

Minutes of the regular Proctor City Council meeting held on January 19, 2016 in the Community Center Council Chambers

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

MEMBERS PRESENT: Councilors Jake Benson, Jim Schwarzbauer, Travis White & Shawn McGovern; Mayor David Brenna

OTHERS PRESENT: Mark Casey, City Administrator; Tammie Aanonsen; John Bray, City Attorney; Tim Peterson, Deputy Clerk; Margaret Taylor, Midway Township; Bridget Peterson; Kyle Borg; Brian Walker; Phil Larson; Phyllis Hom; Kevin Bahr

APPROVAL OF MINUTES

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the January 4, 2016 City Council Meeting Minutes.

APPROVAL OF AGENDA

Casey added 7P: Resolution 04-16 ó Resolution of Chamber of Commerce Raffle

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the agenda of January 19, 2016 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

McGovern suggested that all agenda items that are not in bold, to be placed under the Consent Agenda. He stated that if one of those items needs to be addressed, a councilor can pull it off for discussion. Consensus of the councilors to move toward this process as of the next council meeting.

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

\*1. COMMUNICATIONS

2. PLANNING & ZONING DEPARTMENT MATTER

\*3. CLERK ADVISES COUNCIL

- A. Government Fund payroll period ended 01/10/16; Liquor Fund payroll ended 01/10/16 (attached).

\*4. COMMITTEE REPORTS

5. COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Phyllis Hom, owner of the Wok & Grill expressed concerns to the council. Councilor McGovern thanked Hom for coming to the meeting.

6. UNFINISHED BUSINESS

- A. Almac Drive Drainage ó After meeting with SEH, marking will be down in Spring 2016

Casey stated that he and Peterson will continue discussions with SEH about this project.

- B. Moving Street Department Facility ó Bray obtaining information

Bray said there is nothing new to report.

- C. Non-property tax revenue enhancements ó Benson

Benson said he will submit information for the next council meeting about this agenda item regarding a possible motor vehicle tax and permits for coin-operated devices.

- D. Adopting Street Project Assessments - Bray confirming with League

Bray said that he is still reviewing the paperwork.

- E. Flashing Stop Light at Kirkus and Boundary - Street Committee requests opportunity to review; meeting to be scheduled

Brenna said that the Street Committee will be scheduling a meeting.

- F. Athletic Complex

Brenna said there is nothing new to report.

- G. Committee Vacancies (Benson) ó Chairs of each committee have been asked to review vacancies and report back to Administration

Brenna said the lists are still being compiled and the final rosters will be brought back to council for approval.

- H. Council Handbook ó Administrations example provided in packet

Benson and White said they have some items that they would like to be changed in the handbook. Consensus of the councilors to notify administration of the changes that they would like to see in the handbook.

## 7. NEW BUSINESS

- A. City Council Protocol ó Benson (Sample included in packet)

Benson discussed the new flier that he brought to the meeting about meeting protocol.

- B. City Council Agenda Items ó Benson (Sample included in packet)

Benson discussed the possible ideas for future agendas.

- C. Experienced Elected Official: 2016 Leadership Conference (Flier enclosed)

Benson described the conference that would be held January 22-23.

- D. City Code 702.04 Liquor Licensing Procedure Ordinance (Bloody Mary Law)  
2<sup>nd</sup> Reading and Adoption

### AN ORDINANCE AMENDING THE PROCTOR CODE OF ORDINANCES BY CHANGING HOURS OF OPERATION

#### Subd. 7. Regulation of Hours and Conduct.

- (a) Hours of Operation. On any licensed premises, no sale of any non-intoxicating malt liquor or intoxicating liquor shall be authorized under this chapter before ~~10:00~~ 8:00 a.m. Sunday nor after 2:00 a.m. on Monday provided that the licensee is permitted to engage in such sales after 1:00 a.m. pursuant to Chapter 340A of the Minnesota Statutes. No such sale shall be authorized between the time set for the cessation of consumption and 8:00 a.m. on any other day.

Motion by McGovern, seconded by White and carried: To adopt City Code 702.04 Liquor Licensing Procedure Ordinance 06-15.

E. City Code 202 A. Proctor Clean Air Ordinance 07-15 ó 2<sup>nd</sup> Reading and Adoption

Phil Larson asked if this addressed the use of vapors. Brenna said it did not, however the county does not allow vapors and the City will follow that procedure.

AN ORDINANCE AMENDING THE PROCTOR CODE OF ORDINANCES

202A.01. Scope and Intent

Pursuant to and in recognition of the purpose of Minnesota Statue §144.412, the Minnesota Clean Air Act, the City of Proctor desires to make the property owned and maintained by the City tobacco free wherever possible.

202A.02 Tobacco Products Prohibited

No smoking or use of any tobacco-based products, to include pipes, cigars, cigarettes, snuff or similar substances, shall be permitted at any time in any building owned, operated, leased or maintained by the City.

This prohibition shall include the smoking or use of any tobacco-based product within any motor vehicle owned, operated, leased or maintained by the City.

202A.03 Tobacco Products Prohibited ó Locations

No smoking or use of any tobacco products, as set forth above at subd. 2, shall be permitted at any time within City Hall, Street Department Buildings, Fairgrounds Buildings, Golf Course Club House, and the Fire Hall.

202A.04 Signage

The City shall conspicuously post signs indicating those areas designated as non-smoking in accordance with state law.

202A.05 Future Intent

It is the intent of this Ordinance to provide for future regulation of the use of tobacco upon owned and maintained by the City of Proctor with the eventual result of designating all City Property to be tobacco free.

Motion by McGovern, seconded by White and carried: To adopt Ordinance 07-15 202A. Proctor Clear Air Ordinance

- F. Chamber Banquet and State of the City Address (Needs to be posted as Special Meeting if a quorum is present)

Motion by Brenna, seconded by Schwarzbauer and carried: To call a Special Meeting on January 26, 2016 from 5-9 pm at the Proctor Moose for the State of the City Address.

- G. Agreement for Professional Services Between The City of Proctor and The South St. Louis Soil & Water Conservation District (Annual agreement)

White stated that the City Administrator name needs to be changed in the documents.

Motion by Benson, seconded by McGovern and carried: To accept the Agreement for Professional Services Between The City of Proctor and The South St. Louis Soil & Water Conservation District

- H. Offsite Backup Solution (see letter in packet)

Casey discussed the letter that was included in the packet from TC Leveille. This offsite solution would be located at the clubhouse at the golf course and enable calls to be transferred between there and City Hall. The estimated cost of the equipment would be about \$1500.00.

Motion by Schwarzbauer, seconded by Brenna and carried: To allow funding of up to \$2000.00 to purchase equipment for the Offsite Backup Solution as presented.

- I. Volunteers with Police Department (Wobig)

Wobig stated that the police department has had interns and volunteers in the past. Richard and Paula Peterson have completed the necessary paperwork to be volunteers and Wobig is hoping to use them to kick off the neighborhood watch program.

Motion by McGovern, seconded by White and carried: To allow the Proctor Police to have Richard and Paula Peterson as volunteers to the department.

- J. Fire Agreement Between Town of Midway and City of Proctor (2016 final year of current contract)

McGovern explained that the Fire Agreement between the Town of Midway and the City of Proctor expires at the end of 2016. He said it is now time to negotiate with Midway for the years 2017-2019.

Margaret Taylor, Midway Township, said that since the last agreement, they are

now having quarterly meetings with the Fire Chief and Deputy Chief and those are going very well. Taylor asked administration to say thank you to the Fire Chief. Taylor said Midway would again like to be a part of this process and April is their next meeting.

Casey said he will be meeting with the Fire Chief this week and will discuss the negotiation process and thank you from Midway Township. No action taken.

K. City Council Goals for 2016 ó Benson (Discussion of each councilor's and Administration's goals)

Benson asked for this to be taken off the agenda as the new City Administrator has been meeting with each councilor. Casey said it will be beneficial to have a working goal session and will advise the council of a meeting date.

L. Health & Wellness - Benson (Revisit golf passes for full-time employees and fire department)

Benson said he wants to formalize guideline and will have information on the next agenda. McGovern stated that he feels that this is a benefit to employees and if agreed by council, the negotiating committee could be responsible for this topic.

M. Legislative Agenda ó Benson (Plan for 2016)

Benson stated that the legislature will convene in regular session on March 8, 2016. The flier that was included in the packet described a status report and other legislative actions of interest to Proctor.

N. Resolution 02-16 ó Resolution Confirming the Appointment of to the Liquor Control Committee

Phil Larson expressed concern about Nick Greenwood and Eric Bingaman, both partial owners of Derailed Bar, serving on the Liquor Control Board. Larson would like to see more diversity. Schwarzbauer said that he is reluctant to vote in favor of this list. Benson stated that the intent for having bar owners was similar to the process for the Tourism Committee. There is a small pool of residents that volunteer for these committees and there has not been a problem to date. McGovern clarified that the Liquor Control Committee actually only makes recommendations to the council. McGovern said that Benson chairs the committee well and it has been nice to have the owners on the committee. White said he has concerns about both owners serving on the committee. Bray suggested asking if Bingaman is part owner and table the agenda item. No action taken.

O. Resolution 03-16 ó Resolution Confirming the Appointment of to the Tourism Committee

CITY OF PROCTOR  
RESOLUTION 03-16  
RESOLUTION CONFIRMING THE APPOINTMENTS OF TO  
THE TOURISM COMMITTEE

CITY PROPOSAL:

RESOLVED, that the reappointments of Dan Rohweder, Deanna Gregorich, Frank Siiro, Ryan Jones, Tony Banks, Haley Hedstrom, Walter Wobig, Sally Hedtke, and Jake Benson for terms expiring on December 31, 2016 are confirmed.

STATEMENT OF PURPOSE: This resolution confirms the appointments of Dan Rohweder, Deanna Gregorich, Frank Siiro, Ryan Jones, Tony Banks, Haley Hedstrom, Walter Wobig, Sally Hedtke, and Jake Benson to the Board.

Motion by Benson, seconded by Schwarzbauer and carried: To adopt  
RESOLUTION 03-16 RESOLUTION CONFIRMING THE APPOINTMENTS  
OF TO THE TOURISM COMMITTEE

P. Resolution 04-16 ó Resolution of Chamber of Commerce Raffle

BE IT RESOLVED that the City Council of the City of Proctor hereby certifies that there are no objections to The Proctor Chamber of Commerce to conduct a raffle on February 27, 2016 at Mountain Spirits Liquor.

Kyle Borg, President of the Proctor Chamber of Commerce described the Snowmobile Challenge and the raffle that will be held at Mountain Spirits Liquor on February 27, 2016.

Motion by McGovern, seconded by Brenna and carried: To approve Resolution 04-16 as presented.

8. LABOR AND NEGOTIATIONS ISSUES

A. Hovland Annexation

Bray said there is nothing new to report except that Ms. Hovland passed away last week.

MEMBER CONCERNS

Schwarzbauer said that the council meeting of February 16, 2016 is the same date as the ACTS mtg. The ACTS committee would like to be added to the agenda and attend the council meeting and explain briefly what is happening in each township.

## BILLS FOR APPROVAL

Motion by Brenna, seconded by Schwarzbauer and carried: To approve the General Fund bills in the amount of \$50,456.95. Roll call vote: Schwarzbauer ó yes, White ó yes; Benson ó yes; McGovern ó yes, Brenna ó yes.

Motion by McGovern, seconded by Schwarzbauer and carried (4-1, White opposed): To approve the Liquor Fund bills in the amount of \$28,666.70. 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 January 4, 2016 at 7:47 p.m.