

**ELY CITY COUNCIL  
REGULAR MEETING  
MAY 9, 2016  
ELY CITY COUNCIL CHAMBERS**

Mayor Eldy Miller called the meeting to order at 7:00 p.m. Council members present: Teri Billick, Stephanie Mehmen, Kay Hale, Judy Wery and Elizabeth Rohner. Also present: Jim Miller, Luanne Miller Marv Peters, Dave Netolicky, Adam Smith, Jason Goerhart, Hunter Goerhart, Jeff Simmons, Joel Miller, Alan Wery, Tom Rohner, Glen Meisner, Katie Jo Bruhn, Terry Smith, Dave Rasmussen, J. Hansen, Curt Hayek, Sarah Sellon, City Engineer Scott Pottorff and Clerk-Administrator Aaron Anderson.

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

**Introduction of Ely Area Veteran.** Mayor Miller recognized Marv Peters who introduced an Ely area veteran for recognition. Mr. Peters introduced local veteran Adam Smith who is an Ely resident and has made a difference for his nation and community. Mr. Smith joined the Army in 2003, attended Ranger Indoctrination training at Fort Benning Georgia which is an exceptionally competitive program. Upon graduating Mr. Smith was assigned to the 1<sup>st</sup> Rangers, 75<sup>th</sup> Regiment Special Operations Command out of Fort Benning. Mr. Smith performed anti-terrorist operations for Operation Iraqi Freedom. He was injured rappelling from a helicopter during a major night time assault operation and fell 40-feet. He was taken to a special operations facility for medical care through the attention of a family friend. Adam was sent to Walter Reed for rehabilitation and was in the US for Christmas in 2005. He returned to combat operations as commander of a Stryker unit and engaged in multiple combat operations against Al Quaida forces. Adam resigned from the Army in spring 2007, returned to Ely and attained a Bachelor's Degree from Mount Mercy College in Cedar Rapids. He is married to Kelci Smith, with three children. He is the owner of Driven Management, which manages convenience stores in Iowa and Illinois. Adam teaches instructional hockey and completed the Chicago Marathon in 2011. Adam is a member of the Ely American Legion, Board of Adjustment, and Petroleum Marketers of Iowa and the American Sailing Association. Mayor Miller, City Council members and the audience members all recognized thanked Adam Smith for his service to the nation and community.

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

- Agenda, as presented.
- Minutes of the April 11, 2016 regular meeting.
- Minutes of the April 5, 2015 special meeting
- Treasurer's Report for the period ended April 30, 2016.
- Bills Payable for May, 2016 totaling \$90,608.06.
- Renewal of Class C BW Liquor Permit, St. Quentin Post #555 of the American Legion, 1545 Main St.
- Renewal of Class C Beer Permit with Sunday Sales and Residence Privileges, Cleppe's 66 Service, 1555 State St

Motion carried – 5 to 0.

**Communications.** Library Director Sarah Sellon reported on activities at the Ely Public Library. Linn County Deputy Stiness presented the Sheriff's Office Activity Report, and reminded people to get in the habit of locking their car doors.

**Citizen Requests.** Kay Hale and Stephanie Mehmen inquired regarding the hiring of Charles Franks for seasonal grounds maintenance and reminded Mayor and City Administrator that City Council reviews and approves all hires. Mayor Miller emphasized establishing an equipment replacement schedule.

Katie Jo Bruhn asked the city to distribute a general statement regarding expectations of private property maintenance along stream banks by residents; Mayor and City Council discussed including possibly adding it to restrictive covenants.

**Request for Dedicated Parking Spaces on Dows Street for Cloud 9, 1685 Dows St.**

**City Administrator's Report re: Request.** Aaron Anderson. City Administrator reported Tammy Bryant, proprietor of Cloud 9 at 1685 Dows Street, requested two parking spaces on the north side of Dows Street at 1685 Dows St be dedicated for the customers of her business from 9:00 a.m. through 8:00 p.m. Mayor and City Council discussed the matter, including the Downtown/Main Street parking lot and concern with an undesirable precedent.

**Schedule Public Hearing re: Ordinance to Limit Parking in Two Spaces at 1685 Dows St. for Use of Business at 1685 Dows Street.** Mr. Anderson reported parking regulations are set by ordinance, including limitations on use or availability. A motion was not offered to schedule a public hearing to enact an ordinance restricting use of two parking spaces in front of 1685 Dows Street.

**Downtown Area Commercial Building Forgivable Loan**

**Initial Proposal for Request for Forgivable Loan – 1655 Dows St., Dave & Holly Rasmussen.** City Administrator Anderson reported Dave Rasmussen requests a \$3,000.00 forgivable loan through Ely's Downtown Commercial Area Building Forgivable Loan Program to:

“Prepare surface and re-paint upper two windows, including decorative metal trim around windows. Prepare surface and re-paint cornice features along front roof parapet. Repair front roof edge. Add exterior “eyebrow/awning” feature above lower windows, including recessed LED downward lighting and decorative metal finish. Replace exterior door to upper unit with new full glass door that matches commercial space entrance. Add decorative light fixture inside new door, visible from outside. Add new exterior step outside new door to match commercial space entrance.

Mr. Rasmussen discussed the request with the Mayor and City Council, and reported he got three bids for the work, with lowest bid \$6,785.00 from Mahoney Construction.

**Resolution No. 16-0509-13, Approving Forgivable Loan and Authorizing Forgivable Promissory Note.** City Administrator reported Resolution No. 16-0509-13 approves the request from Dave Rasmussen for a 0% five year forgivable loan of \$3,000.00 as set out in the application dated May 4, 2016; and authorizes issuance of the Forgivable Promissory Note for same. Wery moved to approve Resolution No. 16-0509-13, second by Billick.

Aye: Billick, Mehmen, Hale, Wery, Rohner  
Nay: None  
Absent: None

Mayor Miller declared the motion passed and resolution approved - 5 to 0.

**Request for Outdoor Alcohol Service Area on May 14, June 25, July 4, July 16 and August 27 – Odies, 1650 Dows Street.** Mayor Miller reported Tom Rohner, owner of Odies, reports there are several large bike rides coming to or through Ely this summer. Odies seeks to set up a recurring outdoor service area on open land on the east side of their building. The service area would be on land Odies owns, and land Randy Zbanek owns. He noted he has been working with Randy Zbanek, who owns the “post office” building east of Odies, to use the open space between their two buildings for the outdoor service area.

Mehmen moved to approve temporary Outdoor Alcohol Service Areas for Odie’s at 1685 Dows Street on the following dates: May 14<sup>th</sup>, June 25<sup>th</sup>, July 4<sup>th</sup>, July 16<sup>th</sup>, and August 27<sup>th</sup> all in 2016 per Mr. Rohner’s request; second by Billick. Motion carried – 4 to 0; Rohner abstaining.

### **Hoover Trail From Community Center to Linn/Johnson County Line**

**Approve Alignment and Location of Trail.** Mayor Miller reported the City held a neighborhood meeting regarding this project earlier; and considered an alignment alternative that would install a 10’ wide trail separated from the vehicle travelled portion of the street by a 5-foot wide median that is painted and has rumble strips nearest the vehicle lane. Clerk-Administrator Anderson reported the project is at the point of preparing final plans and specifications under the IDOT bid letting system, need to know what the alignment through Ely will be, and are on the IDOT bid schedule for February 2017 letting.

Mayor and City Council discussed the matter with Project Engineer Todd Happel. Mr. Happel noted the main need for the City is to determine the alignment. Mayor and City Council discussed the matter, topics discussed include but are not necessarily limited to: compatibility with resurfacing or improving State Street in the future.

David Netolicky asked if this will be a recreational or transportation trail; Todd Happel stated he does not believe there is a difference. Terry Smith stated there is a difference because a gentleman reported last meeting that the city may not condemn land for a recreational trail but may do so for transportation purposes. Mayor Miller asked who is being referred to, and that the person who made that statement may have been referring to using it to travel to work. Mr. Smith noted that you may need to come on to private property for a temporary construction easement for the grade separated alignment and that they may not get approval to do so. Todd Happel stated that law changed in the last few years and that cities may require temporary construction easements for all but agricultural land due to recent changes in the law.

Terry Smith stated previous Mayors and City Councils have not heeded the interest of the adjacent homeowners. Mayor Miller and Mr. Smith discussed the matter including concerns with liability for ditch and maintenance. Mr. Smith stated the City accepting the option to move it closer to the property line would again be ignoring the preferences of the adjacent property owners; the closer the trail is to the traveled section the easier it is for a driver to see trail traffic. Mayor Miller noted a car that is waiting across the trail has right-

of-way. Discussion of various other items include extension of culverts in the project area, improving storm water control.

Todd Happel noted we are working off concept plans because have not been able to get on private property to perform topographical surveys and will work out details while preparing detailed construction plans. Mayor Miller summarized the alignment options under discussion. Mr. Happel noted for grade separated alignment the edge of trail will be 14-feet from property lines, and further from property lines with the median option and that the trail is further away from property lines than typical. Council members noted that the northbound travel lane of State Street will be one-foot narrower with the trail separated my median option.

Stephanie Mehmen asked Mr. Happel which alignment he recommends; Mr. Happel responded both options are viable and meet relevant engineering standards.

Terry Smith stated the median option is better for the residents; because it is easier to see trail traffic for the property owner. He stated the City Council would be totally and completely disregarding the preference of neighboring property owners to proceed with grade separated trail; and that previous City Councils would commit gross negligence to vote on that option. Kay Hale asked if Mr. Smith believes the City Council did not conduct their due diligence when voting on this the first time, Mr. Smith stated that is the case. Ms Hale stated the City Council considered matters carefully, and that the “Option D” – the trail separated by median alignment was not presented earlier.

Billick moved to approve and proceed with alignment “Option D” for the 10’ wide trail separated from the vehicle travelled portion of the street by a 5-foot wide median that is painted and has rumble strips nearest the vehicle lane; second by Rohner. Motion carried – 4 to 0; Hale abstaining.

**Provide Driveway Turnarounds for Properties Adjacent to Hoover Trail.** Mayor and City Council discussed installing driveway turnaround areas for homes along State Street so vehicles can drive forward when crossing the trail and entering State Street, rather than traverse the distance in reverse. Consensus of the City Council is that the City Council is supportive of the installing turn-arounds on private property as part of the project when considered warranted by the project engineer.

**Downtown/Main Street Parking Lot Project.** City Administrator Anderson reported a dispute arose between Ely and Metro Pavers regarding payment for sealcoat work in the alley behind the Downtown/Main Street Parking Lot, specifically that the City Engineer and City Administrator were of the opinion that the work was corrective at no additional cost to Ely and that Metro Pavers believes the work was not corrective under the contract and was ordered directly by the City Engineer. Mr. Anderson reported the City Attorney met with all parties involved and recommended the parties each pay one-half of the cost of the additional seal coat work, or \$2,600 each; with Ely paying LL Pelling the full amount and final payment to Metro Pavers decreased \$2,600.00.

**Project Completion and Acceptance of Work.** City Engineer Scott Pottorff reported Metro Pavers completed all work included in the contract for the Downtown/Main Street 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 Wery. Motion carried – 5 to 0.

**Payment Request #5 – Final Payment and Release of Retainage.** Mehmen moved to approve Payment Request #5 and final payment of \$7,085.03 to Metro Pavers, Inc. for work performed under the Downtown/Main Street Park Parking Lot contract including release of retainage, second by Billick. Motion carried – 5 to 0.

**Payment Request to LL Pelling for Sealcoat Work Performed for the Downtown/Main Street Parking Lot Project.** Mehmen moved to approve payment of \$5,200.00 to LL Pelling, Inc. for Sealcoat work performed for the Downtown/Main Street Parking Lot project; second by Wery. Motion carried – 5 to 0.

### **Public Works – Streets, Water, Sewer & Equipment**

**Discuss Street/Road Repair Projects for FY 2016-17.** Mayor and City Council discussed street/road repair and maintenance projects to pursue in FY 2016-17. City Administrator was directed to gather more information for projects to sealcoat Banner Valley Road, correct transition and resurface Worley Lane, resurface Knoll Court and Ranmar Court, and to replace broken or heaved concrete street panels in Southbrook.

**Authorize Repair of Rusted Wheel Wells on Ford F150 Pickup.** Clerk-Administrator reported significant rust in the rear wheel wells on the white Ford F-150 pickup, and that the low quote for repair Public Works Director Stark received of \$1,650 from Steve's Auto Body in Solon. Mayor Miller and City Council discussed the matter, including the value of the truck compared to repair cost and that Ely needs to establish a vehicle and equipment replacement schedule. City Administrator was directed to gather more information regarding cost to replace the vehicle, and report back to City Council..

### **Budget & Finance**

**Schedule Public Hearing re: Amending Current Year FY 15-16 Budget.** Mehmen, second by Rohner, moved to schedule a public hearing re: Amending the budget as presented below at 7:00 p.m. June 13, 2016:

- Updates General Fund revenues from several totaling \$34,111.
- Update Road Use Tax proceeds to reflect an increase of \$34,111.
- Increase Library expenditures \$6,628 to adjust for changes in full-time/part-time staff pay and for grant funded activity.
- Parks increase of \$29,738 to reflect the cost of repairing the Schulte Park shelter.
- Increase City Hall & General Buildings \$3,000 to cover cost of various items in the community center.
- Increase General Fund Capital \$14,735 for grading and sealcoat work on Banner Valley Road.
- Increase Road Use Tax fund expenditures \$35,134 for contracted street repairs.

Motion carried – 5 to 0.

**Discuss Capital Projects for FY 2016-17.** Mayor and City Council discussed possible capital projects for FY 2016-17; including extending Northgate Drive and constructing a parking area on the north side of Ely City Park, a sidewalk/walking path on the south side of Banner Valley Road Pacific Street east, emphasizing street improvements, and possible resurface or other improvements on State Street in the next three to five years.

### **Administrative, Personnel and Staffing**

**Job Description for Recreation Coordinator/Digital Media Tech Position.** Mehmen moved to approve the job description prepared by the City Administrator revised as follows: include grant writing in essential functions, minimum education 2-year/Associates degree in related field; preferred education BA or more advance in related field and add that some work is performed outdoors; second by Rohner. Motion carried – 5 to 0.

**Authorize Beginning Process to Hire Recreation Coordinator/Digital Media Tech.** Wery moved to authorize the City Administrator to begin the hiring process for Recreation Coordinator/Digital Media Tech position; second by Billick. Motion carried. Review committee will be comprised of: Mayor Miller, Council members Mehmen and Rohner, a representative of the Parks and Recreation Commission and City Administrator.

**Authorize 4th of July Parade as a City Sponsored and Organized Function.** Hale moved to designate the 4<sup>th</sup> of July parade as a City of Ely function; second by Mehmen. Motion carried – 5 to 0.

**Accept Quote to Install Security Camera System at Public Works Facility.** City Administrator Anderson reported Ely received the following quotes to provide and install a security camera system at the Public Works Facility:

HiTech Communications, Robins, IA - \$2,513.00

Ramsey Communications/Tech Solutions, Hiawatha, IA - \$5,297.77

Mayor and City Council reviewed and discussed the proposals; including difference in number of cameras proposed, internet accessibility, and comparability of the proposed hardware. City Council deferred action on this matter for more information to be gathered.

**Resolution No. 16-0509-14, Authorizing Alliant to Install Additional Street Lights.** Mayor Miller reported this resolution authorizes Alliant Energy to install street lights in the middle of various alleys in “original Ely” consistent with previous City Council discussion. Hale moved to approve Resolution No. 16-0509-14, Authorizing Alliant to Install Additional Street Lights; second by Billick.

Aye: Billick, Mehmen, Hale, Wery, Rohner

Nay: None

Absent: None

Mayor Miller declared the motion passed and resolution approved - 5 to 0.

**Accept Quote to Update Jayhawk Utility Billing Software.** Mehmen moved to accept a quote from Advantage Computer/Jayhawk Software to upgrade the utility billing software at a cost of \$5,135.00 and authorize payment of \$2,567.50 to said vendor; second by Hale. Motion carried – 5 to 0.

**Accept Proposal/Quote to Update Codification of Ordinances.**

**Discuss Possible Purchase of Land. \*Possible Closed Session, as Permitted by §21.5(j) Code of Iowa.** Hale moved to go into closed session to discuss the possible purchase of real estate, as allowed by Section 21.5(j) of the Code of Iowa at 9:45 p.m., second by Wery. Motion carried – 5 to 0. Mayor Miller declared the meeting in closed session at 9:45 p.m.

Hale moved to end closed session and resume in regular open session at 10:02 p.m., second by Mehmen. Motion carried – 5 to 0. Mayor Miller declared the meeting in regular open session at 10:02 p.m.

**Discussion Items** City Council directed that the donated electric pole that is not in use at Ely City Park is to be removed.

Hale moved to adjourn, second by Mehmen; motion carried – 5 to 0. The meeting adjourned at 10:02 p.m.

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Eldrew Miller, Mayor

Attest:

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Aaron Anderson, Clerk/Administrator