

Special Council Meeting Minutes
August 27, 2019 – Council Chambers, Ely City Hall

CALL TO ORDER

Mayor Novak Called the Special Council Meeting to order at 5:15pm.

PRESENT: Council Member A.Forsman, Kess, Debeltz, Omerza, Callen, Campbell, and Mayor Novak

ABSENT: None

ADDITIONS OR OMISSIONS: None

OLD BUSINESS:

- A. Determine how the city council is going to proceed on the organized refuse collection.

Mayor Novak indicated that according to the state statute we are out of time, we do not have six months to get this done, we need a resolution as to how we are going to move forward with this. Now that the current vendor has a lawyer, discussions should go directly between our attorney and their attorney. Mayor Novak would like the council to consider having our attorney contact their attorney and determine if there is any interest to renegotiate the current license agreement to allow for other commercial vendors to cover for the commercial customers during the times that the current provider cannot provide service to the commercial customers and we can license commercial vendors to fill in the gaps.

Debeltz indicated he agrees with the Mayor, the current vendor is doing a good job with the residential pick up, but there are times when the commercial customers need more pickups.

Kess asked for clarification if other vendors could then do weekend work.

Mayor Novak indicated that it would be for days that GMen could not provide service to the commercial customers.

Kess asked that once the legal issues are resolved or clarified if we could continue the process of reexamining the contract.

Mayor Novak stated in the long term yes, but if we go through with the modification to the contract that will provide continuing service. Right now according to the state statute this is a six month process.

Kess asked what the process would be going forward. Would we continue along the lines of the state statute, would we form an options committee?

Mayor Novak indicated that we would do that, but we need to get the current license moving forward. Currently it is not out for bids, we need proposals to review. On commercial, we need some type of rate structure like we do on the residential.

Kess asked why we would not just open up the commercial now, if we open it up on the weekends why don't we open it up for weekdays also?

Mayor Novak stated he would like to see what the current provider comes back with through their attorney first, if they come back and they are unwilling to negotiate, then we would be back to ground zero.

Kess stated that in some of the discussion we have looked at opening the commercial hauling to licensed vendors and have even discussed criteria for those vendors, and eventually through the process go out for proposals for the hauling. Kess would like to continue along that process the best we can. The residential is a separate issue, but the commercial is doable to separate it from the residential. Kess asked about the letter from the vendor's attorney.

Mayor Novak indicated that right now it is a data practices request, and their attorney will be advised that it will need to go through our data practices officer which is Harold Langowski not through our city attorney.

Mayor Novak stated that we need to know if they are willing to discuss modification, otherwise we might have an interruption of service. The current license is going to expire at the end of October.

Kess stated that we have a contract signed by the parties that indicated a 90 day period in which notification was required. We were well beyond the 90 day notification. As a counselor looking at the contract, Kess felt like we were proceeding in a forth right way. Now that we have to follow the state statutes it complicates things with the timing of it all. Kess questioned why we are not going forward with continuing the process. Why with more than 90 days' notice can we not indicate our intent to separate the commercial and residential? The thing that Kess objects to most, if he is hearing words correctly, is that the current licensee is unwilling to negotiate on the terms of pulling the commercial out, we are essentially being held hostage. We either negotiate with them on all accounts or we don't have service, which seems unreasonable to Kess. If we work with the vendor can we find terms to the service.

Mayor Novak indicated that is why he is asking the city attorney to make first contact and then get back to us.

Omerza stated that an organized collection is an interesting road to go down, the state statute is clear. We don't have the right group assembled, we don't have the right language for a group to be assembled, we don't have the right committee together and yet we need to have something completed by the end of October to not interrupt any service for our citizens. Omerza stated that she thinks it is a mistake to separate the

commercial and residential services. Omerza stated she supports what the Mayor is saying; she does not want to separate out the collections. She thinks it will be more expensive for the citizens of Ely and for the businesses if they would be separated. Omerza stated it would be wise for the City Attorney to communicate with the vendor's attorney.

Callen indicated that he agrees with the Mayor, we need to follow the process and see what the Attorneys have to say.

A.Forsman stated that he doesn't believe that we should be including commercial at all. Commercial pick up should be excluded period.

Omerza/Debeltz moved to have the city attorney contact the vendor's attorney to see if the vendor is willing to renegotiate the license agreement to allow for other commercial vendors to become licensed to service those that need service when the current licensee cannot perform the service. Roll Called: A.Forsman – No, Kess- No, Debeltz – Yes, Omerza – Yes, Callen – Yes, Campbell – No, Mayor Novak – Yes: Motion Carried 4-3.

NEW BUSINESS: None

ADJOURN

Mayor Novak Adjourned the meeting at 5:30pm without objection.

Casey Velcheff
Deputy Clerk