

**ELY CITY COUNCIL
REGULAR MEETING
NOVEMBER 10, 2008
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Tom Winkowski Bill Grove, Mark Banowetz, Stephanie Mai, and Bob Ballantyne. Guests included: Vicki Vargason, Judy Jansen, James Cozzie, James Serbousek, Dave Rasmussen, Chet Hendrickson, and Jim Miller.

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

- Agenda.
- Minutes of the October 13, 2008 regular meeting.
- Treasurers Report for the period ended October 31, 2008.
- Bills Payable for October 2008 totaling \$80,298.96.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended October 31, 2008

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 23,441.88	\$ 35,588.39		\$ 334,418.64
Road Use	6,369.76	21,240.86		10,158.94
TIF Fund	5,993.99			314,667.24
Debt Service	2,335.88			8,496.37
Other Projects	27,814.42			86,428.85
Library Project				3,196.70
North End Infra		1,135.02		-10,335.48
Water Utility	15,848.41	11,426.79		276,383.08
Water/Sewer Reserve				100,000.00
Sewer Utility	35,309.73	11,028.22		135,022.25
Sewer Debt Service				-255.40
Sanitary Utility	5,734.56	5,648.81		52,251.03
PR Clearing	8,710.23	7,917.06		1,503.16
Totals	\$131,558.59	\$ 93,985.15		\$1,138,863.14

Communications: Mayor Doyle reported receiving the following communications: Plan and Zoning Commission minutes of the October 15, 2008 meeting; Public Works Director’s Monthly Report. Linn County Deputy presented the Sheriff’s Office’s Monthly Activity Report.

Citizen Requests. Judy Jansen, President of the Library Board, reported patronage and circulation increased dramatically during the summer and that library use continues at higher levels, with October ’08 patronage 50% higher and circulation 25% higher than October ’07. Ms Jansen stated the Library Board believes additional staff may be needed for next summer.

Sale of 20’ x 20’ Parcel of Land.

Public Hearing re: Sale of Parcel by Sealed Bid. Mayor Doyle reported the Code of Iowa requires the city council to conduct a public hearing before entering into any agreement to sell or otherwise transfer ownership of real property owned by the City. Clerk-Administrator Anderson reported notice was published in the Cedar Rapid Gazette November 5, 2008.

Councilmember Banowetz stated he had submitted a sealed bid for the parcel and would abstain from all actions regarding this matter. Winkowski, second by Mai, moved to open the public hearing; motion carried - 4 to 0, Banowetz abstaining. Mayor Doyle declared the public hearing open at 7:25 p.m.

Mayor Doyle asked for comments from the public regarding the public hearing item. Tom Winkowski asked if the space could be used as a mini-park with bench and informational kiosk or a similar purpose. Mayor Doyle noted options were discussed at the last meeting. Mayor Doyle asked for further comments regarding the public hearing item; none were offered or received. Winkowski, second by Grove, moved to close the public hearing and return to regular session; motion carried – 4 to 0, Banowetz abstaining. Mayor Doyle declared the public hearing closed and meeting in regular session at 7:27 p.m.

Open and Read Sealed Bids. Clerk-Administrator Anderson reported five sealed bids were received. Sealed bids were opened and the amount read aloud by Mayor Doyle as follows:

<u>Name</u>	<u>Address</u>	<u>Bid Amount</u>
Curt Hayek	1135 Glendale Ln, Ely	\$ 675.00
Robert Sion	400 E. Main St, Marion	\$1,200.00
Dan & Kim Novak	589 Jappa Rd, Ely	\$1,010.00
Mark A. Banowetz	2105 Dows St., Ely	\$ 755.00
Rasmussen Properties, LLC	PO Box 265, Ely IA	\$1,305.00

Resolution No. 08-1110-41, Accepting Bid and Authorizing Transfer of Title. Winkowski, second by Grove moved to approve Resolution No. 08-1110-43 to accept the bid from Rasmussen Properties, LLC in the amount of \$1,305.00;

Aye: Ballantyne, Mai, Winkowski, Grove

Nay: None

Abstain: Banowetz

Mayor Doyle declared the resolution approved 4 to 0, Banowetz abstaining

Fuhrmeister Street Drainage Improvements Project.

Resolution No. 08-1110-42, Approving Professional Services Agreement with MMS Consultants for Engineering Services. Clerk-Administrator Anderson reported MMS Consultants had submitted a proposal to provide engineering services for the Fuhrmeister Street Drainage Improvements Project at a cost of \$7,300 for Phase 1, and \$7,500 for Phase 2, or a total of \$14,800 if the City Council directs both be performed. Mr. Anderson reported Resolution 08-1110-42 would accept the agreement per the terms listed. Grove, second by Mai, moved to approve Resolution No. 08-1110-42;

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the resolution approved 5 to 0

Request for Final Plat Approval, Serbousek Second Addition - James Serbousek

Resolution No. 08-1110-43, Approving Developers/Subdivider's Agreement for Serbousek Addition to Ely, Linn County, Iowa With James & Lara Serbousek. Mayor Doyle reported a staff drafted a Developer's Agreement regarding Serbousek Second Addition, which was accepted by the Developer. Winkowski, second by Mai, moved to approve Resolution No. 08-1110-43;

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the resolution approved 5 to 0.

Resolution No. 08-1110-38, Approving Final Plat of Serbousek Second Addition to Ely, Linn County, Iowa. Ballantyne, second by Grove, moved to approve Resolution No. 08-1013-38, Approving Final Plat of Serbousek Second Addition to Ely, Linn County, Iowa.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the resolution approved - 5 to 0.

Hoover Trail Extension from Park to Dows Street. City Council discussed a potential application to the Transportation Enhancements Program for a project to extend the Hoover Nature Trail from its planned end point at the Ely City Park with City Administrator Anderson. Topics discussed include estimated cost, possible sources of other grant funds, local match requirements and assuring the City does not inadvertently commit to carrying it out if the application is not successful. Ballantyne, second by Mai, moved to direct Mr. Anderson to proceed with preparing an application to the Transportation Enhancements program, with execution of the project to be fully contingent upon acceptable funding at the City's discretion; motion carried – 5 to 0.

Dows Street Improvement Project

Resolution No. 08-1110-44, Approving Engineering Services Agreement with MMS Consultants for Engineering Services for the Dows Street Improvements Project. Mayor Doyle reported this resolution would accept an agreement for engineering services for the Dows Street Improvement Project at a lump sum fee of \$15,900. Council discussed the matter, including timing, need for the project and options. Winkowski, second by Grove, moved to table the resolution until February 2009;

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

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

Engineer's Report re: Subdrain and Ground Water. City Engineer Cary Solberg presented a report dated October 28 2009 of the findings of his investigation regarding subdrain and ground water conditions in the area of 1960 Dows Street.

Park Development

Resolution No. 08-1110-45, Approving Professional Services Agreement with MMS Consultants for Professional Services. Clerk-Administrator Anderson reported MMS prepared a proposal to provide engineering services for storm water management and site grading to construct a ball diamond, rock surfaced entrance from Hillcrest Street and parking area. Mr. Anderson noted the Parks & Recreation Commission had not specifically reviewed the services agreement. City Council discussed the importance of making sure the appropriate City boards and commissions have the opportunity to review and make recommendations on matters within their purview. Banowetz, second by Grove, moved to table Resolution No. 08-1110-45 for recommendation from Parks & Recreation Commission.

Aye: Ballantyne, Banowetz, Grove

Nay: Mai, Winkowski

Absent: None

Mayor Doyle declared the motion carried - 3 to 2 and the resolution tabled.

Sidewalk Repair & Construction Policy

Resolution No. 08-1110-46, Approving Sidewalk Repair and Construction Policy. Ballantyne, second by Mai, moved to approve Resolution No. 08-1110-46, Approving Sidewalk Repair and Construction Policy;

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the resolution approved - 5 to 0.

Approve Reimbursement for Sidewalk Repairs Under Sidewalk Program. Banowetz, second by Winkowski, moved to reimburse Clary Illian \$315.00 for repair of 180 square feet of sidewalk adjacent to her property at 1695 Dows Street pursuant to the Ely Sidewalk Repair and Replacement Program; motion carried – 5 to 0.

2007 WWTP Improvements Project

Payment Request No. 15, Miron Construction. - 2007 WWTP Project. Ballantyne, second by Mai, moved to approve Payment Request No. 15 from Miron Construction for the 2007 WWTP project in the amount of \$120,335.45; motion carried – 5 to 0.

Resolution No. 08-1013-47, Accepting Final Completion of Contract for Construction of the 2007 Wastewater Treatment Plant Improvements Project. City Engineer Cary Solberg reported construction work under the contract with Miron Construction was complete and recommended the City approve final acceptance of the contract work. Ballantyne, second by Mai, moved to approve Resolution No. 08-1013-47, Accepting Final Completion of Contract for Construction of the 2007 Wastewater Treatment Plant Improvements Project;

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent:

Mayor Doyle declared the motion carried – 5 to 0.

2008 Street Improvements. Banowetz, second by Grove, moved to approve payment to L.L. Pelling Co. for Invoice No. 5054 dated September 30, 2008 in the amount of \$153,765.79 for work completed on the 2008 Street Improvements Project. Motion carried – 5 to 0.

FY 2009-10 Budget

Schedule Workshop Session for 2 and 5-Year Strategic/Capital Improvements Planning. General consensus of the Mayor and City Council to schedule a workshop session for 2 and 5-year strategic and capital improvements planning for 6:00 p.m. Tuesday November 25, 2008 in the Council Chambers at Ely City Hall.

Annual Financial Report for the Fiscal Year ended June 30, 2008. Mai, second by Grove, moved to approve the Annual Financial Report for the Fiscal Year ended June 30, 2008; motion carried – 5 to 0.

Ms Mai left the meeting.

Upgrade of Utility Billing Software. Grove, second by Winkowski, moved to authorize purchase of upgrades to the city's utility billing software from Jayhawk Software to support higher quality bills printing and ACH payments at a price of \$4,570.00, per Jayhawk Software quote #3091; motion carried – 4 to 0.

Water System Improvements Project

Resolution No. 08-1110-48, Authorizing Proposal to Purchase Real Estate as Water Tower Site. Clerk/Administrator reported a verbal response from Glen Buresh that they would now prefer to consider an offer for Ely to purchase a 3-acre parcel rather than the 5-acre parcel Ely offered to purchase in October. This resolution would authorize the Clerk/Administrator to forward a proposal to the Lenore Buresh estate to purchase a 3.2+/- 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 \$27,000.00. Ballantyne, second by Winkowski, moved to approve Resolution No. 08-1110-48, Authorizing Proposal to Purchase Real Estate as Water Tower Site.

Aye: Ballantyne, Banowetz, Grove, Winkowski

Nay: None

Absent: Mai

Mayor Doyle declared the motion carried 4 to 0.

Winkowski, second by Grove, moved to adjourn. Motion carried – 4 to 0. The meeting adjourned at 8:52 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator