

## CITY COUNCIL

7:00 P.M.

March 15, 2010

Present: Scott M. Johnson  
 David Gustafson  
 Carlene Perfetto  
 Joanne Johnson  
 Steven Marolt

Lana Fralich, City Administrator  
 Pete Morris, City Attorney  
 Matt Suoja, Lake County News Chronicle  
 Lisa Cavallin, Active Living Coordinator  
 Kevin Johnson, MN DNR  
 Darren Christopher, RS&H Engineers

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

**Agenda** – Bay Days was added to New Business. Motion by Perfetto, second Marolt to approve the agenda as amended. MOTION CARRIED.

**Consent Agenda** – Motion by J Johnson, second Perfetto to approve the minutes of the March 1, 2010 Council meeting. MOTION CARRIED.

### PETITIONS, REQUESTS and COMMUNICATIONS

**Minnesota Historical Society, Split Rock Lighthouse** – The Council reviewed a letter from the Minnesota Historical Society requesting that the City include the purchase of fireworks for their July 31 Centennial Lighthouse Celebration with the City's annual fireworks purchase, and the City would be reimbursed for this purchase. It was noted that members of the Fire Dept. who are currently licensed to do so would set off the fireworks. Issues of liability were discussed. Motion by J Johnson, second Gustafson for the combined purchase of fireworks for the City and the Minnesota Historical Society, with reimbursement from the Historical Society for their portion of the purchase. MOTION CARRIED.

There was discussion on the City's July 4<sup>th</sup> Fireworks display, and the community involvement in purchasing additional fireworks for the display. Motion by Perfetto, second Marolt to advertise for community involvement in purchasing fireworks for the July 4<sup>th</sup> display. MOTION CARRIED.

**VFW Post #6204** – The Council reviewed a letter from the VFW asking to rent the ReUnion Hall at the minimal rate, for a fundraising sale on April 16, to benefit the remodeling of the Minnesota Veteran's Home. Motion by Perfetto, second Marolt to approve rental of the ReUnion Hall to the VFW on April 16 at the minimum rate of \$50. MOTION CARRIED.

**Day at the Capitol** – Mayor Johnson reported on the success of the Day at the Capitol event, held on March 2 – 4. The City delegation was able to meet with many State legislators about the Eco-Industrial Park, and other issues of concern to the City.

CITY ADMINISTRATOR

**Dilly Dally lease agreement** – The Council reviewed this agreement in which the store will continue to lease space at their present rate, and hereafter, if there is no further rentable space, and there is a business who is interested in renting space at full rent, the store would be given a 72 hour notice of increased rent or vacation of space. The Mary MacDonald Committee recommends the approval of this lease. Motion by J Johnson, second Gustafson to approve the lease agreement between the Dilly Dally store and the City to lease space at the Mary MacDonald Center through March 2011. MOTION CARRIED.

**ARDC Energy Action Plan** – The Council reviewed this plan, and discussed the benefit of this plan in regards to the development of the Eco-Industrial Park. The Economic Development Authority recommends submitting an application to the program. Motion by Marolt, second Perfetto to make application to the ARDC for the Energy Action Plan program. MOTION CARRIED.

**Resolution 2010- 14** – The Council reviewed the bids for this project, and Christopher gave a summary of the project and the bids. Motion by Gustafson, second J Johnson to adopt Resolution 2010-14 authorizing to execute the Federal Aviation Administration, on behalf of the United States, the grant agreement for the rehabilitation (crack seal) of the airfield pavements including runways, connecting taxiways and apron.

Member Marolt – aye

Member Johnson – aye

Member Gustafson – aye

Mayor Johnson – aye

Member Perfetto – nay

RESOLUTION 2010-14 was ADOPTED. 4 aye, 1 nay

**Resolution 2010- 15** – The Council reviewed an amendment to this contract. The final amount to the contract is \$199,120. Motion by Perfetto, second Gustafson to adopt Resolution 2010-15 authorizing to amend the contract to Home Menders Inc. for the construction of the arrival/departure building at the Wayne Johnson-City of Silver Bay municipal airport.

Member Marolt – aye

Member Johnson – aye

Member Gustafson – aye

Member Perfetto – aye

Mayor Johnson – aye

RESOLUTION 2010-15 was ADOPTED. 5 aye, 0 nay

**Resolution 2010- 16** – The Council reviewed the Active Living Action Plan for the City, and Cavallin gave an overview of the Governor's Fit City Program. Discussion followed regarding concerns of new responsibilities if funding is unavailable. Most of the tasks

identified are being currently being done by the City. The Parks/Rec. board recommends approval of this resolution. Motion by Perfetto, second J Johnson to adopt Resolution 2010-16 authorizing to submit application to the Governor of Minnesota's "Fit City" program and affirm the City's commitment to active-friendly living in the City of Silver Bay.

Member Marolt – aye  
 Member Gustafson – aye  
 Mayor Johnson – aye

Member Johnson – aye  
 Member Perfetto – aye

RESOLUTION 2010-16 was ADOPTED. 5 aye, 0 nay

**DRCC lease cancellation** – The Council reviewed a notice of vacancy of lease from Duluth Regional Care Center, because of their lack of State Aid. It was noted that this vacancy is allowable under their current lease agreement. The Mary MacDonald Committee recommends the cancellation of this lease. Motion by Perfetto, second J Johnson to approve the cancellation of the lease between Duluth Regional Care Center and the City, for space leased at the Mary MacDonald Center effective May 31, 2010. MOTION CARRIED.

**Summer and Part Time Employees** – The Council reviewed the list of summer and part-time seasonal positions. There was discussion on the work of the Personnel Committee on this issue. Motion by J Johnson, second Perfetto to advertise for summer and part-time Seasonal Employment positions. MOTION CARRIED.

**Security Windows for Municipal Building** – It was noted that the security windows in the Police Dept. and Administration office have been serviced in the past year, but are still not working properly and have become a safety concern. The budget for the municipal building improvements was reviewed. The Council reviewed three bids for the replacement of the two security windows. Motion by Perfetto, second Marolt to purchase two security windows from Phil's Garage Service for \$2,508, for the City Municipal Building. MOTION CARRIED.

CITY ATTORNEY

**Gitchi Gami Bike Trail** – Mayor Johnson gave a summary of the trail project as it relates to the City. Kevin Johnson gave a report on the project as it relates to the entire North Shore, the time deadlines for the portion of the trail that is scheduled to come into the City this summer, funding deadlines, and the agreement with North Shore Mining as it relates to their property. The Council reviewed a joint powers agreement from the MN DNR, and discussed the issue of using a cooperative/joint powers agreement, as opposed to a permanent easement, and the liability issues involved in these types of agreements. The City would prefer an easement but due to timing of funding the cooperative agreement would need to be completed. The DNR will begin working on a permanent easement and expects this to be completed within a year.

Motion by J Johnson, second Marolt to adopt Resolution 2010-17 authorizing to execute the State of Minnesota, Department of Natural Resources Cooperative agreement for the Gitchi Gami Bike Trail, and authorizing the Mayor and Administrator to sign.

Member Marolt – aye

Member Johnson – aye

Member Gustafson – aye

Member Perfetto – aye

Mayor Johnson – aye

RESOLUTION 2010-17 was ADOPTED. 5 aye, 0 nay

OLD BUSINESS – No other Old Business was presented

## NEW BUSINESS

**Nuisance Committee** – Marolt reported on the Nuisance Committee meeting of March 2. There was discussion on City Code Chapters 5 and 12, as they deal with this issue. It was noted that violations of the Code could be handled as a civil matter through the use of Administrative Citations. The process of enforcement was discussed, which included sending a letter of notice of violation, enforcement by the Police Dept., the issuing of Administrative Citations and holding Citation Hearings. There was discussion that the Police Dept. should send out the warning letters and issue violations. The Council thanked the Planning/Zoning Commission, the Nuisance Committee and the Police Dept. for their efforts that have brought better enforcement of violations in recent years, and also stressed the need for continued consistency in enforcement. There was discussion regarding motor vehicles and recreational vehicles, and whether or not to limit their number or where on the property they can be placed. This issue was referred back to the Police Dept. and the Nuisance Committee.

**Bay Days** – There was discussion about the use of City Equipment for the “Mud Run” event at the Bay Days celebration. Issues of liability and expense of using equipment was discussed. It was also noted that this event takes place on City property. There was consensus that City equipment could be used before the event to prepare the property, and after the event to bring the property back to its former condition, but to ask that the sponsoring organization provide their own equipment during the event. The Council also gave its consensus to turn the City owned float over to another community organization that would be better able to use and manage it, but would check with the City of Beaver Bay to make sure there weren’t any ownership issues.

**Claims** – Motion by Gustafson, second J Johnson to approve payment of \$70,117.80 paid claims, and \$52,900.53 in unpaid claims. MOTION CARRIED.

Motion by Perfetto, second Marolt to adjourn at 8:44p.m. MOTION CARRIED.

Minutes taken by Lance K Beachem

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Scott M. Johnson, Mayor

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Lana Fralich, City Administrator