

**CHISHOLM CITY COUNCIL
REGULAR MEETING – NOVEMBER 8, 2017**

CALL TO ORDER

Council President Mary Jo Rahja 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, Varda and Halverson
Absent: Council Member Kevin Scaia and Mayor Todd A. Scaia
Also Present: City Clerk-Treasurer/Administrator Jennifer Sterbenz, City Attorney Bryan Lindsay, Consultant Engineer Jim Johnson, Trevor Thompson with SEH, Police Chief Vern Manner, & Administrative Assistant Margaret Gornick

ADOPT THE AGENDA

Moved by Councilor Campbell and supported by Councilor Varda to adopt the Agenda with one correction to item 7C2) Quote from Don Haenke should be \$37,901 not \$39,901 for new pickup for the street department.

Voting Aye: All

Motion Carried

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC PARTICIPATION

Eugene Beckman attended the last council meeting with an issue where his neighbor was blocking the alley. An Initial Case Report (ICR) was filed. Mr. Beckman read the ICR and said he was on public property (according to maps) and felt the reporting officer made an error in the report that stated he was on private property. He said he called the Attorney General's office and they directed him to contact the City to see if he could get this situation resolved. Police chief Vern Manner invited Mr. Beckman to speak with the Police Department or the Police Commission who governs the Police Department. He stated the next Police Commission meeting is on December 12, 2017 at 3:30 p.m. and Mr. Beckman can attend in person or have a written summation for the Police Commission to review at their meeting.

Blanche Mlakar respectfully asked for the immediate resignation of Council Member Kevin Scaia, as she had done on October 25, 2017. She questioned why Mayor Todd A. Scaia abstained from the vote (and would like this on record as to why) when four council members voted to pass the resolution at the last council meeting requesting Council Member Kevin Scaia's resignation. She stated he is a detriment to the City and is causing unwanted hardship and this is taking up valuable time of the current administration. His actions over the past month prove that he's incapable of being a productive, effective member of the city council. The lingering effects have already negatively impacted the local business climate and continue to draw negative attention to the community. She also questioned why Mayor Todd Scaia abstained from the vote, when four council members voted to pass the resolution at the October 25, 2017 council meeting asking for Kevin Scaia's resignation and said she would like it on record as to why he abstained.

Robert (Bob) Vicari, Chisholm Housing & Redevelopment Authority Executive Director, gave the council and the public an update on the Senior Housing units in Nelson Addition. The housing study that was done awhile back indicated the need for senior housing. He thanked former Mayor Jugovich, John Tourville, Katie Bobich, Steve Cook, Susan Schweiss, Steve Erickson, Denise Kealy, the City Hall office staff and the City garage employees for all of their help. The four duplexes (eight units) are now 90% complete. Two units have been rented since September, one will be rented in November and two more will be rented in December or January. The last two units will be completed by the end of December and will be available to rent at that time.

Andy Enrico added to what Ms. Blanche Mlakar stated about Kevin and since he is refusing to resign, the recall process has officially started. He informed the council that he and a group of citizens have formed a committee, consisting of the following citizens: Scott Gilespee, Mary Tyminski and Blanche Mlakar and they have the signature sheets available for people to sign. His questions remain the same from the last council meeting regarding former Administrator Katie Bobich. He asked if there was a time frame or a statute in which the City or her attorney from Minneapolis must respond. City Attorney Bryan Lindsay responded by stating the statute starts from a cause of action. The rule is action would need to be commenced within the statute of limitation.

REPORTS

Councilor Campbell attended the Public Hearing last Wednesday followed by the budget meeting and she also attended the Police Commission meeting yesterday.

Councilor Rahja welcomed City Clerk-Treasurer/Administrator Jennifer Sterbenz. She announced Author Lorna Lanvick will be at the Library tomorrow. She attended the Planning & Zoning Commission meeting and the kick off meeting for the Red Head Mountain Bike Trail.

Councilor Varda welcomed Jennifer Sterbenz to Chisholm. He attended the RAMS meeting and invited others to attend and he conducted interviews along with Tammy Nevalainen for the skating rink attendant positions.

Councilor Halverson attended the IRRRB meeting with St. Louis County for the Red Head Mountain Bike Trail.

Recreation Director Tammy Nevalainen attended the Revitalization committee meeting, they are seeking more funds for a possible sculpture and tree lighting in the Kiwanis Park and something for a bikeable community such as signage. She attended the Red Head Mountain Bike Trail meeting and conducted interviews for the skating rink attendants' positions. Due to the small number of applicants, the posting has been extended until these positions are filled. She reported there is an opening on the Parks & Recreation Board.

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City Attorney Bryan Lindsay responded to Councilor Campbell's question of "when can Council Member Kevin Scaia's seat be declared vacant"? Lindsay explained there are a number of issues at play, but noted that the council has no legal tool to remove Kevin Scaia. Voters are essentially the appointing authority. Recall provisions must be put in place. Some provisions in state statute deal with length of absence (90 days per state statute), or refusal to perform duties of one's office, in order for a council seat to be considered "abandoned" by law. He will review the City charter to see if this is addressed in the charter. Campbell stated Kevin Scaia's absence has made it difficult to conduct council business & to have a quorum. She feels it is the responsibility of council members to attend and participate in the council meetings.

ACCEPT THE CONSENT AGENDA

Moved by Councilor Campbell and supported by Councilor Varda to accept the Consent Agenda, including the List of Bills, Communications, Minutes of the previous Special Meeting of October 25, 2017, the Regular Meeting of October 25, 2017, Payroll and Overtime.

Voting Aye: All

Motion Carried

**RESOLUTION NO. 1117-104 ADOPTING ASSESSMENT FOR THE 11TH STREET NW
INFRASTRUCTURE REPLACEMENT PROJECT**

Moved by Councilor Campbell and supported by Councilor Halverson to adopt Resolution No. 1117-104 for the proposed assessment for the improvement of 11th Street NW between 2nd Avenue NW and TH #73.

Voting Aye: All

Motion Carried

**RESOLUTION NO. 1117-105 ORDERING PREPARATION OF REPORT ON
IMPROVEMENT 6TH STREET & 7TH AVENUE NW**

Moved by Councilor Campbell and supported by Councilor Varda to adopt Resolution No. 1117-105 to order preparation of feasibility report from Short, Elliott & Hendrickson (SEH) for the improvement of 6th Street & 7th Avenue Northwest and for a topographical survey to be done immediately. The sanitary sewer televising will be completed next week.

Voting Aye: All

Motion Carried

**RESOLUTION NO. 1117-106 ORDERING IMPROVEMENT/PREPARATION OF PLANS
FOR 6TH STREET & 7TH AVENUE NW INFRASTRUCTURE IMPROVEMENTS**

Moved by Councilor Halverson and supported by Councilor Varda to adopt Resolution No. 1117-106 to order preparation of plans from Short, Elliott & Hendrickson (SEH) for the improvement of 6th Street & 7th Avenue Northwest.

Voting Aye: All

Motion Carried

**PAY APPLICATION NO. 1 - UTILITY SYSTEMS OF AMERICA
FOR LAKEVIEW ADDITION INFRASTRUCTURE IMPROVEMENTS PROJECT**

Moved by Councilor Campbell and supported by Councilor Halverson to authorize payment of \$153,137.44 (\$47,190.00 was for the removal of trees) to Utility Systems of America for the Lakeview Addition Infrastructure Improvements project.

Voting Aye: All

Motion Carried

DEPARTMENT HEADS QUARTERLY ATTENDANCE AT COUNCIL MEETINGS

Moved by Councilor Campbell and supported by Councilor Halverson to direct Department Heads to attend Chisholm City Council meetings quarterly providing the departments are staffed accordingly as to not incur overtime or compensation time.

Voting Aye: All

Motion Carried

**RESOLUTION NO. 1117-107 APPLY FOR MN DEPT. OF IRON RANGE RESOURCES &
REHABILITATION (MN DEPT. OF IRRR) GRANT FOR UPDATING COMPREHENSIVE PLAN**

Moved by Councilor Varda and supported by Councilor Halverson to adopt Resolution No. 1117-107 to authorize City Clerk-Treasurer/Administrator Jennifer A. Sterbenz to apply for a \$20,000 grant from the MN Dept. of IRRR to update the Comprehensive Community Development Plan. The grant will be combined with funds and in kind services from the Chisholm Development Association, Chisholm Economic Development Authority and private enterprises.

Voting Aye: All

Motion Carried

QUOTES FOR NEW PICKUP FOR STREET DEPARTMENT

Moved by Councilor Halverson and supported by Councilor Varda to authorize payment of \$37,901.00 to Hibbing Chrysler Center, LLC of Hibbing, MN for the purchase of a 2018 one ton truck which will be equipped with an 8 foot box, Tommy Lift, V Plow, Auto, V-8 gasoline powered with vinyl floors.

Voting Aye: All

Motion Carried

CONTRACT FOR RECREATION AND ACTIVITIES COORDINATOR TAMARA NEVALAINEN'S

Moved by Councilor Varda and supported by Councilor Campbell to approve the Recreation & Activities Coordinators contract for Tamara Nevalainen effective January 1, 2018 for a two year term ending December 31, 2019.

Voting Aye: All

Motion Carried

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CONTRACT FOR CONSULTANT CITY ENGINEER JAMES E. JOHNSON'S

Moved by Councilor Campbell and supported by Councilor Varda to approve the Consultant City Engineers contract for James E. Johnson, P.E. effective January 1, 2018 for a two year term ending December 31, 2019.

Voting Aye: All

Motion Carried

**LETTER OF RESIGNATION
KAYLA JENSEN - CASUAL, SEASONAL, LABORER (CUSTODIAN)**

Moved by Councilor Campbell and supported by Councilor Varda to accept the letter of resignation from Kayla Jensen, casual, seasonal, laborer (custodian) effective November 15, 2017.

Voting Aye: All

Motion Carried

POST FOR CASUAL, SEASONAL, LABORER (CUSTODIAN)

Moved by Councilor Campbell and supported by Councilor Halverson to authorize the posting for the casual, seasonal, laborer (custodian) position.

Voting Aye: All

Motion Carried

TRUCK DRIVER JOB DESCRIPTION

Moved by Councilor Campbell and supported by Councilor Varda to approve the job description for the truck driver position.

Voting Aye: All

Motion Carried

**RESOLUTION NO. 1117-108 APPOINT BRUCE A. RUDSTROM
TO SERVE AS HEAVY EQUIPMENT OPERATOR**

Moved by Councilor Campbell and supported by Councilor Halverson to adopt Resolution No. 1117-108 to appoint Bruce A. Rudstrom to serve as Heavy Equipment Operator.

Voting Aye: All

Motion Carried

SCHEDULE BUDGET MEETINGS FOR GENERAL FUND & ENTERPRISE FUNDS

Moved by Councilor Campbell and supported by Councilor Varda to schedule budget meetings for Wednesday, November 15, 2017 at 5:00 p.m. for the General Fund and Wednesday, November 29, 2017 at 5:00 p.m. for the Enterprise Funds.

Voting Aye: All

Motion Carried

SUSPEND DECEMBER 27, 2017 COUNCIL MEETING

Moved by Councilor Campbell and supported by Councilor Varda to suspend (cancel) the December 27, 2017 Chisholm City Council meeting.

Voting Aye: All

Motion Carried

ADJOURN COUNCIL MEETING

Moved by Councilor Campbell and supported by Councilor Varda to adjourn the Council Meeting at 6:08 p.m.

Voting Aye: All

Motion Carried

/s/ Todd A. Scaia
Mayor

Attest:

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