

## Regular Ely Council Meeting – March 20, 2012 at 6:00pm

### MINUTES

#### 1. CALL TO ORDER:

The Ely City Council Regular Meeting was called to order by Mayor Skraba at 6:00 p.m. on March 20, 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 March 6, 2012 regular Council Meeting, March 9, 2012 Special Council Meeting, March 13, 2012 Special Council Meeting and March 15, 2012 Special Council Meeting as presented. Debeltz/Nikkola moved approval. Motion carried unanimously.

#### 4. ADDITIONS OR OMISSIONS TO AGENDA: None

#### 5. MAYOR'S REPORT:

A. Mayor Skraba announced that the new interim Clerk/Treasurer will be Terry Lowell from Colorado. He will begin next Monday or Tuesday, March 26th or 27th.

B. Appoint new council member: Each Council member wrote two names of their choice for a new council member along with their own name on a piece of paper. The results were:

Debeltz - Ross Petersen & Wes Snyder

Nikkola - Kara Polyner-Rechichi & Dave Engstrom

Omerza - Kara Polyner-Rechichi & Jess Edberg

Shedly - Ryan Callen & Kara Polyner-Rechichi

Zupec - Ryan Callen & Ross Petersen

Mayor Skraba - Kara Polyner-Rechichi & Jess Edberg

Candidates totals were: Kara Polyner-Rechichi (4), Jess Edberg (2), Ryan Callen (2), Ross Petersen (2), Wes Snyder (1), Dave Engstrom (1), and Adriane Morabito (0).

Omerza/Nikkola moved to appoint Kara Polyner-Rechichi as the new council member. A resolution will be brought forth the first meeting in April when the new council member will be sworn in at that time. Council member Zupec stated for the record that the voting did not go as he originally understood. Motion carried unanimously.

Mayor Skraba thanked all 8 candidates for being interested in running for the vacant council seat.

C. National Volunteer week - April 15-21, 2012

#### 6. CONSENT AGENDA:

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

B. Approve Mayor and Council to attend the 2012 LMC Annual Conference and Marketplace at the Duluth Entertainment Convention Center on June 20-22, 2012. Zupec/Shedly moved approval. Motion carried unanimously.

#### 7. REQUESTS TO APPEAR:

A. Bob Maidl, Vice Chairperson of Greenstone Public Arts/Ely Arts and Heritage Center spoke on the updates of last year's activity and plans for 2012 at the Pioneer Mine Site. He stated they are looking to repair railings and finish up projects that were started last year. Being unsuccessful in funding major improvements at the Miner's Dry, they will hold more open house nights at the shaft house and offer more classes and artist shops during the

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summer. Plans for Captains Dry include stabilizing the ground around the building, getting the trash and boulders out and to create a parking lot. Council member Zupec questioned the time line on the project. Mr. Maidl said they are starting now and would like to be done by the end of summer. Harold Langowski stated that he has STS Workers who could help with the clean up.

Mayor Skraba appreciates the efforts of the Non-Profit Organizations working together with the city on the City's non-taxable properties to help maintain their tax exempt status.

### 8. COMMITTEE REPORTS:

- A. Council member Omerza reminded everyone that the skating rink is closed for the season. Omnibus tax bill is in the Senate right now and LGA is still funding at the right level. Levy limits are not on the tax bill. At the conference in St. Paul this week, discussion will be about senators and keeping funding the same.

Council member Nikkola stated that Russell Wetzel is terminating his employment with the city. Debeltz/Zupec moved to accept Mr. Wetzel's resignation and to send him a Thank You note for his years of service. Motion carried unanimously.

Council member Shedly stated to the public that many of the committees and boards are in need of members.

Mayor Skraba spoke about the Mesabi - Soudan - Ely Trail. The route to Ely has received funding for 2014-2015 to build a trail to Ely and the route is being determined. Council member Zupec stated that Babbitt should be considered in the trail route. Roger and Zupec will get together to discuss route with Mike Larson from SEH Engineering when he comes to Ely.

Mayor Skraba discussed the Airport Commission is in need of one more member that needs to be an Ely resident. This will be reposted along with other committees needing Ely resident members.

### 9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

B. Fire Chief

C. Library Director

D. Operations Director

- i. The following items of business were recommended for approval at the regular EUC meeting of Wednesday, March 14, 2012:

1. Authorized the sale of the 1997 bucket truck to Burntside Electric for \$8,250.00.
2. Authorized the purchase of the 2004 Chevrolet 4x4 truck for \$13,500.00 from Jim Preblich.
3. Approved a CIP Commercial Lighting Rebate for Piragis Northwoods Company for \$2,635.00.
4. Approved a CIP Commercial Lighting Rebate for the Ely HRA for \$661.00.
5. Approved payment of the Cannon Technologies Invoice #912849110 for \$3,244.00 for the Load Management Software Support.
6. Approved payment of Minnesota Power February Bill for \$224,930.16.
7. Approved payment of the In Control Invoice #12006EA01 for \$2,711.85 for the WWTF.
8. Approved payment of the MPCA Annual Fee for the WWTF for \$5,900.00.
9. Approved payment of the February EUC Bills for \$41,046.90.

Zupec/Nikkola moved approval of the EUC Consent agenda items 1-9 as presented. Motion carried unanimously.

- ii. MN Wastewater Treatment Facility Operational Award presented Thursday, March 22, 2012 at 3:45pm at the 2012 75th Annual Wastewater Operations Conference in Brooklyn Park, MN. Debeltz/Nikkola moved to send Mick Shusta and Steve Krtinich a letter of appreciation for their hard work in getting this award for the City of Ely. Motion carried unanimously.

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- iii. Draft of City Tree Policy. Mayor Skraba stated he would like to have a public hearing to establish a City Tree Policy.

Operations Director Langowski stated that currently the policy is an unwritten policy which has been in effect approx. 32 years. A public works employee, utility employee or resident will notify the city of an issue with a tree. The tree will be investigated to determine the problem, such as: dangerous dead tree; limbs falling on personal property; fork in tree causing a hazard; roots heaving the sidewalk. The tree replacement policy allows for homeowners to plant trees in the boulevard as long as they are of the three approved types: Northwood Maple, Patmore Ash, and Boulevard Linden. These trees do not grow large and do not cause root issues.

Ely resident, Mary Groeninger, suggested putting off the Conan St. project until a Tree Policy is in place. She also stated that there is a need for an Ely Property Owners Group to make decisions regarding street improvements on the visions of our streets.

Council member Omerza stated the Park and Recreation Board is working on a tree plan for Whiteside Park, but due to a safety issue, four trees in Whiteside Park do need to come down. A paper was passed around for people to sign up for a sub-committee for the Projects Committee which meets every 2<sup>nd</sup> Monday of the month.

Many residents spoke their concerns regarding the various street improvements:

- a. David Kess requests to improve the 1<sup>st</sup> block of Conan St. from Central Ave. and not to do the designated 100 block of Conan. He would like them to prioritize when deciding which streets to improve.
  - b. James Lah addressed his concerns that the citizens of Ely are not being given the opportunity to be heard. He stated that if the City has a tree cutting plan it should encompass a replanting plan as well.
  - c. Valerie Nesteruk thanked the council for allowing the people to be heard. She also stated that there are grants to help offset the costs of replanting trees.
  - d. Penny Jeffers questioned the current tree policy and had concerns with being notified properly when trees are scheduled to be cut down. She would rather keep a tree than have a curb or gutter.
- iv. Conan Street Improvements will be put on hold. Mayor Skraba stated they can start through the Projects Committee and with a subcommittee to draft a tree policy. There are 4 or 5 trees on the 1<sup>st</sup> block of Conan St to be removed which can wait until the approval of a tree policy. Whiteside park trees will be removed at this time that are a danger to the public.

Meeting was recessed at 7:34 p.m. for a 5 minute break.

Meeting was reconvened at 7:42 p.m.

E. Police Chief

F. City Attorney

- i. Employment Agreement between the City of Ely & AFSCME Base Unit was presented by Attorney Klun with changes made to the Insurance section on page 20.

Nikkola/Debeltz moved to approve the Base Unit contract and send back to the union for their final review. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Shedly-yes, Zucec-yes and Mayor Skraba-yes. Motion carried unanimously.

- ii. Correspondence from Court of Appeals regarding the At&t Litigation:

Attorney Klun informed the council that the Oral Argument for this litigation will be held on April 4, 2012 at 10:05pm at the Judicial Center in St. Paul. The City is not allowed to speak at this oral argument. There should be a decision 90 days after this oral argument.

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iii. Correspondence regarding ADA Compliance:

Attorney Klun presented a list of all meetings held by the City of Ely and their primary locations. The ADA requires that a plan be in place in the event that a disabled individual requests to participate in a meeting that is held in a location which is not handicapped accessible. The next Clerk/Treasurer should be tasked with formulating a formal plan so all employees know how to respond in the event a meeting must be moved to an alternative location.

iv. Correspondence regarding the Korpi Trust:

Attorney Klun she has received no communication the trustee, Anthony Cermak regarding the status of the Korpi Trust Gift to the City of Ely since December. She is proposing a sub-trust or endowment. Attorney Klun stated that Mary Zupancich has been a great help to them in this matter.

v. Proposed Rental Dwelling Ordinance 250 renumbering of sections:

**AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, RENUMBERING SECTIONS 16.08 THROUGH 16.23 OF CHAPTER 16 OF THE ELY CITY CODE, RELATED TO THE LICENSING OF RENTAL DWELLINGS**

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

**SECTION 1.** Chapters 16.08 through 16.23 of the Ely City Code, are hereby renumbered as follows:

**SECTION 16.08. ANNUAL LICENSE.**

**SECTION 16.089. NOTIFICATION REQUIREMENTS FOR PUBLIC HEARINGS.**

**SECTION 16.0910. DISPLAY OF LICENSE CERTIFICATE.**

**SECTION 16.101. COMPLIANCE WITH MINN. STAT. §21IB.20.**

**SECTION 16.112. RESPONSIBILITY FOR ACTS OF MANAGER.**

**SECTION 16.123. MAINTENANCE STANDARDS.**

**SECTION 16.134 NOTICE OF NONCOMPLIANCE; COMPLIANCE ORDER.**

**SECTION 16.145 LICENSE DENIAL, SUSPENSION, OR REVOCATION.**

**SECTION 16.156 Reinstatement fee.**

**SECTION 16.167 Summary Action.**

**SECTION 16.178. Posted To Prevent Occupancy.**

**SECTION 16.189. Falsely Reporting Violations.**

**SECTION 16.1920. Violations.**

**SECTION 16.201. No Warranty By City.**

**SECTION 16.212. Severability Clause.**

**SECTION 16.223. Remedies in this chapter not exclusive.**

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~~SECTION 16.23. 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.~~

**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 ninety (90) days after final adoption and publication.

Debeltz/Omerza to approve the 1st Reading of Ordinance 250, 2nd Series renumbering of sections 16.08 through 16.23. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Shedly-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.

Attorney Klun stated the Charter Commission would like to propose changes to the charter regarding vacancies on council seats. Language needs to be changed for clarification. It is unclear whether the newly appointed council member will fill the seat until the August primary, November election or until the end of the term which is December 31st. Attorney Klun will draft Ordinance for the proposed change. Once approved by the Charter Commission it will be brought back to the council for their approval.

G. City Engineer

10. COMMUNICATIONS:

- A. Correspondence from concerned citizens regarding City street improvements and City trees removal
- B. Minnesota Historical Society offering workshops throughout the state on fundraising planning and grants proposal preparation.
- C. Correspondence from Richard Pucel: Zupec/Debeltz moved to send the election concerns presented by Mr. Wellvang to the County Auditor for their review to see if a recount is deemed necessary. Mayor Skraba stated he spoke to County Attorney Rubin and request for recount has a time frame of 5-7 days after the election. County Attorneys and the Secretary of State already reviewed the allegations against the election and it was deemed not necessary for an investigation. Council member Zupec felt he did not have a chance to voice his views and concerns regarding the last election. Roll called: Debeltz-yes, Nikkola-no, Omerza-no, Shedly-no, Zupec-yes and Mayor Skraba-no. Motion failed two to four.

11. CLAIMS FOR PAYMENT:

- A. City and EUC claims for payment for March 20, 2012 - \$400,618.31
- B. dsgw Architects - Community Center Reroof - Invoice#5 - \$374.69
- C. dsgw Architects - Community Center Reroof - Payment #3-final - \$10,785.00
- D. Ely Garden Club request for appropriation of \$500 for plants, shrubs, soil, additives and fertilizers

Debeltz/Zupec moved approval of claims for payment A-D. Funds for the Garden Club will be clarified as to where they have been budgeted and will be confirmed at the next council meeting if correction is necessary. Motion carried unanimously.

12. OLD BUSINESS:

13. NEW BUSINESS:

- A. Debeltz/Nikkola moved approval to appoint George Burger to the Planning & Zoning Commission effective April 2, 2012. Motion carried unanimously.
- B. Approve Fireworks contract with Zambelli Fireworks Manufacturing Co. Debeltz/Shedly moved approval. Motion carried unanimously.

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C. Approve Zambelli Fireworks -50% deposit - \$7,500. Shedly/Nikkola moved approval. Motion carried unanimously.

D. Approve **RESOLUTION REESTABLISHING PRECINCTS AND POLLING PLACES**

**WHEREAS**, the legislature of the State of Minnesota has been redistricted; and

**WHEREAS**, Minnesota Statute section 204B.14, subd. 3 (d) requires that precinct boundaries must reestablished within 60 days of when the legislature has been redistricted or at least 19 weeks before the state primary election, whichever comes first;

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Ely, County of St. Louis, State of Minnesota hereby reestablishes the boundaries of the voting precincts and polling places as follows: that all elections held in the city of Ely in the year 2012 and beyond will be conducted at one precinct, located in the Ely Senior Citizens Building, 27 S 1<sup>st</sup> Ave.

Omerza/Nikkola moved approval. Debeltz-yes, Nikkola-yes, Omerza-yes, Shedly-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.

14. OPEN FORUM:

15. ADJOURN:

Debeltz/Nikkola moved approval to recess the meeting at 8:18pm until March 27, 2012 to allow time for Attorney Klun to draft a contract for Terry Lowell, Interim Clerk/Treasurer. Motion carried unanimously.

Claire Huisman  
Deputy Clerk