

MINUTES of the Proctor City Council Meeting of Monday, August 5, 2019.

Meeting was called to order by Mayor Ward at 6:00 p.m.

MEMBERS PRESENT Chad Ward, Troy Dewall, Gary Nowak, Rory Johnson and Jake Benson.

OTHERS PRESENT Mark Casey, John Bray, Sally Hedtke, Megan Jordan, Noelle Lent, Kent Gaidis, Phil Larson, Peggy Vanderscheuren, Jodi Zukhov, Jim Aird, Diane Guiliani

Motion by Benson, seconded by Dewall and carried (5-0) to approve the City Council Meeting Minutes of Monday July 15, 2019.

Motion by Johnson, seconded by Benson and carried (5-0) to approve the City Council Meeting Agenda of Monday, August 5, 2019.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

Phil Larson noted that the Minutes of the July 15 Council meeting did not include his comments on the issues at the Fairgrounds with drainage ditches. He also discussed one particular blighted property at the last council meeting. He asked why the agenda at this meeting did not combine 6- L and N. He also noted that the city should be careful in any potential regulation of short term rental property.

Jodi Zukhov discussed documentation she had on a short-term rental next to her home. She had data on the number of cars, including possible owners and cleaners. She asked that the Council provide a definition of short term rental, that the city clarify and define zoning.

***APPROVAL OF 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)

Benson asked that 1. C be pulled from the Consent Agenda.

Motion by Benson, seconded by Dewall and carried (5-0) to Approve the Consent Agenda.

***1. COMMUNICATIONS**

- A. New Residential Program Licenses – MN DHS
- B. FRA Quiet Zone Crossing Reviews – FRA DoT

C. Splash Pad – Hermantown. Benson asked what the status of the splash pad was and whether it had gone to any committees. Casey said that there has been nothing determined at this point.

D. Election Administrators

2. PLANNING & ZONING DEPARTMENT MATTER

***3. CLERK ADVISES COUNCIL**

Government Fund Payroll and liquor fund period ending 7/8-7/21

Government Fund Payroll and liquor fund period ending 4/1-6/30

***4. COMMITTEE REPORT**

A. Beautification Minutes of Tuesday, April 30, 2019

B. PUC minutes of Monday, April 8, 2019

***5. UNFINISHED BUSINESS**

6. NEW BUSINESS

A. First Reading – Chapter 1200 Local Sales and Use Tax

Casey said and Bray clarified that this is a recommendation from the League of Minnesota Cities and the Department of Revenue to establish an ordinance for communities with current sales and use taxes to utilize the Dept. of Revenue to help collect taxes from sales and purchase online.

Motion by Benson, seconded by Nowak and carried (5-0) to accept the First Reading of Chapter 1200 Local Sales and Use Tax.

B. Resolution of Special Sale – St. Louis County

Casey said that this Resolution would approve the purchase of state tax-forfeited land. Casey clarified that assessments against the property were gone once it goes to forfeiture and that the money is coming out of sales tax fund.

Motion by DeWall, seconded by Johnson and carried (5-0) to approve the purchase of the state tax forfeited land in the amount of \$108,963.49.

C. Ordinance No. 34-19 Annexing Land in Midway Township

Motion by Benson, seconded by DeWall and carried (5-0) to approve Ordinance 34-19 Annexing Land in Midway Township.

D. CDBG Agreement

Casey stated that this agreement is for CDBG funding to assist with the building of the Playground for EveryBody, and that even though funds have not been disbursed by the Federal government yet, the agreement must be completed.

Motion by Nowak, seconded by Johnson and carried (5-0) to accept the CDBG Agreement.

E. Issuing of one day liquor license

Nowak explained that this one day liquor license was for an event held last year, and that the Liquor Control Committee recommended Council approval at their August 5, 2019 meeting.

Motion by Nowak, seconded by Johnson and carried (5-0) to approve the Application and Permit for a Temporary Liquor License to Beargrease Beer & Bacon Bash.

F. Resolution of non-objection 34-19

Casey explained that this is a gambling permit for the Beargrease Beer& Bacon Bash.

Motion by Johnson, seconded by DeWall and carried (5-0) to approve Resolution 34-19 Non-Objection to Issuance of State of Minnesota Charitable Gambling License.

G. Westgate Boulevard Utility License Agreement

Casey stated that this is an agreement between Cloquet and Proctor giving Cloquet responsibility for any damages for the utility work done on Westgate Boulevard. This agreement is only for surface work done and PUC will probably have a separate agreement with Cloquet for utility work and potential damages.

Motion by Nowak, seconded by Johnson and carried (5-0) to accept the utility license agreement between Cloquet and Proctor.

H. Resolution 33-19 Feasibility Report

Casey stated that there has been interest in both the Oliver and Hovland properties and that neither property has water or sewer connection. This report would get information on the associated costs and is a condition for an assessment process.

Motion by Benson, seconded by DeWall and carried (5-0) to approve Resolution 33-19 Ordering Preparation of Feasibility Report on Extension of Utilities.

I. Resignation

Miranda Riddle submitted her resignation as the PACC janitor.

Motion by Nowak, seconded by Johnson and carried (5-0) to accept the resignation of Miranda Riddle.

J. MN Energy Agreement

Casey explained that MN Energy Resources is requesting that a meter be placed at the fire hall and on a utility pole on Boundary Avenue. PUC has not yet determined the fee to be charged.

Motion by Johnson, seconded by Ward and carried (5-0) to accept the MN Energy Agreement when the monthly fee is determined.

K. Drug Task Force

Kent Gaidis explained that the Proctor Police have joined the Lake Superior Task Force. Benson had a number of questions on the timing, process, value and cost to the city.

Motion by Nowak, seconded by DeWall and carried (5-0) to accept the agreement between the Drug Task Force and Proctor Police.

L. Public Comment Sign in Sheet

Benson discussed the current sign-in sheet process used in Proctor and suggested that the City look into having people phone in to City Hall and sign up before the meeting. Benson stated he was not looking for a Council decision at this time, but would like this reviewed.

Motion by Ward, seconded by Benson and carried (3-2, Nays: Johnson and Nowak) to have City Administrator and Attorney Bray draft some language for having guidelines for public comment. Discussion by Nowak and Johnson about the possibility of this having an effect on free speech.

M. Short Term Rental

Benson had additional information to pass on to Planning and Zoning and stated that the Moratorium Council approved may not have had an enforcement or penalty affect. Bray clarified that not following the moratorium would automatically be considered a violation.

N. Public Decorum

Benson provided an ordinance that is before the Hermantown Council on public decorum. Nowak said that 6 L and 6N could be considered similar.

Motion by Benson, seconded by Ward to have Casey and Bray review whether Proctor should have an ordinance or resolution on public decorum. Motion failed (2-3) (Yes: Ward, Benson. No: DeWall, Nowak, Johnson).

Motion by Johnson, seconded by DeWall and carried (5-0) to close the regular council meeting at 7:00 p.m. per MN Statutes 13D Closed Meeting because both items listed addressed privileged information.

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

- A. Attorney client privilege
- B. Personnel

Motion by Johnson, seconded by DeWall and carried (5-0) to re-open the regular City Council meeting Per MN Statutes 13D Closed Meeting at 7:46 p.m.

6. New Business (Continued)

Motion by Benson, seconded by Nowak and carried (4-0, Ward abstaining) to authorize the City Attorney to proceed with the action discussed in closed meeting.

Motion by Johnson, Seconded by Nowak and carried (5-0) to proceed with the action discussed at closed meeting.

MEMBER CONCERNS

Benson: Congratulated Nowak on his win at the Midsummer Night of Mayhem, stated that the Studebaker Car Show and Hoghead Festival must have on file ST19 forms for vendors, discussed the need to value short term rentals, noted that the DTA did not have notice about road construction or Hoghead events; clarified that Fairgrounds did not have to get permit for ditch work per MN Stt. 38.16, and discussed PEDAs.

DeWall: Reminded everyone to come to the National Night Out on Tuesday, August 6 at the Proctor Police parking lot.

Johnson: Reminded that he would be serving at the Hoghead Pancake Breakfast on August 17. He also asked whether the Council can have a special meeting on the Bonding.

Nowak: Said that the Midsummer Night of Mayhem was a great event.

Ward: State of the City and Chamber event Tuesday, August 13, 2019. He attended Beautification Committee meeting. Historical Society established the 2.5 Club for fundraising.

Administrator: Special election for 5th District County Commissioner on Tuesday, August 13, 2019.

BILLS FOR APPROVAL

General: \$ 141,811.09

Liquor: \$ 52,900.62

TOTAL BILLS FOR APPROVAL: \$194,711.71

Motion by Benson, seconded by DeWall and carried (5-0) to approve the Bills for Approval as Submitted

Motion by Johnson, seconded by DeWall and carried (5-0) to adjourn the City Council Meeting at 8:02 p.m.