

**Regular Meeting Ely City Council Minutes
November 19, 2024 - City Hall, Council Chambers**

CALL TO ORDER

Mayor Omerza Called the Council Meeting to order at 5:30pm.

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

ABSENT: Council Member Kess

APPROVAL OF MINUTES:

Debeltz/Campbell moved to approve the minutes from the November 12, 2024 Regular Council Meeting, the November 12, 2024 Special Council Meeting – Canvassing Election and the October 29, 2024 Study Session Minutes. Motion Carried 6-0-1 with Kess Absent.

ADDITIONS OR OMISSIONS TO AGENDA:

- A. Additions 8.A Budget Committee
- B. Additions 9. A. ii. Phase I Archaeological Survey for Hidden Valley Mt. Bike Trail Extensions, Ely, St. Louis County, Minnesota for up to \$8,128.82
- C. Additions 10.D Northern Lights House Open House Invite to Council, December 6, 2024 from 4:30pm-7pm

Debeltz/Callen moved to add the additions A-C. Motion Carried 6-0-1 with Kess Absent.

MAYOR'S REPORT: Nothing to Report

CONSENT AGENDA:

- A. Motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda.
- B. Schedule Truth in Taxation Meeting for Tuesday, December 3, 2024 at 6pm.

Bisbee/Callen moved to approve the consent agenda items A and B. Motion Carried 6-0-1 with Kess Absent.

REQUESTS TO APPEAR: None

COMMITTEE REPORTS:

Standing/Special

Library Board: Minutes included in the packet

Tree Board: Minutes included in the packet

Housing & Redevelopment Authority (HRA): Minutes included in the packet

Range Association of Municipalities & Schools (RAMS): Minutes included in the packet

Budget Committee

A.Forsman/Callen moved to approve the recommendation from Budget Committee to remove \$5000 from the 2025 Fire Department budget and reducing the 2025 general fund levy by \$5000. Motion Carried 6-0-1 with Kess Absent

A.Forsman/Debeltz moved to approve the recommendation from Budget Committee to spend any remaining budgeted money for the HPC from the 2024 budget in 2025 using the fund balance. Motion Carried 6-0-1 with Kess Absent

A.Forsman/Callen moved to approve the budget as proposed with the changes to the fire budget for 2025. Motion Carried 6-0-1 with Kess Absent

DEPARTMENTAL REPORTS:

Clerk-Treasurer

Debeltz/Campbell moved to post externally for Equipment Operator Trainee, I, II Position. Langowski indicated that this position was posted internally in July 2024 and we had 2 internal Operator I operators that were promoted to Operator II. We have 1 open position for Equipment Operator with an Operator II moving to the Chief Building Engineer.
Motion Carried 6-0-1 with Kess Absent

Debeltz/Bisbee moved to approve the Phase I Archaeological Survey for Hidden Valley Mt. Bike Trail Extensions, Ely, St. Louis County, Minnesota for up to \$8,128.82. Langowski indicated that this goes along with the Federal Recreation Trail Program (F RTP) funding that we received for trails. In the past we have not found any artifacts in this area.
Motion Carried 6-0-1 with Kess Absent

Fire Chief

Chief Marshall explained the budget motion from earlier. The Fire Department is purchasing some new gear in 2024 that was budgeted for in 2025, so that is the change of the \$5000 in the Fire Department Budget.
Chief Marshall discussed the EMS and Fire Calls since the last meeting.

Library Director

Director Heinrich discussed the programs at the library which can be found on the library website.

Police Chief

Chief Houde reminded everyone that Calendar Parking is in effect and they will start issuing tickets in the next week.

City Attorney

A.Forsman/Bisbee moved to approve the 1st Reading Ordinance No. 381 An Ordinance of the City of Ely, Minnesota, adding to the Ely City Code, Chapter 6, Section 6.41, Entitled Regulating Cannabis Business.

Attorney Klun discussed the changes that were made from the Study Session. One discussion point should be to review the number of allowed businesses. We need to implement this by the end of the year.

Campbell asked what a daycare has to do with this.

Attorney Klun indicated that a daycare is in the setbacks of where a business can be.

Bisbee indicated that under the Violations and Penalties under the Low Potency the wording in part 2 training in lieu of suspension should mimic the fine and license suspension table, changing the 10 and 15-day license suspension to 6 and 12 respectively. Under the Retail Registration of Cannabis Businesses under 13(e) the part in parenthesis (insert

staff/department...) should be taken out and replaced with forward the application to the clerk and forward the recommendation to the council for approval or denial. Under the Temporary Cannabis Events (3)g. Section 11-15 should be updated once the code numbering is finalized. A.Forsman mentioned the hours of operation under Retail Registration of Cannabis Businesses – (14) Hours of Operation – lower-potency hemp edibles should be taken out since that is discussed under the section of lower potency hemp edible.

A.Forsman discussed the number of retail stores, to let the market turn out to dictate the amount of retail stores. In the discussion it has been consensus that some market competition was good.

Bisbee agreed with A.Forsman that the number of retail stores should be 5.

Mayor Omerza stated that she does not want the setbacks to change.

A.Forsman asked for a visual representation of the set backs and asked what day cares do we have around town.

Langowski indicated that we can put together a map with the current setbacks that are proposed in the ordinance.

Debeltz asked if the state can come back and make additional changes.

Attorney Klun stated yes, we are trying to put in the state statutes where we can in the code so it will mimic the state statute for some of the items.

Roll Called: A.Forsman-Yes, Kess, Absent, Debeltz- Yes, Callen - Yes, Campbell-Yes, Bisbee-Yes and Mayor Omerza-Yes. Motion Carried 6-0-1 with Kess Absent.

Bisbee/Debeltz moved to approve the 1st Reading Ordinance No. 383 An Ordinance of the City of Ely, Minnesota, Amending the Ely City Code, Chapter 11, Section 11.50, Entitled Regulation Cannabis Business

Attorney Klun indicated that she changed some grammatical changes that planning and zoning suggested. Adding C-1 and C-2 zoning areas under permitted uses. Under Conditional uses changing I to M as the industrial zoning district. Adding that No Cannabis or Hemp Business shall operate as a “home occupation” as defined in Chapter 11.01 of the Ely City Code.

Mayor Omerza indicated she would be against changing the setbacks, she wants them to stay the same.

Campbell agreed with Omerza to not change the setbacks.

Bisbee indicated he would like to see a map with different setback distances.

Langowski indicated that we can do the initial map with land explorer and then see if any changes certain areas we want to look at.

A.Forsman indicated that currently the lower potency hemp edible retailer wouldn't be allowed with how the ordinance is written with the setbacks.

Attorney Klun stated that she will take the lower potency out of that section and have it under a separate section with how it is currently written.

Roll Called: A.Forsman-Yes, Kess, Absent, Debeltz- Yes, Callen - Yes, Campbell-Yes, Bisbee-Yes and Mayor Omerza-Yes. Motion Carried 6-0-1 with Kess Absent.

Debeltz/Campbell moved to schedule a Public Hearing on Ordinance's 381 and 383 Cannabis Businesses for December 3, 2024 at 4:30pm. Motion Carried 6-0-1 with Kess Absent

Bisbee/Debeltz moved to approve the Note and Mortgage for the Residential Rehab Loan for Linda Enquist-VandenBranden for \$10,000 at 845 E Pattison St for a new propane furnace pending proper paperwork and fees. Motion Carried 6-0-1 with Kess Absent

Campbell/Callen moved to approve the Note and Mortgage for the Commercial Renovation Loan for Jim Mealey for \$17,000 at 124 N Central Ave for new electrical service for retail space, 3 apartments, and storage areas pending proper paperwork and fees. Motion Carried 6-0-1 with Kess Absent

City Engineer

COMMUNICATIONS: Matter of Information

Communication from St Louis County regarding an update on the county's activities concerning cannabis regulation.

Communication from the Department of Revenue concerning the Board of Appeal and Equalization Training – Current Trained member for Ely is Angela Campbell (7-1-2025)

Communication from the End of the Road Archers

Bisbee indicated that he would like to give to the End of the Road Archers Home and Away Tournaments.

Langowski stated that in the past if individual councilors want to give to organizations like this they can, but the city give back to the community in other ways.

Northern Lights House Open House Invite to Council, December 6, 2024 from 4:30-7pm

CLAIMS FOR PAYMENT:

A. City and EUC Claims for November 19, 2024 for \$149,294.04

B. Invoice #98704 from AE2S for the WWTF Improvements Projects for \$560.00, and Invoice #98977 from AE2S for General Consulting Services for \$8039.50.

Callen/Debeltz moved to approve the Claims for Payment items A and B. Motion Carried 6-0-1 with Kess Absent

OLD BUSINESS:

Campbell/Bisbee moved to Schedule a Public Hearing on December 3, 2024 at 5:15pm for Ordinance No. 378, An Ordinance of the City of Ely, Minnesota, Amending Chapter 11, Section 11.41 of the Ely City Code Regarding Zoning District Schedule. Motion Carried 6-0-1 with Kess Absent

A.Forsman/Callen moved to approve the 2nd Reading of Ordinance no. 382, 2nd Series, An Ordinance of the City of Ely, Minnesota, Adding to the Ely City Code, Chapter 5.41, Alcoholic Beverages Licensing and Regulation. Roll Called: A.Forsman-Yes, Kess, Absent, Debeltz- Yes, Callen - Yes, Campbell-Yes, Bisbee-Yes and Mayor Omerza-Yes. Motion Carried 6-0-1 with Kess Absent.

NEW BUSINESS:

A.Forsman/Campbell moved to approve the League of Minnesota Cities Liability Coverage Waiver Form by checking Does not Waive. Motion Carried 6-0-1 with Kess Absent.

Debeltz/Callen moved to approve the Premier Pyrotechnics to shoot the 2025 4th of July Fireworks for \$20,000. Motion Carried 6-0-1 with Kess Absent.

Proposed 2025 City of Ely Budget

A.Forsman/Callen moved to approved the proposed 2025 City of Ely Budget.

A.Forsman stated that this budget does not include the amendment from the budget meeting yesterday regarding reducing the Fire Department budget by \$5000.

Callen asked how does that reduction impact the levy.

A.Forsman indicated about a .25% reduction.

Motion Carried 6-0-1 with Kess Absent.

OPEN FORUM: None

Closed meeting per MN Statute 13.D to discuss settlement of and employee grievance at the end of the regular meeting.

Mayor Omerza recessed the meeting at 6:28pm to clear the council chambers for the Closed Meeting.

Mayor Omerza Reconvened the Closed meeting at 6:35pm

Present during Closed Meeting: Council members A.Forsman, Debeltz, Callen, Campbell, Bisbee, and Mayor Omerza, Clerk Langowski and City Attorney Klun.

Mayor Omerza reopened the meeting at 6:49pm.

Debeltz/Callen moved to accept the mediated settlement agreement with AFSCME. Motion Carried 6-0-1 with Kess Absent.

ADJOURN:

Mayor Omerza adjourned the meeting at 6:50pm without objection.

Casey Velcheff
Deputy Clerk