

Council Minutes October 20, 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 October 6, 2015. Motion Carried Unanimously.

4. ADDITIONS OR OMISSIONS TO AGENDA:

A. Omission 7. A. George Burger – Spaulding Lot

B. Addition 9. E. ii Smith vs City of Ely

5. MAYOR’S REPORT

Mayor Novak mentioned that he is going to the cities October 22-25, 2015 to talk to the coalition. Debeltz is also going to be out of town so the council will have to fill in if any issues come up.

6. CONSENT AGENDA:

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

B. Approve Mayor, Council and Staff to attend the MCFOA Region II Fall Meeting in Tower, MN on October 23, 2015.

C. Approve Mayor, Council and Staff to attend the 2016 MCFOA Conference March 15-18, 2016 in St. Cloud, MN.

Debeltz/ Omerza moved to approve the consent agenda items A-C. Motion Carried Unanimously.

7. REQUESTS TO APPEAR:

A. George Burger- Spaulding Lot - Omitted

B. Molly Johnston – Ely Community Health Council Coordinator

Molly Johnston stated that the Ely Area Community Health Council learned about a funding opportunity to purchase bike racks through SHIP (State Health Improvement Program) to increase walking and biking to improve health and reduce obesity. They plan on purchasing hoop style bike racks that are clean and simple in design for the following locations: ISD 696, Semers Park, Trezona Trail, Rec Center, Business Node, Miners Dry/Museum, and Essentia Health.

Debeltz/D.Forsman moved to approve the forty-four bike racks be delivered to the City Garage and stored until spring, also that the City of Ely provide in-kind contribution to install the bike racks at Semers, Trezona Trail Head, Rec Center and the Business Node (location to be determined), and that the Community Health Council works with Langowski as to the mount options for the bike racks. Motion Carried Unanimously.

C. Luthera Smith requested an appeal on the decision to destroy her home. She stated that she was not allowed the 30 days to clean-up her home, she has the help to clean her home, and she would like the access to clean-up her home. This is her last effort to save her home.

Mayor Novak stated that the council cannot speak since the City of Ely is under a lawsuit.

Attorney Klun asked Smith if she was aware that she filed a lawsuit with both state and federal court against the City of Ely. Smith stated yes she was aware she filed the lawsuits. Klun stated that since Smith filed the lawsuits it requires the City of Ely to go through the formal process to discuss this matter.

8. COMMITTEE REPORTS:

A.Forsman reported on the Permit Fee Task Force. Colarich and Hogan are putting together the recommendations from the Permit Fee Task Force meetings. They will have the recommendations at the November Council Meeting.

A.Forsman reported at budget meeting they reviewed the proposed capital improvements projects for 2016, some changes were made. The Clerk/Treasurer was instructed to research the fire truck since the Fire Chief was not present at the meeting. The minutes from the Budget meeting will be in the next council packet.

Omerza and Langowski went to the League of Minnesota Regional Meeting in Mt. Iron on October 8, 2015.

Omerza also attended the League Board meeting where they discussed the 2016 Draft Legislative Policies; the policies are located on the League of Minnesota Cities website.

Polyner reported that Do Bid is open now until October 29, 2015 with some items from the Community Center and City Hall if anyone is interested in bidding on the items.

D.Forsman reported at the projects meeting they reviewed the 2016 Projects list and the Comp Plan.

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, October 14, 2015:

1. Approved the purchase of an electric heater for the pump house from WESCO for \$1,105.47.
2. Approved the purchase of one 400 amp breaker and one 600 amp breaker for \$8,950.00 plus shipping from Utilities Plus Energy Services, Inc.
3. Approved the purchase of two 4" submersible pumps for the WWTF for \$8,650.00 from General Pump and Repair.
4. Approved payment of the EUC August, 2015 bills list for \$553,369.25.

Debeltz/D. Forsman moved to approve the EUC Agenda Items 1-4. Motion Carried Unanimously.

- ii. Award the Bid for the Demolition of 1041 E Washington Street
Langowski stated that two bids were received for the demolition of 1041 E Washington St: G-Men Es, Inc for \$21,270 and Low Impact Excavators, Inc for \$24,271.

D.Forsman/Omerza moved to approve the Demolition Bid for 1041 E Washington St, Ely, MN be awarded to G-Men for \$21,270. Motion Carried Unanimously.

- iii. IRRRB Grant
IRRRB has funding available from there Residential Redevelopment Grant Program for demolitions. Langowski stated that there might be 2 more demolitions by home owners by the end of the year that could also benefit from this grant. A resolution is under new business to make application to the IRRRB Grant Program.

B. Fire Chief

C. Library Director

D. Police Chief

E. City Attorney:

- i. Mesabi Humane Society Bill

Debeltz/D.Forsman moved to approve the Mesabi Humane Society bills for \$6081.50 and \$825.00. Motion Carried Unanimously.

There is question whether the \$5305.00 is a bill also from the Mesabi Humane Society, Klun and Langowski are going look in to the bills further and will bring it up at the next council meeting if the City needs to pay that bill also.

Klun stated that the City of Ely is looking into restoration for these bills from Ms. Smith.

- ii. Smith vs City of Ely

Debeltz/A.Forsman moved to close the meeting at the end for attorney client privileges regarding Smith vs City of Ely with Attorney Klun. Motion carried unanimously.

F. City Engineer

10. COMMUNICATIONS:

- A. CDBG Application to be on the CDBG Citizens Advisory Committee.
- B. Ely Community Resource 3rd Quarter Progress Report.
- C. Thank you from the David Dill Family

11. CLAIMS FOR PAYMENT:

- A. City and EUC claims for October 20, 2015 for \$1,734,283.54.
Debeltz/ Omerza moved to approve claims for payment item A. Motion carried unanimously.

12. OLD BUSINESS:

- A. Scheduling of Public Hearing of Old Ford Garage on East Conan Street
Mayor Novak stated that the Public Hearing between the Council and Planning and Zoning could be before the Study Session in November. Polyner stated this topic is being brought up again at the next Planning and Zoning Meeting and she will see if the November 24th public hearing date will work for the Planning and Zoning Commission. Scheduling of the Public Hearing will occur at the November 3, 2015 Council Meeting.

13. NEW BUSINESS:

- A. **A.Forsman/Debeltz moved to approve the JPJ Partial Payment Estimate #1 for the Business Park 2 Project for \$99,382.35 to Mesabi Bituminous. Motion Carried Unanimously.**
- B. **Debeltz/Omerza moved to approve the State of Minnesota Joint Powers Agreement for the need of regular building maintenance and operation services for a state-owned building occupied by the Department of Revenue located in Ely, Minnesota. Motion Carried Unanimously.** Langowski stated that we will wait for the State to execute then we will sign the agreement.
- C. **A.Forsman/Omerza moved to post for Airport Commission Committee Opening. Motion Carried Unanimously**
- D. **Kess/Debeltz moved to approve the Constitution and By-Laws of the Range Association of Municipalities and Schools (RAMS). Motion Carried Unanimously.**
- E. **Omerza/Debeltz moved to approve Resolution #2015-036 Authorizing for the City of Ely to Enter into a Cooperative Agreement with the State of Minnesota** WHEREAS, the Commissioner of Natural Resources has the authority, duty and responsibility under Minnesota Statutes Section 85.015, sub. 13, to establish, develop, maintain and operate the Taconite State Trail; and WHEREAS, the State and the City are authorized under Minnesota Statutes Section 471.59, to enter into agreements to jointly or cooperatively exercise common powers; and WHEREAS, the City owns land described as located in: **Sec. 3 and 5, T62N, R12W and Sec.33 and 35, T63N, R12W**, St. Louis County, as further described in the Property Descriptions and Map, which are attached and incorporated into this agreement as **Exhibit A** and hereinafter referred to as the “City Property”; and WHEREAS, the State and the City have determined that providing a contiguous trail corridor for the Taconite State Trail within the City Property, hereinafter referred to as the “Trail”, as shown on the attached map which is attached and incorporated into this agreement as **Exhibit B**, is of high priority; and WHEREAS, the State shall have sole responsibility for the operations, maintenance, administration and improvement of the Trail; and WHEREAS, the State shall develop all plans and specifications required for the operations, maintenance, administration and improvement of the Trail; and NOW, THEREFORE, in consideration of the mutual benefits to be derived by the public bodies hereto and for the benefit of the general public, the parties agree enter into a cooperative agreement as **Exhibit C. Roll Called: A.Forsman-yes, Kess-yes, Debeltz-yes, Omerza-yes, Polyner –yes D.Forsman-yes and Mayor Novak-yes. Motion carried unanimously.**

F. Debeltz/Omerza moved to approve Taconite State Trail Cooperative Agreement between the State of Minnesota and the City of Ely. Motion Carried Unanimously.

G. Omerza/Debeltz moved to approve Resolution #2015-037 Authorizing the City of Ely to Make Application to and Accept Funds from IRRRB Residential Redevelopment Grant Program. WHEREAS, the authorizing authority approves of the attached application for the 2015 Residential Demolition Projects: and WHEREAS, the authorizing authority agrees to accept funding for the underlying project if approved by IRRRB. NOW BE IT RESOLVED, that the authorizing authority of the City of Ely does adopt this resolution. 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

15. Mayor Novak recessed the meeting at 6:18pm then closed the meeting 6:32pm for discussion on Smith vs City of Ely with Attorney Klun.

The meeting was reopened and Mayor Novak adjourned the meeting at 6:54pm.

Casey Velcheff
Deputy Clerk