

**ELY CITY COUNCIL
REGULAR MEETING
MARCH 12, 2012
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, Dave Rasmussen and Bob Ballantyne. Also present: Jim Miller, Marie Miller, Joe Horaney, Mark Lemon, Bill Micheel, Matt Erger, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

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

- Agenda
- Minutes of the February 13, 2012 regular City Council meeting.
- Treasurers Report for the period ended February 29, 2012.
- Bills Payable for March 2012 totaling \$68,507.40.
- Resolution No. 12-0312-08, Authorizing Disposal of Specified Non-Essential Records & Documents.

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended February 29, 2012

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 3,280.90	\$ 23,911.62		\$ 573,468.66
Road Use	15,695.18	6,232.16		50,255.28
L O S T	20,701.07			166,818.17
TIF Fund	796.61			126,218.34
Debt Service				-287,556.48
Other Projects		7,563.15		401,923.68
Library Project				2,749.22
Way Point Sign				-7,110.22
North End Infra				-28,839.93
Water Utility	96,474.47	91,998.69		266,921.06
Water/Sewer Reserve				100,000.00
Sewer Utility	25,123.03	8,984.94		169,615.02
Sewer Debt Service				-123,333.10
Sanitary Utility	5,257.06	6,092.07		45,343.31
Farmers Market				530.01
PR Clearing	9,045.26	8,407.23		1,565.78
Totals	\$ 176,373.61	\$ 153,186.86		\$ 1,461,568.90

Communications: Linn County Deputy Sheriff presented and discussed the Sheriff's Department monthly activity report.

Citizen Requests. Jim Miller asked why the cells at the wastewater lagoon are so high. Aaron Anderson replied those cells are used to store wastewater during rain, and the contents are run through the WWTP when space is available.

Planning & Land Use Outside but Within Two-Miles of City Limits Mayor Doyle reported the two following items are on the agenda for consideration by Ely's City Council because they are related to land use outside but within two-miles of Ely City Limits, per the Ely/Linn County City County Strategic Growth Plan and Agreement

Resolution No. 12-0312-09, Pisarik Farms First Addition. Mayor Doyle reported this is a request to break-off a roughly 9.58 acre parcel southeast of the intersection of Spanish Road and Wright Bros. Boulevard to create a single family residential lot. He reported the Ely Planning and Zoning Commission reviewed the request and recommend approval. Stanek moved to approve Resolution No. 12-0312-09, second by Grove.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

Request for Map Amendment – Rural Residential to Agricultural; Mark Lemon, Airport National Golf Course. Mayor Doyle reported this is a request to amend the future land use map of the Ely/Linn County Strategic Growth Plan and Agreement in the general area of the southwest corner of Spanish Road and Wright Brothers Blvd. from Rural Residential to Agricultural which would allow for the development of ten one-half acre single family residential lots at the location. He reported Mark Lemon, owner of Airport National Golf Course, is making the request as first step in approval to be allowed to create a ten lot residential subdivision. Mayor Doyle stated the Ely Planning and Zoning Commission reviewed the request and recommend approval.

Mark Lemon, Airport National Golf Course, presented more information regarding the request, and discussed the matter with Mayor Doyle and the City Council members. Topics discussed include: other business likely to be involved in the project, open land available to potential lot buyers, the project would be considered a "conservation development", that the lots may have individual septic tanks with sand filters and pits; and that there will be a single connection point for municipal water and sanitary sewer when those services extend to the property.

Ballantyne moved to approve the request to amend the Future Land Use map of the Ely/Linn County Strategic Growth Plan by changing the designation of the subject area from "Rural Residential" to "Agricultural" as proposed by Mark Lemon, of Airport National Golf Course; second by Grove. Motion carried – 5 to 0.

Linn County Solid Waste Agency re: Program & Activity Update. Joe Horaney, Communications Director for the Linn County Solid Waste Agency, updated the Mayor and City Council on programs and activities at the Solid Waste Agency. Items discussed include: Community Grant programs; free disposal of household electronics; recycling programs for glass and bicycles; and plans to build a new Linn County Resource Recovery Building expected to be in use late summer 2013.

Extension of Water Main to 1070 State Street, and Assessment of Cost to Property Owner. City Administrator Anderson reported the proposed agreement was revised per City Council's direction in February, and that the attorney for Brad and Greg Mahoney reported he believed the agreement acceptable.

Resolution No. 12-0312-06, Approving Agreement. Grove moved to approve Resolution No. 12-0312-06. Dale Stanek questioned the provision regarding no interest charged on the amount assessed against the property; Mayor and City Council discussed this matter. Grove rescinded his motion to approve the resolution. City Council directed Mr. Anderson to revise the proposed agreement to state the property owners will be charged the rate of interest Ely pays if Ely borrows for the work; or the rate of interest Ely receives on investments at the date of work completion. Grove moved to table Resolution No. 12-0312-06; second by Hale. Motion carried – 5 to 0.

Budget and Finance

Public Hearing re: Adoption of FY 2012-13 Budget and Property Tax Levy – 7:00 p.m. Stanek moved to open a public hearing regarding the proposed FY 2012-13 Budget and property tax levy for property taxes payable in FY 2012-13 at 8:00 p.m.; second by Rasmussen. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 8:00 p.m. Clerk-Administrator Anderson reported notice of hearing was published and posted as required by law; and that the proposed property tax rate for FY 12-13 is \$8.39119/\$1,000 taxable value. Mayor Doyle asked for comments regarding the hearing item.

Jim Miller asked why Ely's property tax includes an agricultural levy and why he pays property taxes to both Ely and Linn County. Aaron Anderson stated Linn County levies a county property tax levy in cities, but at a lower rate than in unincorporated areas. There was considerable discussion about updating long range and capital improvements planning.

Stanek moved to close the public hearing at 8:11 p.m., second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:11 p.m.

Resolution No. 12-0312-10, Adopting Levy for Property Taxes Payable FY 2012-13 and Financial Budget for FY 2012-13. Stanek moved to approve Resolution No. 12-0312-10, second by Hale.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

Reallocation of Unspent Bond Proceeds from 2011 Hillcrest St., Jappa Road and Refunding GO Series 2011 Note & Dows Streetscape GO Series 2011B Note to Use Unspent Proceeds for Downtown/Main Street Parking Lot Project.

Resolution No. 12-0312-11, Fixing Date for a Meeting on the Proposal to Reallocate Certain Unspent Proceeds of Prior Indebtedness of the City of Ely, State of Iowa, and Providing for Publication of Notice Thereof. Mayor Doyle stated this resolution would schedule a public hearing regarding a proposal to reallocate \$26,000 from the Series 2011 GO Bond issued for the Hillcrest Street, Jappa Road and Refunding purposes and the \$3,000

from the Series 2011B GO bond issued for Dows Streetscape to help pay the cost of the Downtown Parking Lot project for 7:00 p.m. April 9, 2012. Stank moved to approve Resolution No. 12-0312-11; second by Ballantyne.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

Downtown & Main Street Area Parking Lot

Resolution No. 12-0312-12, Amending Purchase Agreement. City Administrator Anderson reported the sellers were having difficulty clearing all items noted in a title search and abstract of the property; and suggested approving a resolution to amend the purchase agreement to close on the transaction as soon as practical after sellers resolve outstanding issues. Mr. Anderson noted proposed Resolution No. 12-0312-12 would approve revising the purchase agreement as stated. Stanek moved to approve Resolution No. 12-0312-12, second by Hale.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

Dows Streetscape Project

Discuss Options for Final Restoration and Turf Seeding in Project Area. City Administrator Anderson reported requests for quote were sent to several landscape and lawn service firms in the area, and Ely received no responses. He reported he discussed this with City staff; and all believe Public Works staff is able to restore and seed the project area effectively. City Council authorized City staff to proceed with restoration and seeding.

2011 Water Tower Improvements Project

Progress Report - Scott Pottorf, City Engineer. City Engineer Scott Pottorf reported on progress on the 2011 Water Tower Improvements project; noting that the majority of work for the project is complete, but that site restoration under the excavation contract is not yet finished. Mr. Pottorf reported Bockenstedt Excavating contracted him and expects to finish restoration by April 9, 2012.

Payment Request No. 3 for Partial Payment under Contract "C" – E&J Electric. Ballantyne moved to approve Payment Request No. 3 from E&J Electric for the amount of \$1,599.60 for work completed to date under Contract "C" of the 2011 Water Tower Improvements contract; second by Stanek. Motion carried – 5 to 0.

Payment Request No. 2 for Partial Payment under Contract "D" - Northway Well & Pump Service. Stanek moved to approve Payment Request No. 2 from Northway Well & Pump Service for the amount of \$4,271.20 for work completed to date under Contract "D" of the 2011 Water Tower Improvements Project; second by Ballantyne. Motion carried – 5 to 0.

Sanitary Sewer Use Rate

Report re: Refinance Options and Rate. City Administrator Anderson reported on progress and options regarding sanitary sewer rate, including refunding the existing sewer revenue notes.

Public Works – Streets, Water, Sewer & Equipment

Accept Estimate for Placing Revetment Rock for Vista Rd and Rogers Creek Road Bridges. Ballantyne moved to accept Estimate 933, dated February 22, 2012, from Brown Concrete and Backhoe to install revetment rock to armor the abutments of the Vista Road and Rogers Creek Bridges at a cost of \$6,775.00, as recommended in the Linn County Engineer’s Bridge Inspection Report; second by Hale. Motion carried – 5 to 0.

Discussion Items - None

Hale moved to adjourn, second by Rasmussen; motion carried – 5 to 0. The meeting adjourned at 8:40 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator