

**ELY CITY COUNCIL
REGULAR MEETING
JULY 13, 2009
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Bill Grove, Mark Banowetz, Stephanie Mai and Bob Ballantyne; Tom Winkowski absent - excused. Also present: Jeff Hilleman, Jim Miller, Marie Miller, Jim & Millicent Cozzie, Dan Swick, Jason Urell, Tom Rohner, John & Pat Wolf, Chad Pelley, Keith Schulte, Dave Rasmussen, Aaron Cooper, Terry & David Wolf, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the June 8, 2009 regular meeting.
- Minutes of the July 7, 2009 special meeting.
- Treasurers Report for the period ended June 30, 2009.
- Bills Payable for June 2009 totaling \$101,170.09.
- Purchase Orders for July, 2009: removal of maple tree at Community Center and various stumps by K&M Tree Service - \$850.00,
- Resolution No. 09-0713-42, Assessing Delinquent Utility Charges to Property Taxes.

Motion carried – 4 to 0.

Treasurer’s Report (summary) for the period ended June 30, 2009

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 30,077.19	\$ 31,783.88		\$ 513,483.44
Road Use	7,573.47	2,710.93		15,298.37
TIF Fund	1,111.09	174,495.00		69,775.34
Debt Service	125,156.47	15,000.00		6,138.02
Other Projects				-85,574.85
Library Project				3,169.70
North End Infra				74,338.29
Water Utility	19,278.18	7,094.40		307,104.86
Water/Sewer Reserve				100,000.00
Sewer Utility	21,6103.59	142,364.45		70,281.85
Sewer Debt Service	181,999.00			-46,066.92
Sanitary Utility	4,850.97	6,397.88		49,811.25
PR Clearing	7,127.39	6,481.01		4,805.27
Totals	\$ 398,747.35	\$ 386,327.55		\$1,082,614.62

Communications: Mayor Doyle reported receiving the following communications: minutes of the June 2009 Plan and Zoning Commission meeting, minutes of the May 28 and June 10 2009 Park and Recreation Commission meetings, and Public Works Director’s Report for June 2009. Linn County Deputy Crosser presented the Sheriff’s Office Monthly Activity Report.

Citizen Requests. Tom Rohner discussed a request to close the portion of Dows Street adjacent to Odie’s Bar n Grill for a free live music concert with outdoor liquor sales. The City Council

discussed this matter with Mr. Rohner including that the band would face and play towards Odie's, there will be no stage on the street and that the sidewalk along Odie's will not be blocked for the event. Ballantyne moved to schedule consideration of this request at the August 10, 2009 City Council meeting, second by Mai. Motion carried – 4 to 0.

Jim Miller asked who is speeding on Vista Road and when the Dows Street resurfacing project will be done. Aaron Anderson reported work on Dows Street project is scheduled to start August 10.

Presentation re: Tri-County Fiber Ring Project, ImOn Communications, LLC. Mayor Doyle reported representatives of ImOn Communications in Cedar Rapids asked to discuss a proposed project to install a fiber optic ring to include cities and schools in the southern Linn County area with the City Council at this meeting. Mayor Doyle noted no representatives from ImOn were present. Dan Swick, Southslope Telecommunications, briefly discussed US Economic Stimulus Act funding for such projects with Mayor Doyle and the City Council.

Development of Ely City Park

Resolution No. 09-0713-43, Approving Change Orders to Construction Contract with Ricklefs Excavating for the 2009 Park Grading & Excavation Project. Clerk-Administrator Anderson reported the following Change Orders have requested for the 2009 Park Grading & Excavation project:

- Change Order No. 1 – \$4,646.53 increase for additional work related installation and alignment of drainpipe and flared end section due to presence of bedrock in the area of the east “dry” retention pond.
- Change Order No. 2 – \$1,550.00 increase to install 4’ x 4’ scour stop mats.
- Change Order No. 3 - \$675.00 increase to remove trees as needed to meet grade specifications in plans, quantity value for tree removal was not included in advertised specifications
- Change Order No. 4 - \$3,700.00 increase to install riprap at outlet pipe into “wet” pond from east, and to add additional riprap for pond outlet.
- Change Order No. 5 - \$1,605.00 increase to grade trail along pond after pond was built to additional cost for tree removal.
- Change Order No. 6 - \$4,725.00 decrease for seeding, per “seeding agreement” by City Engineer.

Mayor Doyle and the City Council discussed the proposed change orders, including whether riprap would be needed if the “wet pond” were filled in, and the need to be cost conscious. Banowetz moved to approve Resolution No. 09-0713-43, Accepting Change Orders No. 1, 2, 3, 5 and 6 for the 2009 Park Grading & Excavation Project, second by Grove:

Aye: Grove, Banowetz, Ballantyne

Nay: Mai

Absent: Winkowski

Mayor Doyle declared the motion carried and the resolution duly approved.

Payment Request No. 2, Ricklefs Excavating. Mai moved to approve Payment Request No. 2 in the amount of \$59,271.52 from Ricklefs Excavating for work completed through

June 30, 2009 on the 2009 Park Grading and Excavation project, second by Ballantyne. Motion carried – 4 to 0.

Status of Park Development, Option to Riprap Pond & Other Matters. City Engineer Scott Pottorf reported mass grading and seeding are complete and that City staff and he are working with Rickleffs Excavating on detail items. Mayor Doyle and the City Council discussed matters related to grading and development of the Ely City Park, including but not limited to: possibly installing riprap entire around the “wet” pond at estimated cost of \$40,000 to \$45,000, whether a “wet” pond is required for effective storm water management, whether a fence should be installed around the wet pond, and the installation of “No Swimming” signs. Clerk-Administrator Anderson was directed to have “No Swimming” signs and possibly a “No Lifeguard on Duty” sign installed by the pond at Ely City Park, and to research other cities policies and practices regarding ponds in parks or public city areas.

Ordinance to Establish Regulations for Ely City Parks. Clerk-Administrator Anderson reported the Park and Recreation Commission asked him to draft an ordinance that sets out rules and regulations for Ely Parks for City Council consideration, the proposed ordinance to include park hours and prohibiting swimming. There was considerable discussion regarding proposed park hours and limitations on pets. Mai moved to schedule a public hearing regarding proposed Ordinance No. 215, “An Ordinance Enacting Regulations at City of Ely Parks” for 7:00 p.m. August 10, 2009, second by Grove. Motion carried – 4 to 0.

Northgate 4th Addition to City of Ely, Schulte Development, LLC. Mayor Doyle reported Schulte Development, LLC, has applied for a preliminary plat to subdivide a roughly 9.65+/- acre parcel of land into seven numbered lots and three outlots. He reported the property is currently zoned R-8 and that Schulte Development expects to construct 4-unit residential structures on the lots. Mayor Doyle reported the Plan and Zoning Commission has reviewed the proposed plat and recommends approval, subject to the preliminary plat being revised so that Wrigley Street extends to the north property line of the subject property.

Mayor Doyle and the City Council discussed this matter with City Engineer Scott Pottorf, Keith Schulte and Chad Pelley for Schulte Development, John Wolf and David Wolf. Items discussed include but are not limited to: feasibility of developing the parcel north of the subject land if Wrigley Street is extended through including, storm water management needs and impact of extending the street on cost of development, extending sanitary sewer through this subdivision, the capacity of the sanitary sewer system to serve the parcel, and ability to serve other properties along State Street north of Northgate Drive with sanitary sewer.

Resolution No. 09-0713-44, Approving Preliminary Plat for Northgate 4th Addition in the City of Ely, Linn County, Iowa. Ballantyne moved to table Resolution No. 09-0713-44 for additional information from the City Engineer about cost of street extension and feasibility of extending sanitary sewer, second by Grove.

Aye: Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried and the resolution duly approved.

2009 Dows Street Resurfacing Project.

Resolution No. 09-0713-45, Approving and Authorizing a Form of Loan Agreement and Authorizing and Providing for the Issuance of \$240,000 General Obligation Capital Loan Notes, Series 2009, and Levying a Tax to Pay the Notes. Banowetz moved to approve Resolution No. 09-0713-45, second by Mai.

Aye: Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried and the resolution duly approved.

Resolution No. 09-0713-46, Appointing Bankers Trust Company, N.A. of Des Moines, Iowa, to Serve as Paying Agent, Registrar and Transfer Agent, Approving the Paying Agent and Registrar and Transfer Agent Agreement and Authorizing the Execution of the Agreement. Ballantyne moved to approve Resolution No. 09-0713-46, second by Banowetz.

Aye: Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried and the resolution duly approved.

Resolution No. 09-0713-47, Approving Change Order #1 to Construction Contract with L.L. Pelling Co., Additional Work to Resurface Dows Street from Main to State Street. Mayor Doyle reported Change Order #1 to the construction contract with L.L. Pelling would approve resurfacing the section of Dows Street from Main Street to State Street under the same standards and conditions as originally approved for the project at a bid cost of \$81,615.00. This change order includes resurfacing the parking areas along Dows Street. Ballantyne moved to approve Resolution No. 09-0713-47, second by Banowetz.

Aye: Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried and the resolution duly approved.

Stream Bank Stabilization at Ely WWTP Project.

Report of Competitive Quotes Received. City Engineer Scott Pottorf reported the following quotes were received for the Stream Bank Stabilization at Ely WWTP Project:

Company	Base	Alternate 1	Total
Connolly Construction, Peosta IA	\$7,127.10	\$9,371.20	\$16,498.30
Pirc-Tobin Construction, Alburnett, IA	\$8,255.00	\$10,015.00	\$18,240.00
Ricklef's Excavating, Anamosa, IA	\$9,445.00	\$9,805.00	\$19,250.00
Dave Schmidt Construction, Cedar Rapids	\$8,381.45	\$11,354.45	\$19,765.90
Peterson Contractors, Inc, Reinbeck, IA	\$9,326.25	\$11,968.75	\$21,295.00
Borst Bros Construction, Marion, IA	\$10,045.00	\$11,900.00	\$21,945.00
Rathje Construction, Marion, IA	\$10,676.00	\$14,650.00	\$25,326.00
Eastern IA Excavating, Cascade, IA	\$11,205.00	\$14,545.00	\$25,750.00
Tschiggfrie Excavating, Dubuque, IA	\$13,110.00	\$12,925.00	\$26,035.00

Bockenstedt Excavating, Iowa City, IA	\$12,315.00	\$14,455.00	\$26,770.00
Bowker Mechanical Cont., Cedar Rapids	\$11,917.50	\$15,551.125	\$27,468.75
Young Industries, Blairstown, IA	\$13,075.00	\$15,325.00	\$28,400.00
<i>Engineer's Estimate</i>	<i>\$8,750.00</i>	<i>\$11,312.50</i>	<i>\$20,062.50</i>

Mr. Pottorf reported the quote from Connolly Construction of Peosta, Iowa is the low responsible quote; recommended accepting their quote and approving contract. Clerk Administrator Anderson reported the National Resource Conservation Service confirms they will provide 80% of the cost of the project for both the "base" and "alternate" bid items per the project agreement.

Resolution No. 09-0713-48, Accepting Quote to Perform the 2009 Hoosier Creek Stream Bank Stabilization at Ely WWTP Project. Banowetz moved to accept the quote from Connolly Construction to perform work included in the base bid and alternate in the amount of \$16,498.30 and approve Resolution No. 09-0713-48, second by Grove.

Aye: Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried and the resolution duly approved.

Water System Improvements Project. City Engineer Scott Pottorf reported next steps in the process to build a new water tower which include deciding on type of structure, deciding on how to manage water pressure issues for lower and higher elevation properties and working through the permit and finance process with the State of Iowa.

Downtown Area Commercial Building Improvements Incentive Program. City Administrator Anderson presented revisions to the Downtown Area Commercial Building Improvements Incentive program based on previous discussions with City Council. Banowetz moved to approve the Downtown Area Commercial Building Improvements Incentive, revised July 2009, second by Mai; motion carried – 4 to 0.

North Entrance Welcome Sign, Ely Living Roadways Committee.

Resolution No. 09-0713-49, Approving Professional Services Agreement for Landscape Architecture, Hoffman Design Consultants. City Administrator Anderson reported the Living Roadways Committee is requesting the City Council approve a contract with Hoffman Design Consultants for design of the north entrance sign and landscape design for the site at a total fee of \$3,300. Mr. Anderson reported the Park and Recreation Commission recommends accepting the proposal, with 25% of the cost paid through the Park and Recreation budget. Ballantyne moved to approve Resolution No. 09-0713-49, second by Mai.

Aye: Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried and the resolution duly approved.

Minimum Paved Width for “Municipal Service Streets”

Public Hearing re: Ordinance 214 Revising the Subdivision Ordinance by Increasing Minimum Paved Width for New Municipal Service Streets to 28 feet. – 7:00 p.m. Banowetz moved to open the public hearing regarding Proposed Ordinance No. 213 at 9:52 p.m., second by Ballantyne; motion carried – 4 to 0. Mayor Doyle declared the public hearing open at 9:52 p.m.

City Administrator Anderson reported notice was published as required and no comments regarding the public hearing item received verbally or in writing. Mayor Doyle asked for comments regarding the public hearing item; none were offered.

Banowetz moved to close the public hearing at 9:53 p.m., second by Ballantyne; motion carried – 4 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 9:53 p.m.

First Reading Ordinance No. 214, “An Ordinance to Amend Minimum Widths of ‘Municipal Service Streets’ in New Subdivisions”. Ballantyne moved to introduce and approve the first reading of Ordinance No. 214, second by Grove:

Aye: Grove, Banowetz, Mai, Ballantyne

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried.

Report re: Tax Abatement and Tax Increment Finance. Mayor Doyle and the City Council discussed a report from City Administrator Anderson use of Property Tax Abatement and Tax Increment Finance as tools for community and economic development.

Grove moved to adjourn, second by Mai. Motion carried – 4 to 0. The meeting adjourned at 10:04 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator