

**CITY OF GILBERT**  
**MINUTES OF REGULAR COUNCIL MEETING**  
**TUESDAY, JUNE 12, 2018**  
**COUNCIL CHAMBERS**

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

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

Absent: N/A.

Staff Present: City Attorney Lindsay, City Engineer Jamnick, Police Chief Techar, Public Works Operations Director Lautigar, Economic Development Administrator Paulsen, City Campground Managers John and Barb Rautanen and City Clerk/Treasurer Sakrison.

Absent: Library Director Dabbas absent with notice.

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

Motion by Pontinen, second by Pulles to approve the agenda as submitted with two additions, St. Joseph's gambling permit and one day temporary liquor license and McKinley water agreement. Motion Carried Unanimously (MCU).

Motion by Robich, second by Ouke to approve the Regular City Council Meeting Minutes May 22, 2018 and the City Council Special Meeting Minutes June 4, 2018. MCU

**Public Input:** None.

Gilbert's Membership in NE MN Municipal Power Agency Resolution 2018-11 Affirming Membership in NE MN Municipal Power Agency. Greg French Virginia PUC Manager, NE Minnesota Municipal Power Agency has been working on this for the last 10 years. Even though the contracts with the cities are individual, Minnesota Power has been negotiating differently with each city.

The Alliance would give power to the group and give some protections to the individual cities. The Alliance was formed in the 1978 and has never been abolished.

This is simply to affirm membership in NE MN Municipal Power Agency.

Question about opt out clause.

Municipals work together to benefit all in group buying power in amount of power purchasing.

Buying electric power has gotten very complicated.

The market has changed, not locked into local providers, can buy on national market.

Minnesota Power contract goes to 2024 with a three year rolling renewal and notice period.

Mayor Milos concerned about evolving bylaws.

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Gilbert is an active member in the Agency and has been since 1978.

Motion by Pontinen, second by Robich to approve Resolution 2018-11 Affirming Membership in NE MN Municipal Power Agency. MCU

**Staff Reports:**

- Police Chief Techar: Agenda.
- Public Works Operations Director Lautigar: Agenda.
- Library Director Dabbas: Absent with notice.
- Economic Development Administrator Paulsen:
  - January 1, 2018 through May 30, 2018, \$762,000 approximate value of land use permits.
  - Working with Mediacom for the Campground and Water Plant.
  - Campground Wi-Fi will be completed by June 30, 2018.
  - Recommendation about facility study good discussions with both firms, the majority of the committee recommended Stantec for the feasibility study. Both firms are qualified to do the work and are equally capable. SEH has a local office in Virginia and had strong representation during the interview.
  - Councilor Pontinen, Stantec hours are not enough to do the necessary work.
  - Councilor Pontinen recommends SEH.

Motion by Pontinen, second by Ouke to approve SEH for water treatment feasibility.

Discussion, Councilor Robich, how can we approve the higher bid?

Mayor Milos doesn't feel Stantec will keep price at price quotes.

Economic Development Administrator Paulsen, Stantec's proposal was lower due in part because of past work with the city. Could set aside both quotes and request new quotes.

Councilor Pontinen, SEH has 12 experts. Councilor Pontinen concerned that Stantec would not do a thorough job.

Public Works Operations Director Lautigar, suggested option of having the Council wait until the next Council Meeting and request additional information.

4 Aye, 1 Nay

Economic Development Administrator Paulsen, pre-construction meeting last week, the project has started, land use permit has been issued and approved.

Councilor Pontinen, concerns about inspections. Stantec contracted with JPJ Engineering and he has concerns about qualifications of the inspector.

City Engineer Jammick responded, Stantec contacted JPJ Engineering and the contract is with Stantec. The inspector is a retired Public Works Director has licenses in both water and wastewater. City Engineer Jammick feels comfortable with the inspector.

Councilor Robich knew JPJ Engineering was doing oversight on the project for over a year, this is not new information. She is comfortable with JPJ Engineering.

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Discussion.

JPJ Engineering gave Tom Dye JPJ Engineering's rates, 18 months construction period.

Councilor Pontinen questioned JPJ Engineering's rates.

Councilor Pontinen questioned the inspector. City Engineer Jannick is comfortable with person that will be doing the inspections.

Councilor Pontinen requested a spreadsheet from City Engineer Jannick requesting how much he will be making on this project.

Mayor Milos, Stantec hired JPJ Engineering, not the city's place to dictate, overstepping.

Discussion.

Economic Development Administrator Paulsen, Ron LaFond communicated to the city that by hiring JPJ Engineering, Stantec feels they will save the City \$100,000.

The WIF Grant is being reevaluated. We do not know when it will be finalized.

- Campground Managers Rautanens:
  - Economic Development Administrator Paulsen has addressed their internet issues.
  - July most weekends are full, will be a busy summer. A few tents sites available.
  - Crawl for the Cure rents the entire Campground. They do receive a discount.
  - Mayor Milos wants to look at expanding the Campground because the need is there, turning people away.
- City Clerk/Treasurer Sakrison: Agenda.
- Liaison Reports:
  - Councilor Robich, working on the preliminary 2019 budget levy, need to determine as a Council if Councilor Robich and Councilor Pontinen will form the budget committee, the Council hasn't received bank consolidations to date, the Council hasn't received any updated reporting for 2018 budgets for each department, concerns about excess spending and line items exceeding. Sakrison stated that she is still getting adjusting entries from the auditors.
  - Mayor Milos, previous Councils met annually in August with each department, opportunity for Economic Development Administrator Paulsen to co-ordinate initial budgeting. The process has worked well historically. Councilor Robich, the budget should be reviewed quarterly.
  - Special Council Meeting June 26, 2018 5:00 p.m. To address budget concerns. Clerk/Treasurer Sakrison will notify all of the departments.
  - Mayor Milos, discussion about building the tax base.

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**Mayor, Council, Boards & Commissions Reports:**

- City Councilors: Agenda.
- City Attorney Lindsay: No formal report.
- City Engineer Jamnick:
  - Equalization basin, seeding mostly completed.
  - June 21, 2018 start of lift station need it to dry up to do water balance (crane got stuck, too wet) the contractor is waiting for it to dry up.
  - Discussion.
- Acknowledge Minutes
  1. Library Board Meeting May 7, 2018
  2. Planning & Zoning Meeting May 7, 2018
  3. Gilbert Safety Committee May 23, 2018

Mayor Milos, the Library Board will not approve the bill from CW Technology because the bill hasn't been seen by the Library. Clerk/Treasurer Sakrison, CW Technology is still covering three computers at the Library. Mayor Milos understanding is that CW Technology is no longer covering the Library.

Motion by Ouke, second by Robich to approve Library Board Meeting Minutes May 7, 2018, Planning & Zoning Meeting Minutes May 7, 2018 and Gilbert Safety Committee Meeting Minutes May 23, 2018. MCU

**Old Business:**

Update Nuisance Ordinance: Nothing new to report.

AEOA Purchase of Property: Nothing new to report.

Offer to Purchase RE: Sailer agrees to terms of counter proposal. Councilor Pontinen questioned the timeline. Sailer intends to build a home within 18 months and a garage. Economic Development Administrator Paulsen confirmed that Sailer plans to have the project completed within 18 months.

Motion by Pontinen, second by Pulles to accept offer to purchase from Sailer. MCU

Point of Sale Sanitary Sewer Inspection Ordinance: Economic Development Administrator Paulsen, working on process and on how information will flow, point of sale moving in the right direction.

MN TH 37 Scope of Work Due June 1, 2018: Mayor Milos wants all of the sidewalks replaced, wants a sidewalk estimate, set a meeting with MN DOT and wants a walk through. Would like to see a written scope of the project. Public Works Operations Director Lautigar agrees that the majority of the sidewalks in the business district should be replaced and will set up a meeting with MN DOT.

Illegal Structure of 506 South Broadway: Garage structure has a foundation with a washed out area under the concrete slab creating an unsafe situation and supports a "lean-to" structure that was built

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without obtaining a permit. Declaration of Nuisance, notified homeowner, set a hearing date, court order to abate and bill homeowner, if the homeowner doesn't pay the city can then assess property.

Attorney Lindsay, ask the court for it to be declared a hazardous structure, the city can take corrective action. Creates incentive for the property owner to participate.

Councilor Robich questioned liability. Attorney Lindsay, at no point does the city take on the liability.

City Attorney Lindsay, this is a process, speaking directly to the health and safety of the general community, not taking sides "neighbor to neighbor." The city is taking the side of public safety.

Motion by Robich, second by Pulles to declare foundation washout that there is a structure situation that is hazardous to health and safety at 506 South Broadway. MCU

Re-order Garbage Bags: Clerk/Treasurer Sakrison, both Aurora and Virginia use Range Paper for their garbage bags.

Motion by Pontinen, second by Pulles to go with Range Paper quote for medium bags, because it's local.

Discussion. Mayor Milos wants to purchase local, wants to negotiate with Range Paper. Councilor Robich questioned why continue to get multiple quotes and go with the higher rate. Councilor Ouke questioned why have city garbage bags? Public Works Operations Director, city garbage bags encourage recycling. Discussed dumping fees, dumpsters and flat rates. Why should a person using 20 bags per month pay the same rate as a person using 1 bag per month? Garbage bags help offset tipping fees.

Councilor Pontinen rescinded motion.

Councilor Pulles rescinded second.

Councilor Ouke will go to Range Paper to negotiate.

Motion by Robich, second by Pontinen to allow Councilor Ouke to go to Range Paper to negotiate on the pricing. MCU

Insurance Recommendation from John Shega: Fireworks Insurance, John Shega, Aspire Insurance Agency, the League of Minnesota Cities Insurance Trust policy excludes fireworks, 3<sup>rd</sup> party entity does fireworks, asked to see 3<sup>rd</sup> of July insurance policy – they have refused. Asked the city for the insurance policy. Recommendation, can do nothing, if something goes wrong, if not enough coverage the city could be negligent.

Costs, exposure of fireworks is \$250 if the 3<sup>rd</sup> of July Committee requires \$1 million in liability insurance and adds the city as additional insured.

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The cost of fireworks and estimated attendees is the policy would be approximately \$1,000.

No past claim history knowledge that information would come from the 3<sup>rd</sup> of July Committee.

Shega explained coverage and recommended the city should make sure the policy is for \$1 million dollars and list the city of Gilbert as additionally insured. \$2 million primary and \$2 million umbrella, \$4 million that would apply. Excess over whatever the 3<sup>rd</sup> of July Committee has secured, for example, you'd have a million dollars before you are exposed. Listing the city of Gilbert as additionally insured protects the city. Shega recommended, that the city could ask the 3<sup>rd</sup> of July Committee to get quotes from their carrier for a \$2-\$3 million dollar limit.

Motion by Robich, second by Pontinen to table John Shega's Insurance Recommendation. MCU

**New Business:**

Bougalis Inc. Retainage Project 14-049: City Council action is requested to approve paying \$1,500 to Bougalis Inc. for Project 14-049.

Motion by Robich, second by Ouke to approve paying \$1,500 to Bougalis Inc. for Project 14-049. MCU

Amendment #1 to the MPCA Stipulation Agreement: The dike was in the original Stipulation Agreement, the MPCA wants it to remain in the Stipulation Agreement.

The city of Gilbert has a Stipulation Agreement from the MPCA for the Wastewater Treatment Facility. An amendment to the Stipulation Agreement has been drafted to respond to issues with the waste lime lagoon management.

The MPCA would like the Stipulation Agreement fulfilled and closed out. The corrective actions are regarding the lime lagoon. The actions are spelled out on page 3 under Item B. 1-5.

City Council Action is requested to approve Amendment Number 1 to the Stipulation Agreement for the City of Gilbert Wastewater Treatment Facility.

Motion by Robich, second by Ouke to approve Amendment Number 1 to the Stipulation Agreement for the City of Gilbert Wastewater Treatment Facility. MCU

Authorize JPJ to solicit bids for the Lime Lagoon Dike: Authorize JPJ Engineering to solicit bids to raise the lime lagoon dike walls to meet the requirements of Amendment Number One of the Stipulation Agreement. City Council action is requested to authorize JPJ Engineering to solicit bids for the lime lagoon.

The MPCA wants within 120 days of signature by the MPCA.

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Motion by Robich, second by Ouke to authorize JPJ Engineering to solicit bids for the lime lagoon. MCU

Letter Requesting Placement on MnPFA 2019 Intended Use Plan: City Council action is requested to support submission of the letter to request placement on the MnPFA 2019 Intended Use Plan.

Motion by Pontinen, second by Robich to authorize submission of the letter to request placement on the MnPFA 2019 Intended Use Plan. MCU

2017 Dodge Charger Squad Buildout: Request to purchase equipment for 2017 Dodge Charger. Hopeful that a fair amount of equipment from the 2012 can be utilized. Armory Shell will be doing the set up and the cost will be under \$4,000. 5 year, 100,000 mile warranty for service vehicles.

Motion by Robich, second by Pontinen to approve 2017 Dodge Charger Squad Buildout. MCU

Order Parking Tickets: Request to purchase Summons books purchase (administrative/parking tickets) from W.A. Fisher Printing. 50 books (25 double copy tickets) from W.A. Fisher Printing is \$585.00 (\$11.70 per book).

Motion by Pulles, second by Pontinen to approve purchase of 50 Summons Books from W.A. Fisher Printer for \$585.00. MCU

Police Commission's Findings Regarding Officer Involved Shooting: Police Chief Techar recapped officer involved shooting that occurred on December 22, 2017. A criminal investigation was conducted by the Bureau of Criminal apprehension and reviewed by the St. Louis County Attorney's Office. The findings were that the officers were justified in using deadly force under Minnesota and Federal Statutes. The Gilbert Police Commission found that Officer Bradach acted within departmental policy and did so in a very brave manner. Officer Bradach has been cleared of any wrong doing.

Summer Seasonal Hire: Public Works Operations Director Lautigar is requesting City Council approval to hire Joseph Addy for the 2018 summer season.

Motion by Pulles, second by Ouke to approve hiring Joseph Addy for 2018 summer seasonal help. MCU

Application for Joint Powers Recreation Board: Richard Pierce applied to be on the Joint Powers Recreation Board.

Motion by Pontinen, second by Pulles to approve Richard Piece's application to be on the Joint Powers Recreation Board. MCU

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Appoint Election Judges for 2018 Election:

Appoint Election Judges for 2018 Election: City Council action is requested to approve the following as Election Judges for the August 14, 2018 Primary Election and the November 6, 2018 General Election.

Norman Chaffee  
Barbara Goblirsch  
Barb Kern  
Jeremy Liimatta  
David Maki  
Nancy Palo  
Leon Schanlaub  
Richard Seburnia  
Eva Peterson  
Robert Garrity

Motion by Ouke, second by Pontinen to approve appointment of election judges Norman Chaffee, Barbara Goblirsch, Barb Kern, Jeremy Liimatta, David Maki, Nancy Palo, Leon Schanlaub, Richard Seburnia, Eva Peterson and Robert Garrity for the August 14, 2018 Primary Election and the November 6, 2018 General Election. MCU

Recycling Center: With the construction at the Wastewater Treatment Plant the recycling should be moved. Kansas location – flat level ground and not a lot of traffic. Area would need to be fenced in. The fence will keep the recycling from blowing around. Snow fencing would be used.

Concerns about public during construction.

Maybe use some contingency funds from the Wastewater Treatment Plant to cover the costs.

Economic Development Administrator Paulsen, cannot be in a park zone, must be in either M1 or M2 Commercial zone.

Motion by Robich, second by Pulles to table moving the Recycling Center. MCU

Warning Siren on Louisiana Avenue: Safety concern. An electrician will look at this on June 15, 2018.

Miscellaneous:

St. Joseph's Catholic Church is requesting City Council approval for a 1 day temporary on sale liquor license for July 21, 2018 for an event to be conducted on the premises at St. Joseph's Catholic Church.

Motion by Robich, second by Pulles to approve the 1 day temporary on sale liquor license for July 21, 2018 for St. Joseph's Catholic Church. MCU

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St. Joseph's Catholic Church is requesting City Council approval for an Exempt Lawful Gambling Permit for a raffle to be conducted September 30, 2018.

Motion by Pulles, second by Pontinen to approve an Exempt Lawful Gambling Permit on September 30, 2018 to St. Joseph's Catholic Church. MCU

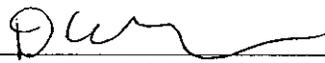
McKinley Water Agreement: Attorney Lindsay will bring a copy of the agreement to the next City Council Meeting.

Councilor Robich questioned the voting machine that was purchased. Clerk/Treasurer Sakrison responded that approving the grant included approval of purchase of a DS2000 voting machine. Councilor Pontinen and Councilor Robich recall applying for a grant but not approving purchase of the voting machine. (See Resolution 2017-22)

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

Motion by Robich, second by Ouke to adjourn at 8:52 p.m. MCU

ATTEST:

  
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D. Elizabeth Milos, Mayor

  
\_\_\_\_\_  
Debra Sakrison, City Clerk/Treasurer