

**MINUTES OF THE REGULAR MEETING
OF THE HIBBING CITY COUNCIL
Wednesday, February 3, 2010**

TIME AND PLACE: The regular meeting of the Hibbing City Council was held on Wednesday, February 3, 2010 at 6:00 p.m. in the Hibbing City Hall Council Chambers.

ATTENDANCE: Present at roll call Mayor Rick Wolff, Clerk Patrick Garrity, Councilor Tim Harkonen, Councilor Darby Sater, Councilor Frank Bigelow, Councilor Jack Lund, and Councilor Patty Shafer. Also present were Acting Chief of Police 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 6:04 p.m.

ADDs & DELETES:

- **Add** – Consent Agenda Item #10 Ambulance Intercept Program
- **Add** – Consent Agenda Item #15 Change the 2nd Meeting in March to March 24, 2010

I. APPROVE MINUTES:

- Councilor Bigelow supported by Councilor Harkonen moved to approve the minutes of the regular meeting of the Hibbing City Council of January 20, 2010. Motion CARRIED

II. CONSENT AGENDA: Councilor Lund supported by Councilor Harkonen moved to approve the Consent Agenda Items #1 through #15, minus Items #4, #11, #13, and #15 as pulled for discussion. Motion CARRIED

1. Approve Accounts Payable dated:
 - 01/29/2010, checks #133719 - #133825, in the amount of \$235,283.06
 - 01/29/2010, checks #133826 - #133859, in the amount of \$354,721.27
2. Approve City Payroll for Pay period ending 01/15/2010, checks #150541 - #150650, in the amount of \$327,597.21.
3. Authorize the Mayor, Clerk, and City Administrator for signatures on the Agreement for Collection of Residential and Commercial Recyclable Materials between St. Louis County and the City of Hibbing.
4. Authorize attendance of City Council members at the Coalition of Greater Minnesota Cities Legislative Action Day which will be held on Wednesday, February 17, 2010.

Pulled for Discussion: Clerk Garrity pulled this item for discussion as this event is scheduled for the same date as the next council meeting and also that this item should be held for approval

until after the discussion regarding the membership dues is held as noted later in tonight's agenda. Clerk Garrity also asked for authorization to attend the Legislative Action Day.

After discussion under the Mayor's Office report of the 2010 Coalition of Greater Minnesota Membership Dues, Clerk Garrity, supported by Councilor Harkonen moved to authorize attendance of the City Council Members at the CGMC Legislative Action Day which will be held on Wednesday, February 17, 2010. Motion CARRIED

5. Authorization of payment to the League of Minnesota Cities for 2010 Membership Dues in the amount of \$11,518.
6. Authorization for signature on the attached agreement with Ochs, Inc. and to proceed with the RFP Timetable to obtain proposals for the Life Insurance benefit provided by the City of Hibbing.
7. Approve the Raffle Permit Request of the Hibbing Elks Lodge for their Annual Youth Activity Fundraiser raffle to be held on April 10, 2010.
8. Approve the Raffle Permit Request of the VFW Post 8510 for their Military Troop Fundraiser raffle to be held on February 27, 2010.
9. Authorize attendance of City Council members at the Annual Membership Meeting of the Range Association of Municipalities and Schools, February 19, 2010 at the Hibbing Park Hotel.
10. Approve the Ambulance Service Intercept Program agreement between the cities of Hibbing and Eveleth for the calendar year 2010.
11. Authorize the Human Resources Director to purchase written examinations for the three candidates recommended by the Police Commission for the position of Chief of Police as have been purchased and used in previous years and to schedule test as soon as possible.

Discussion: Councilor Harkonen pulled this item for discussion because he disagrees with the need for the written test for the police chief position and because the Police Commission has already completed the testing process for this position.

Councilor Harkonen, supported by Councilor Bigelow moved to not authorize written examinations for the police chief position.

Discussion: Clerk Garrity commented that he had originally asked that the Police Commission allow a long enough time for advertising and also to allow for a written test. The Council was presented a letter with a strong recommendation from the Police Commission. Clerk Garrity stated that the rules are that the Commission presents top three names for the position and the Council then chooses from those names. Clerk Garrity believes those three people should take the written test and then an oral exam by the Council. He also noted that there is a 100 point objective test available to show the strengths and weaknesses of the candidates.

Councilor Harkonen stated that the Police Commission was designed to take the politics out of the hiring process. Councilor Lund also agreed that a written test should be given and would be one way to take politics out of the selection. Councilor Bigelow doesn't believe written tests

have been given for quite some time. John Maras, former police chief, was in the audience and approached the podium to comment that the last time a written test was given was over 25 years ago. Though this might have not been in the recent years, Clerk Garrity recalls that prior candidates felt the written tests provided them with a good method to be objective and he is also concerned there may be wrongful hire situation if there is not test given. Councilor Harkonen noted that the reason for written tests is to eliminate a certain number of applicants and is not designed for measuring knowledge. He also pointed out that if a test is given for this position, there is a study period, interviews, and will be several months before a decision is made. Mayor Wolff agrees with Clerk Garrity that the Council has the right to decide on the next process after the names have been submitted by the Police Commission and he feels it would be appropriate to interview candidates but believes that the police chief position is unique and there is no uniform way of testing and could not support a test but could support interviewing the candidates. Councilor Bigelow agrees with the Mayor and believes that testing the candidates will not prove their ability to be a great employee. Councilor Sater commented that there was a lack of communication between the Council and the Police Commission and this has no negative reflection on any of the candidates. He also noted that in years prior the testing was a part of the hiring process then the interviews were held and then the recommendation was given.

City Attorney Richard Sellman read the Police Commission rules regarding certification and appointment in Section 9. The rules state that after the three names have come to the Council, the appointing authority has the complete discretionary authority and is the sole authority in selecting one of the three candidates certified to fill the opening based upon a comparison of the candidate's job related qualification test scores and other job relevant information available to the appointing authority. The Council has to this point only received a letter with the three names and have not received any other supporting documentation regarding the selection. Prior to making a selection the appointing authority, the Council, may obtain any additional job relevant information deemed necessary to complete the appointment.

Mayor Wolff noted that the Council should request that information from the Police Commission prior to making a decision about a test or interview. John Maras approached the podium once again to state that in 1996, the way the Council addressed the hiring process was to take the top three names and conduct an additional interview by the Council prior to the decision. Clerk Garrity commented that he is asking for a fair way of objectively picking a chief as he has only seen the recommendation letter from the Commission.

Attorney Sellman commented that had not wanted to direct the Council on the next process but rather point out the ability to request the information that was a basis for the recommendation by the Police Commission. Mayor Wolff believes that an interview by the council would be appropriate and that further documentation from the Police Commission should be requested to assist in the selection process.

The motion on floor for Consent Item #10 To Not Authorize the Human Resources Director to purchase written examinations for the three Police Chief candidates.

Motion AGAINST Consent Item #10: Mayor Rick Wolff
Councilor Frank Bigelow
Councilor Tim Harkonen

Motion FOR Consent Item #10: Clerk Patrick Garrity
Councilor Patty Shafer
Councilor Darby Sater
Councilor Jack Lund

Motion FAILS. Mayor Wolff noted that a test will be found for the candidates to take.

12. Approve the promotion of Richard Sellman to the Investigator position in the Hibbing Police Department.

13. Approve the promotion of Kathleen Cuffe to the rank of Captain in the Hibbing Police Department.

Discussion: Mayor Wolff pulled this item for discussion. Departments throughout the City have been asked to review organizational charts and to provide ideas for better ways of accomplishing our mission and still provide the same services. At this time with the current vacancies that we have it gives us a tremendous opportunity to consider different options in providing services. Mayor Wolff asks to delay this Captain promotion until further discussions may be held with the Police Chief about the department structure.

Mayor Wolff, supported by Councilor Sater moved to table the police department captain promotion at this time. Motion CARRIED. Opposed Clerk Garrity.

14. Set the next regular meeting for the City Council for Wednesday, February 17, 2010 at 6:00 p.m. in the City Hall Council Chamber.

15. Move the 2nd regular meeting of the City Council from Wednesday, March 17, 2010 to Wednesday, March 24, 2010.

Discussion: Councilor Harkonen pulled this item to ask for the reason to change the date. Clerk Garrity responded that there is a clerk's training session out of town that day that he is attending it and there is an extra week in March.

Clerk Garrity also noted that the same situation will occur with the February 17th Council meeting as it is the same day as the CGMC Legislative Day and several Council members typically register for attendance and there are also a few members out of town on vacation at that time.

Councilor Harkonen disagrees stating that the public knows the Council meetings are held on the 1st and 3rd Wednesdays. Clerk Garrity withdrew the request for the meeting date change.

III. PUBLIC FORUM:1) **Bill Englestad:** City Fireworks

Mr. Englestad, President of Hibbing Raceway-IRRA, approached the Council regarding the Governors Cup Event that will be held on June 18th and 19th this year at the Hibbing Raceway. The Iron Range Racing Association are willing once again to participate in the City's 2010 Fireworks Display event and would donate \$2,000 towards the expense of the fireworks display.

Councilor Harkonen, supported by Councilor Bigelow moved to approve the fireworks display partnership with IRRA and authorize the Fireworks Display to be held on Friday, June 18, 2010 with a rain date on Saturday, June 19th. Motion CARRIED

IV. BIDS AND QUOTES:**V. DEPARTMENT AND COMMITTEE REPORTS:**1. **City Engineer's Office – John P. Suihkonen, City Engineer****a) S.E.H. Contract, South Waste Water Treatment Plant Maintenance Project**

S.E.H. was awarded the maintenance project at the SWWTP and they provided us with a draft contract which has been reviewed by Mr. Suihkonen and Mr. Sellman and they recommend approval of this contract. Councilor Lund asked why there was a delay with the Council receiving this proposal. Mr. Suihkonen replied there has been request for modifications to some points of the contract since the original date of receipt. The final revisions were just received this Tuesday.

Councilor Lund commented that this is violating Council rules where information for the Council meetings should be distributed for review by the Thursday or Friday prior so there is ample time for the Council to review and meet with department staff prior to the Council meeting. Councilor Lund noted that he is not able to support this due to the lack of time for proper review. This item will be tabled and placed on the agenda for the next council meeting on February 17, 2010. Councilor Lund wants to remind people to be considerate of the deadlines for the agenda packet documentation to assist the Council in making informed decisions.

b) Graysheer Addition, S.E.H. Sewer Report

Jamie Mehle of S.E.H gave a presentation of alternatives and of costs of the Graysheer Addition Sewer Project. Mr. Suihkonen asks for Council discussion as to how much of the project we should go forward with.

All three phases would cost approximately \$237,000. The televising project in the Graysheer Addition would help evaluate the proposed sewer lining project. The televising cost is approximately \$4,000 at \$3.00 per foot. Mr. Suihkonen noted that funding for

this project could be included in the \$750,000 grant from Iron Range Resources, could also be considered with a special assessment as with other utility projects for the residents, or additional grant applications could be made.

Mayor Wolff, supported by Councilor Shafer moved to proceed with the televising and cleaning quotes. Motion CARRIED.

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

a) **Resolution No. 10-02-01 Authorizing the Signing of Licenses to Provide the City of Hibbing Access to the Municipal Utility Easement at the Rear of All of the Lots in Block 3, Graysher Addition to Hibbing**

Councilor Harkonen, Councilor Shafer moved to adopt **RESOLUTION NO. 10-02-01 AUTHORIZING THE SIGNING OF LICENSES TO PROVIDE THE CITY OF HIBBING ACCESS TO THE MUNICIPAL UTILITY EASEMENT AT THE REAR OF ALL OF THE LOTS IN BLOCK 3, GRAYSHER ADDITION TO HIBBING.** (Resolution herein incorporated and on file in the Council Office.) Motion CARRIED

b) **Ordinance No ____, 2nd Series Amending City Code regarding Taxi Cabs**

Mr. Sellman commented that the review and revisions of this Ordinance were needed as there was expressed interest of another party to start an additional taxi company. This revision to the Ordinance has no reflection on current taxicab licensee.

One addition is for a background investigation of those driving taxi cabs for public safety reasons. The permit fee per driver needs to also be addressed. Discussion held on the fee amount and what services would be included with that fee.

Councilor Lund noted that subdivision 7 regarding suspension and revocation mentions the City Clerk is to receive requests for public hearings but he felt that the responsibility could also fall under that of the Administrative\Council Assistant.

Councilor Lund and Councilor Sater would like to allow the current taxi cab operator to review the ordinance as well prior to approval. They both expressed their appreciation for the service that the Hibbing Taxi Company has provided over the years.

Councilor Sater noted that there was a party in town that is advertising to drive people home and wondered if they have applied for a taxi cab license. Chief Gielen and City Attorney Sellman both agree that anyone that conveys a person from one place to another falls under the taxi cab ordinance which would require them to apply for the taxi cab license.

Councilor Lund, supported by Mayor Wolff moved to table action on this Ordinance until the February 17, 2010 Council meeting. Motion CARRIED

3. **Mayor's Office – Rick Wolff, Mayor**

a) **2010 Coalition of Greater Minnesota Cities Membership Dues**

The 2010 Coalition Membership dues had been discussed during the budget sessions last Fall and there was question of any possible adjustments that could be made to lower the fees. Mayor Wolff brought this question to the CGMC November meeting in Alexandria and found that membership dues will be reviewed at the Coalition's annual meeting in May. The Mayor's experience with the Coalition is that we benefit from this membership.

Mayor Wolff, supported by Councilor Bigelow moved to authorize payment of the 2010 Coalition of Greater Minnesota Cities Dues.

Discussion: Lengthy discussion was held on the support and information that the Coalition does provide to Hibbing. Clerk Garrity stated that he hasn't been satisfied with the membership and feels that it is not a good expenditure of taxpayer money.

Councilor Bigelow asked to call for the question for the motion on the floor.

For Approval: Mayor Wolff, Councilor Harkonen, Councilor Bigelow, Councilor Lund

Against: Councilor Shafer, Clerk Garrity, and Councilor Sater

Motion CARRIED

4. **City Administrator's Office – Brian Redshaw**

a) **Dissolution of Insurance Fund**

The Insurance Committee sent a recommendation to the Council to dissolve the insurance fund and has asked for a determination of the effective date of that dissolution.

Mr. Sellman noted that ideally the Council would have had a plan on December 31, 2006 for the insurance fund, but the plan was held open to allow claims to process. As required by our code and state statute the fund then had to be audited. He noted that the Council would have a reasonable position to use the December 31, 2006 date as a basis for distributing this fund. Of the remaining assets approximately 80% goes back to the City and 20% goes back to the participants and must be dedicated for the use of health care benefits and would be used to apply toward payment of their health insurance. The dissolution plan needs to be a unanimous vote by the Council and also approved by the bargaining units. The dissolution plan will also need to be sent to the participants.

Mr. John Maras and Mr. Ed Jylha presented the Council with a letter regarding the Insurance Fund. Mr. Maras has reviewed meeting minutes and spreadsheets that he requested from the Clerk's office and asked for clarification or an in-house audit to

explain the difference in the numbers in the spreadsheets. They are concerned because the numbers do not match, there is confusion with the audited vs. unaudited spreadsheets, if there was interest accrued in the fund for 2006, 2007, 2008, and 2009, and what happened to the tobacco settlement money that appeared on the 2006 spreadsheet and then disappeared after that. They also believe that only the participants that were active in the plan should receive this distribution.

Finance Director Renskers replied with clarifications on the unaudited vs. audited spreadsheets and figures at end of year. The audited spreadsheet balances always agrees with the internal service fund on the audit. The tobacco settlement was taken out of the insurance fund and placed back in general fund because auditors had determined that was the correct place.

Mayor Wolff, supported by Councilor Harkonen moved to approve the effective date of the dissolution of the insurance fund of December 31, 2006. Motion CARRIED

Clerk Garrity commented that no one is trying to do anything that is unfair and that documentation will be provided as clarification.

VI. ADJOURNMENT

There being no further business brought before the Council, Councilor Sater, supported by Councilor Bigelow moved to adjourn the meeting at 8:00 p.m.

Richard M. Wolff, Mayor

ATTEST: _____
Patrick L. Garrity, Clerk-Treasurer