

**ELY CITY COUNCIL
REGULAR MEETING
SEPTEMBER 14, 2009
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, and Bob Ballantyne; Stephanie Mai – absent/excused. Also present: Chad Pelley, Shawn Weber, Jim and Millicent Cozzie, Shari O’Malley, Jim Miller, Dave Rasmussen, Jeff Hilleman, Terry Smith, City Engineer Scott Pottorf, Public Works Director Ron Stark and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the August 10, 2009 regular meeting.
- Minute of the August 25, 2009 workshop meeting.
- Treasurers Report for the period ended August 31, 2009.
- Bills Payable for August, 2009 totaling \$100,702.19.
- Renewal of Class BC Beer & Wine permit with Sunday sales privilege for Casey’s General Store, 1495 State Street.

Motion carried – 4 to 0.

Treasurer’s Report (summary) for the period ended August 31, 2009

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 7,896.16	\$ 25,009.34		\$ 448,021.72
Road Use	8,583.70	4607.02		21,440.09
L O S T	14,120.65	14,150.65		27.82
TIF Fund	165.89	-3.150.00		160,437.68
Debt Service	30.92			6,652.58
Other Projects	236,466.54	24,455.00		126,403.69
Library Project		3,150.00		19.70
North End Infra		59,931.52		967.05
Water Utility	15,727.85	7,590.37		326,309.55
Water/Sewer Reserve				100,000.00
Sewer Utility	21,429.02	11,284.42		81,676.09
Sewer Debt Service				-46,066.92
Sanitary Utility	5,638.52	6,743.59		48,510.07
PR Clearing	7,851.81	9,110.91		4,643.85
Totals	\$ 317,878.06	\$ 162,852.82		\$1,189,042.97

Grove moved to authorize closing Rowley Street from the alley between State and Walker to Main Street and the south one-half of Walker Street between Dows and Rowley Streets from 6:00 a.m. to 8:00 p.m. on September 26, 2009 for Fall Fest, second by Ballantyne. Motion carried – 4 to 0.

Communications: Mayor Doyle reported receiving the following communications: minutes of the August 2009 Plan and Zoning Commission meeting, minutes of the July 28, August 12 and September 3, 2009 Park and Recreation Commission meetings, and Public Works Director’s

Report for August 2009. Linn County Deputy Brady presented the Sheriff's Office Monthly Activity Report.

Citizen Requests. Jim Miller asked whether the property pin for the corner of his property that was pulled up during excavation for the State Street Bridge and Rogers Creek Trunk Sewer Main projects have been re-surveyed and replaced. Clerk-Administrator Anderson and Engineer Scott Pottorf reported that will be completed as soon as possible.

Development of Ely City Park

Payment Request No. 3. Ballantyne moved to approve Payment Request No. 3 from Ricklefs Construction in the amount of \$6,527.96, for work completed to date on the 2009 Ely Park Grading & Excavation Project, second by Grove. Motion carried – 4 to 0.

Progress Report. City Engineer Scott Pottorf reported on progress of work for the 2009 Ely Park Grading & Excavation Project, noting that Ricklefs Construction expects to complete work included on the punch list he prepared in the upcoming week.

Resolution No. 09-0914-53, Approving Change Order No. 7 to Construction Contract with Ricklefs Excavating for the 2009 Park Grading & Excavation Project. Change Order No. 7 for this project would allow the installation of additional riprap between the “dry” retention pond and the “wet” pond, and after the outlet from the wet pond to control and prevent erosion, at an additional cost of \$5,900.00. Ballantyne moved to approve Resolution No. 09-0914-53, second by Banowetz.

Aye: Winkowski, Grove, Banowetz, Ballantyne

Nay:

Absent: Mai

Mayor Doyle declared the motion carried and the resolution approved, 4-0.

Resolution No. 09-0914-54, Approving Change Order No. 8 to Construction Contract with Ricklefs Excavating for the 2009 Park Grading & Excavation Project. Change Order No. 8 would allow the installation of additional erosion control matting between the two ball fields, at an additional cost of \$1,500.00. Ballantyne moved to approve Resolution No. 09-0914-54, second by Banowetz.

Aye: Winkowski, Grove, Banowetz, Ballantyne

Nay:

Absent: Mai

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

Ordinance to Establish Regulations for Ely City Parks.

Second Reading of Ordinance No. 215, An Ordinance to Enact Regulations at City of Ely Parks. Grove moved to approve the second reading of Ordinance No. 215, second by Ballantyne.

Aye: Winkowski, Grove, Banowetz, Ballantyne

Nay:

Absent: Mai

Mayor Doyle declared the motion carried and the second reading of Ordinance No. 215 approved 4 to 0.

Grove, second by Winkowski, moved to waive the third reading of Ordinance No. 215, pursuant to §380.3 Code of Iowa.

Aye: Winkowski, Grove, Ballantyne

Nay: Banowetz

Absent: Mai

Mayor Doyle declared the motion passed – 3 to 1.

Ballantyne moved final approval and adoption of Ordinance No. 215, “An Ordinance to Enact Regulations at City of Ely Parks”, second by Grove.

Aye: Grove, Ballantyne

Nay: Winkowski, Banowetz

Absent: Mai

Mayor Doyle declared the motion failed – 2 to 2.

Clerk-Administrator Anderson was directed to include final reading of Ordinance No. 215 on the agenda for the October 12, 2009 City Council meeting.

Northgate 4th Addition to City of Ely, Schulte Development, LLC. Mayor Doyle reported the Plan and Zoning Commission reviewed the proposed preliminary plat for Northgate 4th Addition, including the information presented during City Council discussion of the matter by the applicant’s engineer and City Engineer. Mayor Doyle reported the Plan and Zoning Commission recommended the preliminary plat be approved as originally presented, and that they rescinded their earlier recommendation that the plat be approved with the requirement that Wrigley Street extend to the parcels north property line. Terry Smith stated he did not attend the last Plan and Zoning Commission meeting and is concerned that approving the preliminary plat as presented sets a precedent for future instances in which a developer has issues with a plat. City Engineer Pottorf noted his ongoing recommendation that Wrigley Street should extend to the north property line. The Mayor and City Council discussed this matter, including that the easement for the water main that extends to the north property line on the west side of Lot 18 should include access for possible future trail or pedestrian use.

Resolution No. 09-0914-44, Approving Preliminary Plat for Northgate 4th Addition in the City of Ely, Linn County, Iowa. Ballantyne moved to approve Resolution No. 09-0914-44, with the addition of the following:

“The easement on Lot 18 of the proposed preliminary plat, upon which the water main that extends to the north line of the overall parcel shall be a water, access and utility easement that would allow use of the easement property as a public access way. The Developer shall have no responsibility for constructing a sidewalk or other access improvement on this easement unless specifically agreed to under a separate agreement.”

Grove seconded the motion to approve.

Aye: Winkowski, Grove, Banowetz, Ballantyne

Nay:

Absent: Mai

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

Request for Voluntary Annexation of 28+/- Acre Parcel of Land Immediately North of City Limits and West of Jappa Road, Lenora Buresh Estate.

Schedule Public Hearing re: Request for Voluntary Annexation. Winkowski moved to schedule a public hearing regarding a request from the executors of the Lenora Buresh Estate for voluntary annexation of a 28+/- acre parcel for 7:00 p.m. October 12, 2009, second by Grove. Motion carried – 4 to 0.

Water System Improvements Project.

Resolution No. 09-0914-55, Authorizing Payment for Purchase of Five-Acres of Land for Water Tower Site per Approved Purchase Agreement. City Clerk-Administrator Anderson reported the seller is working through the process to divide the property and sell the 5-acre property so they can provide Ely clear title after the transaction. This resolution authorizes payment in the amount of \$75,000 to the Lenora Ely for the identified 5-acre parcel by September 30, 2009, or when the seller can provide marketable title, which ever happens later. Grove moved to approve Resolution No. 09-0914-55, second by Banowetz.

Aye: Winkowski, Grove, Banowetz, Ballantyne

Nay:

Absent: Mai

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

Resolution No. 09-1914-56, Accepting Contract for Geotechnical Services with Terracon Consultants, Inc. Clerk-Administrator Anderson reported this resolution would approve a contract with Terracon Consultants for subsurface geotechnical engineering services for the water tower improvements project with a lump sum fee of \$2,350.00. Banowetz moved to approve Resolution No. 09-0914-56, second by Grove.

Aye: Winkowski, Grove, Banowetz, Ballantyne

Nay:

Absent: Mai

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

2009 Dows Street Resurfacing Project. City Engineer Scott Pottorf reported work for the 2009 Dows Street Resurfacing project has been performed and the project is substantially complete.

Payment Request No. 1, L. L. Pelling Co., Dows Street Project. Banowetz moved to approve Payment Request No. 1 from L. L. Pelling Co., in the amount of \$218,531.24, second by Ballantyne. Motion carried – 4 to 0.

Resolution No. 09-0914-57, Accepting Proposal from L. L. Pelling Co., to Chip Seal Road to WWTP. Clerk-Administrator Anderson reported L. L. Pelling submitted a proposal to apply a single chip seal coat for the lane to the WWTP at a cost of \$14,051.65. Mr. Anderson noted the road surface was damaged by flooding in 2008 and 2009, and that Ely received \$3,151.54 in FEMA Disaster Recovery Funds to repair the surface. Ballantyne moved to approve Resolution No. 09-0914-57, second by Grove.

Aye: Winkowski, Grove, Ballantyne

Nay: Banowetz

Absent: Mai

Mayor Doyle declared the motion carried and the resolution approved – 3 to 1.

Public Works Equipment.

Resolution No. 09-0914-58, Authorizing Trade-In of Existing and Purchase of New Tractor at Maximum Cost of \$27,560.00. Clerk-Administrator Anderson reported the transmission on the New Holland tractor is failing and will need repair and that the estimated cost of the repair is \$6,000. Public Works Director Ron Stark reported he gathered bids to trade in this unit and replace with a similar tractors from three different vendors, and that Krominga Motors of Vinton, Iowa, offered the lowest net price for a New Holland T5070 with a 820TL and bucket at a net cost of \$27,560. Mayor Doyle and the City Council discussed this matter, including the need to establish and maintain a reliable capital equipment/vehicle replacement rotation, the age and hours of use on the current tractor, and that the Public Works Department uses the tractor on an almost daily basis.

Ballantyne moved to approve Resolution No. 09-0914-58, second by Grove.

Aye: Winkowski, Grove, Ballantyne

Nay: Banowetz

Absent: Mai

Mayor Doyle declared the motion carried and the resolution approved – 3 to 1.

Discuss Purchase of New Truck for Snow Removal and Other Uses. City Council deferred discussion of this matter at the request of Public Works Director Ron Stark.

Approve Hiring of Water Meter Reader. Mayor Doyle reported Ely received 6 applications for the position, and that a committee of: Tom Winkowski, Deputy Clerk Teri Billick, Clerk-Administrator Aaron Anderson and he interviewed 5 of the applicants, the sixth requested her application to be withdrawn. Mayor Doyle reported the group recommends hiring Amy Westphal, 2000 Hillside Drive, for the position. Grove moved to hire Amy Westphal to the position of Meter Reader, second by Ballantyne. Motion carried – 4 to 0.

Discussion/Updated re: Iowa Sex Offender Registry Law. Clerk-Administrator Anderson updated the Mayor and City Council on recent legislation that changed the Iowa Sex Offender Registry Law.

Discussion Items. Public Works Director Ron Stark and City Council discussed situations when a water service line leaks and needs replaced, who is responsible for the cost of the work and options the City could offer to offset the initial cost to the homeowner.

Banowetz moved to adjourn, second by Grove. Motion carried – 4 to 0. The meeting adjourned at 9:01 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator