

**CHISHOLM CITY COUNCIL
REGULAR MEETING – NOVEMBER 22, 2017**

CALL TO ORDER

Mayor Todd A. Scaia called the City Council Meeting to order in the City Hall Council Chambers at 5:30 p.m.

ROLL CALL

Present: Council Members Campbell, Rahja, K. Scaia, Varda, Halverson, and Mayor T. Scaia

Absent: None

Also Present: City Clerk-Treasurer/Administrator Jennifer Sterbenz, City Attorney Bryan Lindsay, Consultant Engineer Jim Johnson, Fire Chief Bob Brown, Recreation Director Tammy Nevalainen & Administrative Assistant Margaret Gornick

ADOPT THE AGENDA

Moved by Councilor Campbell and supported by Councilor Rahja to adopt the Agenda with two deletions under New Business: Item 7B2) Resolution No. 1117-114 Adopt Amended Utility Rate Schedule and Item 7C7) Truck Driver / Laborer Job Description, and one addition: Recess to Executive Session to discuss possible litigation with the Public Utilities Commission.

Voting Aye: All

Motion Carried

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC PARTICIPATION

Andy Enrico - Asked council the same question as he has asked at the past 2 council meetings, "Has anything come forward regarding the former City Administrator"? City Attorney Bryan Lindsay responded, "Nothing has come across his desk". Question No. 2, "Has any action been taken"? City Attorney Bryan Lindsay responded "Has not taken any action". Statutes regarding the Statute of Limitation in the state of MN (or drop dead dates) depend on the type of claim. For instance the contract claim statute of limitations is 6 years. Mr. Enrico also questioned the used motor home which is for sale in the Iron Kettle parking lot and asked if the owner would need a permit to sell used vehicles (he feels it is starting to look like a junk lot)? Mayor Todd Scaia will follow up with Police Chief Manner to address this situation with the owner of the Iron Kettle.

Mr. Enrico brought up the delivery trucks on the main (Lake) street. With winter here, he feels this is a dangerous situation as this is a main thorough fare. Mayor Todd Scaia responded by saying a few council members have brought this up to Police Chief Manner in the past. It will be addressed again with Chief Manner.

Blanche Mlakar, a resident of Chisholm addressed the council for the third time, to ask for Council Member Kevin Scaia's resignation as he has been charged with 5th degree sexual misconduct. She quoted and read an article from the November 8, 2017, Duluth News Tribune. After again asking Mr. Kevin Scaia for his resignation, she stated, "By not resigning, it sends a message that you have done no wrong".

Jessie Halverson, Precious Paws volunteer board member gave a report from Jan 1, 2017 - Oct. 31, 2017, which consisted of 29 cats and 55 dogs taken in. They sold 37 pet tags. One hundred fifty eight animals were spayed or neutered (through Oct. 31, 2017) and an additional 21 more since the beginning of November. Thirty two kittens were born in the shelter. Four kittens were euthanized as per the veterinarian's recommendation. Medical expenses totaled \$6,542.00, spay & neutered expenses totaled \$15,891.00 which equals slightly over \$100 per animal. Partnered with high-kill rescues in Texas for dogs that would have been euthanized. The cat intake room was remodeled. Noramco donated work stations. Their next project will be redoing the dog intake room. This project will be funded by generous supporters and Precious Paws fundraising events. Ms. Halverson encouraged the public to adopt pets and purchase pet tags as Christmas gifts. The 2018 Precious Paws Animal Control is on tonight's agenda for council action.

REPORTS

Councilor Campell wished everyone a Happy Thanksgiving and a safe holiday.

Councilor Rahja attended a CIRSSD meeting to wrap up the mercury project. She mentioned an article in the Star Tribune newspaper about Chisholm's Pocket Park.

Councilor K. Scaia attended the EDA meeting, he also attended the HRA meeting and reported there are two units available for rent in Nelson Addition and thanked the IRRRB for the publicity on this. He attended the budget meeting and thanked the Council for their hard work on getting the proposed levy down. He thanked everyone who sent letters, messages and phone calls to him and wished everyone a Happy Thanksgiving.

Councilor Varda attended the Parks & Recreation Board meeting where the emphasis of the meeting was on soccer fields in town. He attended the interviews of the skating rink attendant candidates.

Councilor Halverson attended the Parks & Recreation meeting on November 9th. He also attended two meetings with the design team and various groups involved in the proposed "Red Head Mountain Bike Trail", they walked through the proposed site. He made note that he was in attendance at the October 11, 2017 PUC meeting to discuss the variable speed drives of the well water pumps (this was not reflected in the PUC minutes).

Mayor T. Scaia congratulated Chisholm native, John Shuster (four time Olympic Curler qualifier) and his team. He attended the EDA meeting and reported a new professional service business with 5 or 6 employees is moving into and remodeling the Rolling Thunder building. There is other interest in the downtown area main street. The Mayor acknowledged the Downtown Revitalization Group members in attendance tonight and stated they have been the catalyst for people looking to relocate to Chisholm with all of the work they have done at the Pocket Park, O'Neil Park, etc. The budget session meeting on November 15, 2017 started out with a \$1.5 million dollar budget shortfall. The Council and staff worked very hard and are getting closer to decreasing the proposed levy from 5% to approximately 3%. Next week, the Council will meet to discuss the Enterprise funds which includes garbage collection, water and sewer.

Consultant Engineer Jim Johnson wished everyone a Happy Thanksgiving and reported Hydro-Klean (the company hired to perform the sanitary sewer and televising project) finished last week and he should receive the report from them next week to update the cost estimates on 8th St. NW. KGM mobilized on Monday to start the aggregate crushing and hope to be done next week.

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Fire Chief Bob Brown reported they have been involved with at least a dozen children's groups and parents to teach them about fire prevention. They hosted an all-day "Rapid Intervention" training at the Chisholm Armory. They finished the annual emergency apparatus maintenance. They had an issue while testing Engine 2 (an alternate failure). The breathing apparatus annual testing is done. He gave an update on the large fire that occurred on November 10th at 131 1st St SW and thanked his staff, Chaplain Steve Breitbarth, Mike Sinko, the Fire Marshall, McDonalds, Jubilee Foods, Black Bear Bakery, NHS-Northstar Specialized Services, Tom & Jerry's, Steve Zalec, Peter Makowski; the Ambulance, Police, Public Works & Water Department staff, Independent School District 695, American Red Cross; Buhl, Hibbing and French Township Fire Departments and others that assisted with this fire. He is working with the Fire Marshall, Building Official Steve Erickson and the property owner's insurance company. He advised the public to remove snow on their sidewalks and near fire hydrants along with having house numbers visible and the importance of having working smoke & carbon monoxide detectors. He named the top three fire hazards as space heaters, cooking and open flames.

City Attorney Bryan Lindsay responded to Councilor Campbell's request for an update on the property located on 6th St NW and reported there has been no progress since the last report. He is working on this through the court system and expects progress soon.

ACCEPT THE CONSENT AGENDA

Moved by Councilor Campbell and supported by Councilor Varda to accept the Consent Agenda, including the List of Bills, Communications (with correction to the October 11, 2017 PUC minutes noting Councilor Halverson attended the meeting), Minutes of the previous Assessment Hearing for 4th Ave SW of November 1, 2017, Budget Meeting of November 1, 2017, Assessment Hearing for 11th Ave NW of November 8, 2017, Regular Meeting of November 8, 2017, Payroll and Overtime.

Voting Aye: All

Motion Carried

RESOLUTION NO. 1117-110 APPOINT SKATING RINK ATTENDANTS

Moved by Councilor Varda and supported by Councilor K. Scaia to adopt Resolution No. 1117-110 to appoint up to four skating rink attendants for the Recreation Department.

Voting Aye: All

Motion Carried

IRON RANGE YOUTH IN ACTION REQUEST

Moved by Councilor K. Scaia and supported by Councilor Campbell to authorize payment of \$500.00 to the Iron Range Youth in Action for the year 2018 to support Chisholm youth at the annual conference.

Voting Aye: All

Motion Carried

**RESOLUTION NO. 1117-109 APPOINT TRUSTEES
FOR 457 DEFERRED COMPENSATION PLAN**

Moved by Councilor Campbell and supported by Councilor Rahja to adopt Resolution No. 1117-109 to appoint City Clerk-Treasurer/Administrator Jennifer A. Sterbenz, Deputy Clerk Susan Schweiss and Mayor Todd A. Scaia as trustees for the 457 Deferred Compensation Plan.

Voting Aye: All

Motion Carried

RESOLUTION NO. 1117-111 CERTIFY ASSESSMENTS/LIENS TO ST. LOUIS COUNTY

Moved by Councilor K. Scaia and supported by Councilor Varda to adopt Resolution No. 1117-111 to certify assessments and liens to St. Louis County for the following improvements of 2009 - 2018:

7th Ave –Between 4th St. & 6th St. NW Sanitary Sewer Project
1st Ave – 1st St to 8th St NW & 5th St - 1st Ave to 2nd Ave NW
Central Ave 200-500 Block
6th Ave Alley
6th St. SW- Central to 4th Ave
Center Drive Project
3rd Ave NE Project
4th St/3rd Ave SW Project
5th Ave NW Project
4th Ave SW Project
11th St NW Project

Voting Aye: All

Motion Carried

**RESOLUTION NO. 1117-112 PROCLAMATION TO DECLARE
NOVEMBER "HOMELESS AWARENESS MONTH"**

Moved by Councilor Varda and supported by Councilor Rahja to adopt Resolution No. 1117-112 to proclaim November as "Homeless Awareness Month."

Voting Aye: All

Motion Carried

**RESOLUTION NO. 1117-113 TO AUTHORIZE CITY ADMINISTRATOR TO APPLY
FOR MN DNR GRANT FOR TRAIL ENHANCEMENTS (NORTHERN TRAXX ATV CLUB)**

Moved by Councilor Campbell and supported by Councilor K. Scaia to adopt Resolution No. 1117-113 to authorize the City Administrator to apply on behalf of the Northern Traxx All-Terrain Vehicle (ATV) Club for a MN Department of Natural Resources matching grant in the amount of \$27,100 for ATV trail enhancements.

Voting Aye: All

Motion Carried

LEAGUE OF MN CITIES LIABILITY COVERAGE WAIVER FORM

Moved by Councilor Campbell and supported by Councilor Varda to approve the League of MN Cities liability insurance coverage limits of \$500,000 / \$1,500,000 and chose not to waive the monetary limits on municipal tort liability established by MN statutes, Section 466.04.

Voting Aye: All

Motion Carried

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PRECIOUS PAWS ANIMAL CONTROL CONTRACT

Moved by Councilor Campbell and supported by Councilor K. Scaia to approve the Animal Control Contract Agreement with Precious Paws Humane Society of Chisholm (PPHSC) for animal control/housing at the fixed rate of \$1,100 per month for up to 100 animals per year beginning January 1, 2018 and ending December 31, 2018.

Voting Aye: All

Motion Carried

ADVERTISE FOR BOARDS & COMMISSIONS POSITIONS

Moved by Councilor Campbell and supported by Councilor Halverson to advertise for the City of Chisholm vacant boards and commissions positions.

Voting Aye: All

Motion Carried

QUOTES FOR YELLOW REFUSE BAGS

Moved by Councilor Varda and supported by Councilor Rahja to authorize payment of \$9,348.50 to Dalco Enterprises of Hibbing, MN per their quote of \$2,058 for 100 cases of 30 gallon bags, \$5,368 for 200 cases of 15 gallon bags and \$1,922.50 for 50 cases of 8 gallon bags for the purchase of yellow refuse can liners.

Voting Aye: All

Motion Carried

**NOMINATION FOR RANGE ASSOCIATION OF
MUNICIPALITIES & SCHOOLS (RAMS) BOARD OF DIRECTORS**

Moved by Councilor Campbell and supported by Councilor K. Scaia to nominate Councilor Jim Varda to submit an application to RAMS to serve as a member of the Board of Directors for a term commencing January 2018 through the election cycle in 2019.

Councilors Campbell and K. Scaia amended the motion and support to appoint the entire City Council members as alternates if Councilor Varda is not able to attend a RAMS meeting.

Voting Aye: All

Motion Carried

DOWNTOWN REVITALIZATION GROUP

Moved by Councilor Campbell and supported by Councilor K. Scaia to authorize a letter of support from the City of Chisholm to the Downtown Revitalization Group to partner with them for year two of the Downtown Business Corridor Project. Downtown Revitalization Group member Jessalyn Sabin reported that the five mini projects that the group undertook in 2017 are 99% complete.

The City of Chisholm is willing to donate the following to support the project:

- Ongoing funding for the utility cost for the additional lighting at O'Neil Park; and
- Use of physical site at O'Neil Park for sculpture and lighting placements; and
- In-kind labor for placement of banner and sound system.

Voting Aye: All

Motion Carried

**RECESS TO EXECUTIVE SESSION TO DISCUSS
POSSIBLE LITIGATION WITH THE PUBLIC UTILITIES COMMISSION**

Moved by Councilor Campbell and supported by Councilor Rahja to recess the Council Meeting at 6:29 p.m. Moved by Councilor Varda and supported by Councilor Halverson to open the Executive Session at 6:31 p.m. to discuss possible litigation with the Public Utilities Commission.

Voting Aye: All

Motion Carried

ADJOURN EXECUTIVE SESSION

Moved by Councilor Varda and supported by Councilor Rahja to adjourn the Executive Session at 6:45 p.m.

Voting Aye: All

Motion Carried

RECONVENE THE REGULAR COUNCIL MEETING

Moved by Councilor K. Scaia and supported by Councilor Campbell to reconvene the regular Council Meeting at 6:46 p.m.

Voting Aye: All

Motion Carried

ADJOURN COUNCIL MEETING

Moved by Councilor Rahja and supported by Councilor Varda to adjourn the Council Meeting at 6:47 p.m.

Voting Aye: All

Motion Carried

/s/ Todd A. Scaia

Mayor

Attest:

/s/ Jennifer A. Sterbenz
City Clerk-Treasurer/Administrator