

**ELY CITY COUNCIL
REGULAR MEETING
AUGUST 10, 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 arrived during the meeting. Also present: Jeff Hilleman, Shawn Weber, Dick Harger, Blake Ford, Marie Miller, Jim Miller, John Wolf, Lisa Hinton, Terry Smith, Sean Davis, Brandon Lily, Noah Henecke, Joe Newbert, Sarah Kerker, Tae Cleppe, Keith Schulte, Dave Rasmussen, Chad Pelley, 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 July 13, 2009 regular meeting.
- Treasurers Report for the period ended July 31, 2009.
- Bills Payable for July 2009 totaling \$89,930.15.
- Appointment of Chris Levi to Park and Recreation Commission through September 1, 2011.
- Renewal appointment of Lisa Hinton to Park and Recreation Commission through September 1, 2011.
- Renewal of appointments of Chuck Stockdale, Terry Smith and Brian Palas to Plan and Zoning Commission through September 12, 2014.
- Authorization of Participation in Sidewalk Repair Program – 1635 Walker Street

Motion carried – 3 to 0; Grove abstaining due to actual or perceived conflict of interest regarding appointment of Chris Levi to Park and Recreation Commission.

Treasurer’s Report (summary) for the period ended July 31, 2009

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 7,179.21	\$ 55,528.25		\$ 465,134.90
Road Use	12,796.78	10,631.74		17,463.41
L O S T	14,120.66	14,092.84		27.82
TIF Fund	496.45	3,150.00		157,121.79
Debt Service	483.64			6,624.66
Other Projects				-85,574.85
Library Project				3,169.70
North End Infra	82,418.00	95,907.72		60,898.57
Water Utility	16,687.62	5,620.41		318,172.07
Water/Sewer Reserve				100,000.00
Sewer Utility	23,482.59	22,232.95		71,531.49
Sewer Debt Service				-46,066.92
Sanitary Utility	5,946.08	6,142.19		49,615.14
PR Clearing	11,340.08	10,242.40		5,902.95
Totals	\$ 174,951.61	\$ 223,548.50		\$1,124,017.73

Communications: Mayor Doyle reported receiving the following communications: minutes of the July 2009 Plan and Zoning Commission meeting, minutes of the June 25 2009 Park and

Recreation Commission meetings, and Public Works Director's Report for July 2009. Linn County Deputy Brady presented the Sheriff's Office Monthly Activity Report.

Citizen Requests. Jim Miller introduced a group of people interested who are curious if it is possible to build or install a skate park in Ely. City Council discussed briefly and suggested they should discuss it with the Park and Recreation Commission after Fall Fest.

Development of Ely City Park

Status of Park Grading Project and Retention Pond. Mayor Doyle reported some detail work on the grading project still needs to be done, there was discussion regarding weeds and some erosion due to recent rains. City Engineer Scott Pottorf reported over-seeding will be done to cover areas where the grass seed did not take or to supplement where the new grass has not thrived. Mayor Doyle reported the City Attorney and liability insurance carrier consider the "wet" pond acceptable, subject to placing "No Swimming" and similar warning signs.

Purchase Orders for Parking Curbs and Installation of Two Ball Field Backstops. Ballantyne moved to approve the following purchase orders:

- \$1,950 for 60 cement parking bumpers, including delivery – Croell Ready Mix.
- Up to \$10,000 to provide and install two ball diamond backstops that will be at least 16 feet tall.

Mai seconded the motion, motion carried – 4 to 0.

Ordinance to Establish Regulations for Ely City Parks.

Public Hearing re: Proposed Ordinance No. 215, An Ordinance to Enact Regulations at City of Ely Parks. Ballantyne moved to open a public hearing regarding proposed ordinance No. 215 at 7:25 p.m., second by Grove; motion carried – 4 to 0. Mayor Doyle declared the public hearing open at 7:25 p.m.

Mayor Doyle asked for comments regarding the public hearing item. Bob Ballantyne asked if the ordinance would prohibit domestic animals from being on the ball diamonds. City Administrator Aaron Anderson reported the ordinance changes an existing ordinance to allow domestic animals within fifty feet of ball diamonds, shelters and other park structures, and . There was considerable discussion regarding animals in city parks, including whether pets should be allowed on ball diamonds, how the ordinance would be enforced, and that the emphasis is to keep pets from the fenced in areas within the ball diamonds.

Bill Grove stated that adult softball tournaments tend to run later into the night if there is sunlight, or if the ball fields are lit. Stephanie Mai noted the ordinance allows events in City Parks to run later than 10:00 p.m. with approval of the Parks and Recreation Commission.

A gentleman asked if there are any plans for an off-leash area for dogs. City Administrator Anderson reported there are no plans in place at this time for off-leash dog areas.

Mayor Doyle asked for further comments regarding the public hearing item, none were offered or received. Mai moved to close the public hearing at 7:32 p.m., second by

Grove; motion carried – 4 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:32 p.m.

First Reading of Ordinance No. 215, An Ordinance to Enact Regulations at City of Ely Parks. Mai moved to introduce and approve first reading of Ordinance No. 215, second by Grove.

Aye: Grove, Banowetz, Mai, Ballantyne

Nay:

Absent: Winkowski

Mayor Doyle declared the motion carried and the ordinance duly introduced and first reading approved.

Other Parks & Recreation Commission Related Business.

Resolution No. 09-0810-50, Approving Contract with J&M Displays for Fall Fest Fireworks Display. Mayor Doyle reported this resolution would approve a contract with J&M Displays of Yarmouth, Iowa, to provide a fireworks display on September 26, for Fall Fest at a cost of \$2,504.00; he noted that J&M Display will provide \$10 million municipal liability insurance for the event under the terms of the contract. City Administrator Anderson noted the resolution would also approve a “three-year” agreement under which Ely would purchase any fireworks for display over the next three years from J&M Displays. Terry Smith asked if J&M Display is required to provide Ely a certificate of insurance; City Administrator Anderson stated they are. Mr. Anderson reported the Park & Recreation Commission reviewed the contract and recommend approval.

Grove moved to approve Resolution No. 09-0810-50, second by Mai.

Aye: Grove, Banowetz, Mai Ballantyne

Nay:

Absent: Winkowski

Mayor Doyle declared the motion carried and the resolution approved.

Council member Tom Winkowski arrived.

Designate Bicycle Lanes on Dows Street and Authorize Striping of Bicycle Lanes.

City Administrator Anderson reported there has been preliminary discussion regarding adding bicycle lanes on Dows Street from Hillcrest Street to Jappa Road. City Engineer Scott Pottorf reported general design and layout. The City Council discussed this matter, including: that parking would be allowed on only one side if bicycle lanes are added, establishing Dows Street as a bike route could be an attraction for our community and that striping could be added at a later time. No action was taken on this matter.

Park and Recreation Commission Chair Jeff Hilleman reported Linn County REC donated poles to install as parking area posts, and that some have already been dropped off at the new city park.

Northgate 4th Addition to City of Ely, Schulte Development, LLC. Mayor Doyle reported City Engineer Scott Pottorf provided additional information regarding the potential extension of Wrigley Street north through the land owned by John Wolf immediately north of the proposed Northgate 4th Addition. Mr. Pottorf summarized his August 6, 2009 memorandum including runoff control standards, estimated changes to the elevation of lowest opening if the street is extended, capacity of the existing sanitary sewer system to adequately serve the “Wolf” property and options to extend sanitary sewer capacity to this area.

Mayor Doyle and the City Council discussed this matter with City Engineer Scott Pottorf, Keith Schulte and Chad Pelley for Schulte Development and John Wolf. Items discussed include but are not limited to: hypothetical design of Wrigley street and storm sewers if extended, impact of extending Wrigley Street on flood elevations, Plan and Zoning Commission’s emphasis on assuring traffic connectivity, and the affect of extending Wrigley Street on the attractiveness of the “Wolf” lot as a commercial development site. They also discussed the possibility of constructing a street to extend to a proposed street in Edellen Meadows that would allow for second access to the majority of the Northgate 4th area and allow the proposed dead end to comply with the 500’ maximum length standard.

Resolution No. 09-0810-44, Approving Preliminary Plat for Northgate 4th Addition in the City of Ely, Linn County, Iowa. Grove moved to table Resolution No. 09-0810-44 subject to the Plan and Zoning Commission reconsidering their recommendation based on the new information from the City Engineer and potential connection of streets with Edellen Meadows, second by Ballantyne.

Aye: Winkowski Grove, Mai, Ballantyne

Nay: Banowetz

Absent: None

Mayor Doyle declared the motion carried and the resolution tabled.

Request for Partial Street Closing and Temporary Outdoor Service Permit – Odie's Bar n Grill, 1650 Dows Street. Mai moved to approve the partial closing of Dows Street immediately in front of Odie’s Bar n Grill at 1650 Dows Street from 5:00 p.m. to midnight August 22, 2009, and to approve a Temporary Outdoor Service Permit for August 22, 2009 for the closed portion of Dows Street, second by Grove; motion carried - 5 to 0.

Resolution No. 09-0810-51, Approving Final Plat – Wolf First Addition to the City of Ely, Linn County, Iowa. City Administrator Anderson reported the Plan and Zoning Commission has reviewed the requested final plat and recommend approval subject to the “City of Ely maintaining the ability to require or approve the Wrigley Street connector extending north from the Schulte addition to the south.” Ballantyne moved to approve Resolution No. 09-0810-51, subject to the condition stated above, second by Winkowski.

Aye: Winkowski, Grove, Banowetz, Mai Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and the resolution approved.

Initial Presentation for Application to Downtown Area Commercial Building Improvement Incentive Program – 1655 Dows Street. Mark Banowetz presented a request for financial

assistance under the Downtown Area Commercial Building Improvement Incentive Program for the building he owns at 1655 Dows Street to re-side the exterior of the building and replace fifteen windows. Mr. Banowetz presented contractor estimates for the work totaling \$10,483.37 and stated that he requests \$5,000.00 from the program. City Council discussed the request including the maximum amount of city's contribution under this program, that the proposed work is for facade improvements to a commercial building in the downtown area, and reviewed the quotes Mr. Banowetz presented. Ballantyne moved that the request presented by Mark Banowetz to re-side and replace fifteen windows on the building located at 1655 Dows Street is eligible for the City to provide up to \$5,000 under the Downtown Area Commercial Building Improvement Incentive Program, second by Grove; motion carried 4 to 0, Banowetz abstaining due to due to actual or perceived conflict of interest.

Ordinance Revising Minimum Paved Width for "Municipal Service Streets"

Second Reading of Ordinance No. 214, Revising the Subdivision Ordinance by Increasing Minimum Paved Width for New Municipal Service Streets to 28-Feet.

Ballantyne moved to approve the second reading of Ordinance No. 214, second by Winkowski.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried.

Mai moved to waive the third reading of Ordinance No. 214 and accept final approval, second by Ballantyne.

Aye: Winkowski, Grove, Banowetz, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and the ordinance duly adopted.

Water System Improvements Project.

Resolution No. 09-0810-52, Revising Land Purchase Contract for a 5+/- Acre Parcel to Serve as a Site for a New Water Tower. This resolution would change the boundaries of the parcel of land Ely is purchasing from the Buresh Estate 66-feet to the north. Ballantyne moved to approve Resolution No. 09-0810-52, second by Winkowski.

Aye: Winkowski, Grove, Banowetz, Mai Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried and the resolution approved.

Schedule Workshop Meeting re: Water Tower and Water Systems Improvements Project. Mayor Doyle and City Council members scheduled a workshop meeting for the water tower and water system improvements project scheduled for 5:30 p.m., Tuesday August 25, 2009 in the Ely City Hall Council Chambers.

Request to Authorize Regular Part-Time Worker for Public Works Department. Ballantyne moved to approve Joe Vavra as a "regular" part-time Public Works Department at 20

hours per week and a wage of \$10.70/hour, second by Grove; motion carried - 5 to 0. Mayor Doyle and the City Council emphasized that it is essential the additional staff increase efficiency and the amount of work performed by the Public Works Department.

Mai moved to authorize up to \$3,000 to re-stripe State Street, second by Ballantyne; motion carried – 5 to 0. It was the consensus of the City Council that diagonal parking spaces on Dows Street should be painted at 30-degree angles.

Discussion Items. Dick Harger discussed the following with the City Council:

- What Ely is doing to change the drainage way by the Spidle property so it runs down the alley;
- An old metal corrugated storm sewer pipe by his building next to Vavra Lumber on Main Street that is clogged,
- Street light is out across from 1890 Dows Street;
- The driveway entrance at 1890 Dows Street is too bumpy; City Council reported that the property owner is responsible for the driveway from the curb to the house;
- Mr. Harger asked why Ely needs one-way alleys and noted that people have to park too far away at the post office.

Banowetz moved to adjourn, second by Mai. Motion carried – 5 to 0. The meeting adjourned at 9:38 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator