

CITY COUNCIL

7:00 P.M.

December 3, 2007

Present: Scott M. Johnson
David Gustafson
Pat Kelley
Steven Marolt
Amber Dow

Tom Smith, City Administrator
Wayne G. Johnson, City Attorney

Also attending: Shelley Fredrickson, John Fredrickson, Chris Mattila, Dale Johnson, Jack Swanson, Marie Frey, Mitch Dow

Mayor Johnson called the meeting to order at 7:03 p.m.

Mr. Smith administered the Oath of Office to Council Member Amber Dow.

CONSENT AGENDA – Motion Marolt, second Gustafson to approve the Consent Agenda (minutes of November 19 Joint Council/Liquor Commission meeting and November 19 regular Council meeting). THE MOTION CARRIED

PETITIONS, REQUESTS, & COMMUNICATIONS

Request to join Coalition of Greater MN Cities – NEXT AGENDA

Letter from concerned citizen regarding vehicles parked in yards for extended periods of time. Mayor Johnson said he was acknowledging this letter, although it had not been signed, because the issue was of concern to the city. Atty. Johnson will research the Code to determine what can be enforced.

Mayor Johnson noted NorthShore Mining officials were going to apply for a grant from the Cleveland Cliffs foundation for a public siren system.

DEPARTMENTS – CITY ATTORNEY – Atty. Johnson reported on leases prepared for the County and for the Dilly Dally Shop at MacDonald Center.

OLD BUSINESS – ADVERTISEMENT FOR CITY ADMINISTRATOR POSITION – Motion Kelley, second Marolt to advertise the position of city administrator in the Int'l City/County Management Association Newsletter, the Duluth Tribune and the Minneapolis Tribune.
THE MOTION CARRIED

Marie Frey reported there still had been no communication from the cable company regarding the franchise. She asked if the city planned to pass an ordinance regarding dumpsters on private property. Member Kelley reported Planning and Zoning had discussed this and felt no Code change was needed since the City Code already stated

garbage containers and dumpsters had to be in a closed building such as a garage. No changes other than enforcing the current City Code were therefore necessary.

Dec. 3 memorandum from LHB engineers regarding the liquor store project discussed on November 30 with members of the Liquor Commission. In order to meet the timeline to reopen before Labor Day in 2008, only the remodeling portion will be done this winter. The addition (Phase II of the project) will be bid as a deduct to the project. Work on Phase II would be completed over the spring and summer months. Council discussed the cost and ways to fund the project. It was clarified Council would not be obligated to accept the bids if the cost was too high.

Motion Gustafson, second Kelley to authorize the city administrator to issue a request for bids for the remodeling and expansion of the city liquor store. THE MOTION CARRIED

NEW BUSINESS

FREDRICKSON SUBDIVISION – David Salene was present to explain how the city could assist a private developer by issuing an assessment bond to pay for infrastructure for the 6 lots proposed for the John Fredrickson Parcel on Marks. Assisting the developer in securing cheaper financing would make this project more viable for the developer, he stated. Mayor Johnson noted additional lots would provide additional tax base for the City.

Motion Marolt, second Gustafson to enter into an agreement with David Salene to proceed with a development agreement and assessment agreement for the John Fredrickson Parcel on Marks. THE MOTION CARRIED

RESOLUTION AUTHORIZING GRANT APPLICATION FOR CAMPGROUND - PLAN/DESIGN – The local match for the grant would be \$5,000. Member Kelley suggested funds for the \$5,000 local match for the grant be taken out of the Parks and Recreation Fund 251 within the function code 45183 Campground rather than from the Public Works Reserve.

Motion Kelley, second Gustafson to adopt **Resolution 2007-#33, A Resolution Authorizing Application to MN Lake Superior Coastal Program for Campground Plan/Design.**

Roll call vote: Member Gustafson – aye
Member Kelley – aye
Mayor Johnson – aye

Member Dow – aye
Member Marolt – aye

THE RESOLUTION WAS ADOPTED

RESOLUTION AUTHORIZING GRANT APPLICATION FOR WETLANDS STUDY/DELINEATION—BUSINESS PARK – Motion Gustafson, second Kelley to adopt **Resolution 2007-#34, Authorizing Application to MN Lake Superior Coastal Program for a Grant for Wetlands Study/Delineation in the Business Park.**

Member Marolt expressed opposition to taking the \$1900 needed for the match from the Public Works Reserve. He was also opposed to the suggestion to take the money from

the Economic Development Authority which, he said, needed its funds for an assisted living study.

Roll call vote: Member Gustafson – aye Member Dow – aye
 Member Kelley – aye Member Marolt – naye
 Mayor Johnson – aye

THE RESOLUTION WAS ADOPTED, 4 AYE, 1 NAYE

Mayor Johnson asked that Member Marolt bring a suggestion to the next meeting regarding a fund from which to take the \$1900 needed for the match.

REQUEST FOR FUNDS FOR 2008 CITY CELEBRATION - Motion Gustafson, second Kelley to donate \$3,000 to the 2008 city celebration committee.

Council agreed the \$3,000 would be taken from General Government Donations. Member Marolt asked that the Committee provide the Council with information on their budget and expenditures for the event.

THE MOTION CARRIED

ADJUSTING JOURNAL ENTRIES – TABLED

RECOMMENDATION FOR WATER/SEWER OPERATOR POSITION - A November 27 memo from Utility Supt. Duresky states that four persons were interviewed on Nov. 20 for the water/wastewater operator position. The Personnel Committee recommends that Jason Roswold be approved by Council as the new hire for the department. Council members raised some questions regarding the point interviewees had received and the Opinion prepared by the City Attorney regarding veterans preference.

Mayor Johnson requested a brief recess to allow the Personnel Committee members (Mayor Johnson, City Administrator, Member Gustafson) to meet with the City Attorney.

The meeting recessed at 7:59 p.m. The meeting reopened at 8:18 p.m. Mayor Johnson announced that the Personnel Committee had discussed some questions regarding the hiring process for the water/wastewater operator position with the City Attorney. He asked that Council table this issue at this time.

TRANSITION—CITY ADMINISTRATOR—MR. BRUMBERG – Motion Gustafson, second Kelley to authorize the mayor to negotiate a month-to-month contract with former city administrator Gary Brumberg to assist during the transition from January 1 until another city administrator is hired. THE MOTION CARRIED

LEAGUE OF MN CITIES INSURANCE TRUST WAIVER FORM APPRAISAL - Motion Gustafson, second Dow to choose “The City Does Not Waive the monetary limits on municipal tort liability” option on the League of MN Cities Insurance Trust Liability Coverage Waiver Form. THE MOTION CARRIED

WINTER PARKING ENFORCEMENT – Member Kelley raised the issue of vehicles parked on city streets which were not moved when the street department plowed snow. He expressed his frustration that the vehicles were neither moved nor tagged for a violation. Council members agreed they wanted the police department to enforce the ordinance regarding vehicles parked on city streets.

Member Kelley suggested that when the officer on duty was not in the police department, phone calls should be transferred to the officer's cell phone rather than to the county, which had a long and confusing menu of options. Mayor Johnson asked the city administrator to discuss this with the police chief.

Atty. Johnson reported he had determined that the newly formed tourism group could serve as the fiscal agent for the money collected from the lodging tax and said he would prepare the necessary agreement for this.

CLAIMS – Motion Kelley, second Marolt to approve payment of \$52,941.02 unpaid claims and \$113,703.36 paid claims as presented. THE MOTION CARRIED

Member Kelley asked Mr. Smith to provide information regarding how union employees were paid for holidays.

Motion Kelley, second Marolt to adjourn at 8:30 p.m. THE MOTION CARRIED

Scott M. Johnson, Mayor

Tom Smith, City Administrator