

CITY COUNCIL

7:00 P.M.

September 21, 2009

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

Lana Fralich, City Administrator
Gerald Morris, City Attorney
Carol Hofschulte
Jenny Cook

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

Agenda – A letter of support from the Superior National Forest Byway and from Bicycling Around Minnesota were added to Communications. Motion by Marolt, second Kelley to approve the agenda as amended. MOTION CARRIED.

Consent agenda – Motion by Kelley, second Perfetto to approve the minutes of the September 8 Council meeting and the July 2009 financial report. MOTION CARRIED.

Petitions, Requests and Communications

Silver Bowl Pull-Tab Request – Hofschulte presented information on a request to sell pull-tabs at the Silver Bowl, with proceeds going to Jr. League Bowling. Community Charities of Minnesota would be the holder of the license. There was discussion about pull-tabs proceeds. Motion by Perfetto, second Gustafson to support the request to sell pull-tabs at the Silver Bowl. MOTION CARRIED.

Invitation to Lake County HRA Meeting – The Lake County HRA is holding a meeting in Beaver Bay at 7:00p.m. on October 6. Fralich and Johnson plan on attending this meeting.

Superior National Forest Byway – A letter was presented asking support for grant applications submitted to the IRR and the Lloyd Johnson Foundation by the Superior National Forest Byway. Motion by Marolt, second Kelley to send a letter of support for the grant applications submitted by the Superior National Forest Byway. MOTION CARRIED.

Bicycling Around Minnesota – A letter was presented asking if Silver Bay wanted to be considered as a host City for the Bicycling Around Minnesota ride

on August 18-21, 2010. This information was forwarded to the Parks and Recreation Board and the Tourism Association.

City Administrator

Home Use Permit, Jenny Cook – A Home Use Occupation Permit was presented for Mrs. Cook to have a photography business at 11 Nelson Drive. The Planning and Zoning Commission has completed the appropriate public hearings and is recommending approval of this permit. There was discussion about parking in that neighborhood. Motion by Perfetto, second Gustafson to grant a Home Use Occupation permit to Jenny Cook at 11 Nelson Drive. MOTION CARRIED.

Resolution 2009-50 Authorizing Golf Course Equipment – The Council approved the purchase of this equipment at the Sept. 8 meeting, and this resolution sets the specific terms of that Lease-purchase agreement and Repayment Agreement with the Silver Bay Golf Course. Motion by Perfetto, second Marolt to adopt Resolution 2009-50 authorizing Golf Course Equipment Lease with repayment agreement.

Member Kelley – aye

Member Perfetto – aye

Member Marolt – aye

Member Gustafson – aye

Mayor Johnson – aye

THE RESOLUTION WAS ADOPTED. 5 aye, 0 nay

Resolution 2009-51 Western Finance Lease Agreement – There has been a change in the amount of sales tax that is due in 2009 for this equipment that was purchased in February 2009. Sales Tax is required to be paid in advance for Lease buyouts that are less than 1% of the equipment purchase price at time of purchase. This resolution amends the payment schedule found in Resolution 2009-09 that paid the sales tax upon each annual payment. Motion by Marolt, second Gustafson to adopt Resolution 2009-51 authorizing to amend the lease agreement with Western Finance and Lease for the 2008 Toro Grounds Master 3500-D 3 WD Side Winder Rotary Mower.

Member Kelley – aye

Member Perfetto – aye

Member Marolt – aye

Member Gustafson – aye

Mayor Johnson – aye

THE RESOLUTION WAS ADOPTED. 5 aye, 0 nay

Appointment of Hearing Officer – A hearing for an Administrative Citation is pending, and the City's only hearing officer has a conflict of interest in this case. There was discussion about appointing other hearing officers, advertising for these appointments, and possible candidates. The Administrator, Attorney and Police Chief will work on how many people should be on the panel, and about the rotation of the different hearing officers. Motion by Kelley, second Perfetto to appoint Fred Mismash and Laurie Hohman for temporary appointment as Hearing Officers, until such time as permanent officers are appointed, and further

to advertise for up to three more additional permanent Hearing Officers.
MOTION CARRIED.

In keeping with LMC Safety and Loss Control recommendations, the City Administrator, Public Utilities Supt. and Public Works Supt. reviewed and revised each of the following safety programs. The Safety Committee has recommended approval of these programs. There was discussion on the procedure if any of the safety precautions in these programs were not followed. There was also discussion on heat-related stress and illnesses.

Vehicle Fleet Safety Program Policy – Motion by Perfetto, second Marolt to adopt the Vehicle Fleet Safety Program Policy. MOTION CARRIED.

Contractor Safety Program Policy – Motion by Kelley, second Perfetto, to adopt the Contractor Safety Program Policy. MOTION CARRIED.

Oxygen-Gas Welding Program Policy – Motion by Kelley, second Marolt to adopt the Oxygen-Gas Welding Program Policy. MOTION CARRIED.

Arc Welding Program Policy – Motion by Marolt, second Perfetto to adopt the Arc Welding Program Policy. MOTION CARRIED.

Hot Works Program Policy – Motion by Perfetto, second Kelley to adopt the Hot Works Program Policy. MOTION CARRIED.

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

OLD BUSINESS – No other old business was presented.

NEW BUSINESS

Claims – Motion by Marolt, second Kelley to approve payment of \$63,849.93 paid claims and \$52,803.58 in unpaid claims. MOTION CARRIED.

Motion by Kelley, second Perfetto to adjourn at 7:27p.m. MOTION CARRIED.

Minutes taken by Lance K Beachem

Scott M. Johnson, Mayor

Lana Fralich, City Administrator