

**Council Minutes - February 7, 2023**  
**Regular Meeting Ely City Council – City Hall, Council Chambers**

**CALL TO ORDER**

The regular meeting of the Ely City Council was called to order by Mayor Omerza at 5:33pm in the Council Chambers

PRESENT: Council members Kess, Debeltz, Callen, Campbell, Bisbee, and Mayor Omerza  
ABSENT: Council Member A.Forsman

**APPROVAL OF MINUTES:**

**Debeltz/Campbell moved to approve the minutes from the January 17, 2023 Regular Council Meeting and Study Session Minutes from January 31, 2023. Motion Carried 6-0-1 with A.Forsman Absent.**

**ADDITIONS OR OMISSIONS TO AGENDA:**

Debeltz indicated that this is the at least the 5<sup>th</sup> time that all the people from out of town come into speak to the council regarding this issue. Debeltz indicated that at a meeting several years back a policy was made to give 5 minutes to speak, and he feels that is all should be given for these speakers.

Kess stated that the actual form we have them fill out says they get between 5-15 minutes; this would take council action if we wanted to limit it to 5 minutes.

Omerza stated that we can maybe look at doing that in the future.

**Debeltz/Callen moved to give the request to appear requests 5 minutes to speak.**

Campbell indicated that those that have signed up to speak should be allowed to speak for the time they were originally given on the sheet.

Debeltz stated that they should only be given 5 minutes; these people have been up here so many times, why we should have to listen to the same thing again.

Kess stated that out of respect for the people that signed up, he might not agree with them, but we should give them the time that was on a sheet. We can look at changing the policy in the future.

**Motion Failed 2-4-1 with Debeltz and Callen voting Yes and Kess, Campbell, Bisbee and Omerza voting No, and A.Forsman Absent.**

- A. Additions 7.A - Becky Rom – public land order protecting the BWCA
- B. Additions 7.B - Frederica Musgrave – Opening meeting law & posting of agendas
- C. Additions 7.C - Betty Firth – Federal agencies decisions regarding copper sulfide mining in the area
- D. Additions 7.D - Richard Stuart – MN HR 100 – Cannabis and retail licensing
- E. Additions 7.E. – Gerald Tyler – Support of Council’s Resolution

**Campbell/Bisbee moved to approve the Additions A-E. Motion Carried 5-1-1 with Debeltz voting No and A.Forsman Absent.**

**MAYOR’S REPORT:**

Mayor Omerza that several of the council members went to the ribbon cutting at KJs True Value, the City and EEDA helped them a lot to get that project completed. She was able to participate in the Opening Ceremonies for the Winter Fest.

Mayor Omerza stated that she and Clerk Langowski met with Adam Masloski from Boundary Waters Care Center to see if there is anything the city can do to help. There are currently several bills at the legislature right now and we need to make sure those pass. Omerza stated that as she looks out at the full council chambers, she wishes everyone could put as much time and energy into helping the Nursing Home as they do with the mining issues.

Kess asked if the letter and resolution could be moved to after the Request to Appear.

- Letter to the Biden Administration Regarding Mining Moratorium
- Resolution 2023-003 Resolution Opposing the Withdrawal of Federal Land and Minerals for Exploration and Development

**Kess/Campbell moved to put the letter to the Biden Administration and Resolution 2023-003 to the end of the Request to Appear. Motion Carried 5-1-1 with Debeltz voting No and A.Forsman Absent.**

**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 League of Minnesota Cities - City Day on the Hill on March 9<sup>th</sup> in St. Paul

**Kess/Campbell moved to approve the consent agenda items A and B. Motion Carried 6-0-1 with A.Forsman Absent.**

**REQUESTS TO APPEAR:**

Becky Rom –public land order protecting the BWCA - 3100 Hartly Point Road  
Rom stated that she speaks in opposition of the letter and resolution that are on tonight's agenda regarding the withdrawal of federal land and minerals for exploration and development. It's time to move on with a forward looking economic addition to Ely and the surrounding area. There is no Twin Metals mine; Twin Metals had no federal leases which it must have to develop the maturity deposit and 2 other deposits. The DNR opposes the use of 640 acre school trust land parcel by Twin Metal for a waste disposal site. This would expose the State of Minnesota and possibly the school trust land to unacceptable financial risk for clean-up of the Superior National Forest and the Boundary Waters Lands and Minerals. The MN DNR had told Twin Metals that it has failed to prove that its mine would not generate acid mine draining. In 2018 the MN DNR issued a finding that dry stacking tailings waste storage, which Twin Metals has proposed, is wrong for the wet environment of Northern Minnesota and would result in water quality determination and pollution. The MN DNR rejected a Twin Metals mine plan proposal on February 15, 2022. The Bureau of land management rejected a Twin Metals mine proposal on February 18, 2022. Twin Metals does not have the leases or the state lands it needs to mine, it has lousy technology and no mine plan. Rom went through the past withdrawals and environmental assessments. On January 26, 2023 the final environmental assessment was completed for the Twin Metals Boundary Waters Watershed mineral withdrawal. This confirmed that the Boundary Waters and the Superior National Forest would be at severe risk from sulfide or copper mining in the headwaters. Two data points that were new to Rom in this study were, 1. Documentation of modern metal mines in Canada have damaged fish habitat 37 miles downstream, which would take you well into Basswood Lake, 2<sup>nd</sup> mining operation with accidents and failures can negatively impact water chemistry tens to hundreds of miles downstream. The 1978 Boundary Waters act which charged the Forest Service with protecting the Boundary Waters with the following purposes: 1. Provide for the

protection and management of the fish and wildlife of the wilderness so as to enhance public enjoyment and appreciation of the unique resources of the region 2. Protect and enhance the natural values and environmental quality of the lakes, streams, shorelines and associated forest areas of the wilderness 3. Maintain high water quality in such area 4. Rom said this is the most important purpose to Minimize to the maximum extent possible, the environmental impacts associated with mineral development affecting such areas. The forest service manages 193million acres of national forest lands and has extensive experience with this type of mining on public land. The Bureau of Land Management manages 640 million acres, and reviewed the final environmental assessment by the forest service and recommended to the interior secretary that the forest service application for a mineral withdrawal be granted. The public order protects the Superior National Forest, the Boundary Waters, Quetico Park, Voyageurs National Park, and seeded territory under the 1854 Treaty with the Chippewa Tribe Bands. There have been approximately 90 mineral withdrawals in the past 47 years when the current law was put in place, including upstream of Yellowstone National Park, and Grand Canyon National Park. Secretary Haaland's decision was the most important land conservation measure protecting the Boundary Waters in 45 years. Rom encourages the Ely City Council and Mayor to celebrate this landmark decision and not pass resolutions and letters encouraging revocation based on opinions, erroneous facts, imaginary legal interpretation and a backward looking agenda. Since 2017 over 675,000 people have submitted comments to the federal government urging a mining ban in the head waters of the Boundary Waters, 70% of Minnesotans support the withdrawal, including 56% in Congressional district 8. Ely is a great place to live, recreate, and work, let's celebrate where we are, and let's celebrate this.

Frederica Musgrave – Opening meeting law & posting of agendas – 30 W Shagawa Rd  
Musgrave stated that first off she wanted to let the Mayor know that they have a wonderful Clerk and staff working for the city. Musgrave thanked everyone for serving the city, you welcomed people here. In non-partisan meetings a lot of the time certain decisions have already been made ahead of time. When some citizens show up to speak they are just there for show, because you just have to officially go through that. Musgrave indicated that last night as she was deciding what to say, she was trying to figure out how to talk so you would listen and also hear her and digest it before making decisions. Musgrave indicated that you don't want to hear the facts, you have made up your mind already, and you don't want to hear the other side, which is her feeling. She believes people coming to commission meetings and council meetings should be welcomed and treated with respect. All citizens should have the chance to be heard with in a timely manner and with enough time.  
Musgraves believes some mistakes were made and she would like to see them corrected. Musgraves indicated that it was by accident that most of them had heard about this meeting, the meeting was not posted on the website until Monday and the packet was posted later. She believes that all citizens should be involved, invited, welcomed, and encouraged to speak. Musgrave indicated that there was an article in the Ely Echo on the front page, regarding an Ely Economic Development Authority meeting, and there was a vote on record that the city opposed this ban. Several things, no one knew about this meeting, except the people involved, the citizens were not invited. Musgrave stated she had no idea about the meeting and she checked the website, there is no agenda or minutes from the meeting, she couldn't even tell who the members. At the EEDA meeting the City of Ely voted against the 20 ban, she is concerned about that. Musgrave indicated that there is no information on the website; she doesn't know who sent the letter that was approved at the EEDA meeting, was it a citizen who

wrote the letter or was it politicians with a political agendas. There is no accountability, there is not code of ethics for that group, you just meet in private and maybe by chance someone will hear about the meeting. Meetings should be posted ahead of time.

Betty Firth – Federal agencies decisions regarding copper sulfide mining in the area – 42 N Klondike Drive

Firth stated that the first question that is asked by federal lawmakers considering the proposed mining projects, is this the right place to mine. Those that have been promoting the copper sulfide mining here in Ely have said that we should give the process a chance to work and leave the regulation and decision to the dually authorized agencies that are involved. That is exactly what has happened; the US Forest Service, the MN DNR, and the Bureau of Land Management have decided that the unique ecosystem and geology in this region is not an appropriate place for copper sulfide mining, which is best done in dry warm areas, although even there it has caused pollution. Twin Metals has no lease, no mine plan, no credible technology and no rights to state land. Twin Metals is in effect dead. The letter signed by Representative Skraba, Senator Hauschild and several other elected officials and the subsequent resolution from this council are full of inaccuracies, short on facts and shows that there is not an understanding of this whole approval process. It is time to move on and to recognize that mining is no longer the lifeblood of this region and that copper sulfide mining would cause immeasurable damage for hundreds of years with very few benefits in return except to the Chilean family that owns Antofagasta. Firth stated that being a city councilor is not easy and she honors them for their commitment. She is asking that they focus the attention on the issues and needs of our city that do fall within their authority and which you do have some control. Firth states that she looks forward to creative thinking about economic development and providing infrastructure that is needed to support our vibrant community. Our vibrant small town is bursting with creative and entrepreneurial energy which is often amplified by new residents who are attracted to the natural amenities and the spirit of this amazing town. The prospect of mining is not what is bringing them here, quite the opposite.

Richard Stuart – MN HR 100 – Cannabis and retail licensing – 1460 Jarvi Road

Stuart indicated that there is a bill in the House of Representatives (HF 100) that is currently has to go through 14 different committees, and has currently gone through 4 committees. For those of you that have not heard what HF 100 is, it is a bill to establish regulatory framework for adult use cannabis. Stuart indicated that he has been doing some research, and after several articles in the paper he took a drive over to Cook to see John Chaulklin the gentleman that wants to open a business in Ely. Stuart stated that it might be in the city's best interest to put together an advisory council regarding cannabis. In HF 100 they have many different types of license categories that will be offered to someone wants sell or produce adult use cannabis. The bill provides local units of government to establish reasonable restrictions can prohibit operating a cannabis business within 1,000 feet of places that include schools and daycare facilities, in his research he found that many cities restrict it to 1 mile from schools. The bill also gives local authority until January 1, 2025 to deal with this issue. Stuart showed a couple of products that are being sold; Surly Brewing and Indeed Brewing both have TCH infused beverages, Stuart showed a couple more products that were made in Tower, MN and Two Harbors, MN. Stuart stated that this is already here in our back yards. It might be best to put together a committee and advisory board that can look into how this impacts the tax base, and

everything surrounding this from cultivation, to farming, to retail, and to wholesale. Most likely this will pass in this year's legislative body.

#### Gerald Tyler – Support of Council's Resolution – Morse Township

Tyler stated he is here to support the Council's Resolution opposing the 20-year ban on mining in the Rainy River Watershed, imposed by the Secretary of the Interior. He has served as the Chairman and CEO of Up North Jobs; an Ely based nonprofit membership organization since its incorporation in 2013. Since then its organization, its officers, directors and members have promoted economic development and job growth in Northeastern Minnesota. Since 2013, we have supported the efforts of Twin Metals Minnesota to develop its copper-nickel mine in the Rainy River Watershed of the Superior National Forest. Serious opposition to mining in the Rainy River Watershed first began in 2006. The Forest Service then imposed a moratorium on Superior National Forest lands and began preparing an environmental impact statement. In 2012, six years after the moratorium was imposed, the Forest Service published a final impact statement finding no significant impacts. The massive study consisted of 862 pages, not including thousands of pages of work papers and supporting documents. A Record of Decision was issued finding that mineral leasing and exploration could resume pursuant to conditions and stipulations within the environmental impact statement. Altogether, 29 prospecting permits were issued to Twin Metals Minnesota, Duluth Metals and others.

Opposition to Twin Metals Minnesota's proposed copper-nickel mine began in earnest in December 2013, when attorney Becky L. Rom of Ely, and Northeastern Minnesotan's for Wilderness (NMW), and its attorneys met with officials of the U. S. Department of Agriculture, to discuss "the hard rock mining threat to the Superior National Forest and the BWCAW" and lobbied them to oppose mining in the Rainy River Watershed.

Twin Metals' mineral leases were last renewed in 2004. On December 15, 2016, just days before President Trump took office; the Bureau of Land Management announced that it would not renew Twin Metals' two federal mineral leases in the Rainy River Watershed. The U. S. Forest Service took the decision a step further by requesting that 234,000 acres of National Forest lands, would be withdrawn for a twenty-year term. Before such a withdrawal can achieve final approval, the Forest Service must prepare an Environmental Impact Statement (EIS) and therefore imposed a two-year moratorium on mining exploration on the aforementioned 234,000 acres of National Forest lands, including those areas where Twin Metals' leases are located.

In May 2018, the Trump administration reinstated Twin Metals' leases and in September 2018, the Environmental Impact Study begun under the Obama administration in 2016 was cancelled by the Trump administration.

In December 2019, Twin Metals submitted its Mine Plan of Operations. (Prior to this time, no site specific study could be conducted) On September 29, 2021, the U. S. Forest Service applied to the Department of the Interior, BLM for a proposed withdrawal of 225,378 acres of National Forest System lands located in the rainy River watershed, for a 20-year term from disposition under U. S. mineral leasing laws. In October 2021, the Biden administration announced the study begun under the Obama administration would be restarted. On January 26, 2022 the BLM, after concluding that Twin Metals' mineral leases were improperly renewed by the Trump administration in 2018, announced that Twin Metals' leases were canceled. On August 22, 2022 Twin Metals Minnesota filed suit in U. S. District Court against the Department of Interior, including Interior Secretary Debra Haaland and the BLM to reinstate its mineral leases. On January 26, 2023, Interior Secretary Haaland and the Biden administration

issued an order imposing a 20-year moratorium on further leasing of federal land in the Rainy River Watershed of the Superior National Forest.

So where do Northeastern Minnesota stakeholders stand today in all this? Will we be known as the Incredible Shrinking Ely?

Consider these facts: - Ely does not have a new car dealership - The population of Ely and Northeastern Minnesota's communities continues to decline. - The enrollment in the Ely school district has shrunk to only about 550 students, K-12. - Maternity services are no longer offered Ely's young families. - The Boundary Waters Care Center is in serious financial trouble and may not survive. - There is only one grocery store left in Ely. - Our schools have been denied the receipt of millions of dollars of production taxes that would have been paid by Twin Metals.

In closing, let me say that many of us are of the opinion that the Minneapolis Star Tribune and the environmental organizations have had a most devastating impact on our schools and our economy – one from which Ely may never recover.

### **Debeltz/Callen moved to send a letter to the Biden Administration Regarding Mining Moratorium**

Debeltz stated that had a speaker that state that we don't give people the right to speak at these meeting, technically Debeltz indicated that he can go to a Town of Morse meeting and speak since we don't live there. Our town is dying around here; we need jobs here so this town can move forward.

Bisbee indicated that in the past these motions to send some kind of correspondence to Washington or to our Senators have passed unanimously. As a city council member he doesn't think council should vote unanimously on certain topics, it denies some people in this community a voice. Bisbee indicated that if he would vote yes it would be a great disservice to other community members. By voting no he is giving other community members a vote.

Kess stated that we give people in the city a voice by letting them speak. People in Ely do have a voice, to give them a voice you should speak your content, we do give the people of Ely a voice and serve as their representatives.

**Motion Carried 5-1-1 with Bisbee voting No and A.Forsman Absent.**

**Kess/Callen moved to approve Resolution 2023-003 Resolution Opposing the Withdrawal of Federal Land and Minerals for Exploration and Development. Roll Called: Council Members A.Forsman – Absent, Kess- Yes, Debeltz – Yes, Callen – Yes, Campbell – Yes, Bisbee - No and Mayor Omerza – Yes. Motion Carried 5-1-1.**

### **COMMITTEE REPORTS:**

Standing/Special

Heritage Preservation Commission: Minutes Included in the Council Packet

Matter of Information - History Happy Hour Program - Program purpose is to share bite-sized stories from Ely's past with new audiences in a casual, relaxed atmosphere. The initial program offering would be at on-sale liquor license venues with appropriate seating. Program kick-off would be this summer

Planning and Zoning Commission: Minutes Included in the Council Packet

Ely Utilities Commission

**Callen/Debeltz moved to approve the recommendation from EUC to hire JAMAR for Rooftop Unit maintenance at the WWTF. Motion Carried 6-0-1 with A.Forsman Absent.**

**Callen/Bisbee moved to approve the recommendation from EUC to approve payment of the December Bills for \$1,396,645.51. Motion Carried 6-0-1 with A.Forsman Absent.**

**Callen/Debeltz moved to approve the recommendation from EUC to approve payment of \$1,100 to Anthony Gornik for installation of LCR Units.**

Bisbee asked if the program is almost complete. Langowski stated that it will continue until we get all the LCR units for the dual fuel installed.

**Motion Carried 6-0-1 with A.Forsman Absent.**

**Callen/Campbell moved to approve the recommendation from EUC to approve payment of \$500 to Mick Shusta for A Operator Services in December 2022 at the WWTF. Motion Carried 6-0-1 with A.Forsman Absent.**

**Callen/Kess moved to approve the recommendation from EUC to approve payment of \$7,098 for the MMUA 2023 dues. Motion Carried 6-0-1 with A.Forsman Absent.**

**Callen/Campbell moved to approve the recommendation from EUC to approve payment of \$1,112.27 to the MN DNR for water use.**

Langowski indicated that this is for our yearly water appropriation permit.

**Motion Carried 6-0-1 with A.Forsman Absent.**

Telecommunications Advisory Board (TAB)

**Debeltz/Campbell moved to approve the recommendation from TAB to enter into a contract with Todd Crego for an additional two years for \$1,750 per month and up to an additional \$2,000 annually for additional sports underwriting as needed. Motion Carried 6-0-1 with A.Forsman Absent.**

Employee Relations

**Debeltz/Kess moved to approve the recommendation from ER to hire Scott Kochendorfer for the Planning & Zoning Administrator position. Motion Carried 6-0-1 with A.Forsman Absent.**

**Debeltz/Callen moved to approve the recommendation from ER to hire Tricia Flake for the Library Assistant Position.**

Kess stated that we are moving one of the current library clerk positions to the library assistant position and this was approved in the budget.

Library Director Heinrich stated that the purpose of making a Library Assistant position was to give someone in the clerk position a step-up and to reassigning somethings to a different job description.

**Motion Carried 6-0-1 with A.Forsman Absent.**

Library Board: Minutes included in the Council Packet

Park and Rec Board

**Bisbee/Kess moved to approve the Ely Marathon Spring Meltdown event on March 18<sup>th</sup> at the Trezona Trail.**

Langowski indicated that they do not need anything from the city and they are planning on the Trezona being snow-covered.

**Motion Carried 6-0-1 with A.Forsman Absent.**

Donald G. Gardner Humanities Trust: Minutes included in the Council Packet

**DEPARTMENTAL REPORTS:**

Clerk-Treasurer – Nothing to Report

Fire Chief

Chief Marshall discussed the recent calls for the fire department.

Library Director

Library Director Heinrich discussed the current programming at the Library which can be found on the Library website and indicated that the library now has tax forms.

Police Chief

Update Animal Licensing and Regulation Ordinance

Chief Houde indicated that he would like to update the animal ordinance to add more dangerous dog language, a lifetime license and other minor updates.

Debeltz asked what happens with a dangerous dog. Chief Houde indicated that the dog gets put on a list and the owner has to pay a fee, then the dog gets looked at in the future depending on how many incidents it has.

The 2022 Incident Statistics for the Ely Police Department were included in the Council Packet.

City Attorney

- i. 1<sup>st</sup> Reading of Ordinance 367 An Ordinance of the City of Ely, Minnesota, Adding to the Ely City Code, Chapter 6, Section 6.40, Entitled Edible Cannabinoid Products Dealers- OFF SALE EXCLUSIVE or ON SALE NOT ALLOWED

Attorney Klun stated that she has two ordinances on the agenda, one for off sale exclusive and one where on sale is not allowed. The off sale exclusive would mean it could only be sold in a standalone store, it could not be sold in convenience stores or anywhere but a store that only sold the Cannabinoid Products. The on sale not allowed would mean the products could only be sold for off sale, but they could be sold in standalone stores and in convenience stores or elsewhere that sells other things. It would not be allowed to be sold to be consumed on premise at a store or restaurant. We have had a local restaurant contact us about wanting to serve the THC beverages at their restaurant to be consumed on site, and this ordinance would not allow that. Attorney Klun indicated that she needs some direction from the council as to how they would like to proceed.

Kess indicated that the reason Klun is uncertain as to which way to move forward is because the council is uncertain as to what to do.



Omerza indicated that we already have stores selling the product, so the off sale exclusive ordinance would make the stores that are already selling the product not able to sell and they would have to take the product off of their shelves.

Attorney Klun stated that the easiest way to go through this would be to take on of the ordinances off of the table and just work on changing things in one ordinance.

Kess indicated that he thinks we are getting ahead of the game by trying to pass an ordinance that limits what may or may not be possible with everything that the state legislature is working on. Kess indicated he would like to extend the moratorium and wait out with what the state is doing.

Omerza stated that what the state legislatures are currently talking about is different than this, this is about licensing what is currently allowed by state statute, currently the state is talking about marijuana sales and growing.

Kess state that he feels we are acting to early with everything that is going to come forward in a couple of months with what the legislatures are discussing.

Attorney Klun stated the reason we are looking at this is an individual came forward wanting to open a business in Ely, the council can extend the moratorium for up to a year.

Kess asked if we could extend the moratorium until the end of the legislative session in May we would have a clearer picture of what the legislatures are approving.

Omerza stated that we would be putting a lot of faith in the legislature to get this completed.

Attorney Klun indicated that if you are looking at extending the moratorium you should do it for the full year, it going to get more difficult once the legislature expands these products.

**Bisbee/Debeltz moved to go forward with the Off Sale Exclusive Ordinance.**

Kess stated that under the current bill that is going through the legislature, they are talking about allowing these products to be sold in liquor stores eventually, how would that affect our stand alone off sale exclusive ordinance.

Attorney Klun indicated that if we want license what is currently being allowed it would be the On Sale Not Allowed Ordinance.

Debeltz asked if we passed the Off Sale Exclusive Ordinance if the businesses that are currently selling it could continue. Attorney Klun indicated with the Off Sale Exclusive they could not sell what they are currently selling, they would not be allowed to sell the product. Chief Houde suggested to maybe having an advisory group to discuss the options for this ordinance.

**Bisbee/Debeltz withdrew the motion to go forward with Off Sale Exclusive Ordinance**

Attorney Klun indicated that we will work on setting up an Ad Hoc Committee at the next meeting.

~~Schedule a Public Hearing regarding Ordinance 367 for February 21st at 5pm. – 1<sup>st</sup> reading was not approved~~

ii. **Campbell/Debeltz moved to approve the Essential Supervisors Employee Contract for the Police Chief and Assistant Police Chief.**

Kess asked if this was recommended by Employee Relations. Attorney Klun indicated it was approved by Employee Relations.

**Motion Carried 6-0-1 with A.Forsman Absent**

- iii. Resolution 2023-004 and Order of the City of Ely – A Resolution and Order of the City of Ely, Minnesota, Revoking the Rental License at 105 W Conan St.

Attorney Klun indicated that prior to this meeting a public hearing was had, Building Official Whitney and Property Owner and landlord Bentz spoke at the hearing. The current order and resolution calls for a revocation of the rental license.

**Debeltz/Campbell moved to approve the Resolution 2023-004 and Order of the City of Ely – A Resolution and Order of the City of Ely, Minnesota, Revoking the Rental License at 105 W Conan St with the amendment to give the owner 90 days to fix the issues that are pending, then do another inspection and bring that back to the council.**

Bisbee indicated that Bentz had asked for 6-8 months in his testimony during the public hearing.

Kess stated that the back stairs are probably not going to be fixed in the winter. Kess indicated that the landlord has been working in good faith to fix the items the building inspector pointed out. From the December 10<sup>th</sup> inspection a significantly more items were added to the report on the January 23<sup>rd</sup> inspection report, it was unfortunate that many things were added to the January 23<sup>rd</sup> inspection.

Langowski indicated that for the reroof, they got a permit, but a final inspection was never completed. The original inspection on December 10<sup>th</sup> was brief due to a real estate showing being had at the same time, Whitney's inspection on January 23<sup>rd</sup> was more thorough. The number one concern is the safety of the tenants; improvements need to be done along the way by contacting the Building Department.

Debeltz asked if 90days is enough time to get inspection and be in compliance.

Langowski stated that is why the revocation of the license is on the agenda; with the license being revoked the landlord would then have to bring the building into compliance in order for the rental license to be given. Between now and then the tenants would be notified that property no longer has a rental license.

Building Official Whitney indicated that the first letter was sent to Bentz in June 2017, the building has been continuing to deteriorate since then. Whitney indicated that he is asking for the license to be revoked. Bentz will just come back in 90 days and ask for more time.

The windows are an issue if you have storm windows and cannot open them to get fresh air in the winter that's not good. Bentz needs to start working on these thing, and once he gets to a point where we can say each apartment is good then we green light it. If the council would revoke the license we are not condemning the building, or kicking anyone out, it would be up to the tenants to stay or not, it would just be rented without a rental license.

Callen stated his top concern is safety of the residents and the fire hazards; he is with the building official on this issue.

Debeltz indicated that he is concerned with the people that are living there, what if they don't have another place to go.

Bisbee stated he is having a hard time as to why there isn't any protection for the tenants, seeing that this is the landlord's responsibility, and he has failed to meet his responsibility, is there any protection for the tenants as far as finding them a place to stay while he is making the repairs. Is there anything in the laws state that the landlord must be responsible to put them up in a hotel or find them another place to stay?

Attorney Klun indicated it would be a civil issue between the tenants and the landlord. The City of Ely doesn't have a health and social services department that is generally the county type of service.

Fire Chief Marshall indicated that he did spend sometime in the property, and Bentz did offer council go look at the property. If you took him up on that offer you would see that this property does not represent what your intention is as a licensed rental property in the City of Ely. The council is now aware of the deficiencies, fire and life safety issues in the property that has been licensed in the City of Ely.

Kess asked to articulate some of the safety issues of the property that would be hazardous to the tenants.

Marshall indicated that the hording in the property, if there was a fire in the building he would be reluctant to send any firefighters in the building unless someone was in the building, under the conditions it in. Some of the wiring is an issue and the heating units in the building. The exact heating units in the building caused another structure fire in town recently, so we know those units can cause fires.

Attorney Klun indicated that all properties that are up for a rental have a rental inspection list, not one item stands out, it is the cumulative points on the inspection list.

Bisbee stated that even the repairs that Bentz stated he completed since the last inspection, even deducting those points from the total it's not even close to the compliance amount.

Omerza asked what would happen if something would happen in the next 90days while we are giving him time to comply.

Attorney Klun indicated that the city should check with the League of Minnesota Cities Insurance Policy.

**Roll Called: Council Members A.Forsman – Absent, Kess- Yes, Debeltz – Yes, Callen – No, Campbell – Yes, Bisbee - No and Mayor Omerza – No. Motion Failed 3-3-1 with A.Forsman Absent**

**Callen/Bisbee moved to accept Resolution 2023-004 and Order of the City of Ely – A Resolution and Order of the City of Ely, Minnesota, Revoking the Rental License at 105 W Conan St. As written to revoke the rental license. Roll Called: Council Members A.Forsman – Absent, Kess- No, Debeltz – No, Callen – Yes, Campbell – No, Bisbee - Yes and Mayor Omerza – Yes. Motion Failed 3-3-1 with A.Forsman Absent**

- iv. Correspondence from Attorney Klun regarding the City Code Book being codified with 24 Ordinances; Ordinances No. 343 – 366. – Matter of Information
- v. **Debeltz/Callen moved to approve the Agreement and Mortgage for the Trailhead between the City of Ely and the US Department of Commerce, Economic Development Administration (EDA) with a 20 year mortgage on the premise. Motion Carried 6-0-1 with A.Forsman Absent**
- vi. **Callen/Campbell moved to approve the Mortgage Satisfaction for Stony Ridge on Shagawa Lake, Ltd. Document No. 01437966 recorded on February 23, 2022 and a Note and Mortgage for the Commercial Rehab Loan for Stony Ridge for \$17,500 at 60 W Chandler St to replace flooring and backsplash in kitchen pending proper paperwork and fees.**

Attorney Klun indicated that they are taking out an additional amount on their Storefront Loan that they have with the city, first we need to satisfy the old mortgage, and then issue the new note and mortgage.

**Motion Carried 6-0-1 with A.Forsman Absent**

City Engineer

**COMMUNICATIONS:** Matter of Information

Letter to Biden Administration from RAMS regarding opposition to Public Land Order No. 7917, lease withdrawal

**CLAIMS FOR PAYMENT:**

A. City and EUC claims for February 7th, 2023 for \$127,675.50

B. Pay Estimate #10 for the Ely WWTF Improvements Project to Rice Lake Construction Group for \$286,376.55.

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

**OLD BUSINESS:**

2023 Committee Seats Expiring, Applications and Renewals

**Bisbee/Campbell moved to approve Jordan Stocks as the new applicant for the Library Board. Motion Carried 6-0-1 with A.Forsman Absent.**

**Debeltz/Callen moved to approve the following committee appointments.**

**Airport Commission: William Vosburgh – Renewing – Term Expiring 1/31/2026**

**Airport Commission: Richard Stuart – Renewing – Term Expiring 1/31/2026**

**Gardner Trust: (NLAA Board Rep) – Renewing - Term Expiring 1/31/2026**

**Gardner Trust: Irene Hartfield - New Applicant – Term Expiring 1/31/2026**

**Heritage Preservation Commission: James Beaty – Renewing – Term Expiring 1/31/2026**

**Heritage Preservation Commission: Pam Turnbull – Renewing – Term Expiring 1/31/2026**

**Library Board: Tori Scarbrough – Renewing – Term Expiring 1/31/2026**

**Library Board: David O’Donnell - Renewing – Term Expiring 1/31/2026**

**Park and Rec Board: Morgan Sauls – Renewing – Term Expiring 1/31/2026**

**Park and Rec Board: Chris “Bud” Ahrens – Renewing – Term Expiring 1/31/2026**

**Park and Rec Board: A.Z. Eck – New Applicant – Term Expiring 1/31/2024**

**Planning and Zoning: Alan White- Renewing- Term Expiring 1/31/2026**

**Sanitation Commission: Phillip Hegfors Jr – Renewing – Term Expiring 1/31/2026**

**Sanitation Commission: John Lahtonen – Renewing – Term Expiring 1/31/2026**

**Telecommunications Advisory Board- Irene Hartfield – Renewing – Term Expiring 1/31/2025**

**Ely Utilities Commission: Rob Wilmunen – Renewing –Term Expiring 1/31/2026**

**Tree Board: A.Z. Eck: Renewing – Term Expiring 1/31/2026**

**Motion Carried 6-0-1 with A.Forsman Absent.**

Legal Newspaper Bid

**Callen/Campbell moved to award the 2023 legal publishing to the Ely Echo. Motion Carried 6-0-1 with A.Forsman Absent.**

**NEW BUSINESS:**

**Debeltz/Campbell moved to approve sending a Letter of support for the International Wolf Centers bonding request. Motion Carried 6-0-1 with A.Forsman Absent.**

**Debeltz/Campbell moved to accept the Pay Equity Compliance Report for 2023. Motion Carried 6-0-1 with A.Forsman Absent.**

**Debeltz/Callen moved to approve Resolution 2023-005 Resolution Authorizing the Application of the Knights of Columbus Council 3238 to Conduct Bingo. Roll Called: Council Members A.Forsman – Absent, Kess- Yes, Debeltz – Yes, Callen – Yes, Campbell – Yes, Bisbee – Yes, and Mayor Omerza – Yes. Motion Carried 6-0-1.**

**OPEN FORUM:**

Terry Walters- 1749 Hwy 120

Walters indicated that he is against the letter and resolution the council passed tonight. Walters stated that we are here to protect the planet and protect the quality of life for our children, grandchildren and future generations. Walters stated that he spent his life traveling the country going to where the jobs were, never once did he demand that the jobs came to him.

Mike Banovetz –

Banovetz indicated that we all have a right to disagree; he is favor of the letter and resolution that the council passed. Banovetz indicated that enough was stated on the whole mining issue that he is not going to get into it.

Banovetz indicated that we are going to have to watch what the state does with the whole CBD/THC issue. It is going to be a big enforcement issue. Some states don't allow things that the kids enjoy, like gummies, brownies, cookies, chocolate that are all laced with TCH, which is something that shouldn't be here. Banovetz stated that maybe the best place for a store is in the adult zone and not downtown.

Bob Graves- Fall Lake Township

Graves spoke about the relevance of township residents speaking during City of Ely Council Meetings. Graves stated that we shop in Ely at the hardware stores, grocery stores, etc, we see the doctor in Ely, etc, we do not do these things in Fall Lake Township, they are a part of the Ely Economic Community.

Graves stated he is concerned with the level of protection and safety with the mine, there is an insufficient way to stop the pollution once it is in the tailings ponds.

Peta Barrett – 13819 Otter Rd

Barrett indicated that she lives in Fall Lake Township, but has a business in Ely on Sheridan Street, she pays taxes in the City of Ely and in St Louis County. Barrett indicated that they spend their money in Ely, and have a vested interest in Ely even though they live a couple miles out of town. It is frustrating as a City of Ely business owner in town.

Jay Gustafson - 483 S 2<sup>nd</sup> Ave E

Gustafson stated that the body language of the council speaks a lot more than words. Gustafson stated they have a right to be here and speak here.

Madelyn Fahnlane – 340 E Camp St

Fahnlane is the Northern Regional Organizer for Save the Boundary Waters. Fahnlane indicated the way they communicate with residents of Ely to be in attendance at tonight's meeting is she sent out an email to the 55731 residents. Fahnlane stated that a lot of new people are moving to Ely and go to events and would like to get to know the Council Members. Tonight there were approximately 30-40 people here under 40 years old that would like to get to know people. Fahnlane also had a list of 79 residents who were unable to attend tonight's meeting that are opposed to the letter and resolution the council had on the agenda tonight.

Larry Reedy – 529 E Washington St

Reedy discussed the CBD Law, he indicated that he would like to serve on the ad hoc board. Reedy stated that currently there is no measurable way to measure the intoxication in a person, the council needs to do research before they pass an ordinance on this. Reedy also discussed the drag show that is and has been held at the Grand Ely Lodge, the city has an Adult Establishment ordinance that should be followed.

**ADJOURN:**

Mayor Omerza moved to adjourn the meeting at 8:20pm without objection.

Casey Velcheff  
Deputy Clerk