

**ELY CITY COUNCIL  
REGULAR MEETING  
MAY 13, 2013  
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, Dave Rasmussen and Bob Ballantyne. Also present: Jim Miller, Katie Jo Brun, Alex Ruiz, Kim Aquino, Keu Nguyen, Joe Aquino, Brenda Jones, Mike Zscherny, David Carmody, Jeff Hilleman, Edwina & Mark McLees, Linda Jans, Clary Illian, Keith Schulte, David Stuecker, Steph Mehmen, Teresa Cooper, Cullen Woods, Ken Jans, Sarah Sellon, Debbie Splean, City Engineer Scott Pottorff, and Clerk-Administrator Aaron Anderson.

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

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

- Agenda,
- Minutes of the April 8, 2013 regular City Council meeting
- Minutes of the April 22, 2013 special City Council meeting
- Treasurers Report for the period ended April 30, 2013
- Bills Payable for May 2013, totaling \$82,469.40
- Renewal of Class C Beer Permit with Sunday Sales and Residency Privileges, Cleppe's 66 Service, 1555 State St.
- Appointment of Jeremy Elkin, 1785 North Drive, to Planning and Zoning Commission.

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended April 30, 2013

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 180,933.85	\$ 50,635.28		\$ 766,006.93
Road Use	12,444.70	9,815.17		88,608.62
L O S T	16,438.26			289,026.88
TIF Fund	85,723.98			297,026.88
Debt Service				-13,339.80
Other Projects				-12,894.25
Library Project				-9,106.23
Way Point Sign				-13,405.79
North End Infra				-25,859.93
Water Utility	17,647.09	17,796.45		323,762.33
Water/Sewer Reserve	10,434.50			78,714.40
Sewer Utility	27,704.07	31,678.31		141,710.28
Sewer Debt Service	17,258.00			-66,803.92
Sanitary Utility	6,288.63	5,994.65		41,986.97
Farmers Market				1,090.01
PR Clearing	10,107.80	9,614.42		3,431.28
Totals	\$ 384,980.88	\$ 125,537.28		\$ 1,887,402.45

**Communications.** Linn County Deputy C. Grote presented the Sheriff's Office Monthly Activity Report.

**Citizen Requests.** Bill Grove stated the City Council should look at the golf cart/ATV ordinance again, including the requirement the operator be at least 18 years old instead of 16, and the requirement for lights.

Clary Illian stated she supports the urban chicken ordinance and left information re: the topic on the table by agendas.

Katie Jo Brun asked if Ely can establish stronger protections for the future related to water issues from outside city limits. Mayor, City Council and Ms Brun discussed the topic including: Ely considering more stringent standards for storm water management, enhancing storm water standards in the subdivision ordinance, and maintaining strong coordination and communication with other entities.

### **Driveway Entrance and Ditch/Stream Crossing at 2111 Banner Valley Road – Butch and Annette Wieneke.**

**City Engineer’s Report to Linn County Engineer re: Proposed Design and Installation of Driveway/Stream Crossing at 2111 Banner Valley Road.** City Engineer Scott Pottorff presented a report titled “Drainage Analysis of Proposed Driveway Culvert for the Wieneke Property” dated May 6, 2013 and summarized the findings which include that the capacity of the proposed culvert is “less than the 25 year storm event and is approximately equivalent to the 5 year storm event.” A copy of this report is attached and made a part hereof.

Hale moved to accept the City Engineer’s May 6, 2013 report “Drainage Analysis of Proposed Driveway Culvert for the Wieneke Property”; to communicate the City’s acceptance of said report to the Linn County Engineer and Linn County Board of Supervisors noting that the proposed culvert would not be accepted if the property were located in Ely, must be removed if the property is ever annexed into Ely, and that Ely strongly discourages approval of the proposed culvert; motion seconded by Grove. Motion carried – 5 to 0.

### **Hoover Nature Trail**

**Statement of Support for Preferred Alignment of Hoover Nature Trail from Ely Community Center to Johnson County Line.** Mayor Doyle reported City Council discussed the report and options prepared by Anderson-Bogert Engineers for Linn County Conservation at the April 8 regular meeting and April 22 workshop meeting. Stanek moved to state the Ely City Council concurs with and supports the recommended alignment to extend the Hoover Nature Trail from the Ely Community Center to the Johnson County Line via “Option 1” by which the trail would extend along the east side of State Street from Rowley to the south City limits; second by Hale. Motion carried – 5 to 0.

### **Park Improvement Projects**

**Resolution No. 13-0513-10, Accepting Contract for Architect/Design Services for Concession Stand and Playground Area at Ely City Park.** Jeff Hilleman, Parks Commission Chair, discussed the proposal for a concession stand/restroom building at Ely City Park with Mayor Doyle and the City Council. Matters discussed include, but are not limited to: Parks Commission considers a concession stand/restroom building high priority and paving parking lots lower priority; increased participation in Ely’s baseball program; increase in people visiting Ely for youth baseball or as trail users; availability of money for this and other major projects like State Street improvements; and possible fiscal strain related

to proposed property tax change legislation. Mr. Hilleman noted the Parks Commission solicited quotes for playground equipment which include a rubberized play surface rather than wood chips, leading to the quoted prices being higher than budget and that architect fees would be paid for through savings from other projects. Ballantyne moved to approve Resolution No. 13-0513-10, second by Rasmussen.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

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

**Resolution No. 13-0513-13, Accepting Quote to Provide and Install Playground Equipment at Ely City Park.** Stanek moved to table Resolution No. 13-0513-13 per Parks Commission suggestion, second by Hale. Motion carried – 5 to 0.

### Urban Chickens

**Schedule Public Hearing re: Ordinance No. 236, An Ordinance to Allow and Regulate the Keeping of Chickens Within Ely City Limits.** Stanek moved to schedule a public hearing re: proposed Ordinance No. 236, An Ordinance to Allow and Regulate the Keeping of Chickens Within Ely City Limits for 7:00 p.m. June 10, 2013; second by Ballantyne. Motion carried – 4 to 1; Grove opposed.

### Stop Intersections and No-Parking Locations in Southbrook 10<sup>th</sup> Addition

**Second Reading of Ordinance No. 235, Enacting Stop and No-Parking Locations in Southbrook 10<sup>th</sup> Addition.** Hale moved to approve the second reading of Ordinance No. 235, Enacting Stop and No-Parking Locations in Southbrook 10<sup>th</sup> Addition; second by Stanek.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried and the second reading of Ordinance No. 235 approved - 5 to 0.

Ballantyne moved to waive the requirement for third reading of Ordinance No. 235 pursuant to §380.3 Code of Iowa; second by Stanek.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried and third reading of the ordinance waived pursuant to §380.3 Code of Iowa - 5 to 0.

Ballantyne moved final approval and enactment of Ordinance No. 235, second by Stanek.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried and the ordinance duly approved and enacted - 5 to 0.

**Sign Standards of the Ely Zoning Ordinance**

**Public Hearing re: Revised Ordinance No. 234, Revising the Sign Regulations of the Ely Zoning Ordinance.** Stanek moved to open a public hearing re: Ordinance No. 234, Revising the Sign Regulations of the Ely Zoning Ordinance at 8:19 p.m., second by Hale. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 8:19 p.m. Clerk-Administrator Anderson reported notice was published and posted as required, and no comments received. Mr. Anderson summarized contents of the proposed ordinance, including clarification for setbacks for signs. Councilmember Grove temporarily excused himself from the proceedings and left the council chambers. Stanek moved to close the public hearing at 8:22 p.m., second by Hale. Motion carried – 4 to 0, Grove absent. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:22 p.m.

**First Reading of Ordinance No. 234, Revising the Sign Regulations of the Ely Zoning Ordinance.** Stanek moved to introduce Ordinance No. 234, Revising the Sign Regulations of the Ely Zoning Ordinance and to approve the first reading of said ordinance; second by Hale.

Aye: Stanek, Hale, Rasmussen, Ballantyne  
Nay: None  
Absent: Grove - temporarily

Mayor Doyle declared the motion carried, Ordinance No. 234 introduced and the first reading of Ordinance No. 234 approved - 4 to 0.

