

**Regular Meeting Ely City Council Minutes – City Hall, Council Chambers
August 15, 2023 at 5:30pm**

CALL TO ORDER

Mayor Omerza called the regular meeting of the Ely City Council to order at 5:30pm in the Council Chambers at Ely City Hall.

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

ABSENT: None

APPROVAL OF MINUTES:

Debeltz/Callen moved to approve the minutes from the August 1st 2023 Regular Council Meeting. Motion Carried Unanimously.

ADDITIONS OR OMISSIONS TO AGENDA:

- A. Addition 7.B. Wende Nelson – Animal Licensing & Regulation
- B. Addition 7.C. Frederica Musgrave – Animal Licensing & Regulation
- C. Addition 7.D. Megan Wind – Concerned Pet Owners in Ely, Dog Park, Rules and Regulations etc
- D. Addition 13.E. Minnesota Municipal Utilities Association Delegate Appointment – Harold Langowski with Warren Nikkola as alternate.
- E. Addition 13. F. Residential Rehab Loan for Josh Brang and Sarah Murn at 931 E Harvey St for \$10,000 for a new propane boiler pending proper paperwork, fees and to direct Attorney Klun to work with the applicant and proceed with loan application.

Callen/Bisbee moved to approve the additions A-E. Motion Carried Unanimously.

MAYOR'S REPORT:

Mayor Omerza indicated that she chaperoned the overnight at the library and a great time was had by all.

CONSENT AGENDA:

Debeltz/Campbell moved to waive readings in entirety of all ordinances and resolutions on tonight's agenda. Motion Carried Unanimously.

REQUESTS TO APPEAR:

Tom Kelly – Walker, Giroux & Hahne – Audit Presentation

Tom Kelly with Walker Giroux & Hahne presented review of the 2022 Audit. The only deficiency noted was the Segregation of Duties which occurs due to the limited number of personnel within the City's administration office, the segregation of accounting functions necessary to ensure adequate internal accounting control is not possible. It was recommended that officials and management should constantly be aware of this condition, attempt to segregate duties as much as possible and provide oversight to partially compensate for this deficiency.

Management Points included during the audit: 1) the reviewed pay requests submitted to grant funding sources for reimbursement. Several of these requests contained expenditures spanning long timelines across the course of the year. They recommend the City establish a December 31 cutoff period for pay requests to be submitted for that calendar year-end expenditure request for reimbursement submission, and submit pay requests on a regular, scheduled basis throughout the year. 2) While reviewing voided check copies, they noted that not all voided checks were properly defaced. They recommend that all signature lines be cut out or removed

from voided checks to ensure proper defacing and avoid the possibility of them being cashed. 3) It appears the City is levying an appropriate amount for debt service obligations not paid for by other revenue sources (such as rents or utility revenues); the City should specify an amount on the final levy that exceeds said obligations by 5 percent.

Tom Kelly state that the staff was, as always, great to work with the audit again, he said they enjoy coming up to Ely.

Wende Nelson – 7 N Yukon Dr - Animal Licensing & Regulation Ordinance

Nelson indicated that she supports much of the Animal Licensing and Regulation Ordinance especially the part on dangerous dogs. She complies with the ordinance with her two indoor cats. She has some concerns for other people. What impact would the proposed ordinance have on low income families that have only indoor pets the cost of vaccinations is pretty high for people that only have indoor cats? Vaccines should only be for animals that go outside. She asked if it was necessary for the city to require vaccines for only indoor pets. She asked if it would be necessary for licensed pets to wear a collar especially if they are only indoor pets. Nelson asked if the ordinance can be more proactive rather than retroactive, maybe people could be grandfathered in if they have more than 4 household pets. She does not believe it is the city's intent to have the pet ordinance have a chilling effect on responsible pet ownership in the community. Nelson asked the council to study the proposed ordinance and see if it can be appropriately modified, while meeting the actual needs and problems of the community.

Frederica Musgrave –30 W Shagawa Rd - Animal Licensing & Regulation Ordinance

Musgrave indicated that her concern is about education regarding this ordinance, she suggests letting the citizens know about the changes via direct mail versus just in the Echo. People need to know about this ordinance especially if it is a misdemeanor, it's crucial for the people to be educated regarding this ordinance. Musgrave stated that she is not sure if the city is planning on making money on these licenses, if so the money should go to Contended Critters or the Ely Vet Clinic for spaying and neutering.

Musgrave had concerns about having indoor cats having to wear a collar and a license, she does not agree that indoor cats need to be licensed, she does not know how that can be enforced.

Musgrave indicated that she has one dog, two cats, and two love birds which is five total animals; according to the ordinance only four animals are allowed without a special license. Musgrave asked how the lifetime license will be administered, how is the rabies vaccination requirement going to be regulated.

Musgrave indicated that in Subd 23 #4 the wording of the sentence needs to be corrected. Musgrave was appreciative of having each incident of abuse or killing of an animal including wild animals as a separate offence.

Musgrave appreciates the regulation of dangerous dogs and feels like it is being taken seriously. She has had personal experience with a dangerous dog and feels like the police department can be overwhelmed and this might be a low priority and would like body cameras for the officers since the notes the officers take can sometimes be incomplete.

Musgrave encourages people to know about this ordinance and for the council to make sure everyone is aware of this ordinance.

Megan Wind – 433 S 2nd Ave E - Concerned Pet Owners in Ely, Dog Park, Rules and Regulations etc.

Wind discussed how to make Ely more pet friendly. She has a 6 year old mixed breed dog, and she has lived in and traveled to many cities with her dog. Whenever going to a new city she

always researches how pet friendly the city is. She moved to Ely about nine months ago and has realized it is one of the less dog friendly cities that she has lived in. Ely does not have a dog park and has very few public spaces that people can bring their pets. As a resident of Ely she believes that Ely should be more pet friendly. By making our city more accommodating to dogs and other pets we can improve the quality of life for dogs and their owners, one way to do this is increase the number of dog friendly areas. This would give dog owners and the dogs a place to be social and to meet others in the community. Another reason for Ely to be more pet friendly is it will attract tourists; many people travel with their dogs and seek out destinations that are dog friendly. Also promoting a pet friendly Ely would help to reduce the amount of unregistered pets and promote responsible pet ownership.

Wind indicated that she is part of a committee that is trying to establish a dog park and wanting to create more dog friendly areas via a non-profit status. She would like the city to be supportive of more dog friendly areas. She would also like to have more city trash cans available in the winter so you don't have to walk several miles to find a trash can and not illegally dumping in surrounding businesses trash cans.

Making Ely a more dog friendly city is not only beneficial for dog owners but can have a positive impact on the economy and other social impacts.

COMMITTEE REPORTS:

Standing/Special

Library Board: Minutes included in the Council Agenda Packet.

Heritage Preservation Commission (HPC): Minutes included in the Council Agenda Packet

Ambulance Joint Powers Board

A.Forsman/Debeltz moved to approve the recommendation from the Ambulance Joint Powers Board to propose ownership of the ambulance building at 32 percent for Morse, Ely, and Fall Lake with Winton at 4 percent.

A.Forsman indicated that at the time of the Ambulance building purchase it was equally split between Ely, Morse, Fall Lake, Winton and the Hospital. At that time it was thought that it would be equal ownership for all that contributed to that purchase. Winton has indicated that they do not have the means to contribute to the building upkeep at that level and they would like to buy down their ownership level more appropriately with their population. The hospital has been supportive of the ambulance service and the joint powers even though they are not an owner, so that is how the 32% for Ely, Morse and Fall Lake and the 4% for Winton came about. Both Morse and Fall Lake have had meetings already and have agreed to this.

Bisbee asked about some code violations in the building that are in need of repair.

A.Forsman indicated that there is a \$650,000 grant coming from the Federal Government to make some changes to the Ambulance building, everything would be addressed with that grant, to bring the building up to code and to provide additional indoor storage of ambulances.

Kess indicated that TKDA has already given cost estimates for this and that has been included in the proposal for the \$650,000.

A.Forsman indicated that the current motion is for the ongoing building expenses like heating, electricity, insurance, etc, the normal operating expenses for the building.

Motion Carried Unanimously

A.Forsman/Kess moved to make the Joint Powers Ambulance Meeting on August 28, 2023 at 4pm at the Winton Community Center a Special Council Meeting so all Council Members can attend if they choose. Motion Carried Unanimously.

A.Forsman indicated that at the last council meeting the council recommended that we approve the 2023 payment of \$32,410.90 with the potential to raise that up to 50% if it was matched by the other entities of the Joint Powers. The other entities have declined that. Our payment to the ambulance service for 2023 will be the \$32,410.90 as budgeted and approved by the council at the last council meeting. Unbudgeted expenses that the city has paid amount to nearly \$10,000 so far in up keep of the building as owners of the building. We have had a major commitment already into the ambulance building for this year that came after we put in our 2023 budget for last year. We have stepped up to the plate and Forsman indicated that he feels good about where we are.

Omerza stated that it is also important to mention that the City of Ely is also taking care of all the administration of this thanks to Harold, and everything to do with TKDA and the city is not charging for that. The City of Ely is expending a lot of energy and effort to doing this as well because we want this to succeed.

Kess indicated that we have high hopes that the Ambulance Service's revenues will stabilize within 6-8 months, if they don't this will be another challenge for the council and the other entities to decide in the future.

Housing & Redevelopment Authority (HRA):

Campbell indicated that the HRA Board accepted unanimously the Maxfield Housing Study. The board also voted to allow Executive Director Hiller to send out RFQs to potential developers that would be interested in helping out with this project.

Bisbee indicated that he has questions on the proposed development and the requests for developers to bid on this project. Bisbee said that the facts are not clear to him and he would like more information since this is a key project for the city. He would like the information to be made clearer.

Mayor Omerza indicated that this is something the Housing Redevelopment Authority is doing; their Director Joe Hiller would be the person to talk to. The HRA is requesting for quotes to see how to move forward. This is in the realm of the MN Housing Development Authority, this is there project and their money that will be worked with, they have certain guidelines for their loans and grants. We might be seeing some of this during the EDA meeting.

Bisbee asked if the council will have any part of approving any of these projects.

Mayor Omerza stated that the council will only be a part of it if there is a land acquisition, otherwise it will be the EDA and HRA.

Attorney Klun indicated that it is best to discuss this at the EDA meeting; any questions can be brought to John Fedo or to Clerk Langowski. Once we understand what the developer is looking for and the scope and size of the project that the monies can handle we will decide which entity would be responsible.

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

DEPARTMENTAL REPORTS:

Clerk-Treasurer

Fire Chief

Chief Marshall discussed the recent calls for the fire department.

Quarter 2 Summary and Fire Department Meeting Minutes – In Quarter 2 they had 69 medical calls, 13 fire calls, and 17 other (meetings, training, etc). Marshall indicated that the response rates for fire calls ranged from a low of 0% to a high of 92% (Rich Ojala made 12 of 13 calls). The department average response rate was 46%.

Library Director

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

Police Chief

Chief Houde reminded everyone that School Starts the day after Labor Day watch for kids walking to and from school. He is also working with the school to put together a video of the drop off area at the school.

City Attorney

Kess/Bisbee moved to approve the 2nd Reading Ordinance No. 371 An Ordinance of the City of Ely, Minnesota, Adding to the Ely City Code, Chapter 6, Section 6.41, Entitled Public Use of Cannabinoid Products. Roll Called: Council Members A.Forsman – Yes, Kess- Yes, Debeltz – Yes, Callen – Yes, Campbell – Yes, Bisbee – Yes, and Mayor Omerza – Yes. Motion Carried Unanimously.

Debeltz/A.Forsman moved to approve the Mortgage Satisfaction for Dean Hanninen recorded as Document No. 01394307 on October 27, 2020. Motion Carried Unanimously.

1st Reading Ordinance 372, 2nd Series An Ordinance of the City of Ely, Minnesota, Amending the Ely City Code, Chapter 10

1st Reading Ordinance 373, 2nd Series An Ordinance of the City of Ely, Minnesota, Deleting From the Ely City Code, Chapter 6, Section 6.32, Entitled Kennels

Attorney Klun indicated that Ordinances 372 and 373 are relative to the Animal Ordinance. Klun explained the ordinance process. Ordinances get at least two readings at a council meeting and publication in the local paper and on the website. A lot of times the council is seeing the ordinance for the first time at the 1st reading of the ordinance, this is also the time when we let the citizens know what we are intending to change, because after the 1st Reading the ordinance gets published in the paper and posted on the website. Then the ordinance will be brought forward to another council meeting if not several, if changes need to be made. For example the edible cannabinoid dealer ordinance took several months to bring to fruition. Attorney Klun suggested that these Ordinances be brought to a study session for more discussion with the council so the council has more time to review the Ordinances and to take in the public comments that were presented tonight. Klun indicated that the goals of these Ordinances are to be less restrictive except for the language on the dangerous dogs, we have made that more restrictive; the goal is to not have additional hardship on residents.

Chief Houde indicated that this was brought up last February or January, we have had a couple dangerous dog situations in our community and we did not have language in our ordinances.

The majority of the language was already in the current code, but it may have a little more clarification in the updated ordinance. Currently in the ordinance it references licensing animals, and animals are defined as dogs and cats, so currently you are supposed to be licensing your cats as well. A lot of the content was taken from the current ordinance and combined into one ordinance. Houde indicated that the intent with the licensing is to get the animals back to the owner if they get lost; it's not about making money. We are also looking at doing a lifetime license which would hopefully encourage more people to get licenses. We can discuss more of this at the Study Session; this was just to get discussion started.

A.Forsman/Bisbee moved to discuss Ordinance 372 and 373 at the August 29, 2023 Study Session. Motion Carried Unanimously.

Klun Law Firm Legal Representation

Attorney Klun stated that Klun Law Firm has been representing the City of Ely for over 22 years, the firm has a good relationship with the council and staff. They have included a slight cost of living increase in this contract.

Debeltz/Campbell moved to approve Klun Law Firm as the legal representation for the City of Ely for 2024-2025. Motion Carried Unanimously.

A.Forsman indicated that the increase is appropriate for the amount of time Klun Law Firm puts in. Forsman also stated that they are good at anticipating what the council needs.

Mayor Omerza indicated that she appreciates all that Klun Law puts into the Criminal and Civil tasks for the city.

City Engineer

COMMUNICATIONS: Matter of Information

- A. Thank you from the Ely Chamber of Commerce for support during Blueberry Art Festival
- B. Correspondence from Northwoods Partners
- C. Ely Area Food Shelf Open House August 24, 2023 from 5-7pm at 15 W Conan St
- D. Ely Bloomenson Community Hospital - The Pulse - August 2023
- E. Youth in Action annual Make a Difference Conference
- F. Correspondence from the EDA Authorizing to Advertise for Bids for the Trailhead Project Building Portion
- G. Correspondence from the League of Minnesota Cities Legislator of Distinction for 2023 recognizing Representative Roger Skraba and Senator Grant Hauschild .

CLAIMS FOR PAYMENT:

- A. City and EUC Claims for August 15th , 2023 for \$370,556.85
- B. Invoice #88904 from AE2S for the Wastewater Treatment Facility Improvements Project for \$30,216.48.
- C. Invoice #450886 from SEH for the Prospector ATV for \$3,250.26

Callen/Kess moved to approve the Claims for Payment A-C. Motion Carried Unanimously.

OLD BUSINESS:

NEW BUSINESS:

A.Forsman/Bisbee moved to approve the Memorandum of Understanding with the Ely Bloomenson Community Hospital 340B Drug Pricing Program. Motion Carried Unanimously.

Bisbee/Callen moved to approve the Temporary Liquor License for Ely Winton Rod and Gun Club for September 2, 2023 and September 16, 2023 at the Miners Dry House at 105 Miners Landing Rd, Ely, MN 55731. Motion Carried Unanimously

Debeltz/Bisbee moved to approve the Cannabinoid Dealer Licenses new and renewals for 2023-2024 pending receipt of proper paperwork, insurance and fees. Motion Carried Unanimously

Debeltz/Campbell moved to accept the Resignation from Jennifer Cole from the Police Commission and advertise for an open seat on the Police Commission. Motion Carried Unanimously

Campbell/Callen moved to approve the Minnesota Municipal Utilities Association Delegate Appointment as Harold Langowski with Warren Nikkola as alternate. Motion Carried Unanimously

Debeltz/Bisbee moved to approve the Residential Rehab Loan for Josh Brang and Sarah Murn at 931 E Harvey St for \$10,000 for a new propane boiler pending proper paperwork, fees and to direct Attorney Klun to work with the applicant and proceed with loan application. Motion Carried Unanimously

OPEN FORUM: None

ADJOURN:

Mayor Omerza adjourned the council meeting at 7:14pm without objection.

Casey Velcheff
Deputy Clerk