

**ELY CITY COUNCIL
REGULAR MEETING
DECEMBER 8, 2014
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, Dave Rasmussen, and Bob Ballantyne. Also present: Marv Peters, Jim Miller, Hannah Thurston, DJ Wacker, Scott Knies, Karen Crutchly, Tom Rohner, Elizabeth Rohner, Ruth Rohner, John Parthemore, Ed Mertens, Kailee Evans, Hannah Halstead, Terry Smith, Jeff Hilleman, Sarah Sellon, Ken Snyder, 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 who introduced Ed Mertens to the Ely City Council. Mr. Peters reported Mr. Mertens attended Iowa State until being drafted into the Army in 1969; Mr. Mertens was assigned to basic training at Ft. Polk, and served in Vietnam with the 11th Bravo, 199th Infantry Brigade. Mr. Peters reported Mr. Mertens was a radio operator and Advanced to company commander's radio operator. Mr. Peters noted the 199th Infantry Brigade received numerous citations and commendations as a unit for service during the Vietnam War, including one Air Medal, Combat Infantry Badge, Combat Service Medal and Vietnam Service Medal. Mr. Mertens returned to the US after serving sixteen months in Vietnam and is now the owner/operator of Quizno's in Iowa City. Mayor Doyle and the City Council recognized Mr. Mertens and expressed their appreciation for his service to the nation.

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

- Agenda, as presented.
- Minutes of the November 10, 2014 regular meeting.
- Treasurer's Report for the period ended November 30, 2014
- Bills Payable including debt service payments for December 2014 totaling \$130,126.85
- Renewal of Class C Liquor with Sunday Sales and Outdoor Service Area Privileges for Odie's at 1650 Dows Street.
- Recommendation that Linn County Soil and Water Conservation District renew Property Tax Exemption under the Iowa Slough Bill for property owned by Jim Miller at 1200 Vista Road.

Motion carried – 5 to 0.

Treasurer's Report (summary) for the period ended November 30, 2014

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 43,585.02	\$64,549.81		\$ 693,050.90
Road Use	15,225.72	35,275.18		5,146.17
L O S T	25,704.20			242,590.55
TIF Fund	11,809.34			156,472.43
Debt Service		94,677.43		8,037.95
Other Projects				827,274.54
Library Project				-64.23

Way Point Sign				-25,056.70
North End Infra				-25,589.93
Water Utility	17,315.64	27,096.39		288,497.91
Water/Sewer Reserve	5,888.34			144,466.46
Sewer Utility	26,450.89	39,444.44		47,475.43
Sewer Debt Service	11,788.34			77,086.20
Sanitary Utility	6,381.48	6,966.07		32,189.89
Storm Water	48.00			453.13
Farmers Market				1,220.79
PR Clearing	12,644.76	16,817.52		2,264.39
Totals	\$ 176,841.73	\$ 282,826.84		\$ 2,475,506.85

Communications. Library Director Sarah Sellon presented a report on activities at the Ely Public Library. Linn County Deputy J. LaMere distributed the monthly Sheriff's Office Activity Report.

Citizen Requests. DJ Wacker and Hannah Thurston stated they would like to have an upscale venue/banquet center in the general area, and found the land on Rogers Creek Rd owned by Sun Development that would be a good location. Mr. Wacker noted that the facility would be similar to "Celebration Farm" by Solon, and that their goal is to be near Ely. Mr. Wacker noted that it may be desirable to pave Rogers Creek Road further east, and that they know water and sanitary sewer can be extended for the property. He stated they are interested in the full 56 acre parcel, though they may use some of the parcel in other ways. Mayor and City Council discussed the matter with Mr. Wacker and Ms Thurston. They asked the Mayor and City Council if this idea and type of facility would be welcome in Ely; the consensus response was that it would be. They stated their goal is to have the facility up and running by spring of 2016.

Ely City Park Improvements Project.

Project Status Report. Clerk-Administrator Anderson reported the building is enclosed and weather-proof, roof nearly complete and electrical work in progress. Dave Rasmussen reported electricity is turned on to the building. Mr. Anderson noted final grading and seeding will be performed in spring, 2015.

Application for Payment No. 4, Seydel Construction. Ballantyne moved to approve Partial Payment No. 5 to Seydel Construction for the amount of \$80,558.68 under the Ely City Park Improvement project, second by Rasmussen. Motion carried – 5 to 0.

Hoover Trail from Ely Community Center to Johnson County

Resolution No. 14-1208-53, Authorizing Application to Corridor Metropolitan Planning Organization for Regional Transportation Funds and Committing to Provide Local Matching Funds Contingent Upon Award and Acceptance of Transportation Grant Funds. Clerk/Administrator Anderson reported Linn County Conservation seeks to apply to the Corridor MPO for funds to construct the segment of the Hoover Trail from the Ely Community Center to the Linn/Johnson County line, that if successful funds would be available beginning October 2016, that Linn County Conservation seeks to have the money available to pay for trail related right-of-way work performed under the County Secondary Road Department's Ely Road White Topping project in October 2016. Terry Smith asked for

contact information regarding the grant program; and stated an avid bicyclist told him bicyclists would avoid a section that crosses driveways and stated concerns that safety issues were not duly considered. Stephanie Mehmen asked if Johnson County has determined their route yet. Brandon White, Corridor MPO Multi-Modal planner, stated the final decision is still in progress, and that Johnson County will connect at the Seven Sisters Road terminus.

Ballantyne moved to approve Resolution No. 14-1208-53, Authorizing Application to Corridor Metropolitan Planning Organization for Regional Transportation Funds and Committing to Provide Local Matching Funds Contingent Upon Award and Acceptance of Transportation Grant Funds, second by Rasmussen.

Aye: Grove, Hale, Rasmussen, Ballantyne

Nay: Mehmen

Absent: None

Mayor Doyle declared the motion carried and resolution approved – 4 to 1, Mehmen opposed.

Special Events Ordinance – Ordinance No. 239

Public Hearing re: Proposed Ordinance No. 239, Special Events Ordinance. Mehmen moved to open a public hearing re: proposed Ordinance No. 239, Special Events Ordinance, at 7:37 p.m., second by Ballantyne. Mayor Doyle declared the public hearing open at 7:37 p.m. Clerk/Administrator Anderson reported notice was published in the Cedar Rapids Gazette and posted as required. Mayor Doyle reported three comments were received via email, two of which opposed the ordinance and/or the requirement for music to end by 11:00 p.m., the third stated that they do not hear music but others might. He stated he thought it a good idea to have an ordinance on the topic. Kay Hale stated some of it is because of unapproved merchants at Fall Fest. Mayor Doyle asked for comments from the public.

Tom Rohner asked where the 11:00 p.m. music end time came from. Mayor Doyle stated there has been discussion about what the best time is for music to end for events in the downtown area. Mr. Rohner asked why 11:00 p.m. when all other events have ended at midnight which has been working well, so why trying to change to 11:00 p.m. now when midnight seems to have worked for the majority of people. Mayor Doyle stated City Council it was the outcome after discussion at the three previous City Council meetings and that the City Council was split on the matter. Mr. Doyle noted in the ordinance 11:00 is the default, but City Council has discretion. Mr. Rohner asked why have the discretion to allow a later time and then the person is always going to have City Council every time.

Terry Smith stated it does not affect him directly but you never know what might come in the future and that the ordinance might cause businesses and events not to come to Ely. He stated this kind of change could destroy the various entities that sponsor events like this.

A gentleman stated they shut down the Fire Department event early in 2013 and received a lot of disapproval and lost revenue because of ending early, so intentionally went until midnight in 2014. They heard from a lot of people that ending at midnight is the proper time; a lot of people attend other events then arrive at the Fire Department event to end their night. He stated the Fire Department would prefer that music end at midnight, and that they have a lot of support for that.

Tom Rohner stated the peak arrival time for events like this is 10:00 p.m. and later, that most people arrive between 10:00 p.m. and 11:00 p.m. He stated nobody wants to come to

an event until later hours, even if the event starts early in the day. Mr. Rohner stated he spends \$8,000 just to host events, the hour between 11 pm and midnight makes a lot of difference for their bottom line and the number of people who attend.

Stephanie Mehmen stated she agrees with Mr. Rohner, Fall Fest is a lot of work too and it is important that it run long enough for people to enjoy. Tom Rohner stated they get a lot of comments that local people enjoy the opportunity to stay in town and enjoy an event like Odie's hosts.

Dave Rasmussen stated he would prefer to not set a time music has to stop and deal with it on a case by case basis. He stated activities run well, and that there was a lot of motivation when Fall Fest started to have more special outdoor/community events like this. Jeff Hilleman stated to look at attendance and people who attend until the end.

Kay Hale asked what Mr. Rasmussen is saying, are you saying there should not be an end time at all. Mr. Rasmussen replied he would prefer the applicant tell on the application what they propose, and let Council decide on a case by case basis. There may be some midnight run or something similar that we don't know what is coming, we can achieve what we need with items like insurances and so forth, but why limit ourselves in this way.

A lady stated it is not like the cops are being called 24/7 on events like this.

Dave Rasmussen stated that back when he was serving on committees to get Fall Fest going and so forth the discussion was that we need more events like this; we didn't have events like the Fire Department party in the backyard and others. He stated it was the consensus at that time that the community needed these kinds of community events, why limit ourselves this way. Stephanie Mehmen stated she agrees, and noted it is not like the events are centered on alcohol, she sees people of every age there dancing. Tom Rohner stated he would like to see the City Council members at the events. Kay Hale stated she does not go because she drives school bus and doesn't believe parents want to see her drinking, that's just her personal opinion.

Jeff Hilleman noted attendance at events, see how many people participate and stay until the end. He also noted Odie's has sponsored Fall Fest over the last few year at \$2,000, plus sponsoring baseball the last few years, though if events are shortened that last hour helps support sponsorships and Fall Fest. Mr. Hilleman stated he believes the ordinance can be a good idea, but it would be better to determine ending time for events on an event by event basis just not box ourselves in for the future. Mr. Rohner stated in the ten years he's been here there has not been any incidents; we provide police and most people ask why there aren't more events like it.

Bill Grove stated that if we have problems in the future we can address them then. Dave Rasmussen stated we would probably get complaints if loud music was being played in the afternoon.

Ken Snyder stated the way speakers are set up pointing west he doesn't know how music playing after 11:00 p.m. is bothering someone in my area if they are inside. He stated I bring my kids here and it is a nice event for my family and they don't go home until 11 or 11:30.

Terry Smith said there are things coming in the future, if you have a stringent ordinance you will have events and businesses avoiding Ely.

Bob Ballantyne stated there is still a process by which people apply and City Council has the prerogative to change that; an 11:00 bewitching hour, if someone needs more time and its a public interest type of affair, what's the problem. Jim Doyle stated that if there is a time

listed a City Council down the road might say “there must have been a reason they came up with this” and have a harder time for later ending time.

Kay Hale asked if there is anything else people oppose.

Tom Rohner stated he does not like the \$25 tax, he considers the fee a tax. Kay Hale stated she sees it as a fee not a tax, why should the tax payers pay for city employees to put up the barricades. Tom Rohner stated city employees do not put up the barricades. Ms Hale stated it was her understanding city employees put up the barricades. There were several responses of that happens for Fall Fest. Dave Rasmussen stated doesn't the ordinance make that the host's responsibility, Mr. Doyle stated event sponsor is responsible for setup and clean up, but the city employees are to close the street. Mr. Doyle stated the city crew should be closing the street, and will be.

Tom Rohner asked if this includes the Farmers Market which occurs twice a week; Mayor Doyle replied that it started off through EDGE and has somewhat been taken over by the Library. There was general discussion that the Farmers Market takes place on public property even though the street is not closed. Dave Rasmussen stated he did not know how the Farmers Market fits into this, and also the Firefighters Breakfast. A gentleman stated it would include Fire fighter breakfast and car show; and that he guarantees the city crew does not put up the signs for that because he did it himself.

Jim Doyle stated apparently people aren't fans of the \$25 fee. Tom Rohner said it is a tax, even if have to put up barricades. A gentleman asked what the \$25 tax is. Mr. Doyle stated it is a fee collected after City Council approves the event permit. He asked Aaron Anderson if other cities collect a fee. Mr. Anderson stated Cedar Rapids collects a fee; he is not familiar with other cities that collect a fee.

A gentleman asked if the \$25 fee/tax applies to water ball fights and we're there at 6:00 in the morning and city personnel is not there to close the roads, is there a process to recoup the \$25 fee/tax. Stephanie Mehmen stated it is more an application fee. A gentleman asked if it applies to all, or do you pick and choose. Mr. Doyle stated if a governmental thing. Dave Rasmussen stated if public is invited and you have to close the streets. There was general discussion regarding profit or not-for profit entities. Jim Doyle stated you all might consider not having a \$25 application fee.

Bob Ballantyne stated some of the folks saw a difference regarding fee if the event is hosted by the Library or Fire Department, or a private non-profit like a church needed to close a street. He stated that if the event host was a private vendor, the discussion was how much it costs the City to coordinate and work with the event hosts on this. Tom Rohner asked which private events the City has helped plan and organize. Mr. Ballantyne stated I think some of yours have been private. Mr. Rohner asked what events of mine has the city organized. Mr. Ballantyne stated some of the organization and standards have been informal, and dealt with informal standards like 'we think you might need law enforcement'. Jeff Hilleman stated that if referring to Fall Fest working with Odies it has all been planned out. Mr. Ballantyne stated the Fall Fest dance just started to take place the last couple years; we are talking about earlier events. He stated it is all of those that brought people together to think.

Tom Rohner stated Odie's sponsors Fall Fest.

Terry Smith stated it has not been mentioned that the private organizations that pay the \$25 fee to the city already pay taxes, whereas churches and governmental entities do not.

Tom Rohner stated there are not many businesses paying taxes in Ely right now, don't you guys want some healthy businesses in Ely.

Mayor Doyle asked if there are any other items that are concern. Jim Miller asked what the highlights of the ordinance are. Mr. Doyle stated the ordinance requires four portable restrooms per 1,000 people expected to attend for alcohol events, two per 1,000 expected attendees for non-alcohol events; event sponsor is to contact other businesses and the Library in the area to see if they will be open and make sure they won't be negatively impacted; there insurance requirement, and approved vendors only; no glass containers. Tom Rohner stated the Fire Department would need to hire sheriff's deputies; Mr. Doyle stated yes but only for events where alcohol is served.

Mr. Doyle asked for further comments. Jeff Hilleman stated that the type of band or entertainment that Fall Fest signs has their own following that they bring with them; go to the band and you will see websites that their fans had a great time in Ely. He stated he understands there are going to be some complaints, but the positives from people attending and revenue outweigh the negatives.

Grove moved to close the public hearing at 8:04 p.m., second by Mehmen. Motion carried – 5 to 0. Mayor Doyle declared the public hearing closed at 8:04 p.m.

First Reading of Proposed Ordinance No. 239, Special Event Ordinance. Ballantyne moved to table proposed Ordinance No. 239, Special Event Ordinance, second by Hale. Motion carried – 5 to 0.

Ely City Park Hillcrest Street Entrance Parking Lot Project

Discuss Submitting Pre-Application for Water Quality Initiative Urban Conservation Grants to Install Permeable Pavement. Clerk-Administrator Anderson reported the Iowa Department of Agriculture and Land Stewardship administers a grant program to encourage urban water quality and conservation projects to help attain the goals set out in the Iowa Nutrient Reduction Strategy. He reported the program offers grant funds up to 50% of total project cost to implement storm water quality improvements, and noted that Ely is not located in a "priority watershed". Mr. Anderson reported City Engineer Scott Pottorff recommends installing permeable pavers, if the City decides to pursue such an option. He reported Mr. Pottorff provided budgetary cost estimates for several options, that even with grant money the permeable pavers are more expensive than HMA asphalt which is what Ely has been working toward, and that permeable pavers would cost less than budgeted if the grant pays for one-half the cost. Mayor and City Council discussed the matter, noting that salt and sand cannot be applied on permeable pavers, Stephanie Mehmen asked Mr. Anderson to confirm snow plow blades would not need to have rubber edges on them.

Authorize Submitting Pre-Application to the Water Quality Initiative Urban Conservation Projects Grant Program. Hale moved to authorize the City Clerk/Administrator to submit a pre-application to the Iowa Department of Agriculture and Land Stewardship's Water Quality Initiative Urban Conservation Projects grant program for a grant of \$85,000 to install permeable pavers within integrated curb for the Hillcrest Street entrance parking lot at Ely City Park, second by Mehmen. Motion carried – 5 to 0.

Ely and Linn County Multi-Jurisdictional Hazard Mitigation Plan.

Resolution No. 14-1208-54, Adopting the Ely Component of the Linn County Multi-Jurisdictional Multi-Hazard Mitigation Plan. Clerk/Administrator reported Linn County commissioned the Eastern Iowa Council of Governments (ECICOG) to prepare a hazard mitigation plan for Linn County, and offered cities in Linn County an opportunity to participate in the process, which would result in a hazard mitigation plan for the participating cities too. Hale moved to approve Resolution No. 14-1508-54, Adopting the Ely Component of the Linn County Multi-Jurisdictional Multi-Hazard Mitigation Plan; second by Rasmussen.

Aye: Mehmen, Grove, Hale, Rasmussen, Ballantyne

Nay: None

Absent: None

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

Administrative, Personnel and Staffing

Report re: Employee Life Insurance Benefit. Clerk-Administrator Anderson reported he is working on the life insurance benefit and will report back at the January meeting.

Preparation of FY 2015-16 Budget. Clerk-Administrator discussed items related to the FY 15-16 budget with Mayor and City Council, including property taxes and factors affecting property tax revenue and the amounts paid. Mayor and City Council tentatively scheduled a budget workshop for 6:00 p.m. Wednesday January 14, 2015.

Discussion Items

Hale moved to adjourn, second by Mehmen; motion carried – 5 to 0. The meeting adjourned at 8:29 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator