

## **Ely City Council Regular Meeting September 1, 2009**

The Ely City Council regular meeting was called to order by Acting Mayor Zupec at 6:30 p.m. on September 1, 2009 at the Ely City Hall.

PRESENT: Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, and Acting Mayor Zupec (6)

ABSENT: Mayor Skraba (1)

Moved by Salerno supported by Debeltz to approve the minutes of the August 18, 2009 Regular Meeting and August 25, 2009 Study Session as presented. Motion carried unanimously.

Additions to the agenda were as follows:

1. Old Business – Letter to Richard Watson
2. Consent Agenda Items: 5. Council member Omerza authorized to attend conference with Rachel Heinrich

### **Mayor's Agenda**

No action taken on recommendation to consolidate, eliminate or combine some of the city's Committees, Boards and Commissions. To be discussed at a later date.

### **Consent Agenda Items:**

1. Approve updated job descriptions as recommended by ER Committee
2. Approve PHA 5-year and Annual Plan
3. Accept high bid for Floating Dock
4. MN DOT Solicitation for Enhancement Projects Seminar Sept. 16 in Duluth – authorize Harold Langowski to attend
5. The Turning Page Conference, St. Paul Oct 6-7 in Minneapolis – authorize Rachel Heinrich and Council member Omerza to attend.

Moved by Nikkola supported by Salerno to approve consent agenda items 1-5 as presented above. Motion carried unanimously.

### **REQUESTS TO APPEAR**

Chris Hartman, Director of Community Ed presented funding request for 2010 in the amount of \$3,724 to support the community education programs. She also presented a summary of the programs offered through the community education program. Chris explained concerns about the school have a gymnastic program. The equipment being stored at the community center will be removed as soon as possible. They have already vacated the art room at the community center. She stated that the dog class will be held at the JFK building. Motion by Debeltz to approve the request of \$3,724 to the Community Education program for 2010. Motion withdrawn. Acting Mayor Zupec stated that the funding request would be discussed at the budget committee meeting. Chris thanked the council for consideration of funding. Chris thanked the public works department for washing the parking lots at the school so that the National Honor Society could paint them today.

## COMMITTEE REPORTS

Council member Omerza reminded the council that as of September 1<sup>st</sup> the rental rates at the community center became effective for everyone using that building. There are more rentals scheduled this fall than in the spring.

Council member Salerno stated that in response to the editorial in the Echo, he recently spoke with Mr. Zahn who stated that the Veterans have no problem with the new rental policy in effect. Librarian Heinrich confirmed that the Veterans are on the calendar and private donations were made in support of their using the facility.

Council member Sheddy stated that he has had requests to repair the dishwasher from groups renting the Community Center dining room and kitchen areas. This will be addressed under new business.

Omerza stated that she had 2 League Meetings via conference call as she is on the Data Practices Committee and the HR Committee. She suggested that council invite the Board of Director's at the League to have a retreat in Ely.

Moved by Nikkola supported by Salerno to send a letter to league inviting them to hold a Board of Director's meeting in Ely. Motion carried unanimously.

Nancy Larson of the EADA recently held a long-term visioning session and a strategic thinking session. Council member Omerza presented Phase I of the long-term vision between the EADA, City Council and Chamber of Commerce. She stated the project is a concept only and will not cost the city anything. It will be paid for by a cultural tourism grant for outside of Chamber building and new signage. The city will be responsible for in-kind services from the public works department.

Moved by Debeltz seconded by Sheddy to proceed with the application of the cultural tourism grant and authorize the Mayor and Clerk to sign the grant application. Acting Mayor Zupec expressed concern in maintaining eligibility of historical register if sandblasting is used on outside of building. He suggested power washing instead. Council member Omerza will make them aware of this concern in building restoration/preservation. Motion carried unanimously.

Council member Nikkola reported that the Storefront/Rehab Committee had approved two storefront loans for business owners Matthew Roderick and Stephanie Bish. It was recommended by the committee to put a hold any additional storefront loans for the remainder of the year depending upon the fund balance. He will update the council on this recommendation at a later date.

### Department Head Reports

Chief Saw stated that Police Commission has completed its mission statement as requested by the Charter Commission.

City Attorney

Moved by Omerza supported by Salerno to approve adding WSB to the City of Ely vs. Luestek lawsuit. Motion carried unanimously.

Attorney Klun reported that the city has received two letters from the MPCA with regard to the Duluth Metals property. The Non-Association and No-Further Action letters will be sent to Duluth Metals along with a letter stating the city has performed with regard to the purchase agreement and intends to enter into a purchase agreement within 90 days. Moved by Debeltz supported by Shedly to approve entering into a purchase agreement with Duluth Metals. Motion carried unanimously.

Moved by Debeltz supported by Shedly to send letter to Victor Venturi stating he has 30 days to secure the old Ford garage building and also address health hazards within the building. Motion carried unanimously.

Moved by Salerno supported by Shedly to approve a 2-year extension to Jessica Beyers' to build on Lot 2, Block 4, East Spaulding Addition. Motion carried unanimously.

#### DEPARTMENTAL REPORTS

##### Clerk-Treasurer

Moved by Debeltz supported by Omerza to approve payment of the 2<sup>nd</sup> half of August City and EUC bills and payroll as presented. Motion carried unanimously.

Clerk Boese presented a recommendation to combine voting precincts in 2010. Moved by Salerno supported by Omerza to pass resolution combining voting precincts from 4 to 1 in the City of Ely beginning 2010 with elections being held at the Ely school. Clerk Boese reported that she had already spoken to the Superintendent and the school will provide the space for both the Primary and General elections. Publication of the option to vote absentee will be done prior to both elections. Estimated cost savings with combining polling places will be in excess of \$14,000. Roll call: Debeltz-yes; Nikkola-yes; Omerza-yes; Salerno-yes; Shedly-yes; Zupec-yes. Motion carried unanimously.

Clerk Boese reminded council members that budget balancing ideas are due to her by 4:30 p.m. Wednesday, September 2, 2009.

Moved by Shedly supported by Nikkola to change the date of the closed meeting to conduct the Clerk Boese's annual review to follow the regular council meeting on September 15, 2009. The review forms should be completed and returned to Attorney Klun's office by September 11, 2009. Motion carried unanimously.

##### City Operations Director

Director Langowski reported that all in is order for Duluth Metals regarding MPCA VIC notice.

Moved by Debeltz supported by Salerno to schedule presentation of building assessment committee recommendation for September 29, 2009 Study Session. The presentation will be two-fold: one showing the cost of a new building and one showing the cost of updating both the city hall and the community center buildings. Some of the updating costs are in the proposed 2010 budget. Motion carried unanimously.

Director Langowski reported that three IRR grant applications have been submitted for the Commission Redevelopment Grant Program: Priority #1 Asphalt cleanup on the old city garage property \$50,000; Priority #2 Water Treatment facility \$50,000; and Priority #3 Engine House \$50,000. Matching funds for the treatment facility will be contributed by the utility fund. Acting Mayor Zupec reviewed the petro-fund cleanup coverage through the city's general liability insurance. Director Langowski will contact the League and Agent Sue Today to see if this coverage could be used for the asphalt site cleanup.

#### EUC Consent Agenda Items

1. Authorized replacement of a power pole on the Burntside line by Lake States Construction, Inc. for \$1,040.00
2. Approved in-kind services requested by the Chamber of Commerce for the Harvest Moon Festival.
3. Authorized the purchase and installation of a breaker for Substation B from Utilities Plus Energy Services for \$49,685.00.
4. Approved payment of August Bills \$16,691.92.
5. Approved payment of the Construction Services, Inc. Partial Pay Estimate #4 for the 2<sup>nd</sup> Avenue West Utilities Project for \$28,029.75.
6. Approved payment of the Minnesota Power July Bill for \$130,065.00.
7. Approved payment of the KBM, Inc. Invoice #070916 for the 2009 Reconductoring Project for \$292.95.

Moved by Salerno supported by Debeltz to approve payment of items 1-7 of the EUC consent agenda as presented above. Motion carried unanimously.

#### COMMUNICATIONS

The council reviewed a letter from John Esse regarding the fire department. The letter will be discussed at the budget meeting.

The council reviewed a letter regarding noise complaints from Jeff Granger. Chief Saw reported that Jeff Granger did not call 911 or the Police Department to report the complaint.

Council member Sheddy apologized for stating at a previous meeting that Richard Watson did not show up for a meeting he was scheduled for, when in fact he was not scheduled to be at the meeting.

Council member Salerno questioned if the language in the city's noise ordinance needed to be clarified in any way. Chief Saw reported that the language in the ordinance was fine and the ordinance and state law are followed as time allows. The Police Department cannot write out a citation for a noise complaint unless the complainant is willing to file a statement.

#### CLAIMS FOR PAYMENT

- A. US Bank, GO Crossover Refunding Bond 2003- TIF District 1 \$14,140.00
- B. KBM, Inc, Professional Services Invoice #070916 \$292.95
- C. Fort & Company, Professional Services Invoice #64100 \$3,000.00
- D. WSB, Change Order #7 Ely Runway Safety Area \$16,846.58

- E. RLK, Inc, Professional Services Invoice #7, \$-0-
- F. LMCIT, slip & fall insurance claim on 7/8/08 \$1,000.00 deductible
- G. Rec Center Flooring \$9,570.57 National Carpet Brokers (to be paid through IRR grant monies)

Moved by Salerno supported by Debeltz to approve claims for payment A-G as presented above. Motion carried unanimously.

#### OLD BUSINESS

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

Director Langowski reported the cost to replace the heating element in the dishwasher at the Community Center is approximately \$700-900 and has been added to the 2010 budget. He stated that if the dishwasher is left on and runs out of water the element could burn out again. He will look at putting in a circuit interrupter for future use as a preventative measure.

Moved by Debeltz supported by Nikkola to approve Chief Saw's letter to Richard Watson as presented. Motion carried unanimously.

#### NEW BUSINESS

Moved by Salerno supported by Nikkola to authorize sale of 2002 Ford Crown Victoria as presented. Motion carried unanimously.

Moved by Nikkola supported by Sheddy to move north/south line of city limits and give easements to properties encroaching in this area in exchange for property owners paying legal fees to draft and record the easements. The easements will extend to meet setbacks. Motion carried unanimously.

Council member Omerza stated the city needs to communicate the moving of the north/south lines of city limits regarding John Archambault W. Harvey Street building encroachment with Town of Morse and directed Attorney Klun send the township a letter.

#### OPEN FORUM

Duane Whalen requested that the city primary election be eliminated. He also stated he was concerned there may be less senior citizens voting because of the proposed consolidation of precincts and use of absentee ballots becoming a problem. Council member Omerza stated that transportation could be arranged through other organizations.

Moved by Omerza supported by Salerno to adjourn the meeting at 7:30. Motion carried unanimously.

Terri Boese  
Clerk/Treasurer

