

**ELY CITY COUNCIL
REGULAR MEETING
DECEMBER 14, 2015
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, Judy Wery and Bob Ballantyne. Also present: Jim Miller, Dean Billick, Alan Wery, Elizabeth Rohner, Vicki Vargason, Eldy Miller, Glenn Buresh, Fran Buresh, Curt Wheeler, Luanne Miller, Twila Stewart, Paul Stewart, Sarah Sellon, Katie Jo Bruhn, Keith Schulte, Joseph Honn, Stephanie Mai, Mike Brain, City Engineer Scott Pottorff and Clerk-Administrator Aaron Anderson.

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

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

- Agenda, as presented.
- Minutes of the November 9, 2015 regular meeting.
- Treasurers Report for the period ended November 30, 2015.
- Bills Payable for December 2015, totaling \$199,440.41, which includes \$29,316.55 debt service payments.
- Renewal of Class C Liquor with Sunday Sales and Outdoor Service Area privileges for Odie's, 1650 Dows Street.
- Recommendation that Linn County Soil and Water Commission renew the "Slough Bill" property tax exemption for Jim Miller's property at 1200 Vista Road.
- Appointment of Shane Lullman, 1990 Parkland Dr. to the Plan and Zoning Commission.
- Rescheduling the regular January 2016 meeting to January 18, 2016.

Motion carried – 5 to 0.

Communications. Library Director Sarah Sellon reported on activities at the Ely Public Library. Linn County Deputy Steffens presented the Sheriff's Office Activity Report.

Citizen Requests. Kati Jo Bruhn discussed an incident in which a dog attacked her service dog when Ms Bruhn was walking her dog along Banner Valley Road, and stated concern with the speed with which the situation is addressed. Clerk-Administrator Anderson reported the attacking dog's owner did not accept the notice sent via certified mail; notice will be served by Linn County Sheriff's office.

Parks & Recreation Commission

Approve Purchase and Installation of Security Cameras. Mayor Doyle reported Parks Commission seeks to purchase and install security cameras for the concession/restroom building and other locations at Ely City Park. He noted the Parks Commission asks City Council to table action to allow them to get more information regarding quotes received. Ballantyne moved to table approval of purchase and installation of security cameras at Ely City Park per Parks Commission request, second by Grove. Motion carried – 5 to 0.

Schedule Public Hearing re: An Ordinance to Prohibit Smoking and the Use of Tobacco and Nicotine in Public Parks and Providing Penalties. Mayor Doyle reported Parks Commission seeks to prohibit smoking and the use of tobacco and nicotine products in all public parks in Ely, including a penalty for using those products. Ballantyne moved to schedule a public hearing regarding an ordinance to prohibit smoking and the use of tobacco and nicotine products and providing penalties, for 7:00 p.m. Monday January 18, 2016, second by Hale. Motion carried – 5 to 0.

Buresh Estates Third Addition to Ely

Resolution No. 15-1214-46, Approving Revised Preliminary Plat. Mayor Doyle reported Plan and Zoning and City Engineer reviewed the revised version of the preliminary plat for Buresh Estates Third Addition Glenn and Frances Buresh presented immediately before the November City Council meeting. He noted the preliminary plat was revised to facilitate moving alignment of Deborah Anne Lane north compared to the originally approved preliminary plat, which resulted in different lot dimensions and shape. Mayor Doyle reported P&Z and City Engineer recommended approval of the revised preliminary plat subject to the same conditions and requirements that applied to the originally approved preliminary plat and the city engineer's review comments which are included in the proposed resolution. Ballantyne moved to approve Resolution No. 15-1214-46, Approving Revised Preliminary Plat, second by Mehmen.

Aye: Mehmen, Grove, Wery, Ballantyne

Nay: None

Absent/Abstain: Hale due to conflict of interest.

Mayor Doyle declared the motion passed, and resolution approved – 4 to 0, with one abstention.

Approval of Construction Plans. Mayor Doyle reported the City Engineer reviewed construction plans for Buresh Estates Third Addition; and that Mr. Pottorff noted the plans did not include installation of water main along Jappa Road. Mayor Doyle recognized Mike Brain, consulting engineer for the developers, who noted Mr. and Mrs. Buresh do not believe they should have to pay for engineering the water main along Jappa Road from where it will connect by the water tower to the shared property line with the City. Mr. Brain asked the City Council to approve the construction plans as currently submitted. Mayor and City Council discussed, including that the developer's agreement for this property included that Ely will reimburse the developer for installing water main along Jappa Road from a connection with the water tower to the shared property line, and that City believes engineering costs are included with the cost of installing the water main. Mr. Brain noted that Brain Engineering will provide engineering services to install water main along Jappa Road from the water tower to the shared property line as part of the Developer's work, to be reimbursed by the City of Ely. Mehmen moved to approve the construction plans for Buresh Estates Third Addition, dated 12/2/2015 as submitted, second by Grove. Motion carried – 4 to 0, Hale abstaining due to conflict of interest.

Southbrook Addition

Resolution No. 15-1214-47, Approving Final Plat of Southbrook Twelfth Addition in the City of Ely, Linn County, Iowa. Mayor Doyle reported this final plat is for the last

remaining lots in the Southbrook Addition in Ely, that P&Z reviewed and recommended approval. Mehmen moved to approve Resolution No. 15-1214-47, Approving Final Plat of Southbrook Twelfth Addition in the City of Ely, Linn County, Iowa, second by Wery.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

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

Meadowbrook Addition

Resolution No. 15-1214-48, Approving Final Plat of Meadowbrook Addition Part Two, City of Ely, Linn County, Iowa. Clerk-Administrator Anderson reported this resolution would approve a final plat to convert “Outlot A” of the Meadowbrook Addition from an outlot which may not be built on, to a buildable residential lot; subject to requirements that no structure may be built in the 100-year flood plain, that any residence constructed on the property must connect to City water, and that onsite wastewater may be allowed if installed so that it is possible to connect to a sanitary sewer that may be installed Rogers Creek Road. Mayor Doyle recognized Paul Stewart who requested the City Council not require connection to the City water system, as a way to allow potential buyers the greatest amount of flexibility in how they build on the lot. Mayor Doyle reported the Plan and Zoning Commission reviewed the request and recommended approval subject to the conditions stated above. Hale moved to approve Resolution No. 15-1214-48, Approving Final Plat of Meadowbrook Addition Part Two, City of Ely, Linn County, Iowa, second by Ballantyne.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

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

Edellen Meadows Addition

Resolution No. 15-1214-49, Approving 180-Day Extension of Approved Preliminary Plat. Ballantyne moved to approve Resolution No. 15-1214-49, Approving 180-Day Extension of Approved Preliminary Plat, second by Hale.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

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

Highland Road & Ely City Park Parking Lot Project

Project Completion and Acceptance of Work. City Engineer Scott Pottorff reported Ricklefs Excavating completed all work included in the contract for the Highland Road & Ely City Park Parking Lot project including punch list items, and that the work meets contract specifications and is acceptable. Mr. Pottorff recommended the City Council approve project completion and accept the completed work. Mehmen moved to approve completion of the Highland Road and Ely City Park Parking Lot project, and to state the City of Ely’s final acceptance of the work under the contract; second by Ballantyne. Motion carried – 5 to 0.

Payment Request #5 – Final Payment and Release of Retainage. Hale moved to approve final payment of \$35,141.97 to Ricklefs Excavating for work performed under the Highland Road and Ely City Park Parking Lot contract including release of retainage, second by Grove. Motion carried – 5 to 0.

Rogers Creek/Kunkel Addition Sanitary Sewer Expansion

Resolution No. 15-1214-50, Approving Change Order #3. City Engineer reported Change Order #3 to the Rogers Creek Sanitary Sewer expansion project is for \$1,112.50 additional cost related to the contractor Zinser Excavating digging down to confirm the depth of the upstream connection point. Mr. Pottorff noted the sanitary sewer connection point was installed by the Kunkel Addition/Deer Valley contractor and that he suggested Zinser Excavating may benefit from confirming the depth of the connecting point, but did not require them to do so. Mayor and City Council discussed, noting that the additional work was not required, though was recommended by the City Engineer. Mehmen moved to approve Resolution No. 15-1214-50, Approving Change Order #3 with Ely contributing \$556.25 as one-half of the requested change order, second by Hale.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne

Nay: None

Absent: None

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

Resolution No. 15-1214-51, Approving Change Order #4. City Engineer reported Change Order #4 is adds \$2,913.60 to the contract amount for additional cost associated to install a drop connection and adjust a new manhole for the 10” diameter connection. Mayor and City Council discussed, including whether the additional work could have been identified as part of project design. Hale moved to approve Resolution No. 15-1214-51, Approving Change Order #4, second by Mehmen,

Aye: Mehmen, Hale, Wery,

Nay: Grove, Ballantyne

Absent: None

Mayor Doyle declared the motion passed, and resolution approved – 3 to 2.

Ely Comprehensive Plan

Schedule Public Hearing re: P&Z Recommendation to Amend Comprehensive Plan re: Commercial Uses. Hale moved to schedule a public hearing to amend the text of the Comprehensive Plan for contractor operations that meet set conditions to be considered commercial activities for the future land use map for 7:00 p.m. Monday January 18, 2016, second by Mehmen. Motion carried – 5 to 0.

Public Works – Streets, Water, Sewer & Equipment

Authorize Hiring Tom Malatek as Temporary Seasonal Part-Time Public Works as Needed for Snow and Ice Removal. Mr. Anderson reported Public Works Director Ron Stark seeks approval to hire Tom Malatek as a temporary seasonal, part-time worker to help with snow and ice removal, he noted Steve Bunn is unavailable for snow/ice removal due to a work-compensation injury. Grove moved to approve hiring Tom Malatek as a seasonal part-time public works employee at wage of \$12.00 per hour, second by Ballantyne. Motion carried – 4 to 0; Mehmen abstaining due to conflict of interest.

Administrative, Personnel and Staffing

Resolution No. 15-1214-45, Approving Amendment to AT&T Cellular Facility Lease for Jappa Rd Water Tower, Amendment of Agreement. Mr. Anderson reported AT&T agreed to include a provision under which AT&T would pay the per-square foot lease rate in effect at time of any expansion of their facilities. Mehmen moved to approve Resolution No. 15-1214-45, Approving Amendment to AT&T Cellular Facility Lease for Jappa Rd Water Tower, Amendment of Agreement, second by Hale.

Aye: Mehmen, Grove, Hale, Wery, Ballantyne
Nay: None
Absent: None

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

Annual Financial Report for FY 2014-15. Clerk-Administrator Anderson reported he transposed budget amendment numbers for culture/recreation expenditures and health/social service and that all operational expenditures were within intended amended budget. Ballantyne moved to approve the Annual Financial Report for FY 2015-15, second by Grove. Motion carried – 5 to 0.

Annual Urban Renewal Report for FY 2014-15. Ballantyne moved to approve the Annual Urban Renewal Report for FY 2014-15, second by Wery. Motion carried- 5 to 0.

Annual Tax Increment Finance Certification for FY 2016-17. Mayor Doyle reported the Annual TIF Certification includes a request for \$211,059 in tax increment finance proceeds for TIF certified debt payments due during FY 2016-17. Hale moved to approve the Annual Tax Increment Finance Certification for FY 2016-17, second by Mehmen. Motion carried – 5 to 0.

Social Media Policy. Discussion regarding a social media policy was deferred per Mr. Anderson's request.

Discuss Possible Purchase of Land. Clerk-Administrator reported no progress regarding discussions with a landowner who may be willing to consider an offer from Ely to purchase land

Discussion Items. Stephanie Mehmen thanked Council members Bob Ballantyne and Bill Grove for their service working together on the City Council. Ms Mehmen thanked Jim Doyle for his service and work for Ely as mayor.

Grove moved to adjourn, second by Ballantyne; motion carried – 5 to 0. The meeting adjourned at 8:08 p.m.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator