

Council Chambers
Ely, Minnesota
Tuesday, May 26, 2009
6:09 p.m. Ely City Council
Monthly Study Session

Mayor Skraba called the regular study session to order at 6:09 p.m. on May 26, 2009.

PRESENT: Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, Zupec, and Mayor Skraba (7) ABSENT: (0)

Patrick Conery, Building Official was present to discuss his contract with the Council.

Council member Salerno asked Mr. Conery if he had held a meeting with all the local contractors. Mr. Conery stated he had not, since he did not feel a meeting was necessary. Mr. Conery felt it was necessary to hold an educational class with City Hall staff on Chapter 1300 of the Building Code. The ordinances are out of whack and he is operating on a completely different set of laws. Contractors go to school for contractor law and they know if an individual gets the permit and there is code violation it then goes back to the individual. Mark Davis (previous permit tech) stated he had issues getting in touch with Mr. Conery. When the contract was written Kitty Kennedy was acting as a permit tech for Mr. Conery.

Salerno asked if Mr. Conery returned every call he has received within 24 hours as written in his contract. Mr. Conery stated that all calls must go through the Planning & Zoning office and when he started Ms. Kennedy was receiving all of his calls. Mr. Conery stated he believes that he has never not returned anyone's phone call.

Council member Sheddy stated that last year Mr. Conery, Attorneys Rae Bentz & Kelly Klun, Mark Zupec and John Lindroos had met at the attorney's office and discussed the problems people were having contacting Mr. Conery. It was discussed at that time that Mr. Conery would get an answering service to take the calls and he would also have an informational meeting with the contractors. Neither of those things has happened to date.

Attorney Klun has tried to call Mr. Conery on several occasions and was unable to reach him. Mr. Conery stated that his office has been under renovations for the past 2 months and he had given Attorney Klun the wrong number to contact him. He stated that everyone who contacts him calls his cell phone.

Council member Zupec attended the meeting at the attorney's office last year but did not participate in any of the follow up meetings. To his knowledge none of the issues that were discussed at that meeting had been completed.

Mr. Conery stated that he had a letter from Attorney's office stating that the city would provide a voice mail box for him at the city hall. According to Mr. Conery that never happened. The city is supposed to be the clearing house for all permit exchanges and would provide the reception services. This would include a permit technician.

Mr. Conery provides a monthly report to the city.

Salerno requested if Mr. Conery had set up regular office hours. Mr. Conery disagreed that the contract requires him to have office hours and he is in Ely when people call him. Mr. Conery met with Clerk Boese and stated he would have office hours. He stated that he was in Ely for 15 weeks and no one came into see him while he as in Ely. He made a determination that this was not necessary and

George Burger stated when people receive their permits there is 2 phone numbers listed on the permit. One number is Mr. Burger's office and the other is Mr. Conery's. He stated that Mr. Conery's business cards list both his office and cell phone numbers. Mr. Conery stated that we need to document when calls are received.

Clerk Boese explained that she and Mr. Conery had met and discussed hiring a limited building inspector. At that meeting the two options that were discussed were 1) Mr. Conery hiring a limited inspector or 2) the city hiring a limited inspector. At that meeting Mr. Conery stated he would prefer the city hire the limited inspector so he would not incur costs such as workman's comp, etc.

Mr. Conery stated at that meeting that he was told the council was requesting him to cut his fees to 50% of the building fees. Mr. Conery has determined that when it is busy he would provide someone in the office but it is not busy right now.

Mayor Skraba asked if a limited inspector were available to do inspections permits could be issued more quickly than they are currently being issued. Contractors have called him and stated that they need an inspection and the inspection doesn't happen. He also questioned how contractors appeal a code requirement.

Mr. Conery explained if a contractor wants to appeal his decision they need to appeal to the State of MN. He will provide a copy of the laws he is required to follow to Attorney Klun.

Zupec asked Mr. Conery if when his contract was done in October if he would be interested in doing Commercial inspections and allowing the city to hire a residential inspector. Mr. Conery stated yes he would. Mr. Conery would allow the city to hire a residential contractor beginning October 15, 2009.

Mr. Conery stated he is responsible and directed by the law and the contract. If there are things that need to be changed he would have to amend the contract and requested that he be allowed to review the laws with Attorney Klun.

Mayor Skraba asked if the city could abandon the state building code. Mr. Conery stated he doesn't know the specifics of the code adoption ordinance and he will review it with Attorney Klun. If the city adopted the code after being forced by the state to adopt the code it may be possible to repeal it.

Clerk Boese will meet with Attorney Klun and Mr. Conery and review the items that were discussed at this meeting.

Nancy Larson from EADA was present to review the homework the council was given at the retreat.

Mr. Conery requested that his April, 2009 bill that was tabled at the May 19th meeting be paid tonight. Mayor Skraba explained that his bill will be placed on the June 2nd agenda.

Council member Omerza noted that some of the items that were brought up at the retreat are all ready happening.

Ms. Larson requested that the council reschedule the follow up retreat with her and the meeting held in a more informal setting than in the council chambers. The council will complete their homework by June 3rd and turn it into the Clerk by the 4th. They will identify their top 3 priorities for Ms. Larson to review.

The retreat continuation meeting with Ms. Larson will be held at 6:30 p.m. on June 9th in the board room.

BUDGETS

Clerk Boese presented the April, 2009 year to date revenues and disbursements reports by department for council review. The council will review and contact Clerk Boese if they have any questions.

Mayor Skraba questioned the bank service charges for payroll under the clerk's budget and salaries/insurance appear to be higher than 33% already spent for the year.

Salerno questioned equipment replacement for public works. This item is shown as expenditure but there are bonds to cover those expenditures. He also questioned why the water testing fees are already over budget. Public Works Director Langowski stated that the testing fees fluctuate based on state testing requirements. The council also reviewed the joint paving and landscaping costs which were not budgeted for in 2007.

Omerza reviewed the old city garage revenues and expenditures and questioned if the city was charging for electricity. The city may be able to break even on heating expenditures for the year based on the increased rental fees.

Clerk Boese reported that the city will receive the tax anticipation bond monies on May 28th.

The council reviewed a memo from Librarian Rachel Heinrich regarding cross over monies. Official action will be taken to amend the budget at the June 2nd meeting.

A notice was received from St. Louis County informing the city that the election machines currently owned by the city are now obsolete and will have to be replaced prior to the next election. Clerk Boese was directed to check with the county on combining voting precincts from 4 to 3.

OLD BUSINESS

No action was taken on the Council's Goals and Objectives.

Civil Enforcement Officer Burger presented his monthly report. The city's clean up day was a success and he thanked the G-Men and council members who volunteered their time on Saturday. Officer Burger reported that 2 – hour parking is now in effect and he will be working with the Chamber on businesses issuing parking permits.

The Planning & Zoning Commission will be holding a hearing on June 11th on the Boundary Waters Blues Festival interim use permit application. The permit fee has been set at \$100.

Council member Sheddy informed the council that the Blues Festival will be the first event to have an interim use permit. Going forward all events will need a permit. Sheddy has already reviewed the change in policy with the Chamber.

The council took a 5 minute recess.

NEW BUSINESS

Council member Debeltz reported on the potential of funding/grants to renovate the Community Center and turn it into a Community Arts Center.

Council member Nikkola suggested the city give the community center to one of the 501c (3) non-profits currently using the building, i.e. Gardner Trust, NLAA or Ely Greenstone Foundation. If this is not an option then potentially the city may have to shut down that building for the winter based on potential LGA cuts that the Governor is proposing.

Council members Zupec suggested the city change the use of the Community Center building and create new revenues to keep the building open. He also suggested that all city buildings be reviewed for potential closings.

Mayor Skraba requested that the math be done to see which buildings will need to be closed based on the proposed budget cuts.

The council reviewed the League Memo regarding Council Procedures.

Council member Sheddy stated that the things that happened after the May 19th council meeting should not have happened and that the council should sit down as a group and not act as individuals when discussing these types of issues.

Mayor Skraba is hoping that the situation in the clerk's office will be on the next council agenda. If it is not he will have the council address it at the next meeting. He would like to address the roles and responsibilities of employees.

Council member Nikkola stated that employee's roles and responsibilities should not be discussed at a business meeting but should be discussed at a retreat meeting. He believes that committee members should be allowed to do their jobs without interference from other council members as this may be a violation of the opening meeting law if there are too many council members involved.

Council member Omerza stated that she is frustrated with the lack of respect for other people's time. She re-read the Mayor's statement from the 5/5/09 meeting supporting the city clerk's office staff.

Moved by Debeltz supported by Salerno to adjourn the meeting at 7:58 p.m. Motion carried unanimously.

Terri Boese
Clerk/Treasurer