

**ELY CITY COUNCIL
REGULAR MEETING
APRIL 12, 2010
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: Kristin Backert, Adam Vogel, Jennifer Jordebek, Jim Strother, Stefanie Robinson, Eldy Miller, Molly Smith, Kassi Zbanek, James & Millicent Cozzie, Ray Carnaizales, Sarah Netolicky, Vicky Vlastic, Mitch Johnson, Dave Rasmussen, Scott Roettinger, Elizabeth Bauer, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the March 8, 2010 regular meeting
- Minutes of the March 22, 2010 City Council workshop meeting
- Treasurers Report for the period ended March 31, 2010.
- Bills Payable for April 2010 totaling \$73,230.03.
- Renewal of Class C Liquor Permit with Sunday Sales Privilege, St Quentin Post #555 of the American Legion, 1545 Main Street.
- Resolution No. 10-0412-12, Authorizing Delinquent Utility Payments to be Assessed to Property Taxes, 1915 Highland Road.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended March 31, 2010

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 12,621.89	\$ 30,929.52		\$ 455,821.54
Road Use	9,430.34	10,094.86		21,776.22
L O S T	12,476.48			31,776.39
TIF Fund	3,343.36			164,463.42
Debt Service	1,107.10			22,387.40
Other Projects	195.00	1,481.25		-127,136.32
Library Project				2,749.22
North End Infra				-28,219.93
Water Utility	15,488.08	19,394.92		354,941.11
Water/Sewer Reserve				100,000.00
Sewer Utility	22,674.69	9,502.18		106,940.34
Sewer Debt Service				-46,066.92
Sanitary Utility	5,758.59	5,757.55		48,523.21
PR Clearing	7,803.66	11,254.35		-1,669.67
Totals	\$ 90,899.19	\$ 88,414.63		\$1,106,286.01

Communications: Mayor Doyle reported receiving the following communications: minutes of the most recent Plan and Zoning Commission meeting, and monthly activity reports from Public Works Director Ron Stark and Deputy Clerk Teri Billick. A Linn County Deputy presented the Sheriff’s Office Monthly Activity Report.

Citizen Requests. Jim Strother, 1600 Ranmar Drive, reported a bee hive in the upper northeast corner of the building at 1695 Dows Street and asked the City to contact the realtor to have it removed. Mr. Strother reported on a puddle that forms in the alley between Walker and Main Streets just on the north side of Dows, and distributed pictures of the puddle and drainage obstructions. Mr. Strother also asked about a drain line on the west side of the library that is broken. City Council directed City Administrator to follow up on these items and report back.

One Side of Street Parking – Walker Street Between Traer and Fuhrmeister Streets.

Second Reading of Ordinance No. 218, “Establishing One-Side of Street Parking on Walker Street Between Traer and Fuhrmeister Streets”. Hale moved to approve the second reading of Ordinance No. 218, “Establishing One-Side of Street Parking on Walker Street Between Traer and Fuhrmeister Streets”; the motion was not seconded. Mayor Doyle declared the motion dead for lack of a second.

Ely City Park Development

Authorize Construction of One Softball/Baseball Diamond. Jeff Hilleman, Park & Recreation Commission Chair, reported the quote from Pace Supply Turf and Landscape of Fairfax, Iowa, to install a ball diamond and 10 ft wide ag-lime path to the field totaling \$29,450 is still valid, that the Park & Recreation Commission recommends proceeding to install one ball diamond per that request using Fall Fest proceeds to pay a portion of the cost, with the rest to be paid as part of contract after July 1, 2010. Mayor Doyle and City Councilmembers discussed this request, items discussed include, but are not limited to, use of general revenues, use of fund raising proceeds, other contractors capable of performing the work, use of volunteer labor, and other topics.

Mai moved to approve authorizing construction of a single softball/baseball diamond and ag-lime path to the field from parking lot at a maximum cost of \$29,450. City Council discussed the motion, financial arrangements and other matters. Grove seconded the motion. Motion carried – 5 to 0.

Temporary Outdoor Service Area Liquor Permit for May 15-16, 2010, Odie’s Bar n Grill, 1650 Dows Street. Mai moved to approve a temporary Class C Outdoor Service Area permit for Odie’s Bar n Grill, for area in front of 1650 Dows Street, for May 15 – 16, 2010 as part of an outdoor music event subject to the following:

- City will provide barricades and perform actual closing of portion of street,
- Pedestrian traffic along the south side of Dows Street is not to be impeded,
- Odie’s is to clean the street and have portion of street ready to re-open by 7:00 a.m. May 16, 2010

The motion carried – 5 to 0.

Sidewalk Seating along Dows Street for North Dows Pizza at 1655 Dows St., Jim Strother. Jim Strother discussed a request to be allowed to place an outdoor bench along the building and a small table on the sidewalk along Dows Street in front of North Dows Pizza at 1655 Dows Street. Ballantyne, second by Mai, moved to allow the property owner to place a bench and table on sidewalk adjacent to Dows Street subject to the requirement that pedestrian traffic is not to be impeded, second by Mai. Motion carried – 5 to 0.

Request for Re-Zone, Preliminary and Final Plat, Buresh Estate Second Addition to the City of Ely, Linn County, Iowa.

Public Hearing re: Proposed Re-Zoning of Portions of Property to R-1 Residential and P-1 Public Use. At 7:37 p.m. Stanek moved to open a public hearing regarding proposed Ordinance No. 218, "Amending the Ely Zoning Map by Designating Described Parcels as R-1 Single Family and P-1 Public Use Zoning Districts" which would re-zone land owned by the Lenore Buresh Estate on the east side of Jappa Road, second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:37 p.m. Clerk-Administrator Anderson reported notice was published and mailed as required by State and City Code and that no comments had been received verbally or in writing regarding the proposed re-zoning of property and ordinance.

Mayor Doyle asked for comments from the public regarding the public hearing item. Bob Ballantyne asked if the property owner has indicated potential uses for the property overall. Clerk-Administrator Anderson reported Glenn Buresh informally discussed additional residential use on the north lot, but did not mention any specific plans for development or use.

Dale Stanek asked where the nearest water and sanitary sewer connection points are in relation to the overall parcel. Mr. Anderson reported city water service will be available via a main to be installed along Jappa Road for the water tower project and that the nearest sanitary sewer connection point is at the intersection of Jappa and Rogers Creek Roads. Mr. Stanek and others noted the distance to the Rogers Creek Road sanitary sewer connection point and difficulty of installing a main to connect to sanitary sewer at that location.

Mayor Doyle asked for further comments, none were offered. Stanek moved to close the public hearing at 7:39 p.m., second by Mai. Motion carried – 5 to 0.

First Reading Ordinance No. 219, "Amending the Ely Zoning Map by Designating Described Parcels as R-1 Single Family and P-1 Public Use Zoning Districts." Stanek moved to introduce and approve first reading of Ordinance No. 218, "Amending the Ely Zoning Map by Designating Described Parcels as R-1 Single Family and P-1 Public Use Zoning Districts", second by Mai.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Resolution No. 10-0412-13, Approving Preliminary and Final Plats for Buresh Second Addition to the City of Ely, Linn County, Iowa. Mayor Doyle declared this item moot because Ordinance No. 219 was not adopted.

Request for Annexation and Zoning of a 4.64+/- Acre Parcel on East Side of State Street immediately south of City Limits, Brad Mahoney.

Public Hearing re: Request for Annexation and Zoning. At 7:41 p.m. Stanek moved to open a public hearing regarding a request from Brad Mahoney for voluntary annexation of a 4.64+/- acre parcel located adjacent to Ely Road/State Street immediately south of current city limits, second by Hale. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:41 p.m. Clerk-Administrator Anderson reported notice was published and mailed as required by State and City Code and that no comments were received regarding the annexation or zoning designation verbally, and written comments were received from James Michel on behalf of Lumer and Anna Klimes.

Mayor Doyle asked for comments from the public regarding the public hearing item. Dale Stanek asked how far away the nearest water and sanitary sewer connection points were from Mr. Mahoney's property line. Clerk-Administrator Anderson reported they are 208 and 210 feet respectively, which exceeds the requirement that a property must connect if the utility is within 200 feet. Mr. Stanek noted the ordinance requires connection if within 150 feet, not 200 feet. Brad Mahoney noted it would be extremely difficult to extend gravity sewer to serve his property due to inadequate depth and because Banner Valley Creek runs between his property and the sanitary sewer main. Mr. Anderson stated the sanitary sewer line that Mr. Mahoney's property would connect to is an 8" diameter main that serves Southbrook which the City Engineer reports will be at full design capacity when Southbrook is built out., he stated it would be necessary to install a second direct main to the WWTP or upgrade the existing main to serve more property.

