

**RECONVENE THE PUBLIC HEARING ON GARBAGE ASSESSMENTS from
JULY 16, 2018:**

Called to order by Mayor Larson at 6:00 p.m.

Present: Mayor Larson, Councilmen, Benson, Dewall, Nowak, Schwarzbauer.

Hearing no one before the Council to speak on the Assessments:

Motion by Benson, seconded by Larson and carried (5-0): to adjourn the Public Hearing at 6:02 p.m.

Minutes of the regular Proctor City Council meeting held Monday, August 6, 2018 in the Community Center Council Chambers.

Mayor Larson called the meeting to order at 6:02 p.m.

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; Peggy Vanderscheuren, Chad Ward, Jim Aird, City Prosecuting Attorney Ron Envall, Gordon Downs, Jim Rohweder, Dan Rohweder, Kathy Hannan, Fire Chief Kerry Helquist.

APPROVAL OF THE MINUTES:

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

APPROVAL OF THE AGENDA:

Motion by Schwarzbauer, seconded by DeWall and carried (5-0): To approve the agenda for August 6, 2018, with the following:

- 6D: Job Descriptions was Removed
- Benson added to Members Concerns – Sod Update; Dewall added Fire Truck Apparatus.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

Gordon Downs-spoke on matters pertaining to the golf course: Broken latch on garage door, needing a better bridge to green number 7, ice machine needs to be hooked up, road access to number 4 green, and disbanding of the Golf Committee.

John Engelking – Superintendent ISD 704 spoke on the matter of the school wanting to purchase the old hockey arena at the Fairgrounds, making improvements, and future uses for the City Council to consider.

***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 with Item 4B pulled for discussion.

***1. COMMUNICATIONS**

- A. Commendation from Minnesota Management and Budget –Pay Equity
- B. Public Notice of Public Accuracy Test of Ballot Counting Machine for August 14, 2018.
- C. Mediacom rate adjustment
- D. Men of ACT – Thank You
- E. WLSSD 2019 Budget and Notice of September 10, 2018 Capital Budget and Sold Waste Management Fee Public Hearings
- F. ARDC memo

2. PLANNING AND ZONING DEPARTMENT MATTER

Motion by Dewall, seconded by Nowak and carried (5-0) to suspend the agenda and bring Item 6F Letters of Compliance to Property Owners, for discussion.

Casey gave background as the Planning and Zoning Committee would like Council input as to should letters from Building Official be sent out, and how Council will support the actions required in the letters. Casey advised how process has been done: first a letter of reminder is sent out, second letter may have an administrative fine attached to it, third collections, fourth take care of the issue through the city and assess the fees to the county. City can only assess its actual costs. Discussion took place on blight and dilapidated buildings.

Motion by Nowak, seconded by Larson and carried (5-0) to send the letters drafted by Jim Rich out to the property owners.

***3. CLERK ADVISES COUNCIL**

- A. Government and Liquor Fund Payroll Period Ended 7/22/2018

***4. COMMITTEE REPORTS**

- A. Beautification Minutes of April 17, 2018
- B. Beautification Minutes of July 24, 2018 (this item was pulled for discussion)

Councilman Schwarzbauer gave a brief summary of what the Beautification

Committee is working on. Looking revising the tree ordinance, commenting on new businesses and introduce Kathy Hannan for additional comment. Hannan discussed the replanting of trees and the mixture of those trees in an urban area. Also suggested the appropriate time to plant and quoting Tom Pfeffer of Duluth Urban Forest Commission.

Motion made by Schwarzbauer, seconded by Dewall and carried (5-0) to approve the Beautification Committee minutes of July 24, 2018.

- C. SEH Construction Minutes of July 18, 2018
- D. SEH Construction Minutes of July 25, 2018

***5. UNFINISHED BUSINESS**

- A. SRO
- B. Resolution 28-18 Certify Garbage Assessments and Liens to County

Motion by Schwarzbauer, seconded by Dewall and carried (5-0) passing Resolution 28-18 Certifying Assessment and Liens to the County.

CITY OF PROCTOR
RESOLUTION NO. 28-18
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 delinquent accounts of 2017-2018:

SOLID WASTE REMOVAL

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 City.
2. Such assessments shall be as follows:
 - a. The assessments shall be payable including principal and \$50 City collection fee upon ratification of this resolution. Said payment to be payable prior to October 1, 2018 thereafter a 10% penalty shall apply.
 - b. The owner of the property so assessed may at any time prior to the November 15th of this year, pay to the Solid Waste Collector, or City Clerk, 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 the City, County, and Solid Waste Collector.
3. The City Clerk shall forthwith transmit a certified duplicate copy of this assessment to the County.
4. The past due accounts for solid waste removal (as the term is defined in the City Code 505.13) 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:

Voting No:

Absent:

WHEREUPON said resolution was adopted this 6th day of August, 2018.

Attest:

Philip Larson
Mayor
Mark Casey,

6. NEW BUSINESS

A. Fire Department Application

Motion by Larson, seconded by Dewall and carried (5-0) to approve the hiring of Brian Taylor for the Proctor Fire Department.

B. Beautification & Trees Committee Plan

Schwarzbauer went through the plan and presented a check list of items to address and those persons or committees responsible to address them. Also discussed were articles on Children in Nature and Academy Sports and Outdoors and for the Council to consider adopting some of the initiatives in these articles.

This item was treated as informational.

C. Resolution 29-18 City Responsibility for Benches in State of MN ROW

Motion by Benson, seconded by Nowak and carried (5-0) to approve Resolution 29-18 making the city responsible for benches in the Highway 2 Right of Way in Proctor.

**RESOLUTION 29-18
CITY RESPONSIBILITY FOR BENCHES
IN STATE OF MN RIGHT OF WAY**

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

WHEREAS: Proctor (the City), is in support of the beautification of the city; and,

WHEREAS: the Proctor Beautification Association has acquired authorization from the State of Minnesota (MN DoT), to place benches in the Highway 2 right of way as depicted on the attached map through a Limited Use Permit; and,

WHEREAS: MN DoT has requested the City to take full responsibility of the maintenance and repair of said benches along Highway 2;

NOW, THEREFORE, BE IT RESOLVED that the City of Proctor, as the bench sponsor, will take the responsibility of maintenance and repair of the benches along Highway as provided for by the Proctor Beautification Association.

Approved this August 6, 2018 by the City Council of Proctor, Minnesota.

Councilman voting Aye:

Councilman voting Nay:

BY: _____
Philip Larson, Mayor

ATTEST: _____
Mark Casey, City Administrator

D. Police Department Job Descriptions

This item was pulled in the approval of agenda.

E. Police Department Fleet Vehicle Pricing Summary

Casey explained a squad car was ordered from Mike's Motors of Ely MN at State Bid prices so no need to get competitive bids. Benson iterated the car was talked about in the 2018 budget process but not approved.

Motion by Dewall, seconded by Nowak and carried (5-0) to approve the purchase of a squad car and not to exceed \$37,000 for the car and outfitting of the squad car from Mike's Motors of Ely MN.

F. Letters of Compliance

- a. Junk
- b. Lawn Mowing
- c. Blighted Properties

This agenda item was moved to 2A.

G. Application and Permit for a One Day Temporary Liquor License

Motion by Schwarzbauer, seconded by Larson and carried (5-0) to approve a one day temporary liquor license to the John Beargrease Sled Dog Marathon organization for the date of 9/22/18.

H. Fireworks – Councilman Benson

Benson asked the question where the fundraising stood for the upcoming fireworks. Mayor advised \$1500 – Chamber, \$500 – Fire Department, < \$500 in donations. Discussion ensued as to why the Lions are not taking the lead. Dan and Jim Rohweder discussed the importance of the fireworks and quoted MN Statute 477A.016 allowing the city to use 5% of Lodging Tax towards this type of event.

Motion by Dewall, seconded by Schwarzbauer and carried (5-0) to approve a contribution from the City not to exceed \$4,000 from Tourism funds for the fireworks conditional the fireworks company names the city as an additional insured.

I. Application for Fireworks

Motion by Dewall, seconded by Benson, and carried (5-0) to approve the event application for fireworks on August 18, 2018.

J. Resolution 30-18 Accepting Donations

Casey stated with all donations to the city, a resolution should be passed accepting the donation.

Motion by Dewall, seconded by Larson and carried (5-0) to accept the donation from the Gordon Downs Trust Fund in the amount of \$60,772.72 for Golf Course equipment and sales tax.

K. Compudyne Back Up Agreement

Casey explained the concern Compudyne and Scott Stillman (Forensics Investigator) concern over the lack of data back up and it should be a priority.

Motion by Nowak, seconded by Schwarzbauer and carried (5-0) to approve a backup agreement with Compudyne Inc.

L. Parks and Playgrounds – Benson

No Action was taken

M. Initiate Communication with MN Department of Revenue

Benson stated the Dept. of Revenue is looking to open an outstate branch office to hire individuals to research the internet and identify those retailers that we now lose sales revenue from.

Motion by Benson, seconded by Larson and carried (5-0) to contact the Dept of Revenue to make Proctor a consideration for a new office.

N. Resolution 31-18 Allow use of ATV's on County Roads in Proctor

Motion by Larson, seconded by Dewall to approve Resolution 31-18 Concurrence to Allow the Use of All Terrain Vehicles on County Roads within the City of Proctor.

RESOLUTION 31-18

CONCURRENCE TO ALLOW THE USE OF ALL-TERRAIN VEHICLES ON COUNTY ROADS WITH THE CITY OF PROCTOR

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

WHEREAS, The local ATV Club has made a request to the City of PROCTOR to allow all-terrain vehicles to operate on county roads within the city limits; and

WHEREAS, In accordance with Saint Louis County Ordinance No. 64, Subdivision 4B, an all-terrain vehicle club, recognized by the State of Minnesota, or city must submit an application, which includes a certified resolution of concurrence from the city, to St. Louis County to allow the use of all-terrain vehicles on the right-hand shoulder or the extreme right-hand side of county roads within a city; and

WHEREAS, The City of PROCTOR will submit the permit application to St. Louis County to allow use of all-terrain vehicles on all county roads within the city limits of PROCTOR.

THEREFORE, BE IT RESOLVED, the City of PROCTOR, a duly organized city within the State of Minnesota, hereby approves and supports the St. Louis County ATV permit application to allow the use of all-terrain vehicles on the right-hand shoulder or the extreme right-hand side of the county roads identified in the attached map.

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

Voting Aye:
Voting No:

Resolution declared adopted this 6th day of August, 2018.

Mayor,

Attest: _____
Administrator/City Clerk

Motion by Larson, seconded by Dewall and carried (5-0) to go to Closed Session per Minnesota Statutes 13D and Discuss Attorney Client Privilege and Property Matters. Time: 8:02 p.m.

7. LABOR AND NEGOTIATIONS – Per MN Statutes 13D Closed Meeting

Discuss attorney client privilege personnel issue
Property Matters

Motion by Larson, seconded by Dewall and carried (5-0) to adjourn the Closed Session and reconvene to the regular Council meeting: Time 8:42 p.m.

O. Police Civil Service Commission Request

Discussion by Larson as to the request by Civil Service Commission to bring the new hire officer in at a lateral pay request based upon years of service. Dewall stating the Negotiating Committee would agree to 90% of the top pay scale for 6 months and then 100% pay at top scale. Casey stated all other matters in the LELS labor agreement would be in place and no exceptions. Discussion ensued as to where the officer currently works and is the Police Department just trying to get another person they want instead of the best candidate.

Motion by Benson, seconded by Dewall and carried (4-1 Larson Nay), to propose the officer to start at 90% of the top pay scale and after 6 months probation the officer will go to 100% of the top pay. All other benefits would start at zero and the officer will be responsible for 15% of his health benefits.

P. Request from ISD 704

Discussion in regards to the letter presented to the council by ISD 704 and their desire to purchase the old arena at the Fairgrounds. Concern by Benson of the loss of revenue for the Fair Board. Dewall stated the Fairboard receives a stipend from the State of Mn in which they are to distribute with the Raceway Association. Schwarzbauer explained the funding mechanism the school uses for repair of their building.

Motion by Larson, seconded by Schwarzbauer and carried (5-0) to direct the City Attorney and the Administrator to enter into negotiations with ISD 704 for the potential purchase of the fairgrounds arena building.

MEMBERS CONCERNS:

Schwarzbauer:

Benson: Sod update. County will be replacing the dead sod from last years project, in the next few weeks. Council would like the County to send notice to those properties affected how to care for new sod.

Nowak:

DeWall: Explained a new tariff will go into effect 9/1/18 on new fire apparatus. The Fire Department is looking to purchase a new aerial/pumper truck and the council needs to take this into consideration when the 2019 budget cycle starts.

Mayor Larson:

BILLS FOR APPROVAL

General Bills:	\$143,550.61
Liquor Bills:	<u>\$45,874.89</u>
Total:	\$189,425.50

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

ADJOURNMENT

Motion by Nowak, seconded by Dewall and carried (5-0): To adjourn the City Council meeting at 9:07 p.m.