

Ely City Council Regular Meeting Minutes, June 5, 2012

1. CALL TO ORDER:

The Ely City Council Regular Meeting was called to order by Mayor Skraba at 6:02pm on June 5, 2012 at the Ely City Hall.

2. ROLL CALL:

Present: Council members Debeltz, Nikkola, Omerza, Polyner, Sheddy, Zupec, Mayor Skraba (7)  
Absent: None

3. APPROVAL OF MINUTES:

Approve the minutes from May 15, 2012 Regular Meeting, May 29, 2012 Public Hearing and May 29, 2012 Study Session as presented.

**Zupec/Debeltz moved approval. Motion carried unanimously.**

4. ADDITIONS OR OMISSIONS TO AGENDA:

A. Addition: 9.A.iii. – Draft Resolution for Sale of City Property Process

B. Addition: 9.A.iv. – Recommend motion making Deputy City Clerk and Assistant Treasurer non-exempt classification

C. Addition: 9.A.v. – Clinic parking lot monthly fee

D. Addition: 9.A.vi. – Filing Ordinance No. 253, 2<sup>nd</sup> Series – Annexation

E. Addition: 12.B. – Amendment 1 to AFSCME labor Agreement

**Debeltz/Zupec moved approval. Motion carried unanimously.**

5. MAYOR'S REPORT:

Mayor Skraba presented the Assistant Police Chief John Saw a plaque in appreciation for his 27 years of service to the City of Ely and wished him well in his retirement.

Mayor Skraba gave a recap on the HWY 1 fire and thanked everyone involved especially the Ely City employees for their help above and beyond their normal duties. He stated the airport was fully functional despite power outages, onsite generators provided backup. The DNR uses the Ely Airport as a level one facility to house their bomber planes. The Sky Crane Helicopter is stationed at the airport and was the first to attack the fire with 500 to 700 gallons of water until the bomber planes could arrive. Mayor Skraba stated they will be working on ideas to make the City of Ely more fire wise and safer in the event of another fire. Langowski extended a Thank You to Ely resident, Tony Schaller who helped throughout the fire incident.

Mayor Skraba reported that the Minnesota Executive Council voted to approve 77 mineral exploration leases on May 31, 2012. This will allow four mining companies to explore for copper and nickel under northeast Minnesota land.

**Omerza/Debeltz moved to approve sending a letter thanking the Executive Council for their decision and to convey how important mining is to Northern Minnesota. Motion carried unanimously.**

6. CONSENT AGENDA:

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

B. Approve Mayor/Council to attend the 2012 CGMC Summer Conference on July 25-27, 2012 in Owatonna, MN

**Debeltz/Zupec moved approval of consent agenda items A & B. Motion carried unanimously.**

7. REQUESTS TO APPEAR:

A. Elizabeth Wefel, lobbyist with Flaherty & Hood, representing CGMC which includes 77 member cities, gave a presentation on their work at the legislature and on the most recent legislative session and the specific impact the decisions made there have on Ely. They work

on Property Taxes, LGA, Economic Development, Annexation, Land Use, Environmental Regulation and Transportation. A couple of the key points were: cities with a population under 5000 will receive greater of 2012 amount or 2013 formula amount and all other cities will receive their 2012 amount of LGA; six million dollars was secured for the BDPI Grant which puts money toward infrastructure through greater Minnesota.

- B. Northern Terrace resident Wendy Harrison spoke on behalf of the residents living there and asked the council for help with their situation. Major Skraba stated that being able to keep the mobile home park is out of the Cities hands. For the city to prepare another location for a mobile home park would take more than a year and a considerable amount of money. Wendy Harrison asked if the property could be subdivided to allow the mobile home park to stay where it is, and Major Skraba stated that only the property owner has authority to do that. Council member Zupec proposed to the council to meet with Mayor Skraba, Clerk Lowell, and Harold Langowski to discuss possibilities to help the residents of the Northern Terrace. Langowski stated there is no grant funding at this time for housing projects. Wendy Harrison stated she appreciated the council's efforts toward assistance in this matter.

8. COMMITTEE REPORTS:

Council member Shedly stated P&Z Committee will be working on a Comprehensive Plan which is currently available online. They are looking at doing some zoning outside of the city limits. Once completed, it will be brought to the Council for their final approval.

Council member Omerza reported there is a new book drop outside of the library and the interior book drop will be removed. There are various volunteer opportunities and those interested should speak with Library Director Heinrich. The Friends of the Library have started their book sale and they are accepting book donations.

Council member Omerza brought several recommendations from the Park & Rec Board to the council for approval:

- a. **Omerza/Debeltz moved approval to place the dock at Semer's Park Beach up for bids and to budget a new dock for next year along with accepting sponsorship from an organization if they so choose. Motion carried unanimously.**
- b. **Omerza/Debeltz moved approval to draft a resolution for Whiteside Park rental fees. The areas for rent are: the Pavilion, the Band Shell and the northwest green area. The fee would be \$15/section for up to 4 hours and/or \$30/day beginning January 1, 2013. Motion carried unanimously.**
- c. **Omerza/Nikkola moved approval that any park structure can be adopted by a local civic group. This would help to get funding through the Culture & Tourism Grant Program with IRRRB which requires a non-profit to sponsor the application in order to be considered for funding. Motion carried unanimously.**
- d. **Omerza/Nikkola moved approval to remove the cottonwood stumps in Whiteside Park due to liability issues. Motion carried six to one with Mayor Skraba voting "no".**

Council member Omerza announced that June 16<sup>th</sup> at 9:00am, volunteers are welcome to come with rakes and shovels to help place 550ft of border around the playground area. She also noted that the soccer/open area by the softball complex is open for use by all.

**Nikkola/Omerza moved approval of the Employee Relations Committee's recommendation to allow the annual boot & safety glasses allowance to be rolled forward one year if the**

**employee wished to purchase boots & glasses in the second year rather than each year which would allow for the purchase of a higher quality product. Motion carried unanimously.**

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

Discussion ensued on setting up a public parking lot on the old clinic property. Daily use of the parking lot by the public is free. There will be designated sections for overnight parking that require permits and possibly monthly fees of \$20. The intended use is for light trucks and vehicles but not trailers that are storing snowmobiles, ATV's, etc. Also, it would not be intended for vehicle storage.

**Debeltz/Omerza moved approval for Clerk Lowell and Operations Director Langowski to finalize the parking lot regulations and to bring Resolution back to the council for approval. Motion carried unanimously.**

Attorney Klun stated the Annexation Board Hearing with the Board of Adjustments for the annexation of the three parcels on the city's east side on June 12, 2012.

Clerk Lowell presented a draft resolution for the sale of city property process for the council to discuss and will be re-presented at the next council meeting.

**Nikkola/Zupec moved to approve for Clerk Lowell notify the interested parties who wish to buy city property adjacent to Amici's, property near Semer's Park and Outlot C property near Spaulding that they need to come forward with their intent by July 2, 2012. Motion carried unanimously.**

**Nikkola/Omerza approved motion to agree to the determination that the positions of Deputy City Clerk and Assistant Treasurer are non-exempt under the Fair Labor Standards Act (FLSA) for the purpose of overtime pay and that documented overtime in the past three (3) years is paid as required for inadvertent omission under said act. Motion carried 6 to 1 in favor with Zupec voting no due to lack of time to view the material.** Discussion will continue at next council meeting to determine which account will be used to fund this overtime pay.

B. Fire Chief

C. Library Director stated the upcoming events at the library: Movie Day, June 12<sup>th</sup> at 3:30pm showing "Beauty and the Beast" rated G; "Understanding Dreams" workshop on June 14<sup>th</sup> at 1:00pm; Movie Day, June 19<sup>th</sup> at 3:30pm showing "The Apple Dumpling Gang" rated G.

D. Operations Director:

- i. The following items of business were recommended for approval at the regular EUC meeting of Wednesday, May 23, 2012:
  1. Approved the Pole Rental Agreement with Enventis and Midcontinent.
  2. Approved sending a written request to the Ely Fire Chief to meet on the issue of water hydrant use by the township fire department.
  3. Approved sending a letter to the fire departments and city employees that helped with the Highway 1 fire.
  4. Authorized Operations Director Harold Langowski to attend the CIP Program training in Grand Rapids on June 15, 2012.
  5. Approved the Ledgerock Church LED Lighting Rebate for \$2,580.00.
  6. Approved payment of the March EUC Bills List for \$424,146.90 and the April EUC Bills List for \$359,749.68.

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7. Approved payment of the Banyon Annual Support for \$780.60.
8. Approved payment of the KBM, Inc. Invoice #051294 for \$4,744.78 for the Burntside Power Line Project.

**Nikkola/Zupec moved approval of EUC consent agenda items 1-8. Motion carried unanimously.**

Operations Director Langowski stated that Low Impact Excavators will begin on the infrastructure project in the White/Pattison Alley from 2<sup>nd</sup> Ave to 3<sup>rd</sup> Ave later this week. Notifications will be going out to residents this week.

- E. Police Chief: Cops for Kids will be hosting a Bike Safety Training at the Community Center on Sunday, June 10, 2012. The first 100 kids will get a free helmet.
  
- F. Attorney Klun updated the council on the access issues along Reed Road which leads to the City Pumping Station. In order for property owners adjacent to the road to maintain access to this road which is owned by Josephine Reed, property owner Mr. Kirkman is pursuing a prescriptive easement which states since the property owners have used this road for at least 15 years continuous and constant then by statute they have the right to continue access down this road into perpetuity. He is asking if city would like to join him on this action. The city has not received any negative correspondence from Josephine Reed like she has sent to the property owners along the road. Langowski will bring the issue up to the EUC for them to task Attorney Klun to draft a letter to Josephine Reed regarding the city's concerns on this issue.

G. City Engineer

10. COMMUNICATIONS:

- A. Midcontinent information regarding services, packages & price adjustments that become effective June of 2012.
- B. Burntside Ridge Trail Association Annual Spring Newsletter
- C. US Department of Agriculture letter regarding the Federal Hardrock Mineral Prospecting Permits Project
- D. Ely 4<sup>th</sup> of July Parade – Jodi Martin

**Debeltz/Zupec moved approval to send a "Thank you" note to Jodi Martin for her continued interest in coordinating the 4<sup>th</sup> of July Parade. Motion carried unanimously.**

**Omerza/Zupec moved to authorize the use of the park for the 4<sup>th</sup> of July events and to obtain permit for the parade route. Motion carried unanimously.**

11. CLAIMS FOR PAYMENT:

- A. City and EUC claims for June 5, 2011 - \$520,974.80
- B. Midwest Playscapes Inc – Whiteside Park - Invoice#5007 - \$10,766.33

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

12. OLD BUSINESS:

- A. Eric Mayernen gave a presentation regarding logging off the Lucky Boy Mine Area and other City owned property with mature growth. **Zupec/Nikkola moved approval for Attorney Klun to prepare a Quiet Title on the Lucky Boy property and also to approve Eric Mayernen to proceed with logging off the Lucky Boy property, Airport property and city owned acreage east of the cement plant. Motion carried unanimously.**

- B. Approve Amendment 1 to AFSCME Local Union No. 1490-Base Unit, January 1, 2011 to December 31, 2013  
**WHEREAS**, the document signing was completed on May 30, 2012, and  
**WHEREAS**, the original effective date was March 1, 2012, and  
**WHEREAS**, both parties to the above agreement agree to make the effective date of changes to wages & health insurance as June 1, 2012, and  
**WHEREAS**, Art. XIV, Section 3, Subd.1. last paragraph states a date of December 31, 2010 and the date should be December 31, 2013.  
**NOW THEREFORE**, the aforementioned agreement is hereby amended to reflect the above changes and is acceptable to both parties as evidenced by the signatures below.  
**Debeltz/Omerza moved approval. Motion carried unanimously.**

13. NEW BUSINESS:

- A. Approve Ride to Work Day Proclamation  
**WHEREAS**, scooters and motorcycles use comparatively less fuel, cause less pollution and have less harmful impact on our infrastructure; and  
**WHEREAS**, scooters and motorcycles require only a fraction of space taken by other vehicles to park, thereby addressing an ongoing shortage in our City; and  
**WHEREAS**, the price of fossil fuels is growing and supply is diminishing; and  
**WHEREAS**, the use of fossil fuels continues to damage our health by adding to pollution and risking our future through global warming; and  
**WHEREAS**, our infrastructure repairs fail to keep pace with its degradation; and  
**WHEREAS**, for these reasons, scooters and motorcycles offer a form of daily transportation to be encouraged; and  
**WHEREAS**, June 18, 2012 has been designated as “Ride To Work Day” to highlight the positive daily use of scooters and motorcycles; and  
**NOW THEREFORE**, I, Roger J Skraba, Mayor of the City of Ely do hereby proclaim June 18, 2012, to be Ride to Work Day and to encourage scooter and motorcycle riders to ride to work on that day, and pursuant thereto, do further direct that on June 18, 2012 parking at meters and in publicly owned garages in the City of Ely will be free of charge to motorcycles and scooters in recognition of their utilitarian value and to encourage the daily use of those vehicles.  
**Debeltz/Omerza moved approval. Motion carried unanimously.**

- B. Approve The Boathouse Brewpub to host a 2<sup>nd</sup> Annual Summer Triathlon  
**Sheddy/Debeltz moved approval. Motion carried unanimously.**

- C. Approve to authorize funds received by the City from the Minnesota Cross-Country Ski Trail Assistance Program to be paid to the Ely Nordic Ski Club.  
**Sheddy/Omerza moved approval. Motion carried unanimously.**

- D. Approve first reading of Ordinance No. 252, 2<sup>nd</sup> Series, related to land US regulation (zoning) & to fences.  
**Nikkola/Omerza moved approval. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Polyner-yes, Sheddy-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.**

- E. Approve the first reading of Ordinance No. 258, 2<sup>nd</sup> Series, related to the City’s regulation of waste containers.  
**Sheddy/Nikkola moved approval. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Polyner-yes, Sheddy-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.**

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F. Approve the first reading of Ordinance No. 259, 2<sup>nd</sup> Series, amending Chapter 10, Section 10.29 of the City Code regarding Noise Control.

**Omerza/Debeltz moved approval with verbiage added to read “applies only to commercial businesses with current liquor license to dispense alcohol”. Roll called: Debeltz-yes, Nikkola-yes, Omerza-yes, Polynier-yes, Sheddy-yes, Zupec-yes and Mayor Skraba-yes. Motion carried unanimously.**

**Omerza/Nikkola moved approval to hold Public Hearing for Noise Ordinance No. 259, 2<sup>nd</sup> series on June 19, 2012 at 5:00pm in City Hall Council Chambers. Motion carried unanimously.**

G. Approve In Kind Service Provider Agreement & Approval – Ely Ice Arena  
**Debeltz/Nikkola moved approval. Motion carried unanimously.**

H. Approve Mayor to sign the Federal Financial Assistance Award of Domestic Grant 12-DG-11090900-027 for the Buckthorn Control Project for \$24,475  
**Omerza/Nikkola moved approval. Motion carried unanimously.**

14. OPEN FORUM - None

15. Meeting recessed at 8:40pm. Meeting reconvened at 8:45pm.

**Nikkola/Omerza moved to close meeting at 8:45pm under Mn Stat. 13D.01 sub 3 for Privileged and Confidential Settlement Agreement & Release to be reviewed by the Council regarding the City of Ely, MN vs. Patricia Marie Wellvang.**

Close session ended at 8:49pm.

**Nikkola/Omerza moved to accept the Settlement Agreement & Release. Motion carried unanimously.**

16. ADJOURN:

**Nikkola/Omerza moved to adjourn meeting at 8:50pm. Motion carried unanimously.**

Claire Huisman  
Deputy Clerk