

Council Minutes - March 17, 2020
Regular Meeting Ely City Council – City Hall, Council Chambers

1. CALL TO ORDER

Mayor Novak called the Ely City Council Meeting to order at 5:30pm.

2. PRESENT: Council members A.Forsman, Kess, Debeltz, Omerza, Callen, Campbell(via cellphone), and Mayor Novak

ABSENT:

3. APPROVAL OF MINUTES:

Debeltz/Callen moved to approve the minutes from the March 4, 2020 Regular Council Meeting and the Emergency Council Meeting on March 16, 2020. Motion Carried Unanimously.

4. ADDITIONS OR OMISSIONS TO AGENDA:

A. Addition 5.B. City of Ely Proclamation and Declaration of Emergency

B. Addition 5.C City of Ely Coronavirus Advisory & Cancellations

C. Omit 7.A Cindy Beans – Update on the Ely Area Tourism Bureau’s 2020 Marketing Plans and Clarification on the separation from the Chamber of Commerce

D. Addition 7.B Mauro Caruso – Sanitation Committee

E. Addition 9.C.i Information on curb-side pickup and library closure

F. Addition 10.F. Correspondence to EUC Customers regarding Meter Reading and Utility Payments

G. Addition 10.G AFSCME Council 65 Communication to City of Ely and City of Ely’s Communication back regarding COVID-19

H. Addition 13.C Emergency Operations Plan V2 2020

I. Addition 13.D City of Ely Policy 2020-1 Policy Pertaining to Accrued Leave Use During Declared State or Federal Emergency

The Additions and Omission A-I were approved without objection.

5. MAYOR’S REPORT

A. Mayor Novak read the following Resolution

Omerza/Debeltz moved to approve Resolution #2020-009 City of Ely Resolution of the Ely City Council – Commitment to the Citizens of Ely

WHEREAS, the Ely City Council is elected and represents all citizens of the City of Ely; and

WHEREAS, the MISSION of the Ely City Council is to provide the infrastructure, services and programs essential to be the desirable community in which we live, work and play; and

WHEREAS, the VISION of the Ely City Council is to provide unique opportunities for recreation, culture and work not often seen in a city of its size. Ely continues to offer an excellent quality of life to residents of the region. We strive to maintain our outstanding educational opportunities, a full range of medical services, exceptional outdoor experiences, and an unequaled sense of community spirit; and

WHEREAS, Ely provides a safe and friendly atmosphere, in affordable neighborhoods that complement their natural surroundings; and

WHEREAS, Ely supports business, industry, institutions, and entrepreneurship - providing long-term, quality employment and economic vitality; and

WHEREAS, the Ely City Council is committed to be a community that welcomes and values diversity. We will work to be a place where all people, citizens and visitors alike, will feel safe and confident that the City of Ely respects the rights and dignity of all people.

NOW, THEREFORE BE IT RESOLVED that the City of Ely reaffirms its commitment to:

- Act with honesty and integrity
- Promote an inclusive environment for all citizens, and to
- Promote respect for others and encourage tolerance for the diverse points of view held by our citizens

Upon vote taken thereon, the following voted:

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

Absent: None

Whereupon said Resolution No. 2020-009 was declared duly passed and adopted this 17th day of March, 2020.

- B. City of Ely Proclamation and Declaration of Emergency – Mayor Novak read the Proclamation and Declaration
- C. City of Ely Coronavirus Advisory & Cancellations – Mayor Novak indicated that Sergeant Burger is the Emergency Response Coordinator for the city and Mayor Novak and Sergeant Burger will work together to communicate with the public.

Mayor Novak read the advisory and cancellation notice.

Building closure: Library and Rec Center

City Hall Services: Please contact city staff via phone or email before coming in person.

Utility Billing: Customers utilize drop boxes at banks, the City/County Facility, or make payments online with Payment Service Network, during this time the convenience fee is waived to encourage customers to pay online.

Police Department will continue to be dispatched by 911. Fingerprinting and other in person services will be suspended until further notice. Please pay parking tickets online or in green mail box inside front doors of city hall. Call non-emergency number 365-3222 or email elypd@ely.mn.us to report any non-emergency issues or other related business.

6. CONSENT AGENDA:

Debeltz/A.Forsman moved to waive the readings in entirety of all ordinances and resolutions on tonight's agenda. Motion Carried Unanimously.

7. REQUESTS TO APPEAR:

A. OMITTED Cindy Beans – Update on the Ely Area Tourism Bureau's 2020 Marketing Plans and Clarification on the separation from the Chamber of Commerce

B. Mauro Caruso – Sanitation Committee

Caruso stated that when this committee was formed he was skeptical but went into it with an open mind. His understanding was that the contracts were going to be modified to take out exclusivity and length of contract but that there was no interest in changing the requirement. At the first meeting it was agreed that we would do what is in the best interest for the citizens of Ely and not any one provider. Albert Forsman also stated that they (the council) did not

have a problem with the residential contract and we needed to work on the commercial contract. We also decided to go to an open system (with licensing) as long as the providers meet the city of Ely's requirements set forth in the contract.

At the second meeting it became apparent very quickly that the intention was not to just go over minor modifications, but to mostly modify it to make available to anyone.

Caruso stated that the minutes were not very elaborate so here is how most of the discussions (arguments) went.

Motions were to:

Remove the complete sentence that states refuse and garbage must be bagged and placed in contractor provided roll cart/dumpster

Remove contractor provided roll cart. Caruso indicated that he was told that businesses should be able to have their own carts and that the hospital and college both have their own carts. Caruso indicated that the college has a small possibly 6 yard cart and the rest of the dumpsters are from a provider, and so does the Hospital. Both of these places have dumpsters from the provider.

Remove age of trucks

Remove 20yard minimum

Discussion (arguments):

Caruso indicated that Paul Kess wanted to remove that all refuse/garbage should be bagged.

Caruso stated that Paul Kess wanted the bagged part removed in case he wanted to put cement chunks in the container. The committee had to explain the difference between construction/demo material and refuse/garbage. Paul Kess also wanted to add nonprofits/hospitals/colleges to the definition of commercial establishment. As a P&Z member Caruso had to explain if we did list some, we would have to list all. When listing some and not all, you are in essence excluding most.

Paul Kess also thought that you can have an open system and still ask for bids.

Open System: contractor meets city requirements and licensing and works directly with businesses for cost/fees/dates etc.

Bid System: get bids from contractors and award bid to lowest one.

Caruso asked how, removing these items in just the first 2 pages of the commercial contract, is in the best interest of the City of Ely and its citizens.

Caruso indicated that his biggest concern is that it seems that every line item that is discussed, a motion is made, supported and passed either way. Very similar to how the 3 council members were picked for the Sanitation committee.

No matter what the outcome this evening, all subsequent sanitation meetings will be recorded and broadcasted.

If the council decides not to have the public sanitation meetings recorded by Ely TV then Caruso stated he will gladly do it.

Caruso encouraged the council to reestablish the committee, currently it is not being run in the best interest of the City of Ely.

Mayor Novak thanked Caruso for the information. Our current system is good and has worked well in the past. Your understanding of the direction of the council is clear, we might allow for multiple vendors, but not a total overhaul of the contract.

Caruso stated that we do want more providers, that is in the best interest of Ely. It can be up to the businesses to choose, but to tell them they can put their stuff into anything they want to or take out that it needs to be in garbage bags, that is wrong.

Omerza asked for more clear minutes from sanitation, you could not understand what was going on in the minutes without going to look back at the contract. In the future Omerza

hopes the council will get some more information from the sanitation committee of what will make sense.

Caruso stated that the next Sanitation meeting will be filmed. The way it is going now it doesn't matter two voices cannot cancel five. If the council does not disband or restructure the Sanitation Committee, you are back to square one. The thing that is going to happen is we are going to waste more time. What is going to happen is it is going to come forward to the council and it is going to get passed, or we are going to put all this time into the contract and it will be denied and then we will have to start all over again. The one year commercial contract is trouble; we are going to get caught in a bad situation.

Kess stated that he does not appreciate the way that Caruso has taken the discussion that was had at Sanitation out of context. Kess stated that we are not in the business of allowing anyone to pick up garbage; this is only about the Commercial contract not the Residential. The discussion on the 20 yard minimum is that the transfer station has a 20 yard maximum. The idea was that the businesses would have a choice and potential vendors would have a choice of different size trucks. One of the committee members indicated that he had seen smaller packer type trucks on the market, in the interest of flexibility the committee talked about removing the 20 yard minimum. Kess stated that he hopes the committee can come back with a contract, and whether it would be a contract system or a licensing system. Kess stated that the committee still needs some clarity from the Attorney as to which way to go. Kess stated that there is no intention to go back to the old system.

Caruso indicated that Ely Area Television Media Entertainment has an updated camera that has the capability of doing Facebook Live to do future meetings if needed.

8. COMMITTEE REPORTS:

A. Standing/Special

Library Board

- i. 2019 Minnesota Public Library Annual Report – Matter of Information
- ii. 2019 Library Circulation by Township – Matter of Information

As of today March 17, 2020 all but 3 libraries are closing in the system, and the Ely Library is the only one doing curbside pickup at this time.

Projects Committee

- i. Callen/Omerza moved to approve the recommendation from the Projects Committee to approve Change Order No. 1 for the Business Park 2 Project which decreases the contract amount by \$15,574.50. Motion Carried Unanimously.**
- ii. Callen/Debeltz moved to approve the recommendation from the Projects Committee to approve Final Pay Estimate No. 5 for the Business Park 2 project for \$17,561.13 to Mesabi Bituminous, Inc. Motion Carried Unanimously.**
- iii. Callen/A.Forsman moved to approve the recommendation from the Projects Committee to award the bid for the James Street Project to Utility Systems of America, Inc. The bid for the City portions of the project were: 3rd Ave-7th Ave- James to Pattison- \$316,475.75, James Street Utilities- \$549,780, City portion of James Street Storm Sewer- \$94,830.30. The total for the City work is \$961,086.05. We had budgeted \$1,000,000 for the project. Motion Carried Unanimously.**

- iv. **Callen/Campbell moved to approve the recommendation from the Projects Committee to award the work for the Clearing of the Burntside Right of Way Project to L. Murphy Construction for \$17,760. Motion Carried Unanimously.**

- v. **Callen/Debeltz moved to approve the recommendation from the Projects Committee to approve the request from US Customs to remove the old shed and install a new facility at the same location, 1901 W Shagawa Rd.**
Langowski indicated that Customs will tear down the existing building and build a new facility.
Kess asked the status of the dock at that area. Langowski indicated that it is getting in poor shape, but if Customs would like to fix it they can.
Motion Carried Unanimously.

B. Heritage Preservation Commission

- Debeltz/Campbell moved to approve the recommendation from the Heritage Preservation Commission the city accept the \$16,800 bid from McDonald and Mack to complete the construction design for the Pioneer Mine Retaining Wall.**
Kess asked if this is budgeted for. Langowski indicated they received an IRRRB grant and Minnesota State Historical Grant
Motion Carried Unanimously.

C. Ely Utilities Commission- Minutes included in the packet

D. Donald G. Gardner Humanities Trust- Minutes included in the packet

E. Lodging Tax Report – Report included in the packet

F. Other Committee Reports

Callen stated that the Planning and Zoning meeting is canceled tomorrow. Hopefully at the next Study Session we have Planning and Zoning will be invited to discuss Short Term Rentals.

Omerza stated that the EEDA meeting for March is canceled.

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

- i. Approve the EUC Consent Agenda from March 11, 2020:
 - 1. Approved the next phase of engineering for the Electrical Improvements/Fiber Make Ready Project for \$29,524.00 for WSN.
 - 2. Approved the quote from L. Murphy Construction, Inc. for brushing the Burntside water and power line for \$17,760.00.
 - 3. Recommended awarding the James Street Construction Bid to Utility Systems of America for \$961,086.05.
 - 4. Approved the purchase of 5 relays for \$1,375.00 and 12 – 110 volt meters for \$2,220.00 from Eaton.

5. Approved payment of the February bills list for \$356,232.44.
6. Approved the Edwards Oil lighting rebate for \$1,708.12.

A.Forsman/Callen moved to approve the EUC Consent Agenda items 1-6 from the March 11, 2020 EUC meeting. Motion Carried Unanimously.

Langowski gave an update on the fiber project, 15 poles require replacement which will require removing older wire and replacing, then having the contractor put in the fiber. Construction would start approximately early spring.

ii. Maijala Pit Crushing

Langowski state that as we have done in the past Leustek Construction proposes to crush approximately 14285cys out of the existing gravel ridge that is located on the property line between both parties gravel pits. Leustek would mobilize/setup within the City of Ely neighboring gravel pit and crush approximately 6000cys of P-209 material for the City of Ely's use.

A.Forsman/Omerza moved to approve to approve Leustek to do the crushing in both pits off of the Maijala Road. Motion Carried Unanimously.

B. Fire Chief

C. Library Director

Information on curb-side pickup and library closure

Heinrich indicated that Library programs have been suspended and the loan period for items has also been extended. The library will begin curbside pickup and beat the bug bags tomorrow. More up to date information can be found on the Library website.

D. Police Chief

Sergeant Burger indicated that the Ely Police Department is trying to minimize contact with Covid-19 and Influenza. Currently Fingerprinting is suspended. The Police Department office is open, but please call or email us if you need specific forms. Burger also indicated that 4 officers with the Ely Police Department have part time jobs with other departments, but they will be suspending those at this time.

Langowski indicated that the Police Department distributed a copy of the governor's order to close certain businesses today at 5pm. Langowski encouraged people to continue to check the CDC website, the MN Department of Health website, and the Governor's executive orders to see how this evolves.

E. City Attorney

F. City Engineer

10. COMMUNICATIONS: Matter of Information

- A. Thank You to Mayor Novak
- B. 2019 Minnesota Statewide Airport Economic Impact Study
- C. Correspondence from Northwoods Partners
- D. Business Resiliency for Disasters Workshop – Wednesday April 8, 2020 8:30am-11am at Ely City Hall Council Chambers

- E. Resolution 2020-011 Resolution that the City of Ely not boycott Fortune Bay Casino or any other business.
- F. Correspondence to EUC Customers regarding Meter Reading and Utility Payments
- G. AFSCME Council 65 Communication to City of Ely and City of Ely's Communication back regarding COVID-19

A.Forsman addressed item 10.E. This issue has been on the city council agenda for the past three meetings and this is the last time I will address it. We live in a small, remote community that will only survive if we all support each other. We are dependent upon one another in too many ways. There is no way I could endorse, support, or even condone a boycott of any business in our community. A vote against this resolution might not appear to support that ideal - But there is much more to it than appears on the surface. This resolution was forced upon this council under the guise of "supporting our neighbors" by a group intent on causing division and anger in an effort to create a media firestorm that they hoped would further their cause. It amazes me how groups like these regularly tout "inclusiveness" and "respect" while they twist other peoples' words and make hateful accusations - without a thought of the damage those statements can have. I will not be a pawn to those that create controversy to try to make themselves appear to be the righteous ones. We do not need this resolution. Those that know us, know who we are. Kess indicated that with the resolution we passed earlier we reaffirmed our mission, vision and values.

Omerza indicated that Council member Forsman put it in well put words.

Callen stated that Forsman was spot on with what he said.

Debeltz asked people to be honest when they come forward to the council.

11. CLAIMS FOR PAYMENT:

- A. City and EUC claims for March 17, 2020 – \$410,587.94
- B. Ely Community Resource 2nd Quarter Payment of \$5125.00
- C. Benchmark Engineering Inc, Invoice 2003-04 for \$3250.00 for the QCA10-03 – N Virginia to Laurentian
- D. Benchmark Engineering Inc, Invoice 2003-05 for \$3125.00 for the QCA19-02 Master Plan Development
- E. SEH Invoice #382525 for \$11,793.00 for the Prospector ATV Trail

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

12. OLD BUSINESS:

- A. 2020 Committee Seats – Park and Recreation Board

A.Forsman/Omerza moved to approve Morgan Sauls for the Park and Recreation Committee Term Expiring 1/31/2023. Motion Carried Unanimously.

13. NEW BUSINESS:

- A. **Omerza/Campbell moved to approve the Disadvantaged Business Enterprise (DBE) program – 49 CFR Part 26 Policy Statement. Motion Carried Unanimously.**

- B. **Debeltz/Callen moved to approve Resolution 2020-010 Resolution Approving Advertising for Bids for the 2020 Connector Taxiway Project FAA AIP No: 3-27-0027-21-20 State Project No:A6920-51. Roll Called: Council Member A.Forsman-Yes, Kess-Yes, Debeltz-Yes, Omerza-Yes, Callen-Yes, Campbell – Yes, and Mayor Novak-Yes. Motion Carried Unanimously.**

C. Debeltz/A.Forsman moved to approve the Emergency Operations Plan V2 2020. Motion Carried Unanimously.

D. Omerza/A.Forsman moved to approve City of Ely Policy 2020-1 Policy Pertaining to Accrued Leave Use During Declared State or Federal Emergency.

Langowski indicated this is in preparation if an employee or family member gets sick and the CDC recommendation is to stay home. Also schools are closing and some employees have asked if they can use sick leave to watch their children. There has been lots of discussion on the safety of the employees during this situation. We will be forwarding the letter and policy to the employee and unions.

A.Forsman stated that we have a dedicated group of employee that will utilize this if needed.

Motion Carried Unanimously

14. OPEN FORUM

15. ADJOURN

Mayor Novak adjourned the meeting at 6:59pm without objection.

Casey Velcheff
Deputy Clerk.