

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

TIME AND PLACE:

A closed session of the Hibbing City Council was held at 5:00 p.m. in the Mayor's Office relative to discussions on strategies for labor negotiations.

A regular meeting of the Hibbing City Council was held on Wednesday, March 3, 2010 at 6:00 p.m. in the Hibbing City Hall Council Chambers.

ATTENDANCE:

Present at roll call: Mayor Richard M. Wolff, Clerk Patrick L. Garrity, Councilor Tim Harkonen, Councilor Darby Sater, Councilor Frank Bigelow, Councilor Jack Lund, and Councilor Patty Shafer. Also present were City Attorney Richard Sellman, City Administrator Brian Redshaw, Acting Police Chief Duane Gielen, Assistant City Engineer Jesse Story, and Administrative \ Council Assistant Sharon Ross.

CALL TO ORDER: The meeting was called to order by Mayor Wolff at 6:20 p.m.

ADDs & DELETES:

- Consent Agenda Item #11, Raffle Permit Request
- Mayor's Office, Resolution No. 10-03-03

I. APPROVE MINUTES:

- None at this time

II. CONSENT AGENDA:

Councilor Bigelow, supported by Councilor Harkonen moved to approve the Consent Agenda Items #1 - #14, minus Item #14 as pulled for discussion. Motion CARRIED.

1. Approve Accounts Payable dated:
 - 02/26/2010, checks #134016 - #134116, in the amount of \$ 190,114.98
 - 02/26/2010, checks #134117 - #134127, in the amount of \$ 56,777.01
2. Approve City Payroll for Pay period ending 02/13/2010, checks #150756 - #150846, in the amount of \$331,946.30.
3. Approve Liability Coverage Waiver Form whereby the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
4. Declare Sanitation Department's list of items as Surplus Property to be sold by auction.

Discussion regarding Item #4: The question was raised if surplus could be approved on the basis if there are not any other departments that can use or share the equipment. Bryce Pearson noted that he has checked with the other departments and they are unable to use those types of tandem or right-hand drive trucks or simply in their current condition. The trucks could be used for snow hauling during an emergency basis only because constant use for snow removal would need to be considered with the weight of snow and ice build-up. Three of the trucks will be kept for emergency use, but four will need to go to surplus. Mr. Pearson also noted that there is a lack of storage space for the trucks. Mr. Pearson will place truck #103 (right hand drive truck) on auction at this time. At the time of the delivery of the two new sanitation trucks, the other surplus trucks will be placed for consideration of auction.

5. Declare Hibbing Area Transit list of items as Surplus Property to be sold by auction.
6. Approve pay increase for the Paid-On Call Fire Fighters effective February 1, 2010.
7. Approve the promotion of Kathleen Cuffe to the rank of Captain in the Hibbing Police Department.
8. Approve the promotion of Steven Dolinich to the Sergeant position in the Hibbing Police Department.
9. Adopt Resolution No. 10-03-01 relative to Improving Access to Polling Places in the City of Hibbing.
10. Adopt Resolution No. 10-03-02 relative to the Governor's Supplemental Budget Cuts to LGA Payment.
11. Approve the Raffle Permit Request of the Chisholm Hibbing Experimental Aircraft Association Chapter 996 for a Raffle to be held at the VFW Post 8510 on March 20, 2010.
12. Approve the Special Event Application of Jim Cople on behalf of the Weblos Pack #13 for a model rocket launch in North Hibbing on March 27, 2010.
13. Authorize attendance of City Council members at the League of Minnesota Cities Joint Legislative Conference which will be held Thursday, March 25, 2010 in St. Paul.
14. Set the next regular meeting for the City Council for Wednesday, March 17, 2010 at 6:00 p.m. in the City Hall Council Chamber.

Discussion: Clerk Garrity pulled this Item to disapprove and vote against as he will be out of town at a conference and will be unable to attend and has asked for the meeting to be rescheduled.

Councilor Harkonen, supported by Councilor Bigelow moved to approve this Consent Agenda Item to set the regular meeting for the City Council for Wednesday, March 17, 2010. Motion CARRIED. Opposed: Clerk Garrity.

III. PUBLIC FORUM:

- **Tim Stauty & Kurt Metzig: Hibbing Police Federation:**

Mr. Stauty and Mr. Metzig introduced themselves to the Council and to let the City know that as of January 1st the L.E.L.S union switched to the Hibbing Police Federation. They noted that there are rumors floating around police department relative to changing the schedule and the structure of the police department and the union would like to know and be able to provide input and be involved. The union wanted the Council to know that they understand the times and budget, and they are open to working with the Council.

Clerk Garrity noted there maybe rumors, but there has been no discussion. He also stated that the reality is that we have had to cut \$1.3 million from the budget and have received the governor's announcement to cut an additional \$1.3 million. There has been no discussion as to how or what will be done but there will be major impact within the City and we will work with the unions.

Mayor Wolff extended appreciation for their coming to the meeting and their willingness to work with the Council.

- **Jim Copple: Status of Rocketry in Hibbing**

Mr. Copple approached the Council with additional information from the National Association of Rocketry and provided copies of the new language of the national fire protection association. He wanted the Council to know that he appreciates all the work they have done. Mr. Copple has now received five official signatures to form an official club here in Hibbing which will provide property insurance from the N.A.R. His weekends are booked with various organizations and scouting groups wanting to have rocketry events and would like to bring this activity to Hibbing and to bring business to Hibbing. Mr. Copple wanted to clarify that the rocket motors are black powder motors but according to the Bureau of Alcohol, Tobacco, and Firearms they are exempt from firearms. The status of rocketry in Hibbing is that a special event permit needs to be filed for each event.

IV. BIDS AND QUOTES:**V. DEPARTMENT AND COMMITTEE REPORTS:**

1. **City Engineer's Office – Jesse Story, Assistant Engineer**

- a) **Amendment and Submittal of Hibbing South Wastewater Treatment Plant, Facility Plan Addendum**

The facilities plan is due to be submitted to the MPCA by Friday, March 5, 2010. A public hearing relative to this matter was held in September 2009. Councilor Shafer asked for the expiration date of the use of funds. Mr. Story replied that the funds need to be spent down

by December 31, 2011. Councilor Shafer commented that we shouldn't spend any more of the tax payer's money on mercury studies and we should just focus on caring for the South Wastewater Treatment Plant. Mr. Suihkonen and Mr. Story have done a wonderful job in negotiating with the MPCA and looking at the impact with the whole region and to identify federal funding.

Councilor Bigelow, supported by Councilor Lund moved to adopt **RESOLUTION NO. 10-03-04 APPROVING THE WASTE WATER FACILITY PLANNING STUDY** (Resolution herein incorporated and on file in the Council Office). Motion CARRIED

b) Brooklyn Storm Sewer Cleaning

S.E.H has completed a preliminary on site investigation and has identified large amounts of sediment. S.E.H. has obtained two quotes to provide cleaning of the storm sewer to complete their inspection and the low quote came in from Hydro Klean. Funds are available from the \$750,000 IRR grant.

Councilor Lund, supported by Councilor Shafer moved to award the bid to Hydro Klean, Duluth in the amount of \$26,400.00. Motion CARRIED

c) St. Louis County S.H.P. 69-657-004, Reconditioning Improvements of C.S.A.H. 57

St. Louis County has prepared plans to recondition First Avenue from Hematite to Towline Road. The plans have been reviewed by Mr. Suihkonen and Mr. Story and are available in the Engineering Department for review. Adoption of the resolution from the County is recommended in order to proceed.

Councilor Harkonen, supported by Councilor Sater moved to adopt the State Aid for Local Transportation Resolution to Approve County Project within the Municipal Corporate Limits. Motion CARRIED

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

a) Ordinance Amending Hibbing City Code Chapter 6 relative to Pawnbrokers

Revisions are to include the computerized system for the pawn brokers and tie into system run by Minneapolis police departments. One existing pawnbroker already has this system installed and is a valuable asset for law enforcement.

Councilor Harkonen, supported by Councilor Bigelow moved to adopt **ORDINANCE NO. 368 2nd SERIES AMENDING HIBBING CITY CODE CHAPTER 6, SECTION 6.30 PAWNBROKERS BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 6.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.** (Ordinance herein incorporated and on file in the Council Office) Motion CARRIED

Mayor Wolff, supported by Councilor Lund moved to adopt **ORDINANCE 368A, 2ND SERIES, OFFICIAL SUMMARY OF ORDINANCE NO. 368, 2ND SERIES.** Motion CARRIED

b) Ordinance Amending Hibbing City Code Chapter 11 relative to Zoning Code

The Planning Commission has submitted recommendation to approve text amendment to revise existing ordinance regulations for accessory structure dimensions in the R-1 through R-4 Residence Districts. The proposed revisions have been unanimously approved by the Planning Commission.

Councilor Harkonen, supported by Councilor Bigelow moved to adopt **ORDINANCE NO. 369, 2nd SERIES, AMENDING HIBBING CITY CODE CHAPTER 11 ENTITLED LAND USE REGULATION (ZONING) BY AMENDING VARIOUS PROVISIONS; AND BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS** (Ordinance herein incorporated and on file in the Council Office) Motion CARRIED

c) Ordinance Amending Hibbing City Code Chapter 11 & 16 relative to Wind Energy

The Planning Commission has submitted recommendation to approve text amendments to establish ordinances for regulating wind energy conversion systems (WECS). The proposed revisions have been unanimously approved by the Planning Commission.

Mayor Wolff, supported by Councilor Harkonen moved to adopt **ORDINANCE NO. 370, 2nd SERIES AMENDING HIBBING CITY CODE CHAPTER 11 ENTITLED LAND USE REGULATION (ZONING) BY AMENDING VARIOUS PROVISIONS AND CHAPTER 16 ENTITLED SHORELAND MANAGEMENT BY AMENDING VARIOUS PROVISIONS; AND BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1, SECTION 11.99 AND SECTION 16.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS** (Ordinance herein incorporated and on file in the Council Office) Motion CARRIED

Mayor Wolff, supported by Councilor Harkonen moved to adopt **ORDINANCE NO. 370A, 2nd SERIES, OFFICIAL SUMMARY OF ORDINANCE NO. 370, 2nd SERIES.** Motion CARRIED

d) Ordinance Amending Hibbing City Code Chapter 6 relative to Taxi Cabs

This ordinance was reviewed at the last council meeting and was tabled for additional input and is back on for consideration. Chief Gielen spoke with the current taxi cab company owner and worked with her to create a process for the taxi driver license.

Councilor Lund, supported by Councilor Bigelow moved to adopt **ORDINANCE NO. 371, 2nd SERIES AMENDING HIBBING CITY CODE CHAPTER 6, SECTION 6.28 TAXI CABS AND BY ADOPTING BY REFERENCE, HIBBING CITY CODE CHAPTER 1 AND SECTION 6.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS** (Ordinance herein incorporated and on file in the Council Office) Motion CARRIED

e) Agreement for Management of the Hibbing Recycling Center

A Recycling Committee was established and this agreement was reached between Mr. Robert Suhonen and the City of Hibbing regarding the contract for services for the management of the new Hibbing Recycling Center. The plans for the Hibbing Recycling Center had been reviewed at the Committee of the Whole meeting on January 13, 2010.

Clerk Garrity asked for clarification regarding the vehicles and manpower for residential and commercial and is concerned that there is enough money to support. Mr. Pearson replied that the staffing levels will stay the same for the Sanitation department. Mayor Wolff commented that the goal is to offset costs and to care for compost, a wood chipper site, and create revenue with recycling.

Councilor Lund inquired of the process for the monthly curb side pickup and why is it not in the agreement. Mr. Pearson replied that it would be a contract with the recycling center and the resident not with the City. Councilor Lund requested to advertise information for the public.

Councilor Harkonen, support by Councilor Bigelow moved to approve the agreement for management of the Hibbing Recycling Center.

Discussion was held regarding containers and that there is funding available through grant applications. Recycling containers would be available at the center. MDI has created a demo container for recycling.

Councilor Lund asked at this time to relay to the public the proposed hours the recycling center hours open: Tuesday 6:00 am to 4:30 pm, Thursday 12:00 noon – 8:00 pm, and Saturday 8:00 am – 4:30 pm

Mayor Wolff commented that Mr. Suhonen has expressed his willingness to be flexible with hours, etc. and he has indicated will do what he can to make the recycling center work and run efficiently.

Motion CARRIED

3. **Mayor's Office – Richard M. Wolff, Mayor**

- a) **Resolution No. 10-03-03 in support of the Douglas J. Johnson Economic Protection Fund.**
Clerk Garrity, supported by Councilor Lund moved to adopt **RESOLUTION NO. 10-03-03 IN SUPPORT OF THE DOUGLAS J. JOHNSON ECONOMIC PROTECTION FUND.** (Resolution herein incorporated and on file in the Council Office) Motion CARRIED

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

a) **Property Purchase Request**

Mr. White approached the City one year ago to purchase this piece of property and has raised his offer to \$750. This is an irregular shaped lot. If it can't be built upon, the amended value would be \$2300. The other neighbor has not expressed interest. Mr. Redshaw would suggest the purchase price of \$1,150. Councilor Bigelow with all due respect it is non buildable lot and considering the land values nationwide would make a motion to accept \$750 and be happy as it would be back on the tax role. Councilor Sater agrees and supported that assessed and market are two different things. Mr. Sellman

offered background information as the property went into tax forfeit and the family was advised to deed the property over to the City so they were not responsible for the demolition of the building. IRR did demolish the building and the cost of tipping fee was \$1,160.50. Councilor Harkonen commented that the owner will more than likely enhance the property and improve the neighborhood. Clerk Garrity noted that he agrees with the City Administrator on the purchase price due to the cost of demolition. Councilor Bigelow, supported by Councilor Sater moved to approve the offer of Mr. Kenneth White for parcel number 140-0250-00270 for a purchase price of \$750. Motion CARRIED. Opposed Clerk Garrity.

VI. ADJOURNMENT

There being no further business brought before the Council, meeting was adjourned at 7:33 p.m.

Richard M. Wolff, Mayor

ATTEST:

Patrick L. Garrity, Clerk-Treasurer