

## Ely City Council Regular Meeting Minutes, April 17, 2012

### 1. CALL TO ORDER:

The Ely City Council Regular Meeting was called to order by Mayor Skraba at 6:25p.m. on April 17, 2012 at the Ely City Hall.

### 2. ROLL CALL:

Present: Council members Debeltz, Omerza, Polyner-Rechichi, Sheddy, Zupec, Mayor Skraba (6)

Absent: Council member Nikkola (1)

### 3. APPROVAL OF MINUTES:

Approve the minutes from April 3, 2012 regular council meeting as presented. Debeltz/Zupec moved approval. Motion carried unanimously.

### 4. ADDITIONS OR OMISSIONS TO AGENDA:

- A. Addition 5.A.i. - Volunteer Week Proclamation
- B. Addition 9.A.i. - Draft of Purchase and Demolition of Pamida Building
- C. Addition 10.G. - 2012 C.C. Ludwig Leadership Awards & 2012 City of Excellence Awards
- D. Addition 11.A. - Bills & Prepaids
- E. Addition 13.I. - Resolution for Hidden Valley Trail Enhancement Project

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

### 5. MAYOR'S REPORT:

#### A. Volunteer Award

Debeltz/Zupec moved approval of the Proclamation to proclaim April 15-21, 2012 as National Volunteer Week. Motion carried unanimously.

**WHEREAS**, volunteering one's time, talents and resources has been an integral part of our American heritage since the early days of our nation, and it is essential that we continue this tradition of giving and sharing to preserve and improve the quality of life for all citizens in our communities; and

**WHEREAS**, our volunteers demonstrate that it is possible to bring people together in response to our community's critical needs, and

**WHEREAS**, it is the duty of all citizens to honor our dedicated volunteers and celebrate the volunteer programs that contribute to the quality of life in the Ely area, and

**FURTHERMORE**, I join with the citizens of this community in celebration and recognition of those who invest their time, talents and energy to reach out to others by volunteering and encourage all citizens to become involved in volunteer work.

**NOW THEREFORE**, I, Roger J. Skraba, Mayor of the City of Ely, on behalf of the Council, do hereby proclaim the week of April 15-21, 2012, as National Volunteer Week in honor of the many selfless volunteers throughout our community who truly give a helping hand.

#### B. Reschedule April 24th Study Session - no rescheduling was done at this time.

### 6. CONSENT AGENDA:

- A. Motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda.
- B. Approve the Mayor to attend the Minnesota Mayors Association Annual Conference, April 27-28, 2012 in Winona, MN
- C. Approve Council and Staff to attend the "Smile, You're in Ely" annual event on Wednesday, April 18, 2012 at the Grand Ely Lodge.

Zupec/Debeltz moved approval of Consent Agenda items A-C. Motion carried unanimously.

### 7. REQUESTS TO APPEAR: None

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### 8. COMMITTEE REPORTS:

- A. Omerza/Debeltz moved approval to nominate Jeannie Zaverl and Fred Povhe for the Volunteer of the Year Award to be presented at the May 1, 2012 Council meeting. Motion carried unanimously.

Council member Omerza gave an update on the Park & Rec Committee activities which include: replacing 6 trees in Whiteside Park; providing signs for the equipment donations; working out the details for edging around the playground and sand box location. The next Park & Rec meeting will be held at Semer's Park and Whiteside Park on May 7, 2012 at 6:00pm.

Council member Shedly reminded everyone of the two public hearings to be held tomorrow at the P&Z Commission meeting in the Community Center at 5:30pm.

Mayor Skraba stated that a sub-committee was formed of Ely residents to help set policy for city tree maintenance & removal. He also attended the Mesabi Trail volunteer dinner and spent time walking trails with Mike Larson with SEH Engineering. Mayor Skraba attended the MN Council of Airports meeting in Rochester and brought back the New Emergency Guidebook for Airports.

### 9. DEPARTMENTAL REPORTS:

#### A. Clerk-Treasurer

Clerk Lowell presented the draft of the purchase agreement of the Pamida Building. Pamida will pay \$33,000 toward the demolition and the IRRRB Grant money should fund the rest of the demolition project. Langowski stated that the theater building was standing alone before the Pamida building was built. There is no concern with the theater adjoining wall remaining stable once the Pamida building is torn down.

Debeltz/Zupec moved approval to send letter from Attorney Klun to Mr. Polz (owner of adjoining building) regarding the Shared Wall Agreement and the Pamida Building Demolition pending discussion between Zupec and Attorney Klun to discuss liability issues. Motion carried unanimously.

Debeltz/Shedly moved approval to host the Listening Session with Commissioner Sertich at Amici's on Tuesday, April 24, 2012 at 5:30pm Listening Session and the cost of \$400 will come from the Council Travel & Meeting budget. Motion carried unanimously.

#### B. Fire Chief

#### C. Library Director

- i. Library Director Heinrich presented the Consulting Report from the Return on Investment Study and also the Library Annual Report for 2011. She also reminded everyone of the two upcoming events at the Library: April 18 - 3:30 pm - Jack Salmela - Vikings and Voyageurs & April 24 - 3:30 pm - Movie Day - showing "Anonymous", 2011, rated PG-13.

Shedly/Zupec moved approval in support of the Library Board's motion that if only one person is staffing the library and an illness or another unavoidable emergency causes that person to leave and no other trained staff member is available to work, the library director has the authority to close the library by posting signs of the closure and notifying the City Clerk's office who will notify the media of the closing and/or revised hours. This motion will remain in effect until the end of the 2012 calendar year. Motion carried unanimously.

- ii. Discuss procedure for Library Director to close the Library when unexpected conditions arise.

#### D. Operations Director

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- i. The following items of business were recommended for approval at the regular EUC meeting of Wednesday, April 11, 2012:
  1. Approved the Solar Interconnection Policy.
  2. Appointed Rob Wilmunen and Kurt Soderberg to the Beacon Hill Service Territory Subcommittee.
  3. Approved the purchase of 25 LED street lights for \$28,215.00 from WESCO.
  4. Approved payment of the Dig America, Inc. Pay Estimate #4 for \$23,014.39 for the Burntside Power Line Project.
  5. Approved payment to Dig America, Inc. for the Burntside Line Materials for \$4,192.62.
  6. Approved payment of the February EUC Bills for \$673,041.72.

Sheddy/Debeltz moved approval of EUC consent agenda items 1-6. Motion carried unanimously.

E. Police Chief

F. City Attorney

- i. Approve the first reading of Ordinance 256, 2nd Series **AMENDING SECTION 2.04 OF CHAPTER 2 OF THE CITY CHARTER OF THE CITY OF ELY - THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:**  
**SECTION 1.** Chapter 2, Section 2.04 of the Charter of the City of Ely, Minnesota is amended to read as follows:

**CHAPTER 2** - Form of Government

**Section 2.04** Vacancies.

An elective office becomes vacant when the person elected or appointed thereto dies or fails to qualify before taking office, or the incumbent dies, resigns in writing filed with the city clerk-treasurer, is convicted of a felony, ceases to reside in the city, or is adjudged incompetent by a court of competent jurisdiction. In each such case THE COUNCIL shall forthwith, by resolution, declare the vacancy to exist. If the next municipal election is within one year of the date of declaring the vacancy, THE COUNCIL shall forthwith appoint an eligible person to fill the vacancy for the unexpired term. If the vacancy is declared more than one year prior to the next municipal election, THE COUNCIL shall forthwith, by resolution, order a special election for the unexpired term and provide all means for holding said special election. The clerk-treasurer shall give at least two weeks published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other city elections. The special election shall take place, as far as practical, within ninety (90) days of declaring the council seat vacant.

**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.

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

Omerza/Debeltz moved approval to hold a Public Hearing for Ordinance 256, 2nd Series on May 1, 2012 at 5:45 pm in City Hall, Council Chambers. Motion carried unanimously.

G. City Engineer

### 10. COMMUNICATIONS:

- A. Ely Community Resource - Quarterly Progress Report for January 1 to March 31, 2012
- B. Ely Area Community Foundation - 1st grant cycle of 2012 for \$750
- C. Youthprise Organization

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- D. Report from Ron Dicklich, Executive Director on the 2012 Legislative Session
- E. \$300 donation by the City of Winton to the Ely Library.  
Debeltz/Omerza moved approval to send a Thank You letter. Motion carried unanimously.
- F. AEOA Neighborhood Revitalization Program.  
Omerza/Sheddy moved approval to apply to the program and set parameters for the neighborhoods within 4th Ave to Central Ave and James St. to Chapman St. Motion carried unanimously.
- G. 2012 C.C. Ludwig Leadership Awards & LMC 2012 City of Excellence Awards

### 11. CLAIMS FOR PAYMENT:

- A. City and EUC Claims for April 17, 2012 - \$367,727.05
- B. JPJ Engineering, Inc - Pamida Building Demolition - Invoice#2 - \$504.50  
JPJ Engineering, Inc - Old Clinic Demolition - Invoice#2 - \$1,156.45  
JPJ Engineering, Inc. - 6th to 7th Ave - Pattison St - \$3,150.00  
JPJ Engineering, Inc - 2nd to 4h Ave Sanitary Sewer - \$750.00

Debeltz/Zupec moved approval of claims for payment A & B. Motion carried unanimously.

### 12. OLD BUSINESS:

### 13. NEW BUSINESS:

- A. Approve to appoint Joan Luhta and Frana Cherico as Ely Residents to the Cemetery Committee.  
Debeltz/Omerza moved approval. Motion carried unanimously.
- B. Approve Liquor License application for Purely Ely, Inc dba A Taste of Ely. Omerza/Debeltz moved approval. Motion carried 5 to 1 in favor with Sheddy abstaining from vote.
- C. Approve Soft Drink License application for Purely Ely, Inc dba A Taste of Ely. Debeltz/Omerza moved approval. Motion carried 5 to 1 in favor with Sheddy abstaining from vote.
- D. Approve Mayor and Clerk to sign the **Letter of Understanding** between City of Ely and AFSCME Local 1490 Base Unit regarding the P&Z Administrator position. The following has been agreed to by both parties and shall be treated as part of the Contract and grievable as such: As a result of the recently vacated position of Full-time Planning and Zoning Administrator/Civil Enforcement Officer, the parties have agreed to the following changes:
  - The website portion of this position will be deleted from the job description.
  - The City will re-assign the Civil Enforcement duties of this position to the Essential unit. However, the both sides agree that the Civil Enforcement portion of the job may be returned to this position in the future if the City agrees.
  - The City will hire a part-time (20-25 hours per week) temporary Planning and Zoning Administrator to work up to 13 weeks. There are no benefits for the temporary position. The hourly wage will be according to the Contract rate of pay. Prior to the 13 weeks, the City and Union will meet to discuss the actual need for the hours of work for this position and will make a determination as to going forward with a permanent part-time or full-time position.Omerza/Debeltz moved approval. Motion carried unanimously.
- E. Approve Ely Community Resource 19th Annual Community Service Learning Project.  
Debeltz/Omerza moved approval. Motion carried unanimously.

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- F. Approve Mayor to sign and send the Ely Golf Course Annual Oversight and Appreciation Letter. Shedly/Polyner moved approval. Motion carried unanimously.
- G. Approve the resolution authorizing the amendment of land lease to the Ely Golf Club Corporation Debeltz/Shedly moved to table the motion pending further research. Motion carried unanimously.
- H. Approve **RESOLUTION AUTHORIZING TRANSFER OF \$12,000 FROM DRUG & ALCOHOL FORFEITURE FUND TO THE EQUIPMENT REPLACEMENT FUND**  
**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**, the Ely City Council authorizes the transfer of \$6,000 from the Drug Forfeiture Fund and \$6,000 from the Alcohol Forfeiture Fund for a total of \$12,000 into the Equipment Replacement Fund for the 2011 purchase of the 2011 Dodge Charger,  
**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, Omerza-yes, Polyner-Rechichi-yes, Shedly-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.

- I. Approve **RESOLUTION ACCEPTING THE AGREEMENT BETWEEN THE STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND THE CITY OF ELY (#0014-11-2B)**  
**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 fifty (50) percent match requirement for the Federal Recreational Trail 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.

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

14. OPEN FORUM:

Dwayne Whalen asked if the Library can solicit for volunteers? Library Director Heinrich stated that she can only use volunteers for a task that is not included in a union job description.

Tim Brennan, Ely Bowling Alley, requested for his establishment to be allowed to continue with outdoor music & dance on July 4th after the fireworks until 11:30pm or midnight. Pros & cons for allowing the time extension on his outdoor event were discussed

15. ADJOURN:

Debeltz/Omerza moved to adjourn meeting at 7:50pm. Motion carried unanimously.

Claire Huisman  
Deputy Clerk