

**THE MINUTES OF THE REGULAR MEETING
OF THE HIBBING CITY COUNCIL
Wednesday, April 7, 2010**

TIME AND PLACE: A closed session of the Hibbing City Council was held on Wednesday, April 7, 2010 at 5:00 p.m. in the Hibbing City Hall Mayor's Office.

A regular meeting of the Hibbing City Council was held on Wednesday, April 7, 2010 at 6:00 p.m. in the Hibbing City Council Chamber.

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

CALL TO ORDER: Mayor Wolff called the meeting to order at 6:21 p.m.

ADDs & DELETES: Mayor Wolff read the revisions to the agenda into the record.

- Add Consent Agenda #8: Authorization for Attendance to Mayor's Conference
- Add Consent Agenda #9: Set date for Council Retreat
- Add Consent Agenda #10: Set date for Local Board of Review
- Add Licenses & Permits: Transient Merchant License Application, Fabian Seafood Company

- Add Council Report – Councilor Bigelow, Lebanon Park Disc Golf
Councilor Bigelow asked to make a statement verses adding this item to the agenda. According to Park & Recreation Department and the Parent Teachers Association they have come to consensus they are not going to create a disc golf park in the Lebanon Park. Councilor Bigelow also noted that there also was a petition from the property owners.

I. APPROVE MINUTES:

- Councilor Shafer supported by Councilor Harkonen moved to approve the minutes of the regular meeting of the Hibbing City Council of March 17, 2010. Motion CARRIED
- Councilor Lund supported by Councilor Bigelow moved to approve the minutes of the retreat of the Hibbing City Council of March 24, 2010. Motion CARRIED
- Councilor Harkonen supported by Councilor Bigelow moved to approve the minutes of the Hibbing/Chisholm joint city council meeting of March 31, 2010. Motion CARRIED

II. CONSENT AGENDA:

Councilor Bigelow supported by Councilor Lund moved to approve the Consent Agenda Items #1 through #11, minus # 9 as pulled for discussion. Motion CARRIED.

1. Approve Accounts Payable dated:
 - o 03/31/2010, checks #134287 - #134387, in the amount of \$215,084.54
 - o 03/31/2010, checks #134388 - #134445, in the amount of \$483,543.13
2. Approve City Payroll for Pay period ending 03/12/2010, checks #150973 - #151077, in the amount of \$337,483.72.
3. Approve City Payroll for Pay period ending 03/26/2010, checks #151078 - #151175, in the amount of \$332,810.34.
4. Accept with regrets the resignation of Sally Valentini of the Hibbing Police Department effective June 1, 2010.
5. Approve continuation with Minnesota Life for the City of Hibbing's group life insurance plan.
6. Reduce previous garbage cart order to actual number needed based on survey results, authorizing \$.20 per cart increased cost, which should be off-set by decrease in shipping charges.
7. Approve written City of Hibbing Electronic Fund Transfers Policy consistent with the procedures already in place.
8. Authorize attendance for Mayor Wolff to the Minnesota Mayor's Association 2010 Annual Conference to be held May 1, 2010 in Minneapolis.
9. Set a Hibbing Council Retreat for Tuesday, April 20, 2010 at 6:00 p.m. at the Range Regional Airport.

Discussion: Councilor Lund supported by Councilor Shafer moved to approve item #9 with the correction of the day of the week from Wednesday to Tuesday. Motion CARRIED

10. Set date for the 2010 Local Board of Appeal & Equalization for Tuesday, May 11, 2010, at 1:00 p.m. in the City Hall Council Chamber.
11. Set the next regular meeting for the City Council for Wednesday, April 21, 2010 at 6:00 p.m. in the City Hall Council Chamber.

III. PUBLIC FORUM:

- **Michelle Tomling:** Michelle Tomling of the AMVETS Post 12 and the Ladies Auxiliary approached the Council to report on Charitable Gambling and to clarify recent actions. She stressed the need to be educated on the rules and regulations of gambling and that everyone has during some time of their lives participated in a gambling activity. She also noted that there have been verbal and written accusations against ex-gambling manager Darby Sater and she also questioned the manner of John Peterson's appointment to the City's Charitable Gambling Commission. She asks for an explanation from the Gambling Commission on what they believe that the AMVETS are doing illegally regarding gambling activity. Donations to the community are being made by the AMVETS and Ladies Auxiliary and if there was a question why didn't anyone ask.

Councilor Sater thanked Ms. Tomling as a citizen and member of the organizations and her knowledge of the gambling rules.

IV. BIDS AND QUOTES:

1. Hibbing Fire Department – Tony Pogorels, Chief

a) Ambulance:

Requests for bids were sent out to eight different ambulance vendors. Two bids were received and the low bid meeting all specifications was from Everest Emergency Vehicles. This item for purchase was included in the 2010 budget. The current ambulance will be approaching 200,000 miles.

Councilor Bigelow supported by Councilor Shafer moved to award the bid for the ambulance to Everest Emergency Vehicles in the amount of \$139,653.00.

Discussion: Councilor Shafer asked if it was possible to change the chassis versus a new vehicle. Chief Pogorels replied that it wouldn't be beneficial since the vehicles incur high miles in short period of time and if putting the vehicle through this process it would leave the city without an ambulance for six months. Councilor Lund asked if there was any reason that only two bids were received. Chief Pogorels noted that the request was made to keep the same style chassis and vehicle size and the other manufacturer's wouldn't have been able to provide a bid under the old chassis/vehicle style and would prove to be a higher dollar amount.

Motion CARRIED

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

a) Public Works Building Addition:

The building addition for the Public Works Sewer Lift Station would replace the current building at the North Wastewater Treatment Plant that will be used for the new recycling facility. One bid was received from Max Gray Construction and five other general contractors had picked up the project specs but did not submit bids.

Clerk Garrity asked how long the request for bids was open. Mr. Suihkonen responded there was a three week time frame. Mr. Suihkonen also noted that Max Gray has experience with the existing building construction and would be able to have ease with matching with the addition. Application through state bond funds would be included in the funding package for the building.

Clerk Garrity, supported by Councilor Bigelow moved to award the bid for the Public Works Building Addition Project to Max Gray Construction in the amount of \$159,800. Motion CARRIED

V. DEPARTMENT AND COMMITTEE REPORTS:**1. City Engineer's Office – John P. Suihkonen, City Engineer****a) PFA State Bond Funds Application**

With the process underway for the design services for the maintenance work at the South Wastewater Treatment Plant, the City will need to make application to access the State Bond Funds. The request for bond funds also needs to be met by an equal commitment of local funds which can be accomplished through a low interest PFA loan. Authorization is needed for the Mayor and Clerk to sign the attached resolution.

Clerk Patrick L. Garrity, supported by Councilor Tim Harkonen moved to concur with City Engineer John P. Suihkonen to authorize the Engineering Department to work with S.E.H. and the City Finance Department to submit the appropriate application and authorize the Mayor and City Clerk to sign the appropriate **RESOLUTION NO. 10-03-07 AUTHORIZING THE CITY OF HIBBING TO SUBMIT INFORMATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY AND TO ENTER INTO A GRANT AGREEMENT FOR THE WASTEWATER INFRASTRUCTURE IMPROVEMENTS.** (Resolution herein incorporated and on file in the Council Office.)

Discussion: Councilor Shafer asked if there is a certain time the funds are to be released. Mr. Suihkonen replied that the loan applications are due by June and the awards and approval process should be in August and then a 60-day period before releasing funds which would be October or November. He noted that the City may have to go through some short term funding but could then be reimbursed.

Motion CARRIED

b) MNDOT Highway 37 Detour Agreement

This Detour Agreement is relative to the project for culvert replacement on Highway 37. As a part of the agreement, the City will receive a payment of \$3,590.64 from MNDOT for road life wear and MNDOT will also be responsible for maintenance, patching, striping, and some sign replacement. This will be a temporary designation and the state patrol will be on the route to enforce the posted detour speed limits. The detour is expected to be in effect for thirty days and will begin just after July 4th. Mr. Suihkonen is recommending authorization for the Mayor and Clerk to sign the agreement and resolution.

Councilor Tim Harkonen, supported by Councilor Darby Sater moved to concur with City Engineer John P. Suihkonen to:

- authorize the Mayor and City Clerk to sign the State of Minnesota Department of Transportation Detour Agreement and
- to adopt **RESOLUTION NO. 10-03-08 AUTHORIZING THE CITY OF HIBBING TO ENTER INTO A MNDOT AGREEMENT NO 96394 WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION** (Resolution herein incorporated and on file in the Council office)

Discussion: Councilor Lund noted that this project will be in his ward and commented that the road isn't in the best of condition now and wondered how the \$3,500 from MNDOT could be enough for repair work. MNDOT will be responsible for patching during the detour and also paver work and repair after the detour. Councilor Lund also asked if there are trucks still hauling to the salvage/sludge dump along Tapala Road. Mr. Suihkonen replied that he is not aware of the status of dumping sludge to the disposal site but would contact Mike Kempa from the Wastewater Treatment Plant about that schedule.

Motion CARRIED

2. **City Attorney's Office – Richard Sellman, Attorney**

a) **Hibbing City Code – Summary of Ordinance No. 371 – Taxicabs**

Mr. Sellman noted that the taxicab ordinance was passed at the previous council meeting and it would be prudent to simply publish the summary rather than the whole ordinance and is asking for approval of that publication.

Mayor Wolff, supported by Councilor Lund moved to authorize the publication of the Official Summary of Ordinance No. 371, 2nd Series relative to Section 6.28 Taxicabs.

Motion CARRIED

b) **Easement with Independent School District No. 701**

Mr. Sellman presented an easement with Independent School District No. 701 for a street in Lebanon Addition in relationship to the 11th Avenue state aid project.

Councilor Lund, supported by Councilor Harkonen moved to approve the easement between Independent School District 701 and the City of Hibbing. Motion CARRIED

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

a) **Police Chief Test:**

Mr. Redshaw noted that one of the police chief candidates requested a study guide to be purchased. Mr. Redshaw asked the clerk for an opinion and didn't receive one. Then on the 31st he contacted the 2nd candidate and he has withdrawn his name. Mr. Redshaw stated that it is no longer necessary to purchase the study guide.

Mayor Wolff relayed the history of this process was that the Police Commission gave three names to the Council along with a recommendation. The Council didn't move forward at that time. Then the decision was made to purchase written tests. At that point, one candidate dropped out. Then we purchased the tests and then the second candidate dropped out. Now we are down to one candidate for the positions. Mayor Wolff asked Mr. Sellman if according to the Police Commission rules unless all three decline or do not accept that is the official list for the Council to act on. Mr. Sellman replied that this is correct.

Councilor Bigelow, supported by Councilor Lund moved to appoint Duane Gielen to the Chief of Police position with the City of Hibbing. Councilor Lund requested to also include in that motion what his salary is going to be for a clear indication. Clerk Garrity stated that the starting salary is listed under the MAPE contract.

Clerk Garrity also wanted to comment that the candidate list was presented to the Council and the Police Commission didn't do an exam. Clerk Garrity said that in reviewing this that exams are part of the civil service process to follow and still thinks we should have the test for the next chief and to have it on hand. In Clerk Garrity's opinion, the Police Commission should have given both the written and oral test to the candidates. He is also disappointed and the letter sent to the Council from the Police Commission was never given to the Council and there were errors in the system. Clerk Garrity doesn't want to take away the fact that it is not Mr. Gielen's fault but we need to address this in both departments.

Councilor Bigelow stated that we have learned a lot from this situation and we need to work with the Police Commission and move forward.

Councilor Lund noted that it is important to have a new job description since there is no deputy chief and once the duties are distributed this should be reflected in his pay scale. He stated that it is important that the Police Commission gets an updated job description and to also update the department job responsibilities to cover all of the duties to be distributed.

Councilor Shafer asked if now that we have a chief does the council have to abolish the deputy chief position? Mayor Wolff replied, yes and then a job description must be created.

Clerk Garrity wanted to point out that we are working through difficult financial times and need restraints on overtime and also have to comment on restructuring. Clerk Garrity noted that we have to be careful with following the contract and gender equity. He stated that we had a female chief and it might be wrong to hire a new chief at a higher wage and that with a new chief there might be problem with a gender equity issue.

Mayor Wolff noted that Chief Gielen and the civil service commission discussions will go forward to coordinate job description and any structure changes. Chief Gielen had provided the Mayor with an organizational chart and noted that the job description changes will come through the commission.

Motion CARRIED.

VI. LICENSES AND PERMITS

- 1) Councilor Lund supported Councilor Harkonen moved to approve the Transient Merchant License request of the Treasure Hunters Road Show to operate as a transient merchant April 6th – 10th at the Hibbing VFW. Motion CARRIED.

- 2) Councilor Lund, supported by Councilor Bigelow moved to approve the Raffle Permit Request of the American Legion for a drawing to be held during the State Legion Baseball Tournament August 1, 2010. Motion CARRIED
- 3) Councilor Bigelow, supported by Clerk Garrity moved to approve the Special Permit Application of the Iron Range Racing Association for the Governor's Cup – Camping event, June 18th – 20th at the Hibbing Raceway. Motion CARRIED

VII. BOARDS & COMMISSIONS

1. Central Business Commission: 5 Vacancies (3-year terms)

Applicants: Melissa Grzybowski

Councilor Harkonen, supported by Council Bigelow moved to appoint Melissa Grzybowski to the Central Business Commission for a period of three years, April 1, 2010 to March 31, 2013. Motion CARRIED

2. Board of Trustees – Public Library: 1 Vacancy (to fill a 2-year term)

Applicants: Curt Holcomb

Councilor Lund, supported by Councilor Bigelow moved to appoint Curt Holcomb to the Board of Trustees – Public Library to fill a vacancy for a period of two years, April 1, 2010 to March 31, 2012. Motion CARRIED

3. Heritage Preservation Commission:

Planning Commission Applicants: (1 Vacancy, 3 year term)

- Gary Oie –Planning Commission representative.

Mayor Wolff, supported by Councilor Shafer moved to appoint Gary Oie as the Planning Commission representative on the Heritage Preservation Commission for a period of three years, April 1, 2010 to March 31, 2013. Motion CARRIED

Resident Applicants: (2 Vacancies, 3 year terms)

- Pam Turnbull – resident applicant.

Councilor Harkonen, supported by Councilor Bigelow moved to appoint Pam Turnbull to the Heritage Preservation Commission for a period of three years, April 1, 2010 to March 31, 2013. Motion CARRIED

VIII. ADJOURNMENT

There being no further business brought before the Council, Councilor Bigelow, supported by Councilor Lund moved to adjourn the meeting at 7:10 p.m. Motion CARRIED.

MEETING WAS RECONVENED at 7:11 p.m.

The following items were overlooked in the Licenses and Permits section of the agenda and require Council action:

- 4) Councilor Shafer, supported by Councilor Lund moved to approve the Special Permit Application of the Iron Range Racing Association for the Labor Day Shoot-Out Camping event, September 3rd – 6th at the Hibbing Raceway. Motion CARRIED
- 5) Councilor Shafer, supported by Councilor Harkonen moved to approve the Transient Merchant License request of Fabian Seafood Company to operate as a transient merchant beginning April 17th at the Suburban Lanes parking lot location. Motion CARRIED

IX. ADJOURNMENT.

There being no further business brought before the Council, Councilor Harkonen, supported by Councilor Bigelow moved to adjourn the meeting at 7:12 p.m. Motion CARRIED.

CITY OF HIBBING

Richard M. Wolff, Mayor

ATTEST: _____
Patrick L. Garrity, Clerk-Treasurer