

Ely City Council Regular Meeting Minutes, May 19, 2015

1. CALL TO ORDER

The Ely City Council Regular Meeting was called to order by Mayor Novak at 5:30pm on May 19, 2015 at the City Hall Council Chambers.

2. ROLL CALL:

PRESENT: Council members A.Forsman, Debeltz, Omerza, Polyner, D.Forsman and Mayor Novak (6)

ABSENT: Council member Kess (1)

3. APPROVAL OF MINUTES:

Debeltz/D.Forsman moved to approve the minutes from May 5, 2015 Regular Meeting. Motion carried unanimously.

4. ADDITIONS OR OMISSIONS TO AGENDA:

A. Addition: E.v. – Ordinance #302 – Growler License revision

B. Addition: 6.E. – Gator's Grilled Cheese Emporium Liquor License

Debeltz/Omerza moved to approve additions A & B. Motion carried unanimously.

5. MAYOR'S REPORT

- Mayor observed a moment of silence for Jim Wagner, long time Ely employee, who passed away.
- He noted that this week is Emergency Medical Services Week to celebrate those who risk their lives and health to protect the well-being of others.
- Ely Regional Community Complex will have a public presentation on May 28, 2015 at the Washington Auditorium at 6:00pm.
- At 6:00pm tonight, the Ely State Theater is being reviewed for possible addition to the National Register for Historic Places.
- Mayor reminded everyone that 2 hour parking is now being enforced in the business district.

6. CONSENT AGENDA:

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

B. Approve Mayor and Clerk to sign and accept the 2015 CDBG program agreement between St. Louis County and the City of Ely to reconstruct sanitary sewer and water mains on the 8th Ave. project. Total funds will not exceed \$100,000.

C. Approve for Mayor/Council to attend the 2015 CGMC Summer Conference in Duluth from July 22-24, 2015.

D. Approve temporary liquor license for Ely Greenstone Public Art Committee dba Ely Arts and Heritage Center at Miners Dry House, 105 Miners Lake Landing Rd for July 11, 2015 and July 22, 2015.

E. Approve Wine & Beer License for Gator's Grilled Cheese Emporium pending receipt of all proper documents and fees.

Debeltz/D.Forsman moved to approve consent agenda items A-E. Motion carried unanimously.

7. REQUESTS TO APPEAR:

A. Nathan Thompson, with Habitat for Humanity, gave a brief presentation on their program. They have built two houses in Ely and they are now working on another one near the City Water Tower.

B. Tom Stewart, Ely resident, questioned the need for the “No Parking between 2am-6am” sign on the 200 block of Camp St. There is no place to park in that area. He also stated he is in opposition to allowing outside music to extend past 10:00pm or 10:30pm for the purpose of bars and restaurants to increase their revenue. It is irritating and intrusive to the residents living in the area.

C. Luthera Smith, Ely resident, addressed the Council regarding the enforced clean-up of her property. She stated that during the clean-up, a picnic table and a lock on her camper trailer were taken without her permission. Clerk Langowski stated that her property had become a health and safety hazard. There wasn't anything taken that wasn't garbage from her property.

8. COMMITTEE REPORTS:

A. A.Forsman/Omerza moved to approve the Budget Committee recommendation to authorize the use of drug and alcohol forfeiture funds for the needed equipment for the Police Department. Motion carried unanimously.

A.Forsman/Debeltz moved to approve the Budget Committee recommendation to authorize the on-line auction and sale of current surplus equipment from public works, utility and the airport. Motion carried unanimously.

Council member Omerza will be in the cities this week for the League and she met with the Governor last week regarding legislative issues.

Polyner/Omerza moved to approve the P&Z Commission recommendation to approve the Interim Use Permit for Todd & Heather Hohenstein to operate Highstone Glassworks Glassblowing Studio within the garage located at 138 W Conan St. with certain conditions to be followed. Motion carried unanimously.

Council member Polyner requested to add a discussion on the Sign Ordinance with the P&Z Commission and the Council at the next Study Session.

D.Forsman/Omerza moved to approve the Project Committees recommendation to authorize the Clerk to get quotes for an engineering analysis on the existing Pioneer Mine retaining wall. Motion carried unanimously.

Mayor Novak reported on the HRA meeting. They are looking into HUD projects for energy upgrades and general maintenance on their facilities.

Debeltz/A.Forsman moved to approve the ER Committee's recommendation to have the Clerk's office investigate paid up life insurance policies for the City's retirees and ensure they are in effect. Motion carried unanimously.

Debeltz/Omerza moved to approve ER Committee's recommendation to authorize a payment in the amount of the contracted life insurance benefit to be made to Mr. Paynter's family upon verification that the policy was never paid. Motion carried unanimously.

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, May 13, 2015:
 1. Approved the Customer Relations Committee's decision to deny a customer's request to adjust his water and sewer bill.
 2. Approved the job description for the Utility Person position.
 3. Approved the proposal from Energy Insight, Inc. for Conservation Improvement Program (CIP) management services for 2015.
 4. Approved payment of the Water Conservation Services, Inc. Invoice #5968 for \$1,517.38 for water leak detection.

Omerza/Debeltz moved to approve EUC consent agenda items 1-4. Motion carried unanimously.
- ii. Utility Person position will be posted internally for 7 days and then externally if no one internally applies. A hiring committee will be formed at that time.

B. Fire Chief

C. Library Director Heinrich gave a report on the upcoming events at the Library.

D. Police Chief

E. City Attorney:

- i. **Debeltz/Omerza moved to approve the first reading of Ordinance 298, 2nd Series to amend the language in the City Code, chapter 2, section 2.60 regarding the Heritage Preservation Commission's establishment & composition and its powers & duties. Roll called: A.Forsman-yes, Debeltz-yes, Omerza-yes, Polyner-yes, D.Forsman-yes and Mayor Novak-yes. Motion carried unanimously.**
- ii. **Omerza/D.Forsman moved to approve the first reading of Ordinance 299, 2nd Series to amend City Code, chapter 10, section 10.29 regarding noise control. This would extend City wide the prohibition on July 4th to 11:30pm and the Saturday of the Annual blueberry Arts Festival to 11:00pm. It also includes an Amplification Permit allowing a landowner to request modification or extension of the hours stipulated in the Ordinance. This permit would need approval by the Council. Roll called: A.Forsman-yes, Debeltz-yes, Omerza-yes, Polyner-yes, D.Forsman-yes and Mayor Novak-yes. Motion carried unanimously.**

Resident, Tom Stewart, stated his concern that with the Amplification Permit on a case by case basis, the citizens would not have an opportunity to voice their approval or disapproval of the requested permit.

Council member A.Forsman stated the Permit should have language to allow for public input on each permit requested. Attorney Klun replied that the Amplification Permit would have a 30 day notice & public notification.

Debeltz/A.Forsman moved to approve holding a Public Hearing for Ordinance 299 regarding noise control on June 2, 2015 at 5:00pm in City Hall with the regular scheduled Council meeting to begin immediately after the Hearing is over. Motion carried unanimously.

- iii. **Debeltz/Omerza moved to approve the first reading of Ordinance 300, 2nd Series amending City Code chapter 4, sections 4.02 and 4.04 permits and fees and the Building Code. Roll called: A.Forsman-yes, Debeltz-yes, Omerza-yes, Polyner-yes, D.Forsman-yes and Mayor Novak-yes. Motion carried unanimously.**
- iv. **Debeltz/D.Forsman moved to approve the first reading of Ordinance 301, 2nd Series amending City Code chapter 11, section 11.46 regarding the City's Schedule of Fees. Roll called: A.Forsman-yes, Debeltz-yes, Omerza-yes, Polyner-yes, D.Forsman-yes and Mayor Novak-yes. Motion carried unanimously.**
- v. **Debeltz/D.Forsman moved to approve the first reading of Ordinance 302, 2nd Series amending City Code, chapter 5, section 5.07.2 regarding the off-sale of Growlers on Sunday. This pertains to beer that has been brewed on site and placed in a specific container (growler). Language will be in accordance with state statute. Roll called: A.Forsman-yes, Debeltz-yes, Omerza-yes, Polyner-yes, D.Forsman-yes and Mayor Novak-yes. Motion carried unanimously.**

F. City Engineer

10. COMMUNICATIONS:

- A. St Louis County Land and Minerals Department proposed sale of State tax forfeited land.
- B. St Louis County Land and Minerals Department correspondence regarding a timber sale near City of Ely property.
- C. St. Louis County Land and Minerals Department notice of public land sale of property near Ely on June 11, 2015 at 10:00am at the Depot in Duluth.

11. CLAIMS FOR PAYMENT:

- A. City and EUC claims for May 19, 2015 - \$71,749.37
 - B. TL Construction, Application #10 – City Hall project - \$174,155.90
- Debeltz/D.Forsman moved to approve claims for payment A & B. Motion carried unanimously.**

12. OLD BUSINESS: None

13. NEW BUSINESS:

- A. **Debeltz/Omerza moved to approve Resolution #2015-019 supporting the grant application to the MN DNR Cross-Country Ski Trail Assistance Program for Maintenance and Grooming. 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 City of Ely has identified the need to assist the Ely Nordic Association Ski Club in developing and maintaining the Hidden Valley Ski Trails, **NOW, THEREFORE BE IT RESOLVED**, that the City hereby declares its support of the Ely Nordic Association Ski Club and grants by passage of this resolution, governmental sponsorship and approval of the grant application to the Minnesota Department of Natural Resources Cross-Country Ski Trail Assistance Program for Maintenance and Grooming. **BE IT FURTHER RESOLVED**, that the City will comply with all applicable laws and regulations as stated in the agreement and the City Treasurer will act as a fiscal agent on behalf of the City of Ely. **BE IT FURTHER RESOLVED**, that the Mayor and City Clerk-Treasurer are hereby authorized to sign any and all applicable contract documents or agreements pertaining to resolution and project. **Roll called: A.Forsman-yes, Debeltz-yes, Omerza-yes, Polyner-yes, D.Forsman-yes and Mayor Novak-yes. Motion carried unanimously.**

A.Forsman/Debeltz moved approval for the Clerk to look into the complaint by resident, Tom Stewart, regarding the Camp St./2nd Ave “no parking 2a-6a” ordinance and why it was changed. Motion carried unanimously.

Mayor Novak stated that the Maxwell Research Housing Study Draft has been given to the Council for their review and approval. This will be addressed at the next Council meeting.

14. OPEN FORUM:

John Esse, Ely resident, asked the Council if the front steps of City Hall will be redone. Harold said that “yes” they are scheduled to be repaired. He stated he would like to see a formal picture of the Council members on the website. He also told the Council to remember their support of the Blight Ordinance that was recently passed when dealing with the current blight issues.

Donald Kess, Ely resident, spoke to the Council in opposition of Ordinance 299 allowing outdoor music & loud parties on July 4th and Blueberry Festival weekend until 11:00pm and 11:30pm respectively.

Tom Stewart, Ely resident, stated to the Council that the “Open Forum” should be placed after “Request to Appear” on the agenda so those who wish to speak do not have to sit through the whole council meeting.

15. Mayor adjourned the meeting at 7:17pm.

Claire Huisman
Deputy Clerk