

**ELY CITY COUNCIL  
REGULAR MEETING  
MAY 12, 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, Stephanie Mai, and Bob Ballantyne; Mark Banowetz absent - excused. Guests included: Jim Miller, Carrie Kimm, Pat and Cindy Nulty, Terry Smith, Rose Allison, Christi Allison, Suresh Ganu, Vicki Vargason, Jack Stewart, Jennifer Jordebek, Bernita Rozinek, James & Millicent Cozzie, Dave Rasmussen, Frank Joens, Fred Showalter, Keith Schulte, and Tom Tjelmeland. Also present: Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the April 14, 2008 regular meeting.
- Treasurers Report for the period ended April 30, 2008.
- Bills Payable for May 2008 totaling \$395,391.68, which includes \$331,573.17 in debt service payments.
- Purchase Order authorizing up to \$3,000.00 to purchase two new computers for the city administrative offices.
- Renewal of the Class B Beer with Sunday Sales and Residency Privileges permit for Cleppes' 66 Service, 1555 State Street.

Motion carried – 4 to 0.

Treasurer's Report (summary) for the period ended April 30, 2008

	Receipts	Disbursements	Ending Balance
General	123,017.47	21,857.43	427,052.02
Road Use	7,071.80	4,211.71	22,965.00
TIF Fund	76,573.32		424,279.15
Debt Service	28,717.79		51,720.57
Other Projects			-74,741.96
Library Project			3,169.70
Water Utility	14,509.29	3,544.11	226,761.41
Water/Sewer Reserve			100,000.00
Sewer Utility	63,878.19	63,177.12	242,675.54
Sewer Sinking			-21-271.54
Sanitary Utility	6,756.36	14,162.75	54,388.29
PR Clearing	7,194.79	6,596.15	289.92
Totals	327,709.01	113,549.27	1,455,889.91

**Communications:** Mayor Doyle reported receiving the following communications: agenda and minutes of the May 5, 2008 Historic Preservation Commission, minutes of the April 2008 Plan and Zoning Commission meeting; Public Works Director's Monthly Report. Deputy R. Crosser presented the Sheriff's Office's Monthly Report

**Citizen Requests.** Jim Miller asked if there were any picture frames left from the Park Board's fundraiser. Stephanie Mai stated there are, and they are in storage for future sales and fund raisers if all right with Mr. Miller.

Carrie Kimm, 1550 Fuhrmeister, stated that debris and litter from the apartment buildings north of her property clogged drainage intakes behind her property that caused water from recent heavy rain to back up on her property and elsewhere. Council directed Clerk-Administrator Anderson to contact the owner of property where debris and litter have accumulated and direct them to clean up the debris and litter to prevent future drainage problems.

A gentleman who lives at 1760 Rock Island Drive stated concern that tall grass and other growth would limit the free flow of the creek in the area which could lead to flooding problems. The gentleman stated he mowed the area in the past, but was told not to do so by the current owner. Council directed Anderson to contact the owner of the property referred to so the area is mowed and maintained properly.

Millicent Cozzie asked about the Living Roadways Visioning process, the Mayor and City Council discussed this matter.

Jennifer Jordebrek, Librarian, reported this year's citywide garage sales were very well attended, and stated concern for traffic congestion caused by cars parking on both sides of the streets in some areas during the sale. Anderson was directed to contact the Sheriff's office for suggestions.

Bernita Rozinek made a brief presentation regarding her candidacy for the Democratic nomination for District 2 Linn County Supervisor.

Nate Willems made a brief presentation regarding his candidacy for District 29 of the Iowa House of Representatives.

**Ordinance No. 203, Creating Voluntary Annual Refuse Collection Tag.** Mayor Doyle reported this ordinance would create a voluntary annual refuse collection tag a resident could purchase from City Hall for \$52/year, the tag would be valid through December 31 of each year and would help minimize the risk of people running out of garbage tags.

**Public Hearing re: Ordinance No. 203, "An Ordinance to Amend Refuse Collection Fees by Creating an Optional Annual Refuse Collection Tag".** Winkowski, second by Mai, moved to open a public hearing regarding proposed Ordinance No. 203 at 7:38 p.m. Motion carried - 4 to 0. Mayor Doyle declared the public hearing open at 7:38 p.m. Clerk-Administrator Anderson reported notice of public hearing was published as required by City and State Code; and reported no comments had been received verbally or in writing.

Mayor Doyle asked for comments from the public regarding the public hearing item. Jim Miller asked what the advantage of the voluntary tag would be. Jim Doyle stated the voluntary tag would prevent the risk of not having tags on garbage collection day.

Tom Tjelmeland asked if there is a way people who don't use hard garbage containers could use the optional annual tag. He stated he has a newspaper delivery box that the sticker could be attached to, if such would be allowed in the ordinance. Mr. Doyle noted that the current version of the ordinance would not allow what Mr. Tjelmeland suggested. The topic was discussed among the public and City Council.

Mayor Doyle asked for additional comments, none were offered or received. Winkowski, second by Mai, moved to close the public hearing at 7:45.m., motion carried – 4 to 0. Mayor Doyle declared the public hearing closed and the meeting returned to regular session at 7:45 p.m.

**First Reading of Ordinance No. 203, “An Ordinance to Amend Refuse Collection Fees by Creating an Optional Annual Refuse Collection Tag”**. Winkowski, second by Grove, moved to introduce and approve first reading of Ordinance No. 203 revised as follows: add the following:

“The Optional Annual Ely Refuse Tag shall be prominently attached to the rigid collection container placed at curbside, or prominently displayed at the curbside collection point.”

Aye: Winkowski, Grove, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried – 4 to 0.

**Ordinance No. 204, Allowing Golf Carts and ATV's to be Operated on City Streets Subject to Certain Conditions and with a City Permit.**

**Second Reading of Ordinance No. 204, Allowing Golf Carts and ATV's to be Operated on City Streets Subject to Certain Conditions and with a City Permit**". Mayor Doyle recognized Tom Tjelmeland; Mr. Tjelmeland stated several concerns with the proposed ordinance, including that the referenced Code of Iowa sites apply to ATV use for agricultural purposes and concern with the effects of the proposed ordinance and difficulty to enforce it.

Bill Grove stated he believes the penalty for violating should be greater. The Mayor and City Council discussed these matters.

Mai, second by Grove, moved to approve the second reading of Ordinance No. 204, “Allowing Golf Carts and ATV's to be Operated on City Streets Subject to Certain Conditions and with a City Permit” subject to the following revisions:

“3-3-93VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars (\$100.00) and revocation of the City of Ely permit for a period of two months.
2. Any person violating ~~Violation of~~ this ordinance two times in a twelve (12) month period shall be subject to a fine of two-hundred dollars (\$200.00) and result in the revocation of the City of Ely permit for a period of two years.
3. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 321I.36 of the Code of Iowa.”

Aye: Winkowski, Grove, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried – 4 to 0.

**Discuss Establishing a City of Ely Yard Waste Disposal and Composting Site.** Clerk-Administrator Anderson gave a general report on items related to yard waste disposal and establishing a yard waste disposal site for Ely residents. The City Council discussed the matter, following discussion it was the general consensus of the City Council to direct Anderson to investigate this matter further and report back to the City Council.

**Edellen Meadows – Request for TIF Rebate to Extend Northgate Drive.** The City Council continued discussion of 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. Bob Ballantyne suggested the city and developer split the cost of extending Northgate to the park property evenly with developer building the street from Northgate to his property at his cost. The City would pay their portion of the project in cash. Council discussed this suggestion; it was the general consensus for Anderson to suggest this option to the developer.

**Street Repairs.** Clerk-Administrator Anderson reported Requests for Competitive Quotes for the street repairs identified in the April meeting were distributed and notice of the request for quotations published in the Cedar Rapids Gazette. Anderson reported quotes were received from L. L. Pelling and Pate Asphalt Systems on May 5<sup>th</sup>, 2008 and opened at 5:00 p.m. Mr. Anderson reported that after quotes were opened he contacted both firms regarding information provided in the submitted quotes. Mr. Anderson stated L.L. Pelling reported preparing their quotations in a manner that did not reflect the work requested outlined in the Request for Competitive Quotes and that their representative asked to be allowed to revise the quote to reflect use of existing sub-base, which Mr. Anderson allowed.

**Resolution No. 08-0512-17, Awarding Competitive Quote and Approving Contract for 2008 Street Repairs Project.** Clerk-Administrator Anderson reported the following quotations were received, noting the revised quote from L.L. Pelling received to reflect performing the work as requested in the Request for Competitive Quotations:

Contractor	Unit Price	Line Quote
L. L. Pelling Co., North Liberty, Iowa		
Jappa Rd	\$ 22.40 (SY)	\$ 52,976.00
Banner Valley Rd	\$ 26.56 (SY)	\$ 49,800.00
Rowley St	\$ 23.90 (SY)	\$ 51,743.50
Total		\$ 154,519.50
L. L. Pelling – Revised*		
Jappa Rd	\$ 18.37 (SY)	\$ 43,445.05
Banner Valley Rd	\$ 15.73 (SY)	\$ 29,493.75
Rowley St	\$ 15.13 (SY)	\$ 32,756.45
* Plus road stone and macadam backfill as needed at \$40.00/ton		
Total		\$ 105,695.25

Pate Asphalt Systems, Cedar Rapids, Iowa		
Jappa Rd	\$ 1.74 (SF)	\$ 35,452.00
Banner Valley Rd	\$ 1.97 (SF)	\$ 33,475.00
Rowley St	\$ 1.96 (SF)	\$ 38,188.00
* Extra charge for additional sub base if needed		
Total		\$107,115.00

Winkowski, second by Ballantyne, moved to approve Resolution No. 08-0512-17, Awarding Competitive Quote and Approving Contract for 2008 Street Repairs Project to L.L. Pelling Co., per the revised quote dated May 9, 2008.

Aye: Winkowski, Grove, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried – 4 to 0.

**Resolution No. 08-0512-18 Awarding Competitive Quote and Approving Contract for 2008 WWTP Lane Repairs Project.** Clerk-Administrator Anderson reported the following quotations were received, noting the revised quote from L.L. Pelling received to reflect performing the work as requested in the Request for Competitive Quotations:

Contractor	Unit Cost	Quote
L. L. Pelling Co., North Liberty, Iowa	\$ 24.00 (SY)	\$ 55,752.00
L. L. Pelling – Revised*	\$ 15.00 (SY)	\$ 34,830.00
* Plus road stone and macadam backfill as needed at \$40.00/ton		
Pate Asphalt Systems, Cedar Rapids*	\$ 1.797 (SF)	\$ 37,556.00
* Extra charge for additional sub base if needed		

Ballantyne, second by Mai, moved to approve Resolution No. 08-0512-18, Accepting Quotation and Awarding Contract for the 2008 WWTP Lane Repairs Project to L.L. Pelling Co., per the revised quote dated May 9, 2008.

Aye: Winkowski, Grove, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried – 4 to 0.

**Resolution No. 08-0512-19 Awarding Competitive Quote and Approving Contract for 2008 Chip and Seal Street Repairs.** Clerk-Administrator Anderson reported the following quotation was received, noting the revised quote from L.L. Pelling received to reflect performing the work as requested in the Request for Competitive Quotations:

Contractor	Unit Cost	Quote
L. L. Pelling Co., North Liberty, Iowa	\$ 24.00 (SY)	\$ 27,960.30
L. L. Pelling – Revised*	\$ 15.00 (SY)	\$ 16,139.24
* Plus road stone and macadam backfill as needed at \$40.00/ton & additional hot mix at \$165.00/ton		

Mai, second by Grove, moved to approve Resolution No. 08-0512-19, Accepting Quotation and Awarding Contract for 2008 Chip and Seal Street Repairs to L.L. Pelling Co., per the revised quote dated May 9, 2008.

Aye: Winkowski, Grove, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried – 4 to 0.

### **Water System Upgrades.**

**Resolution No. 08-0512-20, Accepting Proposal for Appraisal Services.** Clerk-Administrator Anderson reported Requests for Proposals were distributed and notice published as directed at the April meeting. Anderson reported the following proposals were received:

- Appraisal Associates, Cedar Rapids, Keith Westercamp Senior Analyst. Fee for Appraisal and report for “Parcel A” - \$1,000.00; Parcel “B” - \$1,000.00; total \$2,000.00
- Cook Appraisals, Iowa City, Kyron (Casey) Cook. Fee for Appraisal and report for “Parcel A” - \$2,050.00; Parcel “B” - \$2,050.00; total \$4,100.00

Mai, second by Ballantyne, moved to accept the proposal from Appraisal Associates and approve Resolution No. 08-0512-20, Accepting Proposals for Appraisal Services.

Aye: Winkowski, Grove, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried – 4 to 0.

**Schedule Workshop meeting re: Water System Improvements.** Mayor and City Council directed Clerk-Administrator Anderson to schedule a workshop meeting to discuss water system improvements and whether to pursue an annexation boundary agreement with Cedar Rapids.

### **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, noting that the sanitary sewer mains passed air pressure testing, and that mandrel test is complete and found one joint that the mandrel could not pass through. Mr. Solberg stated that the pipe and joint appeared to be in acceptable condition at the joint and surrounding main when televised and that he will recommend approval of the work. Mr. Solberg reported work on this project may be completed in time for the City to formally accept project completion at the June City Council meeting.

### **Service & Maintenance Agreements.**

**Resolution No. 08-0414-15, Approving Sewer Maintenance Agreement with Municipal Pipe Tool, LLC.** Mai, second by Ballantyne, moved to approve Resolution

No. 08-0512-15, Approving Sewer Maintenance Agreement with Municipal Pipe Tool, LLC.

Aye: Winkowski, Grove, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried – 4 to 0.

**Resolution No. 08-0414-16, Accepting Proposal for Managed Cost Program for Document Production and Copying.** Ballantyne, second by Mai, moved to approve Resolution No. 08-0512-16, Accepting Proposal for Managed Cost Program for Document Production and Copying with Strategic Print Solutions, of Cedar Rapids, Iowa.

Aye: Winkowski, Grove, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried – 4 to 0.

**Discussion Items.**

Winkowski, second by Grove, moved to adjourn. Motion carried – 4 to 0. The meeting adjourned at 9:19 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator