

Minutes of the regular Proctor City Council meeting held on March 19, 2018 in the Community Center Council Chambers.

Deputy Mayor Gary Nowak called the meeting to order at 5:59 p.m.

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

MEMBERS ABSENT: Mayor Larson attended via conference call.

OTHERS PRESENT: City Attorney John Bray, Administrator Mark Casey, Confidential Administrative Assistant Robin Hansen, Chief Gaidis, Midway Township Supervisor Jim Aird, Shawn McGovern, Cindi Merrill, Jennifer McDonald, Dick Kari, Bruce Sundin, Jim Myers Sr., Dale Helland, Frank Siiro, Travis White, Russell Habermann, Kathy Hannan and Chris Brenna.

Motion by Benson, seconded by Schwarzbauer and carried (4-0): To suspend the Agenda and go to “*Members Concerns – Benson: C. Presiding Officer*”.

APPROVAL OF THE MINUTES:

Benson would like the March 5, 2018 Meeting Minutes amended to correct the vote from “4-0” to “4-1” with regard to moving to closed session.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the March 5, 2018 City Council Meeting Minutes.

APPROVAL OF THE AGENDA:

Schwarzbauer stated “6F. PEDA Resignation” should also have listed the member’s resignation from the other committees being the Chamber of Commerce, Proctor Yellow Ribbon and Liquor Control. Nowak mentioned the Chamber of Commerce and Yellow Ribbon are not City committees.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the March 19, 2018 Agenda.

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.

Schwarzbauer asked to pull item “Unfinished Business 5A. SRO” and Benson asked to pull C & E.

Motion by Schwarzbauer, seconded by Nowak and carried (4-0): To accept the Consent Agenda.

***1. COMMUNICATIONS**

- **“Night to Shine” February 9, 2018**

Motion by Schwarzbauer, seconded by Nowak and carried (4-0): To accept the “thank you and beautiful plaque” from the Night to Shine Committee.

- **Lake Superior Zoological Society Donation Request**

No action taken.

- **St Louis County Classification of State Tax Forfeited Land – Board Resolution #18-66**

Benson would like to have seen a map included with this item. Administrator Casey asked to receive feedback on agenda items before the council meeting so he could provide the requested information.

Motion by Schwarzbauer, seconded by Benson and carried (4-0): To approve the St. Louis County Classification of State Tax Forfeited Land – Board Resolution # 18-66.

- **Minnesota Municipal Beverage Association Annual Meeting and Annual Conference**

No action taken

- **Correction to February 21, 2017 Meeting Minutes**

During research Benson noticed a mistake in the February 21, 2017 Meeting Minutes and would like it amended to correct item 13B. to 13D.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the amending of the February 21, 2017 Meeting Minutes from 13B. to 13D.

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

None.

3. CLERK ADVISES COUNCIL

Government Fund payroll period ended 03/04/18; Liquor Fund payroll ended 03/04/18

Motion by Schwarzbauer, seconded by Nowak and carried (4-0): To approve the Government Fund Payroll for the period of 03/04/18, and also the Liquor Fund Payroll for the period of 03/04/18.

***4. COMMITTEE REPORTS**

- **Public Safety Committee Unofficial Minutes of February 13, 2018**

- **Joint Public Safety and Liquor Control Meeting Minutes of March 5, 2018**

Schwarzbauer distributed a survey from MMBA Executive Director Paul Kaspszak regarding who should be on a Liquor Control Committee.

Dick Kari explained the difference between Municipal Liquor Store vs. Municipal Bar.

Mayor Larson, by teleconference stated Mr. Kari is very active in the State Liquor Store Association and a bar owner for over thirty years, and provides a great benefit between the liaison and City.

***5. UNFINISHED BUSINESS**

***A. SRO**

Schwarzbauer gave notice about events nationwide.

Jennifer McDonald, ISD #704, School Board Vice Chair spoke on SRO and is waiting on legislation and the City regarding financing for the position. Jennifer stated the Proctor Journal reported this item was shelved, but it has never been put on hold. She also explained that whatever funding the legislature is offering will not be enough and she would like to know how much the City will be allocating. Officer Gaidis said financing was discussed at the previous meeting, referred back to the School Board and then both entities were to meet for planning.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve to provide information to ISD #704 on City costs of an officer and to contact grant writer Fleta Carroll for discussion at the next School Board Meeting to take place on Monday, March 26, 2018.

6. NEW BUSINESS

A. Repair and Insulation of Men's and Women's Restroom at the Proctor Fire Hall

Councilor DeWall commented about the pipes freezing for the last 5-6 years and the prior flood. He stated no additional funds will be needed and there is a need to have functioning restrooms.

Motion by Benson, seconded by Nowak and carried (4-0): To accept the C.J. Construction bid for the repair and insulation of the men's and women's restrooms at the Proctor Fire Hall.

B. Proctor Firemen's Relief Association Reinstated and Amended By-Laws

DeWall stated this item may appear once a year. The main reason is council approves an increase in retirement and in order to receive it there has to be a minimum requirement. This item is a clean-up of accurate documentation. Casey explained the percentages and death benefits change; and a letter had been received which suggested to review the information and to allow for those changes.

Motion by Benson, seconded by Schwarzbauer and carried (3-0, DeWall Abstained): To approve the Proctor Firemen's Relief Association Reinstated and Amended By-Laws.

• Resolution 10-18 – Playground for EveryBody Grant Application

On behalf of the City of Proctor, Jennifer McDonald, ISD #704, School Board

Vice Chair is applying to the Department of Natural Resources for the Outdoor Recreation Grant for funding of the *Playground for EveryBody*. She is asking the City Council to support and to approve Resolution 10-18 as written so it can be submitted with the application.

Motion by Benson, seconded by DeWall and carried (4-0): To approve Resolution 10-18 – Playground for EveryBody Grant Application.

- **Volunteers/Training for Events**

This item was tabled for now. Benson to provide materials for discussion at the next City Council Meeting.

E. Resolution 09-18 –Authorizing Consumption of Alcoholic Beverages In Public Places In Proctor In Conjunction With Festivals

Attachment A – FESTIVAL DATES and LOCATIONS

Per a request from the previous council meeting Casey submitted “RESOLUTION 09-18 AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN PROCTOR IN CONJUNCTION WITH FESTIVALS” and “Attachment A – FESTIVAL DATES and LOCATIONS”. Benson asked, if there is a liability issue since the attachment does not indicate the event name, nor have proof of insurance attached. Attorney Bray said he did not think it breaks any liability and stated the Council can make a motion on that, or could have said “approved in the previous event packet”. Schwarzbauer asked if it would be cleaner to have it in the Resolution. Upon further discussion, the Council decided to have the Resolution amended to read, “as reflected in the submitted event packet.”

Motion by DeWall, seconded by Nowak and carried (4-0): To amend RESOLUTION 09-18 AUTHORIZING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES IN PROCTOR IN CONJUNCTION WITH FESTIVALS to read, “as reflected in the submitted event packet.”

- **PEDA Resignation**

Benson spoke about Nick Greenwood’s resignation letter and to the reason he is stepping down. Schwarzbauer also commented on Greenwood’s resignation and about a former employee’s resignation as well. He then discussed how to separate the Council role vs. personal role, and relationships. At this time Schwarzbauer distributed a “NoBullying.com” document to Council which describes relational aggression, how to deal with it and how to transition away from those behaviors.

Shawn McGovern commented that the Council represents the people and its job is not to take sides. He said the best thing to do is talk and listen, and lead everyone down the right path. Everyone needs to act like adults.

Dale Helland shared that he has volunteered for years at the Car Show.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To accept Nick Greenwood's resignation from the PEDAs and Liquor Control Committees. Deputy Mayor Gary Nowak commented, "We thank Nick for his service."

- **Minnesota Mayor's Association 2018 Annual Conference** (*Informational*)

- **Fairgrounds Management Agreement**

Motion by Benson, seconded by Schwarzbauer and carried (4-0): To accept the Fairgrounds Management Agreement for 2018.

- **Resolution Accepting LRIP (MN DoT) Grant**

Schwarzbauer asked if there were any concerns about 6th and Almac. Casey stated he had discussions with the engineers and county regarding issuing bonds, and there were no issues.

Motion by Benson, seconded by Nowak and carried (4-0): To accept Resolution 08-18 Grant Agreement to State Transportation Fund (Local Road Improvement Program) Grant Terms and Conditions in the amount of \$750,000.

- **County Agreement – To Administer LRIP Grant**

DeWall was concerned that St. Louis County takes over receiving the bids and then the City has no say. Casey stated that SEH provides the numbers to the county, and he will keep the council informed in the agenda packets. Attorney Bray explained that once the numbers are received another Public Hearing will be held.

Motion by Nowak, seconded by DeWall, and carried (4-0): To approve the County Agreement administering the LRIP grant.

- **Discussion PACTV-Public Cable Access Television**

Benson shared that the Cable TV Commission met today and would like to recommend to the City Council to appoint T.C. Leveille as Cable Coordinator.

The commission would like to have a volunteer to do Access, and get someone one to two times a week to do cable duties. Benson explained an inventory will be performed to see what items are obsolete, will track all of the coordinators hours and will work with the school and others.

Motion by Benson, seconded by Nowak, and carried (4-0): To accept the appointment of T.C. Leveille as the Cable Coordinator.

- **Boundary Avenue Corridor Study – Resolution Included**

Discussion ensued and the council agreed it is important to get together with all entities to discuss the Boundary Avenue Management Plan and form an Advisory Committee; as the last plan was completed in July of 2004.

Motion by Benson, seconded by Nowak, and carried 4-0): To approve Resolution 11-18 Boundary Avenue Corridor Management Plan.

- **Support for WLSSD**

Midway Township Supervisor Jim Aird, stated this is a good project, but costly. He is not sure if it will increase the cost to Proctor, and stated the district has funds to fund part of the project. Jim explained this is a vote to support the Resolution.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve Resolution 12-18, Supporting H.F.925, S.F.876 WLSSD Bonding Request to purchase generators to create electricity from the treatment of waste.

7. LABOR AND NEGOTIATIONS ISSUES – Closed Meeting

MEMBERS CONCERNS:

Schwarzbauer

- Talking Points at Midway Township Annual Meeting

Benson

- **ADA**
Benson reported there are a number of northern Minnesota communities that have been hit by people filing non-compliant ADA cases. He feels the City needs to inventory the properties and work toward correcting any non-compliant city owned properties.
- **Proposed Property Tax Notice**
Benson wanted to alert the council that in his research he noticed the City

failed to publish the Proposed Property Tax Notice. Casey was under the impression that a previous employee had submitted the notice Proctor Journal before the end of their employment with the City of Proctor.

- **Presiding Officer**

Benson asked Deputy Mayor Gary Nowak if he wanted to step down from his position due to incident that happened. Gary answered ‘No’. Attorney Bray stated there was no request to step down, and this item should not be discussed. Chief Gaidis commented that an investigation will be sent to the City Attorney’s Office, Ron Envall and if it warrants an investigation will go from there.

BILLS FOR APPROVAL

General: \$70,204.49
Liquor: 35,823.35
Total: \$106,027.84

Mayor Larson inquired as to what the bill was for from Thomson-Rueters in the amount of \$99.23. Chief Gaidis stated the charge is for a tool that is used by the Police Department to investigate crimes.

Motion by Schwarzbauer, seconded by Nowak and carried (4-0): To approve the bills in the amount of \$106,027.84.

ADJOURNMENT

Motion by Dewall, seconded by Nowak and carried (4-0): To adjourn the City Council meeting at 7:50 p.m.