

**ELY CITY COUNCIL
REGULAR MEETING
OCTOBER 10, 2011
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Dale Stanek, Stephanie Mai, Kay Hale, and Bob Ballantyne; Bill Grove arrived during the meeting. Also present: Colleen Wear, Jim Miller, Marie Miller, Bob & Jackie Falter, Karen & Tom Tjelmeland, Tom Sickels, Alex Penning, Stacy Penning, Lisa Hinton, Dave Hinton, Don Scott, Dave Rasmussen, Brian Palas, Tom Rohner, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

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

- Agenda.
- Minutes of the September 12, 2011 regular City Council meeting.
- Minute of the September 26, 2011 special City Council meeting.
- Treasurers Report for the period ended September 30, 2011.
- Bills Payable for October, 2011 totaling \$106,151.47.
- Resolution No. 11-1010-64, Authorizing Delinquent Fees to Be Assessed to Taxes.
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- Purchase Orders for October, 2011; Authorizing \$1,825.00 to purchase 24 Pressure Reducing Valves through Schimberg Co.

Motion carried – 4 to 0.

Treasurer’s Report (summary) for the period ended September 30, 2011

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 27,824.22	\$ 87,469.76		\$ 561,040.18
Road Use	16,542.64	10,118.89		41,878.54
L O S T				72,450.73
TIF Fund	5,274.55			41,025.62
Debt Service				-270,400.95
Other Projects		78,528.40		995,780.65
Library Project				2,749.22
Way Point Sign		747.37		11,794.28
North End Infra				-28,939.93
Water Utility	17,371.07	23,092.63		242,474.61
Water/Sewer Reserve				100,000.00
Sewer Utility	23,805.75	10,732.56		91,817.49
Sewer Debt Service				-85,768.76
Sanitary Utility	6,145.73	5,953.28		42,966.88
Farmers Market				716.00
PR Clearing	9,120.97	8,150.65		7,026.14
Totals	\$ 106,084.93	\$ 224,793.54		\$ 1,826,610.70

City Council member Bill Grove arrived.

Communications: Linn County Deputy Meyer presented the Sheriff's Department monthly activity report.

Citizen Requests. Colleen Wear, 1880 Highland Rd., reported they watered their lawn frequently to help restore it after the lawn died for unknown reasons this summer. Ms Wear stated \$101 of their \$174 city utility bill was sewer fees and asked the City Council to consider changing the sewer bill so that it is based on use during December, January and February to more accurately reflect actual sewer use. She noted Norfolk Nebraska uses this method. Ms Wear stated she feels this change would not penalize people who water their lawn or try to keep a garden in good condition. Mayor Doyle and City Council discussed this matter with Ms Wear. City Clerk/Administrator Anderson was directed to research this matter further.

Jim Miller asked that he has no request for this month to be put on the record.

Tom Tjelmeland reported traffic on Jappa Road is not slowing down as it enters Ely now that the resurfacing project is done. Mr. Tjelmeland asked the City Council to consider placing a stop sign for Jappa Road traffic at Rogers Creek Road, or installing a 25 mph speed bump, or placing an electronic "your speed is" type sign. Mayor Doyle and the City Council discussed this matter with Mr. Tjelmeland and directed the matter be included on the agenda for the November 14, 2011 City Council meeting.

Request to Vacate 20-Foot of Right-of-Way on West Side of State Street from Rogers Creek Bridge to South City Limits, Tom Tjelmeland. Tom Tjelmeland reported T&K Development purchased the former "Bar-None" building at 1275 State Street; and that the building appears to be a non-conforming use because the building encroaches on the required twenty-five foot front yard setback. He stated the road was originally designed as a rural road using a 100-foot wide right of way to include ditches and shoulder, and that he doesn't see the need for this area to remain a 100-foot wide right of way. Mr. Tjelmeland stated he asks the City to vacate twenty feet right of way on the west side of State Street from immediately south of the Rogers Creek Bridge to the south city limits so T&K Development can proceed with development and construction plans for the property. He stated they are evaluating whether to use and renovate the existing building or tear it down and start over. Mr. Tjelmeland stated he asks the City to initiate the process to vacate the right of way, to conduct needed surveys and to prepare plats of survey. Mr. Tjelmeland also asked the City Council to finalize a right of way vacate process to adjust right of way which began in 2003 and was never properly recorded.

Mayor Doyle and the City Council members discussed this request with Mr. Tjelmeland. Items discussed include: presence and arrangements for utilities in the strip of land requested to be vacated, configuration of the street to meet current and future traffic needs, other related long range planning issues, type of development and commercial use envisioned for the property, and that T&K Development and Mr. & Mrs. Tjelmeland's intent to improve the appearance of the building and property.

Hale moved to refer this request to the Planning and Zoning Commission's October 19, 2011 meeting for review and comment; second by Ballantyne. Motion carried – 5 to 0.

Downtown Dows Street Streetscape Project

Resolution No. 11-1010-66, Approving Change Order No. 5. Mayor Doyle reported Change Order No. 5 is for additional work to install a new fire hydrant and related fixtures at the northwest corner of Dows and State Streets at additional cost of \$3,300.00. Stanek moved to approve Resolution No. 11-0101-66; second by Mai.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

Resolution No. 11-1010-67, Approving Change Order No. 6. Mayor Doyle reported Change Order No. 6 is for additional work to install two water curb stops and associated fixtures to replace failed curb stops at an additional cost of \$661.86. Stanek moved to approve Resolution No. 11-1010-67; second by Hale.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

Payment Request No. 3, Rathje Construction. Stanek moved to approve payment Request No. 3 in the amount of \$81,746.44 to Rathje Construction for work completed to date on the 2011 Dows Streetscape project; second by Mai. Motion carried – 5 to 0.

Holiday Lights – Committee Report and Authorize Purchase. Stephanie Mai reported a committee of community volunteers recommends the City purchase the following holiday lights and decorations for the downtown Dows Street area:

- 48” diameter Bow Wreath for six 15-foot tall polls from Wayne Manufacturing - \$309/each - \$1,854.00 total
- 38” diameter Bow Wreath for five 12-foot tall polls from Wayne Manufacturing - \$278/each - \$1,390.00 total
- Ten printed banners, two each of five different designs from Northern Lights - \$59 each - \$590.00 total.

Stanek moved to authorize purchase of the holiday decorations as listed above; and direct City staff to install them; second by Mai. Motion carried – 5 to 0.

Clarify Whether City Will Pay Cost to Trim and Maintain Trees in Right of Way by Ely Library. Stanek moved to state the City of Ely will pay cost to trim and maintain trees in front of the Ely Public Library, second by Mai. Motion carried – 5 to 0.

Resolution No. 11-1010-68, Authorizing Alliant Energy to Remove Certain Listed Street Lights from the City of Ely Street Light System. Mayor Doyle reported this resolution authorizes Alliant Energy to remove specific street lights that conflict with the 2011 Dows Streetscape project. Stanek moved to approve Resolution No. 11-1010-68, second by Ballantyne.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

New One Side of Street Parking Locations.

Public Hearing re: Ordinance No. 228 “Establishing One-Side of Street Only Parking at Specified Locations” – 7:00 p.m. Ballantyne moved to open a public hearing re: proposed ordinance No. 228, “Establishing One-Side of Street Only Parking at Specified Locations” at 7:55 p.m.; second by Grove. Motion carried - 5 to 0. Mayor Doyle declared the public hearing open at 7:55 p.m.

Jim Miller asked where the new one-side of street only parking locations will be. City Administrator Anderson replied they will be on North Drive north as it curls from Highland Road to Ranmar Drive; Ranmar Drive from North Drive to Knoll Court; Knoll Court from Dows St. to Highland Rd.; Pacific Drive from State Street to Pacific Street, and E. Pacific St. from Rock Island Drive to Southbrook Drive.

Jim Doyle suggested finding a better way to identify the new one-side of street only parking in the North Drive area.

Dale Stanek asked if written comments were received, Aaron Anderson replied none were.

Brian Palas asked if the signs could be placed and the ordinance be re-written to state the new one side of street only applies where posted by signs. Aaron Anderson replied that State Code does not allow an ordinance to be drafted in this way, because the signs could be relocated without City Council approval.

Dale Stanek summarized verbal comments he received from Aaron Cooper regarding potential for increased traffic speed and flow related resulting from the one-side of street only parking and that kids might dart into traffic in these areas. Mr. Stanek stated Mr. Cooper is concerned with kids’ safety.

Stanek moved to close the public hearing at 8:03 p.m., second by Ballantyne. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 8:03 p.m.

First Reading of Ordinance No. 228. Hale moved to introduce and approve the first reading of Ordinance No. 228, “Establishing One-Side of Street Only Parking at Specified Locations”, second by Grove.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

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

Ordinance to Establish Storm Water Management District and Storm Water Management Utility.

Public Hearing re: Ordinance No. 229, “Enacting a Storm Water Management District and Storm Water Management Utility” - 7:00 p.m. Ballantyne moved to open a public hearing re: proposed Ordinance No. 229, “Enacting a Storm Water Management District and

Storm Water Management Utility” at 8:04 p.m.; second by Mai. Motion passed – 5 to 0. Mayor Doyle declared the public hearing open at 8:04 p.m.

Keith Schulte asked for clarification that the fees could only be used for the maintenance and operation of the Southbrook 10th retention basin. Aaron Anderson stated the ordinance establishes the drainage district and that the proceeds may only be used for storm water management and maintenance for facilities located in that district. Mr. Schulte stated he would appreciate the meeting minutes to reflect that statement and understanding. Mr. Schulte stated Schulte Development has no objection to the proposed ordinance if the fees are to be used for the Southbrook 10th Addition retention basin.

Jim Doyle stated the ordinance could be amended to establish similar arrangements for storm water management facilities in other new subdivisions. He noted separate and specific action would be required to do that.

Ballantyne moved to close the public hearing at 8:07 p.m.; second by Stanek. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed at 8:07 p.m.

First Reading of Ordinance No. 229. Ballantyne moved to introduce and approve the first reading of Ordinance No. 229, “Enacting a Storm Water Management District and Storm Water Management Utility”; second by Grove.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

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

Outdoor Emergency Alert Sirens. City Clerk-Administrator Anderson reported Ely has been invited to submit a complete application for a grant to cover 85% of the cost to purchase and install two additional emergency alert sirens, tentatively to be located at the site of the old water tower and the Southbrook 10th Addition retention pond. There was general discussion about the proposed sites and possible other locations.

Resolution No. 11-1010-69, Local Match for the Hazard Mitigation Program & Resolution No. 11-1010-70, Designation of Authorized Representative. Grove moved to approve Resolution No. 11-1010-69 and Resolution 11-1010-70, second by Ballantyne.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolutions passed – 5 to 0.

2011 Hillcrest Street Improvements Project

Resolution No. 11-1010-71, Approving Change Order No. 5. Mayor Doyle reported Change Order No. 5 to this project is for one-half of the cost of “terra-seeding” the disturbed areas as extra work to improve the effectiveness of surface restoration and would result in a net increase to contract cost of \$1,380.00. Stanek moved to approve Resolution No. 11-1010-71, second by Ballantyne.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

Request for Payment No. 5, Dave Schmitt Construction. Ballantyne moved to approve Payment Request No. 5 in the amount of \$1,311.00 to Dave Schmitt Construction; second by Stanek. Motion carried – 5 to 0.

2011 Water Tower Improvements Project

Payment Request No. 6 “Contract A”, Phoenix Fabricators. Stanek moved to approve Payment Request No. 6 for the amount of \$50,160.00 to Phoenix Fabricators under “Contract A” of the 2011 Water Tower Improvements Project; second by Ballantyne. Motion carried – 5 to 0.

Payment Request No. 1 “Contract C”, E&J Electric. Ballantyne moved to approve Payment Request No. 1 for the amount of \$6,078.48 to E&J Electric under “Contract C” of the 2011 Water Tower Improvements Project; second by Mai. Motion carried – 5 to 0.

Determine Whether to Retain or Demolish Existing Water Tower. Grove moved to demolish the existing water tower at 1671 Ranmar Court no earlier than May, 2012, and to direct the City Administrator to give required one-year or other notification to entities leasing space on said tower of the City’s intent; second by Mai. Motion carried – 5 to 0.

Public Works – Streets, Water, Sewer & Equipment

Pressure Reducing Valves for Multi-Family Residential Buildings. Ballantyne moved to include Pressure Reducing Valves that are larger than 3/4” diameter in the City’s Pressure Reducing Valve policy and to offer them at no cost to property owners under said policy; second by Grove. Motion carried – 5 to 0.

Cost Sharing for Ice Build Up Prevention for WWTP Wheels. Mai moved to authorize up to \$3,250.00 as Ely’s half of the cost to install heat elements to the aeration wheels at the WWTP, with WestTech, the manufacturer of the aeration wheels, to pay the other half of the cost; second by Ballantyne. Motion carried – 5 to 0.

North Waypoint & Entrance Sign Project – Status Update. Clerk/Administrator Anderson reported the stone work for the north entrance sign is complete and arrangements to install it are under way.

National League of Cities Service Line Warranty Program. Mayor Doyle reported the National League of Cities offers homeowners of participating cities a water and sanitary sewer warranty program that will pay participating residents cost to repair these service lines if they break, leak or otherwise fail. Mr. Anderson noted the city does not take an active role in the warranty program, nor does the city take direct responsibility for it.

Resolution No. 11-1010-72, Approving City Participation and Contract. Stanek moved to approve Resolution No. 11-1010-72, second by Mai.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

Downtown Dows Street – Parking

Options and Possible Actions re: Acquisition of Land for Public Parking Areas and Potential Offer for Purchase of Parcel(s).

Mai moved to go into closed session to discuss the acquisition of real estate to avoid releasing information which may affect the cost of said real estate at 8:38 p.m., pursuant to Section 21.5(j), Code of Iowa; second by Stanek. Motion carried – 5 to 0. Mayor Doyle declared the meeting in closed session at 8:38 p.m.

Grove moved to end the closed session at 8:53 p.m.; second by Stanek. Motion carried – 5 to 0. Mayor Doyle declared the meeting in regular session at 8:53 p.m.

Discussion Items

Stanek moved to adjourn, second by Hale; motion carried – 5 to 0. The meeting adjourned at 9:00 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator