

Minutes of the regular Proctor City Council meeting held on February 17, 2015 in the Community Center Council Chambers

Mayor David Brenna called the meeting to order at 6:00 p.m.

MEMBERS PRESENT: Councilors Jake Benson, Shawn McGovern, Jim Schwarzbauer, Travis White and Mayor Dave Brenna

OTHERS PRESENT: James Rohweder, City Administrator; Tim Peterson, Deputy Clerk; Tammie Aanonsen; John Bray, City Attorney; Margaret Taylor, Midway Township; Patrick Contardo; Jason Rengo; Wendy Mrak; Tim Jorgenson; Shannon Sweeny; Members of Pack #84 and families

APPROVAL OF MINUTES

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the February 2, 2015 Proctor City Council meeting minutes.

APPROVAL OF AGENDA

Benson added 7K: Parks & Recreation Issue

Motion by Schwarzbauer, seconded by Benson and carried: To approve the Agenda of February 17, 2015 as amended.

***APPROVAL OF CONSENT AGENDA** (one Council motion can accept all items listed under this agenda, plus Council can pull any individual items out of this consent agenda and discuss/act on item separately - thus leaving others to be approved via consent agenda action) - bold print denotes need for Council action

Benson asked to pull 4A

Motion by Benson, seconded by Schwarzbauer and carried: To approve the Consent Agenda as amended.

Motion by Benson, seconded by McGovern and carried: To suspend the regular agenda and address the audience at 6:03pm.

*1. COMMUNICATIONS

2. PLANNING & ZONING DEPARTMENT MATTER

***3. CLERK ADVISES COUNCIL**

- A. Government Fund payroll period ended 02/08/15; Liquor Fund payroll ended 02/08/15 (attached).
- B. 2015 Local Board of Appeal and Equalization meeting April 23, 2015

***4. COMMITTEE REPORTS**

- A. Public Utility Commission Meeting minutes of January 12, 2015

Benson asked Bray about the wording in the minutes regarding meeting closed to discuss litigation. Bray stated that the subject discussed was addressed at the joint City Council/PUC meeting.

5. COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Tim Jorgenson of 3605 Lindahl Road, the Vice President of KCPRO East racing wanted to thank the council for supporting the races again this year. Jorgenson said the races were successful and thanked the Mayor for attending. One of the races gave Mayor Brenna a trophy as thanks.

6. UNFINISHED BUSINESS

- A. Storage Containers

Attorney Bray asked for this item to be tabled.

- B. 329-2nd Street ó Sewer expenses following water break

Patrick Contardo of 329-2nd Street gave the councilors a spreadsheet of the utility usage for his property for the last three months. He is asking for forgiveness of the sewer bill due to the water break.

Brenna stated that he spoke with Utility Manager who stated that there are 4 or 5 other properties that were abandoned with water breaks and excessive bills. Brenna said if we forgive this, the city should forgive the others also. He stated that the city should forgive the sewer portion for this property and others. McGovern agreed that the city should forgive the sewer portion of Mr. Contardo's bill.

Rohweder suggested that the city have some parameters for the forgiveness of these bills. McGovern said that this will only be on a case by case basis, and this property was a unique situation. Benson said that each case stands on its own merit.

Motion by McGovern, seconded by Schwarzbauer and carried (4-1, Benson abstained): To forgive the sewer portion of the utility bill at 329-2nd Street, minus the average monthly sewage amount.

7. NEW BUSINESS

A. Legislative Update (Benson)

Benson stated that the Governor is reviewing a proposal to increase taxes on Railroads. He stated that it was unclear if that would affect Proctor.

B. Comprehensive Plan

Rohweder stated that the kick off meeting is scheduled for Thursday, Feb. 19, 2015 at 3:15pm at City Hall.

C. 2015 First Witness Multidisciplinary Team Inter-Agency Agreement

Rohweder said that this is the same agreement as 2014.

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the adoption of the 2015 First Witness Multidisciplinary Team Inter-Agency Agreement as presented.

D. Use of Police Forfeiture funds for New Chairs for Officer

Motion by Schwarzbauer, seconded by Benson and carried: To approve the Use of Police Forfeiture funds for New Chairs for Officers

E. New Gator Purchase

Peterson stated that this purchase is part of the Capital improvement Plan. The current gator cannot handle the duties it needs to. The city has received two bids and also looked into selling the old one. Two agencies are currently interested in paying about \$4500 for the used gator.

Motion by McGovern, seconded by Schwarzbauer and carried (4-1, White Opposed): To allow city staff to move forward with the purchase of a new gator from Duluth Lawn and Sport; also to proceed with selling the current gator.

F. Driveway Access of property off 3rd Avenue

Jason Rengo of 1217-102nd Avenue West and Wendy Mrak of 1303-3rd Avenue spoke about the land Ms. Mrak owns. Rengo asked the council to allow for a private driveway to a new residence, and he will be responsible for putting in the water and sewer according to the City of Proctor requirements.

Attorney Bray suggested approving an Easement Use Agreement. Brenna stated that this property is landlocked without it. Rohweder told Rengo that he would need to check with PUC about the utilities, which usually need to run the length of the property.

Motion by Benson, seconded by Schwarzbauer and carried: To allow Jason Rengo to have driveway access to property west of 3rd Avenue.

G. MN Municipal Clerks Institute ó May 2015

Rohweder stated that this course is a 3 year course, and Peterson completed the first year in 2014. He would recommend sending Peterson again this year during the week of May 4th.

Motion by Benson, seconded by McGovern and carried: To allow Deputy Clerk Peterson to attend the MN Municipal Clerks Institute in May 2015.

H. First Reading: Change to City Code 303B - Construction and Post Construction Stormwater Management previously 303B. Erosion and Sediment Control

Rohweder stated that there are various procedures to adopt for the new MS4 permit by the MPCA. The old wording did not include all the legal requirements. Rohweder said that this is the first reading, and it will now be published and brought back to council for second reading and approval.

I. First Reading: Change to Ordinance 04-12 (Items underlined designate proposed changes)

Rohweder stated that this is a first reading to this ordinance change, and it will now be published and brought back to council for second reading and approval.

J. Special Event Packet ó So. St. Louis County Fair

McGovern said that he would prefer to see each item in separate packets and recommended that the city event coordinator meet with the fair president and resubmit the special event packets. Item tabled.

K. Parks & Recreation Issues

Benson stated that he saw a poster at the hockey rink with an event through krafthockeyville.com. Benson said that if the City is going to approach the legislature about bonding, we should be supporting this contest. Brenna stated that no one from PAHA or the school has come to the council about the funding for a hockey rink, so he would have a hard time going to the legislature about it now anyway. Rohweder stated that the city would include information regarding the Kraft contest on its Facebook page.

8. LABOR AND NEGOTIATIONS ISSUES

A. Cash Out of Vacation and Personal Time

Peterson said that an employee has requested to cash out their balance of vacation time and personal leave. Rohweder said that the city has not done this in the past, and as a practice, it is not a good idea. White asked if this employee is having financial hardship, and Peterson said this is to relieve a job status change. McGovern said that this option was discussed during a meeting with the employee.

Motion by McGovern, seconded by Brenna and carried: To allow this employee to be paid the balance of vacation and personal leave.

MEMBER CONCERNS

Schwarzbauer stated that the flier he distributed titled "Duluth has a competitive edge in sports Marketing" is informational.

BILLS FOR APPROVAL

Motion by McGovern, seconded by Schwarzbauer and: To approve the General Fund bills in the amount of \$47,329.17. Roll call vote: Schwarzbauer ó yes, White ó yes; Benson ó yes; McGovern ó yes; Brenna ó yes.

Motion by McGovern, seconded by Benson and carried (4-1, White ó opposed): To approve the Liquor Fund bills in the amount of \$30,618.41. Roll call vote: Schwarzbauer ó yes, White ó no; Benson ó yes; McGovern ó yes; Brenna ó yes.

ADJOURNMENT

Motion by White, seconded by Brenna and carried: To adjourn the February 17, 2015 City Council meeting at 7:15 pm.