

*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 16, 2018 6:00pm**  
**Council Chambers - Community Activity Center - 100 Pionk Drive**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**OTHERS PRESENT**

**APPROVAL OF MINUTES**      April 2, 2018 City Council Meeting Minutes

**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) - **bold print denotes need for Council action.**

**\*1. COMMUNICATIONS**

- A. Annexation of Certain Real Property to the City of Proctor from Midway Township
- B. City LGA Under Current Law vs. H. F. 3830 (*Bill to be heard in the House Property Tax and Local Government Finance Division*)

**2. PLANNING & ZONING DEPARTMENT MATTER**

**\*3. CLERK ADVISES COUNCIL**

- A. Government and Liquor Fund Payroll Period Ended 04/01/18

**4. COMMITTEE REPORT**

- A. Proctor Police Civil Service Commission Meeting Minutes, February 5, 2018
- B. Proctor Area Chamber of Commerce, Board of Directors Meeting Minutes, March 7, 2018

- C. Proctor Economic Development Authority Meeting Minutes, March 13, 2018
- D. Proctor Tourism Committee *Unapproved* Special Meeting Minutes, April 3, 2018
- E. Parks and Recreation Committee *Unapproved* Meeting Minutes, April 3, 2018

**\*5. UNFINISHED BUSINESS**

- \*A. SRO

**6. NEW BUSINESS**

- A. Resolution of the Bond Sale for the Almac & 6<sup>th</sup> Project
- B. Boundary Avenue Sanitary Sewer Replacement
- C. Renewal Application for Optional Liquor 2AM License
- D. Summer Parks & Recreation Applicant
- E. Police Department Garage Door Repair Bids
  - 1. AJK Door Services \$1,435.00
  - 2. Phil's Garage Door Service \$2,426.38
- F. 121 5<sup>th</sup> Street CONCERN

**7. LABOR AND NEGOTIATIONS ISSUES – Closed Meeting**

**MEMBER CONCERNS**

**Schwarzbauer**

**Benson**

- 1. Naloxone / Narcan
- 2. Legislative Update

**Nowak**

**DeWall**

**BILLS FOR APPROVAL**

General: \$79,802.50  
Liquor: 18,439.51 (*Payroll Expenses are not included in this amount*)  
Total: \$98,242.01

**ADJOURNMENT**

Minutes of the regular Proctor City Council meeting held on April 2, 2018 in the Community Center Council Chambers.

Deputy Mayor Gary Nowak called the meeting to order at 5:59 p.m.

**MEMBERS PRESENT:** Deputy Mayor Gary Nowak, Councilors Troy DeWall, Jake Benson, and Jim Schwarzbauer.

**MEMBERS ABSENT:** Mayor Larson attended via conference call.

**OTHERS PRESENT:** City Attorney John Bray, Administrator Mark Casey, Confidential Administrative Assistant Robin Hansen, Midway Township Supervisor Jim Aird, Shawn McGovern, Cindi Merrill, Jennifer Peterson, Dick Kari, Bruce Sundin, Jim Myers Sr., Dale Helland, Nick Pirkola, Ed Habermann, Russell Habermann, and Chris Klatte.

#### **APPROVAL OF THE MINUTES:**

Benson would like the March 19, 2018 Meeting Minutes, Unfinished Business 7A. amended to show that a comment made in an email by the school Superintendent stated a decision on the SRO was delayed until the State and Federal Governments decides to invest in school safety.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the March 19, 2018 City Council Meeting Minutes with the correction.

#### **APPROVAL OF THE AGENDA:**

Schwarzbauer moved the Agenda, supported by DeWall. Nowak opened for discussion. Benson made a request of the Council to add "R. Yellow Ribbon" to number 6. New Business; and stated that delaying it until the next meeting would add an additional expense on to the Yellow Ribbon Committee. The request is for a standard Resolution of Non-Objection.

The Council voted and carried (4-0): To approve and add 6R. to the Agenda.

#### **COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT:**

Yellow Ribbon Representative Shawn McGovern asked to discuss the Non-Objection.

Motion by Benson, seconded by DeWall and carried (4-0): To suspend the Agenda and move to 6R. Yellow Ribbon.

McGovern proceeded to say the Yellow Ribbon is raising money to welcome home the 148<sup>th</sup>

Members from their deployment, and teaming with the Shriners. The Non-Objection is to take place May 4 & 5, 2018.

Motion by Nowak, seconded by Schwarzbauer to support the Non-Objection. Nowak then opened for discussion.

McGovern gave more details of the fundraiser which falls on Cinco de Mayo, there will be Mexican food specials offered, and a raffle at the DeRailed Bar with the drawing picked before midnight on May 5. All of the money will go toward the Yellow Ribbon who will be teamed with the Shiners at their temple where the banquet will be held when the 148<sup>th</sup> returns in September.

Jennifer Peterson, President of the local Yellow Ribbon shared that MN Power's sister company Allete Clean Energy has become a certified Yellow Ribbon Company, will be honoring Proctor's Military kids on Thursday and has a good connection with the businesses in the area.

The Council voted and carried (4-0): To approve the Resolution of Non-Objection for Yellow Ribbon.

There were no more COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT.

**\*APPROVAL OF THE CONSENT AGENDA** (one Council motion can accept all items listed under this agenda, plus Council can pull any individual items out of this consent agenda and discuss/act on item separately – thus leaving others to be approved via consent agenda action) – bold print denotes need for Council action.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To accept the Consent Agenda.

**\*1. COMMUNICATIONS**

- A. 2018 CGMC Labor Employee Relations Seminars
- B. Tax Forfeited Properties
- C. Revised RESOLUTION 09-18 – Authorizing Consumption Of Alcoholic Beverages In Public Places in Proctor In Conjunction With Festivals

**\*2. PLANNING AND ZONING DEPARTMENT MATTER**

Casey stated there are no matters before us. At the next City Council meeting, Planning & Zoning will have an amendment to a C-1 Ordinance which will be available for the Council's first reading.

**\*3. CLERK ADVISES COUNCIL**

- A. Government Fund Payroll Period Ended 03/18/18
- B. Liquor Fund Payroll Period Ended 03/18/18

#### **\*4. COMMITTEE REPORTS**

##### **A. Proctor Tourism Committee Unapproved Meeting Minutes February 27, 2018**

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the Proctor Tourism Committee Unapproved Meeting Minutes February 27, 2018.

##### **B. Public Safety Committee Unofficial Meeting Minutes March 26, 2018**

Motion by Benson, seconded by Schwarzbauer and carried (4-0): To approve the Public Safety Committee Unofficial Meeting Minutes March 26, 2018.

##### **C. Liquor Control Meeting Minutes March 27, 2018**

Motion by Nowak, seconded by DeWall and carried (4-0): To approve the Liquor Control Meeting Minutes March 27, 2018.

Schwarzbauer inquired as to the status of the applications for the open committee positions. Benson responded that the City had advertised for a number of open positions, but he felt it was due to the lack of information on the applications was not enough to entice people to become a member.

Bray stated the importance of getting the committees filled because you need a certain number of people to discuss the agenda, and a certain number of people to make the enforcing effect of an actual motion order.

#### **\*5. UNFINISHED BUSINESS**

##### **\*A. SRO**

#### **6. NEW BUSINESS**

##### **A. Golf Course Liquor License**

Casey stated the information he received after several telephone calls to the State of MN Alcohol and Gambling Department the City of Proctor applies for the liquor license, and Chris Klatte orders the supplies. Casey is asking the Council to approve the City's Liquor License for the Golf Course.

Motion by DeWall and seconded by Nowak to discuss.

Casey believes there are separate licenses required of the City for Golf Courses; 3.2 On Sale is required before you can get the Strong Liquor and Beer License. Once the license is obtained liquor can be sold in any area of the Golf Course, and the Municipal Liquor Liability coverage is for a year.

No further discussion.

The Council voted and carried (4-0): To approve the City's Liquor License for the Golf Course.

**B. Resolution No. 13-18 – Resolution of Non-Objection To Issuance of State of Minnesota Charitable Gambling License**

Casey stated this Resolution is for an ALS Association Event at Black Woods in January 30, 2019; we do appreciate receiving their paperwork in advance.

Motion by Benson, seconded by Schwarzbauer and carried (4-0): To approve Resolution No. 13-18 – Resolution of Non-Objection To Issuance of State of Minnesota Charitable Gambling License for the ALS Association Event at Black Woods in January 30, 2019.

**C. Event Application – *Proctor Speedway Weekly Stock Car Racing – May 1-Sept. 1, 2018 (Rain Date Sept. 27, 2018)***

Casey advised Council that all of the event packets included in their agenda have already been passed through the Public Safety Committee.

Motion by DeWall, seconded by Benson and carried (4-0): To approve the Event Application – *Proctor Speedway Weekly Stock Car Racing – May 1-Sept. 1, 2018 (Rain Date Sept. 27, 2018)*.

**D. Event Application – *Proctor Speedway Media Day / Car Show – May 2, 2018***

Nowak stated this event is taking place at the Power House and public parking on Highway 2 from 10:00 a.m. to 7:00 p.m.

Motion by DeWall, seconded by Schwarzbauer and carried (4-0): To approve the Event Application – *Proctor Speedway Media Day / Car Show – May 2, 2018*.

**E. Event Application – *Proctor Bike Rodeo – May 8, 2018***

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the Event Application – *Proctor Bike Rodeo – May 8, 2018*.

**F. Event Application – *2018 Bike MS : C H Robinson MS150 Ride – June 8 & 9, 2018***

Casey said this event has always been a good turn-out for the City.

Motion by Schwarzbauer, seconded by Nowak and carried (4-0): To approve the Event Application – *2018 Bike MS : C H Robinson MS150 Ride – June 8 & 9, 2018*.

**G. Event Application – *Proctor Speedway – Monster Truck Show – June 29 & 30, 2018***

Motion by DeWall, seconded by Nowak and carried (4-0): To approve the Event Application – *Proctor Speedway – Monster Truck Show* – June 29 & 30, 2018.

**H. Event Application – *Proctor Speedway – Night of Mayhem* – August 4, 2018**

Nowak explained this is the bus racing, backward racing and a good turn-out.

Motion by DeWall, seconded by Schwarzbauer and carried (4-0): To approve the Event Application – *Proctor Speedway – Night of Mayhem* – August 4, 2018.

**I. Event Application – *Proctor Speedway Silver 1000* – August 30, 2018 (Rain Date Sept. 27, 2018)**

Motion by Benson, seconded by DeWall and carried (4-0): To approve the Event Application – *Proctor Speedway Silver 1000* – August 30, 2018 (Rain Date Sept. 27, 2018).

**J. Event Training – Benson (*Informational*)**

Benson stated 6J. and 6L. go together due to all the upcoming events. Public Safety discussed the fact that no-parking signs need to be placed at certain intervals, and for a certain length of time for some of the speedway events. Due to the liability to the City we need to review this matter. Benson shared documents regarding Community Led Event Guidelines from the League of MN Cities Insurance Trust, asking that it be share with other committees and to see how to incorporate some of the guidelines into what we do as a community. He also suggested reviewing past procedures to see if there should be any changes.

Schwarzbauer asked what mechanism can be used to notify the community that these events are happening; other than posters and the Proctor Journal? Further discussion took place as to ways of keeping people from leaving the Proctor events and going to activities in the surrounding area. Dick Kari shared that Duluth supplies coach buses with brochures of their events which also include local business advertisements.

**K. Cablecasting Meetings – Benson (*Informational*)**

Benson informed the Council that the Cable Commission tries to revamp itself due to the recent tragedy. The intent is to cablecast or record meetings that has a fiduciary trust with the City. As we get closer to streamlining our cablecasting abilities we will keep the Council updated on the progress and be as transparent as possible.

**L. Community Led Street Event Guidelines – Benson (*Informational*)  
(See 6J.)**

**M. Agreement for Accounting Services**

Casey stated the agreement is for temporary services, and the contract is with Steve Anderson. The School Board and Superintendent has graciously allowed Steve to fill in for us until he is no longer needed by the City. Mr. Bray has prepared a simple and straight forward contract.

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the Agreement for Accounting Services with Steve Anderson.

**N. MailFinance Lease Extension Agreement**

Casey explained this contract is through the City, not Public Utilities, and is for the monthly payment of \$54.99 for maintenance of the mail folding machine. Benson insinuated that is a lot of money.

Motion by Nowak, seconded by Schwarzbauer and carried (3-1; Benson Opposed): To approve the MailFinance Lease Extension Agreement.

**O. Operation K-9 2018 – Northland K-9 Foundation Donation Request**

Casey shared, Chief Gaidis could not attend the meeting tonight. We have sponsored this in the past at the \$250 level. Chief Gaidis has stated that we have used the services of the K-9 Division and is recommending the Sergeant Sponsor.

Motion by DeWall for purposes of discussion, seconded by Schwarzbauer. DeWall asked if the payment was coming from the Police Department budget. Casey confirmed it was so. DeWall added that the Fire Department had also donated \$50 from their budget; as they have used the Hermantown and St. Louis County units.

DeWall made a friendly amendment to the motion, seconded by Schwarzbauer and carried (4-0): To approve the donation with the monies to come out of the Police Department Funds.

**P. Friends of Animals Humane Society Contract for Service**

*(Chief Gaidis was absent from this meeting)*

Casey stated the contract with Friends of Animals Humane Society began one year ago, and they provide some services that others do not. He suggested on the contract to not allow the citizen within the city limits of Proctor to bring in a stray animal. Due to the cost and animal allotment Casey and Chief Gaidis are not in favor of this. Casey made a recommendation to allow Chief Gaidis to enter further into negotiations on the contract.



Upon further discussion the Council had questions as to how many animals went through their program last year, what was the cost to the City, who collects the citizens payment, and how much it would cost if there was not a contract.

Motion by Nowak, seconded by DeWall and carried (4-0): To table item 6P. Friends of Animals Humane Society Contract for Service for more research on the contract.

**Q. Becoming A More Effective Council**

Schwarzbauer submitted two articles from the League of MN Cities in relation to becoming a more effective council, Tips for Promoting Civility in Public Meetings and Can't We All Just Get Along?

Schwarzbauer feels in for the Council to become effective they, as a whole need to set aside other issues that are happening at this point in time. Nowak responded by saying, "There are many positives that happen in the City of Proctor that do not get printed in the Journal; such as the Mayor's speech at the Chamber State of the City Address, the trail parking lot, the Street Department tore out the old bridge and made a nice walking trail behind the ballpark. It would be nice to have a "Council Corner" or "Mayor's Minutes" in the Journal or on the City website to get the information out to the public. Russell Habermann organizes the citywide cleanup, and I hope that is going to happen again. We as a Council should be able to get together and work on these types of things. Me personally I try to patronize our businesses in town, spend a fair amount of money and don't get a thank you. For some reason the Chamber and Council are divided, and I don't know why. As for an effective Council I think we can work together, I really do... maybe we need to sit down and talk and hash some things out."

Schwarzbauer submitted a Comprehensive Plan and strongly feels that the Council should follow one to become more effective. He would like the Council to get together and work with the citizens to figure out how to resolve such problems as the behind the scenes attacks through social media, businesses that don't seem to get along and Council that brings up other issues which makes it challenging to be councilors.

**7. LABOR AND NEGOTIATIONS ISSUES – Closed Meeting**

**MEMBERS CONCERNS:**

**Benson**

**1. Legislative Update**

Back in November/December Council passed a resolution supporting a tax exemption for Proctor Speedway because the City owns it and the Speedway leases it they

end up with a property tax liability. That bill appeared before the house last week. It passed and got laid over for possible inclusion due to the omnibus tax bill. Representative Mary Murphy feels Proctor has a good shot at the exemption for the Speedway. (The agenda packet included the legislative language.)

## **2. Responding to Comments from Citizens**

When someone approaches the lecture let them speak unimpeded. There are times when someone disseminates inaccurate information, and we need to be able to have a way to set the record straight. How do we react/respond, or sometimes our best tactic is not to miss an opportunity to keep our mouths closed.

Schwarzbauer stressed the importance to not take sides or try to influence any of its members outside of the council chambers for or against an individual council member.

**Nowak** shared information on the death of former Street Department Foreman, Marty Johnson who worked for the City from 1979 to 2011; and held the position of Foreman from 1990 to 2011. Nowak asked for all to please keep the family in your thoughts and prayers.

## **BILLS FOR APPROVAL**

General: \$127,605.25

Liquor: 37,270.22 *(This amount does not include the Liquor Payroll Fees)*

Total: \$164,875.47

Motion by Schwarzbauer, seconded by DeWall and carried (4-0): To approve the bills in the amount of \$164,875.47.

## **ADJOURNMENT**

Motion by Nowak, seconded by DeWall and carried (4-0): To adjourn the City Council Meeting at 7:20 p.m.

1A

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A17-1210**

**In re the Matter of the  
Annexation of Certain Real Property  
to the City of Proctor  
From Midway Township**

**Filed April 9, 2018  
Reversed  
Worke, Judge**

**St. Louis County District Court  
File Nos. 69DU-CV-16-2676, 69DU-CV-16-2679**

**Lori Swanson, Attorney General, Nathan J. Hartshorn, Assistant Attorney General, St. Paul, Minnesota (for appellant Minnesota Office of Administrative Hearings)**

**John H. Bray, Maki & Overom, Ltd., Duluth, Minnesota (for appellant City of Proctor)**

**Kenneth D. Butler, Duluth, Minnesota (for respondent Midway Township)**

**Gunnar B. Johnson, Duluth City Attorney, Nathan N. LaCoursiere, Assistant City Attorney, Duluth, Minnesota (for respondent City of Duluth)**

**Considered and decided by Worke, Presiding Judge; Peterson, Judge; and Ross, Judge.**

**S Y L L A B U S**

**A nonparty to an orderly annexation agreement made pursuant to Minn. Stat. § 414.0325 (2016) may annex real property within the designated area by ordinance pursuant to Minn. Stat. § 414.033, subd. 2(3) (2016), if all relevant statutory requirements for annexation by ordinance are satisfied.**

## **OPINION**

**WORKE, Judge**

Appellants argue that the district court erred by vacating the chief administrative law judge's order approving the City of Proctor's annexation by ordinance. We reverse.

### **FACTS**

In January 2013, respondents City of Duluth and Midway Township entered into an orderly annexation agreement (OA Agreement) and designated certain land in Midway as an Orderly Annexation Area. Midway abuts both Duluth and appellant City of Proctor. The OA Agreement divided the Orderly Annexation Area into three parcels identified as Parcel I, Parcel II, and Parcel III.

Julia Ann (Hovland) Savalas and George Hovland III own approximately 92 acres of real property (the property) located within Parcel II. In May 2014, the owners executed a petition requesting annexation by ordinance to Proctor. In August 2014, Proctor adopted an ordinance to annex the property. Duluth objected to the proposed annexation by ordinance on the grounds that the property is subject to the OA Agreement and was therefore not eligible for annexation by ordinance into Proctor. In October 2014, the chief administrative law judge (chief ALJ) issued an order annexing Parcel I into Duluth. Neither Duluth nor Midway has commenced proceedings to annex Parcel II or Parcel III.

In October 2016, the chief ALJ issued her findings of fact, conclusions of law, and order approving Proctor's annexation by ordinance. Duluth and Midway appealed to the district court, which vacated the chief ALJ's order and determined that once real property

is subject to an orderly annexation agreement, that property cannot subsequently be annexed by ordinance. This appeal followed.

### ISSUES

Did the district court err by concluding that once parties execute an orderly annexation agreement with respect to a designated area, nonparties cannot subsequently seek to annex real property within the designated area by ordinance?

### ANALYSIS

Appellant Office of Administrative Hearings (OAH) and Proctor argue that the district court erred by concluding that Proctor could not annex the property by ordinance because the property was already subject to the OA Agreement between Duluth and Midway.<sup>1</sup> This case involves potential conflict between two statutory schemes for the annexation of real property—annexation by agreement and annexation by ordinance. This court reviews questions of statutory interpretation de novo. *Hyatt v. Anoka Police Dep't*, 691 N.W.2d 824, 826 (Minn. 2005).

“The object of all statutory interpretation is to ascertain and effectuate the intention of the Legislature.” *Cocchiarella v. Driggs*, 884 N.W.2d 621, 624 (Minn. 2016). First, this court should examine the statutory language to determine whether the law is free from

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<sup>1</sup> Proctor also argues that the district court correctly determined that it satisfied the statutory requirements for annexation by ordinance. The district court ruled in favor of Proctor, however, and neither Duluth nor Midway appealed this element of the district court’s ruling. “The function of the court of appeals is limited to identifying errors and then correcting them.” *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988). Because no aggrieved party appealed from this determination, this issue is not properly before this court.

all ambiguity. *Id.* “A statute is ambiguous only if it is susceptible to more than one reasonable interpretation.” *500, LLC v. City of Minneapolis*, 837 N.W.2d 287, 290 (Minn. 2013). To determine whether a statute is ambiguous, this court should interpret the statute “as a whole so as to harmonize and give effect to all its parts.” *328 Barry Ave., LLC v. Nolan Props. Grp., LLC*, 871 N.W.2d 745, 749 (Minn. 2015) (quotation omitted). When the language of a statute is unambiguous, this court applies the statute’s plain language and will not “explore its spirit or purpose.” *Cocchiarella*, 884 N.W.2d at 624.

If this court concludes that a statute is ambiguous, then we may consider the factors set forth in Minn. Stat. § 645.16 (2016) to determine legislative intent. *Christianson v. Henke*, 831 N.W.2d 532, 537 (Minn. 2013). These factors include:

(1) the occasion and necessity for the law; (2) the circumstances under which it was enacted; (3) the mischief to be remedied; (4) the object to be attained; (5) the former law, if any, including other laws upon the same or similar subjects; (6) the consequences of a particular interpretation; (7) the contemporaneous legislative history; and (8) legislative and administrative interpretations of the statute.

Minn. Stat. § 645.16.

Under the annexation-by-agreement statute, one or more townships or municipalities may, through an agreement, designate a certain area as appropriate for annexation. Minn. Stat. § 414.0325, subd. 1(a). The statute defines a “designated area” as “any area which the signatories to a joint resolution for orderly annexation have identified as being appropriate for annexation . . . pursuant to the negotiated terms and conditions set forth in the joint resolution.” *Id.*, subd. 1(b). The joint resolution—or agreement—confers jurisdiction on the chief ALJ over annexation in the designated area. *Id.*, subd. 1(c). Once

an agreement is in place, “an annexation of any part of the designated area may be initiated by: (1) submitting to the chief [ALJ] a resolution of any signatory to the joint resolution; or (2) the chief [ALJ].” *Id.*, subd. 1(e). Subdivision 6 of the annexation-by-agreement statute also states:

An orderly annexation agreement is a binding contract upon all parties to the agreement and is enforceable in the district court in the county in which the unincorporated property in question is located. The provisions of an orderly annexation agreement are not preempted by any provision of this chapter unless the agreement specifically provides so. If an orderly annexation agreement provides the exclusive procedures by which the unincorporated property identified in the agreement may be annexed to the municipality, the municipality shall not annex that property by any other procedure.

*Id.*, subd. 6.

Under the annexation-by-ordinance statute, a municipal council may by ordinance declare land annexed to the municipality if

the land abuts the municipality and the area to be annexed is 120 acres or less, and the area to be annexed is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available, and the municipality receives a petition for annexation from all the property owners of the land. Except as provided for by an orderly annexation agreement, this clause may not be used to annex any property contiguous to any property either simultaneously proposed to be or previously annexed under this clause within the preceding 12 months if the property is or has been owned at any point during that period by the same owners and annexation would cumulatively exceed 120 acres.

Minn. Stat. § 414.033, subd. 2(3).<sup>2</sup>

### ***Ambiguity***

OAH and Proctor argue that the annexation-by-agreement statute is ambiguous as to whether an annexation agreement trumps an attempt to annex by ordinance. They assert that (1) subdivision 1(e) does not preclude a municipality from annexing part of a designated area by ordinance and (2) the “preemption” clause in subdivision 6 is ambiguous as to whether a valid annexation agreement is binding on nonparties.

Under section 414.0325, subdivision 1(c), an annexation agreement confers the chief ALJ with jurisdiction over annexations in designated areas. Subdivision 1(e) provides two possible mechanisms by which “an annexation of any part of the designated area *may* be initiated.” Minn. Stat. § 414.0325, subd. 1(e) (emphasis added). Under Minn. Stat. § 645.44, subd. 15 (2016), “may” is defined as “permissive.” Conversely, “shall” denotes that something is “mandatory.” *Id.*, subd. 16 (2016). As the chief ALJ noted, the statute’s use of “may” suggests that there may be other ways to initiate annexation of designated property besides the two processes laid out in subdivision 1(e). To read subdivision 1(e) otherwise would require this court to add the word “only” to that subdivision. This court cannot add words to a statute that the legislature did not include. *Genin v. 1996 Mercury Marquis*, 622 N.W.2d 114, 119 (Minn. 2001). We conclude that

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<sup>2</sup> We cite the most recent version of Minn. Stat. § 414.033 because it has not been amended in relevant part. See *Interstate Power Co. v. Nobles Cty. Bd. Of Comm’rs*, 617 N.W.2d 566, 575 (Minn. 2000) (stating that, generally, “appellate courts apply the law as it exists at the time they rule on a case”). For the same reason, we also cite the current versions of other statutes cited in this opinion.



section 414.0325, subdivision 1(e), does not preclude other methods of annexation within a designated area beyond the two methods listed in that subdivision.

OAH and Proctor also argue that the district court erroneously read the “preemption” clause as barring nonparties from initiating annexation by ordinance in a designated area. The second sentence of subdivision 6 states that “[t]he provisions of an orderly annexation agreement are not preempted by any provision of this chapter unless the agreement specifically provides so.” Minn. Stat. § 414.0325, subd. 6. OAH acknowledges that one could reasonably read this sentence to mean that the terms of an annexation agreement supersede an attempt to annex by ordinance. However, to determine whether a statute is ambiguous, this court interprets the statute “as a whole so as to harmonize and give effect to all its parts.” *328 Barry Ave., LLC*, 871 N.W.2d at 749 (quotation omitted).

The first sentence of subdivision 6 states that “[a]n orderly annexation agreement is a binding contract *upon all parties to the agreement . . .*” Minn. Stat. § 414.0325, subd. 6 (emphasis added). The third sentence of subdivision 6 states, “If an orderly annexation agreement provides the exclusive procedures by which the unincorporated property identified in the agreement may be annexed to *the municipality, the municipality* shall not annex that property by any other procedure.” *Id.* (emphasis added). Both the first and third sentences of subdivision 6 suggest that the purpose of that subdivision is to ensure that parties to annexation agreements are bound by them and cannot attempt to annex land by alternative means unless the agreement provides otherwise. The second sentence is silent as to whether its preemption mandate applies only to parties to an annexation agreement or

if nonparties are bound as well. Because this court must look to the statute as a whole to determine ambiguity, rather than a single sentence in isolation, we conclude that subdivision 6 is ambiguous as to whether an annexation agreement is binding only upon parties to that agreement or whether the agreement restricts the rights of nonparties as well. Therefore, we must use other tools to determine legislative intent.

Under section 414.01, subdivision 1a(5) (2016), “joint resolutions for orderly annexation . . . should be encouraged.” However, that does not necessarily imply that these agreements are binding upon nonparties. Encouraging orderly annexation agreements is equally consistent with OAH and Proctor’s reading of the annexation-by-agreement statute—once parties have entered into an agreement, they cannot circumvent the agreement by pursuing annexation by alternative means.

In 2002, the Minnesota House of Representatives Local Government and Metropolitan Affairs Committee discussed the bill that added the preemption language in section 414.0325, subdivision 6 (2004). The bill’s author, Representative Howes, described it as follows: “What this bill does is an agreement between the city and the township, it basically makes it a binding contract and both parties have to adhere to that.” Hearing on H.F. No. 1620 Before H. Comm. on Local Gov’t & Metro. Affairs (Feb. 20, 2002). Representative Howes then introduced Kent Sulem from the Minnesota Association of Townships, who described the bill as follows:

[I]t is just clarifying that when [orderly annexation] agreements are entered into between a city and a township . . . that agreement will be binding, that there won’t be any loopholes that either side can use, that the two parties . . . will honor their word as entered into in that orderly agreement.

*Id.* Sulem also stated that the added language of subdivision 6 “just simply clarifies a problem that has arisen because of some old case law that exists.” He then explained that he believed the added language was necessary because “there is case law involving the City of La Crescent versus the City of -- the Township of La Crescent versus the City of La Crescent that found that despite the existence of an orderly annexation agreement, the property subject to that agreement could be annexed via other means.” *Id.*

In *LaCrescent Twp. v. City of LaCrescent*, the Township of LaCrescent and the City of LaCrescent entered into an orderly annexation agreement with respect to certain township property. 515 N.W.2d 608, 609 (Minn. App. 1994). Later, the owners of land located within an area governed by the agreement and the city petitioned for annexation of land by ordinance. *Id.* This court addressed the conflict between the annexation-by-agreement and annexation-by-ordinance statutes, determining that now-repealed subdivision 2a of section 414.0325 “d[id] not require annexation by ordinance to comply with the terms of a previously existing annexation agreement.” *Id.* at 610. This court ultimately held that the City of LaCrescent’s annexation by ordinance was valid even though it did not comply with the prior annexation agreement to which it was a party. *Id.* at 611.

Reading the legislative committee testimony together with *LaCrescent*, we discern that the legislative intent behind section 414.0325, subdivision 6, was to prevent parties to an annexation agreement from later reneging on that agreement and annexing by ordinance land that was subject to the agreement. *LaCrescent* does not address attempts to annex by

ordinance by nonparties to an annexation agreement, and the legislative history indicates that the legislature was concerned with ensuring that *parties* to annexation agreements could not later attempt to circumvent those agreements.

Furthermore, Duluth and Midway's reading of subdivision 6 would lead to absurd results. *See Am. Fam. Ins. Grp. v. Schroedl*, 616 N.W.2d 273, 278 (Minn. 2000) (stating that "courts should construe a statute to avoid absurd results and unjust consequences."). Under Duluth and Midway's interpretation, parties to an orderly annexation agreement could, by inserting language to that effect, avoid the jurisdictional limits of section 414.0325, subdivision 1, the public notice requirements of section 414.0325, subdivision 1b, or the right to appeal to the district court set out in section 414.07, subdivision 2 (2016). If this had been the legislature's intent in including the preemption language in subdivision 6, it would have spoken far more clearly.

Applying the canons of statutory construction, we conclude that section 414.0325, subdivision 6, does not preclude a nonparty to an orderly annexation agreement from seeking to annex real property within the designated area by ordinance.

## **DECISION**

Because section 414.0325 does not preclude nonparties to orderly annexation agreements from annexing land within designated areas by ordinance, we conclude that the district court erred by vacating the chief ALJ's order for annexation.

**Reversed.**

13

All,

I wanted to alert you to a bill (HF3830) that will be heard next Wednesday morning at 8:15am in the House Property Tax and Local Government Finance Division. Under the bill, any city that imposes a **general** local option sales tax would have their LGA distribution reduced. The bill does not consider other local sales taxes such as food and beverage taxes, lodging taxes, etc.

The bill would phase-in, over five years, a reduction in the LGA formula calculation of your city's "unmet need," thereby reducing the final calculation of the LGA for your city. Some of your cities do not currently receive LGA but this calculation would place you further off-the-formula.

According to House Research, in the first year of the phase-in under the bill, roughly \$3 million in LGA will be shifted away from cities with local sales taxes to all other cities. When fully phased-in, the amount of LGA shifted between cities will total roughly \$39 million. Unfortunately, there is no city-by-city analysis of the bill yet. House Research has indicated they will have a run posted before next Wednesday's hearing.

The League of Minnesota Cities legislative policies support the current LGA formula and we will testify in opposition to the bill.

The bill is authored by Rep. Cal Bahr (R-East Bethel) and is co-authored by Reps. Steve Drazkowski (R-Mazeppa), Eric Lucero (R-Dayton), Cindy Pugh (R-Chanhassen), Jerry Hertaus (R-Greenfield) and Jeremy Munson (R-Lake Crystal). For your information, links to the bill and the House Research summary are provided below.

Bill:

[https://www.revisor.mn.gov/bills/text.php?number=HF3830&version=0&session=ls90&session\\_year=2018&session\\_number=0](https://www.revisor.mn.gov/bills/text.php?number=HF3830&version=0&session=ls90&session_year=2018&session_number=0)

Summary:

<http://www.house.leg.state.mn.us/hrd/bs/90/HF3830.pdf>

The League will also post an article on the bill here:

<https://www.lmc.org/page/1/legislative-updates.jsp>

If you have any questions or if you would like to testify, please let me know.

Gary Carlson

League of Minnesota Cities

[gcarlson@lmc.org](mailto:gcarlson@lmc.org)

651-281-1255

## **Estimated 2019 city LGA under current law vs. HF 3830<sup>1</sup> (in 1<sup>st</sup> year and with no phase-in)**

The attached run shows the distribution of the estimated 2019 LGA amounts under current law and if H.F. 3830 with the author's H3830A1 amendment was enacted. H.F. 3830 reduces a city's "unmet need" in the formula by a percent of the local sales tax revenue it received 2 years earlier. The phase-in for the local sales tax revenue reduction is 20 percent for aids payable in 2019 and increases by 20 percent each year until 100 percent of the local sales tax revenue is used for aids payable in 2023.

The estimate uses calendar year 2016 local sales tax revenues. Because a city does not lose aid under the formula until its current aid exceeds its "unmet need" little money is redistributed in the first year. However, if the offset was 100 percent (no phase-in) of the 2016 local sales tax revenue about \$36 million in city LGA would be redistributed among the cities. (2016 total city local sales tax revenue was about \$124 million). This printout shows the aid change under the bill in the first year and an estimate of the redistribution of LGA under this bill if there was no phase-in.

- **Column 1:** 2016 population
- **Column 2:** Estimated 2019 LGA under current law
- **Column 3:** Estimated 2019 LGA under HF 3830 in the first year
- **Column 4:** Estimated 2019 LGA under HF 3493 if there was no phase in of the sales tax revenue offset
- **Column 5:** Change in 2019 LGA under HF 3830 in the first year
- **Column 6:** Change in 2019 LGA under HF 3493 if there was no phase in of the sales tax revenue offset

For further information contact: Pat Dalton 651-296-7434

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<sup>1</sup> With H3830A1 amendment

## Estimated 2019 City LGA - current law vs. HF 3830 (1st year and if no phase-in)

Cityname	2016 Population	Estimated 2019 LGA	2019 LGA - HF 3830 - 1st yr.	2019 LGA - no phase-in HF 3830	Change in LGA - 1st yr. HF 3830	LGA under HF 3830-no phase-in
	(1)	(2)	(3)	(4)	(5=3-2)	(6=4-2)
GRAND MEADOW	1,175	340,819	341,198	386,112	377	45,293
HALLOCK	943	398,577	398,873	408,085	98	11,508
HARRIS	1,133	184,010	184,190	205,825	180	21,815
HAYFIELD	1,338	412,385	412,673	447,008	288	34,623
HENDERSON	911	298,496	298,667	319,102	171	20,606
HERMANTOWN	9,507	0	0	0	0	0
HOKAH	558	172,813	172,911	184,824	98	11,811
KASSON	6,288	1,080,332	1,081,823	1,259,758	1,491	179,426
KIMBALL	788	160,584	160,791	185,483	207	24,879
LACRESCENT	5,174	571,012	571,889	674,087	857	103,075
LAKE CITY	5,128	825,857	826,825	966,194	1,188	140,537
LAKE CRYSTAL	2,542	746,923	747,476	813,546	553	68,823
LAKE SHORE	1,050	0	0	0	0	0
LE SUEUR	4,053	977,481	978,339	1,080,619	858	103,138
LESTER PRAIRIE	1,698	518,988	519,274	556,047	308	37,081
LEWISTON	1,537	458,483	458,741	491,967	278	33,504
LITCHFIELD	6,736	1,938,231	1,939,441	2,083,722	1,210	145,491
MADISON LAKE	1,183	164,705	164,902	188,363	197	23,658
MANTORVILLE	1,223	282,368	282,692	321,326	324	38,958
MAPLETON	1,743	577,185	577,549	621,040	364	43,855
MAZEPPA	856	209,976	210,246	242,552	270	32,576
MEDFORD	1,273	219,197	219,277	218,573	80	-824
MELROSE	3,677	837,429	838,368	950,388	939	112,959
NICOLLET	1,117	247,334	247,584	277,461	250	30,127
NORTH BRANCH	10,469	681,407	682,825	852,076	1,418	170,669
NORTH MANKATO	13,813	1,730,342	1,732,114	1,907,788	1,772	177,446
PROCTOR	3,088	1,048,889	1,049,116	1,063,702	227	14,813
RANDALL	629	176,456	176,638	198,344	182	21,888
RAYMOND	765	247,332	247,529	271,057	197	23,725
RICE LAKE	4,109	432,883	434,066	575,101	1,183	142,218
RICHMOND	1,483	314,265	314,668	362,746	403	48,481
ROCKFORD	4,380	519,140	519,985	618,385	825	99,245
ROCKVILLE	2,548	195,416	195,801	241,829	385	46,413
ROLLINGSTONE	650	164,954	165,099	182,495	145	17,541
RUSHFORD VILLA	832	28,556	28,910	71,128	354	42,572
SABIN	544	105,582	105,898	119,506	116	13,924
SAUK CENTRE	4,457	1,140,167	1,140,767	1,212,368	600	72,201
SAUK RAPIDS	13,631	2,081,487	2,082,925	2,186,981	1,458	105,514
ST AUGUSTA	3,487	76,290	76,424	71,549	134	-4,741
ST CHARLES	3,753	904,975	905,895	991,573	720	86,598
ST CLAIR	846	248,153	248,374	274,703	221	26,550
ST PETER	11,807	3,044,170	3,045,872	3,260,970	1,802	216,800
ST STEPHEN	868	164,816	165,075	195,977	259	31,161
STACY	1,505	306,356	306,720	350,213	364	43,857
STEPHEN	664	229,523	229,667	246,755	144	17,232
STEWART	548	162,590	162,692	174,851	102	12,261
STEWARTVILLE	8,289	952,605	953,871	1,104,826	1,268	152,221
STOCKTON	714	187,335	187,527	210,461	192	23,126
WANAMINGO	1,087	246,049	246,253	270,535	204	24,486
WASECA	9,124	2,792,882	2,795,626	3,123,008	2,744	330,126

PR18-07

3/19/18 - 4/1/18

## CITY OF PROCTOR

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## Payroll Summary - General Funds

Comments: Labor Distribution

FUND Descr	DEPT Descr	ACTIVITY Descr	OBJECT Descr	Amount
General Fund	Tourism	Tourism Expenditures	Full-Time Employee Regular	\$1,751.21
	City Administrator	Municipal Operations	Full-Time Employee Regular	\$3,461.54
	City Administrator	Government Building	Part-Time Employee	\$674.00
	City Clerk	Administrative	Full-Time Employee Regular	\$2,320.80
	City Clerk	Administrative	Full-Time Employee Regular	\$475.20
	City Clerk	Administrative	Full-Time Employee Overtime	\$523.51
	Financial Administration	Accounting	Full-Time Employee Regular	\$2,230.40
	Police	Operations (Police)	Full-Time Employee Regular	\$134.84
	Police	Operations (Police)	Full-Time Employee Regular	\$1,460.16
	Police	Operations (Police)	Full-Time Employee Regular	\$749.56
	Police	Operations (Police)	Full-Time Employee Regular	\$15,445.67
	Police	Operations (Police)	Full-Time Employee Regular	\$1,038.16
	Police	Operations (Police)	Full-Time Employee Overtime	\$1,900.98
	Police	Operations (Police)	Full-Time Employee Overtime	\$1,419.30
	Police	Admin Secretary (Police)	Full-Time Employee Regular	\$4.85
	Police	Admin Secretary (Police)	Full-Time Employee Regular	\$1,558.85
	Police	Admin Secretary (Police)	Part-Time Employee	\$911.04
	Police	Police Grant Labor	Full-Time Employee Overtime	\$1,003.86
	Fire	Operations (Fire)	Part-Time Employee	\$100.00
	Building Inspection	Operations (Bldg Inspection)	Part-Time Employee	\$192.31
	Streets & Roadways	Street Department	Full-Time Employee Regular	\$225.99
	Streets & Roadways	Street Department	Full-Time Employee Regular	\$1,546.92
	Streets & Roadways	Street Department	Full-Time Employee Regular	\$1,355.04
	Streets & Roadways	Street Department	Full-Time Employee Regular	\$530.19
	Streets & Roadways	Street Department	Full-Time Employee Regular	\$2,868.69
	Streets & Roadways	Street Department	Full-Time Employee Regular	\$234.63
	Streets & Roadways	Sanding	Full-Time Employee Regular	\$107.16
	Streets & Roadways	Snow Removal	Full-Time Employee Regular	\$57.90
	Streets & Roadways	Snow Removal	Full-Time Employee Overtime	\$282.26
	Park	City Parks	Full-Time Employee Regular	\$181.05
FUND 100 General Fund				\$44,746.07
Sewer Fund	Public Works	Storm Drainage	Full-Time Employee Regular	\$741.48
	Public Works	Sewer	Full-Time Employee Regular	\$620.07
FUND 500 Sewer Fund				\$1,361.55
				\$46,107.62



**CITY OF PROCTOR**  
**Payroll Summary - Liquor Fund**  
 Comments: Labor Distribution

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FUND Descr	DEPT Descr	ACTIVITY Descr	OBJECT Descr	Amount
Liquor Fund	Mountain Spirits Liquor	Manager - Off Sale	Full-Time Employee Regular	\$305.90
	Mountain Spirits Liquor	Manager - Off Sale	Full-Time Employee Regular	\$1,442.10
	Mountain Spirits Liquor	Manager - Off Sale	Full-Time Employee Overtime	\$98.33
	Mountain Spirits Liquor	Clerks - Off Sale	Part-Time Employee	\$59.16
	Mountain Spirits Liquor	Clerks - Off Sale	Part-Time Employee	\$2,156.24
				\$4,061.73
FUND 600 Liquor Fund				\$4,061.73

**CITY OF PROCTOR**  
**Council Packet - Gen/Liq**  
Pay Group Description: City -BI-wk  
Pay Period: 7

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Location Description	Hours	Shift Multiplier	Amount	Pay Group Description
Location Description CITY HALL				
Shift Multiplier 1.5				
CITY HALL	15.25	1.5	\$388.88	City -BI-wk
CITY HALL	5.00	1.5	\$134.63	City -BI-wk
CITY HALL	2.50	1.5	\$78.41	City -BI-wk
Shift Multiplier 1.5	22.75		\$601.92	
Location Description POLICE				
Shift Multiplier 1.5				
POLICE	12.00	1.5	\$448.56	City -BI-wk
POLICE	24.00	1.5	\$897.12	City -BI-wk
POLICE	22.00	1.5	\$1,003.86	City -BI-wk
POLICE	12.00	1.5	\$423.18	City -BI-wk
POLICE	12.00	1.5	\$547.56	City -BI-wk
POLICE	20.00	1.5	\$912.60	City -BI-wk
POLICE	2.00	1.5	\$91.26	City -BI-wk
Shift Multiplier 1.5	104.00		\$4,324.14	
Location Description Street Department				
Shift Multiplier 1.5				
Street Department	6.50	1.5	\$282.26	City -BI-wk
Shift Multiplier 1.5	6.50		\$282.26	
Pay Group Description City -BI-wk	133.25		\$5,208.32	
Location Description Liquor Store				
Shift Multiplier 1.5				
Liquor Store	3.00	1.5	\$98.33	Liq -BI-Wk
Shift Multiplier 1.5	3.00		\$98.33	
Pay Group Description Liq -BI-Wk	3.00		\$98.33	
	136.25		\$5,306.65	

T20 grant

# **PROCTOR POLICE CIVIL SERVICE COMMISSION**

**Minutes of meeting held Monday, February 5th, 2018, 6:00pm.**

**Minutes of meeting held November 17<sup>th</sup>, 2017, read and approved as written.**

**Present: Chairperson, Diane Giuliani, Commissioners Lori Anderson and Steven Elder. Proctor Police Chief Gaidis, Proctor Police Sgt. Redfield.**

- 1. Discussion regarding SRO position and Funding. City of Proctor is waiting for the Proctor School Board to make a decision on funding. Position on hold.**
- 2. Discussion regarding of any new hiring. Benefits to lateral hiring of existing Police Officer, or hiring of new candidates with no prior Police Officer experience.**
- 3. Discussion regarding why there is a delay in contract negotiations for the Proctor Police department.**
- 4. With no further business to discuss, meeting adjourned at 7:03 pm.**

**Respectfully Submitted,**

**Steven Elder, Secretary,  
Proctor Police Civil Service Commissioner**

**cc: Diane Giuliani, Chairperson**

**Lori Anderson, Civil Service Commissioner**

**Chief Gaidis, Proctor Police Dept.**

**Sgt. Redfield Proctor Police Dept.**

**Mark Casey, Proctor City Administrator**

# Proctor Area Chamber of Commerce

## Board of Directors Meeting

- Minutes -

**Proctor AmericInn - 185 Hwy. 2, Proctor  
Wednesday, March 7, 2018 - 7 a.m.**

Call to Order: 7 a.m.

Approval of February 2018 meeting minutes m/s

Welcome Guests & Introductions: : vice President Nick Greenwood, Mark Feige, Jan Resberg, , Cindy Jackson, Jake Benson, , Mike Donnahue, Kay Anderson.

### Reports

1. Financial – Vintage Ride made an estimated \$3,531, though bills are still coming in. Chamber balance: \$20,796.29
2. City – report made
3. PEDDA – no report
4. Tourism – request for funding: racetrack and fair board. Will review in April. Looking for businesses to include coupons for “Pampered in Proctor.”
5. New / Renew Members – 30 have renewed during current signup period.

### New Business

1. APEX - should chamber engage Hanson to get plan. Comments ranged from it should be city number one priority, what will be different. Need someone who will do the leg work. Proctor functions different than other communities. Some businesses want to come to Proctor but do not feel welcome. One businesses wanted to build \$1.5 million business. Said not business friendly. Concerned if Chamber spends money where will it go.
2. Fairground Ice rink – lease up in 14 months. Any ideas. Fair board would like winter storage can make money.
3. Proctor Lions looking for help. Kyle Borg will attend meeting.

### Old Business:

1. Chamber raffle update –sold/turned in 60 tickets of 200 tickets. Need 130 to Break even.
2. Vision & Mission Statement - tabled
3. 2018 Agenda & Calendar - tabled
4. Fill This Space – state and St. Louis county part of economic study. Jobs are available. Need people to relocate here. Filling empty buildings may not be realistic for Proctor. One business announced it will likely close in year.
5. Fireworks – One member suggested to fight for it. M/withdrawn and tabled increase donation from \$1,000 to \$2,000. Question on how fireworks help chamber businesses.
6. Minnesota Design Team - See NB 1

**Committees**

1. Annual vintage snowmobile challenge – review – 340 turnout many unregistered. 100 more than highest number. Almost ran out of parking.
2. Annual Winter Carnival – review - \$400 dog sleds, \$412 insurance, \$177 food, \$195 advertising, grooming sled dog trail = \$1300. Consider if chamber should have in 2019. Chamber By-laws to promote business – members ask how does this help chamber.
3. Chamber Scholarship – update – two, one male and one female, have applied. Scholarship is for \$500 a year for four years as long as they stay in school. One scholarship will be awarded.
4. Web site development / social media – need to get someone to develop.

**Member Suggestions, Concerns:**

**Adjournment:** 7:59 a.m.

Minutes of the Proctor Economic Development Authority Meeting held at 6:00 p.m. on Tuesday, March 13, 2018 in the Proctor Community Center.

The meeting was called to order by Chairman Madson at 6:05 p.m.

**MEMBERS PRESENT:** Commissioners: Wayne Pulford, Carol Lind, Nick Greenwood, Tom Lavato, and Chairman Eric Madson

**MEMBERS ABSENT:** Phil Larson, One Open Position

**OTHERS PRESENT:** City Administrator Mark Casey

**APPROVAL OF MINUTES:** PED A Meeting Minutes of February 13, 2018

Motion by Lind, seconded by Pulford and carried: To approve the PED A Meeting Minutes of February 13, 2018.

**APPROVAL OF AGENDA:** One addition 5D: PED A Resignation

Motion by Lavato, seconded by Lind and carried: To approve the PED A Agenda March 13, 2018 with the addition.

## 1. COMMUNICATIONS

- A. Discussion on Swanson Loan, how much was the loan, why was the Derailed Bar named on the Conciliation Court Hearing Document. Nick Greenwood brought in the documentation for the Conciliation Court Hearing for the Nicole Swanson loan. Mr. Greenwood was very upset as to why the Derailed Bar was named on the document. My response was "that was the only known address we had." I also mentioned that Ms Swanson has failed to respond to any of the city's letters to her in regards to the loan.

The reasoning behind the motion was that it was never brought to PED A for this type of decision. However, discussion ensued and members of PED A agree that it still may come to a Conciliation Court date. But for now to cancel the Court proceedings until Ms. Swanson can discuss the issue with Chairman Madson and Administrator Casey.

Motion by Pulford; 2<sup>nd</sup> by Lind voted 3-1 (Lavato voting No), to have the Court date cancelled and have Chairman Madson speak with Ms. Swanson and try to make some sort of payment arrangement. The motion was also to have the Derailed Bar name stricken from the court document.

## 2. PLANNING & ZONING COMMISSION MATTERS

### A. Notice of Public Hearing - Arena Sign

Casey stated the variance for the new arena sign at the entrance was approved. The school will also have to apply for another variance in regards to the signage that will be placed on site on the building itself.

## 3. PEDA SECRETARY ADVISES AUTHORITY

## 4. UNFINISHED BUSINESS

## 5. NEW BUSINESS

### A. Financials

Financial report was presented. Casey discussed the easier to read format than the previous meeting. The PEDA went through the loans (receivables) and cash on hand. Motion by Pulford; 2<sup>nd</sup> by Lind to approve the financial report. Casey stated the accountant has retired and if the PEDA would be acceptable to a quarterly report?

### B. B.D.R.H.C. Fund

Casey brought to the table discussion as to what this fund is to be used for. Documentation was presented from 1987 on how the fund was created through donations and the funds were to be used for business, development, recreation, health, and the city. With the up coming fundraiser for the "Playground for EveryBody," should PEDA consider making a donation from this fund. Casey also advised the accountant (Loren Peterson) stated PEDA should draw down some of the funds which have not been used since the accountant has been employed. The PEDA would like to discuss this item again at it April meeting. No action taken.

### C. Loan Program

It was presented to PEDA some of the changes made by the Authority during the past few months and if other changes are needed.

- 1) Finance Committee make up of Administrator, Chairperson, and a finance representative of First National Bank of Proctor. Pulford did ask as to why not the Credit Union. It was advised the City does its banking through First National.

- 2) Purpose as stated in the agenda is good.
- 3) Loan Criteria: a few changes made to
  - a. Maximum Amount of loan will be based on Economic Impact and Funds Available;
  - b. What position will PEDDA have against any other loans
  - c. Rates will be appropriate to rates at the time of the loan.
- 4) Grant Availability;
  - a. Grants will be based upon the requirements of the grant program offered.

Motion by Pulford: 2<sup>nd</sup> by Lind to approve the changes. Motion passed unanimously.

#### 6. MEMBER CONCERNS

Chairman Madson advised PEDDA he has been contacted by developer Kevin Peiper (sp) in regards to possible hotel development. Chairman Madson advised he will reach out to Peiper to discuss possibilities.

Discussion on the number of members required on PEDDA. Two members have resigned recently and Commissioner Lind asked can we just have five members. It was advised the By-Laws and Ordinance would have to be changed and City Council approval is required.

All would like to have the discussion on the next agenda for April.

APPROVAL OF BILLS: Maki and Overom \$80.00 Conciliation Court Hearing document.

Motion by Lind, seconded by Pulford. Motion carried unanimously.

#### ADJOURNMENT

Motion by Pulford, seconded by Lind and carried: To adjourn the meeting at 7:29 p.m.



**PROCTOR TOURISM COMMITTEE**  
*Unapproved* MINUTES  
**April 3, 2018 Special Meeting**

Meeting was called to order at 3:00 p.m. Members present were Tony Banks, Deanna Gregorich, Jim Schwartzbauer, Sally Hedtke, Frank Silro, and Nick Bjerklie. Members absent were Dan Rohweder, Lisa Johnson and Ryan Jones.

Motion made by Frank, second by Jim to approve the February 27, 2018 Minutes. Motion passed.

Motion made by Sally, second by Tony to approve the April 3, 2018 Agenda. Motion passed.

**FINANCIAL BUSINESS**

Committee reviewed the Financial Reports. Motion by Frank, second by Deanna to approve the Financial Reports. Motion passed.

**ROOMS TAX REQUESTS:**

Committee reviewed the funding request by the S. St. Louis Fair Association for 2018. The Fair requested the same amount as 2017 - \$15,000. Discussion on the need for that much funding this year, and what amount should be requested from the Unallocated Budget. Sally stated that collaborative marketing can be done using existing marketing options available to Tourism. Marketing done in-house can be targeted to tourists and out of the area, and the ROI can be measured through Tourism analytics which is important for assessing whether this is a productive use of tourism funds. Committee discussed ideas for promoting the Fair to a younger audience and out of the area.

**Motion by Sally Hedtke, second by Tony Banks to recommend that the City Council approve \$8,000 in funding for the 2018 S. St. Louis County Fair out of Unallocated Funds. Motion passed.**

Committee reviewed the funding request by the Proctor Speedway for 2018. The Speedway requested the same amount as 2017 - \$10,000. The Committee again discussed whether that much funding is available this year with lodging taxes down and what amount should be requested from the Unallocated Budget. Tony discussed that marketing can be done in-house using budgeted funds, and targeted to tourists with the ROI measured through analytics, which is important for assessing whether this is a productive use of tourism funds.

**Motion by Tony Banks, second by Frank Silro to recommend that the City Council approve \$5,000 in funding for the 2018 Speedway Events out of Unallocated Funds. Motion passed.**

The Committee reviewed a new event, Running for Justice. This event was first held last year, and is a fundraiser for a non-profit organization from out of the region. The event is held May 17-19 which is a slower time for the hotels. The Americinn is a sponsor, donating 10 rooms for event organizers. Funding requested is \$1,200 and will be used for marketing in the state. Committee discussed the need to support small events such as this during the slower months with the hope that marketing will help the event grow, and possibly become as large as the MS 150. Motion by Sally, second by Tony, to approve funding in the amount of \$1,200 to Running for Justice Bike-A-Thon. Motion passed.

The meeting was adjourned at 4:05 p.m. Next Tourism Committee meeting is Tuesday, April 24, 2018 at 3:00 p.m.

Council action  
Council action

4E

**PARKS AND RECREATION COMMITTEE**  
*Unapproved* MINUTES  
Tuesday, April 3, 2018

Meeting was called to order at 4:30 p.m. Members present were Rory Johnson, Jesse Annala, Rick LaLonde, and Gary Nowak. Others present were Jennifer McDonald, Russell Habermann and Sally Hedtke.

Motion made by Rory, second by Rick to approve the June 29, 2017 Minutes. Motion passed.

Motion made by Rory, second by Gary to approve the April 3, 2018 Agenda with the addition of Park Equipment under New Business. Motion passed to approve Revised Agenda.

**COMMITTEE ORGANIZATION**

The Committee discussed the current membership and asked Jennifer whether she would apply to be on the committee and be the Recording Secretary. Jennifer agreed and will submit an application that will be reviewed by Council. Motion by Rory, second by Gary that Jennifer take over as Recording Secretary after approval of her committee application. Motion passed.

The Committee approved the following for 2018

Chair: Jesse Annala

Vice-Chair: Rory Johnson

Recording Secretary: Jennifer McDonald (upon application approval)

**UNFINISHED BUSINESS**

A. School Referendum Update given by Rory and Jennifer. Items discussed were the fill added to the field near the new arena to make a replacement soccer field, Grand Lake put up warming sheds, the addition of tennis courts in Canosia, two playground upgrades in Midway, and a report by Rory on the progress to the new hockey arena.

B. Playground for EveryBody Update given by Jennifer. Fundraising is going well with a new business solicitation letter drafted, a Raffle Fundraiser at the Powerhouse May 19<sup>th</sup>, with the raffle prize drawing June 21. The Playground has \$30,000 in the bank, with a promise of another \$20,000 from the City of Proctor. Jennifer reported that she has been approved to go forward with a grant request of \$110,000 through the MN Outdoor Recreation Grant program, and expects an answer in June. She is also applying for a \$15,000 grant through the Christopher Reed Quality of Life Grant.

C. Trails Update given by Rick who reported on upgrades to the North 40 area, with a culvert put in on the St. Louis River Road, and paving a small parking lot using recycled asphalt that the County gave to the City for free- a huge savings for the city. Rick also reported that the city staff brushed out the area near Field #2 and took down the old bridge over the creek that was in disrepair. Rick and city staff continue to plant trees every year in that area.

D. Parks Projects were discussed, with Jesse saying that the brush should be cut between Field 1 and parking lot as well as between Playground and Pavilion. Rick said the city crew will brush it out this year. Committee felt that this is something that will need to be done every year, so they may look into getting volunteers or possibly an Eagle Scout project. Russell Habermann

discussed that the Beautification and Trees Committee would like to collaborate on park projects since they have a shared interest. He suggested that both committees work together on a plan. Russell stated that he was not able to be on the Parks and Recreation Committee since he is the ARDC administrator of the Federal Trails Grant Program and it may be a conflict, but that he would like to be attend meetings and be included in committee mailings.

## NEW BUSINESS

A. Seasonal Park Workers for 2018 will again include Angie Peterson who will start sometime in April, and another summer worker.

B. Field Use Agreements between PHS, Proctor Fast Pitch Association and others was discussed. Members discussed past formal and informal agreements that were beneficial to all parties. Rick gave a report on shared purchases of chalk and ag-lime, as well as other shared resources and staff time. The Committee appreciates that good working arrangements between the city and school, and anticipates a continued collaboration. Rick discussed the past agreement with the Youth Softball to pay \$1,000 for the use of city softball fields. Jesse discussed that the school has upgraded Klang field and that there is no charge to the Little League for that field. After much discussion, the Committee decided to recommend that the fee for city field usage be the same as past years.

**Motion made by Rory Johnson, second by Rick LaLonde to recommend that the City Council approve an annual fee of \$1,000 to organizations for use of the city softball fields. Motion passed.**

*Council Action*

C. Field Scheduling was discussed and Jesse will work more closely with those requesting fields to fairly and efficiently schedule practices and games.

D. Softball Field dug out covers have been handled by Rory's brother, Brad Johnson. He ordered two covers from Proctor Canvas and is donating them, valued at \$600 each. One will be purchased for Field 1 this year, and one for Field 2 next year.

E. Softball Field netting above backstop was discussed. Rick will research the costs and value in both netting and chain link fencing and will report back to the committee.

F. Committee vacancies was discussed and committee felt that with the addition of Jennifer, the committee will stay at five members. As Athletic Director, Dan Stauber will be invited to all meeting, as well Russell Habermann as a member of the Beautification and Trees Committee.

G. Old Arena update given by Jesse. A meeting was held on 4/2/18 to discuss the future use and management of the old hockey arena. The Fair Association would like to use the facility for parking in the future. PAHA will continue to lease the arena until 2020, but may decide to forgo that lease at any time if the facility is not needed.

H. Park Equipment was reviewed by Rick, who has done research on updating equipment. He gave information on replacing a riding mower and upgrading to a multi-use piece that can be used year-round. This equipment is in the budget and the Street Department would like to purchase this year or the next. Rory noted that the school and city could share equipment, staff and resources as needed.

Russell Habermann asked for time to report on upcoming events, shared interests and collaboration between Beautification and Parks & Recreation Committees. Russell reported on the following: 1) The Beautification and Trees Committee will be responsible for the Arbor Day Event, with continued help from the Street Department; 2) May 5<sup>th</sup> will be the annual City Clean-Up Day; 3) The Safe Routes to School Program is working on a new Bike Park Plan; 4) contact Eric Larson, Hermantown Economic Development to collaborate and get updates on the on-going Munger Spur Trails Plan. Hermantown continues to move ahead with that plan, and Proctor needs to be included; 5) The Beautification and Trees Committee is developing a Strategic Plan; and 6) ARDC has a grant writer who is able to help groups with grant writing. Contact Barb Caskey at ARDC for information.

NEXT MEETING DATE is Tuesday, May 22, 2018 at 4:30 p.m.

Meeting was adjourned at 6:13 p.m.

*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"*

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY OF PROCTOR, MINNESOTA,  
APPROVING A NOTICE OF SALE FOR THE ISSUANCE OF \$3,260,000  
GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2018A**

BE IT RESOLVED, by the City Council (the "City Council") of the City of Proctor, Minnesota (the "Issuer"), as follows:

Section 1. Authority. Under and pursuant to the authority contained in Minnesota Statutes, Chapters 429 and 475 (collectively the "Act"), the Issuer is authorized to issue general obligation bonds to finance a portion of the costs of local public improvements which are to be paid for in part by special assessments levied or to be levied upon benefited property (the "Project"), for payment of part of the interest cost of the Bonds herein and for payment of part of the issuance costs of the Bonds. The principal of and interest on the Bonds shall be paid primarily from special assessments levied upon benefited property and ad valorem taxes. The Project is ordered as required by Minnesota Statutes, Section 429.091, Subdivision 1.

Section 2. The Bonds. The City Council determines that it is necessary, expedient, and in the best interests of the Issuer's residents that the Issuer issue, sell and deliver its General Obligation Improvement Bonds, Series 2018A (the "Bonds") in an amount of approximately \$3,260,000, in one or more series, for the purpose of financing the costs of local public improvements and paying the costs of issuing the Bonds.

Section 3. Official Terms of Offering. The Issuer's administrative staff is hereby authorized and directed to work with Springsted Incorporated, independent municipal advisor to the Issuer, and Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the initial series of the Bonds in the amount of approximately \$3,260,000 in substantial compliance with the Terms of Proposal attached hereto as Exhibit A, which Terms of Proposal is hereby approved.

Section 4. Form and Terms of the Bonds. The form, specifications and provisions for repayment of the Bonds shall be set forth in a subsequent resolution of the City Council.

Adopted: April 16, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Administrator

## **EXHIBIT A**

**THE CITY HAS AUTHORIZED SPRINGSTED INCORPORATED TO NEGOTIATE THIS ISSUE ON ITS BEHALF. PROPOSALS WILL BE RECEIVED ON THE FOLLOWING BASIS:**

### **TERMS OF PROPOSAL**

**\$3,260,000\***

**CITY OF PROCTOR, MINNESOTA**

**GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2018A**

**(BOOK ENTRY ONLY)**

Proposals for the above-referenced obligations (the "Bonds") will be received by the City of Proctor, Minnesota (the "City") on Monday, May 21, 2018, (the "Sale Date") until 11:00 A.M., Central Time at the offices of Springsted Incorporated ("Springsted"), 380 Jackson Street, Suite 300, Saint Paul, Minnesota, 55101, after which time proposals will be opened and tabulated. Consideration for award of the Bonds will be by the City Council at its meeting commencing at 6:00 P.M., Central Time, of the same day.

### **SUBMISSION OF PROPOSALS**

Springsted will assume no liability for the inability of a bidder to reach Springsted prior to the time of sale specified above. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner in which the proposal is submitted.

(a) **Sealed Bidding.** Proposals may be submitted in a sealed envelope or by fax (651) 223-3046 to Springsted. Signed proposals, without final price or coupons, may be submitted to Springsted prior to the time of sale. The bidder shall be responsible for submitting to Springsted the final proposal price and coupons, by telephone (651) 223-3000 or fax (651) 223-3046 for inclusion in the submitted proposal.

**OR**

(b) **Electronic Bidding.** Notice is hereby given that electronic proposals will be received via PARITY®. For purposes of the electronic bidding process, the time as maintained by PARITY® shall constitute the official time with respect to all proposals submitted to PARITY®. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY® for purposes of submitting its electronic proposal in a timely manner and in compliance with the requirements of the Terms of Proposal.* Neither the City, its agents, nor PARITY® shall have any duty or obligation to undertake registration to bid for any prospective bidder or to provide or ensure electronic access to any qualified prospective bidder, and neither the City, its agents, nor PARITY® shall be responsible for a bidder's failure to register to bid or for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by the services of PARITY®. The City is using the services of PARITY® solely as a communication mechanism to conduct the electronic bidding for the Bonds, and PARITY® is not an agent of the City.

If any provisions of this Terms of Proposal conflict with information provided by PARITY®, this Terms of Proposal shall control. Further information about PARITY®, including any fee charged, may be obtained from:

PARITY®, 1359 Broadway, 2<sup>nd</sup> Floor, New York, New York 10018  
Customer Support: (212) 849-5000

## DETAILS OF THE BONDS

The Bonds will be dated as of the date of delivery and will bear interest payable on February 1 and August 1 of each year, commencing February 1, 2019. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Bonds will mature February 1 in the years and amounts\* as follows:

2020	\$120,000	2024	\$135,000	2028	\$155,000	2032	\$175,000	2036	\$195,000
2021	\$125,000	2025	\$135,000	2029	\$155,000	2033	\$180,000	2037	\$205,000
2022	\$135,000	2026	\$135,000	2030	\$160,000	2034	\$185,000	2038	\$210,000
2023	\$135,000	2027	\$150,000	2031	\$165,000	2035	\$185,000	2039	\$220,000

\* *The City reserves the right, after proposals are opened and prior to award, to increase or reduce the principal amount of the Bonds or the amount of any maturity or maturities in multiples of \$5,000. In the event the amount of any maturity is modified, the aggregate purchase price will be adjusted to result in the same gross spread per \$1,000 of Bonds as that of the original proposal. Gross spread for this purpose is the differential between the price paid to the City for the new issue and the prices at which the proposal indicates the securities will be initially offered to the investing public.*

Proposals for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption at a price of par plus accrued interest to the date of redemption scheduled to conform to the maturity schedule set forth above. In order to designate term bonds, the proposal must specify "Years of Term Maturities" in the spaces provided on the proposal form.

## BOOK ENTRY SYSTEM

The Bonds will be issued by means of a book entry system with no physical distribution of Bonds made to the public. The Bonds will be issued in fully registered form and one Bond, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository for the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The lowest bidder (the "Purchaser"), as a condition of delivery of the Bonds, will be required to deposit the Bonds with DTC.

## REGISTRAR

The City will name the registrar which shall be subject to applicable regulations of the Securities and Exchange Commission. The City will pay for the services of the registrar.

## OPTIONAL REDEMPTION

The City may elect on February 1, 2026, and on any day thereafter, to redeem Bonds due on or after February 1, 2027. Redemption may be in whole or in part and if in part at the option of the City and in such manner as the City shall determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All redemptions shall be at a price of par plus accrued interest.

## SECURITY AND PURPOSE

The Bonds will be general obligations of the City for which the City will pledge its full faith and credit and power to levy direct general ad valorem taxes. In addition, the City will pledge special assessments from benefitted properties for repayment of a portion of the Bonds. The proceeds of the Bonds will be used to finance various street improvement projects and related utilities.

## BIDDING PARAMETERS

Proposals shall be for not less than \$3,224,140 plus accrued interest, if any, on the total principal amount of the Bonds. No proposal can be withdrawn or amended after the time set for receiving proposals on the Sale Date unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made. Rates shall be in integral multiples of 1/100 or 1/8 of 1%. The initial price to the public for each maturity as stated on the proposal must be 98.0% or greater. Bonds of the same maturity shall bear a single rate from the date of the Bonds to the date of maturity. No conditional proposals will be accepted.

## ESTABLISHMENT OF ISSUE PRICE

In order to provide the City with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively, the "Code"), the Purchaser will be required to assist the City in establishing the issue price of the Bonds and shall complete, execute, and deliver to the City prior to the closing date, a written certification in a form acceptable to the Purchaser, the City, and Bond Counsel (the "Issue Price Certificate") containing the following for each maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity): (i) the interest rate; (ii) the reasonably expected initial offering price to the "public" (as said term is defined in Treasury Regulation Section 1.148-1(f) (the "Regulation")) or the sale price; and (iii) pricing wires or equivalent communications supporting such offering or sale price. Any action to be taken or documentation to be received by the City pursuant hereto may be taken or received on behalf of the City by Springsted.

The City intends that the sale of the Bonds pursuant to this Terms of Proposal shall constitute a "competitive sale" as defined in the Regulation based on the following:

- (i) the City shall cause this Terms of Proposal to be disseminated to potential bidders in a manner that is reasonably designed to reach potential bidders;
- (ii) all bidders shall have an equal opportunity to submit a bid;
- (iii) the City reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Bonds; and
- (iv) the City anticipates awarding the sale of the Bonds to the bidder who provides a proposal with the lowest true interest cost, as set forth in this Terms of Proposal (See "AWARD" herein).

Any bid submitted pursuant to this Terms of Proposal shall be considered a firm offer for the purchase of the Bonds, as specified in the proposal. The Purchaser shall constitute an "underwriter" as said term is defined in the Regulation. By submitting its proposal, the Purchaser confirms that it shall require any agreement among underwriters, a selling group agreement, or other agreement to which it is a party relating to the initial sale of the Bonds, to include provisions requiring compliance with the provisions of the Code and the Regulation regarding the initial sale of the Bonds.

If all of the requirements of a "competitive sale" are not satisfied, the City shall advise the Purchaser of such fact prior to the time of award of the sale of the Bonds to the Purchaser. **In such event, any proposal submitted will not be subject to cancellation or withdrawal.** Within twenty-four (24) hours



of the notice of award of the sale of the Bonds, the Purchaser shall advise the City and Springsted if a "substantial amount" (as defined in the Regulation) of any maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity) has been sold to the public and the price at which such substantial amount was sold. The City will treat such sale price as the "issue price" for such maturity, applied on a maturity-by-maturity basis. The City will not require the Purchaser to comply with that portion of the Regulation commonly described as the "hold-the-offering-price" requirement for the remaining maturities, but the Purchaser may elect such option. If the Purchaser exercises such option, the City will apply the initial offering price to the public provided in the proposal as the issue price for such maturities. If the Purchaser does not exercise that option, it shall thereafter promptly provide the City and Springsted the prices at which a substantial amount of such maturities are sold to the public; provided such determination shall be made and the City and Springsted notified of such prices whether or not the closing date has occurred, until the 10% test has been satisfied as to each maturity of the Bonds or until all of the Bonds of a maturity have been sold.

### GOOD FAITH DEPOSIT

To have its proposal considered for award, the Purchaser is required to submit a good faith deposit to the City in the amount of \$32,600 (the "Deposit") no later than 2:00 P.M., Central Time on the Sale Date. The Deposit may be delivered as described herein in the form of either (i) a certified or cashier's check payable to the City; or (ii) a wire transfer. The Purchaser shall be solely responsible for the timely delivery of its Deposit whether by check or wire transfer. Neither the City nor Springsted have any liability for delays in the receipt of the Deposit. If the Deposit is not received by the specified time, the City may, at its sole discretion, reject the proposal of the lowest bidder, direct the second lowest bidder to submit a Deposit, and thereafter award the sale to such bidder.

*Certified or Cashier's Check.* A Deposit made by certified or cashier's check will be considered timely delivered to the City if it is made payable to the City and delivered to Springsted Incorporated, 380 Jackson Street, Suite 300, Saint Paul, Minnesota 55101 by the time specified above.

*Wire Transfer.* A Deposit made by wire will be considered timely delivered to the City upon submission of a federal wire reference number by the specified time. Wire transfer instructions will be available from Springsted following the receipt and tabulation of proposals. The successful bidder must send an e-mail including the following information: (i) the federal reference number and time released; (ii) the amount of the wire transfer; and (iii) the issue to which it applies.

Once an award has been made, the Deposit received from the Purchaser will be retained by the City and no interest will accrue to the Purchaser. The amount of the Deposit will be deducted at settlement from the purchase price. In the event the Purchaser fails to comply with the accepted proposal, said amount will be retained by the City.

### AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis calculated on the proposal prior to any adjustment made by the City. The City's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling.

The City will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Bonds, (ii) reject all proposals without cause, and (iii) reject any proposal that the City determines to have failed to comply with the terms herein.

### BOND INSURANCE AT PURCHASER'S OPTION

The City has not applied for or pre-approved a commitment for any policy of municipal bond insurance with respect to the Bonds. If the Bonds qualify for municipal bond insurance and a bidder desires to

purchase a policy, such indication, the maturities to be insured, and the name of the desired insurer must be set forth on the bidder's proposal. The City specifically reserves the right to reject any bid specifying municipal bond insurance, even though such bid may result in the lowest TIC to the City. All costs associated with the issuance and administration of such policy and associated ratings and expenses (other than any independent rating requested by the City) shall be paid by the successful bidder. Failure of the municipal bond insurer to issue the policy after the award of the Bonds shall not constitute cause for failure or refusal by the successful bidder to accept delivery of the Bonds.

#### CUSIP NUMBERS

If the Bonds qualify for assignment of CUSIP numbers such numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the Purchaser to accept delivery of the Bonds. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the Purchaser.

#### SETTLEMENT

On or about June 14, 2018, the Bonds will be delivered without cost to the Purchaser through DTC in New York, New York. Delivery will be subject to receipt by the Purchaser of an approving legal opinion of Fryberger, Buchanan, Smith & Frederick, P.A., Duluth, Minnesota, and of customary closing papers, including a no-litigation certificate. On the date of settlement, payment for the Bonds shall be made in federal, or equivalent, funds that shall be received at the offices of the City or its designee not later than 12:00 Noon, Central Time. Unless compliance with the terms of payment for the Bonds has been made impossible by action of the City, or its agents, the Purchaser shall be liable to the City for any loss suffered by the City by reason of the Purchaser's non-compliance with said terms for payment.

#### CONTINUING DISCLOSURE

At the time of delivery of the Bonds, the City will not be obligated with respect to more than \$10,000,000 of outstanding municipal securities, including the Bonds being offered hereby. In order to assist bidders in complying with SEC Rule 15c2-12, as amended, the City will enter into a Continuing Disclosure Certificate pursuant to which it will covenant to file with the Municipal Securities Rulemaking Board electronically through the Electronic Municipal Market Access system certain financial information or operating data that is customarily prepared and is publicly available and notices of certain material events to the limited extent required by SEC Rule 15c2-12(d)(2). The Continuing Disclosure Certificate will be set forth in the Official Statement.

#### OFFICIAL STATEMENT

The City has authorized the preparation of a Preliminary Official Statement containing pertinent information relative to the Bonds, and said Preliminary Official Statement has been deemed final by the City as of the date thereof within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For copies of the Preliminary Official Statement or for any additional information prior to sale, any prospective purchaser is referred to the Municipal Advisor to the City, Springsted Incorporated, 380 Jackson Street, Suite 300, Saint Paul, Minnesota 55101, telephone (651) 223-3000.

A Final Official Statement (as that term is defined in Rule 15c2-12) will be prepared, specifying the maturity dates, principal amounts, and interest rates of the Bonds, together with any other information required by law. By awarding the Bonds to the Purchaser, the City agrees that, no more than seven business days after the date of such award, it shall provide without cost to the Purchaser up to 25 copies of the Final Official Statement. The City designates the Purchaser as its agent for purposes of distributing copies of the Final Official Statement to each syndicate member, if applicable. The Purchaser agrees that if its proposal is accepted by the City, (i) it shall accept designation and (ii) it shall enter into a contractual

relationship with its syndicate members for purposes of assuring the receipt of the Final Official Statement by each such syndicate member.

Dated April 16, 2018

BY ORDER OF THE CITY COUNCIL

/s/ Mark Casey  
City Administrator



Almac & 6th Reconstruction

SEH NO. PROGT 139833

Date: March 28, 2016

Revised:

S:\PI\P\PROGT\1398332-proj-mgmt

Project Cost Summary

Almac Drive						
Construction Costs - Almac Drive / Bee St. / Ugstad Rd.						
	Street	Storm	Sanitary	Water	New Sidewalk	Lighting
	\$ 483,745.83	\$ 206,088.15	\$ 211,989.47	\$ 291,358.35	\$ 24,422.22	\$ 52,919.25
Sub Total	\$ 1,270,523.27					
8th Avenue						
	\$ 33,148.26	\$ 31,962.45				
Sub Total	\$ 65,110.71					
Professional Fees						
	Design through Bid	\$ 81,900.00				
	Future Construction Services	\$ 97,500.00				
Sub Total	\$ 179,400.00					
Almac Project Totals	\$ 1,515,033.98					

6th Street Costs						
Construction Costs - 6th Street / 4th Avenue						
	Street	Storm	Sanitary	Water	Lighting	
	\$ 823,068.61	\$ 246,669.75	\$ 350,163.04	\$ 465,375.83	\$ 96,514.50	
Sub Total	\$ 1,981,791.73					
Professional Fees						
	Design through Bid	\$ 128,100.00				
	Future Construction Services	\$ 152,500.00				
Sub Total	\$ 280,600.00					
6th Street Project Totals	\$ 2,262,391.73					



Project Name: Boundary Avenue  
 Sanitary Sewer Replacement  
 SEH Project No: PROCT 140257  
 Date: April 11, 2018  
 Estimator: Tyler Yngsdal  
 Description: Preliminary Opinion of Cost

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SITE PREPARATION	UNIT	EST. QUANTITY	UNIT PRICE	AMOUNT
SILT FENCE	LIN FT	650	\$ 3.00	\$ 1,950.00
STORM DRAIN INLET PROTECTION	EACH	5	\$ 250.00	\$ 1,250.00
SAWCUTS AND BITUMINOUS REMOVALS	LUMP SUM	1	\$ 6,025.00	\$ 6,025.00
SANITARY SEWER COLLECTION	UNIT	EST. QUANTITY	UNIT PRICE	AMOUNT
REMOVE SANITARY SEWER PIPE	LIN FT	305	\$ 15.00	\$ 4,575.00
8" SANITARY MAIN	LIN FT	305	\$ 68.00	\$ 20,740.00
CONNECT TO EXISTING SANITARY	EACH	2	\$ 500.00	\$ 1,000.00
POLYSTYRENE INSULATION	SQ YD	25	\$ 30.00	\$ 750.00
SUB TOTAL				\$ 36,290.00
TRAFFIC CONTROL			LUMP SUM	\$ 1,500.00
MOBILIZATION			LUMP SUM	\$ 6,000.00
CONTINGENCIES			20%	\$ 7,258.00
TOTAL CONSTRUCTION				\$ 51,048.00
CIVIL DESIGN, CONSTRUCTION ADMIN, CONSTRUCTION STAKING			20%	\$ 10,209.60
LEGAL, FISCAL, AND ADMINISTRATIVE			0%	\$ -
OTHER CONSULTANTS (ENVIRONMENTAL, GEOTECHNICAL, ETC.)			0%	\$ -
TOTAL PROJECT				\$ 61,257.60

**Assumptions:**

1. Pipe replacement includes roadway restoration (geotextile fabric, 12" select granular material, 8" class 5)
2. No sanitary services attached to this portion of main
3. Assume 10' wide trench as surface for roadway material replacement



# Renewal Application for Optional Liquor 2AM License

6C

License Type: 2AM-100K-5001 Expires On: April 29, 2018

ID Number: 40840

## DBA

Roger L Raymond Sr.  
Keyboard Lounge  
224 3rd Ave  
Proctor MN 55810

Business Phone: 2186280530

If any of the above licensee information is not correct, please make corrections as necessary.

Licensee must report previous 12 month on sale alcoholic beverage gross receipts by checking one of the boxes below. Next to the box you check is your 2 AM license fee. Make check payable to: Alcohol and Gambling Enforcement Division (AGED). Mail this application and check to: AGED, 445 Minnesota St., Suite 222, St. Paul, MN 55101-5133.

- ☐ \$300 2 AM license fee - Up to \$100,000 in on sale gross receipts for alcoholic beverages  
☒ \$750 2 AM license fee - Over \$100,000, but not over \$500,000 in on sale gross receipts for alcoholic beverages  
☐ \$1000 2 AM license fee - Over \$500,000 in on sale gross receipts for alcoholic beverages  
☐ \$200 2 AM license fee - 3.2% On Sale Malt Liquor licensees or Set Up license holders  
☐ \$200 2 AM license fee - Did not sell alcoholic beverages for a full 12 months prior to this application

☒ Yes ☐ No Does the city or county that issues your liquor license allow the sale of alcoholic beverages until 2 AM?

City Clerk/County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_

(I certify that the city or county of \_\_\_\_\_ approves the sale of alcoholic beverages until 2AM)

Licensee Signature \_\_\_\_\_ Date \_\_\_\_\_

(I certify that I have answered the above questions truthfully and correctly)

Licensee Minnesota Tax ID Number (Required): 686-5333

Licensee: Prior to submitting this application to the Alcohol & Gambling Enforcement Division you must have this form signed by your local city or county licensing official

Minnesota Department of Public Safety  
Alcohol and Gambling Enforcement Division (AGED)  
445 Minnesota Street, Suite 222, St. Paul, MN 55101-5133  
Telephone 651-201-7590 Fax 651-297-5259 TTY 651-282-6555  
dps.min.gov

# Application for Employment

We welcome you as an applicant for employment with the City of Proctor. It is the City of Proctor's policy to provide equal opportunity in employment. The City of Proctor will not discriminate on the basis of race, color, creed, age, religion, national origin, marital status, disability, sex, sexual orientation, sexual preference, status with regard to public assistance, local human rights commission activity or any other basis protected by law.

Please furnish complete information, so we may accurately and completely assess your qualifications. You may attach any other information which provides additional detail about your qualifications for employment in the position you seek. Please refer to the Applicant Data Practices Advisory for information regarding what is considered public and private information as an applicant, and if you are selected for the position, as an employee.

The City of Proctor accommodates qualified persons with disabilities in all aspects of employment, including the application process. If you believe you need a reasonable accommodation to complete the application process, please contact City Hall at (218) 624-3641.

## Personal Information

Name:	(Last)	(First)	(MI)	(Prior)*
PETERSON ANGELA R				
Street Address				
[REDACTED]				
City, State, Zip				
[REDACTED]				
Phone Number			Alternate Phone	
[REDACTED]			[REDACTED]	
Email				
[REDACTED]				

\* Optional: include only if needed to verify previous employment or education.

Please print in INK or type when completing this application

Title of position applying for: SUMMER PARKS-N-REC	
Are you legally eligible to work in the United States in the position for which you are applying? Proof of citizenship or work eligibility will be required as a condition of employment.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are you at least 18 years old?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

# Employment Experience

List present or most recent employer first. Please note "see resume" is not an acceptable response for any entries on this application. Resumes will only be considered in addition to, but not in lieu of, this application.

Company USPS.	Name of last supervisor [REDACTED]	Hrs/Week 40
Address 2800 W. Michigan ST.	Start Date June 17-2000	Starting Salary —
City, State, Zip DULUTH, MN. 55806	End Date STILL THERE	Final Salary —
Phone Number [REDACTED]	Last job title MAINTENANCE / CUSTODIAL	
Reason for leaving (be specific): STILL EMPLOYED		
Describe your work in this job: MAINTENANCE, CLEANING, CUTTING GRASS AND PLOWING SNOW		
May we contact this employer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Company	Name of last supervisor	Hrs/Week
Address	Start Date	Starting Salary
City, State, Zip	End Date	Final Salary
Phone Number	Last job title	
Reason for leaving (be specific):		
Describe your work in this job:		
May we contact this employer? <input type="checkbox"/> Yes <input type="checkbox"/> No		



AJK Door Services Inc  
4125 West Calvary Road  
Duluth, MN 55803-1260

GE-1  
**Estimate**

Date	Estimate #
4/2/2018	911

**Name / Address**

Proctor Police Dept  
100 Poink Drive  
Proctor Mn 55810

		P.O. No.	Project
Description	Qty	Cost	Total
Liftmaster Model T 5011 L-5 power head with 2nd set photo eyes installed, to re-use existing radio controls.	1	1,350.00	1,350.00
Removel and disposal of existing.	1	85.00	85.00
It's been a pleasure working with you!		<b>Total</b>	<b>\$1,435.00</b>

Customer Signature \_\_\_\_\_

Date \_\_\_\_\_

218-724-4741

ajkdoor@gmail.com

ajkdoorservices.com

6E-2

P B Distributing Inc

dba Phil's Garage Door Service  
5962 N Tischer Rd

# Quote

Date	Quote #
4/9/2018	402473

Name / Address
CITY OF PROCTOR 100 PIONK DR PROCTOR, MN 55810

Rep	Project
PB	

Qty	Item	Description	Total
1	GENIE OPERAT...	REPLACE GARAGE DOOR OPERATOR AND REPAIR DOOR, STATE CONTRACT # 72668 MODEL GCL-T 10FT - BRAKE - 1/2 HP - BUILT IN RADIO CONTROL RECEIVER - TIMER SHUT - 2 SETS OF PHOTO EYES [1-6" FROM FLOOR AND OTHER 1' TO 3' ANGLED] - TOP STRUT - OPERATOR BRACKET - 11 HINGES THAT IS BROKEN - LABOR	2,426.38
	OPTION	IF WE CAN USE SAME ANGLE RAILS OF THE OPERATOR WOULD BE A \$25.00 DISCOUNT.	0.00
		Sales Tax	0.00

WIRING OF HIGH VOLTAGE BY OTHERS

**Total**

\$2,426.38

Signature \_\_\_\_\_

**From:** Kent Gaidis <kgaidis@proctorpd.org>  
**Sent:** Friday, April 13, 2018 2:21 PM  
**To:** Robin Hansen; Mark Casey; John Bray; Jay Boysen  
**Cc:** Kerry Helquist  
**Subject:** 117 5th street fire



20180413\_131149.jpg

On 04-13-18 at approximately 0037 hours the Proctor Fire Department and other agencies responded to a structure fire involving a garage at 117 5th St. The fire spread to 121 5th Street both properties sustained heavy damage.

The concern now is the property at 121 5th street. The roof has collapsed, there are many items inside the garage and inches of pigeon feces seen throughout the inside of the garage.

On March 26, 2018 Planning and Zoning had a meeting and discussed issues at 121 5th Street. Such as unregistered vehicles and no siding on the







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**Kent M. Gaidis**  
**Chief of Police**  
**Proctor Police Department**  
**100 Plonk Drive**  
**Proctor, MN 55810**

**218/624-7788 Office**  
**218/628-6276 Direct**

Benson-2

April 9, 2018

To: Proctor City Council

From Councilor Jake Benson

Re: Naloxone / Narcan

**Recommendation:**

Pursue steps to provide direction to the police department and first responders about training and the use of Naloxone / Narcan.

**Summary**

Opioid overdoses killed 395 Minnesotans in 2016, the latest year numbers are available. Roughly half of those deaths were due to prescription drugs like oxycodone.

Naloxone is not a new drug. It was invented in 1961 and approved for use by the Food and Drug Administration to treat overdoses in 1971

The Minnesota Legislature enacted Steve's Law during the 2014 legislative session. This law allows for more widespread distribution and administration of naloxone in hopes that deaths related to opiate overdoses can be prevented.\

In 2015 in an attempt to combat the growing epidemic of overdose deaths due to heroin and other opiates, Minnesota lawmakers approved nearly \$300,000 last year to train and equip police officers and other first responders with Narcan.

The opioid antidote typically sold under the brand name Narcan has been available without a prescription in Minnesota since 2016.

Pharmacies need a "signed protocol" from a medical provider such as a doctor or nurse to dispense the drug.

Prior to 2016, patients needed a prescription for naloxone. The drug is also now being carried by a growing number of emergency first-responders. The Proctor Police Department or Proctor's First Responders carry the drug.

**INCREASING NEED?**

Opioids are narcotics derived from the poppy plant and can take the form of illegal drugs, like heroin, or legal prescription painkillers, like oxycodone. Opioids can also include synthetic drugs that mimic the effects of opiates. Dependence on heroin and prescription opioids has been rising locally and across the country for several years now, with local officials first reporting an increase in the early 2010s.

## **How naloxone works**

When naloxone was first released, it was in the form of an intramuscular or intravenous injection. An intranasal spray was approved by the FDA last year, and that is what Proctor's officers would carry.

"[Naloxone is] essentially an opioid antagonist for the receptors. It basically replaces any opiate in the body from those receptors so they can no longer work on those cells."

First responders arriving on the scene of a medical emergency have a few indicators that can tell them if they should administer naloxone. If there are signs of opioid use and the patient is unresponsive, breathing very slowly, or appears sleepy, that would signal to first responders that it may be an overdose. Officers and first responders would be trained to look for include an extremely pale face, limp body, clammy skin, blue or purple lips, and vomiting.

The difference is [naloxone] will within seconds cause the person to start breathing on their own. It's one of the few times when you can completely reverse an otherwise life-threatening situation and you won't need to do anything else. You could try to bag-valve breathe for somebody, but you run the risk that they might vomit, and then they might breathe in their vomit, you run the risk that they might have obstructions to their airway that you're not able to pass air through, and at some point, you need to put some airway in if you're not going to give them Narcan and continue to breathe for them until the drug wears off.

Doing [CPR] well requires a lot of skill and practice, whereas giving someone a single shot of a medication is very easy."

It would be difficult for officers to mis-administer the antidote, and, according to health care professionals, the "worst-case scenario would be when it's used on someone who has been using heavily on a regular basis and is physically dependent on opioids. Using naloxone on that person could send them immediately into withdrawal symptoms.

## **First on the scene**

While law enforcement and first responders are able to obtain naloxone without a prescription but not on their own authority. They need to be working with a physician, advanced practice registered nurse or physician assistant. The relevant language that was passed is:

Subd. 12. Administration of opiate antagonists for drug overdose.

(a) A licensed physician, a licensed advanced practice registered nurse authorized to prescribe drugs pursuant to section 148.235, or a licensed physician's assistant authorized to prescribe drugs pursuant to section 147A.18, may authorize the following individuals to administer opiate antagonists, as defined in section 604A.04, subdivision 1:

- (1) an emergency medical responder registered pursuant to section 144E.27;
- (2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and (d); and
- (3) staff of community-based health disease prevention or social service programs.

