

Minutes of the regular Proctor City Council meeting held Tuesday September 4, 2018 in the Community Center Council Chambers.

Mayor Larson called the meeting to order at 6:00 p.m.

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

OTHERS PRESENT: City Attorney John Bray, Administrator Casey, Chad Ward, Jim Aird, Jim and Dan Rohweder, Steve Anderson, John Engelking, Eric Madson, David Brenna, Frank Siiro, Kathy Hannan, Jay Boysen, Jesse Annala, Chief Gaidis, Eric McPhee, Dave McPhee

PUBLIC HEARING ON POTENTIAL SALE OF PROPERTY TO ISD 704

1. Potential Sale

Mayor Larson read the public notice and asked for citizen comments.

David Brenna- past Mayor opposed to the sale because the Fair Board can generate additional sales/storage of \$12,000 and the concern the floor of arena is too slippery for much anything else. Concerns for increase of taxes.

Jim Rohweder-past Mayor/Administrator concerns for what are the intended uses by the school. Asked when the city is going to spend money to maintain those facilities and the city needs to budget for the maintenance of those facilities.

John Engelking-Superintendent ISD 704 presented schools intended uses as a regional facility for kids and adults. It would also enhance who we (the community) are and the school is the heartbeat of many communities. It would be used for wrestling, Fair Board offices, cheerleading, golf, etc. This will help Proctor move forward and explained the funding mechanism for the school to maintain.

Dan Rohweder –Citizen concerns of what the cost would be to the residents. Does Proctor get a share of the revenue.

Mayor Larson – asked what improvements has the Fair Board made.

Frank Siiro – Fairboard Chairperson. Gave synopsis of the what the added revenue could be (\$19,000) and stated the Fair Board has made \$1,000,000 in improvements and gave a list of the improvements.

Eric Madson –PEDA Chairperson. Concerned about agreements that are currently in place and stated both the Fair Board and Schools could benefit. Did have concerns that Planning and Zoning and PEDA has not had the opportunity to discuss. If the project fails how will the City get the property back.

Dave McPhee- wrestling coach. Stated there currently is a lack of space for the wrestling team. The facility will allow his team to practice at decent hours and have privacy of not changing in hallways and they currently have no shower facilities. This creates issues for MSHL required skin checks. It would be a benefit to all sports and persons staying at the hotels and using the restaurants.

Steve Anderson – Business Manager ISD 704 talked about the funds that would be used to maintain the facility and the school will have one less building to maintain at the fair grounds.

John Bray –City Attorney stated the amount of property needed would be approximately 10-15’ around the building and the agreement is no where near final.

Jay Boysen – Proctor Amateur Hockey Association. PAHA will not give up the lease on the building if it used for storage. PAHA would like to see it used as recreational.

Mayor Larson- concerned city doesn’t have the funds to maintain those building at the fairgrounds and doing nothing is not an option.

Jake Benson –Councilman. Asked ISD 704 if there was a structural report done? How much will the repairs cost. Asked if there would be other uses for the facility besides athletics. Will the agreement state anything about transfer of the property back to the city. Asked if the school board has heard the issue.

Steve Anderson – ISD 704 stated there has been some analysis by outside engineering firms stating the concrete pillars need to be replaced and many other smaller maintenance issues. Also stated if the use of the facility changes from recreational to something else the building will need to be brought up to code per the Building Official. Stated the school board has unanimously given approval to move into negotiations.

Jim Schwarzbauer – Councilman. Asked about when the turf for the facility will be available and how many days a year would it be in use. Also gave examples of the four area colleges that need this type of facility.

Troy Dewall – Councilman. Asked how much PAHA pays to the Fair Board for its lease and what the plan is for the existing hockey boards that are outside. Asked is there a required amount of years the school has to own the facility in order to encumber the funds.

ADJOURNMENT

Motion by Schwarzbauer, seconded by Dewall and (carried 5-0) to close the Public Hearing and resume the regular council meeting. Time 6:59 p.m.

Motion by Schwarzbauer, seconded by Dewall and carried (5-0) to suspend the agenda and move to item 6I.

Motion by Schwarzbauer, seconded by Larson and carried (5-0) to reconvene the regular agenda.

APPROVAL OF THE MINUTES:

Motion by DeWall, seconded by Schwarzbauer, and carried (5-0): To approve the August 20, 2018 City Council Meeting Minutes..

APPROVAL OF THE AGENDA:

Motion by Nowak, seconded by Schwarzbauer and carried (5-0): To approve the agenda for August 20, 2018, with the following:

- 6J: Contract Adjustment was removed
- 7B: Labor Contract was removed from the Closed Session

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

Kathy Hannan spoke to how we can move the trail forward and get things going on the forty acres and potential costs of \$60,000 per mile. Dan Rohweder – spoke thanking Ms. Hannan for taking the lead on the trail project and stated Tourism dollars can be used for design of the trail. Jim Rohweder explained several years past there were public hearings on trail design and development. Also, had concerns about naming city property after a person.

***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 Benson, seconded by Dewall, and carried (5-0): To approve the Consent Agenda.

***1. COMMUNICATIONS**

- A. Duluth Airport Thank You
- B. Salvation Army Seeking Donations
- C. CDBG Planning Session

2. PLANNING AND ZONING DEPARTMENT MATTER

- A. Variance approval 619 4th St.

***3. CLERK ADVISES COUNCIL**

- A. Government and Liquor Fund Payroll Period Ended 8/19/2018

***4. COMMITTEE REPORTS**

- A. Planning and Zoning Meeting Minutes of August 27, 2018
- B. Parks and Recreation Meeting Minutes of May 29, 2018
- C. Parks and Recreation Meeting Minutes of August 28, 2018 (unofficial)
- D. Construction Minutes of August 22, 2018
- E. Construction Minutes of August 29, 2018

*5. **UNFINISHED BUSINESS**

A. SRO

6. **NEW BUSINESS**

A. Animal Allies Humane Society Contract for Services

Motion by Nowak, seconded by Dewall and carried (5-0) to approve a contract with Animal Allies for the remainder of 2018 \$350.

B. Parks and Recreation Recommendation

Motion by Benson, seconded by Nowak and carried (5-0) to approve the backstop at Field 1 using Parks and Recreation budget for \$2,200 and to ask the school to assist in the cost and repair of said backstop.

C. Rename Park on 1st Avenue and 3rd Street to Bob Laney Court

Request came from the Beautification Committee to Parks and Recreation to rename the park on 1st Avenue and 3rd Street to Bob Laney Court. Discussion ensued as to why name a park after a person. Should the person named put up financial support. Also, discussion as to how to improve the court.

No action was taken on this item.

D. Parks and Recreation Recommendation to Keep the Arena at the Fairgrounds for Recreational Use

Discussion as to why keep the arena as recreational. Benson asked to define recreational i.e. could it mean the arts. Schwarzbauer commented the Comprehensive Plan states to have collaboration on updating and enhancing facilities.

Motion by Nowak, seconded by Schwarzbauer and carried (5-0) to table this item pending future documented information.

E. Front End Loader Bucket

Motion by Larson, seconded by Dewall and carried (5-0) to approve the purchase for a new front end loader bucket from Ziegler in the amount of \$7,750.

F. Resolution 35-18 Opposing the Sale of Strong Beer, Wine, and Spirits in Grocery and Convenience Stores

**RESOLUTION 35-18
OPPOSING THE SALE OF STRONG BEER, SPIRITS, AND WINE IN
GROCERY AND CONVENIENCE STORES**

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

WHEREAS: the sale of strong beer, spirits, and wine has long been regulated to preserve public health and minimize public safety concerns; and,

WHEREAS: increased alcohol availability is associated with increased alcohol related problems in both youth and the general public; and,

WHEREAS: the city supports existing regulations controlling the sale of alcohol to minimize the risks associated with youth access to alcohol; and,

WHEREAS: allowing the sale of beer, spirits, and wine in grocery and convenience stores could increase the public health risk of youth, the general public and related motor vehicle accidents, (see Potential Health Effects of Expanding Liquor Licenses to Grocery and Convenience Stores, Kansas Health Impact Assessment Project, May 2014; and,

WHEREAS, the public health risks of increasing youth access to alcohol and increased alcohol related motor vehicle accidents among youth and the general public outweigh any convenience to the public of relaxing present regulations on the sale of strong beer, spirits, and wine in grocery and convenience stores.

NOW, THEREFORE, BE IT RESOLVED that the City of Proctor provides its non-monetary support for upgrades to the existing facility at Spirit Mountain recreational area.

Approved this September 4, 2018 by the City Council of Proctor, Minnesota.

Councilman voting Aye:

Councilman voting Nay:

BY: _____
Philip Larson, Mayor

ATTEST: _____
Mark Casey, City Administrator

Motion by Larson, seconded by Benson and carried (5-0) to approve Resolution 35-18 Opposing the Sale of Strong Beer, Wine, and Spirits in Grocery and Convenience Stores

G. Annual Meeting with Civil Service Commission

Discussion by the Mayor as to hold a meeting with the Civil Service Commission as was held in 2017. Benson stated there is no statute or ordinance requiring this type of meeting and asked if we have this meeting with other boards. It was stated an annual meeting with Public Utilities Commission does take place. Chief Gaidis recommended the meeting as it gives each entity a better idea of what the other does.

Motion by Larson, seconded by Nowak and carried (5-0) to contact the Civil Service Commission for a joint meeting.

H. Property Sale of Parcel 185-0240-00540/00545

Discussion as to how these two parcels have incorrect assessments attached to them. Casey stated the parcel with no assessments has an interested buyer. Bray stated the City can put the assessment back on the parcel contradictory to statements by the County Auditor's Department.

Motion by Nowak, seconded by Larson and carried (5-0) to direct the City Attorney into this matter and take the necessary steps to correct the assessments on each parcel.

Motion by Nowak, seconded by Dewall and carried (5-0) to move into Closed Session under MN Statutes 13D to discuss Property Matters. 8:18 p.m.

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

- A. Property Matters
- B. Labor Contract – this item was removed

Motion by Benson, seconded by Schwarzbauer and carried (5-0) to adjourn the Closed Session and reconvene to the regular Council meeting: Time 8:35 p.m.

New Business (Continued)

I. Arena Sale

Schwarzbauer explained the need to gather additional information prior to making a decision on the sale of the Fairgrounds Arena to ISD 704

Motion by Schwarzbauer, seconded by Nowak and carried (5-0) to table this item until a later date.

J. Contract Adjustment

This item was pulled.

MEMBERS CONCERNS:

Schwarzbauer:

Benson:

Nowak:

DeWall:

Mayor Larson:

BILLS FOR APPROVAL

General Bills:	\$175,962.92
Liquor Bills:	<u>\$33,227.36</u>
Total:	\$209,190.28

Motion by Schwarzbauer, seconded by Dewall 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 8:39 p.m.