

Council Minutes-April 4th 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 5:30pm in the Council Chambers

Present: Council members A.Forsman, Kess, Debeltz, Callen, Campbell, Bisbee, and Mayor Omerza

Absent: None

APPROVAL OF MINUTES:

Debeltz/Callen moved to approve minutes from the March 21st, 2023 Regular Council Meeting. Motion Carried Unanimously

ADDITIONS OR OMISSIONS TO AGENDA:

A. Addition 9 A. I Change Order #8 from Rice Lake Construction

B. Addition 13 D Joint Powers Ambulance Meeting

C. Addition 13 E Design Proposal for Ely Area Mountain Bike Trail Expansion from Dirt Candy Designs

Callen/Kess moved to approve additions A-C. Motion Carried Unanimously

MAYOR'S REPORT:

Proclamation for April being Sexual Assault Awareness Month

Mayor Omerza gave the council a recap of her recent trip to Washington DC with the Ely High School Seniors.

CONSENT AGENDA:

A. Motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda.

Bisbee/Debeltz moved to approve consent agenda item A. Motion Carried Unanimously

REQUESTS TO APPEAR: None

COMMITTEE REPORTS:

Standing/Special

Ely Utilities Commission

Forsman/Callen moved to approve the recommendation from EUC to approve the purchase of heaters for the Water Treatment Plant from JAMAR for \$1525. Motion Carried Unanimously

Forsman/Callen moved to approve the recommendation from EUC to purchase an effluent sampler from HACH for \$10,273 for the Waste Water Treatment Facility (WWTF). Motion Carried Unanimously.

Forsman/Debeltz moved to approve the Recommendation from EUC to approve \$671,198.72 payment of the February EUC Bills. Motion Carried Unanimously.

Forsman/Bisbee moved to approve the recommendation from EUC to approve payment of \$75.00 to Anthony Gornik for installation of LCR Units. Motion Carried Unanimously.

Range Association of Municipalities and Schools (RAMS)-Minutes included in Packet.

DEPARTMENTAL REPORTS:

Clerk-Treasurer

Debeltz/Callen moved to approve the Rice Lake Construction Change Order # 8. Motion Carried Unanimously.

Fire Chief

Fire Chief Marshall gave an update on some recent calls they had, 11 medical calls and no fire calls. Members went through annual physicals and all were completed.

Library Director

Library Director Heinrich discussed the current programming at the Library which can be found on the Library website.

Police Chief

Reminded everyone calendar parking is still in effect until May 31st or until Council lifts it.

City Attorney

Attorney Klun stated that there are some revisions from the first reading of Ordinance 367 to add theater in terms of allowing on sale and some language relative to off sale edible requirements and the term for the licensing to correspond with the liquor licensing which is Sept. 1st to August 31st annually.

Campbell/Bisbee moved to approve the 2nd 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 Product Dealers.

A Forsman: stated that over the last two weeks he has spoken to 2 dozen people regarding this ordinance and not one person stated they supported allowing on sale. He stated concerns with risk to the community and unintended consequences with on sale. There are many jobs out there that you cannot do if this if it is in your blood. The potential for a dirty blood test that your job prohibits could result in serious consequences.

A Forsman/Callen moved to amend the ordinance to exclude on sale.

Kess- stated we should treat this as we do alcohol and have on and off sale, it seems to make sense to what we do and it is the responsibility of the individual user. Kess indicated is against the amendment.

Callen- has given this a lot of thought and has looked at all views and spoken to law enforcement, he would now just do off sale for the first year and re visit after the first year.

Bisbee- there are a couple of business that are pursuing on sale right now. THC and CBD are two different products. It is true, depending who you are getting your products from the amount of THC is different. Reading through the DOT recommendations, they recommend that their employees take precaution and that the decision falls on the consumer. It may be prudent to consider some stipulation when serving a CBD beverage to make it known through signage that they are serving those beverages, so consumers may know what is in their beverage.

Debeltz- asked if most bosses look badly on people who are told to take this stuff for medical purposes. Are employers getting rid of people because they are on this stuff?

Omerza- Clarified that if you have a commercial driver's license, and you get drug tested, and there are certain chemicals in your body and if it is over a certain amount you could lose your commercial driver's license.

A Forsman- also wanted to clarify that it is an edible cannabinoid license ordinance it is not a CBD ordinance, and this gets back to the definition. Edibles contain THC with is derived from marijuana or hemp products and you end up with the same products with the same effect. There are CBD products out there that don't contain any THC and this is not what were are talking about licensing

Omerza- stated we are talking about cannabinoid derived from hemp

Bisbee- stated that there are trace elements of THC in cannabinoid products. There are different types of cannabinoid products. If someone were to consume a pint of a THC beverage it would likely leave their system before they are tested. Bisbee would like to reiterate proper signage stating that these products may contain traceable levels of THC.

Omerza- we have three businesses that are requesting on sale and I am of the opinion when you are requesting something you need to know what you are requesting and agree with the signage. Businesses need to be responsible and we need to make sure they are responsible. This is already legal in the state. It is not new to Ely, and it is already in Ely. We are voting on the amendment on taking out the on sale.

Motion failed 2-5 with A.Forsman and Callen voting Yes

Bisbee/Campbell moved to accept Ordinance 367 with the addition of signage requirements for on sale.

Kess-since these are restaurants this could go on menus and we can give them a timeline or some forgiveness to adjust to these requirements

Attorney Klun- It would be best to delay this; the code and charter require that ordinances be in writing and whole. If we make this change we will need to publish the ordinance again and bring it back at the next council meeting.

Kess- we can go back to original language

Bisbee/Campbell withdrew the motion

Attorney Klun- The motion on the table is to approve Ordinance 367 as presented

Campbell/Bisbee moved to approve the 2nd 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 Product Dealers. Roll Called- A.Forsman-no, Kess- yes, Debeltz-yes, Callen-no, Campbell-yes, Bisbee-yes, Mayor Omerza-yes. Motion carries 5-2

Callen/Debeltz moved to approve the Purchase Agreement for East Spaulding Lot Block 2, Lot 15 for \$12,000 to Sheryl and John Swenson. Motion Carried Unanimously

Forsman/Bisbee moved to approve the 1st Reading Ordinance 368 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, Callen-yes, Campbell-yes, Bisbee-yes, Mayor Omerza-yes. Motion Carried Unanimously

Debeltz/Campbell moved to schedule a Public Hearing Regarding Ordinance 368 for April 18th, 2023 at 5:15pm in the Council Chambers at Ely City Hall. Motion Carried Unanimously

City Engineer

COMMUNICATIONS:

Correspondence from the Arbor Day Foundation congratulating Ely on earning recognition as a 2022 Tree City USA- Matter of Information

IRRR Board Meeting Recap – Matter of Information

Minnesota Council of Airports – Ely Municipal Airport: Construct Partial Parallel Taxiway A and Connector Taxiway A2 selected as the Minnesota Council of Airports' Key Intermediate General Aviation Airport Project of the Year 2022- Matter of Information

Thank You from Highway 169 North Task Force- Matter of Information

CLAIMS FOR PAYMENT

A. City and EUC claims for April 4, 2023 for \$164,035.38

B. Ely Community Resource 2nd Quarter Payment of \$5125.00

C. Ely Waste Water Treatment Facility (WWTF) Improvements Project Pay Estimate #12 for \$352,079.69 to Rice Lake Construction Group

D. Invoice 6940 for Coil's Flags, Flagpoles, Embroidery for \$7,462.47

Debeltz/Campbell moved to approve City and EUC Claims for payment items A-D. Motion Carried Unanimously

OLD BUSINESS:

Committee Seat Applications

Telecommunications Advisory Board (TAB)

(1 Seat Open – Term Expiring 1/31/2025)

Debeltz/Callen moved to approve appointing Sean Clark subscriber resident to the TAB Board. Motion Carried Unanimously

NEW BUSINESS:

Callen/Campbell moved to accept the Amendment to Listing Contract for Keller Williams Realty – Realtor Jim Burke for Lot 1 and 7-11, Block 1 East Spaulding Addition extension through April 21, 2024. Motion Carried Unanimously

Kess/Campbell moved to Reject the Trailhead Site Bids from May 12, 2021. Motion Carried Unanimously

Debeltz/Bisbee moved to approve Resolution 2023-008 Resolution Authorization City of Ely to Make Application to and Accept Funds from IRRR FY23 Regional Trails Grant Program- Roll Called: Forsman-yes, Kess-yes, Debeltz-yes, Callen-yes, Campbell-yes, Bisbee-yes, Mayor Omerza-yes. Motion Carried Unanimously

Debeltz/Campbell moved to approve a Special Council meeting/Joint Powers Meeting Thursday, April 13th, 2023 at 4:00pm at the Winton Community Center. Motion Carried Unanimously

Bisbee/Debeltz moved to approve the Design Proposal for Ely Area Mountain Bike Trail Expansion from Dirt Candy Designs. Motion Carried Unanimously

OPEN FORUM: None

ADJOURN:

Mayor Omerza adjourned the meeting without objection at 6:25pm

Katie Richards
Account Clerk