

Council Chambers
Ely, Minnesota
Tuesday, April 21, 2009
6:30 P.M. Regular Meeting
Ely City Council

Regular meeting of the Ely City Council was called to order at 6:30 p.m. by Mayor Roger J. Skraba.

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

ABSENT: None (0)

Mayor Skraba welcomed all in attendance in the audience.

Moved by Debeltz supported by Zupec to approve the minutes of the Regular City Council Meeting of April 07, 2009, Special Joint Meeting with Police Commission of April 14, 2009 and Special City Council Meeting of April 14, 2009 without reading. Moved carried unanimously.

The following additions were added to the agenda:

1. Claims: GO Bond Debt Service, US Bank \$40,880.00
2. Clerk Treasurer's Report, Tax Anticipation Certificate

The following omissions to the agenda were approved:

NEW BUSINESS

Item A – 'Resolution' was removed from the agenda

Moved by Zupec supported by Salerno that the additions and omission be approved as presented. Motion carried unanimously.

Mayor's Agenda Items:

Proclamation: CARE PARTNERS

Moved by Debeltz supported by Salerno that the Care Partners Proclamation be approved as presented by Mayor Skraba. Motion carried unanimously.

The April 14, 2009 City Council Retreat was rescheduled for May 12, 2009 6:00 p.m. Clerk Treasurer Boese will coordinate with Nancy Larson of EADA. The 2009 budget will be reviewed at the Study Session on April 28, 2009.

Mayor Skraba reported on his meeting with Mike Robinson, Bill Erzar, Rudy Senenja, John Fedo and John Bray regarding the Hwy #169 improvement project. MN DOT is currently reporting that no funding is available for the project at this time. Only four projects will be completed this summer by MN DOT. Revenue from gas tax and license tabs are the funding sources for road projects, both of which have dropped due to the

economy, causing Ely's Project Hwy #169 to get dropped from budget. Congressman Oberstar set aside \$20 million for the Eagles Nest project, even though the group made passionate pleas, the District #1 monies were cut today. There is a possibility that St. Louis County could bond for the project and complete it without charging. Mayor Skraba stated that Tom Bakk and David Dill are our first line of defense, possibly contributing a \$4 million match. Council member Omerza questioned how long the money would be good for, and if the Ely Chamber could help us? Mayor Skraba stated there is need for additional dollars in the transportation budget.

The following Consent Agenda Items were brought before the Council for approval:

1. IRR – Economic Stimulus Resource Workshop, Monday, April 27th, 9:00 A.M. – 3:00 P.M. Mt. Iron – (Mayor Skraba and City Operations Director authorized to attend);
2. Shaun Chosa – letter of resignation from Telecommunications Advisory Board (to accept and advertise vacancy) - * term runs through 1/31/2011;
3. LMC – renewal quote – City Volunteers - \$372.00 (Mayor/Clerk Treasurer authorized to sign);
4. COPS Hiring Recovery Program – INFORMATION;
5. 2008-2010 Recycling and Waste Reduction Grant (Mayor/Clerk authorized to sign);
6. Mark Van Every, District Ranger, Kawishiwi Ranger District – USDA – request to use Whiteside Park, June 20, 2009 (SE Portion Park and Bandshell (to approve and coordinate with City Operations Director);
7. Ely Charter Commission (request to have all City Boards, Commissions, Committees respond as to the powers and duties of these respective groups – Council request for responses to be remitted to Clerk-Treasurer to review as to compliance with current City Code where addressed, to report back to Charter Commission with information);

Moved by Debeltz supported by Zupec that the Consent Agenda be approved as presented, a letter of thanks be sent to Shaun Chosa for his time spent on TAB and the opening be advertised. Motion carried unanimously.

REQUESTS TO APPEAR BEFORE COUNCIL

Richard Zahn – presented the annual report for Veterans' On the Lake. He thanked the council for the support by the Cities of Ely and Winton, and Councilmember Salerno who was an original Board Member starting the project. Veteran's on the Lake has 25 cabins on 26 acres and is a not for profit corporation. Their Board is committed to the continued success of the resort through fund raising and donations. The Legion is seeking permission from the Council to upgrade the WWII monument at the City Hall. The project consists of removing the WWII bronze plate and the WWI name plate and have the names etched permanently on the granite stone. The Legion will get estimates and raise funding for the project. All monies raised for the project will be run through the city. The council thanked Mr. Zahn for all his hard work.

Moved by Salerno supported by Zupec to approve upgrading the WWII monument at city hall as presented. Motion carried unanimously.

COMMITTEE REPORTS

Council member Debeltz reported for the Liquor Committee that Dee's Bar- Next Generation has requested a Sunday on Sale Liquor license.

City Attorney Klun stated that currently Dee's Bar does not qualify for a Sunday on Sale Liquor License at this time. She stated that the council could review the ordinance and if changes are made they would affect all bars in general.

Moved by Omerza to enter into an MOU with Local Union 1490-Base Unit for a 32 hour per week library position with prorated benefits to be posted internally and then externally if no there are no qualified internal candidates. Motion supported by Salerno and unanimously carried.

Moved by Omerza supported by Nikkola to hold a closed council meeting following the regular business agenda for the purpose of discussing union negotiation strategies pursuant to MN Statute 13D.03, Subd. 1(b). Motion carried unanimously.

Council member Sheddy attended the Merchants meeting held on April 21, 2009 and requested that the merchants inform their customers to request a free parking ticket which must be placed in their auto window when shopping in Ely.

Councilmember Sheddy reported on the Sanitation Committee meeting held on April 16th.

Moved by Sheddy and supported by Zupec to authorize the G-Men to provide 2-30 yard containers for the city's annual clean up day on 5/23/09 from 9 am- 3 p.m. at the old city garage. The city will pay the tipping costs and supply the manpower for this project. Motion carried unanimously.

Operations Director Langowski stated the containers are for yard trash, not household garbage and are for city residents only. There will also be a household hazardous waste cleanup June 18, 2009 from 10:30 am - 2:30 p.m. at the Joint Powers garage for paints, TV's, fluorescent light bulbs, batteries, etc. for city residents only.

Mayor Skraba reported that he spoke with Mr. Paragis about the Geothermal Project. The group is applying for grants through the Department of Energy. This does not obligate the city or compete with the VCC project.

Moved by Salerno supported by Sheddy to approve the grant application for the geothermal project through the Department of Energy. Motion carried unanimously.

Mayor Skraba reported that Andy Hill and Dave Olson went to Italy to study a Biomass System and will be presenting a report on Monday, April 27th at 3 p.m. Councilmember Salerno will attend the meeting.

DEPARTMENT HEAD REPORTS

Fire Chief Gerzin informed the council that there is a matching Assistance to Fire Fighters Grant with funding at 95% and 5% city match for equipment. He requested authorization to apply for equipment and not a vehicle this year.

Moved by Salerno and supported by Zupec to authorize Fire Chief Gerzin to apply for the Assistance to Fire Fighters Grant for the most needed equipment. Motion carried unanimously.

CITY ATTORNEY

City Attorney Kelly Klun reviewed changes to the consulting contract being presented on behalf of Mary Lee Erickson. The contract is at a rate of \$32.00 per hour the consulting position.

Moved by Omerza supported by Shedly to approve the accounting consultant contract for Mary Lee Erickson as presented. Motion carried unanimously.

City Attorney Kelly Klun reviewed the 2009 Waste Disposal contract with the G-Men. The rate will be the same as last year, unless fuel goes over \$3.25 per gallon, there would be a 1 cent per pound increase.

Mayor Skraba stated that they have done a great job and thanked Stan Passananti for their professional service. Councilmember Shedly stated the Sanitation Committee recommends the council approve the contract as presented.

Moved by Debeltz supported by Shedly to approve the 2009 contract for G-Men as presented. Motion carried unanimously.

Attorney Klun met with Pat Conery, Building Official on April 20, 2009 and has scheduled another meeting with Mr. Conery and Clerk Boese on April 27, 2009. Attorney Klun will continue to move ahead with residential building inspector position.

Attorney Klun presented an update on the Boundary Waters Blues Festival, Zoning Ordinance change. The Planning & Zoning Commission will hold a hearing on April 30, 2009 6:30 p.m. on the proposed changes. The first reading tonight includes the following change: Interim Use Permit for Festival/Community Event.

Councilmember Omerza asked if a permit fee will apply and would the Ely Chamber have to pay a fee also? Attorney Klun stated these changes will apply to any festivals held in the park and the Chamber will be made aware of the changes. There are normally

fees associated with any type of permits issued by the city; however a fee structure has not been determined at this time.

Moved by Salerno and supported by Zupec to approve the ordinance amendments as presented in the first reading. As this item is on the agenda and will be acted upon under New Business the motion and support were withdrawn.

Attorney Klun presented the Hidden Valley lease agreement with the Nordic Ski Club for Hidden Valley. Mayor Skraba requested discussion of the lease be placed on the agenda for the council's April Study Session.

Moved by Sheddy and supported by Zupec to refer the Hidden Valley lease agreement with the Nordic Ski Club to the April 28th study session. Motion carried unanimously.

Attorney Klun presented a one month extension to the Ely TV contract. Councilmember Omerza stated due to the absence of Clerk Boese at the last TAB meeting the committee would like a two month extension of the contract.

Moved by Nikkola supported by Omerza to approve a two month extension to the Ely TV contract through June 30, 2009. Motion carried unanimously.

Mayor Skraba stated that St Louis County has a piece of tax forfeited property for sale in the City of Ely if the council was interested in purchasing it. There was no interest by the council.

DEPARTMENTAL REPORTS

Clerk-Treasurer Boese requested Council approval for City and EUC bills and payroll for the 1st half of April, 2009, totaling as follows: GENERAL FUND - \$252,452.79; EUC - \$247,463.96.

Moved by Debeltz supported by Salerno that bills and payroll be allowed and paid as presented. Motion carried unanimously.

The council reviewed the Tax Anticipation Certificate memorandum supplied by Clerk Boese.

Moved by Debeltz supported by Salerno to authorize Clerk Boese to work with Northland Securities and Fryberger, Buchanan on the issuance of a Tax Anticipation Certificate in an amount to be determined but not to exceed \$455,000.00. Motion carried unanimously.

Operations Director Langowski presented a draft hydrant usage contract for council review. The EUC has reviewed the draft contract and has recommended adoption by the council.

Moved by Omerza supported Debeltz that the draft hydrant usage contract be placed on April 28, 2009 study session agenda. Motion carried unanimously.

Director Langowski presented the results of 2009 Reconductoring Bids. Five bids were received with the apparent low bid belonging to Lakes States Construction in the amount of \$60,808.23.

Moved by Debeltz supported by Zupec to approve the Lake States Construction bid contingent upon EUC approval, and review by Attorney Klun. Motion carried unanimously.

ARDC – Regional Transportation Advisory Committee In-Kind Transportation Planning Grant Program was reviewed. There are \$5-10,000 grants available. Information only.

VCC Off-Campus Student Employment Agreement was presented. This program offers students employment opportunities through work study. The city is also working with Job Service to cover 67-day employees this summer. Through this program VCC would pay 75% of the students wage and the city would pay 25%.

Moved by Debeltz supported by Omerza to authorize the Mayor and the Clerk to sign the Off-Campus Student Employment Agreement with Vermillion Community College. Motion carried unanimously.

Moved by Salerno supported by Shedly to add the building assessment study and discussion of propane bids to the April Study Session agenda. Motion carried unanimously.

EUC Consent Agenda Items:

1. Approved requiring any future banners be made of mesh if installed on EUC standards;
2. Approved payment of the Terry's Operational Services March 2009 Invoice for \$1,299.95;
3. Approved payment of the Cannon/Cooper Power Systems Invoice #903753764 for annual software support for load management for \$3,241.60;
4. Approved payment of the RLK Inc., Invoice #5 for the 2nd Avenue West Utilities Project for \$5,840.00.

Moved by Salerno supported by Shedly to approve EUC consent agenda items as presented. Motion carried unanimously.

COMMUNICATIONS

Moved by Debeltz supported by Zupec to accept Chief of Police Manning letter of retirement effective August 28, 2009, send letter of thanks for years of service and appoint Assistant Chief Saw as Acting Chief. Motion carried unanimously.

CLAIMS FOR PAYMENT

1. Transfer of \$6,000 from General Fund #101-00000-34955 Sale of Land, to EEDA fund, #225-41950-34955 Sale of Land – Business Park
2. Northeast Technical Services Inc. – Invoice #08-08412 - \$707.50; Invoice #09-00350 - \$4,457.50 (for testing);
3. MN Pollution Control Agency, Invoice #VP24600 - \$675.00

Moved by Debeltz supported by Zupec to approve the transfer from the general fund and payment of the Northeast Technical Services and MPCA bills. Motion carried unanimously.

4. RLK Kuusisto – Professional services for platting East Spaulding Phase 3 - \$232.50;
5. TKDA – Ely Municipal Airport – 2009 Capital Improvement Program – Crack Repair – professional services for March 2009 - \$1,783.61 * to be approved contingent upon Airport Commission approval;
6. dsgw Architects – professional services for March 2009 - \$2,100.00 - New Ely City Center Study;
7. LMC – 2nd installment, 2009 Municipality Insurance - \$30,702.75
8. Exercise the Right of Re-entry to Kurt Schenk, Lot 14, Block 2, East Spaulding \$16,993.34, Klun Law Firm \$366.42 and St. Louis County Auditor \$366.42;
9. Exercise the Right of Re-entry to Robert G. Shaleen, Lot 1, Block 4, East Spaulding \$19,290.11, Klun Law Firm \$375.61 and St. Louis County Auditor \$34.28;
10. US Bank, GO Bond Debt Service \$40,880.00.

Council member Sheddy noted that if a Lot 1, Block 4, East Spaulding is sold again there may need to be an easement recorded for the Trezona Trail as it passes through corner of property.

Moved by Salerno supported by Nikkola to approve the payment of the claims as presented. Motion carried unanimously.

Moved by Omerza supported by Zupec to put Lot 1, Block 4 and Lot 14, Block 2, East Spaulding Addition back on the market at the original prices. Motion carried unanimously.

City Attorney Klun reminded the council that a payment to WSB was held at the last meeting.

Moved by Debeltz supported by Salerno to send the WSB bill for the airport to the attorney representing the city through the League of Minnesota Cities. Motion carried unanimously.

OLD BUSINESS

Moved by Omerza and supported by Salerno to waive readings in entirety of all ordinances and resolutions on tonight's agenda. Motion carried unanimously.

Mayor Skraba questioned Police Chief Manning what procedure would be to dispose of the police department canine. Chief Manning stated the person who the city purchased the canine from has agreed to complete the training and will try to find a fit handler for the canine. However, he does not have a timeline on how long the relocation will take. The second option may be to advertise the dog in the MN Chief's publications. The dog would be a good asset to a canine program.

Moved by Salerno and supported by Nikkola to sell the canine as soon as possible. Chief Manning will work with the City Attorney to sell the dog 'as is' with no additional training. Motion carried unanimously.

Moved by Zupec and supported by Nikkola to request appearance of City Forest Consultant Eric Mayranen at meeting to be determined. Motion carried unanimously.

NEW BUSINESS

Moved by Debeltz supported by Salerno to pass resolution approving a gambling license for Ely area Ambulance Service as presented. Roll call: Debeltz-yes; Nikkola-yes; Omerza-yes; Salerno-yes; Shedly-yes; Zupec-yes; Mayor Skraba-yes. Motion carried unanimously.

Councilmember Shedly recommended the council support the mining industry and initiatives for economic reasons.

Councilmember Omerza requested the council schedule a meeting with all city employees and communicate this is where we, presenting a snapshot and city goals. The clerk's office was directed to coordinate the scheduling of the meeting.

Moved by Debeltz and supported by Zupec to approve the 1st reading and publication of proposed ordinance amendment, Chapter 11 of the Ely City Code adding a Class Use Permit including an interim use permit as follows:

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, ADDING TO CHAPTER 11 OF THE ELY CITY CODE REGARDING INTERIM USES

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 11, Section 11.40, of the Ely City Code shall be amended to read as follows:

SEC. 11.40. LIST OF PERMISSIBLE AND CONDITIONAL USES. On the following table, the uses listed are the primary use in the district. An open circle, "O",

means that the use is permitted in that district only if a conditional use permit is granted by the Board of Adjustment. An “I” means that the use is permitted in that district only if an interim use permit is granted by the Board of Adjustment. An “X” means that the use is permitted in the district, subject to the general provisions of the Zoning Chapter. A blank space means that the use is not permitted in the district. For uses not included on this list, application shall be made to the Board of Adjustment for a determination that the proposed use is or is not of the same general character as a permitted, not permitted, or conditional use.

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Agricultural implements: service, sales					X	X				
Airplane hangar					O				O	O
Ambulance Garage & Office			O	O	O	O	O	O		
Amusement Park					O		O	O	O	O
Animal hospital, veterinarian				O	O	O				
Apartment: 1 to 2 units	X	X	X	O						X
Apartment: 3 to 4 units		X	O							O
Apartment: 5 or more units		X		O	O					O
Appliances: equipment, sales, repair				X	X	X				
Armory						X	X	X	O	
Asphalt: products, processing, storage						O				
Association: clubs, lodges, private		O	O	X	X					O
Athletic field							X	X	O	O
Auditorium, assembly hall				O	O		X	X	O	O
Auto/Truck: sales, parts, repair						O				
Auto/Truck: salvage, scrap yard						O				
Baked Goods: mfg., sales			O	X	X					
Bank, Trust Co., Bonding Co.				X	X					
Bar, Tavern, Saloon				X	X					O
Barber/Beauty Shop			O	X	X					
Beach: public, private				X	X		X	X	X	X

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Bed & Breakfast	O	O	O	O						O
Beverages: wholesale & storage					X	X				
Billiard parlor			O	X	O					
Boat mfg., storage				O	O	X				O
Bowling Alley				X	X					O
Broadcasting station			O	X					X	
Building materials: mfg., storage, sales				O	X	X				
Bus line depot				X	X		X	X		
Car Wash				X	X					
Carpentry, cabinet shop			O	O	O	X				O
Carpet/rug: sales, storage, cleaning				X		X				
Cement/concrete products: mfg., sales, storage						X				
Cemetery							X	X	X	
Child care center	O	O	O							O
Clay products: mfg., storage						X				
Clinic	O	O	O	O	O		X	X		
Coal & coke storage yards						O				
College, public							X	X		X
Community Center	O	O	O	O	O		X	X		X
Contractor (general): equipment, storage yard					O	X			O	
Credit Union, loan company				X						
Customs house, US					O		X	X		
Dairy products: mfg., sales, distribution				O	O	X				
Disposal plant, sewage						O	O	X	X	
Dormitory building (institutional)	O	O	O				X			O
Drive-in restaurant				X	X					

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Driving range, miniature golf, go-karts, batting cages				O	O				O	
Dry cleaning & laundry: processing & pickup			O	X		X				
Dwelling, single family	X	X	X							X
Dwelling, two family	X	X	X							X
Dwelling, multiple family		X	O	O						O
Explosives: storage, distribution						O				
<u>Festival, community event</u>				I	I	I	I	I	I	
Fire station	O	O	O	X	X	X	X	X	O	O
Fish or meat, wholesale, curing, storage						X				
Florist, greenhouse, nursery			O		X	O				O
Florist, sales			O	X	O	O				
Freight depot, office, wholesaling					O	X				
Fuel storage, distribution				O	O	O				
Funeral parlor, mortuary			O	X	X					
Furs: mfg., assembly						O				
Gasoline/filling station, convenience store				X	X					
Gravel pit							O	X	X	
Grocery store, retail			O	X	X					
Grocery: wholesale, warehouse					X	X				
Home: retirement, children, nursing, group, assisted living	O	O	O							O
Hospitals	O	O	O	O	O		X	X		O
Hotel, Motel				X	X					O
House of Worship	O	O	O	O	O	O	O	O	O	O
Iron or woodworking			O	O	O	X				
Jail				X			X	X		

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Laundries, self-service			O	X	X					
Library	O	O	O	X	X		X	X		O
Liquor: off-sale, storage				X	X					
Lockers, food storage				O	O	X				O
Machine Shop						X				
Manufactured Home Park	O	O	O							O
Manufactured Home Sales					X					
Meat Packers						O				
Metal fabrication, processing						X				
Mining operations: gravel, quarries, crushing						X				
Motorized vehicles: sales, parts, repair				O	X	X				
Museum	O	O	O	X	X		X	X		O
Outfitters: recreational			O	X	X					O
Paper & wood products: mfg., storage						X				
Park, playground	X	X	X	X	X		X	X	X	X
Parking lot	O	O	O	X	X	X	X	X	X	O
Paving materials, storage						O				
Pharmacy			O	X						
Police station			O	X	X		X	X		
Post Office			O	X	X		X	X		
Professional office: doctors, lawyers, etc.	O	O	O	X						O
Public or private school	O	O	O	X	X		X	X		O
Public beach	X				X		X	X	X	X
Public campground							X	X	X	O
Public utilities & storage area					O	O	O	O		O
Railroad: service & repair						X				

Classification List - Permissible/ Conditional Uses	R-1	R-2	R-T	C-1	C-2	M	P-1	P-2	O	SMU
Reservoirs, water towers	O	O	O			O	X	X	O	O
Resorts	O	O	O							O
Restaurants, cafes	O		O	X	X					O
Retail store: general, specialty				X	O					
Roadside park or wayside				X	X	X	X	X	X	O
Roadside sales stand				X	X				O	O
Rooming House		X	O	O	O					O
RV Park				O	O	O	O	O		O
Sauna, steam bath, commercial			O	X						O
Schools, commercial		O	O	X						O
Schools, public or parochial	O	O	O				X	X		O
Skating rink, public	O	O	O				X	X	X	X
Sporting goods, mfg.			O		O	X				O
Storage yard: bulk material, equipment					O	X	O	O	O	
Swimming pool: public					O		X	X	O	O
Taxidermist			O	X						
Theatres, indoor				X	X					
Tires: repair, equipment, supplies				X	X	X				
Utility structure, substation	O	O	O	O	O	X	X	X	O	O
Veterinary Clinic			O	X	X					
Warehouses, all types					X	X				
Welding shop: service, storage				O	O	X				
YMCA, YWCA		O		X	X		X	X		O

SECTION 2. A new Section shall be added to Chapter 11 as Section 11.43B of the Ely City Code to read as follows:

SEC. 11.43B. INTERIM USES.

Subd. 1. Purpose. The purpose of an interim use permit is to allow a

temporary use that is not designated as permitted or conditionally permitted, but is acceptable for a limited period of time subject to conditions set forth in this section. An “interim use” is defined as a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. An interim use is granted to a particular individual and does not accrue to the subject property.

Subd. 2. Application. Subject to the provisions of this chapter, all interim uses shall comply with the provisions of this section.

Subd. 3. Inspection. The city hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.

Subd. 4. Violations. After two nuisances or code violation complaints have been made and verified with written notice to the holder of the interim use permit, a public hearing may be called within 60 days of the last complaint to reconsider the interim use.

Subd. 5. Revocation. An interim use permit may be revoked if (i) the property is found to be in violation of the conditions listed in the interim use permit or (ii) if access to the property for the purpose of making an inspection is refused to the zoning administrator or their designee. The same process established for granting an interim use permit shall be followed when considering revocation of an interim use permit.

Subd. 6. Penalty. Violations of the interim use standards shall be subject to the enforcement and penalty provisions as contained in this chapter.

Subd. 7. Criteria for granting an interim use permit. In granting an interim use permit, the Planning Commission and City Council shall consider the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding properties. The Planning Commission and City Council shall consider and make findings regarding the following factors:

- A. The proposed use meets the applicable zoning regulations; and
- B. The proposed use will terminate upon a date or event that can be identified with certainty; and
- C. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. The proposed use will be subjected to, by agreement with the property owner, any conditions that the City Council deems appropriate for permission of the proposed interim use, including a condition that the owner will provide an appropriate surety to cover the cost of removing the interim use any interim structures upon the expiration of the interim use.

Subd. 8. Termination. An interim use shall terminate upon the occurrence of any of the following events, whichever comes first::

- A. The date or event stated in the permit;
- B. The use has been discontinued for one year; or

C. There is a change in ownership of the property for which the interim use permit was issued. If it is believed that a violation of the conditions of approval has occurred, the Planning Commission and City Council may take action to revoke the interim use permit through the public hearing process, including notification to the property owner of the city's intent to consider revocation of the permit.

Subd. 9. Conditions of approval. In permitting a new interim use permit or amending an existing interim use permit, the Planning Commission may recommend and the City Council may impose, in addition to the standards and requirements expressly specified by this section, additional conditions which the Planning Commission or City Council consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimension;
- B. Limiting the height, size or location of buildings;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- H. Designation of open space;
- I. Annual review, if deemed appropriate by the city council.

Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the interim use permit shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The zoning administrator or their designee shall maintain a record of all interim use permits including information on the use, location and conditions imposed by the city council, time limits, review dates, and such other information as may be appropriate.

Subd. 10. Procedure.

A. Applications for interim use permits will not be accepted from anyone who is not the owner of the land for which the application is made, unless such land is public in nature.

B. The person applying for an interim use permit shall fill out and submit to the Planning and Zoning Department an interim use permit application, appropriate supplementary information, and a filing fee as established by the city council.

C. The Planning and Zoning Department staff shall refer the application to the Planning Commission for review and recommendation to the city council.

D. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minn. Stat. § 462.357, subd. 3, as amended. The Planning Commission shall make a recommendation to the City Council to either approve or deny the request. The City Council shall take final action on the request.

E. The petitioner or representative shall appear before the Planning Commission in order to present information concerning the requested interim use permit.

F. If the Planning Commission recommends granting the proposed interim use permit, it may recommend conditions to the City Council that the commission considers necessary to protect the public health, safety and general welfare of the surrounding area along with findings supporting the recommendation to approve. If the Planning Commission recommends denial of the proposed interim use permit, it shall recommend findings in support of the denial to the city council.

G. An amended interim use permit application shall be administered in a manner similar to that required for an interim use permit. Requests for an amendment to an interim use permit shall include the requested changes related to the interim use and information in support of the requested changes.

H. No application for an interim use permit shall be resubmitted for a period of six months from such order of denial.

I. Where applicable, granted interim use permits shall become void if the applicant does not proceed substantially on the work within six months. To proceed substantially means to make visible improvements to the property. One or more extensions for not more than six months each may be granted by the City Council for good cause.

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.

Roll call: Debeltz-yes; Nikkola-yes; Omerza-yes; Salerno-yes; Sheddy-yes; Zupec-yes; Mayor Skraba-yes. Motion carried unanimously.

PUBLIC COMMENT

Duane Whalen asked the council why there are lights on at night at St. Mary's Clinic. The council suggested Mr. Whalen check with the hospital.

The council took a 5 minute recess at 8:15 p.m.

Motion by Omerza and supported by Debeltz to close the meeting at 8:20 p.m. pursuant to MN Statute 13D.03, Subd. 1(b). Motion carried unanimously.

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

ABSENT: None (0)

Meeting reopened at 8:36 p.m.

Moved by Salerno and seconded by Sheddy to adjourn the regular meeting at 8:37 p.m.
Motion carried unanimously.

Terri Boese
Clerk/Treasurer