

Council Minutes September 15, 2015
Regular Meeting Ely City Council – City Hall, Council Chambers

1. CALL TO ORDER

Mayor Novak called the Regular City Council Meeting to order at 5:30pm.

2. ROLL CALL

Present: Council members A.Forsman, Kess, Debeltz, Omerza, Polyner, D.Forsman and Mayor Novak (7)

Absent: None

3. APPROVAL OF MINUTES

Debeltz/D. Forsman moved to approve the minutes from September 1, 2015 Regular Meeting. Motion Carried Unanimously.

4. ADDITIONS OR OMISSIONS TO AGENDA:

A. Addition: 9 E v. Ford Garage

B. Addition: 9 E vi. City Attorney Contract

C. Addition: 12 A. ElyTV Contract

D. Addition: 8 A. Draft Projects Minutes

Debeltz/ D. Forsman moved to accept the additions A-E. Motion Carried Unanimously.

5. MAYOR'S REPORT

Mayor Novak stated that Langowski, Fedo and himself are going to give a presentation at VCC on the City of Ely's Bonding Projects to the Senate Capital Investment Committee.

6. CONSENT AGENDA:

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

Omerza/D. Forsman moved to approve the consent agenda item A. Motion Carried Unanimously.

7. REQUESTS TO APPEAR:

A. The Ely Jaycees presented the City of Ely a check for \$5423.62 for the fireworks that they collected during the 4th of July Parade.

Debeltz/Omerza moved to send a Thank You to the Ely Jaycees for their donation. Motion carried unanimously.

B. Defenbaugh Law Office- 2016-2017 City Attorney Contract- Did Not Appear

8. COMMITTEE REPORTS:

A.Forsman reported on the Permit Fee Task Force meeting, they are focusing on the maintenance items of the permit fees like roofing, siding, etc.

Kess gave an update on the Airport project, the project is complete except for a short punch list which involves grass seeding and top soil, problems with a few lights, the wind sock light, and labels on some switches and painting switch building door.

Kess/ A. Forsman moved to approve the purchase of a Snow Blower to fit the Skid Steer with an approximate cost of \$6000. Motion Carried Unanimously.

Omerza reported on the 100th Anniversary of Whiteside park that was held this past weekend at the Harvest Moon Festival. Thanks to Bill Tefft and the Chamber for all of

their hard work at planning the event. Thanks to everyone who helped with the 100th Anniversary of Whiteside Park.

Polyner reminded committees to send in their changes and recommendations for the Comp Plan to the Planning and Zoning Administrator or to the Comp Plan members.

Polyner/Kess moved to approve the Interim Use Permit for the Ely Marathon on September 26, 2015. Motion Carried Unanimously.

D.Forsman/A.Forsman moved to deny the request to plant trees in the boulevard on the 400 block of East Harvey St. Motion passed 5 to 2 with Council Members Kess and Polyner voting “no.”

Kess spoke in favor of planting the trees on the 400 block of East Harvey. Mayor Novak was concerned about the snowplowing the snow removal with trees on the boulevard.

Langowski stated that the Tree Board did not speak against the planting of the trees on the 400 Block of East Harvey, but they do have other higher priority projects on their list. Langowski also was concerned that the trees would get damaged with the snow plowing and removal. Langowski suggested maybe the trees be planted on school property.

Kess stated that Harvey Street used to have lots of trees, he said they should give it a try and if the trees die then we can at least say we tried.

A.Forsman stated that the Tree Board should make the decision, but he is still in favor with the Projects Committee decision to deny the request.

D.Forsman/ Debeltz moved to amend the current code to allow the sale of Spaulding Lots 6, 7, and 8. Motion Carried Unanimously.

Langowski stated that an individual is interested in purchasing the East Spaulding Lots 6, 7, 8. Due to the lots requiring a substantial amount of fill they have not sold. The interested party would like to buy all three lots and then place fill and build a single family home on the combined lots in the future.

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

- i. **EUC CONSENT AGENDA:** The following items of business were recommended for approval at the regular EUC meeting of Wednesday, September 9, 2015:
 1. Approved the draft Minnesota Power contract.
 2. Approved the proposal from Northern Industrial Erectors, Inc. to install two pumps at the WWTF for \$23,750.00.
 3. Approved the purchase of a 2016 Ford F-350 from Lundgren’s for \$28,754.38.
 4. Approved the proposal from Hydro-Klean to rehabilitate 5 manholes for \$21,100.00.
 5. Approved the EUC Bills List for July, 2015 for \$328,298.32.

Debeltz/D.Forsman moved to approve EUC consent agenda items 1-5. Motion carried unanimously

B. Fire Chief

C. Library Director

D. Police Chief- Purchased three 2nd chance ballistic vests for \$3500 which are going to be reimbursed by state and federal grants 50/50.

E. City Attorney:

ii. Annexation-

The Town of Morse is moving forward with the annexation, Attorney Klun has not heard officially from the Town of Morse, but at the Joint Powers Meeting the Town of Morse Board stated things are moving forward. The next course of action is to file with the municipal boundary's board with the State of Minnesota.

iii. 1041 E Washington Street-

Attorney Klun attended a hearing today with Judge Pagliacetti, an injunction motion was filed with Ms. Smith along with an emergency order. The city responded with a lack of procedural requirements failing to file a summons and complaint, the judge took it under advisement. There are 47 criminal counts that have been issued against Ms. Smith. Attorney Klun drafted a release agreement for the animals, a release is necessary from Ms. Smith since the City of Ely secured the animals with a search warrant, we cannot let the animals go into another home without a release from Ms. Smith. Attorney Klun is hopeful that Ms. Smith will sign the release, since every day the animals are in the Mesabi Humane Society it is costing the city money.

iv. Reed Road

There is a mediation date on September 22, 2015 on Reed Road.

Debeltz/D. Forsman moved to close the meeting at the end for attorney client privileges on an ongoing litigation matter on Reed Road with Attorney Klun. Motion carried unanimously.

v. Ford Garage

Attorney Klun received correspondence from the attorney of the owners of Ford Garage are ready to move forward with the City's purchase of Ford Garage. The owner is going to take the appraisal cost for the Ford Garage.

vi. City Attorney Contract

Klun law has been the City Attorney for around 18 years; they renew the retainer agreement every two years. Since 2008 the retainer agreement has been \$58,000 plus \$99 per hour for extra ordinaries. In 2006 when Attorney Kelly Klun's father past away Rae Bentz picked up the firm as Attorney Kelly Klun was still attending Law School. In 2006 the retainer was raised to \$58,000 from \$50,000 and that is what it has been since then. Last year Klun Law opened 96 files for prosecution, which includes approximately 4 hours per file which is approximately \$40,000 in criminal files. Attorney Klun puts in approximately 10-15 hours per week on the civil side attending board meetings, etc. Attorney Klun feels the city is getting a value for what is being provided. Attorney Klun would like to propose their contract at the same rate as the last 7 years.

Debeltz/Polyner moved to approve the City Attorney Contract for the City of Ely for 2 years for 2016 and 2017 at the same rates as the previous year. Motion Carried Unanimously.

Debeltz wants to move forward with the Klun Law Firm Contract since we have so many files open with Klun Law it would be difficult for a new firm to catch up on all the Cities files and it would cost the city more in the long run. Debeltz appreciates Klun Law keeping their same rates.

F. City Engineer

10. COMMUNICATIONS:

11. CLAIMS FOR PAYMENT:

- A. City and EUC claims for September 15, 2015 - \$71,045.63
- B. League of MN Cities Membership Dues- \$3678.00
- C. Ely Community Resource 4th Quarter Payment - \$3875.00

Debeltz/ A.Forsman moved to approve claims for payment items A-C. Motion carried unanimously.

12. OLD BUSINESS:

- A. ElyTV Contract

Debeltz/A.Forsman moved to approve the Ely TV Contract through August 31st, 2017. Motion carried unanimously.

13. NEW BUSINESS:

- A. Debeltz/D.Forsman moved to change the date of the September 29, 2015 Study Session to September 28, 2015 at 5:30pm since Primary Election is on September 29, 2015. Motion Carried Unanimously.**
- B. Kess/Debeltz moved to approve the TKDA Construction Report and Cost Estimate #3 for \$1,138,931.58. Motion Carried Unanimously.**
- C. Debeltz/D.Forsman moved to approve Motel Ely's Amplification Permit for October 17, 2015. Motion Carried Unanimously.**

Roger Murawski stated that they are planning on having a 60/40 Birthday Party with a band in the Motel Ely Parking Lot. Murawski stated he has talked to his neighbors and they are fine with the event.

Chief Lahtonen asked how late they were planning on having the event until. He would prefer it would be shut down by 10pm or 10:30pm.

A.Forsman stated that the application says midnight. A.Forsman asked them to respect the neighbors and the surrounding businesses.

- D. Debeltz/D. Forsman approve MN Department of Transportation Grant Agreement and Resolution #2015-032 for Airport Improvement excluding land acquisition. WHEREAS, it is resolved by the City of Ely as follows:**
 - 1. That the State of Minnesota Agreement No. 1001350, "Grant Agreement for Airport Improvement Excluding Land Acquisition," for State Project No. A6920-45 at the Ely Municipal Airport is accepted.
 - 2. That the Mayor and Clerk/Treasurer are authorized to execute this Agreement and any amendments on behalf of the City of Ely.

Roll Called: A.Forsman-yes, Kess-yes, Debeltz-yes, Omerza-yes, Polyner –yes D.Forsman-yes and Mayor Novak-yes. Motion carried unanimously.

- E. Debeltz/ A.Forsman moved to approve Resolution #2015-033 Support of the International Wolf Center as it applies for grant funds to improve and expand the exhibits at the center. WHEREAS, the International Wolf Center is**

seen as a leader in wolf research, science and education. **WHEREAS**, the International Wolf Center is an important component of tourism in the Arrowhead region. **WHEREAS**, the International Wolf Center has an estimated annual economic impact on the Ely Area of \$3-6 Million. **WHEREAS**, the International Wolf Center annually draws between 33,000 and 40,000 visitors to Ely. **WHEREAS**, the proposed “Wolf Discovery” exhibit will be an exciting new addition to the International Wolf Center that will attract new visitors as well as provide for new educational opportunities for returning visitors, including local public schools. **NOW, THEREFORE BE IT RESOLVED**, that the City of Ely supports the applications the International Wolf Center are submitting for this proposed project.

Roll Called: A.Forsman-yes, Kess-yes, Debeltz-yes, Omerza-yes, Polyner –yes D.Forsman-yes and Mayor Novak-yes. Motion carried unanimously.

14. OPEN FORUM - None

15. Mayor Novak Recessed the meeting at 6:13pm until 6:25pm then closed the meeting at 6:28pm for the Reed Road Litigation discussion with Attorney Klun.

The meeting was reopened at 6:34pm.

Mayor Novak adjourned the meeting at 6:35pm.