

Minutes of the regular Proctor City Council meeting held Monday, May 7, 2018
in the Community Center Council Chambers.

Mayor Larson called the meeting to order at 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; City Attorney John Bray; Chief
Gaidis; Jim Aird, Midway Township; Matt Bolf, Engineer;
Eric Senarighi & Damon Swenson - Carlton County Riders;
Jesse Annala -Parks & Rec; Kathy Hannan; Russell
Habermann; Tracy Habermann; Nick Greenwood, Nicole
Swenson; Eric Bingaman; Mike Donahue & Tammy
Lofdahl – Speedway; Peggy Vanderscheuren; Travis
White; Chad Ward; and Linnea Wiita.

APPROVAL OF THE MINUTES:

Motion by Schwarzbauer, seconded by DeWall and carried (5-0): To approve the April
16, 2018 Council Meeting Minutes.

APPROVAL OF THE AGENDA:

Motion by Schwarzbauer, seconded by Benson and carried (5-0): To approve the agenda
for May 7, 2018, with the following additions: Member Concerns/Larson 1. Hoghead
Fireworks, 2. Reclaimed Materials from road projects; Member Concerns/Nowak 1.
Vendors at City Hall; 6.O. Hiring Process – Financial Director.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

Eric Senarighi of Carlton County Riders stated that his group is holding an ATV Youth
Certification Training on May 19th at the Proctor Fairgrounds. He said they have been
working with Sally in making suggestions for trails and routes through the City with an
emphasis on safety and ease of use. They added that the Fairgrounds is a great location
for this training.

Russell Habermann suggested that the City could post the entire contents of the meeting
packet on the website, instead of just the agenda, and people could read it in advance and
understand better what will be discussed. Regarding the upcoming street repair projects
he added that the Proctor Safe Schools plan template should also be considered.

Kathy Hannan asked regarding the date of the City Brush pick up – it will be May 29th.

Tracy Habermann, on behalf of the Beautification Committee, thanked all who volunteered and helped clean up the public areas in town. She added the Committee would like to purchase 2 benches – to be placed near the bus stop by the Keyboard and along the Highway 2 business district. Cost is \$728.85 each, plus \$187.69 shipping. She asked if it might be possible to get a grant for these. Another concern was whether there was any regulation of placing benches on the sidewalk of Highway 2. Flowers will arrive the end of May, 6 baskets costing \$68 each, with a water reservoir in the bottom, so will require less watering.

***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 Nowak and carried (5-0): To approve the Consent Agenda, pulling the following items: 4.A. Beautification & Trees Committee Meeting Minutes- April 17, 2018, and 4.B. Liquor Control Meeting Minutes – April 16, 2018 for discussion.

***1. COMMUNICATIONS**

- A. Local Economies and GPI
- B. Douglas County 911 Thank You to Proctor Police Department

2. PLANNING AND ZONING DEPARTMENT MATTER

***3. CLERK ADVISES COUNCIL**

- A. Government and Liquor Fund Payroll Period Ended 04/15/2018
- B. Government and Liquor Fund Payroll Period Ended 04/29/2018

4. COMMITTEE REPORTS

- A. Proctor Beautification & Trees Committee Meeting Minutes – April 17, 2018

Russell Habermann reported that the Committee is working on a mission statement and selected a logo. All members took on various projects. One project discussed was lighting for the Air Force jet and repairs to the train.

Motion by Schwarzbauer, seconded by Benson and carried (5-0): To approve using funds from the Attraction funds for the costs of lighting and repairs to the jet and the train.

- B. Liquor Control Meeting Minutes – April 16, 2018

Discussion that because only 3 members were present, there was no quorum. Four members would have been necessary to make a quorum. Therefore, no action could be taken as a result. Nowak added that the items on the agenda were for discussion purposes, so no harm done.

C. 2018 Committee/ Commission Appointment List – Updated 4/26/2018

List attached.

5. UNFINISHED BUSINESS

*A. SRO

6. NEW BUSINESS

A. Resolution 17018 – Resolution Accepting Bids and Awarding Construction Contract for Almac Drive and 6th Street Sewer and Infrastructure Improvements City of Proctor

Matt Bolf reported on the bids received for the two pending construction projects. Estimated cost of project was \$3.3 million. Bolf recommended the bid from Ulland Brothers of \$2.77 million. He added that the signed Resolution was due the following morning for the St. Louis County Board meeting, as they must administer the project due to the State grant. He said the next steps involve bonds and insurance, and a possible project start date of June 11.

Discussion of sidewalks – currently planned for only north side of both Almac Drive and 6th Street, and then possible changes in sodding and trees, which may constitute a change order and incur extra expense.

Motion by Larson, seconded by DeWall and carried (4-1 Benson): To award the bids for the reconstruction projects on Almac Drive and 6th Street to Ulland Brothers, Inc., including Change Order #1 for changes in sodding and trees if it can be decided in the next few weeks, so as to not cause delay.

An amendment to the motion proposed by Benson to consider additional sidewalks in the Change Order failed due to lack of a second.

RESOLUTION NO. 17-18

**RESOLUTION ACCEPTING BIDS and AWARDING
CONSTRUCTION CONTRACT for
ALMAC DRIVE AND 6TH STREET SEWER and INFRASTRUCTURE
IMPROVEMENTS CITY OF PROCTOR**

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

WHEREAS, pursuant to an advertisement for bids for the 2018 Almac Drive and 6th Street Sewer and Infrastructure Improvements, bids were received, opened and tabulated according to the state of Minnesota laws, and the following bids (Attachment A) were received complying with the advertisement:

and,

WHEREAS, it appears that Ulland Brothers, Inc. of Cloquet MN is the lowest responsible bidder.

NOW, THEREFORE BE IT RESOLVED, through the city council of the City of Proctor, St. Louis County Minnesota:

1. The bid of Contract is in the amount of \$2,777,400.00 in accordance with the plans and specifications and advertisements for bids shall be and hereby is accepted.
2. The Mayor and Clerk are hereby authorized and directed to enter into the a contract with Ulland Brothers, Inc. of Cloquet Minnesota in the name of the City of Proctor for the Almac Drive and 6th Street Sewer and Infrastructure Improvements, according to the plans and specification therefore approved by the city council and on file in the office of the City Clerk
3. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next two (2) lowest bidders shall be retained until a contract has been signed.
4. Upon execution of a contract and Notice of Award by the Contractor and it's submission of a performance bond, payment bond, and certificate of insurance acceptable to the City of Proctor.

Moved by Councilor _____ and seconded by Councilor _____ that the foregoing resolution be adopted.

Voting Aye:

Voting No:

Absent:

Resolution is hereby declared adopted this 7th day of May, 2018.

Mayor, City of Proctor

Attest: _____
City Clerk/Administrator

B. Recommendations from Beautification & Trees Committee for Almac Drive and 6th Street Projects.

Russ Habermann expressed that he thought there had been little public engagement in the planning process. He went on to explain elements of urban planning such as sharing the road, lighting concerns, storm water management, and the benefits of trees. He added that sidewalks and storm water management require ongoing City maintenance. Discussion followed on the pros and cons of sidewalks and trees, as well as ways to control (slow down) traffic. The sidewalks that are in the plan would be along the curb, so could be plowed in winter.

Mayor Larson explained the City is trying to address two of the worst streets with major problems below the pavement, and trying to be cost effective in the process. He apologized if any individuals or groups felt left out, but noted time is of the essence.

Travis White stated that he thinks sidewalks are a safety necessity and believes they should be on both sides of a street whenever possible.

Schwarzbauer expressed concerns that residents weren't more involved, and brought up the possibility of closing Bee Street. He is worried that Safety might be sacrificed for Convenience.

Administrator Casey advised that there had been one hearing and that many residents had been contacted, including getting easements for the construction work.

Motion by Larson, second by DeWall and carried (4-0, Schwarzbauer abstained): To meet with the Beautification & Trees Committee to review the project as a whole, per the Committee's recommendation, and not just street by street.

C. Excerpt of City Council Meeting 04/16/2018 – Annual Fee for Use of City Softball Fields (*map included*)

Jesse Annala explained that the fee for use of the softball fields is necessary to offset some of the cost of preparing and maintaining the fields.

Motion by Nowak, second by DeWall and carried (5-0): For the City to bill the Proctor Area Fastpitch Association for \$1000 for use of the City's softball fields.

D. Application for Parks and Recreation Membership Consideration

The application of Jennifer McDonald was reviewed for consideration of appointment to the Parks and Recreation Committee. Her involvement in the community was noted. Benson expressed thanks for the detailed, completed application.

Motion by Larson, second by Nowak and carried (5-0): To accept Jennifer McDonald's application and approve her to serve on the Parks and Recreation Committee.

E. City-Wide Brush Pickup

City wide brush pickup will begin May 29th. It is just for brush, no leaves, no grass, and NO BAGS.

Motion by Schwarzbauer, second by DeWall and carried (5-0): To approve the city-wide brush pickup beginning May 29th.

F. Tourism Committee Requesting Approval to Use Unallocated Funds

1. 2018 St. Louis County Fair
2. 2018 Speedway Events

The Tourism Committee requested Council approval to issue the 2018 St. Louis County Fair \$8000 and the 2018 Proctor Speedway Events \$5000 from Unallocated Funds. Noted that each is almost half of what was requested by each group.

Motion by Larson, second by DeWall and carried (5-0): To approve the request of Tourism for \$8000 for the 2018 St. Louis County Fair and \$5000 for the 2018 Proctor Speedway Events.

G. PACC Lease Agreement Between the City of Proctor and ISD 704

Casey reported that the school district handles all the rentals of the rooms within the PACC and have done a very good job, also saving a lot of City staff time.

Motion by Schwarzbauer, second by Larson and carried (5-0): To enter into the PACC Lease Agreement between the City of Proctor and ISD 704.

H. Ordinance 01-18 – Ordinance Amending Section 1000 of the City Code Entitles “Land and Building Regulation” (*First Reading*)

Attorney Bray explained that the Planning & Zoning Committee is recommending the changes to address the existing homes in the downtown commercial area (C-1 zone.) These homes can be difficult to finance and difficult to sell. Also, no new businesses have moved in recently. Therefore the change would allow construction of new single family residences in the area.

**ORDINANCE NO. 01-18
ORDINANCE AMENDING SECTION 1000 OF THE
CITY CODE ENTITLED “LAND AND BUILDING REGULATION”**

**THE CITY COUNCIL OF THE CITY OF PROCTOR DO ORDAIN AS
FOLLOWS:**

Section 1. City Code, Section 1002.09, Subd. 2; paragraph (1) entitled “C-1 Retail District Permitted Uses,” and Subd. 4 paragraph 1; entitled Height and Area Regulations, is hereby amended as follows:

Subd. 2 A building or premises in the “C-1” Commercial District shall be used only for the following purposes; provided, however, that no use shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features:

(1) Any use permitted in the “R-3” Zone ~~except single family dwelling.~~

Subd. 4. The height and area regulations set forth in ‘1002.03 shall apply in the “C-1” District; and, in addition, every building or portion thereof used for dwelling purposes shall comply with the side yard and lot area per family requirements of the “R-3” Apartment Residential District, provided however, that single family residences shall be subject to setbacks as provided for in R1-A zones.

Section 2. All other provisions shall remain in full force and effect without modification. or amendment

Section 3. The effective date of this ordinance change shall be the date following the last date of publication in the City of Proctor official newspaper.

Moved by Councilperson _____ and seconded by Councilperson _____ that
the
foregoing ordinance be adopted as amended.

Voting Yes: Councilpersons

Voting No: Councilpersons

Ordinance declared adopted this ___ day of May, 2018.

CITY OF PROCTOR

By _____
Mayor

ATTEST:

City Clerk/Administrator

First Reading:

Second Reading:

Published Proctor Journal on _____, 2018

I. Ordinance 02-18 – Ordinance Amending Section 200 of the City Code
Entitles “Council and Administration” (*First Reading*)

Schwarzbauer reported that he had done a lot of research and is recommending a change to the makeup of the Liquor Control Board. His research indicated that a group of four – including 2 City Council members and the Chief of Police (3 voting members) and the Liquor Store Manager (in an advisory position) as the most efficient way to manage liquor licensing and sales. He said another option would be having no Liquor Control Board at all. Those were the two most common choices in Minnesota cities.

ORDINANCE NO. 02-18
ORDINANCE AMENDING SECTION 200 OF THE
CITY CODE ENTITLED “COUNCIL AND ADMINISTRATION”

THE CITY COUNCIL OF THE CITY OF PROCTOR DO ORDAIN AS
FOLLOWS:

Section 1. City Code, Section 201.7, Subd. 1; paragraph (1) and (2) entitled “Standing Committees,” is hereby amended as follows:

Subd. 1 (1) That there shall be ~~nine~~ eight standing committees of the City Council, namely: streets; liquor control; parks and recreation; beautification and trees; public safety; cable television; ~~inflow and infiltration~~; tourism; and trust fund board. That each of said committees except the trust fund board, said board being governed by the ordinance establishing the fund and the Liquor Control Board shall consist of one Council member and two non-council members (or more as the ~~committee~~ Council shall so decide), and said committee members shall be appointed by such Council at the first meeting of each year or upon vacancy or term expiration. Any subject considered by said committees shall be presented to the Council with their recommendations for the Councils consideration:

(2) The Liquor Control Board shall consist of two Councilmembers and the Police Chief with the Liquor Store Manager as an advisory member.

Section 2. All other provisions shall remain in full force and effect without modification. or amendment

Section 3. The effective date of this ordinance change shall be the date following the last date of publication in the City of Proctor official newspaper.

Moved by Councilperson _____ and seconded by Councilperson _____ that the foregoing ordinance be adopted as amended.

Voting Yes: Councilpersons

Voting No: Councilpersons

Ordinance declared adopted this ___ day of May, 2018.

CITY OF PROCTOR

By _____
Mayor

ATTEST:

City Clerk/Administrator

First Reading:

Second Reading:

Published Proctor Journal on _____, 2018

J. Performance Measurement Program Survey

Benson explained the process of surveying the public for their opinion on how things are going within the City, as has been done in past years. Incentive is a small cash reimbursement to the City and an exemption for the City from levy limits for taxes. The deadline is July 1, 2018.

K. Resolution 16-18 Establishing a Performance Measurement System

Discussion of the Survey process – including in Utility bill mailing, which requires approval from Public Utility Commission; the possible use of Survey Monkey, and the need to tabulate and report results to the state. Also whether to narrow the list down to 10 questions.

Motion by Benson, second by Schwarzbauer and failed (2-3): To direct the City Administration to conduct a performance management survey of the residents.

**RESOLUTION 16-18
ESTABLISHING A PERFORMANCE MEASUREMENT SYSTEM**

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

WHEREAS, Benefits to the City of Proctor for Participation in the Minnesota Council on Local Results and Innovation’s comprehensive performance measurement program are outlines in MS 6.91 and include eligibility for reimbursement as set by State statute; and

WHEREAS, any city participating the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect, and

WHEREAS, the City Council of Proctor will adopt and implement at least 10 of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help, plan budget manage and evaluate programs and for optimal future outcomes; and

NOW THEREFORE BE IT RESOLVED, the City of Proctor commits to renewing its commitment to a performance measurement system that collects and reports the performance measures developed by the State of Minnesota Council on Local Results and Innovation.

BE IT FURTHER RESOLVED, the City of Proctor will report the results of the performance measures to its citizenry through publication in the Proctor Journal and by posting on the city's website.

BE IT FURTHER RESOLVED The City of Proctor will submit to the Office of the State Auditor the actual results of the performance measures adopted by the City.

Be It Further Resolved that performance measures identified for Proctor are:

1. Number of years you lived in Proctor (1-9, 10-19, 20-29, 30-39,40-49, 50-59, 60-69. 70 and over)
 2. How would rate the overall appearance of the city?
 3. How would you describe your overall feeling of police protection services in the city?
 4. How would you rate the overall quality of fire protection services in the city?
 5. How would you rate the overall condition of the city?
 6. How would you rate the overall quality of snowplowing on city streets?
 7. How would you rate the dependability and overall quality of city sanitary sewer service?
 8. How would you rate the dependability and overall quality of city water services?
 9. How would you rate the dependability and overall quality of natural gas service?
 10. How would you rate the dependability overall quality if city electricity service?
 11. How would you rate the overall quality of city recreation programs and facilities?
 12. How would you rate the overall quality and programing of the Community Access Channel?
 13. How would you rate the overall quality of the utility billing/finance department services in the city?
 14. How would you rate the overall quality of services provided by the city?
- The scale will be: Poor, Fair, Satisfactory, Good, Excellent or 1,2,3,4,5, <poor to excellent.

Upon vote taken thereon, the following voted:

For:

Against:

Whereupon said Resolution No. 16-18 was declared duly passed and adopted this 7th day of May, 2018.

Philip Larson
Mayor

Attest: _____
Mark Casey
Administrator/Clerk-Treas.

L. Northland Healthy Minds Mental Health Awareness Month Proclamation for May 2018

Motion by Nowak, second by Larson and carried (5-0): To support the awareness campaign by Northland Healthy Minds for Mental Health Awareness Month in May.

M. 2018 Community Policing Development (CPD) Grant

Discussion of a possible federal grant for community policing was presented by Benson. Chief Gaidis said the area he thought would be beneficial would be to work with the hotels, and increase police presence in the hotels, to deal with prostitution and drug trafficking. He said the hotels are also supportive of this. However, the deadline is only a month away, grant writing is labor intensive. Possibly engage a grant writer or assistance from another organization.

Motion by DeWall, second by Schwarzbauer and carried (5-0): For the Chief of Police and Public Safety Committee to look into the possibility of applying for a federal grant for Community Policing in the future to address human and drug trafficking.

N. Proctor's Pellet Pathway.

Benson presented photos and information of taconite pellets strewn on public streets and sidewalks from trains passing by, in which a person reported falling and sustaining an injury. Discussion that it is an ongoing issue, and that the City has an ordinance requiring property owners to keep the sidewalks clear.

Motion by Larson, second by Benson and carried (5-0): To direct the City Administrator to prepare a letter and photos to the CN Railroad directing them to take care of the matter, and possibly erect a hazard sign.

O. Hiring Process – Financial Director/Accountant/Deputy Clerk

DeWall presented an update on the hiring matter. Discussion to narrow the field to 5 candidates and to assemble a screening committee to join the Personnel

Committee for interviews. Larson stepped aside to be replaced by DeWall, as there cannot be 3 Councilors on one committee.

Motion by Schwarzbauer, second by Larson and carried (4-0, Benson abstained): To designate Steve Anderson and Diane Giuliani to join DeWall, Schwarzbauer, and Administrator Casey, and Loren Peterson and Lori Anderson as alternates for the hiring committee for the Financial Director position.

7. LABOR AND NEGOTIATIONS – Closed Meeting

None.

MEMBERS CONCERNS:

Benson

1. Workplace Equity
Tabled
2. Legislative Update

House Bill HR2826 – Proctor and Hibbing Speedway's request for property tax exemption did make it to the Conference Committee, but did not make it to the Omnibus Bill this year because it changes property taxation. However, the sponsors will bring it back in the next legislative session for a full committee hearing.

Nowak

1. Vendors – City Hall

Nowak noted that some vendors coming into City Hall are not signing into the required log book. There have also been reports of them not being respectful of employees and comments about purchases from other vendors. Nowak said it needs to stop.

Benson stated it is also nice to support local businesses, and to acknowledge when bids come in.

DeWall

None

Mayor Larson

1. Fireworks

Larson explained the cost of fireworks for Hoghead is \$6000. In the past the Chamber paid \$1000, and Irving Community Gambling contributed \$1000. That leaves \$4000. Discussion among Councilors that while the public loves them, it is a high price tag.

Council agreed by consensus that \$4000 is too large a bill for the City at this time.
(continued below)

Schwarzbauer

Schwarzbauer then offered to attempt to raise donations of the money, and possibly to include a mailer in the utility bills, among other ideas.

BILLS FOR APPROVAL

General Bills:	\$187,053.37
Liquor Bills:	<u>50,946.88</u>
Total	\$238,000.25

\$238,000.25 TOTAL BILLS FOR APPROVAL

Casey noted that bills are higher because it has been three weeks since the last meeting, and some expenses on the list will be billed back to the construction projects.

Motion by Nowak, seconded by Larson and carried (5-0): To approve the bills for payment as listed.

ADJOURNMENT

Motion by Larson, seconded by DeWall and carried (5-0): To adjourn the City Council meeting at 8:50 pm.