

ELY CITY COUNCIL
REGULAR MEETING
DECEMBER 12, 2016
ELY CITY COUNCIL CHAMBERS

Mayor Eldy Miller called the meeting to order at 7:03 p.m. Council members present: Teri Billick, Stephanie Mehmen, Kay Hale, Judy Wery and Elizabeth Rohner. Also present Staff and Guests: Luanne Miller, Secretary, Jim Miller, Janice Norman, Tom Reed, Dan Whitaker, Rob Kramer, City Engineer Scott Pottorff, Butch & Annette Wieneke, Dan Swick/Southslope, Shea Ryan, Nick Pettis, Elli Wieneke, Les Engler, Brandon Whyte/MPO, Todd Happel/Anderson Bogert, Bob Mreen/P&Z, Sarah Sellon, Shannon Billick, Shane Schrader, Kathleen Banowetz, Jake Hansen.

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

Mehmen, second by Rohner, moved to approve the Consent Agenda consisting of:

- Agenda, as presented.
- Minutes of the November 14, 2016 regular meeting.
- Minutes of November 19, 2016 Special Meeting.
- Minutes of November 22, 2016 Special Meeting
- Treasurer's Report for the period ended November 30, 2016.
Motion carried – 5 to 0
- Bills Payable for December, 2016 totaling 120,248.26

Appoint Marty Lamb, Josh Entler & Brian Palas to P&Z

Motion made by Billick second by Wery Motion carried – 5 to 0.

Appoint Bob Mreen as Chair of P&Z

Motion made by Hale second by Mehmen Motion carried – 5 to 0.

Mehmen made motion to approve the Consent Agenda, second by Rohner

Motion carried – 5 to 0

Communications. Mayor Miller noted no new reports from Parks and Recreation. No report from PW Director as Ron just returned back from a 2 ½ week leave.

Dan Swick with Southslope Communication presented on the Smart Rural Community, giving stats on number of Ely residents on services in fiber communities. Ely 2015 population 2074; 802 housing units and services 84.5% of those units; 672 have fiber; 245 have dial tone; 646 internet and 211 TV Services Dan also showed examples of area cities and how they show the Southslope information on their websites and the benefits of this information for potential or new residents.

Sheriff's Report - Linn County Sheriff's Office Activity Report. Someone asked when Sheriff's office runs radar on State Street, what is the outcome. Sheriff Deputy stated usually 10 mph or under.

Library Director Sarah Sellon reported on activities at the Ely Public Library.

Citizen Requests. Shea Ryan of CR Whiskey Sauce requested council to consider a proposal of a business sign for all downtown businesses. Many of the businesses looking to contribute to participate in the sign cost. Looking for two signs; 1 by Casey's, 1 on Jappa Road by Buresh Estates. Both locations do not block by vision of drivers. Downtown area, many people don't know that these businesses exist. Anything to help get the word out on the businesses. Mayor thought was a good idea but had some concerns & questions; making sure fits within sign ordinance size location; who maintains the signs and who pays for the signs. Before it is presented to City Council some dollar amounts and specs. Have city staff review before city council. Per Shea, the businesses to flip the bill the cost to get signs. Mehmen asked for list of the businesses and where do we cut off. Would home businesses be included? Shea stated the downtown businesses, just to direct the vehicles off State Street to Dows & Main St. the amount Historic Dows Street; the downtown businesses. Mehmen, said it is a tough thing when just those businesses on Dow St and Main Street and what happens when other businesses want to be on the sign that are not located there. Shea was thinking a 3x4 metal sign, 3-4' high in front of Casey's it would need to set back so not obstruct vehicle pulling in and out of Casey's. Mayor referred to Brandon Whyte of MPO on signage. On roadways let cities handle and suggested reaching out to other cities to see what they have done. On trails section they are currently working on signs for businesses on the trails it would be a 2x4 section signs - keep it out of the visual of driver, no blind spots. How are the signs constructed? Shea said they are were created by Derek Parrot of Innovative Signs. They can be peeled off. Old business removed and add another new business. Mayor just asking that Step # 1 was getting the right sign and proper location and #2 having proper plan to maintain. Shea thanked council and Mayor for their time.

Jim Miller stated Santa Claus will be at Fire Station on Friday, December 16 at 7:30 p.m.

Andy Lawrence of Snow Drifters representing the snowmobilers addressed the Mayor and City Council. In 2011 allowed access behind City Hall. Wants to stop and park behind City Hall. Hale wants to know who's liability if accident on City property? Is it the Club or the city of Ely? Riders assume liability if they go off the trail. Andy will check with the club and email council. Keeping riders by the bridge on State St. keep the snowmobiles out of town and they can walk to the downtown area. No visibility issues. Andy Lawrence phone 319-541-2721. Hale checked city ordinance and they will need to get permission to park on city property and location of the signs they install. Andy asked if they would need to come annually to get permission. Mayor Miller said it would make sense and recommended coming in October would be a good timeframe leading into winter to confirm with City Council.

Business Item MPO Speed Study Review

Brandon Whyte of MPO gave statistics on speed study to determine if speed limit along State St along bike trail should be lowered. Look at two things: 1. Crash History for area and 2. Existing speeds in effect. Traffic Engineers use the 85th percentile speeds to determine/set speed limits. Speed Study was done from Merryhill Lane 45-35 then 35-45 on south end. Crash history, then existing speeds, 85th percentile speed. Average driver thinks what is the right speed is. Ely had 3 crashes in the last 5 years along State St per the data between 2011 – 2015. Below state average and not severe impact. No damage to human life or property. Study requirements are 1 hour or

100 counts, whichever happens first. Referred to specific page in study on locations. First done at Rock Island Dr. and second at T & K Drive third at Traer St. by Northgate and fourth was done where speed limit changes from 35 to 45 at or north of Merryhill Lane. Currently drivers exceeding the speed limit. At Traer St. speed limit 35 and 85th percentile is at 36 mph. If just looking at crashes would not reduce but increase. Looking to decrease from 35 mph to 30 mph. With this, motor vehicle congestion may increase. Peak at 5,500 vehicles pass through that area daily. It is typical to expect 2,000 – 8,000 per day based on road. When decreasing the speed limit it is estimated it will decrease the amount of vehicles passing in this area by 300 vehicles a day. This is small decrease. Some may go through I-380 to avoid the slower speed. Congestion would not be an issue. They also look at pavement condition. DOT rating on State St. Ely's pavement score is 42 out of 100. 12' travel lanes currently. Northbound lane recommended to be reduced down to 11' as part of the trail installation next to it. Reducing northbound travel lane to 11' lane would automatically slow down traffic. Council asked if wide enough for semi and large trucks. Brandon said it is. With new trail coming there will be more pedestrians and cyclists. Rumble strips will slow down traffic. Brandon stated the recommendation is to reduce down to 30 mph. Lower from Northgate South or Traer St. South to southern end by Rock Island Drive. National data indicates lowering the posted speed limit reduction 5 mph from 35 to 30 which is 25% is only result in an actual 1.25 mph reduction speed. There are other features that can be implemented to help reducing speed. Also recommend adding trees, radar signs, sidewalks, curb and gutter. Rumble stripes along the trail will help to correct speed and braking. Mayor Miller asked if Council agreed to add to the January CC Meeting. Mehmen made motion to add to the January Council Meeting, second by Wery. Motion passed 5-0
A copy of the extensive speed study information is available at Ely City Hall.

Mayor also mentioned City of Ely has been working with Linn County all along the way on this process and asked representative of MPO if we need to include them on anything the city is doing up to this point. Todd Happel & Brandon Whyte said no, that Linn County is totally supportive.

Hoover Trail Agreement Amendment Courtesy Notice

Todd of Anderson Bogart presented an additional breakout so the council could better understand the additional charges. It is a courtesy notice anytime there is a change to the contract amount. Another thing not under contract is trail lighting along State Street. Todd suggested talking with Alliant Energy and he would see what trail lighting is not included along the trail and what they would recommend with additional lighting. No resolution is needed for this courtesy notice.

Review Request of Creekside Estates Review of Revised Preliminary Plat

Mayor Eldy gave a little history of Creekside. March was the original review and approval of preliminary plat. Nick Buss representing looked at draining around the perimeter of property especially the south end. Additional meetings took place to further discuss the drainage concerns. Changes occurred with cul-de-sac and elevation. 11'-13' of fill dropped on old plan to 5'-7' of fill on current plan. Drainage is pretty much the same. The current plan represents permeable brick and rock base and smaller detention basin. Rear yards will have smaller retention basin on

the southwest corner and northwest corner by creek. Release rate at or below currently/existing seen and 100 year flood to the south. Drainage current goes through the back yard and if a problem is designed to go to these small retention basins mainly the southwest corner. Mehmen asked about permeable paver require maintenance. Nick said yes sand will clog especially in winter months but would need to be cleaned every 5-10 years per the city of Charles City. PW Director Stark said they normally don't get blocked but could during the construction process. Can they get blocked with other debris? Pavers can handle the debris, but doesn't impact the overall system. Periodic maintenance will be required. Mayor asked how it compares to a normal cement street maintenance levels. Nick said there will be no chipping or cracking of the pavers. Over time areas could experience clogging and will need refilling in between pavers. PW Director said the street sweeper can help but will need the vacuum system every few years. City engineer responded yes can be some maintenance, but minimal. Annette Weienke mentioned she spoke with the city of West Union who did a \$12.5 million project and they said they like the pavers and they use the green socks for erosion control during construction to keep debris out of the road. West Union had good luck per Annette Wieneke. Salt ok to use but not sand on pavers in winter. Anyone buys lot the green socks and silt fences will be used, was added in the agreement. Wery asked if the construction trucks will cause wear and tear. Nick said they should not as the pavers have a rating of 8,000 psi which is harder than 4,000 psi of concrete. Front yards drain toward the pavers and rear yards will go toward the back and small retention basin. Lowered the back yards by 3 feet and drainage is now underneath the street. Hale asked about the Ely Flood Permit being issued, Mike Welch has and will check to make sure they get it to us if not already forwarded. DNR and Corps of Engineers were brought in for those concerns. Mayor asked about the lots along Rogers Creek that were in the 100-yr flood zone. Nick stated requirements are to provide 18' minimum clay filled trench from the potential homes toward the creeks to keep the water coming up from the creek and not going into the basements, that was the flood protection recommended flood control by DNR. When then the areas of 14, 15 and 16 lots are filled , they are providing more clay than fill by DNR recommendation.

Billick asked what the width of road 28'. Concern of the intersection with the traffic No parking in cul-de-sac and buses can't go down them. The Buresh's were asked to put a hut for the school kids waiting for buses. What about the snow plows? Discussed parking restrictions in cul-de-sac. Mr. Hanson wondered if the water issue isn't fixed, whose liability if retention pond doesn't hold to the 100 year flood.. Mayor said going forward look closer at drainage easements next year, having the city enforcing drainage easements better. Rohner asked about the water that is sitting where Lot 7 Nick said the local depressant and pushing it toward the local swell it will cut off tile there now with and outlet. Most water goes off sides of lot and toward the front of the lot. It will fill up the local depression then go onto builder's swell. Less land draining toward that direction. There will be a tile in that area to help direct that water. Mehmen asked engineers if it will make it better. Make an improvement to what is currently happening there. Calculations show it will improve the water issue. Large portion of that water will be captured and not go on to those existing homes. Most water will be captured before it gets to the south. Resident Jake Hanson asks where the brush pile currently is where will the water go? Between the brush pile and the property line along Rock Island Rd. Nick, engineer explained where it will go on the map provided by their engineer. The sump pumps will be directed toward street for reduction in water. October 31st before plans went to P & Z Scott had a list of questions to be answered.

Were those 20 questions answered? Scott of MMS said the 20+ items after the P & Z meeting have been addressed. Scott addressed the City Council the builder agreement was reviewed and updated per the responses to those questions. Scott explained the steps are to review preliminary plat approved, once approved the developer will provide construction plans. Decision was decided to change to the permeable pavers and so on. The construction plans were already in the works and changes were made after meeting with different local agencies. In October the preliminary was revised and included the construction plans, not yet presented to the council because weren't going to be presented until the all applicable permits were received. Then, along with construction plans, the developer's agreement was created and reviewed. Scott is comfortable with everything, city attorney reviewed and felt everything was in order and ready to go forward if City Council is comfortable. PW Director Stark asked what is length of a warranty/builder agreement. It is 2 years.

Council Mehmen made a motion to approve resolution 16-1212-45. No response from remaining council members. Mayor asked if there were questions or concerns that can be answered. Mehmen state she is more comfortable with all the changes made and has to trust the city engineer has addressed the concerns and the developer has addressed those with changes. Council Billick is more comfortable with changes; detention pond removal and trusts the city engineers making the right decisions to address citizen concerns. City Engineer Scott explained in more details about the change from french drains designed to an area drain (bee hive) and not relying only to permeate through the ground. Mayor stated a motion on the table and asked if there was a second. Citizens Butch and Annette Weineke spoke up and asked to know why no one is seconding or approving preliminary plat. Annette asked for each council member to state why and what concerns they have. Mayor Miller stated yes, to go one by one and see if these concerns can be addressed. Started first with council Rohner. She is concerned with water going into the creek. Builder can't control the creek. Can help in reducing peak runoff of their property only. Scott expressed that what these builders have proposed they have done everything they can do. Denying the developer not to build may not be fair. If there is a development going to be developed on this land they have gone above and beyond to make it happen. We have gone a long way into this process. Ron Stark PW spoke to the flooding in front of City Hall. It was not a problem before run off from Rowley with Church and Bike Path. Billick said it had flooded before the bike path and church addition but not as bad.

