

**ELY CITY COUNCIL
REGULAR MEETING
JUNE 8, 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: Glen Buresh, Frances Buresh, Karen Crutchly, Chuck Crutchly, DJ Wacker, Hannah Thurston, Jim Miller, Douug Russel, Sandy Mostaert, Mike Brain, Orin Hall, Tammy Ward, Jeff Ward, Veronica Dierson, Butch Wieneke, Annette Wieneke Jeff Hilleman, Katie Bruhn, Alan Wery, 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 Mehmen, moved to approve the Consent Agenda consisting of:

- Agenda, as presented.
- Minutes of the May 11, 2015 regular meeting.
- Treasurer’s Report for the period ended May 31, 2015.
- Bills Payable for June 2015 totaling \$691,259.61, which includes \$580,933.45 of debt service principal and interest payments.
- Renewal of retail cigarette and tobacco permits for Casey’s General Store, 1495 State St., and Cleppe’s 66 Service, 155 State St.
- Renewal of Class E Liquor, Class B Wine (carryout) and Class C Beer (carryout) permit with Sunday Sales Privilege for Casey’s General Store, 1495 State St.
- Appointment of Jeff Ward to the Plan and Zoning Commission.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended May 31, 2015

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 19,975.40	\$ 47,551.61		\$ 771,985.37
Road Use	8,024.52	12,631.07		9,133.72
L O S T	15,434.66	262,005.00		73,382.80
TIF Fund	5,644.71	197,343.00		50,452.85
Debt Service	310,348.00			290,979.64
Other Projects	149,000.00	31,985.02		739,421.63
Library Project				-64.23
Way Point Sign	3,136.50			-21,929.20
North End Infra				-25,589.93
Water Utility	17,824.51	15,117.63		293,947.27
Water/Sewer Reserve	5,888.34			167,586.50
Sewer Utility	27,957.89	20,965.03		78,068.08
Sewer Debt Service	11,788.34			126,586.54
Sanitary Utility	6,474.23	6,722.72		37,114.15
Storm Water	50.00			775.90
Farmers Market				1,220.76
PR Clearing	12,833.81	13,393.33		4,906.10
Totals	\$ 594,680.91	\$607,714.44		\$ 2,602,977.95

Communications. Library Director Sarah Sellon presented a report on activities at the Ely Public Library. Linn County Deputy Egli reported on Sheriff's Office activity during the month, including apprehending the vandal who caused the fire at the Schulte Park pavilion. Mayor and City Council reviewed the Public Works Director's monthly report and noted raised water shutoffs on Rock Island Dr. and Dows Street, sidewalk that needs repaired on Dows Street and trimming trees including possibly working with Alliant Energy or their subcontractor on tree trimming.

Citizen Requests. Jim Miller reminded the City Council of the upcoming 4th of July Firefighter's Pancake Breakfast, and reported he has tickets to sell.

Banquet/Event Facility on Rogers Creek Road, 2015

Request to Reconsider Re-Zoning of Property by Initiating Process to Zone Property back to Residential per Letter of Appeal to Rezoning Commercial on Rogers Creek Road and Public Hearing of Comprehensive Plan – Sandy Mostaert. Second Reading of Ordinance No. 240, Amending the Zoning Map by Designating Certain Parcels as a C-2 Highway Commercial District. Sandra Mostaert noted she wants to offer more information on the matter, stated she and others spoke to many people in the Rogers Creek Rd/Meadowview area and that 95% of those they spoke with in the Rogers Creek Road area disapprove of the re-zone of the property. Ms Mostaert presented a Change.Org petition which includes digital and written signatures to Mayor Doyle; she also submitted a document titled "2014 Iowa Zoning Law" by James E. Nervig, to Mayor Doyle. Ms Mostaert noted a passage regarding spot zoning in the document. Mayor Doyle asked City Clerk/Administrator Anderson to summarize his earlier written response regarding spot zoning. Mr. Anderson asked to defer to City Attorney Bob Hatala. Mr. Hatala referred to judicial findings that "spot zoning" may be legally acceptable if there is rational basis for the zoning. Mr. Hatala referred to the process for the amendment to the comprehensive plan and the rezoning. Mr. Hatala noted the City Council would have to go through the whole process to change the zoning of the property, including notice and public hearing, to reconsider the action to rezone the property, the other option is to file a writ of certiorari. Mr. Hatala stated the City appears to have two options, to initiate the zoning process again or do nothing and let the action stand. Butch Wieneke asked why have a third reading, and not just approve everything with one reading. There was general discussion regarding posting of notices, and the communication factor.

Mayor Doyle asked if a Council member would offer a motion to initiate the process to go back through the zoning process on this matter. City Council did not present a motion regarding this matter, no action was taken.

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. Mike Brain, consulting engineer for Glen and Frances Buresh, discussed their proposed preliminary plat. Mr. Brain reported they request that sidewalks not be required in the subdivision until sidewalk connects to the property from the south; that a 6" diameter water main would be adequate; that 500' sight distance can be achieved on

Jappa Road from Deborah Anne Lane if the speed limit is lowered to 50 mph; he presented a graphic showing possible collector streets in the area adjacent to the parcel that would not connect to the parcel anyway. Mr. Buresh also discussed location of the Deborah Anne Lane/Jappa Road intersection, and their preference for the development to be built around a cul-de-sac. Kay Hale noted Prairie school buses no longer go into cul-de-sacs. Mayor and City Council discussed these matters with Mr. Brain and Mr. Buresh. Consensus following discussion was that the cul-de-sac is acceptable, sidewalk will not be required in the subdivision until sidewalk connects to the south property line of the parcel.

Resolution No. 15-0511-15, Approving Preliminary Plat. Grove moved to approve Resolution No. 15-0511-15, revised to reflect that sidewalks will not be required until sidewalk connects to the south property line, and that 6" diameter water main within the subdivision is acceptable, second by Ballantyne.

Aye: Mehmen, Grove, Ballantyne

Nay: Wery

Absent/Abstain: Hale

Mayor Doyle declared the motion passed and resolution adopted 3-1, Hale abstain and Wery opposed.

Parks

Schulte Park Pavilion – Status Report. Clerk-Administrator reported the Schulte Park Pavilion was damaged by a vandal caused fire. He reported the Sheriff's Office apprehended the vandal who is a minor. Mr. Anderson reported a claim is filed with Ely's insurance carrier, and two repair/restoration contractors contacted for a quote to repair/restore the building.

Schulte Park Pavilion – Approve Repair/Restoration Contractor. Mr. Anderson reported Ely did not receive quotes in time for tonight's meeting. Ballantyne moved to table action regarding approving a repair/restoration contractor for a special meeting on June 30, 2015 and quotes are on hand, second by Wery. Motion carried – 5 to 0.

Discuss City Park Walking Path. Mayor and City Council discussed the walking path in Ely City Park and funding options. Clerk-Administrator Anderson reported the current year budget includes \$20,000 in unused money to purchase a low speed utility vehicle that Public Works Director Stark does not seek to purchase for several years, and that \$15,000 local option sales tax proceeds may be available to meet the balance of the project cost. City Council directed quotes to be solicited to be considered at the special meeting on June 20, 2015.

Design for the Waypoint Donor Recognition Area, Parks Commission. Jeff Hilleman, Parks Commission Chair, presented two design options for a recognition area for the waypoint project. Mayor and City Council discussed the matter with Mr. Hilleman, consensus was to pursue Option #2, and to ask Mr. Hilleman to solicit quotes for this option.

Storm Water Management – MS4 Permit Compliance

Public Hearing re: Ordinance No. 241, Regulating Construction Site Erosion and Sediment Control. Hale moved to open a public hearing regarding proposed Ordinance No. 241, Regulating Construction Site Erosion and Sediment Control at 8:29 p.m., second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 8:29 p.m. and asked for comment from the public regarding the hearing item. Clerk-Administrator stated this is one of the ordinances required under Ely’s Iowa MS4 permit, that a major erosion control permit follows the same standards as the State of Iowa, a site that disturbs one acre or more must get a major erosion control permit. Mr. Anderson stated a minor erosion control permit is required for sites that disturb between one-quarter and one acre, and stated the information required and standards for a minor erosion control permit. Mayor Doyle asked if this is something that got pushed on to Ely by the State of Iowa. A gentleman asked what type of construction sites this applies to. Mr. Anderson replied any construction site, a major permit is required for sites that disturb more than one acre, minor permits required for sites that disturb between one-quarter and one acre of land. Hale moved to close the public hearing at 8:32 p.m., second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:32 p.m.

First Reading of Ordinance No. 241, Regulating Construction Site Erosion and Sediment Control. Hale moved to introduce and approve the first reading of Ordinance No. 241, Regulating Construction Site Erosion and Sediment Control, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed and the first reading of the ordinance approved – 5 to 0.

Ballantyne moved to waive the second and third reading of the ordinance three times, pursuant to §380.3 Code of Iowa, and approve final adoption of said ordinance, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed, second and third reading waived and the ordinance duly approved and adopted – 5 to 0.

Public Works – Streets, Water, Sewer & Equipment.

Resolution No. 15-0608-22, Accepting Quote for 2015 Concrete Street Repairs. Mayor Doyle reported requests for quotes were mailed to various firms and a notice of request for quotes published in the Cedar Rapids Gazette on May 16, with quotes due noon Monday June 1, 2015. He reported Ely received the following quotes:

- \$25,562.00 – Dave Schmitt Construction, Cedar Rapids
- \$24,390.00 – Schrader Excavating, Walford, Iowa

Mayor Doyle reported this resolution accepts the quote of \$24,396.00 from Schrader Excavating. Ballantyne moved to approve Resolution No. 15-0608-22, Accepting Quote for 2015 Concrete Street Repairs, second by Grove.

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

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

Authorize Advertising for Temporary Seasonal Mowing/Groundskeeper. Clerk-Administrator Anderson reported Public Works and Parks Commission seek to again take over mowing all city properties, and requested authority to advertise to hire a temporary seasonal employee for mowing and groundskeeping at \$9.00/hour. Hale moved to authorize advertising to hire temporary seasonal employee for mowing and groundskeeping at \$9.00/hour, second by Grove. Motion carried – 5 to 0.

Administrative, Personnel and Staffing

Accept Resignation of Teri Billick, Deputy Clerk. Mayor Doyle reported Deputy City Clerk Teri Billick submitted her resignation on May 18, with final day Friday June 5, 2015. Hale moved to accept Teri Billick's resignation from position of Deputy City Clerk with regret, second by Grove. Motion carried – 5 to 0.

Authorize Advertising to Fill Vacant Deputy City Clerk Position. Hale moved to authorize advertising to fill the vacant deputy city clerk position at wage range of \$15.35 to \$18.35 per hour in publications including Corridor Careers, the Solon Economist and various free resources; second by Ballantyne. Motion carried – 5 to 0. Mayor Doyle, Kay Hale, Stephanie Mehmen will work with City Administrator to review applications and interview candidates.

Authorize City Administrator to Engage Temporary Interim Office Assistance. Mehmen moved to authorize the City Administrator to engage temporary office assistance through temporary agency at pay equivalent of \$10.00/hour, second by Hale. Motion carried – 5 to 0.

Report of Employee Performance Reviews. Mayor and City Council discussed the summary of employee performance reviews presented by City Administrator Anderson and the performance review of Mr. Anderson prepared by Mayor Doyle

Resolution No. 15-0608-23, Setting Employee Wages and Salaries for City of Ely for FY 2015-16. Mayor Doyle reported this resolution increases wages and salaries for non-library employees by 2%, library employee wages and salaries are set by the Library Board. Hale moved to approve Resolution No. 15-0608-23, Setting Employee Wages and Salaries for City of Ely for FY 2015-16, 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 Ely has an outstanding public library and staff, and that the Public Works crew is excellent.

Hale moved to adjourn, second by Mehmen Grove; motion carried – 5 to 0. The meeting adjourned at 8:59 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator