

## Ely City Council Regular Meeting Minutes, March 5, 2013

1. CALL TO ORDER:  
The Ely City Council Regular Meeting was called to order by Mayor Petersen at 5:32 pm on March 5, 2013 at the Ely City Hall.
2. ROLL CALL:  
Present: Council members Debeltz, Kess, Nikkola, Omerza, Polyner, Sheddy, Mayor Petersen (7)  
Absent: None
3. APPROVAL OF MINUTES:  
**Debeltz/Sheddy moved to approve the minutes from February 15, 2013 Emergency Special Council Meeting, February 19, 2013 Regular Meeting, February 25, 2013 Public Hearing and February 26, 2013 Council Study Session with one correction to the Feb 19<sup>th</sup> minutes: changing the word “peach” to “peace”. Motion carried unanimously.**
4. ADDITIONS OR OMISSIONS TO AGENDA:
  - A. Addition 5.C. – Correspondence from the Governors’ Office
  - B. Addition 5.D. – Mayor’s letter to MnDOT
  - C. Addition 10.E. – Volunteer of the year award
  - D. Addition 13.C. – Employee Allegations**Kess/Nikkola moved to approve additions A-D. Motion carried unanimously.**
5. MAYOR’S REPORT
  - A. The Mayor presented the Ely Nordic Ski Team with Certificates of Excellence in recognition of their accomplishments during this year’s ski season.
  - B. The Mayor brought up a discussion with the Council on possibly making a motion for a commitment from the City to make the City buildings ADA compliant. The discussion proceeded on the various building options. Council member Kess presented a letter from himself to the Council asking for their approval of the request from the Heritage Preservation Commission for a review of the Community Center by a professional firm. Council member Nikkola pointed out that this discussion would be more suitable for a Study Session. Council member Sheddy stated that whether renovating or building new, ADA compliance must be met therefore ADA compliance of the buildings will be done. Omerza stated that people can email their ideas and comments to City Hall. Clerk Langowski stated that emails will be included in the public meeting minutes and/or read aloud at the next public meeting if the emailer so chooses.
  - C. Mayor spoke of a letter from the Governor Dayton’s office which thanked the City for their bonding request for the Airport.
  - D. Mayor stated he was going to send a letter to the MnDOT Commissioner to obtain information on the large projects committee that they have. We have received that information so the Mayor will be sending a different letter regarding the safety of Hwy 169. He will present the letter to the Hwy 169 committee before he sends it.
6. CONSENT AGENDA:
  - A. Motion to waive readings in entirety of all ordinances and resolutions on tonight’s agenda
  - B. Approve Airport Commission member, Rick Sand, to attend the 2013 Minnesota Airports Conference, April 17-19, 2013 in St. Paul, MN.
  - C. Approve Deputy Clerk to attend the MN Municipal Clerks Institute for Year 2 from April 22-26, 2013 in Brooklyn Center, MN.**Debeltz/Omerza moved to approve consent agenda items A-C. Motion carried unanimously.**
7. REQUESTS TO APPEAR:
  - A. Anne Swenson, Chairman of the Ely Greenstone Public Arts Organization gave an update on their recent and upcoming activities. They received a donation to cover the cost of replacing the furnace in Miners Dry and another donation of \$1000 for fencing repairs/replacement. Saturday, May 11, 2013 will be clean up day at Miners Dry beginning at 9:00am. Public is welcome. She stated everyone should watch Doug Luthanen’s video “Stains of Toil” on YouTube. They are also looking at placing a

## Ely City Council Regular Meeting Minutes, March 5, 2013

concrete slab on the observation deck outside of the shaft house and the 1988 Time Capsule which was never buried could be buried under this slab if approved by the City.

- B. Celia Domich, member of the Heritage Preservation Commission, gave a short presentation regarding the Community Center building and requested that JPJ Engineering be tasked to present a proposal including costs and options for making the Community Center ADA compliant.

Council member Omerza noted that in making the Community Center ADA compliant then it would take away from the square footage of the Library as it is now. Mayor Petersen suggested that a non-profit organization take over the ownership of the building. Council member Nikkola stated that all plans should be made with the idea that the City will not be involved in the ownership or managing of the Community Center.

**Kess/Debeltz moved approval to task JPJ Engineering for a proposal on the cost to create a plan that would show the cost to bring the Community Center up to ADA standards, more energy efficient and viable for public use. Motion passed 6 to 1 with Mayor Petersen against.**

### 8. COMMITTEE REPORTS:

- A. Council member Kess discussed the TAB meeting and stated they are looking into ways to increase revenue from cable/internet customer usage. Also, Ely TV contract is up in June and will discuss with the Ely TV Board at the next meeting regarding contract continuation.

Council member Omerza stated the library board minutes and 2012 annual report will be ready for viewing at the next council meeting. Also, the House file 1169, which is Ely's TIF District, was introduced on the House floor yesterday.

Council member Polyner stated that P&Z denied Lake Connections rezoning of a certain residential lot. A more suitable location will be researched. Also, P&Z elected new officers at their last meeting.

### 9. DEPARTMENTAL REPORTS:

#### A. Clerk-Treasurer

- i. EUC Consent Agenda Items: The following items of business were recommended for approval at the regular EUC meeting of Wednesday, February 27, 2013:

1. Approved contracting with the Redwoods Company for credit card payments, and passing the transaction fee on to the customer.
2. Approved the Cooper Power Systems quote for AMI for \$45,167.73.
3. Authorized sending employees to the LMCIT 2013 Loss Control Workshop in Duluth on April 10, 2013.
4. Approved payment of the January, 2013 Bills List for \$523,911.59.

**Debeltz/Nikkola moved approval of the EUC consent agenda items 1-4. Motion carried unanimously.**

- ii. The last 6 or 7 years, the City of Ely has been paying for contracted services from a Master of Record to sign off on all electrical work done within the City of Ely by a City employee. Under the new law, the Master of Record needs to be a W-2 employee with the City of Ely. Job description for this position is being drafted by the Clerk.

**Nikkola/Omerza moved to approve posting for the Master of Record position. Motion carried unanimously.**

#### B. Fire Chief

- C. Library Director: Latin Music and Culture Event to be held at the Library on Thursday, March 7, 2013 at 3:00pm

#### D. Police Chief

#### E. City Attorney:

- i. **Debeltz/Kess moved approval of the first reading of Ordinance 273, 2<sup>nd</sup> Series amending the Ely City code, chapter 2, adding section 2.64 related to the City Tree Board. Roll called: Debeltz-yes, Kess-yes, Nikkola-yes, Omerza-yes, Polyner-yes, Shedly-yes and Mayor Petersen-yes. Motion carried unanimously.**

**Kess/Debeltz moved approval to advertise for applications to the Tree Board. Motion carried unanimously.**

- ii. **Kess/Nikkola moved approval of the first reading of Ordinance 274, 2<sup>nd</sup> Series amending the Ely City Code, chapter 7, section 7.09, regulation of grass, weeds and trees and adding section 7.14, trees and shrubs. Roll called: Debeltz-yes, Kess-yes, Nikkola-yes, Omerza-yes, Polyner-yes, Shedly-yes and Mayor Petersen-yes. Motion carried unanimously.**
- iii. **Kess/Debeltz moved approval of the first reading of Ordinance 275, 2<sup>nd</sup> Series revising the Ely City Code chapter 4, section 4.02 permits and fees. Roll called: Debeltz-yes, Kess-yes, Nikkola-yes, Omerza-yes, Polyner-yes, Shedly-yes and Mayor Petersen-yes. Motion carried unanimously.**

F. City Engineer

10. COMMUNICATIONS:

- A. **Debeltz/Nikkola moved approval for the Mayor to sign the Annual Oversight Letter to the Ely Golf Club Corporation. Motion carried unanimously.**
- B. 2013 City of Excellence Awards
- C. C.C. Ludwig Leadership Awards
- D. Advocates for Family Peace Flyer
- E. Volunteer Week is April 21-27, 2013. Request for nominees will be posted in the paper.

11. CLAIMS FOR PAYMENT:

- F. City and EUC claims for March 5, 2013 - \$175,522.40
- G. Ely Community Resource second quarter payment of \$3,140 for services provided by ECR for the youth of the Ely Community.

**Nikkola/Debeltz moved approval of claims for payment F & G. Motion carried unanimously.**

12. OLD BUSINESS: None

13. NEW BUSINESS:

- A. **Nikkola/Omerza moved to approve Resolution #2013-007 in Support of the Highway 169 North Task Force Eagles Nest recommendations. WHEREAS the Highway 169 North Task Force was formed in July of 2000. WHEREAS the Highway 169 North Task Force has contributed to many improvements over the last twelve plus years on the highway. WHEREAS the Highway 169 North Task Force has made recommendations to MnDOT for Highway Safety Improvements in the Eagles Nest Project Area of Highway 169, between Soudan and Ely. NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Ely, Minnesota, does hereby adopt this resolution in support of the Highway 169 North Task Force recommendations to MnDOT for these Highway Safety Improvements. Roll called: Debeltz-yes, Kess-yes, Nikkola-yes, Omerza-yes, Polyner-yes, Shedly-yes and Mayor Petersen-yes. Motion carried unanimously.**
- B. **Nikkola/Debeltz moved to approve the recommendation from KBM, Inc to award the "Pole and Line Removal from Longstorff Creek to Burntside River" bid to the lowest evaluated bidder, Murphy Construction in the amount of \$12,500.00. Motion carried unanimously.**
- C. Employee allegations

**Omerza/Polyner moved to close the meeting at 6:50pm to discuss allegations against an employee. Motion carried unanimously.**

Ely City Council Regular Meeting Minutes, March 5, 2013

Meeting reconvened at 8:10pm.

**Kess/Nikkola moved to approve the following disciplinary actions for the employee subject to board review for theft of 5 gallons of diesel fuel taken from the City of Ely: Penalty of 20 days off without pay; one year probation; restitution of the value of fuel taken; and sign last chance agreement which is being drafted by Attorney Klun. Motion carried unanimously.**

**Nikkola/Debeltz moved to close the meeting at 8:12pm to discuss the litigation possibility concerning Jerry Polz, owner of the Old Theater building on Chapman St.**

Meeting was reconvened at 8:21pm.

**Omerza/Debeltz moved approval to close on the purchase agreement with Pamida on their old property. Motion carried unanimously.**

14. OPEN FORUM: None

15. ADJOURN:

**Omerza/Debeltz moved to adjourn the meeting at 8:22pm. Motion carried unanimously.**

Claire Huisman  
Deputy Clerk