

**ELY CITY COUNCIL
REGULAR MEETING
NOVEMBER 12, 2007
ELY CITY COUNCIL CHAMBERS**

Mayor Dale Stanek called the meeting to order at 7:00 p.m. Council members present: Kevin Meskimen, Tom Winkowski, Mark Banowetz, Bob Ballantyne and John Smith. Guests included: Tom Tjelmeland, Jim Miller, Jim Cozzie, Jim Doyle, Vicki Vargason, Luanne Miller, Jim H. Miller, Lauraine Harding, Judy Witt, Bill Grove, Lori Wilcoxson, Kathleen Cross, Stephanie Mai and Louis Stepanek.

Smith, second by Ballantyne, moved to approve the Consent Agenda consisting of:

- Agenda.
- Minutes of the October 8, 2007 regular meeting.
- Treasurers Report for the period ended October 31, 2007
- Bills Payable for November 2007 totaling \$90,774.11.
- Purchase Orders as follows:
 - Municipal Supply – up to \$12,800.00 for rebuilt 5/8” water meters at \$64/unit.
 - Teledyne-Isco – 2 Composite Samplers for WWTP totaling 9,413.34.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended October 31, 2007

	Receipts	Disbursements	Ending Balance
General	\$ 114,228.20	\$ 23,224.56	\$ 346,222.28
Road Use	8,739.43	3,716.60	20,770.49
TIF Fund	69,777.27		323,132.65
Debt Service	27,079.11		32,798.53
Other Projects	700.00	24,552.00	-10,562.45
Library Project			3,169.70
Water Utility	15,502.28	3,961.74	184,410.53
Water/Sewer Reserve			100,000.00
Sewer Utility	268,870.98	253,263.07	239,445.62
Sewer Sinking			0
Sanitary Utility	5,869.31	5,442.39	57,831.96
PR Clearing	6,739.16	6,144.71	286.12
Totals	\$ 517,505.74	\$ 320,305.07	\$ 1,297,505.43

Communications: Sheriff’s Deputy T. Payne presented the Sheriff Office’s Monthly Activity Report. City Council received the monthly report from Public Works Director Ron Stark.

Bob Ballantyne reported receiving communications from residents over the previous weekend regarding poor air quality due to excessive burning. Mr. Ballantyne noted that there was a lot of yard waste burning, but the more significant problem was burning that violated the City’s recent ordinance, and that the Sheriff’s Office had been contacted.

Citizen Requests. Lauraine Harding, proprietor of Stepping Stones Massage Therapy at 1205 State Street, distributed a report she prepared regarding the impact on her business of the closing

of State Street for the bridge replacement project. Ms Harding reported her business experienced a major decline in appointments during the three months of August through October in 2007 compared to 2006. She stated she has prepared a post card to promote that the bridge is done and to encourage return customers, at a cost to her of \$834.64. Ms Harding asked the City Council to authorize the city paying a portion of that cost, to help offset losses in her business. The Council directed this matter to be placed on the agenda for consideration at the December 8, 2007 meeting.

State Street Bridge Replacement Project. Jeff Streitz, project engineer with Shive-Hattery, reported paving is complete and the concrete needs to cure before installation of barrier rail. Mr. Streitz reported PCI, the general contractor, anticipates the bridge being open to traffic Tuesday November 20 or Wednesday November 21. The Mayor and Council discussed this topic with Mr. Streitz and others in attendance; items discussed include reports that business at Casey's Store is down 30%, that T&K Roofing experienced a financial impact due to the bridge being closed, and that residential streets of Rock Island Drive and Pacific Streets bore traffic loads that they were not designed for. Mr. Streitz stated he reviewed the project schedule and found eleven (11) days that Shive-Hattery could be responsible for delays in project work, and stated that Shive-Hattery would be willing to pay the liquidated damages for those days.

Project Invoice No. 2, Peterson Contractors Inc. – 2007 State Street Bridge Project. Project Engineer Jeff Streitz reported he had reviewed project invoice number 2 and found it to be in order. Ballantyne, second by Smith, moved to approve payment of Project Invoice #2 in the amount of \$67,656.00 to Peterson Contractors Inc., for the 2007 State Street Bridge Project. Motion carried – 5 to 0.

Proposed Ordinance No. 200, An Ordinance to Require Installation of Sidewalks When Building Permit Requested for Work Estimated to Value \$10,000 or More.

Third Reading of Proposed Ordinance No. 200. Banowetz, second by Winkowski, moved to approve the third reading of Ordinance No. 200, “An Ordinance to Require Installation of Sidewalks When Building Permit Requested for Work Estimated to Value \$10,000 or More”.

Aye: Meskimen, Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: none

Motion carried – 5 to 0.

Final Adoption of Proposed Ordinance No. 200. The Mayor and City Council discussed the proposed ordinance among themselves and with the audience. Items discussed include objections presented by Tom Tjelmeland, repair and maintenance of existing sidewalks and aspects of the overall Ely sidewalk policy. Winkowski, second by Ballantyne, moved to approve final adoption of Ordinance No. 200, “An Ordinance to Require Installation of Sidewalks When Building Permit Requested for Work Estimated to Value \$10,000 or More”.

Aye: Meskimen, Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: none

Motion carried – 5 to 0.

Hillcrest/Highland Storm Sewer Project.

Schedule Public Hearing re: Application to CDBG Program. Meskimen, second by Winkowski, moved to schedule a public hearing regarding an application to the Iowa Community Betterment Block Grant (CDBG) program for the Hillcrest/Highland Storm Sewer Project for 7:00 p.m., December 10, 2007. Motion carried – 5 to 0.

2007 Wastewater Treatment Plant Improvements Project.

Payment Application #9, Miron Construction Inc. – 2007 WWTP Project. Ballantyne, second by Winkowski, moved to approve payment of Payment Application #9 in the amount of \$172,271.10 to Miron Construction for the 2007 Wastewater Treatment Plant Improvements Project. Motion carried – 5 to 0.

Resolutions No. 07-1112-49, 07-1112-49a & 07-1112-49b Approving Change Orders No. 6, 7 & 8 to Contract with Miron Construction, Inc. Ballantyne, second by Smith, moved to approve Resolutions No. 07-1112-49, 07-1112-49a & 07-1112-49b.

Aye: Meskimen, Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: none

Motion carried – 5 to 0.

Rogers Creek Trunk Project.

Resolution No. 07-1112-50, Approving Terms of Easements Granted for Rogers Creek Trunk Project and Accepting Same. Banowetz, second by Ballantyne moved to approve Resolution No. 07-1112-50, Approving Terms of Easements Granted for Rogers Creek Trunk Project and Accepting Same.

Aye: Meskimen, Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: none

Motion carried – 5 to 0.

Resolution No. 07-1008-42, Approving Construction Contract and Performance Bond, Maxwell Construction. This resolution would give final approval of the construction contract for the with Maxwell Construction, Inc of Iowa City Iowa to perform the Rogers Creek Trunk Project for the amount of \$381,463.70 and Performance and Payment Bonds in the same amount. Banowetz, second by Meskimen, moved to approve Resolution No. 07-1112-42.

Aye: Meskimen, Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: none

Motion carried – 5 to 0.

Approval of Form of Tax Exemption Certificate - \$470,000 Sewer Revenue Capital Loan Notes. Meskimen, second by Ballantyne, moved to approve the Form of Tax Exemption Certificate for \$470,000 Sewer Revenue Capital Loan Notes for the Rogers Creek Trunk project as prepared by Bond Counsel Eric Boehlert, of Ahlers & Cooney. Motion carried – 5 to 0.

Resolution No. 07-1112-43, Approving and Authorizing form of Loan and Disbursement Agreement by and between City of Ely, Iowa Finance Authority, Iowa Department of Natural Resources and Wells Fargo Bank for Issuance and Payment of \$470,000 Sewer Revenue Capital Loan Notes. Banowetz, second by Ballantyne, moved to approve Resolution No. 07-1112-43 as prepared by Bond Counsel Eric Boehlert, of Ahlers & Cooney.

Aye: Meskimen, Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: none

Motion carried – 5 to 0.

Proposed Edellen Meadows Subdivision, Requests for Re-Zoning and Preliminary Plat.

Referral of Request to Re-Zone portion of Parcel from R-1 Single Family Residential to R-2 Multi-Family Residential to Ely Plan and Zoning Commission. Smith, second by Winkowski, moved to refer a request from Edellen Meadows Development LLC to re-zone roughly a 20.78+/- acre parcel included within the proposed Edellen Meadows Development subdivision from R-1 Single Family to R-2 Multi-Family Residential to the Ely Plan and Zoning Commission. Motion carried – 5 to 0.

Schedule Public Hearing re: Request to Re-Zone Portion of Parcel from R-1 to R-2.

Winkowski, second by Smith, moved to schedule a public hearing regarding a request to re-zone the parcel identified above from R-1 to R-2 for 7:00 p.m., December 10, 2007. Motion carried – 5 to 0.

Annual City Financial Report & Auditor's Report for Period Ended June 30, 2007.

Ballantyne, second by Smith, moved to approve the Annual City Financial Report and Auditor's Report for the Period Ended June 30, 2007. Motion carried – 5 to 0.

Resolution No. 07-1112-51, Authorizing Delinquent Utility Accounts to be Assessed to Property Taxes. Meskimen, second by Banowetz, moved to approve Resolution No. 07-1112-51.

Aye: Meskimen, Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: none

Motion carried – 5 to 0.

Discussion Items – none.

Winkowski, second by Smith, moved to adjourn. Motion carried – 5 to 0. The meeting adjourned at 8:02 p.m.

Dale Stanek, Mayor

Attest: _____
Aaron Anderson, Clerk/Administrator