

**ELY CITY COUNCIL
REGULAR MEETING
APRIL 9, 2007
ELY CITY COUNCIL CHAMBERS**

Mayor Dale Stanek called the meeting to order at 7:00 p.m. Council members present: Mark Banowetz, Kevin Meskimen, Bob Ballantyne and John Smith; Tom Winkowski - absent excused. Guests included: Lu Barron, Jim Stother, Jed Schnoor, Fred Showalter, James & Millicent Cozzie, Les Beck, Lorie Wilcoxson, Randy Zbanek, Jennifer Jordebek, Shelly Bulechek, John & Jane Vaassen.

Mayor Stanek noted the originally posted agenda showed the wrong date, which was corrected immediately after it was reported. The City Attorney was apprised of the matter and advised it is acceptable to proceed with the meeting under Iowa Open Meetings Law.

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

- Agenda.
- Minutes of the March 12, 2007 regular City Council meeting
- Treasurers Report for the period ended March 30, 2007
- Bills Payable for April, 2007
- Purchase Order Request: Boland Recreation, \$4,273.00 for six 6' mesh top picnic tables.
- Renewal Class C Liquor and Sunday Sales Permit - St Quentin Post of the American Legion, 1545 Main Street.

Motion carried – 4 to 0.

Treasurer's Report (summary) for the period ended March 31, 2007

	Receipts	Disbursements	Ending Balance
General	\$ 7,733.61	\$ 18,444.08	\$ 230,1073.64
Road Use	9,979.61	8,821.39	158.36
TIF Fund	2,380.31		288,612.33
Debt Service	917.35		17,713.02
Other Projects		8,129.98	114,805.91
Library Project			3,169.70
Water Utility	13,945.36	3,677.87	167,420.62
Water/Sewer Reserve			50,000.00
Sewer Utility	16,546.24	82,109.39	202,521.33
Sanitary Utility	5,298.20	9,871.75	54,001.50
PR Clearing	7,984.71	8,986.21	41.46
Totals	\$ 64,785.45	\$ 140,040.67	\$1,131,551.81

Communications:

Deputy James of the Linn County Sheriff's Office presented the Monthly Activity Report. The City Council received Plan and Zoning Commission minutes of the previous month; and correspondence regarding the Housing Fund for Linn County and conference registration for the LCNRC economic development workshop.

Citizen Requests. Jennifer Jordebek, Library Director, thanked the City Council for approving the Library budget for FY 07-08; and reported the library had 1,440 visitors in March compared to 1,200 visitors in March of 2006. Ms Jordebek reported a lot of youngsters skate boarding on the sidewalk in front of the Library, and asked the Council to establish a safe place for them to skate. Randy Zbanek, Chief of the Ely VFD, reported there would be no problem allowing skateboards in front of the Fire Station. The Council discussed this matter and suggested the matter should be addressed by the Park and Recreation Committee before the City Council.

Jim Miller reported Miron Construction, the contractor on the 2007 WWTP project, is bending over backwards to work with them and he is very happy with their efforts.

Ely/Linn County Strategic Growth Plan and Agreement

Public Hearing. Chad Sands, of ECICOG, summarized the proposed Ely/Linn County Strategic Growth Plan and Agreement. Banowetz, second by Meskimen, moved to open a public hearing regarding the Ely/Linn County Strategic Growth Plan and Agreement. Motion carried – 4 to 0. Mayor Stanek opened the public hearing at 7:26 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 asked for comments from the public. Millicent Cozzie asked if there were any changes from the draft plan presented to the Ely Plan and Zoning Commission. Chad Sands replied the proposed plan is the same. Ms Cozzie stated maintaining separation from Cedar Rapids was a big concern throughout the planning process. Ms Cozzie stated at first she was concerned with the commercial area going so far west and that to her knowledge none of the property owners in that area have objected. She stated that she then began to look at the plan from a different perspective in light of the single-family residential developments encroaching southward from Cedar Rapids. Dale Stanek asked the future land use of that area as shown in the Cedar Rapids comprehensive plan. Ms Cozzie stated it is multi-family but apparently can be approved for single family. She then stated the commercial area shown on the Ely/Linn County plan would serve as a stopping point for development from Cedar Rapids and for that reason she supports the proposed plan. Mayor Stanek asked for further comments on the public hearing item, none were received

Meskimen, second by Ballantyne, moved to close the public hearing; motion carried – 4 to 0. Mayor Stanek closed the public hearing at 7:32 p.m.

Resolution No. 07-0409-19, Approving the Ely/Linn County Strategic Growth Plan and a Fringe Area Policy Agreement with Linn County. Ballantyne, second by Smith, moved to approve Resolution No. 07-0409-19, Approving the Ely/Linn County Strategic Growth Plan and a Fringe Area Policy Agreement with Linn County.

Aye: Meskimen, Banowetz, Ballantyne, Smith.

Nay: none.

Motion carried – 4 to 0.

State Street Bridge Replacement Project

Schedule Public Hearing re: Ordinance to Limit Parking along Rock Island Drive and Pacific Street and Prohibit Through Truck Traffic on Designated Streets During Project. The City Council discussed prohibiting through truck traffic through the Southbrook subdivision area, and a request from Randy Zbanek Chief of the Ely VFD to limit parking along Pacific and Rock Island to assure fire and other emergency vehicles will be able to travel through this area without being hindered by cars parked on both sides of the street while the bridge is closed for replacement. Clerk-Administrator Anderson reported an ordinance would need to be adopted to enact these regulations. Meskimen, second by Smith, moved to schedule a public hearing regarding a proposed ordinance to limit parking along Rock Island Drive and Pacific Street and prohibit through truck traffic for 7:00 p.m., May 14, 2007. Motion carried – 4 to 0.

Resolution No. 07-0409-20, Ordering Construction of and Scheduling Public Hearing regarding Plans, Specifications and Form of Contract for the State Street Bridge Project and Meeting to Consider Award of Bid. This resolution would order construction of the State Street Bridge replacement project, and schedule a public hearing regarding plans, specifications and form of contract for 7:00 p.m. April 30, 2007. Meskimen, second by Ballantyne, moved to approve Resolution No. 07-0409-20, Ordering Construction of and Scheduling Public Hearing regarding Plans, Specifications and Form of Contract for the State Street Bridge Project and Meeting to Consider Award of Bid.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Resolution No. 07-0409-21, Approving Contract with Shive-Hattery, Inc., for Construction Observation. This resolution would approve a contract for construction engineering and observation with Shive-Hattery, Inc., at a cost not to exceed \$39,600.00. Banowetz, second by Meskimen, moved to approve Resolution No. 07-0409-21.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Policy re: Minimum Acceptable Water Pressure and Flow for New Subdivisions. The Mayor and City Council reviewed information from engineer Cary Solberg, of MMS Consultants, and Clerk/Administrator Anderson regarding water system adequacy including flow and pressure information for fire flow and domestic use. It was the general consensus of the City Council that water pressure of 580 gpm at 20-psi residual pressure is not adequate for new residential subdivisions. The Council directed Mr. Solberg to begin the process to establish options to improve overall water pressure and flow capacity throughout the City and especially at higher elevations that would be capable of enhancing service at the proposed Edellen Meadows Subdivision.

2007 Wastewater Treatment Plant Improvements Project

Payment Application #2, Miron Construction Inc. – 2007 WWTP Project. Ballantyne, second by Smith, move to approve Payment Application #2 to Miron Construction in the

amount of \$170,895.50 for work completed to date on the 2007 WWTP Project. Motion carried – 4 to 0.

Rogers Creek Trunk Project.

Public Hearing re: Historical and Environmental Review of Proposed Re-Alignment of the Rogers Creek Trunk Project. Meskimen, second by Banowetz, moved to open a public hearing regarding the proposed alignment of the Rogers Creek Trunk Project and the projects potential impact on unique historic and/or archaeological resources at 8:01 p.m.; motion carried – 4 to 0. Mayor Stanek declared the public hearing open at 8:01 p.m. Clerk-Administrator Anderson reported notice had been published in the Cedar Rapids Gazette April 3, 2007 and no comments were received verbally or in writing. Mayor Stanek reported the purpose of this hearing was to solicit public comment regarding the proposed construction of the Rogers Creek Trunk project on the south side of Rogers Creek from Main Street to a connection with the Ely WWTP south of State Street. Mayor Stanek also reported a Supplemental Phase I Archaeological Survey of the proposed alignment had been conducted by the Louis Berger Group, and in a study report dated March 28, 2007 found no artifacts or newly recorded archaeological sites identified in the project area, he reported the study recommends no further archaeological investigations be required. Mayor Stanek asked for comments from the public regarding the public hearing item, none were offered. Mayor Stanek made a final request for comments on the public hearing item, none were received.

Meskimen, second by Ballantyne, moved to close the public hearing; motion carried – 4 to 0. Mayor Stanek declared the public hearing closed and meeting in regular session at 8:03 p.m.

Concurrence with Finding of Supplemental Phase I Archaeological Survey for the Proposed Realignment of the Rogers Creek Trunk Project. Ballantyne, second by Meskimen, moved to state the City Council concurs with the findings of the March 28, 2007 Supplemental Phase I Archaeological report prepared by the Louis Berger Group, Inc., and further concurs that no additional historical or archaeological investigations should be required for this project. Motion carried – 4 to 0.

General Alignment of Rogers Creek Trunk Project. Meskimen, second by Smith, moved to approve general alignment of the Rogers Creek Trunk project on the south side of Rogers Creek. Motion carried – 4 to 0.

Resolution No. 07-0409-22, Fixing Date for a Meeting on the Authorization of a Loan and Disbursement and the Issuance of Not to Exceed \$500,000 Sewer Revenue Capital Loan Notes, and Providing for the Publication of Notice Thereof. Meskimen, second by Smith, moved to approve Resolution No. 07-0409-22, to schedule the public hearing for the purpose and topic referred to above for 7:00 p.m., Monday May 14, 2007.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Dows Street East Subgrade Improvements

Open & Read Quotations. Mayor Stanek opened the following quotations:

- Brown Concrete & Backhoe, Ely Iowa – base project \$47,486.00
- K&G Land Improvements, LLC, Ely Iowa – base project \$30,800.00
- Manatt's Inc., Brooklyn, Iowa – base project \$59,095.00

Rob Brown, of Brown Concrete & Backhoe, stated one option that would make the project less costly and avoid cutting into the street would be to install drainage lines behind the curb. The City Council discussed the quotes, and options presented.

Resolution No. 07-0409-23, Accepting Quotation. Ballantyne, second by Smith, moved to table this matter until the April 30, 2007 special meeting.

Aye: Banowetz, Ballantyne Smith.

Nay: none

Abstain - Meskimen.

Motion carried – 3 to 0.

Proposals for Mowing Services.

Open & Read Proposals. Mayor Stanek opened the following proposals:

<u>Vendor</u>	<u>Fee - 2007</u>	<u>Fee 2008, 2009</u>
Artistic Landscaping & Lawn Care, 542 Jappa Rd, Ely	\$ 240.00	\$ 249.00, 258.00
Berns Brothers Mowing Service, 1475 Curtis Bridge Rd NE, Swisher	\$ 235.00	\$ 235.00, 235.00
Dave's Lawn Service	\$ 480.00	\$ 480.00, 480.00
Green Streak Landscaping, 589 Jappa Rd, Ely	\$ 499.00	\$ 529.00, 529.00

Resolution No. 07-0409-24, Accepting Proposal. Meskimen, second by Ballantyne, moved to approve Resolution No. 07-0409-24, Accepting Proposal from Berns Brothers Mowing Service, 1475 Curtis Bridge Rd NE, Swisher, Iowa, in the amount of \$235.00 per occurrence.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Ordinance No. 193 – Regulating Adult Oriented Establishments.

Second Reading Ordinance No. 193 – Regulating Adult Oriented Establishments.

Meskimen, second by Banowetz, moved to place Ordinance No. 193 - Regulating Adult Oriented Establishments on second reading.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Meskimen, second by Ballantyne, moved to waive third reading of Ordinance No. 193.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Meskimen, second by Banowetz, moved final consideration and approval of Ordinance No. 193 – Regulating Adult Oriented Establishments.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

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

Second Reading Ordinance No. 194 – Amending Fence Requirements for Swimming Pools. Banowetz, second by Smith, moved to place Ordinance No. 194 – Amending Fence Requirements for Swimming Pools on second reading.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Meskimen, second by Ballantyne, moved to waive third reading of Ordinance No. 194.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Meskimen, second by Banowetz, moved final consideration and approval of Ordinance No. 194 – Amending Fence Requirements for Swimming Pools.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

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

Second Reading Ordinance No. 195 – Amending the Duration of Preliminary Plats. Smith, second by Meskimen, moved to place Ordinance No. 195 – Amending the Duration of Preliminary Plats on second reading.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Banowetz, second by Smith, moved to waive third reading of Ordinance No. 195.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Banowetz, second by Smith, moved final consideration and approval of Ordinance No. 195 – Amending the Duration of Preliminary Plats.

Aye: Meskimen, Banowetz, Ballantyne Smith.

Nay: none.

Motion carried – 4 to 0.

Discussion Items. None

Meskimen, second by Banowetz, moved to adjourn. Motion carried – 4 to 0. The meeting adjourned at 8:31 p.m.

Dale Stanek, Mayor

Attest:

Aaron Anderson, Clerk/Administrator