

**ELY CITY COUNCIL  
REGULAR MEETING  
AUGUST 11, 2008  
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Tom Winkowski, Bill Grove, Mark Banowetz, Stephanie Mai, and Bob Ballantyne. Guests included: Jim Miller, Vicki Vargason, Bob & Darlene Wermager, Donn & Marie Haase, Joseph Fiala, Lu Renee Eck, Sam & Shirley Shannon, Chad Pelley, Jason Laird, Matt Piersall, Elmer & Helen Smyth, Ozzie & Barb Berry, Marv Peters, Jane Helgeson, Kathleen Matthews, Randy Burke, Keith Schulte, Frank Joens, Tom Tjelmeland, Aaron Cooper, Jack Stewart, Dave Rasmussen and Michelle Field. Also present: City Engineer Cary Solberg and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the July 14, 2008 regular meeting.
- Treasurers Report for the period ended July 31, 2008.
- Bills Payable for August 2008 totaling \$75,133.33.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended July 31, 2008

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 8,772.42	\$ 23,776.63		\$ 398,286.20
Road Use	7,881.27	10,288.56		22,261.57
TIF Fund	798.30			308,297.75
Debt Service	1,225.95			6,086.71
Other Projects				-65,915.21
Library Project				3,169.70
Water Utility	15,530.32	9,038.64		253,280.40
Water/Sewer Reserve				100,000.00
Sewer Utility	124,328.73	117,271.10		100,790.70
Sewer Debt Service				-255.40
Sanitary Utility	5,534.05	5,933.06		52,247.86
PR Clearing	11,499.32	184.02		12,043.61
Totals	\$175,570.36	\$166,492.21		1,180,392.89

**Communications:** Mayor Doyle reported receiving the following communications: Plan and Zoning Commission minutes of July 16, 2008, Public Works Director’s Monthly Report. Linn County Deputy reported a Sheriff’s Office’s Monthly Activity Report was not available due to flooding at the Sheriff’s facility in Cedar Rapids.

**Citizen Requests.** Jim Miller, 1100 Vista Rd, asked when the streets would be fixed, because he has been given different answers at different times. Aaron Anderson stated L.L. Pelling reported they would begin work in Ely in the next few weeks.

**Update on Status of Hoover Recreational Trail – Randy Burke, Linn County Conservation Department.** Randy Burke, Linn County Conservation Department, updated the City Council on the status of the Hoover Recreational Trail connection into Ely. Mr. Burke reported Segment “G” is expected to be finished in late spring or early summer of 2009; and that they hope to let bids for construction of the portion from Wright Brothers to the Ely Park August 2009. Mr. Burke also reported a total of \$850,000 in federal earmarks are available for this project, of which they expect to be able to access 87%. Mr. Burke stated Linn County Conservation will retain a consulting engineer after receiving IDOT authorization to expend project funds.

**Request for Re-Zone to R-2 and Preliminary Plat, Splendid Villa Addition to Ely – Sun Development LLC.**

**Continued Public Hearing re: Request to Re-zone a portion of parcel from R-1 Single Family Residential to R-2 Multi-Family Residential – 7:00 p.m.** Banowetz, second by Winkowski, moved to re-open the public hearing regarding a request to re-zone portion of the parcel that is the subject of the requested Splendid Villa preliminary plat at 7:29 p.m. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:29 p.m.

Mayor Doyle reported the proposed preliminary plat had been revised to use designed common areas within the property for runoff detention and that City Engineer has confirmed the proposed revisions appear to meet Ely’s runoff retention standards; therefore the proposed subdivision would not use the dam across Rogers Creek or the impoundment area created by the dam for storm water retention. Mayor Doyle asked for comments regarding the public hearing item, none were offered

At 7:32 p.m. Winkowski, second by Banowetz, moved to close the public hearing; motion carried – 5 to 0. Mayor Doyle declared the public hearing closed at 7:32 p.m. and the meeting in regular session.

**First Reading Ordinance No. 205, Designating a Parcel as an R-2 Multi-Family Residential Zoning District.** Banowetz, second by Mai, moved to introduce and approve first reading of Ordinance No. 205, “Designating a Parcel as an R-2 Multi-Family Residential Zoning District”

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent:

Mayor Doyle declared the motion carried – 5 to 0.

Winkowski, second by Mai, moved to waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Ordinance No. 205, per §380.3 Iowa Code.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the motion carried – 5 to 0.

Mai, second by Ballantyne, moved to approve final reading and adoption of Ordinance No. 205, “Designating a Parcel as an R-2 Multi-Family Residential Zoning District”

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski  
Nay: None  
Absent: None

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

**Resolution No. 08-0811-29, Approving Request for Preliminary Plat, Splendid Villa Addition to Ely, Iowa.** Mayor Doyle reported the proposed preliminary plat had been revised to include construction of runoff retention structures so that the dam across Rogers Creek would not be used as a runoff retention structure for the subdivision. The Mayor and City Council discussed the proposed preliminary plat with Chad Pelley, consulting engineer for the Developer Sun Development, LLC, and City Engineer Cary Solberg. Items discussed include, but are not limited to: that the Developer agrees that all duplex units in the subdivision would be owner occupied and to include this requirement with the subdivision's restrictive covenants; improvements to Rogers Creek Road and that Ely would participate in one-half of the cost of those improvements; and that Prairie View Drive should retain status as a municipal service street rather than a collector. The City Council also discussed the status of the dam across Rogers Creek; Chad Pelley asserted that there would be a lower risk of flooding after development due to the retention structures to be constructed in the Splendid Villa subdivision.

Ballantyne, second by Mai, moved to approve Resolution No. 08-0811-29, Approving Request for Preliminary Plat, Splendid Villa Addition to Ely, Iowa; noting the inclusion of all comments from City Engineer Cary Solberg as part of the approval.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski  
Nay: None  
Absent: none

Mayor Doyle declared the motion carried – 5 to 0.

**Ordinance to Create R-3 and R-4 Residential Zoning Districts that Would Allow up to 4 Residential Units and 8 Residential Units per Structure.**

**Second Reading Ordinance No. 206, Creating R-3 Residential and R-4 Residential Zones.** Ballantyne, second by Mai, moved to approve second reading of Ordinance No. 206, "Creating R-3 and R-4 Residential Zoning Districts".

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski  
Nay: None  
Absent: none

Mayor Doyle declared the motion carried – 5 to 0.

Ballantyne, second by Mai, moved to waive the requirement for third reading of the proposed ordinance.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski  
Nay: None  
Absent: none

Mayor Doyle declared the motion carried – 5 to 0.

Ballantyne, second by Mai, moved final approval of Ordinance No. 206, "Creating R-3 and R-4 Residential Zoning Districts".

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski  
Nay: None  
Absent: none

Mayor Doyle declared the motion carried – 5 to 0.

**Establishing 25mph Speed Limit on a Segment of State Street and Establishing Special Stops on State Street at Dows St and on Jappa Rd at Rogers Creek Rd.**

**Public Hearing re: Ordinance No. 208, “Establishing Special Stop Intersections and Special 25 mph and 35 mph Zones”.** Banowetz, second by Mai, moved to open a public hearing re: proposed Ordinance No. 208; motion carried 5-0. Mayor Doyle declared the public hearing open at 8:15 p.m. Clerk-Administrator Anderson reported notice was published as required by law, and that the proposed ordinance would revise the Ely Traffic Code as follows

- Establish a permanent stop at Dows Street for north or south bound traffic on State Street.
- Establish a permanent stop at Rogers Creek Road for north or south bound traffic on Jappa Road
- Establish a 25mph speed limit 25 mph on State Street from 500 feet south of Rowley Street to 175 feet north of Northgate Drive.

Mayor Doyle asked for comments regarding the public hearing item. Tom Tjelmeland stated that traffic would slow down automatically if a 3-way stop is installed at Dows St for State St. Mr. Tjelmeland stated posting lower speed limits would only help to actually lower traffic speeds if law enforcement were there all the time. He stated he would like the Council to consider that a stop sign at that location would be more effective in controlling and limiting traffic speed than changing the speed limit.

Mayor Doyle asked Tom Tjelmeland what his thoughts were regarding the proposed 3-way stop on Jappa Rd at Rogers Creek Rd. Mr. Tjelmeland stated he loves the idea, that this would go a long way toward slowing traffic on Jappa Road. He stated he applauds the idea. Mark Banowetz asked Mr. Tjelmeland if he thinks the Jappa Rd stop sign would cause more traffic accidents. Mr. Tjelmeland stated he does not, especially if the sign and advance warnings are posted properly and the City coordinates with the Linn County Sheriff’s Office. He stated the 3-way stop could be a potential problem on a street as busy as State Street, but if there are proper advance notification signs there would not be more accidents.

Stephanie Mai stated she had a near problem when the temporary stop sign was in place at the intersection of Dows and State, and that proper signage would be essential. Tom Tjelmeland stated a flashing red light at that intersection would be very helpful in making sure for providing proper signage. Mark Banowetz suggested installing raised sidewalks across State Street from both sides of Dows Street. Mr. Tjelmeland stated if the stop is properly signed and delineated, people will stop. Bob Ballantyne stated that it’s a cinch traffic on State Street will increase in the future. Mr. Tjelmeland stated a raised sidewalk would be a problem for maintenance in winter, and re-emphasized the importance of effective signage.

Keith Schulte stated he has concern with installing stop signs in general on State Street which is the main route through town, and that lowering the speed limit would be

the better idea. He stated stop signs are likely to cause more accidents than lowering the speed limit would and that State Street is the closest thing to a highway Ely has and is concerned stop signs might discourage traffic through town.

Stephanie Mai stated Highway 1 goes through Solon at a 35 mph with no problems.

Mark Banowetz stated he heard a lot of good comments when the temporary State Street stop signs were in place at Dows. Keith Schulte and Jim Doyle stated they had both heard a lot of negative comments also.

Tom Tjelmeland stated he has waited as far back as the Library to get onto State Street and that it would be great to have a traffic activated stoplight on State Street. He stated evenings can be a problem because of turning traffic. Mr. Tjelmeland stated alternating stops can cause accidents because people aren't used to them and don't realize when to start or how long to wait.

Stephanie Mai stated traffic on Jappa Road coming into town is very much a concern of hers, some of the traffic seems to be coming as fast as 40 mph. Tom Tjelmeland stated a 3-way stop at Jappa and Rogers Creek Rd would probably lead to noise complaints due to vehicles accelerating from the stop sign.

Mayor Doyle asked for additional comments from the public regarding the public hearing item. None were offered or received. Banowetz, second by Winkowski, moved to close the public hearing. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed at 8:29 p.m.

**First Reading of Ordinance No. 208, “Establishing Special Stop Intersections and Special 25 mph and 35 mph Zones”.** No motion was offered to introduce or approve first reading of the proposed ordinance. Ordinance died for lack of motion to introduce.

#### **Parks and Recreation Commission.**

**Public Hearing re: Proposed Ordinance No. 209, “Increasing the Number of Members of the Recreation Commission”.** Mai, second by Banowetz, moved to open a public hearing regarding Proposed Ordinance No. 209, “Increasing the Number of Members of the Recreation Commission”; motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 8:34 p.m. Clerk-Administrator Anderson reported notice was published as required by law and no comments received verbally or in writing prior to the hearing. Mr. Anderson reported the proposed ordinance would increase membership on the Recreation Commission from 5 members to 6, and retain the existing standard that three members present would qualify as a quorum of meetings of this Commission.

Mayor Doyle asked for comments regarding the public hearing item. There was general discussion regarding the number of members needed for a quorum of this commission; reasons for the increase of board members and the possibility of establishing an attendance policy for the Recreation Commission and other appointed boards.

Tom Tjelmeland stated people aren't engaged in meetings for the following reasons: leadership style and they don't have a project they believe in. He stated we made a mistake by bringing in someone who had a grand plan that included too much. Mr. Tjelmeland stated he reviewed and helped compile the survey and that you can't

accurately combine the results from two separate responses, He stated that everyone is discouraged that we don't have a ball diamond ASAP, and that the Recreation Commission needs 5 members that have leadership and believe that it can be done and brought to fruition. Mr. Tjelmeland stated Rotary wanted to be involved but there were not controls or design, and that he does not believe making the board larger will achieve what they want done.

There was general discussion regarding the feasibility of establishing an attendance policy for appointed boards and commissions, including whether the policy should come from the City Council or as internal policies for each board.

Jim Miller noted that 90% of boards and committees have an odd number of members to prevent tie votes.

Mayor Doyle asked for additional comments from the public regarding the public hearing item. None were offered or received. Banowetz, second by Ballantyne, moved to close the public hearing. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed at 8:46 p.m.

**First Reading of Ordinance No. 209, “Increasing the Number of Members of the Recreation Commission”.** No motion was offered to introduce or approve first reading of the proposed ordinance. Ordinance died for lack of motion to introduce.

**Appointment of Member to Recreation Commission.** Determined moot because the proposed ordinance was not enacted.

**Appointment to Fill Vacancy on Plan and Zoning Commission.** Clerk-Administrator Anderson reported Pat Dolphin had resigned from the Plan and Zoning Commission, effective in September, because he was moving out of Ely. Anderson reported Ely received responses from Dale Stanek and Don Jacobi of their interest in the pending vacancy after advertising the opening. It was the general consensus of the City Council to request the Plan and Zoning Commission make a recommendation.

**Dows Street Restoration Project.** City Council discussed the Dows Street Improvements Study prepared by MMS Consultants with City Engineer Cary Solberg. The report prepared by MMS Consultants which suggests three possible courses of action to rebuild or restore Dows Street from slightly northeast of Knoll Court to southwest of Hillcrest Street. MMS Consultants recommended the following options:

- Full Reconstruction; complete reconstruction of the roadway – estimated cost \$881,500
- Replace Asphalt Only; remove existing asphalt paving and replace with 8-inches HMA over 6” rock base – estimated cost \$480,000
- Resurfacing only; mill the top three inches from the existing surface and replace with 3-inches of new HMA – estimated cost \$177,000

Council directed Mr. Solberg to prepare a cost estimate to resurface with a total of 4 inches of HMA, and directed Mr. Anderson to prepare a financial impact analysis of the identified options and report at the next regular meeting.

**Public Works Projects.** Clerk-Administrator Anderson presented cost and financing options on the following potential projects

- Water Main Improvement – Vavra Drive to connect four homes on Vavra Drive to the water main in the street instead of a smaller deteriorating line along the side and rear property lines.
- Storm Sewer Intake at NW Corner of Dows and State Streets – installation of a storm sewer intake to intercept runoff that flows from the street to a neighboring property.
- Storm Sewer Repairs on Hillcrest Drive.

Mr. Anderson reported receiving quotes from one possible contractor for each of the listed projects, but that other anticipated quotes had not been submitted. There was considerable discussion regarding financial arrangements for the Vavra Drive water improvements project. Council directed Mr. Anderson to work with Public Works Director to get additional quotes and more detailed information regarding the Water main and Storm Sewer projects.

Mai, second by Grove, moved to authorize accepting a contract not to exceed \$7,500 to perform the Storm Sewer Intake project. Motion carried – 4 to 1, Ballantyne opposed. Council directed Mr. Anderson to contact Casey's General Stores to request they participate in the cost of the project.

**Library Building & Grounds Projects.** Clerk-Administrator Anderson reported the Library Board is working with Public Works to get quotes to replace the roof of the Ely Library building. Council discussed the possibility of replacing the existing shingle roof with a metal roof, and noted that they want to work with the Library Board. It was the general consensus that the City Council would support use of general fund money to pay the cost of replacing the Library roof with shingles, and would allow a more aesthetically significant metal room if the funds come from other than city general fund sources.

**State Street Bridge Replacement Project.**

**Resolution No. 08-0811-30, Approving Change Order No. 2 to Construction Contract with Peterson Contractors Inc.** Clerk-Administrator Anderson reported this resolution would accept Change Order No. 2 to the State Street Bridge project that reflects changes to the design of the bridge rails and additional materials for a net increase of project cost of \$8,733.46. Ballantyne, second by Grove, moved to approve Resolution No. 08-0811-30.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the motion carried – 5 to 0.

**Resolution No. 08-0811-31, Approving Change Order No. 3 to Construction Contract with Peterson Contractors Inc.** Clerk-Administrator Anderson reported this resolution would accept Change Order No. 3 to the State Street Bridge project, which reflects exercising the liquidated damages clause of the contract to reflect substantial completion of the project as 44 working days beyond the contract's stated completion date. Anderson reported this Change Order results in a net decrease of project cost of \$33,000.00. Ballantyne, second by Grove, moved to approve Resolution No. 08-0811-31.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski  
Nay: None  
Absent: None

Mayor Doyle declared the motion carried – 5 to 0.

**Payment Application No. 4, Peterson Contractors, Inc. for State Street Bridge Project.** Grove, second by Ballantyne, moved to approve Payment Application No. 4 in the amount of \$41,200.06 to Peterson Contractors for the State Street Bridge Replacement Project. Motion carried – 5 to 0.

**Schedule Public Hearing re: Request for Annexation and Designation of R-1 Zoning, Serbousek Second Addition.** Grove, second by Banowetz, moved to schedule a public hearing regarding a request from James Serbousek for voluntary annexation of a roughly 5.62 acre parcel for 7:00 p.m. September 8, 2007. Motion carried – 5 to 0.

**Discussion Items.**

Banowetz, second by mai, moved to adjourn. Motion carried – 5 to 0. The meeting adjourned at 9:50 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator