

CITY COUNCIL MEETING

A work session was held beginning at 3:30p.m. and the regular meeting of the Coleraine City Council was held at 4:00 p.m. on **Monday, October 26th, 2020** in the Council Chambers of Coleraine City Hall and via telephone conference.

WORK SESSION 3:30 p.m.

A resident was expected to address the Council regarding his concern with political signs on a city owned building that is currently leased to a private party. The resident could not attend. It was stated that many complaints had been received.

Attorney Dimich stated his opinion and copies of correspondence and the lease agreement were provided in Council packets. A lengthy discussion followed.

From the Secretary of State's website: *"Local jurisdictions may have ordinances restricting the number and size of signs. If a jurisdiction does have such ordinances, in an even year these ordinances cannot be enforced for a specified time before and after election day (Minnesota Statutes 211B.045). In jurisdictions which have no sign ordinance, campaign signs may be posted in any size and number throughout the year. For 2020, the period when local sign ordinances may not be enforced begins June 26 and ends November 13."*

From correspondence from Attorney Dimich: *"The law states that during an election period no city ordinance can regulate those signs between 46 days before the primary to 10 days after the election. The real issue is that even though the city still owns the building and it remains a public building it created a new landlord-tenant relationship on the land in the May 2018 lease. First, the lease states 'Tenant at their cost can maintain signage on the property and building.' Second the law of landlord tenant as interpreted by the courts is as follows: The essence of a lease is the landlord's transfer of a temporary right of exclusive possession of the property to the tenant. This right means the tenant can exclude all, including the landlord, from the property except for the right to enter granted in Minnesota Statute 504B.211. The tenant can use the land in any way it wants short of destruction of the building. If the tenant chooses to put a sign up that is their choice, not the landlords. This is based on review of the Minnesota Attorney General landlord publication, discussions with the League of Minnesota Cities and my own research."*

All that said, the City has no authority to require the tenant to remove the signs AND cannot regulate political signs solely based on their content. It was requested that the correspondence be posted on the front door to City Hall and on the website.

Sarah Carling, CEDA, was present to request a meeting with Council to update them on the brainstorming report that was done, review of the CIP plan, and to review funding sources to see where the City may be able to apply for grants for projects. After discussion, this meeting was set

up as an extended work session beginning at 2:30pm on Monday, November 9th prior to the regularly scheduled Council meeting.

REGULAR MEETING

4:00 p.m.

The regular meeting was called to order at 4:00 p.m. followed by the Pledge of Allegiance. A roll call was done by Clerk Anderson. Members present: Councilpersons Troumbly, Pollard, Sutherland, Mayor Mandich. Councilperson Stish was absent noting that he would be arriving late. Attorney Dimich was also present.

Moved by Councilperson Pollard, supported by Troumbly, **to approve the consent agenda which included Council meeting minutes of 10.13.20, correspondence, and claims of \$124,456.40.** Roll Call: Ayes: Councilpersons Pollard, Troumbly, Sutherland, and Mayor Mandich. Nays: none. Motion carried.

Motion by Councilperson Troumbly with the support of Pollard **to approve the meeting agenda as presented.** Roll Call: Ayes: Councilpersons Troumbly, Pollard, Sutherland, and Mayor Mandich. Nays: none. Motion carried.

PUBLIC COMMENTS:

Doug Maki, from Itasca Ski and Outing Club, was present to request that the City consider increasing the City Support from \$10,000 to \$15,000 for 2021 to the operations of Mt. Itasca. He stated that the liability insurance will be \$19,760, \$1,921 for structure insurance, and \$658 for Board of Director insurance. They are now showing a profit but with more use comes more liability insurance. Jim Ohman was also present to reiterate and support Maki's request. A short Q & A followed. Consideration of the request will be placed on the next agenda. In addition, Councilperson Pollard will again contact the City of Grand Rapids for a contribution.

DEPARTMENT HEADS:

Library

A written report provided by Library Director Mostad-Jensen was reviewed. There were no questions.

Clerk's Report

Clerk Anderson went over highlights of her written report. Most notable were the preparations for the upcoming general election: part of Roosevelt will be blocked off for 'voter only' parking so constituents can wait in their car until room to get in line, a tent and a patio heater will be set up outside the entrance doors with cones set up signifying a 6 foot distance, and everything for safety of election judges and voters is ready.

Committee/Commission/Other Public Utilities Commission & CBT

Public Utility meetings are not being held. CBT meetings are currently being held in Taconite. Minutes of the last two CBT meetings were included in Council packets.

Trout Lake Fire Department

No report. It was noted that \$10,000 in CRF reimbursement funds from the County have been received. 65% of the remaining \$3,000+ may be requested from the City however that will not be known until closer to the next Council meeting.

Eagle Ridge Golf Course

Representation was not present. Councilperson Pollard stated the Eagle Ridge Management Group will be electing a new Chair (Nels Gustason) due to the retirement of Mike Barle. There is a willingness of the group to be more transparent. Pollard will set up a meeting with representatives to review the agreements before the end of the year.

Zoning & Planning

Minutes from the last two meetings had been provided in Council packets. Zoning Officer Anderson gave a brief synopsis of issues. The current issue is the height of the fence that replaced a fence around a daycare facility during one of the Day(s) of Action projects. The new fence does not meet guidelines. There was brief discussion on what to do about it. A request was made to put this on the next agenda.

Councilperson Stish arrived at 4:31 p.m.

Greenway Joint Recreation Board

George Delich was present and asked if there were any questions on the minutes that had been provided in council packets. Ice is in and both figure skaters and hockey players are using the arena with strict protocols in place.

Cotton Beach

The beach is closed until June 2021.

Mt. Itasca Ski Hill

Most of this had been discussed earlier during the public comment period. Protocols necessary for the upcoming season have been received by the Itasca Ski & Outing Club. They are working on getting the necessary supplies and will be submitting a request for reimbursement from the City from the CRF funds.

NEW BUSINESS:

Eagle Ridge Golf Course Management Group – Councilperson Pollard reiterated that the Chair will be changing. A brief discussion on setting up a meeting followed. Councilperson Pollard will set up a meeting with Gustason and Skaar before the end of the year.

NRRI Coleraine Labs Sulfate Treatment Plant Pilot Test – Information had been sent to Council earlier and included in Council packets. Motion by Councilperson Pollard with the support of Troumbly to approve the pilot test and resulting discharge. Roll Call: Ayes: Councilpersons Pollard, Troumbly, Stish, Sutherland, and Mayor Mandich. Nays: none. Motion carried.

Political signage at old fire hall – This had been discussed during the work session. Tenants are within their rights to put up and keep signs up through the election and the City has no authority to ask the signs be removed. Councilperson Troumbly indicated that he would make the calls to the resident complainants. Clerk Anderson will post legal responses on the front door and on the website.

UNFINISHED BUSINESS:

CARES Act/CRF monies – Clerk Anderson had provided a report for Council packets on various transfers and expenditures from this fund. Most all of the new technology has been received and work to deploy equipment will occur in the next two weeks. Touchless faucets have been put in the bathrooms, both up and down, in the Nyberg Community Center although the bill has not yet

been received. Anderson is working on transferring some of her wages and benefits to come out of this fund. Entries will be month to month. Reimbursement for some covid expenses for elections from the County has been received. Right now the remaining balance is \$41,271.59. There may be unspent funds and those would be returned to the County on November 15th.

Nyberg Community Center—flooring replacement – Clerk Anderson stated that with everything else going on there hasn't been time to accomplish this. This will remain on the agenda until completed.

At **5:01 p.m.** the regular meeting was suspended and the **public information hearing on Waste Management routes was opened**. There were no additional residents present. The proposed map was reviewed. It was suggested that the new routes not be implemented until spring—March. It was suggested that volunteers with letters go around and contact affected residents to inform and discuss. A larger map will be provided and Zoning Officer Anderson, Councilperson Troumbly, and Mayor Mandich will do this. The City and Waste Management will work together to get information out to everyone.

At 5:12p.m. the public hearing was closed and the regular meeting was re-opened.

At 5:13p.m. the regular meeting was again suspended and the meeting was closed to discuss a personnel issue.

At 5:32p.m. the regular meeting was reopened. Motion by Councilperson Pollard, supported by Troumbly **to extend an employee's paid administrative leave until January 29, 2021 at which time situation will be reviewed again.** Roll Call: Ayes: Councilpersons Pollard, Troumbly, Stish, Sutherland, and Mayor Mandich. Nays: none. Motion carried.

Council concerns/comments

Stish: In light of the legal opinion received from Attorney Dimich, is it necessary to hold the meeting on Thursday with PRM? After a brief discussion, consensus was to cancel the meeting. Councilperson Pollard will contact PRM.

Pollard: None

Sutherland: None

Troumbly: None

Mandich: A tour of the NRRI facility and how the pilot test will be conducted has been offered. Anyone interested please contact the Mayor.

A **motion to adjourn** was made by Councilperson Pollard **at 5:40p.m.**, supported by Troumbly. Roll Call: Ayes: Councilpersons Pollard, Troumbly, Stish, Sutherland, and Mayor Mandich. Nays: none. Meeting adjourned.

Dan Mandich, Mayor

Briana Anderson, Clerk-Treasurer