

Minutes of the regular Proctor City Council meeting held Monday October 15, 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, Chief Gaidis, Rory Johnson.

APPROVAL OF THE MINUTES:

Motion by Schwarzbauer, seconded by Larson, and carried (5-0): To approve the October 1, 2018 City Council Meeting Minutes.

APPROVAL OF THE AGENDA:

Motion by Benson, seconded by Dewall: To approve the agenda for October 15, 2018, with the additions of 6K CDBG Applications.

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 Larson, and carried (5-0): To approve the Consent Agenda with item 5B PEDA By-Laws to be pulled as an action item.

***1. COMMUNICATIONS**

- A. County Planning Commission Public Hearing on Land Use
- B. 2019 WLSSD Budget
- C. United States Congratulatory Letter

2. PLANNING AND ZONING DEPARTMENT MATTER

***3. CLERK ADVISES COUNCIL**

A. Government and Liquor Fund Payroll Period Ended 9/30/2018

***4. COMMITTEE REPORTS**

A.
B.

***5. UNFINISHED BUSINESS**

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

Motion by Schwarzbauer, seconded by Nowak and passed (5-0) approving the changes in language to the PEDAs By-Laws.

6. NEW BUSINESS

A. Contract Amendment for Almac Drive and 6th Street Construction

Motion by Larson, seconded by Nowak and carried (5-0) to extend the contract with Ulland Construction for substantial completion until 10/29/18

B. Resolution 43-18 Accepting Donation to the City

RESOLUTION NO. 43-18

ACCEPTING A DONATION TO THE CITY.

WHEREAS, the City of Proctor is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts.

WHEREAS, the following persons and entities have offered to contribute the cash amounts set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
Jake Benson	\$47

2018 Directory of MN City Officials

WHEREAS, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donations offered.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF Proctor, MINNESOTA AS FOLLOWS:

1. The donations described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

Passed by the City Council of Proctor, Minnesota this 15th day of October, 2018.

Mayor

Attested:

City Clerk

Motion by Schwarzbauer, seconded by Dewall and carried (5-0) to approve the donation of City Official book to the city.

C. Public Utilities Commission Appointment

Mayor Larson passed the gavel to Deputy Mayor Nowak as he is the appointee to the Public Utilities Commission and stated will abstain from voting. Discussion ensued as to the reasoning for the application at this time. Casey stated the appointment was through the 1st of August 2018.

Motion by Nowak, seconded by Dewall and carried (3-1) to appoint Phil Larson to the Public Utilities Commission for the term of three years.

D. Job Description Police Records Technician

Motion by Dewall, and seconded by Schwarzbauer and carried (5-0) to accept the modifications to the Police Records Technician job description

E. Job Description Police Records Manager and Terminal Agency Coordinator

Motion by Dewall, seconded by Schwarzbauer, and carried (5-0) to approve the modifications to the Police Records Manager and Terminal Agency Coordinator job description.

F. Police Policy Revisions

Chief Gaidis gave a brief explanation as to the requirements the BCA imposes on the police departments for contractors to work on police computer equipment.

Motion by Schwarzbauer, seconded by Dewall and carried (5-0) to accept the Police Policy Revisions to comply with the Bureau of Criminal Apprehension.

G. Set Public Hearing for Liquor Store Sales

Brief explanation by Casey stating per MN Statute 340.602 a public hearing must be held if a municipally owned liquor store has had losses for two out of the last three consecutive years.

Motion by Schwarzbauer, seconded by Larson and carried (5-0) to set the public hearing for the municipal liquor store for November 19, 2018 at 6:00 p.m. in council chambers.

H. Ordinance No 03-18 Amending Section 200 of City Code labled Council and Administration 2nd 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, domestic partner, 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: Benson, Dewall, Nowak, Schwarzbauer, Larson

Ordinance declared adopted this 15th 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.

Motion by Larson, seconded by Benson and carried (5-0) to move to “Closed Session per MN Statutes Ch 13 D at 6:50 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

Moved by Nowak, seconded by Dewall and carried (5-0) to reconvene to open meeting. Time 7:19 p.m.

I. Property Sale

Casey gave an explanation the adjacent property owned by the city and agreed to sell to Troy Dewall LLC in 2015, that Covenant of Termination had to be removed before the sale could take place and Dewall LLC had made improvements to the property in the amount of \$16,000 to be included in as part of the purchase agreement.

Motion by Schwarzbauer, seconded by Nowak and carried (5-0) to approve the sale as amended from the previous 2015 agreement to attribute the improvements to the property as part of the purchase price.

J. Administrator Contract

Motion by Nowak, seconded by Dewall and carried (5-0) to approve a one year Contract for 2017 and a three year contract for 2018 through 2020 for the City Administrator.

K. CDBG Pre Applications

Casey advised pre application for Community Development Block Grants are due October 15 and one has already been filled out for the Playground for Everybody to continue the project from the previous years. Benson stated the city should also apply for commercial and residential redevelopment grants also.

Motion by Benson, seconded by Schwarzbauer and amended by Larson, seconded by Dewall to submit the three applications. making the playground priority 1; commercial redevelopment 2; and residential redevelopment 3.

MEMBERS CONCERNS:

Schwarzbauer:

Benson:

Nowak:

DeWall:

Mayor Larson: Had concerns with the fairboard making improvements with out prior city approval per the agreement between the two entities.

BILLS FOR APPROVAL

General Bills:	\$154,531.90
Liquor Bills:	<u>\$ 37,886.06</u>
	\$192,417.96

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

ADJOURNMENT

Motion by Larson, seconded by Nowak and carried (5-0): To adjourn the City Council meeting at 7:27 p.m.