

Minutes of the regular Proctor City Council meeting held Monday September 17, 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 Rohweder, Jesse Annala, Peggy Vanderschuen.

**APPROVAL OF THE MINUTES:**

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

**APPROVAL OF THE AGENDA:**

Motion by Benson, seconded by Schwarzbauer and carried (5-0): To approve the agenda for September 17, 2018,

**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.

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

**\*1. COMMUNICATIONS**

- A. POST Board Compliance Recognition
- B. 2018 Coastal Clean-UP
- C. Proctor's Lion's Club Thank You
- D. Fair Board Profit and Loss Statement 2017

**2. PLANNING AND ZONING DEPARTMENT MATTER**

**\*3. CLERK ADVISES COUNCIL**

A. Government and Liquor Fund Payroll Period Ended 9/2/2018

**\*4. COMMITTEE REPORTS**

A. Special City Council Minutes Budget Meeting  
B. PEDDA Minutes of September 11, 2018

**\*5. UNFINISHED BUSINESS**

A. SRO

**6. NEW BUSINESS**

**A. Resolution 36-18: Non Objection Charitable Gambling Permit Augustana Lutheran Church**

**Resolution No. 36-18  
Resolution of Non-Objection  
To Issuance of State of Minnesota  
Charitable Gambling License**

BE IT RESOLVED that the City Council of the City of Proctor hereby certifies that there are no objection to the issuance of a State of Minnesota Charitable Gambling Permit to Augustana Lutheran Church to hold a raffle at Proctor High School, 131 9th Avenue, Proctor, Minnesota on February 8, 2019.

Passed by a majority vote of the Proctor City Council, this 17<sup>th</sup> day of September, 2018.

BY: \_\_\_\_\_  
Philip Larson  
Mayor

ATTEST: \_\_\_\_\_  
Mark Casey  
City Administrator

Motion by Benson, seconded by Larson and carried (5-0) to approve gambling (raffle) permit for February 8, 2019.

**B. Resolution 37-18 Participate in the County Road Striping Program**

**RESOLUTION 37-18  
PARTICIPATE IN COUNTY ROAD STRIPING  
PROGRAM**

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

**WHEREAS:** St. Louis County offers a road striping program to those communities located in the St. Louis County; and,

**WHEREAS:** the City of Proctor does not have the capabilities to perform this function; and,

**WHEREAS:** the City of Proctor requests to participate in the St. Louis County maintenance striping program; and,

**WHEREAS,** the City of Proctor wishes to enter into a cooperative agreement with St. Louis County for the above said purposes for 2018.

**NOW, THEREFORE, BE IT RESOLVED** the City of Proctor, through the actions of the Mayor and City Council wish to participate and enter into an agreement with St. Louis County for Striping Maintenance.

Approved this September 17, 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 participating in the County Road Striping Program for 2019.

**C. Resolution 38-18 Declaring Surplus Equipment**

**RESOLUTION 38-18  
DECLARING SURPLUS  
EQUIPMENT**

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

**WHEREAS,** the City of Proctor Police Department has items no longer in need by the department and have been removed from service; and,

- 2010 Ford Crown Victoria VIN: 2FABP7BV0AX106012:

**WHEREAS**, the sale of such equipment and its proceeds will decrease operating costs of the department and make room for additional equipment.

**NOW, THEREFORE BE IT RESOLVED** The City Council of the City of Proctor through the signature of its Mayor and Administrator, authorizes to declare this equipment surplus and available for sale or auction.

Upon vote taken thereon, the following voted:

For:

Against:

Whereupon said Resolution \_\_\_\_\_ was declared duly passed and adopted this 17<sup>th</sup> day of September 2018.

\_\_\_\_\_  
Philip Larson  
Mayor

Attest: \_\_\_\_\_  
Mark Casey  
Administrator

Motion by Nowak, seconded by Dewall and carried (5-0) to declare the Police Department 2010 Crown Victoria VIN 2FABP7BV0AX106012 as surplus equipment to be sold at auction.

**D. Duluth Urban Watershed Advisory Committee (DUWAC) MOU**

Motion by Benson, seconded by Nowak and carried (5-0) to participate as a signatory in the DUWAC program provided there were no fees.

**E. Small Cities Development Program Grant**

Benson gave brief synopsis of the program and what it can be used for. Benson did mention there may be caveats that make the city ineligible.

Motion by Benson, seconded by Schwarzbauer and carried (5-0) to table this item until the City Administrator can get certain questions answered in regards to eligibility and whether it is a grant v. loan program.

**F. South St. Louis County Fairgrounds Master Plan RFP**

Benson presented to council the idea of having a Request For Proposal put together and sent out to have a master plan put together for uses and economic benefits of the fairgrounds. Larson had concerns on the length and cost of putting together a plan and will it deter the school arena project. Benson stated the school would be incorporated into the plan. Schwarzbauer gave examples of directives

set in 2002 on the Fairgrounds and we should be tying in other entities to the plan if it moves forward. Nowak suggested council work off of the old plan to save time and money since there were many objectives not completed from 2002. Dewall stated that administration has asked the Fairboard for a priority plan and list so council can see what has been accomplished and other needs to be addressed.

Motion by Benson, seconded by Schwarzbauer to direct city staff to prepare an RFP and present at a future meeting. Motion failed (2-3; Larson, Nowak, Dewall voting nay).

#### **G. Notice of Opening on Community Development Block Grant Committee**

Casey advised council of the opening on the CDBG Advisory Committee as an at large position. City did have a representative on the committee in the past and feels it would be beneficial to the city to at least put in an application.

Motion by Schwarzbauer, seconded by Nowak and carried (5-0) to have the City Administrator apply for the open position with CDBG Advisory Committee.

#### **H. Resolution 39-18 Amending Proctor Economic Development Authority By-Laws**

Casey presented to council changes in the PEDA By-Laws to reduce the number of authority members from seven to five. This was based upon to vacancies that have not been filled and having seven could create issues when PEDA is unable to get a quorum for meetings. The change would not be an ordinance. Benson proposed five different amendments to the By-Laws for change also.

Motion by Larson, seconded by Nowak more discussion took place. Benson motioned to approve amendment number one, seconded by Schwarzbauer. Attorney Bray stated he would like to look over all of the amendments before a decision is made and whether all five amendments should be accepted as one. Benson and Schwarzbauer withdrew their amended motion and second for the attorney to take some time to look the amendments over. Larson and Nowak also withdrew their motion and second on the approval of the amendment so the attorney can look each amendment over.

No action taken.

Motion by Dewall, seconded by Schwarzbauer and carried (5-0) to recess the regular council meeting to move into Closed Session. Time: 7:08 p.m.

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

#### **A. Annexation**

- B. Labor Issue
- C. Attorney Client Priviledge
- D. Property

Motion by Schwarzbauer, seconded by Dewall and carried (5-0) to adjourn the Closed Session and reconvene to the regular Council meeting: Time 7:51 p.m.

**New Business (Continued) under Item 7**

**B. Labor Issue**

Motion by Schwarzbauer, seconded by Larson and carried (5-0) to reject the proposal from Labor and respond accordingly.

**C. Attorney Client Priviledge**

Motion by Dewall, seconded by Schwarzbauer and carried (5-0) to take action and respond to media requests under Closed Session.

**MEMBERS CONCERNS:**

**Schwarzbauer: Gave presentation on the popularity of BMX racing and the need for a community to sponsor such development and growth. Also gave cities within the state that have this type of race track.**

**Benson:**

**Nowak:**

**DeWall:**

**Mayor Larson:**

**BILLS FOR APPROVAL**

General Bills:	\$52,160.51
Liquor Bills:	<u>\$42,615.16</u>
	\$ 94,475.67

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

## **ADJOURNMENT**

Motion by Dewall, seconded by Nowak and carried (5-0): To adjourn the City Council meeting at 8:00 p.m.