

**CITY OF GILBERT
CITY COUNCIL MEETING
Tuesday, January 10, 2017**

Oath of office to Newly Elected

6:30 P.M. REGULAR CITY COUNCIL MEETING

1. **CALL TO ORDER**
2. **ROLL CALL**
 - A. Determination of Quorum
 - B. Pledge of Allegiance
 - C. Approve Agenda
3. **APPROVE CITY COUNCIL MINUTES**
 - A. December 5, 2016
 1. Public Hearing
 2. Special City Council Meeting
 - B. December 13, 2016
4. **PUBLIC INPUT**
5. **REPORTS - STAFF**
 - A. Chief of Police
 - B. Public Works Operations Director
 - C. Library Director
6. **REPORTS - MAYOR, COUNCIL, BOARDS & COMMISSIONS**
 - A. City Councilors
 - B. City Attorney
 - C. City Engineer
7. **OLD BUSINESS**
 - A. Emergency Operation Plan Update
 - B. Update Nuisance Ordinance
8. **NEW BUSINESS**
 - A. Resolution 2017-01 Annual Designations
 - B. Approve 2017 City Council Meeting Schedule
 - C. MBR Contract Award
 - D. License G-I With Eveleth Fee Office
 - E. Request to Attend Minnesota Rural Water Technical Conference
 - F. VEBA Contribution for Retirees and COBRA Participants
 - G. 2017 Membership for Range Association of Municipalities and Schools
 - H. Set a Work Session with Insurance Agent Shega
 - I. City Representation
9. **APPROVE PAYMENT OF BILLS AND PAYROLL**
10. **ACKNOWLEDGE**
 - A. Gilbert Police Commission October 11, 2016
11. **ADJOURN**

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**CITY OF GILBERT
MINUTES OF PUBLIC HEARING MEETING
MONDAY, DECEMBER 5, 2016
COUNCIL CHAMBERS**

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

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

Absent: Councilor Bol (w/Notice)

Staff Present: Clerk/Treasurer Sakrison

The purpose of this Public Hearing is to take input from the public regarding the budget and the amount of property taxes being proposed to collect to pay for the cost of services the City of Gilbert will provide in 2017.

Mayor Kutsi asked if there were any members of the public present that would like to speak. No one answered.

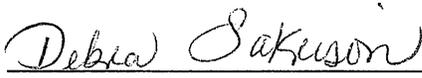
City Clerk Sakrison stated that the budget was arrived at using input from the Department Heads and herself, and where things are going based on employment contracts and health insurance. Councilor Pontinen asked if it was complete. Sakrison stated that it is complete for the net tax capacity levy, which is for the departments that are supported by taxes. The utilities are not included as they are not supported by taxes.

Mayor Kutsi asked if there were any members of the public present that would like to speak. No one answered.

Councilor Pontinen asked several questions about line items within the budget. City Clerk Sakrison answered them.

Mayor Kutsi asked if there were any members of the public present that would like to speak. No one answered.

Motion by Liimatta second by Mayor Kutsi to close the meeting at 6:50 p.m. Approved.



Debra Sakrison, City Clerk

ATTEST:

Robert Kutsi, Mayor

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**CITY OF GILBERT
MINUTES OF SPECIAL COUNCIL MEETING
MONDAY, DECEMBER 5, 2016
COUNCIL CHAMBERS**

Mayor Kutsi called the meeting to order at 6:50 p.m.

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

Absent: Councilor Bol (w/Notice)

Staff Present: Chief Techar and City Clerk/Treasurer Sakrison.

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. MCU.

This special city council meeting is being held to discuss the following items:

- A. Clarify Date for Mackley's Transition to Medicare Supplement.
- B. Employment Agreement for Computer Information Technology Manager

- A. Discussion was held regarding the date of when Mackley's transition to Medicare Supplement should take place.

Motion by Liimatta second by Skalko to clarify the date for Mackley's Transition to Medicare Supplement as January 1, 2017. Motion Carried Unanimously.

- B. Mayor Kutsi read an email received 12/5/16 from Councilor Bol expressing his support of the language in the revised employment contract for IT services Steve Peterson.

Motion by Liimatta second by Skalko to approve the contract for the Computer Information Technology Manager.

- Councilor Pontinen voiced concern about the severance package not being fair.
- Roll Call Vote: Pontinen – Nay; Skalko – Aye; Mayor Kutsi – Aye; Liimatta – Aye. Approved 3 – 1.

Motion by Liimatta second by Skalko to adjourn the meeting at 6:57 p.m.


Debra Sakrison, City Clerk

ATTEST:

Robert Kutsi, Mayor

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

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

Present: Mayor Kutsi, Councilors Pontinen, Skalko and Liimatta.

Absent: Councilor Bol (w/Notice)

Staff Present: City Attorney Kearney, City Engineer Jamnick, Chief Techar, Public Works Operations Director Lautigar, Library Director Miller and City Clerk/Treasurer Sakrison.

Staff Absent: N/A

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

Motion by Liimatta second by Mayor Kutsi to approve the agenda with the additions of 8.X – Resolution 2016-23 Approving State of MN Joint Powers Agreements with the City of Gilbert on Behalf of its City Attorney and Police Department, 8.Y – HRA Board of Commissioners, 8.Z – Request from Gilbert Ridge Rider Recreation Club for a donation and 8.AA – Offer to Purchase Property in Lake Ore Be Gone Plat. Motion Carried Unanimously (MCU).

Motion by Liimatta second by Mayor Kutsi to approve the November 22, 2016, Regular City Council Meeting Minutes. MCU.

Public Input:

Beth Milos, Mayor-Elect, had concerns about agenda item 8.AA – Offer to Purchase Property in Lake Ore Be Gone Plat. She noted 3 items, 1 – the realtor is not aware of the offer, 2 – if this property is sold it will land lock another property, which is illegal, and 3 – she feels that selling the lots as one sale is a big mistake and not a good idea for the development of Gilbert. Milos wanted to share this information before they made their decision.

Mike Hultman, of the Eveleth Gilbert Youth Hockey Association, wanted to talk about fixing up the Skenzich Arena.

- The EGYHA wants to be sure that the Skenzich Arena is not closing. Mayor Kutsi noted that it has not been discussed to close the arena and is not aware of it being an issue.
- They would like to work with the City to fix up the unsafe conditions at the Arena and asked who the contact with the City would be. Mayor Kutsi stated the contact would be Public Works Operations Director Sam Lautigar.
- Hultman also brought up the invoice the City has sent them regarding the rink attendants. He noted that the EGYHA will not contribute towards rink attendants, but will help pay for things for the kids, as new boards, etc.
- Public Works Operations Director Lautigar noted that if new boards are put in a drainage system would need to be put in, as currently the ice has to be pushed out, with the loader & skid steer, which is hard on the boards, otherwise the whole area would flood as there currently is no drainage system.

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

Motion by Liimatta second by Mayor Kutsi to have the City Staff work with the Eveleth Gilbert Youth Hockey Association to replace some of the boards at the Skenzich Arena. MCU.

Staff Reports:

- Chief Techar: Agenda
- Public Works Operations Director Lautigar:
 - Started flooding the outside rink late last week. And started flooding the inside rink today (12/13/16).
 - Councilor Pontinen asked why the main part of Sparta is being plowed.

Motion by Pontinen second by Liimatta to cease plowing the main road in Sparta. MCU.

- Library Director Miller:
 - 12/16/16 – Santa from 4:00 p.m. to 6:00 p.m.
 - 12/19/16 – Cookbook Club – Cookies
 - 12/23/16 & 12/26/16 – CLOSED
 - 12/28/16 – Movie Matinee – “Pete’s Dragon”
 - 12/30/16 – Yule Ball – 7:00 p.m. to 10:00 p.m. \$20/couple, or \$15/person

Mayor, Council, Boards & Commissions Reports:

- Mayor Kutsi:
 - Noted that the Seniors Christmas Party was recently held, and thanked Councilor Skalko for making candle holders and his wife Rachael for decorating the Christmas tree.
 - Thanked City Clerk Sakrison for all her work.
 - Thanked City Attorneys Kearney and Thayer for their work with the City the past few years.
 - Thanked City Engineer Jamnick for his work and for attending meetings at the State Capital in the interest of Gilbert.
 - Thanked Chief Techar for the great service the Gilbert Police Department does.
 - Thanked Public Works Operations Director Lautigar for the work he and his crew does for the City.
 - Thanked Library Director Miller for the great Library the City of Gilbert has.
 - Thanked Campground Managers John & Barb Rautanen for their great work at the campground.
 - Thanked the Gilbert Fire Department.
 - Thanked IT Steve Peterson.
 - Thanked Mary Olsen for her hard work.
- Councilor Pontinen: Agenda
- Councilor Skalko: Agenda
- Councilor Bol: Absent
- Councilor Liimatta:
 - Also thanked the City Staff for all their hard work. He thanked the Mayor and Councilor Skalko for giving him the opportunity to serve with them.
- City Attorney Kearney: Agenda
- City Engineer Jamnick: Agenda

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

Old Business:

Emergency Operations Plan Update – Nothing new to report.

Nuisance Ordinance Update – Nothing new to report.

New Business:

Motion by Liimatta second by Mayor Kutsi to approve Change Order No. 2 for Project No. 12-568 at the East Industrial Park for a DEDUCT of \$8,067.26. MCU.

Motion by Liimatta second by Mayor Kutsi to approve Final Pay Estimate to Mesabi Bituminous for Project 12-568 in the amount of \$12,853.79. MCU.

Motion by Liimatta second by Mayor Kutsi to approve the quote of \$1,637.50 from Titan Machinery to repair the backhoe. MCU.

Motion by Liimatta second by Mayor Kutsi to authorize the Fire Department purchase of wildland turnout gear and two sets of structural turn out gear. MCU.

Motion by Liimatta second by Mayor Kutsi to approve an Interim Water Agreement with the City of McKinley, not to exceed six months, to provide bulk water at the charge of \$6.75/1000 gallons and a \$100/month charge for meter and maintenance costs. MCU.

Motion by Liimatta second by Mayor Kutsi to approve Resolution 2016-22 – Resolution Approving 2016 Tax Levy, Collectible in 2017. Roll Call. Pontinen – Aye, Skalko – Aye, Kutsi – Aye, Liimatta – Aye. MCU.

Motion by Liimatta second by Mayor Kutsi to approve the 2017 Budget for Adoption by Department for the City Operations support by the Net Tax Capacity Levy with Revenues of \$2,748,191 and Expenditures of \$2,765,080 for Funds 101 General Fund, 211 Library Fund, and 301 Debt Service Fund. MCU.

Motion by Liimatta second by Mayor Kutsi to designate Fund Balance for 101-43000-500 \$30,000 and any additional department total less than budgeted for Department 101-43000, 101-49000-500 \$20,000 for Capital Outlay. MCU.

Motion by Liimatta second by Mayor Kutsi to approve the transfer of \$25,000 from the Water Fund and \$25,000 from the Sewer Fund to the Electric Fund as the third payment for the 2013 transfer. MCU.

Motion by Liimatta second by Mayor Kutsi to approve liquor, club and tobacco licenses and to issue same provided all license paperwork is completed, property taxes are paid and license fees have been paid to Fitzcorp DBA The Wandering Pines – On Sale and Sunday Liquor. MCU.

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

Motion by Mayor Kutsi second by Liimatta to have the COBRA participants pay the VEBA contributions.

- Discussion: Councilor Pontinen passed out a letter he received from the Health Insurance Rep - Mick Giblin, which he read aloud. City Attorney Kearney recommended tabling and seek the employment law.
- Motion rescinded.

Motion by Mayor Kutsi second by Liimatta to table action regarding who pays the VEBA contribution for COBRA participants to the next council meeting. MCU.

Motion by Liimatta second by Pontinen to accept the resignation of Gilbert Part-Time Police Officer Tanner Banks effective immediately. MCU.

Motion by Liimatta second by Pontinen to hire Anthony Nemanick as a Gilbert First Responder pursuant to his licensure from the State of MN as a First Responder and his passing a background check. MCU.

Motion by Liimatta second by Pontinen to authorize the registration and travel expenses for the newly elected Mayor and City Councilors to attend the LMC New Elected City Official training. MCU.

Motion by Liimatta second by Pontinen to accept the roster of Fire Department Officers as elected by the Fire Department on December 2, 2016. MCU.

| | |
|------------------|-------------------------------------------------|
| Chief: | Jeremy Skenzich |
| Assistant Chief: | Marc Kwiatkowski |
| Captain: | Mark Heitzman |
| Safety Officer: | Todd Devich |
| Secretary: | Dean Spragg |
| Treasurer: | David Marolt |
| Trustees: | Anthony Nemanick, Mike Thelen and Josh Erickson |

Motion by Liimatta second by Pontinen to authorize \$1,250 for DARE Training for Officer Trucano and to name her as the DARE Officer. MCU.

Motion by Liimatta second by Pontinen to accept the donation of anti-slip footwear to all of the Gilbert Police Department from Cliffs Natural Resources. MCU.

Motion by Liimatta second by Pontinen to approve the Gilbert Police Department's request to join the Lake Superior Drug and Violent Crime Task Force. MCU.

Motion by Liimatta second by Mayor Kutsi to approve the Labor Agreement Between the City of Gilbert and American Federation of State, County, and Municipal Employees, AFL-CIO Local Union No. 627 for a period of January 1, 2017 through December 31, 2019. MCU.

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

Motion by Liimatta second by Pontinen to approve the Joint Powers Agreement for Police Services with the City of Biwabik with an indefinite term and a 2017 contract amount of \$338,103. MCU.

Motion by Liimatta second by Mayor Kutsi to acknowledge the November 2016 Financial Statements. MCU.

Motion by Liimatta second by Mayor Kutsi to authorize payment of any bills and payroll, subject to audit by Mayor and Clerk, due prior to the First City Council meeting in January because there will not be a second City Council meeting in December. MCU.

Motion by Liimatta second by Pontinen to approve Resolution 2016-23 Approving State of Minnesota Joint Powers Agreements with the City of Gilbert on Behalf of its City Attorney and Police Department. MCU.

Motion by Liimatta second by Mayor Kutsi to approve HRA Board of Commissioners removal of Edward Schneider, Sr. on the board and appointment of Gail Mahovlich to fill the unexpired term until May 8, 2017. MCU.

Motion by Liimatta second by Mayor Kutsi to approve a request from Gilbert Ridge Rider Recreation Club for a donation of \$350 towards the wagon rides at the annual Children's Christmas Party. MCU.

Motion by Liimatta second by Mayor Kutsi to accept offer from Mike Sailer to purchase Blocks 2 – 4 Lake Ore Be Gone Plat for \$30,000 with the understanding that he would be responsible for putting in extensions of water and sanitary sewer.

- Discussion: Mayor Kutsi noted that by selling this property it would take care of the problem of the sloping of the pit which would cost a lot of money. Councilor Pontinen wants the offer tabled until the next Council has time to look at it.
- Roll Call: Liimatta – Aye, Kutsi – Aye, Skalko – Aye; Pontinen – Nay. Motion fails 3 – 1 as to transfer property a 4/5 vote is needed.

Motion by Pontinen second by Liimatta to table the offer to purchase property in Lake Ore Be Gone Plat. MCU.

Mike Sailer spoke regarding the offer to purchase the property in Lake Ore Be Gone Plat and that he would put in this own utilities, water, sewer, electric lift station. He rescinded his offer. City Attorney Kearney requested that he put that in writing to the City.

Motion by Liimatta second by Mayor Kutsi to approve bills and payroll subject to audit by Mayor and Clerk. Carried 3 – 1.

Motion by Liimatta second by Mayor Kutsi to acknowledge the Gilbert Planning & Zoning Commission Minutes of September 19, 2016 & October 3, 2016. MCU.

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

Motion by Liimatta second by Mayor Kutsi to acknowledge the Gilbert Public Library Board Minutes of November 7, 2016. MCU.

Motion by Liimatta second by Mayor Kutsi to acknowledge EFGSD Joint Powers Recreation Board Minutes of November 9, 2016. MCU.

Motion by Skalko second by Liimatta to adjourn the meeting at 7:38 p.m.



Debra Sakrison, City Clerk

ATTEST:

Dorothy Elizabeth Milos, Mayor



City of Gilbert

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www.gilbertmn.org

16 South Broadway • P.O. Box 548 • Gilbert, MN 55741

Phone: 218-748-2232 • Fax: 218-748-2234

RESOLUTION 2017-01

A RESOLUTION ADOPTING DESIGNATION OF OFFICIAL DEPOSITORIES, DESIGNATION OF COLLATERAL AUTHORITY, DESIGNATION OF OFFICIAL NEWSPAPER FOR THE CITY OF GILBERT, APPOINTMENT OF ACTING MAYOR AND LEGAL COUNSEL

WHEREAS, Minnesota Statute §427 requires the City of Gilbert to establish official depositories for City funds; and

WHEREAS, the City Council of the City of Gilbert has designated depositories for City funds which, pursuant to Minnesota State Statutes require that all funds deposited be secured by deposit insurance, bond, or collateral; further, that MN State Statute §118.01 requires approval of collateral submitted for security and allows the City Council to designate an official with approval authority; and

WHEREAS, MN State Statutes mandate the City to designate an Official Newspaper for the City's official notices and that such newspaper must be a paper of general circulation in the City of Gilbert; and

WHEREAS, MN State Statutes mandate the City must appoint an Acting Mayor to perform the duties of the mayor if there is a vacancy in the mayor's position or during the mayor's disability or absence

WHEREAS, the City Council chooses to officially designate the firm that will represent the City of Gilbert, MN as general counsel and City Attorneys.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Gilbert, Minnesota hereby designates the following financial institutions as official depositories of City funds and authorizes the City to deposit funds in each institution only to the extent that the institutions have provided documentation of collateral in at least 110% of the amount authorized to be deposited therein:

First National Bank of Gilbert, Gilbert, MN; 4M Fund, League of MN Cities; Morgan Stanley; and that Mayor Dorothy Elizabeth Milos be granted signature authority for same; and

BE IT FURTHER RESOLVED that the City Clerk/Treasurer be designated to have authority to approve collateral that conforms to MN State Statute guidelines submitted as security for City funds; and

BE IT FURTHER RESOLVED that the City Council of the City of Gilbert, MN hereby designates the Hometown Focus as the official newspaper for the City of Gilbert, MN for 2017 and all required official notices of the city shall be published in said newspaper; and

BE IT FURTHER RESOLVED that the Acting Mayor who shall preside and perform duties in the absence of the Mayor shall be Corey Bol; and

BE IT FURTHER RESOLVED that the Trenti Law Firm shall represent the City of Gilbert, MN as general counsel and and the law firm of _____ shall provide criminal prosecution services.

ADOPTED this 10th day of January 2017.

Beth Milos, Mayor

ATTEST:

Debra Sakrison, City Clerk/Treasurer

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December 31, 2016

City of Gilbert
Attn: Mayor, Mike Skenzich &
City Clerk/Treasurer Debra Sakrison
16 South Broadway Street
Gilbert, MN 55741

RE: 2017 Publication of City Council Proceedings, Legal, Classified and Display Advertising

Dear Mayor Mayor Skenzich & Debra Sakrison:

We ask your consideration for the honor of being named the official legal newspaper for the City of Gilbert.

We invite you to review the following Hometown Multi-Media Investment Program. Our NEW distribution outlets connect us with a NEW audience. Now you can promote, brand and bundle your products and services with a connection to **Print-Online-Mobile-Tablet and APPS.**

We offer a worldwide connection to Northern Minnesota and the Iron Range. Click on www.hometownfocus.us or www.discovermn.us with no pay walls, and download our FREE APP, Discover MN.

Please provide us any information or news that you would like to inform the community.

This unique multi-media platform delivers added value to city, schools, businesses, customers, viewers, and readers reaching a WEEKLY audience of OVER 200,000 and GROWING! We are the first COMMUNITY DRIVEN newspaper in the state of Minnesota that offers print, online, and mobile platforms.

City Council meeting minutes, Call for Bids, Ordinances, Resolution, legal publications, \$1.50, classified and display advertising will be at \$3.25 per column inch. (6 column format).

There will be no extra charge for extra composition. Also, we will post your legal, classified or display ad to our website at www.hometownfocus.us and as an added value your ad will appear in our digital edition

Thank you for your consideration. We appreciate an opportunity to serve you and **Grow Community together, we are locally owned & operated.**

Sincerely,



Jeff Asbach



Scott Asbach



**COLOSIMO, PATCHIN &
KEARNEY, LTD.**

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AT LAW

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John Mark Colosimo, J.D.†
Michael J. Patchin, J.D.
Michael K. Kearney, J.D.
Bonnie A. Thayer, J.D.

Nancy A. Roe, J.D.
Of Counsel

Douglas J. Gregor, J.D.
Of Counsel

† Certified as a Senior Trial
Specialist by the National
Board of Trial Advocacy &
Minnesota State Bar Assn.

January 5, 2017

MS DEBRA SAKRISON
CLERK/TREASURER
CITY OF GILBERT
PO BOX 548
GILBERT MN 55741

RE: 2017 Legal Representation

Dear Clerk Sakrison:

Please be advised that our firm will not be submitting a proposal for municipal/civil legal services for the City of Gilbert for 2017. But, our firm will work to ensure a smooth transition to the new law firm that the Gilbert City Council selects. Our firm would like to thank the City of Gilbert and its past Councils for allowing us handle to its legal affairs.

That being said, our firm is still interested in providing criminal prosecution services for the City of Gilbert for 2017. I believe I have a good working relationship with Gilbert Police Chief Ty Techar and his officers. Currently, I am now prosecuting for the following cities: Virginia, Eveleth, Town of Fayal, Aurora, Hoyt Lakes, Babbitt, Cook, Buhl, Gilbert and Biwabik. As a result of prosecuting for these numerous cities, I am without a doubt the most cost effective prosecutor.

Thank you for considering me to continue as your prosecutor for the cities of Gilbert and Biwabik in 2017.

Very truly yours,

COLOSIMO, PATCHIN & KEARNEY, LTD.

Michael K. Kearney

MKK/tn

Enclosure

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REPRESENTATION AGREEMENT

AGREEMENT MADE THIS _____ day of January, 2017, between the **City of Gilbert**, hereinafter referred to as "**Gilbert**", and **Colosimo, Patchin & Kearney, Ltd.**, Attorneys at Law, hereinafter referred to as "**Law Firm**".

NOW, THEREFORE, in consideration of the mutual covenants of the parties, said parties agree and covenant as follows:

Gilbert hereby retains and employs Law Firm as its criminal prosecutor for those matters and criminal activities which are not handled by the St. Louis County Attorney's Office, for the period commencing on January 1, 2017, through and including December 31, 2017. The parties agree that Law Firm shall be paid for all prosecution services at the rate of \$100 per hour, plus reimbursement for any actual costs or expenses incurred and advanced by Law Firm in behalf of police department in conjunction with this representation.

This hourly rate applies to all work performed in conjunction with criminal prosecutions, beginning with the receipt of the initial complaint and/or tab charge, and it applies to all aspects of each criminal prosecution, including preparation of all charging documents, conferences and meetings with police officers, and other witnesses, all court appearances, etc. Prosecution services will be billed, and are payable, on a monthly basis.

The parties acknowledge and understand that Law Firm also handles criminal prosecutions for other area municipalities and that, whenever possible, where there is a court appearance common to more than one municipality involving a number of criminal prosecutions, the hourly charges and time shall be prorated amount the different municipalities based on the relationship between the number of Gilbert files

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being handled on that day as compared with the total of all prosecution files on which Law Firm is appearing on that day.

It is agreed and understood that billing for prosecution services related to criminal matters arising from Gilbert's jurisdiction will be keep separate and billed directly to the City of Gilbert.

Gilbert further agrees and understands that the legal services performed under this agreement shall be provided by such attorneys as designated and determined by Law Firm.

CITY OF GILBERT

By _____
Beth Milos
Mayor

By _____
Debra Sakrison
City Clerk

COLOSIMO, PATCHIN & KEARNEY, LTD.

By _____

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From: "Bryan Lindsay" <blindsay@trentilaw.com>
Subject: Letter of Interest and Bid
Sent date: 12/09/2016 12:12:17 PM
To: "clerk@gilbertmn.org" <clerk@gilbertmn.org>
Attachments: Scanned from Trenti Law Firm.pdf [196 KB]

Please see the attached correspondence. I am providing the same at Ms. Milos's request. Please copy to the Council and to Ms. Milos.

Thank you.

Bryan M. Lindsay | Attorney at Law

Email: blindsay@trentilaw.com



Website: www.trentilaw.com

225 N. 1st Street

1000 Lincoln Bldg.

Post Office Box 958

Virginia, MN 55792

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TRENTI

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ATTORNEYS

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RETIRED

Patrick J. Roche (1942-2015)
Vernon D. Saxhaug (1928-2016)
Robert H. Stephenson
John A. Trenti (1927-2014)

OF COUNSEL

Andrew J. Phillips

LEGAL ASSISTANTS

Sharon K. Fredrickson
Kristen M. Hennis
Donna M. Leritz
Maria K. Silcox
Patricia L. G. Thornton

December 9, 2016

Ms. Deb Sakrison
City Clerk
City of Gilbert
16 South Broadway Street
P.O. Box 548
Gilbert, MN 55741

RE: Qualifications and Bid for 2017 City Attorney Contract

Below please find an outline of the qualifications of the Trenti Law Firm in representing the City of Gilbert in the capacity of city attorney. Also included please find an outline of fees constituting our firm's bid for the position of attorney for the City of Gilbert. With our strong experience in municipal representation and our history with and commitment to the City of Gilbert it is our request that you take our bid into consideration when making your annual appointment.

Brief History of Firm

The Trenti Law Firm was formed in 1960 by two partners, John Trenti and Paul O'Leary. Today, the firm has expanded to include six attorneys with five legal assistants and seven support staff members. While the firm has grown over the last forty years, one thing has remained constant at the Trenti Law Firm: founder John Trenti's emphasis on excellence and professionalism in the practice of law. With this ethic, each attorney approaches a case from the perspective of the client to ensure the client's best interests are served in a personal and professional manner.

Of the six attorneys, Scott Neff is a Real Property Law Specialist certified by the Minnesota State Bar Association; Joseph Leoni is a Civil Trial Specialist certified by the National Board of Trial Advocacy, and a Civil Trial Specialist certified by the Minnesota State Bar Association. Three lawyers formerly associated with the firm have become Minnesota District Court Judges: Honorable Robert F. Berger, Honorable Gary J. Pagliaccetti, and Honorable Thomas H. Carey.

+ Civil Trial Specialist Certified by the National Board of Trial Advocacy

++ Real Property Law Specialist Certified by the Minnesota State Bar Association

* Civil Trial Specialist Certified by the Minnesota State Bar Association

The Trenti Law Firm is one of the largest firms in the region, with offices located in Virginia and Ely. The firm represents over 2,000 individuals and a wide variety of businesses throughout Northeastern Minnesota. Our firm's clients benefit from over 150 years of combined legal experience, guaranteeing each client the experience and expertise necessary for their needs. Each of the members of the firm are natives of the Iron Range and have a personal and professional commitment to serve our local communities.

Our Attorneys

Sam A. Aluni: Areas of Practice

Municipal Law

Estate Planning
Elder Law
Probate
Real Estate
Business Law

Scott C. Neff: Areas of Practice

Real Estate: residential, seasonal, and commercial, including concentration in real estate litigation

Elder Law & Estate Planning: including wills, trusts, probate and land trusts

Municipal Law: including school, cities and towns

Labor Law: public and private sectors

Corporate Law: including incorporation, LLCs, partnerships

Mining and Mineral Law: determine ownership, negotiate leases

Land Use: zoning and land use issues

Joseph Leoni: Areas of Practice

Personal Injury: Board Certified
Product Liability
Medical Malpractice
Wrongful Death
Dog Bites
Business Law
Employment Law
Contract Law

Tracy Podpeskar Skalko: Areas of Practice

Family Law

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Bryan Lindsay: Areas of Practice

Municipal Law

Business Litigation
Commercial Litigation
Contracts
Real Estate
Personal Injury
Criminal Law (Prosecution and Defense)
Estate Planning
Appellate Practice
Consumer Fraud

Colleen A. Kosluchar: Areas of Practice

Municipal Law

Criminal Law
Mediation/ADR
Family Law
Estate Planning
Elder Law
Probate Administration
Real Estate Law

Andrew J. Phillips: Of Counsel

Family Law
Estate Planning
Probate Administration
Elder Law
Real Estate Law

Our Support Staff

Legal Assistants:

Donna M. Leritz: 30 years of experience as probate, guardianship and conservatorship legal assistant. Also has experience in real estate and estate planning.

Kristen M. Hennis: More than 20 years of experience as family law legal assistant. Certified Family Law Mediator and Certified Early Neutral Evaluator.

Sharon K. Fredrickson: 31 years of experience including 18 years of experience as general practice legal assistant. Work areas: Real estate, estate planning, municipal, criminal prosecution matters, corporate.

Patricia L.G. Thornton: 25 years of experience. Work areas: Real estate, litigation, corporate, municipal, estate plan, collections.

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Maria K. Silcox: 28 years of experience in the legal secretary/legal assistant field. Work areas: Personal injury litigation, criminal law, insurance defense litigation, railroad litigation, products liability, employment litigation and other various areas of practice.

Office Administrator/Bookkeeper: **Kathy Bukvich**
Secretaries: **Sheryll A. Anderson**
Barb McKinley
Jana Carlson
Cassidy White

Advertising: **Sara Andrews**
Reception/Secretary: **Diane Mattson**
Reception/File Clerk: **Sandie Ahlin**

Our primary office location is 225 First Street North, Suite 1000, P.O. Box 958, Virginia, MN 55792.

Our firm has a strong legal library and research capabilities with specific emphasis on municipal law publications, computer links, and current technology, and is well suited for sharing and editing documents electronically. Importantly, we are currently set up to take advantage of all State interfaces which have been put in place for municipal legal work.

The following is a list of each attorney and support personnel who regularly supply services to our municipal clients.

Sam A. Aluni: Education

Yale University B.A. 1973 - undergraduate degree
William Mitchell College of law J.D., cum laude, 1977 - Law degree

Joseph L. Leoni: Education

University of Minnesota B.A. 1981-undergraduate degree
William Mitchel College of Law, Juris Doctor., 1984

Bryan M. Lindsay: Education

Hamline University School of Law, Juris Doctor, 2006
Bemidji State University, Bachelor of Arts, magna cum laude, 2003

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Sharon K. Fredrickson: Education

Eveleth Area Vocational Technical Institute, Howard W. Siegel, Attorney at Law: Legal Secretary 1985 to 1988. Trenti Law Firm: Legal Secretary 1988-1998; Legal Assistant 1998 to present.

The Trenti Law Firm has extensive experience working with municipalities including: City of Gilbert from 1983 until 2011. We have represented the City of Mountain Iron for over 30 years with Sam Aluni as lead attorney since 1989. We have represented the City of Chisholm from 2015 to present. We also have represented the Cities of McKinley, Kinney, Town of Fayal, Greenwood and Biwabik Townships for extended periods of time.

The Trenti Law Firm has for almost 30 years applied the highest professional standards in providing informed, prompt and efficient service in representing all of our municipal clients. We make it a priority to remain accessible and responsive to the legal needs of these clients in civil and criminal representation, and we stay informed of all newest statutes, rules and procedures applicable to municipal representation. While it is true that municipal representation is, by its nature, affected by the local political climate, in our role as city attorney it is incumbent upon us to deliver objective, reasoned, and timely information and opinions to guide our clients and minimize the risks faced in today's complex legal landscape.

Fees

On civil matters, the City of Gilbert would be billed at the following rate: flat rate of \$450.00/month for appearance at two regularly scheduled City Council meetings and availability for answering routine questions by phone or mail¹. Other services would be billed hourly at the following rates: \$130/hr. for the legal services of Bryan Lindsay, who will be primarily handling these matters, and \$150/hr. for the legal services of Sam Aluni and Joseph Leoni². This is a significant discount from the standard hourly rates of Sam Aluni (\$240/hr.), Joseph Leoni (\$250/hr.) and Bryan Lindsay (\$180/hr.) Paralegal services are utilized where it is efficient to do so, and Sharon Fredrickson provides such services at her rate of \$95/hr.

On criminal matters the services of Sam Aluni, Joseph Leoni, Bryan Lindsay and Sharon Fredrickson are billed at the rate of \$100/hr.

Research Rate for Bryan M. Lindsay of \$95.00/hr. Research rate is applicable to those projects assigned by the City that call for simple research and the production of a resulting Memorandum as the only work product. Additionally, to qualify for this rate, assignments must have a deadline allowing for at least 7 days prior to deadline.

The firm bills at minimum time increments of .1 hrs. (6 minutes) for all services and the firm bills for actual expenses incurred without markup and the firm does not charge mileage to

¹ Monthly flat rate of \$300.00/month for appearance at one regularly scheduled City Council meeting.

² Rates to be charged by Mr. Leoni for extended litigations, those lasting two days or more, would be negotiated on an as needed basis.

City Clerk, City of Gilbert
December 9, 2016
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the City of Gilbert for travel to and from meetings, court, etc. All expenses are itemized in the billings.

Our billing will list separately any fees which the City shall recoup from other sources. We also will build in reimbursements whenever possible so the City may recoup attorney fees.

Below please find names, telephone numbers and contact person of five client references that you may contact.

City of Mountain Iron
Craig Wainio, City Administrator
(218) 748-7570

Seppi Brothers Concrete Products, Inc.
Matt Seppi, President
(218) 741-7007

John Tourville
(218) 966-0607

City of Chisholm
Michael Jugovich, Mayor
(218) 969-4323

City of Kinney
Janet Haley, City Clerk
(218) 741-8190

It is important to remember that while I will be your primary contact, our entire office stands at the ready to assist the City.

Respectfully submitted,



BRYAN M. LINDSAY
Attorney at Law

City of Gilbert
Request for City Council Action

Date: January 5, 2017

Issue: 2017 City Council Meeting Schedule

The Gilbert City Council meetings have been scheduled for the second and fourth Tuesdays of the month at 6:30 p.m.

| | | |
|--------------------------|----------------------------|-----------------------------------------------|
| January 10 January 24 | February 14 February 28 | March 14 March 28 |
| April 11 April 25 | May 9 May 23 | June 13 June 27 |
| July 11 July 25 | August 8 August 22 | September 12 September 26 |
| October 10 October 24 | November 14 November 28 | December 12 December 26 (may be a Holiday) |

Council Action:

City Council action is requested to approve the meeting schedule for 2017



Stantec Consulting Services Inc.
2335 Highway 36 West
St. Paul MN 55113
Tel: (651) 636-4600
Fax: (651) 636-1311

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January 5, 2017

Honorable Mayor Beth Milos and Council Members
City of Gilbert
16 South Broadway Ave
Gilbert, MN 55741

**Reference: Wastewater Treatment Facility Improvements
Recommendation of Award, MBR Equipment Preselection**

Honorable Mayor and City Council,

The WWTF project includes a membrane bioreactor (MBR) system to meet new effluent limits for mercury. Due to significant differences in systems, the MBR equipment is typically preselected during design using a formal review process to determine the MBR manufacturer most suitable for Gilbert. Criteria for the MBR preselection included cost, experience, operational support, and company capabilities.

Four MBR suppliers submitted MBR preselection proposals: Ovivo, Evoqua, Kubota, and Aqua Aerobics. Stantec met with city representatives in December to discuss the proposals in detail.

Based on the preselection criteria, the proposal from Ovivo was clearly superior in terms of detail, quality, and comprehensiveness. Out of 280 points possible, Ovivo scored 253 points. Evoqua was second with 225 points. Site visits to three Ovivo MBR installations in Wisconsin did not raise any concerns that would affect our recommendation. The cost of the Ovivo MBR, per their proposal, is \$1,147,000. This compares favorably with our estimate of \$1,267,000.

With the above facts in mind, it is our recommendation that the City of Gilbert award the MBR equipment to Ovivo. The next steps are to have the city attorney review the proposed agreement and to begin negotiating an agreement with Ovivo. Time is of the essence as MPCA is expecting a design submittal in early March 2017. I will attend the January 10 Council meeting in the event there are questions regarding our recommendation.

Regards,

STANTEC CONSULTING SERVICES INC.

A handwritten signature in black ink that reads "Ronald A. LaFond".

Ronald A. LaFond, P.E.
Senior Project Manager
ron.lafond@stantec.com
Ph: (651) 604-4771
Mobile: (651) 775-7691

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City of Gilbert
Request for City Council Action

Date: January 6, 2017

Issue: Easement with Eveleth Fee Office for 8 inch water main in Sparta

Background: The city of Gilbert has an easement from Eveleth Fee Office for an eight inch watermain in Sparta. The annual fee is \$130.00. The license fee will be charged to the Water Fund 601.

Council Action:

City Council action is requested to approve the license and approve the payment of \$130 for the license fee.

L I C E N S E
No. G-1

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THIS LICENSE made as of the 1st day of January, 2017, by and between Daniel L. England, as President of Eveleth Fee Office, Inc., and as duly authorized Attorney in Fact for the owners in fee of the hereinafter described land, hereinafter called Licensor, and City of Gilbert, hereinafter whether one or more called Licensee, whose address is P.O. Box 548, Gilbert, MN 55741,

W I T N E S S E T H

In consideration of the rent to be paid and the agreements herein set forth by Licensee to be performed, Licensor, as to its interest only in the property hereinafter described, does hereby grant to Licensee, License and permission to use and occupy the parcel of land in the County of St. Louis, State of Minnesota, described as follows, to-wit:

A parcel of land in the SW-NW of Section 35, Township 58, Range 17, known as Lot ---, as shown on Licensor's Map of said land on file in the office of the Eveleth Fee Office, Inc., at Eveleth, MN, which Lot is hereinafter referred to as "said property" or "said licensed property".

EXCEPT all minerals and mineral rights.

for the period from the date hereof to December 31, 2017, unless sooner terminated as herein provided. Upon the execution and delivery of this agreement, Licensee shall pay Licensor the sum of One hundred-thirty no/100 Dollars (\$ 130.00) per year as rent. Rent shall be paid to Licensor, care of Eveleth Fee Office, Inc., P.O. Box 521, Eveleth, MN 55734-0521.

Licensee shall use said property solely for the purpose of an 8-inch water main pipeline easement and for no other purpose whatsoever. Licensee shall not modify or damage any improvement, structure or equipment of Licensor or of any third party located upon said property.

This License is subject to any public or private right-of-way now existing on or over said property, and to any public right-of-way that may hereafter be obtained by lawful proceedings; and the Licensor hereby reserves and shall at all times have the right, without any liability for damages to the Licensee, to grant to any person or corporation rights-of-way over or across the said property for telephone, telegraph, electric light or power purposes or for railways or for water or gas mains, sewers, ditches, highways or other public uses, and upon the grant of any such right this License shall be subject thereto.

This License may be terminated by Licensor by 60 days' written notice to Licensee of termination of this License. Said notice may be given by delivering the same to Licensee, by leaving said notice with any person of suitable age and discretion at the address of Licensee above given, or by mailing said notice to Licensee at said address by ordinary or certified United States mail, or at such other address as Licensee shall have specified by written notice given to Licensor. Upon the expiration of the time specified in said notice, Licensee shall vacate said property and remove its structures and equipment therefrom, repair any damage to the property caused by Licensee, and leave said property in a neat and orderly condition. If Licensee shall have paid rent for a longer term than it is permitted to occupy said property, and has vacated said property upon the termination or expiration of this License and has kept and performed the agreements contained in this License, Licensor shall upon termination refund to Licensee that proportion of the rent paid by Licensee which the unexpired part of the License term bears to the whole of the License term. Licensee shall be entitled to no other compensation or damages whatsoever by reason of termination of this License. Licensee disclaims any right, title or interest in said property other than that which it has under this License.

If upon termination or expiration, Licensee shall leave upon said property any structures or equipment of Licensee, Licensor shall without further notice become the owner thereof, and at its option may retain the same or may have the same removed, stored or destroyed at the expense of Licensee, and Licensee shall pay the cost of such removal, storage or destruction upon demand.

Licensee agrees that Licensor shall have no liability arising from or based upon any condition of or occurrence upon said property, unless such condition or occurrence is willfully or recklessly caused by Licensor. Licensor shall have no responsibility or liability for the safety of any person or property authorized or allowed by Licensee to be upon said property of Licensor, and all such responsibility and liability shall be borne by Licensee. Licensee releases Licensor from liability arising out of and expressly assumes all existing risks and dangers connected with the occupancy of said property, and all risks and dangers which may hereafter arise, by reason of the past, present or future carrying-on by Licensor, its predecessors, or any other person or corporation of mining, quarrying or like business on, in or under said property or any land or premises adjacent to or in the vicinity thereof, including but not limited to risks and dangers arising from blasting, the cracking or caving of the surface or the loss or removal of lateral or subjacent support, the use or diversion of streams or ponds of surface or underground water which may exist upon or affect the condition of said property, and the construction, operation and maintenance of ditches, pipelines, telephone lines, electric transmissions lines, roads and railroads.

Licensee agrees to defend, indemnify and save Licensor and the Eveleth Fee Office, Inc. and their officers, agents and employees harmless from any and all claims, demands and actions made or brought by reason of damage to or destruction of property of others, or injury to or the death of persons, whether due to the negligence of Licensor or the negligence of Licensee or the negligence of third parties, or any combination thereof, or based upon strict liability or any other basis of liability, in any manner arising or alleged to have arisen from any occurrence upon or condition of said property or any improvement, structure or equipment thereon, unless such damage, destruction, injury or death is caused by the willful or reckless conduct of Licensor; and Licensee shall pay all recoveries, costs, experts' fees and attorneys' fees incurred by Licensor in connection therewith.

Licensee further agrees to defend, indemnify and hold harmless Licensor and Eveleth Fee Office, Inc., and their officers, agents and employees, hereinafter in this paragraph referred to as Indemnitees, from and against any and all claims, damages, losses, fines, penalties, liabilities and costs, including response costs, clean-up costs, claims for natural resources damages, and expenses, including attorneys' fees, experts' fees and all other costs and expenses of litigation, which Licensor or any other Indemnitee may suffer or incur or for which Licensor or any other Indemnitee may be held liable, and Licensee releases the Indemnitees from any liability, arising out of any and all spills, leaks, releases and discharges in, upon, under or from said real property of any hazardous substance, hazardous waste, pollutant, contaminant, waste, petroleum substance, crude oil or any fraction thereof, whether the hazardous substance, hazardous waste, pollutant, contaminant, waste, petroleum, crude oil or fraction thereof was placed or came to be located in or upon said real property or was released, discharged, spilled or leaked in or upon said real property before or after the date of this License.

Licensee agrees that during the term of this License or any renewal thereof, Licensee will carry public liability insurance with the following limits: \$2 million (\$2,000,000.00) per occurrence for bodily injury and \$2 million (\$2,000,000.00) per occurrence for property damage. Further such policy of insurance shall be specifically endorsed to include coverage for the contractual liabilities assumed by Licensee under this License. Licensee shall provide Licensor with a certificate of insurance evidencing the limits of coverage and contractual endorsement required hereunder.

Licensee agrees that no delay on the part of Licensor in enforcing any of the conditions or covenants of this License, or in terminating or revoking said License shall be construed to be or operate as a waiver of any of the rights of the Licensor hereunder.

It is agreed that wherever the words "it", "he", "his", or "him" are used herein with reference either to Licensor or Licensee, such words shall mean the party or parties respectively referred to, whether male or female, or whether one or more individuals, partnerships, corporations or other organizations; and the term "Licensor" or "Licensee" shall mean all the licensors or licensees, as the case may be, if there are more than one of either or both designations, and that the word "party" shall include all the parties of the same part.

This agreement shall be binding upon and inure to the benefit of the heirs, legal representatives, successors and assigns of the respective parties hereto; but Licensee shall not assign this agreement or the License hereby granted, or sublet or sell or convey any building, structure or fence belonging to him and located on said property nor sublet any part of said property without the prior written consent of Licensor or its duly authorized agent or representative.

IN WITNESS WHEREOF, this License has been executed by the duly authorized representatives of Licensor and Licensee as of the day and year first above written.

Licensor:

By _____
Daniel L. England

Licensee:

By _____
Mayor

Its Authorized Attorney in Fact _____

By _____
City Clerk

City of Gilbert
Request for City Council Action

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Date: January 3, 2017

Issue: Request to attend Minnesota Technical Conference

Background: One of the operator's typically attends this conference annually. This year the conference will be held March 7 – 9, 2017 at the River's Edge Convention Center in St. Cloud, MN. The costs involved are the registration fee, \$230.00, lodging, meals, parking and mileage. Jack Bradach is requesting to go this year. These would be expenses of the Water Fund – 601.

Council Action:

City Council action is requested on this request.

MRWA TECHNICAL CONFERENCE PRE-REGISTRATION FORM

This form must be received no later than **February 24, 2017**, for pre-registration rates to apply.

Mail to: Minnesota Rural Water Association, 217 12th Avenue SE, Elbow Lake, MN 56531.

Please complete one form for each registrant. Guests may use the same registration form.

First Name Jads Last Name Bradach
 System or Company Name City of Gilbert
 System or Company Address 16 S. Broadway
 City Gilbert State MN Zip 55741
 E-mail jackbradach@gilbertmn.org Office Phone 218-248-8164 Cell Phone 218-780-6532

Guest's Name (if registering) _____

Please check one of the following:

Manager/Operator Council/Board Member _____ Mayor _____
 Administrative/Clerk _____ Industry _____ Guest _____ Other _____

Don't Miss This Special
 \$15.00 discount registration for Mayors, Clerks, Board Members, or Councilpersons attending for the first time. Must be accompanied by system operator or manager.

Full Registration

Includes access to all sessions, Exhibit Halls, luncheons, and theme party.

Postmarked prior to February 24, 2017

On-site Registration

| | | |
|--------------------------------------------------------------------------------|-----------------------|-----------------------|
| \$ <input checked="" type="checkbox"/> MRWA Associate Member | \$230.00 (per person) | \$255.00 (per person) |
| \$ _____ Non-Member | \$280.00 (per person) | \$305.00 (per person) |
| \$ _____ Guest | \$ 50.00 | \$ 55.00 |
| \$ _____ Total Due (make checks payable to: Minnesota Rural Water Association) | | |

Copy registration form and mail with payment to the MRWA Office.
 Register online at: www.mrwa.com (use the fast track training button).

Payment Method:
MRWA Accepts Credit Cards Online!
 Visit www.mrwa.com and use the "pay online" button.
 MRWA accepts VISA, MasterCard, American Express, Discover, and eCheck through our online pay site.



Cancellation Policy: Fees will be refunded if written request is received prior to February 24, 2017.

MRWA 33rd Annual Water & Wastewater

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TECHNICAL CONFERENCE

March 7-9 2017 - River's Edge Convention Center
St. Cloud, MN - Tentative Agenda



Tuesday, March 7, 2017

- 8:15am Color Guard Ceremony
- 8:30am Opening Session: Quality on Tap! Our Commitment, Our Profession
- 8:45am Introduction of MRWA Diamond, Ruby, & Emerald Corporate Partners
- 9:00am Keynote Speaker, State Official *invited*. MRWA Services presentation
- 10:30am Exhibit Hall Opens - *Enjoy the latest innovations, technology, and new products in the industry!*
- 11:45am Luncheon

Concurrent Mini-Sessions Begin (3 tracks)

| Water/Wastewater Track | Booth Demonstrations | Groundwater/WHP Protection Track |
|-----------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------|
| 1:00pm Biological Nutrient Removal Process and Costs | MN Smart City / Infrastructure Stress Transparency Tool | Governor's Year of Water - What Does it Mean for Public Water Suppliers? |
| 1:30pm Permanganate Pre-Oxidation Case Study | Emerging Technology - Using Drones for Reservoir Inspection | MDH Virus Study Update |
| 2:00pm Leak Detection | Smart Digital Chemical Dosing Equipment | Who Needs Money? SWP Grant Program |
| 2:30pm Uni-Directional Flushing - Benefits of Hydraulic Maps | Maintenance Considerations for Waterous Pacer Fire Hydrant | Taking the Stress Out of Managing Consultants and Projects |
| 3:00pm Chemical Feed Pump Calibration | Hi-E-Dry Dehumidifier Options | What's in Your Water? MDH Pesticide Survey Findings |
| 3:30pm Water Appropriation Permit Applicability | Positive Displacement Pump Selection | Planning for Extreme Weather and Water Resilience |
| 4:00pm Refreshments, Door Prizes, Exhibitor Gift - Last Chance to Tour Exhibit Hall! | | |
| 5:00pm Exhibit Hall Closes - Meet & Greet and Sports Raffle Begin in Glenn Carlson Hall | | |

Wednesday, March 8, 2017

- 6:45am Rural Water Breakfast - Enjoy a sit-down breakfast, Rural Water Style
- 8:15am The Zany Waiters: "Serving Up Big Laughs"
- 9:00am Leaders in the Industry: NRWA & MRWA We Work For YOU! Awards & Poster Contest Winners
- 9:45am Water Taste Test

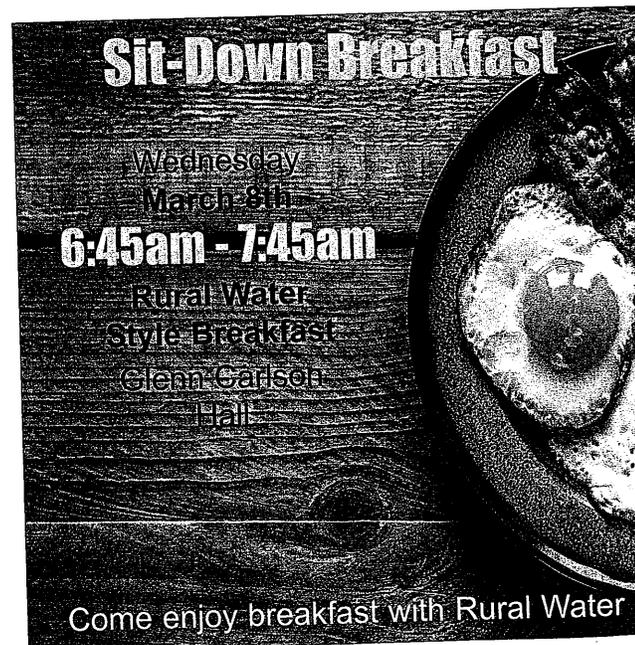
Concurrent Sessions Begin

Water Operation & Maintenance Session

- 10:00am Phosphates and Corrosion Control - Minimize Dirty Water
- 11:00am Choosing the Right Storage Tank Solution
- 12:00pm Luncheon & Door Prizes
- 1:00pm To Mix or Not to Mix
- 2:00pm Basic Water Treatment Plant Operations
- 3:00pm All Meters Are Not Created Equal
- 4:00pm Understanding Critical Lab Applications

Wastewater Mechanical Operation & Maintenance Session

- 10:00am 21st Century Odor Control in Wastewater Treatment
- 11:00am Adding Bugs (Bioaugmentation) to Improve Solids Removal
- 12:00pm Luncheon & Door Prizes
- 1:00pm Solve Measurement Headaches Using RADAR in Wastewater Systems
- 2:00pm Yielding Class A Biosolids
- 3:00pm Polymer Reduction in Dewatering Systems
- 4:00pm Energy Efficiency / Renewable Energy at WWT



Wednesday, March 8, 2017 (continued)

Wastewater Collections/Ponds Operation & Maintenance Session

- 10:00am Understanding Different Pump Station Options
- 11:00am Pond Control Structure Rehabilitation
- 12:00pm Luncheon & Door Prizes
- 1:00pm Inflow & Infiltration: Ramifications, Sources, & Fixes
- 2:00pm The Right Tools for Today's Disposable Wipes
- 3:00pm Operation & Maintenance of Wastewater Pond Systems
- 4:00pm Proper Lift Station Calibration

Management Session

- 10:00am The Importance of Water Conservation
- 11:00am Water Conservation Tracking System
- 12:00pm Luncheon & Door Prizes
- 1:00pm RD Apply
- 2:00pm Asset Management
- 3:00pm Cross Connection & Backflow Prevention
- 4:00pm E-mail Etiquette

Groundwater Session

- 10:00am Protecting Groundwater: One Drinking Water Source at a Time - Panel Discussion
- 11:00am Protecting Groundwater: One Drinking Water Source at a Time - Panel Discussion *continued*
- 12:00pm Luncheon & Door Prizes
- 1:00pm Train Derailment Near Your Wells...BNSF Responds
- 2:00pm Developing Partnerships to Address Agricultural Issues and Elevated Nitrates in Southwest Minnesota
- 3:00pm Crabtree Scientific: Bringing Water to People in Need
- 4:00pm Minnesota Department of Agriculture Township Testing and Nitrogen Fertilizer Plan Update

Exam Refresher Sessions - These sessions will run 10:00am - 5:00pm

- 10:00am A&B Water Operator Certification Exam Refresher
- 10:00am C&D Water Operator Certification Exam Refresher
- 10:00am C&D Wastewater Operator Certification Exam Refresher

2017 Sports Raffle Prize:
 2017 Polaris Sportsman 4 Wheeler OR 2017 John Deere Lawn Mower - **YOUR CHOICE**



**This
-OR-
That**



Donated by MRWA!

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Wednesday, March 8, 2017

**Class E & D Small Water Systems Session
 (NonTransient NonCommunity and NonMunicipal)**

Morning Session Time: 8:00am - 12:00pm

Afternoon Session Time: 1:00pm - 5:00pm

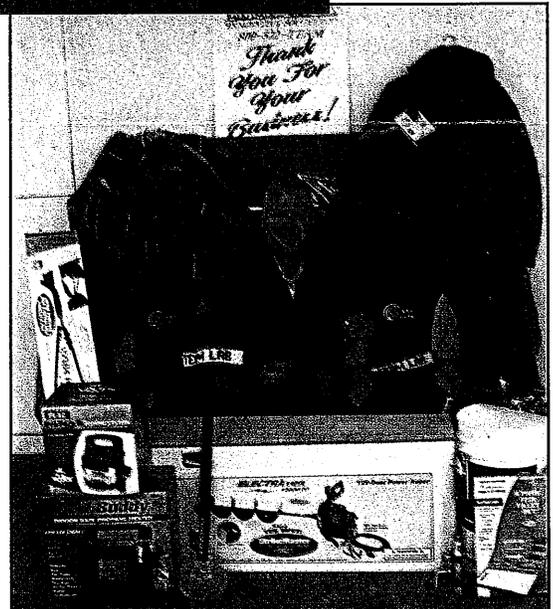
Topics covered include: Asset Management; Distribution Operation & Maintenance; Line Tracing and Leak Detection; Meters; Operator Certification; Safe Drinking Water Act; Sampling Requirements; Water Operator Math; Water Storage Operation and Maintenance; Water Treatment; Wellhead Protection; and Wells and Septic Systems.

4 water certification hours awarded for morning or afternoon session attendance. 8 water certification hours awarded for full-day session attendance.

2017 Sports Raffle

Prize: Ice Fishing

Package donated by Team Lab!



2016 4-Wheeler/Lawn Tractor Sports Raffle Prize



Thursday, March 9, 2017

Thursday, March 9, 2017
Water and Wastewater Exams
will be given at 8:30am.

Water Operation and Maintenance Session

- 8:30am Tier 2 Emergency & Hazardous Chemical Inventory and Cybersecurity
- 9:15am More Than an Operator: A History of the Operator
- 10:00am Break
- 10:15am Top of the Tower

Wastewater Operation and Maintenance Session

- 8:30am Using App Technology for Asset & Maintenance Management
- 9:15am What Drives You Nuts About NPDES Permits
- 10:00am Break
- 10:15am New Technology in Inflow & Infiltration Collection Systems Data

Combined Water -AND- Wastewater Operation and Maintenance Session

- 11:00am Are You Smarter Than a Water -OR- Wastewater Operator?
- 11:45am Wrap-Up and Drawings
- 12:45pm MRWA Annual Meeting

Attendees: More parking at the St. Cloud River's Edge Convention Center is now open! Construction on a new 400 stall parking ramp is complete and available for use to help alleviate some of the parking problems.

Exam Prep Refresher Session Offered at Technical Conference

The Minnesota Rural Water Association will be sponsoring an Exam Refresher Session on Wednesday, March 8, 2017, as part of the MRWA Technical Conference. The exam refresher session will give the attendee an opportunity to review information that will be part of the certification testing. The certification test will be given Thursday, March 9, 2017, at 8:30am.

- YES, I will be attending the **WATER Exam Refresher A&B**, March 8, 2017, from 10:00am - 5:00pm.
- YES, I will be attending the **WATER Exam Refresher C&D**, March 8, 2017, from 10:00am - 5:00pm.
- YES, I will be attending the **WASTEWATER Exam Refresher Class**, March 8, 2017, from 10:00am - 5:00pm.
- YES, I will be attending the entire Technical Conference

(If not, please fill out the registration information below)

- Yes, Please send me an exam application - circle one: Water or Wastewater
- Yes, Please send me a Minnesota Department of Health **Class D WATER** Study Guide.

There is no charge for this session if you are attending the Technical Conference (See Technical Conference registration form.) If you are **NOT** attending the Technical Conference, there is a fee of \$125.00 for the Exam Refresher Session. The following registration is required. *There is no charge to come and only take the test on Thursday, March 9th.*

WEDNESDAY EXAM REFRESHER ONLY: Includes Refresher Class & Luncheon - \$125.00

Please make check payable to Minnesota Rural Water Association or pay online at: www.mrwa.com (use the Pay Online button)

Name (please print) _____

Address _____

City _____ State _____ Zip _____

Employer _____

E-mail: _____

If you have any questions, call 800-367-6792, fax 218-685-5272, or e-mail: mrwa@mrwa.com. Register online at www.mrwa.com (use the fast track training button)

***You MUST fill out and mail an exam application to the Minnesota Department of Health (Water Exam) OR the Minnesota Pollution Control Agency (Wastewater Exam) 15 days prior to the exam date.** The exam fee, payable to MDH is \$32.00 and to MPCA is \$55.00. Exam applications can be downloaded at: www.mrwa.com. (Use the water or wastewater resources link.)

City of Gilbert
Request for City Council Action

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Date: January 6, 2017

Issue: The issue of which party pay for the VEBA contribution for a retiree or COBRA participant.

Background:

This matter was tabled to get clarification from someone with employment law expertise. Attached is email correspondence from Scott Wold, a principal in the firm Hitesman & Wold PA located in Maple Grove. The law firm's practice specializes in employment law. Mr. Wold's opinion is the retiree or COBRA participant should be paying the premium for the Health Reimbursement Account (VEBA) unless there is very clear language in the plan document requiring the employer to pay for the cost of coverage under the HRA.

He also addresses the same as current employees' coverage issue in the paragraph with the star to the right.

If the City Council decides to continue paying the VEBA contribution for Retirees and COBRA participants, it would only be equitable to refund the VEBA contribution personally paid by Rachel Devich December 30, 2015 in the amount of \$1,600 for her 2016 insurance.

Council Action:

Council action is requested on this matter.

From: "Yvonne Johnson" <Yvonne_Johnson@AJG.com>
 Subject: FW: Retiree continuation coverage
 Sent date: 12/30/2016 10:41:46 AM
 To: "Debra Sakrison" <debrasakrison@gilbertmn.org>

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Hi Debra,

Sorry for the delay in sending this email from Scott Wold. He is saying the same that I sent earlier in that the HRA should be offered under COBRA and that the former employee should be charged a premium for the HRA. Let me know if this helps.

Thanks,

Yvonne

Yvonne Johnson

Area Vice President

Public Sector | Health & Welfare Consulting

Arthur J. Gallagher & Co.

3600 American Blvd. W, Suite 500 | Bloomington, MN 55431

P: 952.356.0734 F: 866.701.1125 | C: 612.916.8296

www.ajg.com

Gallagher Benefit Services, Inc.

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From: Scott Wold [mailto:scott@hitesmanlaw.com]
Sent: Wednesday, December 19, 2007 12:40 PM
To: Johnson, Yvonne <YJohnson@stanton-group.com>
Cc: Frick, Sue <SFrick@stanton-group.com>
Subject: Retiree continuation coverage

Yvonne:

I received your voice mail message.

The application of Section 471.61 (a/k/a Chapter 488) to HRAs is unclear. In general, our interpretation of the statute is that it applies to major medical coverage (and dental and vision coverages). However, it has been our approach to caution against not offering retiree continuation coverage under the HRA where the employer has treated the HRA and the high deductible medical coverage with which the HRA is provided as a single plan. The plans may be contained in a single plan document, the employer may describe the plans as being a single plan, and/or the plans may be treated as a single plan for the purpose of labor negotiations.

As a practical matter, most employers allow former employees to continue participating in an HRA following termination of employment for the purpose of spending down the balance of the account. Thus, the real issue is not whether there is an obligation under Section 471.61 to allow retirees to continue to participate in the HRA, but rather whether the employer is obligated to continue making contributions into the HRA for the retiree.

If Section 471.61 applies, it requires, in general, the employee to have the same coverage as the active employees. In the HRA context, this could be interpreted to mean the employee must have the same maximum benefit amount as active employees. In other words, the employer must allocate dollars to the retiree's account just as it does for active employees. However, Section 471.61 provides that the "former employee must pay the entire premium for the coverage." We interpret this to authorize the employer to charge a premium for the HRA coverage, even though no premium is charged during active employment (similar to how COBRA is applied to HRAs).

★

The statute does not specify how the premium is to be calculated for self-insured plans (including HRAs). Presumably the employer could determine the premium as it

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would the COBRA premium. Depending on how COBRA premiums are determined for the HRA, the premium might equal the amount of the employer's contribution to the HRA.

The statute indicates the retiree must pay the cost of coverage unless the employer agrees to do so under applicable collective bargaining agreements, employment contracts, and personnel policies. If the employer has agreed to pay a portion of the cost of medical coverage for retirees, the language in the applicable document should be reviewed carefully to determine whether it is broad enough to require the employer to pay for the cost of coverage under the HRA (i.e., make ongoing contributions) as well as the major medical coverage.

The forgoing comments apply to both the situation where the retiree is covered under the high deductible plan and HRA at the time of retirement, and where a retiree wishes to enroll in the high deductible plan after retirement during open enrollment.

Please let me know if you have further questions.

Scott A. Wold, Esq.

Hitesman & Associates, P.A.

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Maple Grove, MN 55369
P: 763-503-6620 | F: 763-503-6619

W: www.HitesmanLaw.com

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Thank you in advance for your cooperation.

Hitesman & Associates, PA

<http://www.HitesmanLaw.com>

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Scott A. Wold, Esq.

[Home](#) > [Our Team](#) > [Scott A. Wold, Esq.](#)

Scott A. Wold, Esq.

Scott Wold

[Biography](#)[Education](#)[Awards](#)[Affiliations](#)

After spending most of his legal career serving clients regarding their general business and employment law needs, Scott Wold joined Hitesman & Wold to practice exclusively in the areas of employee benefits and executive compensation.

Scott can be found advising clients in many areas of employee benefits including:

- Compliance with the Internal Revenue Code, ERISA, HIPAA, FMLA, and state insurance laws
- Executive compensation arrangements
- Employment agreements
- Employee welfare plans, including medical and dental plans, disability plans, life insurance, voluntary employee beneficiary associations (VEBAs), medical reimbursement plans, transportation plans, and cafeteria plans

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He speaks regularly to audiences of employers, third party service providers, health care providers, plan sponsor benefits consultants. Most recently Scott presented *HIPAA Housekeeping* at a seminar sponsored by the Minnesota Insurance Trust.

Active in his community, Scott serves as a board member for the Park Avenue Foundation and Peace and Hope International. He is currently the Secretary for both of these boards. He also provides pro bono legal services at Avenue Foundation Volunteer Lawyers Network Walk-in Clinic, which is jointly sponsored by the Park Avenue Foundation and the Volunteer Lawyers Network.

Scott received his undergraduate degree, *cum laude*, from Bethel College and his law degree, *cum laude and order of the coif*, from Southern Methodist University School of Law. He is a member of the Hennepin County Bar and Minnesota Bar associations and a past member of the Brooklyn Center Rotary Club, where he served as club secretary, treasurer, and president. In 2006 and 2005, Scott was recognized as a Super Lawyer, and in 2002, Scott was recognized as a Midwestern Rising Star (*Minnesota Journal of Law & Politics*).

City of Gilbert
Request for City Council Action

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Date: January 5, 2017

Issue: 2017 membership Range Association of Municipalities and Schools

Background: The city has been a member of RAMS. 2017 dues is \$700.00

Council Action:

City Council action is requested on this issue.

Range Association of Municipalities and Schools

5525 Emerald Avenue
Mt. Iron, MN 55768

Invoice

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Invoice #: 10
Invoice Date: 12/15/2016
Due Date: 1/31/2017
Project:
P.O. Number:

Bill To:

City of Gilbert
PO Box 548
Gilbert MN 55741

| Date | Description | Amount |
|------------|------------------------------------------------------------------|----------------|
| 12/15/2016 | RAMS Membership Dues January 1-December 31, 2017 Sales tax | 700.00 0.00 |

| | |
|-------------------------|-----------------|
| Total | \$700.00 |
| Payments/Credits | \$0.00 |
| Balance Due | \$700.00 |



RANGE ASSOCIATION OF MUNICIPALITIES & SCHOOLS (RAMS)

As elected officials for your township or city, you have many decisions to make on how to best utilize your limited funds while providing the best return on your expenditures. The Range Association of Municipalities & Schools is a unique organization unlike any other in the Nation. We are the only organization that brings together cities, townships and school districts, under one umbrella, focused on issues of regional importance and impact. Established in 1939, the association has a storied history of working for the betterment of NE MN.

Our mission is to:

- Promote and facilitate economic growth, serve as the primary representative of the collective interests of all Range municipalities and school districts;
- Provide collaborative problem solving between and among communities and school districts;
- Lobby at the State and Federal level on Range-wide and state-wide issues with unique Range significance;
- Enhance the quality of life in NE Minnesota by promoting efficient and progressive service delivery for our residents.

RAMS covers the entire Taconite Relief Area and currently has 46 active dues paying members that includes 22 cities, 9 townships and all 15 public school districts. Our dues are incredibly reasonable, ranging from \$300 to \$1750 annually. We have an elected board of directors that is made up of 24 members from our 46 units. Officers are elected for 2 year terms, with half of the board elected every other year. We have a professional lobbyist working with us to assure our legislative, regional issues are heard and addressed during the legislative session.

Our 2016 legislative priorities included a broadband initiative for our underserved rural communities, an increase in the LGA funding, a modification to the funding mechanism for cities and townships impacted by highway relocation projects and a few other items. We all know that the session ended without either a tax bill or a bonding bill being passed. Fortunately, it has been reported by Senator Bakk that a special session is pending (hopefully before Christmas) and the tax and bonding bill will be passed that will include an increase in the base for LGA, the broadband funding of \$35 million, some bonding dollars for local community colleges and funding for regional rail in Itasca County, funding to cover the cost of utility relocations on the Highway 53 bridge for the City of Virginia, incentive funding for the Louisiana Pacific project and a re-organization of the IRRRB board, all supported by RAMS. Every member unit has the opportunity to bring their community or district issues to the board, either through their elected board member, or by contacting the Director, Steve Giorgi.

RAMS is preparing our 2017 legislative priorities and they will once again focus on regional issues of importance including expanded broadband, a fix on the DOT funding for state highway repairs and relocations that require cities to front the cost of those projects, funding for early childhood for our schools and other issues. For more information, check out our website: <http://www.ramsmn.org/>

Thank you for your support of this great organization. "ONE RANGE – ONE VOICE".

Steve Giorgi/Director
sgiorgi@ramsmn.org
218-780-8877

City of Gilbert
Request for City Council Action

Date: January 6, 2017

Issue: Set a Work Session with Insurance Agent John Shega

Background: Insurance Agent Shega would like to have a work session with the council to review insurance issues facing the city, review past loss history and discuss ways to reduce exposure.

Council Action:

City Council action is requested to set a work session with insurance agent John Shega.

City of Gilbert
Request for City Council Action

Date: January 5, 2017

Issue: City Council designation of city representation for the following groups. Only the Board of Equalization training HAS to be a City Council member.

GROUP

Laurentian Vision Partnership
(meets quarterly IRRRB sponsored)

Superior Scenic Byways

Eveleth/Gilbert Joint Trails Board
(meets monthly on the 3rd Thursday)

Iron Range Youth in Action

EGFSD Joint Recreation Board
(meets monthly 1st Wednesday)

Project Meetings
(meets 1st Monday of the month)

Training for Board of Equalization

Coalition of Greater MN Cities
Energy & Environmental Committee

Council Action:

Gilbert Police Commission Minutes

October 11, 2016

Meeting called to order at 5:07 pm

Present: J. Zupancich, G. Petrich, J. Skofich, B. Olson, Chief Techar

Old Business:

1. Motion by Zupancich, second by Skofich to accept minutes of last meeting.
Motion passed.

New Business:

1. Chief Techar reviewed activity report. 307 total calls.
2. Background study for Part Time officer in progress.
3. Discussed possibility of Gilbert officer for DARE program

Meeting adjourned at 6:10 pm.

Respectfully,
Brad Olson