

Council Chambers
Ely, Minnesota
Tuesday, May 19, 2009
6:40 p.m. Ely City Council
Regular Meeting

The regular meeting of the Ely City Council was called to order at 6:40 p.m. by Mayor Roger J. Skraba on May 19, 2009 at the Ely City Hall.

PRESENT: Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, Zupec, Mayor Skraba (7) ABSENT: None (0)

Moved by Salerno supported by Zupec to approve the minutes of: Special Meeting April 21, 2009; Regular Meeting April 21, 2009; Special Meeting April 22, 2009; Study Session April 28, 2009; and Board of Appeal April 30, 2009 as presented. Motion carried unanimously.

Mayor's Agenda

Mayor Skraba read the notice of outstanding leadership for Rollie Green who received the award this year. Moved by Debeltz supported by Omerza to send letter of thanks to Rollie Green for his years of service to the city and the airport. Motion carried unanimously.

Mayor Skraba addressed the issue of abandoned homes in Ely. Foreclosures are an issue and he recommended that the Planning & Zoning review this issue. Council member Zupec reported that the county's estimate is that there are approximately 300+ vacant homes in Ely. He recommended an open air ordinance be enacted.

Moved by Debeltz supported by Sheddy to direct the Planning & Zoning Commission to address the issue of abandoned houses, blight and open air ordinances. Motion carried unanimously.

Mayor Skraba reviewed the legislative session bill which was signed by the Governor and includes a .5168 cent per taconite ton to the City of Ely for reconstruction of 2nd Ave W project.

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

1. John Imsland, Lot 13, Block 2, E Spaulding, payment of taxes
2. Close Harvey Street between Stukel Way and 8th Ave during little league and T-ball games throughout the summer
3. Disposal of old fire equipment

COMMITTEE REPORTS

Council member Omerza reported that the Telecommunications Advisory Board is still seeking an additional member and anyone interested should contact Clerk Boese. She also reported the board will be conducting their meetings in the accounting office going forward. The Ely TV contract will be presented at the June council meeting for approval.

Omerza presented a building update from the Park and Recreation Board. They have the opportunity to apply for a grant through IRR Youth in Action to complete the building. John Huseman project manager reviewed the list of items that need to be completed at the site. The grant could also include the construction of a garage depending upon the amount of volunteer labor that is available.

Moved by Salerno supported by Omerza to authorize Director Langowski to complete the IRR Youth in Action grant application for \$40,000 to be used to complete the recreation center building. The Mayor and Clerk are authorized to sign the application. Motion carried unanimously.

EADA business mixer will be May 28th from 5-7 p.m. everyone is invited. Kerry Welsh will be speaking on the topic of commercial assessments.

Council member Sheddy reminded everyone that the Ely cleanup day is scheduled this Saturday from 9-3 for business owners and residents of Ely only. No hazardous materials or garbage will be taken.

Mayor Skraba reported on the Mesabi Trail and Emergency Readiness Committee meetings. Mayor Skraba stressed the need for city staff and council members to get identification badges.

Moved by Sheddy supported by Omerza to approve the purchase of badges for the council and city staff. Motion carried unanimously.

Mayor Skraba also reported on the Mayor's conference he attended last weekend. Discussion centered on potential LGA cuts. The Governor has until July 1st to finalize the state budget.

Moved by Salerno supported by Zupec to approve the resolution adopting the St. Louis County All-Hazard Mitigation Plan as presented. Roll call: Debeltz-yes; Nikkola-yes; Omerza-yes; Salerno-yes; Sheddy-yes; Zupec-yes; Mayor Skraba-yes. Motion carried unanimously.

CITY ATTORNEY

Moved by Debeltz supported by Nikkola to accept the Hydrant Usage Policy as recommended by the EUC and as presented. Motion carried unanimously.

Moved by Sheddy supported by Nikkola to approve the Ely Nordic Ski Club Sublease as presented. The lease provides for a review after 2 years of the 5-year term. Roll call: Debeltz-yes; Nikkola-yes; Omerza-yes; Salerno-yes; Sheddy-yes; Zupec-No; Mayor Skraba-yes. Motion carried 6-1.

Moved by Zupec supported by Debeltz to approve the ECR Community Gardens lease as presented. Motion carried unanimously.

Director Langowski has reviewed the installation of stop signs in the area of the garden lease and suggested if the group has enough volunteer laborers they could remove the fencing at Hidden Valley and use it to fence in the community garden.

Moved by Omerza supported by Nikkola to approve the Memo of Understanding providing a change in health care coverage from Blue Cross/Blue Shield to Health Partners for all city employees as recommended by the negotiating committee. Motion carried unanimously.

Moved by Nikkola supported by Zupec to exercise the right of re-entry and reversion on Lot 12, Block 2, East Spaulding Addition, payments to be made as follows: Crystal Sroga \$19,111.41; Klun Law Firm \$373.02; St. Louis County Auditor \$424.60. Motion carried unanimously.

Moved by Nikkola supported by Zupec to task the City Attorney and the Planning and Zoning Commission to add language to any new land sales contracts that provides for a penalty and/or fee for substantially altering property when requesting right of re-entry/reversion. Motion carried unanimously.

Moved by Shedly supported by Salerno to deny the request of Laura McEntyre for early re-entry/reversion on Lot 3, Block 4, East Spaulding Addition. Motion carried unanimously.

Moved by Shedly supported by Omerza to refer the request of a 1-year building extension by Donovan Bierbaum to the Planning & Zoning Commission. Motion carried unanimously.

Building Official, Patrick Conery informed Attorney Klun that he was not able to attend the council meeting after receiving written request to attend that was send by Klun.

Clerk Boese and Attorney Klun met with Mr. Conery and at that time Mr. Conery stated he was not longer interested in working with a limited building inspector.

Moved by Shedly supported by Salerno to proceed with termination of the Building Official contract and instructed Clerk Boese to send written notification to Mr. Conery. Motion carried unanimously.

DEPARTMENTAL REPORTS

Clerk/Treasurer Boese

Moved by Debeltz supported by Salerno to pay the City, EUC bills and payroll as presented. Motion carried unanimously.

Moved by Debeltz supported by Salerno to approve the updated expense reimbursement request and credit card expenditure forms as presented. Motion carried unanimously.

City Operations Director Langowski

Director Langowski has identified an ADA project along TH 169 (Sheridan Street) with the potential funding from the ARRA. He has been in contact with MNDOT regarding the improvement of TH 169 with regard to pedestrian curb ramps and sidewalk replacement along 5th Ave East. He stated that he would be meeting with MNDOT on Wednesday to request the replacement of the sidewalk in this area which also coincides with the Safe Routes to School Program. There will be no cost to the city to participate in this program.

Eric Mayranen met with Director Langowski about thinning the Memorial Forest in the Dorothy Molter Museum property. The intent is to thin the trees to enhance this area. Mayor Skraba

along with Director Langowski will work with the County to get permission to proceed with this project.

Director Langowski presented a proposal from Bear Island Surveying to locate existing monuments in Section 5 (Lucky Boy area) in the amount of \$1,200. He stated he had been working with Assistant County Assessor, Ben Thomas to determine property ownership in that area. Before the city moves forward with any work in that area additional property ownership research would need to be completed. Council member Zupec stated he would provide all the documentation for Director Langowski to review.

Moved by Debeltz supported by Salerno to authorize Director Langowski to work out a payment plan with Bear Island Surveying and to pay the cost of surveying out of the proceeds from the sale of timber. Council member Zupec suggested that all affected property owners be contacted and asked to share in the cost of this survey. Motion carried unanimously.

Council member Salerno left the meeting at this time.

Moved by Debeltz supported by Zupec to approve EUC consent agenda items 1-7 as follows:

1. Authorized repair of the breaker for Sub B from Utility Plus Energy Services, Inc. for \$1,350.00;
2. Approved purchasing poles from Bell Pole for \$7,547.00 and transformers from Dakota Transformer for \$8,900.00 for the Washington Street Reconductoring Project;
3. Approved payment of bills payable and payroll for May 5, 2009 for \$53,428.65;
4. Approved payment of the RLK, Inc. Invoice #6 for the 2nd Ave W. Utilities Project for \$4,960.00;
5. Approved payment of the Environmental Toxicity Control, Inc. Invoice #2-9-054 for toxicity testing for \$300.00;
6. Approved payment of the KBM, Inc. Invoice for the 2009 Reconductoring Project for \$13,777.89;
7. Approved payment of Terry's Operational Services April, 2009 Invoice for \$600.00

Motion carried unanimously.

COMMUNICATIONS

Notification received from US Steel Foundation Inc. regarding grant application for the Miner's Dry project submitted January, 2009 in the amount of \$250,000 will not receive any funding.

The council authorized Council member Omerza to attend the League of MN Cities Annual Conference and Marketplace, June 24-26 in St. Paul.

The council reviewed a letter from USDA Rural Development regarding the pre-application eligibility of Central Ave Utility Improvements. The proposal is eligible for funding during this fiscal year by the agency.

The council also reviewed a letter from USDA Rural Development regarding the pre-application eligibility of Whiteside Park Utility Improvements. The proposal is eligible for funding during this fiscal year by the agency.

CLAIMS FOR PAYMENT

Moved by Debeltz supported by Zupec to approve the following claims A-E for payment as presented.

- A. US Bank, GO Crossover 2003 Refunding Bonds \$431.25
- B. Klun Law Firm, General Matters \$305.37
- C. LMC, Deductibles for sewer backup and slip and fall claim \$2,000.00
- D. Patrick Conery, April, 2009 billing \$2,815.32
- E. Unemployment benefits for Ralph Stevens & James D. Carlson \$1,042.58

Council member Debeltz amended his motion to approve payment of claims A-D listed above.

Moved by Debeltz to rescind prior motion to approve payment of claims listed above. Zupec rescinded support for this motion.

Moved by Debeltz supported by Nikkola to approve claims for payment A-C listed above. Motion carried unanimously.

Moved by Debeltz supported by Zupec to table payment of claims D-E listed above to do some additional research. Motion carried unanimously.

OLD BUSINESS

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

NEW BUSINESS

Moved by Nikkola supported by Shedly to appoint Council member Zupec and Fire Chief Gerzin as official members of the Fire Committee. Motion carried unanimously.

Attorney Klun requested the council appoint a committee to attend the Mediation hearing scheduled July 15-18 in Minneapolis.

Moved by Nikkola supported by Shedly to task the negotiating committee and the city attorney to review and make a recommendation to the council. Mayor Skraba stated he has pertinent information relating to this matter and should be included in the committee as he had attended all the meetings related to this project. Motion carried unanimously.

Moved by Nikkola supported by Zupec to approve the gambling permit and liquor license and interim use permit applications as presented by the Boundary Waters Blues Festival pending receipt of all required documents. Roll call: Debeltz-yes; Nikkola-yes; Omerza-no; Shedly-yes; Zupec-yes; Skraba-yes. Motion carried 5-1.

Moved by Omerza supported by Nikkola to adjourn the meeting at 8:25 p.m. Motion carried unanimously.

Terri Boese
Clerk/Treasurer