

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

Mayor Dale Stanek called the meeting to order at 7:10 p.m. Council members present: Mark Banowetz and Tom Winkowski; Kevin Meskimen and Bob Ballantyne participated by teleconference; John Smith - absent excused. Guests included: Jim Miller, Marie Miller, Jim Cozzie, Millicent Cozzie, and Bill Grove.

Bob Ballantyne and Kevin Meskimen confirmed their participation by telephone conference call. Mr. Ballantyne stated he was unable to attend in person because he was out of town on business. Mr. Meskimen stated he was unable to attend in person because he was out of town on personal business.

Meskimen, second by Banowetz, moved to approve the Consent Agenda consisting of:

- Agenda
- Minutes of the February 12, 2007 regular City Council meeting
- Treasurers Report for the period ended February 28, 2007
- Bills Payable for March, 2007

Motion carried – 4 to 0.

Treasurer’s Report (summary) for the period ended February 28, 2007

	Receipts	Disbursements	Ending Balance
General	\$ 15,735.71	\$ 17,508.47	\$ 240,818.11
Road Use	8,826.77	6,551.37	-999.92
TIF Fund	2,385.65		286,232.02
Debt Service	1,160.75		16,795.67
Other Projects			122,935.89
Library Project			3,169.70
Water Utility	15,612.26	4,120.32	157,153.13
Water/Sewer Reserve			50,000.00
Sewer Utility	17,132.82	14,087.71	271,084.48
Sanitary Utility	5,513.84	6,059.31	58,575.05
PR Clearing	5,602.55	5,153.11	1,042.96
Totals	\$ 71,970.05	\$ 53,480.29	1,206,807.09

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. None

Request to Move Sign. Clerk/Administrator Anderson reported Randy Zbanek has requested the “Welcome to Ely” sign at the north end of State Street be moved. He stated Mr. Zbanek was concerned the sign poses a sight distance problem for vehicles leaving the Hargers parking lot. Banowetz, second by Winkowski, moved to have MMS review this situation and make a

recommendation to the City Council. Motion carried – 4 to 0. Mr. Meskimen volunteered to move the sign if needed.

2007 Wastewater Treatment Plant Improvements Project

Tax Exempt Certificate. This certificate states the City of Ely intends to issue tax exempt debt and outlines legal requirements for doing so. Meskimen second by Ballantyne, moved to approve the form of Tax Exemption Certificate prepared by the City's bond counsel. Motion carried – 4 to 0.

Resolution No. 07-0312-15, Approving and Authorizing a Form of Loan and Disbursement Agreement By and Between the City of Ely, Iowa Finance Authority, Iowa Department of Natural Resources and Wells Fargo Bank, N.A. and Authorizing and Providing for the Issuance and Securing the Payment of \$3,000,000 Sewer Revenue Capital Loan Notes, Series 2007, of the City of Ely, Iowa, Under the Provisions of the State Code of Iowa and Providing for a Method of Payment of Said Notes. Ballantyne, second by Banowetz, moved to approve Resolution No. 07-0312-15.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne

Nay: none.

Motion carried – 4 to 0.

Payment Application #1, Miron Construction Inc. – 2007 WWTP Project. Banowetz, second by Winkowski, move to approve Payment Application #1 to Miron Construction in the amount of \$31,540.00 for the 2007 WWTP Project. Motion carried – 4 to 0.

Rogers Creek Trunk Project.

Schedule Public Hearing re: Rogers Creek Trunk Alignment Revision Historical and Environmental Review. Clerk-Administrator Anderson reported the City would need to conduct a public hearing regarding the potential effect on unique historical resources of the proposed south alignment of the Rogers Creek Trunk project to meet requirements of the Iowa Water Quality Revolving Loan Fund. Winkowski, second by Ballantyne, moved to schedule a public hearing regarding this matter for 7:00 p.m. April 9, 2007. Motion carried – 4 to 0.

Resolution No. 07-0312-16, Accepting Professional Services Agreement for Soil Samples – MMS Consultants. This is a contract with MMS Consultants to collect soil samples for use in design and pre-bid preparations for the Rogers Creek Trunk Project at a cost not to exceed \$2,000.00. Meskimen, second by Banowetz, moved to approve Resolution No. 07-0312-16, Accepting Professional Services Agreement for Soil Samples with MMS Consultants.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne.

Nay: none.

Motion carried – 4 to 0.

FY 2007-08 Budget.

Public Hearing regarding Proposed FY 07-08 Budget and Property Tax Levy. Winkowski, second by Banowetz, moved to open a public hearing regarding the proposed FY 07-08 budget and tax levy. Motion carried – 4 to 0. Mayor Stanek declared the public hearing open at 7:21 p.m. Clerk-Administrator Anderson reported notice had been published as required by state Code and no comments received verbally or in writing; the proposed budget includes funding for activities previously discussed by City Council, and that the proposed property tax levy is slightly lower than for the current fiscal year. Jim Miller stated the proposed change in property taxes is minimal. Mayor Stanek asked for further comments on the public hearing item, none were received.

Banowetz, second by Winkowski, moved to close the public hearing; motion carried – 4 to 0. Mayor Stanek declared the public hearing closed and meeting in regular session at 7:23 p.m.

Resolution No. 07-0312-17, Adopting Levy for Property Taxes Payable and Financial Budget for FY 07-08. Ballantyne, second by Meskimen, moved to approve Resolution No. 07-0312-17, Adopting Levy for Property Taxes Payable and Financial Budget for FY 07-08.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne.

Nay: none.

Motion carried – 4 to 0.

Schedule Public Hearing re: Ely/Linn County Strategic Growth Plan and Agreement.

Ballantyne, second by Meskimen, moved to schedule a public hearing regarding the Ely/Linn County Strategic Growth Plan and Agreement for 7:00 p.m., April 9, 2007. Motion carried – 4 to 0.

Ordinance No. 193 – Regulating Adult Oriented Establishments.

Public Hearing. Winkowski, second by Ballantyne, moved to open a public hearing regarding proposed Ordinance No. 193 – Regulating Adult Oriented Establishments. Motion carried – 4 to 0. Mayor Stanek declared the public hearing open at 7:25 p.m. Clerk-Administrator Anderson reported notice had been published as required by state Code and no comments received verbally or in writing; that this ordinance would establish regulations on “adult oriented” business establishments including where such businesses may locate, site development regulations, and operating regulations; and that Ely has received no inquiries from any business that would be subject to this ordinance. There was general discussion on the proposed ordinance, including the zoning district where covered businesses would be allowed, and additional distance restrictions included in the ordinance. Mayor Stanek asked for further comments on the public hearing item, none were received.

Ballantyne, second by Winkowski, moved to close the public hearing. Motion carried – 4 to 0. Mayor Stanek declared the public hearing closed and meeting in regular session at 7:29 p.m.

First Reading Ordinance No. 193 – Regulating Adult Oriented Establishments. Banowetz, second by Winkowski, moved to introduce Ordinance No. 193 - Regulating Adult Oriented Establishments and to place said ordinance on first reading.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne.

Nay: none.

Motion carried – 4 to 0.

Winkowski, second by Meskimen, moved to schedule the second reading of Ordinance No. 193 for April 9, 2007. Motion carried – 4 to 0.

Ordinance No. 194 – Amending Fence Requirements for Swimming Pools.

Public Hearing. Winkowski, second by Meskimen, moved to open a public hearing regarding proposed Ordinance No. 194 – Amending Fence Requirements for Swimming Pools. Motion carried – 4 to 0. Mayor Stanek declared the public hearing open at 7:33 p.m. Clerk-Administrator Anderson reported notice had been published as required by state Code and no comments received verbally or in writing. Mayor Stanek reported the proposed ordinance require fences around swimming pools over 18” deep that are permanent or built to be in place for at least six months, instead of all swimming pools over 18” deep. Jim Miller asked if the regulations were being changed so that fences would not be required around small inflatable pools. Mayor Stanek replied that is the case. Mayor Stanek asked for further comments on the public hearing item, none were received.

Meskimen, second by Winkowski, moved to close the public hearing. Motion carried – 4 to 0. Mayor Stanek declared the public hearing closed and meeting in regular session at 7:35 p.m.

First Reading Ordinance No. 194 – Amending Fence Requirements for Swimming Pools. Meskimen, second by Ballantyne, moved to introduce Ordinance No. 194 “Amending Fence Requirements for Swimming Pools” and to place said ordinance on first reading.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne.

Nay: none.

Motion carried – 4 to 0.

Ballantyne, second by Meskimen, moved to schedule the second reading of Ordinance No. 194 for April 9, 2007. Motion carried – 4 to 0.

Ordinance No. 195 – Amending the Duration of Preliminary Plats.

Public Hearing. Meskimen, second by Ballantyne, moved to open a public hearing regarding proposed Ordinance No. 195 “Amending the Duration of Preliminary Plats”. Motion carried – 4 to 0. Mayor Stanek declared the public hearing open at 7:36 p.m. Clerk-Administrator Anderson reported notice had been published as required by state Code and no comments received verbally or in writing. Mayor Stanek reported the proposed ordinance would allow a preliminary plat to be valid for 2 years between it’s approval and final plat, with the possibility of a single 180-day extension if the developer

requests before the initial 2-year period expires, rather than the current one year period. Bob Ballantyne stated this was discussed and recommended by the Plan and Zoning Commission to make sure preliminary plats remain current with zoning and subdivision standards.

Ballantyne, second by Meskimen, moved to close the public hearing. Motion carried – 4 to 0. Mayor Stanek declared the public hearing closed and meeting in regular session at 7:38 p.m.

First Reading Ordinance No. 195 – Amending the Duration of Preliminary Plats.

Meskimen, second by Ballantyne, moved to introduce Ordinance No. 195, “Amending the Duration of Preliminary Plats” and to place said ordinance on first reading.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne.

Nay: none.

Motion carried – 4 to 0.

Banowetz, second by Winkowski, moved to schedule the second reading of Ordinance No. 195 for April 9, 2007. Motion carried – 4 to 0.

Dows Street East Subgrade Drainage Improvements Project. The City Council reviewed and discussed the quote received from Manatt’s Inc. for this project: items discussed include the total price, that the quote included installing drain tile only on the north side of Dows Street and the short time frame for contacted firms to respond. Ballantyne, second by Banowetz, moved to reject all proposals and to send out a second request that more clearly describes the project and includes an alternate for tile on both sides of Dows Street. Motion carried – 4 3 to 0; Meskimen abstaining. Mr. Meskimen stated he will abstain from voting on any item related to this matter because his company may submit a proposal.

Resignation, Patty Ballard Water/Sewer Operator. Clerk/Administrator Anderson reported Patty Ballard had submitted her resignation from position of Water/Sewer Operator to take effect April 1, 2007.

Accept Resignation. Meskimen, second by Ballantyne, moved to reluctantly accept Patty Ballard’s resignation. Motion carried – 4 to 0.

Authorize Recruiting Process to Fill Vacant Position. Meskimen, second by Winkowski, moved to authorize a recruiting process to fill the vacant position with a public works director who possesses grade 2 water and wastewater treatment certifications as recommended by the Clerk/Administrator. Motion carried – 4 to 0.

Authorize Hire of Part-Time As-Needed Public Works Employees. Winkowski, second by Ballantyne, moved to authorize hiring Joe Vavra and Tom Malatek as part-time “as-needed” public works employees who would be used only when authorized by the City Administrator. Motion carried – 4 to 0.

Resolution No. 07-0312-18, Assessing Unpaid Utility Charges to Property Taxes. This resolution would levy delinquent unpaid utility bills as property taxes to the following properties:

1740 E Pacific Street - \$203.56

1760 Dows Street - \$157.16.

Ballantyne, second by Banowetz, moved to approve Resolution No. 07-0312-18.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne.

Nay: none.

Motion carried – 4 to 0.

Discussion Items.

Ballantyne, second by Banowetz, moved to adjourn. Motion carried – 4 to 0. The meeting adjourned at 8:01 p.m.

Dale Stanek, Mayor

Attest:

Aaron Anderson, Clerk/Administrator