CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, NOVEMBER 14, 2017
COUNCIL CHAMBERS

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

Present: Mayor Milos, Councilors Bol, Pontinen and Robich.

Absent: N/A.

Staff Present: City Attorney Lindsay, City Engineer Jamnick, Police Chief Techar, Library Director Su Dabbas, and City Clerk/Treasurer Sakrison.

Staff Absent: Public Works Operations Director Lautigar absent with notice

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

Motion by Robich, second by Pontinen to approve the agenda as submitted. Motion Carried Unanimously (MCU)

Motion by Pontinen, second by Robich to approve the minutes of the September 25, 2017 Work Session, the October 24, 2017 Regular City Council Meeting, the October 25, 2017 Work Session and the November 1, 2017 Work Session. MCU

Public Input:

John Shega, Range Partnership, a Financial Planning and Tax Firm will open an office in his building December 1, 2017 in Gilbert.

Staff Reports:

- Police Chief Techar: Agenda.

- Public Works Operations Director Lautigar:
    - Absent with notice.

- Library Director Dabbas:
    - November 16, 2017 Kitchen Kids offers nutritious snack options.
    - November 21, 2017 Cookbook Club
    - The Library will be closed on November 23-24, 2017.
    - There is story time on Fridays in December.
    - Adult and kids Pinterest are making ornaments.
    - The Library will be closed at noon for carpet cleaning on December 8, 2017.
    - Dabbas discussed library guests, story tellers and events that will be at the Library throughout the month of December. The calendar of events is available at the Library's front desk.

- City Clerk/Treasurer Sakrison: Agenda

- Liaison Reports:

Mayor, Council, Boards & Commissions Reports:

- Mayor Milos: Mayor Milos met with the Jugorichs, they are interested in purchasing lots for development. They'd like to build storage units and possibly have other ideas for development as well.

  Mayor Milos attended an Iron Range Tourism Bureau Focus Group, they discussed how to further develop the Iron Range and make the Iron Range more of a tourist destination.

- Councilor Pontinen: Pontinen checked with Chris Ismil from the IRRRB about funding for development plans. He was told that the IRRRB will work with a city but that the IRRRB does not fund development plans. Ismil stated that most cities would welcome a developer's plan.

- Councilor Bol: Agenda.
- Councilor Robich: Agenda.
- City Attorney Lindsay: Agenda.
- City Engineer Jamnick:
  - EQ Basin project is shut down for the year due to the weather. They did not get final test results, meaning the pond is not usable for this year. It will be as is until next year. They are finishing up and will do some general clean up.
  - Cleaning and televising on Broadway has been done. They are waiting on the reports to come in to assess the rest of Broadway.

Motion by Robich, second by Bol to Acknowledge minutes for EFGSD Joint Powers Recreation Board September 13, 2017 and Gilbert Public Library October 2, 2017. MCU

Old Business:

Update Nuisance Ordinance: Chief Techar and Mayor Milos will work on the Nuisance Ordinance this winter.

AEOA Purchase of Property: Still waiting for purchase of property. AEOA is trying to get their plan together.

Ordinance 92.06: No update to report, the Planning and Zoning Committee did not meet this month due to not having a quorum.

Final Payment Request No. 6 MN TH 135: Attorney Lindsay had a conversation with Nick Bougalis, discussing the option of closing the project, paying him and then he would come back next spring for $1,000 and he would repair the curbs. There is no way to "prove" whose fault it is. Attorney Lindsay stated this could go to Conciliation or Small Claims Court, but that venue is not equipped to deal with construction issues. It's difficult to make a determination.

Motion by Pontinen, second by Bol to offer to pay Bougalis $1,500 to close the contract and to pay $500 next spring to repair. MCU

Title Searches for Outlot S: Per Attorney Lindsay we are getting very close to finishing this.

Request from Gilbert Fire Relief Association for Benefit Increase: Councilor Robich would like to approve benefit increase to $1,600.

