

Minutes of the regular Proctor City Council meeting held on October 2, 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; Bill Sweeney; Chad Ward; Nick Greenwood; Ben LaLone; Jim Aird, Midway Township; Kathy Hannan; Jennifer Peterson

Mayor Larson called for a moment of silence in remembrance of those killed in Las Vegas, NV.

APPROVAL OF MINUTES:

Motion by Schwarzbauer, seconded by DeWall and carried: To approve the September 18, 2017 Council Meeting Minutes.

APPROVAL OF AGENDA

Benson added to Members Concerns: Alternative Winter Parking

Motion by Benson, seconded by Schwarzbauer and carried: To approve the agenda of October 2, 2017 as amended

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Ben LaLone, Johnson Controls, stated that he felt that they gave a very competitive bid. LaLone said that he visited Casey and Larson on Feb. 10, submitted a quote by Feb. 24, and called and left messages to follow up. He said the scope of the work never dictated how many visits. He said that he quoted inspection – and would write up anything following that. LaLone said that Stack quote does not include coil cleaning. He also said that there was concern about proprietary controls, and that is inaccurate. Johnson Controls uses industry standards since 2010. Larson apologized to Johnson Controls and stated that the city is going to take another look.

*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 Schwarzbauer, seconded by Benson and carried: To approve the Consent Agenda.

*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. Reintroduce Proctor American Legion letter dated August 11, 2017 (Schwarzbauer)

Schwarzbauer said that he put this on the agenda as he neglected to look at the statute stating the city could set aside \$300 annually for the observation of Memorial Day. He is also very cautious about this slope for paying expenses. Larson agreed that the \$1200 for the Lions Club was the wrong thing to do. Schwarzbauer said that he would like the council to look at ideas for more civic organizations. Larson apologized to Jim Kmecik. Nick Greenwood stated that in the future, he would step up for fundraising with his business. Greenwood stated that the Derailed is hosting a free burger basket next Wednesday, October 11 from 11am-10pm as a fundraiser for the American Legion and Beyond the Yellow Ribbon Campaign.

Motion by Benson, seconded by Schwarzbauer and failed (Benson withdrew motion, and Schwarzbauer withdrew second) : To allow a \$300 donation for the American Legion.

Larson stated that he would like the American Legion to come and present their request. Benson said that Kmecik had a prior commitment and would like to allow him to come to the meeting.

B. Yellow Ribbon Community Signs (Larson)

Larson read an email about yellow ribbon community signs to be placed on the Proctor population signs. Gaidis said that there are three population signs in town. Benson said that he would have liked to see a resolution for this purchase. Jennifer Peterson, co-chair of the Yellow Ribbon Community said that the signs are \$75 apiece.

Motion by Larson, seconded by Nowak and carried (5-0): To authorize the purchase of three Beyond the Yellow Ribbon signs.

C. Public Utility Commission – Applications included in Packet

Benson said that the council should allow the candidates to speak.

Bill Sweeney said that before this major dispute with the City of Duluth over the water rates, he had intended to retire. He has served on PUC for 15 years, and is asking to be re-appointed to finish up the projects. Sweeney said that Peterson serving on PUC is a conflict of interest.

Jennifer Peterson said that she has a unique set of skills to offer PUC. She said that she does not believe it is a conflict of interest as she has no knowledge of the contract with the City of Proctor. She said she is a resident of Proctor and a woman of integrity with very relevant experience.

Benson told Peterson that her application was impressive, and suggested making Sweeney an ad-hoc member during the negotiations with Duluth. Sweeney said that he has no interest in serving in that capacity. Nowak made a statement supporting Sweeney. Larson said that he would like the Utility Commission to weigh in. DeWall said that he would like PUC comments, and also to have the city attorney present.

Motion by Schwarzbauer, seconded by Benson, and following discussion: Schwarzbauer rescinded motion and Benson withdrew Second.

Item Tabled.

D. Police Department Policies

Gaidis said that this is the same policy as two weeks ago and names were omitted.

Motion by DeWall, seconded by Nowak and carried (5-0): To approve the Proctor Police Department policies as presented.

E. Property Split at 1402 LaVaque Road

Casey stated that this item went before the Planning and Zoning commission where it was recommended for approval.

Motion by Larson, seconded by Nowak and carried (5-0): To approve the property split at 1402 LaVaque Road as presented.

F. Accepting conveyance of property from ISD #704

Casey said that this piece of property was made aware to the administration by Benson. In the packet is a resolution from the school board conveying the property and our resolution accepting it.

Motion by Benson, seconded by Nowak and carried (5-0): To accept the conveyance of the property from ISD #704 and approve Resolution 42-17 Acceptance of Transfer of Property to the City of Proctor from the School District.

G. Call for Public Hearing on Liquor Store

Casey said that this is information as the City Attorney is not present.

H. Resolution 41-17 In Support of an Application for the Local Road Improvement Program (LRIP) Grant

Casey said that this grant application has been made available to cities like Proctor who do not have state aid for street. He said that he will apply for the maximum amount available of \$750,000.

Motion by Larson, seconded by DeWall and carried (5-0): To approve Resolution 41-17 In Support of an Application for the Local Road Improvement Program (LRIP) Grant.

I. Wood Chipping Proposals

Larson said that this is for the citywide brush pick up piles. LaLonde worked on getting quotes.

Motion by Larson, seconded by Schwarzbauer and carried (5-0): To accept the proposal of Waste Wood Recycles.

J. First Reading - Ordinance 07-17 Amending Section 1002.03 of the City Code entitled "General Setback Requirements"

Casey said at the Planning and Zoning meeting, they noticed a duplication in the City Code book. The chart is the correct wording and the duplicates have been

crossed out. Casey read the Ordinance aloud.

- K. First Reading - Ordinance 08-17 Amending Section 1000 of the City Code Entitled "Land and Building" Regulation

Casey stated that Planning and Zoning has had a couple of requests for mini-storage facilities. He is asking council to take action regarding the definition of storage vs. mini-storage. Casey read the Ordinance aloud. DeWall stated that Planning and Zoning is allowed to monitor if this is considered permitted use.

- L. Resolution 43-17 Resolution Requesting City Authoritys, Boards, Commissions, and Committees to Provide their Minutes to the Council Within One Week (Benson)

Benson stated that last time this resolution appeared before Council (May 2014) it passed. This resolution mandates committees and commissions to provide the council with minutes on a timely basis. Schwarzbauer said that he would like to see the previous resolution. Casey will furnish the council with the prior resolution.

- M. Water Rate Increase (Benson)

Benson said that considering what Duluth has done with the water rate increase, there should be a healthy discussion at the council level. He mentioned establishing a water district. No action taken.

MEMBER CONCERNS

- A. Social Media Policy – Schwarzbauer

Schwarzbauer distributed a handout with questions about the Social Media Policy and asked about consequences. Casey said that everyone has First Amendment rights, and this policy is to protect council, commissioners and committee members, and employees.

Benson distributed a letter about winter parking.

Nowak stated that last Thursday, Girl Scout troop 4046 helped Proctor with their annual Tree City USA Celebration

Casey said that he and Mayor Larson have a meeting with the City of Duluth Planner on Wednesday, at 9am.

Schwarzbauer said that he met with the Technician from LSC and they will be taking measurements for the train.

BILLS FOR APPROVAL

General Fund
\$57,794.23

Liquor Fund
\$31,269.24

\$89,063.47 TOTAL BILLS FOR APPROVAL

Motion by Schwarzbauer, seconded by Larson and carried (5-0): To approve the General Fund and Liquor Fund bills lists in the amount of \$89,063.47.

ADJOURNMENT

Motion by Nowak, seconded by DeWall and carried (5-0): To adjourn the City Council meeting at 8:10pm.

Respectfully submitted,

Philip Larson, Mayor

Mark Casey, City Administrator