

**ELY CITY COUNCIL
REGULAR MEETING
JUNE 13, 2011
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, Stephanie Mai and Bob Ballantyne. Also present: Jim Miller, Gary Whittom, Frank Joens, Jennifer Jordebek, Keith Schulte, Dave Rasmussen, City Engineer Scott Pottorf 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 9, 2011 regular City Council meeting.
- Treasurers Report for the period ended May 31, 2011.
- Bills Payable for May, 2011 totaling \$75,281.44; plus debt service payments totaling \$663,718.63
- Resolution No. 11-0613-31, Authorizing Lien for Delinquent Utility Fees.
- Resolution No. 11-0613-32, Authorizing Lien for Delinquent Utility Fees.
- Resolution No. 11-0613-33, Authorizing Lien for Delinquent Service Fees.
- Resolution No. 11-0613-34, Approving Inter-Fund Transfers.
- Renewal of Retail Tobacco and Cigarette Permits, Casey's General Store - 1495 State St. & Cleppe's 66 Service - 1555 State St.

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended May 31, 2011

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 37,426.03	\$ 22,300.82		\$ 717,374.42
Road Use	13,699.50	6,809.58		35,075.52
L O S T	12,969.69			142,052.12
TIF Fund	15,556.21			172,288.42
Debt Service	4,675.76			49,283.46
Other Projects		142,469.83		527,920.05
Library Project				-60,608.22
Way Point Sign				12,541.65
North End Infra				-28,193.93
Water Utility	15,553.23	16,049.73		226,690.38
Water/Sewer Reserve				100,000.00
Sewer Utility	20,940.28	8,193.04		190,083.23
Sewer Debt Service				-83,925.01
Sanitary Utility	5,165.42	5,894.00		43,663.05
Farmers Market	75.00			607.00
PR Clearing	8,495.00	5,161.11		1,883.38
Totals	\$ 134,556.12			\$ 2,167,951.96

Communications: Bill Grove asked to receive a schedule of park events for the remainder of the year. Deputy Pavelka presented the Sheriff's Office Report for May. Bill Grove reported an incident involving an apparent drunk driver which was reported to Linn County dispatch who reported the call would be logged but it would be difficult to prosecute because the incident was not witnessed by a deputy.

Citizen Requests. None

Parks Commission

Approve Quotes to Install Drainage Tile for Two Ball Diamonds. Ballantyne moved to accept a quote from Prairie Landscape to install drainage tile between ball field #1 and #2 and for the infield of ball field #2 at cost of \$9,309.00, second by Mai. Motion carried – 5 to 0. City Administrator Anderson reported donated funds will pay some of this cost, the balance will come from the FY 11-12 Park budget.

Request to Address Erosion from Storm Sewer Outlet at South end of North Street into Louis Field Addition Pond. City Administrator Anderson reported Ely received copy of a quit claim deed transferring ownership of the land around and including the Louis Field Addition Pond to the Louis Field 3rd Addition Homeowners Association. City Council discussed the request, including sources of the storm water that flows through this outlet, options to address the situation, whether the city has responsibility for this situation, and whether city money can be used to pay for work to improve or maintain private property. City Council directed Mr. Anderson to get City Attorney's opinion on whether the city has responsibility or liability for this situation, and if Ely can spend city funds to improve or maintain private property in this manner.

2011 Hillcrest Street Improvements Project

Public Hearing re: Ordinance No. 227, "Establishing Special Stop at Intersection of Highland Road and Hillcrest Street" - 7:00 p.m. City Administrator Anderson reported notice was published as required and no comments received. Ballantyne moved to open a public hearing regarding Ordinance No. 227 to require westbound traffic on Highland Road to stop at Hillcrest Street at 7:37 p.m.; second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:37 p.m.

Mayor Doyle asked for comments regarding the public hearing item. Mayor Doyle stated the ordinance is proposed in response to expected increase in traffic on Hillcrest Street due to increased use of Ely City Park and improved street condition. Mayor Doyle asked for other comments regarding the public hearing item; none were offered.

Stanek moved to close the public hearing at 7:38 p.m., second by Ballantyne; motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:38 p.m.

First Reading – Ordinance No. 227. Mai moved to introduce and approve the first reading of Ordinance No. 227, "Establishing Special Stop at Intersection of Highland Road and Hillcrest Street", second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried, the ordinance duly introduced and first reading approved - 5 to 0.

Mai moved to waive second and third readings of Ordinance No. 227, per Section 380.3 Code of Iowa; second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried - 5 to 0.

Stanek moved for final approval and enactment of Ordinance No. 227, "Establishing Special Stop at Intersection of Highland Road and Hillcrest Street", second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried, the third reading of the ordinance passed and the ordinance duly approved - 5 to 0.

Resolution No. 11-0613-35. Approving Change Orders No. 2 & 3. Mayor Doyle reported Change Orders No. 2 & 3 to the contract with Schmitt Construction are for additional work to move water lines that conflicted with other work for the 2011 Hillcrest Street project and increase the total cost of the contract \$\$12,868.59. Stanek moved to approve Resolution No. 11-0613-35, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Request for Payment No. 2, Dave Schmitt Construction. Ballantyne moved to approve Request for Payment No. 2 to Dave Schmitt Construction for the 2011 Hillcrest Street Improvements project for the amount of \$117,536.53; second by Stanek. Motion carried – 5 to 0.

One Side of Street Parking

Public Hearing re: Ordinance No. 228, Establishing One Side of Street Only Parking on Specified Streets at Specified Locations. City Administrator Anderson reported notice of the public hearing was published and posted as required by law. Stanek moved to open a public hearing regarding Ordinance No. 228 at 7:39 p.m., second by Mai. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:39 p.m. City Administrator Anderson reported no comments or objections were received verbally or in writing prior to the meeting. Mayor Doyle asked for comments regarding the public hearing item.

Dave Rasmussen asked if this is being driven to keep parking on the mail box side of the street. Stephanie Mai replied the ordinance is proposed to allow emergency

vehicles to get through narrower streets when cars are parked on both sides of the streets and that parking would be allowed on the side of street opposite mail boxes.

Bill Grove stated streets with less than 25-foot driving width should have one side of street only parking.

Kay Hale stated she would like to see one-side of street only parking on tight curves, including a tight curve on North Drive. Ms Hale stated these locations also cause trouble for snow removal and garbage trucks. Bill Grove noted the difficulty in winter of snow removal causing build up of snow by the curbs which narrows the drive-able width of streets.

Bob Ballantyne stated he talked with Fire Chief Randy Zbanek who told him he supports the ordinance if it is something the City Council wants to do, but we can get fire trucks down streets that meet the new spec; and that the main difficulty is on garage sale day. Jim Doyle stated it would be extremely difficult to enforce on garage sale day. Mr. Ballantyne asked if this ordinance would inconvenience a lot of residents, and that it would be better to base it on the width of the street and the tightness of curves. Dale Stanek stated he is hearing interest in narrowing the criteria for one-side of street parking to particularly narrow streets and where there are tight curves.

Kay Hale asked if even-odd parking would help with snow removal. Gary Whittom stated there would be a base of compacted snow and ice where the cars parked before the snow plow came through which would make snow removal very difficult.

Keith Schulte stated that he met with the city engineer several years ago and was told minimum street width would change from 24' to 26'; and that every street in Southbrook is at least 26' wide. Mr. Schulte asked what the acceptable width would be for two-side of street parking. Aaron Anderson stated the Fire Department prefers at least 28' wide streets for emergency vehicles if parking is allowed on both sides of street. Mr. Schulte noted Rock Island Drive is 26' wide, and has several curves where accidents happen. Kay Hale stated school busses do not have difficulty getting through Southbrook. Dale Stanek stated Ely is likely to see speeds increase at locations of one-side of street only parking.

Keith Schulte asked if the City Council has considered targeting the problem areas first. Dave Rasmussen stated there are not a lot of cars parked on the streets in general. Jim Doyle stated people might not like suddenly having cars park in front of their home as a result of one-side of street parking. Bill Grove noted ice on street narrows its drivable width.

Stephanie Mai stated even-odd parking seems to work in Tipton. Gary Whittom stated he likes the snow emergency system that requires all vehicles to be off city streets during snow and ice removal. Jim Doyle asked what the benefits are of even-odd parking. Mr. Whittom stated it might result in freeze-in of parked cars and could see school busses having trouble getting through.

Jim Doyle asked for preferences for one-side of street parking. Dale Stanek stated he prefers targeted areas segments of street with tight curves. Bill Grove stated he prefers restricting it to streets 25' wide and less and tight curves. Bob Ballantyne asked if we have traffic counts on arterials other than State Street. Aaron Anderson stated we do not.

Mai moved to close the public hearing at 8:07 p.m.; second by Ballantyne. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:07 p.m.

First Reading of Ordinance No. 228. No action, Mayor declared dead for lack of motion.

Downtown Dows Street Streetscape Project.

Resolution No. 11-0613-36, Accepting Temporary Construction Easements. City Administrator Aaron Anderson reported he had not completed work on this matter. Ballantyne moved to table Resolution No. 11-0613-36, second by Hale. Motion carried – 5 to 0.

Resolution No. 11-0613-37, Fixing a Date for a Meeting on the Authorization of a Loan Agreement and the Issuance of not to Exceed \$765,000 Capitol Loan Notes, Series 2011B, of the City of Ely, and Providing for Publication of Notice Thereof. Stanek moved to approve Resolution No. 11-0613-37, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

2011 Jappa Road Improvements, in Conjunction with Linn County. Mayor Doyle reported Linn County is proceeding to “white top” Jappa Road from Highway 30 to roughly 200 feet north of Rogers Creek Road, as reported and discussed at previous meetings. Linn County Secondary Roads prepared plans, will contract for the work, and manage the contract. The segment in Ely will be performed in conjunction with Linn County at estimated cost of \$70,279; work is expected to begin September 5, 2011.

Resolution No. 11-0613-38, Approving County and City Project Agreement. Stanek moved to approve Resolution No. 11-0613-38, second by Hale.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Resolution No. 11-0613-39, Approving Plans and Estimate of Cost for Ely Portion of Jappa Road Improvements Project. Stanek moved to approve Resolution No. 11-0613-39, second by Ballantyne.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

2011 Water Tower Improvements Project

Payment Request No. 3, Phoenix Fabricators. Stanek moved to approve Payment Request No. 3 to Phoenix Fabricators for the amount of \$273,690.25; second by Mai. Motion carried – 5 to 0.

Resolution No. 11-0613-40, Accepting 28E Agreement for Animal Control Services with Cedar Valley Humane Society. Grove moved to approve Resolution No. 11-0613-40, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Public Works – Streets, Water, Sewer & Equipment

Water Service –Require Property Owner of 1585 Main Street to Connect to City Water System. Mayor Doyle reported Public Works Director Ron Stark’s investigation found the residence at 1585 Main Street is not connected to city water, though it is connected to sanitary sewer. Mayor Doyle noted City Code requires all properties to connect to city water if a water main is available within 150 feet of the property line, and that a water line is within 80 feet of this property on two sides.

Grove moved to direct the City Administrator to send a letter to Denise and Scott Emig, owners of 1585 Main Street that they are to connect their home to the city water system within ninety days of the letter at their expense, or provide evidence they are already connected to city water; second by Ballantyne. Motion carried – 5 to 0.

Approve 2011 Street Seal Coat Maintenance Program. Stanek moved to approve the following as the 2011 Street Seal Coat Maintenance Program, and the quote from L.L. Pelling Co., to perform the work for a cost of \$12,261.80:

- Vista Road – 80’ long segment, roughly 200’ west of State Street
- Plain View Drive - 648’ segment from Dows St. to Highland Road
- North Drive – 538’ segment from Dows St. to Highland Rd
- Knoll Court – 416’ segment from Dows St to Highland Rd
- Fuhrmeister St – 648’ segment from State St to Main
- Walker St – 110’ segment from Dows St north.

Hale seconded the motion; motion carried – 5 to 0.

Resolution No. 11-0613-41, Authorizing Purchase of 2011 Ford F-550. Mayor Doyle reported quotes were solicited for a 2011 Ford F-550, equipped with dump box, snowplow and salt/sand thrower; and that the low responding quote was submitted by Lynch Commercial Vehicles of Mt. Vernon Iowa for the amount of \$62,841.00. Mayor Doyle reported Resolution No. 11-0613-34 would accept the quote from Lynch Commercial Vehicles. Ballantyne moved to approve Resolution No. 11-0613-41, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Personnel, Staffing & Benefits

Request for Additional Employee Benefits. Mai moved to revise the city's policy for paid personal time off as follows:

“Personal Time: Four (4) hours/Month, May Accrue No More than 96 hours (12 days). Full-time employees receive four (4) hours of personal time per calendar month. Personal time is paid leave which the employee may use for any purpose. Personal time is accrued on a monthly basis up to a maximum of 96 hours. Personal time may be carried over past December 31 of any year; however employees may not accrue more than 96 hours of personal time. Monetary compensation shall not be paid for unused accrued personal time”.

Ballantyne seconded the motion; motion carried - 5 to 0.

Report of Employee Performance Reviews. Stanek moved to approve the report of employee performance reviews as presented by the City Administrator, second by Hale. Motion carried – 5 to 0.

Resolution No. 11-0613-42, Setting Employee Wages and Salaries for City of Ely for FY 2011-12. Stanek moved to approve Resolution No. 11-0613-42 with the provision regarding Personal Time to reflect the earlier motion; second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Downtown Dows Street – Parking

Review Options re: Acquisition of Land for Public Parking Areas and Potential Offer for Purchase of Parcel(s). City Administrator Anderson reported no progress on this matter.

Discussion Items

Stanek moved to adjourn, second by Hale; motion carried – 5 to 0. The meeting adjourned at 8:39 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator