

## CITY COUNCIL

7:00 P.M.

Monday, November 18, 2019

Present: Mayor Scott Johnson  
 Carlene Perfetto  
 Richard DeRosier  
 Dustin Goutermont

Excused Shane Hoff

Lana Fralich – City Administrator  
 Matt Huddleston – County Administrator  
 Pete Walsh – County Commissioner  
 Rick Goutermont – County Commissioner  
 Teri Cadeau – Lake County News Chronicle

Tim Costley – City Attorney  
 Joe Rhein – Bolten & Menk  
 Pastor Stew Carlson  
 Brad Jones  
 Cole Ernest – Police Officer

Mayor Johnson called the meeting to order at 7:00 p.m.

**Agenda** – Motion Goutermont, second DeRosier to approve the agenda with the addition of the August 2019 Treasurer’s Report, the removal of the North Shore Area Partners, and the addition of Resolution 2019-#51 - Election Judges for 2020. MOTION CARRIED.

**Consent Agenda** – Motion Perfetto, second DeRosier to approve the minutes from the November 4, 2019 Regular Council Meeting and the August 2019 Treasurer’s Report. MOTION CARRIED.

### **Petitions, Requests and Communications**

Pastor Stew Carlson entered the meeting at 7:06 P.M.

**Lake County Proposed Lodging Tax** – Matt Huddleston, along with Commissioner’s Rick Goutermont and Pete Walsh, provided information from a recent public meeting held on the new proposed lodging tax that has received legislative approval, the purpose behind the lodging tax, the history of the lodging tax, implementation of the lodging tax, and the potential impact the lodging tax will have on the County and existing tourism groups. There was further discussion on the timeframe of approval by January 1, 2020 in order to implement by April 1, 2020, who would be taxed (i.e hotels, campgrounds, VRBO’s), the State collecting the revenues, and that the tax would be 3% tax for marketing plus 1% to promote events and festivals. It will be up to the Cities to stop collecting the 3% tax currently being charged, but more research needs to be done to determine steps to cancel. Discussion further included the importance of tracking fund expenditures, fair representation on the board, clearer understanding on distribution of the funds.

Fralich read a letter from Councilor Hoff noting his concerns, and a letter from citizen Wade LeBlanc showing support of the tax but noting his concerns as well. Both letters addressed community input and representation on the board, even distribution of funds, having a public hearing on the east side of the county, and a clear plan for the public to view before decisions get made. County Administrator Huddleston and Commissioner Goutermont explained that the Lake County Board will have budget authority, but the Loving Lake County Board has not

been determined but will likely be made up of members from the tourism boards to represent communities. They further reported that calculations show an estimated collection of \$1.5M per year and an estimated \$280,000 per year that would fund marketing special events and festivals. The Mayor thanked the County Administrator and County Commissioners for their time.

The County Administrator, Commissioners, LeBlanc, and Jones excused themselves from the meeting at 7:31 P.M.

Fralich requested the agenda be re-amended to add the North Shore Area Partners back to the agenda now that Pastor Stew Carlson joined the meeting. Motion Goutermont, second DeRosier, to re-amend the agenda to include the North Shore Area Partners. MOTION CARRIED.

**North Shore Area Partners** – Pastor Stew Carlson asked for the City's representation on the North Shore Area Partners Board. He feels it is an excellent way to represent the citizens of Silver Bay considering the services and the aging population of the community. The Councilors did not volunteer to join their board at this time. The Mayor suggested North Shore Area Partners send another request after elections next year when there may be new Councilors.

Pastor Stew Carlson excused himself from the meeting at 7:34 P.M.

### **City Administrator**

**City Hall Project Updates** – Joe Rhein, the City Engineer, provided an update on all of the City's projects that are currently under construction.

The Water Main Looping Project is essentially complete. It is recommended to keep the contract open until spring of 2020 and hold monetary retainage to allow for final inspection to make sure the turf restoration is established. It is expected the final construction costs for the project will be at or below the contract amount. There is one change order anticipated for the work to compensate the contractor for additional work due to revising the location of the pressure reducing valve at the City's request. The change order will also provide a credit for labor and materials provided by the City to assist the contractor in the course of the project. There will be no net increase in the contract amount.

The Sanitary Sewer Improvements Project is nearing completion and it is expected the final construction costs for the project will be below the contract amount. It is recommended to keep the contract open until spring of 2020 to allow for final inspection to complete items and make sure turf is established. The contractor estimates the work will be complete by June 15, 2020. There will be a change order request to extend the completion date to spring of 2020 and verification that original contract unit prices will extend work to 2020.

The Campground concrete replacement and paving work will be completed in spring of 2020 as soon as conditions allow. The turf restoration will be evaluated in spring of 2020. The work to be completed in the spring of 2020 will need to be coordinated with the City plan for opening and operation of the campground. Based on current information, it is expected costs for the base scope of work will be at or below the contract amount. The modifications to the

site grading will result in a change order for an additional cost. The value of this work has been agreed to with the Contractor in the amount of \$10,368.40. In order to manage the total contract amount, the interpretive signs have been identified as an item to be deleted from the construction contract. There will be a change order request to include the cost for grading modifications (\$10,368.40 added to the contract), deletion of the interpretive signs (\$12,000 deducted from the contract), verification that original contract unit prices will extend to 2020 work, and lastly revise complete dates for site work to spring of 2020. Fralich reported that questions arose this morning that the campground building footings, shower drains, closet footing, and insulation is incorrect. Rhein will follow up with the concern.

The City Hall, Liquor and City Shop Projects are behind schedule. There is a change order request to have additional LED light fixtures installed in the Police Department to replace existing fixtures in the amount of \$4,482.50. There is a number of other outstanding issues that include City Hall rope lighting not completed, City Hall sidewalk damage, City Hall turf damage, and the Animal Control Shelter damage. Potential project credits have been identified that include professional service fees beyond the project budget and delays in construction and completion work.

Council thanked Bolton & Menk for their help in working on behalf of the City to insure the multiple projects are done with good quality at the cost the City expected to pay.

**Resolution 2019 - #50 Amend Contract with Kaski, Inc.** – The Resolution is to amend the contract with Kaski, Inc. for the additional lighting needs within the Police Department that were not part of the original contract. The cost of the change order would be \$3,905.00 with standard switches and an additional \$577.50 for a dimming option that matches all other lighting switches. Motion by DeRosier, second Perfetto to approve the amendment of the contract with Kaski, Inc. to include additional lighting in the Police Department for a total cost of \$4,482.50 with dimming lighting switches to match the rest of City Hall. MOTION CARRIED.

Mayor Johnson – Aye  
Member Perfetto – Aye  
Member Hoff - Absent

Member Goutermont – Aye  
Member DeRosier - Aye

RESOLUTION 2019 - #50 WAS ADOPTED: 4 aye, 0 nay, 1 absent

**Training for Sean Bergman** – The Chief is recommending sending Sean Bergman to First Witness training held in Duluth on December 2-6, 2019. The cost of the training will be covered by a grant/scholarship and there will be no hotel expenses. Only normal meals and mileage will be reimbursed. Motion by Perfetto, second DeRosier to approve sending Sean Bergman to First Witness training in Duluth on December 2-6, 2019 with normal meals and mileage reimbursements. MOTION CARRIED

**Resolution #51 - Election Judges for 2020 Presidential Primary Election (Tuesday, March 3, 2020 from 7:00 AM to 8:00 PM), the Primary Election (Tuesday, August 11, 2020 from 7:00 AM to 8:00 PM), and the General Election (Tuesday, November 3, 2020 from 7:00 AM to 8:00 PM)** – Motion by Goutermont, second Perfetto to adopt Resolution 2019 - 51, appointing election judges and alternates for the March 3, 2020 Presidential

Primary election, the August 11, 2020 Primary election, and the November 3, 2020 General Election.

Mayor Johnson – Aye  
Member Perfetto – Aye  
Member Hoff - Absent

Member Goutermont – Aye  
Member DeRosier - Aye

RESOLUTION 2019 - #51 WAS ADOPTED: 4 aye, 0 nay, 1 absent

### City Attorney

OLD BUSINESS

NEW BUSINESS

**EDA and Planning & Zoning Board Appointment** – Nelson French has applied to serve on both the EDA and Planning and Zoning Boards. The EDA Board recommends appointment. Planning and Zoning did not have a quorum to make recommendation, but application is offered for approval. Motion by Goutermont, second by Perfetto to appoint Nelson French to serve on both the EDA Board and the Planning and Zoning Board. MOTION CARRIED

**Police Policies** – The Chief presented, through conference call, his proposed updates to the the policies and procedures of the Police Department along with implementing an improved training program. The Chief is requesting approval to adopt the updated policies and procedures that include the ones mandated by the P.O.S.T. Board and the ones he feels are the most important to be updated immediately. Motion by DeRosier, second Perfetto to adopt the updated policies and procedures of the Police Department which include: Badges and Organizational Structure (#200), Use of Force and Deadly Force (#300), Handcuffs and Restraints (#302), Chemical Aerosol Spray (#303), Less Letha Device (#304), Firearms (#306), Firearms Training/Qualifications (#306.2), Vehicle Pursuits (#307), Domestic Assault/OFP (#310), Classroom Discrimination (#314), Missing and Endangered Person’s (#316), Part-Time Peace Officers (#325), Registered Predatory Offenders (#327), Personal Misconduct and Investigations (#344), Avoiding Racial Profiling (#401), Criminal Conduct on School Bus (#430), NARCAN (#431), Emergency Vehicle Lighting (#703), Lead Exposure (#707), Evidence (#802), and Uniforms and Grooming (#1024). MOTION CARRIED

**Police Department Issued Handguns** – The Chief is recommending approval the Silver Bay Police Department provide department issued handguns for Officers to carry while working on-duty and in an official capacity with the Silver Bay Police Department. Currently, all full-time officers and the Chief, are required to provide their own duty handgun to be used while performing their official duties. The Chief provided reasons for this change and feels it will be safer and more cost effective. Estimated cost to make this change is to slightly less than \$4,000 and will be part of their 2020 budget. There was further discussion regarding the need for one or two different sizes issued, spare gun purchases in each model, along with cost of holsters for each Full-time Officer. Motion by DeRosier, second Perfetto to approve the purchase of department issued handguns for full-time officers, a spare of each type of gun, and gun holsters for each full-time officer with a cost not to exceed \$4,000, and let the Chief make the decision to determine if he wants to offer only one style of gun or two styles. MOTION CARRIED

Regular Council meeting was closed at 8:38.


**Closed Session on Labor Negotiations** – The Council closed the meeting for the purpose of discussing Labor Negotiations.


**Claims** – Motion by DeRosier, second Goutermont to approve payment of **\$383,685.24** in unpaid claims and **\$60,377.70** in paid claims. MOTION CARRIED.

Motion by DeRosier, second Perfetto to adjourn at 9:23 p.m. MOTION CARRIED.

Minutes taken by Lindsey Klemmer

Attest:

  
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Scott M Johnson, Mayor

  
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Lana Fralich, City Administrator

