

Regular Meeting Ely City Council Minutes– April 03, 2012 6:00 PM

1. CALL TO ORDER:

The Ely City Council Regular Meeting was called to order by Mayor Skraba at 6:00p.m. on April 3, 2012 at the Ely City Hall.

2. ROLL CALL:

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

Also present: Kara Polyner-Rechichi

Absent: None

3. APPROVAL OF MINUTES:

Approve the minutes from March 20, 2012 Regular council meeting, March 27, 2012 reconvened council meeting, March 27, 2012 Study Session and March 29, 2012 reconvened council meeting as presented.

Zupec/Nikkola moved approval. Motion carried unanimously.

4. ADDITIONS OR OMISSIONS TO AGENDA:

A. Addition 12.A. - Ordinance 250, 2nd Series - Second Reading

B. Addition 13.F. - Change location of Board of Appeal & Equalization Meeting

C. Addition 5.A. - Move Consent Agenda item 6.A.

D. Addition 5.B. - Move New Business item 13.A.

E. Addition 5.C. - Administer Oath of Office to new Council member

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

5. MAYOR'S REPORT:

A. Motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda.

Debeltz/Shedly moved approval. Motion carried unanimously.

B. Approve **RESOLUTION TO FILL THE VACANT COUNCIL MEMBER OFFICE PREVIOUSLY HELD BY FRANK SALERNO**

WHEREAS, at the November 2008 general election, Frank Salerno was elected to the office of Council Member of the City of Ely for a four (4) year term commencing on January 6, 2009; and

WHEREAS, Frank Salerno has resigned from his office as Ely Council Member effective February 29, 2012 and as such there is a vacancy of his office as Council Member; and

WHEREAS, pursuant to Ely Charter, Section 2.04, as the remaining term of the vacant Council Member office became vacant within one year of the next municipal election, the Ely Council shall forthwith appoint an eligible person to fill the vacancy; and

WHEREAS, the Mayor and Council of the City of Ely desire to appoint Kara Polyner-Rechichi to fill the office formerly held by Frank Salerno.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Ely that this appointment is effective immediately and upon taking the oath of office.

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

C. Kara Polyner-Rechichi was sworn into office by Clerk/Treasurer Terry Lowell administering the Oath of Office:

I, Kara Polyner-Rechichi, do solemnly swear to support the Constitution of the United States, the

Regular Meeting Ely City Council Minutes– April 03, 2012 6:00 PM

Constitution of the State of Minnesota, and to discharge faithfully, the duties of the office of City Councilor of the City of Ely, Minnesota, to the best of my judgment and ability, so help me God.

- D. Reschedule April Study Session due to Commissioner Sertich having a Listening Session in Ely at Amici's on April 24, 2012 at 5:30pm.

Debeltz/Nikkola moved to cancel the regular scheduled council Study Session on April 24, 2012. Motion carried unanimously.

- E. Calendar Parking:

Omerza/Debeltz moved approval for April 11, 2012 to be the last day for calendar parking regulations to be in effect. Motion carried unanimously.

- F. Appoint Volunteer Committee:

Nikkola/Debeltz moved approval of appointing Council members Debeltz, Omerza & Polymer-Rechichi to form the Volunteer Committee. Motion carried unanimously.

6. CONSENT AGENDA:

- A. Motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda. Item moved to 5.A.

- B. Approve Deputy Clerk to attend the 2012 Minnesota Municipal Clerks Institute April 23-27, 2012 in Brooklyn Center, MN

Debeltz/Nikkola moved approval. Motion carried unanimously.

7. REQUESTS TO APPEAR: None

8. COMMITTEE REPORTS:

- A. Committee Minutes

- B. Council member Omerza reported on the LMC Joint Legislative Days Conference that she and Mayor Skraba attended. She also met with the Commissioners of Education & IRRRB and IRYIA members through the Partners Board to discuss making IRYIA a statewide program.

Omerza stated they discussed surrounding Township's support of the Library at the Library Board meeting which will be as follows for 2012 & 2013:

Fall Lake Township – 2012 - \$1,200 & 2013 - \$1,000

(Eagles Nest) Stony River Township – 2012 - \$4,300 & 2013 - \$1,500

Morse Township – 2012 - \$12,000 & 2013 - \$10,000

Omerza/Debeltz moved approval to allow the Library Director, Rachel Heinrich the authority to close the Library at her discretion due to being understaffed. Omerza/Zupec moved to table the motion until the next council meeting when information on the exact process of how the Library will be closed with short notice by the Library Director.

Omerza stated that Portable Toilets have been placed in Whiteside Park until the restrooms can be opened for the summer. Also, trees are being cut in the Park and the public should stay a safe

Regular Meeting Ely City Council Minutes– April 03, 2012 6:00 PM

distance away. Mats have been placed underneath the playground equipment and the wood chips will arrive next week.

Council member Omerza co-chairs the Energy and Environment piece for the Coalition. She stated the water conservation rates that were to go in effect for 2013 have been pushed back to 2015.

Council member Sheddy, Park and Rec, Planning & Zoning, Langowski, Clerk Lowell and the Mayor met with the chamber officials to discuss changes to the fees for the use of the park during Blueberry Festival and the Harvest Moon Festival. Omerza stated Park and Rec should have a full policy for the Council to review within three months. Also, the Mayor sat in on the last Planning & Zoning meeting due to lack of members.

Sheddy/Nikkola moved approval to appoint Kara Polyner-Rechichi to the Planning & Zoning Commission. Motion carried unanimously.

Council member Sheddy also stated that Kara Polyner-Rechichi was hired by Mr. Sheddy to produce the sign for his new business. She is not a business partner in his new business.

Mayor Skraba will attend on Monday, April 9th an appreciation dinner in Hibbing with the Mesabi Trail Group. He also attended the LMC Joint Legislative Days Conference in St. Paul. The ambulance corporation will be contacted by the Clerk's office for a copy of their meeting minutes.

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 28, 2012:
 - 1. Approved the purchase of confined space entry equipment from Infratech Technologies for \$7,902.00.
 - 2. Authorized the Water Conservation Services, Inc. to complete a leak audit of the water system for \$2,985.00.
 - 3. Approved designating \$10,000 in the 2011 budget for future equipment replacement, as requested by the auditor.
 - 4. Approved payment of the KBM, Inc. Invoice #021291 for \$6,710.02 for the Burntside Power Line Project.
 - 5. Approved payment of the January EUC Bills for \$505,440.57.

Nikkola/Zupec moved approval of EUC consent agenda items 1-5. Motion carried unanimously.

Regular Meeting Ely City Council Minutes– April 03, 2012 6:00 PM

E. Police Chief

F. City Attorney:

Attorney Klun stated she will bring information regarding changes to the Charter to the next regular council meeting.

G. City Engineer

10. COMMUNICATIONS:

11. CLAIMS FOR PAYMENT:

A. City and EUC Claims for April 3, 2012 - \$62,394.50

B. TKDA - Ely 2011 CIP Projects - Project Closeout Phase - \$600.00

Debeltz/Nikkola moved approval of Claims for Payment items A-B. Motion carried unanimously.

12. OLD BUSINESS:

A. Approve the Second Reading of Ordinance 250, 2nd Series – **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 16.09. NOTIFICATION REQUIREMENTS FOR PUBLIC HEARINGS.

SECTION 16.10. DISPLAY OF LICENSE CERTIFICATE.

SECTION 16.10. COMPLIANCE WITH MINN. STAT. §211B.20.

SECTION 16.12. RESPONSIBILITY FOR ACTS OF MANAGER.

SECTION 16.13. MAINTENANCE STANDARDS.

SECTION 16.14 NOTICE OF NONCOMPLIANCE; COMPLIANCE ORDER.

SECTION 16.15 LICENSE DENIAL, SUSPENSION, OR REVOCATION.

SECTION 16.16 Reinstatement fee.

SECTION 16.17 Summary Action.

SECTION 16.18. Posted To Prevent Occupancy.

SECTION 16.19. Falsely Reporting Violations.

SECTION 16.20. Violations.

SECTION 16.21. No Warranty By City.

SECTION 16.22. Severability Clause.

SECTION 16.23. Remedies in this chapter not exclusive.

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.

Regular Meeting Ely City Council Minutes– April 03, 2012 6:00 PM

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

13. NEW BUSINESS:

- A. Approve Resolution to appoint Kara Polyner-Rechichi to the vacant council seat effective April 1, 2012. Item moved to 5.B.

- B. Approve **RESOLUTION ACCEPTING THE AGREEMENT BETWEEN THE STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND THE CITY OF ELY (#L121-11-2B)**

WHEREAS, the City of Ely accepts the grant application approved by the Minnesota Department of Natural Resources for the Parks and Trails Legacy Grant Program. The grant is to construct .4 miles of new trail and make improvements to .9 miles of existing trail by widening the trail so both sections will be 16ft wide to permit both classic and skate skiing on the same trail at the Hidden Valley Recreation Area.

WHEREAS, the City of Ely recognizes the ten (10) percent match requirement for the Parks and Trails Legacy Grant Program, and has secured the matching funds.

NOW THEREFORE, BE IT RESOLVED, that the City authorizes the Mayor and City Clerk to execute all documents and to do all acts necessary to give effect to the afore mentioned grant. The City of Ely will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED, the City of Ely hereby assures the Ely Hidden Valley Trail will be maintained for a period of no less than 20 years.

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

- C. Approve **RESOLUTION AUTHORIZING APPLICATION OF LISTENING POINT FOUNDATION TO APPLY FOR RAFFLE PERMIT**

WHEREAS, the Listening Point Foundation has applied for a Minnesota Lawful Gambling Permit to conduct a raffle on September 7, 2012 at the Grand Ely Lodge located at 400 N Pioneer Dr., Ely MN 55731 and

WHEREAS, the City of Ely approves of said application and that the Listening Point Foundation be authorized to submit the necessary paperwork to the State of Minnesota Department of Gambling Control.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Ely, Minnesota does hereby adopt this resolution.

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

- D. Approve **RESOLUTION AUTHORIZING APPLICATION OF THE ELY-WINTON ROD & GUN CLUB TO SELL PULL-TABS AT THE KWAZY WABBIT BAR**

WHEREAS, the Ely-Winton Rod & Gun Club has applied for a Minnesota Lawful Gambling Permit to sell pull-tabs at the Kwazy Wabbit bar located at 11 W Central Ave, Ely MN 55731 when it re-opens for business in May 2012.

Regular Meeting Ely City Council Minutes– April 03, 2012 6:00 PM

WHEREAS, the City of Ely approves of said application and that the Ely-Winton Rod & Gun Club be authorized to submit the necessary paperwork to the State of Minnesota Department of Gambling Control.

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, Polyner-Rechichi-yes, Sheddy-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.

- E. Approve the appointment of Sara Skelton to serve as the Alternate Ely Library Board seat on the Donald Gardner Trust Board. Omerza/Nikkola moved approval. Motion carried unanimously.
- F. Approve moving the location of the Board of Appeal & Equalization meeting on April 26, 2012 from City Hall to the Joint Maintenance Facility Building. Debeltz/Omerza moved approval. Motion carried unanimously.

14. OPEN FORUM:

15. ADJOURN:

Debeltz/Nikkola moved to adjourn meeting at 6:44p.m. Motion carried unanimously.

Claire Huisman
Deputy Clerk