

**ELY CITY COUNCIL
REGULAR MEETING
OCTOBER 13, 2008
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Bill Grove, Mark Banowetz, Stephanie Mai, and Bob Ballantyne; Tom Winkowski - excused. Guests included: Jim Miller, Bob Zeman, Adam Smith, Lorraine Spidle, Sue Feyerabend, Carrie Kimm, Randy Roehrer, Anna McAtee, Joe Fiala, Ann Prohaska, Helen Smith, Ernie Smith, Dave Rasmussen, T. Payne, James Serbousek, Paul & Diane Malatek, Keith Schulte, Robert Smith, Jim & Millicent Cozzie, Tim Grimm, and Mike Murray.

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

- Agenda.
- Minutes of the September 8, 2008 regular meeting.
- Treasurers Report for the period ended September 30, 2008.
- Bills Payable for October 2008 totaling \$77,840.56.
- Appointment of Adam Smith (1505 Fuhrmeister St.) to the Ely Board of Adjustment.

Motion carried – 4 to 0.

Treasurer's Report (summary) for the period ended September 30, 2008

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 10,445.14	\$ 22,491.64		\$ 346,565.15
Road Use	8,367.11	6,533.78		25,030.04
TIF Fund	58.35			308,673.25
Debt Service				6,160.49
Other Projects		7,128.00		-114,243.27
Library Project				3,169.70
North End Infra		3,939.41		-9,220.46
Water Utility	15,868.05	9,010.11		271,902.55
Water/Sewer Reserve				100,000.00
Sewer Utility	21,190.82	22,003.98		110,961.56
Sewer Debt Service				-255.40
Sanitary Utility	5,950.27	5,877.92		52,106.10
PR Clearing	7,951.72	9,658.81		709.99
Totals	\$ 69,861.46	\$ 86,643.65		\$1,101,289.70

Communications: Mayor Doyle reported receiving the following communications: Plan and Zoning Commission minutes of July 16, 2008, Public Works Director's Monthly Report. Linn County Deputy T. Payne presented the Sheriff's Office's Monthly Activity Report.

Citizen Requests. Jim Miller stated Fall Fest on October 4th was a great celebration and congratulated everyone involved. Mayor Doyle stated he agrees that the first Ely Fall Fest went great, congratulated the Parks and Recreation Committee and recognized everyone involved for their hard work and success.

Storm Water-Runoff Issues, Fuhrmeister St. – Northgate Drive Area. City Engineer Cary Solberg presented a report dated October 13, 2008 of his investigation regarding existing conditions related to storm water management and run-off control in the area north of Fuhrmeister St and east of State St. Mr. Solberg noted his report identifies two options for improving management of runoff in this area; installation of storm sewer infrastructure or enhancing the existing over land system. The City Council discussed the report with Mr. Solberg including capacity of each option, estimated cost, how both options could fit with future State Street improvements, and likely effectiveness of both options. Mark Banowetz stated his preference is to carry out the project to enhance the over-land drainage system, expedite improvements to State Street and incorporate storm sewers in that project; there was general consensus among the City Council. Ballantyne, second by Grove, moved to designate enhancing the existing over-land storm water run-off system for this area as the preferred option for improving storm water run-off in this area; motion carried – 4 to 0.

Designating Certain Identified Properties as R-3 or R-4 Residential Zoning Districts

Second Reading Ordinance No. 207, “Amending the Zoning Map by Designating Specific Lots and Parcels R-3 Multi-Family and R-4 Multi-Family Residential Districts”. Banowetz, second by Mai, moved to approve second reading of proposed Ordinance No. 207 “Amending the Zoning Map by Designating Specific Lots and Parcels R-3 Multi-Family and R-4 Multi-Family Residential Districts”

Aye: Ballantyne, Mai, Banowetz, Grove

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried – 4 to 0.

Mai, second by Banowetz, moved to waive the third reading of Ordinance No. 207, pursuant to §380.3 Code of Iowa.

Aye: Ballantyne, Mai, Banowetz, Grove

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried – 4 to 0.

Mai, second by Grove, moved to approve third reading and final adoption of Ordinance No. 207 “Amending the Zoning Map by Designating Specific Lots and Parcels R-3 Multi-Family and R-4 Multi-Family Residential Districts”.

Aye: Ballantyne, Mai, Banowetz, Grove

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried 4 to 0 and the ordinance duly enacted.

Request for R-1 Zoning, Preliminary and Final Plat, Serbousek Second Addition - James Serbousek

Second Reading Ordinance No. 210, “Amending the Zoning Map by Designating a Specific Parcel as an R-1 Single Family Residential District.” Banowetz, second by Ballantyne, moved to approve second reading of Ordinance No. 210 “Amending the Zoning Map by Designating a Specific Parcel as an R-1 Single Family Residential District”.

Aye: Ballantyne, Mai, Banowetz, Grove
Nay: None
Absent: Winkowski
Mayor Doyle declared the motion carried – 4 to 0.

Ballantyne, second by Grove, moved to waive the third reading of Ordinance No. 210, pursuant to §380.3 Code of Iowa.

Aye: Ballantyne, Mai, Banowetz, Grove
Nay: None
Absent: Winkowski
Mayor Doyle declared the motion carried – 4 to 0.

Ballantyne, second by Mai, moved to approve third reading and final adoption of Ordinance No. 210 “Amending the Zoning Map by Designating a Specific Parcel as an R-1 Single Family Residential District”.

Aye: Ballantyne, Mai, Banowetz, Grove
Nay: None
Absent: Winkowski

Mayor Doyle declared the motion carried 4 to 0 and the ordinance duly enacted.

Resolution No. 08-0908-33, Approving Preliminary Plat, Serbousek Second Addition to Ely Iowa. Clerk-Administrator Anderson reported James Serbousek has submitted a proposed preliminary plat titled Serbousek Second Addition to Ely, Linn County, Iowa; and that the Ely Plan and Zoning Commission has reviewed the preliminary plat and recommended approval. Ballantyne, second by Mai, moved to approve Resolution No. 08-1013-33, Approving Preliminary Plat, Serbousek Second Addition to Ely, Iowa.

Aye: Ballantyne, Mai, Banowetz, Grove
Nay: None
Absent: Winkowski
Mayor Doyle declared the motion carried 4 to 0.

Resolution No. 08-1013-38, Approving Final Plat of Serbousek Second Addition to Ely, Linn County, Iowa. Clerk-Administrator Anderson reported Iowa law and the Ely subdivision ordinance allow the final plat to be approved immediately after preliminary plat if there are no municipal improvements for the Developer/subdivider to install. Council discussed that Developer’s Agreement should be prepared for all new subdivisions. Ballantyne, second by Grove, moved to table this resolution to allow preparation and consideration of a Developer’s Agreement; motion carried – 4 to 0.

Ely Living Roadways Committee, Visioning Report and Feasibility Study. Tim Grimm, the Chair of the Ely Living Roadways Committee, reported on the committee’s activities and the report of the committee’s vision. Mr. Grimm reported the Living Roadways Committee would pursue community welcome signage at the intersection of Wright Brothers Blvd and Ely Road/State Street as their first project.

Parks and Recreation

Fall Fest. Mike Murray, Parks & Recreation Committee Chair, reported Fall Fest went very well, and thanked the Ely community for participating. Mr. Murray congratulated the Ely community, everyone on the committee and everyone involved for achieving such a successful event. He reported that all costs have not been paid yet, and that the Park and Recreation Committee estimates to have raised roughly \$8,000 to \$9,000 for park development through the Fall Fest fund raising activities. Mr. Murray stated the Second Annual Ely Fall Fest is tentatively scheduled for September 26, 2009.

Updated Cost Estimate for First Phase of New Park Development. City Engineer Cary Solberg presented an updated cost estimate of \$65,000 to install a ball diamond, rock surface entry from Hillcrest Street and parking area. It was the consensus of the City Council for the Park and Recreation Committee to prepare an action plan to achieve this.

Safe Playground Surfacing Grant Program – Vavra Park. Clerk-Administrator Anderson reported the IDNR announced a grant program to assist cities with the cost of installing rubberized tile play surfaces in city playgrounds and parks. He reported Ely would be eligible to receive up to \$15,750 of an estimated total cost of \$39,882.50 to replace the pea gravel at Vavra Park with the rubberized tile surface if an application was submitted to the program immediately. It was the general consensus of the City Council to defer an application to this program for the time being.

Dows Street Restoration Project

Designate Preferred Option and Direct Administrator to Initiate Planning & Design. The City Council discussed the options to improve the condition of Dows Street east from Hillcrest Street and related matters including: expected useful life, estimated project cost and time table. Paul Malatek, 1960 Dows St., reported considerable water in his basement since February of 2008; stating he believes the water infiltrating his basement happened is the result of the drain tile the City had installed in Dows Street in 2007. The City Council discussed this situation with Mr. Malatek and Mr. Solberg.

Banowetz, second by Grove, moved to designate the option of installing an additional 4” thick hot mix asphalt surface on Dows Street as the preferred option; directed the City Administrator to begin planning and design of same; and directed City Engineer Cary Solberg to investigate the ground water situation in the area of 1960 Dows Street mentioned by Paul Malatek. Motion carried – 4 to 0.

Request to Revise Lease for Wireless Antenna on Ely Water Tower – AT&T. Clerk-Administrator Anderson reported Ely has received a request from AT&T to lower the monthly lease amount for the space they rent on the Ely water tower for a wireless communications antenna from \$700/month to \$550/month. Banowetz, second by Mai, moved to not negotiate on this matter. Motion carried – 4 to 0.

Discuss Plans for 20’ x 20’ Parcel of Land on Dows Street. Clerk-Administrator Anderson reported the City crew had demolished a dilapidated shed and title to a 20’ x 20’ parcel of land upon which it had been located was transferred to Ely. Mr. Anderson reported the City has

incurred roughly \$630 in cost to demolish and dispose of the building. City Council discussed whether to retain or transfer ownership to a private party; and if to transfer what method to use. It was the general consensus of the City Council to dispose of the parcel of land; there was a considerable amount of discussion on the process that would be followed. Councilmember Mark Banowetz stated he owns the land that is adjacent to the lot in question and would not vote on any matter related to it.

Ballantyne, second by Mai, moved to solicit sealed bids from parties interested in buying the 20' x 20' parcel of land, minimum bid of \$630.00; motion carried – 3 to 0; Banowetz abstaining due to conflict of interest.

2007 WWTP Improvements Project

Resolution No. 08-1013-39, Approving Change Order #15 to Contract with Miron Construction. Change Order #15 is in the amount of \$940.50 for the installation of additional erosion control stone and fabric at the WWTP. Ballantyne, second by Mai, moved to approve Resolution No. 08-1013-39:

Aye: Ballantyne, Mai, Banowetz, Grove

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried 4 to 0.

Payment Request No. 16, Miron Construction. - 2007 WWTP Project. Ballantyne, second by Mai, moved to approve Payment Request No. 16 from Miron Construction for the 2007 WWTP project in the amount of \$2,371.00; motion carried – 4 to 0.

Discussion re: Possible Adoption of Building Codes for Multi-Family Residential and Commercial Structures. Clerk-Administrator Anderson reported Ely has adopted and enforces the International Residential Code for Single and Two-Family Units (IRC), and that the IRC does not cover residential structures with 3-units or more or commercial buildings. The City Council discussed the matter including: coordinating with Linn County Building Inspection, lack of adequate infrastructure especially water system capacity to meet sprinkler requirements, and concerns that excessive construction standards for commercial construction would be a competitive disadvantage for Ely. The general consensus was to direct Mr. Anderson to research further on construction standards for multi-family residential buildings, but not commercial or industrial structures.

Water System Improvements Project

Resolution No. 08-1013-40, Authorizing Proposal to Purchase Real Estate as Water Tower Site. This resolution would authorize the Clerk/Administrator to forward a proposal to the Lenore Buresh estate to purchase a 5.0+/- acre portion from a parcel specifically identified as GPN 183017600100000 per the records of the Linn County Auditor's office at a cash price of \$45,000.00. Banowetz, second by Mai, moved to approve Resolution No. 08-1013-40, Authorizing Proposal to Purchase Real Estate as Water Tower Site.

Aye: Ballantyne, Mai, Banowetz, Grove

Nay: None

Absent: Winkowski

Mayor Doyle declared the motion carried 4 to 0.

Discussion Items.

Grove, second by Mai, moved to adjourn. Motion carried – 4 to 0. The meeting adjourned at 9:50 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator