

Ely City Council Proceedings

The City Council Meeting met in person, online over ZOOM Platform, and Facebook on December 19th, 2022, as allowed by Section 21.8 of Iowa Code. Officials present at City Hall in person were Mayor Eldy Miller; Council Members William Tuthill, Judy Wery, and Mark Becicka were present for the meeting. Ben Symonds and Dan Whitaker remotored in through ZOOM. Mayor Eldy Miller called the meeting to order at 7:00 pm by roll call/Pledge of Allegiance.

The following claims include expenses for the city, Park Board and Library:

ACME ELECTRIC COMPANY, Wastewater Trouble Shooting	13,000.00
ADVANCED BUSINESS SYSTEMS, Copies	164.00
AIRGAS USA LLC, Cylinder Rental	75.33
ALLIANT, Electric	6,808.34
ALSA LLC, Easement Payment	10,522.00
ALTORFER INC, Lift Xmas Lights	685.00
AMAZON CAPITAL SERVICES-BUS, Amazon Misc.	2,126.77
BAKER & TAYLOR, Library Books	367.28
BASE, Cafeteria Plan January	30.00
BOLTON & MENK INC, ArcGIS Setup	2,594.50
BOOK FARM LLC, Library Books	1,492.83
CALLIE STULZ-O'BRIEN, Reimbursement	32.64
CARDMEMBER SERVICE, Pumpkin Float	228.38
CLIP CLOP CARRIAGE COMPANY, Carriage Rides	1,000.00
CARDMEMBER SERVICES LIB, LIB Credit Card	405.00
CSG FORTE PAYMENTS INC, FrontDesk CC Contract Fees	713.18
DATA443 RISK MITIGATION INC, Software	48.75
EFTPS, Fed/FICA Tax	6,811.91
FSA - TARA MILLER, FSA Reimbursement	18.62
FSA - TARA MILLER, FSA Reimbursement	8.71
GAZETTE COMMUNICATIONS INC, LEGAL PUBLICATIONS	414.08
HDC PRINTED PRODUCTS, W-2 and 1099 Forms	133.59
IA MUNICIPALITIES WORKERS COMP, Prem #6 FY22-23	658.00
INNOVATIVE SIGNS, FALL FEST TROPHIES CAR SHOW	75.00
KIRACOFE OIL CO, Annual 1000-Gal Tank Rental	52.00
MENARDS, Timer / Light Bulb	88.94
MIDAMERICAN ENERGY COMPANY, Gas Utilities	314.54
MSA PROFESSIONAL SERVICE INC, Downtown Master Planning	22,860.00
MUNICIPAL SUPPLY, Single Port Smart Points	8,181.00
NEAL'S WATER CONDITIONING, City Hall Maintenance	19.50
OFFICE EXPRESS, Cleaning Supplies City Hall	86.04
LINN COUNTY REC, Electrical Svc	313.14
SAM'S CLUB/S/SYNCHRONY BK, Paper Shredder City Hall	349.96
SCHIMBERG CO, WWTP Skimmers	72.80
SCHUMACHER ELEVATOR COMPANY, Elevator Maintenance	201.96
SCRATCH & DENT APPL WAREHOUSE, Comm Ctr Refrigerator	1,695.00
SOLBERG'S Fall Fest	219.00
SOUTH SLOPE, Phone/Internet	684.09
SOUTH SLOPE, Phone/Internet	88.18
TERMINIX, C.H. & LIB Pest Control	82.25
TO THE LETTER TYPE & DESIGN, Newsletter Typeset	55.00
TRACY CLAIR, Reimbursements	20.40
UMB, 2012B Interest Fee	250.00
UNITY POINT CLINIC-OCC MEDICINE, DOT Drug Testing	84.00
WM OF CEDAR RAPIDS-IOWA CITY, Refuse Services	13,425.69
Accounts Payable Total	97,557.40
Payroll Checks	19,246.84
Report Total	116,804.24

CONSENT AGENDA Minutes from December 5, 2022 Council Meeting; Bills Payable 12/06/22– 12/19/22
 Totaling \$116,804.24 Motion to approve the consent agenda by Becicka; seconded by Wery All Ayes, 5-0
 motion carried.

CITY DEPARTMENT REPORTS - Sheriff's Reports City Staff hasn't received the report yet. City Administrator will research city email in case he missed it and will forward to city council members.

Public Works Department is preparing for winter storm to hit over Christmas weekend. Ely City Hall and Ely Library do not have generators for winter shelter if we have a winter event and the city loses power.

At the January 9th, 2023 7:00 pm special meeting, we should have Phase #1 plans for the Downtown Project and Municipal Complex survey results.

Clerk November Financial Reports have been uploaded to the Drop Box.

Callie Stulz-O'Brien, Director of Parks & Recreation gave report on the Iowa BIG projects, that foster high school students abilities and interests. There are currently 4 projects students have taken on in Ely. One group is mapping street signs and easement trees. One group is planning a winter event with the American Legion and the last two groups will be creating and presenting three giant chairs and picture frames for photo opportunities to be located at Vavra Park.

Ice rink is not quite ready, and she hopes to open it on Tuesday, December 27th.

Eldy reminded citizens that if a snow emergency is issued once 2" have fallen, no parking on the streets to allow for the plows.

No Community Comments.

BUSINESS Public hearing related to ordinance 303 "Well Protection" This public hearing is related to ordinance 303 "Well Protection". The DNR recently completed a facility and system inspection of the drinking water system in Ely. Iowa DNR determined during the inspection; the City was missing a required section of City Code that protects against contamination of drinking water. The city previously had this section in City Code but somewhere along the way it was wrongly removed or omitted. This ordinance limits no chemical application and no above ground storage within one hundred feet of a well and no below ground storage within two hundred feet of a well. Opened for public comments. Council person Becicka asked how many homes effected, two per city administrator Thompson. No Public Comments. Motion to close Public Hearing comments by Becicka, seconded by Symonds. Roll Call All Ayes, 5-0 motion carried.

Motion to close Public Hearing by Becicka, seconded by Symonds. By Roll Call All Ayes, 5-0 motion carried.

First reading of ordinance 303 "Well Protection" Presented to council for consideration was the first reading of ordinance 303 "Well Protection". The DNR recently completed a facility and system inspection of the drinking water system in Ely. Iowa DNR determined during the inspection; the City was missing a required section of City Code that protects against contamination of drinking water. The city previously had this section in City Code but somewhere along the way it had removed or omitted. This ordinance limits no chemical application and no above ground storage within one hundred feet of a well and no below ground storage within two hundred feet of a well. This ordinance will have an impact on neighboring residents and enforcement will need to take place. Staff wants to emphasize that this code is required by the DNR, and the city has no choice but to have it in place. No Public Comments. City Administrator asked City Atty O'Connell, how many homes are affected within the 200' below ground storage. City Administrator said approximately 6 homes. OPEN Motion to approve the first reading of Ordinance 303 Public Hearing by Wery, seconded by Tuthill. By Roll Call All Ayes, 5-0 motion carried. Aye: Tuthill, Aye: Wery, Aye: Whitaker; Aye: Symonds; Aye: Becicka.

Resolution approving FY 2022-2023 Fire Department Payment #2. Presented for City Council's consideration is a request to approve the second payment of fiscal year 2022-23 to the Ely Fire Department in the amount of \$30,538.50 to the Ely fire department. No Public Comments. City Administrator asked legal

counsel if we must have this approved for each payment twice a year. Legal recommendation is to approve the overall contract payment amount through a Resolution and be part of the consent agenda. Motion to approve FY 22-23 Fire Department Payment # 2 by Whitaker; seconded by Becicka. By Roll Call, Tuthill abstained; Four Ayes, 4-0 motion carried.

Request to approve pay request #12 related to the trunk sewer project. Presented to City Council for consideration is a request to approve pay request #12 totaling \$179,439.13 related to the truck sewer project. This brings the contract to approximately 88.4% completed. City Engineer and City Staff have reviewed the pay request. City Administrator mentioned that there is a meeting tomorrow, Tuesday, December 20th with MMS on the finalizing the project. Scott Pottorff, MMS Engineer, remoted in through ZOOM. Engineer said there is approximately 4-6 weeks remaining to finish up and test. No Public Comments. Motion to approve pay request #12 totaling \$179,439.13 related to the Trunk Sewer Project by Symonds, seconded by Becicka All Ayes, 5-0 motion carried.

Request to approve quote for window replacement at City Hall. Presented to council for consideration was a request to approve a window replacement quote for windows at City Hall in the clerk's office. One window frame is rotted, and another window was damaged during Derecho. Staff received two quotes from McGuire Construction and one quote from Quaker Windows & Doors. Quaker is the low quote at \$7,972.18. Staff recommended the low quote because the future of City Hall is unknown. Even with the unknown future, the windows need replacing. Funding for this is coming in part from FEMA and the insurance company. Motion to approve City Hall window replacement by Wery, seconded by Whitaker, All Ayes 5-0, motion carried.

Request to approve opposition of the CO2 pipeline project. City Administrator presented bullet points for a letter of opposition of the CO2 pipeline project. He gave bullet points of how the pipeline is not in the best interest of the city and doesn't serve our community; - Pipeline doesn't confirm with land use as determined by City of Ely and Linn County Strategic Growth Plan. – Renders worthless the infrastructure investment the city has made to the 725-acre future growth as a residential and commercial use. The city has taken on debt obligations with the expectation of future residential and commercial growth. – Negative impacts on future growth and economic development for the city. The future land use designation strategic growth plan and the growth area associated with contains an estimated \$1.6 billion of assessed residential and commercial value. – Subjects current and future residents to the potential hazard of CO2 pipeline leak. – proposed route runs through the strategic growth area for the City of Ely and the 2-mile fringe growth area. – Negatively impact future tax base within the city of Ely by negatively impacting economic growth in the Ely Community. There was much discussion around the opposition letter and what points need to be included. The council realizes the importance on the location of the city water tower; and the construction regulations/constraints and the concerns of eminent domain. The City Administrator will put the letter together for all to review at January meeting. Strengthen the argument on the economic impact to Ely.

City projects update. City Administrator Thompson presented update to the Drinking Water Project. Maggie with Speer Financial, is working on putting together the financials for Drinking Water Project, the Downtown Project and how that impacts the city. There will be community open houses to present the Drinking Water Project. Banner Valley Road Project Phase #1 and will be budgeting for it.

With no further business being evident, council adjourned the meeting at 8:13 pm. Motion by Wery, seconded by Tuthill, All Ayes, 5-0, motioned carried.