

**ELY CITY COUNCIL
REGULAR MEETING
APRIL 14, 2008
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. Guests included: Marie Miller, Jim Miller, Chris Blood, Lori Wilcoxson, Terry Smith, Keith Schulte, Doug Lindner, Jeff Johnson, Jim & Millicent Cozzie, Jack Stewart, Fred Showalter, Cary Solberg and Randy Zbanek. Also present: Public Works Director Ron Stark, Gary Whittom and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the March 10, 2008 regular meeting.
- Treasurers Report for the period ended March 31, 2008
- Bills Payable for April 2008 totaling \$64,104.34.
- Renewal of the Class C Liquor with Sunday Sales Privileges permit for American Legion Post 555, 1545 Main Street.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended March 31, 2008

	Receipts	Disbursements	Ending Balance
General	11,934.52	17,858.54	324,693.73
Road Use	9,789.93	9,213.55	20,104.91
TIF Fund	3,996.41		347,705.83
Debt Service	1,933.24		23,002.78
Other Projects			-74,741.96
Library Project			3,169.70
Water Utility	14,601.73	6,240.80	215,796.29
Water/Sewer Reserve			100,000.00
Sewer Utility	19,936.26	50,558.99	241,974.47
Sewer Sinking			-21,271.54
Sanitary Utility	4,480.08	886.36	61,794.68
PR Clearing	7,363.07	9,057.31	-308.72
Totals	74,035.24	93,795.55	1,241,920.17

Communications: Mayor Doyle reported receiving the following communications: minutes of the March 2008 Plan and Zoning Commission meeting; Public Works Director’s Monthly Report, including the suggestion that Ely consider revising ordinance to not allow trees in street right-of-ways and “parking”; and correspondence from the City Attorney regarding horses on property inside city limits. Deputy Tim Payne presented the Sheriff’s Office’s Monthly Report

Citizen Requests. Keith Schulte stated that many other jurisdictions require trees to be planted in the parking, and that this provision was copied from those requirements into the restrictive covenants for Southbrook. He stated he thinks the trees make a nice appearance for the neighborhood and Ely as a whole.

Ordinance No. 204, ATV's & Golf Carts. Mayor Doyle summarized proposed Ordinance No. 204 which would allow golf carts to travel on Ely streets, not including State Street, if the operator has a city permit, is at least eighteen years old and complies with other requirements set out in the draft ordinance.

Public Hearing re: Ordinance No. 204, "An Ordinance to Permit Golf Carts and All-Terrain Vehicles to Travel on City Streets Under Certain Conditions and With a City Permit". Winkowski, second by Ballantyne, moved to open a public hearing regarding proposed Ordinance No. 204 at 7:22 p.m. Motion carried - 5 to 0. Mayor Doyle declared the public hearing open at 7:22 p.m. Clerk-Administrator Anderson reported notice of public hearing was published as required by City and State Code; and presented comments received via email prior to the hearing.

Mayor Doyle asked for comments from the public regarding the public hearing item. Keith Schulte, 1100 Glendale Lane, asked if it is acceptable to use a skid loader for various construction related activities, including cleaning mud etc. from the street. Clerk-Administrator Anderson stated the proposed ordinance does not address the issue, he expects there would not be any problems related to that type of activity. Mr. Anderson noted Ely has contracted for a skid loader equipped with street cleaning material to clean sand from city streets.

Randy Zbanek, 1785 State St., asked if State Code requires headlights and taillights on golf carts, and if not if they are necessary since the ordinance would only allow golf carts between sunset and sunrise. Clerk-Administrator Anderson stated Iowa Code does not require golf carts to be equipped with headlights and taillights.

Terry Smith, 1190 State St., stated he would use a lawn tractor mounted snow blower to clear various neighbor's sidewalks and driveways in his hometown, and he needed to drive on city streets do to this. Tom Winkowski stated that would be considered an emergency related activity.

Chris Blood, 1895 Southbrook Drive, stated it would be difficult for people driving golf carts to know if they are going faster than 10 mph, because golf carts do not have speedometers. Stephanie Mai noted some golf carts can go fairly fast, and suggested the speed limit for golf carts be 25 mph. There was general discussion among the City Council members regarding this topic; with consensus that the maximum allowed speed for golf carts should be 25 mph.

Bob Ballantyne asked if the City Council needs to consider the comments received from Tom Tjelmeland regarding snowmobiles. Terry Smith stated he lives on State Street and this had not been a bad year for snowmobiles. There was general discussion regarding the difficulty of enforcing snowmobile regulations. Jim Doyle suggested the provision for revoking a city ATV permit should be changed from happening after three violations to after two.

Mayor Doyle asked for additional comments, none were offered or received. Winkowski, second by Ballantyne, moved to close the public hearing at 7:34 p.m., motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and the meeting returned to regular session at 7:34 p.m.

First Reading of Ordinance No. 204, “An Ordinance to Permit Golf Carts and All-Terrain Vehicles to Travel on City Streets Under Certain Conditions and With a City Permit”. Mai, second by Ballantyne, moved to introduce and approve first reading of Ordinance No. 204 revised as follows: delete “headlights and taillights” from required equipment as shown in §3-3-80, revise §3-3-82 to “speed in excess of 25 miles per hour”, and revise §3-3-93.2 to read “Violation of this ordinance two times in a twelve (12) month period....”.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None. Mayor Doyle declared the motion carried – 5 to 0.

Revision of Sanitation/Garbage Collection Fee to Create Voluntary Annual Refuse Collection Tag. Mayor Doyle reported Clerk/Administrator Anderson had drafted a preliminary version of an ordinance that would create a voluntary annual refuse collection tag a resident could purchase from City Hall for \$52/year. Mayor and City Council discussed the matter, including the option for automatic renewal, what would happen if the container the tag is attached to is lost and other topics.

Schedule Public Hearing re: Ordinance No. 203 (revised), Creating a Voluntary Annual Refuse Collection Tag. Mai, second by Grove, moved to schedule a public hearing regarding a revised version of proposed Ordinance No. 203 for 7:00 p.m. May 12, 2008. Motion carried – 5 to 0.

Amend Current Year (FY 2007-08) Budget. Clerk/Administrator Anderson reported the proposed amendment to the current year budget would reflect additional revenues from FEMA related to ice storm clean up, and direct additional funding to street repairs. Specifically the amendment would:

- Increase revenues by \$7,000 from FEMA for ice storm related reimbursement
- Increase snow removal budget by \$6,000.
- Decrease budget for attorney fees by \$10,000
- Increase streets repair budget \$16,000
- Decrease fund balance in the Road Use fund by \$5,000

Public Hearing re: Proposed Amendment of FY 2007-08 Budget. Ballantyne, second by Banowetz, moved to open a public hearing regarding amending the current year budget at 7:40 p.m. Motion carried – 5 to 0. Mayor Doyle declared the hearing open at 7:40 p.m. Clerk/Administrator Anderson reported the notice of public hearing was published as required by State Law, and that no comments had been received verbally or in writing regarding the public hearing items. Mayor Doyle asked for comments from the public regarding the public hearing item, none were offered or received. Mai, second by Winkowski, moved to close the public hearing at 8:42 p.m.; motion carried – 5 to 0. Mayor Doyle declared the meeting to be in regular session at 8:42 p.m.

Resolution No. 08-0414-13, Amending the Current Budget for the Fiscal Year Ending June 30, 2008. Ballantyne, second by Grove, moved to approve Resolution No. 08-0414-13, Amending the Current Budget for the Fiscal Year Ending June 30, 2008.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None. Mayor Doyle declared the motion carried – 5 to 0.

Participation in Monthly Ely Newsletter Publication – Solon Economist. Doug Lindner, of Hybrid Publications, Inc., publisher of the Solon Economist and North Liberty Leader, presented a proposal for Ely to participate in a monthly publication including City newsletter information that would be mailed to all addresses in Ely, and other participating communities, at a cost of no more than \$140 per month. Ballantyne, second by Grove, moved to approve participation in the monthly newsletter publication through Hybrid Publications, Inc. Motion carried – 5 to 0.

Edellen Meadows – Request for TIF Rebate to Extend Northgate Drive. The City Council discussed a request from the Developer of Edellen Meadows for the city to rebate one-half of the cost of extending Northgate Drive via TIF proceeds. Items discussed include: cost of work, financial impact on Ely, benefit to the city and residents compared to cost, and other topics. Ballantyne, second by Winkowski, moved to table this matter until the May, 2008 City Council meeting. Motion carried – 5 to 0.

Street Repairs. The Mayor and City Council discussed the condition of city streets, especially after the winter and prolonged freeze thaw cycle. Clerk-Administrator Anderson suggested the following street repairs:

- Jappa Road. Pulverize existing pavement, grade and compact pulverized material over full width of street, add fly ash to stabilize base and apply 4” HMA surface in two 2” lifts.
- Banner Valley Road. Saw street where needed for transitions, core out and install new base material where needed, install 3” HMA surface in two lifts.
- Rowley Street. Core out to depth of 10”, reshape and compact, add additional base material as needed, apply 3” HMA surface in two lifts.
- Worley Lane: Reshape base and apply single course of chip-seal.
- Lane to WWTP from Vista Rd to curve toward WWTP, including J. Miller driveway areas. Compact and re-grade existing base, install 4” HMA surface in two 2” lifts.
- State Street at Fuhrmeister. Saw street, shape and re-compact existing base, add additional road stone base as needed for smooth transition, apply 4” HMA surface in two 2” lifts.
- Vista Road. City staff patch over frost boil with cold patch.

Council discussed, Winkowski noted Jappa Road should include a 12” rock repair, and not include fly ash, City Council agreed by general consensus. Anderson reported the City would need to request “competitive quotations” for the WWTP lane and the other street repairs.

Authorize Request for Competitive Quotations for WWTP Lane Repair and 2008 Street Repair Projects. Banowetz, second by Winkowski, moved to authorize the Clerk/Administrator to distribute Requests for Competitive Quotations for the street repair work listed above. Motion carried – 5 to 0.

Dows Street Reconstruction Project. Clerk/Administrator Anderson reported various street/road contractors had reviewed the general condition of Dows Street from Main St. to Jappa Rd, and offered general budget estimates ranging from \$89,400 to \$289,000 for repairs ranging from cutting and replacing only currently damaged locations to reconstructing the entire stretch. Mr.

Anderson noted State law requires formal bids for work expected to exceed \$100,000. The Mayor and City Council discussed the matter, including the need to identify the underlying cause of problems with the streets' structure, and need for engineering services.

Resolution No. 08-0414-14, Approving Contract for Preliminary Engineering Services, MMS Consultants. This resolution would accept a contract with MMS Consultants and Terracon under which MMS would perform preliminary engineering to study sub-base conditions for Dows Street at a lump sum fee of \$5,900.00. Terracon would provide soil borings and other sub-surface samples and analysis at a cost not to exceed \$3,500.00. Banowetz, second by Winkowski, moved to approve Resolution No. 08-0414-14.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None. Mayor Doyle declared the motion carried – 5 to 0.

Water System Upgrades. Cary Solberg presented a written report with updated cost estimates related to the water system upgrade options of building a new water tower, treatment facility and third well; and purchasing from the City of Cedar Rapids. Terry Smith presented a list of questions and concerns he believes should be addressed prior to City Council's decision of which option to pursue. Clerk-Administrator Anderson reported Ely has not received a response from Cedar Rapids regarding our inquiry of whether Cedar Rapids would consider allowing Ely to connect to their water system.

Authorize Request for Proposals for Appraisal Services for Water Tower site and NW Sewer Alignment. Mr. Anderson reported he had contacted the owner of the preferred site for a new Ely water tower, and that the responsible party indicated willingness to sell all or a portion of the parcel. Mr. Anderson also discussed acquiring land or easements for the NW Sewer project and Hoover Trail extension. Ballantyne, second by Banowetz, moved to authorize the City Administrator to distribute requests for proposals for appraisal services the preferred water tower site and the parcel north of Dows Street for the NW Sewer project and trail extension. Motion carried – 5 to 0.

Service & Maintenance Agreements.

Resolution No. 08-0414-15, Approving Sewer Maintenance Agreement. Public Works Director Ron Stark reported receiving quotes to perform the annual sewer maintenance program from Brown Concrete and Municipal Pipe Tool Co., LLC. The quoted price from Brown Concrete was \$.97/foot for all sewer maintenance work, and \$.49/foot for routine maintenance work from Municipal Pipe Tool. The City Council discussed the matter and directed staff to discuss with the vendors further: if a lower price is possible through Brown Concrete, and if Municipal Pipe Tool will accept a one-year contract.

Resolution No. 08-0414-16, Copier/Document Management Contract. Tabled.

2007 Wastewater Treatment Plant Improvements Project.

Project Update. City Engineer Cary Solberg, of MMS Consultants, updated on the status of this project and reported Miron Construction hopes to have all work completed in time for the City to formally accept the completed project at the June City Council meeting.

Rogers Creek Trunk Project

Project Update. City Engineer Cary Solberg, of MMS Consultants, updated on the status of this project and reported Maxwell Construction hopes to have all project work completed in time for the City to formally accept project completion at the June City Council meeting.

Payment Request #5, Maxwell Construction, Inc. – Rogers Creek Trunk Project. Banowetz, second by Grove, moved to approve Payment Request #5 in the amount of \$45,475.03, to Maxwell Construction for the Rogers Creek Trunk Project. Motion carried – 5 to 0.

Discussion Items. Mayor Doyle and the City Council discussed parking in the Southbrook subdivision, noting that the drive-able width can be very narrow when vehicles are parked on both sides. Tom Winkowski re-stated the importance of clearing snow to the curb so that the drive-able area is as wide as possible.

Banowetz, second by Mai, moved to adjourn. Motion carried – 5 to 0. The meeting adjourned at 9:30 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator