

Council Minutes - March 19, 2019
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, Omerza, Callen, Campbell, and Mayor Novak
ABSENT: None
3. APPROVAL OF MINUTES:
Debeltz/Callen moved to approve the minutes from the March 5, 2019 Regular Meeting. Motion Carried Unanimously.
4. ADDITIONS OR OMISSIONS TO AGENDA:
A. Additions 8.A. Budget Minutes
Item A was added without objection
5. MAYOR’S REPORT
Mayor Novak reminded everyone to pick up after their pets and the City requires dog licenses.
Mayor Novak discussed the unfortunate news that Shopko is closing by mid-June.
Mayor Novak will be going to the cities tomorrow to discuss the bonding package that is being submitted for the Trailhead Development and Hospital Access Improvements.
6. CONSENT AGENDA:
A. Motion to waive readings in entirety of all ordinances and resolutions on tonight’s agenda
B. Approve staff and council to attend the Smile You’re in Ely dinner meeting on April 2nd at the Grand Ely Lodge.
C. Approve staff to attend the Minnesota Municipal Utilities Association Competent Person & Excavation Safety Workshop on May 1 and 2, 2019 in Marshall, MN.
Debeltz/Campbell moved to approve the consent agenda items A-C. Motion Carried Unanimously.
7. REQUESTS TO APPEAR: None
8. COMMITTEE REPORTS:
Standing/Special
Heritage Preservation Commission- Minutes included in the packet

Planning and Zoning Commission

Request from Planning and Zoning Commission to have discussion with the Council regarding Planning and Zoning role in public hearing process when city property is vacated or rezoned. Council deserves to hear directly from public rather than having Planning and Zoning holding a public hearing first. At Council’s request Planning and Zoning will continue to mail neighbor notification letters and place Public Notice in the City’s official newspaper.

Discussion was had to have a joint public hearing with Planning and Zoning for hearings on vacations and other issues if needed.

Projects Committee

Callen/Campbell moved to approve the recommendation from Projects committee to complete the required paperwork to request the land swap with St. Louis County for the 60 acres of tax forfeited land for a 40 acre parcel the city owns along Highway 21. PID 465-0010-00530. The County would have an appraisal done to determine the value of both parcels of property to ensure they are equitable. Motion Carried Unanimously.

Callen/Debeltz moved to approve the recommendation from Projects Committee to direct City Attorney to revise the ordinance on the Spaulding lots to allow for the purchase of more than one lot per residential unit if the lots alone are deemed to have limitations resulting in it not being feasible to build a home.

Attorney Klun asked who would make the decision as to whether a lot is unbuildable or not. Klun stated that she would assume that it would come back to the council whether or not a lot is unbuildable or not. Mayor Novak stated that the council would have the final decision and can coordinate with Langowski and others determine whether a lot is buildable or not.

Kess suggested it should go to projects committee first.

A.Forsman suggested if the council deemed necessary to send it to projects they could, otherwise the council could take the advice of the building official and the knowledge of each individual situation.

Mayor Novak suggested leaving the language that the council makes the final decision.

Motion Carried Unanimously

Tree Board- Minutes included in the packet

Employee Relations Committee

Omerza/Debeltz moved to approve the recommendation from the Employee Relations Committee to approve the hire of Richard Posey for Water/Wastewater Operator Position pending completion of a physical and background check and keep the second candidate on the hiring list for one year. Motion Carried Unanimously.

Omerza/Debeltz moved to approve the recommendation from the Employee Relations Committee to approve the hire of Roger Nyquist for the position of Infrastructure Maintenance Worker pending completion of a physical and background check and keep the second candidate on the hiring list for one year. Motion Carried Unanimously.

Budget Committee

A.Forsman/Kess moved to approve the recommendation from Budget Committee to reject the one ton Building Maintenance Truck Bids.

A.Forsman stated that he felt limited on what they could receive bids on.

Motion Carried Unanimously.

A.Forsman/Debeltz moved to approve the recommendation from Budget Committee to get new quotes for a three quarter ton and/or one ton truck with standard cab, white, power windows, trailer break control and rear bumper delete, and snow plow prep package. Motion Carried Unanimously.

A.Forsman/Campbell moved to approve the recommendation from Budget Committee to dedicate \$20,806 of the Holiday Gas Leak receipt for Fire Department Equipment Purchases in the Equipment Replacement Fund. Motion Carried Unanimously.

Ely ABC Steering Committee – Minutes included in the packet

Donald G. Gardner Humanities Trust – Minutes included in the packet

Housing & Redevelopment Authority- Minutes included in the packet

Lodging Tax – Information included in the packet

Other Committee Reports

A.Forsman reported on the Sanitation Committee meeting yesterday (the minutes will be in the next council agenda). The sanitation committee is proposing several locations for the relocation of the Recycling Center; the new locations will not have a brush dump or organic waste disposal. The Recycling Center needs to be on public property for the county to put there recycling bins on the property. Forsman asked the public to think about locations and give the city some ideas.

A.Forsman stated that the annual clean up days will be May 17 and 18 this year.

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

- i. The Ice Rink at the Rec Center is Closed for the Season.

B. Fire Chief

C. Library Director

Library Director Heinrich gave an update of the upcoming events at the library which can be located on the Library Website.

D. Police Chief

Debeltz/Callen moved to approve Sergeant George Burger to attend the Leadership Academy at Camp Ripley May 7-10, 2019. Motion Carried Unanimously

Coffee with a Cop- Sergeant George Burger stated that tomorrow will be the first Coffee with a Cop at the Front Porch Coffee Shop Meeting Room at 9:00am. Coffee with a Cop is a program that was started as a community-policing initiative to build relationships between law enforcement and the community they serve. This event will provide a way to meet a police officer from Ely Police Department in an informal and relaxed setting.

Sergeant Burger stated that Saturday, April 27th is National Prescription Drug Take Back Day from 10am-2pm at the Ely Police Department. Ely City Hall also has a drop box for old prescriptions or medicines available throughout the year.

E. City Attorney

F. City Engineer

10. COMMUNICATIONS: Matter of Information

- A. Correspondence from Northwoods Partners
- B. Thank you to the Ely Fire Department
- C. Census 2020 is looking for Census Takers

11. CLAIMS FOR PAYMENT:

- A. Callen/Debeltz moved to approve the City and EUC claims for March 19, 2019 for \$494,500.22. Motion Carried Unanimously.**

12. OLD BUSINESS:

- A. Letter from Dr. Chip Hanson regarding Sale of Land where Ely Vet Clinic is located
The letter from Dr. Chip Hanson states that he would like to purchase the land where the Ely Vet Clinic is located for \$1.00. The reasoning is when the lease was put in place for the Vet Clinic the city did not have the legal ability to sell the land. Since the lease was signed he has paid around \$18-\$20,000 in lease payments, and has also paid the property taxes while not acquiring any equity in the property.

A.Forsman stated that on the St. Louis County Land Explorer web it says the property is tax exempt. Why was the property unsellable at the time?

Attorney Klun stated that she will look into the property taxes, to the best of her knowledge they have been paying property taxes. When the land originally got platted, some of the land was platted and some was on hold for a period of time until they could clean up the right of way issue with the railroad and the mine land reclamation issue. At the time the city did not have clear title to the property.

Kess stated that if we would have sold it to him at that time he would have still paid property taxes on the property all these years.

A.Forsman asked if there was a timeline to purchase this property.

Kess stated that the Hanson has been paying the lease payment directly to the city for all these years and he has been paying property taxes which we have received money from also.

Mayor Novak stated that we need to look at how much they have paid in lease payments over the years versus what the purchase price was back then.

A.Forsman stated he would like to know why the property did not sell back then and why the City developed a lease with Hanson and to direct the Attorney to investigate. Forsman stated that if the only reason the City did not sell the land to Hanson at the time was because the City did not have clear title, then the lease payments could be considered payments for the land.

Debeltz/A.Forsman to direct Attorney Klun to investigate the reason the City did not sell the land to Hanson earlier and to investigate the cost of the lease over the years. Motion Carried Unanimously.

- B. Debeltz/Campbell moved to approve the purchase agreement for the sale of Lot 1 Block 4, East Spaulding to Andrew and Paula Hill for \$10,000. Motion Carried Unanimously.**

- C. Debeltz/Callen moved to approve the Quit Claim Deed for Lot 2, Block 4 East Spaulding for Timmothy and Jessica Leeson. Motion Carried Unanimously**

Attorney Klun suggested that the Quit Claim Deed be released after the 2nd Reading of Ordinance 333 2nd Series. Council Agreed.

13. NEW BUSINESS:

- A. Debeltz/A.Forsman moved to approve the request from Cody Perkins to tap Maple trees on the 300 block of James St.**

Kess indicated that this item was in the Tree Board minutes and they did not have any objections to the tapping of these trees.

Motion Carried Unanimously.

- B. Callen/Omerza moved to authorize advertising for bids for the Pattison and West Camp Street project. Motion Carried Unanimously.**

- C. Callen/Campbell moved to approve the 1st Reading of Ordinance 333 2nd Series, An Ordinance of the City of Ely, Minnesota, Adding to the Ely City Code, Chapter 20, Section 20.2.33, Sale of Land Located in the East Spaulding Plat. Roll Called A. Forsman-yes, Kess-yes, Debeltz-yes, Omerza-Yes, Callen-yes, Campbell-yes, and Mayor Novak-yes. Motion Carried Unanimously.**

- D. Letter from Bernard and Jeanette Palcher to purchase Lot 3 in Block 4 on Sibley Drive to build a garage due to the limitations on their current property to build a garage.
Attorney Klun suggested revising the current Ordinance 333 amending condition number 5, to include except for Lot 1 and 3 of Block 4 in East Spaulding Plat.
Debeltz/Campbell accepted the amended motion to include revising the current Ordinance 333 amending condition number 5 to include except for Lot 1 and 3 of Block 4 in Spaulding Plat and to approve to allow Bernard and Jeanette Palcher to purchase Lot 3 in Block 4 on Sibley Drive to build a garage due to the limitations on their current property to build a garage. Motion Carried Unanimously.

- E. Lake County requesting consent to the assignment of the Agreement to Pinpoint Minnesota LLC confirming that (i) consent of the Assignment; (ii) agree that no breach or default will arise from the consummation of the transaction; (iii) the Agreement will continue in full force and effect following the Transaction; and (iv) consent to the Transaction will remain in effect without regard to when the Transaction occurs, and the County is not required to provide you with any additional notice that the Transaction has occurred.
Mayor Novak questioned as to what this was for.
A.Forsman assumed it has to do with the location of their buildings by our substation.
Omerza/Callen moved to postpone this item until the next meeting. Motion Carried Unanimously.

- F. **Debeltz/Omerza moved to approve Resolution #2019-008 Authorizing Special Olympics MN/Northland 300 to Apply for Raffle Permit. Roll Called A. Forsman-yes, Kess-yes, Debeltz-yes, Omerza-Yes, Callen-yes, Campbell-yes, and Mayor Novak-yes. Motion Carried Unanimously.**

- G. **Omerza/Campbell moved to approve Resolution #2019-009 Resolution for the Project Ely Trailhead Development; Hospital Access Improvements. Roll Called A. Forsman-yes, Kess-yes, Debeltz-yes, Omerza-Yes, Callen-yes, Campbell-yes, and Mayor Novak-yes. Motion Carried Unanimously.**

14. OPEN FORUM: None

15. ADJOURN

Mayor Novak adjourned the meeting at 6:27pm without objection.

Casey Velcheff
Deputy Clerk