

Council Minutes - November 19, 2019
Regular Meeting Ely City Council – City Hall, Council Chambers

1. CALL TO ORDER
Mayor Novak called the 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 November 5, 2019 Regular Council Meeting. Motion Carried Unanimously.
4. ADDITIONS OR OMISSIONS TO AGENDA:
 - A. Addition 5.A. Coalition of Greater Minnesota Cities 2019 Fall Conference Update
 - B. Addition 8.A Heritage Preservation Committee – Approved Motion
 - C. Addition 8.A HRA
 - D. Addition 8.A 2020 Proposed Budget – Matter of Information, No action needed
 - E. Addition 9.E.iii. Updated Ordinance 340**Additions A-E was added without objection.**
5. MAYOR’S REPORT
Mayor Novak gave an update on the Coalition of Greater Minnesota Cities 2019 Fall Conference.
6. CONSENT AGENDA:
 - A. Motion to waive readings in entirety of all ordinances and resolutions on tonight’s agenda
 - B. TIF District Public Hearing Notice December 17th 5:00pm**Debeltz/Callen moved to approve the Consent Agenda items A and B. Motion Carried Unanimously.**
7. REQUESTS TO APPEAR:
 - A. State Theater Update – David Wigdahl from the Ely Historic State Theater Organization
Wigdahl stated that the organization, Ely’s Historic State Theater, is organized as a not-for-profit, and they formed to manage and operate the State Theater. The vision is a cultural hub of film, arts, entertainment and learning that cultivates a vibrant, healthy community. Their business activities will include:
 - Showcasing films in 4K:
 - Film Series- movies programmed together in theme for weekends, weeks, or months.
 - Rental of the venue for concerts, live theater, conferences, other private events.
 - Selling concessions (popcorn, soda, candy, and eventually beer and wine)They are hoping for movies to be showing by the beginning of the New Year and the play a Quilt Makers Gift will be at the end of January.
On Thanksgiving night they are having an Open House from 5-8pm; they will be having popcorn, cider and tours of the facility.

B. Deer Density in Ely – Sarah Malick-Wahls

Malick-Wahls asked the council to consider a special deer hunt within Ely City Limits. She said that the density of white-tailed deer within the City Limits is too high, and their general fearlessness of humans is contributing to an unsafe environment and unnecessary frustrations to gardeners. Malick-Wahls gave five reasons to support a reduction in deer numbers within the City. 1. Motorist Safety, 2. Garden Pests, 3. Chronic Wasting Disease, 4. Moose Recovery, 5. Deer Ticks.

Malick-Wahls indicated that by allowing a controlled deer hunt within our City would not be unprecedented. There are already 24 communities within our state using an archery hunt to manage deer, including neighboring communities of Tower, Aurora, Cook, and Hoyt Lakes. Malick-Wahls included letters of support from some community members in the packet who are concerned about the high density of deer. Malick-Wahls feels that there are a number of blocks of undeveloped land within City Limits that would allow for safe activities, perhaps those areas near the Lucky Boy Ponds, Old Airport Road, Forest Service Office, and the Water Treatment Facility could be under consideration.

Mayor Novak indicated that one of the main reasons for the high deer density in the City is people feeding the deer. Novak also indicated that several of the areas that Malick-Wahls mentioned as potential areas for a hunt are in the Town of Morse, the Lucky Boy Pond area, Old Airport Road, and the Forest Service Office.

A.Forsman indicated that the DNR is in charge of managing the deer population. In section 118, which includes the City of Ely, the DNR is not encouraging hunting in this area, the last several years it has been a bucks only or a low lottery number for does.

Kess indicated that Tower, Cook, and Hoyt Lakes have a bigger city limit area; Ely is a smaller track of land. Kess stated his concerns are with public safety and indicated that an archery hunt in town could have a fair amount of problems.

Debeltz indicated that in the past he has purchased some “keep away” from the local hardware stores that have helped him keep the deer out of his garden.

C. Pat Loe- City Deer Hunt

Loe indicated that he is opposed to the Deer Hunting in City Limits, and his concerns have been addressed by the council.

8. COMMITTEE REPORTS:

A. Standing/Special

Heritage Preservation Committee

Campbell/Callen moved to approve the recommendation from the Heritage Preservation Committee to request authorization from the Council to submit a grant request to the IRRRB for Mine Land Reclamation grant money to help fund the work to complete the construction design on the Pioneer Mine Retaining wall. Motion Carried Unanimously.

Planning and Zoning Commission- Matter of Information

Projects Committee

Callen/Omerza moved to approve the recommendation from Projects Committee to accept the boat dock ramp at Semer's Park from Bob Koschak in exchange for maple logs at the brush dump and power poles at the City yard.

Langowski indicated that the City has received approximately \$100 when we have put these logs out for bid and the boat dock ramp is worth approximately \$1000.

Motion Carried Unanimously.

Callen/Omerza moved to approve the recommendation from the Projects Committee to purchase the 15-acre parcel of land, including the existing trail alignment on the Trezona Trail for \$200,000.00 pending completion of the appraisal and all legal documentation.

Kess asked if we would use funds from the reserve fund for the purchase.

Langowski indicated that we would bring to budget, but that is where the money would come from. This is the part of the Trezona Trail that is not paved.

A.Forsman asked if there are any grants to help with funding.

Langowski indicated that for the paving of the Trezona we will look into IRRRB, DNR, and other potential grant funds. We do have the paving of this on our Capital Project list for 2020.

Motion Carried Unanimously

Callen/Campbell moved to approve the recommendation from the Projects Committee to request St. Louis County include parcel # 030-0360-00170 as part of the property trade for the 60 acres of county land near the dump.

Langowski stated that the state statutes require the value of land to be traded must be like value to like value. Due to the property the City is giving the County being higher value the County needs to give additional land to the city. This property is located at 10th Avenue and Pattison St and is used by MNDOT and the City as a snow dump.

Motion Carried Unanimously.

Callen/Debeltz moved to approve the recommendation from the Projects Committee to proceed with the possible sale of City owned property on Washington St. for a city resident to build a "smaller than currently allowed foot print" home, determine a price and forward the request to planning and zoning for consideration. Motion Carried Unanimously.

Callen/Omerza moved to approve the recommendation from the Projects Committee to approve an invoice from J&A Enterprises in the amount of \$13,808.40 for crack sealing on Pioneer Rd, 5th, 6th, and 7th avenues East and Miners Dr. Motion Carried Unanimously.

Ely Utilities Commission – Minutes included in the packet

Housing & Redevelopment Authority(HRA) – Minutes included in the additions packet

Ely Area Ambulance Joint Powers

Mayor Novak indicated that the Ely Area Ambulance Joint Powers Board will meet again in January. There is a need for new space to house the Ambulance Garage. Currently each city/township in the Ambulance Joint Powers contributes \$5.05 per person. Discussion has been had regarding future contributions to Ely Area Ambulance Service on a per parcel basis with potentially a \$10.00 assessment per parcel. They will hold another meeting to discuss further. The current \$5.05 per person does not include summer residents and unoccupied land which benefit from the Ambulance Service.

Omerza indicated that this needs to be discussed more. What about the Boundary Waters, how do we charge the people that need the services in the Boundary Waters? We owe it to our citizens and the taxpayers.

A.Forsman stated that the cost of the ambulance service is more than the cost per event.

Kess stated that by parcel is the only way to provide a stable Ambulance Service.

Lodging Tax Report- Matter of Information, Report is included in the packet

2020 Proposed Budget – Matter of Information for Truth in Taxation Meeting Tuesday November 26, 2019 at 6pm

Donald G Gardner Humanities Trust: Minutes included in the packet

Library

Omerza indicated that the Library has been in the new building for 5 years. Omerza went through some of the numbers from the old library location to the new location and the numbers are up in the new building, meaning more people are using the library. Thanks to Rachel Heinrich and staff for all they do for the library.

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

The following items of business were recommended for approval at the regular EUC meeting on Wednesday, November 13, 2019:

1.) Authorized the pilot study from Aqua-Aerobic Systems Inc. for \$20,500.00 for the WWTF

2.) Approved payment of the EUC October bills list for \$304,865.44.

Langowski stated that we have an interim and a future final mercury limit we need to meet for the MPCA standards. We have completed a preliminary engineering report which was approved by the MPCA. The MPCA has approved the City of Ely to move forward with the cloth media filter system that we are looking to add to the plant for final filtration and for rainfall or an I&I parallel filtration system. We are required to do a pilot study, with a small plant that will be hauled into the back of the plant, and we will study how that system works with our wastewater flow over a certain period of time. We can then bring that information back to the MPCA to prove that this system will work for us.

A.Forsman indicated that it is great to see the operators involved with this process.

Debeltz/Omerza moved to approve the EUC Consent Agenda items 1 and 2. Motion Carried Unanimously.

B. Fire Chief

Gear Washer/Extractor/Dryer Award

Chief Erchull indicated that back in September the Ely Fire Department applied for a grant for a Gear Dryer for \$4095.00 and received the grant with the city portion being 10% or \$455.00. Erchull indicated that they can upgrade the dryer for an additional \$845 which will help lessen the drying time.

Callen/Debeltz moved to approve the grant award of \$4095 and to upgrade the dryer for the additional city contribution of \$845. Motion Carried Unanimously.

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

Chief Lahtonen stated that the new truck for the police department should be ready at the beginning of December; it is in Duluth now getting set up.

E. City Attorney

i. **Omerza/Debeltz moved to approve the 2nd Reading of Ordinance 338, 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: Council Member A.Forsman- Yes, Kess-Yes, Debeltz-Yes, Omerza-Yes, Callen-Yes, Campbell – Yes, and Mayor Novak-Yes. Motion Carried Unanimously**

ii. **Omerza/Campbell moved to approve the 2nd Reading of Ordinance 339, 2nd Series An Ordinance of Ely, Minnesota, Adding to the Ely City Code, Chapter 20, Section 20.13.24, Entitled Vacation of a Portion of City-Owned Property. Roll Called: Council Member A.Forsman- Yes, Kess-Yes, Debeltz-Yes, Omerza-Yes, Callen-Yes, Campbell – Yes, and Mayor Novak-Yes. Motion Carried Unanimously.**

iii. **Debeltz/Omerza moved to approve the 2nd Reading of Ordinance 340, 2nd Series An Ordinance of the City of Ely, Minnesota, Adding to the Ely City Code, Chapter 20, Section 20.1.23, Entitled Zoning Map Amendment.**
Attorney Klun indicated that in the 1st reading of the Ordinance it had Exhibit A and B, but Exhibit B was the legal description for the Cemetery on the land. In the future the owners of the land will be deeding the Cemetery back to the City.
Roll Called: Council Member A.Forsman- Yes, Kess-Yes, Debeltz-Yes, Omerza-Yes, Callen-Yes, Campbell – Yes, and Mayor Novak-Yes. Motion Carried Unanimously

iv. **Omerza/Debeltz moved to approve the 2nd Reading of Ordinance 341, 2nd Series An Ordinance of the City of Ely, Minnesota, Adding to the Ely City Code Chapter 2, Section 2.63, Entitled City Sanitation Committee.**
Attorney Klun indicated that items a, b, and d were added into the 2nd reading of the ordinance.
Roll Called: Council Member A.Forsman- Yes, Kess-Yes, Debeltz-Yes, Omerza-Yes, Callen-Yes, Campbell – Yes, and Mayor Novak-Yes. Motion Carried Unanimously

- v. **A.Forsman/Callen moved to approve the Mortgage Satisfaction for the Ely Steakhouse, Inc recorded on July 29, 2003 as Document No. 00907739. Motion Carried Unanimously.**
- vi. **Debeltz/Campbell moved to approve the Note, Mortgage, and Personal Guaranty for the commercial renovation loan for Ely Steakhouse at 216 E Sheridan St. to replace floors, subfloor and floor tiles, and to prime, sand and paint bathroom walls, and perimeter cove baseboard replacement for \$17,500. Motion Carried Unanimously.**

F. City Engineer

10. COMMUNICATIONS: Matter of information

- A. Nominations for St Louis County Communities under 10,000 Arrowhead Regional Development Commission Representative.
- B. Annual Meeting of the Ely Health & Hospital Foundation
- C. Thank you from Ely Public Schools
- D. RAMS Annual Meeting & Dinner December 19th 2019

11. CLAIMS FOR PAYMENT:

- A. City and EUC claims for November 19, 2019 – \$646,717.58
- B. Ely Area Ambulance Service Invoice \$17,220.50.

Debeltz/Campbell moved to approve the Claims for Payment items A and B. Motion Carried Unanimously.

12. OLD BUSINESS: None

13. NEW BUSINESS:

A. Callen/Omerza moved to approve Invoice # 1911-08 Bench Mark Engineering in the amount of \$127.50 for the Voyageur Country ATV Trail Improvements. Motion Carried Unanimously.

B. Debeltz/Callen moved to approve Invoice # 375983 SEH in the amount of \$427.03 for the Voyageur Country ATV Trail Improvements. Motion Carried Unanimously

C. Callen/Omerza moved to approve the Certificate of Substantial Completion for the Ely West Camp Street, Pattison Street East Improvements. Motion Carried Unanimously.

D. Debeltz/A.Forsman moved to approve Resolution 2019-042 Resolution Designating 2020 Polling Precinct Location for the City of Ely.

Omerza indicated that \$2.5 Million went into making City Hall ADA compliant to have certain things in this building, it is a gorgeous building. There are things in place such as early voting and absentee voting, if you are unable to vote in person you can get a ballot mailed to you. City Hall is where we should be voting.

Mayor Novak agreed with Omerza. The discussion on making the improvements to City Hall was to move the Polling Place to City Hall.

Kess indicated that he is in favor of keeping the Polling Place at the Senior Center. It is convenient and has easier access.

Roll Called: Council Member A.Forsman- Yes, Kess-Yes, Debeltz-Yes, Omerza- No, Callen-No, Campbell – Yes, and Mayor Novak-No. Motion Carried 4-3 with Omerza, Callen, and Mayor Novak voting No.

E. **Omerza/Debeltz moved to approve Resolution 2019-043 Resolution Authorizing City of Ely to make application and accept funds from IRRRB for Mine Land Reclamation.**

Roll Called: Council Member A.Forsman- Yes, Kess-Yes, Debeltz-Yes, Omerza-Yes, Callen-Yes, Campbell – Yes, and Mayor Novak-Yes. Motion Carried Unanimously

F. **Omerza/Campbell moved to approve Resolution 2019-044 Resolution Authorizing application for Dorothy Molter Memorial Foundation to apply for raffle permits. Roll**

Called: Council Member 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 6:45pm without objection.

Casey Velcheff
Deputy Clerk