

## CITY COUNCIL

7:00 P.M.

September 19, 2011

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

Joanne Johnson – excused

Lana Fralich, City Administrator  
 Pete Morris, City Attorney  
 Brittany Berrens, Lake Co. News Chronicle  
 Bernard Zupanich

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

**Agenda** – Resignation of Gary Stevens, Airport Commission was added to Administrator. Surplus Items and Golf Course Road were added to New Business. Motion by Marolt, second Perfetto to approve the agenda as amended. MOTION CARRIED.

**Consent Agenda** – Motion by Gustafson, second Marolt to approve the minutes of the September 6, 2011 regular Council meeting, the September 13, 2011 special meeting, and the August 2011 Treasurer's Report. MOTION CARRIED.

**Petitions, Requests and Communications** – No communications were presented.

### City Administrator

**Resolution 2011- 35, Lake Superior Coastal Grant** – The Council reviewed the grant contract. The EDA recommends approval of this grant. Motion by Marolt, second Perfetto to adopt Resolution 2011-35, authorizing the City of Silver Bay to enter into a grant agreement with the State of Minnesota through the Department of Natural Resources Office for the \$10,000 Lake Superior Coastal Program Grant to be used for the Educational Cluster of the Eco-Park.

Member Marolt – aye Member Johnson – aye Member Perfetto – aye

Member Gustafson – aye Mayor Johnson – aye

RESOLUTION 2011-35 was ADOPTED. 5 aye, 0 nay

**Appointment to the Planning and Zoning Commission** – The Planning and Zoning Commission recommends appointing Ken Smith to this commission. The Council reviewed Mr. Smith's application. Motion by Gustafson, second Perfetto to appoint Ken Smith to the Planning and Zoning Commission. MOTION CARRIED.

**Airport Capital Improvement Plan** – The Council reviewed the 5 year Capital Improvement Plan. It was noted that there are no projects listed for 2012 and that submitting the plan does not put any obligation on the City for the projects listed. The Airport Commission recommends approval of the Capital Improvement Plan. There was discussion about the feasibility of closing the airport. Motion by Gustafson, second Perfetto to approve the Airport 5-year Capital Improvement Plan. MOTION CARRIED.

**Removal of fuel tanks at Airport** – The Council reviewed the MPCA inspection report about compliance measures regarding the fuel tanks at the Airport. The Airport Commission recommends moving forward with removal of the fuel tanks. There was discussion about MPCA testing and requirements. Motion by Perfetto, second Marolt to move forward with removal of the fuel tanks at the Airport. MOTION CARRIED.

**Combining of Airport and Public Works Commissions** – The Airport and Public Works Commissions recommend combining the Airport Commission into the Public Works Commission, with one member of the Airport Commission filling the vacancy on the Public Works Commission. Motion by Perfetto, second Marolt to combine the Airport and Public Works Commissions into the Public Works Commission, and to appoint Tim Bjella to the Public Works Commission. The attorney expressed concerns about the requirements of the City Code as it relates to these commissions, questioned whether or not a Code amendment would be needed, and requested tabling this issue for further research. MOTION RECINDED. Motion by Perfetto, second Marolt to appoint Tim Bjella to the Public Works Commission. MOTION CARRIED. This issue was tabled.

**Chief of Police position** – Motion by Gustafson, second Marolt to appoint Mitch Dow as acting Police Chief for a 6-month probationary period at 95% of Chief of Police position pay, beginning September 20, with a review of the position at the end of this term. Gustafson, Marolt and Mayor Johnson voted aye, Perfetto voted nay. MOTION CARRIED. The Council reviewed a request of a six-month leave of absence or until position is filled, by Officer Mitch Dow, to serve as the acting police chief. Motion by Perfetto, second Marolt to approve a six-month leave of absence, or until position is filled, for Officer Mitch Dow and that he be allowed to return to his position as Police Officer with full union rights and seniority, if needed. MOTION CARRIED.

**Resignation of Gary Stevens, Airport Commission** - The Council reviewed an e-mail from Stevens requesting resignation from the Airport Commission, and thanked him for his service to the City. Motion by Perfetto, second Gustafson to accept the resignation of Gary Stevens from the Airport Commission. MOTION CARRIED.

**City Attorney** – No further business was presented by the attorney.

OLD BUISNESS

**Parking Ordinance** – The Council reviewed a letter and petition requesting a City ordinance to limit the number of vehicles that can be parked on the street. There was discussion about the information provided to the Safety Committee, Planning and Zoning Commission, Public Works Commission and the Police Department. This issue was tabled.

NEW BUSINESS

**City Hall Boiler replacement** – It was noted that the current City Hall boiler is non-operational. The Council reviewed two quotes for the replacement of the boiler. Motion by Perfetto, second Marolt to approve a quote from A.G. O'Brien Plumbing for replacement of the City Hall boiler, not to exceed \$22,117.00. MOTION CARRIED.

**Surplus Property** – The Council reviewed a list of surplus property that is recommended by the Public Works Commission. Motion by Perfetto, second Marolt to declare a 1998 Mercury Sable, 1970 John Deere bulldozer, 2003 snowblower, 1990 Ford F-150 truck, 1989 International truck, and a 1987 Ford F-150 truck as surplus property. MOTION CARRIED.

**Golf Course Road** – Marolt stressed concern for the use of the Golf Course Road being used for the bike trail project being constructed by the MN DNR and KGM Constructors. Fralich reported on meetings with the MN DNR and KGM Contractors and that videos and pictures of the condition of the road before construction have been taken, and that the Street Superintendent, MN DNR and KGM Contractors have inspected the road prior to construction. Zupanich expressed his concern about recent damage to the road. There was concern that the City has no written contract with KGM or the DNR for damages done to the road. This issue was forwarded to the Administrator and Street Superintendent, and was tabled.

**Claims** – Motion by Perfetto, second Gustafson to approve payment of \$102,238.45 in paid claims and \$50,320.62 in unpaid claims. MOTION CARRIED.

Motion by Marolt, second Perfetto to adjourn at 7:48p.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