

**ELY CITY COUNCIL  
REGULAR MEETING  
OCTOBER 12, 2015  
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Stephanie Mehmen, Bill Grove, Kay Hale, Judy Wery and Bob Ballantyne. Also present: Jim Miller, Duane Kunkel, Connie Kunkel, Daryl Carson, Kathleen Banowetz, Alan Wery, Jake Ohrt, Caydon Moore, Mark Harapat, Alex Smith, Teri Billick, Shannon Billick, Elizabeth Rohner, Jeff Hilleman, Sarah Sellon, William Tuthill, Marilyn Grover, Brenda Jones, Curt Wheeler, City Engineer Scott Pottorff and Clerk-Administrator Aaron Anderson.

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

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

- Agenda, as presented.
- Minutes of the September 14, 2015 regular meeting, corrected to note Council member Kay Hale was present.
- Treasurers Report for the period ended September 30, 2015.
- Bills Payable for October 2015 totaling \$91,716.55.
- Appointment of Christy Frese, 4323 Vista Road, as rural representative to the Library Board of Directors.

Motion carried – 5 to 0.

**Communications.** Library Director Sarah Sellon reported on activities at the Ely Public Library.

**Citizen Requests.** Jim Miller noted the unmarked Sheriff's office car has been busy with speeders on Vista Road.

**Kunkel Addition/Deer Valley Addition**

**Resolution No. 15-1012-40, Amending Developer's Agreement.** Clerk/Administrator Anderson reported this resolution approves an amendment to the Developer's Agreement for Kunkel Addition/Deer Valley to clarify the developer is to install sidewalk adjacent storm water management facilities at the developers cost, and allows the developer to install sidewalk adjacent to Outlot A when constructing improvements for the second addition. Duane Kunkel stated he concurred with the amendment. Mehmen moved to approve Resolution No. 15-1012-40, Amending Developer's Agreement, second by Wery.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution approved 5-0.

**Resolution No. 15-1012-41, Approving Final Plat of Deer Valley First Addition to the City of Ely, Linn County, Iowa and Accepting Dedication of Right-of-Way and Public Improvements Therein.** Mayor Doyle reported the final plat for Deer Valley First Addition, comprised of 23 numbered lots plus street right of way and storm water management facility

was reviewed by the Plan and Zoning Commission and City Engineer, both of whom recommend approval subject to Ely not accepting dedication of Outlot A until grass is established. Mehmen moved to approve Resolution No. 15-1012-41, Approving Final Plat of Deer Valley First Addition to the City of Ely, Linn County, Iowa and Accepting Dedication of Right-of-Way and Public Improvements Therein, second by Wery.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution approved 5-0.

**Schedule Public Hearing re: Ordinance No. 243, Amending Ordinance 229 to Include Kunkel Addition/Deer Valley in the Ely Storm Water Drainage System District.** Mayor Doyle reported the proposed ordinance would include all land included in the preliminary plat for Kunkel Addition, no referred to as Deer Valley, in the Ely storm water drainage system district and include the \$2.00/month per household storm water utility fee for the subdivision as set out in the Developer's Agreement for the property. Hale moved to schedule a public hearing re: proposed Ordinance No. 243, Amending Ordinance 229 to Include Kunkel Addition/Deer Valley in the Ely Storm Water Drainage System District for 7:00 p.m. November 9, 2015; second by Ballantyne. Motion carried – 5 to 0.

**Schedule Public Hearing re: Ordinance No. 244, Enacting Sewer Connection Surcharge for Kunkel Addition/Deer Valley.** Clerk-Administrator Anderson reported the proposed ordinance would enact a sanitary sewer connection surcharge fee of \$202.00 for each sanitary sewer connection within the territory included in the Kunkel Addition preliminary plat. He noted the fee is based on dividing one-fourth of the total cost of the Rogers Creek/Kunkel Addition Sanitary Sewer Expansion over 100 possible sewer connections in the subdivision, per the Developer's Agreement. Duane Kunkel stated they disagree with paying for cost of bracing a building that was within an existing utility easement, and for riprap along the creek because their work was not in that immediate area. Hale moved to schedule a public hearing re: proposed Ordinance No. 244, Enacting Sewer Connection Surcharge for Kunkel Addition/Deer Valley for 7:00 p.m. November 9, 2015; second by Grove. Motion carried – 5 to 0.

### **Hoover Trail to Community Center Project**

**Resolution No. 15-1012-42, Approving Change Order #5.** Clerk-Administrator Anderson reported this resolution approves Change Order #5 under the contract with Peterson Contractors Inc. (PCI) for additional work to repair a water main that ruptured in front of City Hall during construction of the trail. Mr. Anderson noted the ruptured main was near project work, that MMS staff reviewed the broken main and found that the main ruptured because it was installed with too little flex. Mr., Anderson reported the change order increases the cost of contract \$3,894.23 and noted the amount of the change order is eligible for federal aid participation. Mehmen moved to approve Resolution No. 15-1012-42, Approving Change Order #5, second by Hale.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed and resolution approved 5-0.

**Construction Progress Payment Request No. 3, Peterson Contractors, Inc.** Hale moved to approve Construction Progress Payment No. 3 for \$16,267.32 to Peterson Contractors, Inc., under the Hoover Trail to Community Center contract; second by Grove. Motion carried – 5 to 0.

### **Highland Road Project**

**Transition Between City Park Parking Lot and Hoover Trail.** City Engineer Scott Pottorff reported he believes MMS Consultants is willing to do what is needed to make this situation right because they value their relationship with the City of Ely. Mr. Pottorff noted the additional work was not redundant, did not rip up new work, and was done using unit prices for the Highland Road project. Mayor and City Council members discussed, consensus was that even though the timing of the situation was unfortunate the work was necessary.

**Construction Progress Payment Request No. 3, Ricklefs Excavating.** Hale moved to approve Construction Progress Payment No. 3 for \$122,425.36 to Ricklefs Excavating for the Highland Road/City Park Parking Lot project, second by Ballantyne. Motion carried – 5 to 0.

### **Rogers Creek/Kunkel Addition Sanitary Sewer Expansion**

**Construction Progress Payment No. 2, Zinser Grading & Excavating, Inc.** Mehmen moved to approve Construction Progress Payment No. 2 for \$14,585.50 to Zinser Excavating, Inc., for the Rogers Creek/Kunkel Addition Sanitary Sewer Expansion; second by Hale. Motion carried – 5 to 0.

### **Community, Cultural, Recreational, Educational Center Feasibility Project.**

Clerk/Administrator Anderson reported the CCREC feasibility committee sent request for proposals to 14 firms, and received three proposals. He noted the committee reviewed proposals, and conducted interviews with Ament Design and Martin Gardner Architects, and believes Martin Gardner Architects (MGA) will provide the most effective product. Mr. Anderson noted MGA is not the lowest cost option, and that the committee recommends accepting the proposal from Martin Gardner Architects because MGA has the best understanding of the project and the most prolific experience with similar projects.

**Resolution No. 15-1012-43, Accepting Contract with Martin Gardner Architects for Conceptual Architectural Services.** Mr. Anderson noted contract fees range from \$15,000 to \$20,000 based on the scope of services actually performed, and that the CCREC Feasibility Committee recommends accepting the contract. Hale moved to approve Resolution No. 15-1012-43, Accepting Contract with Martin Gardner Architects for Conceptual Architectural Services; second by Mehmen.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

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

**Building Codes and Enforcement**

**Schedule Public Hearing re: Ordinance to Enact 2015 International Residential Code Consistent with Linn County Standards.** Hale moved to schedule a public hearing re: an Ordinance to Enact 2015 International Residential Code Consistent with Linn County Standards for 7:00 p.m. November 9, 2015; second by Mehmen. Motion carried – 5 to 0.

**Schedule Public Hearing re: Ordinance to Enact 2014 ICC National Electrical Code.** Mehmen moved to schedule a public hearing re: an Ordinance to Enact 2014 ICC National Electrical Code for 7:00 p.m. November 9, 2015; second by Hale. Motion carried – 5 to 0.

**Discuss Recreation Commission Enabling Ordinance, Title V, Chapter 2, Ely City Code.** Mayor and City Council discussed Title V, Chapter 2 of the Ely City Code; Bob Ballantyne noted many of the provisions seem obsolete or do not match with current practices. General discussion regarding the matter topics discussed include: Ely increased board membership to 7, consider linking amount of fine to State Code and removing possibility for prison as punishment, that the ordinance should not be changed to limit the number of terms a member may serve, contracting process and expenditure authority.

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

**Request for Retroactive Additional Pay – Dustin Carlson.** Mehmen moved to authorize retroactive pay of \$13.50/hour for Dustin Carlson for reading water meters in September which exceeded the initial scope of his job, and \$13.50/hour for Dustin Carlson when reading water meters in future; second by Hale. Motion carried – 5 to 0.

**Administrative, Personnel and Staffing**

**Authorize Requesting Quotes to Perform Meter Reading.** Hale moved to authorize the Clerk-Administrator to request quotes to perform meter reading once each month on a cost per meter read basis; second by Wery. Motion carried – 5 to 0.

**Social Media Policy.** Clerk-Administrator Anderson reported he is working with Library Director Sarah Sellon on a social media policy.

**Discuss Possible Purchase of Land.** Clerk-Administrator reported he spoke with a landowner who may be willing to consider an offer from Ely to purchase land.

**Discussion Items.**

Hale moved to adjourn, second by Grove; motion carried – 5 to 0. The meeting adjourned at 8:35 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator