

Minutes of the regular Proctor City Council meeting held on September 18, 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; Eric Bingaman; Kathy Hannan; Michelle Tabbert;

APPROVAL OF MINUTES:

Councilor Benson commented on Dick Kari's statements at the prior council meeting and about the omission of the general fund check for his PEDDA loan.

Councilor Schwarzbauer commented on his reasons for now voting yes to the Legions request for a donation.

Motion by DeWall, seconded by Schwarzbauer and carried: To approve the September 5, 2017 Council Meeting Minutes and the September 11, 2017 Special Meeting Minutes, 2017 City Council Meeting Minutes

APPROVAL OF AGENDA

Benson pulled Item 6I.

Motion by Nowak, seconded by Schwarzbauer and carried: To approve the agenda of September 18, 2017 as amended

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Kathy Hannan read about an article in the Duluth News Tribune about the increased Opioid use on our area. She stated that the article discussed the training of local officers to specialize in a task force, however in the list of cities represented, Proctor was not among them. Chief Gaidis said his predecessor did not choose to participate in this and also the City of Proctor cannot afford to pay one officer to be full time on that task force. Schwarzbauer asked how smaller communities are able to participate and Gaidis said that Proctor works together with other agencies and support groups like First Witness.

\*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

Larson and Schwarzbauer added items to Members Concerns.

Motion by Nowak, seconded by DeWall and carried: To approve the Consent Agenda as amended.

\*1. COMMUNICATIONS

- A. Letter from Mediacom dated August 30, 2017

\*2. PLANNING & ZONING DEPARTMENT MATTER

\*3. CLERK ADVISES COUNCIL

- A. Government Fund payroll period ended 09/03/17; Liquor Fund payroll ended 09/03/17 (attached)

\*4. COMMITTEE REPORTS

\*5. UNFINISHED BUSINESS

- A. Personnel Handbook
- B. SRO

6. NEW BUSINESS

- A. Municipal Delegation Agreement Application

Casey reported that with the construction of the schools hockey arena, we did not have this agreement to oversee the process with a building official. He said that this agreement gives Jim Rich, Jay Boysen, and the City some authority in this project and future projects.

Motion by Larson, seconded by Nowak and carried (5-0): To approve the

Municipal Delegation Agreement Application as presented.

B. Corrective Deeds – Kirkus Street

Casey stated that during the construction of Kirkus Street, a Right-of-Way wasn't designated at 403 N. Boundary Avenue. During the approval of the division of the property, the county noticed that there wasn't a ROW. Casey stated that the packet contains the information including copies of the Quick Claim Deeds for this parcel.

Motion by Nowak, seconded by DeWall and carried (5-0): To approve the corrective deeds as presented for this parcel at 403 N. Boundary Avenue.

C. Parks & Recreation – Parcel ID 185-0040-00540 (Benson)

Benson said that during some research he noticed that this parcel is still listed as owned by ISD 704. He said that his recollection is that the city switched with the school this parcel with one along Kirkus Street. Casey said that he looked through the parcel code file and only found an appraisal that was done in 2009. Bray said that the school should have taken action; he will check through some files and advise.

D. Resolution 40-17 – Resolution Amending Personnel Policy on Social Media Use

Casey said that a League of Minnesota Cities representative met with him and the two IT professionals about social media, passwords, and overalls protection. This Resolution is to amend the Personnel Policy on Social Media Use. Benson asked if it pertains to city employees also, and Casey said that it will. DeWall asked if there was any feedback from department heads, and Casey said there had not. Larson said that people need to be aware of what they are posting or what is posted on their account. Schwarzbauer asked if signatures are required for pictures taken and Benson said that they are not required if the photos are taken on public property.

Motion by Larson, seconded by Nowak and carried (5-0): To approve Resolution 40-17 - Resolution Amending Personnel Policy on Social Media Use

E. Resolution 36-17 - Safe Access to Bus Stops

Casey stated that he had been approached by a member of the community and AEOA about this resolution that will be passed on to the City of Duluth. Schwarzbauer asked if this was just for Boundary Avenue, and Casey said yes.

Motion by Schwarzbauer, seconded by DeWall and carried: To approve Resolution 36-17 - Safe Access to Bus Stops

F. Resolution 37-17 – Ordering Application for Community Development Block Grant Funding for Fiscal Year 2018

Casey said that the city hosted St. Louis County last week to do a presentation about the Community Development Block Grant. Afterward he and Tammie McDonald sat down with the reps from SLC to discuss how to use CDBG for Proctor. Casey stated that the first item that the city will be submitted an application for will be for 6<sup>th</sup> Street and Almac Drive. He said that that area needs to be designated Low to Moderate Income. Casey said that the second item is for the demolition of dilapidated buildings, both commercial and residential. The third item to attempt to obtain grant money for would be commercial rehabilitation. Benson said that he also spoke to Steve Nelson from SLC who praised Proctor with their past grants. Benson said that 855 out of 3100 residents are LMI, which only computes to 28.5% - where 48.6% is required for CDBG funding. Casey agreed that a survey may be required to obtain some of the funding.

Motion by Benson, seconded by Schwarzbauer and carried: To approve F. Resolution 37-17 – Ordering Application for Community Development Block Grant Funding for Fiscal Year 2018

G. Soil Testing and Monitoring of Locomotive – For consideration: soil boring

Larson said that the mallet appears to be slightly sinking, which needs to be addressed before sidewalks are put in place. Casey said that they spoke with Randy at Lakehead and this will be a challenging project. He recommends having the mallet surveyed and then testing the soil. DeWall said that most likely the soil is bad around that area, but he agreed to shoot the elevations. Schwarzbauer said that students at LSC are studying surveying he would check to see if they could do the job, then have the city donate money to their programs. Schwarzbauer said he will continue to work with administration to move forward.

H. Definitions of CDBG vs. City Loans

Nowak said that there appears to be confusion about the difference between CDBG and City Loans. Casey said that in 2015, the city applied for CDBG funding for commercial development. At that time, the city also put up \$50,000 to go toward a loan program. Casey said that CDBG is a grant – money does not have to be reimbursed. Larson encouraged all the councilors to meet with administration to learn more about both programs.

- I. Resolution 38-17 Resolution Authorizing Submission of Application to the Minnesota Department of Employment and Economic Development (Benson)

Item removed from agenda.

- J. Budget Discussion (Benson)

Benson apologized for missing the budget discussion meeting, but asked administration if the city could decrease the levy percentage. Casey said that the amount can be lowered, and that Crown is currently meeting with department heads to work on final figures. Benson asked about enterprise funds, and Casey said that those shouldn't have any effect on the levy. Casey suggested setting another date for a budget meeting.

Motion by DeWall, seconded by Larson and carried: To set a budget meeting date of October 2, 2017 at 5:00pm.

- K. Resolution 39-17 Requesting St. Louis County to Table Sale of Tax Forfeited Property (Benson)

Benson stated that this Resolution is similar to the prior resolution, however now there is going to be conversations held about the corridors. Larson said he would like dialogue with Duluth about the boundary, and this resolution is better. Benson discussed a study that was done, and he will forward it to administration.

Motion by Larson, seconded by Schwarzbauer and carried: To approve Resolution 39-17 Requesting St. Louis County to Table Sale of Tax Forfeited Property

- L. Police Department Policy

Gaidis said that this new policy is submitted to update what they have currently. He said that the policy is a duplicate of the Federal Policy. Gaidis said that this new policy removes names and states positions.

Motion by Benson, seconded by Schwarzbauer and carried: To approve the Police Department policy as presented.

Motion by Larson, seconded by DeWall and carried: To move to Closed Session Per Chapter 13D of MN Statutes at 7:46 pm.

## 7. LABOR AND NEGOTIATIONS ISSUES (Closed Session)

- A. Property Proposal

- B. LELS Contract

Motion by Nowak, seconded by Larson and carried: To Go back to regular meeting at 8:18pm

6. NEW BUSINESS (continued)

A. Property Proposal

Motion by Larson, seconded by Nowak and carried: For the City of Proctor to reduce the 30 foot easement and the property owners convey 15 feet to the city to be used for utility easement.

MEMBER CONCERNS

Larson discussed the Lions Club gazebo and thanked Keith Christensen for his assistance. Motion by Larson, seconded by Benson and carried: For administration to send a thank you letter to Mr. Christensen.

Larson discussed the letter from the American Legion that was presented at the last council Meeting and stated it was not to offend the American Legion as he too is a Veteran, but he is opposed to how/why it was presented.

Schwarzbauer asked about the Smart Water Meters and the letters that PUC has sent to residents to change their meters. Is the public required to make that change? Casey said that yes PUC owns the meters and residents need to have them replaced. Larson stated that there are health and safety issues. Schwarzbauer asked if this required council approval, and Casey stated that PUC approved that process.

BILLS FOR APPROVAL

General Fund	Liquor Fund
\$80,044.30	\$28,534.63

\$108,594.93 TOTAL BILLS FOR APPROVAL

Motion by Nowak, seconded by Schwarzbauer and carried (4-0, Benson abstained from Advanced Awning check): To approve the checks from the General Fund and Liquor Fund in the amount of \$108,594.93.

ADJOURNMENT

Motion by DeWall, seconded by Nowak and carried: To adjourn the city council of September 18, 2017 meeting at 8:30pm.

Respectfully submitted,

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Philip Larson, Mayor

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Mark Casey, City Administrator