

**THE MINUTES OF THE REGULAR MEETING
OF THE HIBBING CITY COUNCIL
July 21, 2010**

TIME AND PLACE: A regular meeting of the Hibbing City Council was held on Wednesday, July 21, 2010 at 6:00 p.m. in the Hibbing City Hall Council Chambers.

ATTENDANCE: Present at roll call: Acting Mayor Tim Harkonen, Clerk Patrick L. Garrity, Councilor Patty Shafer, Councilor Jack Lund, Councilor Frank Bigelow, and Councilor Darby Sater. Absent was Mayor Richard M. Wolff. Also present were Police Chief Duane Gielen, Finance Director Sherri A. Renskers, City Engineer John P. Suihkonen, City Administrator Brian Redshaw, City Attorney Andy Borland, and Administrative Council Assistant Sharon Ross

CALL TO ORDER: Acting Mayor Harkonen called the meeting to order at 6:00 p.m.

ADDs & DELETES: Acting Mayor Harkonen read into record the revisions to the original agenda:

- Delete: Public Hearing Relative to Liquor License Violation
- Add: Consent Agenda: Item #1, Accounts Payable dated 07/19/2010
- Add: Consent Agenda: Item #15, Closed Session Date
- Pull: Consent Agenda: Item #16, Special Event Permit
- Add: Finance Department: Item "a", Transportation Resolution
- Delete: City Administrator's Office: Item "c", Purchase Agreement

I. APPROVE MINUTES:

- Councilor Bigelow, supported by Councilor Lund moved to approve the minutes of the regular meeting of the Hibbing City Council of June 2, 2010. Motion CARRIED
- Councilor Lund, supported by Clerk Garrity moved to approve the minutes of the regular meeting of the Hibbing City Council of June 16, 2010. Motion CARRIED

II. CONSENT AGENDA: Councilor Lund, supported by Councilor Bigelow moved to approve the Consent Agenda Items #1 - #15, minus Items #11, #13, and #14 as pulled for discussion. Motion CARRIED

1. Approve Accounts Payable dated:
 - 07/19/2010, checks #135400 - #135502, in the amount of \$184,439.64
2. Approve City Payroll for Pay period ending 06/18/2010, checks #151728 - #151850, in the amount of \$345,781.91
3. Approve City Payroll for Pay period ending 07/02/2010, checks #151851 - #151964, in the amount of \$339,512.59.

4. Approve the hire of Patrick Klobuchar for a paid on-call position with the Hibbing Fire Department.
5. Approve the hire of Nick Kepler for a paid on-call position with the Hibbing Fire Department.
6. Authorize signatures of the Mayor, Clerk, and City Administrator on the Chisholm-Hibbing Airport Authority (CHAA) and City of Hibbing Letter of Agreement for Airport Emergency Service.
7. Authorize signatures of the Mayor, Clerk, and City Administrator on the St. Louis County Agreement for Collection of Residential and Commercial Recyclable Materials.
8. Approve internship with the Hibbing Police Department to Rory Dunphy, Hibbing Community College student, pending the receipt of appropriate certificate of insurance.
9. Approve the Sign Permit request of the Hibbing Brand Team for a Welcome Sign on the Mesaba Bike Trail.
10. Approve the Special Event Permit Application of the Hibbing Christian Assembly for their Outreach to the Community event on August 7, 2010.
11. Set a Public Hearing for Vacation Proceedings in Clover Addition

Discussion: City Engineer Suihkonen asked the Council to include in this vacation proceedings request for a public hearing for Heritage Meadows as well. Councilor Sater, supported by Clerk Garrity moved to set a public hearing for vacation proceedings in Clover Addition and also a public hearing for vacation proceedings in Heritage Meadows. Motion CARRIED

12. Authorize attendance of Council and City Staff at the 2010 Coalition of Greater Minnesota Cities Summer Conference, August 18 – 20th, Winona.
13. Set the meeting for the City Council to canvass the votes for Wednesday, August 11, 2010 in the City Hall Council Chambers, time to be set.

Discussion: See below discussion on Item #14

14. Set the next regular meeting for the City Council for Wednesday, August 18, 2010 at 6:00 p.m. in the City Hall Council Chamber.

Discussion: Clerk Garrity noted that he has clarified the timeline on the primary election vote count and stated that the council meeting that was scheduled for August 11th can be combined with the regular council meeting that was requested to be scheduled for August 18th.

Councilor Lund, supported by Councilor Bigelow moved to set the next regular meeting of the City Council to include the canvassing of votes for Wednesday, August 11, 2010 at 6:00 p.m. Motion CARRIED

15. Set the Closed Session to discuss strategies for labor negotiations for Tuesday, July 27, 2010 at 6:00 p.m. in the Mayor's Office.

16. Approve the Special Event Permit Application of the Hibbing Chisholm Special Olympic Program for the Mosquito Run Event to be held August 21, 2010. *Pulled*

III. BIDS AND QUOTES:

1. City Engineer's Office – John P. Suihkonen, City Engineer

a) 2010 City Paving Project, Bid Award

On July 14, 2010 bids were opened for the City Paving Project. Only one bid was received and was from Mesabi Bituminous for \$254,676.00. The Engineer's Estimate was \$244,706.00. Councilor Shafer asked why there was only one bid. Mr. Suihkonen replied that this company was the only one able to fit the project into their schedule for this year.

Clerk Garrity, supported by Councilor Shafer moved to award the bid for the 2010 City Paving Project to Mesabi Bituminous in the amount of \$254,676.00. Motion CARRIED

b) 2010 City Sidewalk, Bid Award

On July 14, 2010, four bids were received and opened for the City Sidewalk Project. The Engineer's Estimate on the project was \$20,798.00.

Councilor Bigelow, supported by Councilor Lund moved to award the bid for the 2010 City Sidewalk Project to Mid Range Construction in the amount of \$19,344.00.

Discussion: Councilor Lund inquired on the possibility of including the sidewalks that were dug up by the P.U.C. during water main breaks. Mr. Suihkonen noted that those areas are on a project list for the Public Works Department. Councilor Lund will provide the addresses of the areas of concern in Courthouse Addition to Mr. Suihkonen. Motion CARRIED

IV. DEPARTMENT AND COMMITTEE REPORTS:

1. Finance Department – Sherri A. Renskers, Finance Director

a) Resolution No. 10-07-03, Public Transportation Service:

Mrs. Renskers noted that the Department of Transportation grant application for city bus service needs to be submitted by August 15, 2010.

Clerk Garrity, supported by Councilor Lund moved to adopt **RESOLUTION NO. 10-07-03 PUBLIC TRANSPORTATION SERVICE** (Resolution herein incorporated and on file in the Council Office). Motion CARRIED

2. **Building and Housing Department – Pat Green, Building Official**
 - a) **Planning Commission Recommendation – Conditional Use Permit Petition of Eagle Eye Properties**

Councilor Bigelow, supported by Councilor Sater moved to approve the Conditional Use Permit Petition of Eagle Eye Properties based on unanimous recommendation of the Planning Commission. Motion CARRIED

3. **Hibbing Police Department – Duane Gielen, Chief**
 - a) **Memo of Understanding – Northeast MN Law Enforcement Administrator’s Council assignment of Hibbing Police Officer to the Boundary Waters Drug Task Force.**

The Northeast Minnesota Law Enforcement Administrator’s Council has applied and received a Community Oriented Police Services Grant through the Department of Justice to combat the growing use of methamphetamine. If the City would authorize entering into an agreement with the NLEAC a Hibbing Police Officer would be assigned to the Boundary Waters Drug Task Force. Most of the officer’s wages and benefits would be paid by NLEAC through this grant. The City of Virginia has agreed to be the fiscal agent of the grant.

Councilor Bigelow, supported by Clerk Garrity moved to concur with Police Chief Duane Gielen to authorize the City of Hibbing to enter into an Agreement with the Northeast Law Enforcement Administrator’s Council for the appointment of a Hibbing Police Officer to the Boundary Waters Drug Task Force. Motion CARRIED

4. **City Engineer’s Office – John P. Suihkonen, City Engineer**
 - a) **Public Works Building Addition**

The Public Works Building Addition is almost completed but two additional items need to be completed as part of the building code to provide an air exchange system at a cost of \$7,962.88 and also the need to add a gas service for a pressure washer at \$450.00. Mr. Suihkonen is recommending approval of a change order to the Max Gray contract.

Clerk Garrity, supported by Councilor Bigelow moved to authorize City Engineer John P. Suihkonen to sign off on the change order to Max Gray Construction for the Public Works Building Addition. Motion CARRIED
 - b) **Hospital Storm Sewer, S.E.H. Design Proposal**

A proposal has been received from S.E.H. for the final design, bidding, and construction administration for the Hospital Storm Sewer project. The design proposal fee is \$144,850.00. The completion of this process and having the project under contract is needed yet this fall to stay eligible for the State Bond Funds authorized for this project.

Councilor Bigelow, supported by Clerk Garrity moved to concur with City Engineer John P. Suihkonen to authorize the Mayor and Clerk to sign an agreement amendment for the Hospital Storm Sewer Design Proposal as proposed by S.E.H. Motion CARRIED

5. City Attorney's Office – Richard Sellman, Attorney

a) **Ordinance relative to Section 11.57 of the Hibbing City Code (Marquees and Fixed Awnings)** This proposed amendment to section 11.57 ties in with the Building and Housing request for modifications to update the requirements and limitations regarding signs, marquees and fixed awnings.

Councilor Harkonen, supported by Councilor Lund moved to adopt **ORDINANCE NO. 376, 2ND SERIES AMENDING THE HIBBING CITY CODE CHAPTER 11 ENTITLED LAND USE REGULATION (ZONING) BY AMENDING PROVISIONS IN SECTION 11.57 ENTITLED SPECIAL PROVISION: SIGNS; AND BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 11.99, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.** (Ordinance herein adopted and on file in the Council Office) Motion CARRIED

b) **Resolution Authorizing the City to make Application to the IRR Public Works Program for Marshview Meadows**

John A. Fedo and Associates has submitted a letter to Duane Northagen, Economic Development Coordinator regarding an application and Resolution to the Iron Range Resources for the Marshview Meadow housing project asking for the City to provide support for a grant to the IRR and does not include any obligation from the City. The housing project will be built in three phases and includes 8 single family units with 10 additional lots and a 30-unit apartment building. This project addresses the need for affordable housing with costs ranging from \$99,000 – \$130,000. Harold A. Jesh & Associates had previously asked the City for consideration of the apartment building construction near the cemetery but has now joined forces with the Marshview Meadows project to include their apartment building.

Clerk Garrity inquired if the application for the Public Works Infrastructure Grant will entirely fund the first phase of the project in building the first houses. Mr. Fedo stated that is absolutely correct and the \$475,000 matched with the development group would allow for 30-unit apartments and 8-single family units with a potential of 18 single family homes. Clerk Garrity stated that he is fully supportive but noted that tonight is not a commitment of any tax increment financing. Clerk Garrity stated that we need a new tax base and TIF at this point is not reasonable and that Mr. Jesch may speak with Council at a later date of a potential TIF. This project would fill a need for housing that has not been addressed.

Clerk Garrity, supported by Councilor Lund moved to authorize the Resolution to apply for the infrastructure grant but nothing committing to tax increment financing by adopting **RESOLUTION NO. 10-07-02 AUTHORIZING THE CITY OF HIBBING TO MAKE APPLICATION TO THE IRON RANGE RESOURCES PUBLIC WORKS (FY10) GRANT PROGRAM FOR MARSHVIEW MEADOWS.** Discussion: Acting Mayor Harkonen stated that this project is needed by the community and he thanks the project developers. Councilor Shafer asked Mr. Fedo what the plan is for the project if there was no tax increment financing. Mr. Fedo replied that Marshview Meadows would proceed with

their commitment but commented that the apartment complex may not. Upon no further discussion, Motion CARRIED

6. **City Administrator's Office – Brian Redshaw, Administrator**

a) **Animal Shelter 30 day Extension**

The Animal Impoundment Service Contract was initially approved on February 1, 2009, a first amendment adopted for 18 month extension on May 20 2009, and a 2nd amendment to allow to contract with other counties and city in 2009. The opinion of the City attorney is that the end of the agreement is July 31, 2010. Mr. Redshaw suggested the Council should take action to extend the agreement with at least a 30-day extension and suggests the council has a workshop (committee of the whole) for further discussion.

Councilor Bigelow, supported by Councilor Lund moved to approve a 30-day extension to the Independent Contractor Agreement for the Animal Impoundment Service for the time period August 1, 2010 to August 30, 2010 until further discussion of the Council. Discussion: Councilor Shafer asked if this was agreeable to the animal shelter. Mr. Redshaw replied that it was. Motion CARRIED

b) **School Resource Officer**

The City entered into an agreement with ISD No. 701 for a School Resource Officer on July 13, 2007. The term was from September 1, 2007 through August 31, 2007 at a rate of \$20,000 per year. The new three year contract proposal has the rate of compensation at \$21,000 which is an increase due to the cost of living and an annual increase of two percent.

Clerk Garrity, supported by Councilor Sater moved to approve the School Resource Officer Agreement between the City of Hibbing and the Independent School District No. 701, for a period of three years (September 1, 2010 to August 31, 2013) and to include a 2% wage increase. Motion Carried

7. **Council Reports – Councilor Jack Lund**

a) **Kitzville Community Center Building Garbage Request**

Councilor Lund presented a letter from the Kitzville Community Center, Kitzville United and Senior Citizens Club. They are requesting the discontinuation of the commercial garbage fee of \$28.08 per month. They state in their letter the request for help from the Council is needed or they may need to consider disbanding or asking the City to take over the ownership of the building.

Councilor Lund, Clerk Garrity, and Councilor Shafer were in attendance of their last meeting where this discussion was held. A city park is adjacent to the building and the Parks and Recreation Department takes care of that park. The community center building is used for voting in precinct 8. Councilor Lund recommends waiving all of the garbage fees listed on their PUC bill as they do provide a service at the community club

and we would like to see them stay in operation. One suggestion is to move the garbage can to the side of the building that Parks and Recreation maintain and they could pick it up just like at any other park of the city. The garbage can is sitting by the Community Center door instead of sitting at the park and the garbage from the park is being brought to the community center garbage cans. Acting Mayor Harkonen asked about any social functions that are held at the community center as there must be garbage generation. The Community Center kitchen doesn't meet specifications for the county so they do not have any garbage generation from social functions.

Councilor Lund, supported by Clerk Garrity moved to approve the request of the Kitzville Community Center including the Kitzville United and Senior Citizens Club to eliminate the monthly commercial garbage fees charged to that address. Motion CARRIED

b) Kitzville Community Center Building Election Rent

Councilor Lund noted that during elections every two years any rural area and building not owned by the City is being paid \$50 rental fee per each primary and general election and this amount is not enough to operate the building for 12 hours per day for heat, electricity, air conditioning. Clerk Garrity noted that the appropriate fee should be paid for all non-owned voting buildings used for elections which would include Kitzville Community Center, Kelly Lake Community Center, Maple Hill Community Center, and the Iron Gate Mall. The recommendation is to change the fee to \$150 for each election to pay for heat and electricity costs.

Clerk Garrity, supported by Councilor Bigelow moved to approve the increase in the building rental fee for buildings used as precincts during the Primary Election and the General Election from \$50.00 to \$150.00 per usage. Discussion: Councilor Lund noted the importance of all entities to send a bill to the City for each use. Councilor Lund also requested that the Finance Department notify all four locations that the City intends to place this fee for payment effective August 10, 2010. Motion CARRIED

V. ADJOURNMENT

There being no further business brought before the Council, Councilor Bigelow, supported by Clerk Garrity moved to adjourn the meeting at 6:50 p.m.

CITY OF HIBBING

Richard M. Wolff, Mayor

ATTEST:

Patrick L. Garrity, Clerk-Treasurer