

DRAFT

Council Chambers
Ely, Minnesota
Tuesday , April 7, 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, Sheddy, Zupec, Mayor Skraba (7)

ABSENT: None (0)

Moved by Zupec supported by Nikkola, that the minutes of the regular meeting of March 17, 2009 ; special city council budget retreat of March 21, 2009 be approved without reading. Carried unanimously. Minutes to stand as recorded.

The following additions were requested to be added to tonight's agenda:

Mayor Skraba:

- I. E. Consent Agenda Items:
 - #10 - Ely Chamber of Commerce – notification of Smile You're In Ely Seminar – April 22nd, 5:45 P.M. Grand Ely Lodge (Mayor/Council and City Department Heads authorized to attend – make reservation with Deputy Clerk by April 17th);
 - #11 – Lease Agreement – City of Ely and Matthew Schmitt – former city garage rental space – (Mayor and Clerk-Treasurer authorized to execute on behalf of the City of Ely)

Attorney Kelly Klun: III. Committee Reports, D. City Attorney, Item #5 – Scheduling of Public Hearing re: delinquent utility bill, 145 E. Sheridan Street, Ely.

The following omission was made to tonight's agenda:

- IV. A. Clerk-Treasurer
 - #3 – EEDA bills * Attorney Klun referenced that she will be bringing information back to the EEDA at their April 14th regular monthly meeting, as directed by prior action of Council.

Moved by Zupec supported by Salerno, that above additions and omission be approved. Carried unanimously.

Mayor Skraba reported that on March 31, 2009, the Ely City Council and Ely Utilities Commission performed an annual probationary performance evaluation of City Operations Director of Public Works and Utilities, Harold Langowski. Present were Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, Zupec, Mayor Skraba;

EUC Commissioners Rob Wilmunen, Dick Zahn, Tony Colarich, Carl Boyles. At this time, the results of the evaluation were satisfactory and Mr. Langowski will continue as our City Operations Director of Public Works and Utilities. Matter of information. Mayor Skraba discussed current City policy regarding communications received by the City Clerk's Office from the general public, that are unsigned. At this time, Mayor Skraba reported that City policy has been when letters from the public are received that are not signed, they are shredded. The Council will be copied and address those letters that contain a signature. It was the consensus of council members that this policy stay in place. Council member Omerza suggested that policy be identified in city handbook. Council member Nikkola suggested that if this is just pertaining to elected officials, it does not need to be contained in an official city handbook, but Council members can act on a set policy. Moved by Nikkola supported by Debeltz, that any communications that the City of Ely receives that are addressed to Ely City Council Members that are not signed, be shredded and not distributed. Carried unanimously.

Mr. Rod McPeak, President of North St. Louis County Habitat for Humanity requested placement on tonight's agenda, notifying the City that the group started in 1995 and is completing their 31st house this year. The City of Ely has donated two lots which are located by the Ely Water Tower for future housing projects, with water and sewer already installed to the lot line. Habitat offers a 30 year interest free mortgage, to qualified individuals. Mayor Skraba thanked Rod McPeak for his presentation, encouraging any qualified individual interested in this program, to pick up a brochure at the Ely City Clerk's Office which lists Rod's contact information.

Mayor Skraba reported that the Ely Igloo Snowmobile Club is requesting additional miles to be included in their snowmobile trail system, adding 6.5 miles from Ely grooming barn to Fall Lake; adding 3.5 miles from Ely grooming barn to Tomahawk Trailhead; adding grant in aid miles for the Grassy Loop Trail System. Moved by Zupec supported by Debeltz, that the City of Ely approve of sponsoring the Ely Igloo Snowmobile Clubs Grant In Aid request as noted above. Carried unanimously.

Mayor Skraba reported that the Ely City Council will be holding a special city council budget retreat on Tuesday, April 14th, 7:00 P.M. Council Chambers of the Ely City Hall. Matter of information.

Mayor Skraba reported that the Local Board of Appeals and Equalization will be meeting on Thursday, April 30, 2009, from 5:00 P.M. – 6:00 P.M. Council Chambers of the Ely City Hall. Matter of information. It was noted that this hearing addresses the valuation of property; not actual taxes on property.

Communication was received from the Ely Chamber of Commerce relative to the parking permit program that was initiated last year, inquiring as to whether or not the City was in support of this program again this year. Deputy Clerk reported that complaints the Clerk's Office did receive last summer evolved around the Ely businesses not informing their customers, that these parking permits were available, with customer then receiving a ticket if parking too long in slot. Police Chief Manning also reported

that this year there are no dollars available for enforcement in the budget. Moved by Omerza supported by Zupec, that the City approve the parking permit program, and that a letter be sent to the Ely Chamber of Commerce, requesting that they inform the merchants of their responsibility to inform people that these parking permits are available. Carried unanimously.

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

1. Lease Agreement between City of Ely and Dorothy Molter Memorial Foundation – current lease expires May 31, 2009 (to refer to Clerk-Treasurer, City Operations Director, City Attorney, Mayor/or Council designee, to negotiate to bring back to full Council for approval);
2. CARE Partners, Caring for our Community – fundraiser benefiting individuals and families facing cancer or life limiting illnesses in community – April 29th, 3:30 P.M. – 6:30 P.M., Mt. Iron, MN (Mayor and Council members to contact direct for volunteering and attendance – Mayor authorized to draft up Proclamation to be placed on April 21st Regular Ely City Council Meeting Agenda);
3. Mary A. Johnson – American Cancer Society – Relay for Life, August 14th and 15th, 2009, Whiteside Park, Ely (City in kind services as in past (to approve and coordinate with City Operations Director);
4. Mike Hillman, Grant Writer – Contract proposal for soliciting funding sources for the upgrading of City Hall and the Ely Community Center (per prior request of the Council, proposal solicited to undertake grant writing for building upgrades – to be referred to the City Council Budget Meeting Retreat of April 14th);
5. Ely Community Resource – 16th Annual Community Service Learning Project, cleaning of Semer’s Park area, May 5th and 6th (to approve with City Operations Director to coordinate as in past);
6. LMC – Legislative Action Day Joint Conference – Wednesday, April 29th, St. Paul (Mayor and/or Council members authorized to attend);
7. LMC – Annual Conference – June 24th – 26th, St. Paul (Mayor and/or Council members and City Department Heads authorized to attend – make reservations with Deputy Clerk by May 1st);
8. Lincoln Financial Group – Amendment 3 – Long Term Disability – effective April 1, 2009 – INFORMATION;
9. Nancy Henning, Joyce Passananti – National Day of Prayer - Thursday, May 4th, Whiteside Park Pavilion (city assistance as in past of City PA system and 75 chairs – City Operations Director to coordinate);
10. Ely Chamber of Commerce – Smile, You’re in Ely – Wednesday, April 22nd, 5:45 P.M. Grand Ely Lodge – (Mayor/Council/City Department Heads authorized to attend – make reservations with Deputy Clerk by April 17th);
11. Lease Agreement between City of Ely and Matthew Schmitt for rental space at the former city garage (Mayor and Clerk authorized to execute on behalf of the City of Ely)

Moved by Zupec supported by Debeltz, that above items be approved and ordered filed.

Moved by Zupec supported by Debeltz, that the following amendment be added to original motion; that pertaining to #4, this proposal be brought up after architect report is

received back on CC and City Hall Buildings (the Buildings Facility Group is currently working on this issue); that pertaining to #6, authorization be granted for Mayor or Council members attending to stay over one night due to conference scheduling; that pertaining to #7, per recommendation of Mayor Skraba, council members or department heads attending try to car pool if possible, to save on mileage expenses. Carried unanimously.

Mikey Jankovec requested placement on tonight's agenda regarding the Boundary Waters Blues Festival for 2009. City representatives along with himself had met at the Klun Law Firm to discuss proposed location of this year's festival; city property South of Miner's Lake. He noted that he will be responsible for fencing in the performance area, that cutting of grass would be worked out with the City Operations Director, there will be no campfires – only one main camp fire, the Morse/ Town of Fall Lake first responders will be furnishing security only, that there will be smoking restrictions, food vendors will comply with local ordinance, sufficient portable toilets, designated camping area North of Miner's Drive, wrist band for sale of alcohol – licensed bar tenders will be monitoring the liquor sales. Council member Sheddy reported that he had checked with property owner Duluth Metals, and they have no problem with the festival near their property, special events liquor license along with proper liability insurance will be applied for, gambling permit will be applied for, Miner's Drive between Irresistible Ink and the SATO Travel Building will be closed, cleanup deposit will be required. Moved by Debeltz supported by Nikkola, to approve above requests. City Attorney Kelly Klun recommended that the City Attorney be tasked to draft up a formal agreement for Council discussion and review prior to approving any of the promoter's requests.

Larry and Penny Reedy – 529 E. Washington Street, Ely – questioned zoning issue with the property site – this is a Business Park not a public park; no one from City has ever contacted the neighbors in that area as to festival plans; what are current uses in city ordinance addressing this area; they are opposed to having the festival located in this area.

Duane Whalen – 513 E. Washington Street, Ely – concerned with after hour partying and parking issues.

Council member Omerza – have any of above concerns been addressed by the City. The City does need the economic benefits of this festival, but what is the city's due diligence in this matter.

City Attorney Kelly Klun – There has been discussion about notifying neighbors in this area, including SATO Travel Employees – the City is still in the discovery phase and nothing has been acted on. There are concerns regarding the zoning issues and letters should be sent to the neighbors in this area.

City Operations Director – group did discuss the traffic flow – there will be no traffic using Washington Street Area – will keep vehicles to the Miner's Drive Area – need Washington Street open for emergency equipment.

Council member Sheddy – proposed festival location was discussed at a prior Planning and Zoning Commission Meeting, with Commission members feeling that decision was a will of the Council.

Council member Omerza – what assurances can the City of Ely give these neighbors, that the City and organizers are able to handle and contain what is going to happen.

Mike Jankovec – parking will be contained in that area. He will be encouraging people not to drive – the traffic and crowd has been very respectful in past festivals. The music will end early, and there will be ample security. The sound man selected this area over other sites shown by City, as it will be perfect in facing the stage and directing sound. City Attorney Klun – recommended that the Council take no action tonight; she will be putting forth a formal agreement for Council to review before any action should be taken. Eric Pfeiffer – North Chandler – thinks the proposed location of the blues festival is a great idea; the music is good and he hopes both groups can work out the bugs. Council member Zupec – apologizes to neighbors in that area for not notifying them directly; the city has been looking at various sites for a while, and that while this won't be an ideal site, it will be good for the Ely economy. The City has a need for a facility to house events such as this, down the road. Council member Omerza – would feel more comfortable with draft agreement put together by City Attorney in front of her. Council member Sheddy – feels this is a family event. Council member Salerno – recommends that the City Attorney bring back a draft contract for Council consideration for the next regular council meeting. Council member Debeltz pulled his motion, stating that the community needs the bolster to the economy that this festival would provide, but the Council needs to look at all areas, and that he will support this contract when it comes before them again, if approved by the City Attorney. Moved by Nikkola supported by Salerno, that the City Attorney have a draft contract proposal for Council review at the April 21st Regular Ely City Council Meeting. Carried unanimously.

Moved by Nikkola supported by Salerno, that the Ely City Council hold a Special Council Meeting on Tuesday, April 14, 2009, 7:00 P.M. Council Chambers of the Ely City Hall, to discuss and review contract drafted by the City Attorney's Office, regarding the Boundary Waters Blues Festival, with Ely City Council Budget Retreat rescheduled to follow this 7:00 P.M. special meeting. Carried unanimously.

Mary Lou Blasing, Executive Director of the Ely Community Resource along with staff member Kelly Bray, requested placement on tonight's agenda regarding proposed Youth Garden Project, corner of Pattison Street and 2nd Avenue West, near the city garage. If approved for 2009, the goal will be to sustain the garden for many years and to expand the size each year. They are asking the City of Ely for a site with plenty of sun exposure, drainage, and water access, to ensure the success of the garden. There are three pieces to this project; gardening, education, and art. This is a student drive project, targeting age group 6 years to 18 years. Moved by Omerza supported by Debeltz, that the City allow Ely Community Resource to utilize this site contingent upon City Attorney review and recommendation. Carried unanimously.

Council member Omerza reported on the April 6th TAB Meeting: Board member Shaun Chosa has resigned from his seat on the Board. The last time the City advertised for vacancy on this board, Tom Baudek along with appointed member Pat Lammi, had applied. Moved by Omerza supported by Debeltz, that Tom Baudek be approached as to

if he is still interested in this seat, and if so, that he be appointed to fill the term through 1/31/2011. Carried unanimously.

Council member Omerza also reported that TAB is working on contract with ELY TV, which will be discussed at their special meeting of Monday, April 20th, 4:00 P.M. City Hall Board Room. She also informed Council that Midcontinent is taking over the city's franchise as of April 21st. Matter of information.

Council member Omerza reported on the April 6th City Parks and Recreation Board Meeting: applications are now being distributed to interest youth for summer employment. She thanked Mary Lou Blasing and Harold Langowski, for their efforts in putting together these grant applications for summer youth workers. Matter of information.

Council member Nikkola reported on the March 9th Projects / S& I / Land Committee Meeting: Fire Chief Gerzin has requested the installation of fire lane signs on 7th Avenue East between Pattison and James Street; 2nd Avenue West between Camp and Sheridan, Camp Street between 1st Avenue West and 3rd Avenue West, and Madison Street near Camp Street. Moved by Nikkola supported by Omerza, that recommendation from committee for approval, be granted. Carried unanimously.

Council member Nikkola also reported that a proposed side walk policy was discussed and approved by committee. City Operations Director recommended that the Council review this policy and get back to City Operations Director with any suggestions and/or comments, and that this will be brought before the Council at a future date for formal approval. Matter of information.

Council member Debeltz noted that Dee's Bar – The Next Generation had requested a Sunday On Sale Liquor License for their establishment, and that the City Liquor/Tobacco Committee had met on this request, with the City Attorney directed to research and report back to the committee with her findings. City Attorney Klun reported that she will be scheduling a meeting with the Liquor/Tobacco Committee next week. Matter of information.

Mayor Skraba reported that he had met with IRR representatives on proposed geothermal project; that Council member Omerza and himself had attended a CGMC News Conference in Hibbing earlier today, to discuss potential cuts in LGA – with group supporting the recent House LGA cut proposal. Clips of this new conference should be on Channel 6 and 21 tonight. Also, the City is moving forward with April 1st release of applying for the 2016 Summer Olympics in Ely, Minnesota. Mayor reported that he had also attended a recent EADA Executive Board Meeting. Matter of information.

Airport Manager Jim Preblich appeared before the Council under Departmental Reports, regarding the City obtaining a primary plow truck for use at the Ely Municipal Airport. Current truck has seen \$27,000 in repairs since purchased in 2002. A new truck would cost \$458,000 with 95% of cost being funded from federal government; City to come up with 5% total cost, requesting that City share be taken out of non primary entitlement

fund. The City will lose these dollars if we do not use the monies in this fund. There is currently \$23,000 in non primary entitlement fund account with the City. Moved by Zupec supported by Sheddy, that the request be approved with Airport Manager Jim Preblich authorized to move forward on this purchase. Carried unanimously. Jim noted that the City would not receive the new piece of equipment until 2010, and would be able to sell the old truck.

City Operations Director reported that the City of Ely is in receipt of CDBG funding in the amount of \$175,000 to apply towards the 2nd Avenue West Utility Project, and is recommending that the Mayor and Clerk be authorized to sign CDBG 2009 Recipient Agreement with St. Louis County Planning and Development Department – Community Development. Moved by Debeltz supported by Salerno, that the Mayor and Clerk-Treasurer be authorized to sign grant on behalf of the City of Ely. Carried unanimously.

City Attorney Kelly Klun reported that Council members Nikkola, Omerza, City Operations Director Langowski and herself had met with representatives from the Ely Nordic Association on March 31st, to discuss a potential management agreement of the Hidden Valley Recreation Area between the City of Ely and ENA. She noted that the ENA is meeting tonight and will be returning draft agreement with any revisions, for the City to review prior to putting together a final agreement. Matter of information.

City Attorney Klun reported that per recommendation of the Council, the Clerk-Treasurer and herself had negotiated a revised accounting consultant contract with Mary Lee Erickson, and that she will be providing copies of this draft contract to the Employee Relations Committee for review and discussion for their April 9th regular monthly meeting, and then forwarded to Council with recommendation. Matter of information.

City Attorney Klun recommended that the Council schedule a public hearing on delinquent utility bill of 145 East Sheridan Street, Ely in order to certify this delinquency to the St. Louis County Auditor as a lien against this property to be collected as other taxes are collected. Due process of law requires that there be notice and a hearing prior to such certification. Moved by Zupec supported by Sheddy, that hearing be scheduled for Tuesday, April 21, 2009, 6:00 P.M. prior to the regular scheduled EEDA monthly meeting of that evening. Carried unanimously.

Council member Nikkola offered the following resolution: 2009 – 11

City of Ely, State of Minnesota, Resolution For Hearing On Proposed Utility Charge Certification

WHEREAS: by a resolution passed by the Ely City Council on April 7, 2009, the City Clerk-Treasurer was directed to prepare a proposed certification of delinquent utility charges owing Vertin's Café located at 145 East Sheridan Street, Ely, Minnesota 55731,,

AND, WHEREAS: the Clerk-Treasurer has notified the Council that such proposed certification has been completed and filed in her office for public inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELY, MINNESOTA:

1. A hearing shall be held on Tuesday, the 21st day of April 2009, in the Ely City Hall, at 6:00 P.M. to pass upon such proposed certification of delinquent utility charges and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such certification.
2. The owner of any property so certified may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Ely Clerk-Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. He may at any time thereafter, pay to the City of Ely Clerk-Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

Motion for the adoption of the foregoing resolution was made by Council member Nikkola, 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)

Adopted this 7th day of April 2009.

Council member Salerno questioned City Attorney Klun on copy of communication Council members received from City Attorney addressed to Pat Conery, Building Official, dated April 3, 2009, in which the City Attorney noted that she has tried numerous times to reach him by telephone but has been unsuccessful. She further stated in communication that on March 17, 2009, the Ely City Council took action to hire David Kromer for the position of residential building inspector, contingent upon the successful negotiation of the original contract between Pat Conery and the City of Ely. In discussions with Clerk-Treasurer Boese, Pat Conery was receptive to the prospect of Mr. Kromer performing residential building inspections under another building inspector's license, if Pat Conery is unwilling to have him work under his. She further noted that regardless of which license Mr. Kromer works under, this action was taken by the Ely City Council per Pat Conery's request to have an individual handle the residential building inspections within the City. As of this date, she has not heard from Mr. Conery. Council member Nikkola suggested that if the Building Official has any pay coming from the City, that this check be withheld if he continues to be non responsive to City Attorney's request for him to contact her as soon as possible to discuss this issue. Council member Salerno questioned Clerk-Treasurer as to whether or not the Building Office had scheduled a general meeting with all contractors as he was directed to do by the Council last fall.

Clerk-Treasurer reported that she has tried many times to request this coordination of meeting with contractors. It was the consensus of the Council that the City Attorney be directed to come up with options that are available to the Council at this time, regarding the city's current contract with Building Official Pat Conery. Council member Shedly reported that the Planning and Zoning Commission have also discussed this issue on numerous occasions and have weighed in with a lack of confidence in current building official and compliance with current contract. The Employee Relations Committee will be discussing this matter at their April 9th Regular Monthly Meeting, at which time Attorney Klun will have options available for the Committee to review and make formal recommendation to the Council.

City Engineer John Jamnick requested to appear on tonight's agenda giving Council members a Project Status Report on current city engineering projects. He reported that there will be a meeting at the end of April on the Central Avenue Project – fund applications have been sent out to for local, state and federal options. Discussion also evolved around shovel-ready projects, with City Operations Director reporting that White Street Alley, Pattison Street, Whiteside Park area are shovel-ready when federal monies come through. City Engineer Jamnick reported that on March 17th bids were opened on the 2nd Avenue West Improvements Project, with seven bids being received as follows:

Construction Services Inc.

Duluth, Minnesota

Base Bid – 2 nd Avenue West Improvements	\$ 158,662.00
Add Alternate No. 1 – Alley Between Chapman Street and Sheridan Street	51,296.00

Low Impact Excavators Inc.

Ely, Minnesota

Base Bid – 2 nd Avenue West Improvements	\$ 177,994.00
Add Alternate No. 1 – Alley Between Chapman Street and Sheridan Street	48,856.00

C & C Winger Inc.

Embarass, Minnesota

Base Bid – 2 nd Avenue West Improvements	\$ 180,270.00
Add Alternate No. 1 – Alley Between Chapman Street and Sheridan Street	45,420.00

Ulland Brothers Inc.

Cloquet, Minnesota

Base Bid – 2 nd Avenue West Improvements	\$ 183,605.00
Add Alternate No. 1 – Alley Between Chapman Street and Sheridan Street	67,820.00

KTM Paving Inc.

Hermantown, Minnesota

Base Bid – 2 nd Avenue West Improvements	\$ 187,185.22
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Add Alternate No. 1 – Alley Between
Chapman Street and Sheridan Street 57,610.10

Utility Systems of America, Inc.
Eveleth, Minnesota
Base Bid – 2nd Avenue West Improvements \$ 209,445.00
Add Alternate No. 1 – Alley Between
Chapman Street and Sheridan Street 62,855.00

Louis Leustek and Sons Inc.
Ely, Minnesota
Base Bid – 2nd Avenue West Improvements \$ 257,206.00
Add Alternate No. 1 – Alley Between
Chapman Street and Sheridan Street 81,735.00

Construction Services Inc. being the low bidder. RLK Inc. is recommending that Construction Services Inc. be offered a contract for the City of Ely, 2nd Avenue West Improvements, Project No. 2008-312, in the amount of \$158,662.00 for the Base Bid. Moved by Salerno supported by Omerza, that recommendation be approved. Carried unanimously.

Mayor Skraba reported that he received a call from Representative David Dill, inquiring as to whether or not Ely has any shovel-ready projects, so he is waiting to assist the City of Ely.

City Attorney Klun reported that the Ely Airport Commission had requested fire protection services at the Ely Municipal Airport from the Ely Fire Department, and at this time, she would like to recommend that City of Ely Fire Committee representative Mayor Skraba, Fire Chief Gerzin and herself, be authorized to meet with Town of Morse officials regarding this request. Moved by Omerza supported by Debeltz, that recommendation be approved, with discussion to also include Ely Fire Department protection for Hidden Valley and the Burntside Pump Station, which are also located in the Town of Morse. Carried unanimously.

Clerk-Treasurer Boese requested Council approval in the payment of city bills and payroll in the amount of \$128,287.63 and EUC bills and payroll in the amount of \$103,231.38, for the first half of March 2009. Moved by Debeltz supported by Salerno, that bills and payroll be allowed and paid. Carried unanimously.

Clerk-Treasurer Boese requested Council approval in retaining Northland Securities to assist the City of Ely in starting the process to initiate Tax Anticipation Certificates for the City of Ely. Moved by Salerno supported by Nikkola, that request be approved. Carried unanimously.

Clerk-Treasurer Boese reported that she will be providing Council members with a copy of letter from City Auditor Gary Giroux re: prior EEDA bills. Matter of information.

Claims for payment were received for the following:

- A. League of Minnesota Cities – 2nd quarter workman’s comp. allotment - \$41,555.50;
- B. RLK Inc.:
 - 1. Contract services, Spaulding Phase 3 Platting - \$1,629.50
 - 2. Professional surveying services, Loe Industrial Park Parcel Sketch - \$391.25
- C. Community Economic Joint Powers – 2nd quarter 2009 allotment - \$12,250.00
- D. WSB and Associates – Invoice #28, Engineering Services – Construction Services for Runway Safety Area Expansion - \$65,220.37 * to approve contingent upon Ely Airport Commission review and approval
- E. US Bank – GO Refunding bonds of 2003 - \$431.25
- F. Klun Law Firm – Inv. #14897 – General Ely Matters - \$47.18
- G. Ely Community Resource – 2nd quarter 2009 allotment - \$3,315.00
- H. Fryberger, Buchanan, Smith and Frederick - \$252,500 GO Street Reconstruction Bond, Series 2009A (professional fees) - \$1,565.00

Moved by Salerno supported by Debeltz, that above claims A – C and E – H be approved and ordered filed. Carried unanimously.

Moved by Debeltz supported by Salerno, that Claim for payment #D, be tabled at this time. Carried unanimously.

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

Police Chief Manning was placed on tonight’s agenda to report back per Council request, of cost of certifications of current canine verses selling of canine without certifications. Police Chief reported that he will be retiring in the near future as soon as his confirmation from PERA is received. He supports the Ely Police Department canine and considers Canine Zoran a tool. He noted that it is difficult to put together firm numbers to solicit offers for the dog, as requested by the Council, but it is his opinion that the Council has three choices:

- 1. Farm out the canine until Officer Hawley returns (He will be deployed early fall);
- 2. Train new officer to handle canine;
- 3. Dispose of dog

Police Chief Manning further stated that he is an advocate for the canine, but if council is looking at selling this dog, he would recommend using the dog until Officer Hawley is deployed. He also noted that the Ely Police Department has absorbed budget cuts in the past ten years. Council members Sheddy, Salerno and Zupec recommended discussing the options given by Police Chief Manning at the Tuesday, April 14th City Council Budget Retreat. Council members concurred with recommendation.

Police Chief Manning was placed on tonight’s agenda to report back on the COPS Hiring Recover Program Overview. This is a three year grant at which the City could hire a

police officer under an entry level salary which will be paid by grant monies 100%; City would then be responsible to retain this officer for one year after the three year grant cycle. The grant application is due on April 14th, and Police Chief is inquiring as to the City Council's intention in moving forward. Council member Salerno questioned whether or not the Police Commission had discussed this issue, with Police Chief responding that they had not. Moved by Debeltz supported by Zupec, that the City of Ely apply for the COPS Grant. Carried unanimously. It was noted that in the event the City of Ely is awarded this grant; it can always be turned down if necessary.

Council member Zupec offered the following ordinance: Proposed Ordinance #230, Second Series, An Ordinance of the City of Ely, Minnesota, Amending Chapter 14 of the Ely City Code With Regard to Regulating Signs in the City of Ely

(ordinance in entirety available at the office of the Ely City Clerk, 209 East Chapman Street, Ely, Minnesota 55731)

Motion for the adoption of the foregoing ordinance was made by Council member Zupec, seconded by Council member Salerno, 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 #230, Second Series, adopted and given a second and final reading and publication, this 7th day of April 2009.

Council member Debeltz offered the following ordinance: Proposed Ordinance #231, Second Series, An Ordinance of the City of Ely, Amending Chapter 11, Section 11.02 of the Ely City Code, Entitled Ely Business Park Covenants

(ordinance in entirety available at the office of the Ely City Clerk, 209 East Chapman Street, Ely, Minnesota 55731)

Motion for the adoption of the foregoing ordinance was made by Council member Debeltz, seconded by Council member Salerno, 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 #231, Second Series, adopted and given a second and final reading and publication, this 7th day of April 2009.

Council member Debeltz offered the following resolution: 2009-11

WHEREAS: The Dorothy Molter Museum (Foundation) PO BOX 391, Ely, Minnesota 55731 has applied for a Minnesota Lawful Gambling Application to conduct a RAFFLE on September 14, 2009, WELY RADIO, 133 East Chapman Street, Ely, Minnesota 55731,

NOW, THEREFORE BE IT RESOLVED: That the City of Ely approves of said application and that the Dorothy Molter Museum (Foundation) be authorized to submit the necessary paperwork to the State of Minnesota Department of Gaming, Gambling Control Division.

Motion for the adoption of the foregoing resolution was made by Council member Debeltz, seconded by Council member Salerno, and declared carried on the following vote:

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

NO: None (0)

ABSENT: None (0)

Adopted this 7th day of April 2009.

Discussion was held regarding the replacement of the Library Clerk position at the Ely Public Library. The Ely Public Library Board is requesting Council consideration in replacing the full time 40 hour per week Library Clerk position, with that of a 32 hour per week employee. Mayor Skraba noted that this position is with the AFSCME Union, and he is confident that the AFSCME employees will work with the City in getting this recommendation to the table for discussion. Council members Omerza, Shedly and Zupec, commented that meeting with the various city unions to discuss entry level positions within their existing contracts should have been look at many months ago, and are also confident that the employees will work with the City on these issues. Council member Salerno questioned the current use of the 67 calendar day part time person at the library, with Librarian Rachel Heinrich reporting that at this time she is only calling in this individual for vacation fill in, as both Dave Buchite and herself have accumulated vacation time which must be utilized also. Rachel noted that if a 32 hour per week Library Clerk is approved, benefits would be pro-rated. Council member Nikkola commented that it is up to the union contract. Council member Salerno questioned Clerk-Treasurer Boese as to if meetings have been scheduled for the City Negotiating Committee to meet with various city unions, with Clerk-Treasurer reporting that this will be discussed at the April 9th Employee Relations Committee Meeting. Council member Omerza stated that this matter should have been addressed months ago – the Council had already approved to have City Negotiating Committee schedule meetings with the various city unions. Council member Nikkola commented that the City has got to watch its money; the horizon looks dark and if the Library needs to be open less hours and days per week with current staffing, then the City will have to work this schedule out. Joe Owens, President of Friends of the Ely Public Library requested to be heard informing Council members that his group has donated over \$10,000 to date to the library, as the membership feels the library is a valuable asset to the community. He

inquired as to whether or not members of the group could volunteer to assist at the library if needed during the city's budget crisis. Betty Firth also approached the group stating that she feels the public library is part of the educational system in the city, and she encourages the Council to look at the situation broadly, and to keep the public library open the current hours of operation. Also speaking in favor of the 32 hour position was Rebecca Kali and Jen Westlund – they do not want to see the current library scheduled hours and days reduced. Council member Nikkola recommended that when the City Negotiating Committee meets with the AFSCME union, they could discuss volunteer hours at the Ely Public Library. City Librarian commented that she appreciates the volunteers at the Library, but she is uneasy about volunteers having access to data privacy information.

Moved by Omerza supported by Debeltz, that the Council approve of the recommended 32 hour per week Library Clerk position (with pro-rated benefit package) at the Ely Public Library, contingent upon approval through AFSCME Union Negotiations.

YES: Council members Debeltz, Omerza, Salerno, Zupec, Mayor Skraba (5)

NO: Council members Nikkola, Sheddy (2)

ABSENT: None (0)

Motion carried.

Council members requested that this matter be placed on the April 9th Employee Relations Committee agenda for discussion.

Mayor Skraba and Council member Zupec, were directed through prior Council action to review nominations received by the City of Ely for 2009 Volunteers of the Year, with Mayor Skraba reporting that they are recommending that Jean E. Nelson and Jerome Debeltz, be nominated as the City of Ely's 2009 Volunteers of the Year. Both individuals will be presented with a recognition plaque at a future council meeting. Mayor Skraba noted that all nominations received were good applicants, encouraging those who submitted nominations that were not selected, to re-nominate next year.

There was no public comment at tonight's meeting.

Moved by Omerza supported by Salerno, that tonight's meeting adjourn.

Carried unanimously. Adjournment at 8:50 P.M.

Patricia M. Wellvang
Deputy Clerk
City of Ely