

**ELY CITY COUNCIL  
REGULAR MEETING  
DECEMBER 10, 2007  
ELY CITY COUNCIL CHAMBERS**

Mayor Dale Stanek called the meeting to order at 7:00 p.m. Council members present: Tom Winkowski, Mark Banowetz, Bob Ballantyne and John Smith; Kevin Meskimen absent/excused. Guests included: Chad Sands, Jim Miller, Jerry Sweet, John Wolf, Aaron Cooper, Jed Schnoor, Keith Schulte, Stephanie Mai, Vicki Vargason, Jim Doyle, Fred Showalter, Judy Wery, Zachary Wery, Cary Solberg, Bill Grove, Jim & Millicent Cozzie, Lori Wilcoxson, Dave Rasmussen, and Tom Rohner.

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

- Agenda.
- Minutes of the November 12, 2007 regular meeting.
- Minutes of the November 28, 2007 special meeting.
- Treasurers Report for the period ended November 31, 2007
- Bills Payable for November 2007 totaling \$58,624.93.
- Renewal of Class C Liquor with Sunday & Outdoor Sales Privileges, Wink's Tap Inc., dba Odie's, 1650 Dows Street.

Motion carried – 4 to 0.

Treasurer's Report (summary) for the period ended November 30, 2007

|                     | Receipts      | Disbursements | Ending Balance  |
|---------------------|---------------|---------------|-----------------|
| General             | \$ 58,973.52  | \$ 18,088.34  | 387,107.46      |
| Road Use            | 7,570.45      | 5,632.14      | 22,708.80       |
| TIF Fund            | 16,477.95     | 18,811.25     | 339,610.60      |
| Debt Service        | 7,935.33      | 67,986.65     | 21,922.61       |
| Other Projects      | 199.00        |               | -78,350.10      |
| Library Project     |               |               | 3,169.70        |
| Water Utility       | 14,142.99     | 7,504.24      | 191,049.28      |
| Water/Sewer Reserve |               |               | 100,000.00      |
| Sewer Utility       | 189,919.55    | 190,290.15    | 239,075.02      |
| Sewer Sinking       |               | 21,271.54     | -21,271.54      |
| Sanitary Utility    | 5,600.12      | 5,159.42      | 58,272.66       |
| PR Clearing         | 6,922.32      | 6,312.64      | 895.80          |
| Totals              | \$ 307,741.23 | \$ 341,056.37 | \$ 1,264,190.29 |

Communications: Sheriff's Deputy R. Crosser presented the Sheriff's Office's Monthly Report.

Mayor Stanek discussed correspondence received from MMS Consultants regarding requests to increase the value for engineering contracts. Topics included that the City should be notified before the firm's budget for the project is exhausted.

**Citizen Requests.**

Jim Miller thanked Mayor Stanek and Council members Smith and Meskimen for their service to the City.

**State Street Bridge Replacement Project.**

**Request for Financial Contribution for Promotional Brochure, Stepping Stones Massage Therapy – Lauraine Harding.** Mayor Stanek reported on the request Ms Harding made at the November 12, 2007 City Council meeting for the City to contribute financially to a promotional brochure Ms Harding prepared and distributed for her business. Mayor Stanek asked for action from Council, the request died for lack of motion.

**Project Invoice No. 3, Peterson Contractors Inc. – 2007 State Street Bridge Project.** Ballantyne, second by Banowetz, moved to approve payment of Project Invoice #3 in the amount of \$297,265.25 to Peterson Contractors Inc., for the 2007 State Street Bridge Project. Motion carried – 4 to 0.

**Hillcrest/Highland Storm Sewer Project.**

**Public Hearing re: Application to CDBG Program.** Winkowski, second by Smith, moved to open a public hearing regarding an application to the Iowa Community Betterment Block Grant (CDBG) program for the Hillcrest/Highland Storm Sewer Project at 7:15 p.m. Motion carried – 4 to 0. Mayor Stanek summarized the project then opened the floor for comment regarding the public hearing item.

Chad Sands, of ECICOG, reported he has prepared the application on behalf of the City. Mr. Sands presented the following:

**A. How the need for the proposed activities was identified:**

There is currently no storm sewer collection system servicing the section of Highland Road in the project area. Although a storm sewer system was installed in the project area of Hillcrest Street, it has become clogged and completely overworked. In addition, the street has a centerline profile grade of less than 0.40% in places, which does not allow storm runoff to drain to existing intakes. These conditions have caused flooding in the residential neighborhood roughly bounded by Hillcrest Street and Highland Road. In addition, street surfaces are prone to degradation due to water ponding and infiltrating under the pavement, causing instability of the pavement structure subgrade.

**B. How the proposed activities will be funded and source of funds:**

The total cost of the project will be approximately \$376,506. Of that total, \$188,253 will be federal grant funds through the Community Development Block Grant (CDBG) program. The remaining \$188,253 will be provided as local match by the City of Ely.

**C. The date the application will be submitted:**

December 13, 2007.

**D. Requested amount of federal funds:**

\$188,253

**E. Estimated portion of federal funds that will benefit persons of low- and moderate-income:**

\$98,607 or 52.38% of the funds will benefit persons of low- and moderate-income. A door- to-door, low- to-moderate income survey was conducted in Ely, and 52% of the population was considered low- and moderate-income.

**F. Where the proposed activities will be conducted:**

The project will take place along Hillcrest Street from Dows Street northwest to its termination at city property and along roughly 250 feet of Highland Road east/northeast of its intersection with Hillcrest Street.

**G. Plans to minimize displaced persons and businesses as a result of funded activities:**

No displacement of persons or businesses is anticipated as a result of funded activities.

**H. The nature of the proposed activities:**

The City of Ely is applying for CDBG funds to assist in the installation of storm sewer to replace current inadequate facilities and to provide facilities where none currently exist. By doing so, the City hopes to eliminate previous flooding and damage to residences in the area, as well as damage to public roadways. Installation will include approximately 966 LF of storm sewer of varying diameter, 2 manholes, 9 intakes, removal and reconstruction of the existing roadways, seeding, and other mechanical structures.

Mayor Stanek asked for further comments regarding the public hearing item, none were offered. Ballantyne, second by Banowetz, moved to close the public hearing at 7:20 p.m. Motion carried – 4 to 0,

**Resolution No. 07-1210-52, Authorizing Application to the Iowa CDBG Program and Pledging Matching Funds Contingent On Award.** Banowetz, second by Smith, moved to approve Resolution No. 07-1210-52, Authorizing Application to the Iowa CDBG Program and Pledging Matching Funds Contingent On Award.

Aye: Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: Meskimen

Motion carried – 4 to 0.

**Resolution No. 07-1210-53, Approving Community Housing Needs Assessment.** Ballantyne, second by Banowetz, moved to approve Resolution No. 07-1210-53, Approving Community Housing Needs Assessment.

Aye: Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: Meskimen

Motion carried – 4 to 0.

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

**Public Hearing re: Request to Re-Zone portion of Parcel from R-1 Single Family Residential to R-2 Multi-Family Residential.** Jed Schnoor, project engineer for the applicant Edellen Meadows Development LLC summarized the overall request, reporting that the application is to designate roughly 20.78 acres of a parcel that totals 90.11 acres as R-2 to allow for a care facility, duplex condominium development and the possibility of duplex units on the west side. Mr. Schnoor stated the full project would include 179 numbered lots, of which 159 would be solely for single-family residential use, the other 20 lots are in the area requested to be re-zoned to R-2.

Ballantyne, second by Smith, moved to open a public hearing regarding 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 at 7:26 p.m. Motion carried – 4 to 0. Mayor Stanek summarized the request then opened the floor for comment regarding the public hearing item.

Jim Webster, 1921 State Street, stated he is a connected property owner, asked how big the catch basins will be and how much water they would hold. Jed Schnoor stated the minimum depth would be six feet and would hold at least one-inch of rain over the entire area of the property, and that it is open for negotiation whether they would be wet or dry bottom basins. Mr. Webster asked what would happen to existing field tiles. Mr. Schnoor stated all field tiles encountered during construction would be connected to the storm sewer system.

Jim Webster asked how Outlot A would drain if the outfall destination is higher than the pond elevation. Jed Schnoor stated the ponds will be designed to flow out to an existing major drainage way with flared end sections along Jappa Road. Mr. Schnoor reported the city is discussing installation of curb and gutter along Jappa Road, and that is a negotiable item for the developer. Mr. Webster stated the request should not pass if the paper work is not done right.

Jim Webster asked if Mr. Schnoor's company or the developer is going to back the retention ponds if they fail. Mr. Schnoor stated his firm will stand behind, be liable and accept responsibility for the retention ponds if they fail.

Keith Schulte, 1100 Glendale Lane, asked if engineering had been done to determine the down stream sanitary sewer capacity in relation to other existing lots. Cary Solberg, City's Engineer with MMS Consultants, stated his firm reviewed a sewer capacity study prepared by the applicant's engineer, the study shows a constraint down stream that limits the number of new connections to the existing sewer line to around 120. Mr. Solberg stated his firm would agree with a lower number than 120 lots.

Keith Schulte stated that according to the plat the majority of sanitary sewer would run through Northgate Drive, and his concern with the history of infiltration of that sewer line. Mr. Schulte reported he had been told the City planned to build an additional line to handle overload and provide additional capacity. Mayor Stanek stated the City plans to extend a trunk sewer line to the property prior to development hitting the point where sanitary sewer would begin to fail.

Keith Schulte stated concern with cutting the railroad embankment that serves as a dike if it were to be opened for a street and asked if this issue has been addressed. Mayor Stanek stated retention runoff control was factored in by the water retention plans for the development and the park development plan, both of which take the issue into account. Mr. Schulte asked if these things would be done before the dike is cut. Mr. Stanek stated that has yet to be determined. Mr. Schulte stated there was trouble with drainage in the past, that the dike and other retention have helped and that there has not been trouble since.

Jim Webster asked what end construction would begin on. Jed Schnoor stated development would start at Northgate Drive. Mr. Wolf asked if the west detention pond would be built before roads built. Jed Schnoor stated they would. Mr. Wolf asked how many houses would be developed before the second access to an external street is built. Mr. Schnoor stated no more than forty units would be developed until the second access is built. Mr. Webster asked if he thinks two accesses to external streets will handle this level of

traffic. Mr. Schnoor stated Sutherland Road would be able to handle the projected level of traffic once it is extended from Jappa Road to State Street. Mr. Webster asked if the developer would build no more than forty units until the street extends. Mr. Schnoor stated that is correct.

John Wolf, 1409 Western College Rd, asked if the proposed future off-plat extension of Sutherland Road is the optimal alignment. Mayor Stanek stated the design is consistent with the City's Comprehensive Plan. Mr. Wolf stated there is an 8-foot difference in elevation between the Wolf and Webster properties. Jim Webster stated they moved the extension entirely to his property on the revised preliminary plat. Mayor Stanek stated the off plat extension of Sutherland Road could be moved to either side of that property line.

Jim Doyle, 1760 North Drive, stated that his sump pump runs frequently after it rains and that his concern is with drainage issues from the big hills behind his house, and how the proposed development would affect those issues. Mr. Doyle stated he would want to make sure the project would help him and his neighbors and absolutely not make the drainage situation worse. Jed Schnoor discussed the situation with Mr. Doyle. John Smith stated that his sump pump runs constantly. Mr. Doyle stated he wants to make sure the situation gets better or at worst remains the same and that in no way the drainage situation gets worse. Mayor Stanek stated that the city is aware that area has drainage difficulties, and is working to make sure runoff is handled better in the future.

Lori Wilcoxson, 1740 North Drive, stated she wants to make sure her property doesn't get more water as a result of the development, and that she currently does not have a problem now. Ms Wilcoxson asked if she would work with the city or developer if trouble arises. Mayor Stanek said the city and developer would work with her, or other affected property owners.

Mayor Stanek asked for further comments regarding the public hearing item, none were offered. Smith, second by Banowetz, moved to close the public hearing at 7:48 p.m. Motion carried – 4 to 0; Mayor Stanek declared the public hearing closed and meeting returned to regular session.

**First Reading of Ordinance No. 201, Designating 20.78+/- Acre Parcel as a R-2 Multiple Family Residential District.** Banowetz, second by Ballantyne, moved to introduce and approve the first reading of proposed Ordinance No. 201.

Aye: Banowetz Winkowski, Ballantyne, Smith.

Nay: none.

Absent: Meskimen

Motion carried – 4 to 0.

Banowetz, second by Winkowski, moved to schedule further consideration and second reading of the proposed ordinance for the January 14, 2008 City Council meeting. Motion carried - 4 to 0.

**2007 Wastewater Treatment Plant Improvements Project.**

**Resolution No. 07-1210-55, Approving Change Orders 10 & 11 to Contract with Miron Construction, Inc.** Smith, second by Ballantyne, moved to approve Resolution No. 07-1210-55.

Aye: Banowetz Winkowski, Ballantyne, Smith.

Nay: none.  
Absent: Meskimen  
Motion carried – 4 to 0.

**Payment Application #10, Miron Construction Inc. – 2007 WWTP Project.** Winkowski, second by Ballantyne, moved to approve payment of Payment Application #10 in the amount of \$21,451.00 to Miron Construction for the 2007 Wastewater Treatment Plant Improvements Project. Motion carried – 4 to 0.

**Agreement for Winter Snow and Ice Control Linn County.** Clerk/Administrator reported on a proposed agreement with Linn County for winter snow and ice control on various streets for which Ely shares jurisdiction with Linn County.

**Resolution No. 07-1210-56, Approving Agreement for Winter Snow and Ice Control with Linn County, Iowa.** Winkowski, second by Smith, moved to approve Resolution No. 07-1210-56.

Aye: Banowetz Winkowski, Ballantyne, Smith.  
Nay: none.  
Absent: Meskimen  
Motion carried – 4 to 0.

**Resolution No. 07-1210-57, Authorizing Delinquent Utility Accounts to be Assessed to Property Taxes.** Meskimen, second by Banowetz, moved to approve Resolution No. 07-1210-57.

Aye: Banowetz Winkowski, Ballantyne, Smith.  
Nay: none.  
Absent: Meskimen  
Motion carried – 4 to 0.

**Discussion Items** – Aaron Cooper asked for explanation regarding the consent agenda.

Tom Rohner asked if the City could plow snow in a way that does not leave big mounds along the curb and sidewalks downtown. The City Council directed the Clerk/Administrator to improve snow removal in the downtown area.

John Smith asked how to deal with cars that are parked for considerable periods of time in the downtown area. Mayor Stanek stated the Sheriff's Office should be called.

Dave Rasmussen noted snow and ice have not been removed from the area along the sidewalk by his property at Dows and State Street. It was the general consensus of the City Council that snow needs to be removed from this area.

Smith, second by Winkowski, moved to adjourn. Motion carried – 4 to 0. The meeting adjourned at 8:06 p.m.

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Dale Stanek, Mayor

Attest: \_\_\_\_\_  
Aaron Anderson, Clerk/Administrator