

**ELY CITY COUNCIL
REGULAR MEETING
DECEMBER 8, 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: Adam Smith, Aaron Cooper and Dave Rasmussen. Also present: City Engineer Cary Solberg and Clerk-Administrator Aaron Anderson.

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

- Agenda.
- Minutes of the November 10, 2008 regular meeting.
- Minutes of the November 25, 2008 workshop meeting.
- Treasurers Report for the period ended November 30, 2008.
- Bills Payable for December 2008 totaling \$96,625.08.
- Renewal of Class C Liquor with Sunday Sales and Outdoor Service Area privileges for Odie’s Bar n Grill, 1650 Dows Street.

Motion carried – 5 to 0.

Treasurer’s Report (summary) for the period ended November 30, 2008

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 146,730.33	\$ 25,349.02		\$ 455,799.95
Road Use	9,261.75	5,195.39		14,225.30
TIF Fund	83,524.64			398,191.88
Debt Service	32,539.92	16,321.25		24,715.04
Other Projects	465.00			-85,963.85
Library Project				3,169.70
North End Infra		154,747.79		-165,103.27
Water Utility	13,917.26	15,750.10		274,491.06
Water/Sewer Reserve				100,000.00
Sewer Utility	23,633.50	10,129.52		148,477.05
Sewer Debt Service				-255.40
Sanitary Utility	4,586.86	7,164.61		49,614.10
PR Clearing	7,459.23	6,781.34		2,181.05
Totals	\$ 322,118.49	\$ 241,439.02		\$1,219,542.61

Communications: Mayor Doyle reported receiving the following communications: Public Works Director’s Monthly Report. Linn County Deputy presented the Sheriff’s Office’s Monthly Activity Report.

Citizen Requests. None

Report re: Status of Merry Hill Lane as Private or Public Street. Clerk-Administrator Anderson reported City Attorney Hatala reviewed available information regarding the status of Merryhill Lane and found that it was platted as a private street and has not been dedicated to, or accepted as a public street by, the City of Ely. It was the general consensus of the City Council to accept Mr. Hatala’s opinion and verify that city resources should not go to maintenance or

snow removal of private streets. City Council directed Clerk-Administrator Anderson to notify property owners on Merryhill Lane of this finding, and to advise them the City may consider accepting it as a public street if it were brought up to acceptable level at no cost to the city.

2 & 5-Year Capital Improvements and Program Plan. Clerk-Administrator Anderson presented a draft of a plan for capital improvements and projects to be undertaken in 2 and 5-year time frames, based on the November 25, 2008 workshop meeting. Mai, second by Ballantyne, moved to approve the 2 & 5-Year Capital Improvements and Program Plan as presented. Motion carried – 5 to 0.

Ely Hoover Trail Extension Project from Park To Rowley Street. Mayor Doyle reported extending the Hoover Nature Trail from where it is currently planned to end at the new Ely City Park to the intersection of Rowley and State Streets appears on the 2 & 5-year plan, with preliminary cost estimated at \$396,900. Mayor Doyle stated the project would be eligible for a grant through the “Region 10 Regional Enhancements Fund”. He noted Resolution No. 08-1210-49 would authorize an application for a grant of \$297,675, or 75% of the estimated project total, from the Enhancements Fund; and would not commit Ely to conducting the project or providing matching funds until the City Council takes formal action to accept grant funds.

Resolution No. 08-1210-49, Approving Application and Committing Local Match Contingent Upon Award of Grant and Acceptance of Grant Funds. Ballantyne, second by Banowetz, moved to approve Resolution No. 08-1210-49, Approving Application and Committing Local Match Contingent Upon Award of Grant and Acceptance of Grant Funds.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the resolution approved - 5 to 0

Resolution No. 08-1208-45, Approving Professional Services Agreement with MMS Consultants for Engineering Services for Phase 1 of Park Development. Mayor Doyle reported the Park & Recreation Commission recommends approving a contract for MMS Consultants to provide engineering services to prepare a grading and improvements plan as needed to construct a ball field and rock surfaced entry off Hillcrest Street and parking area at lump sum fee of \$9,800.00. Mai, second by Ballantyne, moved to approve Resolution No. 08-1208-45, Approving Professional Services Agreement with MMS Consultants for Engineering Services for Phase 1 of Park Development.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the resolution approved - 5 to 0

2007 WWTP Improvements Project

Payment Request No. 17 & Authorize Release of Retainage, Miron Construction. - 2007 WWTP Project. Ballantyne, second by Grove, moved to approve Payment Request No. 17 in the amount of \$800.00 and release of retainage to Miron Construction for completion of work on the 2007 WWTP Improvements Project. Motion carried – 5 to 0.

Payment of L.L. Pelling Co., Invoice No, 5403 for WWTP Lane Resurfacing. Banowetz, second by Mai, moved to approve payment of L.L. Pelling Co. invoice number 5403 in the amount of \$41,769.48 for work completed on the WWTP Lane Resurfacing project. Motion carried – 5 to 0.

Sanitary Sewer User Fee

Report re: Sanitary Sewer Fee and Requirements for Debt Service – City Administrator. City Administrator Anderson presented a report showing debt service costs from the 2007 WWTP Construction and Rogers Creek Trunk projects, operating costs for the sanitary sewer utility and revenue sources to meet operating and debt service costs. Mr. Anderson also reported options to increase sanitary sewer fees to meet debt obligations. The City Council discussed this report with Mr. Anderson, it was the general consensus of the City Council to consider increasing minimum sewer fees by \$2.00/month and to consider increasing the use rate for usage greater than 3,000 gallons per month by \$1.50 for every 1,000 gallons used.

Schedule Public Hearing re: Ordinance to Revise Sanitary Sewer User Fees. Banowetz, second by Ballantyne, moved to schedule a public hearing for 7:00 p.m. January 12, 2009 to consider an ordinance that would increase minimum sewer fees by \$2.00/month and use rate for usage greater than 3,000 gallons per month by \$1.50 for every 1,000 gallons used. Motion carried – 5 to 0.

Water System Improvements Project. Clerk-Administrator Anderson reported that Mr. Buresh had mailed a response, but it had not been received at City Hall.

Rogers Creek Trunk Project. City Engineer Cary Solberg reported Maxwell Construction seeks to have final acceptance on pipe work for the Rogers Creek Trunk project and enter into a separate contract to finish restoration work, subject to the same terms, specifications and item costs as bid and contracted for this project. Clerk-Administrator Anderson reported the change order would decrease the value of the existing contract with Maxwell Construction by \$5,750 to reflect site restoration that would be removed from this contract. This work would be covered by the new contract referred to in Resolution No. 08-1208-53.

Resolution No. 08-1208-51, Accepting Change Order to Contract with Maxwell Construction. Banowetz, second by Ballantyne, moved to approve Resolution No. 08-1208-51.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the resolution approved - 5 to 0

Payment Request for Work Completed through November 30, 2008, Maxwell Construction. Mai, second by Banowetz, moved to approve a payment request from Maxwell Construction in the amount of \$31,767.50, of which \$19,199.00 will be held as

retainage for 30 days, for work completed through November 30, 2008. Motion carried – 5 to 0.

Resolution No. 08-1208-52, Final Acceptance of Contract Work for Construction of the Rogers Creek Trunk Project. Banowetz, second by Grove, moved to approve Resolution No. 08-1208-52, Final Acceptance of Contract Work for Construction of the Rogers Creek Trunk Project.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the resolution approved - 5 to 0

Resolution No. 08-1208-53, Accepting Contract with Maxwell Construction to Complete Site Restoration Work for Rogers Creek Trunk Project. Ballantyne, second by Grove, moved to approve Resolution No. 08-1208-53, Accepting Contract with Maxwell Construction to Complete Site Restoration Work for Rogers Creek Trunk Project.

Aye: Ballantyne, Mai, Banowetz, Grove, Winkowski

Nay: None

Absent: None

Mayor Doyle declared the resolution approved - 5 to 0

Banowetz, second by Grove, moved to adjourn. Motion carried – 5 to 0. The meeting adjourned at 8:11 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator