

Minutes of the regular Proctor City Council meeting held December 18, 2017 in the Community Center Council Chambers.

Mayor Larson called the meeting to order 6:05 pm.

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

OTHERS PRESENT: Administrator Mark Casey; Deputy Clerk Jennifer Crown; City Attorney John Bray; Chief Gaidis; Jim Aird, Midway Township; Tom and Nancy Aldridge; Kerry Helquist, Proctor Fire Dept.; Chris and Michelle Tabbert; Richard Gruer; Zach Teran and Linnea Wiita.

APPROVAL OF THE MINUTES:

Motion by Schwarzbauer, seconded by DeWall and carried (4-1 [Benson]): To approve the December 4, 2017 Council Meeting Minutes.

Discussion by Benson that the Minutes presented are a 'Summary' of the actual minutes.

APPROVAL OF THE AGENDA:

Motion by Nowak , seconded by Schwarzbauer and carried (5-0): To approve the agenda for December 18, 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 Larson and carried (5-0): To approve the Consent Agenda.

Motion by Nowak, seconded by DeWall and carried (5-0): To suspend the regular meeting and open the Public Hearing on Vacating Public Street / 3rd Street S at 6:15 pm.

Administrator Casey explained that the property in question includes:

- a 30' public utility easement along a strip of land that would be 3rd St. S. perpendicular to and between Almac Drive and lot #1 of Kingsbury Addition, (which exists on paper only), and

- 22' on the North side of 3rd St. S., and
- 22' on the South side of 3rd St. S.

Tom & Nancy Aldridge stated that property borders their property and they favor the proposed action.

Zach Teran, from Libby Circle, stated it is near his property and he was present for information.

Discussion that there are no utilities and no improvements in that area, it exists on paper only. Councilor Benson pointed out that it looks to be an extension of Anchor Street. Attorney Bray said the legal description is what identifies it. Administrator Casey reported that there was a small triangular parcel on the St. Louis County map, which has disappeared, and been replaced possibly by two other parcels, which is confusing, and being looked into by Attorney Bray.

Motion by Schwarzbauer, seconded by DeWall and carried (5-0): To close the Public Hearing and resume the regular meeting at: 6:45 pm.

***1. COMMUNICATIONS**

A. Western Lakes Sanitary Sewer District

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

A. Variance for Kevin Field Property

Legal Description : Lots 23, 24, and 25 of Magoffins Division of Proctorknott
Common Property Description: 212 4th Street, Parcel Code 185-0110-01730

Public Hearing held on variance request at Planning and Zoning Meeting just prior to this meeting. Commission approved the request for requested setback changes to the side yard and rear yard of property.

***3. CLERK ADVISES COUNCIL**

A. Government Fund payroll period ended 12/10/17

B. Liquor Fund Payroll ended 12/10/2017

***4. COMMITTEE REPORTS**

None

***5. UNFINISHED BUSINESS**

*A. SRO

6. **NEW BUSINESS**

A. Resolution 54-17 Vacating of Utility Easement

RESOLUTION NO. 54-17

**A RESOLUTION VACATING UTILITY EASEMENT
RESOLUTION OF THE CITY COUNCIL.**

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

WHEREAS, the request that the City Council pursuant to Minnesota Statute §412.851 vacate a utility easement adjacent to Third Street South, between Bee street and Kirkus street legally described as:

Easement for utilities running in favor of the City of Proctor, described as the southerly 30' of Lot 22 Blk 1 of Kingsbury Addition to Proctor, running 537.9' feet of thereof

WHEREAS, a public hearing to consider the vacation of such easement was held on the 18th day of December, 2017, before the City Council in the City Hall located at 100 Pionk Drive at 6:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 29th day of November, 2017 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because:

The utility easement is no longer beneficial to the development of property within the immediate vicinity.

The utility easement cannot be maintained by the city.

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

Easement for utilities running in favor of the City of Proctor, described as the southerly 30' of Lot 22 Blk 1 of Kingsbury Addition to Proctor, running 537.9' feet of thereof

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Motion by: _____, Seconded by: _____ and passed by the City Council of Proctor, Minnesota this 18th day of December, 2017.

Mayor

Attested:

City Clerk

Motion by Swarzbauer, seconded by DeWall and carried (5-0): To Table action on this item to the next City Council Meeting 1/ 2/ 2018.

Discussion: Mayor Larson recommended waiting to take action until the parcel change on the St. Louis County website map is corrected or explained. There is also a pending agreement with Goldberg/Kingsbury property. Chris and Michelle Tabbert approached Council and asked for quick resolution as their home building plans are pending on this decision.

B. Resolution 55-17 Vacating of portion of Third Street South

RESOLUTION NO. 55-17

VACATING PORTIONS OF THIRD STREET SOUTH

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

WHEREAS, the request that the City Council pursuant to Minnesota Statute §412.851 vacate Third Street South, between Bee street and Kirkus street legally described as:

The Northerly 22' and southerly 22' of Third Street South running perpendicular to Almac Drive for 125 feet and ending at Lot 22 Block 1 of Kingsbury Addition to Proctor, Minnesota.

WHEREAS, a public hearing to consider the vacation of such street was held on the 18th day of December, 2017, before the City Council in the City Hall located at 100 Pionk Drive at 6:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 29th day of November, 2017 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because:

- The vacation will induce private housing development increasing the tax base of the City of Proctor;
- Eliminate a street that after 125 feet dead ends to private property.

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

The Northerly 22' and southerly 22' of Third Street South running perpendicular to Almac Drive for 125 feet and ending at Lot 22 Block 1 of Kingsbury Addition to Proctor, Minnesota are hereby vacated and ownership thereof shall accrue to the adjacent property owners. The City hereby expressly reserves the middle 22' as a public right-of-way.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Passed by the City Council of Proctor, Minnesota this 18th day of December, 2017.

Voting Aye: Benson, DeWall, Nowak, Schwarzbauer, and Mayor Larson

Voting Nay: None

Absent: None

Mayor

Attested:

City Clerk

Motion by Benson, seconded by Schwarzbauer and carried (5-0): To vacate the northerly 22' and the southerly 22' of 3rd Street South

C. Auditor Contract for 2018 – Wipfli

Motion by Larson, seconded by Nowak and carried (5-0) (5-0): To approve the Auditor contract with Wipfli for 2018

D. 2018 Home Occupation Permits (approved by Planning & Zoning

Motion by DeWall, and seconded by Schwarzbauer and carried (5-0): To approve the four Home Occupation Permits as recommended by the Planning and Zoning Commission.

Planning and Zoning met and recommended approval of the four Home Occupation Permits listed, This represents a reduction in total applications, letters will be sent to those approved, as well as to the previous ones that have not yet renewed.

E. 2018 Liquor Licenses (approved by Liquor Control)

Motion by Nowak, seconded by DeWall and carried (5-0): To approve the list of ten Liquor License applications, with one applicant's approval (Derailed Bar) contingent on providing proof that proper arrangements have been made to resolve property tax issues.

Discussion that the Liquor Control Committee met just prior to this meeting and recommended approval of the list of licenses, with the one contingency. Derailed Bar is to provide documentation that arrangements have been made with St. Louis County to resolve property tax issue. Noted that there is a past precedent for this action.

F. Fire Department Thermal Camera Purchase

Motion by Larson, seconded by Nowak and carried (5-0): To approve the request by the Fire Department to purchase a thermal camera.

Fire Department member Kerry Helquist explained the need for the camera, as it aids greatly in search and rescue inside burning buildings by cutting through the smoke, He added that they have also used it to locate people outdoors who have been ejected in vehicle crashes.

G. Fire Department Hiring

Motion by Schwarzbauer, seconded by Nowak and carried (5-0): To approve the Fire Department's request to hire Phillip DesMarais as a new Volunteer Fire Fighter,

Helquist explained that this hire will result in 21 members in their department, and that a full force for them would be 25. He added that this applicant will require Emergency Medical Responder course (120 hours) as well as Fire Fighter I and II (180 hours).

H. Next Council Meeting – Tuesday, January 3, 2018

Motion by DeWall, seconded by Schwarzbauer and carried (5-0): To schedule the next City Council Meeting for Tuesday, January 2, 2018, due to the January 1 Holiday and January 16, 2018 due to Martin Luther King Day.

I. Northland Alert Emergency Notification

Motion by Nowak, seconded by Schwarzbauer and carried (5-0): To explore how the City could participate in the Northland Alert Emergency Notification program that began last week.

Discussion that this program allows the City and individuals to sign up for various emergency alert messages and little or no cost due to the size of our City, and that the messaging can be broken down at several levels of use.

Chief Gaidis reported that he has a scheduled meeting with the St. Louis County Emergency Management Director for more information and details

J. Resolution 56-17 Change of Street Name

RESOLUTION NO. 56-17

**CHANGING THE NAME OF
STREET**

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

WHEREAS, the owners, (the City), along with the Proctor Historical Museum, have requested the name of the street running east to west in between US Highway 2 and Pionk Drive, be changed to first (1st) street 300 block; and,

WHEREAS, County and City representatives have confirmed that the name of 1st Street on the 300 block, is not duplicated in the corporate limits of the Municipality; and,

WHEREAS, County and City representatives do not have a concern with the name change as requested.

NOW THEREFORE BE IT RESOLVED, the name of Pionk Drive between US Highway 2 and Pionk Drive, be renamed to 1st Street on the 300 block and be effective upon adoption of this resolution.

Upon vote taken thereon, the following voted:

For: Benson, DeWall, Nowak, Schwarzbauer, and Mayor Larson

Against: None

Whereupon said Resolution No. 56-17 was declared duly passed and adopted this 18th day of December, 2017.

Philip Larson –Mayor

Attest:

Mark Casey – Clerk / Administrator

Motion by DeWall, seconded by Nowak and carried (5-0): To approve changing the name of Pionk Drive for the portion that runs perpendicular to Highway 2 and intersects Pionk Drive that runs in front of City Hall to the 300 block of 1st Street.

Discussion that there are currently 2 streets named Pionk Drive that run in different directions, which is confusing, 1st Street is consistent as it extends above Highway 2.

Also a request that the Museum would like the address of 332 1st St, as a commemoration of a DM & N locomotive.

K. Resolution 57-17 Support of PUC

Resolution 57-17

**SUPPORT PROCTOR PUBLIC UTILITIES COMMISSION
APPEAL TO MINNESOTA PUBLIC UTILITIES COMMISSION**

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

WHEREAS, Proctor Public Utilities Commission (PUC) along with Hermantown and Rice Lake, purchases its potable water from the City of Duluth Public Utilities; and,

WHEREAS, Duluth is imposing a rate increase of 4.7% each year for the next six years equaling almost 32% compounded over the six years; and,

WHEREAS, the Proctor PUC has disputed numerous rate increases to the City of Duluth PUC with no verifiable response to the increases by the City of Duluth PUC; and,

WHEREAS, Proctor PUC has made a motion at a regular meeting of 11 December, 2017, to pursue through an appeals process to the Minnesota Public Utilities Commission; and,

WHEREAS, in partnership with the City of Hermantown and City of Rice Lake, is looking for support of their motion from the City Council of Proctor.

NOW, THEREFORE, BE IT RESOLVED, The City Council of Proctor is in full support of the Proctor Public Utilities Commission to appeal to Minnesota Public Utilities Commission, the water rate increases imposed by the City of Duluth's Public Utility Commission.

Upon vote taken thereon, the following voted:

For: Benson, DeWall, Nowak, Schwarzbauer, and Mayor Larson

Against: None

Whereupon said Resolution 57-17 was declared duly passed unanimously and adopted this 18th day of December, 2017.

Phil Larson
Mayor

Attest: _____
Mark Casey
Administrator

Motion by Larson, seconded by DeWall and carried (5-0): To support the Public Utilities Commission's Appeal to the Minnesota Public Utilities Commission regarding water rate increases by the Duluth Public Utility Commission.

Discussion that Duluth is proposing rate increases of 4.7% each year for the next 6 years.

L. Golf 2018 Budget

Motion by Nowak, seconded by Schwarzbauer and carried (5-0): To approve the 2018 budget for the Proctor Golf Course for 2018.

Discussion that 2017 went very well, operational costs have been reduced. The 2017 Summary Meeting is still to be scheduled.

M. Sewer 2018 Budget

Motion by Schwarzbauer, seconded by DeWall and carried (5-0): To approve the 2018 Sewer budget.

Discussion that projections are based on previous years. Expectation is that expenses will be less than last year, but the City has to budget for a worst case scenario. Any remaining funds stay in the sewer budget.

N. Liquor 2018 Budget

Motion by Nowak, seconded by Larson and carried (5-0): To approve the 2018 budget for the Liquor Store.

Discussion that Sunday liquor sales and the construction of the new arena should impact sales in a positive way.

O. End of Year Fund Transfers

Motion by Schwarzbauer, seconded by Larson and carried (5-0): To approve the year end transfer between funds.

Discussion that this is an annual function, where funds are transferred between accounts to allow for recoding of some expenses and revenues.

7. LABOR AND NEGOTIATIONS

A. Update on negotiations

B. Annexation Request

C. Hiring

At 7:47 p.m. a motion by Nowak and seconded by Schwarzbauer to close the meeting per MN CH 13 D to discuss updates on labor negotiations and an annexation update. Hiring to fill a vacant City position was also discussed.

6. **NEW BUSINESS**

P. Hiring

Motion by DeWall, seconded by Schwarzbauer and carried (5-0): To approve the Personnel Committee's recommendation to hire Robin Hansen for the vacant Confidential City Administrative Administrative position.

MEMBERS CONCERNS:

Councilor Schwarzbauer reported Public Safety Day in Proctor will be February 2, 2018, in which 7th - 12th graders will have the opportunity to witness and experience careers in Public Safety.

BILLS FOR APPROVAL

General Bills	Liquor Bills
\$89,591.57	\$35,659.63

\$125,251.20 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 \$125,521.20.

ADJOURNMENT

Motion by DeWall, seconded by Nowak and carried: To adjourn the City Council meeting at 8:25 pm.

Respectfully submitted,

Philip Larson, Mayor

Mark Casey, City Administrator