

Minutes of the regular Proctor City Council meeting held on March 6, 2017 in the Community Center Council Chambers

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

MEMBERS PRESENT: Councilors Jake Benson, Jim Schwarzbauer, Troy DeWall, and Gary Nowak; Mayor Philip Larson

OTHERS PRESENT: Mark Casey, City Administrator; Tammie McDonald; John Bray, City Attorney; Jim Aird, Midway Township; Nancy Smith; Kevin Connick; JoAnn Godfrey; Robert Hakola; Peggy Vanderscheuren; Betty Merling; Jim Merling; Tracey Thudin; Mike Meister; Diane Martinel; Elmer Engman; Phyllis Hom; Ron Francisco; Kylee Nunn; Paul Burke; Steve Kuchner; Rich Borg; Charlene Carlson; Kevin Field; Travis & Alisa White; Jakob White; Jonny Nowak; Susan Nowak; Donell Smity; Kerry Helquist; Sherri Lind; Nancy Lilliberg; JoAnn Lorenz; George Lee; John Lundy; Howard Petereson; Bridget Peterson; Jim Peterson; Jesse Annala; Kevin Bahr

APPROVAL OF MINUTES:

Schwarzbauer discussed Item 6K. Contract Approval, and stated that it should have been renamed as he assumed it was going to be approved. Larson stated it would be renamed Contract Discussion. Schwarzbauer also asked who brought that item to council was it the negotiating team? Larson said that it Negotiating Team brought it forward. Schwarzbauer also asked about the language "by necessity". Bray explained the language to the council and that motion only pertained to Chief Wobig.

Motion by Schwarzbauer, seconded by DeWall and carried: To approve the February 21, 2017 City Council Meeting Minutes as amended.

APPROVAL OF AGENDA

Motion by Nowak, seconded by DeWall and carried: To approve the agenda of March 6, 2017.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Nancy Smith, 315 5th Street read a statement criticized the speech at the chamber dinner, and stated she does not agree the way the chief of police issue was addressed.

Kevin Connick, President of Proctor Lions, described the rights of the 1st Amendment with Free Speech and also about the 15th Amendment in which all people can exercise their right to vote.

Phyllis Hom, owner of Wok n Grill spoke about her support for the new mayor and council.

Travis White, former City Councilor, discussed the motion passed last council meeting regarding former Chief Wobig.

Mike Connally, suggested that the taxpayers make the decision about the employment of Chief Wobig.

Robert Hakala, Bayview Heights ó Duluth, discussed his opinion about Chief Wobig

Mayor Larson read a statement about his role and making very difficult decisions and the statutes that prohibit open discussions.

Councilor Schwarzbauer discussed the motion about not renewing the contract and his personal and emotional discussion with Wobig.

Charlene Carlson, First Avenue, discussed her opinion of the current mayor and council.

***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 DeWall, seconded by Nowak and carried: To approve the Consent Agenda.

***1. COMMUNICATIONS**

- A. Thank you from Augustana Lutheran Church
- B. Draft Inflow and Infiltration Ordinance Revisions and Public Hearing
- C. Letter from Regional Stormwater Protection Team (RSPT)
- D. MN Energy email of February 24, 2017

***2. PLANNING & ZONING DEPARTMENT MATTER**

***3. CLERK ADVISES COUNCIL**

- A. Government Fund payroll period ended 02/19/17; Liquor Fund payroll period ended 02/19/17

***4. COMMITTEE REPORTS**

***5. UNFINISHED BUSINESS**

- *A. Council Handbook

6. NEW BUSINESS

- A. Resolution 08-17 ó Excess Funds for Playground for EveryBODY (Benson)

Benson said that not all the townships will spend all the money for the referendum, this is a playground to be used for EveryBODY, maybe there will be excess funds available. Larson stated that he was in construction for 40 years and have not heard of excess funds in projects. Benson listed exceptions.

Motion by Benson, seconded by Schwarzbauer and carried (4-1, Laron opposed): To approve Resolution 08-17 as presented.

- B. Minnesota Mayors Association 2017 Annual Conference Attendance

Larson indicated that he has not officially decided to attend at this time.

- C. Funding Request for Proctor Speedway - \$10,000 (unallocated funds for 2017 marketing and promotion ó see application and letter from Speedway)

Motion by Benson, seconded by Schwarzbauer and carried (5-0): To accept the recommendation by Tourism and approve the funding request as submitted.

- D. LMCIT pre-file notification (Benson)

Benson suggested that Attorney Bray talk to the League of MN Cities to be watchful for any litigation. Bray will contact the League.

- E. Council Chamber Furniture (Benson)

Benson suggested that the council obtain another table so each councilor have their own table.

Motion by Benson, seconded by Schwarzbauer and failed (Larson, DeWall, and Nowak opposed): To obtain an additional council table.

- F. Sunshine Week Proclamation

Benson stated that next week is sunshine week which promotes transparency in government with documents and files.

Motion by Benson, seconded by Schwarzbauer and carried (5-0): To accept the Sunshine Week Proclamation as presented.

7. LABOR AND NEGOTIATIONS ISSUES (Closed Session)

Motion by DeWall, seconded by Larson and carried: To recess the City Council meeting at 6:50pm and go to closed session to discuss labor and Negotiation issues.

A. Union and Negotiations Update

Motion by DeWall, seconded by Nowak and carried: To adjourn closed session and open the city council meeting at 7:48pm.

6. NEW BUSINESS (Continued)

G. Memorandum of Understanding óPolice Department Vacation

Motion by Nowak, seconded by DeWall and carried (5-0): To approve the Memorandum of Understanding as discussed and presented.

H. Employee Compensation

Motion by DeWall, seconded by Larson and carried (5-0): To Execute severance pursuant to a contract.

I. Memo of Understanding ó TRAC 7 Position

No action taken at this time.

MEMBER CONCERNS

Larson: Newly Elected Official Conference Report

Larson indicated that this conference was better for him now than 18 years ago and would recommend attendance by all councilors at least every four years. Nowak distributed information about Conflict of Interest and scenarios that happen. Larson said that Benson is walking a fine line with conflict of interest publishing the local paper and being a city councilor.

Larson suggested that the official city statement should have been included in the publication. Benson said that they lost all information that week and had to rebuild the paper. Larson also commented on the Journal Editorials.

Larson stated that for the betterment of the community, they should all work together.

BILLS FOR APPROVAL

General Fund
\$68,990.56

Liquor Fund
\$19,783.85

\$88,774.41 TOTAL BILLS FOR APPROVAL

Benson asked about the reimbursements to DeWall, Larson and Nowak. Larson explained that they are for the attendance to the League of Minnesota Leadership conference.

Motion by Nowak, seconded by Schwarzbauer and carried (5-0): To approve the general fund and liquor fund bills as presented.

ADJOURNMENT

Motion by Nowak, seconded by DeWall and carried (5-0): To adjourn the city council meeting at 8:20pm.