Dale Stanek stated that water should be extended to the city's south limits, and Ely should participate in the cost of oversizing water main along Mr. Mahoney's property, and that the property owner should be required to connect both the existing house and any new structures to the City water main. Mr. Stanek stated it is essential to extend water main as development progresses outward, and that Mr. Mahoney should pay the cost of extending service lines to his property with Ely paying the cost of increasing the size of the water main as needed to serve other property to the south. Mr. Stanek, Mayor Doyle, Mr. Mahoney and City Council members discussed this matter.

Mayor Doyle asked for further comments, none were offered. Grove moved to close the public hearing at 7:44 p.m., second by Hale. Motion carried – 5 to 0.

Resolution No.10-0412-14, Approving A Request for Voluntary Annexation of Certain Described Territory and Annexing Said Territory into the City of Ely, Iowa. Ballantyne moved to approve Resolution No. 10-0412-14, Approving A Request for Voluntary Annexation of Certain Described Territory and Annexing Said Territory into the City of Ely, Iowa, second by Mai.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

First Reading Ordinance No. 220 “Amending the Zoning Map by Designating a Specific Parcel as a C-2 Highway Commercial District.” Clerk-Administrator

Anderson reported this ordinance would designate the property owned by Brad Mahoney that was just approved for annexation as a C-2 Highway Commercial Zoning District, per recommendation of the Plan and Zoning Commission. Stanek moved to introduce and approve first reading of Ordinance No. 220 “Amending the Zoning Map by Designating a Specific Parcel as a C-2 Highway Commercial District”, second by Grove.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Hale moved to waive the second and third readings of Ordinance No. 220 pursuant to Code of Iowa Section 380.3, second by Grove.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and the second and third readings of the ordinance duly waived per Code of Iowa Section 380.3 - 5 to 0.

Stanek moved final approval of Ordinance No. 220, “Amending the Zoning Map by Designating a Specific Parcel as a C-2 Highway Commercial District”, second by Hale.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and the ordinance duly approved 5 to 0.

Water Tower and Water System Improvements Project.

Preliminary Plans, Specifications and Contract Items. City Engineer Scott Pottorf the updated the City Council on progress on the Water Tower project, noting that all work will be competitively bid as required by State Code, and that the bids will be broken into the following components for separate contracts to be issued for: tank and related work, water main and grading, electrical/controls and pump upgrades.

2010 Hillcrest Street Resurfacing Project

Resolution No. 10-0412-15, Approving Contract for Engineering Services with MMS Consultants, Inc. Mayor Doyle reported this resolution would approve a contract with MMS Consultants for engineering services needed for the Hillcrest Street project at a total lump sum fee of \$11,300. Mai moved to approve Resolution No. 10-0412-15, Approving Contract for Engineering Services with MMS Consultants, Inc., second by Stanek.

Aye: Stanek, Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Annual Street Repair/Maintenance Program

Review List and Authorize Proceeding with Annual Street Repair/Maintenance Program. Mayor Doyle discussed a prioritized list of street locations for the annual street repair/maintenance program; the list includes locations on Vista Road, Banner Valley Road, and Highland Road. Mayor Doyle reported L.L. Pelling Co., of North Liberty Iowa, provided a written quote to perform the sealcoat maintenance and repair work for \$22,562.50. Hale moved to authorize proceeding with the 2010 Annual Street Repair/Maintenance Program per the list presented and quote from L.L. Pelling Co., second by Stanek. Motion carried – 5 to 0.

Amendment of Current Year FY 2009-10 Budget

Schedule Public Hearing re: Proposed Budget Amendment. Stanek moved to schedule a public hearing regarding amending the current year FY 2009-10 Budget for 7:00 p.m. May 10, 2010, second by Mai. Motion carried – 5 to 0.

Economic Development – Participation/Membership with Institute for Decision Making of the University of Northern Iowa. Bob Ballantyne presented information regarding EDGE's participation in the Ely Farmers Market and local food production, and noted he expects EDGE would support being the umbrella entity for the Farmers Market. Mr. Ballantyne also discussed community economic development services provided by the Institute for Decision Making at the University of Northern Iowa, and benefits of a \$500 annual membership in the Institute.

Stanek moved to approve a participating membership in the Institute for Decision Making at the University of Northern Iowa to enhance Ely's community and economic development capacity at \$500 per year, second by Hale. Motion carried – 5 to 0.

Discussion Items

Consensus of the City Council was to hold regularly scheduled workshop meetings the third Monday of each month at 7:00 p.m. after discussion with City Clerk-Administrator Anderson.

Stanek moved to adjourn, second by Mai. Motion carried – 5 to 0. The meeting adjourned at 8:25 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator