

**ELY CITY COUNCIL
REGULAR MEETING
DECEMBER 9, 2013
ELY CITY COUNCIL CHAMBERS**

Mayor Jim Doyle called the meeting to order at 7:00 p.m. Council members present: Bill Grove, Dale Stanek, Kay Hale, Dave Rasmussen and Bob Ballantyne. Also present: Jim Miller, Alan Wery, Sarah Sellon, JD Fecht, Kati Jo Bruhn, Annette Wieneke, Butch Wieneke, Tom Rohner, Duane Kunkel, Connie Kunkel, Terry Smith, Dan Schmidt, Jeff Hilleman, Brett Wieneke, 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 thanked Council member Dale Stanek for his service to Ely as City Council member, Mayor and member of the Plan and Zoning Commission.

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

- Agenda.
- Minutes of the November 11, 2013 regular meeting.
- Minutes of the November 18, 2013 special meeting.
- Treasurers Report for the period ended November 30, 2013.
- Bills Payable for December 2013 including debt service payments, totaling \$131,465.48.
- Renewal of Class C Liquor with Sunday Sales and Outdoor Service privileges for Odie's at 1650 Dows St.
- 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, 2013

	Receipts	Disbursements	Transfers	Ending Balance
General	\$ 41,319.26	\$ 37,051.04		\$ 756,554.46
Road Use	13,429.32	10,360.89		36,566.03
L O S T	21,163.20			182,839.08
TIF Fund	5,497.98			221,368.10
Debt Service				-54,437.55
Other Projects				108,960.84
Library Project				-64.23
Way Point Sign				-18,327.29
North End Infra				-28,589.93
Water Utility	18,693.94	16,831.48		277,378.84
Water/Sewer Reserve	5,216.10			141,776.80
Sewer Utility	26,390.56	23,195.92		27,661.68
Sewer Debt Service	11,767.92			76,754.08
Sanitary Utility	5,993.85	7,787.65		33,960.02
Storm Water	26.00			86.12
Farmers Market				1,363.01

PR Clearing	11,219.95	13,091.37		4,479.11
Totals	\$ 160,708.08	\$ 108,318.35		\$ 1,768,298.17

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

Citizen Requests. Jim Miller thanked the Public Works crew for the quick job of snow removal.

Tom Rohner, owner of Odie's, reported the area by Odie's that snowmobilers previously used parked their snowmobiles at is no longer available for that purpose, and asked if snowmobiles could park in the lot on the north side of Dows Street that Ely purchased to convert to a parking lot. Mayor and City Council members discussed with consensus being to allow snowmobiles to park in that lot, and for Public Works to check for and mark obstructions.

Kunkel Addition, Request for Annexation, Zoning and Subdivision – Duane Kunkel

Resolution No. 13-1209-27, Approving a Request from Duane and Connie Kunkel for Voluntary Annexation of Certain Described Territory, Voluntarily Annexing Said Described Territory and Involuntarily Annexing a Described Parcel Into the City of Ely, Iowa. Grove moved to table Resolution No. 13-1209-27, second by Ballantyne. Motion carried – 5 to 0.

First Reading Ordinance No. 238 “Amending the Zoning Map by Designating Specific Parcels R-1 Single Family and Other Specific Parcels R-2 Multi-Family Residential Districts”. Grove moved to table the first reading of Ordinance No. 238, second by Ballantyne. Discussion included Mr. Grove stating there are still flood related issues that remain unresolved and Mr. Kunkel stating that flood issues are more related to planning and plat than zoning. Motion carried – 5 to 0.

Discuss Proposed Preliminary Plat – Kunkel Addition. Mayor Doyle noted two issues that remain are drainage to north slightly exceeding storm water management standards and design calculations for the Glendale Lane entrance off Banner Valley Road for which revised calculations have not been provided. Duane Kunkel asked “what is going on here?”, and presented several questions and issues to Mayor Doyle and City Council including:

- Is the City trying to blame Mr. Kunkel for runoff from the east; Mayor Doyle stated that is not the case, city is only concerned about making sure this is done right.
- Mr. Kunkel stated “for the record” that there is a blocked culvert underneath Banner Valley that doubles the amount of water on the north side of the road. Mr. Kunkel stated he has always said someone plugged it and that at the last P&Z meeting Schulte said he is the one who plugged it and that the Ely City Council gave him approval to block it. Mr. Kunkel stated he was at the meeting and that the City Council turned him down, and that Mr. Schulte was later turned down at a joint meeting of Mayor Tjelmeland, himself and Linn County Supervisors.
- Mr. Kunkel made a “formal request” that the culvert he mentioned be opened up.
- Mr. Kunkel stated he thinks the City wants him to solve the problems with water from the south and that he only has to meet the ordinance standards.

Mayor Doyle stated he can agree that the main issue with the storm water management is to make sure it's a zero-sum game.

General discussion among Mayor, City Council, Mr. Kunkel and other people attending, including but not limited to: that water needs to pass through and along Banner Valley Creek in the existing manner and not back up over Banner Valley Rd; that City Engineer has not received design calculations for the proposed Glendale Lane crossing to date; that Mr. Kunkel believes he is the innocent party in the event of flooding to other property; where the water from the blocked culvert flow and where the flows meet; potential impacts on and protection for property owners below the merging of these flows; Mr. Kunkel stating that his development will improve the situation through a retention facility; impact of unplugging the culvert under Banner Valley Road and the 100-year design status; steps the city would likely need to undertake if the culvert referred to were unblocked; possibly moving the Glendale Lane entrance to the west to be clear of the stream crossing; that information has been provided to confirm preliminary plat note #18 is not yet available; whether the water for the stream was always on the north side or not; Mr. Kunkel stated he has no problem calculating water for the north side but the water problems need to be fixed.

Mayor Doyle stated it would be possible to determine if the proposed preliminary plat configuration storm water management designs meet the city's standards meet existing standards it seems this could proceed; and that proceeding with the situation on the south would delay the matter for several months. Mr. Kunkel stated he would provide calculations and that he still wants to talk about opening the culvert so water flows to the south.

Mr. Ballantyne stated Ely's current standard is a zero-sum; and that Ely could do more to protect downstream property owners. Mr. Kunkel stated there will be less water flowing through that area after his development than before. Further general discussion re: realigning the Glendale entrance to the west which Mr. Kunkel stated is not an option; wisdom and feasibility of Glendale as a collector street; how much additional retention space would be needed to capture a 500-year event; perception of increased water levels on Hoosier Creek; possible costs to the city related to opening the Banner Valley Rd culvert; developing a more aggressive storm water management ordinance; and, proportional contribution of runoff from the Kunkel property compared to the overall watershed.

Mr. Kunkel stated for years he sought to get approval to connect three lots to the sanitary sewer that runs through Southbrook.

Hale moved to direct the City Engineer to study and review the possible impacts, water level and options related to unblocking the culvert under the east side of Banner Valley Road; and have Mr. Kunkel provide design calculations for a culvert to cross Banner Valley Road at Glendale Lane; second by Grove. Motion carried – 5 to 0.

Mr. Kunkel asked the City Council to consider putting a sewer line on the apron of the dam across Rogers Creek; and that he would pay for the engineering needed to determine if the elevation of the dam apron would need changed. Mr. Kunkel asked why he has to give an east entrance to the Wieneke property, and asked for consideration not to have to extend the

street to the east. General discussion regarding this matter; including elevation increases to the north, that Mr. Kunkel would agree to install utilities and change the street to a lot.

Mr. Kunkel asked the City Council to consider running a sanitary sewer main from the fire station up Main/Banner Valley to Worley Lane. General discussion regarding this matter, including providing sanitary sewer service for Worley Lane, whether properties will be required to connect to sanitary sewer once sanitary sewer is installed.

Storm Water Management

“Original Ely” Area Drainage and Storm Water Management Study – City Engineer Scott Pottorff. City Engineer Scott Pottorff presented a report of findings and recommendations for the “Original Ely” Area Drainage and Storm Water Management Study the City Council commissioned in October, 2013. The report includes a summary of existing conditions and options to improve existing deficiencies. Hale moved to accept the report, second by Ballantyne. Motion carried – 5 to 0.

Report and Discussion re: Possible Expansion of St. John’s Lutheran Church. Mayor Doyle reported St John Lutheran Church is pursuing building an addition to their existing church at 1420 Walker Street that would add office and classroom space, and more than double the seating in the sanctuary; and do not plan to create off-street parking spaces. He reported churches are a special exception in the R-1a zoning district and they have applied for a special exception for the building addition and a variance from the requirement to provide off-street parking.

Local Option Sales Tax.

Discuss Allocating Local Option Sales Tax Proceeds for Various Allowed Purposes on a Percentage of Receipts Basis. Mayor Doyle and City Council members discussed establishing a policy to allocate local option sales tax proceeds toward uses or projects on a percentage basis.

Resolution No. 13-1209-32, Designating Allocation of Local Options Sales Tax Proceeds for Certain Allowed Purposes. Resolution dies for lack motion.

Public Works – Streets, Water, Sewer & Equipment.

Schedule Public Hearing re: Second Amendment to Lease Agreement with AT&T/Cingular Wireless to Allow AT&T to Add a Microwave Dish to the City Water Tower on Jappa Road. Ballantyne moved to schedule a public hearing re: a proposed Amendment #2 to allow AT&T to locate a microwave dish for communication purposes on the “new” water tower at 370 Jappa Road for 7:00 p.m. Monday January 13, 2014; second by Hale. Motion carried – 5 to 0.

Administrative, Personnel and Staffing.

Discuss Preparation of FY 2014-15 Budget. Mayor and City Council briefly discussed preparing the budget for the upcoming fiscal year with City Administrator, noting expected revenue growth due to actual growth and the function of the “residential roll-back”. Workshop sessions to discuss and prepare the budget will be scheduled to take place after the regular January 13, 2014 City Council meeting.

Discussion Items

Hale moved to adjourn, second by Stanek; motion carried – 5 to 0. The meeting adjourned at 8:42 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator