

Ely City Council Regular Meeting August 18, 2009

The Ely City Council regular meeting was called to order by Mayor Skraba at 6:30 p.m. on August 18, 2009 at the Ely City Hall.

PRESENT: Council members Debeltz, Nikkola, Omerza, Salerno, Sheddy, Zupec and Mayor Skraba
(7) ABSENT: (0)

Moved by Salerno supported by Debeltz to approve the minutes of the July 28, 2009 Study Session and August 4, 2009 Regular Meeting as presented. Motion carried unanimously.

Moved by Sheddy supported by Omreza to approve the following additions to the agenda: #5-Operations Director-MPCA Notice; #5-Attorney-Letter to Leeson/Bayer; E-Communications-Morse Township Letter; F-Communications-Sandy Neiman/Cemetery Committee Letter; A-New Business-DNR Vermillion Trail Agreement; B-New Business-Council member Sheddy thoughts on working with the town of Morse; #3-Mayor's Agenda-Good news/bad news. Motion carried unanimously.

Mayor's Agenda

Mayor Skraba thanked the organizers and participants of the Relay for Life. The community raised over \$100,000. He also thanked the city crew for their assistance in the event.

The Mayor presented the 2010 Ely Chamber of Commerce membership notice.

Mayor Skraba stated he had been contacted by Scott from Hallmark and reported on the loss of jobs with the closing of Irresistible Ink. Due to economic climate, 6 full time and 28 part time positions will be lost when the business closes on December 10, 2009.

Ward Eniss of the MN Department of Revenue informed Mayor Skraba that the DOR would be adding 13 new jobs to the Ely office.

Consent Agenda Items:

1. LMC/OSHA #201 safety assistance meeting, authorized personnel to attend
2. Ely HRA 2010 final levy certification in the amount of \$34,103

Moved by Salerno supported by Debeltz to approve consent agenda items 1 and 2 as presented above. Motion carried unanimously.

REQUESTS TO APPEAR

Jack Templeton did not appear to discuss his insurance denial claim.

Chuck Novak presented the Run Data Sheet for the Ely Area Ambulance Service for December, 2008 through July, 2009 and the Board July 12, 2009 meeting minutes. He requested everyone purchase a raffle ticket to support the ambulance service. Training will be conducted on the use of the decontamination unit. There were no financial reports presented. The Ambulance Committee will meet this week to review the financial report being compiled by D & D Accounting. The city's contribution was discussed and the continued need for funding was requested for the 2010 budget. Novak reported that the ambulances need to be replaced along with numerous pieces of equipment. Council member Zupec questioned the procedure for flights into the Boundary Waters. Novak

reported a procedure has been put into place and the hospital will be reimbursed for those services. Novak will present the financial report to the council at the 2nd regular meeting of September, 2009.

Jane Sadler read a letter requesting the recycling center be closed immediately due to the unsafe condition at the present location. Council member Sheddy invited Ms. Sadler to the Sanitation Committee meeting on Thursday stating Terry Soderberg will also be at the meeting. Operations Director Langowski stated the road will be widened at the new location within the next 2 weeks. He stated that the cost of moving the recycling center will be approximately \$20,000 which had not been budget. Signs will be installed at the new location with hours of operation. The recycling bins will be moved to the new location within 2 weeks. He suggested that he will be reviewing the cost of continuing to recycle cardboard, which is currently losing money. Mayor Skraba reported that the city had discussing completely closing the recycling center.

Moved by Salerno supported by Zupec to close the current recycling center location if the bins could not be moved to the new location on or before September 4, 2009. Motion carried unanimously.

John Esse congratulated the council on their support for the purchase of the new fire truck. He thanked the Fire Department for their fund raising contributions it donates to the city for the annual fireworks display. He presented a report on grant awards from 2001-2008 which were received by surrounding area cities for vehicles and equipment. He requested the council begin writing grant applications for equipment and vehicles immediately. He reviewed several types of fire department staffing options.

COMMITTEE REPORTS

Council member Omerza stated the Park & Recreation Board will hold their regular meeting on September 14, 2009 at the city hall. She informed the council and the community that the Semer's beach attendants are finished working for the summer. EADA/Joint Power meeting was held last night with the topic of discussion being Disaster Response. Public Service Announcements will be coming out on this topic in the next few months.

Mayor Skraba reported on the airport commission meeting. Clerk Boese was instructed to schedule a meeting in September including herself, Jeff Stewart from WSB, Mayor Skraba, Jim Preblich, Mary Lee Erickson, Tracy Schmidt and Michael Ferry to review additional funding options and to request an extension for the airport project grant.

Mayor Skraba also reported on the Alternative Energy Task Force meeting. The group has developed a mission statement. He informed the council that funding for the Biomass feasibility study will be as follows: Blandin grant \$5,000; IRR grant \$4,000; and city of Ely \$1,000. He also reported that a group will be traveling to Italy to view a biomass plant. The Task Force's next meeting will be August 27, 2009 at the city hall.

City Attorney

Attorney Klun presented LMC memo regarding public nuisances and condemnation procedures. She recommended that the council proceed with clean up of the old ford garage property under City Code 10.22 Maintenance of Private Property instead of through the condemnation process. She stated that pictures should be taken of the building prior to this process.

Moved by Nikkola supported by Omerza to authorize Director Langowski, Attorney Klun, Clerk Boese and Building Official Conery meet and following the guidelines of City Code 10.22 give the owner of the old ford building notice that the city intends to proceed with corrective action. Attorney

Klun recommended the city hire an engineer to assess the building before proceeding. The cost of this action will be assessed to the property. Motion carried unanimously.

Moved by Zupec supported by Sheddy to authorize Attorney Klun to send a letter to Building Official, Patrick Conery notifying him that the city will be terminating his contract effective 12/31/2009. Motion carried unanimously.

Attorney Klun presented information on the open meeting law and the general process for conducting closed meetings. She will present this information to all of the city's boards, commissions and committees.

Moved by Zupec supported by Salerno to approve the prosecution conflict waiver as presented by Attorney Klun for the recent damage caused to her building by an individual. Motion carried unanimously.

Attorney Klun reviewed the request she received from Jessica Leeson regarding her options on the Spaulding lot she owns. She is requesting an extension of 2-3 years to build on the lot. No action was taken on this request.

City Engineer

Moved by Debeltz supported by Zupec to approve partial pay estimate #4 in the amount of \$28,029.75 as presented. Motion carried unanimously.

DEPARTMENTAL REPORTS

Clerk-Treasurer

Moved by Debeltz supported by Zupec to approve payment of the EUC and city bills and payroll as presented. Motion carried unanimously.

Moved by Debeltz supported by Zupec to authorize the clerk to sign the authorization for release of utility account information as requested by Carlson Wagonlit Travel for the Corporate Social Responsibility program. Motion carried unanimously.

Clerk Boese presented the June and July, 2009 revenue and expenditure reports for review. Mayor Skraba requested that the council discuss the budget on August 25th and then hold a special meeting on September 8th instead of adopting the levy on September 1st.

Moved by Zupec supported by Salerno to hold a special city council meeting on September 8, 2009 at 6:00 p.m. to finalize the preliminary 2010 budget and levy. Motion carried unanimously.

Clerk Boese introduced Barb Henning the new temporary clerical office assistant. George Burger will be moving back to his upstairs office on August 24th when Barb starts. The window hours in the clerk's office will continue to be 9 am - 3 pm Monday through Friday for an additional 3-4 weeks. The Employee Relations Committee will be presenting preliminary drafts of the deputy clerk and accounting clerk positions to the council for adoption in September.

Moved by Zupec supported by Omerza to end Alan White's 6 month probation effective immediately. Motion and support withdrawn.

Moved by Omerza supported by Nikkola to terminate confidential accounting clerk Alan White prior to end of his 6 month probation period effective immediately. Nikkola, Omerza, Salerno, Shedly and Mayor Skraba – yes; Debeltz and Zupec – No, motion carried 5-2.

Moved by Nikkola supported by Omerza to direction the employee relations committee to review the job description and contract for Mary Lee Erickson. Motion carried unanimously.

The employee relations committee will review the form drafted by Council member Shedly for Clerk Boese's review. Mayor Skraba requested the review be conducted on September 8th instead of the 1st as he will not be able to attend the meeting on September 1st.

Moved by Omerza supported by Nikkola to hold a special closed meeting to conduct Clerk Boese's annual review immediately following the special meeting on September 8, 2009. Motion carried unanimously.

The council took a 5 minute recess at 8:04 p.m.

Meeting resumed at 8:09 p.m.

City Operations Director

Director Langowski reviewed the 3 IRR grant applications he is preparing for cleanup and/or demolition of the following city properties: the oil tanks at the recycling center; engine house; and water plant. The applications are due 9/1/09. Grant money is a 2-1 match. The tank cleanup estimated cost is \$50,000+.

Moved by Debeltz supported by Salerno to authorize Director Langowski to submit applications to Iron Range Resources for clean up in the amount of \$50,000 each for the oil tanks at the recycling center, the engine house building and the water plant building. Motion carried unanimously.

Langowski presented current city garbage collection costs. He recommended that the following dumpsters be removed for a cost savings of approximately \$3,700.

Moved by Zupec supported by Salerno to remove the dumpsters at Trezona Trail, Whiteside and Semer's Parks. There will be small garbage cans at each of these areas which will be emptied daily or as needed. Motion carried unanimously.

Moved by Zupec supported by Salerno to authorize Director Langowski to sell the 1996 Ford F-350 4x4 with a 9' Meyers snow plow and dump box, minimum bid of \$1,000 and the 8' western plow blade only with a minimum bid of \$200. Bids will be opened September 15, 2009 at 2:00 p.m. Motion unanimously.

Kathryn Farion presented her request to the council to restore the Pillow Rock historical site. She recently completed the Master Naturalist Course. As part of the course she must complete a project and has chose the cleanup of the Pillow Rock area. She contacted Outward Bound and they will provide volunteers to help with this project. She would like the city to remove the fence to assist with the cleanup. She has scheduled the Outward Bound volunteers to start on the project on October 9th and 10th. Farion recommended the city install a new "visitor friendly" fencing and would like to pursue an annual cleanup day. There may be potential funding available through the Preservation Alliance. Council member Zupec suggested the city add picnic tables at this site.

Moved by Salerno supported by Zupec to appoint Clerk Boese and Director Langowski to work with Kathryn Farion to explore grant opportunities for the Pillow Rock site. Motion carried unanimously.

Director Langowski presented requirements for cleanup of the city garage property. He received a proposal from NTS for Phase 1 Environmental Site Assessment for this location in the amount not to exceed \$2,540. MPCA will also conduct an investigation through the VIC program.

Moved by Zupec supported by Salerno to accept the proposal from NTS as presented for Phase I site assessment of the old city garage property for a cost not to exceed \$2,540. Director Langowski will submit an application to IRR for matching funds for the testing. The city's share of the cost will come out of the public works budget. Motion carried unanimously.

EUC Consent Agenda Items

1. Approved the AEOA Energy Assistance Program Vendor Agreement for the 2009 – 2010 Heating Season.
2. Approved the 2nd Avenue West Improvements Project Change Order #2.
3. Approved payment of Bills Lists #1 and #2 for July for \$249,892.09 and \$278,817.63.
4. Approved payment of the RLK, Inc. Invoice #9 for the 2nd Avenue West Utilities Project for \$9,325.75.
5. Approved payment of the Partial Pay Estimate #3 for the 2nd Avenue West Improvements Project for \$48,139.74 to Construction Services, Inc.

Moved by Salerno supported by Debeltz to approve payment of items 1-5 of the EUC consent agenda as presented above. Motion carried unanimously.

COMMUNICATIONS

The council reviewed a thank you note from the Chamber of Commerce to the Ely Police Department for the assistance with the Blueberry Arts Festival.

The council reviewed a letter from Attorney Klun to Tim Bayer and Jessica Leeson regarding their property - Lot 2, Block 4, East Spaulding.

The council reviewed a letter from Attorney Klun to Laura McEntyre regarding her property – Lot 3, Block 4, East Spaulding.

Len Katauskas' letter to the council requested a meeting between the city, county and state to develop new snow plowing procedures for Sheridan Street prior to winter. Director Langowski recommended no change to the current policy at this time.

The council reviewed a letter received from Colosimo, Pathin, Kearney & Brunfelt, Ltd to St. Louis County on behalf of Morse Township opposing the transfer of a 40 acre parcel of tax forfeited property in Section 4, Township 62N Range 12W to the City of Ely.

Moved by Zupec supported by Salerno to authorize Attorney Klun to review the letter of opposition from Morse Township and to contact the state board regarding this matter and to answer the letter on behalf of the city. Documentation should be made of all the attempts the city has made to work with Morse Township on this matter. Motion carried unanimously.

The council reviewed a memo from Sandy Nyman regarding issues at the cemetery. This memo was written by an individual and did not come from the entire committee. Director Langowski is in charge of all employees working at the cemetery not cemetery committee members as the letter suggested.

Claims for Payment

- A. Nancy Larson, Community Coaching – Grant writing Invoice #200929 \$4,000
- B. Klun Law Firm, Legal services Invoices #15460 \$237.59; #15467 \$19.83; #15465 \$173.75; #15466 \$173.75
- C. CGMC 2010 dues \$5,108
- D. Flaherty & Hood Invoice #4245 \$332.90 for legal services
- E. dsgw Invoice #5 \$1,128.65 for professional services – City Center study
- F. MPCA VIC Invoice #770000901 \$2,850.00 clean up at Business Park
- G. US Bank 2003 GO Crossover Refunding Bond Invoice #2377152 \$431.25
- H. Terry’s Operational Services – July Billing \$600.00 (pending approval by EUC)

Moved by Salerno supported by Zupec to approve the claims for payment A-H as presented above. Motion carried unanimously.

OLD BUSINESS

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

Moved by Debeltz supported by Zupec to authorize the Clerk and Mayor to sign the Federal Grant Offer for the airport snow removal equipment in the amount of \$390,651 as presented. Motion carried unanimously.

NEW BUSINESS

Moved by Salerno supported by Zupec to authorize the Clerk and Mayor to sign the MN DNR Lake Trail (between Ely and Lake Vermillion) grant agreement in the amount of \$18,877 as presented. Motion carried unanimously.

Council member Shedly requested a council representative be appointed to attend the Morse Township meetings as a liaison for the city. He suggested this idea to Morse Township Supervisor Leonard Cercine who thought that would be a good idea. Mayor Skraba will draft minutes of the meeting he had regarding annexation with the township supervisor for the council’s review. The council agreed that a meeting between the township and city needs to happen as soon as possible.

OPEN FORUM

Alan White thanked the council for the opportunity to work for the city.

Garrett White informed the council that he had applied for a building permit 4 weeks ago and had not received it yet. He stated that he would be starting the project tomorrow without a permit. Clerk Boese reported that she had talked to Building Inspector Conery and Mr. White had not filed all of his paperwork yet.

Moved by Omerza supported by Salerno to adjourn at 8:55 p.m. Motion carried unanimously.

Terri Boese
Clerk/Treasurer