

**ELY CITY COUNCIL
REGULAR MEETING
JUNE 13, 2016
ELY CITY COUNCIL CHAMBERS**

Mayor Eldy Miller called the meeting to order at 7:00 p.m. Council members present: Teri Billick, Kay Hale, Judy Wery and Elizabeth Rohner; Stephanie Mehmen absent - excused. Also present: Jim Miller, Frances Buresh, Rob Kramer, Annette Wieneke, Jeff Ward, Kerry Vincent, Nancy Vincent, Julie Appleget, Bob Mreen, Don Scott, Shannon Billick, Jake Hansen, Butch Wieneke, 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.

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

- Agenda, as presented.
- Minutes of the May 9, 2016 regular meeting.
- Treasurer's Report for the period ended May 31, 2016.
- Bills Payable for June, 2016 totaling \$658,565.26 which includes \$521,109.05 of debt service principal and interest payments.
- Renewal of retail cigarette and tobacco permits for Casey's General Store, 1495 State St., and Cleppe's 66 Service, 155 State St.
- Renewal of Class E Liquor, Class B Wine (carryout) and Class C Beer (carryout) permit with Sunday Sales Privilege for Casey's General Store, 1495 State St.
- Appointment of Jamie Allard, 2021 Rogers Creek Road, as rural area representative to Ely Library Board

Motion carried – 4 to 0.

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

Citizen Requests. Nancy Vincent stated considerable dissatisfaction regarding junk vehicles and an improper auto repair business on residential property at 1615 Hillcrest Street. Mayor and City Council discussed the matter with Ms Vincent and directed the Clerk-Administrator to pursue nuisance abatement actions regarding the matter.

Butch Wieneke noted a sign for "fill dirt wanted" at 1395 State Street, and asked if the homeowner has applied for a floodplain fill permit. Clerk-Administrator reported the homeowner picked up a floodplain development application, and has not yet submitted the application.

Request to Construct a Stoop that Extends on Public Sidewalk/Right of Way for Cloud 9, 1685 Dows St. Mayor Miller reported Tammy Bryant requests permission to construct a stoop or similar item that extends roughly 26-inches into the sidewalk at 1685 Dows Street. Mayor and City Council discussed this request with Jeff Ward; Mr. Ward noted the request is made because the upper false front does not support the weight of the new business sign for Cloud 9. Hale

moved to approve the request to allow a stoop or similar item to be constructed to extend roughly 26-inches into the sidewalk in front of 1685 Dows Street, second by Rohner. Motion carried – 4 to 0.

Odie's Request for Street Dance – Sunday June 26, 2016 – Rain Makeup. Elizabeth Rohner reported Odie's decided to rescind this request due to the success of the scheduled event.

Vern Yarbrough Discussion with City Council re: Rogers Creek and Effects of Pending Developments on Stream Level. Julie Appleget reported she is Vern Yarbrough's daughter and will discuss concerns regarding potential for flooding of Rogers Creek and impact of developments on the stream level on his behalf. Ms Appleget stated they are checking on process to achieve cleaning silt and accumulated vegetation from the stream bed and clearing stream banks from items that hinder the flow of water near their house on Banner Valley Rd near Rogers Creek and further downstream by the bridge. She noted the creek gets fuller and is filled with trees, and opens where the sewer line was installed in 2007. Ms Appleget stated concern that trees along the stream bank could fall into the stream and create a dam, causing water to back up at the fire station and into homes along the creek. Mayor and City Council discussed and directed the Clerk-Administrator to develop a plan to clear the stream and remove silt.

Firelake Event Center on Rogers Creek Rd. Mayor Miller reported DJ Wacker decided not to pursue an onsite micro-brewery for Firelake Event Center because the brew masters they were working with are no longer available.

Hoover Trail From Community Center to Linn/Johnson County Line

Resolution No. 16-0613-15, Approving Intergovernmental Agreement with Linn County Conservation re: Construction of Hoover Nature Trail from Ely Community Center to Linn/Johnson County Line. Clerk-Administrator Anderson reported this agreement is between Linn County Conservation and the City of Ely regarding construction of the Hoover Nature Trail from Ely Community Center to the Linn/Johnson county line, and deals with responsibility and cost share for the work. Hale moved to approve Resolution No. 16-0613-15, Approving Intergovernmental Agreement with Linn County Conservation re: Construction of Hoover Nature Trail from Ely Community Center to Linn/Johnson County Line, second by Billick.

Aye: Billick, Hale, Wery, Rohner

Nay: None

Absent: Mehmen

Mayor Miller declared the motion passed and resolution approved - 4 to 0.

Budget & Finance

Public Hearing re: Amending Current Year FY 15-16 Budget. 7:00 p.m. Hale moved to open a public hearing re: amending the current year FY 15-16 budget at 7:27 p.m.; second by Rohner. Motion carried – 4 to 0. Mayor Miller declared the public hearing open at 7:27 p.m. Mayor Miller asked for comments regarding the public hearing item. Clerk-Administrator Anderson reported this public hearing is required under state code before City Council takes action to amend the current year budget, and that notice was published and posted June 3, 2016. Mr. Anderson summarized the requested amendment items, including Library revenues

and expenditures, parks expenditures related to repairing the Schulte Park pavilion, and increased revenue and expenditures in Road Use Fund related to increased Road Use Tax revenue. Judy Wery asked if lien has been filed for the remainder of the cost to repair Schulte Park, Mr. Anderson stated one has.

Hale moved to close the public hearing at 7:32 p.m., second by Wery. Motion carried - 4 to 0. Mayor Miller declared the public hearing closed and meeting in regular session at 7:32 p.m.

Resolution No. 16-0613-16, Amending Current Year FY 15-16 Budget. Hale moved to approve Resolution No. 16-0613-16, Amending Current Year FY 15-16 Budget, second by Billick.

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

Mayor Miller declared the motion passed and resolution approved - 4 to 0.

Resolution No. 16-1613-17, Authorizing FY 15-16 Inter-Fund Transfers. Hale moved to approve Resolution No. 16-1613-17, Authorizing Inter-fund Transfers, second by Rohner.

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

Mayor Miller declared the motion passed and resolution approved - 4 to 0.

Discuss Capital Projects for FY 2016-17. Mayor and City Council discussed possible capital projects to be conducted in FY 2016-17; including construction of a parking area on the north side of Ely City Park. Topics discussed include but are not limited to: articles in city newsletters and other media encouraging people to City Park users at the Downtown Parking lot; signs at the downtown parking lot directing people to City Park, establishing a trailhead for the Hoover Trail at Ely City Hall, and additional Hoover Trail direction signs. The matter will be taken up at future meetings.

Public Works – Streets, Water, Sewer & Equipment

Discuss Sale of City Owned Lot at 1671 Knoll Court, Former Water Tower Site. Mayor Miller reported Don Scott contacted Ely about Ely transferring title of the former site of the Ely Water Tower at 1671 Knoll Court. Don Scott reported he has been mowing the property as best he can, though the gate has been locked; and that he would like Ely to have the street light and pole removed from the property. Mr. Scott stated he would like to receive title to the property. Clerk-Administrator noted that the City State Coder requires the city to conduct a public hearing prior to disposing of interest in real property, and that State Code prohibits gifting real property to private entities. Mayor and City Council discussed the matter, topics discussed include that the parcel no longer benefits Ely, that the parcel is non-conforming in overall size and front width per R-1 Single Family Residential standards, that the City should not lose money on the transaction, and that the legal description of the lot includes a portion of the Knoll Court right of way.

Resolution No. 16-0613-18, Proposal to Dispose of Interest in Real Estate and Scheduling Public Hearing re: Sale of City Owned Lot at 1671 Knoll Court. Clerk-Administrator reported this resolution authorizes soliciting sealed bids for the parcel from owners of adjacent property only with minimum bid the cost to correct the legal description of the parcel, Ely to remove the street light and pole, and to schedule a public hearing regarding this proposal for 7:00 p.m. Monday July 11, 2016. Hale moved to approve Resolution No. 16-0613-18, Proposal to Dispose of Interest in Real Estate and Scheduling Public Hearing re: Sale of City Owned Lot at 1671 Knoll Court; second by Rohner.

Aye: Billick, Hale, Wery, Rohner

Nay: None

Absent: Mehmen

Mayor Miller declared the motion passed and resolution approved - 4 to 0.

Resolution No. 16-0613-19, Accepting Quote to Resurface Worley Lane. Mayor Miller reported Ely received two quotes to resurface Worley Lane, and the low quote is \$12,735.00 from Hansen Asphalt, of Iowa City. He noted the resolution accepts the quote from Hansen Asphalt. Judy Wery reminded staff to contact Southslope regarding removing the communications box in the project area. Hale moved to approve Resolution No. 16-0613-19, second by Wery.

Aye: Billick, Hale, Wery, Rohner

Nay: None

Absent: Mehmen

Mayor Miller declared the motion passed and resolution approved - 4 to 0.

Resolution No. 16-0613-20 Accepting Quote to Sealcoat Banner Valley Road and a Portion of Vavra Drive. Mayor Miller reported LL Pelling submitted a quote of \$39,568.85 to sealcoat Banner Valley Road from Worley Lane to the east City limits and to repair a segment of Vavra Drive near a storm intake. Wery moved to approve Resolution No. 16-0613-20, Accepting Quote to Sealcoat Banner Valley Road and a Portion of Vavra Drive; second by Hale.

Aye: Billick, Hale, Wery, Rohner

Nay: None

Absent: Mehmen

Mayor Miller declared the motion passed and resolution approved - 4 to 0.

Accept Quote to Investigate Knoll Court Subsurface Conditions. City Engineer Scott Pottorff reported contacting Terracon regarding investigating the subsurface conditions on Knoll Court in response to concerns that subsurface material may be eroding or moving away from under the street for other reasons. Mr. Pottorff reported Terracon proposes to perform four exploratory borings on Knoll Court at cost of \$3,150.00. Hale moved to accept the quote from Terracon to conduct four exploratory borings on Knoll Court at cost of \$3,150.00; second by Billick. Motion carried – 4 to 0.

Report Re: Retaining Wall for E. Pacific Street Culvert. Scott Pottorff reported meeting with Frank Schultz of MidAmerican Basement Systems regarding repairing the retaining wall for the E. Pacific Street Culvert. He reported a helical anchoring system is a viable

method to repair and stabilize the cracked retaining wall, and that MidAmerican Basement Systems quoted \$5,744.00 to install a helical anchor system. Mayor and City Council discussed, noting this was not presented as an action item on the agenda, general support for the proposal and that the matter is to be brought for City Council action at the July 11, 2016 City Council meeting.

Solid Waste/Recycling

Authorize Participation in “Curbside Recycling Program Incentive Program” Offered by Linn County Solid Waste. Hale moved to authorize Ely’s participation in the Linn County Solid Waste Agency’s “Curbside Recycling Program Incentive” Program; second by Wery. Motion carried – 4 to 0.

Administrative, Personnel and Staffing

Accept Quote to Install Security Camera System at Public Works Facility. Mayor and City Council discussed this matter, including questions regarding use of DVR technology, customer references for each vendor, and having Mike Murray of Melrose Computers review proposals. Matter deferred until July 11, 2016 for additional information.

Accept Proposal/Quote to Update Codification of Ordinances. Hale moved to approve the quote of not more than \$4,733.00 to update the Ely City Code from the East Central Iowa Council of Governments (ECICOG), second by Rohner. Motion carried – 4 to 0.

Report of Employee Performance Reviews. Mayor and City Council discussed the summary of employee performance reviews presented by City Administrator Anderson and the performance review of Mr. Anderson prepared by Mayor Miller

Resolution No. 16-0613-21, Setting Employee Wages and Salaries for City of Ely for FY 2016-17. Clerk-Administrator reported this resolution increases wages and salaries for non-library employees by 3%, library employee wages and salaries are set by the Library Board. Hale moved to approve Resolution No. 15-0608-23, Setting Employee Wages and Salaries for City of Ely for FY 2015-16, second by Rohner.

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

Mayor Miller declared the motion passed and resolution approved - 4 to 0.

Clerk-Administrator was directed to prepare a plan to implement pay for performance and to conduct performance evaluations twice each year.

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 8:28 p.m., second by Wery. Motion carried – 4 to 0. Mayor Miller declared the meeting in closed session at 8:28 p.m.

Hale moved to end closed session and resume in regular open session at 9:04 p.m., second by Rohner. Motion carried – 4 to 0. Mayor Miller declared the meeting in regular open session at 9:04 p.m.

Discussion Items

Hale moved to adjourn, second by Rohner; motion carried – 4 to 0. The meeting adjourned at 9:04 p.m.

Eldrew Miller, Mayor

Attest:

Aaron Anderson, Clerk/Administrator