

MINUTES OF THE PROCTOR CITY COUNCIL MEETING for Monday, June 1, 2020

\*Due to COVID-19: Meeting was conducted via Zoom with Ted Kiefat as meeting coordinator

Mayor Ward called the meeting to order at 6:06 p.m.

MEMBERS PRESENT: Jake Benson, Rory Johnson, Gary Nowak

OTHERS PRESENT: Interim City Administrator Troy DeWall, City Attorney John Bray, Megan Jordan, Ted Kiefat  
Chief Gaidis, Sally Hedtke, Phil Larson, Dick Kari

Motion by Johnson, seconded by Benson and carried (4-0 roll call vote: Nowak Y, Johnson Y, Ward Y, Benson Y) to approve the City Council minutes from Monday, May 18<sup>th</sup>, 2020.

Motion by Benson, seconded by Nowak and carried (4-0 roll call vote: Nowak Y, Johnson Y, Ward Y, Benson Y) to approve the agenda for Monday, May 18<sup>th</sup>, 2020 with the following items added and removed:

Added:

6 K. SRO Discussion

6 L. CDBG Grant Application

6 M. Liquor Control Recommendations

Removed:

6 H. Johnson Control Estimate

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

Meeting was delivered via Zoom due to the COVID-19 pandemic. The link to access the meeting was provided to the public prior to the meeting via a posted meeting notice, the City's website, and the City's Facebook page. Dick Kari, Phil Larson, and Sally Hedtke viewed via the Zoom stream.

Phil Larson, 702 1<sup>st</sup> Ave, PUC Commissioner

Comments on the forgiven portion of a sewer bill due to a pipe brakeage at a previous meeting. Larson states that not only did the original motion fail initially at the meeting on April 20, 2020, but that it was reintroduced at the next City Council meeting on May 4, 2020 where it passed with a 3-1 vote. A portion of the sewer bill was forgiven. He advises forgiving sewer bills due to differentiating circumstances, that it can be a "slippery slope" for the City, and heeds caution with granting a reduction on sewer portion of bills. He also states that he has had to add grass seed, black dirt, and water various areas of his lawn to fix patches from a street project. He states this type of circumstance could be considered for rate reduction and states that the City should not be in a position of paying sewer bills on the reasoning of negligence.

Motion by Nowak, seconded by Johnson and carried (4-0 roll call vote: Nowak Y, Johnson Y, Ward Y, Benson Y) to approve the consent agenda pulling item \*1B for discussion and combining item \*4A with item 6M: Liquor Control Recommendations

Item \*1B: Nuisance Property Court Order

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Councilor Nowak asks if a discussion needs to take place and if the razing process will continue. Administrator DeWall clarifies that this property will be going up for auction by the county. Councilor Nowak asks if the assessments have already been placed on the property and Attorney Bray clarifies the assessments with an abatement of nuisances by the city. Once ownership is taken over by the county, the county may take all abatements and no additional expenditures will accrue to the city.

## 6. NEW BUSINESS

### A. Hiring Recommendation Proctor Fire Department

The hiring committee from the Proctor Fire Department recommends hiring Lacey Etter as a volunteer firefighter for the Proctor Fire Department.

Motion by Johnson, seconded by Nowak and carried (4-0 roll call vote: Johnson Y, Benson Y, Nowak Y, Ward Y) to approve the hiring of Lacy Etter for the Proctor Fire Department.

### B. Resolution 17-20 Conditional Use Permit

Motion by Johnson, seconded by Nowak and carried (4-0 roll call vote: Johnson Y, Benson Y, Nowak Y, Ward Y) to approve the conditional use permit submitted by Brian Tasky to operate a dual until short-term rental at 837 6<sup>th</sup> St until August 20, 2020.

### C. Construction Sales Tax Exemption – Informational

Councilor Benson suggests that in the event of receiving the submitted bonding bill, the city should also consider passing a resolution requesting sales tax exemption on construction materials. This would save the city approximately \$250,000.00.

### D. Hoghead 2020 Memo from Mayor Ward

Mayor Ward asks for a recommendation from Council regarding the Hoghead 2020 festival. The recommendation received by the Lions Club and other citizens is to cancel the 2020 due to the length of time for preparations and planning. Discussion follows with Councilor Benson suggesting the decision to cancel the event should be recommended to the Proctor Lions for this decision.

Motion by Johnson, seconded by Ward to cancel the 2020 Hoghead Festival discussion follows:

Councilor Nowak also suggests the decision to cancel the event should be made by the event sponsor.

Councilor Benson questions if the city would approve the vendor's license or fund the fireworks and permit the other activities on city property. Other towns are canceling their city festivals as well. Motion retracted by Councilor Johnson and second retracted by Mayor Ward.

Motion by Johnson, seconded by Ward and carried (4-0 roll call vote: Benson Y, Johnson Y, Nowak Y, Ward Y) to table Hoghead 2020 Festival and place under "Unfinished Business" for discussion at the next City Council meeting on June 15, 2020.

### E. 220 5<sup>th</sup> St Sewer Bill

Homeowner requests forgiveness on a portion of the sewer bill at his residence due to a water break. Mayor Ward states that this property has a basement, and the excess water entered the city sewer system. He recommends the city could offset the cost of the sewer usage in accordance with PUC offsetting the cost of the water usage. Councilor Nowak heeds caution with continuing to offset sewer costs and these types of requests will become more frequent.

Motion by Johnson, seconded by Nowak and carried (3-1 roll call vote: Johnson Y, Ward Y, Nowak Y, Benson N) to not credit any sewer costs to the homeowner.

#### F. 614 2<sup>nd</sup> St Sewer Bill

Property owner requests forgiveness on a portion of the sewer bill due to a water break. Discussion on forgiving sewer portion of bills as discussed in previous agenda item. Administrator DeWall recommends homeowners utilizing their insurance for situations such as these.

Motion by Johnson, seconded by Nowak and carried (3-1 roll call vote: Johnson Y, Ward Y, Nowak Y, Benson N) to not credit any sewer costs to the property owner.

#### G. City Field #2

City Attorney Bray has drafted a hold harmless rental agreement for the usage of the softball field #2. Softball and little league organizations have requested the use of city owned fields for summer programs. Due to the current COVID-19 pandemic, a new agreement is needed to ensure the correct safety plans are established and CDC guidelines are being followed. Attorney Bray clarifies that this rental agreement is generalized and can be modified as needed for other rental situations. Administrator DeWall recommends this agreement applies specifically to Proctor programs.

Motion by Johnson, seconded by Nowak and carried (4-0 roll call vote: Johnson Y, Nowak Y, Ward Y, Benson Y) to approve the rental agreement and supporting documentation by the organization for use of the city softball field.

#### H. ~~Johnson Control Estimate~~ – Agenda item removed

#### I. 207 2<sup>nd</sup> Ave – Informational

Attorney Bray states that the homeowner has agreed to the quit claim deed and Administrator DeWall confirms the deed is awaiting signature by the homeowner.

Motion by Ward, seconded by Benson and carried (4-0 roll call vote: Johnson Y, Ward Y, Nowak Y, Benson Y) to table item 6I: 207 2<sup>nd</sup> Ave and placed under unfinished business.

#### J. City Code Website Publishing

Administrator DeWall states that the recodification of the City Code is currently in progress. DeWall recommends removing the current version of the city code from the website until further notice.

Motion by Ward, seconded by Benson and carried (4-0 roll call vote: Johnson Y, Nowak Y, Benson Y, Ward Y) to remove the current version of the city code from the website until further notice.

#### K. School Resource Officer (SRO) Discussion

Councilor Benson suggests that negotiations and trainings for the SRO should begin again in order to be in place and ready for the next school year. Mayor Ward confirms discussions with the school and getting a meeting set up. Chief Gaidis confirms contact with the school has been initiated. Discussion only – no action taken.

#### L. CDBG Discussion

Councilor Benson addresses a CDBG application through the CARES Act, Administrator DeWall confirms receipt of the application, noting opportunities that may be beneficial to the city. This will be completed and submitted in accordance with the June 22, 2020 submission deadline.

#### M. Liquor Control Recommendations

Councilor Nowak and Chief Gaidis address the past due balances of both utility bills and loan payments as they pertain to releasing liquor licenses. Taking into the consideration of the COVID-19 and the closures of bars and restaurants, the Liquor Control committee recommends requiring the Pit Stop to become current on their payments as of March 17, 2020 in the amount of \$3,255.69. Councilor Nowak states the ordinance requires establishments to be in current and good standing prior to release of liquor licenses. The past due total as of March 17, 2020 includes the PEDDA loan payment balance of \$674.85, Utilities through PUC in the amount of \$1730.84, and the remaining amount due for a 2020 liquor license in the amount of \$850.00. Councilor Nowak also addresses the Liquor Control meeting minutes of May 14, 2020 noting that Liquor Control recommended a 2021 refund of liquor licenses in relation to the amount time establishments were closed due to COVID-19. Motion by Nowak, seconded by Johnson and carried (4-0 roll call vote: Johnson Y, Nowak Y, Benson Y, Ward Y) to forego the total of amount of delinquencies and approve the submission of \$3,255.69 by the Pit Stop to renew the remaining 2020 liquor license with the requirement that all payments will be current by December 4, 2020 in order to process and release the liquor license for 2021.

#### LABOR AND NEGOTIATION ISSUES – PER MN Statutes 13D Closed Meeting

##### MEMBER CONCERNS

Benson: Provides State legislative session updates indicating the Proctor sales tax House file number: 4136 and Senate file number: 4002 has been introduced.

Johnson: Retirement luncheon honoring Officer Bolander was a success. Address the next steps with the Golf Course and suggests Administrator DeWall to discuss the sod. Has received calls pertaining to the grass on 6<sup>th</sup> St & Almac after the street project in 2019.

Nowak: Appreciates Administrator DeWall's assistance with the repairs at the fairgrounds installing drain tile at the horse barn.

Ward: Officers are aware and are addressing the speeding of vehicles, dirbikes, atvs, etc around town. School board members extended their gratefulness to the PFD and PD for their participation in the parades held around town. Extends retirement congratulations to Officer Bolander. Addresses sending Governor Walz a resolution request to loosen the restrictions and allow businesses to reopen. Provided the MIC meeting on the forward progress and the obtaining of aerial imagery.

Administrator DeWall: Johnson Controls has been working on climate and thermostat controls at City Hall. Repairs on the chiller and thermostats are currently in progress. Service maintenance resolutions will be coming to council for approval to address these issues as no routine maintenance has been completed.

Attorney: None

BILLS FOR APPROVAL

General: \$111,171.29

Liquor: \$33,781.63

TOTAL BILLS FOR APPROVAL: \$144,952.92

Motion by Johnson, seconded by Nowak and carried (4-0 roll call vote: Johnson Y, Nowak Y, Benson Y, Ward Y) to approve the bills as submitted.

Motion by Nowak, seconded by Ward and carried (4-0 roll call vote: Benson Y, Nowak Y, Johnson Y, Ward Y) to adjourn the City Council meeting at 7:45 pm.

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Chad Ward  
Mayor

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Troy DeWall  
Interim City Administrator