

**ELY CITY COUNCIL
REGULAR MEETING
APRIL 13, 2009
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Tom Winkowski, Bill Grove, Mark Banowetz, Stephanie Mai and Bob Ballantyne. Also present: Laura Platner, Jeff Hilleman, Jim & Millicent Cozzie, Shawn Weber, Jim Miller, Lisa Hinton, Keith Schulte, Dave Rasmussen, Katie Jo Buhn, Tom Tjelmeland, Randy Zbanek, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the March 9, 2009 regular meeting.
- Treasurers Report for the period ended March 31, 2009.
- Bills Payable for April 2009 totaling \$69,313.57
- Renewal of a Class C Liquor License for the St Quentin Post of the American Legion, 1545 Main Street.
- Resolution No. 09-0413-24, Authorizing Delinquent Charges for Service to be Assessed to Property Taxes.

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended March 31, 2009

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 10,255.73	\$ 28,184.81		\$ 403,694.90
Road Use	9,060.08	5,090.65		-355.64
TIF Fund	3,439.01			160,250.35
Debt Service	1,145.31			29,069.29
Other Projects				-85,574.85
Library Project				3,169.70
North End Infra	200.00			79,978.29
Water Utility	14,691.03	8,773.42		300,098.93
Water/Sewer Reserve				100,000.00
Sewer Utility	17,814.14	6,913.33		184,959.97
Sewer Debt Service				-46,066.86
Sanitary Utility	4,805.94	5,397.24		51,235.27
PR Clearing	8,862.24	8,044.05		3,369.06
Totals	\$ 70,330.78	62,409.50		\$1,180,828.41

Communications: Mayor Doyle reported receiving the following communications: minutes of the March 2009 Plan and Zoning Commission meeting, Minutes of the January 29, February 12, March 9 and March 26, 2009 Parks and Recreation Commission meetings, and Public Works Director's Monthly Report. Linn County Deputy presented the Sheriff's Office Monthly Activity Report.

Citizen Requests. Council member Bill Grove suggested forming a committee to come up with a general theme and design standards for community signs in Ely.

Development of Ely City Park

Public Hearing re: Plans, Specifications and Form of Contract for 2009 Ely City Park Grading and Drainage Project – 7:00 p.m. Mayor Doyle reported this is the public hearing required under the Iowa open bidding law to take public comments regarding plans, specifications and form of contract for projects subject to the formal bidding process. Mai moved to open the public hearing at 7:12 p.m., second by Ballantyne; motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:12 p.m.

Mayor Doyle asked for comments regarding the public hearing item. Jim Miller, 1200 Vista Rd, asked what all would be done at the new city park. Mayor Doyle stated this project would get development started, including rough grading for a part or the entire site, constructing storm water retention areas, planting and establishing grass. Jeff Hilleman stated grass for outfields will be better quality as a result of this project.

Bill Grove asked if people would be able to play ball on the fields this summer. Jeff Hilleman stated grass will be planted and the areas open for use for Fall Fest to allow the turf to be well established before use.

Jim Miller asked if there are plans to divert the runoff water. Lisa Hinton stated Alternate #2 includes diverting runoff from North Drive more effectively, Jim Doyle stated the proposed plans include two detention areas to improve storm water control.

Keith Schulte stated once this project is started there might be more opportunities and willingness by people to donate facilities or money to the park if something is already in place. Mr. Schulte reported his company has \$5,300 collected from a group of homeowners in Southbrook left over from a flood control study conducted on their behalf and that it was the stated intent that any money left over after engineering fees would be donated for developing the Ely City Park. Mr. Schulte then presented a check for \$5,300.00 to Mayor Doyle, and a list of residents from whom the money was donated. Mayor Doyle asked for further comments regarding the public hearing item, none were offered or received.

Winkowski moved to close the public hearing at 7:15 p.m., second by Grove. Motion carried – 5 to 0.

Resolution No. 09-0413-11, Approving Plans, Specifications and Form of Contract for the 2009 Ely City Park Grading and Drainage Project. Ballantyne moved to approve Resolution No. 09-0413-11, second by Mai.

Aye: Ballantyne, Mai, Grove, Winkowski

Nay: Banowetz

Absent: None

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

Review Bids Received. City Engineer Scott Pottorf reported receiving the following bids for the 2009 Ely City Park Grading and Drainage Project:

Bidder	Base Bid	Alt 1	Alt 2	Alt. 4	Total Bid
Ricklefs Exc., Anamosa,	\$73,559.50	\$84,925.00	\$8,438.00	\$6,615.00	\$173,537.50
Connolly Const., Peosta,	80,886.95	90,831.70	9,092.00	6,982.50	187,793.15
Gee Grading, Cedar Rapids	82,348.60	84,104.50	9,420.00	8,137.50	184,010.60
Rathje Const., Marion	83,975.00	89,699.00	10,890.00	6,300.00	190,864.00
Borst Bros Const., Marion	85,310.30	93,727.15	10,393.00	7,087.50	196,517.95
Delong Const., Washington	86,921.76	88,465.00	10,420.00	6,825.00	192,631.76
Dolan Exc., Manchester	95,790.50	112,745.50	10,220.00	6,903.75	225,659.75
Dave Schmitt Construction	99,046.10	112,162.40	12,480.00	no bid	223,688.50
Peterson Cntrct., Reinbeck	110,622.00	124,172.00	10,120.00	7,612.50	252,526.50
Vieth Const., Cedar Falls	115,356.00	152,121.00	12,000.00	11,550.00	291,027.00
Tchiggfrei Exc., Dubuque	124,325.00	145,803.50	12,560.00	8,925.00	291,613.50
BWC Excavating, Solon	130,463.64	180,352.75	12,679.70	6,625.50	330,121.59
<i>Engineers Estimate</i>	<i>102,995.00</i>	<i>114,445.00</i>	<i>9,600.00</i>	<i>7,875.00</i>	<i>234,915.00</i>

Resolution No. 09-0413-12, Fixing Date for a Meeting on the Proposition of the Issuance of \$82,418 Sales Tax Revenue Bonds, Series of Ely, Iowa, and Providing for Publication of Notice Thereof. This resolution would schedule a public hearing for 7:00 p.m. May 11, 2009 regarding issuing up to \$82,418.00 sales tax revenue bonds at zero-percent (0%) annual interest for improvements to the Ely City Park. The sales tax revenue bonds would be issued to Keith and Justine Schulte, to accept their offer to advance Ely up to that amount for construction of the first phase (or "Alt. 1) for the Ely Park Improvements Project. There was considerable discussion among the Mayor and City Council members regarding this matter. Council Member Banowetz stated he does not believe this is the right time to incur debt against all of Ely's taxpayers, and that he does not believe it is wise to borrow money for a park. Ballantyne moved to approve Resolution No. 09-0413-12, second by Mai.

Aye: Ballantyne, Mai, Grove, Winkowski

Nay: Banowetz

Absent: None

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

Resolution No. 09-0413-13, Making Award of Bid and Approving Contract and Bond. City Engineer Scott Pottorf reported Ricklefs Excavating, Ltd., of Anamosa, Iowa submitted the low bid for work included in the Base Bid, and that Ricklefs was the low bidder for Base Bid, and the low bidder for all work including Base Bid, Alternates #1, #2 and #4. Mr. Pottorf recommends award of contract to Ricklefs Excavating, Ltd., for the amount of work the City Council determines acceptable. Ballantyne moved to approve Resolution No. 09-0413-13, and award contract to Ricklefs Excavating, Ltd., for all work for the Base Bid, and Alternates #1, #2 and #4 for the 2009 Park Grading and Drainage Project, second by Mai.

Aye: Ballantyne, Mai, Grove, Winkowski

Nay: Banowetz

Absent: None

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

Resolution No. 09-0413-14, Professional Services Agreement, MMS Consultants.

This resolution would approve an agreement for MMS Consultants to provide construction engineering services for the 2009 Park Grading and Drainage Project at a cost not to exceed \$6,100.00. Grove moved to approve Resolution No. 09-0413-14, second by Mai.

Aye: Ballantyne, Mai, Grove, Winkowski

Nay: Banowetz

Absent: None

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

Approval of Plans and Specifications for Construction of Municipal Improvements – Splendid Villa Phase I. City Engineer Scott Pottorf, of MMS Consultants, reported reviewing multiple iterations of the plans for municipal improvements for Splendid Villa Phase I, and that the April 7, 2009 version is consistent with Ely Subdivision Standards and the Iowa Statewide Urban Design and Specifications (SUDAS). Mr. Pottorf reported that he recommends approval contingent on approval by Iowa DNR of a dam reconstruction plan for the dam across Rogers Creek that accommodates the sanitary sewer crossing. Mai moved to approve the plan and specifications for the construction of municipal improvements for Splendid Villa Phase I, contingent upon approval by the Iowa Department of Natural Resources of a dam reconstruction plan that accommodates the sanitary sewer crossing, second by Grove. Motion carried – 5 to 0.

Authorize Temporary Parking Restrictions – One Side of Street Only on May 2, 2009.

Mayor Doyle reported the Library Board requests parking be restricted to one-side of the street in the Southbrook area on May 2nd for City-Wide Garage Sale day. Ballantyne moved to authorize the following temporary parking restrictions for May 2nd, 2009:

- Southbrook Drive – Parking allowed on south side of street
- East Pacific St. – Parking allowed on north side of street
- Rock Island Drive – Parking allowed on west side of street
- Glendale Lane – Parking allowed on west side of street
- Parkland Drive – Parking allowed on south side of street
- Parkview Lane – Parking allowed on west side of street
- Pacific Street – Parking allowed on west side of street.

Grove seconded the motion. Motion carried – 5 to 0.

Request for Temporary Class B Beer Permit & Outdoor Service, Ely Fire Department.

Ballantyne moved to approve a temporary Class B Beer & Outdoor Service Permit for the Ely Fire Department to be effective July 31, 2009; second by Mai. Motion carried – 5 to 0.

Dows Street Repair/Renovation

Resolution No. 09-0413-15, Approving Professional Services Agreement with MMS Consultants for Engineering Services. This resolution would approve an agreement for MMS Consultants to provide engineering services through award of bid to mill off the top four-inches of surface and replace with hot mix asphalt on a segment of Dows Street from roughly 150 feet at professional services fees at a lump sum fee of \$15,900.00. Winkowski moved to approve Resolution No. 09-0413-15, second by Ballantyne.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski
 Nay: None
 Absent: None

Mayor Doyle declared the motion passed and resolution approved.

“Green Infrastructure” – ARRA Federal Stimulus Projects. Clerk-Administrator Anderson reported Ely submitted applications for financial assistance under the Green Infrastructure program of the Federal Stimulus Act. Mr. Anderson reported the following projects are included in the “Intended Use Plan” for funding:

- Hillcrest-Highland “Green Streets”/Storm Water Improvement” Project – total estimated cost \$352,966, grant amount \$70,033, balance of \$282,933 funded by a 3.25% APR loan through Iowa Finance Authority.
- Fuhrmeister Street Drainage Improvements – total estimated cost \$106,344; eligible grant amount \$21,100, balance of \$85,244 funded by a 3.25% APR loan through Iowa Finance Authority.

Prepayment & Re-Financing of 2000 General Obligation Bonds

Review and Consideration of Bids for \$255,000 General Obligation Loan Notes. Clerk-Administrator Anderson reported requests for bids to issue \$255,000 in general obligation loan notes to prepay the 2000 General Obligation Bonds were sent to several area banks and notice published. Mr. Anderson reported Ely received the following bid:

Bidder	Solon State Bank, Solon Iowa,		
	Interest Rate	Principal Due	June 1
	3.2%	\$40,000	2010
	3.5%	\$45,000	2011
	3.6%	\$40,000	2012
	3.8%	\$40,000	2013
	4.0%	\$45,000	2014
	4.5%	\$45,000	2015

Mr. Anderson reported financial advisor Rex Ramsay of Piper Jaffray, reviewed the bid, and recommends the cost savings are insufficient and that prepayment of the 2000 general obligation bonds at these interest rates would not be in Ely’s best interest.

Resolution No. 09-0413-16, Authorizing Redemption of Outstanding General Obligation Bonds of the City of Ely, Iowa, Dated August 1, 2000, and Directing Notice of Redemption to be Given. This resolution would authorize prepayment of the unpaid 2000 General Obligation notes. No motion was made to approve the resolution. Mayor Doyle declared further items on the agenda related to this matter to be moot.

Public Works Projects

Resolution No. 09-0413-21, Accepting Quote for Fencing at WWTP. This resolution would approve a proposal from Trails End Fence Co, of Riverside Iowa to install 2,866 of woven wire fence at the WWTP at a cost of \$4.10/foot, total proposed cost of \$11,660.40. Grove moved to approve Resolution No. 09-0413-21 second by Ballantyne:

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution approved.

Resolution No. 09-0413-22, Accepting Quote to Repair Alley between Main & Walker Streets. Resolution No. 09-0413-22 would accept a quote from L.L. Pelling Co. to repair one block of the alley between Main and Walker Streets that runs north from Dows Street for \$1,940.00. Winkowski moved to approve Resolution No. 09-0413-22, second by Mai.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution approved.

Resolution No. 09-0413-23, Adopting Utility Billing Identity Theft Prevention Program. This resolution would adopt the City of Ely Utility Billing Identity Theft Prevention Program to provide measures to prevent improper use of utility customer information, pursuant to federal requirements. Grove moved to approve Resolution No. 09-0413-23, second by Winkowski.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution approved.

Rogers Creek Trunk Project.

Release of Retainage and Final Payment, Maxwell Construction. Banowetz moved to authorize release of retainage and final payment to Maxwell Construction in the amount of \$19,199.00 per Resolution No. 08-1208-52, second by Winkowski. Motion carried – 5 to 0.

Water System Improvements Project.

Motion to Begin Closed Session to Discuss the Purchase of Real Estate, per §21.5(j) Code of Iowa. Banowetz moved to conduct a closed session to discuss purchase of real estate as site for a new water tower due to reasonable expectation premature disclosure of details would increase the price the City pays, per §21.5,j Code of Iowa, 2007, as amended, at 8:24 p.m., second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the meeting in closed session at 8:24 p.m.

Ballantyne moved to end the closed session at 8:40 p.m., second by Grove; motion carried – 5 to 0. Mayor Doyle declared the closed session ended and meeting in regular open session at 8:40 p.m.

Ballantyne moved to approve Resolution No. 09-0413-25, Authorizing Forwarding A Formal Offer to Purchase a 27.96+/- Acre Parcel as a Site for a New Water Tower, second by Winkowski.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution approved.

Grove moved to adjourn, second by Mai. Motion carried – 5 to 0. The meeting adjourned at 8:45 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator