

**ELY CITY COUNCIL  
REGULAR MEETING  
MARCH 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: Terry Smith, Ruth Bark, Jim Miller, Chuck Stockdale, Travis Squires, Mare DeVries, Gary Whittom, Kelly & Randy Zbanek, Jeff Hilleman, Mark Banowetz, Ketih Schulte, Sharon Sasson-Croy, Mark Croy, Mark Krob, 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 Grove, moved to approve the Consent Agenda consisting of:

- Agenda.
- Minutes of the February 14, 2011 regular City Council meeting.
- Minutes of the February 28, 2011 City Council workshop meeting
- Treasurers Report for the period ended February 28, 2011.
- Bills Payable for March, 2011 totaling \$73,041.35

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended February 28, 2011

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 2,617.92	\$ 25,683.44		\$ 535,274.22
Road Use	10,057.19	10,413.28		18,487.27
L O S T	13,623.15			103,143.09
TIF Fund				82,006.31
Debt Service	39.57			21,899.46
Other Projects		23,727.97		-135,602.00
Library Project				60,608.22
Way Point Sign	2,500.00			11,591.65
North End Infra				-28,219.93
Water Utility	16,066.34	3,397.74		272,770.05
Water/Sewer Reserve				100,000.00
Sewer Utility	23,693.38	9,903.24		87,512.13
Sewer Debt Service				-83,925.01
Sanitary Utility	5,993.57	5,857.28		46,547.66
Farmers Market	70.00			442.00
PR Clearing	8,430.48	12,393.14		-360.41
Totals	\$ 83,091.60	\$ 91,376.09		\$ 1,092,174.71

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

**Citizen Requests.** Jeff Hilleman, Chair of the Parks and Recreation Commission thanked the Putnam Benevolent Group and Diane Klinsky for their generous donations to the City to be used as designated by the Parks and Recreation Commission. He reported the donations will go

toward final grading of soccer fields at the northeast corner of “Ely Park”, and final grading of the second baseball/softball diamond. Mr. Hilleman reported Pace Landscaping will honor their quotes for the two projects from last year and that work will start after spring baseball, and that the soccer field will be graded to support multiple field layouts.

Randy Zbanek, Fire Chief, reported the Linn County Board of Supervisors budget for FY 11-12 cut “Rescue 57”, the service that provides emergency medical response in rural areas. He stated it’s a negative blow for the Volunteer Fire Department.

**Presentation re: Linn County Solid Waste Agency, Marie DeVries.** Marie DeVries of the Linn County Solid Waste Agency made a presentation updating the City Council on the services the LCSWA offers and performs, and answered questions. Ms DeVries noted they are able to accept waste wood and that electronics are now accepted at no charge.

**Request for Temporary Outdoor Alcohol Service Area on Temporarily Closed Street for Saturday April 30<sup>th</sup> 2011 - Tom Rohner, Odie’s Bar n Grill, 1650 Dows Street.** Ballantyne moved to approve a temporary Outdoor Alcohol Service Area permit as part of the existing Class C liquor permit for April 30, 2011 for Odie’s at 1650 Dows Street, second by Mai. 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.**

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

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Stanek moved to waive the third reading of Ordinance No. 224, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Stanek moved final approval and adoption of Ordinance No. 224, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and Ordinance No. 224 approved and adopted - 5 to 0.

**Ordinance No. 225 - Ordinance to Revise Certain Parking Provisions in the Ely City Code. Second Reading of Ordinance No. 225, An Ordinance to Revise Certain Parking Provisions in the Ely City Code.** Stanek moved to approve the second reading of Ordinance No. 225, An Ordinance to Revise Certain Parking Provisions in the Ely City Code, second by Mai.

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.

Grove moved to waive the third reading of Ordinance No. 225, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Stanek moved final approval and adoption of Ordinance No. 224, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and Ordinance No. 225 approved and adopted - 5 to 0.

### **FY 2011-12 Budget**

**Public Hearing re: Adoption of Budget and Property Tax Levy.** Stanek moved to open a public hearing regarding adoption of the FY 2011-12 budget and property tax levy at 7:22 p.m., second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:22 p.m.

Mayor Doyle reported the proposed FY 11-12 property tax rate is \$8.33785/\$1,000 taxable value, a decrease of roughly \$1.45/\$1,000. Aaron Anderson reported the property tax rate decrease is mainly the result of retiring general obligation debt. Mayor Doyle asked for other comments or questions, none were offered.

Stanek moved to close the public hearing at 7:30 p.m., second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed at 7:30 p.m.

**Resolution No. 11-0314-15, Adopting Levy for Property Taxes Payable FY 2011-12 and Financial Budget for FY 11-12.** Ballantyne moved to approve Resolution No. 11-0314-15, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**2011 Hillcrest Street Improvements Project**

**Resolution No. 11-0314-16, Approving Contract, Performance Bond and Insurance for 2011 Hillcrest Street Improvements Project.** Mayor Doyle reported Ely received signed contract, performance/payment bond and Certificate of Insurance from Dave Schmitt Construction for the 2011 Hillcrest Street Improvements Project as required by the project plans and specifications. Stanek moved to approve Resolution No. 11-0314-16, second by Grove.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

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

**Review Bids Received for Bonds.** Mayor Doyle introduced Travis Squires of Piper Jaffray, Ely's Financial Advisor for this matter. Mr. Squires reported Ely received bids from five interested lenders for the 2011 \$780,000 General Obligation note. Mr. Squires reported the low, most beneficial bid was presented by UMB Bank, NA, of Kansas City, Missouri at a true interest rate of 2.46441%.

**Resolution No. 11-0314-17, Directing Sale of \$780,000 General Obligation Capital Loan Notes, Series 2011.** Mayor Doyle reported this resolution directs the City to accept the bid from UMB Bank, NA, of Kansas City, Missouri described above. Stanek moved to approve Resolution No. 11-0314-17, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Downtown Dows Street Streetscape 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 Dows Street Streetscape project at 7:45 p.m., second by Ballantyne; motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:45 p.m.

Mayor Doyle stated notice was published and posted as required; and asked for comments regarding the public hearing item. Terry Smith stated he has talked with several people and has not found anyone in favor of the project; he said they looked at it after the P&Z meeting and found several problems and he doesn't know if any of them have been take care of. Mr. Smith said he was told the project would lower the sewer and that lowering the sewer would not work. Scott Pottorf stated no sanitary sewer is being lowered; there is no sanitary sewer work in this project. Mr. Smith stated he was told there are old large concrete footings in front of Krob's and that it might cost a lot more to move of fill with gravel. He said he was told most building owners were not contacted individually and he is concerned with effect on business owners and loss of business. Mr. Smith stated there is a feeling among a lot of people that this is being ramrodded through. He stated it is

difficult to find evidence of the project coming forward even and money spent. Mr. Smith stated he was told Ely is using TIF to pay for this which takes money away from the county and school district. Mr. Smith stated Linn County has to cut Rescue 57 and that TIF proceeds divert operating money from Linn County.

Mr. Smith asked so in the audience supports the project – one hand was raised. Mr. Smith asked who brought this back up. Chuck Stockdale stated Stanek did, he checked online. Terry Smith asked how many people are opposed to the project, several hands were raised. Mr. Smith asked if you will consider owner/public input. Jim Doyle stated we have tried to reach other property owners or people who would support the project if asked to come. Dale Stanek stated the State of Iowa “backfills” the TIF funds to schools and counties. Mr. Smith said thank you for asking my questions. Mr. Doyle stated we do not feel it was ramrodded, the city held several workshops and an open house for the project. Mr. Smith asked who will pay to rewire a building if the power service needs to be moved.

Terry Smith asked if there will be fewer parking spaces in front of the post office. He said if the City Council wants to spend money they should buy property for parking area. Randy Zbanek stated the property owner is not interested. Mr. Smith stated he is concerned with loss of business in Ely’s business district.

Chuck Stockdale stated the islands need to be gone, if not the snow plow will take them out during snow removal. He asked who would mow the grassy areas, and if trucks can make the turn coming out of Krob’s. Mark Krob said there is no way their trucks can make the turn as designed; the trucks will roll over the curb every time. Bob Ballantyne said he and Aaron Anderson looked at the turning issue with Dave Krob, and pointed out that turns are a concern. Scott Pottorf stated they used turning programs, etc and realize not every driver will follow. Mr. Pottorf said he won’t say the design can’t be improved and optimized. He stated the islands won’t require a lot of maintenance, but snow storage will be a different problem. Mr. Pottorf stated the islands are suggested to increase parking; the biggest increase in parking spaces will be on the west end. Mr. Pottorf stated there will be not be an overall loss of parking spaces in the entire area.

Chuck Stockdale stated the HA ramp in front of the Post Office is pushing out quite a bit and that it would make more sense to run the ramp up the east side of the building so it could run to the front door with out pushing further out the front. He asked why roll curb is suggested. Mr. Stockdale discussed challenges for a person in wheel chair or with mobility limits would get to the proposed ramp. Scott Pottorf stated right now that person has to go in the street to get around the ramp if they don’t want to use it; the new design clears that up.

Randy Zbanek asked what the ultimate reason for the whole project. Mark Banowetz stated many years ago we moved the fire department and library and saw interest in businesses coming to the area so they improved the sidewalk on the north side of the street from Clary Illian’s to the pizza place. Mr. Banowetz stated it was exciting when all the buildings filled up. He stated now is a good time to do this when there are fewer business in place that would be impacted.

Randy Zbanek asked what the Council is thinking on why to do this project right now. Bob Ballantyne stated he had a few people suggest other projects might be better. He stated sidewalks in front of the Post Office need to be improved; they are slick especially in winter and three people slipped there last year, and that this is a safety consideration for him. Randy Zbanek and Chuck Stockdale asked if the ramp area is going to be exposed.

Bob Ballantyne stated there is a water problem that needs corrected. Snow sets piled on both sides of Walker and the sidewalk is breaking up, and there is a lot of water behind peoples' lots. He stated the proposed water management system will fix that.

Randy Zbanek suggested fixing Walker Street first, and that he heard rumors that if we do that bike riders and new businesses will flock to town. Bob Ballantyne stated it was more of an attitudinal thing; that we have to merge existing/old Ely attitudes with new residents. Mr. Ballantyne stated the best time to approach this is when the economy is bad and coming up. Randy Zbanek stated why not just do the south side like the north side.

Chuck Stockdale stated the city paid for hot mix asphalt do to the street just a year or more ago, and now you're just going to throw it away. He stated we do not need it right now; there are other ways to spend \$800,000, like putting curb and gutter on old Walker Street, or putting sidewalks in entire Ely. Mr. Stockdale stated you have mentioned concern with not being sure why businesses are leaving, and that he has trouble believing this project will bring in new businesses. He stated numerous businesses in the area will be negatively affected.

Sharon Sasson-Croy stated several of her clients can't or won't be able to make it to her door. She said she didn't recognize the importance of the meeting invites and didn't realize the full scale or impact of the proposal. Dr. Sasson-Croy stated she doesn't know what happens would happen if anything is delayed during construction after the street is torn up; and that it is a little scary because she is not sure of the magnitude. Dr. Sasson-Croy stated she has a lot of concern. Bob Ballantyne stated we looked at accessibility during planning and that construction is planned to be done in phased stages. Mr. Ballantyne stated the staging will put parking at even more of a premium. Dr. Sasson-Croy stated if take out an entire parking lane during construction; he stated the concern is that customers will go somewhere else if they can't park in front of the building. Mr. Ballantyne asked if Dr. Sasson-Croy needs an HA spot in front of her office. Dr. Sasson-Croy stated she and her patients would benefit more from a short term spot in front of her office. She stated she worries more about neighboring businesses and the risk due to lack of local population base.

Terry Smith stated if the plan for redoing Dows Street was forthcoming city should not have resurfaced, and that construction delays could impact Krob's elevator and other businesses.

Dr. Sasson-Croy asked what would happen if the project hits major problems or truly unexpected stuff or goes over budget, would work simply stop.

Terry Smith stated a community near where he grew up did the same thing several years ago and the streetscape didn't help at all. Scott Pottorf explained construction work will be staged so that the area from Krob's through the intersection with Main is first, the section from Main to before the intersection with Walker second and the segment from Walker to State third. Mr. Pottorf noted the contractor will not be allowed to start on the Walker to State segment any later than October 1.

Ruth Bark asked if semis can get through gravel; Scott Pottorf stated the contractor is required to keep the detour passable, and that it will improve during work. Mark Krob stated they are 80-90 thousand pound trucks. Randy Zbanek asked if traffic would be detoured to Traer and Rowley during the bulk of work from Walker to State. General response that a lot of trucks use Dows Street now.

Dr. Sasson-Croy asked how access to the Post Office and Lacey's Barbershop will be maintained during construction. Scott Pottorf stated the contract requires the contractor to

maintain access to these buildings during construction, and that he expects they will install temporary wooden steps during construction.

Jim Miller asked if the city is going to do it this year or not. Kay Hale asked if we can all agree the lock in front of Krob's needs fixed. Randy Zbanek agreed it does and asked why it wasn't done when black top was put down. Jim Doyle replied Ely wanted to put concrete in this section to handle the weight and turns better.

Terry Smith stated don't you think it's premature to accept bids and quotes from all this.

Chuck Stockdale said thank you for all the other stuff you have done really well with the WWTP, water tower, Hillcrest Street and so forth except this thing. Randy Zbanek stated you all have done an awesome job, except for this.

Bob Ballantyne stated he talked with a former Mayor about redoing streets, and that in 1993 not only most of pre-developed Southbrook and Kunkel land flowing to downtown. Terry Smith stated this project won't fix that. Mr. Ballantyne stated the west side will. Chuck Stockdale stated new subdivisions have detention ponds and other storm water management items. Bob Ballantyne stated he wants to correct flooding in the old area of Ely. Chuck Stockdale stated he does not believe the two projects are the same. Mr. Ballantyne stated the water detention/retention measures from the airport down have not prevented Hoosier Creek from rising faster. Terry Smith asked how two blocks of curb and gutter would fix that, Mr. Ballantyne stated why else have curb and gutter.

Mark Banowetz stated we didn't need the water tower and that it is being built as future planning, and that the WWTP was built for future growth. Mr. Banowetz stated the city is doing things to support future growth by planning ahead. He asked how it's possible that the City Council can do so many other things well and not this.

Mayor Doyle asked for further comments regarding the public hearing item, none were offered.

Stanek moved to close the public hearing at 8:36 p.m., second by Mai; motion carried 5 – 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:36 p.m.

**Resolution No. 11-0214-08, Adopting Plans, Specifications and Form of Contract for the 2011 Dows Street Streetscape 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.

**Review Bids Received for Project Construction.** Mayor Doyle reported the following bids were received to construct the Dows Street Streetscape Improvements Project:

- Rathje Construction, Marion Iowa - \$553,952.20
- All American Concrete, West Liberty, IA - \$616,073.35
- Gee Grading & Excavating, Cedar Rapids, Iowa - \$622,982.25
- Eastern Iowa Concrete, Cedar Rapids, Iowa - \$624,982.25
- L.L. Pelling Co., North Liberty, Iowa - \$632,382.75

- Tschiggfrie Excavating, Dubuque, Iowa - \$704,023.60  
Engineer's estimate was \$835,141.88 (per the February 14, 2011 estimate)

**Review Competitive Quotes Received for Decorative Light Poles and Fixtures.** Mayor Doyle reported Ely the following quote to provide decorative street light poles and fixtures for the Dows Streetscape Project:

- Van Meter Industrial, Cedar Rapids, Iowa - \$54,570.47.

**Resolution No. 11-0214-09, Awarding Bid for 2011 Dows Street Streetscape Improvements Project.** Mayor Doyle reported this resolution would award the bid to construct the 2011 Dows Street Streetscape Improvements Project to Rathje Construction, of Marion Iowa, at a bid amount of \$553,952.20. Stanek moved to approve Resolution No. 11-0214-09, second by Grove

Aye: Stanek Grove, Hale, Ballantyne

Nay: Mai

Absent:

Mayor Doyle declared the motion carried and the resolution approved - 4 to 1.

**Resolution No. 11-0314-20, Accepting Quote for Decorative Light Fixtures.** Mayor Doyle reported Resolution No. 110-314-20 would accept the quote from Van Meter Industrial to provide decorative street light poles and fixtures for the 2011 Dows Streetscape project at a cost of 54,570.47 per their quote. Stanek moved to approve Resolution No. 11-0314-21, second by Hale

Aye: Stanek Grove, Hale, Ballantyne

Nay: Mai

Absent:

Mayor Doyle declared the motion carried and the resolution approved - 4 to 1.

**Resolution No. 11-0314-21, Accepting Amendment to Professional Services Agreement for Preliminary Engineering and Design Services.** City Administrator Anderson reported this resolution would change the city's contract with MMS consultants by increasing the cost of preliminary engineering for the Dows Streetscape project a total of \$13,350. Mr. Anderson stated MMS has provided considerably more service than the original contract anticipated; and that the scope and complexity of the services expected from MMS have increased and are considerably greater than originally anticipated. Mr. Anderson stated he recommends the City Council approve the resolution. Stanek moved to approve Resolution No. 11-0314-21, 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. 11-0314-22, Accepting Professional Services Agreement for Construction Engineering Services.** Stanek moved to approve Resolution No. 11-0314-22, second by Hale

Aye: Stanek Grove, Hale, Mai, Ballantyne



Nay:

Absent:

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

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

**Payment Request No. 1, Phoenix Fabricators, Water Tower Construction.** Mayor Doyle reported Payment Request No. 1 from Phoenix Fabricators totals \$63,270.00, that City Engineer Scott Pottorf reviewed the payment request and recommends approval. Stanek moved to approve Payment Request No. 1 from Phoenix Fabricators for the amount of \$63,270.00, second by Grove. Motion carried – 5 to 0.

### **Community Entrance Signs**

**Discuss Proposed Design and Cost Estimates.** City Administrator Anderson reported Weber Stone Company of Anamosa, Iowa, provided a quote to shape and prepare the surface a limestone product for the proposed sign design for \$16,154.00 if the main stone is one single integral stone, or \$14,707.00 if three joined component stones. City Council discussed the matter; consensus was to proceed to install a community entrance sign at the north entrance with the North Waypoint Project this construction year, and to secure a site for a south sign.

**Authorize RFQ for Sign Assembly and Installation Services.** Stanek, second by Mai, moved to authorize soliciting quotes for sign assembly and installation services for one sign at the north entrance. Motion carried – 5 to 0.

### **Discussion Items**

Bill Grove commended Keith Schulte for his work to remove snow from driveway entrances in the Southbrook Subdivision after the recent blizzard. Mr. Grove discussed the CERT program and distributed flyers.

Hale moved to adjourn, second by Mai; motion carried – 5 to 0. The meeting adjourned at 9:20 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator