

CITY COUNCIL

7:00 P.M.

December 21, 2009

Present: Mayor Scott M. Johnson
Steven Marolt
Joanne Johnson
Carlene Perfetto

David Gustafson – excused

Lana Fralich, City Administrator
Gerald Morris, City Attorney
Gary and Vicki Stevens

Mayor Johnson called the meeting to order at 7:00p.m.

Oath of Office – Administrator Fralich administered the oath of office to Council Member Joanne Johnson.

Agenda – Appointment of acting Mayor was added to the agenda. Airport hangar leases was added to City Administrator. Duluth Days at the State Capitol was added to New Business. Motion by Marolt, second Perfetto to approve the agenda as amended. MOTION CARRIED.

Consent Agenda – Motion by Perfetto, second Johnson to approve the minutes of the December 7, 2009 Council meeting and the November 2009 Treasurer's Report. MOTION CARRIED.

Appointment of Acting Mayor – Motion by Johnson, second Perfetto, to appoint Steven Marolt as Acting Mayor. MOTION CARRIED.

Petitions, Requests and Communications

SBATA Sign Request – The Council reviewed a letter from Silver Bay Area Tourism Association (SBATA) requesting to update and manage one of the billboards, on Highway 61, that is owned by the City. There was discussion on ownership of the signs and permits from the State. There was a consensus to let SBATA update and manage the sign, and that the new sign should continue to advertise the businesses within the community. The City Administrator will work with City Attorney and SBATA to develop a lease agreement for management of the sign and bring to a future meeting for approval.

Letter of thanks from AEOA – The Council reviewed a letter of thanks from the AEOA for renting the ReUnion Hall at a minimal charge for a Community Connect event held on October 22.

City Administrator

Census Bureau room donation – The Council reviewed a Donation of Services and Space Agreement with the Census Bureau, to donate space in the Mary MacDonald Center for a service center for the 2010 Census, from March 19 through April 19. The Mary MacDonald Committee has recommended approval of this agreement. There was discussion about parking issues at the Mary MacDonald Center. Motion by Johnson, second Marolt to approve the Donation of Services and Space Agreement with the Census Bureau. MOTION CARRIED.

2010 Council Meeting dates and Holidays – A list of 2010 City Council meeting dates and 2010 City Holidays was presented. The 2010 City Council meetings will be held on January 4, January 19, February 1, February 16, March 1, March 15, April 5, April 19, May 3, May 17, June 7, June 21, July 6, July 19, August 2, August 16, September 7, September 20, October 4, October 18, November 1, November 15, December 6 and December 20. The 2010 City Holidays will be January 1, January 18, February 15, May 31, July 5, September 6, October 11, November 11, November 25, December 23, December 24 and December 31. Motion by Marolt, second Perfetto to approve the 2010 Council meeting dates and 2010 City Holidays, as presented. MOTION CARRIED

2010 Cigarette and Beer Licenses – Motion by Perfetto, second Johnson to issue Cigarette Licenses to Silver Bay Spur, Bri-Esa's Convenience Store, Zupancich Brothers, Inc., and Silver Bay Municipal Liquor Store; to issue Beer on-sale licenses to Silver Bowl and Silver Bay Golf Course; to issue on-sale and off-sale, Monday through Saturday liquor license to Silver Bay Municipal Lounge; to issue on-sale, Monday through Saturday liquor license to the Reunion Hall; and to issue Sunday on-sale liquor license to Silver Bay Municipal Lounge. MOTION CARRIED.

Custodial Contract, June Talus – The Council reviewed a contract between the City and June Talus for custodial services at the Municipal Liquor Store. It was noted that because of increased events at the bar, increased custodial services are needed, and therefore the amount of the contract is increasing \$50 per month, to \$900. The Liquor Control Commission recommends approval of this contract. Motion by Perfetto, second Marolt to enter into contract with June Talus for custodial service at the Municipal Liquor Store for the year 2010. MOTION CARRIED.

Cellular Phone Use Policy – There was discussion on whether the policy should state that the particular items in the policy 'should', or 'will' be followed. There was discussion about cellular phone use for Police or emergency vehicles, and the enforceability of the language of the policy. It was noted that this policy would become part of the Personnel Policy. Motion by Johnson, second Marolt to approve the Cellular Phone Use Policy. MOTION CARRIED. The Council decided that they would revisit this policy at a later date.

Out of State Travel Policy – The minimal use of out of state travel was discussed. It was noted that this policy would become part of the Personnel Policy. Motion by Perfetto, second Johnson to approve the out of state travel policy. MOTION CARRIED.

Resolution 2009-66, amend contract with Johnson Wilson for Mary Mac. Project – It was noted that the project is nearing completion, and is finishing under budget. Motion by Perfetto, second Marolt to adopt Resolution 2009-66 authorizing to amend the contract to Johnson Wilson Constructors, Inc. for the rehabilitation project of the Mary MacDonald Business Center to expand the scope of the project.

Member Perfetto – aye

Member Johnson – aye

Member Marolt – aye

Mayor Johnson – aye

Member Gustafson – absent

THE RESOLUTION WAS ADOPTED. 4 aye, 0 nay, 1 absent

Vehicle Fleet Safety Policy amendment – The Safety Committee has recommended changes to this policy change sections 4 D, 3 G 19, and 3 G 21. Motion by Marolt, second Johnson to adopt the Vehicle Fleet Safety Policy as amended.

MOTION CARRIED.

Airport Hangar Leases – A list of Airport Hangar Leases for 2010-2011 was presented. The Airport Commission recommends approval of these leases. Motion by Johnson, second Perfetto to approve the airport hangar lease agreements with Tim Bjella, Terry Olson, Gregg Sutton, Steven Carpenter and Deborah Kaeder-Carpenter, Anthony Kramar, Tom and Julaine Setter and Tom Porter. MOTION CARRIED. It was noted that there is some empty hangar space available for storage rental.

City Attorney

Feeding of wild animals in City Limits – Representatives from the Department of Natural Resources were unable to attend this meeting and address this subject, but the Council did review information by the DNR discouraging the intentional feeding of deer. The Council also reviewed samples ordinances from other Cities that address this issue. Gary and Vicki Stevens addressed the Council in opposition to any action being taken on this issue. There was further discussion on the pros and cons of taking action on this issue. Motion by Marolt, second Johnson to take no further action, at this time, on the issue of the feeding of wild animals in City Limits. MOTION CARRIED.

Amendment of Code 910.03 – Boulevard Trees – Morris stated his opinion that there is nothing in the City Code that specifically addresses the issue of the pruning of boulevard trees. After consultation with the Police Dept., the Public Works Dept., and the City Administrator, Morris recommended amending Code 910.03 to add a subd. 5 that would make it a Code violation to prune or tamper with boulevard trees. This would allow the City to issue administrative citations for violations, but would not prohibit the City from seeking criminal charges if property damage was done to these trees. There was discussion on the maintenance of boulevard trees, and the wording of Code 910.03 that gives the Public Works Dept. the power to trim or remove trees, if the need arises.

Motion by Marolt, second Johnson to adopt Resolution 2009-67 enacting an amendment to Chapter 9, Section 910.03, Boulevard Tree care, of the Silver Bay City Code, by making it a violation to tamper with or damage a boulevard tree.

Member Perfetto – aye

Member Johnson – aye

Member Marolt – aye

Mayor Johnson – aye

Member Gustafson – absent

THE RESOLUTION WAS ADOPTED. 4 aye, 0 nay, 1 absent

OLD BUSINESS – No other old business was presented.

NEW BUSINESS

Review of 2009 – Fralich reviewed the major events of 2009, which included; the March 23 ice storm, breaking the Guinness Book of World Record for longest ATV Parade on June 13, the completion of the Park/Recreation 5-year plan, the restart of the Hockey Camp, the City computer upgrade, the completion of the Mary MacDonald Rehabilitation Project, the completion of the Library Strategic Plan, the Hell's Angels Motorcycle rally, the completion of the Airport Arrival/Departure building, the Sunday Liquor store opening, the purchase of tasers, and training for their use, by the Police Dept., and the Eco-Industrial Park project, and it's funding from MPCA and IRR. A thanks was given to Wayne Johnson for serving 53 years as the City Attorney, to Pete Morris for being appointed the new City Attorney, to Mayor Johnson, to Councilors Perfetto, Marolt and Gustafson, to Pat Kelley for his service on the Council, to Joanne Johnson for her appointment to the Council, to all of the volunteers on each of the City Boards and Commissions, and to each City employee.

Duluth Days at the State Capitol – Mayor Johnson has been invited to attend the Duluth Days at the State Capitol on March 3-4. The Mayor spoke about the importance of this event and its impact on State Legislative issues. There was discussion about a Councilor or the City Administrator also attending this event. Information on the event will be brought forward at a future date, but expenses for this are to be expected.

Claims – Motion by Perfetto, second Marolt to approve payment of \$32,270.15 paid claims and \$61,199.56 in unpaid claims. MOTION CARRIED.

Motion by Perfetto, second Johnson to adjourn at 8:05p.m. MOTION CARRIED.

Minutes taken by Lance K Beachem

Scott M. Johnson, Mayor

Lana Fralich, City Administrator