

Council Minutes - May 21, 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, Campbell, and Mayor Novak
ABSENT: Council Member Callen
3. APPROVAL OF MINUTES:
Debeltz/Campbell moved to approve the minutes from the May 7, 2019 Regular Meeting. Motion Carried 6-0-1 with Callen Absent.
4. ADDITIONS OR OMISSIONS TO AGENDA:
 - A. Addition 6.C. Approve 4th of July Parade Route and have the Police Department secure necessary permits. Invitation to the City Council, Ely Police Department, and Ely Fire Department to participate in the 2019 4th of July Parade.
 - B. Addition 8.A. Park and Recreation Board
 - C. Addition 8.A. Budget Committee
 - D. Addition 10.C. Gift Card Scam – Ban on Buying Certain Gift Cards with Credit Cards
 - E. Addition 10. D. Care of Whiteside Gardens
 - F. Addition 13.D. Sanitation Contract
 - G. Addition 13.E. 79 W Chandler**Additions A-G added without objection.**
5. MAYOR’S REPORT
Mayor Novak attended the Minnesota Mayors Matter Get Together in Edina last week.
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 Summer Conference in Bemidji, MN July 24-26, 2019.
 - C. Approve 4th of July Parade Route and have the Police Department secure necessary permits. Invitation to the City Council, Ely Police Department, and Ely Fire Department to participate in the 2019 4th of July Parade.**Debeltz/Omerza moved to approve the consent agenda items A-C. Motion Carried 6-0-1 with Callen Absent.**
7. REQUESTS TO APPEAR: None
8. COMMITTEE REPORTS:
 - A. Standing/Special
Cemetery Committee
Debeltz/A.Forsman moved to approve the recommendation from the Cemetery Committee to approve the new Cemetery Kiosk Design with the approved changes, and for the Kiosk not to exceed \$30,000. Motion Carried 6-0-1 with Callen Absent
 - Telecommunications Advisory Board Meeting
A.Forsman/Omerza moved to approve the recommendation from the Telecommunications Advisory Board to approve the Social Media Policy as written.
A.Forsman stated that each City page that would have comments would have to abide by the policy and be responsible for it. At the League of MN Cities Loss Control workshop they

talked about the dangers of having comments on a City Page. Currently the Ely Social Media pages that have comments have not had any major issues.

Langowski stated that the intent was for the City of Ely page to not have comments, it will be for informational purposes, and if people have questions or want more information they can contact us in the Clerk's Office. The Police Department, Fire Department, and Library all allow comments and it will be their choice to continue to have comments or not.

Omerza stated that she is in favor of the City of Ely's Facebook page having comments. If someone is going to say something negative on Facebook about us they are going to say it. Omerza stated she will vote for the policy, it is past time for us to have a social media presence, but she feels that they should allow comments.

A.Forsman stated that there is definitely a risk with having comments.

Mayor Novak indicated that the City of Ely Facebook page will not have comments with agreement from the other council members.

Motion Carried 6-0-1 with Callen Absent

Heritage Preservation Commission: Minutes included in the packet

Ely Utilities Commission: Minutes included in the packet

Projects Committee

Omerza/Debeltz moved to approve the recommendation from Projects Committee to approve the purchase agreement for \$20,532.60 for the required wetland replacement credits and to proceed with the wetland impact application for the West End Development project. Motion Carried 6-0-1 with Callen Absent

Debeltz/A.Forsman moved to approve the recommendation from Projects Committee to not participate in the traffic signal painting project with St. Louis County due to the cost increase compared to the estimate.

A.Forsman asked if it is possible to do some painting on the lower areas of the poles.

Langowski stated that the part-timers will paint the poles this summer.

Motion Carried 6-0-1 with Callen Absent

Omerza/Campbell moved to approve the recommendation from Projects Committee to direct JPJ Engineering to provide cost estimates and concept drawings for the four options for the portion of Trezona Trail that is on private land.

A.Forsman asked what the 4 options are.

Langowski stated one option is to keep the existing trail, another is to keep the existing trail and to move a portion of the trail to the south towards city property, another option is to use the MN Power powerlines and get an easement from them, or to move the trail to Pioneer Road.

Motion Carried 6-0-1 with Callen Absent

Debeltz/Campbell moved to approve the recommendation from Projects Committee to approve the driveway permit at 1142 E Chapman St and require that the construction meet the standards provided by the City. Motion Carried 6-0-1 with Callen Absent

Airport Commission: Minutes included in the packet

Park and Recreation Committee

Omerza/Debeltz moved to approve the recommendation from Park and Recreation Board to approve the Semer's Park Pavilion Rental application for Music on the Beach on July 4, 2019 at Semer's Park Picnic Pavilion from 6-9pm with the understanding that the rental will also include the new picnic shelter use.

Langowski stated that this will be a non-alcoholic family friendly event during a lull time for 4th of July activities.

Motion Carried 6-0-1 with Callen Absent

Omerza/Campbell moved to approve the recommendation from the Park and Recreation Board to reimburse the Ely Nordic Ski Club for \$2121.00 for grooming the Trezona Trail for the 2018-2019 ski season which represents 20% of machine operating costs plus direct operator wages. Motion Carried 6-0-1 with Callen Absent

Omerza indicated that on June 3rd the concrete is scheduled to be poured for the Wheel Park. This is very exciting since many years of planning have gone into this project.

Housing & Redevelopment Authority: Information in the packet

RAMS: Minutes in the Packet- Kess went through the major items RAMS is working on.

Budget Committee

Kess/Debeltz moved to approve the recommendation from the Budget Committee to get new quotes for the Building Maintenance Truck, which will include a regular cab, long box, V8 engine, and capable of having an 8'2" Boss V Plow installed. Motion Carried 6-0-1 with Callen Absent

Kess/A.Forsman moved to approve the recommendation from the Budget Committee to purchase a 2005 Ford Freestar for \$6000 to be used as the Utility Departments vehicle. Motion Carried 6-0-1 with Callen Absent

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

i. The following items of business were recommended for approval at the regular EUC meeting of Wednesday, May 08, 2019:

1. Denied the customer refund request after meter was tested and found accurate.
2. Approved the Ely Water Tower Access Lease with Treehouse Broadband, LLC.
3. Approved posting the Utility Person Position.
4. Authorized Backflow Prevention Training for one employee.
5. Approved payment of the EUC February, 2019 Bills for \$450,315.31.
6. Approved the J&L Hardware CIP rebate for \$2,093.89.

Debeltz/Campbell moved to approve the EUC Consent Agenda item 1-6. Motion Carried 6-0-1 with Callen Absent

ii. Letter from Eric Mayranen regarding the Examination of Trees in Veterans Forest
Langowski indicated that the forested land located south of the Old City Garage is a Veterans Forest; a tree was planted for each person who served in WWII from Ely. Last summer the trees took a hit with a storm. Eric Mayranen examined the land which is approximately 7 acres and all high ground. The tree cover type is dominated by a Red

Pine stand approximately 75 years old, Jack pine, White Birch, and White Spruce are also present. If the area was to be logged off the money generated could go towards the perpetual care for the new Veterans Memorial by Trezona Trail, the Veterans Memorial at City Hall, and the Veterans Memorial at the Cemetery. Langowski stated that we can schedule a public hearing this summer to inform the residents.

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

E. City Attorney

i. Quit Claim Deed for Lot 3, Block 4, East Spaulding

Debeltz/Campbell moved to approve the Quit Claim Deed for Lot 3, Block 4, East Spaulding.

Attorney Klun indicated that this parcel along with Hills parcel is what the council had previously deemed as not sufficient for building a residential unit, the council considered the option of allowing them to buy the neighboring parcel to place a garage on that parcel. Palcher's have purchased the neighboring parcel and they are asking for the release of the reversionary clause. This would require an ordinance change as well since each parcel is required to have a residential unit. By approving the council is stating that it is acceptable to build only a garage on Lots 1 and 3 in Block 4 of East Spaulding.

Motion Carried 6-0-1 with Callen Absent

ii. **A.Forsman/Omerza moved to approve the 1st Reading of Ordinance No. 335, 2nd Series, An Ordinance of the City of Ely, Minnesota, amending 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-absent, Campbell-yes, and Mayor Novak-yes. Motion Carried 6-0-1 with Callen Absent**

iii. Easement for Lot 1, Block 4, East Spaulding

Debeltz/Campbell moved to approve the Easement for Lot 1, Block 4, East Spaulding.

Attorney Klun stated that this easement is for the portion of the Trezona Trail that goes through Lot 1, Block 4 in East Spaulding, this is the property that the Hill's just purchased.

Motion Carried 6-0-1 with Callen Absent

iv. Trezona Trail Non-Motorized Recreational Trail License Agreement Extension

Omerza/Debeltz moved to approve the Trezona Trail Non-Motorized Recreational Trail License Agreement Extension. Motion Carried 6-0-1 with Callen Absent.

F. City Engineer

10. COMMUNICATIONS: Matter of Information

- A. Voyageur Country ATV Ride Rally September 20, 2019
- B. Tour of Minnesota Information
- C. Gift Card Scam – Ban on Buying Certain Gift Cards with Credit Cards
- D. Care of Whiteside Gardens

11. CLAIMS FOR PAYMENT:

- A. City and EUC claims for May 21, 2019 – \$768,263.18
- B. Burntside Ridge Trail Association – 2019 dues \$200.00
- C. Pay Request #2 for Trail Improvements and Vermilion River Bridge Construction Project Voyageur Country ATV for \$15,770.00 to George Bougalis and Sons
- D. SEH Invoice 367006 for the Voyageur Country ATV Trail for \$244.70

Debeltz/A.Forsman moved to approve the Claims for Payment items A-D. Motion Carried 6-0-1 with Callen Absent.

12. OLD BUSINESS:

- A. **Debeltz/Campbell moved to approve the 2nd Reading of Ordinance No. 334, 2nd Series, An Ordinance of the City of Ely, Minnesota, Amending Chapter 20, Section 20.2 Sales of Land City Code of the City of Ely. Roll Called A. Forsman-yes, Kess-yes, Debeltz-yes, Omerza-Yes, Callen-absent, Campbell-yes, and Mayor Novak-yes. Motion Carried 6-0-1 with Callen Absent**

- B. 21 W Shagawa Rd

Mayor Novak stated that the council has addressed this issue many times, we have updated photographs, and we have had zero progress.

Building Official Whitney provided a 4th Re-inspection report for 21 W Shagawa Rd.

Whitney stated that the Council looked at this property in 2016 and gave him time to get the issues resolved by May 1, 2017, it is now May of 2019 and not much has been done.

A.Forsman asked what the next step is within the City Code.

Attorney Klun stated that there is an existing order from 2016, Resolution 2016-042, we could revise the order for 2019 and repost with notice.

A.Forsman/Omerza moved to reissue an enforcement order for 21 W Shagawa Rd.

Attorney Klun stated that Sherwood would get the option to come to the council at the next Council Meeting. We would serve him with notice, he would have the option to come to the next council meeting, and then the Council would initiate the order.

Whitney went through the inspection report and stated what things have and have not been done. Whitney indicated that no permits have been pulled for the work that was done.

Omerza stated that it is a shame that we have allowed it to get to a 4th Re-Inspection

Whitney stated that the hope was he was going to take care of things, but nothing has really changed in the last two years.

Mayor Novak stated he has had numerous neighbor complaints from that area, and they are not happy that the council has not taken any action. Sherwood has had ample opportunity to remedy the deficiencies.

Motion Carried 6-0-1 with Callen Absent.

Attorney Klun clarified that we would not demo the property, we would just remedy the issues and assess it to the property's taxes.

13. NEW BUSINESS:

A. EEDA Enabling Resolution

Kess indicated that after looking at the council minutes from February 16, 1993 and March 16, 1993 he is unclear if it is needed to redo an enabling resolution.

Mayor Novak indicated that the City does not have a signed copy of the Resolution.

Omerza indicated that from the minutes of the March 16, 1993 Council Meeting, Resolution 1993-20 states that on February 16, 1993, the Ely City Council went on record approving Resolution 1993-9, calling for a public hearing on March 16, 1993, at 5:30pm for an Economic Development Authority to consist of seven (7) members, those seven (7) members being all current members serving on the Ely City Council. In the minutes it indicates who voted Yes and No with all seven council member voting in favor of the City of Ely establishing an Economic Development Authority according to the original resolution 1993-9 which was adopted on February 16, 1993.

Mayor Novak stated that there were changes in 2007/2008 that changed the membership of the EEDA to include EADA, Joint Powers, etc. and we cannot find record of that.

Omerza stated that at the last meeting Novak was concerned that the EEDA did not exist, so we needed to go back and have an enabling resolution.

Mayor Novak stated that he never indicated that it did not exist just that it was put together quickly to get the Sato Building in place, and it was put in place that EEDA was to consist of the seven council members. In 2007/2008 there was an attempt to change the members of the EEDA to include other groups in the EEDA By-Laws and that is the resolution that we cannot find. There should have been a resolution to change the original enabling resolution of the EEDA to change the members of the EEDA. If there was not a resolution in 2007/2008 then the original enabling resolution stands.

Attorney Klun stated that the enabling resolution enabled the EEDA and in it, it says the establishment of the Economic Development Authority will meet and adopt By-Laws and rules of procedure. Internally the organization will update its By-Laws and rules of procedure. Attorney Klun stated that she doesn't disagree that the By-Laws from 2007/2008 might not be fully viable, she has seen a copy of them. The By-laws can be changed by the EEDA itself since it has been established by resolution. We can reinstate the enabling resolution of the EEDA if the council would choose.

Mayor Novak clarified that we would reinstate the enabling resolution to mirror what was done in 1993 and we would pass it at the next council meeting, then the next EEDA meeting we would reestablish the By-Laws to the effect of that enabling resolution, then that would eliminate the reference to the membership of the other groups in the EEDA.

Mayor Novak stated that the City Attorney will bring the reinstated enabling resolution to the next council meeting.

- B. Omerza/Debeltz moved to approve Resolution 2019-017 A Resolution Requesting Funds From The State Of Minnesota For Ely Trailhead And Ely Bloomenson Access Improvements Roll Called A. Forsman-yes, Kess-yes, Debeltz-yes, Omerza-Yes, Callen-absent, Campbell-yes, and Mayor Novak-yes. Motion Carried 6-0-1 with Callen Absent**
- C. Omerza/Debeltz moved to approve the Temporary On-Sale Liquor License for Ely Arts and Heritage Center for July 12, 2019 at the Miners Dry House for the opening night of the Gala pending proper paperwork, insurance, and fees. Motion Carried 6-0-1 with Callen Absent.**

D. Sanitation Contract

A.Forsman/Campbell moved to direct the City Attorney to provide notice that the City would like to renegotiate certain terms of the Waste Disposal Contract, and will not be renewing the agreement as it stands.

Kess asked if we open the contract up, will we have to go out for bids for the whole contract or just the certain parts.

Attorney Klun stated that if the City issues a non-renew, the contract will be open and it will need to get posted for bids.

A.Forsman stated that Council Member Callen had provided information in the packet, but it is not relevant to this motion. People have raised issues that we would like to discuss in the contract, and this is the first step to renegotiate and give them the 90 day notice.

Motion Carried 6-0-1 with Callen Absent

E. 79 W Chandler

Building Official Whitney stated that we have received numerous complaints about 79 W Chandler over the last few months. In the past the owner has had permits open for siding and other work on the property, but virtually nothing has been done with the construction on the siding and windows. We sent a letter about the blight issues for the property; the property is posted as uninhabitable for the shut off of utilities.

Chief Lahtonen indicated that the police department has received numerous complaints about this property from the neighbors. Chief Lahtonen asked what the council would like the police department to tell the neighbors.

Langowski stated that we have had approximately 95% success rate of compliance with the blight ordinance, but there is a few that do not follow the rules. We need the council to support our efforts with compliance.

Chief Lahtonen indicated that the water and light has been shut off for non-payment and the taxes are past due, these people will not comply.

Whitney stated he will proceed with an inspection report and to bring it to the next council meeting.

A.Forsman/Omerza moved to make a motion of support for Building Official Whitney and Chief Lahtonen as they pursue a solution to this problem. Motion Carried 6-0-1 with Callen Absent.

14. OPEN FORUM

15. ADJOURN

Mayor Novak adjourned the meeting at 6:54pm without objection.

Casey Velcheff
Deputy Clerk