

**Council Minutes - September 1, 2020**  
**Regular Meeting Ely City Council – City Hall, Council Chambers**

1. CALL TO ORDER

The regular City Council Meeting was called to order by Mayor Novak at 5:30pm.

2. PRESENT: Council members A.Forsman, Kess, Debeltz, Omerza, Callen, Campbell, and Mayor Novak  
ABSENT: None

3. APPROVAL OF MINUTES:

**Campbell/Debeltz moved to approve the minutes from the August 18, 2020 Regular Council Meeting. Motion Carried Unanimously.**

4. ADDITIONS OR OMISSIONS TO AGENDA:

- A. Addition 7.A. Jeremiah Day – RFP Requirements
  - B. Addition 8.A. Park and Recreation Board
  - C. Addition 12.B Inspection Report – 4 for 106 E Harvey St for the Maintenance of Private Property
  - D. Addition 13.B Amendment #2 to the agreement for Professional Services between City of Ely and Short Elliott Hendrickson, Inc. which was effective October 15, 2019 for the Prospectors Loop.
  - E. Addition 13.C. Approve the Subordination Agreement for Derek Jensen for the Residential Rehab Loan recorded as document number 1361931.
  - F. Addition – CGMC Presentation – Power Point Presentation
- Additions A-F was added without objection.**

5. MAYOR'S REPORT

6. CONSENT AGENDA:

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

7. REQUESTS TO APPEAR

- A. Jeremiah Day owner of G Men– RFP Requirements

Day spoke about the request for proposals (RFP) regarding the Commercial Waste Disposal Contract. In the RFP it stated that "A contractor is required to meet all of the standards and requirements to be considered a responsive bidder. Please provide all information required in this proposed contract for the City of Ely's review." Also in the RFP it stated "that the contractor proposing must address all contract requirements and ability to perform including but not limited to: 1. Ability to procure insurance and bond as described above, which the bond requirement is for \$100,000." Day pointed out that the G Men fulfilled those requirements in their proposal as they have for the past year and will continue to do so for the remaining 3 years of the residential contract. Also the Secretary of State does not have the other current proposed business registered in the State of Minnesota. Please consider what has been said and who we are and what G Men has done for the city. Day indicated that G Men continues to hold things together and would like to continue to do business as is.

8. COMMITTEE REPORTS:

A. Standing/Special

Cemetery Committee

**Omerza/Debeltz moved to approve the recommendation from the Cemetery committee to update the Rules and Regulations for the Ely Cemetery as follows:**

**All lot pins and corners Must be located, marked, and Shall Be approved by the City before placement of the Monuments**

**Foundation Slabs Shall Be Aligned and Flush with Horizontal Ground grade and the middle of the Slab Shall Be Installed with the Center of the Slab Even with Sloped Grade Ground.(Section 26 & 28 Slabs are too high causing maintenance issues)**

**NO Stakes are to be installed in blacktop surfaces of the Cemetery for Memorial Service Ceremony Tents, etc. Any Damage caused by those actions with Repairs to be done or paid for by Responsible Party. Use Counterweights instead.**

**All Burials are to be Recorded and Approved by the City. Only Human Remains are allowed.**

Langowski indicated that grave markers are installed by contractors and not by the City of Ely. The markers need to be approved by the City of Ely. They can contact the Clerk's Office for a marker placement and then the Clerk will contact Public Works to mark the plot for the stone placement. We will be placing these new rules on the kiosk and in our brochure to hopefully help with the stone placement.

A.Forsman asked when you have an upright vertical headstone that should be mounted with the center of it flush on a curve. When you have a flat footstone flush that should follow the grade correct?

Langowski stated that you can install it level, but you are going to sink it in partially in one end and it may be exposed on the other end a little bit, it is a matter of finishing them off for the ease of the lawn mower. We require a base to be under them, which will keep the stone from moving around.

**Motion Carried Unanimously.**

Campbell indicated that she is concerned about erosion. Is the underlayment a gravel or cement?

Langowski indicated that the base is concrete, and there is turf establishment around the stone so erosion is not an issue.

Heritage Preservation Commission

**Omerza/Debeltz moved to approve the recommendation from HPC to put the Community Center back on the market and authorize the clerk to advertise locally.**

Langowski indicated that we will advertise in the local newspaper for a couple of weeks and see how it goes.

**Motion Carried 6-0-1 with Campbell abstaining.**

Sanitation Committee

**A.Forsman/Kess moved to approve the recommendation from the Sanitation Committee to accept the proposals from Northern Routes Rolloff and G Men for the Commercial Waste Disposal Contract. The proposals are subject to vendors providing all required paperwork based on the contract requirements within 15 days from tonight, the contractors shall furnish the city with a signed and complete copy of a valid bond or financial instrument and insurance.**

Omerza stated that when we look at hires for a new employee we have minimum requirements for the position they are applying for, if they do not meet the requirements we "throw out" the applicants application. Omerza indicated that there are a lot of requirements that we are legally held to when it comes to sanitation. Omerza indicated that the minutes from the Sanitation meeting

are still vague and the meeting was long. Omerza stated that she still does not feel comfortable with the end result; we have two companies, one with a complete proposal and one partially complete, do we have a date as to when we will receive all the information.

Kess indicated that per Section 13 Performance Bond of the contract at the contractor's own cost and expense, the contractor agrees to obtain and deliver to City, prior to commencement date of this contract and shall maintain in force throughout the term of this contract, a valid Performance Bond in the sum of \$100,000 payable to the City. Kess stated that the commencement date would be November 1<sup>st</sup>.

Campbell stated the way she reads it is the vendor has 15 days after the contract is accepted.

Attorney Klun stated that the council has approved the contract already. In Section 13 of the contract it indicates within 15 days of City's request, the Contractor shall furnish City with a signed and complete copy of the valid bond or financial instrument. We are executing the contract on November 1<sup>st</sup> that is the first day the contract begins. When does the council intend to have the 15 days request with bonding information? Is that something we are starting from when we execute the contract? Are we executing the contract as of tonight and therefore 15 days after today we need some kind of proof that the bond is in place, even though the bond will start on November 1<sup>st</sup>?

Mayor Novak asked what was published. Langowski indicated that the RFP is on pages 15-18 of the packet and that is what was handed out to the vendors including a copy of the contract.

Mayor Novak clarified that if the council approves this motion we are still not contracted with anyone until all the requirements are fulfilled. So the bonding that is required is not required until the 15<sup>th</sup> day after today.

Attorney Klun indicated that we should have some reassurance that the bond will be in place. If we say the 15 day time frame they either need to provide an insurance agent that indicates that they will execute the bond on November 1<sup>st</sup> or a copy of the bond.

Mayor Novak indicated we need to check with the Secretary of State's office to see if the contractors are registered.

A.Forsman stated that the Secretary of State registration will be required and we will check on that before the contract is signed. On the first page/first paragraph of the contract it states that the Contractor is authorized to do business in the State of Minnesota, so this will be checked on before the contract is signed.

Kess indicated to add to the motion that the contractors need to furnish the city with the required contract documents including a signed and complete copy of the valid bond or financial statement within 15 days from tonight.

Mayor Novak indicated that this has been an evolving situation throughout the last year. If we have someone who has submitted a proposal and all the i's dotted and the t's are crossed, it is difficult to say no, since the council has discussed having competition for commercial waste.

Omerza indicated that this whole process has bothered her. Omerza stated that she is going to support this, because we have a good provider and she is convinced that our current provider will continue to provide both on the residential and on the commercial side. Omerza reiterated that when we go out for requests for proposals, applications or anything else we need all the information when we get the proposals or applications back.

**Motion Carried Unanimously.**

Ely Utilities Commission: Minutes included in the council packet.

Telecommunications Advisory Board: Minutes included in the council packet.

Employee Relations Committee

**Omerza/Debeltz moved to approve the recommendation from Employee Relations to form a negotiating committee from the council for the Supervisors of Other than Essential Employees and the negotiations are scheduled in September to negotiate the contract. Mayor Novak, Omerza, and EUC Representative Nikkola will be on the negotiating committee with Debeltz as the alternate. Motion Carried Unanimously.**

**Omerza/Debeltz moved to approve the recommendation from Employee Relations to direct staff to work up an MOU for the Supervisors of Essential Employees Contract to include reimbursement of membership fee to the MPPOA (Minnesota Police and Peace Officers Association) which provides coverage for a defense fund for Police Chiefs. Motion Carried Unanimously.**

Park and Recreation Board: Minutes included in the Council Additions Packet

Ely Ambulance Joint Powers Board:

Mayor Novak indicated that the Ambulance Joint Power Board went forward with the \$10.10 per capita for 2020. They had a lot of discussion over next year; the Town of Morse and the City of Ely were not ready to proceed with the 2021 recommendation of \$20.20 per capita which would take the City of Ely's contribution from \$17,000 for 2020 to \$70,000 in 2021.

Omerza indicated that if we raise the levy 1% approximately how much is that? Langowski indicated a little less than \$20,000. Omerza said if you equate that to how much of our budget could go to the Ambulance Board that is a significant amount of money for us. We could possibly have to raise our levy just for this.

Mayor Novak stated that the big players financially are Ely and Morse, Winton only has 100 some residents, and Fall Lake Township is reimbursed from Lake County. Bob Berrini from Morse and Novak are trying to come up with a solution.

A.Forsman stated that when Covid hit this year and the ambulance lost all of their transports we knew we were going to have to help out the Ambulance Service this year. It wasn't easy to double our fee for this year, but we knew we needed to support the Ambulance service. Thanks for working with the Town of Morse to try to find a solution for next year's fees.

Mayor Novak indicated that currently the hospital portion is 20% and we have not heard whether or not they are willing to bump up there portion of the cost.

RAMS: Minutes included in the Council Packet

Mayor Novak indicated that the Ribbon Cutting for the Trailhead will be on September 18<sup>th</sup>.

9. DEPARTMENTAL REPORTS:

A. Clerk-Treasurer

i. CARES Act Eligible expenses/reporting/requests-

**Kess/Callen moved to give a Rebate for the Liquor Licenses fees to the businesses who had a liquor license as of March 1, 2020. Motion Carried Unanimously.**

First Responder Vehicle

Langowski explained that the first responders are currently using a fire truck to go on first responder calls so they do not have to potentially contaminate their personal vehicles. This vehicle will be used for first responder calls.

**A.Forsman/Callen moved to purchase a 2020 Chevy 3500 Crew Cab from Christian Motors in Fertile, MN for \$38,038 plus taxes, licenses and fees. Motion Carried Unanimously.**

- ii. Debeltz/Omerza moved to reject the bids received for the Pocket Park and authorize rebidding with an adjusted scope.**

Langowski indicated that we were hoping for the bids to come in around \$100,000, but they came in around \$200,000. We are going to change the scope to phase in some of the items like the play structure in the future.

**Motion Carried Unanimously.**

- iii. Omerza/Campbell moved to authorize going out for bids for the relocation of the sanitary sewer line on 7<sup>th</sup> Avenue in preparation of the VA expansion project.**

Langowski indicated that we have an application in with the IRRR Infrastructure grant program and we should know more the 1<sup>st</sup> week in October.

**Motion Carried Unanimously.**

- iv. The following items of business were recommended for approval at the regular Ely Utilities Commission meeting of Wednesday, August 26, 2020.**

1. Approved the Water Tower Clean and Coat proposal for the water tower and intake screens for \$5,000.
2. Approved the July EUC bills list for \$292,447.77
3. Approved payment of the Environmental Toxicity Control, Inc. invoice for \$1,300.00
4. Approved payment of the JPJ Engineering, Inc. invoice for \$31,190.00 for the WWTP Mercury Plan.

**A.Forsman/Campbell moved to approve the EUC Consent Agenda items 1-4. Motion Carried Unanimously.**

B. Fire Chief

C. Library Director

Heinrich gave an update on the library programs and curbside, more information can be found on the library website.

D. Police Chief

Chief Houde gave an update on the abatement of 109 W Conan St; the owner has cleaned up approximately 80% of the yard. Chief Houde explained that they are still working with the homeowner to get the rest of the property cleaned up.

Chief Houde indicated that interviews for a new Police Officer are tomorrow.

E. City Attorney

- i. Debeltz/Omerza moved to approve the Mortgage Satisfaction for Ryan and Michale Callen recorded on February 11, 2019 as Document No. 01349871. Motion Carried 6-0-1 with Callen abstaining.**

- ii. Debeltz/Omerza moved to approve the Mortgage Satisfaction for Mary Lobe recorded on August 15, 2000 as Document No. 688415.0. Motion Carried Unanimously.**

F. City Engineer

10. COMMUNICATIONS: Matter of Information

- A. Household Hazardous Waste Collection at Northwoods Transfer Station on September 3, 2020 from 10am-2pm

11. CLAIMS FOR PAYMENT:

- A. **Callen/Omerza moved to approve the City and EUC claims for September 1, 2020 for \$609,607.75. Motion Carried Unanimously.**

12. OLD BUSINESS:

- A. 2020 Committee Seats - Planning and Zoning  
(1 Seat Open, Term Expires, 1/31/2022)  
Angela Campbell as a resident

**Debeltz/Kess moved to approve Angela Campbell as a resident to the Planning and Zoning Commission, Term Expires 1/31/2022. Motion Carried Unanimously.**

- B. Maintenance of Private Property Inspection Report for 106 E Harvey. (Updated Inspection Report will be in additions) Inspection Report – 4  
Building Official Whitney indicated that the biggest problem with this property was repairing the roof. As of this last weekend the repairs are being completed to the roof and no action is needed at this time.  
Kess indicated that he has put substantial money, time and effort into this house and hopes the council can appreciate that.

13. NEW BUSINESS:

- A. **Callen/Campbell moved to transfer the off sale liquor license from Sarah Burger to Joseph Hiller DBA Wildlife Liquor pending proper paperwork and insurance. Motion Carried Unanimously.**
- B. **Debeltz/Callen moved to approve Amendment #2 to the agreement for Professional Services between City of Ely and Short Elliott Hendrickson, Inc. which was effective October 15, 2019 for the Prospectors Loop. Motion Carried Unanimously.**
- C. **Debeltz/Campbell moved to approve the Subordination Agreement for Derek Jensen for the Residential Rehab Loan recorded as document number 1361931. Motion Carried Unanimously.**

CGMC Presentation - Bradley Peterson – PowerPoint Presentation

Bradley Peterson from the Coalition of Greater Minnesota Cities (CGMC) gave a presentation on the CGMC and the Legislative goals for the CGMC.

14. OPEN FORUM

Omerza reminded everyone that school starts on Tuesday and to be careful driving around the school.

15. ADJOURN

Mayor Novak adjourned the meeting without objection at 7:03pm

Casey Velcheff  
Deputy Clerk