

Council Chambers
Ely, Minnesota
Tuesday, February 3, 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)

A quorum was determined.

Mayor Skraba thanked the audience members present for attending tonight's council meeting; also the viewing audience over public access channel 11.

Moved by Zupec supported by Salerno, that the minutes of the regular meeting of January 20th; special city council meetings of January 27th be approved without reading. Carried unanimously. Minutes to stand as recorded.

The following addition was added to tonight's agenda:

Council member Salerno – to be taken up under New Business – City looking into an Ely commemorative coin and historical calendar. Moved by Debeltz supported by Zupec, that request be approved. Carried unanimously.

Mayor Skraba reported that the Council needs to look at changing the needs of the city's electronic requirements. At the February 2nd Telecommunications Advisory Board Meeting, discussion was held regarding upgrading the city's current electronic system and maintenance issues, which will save the City dollars. There are certain departments that need additional computers and current computers need to be upgraded, have maintenance performed on them, and reworking the city's current web site.

Council member Omerza who also serves as President of TAB reported that at the February 2nd meeting TAB did task the Clerk-Treasurer to move forward in putting together Requests For Proposals summarizing the City's current needs. The TAB is recommending all department heads input as to what they need and their vision seen for respective department, as follows: 1. equipment; 2. maintenance/security; 3. web site. Moved by Zupec supported by Shedly, that per recommendation of the Telecommunications Advisory Board, the Clerk-Treasurer be directed to put together RFP's for city's electronic needs, to bring back to the Council for review and approval. Carried unanimously.

Mayor Skraba reported that the Ely City Council and Ely School Board will be meeting in joint session on Thursday, February 26th, 6:00 P.M. , with location to be posted once officially confirmed. Matter of information.

Mayor Skraba then referenced a current newspaper article which addressed city reserves. He noted that it is not true that the City of Ely has one million dollars sitting in its checking account and that the city's reserve fund is being used as cash flow dollars to keep the city moving. After approving the January 2009 city bills payable list and payroll, the city will have approximately \$600,000 cash on hand. If anyone has any questions about the city's reserves, they should contact the Clerk-Treasurer. These funds are already spoken for. Council member Salerno also commented that there are seven people serving on the Ely City Council, with each member having the best interest of the community and delivering the best service the Council can. Mayor Skraba also recommended that the Council approach Accounting Consultant Mary Lee Erickson, to attend the Council's February Monthly Study Session, to discuss city budgets and budgeting process, with the Council members. Council members concurred with Mayor's recommendation. Council member Zupec also stated that the City has been in this financial situation before; that the City has had to borrow monies to carry over before, and that the Council will weather this storm, also.

The following consent agenda items were brought before the Council for approval:

1. Klun Law Firm – East Spaulding Phase III Purchase Agreements – INFORMATION;
2. Ely Community Resource Inc. – 4th quarter progress report – INFORMATION;
3. State of Minnesota DNR – Seasonal storage space lease – Ely Municipal Airport Garage (INFORMATION – will be forwarded to Ely Airport Commission);
4. Council approval to call for nominations for City of Ely 2009 Volunteers of the Year (to advertise in local papers – applications accepted through March 9, 2009);
5. NTS – No Association Determination, Lot 3, Block 1, Ely Business Park – INFORMATION;
6. Meg Heiman, Ely Track Club – request to use the Trezona Trail from 7:00 A.M. – Noon for Trezona Trail Run/Walk during Harvest Moon Festival, Saturday, September 12th (to approve and refer to the Police Chief and City Operations Director for coordination);

It was noted that pertaining to above item #4, Council members Debeltz, Zupec, and Mayor Skraba will review all nominations received and make a formal recommendation to the Council in selecting two volunteers of the year 2009. Mayor Skraba also requested that pertaining to above item #6, a letter also be sent to the Mesabi Trail Group. Moved by Zupec supported by Debeltz, that above items be approved and ordered filed. Carried unanimously.

Jim Belehar, Post Commander of the VFW Post #2717 in Ely requested placement on tonight's agenda requesting Council approval for the VFW to use the community center cafeteria on March 21, 2009, for a spaghetti dinner fund raiser for Kevin Scufsa who is in need of a stem cell implant. The VFW is also requesting that they be allowed to transfer their club liquor license to the Ely Community Center for that date only. They will be officially closing the VFW bar during the hours of the benefit. Moved by Debeltz supported by Zupec, that request to utilize community center cafeteria and also transfer of

liquor license from the V.F.W. Club at 2 West Sheridan Street, Ely to the Ely Community Center, 30 South First Avenue East, Ely for this event on March 21, 2009, be approved Carried unanimously. Jim noted that as in past, a liquor liability insurance certificate will be provided the City of Ely by the VFW insurance agency, naming the City of Ely as co-insured, for this event.

Council member Sheddy reported on behalf of the Buildings Facility Group Meeting of January 26th: Group had looked at what is currently housed at the Ely City Hall and Ely Community Center, and are recommending that the Council have DSGW analyze all options for the Community Center and City Hall, and/or look at new construction of one structure to house what is currently in both buildings. Council member Nikkola also suggested that the City also look at providing rental space for current St. Louis County Offices now being housed in the JFK Building. Also, the current steam heating systems in City Hall and Community Center Buildings will pose a problem in the future. Council member Sheddy noted that DSGW will look at the areas of mechanical, structural, architectural assessment in their assessment. City Operations Director reported that the \$7,000 proposal fee could be taken out of City Hall and Community Center budgets. Council consensus was that the City has enough documentation on both the City Hall and Community Center as to what would be required for future renovation, and that the City should now concentrate on receiving assessment of a new facility to house all city departments verses renovation of the City Hall and Community Center, in order for the Council to make an informed decision on what direction to take to formulate a plan. He also noted that all city buildings including public park facilities need to be ADA compliant. City Operations Director noted that the City does own a lot of property that could house a new government building, if this is the direction the City Council will take. Moved by Sheddy supported by Nikkola, that per recommendation of the Buildings Facility Group, the City of Ely request City Architect DSGW to perform a needs study as to what size building would be needed to house all current city departments and also future office rental space for St. Louis County Offices, for a fee not to exceed \$7,000.00. YES: Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, Mayor Skraba (6) NO: Council member Zupec (1) ABSENT: None (0) Motion carried.

Council member Zupec qualified his no vote by stating that at this time he feels this issue needs to be discussed at a budget committee meeting level first, then discussion on the dollars required for this type of study. Matter of information.

Council member Omerza reported on behalf of the City Parks and Recreation Board Meeting of February 2nd: Board will be holding their regular meetings on the first Monday of every month, at 5:15 P.M. in the council member's office, basement floor of the Ely City Hall. Moved by Omerza supported by Debeltz, that request be approved. Carried unanimously. She also reported that the indoor warming facility at the Skating Facility on 11th Avenue East will be open by this weekend. She thanked Kurt Mattila for all his hard work at this skating facility, along with the many volunteers who have been part of this project to date.

Council member Omerza reported on the Telecommunications Advisory Board Meeting of February 2nd: it was the recommendation from the Board that the City owned XLS camera be kept under the authority of ELY TV at this time. Moved by Omerza supported by Nikkola, that recommendation be approved. Carried unanimously.

City Attorney Kelly Klun stated that the City Attorney's Office did have an opinion on this issue in accordance with the contract between the City of Ely and ELY TV. Mayor Skraba encouraged the TAB members to take the current franchise fee, to purchase this camera back from the City. Council member Omerza also reported that the TAB members will be working on negotiating a new contract with ELY TV, as their approved extension of 2008 contract will expire at the end of April. TAB members are also recommending that the Clerk-Treasurer clarify the wording in the current policy as to use of XLS camera by city employees. Moved by Omerza supported by Debeltz, that recommendation be approved. Carried unanimously.

Council member Omerza reported on behalf of the City Budget Committee Meeting of January 27th: Discussion was held that the City Operations Director, along with Council member Nikkola and Omerza, with assistance from the City Attorney when required, be appointed to work with the Ely Nordic Association Building Committee, to set up a lease agreement between the City of Ely and ENA for the Hidden Valley Chalet. Moved by Omerza supported by Sheddy, that recommendation be approved. Carried unanimously.

Mayor Skraba reported on behalf of the recent Community Joint Powers Board Meeting: Town of Morse is looking for an Assessor and has met with St. Louis County Assessor regarding these services. If Morse signs a contract with St. Louis County for assessing services utilizing St. Louis County Assessor Ben Thomas' office in Ely, the City could save approximately \$13,000 in current budget for year 2010. Matter of information at this time.

Council member Omerza also reported that at the Ely City Council Study Session of January 27th, Council members had discussed recommendation from the Coalition of Greater Minnesota Cities, in soliciting members from the general public to serve on a Citizen's Task Force to assist the City Council in solving their budgetary issues with the upcoming LGA cuts. Mayor Skraba requested that setting up of a citizen task force to assist City Council in budgetary issues be placed on the next official city council agenda. Council members concurred with recommendation. Clerk-Treasurer Boese also reported that the City Operations Director along with herself, have set up suggestion boxes in respective offices, for employees to submit any suggestions they may have for Council consideration in the 2009/2010 budget process. The suggestions will be tallied and given to Council members to address at their February 24th regular monthly study session. Council members also suggested that Clerk-Treasurer advertise for citizen's comments on solving the city's budget shortfall, where individuals could remit their suggestions on the City Web Site. Matter of information.

City Attorney Kelly Klun reported on East Spaulding Phase II Requirement to Build, noting that after recent mailings of letters to several owners of lots in the plat of East

Spaulding, three have informed her verbally, that they do not intend to build single family dwellings upon their respective lots. As noted in Addendum A of purchase agreement, the City reserved the right of re-entry and the right of reversion upon each lot, with this remedy and the right to exercise it being within the sole discretion of the city. This right may be exercised by the city by giving written notice to a buyer in default of the city's intent to exercise the right of re-entry and reversion. Within 30 days following that notice, the buyer shall vacate the property and execute a Quit Claim Deed in favor of the City of Ely, and upon acceptance of the deed, the city shall pay to the buyer the original purchase price, without closing costs and without interest, with the City entitled to then record the Quit Claim Deed. Several lot owners have delinquent property taxes for their parcels, with penalties and interest accruing on a monthly basis. If the city chooses to exercise its right of re-entry and reversion, the refund of the purchase price should be reduced by any such delinquent taxes owed, with the City being responsible for the remainder of property taxes payable in 2009. Moved by Zupec supported by Salerno, that the City accept the recommendation of City Attorney Klun choosing to exercise its right of re-entry and reversion on Lot 14, Block 2; Lot 1, Block 4 and Lot 12, Block 2, East Spaulding Addition. Carried unanimously. Council also concurred with Attorney Klun's recommendation of damage clause to be added to new purchase agreements for phase III sale of lots, which Council approved at the last regular Council meeting. Council member Salerno questioned why the city chose to utilize Quit Claim Deeds verses Warranty Deeds in the sale of the East Spaulding lots. Attorney Klun will research and report back to the Council on this matter.

Clerk-Treasurer Boese requested council approval in the City and EUC bills and payroll for the second half of January 2009, totaling: \$198,364.28. Moved by Debeltz supported by Salerno, that bills and payroll be allowed and paid. Carried unanimously.

Clerk-Treasurer Boese requested council approval in authorizing Banyon Data Systems Fund Accounting Training for Confidential Accounting Clerk Pam Bennett, training which will take place in Minneapolis, for a total of \$200.00. Moved by Debeltz supported by Omerza, that request be approved. Carried unanimously.

Clerk-Treasurer Boese requested council approval to attend the MCFOA Annual Conference in St. Cloud, on March 17th – 20th; also approval to attend St. Louis County/Duluth Days in St. Paul (along with Mayor Skraba and Council member Omerza), on February 9th and 10th. Moved by Zupec supported by Salerno, that requests be approved.

Clerk-Treasurer Boese requested council approval to advertise for a limited license building inspector to do residential inspections within the City of Ely, after conversations with the Planning and Zoning Commission and current Building Official. Moved by Zupec supported by Salerno, that request be approved. Carried unanimously. Council member Debeltz commented that he would like to see the city recoup additional monies by compensating this position less dollars.

Clerk-Treasurer Boese requested council approval to summarize all Ely City Council meeting minutes in the legal newspaper rather than publishing in full; the City will continue to publish all ordinances and resolutions in their entirety, and minutes in their entirety would be available at the City Hall, Community Center, and on the City Web Site. Council Omerza recommended that if approval is given, that if the City does not get positive comments on this method of publication, the Council may want to revisit and reverse this decision. Moved by Shedly supported by Debeltz, that request be approved. Carried unanimously.

Clerk-Treasurer Boese reported that Porthan Painting is now paid in full, for their painting contracts with the City of Ely for the Ely Community Center Auditorium, hallway and foyer upstairs level, and that project looks very good. The City did have a contract in place for auditorium ceiling repair/painting, but at this time due to leak in the ceiling and after talking to Brett Porthan about cancelling this contract, she is recommending that the City terminate its contract with Porthan Painting for the auditorium ceiling project. Moved by Debeltz supported by Nikkola, that recommendation be approved. Carried unanimously.

Clerk-Treasurer Boese reported that Confidential Accounting Clerk Pam Bennett will be at Ely City Hall on Saturday, February 7th, between Noon and 1:00 P.M., for those Council members wishing to meet her. Matter of information.

City Operations Director of Public Works and Utilities Langowski requested Council approval in calling for sealed bids for the sale of the following equipment.

Motor Grader

- 1977 Caterpillar 120 G
- 3304 Motor, Low hours on rebuild
- All hydraulic wing and dozer blade
- Blade tilt and shift
- Differential lock
- Heaters, wipers, flashers
- Radial tires
- Everyday worker
- Minimum bid \$20,000

Sealed bids will be received until February 27, 2009, 2:00 P.M. at the office of the Clerk-Treasurer.

Also, the City is calling for sealed bids for purchase of the following equipment.

Motor Grader

- 1993 or newer Caterpillar 140 G or equal
- 20,000 hours or less
- 3306 Motor
- Blade float
- Front Dozer Blade
- Hydraulic wing – Balderson or equal
- 6 new snow radials

- Differential lock
- Heater, air conditioning, wipers, rear view mirrors, floor mat, seat 90% or better
- Flashers, beacon, work lights
- Blade side shift and tilt
- 90 day warranty, with service and parts provided at buyers location by seller

Sealed bids will be received until February 27, 2009, 2:00 P.M. at the office of the Clerk-Treasurer.

Moved by Sheddy supported by Salerno, that above requests be approved. Carried unanimously.

City Operations Director provided Council members with fire code inspection completed on the Community Center Building. Matter of information at this time.

City Operations Director noted that prior to tonight's Regular Council Meeting, the Ely City Council held a public hearing to address EUC proposed rate increases for city water and sewer usage. Moved by Sheddy supported by Omerza, that the City of Ely accept the recommendation of the EUC to raise city water and sewer rates as stipulated at the public hearing, but that the EUC also give consideration to commercial rates for businesses that have large water and sewer usage, with City Attorney directed to draft an Ordinance reflecting these increases for Council review at the next regular council meeting.

Carried unanimously. Council member Zupec requested that this discussion pertaining to this issue continue with Council members being provided a three year budget spread.

City Operations Director will provide Council members with this documentation.

City Operations Director presented the following EUC consent agenda items:

1. Approved posting and publishing the Water Service Freezing Policy;
2. Approved sending the MMUA Scholarship Program Information to the high school for distributions;
3. Approved purchase of tires for Electric Department vehicles for \$1,418.05 and leaf springs for \$962.32;
4. Approved purchase of a battery charger for the Water Plant Emergency Pump for \$950.00;
5. Approved payment of the December 2008 #3 bills payable for \$28,161.09 and January 20th, 2009 bills payable for \$224,438.48;
6. Approved payment of the Minnesota Power bill for December 2008 for \$207,646.17;
7. Approved payment of the Minnesota Power Windsense Annual Fee for \$500.00

Moved by Nikkola supported by Salerno, that above items be approved and ordered filed.

Carried unanimously. Mayor Skraba questioned above item #7 with City Operations Director reporting that this program is offered to EUC customers, with option to buy blocks through this program – Ely is one of the big customers currently using this program, at the cost of \$100/per customer for administrative fee. Mayor Skraba also requested City Operations Director give the audience a brief overview on EUC water freezing policy with Operations Director noting that if water line between the city water main and residence is not well protected by soil depth or insulation and is susceptible to freezing, EUC customers may want to run water to prevent a freeze up. The generally

accepted practice is to run a stream of water from a faucet the size of a pencil, with the chance of freeze up being gone when the ice is off the local lakes in the spring. As a service to the Ely Utilities Commission customers within the Ely City limits, the EUC will thaw private frozen water lines when time is available, with the cost to homeowner being as follows:

1. The minimum charge is \$100.00 (up to one hour)
2. The charge for each additional hour or portion of an hour will be \$50.00
3. You will be charged for all overtime if you request a thaw during other than normal working hours. There will be a minimum charge for two hours, at the overtime rate, for a call out.
4. Signing of the EUC liability form is required from the property owner and tenant, if it is a rental property, prior to the City of Ely personnel thawing the line.

Matter of information.

Chief of Police Manning requested Council approval to attend the 2009 Chief's of Police Training Institute on April 6th – 9th in Rochester, Minnesota, along with Assistant Chief John Saw. This request was tabled from December 2008 to be taken up in 2009.

Moved by Debeltz that request be approved. For lack of a support, the motion was declared lost.

Council member Omerza questioned as to who would be in charge of the Ely Police Department if the top two employees are gone; Mayor Skraba noted that he is okay with someone from the Police Department attending, as this training would be good management experience. Council member Zupec expressed his concern that sending a Chief of Police who is retiring and an Assistant Chief of Police who may not be promoted to Chief of Police. Police Chief Manning informed Council members that he would like an individual from the Ely Police Department to get as much contact with the people he has been dealing with over the years, but that he would defer from his original communication, requesting that only the Assistant Chief of Police be authorized to attend. Moved by Zupec supported by Shedly, that Police Chief Manning be authorized to attend training institute.

YES: Council members Nikkola, Shedly, Zupec (3)

NO: Council members Debeltz, Omerza, Salerno, Mayor Skraba (4)

ABSENT: None (0)

Motion lost.

Moved by Omerza supported by Debeltz, that either Police Chief Manning or Assistant Police Chief Saw be authorized to attend the training institute, with Chief Manning to use his discretion as to which individual will be attending.

YES: Council members Debeltz, Nikkola, Omerza, Salerno, Shedly, Mayor Skraba (6)

NO: Council member Zupec (1)

ABSENT: None (0)

Motion carried.

Communication was received from the Ely Rotary Club, advising the City that they are in the process of developing ideas for local projects that may need support, with their goal being to develop a project that the community will stand behind and will be beneficial to

the community as a whole. If the City is interested in receiving funding for an activity or project which would benefit the community but which is lacking financial support, they are requesting written proposals detailing how the City would use Rotary funds to accomplish a goal. Moved by Salerno supported by Omerza, that per recommendation of the Clerk-Treasurer, the City request funding for a replacement dishwasher at the Ely Community Center Cafeteria. Carried unanimously. Council member Shedly also brought up erecting a pavilion on the East end of Whiteside Park (SE corner), similar to the current pavilion in the park, which could be used year round during various festivals being held at Whiteside Park. Council members concurred with this project suggestion also, with Council member Shedly to work with Rotary on this specific proposal.

Claim for payment was received from the IRRA for renovate revenue building for SATO, in the amount of \$75,284.91. Moved by Salerno supported by Zupec, that per request of the Clerk-Treasurer, this claim for payment was tabled at this time. Carried unanimously.

Claim for payment was received from US Bank Corporate Trust Services, for Ely General Obligation Refunding Bond of 2003 (Northland/Consultants), in the amount of \$43,537.50. Moved by Debeltz supported by Salerno, that claim be allowed and paid. Carried unanimously.

Moved by Omerza supported by Zupec, that the Council dispense with readings in their entirety, of all ordinances and resolutions on tonight's agenda. Carried unanimously.

Council member Zupec offered the following ordinance: Proposed Ordinance #228, Second Series, An Ordinance of the City of Ely, Minnesota, Amending Chapter 2, Section 2.04 of the Ely City Code, Entitled Council Procedure at Regular Meetings.

The Council of the City of Ely Does Hereby Ordain:

Section 1. Section 2.04 of Chapter 2 of the Ely City Code shall be amended to read as follows:

Section 2.04 Council Procedure at Regular Meetings. The City Clerk-Treasurer shall prepare the following items: 1. an agenda for the forthcoming meeting; 2. a report from the City Clerk-Treasurer on administrative activities of the preceding month; 3. a compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered the City during the preceding month, such list to be called the "Claim Report" and bearing headings "Claimant", "Purpose", and "Amount"; 4. a copy of all minutes to be considered; and, 5. copies of such other proposals, communications, or other documents as the City Clerk-Treasurer deems necessary or proper for advance consideration by the council. The City Clerk-Treasurer shall forthwith cause to be mailed to each member of the Council, or placed in Council Members' mail slots in the City Clerk's office, copies of all said documents. Roberts' Rules of Order (Newly revised) shall govern all Council meetings as to procedural matters not set forth in the Charter of the City Code. The order of business at regular meetings shall be as follows:

1. Call to Order.
2. Roll Call.
3. Determination of Quorum.
4. Approval of Minutes. (Actual reading may be waived if each member of the Council was furnished with a copy thereof as hereinbefore set forth.)
5. Additions or omissions to tonight's agenda.
6. Report from Mayor.
7. Consent Agenda Items.
8. Meeting opened in the order stated in the agenda to persons requesting to appear before the Council. The presiding officer may advise any person appearing as to the amount of time allowed prior to his speaking, or later limit such time. Persons speaking shall give their names, address, and state their business.
9. Committee Reports.
 - A. Standing
 - B. Special
 - C. Department Heads (emergency items only)
 - D. City Attorney
 - E. City Engineer
10. Departmental Reports.
11. Communications
12. Payment of Claims.
13. Old Business
14. New Business
15. Open Public Comment. The presiding officer may advise any person appearing as to the amount of time allowed prior to his speaking, or later limit such time. Persons speaking shall give their names, address, and state their business.
16. Adjournment

Matters inappropriate for consideration at a meeting, or not in the order specified, shall not be considered except (1) with the majority consent of the members of the Council, or (2) scheduled public hearings or bid lettings at the time stated in the notice. No official action shall be taken on any requests made by a citizen and presented under #15 Open Public Comment. All agenda items must be filed at on or before noon on the Thursday preceding the regular Council meeting at which it is to be considered.

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.

Motion for the adoption of the foregoing ordinance was made by Council member Zupec, seconded by Council member Omerza, and declared carried on the following vote:

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

NO: None (0)

ABSENT: None (0)

Ordinance #228, Second Series, adopted and given a second and final reading and publication, this 3rd day of February 2009.

Council member Debeltz offered the following ordinance:

Proposed Ordinance #229, Second Series, An Ordinance Of The City Of Ely, Minnesota, Amending Chapter 11, Section 11.02 of The Ely City Code, Entitled Ely Business Park Covenants

The Council of the City of Ely Does Hereby Ordain:

Section 1. Chapter 11, Section 11.02, of the Ely City Code shall be amended to read as follows:

Section 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 Ely Business Park 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.

- 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% of 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. 35 ft. maximum. Higher buildings may be permitted if approved by the Ely Business Park Committee and if a subsequent variance is granted by the Board of Adjustments considering setback criteria; avoidance of excessive density impact on other properties impervious surface and storm water management impact and fire protection needs. Structures higher than 20 feet shall contain architectural features designed to punctuate the façade 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 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 compromise 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.

2. Common Driveways. Driveways may be shared between lots to reduce curb cuts and turning movement locations.
3. 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.
4. 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 an 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 coverage requirements found elsewhere in this ordinance. The lot line setbacks shall not apply where adjoining property owners wish to use common parking.
5. 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.
6. 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 compliment 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 in areas which are substantially screened from view if approved by the Ely Business Park Committee, and if a subsequent conditional use permit is granted by the Board of Adjustment.
 7. Exception for Inventory. Articles which comprise completed product inventory being displayed for current retail sale may be stored outside, but may be subject to conditions for such storage to be imposed on a case-by-case basis by the City.

8. Storage. Unscreened outside storage is prohibited and inoperable vehicles and equipment cannot be stored on-site or in the open for longer than 5 working days.

J. Landscaping.

Landscaping plans are required for all developments and are subject to the approval of the Ely Business Park Committee as part of the site plan approval process outlined in Subd. 6 and Subd. 7. All lots shall be landscaped within 90 days of substantial completion of construction and issuance of Certificate of Occupancy in accordance with approved plans, weather permitting.

K. Subdivision. No lot may be subdivided, and no portion of a lot may be sold or otherwise conveyed, without the written consent of the Ely City Council.

Subd. 6. City Projects Committee. The Projects Committee will review and recommend approval to the Planning Commission all plans for development in the Park. Approval of the Committee does not imply compliance with other applicable building codes, permitting process, or other requirements. The Projects Committee will also negotiate directly with all interested businesses seeking development in the Ely City Business Park. The Projects Committee will review and recommend approval to the Planning Commission all preliminary agreements/contracts between the City of Ely and prospective businesses.

Subd. 7. Construction Improvements. All proposals for development must be submitted to the Ely Community Projects Committee and approved by the Planning Commission prior to submission of construction documents. Work scheduling and estimated completion dates should be included with plans. Approvals under this section do not remove the obligation to obtain all other necessary construction permits that may be required by the City or other agency. Submissions shall include the following:

A. Site Plan

1. Building footprints and dimensions to property lines
2. Building roof overhangs
3. Configuration of parking and vehicular circulation areas
4. Parking lot lighting locations
5. Truck service, loading area, trash enclosure
6. Setback lines and easements
7. Location of on-site transformers, gas meters, switchgear
8. Adjacent roadways
9. Parcel area, building floor area, coverage ratios, total parking, estimated employment at peak, anticipated shift schedules.

B. Grading, drainage and erosion control plan

1. Proposed finish grades, slopes, building pad elevation
2. Site drainage structures and runoff calculations
3. Grades of existing streets and curbs

Site drainage and erosion control plans must be integrated with the Park's regional stormwater management plans. Drainage and erosion control submittals shall follow the format prescribed by Ely City Ordinances.

C. Landscape Plan

1. Plant materials, spacing and sizes
2. Walkways and paved areas
3. Other landscape features.

D. Building elevations

1. Wall and roof material, textures and colors
2. Location of wall mounted signs and lighting
3. Roof and parapet heights above ground floor line
4. Profile or room mounted equipment
5. Roof elevations above finished floor

E. Conceptual graphics

1. Ground, wall mounted, and directional signs
2. Locations, designs, materials, colors, textures, heights, area, illumination, typography

F. Process Time. Land purchase agreements with the City of Ely will take a minimum of 60 days to be final. Additional time requirements are project/development specific.

Subd. 8. Stormwater Control. Stormwater runoff shall be properly channeled into storm drains and/or pond areas and shall not be permitted to flow over walk ways. All roof stormwater must be collected by a system constructed inside the exterior walls of the building or by a system that blends into the façade of the building and discharged less than 2 feet above grade of the point of discharge, or be conducted directly to the storm drainage system. Alternatives other than gutter and downspout systems shall be considered relative to impacts on pedestrian and vehicle areas and integration with other lot-based and regional stormwater management systems, structures and objectives.

Infiltration on each property is encouraged. Improvements which direct stormwater drainage from the owner's lot is not contaminated with motor vehicle fuels and lubricants, salt, or other chemical compounds that are detrimental to aquatic life.

Subd. 9. Park and Recreational Uses Facilities. The Council of the City of Ely finds that it would be beneficial for the help and welfare of the City of Ely and to enhance the amenities in the Ely Business Park to provide for the construction and improvement of park space and recreational facilities and improvements in the area of the Ely Business Park. To fulfill that purpose, the Ely Business Park Covenants, Section 11.02 of the Ely City Code are hereby amended to exempt park uses and improvements and recreational uses and facilities from the operation of the Ely Business Park Covenants.

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.

Motion for the adoption of the foregoing ordinance was made by Council member Debeltz, supported by Council member Zupec, and declared carried on the following vote:

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

NO: None (0)

ABSENT: None (0)

Ordinance #229, Second Series, adopted and given a second and final reading and publication, this 3rd day of February 2009.

Communication was received from Mark C. Pursell, TKDA, providing the City of Ely with a Notice of Call For Bids for the crack repair project at the Ely Municipal Airport. This project falls below a certain dollar threshold set by the FAA, so the City will not need to follow the full-blown federal advertising process, only included in the project specifications. Moved by Salerno supported by Zupec, that notice be approved. Carried unanimously.

Council member Salerno requested placement on tonight's agenda regarding recommendation to accept quote from O'Connor Consulting to audit city's current computers, but at this time is withdrawing this recommendation.

The Council had advertised for a vacancy on the Telecommunications Advisory Board, with term running through January 31, 2010. Two letters of application were received; one from Pat Lammi and the other from Tom Baudek. Moved by Sheddy supported by Omerza, that Pat Lammi be appointed to the Telecommunications Advisory Board representing a resident Charter Cable citizen subscriber, with term running through January 31, 2010. Carried unanimously. Council members thanked Tom Baudek for his letter of application, encouraging him to put his name in again, should a vacancy occur on this Board.

The Ely City Council held special meetings on January 27, 2009, to interview candidates that applied for the following vacancies:

Ely Utilities Commission – 1 three year vacancy

After compiling the Council's rankings of said candidates, Clerk-Treasurer Boese informed Council members that Carl Boyles was ranked as the number one candidate. Moved by Salerno supported by Nikkola, that Carl Boyles be appointed to a three year term on the Ely Utilities Commission. Carried unanimously.

Ely Police Commission – two three year vacancies

After compiling Council's rankings of said candidates, Clerk-Treasurer Boese informed Council members that Mauro Caruso and Ed Marsolek Sr. were ranked as the top two candidates.

Moved by Salerno supported by Nikkola, that Mauro Caruso and Edward Marsolek Sr. be appointed to three year terms on the Ely Police Commission.

YES: Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, Mayor Skraba (6)

NO: Council member Zupec (1)

ABSENT: None (0)

Motion carried.

Mayor Skraba noted that all candidates for the EUC and Police Commission were excellent.

Councilmember Zupec qualified his no vote by stating that he felt Police Commission members Joan Richards and Larry Reedy were doing a good job serving on the Commission, and he feels that they should have been reappointed.

Moved by Zupec supported by Debeltz, that letters of appreciation be sent to Joan Richards and Larry Reedy for their service on the Ely Police Commission. Carried unanimously.

Council member Salerno requested placement on tonight's agenda regarding investigating the possibility of a commemorative coin and historical calendar, for the City of Ely. It was suggested that stamps be added to above items also. Moved by Salerno supported by Debeltz, that Council member Salerno be authorized to investigate the possibility of a commemorative coin, historical calendar and stamp, for the City of Ely, to report back to the Council with his findings. Carried unanimously.

Council member Nikkola recommended that if any revenue is realized from the sale of above items, this line item be placed under the auspices of the EEDA. Council members recommended that this issue be placed on the next EEDA meeting agenda.

Mayor Skraba then questioned the audience as to whether or not any individual had comments to make at this time. There was no one interested in approaching the Council.

Council member Nikkola commented that there are a lot of good people in the Ely Community and if any council member belongs to a particular service organization, church group, etc., to encourage citizens to bring up ideas and thoughts on how the City of Ely can solve its current budget problem due to LGA cuts. Mayor Skraba also encouraged all residents to purchase what they can from the local merchants so the dollars stay in our community.

Moved by Salerno supported by Omerza, that tonight's meeting adjourn. Carried unanimously. Adjournment at 8:15 P.M.

Patricia M. Wellvang
Deputy Clerk
City of Ely