Motion by Robich, second by Pontinen to approve benefit increase to $1,600 effective immediately and to pay $6,100 in 2017 and the remaining balance will be billed in 2018. MCU

Billboard Lease with Lamar Companies: Attorney Lindsay met with Lamar, he indicated the price requested was comparable to I35 placement. Lamar countered with $750 per year for the contract payment.

Motion by Bol, second by Robich to accept Lamar contract for $750 annually. MCU

Ore-Be-Gone Recreational Proposal: Councilor Bol thinks this is an opportunity for Gilbert and thinks it is reasonable to proceed with an agreement with Shega. It's possible to have new opportunities and this has the potential to increase traffic to existing businesses. Mayor Milos stated the lots are already available, we don't need one person to represent Gilbert. Mayor Milos, proposed focus dates to invite the public on Tuesday December 5, 2017 at 7:00 p.m. and Monday December 18, 2017 at 7:00 p.m. to bring development ideas forward for the vision of Gilbert.

Motion by Bol, second by Robich to conduct public town hall meetings to invite the public to share their vision for the development of Gilbert on December 5 and December 18, 2017. MCU

Shega is looking at the big picture, what property is available for sale or lease? Shega has already talked to developers but needs a better idea of what is available in order to put a plan in place. Shega would like to get the best deal for the City of Gilbert. Everything Shega does is for the benefit of the residents of Gilbert. Discussion, Mayor Milos stated that what the City has for sale is available at Pfremmer Realty. Shega asked if the cliffs are available for sale or lease. Shega tried to explain liability issues of the cliffs and the difference between city liability and an outside party assuming that liability. Bol asked Attorney Lindsay about exposure to enter into an agreement. Meet or exceed requirement and the city says no, return money to Shega. Conversation devolved.

Fire Department Turnout Gear: Mayor Milos has raised enough money for one set of turnout gear to be billed in 2017. Mayor Milos will set up a donation fund at First National Bank of Gilbert for turnout gear.

Motion by Robich, second by Pontinen to authorize four sets of turnout gear to be billed in 2017. MCU

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New Business:

MNDOT Update of MN Hwy 37 & MN Hwy 135 Projects: Michael Kalenbach, Highway 135 is scheduled for 2019, it's an $11 million dollar project and the City of Biwabik is a separate project.

Per Chief Techar's suggestion the Holiday Station crash data was reviewed, there will be a left turn lane added into the Holiday Station and the speed limit sign will be moved west.

Highway 37 is scheduled for 2020, for the rural section there will be right turn lanes added and a bypass lane at County Road 97. Urban section in Gilbert, budget based on preservation project "complete streets" outreach project to find out what the community wants is scheduled for December 7, 2017 at 5:30 p.m., the meeting is for public input. The city has utility repair that will be incorporated in the project. Concept by January 2018. There is a project website available, to locate the website - Google Trunk Highway 37 Gilbert and MnDOT. Highway 135 may need an acceleration lane going west.

Memo of Understating w/SLC for MN DNR ATV Grant: Chief Techar, the memo is to obtain ATV grants for ATV patrolling.

Motion by Robich, second by Bol to approve the Memorandum of Understanding Between the St. Louis County Sheriff's Department and the City of Gilbert Police Department. MCU

Liquor, Club and Tobacco Licenses for 2018: Robich has an issue with land use violations for Mudder's, she stated the city enforces the Minnesota Clean Indoor Air Act. Bol thinks the smoking structure may have enough "open" areas.

Discussion about Minnesota Clean Indoor Air Act and next steps, Attorney Lindsay asked to reserve a decision on the establishment until further research is completed. Chief Techar will research this further and report back to the Council. Attorney Lindsay stated it's cleaner to have the information prior to making a decision. This issue would be not approving the liquor license versus approving and then later revoking the liquor license. Attorney Lindsay recommended to send a letter of notice to the business regarding the smoking structure. It was noted that a letter of notice isn't necessary at this time because they aren't revoking Mudder's liquor license.

Attorney Lindsay stated the city needs to be most careful, and practice uniform and ongoing enforcement. Bol questioned if the city can prohibit Mudder's from using the structure if it's not compliant? Per Sakrison, liquor licenses need to go to the state to be approved and sent back.

Motion by Robich, second by Pontinen to approve the 2018 licenses with the exception of Mudder's LLC. Discussion. 3 Aye, 1 Nay. MC

EQ Basin Pay Estimate #3: $251,266.55 work through on October 28, 2017.

Motion by Bol, second by Pontinen to approve pay estimate #3 to George Bougalis & Sons Co. in the amount of $251,266.55. MCU

Resolutions 2017-23 & 2017-24 for CDBG Applications: Engineer Jamnick mentioned the CDBG recommends that the city prioritizes and only put forward one application. There are two more funding cycles before the Highway 37 Project. Jamnick recommends lower Michigan project and downstream of Broadway project.

Motion by Robich, second by Bol to table Resolution 2017-23 & 2017-24 for CDBG Applications. MCU

Request to Hire Winter Seasonal Part-time Rink Attendants:

Motion by Robich, second by Bol to table hiring winter seasonal part-time Rink Attendants. MCU

Motion by Robich, second by Bol to set a work session meeting on November 21, 2017 at 5:30 p.m. to discuss Resolutions 2017-23 & 2017-24 for CDBG Applications and the hiring of a part-time Rink Attendant.

Backhoe Tires: $990.30 for the Backhoe Tires.

Motion by Bol, second by Pontinen to approve purchase of Backhoe Tires for $990.30 MCU

MMUA Regional Workshop in Grand Rapids: Discussion about the MMUA Regional Workshop.

Motion by Bol, second by Robich to authorize Mayor Milos to attend the MMUA Regional Workshop in Grand Rapids on December 14, 2017. 3 Aye, 1 Nay. MC

Authorization to Transfer Funds from Campground Checking Account: Transferring $50,000 from the Sherwood Forrest Campground Checking Account to the Operation Checking Account. Discussion about transfer.

Motion by Bol, second by Robich to approve $50,000 transfer of funds from the Sherwood Forest Campground checking account to the Operations Checking Account. MCU

League of MN Cities Dues: Leagues of MN Cities is a valuable resource. Membership due of $2,013.

Motion by Bol, second by Pontinen to approve dues of $2,013. MCU

Coalition of Minnesota Cities Dues: The 2018 dues are $3,946. There is a voluntary assessment for the Environmental Act Fund in the amount of $628, this would be paid out of the Water & Sewer Funds. Discussion about the Environmental Act Fund.

Motion by Bol, second by Robich to table the Coalition of Minnesota dues at this time. MCU

Acknowledgement of Financial Statements from October 2017:

Motion by Robich, second by Pontinen to acknowledge financial statement from October 2017. MCU

Miscellaneous:

Motion by Robich, second by Mayor Milos to accept the resignation of Rudy Vertachnik effective November 14, 2017. 3 Aye, 1 Nay. MC

Councilor Pontinen read a prepared statement.

Discussion, Charter section 2.05 allows opportunity for the City Council to appoint a Councilor. Opportunity to appoint for a one year council position until a Special Election is held in November of 2018 for the two years remaining of Vertachnik's original term.

Motion by Bol, second by Robich to table resolution 2017-25. MCU

Mayor Milos read a proclamation regarding homelessness from AEOA declaring November Homeless Awareness Month.

Discussion, Mayor Milos met with AEOA regarding the antenna on the water tower. AEOA would like to pay $1,000 per month until January 2019. Following January 2019, AEOA would pay $2,200. Robich concerned about disparity with other contracts.

Motion by Robich, second by Pontinen to charge AEOA $1,000 for December 2017 and $2,200 beginning January 2018 for a five year term. MCU

Mayor Milos questioned bank reconciliations, City Clerk Sakrison will complete.

Approve Payment of Bills and Payroll:

Motion by Robich, second by Pontinen to approved bills and payroll. MCU

Motion by Bol, second by Robich to adjourn at 9:05 p.m. MCU

Debra Sakrison

Debra Sakrison, City Clerk

ATTEST:

Dorothy Elizabeth Milos, Mayor