

MINUTES OF THE PROCTOR CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 3, 2019.

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

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

OTHERS PRESENT were Mark Casey, John Bray, Sally Hedtke, Noelle Lent, Kent Gaidis, Gordon Downs, Jim Tuomi, Jim Aird, John Engelking, Kathy Hannan, Peggy Vanderscheuren, Phil Larson, Steve Anderson, Jodi Zuchov, Matt Bolf and Mike Larson.

Motion by Dewall, seconded by Nowak and carried (5-0) to approve the City Council Meeting Minutes of Monday August 19, 2019.

Motion by Johnson, seconded by Nowak and carried (5-0) to approve the City Council Meeting Agenda of Tuesday, September 3, 2019.

Motion by Benson, seconded by Dewall and carried (5-0) to suspend the regular Council meeting and move to a Public Hearing at 6:04 p.m.

Casey stated that the public hearing was for a request to vacate an alleyway. Bray explained that the requirement for vacating an alley was if it was no longer useful, that any action must always preserve an easement for utilities. It was confirmed that this alley was never approved. Casey stated that the homeowners requesting the vacating have an outstanding fee of \$10,000 for adding electric utilities to the property. Planning and Zoning have discussed this request but no recommendation was made to Council.

Motion by Ward, seconded by Nowak and carried (5-0) to table the public hearing until the outstanding electrical fees are paid.

Motion by Benson, seconded by Johnson and carried (5-0) to resume the regular Council meeting at 6:15 p.m.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

Gordon Downs said it was difficult to get things done at the Golf Course when he had to get approval from Council. Casey clarified that Downs needed to talk with Manager Chris Klatte about improvements and purchases.

Jim Tuomi stated that the short term rental on his block is a commercial operation in a residential zone and Planning & Zoning should not make recommendations for 'spot zoning' changes.

Jodi Zuchov also voiced concern over a short term rental and that action needs to be taken by Council.

*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 Council discuss 2A.

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

*1. COMMUNICATIONS

2. PLANNING & ZONING DEPARTMENT MATTER

Council discussed the request by P & Z to have a public hearing about short term rentals in Proctor.

Motion by Benson, seconded by Johnson and carried (5-0) to have a Joint Hearing with Council and Planning & Zoning on Monday, September 23, 2019 at 5:00 p.m. to discuss short term rentals.

*3. CLERK ADVISES COUNCIL

Payroll

* 4. COMMITTEE REPORT

* 5. UNFINISHED BUSINESS

* 6. NEW BUSINESS

A. Call for a Public Hearing

Casey said that this was a request by a homeowner to vacate an alley between two parcels. Homeowner explained that the land was originally one parcel with no alley, and her county assessments went up with the change. She would like to return the land to one parcel without the alley.

Motion by Benson, seconded by Dewall and carried (5-0) to have a public hearing to vacate the alley and return the lots to one parcel.

B. Recognition of Rep. Mary Murphy

Council discussed the recent announcement that Rep. Mary Murphy has been recognized by the MN Legislature for her achievements.

C. CIP Proposal

Matt Bolf reported the SEH proposal for long term capital improvement plan, explaining that it will be useful for infrastructure improvement plans and potential funding.

Motion by Nowak, seconded by Johnson and carried (5-0) to accept the CIP Proposal from SEH.

D. HUD Amendment

Motion by Johnson, seconded by Nowak and carried (5-0) to approve the HUD Amendment.

E. SRO

Council discussed the need to have negotiations between ISD 704 and the City to enter into an agreement for a SRO at the school. Members noted that this position and staffing have been publicized prior to a formal agreement.

Motion by Ward, seconded by Benson and carried (5-0) to have the school and city administration enter into an agreement to be brought to Council for approval.

F. Road Agreement

Bray explained that this pertains to restrictive covenant and easement agreements for a road owned by the city. Adjoining property has changed ownership, and there is a need for an updated agreement.

Motion by Nowak, seconded by Johnson and carried (5-0) to table this until Attorney Bray receives proposed revisions to the agreement from property owner's attorney.

G. Advertisement for part-time liquor store employee

Motion by Nowak, seconded by Johnson and carried (5-0) to authorize city administrator to post an advertisement for a part-time liquor store employee.

Motion by Dewall, seconded by Johnson and carried (5-0) to close the regular council meeting at 7:10 p.m. per MN Statutes 13D Closed Meeting for attorney-client privilege, arbitration and pending and existing litigation and because both items listed addressed privileged information.

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

- A. Attorney client privilege – arbitration
- B. Personnel

Motion by Nowak, seconded by Dewall and carried (5-0) to re-open the regular City Council meeting Per MN Statutes 13D Closed Meeting at 7:50 p.m.

6. New Business (Continued)

- H. Personnel

Motion by Benson, seconded by Johnson and carried (4-0 – Ward abstaining) to accept city attorney’s recommendation.

- I. PEDA Loan

Motion by Nowak, seconded by Dewall and carried (5-0) to bring to PEDA for a recommendation to Council.

MEMBER CONCERNS

Benson: Items discussed were the need to improve tax base, need additional bonding information, League Sewer Incentive Program, the interest in recently annexed property and recommendation to replace trees on 6th Street and Almac.

DeWall: Speaking of the Midway Fire Agreement is due and to contact him when negotiations commence

Johnson: none

Nowak: none

Ward: Add to Council agenda having a MIC alternate

Administrator: none

BILLS FOR APPROVAL

General: \$ 141,811.09

Liquor: \$ 52,900.62

TOTAL BILLS FOR APPROVAL: \$194,711.71

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

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