

CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 13, 2018
COUNCIL CHAMBERS

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

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

Absent: N/A.

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

Staff Absent: N/A.

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

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

Motion by Pontinen, second by Robich to approve the minutes of January 23, 2018 Work Session, January 23, 2018 Regular City Council Meeting and January 29, 2018 Special City Council Meeting. MCU

Public Input: Erin Shay, 92.06 asking to respectfully consider that chickens be excluded from barnyard animals and consider chickens as backyard animals, and allow them in the city.

Julie Olson has 38.6 unplatted acres, she's asking to keep the barnyard animal language as is and not change it. Olson has applied for a variance. She has a petition with 60 signatures. Was told that there have been complaints that came from two individuals. If the language is changed Olson would like to be grandfathered in and allowed to have her animals. She has done her due diligence to have animals on her 38.6 unplatted acres. 92.06 would allow animals. During a City Council Meeting in May, Attorney Lindsay and the Zoning Administrator agreed that this an animal control issue and is not a planning and zoning issue. Olson would like to be grandfathered under new ordinance, she has applied for another variance. Olson has two horses and three small goats. Asking that Councilors that have personal interest refrain from voting. She also asked for the option of being annexed to Fayal.

Mayor discussed research, spoke to past Charter Commission members. When Julie Olson applied for a variance previously, Olson did not own the property at the time. R1 does not allow animals. Stated the Sheriff's office has jurisdictions over barnyard animals.

Leo Skrbec has lived here for 65 years. Charter 8.02 rules enforcement of the City Plan. It is his opinion that this is not an issue of platted and unplatted land. No farm animals are permitted in the city limits.

Staff Reports:

- Police Chief Techar: Agenda.

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- Public Works Operations Director Lautigar: Agenda.
- Library Director Dabbas:
 - Pinterest projects had a great turnout for painting
 - Kitchen Kids – more fresh fruit snack ideas
 - Anime Society – making candy Shushi
 - February 20, 2018 Cookbook Club having a Victorian Tea Party
 - March 1, 2018 Make and take pillow projects for kids, ages 5-12 years old
 - March 6, 2018 Cork necklaces or keychains
 - March 9, 2018 Rangoli sand art from India
 - March 15, 2018 Kitchen Kids will be making pita pizza
- City Clerk/Treasurer Sakrison: Agenda.
- Liaison Reports: Agenda.

Mayor, Council, Boards & Commissions Reports:

- City Councilors: Agenda.
- City Attorney Lindsay: No formal report.
- City Engineer Jamnick:
 - Sent correspondence to Councilors regarding the I&I Plan. Now that we have televising from Broadway, need to update the I&I Plan, deadline of early March.

Motion by Robich, second by Bol to set a Work Session for February 20, 2018 at 5:30 p.m. MCU

- Jamnick & Lautigar met with Mesabi Bituminous last week, Tom would like to do some test digging this spring.

- Acknowledge Minutes:
 1. Gilbert Public Library Board Meeting December 7, 2017
 2. Gilbert Planning & Zoning Commission Meeting January 8, 2018
 3. EFGSD Jt. Powers Recreation Board Meeting January 10, 2018

Motion by Ouke, second by Robich to acknowledge the minutes of the December 7, 2017 Gilbert Public Library Board Meeting, the January 8, 2018 Gilbert Planning & Zoning Commission Meeting and the January 10, 2018 EFGSD Jt. Powers Recreation Board Meeting. MCU

Old Business:

Update Nuisance Ordinance: Mayor Milos, Councilor Ouke and Chief Techar met and have starting working on updating the Nuisance Ordinance.

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AEOA Purchase of Property: Nothing new to report.

Ordinance 2018-01 amending 92.06: Attorney Lindsay, two comments heard, the request that chickens be treated separately than other barnyard animals. Heard from Attorney Peterson out of Virginia, requesting that Subd (2) language be updated to include that any rights granted to any persons in this subdivision inure to the benefit of their successors.

What does the language change give to the Spierings? Attorney Lindsay, the change in language would grant more security to Spierings to protect at sale.

Deeper clarification of intent.

A variance follows the property, not the person.

Mayor Milos, Gilbert was platted in 1907. R1- residential prohibiting animals.

Councilor Bol read definition of platting. 92.06 had the word platted.

Attorney Lindsay, can become a complicated thing, the use of language or definitions can change over time. Ambiguity has arisen due to time. Working to clear up the ambiguity, need to give a clear and definite statement to the community.

Linda Milos, prior Charter Commission Member, previous rural location residents relocated to Gilbert, animals came with them. Cows and chickens running all over. Should be no barn animals in the city limits.

There was heated discussion.

Leo Skrbec, even if there is a change in the language, the City Council would have to go through due process, cannot do it tonight.

Councilor Ouke, if a variance stays with the property, there is no need to change the language.

Spiering's variance was reviewed for clarification.

Councilor Bol, doesn't see any protection for the Spierings if they sell in the future.

Discussed intention of the ordinance.

Argument about variance. Is it a zoning issue or animal control?

Councilor Pontinen moved to have the first reading of 2018-01, with no changes to the language.

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Motion by Pontinen, second by Bol to amend the City Council minutes of January 23, 2018 to clarify that it was not the first reading of Ordinance 2018-01, just an introduction. MCU

First reading of Ordinance 2018-01 read by Mayor Milos.

Title Searches for Outlot S: Attorney Lindsay prepared conveyance documents. Does the city want a price or just convey? Should cover the engineering and legal fees. Jamnick, approximately \$300.00 per lot.

Motion by Robich, second by Pontinen to charge each property owner \$500.00. MCU

Ore-Be-Gone Recreational Proposal: Nothing new to report.

Stantec Design Fee for Delay in Schedule: Mayor Milos, this is not what she was expecting. Councilor Robich questioned if the design was based on the original design. Tom Dye, additional work due to change in design, the height changed and the size of the tank changed. Ovivo would not give design specifics until having a signed contract.

Discussed a little about the project. The grant amount has increased due to changes– potentially 69%.

Now eligible for WIF money.

Delays because of legal issues, delivery and contract language.

Council upset with the charges, do not understand the charges for the delay.

Councilor Bol, this is a complicated project.

Councilor Robich, concerned with lack of communication.

Mayor Milos, the work Attorney Lindsay did will save the city money and provide protections that will pay for this cost.

Councilor Robich, suggested to counter Stantec and offer to pay \$15,000 for the delay.

Countering Ovivo contract resulted in protections to the city.

Motion by Robich, second by Pontinen to counter offer paying Stantec \$15,000. 4 aye, 1 nay. MC

City Administrator Position: Moving forward the City Administrator position will have a different title and different responsibilities. This will be an employment position. Economic Development Administrator, \$65,000 per year and include benefits.

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Motion by Pontinen, second by Bol to approve new position of the Economic Development Administrator to be compensated at \$65,000 with benefits and to allow the Selection Committee to make a conditional offer. MCU

CDL Drug Testing: Emails to be coming. Six companies available that offering drug testing.

New Business:

MN DOT Update on Hwy 37 Project: Michael Kalnbach reviewed project work. Project status – there was a public meeting held in December with low attendance. Is there a consensus in the community? Mayor Milos wants safety. The only feedback asked to maintain four lanes. The project is behind schedule, need decisions made.

Councilor Robich, do we want a city main street or a state highway, lots of truck traffic. Chief Techar's opinion should be valued.

Chief Techar, complaints about pedestrian crossing, traffic crash traffic data relatively low, bump outs help with pedestrian crossings, narrowing down can increase construction costs.

Kalnbach, flashing beacons can no longer be placed on Minnesota Trunk Highways.

Traffic engineers determined West Forty does not warrant right turn lane or a bypass lane off Hwy 37.

Cost estimates, keep curb lines where they are, change stripping. \$1.8-\$2 million without lighting, storm sewer and city utility improvements.

Preservation project – MN DOT pays what disturb. Behind schedule, letting changed to March of 2020. June 1, 2018 need decisions on design because MN DOT sets final construction limits. April 1, 2018 target date for recommendation from the city.

Stantec Updated on WWT Facility Project: There were four bidders. Magney at \$8,035,500 apparent low, significantly higher than cost estimates.

The project will now qualify for WIF grant funding.

There are not any extraneous items, not many places to cut.

The MPCA has to certify project. Then MPFA certify for WIF.

Motion by Robich, second by Ouke to set a Work Session at 5:30 p.m. on March 13, 2018. MCU

Councilor Robich asked if there was any report from Ovivo regarding petroleum product spill. Ron LaFond said he has an email that he will forward to the City Council.

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City Engineer for 2018: Previously met with area engineering firms.

SEH said they would be willing to work on a project basis.

Councilor Pontinen would support choosing SEH, read a prepared statement.

Mayor Milos said SEH is far more expensive.

Councilor Robich, looked into using their specialists, not transparent on what actual costs are. Will not give a percentage and cannot give a definitive answer.

Discussion.

Motion by Robich, second by Bol to retain JPJ Engineering. Aye: Robich, Bol, and Milos.
Nay: Pontinen and Ouke. MC

Acknowledge Resignation of Zoning Administrator Erik Wedge:

Motion by Robich, second by Bol to accept resignation of Zoning Administrator Erik Wedge. MCU

Resolution Supporting Polymet:

Motion by Pontinen, second by Bol to approve Resolution 2018-03. MCU

Resolution 2018-04 Accepting Voting Equipment Grant: The City of Gilbert was awarded \$1,858.01 for the purchase of O.S. Tabulator/Assisted Voting Devices.

Motion by Bol, second by Robich to accept Resolution 2018-04 Voting Equipment Grant. MCU

Recognize MN Rural Water Assoc Local Poster Winner: Recognize Eveleth-Gilbert 4th grade local poster winner for the Minnesota Water Association Water Week Poster Contest Abrianna Ferkul.

Request to Attend American Water Works Training: Request from Wastewater Operator Rinerson to attend the American Water Works Association – Minnesota section training in Grand Rapids, MN May 9-11, 2018. The credits will apply to her water license. Registration is \$150. Other expense will be mileage.

Motion by Pontinen, second by Bol to approve Rinerson's attendance of American Water Works Training. MCU

Sparta Circle Electrical Work: There is high voltage in the area. A new transformer cannot be put on the existing pole because the existing pole is bad. This was a lower priority, but because it is a high voltage situation we need to do it now.

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Motion by Robich, second by Pontinen to approve Sparta Circle electrical work. MCU

Request to Purchase Steam Hydrant Thawing Unit: Lautigar explained various uses, water fund.

Motion by Pontinen, second by Robich to approve request to purchase a steam hydrant thawing unit to be paid from the Water Fund. MCU

Request to Authorize Personnel to Attend LMCIT Safety & Loss Control: The League of MN Cities Insurance Trust puts on Safety & Loss Control Workshops annually. Registration is \$20 which includes lunch. The workshops are presented at various locations around the state.

Motion by Robich, second by Ouke to table request to authorize personnel to attend LMCIT Safety & Loss Control Training. MCU

Miscellaneous:

Extractor for the Fire Department. Looking at a new one, \$4,411.50. It comes with a 5 year warranty. Save cost of having to re-wire to 220. This is a top need for the Fire Department. Carcinogens are a huge issues for department personnel.

Motion by Pontinen, second by Ouke to approve \$4,411.50 for the extractor for the Fire Department. MCU

Electric Service: 113 Minnesota Avenue East, 3 phase power going into the garage, not enough power. Low voltage on Gilbert side. It will cost approximately \$8,000 for a new pole and transformers.

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

Motion by Bol, second by Ouke to adjourn at 9:12 p.m. MCU


Debra Sakrison, City Clerk/Treasurer

ATTEST:


D. Elizabeth Milos, Mayor

Rebecca A. Robich, Mayor Pro-Tem