

Council Minutes - May 2, 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, Debeltz, Callen, Campbell, Bisbee, and Mayor Omerza

ABSENT: Council member Kess

APPROVAL OF MINUTES:

Debeltz/Campbell moved to approve minutes from the April 18, 2023 Public Hearing regarding Ordinance 368 and the Regular Council Meeting. Motion Carried 6-0-1 with Kess Absent.

ADDITIONS OR OMISSIONS TO AGENDA:

A. Additions 7.B. Jeremiah Day – G Men – Residential Waste Removal

B. Additions 8. A. Ely Utilities Commission

C. Additions 9. E. iii. Notice of Maintenance of Private Property at 109 W Conan St

Schedule Public Hearing for Blight Property at 109 W Conan St for May 16, 2023 at 5:15pm

D. Additions 13. L. Location Agreement between City of Ely and Closed Doors Film, LLC

Debeltz/Callen moved to approve adding the additions A-D to the agenda. Motion Carried 6-0-1 with Kess Absent.

MAYOR'S REPORT:

Proclamation to Celebrate Ely Community Center Gawboy Mural – Reception and Ribbon Cutting on May 4th at 5pm at MN North – Vermilion Campus in the Quiet Study Room in the Classroom Building

Proclamation making May 2023 Mental Health Month

CONSENT AGENDA:

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

B. Local Board of Appeal and Equalization Meeting, May 11, 2023 from 5:00-6:00pm in the Council Chambers at Ely City Hall

A.Forsman/Debeltz moved to approve consent agenda items A and B. Motion carried 6-0-1 with Kess Absent.

REQUESTS TO APPEAR:

Patrick Knutson and Jason Pate– Concerns of a resident for a local voice for our children

Patrick Knutson – 25 E Beacon Hill Rd

Knutson spoke against allowing children to be exposed to drag shows and sexuality at such a young age. Knutson indicated that society has certain guidelines and by Hollywood standards these events are PG-13 events. In these shows men dress up as Disney Princesses and dance up and down the aisles. Knutson indicated that he speaks from experience how being exposed to sexuality at a young age, initiates a curiosity in kids and will have side effects. Knutson indicated that he has seen some of the videos of these drag shows and they perform some of the same moves done at strip clubs. In these videos people are enjoying beverages in champagne glasses, Knutson indicated he wasn't sure if they were alcoholic or not, but it

implied that people were drinking. As a city we have ordinances against these types of shows. Knutson indicated that Jason Pate is going to share the stipulations with these ordinances.

Jason Pate- 8975 Bear Island Lane, Babbitt MN

Pate indicated that they are here to express their concerns with the actions of the Grand Ely Lodge regarding their recent hosting of the drag brunch for children. As residents of the City of Ely it is important that we withhold the laws and make relations that ensure the safety and wellbeing of our community, particularly our children. The Grand Ely Lodge's actions raise questions about their compliance with relevant zoning and licensing laws concerning establishments being considered adult cabarets. According to MN statute 617.241 any establishment that offers adult entertainment must not be located by schools, parks or other areas where children may be present. Minnesota liquor licensing laws prohibits the sale or service of alcohol in establishments that engage in adult entertainment. In chapter 13.02 in the City Code letter C it defines what an Adult Cabaret is. Pate indicated that this definition makes it clear that the Grand Ely Lodges decision to hold drag brunch for children is potentially in violation of the City Code. In the videos that he has seen the dancers were receiving tips for their dance moves and this is also in violation of the laws. Pate urges the City Council to look at the Grand Ely Lodge's actions.

Jeremiah Day – G Men – Residential Waste Removal

Day indicated that he is here to address the council about the matter of the Residential Waste Contract and its potential renewal. Day indicated that he felt it was important to reach out after last week's sanitation committee meeting to give you an idea what is happening behind the scenes. It is our position that the City of Ely should be extremely concerned that the majority of committee members have one direction and one path in mind. Multiple members of the committee have been in violation of using another hauler, when G Men has the sole contract/license in town. The sanitation committee should be looking out for the community and representing the people and the best interest of the city. Day indicated that he does not feel that is the case with some of the members of the Sanitation Committee; there are a few members of the committee that have a one way agenda. The committee has stripped most requirements previously put in place to allow an unqualified and inferior hauler the opportunity to provide proposals for both the commercial and residential waste collection RFPS. Some of these members want to put out in this new RFP and dissolve all the requirements that G Men have been required to for many years. We have been held out to these standards to look out for the community, so that we are held accountable and that we do a good job. Day indicted that he feels they have done a great job, we are human not perfect, but we have a great crew, great equipment, and we have worked hard to have the aesthetics in the community be the same. They continue to work with the community with spring and fall clean-ups, something the sanitation committee hasn't brought up. The G Men talked with the City and the G Men stepped up indicated that they would like to do a spring clean-up which we are holding here in May. These are the things that concern Day about the committee, and the non-representation of the community members. The major things that concerns Day is taking all those standards that they have been held to over all these years and throwing them in the garbage can. Why would we get rid of a standard when it has been there to provide the right thing for the people in the community? A lot things are indicated in the letter Day provided to the council and which was in the additions packet. Day indicated that they run an office at minimum 7am-3pm Monday – Friday and JJ or Bobbi may be reached in the event of an emergency 24/7, 365 days a year. Day indicated that they run state of the art software that includes GPS so they have the

capability of immediately and electronically rerouting a truck that may be in the area to take care of emergency issues that may occur. Comments have been said in the Sanitation meetings from members that they don't care that the other hauler only has one employee, we don't care if he doesn't pick up the trash, then we will have the city go pick up the trash, that is not what the committee should be about, the committee should be about representing the people of Ely and protecting the City's best interest as well. Day respectfully asked that the council would consider to renew the contract with G-Men without putting out the revised RFP out, due to the corruption, personal agendas of the majority of the Sanitation Committee members, Day reiterated that it is not all the members, but there are plenty on there that it is a one way street.

COMMITTEE REPORTS:

Standing/Special

Planning and Zoning Commission

Langowski indicated that we are starting to work on the Blight issues around town after the winter thaw. We know of several houses that have a lot of garbage and garages that are full of garbage. The P&Z admin and Building Officials will be sending out letters to these properties. Spring Clean-up is May 18 and 19th, look for more information in the Echo and on line regarding items that are allowed. Langowski also reminded everyone that you need to pick up after your dogs.

Sanitation Committee: Minutes included in the Council Packet

Heritage Preservation Commission

Mayor Omerza read the Proclamation for the Gawboy Mural.

Ely Joint Powers Ambulance

Langowski indicated that he met with the Ambulance Board and the architect to have them develop a scope of work and cost estimate to be able to submit application with the budge to the US Rural Development for the grant. Langowski indicated that we are trying to work with the Ambulance Board for a budget for next year. Things seem to be moving in a positive direction.

Donald G. Gardner Humanities Trust

Campbell indicated that they just finished their spring grant round and gave out around \$8000.

Ely Utilities Commission

A.Forsman/Callen moved to approve the recommendation from the EUC to apply for the OSHA Safety Grant to purchase safety equipment for the utility workers. Motion carried 6-0-1 with Kess Absent.

A.Forsman/Campbell moved to approve the recommendation from the EUC to allow employees and commissioners to attend the MN Rural Water Training. Motion carried 6-0-1 with Kess Absent.

A.Forsman/Bisbee moved to approve the recommendation from the EUC to enter in to a lease agreement with Quadiant – Office Enterprises for the postage machine for utility billing with scale for \$269.55 per month, billed quarterly. Motion carried 6-0-1 with Kess Absent.

A.Forsman/Debeltz moved to approve the recommendation from the EUC to approve the EUC March Bills of \$902,912.07. Motion carried 6-0-1 with Kess Absent.

A.Forsman/Bisbee moved to approve the recommendation from the EUC to pay Anthony Gornik \$150.00 for consulting services. Motion carried 6-0-1 with Kess Absent.

A.Forsman/Campbell moved to approve the recommendation from the EUC to approve payment of \$1500 to Mick Shusta for A Operator Services. Motion carried 6-0-1 with Kess Absent.

A.Forsman/Callen moved to approve the recommendation from the EUC to approve payment of \$30,769.95 to AE2S for WWTF Improvements Project. Motion carried 6-0-1 with Kess Absent.

DEPARTMENTAL REPORTS:

Clerk-Treasurer

Fire Chief

Chief Marshall discussed the recent calls for the fire department. Chief Marshall indicated on Sunday they worked with Babbitt during a live burn of the Salo Rd. MN North College provided some instructor for the burn and Ely was able to send 9 firefighters to experience a live burn. Several of our new firefighters have not been in a live burn, in training now they use containers, so this was good for them to experience an actual live burn.

Library Director

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

Police Chief

Support letter from Ely Public Schools regarding adding a School Resource Officer (SRO)

A.Forsman/Debeltz moved to approve the St. Louis County Sheriff's Office Law Enforcement Mutual Aid Agreement. Motion carried 6-0-1 with Kess Absent.

City Attorney

A.Forsman/Debeltz moved to approve Note and Mortgage for the Residential Rehab Loan for David Wade for \$10,000 at 955 E Chapman St to bring all Electric, Plumbing and Heating systems up to code. Motion carried 6-0-1 with Kess Absent.

Callen/Campbell moved to approve the Purchase Agreement for East Spaulding Block 2, Lot 15 for \$12,000 to Sheryl and John Swenson. Motion carried 6-0-1 with Kess Absent.

Notice of Maintenance of Private Property at 109 W Conan St

Bisbee/Callen moved to Schedule Public Hearing for Blight Property at 109 W Conan St for May 16, 2023 at 5:15pm. Motion Carried 6-0-1 with Kess Absent.

City Engineer

COMMUNICATIONS: Matter of Information

- A. Correspondence from Ely Bloomenson Community Hospital to Ely Area Ambulance Service
- B. 2023 Business Hazardous Waste Collection Dates – June 8, 2023 11am-3pm at the Northwoods Transfer Station - Businesses must make an appointment
- C. Ely Community Resource, Inc Quarterly Progress Report Quarter 1 January 1, 2023 – March 31, 2023
- D. St Louis County News Release – Important Information regarding Medical Assistance Renewal.

CLAIMS FOR PAYMENT:

Callen/Campbell moved to approve the City and EUC claims for May 2, 2023 for \$382,314.93. Motion Carried 6-0-1 with Kess Absent.

Callen/Bisbee moved to approve Pay Estimate #13 for the Wastewater Treatment Facility Project to Rice Lake Construction Group for \$417,180.79. Motion Carried 6-0-1 with Kess Absent.

OLD BUSINESS:

Debeltz/Campbell moved to approve the 2nd Reading Ordinance No. 368, 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: 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/Bisbee moved to approve the 2nd Reading Ordinance No. 369, 2nd Series – An Ordinance of the City of Ely, Minnesota, Revising the Ely City Code Chapter 9, Section 9.99 Violation a Misdemeanor or Petty Misdemeanor. 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.

NEW BUSINESS:

Debeltz/Campbell moved to approve Resolution 2023-011 Resolution Revising Fines Related to Certain Administrative Offenses (Non-Criminal Code Violations)

A.Forsman questioned the additional \$50 fee for the parked in a fire lane/hydrant zone citation late fee. A.Forsman indicated that he realizes that we have \$35 fee for the Parked in a Fire Lane/Fire Hydrant Zone which is \$10 more than the other parking violations. If it takes more than 14 days to pay the fee the penalty seems high.

Langowski indicated that it was written in the original ordinance that way, and was redlined out of there and pulled into this resolution for the fee schedule.

A.Forsman indicated that he would like to keep the additional fine of \$35 which is \$10 more than other parking violations, but strike the \$50 late fee for Fire lane/hydrant violation.

Houde indicated that the tickets that are ordered have the late fees as \$25 for the other violations and \$50 for the fire lane/hydrant late fee.

Callen asked what it says for the Fire Lane/Hydrant fee.

Houde indicated that he doesn't have the tickets in front of him and would have to double check.

Attorney Klun suggested to table till end of the meeting so Chief Houde can go look at the tickets. Klun indicated that the fees should be accurate especially if they are using these tickets. This is was our second reading of the Ordinance so we are lifting the fees out of the City Code,

which was just passed, so we should establish these fees tonight. Klun indicated that the tickets can be rewritten if the council chooses.

A.Forsman indicated that he thinks the late fee should be the same for all the parking violations. Bisbee indicated that he agrees with Forsman. Bisbee suggested raising the penalty to \$40 instead of \$35, it is a serious offence to park in front of a fire hydrant, the fire department needs access to that.

Debeltz/Campbell withdrew the motion

Debeltz/Campbell moved to table Resolution 2023-011 until the end of the meeting under New Business. Motion Carried 6-0-1 with Kess Absent.

Campbell/Callen moved to approve the recommendation of award and bid tabulation for the Taxilane Reconstruction Project to low bidder Low Impact Excavators, Inc for \$263,298.50. Motion Carried 6-0-1 with Kess Absent.

Debeltz/Callen moved to approve Resolution 2023-012 Resolution Authorizing Application for Dorothy Molter Memorial Foundation to Apply for Raffle Permit. 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.

Campbell/A.Forsman moved to approve the Commercial Renovation Loan Application for the Jasper Company for \$17,000 to Remodel the Kitchen for the Jasper Company Bakeshop & Roasting Room at 36 W Sheridan St, pending proper paperwork, fees, and to direct Attorney Klun to work with the applicant and proceed with the loan application. Motion Carried 6-0-1 with Kess Absent.

Bisbee/Debeltz moved to approve Resolution 2023-013 Resolution lifting the Moratorium on Cannabinoid products derived from hemp within the City of Ely. 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.

A.Forsman/Callen moved to approve the Proposed Residential Waste Disposal Contract from Sanitation Committee

A.Forsman indicated that the sanitation committee worked to review the contract and to work on the Request for Proposals, before you in the packet is the amended proposed contract and the Request for Proposals. These were presented by the Sanitation Committee to go out for proposals.

Campbell asked if there were any letters of disagreement or any letters from constituents that would prefer to use another service. Campbell asked if they have any record of constituents opposing the current contract.

A.Forsman indicated that he is not aware of any written letters that are opposing the current contract. The city does go out for proposals on an annual basis on many of the contracts we have to make sure we have a fair and honest system.

Bisbee asked how often do we adjust the requirements before we put other things out for bid, it seems like we are lowering some standards in this contract, when we should consider raising them.

A.Forsman asked what standards are being lowered; we are keeping our standards up to maintain our clean community.

Bisbee indicated that reading through the requirements such as the number of employees and other details that were adjusted, it seems like the contract is broadening the door which potential

bidders could pass. Why should we diminish the quality of expectations in order to take on more bidders, when we can maintain the level of integrity and quality of services we already have. A.Forsman asked how many employees it would take to pick up the trash in this community. Forsman indicated that they had a long discussion on how many employees it would take to make it work within this community. What is the number? Not sure that needs to be in the contract.

Bisbee asked why we are changing our expectation when we have a contractor that is meeting the expectation as they exist. We have not received any letters of concerns from constituents, often times if it isn't broke don't fix it. What has occurred to why we are lowering our expectations?

A.Forsman indicated that as you read through the proposed contract, we have not lowered our standards in this contract. We are still ensuring that our community is provided with a good service, it is spelled out that we expect clean and effective collection equipment that are in good working order and that there is a uniform look in the trash containers, these things are all spelled out in the contract.

Omerza asked about the minimum of an 8 yard enclosed, waterproof, packer type truck. If we have someone picking up our trash with that size of a truck, what does that look like with our infrastructure?

A.Forsman indicated that there was lots of discussion at the Sanitation Committee regarding the size of the truck, it would not make sense for a contractor to do collection with an 8 yard truck, and they would have to make numerous trips to the landfill. The discussion was on alleys and snow in the winter and the bigger trucks being able to get through some of these areas. It would not make any sense for a contractor to take on the whole city with an 8 yard truck.

Langowski indicated that trash collection is exempt from road limits. The concern is the smaller the truck the more trips in an alley, the bigger truck takes much less trips to the transfer station and picks up the trash quicker, the trucks the current contractor uses are 20 yard trucks.

Langowski indicated that he has no concern with how big the truck is, the concern is the amount of traffic on these alleys.

A.Forsman indicated that sometimes the contractor could use the smaller trucks because of weather, storms, etc, but we are presuming most of the time the bigger trucks will be used.

Langowski indicated that this would approve the proposed contract and the next item is to post for the RFP.

Roll Called: Council Members A.Forsman – Yes, Kess- Absent, Debeltz – Yes, Callen – Yes, Campbell – Yes, Bisbee – No, and Mayor Omerza – No. Motion Carried 4-2-1.

Residential Waste Request for Proposal Requirements

Omerza indicated that she would like the RFP to come to the Council

A.Forsman stated that the Sanitation Committee discussed it and indicated it would come through the council, and the council could send it to sanitation if they wanted to.

A.Forsman/Campbell moved to approve the Residential Waste Request for Proposal Requirements and have the Proposals come back to the Council.

Langowski indicated that we will advertise it and then we will provided them the list of information we want them to provide to the council to be able to consider and compare and make a decision from that.

Motion Carried 6-0-1 with Kess Absent

Debeltz/Callen moved to approve the 4th of July parade route and have the police department secure necessary permits. Approve the Music in the Park Event on Saturday July 1st from 5pm–11pm and to waive the rental and permit fees. Motion Carried 6-0-1 with Kess Absent

Invitation to the City Council, Ely Police Department, and Ely Fire Department to participate in the 2023 4th of July Events

Callen/A.Forsman moved to approve the State of Minnesota Amendment of Lease Amendment No.4 Lease No. PS0035 for Motorcycle skill testing on public street space. Motion Carried 6-0-1 with Kess Absent

Debeltz/A.Forsman moved to approve Angela Campbell stepping down as Citizen Resident for the Heritage Preservation Commission and becoming Ad Hoc Council Representative.

Advertise for an open position on the HPC to fill Campbell's Citizen Resident Position. Motion Carried 6-0-1 with Kess Absent

Debeltz/Callen moved to approve the Zup's Food Market Off Sale Cannabinoid Dealer License at 1500 E Sheridan St pending proper paperwork, background check, insurance and fees. Motion Carried 6-0-1 with Kess Absent

A.Forsman/Campbell moved to approve the Location Agreement between City of Ely and Closed Doors Film, LLC.

A.Forsman stated that this is great to have in the community and they have been community friendly.

Langowski indicated that they have provided Liability Insurance for the sites and the dates will be posted on Facebook.

Motion Carried 6-0-1-1 with Kess Absent and Bisbee abstaining.

Resolution 2023-011 Resolution Revising Fines Related to Certain Administrative Offenses (Non-Criminal Code Violations)

Houde indicated that currently on the new tickets it has \$50 for the Fire Lane/Hydrant late fee and \$20 for all other parking ticket late fees.

A.Forsman/Bisbee moved to approve Resolution 2023-011 Resolution Revising Fines Related to Certain Administrative Offenses (Non-Criminal Code Violations) with striking the \$50 late fee for parking in a Fire Lane/Hydrant.

Callen indicated that he would like to see the parking in a fire lane/hydrant zone to be higher. Omerza made it clear for the public that currently on the resolution the fees are \$35 for parking in a Fire Lane/Hydrant Zone and \$25 for all other parking offenses.

Bisbee supports what Callen proposed, but was wondering about splitting Fire Lane and Fire Hydrant where Fire Hydrant would receive a higher fine.

Discussion was had on the difference and importance of both the fire lane and fire hydrant between Callen, Chief Marshall and Bisbee with Bisbee indicating that the Fire Hydrant should have an increased fine.

Chief Houde explained the school drop off, yes it is a fire lane, but you are to stay by your vehicle; you are not actually parking and leaving your vehicle. The idea is you do not leave a vehicle unattended in a fire lane at any time.

Chief Marshall indicated that the issue with the school fire lane is more so when events are going on at the school. A lot of the time people think that it is not during school hours so it is ok to park there, but it is a fire lane 24/7 and you should not park there.

Bisbee indicated that the point he is trying to make is there are certain grey areas for the fire lane issue, however hydrants should never be parked in front of, therefore it should warrant a higher penalty.

Chief Marshall indicated that a fire lane is a fire lane. There are things in front of the school like fire department connections along there that allow the fire department to tie into the sprinkler system in the event of a fire. Marshall indicated that whether it is a fire lane or a fire hydrant they should all be considered fire lanes.

A.Forsman indicated that he believes both the fire lane and fire hydrant warrant the same penalty and indicated that he is open to a friendly amendment to the motion for the fee to be higher.

Callen stated that he appreciates that because when there is a fire seconds count and we need to get to that water source and life safety.

Callen/A.Forsman moved to amend the current motion to have the fire lane/fire hydrant zone fee be \$100 penalty.

Bisbee indicated that he doesn't agree with that price if it includes the fire lane. Bisbee indicated that there are certain circumstances where you might have to park in a fire lane. He would like separate fees for a fire lane and fire hydrant with the fire hydrant fee being higher.

Chief Houde indicated that if you need to step away from your vehicle if you are in a fire lane you should move it to a non-fire lane parking spot.

Chief Marshall indicated that fire lanes need to be enforced 24 hours a day, he does not believe there is anything complicated with how the the fire lane system works at the school. If you are with your vehicle you may stay in that fire lane and drop off and pick up your child, if you are not going to be with your vehicle, do not leave your vehicle unattended in a fire lane.

Campbell indicated that she was a victim of a fire and those fire lanes are there for a purpose.

Bisbee indicated that he understands the purpose.

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

Original Motion with amendment

A.Forsman/Bisbee moved to approve Resolution 2023-011 Resolution Revising Fines Related to Certain Administrative Offenses (Non-Criminal Code Violations) with striking the \$50 late fee for parking in a Fire Lane/Hydrant and increasing the Fire Lane/Fire Hydrant zone violation fee to \$100. 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.

OPEN FORUM: None

ADJOURN:

Mayor Omerza adjourned the meeting at 7:34pm without objection.

Casey Velcheff
Deputy Clerk