

Minutes of the regular Proctor City Council meeting held Tuesday February 19, 2019 in the Community Center Council Chambers.

Mayor Ward called the meeting to order at 6:00 p.m.

**MEMBERS PRESENT:** Benson, DeWall, Johnson, Nowak and Ward

**MEMBERS ABSENT:**

**OTHERS PRESENT:** City Attorney John Bray, City Administrator Mark Casey, Confidential Administrative Assistant Robin Hansen, Police Chief Kent Gaidis, Midway Township Representative Jim Aird and Peggy Vanderscheuren.

**APPROVAL OF THE MINUTES:**

Motion by DeWall, seconded by Johnson and carried (5-0) to approve the City Council Meeting Minutes of Monday February 4, 2019.

**APPROVAL OF THE AGENDA:**

Motion by DeWall, seconded by Benson and carried (5-0) to remove item 6C Liquor License – Golf Course, and to pull 5A for discussion.

**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 Benson, seconded by DeWall and carried (5-0) to pull items 1A WLSSD 2018 Wastewater Treatment Year-End Adjustments, and 4A PEDDA Unofficial Meeting Minutes of Tuesday February 12, 2019 from the Consent Agenda for discussion.

**\*1. COMMUNICATIONS**

A. WLSSD 2018 Wastewater Treatment Year-End Adjustments

Benson stated this is 16% higher and asked what can be done to mitigate it. Casey said he was surprised as well. In 2018 the City's suspended solids and BOD levels increased. It may have been illegal dumping, but at this time there is no definitive answer. Benson asked how it be allocated. Casey's response was that it will be an increased bill to the City with \$4,770 per month coming out of the sewer savings. He stated the fee should be around \$45,000-\$50,000 a year, and that heavy rain events can increase levels. DeWall asked how can we keep it from

happening again, and Casey suggested to send reminder letters to the businesses, Midway Sewer, and CN that direct discharge into the sewer system is prohibited.

B. 2020 Census Workshops

**2. PLANNING AND ZONING DEPARTMENT MATTER**

A. Ordinance No. 01-19 Ordinance Amending Section 1002 of the City Code Entitled “Zoning”

Attorney Bray stated the amended section of the ordinance allows banners to be put up, and also allows some flexibility.

Further discussion took place in regard to the banners on Kirkus Street and whether they are in violation of the city ordinance. Banners on light poles were also discussed, along with considering resolutions.

Motion by Johnson, seconded by Nowak and carried (5-0) to approve Ordinance No. 01-19 Ordinance Amending Section 1002 of the City Code Entitled “Zoning”.

**\*3. CLERK ADVISES COUNCIL**

A. Government Fund Payroll and Liquor Fund Payroll Period Ended 02/03/19

**\*4. COMMITTEE REPORTS**

A. PEDA Unofficial Meeting Minutes of Tuesday February 12, 2019

Benson extended his thanks to PEDA for the timely meeting minutes, and also inquired as to the \$5,000 donation to the Playground for EveryBody. Casey explained the contribution came from the BDHRC which was created for this type of purpose. Benson asked if a resolution should be done for purposes of questions.

**\*5. UNFINISHED BUSINESS**

A. 2019 Committee/Commission Appointments – Beautification & Trees Committee

Motion by DeWall, seconded by Benson and carried (4-0, Nowak abstained) to appoint Gary Nowak to The Beautification & Trees Committee.

B. Adopt Robert’s Rules of Order

**6. NEW BUSINESS**

A. Resolution No. 13-19 Resolution of Non-Objection To Issuance of State of Minnesota Charitable Gambling License - LG215 Lease for Lawful Gambling Activity – Duluth Softball Players Association

Casey stated there has been no issues with the Duluth Softball Players Association.

Motion by Benson, seconded by Johnson and carried (5-0) to approve Resolution No. 13-19 Resolution of Non-Objection To Issuance of State of Minnesota Charitable Gambling License - LG215 Lease for Lawful Gambling Activity to the Duluth Softball Players Association.

B. Resolution 10-19 Implementing Transfer of Assets for the Year Ending December 31, 2018

Casey stated the bond has been paid back by lease payments from the City. He also stated that he has been looking at transferring \$24,315.50 from PEDDA Debt Services to the Debt Service Fund for Almac & 6<sup>th</sup> Street, and explained that this amount can only be transferred to another Debt Service fund.

Motion by DeWall, seconded by Nowak.

Councilor DeWall then discussed the fire truck, tanker and Street Department and explained that the bond can repay back the other debt.

DeWall amended the motion, seconded by Nowak and carried (5-0) to have Casey look at transferring to Debt Service for Equipment Certificates.

C. Resolution 11-19 Amending Proctor Economic Development Authority By-Laws

Casey stated at the end of 2018 everyone's term was up except one person on the committee. For this reason the committee thought it would be best to stagger the terms.

Motion by DeWall, seconded by Johnson and carried (5-0) to approve Resolution 11-19 Amending Proctor Economic Development Authority By-Laws.

D. Loyal Order of Moose Proclamation

Benson shared that the history of the Moose coincides with Proctor's history. He also stated there will be approximately 200 people here for the four day Minnesota Moose Association Days event.

Mayor Ward read the proclamation out loud.

Motion by Benson, seconded by Johnson and carried (5-0) to approve the

Loyal Order of Moose Proclamation.

E. Resolution 14-19 Establishing A Performance Measurement System

Benson stated it has been a few years since the City has used this program survey, and that currently a number of cities are publishing their results.

Motion by Benson, seconded by DeWall for discussion.

Discussion took place on the monetary value to enact the system. The reimbursement to the City is .14¢ per capita (\$425). Upon further discussion of costs, staffing, and the preference to have residents either call City Hall or attend City Council meetings to voice their concerns it was decided to table this item.

Motion by DeWall, seconded by Benson and carried (5-0) to table Resolution 14-19 Establishing A Performance Measurement System.

F. IRRRB Taconite Municipal Aid (*Informational Only*)

Benson stated the council could create legislative language to get the attention of tax committees. He also shared that the railroad yard takes up 20% of taxable land.

Casey shared that early on he had conversation with Senator Bakk about Proctor and TRA. Proctor is not a part of TRA and is not eligible for the aid.

G. Resolution 12-19 Requesting St. Louis County Board To Table the Sale of State Tax Forfeited Property

Casey said PEDA has discussed this. If the City is interested in having the land for public use they will need to make an offer.

Motion by Nowak, seconded by DeWall and carried (5-0) to approve Resolution 12-19 Requesting St. Louis County Board To Table the Sale of State Tax Forfeited Property.

H. Local Board of Appeal & Equalization (LBAE) Meeting 10:00 am Thursday May 9, 2019

Casey explained this is an annual meeting which gives the property owner a chance to understand their property values. ( Changed from taxes to values on 3/11/19.)

Motion by Nowak, seconded by Johnson and carried (5-0) to approve the Local Board of Appeal & Equalization (LBAE) Meeting 10:00 am Thursday May 9, 2019.

I. Fire Department Personnel

Casey stated he was seeking the approval of council to send a letter on the recommendation of the Fire Department to terminate the employment of Adam Field.

Motion by DeWall, seconded by Johnson and carried (5-0) to approve mailing of the letter of termination to Adam Field.

J. Opioid Litigation – City Attorney Bray

City Attorney Bray stated there is a municipal class action to sue pharmaceutical companies. He is seeking the City Council's permission to get additional information whether to join a class action suit with other local communities.

No action taken.

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

None.

**MEMBERS CONCERNS:**

Johnson stated he had attended the Police Civil Service Commission Meeting and was very impressed. He felt it was informative and likes the vision for the future.

Johnson also liked the letter wishing the Mirage Team good luck.

Mayor Ward who also attended the Police Civil Service Commission Meeting thought it was insightful and likes the way the committee worked together.

**BILLS FOR APPROVAL**

General: \$74,093.93

Liquor: \$22,374.57

Total: \$96,468.50

**TOTAL BILLS FOR APPROVAL: \$96,468.50**

Motion by Johnson, seconded by Ward and carried (5-0) to approve the bills for payment as listed.

**ADJOURNMENT**

Motion by DeWall, seconded by Johnson and carried (5-0) to adjourn the City Council meeting at 7:12 p.m.

Respectfully submitted,

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Chad Ward, Mayor

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Mark Casey, City Administrator