

Council Minutes - February 21, 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 A.Forsman, Debeltz, Callen, Campbell, Bisbee, and Mayor Omerza

ABSENT: Council member Kess

APPROVAL OF MINUTES:

Debeltz/Bisbee moved to approve minutes from the February 7, 2023 Regular Council Meeting and Public Hearing. Motion Carried 6-0-1 with Kess Absent.

ADDITIONS OR OMISSIONS TO AGENDA:

Debeltz/Campbell moved to Omit 7.A – Request to Appear - Rae Bentz – Update on 105 W Conan Rental. Motion Carried 6-0-1 with Kess Absent Bentz called the Clerk's Officer before the meeting indicating he would like to be taken off the agenda.

MAYOR'S REPORT:

State Nordic Ski Champion – Zoe Devine

Mayor Omerza presented Zoe Devine a Key to the City for her State Nordic Ski Championship at Giants Ridge on February 21, 2023.

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 Annual Conference June 21-23, 2023 in Duluth, MN.
- C. Approve Council and Staff to attend the League of Minnesota Cities Safety and Loss Control Workshops

A.Forsman/Campbell moved to approve the Consent Agenda items A-C. Motion Carried 6-0-1 with Kess Absent

REQUESTS TO APPEAR:

~~Omitted - Rae Bentz – Update on 105 W Conan Rental~~

COMMITTEE REPORTS:

Standing/Special

Budget Meeting

A.Forsman/Bisbee moved to approve the Fee Schedule recommendation from Budget Committee to increase the Short Term Rental License from \$100 to \$400 per year.

A.Forsman asked what the reasoning for this is. Langowski stated that Kess voiced his opinion of having the short term rental fee higher than long term rental. Langowski indicated that we do have a couple other fees that we are going to work on at the next budget meeting so this could go back to budget if needed to have more discussion.

A.Forsman stated that the fee should be considered as to how much work and time staff has to do to put together and issue the license.

Motion Failed 0-6-1 with Kess Absent

A.Forsman/Debeltz moved to bring the short term rental license fee back to budget for further review. Motion Carried 6-0-1 with Kess Absent.

A.Forsman/Callen moved to approve Fee Schedule recommendation from Budget Committee to change the fee schedule as presented for Civil Enforcement Fees, Labor Charges and Equipment w/ Operator Fees. Motion Carried 6-0-1 with Kess Absent.

A.Forsman/Callen moved to approve the recommendation from Budget Committee to purchase an upgrade from Caselle Clarity to Caselle Connect with the optional module of miBudget an option purchase for up to \$17,850.

Langowski indicated that this is the City's Accounting Software and we need to upgrade the system.

A.Forsman asked about in the minutes it stated that there is a no fee upgrade for 3 years, is that included. Langowski indicated that he believes so.

Motion Carried 6-0-1 with Kess Absent.

A.Forsman/Debeltz moved to approve the recommendation from Budget Committee to approve the purchase of a Police Department Dell Computer from Voltz for \$1,599.97. Motion Carried 6-0-1 with Kess Absent.

A.Forsman/Bisbee moved to approve the recommendation from Budget Committee to approve the Authorization of Professional Services Contract with TKDA for \$81,700 for the Ely Trailhead Building. Motion Carried 6-0-1 with Kess Absent.

Projects Meeting: Minutes included in the Council Packet

Tree Board

Bisbee/Debeltz moved to approve the recommendation from Tree Board to approve Cody Perkins maple tree tapping request according to his proposed equipment and location in his letter with the written policy being met. Motion Carried 6-0-1 with Kess Absent.

Housing & Redevelopment Authority: Minutes included in the Council Packet

Langowski indicated that Executive Director Hiller sent out a survey to the waiting list of people that are waiting for the townhouse units of what they could pay for rent to get an idea for the new Market Rate Housing that is being looked at.

Range Association of Municipalities & Schools (RAMS): Minutes included in the Council Packet

Other Committee Reports

Omerza indicated that the Ambulance Joint Powers is meeting next Tuesday at 4pm, suggested posting it as a Special Council meeting so all Council Members can attend

A.Forsman/Campbell moved to make the Ambulance Joint Powers meeting on February 28, 2023 at 4pm a Special Council Meeting at the Winton Community Center. Motion Carried 6-0-1 with Kess Absent.

A.Forsman indicated there will be a Sanitation Meeting tomorrow at 4pm to discuss the Residential Waste Contract.

DEPARTMENTAL REPORTS:

Clerk-Treasurer

312 E Chapman St Sewer Exemption

Langowski indicated that the buyers have lived at the property since the sale in 2015 and the current owner is the mother of one of the buyers.

Debeltz/A.Forsman moved to approve the 312 E Chapman St Sewer Exemption with the letter indicating to have the sump pump, foundation and roof drains checked to make sure they are not directed into the sanitary sewer. The City will need a complete Sewer Inspection the next time the property sells. The basis for the exemption is co-tenancy.

Callen asked if they are able to televise the sewer line. Langowski indicated that they have not had it televised to see the condition of the line, that is why they are asking for the exemption.

A.Forsman asked if the sump pump, foundation and roof drains have been checked if they are connected to the sanitary sewer line.

Langowski indicated that we can put that in the letter to the property owner to get checked before the sale. We have had inspections in this area; some have been good and some bad.

A.Forsman stated he is willing to approve if we can check where the obvious drains and sump pump are being directed.

Bisbee indicated that maybe it would be good to review this ordinance and look at the exceptions that we have had to deal with.

Langowski indicated that this one is different since the other two exceptions that were given had hardships and the sewer line could not be scoped.

Bisbee indicated that he examined the ordinance and the state statutes that provide the exemption for this request. Co-ownership was an exception.

Attorney Klun indicated that family ownership happens all the time, we need to make sure that co-tenancy is put as part of the letter.

Mayor Omerza stated that we will put in the letter to have the sump pump, foundation and roof drains checked to make sure they are not directed into the Sanitary Sewer. We will need an inspection when the house changes ownership again and that the basis for the exemption is co-tenancy.

Motion Carried 6-0-1 with Kess Absent.

Callen/Campbell moved to approve the 2023 Taxi lane Reconstruction Design and Construction Phase Services from TKDA. Motion Carried 6-0-1 with Kess Absent.

Fire Chief:

Chief Marshall discussed the recent calls for the fire department.

Chief Marshall stated that the Ely Fire Department has a standard operating guideline (13.023) that defines what a member of good standing is. There are 3 things that define it, a member of good standing must make 9 of 12 regular meetings in a year, must make 3 maintenance nights in a year, and make 30% of the calls in a year. Since Covid the 9 meetings and the 3 maintenance nights have been combined and we have tracked it to come to a total of 12 trainings or meetings a year. Another thing that has changed is our training nights are separate from our meeting and maintenance night. So the SOG doesn't work as well as it is written any longer. The officers recommended to the membership at the beginning of this month that the number be increased from 12 meetings and trainings a year to 16 meetings and trainings a year. Part of the officers rational for this is that under the current standard a member in good standing could remain a member in good standing if they just made 12 meetings and maintenance nights and didn't go to a single training in a year, and that didn't feel right to people. Under the new standard you would not be a member in good standing if you skipped all

the training nights in a year. The membership voted on it and it was a unanimous decision of what it means to be a member in good standing for the Ely Fire Department. How many people would that impact? If we looked at last year's numbers it would have an impact on 8 fire department members, four members did not make last year's guidelines and 4 more members would not make the new guidelines, but Chief Marshall is confident the members will make the requirements for this year.

Library Director

Mayor Omerza discussed the current programming at the Library which can be found on the Library website.

Police Chief

Assistant Chief Lorenz

Officer Bradley Roy gave an Emergency Management Report; he is looking at getting a group set up to get people talking and communicating with each other, which would meet quarterly if any council members would like to join. The Emergency Operations Plan is completed for the year. Roy indicated that he reached out to St Louis County, they were part of the Marathon last year, and we are now a part of their group which meets a couple times a year so we now have them more accessible to us.

City Attorney

Campbell/Bisbee moved to approve the Resolution 2023-006 Resolution Declaring a Temporary Moratorium on Cannabinoid Products Derived from Hemp within the City of Ely

Attorney Klun indicated that this would be an extension to the moratorium until December 5, 2023, but the council can initiate an ordinance or revoke this moratorium at any time. At this time the conversation with regard to licensing and regulation is ongoing, and we don't have a precise decision and we are running to the end of our existing moratorium.

A.Forsman indicated that he was not at the last meeting, but was in favor of the Off Sale with On Sale not allowed Ordinance. A.Forsman indicated that he does not see a need for an ad hoc committee, there are going to be changes as the state makes their moves, but we cannot wait for them either. A.Forsman indicated that he would like to see the non-exclusive ordinance move forward.

Roll Called: Council Members A.Forsman – Yes, Kess- Absent, Debeltz – Yes, Callen – Yes, Campbell – Yes, Bisbee – Yes, and Mayor Omerza – Yes. Motion Carried 6-0-1.

Debeltz/Campbell moved to Set up and Ad Hoc Committee to discuss licensing Cannabinoid Products in the City of Ely and developing an Ordinance.

Attorney Klun indicated that we will need a couple council members, the police department on the committee. Campbell, Debeltz, and Mayor Omerza indicated they would be on the committee.

Omerza indicated that we will just be talking about what is legal today.

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

Update on 105 W Conan St Rental License

Attorney Klun indicated that after further review the building official has determined that a rental license revocation is not needed by the council, it appears that this property is unlicensed and has not been licensed as a rental since April 30, 2022. Attorney Klun stated that this doesn't change the situation as we are looking for compliance relative to the standards, the owner

should continue to work with the Building Official to bring the property up to the standards requested for permitting rental licenses. At this time there is no council action necessary.

A.Forsman/Campbell moved to approve the Mortgage Satisfaction for William and Helen Cusack Document No. 997180.0 recorded on April 23, 2018. Motion Carried 6-0-1 with Kess Absent.

City Engineer

COMMUNICATIONS: Matter of Information
Habitat Highlights – February 2023
Correspondence from the Embarrass Regional Fair Association

CLAIMS FOR PAYMENT:

- A. City and EUC claims for February 21, 2023 for \$135,585.68
- B. Invoice #85394 to AE2S for the WWTF Improvements Project for \$19,896.19
- C. Invoice #441982 to SEH for Prospector ATV Trails for \$654.50
- D. Pay Estimate #5 (Final) for the Prospector ATV Phase 6 Beaver River Crossing Project to Northland Constructors for \$223,062.88 and Certificate of Substantial Completion
- E. Ely Community Resource Quarter 1 Payment of \$5,125.

Debeltz/Bisbee moved to approve the Claims for Payment items A-E. Motion Carried 6-0-1 with Kess Absent.

OLD BUSINESS:

NEW BUSINESS:

Debeltz/Callen moved to approve the Residential Rehab Loan for John and Susan Leonard for up to \$10,000 at 127 W Chapman St to fix the sewer line pending proper paperwork and fees and to direct Attorney Klun to work with applicant and proceed with the loan application. Motion Carried 6-0-1 with Kess Absent

OPEN FORUM:

ADJOURN:

Mayor Omerza moved to adjourn the meeting at 6:23pm without objection.

Casey Velcheff
Deputy Clerk