

Minutes of the regular Proctor City Council meeting held on October 16, 2017 in the Community Center Council Chambers

Mayor Larson called the meeting to order at 6:00pm.

MEMBERS PRESENT: Councilors Jake Benson, Jim Schwarzbauer, Troy DeWall, Gary Nowak and Mayor Phil Larson

OTHERS PRESENT: Mark Casey, City Administrator; Tammie McDonald; Jennifer Crown; Bill Sweeney; Nick Greenwood; Eric Bingaman; Jennifer Peterson; Shannon Jorgenson; Jim Aird, Midway Township; Kathy Hannan; Jennifer McDonald; Jim Kmecke; Russell Haberman

APPROVAL OF MINUTES:

Benson asked for Item 6A. to be amended from motion failed.

Motion by Schwarzbauer, seconded by DeWall and carried: To approve the October 2, 2017 Council Meeting Minutes.

APPROVAL OF AGENDA

Larson added: 6K1: Night to Shine

Motion by Larson, seconded by DeWall and carried: To approve the agenda of October 16, 2017 as amended

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Bill Sweeney stated that he has reorganized the priorities on his life. The current utilities staff is efficient and should be commended for serving the citizens of Proctor. Sweeney is asking to be removed for reconsideration to serve on the Public Utility Commission, and also resign from his position effective immediately. Larson thanked Sweeney for his 15 years of service. Benson added a thank you for his service as a City Councilor.

\*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) - bold print denotes need for Council action

Larson asked for Personnel Handbook to be move to new Business next meeting.

Motion by Schwarzbauer, seconded by Nowak and carried: To approve the Consent Agenda.

\*1. COMMUNICATIONS

- A. Snocross Program Packet

\*2. PLANNING & ZONING DEPARTMENT MATTER

\*3. CLERK ADVISES COUNCIL

- A. Government Fund payroll period ended 10/01/17; Liquor Fund payroll ended 10/01/17 (attached)

\*4. COMMITTEE REPORTS

- A. Parks & Recreation Meeting of June 29, 2017
- B. Planning & Zoning Meeting of August 28, 2017
- C. Proctor Economic Development Authority Meeting of September 12, 2017

\*5. UNFINISHED BUSINESS

- A. Personnel Handbook
- B. SRO

6. NEW BUSINESS

- A. Reintroduce Proctor American Legion letter dated August 11, 2017 (Schwarzbauer)

Schwarzbauer stated that he would like to introduce and support the \$300/year to the American Legion.

Jim Kmeck, from the American Legion has been in charge of the Memorial Day celebration for about 10-15 years. Larson said by state statute, the City can give \$300/year. Nowak said that this has been ongoing since August, and he wanted to make it clear he is not opposed to giving to Veterans, as he comes from a family of veterans. Nowak said he would personally like to donate \$50 to the American Legion. De Wall said that he too would like to donate \$50. Larson also donated \$50. Schwarzbauer said that he will donate 50 hours of time.

Motion by Schwarzbauer, seconded by Benson and carried (5-0): To approve \$300 donation to the American Legion for Memorial Day celebration.

B. CDBG Sponsorship for Playground for EveryBODY

Casey said that the City of Proctor submitted their CDBG application for three projects, but is now asking the council to re-prioritize and place the Playground for EveryBODY at the top of the priority list.

Jennifer McDonald said that she started this process in 2012 and has been able to complete the 1<sup>st</sup> Phase. She is currently working with Proctor Synergy and applied for CDBG funding yesterday.

Motion by Nowak, seconded by Larson and carried (5-0): To switch the Round Up money from PUC to go toward the Playground for EveryBODY.

Motion by Benson, seconded by Nowak and carried (5-0): To approve Resolution 44-17 - Ordering Application for Community Development Block Grant funding for Fiscal Year 2018.

C. Public Utility Commission – Applications included in Packet

Council discussion about the applicants for PUC.

Motion by Schwarzbauer, seconded by Nowak and carried (5-0): To approve Jennifer Peterson to the Public Utility Commission.

D. Call for Public Hearing on Liquor Store

Casey discussed state statute 340A.602 if the Municipal Liquor has shown a net loss in two of three consecutive years; the City shall hold a public hearing for comments on whether to continue to operate a municipal liquor store.

Motion by DeWall, seconded by Schwarzbauer and carried (5-0): To schedule a public hearing regarding the municipal liquor store for Monday, November 6, 2017 at 6pm.

E. Second Reading - Ordinance 07-17 Amending Section 1002.03 of the City Code entitled “General Setback Requirements”

Casey stated that this is the second reading of Ordinance 07-17.

Motion by Larson, seconded by DeWall and carried (5-0): To approve Ordinance 07-17 Amending Section 1002.03 of the City Code entitled “General Setback Requirements”

F. Second Reading - Ordinance 08-17 Amending Section 1000 of the City Code Entitled "Land and Building" Regulation

Casey stated that this is the Second Reading for Ordinance 08-17 Amending Section 1000 of the City Code Entitled "Land and Building" Regulation. He said that Planning and Zoning have received requests for mini-storage in C1 zones. This would allow mini-storage but also provide some latitude with the language. Bray stated that state statute allows that language.

Motion by DeWall, seconded by Schwarzbauer and carried (5-0): To approve Ordinance 08-17 Amending Section 1000 of the City Code Entitled "Land and Building" Regulation

G. Sale of Tax Forfeit Property – Letter from St. Louis County

Casey said that the property has come up for sale and the county is asking for permission from the City of Proctor. He recommends the sale.

Motion by DeWall, seconded by Benson and carried (5-0): To approve the sale of the Tax Forfeit Property as noted in the letter from St. Louis County.

H. Ad for Bid – 3<sup>rd</sup> Avenue Storm Sewer Replacement

Casey stated that the Storm Sewer is collapsing in front of Lorenzi's. The city only received two bids for the repair work. Recommend accepting the bid from Shelton Excavating in the amount of \$16,900.00.

Nowak said that he is related to Larry Shelton and he will abstain from the vote.

Motion by Larson, seconded by DeWall and carried (4-0, Nowak abstained): To approve the bid from Shelton Excavating in the amount of \$16,900.00.

I. Proctor Comprehensive Plan – Schwarzbauer

Schwarzbauer discussed the Comprehensive Plan and the need to have an annual checklist. Casey stated that the Comprehensive Plan is labeled by groupings, and suggested that those items go back to the committees to determine the accomplishments that they have had each year. Kathy Hannan also spoke about the process and the need to meet about accomplishments. DeWall agreed that this should go back to each committee. Nowak stated that Parks and Recreation committee is currently working on a to-do list.

J. Beautification Committee – Schwarzbauer

Motion by Benson, seconded by Schwarzbauer and carried (5-0): To accept the meeting minutes of October 3, 2017.

Russell Haberman said that the information provided includes the results of a Facebook survey that was taken by residents regarding their community values. He encouraged the council to consider planting trees when 6<sup>th</sup> Street gets redone.

K. Set Budget Meeting

Motion by Larson, seconded by Nowak and carried (5-0): To set the next budget meeting for 5pm on November 6, 2017.

K1: Night to Shine

Nick Greenwood, Derailed Bar and Grill, said that he was asked by the Augustana Lutheran Church to host a fundraiser for the Night to Shine event on February 9, 2018. Larson asked Greenwood to let the city know how much money was raised for this event. Schwarzbauer said it would be good for the city to know the amounts raised for all events like this.

Motion by Schwarzbauer, seconded by Nowak and carried (5-0): To approve Resolution 46-17 Resolution of Non-Objection to Issuance of State of Minnesota Charitable Gambling License for Augustana Lutheran to hold a raffle at Derailed Bar and Grill at 50 3<sup>rd</sup> Avenue on November 22 through November 26, 2017.

7. LABOR AND NEGOTIATIONS ISSUES (Closed Session)

Motion by DeWall, seconded by Nowak and carried (5-0): To go to closed session per Ch 13 D on MN Statutes.

- A. Property Proposal
- B. Golf Course Property
- C. Assistant Administrator Contract
- D. Administrative Confidential Assistant Contract
- E. LELS Discussion

Motion by Nowak, seconded by DeWall and carried (5-0): To return to regular meeting at 8:51pm.

6. NEW BUSINESS (continued)

- L. Administrative Confidential Assistant Contract

Motion by Schwarzbauer, seconded by Larson and carried (5-0): To approve the Administrative Confidential Assistant employment contract for Tammie McDonald.

M. Assistant Administrator Contract

Motion by DeWall, seconded by Schwarzbauer and carried (5-0): To approve the Assistant Administrator employment contract for Jennifer Crown.

N. Property Decisions

Motion by Nowak, seconded by DeWall and carried (5-0): To approve action for Declaratory Relief to determine sliver of land void on the Goldberg Property.

MEMBER CONCERNS

BILLS FOR APPROVAL

General Fund  
\$91,923.83

Liquor Fund  
\$32,675.88

\$124,599.71 TOTAL BILLS FOR APPROVAL

Casey added a general bill in the amount of \$2500 for the total to be \$127,099.71.

Motion by Larson, seconded by Schwarzbauer and carried (5-0): To approve the general and liquor fund bills in the amount of \$127,099.71.

ADJOURNMENT

Motion by Nowak, seconded by DeWall and carried: To adjourn the City Council meeting at 7:57pm.

Respectfully submitted,

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Philip Larson, Mayor

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Mark Casey, City Administrator