

**ELY CITY COUNCIL
REGULAR MEETING
AUGUST 8, 2011
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Bill Grove, Kay Hale, and Bob Ballantyne; Dale Stanek and Stephanie Mai absent - excused. Also present: Chad Pelley, Keith Schulte, Tom Rohner, Jeff Hilleman, Jim Miller, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

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

- Agenda.
- Minutes of the July 11, 2011 regular City Council meeting.
- Minute of the July 25, 2011 special City Council meeting
- Treasurers Report for the period ended July 31, 2011.
- Bills Payable for August, 2011 totaling \$92,269.49

Motion carried – 3 to 0.

Treasurer’s Report (summary) for the period ended July 31, 2011

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 6,360.28	\$ 54,382.55		\$ 642,601.99
Road Use	13,804.17	9,5585.94		34,902.75
L O S T	15,142.61			37,299.34
TIF Fund	762.18			35,751.07
Debt Service	261.75			-270,200.95
Other Projects		118,054.85		420,390.29
Library Project		2,749.22		2,749.22
Way Point Sign		12,541.65		12,541.65
North End Infra		-28,939.93		-28,939.93
Water Utility	16,300.72	283,279.47		238,279.41
Water/Sewer Reserve		100,000.00		100,000.00
Sewer Utility	24,162.34	67,695.40		67,965.40
Sewer Debt Service		-85,768.76		-85,768.76
Sanitary Utility	5,729.48	43,829.79		43,829.73
Farmers Market		567.00		567.00
PR Clearing	7,929.01	7,619.06		7,619.60
Totals	\$ 90,449.54	\$ 346,635.27		\$ 1,259,587.33

Communications: Linn County Deputy Pavelka presented the Sheriff’s Department monthly activity report.

Citizen Requests. Tom Rohner discussed his dissatisfaction with Alliant Energy’s plans to install the electric service line for Odie’s via a secondary pole in the front of his property. Aaron Anderson reported Ely has arranged with E&J Electric of Solon to work with Alliant to install the electric service line underground.

Jim Miller asked if three Council members present constitutes a valid quorum of the City Council to conduct a meeting. Mayor Doyle and Clerk/Administrator Anderson reported City Code states a quorum for the City Council consists of three members.

Parks Commission.

Quote to Install Pavers and Other Improvements At Ely City Park. Jeff Hilleman, Parks Commission Chair, reported the commission wants to start installing donor recognition brick pavers and park benches as soon as possible, as well as retaining wall and kiosk with trail information. He reported Kings Material is providing concrete for two pads along the Hoover Trail and other uses at Ely City Park. Mr. Hilleman reported the Commission solicited quotes to do the identified work, and received the following:

Cedar Landscaping	
Base Bid	\$14,262.00
Alternate 1	\$8,700.00
Total	\$22,962.00

Prairie Landscapes	
Base Bid	\$14,980.00
Alternate 1	\$10,250.00
Total	\$25,230.00

Outdoor Creations	
Base Bid	\$15,135.00
Alternate 1	\$10,650.00
Total	\$25,785.00

Mr. Hilleman stated the Parks Commission recommends accepting the quote from Cedar Landscaping for Base Bid at cost of \$14,262.00. Ballantyne moved to approve Resolution No. 11-0808-59, Accepting Quote from Cedar Landscaping to Construct Walkway and Other Improvements at Ely City Park; second by Grove.

Aye: Grove, Hale, Ballantyne

Nay:

Absent: Stanek, Mai

Mayor Doyle declared the motion carried and the resolution approved - 3 to 0.

Resolution No. 11-0808-51, Approving Fireworks Display Agreement with J&M Displays, Inc., for a Fireworks Display. Ballantyne moved to approve Resolution No. 11-0808-51, second by Hale.

Aye: Grove, Hale, Ballantyne

Nay:

Absent: Stanek, Mai

Mayor Doyle declared the motion carried and the resolution approved - 3 to 0.

Request to Temporarily Close Dows Street from Walker to Main to Allow Parking, September 24, Odie's/Tom Rohner. Tom Rohner reported Odie's is a participant and

destination for a motorcycle Poker Run on September 24, 2011; and that the event expects at least 200 motorcycles plus busses and cars. Mr. Rohner said he expects the majority of participants to arrive around 11:45 a.m. and requested the City Council authorize closing Dows Street from Walker Street to Main Street from 10:00 a.m. through 1:00 p.m. to traffic and parking other than for the Poker Run event. Mr. Rohner stated he will provide signs or banners advising the area is for "Event Parking Only" or similar message. Ballantyne moved to authorize temporarily closing Dows Street from Main Street to Walker Street to traffic and any activity other than a motorcycle Poker Run on Saturday, September 24, 2011, subject to Odie's providing signs or banners advising the area is set aside for event parking only; second by Hale. Motion carried – 3 to 0.

Southbrook 10th Addition in Ely

Review Preliminary Plat for Southbrook 10th Addition. Mayor Doyle reported Schulte Development has applied for a preliminary plat for Southbrook 10th Addition would subdivide roughly 26.64 acres into 68 lots for single family residential use as an extension of the Southbrook development. Mr. Doyle reported the preliminary plat was to be reviewed at the July 21, 2011 Planning and Zoning Commission meeting, but a quorum was not present for the meeting and the P&Z could not formally review or make a recommendation regarding the requested preliminary plat. Mayor Doyle noted the developer requests a variation from minimum lot dimensions for two corner lots and that the preliminary plat includes a retention pond which the developer proposes to dedicate to the city.

Keith Schulte, of Schulte Development, discussed their proposal to dedicate the storm water retention pond to the city, instead of it being owned and maintained by a Home Owners Association. He noted the retention pond would be an actual pond, with static water depth of 8-feet, and 12-feet maximum depth; not intended as a swimming or recreational facility and minimal maintenance.

Resolution No. 11-0808-52, Approving Preliminary Plat. Ballantyne moved to table Resolution No. 11-0808-52 refer the preliminary plat back to the Plan and Zoning Commission for formal review and recommendation, and to hold a special meeting on August 22, 2011 to consider action on this request; second by Grove. Motion carried – 3 to 0.

Discuss Developer's Agreement. Deferred.

Discuss Ordinance to Establish Storm Water Management District and Storm Water Management Utility. Deferred.

2011 Hillcrest Street Improvements Project

Request for Payment No. 4, Dave Schmitt Construction. Ballantyne moved to approve Request for Payment No. 4 to Dave Schmitt Construction for the 2011 Hillcrest Street Improvements project for the amount of \$10,564.69; second by Hale. Motion carried – 3 to 0.

Downtown Dows Street Streetscape Project.

Resolution No. 11-0808-53, Approving Change Order No. 1. Mayor Doyle reported Change Order No. 1 to the contract with Rathje Construction is for additional work to provide temporary pavement markings for handicapped only and no-parking zones during construction of the project at additional cost of \$295.00. Grove moved to approve Resolution No. 11-0808-53, second by Ballantyne.

Aye: Grove, Hale, Ballantyne

Nay:

Absent: Stanek, Mai

Mayor Doyle declared the motion carried and the resolution approved - 3 to 0.

Resolution No. 11-0808-54, Approving Change Order No. 2. Mayor Doyle reported Change Order No. 2 to the contract with Rathje Construction is for a new fire hydrant and fittings to replace a fire hydrant at the intersection of Dows and Main Streets for an amount of \$5,874.00. Hale moved to approve Resolution No. 11-0808-54, second by Grove.

Aye: Grove, Hale, Ballantyne

Nay:

Absent: Stanek, Mai

Mayor Doyle declared the motion carried and the resolution approved - 3 to 0.

Payment Request No. 2, Rathje Construction. Ballantyne moved to approve Payment Request No. 2 to Rathje Construction for the amount of \$87,471.69 for the 2011 Dows Streetscape project, second by Hale. Motion carried – 3 to 0.

Resolution No. 11-0808-55 Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agreement and Authorizing the Execution of Same. Hale moved to approve Resolution No. 11-0808-55, second by Grove.

Aye: Grove, Hale, Ballantyne

Nay:

Absent: Stanek, Mai

Mayor Doyle declared the motion carried and the resolution approved - 3 to 0.

Form of Tax Exemption Certificate for a \$765,000 General Obligation Capital Loan Note, Series 2011B. Ballantyne moved to approve a “Form of Tax Exemption Certificate for a \$765,000 General Obligation Capital Loan Note, Series 2011 B”, second by Hale. Motion carried – 3 to 0.

Resolution No. 11-0808-56, Approving and Authorizing Form of Loan Agreement and Authorizing and Providing for the Issuance of Capital Loan Notes and Levying a Tax to Pay the Notes. Ballantyne moved to approve Resolution No. 11-0808-53, second by Hale.

Aye: Grove, Hale, Ballantyne

Nay:

Absent: Stanek, Mai

Mayor Doyle declared the motion carried and the resolution approved - 3 to 0.

Resolution No. 11-0411-27A, Authorizing Alliant Energy to Remove Certain Listed Streetlights as Necessary for the 2011 Dows Street Streetscape Improvements Project. Ballantyne moved to approve Resolution No. 11-0411-27A, second by Hale.

Aye: Grove, Hale, Ballantyne

Nay:

Absent: Stanek, Mai

Mayor Doyle declared the motion carried and the resolution approved - 3 to 0.

Request for Class LE Liquor Permit w/Carryout Beer, Carryout Wine and Sunday Sales Privileges, Casey's Marketing Company, 1495 State Street. Grove moved to approve a request from Casey's Marketing Company for a Class LE Liquor Permit with Carryout Beer, Carryout Wine and Sunday Sales Privileges for Casey's at 1495 State Street, second by Hale. Motion carried – 2 to 1; Ballantyne opposed.

2011 Water Tower Improvements Project

Payment Request No. 5, Phoenix Fabricators. Hale moved to approve Payment Request No. 5 to Phoenix Fabricators under "Contract A" of the 2011 Water Tower Improvements Project for the amount of \$46,500.00; second by Grove. Motion carried – 3 to 0.

Resolution No. 11-0808-57, Approving Change Order No. 1 to Contract with Bockenstedt Excavating. Mayor Doyle reported Change Order No. 1 for Contract "B" of the 2011 Water Tower Improvements project is for additional work to replace a portion of a driveway damaged during excavation to install new water service lines on Vavra Drive at an additional cost of \$1,483.95. Grove moved to approve Resolution No. 11-0808-57, second by Hale.

Aye: Grove, Hale, Ballantyne

Nay:

Absent: Stanek, Mai

Mayor Doyle declared the motion carried and the resolution approved - 3 to 0.

Payment Request No. 2, Bockenstedt Excavating. Ballantyne moved to approve Payment Request No. 2 to Bockenstedt Excavating under "Contract B" of the 2011 Water Tower Improvements Project for the amount of \$6,915.42; second by Hale. Motion carried – 3 to 0.

Quote for Pressure Reducing Valves. City Administrator Anderson reported quotes were solicited for an initial order of 72 Pressure Reducing Valves with "quick connect" kits; and the following quotes received:

Vendor	Standard	Lead Free
Brown Supply, Des Moines, IA	\$4,945.68	\$5,481.36
First Supply, Cedar Rapids, IA	\$5,692.32	\$13,338.72
Kelly Supply Co., Marion, IA	\$5,415.14	\$6,013.74
Plumb Supply, Des Moines, IA	\$6,037.20	\$6,703.92

Plumbers Supply, Iowa City, IA	\$5,230.08	\$5,808.96
Prime Mechanical, Ely, Iowa		\$6,793.20
Schimberg Co., Cedar Rapids, IA	\$4,889.52	\$5,430.96

Hale moved to accept the quote to purchase 72 Lead Free Pressure Reducing Valves from Schimberg Co. of Cedar Rapids at a cost of \$75.43/unit and total quote of \$5,430.96 as the low responding quote, second by Grove. Motion carried – 3 to 0.

Public Works – Streets, Water, Sewer & Equipment

Authorize Job Offer for Public Works Position. Mayor Doyle reported an ad-hoc committee received and reviewed twenty applications for the newly created third full-time public works position, and interviewed four candidates for the position. He reported the committee recommends hiring Tim Stull, of West Branch, Iowa, for the position at starting wage of \$12.00/hour. Ballantyne moved to authorize the City Administrator to forward a job offer to Tim Stull, of West Branch, Iowa, as Public Works Maintenance & W/S Operator at starting wage of \$12.00 per hour; second by Hale. Motion carried – 3 to 0.

Resolution No. 11-0808-58, Amending Wage Increase for Attained Certifications.

Ballantyne moved to approve Resolution No. 11-0808-58, second by Grove.

Aye: Grove, Hale, Ballantyne

Nay:

Absent: Stanek, Mai

Mayor Doyle declared the motion carried and the resolution approved - 3 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 he wrote to the property owner to communicate the city's interest and received no response.

Discussion Items

Hale moved to adjourn, second by Grove; motion carried – 3 to 0. The meeting adjourned at 8:33 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator