

**ELY CITY COUNCIL
REGULAR MEETING
NOVEMBER 9, 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, Marv Peters, Glenda Smith, Glenn Buresh, Fran Buresh, Jeff Ward, Katie Jo Bruhn, Andrew Oien, Chet Hendrickson, Rachel Hendrickson, Terry Swick, Elizabeth Rohner, Les Beck, Eldy Miller, Sarah Sellon, Teri Billick, Barb Grove, Kim Grove, Kathleen Banowetz, Butch Wieneke, Annette, Wieneke, Rob Kramer, Shannon Billick, Ronald Andreatta, City Engineer Scott Pottorff and Clerk-Administrator Aaron Anderson.

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

Mayor Doyle recognized Marv Peters to introduce a veteran from Ely for recognition. Mr. Peters introduced Bill Grove to the Ely City Council reporting that Mr. Grove served has lived in Ely eight years, was very active in high school sports at NE Hamilton and played on an American Legion baseball team in High School. Mr. Grove's enlisted in the US Air Force in 1956 to pursue his interest in electronics and was assigned to radar maintenance at Zappa AFB in Texas. Mr. Grove's mission was to assist intercepting aircraft to locate unidentified intruders. He was later sent to Laredo AFB in Texas to assist with the build up for the Vietnam War, then later Lackland AFB. Mr. Grove spent four years in active duty. Mr. Grove worked for Rockwell Collins after leaving the Air Force, and served as a union steward. Mr. Peters reported that Mr. Grove has been an active member in the Ely community, on the City Council and with the American Legion for the past eight years. Mayor Doyle and the City Council recognized Mr. Smith and stated their appreciation for his service to the nation.

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

- Agenda, as presented.
- Minutes of the October 12, 2015 regular meeting.
- Treasurers Report for the period ended October 31, 2015.
- Bills Payable for November 2015 totaling \$83,099.81.

Motion carried – 5 to 0.

Communications. Library Director Sarah Sellon reported on activities at the Ely Public Library. Linn County Deputy Watkinson presented the Sheriff's Office Activity Report, and noted a lot of traffic stops on Vista Road during the Ely Road project.

Citizen Requests. Jeff Ward, 1580 Dows Street, reported the foundation that remains from a derelict shed on the southeast corner of the alley that was demolished several years ago has cracked, has weeds growing through the cracks and appears to qualify as a nuisance under Ely City Code. Mayor and City Council discussed this with Mr. Ward, and directed City Clerk-Administrator Anderson to investigate and initiate nuisance abatement process.

Jim Miller asked how much longer Ely Road will be closed and noted the unmarked Sheriff's office car has been busy with speeders on Vista Road.

Kunkel Addition/Deer Valley Addition

Public Hearing re: Ordinance No. 243, Amending Ordinance 229 to Include Kunkel Addition/Deer Valley in the Ely Storm Water Drainage System District. Ballantyne moved to open a public hearing regarding Ordinance No. Amending Ordinance 229 to Include Kunkel Addition/Deer Valley in the Ely Storm Water Drainage System District at 7:20 p.m., second by Hale. Motion carried – 5 to 0; Mayor Doyle declared the public hearing open at 7:20 p.m. Mayor Doyle explained the proposed ordinance adds all the land included in the approved Kunkel Addition preliminary plat in the Ely storm water drainage system and storm water utility area; including that homes constructed in the area will be charged the \$2.00/month storm water utility fee. He noted that this is all consistent with the developer's agreement agreed to by the developer and the city. Mayor Doyle asked for comments from the public, none were offered. Ballantyne moved to close the public hearing at 7:23 p.m., second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:23 p.m.

First Reading of Ordinance No. 243, Amending Ordinance 229 to Include Kunkel Addition/Deer Valley in the Ely Storm Water Drainage System District. Ballantyne moved to introduce and approve first reading of Ordinance No. 243, Amending Ordinance 229 to Include Kunkel Addition/Deer Valley in the Ely Storm Water Drainage System District, second by Wery:

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

Mayor Doyle declared the motion passed, ordinance No. 243 introduced and first reading approved 5-0.

Ballantyne moved to waive the second and third readings of Ordinance No. 243, pursuant to Code of Iowa Chapter 380.3, second by Hale.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

Mayor Doyle declared the motion passed, and second and third readings of Ordinance No. 243 waived, 5 to 0.

Ballantyne moved final approval and adoption of Ordinance No. 243, Amending Ordinance 229 to Include Kunkel Addition/Deer Valley in the Ely Storm Water Drainage System District, second by Mehmen.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

Mayor Doyle declared the motion passed, and Ordinance No. 243, Amending Ordinance 229 to Include Kunkel Addition/Deer Valley in the Ely Storm Water Drainage System District duly approved and adopted, 5 to 0.

Public Hearing re: Ordinance No. 244, Enacting Sewer Connection Surcharge for Kunkel Addition/Deer Valley. Ballantyne moved to open a public hearing regarding Ordinance No. 244 Amending Ordinance 229 to Include Kunkel Addition/Deer Valley in the Ely Storm Water Drainage System District at 7:24 p.m., second by Hale. Motion carried – 5 to 0; Mayor Doyle declared the public hearing open at 7:24 p.m. Mayor Doyle explained the proposed ordinance establishes a \$202.00 surcharge fee for all sanitary sewer connections in the Kunkel Addition, which now referred to as Deer Valley. Mayor Doyle noted that this is all consistent with the developer’s agreement agreed to by the developer and the city. Mayor Doyle asked for comments from the public. Clerk-Administrator Anderson noted the \$202/connection amount represents one-fourth of the cost of the Rogers Creek/Kunkel Addition Sanitary Sewer upgrade project divided by 100, which is the number of residential units expected in the subdivision.

Teri Billick stated Ely should consider increasing sewer connection fees for sanitary sewer connections and not just for this subdivision. Aaron Anderson noted this has been considered and Ely needs to be able to show an objective basis for the increased sewer connection fee which is possible, but is not available on a general basis at this time. General discussion of investigating increasing sewer connection fees going forward.

Katie Jo Bruhn asked if the people who live on Worley Lane now will have a special rate for connecting to the sanitary sewer because they are being forced to connect. Mayor Doyle replied that existing homes on Worley Lane are not being required to connect to the sanitary sewer system at this time; and may connect in the future when and if they need to because their septic system is no longer adequate.

Ballantyne moved to close the public hearing at 7:33 p.m., second by Hale. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:33 p.m.

First Reading of Ordinance No. 244, Enacting Sewer Connection Surcharge for Kunkel Addition/Deer Valley. Ballantyne moved to introduce and approve first reading of Ordinance No. 244, Enacting Sewer Connection Surcharge for Kunkel Addition/Deer Valley as presented, second by Mehmen.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed, ordinance No. 244 introduced and first reading approved 5-0.

Ballantyne moved to waive the second and third readings of Ordinance No. 244, pursuant to Code of Iowa Chapter 380.3, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed, and second and third readings of Ordinance No. 244 waived, 5 to 0.

Grove moved final approval and adoption of Ordinance No. 244, Enacting Sewer Connection Surcharge for Kunkel Addition/Deer Valley, second by Ballantyne.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed, and Ordinance No. 244, Enacting Sewer Connection Surcharge for Kunkel Addition/Deer Valley, duly approved and adopted, 5 to 0.

Buresh Estates Third Addition to Ely

Approval of Construction Plans. Mayor Doyle reported Glenn Buresh handed him a revised preliminary plat for Buresh Estates Third Addition just before this meeting started. Clerk-Administrator reported the proposed revised preliminary plat needs to be reviewed by the Plan and Zoning Commission before approval by City Council. Ballantyne moved to table approval of construction plans for Buresh Estates Third Addition, second by Mehmen. Motion carried – 5 to 0.

Request to Re-Zone Parcels at 1920 State Street from R-1 Single Family Residential and M-2 Heavy Industrial to M-1 Light Industrial – Swick Cable Contractors, Inc., & Joe T. Lawrence. Mayor Doyle stated there was considerable discussion among the applicant Terry Swick, Rachel Hendrickson and Clerk-Administrator Anderson regarding the request to rezone this property. He noted that the proposed ordinance includes conditions that address concerns expressed during the September 14, 2015 public hearing. The conditions include that rezoning both subject parcels is specifically to allow for a utility contractor operation, includes a buffer zone for the south 100-feet, and requires a planted screening comprised on the street and north sides of the property. Terry Swick and Rachel Hendrickson both noted their discussions regarding the requested rezoning, and that the conditions are acceptable.

First Reading of Ordinance No. 242, Amending Zoning Map by Designating Two Contiguous Parcels as an M-1 Light Industrial District. Hale moved to introduce and approve first reading of Ordinance No. 242, Amending Zoning Map by Designating Two Contiguous Parcels as an M-1 Light Industrial District, second by Mehmen.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed, ordinance No. 242 introduced and first reading approved 5-0.

Wery moved to waive the second and third readings of Ordinance No. 242, pursuant to Code of Iowa Chapter 380.3, second by Hale.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed, and second and third readings of Ordinance No. 242 waived, 5 to 0.

Mehmen moved final approval and adoption of Ordinance No. 242, Amending Zoning Map by Designating Two Contiguous Parcels as an M-1 Light Industrial District, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

Mayor Doyle declared the motion passed, and Ordinance No. 242, Amending Zoning Map by Designating Two Contiguous Parcels as an M-1 Light Industrial District duly approved and adopted, 5 to 0.

Building Codes and Enforcement

Public Hearing re: Ordinance 245 Enacting 2015 International Residential Code.

Ballantyne moved to open a public hearing regarding Ordinance No. 245 Enacting 2015 International Residential Code at 7:44 p.m., second by Hale. Motion carried – 5 to 0; Mayor Doyle declared the public hearing open at 7:44 p.m. Mayor Doyle reported the proposed ordinance enacts the current version of the International Residential Code, with specified amendments that are consistent with those adopted by Linn County. Les Beck, Linn County Director of Planning and Development, stated Linn County is trying to standardize the building permit process and building codes among the County and smaller cities for whom Linn County provides building inspection services. He noted Linn County's main reason for this is so inspectors know exactly which building code they are enforcing. Mr. Beck noted that builders in Ely are pretty much up to date and aware of the new standards.

Andrew Oien, Linn County building inspector, stated there are few material changes with the 2015 International Residential Code, it does not change how they do business and mainly it has improved language that is clearer and easier to interpret. Mr. Beck noted Ely's proposed ordinance mirrors Linn County's. Mr. Oien noted it is unlikely any residential units in Ely will require sprinklers because sprinklers are required for townhouses in groups of four or more, or any attached or detached residential units with more than 4,000 square feet on a single floor or 8,000 square feet on all stories. Mayor Doyle asked for further comments regarding the public hearing item, none were offered. Hale moved to close the public hearing at 7:50 p.m., second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:50 p.m.

First Reading of Ordinance 245 Enacting 2015 International Residential Code.

Ballantyne moved to introduce and approve first reading of Ordinance No. 245, Enacting 2015 International Residential Code, second by Mehmen.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

Mayor Doyle declared the motion passed, ordinance No. 245 introduced and first reading approved 5-0.

Hale moved to waive the second and third readings of Ordinance No. 245, pursuant to Code of Iowa Chapter 380.3, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None

Absent: None

Mayor Doyle declared the motion passed, and second and third readings of Ordinance No. 245 waived, 5 to 0.

Mehmen moved final approval and adoption of Ordinance No. 245, Enacting 2015 International Residential Code, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed, and Ordinance No. 245, Enacting 2015 International Residential Code duly approved and adopted, 5 to 0.

Public Hearing re: Ordinance 246, Adopting and Enacting Ely Electrical Regulations.

Ballantyne moved to open a public hearing regarding Ordinance No. 246, Adopting and Enacting Ely Electrical Regulations at 7:51 p.m., second by Hale. Motion carried – 5 to 0; Mayor Doyle declared the public hearing open at 7:51 p.m. Mayor Doyle reported the proposed ordinance would enact construction electrical regulations that are basically the same as those enacted and currently enforced by Linn County. Mayor Doyle asked for comments regarding the public hearing item. Bob Ballantyne asked about power interrupters. Andrew Oien noted they are much better than when they came out. Mr. Oien noted Ely's proposed standards are effectively the same as Linn County's which comply with and mirror State of Iowa standards.

Mayor Doyle asked for further comments from the public regarding the public hearing item, none were offered. Mehmen moved to close the public hearing at 7:53 p.m., second by Grove. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:53 p.m.

First Reading of Ordinance 246, Adopting and Enacting Ely Electrical Regulations.

Ballantyne moved to introduce and approve first reading of Ordinance No. 246, Adopting and Enacting Ely Electrical Regulations, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed, ordinance No. 246 introduced and first reading approved 5-0.

Ballantyne moved to waive the second and third readings of Ordinance No. 246, pursuant to Code of Iowa Chapter 380.3, second by Hale.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

Mayor Doyle declared the motion passed, and second and third readings of Ordinance No. 245 waived, 5 to 0.

Mehmen moved final approval and adoption of Ordinance No. 246, Adopting and Enacting Ely Electrical Regulations, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

Mayor Doyle declared the motion passed, and duly Ordinance No. 246, Adopting and Enacting Ely Electrical Regulations, se approved and adopted, 5 to 0.

Highland Road Project

Resolution No. 15-1109-36, Approving Change Order #4. Clerk-Administrator Anderson reported this matter is presented for City Council consideration again because Public Works Director and contractor both report the damage to the water service line was caused by a water hammer effect when Well #2 was activated. Hale moved to approve Resolution No. 15-1109-36, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

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

Resolution No. 15-1109-44, Approving Change Order #5. City Engineer Scott Pottorff reported this change order is for extra work performed by Ricklefs Excavating to repair a broken water service line that was broken between main and curb at a cost of \$5,008.71. Public Works Director Ron Stark reported the broken service line was outside Ricklefs project area, and believed to also be caused by water hammer effect. Hale moved to approve Resolution No, 15-1109-44, second by Grove.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

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

Public Works – Streets, Water, Sewer & Equipment

Authorize Temporary Part-Time Hire of Joe Vavra. Grove moved to authorize the temporary part-time hire of Joe Vavra to assist Public Works Department during snow removal and other limited use purpose at \$12.00/hour; second by Ballantyne. Motion carried – 5 to 0.

Administrative, Personnel and Staffing

Resolution No. 15-1109-45, Approving Amendment to AT&T Cellular Facility Lease for Jappa Rd Water Tower. Clerk-Administrator noted concern with a provision regarding the tenant’s ability to expand leased premises. Hale moved to table Resolution No. 15-1109-45, Approving Amendment to AT&T Cellular Facility Lease for Jappa Rd Water Tower, second by Mehmen. Motion carried – 5t to 0.

Social Media Policy. Clerk-Administrator Anderson distributed draft of 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 8:11 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator