

**Regular Meeting Ely City Council – City Hall, Council Chambers
April 16, 2024 -Minutes**

CALL TO ORDER

Mayor Omerza called the meeting to order at 5:30pm.

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

ABSENT: None

APPROVAL OF MINUTES:

Debeltz/Campbell moved to approve the minutes from the April 2, 2024 Regular Council Meeting. Motion Carried Unanimously

ADDITIONS OR OMISSIONS TO AGENDA:

- A. Additions 8.A.j Budget Committee
- B. Additions 13.G Residential Rehab loan application for Taylor Davis for \$4143.26 at 915 E White St to repair the sewer and have it lined pending proper paperwork and fees and to direct Attorney Klun to work with the applicant and proceed with the loan application.
- C. Additions 13.H Resolution 2024-0019 Resolution Authorizing Application for Ely Events Group to Apply for Raffle Permit.
- D. Additions 13.I. Ely Arts and Heritage Center Requests for Pioneer Mine - Miners Dry & Captains Dry Electrical Improvements
- E. Additions 13.J Disciplinary Hearing for XXX employee subject to the council's review.
Open or Closed meeting at the Employees Discretion

Kess/Bisbee moved to approve the Additions A-E. Motion Carried Unanimously

MAYOR'S REPORT:

Mayor Omerza indicated that Council members Campbell and Callen have volunteered to be on the Volunteer of the Year Committee, they will get together soon to put some criteria together. Mayor Omerza attended the Chamber event last week and indicated that it is very good.

CONSENT AGENDA:

- A. Motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda.
- B. Schedule Special Council Meeting for April 23, 2024 at 5pm in City Hall Council Chambers to Finalize the MN Housing Finance - Workforce Housing Application and Certification

Debeltz/Callen moved to approve the Consent Agenda items A & B. Motion Carried Unanimously.

REQUESTS TO APPEAR: None

COMMITTEE REPORTS:

Standing/Special

Tree Board: Minutes included in the Council Packet

Bisbee indicated that there will be a mulching event this Saturday, April 20th at Whiteside Park. The Tree Board is also celebrating 10 years of being a Tree City USA and will have the Mayor read the proclamation and have a mulching event at City Hall on April 26th.

Telecommunications Advisory Board (TAB)

Debeltz/Callen moved to approve the recommendation from TAB to approve the quote #4672 and #4673 for cabling and routers required for HD conversion totaling \$1,168.92 from Custom Theaters. Motion Carried Unanimously.

Debeltz/Campbell moved to approve the recommendation from TAB to approve Ely Area Television \$150.00 for the additional filming in March. Motion Carried Unanimously.

Employee Relations (ER)

Debeltz/Kess moved to approve the recommendation from Employee Relations to direct an MOU to be drafted to clarify step up pay language in the current agreement with AFSCME. Motion Carried Unanimously.

Debeltz/Campbell moved to approve the recommendation from Employee Relations to allow the use of FMLA and direct staff to draft a policy of its use as has been past practice and recognizes that the City currently falls below the employee count of fifty, required to provide FMLA.

Langowski indicated that this is not something that is used very frequently, but gives the ability for an employee that has a major medical issue or has to care for a family member the ability to take time off in continuation of their health insurance benefits. Its for the employees that utilize all their sick leave, and get to the point where they are not going on long term disability, it covers them for FMLA. We had an employee use this in the last 15 years, the precedent is to follow past practice.

Motion Carried Unanimously.

Debeltz/Callen moved to approve the recommendation from Employee Relations to remove Jay Poshak from the Ely Fire Department due to his attendance not meeting the minimum standards of the department over the previous three years. Motion Carried Unanimously.

Debeltz/Callen moved to approve the recommendation from Employee Relations to approve the Job Description for the Public Work Foreman and to post the position following approval of the description by AFSCME Local 1490. Motion Carried Unanimously.

Heritage Preservation Commission: Minutes included in the Council Packet

Library Board: Minutes included in the Council Packet

Cemetery Committee

Debeltz/Campbell moved to approve the recommendation from Cemetery Committee to go with the partial project hitch with Northern Bedrock Historic Preservation Corps in June and have them work on the entrance gate columns for \$9000.

Bisbee asked what area the consumable materials.

Langowski indicated it would be the mortar sand and bricks. This is funded by the money we have received from the Korpi Trust; we still have around \$28,000 in this account. These are typically college aged adults coming to learn about these projects.

Motion Carried Unanimously.

Projects Committee

Callen/Campbell moved to approve the recommendation from Projects Committee to allow for a two-year extension to build for 2221 Sibley Drive.

Bisbee indicated that this is built into the purchase agreement that they build in a certain amount of time, given that land prices are rising is this giving them an opportunity to sell the land for more than they purchased it for.

Langowski stated that this hasn't happened in the past. We have had lots from the original Spaulding project that have not been completely built on, the council does have the right of reentry, but that would be at the point that they are just sitting on it to resell it. This individual purchased two of the least valued lots in the first phase of the project and he has invested a considerable amount of money into the lots to get them ready for building. One of the issues has been trying to get a contractor to build.

Motion Carried 6-1 with Bisbee voting no.

Callen/Campbell moved to approve the recommendation from Projects Committee to proceed with the replacement of the decorative lighting on Sheridan Street from 8th Avenue to 17th Avenue.

Langowski indicated that this is the continuation of the project we have been doing on Sheridan for the last several years by replacing the old lights with LED fixtures. These are about \$4000 each and they are dark sky compliant which directs the light down. This will start this summer and be completed next year. This will go to the Utility Commission next for approval.

Motion Carried Unanimously.

Callen/Debeltz move to approve the recommendation from Projects Committee to sponsor the funding application to DEED for the cleanup of the property near the depot.

Langowski indicated that we have completed Phase I and Phase II, we did soil borings and collected the data as to what is in the ground as a possible contaminate. Application will now go to DEED. The cost estimate for the excavation and other cleanup is around \$280,000, and the expectation would be to get that portion of the project funded through DEED. A portion of this project is located on the strip of City land that we are working on a development agreement on with the Ott's and the remainder is the Depot property. This is a voluntary program, the property does not need to be cleaned up, the new owners want to clean the property up and redevelop it. We would just be the fiscal sponsor for the money that is coming from the state.

Motion Carried Unanimously.

Callen/Kess moved to approve the recommendation from Projects Committee to direct JPJ Engineering to revise the final pay estimate for the 2022 Street Projects to include the \$7,360 for additional work completed by Mesabi Bituminous. Motion Carried Unanimously.

Range Association of Municipalities and Schools: Minutes included in the Council Packet

Housing & Redevelopment Authority of Ely: Minutes included in the Council Packet
Campbell stated that the Board expressed thanks to Joe Hiller for his time as the HRA Director. Campbell also indicated that the HRA passed a resolution to designate the HRA levy funds for the Housing Project.

Budget Committee

A.Forsman/Callen moved to approve the recommendation from Budget Committee to approve the purchase of the Komatsu Loader from RMS for \$315,420.89. The motion includes listing the current City Loader for sale with a minimum bid price of \$43,000 and if it does not sell then a trade-in with RMS at the time of purchase for \$42,500.

A.Forsman thanked the Public Works staff that worked on this, they spent a lot of time trying to make this right.

Motion Carried Unanimously.

A.Forsman/Callen moved to approve the recommendation from Budget Committee to approve the purchase of a Tandem Axel Dump Truck from Ascendance Truck Centers in Virginia, MN for \$303,125. Motion Carried Unanimously

A.Forsman/Callen moved to approve the recommendation from Budget Committee to approve the purchase of the 2025 Ford Interceptor Squad from Lundgrens for \$44,859.94. Motion Carried Unanimously.

DEPARTMENTAL REPORTS:

Clerk-Treasurer

Fire Chief

Chief Marshall discussed the current fire and medical calls for the Fire Department. Marshall reminded everyone to be careful when outside, we are currently under a red flag warning day. Langowski also reminded everyone to not bring any wood ash to the City Recycling Center or the Old Dump.

Marshall indicated on May 1st the Fire Department is celebrating 135 Years of the Fire Department and will be pushing the 2 new fire trucks in to the garage at 6:30pm

Library Director

Library Director Heinrich discussed the current programming for the Ely Library which can be found on the library website

Police Chief

Assistant Chief Lorenz indicated that Calendar Parking is still in effect as the city crew is still working on street sweeping.

City Attorney

A.Forsman/Debeltz moved to approve the 2nd Reading Ordinance 376 2nd Series – An Ordinance of the City of Ely, Minnesota, Revising the Ely City Code Chapter 11, Section 4 Conditional Uses and to make the amendment to Auto/Truck: sales, parts, repair to put an O (Conditional Use Permit Needed) in M Zone (Industrial & Related Zone).

Mayor Omerza thanked the Planning and Zoning Commission for all their hard work on completing this.

A.Forsman indicated that this has been on the Planning and Zoning agenda for several years and there was a lot of hard work that went into this, thanks to all that worked on this.

Roll Called: Council members A.Forsman-Yes, Kess- Yes, Debeltz – Yes, Callen-Yes, Campbell- Yes, Bisbee-Yes, Mayor Omerza-Yes. Motion Carried Unanimously.

A.Forsman/Kess moved to approve Resolution 2024-016 and Order of the City of Ely – A Resolution and Order of the City of Ely, Minnesota, Declaring the Real Property at 45 E Boundary Street Blight Pursuant to the Ely City Code

Attorney Klun indicated that a hearing was had earlier today regarding 45 E Boundary St. With this resolution we are seeking order and resolution to demand the land owner to remedy items A-O on page 46-47of the council agenda, we are asking for remedy within 30 days. Little remedy has been made in the last 8 months relative to the property.

Kess indicated that it looks like many of the items in A-O have been addressed, hopefully they will continue to be addressed. Kess asked what the time line is with this order. Attorney Klun indicated they would have 30 days.

Attorney Klun stated that as of March 7th these were the items that needed to be completed.

Kess indicated that hopefully insurance will come through so they can accomplish these things.

Roll Called: Council members A.Forsman-Yes, Kess- Yes, Debeltz – Yes, Callen-Yes, Campbell- Yes, Bisbee-Yes, Mayor Omerza-Yes. Motion Carried Unanimously.

City Engineer

COMMUNICATIONS:

A. Communication and press release from the Arbor Day Foundation congratulating Ely on earning recognition as a 2023 Tree City USA.

Bisbee/Debeltz moved to post the press release in the Ely Echo. Motion Carried Unanimously.

B. Communications from Ely Bloomenson Community Hospital March 2024 Member Update – The Pulse.

C. Ely Community Resource, Inc – Quarter 1 Progress Report

CLAIMS FOR PAYMENT:

Callen/Debeltz moved to approve the City and EUC Claims for April 16, 2024 for \$506,682.85. Motion Carried Unanimously.

OLD BUSINESS: None

NEW BUSINESS:

Kess/A.Forsman moved to approve Resolution 2024-015 Resolution of the City of Ely to apply to the Minnesota Public Facilities Authority for the Burntside Waterline. Roll Called: Council members A.Forsman-Yes, Kess- Yes, Debeltz – Yes, Callen-Yes, Campbell- Yes, Bisbee-Yes, Mayor Omerza-Yes. Motion Carried Unanimously.

A.Forsman/Debeltz moved to approve Resolution 2024-017 Resolution by the City of Ely, Committing Property and City Resources for the Construction of Workforce Housing. Roll Called: Council members A.Forsman-Yes, Kess- Yes, Debeltz – Yes, Callen-Yes, Campbell- Yes, Bisbee-Yes, Mayor Omerza-Yes. Motion Carried Unanimously.

DRAFT - Workforce Housing Development Program – 2024 Application and Certification
Langowski indicated that this is the draft of the Application to the Workforce Housing Program, we are waiting on a some more information that should be available on Friday. We will be having a Special Council Meeting next Tuesday to approve this and a Resolution for the Housing Project.

Debeltz/Campbell moved to approve the 2024-2026 Golf Course Ground Lease between the City of Ely and the Ely Golf Club Corporation.
Langowski indicated that this is required every two years for the property taxes.
Motion Carried Unanimously.

Campbell/Debeltz moved to approve Resolution 2024-018 Resolution Governing Write in Voting Counting.
Langowski indicated that this resolution will require any write in candidate for Mayor or Council to file a written request with the Clerk’s Office seven days before any municipal election for their write in votes to be recorded.
Roll Called: Council members A.Forsman-Yes, Kess- Yes, Debeltz – Yes, Callen-Yes, Campbell- Yes, Bisbee-Yes, Mayor Omerza-Yes. Motion Carried Unanimously.

Debeltz/Kess moved to approve the Amendment to the Listing Contract with Keller Williams Classic Realty – Duluth, Jim Burke for the listing of Lots 9, 10, 11 in East Spaulding Addition until April 25, 2025. Motion Carried Unanimously.

Bisbee/Callen moved to approve the Residential Rehab loan application for Taylor Davis for \$4143.26 at 915 E White St to repair the sewer and have it lined pending proper paperwork and fees and to direct Attorney Klun to work with the applicant and proceed with the loan application. Motion Carried Unanimously.

Debeltz/Callen moved to approve Resolution 2024-0019 Resolution Authorizing Application for Ely Events Group to Apply for Raffle Permit. Roll Called: Council members A.Forsman-Yes, Kess- Yes, Debeltz – Yes, Callen-Yes, Campbell- Yes, Bisbee- Yes, Mayor Omerza-Yes. Motion Carried Unanimously.

Campbell/Callen moved to approve the Ely Arts and Heritage Center Requests for Pioneer Mine - Miners Dry & Captains Dry Electrical Improvements. The first request is for matching funds for upgrading the electrical work in the Miners Dry totaling \$16,200, and \$6,200 for the Captains Dry electrical work. The total cost is \$22,400 and the request is for the city to match Ely Art's and Heritage Centers \$11,200 contribution. The second request is for approval to proceed with the electrical improvements at the Miners Dry and Captains Dry. This work includes new wiring, lighting, and outlets in the Miners Dry and returning electrical service to the Captains Dry.

Kess indicated that we do not have this in the budget and we would have to use reserve funds. This is coming at a bad time and they should have come to us last June with this project. Langowski stated that they have lots of events at the Miners Dry including Weddings, Art Shows, and other things. Ely Arts and Heritage is managing those events and keeping the events happening at the facility. Langowski stated that we have become a broken record with trying to tell these groups and committees that we start putting our budget together in June/July and they need to get us their projects and budgets then for the upcoming year. We should have our audit completed in the next month or so. If this is funded, we can bring it back to budget for discussion.

A.Forsman indicated that their request was a two point request. The ownership of the building is the City of Ely, so for them to make any significant changes they would need our permission and he is fully supportive of requesting permission to do the upgrades. It is frustrating that it is coming to us like this and not at a budget meeting where we haven't had a chance to fully review.

Omerza indicated that it is important to note that we are matching funds of \$11,200, the total is \$22,400, we are not funding the entire amount they are putting in \$11,200 also.

Langowski indicated that the priority should be Miners Dry, we don't have a defined reuse for the Captains Dry building yet. Langowski indicated that he can look at the budgets and see where this can come from and then we can bring this up at the next council meeting to give more time for review. They are looking to start this project before the events start in the next month or so. This has been an item they have worked on for the last 15 years and they have the money to put forward to get this done with the city's match. Langowski stated that they do have a contractor to do the work.

Motion Carried 6-1 with A.Forsman voting No.

Disciplinary Hearing for XXX employee subject to the council's review. Open or Closed meeting at the Employees Discretion

AFSCME Union Representative Amanda Metza indicated that the employee would like the meeting closed.

Attorney Klun indicated that the meeting will be closed per MN Statutes 13D.05 Subd 2(b) the meeting must be closed unless the employee requests it to be open, the employee has requested the meeting to be closed.

OPEN FORUM: None

The council meeting was recessed at 6:39pm to clear the chambers for the closed meeting. The meeting was closed at 6:50pm per MN Statutes 13D.05 Subd 2(b).

The meeting was called back to order at 8:23pm by Mayor Omerza.

A.Forsman/Bisbee moved to approve the agreement to Settle Outstanding Disciplinary Issue related to Employee Jason Roy which includes a 3-day unpaid suspension. Motion Carried Unanimously.

ADJOURN:

Mayor Omerza adjourned the meeting at 8:26pm without objection.

Casey Velcheff
Deputy Clerk