

Ely City Council Regular Meeting September 21, 2010

The Ely City Council Regular Meeting was called to order by Mayor Skraba at 6:00 p.m. on September 21, 2010 at the Ely City Hall.

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

Moved by Salerno supported by Zupec to approve the minutes of September 7, 2010 Regular Meeting as presented. Motion carried unanimously.

Additions or omissions to agenda:

1. Delete Clerk-Treasurer 2. AFSME Union contract for 2010
2. Add City Attorney: 3. Business Park Covenants
3. Add City Operations Director: 3. Clean-up day Captain's Dry
4. Add City Operations Director: 4. Permission to get Christmas Tree from Forest Service
5. Add: City Operations Director: 5. IRR Community Redevelopment Grant – Water Plant Demolition
6. Add City Operations Director: 6. Revenue Parking Lease
7. Add City Operations Director: 7. Semer's and Whiteside Park Restrooms

Moved by Zupec supported by Salerno to approve omission 1 and additions 2-7 to the agenda listed above. Motion carried unanimously.

Mayor's Agenda

Moved by Debeltz supported by Zupec to send a letter of thanks to fans of Lily for helping with a school funding opportunity to vote on-line at www.care2.com/schoolcontest/ for the Ely School District. Motion carried unanimously.

Moved by Debeltz supported by Zupec to send a letter of thanks to the Ely Jaycees for their fireworks donation of \$2,604.83 collected at the 4th of July parade and from area businesses. Motion carried unanimously.

Mayor Skraba attended the Northern Networks Conference in Ft. Frances, Ontario where he met with economic developers from Ontario and northern Minnesota. He will put an information packet together for council members.

Consent Agenda Items

1. Regular Meeting change from November 2 to Wednesday, November 3 due to city general election on the 2nd
2. Approve appointment of Julie Hignell to serve as ECR representative and Rob Simonich designated as ISD School District #696 representative on the Park and Recreation Board
3. Proposal Title II Projects - Resource Advisory Committee meets Thursday, November 4 at Forest Headquarters in Duluth

Moved by Salerno and supported by Nikkola to approve consent agenda items 1-3 as presented. Motion carried unanimously.

Director Langowski reported the 3 applications submitted for Proposal Title II Projects are:

- 1) Lucky Boy area looking at flood control, dike stabilization, roads/trails
- 2) Utilities and building improvements in Whiteside and Semers Parks
- 3) Concerning invasive species in the Ely area

REQUESTS TO APPEAR:

Ann Spangler, on behalf of the Ely School District, gave a brief summary of the Safe Routes to School program and invited council members to join in the International Walk to School Day on October 6, gathering at Whiteside Park at 7:45 a.m. and continuing on to the auditorium.

Moved by Zupec supported by Debeltz to set aside October 6 as the Safe Routes to School Day for the City of Ely and Mayor Skraba will be in attendance to present the proclamation. Motion carried unanimously.

Council referred her request to block off Harvey from 4th to 8th Avenue to Chief Lahtonen and the Public Works Department.

COMMITTEE REPORTS:

Council member Sheddy reported the Board of Adjustment will be holding a Public Hearing Thursday night.

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Council member Omerza reported that the Park and Recreation Commission has a newly formed task force to help raise funds for Whiteside Park playground equipment, and anyone interested in participating should contact City Hall. Work has been started on the basketball court at the Ely Recreational Center.

Moved by Omerza and supported by Debeltz to send a thank you to the VCC football team for painting of hockey boards as part of community service projects. Motion carried unanimously

EADA celebrated the success of seven Ely businesses who graduated from Greenstone Group's Entrepreneur Peer coaching group: The Ely Bike Shop, Silver Birch Builders Inc., Webgoddess.net, BWCA Real Estate, Border Country Sign Co., A Laundry room and the Ely Rock Guy/Greg Mangold Construction.

The City will be sponsoring a Business Mixer on October 6th from 5 to 7 at the Technology Center and Clerk Boese will present information on the Commercial Building Improvement Loan Program.

Iron Range Youth worked with the Cemetery Committee and the county on the Bern Project at the Ely Cemetery recently.

City Attorney

Moved by Zupec supported by Debeltz to approve the Independent Consultant Contract for Louis Gerzin at \$26.00 an hour on an as needed basis as presented. Motion carried unanimously.

Moved by Omerza supported by Salerno to authorize Council member Shedd to negotiate the Sheriff's Department lease with the county and work with the City Attorney to draft a new contract. Motion carried unanimously.

Moved by Shedd supported by Zupec to accept changes to Section 11.02 – Ely Business Park Covenants to remove Subd. 3. Refuse collection Areas; Subd. 5.I.4. Vehicle Storage; Subd. 5.I.5. Refuse Containers; and Subd. 5.I.6. Semi-Trailers; and change height restriction up to 45 feet instead of 35 feet under Subd. 5. E. "Building Heights as presented. Motion carried unanimously.

Moved by Nikkola supported by Shedd to approve the first reading and publication of Ordinance No. 241, 2nd Series, An Ordinance of the City of Ely, Minnesota, amending the Ely City Code, Chapter 11, Section 11.02, Related to the Ely Business Park Covenants. Roll call: Debeltz-yes; Nikkola-yes; Omerza-yes; Salerno-yes; Shedd-yes; Zupec-yes; Mayor Skraba-yes. Motion carried unanimously.

ORDINANCE NO. 241, 2ND Series

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, AMENDING THE ELY CITY CODE, CHAPTER 11, SECTION 11.02, RELATED TO THE ELY BUSINESS PARK COVENANTS.
THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SEC. 11.02. ELY BUSINESS PARK COVENANTS.

Subd. 1. Recommended Permitted Uses. The land uses in the Ely Business Park as presently zoned are limited to the following categories:

- A. Professional offices;
- B. Research laboratories;
- C. Electronics manufacturing and assembly;
- D. Other light manufacturing and assembly;
- E. Governmental buildings;
- F. Light industry and assembly.

Only low impact or office type businesses are allowed within the Ely Business Park.

No storage sheds, public garages or unheated warehouses will be allowed, except that accessory structures may be permitted for storage if approved by the Projects/Land/Streets and Infrastructure Committee and if a subsequent conditional use permit is granted by the Board of Adjustment.

Subd. 2. Maintenance and Repairs. All lots and improvements shall be constructed, kept, and maintained by the owner or occupant in first class condition, repair, and appearance. All repairs, alterations, replacements, or additions to improvements shall be at least equal to the original work in class and quality.

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A. Buffering. Wherever a commercial parcel is located adjacent to an area or areas being actually used for residential purposes, a buffer material shall be placed upon the boundary of the commercial parcel. The buffer material may be vegetation or opaque fencing, and shall be of sufficient height to provide a screening effect between the residential area and the commercial usage.

B. Maintenance. Wherever in this code there is a requirement for installation of any device for aesthetic or screening purposes, or for the maintenance of any particular type of exterior material, such materials or devices shall at all times be maintained in an attractive, safe and neat condition.

~~**Subd. 3. Refuse Collection Areas.** All outdoor refuse collection areas shall be completely enclosed and screened by a constructed wall of durable material not less than six (6) feet in height. All areas shall have concrete floors and shall be sufficient in size to contain all refuse generated on each lot. No refuse collection areas shall be permitted between a street and a front of a building unless EBPC approved screening and landscaping is provided.~~

Subd. 4. Utility Lines and Antennas. Underground or concealed placement only, except that temporary placement of above ground utilities is permitted during reasonable construction periods.

Subd. 5. Development Standards.

A. Setbacks. Structures require a minimum front yard setback of 25 feet from the front property line. This area must be grassed and or landscaped. Require side yard setbacks of 15 to 20 feet with allowances for landscaping and drainage between buildings.

Minimum setbacks are as follows:

Front Yard	25 feet
Side Yard	20 feet
Rear Yard	20 feet

Sufficient setbacks shall be required to allow for access by emergency vehicles around all buildings and structures. Setbacks may vary according to the layout of the lot upon which the primary and accessory uses are located and only based upon sound environmental and site planning criteria and standards applied to the proposed use. Criteria shall include the need for buffering via beams and landscape materials, adjacent lots, buildings and structures, utilities, vegetated areas and steep slopes. Exceptions to setback requirements include landscaping, sidewalls, steps, paving, planters, fences, and utilities.

B. Site Coverage (building density). Site coverage shall not be greater than 33% of the lot by the principle structure. If coverage of the site by impervious surface exceeds 15% or standards contained in or adopted pursuant to the adopted plans of the City of Ely on-site mitigation measures must be employed and incorporated into the site plan.

C. Minimum Lot size. Minimum lot size is as platted.

D. Minimum Building size. Minimum building size shall be 2500 gross square feet.

E. Building Heights. 34.5 ft. maximum. Higher buildings may be permitted if approved by the Projects/Land/Streets and Infrastructure Committee and if a subsequent variance is granted by the Board of Adjustment considering setback criteria: avoidance of excessive density impact on other properties impervious surface and stormwater management impact and fire protection needs. Structures higher than 20 feet shall contain architectural features designed to punctuate the facade of the building and bring the structure into a unified relationship with its surroundings. Suitable elevation drawings shall be prepared to evaluate the sale and impact of such structures.

F. Signage.

1. All signs must be approved by the Planning Commission. No rooftop or pylon signs, fluorescent colors, flashing lights, or moving signs are permitted. Exterior lighting fixtures are not permitted unless the light source (e.g. the fixture) is not visible from roadways. A maximum area of 80 sq. ft. is permitted with a maximum height of 8 feet. Signs advertising products or services other than those produced or provided on the premises or by affiliates are prohibited.

2. No sign or billboard as defined in the City's sign ordinances or codes shall be permitted on any commercial parcel except as may be utilized in connection with the business or businesses being operated on that parcel. Signage materials shall be compatible aesthetically with the buildings on the parcel, and

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shall be so designed to minimize potential safety hazards for passing motorists. To this end, signs shall be designed so as to provide information, as opposed to attracting attention to the sign itself. Only small on-building or on-premise signage that uses colors consistent with the period design of the building. A directory sign at each end of the Business Park will be maintained by the city.

G. Parking.

1. **Common Driveways.** Driveways may be shared between lots to reduce curb cuts and turning movement locations.

2. **Material.** All driveways and parking areas shall be surfaced with asphalt or concrete paving, and cured with cast-in-place barrier concrete curbs. Drainage for paved surfaces shall be facilitated in all cases by the use of bituminous curb and gutter around the perimeter of all parking lots and all public driveways. Where particular engineering problems exist, the City may require concrete curbing. Temporary exceptions may be granted by the commission when appropriate for plans that incorporate phased construction.

3. **Parking lot Setbacks.** There shall be a 10 foot setback between all lot lines and the back of the curb on parking lots and driveways. There shall be 8 foot spacing between back of curb of all parking lots and buildings. The space within the setback area shall be governed by the ground cover requirements found elsewhere in this ordinance. The lot line setbacks shall not apply where adjoining property owners wish to use common parking.

4. **Loading Docks.** Loading docks shall be located to the rear or side of buildings, in areas that are as much as possible screened from view from adjacent public roadways.

5. **Sidewalks.** All areas where members of the public or employees must walk for access to any location shall be paved or covered with a hard surface material.

H. Loading and Storage. No materials, supplies or equipment shall be stored in any area on a lot except inside a closed building or behind visual barrier screening such areas from the view of adjoining properties and public streets. Garbage and refuse containers shall be concealed from the view of adjoining properties and public streets by means of screening walls that complement the exterior of the adjoining building.

I. Exterior Storage and Facilities.

1. **Fencing.** All fences located in the Park shall be of complete opaque materials, so as to substantially screen from outside view the contents of the fenced area. Where chain link fence is used, the fence shall be fully screened either by the use of vegetation of the same height, or by the use of inserts rendering a substantially opaque result.

2. **Other Fence Standards.** Fences shall be not less than 6 feet and not more than 12 feet in height.

3. **Outside Storage.** The outside storage of any shall be prohibited, unless the storage is completely screened from view by fencing, by natural topography, or by vegetation which completely screens the stored materials from view from any outside sources. No storage shall be permitted which is not required as a part of the business operated on the premises.

~~4. **Vehicle Storage.** No motor vehicles shall be stored on any commercial parcel overnight, unless completely enclosed in a structure or completely screened from view.~~

~~5. **Refuse Containers.** Refuse containers for periodic pickup shall be placed in areas which are screened from outside view; no hazardous material of any kind shall be permitted to be stored on the premises, whether or not screened from view.~~

~~6. **Semi Trailers.** Semi trailers utilized on any parcel of land for the delivery or pick up of materials used in connection with the owner's business may be stored or parked in an area that is not screened from view for continuous time periods of not more than seven (7) days, and not to exceed ten (10) days in any given month. If more than one trailer is present, each trailer shall count toward the total maximum number of days permitted each month. For example, if five trailers were present for two days each, the ten day maximum usage would have been used. The usage of such semi trailers for warehousing or storage of any type of materials shall be prohibited, except that the parking of any semi trailer in excess of the above limits or uses may be permitted~~

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~~in areas which are substantially screened from view if approved by the Projects/Land/Streets and Infrastructure Committee, and if a subsequent conditional use permit is granted by the Board of Adjustment.~~

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is effective immediately after final adoption and publication.

DEPARTMENTAL REPORTS:

Moved by Zupec supported by Debeltz to approve payment of the general funds bills in the amount of \$1,038,312.52 and EUC Bills in the amount of \$592,501.95 as presented. Motion carried unanimously.

City Operations Director:

Moved by Debeltz supported by Salerno to move forward with replacement of Community Center dishwasher and to request additional funding from Joint Powers. Motion carried unanimously.

The city received notice of award from the IRR Renewable Energy Grant Program to install solar air heating panels on the south walls of the Hidden Valley Ski Chalet and the Ely Senior Center.

Director Langowski reported there is a group interested in a cleanup day of the Captain's Dry area, brushing and removal of some trees to make it more visible.

Council member Sheddy will work with Forest Service to get a Christmas tree by early November for a tree lighting ceremony the Friday after Thanksgiving.

Moved by Zupec supported by Debeltz to authorize Director Langowski to apply for IRR Community Development Building Grant for demolition of the city water plant due by November 1st, and to submit the same application for approximately \$200,000 with St. Louis County to match funds. Motion carried unanimously.

Moved by Debeltz to approve Department of Revenue 10 year parking lease for \$1.00 a year and proposal of \$4,500 to brush out area and put in gravel parking lot. Motion died for lack of support.

Moved by Zupec supported by Salerno to authorize Director Langowski to prepare the parking lot for the Department of Revenue and working with the City Attorney on an amount for a 10 year parking lease. Motion carried unanimously.

Director Langowski reported that Semer's and Whiteside Parks restrooms will be closed for the season on Monday, October 4 and that calendar parking goes into effect November 1st.

EUC Consent Agenda Items:

1. Approved the moving forward with the John Herrick sewer extension with the EUC paying for the engineering and materials.
2. Approved payment of the Central Avenue Work Order #2 for \$1,226.74 and Work Order #3 for \$1,325.02.
3. Approved payment of the September #1 bills payable for \$42,004.38.
4. Approved payment of the Community Water Supply Service Connection Fee for \$2,832.00.

Moved by Nikkola supported by Salerno to approve EUC Consent Agenda Items 1-4 as presented above. Motion carried unanimously.

COMMUNICATIONS:

- A. Coalition of Greater Minnesota Cities
- B. Notice of transfer from Ely-Bloomenson Nursing Home to Boundary Waters Care Center in 2011.
- B. Thank you from Dennis Johnson, Regional Director, U.S. Census Bureau
- C. Thank you regarding Mn/DOT Highway 169 Improvements
- D. LMC seeks 12 for State Aid Rules Committee appointments (Mayor Skraba interested)
- E. USDA Superior National Forest Service Air Tanker Base Lease Agreement

Moved by Debeltz supported by Salerno to authorize Clerk Boese, Mayor Skraba, and Jim Preblich to negotiate with James Sanders on the USDA Superior National Forest Service Air Tanker Base Lease Agreement. Motion carried unanimously.

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CLAIMS FOR PAYMENT:

- A. Klun Law Firm -Thom, Sandy/Office Assistant Invoice # 17681 for \$39.60
- B. Klun Law Firm –Leustek Claim for Idle Equipment at Airport Project Invoice #17669 for \$499.40
- C. Klun Law Firm –Clerk’s Office Theft Invoice #17655 for \$792.00
- D. Bear Island Surveying, Inc. for 10-121 Legal Description Invoice #3414 for \$698.75

Moved by Debeltz supported by Zupec to approve claims for payments A-D as presented above. Motion carried unanimously.

OLD BUSINESS:

Moved by Omerza supported by Zupec to waive readings in entirety of all ordinances and resolutions. Motion carried unanimously.

The USDA Superior National Forest Land and Resource Management Plan in the Birch Project Area – runs from the North Arm down to Birch Lake area and would be beneficial to the city’s biomass project.

Moved by Sheddly supported by Debeltz to accept the Fire Chief Job Description as presented with 2 changes: title to read Volunteer Fire Chief and State Fire Marshall changed to Marshal. Motion carried unanimously.

Moved by Salerno supported by Debeltz to post for Volunteer Fire Chief position internally. Motion carried unanimously.

NEW BUSINESS:

Moved by Debeltz supported by Zupec to approve Jaycees request for temporary liquor license for Kizer Memorial Fund event at Community Center on October 23, 2010 and to waive any requirement for an onsite police officer. Motion carried unanimously.

Moved by Salerno supported by Zupec to authorize Director Langowski to dispose of the 1947 American LaFrance fire truck. Motion carried unanimously.

Moved by Omerza supported by Zupec to pass resolution approving support of Woody Biomass. Roll call: Debeltz-yes; Nikkola-yes; Omerza-yes; Salerno-yes; Sheddly-yes; Zupec-yes; Mayor Skraba-yes. Motion carried unanimously.

Moved by Salerno supported by Debeltz to approve the Chamber of Commerce request to have a Community Christmas Parade at 1:00 p.m. on Saturday, December 4th. Motion carried unanimously.

Moved by Debeltz supported by Nikkola to approve the Chamber of Commerce request for city assistance in putting up Christmas decorations for the upcoming holiday season prior to November 14th. Motion carried unanimously.

Meeting recessed at 7:29 p.m. for EEDA and reconvened at 7:58 p.m.

Meeting closed at 7:58 p.m. for Clerk Boese annual review.

Meeting reopened at 8:58 p.m.

Moved by Salerno supported by Omerza that Clerk Boese has successfully completed her annual review. Motion carried unanimously.

Moved by Omerza supported by Nikkola to adjourn the meeting at 9:00 p.m. Motion carried unanimously

Terri Boese
Clerk/Treasurer