

**ELY CITY COUNCIL
REGULAR MEETING
MAY 11, 2015
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Stephanie Mehmen, Bill Grove, Kay Hale, Judy Wery, and Bob Ballantyne. Also present: Colton Walker, Keith Schulte, Jim Miller, Karen Crutchly, Chuck Crutchly, Bob Mreen, Mike Brain, Alan Wery, Brian Mostaert, Sandy Mostaert, Butch Wieneke, Annette Wieneke, Glen Buresh, Frances Buresh, Millicent Cozzie, Sarah Olsen, Sarah Sellon, Erin Hale, Stephanie Mai, Kuann Fawkes, Katie Jo Bruhn, Rick Jedlicka, Dean Matthews, Dean Round, City Engineer Scott Pottorff, and Clerk-Administrator Aaron Anderson.

Mayor Doyle led the City Council and others attending in the Pledge of Allegiance.

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

- Agenda, as presented.
- Minutes of the April 13, 2015 regular meeting.
- Minutes of the April 29, 2015 special meeting.
- Treasurer’s Report for the period ended April 30, 2015.
- Bills Payable for May, 2015 totaling \$99,319.90

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended April 30, 2015

| | Receipts | Disbursements | Transfers | Ending Balance |
|---------------------|---------------|---------------|-----------|----------------|
| General | \$ 210,537.19 | \$ 69,416.48 | | \$ 799,561.58 |
| Road Use | 12,761.25 | 12,114.76 | | 13,740.27 |
| L O S T | 15,434.67 | | | 324,953.14 |
| TIF Fund | 80,226.96 | | | 242,151.14 |
| Debt Service | | | | -19,368.36 |
| Other Projects | | 31,175.64 | | 622,406.65 |
| Library Project | | | | -64.23 |
| Way Point Sign | | | | -25,065.70 |
| North End Infra | | | | -25,589.93 |
| Water Utility | 16,727.03 | 24,411.42 | | 291,240.39 |
| Water/Sewer Reserve | 5,888.34 | | | 161,698.16 |
| Sewer Utility | 25,505.69 | 23,145.24 | | 71,075.22 |
| Sewer Debt Service | 11,788.34 | | | 114,798.20 |
| Sanitary Utility | 6,164.06 | 8,377.19 | | 37,362.67 |
| Storm Water | 54.00 | | | 725.90 |
| Farmers Market | | | | 1,220.76 |
| PR Clearing | 17,875.43 | 14,758.59 | | 5,465.62 |
| Totals | \$ 402,962.96 | \$ 183,399.52 | | \$2,616,311.48 |

Communications. Library Director Sarah Sellon presented a report on activities at the Ely Public Library. Linn County Deputy Steffens distributed the monthly Sheriff’s Office Activity Report.

Citizen Requests. None.

Banquet/Event Facility on Rogers Creek Road, 2015

Second Reading of Ordinance No. 240, Amending the Zoning Map by Designating Certain Parcels as a C-2 Highway Commercial District. Mayor Doyle recognized Sandy Mostaert who stated she has been an Ely resident since 2001 and has worked with Cedar Rapids on a lot of their economic development. Ms Mostaert stated she was unable to attend the public hearing due to schedule conflicts. Ms Mostaert stated that when rezoning to commercial from residential the City is opening a can of worms because anyone can locate on that spot once it is zoned commercial; she noted Ely has plenty of areas that are zoned for commercial that are not already being used. Ms Mostaert stated she counted vehicles on Rogers Creek Road recently and that there are on average ten cars per day on the weekend. She stated her research found a banquet/event center needs to have four to five events per week to survive, which result in 1,600 cars per week. She stated they picked this location to live because it is quiet, and that the bridge will not support this level of traffic. Ms Mostaert asked what happens if the proposed business is not successful. Ms Mostaert asked the City Council to think of the bigger picture before making this decision, and stated this is not the right location. She asked how this project would support or grow Ely area businesses, and what the benefit is to Ely other than to say “we have an event center”. She stated that the business intends to operate with a liquor permit, and stated concern for intoxicated drivers through the area. Ms Mostaert stated that even though the proposed site is a beautiful area that does not mean it is the right location. Ms Mostaert asked the City Council to please, please, please be cautious when making this decision and to think of the bigger picture.

Ballantyne moved to introduce and approve the second reading of Ordinance No. 240, Amending the Zoning Map by Designating Certain Parcels as a C-2 Highway Commercial District, second by Grove.

Aye: Ballantyne, Wery, Hale, Grove Mehmen

Nay: None

Absent: None

Mayor Doyle declared the motion carried, and second reading approved 5-0.

Ballantyne moved to waive the third reading of Ordinance No. 240, Amending the Zoning Map by Designating Certain Parcels as a C-2 Highway Commercial District pursuant to §380.3 Code of Iowa, and approve final adoption of said ordinance, second by Grove.

Aye: Ballantyne, Wery, Hale, Grove Mehmen

Nay: None

Absent: None

Mayor Doyle declared the motion carried, third reading waived and the ordinance adopted 5-0.

Buresh Estate Third Addition. Council member Hale stated she recuses herself from this matter due to a family relation with the applicant/developer.

Review Preliminary Plat. Glen Buresh and Mike Brain presented information regarding the proposed preliminary plat Buresh Estate Third Addition, a ten lot single-family residential

subdivision with lots on a seventeen acre parcel, lots average 1.55 acres. Mr. Buresh and Mr. Brain discussed the proposed preliminary plat with Mayor and City Council including, but not limited to:

- Storm water management and possible need for a detention pond, most likely via a basin that detains and slows water before entering the wetland.
- Concern with traffic speed on Jappa Road, potential to change speed limit to 45 mph and coordinating with Linn County Secondary Roads on traffic speed.
- Access and configuration of Lots 9 and 10, with a permanent access easement for shared driveway access to Jappa Road
- Interconnecting streets to allow access to the west, Mr. Buresh noted they want non-subdivision traffic to stay out of the area; they want the area to be private.
- Extending water main along Jappa Road to the north property line
- Provision on the preliminary plat to install sidewalks.
- City extending, or paying the cost to, extend water main to the north boundary of the water tower parcel.
- Grade of the subdivisions internal street, Deborah Anne Lane, immediately west of its connection with Jappa Road.

Consensus of Mayor and City Council that the following items need to be addressed:

- Provide preliminary drainage/storm water calculations
- Developer to extend the water main to the north property line of the Buresh property.
- City to extend water main to the north property line of the water tower property, which is also the south boundary of the Buresh parcel.
- Mr. Buresh to provide a graphic that illustrates extending the street to the west property line.

Resolution No. 15-0511-15, Approving Preliminary Plat. Grove moved to table Resolution No. 15-0511-15, second by Mehmen. Motion carried – 5 to 0.

Ely City Park Improvements Project

Resolution No. 15-0511-16, Accepting Change Order #4. Mayor Doyle reported Change Order #4 to the City Park Improvements Project is for a deduct of \$2,500 related to an allowance to heat the building for painting, which was not needed. Mehmen moved to approve Resolution No. 15-0511-16, Accepting Change Order #4, second by Wery.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution adopted 5-0.

Project Completion and Acceptance of Work. Mayor Doyle noted project Architect Al Buck reports all work included in the contract with Seydel Construction for the City Park Improvements project is complete and consistent with contract specifications, and that Mr. Buck recommends accepting the work as final and complete. Mehmen moved to accept final completion and acceptance of work by Seydel Construction under the City Park Improvements project contract and to release retainage under the contract, second by Ballantyne. Motion carried – 5 to 0.

Construction Progress Payment No. 9, Final – Seydel Construction. Mehmen moved to approve Construction Progress Payment No. 9, Final for \$31,985.02 to Seydel Construction for work performed under the Ely City Park Improvements project as final payment for all work performed and retainage, second by Ballantyne. Motion carried – 5 to 0.

Accept Quote to Provide and Install Fence. Clerk-Administrator reported Parks Commission Chair Jeff Hilleman solicited quotes to provide and install baseline and outfield fence for both ball diamonds at Ely City Park from three vendors; and received quotes to perform the work of \$32,270 from D&N Fence, and \$43,920 from Life Time Fence Co. Mehmen moved to accept the quote of \$32,270.00 to provide and install baseline and outfield fence two ball diamonds at Ely City Park from D&N Fence Company, second by Wery. Motion carried 3-2; Ballantyne and Hale opposed.