**Budget and Finance**

**Public Hearing re: Amendment of FY 2012-13 Budget.** Stanek moved to open a public hearing re: amending the FY 2012-13 budget at 8:24 p.m., second by Hale. Motion carried – 4 to 0. Mayor Doyle declared the motion carried and public hearing open at 8:24p.m. Clerk-Administrator Anderson reported notice was published and posted as required by state law and City Code; and no comments were received. Mr. Anderson summarized the proposed amendment, noting several of the proposed changes were related to refinancing the 2007 WWTP and Rogers Creek Trunk sewer IFA notes. Stanek moved to close the public hearing at 8:25 p.m., second by Hale. Motion carried – 4 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:25 p.m.

**Resolution No. 13-0513-14, Approving Amendment to FY 2012-13 Budget.** Stanek moved to approve Resolution No. 13-0513-14, Approving Amendment to FY 2012-13 Budget, second by Ballantyne.

Aye: Stanek, Hale, Rasmussen, Ballantyne  
Nay: None  
Absent: Grove - temporarily

Mayor Doyle declared the motion carried and resolution approved – 4 to 0.

Councilmember Grove returned.

**Public Works – Streets, Water, Sewer & Equipment.** Council member Stanek temporarily excused himself from the proceedings and left the council chambers.

**Resolution No. 13-0513-11, Accepting Quote for 2013 HMA Street Resurfacing – Plainview Road.** Mayor Doyle reported Ely received the following quotes to resurface Plainview Road:

- Kluesner Construction, Inc., Farley, IA - \$41,820.00
- L.L. Pelling Company, Inc., North Liberty, IA - \$44,047.50
- Dave Schmitt Construction Co., Cedar Rapids, IA - \$59,132.50.

Mayor Doyle stated Resolution No. 13-0513-11 would accept the quote from Kluesner Construction, as the low responding quote. Ballantyne moved to approve Resolution No. 13-0513, Accepting Quote for 2013 HMA Street Resurfacing – Plainview Road; second by Hale.

Aye: Grove, Hale, Rasmussen, Ballantyne  
Nay: None  
Absent: Stanek - temporarily

Mayor Doyle declared the motion carried and resolution approved – 4 to 0.

**Resolution No. 13-0513-15 Accepting Quote for 2013 Chip & Seal Street Maintenance of Vista Road.** Mayor Doyle reported Ely received a quote from L.L Pelling to perform chip and seal street maintenance on the west segment of Vista Road at a cost of \$8,629.00 as spelled out in a quote dated April 30, 2013; and that the resolution accepts this quote. Ballantyne moved to approve Resolution No. 13-0513-15, Accepting Quote for 2013 Chip & Seal Street Maintenance of Vista Road, second by Hale.

Aye: Grove, Hale, Rasmussen, Ballantyne  
Nay: None  
Absent: Stanek - temporarily

Mayor Doyle declared the motion carried and resolution approved – 4 to 0.

Council member Stanek returned.

**Resolution No. 13-0513-16, Authorizing Purchase of Elgin Pelican 2001 P Dual Street Sweeper.** Mayor Doyle reported this resolution authorizes proceeding to purchase a used 2001 Pelican Dual P Street Sweeper from Trans-Iowa Equipment for a total cost of \$35,000 as set out in a purchase proposal dated April 26, 2013. Grove moved to approve Resolution No. 13-0513-16, Authorizing Purchase of Elgin Pelican 2001 P Dual Street Sweeper; second by Stanek.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne  
Nay: None  
Absent: None

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

**Resolution No. 13-0513-17, Accepting Contract with Municipal Pipe Tool for Annual Sanitary Sewer Maintenance Program.** Hale moved to table Resolution No. 13-0513-17 per Administrator's suggestion, second by Grove. Motion carried – 5 to 0.

**City/EDGE Strategic Plan**

**Review and Discuss Draft Version of Strategic Plan – “Leading Our Future”.** Bob Ballantyne reported most of the partner groups have reviewed the March 2013 draft of the strategic plan, and were mainly supportive though he has not received written correspondence from most. Mr. Ballantyne noted the Parks Commission has not had opportunity to review and comment on the proposal. City Council discussed the draft of plan and will consider endorsing it at the June 10, 2013 City Council meeting.

**Discussion Items - None**

Grove moved to adjourn, second by Hale; motion carried – 5 to 0. The meeting adjourned at 8:46 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator