

Council Minutes - April 16, 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/Campbell moved to approve the minutes from the April 2, 2019 Regular Meeting. Motion Carried Unanimously.
4. ADDITIONS OR OMISSIONS TO AGENDA:
 - A. Addition 9.A.ii Quotes for Mountain Bike Skills Trail at Hidden Valley
 - B. Addition 9.A.iv. Removal of 10,000 gallon heating oil tank from 30 S 1st Ave E
 - C. Addition 9.A.vi. Comments on Planned Amendments to Rules Governing Water Quality Standards – Use Classification 3 and 4
 - D. Addition 13.F. Governor Walz- Broadband Task Force**Additions A-D were added without objection.**
5. MAYOR’S REPORT
Mayor Novak was in St. Paul and talked with Senator Tom Bakk and Attorney General Keith Ellison about the filling Department of Revenue jobs in Ely. Mayor Novak stated that there are now 4 jobs posted in Ely for the Department of Revenue which before they were just posted in St. Paul.
6. CONSENT AGENDA:
 - A. Motion to waive readings in entirety of all ordinances and resolutions on tonight’s agenda
 - B. Approve Council and Staff to attend the Coalition of Greater Minnesota Cities Lobby Day & Ice Cream Social on Wednesday, May 8, 2019 in St. Paul.**Debeltz/Callen moved to approve the consent agenda items A & B. Motion Carried Unanimously.**
7. REQUESTS TO APPEAR:
 - A. International Wolf Center Yearly Update – Rob Schulze-Executive Director, Krista Harrington-Interpretive Center Manager
Rob Schulze the Executive Director of the International Wolf Center gave an update on the Wolf Center. This last year they saw a significant increase in the number of visitors in a non-pup year. They expanded their billboard advertising this year to include six sites. They also made a major push to get the “Wolves at Our Door” program in as many local classrooms as possible this last year, as well as in schools throughout the Arrowhead Region. A total of 678 classrooms were visited throughout the State of Minnesota, representing an 11% increase over 2017. Thirteen Minnesota State Parks also had “Wolves at Our Door” programming over the summer months. Their education webinars continue to grow as well and continue to be an excellent extension of their Ely Interpretive Center and they are being watched by wolf enthusiasts around the world. Last year was the fourth year of the implementation of the 2nd Day Re-Entry and it has continued to grow in the number of visitors that have been utilizing

it. Installation is beginning on their new Discover Wolves Exhibit, which is expected to be completed by mid-May. The Grand Opening of the new exhibit will be held on Friday, June 28th, they would like the council to come to be recognized for the support that was given. In May, the popular multi-day admission feature will expand: Visitors who purchase an admission will be able to use it for three consecutive days. The International Wolf Center thanked the City of Ely for their continued support.

8. COMMITTEE REPORTS:

A. Standing/Special

Heritage Preservation Commission – Minutes included in the packet

Ely Utilities Commission – Minutes included in the packet

Planning and Zoning

Callen stated that Attorney Klun will be discussing the following items later in the meeting. Recommendation from Planning and Zoning to establish an annual mobile food cart and vehicle fee of \$300 and a \$25 daily fee option for mobile food cart and vehicle permit. The \$25 daily fee applies for the peddler's, solicitors, and transient merchants.

Recommendation from Planning and Zoning to send the food truck fee structure recommendation to the city council and for the council to move forward with the ordinance process for Peddler's, Solicitors, Transient Merchants, Mobile Food Carts and Mobile Food Vehicles.

Projects Committee

Callen/Debeltz moved to approve the recommendation from Projects Committee to approve the proposal for the scope of services from EcoSolutions to complete the replacement plan for wetlands impacted on the Trailhead Project for \$1,995. Motion Carried Unanimously.

Callen/Debeltz moved to approve the recommendation from Projects Committee to apply to the IRRRB for funding needed for the downtown fiber project. Motion Carried Unanimously.

Emergency Management Update- Matter of Information

Lodging Tax Report – Matter of Information

Housing and Redevelopment Authority – Minutes included in the packet.

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

The following items of business were recommended for approval at the regular EUC meeting of Wednesday, April 03, 2019:

1. Approved to extend the Variance at 1543 Miners Drive/Steve Joffrion (holding tank/lake water) on the following conditions:
 - Provide a copy of the contract the homeowner has with a licensed septic pumping contractor

- Install a water meter and provide meter readings along with the holding tank pumping records on an annual basis
 - The property is not to be used as a rental
 - If the property is to be used for more than seasonal private use it must either be connected to City sewer or a St. Louis compliant septic system be installed
 - All other conditions of the original agreement remain.
2. Authorized replacement and installation of the failed variable frequency drive (VFD) for the number #1 High lift pump station at the Waste Water Plant from In-Control in the amount of \$11,350.00
 3. Authorized replacement of the service truck air compressor, from Air Compressor Direct in the amount of \$2,752.00
 4. Authorized the purchase of 21 pole mount transformers from T&R Electric in the amount of \$8,334.08
 5. Approved payment of the January EUC Bills in the amount of \$449,530.64

Debeltz/Callen moved to approve the EUC Consent Agenda items 1-5. Motion Carried Unanimously.

Quotes for Mountain Bike Skills Trail at Hidden Valley

Omerza/A.Forsman moved to accept the quote from Dirt Candy Designs, LLC for the construction of a Skills Loop at Hidden Valley for \$37,500.00 and to proceed with the project. Motion Carried Unanimously.

MN DNR Proposal for Land Exchange property swap waiver of payment

Langowski stated that this pertains to the old dump site and working with the county to complete a land swap for 60 acres of tax forfeited property from St Louis County. St Louis County is interested in completing a trade of property with the City to acquire the 60 acres of property near the dump. The County is interested in parcel 465-0010-00530 or 465-0010-00540. Part of the agreement is that the exchange will not include any money; it will be land for land exchange.

A.Forsman/Omerza moved to waive payment for the land exchange with St. Louis County. Motion Carried Unanimously.

Removal of 10,000 gallon heating oil tank from 30 S 1st Ave E

Langowski stated this is part of the sale of the Community Center. The city is required to remove the old heating oil tank beneath the sidewalk. This work was bid last fall with a contracted price of over \$53,000. To reduce cost we have decided to complete the excavating and restoration work with City staff. To complete this work requires the oversight of a properly licensed contractor.

Debeltz/Callen moved to recommend the work be awarded to Environmental Troubleshooters for \$4,912.00. Motion Carried Unanimously.

Water Tower Lease

Through our Broadband Coalition we have had an individual come forward who is interested in starting a fixed base wireless system, which would allow residents and township residents to be provided another option for internet service. This requires him to have a lease with the City of Ely to attach to the water tower.

Omerza/Callen moved to proceed on the project and the City Attorney will work on the lease for the next council meeting. Motion Carried Unanimously.

Comments on Planned Amendments to Rules Governing Water Quality Standards – Use Classification 3 and 4

Langowski stated that this was forwarded to the City from Northeast Technical Services who does a lot of the City's environmental work. This is a positive move that the MPCA is making.

Omerza/Debeltz moved to sign a support letter and send it to the MPCA regarding the planned amendments to the rules governing water quality standards using classification 3 and 4. Motion Carried Unanimously.

B. Fire Chief

Debeltz/A.Forsman moved to recommend Greg Jonas for Safety Officer of the Ely Fire Department starting May 1st. Motion Carried Unanimously.

C. Library Director

Omerza/Debeltz moved to approve Library Director Heinrich to attend the Arrowhead Library System annual summit on May 1st. Motion Carried Unanimously.

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

D. Police Chief

Burger discussed the Distracted Driving Campaign, and also the Hands Free law that will go into effect on August 1st.

Sergeant Burger spoke at the Ely Business Women Club about Traffic Safety a Local Approach. Campbell presented Burger with a check for \$55 from the Business Women Club. Burger indicated that the presentation is available if any other clubs would like for him to speak.

Burger stated that the Coffee with a Cop is going well; the discussions and questions have all been very informative. For the month of April they will continue to have it at the Front Porch from 9am-10am on Wednesdays. If any other business would like to participate in future months call the police department office.

E. City Attorney

Summary of Ordinance No 332, 2nd Series

Attorney Klun discussed the summary of Ordinance No. 332. This ordinance regulates Pedder's, Solicitors, Transient Merchants, Mobile Food Carts, and Mobile Food Vehicles. One thing that changed in this ordinance is if someone sells fruits and vegetables out of a stand or out of a truck they will need to get a permit from the City, unless their product is produced by themselves on a farm and they will need to show proof that the product was grown by them. The other part of the ordinance is about Mobile Food Carts or Vehicles. The City is regulating the Food Trucks by following State Law. The law states that a Mobile Food Truck cannot be in any one location for more than 21 days annually. After 21 days the Department of Health has rules set in place that the Food Truck would need to follow. The city is not imposing additional restrictions other than what is required by the state and the Department of Health. Food Trucks cannot be within 40 feet from the public entrance to any restaurant, unless the food truck obtains permission from the restaurant owner or manager. Licensed Mobile Food Vehicles can reserve a pre-designated spot at either Whiteside or Semers Park for 2 concurrent days to sell to the public; however, spots must be reserved at least 48 hours in advance. A \$40/day is required to reserve a spot in addition to the permit

fee. The fees are as follows: Peddler, Transient Merchant, and/or Solicitor \$25/day, Mobile Food Cart or Mobile Food Vehicle is \$25/day or \$300 annually.

Omerza/Campbell moved to approve the 2nd Reading of Ordinance 332, 2nd Series An Ordinance of the City of Ely, Minnesota, Amending Chapter 6, Section 6.31 Regulating Peddler's, Solicitors, Transient Merchants, Mobile Food Carts, and Mobile Food Vehicles.

A.Forsman stated that a lot of work has gone into this ordinance to compare the different laws. Planning and Zoning and the Clerk's Office did a lot of research on this matter. Langowski indicated that the old ordinance was only for 14 days and the city was not in compliance with the state law for vegetable carts. The new ordinance gives some flexibility for vendors.

Mayor Novak indicated that this will add clarity and help alleviate some phone calls in the summer.

Roll Called A. Forsman-yes, Kess-yes, Debeltz-yes, Omerza-Yes, Callen-yes, Campbell-yes, and Mayor Novak-yes. Motion Carried Unanimously.

Omerza/Campbell moved to approve the Summary of Ordinance 332, Second Series for Publication. Motion Carried Unanimously.

F. City Engineer

10. COMMUNICATIONS: Matter of Information

St Louis County Hazardous Waste Community Collection Schedule and Take it to the box Medication Disposal Information

11. CLAIMS FOR PAYMENT:

Debeltz/Callen moved to approve the City and EUC claims for April 16, 2019 for \$303,410.42. Motion Carried Unanimously.

12. OLD BUSINESS:

A. Sale of Land where Ely Vet Clinic is located

Hanson stated he would like to obtain the property where the Vet Clinic is located, since if he would ever sell the business he needs to own the property. Hanson indicated that the Vet Clinic was the first business in the Business Park, at that time the land did not have a clear title so it could not be sold. Over the last 28 years he has paid the annual lease payment of around \$18,000 total, paid the property taxes for the building and land, and has created at least a dozen jobs. Hanson indicated that he feels like he paid for the land already with the lease and property taxes.

Mayor Novak indicated that paying for the lease is a valid argument for payment over the years, but the property taxes would have been paid no matter what.

Debeltz/Campbell moved to recommit the Sale of Land where the Ely Vet Clinic is located to the table. Motion Carried Unanimously.

Campbell/Debeltz moved to sell the land where the Ely Vet Clinic is located to Dr. Chip Hanson for \$1.00 and for Attorney Klun to draft the purchase agreement, ordinance and closing documents.

Kess indicated that Hanson has enjoyed the use of the land for the last 28 years and that is what the lease payment has paid for. The City should be getting value for that land for the taxpayers of Ely.

Debeltz stated that the business next door received the land for free for the creation of jobs. Hanson stated that he understands where Kess is coming from; nothing was set legally in the lease.

A.Forsman stated that it is a unique situation since there was not the option to purchase at the time of the lease. A.Forsman stated that Hanson helped to develop the Business Park.

Campbell indicated that Patty Steger contacted her and Steger feels Hanson should receive the same fair treatment as she did.

Omerza indicated that she appreciates what Hanson does for the community.

Mayor Novak indicated that he will be voting in favor, because of the jobs that have been created in town. The Ely Vet Clinic brings in a lot of customers from out of town to their business, which then those customers spend money in our town by visiting the other businesses in town.

Motion Carried 6-1 with Kess voting No.

B. Social Media Policy

Omerza indicated that the boxes on page 4 of the Social Media Policy would be on each Social Media site. The Fire Department, Police Department, and Library each have a Social Media accounts already.

Discussion was had to bring the Social Medial Policy up at the next Council Meeting so it could be reviewed by the council members before the meeting.

C. Omerza/Debeltz moved to post for openings for the Cemetery Committee and Airport Commission. Motion Carried Unanimously.

D. Alternate RAMS Member

Kess/Omerza moved to recommend Angela Campbell as the Alternate to the RAMS Board. Motion Carried Unanimously.

13. NEW BUSINESS:

A. Debeltz/Callen moved to approve Resolution 2019-011 Resolution Authorizing the City of Ely to Make Application to and Accept Funds from the Development Infrastructure Grant Program. Roll Called: A. Forsman-yes, Kess-yes, Debeltz-yes, Omerza-Yes, Callen-yes, Campbell-yes, and Mayor Novak-yes. Motion Carried Unanimously.

B. Omerza/Callen moved to approve Resolution 2019-012 Resolution Adopting the 2019 City of Ely Fee Schedule. Roll Called A. Forsman-yes, Kess-yes, Debeltz-yes, Omerza-Yes, Callen-yes, Campbell-yes, and Mayor Novak-yes. Motion Carried Unanimously.

C. Debeltz/Campbell moved to approve Resolution 2019-013 Resolution Authorizing Conservationist with Common Sense 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.

D. Debeltz/Omerza moved to approve the transfer of off sale intoxicating liquor license from Lakeshore Liquor, LLC to HE, LLC, DBA Lakeshore Liquor pending proper paperwork and insurance. Motion Carried Unanimously.

E. Debeltz/Omerza moved to approve the transfer of tobacco license from Lakeshore Liquor, LLC to HE, LLC, DBA Lakeshore Liquor pending proper paperwork and insurance. Motion Carried Unanimously.

F. Broadband Task Force

Omerza/Debeltz moved to send a letter of recommendation for Mayor Novak to apply to the Governor's Task Force on Broadband. Motion Carried Unanimously.

14. OPEN FORUM

15. ADJOURN

Mayor Novak adjourned the meeting at 7:08pm without objection.

Casey Velcheff
Deputy Clerk