

**THE MINUTES OF THE MEETING
OF THE HIBBING CITY COUNCIL
February 15, 2012**

TIME AND PLACE: A regular meeting of the Hibbing City Council was held on Wednesday, February 15, 2012 at 6:00 p.m. in the Hibbing City Hall Council Chambers.

CALL TO ORDER: Mayor Cannata called the meeting to order at 6:03 p.m.

ATTENDANCE: Present at roll call Mayor Rick J. Cannata, Councilor Darby Sater, Councilor Tim Harkonen, Councilor Frank Bigelow, Councilor Jack Lund, and Councilor Patty Shafer. Also present were Police Chief Duane Gielen, Finance Director Sherri A. Renskers, City Engineer Jesse Story, Assistant City Attorney Andy Borland, and Administrative Council Assistant Sharon Ross. Clerk Patrick L. Garrity was present at 6:06 p.m.

ADDs/DELETes: Mayor Cannata read into the record the revisions to the original agenda.

- **ADD:** Accounts Payable dated 02/10/2012
- **ADD:** Consent Agenda Item #9
- **ADD:** Dept. & Committees: Hibbing Police Department, Item "a"
- **ADD:** Dept. & Committees: Building & Housing Department, Item 'a'

APPROVAL OF MINUTES:

- Councilor Lund, supported by Councilor Shafer moved to approve the minutes of the regular meeting of the City Council of January 18, 2012. Councilor Bigelow abstained due to absence. Motion CARRIED
- Councilor Shafer, supported by Councilor Lund moved to approve the minutes of the Committee of the Whole of January 25, 2012. Councilor Bigelow abstained due to absence. Motion CARRIED

CONSENT AGENDA: Councilor Bigelow, supported by Clerk Garrity moved to approve the Consent Agenda Items #1 - #9, minus #7 as pulled for discussion. Motion CARRIED

1. Approve Accounts Payable dated:
 - 02/06/2012, check #141121, in the amount of \$86.84
 - 02/10/2012, checks #141122 - #141238, in the amount of \$262,800.90
 - 02/10/2012, check #141239, in the amount of \$25.13
2. Approve City Payroll for pay period ending 01/27/2012, checks #156456 - #156538, in the amount of \$407,096.87
3. Accept and place on file the Hibbing Police Department report for January 2012.
4. Declare Hibbing Fire Department cell phone as surplus property.
5. Authorize attendance of City Council at the Legislative Conference for Cities, Counties, Schools, and Townships, March 21 - 22, in St. Paul, MN
6. Authorize attendance of Clerk and Finance Director at the Minnesota Clerks & Finance Officers Association Conference, March 20 - 23, in St. Cloud, MN

7. Set the next Committee of the Whole. *Discussion:* Councilor Lund pulled this item for discussion and to ask for the Mayor's recommendation. Councilor Lund, supported by Councilor Bigelow moved to set the next Committee of the Whole for Tuesday, February 21st at 6:00 p.m. in the 2nd Floor Conference Room. Motion CARRIED
8. Set the next regular meeting for Wednesday, March 7, 2012 at 6:00 p.m. in the City Hall Council Chamber.
9. Authorize a conditional offer of employment to Gerald Swanson for the Waste Water Operator position pending the results of the pre-employment physical and background check

PUBLIC FORUM: None

PRESENTATION: Audit Scope & Planning Presentation – Fort & Company, P.A.

Laura Rusich, Engagement Manager - Fort & Company, presented as a required communication for the audit to be completed for the year ending December 31 2011. She noted the engagement team will be the same but will also include a new member, Kimberly Jarvis. She reviewed the estimated timeline with an anticipated start date for audit fieldwork of April 16th.

BIDS AND QUOTES:

1. **Hibbing Fire Department** – *Scott Nehiba, Chief*

- a) **Fire Engine:** Chief Nehiba appointed an engine/apparatus committee to review options for equipment for the department. The committee reviewed various manufacturers to determine the fire engine that would best serve not only the department but the residents of the city of Hibbing. The recommendation is for the purchase of a custom built Rosenbauer General Safety pumper utilizing the Houston-Galveston Area Council cooperative purchasing agreement. The HGAC buying process would promote considerable savings to the city at a guaranteed state bid for purchases. Chief Nehiba recommends the purchase of the Rosenbauer pumper to be built to the Hibbing Fire Department specifications at the 2011 price of \$378,822.00, which is guaranteed through February 17, 2012. He also recommends moving forward with the HGAC Interlocal Contract for Cooperative Purchasing.

Councilor Lund, supported by Councilor Harkonen moved to approve the Fire Department purchase of the Rosenbauer General Safety Pumper in the amount of \$378,822.00. Motion CARRIED

Councilor Bigelow, supported by Councilor Lund move to approve entering into agreement with Houston-Galveston Area Council for the Interlocal Contract for Cooperative Purchasing. Motion CARRIED

DEPARTMENT AND COMMITTEE REPORTS:

1. **Engineer's Department** – *Jesse Story, City Engineer*

a) **South Waste Treatment Plant – Schedule of Compliance**

The MPCA has submitted a Schedule of Compliance for the South Wastewater Treatment Plant to meet the current mercury removal limits. Mr. Story reviewed the timeline of the schedule showing plans and specifications to be submitted to the MPCA

by March 31, 2012 for MPCA approval. Bids must be certified by the MPCA by June 30, 2012 to be eligible for TMDL funding. Construction must be started no later than September 1, 2012. The mercury removal tertiary treatment system must be fully operational and Hibbing must meet the mercury removal limit by April 1, 2014. Penalties for violations of this schedule are a \$500.00 per requirement for each day of failure if not meeting the March 31, 2012 deadline and the penalty for not meeting the other noted deadlines is \$10,000 per requirement for each month of failure.

Councilor Bigelow, supported by Councilor Harkonen moved to accept the Minnesota Pollution Control Agency Schedule of Compliance for the City of Hibbing. Motion CARRIED

b) South Waste Treatment – Pump Rebuild

Mr. Story explained that the pump has started to show signs of major wear and will need to be replaced. Three quotes have been received to rebuild the pump at the South Waste Treatment Plant. Mr. Story recommends approving the quote from Traut Wells.

Clerk Garrity, supported by Councilor Bigelow move to approve quote from Traut Wells for the Pump Rebuild at the South Waste Treatment Plant to include labor and materials in the amount of \$9,345.00. Motion CARRIED

2. Hibbing Police Department – Duane Gielen, Chief

a. Northeast Law Enforcement Administrator’s Council, 800 MHz Radio Grant

Chief Gielen reported the NLEAC was able to secure \$500,000 in grant funding to purchase 800 MHz radios. Of the grant award, the NLEAC members determined the Hibbing Police Department would receive 29 radios resulting in a savings to the city of approximately \$90,000.

Councilor Lund, supported by Councilor Bigelow moved to accept the twenty-nine 800MHz portable radios provided by the Northeast Law Enforcement Administrator’s Council. Motion CARRIED

3. Building & Housing Department – Pat Green, Building Official

a. Planning Commission Recommendation – Conditional Use Permit Petition of the City of Hibbing Fire Department

Councilor Bigelow, supported by Councilor Harkonen moved to concur with the recommendation of the Planning Commission to approve the Conditional Use Permit Petition of the City of Hibbing Fire Department. Motion CARRIED

4. City Attorney’s Office – Andy Borland, Assistant City Attorney

a) Resolution in Support of Hibbing Curling Club Bonding Request

Clerk Garrity, supported by Councilor Harkonen moved to adopt **RESOLUTION NO. 12-02-01 IN SUPPORT OF CITY OF HIBBING’S BONDING REQUEST TO THE STATE OF MINNESOTA FOR IMPROVEMENTS TO THE HIBBING CURLING CLUB** (Resolution herein incorporated and on file in the Council Office). Motion CARRIED

b) Ordinance Amending Section 10.40 Shade Tree Disease Control and Prevention

Councilor Lund, supported by Councilor Sater moved to adopt **ORDINANCE NO. 404, 2nd SERIES, AMENDING HIBBING CITY CODE CHAPTER 10 ENTITLED "PUBLIC PROTETION, CRIMES AND OFFENSES", BY AMENDING PROVISIONS IN SECTION 10.40 'SHADE TREE DISEASE CONTROL AND PREVENTION'**.
(Ordinance herein incorporated and on file in the Council Office) Motion CARRIED

c) Resolution Regarding Acquisition of Tax Forfeited Lands

Councilor Bigelow, supported by Clerk Garrity moved to adopt **RESOLUTION NO. 12-02-02 REGARDING ACQUISITION OF TAX FORFEITED LANDS** (Resolution herein incorporated and on file in the Council Office). Motion CARRIED

5. **Council Reports – Councilor Darby Sater**

a) Resolution for Proposed Public Utilities Commission Legislation

Councilor Sater brought the recommendation forward to expand the representation of the Public Utilities Commission from three members to five. Since the Public Utilities Commission in Hibbing was created by special legislation, changes can only be made by special legislation.

Councilor Sater, supported by Councilor Bigelow moved to adopt **RESOLUTION NO. 12-02-03 PROPOSED PUBLIC UTILITIES COMMISSION LEGISLATION** (Resolution herein incorporated and on file in the Council Office). Motion CARRIED

ADJOURNMENT: There being no further business brought before the Council, the meeting was adjourned at 6:45 p.m. by Councilor Lund and supported by Councilor Shafer. Motion CARRIED

ADMINISTRATIVE HEARING: LIQUOR LICENSE VIOLATIONS

a) Liquor Cabinet:

An administrative hearing was scheduled at 7:00 p.m. as a result of a liquor license violation from the sale of liquor to an underage person on December 7, 2011. Ms. Nasi was present on behalf of the Liquor Cabinet to agree there was a violation of the ordinance but contests the harshness of the penalty. This is the third violation for the business in the past 5 years resulting in a \$1,000 fine, a 15 day license suspension, and one year off the Best Practices Program. Ms. Nasi understands the penalty but would offer the payment of a larger fine instead of the 15-day suspension.

Discussion held on past violations and consequences that other businesses have had to face with similar circumstances. The Hibbing Police Department notifies the businesses that belong to the Best Practices Program that a compliance check will be done. In following the Best Practice Program and City Ordinance, Councilor Lund supported by Councilor Harkonen moved to set the penalty for the Liquor Cabinet at a \$1,000 fine, a 15-day license suspension, and one year off the Best Practice Program. Discussion: The 15-day license suspension will be consecutive dates counting Sundays. Ms. Nasi will contact Chief Gielen

with the start date within the next two weeks. Councilor Lund, supported by Councilor Harkonen moved to amend their motion to include the start date of the 15-day suspension will occur within the next two weeks. Upon no further discussion, Motion CARRIED.

- b) **El Patron Mexican Restaurant:** The El Patron Mexican Restaurant has since paid their liquor violation fine of \$500.00 to the Clerk's Office.

Upon no further business, the administrative hearing was closed at 7:20 p.m.

CITY OF HIBBING

Rick J. Cannata, Mayor

ATTEST: _____
Patrick L. Garrity, Clerk - Treasurer