

Proctor's Vision
Proctor, rich with railroad heritage, values above all, its people and their environment. Working together
is our pathway to a safe, secure and progressive community
Slogan: "You Have A Place In Proctor"

AGENDA
PROCTOR CITY COUNCIL MEETING

Monday, April 4, 2022 6:00 pm
Council Chambers - Community Activity Center - 100 Pionk Drive

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

OTHERS PRESENT

APPROVAL OF MINUTES City Council Meeting minutes from Monday, March 21st, 2022

APPROVAL OF AGENDA

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:

***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) -

***1. COMMUNICATIONS**

- A. 2022 MNDoT Construction Announcements
- B. Arbor Day
- C. Fire Department Open House

***2. PLANNING & ZONING DEPARTMENT MATTER**

***3. COMMITTEE REPORTS**

- A. 2nd St Committee Minutes – March 17th, 2022
- B. Golf Advisory Committee Minutes – March 23rd, 2022

4. CLERK ADVISES COUNCIL

- A. Capital Bonding Request – Agenda Item 5D
- B. 2nd St Update
- C. Sand/Salt Facility Update
- D. 2021 Audit Update
- E. Lakehead Racing Assn Management Agreement Update
- F. Beautification Committee Meeting
- G. Legislative Update
- H. One Roof Community Housing Update

5. UNFINISHED BUSINESS

- A. Lowest Responsible Bidder**
- B. Government Data Practices**
- C. American Rescue Plan
- D. Capital Budget Request**
- E. City Rebrand Process
- F. Purchasing Policy**

6. NEW BUSINESS

- A. Liquor License Renewal – Speedway**
- B. Retirement and Resignation Notification – Proctor FD**

MEMBER CONCERNS

Benson:

DeWall:

Johnson:

Rohweder:

Ward:

Attorney Bray:

BILLS FOR APPROVAL

General: \$64,256.99

Liquor: \$23,762.23

TOTAL BILLS FOR APPROVAL: \$88,019.22

ADJOURNMENT

MINUTES OF THE PROCTOR CITY COUNCIL MEETING for March 21, 2022

Meeting was streamed live on the Trac 7 YouTube channel, as well as attendance of up to fifteen members of the public to accommodate for social distancing.

Mayor Ward called the meeting to order at 6:00 pm

MEMBERS PRESENT: Mayor Ward, Councilor Troy DeWall, Councilor Jake Benson, Councilor Rohweder, Councilor Johnson

OTHERS PRESENT: City Attorney John Bray, Chief Kent Gaidis, City Administrator Jess Rich, Ted Kiefat, Megan Jordan, Mary Korich

Motion by Rohweder, seconded by Johnson and carried 5-0 to approve the minutes from Monday, March 7th, 2022.

Motion by DeWall, seconded by Benson and carried 5-0 to approve the amended agenda for Monday, March 21st, 2022 with the following changes:

Deleting item 4E and adding items:

7A: Negotiating Land Sale

6E: Resolution 12-22 House File 4026 Senate File 3943

6F: Dynamic Duo Quote - Media Rebuild

6G: Reading Code Amendment 1002.03 Subd. 6 Exceptions for Rear Yard – 2nd Reading

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

None

Motion by Johnson, seconded by Rohweder and carried 5-0 to approve the consent agenda.

***1. COMMUNICATIONS**

***2. PLANNING & ZONING DEPARTMENT MATTER**

***3. COMMITTEE REPORTS**

A. PEDDA Minutes February 8th, 2022

B. PUC Minutes December 13th, 2022

C. PUC Minutes February 24th, 2022

D. Planning & Zoning Minutes January 24th, 2022

E. Police Civil Service Joint Meeting March 7th, 2022

4. CLERK ADVISES COUNCIL

A. Legislative Update

Administrator Rich and Councilor Benson completed testimony on the sales tax proposal, receiving compliments from Representative Murphy. Councilor Benson adds an additional summary of legislative items, adding the deadline for the submission of bills to the house is this Friday, March 25th, 2022. Benson proposes the inclusion of city developments added to the bonding bill, noting a

special meeting if necessary. Administrator Rich states she has drafted two requests to the legislature on behalf of the city. These requests include the funding gaps for the Playground for EveryBody project and 9th/3rd street project. Rich adds Gillette Children's specialty healthcare would also lobby on our behalf. Representative Murphy has stated she will carry the bill forward on our behalf. Administrator Rich adds the request in accordance with the 9th/3rd st project included a funding request of \$1,000,000.00. Councilor Johnson extends gratitude to Administrator Rich for her initiative with these requests.

B. Playground for EveryBody Update

The order has been placed with the hope of breaking ground on the project this August. Administrator Rich is seeking out funding opportunities to cover the shortage of \$10,000 due to the increase in the cost of supplies. Administrator Rich noted speaking with Representative Murphy, and she will also seek out additional local funding sources as well.

C. New Boilers

An insurance claim has been submitted to assist with the costs of repair. Prevention measures in the boiler room have also been initiated to ensure an accidental release of the emergency shut off switch can be eliminated. Janitorial supplies and storage have been relocated to decrease activity and admittance into the boiler room.

D. Speedway Contract Update

With assistance from the fair association and the new president of the Speedway, an updated management agreement is in progress. A new management agreement wouldn't take effect until taxes payable in 2024. Speedway is beginning the process for the declaration of a 501(c)3, which will assist with language pertaining to property taxes due. At this time, a 2022 agreement has been signed with the intent to proceed with an additional management agreement. Mayor Ward suggests additional conversations with Speedway and the Fair Association to address an additional management agreement.

E. Softball Field #1

New developments and information brought previously to the meeting has moved this item to a closed session.

5. UNFINISHED BUSINESS

- A. Lowest Responsible Bidder
- B. Government Data practices
- C. American Rescue Plan
- D. Capital Budget Request
- E. City Rebrand Process

6. NEW BUSINESS**A. South St. Louis County Fair Association Request**

The Fair Association has made many improvements to the facilities. They have requested assistance with some upcoming projects. The 2022 budget allocated \$10,200 for fairground improvements. Administrator Rich and Finance Director Brunfelt recommend giving the Fair Association the discretion to make the building and ground improvements they feel are necessary and to submit paid invoices to the City of Proctor for reimbursement up to the budgeted amount. Motion by Ward, seconded by Rohweder and carried 5-0 to approve the recommendation from Administrator Rich and Finance Director Brunfelt to approve the request from the Fair Association and reimburse expenses to improvements to the facilities and grounds up to the budgeted amount of \$10,200 as submitted.

B. Proctor Fire Department – Hiring Recommendations

Hiring recommendations have been received for three new fighter candidates: Anthony Wood, James Bryant, and Kennedy Halvorson.

Motion by Rohweder, seconded by Johnson and carried 5-0 to approve the hiring recommendations contingent upon the hiring committee of the fire department, placing enrollment of members over the allotted 25 for a short time to allow for succession planning pertaining to anticipated vacancies.

C. Proctor Fire Relief Association By-law Amendment

The Proctor Fire Department Relief Association Board and membership approved a proposed by-law amendments on February 24, 2022. The approved amendment includes adding language to Section 6, Article II- Membership defining and setting for minimum requirements for “active membership. Council action is needed to approve addition additional language to Article II, Section 6 of the Proctor Fire Department Relief Association By-Laws.

Motion by Benson, seconded by Rohweder carried (5-0) to approve the language addition to the fire relief by-laws as submitted.

D. Mountain Spirits Cooler Upgrade

New coolers are needed at the liquor store as the existing cooler and parts are now obsolete.

Motion by Johnson, seconded by DeWall to approve the quote from Johnson Controls in the amount of \$19,120.00.

Discussion follows with Councilor DeWall stating the necessary upgrades have been needed for several years. He asks about the benefit of the sale from the previous agreement from the management company of the hotel. DeWall asks if these funds have been allocated to the liquor fund. Administrator Rich confirms the proceeds have been designated to the liquor funds. Additional discussion follows addressing the discrepancies with the differing amounts from the quotes received. Administrator Rich provides clarifying information stating Johnson Control’s analyzed the entire system and installation rather than individual part for part replacements.

E. Letter of Support for Resolution 12-22 House File 4026 Senate File 3943

Councilor Benson states this has been discussed for the last few years by the League of MN Cities. This has now gained national attention and action this is a legislative bill to decrease the number of PTSD retirements among police officers.

Motion by Benson, seconded by Ward to approve the letter of support and resolution 12-22 as submitted.

F. Dynamic Duo – Media Booth

With the continuation of broadcasting meetings and the potential of resuming rentals, a constructed and secured area will be beneficial in preventing media equipment from getting moved or tampered with from others.

Motion by Benson, seconded by Ward and carried 5-0 to approve the quote from Dynamic Duo in the amount of \$5900.00 as submitted with the cable TV fund to cover the expenses.

G. Code Amendment 1002.03 Subd. 6 Exceptions for Rear Yard –2nd Reading

Motion by Ward, seconded by DeWall and carried 5-0 to approve the code amendment change as submitted.

7. PURCHASE OR SALE OF REAL OR PERSONAL PROPERTY Per MN §13d.05, SUBD.3 (C) – CLOSED

Motion by Johnson, seconded by Rohweder and carried 5-0 to suspend the regular council meeting and open a closed session pertaining to the purchase or sale of real estate at 6:47 pm.

Motion by Rohweder, seconded by DeWall to reconvene the regular council meeting at 7:13 pm.

Noting discussion only with no action taken.

MEMBER CONCERNS

Benson: None

DeWall: None

Johnson: None

Rohweder: Inquiry regarding repairs on the curfew horn. Benson Electric has been hired for completion of them.

Mayor Ward: Attended State of the Cities with Hermantown, Rice Lake, Councilor Benson and Administrator Rich

Attorney Bray: None

BILLS FOR APPROVAL

General: \$139,721.60

Liquor: \$32,142.91

TOTAL BILLS FOR APPROVAL: \$171,864.51

Motion by Rohweder, seconded by Johnson and carried 5-0 to approve the bills as submitted.

Motion by DeWall, seconded by Ward and carried 5-0 to adjourn the meeting at 7:17 pm.

Chad Ward
Mayor

Jess Rich
City Administrator

News Release

March 31, 2022

Contact: Jake Loesch

Office: 651-366-3408

Jacob.Loesch@state.mn.us

MnDOT announces 2022 state construction projects

ST. PAUL, Minn. – More than 230 construction projects that will help maintain Minnesota’s roads, bridges and transportation infrastructure; improve safety and mobility; and support jobs will be worked on across the state this year, the Minnesota Department of Transportation announced today.

The planned 2022 construction projects include 184 road and bridge projects, plus 51 multimodal projects that will improve airports, water ports and transit infrastructure.

“Minnesotans will soon see work zones popping up throughout the state,” said MnDOT Interim Commissioner Nancy Daubenberger. “Each of these projects represents an investment in a more efficient and reliable transportation system for all people. As always, safety is MnDOT’s top priority – so we urge motorists to pay attention to signage in work zones, slow down, and put away distractions behind the wheel. Everyone, including our hardworking road and construction workers, deserves to get home safely.”

The 2022 state construction program remains largely unchanged by the federal Infrastructure Investment and Jobs Act (IIJA), as the federal appropriation bill was just passed by Congress in mid-March and the Minnesota State Legislature must still approve budget authority before MnDOT can spend additional federal funds.

For an overview of the 2022 state construction program, including maps and full project lists, visit mndot.gov/construction. Individual project pages also include information about construction schedules, traffic impacts, maps, benefits and project costs.

Minnesotans can also stay informed about projects and other transportation topics by connecting to MnDOT via [social media](#) and signing up to [receive email updates for specific topics or projects](#), and visiting mndot.gov.

Significant projects in District 1:

- Continued work on the [Twin Ports Interchange](#) project. This multi-year project will enhance safety by eliminating blind merges and left exits, replacing aging infrastructure and improving freight mobility.
- [Bridge projects on Hwy 61](#) will continue at Stewart River with rehabilitation of historic bridge, new bike/ped crossing, construction of a new bridge, new pavement and turn lane at Betty’s Pies. At Silver Creek Bridge, the project includes construction of a new bridge, stream restoration and new pavement.
- [Hwy 65](#) in Itasca and Koochiching counties. This nearly 43-mile project includes repaving Hwy 65, new guardrail, erosion control, rumble strips and frost heave corrections. An adjoining project is located on [Hwy 1](#) and includes more than 17 miles of pavement reclamation from Effie to Deer Lake.

- Work on [Hwy 194/53/Midway Road](#) in Hermantown includes new pavement on Hwy 194, construction of a roundabout at the intersection of Hwy 194 and Midway Road and construction of an RCI at the intersection of Hwy 194 and Hwy 53.

Safety in work zones

Motorists should always be prepared to encounter changing road conditions when approaching work zones. Common traffic changes include lane closures, lane shifts, uneven road surfaces, heavy equipment and slow or stopped traffic. To keep everyone safe, drivers must:

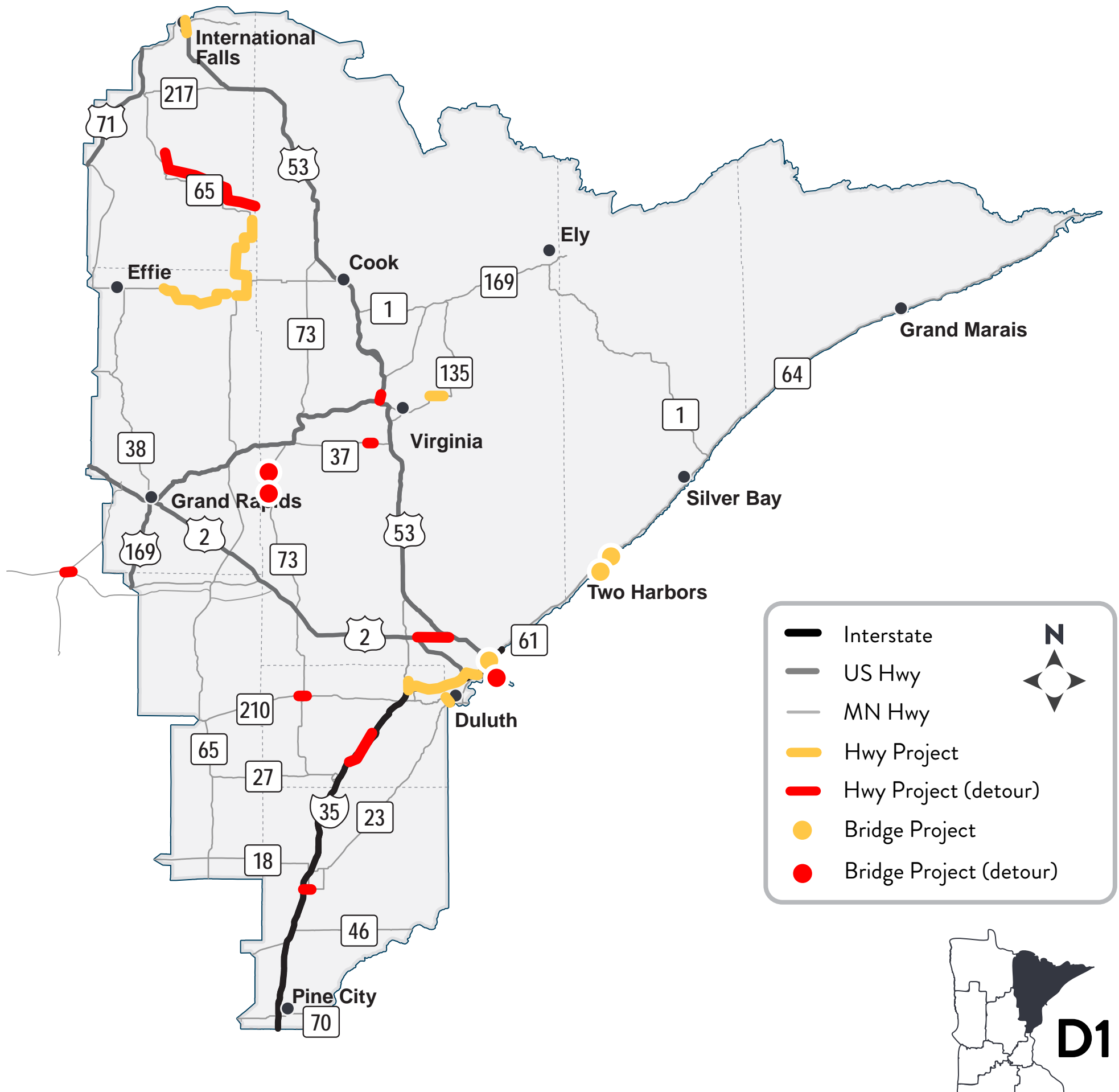
- **Obey posted speed limits.** The fine for speeding in a work zone is \$300.
- **Drive undistracted.** Cell phones, mobile devices, adjusting the radio – even eating – should be avoided in work zones.
- **Move over.** Give workers room to safely complete their work.
- **Know before you go.** Get real-time information about traffic and road conditions at www.511mn.org or get the free 511mn smartphone app at Google Play or the App Store.
- **Be patient.** Expect delays, especially during peak travel times.
- **Do the [zipper merge](#).**
- **Avoid making unnecessary lane changes.**
- **Never enter a road blocked with barriers or cones.**

###

www.mndot.gov

2022 Construction Projects

Northeast Minnesota



2022 District 1 Construction Program

Carryover Projects

- 1 Hwy 1/53/73 (SP 3101-37)**
Location: On Hwy 1 from Hwy 65 to Hwy 53 and on Hwy 73 from Hwy 1 to Hwy 53 and one mile north of Cook at the County Road 115/ Ashawa Road north junction Hwy 1 in Itasca and St. Louis counties
Description: Culvert work
Date: May to June
Cost: \$50,000
Impact: Lane closures
Website:
mndot.gov/d1/projects/hwy1resurfacing
- 2 Hwy 23 (SP 6910-106, 6910-107)**
Location: Hwy 23 and 134th Street in Fond du Lac in Duluth
Description: New road connection from Hwy 23 to 4th Street in Fond du Lac; Cemetery restoration
Date: May 2021 to Nov 2022
Cost: \$1,824,000
Impact: Lane closures
Website:
mndot.gov/d1/projects/hwy23roadconnection
- 3 I-35, I-535, Hwy 53 (SP 6982-322)**
Location: In Duluth
Description: Replace bridges and reconstruct the I-35, I-535, Hwy 53 interchange
Date: Fall 2020 to 2024
Cost: \$275.8 million
Impact: Closures, detours
Website:
mndot.gov/d1/projects/twin-ports-interchange

- 4 Hwy 53 (SP 3608-48)**
Location: On Hwy 53 from Crescent Dr to 3rd Street and on Hwy 11 from the east junction of Hwy 53 in International Falls in Koochiching County
Description: Manhole cover repairs, turf, and final striping
Date: July 2020 to June 2022
Cost: \$50,000
Impact: Lane closures
Website:
mndot.gov/d1/projects/hwy-53-international-falls
- 5 Hwy 61 (SP 3805-79)**
Location: Silver Creek Bridge near Two Harbors in Lake County
Description: Bridge replacement
Date: May to Oct 2022, May to Oct 2023
Cost: \$4 million
Impact: Bypass, lane closures
Website:
mndot.gov/d1/projects/hwy61-bridges
- 6 Hwy 123 (SP 5802-24)**
Location: In Sandstone in Pine County
Description: Pavement resurface and ADA improvement
Date: May to July 2022
Cost: \$1,676,500
Impact: Lane closures, detour
Website:
mndot.gov/d1/projects/hwy123-sandstone
- Districtwide (SP 8821-333)**
Location: Hwy 200
Description: Bituminous chip seal
Date: June 2022
Cost: \$200,000
Impact: Lane closures

Total Carryover Projects: 8

New Projects

- 7 Hwy 1 (SP 3101-38)**
Location: East of Effie from Deer Lake to east junction of Hwy 65 in Itasca County
Description: Bituminous reclaim and resurfacing
Date: July to Nov
Cost: \$6.3 million
Impact: Lane closures with signals and flaggers
Website:
mndot.gov/d1/projects/hwy-1-reclamation
- 8 Hwy 6 (SP 1104-26)**
Location: In Remer from the west to east junctions of Hwy 200 in Cass County
Description: Urban reconstruction
Date: June to Sept
Cost: \$2.1 million
Impact: Lane closures, local detour
Website:
mndot.gov/d1/projects/remer
- 9 Hwy 33 (SP 0905-57)**
Location: At Gillette Rd in Cloquet in Carlton County
Description: RCI construction
Date: Aug to Oct
Cost: \$1 million
Impact: Lane closures
Website:
mndot.gov/d1/projects/hwy33

2022 District 1 Construction Program

10 I-35 (SP 0980-158)

Location: Near Barnum in Carlton County

Description: Concrete pavement resurface

Date: June to Oct

Cost: \$9.5 million

Impact: Ramp detour; northbound closure, traffic directed to southbound

Website:

mndot.gov/d1/projects/i35-barnum

11 I-35 (SP 6982-345)

Location: From Cloquet to Duluth in Carlton and St. Louis Counties

Description: Fiber optic cable installation

Date: May to Sept

Cost: \$600,000

Impact: Shoulder closures

12 Hwy 37 (SP 6947-55)

Location: Intersection with Cty Rd 7 in St. Louis County

Description: Roundabout construction

Date: June to Oct

Cost: \$3.1 million

Impact: Staged construction with lane shifts, Cty Rd 7 detour

Website: mndot.gov/d1/projects/th-37/

13 Hwy 53 (SP 6919-18)

Location: At Komatsu (P&H Rd) in Virginia in St. Louis County

Description: Intersection improvement

Date: June to Oct

Cost: \$464,000

Impact: Lane closures, P&H Rd detour

Website:

mndot.gov/d1/projects/hwy53-intersection

Hwy 53 (SP 8821-353)

Location: From Duluth to International Falls in St. Louis and Koochiching Counties

Description: Sign replacement

Date: Sept to Nov 2022, May to Aug 2023

Cost: \$3.6 million

Impact: Shoulder closures

15 Hwy 53 (SP 3608-55)

Location: On Hwy 53 from Crescent Drive to 7th Street in International Falls in Koochiching County

Description: Landscaping

Date: May to July

Cost: \$280,000

Impact: Shoulder closures

Website:

mndot.gov/d1/projects/hwy-53-international-falls

16 Hwy 61 (SP 3805-99)

Location: Stewart River Bridge near Two Harbors in Lake County

Description: Bridge construction, bridge rehabilitation

Date: May to Oct 2022, May to Oct 2023

Cost: \$3 million

Impact: Lane closures

Website:

mndot.gov/d1/projects/hwy61-bridges

17 Hwy 65 (SP 3609-42)

Location: From east junction Hwy 1 to .5 mi S of Cty Rd 8 in Itasca and Koochiching Counties

Description: Pavement resurface, culvert work, guardrails, tree clearing

Date: June to Dec

Cost: \$11.1 million

Impact: Detour, lane closures

Website:

mndot.gov/d1/projects/hwy65-itasca

18 Hwy 73 (SP 6929-21)

Location: Culvert 0.5 mi S of Beauty Mountain Rd and Hwy 73 bridge at Cty Hwy 16 in St. Louis County

Description: Culvert and bridge replacement

Date: Culvert: Aug to Nov 2022, bridge: May to Oct 2023

Cost: \$1 million

Impact: Detour

Website:

mndot.gov/d1/projects/hwy73bridge

19 Hwy 135 (SP 6912-80)

Location: From intersection of Cty Rd 715 to just east of the intersection of Cty Rd 4 in Biwabik in St. Louis County

Description: Landscaping

Date: Sept to Oct

Cost: \$475,000

Impact: Shoulder closures

Website:

mndot.gov/d1/projects/hwy135biwabik

2022 District 1 Construction Program

20 Hwy 194 (SP 6932-14)

Location: At intersection with Midway Rd in Hermantown in St. Louis County

Description: Roundabout construction, Bituminous Mill and Overlay

Date: June to Aug

Cost: \$4 million

Impact: Detour, lane closures

Website:

mndot.gov/d1/projects/hwy-194

21 Hwy 194/53 (SP 6932-113)

Location: At intersection of Hwy 194 and Hwy 53 in Hermantown in St. Louis County

Description: RCI construction

Date: May to Sept

Cost: \$2.5 million

Impact: Detour, lane closures

Website:

mndot.gov/d1/projects/hwy-194

22 Hwy 210/73 (SP 0915-32)

Location: In Cromwell in Carlton County

Description: Urban reconstruction

Date: May to Oct

Cost: \$3,713,000

Impact: Detour, lane closures, temporary signal

Website:

mndot.gov/d1/projects/hwy210cromwell

23 I-535 Blatnik Bridge (SP 6981-27)

Location: Blatnik Bridge in Duluth in St. Louis County

Description: Bridge maintenance

Date: May to late Sept

Cost: \$6.3 million

Impact: Lane closures

Website:

mndot.gov/d1/projects/blatnik-maintenance

Districtwide (SP 8821-334)

Location: Districtwide

Description: Crack repair

Date: May to July

Cost: \$1,322,938

Impact: Lane closures

Districtwide (SP 8821-332)

Location: Districtwide

Description: Traffic camera installation

Date: Sept to Nov

Cost: \$405,000

Impact: Lane closures

Districtwide (SP 8821-324)

Location: Hwys 45, 33, 210

Description: Chip seal

Date: May to July

Cost: \$2 million

Impact: Lane closures

Districtwide (SP 8821-347)

Location: Districtwide

Description: Lighting replacement

Date: May to July

Cost: \$457,000

Impact: Lane closures

Total New Projects: 21

*1B

Mayor Chad Ward
100 Pionk Drive
Proctor, MN 55810

Dear Tree City USA Community Member,

On behalf of the Arbor Day Foundation, I congratulate Proctor on earning recognition as a 2021 Tree City USA. We are so thrilled that Proctor takes pride in creating a community that places unique value on the planting and caring of trees.

Proctor is part of an incredible network of more than 3,600 Tree City USA's, with a combined total population of 155 million. The Tree City USA program is one of the Arbor Day Foundation's earliest programs. We are proud to partner with the U.S. Forest Service and the National Association of State Foresters to maintain this community.

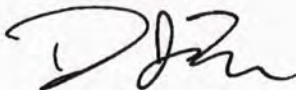
Over the last few years, it has become increasingly clear of the value and importance that trees hold for our future. Cities and towns across the globe are facing challenges when it comes to air quality, water resources, personal health and well-being, and energy use. Proctor shows its residents and peers that they are forward-thinking and eager to combat these issues. By showing your dedication to urban forestry, you demonstrate a commitment to a brighter, greener future.

We hope you are as excited as we are to share this accomplishment with your local media and your residents. Enclosed in this packet is a press release for you to distribute at your convenience.

State foresters will receive the Tree City USA recognition materials and coordinate on how to distribute them. We will forward information about your awards to your state forester's office to facilitate the presentation. Your community's Arbor Day ceremony would be the best time to mention the Tree City USA award.

Again, we are excited to celebrate your commitment to the people and trees of Proctor and thank you for helping us plant, nurture and celebrate trees.

Best Regards,



Dan Lambe
Arbor Day Foundation Chief Executive

FOR IMMEDIATE RELEASE

Contact:

Arbor Day Foundation

Lauren Weyers

lweyers@arborday.org

Arbor Day Foundation Recognizes Proctor as a Tree City USA®
Proctor earns the Tree City USA recognition for their commitment to urban forestry

LINCOLN, Nebraska (3/11/2022) – Proctor was named a 2021 Tree City USA by the Arbor Day Foundation to honor its commitment to effective urban forest management.

Proctor achieved Tree City USA recognition by meeting the program's four requirements: forming a tree board or department, creating a tree-care ordinance, having an annual community forestry budget of at least \$2 per capita, and an Arbor Day observance and proclamation. The Tree City USA program is sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters.

"Tree City USA communities benefit from the positive effects that an urban tree canopy has year after year," said Dan Lambe, chief executive of the Arbor Day Foundation. "The trees being planted and cared for by Proctor ensure that generations to come will enjoy a better quality of life. Additionally, participation in this program helps cultivate a sense of stewardship and pride for the trees the community plants and cares for."

Planting trees in an urban space comes with a myriad of [benefits](#) past the recognition of this program. Urban tree plantings help reduce energy consumption by up to 25%, which will reduce general energy costs and help with the overall cooling of the city as well. In addition, members of the community benefit from properly placed trees as they increase property values from 7–20%. Trees also positively affect the local ecosystem by helping to clean water and create animal habitats to encourage biodiversity.

More information on the program is available at arborday.org/TreeCityUSA.

About the Arbor Day Foundation

Founded in 1972, the Arbor Day Foundation has grown to become the largest nonprofit membership organization dedicated to planting trees, with more than one million members, supporters and valued partners. Since 1972, almost 500 million Arbor Day Foundation trees have been planted in neighborhoods, communities, cities and forests throughout the world. Our vision is to lead toward a world where trees are used to solve issues critical to survival.

As one of the world's largest operating conservation foundations, the Arbor Day Foundation, through its members, partners and programs, educates and engages stakeholders and communities across the globe to involve themselves in its mission of planting, nurturing and celebrating trees. More information is available at arborday.org.



Building a Better World
for All of Us®

MEETING MINUTES

City of Proctor - 2nd Street Planning Committee Meeting

3/17/2022

3:00 p.m.

Proctor City Hall

***3A**

Copies to: All present

I. Project Funding update

A. Project Costs

1. 2nd Street ~\$2.98M
2. 9th / 3rd ~ \$550k

B. Funding Sources

1. LRIP - \$1,250,000 grant has been received.
2. SRTS – City did not receive SRTS funding
3. Assessment – City policy is to assess 30% of project costs, including the following:
 - a. 30% for streets
 - b. 30% for sanitary
 - c. 30% for water
 - d. 30% for storm
 - e. City policy allows for streetlight assessment but doesn't define percentage. Jess will check the policy for lighting
4. County Participation (5th Ave Work) – At the city/state/county kickoff meeting, the county suggested that they may contribute for improvements made to the intersection of 2nd Street/5th Ave.
5. Proctor School District Participation – The city will reach out to the school to see if they want to contribute funding for the 9th Ave / 3rd Street improvements.
6. Other grant opportunities – The city will continue to look for other grant/funding opportunities.
 - a. The city could possibly apply next year for SRTS funding and either apply it to a standalone 9th/3rd sidewalk/trail improvement or delay bidding and construction to apply for it to be included with the 2nd street project.
7. Local – will cover remaining project budget

C. SEH Funding Summary Sheet – SEH and city staff are developing a funding summary to track project costs and eligible funding. This will be shared with the council when it is ready.

II. Project Limits – Adjustments

A. Many options were discussed and deliberated at the meeting to determine project limits while taking into account funding and overall project costs. The following was agreed upon by the present committee members:

1. 2nd Street – The committee would like to continue with the trail on the north side of the street along with a boulevard, as they believe that this will be a well-used piece of infrastructure and will provide for safe pedestrian and bicycle travel. Design of the trail will try to maintain a 10-foot width and a greenspace boulevard between the back of curb and proposed trail. The trail

may be narrowed to 8-feet in constrained locations and the boulevard width may be narrowed to avoid disturbing/conflicting with homeowner properties and amenities. This means that the trail may end up having curves, both horizontally and vertically to best fit in the desired location. The street width will be 34 feet from face of curb to face of curb width providing an 8-foot parking lane on the south side of the street and two 12-foot thru lanes. The street will also include a 5-foot wide sidewalk on the south side of the street.

2. **9th Avenue** – The committee would like to include roadway resurfacing along 9th avenue as previously shown in the exhibits, along with, a sidewalk connection from 2nd street to the south entrance of the school and to parking lot at the NE corner of the school, near the middle school. The committee suggests that the trail extensions north on 9th Avenue to 4th street only be completed if the school contributes funding for this to be constructed, since the SRTS grant was not received.
3. **3rd Street** – The committee would like to include roadway resurfacing along 3rd street as previously shown in the exhibits. The committee suggest that the trail extensions along 3rd street only be completed if the school contributes funding for this to be constructed, since the SRTS grant was not received.

III. Project Schedule

- A. Prepare feasibility study (required for assessment projects)
- B. Preliminary Assessment Hearing
- C. Commence with survey and design
- D. Advertise
- E. Award
- F. Construction
- G. Post-construction Assessment Hearing

The remainder of the meeting minutes were copied from the previous committee meeting for reference during our discussion.

IV. *City Wide Transportation Plan Review – The following items were identified for improvements on 2nd Street in the City wide plan.*

- A. *2nd Street Summary (2021)*
 1. *Identified corridor as challenging corridor with intersection issues*
 2. *Ranked project as a Key Project with timeline within 10 yrs.*
- B. *2nd Street Plan Recommendations*
 1. *Multimodal – off street path or bike lanes*
 2. *Sidewalk – use on opposite side of road as trail*
 3. *Traffic Calming Ideas*
 - a. *Curb bump outs at intersections*
 - b. *Median / pedestrian islands*
 - c. *Landscaping*

V. *Committee Input Needed – The following items were discussed as a group at the previous committee meeting and the summary is provided.*

- A. *Street Width – Group felt the overall street width could reduce from 36' to 34' (face to face) by utilizing the 2' gutter as part of the 8' parking lane width. This allows for two 12' thru lanes and a 2' curb reaction distance on the north side lane. The city standard 28' street width was decided to be too narrow because of the high traffic volumes and bus traffic.*
- B. *Parking – one side or both or none? Parking preferred on one side of the street. Would like to keep the same as existing, on the south side, especially if sidewalk will be on south side. If the trail ends*

up moving to the south side and the sidewalk ends up moving to the north side, keep parking on the sidewalk side of the street.

C. Trails and sidewalk

1. *One side or both – Keep trail on north side. Look into reducing the trail width to 9' to increase boulevard width. SEH will check on minimum trail width requirements for SRTS grant. Keep concrete sidewalk on south side adjacent to back of curb, this allows for easier snow removal and provides space for people to get out of their cars after parking along the street.*

D. Boulevards behind curbs? *Keep boulevard between curb and trail on the north side. Try to widen to 6' if we can narrow the trail to a 9' width. No boulevard on the south side adjacent to the sidewalk.*

E. Bump outs – *Group didn't feel that bump outs are appropriate for this corridor.*

1. *5th and 9th intersections have larger vehicle turning movement needs and the previous test project showed the radius wouldn't work.*
2. *6th, 7th, 8th, are low volume and have narrower street widths already.*
3. *Pedestrian corridor will be provided on both sides of street so there will not be a lot of pedestrians crossing.*

F. Tree's and landscaping

1. *Boulevard trees removal and replacement. Trees within existing boulevards will likely need to be removed during construction. We will ask city parks and beautification committees to assist in picking out trees to plant in the boulevard on the north side of 2nd Street.*
2. *Other trees and landscaping. Sod for turf replacement. Specifications will extend the time period for contractor watering.*

G. Lighting – *Lighting is preferred. Group will look around at other communities to come up with ideas for lighting style, spacing, and placement. City will need to reach out to PUC to determine if lighting will be part of the project or not.*

H. 9th and 3rd Improvements – *Group is OK with what was presented for the 9th & 3rd concepts. Consideration will be made for on street parking for 9th Avenue as many vehicles park on the street during school events. It was discussed to add an additional pedestrian crossing from the west side of 9th to the east side at 4th street as the bus stop sits on the south side of 4th street. Also would like to add an additional pedestrian ramp crossing from the south side of 2nd street to the west side of 9th Ave.*

I. Storm sewer – *Storm sewer system will be upgraded to help with existing drainage issues.*

mb

*3B

MINUTES OF THE PROCTOR GOLF ADVISORY COMMITTEE MEETING
Wednesday, March 23, 2022 3:00

Meeting called to order at 3:00 by Administrator Jess Rich

MEMBERS PRESENT: City Councilor Rory Johnson, Gordy Downs, Cindy Upton, Dick Wicklund, and Roberta Thorsvik (via telephone.)

OTHERS PRESENT: City Administrator Jess Rich and Course Manager Jason Klatte

Motion by Johnson, second by Wicklund carried (5-0) to approve the agenda.

Motion by Wicklund, second by Upton carried (5-0) to approve the February 2, 2022, Proctor Golf Advisory Committee meeting minutes.

Administrator Rich distributed the signed management agreement between the City of Proctor and Jason Klatte. Clarification made on item 11. Management is the contractor aka Jason Klatte.

Manager Jason Klatte presented a list of improvements he would like to see. The list included improvements to the clubhouse which the city will assist with, a list of grounds improvements which Klatte will be responsible for, and a list of equipment upgrades are items the Trust may want to address. City Administrator Rich added items included on the list that are the responsibility of the City include rekeying, AC unit upgrade, lighting repair inside and out and addressing security cameras. Other items such as parking lot improvements and flooring are items that need to be budgeted for.

Administrator Rich has made a list of 2022 meeting dates which will be distributed to the committee and posted at the clubhouse.

Next meeting Wednesday May 25, 2022, 3:00 PM

Motion by Wicklund, seconded by Upton carried (5-0) to adjourn at 4:02 PM.

Respectfully Submitted,

Jess Rich

Chad Ward
Mayor

City of Proctor

COUNCILORS
Jake P. Benson
Troy R. DeWall
Rory Johnson
James Rohweder

Jess Rich
City Administrator

You Have a Place in Proctor

100 Pionk Drive · Proctor, Minnesota 55810-1700 · 218-324-3641 · Fax 218-624-9459 · email: cityhall@proctormn.gov

5A&F

DATE: March 30, 2022
TO: Proctor City Council
FROM: Jess Rich, City Administrator
RE: Responsible Bidder and Purchase Policy

Proposed revised purchasing policy attached. The policy, if approved, would replace the purchasing policy approved in January 2021 and addresses responsible bidder requirements. 2021 City of Proctor Purchasing Policy attached as well as information from the League of Minnesota Cities.

City of Proctor

Purchasing Policy

Adopted _____ 2022

Section 1. Purpose. The purpose of this policy is to establish the procedures for purchases made on behalf of the City of Proctor. This policy has the following objectives:

1. To ensure that all purchases comply with all applicable laws.
2. To economically maximize the use of tax dollars for purchasing goods and services.
3. To provide clear and consistent guidelines for authorized purchasers to follow.
4. Expenditure of public funds shall represent a lawful expenditure, by meeting both of the following standards:
 - Public purpose. A public purpose for the expenditure must exist.
 - Authority. Specific or implied authority for the expenditure must arise out of a statute or from the city's charter.

It is the responsibility of each City employee to adhere to the purchasing process and procedure for the actual ordering/purchasing of goods and services, procedure for receiving and reporting purchases and procedure for payment of vendor invoices.

The City of Proctor encourages its staff to consider local purchasing when all factors are relatively equal.

Section 2. Purchasing Agent. The Finance Director shall be the purchasing agent for the City. The Finance Director is responsible for the overall purchasing function. The City Administrator and Department Heads shall be responsible for purchasing items within their respective budgets.

All authorized persons are required to coordinate their purchasing with the purchasing agent for reporting to the City Council. The purchasing agent is responsible for ensuring that the purchases are reported to the City Council for approval, ratification, and/or confirmation. In the Finance Director's absence, the City Administrator shall serve as the purchasing agent.

Section 3. Purchasing Levels and Approvals.

Department Heads shall review all department invoices for expenditures in and verify the validity of the charges. Department Heads shall approve invoices after ascertaining that the goods or services have been delivered to the City in the quantities listed and charges are correct. Certain invoices are excluded from Department Head review and approval. These include monthly invoices which are allocated to departments based on employee costs or other factors, e.g., health insurance, life insurance, dental insurance, utilities, and telephone invoices, and construction contracts. Purchases shall be reviewed and ratified by the City Council at their regular meeting before payments are released. Authorization for purchases shall be according to the following levels:

1. Level 1

The following department heads shall have the authority to authorize purchases up to \$2,500 based on budgets and appropriations contained in their specific department:

- Fire Chief
- Chief of Police
- Finance Officer
- Street Foreman
- Cable Coordinator
- City Clerk's and Administrator
- Liquor Store Manager
- Proctor Utilities Commission Operations Coordinator

2. Level 2

The following shall have the authority to authorize and approve purchases up to \$2,500 - \$25,000 based on budget and appropriations:

- Finance Director
- City Administrator

~~3. Level 3~~

~~When the purchase involves more than one department, the Finance Director and the City Administrator may combine to authorize expenditures up to \$5,000 per department but not to exceed \$25,000.~~

Section 4. Purchasing Procedures. Purchases may be made by the following methods: Regular Purchasing, Bidding and Quote Procedures, Price Agreements, Emergency Purchasing, Disaster Purchasing, Cooperative Purchasing, and Use of Credit cards.

A. Regular Purchasing, Bidding and Quote Procedures. These procedures apply to the purchase of supplies, materials, equipment, or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property. Purchasing must be consistent with the approved annual budget.

1. Purchases of less than \$10,000

The purchase may be made in the open market by an authorized purchaser. Authorized purchasers are strongly encouraged to seek quotations unless the time involved would not justify the benefit, and to buy locally whenever possible or practical.

2. Purchases from \$10,000 to \$25,000

- The purchase should be based on a minimum of two quotations.
- Quotations may be obtained in written form via mail or electronically and must have a specific date and time for submission.
- All quotations should be kept on file for a minimum of one year and shall include:
 - the names of vendors providing the quotations
 - the amount of quotations
 - each successful quotation signed and dated
- The quotations must be forwarded to the purchasing agent, who will forward the request and recommendation to the City Administrator for approval.

3. Purchases from \$25,000 to \$175,000

As per Minn. Stat. § 16C.105. and Minn. Stat. § 471.345, subd. 1, for contracts estimated \$25,000 but not more than \$175,000, the city must consider the availability, price, and quality of supplies, materials, or equipment available through the state cooperative purchasing venture or other approved cooperative purchasing source before buying through another source.

If it is not feasible to make the purchase from a cooperative purchasing source, the following procedures shall apply:

- The purchase should be based on a minimum of two quotations.
- Quotations may be obtained in written form via mail or electronically.
- Quotations must have a specific date and time for submission.
- All quotations should be kept on file for a minimum of one year and shall include:
 - the names of vendors providing the quotations
 - the amount of quotations
 - each successful quotation signed and dated.
- The quotations whether from cooperative purchasing sources or from vendors will be received by the purchasing agent and city administrator, who will forward the request and recommendation to the City Council for approval.

4. Purchases exceeding \$175,000

Purchases or contracts exceeding 175,000 require formal sealed bids solicited by public notice in accordance with Minnesota Statute 471.345.

- The purchasing agent or designee shall prepare or cause to be prepared,
 - the specifications required to accurately describe purchase
 - the advertisement to solicit sealed bids
 - the opening and tabulation of bids
 - any necessary investigation of the bids.
- The purchasing agent or designee shall recommend to the City Council which bid is the lowest responsible bid. The City Council shall determine the lowest responsible bidder and may award based on lowest responsible bid. In all cases, the City Council reserves the right to accept or reject any or all the bids and waive informalities therein.

5. Lowest Responsible Bidder. In determining the lowest responsible bidder, in addition to the price, City of Proctor's consideration shall include, but not be limited to, the following:

- a. The ability, capacity and demonstrated skill of the bidder to perform and/or provide the required service.
- b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- c. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- d. The quality of performance of previous contracts or services.
- e. The sufficiency of the financial resources and ability of the bidder to perform the contract or services.
- f. The quality, availability, and adaptability of the supplies or contractual services to the particular use required.
- g. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

For all contracts for construction, alteration, repair, or maintenance work, the city may award contracts to the vendor offering the best value, and "best value" shall be defined as found in Minnesota statute. Alternatively, the county may award all contracts for construction, alteration, repair, or maintenance work to the lowest responsible bidder, reserving the right to reject any or all bids. (*Minn. Stat. § 16C.28, Subd. 1, paragraph (a), clause (2), and paragraph (c), and Section 16C.28, Subd. 1a*)

6. Best Value. For the purposes of construction, building, alteration, improvement, or repair services, "best value" describes the result determined by a procurement method that considers price and other criteria, which may include, but are not limited to:

- a. The quality of the vendor or contractor's performance on previous projects.
- b. The timeliness of the vendor or contractor's performance on previous projects.
- c. The level of customer satisfaction with the vendor or contractor's performance on previous projects.
- d. The vendor or contractor's record of performing previous projects on budget and ability to minimize cost overruns.
- e. The vendor or contractor's ability to minimize change orders.
- f. The vendor or contractor's ability to prepare appropriate project plans.
- g. The vendor or contractor's technical capabilities.
- h. The individual qualifications of the contractor's key personnel; or
- i. The vendor or contractor's ability to assess and minimize risks.

7. Local Vendors. All requests for quotations and/or competitive bids shall include local vendors whenever possible. It is the desire of the City Council to give local vendors preference, provided it is not in conflict with this policy.

8. Exclusions from Competitive Bidding Requirements. It is not legally necessary to advertise for bids for:

- Professional services such as those of doctors, engineers, lawyers, architects, accountants, and other services requiring technical, scientific, or professional training (if in doubt, contact the City Attorney). Before contracting any professional services for a significant amount, the City Council shall be advised. The City Council will then decide if quotations or bids are appropriate even though not legally required.
- The purchase or lease of real estate.
- The purchase of non-competitive products patented or obtainable from only one source.
- Public safety equipment may be purchased without competitive bids or proposals if the equipment is clearly and legitimately limited to a single source of supply and the contract price may be best established by direct negotiation. "Public safety equipment" is defined as vehicles and specialized equipment used by a fire department in firefighting, ambulance and emergency medical treatment services, rescue, and hazardous materials response.

B. Price Agreements. Price agreements may be used to acquire items the City frequently purchases in small quantities, i.e. gasoline, propane, and heating fuel. A price agreement is a contract between the City and a vendor. Under it, the vendor agrees to supply all the City's requirements for the specified commodity during the period of agreement. The price may be fixed or variable, such as a fixed discount from market price. Such price agreements expedite delivery, reduce paperwork, and generally result in lower prices. The procedure for "Purchases of less than \$10,000" applies.

C. Emergency Purchasing. The Emergency Management Act (Minn. Stat. § 12.03, subds. 2, 3) defines an “emergency” as an unforeseen combination of circumstances that calls for immediate action to prevent a “disaster” from developing or occurring.

When an emergency occurs, the Finance Director, the City Administrator, the Police Chief, the Fire Chief and/or the Mayor may authorize a necessary emergency purchase. All emergency purchases shall be reported in writing to the City Administrator within 24 hours with the reasons for such a purchase to be included.

If the emergency purchase exceeds \$5,000, the Finance Director, the City Administrator, and the Mayor may combine to authorize expenditures over \$5,000 but not to exceed \$25,000 with the written follow-up approval of the Mayor and City Council. At least two competitive quotations should be utilized whenever possible as part of the process.

In an emergency, the City Council may dispense with the bidding requirements of state contract law. Before deciding if an emergency exists, the City Council shall consult with the City Attorney.

D. Section 11. Disaster Purchasing. A “disaster” is defined in Minn. Stat. § 12.03, subd. 2. as a situation that creates an actual or imminent serious threat to the health and safety of persons, or a situation that has resulted or is likely to result in catastrophic loss to property or the environment, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Disaster Purchasing shall only be conducted as follows:

- The mayor shall issue a proclamation declaring an emergency. Only the mayor can declare a local emergency. The emergency declaration will not last longer than three days unless continued by the city council.
- The declaration of an emergency must invoke the city’s disaster plan. The portions of the plan necessary for response and recovery must be used. The declaration of the emergency may also authorize aid and assistance under the disaster plan.
- The council passes a resolution to continue the emergency if it will last longer than three days.
- During a declared emergency, the City may enter contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and aiding victims of such disasters. The City may exercise such power as deemed necessary without complying with purchasing procedures prescribed by law pertaining to the performance of public work, entering into rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditures of public funds, including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions related to low bids, and requirement for budgets. The council shall pass a resolution to make the emergency contract.

E. Cooperative Purchasing. The City may increase savings from bulk discounts by making purchases jointly with one or more governmental units. The joint-powers law authorized cooperative purchasing. Under these programs, several governmental units can enter into an agreement to authorize one party to solicit bids and provide for the purchase at the option of each participating governmental unit. Once the governmental units agree on the specifications of the item, one party may advertise for bids on behalf of all the parties

that participate in the agreement. Rather than specify a specific number of items, the advertising participant will advertise for "...up to (number) of (item)." This way, each participating unit can make the final decision on whether to purchase the items from the successful bidder.

F. Use of Credit Cards. The City Council may authorize the use of a credit card by any City Official or employee otherwise authorized to make a purchase on behalf of the City.

All expenditures done with use of the City designated credit card shall adhere with City of Proctor Credit Card Policy as amended from time to time.

Section 5. Effective Date. This policy becomes effective upon adoption by the City Council.

RELEVANT LINKS:

[*Buffalo Bituminous, Inc. v. Maple Hill Estates, Inc*](#) 311 Minn. 468, 250 N.W.2d 182 (1977). [*Kotschevar v. N. Fork Township*](#), 229 Minn. 234, 39 N.W.2d 107 (1949).

[*Fargo Foundry Co. v. Village of Calloway*](#), 148 Minn. 273, 181 N.W. 584 (1921). [*Williams v. Nat'l Contracting Co.*](#), 160 Minn. 293, 199 N.W. 919 (1924). [Minn. Stat. § 471.345, subd. 14.](#)

[Minn. Stat. § 471.345, subd. 3.](#)

[Minn. Stat. § 471.345, subd. 4.](#)

[Minn. Stat. § 471.345, subd. 5.](#)

[Minn. Stat. § 429.041, subd. 1.](#)

[LMC information memo, *Special Assessment Toolkit*.](#)

[*Griswold v. Ramsey County*](#), 242 Minn. 529, 65 N.W.2d 647 (1954).

Cities that fail to follow the statutory requirements may face consequences. If a council fails to advertise for bids when the law requires competitive bidding, the contract is deemed void. Courts also have ordered cities to pay for any benefits they already had received to avoid injustice to the party who performed work and to prevent unjust enrichment of a city by its own failure to advertise for bids.

Unsuccessful bidders may sue to recover the costs of preparing their bids if the competitive bidding process is not followed properly, but may not recover damages or attorney's fees.

A. General requirements

For contracts less than the \$175,000 threshold, the city council has choices regarding what procedure to use.

If the contract cost is expected to exceed \$25,000 but not to exceed \$175,000, the city can choose either to use the competitive bidding process or to directly negotiate the contract. If using direct negotiation, the city must get at least two quotations when possible and keep them on file for at least one year.

If the contract likely will not exceed \$25,000, the council has discretion to make the contract by either obtaining bids, quotes or simply buying or selling the item on the open market. If the council chooses to obtain quotes, it must, as far as practicable, obtain at least two quotes and keep them on file for at least one year. If the city council decides to solicit sealed bids, it must follow all the requirements of the bidding process and cannot change the process midway through.

B. Local improvements

For local improvement projects funded by special assessments, cities generally must use the competitive bidding process if the estimated cost of the contract exceeds \$175,000. The process for competitively bidding a local improvement project differs somewhat from other contracts, so the city should consult with its city attorney to review the law before the bidding process begins.

C. Competitive bidding procedures

Once the engineer or purchasing agent has prepared the necessary specifications, the council should seek competitive bids if the law so requires or if the council believes desirable.

RELEVANT LINKS:

Coller v. City of St. Paul, 223 Minn. 376, 26 N.W.2d 835 (1947); *Interboro Packaging Corp. v. City of Minneapolis*, No. A09-0189 (Minn. Ct. App. September 15, 2009)(unpublished decision).

[Minn. Stat. §§ 471.35-.37.](#)

Diamond v. City of Mankato, 89 Minn. 48, 93 N.W. 911 (1903). *Davies v. Village of Madelia*, 205 Minn. 526, 287 N.W. 1 (1939).

Hendricks v. City of Minneapolis, 207 Minn. 151, 290 N.W. 428 (1940).

Westra Constr., Inc. v. City of Minnetonka, No. A03-50 (Minn. Ct. App. Dec. 30, 2003) (unpublished decision).

See also, A.G. Op. 707a (July 27, 1993)(In some instances, city may require project labor agreements).

Duffy v. Village of Princeton, 240 Minn. 9, 60 N.W.2d 27 (1953). *Otter Tail Power Co. v. MacKichan*, 270 Minn. 262, 133 N.W.2d 511 (1965).

[Minn. Stat. § 412.311.](#)

[Minn. Stat. § 410.33.](#)

[Minn. Stat. § 429.041, subd. 1.](#)

If the council chooses to seek bids, even when not required by statute, the city must still follow all competitive bidding requirements. A bid constitutes a definite offer that a municipality may accept without further negotiations but, in order for a bid to be valid, it must substantially comply with the requirements of law and the call for bids.

1. Specifications

When a city calls for bids for the purchase of supplies or equipment that are competitive in nature, it cannot prepare specifications to exclude all but one type of supply or equipment.

The proposals and specifications must allow for free and full competition and may not give a prospective bidder an unfair advantage over other prospective bidders.

A city can include reasonable specifications, even if it causes a reduction in the number of people or companies able to bid.

For example, the Minnesota Court of Appeals has approved a home rule charter city's use of specifications that included evaluation criteria. The city used the criteria to evaluate bidders based on their experience and history of completing projects on time, within budget, and in a satisfactory manner.

The city used the evaluation criteria to determine which bidders had sufficient points to be considered eligible for the contract award.

Again, specifications must be sufficiently definite and precise to afford a basis for comparable bids. If the city cannot determine in advance the number of units it will need, it can ask for bids on a unit basis. The city should, however, estimate the number of units since the number may affect the unit price.

2. Advertising for bids

a. General statutory requirements

Except as noted below, statutory cities must publish all requests for competitive bids in the city's official newspaper at least 10 days before the last day for submission of bids.

A charter may provide other publishing requirements for competitive bids. (If the charter is silent, a home rule charter city may follow the statutory procedure as well).

RELEVANT LINKS:

[Minn. Stat. § 429.041, subd. 1.](#)

[Minn. Stat. § 331A.01, subd. 11.](#)

[Minn. Stat. § 429.041, subd. 1.](#)

[Minn. Stat. § 331A.01, subd. 11.](#)

[Minn. Stat. § 331A.03.](#)

[LMC information memo, Newspaper Publication.](#)

[Minn. Stat. § 331A.03.](#)

The advertisement shall state that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk, for such percentage of the amount of the bid as the council may specify.

If the city intends to use special assessments to finance a local improvement project estimated to exceed \$175,000, the city must use competitive bidding. If the estimated cost likely will not exceed \$350,000 (twice the amount required for mandatory competitive bidding), the publication of the request for bids may be for any length of time the council feels desirable (though statutory cities must still meet the 10-day minimum advertising requirement), but it must run in the official newspaper or recognized industry trade journal.

If the estimated cost of a local improvement project financed by special assessments exceeds \$350,000 (again, twice the amount for mandatory competitive bidding), publication must appear no less than three weeks before the last date for submission of bids in the city's official newspaper and either at least once in a newspaper published in a city of the first class or in a recognized industry trade journal.

The advertisement must specify the work to be done, contain a statement of when the bids will open, which cannot occur not less than three weeks after its first publication.

b. Alternative notice of bids on web site or trade journal

Under certain circumstances, cities have authorization to use two alternative means of providing notice for bid advertisements, either in addition to, or as an alternative to, the statutory requirements for newspaper publication.

The two-alternative means of dissemination include publishing on a city's web site or in a recognized trade journal.

Certain conditions must be met when a city uses an alternative means of dissemination:

- The alternative dissemination must be in substantially the same format and for the same period of time as required for newspaper publication.
- The city must simultaneously publish, either as part of its regular meeting minutes or in a separate notice, a description of all the solicitations being disseminated through alternative means.

RELEVANT LINKS:

- For the first six months after a city designates an alternative means of dissemination, it must continue to publish bid advertisements in the official newspaper in addition to the alternative method. The newspaper publication must indicate where to find the designated alternative method.

After the expiration of the six-month period, an alternative means of dissemination satisfies any publication requirements.

These represent minimum requirements. As the number of people or firms receiving notification increases, so will the chances of receiving more favorable bids or proposals. Consequently, cities find it a best practice to advertise in magazines, newspapers, and trade journals that have readers who could supply the needed article or construction work. In addition, the city may personally contact merchants or contractors who may have an interest in submitting a bid.

c. Contents of bid advertisement

The published notice should contain at least the following information:

- A description of the project or purchase being sought.
- The availability and location of specifications.
- Bid requirements (such as sealed bids, or any accompanying security).
- Where the bids must be submitted.
- The deadline for submitting bids.
- The time and place of the bid opening.
- The city officers who will be present for the opening.
- A statement indicating that the city may delay the award until certain events occur.
- A statement indicating that the city reserves the right to reject all bids submitted.

A solicitation document for a public construction “project” estimated to exceed \$50,000 and awarded pursuant to either the lowest responsible bidder selection method or the best value selection method must contain additional information. A “project” means the “building, erection, construction, alteration, remodeling, demolition, or repair of buildings, real property, highways, roads, bridges, or other construction work performed pursuant to a construction contract.”

A responding contractor must submit to the city a signed statement under oath by an owner or officer verifying compliance with each of the minimum criteria at the time it responds to the solicitation document.

Ryan v. City of Coon Rapids,
462 N.W.2d 420 (Minn. Ct.
App. 1990).

Minn. Stat. § 16C.285.

LMC information memo,
*Competitive Bidding
Requirements in Cities*.

Minn. Stat. § 16C.285, subd.
4.

RELEVANT LINKS:

[Minn. Stat. § 325L.02\(h\).](#)

LMC information memo,
[Competitive Bidding Requirements in Cities.](#)

[Minn. Stat. § 471.345, subd. 18.](#)

[Minn. Stat. § 429.041, subd. 1.](#)

State v. Snively, 175 Minn. 379, 221 N.W. 535 (1928).

[Elecs. Unlimited, Inc. v. Village of Burnsville](#), 289 Minn. 118, 182 N.W.2d 679 (1971).

This signed statement under oath sufficiently verifies that a contractor represents a responsible contractor. As a result, cities cannot be held liable for awarding a contract in reasonable reliance on that statement. A verification of compliance need not be notarized. An electronic verification of compliance made and submitted as part of an electronic bid represents an acceptable verification of compliance if it contains an electronic signature that complies with state law.

A city shall not have liability for declining to award a contract or terminating a contract based upon a reasonable determination that the contractor failed to verify compliance with the minimum criteria or the contractor falsely stated it meets the minimum criteria.

A more detailed discussion can be found in the League's information memo, *Competitive Bidding Requirements in Cities*.

d. Electronic submission of bids

Cities may authorize bidders to submit their bids electronically. If cities choose to authorize electronic submission of bids, the bid advertisement should specify the form and manner required for electronic submission.

3. Opening and tabulation of bids

The city clerk should keep all bids unopened until after the closing time for submissions.

When advertising for bids on local improvement projects financed with special assessments, the city may specify in the public notice that two or more designated officers or agents of the city will open bids publicly and tabulate them in advance of the meeting at which the council will consider them.

4. Investigation

After opening all bids, the council should investigate their compliance with the specifications, their reasonableness, and the responsibility of the bidders. The city engineer, purchasing agent, or another designated person may perform this investigation and assist the council.

5. Disposition of the bids

After the investigation, the council may either accept one of the bids or reject all of them. If the council awards a contract, it generally must pick the lowest responsible bidder.

RELEVANT LINKS:

[Minn. Stat. § 429.041, subd. 2.](#)

[Minn. Stat. § 429.041, subd. 1.](#)

[Minn. Stat. § 429.041, subd. 2.](#)

[Elecs. Unlimited, Inc. v. Village of Burnsville](#), 289 Minn. 118, 182 N.W.2d 679 (1971).

[Minn. Stat. § 412.311, subd. 1.](#) [Minn. Stat. § 429.041, subd. 2.](#)

Part VI-D, *Best value contracting*.

[Kelling v. Edwards](#), 116 Minn. 484, 134 N.W. 221 (1912).

[Elecs. Unlimited, Inc. v. Village of Burnsville](#), 289 Minn. 118, 182 N.W.2d 679 (1971). [Otter Tail Power Co. v. Village of Elbow Lake](#), 234 Minn. 419, 49 N.W.2d 197 (1951). [Westra Constr. Inc., v. City of Minnetonka](#), No. A03-50 (Minn. Ct. App. Dec. 30, 2003) (unpublished decision).

If, for a local improvement project under the special assessment statutes, either no bid is submitted or the only bids submitted exceed the engineer's estimate, the council may either advertise for new bids or, without advertising for bids, directly purchase the materials for the work. If the city directly purchases the materials for the work, then the city will complete the project by either employing day labor or in a different manner considered proper by the council.

In the case of projects paid for with special assessments, a city may delay accepting a bid until after the assessment hearing to make sure sufficient funds exist to pay for the project. The council must let the contract or order the work done no later than one year after the adoption of the resolution ordering the improvement.

6. Rejecting bids

The local improvement code gives the city the right to reject any and all bids for a local improvement, even if the city did not include such a statement in the advertisement. The same holds true for any city with a similar charter provision applying to other contracts.

In any other case, the city should reserve the right to reject any or all bids or to waive informalities or irregularities. If the city has not reserved the right to reject any and all bids, a court possibly could compel the city to award the contract to the low bidder.

7. Lowest responsible bidder

Statutory city contracts, and the contracts of all cities for improvements under the local improvement code, generally must go to the lowest responsible bidder. Most home rule charters contain similar requirements that govern contracts not under the local improvement code, using terms such as “lowest bidder” or “lowest and best bidder” to describe the process.

The bidder who submits the lowest bid in dollars does not necessarily represent the “lowest responsible bidder” and the council has some reasonable discretion in choosing among bidders.

Courts have interpreted the term “responsible bidder” to include considerations of financial responsibility, integrity, skill, and the likelihood of performing faithful and satisfactory work. Promptness, for example, represents an element of responsibility. When bids on equipment items cannot provide precise specifications, the council may exercise reasonable discretion in determining the lowest bidder. In doing so, the council can consider the quality, suitability, and adaptability of the equipment sought.

RELEVANT LINKS:

[Otter Tail Power Co. v. Village of Wheaton](#), 289 Minn. 118, 49 N.W.2d 804 (1951).

[Diamond v. City of Mankato](#), 89 Minn. 48, 93 N.W. 911 (1903).

[Coller v. City of St. Paul](#), 223 Minn. 376, 26 N.W.2d 835 (1947).

[Coller v. City of St. Paul](#), 223 Minn. 376, 26 N.W.2d 835 (1947).[Rochon Corp. v. City of St. Paul](#), 814 N.W.2d 365 (Minn. Ct. App. 2012).

[Duininck Bros., Inc. v. State](#), No. C3-97-972 (Minn. Ct. App. Nov. 25, 1997) (unpublished opinion).
[Lovering-Johnson, Inc. v. City of Prior Lake](#), 558 N.W.2d 499 (Minn. Ct. App. 1997).

[Sutton v. City of St. Paul](#), 234 Minn. 263, 48 N.W.2d 436 (1951).

[Minn. Stat. § 471.3457](#).

Value does not always depend on price alone. The council also may consider the quality, suitability, and adaptability of the items. Where plans and specifications demand consideration of several factors and no single bid represents the lowest in light of all these factors, the council may decide what weight to give to the various factors and, considering all of them, accept what it considers the lowest responsible bid.

8. Variances in bids

Principles of competitive bidding require that the successful bid conform to the advertised specifications.

If the final contract contains provisions that benefit the successful bidder but were not in the specifications, the contract may be voidable. Similarly, an award of a contract may be invalid if the selected bid varies materially from the specifications. A material variance arises when the variance gives one bidder a substantial advantage or benefit over other bidders.

For example, a court has ruled that when a contract called for a company to install equipment according to its own specifications instead of those of the city, a material variance existed. Another court held that a modification to increase a bid after bids were opened represented a material change, even though the modification did not displace a lower bidder.

Neither a mistake in a price term nor an ambiguous contract-bid price can be waived as an irregularity. Once the designated official or agent opens the bid, a city has no authority to make any “material” change or modifications to the bid, even if the city bid instructions allow it to waive irregularities. If a problem or confusion arises, the city council can reject all bids and make a new request for bids.

Whether a variance gives a bidder substantial advantage or benefit does not represent the only test for determining material variances. Unless the bid responds to the specifications in all material respects, that bid does not qualify as a bid, but rather represents a new proposition the city should reject.

9. Veteran-owned small business contracts

Cities may implement programs to provide veteran-owned businesses with a bid preference when awarding contracts for the sale, purchase, or rental of supplies, materials, or equipment or the construction, alteration, repair, or maintenance of real or personal property or for services.

RELEVANT LINKS:

Minn. Stat. § 16C.28, Minn. Stat. § 412.311, subd. 2.
Minn. Stat. § 429.041, subd. 2a. Minn. Stat. § 469.015, subd. 1a. Minn. Stat. § 469.068, subd. 1a. Minn. Stat. § 469.101, subd. 5a. Minn. Stat. § 471.345, subds. 3a, 4a, and 5.

Rochester City Lines, Co. v. City of Rochester, 868 N.W.2d 655 (Minn. 2015) (holding the “unreasonable, arbitrary, or capricious” standard of review applies to a city’s best value bidding process).

Minn. Stat. § 16C.28, subd. 1(c).

Minn. Stat. § 16C.28, subd. 1a (c).

D. Best value contracting

Best value contracting provides an alternative to the competitive bidding process for contracts for construction, building, alteration, improvement, or repair work. A city may award this type of contract to the vendor or contractor offering the best value through the request for proposals process set forth in state law. With best value, cities can consider performance factors, along with price, when awarding construction project contracts. Performance criteria may include (but are not limited to):

- Quality of performance on previous projects (this does not include the exercise or assertion of a person’s legal rights).
- Timeliness of performance on previous projects.
- Level of customer satisfaction on previous projects.
- Record of performing previous projects on budget and ability to minimize cost overruns.
- Ability to minimize change orders.
- Ability to prepare appropriate project plans.
- Technical capabilities.
- Qualifications of key personnel.
- Ability to assess and minimize risks.

A city’s request for proposal (RFP) must set forth the criteria used to evaluate best value contracting. The RFP also must state the relative weight assigned to price, as well as to other selection criteria.

If an interview of the vendor or contractor’s personnel represents a factor in the selection criteria, the RFP must specify the relative weight of the interview and must apply it accordingly.

Cities are limited to using best value contracting for either one project annually or 20 percent of their projects, whichever is greater, for the first three fiscal years in which best value contracting is used.

E. Exemptions

In the absence of a statutory or charter requirement, a city need not advertise for bids.

Cities may choose to advertise for bids, however, even if the law does not require them to do so. If a city advertises for bids, even if not required to do so, it must follow all the requirements of the sealed bid law. Cities need not follow the competitive bidding process for the following types of contracts.

RELEVANT LINKS:

Krohnberg v. Pass, 187 Minn. 73, 244 N.W. 329 (1932).

A.G. Op. 707a-7 (July 22, 1985). A.G. Op. 707-A (Feb. 8, 1990).

[Minn. Stat. § 471.6161.](#)

[Minn. Stat. § 471.345, subd. 16.](#)

[Minn. Stat. § 471.64.](#)

A.G. Op. 707a-15 (Sept. 14, 1987).

[Minn. Stat. § 513.05.](#)

[Minn. Stat. § 412.201.](#)

1. Professional services

Cities do not have to use the competitive bidding process when contracting for professional services, such as those of doctors, engineers, lawyers, architects, and accountants as well as other services requiring technical, scientific, or professional training like refuse hauling and janitorial services.

2. Insurance contracts

Cities also need not follow the competitive bidding process for insurance contracts. Cities must, however, seek requests for proposals for group insurance for 25 or more employees.

3. Reverse auctions

Electronic reverse auctions differ from a traditional auction in that vendors bid against each other to offer the lowest selling price for a particular contract in an open and interactive electronic environment. Cities cannot use a reverse auction to contract for professional or technical services.

4. Purchases from other government agencies

A city does not need to comply with competitive bidding requirements when purchasing property or equipment from the federal government, the state, or any political subdivision of the state.

The council may, by resolution, authorize any of its officers or employees to enter a bid for the city at any sale of equipment, supplies, materials, or other property owned by the federal government, the state, or any political subdivision of the state. The city may authorize an officer or employee to make a down payment or a payment in full, if necessary, in connection with this bidding. This represents the only situation in which the council may delegate such authority.

5. Real estate

Cities also need not follow the competitive bidding process for the purchase, lease, or sale of real estate.

However, a contract for the sale of land must be in writing, with the corporate seal affixed and executed by the mayor or clerk pursuant to authority from the council.

RELEVANT LINKS:

[Minn. Stat. § 471.3455.](#)

[Minn. Stat. § 471.3455.](#)

LMC information memo,
[Competitive Bidding
Requirements in Cities.](#)

[Minn. Stat. § 12.37.](#)

Handbook, [Public Safety and
Emergency Management](#)

[Minn. Stat. § 471.345.](#)

[Minn. Stat. § 12.03, subds. 2,
3.](#)

6. Public safety equipment

A city may acquire, by purchase or lease, used public safety equipment without competitive bids or proposals if the equipment is clearly and legitimately limited to a single source of supply and the contract price may be best established by direct negotiation.

“Public safety equipment” is defined as vehicles and specialized equipment used by a fire department in firefighting, ambulance and emergency medical treatment services, rescue, and hazardous materials response.

7. Other exemptions

Several other types of contracts qualify for an exemption from competitive bidding, which the League’s memo on Competitive Bidding discusses in more detail.

VII. Emergency contracts

Many statutory exceptions from the normally required contracting procedures exist for emergency situations.

A. Cities and other political subdivisions

Under Minnesota’s Emergency Management Act, cities, counties, towns, and metropolitan airport commissions have authority to enter into contracts and perform other duties during emergencies without following many of the normally required procedures, including:

- Arranging for the performance of public work.
- Contracting.
- Incurring obligations.
- Employing temporary workers.
- Renting equipment.
- Purchasing supplies and materials.
- Complying with limitations on tax levies.
- Appropriating and expending public funds, including publication of ordinances and resolutions, advertisement for bids, provisions of civil service laws and rules, competitive bidding, and budget requirements (in other words, during an emergency, a city does not need to follow the procedures in the uniform municipal contracting law).

The Emergency Management Act defines an “emergency” as an unforeseen combination of circumstances that calls for immediate action to prevent a “disaster” from developing or occurring.

City of Proctor
Purchasing Procedure/Policy
Adopted December 21, 2020

1. Bids and quotes:

Purchases under \$1,000 (single item)	No quote necessary
Purchases over \$1,500 (single item) but less than \$5,000	Two quotes (verbal ok)
Purchases \$5,000 (single item/total purchase) but less than \$20,000	Two quotes (written)
Purchases \$20,000 - \$40,000	Performance and payment bonds required (for public improvement projects only) – Three quotes (written)
Purchases \$40,000 and over	Performance and payment bonds required, sealed bids (advertised)
Note: All bids and quotes must be maintained in City Hall files (by state law)	

2. Whenever possible, annual requirements should be estimated for all similar items and bids requested for blanket prices (with or without partial releases).
3. Obtain necessary quotes, bids, council, and commission approvals.
4. Keep local vendors in mind. These businesses contribute to the local economy and enhance the quality of life in Proctor. Understandably, there may be cost difference between local and online vendors. When applicable laws and Purchasing Rules are silent on the type of purchase you are soliciting, we ask that you consider giving city business to local vendors whenever possible.
5. Submit all documentation to supervisor for purchase approval.
6. Supervisor verifies that sufficient funds are available in the appropriate budget account and approves.
7. Any item with a purchase price over \$1,000 must be approved by the City Administrator before the order is placed (except normal inventory items – PUC and liquor store).
8. Purchase order is generated if supervisor deems appropriate as a budgetary/vendor control item.
9. Emergency purchases falling outside the above procedures must be formalized with an approved purchase order on the next working day. Always attempt to reach a supervisor by telephone before making these purchases.
10. Approval authorities: (in absence of the department head or working foreman, approval should be obtained from City Clerk or Deputy Clerk)
 - City Administrator – all budgeted areas in absence of supervisor, all purchases over \$1,000
 - Working Street Foreman – Public Works Department (streets, parks, sewer)
 - Police Chief – Police Department budgeted expenditures and animal control

- Fire Chief – Fire Department
- Finance Director – City Hall supplies, office supplies, Building Inspector, Plumbing Inspector, printed forms, computer supplies/hardware/software, office equipment repairs
- Liquor Store Manager – liquor funded expenditures
- Cable Coordinator – cable TV (major purchases to be approved by City Administrator)
- Utility Commission Secretary/ PUC Operations Coordinator – Public Utilities purchases

11. All invoices must be approved by department head prior to payment with backup documentation attached.

12. Questions, problems, emergency situations should be discussed with either the supervisor, the Finance Director, or the City Administrator.

13. Exceptions:

- Utility billings (PUC, MERC, Minnesota Power, Duluth Water & Gas, U.S. West, garbage services, telephone)
- Liquor inventory purchases
- Travel, meeting (including training) expenses (all travel advances require prior approval – under \$200 by City Administrator; over \$200 by the City Council. Requests due no later than Wednesday of the week preceding departure. No petty cash advances will be made).
- Publication of meeting notices, minutes, etc.
- Professional services, such as those provided by doctors, engineers, lawyers, architects, accountants; and other services requiring technical, scientific, or professionals training such as refuse hauling. Ongoing professional services should go through a request for proposal (RFP) process at least every five years.
- Insurance premiums.
- Contract services (such as alarm monitoring – original contracts must be approved).
- Gas, oil, and diesel fuels for City vehicles, heating plants.

BY:  1-14-21
Chad Ward, Mayor Date

ATTEST:  12.21.20
Jess Rich, City Administrator Date

**CITY OF PROCTOR
DATA PRACTICES POLICY**

UPDATED:

Government Data

The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all “government data” are public unless a state or federal law says the data are not public. “Government data” means all recorded information a government entity has collected, created, received, maintained or disseminated, including paper, email, flash drives, CDs, DVDs, photographs, etc. Government Data is categorized as follows:

Data on individuals or decedents: All government data in which any individual or decedent is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual or decedent.

- Public data are any data not classified as private or confidential. Public data are accessible to anyone upon request.
- Private data are any data expressly classified as private. Private data are accessible only to the subject of the data; City officials or employees whose work assignments reasonably require access; outside entities or agencies authorized by law; and entities or individuals given access by express written direction of the subject of the data.
- Confidential data are any data expressly classified as confidential. Confidential data are accessible only to City officials or employees whose work assignments reasonably require access; and outside entities or agencies authorized by law. Confidential data are not accessible to the data subject.

Data not on individuals: All government data that is not data on individuals. Data not on individuals includes data on corporations, partnerships and other organizations and entities.

- Public data are any data not classified as nonpublic or protected nonpublic. Public data are accessible to anyone upon request.
- Nonpublic data are any data expressly classified as nonpublic. Nonpublic data are accessible only to the subject of the data; City officials or employees whose work assignments reasonably require access; outside entities or agencies authorized by law; and entities or individuals given access by express written direction of the subject of the data.
- Protected Nonpublic data are any data expressly classified as protected nonpublic. Protected Nonpublic data are accessible only to City officials or employees whose work assignments reasonably require access; and outside entities or agencies authorized by law. Protected Nonpublic data are not accessible to the data subject.

Your Data

When we ask you to provide data about yourself that are not public, we must give you a notice called a Tennessee warning. The notice includes the purpose and intended use of the requested data, whether you can refuse to supply the requested data, any known consequences from supplying or refusing to supply the data, and the identity of other persons authorized to receive the data. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent.

You have the right to challenge the accuracy and/or completeness of data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

Your Right to Access Government Data

The Data Practices Act requires that the City keep all government data in a way that makes it easy for you to access. You have the right to look at (inspect), free of charge, all public data and private data that you are the subject of. You also have the right to get copies of this data, but the City will charge for copies.

How to Request Government Data

The City requires that all requests for data be submitted in writing on the “Data Request Form” attached to this policy. This form may be emailed, mailed or delivered in person to the Responsible Authority.

Please be as specific as possible about what data you are seeking to help facilitate the request.

If you are requesting public data you are not required to identify yourself or explain the reason for your data request. However, you may need to provide the City with some personal information for practical reasons (for example, you need to provide us with an address or P.O Box if you want us to mail it to you). If we do not understand your request and have no way to contact you, we cannot respond to your request.

If you are requesting private or nonpublic data as the data subject or the data subject’s parent or guardian, you must provide proof of your identity and relationship to the minor if applicable. If you do not provide this proof, we cannot respond to your request.

How We Will Respond to Your Data Request

Upon receiving your request, we will review it. We may ask you to clarify what data you are requesting.

- If we do not have the data, we will notify you in writing as soon as reasonably possible.
- If we have the data, but we are not allowed to give it to you, we will notify you as soon as reasonably possible and identify the law that prevents us from providing the data.
- If we have the data, and we are allowed to give it to you, we will respond to your request by doing one of the following:
 - Arranging a date, time, and place for you to inspect the data at our offices; or
 - Notifying you that you may pick up your copies, or we will mail or email them to you. We will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in that format and we can reasonably make a copy.

If you are the subject of the data we will provide you with the requested data within 10 business days. After we have provided you with your requested data, we do not have to provide the same data again for 6 months unless there is a dispute about the data or we collect or create new data about you.

If you are not the subject of the data we will provide you with the requested data in an appropriate and prompt manner and within a reasonable amount of time.

Response time may be impacted by the size and/or complexity of your request, and also by the number of requests you make in a given period of time. If you ask we will provide you with the estimated cost of your data request before completing the request to confirm you wish to proceed. In some cases, the City may require pre-payment or may provide the data in phases. If the City deems pre-payment or a phased response appropriate we will notify you as soon as reasonably possible.

If you do not respond to our questions or notices or if you do not make arrangements to inspect or retrieve the data within 10 business days, we will conclude that you no longer want the data and will consider your request closed.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

We are also not required to respond to questions that are not about your data requests or questions that are not requests for data.

Requests for Summary Data

Summary data are statistical records or reports created by removing identifying information about individuals from private or confidential data. You may use the data request form to request summary data. We will respond to your request as soon as reasonably possible with the data, details of when the data will be ready and how much we will charge you, or that the data will not be provided and the reasons why providing the data would compromise the private or confidential data. The City may require pre-payment for the cost of creating the data.

Requests for Private Data about Minor Children

As a parent, you have the right to request public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to request public and private data about an individual for whom you are appointed guardian. However, minors have the right to ask us not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We will ask you to put your request in writing and to include the reasons that we should deny your parents or guardians access to the data. We will make the final decision

about your request based on your best interests. In determining the best interest of the minor, the City will consider:

- Whether the minor is of sufficient age and maturity to be able to explain the reasons for and to understand the consequences of the request to deny access;
- Whether the personal situation of the minor is such that denying parental access may protect the minor data subject from physical or emotional harm;
- Whether there is ground for believing that the minor data subject's reasons for precluding parental access are reasonably accurate;
- Whether the data in question is of such a nature that disclosure of it to the parent could lead to physical or emotional harm to the minor data subject; and
- Whether the data concerns medical, dental, or other health services provided pursuant to Minnesota Statutes, sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.

The City may also deny parental access without a request from the minor under applicable state or federal law.

Copy Costs

There is no charge or fee for the inspection of data. There may be charges or fees for copies of physical or electronic data. The City may require pre-payment of allowable costs associated with your data request before releasing the data to you. The City will not charge you for costs related to separating public data from not public data.

Public Data - For 100 or fewer paper copies – 25 cents per page

100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy. The City does not charge for copies if the cost is less than \$10.00. Multiple requests within the same 15 business day period will be treated as a single request for the purposes of calculating whether the minimum of \$10.00 is met. (Not applicable for requests in which you are the subject of the data.)

Data Subject – actual cost

If you are the subject of the requested data, the City will charge you the actual cost of making the copies or electronically sending the data. The rate charged will be the actual hourly rate of the employee performing the work. If based on your request, we find it necessary for a higher-paid employee to provide the data, we will calculate the charges at the higher wage. All time will be charged based upon 15 minute increments. Responses under 15 minutes will not be charged.

In determining the actual cost of making copies, we include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Most other types of copies – actual cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically sending the data.

The rate charged will be the actual hourly rate of the employee performing the work. If based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher wage. All time will be charged based upon 15 minute increments. Searches under 15 minutes will not be charged.

In determining the actual cost of making copies, we include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

CD Rom, Flash Drives, Thumb Drives or other information storage devices

The City will not allow requestors to provide their own storage devices. Requestor must accept and pay for the implement provided by the City to fulfill the data request. The City will not allow you to use your own implement on City equipment.

Data Protection

Accuracy of Data

All employees will be requested to provide updated personal information to the appropriate supervisor and Human Resources. The information is necessary for tax purposes, insurance coverage, emergency notifications, and other personnel purposes. Other people who provide private or confidential data to the City will also be encouraged to provide updated information when appropriate.

Department heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous.

All records must be disposed of according to the City's records retention schedule.

Data Safeguards

Not public data will be stored in files or databases which are not readily accessible to individuals who do not have authorized access and which will be secured during hours when the offices are closed.

Not public data must be kept only in City offices, except when necessary for City business.

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain not public data. These employees will be instructed to:

- not discuss, disclose or otherwise release not public data to City employees whose job responsibilities do not require access to the data;
- not leave not public data where non-authorized individuals might see it; and
- shred not public data before discarding, or dispose through confidential locked recycling.

When a contract with an outside party requires access to not public data, the contracting party will be required to use and disseminate the data consistent with the Act.

Data Retention

The City retains and destroys government data pursuant to the General Records Retention Schedule for Minnesota Cities as approved and as may be amended from time to time by the Minnesota Records Disposition Panel. The schedule can be located online from the Municipal Clerks and Finance Officers Association of Minnesota at <http://www.mcfoa.org/> or the Minnesota Historical Society at <http://www.mnhs.org/preserve/records/retentionsched.php>. Any City specific amendments to the schedule will be attached to this policy.

Data Inventory

An inventory of the private and confidential data on individuals maintained by the City is attached to this policy. The inventory includes the type of data, the designee responsible for each type of data, and the statutory cite which classifies the data as private or confidential. This inventory will be updated by the Responsible Authority as appropriate.

State Law

This policy is subject to the Minnesota Data Practices Act in Minnesota Statutes Chapter 13 and the related rules in Minnesota Rules Chapter 1205.

Data Practices Contacts

The data practices Responsible Authority is the designated City employee who is responsible for the collection, use, and dissemination of government data. The data practices compliance official is the designated City employee to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The data practices designees are designated City employees who are in charge of individual files or systems containing government data and receive and comply with requests for government data.

Title	Name	Address	Phone #	Email Address
Submit Requests to:				
Responsible Authority	Jess Rich City Adm/Clerk	100 PIONK DRIVE PROCTOR, MN 55810	218-624-3641	jrich@proctormn.gov
Submit Complaints to:				
Compliance	City Attorney	100 PIONK DRIVE PROCTOR, MN 55810		jbray@brayreed.com

Other's that may be directed to handle requests by the Responsible Authority:				
Designee	Megan Jordan	100 PIONK DRIVE PROCTOR, MN 55810	218-624-3641	mjordan@proctormn.gov
Designee	Char Jones	100 PIONK DRIVE PROCTOR, MN 55810	218-624-4055	cjones@proctormn.gov
Designee	Karry Helquist Fire Chief	100 PIONK DRIVE PROCTOR, MN 55810	218-624-3641	khelquist@proctormn.gov
Designee	Kent Gaidis Police Chief	100 PIONK DRIVE PROCTOR, MN 55810	218-624-7788	kgaidis@proctorpd.org

CITY OF PROCTOR

Data Request Form

REQUESTER COMPLETE Items 1-7

1. DATE OF REQUEST		REQUESTER NOTES: A. Identification is not required for public data; Contact information is required for us to be able to provide the requested data. B. Identification is required for release of private or nonpublic data. C. <u>You must have the complete name and date of birth if you are requesting a background check on an individual.</u> D. Disclosure of information depends on the data requested and the status of any related case or investigation. E. The City may require pre-payment or may provide a phased response depending on the request.
2. REQUESTER NAME (<i>Last, First, Middle</i>)		
3. ADDRESS		
4. PHONE Home # _____ Cell # _____		
5. EMAIL (if applicable)		
6. DESCRIPTION OF DATA REQUESTED <input type="checkbox"/> Inspection <input type="checkbox"/> Copies <input type="checkbox"/> Both inspection and copies 		
7. SIGNATURE		

To Be filled out by the City:

REQUEST TYPE: In-person <input type="checkbox"/> Mail <input type="checkbox"/> Phone		REQUESTED BY: Subject of data <input type="checkbox"/> Not Subject of data	
DATA REQUESTED IS CLASSIFIED: Public <input type="checkbox"/> Private/Nonpublic <input type="checkbox"/> Confidential/Protected Nonpublic			
RESPONSE (provide notes for checked boxes) Clarification Requested: _____ Pre-payment: _____ Estimated Cost: _____ Phased Response: _____			
REQUEST Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved in Part (<i>explain in REMARKS</i>)			REQUEST HANDLED BY:
REMARKS: Not Public Data Has Been Removed. Mailed _____ Faxed _____ In Person _____		ADDITIONAL REMARKS:	
PAYMENT DUE: _____		PAYMENT RECEIVED: _____	

**DATA MAINTAINED BY CITY OF PROCTOR
CLASSIFIED AS PRIVATE OF CONFIDENTIAL
DATA ON INDIVIDUALS**

Private, Confidential, Nonpublic and Protected Nonpublic data are available only to those employees and volunteers who need to access the data in order to perform their specific work assignments. The Responsible Authority and Designees are responsible for ensuring that not public data is accessed only as needed or as provided by law.

Personnel Data (Private)

Minn. Stat. § 13.43

All data about an individual who is employed as, or an applicant for employment as, an undercover law officer is private data.

All personnel data is private except for the following which is public:

- Name
- Employee identification number (which must not be employee Social Security number)
- Actual gross salary
- Salary range
- Terms and Conditions of employment relationship
- Contract fees
- Actual gross pension
- Value and nature of employer paid fringe benefits
- Basis for and amount of added remuneration, including expense reimbursement
- Job title
- Bargaining unit
- Job description
- Education and training background
- Previous work experience
- Date of first and last employment
- The existence and status (but not nature) of any complaints or charges against the employee, whether or not resulting in discipline
- Final disposition of any disciplinary action, with specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees
- Terms of any agreement settling any dispute arising from the employment relationship, including a "buyout" agreement
- Work location
- Work telephone number
- Badge number
- Work related continuing education
- Honors and awards received
- Payroll time sheet or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of medical leave or other not public data

If it is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, information that is relevant to the safety concerns may be released to (1) the person who may be harmed or to the person's attorney when relevant to obtaining a restraining order, (2) a pre-petition screening team in the commitment process, or (3) a court, law enforcement agency or prosecuting authority.

Applicant Data (Private)

Minn. Stat. § 13.43, Subd. 4

Data about current and former applicants for employment is private, except the following which is public:

- Veteran status
- Relevant test scores
- Rank on eligible list
- Job history
- Education and training
- Work availability
- Name, after being certified as eligible for appointment to a vacancy or when considered a finalist for a position of public employment (which occurs when the person has been selected to be interviewed by the appointing authority)

Applicant for Appointment

Minn. Stat § 13.601, Subd. 3

Data about applicants for appointment to a public body collected by a government entity as a result of the applicant's application for appointment to the public body are Private Data on individuals except that the following are public: name, city of residence (except when appointment has residency requirement), education and training, employment history, volunteer work, awards and honors, prior government services, data required to be provided for application to a multimember agency pursuant to section 15.0597, and veteran status.

Once an individual is appointed to a public body, the following additional data are public: residential address, either a telephone number or email address where the appointee can be reached or both at the request of appointee, first and last dates of service on the public body, existence and status of any complaints or charges against the appointee, and the final investigative report related to any complaint or charge unless access to the data would jeopardize an active investigation.

Property Complaint Data (Confidential)

Minn. Stat. § 13.44, Subd. 1

The identities of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real property.

Security Information (Private/Nonpublic)

Minn. Stat. § 13.37, Subd. 2

Data which if disclosed would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury. This includes checking account numbers, crime prevention block maps and lists of volunteers who participate in community crime prevention programs and their home addresses and telephone numbers, but these may be disseminated to other volunteers participating in crime prevention programs. This also includes interior sketches, photos, or plans of buildings where detailed information about alarm systems or similar issues could jeopardize security.

Registered Voter Lists/Absentee Ballots (Private/Nonpublic) Minn. Stat. §§ 13.37, Subd. 2; 203B.12, 201.091

Sealed absentee ballots before opening by an election judge. Names of voters submitting absentee ballots are private until the close of voting.

Registered voter lists are private, except for use related to elections, political activities, or law enforcement. The data of birth on voter lists is always private.

Bids, Proposals, Sealed Bids (Private/Nonpublic) Minn. Stat. § 13.37, Subd. 2; 13.591, Subd. 3 and 5

Sealed bids, including the number of bids received, prior to opening.

Data submitted by a business to a government entity in response to a request for bids or request for proposals. Once opened the following data becomes public, for a request for bids the name dollar amount, for a request for proposals the name. After the process is completed, all remaining data are public with the exception of trade secret data.

Data in an internal competitive response

Evaluative Data (Protected Nonpublic) Minn. Stat. § 13.37, Subd. 2; 13.591, Subd. 3

Data created or maintained by a government entity as part of the selection or evaluation process for a request for bids or request for proposals are protected nonpublic data until completion of the selection process or completion of the evaluation process at which time the data are public with the exception of trade secret data.

Trade Secret Information (Private/Nonpublic) Minn. Stat. § 13.37, Subd. 2

Government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the City, (2) that is the subject of efforts by the City that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

Labor Relations Information (Private/Nonpublic/Protected Nonpublic) Minn. Stat. § 13.37, Subd. 2

Management positions on economic and non-economic items that have not been presented during the collective bargaining process or interest arbitration, including information collected or created to prepare the management position.

Firearms Data (Private) Minn. Stat. § 13.87, Subd. 2

Data about the purchase or transfer of firearms and applications for permits to carry firearms.

Examination Data (Private) Minn. Stat. § 13.34

Completed versions of personnel and licensing examinations are private, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness or integrity of the examination process.

Elected Officials Correspondence (Private)**Minn. Stat. § 13.601, Subd. 2**

Correspondence between individuals and elected officials, but either may make it public.

Federal Contracts Data (Private/Nonpublic)**Minn. Stat. § 13.35**

To the extent that a federal agency requires it as a condition for contracting with a City, all government data collected and maintained by the City.

Civil Investigative Data (Confidential/Protected Nonpublic/Private) Minn. Stat. § 13.39, Subd. 2

Data collected as part of an active investigation undertaken to commence or defend pending civil legal action, or which are retained in anticipation of pending civil legal action.

Appraisal Data (Confidential/Protected Nonpublic)**Minn. Stat. § 13.44, Subd. 3**

Appraisals made for the purpose of selling or acquiring land through purchase or condemnation.

Appraisal Value (Private/Nonpublic)**Minn. Stat. § 13.44, Subd. 3**

Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from a government entity.

Appraisal Data – Personal or Intangible Property (Nonpublic) Minn. Stat. § 13.44, Subd. 3

Appraisals of personal or intangible property owned by the city or county.

Recreational Data (Private)**Minn. Stat. § 13.548**

For people enrolling in recreational or other social programs: name, address, telephone number, any other data that identifies the individual, and any data which describes the health or medical condition of the individual, family relationships, living arrangements, and opinions as to the emotional makeup or behavior of an individual.

Domestic Abuse Data (Confidential)**Minn. Stat. §§ 13.80**

Data collected, created, received or maintained by the police department, sheriff's office or clerk of court under the Domestic Abuse Act is confidential.

Law Enforcement Data (Private) Minn. Stat. §§ 13.82, 13.821, 13.871

See also §§ 169.09, 168.10, 169A.70, 171.043, 171.07, 171.071, 171.12, 171.32, 243.166, 299A.61, 299C.065, 299C.091, 299C.093, 299C.095, 299C.46, 299C.53, 299C.56, 611.272, 626.53, 609.324, 609.3457, 609.3471, 626.556, 626.557, 626.558, 626.89, 629.341, 299C.68, 299F.035, 299F.05, 299F.054, 299F.055, 299F.056, 299F.095, 299F.096

Certain arrest data, request for service data, response or incident data, and written transcripts of 911 calls (unless it reveals the individual's identity) are public under Minn. Stat. § 13.82.

Otherwise, investigative data collected to prepare a case against a person for the commission of a crime or civil wrong is confidential or protected nonpublic information while the investigation is active. A person's financial account number

or transaction numbers are private or nonpublic even after the investigation is inactive. Photographs which are part of inactive investigation files are private or nonpublic if they are clearly offensive to common sensibilities.

The identity of a victim of child abuse or neglect is private. The identity of a reporter of child abuse or neglect is confidential. Inactive investigative data which relates to the alleged abuse or neglect of a child by a person responsible for the child's care is private. Videotapes of child abuse victims may not be released under any circumstances without a court order.

Certain data in reports and investigations related to maltreatment of vulnerable adults is confidential or private.

Name change data related to a name change under section 259.10, Subd. 2 is private. Data which would reveal the identities of the following individuals is private:

- The identity of undercover law enforcement officers. The identity of criminal sexual conduct victims.

- The identity of certain informants.

- The identity of victims or witnesses to a crime whose personal safety or property would be threatened by disclosure.

- The identity of a deceased person whose body was unlawfully removed from a cemetery.

- The identity of a person making a 911 call, or the identity or telephone number of a service subscriber whose phone is used to place a 911 call, if revealing the person's identity would threaten his or her personal safety or property or if the objective of the call was to receive help in a mental health emergency.

- The identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness.

- The identity of a mandated reporter under sections 60A.952, Subd. 2, 609.456, 626.559 or 626.557.

Data in arrest warrants or search warrants are confidential until the individual has been taken into custody, served with a warrant, or appears before the court, except when the law enforcement agency determines that the public purpose is served by making the information public.

Unique descriptions of stolen, lost, confiscated, or recovered property is private or nonpublic.

Financial records of a program that pays rewards to informants are protected nonpublic data, or in the case of individuals, confidential data.

Data on missing children bulletins shall be classified by section 299C.54. Deliberative processes or investigative techniques are confidential.

Booking photographs are public. A law enforcement agency may temporarily withhold access to a booking photograph if the agency determines that access will adversely affect an active investigation.

Identities of customers of licensed pawnshops and secondhand goods dealers are private. Predatory offender registration status shall be classified by section 244.052

Sexual Assault Data (Private)**Minn. Stat. §§ 13.822**

Sexual assault communication data.

Automated License Plate Reader Data (Private/Nonpublic)**Minn. Stat. §§ 13.824**

Data collected by an automated license plate reader.

Portable Recording System Data (Private/Nonpublic)**Minn. Stat. §§ 13.825**

Data collected by a portable recording system are private or nonpublic except as set forth in Subd. 2 (a).

Corrections and Detention Data (Private/Confidential)**Minn. Stat. § 13.85**

Corrections or detention data which would disclose medical, psychological or financial information or endanger an individual's life.

Corrections or detention data to the extent release of the data would (a) endanger an individual's life, (b) endanger the effectiveness of an investigation authorized by statute and relating to the enforcement of rules or law, (c) identify a confidential informant, or (d) clearly endanger the security of any institution or its population.

Investigative Detention Data (Private/Confidential)**Minn. Stat. § 13.86**

Investigative detention data which: (a) if revealed, would disclose the identity of an informant who provided information about suspected illegal activities, and (b) if revealed, is likely to subject the informant to physical reprisals by others.

Criminal History Data (Private/Confidential)**Minn. Stat. § 13.87, Subd. 1**

Criminal history data is private, except convictions of crimes which are public data for 15 years following the discharge of the sentence imposed.

Mental Health Data obtained by Law Enforcement (Private/Confidential)**Minn. Stat. § 144.294**

Health records obtained by law enforcement under section 144.294.

Juvenile Justice Data (Private/Confidential)**Minn. Stat. § 13.875, 260B.171, 260B.198, 260B.235**

Certain juvenile justice data.

Planning Survey Data (Private/Nonpublic)**Minn. Stat. § 13.59**

The following data collected in surveys of individuals conducted for the purposes of planning, development and redevelopment: names and addresses of individuals and the legal descriptions of property owned by the individuals, and the commercial use of the property to the extent disclosure of the use would identify a particular business. In surveys of businesses conducted for the purposes of planning, development and redevelopment, the names, addresses, and legal descriptions of business properties and the commercial use of the property to the extent disclosure of use would identify a particular business.

City Attorney Records (Privileged/Protected)**Minn. Stat. § 13.393**

The use, collection, storage, and dissemination of data by the city attorney is governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility.

Business Data (Private/Nonpublic)**Minn. Stat. § 13.591**

The following data that are submitted by a business requesting financial assistance, a license, or other benefit are private or nonpublic: financial information about the business, including credit reports; financial statements; net worth calculations; business plans; income and expense projections; balance sheets; customer lists; income tax returns; and design, market and feasibility studies not paid for with public funds. This data becomes public when financial assistance is granted except the following remain private or nonpublic: business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Municipal Obligation Register Data (Private/Nonpublic)**Minn. Stat. § 475.55, Subd. 6**

Information with respect to the ownership of certain municipal obligations.

Auditing Data (Confidential/Protected Nonpublic/Private)**Minn. Stat. § 13.392**

Data, notes and preliminary drafts of audit reports created, collected and maintained by the internal audit office of the City until the final report has been published or the audit or investigation is no longer being actively pursued. Data on an individual supplying information for an audit or investigation that could reasonably be used to determine the individual's identity if the data was needed and would not have been provided without assurances that the individual's identity would remain private.

Salary Benefit Survey Data (Nonpublic)**Minn. Stat. § 13.435**

Salary and personnel benefit survey data purchased from consulting firms or nonprofit organizations or obtained from employees with written understanding that such data shall not be made public.

Public Employees Retirement Association Data (Private)**Minn. Stat. § 13.63, Subd. 3**

The following data on beneficiaries and survivors of members are private: home address, date of birth, direct deposit account number, and tax withholding data.

Drug and Alcohol Test Results (Private/Confidential)**Minn. Stat. § 181.954**

Drug and alcohol test results for public sector employees and job applicants.

Safe at Home Program Participant Data (Private)**Minn. Stat. § 13.045, Subd. 3**

Identity and location data on program participants who submit required notice.

Electronic Access Data (Private)**Minn. Stat. § 13.15, Subd. 2**

Data related to a person's access to a government entity's computer.

Social Security Numbers (Private)**Minn. Stat. § 13.355, Subd. 1**

The Social Security numbers of individuals, whether provided in whole or in part, collected or maintained by a government entity.

Personal Contact and Online Account Information (Private)**Minn. Stat. § 13.356**

Telephone number, e-mail address, internet user name, password, Internet protocol address, and any other similar data related to the individual's online account or access procedures collected, maintained, or received by the entity for notification purposes or as part of a subscription list for the entity's electronic periodic publications.

Drinking Water Testing Data (Private/Nonpublic)**Minn. Stat. § 13.3806, Subd. 4**

Data that identify the address of the testing site and the name, address, and telephone number of residential home owners of each specific site that is tested for lead and copper as required by the federal Safe Drinking Water Act, the United States Environmental Protection Agency's lead and copper rule, and the department's drinking water protection program.

Medical Data (Private)**Minn. Stat. § 13.384, Subd. 3**

Data collected because an individual was or is a patient or client of a hospital, nursing home, medical center, clinic, health or nursing agency operated by a government entity including business and financial records, data provided by private health care facilities, and data provided by or about relatives of the individual.

Deferred Assessment Data (Private)**Minn. Stat. § 13.52**

Any data, collected by political subdivisions pursuant to section 435.193, which indicate the amount or location of cash or other valuables kept in the homes of applicants for deferred assessment.

Address of Candidate for Office (Private)**Minn. Stat. § 204B.06, Subd. 1b**

A candidate's address of residence.

Utility Disconnection (Private/Nonpublic)**Minn. Stat. § 13.681, Subd. 6**

Utility data on disconnections provided to cities under section 216B.0976.

Reporting Employee Identity (Private)**Minn. Stat. § 181.932, Subd. 2**

Identity of an employee making a report under section 181.932, Subd. 1.

Chad Ward
Mayor

City of Proctor

COUNCILORS
Jake P. Benson
Troy R. DeWall
Rory Johnson
James Rohweder

Jess Rich
City Administrator

You Have a Place in Proctor

100 Pionk Drive · Proctor, Minnesota 55810-1700 · 218-324-3641 · Fax 218-624-9459 · email: cityhall@proctormn.gov

6A

DATE: March 30, 2022
TO: Proctor City Council
FROM: Kent Gaidis
RE: Speedway Liquor License Renewal

The Liquor Control Committee met on April 4th, 2022 and recommends renewing the liquor license for the Speedway for the 2022 racing season. The committee received receipt of taxes paid in full as of 3/25/2022.

To Chief Helquist and all members of the Proctor Fire Department.

I do hereby officially announce my retirement and last day of active duty to be on April 10, 2022. It has been an honor serving the Citizens of Proctor and surrounding areas. At this juncture in my life, it is time to hang up my gear, radio, and pagers to explore the next chapter.

I have truly been blessed to be a part of this Fire Department for twenty-two years. It seems like yesterday when I was called for an interview to be a part of this group. I have met many wonderful people both on the Fire Department and City Staff. I have memories that will last a life time.

Thank you again for all of the hard work and dedication you put forth on this department. It does not go un-noticed.



Troy R. DeWall (#504)

Andrew Leibel
3467 Stark Junction Road
Duluth, MN 55810
(218) 591-1546

March 29, 2022

Chief Kerry Helquist
Proctor Fire Department
100 Pionk Drive
Proctor, MN 55810

Dear Chief Helquist,

This letter is my formal notice of my resignation from the Proctor Volunteer Fire Department. My equipment was turned into you on March 24, 2022 and I request that this be considered my last day.

It has been a pleasure to work with all of you throughout the years. I'm sure our paths will continuously cross as we're all only a phone call away.

Report Criteria:

Detail report.
Invoices with totals above \$0.00 included.
Paid and unpaid invoices included.
Invoice Detail.GL account (3 Characters) = {<>} "600, 700"
Vendor.Vendor type = {<>} "PR"
[Report].Date Paid = 04/04/2022

General

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
BEARS'S PORT TOWN TIRE				
12618	BACK RACK, WARNING LIGHT ARROW, STROBE, MATS	03/08/2022	4,445.68	100-30-300-2220 Repair & Maintanance
Total BEARS'S PORT TOWN TIRE:			4,445.68	
BRAY&REED				
1644	PERSONNEL ISSUES	03/18/2022	75.00	100-10-160-3004 Legal Fees
1645	CITY OF PROCTOR GENERAL	03/18/2022	1,925.00	100-10-160-3004 Legal Fees
1646	DEVELOPMENT ISSUES	03/18/2022	375.00	830-10-160-3004 Legal Fees
1647	PERSONNEL COMMITTEE ISSUES	03/18/2022	60.00	100-10-160-3004 Legal Fees
Total BRAY&REED:			2,435.00	
CENTURYLINK				
3.10.22.1707	ALARM SYSTEM - WESTGATE LIFT STATION	03/10/2022	42.18	500-50-510-3021 Telephone
3.10.22.2630	ALARM SYSTEM - ALMAC LIFT STATION	03/10/2022	42.18	500-50-510-3021 Telephone
3-10-22	PHONE BILL	03/10/2022	92.82	100-20-220-3021 Telephone
Total CENTURYLINK :			177.18	
CINTAS				
4111767412	RUGS AND MATS	02/25/2022	108.18	100-20-250-3000 Professional Services
Total CINTAS :			108.18	
CITY AUTO GLASS				
I400162059	E1 WINDSHIELD REPAIR	03/16/2022	75.00	100-20-220-4400 Repairs & Maintenanc
Total CITY AUTO GLASS:			75.00	
CW TECHNOLOGY				
CW72847	IT SERVICES	03/10/2022	376.78	100-20-210-3009 Computer Services
INV00073069	IT SERVICES	03/10/2022	136.65	100-20-210-3009 Computer Services
Total CW TECHNOLOGY :			513.43	
DEAD ON ARMS INC				
2022-005	NEW HIRE FIREARMS	03/22/2022	37.50	100-20-210-3035 Training Expense
Total DEAD ON ARMS INC :			37.50	
DISPLAY SALES				
INV-031908	FLAG	03/25/2022	81.00	100-10-130-2210 Operating Supplies
INV-031908	FLAG	03/25/2022	66.00	100-20-220-2210 Operating Supplies
INV-031908	FLAG	03/25/2022	160.00	550-55-550-4430 Miscellaneous
Total DISPLAY SALES:			307.00	

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
DSC COMMUNICATIONS				
2220790	PAGERS	03/24/2022	1,129.00	100-20-220-2210 Operating Supplies
Total DSC COMMUNICATIONS :			1,129.00	
FASTER SOLUTIONS				
127694	ANNAUL WEBSITE SSL	03/22/2022	125.00	100-15-115-3000 Professional Services
Total FASTER SOLUTIONS :			125.00	
GRAND FORKS FIRE EQUIPMENT LLC				
34356	FIRE GLOVES	03/31/2022	374.12	100-20-220-2214 Safety Items
34364	PPV FAN	03/11/2022	4,280.00	100-20-250-5580 Other Equipment Purc
Total GRAND FORKS FIRE EQUIPMENT LLC:			4,654.12	
GREAT LAKES PIPE SERVICES, INC				
22012	EMERGENCY JET VAC 815 5TH ST	03/18/2022	1,435.00	500-50-510-3015 Contractor
22013	EMERGENCY JET VAC AT 809 5TH ST	03/21/2022	1,435.00	500-50-510-3015 Contractor
Total GREAT LAKES PIPE SERVICES, INC:			2,870.00	
MACQUEEN EMERGENCY				
E00158-C	RIT HOSES AND BELT EXTENDERS	12/20/2021	4,362.50	100-20-220-5540 Vehicle or Heavy Mac
P01142	AIR PACK BATTERIES	10/25/2021	3,344.78	100-20-220-2210 Operating Supplies
W04174	LADDER 1 COMPARTMENT MATS	03/15/2022	1,872.65	100-20-220-2210 Operating Supplies
Total MACQUEEN EMERGENCY:			854.93	
MINNESOTA ENERGY RESOURCES				
0502214174-0	052214174-00001 GAS BILL STREET GARAGE	03/14/2022	1,205.04	100-30-300-3080 Utilities
0503508588-0	0503508588-00001 CITY HALL	03/14/2022	22.62	100-10-130-3080 Utilities
0504812808-0	0504812808-00001 GAS UTILITY FIRE HALL	03/14/2022	239.22	100-20-220-3080 Utilities
Total MINNESOTA ENERGY RESOURCES :			1,466.88	
MN CHIEFS OF POLICE ASSOC				
12683	MEMBERSHIP RENEWAL	01/01/2022	320.00	100-20-210-4433 Dues & Subscriptions
Total MN CHIEFS OF POLICE ASSOC :			320.00	
NORTHERN ENGINE & SUPPLY, INC				
139905	PRESSURE GAUGE	03/16/2022	16.60	100-30-300-2220 Repair & Maintanance
Total NORTHERN ENGINE & SUPPLY, INC:			16.60	
PROCTOR BUILDERS				
252075	HELMET NUMBERS AND LETTERS	03/25/2022	14.34	100-20-220-2210 Operating Supplies
Total PROCTOR BUILDERS :			14.34	
PROCTOR JOURNAL				
35859	CITY COUNCIL MEETING MINUTES 2.07.22, 2.22.22, 3.7.22	03/30/2022	404.43	100-10-110-3052 General Notices & Pub
Total PROCTOR JOURNAL :			404.43	

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
QUADIENT				
031822	POSTAGE	03/31/2022	546.72	100-10-120-3022 Postage
Total QUADIENT :			546.72	
RANGE PAPER				
78454	TRASH CAN LINERS & TOWEL	03/16/2022	242.67	100-10-130-2211 Cleaning Supplies
Total RANGE PAPER :			242.67	
RASMUSSEN CLEANING SERVICE LLC				
50	CLEANING SUPPLIES	03/25/2022	45.26	100-10-130-2211 Cleaning Supplies
50	CLEANING SERVICES	03/25/2022	3,795.00	100-10-130-3000 Professional Services
Total RASMUSSEN CLEANING SERVICE LLC:			3,840.26	
SHRED N GO INC				
131471	SHREDDING SERVICES	02/28/2022	64.75	100-10-120-3000 Professional Services
Total SHRED N GO INC :			64.75	
SYMBOL ARTS				
0424608-in	BADGES	03/08/2022	110.00	100-20-210-2210 Operating Supplies
Total SYMBOL ARTS :			110.00	
TEAMLAB				
INV0029482	WEED KILL FOR SUMMER, WING SPRAY, ANTI-GEL	03/16/2022	987.74	100-30-300-2210 Operating Supplies
Total TEAMLAB :			987.74	
TOWN OF MIDWAY				
12312021	SEWER SPECIAL ASSESSMENT COLLECTED IN 2021 FOR UGSTAD ROAD SEWER	01/01/2022	1,451.52	500-00-000-2320 Due to other Governm
12312021	PROTOR PORTION OF UGSTAD ROAD SEWER PAYMENT 10 OF 15	01/01/2022	1,988.00	500-00-000-2320 Due to other Governm
12312021	INTEREST ON SEWER SPECIAL ASSESSMENT COLLECTED IN 2021 FOR UGSTAD ROAD SEWER	01/01/2022	86.88	500-36-361-3615 Spec Assess -Penalty
12312021	UGSTAD ROAD ASSESSMENT OVERPAYMENT FROM 2018 - PARCEL 185-0083-00445 REFUNDED TO PROPERTY OWNER	01/01/2022	181.44-	100-00-000-2320 Due to other Governm
12312021	UGSTAD ROAD ASSESSMENT INTEREST OVERPAYMENT FROM 2018 - PARCEL 185-0083-00445 REFUNDED TO PROPERTY OWNER	01/01/2022	16.30-	500-36-361-3615 Spec Assess -Penalty
Total TOWN OF MIDWAY :			3,328.66	
TROYS SERVICE				
58615	BATTERY CAN TILT E1	02/03/2022	110.64	100-20-220-2220 Repair & Maintanance
58626	LUBE OIL FILTER RESCUE 3	02/04/2022	76.35	100-20-220-2212 Fuels & Lubricants
59105	TRUCK 5 MAINTENANCE	03/25/2022	298.64	100-20-220-2220 Repair & Maintanance
Total TROYS SERVICE :			485.63	
VOLUNTEER FIREFIGHTERS BENEFIT ASSOC				
2022-VFBA	MEMBERSHIP TO VOLUNTEER FIREFIGHTER BENEFIT ASSOCIATION	03/21/2022	230.00	100-20-220-4433 Dues & Subscriptions
Total VOLUNTEER FIREFIGHTERS BENEFIT ASSOC:			230.00	

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
W.L.S.S.D.				
033122PRO1	WASTEWATER CHARGES	03/30/2022	28,485.00	500-50-510-3085 Sewer - WLSSD Billin
033122PRO1	2021 ADJUSTMENT	03/30/2022	1,903.00-	500-50-510-3085 Sewer - WLSSD Billin
Total W.L.S.S.D. :			26,582.00	
WEX BANK				
030122	FUEL - STREET DEPT	03/01/2022	2,000.00	100-30-300-2212 Fuels & Lubricants
Total WEX BANK:			2,000.00	
ZIEGLER, INC.				
IN000467653	RENTAL ANGLE PLOW FOR RENTAL LOADER	03/21/2022	4,555.00	100-30-300-2220 Repair & Maintanance
IN000468559	CUTTING EDGES GRADER WING	03/22/2022	506.85	100-30-300-2220 Repair & Maintanance
SI000145976	GRADER PM SERVICE #1	03/10/2022	822.44	100-30-300-2220 Repair & Maintanance
Total ZIEGLER, INC. :			5,884.29	
Grand Totals:			64,256.99	

Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Paid and unpaid invoices included.

Invoice Detail.GL account (3 Characters) = {<>} "600, 700"

Vendor.Vendor type = {<>} "PR"

[Report].Date Paid = 04/04/2022

Report Criteria:

Detail report.
Invoices with totals above \$0.00 included.
Paid and unpaid invoices included.
Invoice Detail.GL account (3 Characters) = "600"
[Report].Date Paid = 04/04/2022

Liquor Bills

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
ADT SECURITY SERVICES				
3-28-22	ADT SECURITY MONITORING	03/13/2022	66.36	600-60-600-4443 Security Systems
Total ADT SECURITY SERVICES:			66.36	
AMERICAN BOTTLING COMPANY				
3315000485	SODA	03/21/2022	270.05	600-60-600-2254 Soft Drinks & Mix
Total AMERICAN BOTTLING COMPANY :			270.05	
BELLBOY CORPORATION				
0094067200	DELIVERY	03/17/2022	9.33	600-60-600-3033 Freight & Express
0094067200	LIQUOR	03/17/2022	217.33	600-60-600-2251 Liquor Purchases
0094194700	LIQUOR	03/24/2022	154.50	600-60-600-2251 Liquor Purchases
0104866300	MIX	03/16/2022	72.30	600-60-600-2254 Soft Drinks & Mix
Total BELLBOY CORPORATION :			144.46	
BERNICK S PEPSI				
824609	BEER	03/23/2022	3,427.60	600-60-600-2252 Beer Purchases
825511	SODA	03/30/2022	29.86	600-60-600-2254 Soft Drinks & Mix
825512	BEER	03/30/2022	3,648.40	600-60-600-2252 Beer Purchases
Total BERNICK S PEPSI :			7,105.86	
BOURGET IMPORTS, LLC				
185631	SERVICE FEE	03/25/2022	13.50	600-60-600-3033 Freight & Express
185631	WINE	03/25/2022	268.00	600-60-600-2253 Wine Purchases
Total BOURGET IMPORTS, LLC:			281.50	
BREAKTHRU BEVERAGE				
343441395	SERVICE FEE	03/24/2022	19.34	600-60-600-3033 Freight & Express
343441395	LIQUOR	03/24/2022	885.03	600-60-600-2251 Liquor Purchases
343536876	SERVICE FEE	03/31/2022	21.89	600-60-600-3033 Freight & Express
343536876	LIQUOR	03/31/2022	1,155.10	600-60-600-2251 Liquor Purchases
409579038	SERVICE FEE	03/30/2022	5.55	600-60-600-3033 Freight & Express
409579038	LIQUOR	03/30/2022	287.08	600-60-600-2251 Liquor Purchases
Total BREAKTHRU BEVERAGE:			1,788.73	
CINTAS				
4113694666	MATS	03/17/2022	103.56	600-60-600-2210 Operating Supplies
4114381237	MATS	03/24/2022	103.56	600-60-600-2210 Operating Supplies
4115072343	MATS	03/31/2022	103.56	600-60-600-2210 Operating Supplies
Total CINTAS :			310.68	
COCA COLA BOTTLING CO				
2813533	SODA	03/29/2022	138.65	600-60-600-2254 Soft Drinks & Mix

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
Total COCA COLA BOTTLING CO :			138.65	
GUARDIAN PEST CONTROL, INC				
2328742	PEST CONTROL	03/18/2022	44.77	600-60-600-4406 Pest Control
Total GUARDIAN PEST CONTROL, INC :			44.77	
JOHNSON BROTHERS INC				
192881	WINE	03/17/2022	14.75-	600-60-600-2253 Wine Purchases
192882	LIQUOR	03/17/2022	18.00-	600-60-600-2251 Liquor Purchases
192883	LIQUOR	03/17/2022	10.18-	600-60-600-2251 Liquor Purchases
2015808	DELIVERY CHARGE	03/23/2022	21.36	600-60-600-3033 Freight & Express
2015808	LIQUOR	03/23/2022	772.59	600-60-600-2251 Liquor Purchases
2015809	DELIVERY CHARGE	03/23/2022	39.50	600-60-600-3033 Freight & Express
2015809	WINE	03/23/2022	1,445.65	600-60-600-2253 Wine Purchases
Total JOHNSON BROTHERS INC :			2,236.17	
LAKESHORE ICE				
02-205993	ICE	03/30/2022	88.20	600-60-600-2258 Misc Merchandise
Total LAKESHORE ICE:			88.20	
MICHAUD DISTRIBUTING COMPANY				
365545	FUEL SURCHARGE	03/21/2022	3.00	600-60-600-3033 Freight & Express
365545	BEER	03/21/2022	1,503.05	600-60-600-2252 Beer Purchases
Total MICHAUD DISTRIBUTING COMPANY :			1,506.05	
MOOSE LAKE BREWING				
11-023	BEER	03/17/2022	78.00	600-60-600-2252 Beer Purchases
Total MOOSE LAKE BREWING :			78.00	
PHILLIPS WINE & SPIRITS CO.				
6368020	DELIVERY	03/23/2022	49.06	600-60-600-3033 Freight & Express
6368020	LIQUOR	03/23/2022	2,049.23	600-60-600-2251 Liquor Purchases
6368021	DELIVERY	03/23/2022	2.10	600-60-600-3033 Freight & Express
661168	MIX	03/17/2022	68.30-	600-60-600-2254 Soft Drinks & Mix
661169	MIX	03/17/2022	16.00-	600-60-600-2254 Soft Drinks & Mix
661170	MIX	03/17/2022	6.00-	600-60-600-2254 Soft Drinks & Mix
661226	DELIVERY CHARGE	03/18/2022	17.00-	600-60-600-3033 Freight & Express
Total PHILLIPS WINE & SPIRITS CO. :			1,993.09	
PROCTOR BUILDERS				
251940	LIQUOR STORE SUPPLIES	03/21/2022	139.20	600-60-600-4400 Repairs & Maintenanc
252015	LIQUOR STORE REPAIRS	03/24/2022	26.94-	600-60-600-4400 Repairs & Maintenanc
252065	LIQUOR STORE REPAIRS	03/25/2022	146.10	600-60-600-4400 Repairs & Maintenanc
K51939	LIQUOR STORE REPAIRS	03/21/2022	115.20-	600-60-600-4400 Repairs & Maintenanc
Total PROCTOR BUILDERS :			143.16	
PROCTOR JOURNAL				
35291	NEWS STAND SALES	03/31/2022	8.50	600-60-600-2258 Misc Merchandise
35871	NEWS STAND SALES	03/31/2022	6.35	600-60-600-2258 Misc Merchandise

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
Total PROCTOR JOURNAL :			14.85	
RANGE PAPER				
82873	BAGS	03/23/2022	147.76	600-60-600-2210 Operating Supplies
Total RANGE PAPER :			147.76	
SOUTHERN WINE & SPIRITS				
2191051	LIQUOR	03/18/2022	1,314.93	600-60-600-2251 Liquor Purchases
2191051	DELIVERY	03/18/2022	22.12	600-60-600-3033 Freight & Express
2193470	DELIVERY	03/25/2022	23.40	600-60-600-3033 Freight & Express
2193470	LIQUOR	03/25/2022	1,226.54	600-60-600-2251 Liquor Purchases
Total SOUTHERN WINE & SPIRITS:			2,586.99	
SUPERIOR BEVERAGE (MN)				
20015891	BEER	03/18/2022	1,035.20	600-60-600-2252 Beer Purchases
20016002	SHIPPING	03/22/2022	3.00	600-60-600-3033 Freight & Express
20016002	BEER	03/22/2022	1,216.35	600-60-600-2252 Beer Purchases
20016003	MIX	03/22/2022	33.00	600-60-600-2254 Soft Drinks & Mix
20016266	BEER	03/25/2022	1,502.50	600-60-600-2252 Beer Purchases
20016380	BEER	03/29/2022	1,026.85	600-60-600-2252 Beer Purchases
Total SUPERIOR BEVERAGE (MN) :			4,816.90	
Grand Totals:			23,762.23	

Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Paid and unpaid invoices included.

Invoice Detail.GL account (3 Characters) = "600"

[Report].Date Paid = 04/04/2022