

**ELY CITY COUNCIL
REGULAR MEETING
NOVEMBER 8, 2010
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Dale Stanek, Bill Grove, Kay Hale, Stephanie Mai and Bob Ballantyne. Also present Jim Miller, Jennifer Jordebek, Jeff Hilleman, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the October 11, 2010 regular City Council meeting.
- Minutes of the October 25, 2010 City Council workshop meeting.
- Treasurers Report for the period ended October 31, 2010.
- Bills Payable for November 2010 totaling \$84,320.91.
- Refund of \$28.13 as partial year Class BC Beer Permit fee – North Dows Pizza, Jim Strother.
- Authorize Payments of \$299.00 to Roto-Rooter, and Brian Buresh of \$84.92 to reflect credit invoice for repair of sanitary sewer service lateral at 1625 Hillcrest Street.

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended October 31, 2010

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 163,573.17	\$ 29,600.77		\$ 594,525.92
Road Use	8,144.15	3,934.68		21,102.04
L O S T	12,759.35			46,532.23
TIF Fund	72,231.11	2,554.00		67,063.70
Debt Service	22,007.94			30,117.73
Other Projects		2,223.00		-65,202.19
Library Project				60,608.19
Way Point Sign	9,1800.00			9,180.00
North End Infra				-28,219.93
Water Utility	17,270.80	8,685.11		266,906.00
Water/Sewer Reserve				100,000.00
Sewer Utility	23,631.97	11,143.95		34,441.80
Sewer Debt Service				-45,245.67
Sanitary Utility	6,298.71	6,081.58		44,979.08
Farmers Market	231.00			231.00
PR Clearing	8,554.54	11,342.17		-1,127.93
Totals	\$ 346,613.11	\$ 75,562.26		\$ 1,139,892.30

Communications: Deputy Pavelka of the Linn County Sheriff's Office presented the Monthly Activity Report.

Citizen Requests. None

Parks & Recreation Commission

Installation of Infield Fence at Ely City Park – Paid for by Fall Fest Proceeds. Park Commission Chair Jeff Hilleman reported receiving quotes to install fence along the infield lines at Ely City Park, the low quote being \$9,700.00 from D&N Fence Co.; Mr. Hilleman reported proceeds from Fall Fest will be used for this work. Mai moved to authorize accepting the quoted from DN Fence Co. and spending up to \$10,000 to install fence along the infields of the ball diamond at Ely City Park, second by Ballantyne. Motion carried – 5 to 0.

Library Board.

Approve Appointment of Joni Guldenpfenning to Fill Vacancy on Library Board. Mayor Doyle reported the Library Board of Directors recommends appointing Joni Guldenpfenning to the Library Board through June 30, 2012 to complete the term of Maria Steenblock. Stanek moved to approve the appointment of Joni Guldenpfenning to the Ely Library Board through June 30, 2012; second by Mai. Motion carried – 5 to 0.

Request to Address Erosion from Storm Sewer Outlet at South End of North Street into Louis Field Addition Pond. City Administrator Anderson reported receiving quotes to install riprap under a storm sewer discharge into Louis Field Addition Pond; the low quote being from Brown Concrete and Backhoe not to exceed \$5,811.00. Hale moved to table this matter until the legal and ownership issues related to the parcel of land adjacent to Louis Field 3rd Addition where the discharge is located is resolved, second by Grove. Motion carried – 5 to 0.

Water Tower and Water System Improvements Project.

Resolution No. 10-1108-46, Approving Construction Contract and Bond for “Contract A” of 2011 Elevated Water Storage Tank Improvements Project. Mayor Doyle reported performance/payment bond and proof of insurance are on file, and that this resolution is final acceptance of “Contract A” for this project with Phoenix Fabricators and Erectors, Inc., of Avon, Indiana in the amount of \$672,095.00. Stanek moved to approve Resolution No. 10-1108-46, second by Ballantyne.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Resolution No. 10-1108-47, Approving Construction Contract and Bond for “Contract B” of 2011 Elevated Water Storage Tank Improvements. Mayor Doyle reported performance/payment bond and proof of insurance are on file, and that this resolution is final acceptance of “Contract B” for this project with Bockenstedt Excavating, Inc., of Iowa City, Iowa in the amount of \$90,131.75. Stanek moved to approve Resolution No. 10-1108-47, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Resolution No. 10-1108-48, Approving Construction Contract and Bond for “Contract C” of 2011 Elevated Water Storage Tank Improvements. Mayor Doyle reported performance/payment bond and proof of insurance are on file, and that this resolution is final acceptance of “Contract C” for this project with E&J Electric, Inc., of Solon, and Erectors, Inc., of Solon, Iowa in the amount of \$31,992.00. Stanek moved to approve Resolution No. 10-1108-48, second by Grove.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Resolution No. 10-1108-49, Approving Construction Contract and Bond for “Contract D” of 2011 Elevated Water Storage Tank Improvements. Mayor Doyle reported performance/payment bond and proof of insurance are on file, and that this resolution is final acceptance of “Contract D” for this project with Northway Well and Pump of Marion, Iowa in the amount of \$44,960.00. Stanek moved to approve Resolution No. 10-1108-49, second by Ballantyne.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Approve Form of Tax Exemption Certificate for a \$962,000 Water Revenue Capital Loan Note with the Iowa Finance Authority. Stanek moved to approve a Form of Tax Exemption for a \$962,000 Water Revenue Capital Loan Note with the Iowa Finance Authority, second by Ballantyne. Motion carried – 5 to 0.

Resolution No. 10-1108-50, Approving and Authorizing Form of Loan and Disbursement Agreement by and between the City of Ely and the Iowa Finance Authority, and Authorizing and providing for the Issuance and Securing the Payment of \$962,000 Water Revenue Capital Loan Notes, Series 2010, of the City of Ely, Iowa, Under the Provisions of the Code of Iowa, and Providing for a Method of Payment of Said Notes. Grove moved to approve Resolution No. 10-1108-50, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Resolution No. 10-1108-51, Accepting Agreement for Construction Engineering Services with MMS Consultants. Mayor Doyle reported this resolution accepts an agreement for MMS Consultants to provide construction engineering services for the water tower project at a flat fee of \$62,500. He reported services to be performed under this agreement include: construction inspection including specialized services through subcontractor, construction staking and construction administration. Stanek moved to approve Resolution No. 10-1108-51, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Resolution No. 10-1108-52, Scheduling Public Hearing re: Exclusive Option to Purchase Lease Agreement for Cellular Antenna on Water Tower. City Administrator Anderson reported this resolution would schedule a public hearing regarding an offer from Blackdot Wireless for a 180-day option to purchase Ely's rights as landlord for a communications easement and lease with AT&T for an existing cellular communications facility on Ely's water tower. He reported Blackdot offers to pay Ely \$100 for a 180-day option to purchase Ely's right as landlord, for a total purchase price of \$72,240 if they exercise the option. Mr. Anderson noted Ely will receive \$252,352.42 over the remainder of the stated life of the existing lease. No action was offered to introduce or approve the resolution.

Ely Farmers' Market

Accept Collaboration with EDGE for Farmers' Market. Bob Ballantyne reported the Internal Revenue Service is hesitant to EDGE grant tax-exempt status as a 501C.6 organization because their representatives consider the Farmers' Market a profit making venture. He reported EDGE wants to collaborate with the City to continue the Farmers' Market, with EDGE coordinating volunteers and promotion and Ely as financial agent. Mr. Ballantyne reported Farmers' Market transactions would be separated from other city activities. Stanek moved to collaborate with EDGE to continue the Ely Farmers' Market, second by Hale. Motion carried – 5 to 0.

Authorize Creation of Farmers' Market Enterprise Fund. Stanek moved to authorize creation of a Farmers' Market Enterprise Fund to track revenue and spending for the Ely Farmers' Market, second by Hale. Motion carried – 5 to 0.

Designate People Allowed to Incur Costs for Farmers' Market. Stanek moved to designate Ali Alldredge, 1725 North Dr., and Pat Stanek, 1700 E. Pacific St., as volunteers authorized to spend money for the Ely Farmers' Market, second by Hale. Motion carried – 5 to 0.

Resolution No. 10-1108-53, Approving Agreement for Winter Snow and Ice Control with Linn County Secondary Road Department. Grove moved to approve Resolution No. 10-1108-53, second by Mai.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

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

Hoover Nature Trail Extension – Ely Park to State & Rowley Intersection

Report on Status of Acquisition of Former Railroad Right of Way. City Administrator Anderson reported Hawkeye Land Co. is willing to add the following to the terms of sale and deed for 2.5 +/- acres of former rail right of way:

"The seller shall reserve the easement rights as set forth in Paragraph 10.C., however, any and all easements installed on the property shall be approved by the City of Ely, which said approval shall not be unreasonably withheld."

Ballantyne moved to accept an Offer to Purchase Agreement with Hawkeye Land Company for two parcels of land totaling 2.5+/- acres and legally described as:

Parcels A & B, Revised Plat of Survey #875 as recorded in Book 4495 Page 689 of the records of the Linn County Recorder on November 6, 2001, being in the NE ¼ of Section 31-82-6, and in the SE ¼ of Section 30-82-6, Except 48' former railroad right-of-way lying Westerly and adjacent to Lot 3, Hillside 1st Add, City of Ely, Linn County, Iowa, know as tax parcels 18304-52012-00000 and 18304-53001-00000

At purchase price of \$40,000, subject to the addition of the following in the purchase agreement:

"The seller shall reserve the easement rights as set forth in Paragraph 10.C., however, any and all easements installed on the property shall be approved by the City of Ely, which said approval shall not be unreasonably withheld."

Second by Mai; motion carried – 5 to 0.

Discussion Items

Ballantyne moved to adjourn, second by Mai. Motion carried – 5 to 0. The meeting adjourned at 7:45 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator