

**ELY CITY COUNCIL
REGULAR MEETING
MAY 11, 2009
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Bill Grove, Stephanie Mai and Bob Ballantyne; Tom Winkowski and Mark Banowetz absent – excused. Also present: Jim Miller, Marie Miller, Scott Drscymiski, Robert Beckel, Jim & Millicent Cozzie, Keith Schulte, Jennifer Jordebek, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the April 13, 2009 regular meeting.
- Treasurers Report for the period ended April 30, 2009.
- Bills Payable for May 2009 totaling \$219,809.80, which includes debt service and insurance payments totaling \$162,099.26.
- Appointment of Sandra Winterowd, 2525 State Street, to Ely Public Library Board
- Renewal of Beer Permit with Residency and Sunday Sales privileges for Cleppe’s 66 Service, 1555 State Street.

Motion carried – 3 to 0.

Treasurer’s Report (summary) for the period ended April 30, 2009

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 161,709.32	\$ 35,000.69		\$ 530,303.53
Road Use	7,279.96	1,170.16		5,754.16
TIF Fund	74,261.25			234,511.60
Debt Service	29,107.69			58,176.98
Other Projects				-85,574.85
Library Project				3,169.70
North End Infra	350.00			77,328.29
Water Utility	13,545.87	19,616.00		294,028.80
Water/Sewer Reserve				100,000.00
Sewer Utility	18,452.33	23,185.22		180,277.08
Sewer Debt Service				-46,066.86
Sanitary Utility	5,576.81	5,521.45		51,290.63
PR Clearing	6,832.49	6,599.20		3,602.35
Totals	\$ 317,115.72	\$ 91,092.72		\$1,406,751.41

Communications: Mayor Doyle reported receiving the following communications: minutes of the April 15, 2009 Plan and Zoning Commission meeting and minutes of the April 8, 2009 Parks and Recreation Commission meetings. Linn County Deputy Chad Lemense presented the Sheriff’s Office Monthly Activity Report.

Citizen Requests. Jim Miller complimented the Parks & Recreation Commission and volunteers for cleaning up the parks.

Development of Ely City Park

Public Hearing on the Issuance of Not More Than \$82,418 City of Ely Sales Tax Revenue Bonds, Series 2009 Issue Sales Tax Revenue Bonds – 7:00 p.m. Mayor Doyle reported this public hearing is required by Iowa law prior to the city borrowing money to take public comments regarding the proposal. Mayor Doyle reported the proposal is to accept the offer from Keith and Justine Schulte to borrow up to \$82,418 for the first phase of the park grading project at 0% interest, to be repaid entirely through local option sales tax proceeds. Ballantyne moved to open the public hearing at 7:10 p.m., second by Mai; motion carried – 3 to 0. Mayor Doyle declared the public hearing open at 7:10 p.m.

Mayor Doyle asked for comments regarding the public hearing item. Jim Miller, 1200 Vista Rd, asked what the purpose is for borrowing the money. Mayor Doyle replied it would be a very short-term loan to cover the first phase of grading for the park project in anticipation of receiving local sales tax proceeds, and that the borrowed money will be repaid entirely with local sales taxes. Mr. Miller asked what, if anything, is being done to fix the street surface and drainage on Hillcrest Street. Aaron Anderson replied Ely has been approved for federal stimulus money to correct the storm sewer and repair the street, and that Brown Excavating has been contracted to improve storm sewer for Hillcrest Street too. Bob Ballantyne discussed options for using general taxes and special revenue sources for this type of work, and noted that previous City Councils pursued grants to cover half the cost of the project to avoid the need to special assess adjacent property owners. Mayor Doyle asked for further comments regarding the public hearing item, none were offered or received.

Mai moved to close the public hearing at 7:15 p.m., second by Grove. Motion carried – 3 to 0. Mayor Doyle declared the public hearing closed at 7:15 p.m.

Resolution No. 09-0511-26, Resolution Instituting Proceedings to Take Additional Action for the Issuance of not to Exceed \$82,418 Sales Tax Revenue Bonds, Series 2009. Ballantyne moved to approve Resolution No. 09-0511-26, second by Mai.

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

Mayor Doyle declared the motion passed 3-0 and resolution approved.

Resolution No. 09-0511-27, Directing Acceptance of Proposal to Purchase \$82,418 Sales Tax Revenue Bonds, Series 2009. Grove moved to approve Resolution No. 09-0511-27, second by Ballantyne.

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

Mayor Doyle declared the motion passed 3-0 and resolution approved.

Downtown Revitalization Application/Request – April Steuhm. Clerk-Administrator Anderson reported April Steuhm operates Hair Creations at 1648 Dows Street, and that Ms

Steuhm invested \$8,746.70 to replace the roof for the building. Mr. Anderson reported Ms Steuhm applied to Ely's Downtown Area Commercial Building Incentive Program for \$4,373.35, or one-half of the cost of the work, and that she provided invoices verifying the completion and cost of the work. He stated the documentation provided met the requirements for the program as set out when Ms Steuhm applied. Mayor Doyle and the City Council discussed this matter, noting that the program needs to be refined to be clearer on eligible work, more pre-work consultation with City staff, and more assurance that the applicant sought competitive prices. Mai moved to authorize payment to April Steuhm in the amount of \$4,373.50 and to place a moratorium on other applications to the Downtown Commercial Building Revitalization program until the June 8, 2009 meeting, second by Grove. Motion carried – 3 to 0.

Dows Street Repair/Renovation

Schedule Public Hearing re: Plans, Specifications and Form of Contract, 2009 East Dows Street Repair/Renovation Project. Ballantyne moved to schedule a public hearing regarding plans, specifications and form of contract for the East Dows Street Repairs/Renovation Project to mill up the top 4" of street surface and replace with 4" of hot mix asphalt (HMA) on Dows Street from Knoll Court to Hillcrest Street for 7:00 p.m. June 8, 2009, second by Mai. Motion carried – 3 to 0.

Resolution No. 09-0511-28, Fixing Date for a Meeting on the Proposition of the Issuance of Not to Exceed \$240,000 General Obligation and Sales Tax Revenue Bonds, Series 2009 of Ely, Iowa, and providing for Publication for Notice Thereof. This resolution would schedule a public hearing regarding a proposal to issue up to \$240,000 in general obligation and sales tax revenue bonds for the East Dows Street Repairs/Renovation Project for 7:00 p.m., June 8 2009. Ballantyne moved to approve Resolution No. 09-0511-28, second by Mai.

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

Mayor Doyle declared the motion passed 3-0 and resolution approved.

Stream Bank Stabilization of Hoosier Creed at Ely WWTP Project.

Report re: Disaster Recovery Assistance Available through Natural Resources Conservation Service, US Department of Agriculture Financial Assistance. Clerk-Administrator Anderson reported the US Natural Resources Conservation Service has been working with Ely on a project to stabilize locations where the banks of Hoosier Creek were damaged by flooding in 2008 up and down stream of the Ely WWTP. Mr. Anderson reported NRCS estimates total project cost of \$24,825, and that NRCS is offering financial assistance to cover 75% of the project cost, up to a total contribution from NRCS of \$18,619.00.

Resolution No. 09-0511-29, "Accepting Cooperative Project Agreement – Locally Led Contracting" with US Department of Agriculture, Natural Resources Conservation Service. Ballantyne moved to approve Resolution No. 09-0511-29, second by Mai.

Aye: Ballantyne, Mai, Grove

Nay: none
Absent: Winkowski, Banowetz

Mayor Doyle declared the motion passed 3-0 and resolution approved.

Resolution No. 09-0511-30, Approving Agreement for Professional Services with MMS Consultants for the 2009 Stream Bank Stabilization at Ely WWTP Project.

This resolution would accept a contract for MMS Consultants to provide engineering services for design and construction of the 2009 Stream Bank Stabilization at Ely WWTP Project at cost not to exceed \$4,850.00. Aaron Anderson reported NRCS has confirmed engineering fees are considered “in-kind” local match. Ballantyne moved to approve Resolution No. 09-0511-30, second by Grove.

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

Mayor Doyle declared the motion passed 3-0 and resolution approved.

Ely Entrance Signs, Living Roadways Committee. Clerk Administrator Anderson reported the Ely Living Roadways Committee has been working on new community entrance signs, including coordinating with Linn County and the Linn County Engineer’s Office for a site on county right of way at the intersection of Wright Bros Blvd and County Highway W6E (State Street). He reported Linn County is working with the committee to incorporate the sign location in plans for the Hoover Trail project. Mr. Anderson reported Anderson-Bogert is Linn County’s consulting engineer for the civil engineering aspects of the Hoover Trail project and that the Ely Living Roadways Committee recommends accepting Anderson-Bogert’s offer to provide civil engineering services for the north trail location for a lump sum fee of \$1,000.

Resolution No. 09-0511-31, Approving Professional Services Agreement with Anderson-Bogert Engineers, LLC, for Site Engineering Services for the North Entry Sign Project. This resolution would accept a contract for Anderson-Bogert to provide civil engineering services for a north Entry Sign Project at a lump sum fee of \$1,000. Ballantyne moved to approve Resolution No. 09-0511-31, second by Mai.

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

Mayor Doyle declared the motion passed 3-0 and resolution approved.

Renewal of Franchise to Allow Interstate Power and Light Company to Provide Electric Light, Heat and Power. Clerk-Administrator Anderson reported Interstate Power & Light/Alliant Energy forwarded a franchise renewal ordinance that would allow Ely to impose a franchise fee of up to 5% of the utility’s gross proceeds from Ely in the future. Ballantyne, second by Mai, moved to schedule a public hearing regarding proposed Ordinance No. 213, Granting Franchise to Interstate Power and Light Company to Provide Electric Light, Heat and Power” for 7:00 p.m. June 8, 2009, second by Mai. Motion carried – 3 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. Grove 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 7:46 p.m., second by Mai. Motion carried – 3 to 0. Mayor Doyle declared the meeting in closed session at 7:46 p.m.

Grove moved to end the closed session at 8:07 p.m., second by Mai; motion carried – 3 to 0. Mayor Doyle declared the closed session ended and meeting in regular open session at 8:07 p.m.

Ballantyne moved to direct the City Administrator to send a letter to the Buresh Estate's agent regarding the actual amounts paid for similar parcels of land in the area and noting that Ely will proceed as needed in the city's interest if there is no response by June 4, 2009, second by Mai. Motion carried – 3 to 0.

Grove moved to adjourn, second by Mai. Motion carried – 3 to 0. The meeting adjourned at 8:09 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator