

**ELY CITY COUNCIL
REGULAR MEETING
SEPTEMBER 10, 2012
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Kay Hale, Bill Grove, Dave Rasmussen and Bob Ballantyne; Dale Stanek arrived during the meeting. Also present: Jim Miller, Melissa Sharapova, Jerry & Kim Kuntz, Carrie Kimm, Randy Rohrer, Keith Schulte, Don Scott, Jackie & Bob Falter, City Engineer Scott Pottorff, and Clerk-Administrator Aaron Anderson.

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

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

- Agenda
- Minutes of the August 6, 2012 special City Council meeting.
- Minutes of the August 13, 2012 regular City Council meeting
- Treasurers Report for the period ended August 31, 2012.
- Bills Payable for September 2012 totaling \$78,686.26
- Appointment of Janine Norman as non-resident member to the Library Board of Directors.

Motion carried – 4 to 0.

Treasurer's Report (summary) for the period ended August 31, 2012

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 3,686.79	\$ 40,254.50		\$ 527,579.88
Road Use	18,662.14	6,333.12		61,619.55
L O S T	32,726.57			165,619.55
TIF Fund				116,389.95
Debt Service		400.00		7,871.87
Other Projects		12,526.90		93,413.36
Library Project		8,645.00		-9,106.23
Way Point Sign				-14,405.79
North End Infra				-28,589.93
Water Utility	25,418.06	15,460.24		322,370.15
Water/Sewer Reserve				50,130.59
Sewer Utility	26,220.80	12,230.30		102,481.64
Sewer Debt Service	2,383,250.00	2,364,869.17		-105,126.19
Sanitary Utility	6,052.82	6,518.01		41,390.89
Farmers Market	115.00	180.00		900.01
PR Clearing	9,758.83	8,836.10		2,876.72
Totals	\$ 2,505,891.01	\$ 2,476,253.34		\$ 1,335,742.02

Councilmember Dale Stanek arrived.

Communications. Deputy presented the Sheriff's Office Monthly Activity Report.

Citizen Requests. Carrie Kimm reported the grading the city did to improve drainage in her yard is still a mess, the grass has not established, there are places where water ponds and the area is very muddy for a long time after the rain. City Council discussed this with Ms Kimm and directed the City Administrator to remedy the situation and/or report back to Ms Kimm and the City Council.

Carrie Kimm and Kim Kuntz reported erratic drops in water pressure along Furhrmeister Street. Mayor and City Council directed City Administrator to have Public Works investigate, repair or report a plan of action as needed.

Fall Fest 2012

5-Day Class B Beer Permit with Outdoor Sales, Ely Volunteer Fire Department, 1300 Main Street, for Fall Fest Car Show - October 6, 2012. Stanek moved to approve a temporary 5-Day Class B Beer Permit with Outdoor Sales for the Ely Volunteer Fire Department to be effective October 6, 2012 for Fall Fest Car Show; second by Ballantyne. Motion carried – 5 to 0.

Sanitary Sewer Use Rate

Public Hearing re: Ordinance No. 231, “Revising Sanitary Sewer Rental Rates” Stanek moved to open a public hearing re: Ordinance No. 231, “Revising Sanitary Sewer Rental Rates” at 7:18 p.m., second by Ballantyne. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:18 p.m. Mayor Doyle reported the proposed ordinance would raise the minimum monthly sewer fee for all sanitary sewer customers by \$1.00 per month. He reported the proposed increase is needed to cover debt costs associated with building the Waste Water Treatment Plant, after Ely restructured the debt for the lowest possible rate impact. Bob Ballantyne stated the rate increase would have been much higher if not restructured.

Maria Sharapova stated the re-grading along State Street left clumps of sod she is unable to mow over or around in the area of the ditch she has to mow; and that it needs cleaned up.

Mayor Doyle asked for additional comments regarding the public hearing item regarding the public hearing item; none were offered. Stanek moved to close the public hearing at 7:20 p.m.; second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the hearing closed and meeting in regular session at 7:20 p.m.

First Reading Ordinance No. 231, “Revising Sanitary Sewer Rental Rates”. Stanek moved to introduce and approve first reading of Ordinance No. 231, “Revising Sanitary Sewer Rental Rates”, second by Ballantyne.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

Mayor Doyle declared the motion carried, ordinance introduced and first reading approved – 5 to 0.

Stanek moved to schedule second reading of Ordinance No. 231 for the October 8, 2012 City Council meeting; second by Grove. Motion carried – 5 to 0.

Zoning Regulations for Downtown Commercial & Residential Uses

Public Hearing re: Ordinance No. 232, “Amending Text of the Ely Zoning Ordinance by Adding C-1a Downtown Commercial Zoning District”. Stanek moved to open a public hearing re: proposed Ordinance No. 232, “Amending Text of the Ely Zoning Ordinance by Adding C-1a Downtown Commercial Zoning District” at 7:22 p.m.; second by Hale. Motion carried – 5 to 0. Mayor Doyle declared the public hearing open at 7:22 p.m. City Administrator Anderson summarized the proposed ordinance, noting that it creates an entirely new zoning district with the purpose of clearly allowing residential uses on the second floor of commercial buildings in the downtown area and establishing clear use, development and construction standards. General discussion ensued regarding allowed uses, off street parking requirements and that the ordinance allows commercial buildings with residential use to be built to the lot line in the proposed district. Mayor Doyle asked for additional comments regarding the public hearing item; none were offered.

Ballantyne moved to close the public hearing at 7:28 p.m.; second by Rasmussen. Motion carried – 5 to 0. Mayor Doyle declared the hearing closed and meeting in regular session at 7:28 p.m.

First Reading of Ordinance No. 232, “Amending the Text of the Ely Zoning Ordinance by Adding the C-1a Downtown Commercial Zoning District”. Ballantyne moved to introduce and approve the first reading of Ordinance No. 232, “Amending the Text of the Ely Zoning Ordinance by Adding the C-1a Downtown Commercial Zoning District”; second by Stanek.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

Mayor Doyle declared the motion carried, ordinance introduced and first reading approved – 5 to 0.

Stanek, moved to schedule the second reading of Ordinance No. 232 for the October 8, 2012 City Council meeting; second by Ballantyne. Motion carried – 5 to 0.

Nuisance and Dangerous Buildings

Direct City Administrator to Issue Notice to Abate Nuisance Conditions at 1505 Fuhrmeister Street. Melissa Sharapova, 1505 Fuhrmeister, discussed the conditions on her property that were mentioned in a letter from the City of Ely. Ms Sharapova stated transforming the landscape of her yard is a multi-year process, and that wood chips arrived in the spring and not 2011 as stated in the City Administrator’s letter. She stated she is using “sheet mulching” which mostly works in fall and needs more moisture to get the process to work than available this summer and early fall. Ms Sharapova stated she did not intend to create or leave messy piles and that she believes she can comply with the clean up notice by October 5, 2012.

Mayor Doyle asked about the chickens and roosters on her property. Ms Sharapova stated she checked the City Code regarding animals and believed they would be okay; and that she accidentally received two roosters with the chicks she bought. She stated she would like to keep laying hens and has a certification to raise urban chickens; she stated the roosters will be gone by September 15, 2012; and apologized if they disturbed her neighbors.

Jerry Kuntz stated he disputes Ms Sharapova's timeline regarding chickens and compost.

Carrie Kimm stated she doesn't mind the yard work, but does mind that the work is never done and there are materials all over the site.

Ms Sharapova stated she will have the wood chips and compost spread for gardening/landscape uses by October 5, 2012.

Stanek moved to direct the City Administrator to forward a formal "Notice to Abate Nuisance Conditions" regarding accumulations of compost and wood chips to the owners of 1505 Fuhrmeister Street, said conditions to be abated by October 5, 2012; second by Hale. Motion carried – 5 to 0.

Direct City Administrator to Issue Notice to Repair or Remove Dangerous Building at 1290 Banner Valley Road. Mayor Doyle and City Council discussed status of a barn at 1290 Banner Valley Road that partially collapsed in 2011; noting there has been some progress in remedying the situation but much of the condition still remains. Grove moved to direct the City Administrator to forward a formal "Notice to Abate Dangerous Building" for a structure located at 1290 Banner Valley Road to the owners of the property, said condition to be abated by October 5, 2012; second by Hale. Motion carried – 5 to 0.

2012 Extension of Utilities in Ely City Park Project

Resolution No. 12-0910-34, Approving Plans, Specifications, and Form of Contract.

Stanek moved to approve Resolution No. 12-0910-34; second by Ballantyne.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

Review Bids Received for 2012 Project to Extend Utilities and Quotes Received for Restoration/Re-Seeding. Scott Pottorff, City Engineer, reported Ely received the following bids to extend water and sanitary sewer utilities in to Ely City Park.

- Kelly Demolition, Mount Vernon, IA - \$47,204.40
- Arensdorf Excavating & Trucking, Anamosa, IA - \$57,310.00
- Maxwell Construction, Iowa City, IA - \$59,686.00
- Dave Schmitt Construction, Cedar Rapids, IA - \$62,131.95
- Ricklefs Excavating, Anamosa, IA – 67,714.50
- Pirc-Tobin Construction, Alburnett, IA - \$68,232.50
- Tschiggfrie Excavating, Dubuque, IA - \$79,765.42

Mr. Pottorff reported the bid to perform the work for \$47,204.40 from Kelly Demolition is the low responding bid and that the bid submitted responds to all bid items.

Mr. Pottorff reported Ely did not receive any quotes to perform seeding/restoration of the project area.

Resolution No. 12-0910-35, Awarding Bid for 2012 Project to Extend Utilities in Ely City Park. Mayor Doyle reported Resolution No. 12-0910-35 would accept the bid from Kelly Demolition to perform the 2012 Extension of Utilities in Ely City Park Project, as the

low responding bid. Rasmussen moved to approve Resolution No. 12-0910-35, second by Ballantyne.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

Resolution No. 12-0910-36, Accepting Competitive Quote for Restoration/Re-Seeding. City Council took no action on this, determining it moot due to lack of quotes. The consensus of the City Council was for the City Engineer to directly call lawn/turf contractors in the spring.

Southbrook 10th Addition

Request to Install Irrigation Well for Retention Pond in Southbrook 10th Addition.

Mayor Doyle reported Keith Schulte filed a request for permit with Linn County Public Health to install an irrigation well that would be used to add water to the Southbrook 10th Addition retention pond. The purpose of the well being to provide fresh water to the pond to maintain good water quality and prevent the pond from becoming stagnant or algae. He reported the well was not included in the approved preliminary plat or development agreement, and that Linn County asked for Ely's comments and concurrence for the permit. Mayor and City Council discussed this matter with Mr. Schulte; topics discussed include impact of adding water to pond storage and capacity; that the well would be on Mr. Schulte's property and not transferred to the City; that Ely would not be in any way responsible for the operation or maintenance of the well; that the well and the fresh water from it could prevent the creation of nuisance conditions in the pond; that the upper release valve for the pond is above the current low water line and needs protected in winter which a full pond would do; that this could be considered based on the specific conditions of each request or instance.

Grove moved to concur with Linn County Health Department approval of a permit to install an irrigation well on land owned by Keith Schulte for the Southbrook 10th Addition retention pond for specifically and only this project; said well to provide water to maintain freshness and quality of water in the retention pond, prevent or avoid creation of nuisance conditions, and protect equipment and valves installed for the proper operation of the retention pond; second by Hale. Motion carried – 5 to 0.

2011 Water Tower Improvements Project

Approve RFQ and Authorize Soliciting Competitive Quotes for Demolition of Existing Water Tower at 1671 Knoll Court. Scott Pottorff reported updated cost estimate is below the amount required for public bids, and recommended proceeding to solicit contractors to demolish the water tower and tank on Knoll Court and perform the related excavation through Request for Quotes (RFQ). Mayor and City Council reviewed the RFQ Mr. Pottorff proposed, and noted not to move the river rock below on the pad at base of the tower. Stanek moved to approve the RFQ to demolish the existing water tower at 1671 Knoll City prepared by City Engineer, revised so the work is not to include removing the river rock material at the base of the tower, and to authorize soliciting quotes for the work; second by Ballantyne. Motion carried – 5 to 0.

Approve RFQ and Authorize Soliciting Competitive Quotes for Excavation Work Related to Demolition of Water Tower at 1671 Knoll Court. Stanek moved to approve the RFQ for contractor to perform excavation and pipe work related to demolition of the water tower at 1671 Knoll Court, and to authorize soliciting quotes for the work; second by Hale. Motion carried – 5 to 0.

2012 Emergency Outdoor Alert Siren Project

Review Quotes Received to Provide and Install Two Outdoor Emergency Alert Sirens. Mayor Doyle reported Ely received the following quotes to install two new outdoor emergency alert sirens:

Firm	Location	“Option A”	“Option B”	Intrusion Alarm - 2
Front Line Plus	Monticello, MN		\$52,025.00	\$280.00
Graybill Communications	Hiawatha, IA	\$42,525.97	\$53,985.41	\$332.00
Northern Safety Technology	Farmington, MN		\$55,469.63	\$280.00

Resolution No. 12-0910-33A, Accepting Quote/Proposal to Provide and Install Two Emergency Alert Sirens. Mayor Doyle reported Resolution No. 12-0910-33a accepts the quote from Front Line Plus, of Monticello, MN to provide two emergency outdoor sirens with voice capacity (“Option B”) and intrusion alarms as the low responding quote received. Ballantyne moved to approve Resolution No. 12-0910-33a, second by Grove.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

Administrative, Personnel and Staffing

Resolution No. 12-0910-37, Approving FY 2011-12 Street Finance Report. Stanek moved to approve Resolution No. 12-0910-37, second by Hale.

Aye: Ballantyne, Rasmussen, Hale, Grove, Stanek

Nay: None

Absent: None

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

Stanek moved to adjourn, second by Hale; motion carried – 5 to 0. The meeting adjourned at 8:54 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator