

Minutes of the regular Proctor City Council meeting held December 4, 2017 in the Community Center Council Chambers.

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

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

OTHERS PRESENT: Administrator Mark Casey; Deputy Clerk Jennifer Crown, City Attorney John Bray, Chief Gaidis, Liquor Store Manager Bill Blackwood, Jim Aird, Midway Township Township, John Ortberg, Sharon & Dave Eck, Kathy Hannan, Jim Rohweder, Nick Greenwood, Eric Bingaman, and Linnea Wiita,

APPROVAL OF THE MINUTES:

Motion by Schwarzbauer, seconded by DeWall and carried (5-0)” To approve the November 20, 2017 Council Meeting Minutes and the November 30, 2017 Special Budget Meeting Minutes.

APPROVAL OF THE AGENDA:

Motion by DeWall, seconded by Larson and carried (5-0): To approve the agenda of December 4, 2017.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

None.

***APPROVAL OF THE 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 Nowak, seconded by Schwarzbauer and carried (5-0): To approve the Consent Agenda.

Motion by Nowak, seconded by Benson and carried: To suspend the regular meeting and open the Taxation Notification Hearing at 6:15 pm.

Deputy Clerk Crown gave a comprehensive explanation of the taxation / levy process. She explained that Proctor City Tax makes up 29% of the overall property tax. Crown explained the necessary Costs that the City has no control over, and the anticipated Revenues that have been estimated conservatively. She added that the City has strived to

tighten discretionary budgets within the various departments. Overall the levy amount requested is approximately 5.9%.

Discussion that if the sales tax yields exceed anticipated, the excess will be put toward street and park construction projects as the tax use is intended.

Resident Sharon Eck had questions regarding property taxes in her neighborhood, stating that they had concerns while trying to sell their house. Discussion as to the items that contribute to the tax. Eck was encouraged to gather comparable information and meet with County Assessor Worthington for more detail, and also to attend the local Board of Appeals in Proctor next spring.

Motion by Nowak, seconded by DeWall and carried: To close the Taxation Notification Hearing and resume the regular meeting at: 7:00 pm.

***1. COMMUNICATIONS**

A. None

***2. PLANNING AND ZONING DEPARTMENT MATTER**

- A. Item 6A: Rezoning of Parcel 185-0240-00745
- B. Variance Request for relief of setbacks, Kevin Field (18 Dec)

***3. CLERK ADVISES COUNCIL**

- A. Government Fund payroll period ended 11/26/17
- B. Liquor Fund Payroll ended 11/26/17

***4. COMMITTEE REPORTS**

- A. PEDA Meeting Minutes of Tuesday, November 4, 2017
- B. PUC Meeting Minutes of October 10, 2017
- C. Planning and Zoning Minutes October 30, 2017

***5. UNFINISHED BUSINESS**

A. SRO

6. NEW BUSINESS

A. Rezoning of Parcel 185-0240-00745 : See Attached Maps

Property owner John Ortberg explained the front lot of the property, where the house is located, is currently zoned R-1. The rear portion is zoned Suburban. Ortberg requested rezoning to C-1 in order to possibly build a mini-storage facility in the future.

Discussion that the property was properly cleaned prior to purchase; that neighboring property owners were contacted and raised no concerns.

Motion by DeWall, seconded by Nowak and carried (5-0): To allow rezoning of Parcel 185-0240-00745 to C-1.

B. Resolution 51-17: Liquor Store Non Contract Wages

Liquor Store Manager Bill Blackwood asked for a payscale increase for 2017 for the non-affiliated clerks, amounting to a \$.50 increase for minimum wage employees, and adjusted by hours worked for the others. 2018 would have an increase of 2.5%, and 2019 and increase of 3.0%.

Discussion that the employees are all good workers and very cooperative, understanding the liquor store's need to still needs to make a profit.

**CITY OF PROCTOR, MINNESOTA
RESOLUTION 51-17
WAGES FOR NON CONTRACT LIQUOR EMPLOYEES**

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

WHEREAS, the City Council of the City of Proctor, is interested in establishing the wages for those employees of the municipal liquor not covered by a bargaining unit; and,

WHEREAS, in addition to the attached pay scale, and in accordance with the City Code, and Minnesota Statutes, a one dollar an hour (\$1) differential will be paid for all hours worked on Sundays.

NOW, THEREFORE BE IT RESOLVED, that the City Council is increasing the wage of a Non Affiliated/Bargaining unit Municipal Liquor Store staff in accordance with this resolution, attached schedule, City Code, and State Statutes. These positions are non-supervisory.

BE IT FURTHER RESOLVED, the positions do not include city established benefits.

Upon vote taken thereon, the following voted:

For:

Against:

Whereupon said Resolution No. 51-17 was declared duly passed and adopted this 4th day of December 2017.

Attest: _____

Philip Larson
Mayor

Mark Casey
City Clerk/Administrator

Motion by Nowak, seconded by Benson and carried (5-0): To increase the wages of the non-affiliated bargaining unit at the Liquor Store per attached pay scale.

C. Resolution No. 52-17: Certify Levy 2018

RESOLUTION NO. 52-17

PROPOSED LEVY FOR 2018

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

BE IT RESOLVED, by the City Council of the City of Proctor at a meeting duly held on the 4th day of December, 2017 at 6:00 p.m. in the Council Chambers in City Hall of the City of Proctor for the purpose of setting the proposed levy for the City of Proctor for the year 2018, collectible in the year 2019, as herein proposed; and for hearing any objection or suggestions, if any, as provided by law and the ordinances of the City.

General Fund\$ 1,091,522
Bonded Debt	\$ 299,555
Other Debt	\$ 91,044

Total Levied by City Council. \$ 1,482,121

Moved by Councilor _____ and supported by Councilor _____ that the foregoing resolution be adopted and certified to the St. Louis County Auditor.

Voting Aye:
Voting Nay:
Absent:

Resolution declared adopted this 4th day of December, 2017.

Mayor

Attest:

Administrator/Treasurer

Motion by Schwarzbauer, seconded by DeWall and carried (5-0): To certify the proposed 2018 levy at \$1,482,121.

D. Resolution No. 50-17 Certify Assessments and Liens to the County

**RESOLUTION NO. 50-17
CITY OF PROCTOR
CERTIFY ASSESSMENTS AND LIENS TO COUNTY**

WHEREAS, pursuant to notice duly given as required by law, the City Council has met and passed upon all objections to the proposed assessments for the following improvements of 2001 – 2017 to also include any past due refuse payments:

Westgate Blvd; Ugstad Rd Water and Sewer; 3rd Ave Water and Sewer; 13th Street Water and Sewer; Kirkus Street Road, Water, and Sewer; Grove Street Sewer; 1st Ave Water; 8th Street; Almac Dr Water and Sewer; 4th Street Sewer; Venice Street; Waterview Dr Road, Water, and Sewer; JJ&RT Water Project; Lavaque Rd Water and Sewer; 1st Street Water and Sewer; 2nd and 4th Streets Sewer and Water;

and has amended such proposed assessments as it deems just:

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Proctor, Minnesota as follows:

1. Such proposed assessments, a copy of which are attached hereto and made a part hereof is hereby accepted and shall constitute the special assessments against the land named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement.
2. Such assessments shall be as follows:
 - a. The assessments shall be payable in equal annual installments including principal and interest extending over a period of five, ten, or fifteen years, with interest at the rate of zero percent (0%) up to six percent (6.0%) per annum, in the amount annually required to pay the principal over such period at such rate, and said installments to be payable with general taxes for the year 2017, collectible with such taxes during the year 2018.
 - b. The owner of the property so assessed may at any time prior to the certification of the assessment to the County Auditor, pay to the City Clerk, and therefore at any time prior to November 15th of any year, pay to the County Auditor the whole of the principal amount of the assessment on such property, provided that no such prepayment shall be accepted without payment of all installments due to and including December 31st of the year of prepayment, and the original principal amount reduced only by the amounts or principal included in such installments computed on an annual authorized basis.
3. The City Clerk shall forthwith transmit a certified duplicate copy of this assessment to the Auditor of Saint County.
4. The past due utility accounts for municipal utility (as the term is defined in the City Code) services be certified by the City Clerk of the City of Proctor, Minnesota to the County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

Moved by Councilperson _____ and supported by Councilperson _____ that the above resolution be adopted.

Voting Aye:

Noting Nay:

Absent: none

WHEREUPON said resolution was adopted this 4th day of December 2017.

Discussion that this is an annual process for the City to certify assessments and liens for listed improvements between 2001 – 2017, including and past refuse assessments, to St. Louis County.

Motion by Larson, seconded by Nowak and carried (5-0): To Certify the Assessments and Liens to the County.

E. Resolution No. 49-17: Accepting Donations To Proctor FD

**CITY OF PROCTOR
RESOLUTION NO. 49-17
RESOLUTION ACCEPTING DONATIONS**

**CITY OF PROCTOR)
COUNTY OF ST LOUIS)
STATE OF MINNESOTA)**

WHEREAS, The City of Proctor is generally authorized to accept donations or gifts of real and personal property pursuant to Minnesota Statutes Section 10A.071, 211A.01 and 471.895, and is specifically authorized to accept gifts and bequests for services pursuant to Minnesota Statutes Section stated above; and,

WHEREAS, The persons and entities listed in the Attachment have contributed the certified amounts set forth below to the City of Proctor Fire Department in year 2017; and,

<u>Name of Donor</u>	<u>Amount</u>
See Attachment	\$2,400

WHEREAS, All such donations have been contributed to thank the city in the establishment and operation of public safety and programs either alone or in cooperation with others, as allowed by law; and

WHEREAS, The City Council finds that it is appropriate to accept the donations offered on behalf of Proctor Fire Department.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PROCTOR, MINNESOTA, AS FOLLOWS:

1. The donations described above are accepted and shall be used as recognition for the service of public and programs either alone or in cooperation with others in aiding the community, as allowed by law.
2. The Fire Department is hereby directed to acknowledge the city's receipt of the donation to the donor.

Adopted by the City Council of the City of Proctor on 4th day of December, 2017.

Approved:

Mayor

Attested:

City Clerk

Administrator Casey explained that the Fire Department quite successfully solicits donations from several sources, then submits the list to City and requests the City accept the donations.

Motion by Nowak, seconded by Schwarzbauer and carried (5-0): To Accept the Donations to the Proctor Fire Department.

F. 2018 Towing Permits

Discussion of Towing Permit process. Councilor DeWall abstained from discussion and voting.

Motion by Schwarzbauer, seconded by Nowak and carried (4-0, 1 abstain): To issue Towing Permit to Troy's USA Towing for 2018.

G. Resolution No. 53-17: Support for Raceway Tax Exempt

Chief Gaidis advised the Council, on behalf of Mike McDougall of the Lakehead Racing Association, that when the detachment annexation took place several years ago, bringing the Fairgrounds into the City of Proctor, the Racing Association had to begin paying taxes on the property. Since the Fair Board is tax exempt, and the Racing Association leases their portion from the Fair Board, and because the Raceway has a vested interest in the community, they are requesting that the City formally support their efforts to pursue tax exempt status with the legislature.

Motion by Larson, seconded by DeWall and carried (5-0): To Support the Lakehead Racing Association's efforts to achieve tax exempt status.

7. LABOR AND NEGOTIATIONS

A. LELS

Administrator Casey reported that they are still waiting for a response from the BA for LELS.

MEMBERS CONCERNS:

Benson:

DeWall:

Nowak:

Schwarzbauer:

The Historical Society is requesting an official address, and that address would be 332 1st Street. The 300 block of 1st Street being its actual location and the railroad significance of “332” being the name of a DM steam locomotive.

Mayor: PEDA Sign Loan

Mayor Larson congratulated Benson on the new sign.

Casey: Public Hearing 12/18/17 for the vacation of property

BILLS FOR APPROVAL

General Bills
\$100,726.83

Liquor Bills
\$32,640.78

\$133,367.61 TOTAL BILLS FOR APPROVAL

Motion by Nowak, seconded by Schwarzbauer and carried: To approve the General Fund and Liquor Fund bills list in the amount of \$133,367.61.

ADJOURNMENT

Motion by Nowak, seconded by DeWall and carried: To adjourn the City Council meeting at 7:20 pm.

TIME: _____ P.M.

Respectfully submitted,

Philip Larson, Mayor

Mark Casey, City Administrator