

**ELY CITY COUNCIL  
REGULAR MEETING  
AUGUST 13, 2007  
ELY CITY COUNCIL CHAMBERS**

Mayor Dale Stanek called the meeting to order at 7:00 p.m. Council members present: Kevin Meskimen, Mark Banowetz, Tom Winkowski, Bob Ballantyne and John Smith. Guests included: Jim Miller, Aaron Cooper, Millicent Cozzie, Bill Grove, Chet Hendrickson, Kathleen Banowetz, Kayla Banowetz, Joanne Popelka, and Dave Rasmussen.

Smith, second by Winkowski, moved to approve the Consent Agenda consisting of:

- Agenda.
- Minutes of the July 9, 2007 regular meeting.
- Treasurers Report for the period ended July 31, 2007
- Bills Payable for August 2007.
- Purchase Orders for August, 2007 - none
- Schedule public hearing for September 10, 2007 regarding installation of sidewalks along Jappa Road on Lots 21, 22 and 23 of Meadow Brook Addition to the City of Ely Iowa.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended July 31, 2007

	Receipts	Disbursements	Ending Balance
General	\$ 12,620.68	\$ 24,788.67	\$ 287,726.85
Road Use	7,867.27	6,376.51	10,666.61
TIF Fund	779.17		242,205.69
Debt Service	166.47	3,187.50	3,787.31
Other Projects		1,343.00	111,634.47
Library Project			3,169.70
Water Utility	16,935.34	8,234.54	156,887.50
Water/Sewer Reserve			100,000.00
Sewer Utility	168,719.73	164,700.17	203,139.05
Sanitary Utility	5,911.70	5,564.89	59,124.45
PR Clearing	6,222.41	7,193.38	-1,217.41
Totals	\$ 219,221.77	221,391.66	\$ 1,180,127.22

**Communications:** Sheriff’s Deputy T. Payne presented the Sheriff Office’s Monthly Activity Report. City Council received bridge inspection report from the Linn County Engineer and monthly report from Public Works Director Ron Stark.

**Citizen Requests.** Jim Miller stated the Volunteer Fire Department (VFD) discussed whether they want a “Water Ball” pad included in the plan for the new park; and that they would rather have the water ball pad behind the fire station or on the street as in past years.

Aaron Cooper reported he is Ely’s contact with MidAmerican Energy’s Community Contact Group, and that MidAmerican Energy gave a \$250 grant to the Ely Public Library.

**Outdoor Burning Regulations – Prohibiting Backyard Burning of Residential Waste.**

**Public Hearing re: Ordinance No. 198.** Winkowski, second by Smith, moved to open a public hearing regarding proposed Ordinance No. 198, “An Ordinance to Prohibit Backyard Burning of Residential Waste”; motion carried – 5 to 0. Mayor Stanek opened the public hearing at 7:09 p.m. Clerk-Administrator Anderson summarized the proposed ordinance; and reported notice had been published as required by state Code. Mayor Stanek reported City Hall received a comment from Norrine Kahler, 1565 Walker Street, via email supporting enacting the proposed ordinance. Mayor Stanek then asked for comments from the public.

Chet Hendrickson asked where the idea to ban outdoor backyard burning of residential waste came from, and why the City is getting rid of outdoor burning. Bob Ballantyne stated burning yard waste would still be allowed, but the outdoor burning of residential rubbish would no longer be allowed. Mr. Hendrickson asked why the City Council is doing this. Mr. Ballantyne stated a number of people have discussed the matter with him, especially people who have difficulty breathing and whom are bothered by smoke. Dale Stanek stated there is a push at the county level to end outdoor burning due to non-attainment of national air quality standards.

Mr. Hendrickson asked why the action is being considered now, stated Ely has a tradition of allowing backyard burning, and asked if the burning is a major problem. Mark Banowetz stated a lot of people are burning plastic and similar materials. Tom Winkowski stated he is in favor of banning all outdoor burning. Mr. Hendrickson asked if that included even little recreational fires and burning leaves. Mr. Banowetz stated that there are people who abuse what is allowed to be burned outdoors, and that the city provides service to get rid of plastics and similar wastes as part of the solid waste collection service. Mr. Hendrickson stated the city would be punishing a lot of people for what a few do. Mr. Winkowski stated no one is being punished.

Mr. Hendrickson stated he wants to burn junk mail and other documents that show credit card and similar information. Tom Winkowski stated it could be used to light yard waste. Bob Ballantyne stated people burning plastics, Styrofoam and pressboard with it’s plastic like lining is a real problem. Mr. Hendrickson stated a lot of people burn those items just like paper. Mark Banowetz stated there are a lot of people who don’t burn responsibly. Mr. Ballantyne stated that about three barrels in town are the main problem.

Mayor Stanek asked for further comments, none were offered. Ballantyne, second by Banowetz, moved to close the public hearing; motion carried – 5 to 0. Mayor Stanek closed the public hearing at 7:19 p.m.

**First Reading Ordinance No. 198, “An Ordinance to Prohibit Backyard Burning of Residential Waste”.** Banowetz, second by Ballantyne, moved to introduce and approve first reading of Ordinance No. 198, “An Ordinance to Prohibit Backyard Burning of Residential Waste”.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

Banowetz, second by Meskimen, moved to waive the second and third readings of Ordinance No. 198.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

Ballantyne, second by Winkowski, moved to approve third reading and final adoption of Ordinance No. 198, “An Ordinance to Prohibit Backyard Burning of Residential Waste”.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

### **Compensation of City Council Members and Mayor.**

**Public Hearing re: Ordinance No. 199, “An Ordinance to Revise the Salaries of City Council Members and the Mayor”.** Smith, second by Meskimen, moved to open a public hearing regarding proposed Ordinance No. 199, “An Ordinance to Revise the Salaries of City Council Members and the Mayor”; motion carried – 5 to 0. Mayor Stanek opened the public hearing at 7:24 p.m. Clerk-Administrator Anderson summarized the proposed ordinance, reported notice had been published as required by state Code, and reported no comments had been received verbally or in writing regarding the item. Mayor Stanek then asked for comments from the public.

Jim Miller asked if the Mayor and Council members think they’re worth the raise. Dale Stanek stated Ely citizens are getting exceptional value, and read a recent article from the Cedar Rapids Gazette regarding the compensation for the mayor and city council in Robins.

Mayor Stanek asked for further comments, none were offered. Winkowski, second by Meskimen, moved to close the public hearing; motion carried – 5 to 0. Mayor Stanek closed the public hearing at 7:25 p.m.

**First Reading Ordinance No. 199, “An Ordinance to Revise the Salaries of City Council Members and the Mayor”.** Ballantyne, second by Smith, moved to introduce and approve first reading of “Ordinance No. 199, An Ordinance to Revise the Salaries of City Council Members and the Mayor”.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

**Request to Close a Portion of Dows Street, Odie’s Bar n’Grill.** Clerk-Administrator Anderson reported Tom Roehner, the person making the request, had called and requested the matter be taken from the agenda.

### **Rogers Creek Trunk Project.**

**Easements.** Clerk Administrator Anderson reported on the status of gaining easements needed to carry out the Rogers Creek Trunk project and install sanitary sewer and water mains on privately owned property. Mr. Anderson reported Ely needs easements from the following: Eric & Julie Appleget (1211 Banner Valley Rd), Guy & Annette Wieneke (2111 Banner Valley Rd), Lloyd & Evelyn Stastny c/o Guy & Annette Wieneke, PACA Inc. dba Bar-None (1275 State St), Jim & Kathryn Miller (1200 Vista Rd), and Patricia

Johns (1295 State St.). Anderson reported Jim & Kathryn Miller have presented a counter-offer that includes the City vacating unused alley that adjoins property they own at 1475 Poplar Street, and installing and maintaining sidewalk on that property. The City Council discussed this counter-offer: including they could possibly agree to construct the sidewalk but have considerable difficulty with maintaining; and that receiving the requested easement in exchange for vacating the identified unused alley would be consistent with standing policy for the City to receive value for city property.

**Schedule Public Hearing re: Vacating Unused Alley.** Meskimen, second by Winkowski, moved to schedule a public hearing regarding vacating unused alley adjacent to 1475 Poplar Street, legally described as Lot 18 of Auditor's Plat 101, Ely, Iowa for 7:00 p.m. September 10, 2007. Motion carried – 5 to 0.

### **2007 Wastewater Treatment Plant Improvements Project**

**Payment Application #6, Miron Construction Inc. – 2007 WWTP Project.** Ballantyne, second by Smith, move to approve Payment Application #6 to Miron Construction in the amount of \$311,505.00 for work completed to date on the 2007 WWTP Project. Motion carried – 5 to 0.

### **Park Development**

**Review & Authorize Survey.** The Mayor and City Council reviewed revised version of a survey regarding interest in and support for developing the Ely City Park prepared by the Clerk-Administrator, the revised version was considered acceptable by general consensus of the City Council. Mayor and Council discussed making the survey available online, and directed the Clerk-Administrator to do so if possible.

### **Sidewalk Program**

**Policy and Plan for Repair and Construction of Sidewalks.** The City Council reviewed the Sidewalk Plan and map, revised per Council direction at last meeting. Ballantyne, second by Winkowski, moved to schedule a public hearing for 7:00 p.m. September 10, 2007 regarding an ordinance that would require sidewalks to be constructed, on lots that lack sidewalk, when the owner applies for a building permit for work valued at \$10,000 or more. Motion carried – 5 to 0.

### **Financial Audit**

**Review Proposals.** Mayor Stanek reported Requests for Proposals to perform financial audit services for FY 2006-07 had been sent to the Office of State Auditor and several qualified firms, and notice advertised in the Cedar Rapids Gazette. Mayor Stanek reported the following proposal was received:

Office of State Auditor, cost not to exceed \$8,315.00.

**Resolution no. 07-0813-39, Approving Agreement for Financial Services.** Meskimen, second by Ballantyne, moved to approve Resolution No. 07-0813-39.

Aye: Meskimen, Banowetz, Winkowski, Ballantyne, Smith

Nay: none.

Motion carried – 5 to 0.

**Workplace Policies.** Meskimen, second by Winkowski, moved to approve the following workplace related items, as recommended by the Iowa Municipal Workers Compensation Association: Return to Work Policy, Bloodborne Pathogens Policy, Lockout/Tagout Policy, Personal Protective Equipment Policy, Request for Proposals for Designated Health Care Provider. Motion carried – 5 to 0. City Council directed the Clerk/Administrator to add a reference that any changes to state or federal law are by reference incorporated into all workplace policies.

**City Shop Building on Main Street.** City Council discussed the possibility of different uses for this building, and deferred further discussion or action.

**Discussion Items**

Bob Ballantyne stated the Clerk/Administrator has developed a blog and forum for the Ely website that provides space and opportunities for citizens to comment on. Mr. Ballantyne commended the contractor of the Dows Street Subgrade project because he saw a lot of Ely residents working on that job.

Ballantyne, second by Meskimen, moved to adjourn. Motion carried – 5 to 0. The meeting adjourned at 8:11 p.m.

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Dale Stanek, Mayor

Attest:

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Aaron Anderson, Clerk/Administrator