Wery concerned with water in the creek. Hale objections/concern with water runoff. "what if" is still a concern. Hale addressed resident Jake Hansen and if he was satisfied. Concerned with mistakes made in past so the "what if's" the unknown. Mayor Miller mentioned all the experts were brought in. DNR, Corps of Engineers, Linn Co Conservation and that have addressed concerns. Developer mentioned that they have gone above and beyond to address the water concerns, and didn't have to. Billick objection is making existing water concern more of a problem and the street size pulling out onto BVR at the curve. Is apron wide enough to handle vehicles coming and going from development. Actually the apron and the location is not in the curve it is further east of the curve. Scott spoke to street width and location is no different than Deer Valley, etc.. Sight will not be an issue and provide traffic gaps as needed. Resident Hansen mentioned the no parking on bulb in the cul-de-sac. Developer said there are three stall garages and should not be an issue. Billick asked if the information reviewed by DNR speak to water.

Did include the developer water issue, Nick said it was in regards to the floodplain area. Floodplain, but not floodway. Calculations on the floodway and establish of the floodplain. Floodway portion is the channel the water flows through. overland flow. Filling in flood plain a maximum of 1' rise. Max rise is one foot FEMA nomenclature. 20' each side of channel. Developer not pushing that 50-60' between channel. DNR was reviewing the floodplain and the Corps of Engineers was interested in the wetlands. DNR conveyance of the creek. Will any of the homeowners be required to get flood insurance? Developer will fill paperwork (Lomer) which will take those properties out of the floodplain. Compact clay in back yards and present to the FEMA. Potentially impact lots 15 & 16. Rohner feels better about the changes made by developer but more concern how the water impacts the surrounding homes. Rohner asked about the 2 years agreement. It is in the developer's agreement that will be addressed.

Resolution 16-1212-45 Mehmen made the motion to approve the preliminary plat.

Motion made by Mehmen, second by Billick. Motion passed 3-2.

Aye:	Rohner, Mehmen, Billick
Nay:	Wery, Hale
Absent/Abstain:	None
Passed:	3 – 2

Resolution 16-1212-46 Creekside Developer Agreement

Rohner Developer 2 year agreement workmanship warranty. Scott said if something happens, they can go back on developer, city, engineer. Scott said he is just as responsible; it is his work, his license, his company and himself and reputation in this developer's agreement review. 2 years starts the date the city accepts those improvements. Mehmen made motion to approve and second by Billick. Roll call passed 5-0.

Aye:	Rohner, Mehmen, Billick, Wery, Hale
Nay:	None
Absent/Abstain:	None
Passed:	5-0

Administrative, Personnel and Staffing

Resolution No 16-1212-47 City & Library Printer Agreement, 2nd Bid to approve and switch to Advanced Business Systems. Saves the city approximately \$100/mo. Over 5-year contract.

Motion by Hale second by Wery passed 5 – 0

Aye:	Rohner, Mehmen, Billick, Wery, Hale
Nay:	None
Absent/Abstain:	None
Passed:	5-0

Delay of January City Council Meeting from 1/9 to 1/16 to accommodate Mayor Miller being out of town on business and start of new City Admin, Denise Hoy.

Motion by Wery, second by Rohner. Passed 5 – 0

Annual Financial Report for FY 2016-2017 No motion needed to be made because it is end of year report not fiscal year.

Annual Tax Increment Finance Certification for FY 2016-2017

Annual Urban Renewal Report for FY 2016-2017 motion needed to approve.

Motion by Billick second by Hale passed 5 - 0

Discussion Items City Website promotion to go out the week of December 19th. (Post Card mailing for Website Mtg, City Admin Housing) Need larger email address and the City Tree Logo in background. Will take it to Connor with changes. Motion to approve the cost of producing the the postcard and sending them bulk mail.

Motion made by Rohner and second by Wery. Passed 5-0

Discussion of new city administrator found house in Hoover Trail and they would like to look at it however the agreement states they must live within city limits. General discussion and agreed by all council members that the new administrator needs to live within city limits.

Billick moved to adjourn, second by Mehman; motion carried – passed 5 to 0. The meeting adjourned at 9:50 p.m.

Eldrew Miller, Mayor

Attest:

Luanne Miller, Deputy Clerk