

Minutes of the regular Proctor City Council meeting held Monday November 5, 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, Peggy Vanderschuern, Joe Pelawa, Nick Greenwood, Dave Hamil, Suzie Nowak, Dick Kari, Laura Vu, Kathy Hannan,.

OATH OF OFFICE for Officer Matt Reibel given by Mayor Larson.

APPROVAL OF THE MINUTES:

Motion by Schwarzbauer, seconded by Dewall, and carried (5-0): To approve the October 15, 2018 City Council Meeting Minutes and Special Budget Meeting Minutes of October 15, 2018. Councilman Benson made corrections to minutes of 10/15/18 on the second of a motion to close the meeting. Benson made corrections to the Closed Meeting Statutes.

APPROVAL OF THE AGENDA:

Motion by Dewall, seconded by Schwarzbauer, and carried (5-0): To approve the agenda for November 5, 2018, with the additions of 6O; Change Order #2 for Almac Drive and 6th Street Construction.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

Joe Pelawa of Bolten and Menk introduced himself and if there is anything Bolten and Menk can do for the City to not hesitate and call.

***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 Dewall, and carried (5-0): To approve the Consent Agenda with item 4B: Beautification Committee Minutes to be pulled for discussion. Schwarzbauer discussed designating a dollar amount for the 2019 budget for Beautification and Trees Committee as the persons involved do most of the donations and work for no fee.

***1. COMMUNICATIONS**

A. County Planning Commission Public Hearing on Land Use continued to 11/8/2018

2. PLANNING AND ZONING DEPARTMENT MATTER

***3. CLERK ADVISES COUNCIL**

A. Government and Liquor Fund Payroll Period Ended 10/14/18/2018

***4. COMMITTEE REPORTS**

A. Planning and Zoning Minutes of October 22, 2018

B. Beautification Committee Minutes of October 23, 2018

Motion by Schwarzbauer, seconded by Benson, and carried (5-0) to approve the Beautification Committee Minutes.

***5. UNFINISHED BUSINESS**

A. SRO

6. NEW BUSINESS

A. Liquor License Transfer of Derailed Bar

Motion by Benson, seconded by Schwarzbauer to allow the transfer of liquor license from Nick Greenwood to Dave Hamil pending all legal steps are taken place for insurances, licensing, background check, and Liquor Control Board approval. Nowak stated per ordinance 702, the transfer of a license is not permitted and the paper work required is incomplete. Benson stated, per City Attorney the City Council has latitude on this issue. Mayor stated it should go to Liquor Control Board first. Benson asked the requestor (Dave Hamil) to address the council. Hamil spoke on his behalf and the need to move along with the process as he will have the insurance. Dewall clarified the process that needs to take place.

Motion by Dewall, seconded by Schwarzbauer, and carried (5-0) to rescind the original motion of the liquor license transfer request.

Motion by Dewall, seconded by Benson, and carried (5-0) to approve the license application of Dave Hamil for the Derailed Bar pending Liquor Control Board approval, approved background check, all insurances up to date, pro rating the license fee for the remainder of the year and new application is to be filled out.

B. Alpha Video Quote for Trac 7

Motion by Larson, seconded by Schwarzbauer and carried (5-0) to purchase Leightronix UL Tranexus-HD X2 for Trac 7 Studio from Alpha Video for \$10,330.

C. Compudyne Managed Services

Chad Ward identified himself as the Business Agent for the Teamsters and was concerned that the City was entering into an agreement for IT services while a grievance was in process. Casey explained he believed if it came down to this, the City should be able to get out of its contract. Also stated that we are currently be charged per call and this will be a flat monthly fee.

Motion by Nowak, seconded by Schwarzbauer and carried (5-0) to enter into a 24 month agreement with Compudyne Computers Services for the Edge Pro service.

D. Superior Computer Products Managed IT Services for PD

Casey explained this is different that the Compudyne Contract as Superior Computer Products will be charging \$149/hr per service call.

Motion by Schwarzbauer, and seconded by Dewall and carried (5-0) to accept the managed IT service contract from Superior Computer Products just for the police department.

E. Fire Department Resignation

Motion by Dewall, seconded by Benson, and carried (5-0) to accept the resignation of Austin Memmer from the Proctor Fire Department and thanking him for his service.

F. Fire Department Applicant

Motion by Dewall, seconded by Nowak and carried (5-0) to accept the application and hiring of Steve Grabko pending a background check.

G. Fire Department Applicant

Motion by Dewall, seconded by Nowak and carried (5-0) to accept the application and hiring of Brian Willms pending a background check.

H. Resolution 44-18 Appoint Election Officials

**RESOLUTION 44-18
APPOINTMENT OF ELECTION OFFICIALS AND JUDGES**

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

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Proctor that the following Election Officials and Judges are appointed to serve at the General Election to be held on Tuesday November 6th, 2018.

OFFICIALS

Mark Casey

JUDGES

Noelle Lent; Chris Brenna; Brenda Balsness

In accordance with MN Statutes 204B should a vacancy occur or additional election judges are needed, the Head Judge or Clerk has named the above qualified person(s) and provided training.

In accordance with MN Statutes 204B.31, compensation for the Election Judges will be set at \$10.00 per hour and Head Judges at \$10.50 per hour.

Upon vote taken thereon, the following voted:

Aye:

Nay:

Absent:

Resolution hereby adopted this 5th day of November, 2018.

CITY OF PROCTOR

Attest:

Mayor
Phil Larson

City Administrator/Clerk
Mark Casey

Motion by Benson, seconded by Schwarzbauer and carried (5-0) naming Noelle Lent, Chris Brenna, and Brenda Balsness as election judges.

I. Resolution 46-18 Ordering Abatement/Securing of 103 5th Street

**CITY OF PROCTOR
RESOLUTION NO. 46-18**

**ORDERING THE SECURING/ABATEMENT OF BUILDING LOCATED AT
103 5th STREET PROCTOR, MN**

WHEREAS, at their meeting of October 22nd, 2018, the Proctor Planning and Zoning Commission has made recommendations to the City Council regarding property located at 103 5th Street Proctor, MN; and,

WHEREAS, pursuant to Minn. Stat. §§ 463.15 and 463.261, the City Council of Proctor finds the building located at 103 5th Street to be a hazardous building for the following reasons:

1. Unsafe Structure.
2. Abandonment.

WHEREAS, the conditions listed above are more fully documented in the letter sent to the owner of 103 5th Street dated on or around the 9th of August 2018 a copy of which is attached to this resolution as Exhibit A.¹

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

1. That pursuant to the foregoing findings and in accordance with Minn. Stat. §§ 463.15 and 463.261, the council orders the record owners of the above hazardous building or their representatives to make one of the following corrections on the property at 103 5th Street:
 - a. Secure the building
 - b. Abate the building and bring the building back to compliance/code.
 2. That the repairs listed above must all be made within 10 days after the order is served upon the property owner or last known address. The repairs must be completed in compliance with all applicable codes and regulations, pursuant to proper permits from the city.
 3. That if repairs are not made within the time provided in paragraph 2, the building is ordered to be secured, and the property left free of debris, in compliance with all applicable codes and regulations, pursuant to proper permits from the city.
 4. That a motion for summary enforcement of the order will be made to the District Court of Saint Louis County in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in Minn. Stat. § 463.18, which is 20 days.
 5. That in accordance with Minn. Stat. § 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 10 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.
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6. That if the city must take actions to enforce this order, all enforcement costs will be specially assessed against the property and collected in accordance with Minn. Stat. §§ 463.22, 463.161, and 463.21.
7. That the city attorney is authorized to serve this order upon the owner of the premises at 213 5th Street Proctor, MN and all lien-holders of record.
That the city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. §§ 463.15 and 463.261.

Adopted by the City Council of the City of Proctor on November 5, 2018.

Voting Aye:

Voting Nay:

Approved:

Mayor

Attested:

City Clerk/Administrator

Motion by Larson, seconded by Nowak and carried (5-0) to approve Resolution 46-18 Ordering the Securing/Abatement of 103 5th Street.

J. Resolution 47-18 Creating a Public Safety Fund

Resolution 47-18 Creation of Public Safety Fund and Designating Certain Fund Balances

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

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 as relates to Governmental Fund Balance reporting; and

WHEREAS, the City Council, in accordance with the Town of Midway, City of Proctor Fire Agreement dated 2017-2019 must "commit" certain fees charged to Capital Equipment; and,

WHEREAS, the City Council through the creation of a Public Safety Fund, ensures the fund to be made whole through the Fire Agreement with the Town of Midway and Police Department budgeted funds.

WHEREAS, the creation of the Public Safety Fund will

NOW THEREFORE, BE IT RESOLVED by the City Council, as follows:

City Council designates the following amounts as "committed" fund balances for the year ended December 31, 2018:

Police Department – \$25,000 annually.
Fire Department – Surplus of fire calls over the designated number per the fire agreement with the Town of Midway as determined at year end.
Fire Department – To be determined at year end based on the fire agreement with the Town of Midway

Adopted by the City Council this 5th day of November, 2018

Voting Aye:

Voting Nay:

By:

Phil Larson
Mayor

ATTEST: _____
Mark Casey
City Administrator

Motion by Dewall, seconded by Schwarzbauer and carried (5-0) to Resolution 47-18
Creating a Public Safety Fund.

K. Fairground Contract

Mayor had concerns about property ownership by the Fairboard and if they have to give notice of improvements to the city prior to work being performed on property the Fairboard owns. Attorney Bray stated on city owned property per the lease agreement the Fairboard should notify the city. Benson stated Proctor and the Fairboard situation is not unique and possibly contacting the regional official for fairs.

Motion by Larson, seconded by Dewall and carried (5-0) to direct the City Attorney to look into the Fairboard and City Lease agreement designating a council liason to the Fairboard.

L. Set Budget Meeting Date

Motion by Larson, seconded by Dewall and carried (5-0) to hold a budget meeting on November 26, 2018 at 5:00 p.m. in the conference room.

M. Resolution 45-18 Ordering the Razing/Abatement of the Building located at 213 5th Street

**CITY OF PROCTOR
RESOLUTION NO. 45-18**

**ORDERING THE RAZING/ABATEMENT OF A HAZARDOUS BUILDING LOCATED AT
213 5th STREET PROCTOR, MN**

WHEREAS, at their meeting of October 22nd, 2018, the Proctor Planning and Zoning Commission has made recommendations to the City Council regarding property located at 213 5th Street Proctor, MN; and,

WHEREAS, pursuant to Minn. Stat. §§ 463.15 and 463.261, the City Council of Proctor finds the building located at 213 5th Street to be a hazardous building for the following reasons:

3. Inadequate maintenance.
4. Unsanitary conditions.
5. Hazard to public safety or health.

WHEREAS, the conditions listed above are more fully documented in the letter sent to the owner of 213 5th Street dated on or around the 9th of August 2018 a copy of which is attached to this resolution as Exhibit A.²

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

8. That pursuant to the foregoing findings and in accordance with Minn. Stat. §§ 463.15 and 463.261, the council orders the record owners of the above hazardous building or their representatives to make one of the following corrections on the property at 213 5th Street:
 - c. Raze the building
 - d. Abate the building and bring the building back to compliance/code.
 - e. Remove all unsanitary/hazardous materials.
9. That the repairs listed above must all be made within 45 days after the order is served upon the property owner. The repairs must be completed in compliance with all applicable codes and regulations, pursuant to proper permits from the city.
10. That if repairs are not made within the time provided in paragraph 2, the building is ordered to be razed, the foundations filled, and the property left free of debris, in compliance with all applicable codes and regulations, pursuant to proper permits from the city. This must be completed within 30 days after the initial time period provided in paragraph 2 has expired.
11. That a motion for summary enforcement of the order will be made to the District Court of Saint Louis County in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in Minn. Stat. § 463.18, which is 20 days.
12. That in accordance with Minn. Stat. § 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 10 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.
13. That if the city must take actions to enforce this order, all enforcement costs will be specially assessed against the property and collected in accordance with Minn. Stat. §§ 463.22, 463.161, and 463.21.
14. That the city attorney is authorized to serve this order upon the owner of the premises at 213 5th Street Proctor, MN and all lien-holders of record.
15. That the city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. §§ 463.15 and 463.261.

Adopted by the City Council of the City of Proctor on November 5, 2018.

Voting Aye:

Voting Nay:

Approved:

Mayor

Attested:

City Clerk/Administrator

Benson stated the owner is looking for time to find a contractor that has time to take the building down and correspondence from the city building official should give their contact information.

Motion by Larson, seconded by Nowak, and carried (4-0 Benson abstained) to approve Resolution 45-18 Razing/Abating the Building located at 213 5th Street.

O. Change Order #2 Almac Drive and 6th Street

This agenda item was advanced in the agenda.

Casey stated the storm drainage ditch was too deep along Bee St and may cause more danger to pedestrian and motorized traffic.

Motion by Nowak, seconded by Larson and carried (5-0) to approve the change order #2 on Almac Drive and 6th Street

Motion by Larson, seconded by Nowak and carried (4-1 Benson Nay) to recess the regular meeting to a Closed Meeting to discuss attorney client privilege. 7:54 p.m.

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

A. Attorney Client Privilege

Motion by Nowak, seconded by Dewall and carried (5-0) to adjourn the closed meeting and reconvene the regular city council meeting. Time 8:19 p.m.

N. IT Position Review

Motion by Larson, seconded by Nowak and carried (5-0) to direct the city attorney and city prosecutor to solicit prosecuting services for two former employees.

MEMBERS CONCERNS:

Schwarzbauer:

Benson:

Nowak:

DeWall:

Mayor Larson:

Casey: reminded voters of election day November 6, 2018 and City Hall offices will be closed 11/12/18 in observance of Veterans Day.

BILLS FOR APPROVAL

General Bills:	\$281,387.23
Liquor Bills:	<u>\$ 37,628.26</u>
	\$319,015.49

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

ADJOURNMENT

Motion by Nowak, seconded by Larson and carried (5-0): To adjourn the City Council meeting at 8:25 p.m.