

**ELY CITY COUNCIL  
REGULAR MEETING  
AUGUST 12, 2013  
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Dale Stanek, Bill Grove, Kay Hale, Dave Rasmussen and Bob Ballantyne. Also present: Joe Horaney, Sam & Shirley Shannon, Cullen Woods, Terry Smith, Jim Miller, Keith Schulte, Rachel Hendrickson, Dave Schrock, Tom Rohner, Sarah Sellon, and Clerk-Administrator Aaron Anderson.

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

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

- Agenda,
- Minutes of the July 8, 2013 regular City Council meeting
- Minutes of the July 22, 2013 special City Council meeting
- Minutes of the August 5, 2013 special City Council meeting
- Treasurers Report for the period ended July 31, 2013
- Bills Payable for August 2013 totaling \$69,029.12

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended July 31, 2013

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 11,593.68	\$ 52,909.85		\$ 662,052.07
Road Use	14,544.24	17,693.88		57,669.36
L O S T	17,716.19			107,765.36
TIF Fund	1,000.60			135,872.64
Debt Service				-54,437.55
Other Projects		14,412.91		74,830.44
Library Project				-64.23
Way Point Sign		852.50		-18,327.29
North End Infra				-28,589.93
Water Utility	24,347.10	14,330.98		259,268.58
Water/Sewer Reserve	5,216.10			120,912.50
Sewer Utility	31,662.82	27,617.31		15,666.24
Sewer Debt Service	11,767.92			29,682.40
Sanitary Utility	6,388.85	7,005.98		38,408.43
Storm Water	8.12			18.12
Farmers Market	55.00			1,463.01
PR Clearing	11,314.83	13,424.36		1,392.11
Totals	\$ 135,615.45	\$ 148,247.77		\$ 1,403,582.65

**Communications.** Linn County presented the Sheriff's Office Monthly Activity Report.

**Citizen Requests.** Shirley Shannon stated Vavra Drive is very dusty after the sealcoat work was performed. Mayor and City Councils discussed and directed the City Administrator to contact LL Pelling to mitigate the dust problem as possible.

**Presentation re: New Services at Linn County Solid Waste Agency – Joe Horaney.** Joe Horaney, of the Linn County Solid Waste Agency, presented information on new services offered by the Linn County Solid Waste Agency and construction of the Resource Recovery facility on County Home Road in Marion. Items discussed include: Linn County Solid Waste now accepts electronic waste from Linn County residents for free as recyclable material at the County Home Road location; that they now convert methane into 1.6MWD, and that “Mt. Trashmore” is being capped off.

### **Residential Building Code**

**Presentation re: Updating to 2012 Version of International Residential Code, Brita Van Horne – Linn County Building Inspection.** Brita Van Horne presented information re: the 2012 International Residential Building Code, noting she has been working with City Administrator Aaron Anderson to facilitate Ely’s consideration of updating from the 2003 version of the code. Ms Van Horne discussed the matter with Mayor Doyle and the City Council, including that requirements for automatic sprinkler systems would come in to play for “townhouse” units of five or more units in the same building, that a process to allow appeals of building code interpretations is needed and that most of the communities Linn County Building Inspection works with have updated to the 2012 version of the International Residential Code. Mayor Doyle and City Council members discussed the topic with Ms Van Horne, including proceeding to schedule a public hearing re: an ordinance to enact the 2012 IRC at the September 9, 2013 City Council meeting.

### **Fall Fest – September 28, 2013**

**Authorize Temporary Closing of Dows Street from Walker St. to Main St. for Fall Fest Street Dance, 1:00 p.m. September 28, 2013 through 1:00 a.m. September 29, 2013.** City Administrator Anderson reported the Fall Fest Planning Committee seeks to hold a street dance on Dows Street from 4:00 p.m. through midnight Saturday September 28, 2013; and requests Dows Street be closed from the east side of the intersection with Walker to the west side of the intersection with Main from 1:00 p.m. September 28 through 1:00 a.m. September 29, 2013. Mayor and City Council discussed Bob Ballantyne’s suggestions that sound amplification should stop at 11:30 p.m. and that Ely should consider policy guidelines for when to close street for this type of event.

Stanek moved to authorize closing Dows Street from the east side of the intersection with Walker to the west side of the intersection with Main from 1:00 p.m. September 28 through 1:00 a.m. September 29, 2013; second by Rasmussen. Motion carried – 5 to 0.

**Request for Temporary Outdoor Alcohol Service Area for Fall Fest Street Dance – Odie’s Class C Liquor Permit.** Mayor Doyle reported this request is for an outdoor service area for the Fall Fest street dance; which would allow Odie’s to serve alcohol for outdoor sale and consumption within the area set aside for the street dance. Mayor and City Council discussed this matter with Tom Rohner, owner of Odie’s; including that security and portable restrooms will be provided for the event. Stanek moved to approve a request from Odie’s for

an outdoor alcohol service area September 28, 2013 for the Fall Fest street dance; second by Ballantyne. Motion carried – 5 to 0.

**Temporary Class B Beer Permit with Outdoor Sales for Fall Fest Car Show, September 28, 2013.** City Administrator reported Fall Fest Committee requests the City pursue a temporary Class B Beer with outdoor sales permit for September 28, 2013 to facilitate sale of beer for the Fall Fest Car show. Mr. Anderson reported he is researching cost of Dram shop and related liability insurance. Mayor and City Council discussed the request, noting appreciation for the Fire Department having served as the permit holder in the past. Rasmussen moved to authorize the City Administrator to proceed with application for a Class B Beer with outdoor service per the Fall Fest committee request; second by Stanek. Motion carried – 4 to 1, Ballantyne opposed.

**Resolution No. 13-0812-21, Approving Contract for Fireworks Display and Authorizing Permit for said Display.** Stanek moved to approve Resolution No. 13-0812-21, Approving Contract for Fireworks Display and Authorizing Permit for said Display; second by Ballantyne.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent:

Mayor Doyle declared the motion carried and the resolution approved – 5 to 0.

**Authorize Temporary Street Closings for Fall Fest, September 28, 2013.** Stanek, second by Hale, moved to approve the following temporary street closings on September 28, 2013:

- Rowley Street: Street closed from State Street to Main Street 5:00 a.m. through 9:00 p.m.
- Walker Street: Street closed from Dows St. to Rowley St. 5:00 a.m. to 11:30 a.m.
- Walker Street: Street closed from Rowley St. to north edge of 1445 Walker St. from 11:30 a.m. through 8:00 p.m.
- Main Street: Closed from east side of Dows St. (by Post Office) to Pacific St. from 5:00 a.m. through 8:00 p.m.

Motion carried – 5 to 0.

## Urban Chickens

**Third Reading and Final Adoption of Ordinance No. 236, An Ordinance to Allow and Regulate the Keeping of Chickens Within Ely City Limits.** Stanek moved to approve the third reading of Ordinance No. 236, An Ordinance to Allow and Regulate the Keeping of Chickens Within Ely City Limits, with §3-4.2.2(a) revised to read:

“Permit Required. No person shall raise, harbor or keep chickens on any land not zoned “A-1 Agricultural” within the City of Ely without a valid permit issued by the Mayor or Mayor’s designee under the provisions of this chapter.”

Hale seconded the motion.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent:

Mayor Doyle declared the motion carried and the third reading of said ordinance approved - 5 to 0.

Stanek moved final approval of Ordinance No. 236, second by Hale.

Aye: Stanek, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent:

Mayor Doyle declared the motion carried and the ordinance duly approved - 5 to 0.

### **Public Works – Streets, Water, Sewer & Equipment.**

**Street Repair – Sewer Manholes & Concrete Sections.** City Administrator Anderson reported Public Works Director Stark is collecting quotes for this work, and is working to make sure all quotes can be accurately compared. Stanek moved to authorize Public Works Director and City Administrator to authorize to accept the low cost responsible quote for work up to \$15,000; second by Hale. Motion carried – 5 to 0.

**Curb & Sidewalk Repairs in General Area of Plainview and Dows Streets.** City Administrator Anderson reported research on this not complete yet.

**Authorize Payment for Plainview Street Resurfacing Project, Kluesner Construction.** Hale moved to authorize payment of \$48,318.60 to Kluesner Construction for the completed Plainview Street Resurfacing project, second by Stanek. Motion carried – 5 to 0.

**Authorize Payment to Trans-Iowa Equipment for 2001 Pelican P Street Sweeper.** Stanek moved to authorize payment to Trans-Iowa Equipment for purchase of a 2001 Pelican P Street Sweeper, purchased per Resolution No. 13-0513-16, second by Rasmussen. Motion carried – 5 to 0.

**Management Program for Trees in City Right of Way.** Anderson reported Mark Vitosh, forester with Iowa DNR, conducted an inventory of trees in Ely's right of way in the summer of 2012, and recently sent Ely a report and recommended management plan. Mayor Doyle and City Council members discussed, including managing trees in right of ways Mr. Vitosh identified as at recent findings of emerald ash borer in eastern Iowa. Stanek moved to direct Public Works department to use the "2013 Management Plan" prepared by Mark Vitosh, as the city's street tree management plan and authorize up to \$4,000 per year to implement the plan; second by Hale. Motion carried – 5 to 0.

**Capital Projects Planning.** Mayor Doyle and City Council members discussed a draft version of Capital Improvements Plan based on previous workshop meetings. Bob Ballantyne stated the process did not allow for consideration or discussion of alternate ideas for projects and activities; Mayor and City Council discussed including considering building a restroom building and playground area for Ely City Park. City Council will hold a workshop meeting at 6:00 p.m. Monday August 26, regarding Capital Improvements Planning and State Street.

Terry Smith stated concern with the amount of progress on possible major changes to State Street, and that people are not aware it is under discussion. Mayor and City Council discussed

with Mr. Smith, noting among other things that all agendas and minutes are posted on the city's website.

**Discussion Items**

Stanek moved to adjourn, second by Hale; motion carried – 4 to 0. The meeting adjourned at 7:58 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator