

**Regular Meeting Ely City Council  
December 3, 2024 – City Hall, Council Chambers**

**CALL TO ORDER**

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

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

Absent: Council Member Callen

**APPROVAL OF MINUTES:**

**Debeltz/Campbell moved to approve the minutes from the November 19, 2024 Regular Council Meeting. Motion Carried 6-0-1 with Callen Absent.**

**ADDITIONS OR OMISSIONS TO AGENDA:**

A. Additions 9.E.iii. Memorandum of Understanding between City of Ely and AFSCME Local Union #1490, Base Unit

B. Additions 9.E.iv Discussion on Ordinance 371 – Section 6.41 Public Use

**A.Forsman/Debeltz moved to approve adding the additions A and B to the agenda. Motion Carried 6-0-1 with Callen Absent.**

**MAYOR'S REPORT:**

**Campbell/Bisbee moved to approve the Dark Sky Festival Proclamation. Motion Carried 6-0-1 with Callen Absent.**

**CONSENT AGENDA:**

**Debeltz/Bisbee moved to approve the motion to waive readings in entirety of all ordinances and resolutions on tonight's agenda. Motion Carried 6-0-1 with Callen Absent.**

**REQUESTS TO APPEAR: None**

**COMMITTEE REPORTS:**

Standing/Special

Park and Recreation Board

**Bisbee/Kess moved to approve the recommendation from the Park and Rec Board to approve the Memorandum of Understanding between the North Country Trail Association and City of Ely, MN. Motion Carried 6-0-1 with Callen Absent.**

Planning and Zoning Commission (P&Z)

Matter of Information: P&Z approved the following Variation in the Subdivision Ordinance submitted by the First Presbyterian Church, location of 226 E Harvey St, Parcel #030-0010-02940; to subdivide this property into (2) parcels. The request is for a Variation from Subdivision Ordinance 12.05 Subd. 5(a) Each residential lot must be 6,000 sq ft. (proposal is 5,250 sq ft.), Subdivision Ordinance 12.05 Subd. 5(a) lot width minimum of 50 feet (proposal is for 42 feet in width), and a variation from ordinance 11.41, the side yard setback requirements in (R2) Zoning of 8 feet (proposal is for 6 and 9 feet). (The original subdivision that was approved in September was deemed to need adjustment due to the

overhang of the building would have encroached on the adjacent property, so it was adjusted by another (2) feet.)

**Campbell/Debeltz move to approve the recommendation from P&Z to send the proposed dumpster ordinance to sanitation committee to review. Motion Carried 6-0-1 with Callen Absent.**

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

**DEPARTMENTAL REPORTS:**

Clerk-Treasurer:

Langowski reminded everyone that the city ordinance states that snow needs to be cleared from the sidewalks within 24 hours. Do not put the snow in the city right-of-way or by the fire hydrants.

Langowski indicated that they are beginning to flood the rec center skating rink. W

Fire Chief

Chief Marshall discussed the EMS and Fire Calls since the last meeting.

Chief Marshall reminded everyone to slow down and be aware of the driving conditions, there is a car accident as we speak. Marshall also reminded everyone to make sure they have CO detectors and that they work in their homes.

Library Director

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

Police Chief

**A.Forsman/Debeltz moved to approve Courtney Olson completion of her 1-year probation and to add her to fully time employment. Motion Carried 6-0-1 with Callen Absent**

City Attorney

Discussion on 1<sup>st</sup> 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 indicated that she will work with staff regarding the technical process of the licensing portion of the ordinance.

A.Forsman stated that after listening to Richard Stuarts explanation on potentially reducing the number of retail registrations he would be open to changing the number from 5 to a lower number. When we got the map, it really does reduce the places that they can be.

**Kess/Bisbee moved to reduce the amount of retail registrations to three (3). Motion Carried 5-1-1 with Campbell voting no and Callen Absent.**

Campbell stated that she voted no, because she does not want 5 and she does not want 3 of these businesses in town.

**Kess/Bisbee moved to remove the redundancy in the ordinance as it pertains to what is already in state law. Motion Carried 6-0-1 with Callen Absent.**

Attorney Klun stated that we are implementing this now, but we may end up amending it in Spring of 2025 depending on what the state decides to do.

Campbell indicated that the county has one business per 12,000 residents, given that we are a population of 3500, why do we have to navigate through this?

Langowski stated that St Louis County ordinance only covers the communities or areas that are under their zoning authority. Since the City of Ely has our own zoning, we have to at the bare minimum allow one, but you can allow limitless if you so choose.

A.Forsman indicated that it is important to have competition out there, and he feels like we should have more than one.

Mayor Omerza pointed out that we are on the edge of the Boundary Waters and this is not currently legal to take into the Boundary Waters since the Boundary Waters is regulated by federal laws.

A.Forsman indicated that this is for retail off sale, this is not like a bar where you where consume on site.

Attorney Klun indicated that we will be keeping our edible ordinance in place also.

Mayor Omerza recessed the meeting at 5:59pm for the Truth in Taxation Meeting

Mayor Omerza reconvened the meeting at 6:24pm.

Discussion on 1<sup>st</sup> 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

Langowski discussed the proposed map with the current setbacks.

Mayor Omerza asked about the licensed daycares

Langowski indicated that we went on to the state's site to find out the licensed daycares in town.

A.Forsman thanked staff for putting the map together it gives us a better picture as to how this affects our community.

Kess support the decision to move to three licenses.

Langowski stated that the only way to open more availability for these businesses would be to reduce the school distances.

Bisbee asked if there was any distinction between Minnesota North Vermilion and the High School

Langowski that per the definition a public school is both college and high school.

**A.Forsman/Bisbee moved to continue with the setbacks as is with 1000 feet for school and 500 feet for day care, residential treatment facility, public park, and another cannabis retail business.**

Attorney Klun indicated that we will add C-2 as an allowable zone and not allow as a Home Occupation and some process and procedure on the ordinance from discussion at the last council meeting.

**Motion Carried 6-0-1 with Callen Absent.**

Bisbee indicted that it is good to approach this slowly and can be amended in the future. It is easier to start more restrictive and make it less restrictive later if chosen.

**A.Forsman/Debeltz moved to approve the Memorandum of Understanding between City of Ely and AFSCME Local Union #1490, Base Unit. Motion Carried 6-0-1 with Callen Absent.**

Discussion on Ordinance 371 – Sec 6.41 Public Use of Cannabinoid Products

**A.Forsman/Kess moved to direct Attorney Klun to include Cannabis to Section 6.41 to the public use portion.**

Attorney Klun indicated that we previously issued this ordinance when edibles were on the market and legalized. Now we are having a whole new scope of cannabis products that are going to be legalized within the state. Council Member Forsman is asking for the same procedure as relative to no public use for cannabinoid products, cannabis products, or any of the retail products that will be on the market.

A.Forsman stated that currently we also limit the public use of alcohol in public spaces so this is just a continuation of that.

Bisbee asked if someone could apply for a permit like they do with alcohol, could they do the same with cannabis.

Attorney Klun indicated that currently within the proposed ordinance it would not be allowed. Klun indicated that she was looking at doing a change on the current ordinance that would allow cannabis events per an Interim Use Permit, it would still be non-consumable, you could sell your product, but you would not be allowed to consume it in a public space. Attorney Klun indicated that this would be something that can always be brought up again for a change down the road.

**Motion Carried 6-0-1 with Callen Absent.**

City Engineer

**COMMUNICATIONS:** None

**CLAIMS FOR PAYMENT:**

**Kess/Debeltz moved to approve the City and EUC Claims for December 3, 2024 for \$643,376.44. Motion Carried 6-0-1 with Callen Absent.**

**Kess/A.Forsman moved to table Invoice #477941 from Short Elliott Hendrickson (SEH) for the Prospector ATV Trails for \$3520.00 until we get the matching funds. Motion Carried 6-0-1 with Callen Absent.**

**OLD BUSINESS:**

**Bisbee/A.Forsman moved to approve the 2<sup>nd</sup> Reading of 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. Roll Called: A.Forsman-Yes, Kess-Yes, Debeltz- Yes, Callen - Absent, Campbell-Yes, Bisbee-Yes and Mayor Omerza-Yes. Motion Carried 6-0-1 with Callen Absent.**

**NEW BUSINESS:**

**Debeltz/Bisbee moved to approve the 2025 Tobacco License renewal applications pending the receipt of all required documentation and payment for the term of 1/1/2025-12/31/2025. Motion Carried 6-0-1 with Callen Absent.**

**OPEN FORUM:** None

**ADJOURN:**

Mayor Omerza adjourned the meeting at 6:44pm without objection.

Casey Velcheff  
Deputy Clerk