

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, October 3rd, 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 Tuesday, September 19th, 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. Mayor for a Day Participation
- B. St. Louis County Community Partner

***2. COMMITTEE REPORTS**

- A. SEH Minutes – September 22, 2022

3. CLERK ADVISES COUNCIL

- A. Labor Negotiations Update
- B. Sand/Salt Facility Update
- C. Boiler Fire Report and Next Steps

4. UNFINISHED BUSINESS

- A. American Rescue Plan
- B. 2023 Capital Budget Request Proposal
- C. City of Proctor Blight Policy
- D. PUC Position**

5. NEW BUSINESS

A. Equipment Surplus Resolution

B. Donation Request

C. Employment Separation

D. Deed Restriction

E. Pickleball Courts

6. CLOSED MEETING PURSUANT to §13D.06 Subd. 1(b) – Labor Negotiations

A. Sale or purchase of property

MEMBER CONCERNS

Benson:

DeWall:

Johnson:

Rohweder:

Ward:

Attorney Bray:

BILLS FOR APPROVAL

General: \$197,308.47

Liquor: \$31,652.44

TOTAL BILLS FOR APPROVAL: \$228,960.91

ADJOURNMENT

MINUTES OF THE PROCTOR CITY COUNCIL MEETING SEPTEMBER 19th, 2022

Meeting was streamed live on the Trac 7 YouTube channel

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

Pledge of Allegiance

PRESENT: Mayor Ward, Councilor Troy DeWall, Councilor Jake Benson, Councilor Rory Johnson, Councilor Jim Rohweder, City Attorney John Bray, Administrative Assistant Megan Jordan, Finance Director Leslie Brunfelt, Ted Kiefat

M/S/P: Rohweder/Johnson to approve the minutes from Tuesday, September 6th, 2022.

M/S/P: Benson/Ward to approve the agenda for September 19th, 2022, with the following additions:

5D: Sand/Salt Pay App 2

5E: Set initial budget levy

5F: Liquor control recommendation

Citizens addressing the council via in person or call-in: None

M/S/P: Rohweder/DeWall to approve the consent agenda for September 19th, 2022.

3. Clerk Advises Council:

A. Mayor Ward asks nomination requests for the I-35 focus group to be submitted to Administrator Rich prior to September 30th, 2022.

NEW BUSINESS

M/S/P: Rohweder/Johnson to approve resolution 35-22 as submitted.

M/S/F: Johnson/Rohweder to approve the request from PUC to extend the application period for an additional three weeks. Motion fails (0-4 DeWall abstains) after discussion regarding relevant postings, social media sites, and reasonings for not considering the received application.

Additional discussion follows requesting more information from PUC regarding the application period and the application received.

M/S/P: Rohweder/Johnson to request the Proctor Utilities Commission accept the application received or provide substantial reasoning as to why the submitted application received prior to the deadline was not accepted. (Passed 4-0 DeWall abstains)

M/S/P: Johnson/Rohweder to accept pay request from Graystone for sand/salt shed in the amount of \$145,335.16

M/S/P: Ward/DeWall to accept pay request #2 from Veit & Company as submitted. Pay application #1 was approved previously, with the total of both #1 and #2 equaling \$216,907.23.

M/S/P: Ward/DeWall to set initial budget levy at 5%. After continued discussions both the original motion and the second are rescinded by Ward/DeWall.

M/S/P: Benson/Ward to set initial budget levy at 7%.

M/S/P: Ward/Rohweder to accept the recommendation from the liquor control committee refunding liquor licenses pertaining to city code.

Councilor Rohweder states a precedence is not being set as parameters for refunds are written and defined in city code.

MEMBER CONCERNS

Benson: Requests the PUC discuss the open position, and requests the addition of an agenda item for the next meeting.

DeWall: None

Johnson: Extends gratitude to all volunteers and city staff for their work on the Playground for EveryBody.

Rohweder: Suggests moving the start of the Hoghead fireworks to 9:00-9:15pm

Mayor Ward: Extends gratitude for efforts/volunteers for Playground for EveryBody. Requests a pumphouse update. Proctor FD scholarship Bingo 10/28 at the Buffalo House.

Attorney Bray: None

Administrator Rich: None

BILLS FOR APPROVAL

General: \$284,420.41

Liquor: \$58,750.05

TOTAL BILLS FOR APPROVAL: \$343,170.46

M/S/P: Rohweder/Johnson to approve the bills as submitted.

M/S/P: DeWall/Ward to adjourn the regular council meeting at 6:31 pm

Chad Ward
Mayor

Jess Rich
City Administrator

Memo

*1A

To: Proctor City Council
From: Mayor Ward
cc: Administrator Rich & Attorney Bray
Date: October 3, 2022
Re: Mayor for a Day Essay Contest

I am asking the City of Proctor to again participate in the LMC once again "Mayor for a Day essay Contest".

I would be willing to email the fourth, fifth, and sixth grade teachers in the Proctor School District to see if their students would be interested in participating in Proctor's own version of "Mayor for a Day Essay Contest".

Again, essays would be submitted to the City of Proctor and a student would be chosen according to the essay they wrote. I will go through all the essays, and a winner will be chosen with help from City Staff.

Once a student has been chosen to be "Mayor for a Day" they would be invited to a City Council meeting to be recognized and given a chance to read their essay to the public.

Recommendation: I am asking Council to approve the City of Proctor to hold a "Mayor for a Day Essay Contest".



***1B**

September 26, 2022

Dear Community Partner,

The **COVID-19 Community Level remains LOW in St. Louis County** though we are seeing an uptick in cases. Our weekly case rate per 100,000 residents jumped to 136.64 (up from 105.99 last week), and our rate of new COVID hospitalizations increased to 7.1 per 100,000 residents. Three new deaths have been reported in the last week (total 577).

[COVID-19 Dashboard \(stlouiscountymn.gov\)](https://stlouiscountymn.gov/covid-19)

[CDC COVID Data Tracker: County View](https://www.cdc.gov/covid/data-tracker/)

Other updates/resources:

Walk-ins now welcome for bivalent booster: Appointments are still recommended to minimize wait time, but the state-run vaccination sites, including at the DECC in Duluth, now are accepting walk-ins. Details here: [COVID-19 Community Vaccination Program / COVID-19 Updates and Information - State of Minnesota \(mn.gov\)](https://www.mn.gov/covid-19)

Bivalent booster for younger children? Currently, the bivalent booster is only available for children ages 12+. But now Pfizer has started the process to get regulatory approval for its bivalent booster for children ages 5-11. A decision from the FDA is expected "soon".

Canada is ending COVID-19 entry restrictions: Beginning Saturday (October 1), crossing the border to Canada will be a little simpler. Canada is no longer requiring proof vaccination, pre- or on-arrival testing, or any of the other preventative steps. The Canadian government says the decision is based on its high vaccination rates and lower hospitalization and death rates, as well as the availability of the new bivalent booster, rapid tests and various treatments. [COVID-19 measures, updates, and guidance issued by Transport Canada](https://www.transportcanada.gc.ca/covid-19)

Monkeypox update: No news continues to be good news for our region. Of the 15 newly reported cases in Minnesota last week, 14 occurred in three counties in the Twin Cities area. It's unclear where that other case was reported. St. Louis County remains in the "less than five total cases" category.

Lastly, on a lighter note, (or perhaps I should say "more colorful" note), fall is officially here. The Minnesota Department of Natural Resources is again publishing an online map showing where to find the best fall colors in the state. It's a great opportunity to get outside, and enjoy some fresh air and healthy activity. Find it here: [Fall Color Finder | Minnesota DNR \(state.mn.us\)](https://www.dnr.state.mn.us/fall-color-finder/)

Remember to give me a call or email if you have any questions/concerns on any public health topics.

Suzy Van Norman PHN Senior

Public Health Emergency Preparedness and Disease Prevention and Control unit

218-725-5291 Office



Building a Better World
for All of Us®

MEETING MINUTES *2A

Proctor Monthly Meeting

September 22, 2022

11:00 a.m.

City Hall

Attendees: Jess Rich – City of Proctor
Megan Jordan – City of Proctor
Rick LaLonde – City of Proctor
Jay Boysen – City of Proctor
Matt Bolf – SEH
Char Jones - PUC

SEH No.: PROCT 166073

Project Manager: Matt Bolf, PE

I. Proctor GIS

- A. Public Works Updates – SEH collected corrections from Rick and will make updates to the GIS system.
- B. PUC updates
 - 1. SEH will look at locator that the City/PUC is looking at purchasing to find out the quality and capability for picking up locations on curb stops. Depending on the quality, the PUC may have SEH assist with survey of the existing locations and Pat would mark them in the field ahead of time. [Jess got a response from the State requiring a Safety Survey in additional to the application. This will get submitted next week.](#)

II. Salt / Sand / Public Works Project

- A. Project Updates:
 - 1. Construction
 - a. Concrete footings and piers have been poured for the sand/salt building
 - b. Concrete footings and foundation walls have been poured for the maintenance garage
 - c. Concrete side panels have been set at the sand/salt building
 - 2. Payment / Changes
 - a. Change Orders
 - (1) Subgrade corrections – [subgrade correction for approximately 150' of the new access road. SEH is working on the cost details of this change order with Veit.](#)
 - (2) Temporary Access for Greystone – [SEH will look into this.](#)
 - (3) Extra Mobilizations
 - (4) Temporary stabilization of soils if we continue to be on a complete hold
 - b. Pay Applications – [Applications #1 & #2 have now been approved.](#)
 - 3. Utility conflicts
 - a. NESC – [Plan to lower FO under proposed new roadway section.](#)
 - b. CenturyLink (Lumen) – Waiting to hear back on a schedule from Lumen. This line is currently holding up construction for grading purposes. [Michael Coughlin would like to meet on site to look at the relocate, possibly this week.](#)

- c. MN Power – SEH staked location of limits for MP to lower their 3-phase line. SEH to follow up with MP on relocation status.
 - d. Underground power for lighting – the line has been cut leaving a few street lights out. Conduit will be placed with the driveway subcut, new conduit will be installed and then wire will be reconnected.
 - 4. Next Steps
 - a. Schedule a meeting with SEH/Veit/City to discuss timeline and CenturyLink conflict. The PUC and City would like to have a onsite meeting next week. SEH to schedule.

III. MS4 – MS4 General Permit has been reissued by the MPCA

- A. Grading Permit Draft – The revised permit will be implement this week. Megan will send out email with new permit. Permit Application fee may get increased in the future. No other work needed.
- B. Updated binder – No other comments from the City. SEH will work on creating an electronic folder structure with pdfs for city staff to use.

IV. PUC Items

- A. Booster Station
 - 1. Street work / valves – USA to complete prior to end of October
 - 2. Building Demo – waiting to hear on timeline to relocate transformer. Building will likely be removed this year since new station has been running for a few months.
 - 3. Transformer – new location has been staked. Holden / MP will be relocating to NE corner of building.
 - 4. SEH will request updated schedule from USA to complete all site restoration work.

V. Second Street LRIP

- A. Project Updates:
 - 1. Guidance committee – site meeting was held on 9/8/2022. Tyler send summary email on 9/9. Group agreed on the following:
 - a. Road to be shifted 2' to the south
 - b. Road width to remain at 34' face to face (12' drive lanes)
 - c. 5' boulevard on north side to be reduced to 4'
 - d. Narrow trail to 8' if necessary to preserve "front yard" area
 - 2. Preliminary assessment feasibility report – Watermain was not included as assessed to homeowners in Feasibility report. The PUC would like this included as an assessment.

VI. Ugstad Road Development Site – The State requested an East property line adjustment. Jess will discuss further with the State as their request may leave a gap in the City Boundary.

VII. School District Plan Review – Water is again bypassing the curb cut to the pond and running into Kirkus Street. Jess sent a letter to the school district but hasn't received a response yet.

- A. Hockey Arena – There are still improvements needed to make the site compliant. They generally include:
 - 1. Pond 3 Expansion – Troy asked SEH for price to process HydroCAD updates and determine how much bigger the pond needs to get.
 - 2. Pervious Areas at Pond 2 – Pond 2 needs more live space and less dead space. They can either adjust the outlet down or make pond 2 bigger. This will be reviewed after new calculations are performed.
 - 3. Maintenance Agreement – not complete yet.

VIII. Miscellaneous

- A. St. Louis County – 2nd Street Concrete Repair Project
 - 1. Primarily concrete repairs (street, sidewalk, curbs)

2. Matt reached out to County to let them know City may want to replace a short piece of VCP sanitary sewer at the 2nd / 5th intersection. He also reminded them of the retaining wall conditions east of Hwy 2.
- B. Pickleball Courts
 1. Jess will discuss with group to determine how the project should proceed. No assistance needed from SEH at this time.
- C. Storm Water Utility – No update this month.
- D. PUC Water Break Sites
 1. Field work is complete. SEH to review restoration and see if any punchlist items are necessary.
- E. Boundary Ave & 9th Street Intersection – Jess will discuss with Public Safety Committee at their next meeting. The last meeting was cancelled so it will be presented next month.
- F. Water & Wastewater 2023-2024 PPL
 1. 2024 PPL – Jess would like to get the water and sewer lines from 2nd Street to Westgate on the PPL for future funding.
 - a. Wastewater plans due 3/3/23
 - b. Request for placement on Drinking Water due 5/5/2023
 - c. Matt and Jess will have a follow-up meeting to discuss schedule and applications.
 2. Water
 - a. The PUC/City would like to include watermain replacement from 2nd Street south to Westgate Blvd. Directionally drilling HDPE water main would likely be the most cost effective option with limited excavation needed.
 - b. Char will work on getting existing pipe ages and break history to include.
 3. Wastewater
 - a. Rick provided a priority map sketch for areas in high need of rehab.
 - b. Rehabbing areas #2 and #3 are most likely to occur in concurrence with the water main rehab section.
 - c. Section #1 is also high priority as it takes flow from entire city to the WLSSD meter station.
 - d. A new forcemain could be directionally drilled from Westgate to the north.
 - e. Rick provided known information on existing pipe ages and blockage history.
- G. Zoning Map Updates
 1. SEH provided an updated zoning map for City review. SEH will make updates for parcel clean up based on new county data. SEH will provide 2 large roll plots.
- H. Catch Basin Repair Project
 1. Plans / Bid Form – Final plans and Bid Form were delivered to Rick and Jay.
 2. Construction Update – KTM was awarded the work and started working this week.

ix. **Next Meeting** – October 19, 2022 @ 9:00 am.

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

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5A

To: Proctor City Council
From: City Administrator Rich
Re: Surplus Equipment

I recommend declaring the following equipment as surplus and to be sold for parts:

- TORO Sidewinder
- Inoperable and not repairable
- Estimate value \$500

Chad Ward
Mayor

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**CITY OF PROCTOR
RESOLUTION NO. 36-22
DECLARATION OF SURPLUS ITEM**

WHEREAS, the City of Proctor (the “City”) is replacing the inoperable TORO Sidewinder mower used for groundskeeping; and

WHEREAS, the City has declared this vehicle to be a surplus item; and

WHEREAS, the City directs this vehicle to be sold for parts.

Declared and adopted this 3rd day of October 2022.

Approved:

Chad Ward
Mayor

Attest:

Jess Rich
City Administrator

CITY OF PROCTOR
CORPORATE SEAL

1894

Chad Ward
Mayor

City of Proctor

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Jake P. Benson
Troy R. DeWall
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Jess Rich
City Administrator

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5B

September 29, 2022

To: Proctor City Council
From: City Administrator Rich and Police Chief Kent Gadis
Re: Donation Request – First Witness Child Advocacy Center

The First Witness Child Advocacy Center's "I Stand with Kids" (ISWK) Campaign has requested a donation of \$1,000 from the Proctor Police Department.

1 in 10 children will be sexually abused before their 18th birthday. This number is likely higher due to underreporting. First Witness Child Advocacy Center's ISWK campaign focuses specifically on child sexual abuse.

Child sexual abuse exploits children and can damage their cognitive, social, and emotional development. The effects of trauma can be short or long-term, impacting relationships, childhood development, the ability to learn, and appropriate sexual development. It can lead to acting out behaviors, self-injurious behaviors, depression, and anxiety.

The Proctor Police Department utilizes the First Witness Child Advocacy Center's services. The donation from police forfeiture funds is recommended by Chief Gaidis and Administrator Rich.

Chad Ward
Mayor

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5C

September 30, 2022

Mr. Timothy Redfield
216 West Mulberry Street
Duluth, MN 55811

RE: Employment with the City of Proctor

Dear Mr. Redfield,

The last of your PTO was used on Sunday, September 25, 2022. The City of Proctor is considering this as your date of separation. Thank you for your years of service to the citizens of Proctor and we wish you the best of luck in your new endeavors.

Sincerely,

Jess Rich
Administrator

cc. Police Chief Kent Gaidis
City of Proctor Payroll

Chad Ward
Mayor

City of Proctor

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5D

Date: September 30, 2022
To: Proctor City Council
From: City Administrator Rich and Police Chief Kent Gadis
Re: LAWCON Grant Agreement – Deed Restriction

The grant agreement between the State of Minnesota Land and Water Conservation (LAWCON) and the City of Proctor states the land must not only be used for recreation purposes but also that a deed restriction will be filed and recorded (LAWCON Grant Agreement pages 7 and 8 attached.)

The City of Proctor accepted and agreed to these conditions and restrictions with the creation of the Proctor Regional Recreation Center (PRRC.) However, a deed restriction was not a requirement of that agreement (Tate Outdoor Recreation Grant Project Agreement.)

A Declaration of Conditions, Covenants and Restriction has been drafted by Attorney Bray for your review and consideration.

DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS

THIS DECLARATION of Conditions, Covenants, and Restrictions, (hereafter known as Declaration), is made this 3rd day of October 2022, by The City of Proctor, a municipal body, (hereafter known as Declarant).

WHEREAS, Declarant is the owner of the following real property, (hereafter referred to as the Property):

185-0240-00614

185-0240-00630

WHEREAS, Declarant desires to provide for the preservation of the use of this property for recreational uses and other amenities of this property; and

WHEREAS, Declarant desires to subject the property to the following covenants, restrictions, easements, rights and responsibilities as set forth herein; and

WHEREAS, Declarant desires to benefit and to burden the property and each present and future owner of the property with this Declaration, and Declarant desires that this Declaration should run with the property.

NOW, THEREFORE, Declarant does hereby declare that when any of the property is held, sold, conveyed, occupied, assigned, or any interest therein in any way transferred, the property shall hereafter be subject to all of the easements, terms, and conditions of this Declaration, and this Declaration shall run with the land and shall bind and be enforceable on all owners, present and future, and on all parties having any right, title, or interest in the described properties or any part thereof, and the heirs, successors, and assigns of all owners subject to the following articles:

ARTICLE I

DEFINITIONS

SECTION I

The following words as used in this Declaration shall have the following meanings, unless the

context in which the word is used would prohibit such a meaning.

SECTION II

"Owner" shall mean the record owner, whether one or more persons or entities, of a fee simple interest in a lot or parcel of land within the property made subject hereof or the holders of a vendee's interest in a Contract for Deed, if a Contract for Deed has been filed. "Owner" shall not mean mortgagees or anyone else having merely a security interest for the performance of an obligation other than a Contract for Deed.

SECTION III

"Lot" shall mean any lot or subdivided parcel of land within the property made subject hereof.

ARTICLE II

RIGHTS AND OBLIGATIONS OF THE OWNERS

SECTION I

The land shall be permanently managed and maintained exclusively for public outdoor recreation use.

SECTION II

The property has been acquired and/or developed with Land and Water Conservation Fund assistance that the property cannot be converted to other than public outdoor recreation use without the written approval of the State acting through its Commissioner of Natural Resources and the Secretary of the Interior.

ARTICLE III

GENERAL PROVISIONS

SECTION I

Enforcement. These covenants and restrictions may be enforced by any proceeding at law or

in equity instituted by any owner against any person violating or attempting to violate any covenant or restriction, either to restrain violation, to compel compliance, or to recover damages, and against the land, to enforce any lien created by these covenants. Failure by Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Attorney's fees and costs of any such actions to restrain violation or to recover damages as determined by the Court shall be assessable against and payable by any persons violating the terms contained herein.

SECTION II

Duration. The covenants and restrictions contained in this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the owner of any lot subject to this Declaration, their respective personal or legal representatives, heirs, successors, and assigns, for a term of thirty (30) years from the date this Declaration is recorded, after which time the covenants and restrictions shall be automatically renewed for successive periods of ten (10) years, unless the Owner terminates or otherwise modify this Declaration.

SECTION III

Severability. Invalidation of any one of these covenants or restrictions by legislation, judgment, or Court order, shall in no way affect any other provisions which shall remain in full force and effect.

SECTION IV

Caption. The article and section headings are intended for convenience only and shall not be given any substantive effect.

The City of Proctor, a municipal body have caused this Declaration to be executed effective the 3rd day of October, 2022

By: _____
Chad Ward
Its: Mayor

Attest:

By: _____
Jessica Rich
Its: City Administrator

CITY SEAL

THIS INSTRUMENT WAS DRAFTED BY:

John H. Bray
Bray & Reed, Ltd.
Ste. 224 – Holiday Center
207 W. Superior Street
Duluth, MN 55802



185-00240-00614

185-0240-00630

PROCTOR

natural resources.

21 Invasive Species Prevention

Grantees and subcontractors must follow Minnesota DNR's Operational Order 113, which requires preventing or limiting the introduction, establishment and spread of invasive species during activities on public waters and DNR-administered lands. This applies to all activities performed on all lands under this grant agreement and is not limited to lands under DNR control or public waters. [Operational Order 113](#) is incorporated into this contract by reference. The grantee shall prevent invasive species from entering into or spreading within a project site by cleaning equipment and clothing prior to arriving at the project site.

If the equipment or clothing arrives at the project site with soil, aggregate material, mulch, vegetation (including seeds) or animals, it shall be cleaned by Grantee furnished tool or equipment (brush/broom, compressed air or pressure washer) at the staging area. The Grantee or subcontractor shall dispose of material cleaned from equipment and clothing at a location determined by the Grantee or their representative. If the material cannot be disposed of onsite, secure material prior to transport (sealed container, covered truck, or wrap with tarp) and legally dispose of offsite.

22 Conflict of Interest

It is the policy of the State to work to deliberately avoid actual and potential conflict of interests related to grant making at both the individual and organizational levels.

A conflict of interest (actual or potential) occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper, or illegal act results from it.

The Grantee, by signing this contract with the State, certifies it has read and understands the Office of Grants Management [Conflict of Interest Policy 08-01](#), will maintain an adequate Conflict of Interest Policy and, throughout the term of the contract, monitor and report any actual or potential conflicts of interest to the State's Authorized Representative.

23 Minnesota Historical Sites Act and Minnesota Field Archaeology Act

For projects involving land acquisition and/or construction, the State Historic Preservation Office must review the project to determine if the site is a potential location for historical or archeological findings. If the State Historic Preservation Office determines that a survey is required, the survey would need to be completed prior to any site disturbance for development projects and prior to the final reimbursement of the grant funds for acquisition projects.

24 Land Retention and Deed Restriction

24.1 Land Retention

Any lands acquired or developed with assistance from the Outdoor Recreation grant program must be retained solely for public outdoor recreation use. The lands subject to this contract are shown in Attachment B – Boundary Map which is attached and incorporated into this contract. No other use can be made of these lands without prior written approval of the State and the Department of Interior. The State will consider requests to convert these lands to other uses only if all practical alternatives have been evaluated and rejected on a sound basis and replacement lands of equal or greater fair market value and reasonably equivalent usefulness are acquired and dedicated to public outdoor recreation use.

24.2 Deed Restriction

The Grantee shall have the following condition recorded with the deed to all lands within the park as described in Attachment B – Boundary Map and submit an attested copy of the deed and the condition to the State:

In order to comply with the Department of Natural Resources Outdoor Recreation Project Contract LW27-01444, the City of Proctor does hereby impose the following restrictions on the property described in Attachment B to that contract:

1. The property shall be permanently managed and maintained for public outdoor recreation use.
2. The property has been acquired and/or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public outdoor recreation use without the written approval of the State acting through its Commissioner of Natural Resources and the Secretary of the Interior.

25 Pollinator Best Management Practices

Habitat restorations and enhancements conducted on DNR lands and prairie restorations on state lands or on any lands using state funds are subject to pollinator best management practices and habitat restoration guidelines pursuant to [Minn. Stat. 84.973](#). Practices and guidelines ensure an appropriate diversity of native species to provide habitat for pollinators through the growing season. Current specific practices and guidelines to be followed for contract and grant work can be found here: [Link to December 2014 version](#).

26 Single Audit

All state and local governments, colleges and universities, and non-profit organizations that expend \$750,000 or more of Federal awards in a fiscal year must have a single audit according to the new OMB Uniform Guidance: Cost Principles, Audit, and Administrative Awards Requirements for Federal Awards. This is \$750,000 total Federal awards received from all sources. If an audit is completed, forward a copy of the report to both the State's Authorized Representative and the State Auditor.

27 Program Requirements

The grantee will comply with the provisions of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and Attachment C, Federal Land and Water Conservation Fund Program General Provisions, attached and incorporated into this contract.

28 COVID 19

All work completed for this contract must adhere to the following conditions until all State executive orders related to COVID 19 are rescinded or expired.

- Allowed activities and work performed should, to the maximum extent possible, be conducted in a manner that adheres to Minnesota Occupational Safety and Health Standards and the Minnesota Department of Health and CDC Guidelines related to COVID-19, including social distancing and hygiene.
- The current list of Critical Sector Exemptions is maintained on the Department of Employment and Economic Development (DEED) website Critical Sector Work Exemption <https://mn.gov/deed/newscenter/covid/business-exemptions/>.

29 Force Majeure

Neither party shall be responsible to the other or considered in default of its obligations within this Contract to the extent that performance of any such obligation is prevented or delayed by acts of God, war, riot, disruption of government, or other catastrophes beyond the reasonable control of the party unless the act or occurrence could have been reasonably foreseen and reasonable action could have been taken to prevent the delay or failure to perform. A party relying on this provision to excuse performance must provide the other party prompt written notice of the inability to perform and take all necessary steps to bring about performance as soon as practicable.

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

5E

Date: September 30, 2022
To: Proctor City Council
From: City Administrator Rich and Police Chief Kent Gadis
Re: Pickleball Request

A committee of the Proctor Area Education Foundation, REA³D, have requested the foundation and the City of Proctor partner up and explore the feasibility and cost of creating a pickleball facility in the City of Proctor. I have been working with their President Sherm Carlson and REA³D board member and city council member Rory Johnson on identifying possible locations and have identified the parking area south of the Playground for Everybody (see attached map) as one possible location. This is not to say there are other suitable areas.

Initial research indicates the creation one 30x40 court area is about \$25,000. Lighting, fencing, and other amenities would of course affect the price.

Councilor Johnson and I are requesting council consideration to continue working on this project by requesting a quote for services from SEH for a preliminary design, cost estimate, and concept drawings. The design, estimate and drawings will be helpful in exploring funding options and potential grant sources.

Pickleball

30x60 overall – Courts 20x44
Parking Lot Approximately 50x200



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 = 10/03/2022

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
ACME TOOLS				
10429920	MILWAUKEE BLOWER KIT	09/27/2022	548.00	500-50-510-4400 Repairs & Maintenanc
Total ACME TOOLS:			548.00	
AMERICAN SOLUTIONS FOR BUSINES				
INV06230566	GENERAL FUND CHECKS #41701-43200	09/09/2022	471.98	100-10-120-2210 Operating Supplies
Total AMERICAN SOLUTIONS FOR BUSINES:			471.98	
ARROWHEAD SCIENTIFIC, INC.				
149453	DRUG TEST KITS	07/01/2022	101.30	100-20-210-2210 Operating Supplies
Total ARROWHEAD SCIENTIFIC, INC.:			101.30	
BRAY&REED				
1945	PROSECUTION MATTERS	08/31/2022	2,500.00	100-10-160-3004 Legal Fees
1964	CITY OF PROCTOR GENERAL	09/20/2022	2,450.00	100-10-160-3004 Legal Fees
1965	DEVELOPMENT ISSUES	09/28/2022	300.00	830-80-800-3004 Legal Fees
1967	NUISANCE MATTERS	09/20/2022	615.00	100-10-160-3004 Legal Fees
Total BRAY&REED:			5,865.00	
CENTURYLINK				
2186281707 9.	ALARM SYSTEM - WESTGATE LIFT STATION	09/10/2022	5.41	500-50-510-3021 Telephone
2186282630 9.	ALARM SYSTEM - ALMAC LIFT STATION	09/10/2022	107.13	500-50-510-3021 Telephone
9-10-2022	TELEPHONE - FIRE DEPT	09/10/2022	104.71	100-20-220-3021 Telephone
Total CENTURYLINK :			217.25	
CINTAS				
4129518909	STREET DEPT COVERALLS	08/26/2022	19.80	100-30-300-2217 Clothing
4129518909	CITY HALL MATS, TOWELS, MOPS	08/26/2022	23.99	100-10-130-3000 Professional Services
4130225833	CITY HALL MATS, TOWELS, MOPS	09/02/2022	114.93	100-10-130-3000 Professional Services
4130225833	STREET DEPT COVERALLS	09/02/2022	19.80	100-30-300-2217 Clothing
4130225833	STREET DEPT SHOP RAGS	09/02/2022	12.70	100-30-300-2210 Operating Supplies
4130520492	RUGS AND MATS - FIRE HALL	09/07/2022	75.66	100-20-220-3000 Professional Services
Total CINTAS :			266.88	
CONSOLIDATED COMMUNICATIONS				
09012022	MONTHLY TELEPHONE	09/21/2022	438.66	100-20-210-3021 Telephone
Total CONSOLIDATED COMMUNICATIONS:			438.66	
FLOODWOOD CONCRETE SERVICES LLC				
42	CURB FOR PLAYGROUND FOR EVERYBODY	09/27/2022	11,500.00	300-30-330-3015 Contractor

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
Total FLOODWOOD CONCRETE SERVICES LLC:			11,500.00	
GOPHER STATE ONE-CALL, INC				
2080690	72 FTP TICKETS	08/31/2022	94.50	500-50-510-3000 Professional Services
Total GOPHER STATE ONE-CALL, INC :			94.50	
GREYSTONE CONSTRUCTION				
29846	SOURCEWELL BUILDING MATERIALS	09/14/2022	55,335.16	300-30-330-3015 Contractor
29846	FOUNDATION DESIGN & INSTALL BUNKER PANELS	09/14/2022	90,000.00	300-30-330-3015 Contractor
Total GREYSTONE CONSTRUCTION:			145,335.16	
HARTELS/DBJ DISPOSAL COMPANY				
672477	TRASH REMOVAL SERVICES - CITY OF PROCTOR	08/25/2022	319.95	100-10-130-3084 Refuse Disposal
672477	FIRE DEPT TRASH & RECYCLE SERVICES	08/25/2022	77.94	100-20-220-3084 Refuse Disposal
672477	REFUSE DISPOSAL - STREET DEPT TRASH PICKUP	08/25/2022	182.15	100-30-300-3084 Refuse Disposal
Total HARTELS/DBJ DISPOSAL COMPANY :			580.04	
INTERSTATE BATTERIES				
190620202008	2 NEW BATTERIES FOR T4	09/26/2022	293.18	100-20-220-2220 Supplies - Repair & M
Total INTERSTATE BATTERIES :			293.18	
JOHNSON CONTROLS				
00045715853	BAS INSTALL	09/13/2022	5,393.00	100-10-130-5580 Other Equipment Purc
1-1210664874	REPLACE CONTACTOR FOR CIRCUIT #1 COMPRESSOR #2 ON CHILLER	09/02/2022	767.42	100-10-130-4400 Repairs & Maintenanc
1-1217724775	REPLACE 3 WAY COOLING VALVE AND ACTUATOR FOR AHU-5	09/22/2022	4,211.00	100-10-130-4400 Repairs & Maintenanc
Total JOHNSON CONTROLS :			10,371.42	
KOLAR CHEV				
01597	ISSUE WITH WIPERS ON PARK TRUCK	08/02/2022	690.00	100-40-410-4400 Repairs & Maintenanc
Total KOLAR CHEV :			690.00	
KQDS				
09/27/2022	KQDSFOX21 BENTLEYVILLE ADS	09/27/2022	2,470.00	100-15-115-3040 Advertising
Total KQDS:			2,470.00	
LEAGUE OF MN CITIES INS TRST				
7490	CLAIM DEDUCTIBLE	08/31/2022	1,000.00	100-20-220-4400 Repairs & Maintenanc
Total LEAGUE OF MN CITIES INS TRST:			1,000.00	
MINNESOTA ENERGY RESOURCES				
0502214174-0	0502214174-00001 STREET GARAGE GAS	09/13/2022	152.63	100-30-300-3080 Utilities
0503508588-0	0503508588-00001 CITY HALL	09/13/2022	23.09	100-10-130-3080 Utilities
0504812808-0	0504812808-00001 GAS UTILITY FIRE HALL	09/13/2022	240.88	100-20-220-3080 Utilities
Total MINNESOTA ENERGY RESOURCES :			416.60	
MINNESOTA WOMEN'S PRESS				
00003068	WOMEN'S PRESS ADS	09/01/2022	1,083.00	100-15-115-3040 Advertising