Ely Comprehensive Plan

Public Hearing re: Updated Ely Comprehensive Plan. Hale moved to open a public hearing regarding the Updated Ely Comprehensive Plan at 8:22 p.m., second by Mehmen. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 8:34 p.m. and asked for comment from the public regarding the hearing item. Keith Schulte asked if the comprehensive plan includes a trail system. Aaron Anderson replied the plan encourages the Parks Commission and City to establish one, but a trail plan is not included and does not exist yet.

Sandy Mostaert asked where the P&Z got the information. Bob Mreen stated the information was from the US Census, Linn and County Assessor's offices, and other public sources. Ms Mostaert asked if private or third party information was used, Mr. Mreen stated all information sources were public, and that the preparation was internal by himself, other P&Z members and Clerk/Administrator Aaron Anderson.

Bob Mreen stated the comprehensive plan update was over a year process and believes the P&Z is anxious for more development in the city; and that the future land uses shown in the plan are more consistent than the 2003 version. He stated the updated comprehensive plan focuses commercial activity more on State Street and moves away from any traditional industrial activity, with a preference toward lighter industrial such as construction contractor operations and that this plan embraces these types of light industrial activities. Mr. Mreen stated the P&Z accepted that Ely is a bedroom community and is trying for a good flow and consistency of land use and related policies.

Sandy Mostaert asked if input was received from other communities in the area. Bob Mreen stated the P&Z communicated with Linn County. Ms Mostaert stated Cedar Rapids is losing middle class to Ely, and other communities, after the flood of 2008, and that Cedar Rapids is focused on Ely. Mr. Mreen stated the P&Z is very aware of Cedar Rapids' awareness of Ely.

Ms Mostaert stated the way to maintain a small town is to develop from within, like Solon for instance and asked what Ely is doing to develop and keep the same small town and community feeling. She cited the example Asbury, Iowa as being very similar to Ely, who did not have an effective comprehensive plan and was swallowed by Dubuque. Ms Mostaert asked what Ely is doing to keep the community the same as it is now and there is a deeper pool of information that can be drawn from. She stated because she loves the community she wants to make sure Ely grows from within. Ms Mostaert asked if Ely has followed the

comprehensive plan; Aaron Anderson stated Ely has. Mr. Anderson noted Mr. Mreen has attended Cedar Rapids planning meetings, and Ely is a participant in the MPO's Highway 30 Corridor study. Mr. Mreen stated Ely keeps the lines of communication open, but Ely has no jurisdiction outside our city, we can provide input but cannot set rules.

Bob Ballantyne asked what the trajectory is for this plan from here. Mr. Anderson stated the future land use map will be more professionally prepared; a proper cover put on the product and placed on the city website. Mr. Ballantyne asked if this public hearing is the end of the process. Mr. Anderson stated it does not have to be, but this is the end of the statutorily required process.

Ballantyne moved to close the public hearing at 8:34 p.m., second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:34 p.m.

Resolution No. 15-0511-17, Adopting 2015 Ely Comprehensive Plan. Ballantyne moved to approve Resolution No. 15-0511-17, Adopting 2015 Ely Comprehensive Plan, second by Hale.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
 Nay: None
 Absent: None

Mayor Doyle declared the motion passed and resolution adopted 5-0.

Storm Water Management – MS4 Permit

Review Draft Ordinance re: Construction Site Erosion and Sediment Control. Clerk-Administrator presented a draft ordinance that would establish regulations to control erosion and sediment at construction sites. Mr. Anderson noted this is one of the requirements of the MS4 permit issued to Ely by the Iowa Department and that this draft of the ordinance is based heavily on Cedar Rapids and Marion.

Schedule Public Hearing re: Ordinance Regulating Construction Site Erosion and Sediment Control. Ballantyne moved to schedule a public hearing re: an ordinance to establish regulations for construction site erosion and sediment control for 7:00 p.m. June 8, 2015, second by Hale. Motion carried – 5 to 0.

Public Works – Streets, Water, Sewer & Equipment.

Resolution No. 15-0511-18, Accepting Proposal for Rogers Creek Wetland Mitigation Monitoring. Clerk-Administrator reported Ely the Corps of Engineers included a requirement that Ely monitor wetland mitigation efforts with the wetland construction permit issued for the 2007 Rogers Creek Trunk Sewer project, and that the required reports were not sent in. Mr. Anderson reported this agreement with MMS Consultants will correct that situation and put Ely in compliance with Corps of Engineers requirements. Hale moved to approve Resolution No. 15-0511-18, Accepting Proposal for Rogers Creek Wetland Mitigation Monitoring, second by Mehmen.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
 Nay: None
 Absent: None

Mayor Doyle declared the motion passed and resolution adopted 5-0.

Status Report – Banner Valley Road Grading & Street Repair. Mayor Doyle reported LL Pelling stated they expect to perform chipseal street work in Ely at the end of May at the soonest. City Engineer Pottorff noted this segment will receive a double sealcoat. Mayor and City Council discussed this, with consensus that completing the regarding and sealcoat is a high priority for Ely. Bill Grove noted that many of Ely’s streets are damaged by heavy vehicles, City Council discussed this including temporary weight embargoes and other research for options to protect streets from damage and possibly for heavy vehicles to pay extra cost for driving on city streets.

Budget and Finance

Public Hearing re: Requested Amendments to FY 2014-15 Budget. Ballantyne moved to open a public hearing re: amending the current year FY 2014-15 budget at 8:45 p.m., second by Hale. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 8:45 p.m. Mayor Doyle asked for comments from the public regarding the public hearing item. Jim Miller asked if the amendment is the same as published in the newspaper, Clerk-Administrator replied it is. Mayor Doyle asked for additional comments, none were offered. Ballantyne moved to close the public hearing at 8:46 p.m., second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the meeting in regular session at 8:46 p.m.

Resolution No. 15-0511-19, Approving Amendment of FY 2014-15 Budget. Grove moved to approve Resolution No. 15-0511-19, Approving Amendment of FY 2014-15 Budget, second by Ballantyne.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution adopted 5-0.

Administrative, Personnel and Staffing

Review Proposals Received for Employee Health Insurance Benefit. Clerk-Administrator Anderson reported four firms submitted proposals to serve as brokers for the employee health insurance benefit. Mr. Anderson reported he and Stephanie Mehmen reviewed the proposals that all proposals were competitive and the proposals from Benefit Solutions and Acumen ranked highest and very closely, with Benefit Solutions ranking slightly higher.

Resolution No. 15-0511-20, Employee Health Insurance Letter of Agency. Mr. Anderson reported this resolution would accept the proposal from Benefit Solutions, of Cedar Rapids, to serve as the city’s agent of record for employee health insurance, and authorize the City to sign a letter of agency to that extent. Mehmen moved to approve Resolution No. 15-0511-20, Employee Health Insurance Letter of Agency, second by Wery.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution adopted 5-0.

Mayor Doyle recognized Rick Jedlicka, of Benefit Solutions. Mr. Jedlicka thanked the City Council for accepting their proposal, and stated he will work with the city to find health insurance policies that will work well as an employee benefit while also cost effective for the city and employees.

Resolution No. 15-0511-21, Authorizing Annual Inter-Fund Transfers. Grove moved to approve Resolution No. 15-0511-21, second by Ballantyne.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

Mayor Doyle declared the motion passed and resolution adopted 5-0.

Discussion Items. Bill Grove stated his concern that street trees are not being trimmed properly; and that enforcement of this requirement needs to be more active. Mayor and City Council discussed this matter, including that articles in Ely's newsletters should include a request for residents to call city hall to report trees that are not trimmed properly.

Mr. Grove reported a water shut off that is too high in the sidewalk on Rock Island Drive; Public Works will investigate and correct it.

Mayor and City Council discussed the City Park walking trail and the 2014 GO Bond. Mr. Anderson noted walking trail was included in projects to be paid for with proceeds of the 2014 GO bond, and that public improvement contracts already approved have exhausted the bond proceeds. Discussion included the importance of the walking trail and dissatisfaction that the bond proceeds were exhausted without the walking trail being constructed.

Mehmen moved to adjourn, second by Grove; motion carried – 5 to 0. The meeting adjourned at 9:10 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator