

Minutes of the regular Proctor City Council meeting held Monday October 1, 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, Kathy Hannan, Peggy Vanderschuen, Steve Anderson, Dave McPhee, Rory Johnson.

APPROVAL OF THE MINUTES:

Motion by Schwarzbauer, seconded by DeWall, and carried (5-0): To approve the September 17, 2018 City Council Meeting Minutes.

APPROVAL OF THE AGENDA:

Motion by Schwarzbauer, seconded by Dewall: To approve the agenda for October 1, 2018, Larson amended motion to add to “Closed Meeting” 7C Personnel Issue, seconded by Schwarzbauer and carried (4-1 Benson Nay) to approve amended agenda.

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. Essentia Health Auxiliary Seeking Sponsorship
- B. St. Louis County Comprehensive Land Use Plan Public Hearing Notice
- C. 2020 Census Information

2. PLANNING AND ZONING DEPARTMENT MATTER

***3. CLERK ADVISES COUNCIL**

A. Government and Liquor Fund Payroll Period Ended 9/16/2018

***4. COMMITTEE REPORTS**

A. Liquor Control Meeting Minutes of September 10, 2018

B. Planning and Zoning Minutes of September 24, 2018.

***5. UNFINISHED BUSINESS**

A. SRO

B. Resolution 39-18 Amending Proctor Economic Development Authority By-Laws.

6. NEW BUSINESS

A. Ordinance 03-18 Amending Section 200 of the City Code Entitled “Council and Administration.” 1st Reading

ORDINANCE NO. 03-18
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 204.09, Subd. 1; paragraph (1) entitled “Death in the Family,” is hereby amended as follows:

Subd. 1 (1) Death in the Family. In the event there is a death in an employee's immediate family, three days absence without the loss of pay shall be granted. The immediate family shall be defined as spouse, parents, child, child of spouse, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, legal guardian, or any relative residing with the employee or with whom the employee is residing. Two additional days may be granted in the event travel is necessary or for personal reasons of business transaction, in the Council's discretion. This provision applies to full-time employees and part-time employees but does not apply to temporary employees. Seasonal workers are not eligible for time off with pay under this section. One personal leave day, if earned pursuant to subd. 4 of '204.14, may be used for a death in the family.

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 October, 2018.

SIGNATURES ON FOLLOWING PAGE

CITY OF PROCTOR

By _____
Mayor

ATTEST:

City Clerk/Administrator

First Reading: 10/1/2018

Second Reading: 10/15/18

Published Proctor Journal on:

Motion by Dewall, seconded by Larson; Amended by Benson, seconded by Schwarzbauer to add language to include “domestic partner,” and carried (5-0) to approve the added language and bring back for the second reading.

B. Resolution 40-18 of Non Objections to Issuance of a State of Minnesota Charitable Gambling License to Proctor Amateur Hockey Association

**Resolution No. 40-18
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 Proctor Amateur Hockey Association to hold a raffle at St. Luke’s Sports and Event Center, 704 Kirkus Street, Proctor, Minnesota on February 8, 2019.

Passed by a majority vote of the Proctor City Council, this 1st day of October, 2018.

BY: _____
Philip Larson
Mayor

ATTEST: _____

Mark Casey
City Administrator

Motion by Schwarzbauer, seconded by Benson and carried (5-0) to approve the charitable gambling license to Proctor Amateur Hockey Association

C. Resolution 41-18 Declaring Division of Property Within the City of Proctor

**RESOLUTION NO. 41-18
DECLARE DIVISION OF PROPERTY WITHIN
THE CITY OF PROCTOR**

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

WHEREAS, Robert Wilke and Kathy Hannan(“Owners”) wishes to subdivide the following described parcel

185-0220-01290 legally described as
Lots 21 through 30 of
Quinns Addition to Proctor

and,

WHEREAS, The Owners of said parcel wishes to divide the lots as proposed into two parcels. One parcel consisting of Lots 21 through 26 and Lots 27 through 30 as described Attachment A and Attachment B; and,

WHEREAS, Proctor’s Planning and Zoning Commission has reviewed the request and recommended approval of said request at their meeting of September 24, 2018; and

NOW THEREFORE,

1. The City Council approves of split of Lots 21-30 of Quinns Addition to Proctor into two parcels consisting of Lots 21 through 26 and Lots 27 through 30.
2. The City Council directs the City Attorney to carry out all duties with the County of St. Louis to legally split said parcels..
3. The City will have normal requirements that permits to construct on said lots are followed per city code.

Approved this 1st day of October, 2018.

CITY COUNCIL, PROCTOR MINNESOTA

Mayor

DATED

Attest:

CITY ADMINISTRATOR

DATED

Motion by Larson, seconded by Benson and carried (5-0) to permit the split of Block 5 Lots 21 through 30 of Quinns Addition to Proctor.

D. Resolution 42-18 of Non Objections to Issuance of a State of Minnesota Charitable Gambling License to Proctor Synergy

**Resolution No. 42-18
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 Proctor Synergy Inc. to hold a raffle at Derailed Sports Bar, 501 3rd Avenue Proctor, Minnesota on October 27, 2018.

Passed by a majority vote of the Proctor City Council, this 1st day of October, 2018.

BY: _____
Philip Larson
Mayor

ATTEST: _____
Mark Casey
City Administrator

Motion by Larson, seconded by Schwarzbauer and carried (5-0) to issue charitable gambling license to Proctor Synergy for October 27, 2018

E. Home Occupation Permit

Casey stated LauraKate's Healing Touch Massage had normally applied for the permit but didn't do so for 2018. She will have to apply again in 2018.

Motion by Nowak, seconded by Benson and carried (5-0) to issue a Home Occupation Permit to 101 2nd street for LauraKate's Healing Touch Massage.

F. Set Budget Meeting Date

Motion by Schwarzbauer, seconded by Larson, and carried (5-0) to set a budget meeting date for October 15, 2018 at 4:00 p.m. at 100 Pionk Drive.

Motion by Dewall, seconded by Schwarzbauer and carried (5-0) to recess the regular council meeting to move into Closed Session per MN Statutes 13D 13.04, 13.05. Time: 6:35 p.m.

7. LABOR AND NEGOTIATIONS – Per MN Statutes 13D; 13D.03; 13D.04 Closed Meeting

- A. Property Sale
- B. Administrator's Contract
- C. Attorney Client Privilege- Personnel Issue

Motion by Dewall, seconded by Larson and carried (5-0) to adjourn the Closed Session and reconvene to the regular Council meeting: Time 7:40 p.m.

G. Sale of Property

Dewall had concerns on the future of economic development within the fairgrounds property and if language could be added to the agreement to address this issue should it arise in the future. Benson asked if the agreement/contract has been presented to the School Board. Steve Anderson stated he and the Superintendent have the support of the School Board to move forward and once the city ratifies an agreement they will sign off on the sale agreement. Benson also asked when the school would take occupancy. Dave McPhee the wrestling coach thanked the city council.

Motion by Schwarzbauer, seconded by Larson and carried (5-0) to approve the sale of the old hockey arena at the South Saint Louis County Fairground to Independent School District 704 for the sum of \$1 with the additional language added to revert ownership back to the city upon discussion with the school, if an economic development opportunity arises.

H. Administrators Contract

No action taken.

I. Personnel Issue

Motion by Larson, seconded by Nowak and carried (5-0) to direct the City Attorney to contact the League of MN Cities Insurance trust and to tender and seek the advice of potential prosecution.

MEMBERS CONCERNS:

Schwarzbauer: Gave presentation on revitalization of waterways especially along the Munger State Trail. He felt as though the city should take a look at the possibilities of Kingsbury Creek and trail/bridge creation.

Benson:

Nowak:

DeWall:

Mayor Larson: Spoke of the 2020 Census and the need to gather volunteers for Census committees in order to get persons to participate in the 2020 census. Also advised that the Census Bureau does have paying jobs available. Spoke on the tree removal going on at the South St. Louis County Fairgrounds and the need to acquire the necessary permits.

BILLS FOR APPROVAL

General Bills:	\$108,451.25
Liquor Bills:	<u>\$ 22,416.42</u>
	\$130,867.67

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

ADJOURNMENT

Motion by Dewall, seconded by Larson and carried (5-0): To adjourn the City Council meeting at 8:12 p.m.