

Minutes of the regular Proctor City Council meeting held on April 2, 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, Midway Township Supervisor Jim Aird, Shawn McGovern, Cindi Merrill, Jennifer Peterson, Dick Kari, Bruce Sundin, Jim Myers Sr., Dale Helland, Nick Pirkola, Ed Habermann, Russell Habermann, and Chris Klatte.

APPROVAL OF THE MINUTES:

Benson would like the March 19, 2018 Meeting Minutes, Unfinished Business 7A. amended to show that a comment made in an email by the school Superintendent stated a decision on the SRO was delayed until the State and Federal Governments decides to invest in school safety.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the March 19, 2018 City Council Meeting Minutes with the correction.

APPROVAL OF THE AGENDA:

Schwarzbauer moved the Agenda, supported by DeWall. Nowak opened for discussion. Benson made a request of the Council to add "R. Yellow Ribbon" to number 6. New Business; and stated that delaying it until the next meeting would add an additional expense on to the Yellow Ribbon Committee. The request is for a standard Resolution of Non-Objection.

The Council voted and carried (4-0): To approve and add 6R. to the Agenda.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

Yellow Ribbon Representative Shawn McGovern asked to discuss the Non-Objection.

Motion by Benson, seconded by DeWall and carried (4-0): To suspend the Agenda and move to 6R. Yellow Ribbon.

McGovern proceeded to say the Yellow Ribbon is raising money to welcome home the 148th

Members from their deployment, and teaming with the Shriners. The Non-Objection is to take place May 4 & 5, 2018.

Motion by Nowak, seconded by Schwarzbauer to support the Non-Objection. Nowak then opened for discussion.

McGovern gave more details of the fundraiser which falls on Cinco de Mayo, there will be Mexican food specials offered, and a raffle at the DeRailed Bar with the drawing picked before midnight on May 5. All of the money will go toward the Yellow Ribbon who will be teamed with the Shriners at their temple where the banquet will be held when the 148th returns in September.

Jennifer Peterson, President of the local Yellow Ribbon shared that MN Power's sister company Allete Clean Energy has become a certified Yellow Ribbon Company, will be honoring Proctor's Military kids on Thursday and has a good connection with the businesses in the area.

The Council voted and carried (4-0): To approve the Resolution of Non-Objection for Yellow Ribbon.

There were no more COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT.

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

***1. COMMUNICATIONS**

- A. 2018 CGMC Labor Employee Relations Seminars
- B. Tax Forfeited Properties
- C. Revised RESOLUTION 09-18 – Authorizing Consumption Of Alcoholic Beverages In Public Places in Proctor In Conjunction With Festivals

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

Casey stated there are no matters before us. At the next City Council meeting, Planning & Zoning will have an amendment to a C-1 Ordinance which will be available for the Council's first reading.

***3. CLERK ADVISES COUNCIL**

- A. Government Fund Payroll Period Ended 03/18/18
- B. Liquor Fund Payroll Period Ended 03/18/18

***4. COMMITTEE REPORTS**

A. Proctor Tourism Committee Unapproved Meeting Minutes February 27, 2018

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the Proctor Tourism Committee Unapproved Meeting Minutes February 27, 2018.

B. Public Safety Committee Unofficial Meeting Minutes March 26, 2018

Motion by Benson, seconded by Schwarzbauer and carried (4-0): To approve the Public Safety Committee Unofficial Meeting Minutes March 26, 2018.

C. Liquor Control Meeting Minutes March 27, 2018

Motion by Nowak, seconded by DeWall and carried (4-0): To approve the Liquor Control Meeting Minutes March 27, 2018.

Schwarzbauer inquired as to the status of the applications for the open committee positions. Benson responded that the City had advertised for a number of open positions, but he felt it was due to the lack of information on the applications was not enough to entice people to become a member.

Bray stated the importance of getting the committees filled because you need a certain number of people to discuss the agenda, and a certain number of people to make the enforcing effect of an actual motion order.

***5. UNFINISHED BUSINESS**

***A. SRO**

6. NEW BUSINESS

A. Golf Course Liquor License

Casey stated the information he received after several telephone calls to the State of MN Alcohol and Gambling Department the City of Proctor applies for the liquor license, and Chris Klatte orders the supplies. Casey is asking the Council to approve the City's Liquor License for the Golf Course.

Motion by DeWall and seconded by Nowak to discuss.

Casey believes there are separate licenses required of the City for Golf Courses; 3.2 On Sale is required before you can get the Strong Liquor and Beer License. Once the license is obtained liquor can be sold in any area of the Golf Course, and the Municipal Liquor Liability coverage is for a year.

No further discussion.

The Council voted and carried (4-0): To approve the City's Liquor License for the Golf Course.

B. Resolution No. 13-18 – Resolution of Non-Objection To Issuance of State of Minnesota Charitable Gambling License

Casey stated this Resolution is for an ALS Association Event at Black Woods in January 30, 2019; we do appreciate receiving their paperwork in advance.

Motion by Benson, seconded by Schwarzbauer and carried (4-0): To approve Resolution No. 13-18 – Resolution of Non-Objection To Issuance of State of Minnesota Charitable Gambling License for the ALS Association Event at Black Woods in January 30, 2019.

C. Event Application – Proctor Speedway Weekly Stock Car Racing – May 1-Sept. 1, 2018 (Rain Date Sept. 27, 2018)

Casey advised Council that all of the event packets included in their agenda have already been passed through the Public Safety Committee.

Motion by DeWall, seconded by Benson and carried (4-0): To approve the Event Application – *Proctor Speedway Weekly Stock Car Racing* – May 1-Sept. 1, 2018 (Rain Date Sept. 27, 2018).

D. Event Application – Proctor Speedway Media Day / Car Show – May 2, 2018

Nowak stated this event is taking place at the Power House and public parking on Highway 2 from 10:00 a.m. to 7:00 p.m.

Motion by DeWall, seconded by Schwarzbauer and carried (4-0): To approve the Event Application – *Proctor Speedway Media Day / Car Show* – May 2, 2018.

E. Event Application – Proctor Bike Rodeo – May 8, 2018

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the Event Application – *Proctor Bike Rodeo* – May 8, 2018.

F. Event Application – 2018 Bike MS : C H Robinson MS150 Ride – June 8 & 9, 2018

Casey said this event has always been a good turn-out for the City.

Motion by Schwarzbauer, seconded by Nowak and carried (4-0): To approve the Event Application – *2018 Bike MS : C H Robinson MS150 Ride* – June 8 & 9, 2018.

G. Event Application – Proctor Speedway – Monster Truck Show – June 29 & 30, 2018

Motion by DeWall, seconded by Nowak and carried (4-0): To approve the Event Application – *Proctor Speedway – Monster Truck Show* – June 29 & 30, 2018.

H. Event Application – *Proctor Speedway – Night of Mayhem* – August 4, 2018

Nowak explained this is the bus racing, backward racing and a good turn-out.

Motion by DeWall, seconded by Schwarzbauer and carried (4-0): To approve the Event Application – *Proctor Speedway – Night of Mayhem* – August 4, 2018.

I. Event Application – *Proctor Speedway Silver 1000* – August 30, 2018 (Rain Date Sept. 27, 2018)

Motion by Benson, seconded by DeWall and carried (4-0): To approve the Event Application – *Proctor Speedway Silver 1000* – August 30, 2018 (Rain Date Sept. 27, 2018).

J. Event Training – Benson (*Informational*)

Benson stated 6J. and 6L. go together due to all the upcoming events. Public Safety discussed the fact that no-parking signs need to be placed at certain intervals, and for a certain length of time for some of the speedway events. Due to the liability to the City we need to review this matter. Benson shared documents regarding Community Led Event Guidelines from the League of MN Cities Insurance Trust, asking that it be share with other committees and to see how to incorporate some of the guidelines into what we do as a community. He also suggested reviewing past procedures to see if there should be any changes.

Schwarzbauer asked what mechanism can be used to notify the community that these events are happening; other than posters and the Proctor Journal? Further discussion took place as to ways of keeping people from leaving the Proctor events and going to activities in the surrounding area. Dick Kari shared that Duluth supplies coach buses with brochures of their events which also include local business advertisements.

K. Cablecasting Meetings – Benson (*Informational*)

Benson informed the Council that the Cable Commission tries to revamp itself due to the recent tragedy. The intent is to cablecast or record meetings that has a fiduciary trust with the City. As we get closer to streamlining our cablecasting abilities we will keep the Council updated on the progress and be as transparent as possible.

L. Community Led Street Event Guidelines – Benson (*Informational*)

(See 6J.)

M. Agreement for Accounting Services

Casey stated the agreement is for temporary services, and the contract is with Steve Anderson. The School Board and Superintendent has graciously allowed Steve to fill in for us until he is no longer needed by the City. Mr. Bray has prepared a simple and straight forward contract.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the Agreement for Accounting Services with Steve Anderson.

N. MailFinance Lease Extension Agreement

Casey explained this contract is through the City, not Public Utilities, and is for the monthly payment of \$54.99 for maintenance of the mail folding machine. Benson insinuated that is a lot of money.

Motion by Nowak, seconded by Schwarzbauer and carried (3-1; Benson Opposed): To approve the MailFinance Lease Extension Agreement.

O. Operation K-9 2018 – Northland K-9 Foundation Donation Request

Casey shared, Chief Gaidis could not attend the meeting tonight. We have sponsored this in the past at the \$250 level. Chief Gaidis has stated that we have used the services of the K-9 Division and is recommending the Sergeant Sponsor.

Motion by DeWall for purposes of discussion, seconded by Schwarzbauer. DeWall asked if the payment was coming from the Police Department budget. Casey confirmed it was so. DeWall added that the Fire Department had also donated \$50 from their budget; as they have used the Hermantown and St. Louis County units.

DeWall made a friendly amendment to the motion, seconded by Schwarzbauer and carried (4-0): To approve the donation with the monies to come out of the Police Department Funds.

P. Friends of Animals Humane Society Contract for Service

(Chief Gaidis was absent from this meeting)

Casey stated the contract with Friends of Animals Humane Society began one year ago, and they provide some services that others do not. He suggested on the contract to not allow the citizen within the city limits of Proctor to bring in a stray animal. Due to the cost and animal allotment Casey and Chief Gaidis are not in favor of this. Casey made a recommendation to allow Chief Gaidis to enter further into negotiations on the contract.

Upon further discussion the Council had questions as to how many animals went through their program last year, what was the cost to the City, who collects the citizens payment, and how much it would cost if there was not a contract.

Motion by Nowak, seconded by DeWall and carried (4-0): To table item 6P. Friends of Animals Humane Society Contract for Service for more research on the contract.

Q. Becoming A More Effective Council

Schwarzbauer submitted two articles from the League of MN Cities in relation to becoming a more effective council, Tips for Promoting Civility in Public Meetings and Can't We All Just Get Along?

Schwarzbauer feels in for the Council to become effective they, as a whole need to set aside other issues that are happening at this point in time. Nowak responded by saying, "There are many positives that happen in the City of Proctor that do not get printed in the Journal; such as the Mayor's speech at the Chamber State of the City Address, the trail parking lot, the Street Department tore out the old bridge and made a nice walking trail behind the ballpark. It would be nice to have a "Council Corner" or "Mayor's Minutes" in the Journal or on the City website to get the information out to the public." Nowak continued so say, "Russell Habermann organizes the citywide cleanup, and I hope that is going to happen again. We as a Council should be able to get together and work on these types of things. Me personally I try to patronize our businesses in town, spend a fair amount of money and don't get a thank you. For some reason the Chamber and Council are divided, and I don't know why. As for an effective Council I think we can work together, I really do... maybe we need to sit down and talk and hash some things out."

Schwarzbauer submitted a Comprehensive Plan and strongly feels that the Council should follow one to become more effective. He would like the Council to get together and work with the citizens to figure out how to resolve such problems as the behind the scenes attacks through social media, businesses that don't seem to get along and Council that brings up other issues which makes it challenging to be councilors.

7. LABOR AND NEGOTIATIONS ISSUES – Closed Meeting

MEMBERS CONCERNS:

Benson

1. Legislative Update

Back in November/December Council passed a resolution supporting a tax exemption for Proctor Speedway because the City owns it and the Speedway leases it they

end up with a property tax liability. That bill appeared before the house last week. It passed and got laid over for possible inclusion due to the omnibus tax bill. Representative Mary Murphy feels Proctor has a good shot at the exemption for the Speedway. (The agenda packet included the legislative language.)

2. Responding to Comments from Citizens

When someone approaches the lecture let them speak unimpeded. There are times when someone disseminates inaccurate information, and we need to be able to have a way to set the record straight. How do we react/respond, or sometimes our best tactic is not to miss an opportunity to keep our mouths closed.

Schwarzbauer stressed the importance to not take sides or try to influence any of its members outside of the council chambers for or against an individual council member.

Nowak shared information on the death of former Street Department Foreman, Marty Johnson who worked for the City from 1979 to 2011; and held the position of Foreman from 1990 to 2011. Nowak asked for all to please keep the family in your thoughts and prayers.

BILLS FOR APPROVAL

General: \$127,605.25

Liquor: 37,270.22 (*This amount does not include the Liquor Payroll Fees*)

Total: \$164,875.47

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the bills in the amount of \$164,875.47.

ADJOURNMENT

Motion by Nowak, seconded by DeWall and carried (4-0): To adjourn the City Council Meeting at 7:20 p.m.