

**ELY CITY COUNCIL  
REGULAR MEETING  
MAY 9, 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: Todd Happel, Keith Schulte, Cindy Bohlken, Jim Miller, Jan Furler, 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 Hale, moved to approve the Consent Agenda consisting of:

- Agenda.
- Minutes of the April 11, 2011 regular City Council meeting.
- Minutes of the April 25, 2011 City Council workshop meeting
- Treasurers Report for the period ended April 30, 2011.
- Bills Payable for May, 2011 totaling \$75,964.12
- Renewal of Class C Beer Permit w/Living Quarters and Sunday Sales, Cleppe's 66 Service, 1555 State Street

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended April 30, 2011

|                     | Receipts       | Disbursements | Transfers | Ending Balance  |
|---------------------|----------------|---------------|-----------|-----------------|
| General             | \$ 183,705.69  | \$ 43,667.59  |           | \$ 702,249.21   |
| Road Use            | 11,542.63      | 13,209.51     |           | 28,185.60       |
| L O S T             | 12,969.67      |               |           | 129,082.43      |
| TIF Fund            | 72,218.41      |               |           | 156,732.21      |
| Debt Service        | 22,002.59      |               |           | 44,607.70       |
| Other Projects      | 833,415.99     | 12,345.00     |           | 670,389.88      |
| Library Project     |                |               |           | 60,608.32       |
| Way Point Sign      | 500.00         |               |           | 12,541.65       |
| North End Infra     |                |               |           | -28,193.93      |
| Water Utility       | 121,668.32     | 110,610.23    |           | 227,186.96      |
| Water/Sewer Reserve |                |               |           | 100,000.00      |
| Sewer Utility       | 23,085.31      | 8,451.00      |           | 177,335.99      |
| Sewer Debt Service  |                |               |           | -83,925.01      |
| Sanitary Utility    | 5,614.86       | 7,081.27      |           | 44,391.36       |
| Farmers Market      | 90.00          |               |           | 532.00          |
| PR Clearing         | 8,633.29       | 12,495.15     |           | -1,450.51       |
| Totals              | \$1,295,492.19 | \$ 212,859.75 |           | \$ 2,240,274.00 |

**Communications:** Deputy Johnson of the Linn County Sheriff's Office presented the Monthly Activity Report. Mayor Doyle summarized other correspondence received. Dale Stanek noted that Planning and Zoning Commission should send the City Council an annual report and elect officers each year, as called for by the City Code.

**Citizen Requests.** None

**Hoover Trail – Wright Bros. Blvd to Ely City Park Segment, Todd Happel, Anderson Bogert Engineers.** Todd Happel, project engineer for the Hoover Trail including the segment from Wright Bros. Blvd to Ely City Park, updated the Mayor and City Council on this project, noting that the project is substantially complete, with some punch list items to finish. City Council asked if mile markers will be set on this segment, Mr. Happel was unsure. Mr. Happel summarized Ely's cost for the segment of the trail through Ely City Park at roughly \$14,600, per the agreement with Linn County. Mr. Happel reported field fence is installed along the east side of the trail and that rail fences will be installed on curves and the area over the railroad culvert.

**Request for Annexation and Zoning of Parcels A&B of Plat of Survey No. 1643; Totaling Roughly 1.06+/- Acres North of Vista Road.**

**Public Hearing re: Request for Voluntary Annexation & R-1 Single Family Zoning Designation of Parcels A&B of Plat of Survey No. 1643.** City Administrator Anderson reported notice was published and mailed to utility companies and neighboring property owners as required, and no comments received. Stanek moved to open a public hearing regarding request for voluntary annexation and R-1 Zoning designation from Jan Furler, Joe Vavra and Russel Lehman for a roughly 50' x 923' parcel of land approximately 310 feet north of Vista Road at 7:15 p.m.; second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:15 p.m.

Mayor Doyle asked for comments regarding the public hearing item. Mayor Doyle stated the annexation and zoning designation are requested to finalize a property line "adjustment" related to a very old fence line that was used as a de facto property line, and was recently found to be off by 50-feet. He reported the application does not include any further subdivision of land, nor will it result in the city constructing additional infrastructure as a direct result of the request. Aaron Anderson noted the Planning and Zoning reviewed the request and recommended approval. Mayor Doyle asked for any other comments regarding the public hearing item; none were offered.

Stanek moved to close the public hearing at 7:20 p.m., second by Hale; motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:20 p.m.

**Resolution No. 11-0509-28, Approving Request for Annexation.** Stanek moved to approve Resolution No. 11-0509-28, Approving Request for Annexation; second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

**Ordinance No. 226, Designating Parcels A&B of Plat of Survey No. 1643 as R-1 Single Family Residential.** Mayor Doyle noted the Plan and Zoning Commission reviewed this request, reported adjacent property is also designated as R-1 Single Family and that the P&Z recommended approval. Mai moved to introduce and approve the first reading of Ordinance No. 226, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Stanek moved to waive the second and third readings of Ordinance No. 226, per Section 380.3 Code of Iowa; second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried - 5 to 0.

Mai moved final approval and enactment of Ordinance No. 226, 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.

**2011 Hillcrest Street Improvements Project.** City Engineer Scott Pottorf updated on the status of the Hillcrest Street project; noting he is negotiating a price for additional water work at Well #2 and along Dows Street. Mr. Pottorf also reported on Schmitt Construction's interest in compensation for additional granular backfill for sanitary sewer and storm sewer trenches. Mr. Pottorf stated he agreed with roughly 20% of the amount of additional granular backfill, but believes the rest is not warranted per the project specifications and contract.

Mr. Pottorf estimated the cost to pave the full parking lot at Ely City Park at \$60,000, and \$35,000 for half of the parking lot from the entrance east; or alternately \$27,500 by paving on top of the existing rock. City Council discussed, topics include: a paved way from the existing trail to Hillcrest Street will facilitate bicycle users, sidewalk or trail sections through or around the parking area, cost and available space. It was the consensus for the City Engineer to prepare plans to install a 6-foot wide sidewalk along the west and south circumference of the Ely City Park parking area and report back to the City Council.

**Installation of New Sidewalks Along Highland Road.** City Engineer Scott Pottorf reported he estimates a cost of roughly \$20,000 to install new 4-foot wide sidewalks on both sides of Highland Road from Hillcrest Street to the nearest existing sidewalks. Stanek moved to authorize preparations to install sidewalks along Highland Road from Hillcrest Street, second by Mai. Motion carried – 5 to 0.

**Resolution No. 11-0509-29, Change Order No. 1- Repair Storm Sewer Intakes.** Mayor Doyle reported Resolution No. 11-0509-29 would accept Change Order No. 1 to the contract with Schmitt Construction to repair two storm sewer intakes on Dows Street for a total cost of \$3,100. Stanek moved to approve Resolution No. 11-0509-29, second by Ballantyne.

Aye: Stanek Grove, Hale, Mai, Ballantyne  
Nay:  
Absent:

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

**Request for Payment No. 1, Dave Schmitt Construction.** Stanek moved to approve Payment Request No. 1 in the amount of \$126,394.83 to Dave Schmitt Construction for work on the 2001 Hillcrest Street Improvements project; second by Mai. Motion carried – 5 to 0.

### **Downtown Dows Street Streetscape Project**

**Resolution No. 11-0411-25, Approving Contract, Performance Bond and Insurance for 2011 Dows Street Streetscape Improvements Project.** Mayor Doyle reported Rathje Construction provided signed contract, performance/payment bond and certificate of insurance as required by the project specifications. Stanek moved to approve Resolution No. 11-0411-25, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne  
Nay:  
Absent:

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

**Resolution No. 11-0411-26, Approving Contract, Performance Bond and Insurance for Decorative Street Lights.** Mayor Doyle reported Van Meter Industrial provided signed contract, performance/payment bond and certificate of insurance as required by project specifications. Stanek moved to approve Resolution No. 11-0411-26, 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. 11-0411-27, Authorizing Alliant Energy to Remove Certain Listed Street Lights from the City of Ely Street Light System.** Stanek moved to approve Resolution No. 11-0411-27, second by Grove.

Aye: Stanek Grove, Hale, Mai, Ballantyne  
Nay:  
Absent:

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

### **Amendment of FY 2010-11 Budget**

**Public Hearing re: Proposed Amendment of Current Year Budget.** Stanek moved to open a public hearing regarding the proposed amendment of the FY 2010-11 budget at 7:55 p.m., second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:55 p.m.

Mayor Doyle asked for comments regarding the public hearing item. City Administrator Anderson reported notice of the public hearing and proposed budget amendment was

published and posted as required, and no comments received. Mr. Anderson reported if approved the budget would be amended as follows:

**Capital Projects Fund - Revenues**

| Item                       | Approved Budget | Amendment | Amended Budget |
|----------------------------|-----------------|-----------|----------------|
| Proceeds of Debt           | \$120,000       |           | \$774,384      |
| Transfer from General Fund | \$0             | \$10,000  | \$10,000       |

**Capital Projects Fund - Expenditures**

| Item                          | Approved Budget | Amendment | Amended Budget |
|-------------------------------|-----------------|-----------|----------------|
| Dows Streetscape              | \$25,000        | \$25,000  | \$50,000       |
| Hillcrest Street Improvements | \$200,000       | \$180,000 | \$380,000      |
| Trails                        | \$0             | \$83,265  | \$83,265       |
| Totals                        | \$225,000       | \$288,265 | \$513,265      |

**North Waypoint/Sign Project Fund Revenues**

| Item                         | Approved Budget | Amendment | Amended Budget |
|------------------------------|-----------------|-----------|----------------|
| Private Donations            | \$0             | \$4,420   | \$4,420        |
| Corporate Donations - Grants | \$0             | \$8,550   | \$8,550        |
| Intergovernmental - Grants   | \$0             | \$16,804  | \$16,804       |
| Transfer from General Fund   | \$0             | \$16,661  | \$16,661       |
| Total                        |                 | \$46,435  | \$46,435       |

**North Waypoint/Sign Project Fund Expenditures**

| Item                         | Approved Budget | Amendment | Amended Budget |
|------------------------------|-----------------|-----------|----------------|
| Entrance Sign                | \$0             | \$25,092  | \$25,092       |
| Site Preparation & Plantings | \$0             | \$21,343  | \$21,343       |
| Total                        | \$0             | \$43,435  | \$43,435       |

**Farmers Market "Enterprise" Fund Revenues**

| Item                       | Approved Budget | Amendment | Amended Budget |
|----------------------------|-----------------|-----------|----------------|
| Marketer Fees – Season     | \$0             | \$231     | \$231          |
| Marketer Fees – Winter     | \$0             | \$211     | \$211          |
| Private & Corp Donations   | \$0             | \$0       | \$0            |
| Intergovernmental - Grants | \$0             | \$0       | \$0            |
| Total                      |                 | \$442     | \$442          |

**Farmers Market "Enterprise" Fund Expenditures**

| Item                    | Approved Budget | Amendment | Amended Budget |
|-------------------------|-----------------|-----------|----------------|
| Advertising, Promotions | \$0             | \$392     | \$392          |
| Miscellaneous           | \$0             | \$50      | \$50           |
| Total                   |                 | \$442     | \$442          |

Mayor Doyle asked for further comments from the public, none were offered. Stanek moved to close the public hearing at 7:56 p.m., second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:56 p.m.

**Resolution No. 11-0509-30, Approving Amendment of FY 2010-11 Budget.** Mayor Doyle reported Resolution No. 11-0509-30 would amend the current year budget as described above. Stanek moved to approve Resolution No. 11-0509-30, second by Grove.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

### **One Side of Street Parking**

**Schedule Public Hearing re: Ordinance to Implement One Side of Street Parking.**

Grove moved to schedule a public hearing for 7:00 p.m. June 13, 2011 regarding an ordinance to establish one-side of street parking at specifically listed locations throughout Ely, second by Mai. Motion carried – 5 to 0.

### **Personnel, Staffing & Benefits**

**Request for Additional Employee Benefits.** Mayor Doyle and the City Council discussed a request from Public Works Director Ron Stark for additional employee benefits. Items discussed include: overtime pay for time worked on weekend adjacent to a city holiday; paid sick time accruable up to 240 hours; over time pay for all callouts with one hour minimum for all callouts. The City Council will discuss possible sick-time at the June meeting and directed the City Administrator to include the following in the compensation resolution for consideration in June:

- Over time pay for all callouts with one hour minimum for all callouts
- Overtime pay for time worked on weekend adjacent to a city holiday

**Job Description Authorize Advertising Position – Full Time Public Works Maintenance – Second Water/Sewer Operator.** Stanek moved to approve the job description as presented and authorize advertising to fill the position, second by Grove. Motion carried – 5 to 0.

### **Solid Waste Management & Disposal**

**Review Draft RFP for Curb-Side Collection of Solid Waste & Recyclables & Authorize Soliciting Proposals.** City Administrator Anderson reported on fees paid by various cities in the area for curbside collection of residential garbage and recyclables showing Ely pays contractor less for this service than comparable cities in the area. It was the City Council's consensus to pursue renewing Ely's contract for this service with Waste Management at the fee proposed by Waste Management of \$7.30/household per month.

**Compost & Brush Pile Use, Operation & Enforcement.** City Administrator Anderson reported on improper dumping and use of the compost and brush pile areas, and recommendations to resolve the problem. The City Council discussed the matter:

including dumping by commercial users such as tree service and lawn mowing services, dumping of improper items, penalties for improper dumping, and ways to stop improper dumping. The City Council stated the following as consensus after discussion:

- Compost and brush piles are only for residential use by Ely residents
- Businesses may not dump at the compost and brush piles
- Only compostable materials less than 4" in diameter, which includes brush, tree limbs, grass/plant clippings and leaves may be dumped in the compost pile.
- Fine for illegal dumping is \$200.
- Any person who uses the compost or brush piles improperly or disposes of unacceptable materials may be banned from future use of compost and/or brush disposal areas.

### **Downtown Dows Street – Parking**

**Review Options re: Acquisition of Land for Public Parking Areas and Potential Offer for Purchase of Parcel(s).** Mayor Doyle and City Council reviewed a report from City Engineer Scott Pottorf regarding possible parking areas in the downtown area of Dows Street. Grove moved to enter closed session pursuant to Section 21.5(j), Code of Iowa, to discuss the purchase of real estate to avoid increasing the purchase price for the property purchase due to premature disclosure at 8:35 p.m., second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the meeting in closed session at 8:35 p.m.

Stanek moved to end the closed session and return the meeting to open session at 8:46 p.m., second by Hale. Motion carried – 5 to 0. Mayor Doyle declared the closed session ended and meeting in regular session at 8:46 p.m.

Stanek moved to authorize the City Administrator to initiate negotiations to purchase a parcel of land on the east side of Main Street immediately south of Dows Street, second by Hale. Motion carried – 5 to 0.

### **Discussion Items**

Hale moved to adjourn, second by Mai; motion carried – 5 to 0. The meeting adjourned at 8:48 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator