

**ELY CITY COUNCIL
REGULAR MEETING
JUNE 10, 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, Gary Whittom, Keith Schulte, Kim & Jerry Kuntz, Megan Ballantyne, Rachel Hendrickson, Carl Storm, Phyllis Deyo, Carrie Kimm, Randy Roher, Ali Aldredge, Sarah Sellon, Cullen Wood, Clary Illian, and Clerk-Administrator Aaron Anderson.

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

Stanek, second by Hale, moved to approve the Consent Agenda consisting of:

- Agenda,
- Minutes of the May 13, 2013 regular City Council meeting
- Treasurers Report for the period ended May 31, 2013
- Bills Payable for May 2013; \$118,012.07 regular bills and \$454,645.85 bond payments.
- Renewal of Retail Tobacco and Cigarette Permits for Casey’s General Store – 1495 State Street and Cleppe’s 66 Service, 1555 State St.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended May 31, 2013

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 25,562.34	\$ 43,847.20		\$ 747,722.07
Road Use	8,040.29	14,242.38		82,406.53
L O S T	16,438.28			305,465.16
TIF Fund	8,310.63			305,515.30
Debt Service				-13,339.80
Other Projects		7,230.00		-20,124.25
Library Project				-9,106.23
Way Point Sign				-13,405.79
North End Infra				-28,589.93
Water Utility	17,117.96	10,158.41		330,721.88
Water/Sewer Reserve				78,714.40
Sewer Utility	26,695.05	13,279.78		155,125.55
Sewer Debt Service				-66,803.92
Sanitary Utility	5,110.31	7,059.68		40,037.60
Storm Water	2.00			2.00
Farmers Market	258.00			1,348.01
PR Clearing	15,287.15	11,924.25		6,794.18
Totals	\$ 122,822.01	\$107,741.70		\$1,902,482.76

Communications. Linn County presented the Sheriff’s Office Monthly Activity Report.

Citizen Requests. Jerry Kuntz, 1625 Fuhrmeister St., addressed the City Council regarding nuisance conditions at 1505 Fuhrmeister Street, including places where grass is overgrown, an

area that appears intended for compost but seems more to be just refuse, and another accumulation of woodchips all of which attract rodents and rabbits. City Council discussed and directed the Clerk/Administrator to proceed to deal with the situation under nuisance procedure.

Carrie Kimm, 1515 Fuhrmeister St., stated a mole that tunnels in her yard appears to be coming from the compost pile at 1505 Fuhrmeister and discussed briefly with City Council. Ms Kimm asked the status of the waterway in her yard; Mayor Doyle reported it is included with State Street improvements and the time frame is uncertain.

Urban Chickens

Public Hearing re: Ordinance No. 236, An Ordinance to Allow and Regulate the Keeping of Chickens Within Ely City Limits. Ballantyne moved to open a public hearing re: proposed Ordinance No. 236, second by Stanek; motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:16 p.m. Clerk/Administrator Anderson reported notice of the public hearing was published and posted as required; and no comments received. Mayor Doyle summarized the proposed ordinance then asked for comments from the public.

Jim Miller asked if the City is going to allow chickens in town. Mayor Doyle replied the proposed ordinance would allow them under conditions set out in the ordinance.

Mayor Doyle asked City Administrator Anderson if the approved list of classes has been determined, Mr. Anderson responded Ely will use the same list of classes Cedar Rapids uses. A lady asked if eggs could be sold at the farmers market, Mr. Anderson said they could.

Bill Grove asked how the ordinance will be enforced. Aaron Anderson responded the process would include an opportunity for the owner to correct errors, and that hopefully he would not have to enter the property and personally physically remove the chickens. Mr. Anderson noted violation would have the same penalties as other City Code violations, which includes a fine of up to \$750. Mr. Grove asked if the Sheriff would be called to enforce; Mr. Anderson replied the Clerk/Administrator has to inspect the situation and would document claims. Mr. Grove stated we have a situation coming up where people are violating the golf cart ordinance, and how this would be different. Mr. Anderson stated golf cart violations are transitory, the chicken situations are longer lasting; and that he can inspect a situation and document conditions and problems.

Jerry Kuntz asked if there are any requirements for fences. Mayor Doyle summarized the site standards portions of the proposed ordinance. Mr. Kuntz stated he suggested requiring the fence be a 48” high chain link fence and stated the Sharapovas put up a snow fence to hide that she has chickens. The chain link fence could look like a dog run or similar type of fence. Mr. Kuntz said he would like that included in the ordinance. Mr. Miller stated the Sharapova yard looks so bad for when people enter town.

Jerry Kuntz asked if the snow fence that was put up on the Sharapova property would be an acceptable fence. Mr. Doyle stated it may not. Mr. Kuntz stated much of the difficulty of the situation is due to one person who has not done a good job taking care of their property. Mayor Doyle noted the P&Z spent a lot of time working on the ordinance and included provisions from other cities in the area including Cedar Rapids and Iowa City. Mr. Kuntz stated the Sharapova situation is a distraction for our city.

Carrie Kimm asked about feces and waste. Mayor Doyle read the ordinance section re: feces and waste, including that feces are to be enclosed and removed at least once per week, and if used as fertilizer it must be worked into soil immediately after application.

Rachel Hendrickson stated she thinks it is a great ordinance because it allows people to be good neighbors. She stated she is sorry about the situation that happened with the Kuntz's and Ms Kimm. Ms Hendrickson stated six chickens do not make as big a mess as you think, and that it is good the ordinance requires a person to attend a class on raising chickens, and to design and procure a coop. She stated she wants healthy chickens and the benefits of fresh eggs. She noted the P&Z spent six months going over every detail. Ms Hendrickson stated she found on the internet that Las Vegas allows chickens and yet it's a problem in Iowa; and that we all have images that everyone on our block will want to raise chickens yet Cedar Rapids has not had complaints since they enacted their ordinance. Ms Hendrickson stated the ordinance has appropriate restrictions to be community friendly.

Jerry Kuntz asked if the coop has to be in the back yard. Aaron Anderson replied it has to be in the back yard as defined by the zoning ordinance which means no closer to the street than the front of the house.

Carrie Kimm stated she is all in favor of the ordinance if all criteria are met, and that others shouldn't be limited because of one bad example.

Rachel Hendrickson stated it seems like there should be a mechanism to work with the homeowner in a positive constructive way to take care of the situation so they get along with their neighbors, and asked if mediation has been tried. Jerry Kuntz stated the city asked but not much was achieved by the gesture.

Megan Ballantyne stated Ms Sharapova was not flying blind and has a background in perma-culture with deliberate processes going on in her back yard; even if the aesthetic is not appreciated by her neighbors. Carrie Kimm disagreed with the quality of aesthetic.

Clary Illian stated she agrees with Mrs. Hendrickson and that there is a value to the community at large because kids will get to see the process of what happens with their food. Ms Illian stated the proposed ordinance is a good opportunity for diversity in lifestyle.

Megan Ballantyne stated Ely is in the Cedar Rapids-Iowa City Corridor and urban chickens are a draw and beneficial amenity for residents that might draw people to live and build in town.

Bob Ballantyne stated there are a lot of opinions on the environmental impact of large scale food production compared to locally produced food. Mr. Ballantyne stated he believes the situation at 1505 Fuhrmeister she needs to clean up to get a permit for chickens. He stated some issues and opinions are competing in regard to raising food locally, the cost of transporting fresh food and other matters.

Stanek moved to close the public hearing at 7:44 p.m., second by Ballantyne; motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:44 p.m.

First Reading of Ordinance No. 236, An Ordinance to Allow and Regulate the Keeping of Chickens Within Ely City Limits. Hale moved to introduce and approve first reading of Ordinance No. 236, An Ordinance to Allow and Regulate the Keeping of Chickens Within Ely City Limits, second by Grove.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried, Ordinance No. 236 introduced and the first reading of said ordinance approved - 5 to 0.

Sign Standards of the Ely Zoning Ordinance

Second Reading of Ordinance No. 234, Revising the Sign Regulations of the Ely Zoning Ordinance. Ballantyne moved to approve the second reading of Ordinance No. 234, Revising the Sign Regulations of the Ely Zoning Ordinance; second by Rasmussen.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion carried and the second reading of Ordinance No. 234 approved - 5 to 0.

Stanek moved to waive the requirement for third reading of Ordinance No. 234 pursuant to §380.3 Code of Iowa; second by Ballantyne.

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.

Stanek moved final approval and enactment of Ordinance No. 234, second by Hale.

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.

Public Works – Streets, Water, Sewer & Equipment.

Resolution No. 13-0610-17, Accepting Contract with Roto-Rooter of Cedar Rapids for Annual Sanitary Sewer Maintenance Program. City Administrator Anderson reported Ely received proposals for annual sewer maintenance from Municipal Pipe Tool Co., Dave Schmidt Construction and Roto-Rooter of Cedar Rapids; and the quote from Roto-Rooter is the best price option. Mayor Doyle stated Resolution No. 13-0610-17 would accept contract with Roto-Rooter of Cedar Rapids. Ballantyne moved to approve Resolution No. 13-0610-17, Accepting Contract with Roto-Rooter of Cedar Rapids for Annual Sewer Maintenance Program; second by Grove

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

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

Authorize Purchase of Replacement Blower for WWTP. Stanek moved to authorize expenditure of up to \$5,725.00 for a replacement blower for the WWTP per Public Works Director Stark's recommendation; second by Hale. Motion carried – 5 to 0.

City/EDGE Strategic Plan

Review and Discuss Draft Version of Strategic Plan – “Leading Our Future”. Mayor Doyle and the City Council discussed the final draft of the “Leading Our Future” Strategic Plan, dated May 2013. Items discussed include: making sure coordinating emergency information is included in the communications components of the plan, transit options for Ely and surrounding communities, and installation of a south community welcome sign.

Endorse City Components of Strategic Plan. Stanek moved to endorse the City components of the May 2013 “Leading Our Future” Strategic Plan, second by Hale; motion carried – 5 to 0.

Law Enforcement

Discuss Recent Issues re: Golf Cart/ATVs, Vandalism and Related Items. Mayor Doyle and City Council members discussed recent reports of golf cart ordinance violations, vandalism and other law enforcement related matters. The City Administrator was directed to communicate the following to the Linn County Sheriff’s Office:

- Have Deputies check Ely's parks, especially Schulte Park and Ely City Park after closing time of 10:00 p.m. when they are in town.
- Ask Deputies to check the ATVs and Golf Carts for a City of Ely registration; and confirm the driver is at least 18 and has a driver's license.
- Ask Deputies to ticket vehicles that are parked illegally; especially in the general downtown area around Dows Street.
- Ask Deputies to enforce the curfew for minors more stringently.

Administrative, Personnel and Staffing

Employee Health Insurance, Report and Recommendation. City Administrator Anderson reported he has been unable to find a firm to underwrite the difference between employee deductible as set out in previous resolutions and the city’s employee health insurance policy and recommended the city self-fund for the time being. Hale moved for the city to cover the difference in deductible between \$500-single/\$1,000-family as set out in previous resolutions and \$3,000/\$6,000 covered by the employee health insurance policy through Wellmark, second by Ballantyne; motion carried – 5 to 0.

Hale moved to authorize reimbursing Gary Whitton \$4,928.00 per the above City Council motion, second by Ballantyne. Motion carried – 5 to 0.

Resolution No. 13-0610-18, Amending Employee Handbook. Mr. Anderson reported health insurance premium increased again this year, with family coverage increasing \$113.18/month. He noted that family health insurance premium has increased seven of the last eight years, and that the city’s policy to pay the first \$400/month of premium has not changed during that time. Mr. Anderson recommended changing that policy so the city pays up to \$500/month for employee health insurance, which is proposed in Resolution No. 13-0610-18. Stanek moved to approve Resolution No. 13-0610-18, second by Hale.

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

Absent: None

Mayor Doyle declared the motion carried and resolution approved – 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. 13-0610-19, Setting Employee Wages and Salaries for FY 2013-14. Stanek moved to approve Resolution No. 13-0610-19, Setting Employee Wages and Salaries for FY 2013-14; second by Hale.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

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

Resolution No. 13-0610-20, Authorizing Annual Interfund Transfers. Hale moved to approve Resolution No. 13-0610-20, Authorizing Annual Interfund Transfers, second by Ballantyne.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

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

Discussion Items - None

Hale moved to adjourn, second by Ballantyne; motion carried – 5 to 0. The meeting adjourned at 8:45 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator