

Regular Ely Council Meeting – March 06, 2012 6:00 PM

MINUTES

1. CALL TO ORDER:

The Ely City Council Regular Meeting was called to order by Mayor Skraba at 6:03 p.m. on March 6, 2012 at the Ely City Hall.

2. ROLL CALL:

Present: Council members Debeltz, Nikkola, Omerza, Shedly, Zupec, Mayor Skraba (6)

Absent: None

3. APPROVAL OF MINUTES:

Approve the minutes from February 21, 2012 regular Council Meeting and February 28, 2012 Study Session as presented. Zupec/Debeltz moved approval. Motion carried unanimously.

4. ADDITIONS OR OMISSIONS TO AGENDA:

- A. Addition 13.E. - Appoint vacant Council Seat
- B. Addition 13.F. - Jaycees request for temporary liquor license
- C. Addition 13.G. - New Police Officer recommendation
- D. Addition 5.D. - Joint Powers Fire District
- E. Addition 5.E. - Letter supporting the Blue Line to fix Ice Arena

Debeltz/Shedly moved approval of the Additions A-E. Motion carried unanimously.

- F. Addition 9.F.iv. - At&t Amicus Brief
- G. Addition 9.F.v. - Airport FBO Agreement
- H. Addition 9.F.vi. - AFSCME Employee Contract

Debeltz/Shedly moved approval of the Additions F-H. Motion carried unanimously.

5. MAYOR'S REPORT

- A. Mayor Skraba recognized Linda Fryer, Director of the Chamber of Commerce, for receiving the Friend of Tourism Award and presented her with a key to the City. Linda Fryer gave a short speech expressing that the award is more than her. It is a combination of the community, the tourism community, the resorts & Outfitters & the businesses. Everyone wants to be like Ely with all of its opportunities available. We need to keep moving forward and everyone should be proud of this City.
- B. Mayor Skraba gave notice that the council members will be holding interviews on Friday, March 9, 2012 for the Interim Clerk/Treasurer position.
- C. Mayor Skraba presented the Code of Conduct & Statement of Values created by the League of Minnesota Cities Ethics Advisory Panel for the Council's review and opinions of possibly adopting a code of conduct for the City of Ely. Debeltz/Shedly moved approval to bring this discussion to a Study Session for further review with the Council and Attorney Klun. Motion carried 5 to 1 in favor with Zupec voting "no".
- D. Nikkola/Omerza moved approval for the City to work with our neighbors towards joining with a Joint Powers Fire District. Motion carried unanimously.
- E. Debeltz/Zupec moved approval to give a letter of support to the Ely Blue Line for their efforts in fixing the Ely Ice Arena. In discussion, council member Zupec expressed the need for a new facility and to look for funding support from various entities. Motion carried unanimously.

6. CONSENT AGENDA:

- A. Motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda. Zupec/Debeltz moved approval. Motion carried unanimously.

7. REQUESTS TO APPEAR: None

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8. COMMITTEE REPORTS:

- A. Council member Nikkola reported that Employee Relations and the Council as a whole body will be doing interviews on Friday, March 9th for the interim Clerk/Treasurer position.

Council member Omerza stated that the TAB Committee moved approval of the Lake County Franchise and Pole Agreement and referred it back to the Council for their approval. Omerza/Debeltz moved approval. Motion carried unanimously.

Omerza thanked the Police Officers and the Jaycee members who helped out at the last day of Basketball event held by the Hoop Club.

Omerza commented that she had been at the Blandin Community Leadership Program all last week along with several other community members. Mayor Skraba thanked everyone who went to the program for their time and commitment. As a Blandin graduate, himself, he stated it is a great experience and you definitely come out different than when you go in.

Council member Shedly stated that Planning & Zoning Commission meetings will be held on the 1st & 3rd Wednesday of each month at 5:30pm in the Community Center Card Room. He also stated that Sanitation Committee meetings will occur when necessary.

Mayor Skraba last week attended various functions including: The Ely Tuesdays Group held at Grand Ely Lodge; Duluth St. Louis County Days held in St. Paul which included a press conference with the legislators & union supporters in support of mining; Governor's webinar press conference on cutting LGA levy limits and voter ID; and visited the Lake County Fiber Building Grand Opening

9. DEPARTMENTAL REPORTS:

- A. Clerk-Treasurer

- B. Fire Chief

- C. Library Director

Puppettellers will present "A Night on Bear Island" at 4:00 p.m. at the Library on March 30, 2012.

- D. Operations Director

- i. The following items of business were recommended for approval at the regular EUC meeting of Wednesday, February 22, 2012:

- 1. Approved working with the city attorney on a payment holdback for Civic Systems until issues are resolved with the new utility billing program.
- 2. Authorized Mick Shusta to attend the AWWA Water Operators School on May 16-18, 2012 in Grand Rapids.
- 3. Approved purchase of a biosolids transfer pump from Quality Flow Systems for \$9,360.00 and a clarifier scum pump from General Repair Service for \$5,437.00.
- 4. Authorized substation testing with Utilities Plus for \$9,120.00.
- 5. Approved payment of the KBM, Inc. Invoice #011265 for \$12,328.71 for the Burntside Power Line Project.
- 6. Approved payment of Minnesota Power January Bill for \$257,867.02.

Debeltz/Zupec moved approval of the EUC Consent agenda items 1-6 as presented. Motion carried unanimously.

- E. Police Chief

- i. Police Chief letter to County Commissioners and their response regarding an Officer on administrative leave

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F. City Attorney

i. Attorney Klun readdressed some of the issues brought forth by the Charter Commission at the last Council Study Session. In particular, she stated that a full copy of the Resolution needing Council approval must be present before they can vote on it. She also presented to the Council, the packet of information from Mr. Wellvang and is waiting direction from the council as to how they want her to move forward with the issues brought forth in the packet.

ii. Approve 2nd Reading of Ordinance 251, 2nd Series amending Ely City Code Chapter 5, Section 5.07.01 related to alcoholic beverages licensing and regulations.

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, AMENDING THE ELY CITY CODE, CHAPTER 5, SECTIONS 5.07.01 RELATED TO THE ALCOHOLIC BEVERAGES LICENSING AND REGULATIONS.

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SEC. 5.07.01 MALT LIQUOR SALES PERMITTED WITH 3.2 PERCENT MALT LIQUOR AND WINE LICENSE.

That any holder of a 3.2 percent malt liquor license under Minnesota Statutes, Sec. 340A.403 and an on-sale wine license under Minnesota Statutes, Sec. 340A.404, Subd. 5(a) whose gross receipts are at least 60% attributable to the sale of food and who have provided dram shop insurance coverage as provided by law shall, without an additional license, pursuant to Minnesota Statutes, 340A. 404, Subd. 5(b) be permitted to sell intoxicating malt liquors at on-sale.

SEC. 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.

Debeltz/Zupec moved approval. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Sheddy-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.

iii. Pole & Franchise Agreements: These agreements were approved earlier in this meeting under Council member Omerza's report and Attorney Klun stated they will make sure the agreements get signed and in working order.

iv. Attorney Klun stated that the At&t Amicus Brief was extensive to prepare and went over the \$2,000 budget but she will honor the \$2,000 figure as agreed upon and reduce the charge to the City by \$3,112.45.

v. Sheddy/Nikkola moved approval to accept the Airport FBO Contract as presented by Attorney Klun with changes made to any reference to "City Administrator" and changes to the insurance section on page 8 along with basic changes to dates, etc. Attorney Klun stated this type of contract does not need to go out for bids. Motion carried 5 to 1 in favor with Zupec voting "no".

vi. Attorney Klun presented the first draft of the proposed employment agreement between the City of Ely & AFSCME Base Unit. Employee Relations Committee will review the agreement and it will be brought back to the next council meeting for approval.

G. City Engineer

10. COMMUNICATIONS:

A. St. Louis County Fair Board requesting financial support for the 2012 Fair: No action on this request was taken.

B. Letter from Mr. Richard Pucel to the Mayor and Council

11. CLAIMS FOR PAYMENT:

A. City and EUC claims for March 6, 2012 - \$181,361.27. Sheddy/Nikkola moved approval with a deduction in Attorney Klun's invoice to the City of \$3,112.45 thus changing the City & EUC claims amount to \$178,248.82. Motion carried unanimously.

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- B. JPJ Engineering Inc. - Pamida Building Demo #11-564 - Invoice#1 - \$1,410.50
JPJ Engineering Inc. - Old Clinic Demo #11-563 - Invoice#1 - \$2,747.50
JPJ Engineering Inc. - Conan St Improvements #11-552 - Invoice#1 - \$2,200.00
JPJ Engineering Inc - 6th to 7th Ave-Pattison St #11-551 - Invoice#1 - \$2,100.00
JPJ Engineering Inc - 2nd to 4th Ave Sanitary Sewer #11-550 - Invoice#1 - \$3,000.00
Debeltz/Sheddy moved approval of the JPJ Engineering 5 Invoices. Motion carried unanimously.
- C. Ely Community Resource, 2nd quarter payment - \$3,140. Nikkola/Omerza moved approval of payment. Motion carried unanimously.

12. OLD BUSINESS:

- A. Approve the **RESOLUTION APPROVING BID FOR OLD CLINIC BUILDING DEMOLITION – PROJECT #11-563**
WHEREAS, the City of Ely is a Municipal Corporation governed under the Charter of the City of Ely with powers vested in its City Council;
WHEREAS, bids on the project were opened at Ely City Hall at 10:00am on February 16, 2012 and the apparent lowest responsible bidder was Blue Earth Environmental Company for \$52,900.
WHEREAS, the resolution for award is subject to state and federal concurrence and availability of funding.
NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Ely, Minnesota does hereby adopt this resolution.
Nikkola/Sheddy moved approval. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Sheddy-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.
- B. Approve the **RESOLUTION APPROVING BID FOR OLD PAMIDA BUILDING DEMOLITION – PROJECT #11-564**
WHEREAS, the City of Ely is a Municipal Corporation governed under the Charter of the City of Ely with powers vested in its City Council;
WHEREAS, bids on the project were opened at Ely City Hall at 10:00am on February 16, 2012 and the apparent lowest responsible bidder was Blue Earth Environmental Company for \$49,200.
WHEREAS, the resolution for award is subject to state and federal concurrence and availability of funding.
NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Ely, Minnesota does hereby adopt this resolution.
Debeltz/Zupec moved approval. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Sheddy-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.

13. NEW BUSINESS:

- A. Approve and adopt the Community Business Partnership Grant Program Accounting Report. Nikkola/Omerza moved approval. Motion carried unanimously.
- B. Approve by Resolution, Knights of Columbus, Council 3238 request to conduct a Bingo on March 18th or March 25, 2012 at St. Anthony's Catholic Church.
RESOLUTION 2012-010 AUTHORIZING APPROVAL OF THE KNIGHTS OF COLUMBUS COUNCIL 3238 TO CONDUCT A BINGO
WHEREAS, the Knights of Columbus, Council 3238, 1012 E Harvey St, Ely, Minnesota 55731 have requested to conduct a bingo on March 18, 2012 and March 25, 2012 at St Anthony's Church Hall located at 231 E Camp St, Ely, MN 55731.
NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Ely, Minnesota does hereby adopt this resolution.
Debeltz/Zupec moved approval. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Sheddy-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.

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- C. Approve TKDA change order #3 for the Airport 2011 Capital Improvement Program - \$5,284. Zupec/Debeltz moved approval. Motion carried unanimously.

- D. Approve by Resolution the 2012 proposed City Budget.
RESOLUTION 2012-011 APPROVING THE CITY OF ELY BUDGET FOR THE FISCAL YEAR 2012
WHEREAS, the Ely City Council is responsible for properly managing and maintaining the City's finances; and
WHEREAS, the Ely City Council is ultimately responsible for the accountability of the City's expenditures and revenues; and
WHEREAS, by the Ely City Council as follows:
 - Section 1. The annual budget for the City of Ely for the Fiscal Year beginning January 1, 2012 and ending December 31, 2012 is hereby adopted and incorporated herein by reference.
 - Section 2. The sums and amounts of money herein set forth are hereby appropriated to respective accounts and funds therein set forth for expenditure during the Fiscal Year 2012, for each of the several items set forth in the budget.**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Ely, Minnesota does hereby adopt this resolution.
Nikkola/Zupec moved approval. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Shedly-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.

- E. The City Council will interview the applicants for the vacant council seat. Deputy Clerk will contact applicants for dates and times that they will be available to interview next week.

- F. Approve by Resolution a temporary liquor license for the Ely Jaycees and the Community Center Ballroom on Saturday, April 28, 2012 during a live music event and to waive any requirement for an onsite police officer.
RESOLUTION 2012-012 AUTHORIZING APPROVAL OF THE ELY JAYCEES REQUEST FOR A TEMPORARY LIQUOR LICENSE
WHEREAS, the Ely Jaycees request approval of a temporary liquor license for a live music event to be held at the Ely Community Center Ballroom on Saturday, April 28, 2012.
WHEREAS, the Ely Jaycees also request to waive any requirement for an onsite police officer at the event.
NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Ely, Minnesota does hereby adopt this resolution.
Nikkola/Debeltz moved approval. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Shedly-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.

- G. Debeltz/Nikkola moved approval of the hiring of candidate, George Burger, as a Police Officer subject to the approval of the Police Commission. Motion carried unanimously.

14. OPEN FORUM:

15. ADJOURN:

Debeltz/Nikkola moved to adjourn at 7:10pm. Motion carried unanimously.

Claire Huisman
Deputy Clerk