

Minutes of the regular Proctor City Council meeting held on March 2, 2015 in the Community Center Council Chambers

Mayor David Brenna called the meeting to order at 6:03 p.m.

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

OTHERS PRESENT: Tim Peterson, Deputy Clerk; Tammie Aanonsen; John Bray, City Attorney; Chris Hill, Duluth Bldg Trades; Diane Giuliani, Civil Service; Brian Kabat, Buell Consultants; Tom Aldridge; Richard Grove; Nick Greenwood; Jack Johnson, Premier Three Developers; Phil Larson; Jim Aird; John Talarico; Dick Kari

APPROVAL OF MINUTES

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the February 17, 2015 Proctor City Council meeting minutes.

APPROVAL OF AGENDA

Motion by Schwarzbauer, seconded by Benson and carried: To approve the Agenda of March 2, 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

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the Consent Agenda.

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**

***1. COMMUNICATIONS**

2. PLANNING & ZONING DEPARTMENT MATTER

***3. CLERK ADVISES COUNCIL**

- A. Government Fund payroll period ended 02/22/15; Liquor Fund payroll ended 02/22/15 (attached).

*4. COMMITTEE REPORTS

5. COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

6. UNFINISHED BUSINESS

- A. Storage Containers

Bray stated that the Planning and Zoning commission asked for guidance about what information the City Council wants regarding Storage Containers.

McGovern stated that he is in favor of storage containers, however there also needs to be some conditions. Benson stated that the requirement of a Conditional Use permit is acceptable and the city should not grandfather in existing containers. White stated that he is not in favor of telling people what they can or cannot have on their own property.

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

Peterson stated that this was reviewed as a First Reading and published in the Proctor Journal. This notice serves as the second reading and approval.

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

Peterson stated that this was reviewed as a First Reading and published in the Proctor Journal. This notice serves as the second reading and approval.

- D. Kirkus Street ó LHB Agreement

McGovern asked to table this item.

7. NEW BUSINESS

A. Legislative Update (Benson)

Benson stated that there is a potential increase in LGA as the bills have received numbers in both the House and the Senate. If there is a hearing, the numbers will be released.

B. Comprehensive Plan

Peterson said that the second meeting with the Comprehensive Plan committee will be Thursday, March 5, 2015 at 2:00 p.m. to continue planning for the MN Design Team.

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

Peterson said at the last council meeting, the Fairgrounds packet was sent back to the Fair Board complete an application for the So. St. Louis County Fair separately. The council packet contains this new application. Benson asked if this was reviewed by the Street Department or the Public Safety Commission, Brenna said no it had not.

Motion by McGovern, seconded by Schwarzbauer and carried (4-1, Benson ó no): To approve the Special Event packet submitted by the So. St. Louis County Fair.

D. City of Proctor Traffic Sign Policy

Peterson stated this is a policy, not an ordinance. The City of Proctor has a sign replacement plan that will take place over the next four years. Schwarzbauer asked if anyone reviews signs that might need lights, Peterson said that the city is continuing to research the ability to implement those type of signs.

Brenna asked the city staff to send a letter to the county about the lights on Hwy 2. He would like to see if there could be more warning about the lights, and even ways to make them brighter.

Motion by McGovern, seconded by Schwarzbauer and carried: To accept the new Traffic Sign policy as presented.

E. Assessment for Almac/Kingsbury Ridge

Peterson stated that the council approved the 33 foot easement for this property to have driveway access off Almac Drive. With that, the owner would be charges an assessment based on this 33 feet. A resident brought to city hall the minutes from November 7, 2005 City Council meeting. White asked if the Ugstad Road property owners received an assessment. Peterson stated that they would on

frontage off of Almac Drive.

Richard Grover, 930 Almac Drive, stated that he believes this property owner should be paying assessment based on 277.63 feet, not based on 33 feet. Brenna stated that the developer bought the land back, there is no longer a house being built. White said that out of respect for the property owners that are in attendance, the council should address this issue.

Benson said that the city has struggled with assessment issues with different sized lots. Peterson said that city code gives direction to irregular lots, and in this particular case a large portion of lot contains quite a bit of wetlands. That is why the driveway would enter off Almac Drive.

Tom Aldridge, 1000 Almac Drive, said that the part of the property could also serve his house so he is hoping that no one sells the property.

Bray suggested that the city should have an appraiser go in and review the property. City Council agreed to table item and obtain appraisal. Brenna told Grover and Aldridge that the city would send them both letters of an upcoming meeting.

F. Street Dance, Bike Night and Car Show Application

McGovern stated that he had a conversation with Mr. Kari owner of the Powerhouse and Nick Greenwood owner of the Derailed. They have each submitted a different plan for the Street Dance during Hoghead. McGovern is recommending that they get together with Event Coordinator, Sally Hedtke, and with the management of the Moose Lodge, and develop one plan. Benson also stated that as he was reviewing the documents submitted, there are several errors that need correcting and he would also recommend returning the paperwork.

Nick Greenwood, Derailed bar & Grill, asked the City Council to table the Bike Night Application as he hasn't been able to sit down with Mr. Kari. Greenwood said his neighbors had issues with the parking that happened during Bike Night last year. Greenwood went on to say that last year he sponsored 17 teams and he received several complaints about no parking.

McGovern asked Kari if he would be willing to discuss this issue with Greenwood. Kari said that Greenwood voted in favor of Bike Night at the Liquor Control meeting. Kari said that parking is always an issue with events happening, but he agreed to meet with Greenwood.

Brenna stated that he has no problems with the Car Show application except he would not recommend closing down 2nd Avenue.

Motion by Brenna, seconded by McGovern and carried: To approve the application for the Car Show from the Powerhouse without the closing of 2nd Avenue.

G. Police Civil Service Commission request & City Administrator's letter of Support

Peterson stated that there is a letter in the packet from the City Administrator and from the Civil Service Commission in favor of hiring an additional police officer. Diane Giuliani, Chair of the Civil Service Commission, stated that they are strongly encourage the City Council to finally fill this position. Benson asked if this hire would preclude the hiring of an SRO, to which Giuliani said no. Brenna said that Proctor School has had several opportunities to work together for an SRO.

Chief Wobig said that the City and the Police Department have been completely open with the school, about filling the position. They have offered the SRO position to the school for three years, and the school has not responded. Wobig said that the police department has need this extra officer for seven years, and he doesn't think the school is moving toward an SRO. They will fill the position of entry level police officer, then choose an officer on staff for work half time as an Investigator.

Phil Larson asked if this new promotion would be the same pay scale. McGovern said yes, it would be the same pay grade, different position.

Motion by McGovern, seconded by Brenna and carried: To accept the recommendation of the City Administrator and the Civil Service Commission to hire an additional police officer.

H. Hermantown & Proctor Munger Spur Trail (McGovern)

McGovern stated that the planning is moving along and there is a meeting in the PACC this Wednesday at 3pm. It is an open meeting and McGovern encouraged Proctor residents to attend and share input.

Benson stated that he distributed a Munger Trail timeline to the councilors and discussed the length of time this project has continued. He is interested in the possibility of running the trail to an intercity trail instead of back to Duluth. He will be submitting an alternative map for the committee to review.

I. Cell Tower at 9353 Westgate Blvd. (recommendation of approval from

Planning & Zoning committee); and letter of support from land owner

Peterson stated that the Planning & Zoning Committee recommended approval of the Conditional Use for 9353 Westgate Blvd. Benson asked if this tower would impede sight in any way, and Peterson said it was actually two feet lower.

Benson asked for a summary of the meeting from Chairman Aldridge. Aldridge said that this was regarding a 100 foot tower and Buell Consulting investigated to see if the prior tower could be used, however it could not.

Motion by Schwarzbauer, seconded by Benson and carried: To approve the Conditional Use Permit submitted by Buell Consulting for a cell tower at 9353 Westgate Blvd.

8. LABOR AND NEGOTIATIONS ISSUES

A. Janitor Position

McGovern stated that the Hiring Committee met and interviewed Terry Schultz for the Janitor position. Schultz is a resident of Proctor; has previously worked for the Parks and Recreation Department; and is a member of the Proctor Fire Department. Benson asked how many applications the City received for this position, McGovern replied that two people applied.

Motion by McGovern, seconded by Benson and carried: To accept the recommendation of the Hiring Committee and employ Terry Schultz for the Janitor Position.

B. Golf Course Manager Position

McGovern stated that the only person with experience working at a golf course was interviewed. However, he declined the position. McGovern recommends the city repost the position.

MEMBER CONCERNS

BILLS FOR APPROVAL

Motion by McGovern, seconded by Schwarzbauer and: To approve the General Fund bills in the amount of \$29,601.89. 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 \$25,162.72. 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 City Council meeting of March 2, 2015 at 7:55 p.m.