

Special Council Minutes September 28, 2015 - 5:00 p.m.
Special Council Meeting Ely City Council– City Hall, Council Chambers

1. CALL TO ORDER
Mayor Novak called the Special Council Meeting to order at 5:00pm.
2. ROLL CALL: Council members Kess (5:05pm), Debeltz(5:28pm), Omerza, Polyner, D.Forsman and Mayor Novak
3. ADDITIONS OR OMISSIONS TO AGENDA:
4. CONSENT AGENDA:
 - A. Motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda
D.Forsman/Omerza moved to approve the consent agenda item A. Motion carried unanimously.
5. NEW BUSINESS:
 - A. HRA Capital Projects – Matter of Information- Attorney Klun stated that if there would be redevelopment the council would need to approve, but since this is Capital Funding which includes roofs and maintenance items the council does not need to approve these items, but the council needs to be aware of the projects going on at the HRA.
 - B. Dedication to Miners Drive
D.Forsman/Polyner moved to approve Resolution #2015-034 Resolution Authorizing Dedication Of A Public Right-Of-Way For Roadway, Drainage, And Utility Purposes Over Certain City Property To The General Public.
WHEREAS, the City of Ely is the owner of the tracts of land in the City of Ely, County of St. Louis, State of Minnesota, described as follows: A 100-foot wide parcel in that part of the Southeast Quarter of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 27, Township 63, Range 12, St. Louis County, Minnesota, the centerline of which is described as follows: Commencing at the Northeast Corner of the Southwest Quarter of the Southeast Quarter of said section; thence West 409.91 feet along the North line of the Southwest Quarter of the Southeast Quarter of said section; thence South 192.54 feet to the point of beginning of the line to be described; thence N 84 degrees, 48 minutes, 30 seconds East a distance of 343.83 feet to the beginning of a tangential curve; thence 377.04 feet along a tangential curve with a radius of 1100.00 feet; thence N 65 degrees, 10 minutes, 10 seconds East a distance of 356.19 feet to the beginning of a tangential curve; thence 117.76 feet along a tangential curve with a radius of 1600.00 feet; thence N 69 degrees, 23 minutes, 11 seconds East a distance of 625.70 feet to the East line of the Northwest Quarter of the Southeast Quarter of said section and there terminating. The sidelines of said easement an extended or shortened to terminate on the East line of the Northwest Quarter of the Southeast Quarter of said section.
The Survey Map is attached as Exhibit "A".
AND

A 66-foot wide parcel in that part of the Northeast Quarter of the Southeast Quarter of Section 27, Township 63, Range 12, St. Louis County, Minnesota, the centerline of which is described as follows: Commencing at the Southeast corner of the Southeast Quarter of said section; thence North 00°20' 18" West, assumed bearing along the east line of said Southeast Quarter, a distance of 2164.31 feet to the point of beginning of the line to be described; thence South 75° 24' 09" West, a distance of 137.78 feet; thence South 69° 19' 11" West, a distance of 1254.60 feet to the west line of the Northeast Quarter of the Southeast Quarter and there terminating. The sidelines of said easement are extended or shortened to terminate on the East line of the Northeast quarter of the Southeast Quarter and the West line of the Northeast Quarter of the Southeast Quarter of said section.

The Survey Map is attached as Exhibit "B". **WHEREAS**, the Council of the City of Ely has found and determined that the lands described in this resolution should be dedicated to the public use as a public right-of way for roadway, drainage, and utility purposes. **NOW, THEREFORE BE IT RESOLVED**, that the City hereby declares that the lands described in this resolution are hereby dedicated to the use of the general public forever as a public right-of-way for roadway, drainage, and utility purposes.

**Roll Called: Kess-yes, Omerza-yes, Polyner-yes, D. Forsman-yes and Mayor Novak-yes
A.Forsman and Debeltz- Absent Motion carried Unanimously**

C. Reed Road

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

Mayor Novak closed the meeting at 5:07pm.

The meeting was reopened at 5:26pm

Attorney Klun explained that the City of Ely has used Reed Road for approximately 50 years for the pump house which supplies the City of Ely water from Burntside Lake. There has been a litigation filed and suit filed to stop the City of Ely's access and to find an alternative route. The alternative route would come off of Schaffer Road and the City would have to build a new road which would cost approximately \$1 Million. The City of Ely went into mediation on September 21, 2015 and was unsuccessful. The city offered \$30,000 to maintain the same easement scope it has maintained for the last 50 years, that offer was denied by Reed. Reed made a request of \$90,000, which was denied by the City.

At this point with the council's approval the City will start looking at the surveying and assessing the value of the easement right as it crosses though the Reed Parcel. In the event that the City is unable to negotiate a price the city will condemn. Attorney Klun will bring a Resolution to the first Council Meeting in October.

6. ADJOURN

Debeltz/Omerza moved to adjourn at 5:32pm. Motion carried unanimously.