

**ELY CITY COUNCIL  
REGULAR MEETING  
AUGUST 10, 2015  
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Stephanie Mehmen, Bill Grove, Judy Wery and Bob Ballantyne; Kay Hale absent – excused. Also present: Della Caldwell, Tammy Bryant, Jim Miller, Eldy Miller, April Miller, Teri Billick, Tom Rohner, Ken Rizer, Jim Angstman, Terry Smith, Lois Cooling, Lisa Hinton, Dave Hinton, Katie Bruhn, Curt Wheeler and Clerk-Administrator Aaron Anderson.

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

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

- Agenda, as presented.
- Minutes of the July 13, 2015 regular meeting.
- Minutes of the July 29, 2015 special meeting.
- Bills Payable for August 2015 totaling \$63,478.68.
- Dave Schrock resignation from Parks Commission with appreciation for his service to Ely.

Motion carried – 4 to 0.

**Communications.** Linn County Deputy Egli reported on Sheriff’s Office activity during the month, noted recent car break-ins and reminded people to keep their cars and houses locked. Deputy Egli also encouraged people to call the Sheriff’s office if they see suspicious people in their neighborhood.

**Citizen Requests.** Tammy Bryant stated she recently opened Cloud 9 Massage and Spa on Dows Street, and discussed the possibility of a sign that lists Ely businesses on Dows Street or at the Ely sign at Wright Brothers and Ely Road. Ms Bryant shared some preliminary information and drawings from FrankenSign. Mayor Doyle and the City Council discussed this matter with Ms Bryant, including possible sites along the Hoover Trail or State Street, and how signs would be paid for. Consensus was to consider this further as a business item at the next City Council meeting. City Council also directed including more business highlight stories in the NoJoCo and Ely Expression.

Jim Miller asked why the sidewalk along Main Street was ripped up and replaced for the Hoover Trail project; the sidewalk was in good condition before and it seems a waste of money to rip it up and replace it. Della Caldwell, MMS Consultants, noted the trail is three feet wider than the previous sidewalk was, and that removing and installing new sidewalk for the full width will result in fewer cracks in the future.

Eldy Miller reminded about restoring the ditch on Banner Valley Road, and asked if the sides will be mowed soon.

Terry Smith asked why asphalt was used for the Hoover Trail behind City Hall instead of concrete. Mr. Smith asked why the City would accept asphalt when it will cost more to maintain over the years. Mr. Smith noted the engineer told him the trail in Ely would be concrete. Mr. Smith stated Mrs. Reyhons was told that the trail is not on her property by looking at drawings, but she is not so certain now and is upset. Della Caldwell noted she and Aaron Anderson and Ron Stark visited with Mrs. Reyhons and visually confirmed the trail is on city right of way, though close to her property line. Ms Caldwell confirmed the trail is very close to Mrs. Reyhons property line, but is located within city right of way. Clerk/Administrator Anderson will visit with Mrs. Reyhons at her convenience.

Jim Miller asked if the banquet event facility on Rogers Creek Road is going up. Mayor Doyle reported it is progressing as far as we know.

**From Our Table to Yours – Teri Billick.** Teri Billick reported there has been some reorganization regarding congregate meals since she is not at City Hall all the time. She stated From Our Table to Yours would like to move a freezer and refrigerator from St John Lutheran to the dining area storage room at the Community Center and reported the laminate top is coming loose on the center aisle counter. Ms Billick noted Jamie Schurbon offered a cost estimate of \$300 to perform the electrical work needed move the refrigerator and freezer, and a quote of \$750 from Amspoker Counter Tops to deliver and install a granite counter top on the center aisle. Wery moved to authorize up to \$1,200 to install a granite counter top on the center aisle counter and perform electrical work to install a refrigerator and freezer in the community center dining area; second by Grove. Motion carried – 4 to 0.

**Presentation re: Tobacco Free Parks and Playgrounds, Social Host as a Way to Decrease Underage Drinking Parties, Tobacco Free Businesses Including Our Public Buildings.** Curt Wheeler, a prevention specialist at ASAC; presented information regarding social host and tobacco free parks ordinances and policies. Mr. Wheeler noted that efforts to prevent youth from tobacco and alcohol use are high priorities that have long term benefits. Mr. Wheeler noted Iowa has a social host law, and Linn County a social host ordinance that they may be revising, and that some Linn County communities may be revising their social host policies. Mr. Wheeler noted tobacco prevention efforts focus on locations youth frequent like parks and playgrounds.

**Fall Fest October 2 & 3, 2015.** Ballantyne, second by Mehmen, moved to approve the following related to Fall Fest 2015:

- Temporary Closing of Dows Street from Walker St to Main St for Fall Fest Street Dance – 4:30 p.m. October 3, through 1:00 a.m. October 4, 2015.
- Temporary Outdoor Alcohol Service Area for Fall Fest Street Dance – Odies Class C Liquor Permit, 1650 Dows Street.
- Temporary Class B Beer Permit with Outdoor Sales for Fall Fest “Party at Our Park” and Fall Fest Car Show October 2 & 3, 2015.
- Agreement with J&M Displays to provide and display fireworks Saturday October 2, 2015 for Fall Fest at a cost of \$4,500, and authorize a permit for said fireworks display;
- Authorize Temporary Street Closings for Fall Fest, October 2 & 3, 2015.
- Temporary street closings as follows:

- Rowley Street: closed from State Street to Main Street 5:00 a.m. through 5:00 p.m. Saturday October 2, 2015.
- Walker Street: closed from Rowley Street to north edge of 1445 Walker St from 5:00 a.m. through 5:00 p.m. Saturday October 2, 2015.
- Main Street/Banner Valley Rd: closed from south side of Dows to Pacific Street from 5:00 a.m. through 5:00 p.m. Saturday October 2, 2015
- Dows Street. Closed from the east side of Walker Street to west side of Main Street from 4:30 p.m. Saturday October 2 through as late as 1:00 a.m. Sunday October 3, 2015.

Motion carried – 4 to 0. It was noted that two off-duty deputies will help with security Fall Fest.

**Request for Temporary Outdoor Alcohol Service Area on August 29, 2015 – Odies, 1650 Dows St.** Tom Rohner, owner of Odies, requested a temporary outdoor service area in front and on the east side of Odies at 1650 Dows St. Mr. Rohner reported the service area is to support the “Live Life Like a Boss” motorcycle ride, which is a benefit to raise money for suicide prevention. Mr. Rohner also requested to limit parking on the south side of Dows Street for this event. Mehmen moved to approve a temporary outdoor alcohol service area on August 29, 2015 for Odies, 1650 Dows Street; and to block parking on the south side of Dows Street from the second parallel parking spot west of Main Street to the parking space on the east edge of 1650 Dows Street Saturday August 29, 2015; second by Wery. Motion carried – 4 to 0.

**Request to Re-Zone Parcels at 1920 State Street from R-1 Single Family Residential and M-2 Heavy Industrial to M-1 Light Industrial – Swick Cable Contractors, Inc. & Joe T. Lawrence.**

**Schedule Public Hearing re: Request to Re-Zone Parcels at 1920 State Street from R-1 Single Family Residential and M-2 Heavy Industrial to M-1 Light Industrial.** Ballantyne moved to schedule a public hearing re: a request to rezone two parcels of land at 1920 State Street from R-1 Single Family Residential and M-2 Heavy Industrial to M-1 Light Industrial for 7:00 p.m. September 14, 2015, second by Mehmen. Motion carried – 4 to 0.

**Hoover Trail to Community Center Project**

**Trail Transition with Existing Sidewalk at 1680 Rowley St.** Della Caldwell, MMS Consultants, reported the Hoover Trail is roughly 8-inches lower than existing sidewalk and grade at 1680 Rowley St. Ms Caldwell reported the difference in elevation is abrupt and would be considered an unacceptable impediment to the trail per IDOT standards. Ms Caldwell reported the suggestion of removing the section of “old” sidewalk and installing a connection to the newer sidewalk that is immediately adjacent to the Main Street curb, and that she spoke with Brenadine Reyhons, the property owner, who is amenable to that option. Ms Caldwell reported net cost increase of \$750 for this change. Ballantyne moved to concur with removing the “old” sidewalk and installing a connecting walk 1680 Rowley Street as discussed in PCI “Extra Work Authorization” at net cost increase of \$750.00, second by Mehmen. Motion carried – 4 to 0.

Mayor and City Council discussed concerns reported from Mrs. Reyhons and her family that the Hoover Nature Trail may be impinging on her property. Della Caldwell noted she met

with Mrs. Reyhons and confirmed the trail is on city right of way within roughly six inches of the property line, but is not located on her property.

**Resolution No. 15-0810-29, Approving Change Order No. 1.** Mayor Doyle reported Change Order No. 1 to the contract with Peterson Contractors, Inc. for the Hoover Nature Trail to Community Center project is to connect new storm sewer from the south side of Rowley Street to existing corrugated pipe that outfalls to Rogers Creek, as discussed at the July, 2015 City Council meeting at overall cost increase of \$1,820. Ballantyne moved to approve Resolution No. 15-0810-29. Approving Change Order No. 1, second by Wery.

Aye: Ballantyne, Wery, Grove, Mehmen

Nay: None

Absent: Hale

Mayor Doyle declared the motion carried and resolution approved – 4 to 0.

**Construction Progress Payment Request No. 1, Peterson Contractors, Inc.** Ballantyne moved to approve Progress Payment Request No. 1 from Peterson Contractors, Inc. for the amount of \$99,547.94 for the Hoover Nature Trail to Ely Community Center project; second by Mehmen. Motion carried – 4 to 0.

### **Highland Road Project**

**Construction Progress Payment Request No. 1, Ricklefs Excavating.** Grove moved to approve Construction Progress Payment Request No. 1 from Ricklefs Excavating for the amount of \$123,577.15 for work performed under the contract for the Highland Road/City Park Parking lot contract; second by Mehmen. Motion carried – 4 to 0.

### **Public Works**

**Retaining Wall on Southeast Side of E. Pacific St. Culvert.** Clerk-Administrator Anderson reported a concrete retaining wall on the southeast side of the East Pacific St. culvert is badly cracked; Public Works Director Stark is concerned the retaining wall could fail without remedial action. Ballantyne moved to direct staff to investigate methods to repair the retaining wall, solicit quotes and authorize the City Clerk/Administrator to accept the low cost quote up to a maximum of \$12,000; second by Grove. Motion carried – 4 to 0.

**Discussion Items.** State Representative Ken Rizer discussed the recent state legislative session with the Mayor and City Council; including passage of managed care reform; property rights legislation related to condemnation of property and passage of the gas tax.

Ballantyne moved to adjourn, second by Grove; motion carried – 4 to 0. The meeting adjourned at 8:40 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator