

**CITY OF GILBERT**  
**MINUTES OF REGULAR COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 13, 2016**  
**COUNCIL CHAMBERS**

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

Present: Mayor Kutsi, Councilors Pontinen, Skalko, Bol & Liimatta.

Absent: None.

Staff Present: City Attorney Kearney, City Engineer Jamnick, Public Works Operations Director Lautigar, Library Director Miller, Campground Managers – John & Barb Rautanen and City Clerk/Treasurer Sakrison.

Staff Absent: Chief Techar (w/Notice)

Mayor Kutsi led the audience in the Pledge of Allegiance to the Flag.

Motion by Liimatta second by Skalko to approve the agenda as submitted. Motion Carried Unanimously (MCU).

Motion by Skalko second by Liimatta to approve the August 16, 2016 Special City Council Meeting Minutes. MCU.

Motion by Liimatta second by Skalko to approve the August 23, 2016 Public Hearing Meeting Minutes. MCU.

Motion by Skalko second by Liimatta to approve the August 23, 2016 Regular City Council Meeting Minutes. MCU.

**Public Input:**

Carey Peterson asked what the official result was for his request to hunt his unplatted 40 acres. Councilor Pontinen stated that after talking to Chief Techar to change the regulations it would have to come to a public forum and would take a long time, so the regulations currently in place would have to remain as is for this year. Mayor Kutsi also spoke to Chief Techar in regards to what the MN State regulations are, which is to be 500 feet away from buildings. Mayor Kutsi would like to have this placed on the next agenda (September 27). Peterson stated he appreciated the time that people have put in on this subject, but feels sad for everyone that has been hunting for 30+ years and now no one can hunt.

**Staff Reports:**

- Public Works Operations Director Lautigar:
  - Have been cleaning up after the storm, everything has been done except for the park.
  - Have been hauling salt sand and getting ready for winter.
  - Fall Clean-up could be the 1<sup>st</sup> week of November, add to next meeting agenda.
- Library Director Miller
  - Had 1<sup>st</sup> Pinterest project completed. 8 ladies attended. Next Pinterest project will be to decorate your own pumpkin on October 10th. You bring your own pumpkin, real or fake.

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- New Program – Cookbook Club – 3<sup>rd</sup> Monday of the month from 5:30 p.m. to 7:00 p.m. Will be potluck and themed each month. Theme for September will be vegetable based dishes. A cookbook will be compiled in May. Everyone is welcome to come and talk, community based exercise.
- September 19 @ 1:00 p.m. – Peter Geye, MN Author – Speaking about his book “Wintering”, this is a Legacy program.
- Wiggles and Tales also continuing.
- Campground Directors – John & Barb Rautanen
  - Getting ready for the end of the season. Closing down October 3.
  - Most weekends have been full.
  - Reservations will be taken throughout the winter. Website will be opened in January 2017 for online reservations.
  - Erik Wedge is working on drawings for the shower building.

**Mayor, Council, Boards & Commissions Reports:**

- Councilor Pontinen read a prepared statement about not being allowed to defend himself.
- Councilor Skalko rebutted Pontinen’s statement saying that it was his understanding that there were previous meetings that Pontinen could have attended to state his case and did not take the opportunity to do so. Pontinen stated that he did not attend because he could not receive copies of the complaints ahead of time, nor have legal counsel assigned to him from the City of Gilbert.
- Councilor Skalko wanted to thank the City Crew for cleaning up after the storm. They did an amazing job.
- Mayor Kutsi also thanked the City Crew for the storm clean-up. He also asked Planning & Zoning Director Erik Wedge about the garage in the newer development being moved. Wedge stated that they have until next Spring 2017 to move it.
- Councilor Bol voiced a concern from a citizen around town with vehicles not yielding to pedestrians in the crosswalks.
- Councilor Liimatta also extended his thanks to the City Crew for cleaning up after the storm.
- Mayor Kutsi asked the Campground Directors Rautanen’s how the campground fared during the storm. Rautanen replied that they lost the top of one tree, all the portable facilities were tipped over and there was garbage blown all over, so after that clean-up it wasn’t that bad.
- City Attorney Kearney nothing to report.
- Engineer Jammick need to schedule a final assessment hearing for the Lower Florida, Holiday, Summit Street project, to send notices out to the properties that benefit from the project. He suggested the 1<sup>st</sup> meeting in October.

Motion by Liimatta second by Skalko to set the final assessment hearing for the Lower Florida, Holiday, Summit Street project for Tuesday, October 11, 2016 @ 6:00p.m. MCU.

**Old Business:**

Emergency Operations Plan Update – Nothing new to report.

Nuisance Ordinance Update – Nothing new to report

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**New Business:**

Mayor Kutsi asked City Clerk Sakrison when the Preliminary Tax Levy will be set. Sakrison stated that the preliminary levy will be set at the September 27, 2016 Regular City Council Meeting, and due to St. Louis County by September 30, 2016. Kutsi also stated that they are working towards a 0% levy.

Planning & Zoning Director Wedge gave a presentation regarding adopting the MN State Building Code Standards.

- The reason why this is being discussed is for protecting the health, safety & welfare of the citizens of Gilbert.
- It puts the construction standards on a level playing field with neighboring communities, who have already adopted these standards.
- The MN State Building Code Standards are a minimum standard, buildings exceeding these standards are allowed. The MN Building Codes does not oversee the Federal Building Code. ADA Requirements supersede the MN Building Codes.
- Most communities adopt the MN Building Codes due to a tragedy.
- The MN State Building Code can only be adopted all or nothing.
- All projects done at the school are regulated by the State of MN. Any state licensed facility would be regulated by the State of MN.
- Wedge discussed the benefits of adopting the MN State Building Code Standards.
- The cost of a building code official would be passed on by a fee, and not a cost to the City of Gilbert. Wedge suggested having a contract with a building inspector, not a full time building inspector.
- The negatives would be a cultural change & costs. The City of Gilbert would set the fee. Speed of construction would be different, the reviews of the different processes would take time.
- Mayor Kutsi is concerned about the code being so restrictive. Kutsi is for protecting the homeowners, and the code makes sense for new construction, but if adopted then you have to get a building permit for everything including changing out a screen door.
- Councilor Bol agreed with Mayor Kutsi.
- Councilor Pontinen stated that this is a discussion because of people abusing land use permits with no repercussions.
- If adopted all existing structures are grandfathered in, but if modified more than 50% they would have to comply with the building code.
- Councilor Skalko stated that it doesn't take long to get to 50% of the value of the building to get the building code to kick in.
- Wedge suggested tabling the discussion and the council doing their own research and find out the pros and cons of the building codes possibly being adopted.

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Motion by Bol second by Skalko to not adopt the MN State Building Codes. Councilor Bol stated that the code is onerous. Pontinen stated that maybe the code could be adopted for a certain amount of time, and then opt out of it. City Clerk Sakrison noted that if the code was adopted, a fee schedule would have to be put in place, forms would need to be developed, education for enforcement and a contract for inspections, there would be an upfront cost for the City of Gilbert. Councilor Bol asked if a modified ordinance could be put in place. City Attorney Kearney stated that surveys would be required, then property lines can be established to know set back lines. Surveys should not be a cost of the city, would be a property owner cost. Motion Carried 4 – 1.

Motion by Liimatta second by Skalko to approve Partial Payment Estimate No. 1 for the East Industrial Park project from Mesabi Bituminous for \$96,686.95, upon receipt of certified payrolls. MCU.

Motion by Skalko second by Liimatta to approve Partial Payment Estimate No. 1 for the Genoa Sanitary Sewer project from Jola & Sopp Excavating for \$72,823.20, upon receipt of certified payrolls. MCU.

Motion by Skalko second by Liimatta to take action by roll call vote on Ordinance 2016-01, Opting Out of the Requirements of Minnesota Statutes §462.3593, Temporary Family Health Care Dwellings. Pontinen – Aye; Skalko – Aye; Mayor Kutsi – Aye; Bol – Aye; Liimatta – Aye. MCU.

Motion by Liimatta second by Skalko to approve Terah Rinerson attending the Water/Wastewater Operations training in St. Cloud, October 18-20, 2016, and to pay the conference registration fee, meals, mileage and lodging so she can take the Class B Water test. MCU.

Motion by Bol second by Skalko to approve Resolution 2016-14 Accepting the Grant from MN Department of Natural Resources 2017 Volunteer Fire Assistance Program. MCU.

Motion by Bol second by Skalko to approve Resolution 2016-15 Transferring Title to JLT Enterprises for Lots 1-4, Block 7 First Addition to Gilbert for \$3,000. Pontinen – Aye; Skalko – Aye; Mayor Kutsi – Aye; Bol – Aye; Liimatta – Aye. MCU.

Motion by Skalko second by Bol to approve the Scope of Services and Authorization to Proceed for the Wetland Delineation work at the waste water treatment facility located on Dakota Avenue to be completed by Aquatic EcoSolutions, Inc. for a price not to exceed \$945.00 if paid within 5 days of invoice. MCU.

Motion by Skalko second by Liimatta to approve the proposal for Professional Services for an evaluation of the water plant from Stantec for a cost estimated to be \$15,800.00. MCU.

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Motion by Skalko second by Liimatta to approve the contract for services with St. Louis County – Extension/Administration for the Land Procurement Program for Beneficial Use of Municipal Water Treatment Lime for Agronomic Crops for 2016. MCU.

Motion by Liimatta second by Bol to approve the replacement of the furnaces in the Fire Hall with (2) Modines as quoted from Carlson Duluth and recommended by Public Works Operations Director Lautigar for a price of \$4,844.53. MCU.

Motion by Skalko second by Liimatta to approve the Work Estimate from Mesabi Bituminous in the amount of \$15,200 for the (10) 4” bituminous patches. MCU.

Motion by Skalko second by Liimatta to grant permission for the city resident to remove trees from Hopkins Park after he signs the Hold Harmless Agreement. MCU.

Motion by Bol second by Skalko to accept the proposal as received from Crawl 4 the Cure for the weekend of July 13 – 16, 2017. After discussion the motion was amended to accept a fee of \$2,000 for the Campground and \$500 for the Arena. MCU.

Motion by Skalko second by Liimatta to authorize payment of the \$45 registration fee for any City Staff that would like to attend the League of MN cities Regional Meeting in Hibbing on October 6, 2016. MCU.

Motion by Liimatta second by Skalko to acknowledge the August 31, 2016 Financials. MCU.

Motion by Skalko second by Liimatta to approve bills and payroll subject to audit by Mayor and Clerk. Pontinen – Nay; Skalko – Aye; Mayor Kutsi – Aye; Bol – Aye; Liimatta – Aye. MC

Motion by Skalko second by Liimatta to acknowledge the Gilbert Public Library Board Minutes of August 1, 2016 and Campground Committee Minutes of August 18, 2016. MCU.

Motion by Skalko second by Liimatta to adjourn the meeting at 8:03 p.m.

  
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Debra Sakrison, City Clerk

ATTEST:

  
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Robert Kutsi, Mayor