

CITY OF GILBERT
MINUTES OF REGULAR COUNCIL MEETING
TUESDAY, JUNE 27, 2017
COUNCIL CHAMBERS

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

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

Absent: None.

Staff Present: City Attorney Lindsay, City Engineer Jamnick, Chief Techar 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 Bol second by Vertachnik to approve the agenda with the following additions: 8I – Ovivo Contract Language, 8J – Council Authorization, and 8K – Planning & Zoning Commission Resignation. Motion Carried Unanimously (MCU).

Motion by Vertachnik second by Robich to approve the minutes of the May 26, 2017 Special City Council Meeting. MCU.

Motion by Bol second by Pontinen to approve the minutes of the June 13, 2017 Regular City Council Meeting. MCU.

Public Input: None.

Staff Reports:

- Police Chief Techar:
 - Noted there is money left in the ATV grant allowing the purchase of an additional ATV.
- City Clerk/Treasurer Sakrison: Agenda
- Liaison Reports: None

Mayor, Council, Boards & Commissions Reports:

- Mayor Milos: Stated she received a check for \$10,000 from Gulbranson Excavating to go towards the ballfields in Gilbert and thanked them for their donation.
- Councilor Pontinen: Agenda
- Councilor Bol: Agenda
- Councilor Robich: Agenda
- Councilor Vertachnik: Agenda
- City Attorney Lindsay: Agenda
- City Engineer Jamnick:
 - The EQ Basin bids to be received on July 13, 2017 at 11:00 a.m.
 - Asked about the I/I follow-up meeting to be scheduled.

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Motion by Robich second by Pontinen to schedule a work session meeting for July 13, 2017 at 2:30 p.m. for I/I to be followed at 3:30 p.m. MN Power. MCU.

Motion by Robich second by Vertachnik to acknowledge the Planning & Zoning Commission Public Hearing of May 1, 2017 and Planning & Zoning Commission Regular Meeting of May 1, 2017. MCU.

Old Business:

Emergency Operations Plan Update: Nothing new to report.

Nuisance Ordinance Update: Nothing new to report.

AEOA Purchase of Property: The City of Gilbert is waiting on updated plans.

Ball Field Improvements: Monies are being raised.

Motion by Vertachnik second by Robich to accept Police Chief Techar's Employment Contract for the term May 1, 2017 through April 30, 2020. MCU.

Dust Control for Enterprise Drive: N/A

Campground Board Requirements: Being worked on over the winter.

Ordinance 92.06: City Attorney Lindsay will work with Planning & Zoning Director Wedge to develop new definitions.

Motion by Bol second by Robich to authorize Operator Rinerson to attend the MPCA Training for \$1,049.38 including course fee, exam, lodging estimate, meals & mileage. MCU.

Final Payment Request No. 6 – MN TH 135: One year warranty expires on July 20, 2017. Mayor Milos would like to do a walk-thru at 1:30 p.m. on July 13, 2017, Councilor Pontinen would also attend. Meet at Holiday.

Administrator Job Description:

- City no longer uses Banyon Software, need to change to Caselle Clarity.
- This position would be \$75,000 - \$80,000/year. How will this be funded?
- This position is needed to administer the City.
- Many things to do, need professional help to get things done.
- Mayor Milo stated that this will be a one year contract position.
- City Attorney Lindsay recapped various options from other cities. Could use a contract Administrator. Discussed the position possibly being part time.
- Councilor Robich wants to see the applicant pool and move forward.

Motion by Robich second by Pontinen to advertise for a City Administrator. MCU.

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Antennae: City Attorney Lindsay needs contact information to send out letters to the businesses that have antennae on the water tower. Lindsay will also provide a draft form contract to the council for review. City Clerk/Treasurer Sakrison will provide the contact information.

New Business:

Bontem Planning & Zoning Issue:

- Paul Bontems stated that permit was submitted in 2009, and started improvements in 2010. Mayor Milos stated that the permit was for a window, not multiple projects.
- City Attorney Lindsay has corresponded with Bontems, identified issues as primary concern. Dispute about timing of start of construction of the smoking patio. Bontems felt he had the permit, but dispute seems to be lapse of time between issuance of permit & construction. Lindsay asked Bontems to bring proof to today's meeting that construction of the smoking patio began within the one year required period.
- Bontems said the smoking area was already there when he purchased the building.
- Mayor Milos stated that she has looked at permits from other bar owners in town for their smoking patios and they had to provide a lot more detail for their permits.
- Bontems submitted documents to City Attorney Lindsay at the end of May 2017.
- Did not have a permit for patio structure.
- City Attorney Lindsay asked about proof that the work for the patio was started within a year from the permit Bontems stated he has.
- Completion was not within 12 months.
- Bontems defended his actions.
- Mayor Milos stated that the permit is not a catch-all permit.
- Bontems said he plans to put up rain gutters, estimate dated 5/12/17 was shared.
- City Attorney Lindsay stepped in. Concerns expressed about timing of permit and if it complies with the zoning & code. Should have applied for a permit for the remodel or reconstruction of the patio structure.

Motion by Robich second by Vertachnik to suspend Yo'r Mudder's Place liquor license until the illegal structure becomes legal, and meets MN Clean Indoor Air Act. Motion Carried 4 – 1.

- Liquor license was suspended.
- Option 1: Take down the structure. Can apply for permit & reconstruct.
- Option 2: Apply for after the fact variance/permit if Bontems provided Planning Commission with proposal that the Planning Commission approves.

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Motion by Vertachnik second by Bol to approve the following requests related to the city wide garage sale:

- 1 – Rent the Skenzich Arena for \$100/day, including use of restrooms
- 2 – Display (2) signs to aid in advertising the annual sale on public property with the help of Public Works Operations Director Lautigar for location of the sign placement. Need to be aware of the State of MN Right-of-Way.
- 3 – Pay for small insert in Water & Light Bills (Insert Pricing \$199/1000)
- 4 – Pencil in use of Skenzich Arena every year at same time & same rate.

Motion Carried Unanimously.

Motion by Bol second by Robich to approve sending Officer Chelsea Trucano to the MN D.A.R.E. Officers Association's Annual Conference August 7 – 9, 2017, in Baxter, MN. MCU.

Motion by Bol second by Vertachnik to approve Resolution 2017-11 – Making Application to the IRRRB and authorized accepting the grant funding from IRRRB in the amount of \$250,000.00 for the EQ Basin project. MCU.

Motion by Pontinen second by Robich to approve the CW Protect Cloud quote of \$2,988.00. MCU.

Motion by Robich second by Vertachnik to make application to the MN Rural Water Association for interim financing for the EQ Basin and waste water treatment facility upgrade. MCU.

Motion by Bol second by Vertachnik to acknowledge the termination of the lease to the Duluth Vineyard and Iron Range Vineyard Churches of the Gilbert Community Center. MCU.

Motion by Vertachnik second by Bol to acknowledge the May 31, 2017 Financial Statements prior to audit. Motion Carried 4 – 1.

Motion by Robich second by Vertachnik to accept the Ovivo No Cost Change Order for the City of Gilbert, MN Wastewater Treatment Facility MBR System of contract language change. MCU.

Motion by Bol second by Pontinen to authorize Mayor Milos and Councilors Robich & Bol to gather information regarding water, sewer and electrical metering information from other governments and agencies. MCU.

Motion by Vertachnik second by Robich to accept the resignation of Mike Sailer from the Planning & Zoning Commission as of June 27, 2017. MCU.

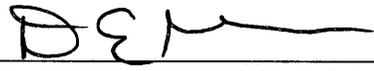
Motion by Vertachnik second by Pontinen to approve bills and payroll subject to audit by Mayor and Clerk. MCU.

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Motion by Bol second by Vertachnik to adjourn the meeting at 8:20 p.m.


Debra Sakrison, City Clerk

ATTEST:


Dorothy Elizabeth Milos, Mayor