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
Total MINNESOTA WOMEN'S PRESS:			1,083.00	
NORTHLAND CONSTRUCTORS OF DUL				
20714	HOT MIX ASPHALT FOR PATCHING	08/17/2022	120.90	100-30-330-2224 Street Maintenance M
20770	HOT MIX ASPHALT FOR PATCHING	08/31/2022	118.58	100-30-330-2224 Street Maintenance M
Total NORTHLAND CONSTRUCTORS OF DUL:			239.48	
PAHA				
2023	PAHA 2023 MARKETING	09/28/2022	2,500.00	100-15-115-3040 Advertising
Total PAHA:			2,500.00	
PROCTOR BUILDERS				
989680	WINDOWS FOR FIRE HALL	09/22/2022	4,598.16	100-20-210-4400 Repairs & Maintenanc
Total PROCTOR BUILDERS :			4,598.16	
PROCTOR JOURNAL				
36589	CITY COUNCIL MINUTES 09.06.22	09/29/2022	119.49	100-10-110-3052 General Notices & Pub
Total PROCTOR JOURNAL :			119.49	
QUADIENT				
09182022	POSTAGE	09/18/2022	39.00-	100-10-120-3022 Postage
09182022 1	POSTAGE	09/18/2022	291.89	100-10-120-3022 Postage
Total QUADIENT :			252.89	
RASMUSSEN CLEANING SERVICE LLC				
274	CLEANING SERVICES	09/05/2022	3,575.00	100-10-130-3000 Professional Services
Total RASMUSSEN CLEANING SERVICE LLC:			3,575.00	
RICH, JESS				
091522	READYMIX CONCRETE - PLAYGROUND FOR EVERYBODY	09/15/2022	2,166.40	300-30-330-3015 Contractor
Total RICH, JESS :			2,166.40	
SHRED N GO INC				
140650	SHREDDING SERVICES	09/23/2022	114.08	100-10-120-3000 Professional Services
Total SHRED N GO INC :			114.08	
TWIN PORTS APPRAISALS				
092322	APPRAISAL OF CITY HALL BUILDING	09/23/2022	2,000.00	100-10-130-3000 Professional Services
Total TWIN PORTS APPRAISALS:			2,000.00	
Grand Totals:			197,308.47	

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
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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 = 10/03/2022

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 = 10/03/2022

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
ADT SECURITY SERVICES				
9-13-22	ADT SECURITY MONITORING	09/13/2022	66.36	600-60-600-4443 Security Systems
Total ADT SECURITY SERVICES:			66.36	
AMERICAN BOTTLING COMPANY				
3313620080	SODA	09/19/2022	87.40	600-60-600-2254 Soft Drinks & Mix
Total AMERICAN BOTTLING COMPANY :			87.40	
ARTISAN BEER COMPANY				
3562042	BEER	09/23/2022	284.50	600-60-600-2252 Beer Purchases
Total ARTISAN BEER COMPANY:			284.50	
BELLBOY CORPORATION				
0096745700	DELIVERY	09/29/2022	5.93	600-60-600-3033 Freight & Express
0096745700	LIQUOR	09/29/2022	89.03	600-60-600-2251 Liquor Purchases
0105821300	MIX	09/28/2022	135.79	600-60-600-2254 Soft Drinks & Mix
0105821300	DELIVERY	09/28/2022	5.00	600-60-600-3033 Freight & Express
Total BELLBOY CORPORATION :			235.75	
BERNICK S PEPSI				
20876	BEER	09/21/2022	2,923.30	600-60-600-2252 Beer Purchases
20877	BEER	09/21/2022	14.64	600-60-600-2252 Beer Purchases
21978	SODA	09/28/2022	16.53	600-60-600-2254 Soft Drinks & Mix
21979	BEER	09/28/2022	4,276.00	600-60-600-2252 Beer Purchases
Total BERNICK S PEPSI :			7,201.19	
BREAKTHRU BEVERAGE				
345771786	SERVICE FEE	09/22/2022	39.16	600-60-600-3033 Freight & Express
345771786	LIQUOR	09/22/2022	2,334.03	600-60-600-2251 Liquor Purchases
345856084	SERVICE FEE	09/29/2022	30.22	600-60-600-3033 Freight & Express
345856084	LIQUOR	09/29/2022	1,175.19	600-60-600-2251 Liquor Purchases
410134852	SERVICE FEE	09/20/2022	3.70	600-60-600-3033 Freight & Express
410134852	LIQUOR	09/20/2022	81.80	600-60-600-2251 Liquor Purchases
410138807	SERVICE FEE	09/21/2022	1.85	600-60-600-3033 Freight & Express
410138807	LIQUOR	09/21/2022	58.90	600-60-600-2251 Liquor Purchases
Total BREAKTHRU BEVERAGE:			3,432.35	
CINTAS				
4132809077	MATS	09/29/2022	166.67	600-60-600-2210 Operating Supplies
Total CINTAS :			166.67	
GUARDIAN PEST CONTROL, INC				
2392832	PEST CONTROL	08/29/2022	47.77	600-60-600-4406 Pest Control

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
Total GUARDIAN PEST CONTROL, INC :			47.77	
HARTELS/DBJ DISPOSAL COMPANY				
672477	MOUNTAIN SPIRITS LIQUOR	08/25/2022	167.93	600-60-600-3084 Refuse Disposal
Total HARTELS/DBJ DISPOSAL COMPANY :			167.93	
JOHNSON BROTHERS INC				
2141264	DELIVERY CHARGE	09/21/2022	37.84	600-60-600-3033 Freight & Express
2141264	LIQUOR	09/21/2022	1,948.50	600-60-600-2251 Liquor Purchases
2141265	DELIVERY CHARGE	09/21/2022	10.50	600-60-600-3033 Freight & Express
2141265	WINE	09/21/2022	302.00	600-60-600-2253 Wine Purchases
2146173	DELIVERY CHARGE	09/28/2022	23.66	600-60-600-3033 Freight & Express
2146173	LIQUOR	09/28/2022	1,060.74	600-60-600-2251 Liquor Purchases
2146174	DELIVERY CHARGE	09/28/2022	12.60	600-60-600-3033 Freight & Express
2146174	WINE	09/28/2022	391.05	600-60-600-2253 Wine Purchases
Total JOHNSON BROTHERS INC :			3,786.89	
LAKESHORE ICE				
04-203235	ICE	09/26/2022	67.40	600-60-600-2258 Misc Merchandise
Total LAKESHORE ICE:			67.40	
MEDIACOM				
08262022	TELEPHONE & INTERNET	08/26/2022	194.42	600-60-600-3009 Computer Services
Total MEDIACOM:			194.42	
MICHAUD DISTRIBUTING COMPANY				
370656	FUEL SURCHARGE	09/19/2022	3.00	600-60-600-3033 Freight & Express
370656	BEER	09/19/2022	730.50	600-60-600-2252 Beer Purchases
370830	BEER	09/26/2022	632.15	600-60-600-2252 Beer Purchases
370830	FUEL SURCHARGE	09/26/2022	3.00	600-60-600-3033 Freight & Express
Total MICHAUD DISTRIBUTING COMPANY :			1,368.65	
MINNESOTA ENERGY RESOURCES				
09092022 0502	0502591202-00001 MOUNTAIN SPIRITS GAS SERVICE	09/09/2022	22.84	600-60-600-3080 Utilities
Total MINNESOTA ENERGY RESOURCES :			22.84	
PHILLIPS WINE & SPIRITS CO.				
6465495	DELIVERY	09/21/2022	8.09	600-60-600-3033 Freight & Express
6465495	LIQUOR	09/21/2022	513.06	600-60-600-2251 Liquor Purchases
6465496	DELIVERY CHARGE	09/21/2022	10.51	600-60-600-3033 Freight & Express
6465496	WINE	09/21/2022	265.60	600-60-600-2253 Wine Purchases
6469326	WINE	09/28/2022	330.00	600-60-600-2253 Wine Purchases
6469326	DELIVERY	09/28/2022	7.35	600-60-600-3033 Freight & Express
6469327	DELIVERY	09/28/2022	65.12	600-60-600-3033 Freight & Express
6469327	LIQUOR	09/28/2022	2,910.23	600-60-600-2251 Liquor Purchases
6469329	DELIVERY	09/28/2022	2.10	600-60-600-3033 Freight & Express
Total PHILLIPS WINE & SPIRITS CO. :			4,112.06	

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
PROCTOR JOURNAL				
36605	NEWS STAND SALES	09/30/2022	8.89	600-60-600-2258 Misc Merchandise
Total PROCTOR JOURNAL :			8.89	
RED BULL				
2005184417	RED BULL	09/26/2022	136.44	600-60-600-2254 Soft Drinks & Mix
Total RED BULL :			136.44	
SOUTHERN WINE & SPIRITS				
2262641	DELIVERY	09/23/2022	46.63	600-60-600-3033 Freight & Express
2262641	LIQUOR	09/23/2022	2,135.56	600-60-600-2251 Liquor Purchases
Total SOUTHERN WINE & SPIRITS:			2,182.19	
SUPERIOR BEVERAGE (MN)				
20026878	SHIPPING	09/20/2022	4.00	600-60-600-3033 Freight & Express
20026878	BEER	09/20/2022	2,195.05	600-60-600-2252 Beer Purchases
20027115	FREIGHT	09/23/2022	4.00	600-60-600-3033 Freight & Express
20027115	BEER	09/23/2022	944.40	600-60-600-2252 Beer Purchases
20027272	SHIPPING	09/28/2022	4.00	600-60-600-3033 Freight & Express
20027272	BEER	09/28/2022	3,619.35	600-60-600-2252 Beer Purchases
Total SUPERIOR BEVERAGE (MN) :			6,770.80	
VINOCOPIA				
0313403-in	DELIVERY	09/28/2022	7.50	600-60-600-3033 Freight & Express
0313403-in	WINE	09/28/2022	280.80	600-60-600-2253 Wine Purchases
Total VINOCOPIA :			288.30	
WINE MERCHANTS				
7397390	FREIGHT	09/28/2022	27.34	600-60-600-3033 Freight & Express
7397390	WINE	09/28/2022	996.30	600-60-600-2253 Wine Purchases
Total WINE MERCHANTS :			1,023.64	
Grand Totals:			31,652.44	

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 = 10/03/2022