

## COUNCIL PROCEEDINGS

### CITY OF VIRGINIA, MINNESOTA, SEPTEMBER 27, 2011

Regular meeting of the City Council of the City of Virginia, Minnesota, was called to order by Mayor Peterson at 6:30 P.M. in the Council Chambers, City Hall.

Roll Call:

Present: Councillors Cuffe, Littlewolf, Ralston, Baribeau, Sipola, Russo, Mayor Peterson - 7

Absent: None

Mayor Peterson led the Pledge of Allegiance.

Moved by Sipola and supported to approve the Consent Agenda, as follows:

1. Approval/correction of minutes of Regular Meeting held September 13, 2011.
2. Adoption of Finance Resolution No. 11-017 – Schedule of Bills.
3. Approve renewal of 2 AM Liquor License for Flaimer’s, Inc.

Motion carried.

Moved by Baribeau and supported to adopt the Ordinance amending Chapter 5 of the City Code of the City of Virginia Entitled “Alcoholic Beverages Licensing and Regulation”.

Ordinance adopted unanimously.

Mayor Peterson reviewed the letter from Chicagami requesting support of their project to purchase property located at 1250 Industrial Drive in Eveleth to relocate their current childcare operations in the City of Eveleth.

Moved by Russo and supported to support Chicagami’s intent to purchase the property located at 1250 Industrial Drive in Eveleth to relocate their childcare operations currently operating at 401 Roosevelt Avenue in Eveleth. Motion carried.

Mayor Peterson reviewed the request from the Virginia High School Student Council to hold bonfire on September 29, 2011, as part of the homecoming activities, and noted that the time has changed from 7:00 P.M. to 8:30 P.M.

Moved by Cuffe and supported to approve the request from the Virginia High School Student Council to hold a bonfire from 7:00 PM. To 8:30 P.M. at the beach area on Silver Lake on September 29, 2011, contingent upon approval by the Fire Department and the Virginia School providing chaperones. Motion carried.

Moved by Sipola and supported to accept the resignation from Tammy Spelts-Berglund from the Police Civil Service Commission, effective immediately. Motion carried.

Mayor Peterson recommended that the City Council review the duties and authority of the Police Civil Service Commission. According to Minnesota Statutes 419.16, the Police Civil Service Commission can be abolished by the voters, or by a unanimous vote of the City Council. Mayor Peterson asked for the City Council to consider abolishing the Police Civil Service Commission, based on the following information:

- The State statutory authority for the commission was enacted before union rights were enacted for the public sector.
- Current laws provide more than substantial protection for public employees.
- Requirements of the commission may conflict with legal authority regarding data privacy, labor relations laws, labor contracts, resolutions, and codes.
- Cities are exposed to greater liability with the additional layer relating to hiring, promotions, transfers, etc., especially when commissioners have a lack of experience or training.
- City has appointed fully trained and experienced professionals to deal with hiring, promotions, layoffs and discipline issues.
- City has had a difficult time filling the commission openings.

Moved by Ralston and supported to abolish the Police Civil Service Commission.

Councillor Cuffe agreed with the Mayor and felt it was an antiquated system of government and citizens should not have the burden to make decisions that adversely affect employment of police officers.

Councillor Littlewolf stated she was not fully prepared to speak on the issue, as it was not on the agenda. Councillor Littlewolf agreed that the trial process was uncomfortable for everyone, but also felt there may be a role for the commission.

Councillor Sipola agreed with the Mayor's points and felt there is due process in place with the current employment laws. The State statute was amended in 1999 to allow the City Council to abolish the civil service commission by a unanimous vote.

Councillor Ralston also agreed with the Mayor's points and stated it has been difficult to fill the commission vacancies. As the commission currently has two commissioners to deal with personnel issues, Councillor Ralston felt the commission is in a libelous situation.

Councillor Baribeau stated he served on the Police Civil Service Commission in 1985 and agreed that it is an antiquated system. He felt there are protections currently in place for employees.

Councillor Russo stated the City had to hire an attorney to weigh the commission through the trial process, when the commission should have done it. He also stated most cities abolished the civil service commissions in 1999.

Motion carried unanimously on the original motion.

Mayor Peterson recommended that a Labor Relations Committee be formed to deal with issues in the Police Department and stated he would serve on the committee and recommended that one City Councillor, the Human Resources Director and the City Operations Director also serve on the committee.

Moved by Sipola and supported to appoint a Labor Relations Committee, consisting of the Mayor, Councillor Cuffe, Human Resources Director and City Operations Director, to deal with issues in the Police Department. Motion carried.

Moved by Russo and supported to approve the renewal of the 2 A.M. Liquor License for Wink's Place. Motion carried.

Mayor Peterson reported on the Finance Committee-of-the-Whole meeting held on September 20, 2011.

Moved by Baribeau and supported to authorize the City Operations Director to continue to work with Springsted on the reimbursement resolution for a grant anticipation bond for the P & H Minepro project and to take action on the resolution at the next City Council meeting. Motion carried.

Moved by Sipola and supported to adopt Resolution No. 11150, accepting the quote from National Carpet Brokers, Inc., in the amount of \$9,300.00, for carpet tiles and labor for the second floor offices in City Hall. Resolution adopted unanimously.

Moved by Cuffe and supported to adopt Resolution No. 11151, accepting the proposal from MacNeil Environmental, Inc., in the amount of \$1,900.00, for the asbestos and lead-based paint inspection for the properties located at 529 Chestnut Street and 103 North 5<sup>th</sup> Avenue. Motion carried.

Moved by Baribeau and supported to adopt Resolution No. 1152, accepting the proposal from Northeast Technical Service, in an amount not to exceed \$61,215.00, for the special inspection and testing required for the Wastewater Treatment Plant Improvement Project. Resolution adopted unanimously.

Moved by Russo and supported to adopt Resolution No. 11153, accepting the proposal from Range Cornice and Roofing Company, in the amount of \$5,292.00, to furnish the labor and material to repair the roof at the Senior Citizens Center. Resolution adopted unanimously.

Moved by Baribeau and supported to adopt Resolution No. 11154, accepting the proposal from Pohaki Lumber Company, in the amount of \$6,562.62, for seven tempered glass windows for the Golf Course Clubhouse, with City staff to install the windows. Resolution adopted unanimously.

Moved by Baribeau and supported to adopt Resolution No. 11155, approving the Access/Use License Agreement with RGGGS Land & Minerals, Ltd., for use of their property for the P & H Minepro project. Motion carried.

Moved by Ralston and supported by Littlewolf to adopt Resolution No. 11156, approving the Master Services Agreement with Minnesota Power. Resolution adopted unanimously.

Moved by Littlewolf and supported to approve the payment of dues with the League of Minnesota Cities, in the amount of \$7,190.00, for the period September 1, 2011, through August 31, 2012. Motion carried.

Moved by Cuffe and supported to invite a representative from the Coalition of Greater Minnesota Cities to attend a future meeting to review their dues assessment for 2012. Motion carried.

Moved by Sipola and supported to update the liens on the properties for the delinquent heat conversion loans. Motion carried.

Moved by Russo and supported to approve the option to extend the agreement with Walker, Giroux and Hahne, Ltd., for auditing services for fiscal years ending December 31, 2011, and December 31, 2012. Motion carried.

Councillor Ralston reported on the Buildings/Grounds Committee meeting held on September 20, 2011.

Moved by Ralston and supported to approve the renovations to the players and penalty boxes in the Miners main ice arena, contingent upon the Youth Hockey Association donating up to \$7,500 to purchase the materials (with \$5,000 used from the Capital Improvement Fund for the Miners back building), and to authorize City staff to provide the labor for the project. Motion carried.

Moved by Ralston and supported to request the Finance Director to determine the necessary increase in the garbage rate to fund an annual neighborhood clean up. Motion carried.

Moved by Ralston and supported to adopt Resolution No.11157, accepting the proposal from Benchmark Engineering, Inc., in the amount of \$6,880.00, to prepare a registered land survey for the City owned property surrounding the Hospital and Clinic. Motion carried.

Moved by Ralston and supported to request the Park/Recreation Director to distribute the Park/Recreation Commission minutes to the City Council within two weeks of their meetings. Motion carried.

Moved by Baribeau and supported to the request the Finance Committee to reconsider the sale of eight-gallon garbage bags and request staff to provide a quote. Motion carried.

Councillor Sipola recommended that the Finance Committee consider the use of stickers, in place of the blue garbage bags.

Moved by Sipola and supported to place a letter in Jason Dickinson's personnel file thanking him for responding to the request from the US Forest Service for paramedic assistance in the Pagami Creek fire. Motion carried.

Moved by Sipola and supported to send a letter of thanks to Armory Shell in appreciation of the services provided to the Park/Recreation Department to paint the Zamboni, at no charge. Motion carried.

Mayor Peterson reported on the following items:

- Will attend a meeting on September 30, 2011, to receive an update on the negotiations with Essentia regarding the lease of the hospital.
- Announced that the Virginia Foundation will be holding a fundraiser in Olcott Park beginning at 5 PM on Friday, October 7<sup>th</sup>.

Meeting was adjourned at 7:35 P.M., with the next regular City Council meeting to be held at 6:30 P.M. on Tuesday, October 11, 2011.

(CORPORATE SEAL)

STEVE PETERSON  
Mayor

LOIS ROSKOSKI  
City Clerk