

**ELY CITY COUNCIL
REGULAR MEETING
MARCH 10, 2008
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Tom Winkowski, Bill Grove Mark Banowetz, Stephanie Mai, and Bob Ballantyne. Guests included: Vicki Vargason, Jim Miller, James Miller, Chris Blood, Fred Trow, Lori Wilcoxson, Terry Smith, Jed Schnoor, Dale Stanek, Randy Zbanek, Millicent Cozzie, and Chuck Jones. Also present: Clerk-Administrator Aaron Anderson.

Winkowski, second by Mai, moved to approve the Consent Agenda consisting of:

- Agenda.
- Minutes of the February 11, 2008 regular meeting.
- Minutes of the March 4, 2008 goal setting workshop meeting
- Treasurers Report for the period ended February 29, 2008
- Bills Payable for March 2008 totaling \$58,076.33.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended February 29, 2008

	Receipts	Disbursements	Ending Balance
General	\$ 2,717.61	\$ 15,772.02	\$ 330,617.75
Road Use	7,492.23	8,607.57	19,528.53
TIF Fund	9.92		343,709.42
Debt Service	41.09		21,069.54
Other Projects		668.88	-74,741.96
Library Project			3,169.70
Water Utility	14,097.55	12,938.45	207,435.36
Water/Sewer Reserve			100,000.00
Sewer Utility	97,301.47	55,830.44	272,597.20
Sewer Sinking			-21,271.54
Sanitary Utility	5,816.64	9,561.86	58,180.96
PR Clearing	7,727.02	7,064.36	1,385.52
Totals	\$ 135,203.53	\$ 110,443.58	\$ 1,261,680.48

Communications: Mayor Doyle reported receiving the following communications: minutes of the January 2008 Plan and Zoning Commission meeting, and the Public Works Director’s Monthly Report. Deputy Tim Payne presented the Sheriff’s Office’s Monthly Report.

Citizen Requests. Terry Smith stated he is aware the City Council is considering connection with Cedar Rapids to purchase drinking water, and asked where this consideration is right now. The Mayor and City Council discussed this matter with Mr. Smith; items discussed include but are not limited to: possible costs for both a water tower and connecting to Cedar Rapids, possible benefits for Ely of an annexation boundary agreement with Cedar Rapids, the need for the City Council and new members to have updated information related to this matter, and other matters.

Presentation re: Linn County Air Quality Ordinance – Air Quality Division of the Linn County Department of Public Health. Tony Daugherty, of the Air Quality Division of the Linn County Department of Public Health, gave a presentation regarding proposed update and revision of the Linn County Air Quality Ordinance. Topics discussed include: the proposed update would allow residents to apply for an annual burning permit; a current ¼ mile “no burn buffer” around the corporate limits of Cedar Rapids, Marion and Hiawatha; that the changes would most affect land in the unincorporated areas that are zoned as “urban service residential districts”; that the “no-burn buffer” might increase from ¼ mile to ½ mile in the future; that a Linn County burning permit is needed anytime something is burned on the ground; and that the Linn County Air Quality ordinance would supersede and override any City of Ely ordinances or regulations. Mr. Daugherty stated the proposed ordinance has been forwarded to the Iowa Department of Natural Resources and US Environmental Protection Agency for review and comments, that Linn County is likely to schedule a public hearing regarding this ordinance in the next few months after comments have been received from DNR and EPA.

Revision of Sanitation/Garbage Collection Rates to Include Curbside Collection of One Container per Week Without a Garbage Sticker. Mayor Doyle summarized proposed Ordinance No. 203 which would allow curbside collection of one garbage container per week and raise the monthly sanitation fee from \$7.00 to \$11.00.

Public Hearing re: Ordinance No. 203, “An Ordinance to Amend Refuse Collection Rates”. Winkowski, second by Ballantyne, moved to open a public hearing regarding proposed Ordinance No. 203 at 7:54 p.m. Motion carried - 5 to 0. Mayor Doyle declared the public hearing open at 7:54 p.m. Clerk-Administrator Anderson reported notice of public hearing was published as required by City and State Code; and presented comments received verbally and in writing via email prior to the hearing.

Mayor Doyle asked for comments from the public regarding the public hearing item. Jim Miller, 1200 Vista Lane, stated he has been paying monthly garbage collection fees for himself and his mother, not used the service and never complained. He stated he still doesn't use the service and doesn't see why it should go up. Mr. Miller stated the monthly cost for him would be \$22.00 instead of \$14 for a service that he doesn't use. Jim Doyle stated historic shows that on average every customer uses one garbage tag per week. Mr. Miller stated that some customers are using a lot more garbage tags than others.

Terry Smith, 1190 State St., stated he agrees with Jim Miller, and that the change would discourage composting and conservation. Mr. Miller asked why the City is looking at this, and asked if it is because costs are increasing. Jim Doyle stated the proposed change is not intended to increase net revenues from garbage collection.

Chuck Jones, 2020 Dows St., stated he believes he represents the average family in Ely in the amount of trash his family generates, and it would be a good convenience not to have to fight with getting stickers at Casey's on Sunday nights. He stated he is all for the proposed change. Mr. Jones stated he believes allowing one “free” bag would encourage people to get as much into that container as possible. Mark Banowetz asked Mr. Jones how many bags he usually uses each week. Mr. Jones stated usually one to

two bags per week, and that some people put out more than others. Mr. Jones stated it would be more convenient to have larger or additional recycling tubs.

Jim Miller, 1960 E. Pacific St., stated Coralville has a yearly tag that costs \$50; the tag is put on the side of the garbage container, is good for an entire year, and only has to be replaced or purchased once a year. A lady asked if people can purchase a second annual tag in Coralville. Dale Stanek stated a year round tag should be totally voluntary, rather than required.

Randy Zbanek, 1785 State St., stated when the new landfill regulations came out cardboard and similar materials would not be accepted. Mr. Zbanek stated the trash hauler for his business told him they would have to raise his businesses garbage collection fee for a recycling dumpster. Mr. Zbanek reported his business trash hauler reports the landfill has accepted cardboard, and that he has seen recyclable materials go into the regular trash area of the garbage collection trucks.

Jim Miller, 1200 Vista Rd., stated that under the proposal small users would subsidize large waste generators. There was discussion regarding this statement.

Terry Smith stated this ordinance would go backwards on environmental matters.

Vicky Vargason, 1760 North Dr., stated she thinks a lot of people are trying to recycle items that cannot be recycled. Terry Smith stated he recycles milk jugs and other material and looks at the recycle label to make sure.

A gentleman stated he would expect fewer garbage containers at the curb each week under the proposed ordinance than with the \$1.00 tag. Terry Smith stated he doesn't understand how that would work; he stated most people would work that much harder to fill the "free" bag instead of buying a \$1 sticker. The gentleman stated it is very inconvenient to have to get a tag. Mark Banowetz asked when the last time was that he ran out of tags and couldn't get any at Casey's. The gentleman stated it happened in November.

James Miller stated the best option would be to leave the situation as is and set up a special voluntary annual sticker like Coralville. Jim Doyle stated a garbage container can easily be lost on a windy day, and then the person would lose the annual tag.

Mayor Doyle summarized information regarding garbage service and fees of other cities in the Ely area. Dale Stanek stated that if adding to the water/sewer bill it would equate to a general increase in utility rate.

Terry Smith asked if stickers would be bought back if the proposed ordinance is adopted.

Mayor Doyle asked for additional comments, none were offered or received. Grove, second by Mai, moved to close the public hearing at 8:14 p.m., motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and the meeting returned to regular session at 8:14 p.m.

First Reading of Ordinance No. 203, "An Ordinance to Amend Refuse Collection Rates" A motion was not made to introduce or approve first reading of Ordinance No. 203, first reading died for lack of a motion.

Request for Ordinance to Allow ATV's and Other Non-Licensed Vehicles on City Streets under Certain Conditions. Clerk/Administrator Anderson reported his office had received a

petition requesting the City Council to consider an ordinance that would allow ATV's, lawn tractors, skid loaders and similar non-licensed vehicles on Ely streets for snow removal, gardening or lawn care work; and to allow golf carts on Ely Streets. Mr. Anderson reported 101 persons, not all of who reported addresses within Ely, signed the petition. The Mayor and City Council discussed this matter, with participation from the public. Items discussed include, but are not limited to: establishing a City permit or tag for ATV's and golf carts, that ATV's and similar vehicles should be allowed on City streets during snow removal and for gardening and lawn care purposes, and that the person operating any of the vehicles should be 18 years of age or older and possess a valid driver's license. It was the general consensus of the City Council that the Clerk/Administrator should prepare a draft/preliminary version of an ordinance.

Ballantyne, second by Banowetz, moved to schedule a public hearing to consider an ordinance to establish a city permit to allow ATV's and other non-licensed vehicles on city streets for snow removal, lawn care and gardening and to allow golf carts on city streets for 7:00 p.m. April 14, 2008. Motion carried – 5 to 0.

Fiscal Year 2008-09 Budget

Public Hearing re: Proposed Property 2008-09 Tax Levy and Fiscal Year Budget.

Banowetz, second by Ballantyne, moved to open a public hearing regarding the proposed property tax levy for taxes payable fiscal year 2008-09 and the FY 2008-09 fiscal year budget at 8:54 p.m.; motion carried – 5 to 0. Clerk/Administrator Anderson reported the notice of public hearing was published as required by State Law, and that no comments had been received verbally or in writing regarding the public hearing items. Mayor Doyle declared the public hearing open at 8:54 p.m. Clerk/Administrator Anderson summarized the requested property tax levy and highlights of the FY 2008-09 budget.

Mayor Doyle asked for comments from the public regarding the public hearing item. Vicki Vargason, 1760 North Drive, asked why property tax rates would be lowered when the City needs money to develop the park, improve the city water system and other important capital projects. Aaron Anderson stated that the main reason for the proposed decrease in property tax levy is that the levy necessary to meet the fiscal year's debt service requirements is lower, and that state law does not allow the debt service levy to be higher than needed to meet current year needs.

Mayor Doyle asked for further comments from the public, none were offered or received. Winkowski, second by Ballantyne, moved to close the public hearing at 8:59 p.m.; motion carried – 5 to 0. Mayor Doyle declared the meeting to be in regular session at 8:59 p.m.

Resolution No. 08-0310-11, Adopting Levy for Property Taxes Payable FY 08-09 and Financial Budget for FY 08-09. Ballantyne, second by Mai, moved to approve Resolution No. 08-0310-11, "Adopting Levy for Property Taxes Payable FY 08-09 and Financial Budget for FY 08-09". Motion carried – 5 to 0.

Schedule Public Hearing re: Amendment of Current Year Budget (FY 2007-08) to Increase Expenditures for Snow Removal and Street Repairs. Clerk/Administrator Anderson reported the winter had been considerably more intense than recent years causing

snow and ice removal costs to exceed the amount budgeted for the fiscal year. Mr. Anderson also reported locations of considerable freeze/thaw and frost eruption to streets. Anderson requested the City Council schedule a public hearing to amend the current year budget as follows:

- \$6,000 revenues from FEMA for ice storm related reimbursement
- Increase snow removal budget by \$6,000.
- Decrease budget for attorney fees by \$10,000
- Increase streets repair budget \$16,000
- Decrease fund balance in the Road Use fund by \$6,000

Banowetz, second by Ballantyne, moved to schedule a public hearing regarding amending the FY 2007-08 budget as shown above for 7:00 p.m. April 14, 2008; motion carried – 5 to 0.

Proposed Subdivision – Edellen Meadows. Clerk/Administrator Anderson updated the City Council on the status of this proposed subdivision, noting that the developer is considering not starting work on improvements until 2009.

City Council Goal Setting

Approval of Action Plan. Grove, second by Mai, moved to approve the “City Council Action Plan, January 2008 – December 2010; motion carried – 4 to 1, Banowetz opposed.

Review Capital Improvements Plan. The Mayor and City Council reviewed the 2007 Capital Improvements Plan with additions based on the 2008 Goal Setting Report.

2007 Wastewater Treatment Plant Improvements Project.

Project Update. Clerk/Administrator updated on the status of this project.

Rogers Creek Trunk Project

Project Update. Clerk/Administrator updated on the status of this project.

Payment Request #4, Maxwell Construction, Inc. – Rogers Creek Trunk Project. Banowetz, second by Winkowski, moved to approve Payment Request #4 in the amount of \$34,093.12, to Maxwell Construction for the Rogers Creek Trunk Project. Motion carried – 5 to 0.

State Street Bridge Project

Resolution No. 08-0310-12, Approving Change Order No. 1 to Contract with Peterson Contractors, Inc. Clerk/Administrator Anderson reported Change Order No. 1 is requested to reflect additional work requested for the water system as part of this project, and that the change would result in a net increase to the contract amount of \$4,737.65. Ballantyne, second by Banowetz, moved to approve Resolution No. 08-0310-12; motion carried – 5 to 0.

Security System and City Facilities. The Mayor and City Council discussed installing security cameras at various city facilities including the Waste Water Treatment plant, well houses and City Hall. Winkowski, second by Ballantyne, moved to table this matter for additional information. Motion carried – 5 to 0.

Discussion Items. Randy Zbanek, Chief of the Ely Volunteer Fire Department, reported some damage to the parking lot at the Fire Station by Maxwell Construction. Council directed Clerk/Administrator to coordinate repair before the Rogers Creek Trunk project is completed.

Mai, second by Winkowski, moved to adjourn. Motion carried – 5 to 0. The meeting adjourned at 9:24 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator