

CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, MAY 9, 2017
COUNCIL CHAMBERS

Mayor Milos called the meeting to order at 6:32 p.m.

Present: Mayor Milos, Councilors Pontinen, Bol (arrived at 6:55 p.m.), Robich and Vertachnik.

Absent: N/A

Staff Present: City Attorney Lindsay, City Engineer Jannick, Chief Techar, Library Director Dabbas, Campground Managers Rautanens and City Clerk/Treasurer Sakrison.

Staff Absent: Public Works Operations Director Lautigar (w/Notice)

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

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

Motion by Pontinen second by Robich to approve the April 24, 2017 Work Session Meeting Minutes and May 1, 2017 Special City Council Meeting Minutes. MCU.

Public Input:

Julie & Mark Spiering, rural residents of Gilbert, came to talk about the farm animal ordinance. They have had horses on their property for 17 years. Julie has two items that she wants to discuss,

- (1) Concern for their own property, they built a barn 17 years ago and were granted a permit to build and were also granted a variance to have horses on their property. They want to be personally protected moving forward with their property and future owners of their property.
- (2) Julie wants to know why the City is doing this. The current ordinance states that farm animals are not allowed on platted lands. What is the issue the City has with this ordinance? They live in a rural area, unplatted, and this would be an area that people could move to and have an opportunity to have animals. Is this change necessary?
- Councilor Pontinen stated they are not changing the law, they are clarifying the word platted.
 - Original wording:
§92.06 It shall be unlawful for any person, persons, firm, or corporation to keep, maintain, stable, yard, or fence any cow, bull, steer, calf, ox, goat, sheep, horse, stallion, mare, mule, swine, chicken, or other non-domestic or barnyard animal within the platted area of the city. (Ord. 10.03, passed - -) Penalty, see §10.99
 - Proposed wording:
§92.06 It shall be unlawful for any person, persons, firm, or corporation to keep, maintain, stable, yard, or fence any cow, bull, steer, calf, ox, goat, sheep, horse, stallion, mare, mule, swine, chicken, or other non-domestic or barnyard animal within the city limits of Gilbert.
- Councilor Pontinen stated that this does not change anything. Spiering stated it does change everything, changing the ordinance from “within platted are of the city” to “within the city limits of Gilbert” are two totally different statements. Councilor Pontinen stated that

CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, MAY 9, 2017
COUNCIL CHAMBERS

everyone is on platted lands. Pontinen asked if unplatted land also considered a plat of land? Spiering stated that this is a legal question.

- Mayor Milos stated that this issue brought up by Planning and Zoning, she stated that P&Z Director Erik Wedge recommended that the Council fix this so future problems would not keep occurring with Planning and Zoning.
- Spiering believes that there are properties like theirs in the City of Gilbert that are large enough to handle having animals on their property. She looked up information for St. Louis County and they do not have restrictions for RES properties as long as you follow setbacks for farm animals, and setbacks from lake shore.
- Pontinen stated that they had no intention of not letting them (the Spierings) have horses on their property. It was just a clarification of the word platted.
- Spiering noted that she understood that they are not trying to get rid of their horses, but she wants her land to be protected now and for the future. But she does not think that it is right for people with a lot of land to be limited by what they legally can do with it.
- Mayor Milos gave the example of what if someone bought land and built a \$200,000 house and then someone moved in next door with a pig farm, now the neighbor has to smell a pig farm, not what they signed up for, but now that property is devalued because of the pig farm next door. The City of Gilbert is now trying to update the ordinance to deal with how things are now.
- Mayor Milos also stated that she understands the Spierings want the guarantee that their property is allowed to have animals now and for the future and asked if the variance she currently has transfers to the next homeowner. That is something that needs to be figured out.
- Mayor Milos stated that all properties need to be protected and that is what they are trying to accomplish.
- Mark Spiering stated that he is concerned with the society that we are living in now, everyone is always on their phones and no one spends time together. Farming and gardening communities bring families together. Society is also about organic and locally sourced for people to buy from the grocery stores, but why does he not have the right to raise chickens so they can have eggs for their family.
- Councilor Pontinen stated people have the right to have farm animals in Biwabik Township and Fayal Township, any St. Louis County jurisdiction allows that right, why do you have to come in the city limits of Gilbert when there is all that other opportunity out there. The people that want animals just need to move to the areas that animals are allowed, very simple.
- Spiering noted that currently it is allowed in Gilbert on unplatted lands the way the original ordinance is written.
- Spiering thanked the Council for hearing her out asked for clarification regarding their personal property moving forward.
- Mayor Milos stated she will contact Erik Wedge regarding the current variance the Spierings have. Spiering stated that she would like this clarified before the Council votes on the ordinance. Milos stated that they are not in any rush, there is nothing that is that important that they are not going to make sure that people are taken care of and all of the questions answered.

CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, MAY 9, 2017
COUNCIL CHAMBERS

Staff Reports:

- Police Chief Techar:
 - Asked the council to recognize a donation of a Stihl chainsaw after last year's blow down, it was used for an ambulance to get through.

Motion by Vertachnik second by Pontinen to acknowledge donation of a Stihl chainsaw, worth approximately \$300. MCU.

- Library Directory Dabbas:
 - Explained staff changes. Sue Samargia will be the new Clerk. Taryn Greiner will continue as Circulation Specialist, and M. Susan Dabbas will be the Director.
 - Received donation of 2 picnic tables.
 - Schedule:
 - Cookbook Club ends next Monday (5/15/17)
 - 5/12/17 – Sara Levar will conduct a woodcut & painting class
 - 6/05/17 – Summer Reading officially begins
- Campground Managers – John & Barb Rautanen
 - Many of the weekends are full, they have been taking reservations since January.
 - Electric upgrade will help
 - Thanked the fire department for burning the hills and the grasses around the campground.
 - Mayor Milos stated that the Council is available if there is anything that they need.
- City Clerk/Treasurer Sakrison: Agenda
- Liaison Reports: None

Mayor, Council, Boards & Commissions Reports:

- Mayor Milos:
 - Reminded that there will be a Pallets and Paint fundraiser on May 22, 2017 from 6:00 p.m. to 9:00 p.m. at the VFW, all proceeds will be for the Gilbert 3rd of July Parade.
 - The Council is going to look at a Working City Administrator. She thinks they need to apply for grants and get the City working more efficiently. A job description is in the works. This will be on the agenda for the next meeting.
- Councilor Pontinen: Agenda
- Councilor Bol: Agenda
- Councilor Robich: Agenda
- Councilor Vertachnik: Agenda
- City Attorney Lindsay:
 - Ovivo Contract, he has negotiated a couple of items with Ovivo and has a verbal agreement, once in written form he will present to the Council and they can approve or not approve. Councilor Pontinen asked if this could be moved up to a Special Meeting to

CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, MAY 9, 2017
COUNCIL CHAMBERS

keep things moving with Stantec. Lindsay stated that he could have something ready for next week.

- City Engineer Jamnick:
 - The IRRRB application for the Waste Water Treatment project was submitted on 5/5/17. The IRRRB did call and asked for some additional information.
 - MPCA put the waste water treatment project on environmental review.
 - Councilor Vertachnik asked about the I/I report. Jamnick stated it is due end of May 2017.

Councilor Robich questioned the Arrowhead Library System requirement of public posting for positions, and requested to table acknowledgement of the April 11, 2017 Gilbert Public Library Board Special Meeting.

Motion by Robich second by Bol to acknowledge the Gilbert Public Library Board Meeting Minutes of April 3, 2017 and the Gilbert Planning & Zoning Commission minutes of April 3, 2017. MCU.

Motion by Bol second by Robich to table acknowledgement of the April 11, 2017 minutes of the Gilbert Public Library Board Special Meeting. MCU.

Old Business:

Emergency Operations Plan Update: Mark Kwiatkowski has scheduled a meeting July 27, 2017 for surrounding communities.

Nuisance Ordinance Update: Nothing new to report. Add this to the Special meeting on Monday.

AEOA Purchase of Property:

- City Engineer had put together a Developer Agreement.
- AEOA is waiting to hear from the City of Gilbert.
- Mayor Milos stated that a citizen brought forward the issue that AEOA does not pay property taxes, so City gets “no benefit” by this sale. Stated that a lot of people that live in Gilbert pay really high taxes and are upset that they feel like Gilbert is giving property away and not getting anything for it. Where is this going to leave the City? What can be done to remedy this?
- City Clerk stated that they do get utility sales from AEOA.
- Suggested to have AEOA come to a special meeting to explain the benefits AEOA brings to the City of Gilbert.

Motion by Vertachnik second by Pontinen to table any action regarding the AEOA Purchase of Property until a Special Meeting for discussion with AEOA, to be scheduled. MCU.

CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, MAY 9, 2017
COUNCIL CHAMBERS

Cancel IT Service Contracts with East Range and Eveleth Police Departments:

- Attorney Lindsay has reached out to the East Range Police Department and will have something in writing for the next meeting.

Ditch Work at Lime Pond:

- Public Works did some test pits at the lime lagoon, tested pH, lagoon 9.2, test pits were considerably less.
- Test pits continue to fill with water, appears to be ground water.
- Hold off on ditch work at this time
- City Engineer Jamnick will contact Public Works Operations Director Lautigar to see what he would like to do.

Final Payment Request No. 6 – MN TH 135

- On hold until June

New Business:

Motion by Bol second by Vertachnik to accept Resolution No. 2017-13, accepting a donation of \$1,880.00 from Lake Country Power to be used for Turnout Gear. MCU.

Motion by Pontinen second by Vertachnik to table request to appoint Jeff Thiel to the Campground Board until he has filled out an application. MCU.

Motion by Robich second by Vertachnik to approve hiring John Zupancic and Ryan Jandrey as summer seasonal employees at the rate of \$9.50/hour not to exceed 65 – eight hour shifts each. MCU.

Motion by Robich second by Pontinen to approve the hiring of Shirley Vertachnik for the position of Police Administrative Assistant pending completion of a successful background investigation for 25 hours a week at \$17/hour. Motion Carried 4 – 0. (Vertachnik abstained)

Motion by Vertachnik second by Bol to have Councilor Robich and Mayor Milos meet with Chief Techar to discuss his contract that expired April 30, 2017 within the next two weeks. MCU.

Motion by Robich second by Pontinen to approve the text of the Summary of Ordinance 2017-01 for publication. MCU.

Motion by Vertachnik second by Pontinen to approve the Satisfaction of Mortgage for Document Number 1081270 issued to Frank Malich, Bruce Reinarz and Shelly Reinarz dated July 25, 2007 and Document Number 1081271 issued to Frank Malich, Bruce Reinarz and Shelly Reinarz dated July 25, 2007, both of which were fully paid in May 2013. MCU

Motion by Pontinen second by Robich to schedule a Special City Council Meeting for Monday, May 15, 2017 at 5:00 p.m. with a work session to discuss fees to follow. MCU.

CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, MAY 9, 2017
COUNCIL CHAMBERS

- Items on the Agenda:
 - Ovivo Contract
 - Nuisance Ordinance
 - AEOA sales discussion
 - Resolution from Attorney
 - Campground Board Requirements
 - Ordinance 92.06 discussion

Mayor Milos would like a policy put together for cc'ing the Mayor on emails

Motion by Robich second by Pontinen to approve bills and payroll subject to audit by Mayor and Clerk. MCU.

Motion by Bol second by Vertachnik to adjourn the meeting at 7:50 p.m. MCU



Debra Sakrison, City Clerk

ATTEST:



Dorothy Elizabeth Milos, Mayor