

**ELY CITY COUNCIL  
REGULAR MEETING  
JULY 9, 2012  
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Dale Stanek, Kay Hale, Bill Grove, Dave Rasmussen and Bob Ballantyne. Also present: Jim Miller, Keith Schulte, Sarah Sellon, Travis Squires, Daniel Lundby, Jeff Hilleman, Erin Hale, Ed Brinton, and Clerk-Administrator Aaron Anderson.

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

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

- Agenda
- Minutes of the June 11, 2012 regular City Council meeting.
- Treasurers Report for the period ended June 30, 2012.
- Bills Payable for July 2012 totaling \$91,441.57
- Temporary Class B Beer Permit with Outdoor Sales Privilege for the Ely Fire Department, 1300 Main St. effective August 17 through 22, 2012 for the “Party in Our Back Yard.”
- Renewal of Class E Liquor Permit with Sunday Sales Privilege, Casey’s General Store - 1495 State St.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended June 30, 2012

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 29,663.44	\$ 41,180.40		\$ 602,070.70
Road Use	7,916.90	22,784.64		44,458.55
L O S T	14,629.42			118,589.56
TIF Fund	1,907.37			114,791.66
Debt Service		202,238.75		8,271.87
Other Projects		600.00		107,235.26
Library Project		2,453.45		295.77
Way Point Sign		6,808.07		-14,405.79
North End Infra				-28,589.93
Water Utility	48,017.46	6,330.73		300,927.33
Water/Sewer Reserve		48,869.41		50,130.59
Sewer Utility	23,674.12	9,565.40		68,348.25
Sewer Debt Service		160,748.92		-123,507.02
Sanitary Utility	4,748.44	7,261.15		42,036.21
Farmers Market	10.00			805.01
PR Clearing	9,873.95	10,162.57		6,414.37
Totals	\$ 140,441.10	\$ 523,003.49		\$ 1,297,872.39

**Communications.**

**Citizen Requests.** Bill Grove reported he has heard from Ely citizens about the speed limit on Banner Valley Road. He also reported concern with the falling down barn owned by Butch and Annette Weenie. It was the consensus of the City Council that the owners of the barn should be given a deadline to demolish the very unsafe remains of the barn.

**Traffic and Speed on Jappa Road and Rogers Creek Road**

**Public Hearing re: Ordinance No. 230 – “Establishing Stop for All Traffic at Intersection of Jappa Road and Rogers Creek Road and Establishing a Special 25 MPH Speed Limit on Rogers Creek Road”.** Stanek moved to open a public hearing regarding Ordinance No. 230 at 7:13 p.m.; second by Ballantyne. Motion carried – 5 to 0. Mayor Doyle declared the hearing open at 7:13 p.m.

Mayor Doyle reported this ordinance would require all traffic to stop at the intersection of Jappa Road and Rogers Creek Road; by authorizing a new stop for all Jappa Road traffic at this intersection. Mayor Doyle stated the ordinance would also create a 25 mph speed limit on Rogers Creek Road from Jappa Road east to the east side of the bridge across Rogers Creek. Clerk-Administrator reported the notice of hearing was published and posted per state and City code, and no comments received verbally or in writing.

Stanek moved to close the public hearing at 7:18 p.m.; second by Hale. Motion carried – 5 to 0. Mayor Doyle declared the hearing closed and meeting in regular session at 7:18 p.m.

**First Reading of Ordinance No. 230 – “Establishing Stop for All Traffic at Intersection of Jappa Road and Rogers Creek Road and Establishing a Special 25 MPH Speed Limit on Rogers Creek Road.** Stanek moved to introduce Ordinance No. 230, and approve the first reading thereof; second by Grove.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

Stanek moved to waive the second and third reading of Ordinance No. 230, per Section 380.3 Code of Iowa; second by Ballantyne.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

Mayor Doyle declared the motion carried and waiving of second and third reading of the ordinance approved – 5 to 0.

Stanek moved for final approval and enactment of Ordinance No. 230 – “Establishing Stop for All Traffic at Intersection of Jappa Road and Rogers Creek Road and Establishing a Special 25 MPH Speed Limit on Rogers Creek Road”, second by Ballantyne.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

**Southbrook 10<sup>th</sup> Addition in the City of Ely**

**Resolution No. 12-0709-27, Approving Request for Final Plat of Southbrook 10<sup>th</sup> Addition in the City of Ely, Linn County, Iowa.** Mayor Doyle reported all municipal improvements have been installed except electricity and natural gas; he reported Schulte Development has a binding contract Linn County REC and MidAmerican Energy to install the infrastructure, and that the utility companies will not do the work until the final plat is approved. Mayor Doyle reported the Planning and Zoning Commission and City Engineer reviewed the final plat and recommended approval. Ballantyne moved to approve Resolution No. 12-0709-27, Approving Request for Final Plat of Southbrook 10<sup>th</sup> Addition in the City of Ely, Linn County, Iowa, second by Hale.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

**2012 Extension of Utilities in Ely City Park Project**

**Review Preliminary Project Concept Plan.** Ed Brinton, representing City Engineer Scott Pottorff, presented the preliminary concept plan for a project to extend water, sanitary sewer, electricity and natural gas to Ely City Park; and discussed it with Mayor and City Council. Items discussed include, options for extending electric service, and possibly including free standing drinking fountains as a bid alternate. Mr. Brinton stated project plans and specifications will be presented to the Parks Commission for their July meeting; and presented to the City Council for consideration on August 13, 2013.

**Schedule Public Hearing re: Proposed Plans, Specifications, and Estimate of Cost for Project to Extend Utilities to Ely City Park.** Ballantyne moved to schedule a public hearing regarding plans, specifications, estimate of cost and form of contract for the 2012 Utilities to City Park project for 7:00 p.m. August 13, 2012; second by Rasmussen. Motion carried – 5 to 0.

**Downtown/Dows Street Parking Lot Project**

**Discuss Parking.** Mayor and City Council discussed sufficiency of parking in the downtown Dows Street area. Items discussed include the pending parking lot, whether to consider additional limited time parking spaces, and installing “parallel parking only” for spaces by the Post Office and similar spots.

**Authorize Display of EDGE Banners per Ely Banner Policy.** Stanek moved to display banners on the decorative light poles in the downtown Dows Street area as follows:

- EDGE and Farmers Market – Summer through the Friday before Labor Day
- Fall Fest – Labor Day weekend through Fall Fest weekend
- EDGE and Farmers Market – After Fall Fest weekend through Thanksgiving.

Second by Hale. Motion carried – 5 to 0.

**Sanitary Sewer Use Rate and RE-Finance of Iowa Finance Authority Sewer Revenue Notes.** Travis Squires, Financial/Placement Advisor with Piper Jaffray, reported on the results of offers to refinance the existing Iowa Finance Authority sewer revenue notes that were issued to

construct the Ely WWTP and the Rogers Creek Trunk Sewer project via \$775,000 general obligation notes and \$1,616,000 sewer revenue notes. Mr. Squires reported UMB Bank, of Kansas City, Missouri, offered the most beneficial interest rate for the general obligation issue at average of 2.2775% over 20 years; and Cedar Rapids Bank and Trust the most beneficial interest rate for the sewer revenue notes at 2.870% over twenty years. He reported the \$775,000 GO note may be paid via TIF or Local Option Sales Tax proceeds in addition to sewer revenue or general debt service levy. Mr. Travis also reported the proposed refinancing will save Ely roughly \$50,000 in interest through the term of the notes; and that issuance costs will be slightly lower than estimated.

**Public Hearing re: the Authorization of a \$775,000 General Obligation Loan Agreement and the Issuance of Notes to Evidence the Obligation of the City.** Stanek moved to open a public hearing re: authorization of a \$775,000 General Obligation note at 7:55 p.m.; second by Hale. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:55 p.m. Clerk-Administrator Anderson reported notice was published as required, and no comments received verbally or in writing. Mayor Doyle asked for further comments, none were offered or received.

Stanek moved to close the public hearing at 7:56 p.m.; second by Ballantyne. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:56 p.m.

**Resolution No. 12-0709-28, Resolution Authorizing and Approving a Loan Agreement, Providing for the Issuance of \$750,000 General Obligation Refunding Bonds, Series 2012A and Providing for the Levy of Taxes to Pay the Same.** Stanek moved to approve Resolution No. 12-0709-28; second by Ballantyne.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

**Public Hearing re: the Authorization of a \$1,616,000 Sewer Revenue Loan Agreement and the Issuance of Notes to Evidence the Obligation of the City Thereunder.** Stanek moved to open a public hearing re: authorization of a 1,616,000 Sewer Revenue note at 7:58 p.m.; second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:58 p.m. Clerk-Administrator Anderson reported notice was published as required, and no comments received verbally or in writing. Mayor Doyle asked for further comments, none were offered or received.

Stanek moved to close the public hearing at 7:59 p.m.; second by Hale. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:59 p.m.

**Resolution No. 12-0709-29, Resolution Approving and Authorizing a Loan Agreement and Providing for the Sale and Issuance and Securing the Payment of \$1,616,000 Sewer Revenue Refunding Bonds, Series 2012B.** Stanek moved to approve Resolution No. 12-0709-29, second by Hale.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

**Resolution No. 12-0709-30, Designating Bond Counsel by Accepting Letters of Engagement with Dorsey & Whitney, LLP.** Stanek moved to approve Resolution No. 12-0709-30, second by Ballantyne.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

### **2011 Water Tower Improvements Project**

**Request for Final Acceptance of Work Performed Under “Contract B” – Bockenstedt Excavating.** Stanek moved to approve final acceptance of work performed under Contract B of the 2012 Water Tower Improvements project by Bockenstedt Excavating; second by Hale. Motion carried - 5 to 0.

**Request for Final Payment Under Contract “B” – Bockenstedt Excavating.** Stanek moved to approve final payment in the amount of \$4,480.98 to Bockenstedt Excavating under “Contract B” of the 2011 Water Improvements Project, subject to not releasing payment until all lien waivers are received; second by Grove. Motion carried – 5 to 0.

**Variable Frequency Drive/Pump Motor, Well #1.** Ed Brinton, representing the City Engineer, summarized a report from City Engineer Scott Pottorf that the variable frequency drive (VFD) for Well #1 is not properly matched with the pump for that well. He stated the improper match results in the well producing below levels specified in the project contract and causes the pump to shut down. He reported the cost to purchase, install and set up the proper design and capacity VFD would total \$5,630.71, including extended warranty. Mr. Brinton reported it is very likely Ely could sell the existing VFD, to offset some of the cost. City Council discussed, noting dissatisfaction with the communication/coordination between contractors and engineering on this matter.

Ballantyne moved to authorize \$5,630.71 to replace the Variable Force Drive for Well #1, including installation, set up and warranty, and to direct the City Administrator to offer to sell the existing VFD at most advantageous amount for Ely; second by Hale. Motion carried – 5 to 0.

It was the consensus of the City Council to discuss disposition of the land the existing water tower is on at the August, 2012 meeting, and to authorize the City Administrator to negotiate with MMS Consultants and Northway Well & Pump re: the cost to replace the VFD.

**Resolution No. 12-0709-31, Accepting Agreement for Engineering Services for the 2012 Water Tower Demolition Project.** Mayor Doyle reported this resolution would accept a contract for MMS Consultants to provide engineering services to demolish the old water

tower on Knoll Court, including design and construction services, for a lump sum fee of \$10,000.00. Stanek move to approve Resolution No. 12-0709-31, second by Hale.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

### **Administrative, Personnel and Staffing**

**Insurance - Revise General Property/Liability Coverage.** Stanek moved to approve the following changes to the City's general property/liability insurance coverage, with net increase to premium of \$27.00/year:

- Increase limit for theft of money & securities to \$20,000; increase computer fraud limit to \$30,000, and adding \$100,000 theft by computer fraud limit.
- Increase public officials errors and omissions limit to \$1M/claim and \$2M aggregate from \$500,000/claim and \$1M aggregate.
- Increase uninsured/underinsured motorist limit from \$50,000 to \$1,000,000. This includes damage to our vehicles and injury to our personnel due to accident caused by uninsured motorist.
- Increase general umbrella limit to \$2M, from \$1M. Premium increase.
- Increase deductible for property damage from \$500/each claim to \$2,500/each claim.
- Remove lagoon aerators from list of insured equipment.

Second by Hale; motion carried – 5 to 0.

**Discussion Items** Mayor and City Council will hold a workshop meeting regarding Linn County's proposal to "white top" Ely Road up to Ely's north city limits before the August 13, 2012 City Council meeting.

Hale moved to adjourn, second by Rasmussen; motion carried – 5 to 0. The meeting adjourned at 8:27 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator