Budget and Finance

Public Hearing re: Proposed FY 2015-16 Budget and Property Tax Levy. Hale moved to open a public hearing re: the proposed FY 2015-16 budget and property tax levy at 8:19 p.m., second by Mehmen. Motion carried – 4 to 0. Mayor Doyle declared the public hearing open at 8:19 p.m. Clerk/Administrator reported notice was published and posted as required, and no verbal or written comments received. Mr. Anderson noted the proposed property of \$8.36024/\$1,000 taxable value is nominally less than the current year rate, that this budget does not factor in higher Road Use Tax revenues resulting from legislation enacted in late February, and the proposed budget is the same as discussed at the February City Council meeting. Mayor Doyle asked for additional comments regarding the public hearing item, none were offered. Hale moved to close the public hearing at 8:22 p.m., second by Mehmen. Motion carried - 4 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:22 p.m.

Resolution No. 15-0309-11, Adopting Levy for Property Taxes Payable FY 2015-16 and Financial Budget for FY 15-16. Ballantyne moved to approve Resolution No. 15-0309-11, Adopting Levy for Property Taxes Payable FY 2015-16 and Financial Budget for FY 15-16, second by Hale.

Aye: Mehmen, Grove, Hale, Ballantyne

Nay: None

Absent: None

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

Administrative, Personnel and Staffing

Resolution No. 15-00309-12, Approving Annual Siren Service Proposal and Contract for Whelen Outdoor Warning Sirens. Grove moved to approve Resolution No. 15-00309-12, Approving Annual Siren Service Proposal and Contract for Whelen Outdoor Warning Sirens, second by Hale.

Aye: Mehmen, Grove, Hale, Ballantyne

Nay: None

Absent: None

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

Council member Bill Grove left the meeting.

Review/Discuss Draft Procurement Policy. Mayor and City Council discussed a draft procurement/purchasing policy and guidelines with the Clerk/Administrator, including: process for obtaining competitive pricing for various cost levels of purchases, local preference policy, provisions for emergency purchasing and purchases by elected officials. Ballantyne move to table until April 13, 2015, second by Hale. Motion carried – 3 to 0.

Authorize Registration for Iowa Municipal Managers Institute – Anderson. Hale moved to authorize \$420 for Anderson to register for and attend the 2015 Iowa Municipal Management Institute, March 18-20, 2015, second by Mehmen. Motion carried – 3 to 0.

Discussion Items. Stephanie Mehmen inquired about the emergency sirens being activated at times when there does not seem to be a weather event. Discussion included that the Fire Department may be testing the units, calling fire fighters to fire calls, or calling for fire department meetings.

Hale moved to adjourn, second by Mehmen; motion carried – 3 to 0. The meeting adjourned at 8:31 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator