

**CITY OF GILBERT**  
**MINUTES OF REGULAR COUNCIL MEETING**  
**TUESDAY, FEBRUARY 28, 2012**  
**COUNCIL CHAMBERS**

Mayor Bellerud called the meeting to order at 6:30 p.m.

Present: Mayor Bellerud, Councilors Garrity, Nemanick, Gentile and Schutte.

Staff Present: City Attorney Brunfelt, City Engineer Jamnick, Officer Techar and City Clerk Darrow.

Mayor Bellerud led the audience in the recitation of the Pledge of Allegiance.

Motion by Nemanick second by Schutte to approve the minutes of the Regular Council from February 14<sup>th</sup>, 2012. Motion passed 4-0 with Council member Gentile abstaining from the vote.

Motion by Nemanick second by Schutte to approve the minutes of the Gilbert Police Board minutes from February 14<sup>th</sup>, 2012 meeting. All approved. 5-0.

The Mayor asked if there was any public comment. No public comment was taken.

Council member Nemanick mentioned that he met with Erik Wedge and the City Clerk to tour the Gilbert Bar. After the tour, it was determined that the bar is in ill-repair and will need to come down. Council member Nemanick also asked that residents of the City be curious with their snow removal and shovel and plow around fire hydrants. Council member Schutte asked the City Engineer to look into main street resurfacing. Council member Nemanick asked the City Attorney about ways the City could reduce the number of blight properties within the City of Gilbert. The City Attorney suggested that the City look into their blight ordinance and discuss possible changes. The Mayor indicated that he received a letter from a Chief of Police up in Canada last month. The letter mentioned how nice and friendly the people of Gilbert were to his family.

Motion by Garrity and seconded by Nemanick to approve payment of bills and payroll subject to audit by Mayor and Clerk. All approved. 5-0.

City Clerk Darrow mentioned that there were two additional items to the agenda. They include:

1. Resignation of Judy Omersa from the Library Board. Judy's term expired on January 31<sup>st</sup>, 2012.
2. Fayal Township Trial Outcomes, etc. (The City will enter into a closed session for this portion of the meeting).

The HRA has made a request to the City Council to remove Fred Shusterich from the Board of Commissioners of the HRA and appoint Pat Gentile to fill the unexpired term to expire 5.08.2015. Motion by Gentile and seconded by Garrity to remove Fred Shusterich from the Board of Commissioners of the HRA and appoint Pat Gentile to fill the unexpired term to expire 5.08.2015. Motion Passed. 5-0. The Council directed Clerk Darrow to send a thank you letter to Mr. Shusterich for his service.

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The Safety Committee, along with the Safety Consultant, MMUA, has developed an Employee Right To Know manual for Council adoption. The purpose of the Employee Right to Know manual is to list and identify hazardous substances within the City and develop safety data checklists for these substances. Motion by Garrity and seconded by Gentile to approve the City of Gilbert Employee Right to Know Document. Motioned Passed. 5-0.

City Clerk Darrow mentioned that he City's Contract with MMUA expires on April 13<sup>th</sup>, 2012. MMUA will be coordinating another safety meeting with our safety committee in March. After meeting with the LMCIT regarding safety issues, we are currently in the process of looking at cost saving alternatives for safety consulting. We will report back to the Council at the end of March with further recommendations. No Council was taken on this item.

City Clerk Darrow mentioned that a liquor license has been submitted for the Gladiator Bar. The Police have reviewed and approved the background check and that the insurance information had been submitted. The Gladiator Bar is scheduled to reopen in March. Motion by Garrity and seconded by Nemanick to approve the Gladiator Bar liquor license. Motion passed 5-0. Council member Garrity mentioned that the approval shall be subject to all of the appropriate information being submitted.

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. In the past the City of Gilbert has waived the monetary limits on tort liability established by Minnesota Statutes 466.04 to the extent of the limits of the liability coverage obtained from LMCIT. We are recommending that we once again waive this coverage. Council member Nemanick asked the City Attorney if he reviewed the waiver and was okay with it being signed off. The City Attorney indicated that if it was the past practice of the city to do so, than the waiver was appropriate. Motion by Nemanick and seconded by Gentile to waive the monetary limits on tort liability established by Minnesota Statutes 466.04 to the extent of the limits of the liability coverage obtained from LMCIT. Motion passed 5-0.

City Clerk Darrow mentioned that the Gilbert Police Commission during their meeting on February 14th, 2012, recommended that Ty Techar become the next City of Gilbert Chief of Police effective May 1st, 2012. Motion by Nemanick and seconded by Schutte to accept the recommendation of the Gilbert Police Commission and offer the City of Gilbert Chief of Police position to Ty Techar effective May 1st, 2012. The Council further directs the City Clerk, Mayor, Council Garrity and Officer Ty Techar to enter into contract negotiations. The updated contract will be brought back to the City on March 27th, 2012. Motion passed 5-0.

Clerk Darrow informed the Council about the MNDOT grant approval for landscaping. He also mentioned that the Operations Director is seeking approval of roughly \$2100 to fix a head casket for one of our pickup trucks. Council Gentile asked why our city mechanic couldn't fix it himself. Discussion followed and the Council directed the City Clerk to

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bring back additional information to the Council prior to fixing the head casket. Clerk Darrow also mentioned that the campground may need additional software. Darrow mentioned that he would like to look into what software is needed before purchasing new software. He will bring back information to the Council on March 13<sup>th</sup>. Council member Garrity asked Clerk Darrow about the status of the PFA letter. Darrow indicated that City Engineer Jamnick and he met with the PFA on Thursday to discuss the letter and that no formal enforcement letter had yet been received. Council member Garrity than asked if there would be a grievance for the employee who didn't file reports for the plant. Discussion followed and advice was given from the City Attorney regarding Council member Garrity's concerns. Council member Garrity than asked about the status of FMLA request. The City Attorney responded about the options of the City related to this issue. Clerk Darrow also mentioned that a letter was sent out to the owner of the Whisling Bird to repair the broken windows. No response was given so the city crew will begin boarding up some of the windows. The City Attorney indicated that the costs of repair will be the responsibility of the owner.

Clerk Darrow mentioned that Judy Omersa has formally resigned from the Library Board. The term had expired on January 31<sup>st</sup>, 2012. The City thanked Judy for her service. Motion by Gentile and seconded by Garrity to accept the resignation of Judy Omersa. Clerk Darrow will send a thank you note to Judy.

The City Council recessed the meeting at 7:12.

There was a motion by Council member Schutte to close the meeting and begin discussions about Fayal Township. Council member Nemanick seconded the motion to close the meeting. Motion was passed. 5-0. City Attorney Jaclyn Corradi Simon, City Clerk Darrow, City Engineer Jamnick, Mayor Bellerud, Councilors Schutte, Garrity, Gentile and Nemanick were in attendance. Discussion followed about Fayal Township legal issues.

Motion by Schutte and seconded by Nemanick to open the closed meeting at 7:42 pm. All approved. 5-0.

Motion by Schutte second by Nemanick to adjourn the meeting at 7:42 p.m. All approved. 5-0.

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Mayor

ATTEST:

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City Clerk

The aforementioned is a summary of the action items from this meeting. To listen to the full transcript of this meeting, please contact City staff at 218.748.2232.