

Minutes of the regular Proctor City Council meeting held on April 18, 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; Tim Peterson, Deputy Clerk; Tammie McDonald; John Bray, City Attorney; Margaret Taylor, Midway Township; Brian Walker; Phyllis Hom, Wok & Grill; Chief Walter Wobig; Gary Nowak; Joe Ward; Jay Boysen; Troy DeWall; Dick Wicklund; Eric Bingaman; Nick Greenwood; Lowell Harnell; Keenan McGovern; Jan Rohweder; Kyle Borg; Phil Larson; Jesse Annula; Nicole Swanson; Ian Swanson

APPROVAL OF MINUTES

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

APPROVAL OF AGENDA

Casey pulled 6B off of the agenda as the city did not receive any correspondence.

Motion by Benson, seconded by McGovern and carried: To approve the agenda of April 18, 2016 as amended.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Jim Rohweder, 9001 Johnson Road stated that he feels that a city councilor voting against the liquor bills is irresponsible. He stated that it is the city's obligation to pay the bills that the city owes.

Gordy Downs said that in the Proctor Journal it reported that all City purchase are reviewed and approved by the City Council. Downs asked for confirmation of this report. Tim Peterson confirmed that all purchase are approved by City Council.

Kathy Hannan showed the Council an article in the Duluth News Tribune about ATVs on public streets and asked if Proctor should be having a public hearing about this topic. McGovern said that the Public Safety committee is developing language about a new ordinance and will request a public hearing when it is complete.

*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 pulled off 5H

Motion by Schwarzbauer, seconded by Benson and carried: To approve the consent agenda as amended.

*1. COMMUNICATIONS

- A. Letter from SEH regarding Elevated Water Tank Evaluation

2. PLANNING & ZONING DEPARTMENT MATTER

*3. CLERK ADVISES COUNCIL

- A. Government Fund payroll period ended 04/03/16; Liquor Fund payroll ended 04/03/16 (attached).

*4. COMMITTEE REPORTS

- A. Planning & Zoning meeting minutes of January 25, 2016
- B. Proctor Economic Development Authority meeting minutes of February 16, 2016
- C. Liquor Control meeting minutes of February 16, 2016
- D. Proctor Public Utility meeting minutes of March 14, 2016

5. UNFINISHED BUSINESS

- *A. Almac Drive Drainage
- *B. Moving Street Department
- *C. Adopting Street Project Assessments
- *D. Flashing Stop Light at Kirkus and Boundary
- *E. Athletic Complex
- *F. Council Handbook

*G. Request for Proposals to Market Property

*H. MN Statue Chapter 13D

Benson stated that it has taken three months for PUC to address the open meeting violation. He appreciates the effort that Commissioner Larson made by trying to resolve the issue, however he was unsuccessful. Benson stated that the City Council needs to decide how to proceed. Brenna would like the city attorney to give the council his opinion when he is present.

6. NEW BUSINESS

A. 2016 Grandma's Marathon Agreement

Brenna stated that the City of Proctor has a long history supporting Grandma's Marathon. McGovern asked if the money would be coming from the Tourism budget. Benson confirmed that this would be paid from the allocated funds of the Tourism Budget.

Motion by McGovern, seconded by Schwarzbauer and carried (5-0): To approve the 2016 Grandma's Marathon Agreement as presented.

B. Boy Scout request for Can Collection Site

Item taken off agenda.

C. City Wide Brush Pick up ó Pick up dates starting May 23, 2016

Brenna described the brush pick up that has been held for several years in the City of Proctor.

Motion by McGovern, seconded by White and carried (5-0): To authorize the Street Department to perform the duties of the brush pick up for the City of Proctor beginning May 23, 2016.

D. Social Host Ordinance (Benson)

Benson tabled item.

E. Legislative Agenda ó Water District (Benson)

Benson stated that for 2017 he would like to see council work with the Proctor Utility Commission about the possibility of developing a water district. Brenna stated that he will also talk to the Mayor of Hermantown about a combined effort.

F. Resolution 23-16 ó Declaring Surplus Equipment (Casey)

Casey stated that the Fire Department is no longer in need of this 1993 Chevy Suburban. Schwarzbauer said that at the annual meeting in Midway Township, there was some expressed interest in this vehicle. Brenna said that the vehicle will go to auction.

Motion by McGovern, seconded by White and carried (5-0): To approve Resolution 23-16 as presented

**RESOLUTION 23-16
DECLARING SURPLUS
EQUIPMENT**

STATE OF MINNESOTA)
COUNTY OF SAINT LOUIS)
CITY OF PROCTOR)

WHEREAS, the City Proctor Fire Department has items no longer in need by the department and been removed from service,

- Fire Department Vehicle 1993 Chevrolet Suburban VIN 1GNFK16K1PJ394350

WHEREAS, the sale of such equipment and its proceeds will decrease operating costs of the department.

NOW, THEREFORE BE IT RESOLVED The City Council of the City of Proctor through the signature of its Mayor and Administrator, authorizes to declare this equipment surplus and available for sale.

G. Application for Membership Consideration - City of Proctor Volunteer Advisory Committee (review of new form ó Benson)

Benson stated that this form will help formalize the application process and he asked the councilors to continue to review the form in the packet and report back at the next meeting.

H. Hermantown Movie in the Park ó Request for Usage of Proctor Equipment

Brenna stated that this is the third year that the city has worked with the City of Hermantown during their Summerfest celebration. He recommends allowing the Chair of Summerfest with the assistance of Chief Wobig, to use the AV equipment as requested.

Motion by Benson, seconded by McGovern and carried (5-0): To approve the request from the chair of Hermantown Summerfest to use the AV equipment as presented.

I. Division of Property on Kirkus Street (for Council approval following Planning & Zoning approval)

Casey stated that this request is very similar to one that the council approved a couple of weeks ago. McGovern agreed that this was almost identical to what the council approved for Mr. Anderson for the other side of Kirkus Street.

Motion by McGovern, seconded by Brenna and carried (5-0): To approve the division of property on Kirkus Street as presented and previously approved by the Planning and Zoning committee.

J. Special Event Application ó 2016 Hoghead Festival

Brenna stated that Public Safety has approved this application and Kevin Connick said that everything is the same from last year. Brenna said that the insurance needs to total \$1.5 million and the Lions Club has asked if they could öpiggy-backö on the City's insurance for the additional \$500,000. Casey stated that the League of Minnesota Cities would recommend that the Lions Club take out the entire \$1.5 million in insurance on their own.

Motion by White, seconded by Schwarzbauer and carried (5-0): To accept the packet as presented contingent on the Lions Club increase of insurance coverage.

K. Special Event Application ó Powerhouse Bike Night

McGovern said that this application was presented at the Liquor Control meeting today for approval. Liquor Control was unanimous in their approval of the Powerhouse Bike Night application and recommends approval by council. Brenna said that Public Safety has agreed to no police due to lack of police issues in years past.

Nick Greenwood stated that he does not have any issues with the event; however he disagrees with the waiver of the matrix and possible noise pollution. Phyllis Hom said that she has a business up the street and has never had a concern during bike night. Wobig stated that the event is within city code guidelines but if the police receive a complaint, it will be addressed immediately.

Motion by McGovern, seconded by White and carried (5-0): To approve the special event application for the Powerhouse Bike Night as presented.

L. Vets Open as City Event (McGovern)

McGovern stated that at the last council meeting a resolution was approved preventing the manager from working on the Veterans Open. He explained that the manager wants the event to be in Proctor, however does this resolution bar it from being a city event? McGovern asked how the city can move forward.

Attorney Bray stated that the city is free to revisit the event and sponsorship. Bray said a councilor on the prevailing side of the motion could rescind that specific portion.

White stated that when he made the original motion, it followed a letter from Walker not wanting the city to co-sponsor the event. He said if the city wishes to Sally Hedtke, City Event Coordinator would be the perfect person to run the Veterans Open. White said if the city is interested in running this event, there should be a new motion.

Brenna said that going forward he would like it to be run like last year with Hedtke helping. Benson stated that it doesn't make sense to have the prior motion in place as this is a great event and great public relations for the City of Proctor.

Motion by Benson, seconded by Schwarzbauer and carried (4-1, White opposed): To rescind Resolution 21-16

White said he is opposed because he did not agree with the person that ran it last year threatening the council to take it away from Proctor.

Motion by McGovern, seconded by Brenna and carried (5-0): To approve the 2016 Veterans Open as a City Event.

M. Resolution 22-16 to Abolish the Position of Golf Course/Project Manager Reinstating the Position of Seasonal Golf Course Manager (Schwarzbauer)

A motion for approval was made by Schwarzbauer, and seconded by White. Bray stated that there are no restrictions prohibiting the city from this motion. Schwarzbauer said this motion is about the position, not the person. McGovern stated that he believes that the city should negotiate Walker's contract first, then abolish the position. He also said that he agrees with just the seasonal position, however, he would like to see a seamless transition.

Casey stated that Walker's contract has a 30 day notice grace period for which there would be time to negotiate. Dick Wicklund stated that he was disappointed with the city and gave accolades to Walker. Gordy Downs stated that he will remove the \$1 million trust for the golf course if Walker is removed.

Joe Ward stated that the threat by Mr. Downs was unacceptable. McGovern asked to audience to proceed with more decorum. White stated that based on the First Amendment, it is the council's responsibility to let the citizens speak. Jim Rohweder suggested abolishing the position at the end of the golf season.

Motion by Schwarzbauer, seconded by White and carried (3-2, Benson and McGovern opposed): To amend Resolution 22-16 to include the wording "effective 30 days from the passing of the Resolution and to enter into negotiation

with Brian Walkerö.

White asked who is on the negotiating team, McGovern responded that Brenna, Casey and himself consist of the team. Brenna said that he would step aside and let Schwarzbauer take his place. Casey said he will schedule a meeting for the negotiating committee.

- N. Resolution 25-16 Authorizing Appointing an Insurance Agent to Provide Health and Ancillary Benefits for the City of Proctor (Casey)

Motion by White, seconded by Schwarzbauer and carried (5-0): To approve Resolution 25-16 as presented

**RESOLUTION 25-16
AUTHORIZING APPOINTING AN INSURANCE AGENT
TO PROVIDE HEALTH and ANCILLARY BENEFITS
FOR THE CITY OF PROCTOR**

STATE OF MN)
COUNTY OF SAINT LOUIS)
CITY OF PROCTOR)

WHEREAS, the City of Proctor has furnished health insurance and other ancillary benefits to the employees of the City for many years; and,

WHEREAS, the City is desirous of continuing this benefit; and,

WHEREAS, the City will be better served to provide the benefits through a different provider; and,

WHEREAS, the Reliable Insurance Agency of Cloquet has been recommended by BCBS of MN, the NE MN Service Cooperative, and has proven its ability to assist in the services needed to continue these benefits to the City; and,

WHEREAS, the commission will be paid through premiums.

NOW, THEREFORE BE IT RESOLVED through the approval of City Council and Mayor to designate the Reliable Insurance Agency of Cloquet as the designated insurance representative for health and ancillary benefits for the City of Proctor.

- O. Resolution 26-16 - Resolution of Non-Objection To Issuance of State of Minnesota Charitable Gambling License

Motion by White, seconded by Schwarzbauer and carried (5-0): To approve Resolution 26-16 as presented

**Resolution No. 26-16
Resolution of Non-Objection
To Issuance of State of Minnesota
Charitable Gambling License**

BE IT RESOLVED that the City Council of the City of Proctor hereby certifies that there are no objection to the issuance of a State of Minnesota Charitable Gambling Permit to Proctor Fastpitch Association to conduct a raffle on May 7, 2016 at Derailed Bar & Grill, 501-3rd Avenue, Proctor, MN.

P. Resolution 27-16 ó Supporting the Creation of an Area Sports Commission (Schwarzbauer)

Jan Rohweder, PEDA commissioner, stated that they supported this resolution as Proctor could be a part of this commission.

Motion by Schwarzbauer, seconded by White (5-0): To approve Resolution 27-16 as presented.

Resolution 27-16
City of Proctor
SUPPORTING THE CREATION OF AN AREA SPORTS COMMISSION

STATE OF MINNESOTA)
COUNTY OF SAINT LOUIS)
CITY OF PROCTOR)

WHEREAS, because of our evolving and unpredictable local economy, there is a need to achieve increased monetary stability, visibility, and greater financial security through diversity of business; and,

WHEREAS, PEDA is desirous of providing a quality public venue for tourism, athletic events, community events, and business development; and

WHEREAS, the Proctor Economic Development Authority (PEDA) feels it is in the City's best interest to support the creation of an Area Sports Commission to include Proctor, Duluth and the surrounding communities.

WHEREAS, PEDA at its regular meeting of April 12th, 2016, unanimously voted in favor of supporting the creation of an area sports commission,
NOW, THEREFORE, BE IT RESOLVED, through actions of the City Council and Mayor upon recommendation of PEDA does hereby adopt the above resolution for the creation of an Area Sports Commission.

7. LABOR AND NEGOTIATIONS ISSUES

A. Resolution 24-16 ó Resolution for the Appointment of Seasonal Laborer for the Park Department

Motion by White, seconded by Schwarzbauer and carried (5-0): To approve Resolution 24-16 as presented including the hiring of Angie Peterson.

RESOLUTION 24-16
CITY OF PROCTOR
RESOLUTION FOR THE APPOINTMENT OF SEASONAL LABORER

FOR PARKS DEPARTMENT

STATE OF MINNESOTA)
COUNTY OF SAINT LOUIS)
CITY OF PROCTOR)

WHEREAS, the City Council desires to appoint Seasonal Labor for its Parks Department; and,

WHEREAS, the City Council is interested in establishing the wages and benefits for all the casual positions including those previously established, in accordance with the Minnesota Statutes, Fair Labor Standards Act, and the City of Proctor Personnel Policies.

NOW, THEREFORE BE IT RESOLVED, the City Council is appointing up to two (2) summer casual labor: At wage rates determined by the City Council to serve as Casual Seasonal Labor for a period of time effective on or after April 19, 2016 and may continue through September, 2016 in accordance with this resolution and City Policies. The position is non-supervisory and non-exempt from the F.L.S.A. 29 U.S.C. This position is under the P.E.L.R.A. Law and does not include benefits. All work shall not exceed the number of work shifts in accordance with City Policies.

MEMBER CONCERNS

Benson discussed council decorum and allowing residents to make statements and accusations. He stated that some comments are not appropriate.

McGovern apologized to the audience and citizens as the council meeting should be a place of civility and communication.

Schwarzbauer stated that Rohweder is correct that the councilors should be approving the liquor bills. He would like to have the council discuss the City's ownership of the Liquor Store at a future meeting.

Casey reminded the public and council of the Local Board of Appeal and Equalization meeting that will be held on Tuesday, April 26, 2016 at 9am.

BILLS FOR APPROVAL

Motion by McGovern, seconded by White and carried (5-0): To approve the General Fund bills in the amount of \$127,913.90. 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 opposed): To approve the Liquor Fund bills in the amount of \$25,092.03. 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 April 18, 2016 at 8:15p.m.