

**ELY CITY COUNCIL
REGULAR MEETING
JUNE 8, 2009
ELY CITY COUNCIL CHAMBERS**

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

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

- Agenda.
- Minutes of the May 11, 2009 regular meeting.
- Treasurers Report for the period ended May 31, 2009.
- Bills Payable for June 2009 totaling \$254,339.43, which includes debt service and insurance payments totaling \$202,252.06.
- Renewal of Retail Tobacco/Cigarette Permits for Cleppe's 66 Service, 1555 State St., and Casey's General Store, 1495 State Street.
- Resolution No. 09-0608-32, Assessing Delinquent Utility Charges to Property Taxes.
- Resolution No. 09-0608-33, Authorizing Interfund Transfers per FY 08-09 Budget.

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended May 31, 2009

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 27,603.39	\$ 42,716.79		\$ 515,190.13
Road Use	7,651.06	2,939.39		10,465.83
TIF Fund	13,021.15	4,373.50		243,159.25
Debt Service	5,589.57	167,785.00		-104,018.45
Other Projects				-85,574.85
Library Project				3,169.70
North End Infra		2,940.00		74,388.29
Water Utility	14,275.29	13,383.01		294,921.08
Water/Sewer Reserve		0		100,000.00
Sewer Utility	20,780.74	9,965.11		191,042.71
Sewer Debt Service		181,999.06		-228,065.92
Sanitary Utility	5,622.41	5,554.94		51,358.16
PR Clearing	7,036.45	6,479.91		4,158.89
Totals	\$ 101,580.12	\$ 483,136.71		\$1,070,194.82

Communications: Mayor Doyle reported receiving the following communications: minutes of the May 20, 2009 Plan and Zoning Commission meeting and Public Works Director's Report for May and June. Linn County Deputy Crawford presented the Sheriff's Office Monthly Activity Report.

Citizen Requests. Jim Miller asked about the status of grading the drainage area around the WWTP lagoon on his land, Administrator Anderson stated he would investigate and report back.

There was discussion regarding street lights that are not working, Council directed Anderson to have city employee investigate street lights, list those that aren't working and forward the list to Alliant Energy or Linn County REC. Installing street lights on Banner Valley Road was discussed.

Renewal of Franchise to Allow Interstate Power and Light Company to Provide Electric Light, Heat and Power

Public Hearing re: Ordinance No. 213, Granting Renewal of Franchise to Allow Interstate Power and Light Company to Provide Electric Light, Heat and Power – 7:00 p.m. Mayor Doyle reported this public hearing is required by Iowa law prior to the city approving an ordinance to approve or renew a utility franchise. Ballantyne moved to open the public hearing at 7:26 p.m., second by Mai; motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:26 p.m.

Mayor Doyle asked for comments regarding the public hearing item. Jim Miller, 1200 Vista Rd, suggested the City have Alliant identify all streetlights that are not working properly as part of the franchise renewal. Rob Drzycimski, representing Alliant Energy, reported Alliant has several options for the city or residents to report streetlights that do not work, including a new website link.

Terry Smith, 1190 State Street, asked if this has any effect on MidAmerican Energy's gas utility franchise. Clerk-Administrator Anderson stated it does not.

Banowetz, second by Mai, moved to close the public hearing at 7:29 p.m.; motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:29 p.m.

First Reading Ordinance No. 213, Granting Renewal of Franchise to Allow Interstate Power and Light Company to Provide Electric Light, Heat and Power. This ordinance would renew a franchise allowing Interstate Power and Light Company to provide electric utility service and locate and maintain infrastructure needed for that utility in public rights of way in Ely for a period of twenty five (25) years. Grove moved to introduce and approve first reading of Ordinance No. 213, second by Mai:

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried.

Grove moved to waive the second and third reading of Ordinance No. 213, second by Ballantyne.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried.

Ballantyne moved to approve final approval and adoption of Ordinance No. 213

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried and Ordinance No. 213 duly approved.

2009 Dows Street Resurfacing Project.

Public Hearing re: Plans, Specifications and Form of Contract, 2009 Dows Street Resurfacing Project. Mayor Doyle reported this public hearing is required by State Code before approving a contract for construction of public improvements. Mai moved to open the public hearing at 7:31 p.m., second by Ballantyne; motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:31 p.m.

Mayor Doyle asked for comments from the public regarding the public hearing item. Jim Miller asked if the entire width of Dows Street is going to be resurfaced, or just the middle section or areas already ripped up. Mayor Doyle reported the entire street width will be resurfaced from roughly Knoll Court to Hillcrest Street.

Bob Ballantyne asked what would happen to the millings. Scott Pottorf reported the contract specifications call for the contractor to dispose of them and it is possible for Ely to get some or all if they want.

Banowetz moved to close the public hearing at 7:34 p.m., second by Mai; motion carried – 5 to 0.

Resolution No. 09-0608-34, Approving Plans, Specifications and Form of Contract.

Banowetz moved to approve Resolution No. 09-0608-34, second by Ballantyne:

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried and the resolution duly approved.

Review of Bids Received. Clerk/Administrator Anderson reported Ely received the following bids for the 2009 Dows Street Resurfacing Project:

Bidder	Amount of Bid
L. L. Pelling Co, North Liberty IA	\$126,870.00
PM Systems Corp, dba Pate Asphalt, Marion, IA	\$148,990.00
Shamrock Construction Co., Coralville, IA	\$179,213.30
<i>Engineer's Estimate</i>	<i>\$202,000.00</i>

Resolution No. 09-0608-35, Accepting Bid and Awarding Contract. Winkowski moved to approve Resolution No. 09-0608-35 and award the bid for the 2009 State Street Resurfacing Project to L.L. Pelling in the amount of \$126,870.00, second by Ballantyne;

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried and the resolution duly approved

Public Hearing re: the Proposition of the Issuance of Not to Exceed \$240,000 General Obligation and Sales Tax Revenue Bonds, Series 2009 of Ely. Winkowski

moved to open the public hearing at 7:38 p.m., second by Mai; motion carried – 5 to 0. Mayor Doyle opened the public hearing at 7:38 p.m.

Mayor Doyle asked for comments regarding the public hearing item. Clerk-Administrator Anderson suggested Ely issue bonds totaling \$180,000 because bids are less than engineers estimate.

Bob Ballantyne asked when work could start on the street project. Scott Pottorf stated early start date is July 6th and late start date is August 17th. Mr. Ballantyne asked how long work is expected to take. Mr. Pottorf stated the contract allows for twenty working days, though he expects it will not take that long. Mr. Ballantyne asked if traffic would be open to only one lane at a time during construction. Mr. Pottorf stated one lane of traffic would be open at all times, and that two lanes will be open to traffic when work crews are not actively working or at site.

Mark Banowetz asked if it would be possible to mill and resurface the segment of Dows Street from State Street to Main Street in addition to the already identified project and issue the \$240,000 GO Bonds to cover the entire project cost. Scott Pottorf stated it is likely that segment of Dows Street could be done within the \$240,000 bond issue if LL Pelling honors the bid quantity costs for the additional work. Considerable discussion followed regarding options to resurface Dows Street from Main to State Street and pay for the work through this bond issue, including possible chip and seal of Walker to State if bond proceeds are not sufficient to mill and resurface this segment with 4” of hot asphalt.

Mayor Doyle asked for further comments regarding the public hearing item, none were offered. Ballantyne moved to close the public hearing at 7:56 p.m., second by Mai. Motion carried – 5 to 0. City Council directed Mr. Pottorf and Mr. Anderson to explore including the segment of Dows Street from Main to State to mill and resurface with 4” Hot Mix Asphalt and whether the cost of doing so when added to the East Dows Street project discussed above would still be within the constraints of the \$240,000 General Obligation Bond.

Resolution No. 09-0608-36, Instituting Additional Proceedings to Take Additional Action for the Authorization of a Loan Agreement and the Issuance of not to Exceed \$240,000 General Obligation Capital Loan Notes, Series 2009. Ballantyne moved to approve Resolution No. 09-0608-36, second by Mai.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried and the resolution duly approved.

Development of Ely City Park

Resolution No. 09-0608-37, Authorizing and Providing for the Issuance and Securing the Payment of Up To \$82,418 Sales Tax Revenue Bonds, Taxable Series 2009, of the City of Ely, State of Iowa, Under the Provisions of Chapter 423G of the Code of Iowa, and Providing for a Method of Payment of Said Bonds. Ballantyne moved to approve Resolution No. 09-0608-37, second by Mai.

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

Mayor Doyle declared the motion carried and the resolution duly approved.

Payment Request No. 1, Ricklefs Excavating. Mai moved to approve Payment Request No. 1 in the amount of \$95,907.72 from Ricklefs Excavating for work completed through June 3, 2009 on the 2009 Park Grading and Excavation project, second by Ballantyne. Motion carried – 5 to 0.

Wolf First Addition

Resolution No. 09-0608-38, Approving Preliminary Plat, Wolf First Addition. Clerk-Administrator Anderson reported the Plan and Zoning Commission reviewed a request for preliminary plat from John Wolfe to subdivide a 9.67+/- parcel identified as Lot 3, Auditor's Plat No. 512, Linn County, Iowa into a total of two lots as shown in the proposed preliminary plat. Ballantyne moved to approve resolution No. 09-0608-39, second by Winkowski.

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

Mayor Doyle declared the motion carried and the resolution duly approved.

Commercial Building Renovation Incentive Program. Mayor and City Council discussed items the Commercial Building Renovation Incentive Program, items discussed include: greater City involvement before the property owner performs the work, that the program should emphasize facade improvements, City Council confirmation that project is eligible for the program before the building owner gets bids for work, property owner should get at least three bids, and Council review and approve bids along with a project agreement before participation is approved. The City Council directed City Administrator Anderson to draft revised program for Council consideration in July.

Minimum Paved Widths for "Municipal Service Streets". City Administration Anderson reported the Plan and Zoning Commission recommends changing minimum paved width for "municipal service streets" from twenty six (26) feet to twenty eight (28) feet. Mai moved to schedule a public hearing for 7:00 p.m. July 13, 2009 to consider an ordinance to amend the subdivision ordinance by changing minimum paved width for "municipal service streets" from twenty six (26) feet to twenty eight (28) feet, second by Grove. Motion carried – 5 to 0.

Employee Compensation

Report of Employee Performance Reviews. Clerk-Administrator Anderson reported the results of performance reviews conducted for City Hall and Public Works employees.

Resolution No. 09-0608-39, Setting Employee Wages and Salaries for City of Ely for FY 2009-10. Mai moved to approve Resolution No. 09-0608-39, second by Ballantyne.

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

Mayor Doyle declared the motion carried and the resolution duly approved.

Water System Improvements Project.

Motion to Begin Closed Session to Discuss the Purchase of Real Estate, per §21.5(j) Code of Iowa. Winkowski 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 8:50 p.m., second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the meeting in closed session at 8:50 p.m.

Banowetz moved to end the closed session at 9:29 p.m., second by Grove; motion carried – 5 to 0. Mayor Doyle declared the closed session ended and meeting in regular open session at 9:29 p.m.

Clerk-Administrator Anderson was directed to schedule a special meeting to consider bids for the 2009 \$240,000 GO Capital Loan Notes and to discuss process and items related to acquiring land via the eminent domain process with City Attorney Bob Hatala.

Grove moved to designate July 6, 2009 as the Independence Day holiday for City of Ely employees, with City Hall and Public Works to be closed that day, second by Mai; motion carried – 5 to 0.

Banowetz moved to adjourn, second by Grove. Motion carried – 5 to 0. The meeting adjourned at 9:31 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator