

Council Minutes - October 15, 2019
Regular Meeting Ely City Council – City Hall, Council Chambers

1. CALL TO ORDER: Mayor Novak called the Regular meeting to order at 5:30pm.
2. PRESENT: Council members A.Forsman, Kess, Debeltz, Omerza, Callen, Campbell, and Mayor Novak
ABSENT: None
3. APPROVAL OF MINUTES:
Debeltz/Callen moved to approve the minutes from the October 1, 2019 Regular Council Meeting and the October 8, 2019 Special Council Meeting. Motion Carried Unanimously.
4. ADDITIONS OR OMISSIONS TO AGENDA:
 - A. Addition 9.E.ii Residential Waste Disposal Contract and Commercial Waste Disposal Contract
 - B. Addition 8.A. Projects Committee
 - C. Addition 8.A. League of Minnesota Cities Regional Meetings
 - D. Addition 8.A. Coalition of Greater MN Cities Policy**Additions A-D added without objection.**
5. MAYOR’S REPORT
The Jake Forsman Burnout and Car Show is this Saturday, October 19, 2019.
The recycling center will be staying at the current location for now, potentially until spring, but it depends on the contractor.
6. CONSENT AGENDA:
 - A. Motion to waive readings in entirety of all ordinances and resolutions on tonight’s agenda
 - B. Truth in Taxation Pubic Hearing Notice November 26, 2019 at 6:00pm at Ely City Hall Council Chambers. Mayor Novak indicated this is regarding the proposed levy for 2020, not the property values.**Debeltz/Callen moved to approve the Consent Agenda Items A and B. Motion Carried Unanimously.**
7. REQUESTS TO APPEAR: None
8. COMMITTEE REPORTS:
 - A. Standing/Special
 - Park and Recreation Board: Minutes included in the Council Packet
 - Library Board: Minutes included in the Council Packet
 - Planning and Zoning Commission: Minutes included in the Council Packet
 - Ely Airport Commission: Minutes included in the Council Packet
 - Joint Powers Board:
Mayor Novak indicated that the Legislative meeting will be on December 2nd at 11:30am at the Grand Ely Lodge.

Housing & Redevelopment Authority: Minutes included in the Council Packet

Lodging Tax:

Mayor Novak stated that the lodging tax report shows a significant reduction, it should improve by the end of the year when people are required to file.

Projects Committee

Callen/Omerza moved to approve the recommendation from the Projects Committee to authorize Harold to work on the possible purchase of the Trezona Trail alignment and property with the current owners and to bring a draft proposal back to the Council. Motion Carried Unanimously.

Callen/Debeltz moved to approve the recommendation from Projects Committee that the City moves forward with the sale of land and vacation of the Right of Way to Cunningham Electric for land near 421 Lakeview Avenue. Motion Carried Unanimously.

Callen/Omerza moved to approve the recommendation from Projects Committee to the City Tree Board to accept this proposal to approve the “Potential Tree Planting Spacing Guidelines” with the amendments of “No trees to be planted under powerlines” and “maximum number of trees per side per standard block be four.”

Kess stated that there could be more trees on certain blocks, an example is the library, and could depend on the species of trees.

Langowski indicated that this is about the boulevard trees, the library trees are not in the boulevard they are planed on the backside of the sidewalk. This has been brought to Public Works and the discussion has been to not have more than four trees per block and no trees to be planted under powerlines.

Mayor Novak stated that part of the discussion at the Projects meeting was not just with trees, but there are also two light poles on each block, the concern is with snow removal.

Kess stated that trees add valuation and they provide lots of other benefits and the council should hear from the tree board also.

Omerza indicated that this is a recommendation to the Tree Board and if they have any issues the can bring it back; the tree board also wants the trees to survive. We should be figuring out how to get more volunteers to help the trees survive.

Motion Carried Unanimously.

Callen/Debeltz moved to approve the recommendation from Projects Committee that the City Council approves the proposal for engineering work on the Prospector’s Loop as provided by SEH for \$37,700. Motion Carried Unanimously.

League of Minnesota Cites Regional Meetings

Omerza stated that she has attended several LMC regional meetings; the local meeting was in Chisholm on October 3rd. Omerza gave an update from the regional meetings.

Coalition of Greater MN Cities Policy

Omerza indicated that the Coalition is looking for volunteers to serve on the policy committees which will convene by conference call or in person in the next couple of weeks.

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

B. Fire Chief

C. Library Director

Library Director Heinrich gave an update of the upcoming events at the library which can be located on the Library Website.

D. Police Chief

Sergeant George Burger reported that Coffee with a Cop has been getting a lot of positive feedback. It is currently at the Front Porch at 9am on Wednesdays; Burger stated if any other businesses would like to host to contact the Police Station.

Sergeant Burger indicated that this weekend the Jake Forsman Car Show and Burnout Competition will include some street closures so please be aware.

On Saturday, October 26, 2019 from 10am-2pm it is National Take Back Day, bring any unused or expired medications to the Ely Police Department or to the Drop Box in City Hall. The drop box is available throughout the year on the 1st Floor of City Hall, or you can call 218-725-5144 to receive a free envelope to mail medications to a safe disposal center or call the Ely Police Department and they might be able to pick up any medications.

Langowski thanked Sergeant Burger for mentioning the Take Back Drug Box that we have here at City Hall, a lot of people in the past were told to just flush it down the toilet/drain, this is the wrong thing to do as it affects our watershed, and the fish and animals in our watershed, the MPCA is saying do not flush drugs down the drain.

Sergeant Burger reminded everyone that Calendar Parking starts November 1st.

E. City Attorney

Debeltz/Campbell moved to approve the note and mortgage for the Residential Rehab Loan for Kim Eldevik to replace doors, insulate mud room/back entry way and to get the sewer line to code per POS Sewer Ordinance for 6 W Conan St for \$10,000. Motion Carried Unanimously.

Sanitation Contract

Residential Waste Disposal Contract and Commercial Waste Disposal Contract

Omerza/Debeltz moved to have the Mayor and Clerk sign the Residential and Commercial Waste Disposal Contracts and to present to the vendor for approval.

Kess stated that these terms give the council opportunity to look at this in the future.

Campbell read Sec 3.02 Subd. 4 of the Ely City Code. Campbell indicated that looking at the ordinance and she was concerned about the upcoming residential and commercial contracts with G Men. Campbell indicated that 50% citizens use G Men, what should we do with the other 50% that rely on being protected by this ordinance. Campbell indicated that the Charter is out of date, and the City of Ely is still required to serve those taxpaying citizens.

Mayor Novak asked how Campbell calculated the 50%.

Campbell stated that she is just trying to make a point; she does not have the figures from the G Men.

Mayor Novak stated that the code might be out of date; it possibly was not updated when the city changed from doing the trash pickup.

Langowski indicated that City of Ely has a service provider, which is voluntary, it is not mandatory. Langowski stated that the citizens of Ely also have the option to haul their garbage to the Transfer Station if they choose. Langowski indicated he is concerned about what Campbell's question is about providing service. Garbage collection is provided to all of the citizens, the citizens can choose to use G Men or haul the garbage themselves.

Mayor Novak asked Campbell if she is questioning that the previous council's for the last several decades have been executing this wrongly.

Campbell stated that she believes the code is outdated, but we have to go by the code, it is law, we have to follow our ordinances.

Mayor Novak indicated this is a different point, we are talking about the current contracts, and we are not here to talk about the ordinances.

Campbell indicated that the citizens that choose not to have G Men pick up their garbage, the City is still responsible to pick up these citizens garbage according to the code.

Mayor Novak indicated that the City Attorney is not present tonight to answer our questions about the code. Novak asked if Campbell had discussed this with the City Attorney for a legal interpretation.

Campbell indicated that she did not talk to the City Attorney.

Mayor Novak stated that we need to hear the legal opinion from our City Attorney before we consider this. We have been going through this for at least a couple decades with several other vendors and no issues have come up.

Debeltz stated that the City used to have the garbage bins that the city used to pick up, but then they switched to a contracted service. There are a lot of people in town that want to haul their own garbage to the transfer station; they are not mandated to use G Men.

Mayor Novak indicated that the code states providing the pickup, it doesn't say it has to be Public Works or a City Employee. We provide the opportunity for trash collection to every resident and it is voluntary if they want to use G Men or haul it themselves. It is being offered to every resident and business.

Campbell asked about the residents that choose not to use the service of G Men, what about the residents that would like the city to take care of their garbage.

Omerza stated that we are supposed to be voting on the contracts, we have been talking about sanitation for months now. Omerza asked Campbell what her point of this is. Omerza stated that this is a totally separate issue.

Omerza/Debeltz moved to call the question. Motion Fails – Kess and Campbell voting No.

Kess stated if the ordinance is outdated, we can't fix the ordinance before we move on with extending the contracts. After the contracts are in place we can look at the ordinance.

Mayor Novak expressed his concern that we have a motion to approve the contracts and this does not follow the discussion on the motion. This is not the time for this debate, especially since the City Attorney is not here. Discussion should be on the motion on the table. If you have concern with the code this could have been discussed before as a separate item.

Campbell indicated she hopes we can discuss this ordinance in the future.

Current motion on the table is:

Omerza/Debeltz moved to have the Mayor and Clerk sign the Residential and Commercial Waste Disposal Contracts and to present to the vendor for approval. Motion Carried Unanimously.

10. COMMUNICATIONS: Matter of Information

- A. OSHA's Coming to Town: OSHA Safety Presentation on Violence in the Work Place on October 23, 2019 from 9am-11am at Ely City Hall.
- B. Ely Bloomenson Community Hospital Annual Member Meeting December 2, 2019 at Ely Bloomenson Community Hospital

11. CLAIMS FOR PAYMENT:

- A. City and EUC claims for October 15, 2019 – \$975,751.90
- B. Benchmark Engineering, Inc Invoice #1910-06 for \$42.50 for the Voyager Country ATV Trail.
- C. SEH Invoice #374362 for \$4359.21 for the Voyager Country ATV Trail.

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

12. OLD BUSINESS: None

13. NEW BUSINESS:

A. Debeltz/Omerza moved to approve the Christmas Parade and City Tree Lighting Ceremony on November 30, 2019 and any in kind services provided by the city, and have the Police Department secure necessary permits for the parade. Invitation to the City Council, Ely Police Department, and Ely Fire Department to participate in the 2019 Christmas Parade Motion Carried Unanimously.

B. Omerza/Callen moved to approve Walker, Giroux & Hahne Understanding of Services that they will provide to the City of Ely for the year ending December 31, 2019. Motion Carried Unanimously.

C. Debeltz/Campbell moved to approve Change Order #2 for the Trail Improvements and Vermillion River Bridge Construction. Motion Carried Unanimously.

D. Engineering Services proposal for the Prospector ATV Loop project from SEH for \$37,700. –Approved under Projects Committee

E. Omerza/Campbell moved to approve Resolution 2019-036 Resolution Creating a Census 2020 Complete Count Committee: to Plan and Conduct Local Educational Initiatives, Publicity and Promotional Activities to Increase Community Awareness and Participation in Census 2020.

Omerza indicated this is very important we have a great risk of losing a congressional district. We need to make sure everyone is counted.

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

F. Omerza/Callen moved to approve Resolution 2019-037 Resolution Making Levy and Assessment Against Taxable Properties for Delinquent Blight Violations. Roll Called: Council Member A.Forsman- Yes, Kess-Yes, Debeltz-Yes, Omerza-Yes, Callen-Yes, Campbell – Yes, and Mayor Novak-Yes. Motion Carried Unanimously

G. Debeltz/Omerza moved to approve Change Order No. 3 for the West Camp Street, Pattison Street East Improvements. Motion Carried Unanimously.

H. Disclosure of Conflict of Interest from Klun Law Firm for Tim and Monica Cunningham. – Matter of Information that Klun Law Firm did the closing for the old Lakesides Beverage Building to the Cunningham's.

I. Debeltz/Campbell moved to approve the Purchase Agreement for Tim and Monica Cunningham to purchase the property located at XXX Lakeview Ave, Ely, MN 55731 legally described as follows: Lots 12, 13, 14, and 15, Block 14 AND Lots 7 and 8, Block 12 all in Auditor's Plat of Chandler Addition of Ely for \$8000.00 and to direct the City Attorney to draft an ordinance for the sale of land. Motion Carried Unanimously.

14. OPEN FORUM

Dave Franks - 56 N Klondike Drive –

Franks indicated that he has moved around a lot and when he moves to a new place he researches the ordinances to see what is and is not allowed. Franks indicated that the garbage ordinance is outdated and needs to be looked at. Franks stated that he had to learn through the grapevine that he could take his garbage to the transfer station, because it does not state that in the ordinance. There is a lot of trash in people's yards in Ely. In the ordinance there is not anything about composting, how to do it, the regulation on it, whether or not you need a container.

15. ADJOURN

Mayor Novak adjourned the meeting at 6:35pm without objection.

Casey Velcheff
Deputy Clerk