

MINUTES
Eveleth City Council Meeting
7:00 p.m., June 16, 2009
Council Chambers, City Hall, Eveleth, MN

A. CALL TO ORDER

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

B. ROLL CALL

Councilor Liz Kuoppala, Present
Councilor Thomas Kallevig, Present
Councilor Joseph Koivunen, Present
Councilor Brian Hoag, Present
Mayor Bill Matos, Present

Also present: City Clerk/Administrator Jackie Monahan-Junek; Deputy Clerk Stephanie Friebe; City Attorney Mitch Brunfelt; Chief of Police Brian Lillis; Assistant Public Works Director Jerry Rosati.

C. APPROVAL OF MINUTES

Motion by Councilor Kallevig, second by Councilor Koivunen to approve Minutes of City Council Workshop held June 2, 2009 and Minutes of City Council Meeting held June 2, 2009. Ayes – All.

D. APPROVAL OF AGENDA

Motion by Councilor Kuoppala, second by Councilor Kallevig to approve Agenda with following addition:

J9. Discussion on Leonidas

Ayes – All.

E. APPOINTMENTS/PRESENTATIONS

None.

F. VISITOR/PUBLIC PRESENTATIONS

None.

G. CONSENT AGENDA

1. Approval of Payroll – May 16-31, 2009 in the amount of \$112,863.54
2. Application for Exempt Permit, Eveleth Youth Hockey Association to hold Lawful Gambling on November 27, 2009 at the Eveleth Elks Lodge, 415 ½ Jones Street, Eveleth, MN and Eveleth Hippodrome 501 Douglas Avenue, Eveleth, MN
3. Invoice from Bonestroo in the amount \$6,835.90 for Eveleth Water Treatment Plant Renovation
4. Pay Request No. 1 from Bonestroo in the amount of \$64,683.13 for Ground Storage Reservoir and Booster Station Improvements

Motion by Councilor Koivunen, second by Councilor Kallevig to approve consent Agenda. Ayes – All.

H. PUBLIC HEARINGS

Mayor Matos called the Public Hearing to order regarding variance requests (referred to below). City Assessor Robert Kivela indicated that legal notices were published and residents living in the vicinity were notified as required by City Code. The Planning and Zoning Commission met on June 10, 2009 and recommended the variances be granted.

City Attorney Mitch Brunfelt reminded the Council that in order to grant a variance, the Council should review factual documentation from the Planning and Zoning Meeting held June 10th and an undue hardship must be shown by the resident seeking the variance.

1. Variance Application, Douglas Aysta, 805 Harrison St.

Public Hearing was called for the following reason per the Eveleth Planning and Zoning Commission:

“Douglas Aysta, of 805 Harrison Street, to construct a detached-type, one-story, residential garage measuring 30 feet in width and 34 feet in length, and containing 1,020 sq. ft in floor area with said structure to be built upon Lot 20 and the Westerly 10 feet of Lot 21, Block 70, Auburn Addition to Eveleth. The Zoning Ordinance presently limits detached garages to 900 total square feet in size.”

Douglas Aysta addressed the Council and read his letter submitted to the Planning and Zoning Commission regarding hardships. Aysta requested the variance be granted for hardship reasons to include unlevel grade of the property and blighted condition of the neighbor’s property.

2. Variance Application, Toby & Mary Oppelt, 722 Cleveland St.

Public Hearing was called for the following reason per the Eveleth Planning and Zoning Commission:

“Toby and Mary Oppelt of 722 Cleveland Street to construct a detached-type, one-story, residential garage measuring 26 feet by 30 feet upon Lot 4, Block 54, Eveleth Central Division No. 2 with said garage being constructed to within 3.5 feet of the East and West property lines of said Lot; and, allowing the construction of said proposed garage in excess of the Zoning Ordinance ‘land to building’ ratio of 44:56. Said proposed garage and existing home would establish a land to building ratio of 49.24 : 51.76. The Zoning Ordinance calls for a side-yard setback requirement for accessory buildings of 4.0 feet from the side property lines.”

3. Variance Application, Tim McCarty, 611 North Court

Public Hearing was called for the following reason per the Eveleth Planning and Zoning Commission:

“Tim McCarty of 611 North Court Street to construct an addition to an existing, single family residence located upon Lot 25, Block 68 of Highland Addition to the City of Eveleth, with said proposed addition being constructed to within 18 feet of the East (front) property line, and with said proposed addition having an eave line projection of an additional three (3) feet. The Zoning Ordinance calls for the required front yard setback to be the average for the block. The calculated average for Block 68 of Highland Addition is 20.21 feet.”

No other public comments were made. Mayor Matos closed the Public Hearing.

I. UNFINISHED BUSINESS

None.

J. NEW BUSINESS

1. Variance Application, Douglas Aysta, 805 Harrison St.

The Planning and Zoning Commission recommended the variance for Douglas Aysta (805 Harrison Street) be approved based on the following hardship criteria:

- The property cannot be put to a reasonable use without the variance since the surrounds are in blighted condition and the construction will act as a screen of the blighted property.
- Due to the topography of the subject lots a safety hazard would be created if the proposed garage were to be located in a different arrangement on the land. This would be the result of a steep grade change from the rear of the subject house to the man door of the proposed garage. Ice build-up during winter condition is a factor.

- The essential character of the neighborhood will not be changed as a result of the granting of this variance as there are other detached garages of equal to or of greater size than the subject garage in the immediate neighborhood.

Motion by Councilor Hoag, second by Councilor Koivunen to approve variance request for Douglas Aysta, 805 Harrison Street, to construct a detached type, one story residential garage measuring 30 feet in width and 34 feet in length and containing 1,020 sq. ft in floor area with said structure to be built upon Lot 20 and the Westerly 10 feet of Lot 21, Block 70, Auburn Addition to Eveleth based on findings and recommendation of the Planning and Zoning Commission. Ayes – All.

2. Variance Application, Toby & Mary Oppelt, 722 Cleveland St.

The Planning and Zoning Commission recommended the variance for Toby and Mary Oppelt (722 Cleveland Street) be approved based on the following hardship criteria:

- The subject property cannot be put to a reasonable use without the granting of the variance since the Oppelts use two vehicles and need the off-street, interior storage space afforded by the proposed garage rather than by a single-stall, type garage.
- Due to the fact that the subject lot is 33 feet wide and that the East property line is encumbered by the neighbor's house being built over that property line and the West property line also has an existing fence encroaching by one foot. These factors are unique and are not due to the applicants actions.
- The essential character of the neighborhood will not be harmed by the issuance of this variance as there are several structures in the immediate vicinity which are equal to or in fact larger than the applicants proposed garage.

Motion by Councilor Hoag, second by Councilor Koivunen to approve variance request for Toby and Mary Oppelt, 722 Cleveland Street, to construct a detached type, one story residential garage measuring 26 feet by 30 feet upon Lot 4, Block 54, Eveleth Central Division No. 2 with said garage being constructed to within 3.5 feet of the East and West property lines of said Lot based on findings and recommendation of the Planning and Zoning Commission. Ayes – All.

3. Variance Application, Tim McCarty, 611 North Court

The Planning and Zoning Commission recommended the variance for Timothy McCarty (611 North Court Street) be approved based on the following hardship criteria:

- Granting of the variance is reasonable since there are several buildings in the immediate vicinity which project past a projected line to the street side of the applicants proposed addition.
- Due to the extreme slope of the applicant's property the granting of the variance is not out of order since construction of the proposed addition would actually improve the street side access to the applicant's home thereby eliminating a winter time slipping hazard.

- Granting of this variance would not alter the essential character of the neighborhood as there are several existing structures on Block 68 of Highland Addition which project farther to the North Court right-of-way than will the applicant's proposed addition.

Motion by Councilor Hoag, second by Councilor Koivunen to approve variance request for Timothy McCarty, 611 North Court Street, to construct an addition to an existing, single family residence located upon Lot 25, Block 68 of Highland Addition to the City of Eveleth, with said proposed addition being constructed to within 18 feet of the East (front) property line, and with said proposed addition having an eave line projection of an additional three (3) feet, based on findings and recommendation of the Planning and Zoning Commission. Ayes – All.

City Assessor Kivela recommended the property owners file a certified copy of the Minutes regarding approval of the variance at the St. Louis County Recorder's Office. The owners would be responsible to have the minutes placed in their chain of title with the County.

4. 319-323 Grant Ave. Project

a. Consider change order for demolition

Motion by Councilor Kuoppala, second by Councilor Kallevig to approve Change Order from Construction Services, Inc. in the amount of \$46,737.00 for securing the south wall of 319 Grant to the north wall of 313-317 Grant contingent upon City staff and Architectural Resources receiving consent from Jon Marcaccini to secure his building (313-317 Grant) to 319 Grant. Ayes – All.

The original amount of \$58,437.00 was adjusted to \$48,737.00 as the roof capping will be done by another construction company.

b. Consider awarding bid for 319-323 Grant Ave. Parking Lot Project

The following bids for the parking lot project at 319-323 Grant Avenue were received on April 28, 2009 at 2:00 p.m.:

Contractor	Base Bid
C & C Winger 6972 Hwy 135 North Embarrass, MN 55732	\$98,080.00
Bougalis & Son Construction Company 3402 East 15 th Avenue Hibbing, MN 55746	\$109,950.00

Construction Services, Inc. 5197 Lavaque Road Duluth, MN 55803	\$116,500.00
Mesabi Bituminous, Inc. P.O. Box 55741 Gilbert, MN 55741	\$127,000.000

Motion by Councilor Kallevig, second by Councilor Koivunuen to award bid for 319-323 Grant Avenue Parking Lot Project to C & C Winger, Embarrass, MN in the amount of \$98,080.00 contingent upon completion of demolition project. Ayes – All.

c. Consider proposal for roof cap

Motion by Councilor Kuoppala, second by Councilor Kallevig to approve proposal from Range Cornice & Roofing Company, Hibbing, MN in the amount of \$2,120.00 for roof capping at 319 Grant Avenue contingent upon completion of demolition project and consent from Jon Marcaccini to secure 319 Grant to his building. Ayes – All.

5. Consider Licenses of City Property in the Alice Location, Volcensek, and Thunderbird Addition for 2009

Motion by Councilor Kallevig, second by Councilor Kuoppala to approve proposed yearly lease rates for 2009 for City property in the Alice Location, Volcensek and Thunderbird Addition. Ayes – All.

The lease rates have been recommended by the City Assessor. All licenses will be put in final draft form and considered separately for Council approval. The licenses will not authorize sale of the land.

6. Letter from Residents of Southside Eveleth Regarding Intersection at Southside Park

At the last Council Meeting, the Mayor referred to a letter from concerned citizens living near Southside Park. In their letter, the residents requested the City put up stop signs at the intersection of Superior Street and Norman to serve as speed control in the area. Chief Lillis recommended that something other than stop signs be set up at the intersection of Southside Park. Lillis indicated that Public Works Director Wiskow also concurred that a stop sign could be potentially hazardous as pedestrians would rely on motorists to stop at the intersection.

Mayor Matos questioned the viability of a speed bump being placed in the street. Lillis said a permanent speed bump would create problems for plowing snow in the winter. Councilor Kuoppala requested that Lillis report back to the Council with cost estimates for temporary speed bumps.

7. Proposal from Bonestroo for City Hall Lift

Motion by Councilor Kuoppala, second by Councilor Kallevig to accept the proposal from Bonestroo for architectural and engineering services associated with the installation of a City Hall lift. Ayes – All.

8. Request for Call for Bids for New Ambulance

Ambulance Director Brian Ness addressed the Council regarding purchase of a new ambulance. Ness estimated the current ambulance (1998 Road Rescue Type III), with approximately 93,000 miles, will have 100,000 miles on it by the end of the year. He indicated the ambulance is starting to cost the City money in repairs.

Motion by Councilor Kallevig, second by Councilor Kuoppala to call for bids for a new ambulance. Ayes – All.

9. Discussion on Leonidas

Councilor Kuoppala gave the Council an update on a recent meeting held with the Leonidas City Council on June 9, 2009. Kuoppala said Leonidas would like to lower the fire protection rates. She said Leonidas would like to continue discussions regarding the use of their land by the City of Eveleth. Specifically of concern is the placement of the water tower and use of the ball field/playground.

K. COUNCIL PRESENTATIONS/COMMITTEE REPORTS

Councilor Kuoppala thanked the Horizons Beautification Committee for painting at Monroe Park and planting flowers at the Library.

Kuoppala announced the LGA unallotments to be approximately \$80,000 for 2009 and \$200,000 for 2010. She said these cuts will be permanent and encouraged residents to contact Governor Pawlenty.

L. ADMINISTRATIVE PRESENTATIONS

Police Chief: Chief Lillis notified the public that a letter from the Eveleth Police Department will appear in the next water bill. The letter identifies some problems the City is experiencing with animal control.

Clerk-Administrator: Monahan-Junek reiterated Kuoppala's comments regarding the Horizons Beautification Committee. She said the Committee also planted flowers at City Hall.

M. ADJOURN

The Meeting adjourned at 8:15 p.m.

Bill Matos, Mayor

Attest:

Jackie Monahan-Junek
City Clerk/Administrator

Approved: July 7, 2009
Published: July 15, 2009