

**Regular Meeting Ely City Council – City Hall, Council Chambers
June 20, 2023**

CALL TO ORDER

The regular meeting of the Ely City Council was called to order by Acting Mayor Callen at 5:30pm in the Council Chambers.

PRESENT: Council members A.Forsman, Kess, Debeltz, Campbell, Bisbee, and Acting Mayor Callen

ABSENT: Mayor Omerza

APPROVAL OF MINUTES:

Debeltz/Bisbee moved to approve the minutes from the June 6, 2023 Regular Council Meeting. Motion Carried 6-0-1 with Mayor Omerza Absent.

ADDITIONS OR OMISSIONS TO AGENDA:

Addition 13.B. Change Order #4 Prospectors ATV – Phase 6 Beaver River Crossing

Addition 13.B. Added without objection

MAYOR'S REPORT:

Clerk Velcheff gave an update on the 4th of July Activities, including the Rock the Park event on July 1st.

CONSENT AGENDA:

A.Forsman/Debeltz moved to waive readings in entirety of all ordinances and resolutions on tonight's agenda. Motion Carried 6-0-1 with Mayor Omerza Absent

REQUESTS TO APPEAR:

Gerald Tyler – Twin Metals Minnesota; Northeastern Minnesotans for Wilderness; Minneapolis Star Tribune

Many Northeastern Minnesota residents don't understand why the population of our communities continues to decline; why only 544 students were enrolled in the Ely School District last year; why we no longer have a radio station nor a taxi service nor a new car dealership; why our hospital no longer offers maternity service; and why we have only one grocery store in Ely. Tyler indicated he is here to explain how this happened, simply put, the ban on mining in the Rainy River Watershed by the Secretary of Interior Haaland and the nonrenewal of Twin Metals Minnesota's federal leases, was the result of extensive lobbying of government officials by *Northeastern Minnesotans for Wilderness* and Becky Rom, in collaboration with the Minneapolis Star Tribune.

Tyler discussed the timeline from 2006 through January 2023 regarding the federal mineral leases.

Tyler indicated that the *Minneapolis Star Tribune* has been a vehement opponent of Twin Metals copper-nickel mine and has served as a platform to broadcast the messages of *Northeastern Minnesotans for Wilderness* and *Friends of the Boundary Waters* statewide and has supported their efforts to kill Twin Metals' mining project.

Up North Jobs has circulated four petitions gathering signatures opposing the federal government and Minnesota's efforts to kill Twin Metals mining project. Petitions have been submitted to Governor Dayton, Secretary of Agriculture Perdue, Governor Walz and Interior Secretary Haaland. The total of the aforementioned petitioners and Up North Jobs members is more than 4,000.

The petitioners are primarily from Northeastern Minnesota. Almost all are stakeholders, i.e., Northeastern Minnesota residents who reside here, who are employed by the mining companies and companies in related industries, who teach our children, who care for the elderly, who shop in our stores, that pay real estate taxes that support our schools, that plow our roads and support our local governments - and they are also voters.

The facts are clear and irrefutable. Rom lobbied Interior and BLM officials, to convince them to reject Twin Metals' application to renew its leases on federally owned land, and to issue an order to conduct a Programmatic Environmental Impact Study.

The Star Tribune's Editorial Board has published at least 20 editorials opposing Twin Metals' mining project. It was the architect of the plan, "Courses of action: How to protect the Boundary Waters" Sadly, the Star Tribune's Plan to kill Twin Metals' mine was successful.

The Star Tribune's Plan for dealing with the federal government, called upon "*Congress to force the Trump administration to finish the study undertaken by the U.S. Forest Service*". Interior was persuaded by Rom's lobbying into restarting and completing the mineral study which served as the basis for imposing the ban on mining in the Rainy River Watershed.

On the State level the Star Tribune's Plan called for Minnesota "to not move forward on a Twin Metals' mine plan". And Minnesota didn't do so. By letter, on February 15, 2022, DNR Commissioner Strommen advised Twin Metals Minnesota that "the DNR has directed its staff to stop work on the environmental review for the proposed Twin Metals Project".

The Star Tribune has collaborated with and supported Rom's efforts to kill Twin Metals' mining project. The nonrenewal of Twin Metals' leases and the ban on mining in the Rainy River Watershed did not result from studies regarding the science - it resulted from injecting political advocacy into the overall process, as stated by the Star Tribune. Rom's political advocacy perverted and fatally flawed the Order banning mining in the Rainy River watershed.

The Star Tribune has First Amendment rights to express an opinion regarding the risks associated with copper-nickel mining and the benefits that Twin Metals' mine would bring to Northeastern Minnesota. Yet, in exercising its rights, the newspaper failed to embrace and follow the principles of good journalism with its relentless, baseless attacks intended to kill Twin Metals Minnesota.

Killing Twin Metals', mine will irreparably damage our communities, our schools and Northeastern Minnesota's economy. The Star Tribune has stolen our heritage and quite appropriately, it is scorned by countless Northeastern Minnesotan residents who have seen their future crushed by the newspaper.

The Order imposing the moratorium should be vacated and the federal courts should order the renewal of Twin Metals' federal leases.

Edward Swapinski – Making Ely Less Car Dependent, Bus Route –Virginia, Hibbing, Ely, Grand Marais, Bike Lanes & Bollards – Did not appear

COMMITTEE REPORTS:

Standing/Special

Cemetery Minutes- Minutes included in the Council Packet

Library Board- Minutes included in the Council Packet

Projects Committee

Campbell/Bisbee moved to approve the recommendation from Projects Committee to sell the described turn around vacation in Chandler to David Franks for \$6000 with Franks paying closing fees and retain easements for utilities and the existing access for the adjoining property.

Langowski indicated this will require an ordinance for the eventual sale of property, which will include a purchase agreement, two ordinance readings for the sale and a public hearing. The sketch in the packet indicates the utilities access.

Motion Carried 6-0-1 with Mayor Omerza Absent.

Kess/Debeltz moved to approve the recommendation from Projects Committee to proceed with the grant application and bid solicitation for the demolition of 726 E Camp and 131 Central Avenue.

A.Forsman asked if this property has been listed by the county, since the county owns the property, is this something they have had on their sale list.

Langowski indicated that the county has gone through and done the hazardous material assessment and had the hazardous materials abated out of both of these properties. In the past we have worked with St Louis County on some of these dilapidated properties. In those situations either the county paid for the demolition, or the county sold us the property and we completed the demolition and sold it to a willing neighbor. The county is not doing these projects the same way, they are doing the hazardous material inspection and abatement and then leaving it to the city to request the grant funds and pay for the demolition. Upon completion of the demolition we should get 1/3 of the cost awarded through IRRRB, the rest of it will be paid by the city and assessed on to the property, and then the county will list the property for sale with that special assessment.

Kess asked once the county acquires these properties, couldn't we use our blight ordinance to force them to tear the properties down. Why put the cost on the city?

Langowski indicated that there was a United States Supreme Court Ruling on taking tax forfeited properties, which has also affected the county and the way they complete these projects.

Kess indicated that when we assess it to the property it increases the cost of the property significantly and limits the number of buyers.

Langowski indicated the process would be to put these properties up for demolition bids and we can see where the bids come in, then the council can decide if it is worth to demo the property or not. These properties have been on our blight radar since around 2016.

Kess indicated that he is going to vote in opposition of this since it's not fair that the county dumps this on the city, other landowners cannot do that.

Langowski indicated that if we do go out for bids we would get the actual cost, then we would be requesting grant funds from the IRRR in July or August and then demo would potentially be this fall.

A.Forsman indicated that we will have the opportunity to find out what the amount is going to cost us, and then we can consider that and possibly move forward later.

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

A.Forsman/Debeltz moved to approve the recommendation from Projects Committee to authorize the Clerk-Treasurer to work with Mr. Stupnik on the application to the IRRR for the planned renovations of the Community Center including hazardous material abatement and demolition.

Langowski clarified that the demolition is for inside demolition for remodeling, they are not tearing the building down.

Motion Carried 6-0-1 with Mayor Omerza Absent

Budget Committee

A.Forsman/Campbell moved to approve the recommendation from Budget Committee to approve requiring Food Truck Vendors to purchase a \$300 yearly Food Truck License if they are going to operate in Ely during the Blueberry Art Festival and/or Harvest Moon weekends for 2024.

A.Forsman indicated that since licenses have already been purchased for 2023 this will start in 2024.

Bisbee questioned the numbers, as the current fee is \$25 per day, so the \$300 fee would allow operation for 12 days of operation, and for each festival the participants would have to pay \$300 per festival for a total of \$600 if they came for both festivals.

A.Forsman indicated that the intent was to participate in any of these festivals you would need to be one of our yearly vendors, so any of our current vendors that have the yearly license could operate during the time of those festivals.

Langowski indicated that it is currently \$300 per festival weekend for Peddler/Transient Merchant permits for both Blueberry Arts Festival and Harvest Moon otherwise the fee is \$25 per day. This fee was put into place several years ago, prior to our food truck licensing. The \$300 fee was more of a deterrent for individuals to skip being in the festival and to just set up a block away from the festival in a commercial lot. Since then we now have the food truck licenses at \$25 per day or \$300 annually, and now we have transient merchants coming in to sell XYZ product that isn't food related and their fee is \$300 for the festival weekend where a food truck only needs to pay \$25 per day during festival weekends. We are trying to determine a fee to make it a little more equitable.

Bisbee moved to table for further discussion and evaluation – Motion failed for lack of support

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

A.Forsman/Campbell moved to approve the recommendation from Budget Committee to approve the Voltz Quote for up to \$7,575.82 for new computers, receipt printer, and upgraded parts for the City Hall server. Motion Carried 6-0-1 with Mayor Omerza Absent

Ambulance Joint Powers Board

A.Forsman indicated that the board moved to go ahead with the USDA rural grant agreement for \$650,000 for Ambulance building improvements.

Housing & Redevelopment Authority

Campbell indicated that the Pioneer building is getting new windows and doors; this is great news and has been long awaited for.

DEPARTMENTAL REPORTS:

Clerk-Treasurer

2024 Capital Budget Instructions

Langowski indicated that looking at our projects we do not have a shovel ready project right now, but one thing we are working on is workforce housing which can be added to our legislatures list at a later time. Other projects that we are working on are the water supply line, but we are getting other state funding for that.

Airport – Independent Fee Evaluation – Master Plan Update

Langowski indicated that we received two quotes from qualified firms to perform the Independent Fee Evaluation required by the FAA to ensure the proposed fee of TKDA for our master plan is proper. Langowski indicated that he recommends Bolton and Menk, since they have confirmed that they can complete it in the next week for \$3500.

Debeltz/A.Forsman moved to award the Independent Fee Evaluation to Bolton and Menk for \$3500. Motion Carried 6-0-1 with Mayor Omerza Absent

Water Supply Improvements for School Campus – EPA Funding

Langowski indicated the funds were requested around the same time the project was being bid, the school knew the scope of work was going to exceed the funds available, so the City assisted the school in soliciting funds for the water and infrastructure portion. The City was successful in getting \$250,000 in IRRR grant funds and also a \$245,000 federal appropriation being sponsored by our senators. Going into this we thought there might be some kinks since the project had been bid prior to the award being made and all the guidance being made for the funds. We have been working with the EPA, and thought we were really close, the project did follow all of the requirements for prevailing wages, buy America and all those things that are in typical contracts for state and federal funds. With this letter we are seeing if our Senators and Congressman can help us internally in finding a path forward to get this money reimbursed for the school. **A.Forsman/Debeltz moved to approve sending the letter to Senator Klobuchar, Senator Smith and Congressman Stauber to release the appropriation funds for the school water improvements project. Motion Carried 6-0-1 with Mayor Omerza Absent**

Fire Chief – Kristen Zobitz- EMS Coordinator

Fire Department Meeting Minutes – Minutes included in the Council Packet

Ely Fire Department Staffing Requests

Debeltz/A.Forsman moved to approve the recommendation that Erin Kelly be approved as a probationary firefighter with the Ely Fire Department. Motion Carried 6-0-1 with Mayor Omerza Absent

Debeltz/Bisbee moved to approve the recommendation to hire two new Captains to the Ely Fire Department – Adam Borchert and Josh Ojala. Motion Carried 6-0-1 with Mayor Omerza Absent

Library Director

ARSL Conference Attendance

Campbell/Kess moved to approve sending the library staff to attend the ARSL (Association of Rural and Small Libraries) conference from September 20-23, 2023 in Wichita, KS and closing the library for those days. Motion Carried 6-0-1 with Mayor Omerza Absent

Library Director Heinrich appreciates the Gardner Trust for the donation for the Library Staff to attend the conference.

Library Director Heinrich discussed the current programming at the Library which can be found on the Library website and indicated that there is a new story board up around the Trezona after the Vandalism.

Police Chief

City Attorney

City Engineer

COMMUNICATIONS: Matter of Information

Vermilion Range Old Settlers Association Annual Picnic July 15th at McKinley Park
Ely Bloomenson Community Hospital – The Pulse May/June 2023

CLAIMS FOR PAYMENT:

- A. City and EUC claims for June 20, 2023 for \$544,288.49
- B. Ely Community Resource 3rd Quarter Payment of \$5125.
- C. Invoice #87713 to AE2S for the Waste Water Treatment Facility Improvements Project for \$35,207.38.
- D. Pay Estimate #15 for the Waste Water Treatment Facility Improvements Project to Rice Lake Construction for \$167,997.47

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

OLD BUSINESS: None

NEW BUSINESS:

Committee Seat Applications

Campbell/Kess moved to approve John Hunn as a Nonresident member to the Heritage Preservation Commission (HPC) with the Term Expiring 1/31/2024. Motion Carried 6-0-1 with Mayor Omerza Absent.

A.Forsman/Debeltz moved to approve Change Order #4 for the Prospectors ATV – Phase 6 Beaver River Crossing. Motion Carried 6-0-1 with Mayor Omerza Absent.

Langowski indicated that this is works that was previously completed.

OPEN FORUM:

Reid Carron – Withdrew open forum request

Becky Rom – Rom stated that Gerald Tyler targeted the Star Tribune, but there are many newspapers around the state that have editorialized against Copper, Nickel Mining in the headwaters of the boundary waters. Rom made one correction for the record, Tyler referred to her as an attorney, Rom indicated that it has been more than 10 years since she has retired from the practice of law, and it is wrong for her to hold herself as an attorney.

Rom indicated that she is very grateful for everything that is being done on the City Council, the school board, for our hospital, for our townships, for our library in strengthening our community. There is a lot going on in this community and we have a very engaged community. Rom is hoping that together we can move on and continue to build and strengthen the wonderful place we all call home.

Rom indicated that if you are still interested in pursuing this issue of Copper Nickel mining, she would invite each member to take a tour of Birch Lake and the South Kawishiwi River by pontoon boat. If you are interested to contact Rom or their headquarters in town and they can set something up.

Steve Saari – Saari thanked the city for what they do, he appreciates all that is done. Saari indicated that he was born and raised in Ely and he just got out of Miners Lake for a swim. Miners Lake is not a Loon nesting area, the loons have been coming back to nest for the last few years now. Did you know there are also rainbow trout in Miners Lake? Pretty amazing what you can do with mine reclamation. Saari indicated that he had lunch over at the Grand Ely Lodge, which is built on a mine dump. Yet the Northeastern Minnesotans for Wilderness, Save the Boundary Waters, and the Friends of the Boundary Waters, and the Tuesday Group love to have their meetings and parties at the Grand Ely Lodge, right on that mine dump. These people are trying to hurt our heritage and culture.

ADJOURN:

Debeltz/Campbell moved to adjourn the meeting at 6:44pm. Motion Carried 6-0-1 with Mayor Omerza Absent

Casey Velcheff
Deputy Clerk