

**ELY CITY COUNCIL
REGULAR MEETING
JUNE 9, 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, Mark Banowetz, Stephanie Mai, and Bob Ballantyne. Guests included: Jim Miller, Carrie Kimm, Deb Rasmussen, Jim & Millicent Cozzie, Randy Rohr, Pat Nulty, Keith Schulte, Randy Zbanek, and Dave Rasmussen. Also present: City Engineer Cary Solberg and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the May 12, 2008 regular meeting.
- Treasurers Report for the period ended May 31, 2008.
- Bills Payable for June 2008 totaling \$81,325.53
- Purchase Order authorizing up to \$2,500.00 to remove dead or dangerous trees and stumps from street right of ways.
- Renewal Retail Cigarette/Tobacco permits for Casey's General Store, 1495 State Street and Cleppes' 66 Service, 1555 State Street.
- Interfund Transfers as follows:
 - \$128,560 from TIF Fund to Debt Service Fund.
 - \$171,588 from Sewer Utility Fund to Sewer Debt Service Fund

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended May 31, 2008

	Receipts	Disbursements	Ending Balance
General	34,090.09	16,158.74	443,585.09
Road Use	7,070.88	5,189.01	24,858.87
TIF Fund	11,470.47		435,749.62
Debt Service	5,393.31	181,257.50	-124,143.62
Other Projects		1,173.25	-75,915.21
Library Project			3,169.70
Water Utility	13,539.10	4,707.92	235,592.65
Water/Sewer Reserve			100,000.00
Sewer Utility	115,099.47	16,406.55	341,371.16
Sewer Debt Service		150,315.67	-171,587.21
Sanitary Utility	4,640.36	5,537.11	53,491.54
PR Clearing	7,451.25	5,772.76	1,968.41
Totals	198,760.90	386,51.51	1,268,135.30

Communications: Mayor Doyle reported receiving the following communications: minutes of the May 2008 Plan and Zoning Commission meeting; Public Works Director's Monthly Report. Deputy Tim Payne presented the Sheriff's Office's Monthly Report

Citizen Requests. Carrie Kimm, 1550 Fuhrmeister, discussed the drainage situation at her property, and distributed photographs illustrating the situation. Ms Kimm noted the drainage is

causing way too much water to flow through her property, which is causing excessive erosion. Tom Winkowski noted that this situation would be addressed as part of the State Street Upgrade project that would include storm sewer upgrades.

Request for Assistance with Tuition to National Young Leaders Conference – Ali Page Robinson. Mayor Doyle reported receipt of a request from Ali Page Robinson, 1610 Ranmar Drive, for city financial assistance to attend the National Young Leaders Conference in Des Moines, Iowa. Mayor and City Council discussed the request, noting that although Ms Page Robinson appears deserving, Ely does not have a program or criteria for deciding on such requests. It was the general consensus of the City Council this is not a request that city funds should be directed to.

Ordinance No. 203, Creating Voluntary Annual Refuse Collection Tag. Mayor Doyle reported the City Council conducted a public hearing regarding the proposed ordinance on May 12, 2008; first reading of the ordinance was approved following the public hearing. Mayor Doyle reported the version of the ordinance under consideration for second reading includes the revisions incorporated in the approved first reading.

Second Reading Ordinance No. 203, “An Ordinance to Amend Refuse Collection Fees by Creating an Optional Annual Refuse Collection Tag”. Mai, second by Ballantyne, moved to approve second reading of Ordinance No. 203, “An Ordinance to Amend Refuse Collection Fees by Creating an Optional Annual Refuse Collection Tag”.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried – 5 to 0. Ordinance to be included on agenda for July 14, 2008 for consideration of third reading and final approval.

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 reported the version of the ordinance under consideration for third reading includes the revisions incorporated in the approved second reading.

Third 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”.

Winkowski, second by Grove, moved to approve third reading and final adoption 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:

“3-3-80 EQUIPMENT. Golf carts operated upon City streets shall be equipped with at least the following:

1. A slow moving vehicle sign
2. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level,
3. Golf carts operated on city streets shall be equipped with adequate brakes
4. Headlights
5. Taillights”

“3-3-81 HOURS. Golf carts may be operated on City streets only between ~~one-half hour after sunrise and one-half hour before sunset.~~”

“3-3-93 VIOLATION 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 guilty of violating this ordinance two times in a twelve (12) month period shall be subject to a fine of two-hundred dollars (\$200.00) and revocation of the City of Ely permit for a period of two years.
3. Any person guilty of violating this ordinance three times shall be subject to a fine of three-hundred dollars (\$300.00) and permanent revocation of the City of Ely permit.
4. 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, Banowetz, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried and ordinance enacted – 5 to 0.

Street Repairs. Mayor Doyle reported that City Attorney Hatala had reviewed the process used to gather quotes for the 2008 street repairs; noting that cost quotes for the chip-seal work and WWTP Lane generally conformed to Iowa public bidding law, and that the 2008 Street Repairs and Improvements Project would need to be competitively bid through formal bid process, including engineering and formal advertising.

Authorize Advertising for Formal Bids and Other Proceedings Necessary for the 2008 Street Repairs and Improvements Project. Ballantyne, second by Grove, moved to authorize formal bids and other proceedings necessary to solicit, review and award bids for the 2008 Street Repairs and Improvements Project for the followings street segments:

Jappa Rd: from roughly 250’ north of Dows to Rogers Creek Rd.

Banner Valley Rd: from Rock Island Dr to Worley Lane

Rowley St: from State St. to Main St.

Motion carried – 5 to 0.

Plan & Zoning Recommendations

Schedule Public Hearing re: Request for Re-zone to R-2 Residential, Splendid Villa Addition. Clerk-Administrator Anderson reported “Splendid Villa Addition” is a residential subdivision requested by Sun Development, LLC located south of Rogers Creek Road and east of Dows Street. The requested subdivision includes 25 lots which the developer requests to be re-zoned from R-1 Single Family Residential to R-2 Multi-Family Residential. Mr. Anderson reported the Plan and Zoning Commission has recommended the City Council approve the request.

Schedule Public Hearing re: Ordinance to Create R-3 and R-4 Residential Zoning Districts. Mr. Anderson reported the Plan and Zoning Commission prepared development standards for two separate multiple family residential zoning districts: an “R-3” district that would allow no more than 4-family units in one structure, and an “R-4” district that would allow no more than 8-family units in one structure. Mr. Anderson reported the P&Z recommends the City Council enact an ordinance to adopt these zoning districts.

Schedule Public Hearing re: Ordinance to Re-Zone Designated Properties from R-2 Residential to R-3 and R-4 Residential Zoning Districts. Mr. Anderson reported the Plan and Zoning Commission has identified specific lots currently zoned R-2 Multi-family Residential that they recommend to be re-zoned as R-3 and R-4.

Ballantyne, second by Grove, moved to schedule public hearings for the items listed above for 7:00 p.m., July 14, 2009. Motion carried – 5 to 0.

Resolution No. 08-0609-21, Accepting Title to Property. Clerk/Administrator Anderson reported the owner of a dilapidated shed on Dows Street at the southeast corner of the alley between State Street and Walker Street has offered to donate the land and building to the City at no cost. Mr. Anderson reported the donation of the land and building would allow the city to demolish and remove the structure while incurring minimal legal fees to do so, and that doing so would result in the property being cleaned up faster either condemnation or dangerous buildings processes. Grove, second by Mai, moved to approve Resolution No. 08-0609-21, Accepting Title to Property.

Aye: Winkowski, Grove, Mai, Ballantyne

Nay: None.

Abstain: Banowetz

Mayor Doyle declared the motion carried - 4 to 0, with one abstention.

2007 Wastewater Treatment Plant Improvements Project.

Resolution No. 08-0609-22, Approving Change Order No. 13 to Contract with Miron Construction for the 2007 WWTP Project. Engineer Cary Solberg reported Change Order No. 13 is an increase in the amount of \$1,430.00 for additional work needed to repair a sewer line at the WWTP broken by Alliant Energy. Ballantyne, second by Banowetz, moved to approve Resolution No. 08-0609-22, Approving Change Order No. 13 to the Contract with Miron Construction for the 2007 WWTP Project.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried - 5 to 0.

Resolution No. 08-0609-23, Approving Change Order No. 14 to Contract with Miron Construction for the 2007 WWTP Project. Engineer Cary Solberg reported Change Order No. 14 is in the amount of \$1,679.00 for additional seal fail controls for an excess flow pump salvaged from the lagoon system. Banowetz, second by Winkowski, moved to approve Resolution No. 08-0609-23, Approving Change Order No. 14 to the Contract with Miron Construction for the 2007 WWTP Project.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried - 5 to 0.

Payment Application Numbers 12 & 13, Miron Construction Inc. – 2007 WWTP Project. Banowetz, second by Winkowski, moved to approve Payment Application No. 12 in the amount of \$8,403.70 and Payment Application No. 13 in the amount of \$8,343.85 to Miron Construction for the 2007 WWTP Project. Motion carried – 5 to 0.

Rogers Creek Trunk Project

Payment Request/Invoice No. 6, Maxwell Construction Inc., for the Rogers Creek Trunk Project. Mai, second by Grove, moved to approve Invoice and Payment Application No. 6 in the amount of \$57,93.096 to Maxwell Construction for the 2007 Rogers Creek Trunk Project. Motion carried – 5 to 0.

Vacancy on Park & Recreation Commission. Mayor Doyle reported a vacancy on the Park & Recreation Commission due to Stephanie Thorson moving away. It was the general consensus of the City Council to advertise for volunteers to serve.

Employee Compensation.

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

Resolution No. 08-0609-24, Setting Employee Wages and Salaries for City of Ely for FY 2008-09. Banowetz, second by Ballantyne, moved to approve Resolution No. 08-0609-24, Setting Employee Wages and Salaries for City of Ely for FY 2008-09, revised for Clerk/Administrator salary to be \$50,000/year.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried - 5 to 0.

Employee Recognition Event. Mayor Doyle suggested conducting an event to recognize Ely employees for hard work over the last several months on a Friday afternoon, possibly including a picnic. It was the general consensus to have the Clerk/Administrator organize such an event.

Resolution No. 08-0609-25, Support for an Interchange at Interstate 380 and Tower Terrace Road. Mayor Doyle reported this resolution states Ely's support planning and funding for an interchange at I-380 and Tower Terrace Road, but does not commit Ely to directing resources or money toward such a project. Grove, second by Mai, moved to approve Resolution No. 08-0609-25, Support for an Interchange at Interstate 380 and Tower Terrace Road.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay: None.

Mayor Doyle declared the motion carried - 5 to 0.

Reconsider Capital Improvements Plan and 2008 Goal Setting Priority Projects, Programs, Policies and Initiatives. Mayor Doyle and the City Council discussed the 2007 Capital

Improvements Plan and the priority projects and programs from the 2008 Goal Setting session. Items discussed include status of several capital projects on the CIP that are complete or substantially complete, and the need to combine both to a cohesive planning product. It was the general consensus to deal with the matter further at the July meeting.

Discussion Items. Bill Grove asked if it is possible to offer City recognition to military people who are being discharged from military service, or who have recently been discharged from military service. It was the general consensus to issue City of Ely Proclamations to recognize recently discharged and newly discharged military personnel for their service to the nation.

Winkowski, second by Grove, moved to adjourn. Motion carried – 5 to 0. The meeting adjourned at 8:58 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator