

CITY OF GILBERT  
CITY COUNCIL MEETING  
TUESDAY, SEPTEMBER 27, 2016

**6:30 P.M. REGULAR CITY COUNCIL MEETING**

1. **CALL TO ORDER**
2. **ROLL CALL**
  - A. Determination of Quorum
  - B. Pledge of Allegiance
  - C. Approve Agenda
3. **APPROVE CITY COUNCIL MINUTES**
  - A. Regular City Council Meeting September 13, 2016
4. **PUBLIC INPUT**
5. **REPORTS - STAFF**
  - A. Chief of Police
  - B. Public Works Operations Director
  - C. Library Director
  - D. Fire Chief
6. **REPORTS - MAYOR, COUNCIL, BOARDS & COMMISSIONS**
  - A. City Councilors
  - B. City Attorney
  - C. City Engineer
7. **OLD BUSINESS - No action needed**
  - A. Emergency Operation Plan Update
  - B. Update Nuisance Ordinance
8. **NEW BUSINESS**
  - A. Pay Estimate No. 5 - MN T.H. 135 Water Main/Lower FL Project
  - B. Replacement Pump for Overflow Basin Tank
  - C. Community Center Downstairs Door
  - D. Safety Issue at Waste Water Treatment Facility
  - E. Support for Fire Department Participation in Discussions w/EFD & FFD
  - F. Planning Commission Request for Survey
  - G. Request for Reduced Rental Fee for CC Kitchen & Dining Room
  - H. Article 130.01 Amendment - Ordinance 2016-02
  - I. Resolution 2016-16 Certify Poposed Levy Collectible 2017
9. **APPROVE PAYMENT OF BILLS AND PAYROLL**
10. **ACKNOWLEDGEMENTS**
  - A. EFGSD Jt Powers Recreation Board Minutes August 10, 2016
  - B. Gilbert Planning & Zoning Commission September 12, 2016
11. **ADJOURN**

3A  
1/5

**CITY OF GILBERT  
MINUTES OF REGULAR COUNCIL MEETING  
TUESDAY, SEPTEMBER 13, 2016  
COUNCIL CHAMBERS**

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

Present: Mayor Kutsi, Councilors Pontinen, Skalko, Bol & Liimatta.

Absent: None.

Staff Present: City Attorney Kearney, City Engineer Jamnick, Public Works Operations Director Lautigar, Library Director Miller, Campground Managers – John & Barb Rautanen and City Clerk/Treasurer Sakrison.

Staff Absent: Chief Techar (w/Notice)

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

Motion by Liimatta second by Skalko to approve the agenda as submitted. Motion Carried Unanimously (MCU).

Motion by Skalko second by Liimatta to approve the August 16, 2016 Special City Council Meeting Minutes. MCU.

Motion by Liimatta second by Skalko to approve the August 23, 2016 Public Hearing Meeting Minutes. MCU.

Motion by Skalko second by Liimatta to approve the August 23, 2016 Regular City Council Meeting Minutes. MCU.

**Public Input:**

Carey Peterson asked what the official result was for his request to hunt his unplatted 40 acres. Councilor Pontinen stated that after talking to Chief Techar to change the regulations it would have to come to a public forum and would take a long time, so the regulations currently in place would have to remain as is for this year. Mayor Kutsi also spoke to Chief Techar in regards to what the MN State regulations are, which is to be 500 feet away from buildings. Mayor Kutsi would like to have this placed on the next agenda (September 27). Peterson stated he appreciated the time that people have put in on this subject, but feels sad for everyone that has been hunting for 30+ years and now no one can hunt.

**Staff Reports:**

- Public Works Operations Director Lautigar:
  - Have been cleaning up after the storm, everything has been done except for the park.
  - Have been hauling salt sand and getting ready for winter.
  - Fall Clean-up could be the 1<sup>st</sup> week of November, add to next meeting agenda.
- Library Director Miller
  - Had 1<sup>st</sup> Pinterest project completed. 8 ladies attended. Next Pinterest project will be to decorate your own pumpkin on October 10th. You bring your own pumpkin, real or fake.

2/5

**CITY OF GILBERT**  
**MINUTES OF REGULAR COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 13, 2016**  
**COUNCIL CHAMBERS**

- New Program – Cookbook Club – 3<sup>rd</sup> Monday of the month from 5:30 p.m. to 7:00 p.m. Will be potluck and themed each month. Theme for September will be vegetable based dishes. A cookbook will be compiled in May. Everyone is welcome to come and talk, community based exercise.
- September 19 @ 1:00 p.m. – Peter Geye, MN Author – Speaking about his book “Wintering”, this is a Legacy program.
- Wiggles and Tales also continuing.
- Campground Directors – John & Barb Rautanen
  - Getting ready for the end of the season. Closing down October 3.
  - Most weekends have been full.
  - Reservations will be taken throughout the winter. Website will be opened in January 2017 for online reservations.
  - Erik Wedge is working on drawings for the shower building.

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

- Councilor Pontinen read a prepared statement about not being allowed to defend himself.
- Councilor Skalko rebutted Pontinen’s statement saying that it was his understanding that there were previous meetings that Pontinen could have attended to state his case and did not take the opportunity to do so. Pontinen stated that he did not attend because he could not receive copies of the complaints ahead of time, nor have legal counsel assigned to him from the City of Gilbert.
- Councilor Skalko wanted to thank the City Crew for cleaning up after the storm. They did an amazing job.
- Mayor Kutsi also thanked the City Crew for the storm clean-up. He also asked Planning & Zoning Director Erik Wedge about the garage in the newer development being moved. Wedge stated that they have until next Spring 2017 to move it.
- Councilor Bol voiced a concern from a citizen around town with vehicles not yielding to pedestrians in the crosswalks.
- Councilor Liimatta also extended his thanks to the City Crew for cleaning up after the storm.
- Mayor Kutsi asked the Campground Directors Rautanen’s how the campground fared during the storm. Rautanen replied that they lost the top of one tree, all the portable facilities were tipped over and there was garbage blown all over, so after that clean-up it wasn’t that bad.
- City Attorney Kearney nothing to report.
- Engineer Jamnick need to schedule a final assessment hearing for the Lower Florida, Holiday, Summit Street project, to send notices out to the properties that benefit from the project. He suggested the 1<sup>st</sup> meeting in October.

Motion by Liimatta second by Skalko to set the final assessment hearing for the Lower Florida, Holiday, Summit Street project for Tuesday, October 11, 2016 @ 6:00p.m. MCU.

**Old Business:**

Emergency Operations Plan Update – Nothing new to report.

Nuisance Ordinance Update – Nothing new to report

3/5

**CITY OF GILBERT**  
**MINUTES OF REGULAR COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 13, 2016**  
**COUNCIL CHAMBERS**

**New Business:**

Mayor Kutsi asked City Clerk Sakrison when the Preliminary Tax Levy will be set. Sakrison stated that the preliminary levy will be set at the September 27, 2016 Regular City Council Meeting, and due to St. Louis County by September 30, 2016. Kutsi also stated that they are working towards a 0% levy.

Planning & Zoning Director Wedge gave a presentation regarding adopting the MN State Building Code Standards.

- The reason why this is being discussed is for protecting the health, safety & welfare of the citizens of Gilbert.
- It puts the construction standards on a level playing field with neighboring communities, who have already adopted these standards.
- The MN State Building Code Standards are a minimum standard, buildings exceeding these standards are allowed. The MN Building Codes does not oversee the Federal Building Code. ADA Requirements supersede the MN Building Codes.
- Most communities adopt the MN Building Codes due to a tragedy.
- The MN State Building Code can only be adopted all or nothing.
- All projects done at the school are regulated by the State of MN. Any state licensed facility would be regulated by the State of MN.
- Wedge discussed the benefits of adopting the MN State Building Code Standards.
- The cost of a building code official would be passed on by a fee, and not a cost to the City of Gilbert. Wedge suggested having a contract with a building inspector, not a full time building inspector.
- The negatives would be a cultural change & costs. The City of Gilbert would set the fee. Speed of construction would be different, the reviews of the different processes would take time.
- Mayor Kutsi is concerned about the code being so restrictive. Kutsi is for protecting the homeowners, and the code makes sense for new construction, but if adopted then you have to get a building permit for everything including changing out a screen door.
- Councilor Bol agreed with Mayor Kutsi.
- Councilor Pontinen stated that this is a discussion because of people abusing land use permits with no repercussions.
- If adopted all existing structures are grandfathered in, but if modified more than 50% they would have to comply with the building code.
- Councilor Skalko stated that it doesn't take long to get to 50% of the value of the building to get the building code to kick in.
- Wedge suggested tabling the discussion and the council doing their own research and find out the pros and cons of the building codes possibly being adopted.

4/5

**CITY OF GILBERT**  
**MINUTES OF REGULAR COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 13, 2016**  
**COUNCIL CHAMBERS**

Motion by Bol second by Skalko to not adopt the MN State Building Codes. Councilor Bol stated that the code is onerous. Pontinen stated that maybe the code could be adopted for a certain amount of time, and then opt out of it. City Clerk Sakrison noted that if the code was adopted, a fee schedule would have to be put in place, forms would need to be developed, education for enforcement and a contract for inspections, there would be an upfront cost for the City of Gilbert. Councilor Bol asked if a modified ordinance could be put in place. City Attorney Kearney stated that surveys would be required, then property lines can be established to know set back lines. Surveys should not be a cost of the city, would be a property owner cost. Motion Carried 4 – 1.

Motion by Liimatta second by Skalko to approve Partial Payment Estimate No. 1 for the East Industrial Park project from Mesabi Bituminous for \$96,686.95, upon receipt of certified payrolls. MCU.

Motion by Skalko second by Liimatta to approve Partial Payment Estimate No. 1 for the Genoa Sanitary Sewer project from Jola & Sopp Excavating for \$72,823.20, upon receipt of certified payrolls. MCU.

Motion by Skalko second by Liimatta to take action by roll call vote on Ordinance 2016-01, Opting Out of the Requirements of Minnesota Statutes §462.3593, Temporary Family Health Care Dwellings. Pontinen – Aye; Skalko – Aye; Mayor Kutsi – Aye; Bol – Aye; Liimatta – Aye. MCU.

Motion by Liimatta second by Skalko to approve Terah Rinerson attending the Water/Wastewater Operations training in St. Cloud, October 18-20, 2016, and to pay the conference registration fee, meals, mileage and lodging so she can take the Class B Water test. MCU.

Motion by Bol second by Skalko to approve Resolution 2016-14 Accepting the Grant from MN Department of Natural Resources 2017 Volunteer Fire Assistance Program. MCU.

Motion by Bol second by Skalko to approve Resolution 2016-15 Transferring Title to JLT Enterprises for Lots 1-4, Block 7 First Addition to Gilbert for \$3,000. Pontinen – Aye; Skalko – Aye; Mayor Kutsi – Aye; Bol – Aye; Liimatta – Aye. MCU.

Motion by Skalko second by Bol to approve the Scope of Services and Authorization to Proceed for the Wetland Delineation work at the waste water treatment facility located on Dakota Avenue to be completed by Aquatic EcoSolutions, Inc. for a price not to exceed \$945.00 if paid within 5 days of invoice. MCU.

Motion by Skalko second by Liimatta to approve the proposal for Professional Services for an evaluation of the water plant from Stantec for a cost estimated to be \$15,800.00. MCU.

5/5

**CITY OF GILBERT**  
**MINUTES OF REGULAR COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 13, 2016**  
**COUNCIL CHAMBERS**

Motion by Skalko second by Liimatta to approve the contract for services with St. Louis County – Extension/Administration for the Land Procurement Program for Beneficial Use of Municipal Water Treatment Lime for Agronomic Crops for 2016. MCU.

Motion by Liimatta second by Bol to approve the replacement of the furnaces in the Fire Hall with (2) Modines as quoted from Carlson Duluth and recommended by Public Works Operations Director Lautigar for a price of \$4,844.53. MCU.

Motion by Skalko second by Liimatta to approve the Work Estimate from Mesabi Bituminous in the amount of \$15,200 for the (10) 4” bituminous patches. MCU.

Motion by Skalko second by Liimatta to grant permission for the city resident to remove trees from Hopkins Park after he signs the Hold Harmless Agreement. MCU.

Motion by Bol second by Skalko to accept the proposal as received from Crawl 4 the Cure for the weekend of July 13 – 16, 2017. After discussion the motion was amended to accept a fee of \$2,000 for the Campground and \$500 for the Arena. MCU.

Motion by Skalko second by Liimatta to authorize payment of the \$45 registration fee for any City Staff that would like to attend the League of MN cities Regional Meeting in Hibbing on October 6, 2016. MCU.

Motion by Liimatta second by Skalko to acknowledge the August 31, 2016 Financials. MCU.

Motion by Skalko second by Liimatta to approve bills and payroll subject to audit by Mayor and Clerk. Pontinen – Nay; Skalko – Aye; Mayor Kutsi – Aye; Bol – Aye; Liimatta – Aye. MC

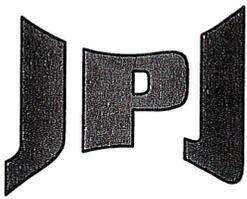
Motion by Skalko second by Liimatta to acknowledge the Gilbert Public Library Board Minutes of August 1, 2016 and Campground Committee Minutes of August 18, 2016. MCU.

Motion by Skalko second by Liimatta to adjourn the meeting at 8:03 p.m.

  
Debra Sakrison, City Clerk

ATTEST:

\_\_\_\_\_  
Robert Kutsi, Mayor



8A  
1/5

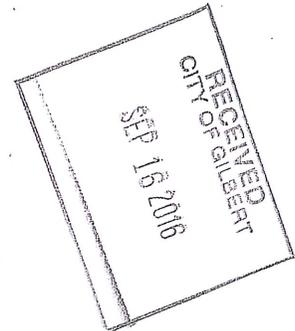
Engineering

Land Surveying

Economic Development

September 13, 2016

Ms. Debra Sakrison, Clerk  
City of Gilbert  
P.O. Box 548  
Gilbert, MN 55741



**Re: T.H. 135 Water Main / Lower Florida Infrastructure  
Project No. 14-049**

Dear Ms. Sakrison:

Enclosed please find three copies of Partial Payment Estimate No. 5 for the T.H. 135 Water Main / Lower Florida Infrastructure project. We recommend payment of \$55,150.05 to Bougalis Inc., 800 Greyhound Boulevard, Hibbing, MN 55746 upon receipt of certified payroll reports.

After your review and approval, please sign and date all three copies of the partial payment estimate, retain one copy for your files and return the remaining two copies to our office.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

JPJ Engineering, Inc.

John P. Jamnick, P.E.

JPJ/dj

Enclosures

PARTIAL PAYMENT ESTIMATE

5/2

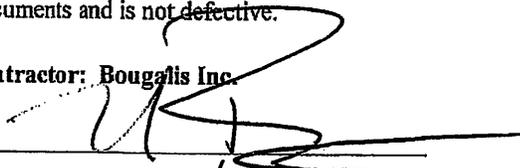
<b>PROJECT:</b> T.H. 135 Water Main / Lower Florida Infrastructure		<b>PROJECT NO.:</b> 14-049	<b>DATE:</b> July 28, 2016 <b>PAY ESTIMATE NO.:</b> 5 <b>PAGE 1 OF 5</b>
<b>OWNER:</b> City of Gilbert P.O. Box 548 Gilbert, MN 55741		<b>CONTRACTOR:</b> Bougalis Inc. 800 Greyhound Boulevard Hibbing, MN 55746	<b>PERIOD OF ESTIMATE</b>  <b>FROM:</b> May 30, 2016 <b>TO:</b> July 23, 2016
CONTRACT CHANGE ORDER SUMMARY		ESTIMATE	
No.	Amount		
	Additions	Deductions	
CO #1	\$6,674.00		1. Original Contract \$619,010.00
CO #2	\$17,040.00	\$3,000.00	2. Change Orders \$20,714.00
			3. Revised Contract (1+2) \$639,724.00
			4. Work Completed* \$623,828.68
			5. Stored Materials \$0.00
			6. Subtotal (4+5) \$623,828.68
			7. Retainage 5% (\$31,191.43)
			8. Previous Payments (\$537,487.20)
<b>TOTALS</b>	\$23,714.00	\$3,000.00	9. Amount Due (6-7-8) \$55,150.05
<b>NET CHANGE</b>	\$20,714.00		*Detailed breakdown attached
CONTRACT TIME			
Original (days):	On Schedule	Starting Date: September 10, 2015	
Revised:	<input checked="" type="checkbox"/> Yes	Substantial Completion: October 31, 2015	
	<input type="checkbox"/> No	Projected Completion: November 1, 2015	

**CONTRACTOR'S CERTIFICATION:**

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

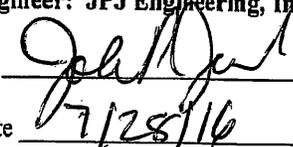
Contractor: Bougalis Inc.

By   
Date 09/09/2016

**ENGINEER'S CERTIFICATION:**

The undersigned certifies that to the best of their knowledge and belief and to the extent of their assigned Contract responsibilities, the quantities shown in this estimate are correct and that the work has been performed in accordance with the Contract Documents.

Engineer: JPJ Engineering, Inc.

By   
Date 7/28/16

**APPROVED BY OWNER:**

Owner: City of Gilbert

By \_\_\_\_\_  
Date \_\_\_\_\_

**PAY ESTIMATE NO. 5**

DATE: July 28, 2016  
 OWNER: City of Gilbert  
 PROJECT: T.H. 135 Water Main / Lower Florida Infrastructure  
 CONTRACTOR: Bougalis Inc., 800 Greyhound Boulevard, Hibbing, MN 55746

**PART A - LOWER FLORIDA AREA**

ITEM NO.	DESCRIPTION	QUAN. BID	UNIT	UNIT PRICE	QUANTITY THIS PERIOD	AMOUNT THIS PERIOD	QUANTITY TO DATE	AMOUNT TO DATE
2021	CLEAR / GRUB	7	EACH	\$400.00	0	\$0.00	5	\$2,000.00
2104	REMOVE CURB & GUTTER	640	L.F.	\$4.00	0	\$0.00	691	\$2,764.00
2104	RMV WATER MAIN	660	L.F.	\$4.00	16	\$64.00	461	\$1,844.00
2104	RMV SANITARY SEWER	642	L.F.	\$3.00	14	\$42.00	567	\$1,701.00
2104	RMV STORM SEWER	283	L.F.	\$6.00	0	\$0.00	311	\$1,866.00
2104	RMV BIT PAVEMENT	1,360	S.Y.	\$5.00	0	\$0.00	1,501	\$7,505.00
2104	RMV SIDEWALK	238	S.Y.	\$9.00	0	\$0.00	238	\$2,142.00
2104	RMV CONC DRIVEWAY	124	S.Y.	\$13.00	0	\$0.00	140	\$1,820.00
2104	RMV SANITARY MANHOLE	4	EACH	\$400.00	0	\$0.00	3	\$1,200.00
2104	RMV STORM MANHOLE	1	EACH	\$400.00	0	\$0.00	0	\$0.00
2104	RMV HYDRANT	2	EACH	\$400.00	0	\$0.00	1	\$400.00
2104	SALVAGE HYDRANT	1	EACH	\$1,800.00	0	\$0.00	1	\$1,800.00
2104	RMV GATE VALVE & BOX	2	EACH	\$200.00	0	\$0.00	3	\$600.00
2105	COMMON EXCAVATION	990	C.Y.	\$13.00	0	\$0.00	990	\$12,870.00
2105	SELECT GRAN BORROW (CV)	375	C.Y.	\$16.00	0	\$0.00	393	\$6,288.00
2112	GEO SEPARATION FABRIC	1,490	S.Y.	\$2.00	0	\$0.00	1,539	\$3,078.00
2211	AGG BASE, CL 5 (CV)	340	C.Y.	\$22.00	0	\$0.00	419	\$9,218.00
2221	AGG SHOULDERING, CL 5 (CV)	20	C.Y.	\$40.00	0	\$0.00	0	\$0.00
2360	TYPE SP WEARING COURSE	160	TON	\$79.00	193.11	\$15,255.69	193.11	\$15,255.69
2360	TYPE SP NON-WEARING COURSE	120	TON	\$79.00	43	\$3,397.00	203	\$16,037.00
2451	GRAN BACKFILL MTRL (LV)	50	C.Y.	\$16.00	0	\$0.00	0	\$0.00
2451	GRAN FOUND MTRL (LV)	50	C.Y.	\$25.00	0	\$0.00	0	\$0.00
2503	15" RCP STORM SEWER	290	L.F.	\$46.00	0	\$0.00	311	\$14,306.00
2503	CON TO EX STORM SEWER	2	EACH	\$700.00	0	\$0.00	2	\$1,400.00
2506	CONSTRUCT STORM MANHOLE	1	EACH	\$2,900.00	0	\$0.00	1	\$2,900.00
2506	CONST SAN MANHOLE	3	EACH	\$3,400.00	1	\$3,400.00	3	\$10,200.00
2506	SAN MANHOLE FRAME SEAL	3	EACH	\$400.00	3	\$1,200.00	3	\$1,200.00
2506	ADJUST FRAME & RING CASTING	2	EACH	\$300.00	2	\$600.00	2	\$600.00
2506	ADJUST GATE VALVE BOX	2	EACH	\$300.00	2	\$600.00	2	\$600.00
2521	4" CONCRETE WALK	2,000	S.F.	\$4.50	0	\$0.00	1,785	\$8,032.50
2531	CONC C&G, DES B618	620	L.F.	\$20.00	0	\$0.00	691	\$13,820.00
2531	6" CONCRETE DRIVEWAY PVMT	160	S.Y.	\$44.00	0	\$0.00	130	\$5,720.00
2573	STORM DRAIN INLET PROTECT	4	EACH	\$250.00	0	\$0.00	3	\$750.00
2573	CONST SITE EXIT CONTROLS	1	EACH	\$20,000.00	0	\$0.00	1	\$20,000.00
2575	SODDING, LAWN TYPE	980	S.Y.	\$10.00	0	\$0.00	0	\$0.00
2611	6" DIP WTR MN & FITTINGS	648	L.F.	\$49.00	0	\$0.00	776	\$38,024.00
2611	3/4" COPPER WTR SERV PIPE	350	L.F.	\$29.00	0	\$0.00	160	\$4,640.00
2611	3/4" CORPORATION STOP	14	EACH	\$250.00	0	\$0.00	9	\$2,250.00
2611	3/4" CURB STOP & BOX	14	EACH	\$475.00	0	\$0.00	9	\$4,275.00
2611	6" GATE VALVE & BOX	6	EACH	\$1,700.00	0	\$0.00	7	\$11,900.00
2611	HYDRANT	3	EACH	\$4,100.00	0	\$0.00	2	\$8,200.00
2611	CON TO EX WTR MAIN	4	EACH	\$1,200.00	0	\$0.00	4	\$4,800.00

**PART A - LOWER FLORIDA AREA - (CONTINUED)**

ITEM NO.	DESCRIPTION	QUAN. BID	UNIT	UNIT PRICE	QUANTITY THIS PERIOD	AMOUNT THIS PERIOD	QUANTITY TO DATE	AMOUNT TO DATE
2621	8" PVC SANITARY SEWER	560	L.F.	\$42.00	14	\$588.00	298	\$12,516.00
2621	6" PVC SAN SERVICE LINE	412	L.F.	\$30.00	0	\$0.00	251	\$7,530.00
2621	8" X 6" SAN SERVICE WYE	14	EACH	\$260.00	0	\$0.00	4	\$1,040.00
2621	12" X 6" SAN SERVICE WYE	1	EACH	\$500.00	0	\$0.00	1	\$500.00
2621	CON TO EX SAN SEWER	3	EACH	\$420.00	1	\$420.00	4	\$1,680.00
2625	PIPE INSULATION	50	S.Y.	\$45.00	0	\$0.00	64.5	\$2,902.50
CO1-1	8" PVC C900	0	L.F.	\$50.00	0	\$0.00	253	\$12,650.00
CO1-2	8" X 6" C900 WYE	0	EACH	\$500.00	0	\$0.00	7	\$3,500.00
CO1-3	MANHOLE CASTING & CLEAN OUT	0	EACH	\$500.00	0	\$0.00	1	\$500.00

**TOTAL WORK COMPLETED THIS PERIOD - Part A..... \$25,566.69**

**TOTAL WORK COMPLETED TO DATE - Part A..... \$284,824.69**

**PART B - T.H. 135 WATER MAIN**

ITEM NO.	DESCRIPTION	(CO) QUAN.	UNIT	UNIT PRICE	QUANTITY THIS PERIOD	AMOUNT THIS PERIOD	QUANTITY TO DATE	AMOUNT TO DATE
2021	CLEAR/GRUB	1	L.S.	\$7,605.00	0	\$0.00	1	\$7,605.00
2104	RMV CURB & GUTTER	0	L.F.	\$4.00	0	\$0.00	0	\$0.00
2104	RMV BIT PAVEMENT	1,560	S.Y.	\$5.00	1,045	\$5,225.00	1,112	\$5,560.00
2105	COMMON EXCAVATION	80	C.Y.	\$13.00	0	\$0.00	28	\$364.00
2105	ROCK EXCAVATION - BOULDER	100	C.Y.	\$75.00	0	\$0.00	118.2	\$8,865.00
2105	SELECT GRAN BORROW (CV)	22	C.Y.	\$16.00	0	\$0.00	22	\$352.00
2112	GEO SEPARATION FABRIC	12	S.Y.	\$2.00	0	\$0.00	12	\$24.00
2211	AGG BASE, CL 5 (CV)	60	C.Y.	\$22.00	39	\$858.00	56	\$1,232.00
2360	TYPE SP WEARING COURSE	30	TON	\$79.00	177.10	\$13,990.90	177.10	\$13,990.90
2360	TYPE SP NON-WEARING COURSE	30	TON	\$79.00	144.71	\$11,432.09	144.71	\$11,432.09
2451	GRAN BACKFILL MTRL (LV)	50	C.Y.	\$16.00	0	\$0.00	20	\$320.00
2451	GRAN FOUND MTRL (LV)	50	C.Y.	\$25.00	0	\$0.00	90	\$2,250.00
2531	CONC C&G, DES B618	0	L.F.	\$20.00	0	\$0.00	0	\$0.00
2575	TEMPORARY MULCH	2	ACRE	\$1,000.00	0	\$0.00	0.92	\$920.00
2575	SEEDING	2	ACRE	\$2,100.00	0	\$0.00	0	\$0.00
2610	HIGHWAY BORING	0	L.F.	\$1,000.00	0	\$0.00	0	\$0.00
2611	PRESSURE REDUCING VALVE (PRV)	1	EACH	\$9,800.00	0	\$0.00	1	\$9,800.00
2611	6" DIP WTR MN & FITTINGS	21	L.F.	\$49.00	20	\$980.00	41	\$2,009.00
2611	8" DIP WTR MN & FITTINGS	4,070	L.F.	\$55.00	0	\$0.00	4,079	\$224,345.00
2611	6" GATE VALVE & BOX	2	EACH	\$1,700.00	0	\$0.00	2	\$3,400.00
2611	8" GATE VALVE & BOX	6	EACH	\$2,000.00	0	\$0.00	5	\$10,000.00
2611	HYDRANT	2	EACH	\$4,100.00	0	\$0.00	2	\$8,200.00
2611	CON TO EX WTR MAIN	2	EACH	\$1,200.00	0	\$0.00	1	\$1,200.00
CO1-2	IMPROPERLY MARKED WATER LINE REPAIRED	0	L.S.	\$2,470.00	0	\$0.00	1	\$2,470.00
CO-2A/2B	INSTALLED MATERIAL IN CASING PIPE	0	L.S.	\$4,360.00	0	\$0.00	1	\$4,360.00
CO-2C	CASING @ NORTH BROADWAY	1	L.S.	\$9,680.00	0	\$0.00	1	\$9,680.00

**TOTAL WORK COMPLETED THIS PERIOD - Part B..... \$32,485.99**

**TOTAL WORK COMPLETED TO DATE - Part B..... \$328,378.99**

ADD ALTERNATE

ITEM NO.	DESCRIPTION	(CO) QUAN.	UNIT	UNIT PRICE	QUANTITY THIS PERIOD	AMOUNT THIS PERIOD	QUANTITY TO DATE	AMOUNT TO DATE
	ADD ALTERNATE - SUMMIT STREET WATER MAIN	1	L.S.	\$10,625.00	0	\$0.00	1	\$10,625.00

**TOTAL WORK COMPLETED THIS PERIOD - Part B..... \$0.00**  
**TOTAL WORK COMPLETED TO DATE - Part B..... \$10,625.00**

**TOTAL WORK COMPLETED THIS PERIOD - Parts A & B..... \$58,052.68**  
**TOTAL WORK COMPLETED TO DATE - Parts A & B..... \$623,828.68**



# Estimate

8 B  
1/4

1 CANNON ST W  
DUNDAS, MN 55019  
Phone: 507-645-8004  
email: info@minnesotapumpworks.com

Date	Estimate No.
9/15/2016	7076

Name/Address
City of Gilbert PO Box 548 Gilbert, MN 55741

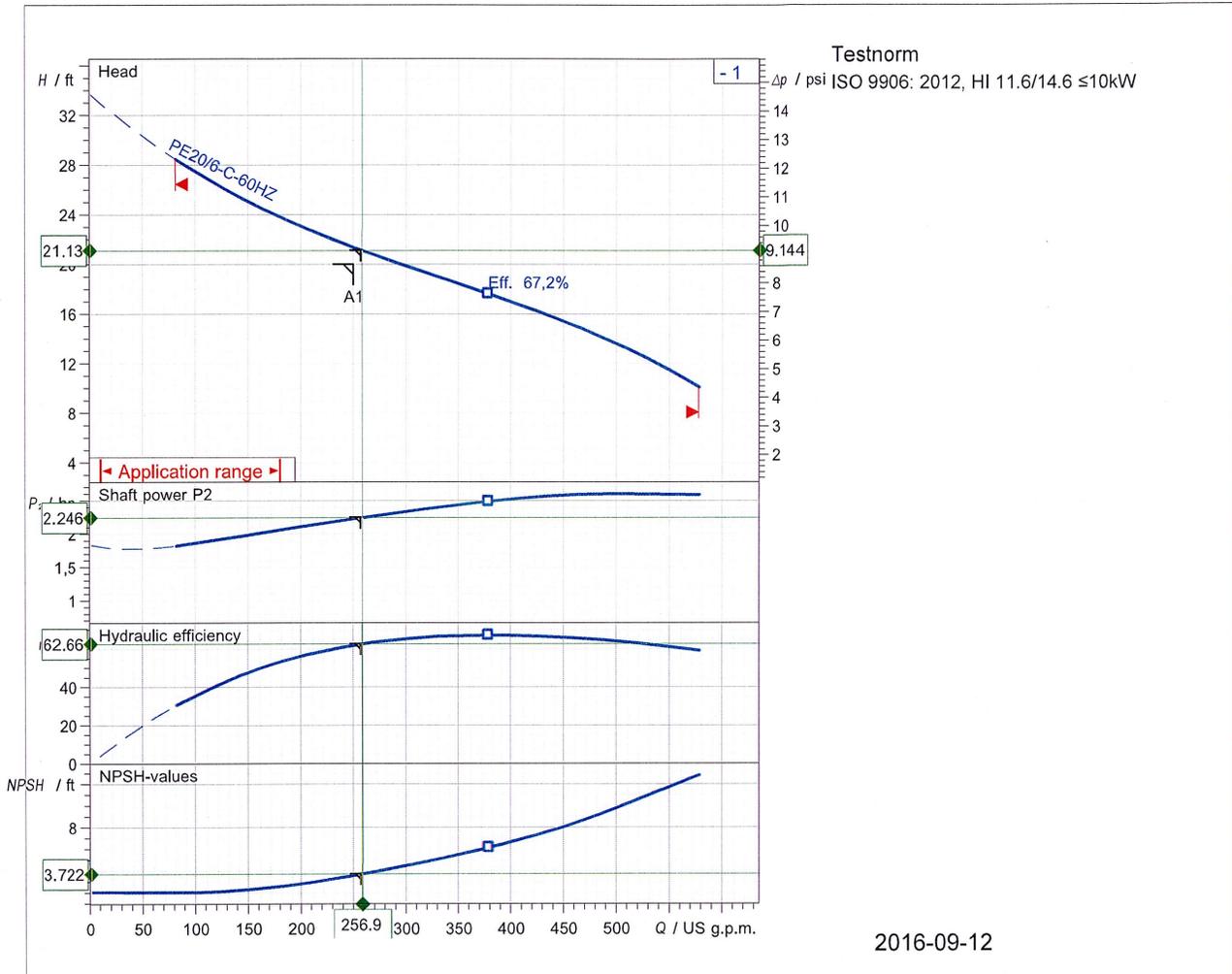
Terms	Project
NET 30	Overflow Basin/Tank Pump

Description	Qty	Rate	Total
MINNESOTA PUMP WORKS IS PLEASED TO OFFER THIS QUOTE ON THE REPLACEMENT OF THE PUMP AT YOUR OVERFLOW BASIN TANK.			
ABS PUMP MODEL XFP100C-CB1.1 PE20/6 2.7HP, 230/3, 49' CORD, 4" DISCHARGE **EXISTING BRACKET WILL BE RE-USED	1	5,146.00	5,146.00
ABS SEAL LEAK/OVER TEMP RELAY, DIN RAIL MOUNTED, CA462 110/230V-AC, INCLUDES BUILT IN MINICAS CONVERTER	1	341.00	341.00
ON-SITE SERVICE LABOR	3	110.00	330.00
SERVICE DRIVE TIME	4	110.00	440.00
SERVICE TRUCK MILEAGE	176	1.25	220.00
FREIGHT: FOB FACTORY LEAD-TIME: 2-4 WEEKS			
THANK YOU, JENNY - JENNYB@MINNESOTAPUMPWORKS.COM 507-645-8004			
CC: JOE RUBBELKE - JOER@MINNESOTAPUMPWORKS.COM 612-817-6521			

PRICING IS VALID FOR 30 DAYS AND DOES NOT INCLUDE FREIGHT CHARGES

<b>Total</b>	<b>\$6,477.00</b>
--------------	-------------------

# XFP100C CB1 60HZ (wet pit)



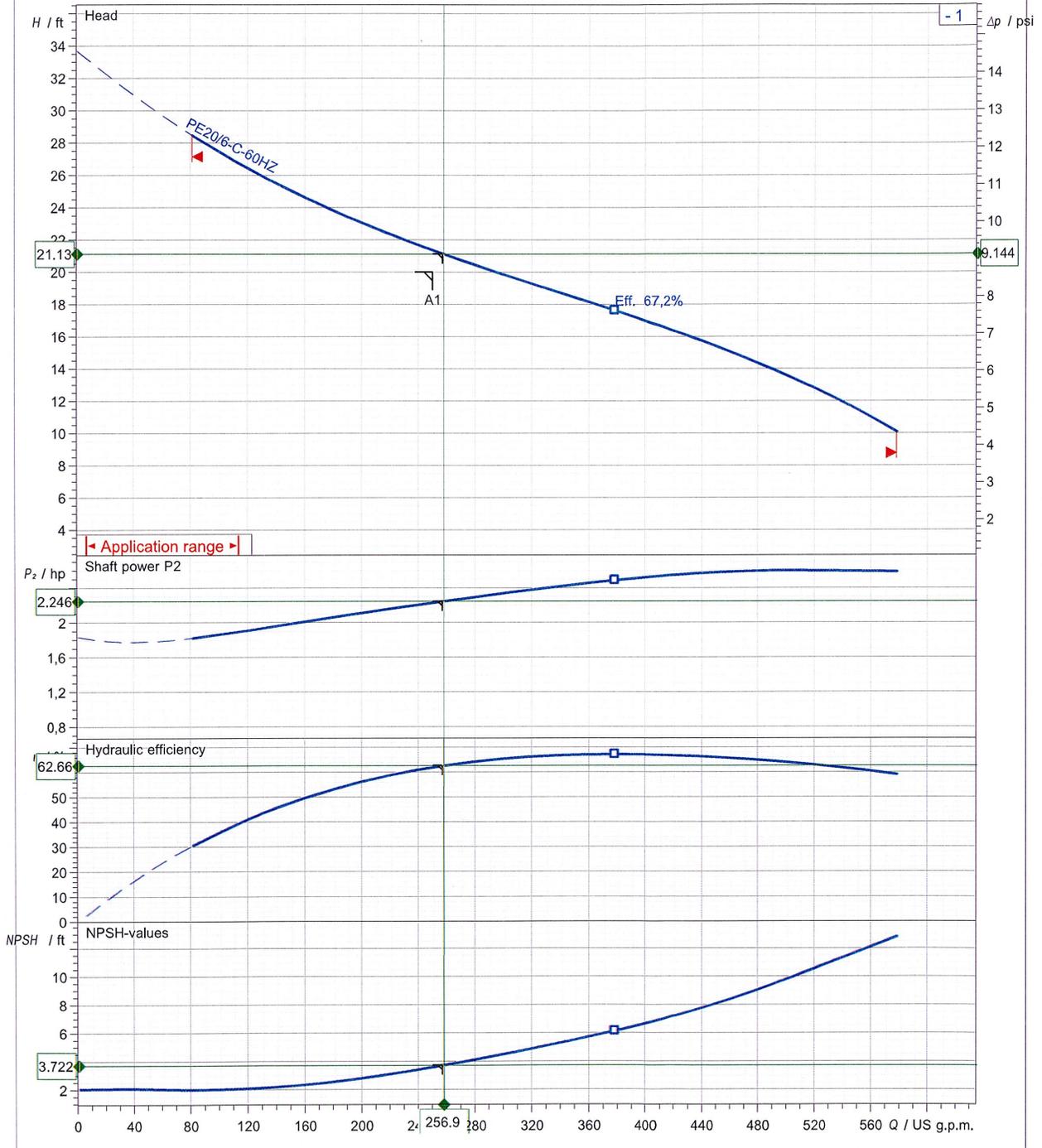
<b>Operating data specification</b>			
Flow	257 US g.p.m.	Head	21,1 ft
Efficiency	62,7 %	Shaft power	2,25 hp
NPSH	3,72 ft	Fluid	Wastewater
Temperature	68 °F	Nature of system	Single head pump
No. of pumps	1		
<b>Pump data</b>			
Type	XFP100C CB1 60HZ (wet pit)	Make	SULZER
Series	XFP PE1-PE3	Impeller	Contrablock Plus impeller, 1 vane
N° of vanes	1	Impeller size	8,35 inch
Free passage	3 inch	Suction flange	DN100
Discharge flange	DN100	Type of installation	Wet Well installation with pedestal
<b>Motor data</b>			
Rated voltage	230 V	Frequency	60,0 Hz
Rated power P2	2,68 hp	Nominal Speed	1150 rpm
Number of poles	6	Efficiency	83,5 %
Power factor	0,72	Rated current	8,4 A
Starting current	44,4 A	Rated torque	12,2 lbf ft
Starting torque	29,6 lbf ft	Degree of protection	IP 68
Insulation class	H	No. starts per hour	15

Sulzer reserves the right to change any data and dimensions without prior notice and can not be held responsible for the use of information contained in this software.

3/4

Curve number	<b>Pump performance curves</b>	<b>SULZER</b>
Reference curve XFP100C-CB 60HZ	<b>XFP100C CB1 60HZ (wet pit)</b>	

		Discharge DN100	Frequency 60 Hz
Density 62,31 lb/ft <sup>3</sup>	Viscosity 1 mm <sup>2</sup> /s	Testnorm ISO 9906: 2012, HI 11.6/14.6 ≤10kV	Rated speed 1158 rpm
Flow 257 US g.p.m.	Head 21,1 ft	Rated power 2,25 hp	Hydraulic efficiency 62,7 %
			Date 2016-09-12
			NPSH 3,72 ft



Impeller size 8,35 inch	N° of vanes 1	Impeller Contrablock Plus impeller, 1 vane	Solid size 3 inch
Revision			

4/4

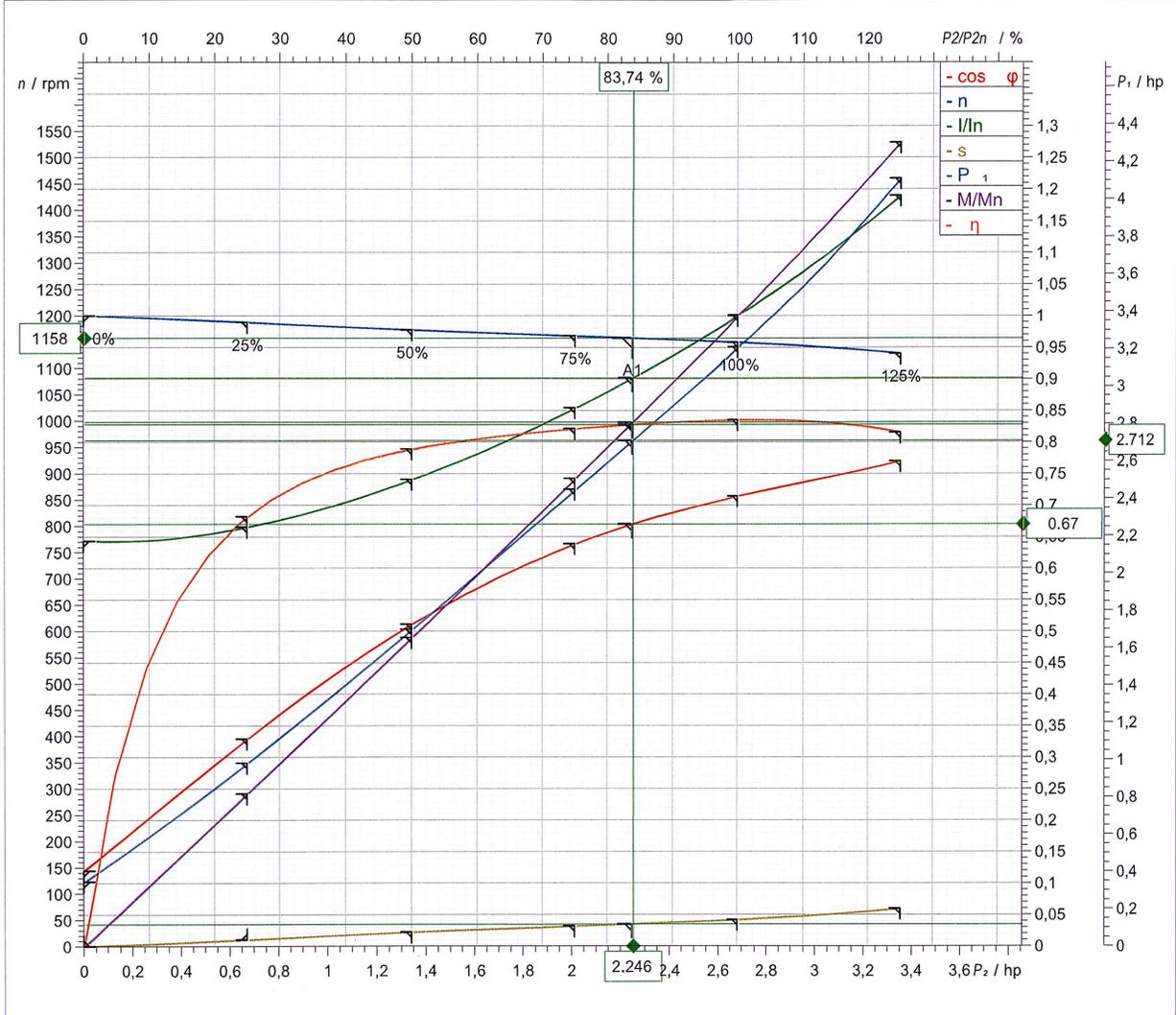
Frequency  
60 Hz

# Motor performance curve

PE20/6-C-60HZ

**SULZER**

Rated power 2,68 hp	Service factor 1,3	Nominal Speed 1150 rpm	Number of poles 6	Rated voltage 230 V	Date 2016-09-12
------------------------	-----------------------	---------------------------	----------------------	------------------------	--------------------



Symbol	No load	25 %	50 %	75 %	100 %	125 %
P <sub>2</sub> / hp	0	0,6705	1,341	2,012	2,682	3,353
P <sub>1</sub> / hp	0,3467	0,9834	1,7	2,449	3,211	4,112
η / %	0	68,18	78,9	82,14	83,52	81,53
n / rpm	1200	1187	1173	1162	1150	1128
cos φ	0,1201	0,3294	0,5112	0,6388	0,7146	0,7699
I / A	5,402	5,588	6,224	7,176	8,412	9,998
s / %	0,005622	1,055	2,223	3,194	4,195	5,994
M / lbf ft	0	2,966	6,003	9,095	12,25	15,61

Tolerance according to VDE 0530 T1 12.84 for rated power

Starting current 44,4 A	Starting torque 29,6 lbf ft	Moment of inertia 0,214 lb ft <sup>2</sup>	No. starts per hour 15
----------------------------	--------------------------------	---	---------------------------

City of Gilbert  
Request for City Council Action

8c  
1/2

**Date:** September 23, 2016

**Issue:** Quote for downstairs door for Community Center

**Background:** This project was budgeted for 2016 to replace the stop and the door for the Community Center.

This quote is for the door, the hardware, the closer, the panic bar and installation.

**Council Action:**

City Council action is requested to approve this quote from Glass & Door, Inc. in the amount of \$4,106.00 for the door for the Community Center.

# Proposal

Glass & Door Inc  
865-7151

2/2

PROPOSAL SUBMITTED TO: <i>Gilbert Community Center</i>	JOB NAME	JOB #
ADDRESS	JOB LOCATION	
	DATE <i>9-23-16</i>	DATE OF PLANS
PHONE #	FAX #	ARCHITECT

We hereby submit specifications and estimates for:

*Kawneer*

*# 40 DK Br*

*190 DR w/10" BT Rail*

*Dom 1790 Rim Panic*

*CO-9 Pull*

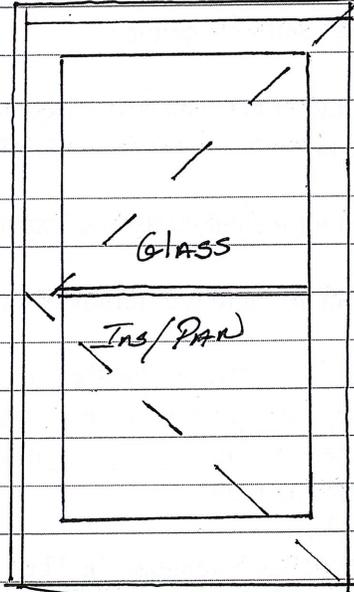
*LCN 1461 Closer*

*Std threshold*

*Sweep*

*1" o/a Clear temp Insul*

*1" o/a MAPES Insul Panel*



We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:

\$ *four thousand one hundred six & 00/100* Dollars

with payments to be made as follows: *upon completion*

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted, *Glass & Door Inc.*

Note - this proposal may be withdrawn by us if not accepted within *30* days.

## Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature \_\_\_\_\_

Date of Acceptance \_\_\_\_\_

Signature \_\_\_\_\_

8  
D

City of Gilbert  
Request for City Council Action

**Date:** September 23, 2016

**Issue:** Safety Issue at Wastewater Treatment Plant

**Background:** Pump in the overflow tank was plugged, it needed to be raised which is done by a manual cable winch welded to a handrail. After the pump was cleaned it was being lowered and the operators were attempting to place the pump back onto the rails, the pump does not properly fit through the opening, therefore, the pump needs to be maneuvered to make it go through the opening. Trudy slipped, releasing the handle of the winch, the pump plummeted into the tank in a free fall status, and Sam had a rope on the pump which then caught on his hand, potentially dragging him into the tank. The only reason he did not go into the tank is because he has the strength to bear the weight of the pump.

This is an extremely dangerous set up. The pump should be properly sized and the manual system needs to be upgraded to a mechanical system so no person is left bearing the weight of the pump and it needs to be designed so it can be lifted and lowered by one operator.

With the rain events lately, debris is clogging the pump requiring it to be raised and cleaned quite frequently. This is an extremely dangerous and hazardous operation.

**Council Action:**

City Council action is requested to authorize this improvement.

City of Gilbert  
Request for City Council Action

**Date:** September 22, 2016

**Issue:** City Council support for the Gilbert Fire Department to participate in discussions with Eveleth Fire Department and Fayal Fire Department, to be facilitated by the city of Eveleth, to explore operating options.

**Background:** The three fire departments approached the IRRRB about funding a study for the three departments. The IRRRB initially agreed then decided if the agency was going to fund a study on collaboration, the Virginia Fire Department and the Mt. Iron Fire Department should be included. Two meetings have been held with the five entities.

The initial three Fire Departments have no interest in a Fire District and would like to resume discussions about their original intent, exploring operating options. The city of Eveleth is willing to facilitate this process.

The Gilbert Fire Department is asking the Gilbert City Council to take action supporting the exploration of operating options to be facilitated by the city of Eveleth for the Fire Departments of Gilbert, Eveleth and Fayal. This only means the Gilbert City Council, City Clerk and Fire Department will participate in the discussions to determine if there are any advantages to the city of Gilbert to move in the direction of a merger of the departments. This is not intended to commit to moving forward with consolidation or merger of the departments.

**Council Action:**

City Council action is requested on this issue.

8  
T

City of Gilbert  
Request for City Council Action

**Date:** September 22, 2016

**Issue:** Recommendation from Planning Commission to request the city to survey parcel 060-0010-02060, Plat Gilbert Lot 0000 Block 10, located at 102 North Broadway to determine property lines for the purpose of establishing setback requirements from the alley ROW.

**Background:** The Planning Commission took action September 12, 2016 to request the above.

**Council Action:**

City Council action is requested on this issue.

Debra-

Please include in the Planning Commissions September Meeting Minutes for the next City Council Meeting. Highlights of the September 12, 2016 meeting include the following:

Motion by Sailer second by Gulbranson to send Paul Bontem a request for Permit on enclosed patio and to charge Paul the after the fact Permit Fee of \$1,000.

All approve Motion passes 5-0

Motion by Dennie second by Goblirsch to request City Survey of Paul Bontem's Yo Mudders Property Parcel code 060-0010-02060 Plat Gilbert Lot 0000 Block 10 102 North Broadway for setback violations and or encroachment on city alley right-of-way.

All approve Motion passes 5-0

Motion by Sailer second by Gulbranson to request a removal of an illegal structure constructed At parcel code 060-002-02370 Plat Gilbert 1st Addition Lot 0000 Block 012 506 Broadway Street South owned by Anthony Lee Guritz. The home owner is in violation of side setbacks to the home at 504 Broadway South. All approve Motion passes 5-0

Erik C. Wedge, AIA, LEED AP, NCARB  
Planning & Zoning Administrator  
City of Gilbert

16 Broadway Street South|PO Box 548  
Gilbert, Minnesota 55741

218.748.2232 main | 218.748.6933 direct | 218.290.8930 mobile | 218.748.2232 fax  
ewedge@dsgw.com<mailto:ewedge@dsgw.com> | [www.gilbertmn.org](http://www.gilbertmn.org)

City of Gilbert  
Request for City Council Action

8 G  
1/2

**Date:** September 21, 2016

**Issue:** The Gilbert Community Church is requesting to rent the Community Center dining room and kitchen for a reduced rate of \$100/day for both.

**Background:** The Gilbert Community Church as rented the Community Center kitchen and dining room for several years for their annual pasty sale fund raiser. The current rental fees for the Community Center are \$80/day each for the kitchen and dining room for a total of \$160/day.

**Council Action:** City Council action is requested on this issue.

2/2

September 13, 2016

Dear Clerk Sakrison and Gilbert City Council:

The Gilbert Community Church is requesting the use of the Community Center on Oct. 10-11 for our annual pasty sale. The new rates present a hardship for us as we try to re-establish ourselves in this community. We have hired our own minister and are no longer part of the Virginia parish. Our church has been doing pasty sales for 45 years and hope to continue into the future as they are a tradition in our community. Originally, the city would allow each church to use the Community Center free once a year.

We are asking to pay the rates we have in the past which were \$100 a day for the kitchen and the dining room.

Thank you for your consideration! God bless you!

John Malevich  
Administrative Council Chairperson

City of Gilbert  
Request for City Council Action

8  
H  
1/7

**Date:** September 23, 2016

**Issue:** Chapter 130 Article 130.01 Dangerous Weapons aka Hunting in Gilbert

**Background:** The current Ordinance prohibits the discharge of any firearms or the shooting of any bow in the city limits of Gilbert. The MN Trespass Law was reviewed, other city's ordinances were looked at and there has been input from residents. The attached is a proposed change to the pertinent section of Chapter 130. Items in red are proposed changes and Ordinance 2016-02 reflects the proposed changes in Ordinance form.

**Council Action:**

City Council action is requested on this issue. Any action will require a roll call vote.

2/7

# TRESPASS LAW

The trespass law applies to all outdoor recreation, including: hunting, boating, fishing, trapping, hiking, and camping. When taking part in outdoor recreation, you may not enter legally posted land or agricultural land without permission.

Landowners, lessees, or authorized managers need only post their land once a year. The signs must be placed at intervals of 1,000 feet (500 feet in wooded areas) or signs may be placed at primary corners of each parcel and at access points to the property. Signs must state "No Trespassing," or similar words, in 2-inch high letters and have either the signature or the name and telephone number of the landowner, lessee, or manager.

There can be civil or criminal penalties for violation of the trespass laws with maximum fines up to \$3,000 and license revocation. All conservation officers and peace officers enforce trespass laws.

## RESTRICTIONS

- A person may not enter legally posted land for outdoor recreation purposes without permission.
- A person may not enter agricultural land for outdoor recreation purposes without permission.

**Dunham's**  
SPORTS

**20% OFF\***

**Regular Price Of Any One Item In Stock With Coupon**

\*Excludes: Firearms, ammunition, licenses, select Asics, Nike, Perception, & TaylorMade product, GoPro, Merrell footwear, Oakley, Spyder, TenPoint, Ugg, Under Armour, Yeti, Columbia, Garmin, tennis balls, Titleist balls, bats over \$149.99, KL Pro 120 boat trailer, augers, shanties, bulk deer corn, Esky coolers, GPS/fish finders, motors, marine batteries, motorized vehicles, gift cards. Not valid for online purchases. Cannot be used with another offer, coupon, current sale or clearance item. Only one coupon per item. One coupon per customer. Not valid on previous purchases. Void if copied. Not for resale.

Coupon Expires July 31, 2017

16-P-229



1725600000000

Paid Advertisement

 **SPORTSMAN'S FREEZER.COM**

**ATTENTION MINNESOTA HUNTERS!**  
Find Quality Deer & Wild Game Processors  
Where You Live or Hunt!

- Online Directory of Wild Game Processors
- Search By Location and Species
- Whole Animal Processing or BYO Trim Meat
- Processing Discounts, Recipes, Tips, & More!

**ENTER TO WIN!**  
Free Processing This Season  
For Your Deer or Wild Game  
\$300 Value - Enter by 10.21.2016

Mobile Friendly Site - Look Us Up Today!  
[www.sportsmansfreezer.com](http://www.sportsmansfreezer.com)

  
Paid Advertisement

- A person may not remain on or return within one year to any private land for outdoor recreation purposes after being told to leave by the owner, occupant or lessee.
- On another person's private land or a public right-of-way, a person may not discharge a firearm within 500 feet of a building occupied by humans or livestock without written permission of the owner, occupant or lessee of the building.
- A person may hunt from the water or from public land that is within 500 feet of a building occupied by humans or livestock.
- A person may not discharge a firearm within 500 feet of a corral confining livestock for the purpose of normal livestock holding or sorting operations without permission. This does not apply to persons hunting during an established season on state or local government-owned land that is not road right-of-way.
- A person may not take a wild animal on any land where the person is prohibited from lawfully entering by this law. This prohibition includes coyote hunters intentionally running their dogs on posted or agricultural land without permission of the landowner, occupant, or lessee.
- A person may not wound or kill another person's domestic animal, destroy private property, or pass through a closed gate without returning it to the original position.

**Exceptions**

- A person on foot may, without permission, enter land that is not posted to retrieve a wounded animal that was lawfully shot, but may not remain on the land after being told to leave.
- A person on foot may, without permission, enter private land without a firearm to retrieve a hunting dog. After retrieving the dog, the person must immediately leave the premises. This exception does not authorize the taking of the wild animal.
- A person on foot may, without permission, enter land that is posted with "Walk-In Access" signs.

**Permission is required on agricultural land even if it's not posted. What is agricultural land?**

"Agricultural land" is land that: 1) is plowed or tilled; 2) has standing crops or crop residues; 3) is within a maintained fence for enclosing domestic livestock (including horses); 4) is planted to native or introduced grassland or hay land; or 5) is planted to short-rotation woody crops (hybrid poplar and other woody plants that are harvested for their fiber within 15 years of planting).

Lands considered agricultural: all planted grassland and hayland and all hybrid poplar and other woody plants that are harvested for their fiber within 15 years of planting are considered agricultural land, including

**CHAPTER 130: GENERAL OFFENSES**

Section

130.01 Dangerous weapons and articles

**§ 130.01 DANGEROUS WEAPONS AND ARTICLES.**

(A) *Acts prohibited.* It is unlawful for any person to:

- (1) Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another;
- (2) Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another;
- (3) Manufacture or sell for any unlawful purpose any weapon known as a slung shot or sand club;
- (4) Manufacture, transfer, or possess metal knuckles or a switch blade knife opening automatically;
- (5) Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another;
- ~~(6) Sell or have in his or her possession any device designed to silence or muffle the discharge of a firearm;~~
- (7) (6) Permit, as a parent or guardian, any child under 14 years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or
- (8) (7) Furnish a minor under 18 years of age with a firearm, air gun, ammunition, or explosive without the written consent of his or her parent or guardian or of the Police Department.

(B) *Exception.* Nothing in division (A) above shall prohibit the possession of the articles therein mentioned if the purpose of the possession is for public exhibition by museums or collectors of art.

(C) (1) *Discharge of firearms and explosives.* It is unlawful for any person to fire or discharge any cannon, ~~gun, pistol, or other firearm,~~ firecracker, sky rocket or other fireworks. ~~air gun, air rifle, or other similar device commonly referred to as a BB gun.~~ *Exception.* Nothing in division (C) above **This section** shall **not** apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, ~~or to a peace officer in the discharge of his or her duty, or to a person in the lawful defense of his or her person or family.~~ **This section shall not apply to the discharge of firearms in a range authorized in writing by the Council.**

(C) (2) No person, except a law enforcement officer in the performance of duty, shall, within a PLATTED residential area of the City of Gilbert, discharge any gun, pistol, pellet gun, air rifle, or firearm of any description. This section shall not apply to a person in the lawful defense of his or her person or family or to the discharge of firearms in a range authorized in writing by the Council.

(C) (3) No person, except a law enforcement officer in the performance of duty, shall within the UNPLATTED area of the City of Gilbert, discharge any gun, pistol, pellet gun, air rifle or firearm of any description within 1,000 feet of any building occupied by a human or used for the purpose of housing animals of any kind, without the consent or permission of the owner of such premises.

(D)

(E)(D) *Possession and sale of fireworks.* It is unlawful for any person to sell, possess, or have in possession for the purpose of sale, except as allowed in division (D C(1)) above, any firecrackers, sky rockets, or other fireworks.

(E)(E) *Exposure of unused container.* It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges, or latches.

(F)(F) *Use of bow and arrow.* It is unlawful for any person to shoot a bow and arrow in the platted areas of the City of Gilbert or within 300 feet of any structures in the unplatted areas of the City of Gilbert, except in the physical education program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Police Chief, or a bow and arrow range authorized by the Council.

6/7

ORDINANCE NO. 2016-02

**AN ORDINANCE AMENDING CHAPTER 130 OF THE  
CITY CODE OF THE CITY OF GILBERT.**

The City Council of the City of Gilbert does ordain as follows:

Section 1. Chapter 130.01 is hereby AMENDED to read as follows:

**Section 130.01 DANGEROUS WEAPONS AND ARTICLES.**

(A) *Acts prohibited.* It is unlawful for any person to:

(1) Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another;

(2) Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another;

(3) Manufacture or sell for any unlawful purpose any weapon known as a slung shot or sand club;

(4) Manufacture, transfer, or possess metal knuckles or a switch blade knife opening automatically;

(5) Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another;

(6) Permit, as a parent or guardian, any child under 14 years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or

(7) Furnish a minor under 18 years of age with a firearm, air gun, ammunition, or explosive without the written consent of his or her parent or guardian or of the Police Department.

(B) *Exception.* Nothing in division (A) above shall prohibit the possession of the articles therein mentioned if the purpose of the possession is for public exhibition by museums or collectors of art.

(C) (1) *Discharge of explosives.* It is unlawful for any person to fire or discharge any cannon, firecracker, sky rocket or other fireworks. *Exception.* This section shall not apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council.

(C) (2) No person, except a law enforcement officer in the performance of duty, shall, within a PLATTED residential area of the City of Gilbert, discharge any gun, pistol, pellet gun, air rifle,

or firearm of any description. This section shall not apply to a person in the lawful defense of his or her person or family or to the discharge of firearms in a range authorized in writing by the Council.

(C) (3) No person, except a law enforcement officer in the performance of duty, shall within the UNPLATTED area of the City of Gilbert, discharge any gun, pistol, pellet gun, air rifle or firearm of any description within 1,000 feet of any building occupied by a human or used for the purpose of housing animals of any kind, without the consent or permission of the owner of such premises.

(D) *Possession and sale of fireworks.* It is unlawful for any person to sell, possess, or have in possession for the purpose of sale, except as allowed in division (C(1)) above, any firecrackers, sky rockets, or other fireworks.

(E) *Exposure of unused container.* It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges, or latches.

(F) *Use of bow and arrow.* It is unlawful for any person to shoot a bow and arrow in the platted areas of the City of Gilbert or within 300 feet of any structures in the unplatted areas of the City of Gilbert, except in the physical education program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Police Chief, or a bow and arrow range authorized by the Council.

Section 2. This ordinance shall take effect 30 days after its publication in the City's official newspaper.

Moved by Councilperson \_\_\_\_\_ and seconded by Councilperson \_\_\_\_\_ that the foregoing Ordinance be accepted.

Voting Yes:  
Voting No:  
Absent:

This Ordinance adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

CITY OF GILBERT

\_\_\_\_\_  
Debra Sakrison, City Clerk

By \_\_\_\_\_  
Robert Kutsi, Mayor

City of Gilbert  
Request for City Council Action

8  
I  
1/2

**Date:** September 21, 2016

**Issue:** The city is required to set and certify the proposed tax levy for 2017 by September 30, 2016. The public hearing to discuss the 2017 budget has to be held between November 25 and December 28, 2016.

**Background:** Last year as part of the levy setting discussions that with the 7% increase last year the city would look at -0-% levy increase for 2016. The amount is a 0% increase over the levy adopted in 2015.

**Council Action:**

City Council action is requested to pass Resolution 2016-16, Certifying the Proposed 2016 Tax Levy, Collectible in 2017 for \$1,136,822 and to set the Public Hearing to discuss the 2017 budget for 6:30 p.m. on December 5, 2016.



2/2

# City of Gilbert

www.gilbertmn.org

16 South Broadway • P.O. Box 548 • Gilbert, MN 55741

Phone: 218-748-2232 • Fax: 218-748-2234

## RESOLUTION NO. 2016-16

### RESOLUTION CERTIFYING THE PROPOSED 2016 TAX LEVY, COLLECTIBLE IN 2017 AND SCHEDULING THE PUBLIC HEARING MEETING FOR THE 2016 BUDGET

**WHEREAS**, the city of Gilbert must conform to the timetable the state of Minnesota has adopted for the "Truth in Taxation" procedure; and

**WHEREAS**, the city of Gilbert has received certification from the state of Minnesota of the Local Government Aids;

**NOW, THEREFORE, BE IT RESOLVED** that the city of Gilbert, County of St. Louis, Minnesota, is hereby certifying a total PRELIMINARY PROPOSED tax levy for the current year, collectible in 2017 of

Total Levy	\$ 1,136,822
------------	--------------

**BE IT FURTHER RESOLVED** that the city of Gilbert, Minnesota intends to present the budget and levy to the public for information and to receive public input at a Public Hearing on Monday, December 5, 2016 at 6:30 p.m.

Adopted this 27<sup>th</sup> day of September, 2016

\_\_\_\_\_  
Robert Kutsi, Mayor

Attest:

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

10  
A

**E.F.G.S.D. JOINT POWERS RECREATION BOARD MEETING**  
**Wednesday August 10, 2016**

Meeting called to order by Chairperson Maroste @ 5:17 p.m.

Roll Call: Present: Maroste, Coombe, Hultman, Peterson, Lautigar, Torrel, Lindseth, Forte and Director Homola.

Approval of minutes: Motion by Lautigar, 2<sup>nd</sup> by Lindseth, to approve the minutes of the July 13, 2016 meeting. Motion Carried.

Financial Report: Motion by Coombe, 2<sup>nd</sup> by Lautigar, to approve the financial report as posted and the July 2016 bills in the amount of \$17,817.62 M.C.

Correspondence: NONE

Old Business: A. Baseball / Softball: Season has ended. The BB/SB season went well. The EG Babe Ruth team won the Iron Range BB Championship. Discussion about hosting a Little League

B. Open Gym / Weight Room: Mitchell Huffman reported there were an average of 15-20 participants utilizing the Open Gym and Weight Room this year. The last day will be Thursday August 11, 2016.

New Business: A. Donation: Louise Rogriguez made a donation in the name of Zach Adams (Family) for Little League BB and will be used to help purchase LL uniforms next season.

B. Volleyball Program: Lori Perushek has agreed to be the volleyball Coordinator in a modified role this season. Motion by Torrel, 2<sup>nd</sup> by Lindseth, to approve Lori Perushek as Volleyball coordinator for the upcoming season. M.C. Director sent letters to potential coaches for the program. Registration will be Wednesday September 7, 2016 from 5:00 – 6:30 p.m.

C. Flag Football Program: Director contacted last years coordinator to see if there is interest to do the same this season. Motion by Hultman, 2<sup>nd</sup> by Lautigar, to approve, Nick Miller as FF coordinator for the 2016 season. M.C. Flag Football registration will be Wednesday September 7, 2016 from 5:00 – 6:30 p.m.

Other Business: NONE

Motion by Hultman to adjourn, 2<sup>nd</sup> by Lindseth. M.C. Meeting adjourned @ 5:45 p.m.

Respectfully submitted;  
J. Torrel – Sect./Treasurer

# Gilbert Planning & Zoning Commission

Regular Meeting – Monday, September 12, 2016

10 B  
1/3

Meeting called to order 7:01

Members Present: Sailer, Goblirsch, Dennie, St. Lawrence, Gulbranson, Administrator Wedge

Guests: City Attorney Micheal Kearney, Councilor Robert Pontinen, Keith Shatava

## Old Business:

None

## New Business

Mike Sailer requested that City Attorney Micheal Kearney be in attendance to clarify the Planning Commissions Duties. City Attorney Kearney clarified that the Planning Commission is only advisory to the City Council.

Keith Shatava Explained his frustration with water damage to his funeral home caused by land alterations by his neighbor Paul Bontem's owner of Yo Mudders Bar.

1. Findings of Fact: The Planning Commission doesn't have a Permit on record for patio roof. The Planning Commission does have one from 2009 for entrance work. Paul has completed building permits in 2006, 2007, 2008 and the last one on file is from 2009.
2. Topographical changes are not governed by the land use permit requirements.
3. As what has been shared with Keith he should seek legal counsel on the following rule applies to Minnesota State Law
  - A. **The reasonableness rule.** In a majority of states, when one neighbor alters the land and damage occurs to another, the neighbor is liable for the damage if the alteration was "unreasonable." If you sue a neighbor over damage you've suffered, judges will want proof that the neighbor did something unreasonable that altered the natural condition and caused your harm. What Is Reasonable? What is reasonable is decided by the courts on a case-by-case basis. In some cases, courts have found gutters and downspouts that send rainwater onto a neighbor's property to be "unreasonable." To determine if something is reasonable, a court may look at the following factors:
    - the nature and importance of any improvements that were made by the culvert
    - whether or not the damage was reasonably foreseeable by the ones who made the changes, and
    - the extent of damage compared to the value of any improvements.
    - (*Rodrigues v. State*, 472 P.2d 509 (Hawaii 1970).)
  - B. **The "common enemy" rule:** Lower landowners beware. In the past, many courts treated excessive rainwater as a "common enemy," damaging property at random. Under this theory, you were expected to take measures to protect your own property from water coursing across the land. Even if one neighbor who lived on higher ground diverted water to prevent flooding and deposited it on you, you were expected to protect yourself from the extra water.
    - a. Fortunately for lower landowners, the handful of states that still follow the common enemy rule but have modified it. These states allow a property owner to divert vagrant surface water only if the work is not unusual or

# Gilbert Planning & Zoning Commission

Regular Meeting – Monday, September 12, 2016

2/3

extraordinary and if the property owner uses reasonable care to avoid damaging adjoining property.

**C. The "civil law" rule:** Upper landowners beware. A number of states follow a rule which is, in theory, the opposite of the common enemy rule. The civil law rule holds that if a person alters the natural flow of surface waters in any way that harms the use and enjoyment of another property, that person will be liable for that harm. Unlike the common enemy rule, which requires lower landowners to fend for themselves, the civil law rule holds upper landowners liable for any detrimental changes in runoff patterns.

a. Like the common enemy rule, however, states no longer apply this rule in its strictest form. States have developed modifications and exceptions and now often judge the behavior of both parties before saddling the upper landowner with the bill. Some states, for example, expects that both parties will act reasonably, which includes the duty of the lower landowner to take protective steps.

4. Waste water is not governed by a land use permit. It is regulated by the State Building Code and Minnesota State Plumbing Code. The Minnesota State Plumbing Code regulates all water and waste drainage activities within a structure, including building drain and building sewer. The plumbing code ends at the:
  - i. Property line
  - ii. Start of public ownership, or
  - iii. Point of treatment or disposal
  - iv. In effect the plumbing piping on sump pumps is governed by the plumbing code to point of discharge and after that it is governed by the MPCA / EPA through a SWPPP Storm Water Pollution Prevention Plan
5. The planning Administrator did research that if a neighbor is legally responsible for water damage one property owner must have suffered they may be entitled to any or all of the following:
  - o compensation for cost of repairs and replacements
  - o compensation for expenses such as having to stay at a motel
  - o reimbursement for medical expenses
  - o compensation for mental distress, if you have suffered an underlying physical injury
  - o punitive damages, if a neighbor acted maliciously.
6. As the Planning Commission has stated several times adoption of the Minnesota State Building Code and all the requirements of permitting as required by the Department of Labor and Industry would address these concerns.

**Gilbert Planning & Zoning Commission**

Regular Meeting – Monday, September 12, 2016

Motion by Sailer second by Gulbranson to send Paul Bontem a request for Permit on enclosed patio and to charge Paul the after the fact Permit Fee of \$1,000.

**All approve Motion passes 5-0**

Motion by Dennie second by Goblirsch to request City Survey Paul Bontem’s Yo Mudders Property Parcel code 060-0010-02060 Plat Gilbert Lot 0000 Block 10 102 North Broadway for setback violations and or encroachment on city alley right-of-way.

**All approve Motion passes 5-0**

Motion by Sailer second by Gulbranson to request a removal of an illegal structure constructed At parcel code 060-002—02370 Plat Gilbert 1<sup>st</sup> Addition Lot 0000 Block 012 506 Broadway Street South owned by Anthony Lee Guritz. The home owner is in violation of side setbacks to the home at 504 Broadway South.

**All approve Motion passes 5-0**

Motion by Sailer second by Gulbranson to have that the Planning and Zoning Commission of the City Of Gilbert, Minnesota will hold a Special Public Hearing on Monday September 19, 2016 at 7:00 PM at the Gilbert City Hall to consider the following:

- 1. To approve the meeting minutes of Monday September 12, 2016 for City Council Review on Tuesday September 27, 2016.

**All approve Motion passes 5-0**

Motion by Sailer second by Gulbranson to adjorn meeting at 8:35.

**All Approve Motion passes 5-0.**

Submitted by Erik Wedge