

**Council Minutes-March 5, 2019 - 5:30**  
**Regular Meeting Ely City Council – City Hall, Council Chambers**

1. CALL TO ORDER : Mayor Novak called the Regular Council Meeting to order at 5:30pm.
2. PRESENT : Council Members A.Forsman, Kess, Debeltz, Callen, Campbell, and Mayor Novak  
ABSENT: Council Member Omerza
3. APPROVAL OF MINUTES:  
**Debeltz/Callen moved to approve the minutes from February 19, 2019 Regular Meeting. Motion Carried 6-0-1 with Omerza Absent.**
4. ADDITIONS OR OMISSIONS TO AGENDA:
5. MAYOR’S REPORT
  - A. St Paul Trip- Mayor Novak reported on his recent trip to St. Paul
  - B. Snow removal- May Novak also updated on the recent slowdown on snow removal. The City’s current 34 year old snow blower has suffered a failure in the gear box and because of the age of the machine, parts are no longer made for it.
6. CONSENT AGENDA:
  - A. Motion to waive readings in entirety of all ordinances and resolutions on tonight’s agenda
  - B. Approve having a Special Council Meeting on April 11, 2019 from 5pm-6pm for the Local Board of Appeal & Equalization Meeting in the Ely City Hall, Council Chambers.
  - C. Approve the Summary of Ordinance 332, Second Series for Publication**Debeltz/Callen moved to approve the consent agenda items A-C, Motion Carried 6-0-1 with Omerza Absent.**
7. REQUESTS TO APPEAR:
8. COMMITTEE REPORTS:

Standing/Special  
Heritage Preservation Commission  
**Campbell/Debeltz moved to approve the recommendation from Heritage Preservation Commission to request authorization from the Council to offer for sale the roughly 200 E’ chairs left in the ECC (at \$15/chair with the possibility of a negotiated discount available for a volume purchase) Motion Carried 6-0-1 with Omerza Absent.**

Planning and Zoning Commission – Minutes included in Packet

Budget Committee  
**A. Forsman/Callen moved to approve the recommendation from the Budget Committee to pay a disputed invoice to Voltz for the Ely Police Department in the amount of \$120.00 Motion Carried 6-0-1 with Omerza Absent**

**A. Forsman/Debeltz moved to approve the recommendation from the Budget Committee to purchase Scott Air Packs from Clarey’s Safety Equipment in the amount of \$6,373.42 per pack. Motion Carried 6-0-1 with Omerza Absent.**

Park & Recreation Board

**Debeltz/Campbell moved to approve the recommendation from the Park & Recreation Board to suggest the following proactive items pertaining to food trucks to Planning and Zoning**

- Food trucks can reserve a pre-designated spot for 2 concurrent days to sell to public, spots must be reserved at least 48 hours in advance, trucks left in an unreserved spot may be towed, fee of \$40/day to reserve a spot
- If a private party has reserved a rental space at either Whiteside or Semers Park, they are not guaranteed the designated space for the food truck to use for their party. Food truck operators must reserve those spots on their own - may add some variation of following language to rental contracts "private parties are not guaranteed the availability of the food truck spot for their event and it is recommended that they have their food truck caterer contact the city asap to reserve the adjacent spot"
- If a food truck is onsite in a designated food truck spot to serve to a private party, they should leave their public sales window closed and serve the food inside the building (or designated party area) rather than directly from the truck.

**Motion Carried 6-0-1 with Omerza Absent.**

Ely Utilities Commission – Minutes included in Packet

Library Board – Minutes included in Packet

Telecommunications Advisory Board-Minutes included in Packet

Employee Relations Committee

**Debeltz/Callen moved to approve the recommendation from the Employee Relations Committee for Council to approve the job description for Water/Wastewater Operator Motion Carried 6-0-1 with Omerza Absent**

**Debeltz/Campbell moved to approve the recommendation from the Employee Relations Committee for Council to approve the job description for Infrastructure/Maintenance Worker Motion Carried 6-0-1 with Omerza Absent**

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

- i. The following items of business were recommended for approval at the regular EUC meeting of Wednesday, February 27, 2019:
  1. Elected President Warren Nikkola, Vice President Rob Wilmunen, Secretary Judy Niemela
  2. Authorized Quality Control to replace the control panel and the Spaulding lift station for \$9,480.00 and the RV Park/MNDOT garage lift station for \$9,090.00
  3. Approved payment for EUC December, 2018 bills for \$474,770.5

**A.Forsman/Campbell moved to approve the EUC Consent Agenda items 1-3. Motion Carried 6-0-1 with Omerza Absent.**

- ii. Fiber Project- matter of information

**iii. Debeltz/Callen moved to approve an extension for the Lucky Boy Timber Sale for an additional year. Motion Carried 6-0-1 with Omerza Absent.**

**iv. Debeltz/Callen moved to approve the purchase of a Snocrete Snow Blower in the amount \$104,226.96. Motion Carried 6-0-1 with Omerza Absent.**

B. Fire Chief

C. Library Director

D. Police Chief

E. City Attorney

F. City Engineer

10. COMMUNICATIONS:

A. Resignation letter from Dixon Shelstad from the Tree Board after his 5 year term

**A.Forsman/Debeltz moved to send a letter of Thanks to Dixon Shelstad for his years of service to the Tree Board. Motion Carried 6-0-1 with Omerza Absent.**

11. CLAIMS FOR PAYMENT:

A. City and EUC claims for March 5, 2019 – \$168,817.46

B. Partial Payment Estimate No. 8 for 17<sup>th</sup> Ave East/7<sup>th</sup> Avenue East/Water Tower Supply Line Project for \$7,147.80 to Casper Construction.

**Callen/A. Forsman moved to approve claims for payment items A&B. Motion Carried 6-0-1 with Omerza Absent.**

12. OLD BUSINESS:

13. NEW BUSINESS:

**A. Debeltz/A. Forsman moved to approve US Forest Service Special Use Permit for the VCAC18-01 Trail and Bridge Project Voyageur Country ATV. Motion Carried 6-0-1 with Omerza Absent**

**B. Callen/A. Forsman moved to approve Forest Road 601 to Kabustasa Rd Trail Improvements and Vermilion River Bridge Construction Voyageur Country ATV Project No. VCAC18-01 Requesting the City Council to approve the Plans and Specifications and then to advertise for bids. Motion Carried 6-0-1 with Omerza Absent.**

C. Proposal from Andy and Paula Hill to purchase City owned land Sibley Drive, Block 4, Lot 1 for \$10,000.

Campbell stated that she had concerns due to the covenant of the lot, that owners could not buy lots that were adjacent to them.

Andy Hill stated that the two lots are not buildable by themselves and that by putting the two together you can build, he also stated that they have been sitting for 25 years and no one entertained the idea of building there and because of the drainage ditch by the Trezona,

which makes the lot unbuildable, but the two lots put together make it a buildable lot. He also stated that he has a proposal to buy the lot to the East.

Langowski stated that previously the owner of Lot 3 wanted the City to buy it back because it was unbuildable due to the amount of grading required, and that pile of material is on Lot 2 as well, and this what pushes the buildable site further to the West.

Hill stated that one of the issues of Lot 2 is that the pile of overburden on Lot 3 is spilling onto Lot 2 and he needs to consider that when he is building a house.

Kess asked if there was a covenant that limits the City's ability to sell.

Attorney Klun stated that the City has historically indicated one Lot per build and has declined to take offers and denied neighbors to purchase vacant lots, and when Lot 2 comes up for sale, it would have to be approved by the City, as there is a right of first refusal because of the three year build on these lots. The requirement was 1 home per lot, no buying adjacent lots.

Building Official Whitney stated that we may need combine the parcels into one tax parcel so it can become 1 lot because of required lot line setbacks.

Langowski stated that because of the location of the particular lot there are some circumstances that would exist on the lot due to the location of Trezona trail.

Campbell asked if city would consider an easement.

Langowki stated that an easement would be required.

Attorney Klun stated that if the council were to go that direction that they would need to amend the ordinance and need to enter into a purchase agreement. With the purchase of Lot 2, there would have to be a right of first refusal, and a three year build required.

Forsman asked if Building Official Whitney agreed that in order to build on Lot 2 you would have to be on the line to be able to build there, Whitney concurred that they would have to be combined into 1 parcel because of required setbacks.

**Debeltz/Callen moved to approve the proposal from Andy and Paula Hill to purchase City owned land Sibley Drive, Block 4, Lot 1 for \$10,000 under the condition that they build within three years and reserve an easement in favor of the City. Council directs City Attorney to prepare purchase agreement and requisite documents. Motion Carried 6-0-1 with Omerza Absent.**

**D. Debeltz/Callen moved to approve Resolution 2019-007 A Resolution in Support of the City of Virginia Seeking Funding for a Regional Public Safety Center & Training Facility. Roll Called A. Forsman-yes, Kess-yes, Debeltz-yes, Omerza-Absent, Callen-yes, Campbell-yes, and Mayor Novak-yes. Motion Carried 6-0-1 with Omerza Absent.**

**E. Campbell/Callen moved to approve State Project SP. 069-090-033 Mesabi Trail Construction within the City of Ely. Motion Carried 6-0-1 with Omerza Absent.**

#### 14. OPEN FORUM

Bruce Veste Crane Lake, MN- Board Member with Voyageur Country ATV project stated they were hoping to have a completion date of Sept. 20<sup>th</sup> and will be sponsoring and hosting a state ATV ride and rally and ribbon cutting and will be sending invites to council

Matt Weissert- Ely, MN-Wilderness Wood Fire Pizza had several concerns with the new Food Truck Ordinance and the impact with will have on their business. Council advised them to attend the next Planning and Zoning meeting with their concerns since no action was taken at the Regular Meeting.

15. ADJOURN

Mayor Novak Adjourned the meeting at 6:38pm without objection.

Katie Richards  
Accounting Clerk