

**ELY CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 14, 2011  
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Dale Stanek, Bill Grove, Stephanie Mai, Kay Hale, and Bob Ballantyne. Also present: Jim Miller, Marie Miller, Aubrey Schneekloth, Jeff Hilleman, Christian Larson, Kevin LeCaptain, Adaly Shaw, Kathleen & Mark Banowetz, Tom Tjelmeland, Terry Smith, Keith Schulte, Jameson Billick, Brad Mahoney, Greg Mahoney, City Engineer Scott Pottorf and Clerk-Administrator Aaron Anderson.

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

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

- Agenda.
- Minutes of the October 10, 2011 regular City Council meeting.
- Treasurers Report for the period ended October 31, 2011.
- Bills Payable for November 2011, totaling \$106,151.47.
- Resignation of Chuck Stockdale from the Plan and Zoning Commission effective January 1, 2012, with regret and appreciation for his service to Ely.

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended October 31, 2011

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 184,679.85	\$ 35,175.34		\$ 710,844.69
Road Use	13,025.71	19,775.04		35,129.21
L O S T	20,008.78			92,459.51
TIF Fund	71,268.44			112,294.06
Debt Service				-270,400.95
Other Projects		95,398.22		900,382.43
Library Project				2,749.22
Way Point Sign		19,304.50		-7,510.22
North End Infra				-28,939.93
Water Utility	69,803.40	67,491.48		244,786.53
Water/Sewer Reserve				100,000.00
Sewer Utility	45,742.68	8,984.57		128,875.60
Sewer Debt Service				-85,768.76
Sanitary Utility	6,783.76	6,369.76		43,380.88
Farmers Market	802.00	810.90		707.10
PR Clearing	9,989.91	17,454.70		-438.65
Totals	\$ 422,104.53	\$ 270,764.51		\$ 1,977,950.72

**Communications:** Linn County Deputy Johnson presented the Sheriff's Department monthly activity report.

**Citizen Requests.** Jim Miller congratulated the candidates for City office who were elected on November 8; and asked if the winner of the third City Council position was known. Mayor Doyle reported Linn County Election services had not completed counting write-in votes.

**Request to Vacate 17-Foot of Right-of-Way on West Side of State Street Adjacent to 1275 State Street, T&K Development -Tom Tjelmeland.** Mayor Doyle and City Council discussed this request with Tom Tjelmeland. Items discussed include, but are not limited to, that Ely has not seen a general development plan for the property at 1275 State St., Planning and Zoning Commission review and recommendation to allow vacate of 17 feet on the west side, and that City Engineer reports sufficient right of way would remain for a three-lane configuration if 17 feet of right of way on the west side of State Street is vacated as requested.

**Direct City Engineer to Design and Prepare Plats of Survey.** Mai moved to direct the City Engineer to prepare Plat of Survey of the right of way requested to be vacated, subject to T&K Development, the party requesting the vacation, paying the cost of said Plat of Survey, second by Hale. Motion passed 3 – 2; Ballantyne and Grove opposed.

**Schedule Public Hearing re: Request to Vacate 17-Foot of Right-of-Way on West Side of State Street Adjacent to 1275 State Street.** Mai moved to schedule a public hearing regarding this request to vacate 17-feet of right of way adjacent to 1275 State Street for 7:00 p.m. December 12, 2011, second by Stanek. Motion carried – 5 to 0.

**Resolution No. 11-1114-73 - Transferring Ownership of Parcels of Land Vacated by Resolution in 2004 but not Transferred to Adjacent Property Owners.** Mayor Doyle reported this resolution completes a process begun in 2003 to vacate and transfer ownership of right of way associated with a correction along State Street south of Rogers Creek by Linn County by directing transfer of the vacated land to the owners of adjacent property. Tom Tjelmeland asked that the record include clarification that this matter is not related to T&K Development's request to vacate right of way because this item does not benefit T&K Roofing or T&K Development. Stanek moved to approve Resolution No. 11-1114-73, second by Ballantyne.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

#### **Downtown Dows Street Streetscape Project**

**Resolution No. 11-1114-74, Change Order No. 7.** Mayor Doyle reported Change Order No. 7 under the contract with Rathje Construction is for extra work to install additional wiring on the decorative lights needed for holiday lights, at additional cost of \$4,683.25. Stanek moved to approve Resolution No. 11-1114-74, second by Hale.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

**Resolution No. 11-1114-75, Change Order No. 8.** Mayor Doyle reported Change Order No. 8 under the contract with Rathje Construction is for additional work to relocate a water service line that serves 1550 Dows Street so the service connects to the new main on Dows Street instead of the existing location on State Street at additional cost of \$5,636.81. He noted the service pipe was the black plastic product that was a concern on Vavra Drive. Mai moved to approve Resolution No. 11-1114-75, second by Ballantyne.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

**Resolution No. 11-1114-76, Change Order No. 9.** Mayor Doyle reported Change Order No. 9 under the contract with Rathje Construction is for additional work to connect downspouts from the Ely Public Library to the storm sewer system along Dows Street at additional cost of \$1,018.91. Stanek moved to approve Resolution No. 11-1114-76, second by Grove.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

**Resolution No. 11-1114-77, Change Order No. 10.** Mayor Doyle reported Change Order No. 10 under the contract with Rathje Construction is for additional work to correct the threshold for “Lacey’s Barber Shop” at 1580 Dows Street so the deck and threshold are level at additional cost of \$618.00. Stanek moved to approve Resolution No. 11-1114-77, second by Mai.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

**Resolution No. 11-1114-78, Change Order No. 11.** Mayor Doyle reported Change Order No. 11 under the contract with Rathje Construction is for additional work to install brackets to allow co-location of street name signs above stop or other traffic control signs in the Dows Streetscape area at additional cost of \$410.40. Mai moved to approve Resolution No, 11-1114-78, second by Hale.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

**Resolution No. 11-1114-79, Change Order No. 12.** Mayor Doyle reported Change Order No. 12 under the contract with Rathje Construction is for additional work to install handrails of same design as installed for Post Office per ADA standards at 1640 Dows St and 1648 Dows Streets at additional cost of \$1,281.50. Stanek moved to approve Resolution No, 11-1114-79, second by Mai.

Aye: Ballantyne, Mai, Hale, Grove, Stanek  
Nay:  
Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

**Resolution No. 11-1114-80, Change Order No. 13.** City Engineer Scott Pottorf reported he anticipated presenting a request for this change order, but it is not ready.

**Payment Request No. 4, Rathje Construction.** Stanek moved to approve Payment Request No. 4 from Rathje Construction, in the amount of \$267,902.08 for work completed through November 8, 2011; second by Hale. Motion carried – 5 to 0.

**Payment Request, Van Meter Industrial – Decorative Lights, Poles & Fixtures.** Stanek moved to approve Payment Request in the amount of \$54,507.47 from Van Meter Industrial for the decorative streetlights and fixtures per their competitive quote; second by Mai. Motion carried – 5 to 0.

City Engineer Scott Pottorf reported Rathje Construction requests the city to consider placing sod instead of seeding at the locations called for in the plans at estimated cost increase of \$2,000. Mr. Pottorf suggested removing restoration for these areas from the contract with Rathje and bringing in a contractor to finish restoration in spring of 2012. City Council directed Mr. Pottorf to proceed to remove remaining surface restoration from contract with Rathje Construction, with this work to be conducted under separate contract in spring 2012.

#### **Downtown Dows Street – Parking**

**Resolution No. 11-1114-81, Offer to Purchase Real Estate at 1535 Main Street.** Mayor Doyle reported Mark and Lori Huenefeld accepted an offer from the City for Ely to purchase their property at 1535 Main Street, including the land and all buildings, for \$72,000 with the City to pay closing costs routinely paid by the seller which are estimated at \$1,800.00. He noted the City Council's stated intent to use this property for additional parking for downtown Dows Street. Mayor Doyle reported this resolution formally validates Ely's offer to purchase; subject to Mr. and Mrs. Huenefeld written acceptance of the offer. Mai moved to approve Resolution No. 11-1114-81, second by Ballantyne.

Aye: Ballantyne, Mai, Hale, Grove, Stanek  
Nay:  
Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

The consensus of Mayor and City Council is that this qualifies to be paid for with Local Option Sales Tax proceeds as a "Community Improvement Project" per Resolution No. 09-0202-06 and Resolution No. 11-0214-07.

**Direct City Engineer to Prepare Layout and Cost Estimate for Parking Lot.** Stanek moved to direct the City Engineer to prepare layout and cost estimate for a parking lot at

1535 Main Street, including spaces for bicycles, and to present a cost for engineering services, second by Mai. Motion carried – 5 to 0.

#### **New One Side of Street Parking Locations.**

**Second Reading of Ordinance No. 228.** Stanek moved to approve the second reading of Ordinance No. 228, “Establishing One-Side of Street Only Parking at Specified Locations”, second by Mai.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried, and the second reading approved – 5 to 0.

#### **Ordinance to Establish Storm Water Management District and Storm Water Management Utility.**

**Second Reading of Ordinance No. 229.** Stanek moved to approve the second reading of Ordinance No. 229, “Enacting a Storm Water Management District and Storm Water Management Utility”; second by Hale.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle declared the motion carried, and the second reading approved – 5 to 0.

Ballantyne moved to waive the third reading of Ordinance No. 229, per Section 380.3 Code of Iowa; second by Hale.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle declared the motion carried, and the requirement to waive third reading approved – 5 to 0.

Stanek moved for final approval and enactment of Ordinance No. 229, “Enacting a Storm Water Management District and Storm Water Management Utility”, second by Ballantyne.

Aye: Stanek Grove, Hale, Mai, Ballantyne

Nay:

Absent:

Mayor Doyle declared the motion carried, and the ordinance duly approved and adopted - 5 to 0.

**Designate Ely Halloween Trick-or-Treat Hours.** Grove moved to designate 5:30 p.m. through 8:00 p.m. on October 31 as “Trick-or-Treat Hours” in Ely, second by Hale. Motion carried – 5 to 0.

#### **2011 Hillcrest Street Improvements Project**

**Request for Final Acceptance of Work.** City Engineer Scott Pottorf reported all work for the 2011 Hillcrest Street Improvements included in the contract with Dave Schmitt Construction, including replacement of a section of new sidewalk that cracked, is complete;

lien waiver from Dave Schmitt Construction received, but not from subcontractors. Mr. Pottorf recommended final acceptance of the work under the contract, subject to not releasing final payment to Dave Schmitt Construction until lien waivers from all subcontractors are on file.

Stanek moved final acceptance of the work performed for the 2011 Hillcrest Street Improvements Project under the city's contract with Dave Schmitt Construction; and to approve final payment of the amount of \$17,744.68, including release of retainage, to Dave Schmitt Construction subject to the check not being released until all lien waivers are on file; second by Ballantyne. Motion carried – 5 to 0.

### **2011 Water Tower Improvements Project**

**Payment Request No. 7 “Contract A”, Phoenix Fabricators.** Stanek moved to approve Payment Request No.7 in the amount of \$46,740.00 from Phoenix Fabricators for work completed through October 31, 2011 under “Contract A” of the 2011 Water Tower Improvements Project; second by Mai. Motion carried – 5 to 0.

**Resolution No. 11-1114-82, Change Order No. 1 to Contract “D” with Northway Well & Pump.** Mayor Doyle reported Change Order No. 1 under Contract “D” is for additional work to raise the wellhead for Well #2 as called for by the IDNR after the most recent “Sanitary Survey” of Ely's water facilities at additional cost of \$2,475.00. Stanek moved to approve Resolution No. 11-1114-82, second by Grove.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

**Resolution No. 11-1114-83, Accepting Extended Warranty on VFD Pumps for Well Upgrade.** City Administrator Anderson reported the contract for well improvements included an alternate for extended warranty for the new variable frequency drive (VFD) pumps, and recommended accepting the “Drive Pro Pro-Tection” extended warranty on Variable Frequency Drives which covers damage from lightning strikes and other line anomalies at total cost of \$3,600.00. Ballantyne moved to approve Resolution No. 11-1114-83, second by Hale.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

### **Public Works – Streets, Water, Sewer & Equipment**

**Pressure Reducing Valve (PRV) Policy re: Reimbursing Residents for PRV's Installed Prior to Announcement of City Policy to Provide Standard PRV's.** Stanek moved to revise the PRV Policy to authorize reimbursing \$75.43 to residents/water customers who installed a PRV between April 2010 and August 2011; customers seeking reimbursement need to provide an invoice/receipt that shows date of purchase or installation; second by Grove. Motion carried – 5 to 0.

**Emergency Alert Sirens**

**Resolution No. 11-1114-84, Accepting Siren Maintenance Agreement.** City Administrator Anderson reported this resolution accepts an agreement with Greif Electric, of Vinton Iowa, for twice per year inspection and maintenance of the emergency alert siren. Grove moved to approve Resolution No. 11-1114-84, second by Mai.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution passed – 5 to 0.

**Extension of Water Main to 1070 State Street, and Assessment of Cost to Property Owner.**

Mayor Doyle and the City Council discussed this matter with Brad Mahoney and Greg Mahoney, owners of the property under discussion. Mayor and City Council directed City Administrator Anderson to work with Brad and Greg Mahoney to draft a deed restriction to require the property owners to pay cost of installation of water and sanitary mains adjacent to and generally described as Parcels A and B of Plat of Survey No. 1603 in the City of Ely, Linn County, Iowa.

**Resolution No. 11-1114-85, Preliminary Resolution Regarding Extension of Water Main to the South End of the Property at 1070 State Street and Assessment of Cost to Benefited Properties.** Ballantyne moved to table Resolution No. 11-1114-85, second by Hale.

Aye: Ballantyne, Mai, Hale, Grove, Stanek

Nay:

Absent:

Mayor Doyle determined the motion carried and resolution tabled – 5 to 0.

**Discussion Items**

Hale moved to adjourn, second by Mai; motion carried – 5 to 0. The meeting adjourned at 8:38 p.m.

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James E. Doyle Jr., Mayor

Attest:

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Aaron Anderson, Clerk/Administrator