

Minutes of the regular Proctor City Council meeting held on September 5, 2017 in the Community Center Council Chambers

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

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

OTHERS PRESENT: Mark Casey, City Administrator; Tammie McDonald; Jennifer Crown; John Bray, City Attorney; Jim Aird, Midway Township; Paula Peterson; Ron Peterson; Eric Bingaman; Nick Greenwood; Dick Kari; Kathy Hannan; Chris Tabbert; Robert Talarico; Peg Sweeney; Bill Sweeney

APPROVAL OF MINUTES:

Motion by Schwarzbauer, seconded by DeWall and carried: To approve the August 21, 2017 City Council Meeting Minutes

APPROVAL OF AGENDA

Motion by Nowak, seconded by Schwarzbauer and carried: To approve the agenda of August 21, 2017 as amended.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Dick Kari, Powerhouse Bar, wanted to make a few comments based on the discussion at the last council meeting. Kari stated that he submitted the Street Dance Application on April 17, 2017 and was approved by City Council. He said that he spoke to Casey about making the fence area smaller, and the League of Minnesota Cities said that was ok to make the change without council approval. Kari stated that there were lots of accusations that were made; underage patrons were brought into the bar; and much negativity in the press.

Bill Sweeney, Chairman of PUC, said that there hasn't been a PUC update given to council in some time. Sweeney described the terminated contract with Superior Water and Light; and the new water rate increases coming from Duluth in the years to come.

Sweeney also requested to have another three year term to PUC.

APPROVAL OF CONSENT AGENDA

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

*1. COMMUNICATIONS

- A. Police Hoghead Calls
- B. 2017 Joining Forces Conference –Yellow Ribbon Community

*2. PLANNING & ZONING DEPARTMENT MATTER

*3. CLERK ADVISES COUNCIL

- A. Government Fund payroll period ended 08/20/17; Liquor Fund payroll ended 08/20/17 (attached)
- B. Reminder: Budget Meeting Monday, September 11, 2017 at 5:00pm

*4. COMMITTEE REPORTS

*5. UNFINISHED BUSINESS

- A. Personnel Handbook
- B. SRO

6. NEW BUSINESS

- A. Proposed Levy

Casey stated that with the increase in insurance costs; increase in wages and the revenues remaining relatively flat, the proposed levy amount is 6%. The levy amount can be lowered, however it cannot be raised. Casey also reminded the council of the Special Meeting at 5pm on Monday Sept. 11, 2017 in the conference room at City Hall.

Motion by Nowak, seconded by Larson and carried: To approve the Proposed Levy at 6% as presented.

- B. 9419 Westgate land separation (Recommendation to approve from Planning & Zoning meeting of August 28, 2017 – draft minutes attached)

Casey stated that the property owner is asking to separate a section of his parcel. Benson said that the minutes attached were unapproved and asked if the council

can make a recommendation from unapproved minutes.

Motion by Benson, seconded by Schwarzbauer and carried: To accept the recommendation from Planning and Zoning Committee, from the unapproved minutes, to approve the separation of the section of the parcel as presented.

C. Mechanical Services bids

Casey said that he and the Mayor have been discussing this issue for some time and in the packet are bids from five different vendors. Larson said that he recommends Stack and also asked if it could be a one year contract. Schwarzbauer asked for an explanation to why the city would pay a greater fee for Stack. Larson said that he has worked with Stack and they currently are working with the Proctor Utilities. Casey stated that the city is looking only for a maintenance contract at this time.

Motion by Schwarzbauer, seconded by Benson and failed (2-3, DeWall, Larson & Nowak opposed): To approve the Mechanical Services contract with Honeywell.

Motion by Larson, seconded by DeWall and carried (3-2, Benson & Schwarzbauer opposed): To approve the Mechanical Services contract with Stack Brothers as presented.

D. Set Truth in Taxation Hearing date

Casey recommended holding the hearing during the first council meeting of December 2017.

Motion by Larson, seconded by DeWall and carried: To set the Truth in Taxation Hearing date to December 4, 2017 at 6:01p.m.

E. Request from Proctor American Legion Post #106 (Benson)

Benson stated that the letter in the packet from the American Legion is self-explanatory, and as a member of the Legion he brought the request before Council. Larson asked about the initiation of the request and Benson stated that it was discussed at the general meeting.

Motion by Schwarzbauer, seconded by Nowak and failed (Larson, DeWall, Nowak and Schwarzbauer opposed; Benson abstained): To approve the Request from Proctor American Legion Post #106.

F. Duluth Zoning Changes (Benson)

Benson stated that there are new For Sale signs along Boundary Avenue. He submitted the information about the City of Duluth meeting on September 12 about the rezoning

of the property in that area. Mayor Larson encouraged all to attend.

G. So. St. Louis County Fairgrounds as dumping grounds (Benson)

Benson stated that he has noticed piles of dirt, brush, gravel, etc. at the Fairgrounds. Nowak said that the brush is from the City Wide brush pickup, and the street department is obtaining bids to have it chipped. Nowak also said that according to Street Department Foreman, the reclaimed asphalt is an asset to street repairs. Benson said that he would have liked to see if come before Council. Casey said that Uilland Brothers was in a bind about where to put the bituminous and there wasn't time to call a special meeting. The Street Department Foreman said that it was very cost effective to obtain this material for the city.

H. Purchase and Installation of a Gate or Boot (Benson)

Benson said that other cities use these pieces of equipment to assist in snow removal. Larson said that LaLonde said that these would be very labor intensive and not as beneficial as the city on has one grader.

I. Public Hearing Water Rate Increase

Sweeney said that this issue has been on the PUC agenda every month for about four years. He would recommend that the council take no action on this item. Casey said that it was placed on the agenda because this is also a city issue as we are billed for water too.

Motion by Nowak, seconded by DeWall and carried: To move to Closed Session per Chapter 13D of MN Statutes at 7:46 p.m.

7. LABOR AND NEGOTIATIONS ISSUES (Closed Session)

A. Land Proposal – Counter Offer - Plan

Motion by DeWall, seconded by Larson and carried: To go back to regular meeting at 8:36pm.

Motion by DeWall, seconded by Larson and carried: To resume regular council meeting at 8:36pm.

6. NEW BUSINESS (continued)

- K. Easement (Unimproved ROW) 3rd St
- L. Easement – Located on Parcel 185-010-00220
- M. Land Purchase

Motion by Nowak, seconded by DeWall and carried (4-1, Larson opposed): To reduce the easement from 30 feet to 15 feet on the property to be sold. Also, to

grant a 15 foot easement for ingress, escrow and utilities on the Unimproved ROW on 3rd Street contingent on a satisfactory resolution of property and assessment issues with Goldberg Property, LLC.

MEMBER CONCERNS

BILLS FOR APPROVAL

General Fund
\$48,280.91

Liquor Fund
\$35,072.63

\$83,353.54 TOTAL BILLS FOR APPROVAL

Larson pulled check 36471 from the General Fund payable to Advanced Awning and Design in the amount of \$1760.00. Larson said that check is for a PEDDA Loan given to Benson, and that expired in 2016. Casey stated that at the Mayors request the check will be pulled from the agenda and the city will obtain clarification at the upcoming PEDDA meeting.

Motion by Nowak, seconded by Larson and carried (3-2, Benson and Schwarzbauer opposed): To pull check number 36471 from the General Fund in the amount of \$1760, and approve all the rest of the bills totaling \$46,520.91 and the Liquor Bills in the amount of \$35, 072.63 for a total of \$81,593.54.

ADJOURNMENT

Motion by Nowak, seconded by DeWall and carried: To adjourn the city council meeting at 8:47pm.

Respectfully submitted,

Philip Larson, Mayor

Mark Casey, City Administrator