(b) For the purposes of this subdivision, opiate antagonists may be administered by one of these individuals only if:

(1) the licensed physician, licensed physician's assistant, or licensed advanced practice registered nurse has issued a standing order to, or entered into a protocol with, the individual; and

(2) the individual has training in the recognition of signs of opiate overdose and the use of opiate antagonists as part of the emergency response to opiate overdose

So, in order to obtain, possess and administer naloxone, law enforcement (peace) officers and emergency medical responders need to be authorized to do so by a physician, APRN or PA. A standing order or protocol needs to be in place and the peace officer or EMR needs to have had training. Most likely the MD, PA or APRN will obtain the naloxone and provide to the peace officer or EMR.

### **Other organizations**

From December 2016 to December 2017, the Cottage Grove Police Department administered 16 doses of Narcan. Of those, 10 reversed overdoses and four had no response.

Woodbury, Grand Forks, Hastings and Dilworth also carry naloxone doses Since squad officers are often the first to arrive.

### **Why now**

But while the move is mostly an attempt to save the lives of opioid users who overdose, it is also a precaution for officers' safety. There have recently been reports of a new street drug called carfentanil — a synthetic version of the extra-powerful prescription narcotic fentanyl — and simply coming into contact with it can endanger an officer's health. Having naloxone on hand can instantly reverse the adverse effects that officer might experience.

### **The Plan**

Law enforcement agencies are not required to carry the antidote.

The recommendation is to equip every officer with one dose of naloxone, and to have one dose in the department's property room in case someone is accidentally exposed to an opioid while handling evidence. They may also keep one dose in their detention area in case someone they arrested is showing signs of an overdose.

The estimated cost to the department should not exceed about \$2,000 a year, though there are some grants that could help offset the cost. Unused naloxone would have to be replaced every one to two years, as it does have an expiration date.



## **State Statutes**

### **CHAPTER 232—S.F.No. 1900**

#### **An act**

relating to health; providing for drug overdose prevention and medical assistance; limiting liability;

amending Minnesota Statutes 2012, sections 144E.101, subdivision 6; 151.37, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 604A.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

#### **Section 1.**

**Minnesota Statutes 2012, section 144E.101, subdivision 6, is amended to read:**

#### **Subd. 6.**

##### **Basic life support.**

(a) Except as provided in paragraphs (e) and (f), a basic life-support ambulance shall be staffed by at least two EMTs, one of whom must accompany the patient and provide a level of care so as to ensure that:

- (1) life-threatening situations and potentially serious injuries are recognized;
- (2) patients are protected from additional hazards;
- (3) basic treatment to reduce the seriousness of emergency situations is administered; and
- (4) patients are transported to an appropriate medical facility for treatment.

(b) A basic life-support service shall provide basic airway management.

(c) A basic life-support service shall provide automatic defibrillation.

(d) A basic life-support service licensee's medical director may authorize ambulance service personnel to perform intravenous infusion and use equipment that is within the licensure level of the ambulance service, including administration of an opiate antagonist. Ambulance service personnel must be properly trained. Documentation of authorization for use, guidelines for use, continuing education, and skill verification must be maintained in the licensee's files.

(e) Upon application from an ambulance service that includes evidence demonstrating hardship, the board may grant a variance from the staff requirements in paragraph (a) and may authorize a basic life-support ambulance to be staffed by one EMT and one registered emergency medical responder driver for all emergency ambulance calls and interfacility transfers. The variance shall apply to basic life-support ambulances operated by the ambulance service until the ambulance

service renews its license. When a variance expires, an ambulance service may apply for a new variance under this paragraph. For purposes of this paragraph, "ambulance service" means either an ambulance service whose primary service area is mainly located outside the metropolitan counties listed in section [473.121, subdivision 4](#), and outside the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud; or an ambulance service based in a community with a population of less than 1,000.

(f) After an initial emergency ambulance call, each subsequent emergency ambulance response, until the initial ambulance is again available, and interfacility transfers, may be staffed by one registered emergency medical responder driver and an EMT. The EMT must accompany the patient and provide the level of care required in paragraph (a). This paragraph applies only to an ambulance service whose primary service area is mainly located outside the metropolitan counties listed in section [473.121, subdivision 4](#), and outside the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud, or an ambulance based in a community with a population of less than 1,000 persons.

## **Sec. 2.**

Minnesota Statutes 2012, section 151.37, is amended by adding a subdivision to read:

### **Subd. 12.**

#### **Administration of opiate antagonists for drug overdose.**

(a) A licensed physician, a licensed advanced practice registered nurse authorized to prescribe drugs pursuant to section 148.235, or a licensed physician's assistant authorized to prescribe drugs pursuant to section 147A.18, may authorize the following individuals to administer opiate antagonists, as defined in section 604A.04, subdivision 1:

(1) an emergency medical responder registered pursuant to section 144E.27;

(2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and (d); and

(3) staff of community-based health disease prevention or social service programs.

(b) For the purposes of this subdivision, opiate antagonists may be administered by one of these individuals only if:

(1) the licensed physician, licensed physician's assistant, or licensed advanced practice registered nurse has issued a standing order to, or entered into a protocol with, the individual; and

(2) the individual has training in the recognition of signs of opiate overdose and the use of opiate antagonists as part of the emergency response to opiate overdose.

(c) Nothing in this section prohibits the possession and administration of naloxone pursuant to section 604A.04.

## **Sec. 3.**

## **[604A.04] GOOD SAMARITAN OVERDOSE PREVENTION.**

### **Subdivision 1.**

#### **Definitions; opiate antagonist.**

For purposes of this section, "opiate antagonist" means naloxone hydrochloride or any similarly acting drug approved by the federal Food and Drug Administration for the treatment of a drug overdose.

### **Subd. 2.**

#### **Authority to possess and administer opiate antagonists; release from liability.**

(a) A person who is not a health care professional may possess or administer an opiate antagonist that is prescribed, dispensed, or distributed by a licensed health care professional pursuant to subdivision 3.

(b) A person who is not a health care professional who acts in good faith in administering an opiate antagonist to another person whom the person believes in good faith to be suffering a drug overdose is immune from criminal prosecution for the act and is not liable for any civil damages for acts or omissions resulting from the act.

### **Subd. 3.**

#### **Health care professionals; release from liability.**

A licensed health care professional who is permitted by law to prescribe an opiate antagonist, if acting in good faith, may directly or by standing order prescribe, dispense, distribute, or administer an opiate antagonist to a person without being subject to civil liability or criminal prosecution for the act. This immunity applies even when the opiate antagonist is eventually administered in either or both of the following instances: (1) by someone other than the person to whom it is prescribed; or (2) to someone other than the person to whom it is prescribed.

### **EFFECTIVE DATE.**

This section is effective the day following final enactment, and applies to actions arising from incidents occurring on or after that date.

## **Sec. 4.**

## **[604A.05] GOOD SAMARITAN OVERDOSE MEDICAL ASSISTANCE.**

### **Subdivision 1.**

#### **Person seeking medical assistance; immunity from prosecution.**

A person acting in good faith who seeks medical assistance for another person who is experiencing a drug-related overdose may not be charged or prosecuted for the possession,

sharing, or use of a controlled substance under sections 152.023, subdivision 2, clauses (4) and (6), 152.024, or 152.025, or possession of drug paraphernalia. A person qualifies for the immunities provided in this subdivision only if:

(1) the evidence for the charge or prosecution was obtained as a result of the person's seeking medical assistance for another person; and

(2) the person seeks medical assistance for another person who is in need of medical assistance for an immediate health or safety concern, provided that the person who seeks the medical assistance is the first person to seek the assistance, provides a name and contact information, remains on the scene until assistance arrives or is provided, and cooperates with the authorities.

Good faith does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.

#### **Subd. 2.**

##### **Person experiencing an overdose: immunity from prosecution.**

A person who experiences a drug-related overdose and is in need of medical assistance may not be charged or prosecuted for possession of a controlled substance under sections 152.023, subdivision 2, clauses (4) and (6), 152.024, or 152.025, or possession of drug paraphernalia. A person qualifies for the immunities provided in this subdivision only if the evidence for the charge or prosecution was obtained as a result of the drug-related overdose and the need for medical assistance.

#### **Subd. 3.**

##### **Persons on probation or release.**

A person's pretrial release, probation, furlough, supervised release, or parole shall not be revoked based on an incident for which the person would be immune from prosecution under subdivision 1 or 2.

#### **Subd. 4.**

##### **Effect on other criminal prosecutions.**

(a) The act of providing first aid or other medical assistance to someone who is experiencing a drug-related overdose may be used as a mitigating factor in a criminal prosecution for which immunity is not provided.

(b) Nothing in this section shall:

(1) be construed to bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualifies for limited immunity under this section;

(2) preclude prosecution of a person on the basis of evidence obtained from an independent source;

(3) be construed to limit, modify, or remove any immunity from liability currently available to public entities, public employees by law, or prosecutors; or

(4) prevent probation officers from conducting drug testing of persons on pretrial release, probation, furlough, supervised release, or parole.

**Subd. 5.**

**Drug-related overdose defined.**

As used in this section, "drug-related overdose" means an acute condition, including mania, hysteria, extreme physical illness, or coma, resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires immediate medical assistance.

**EFFECTIVE DATE.**

This section is effective July 1, 2014, and applies to actions arising from incidents occurring on or after that date.

**Sec. 5.**

**CITATION.**

Sections 3 and 4 may be known and cited as "Steve's Law."

Presented to the governor May 8, 2014

Signed by the governor May 9, 2014, 10:35 a.m.

**\*Check Summary Register©**

March 2018 to April 2018

Name	Check Date	Check Amt	
<b>10100 First National Gen</b>			
Paid Chk# 037064	AMERICAN FAMILY LIFE ASSUR	4/9/2018	\$62.70 AFLAC
Paid Chk# 037065	EQUI-VEST	4/9/2018	\$369.40 EQUITABLE - DEWALL
Paid Chk# 037066	NCPERS MINNESOTA	4/9/2018	\$16.00 MN NCPERS
Paid Chk# 037067	UNITED WAY OF GREATER DUL	4/9/2018	\$150.00 UNITED WAY
Paid Chk# 037068	AMERITAS	4/11/2018	\$164.93 VISION INSURANCE
Paid Chk# 037069	BLUE CROSS BLUE SHIELD OF	4/11/2018	\$25,912.02 HEALTH INSURANCE
Paid Chk# 037070	EMC NATIONAL LIFE COMPANY	4/11/2018	\$523.58 LIFE INSURANCE
Paid Chk# 037071	NORTHERN MN DENTAL	4/11/2018	\$1,287.00 DENTAL INSURANCE
Paid Chk# 037072	NORTHLAND K-9 FOUNDATION	4/17/2018	\$250.00 \$250 SERGEANT SPONSORSHIP LEVE
Paid Chk# 037073	AMERICAN SOLUTIONS FOR BU	4/17/2018	\$423.50 AP CHECKS GEN FUND START 37201
Paid Chk# 037074	AMERIPRIDE SERVICES	4/17/2018	\$172.93 COVERALL TOWEL RAG LAUNDRY
Paid Chk# 037075	BOYSEN, JAY	4/17/2018	\$110.25 MEETING EDUCATION DUES MILEAGE
Paid Chk# 037076	CENTURYLINK	4/17/2018	\$69.88 PHONE-WESTGATE ALARM SYSTEM
Paid Chk# 037077	C W TECHNOLOGY GROUP	4/17/2018	\$1,639.00 PHONE SYSTEM ENGINEER REGULAR
Paid Chk# 037078	FRANKLIN OUTDOOR ADVERTIS	4/17/2018	\$1,200.00 EVENT ADVERTISING RUNNING FOR
Paid Chk# 037079	GRAND FORKS FIRE EQUIPMEN	4/17/2018	\$90.50 CLEANING SUPPLIES
Paid Chk# 037080	GRANDMA'S MARATHON	4/17/2018	\$2,500.00 ADVERTISING SPONSORSHIP GRANDM
Paid Chk# 037081	HARTEL'S/DBJ DISPOSAL COMP	4/17/2018	\$585.78 TRASH & RECYCLE SERVICES
Paid Chk# 037082	HOLIDAY STATIONSTORES LLC	4/17/2018	\$2,204.24 FUELS
Paid Chk# 037083	JURKANIS, CHRIS	4/17/2018	\$3,100.00 RESTROOM PROJECT AT FIRE HALL
Paid Chk# 037084	LAWSON PRODUCTS	4/17/2018	\$42.45 SAFETY ITEMS
Paid Chk# 037085	MAILFINANCE	4/17/2018	\$178.79 POSTAGE MACHINE LEASE PAYMENT
Paid Chk# 037086	NORTHERN BUSINESS PRODUC	4/17/2018	\$49.54 POLICE DEPT-STAMP, INK PAD
Paid Chk# 037087	OREILLY AUTOMOTIVE INC	4/17/2018	\$53.31 LUBRICANTS & ADDITIVES
Paid Chk# 037088	PROCTOR BUILDERS	4/17/2018	\$22.49 MISC HARDWARE-ORDER 807924
Paid Chk# 037089	PROCTOR JOURNAL	4/17/2018	\$302.72 REGARDING PROPERTY ASSESSMENTS
Paid Chk# 037090	PROCTOR PUBLIC UTILITIES	4/17/2018	\$2,176.78 UTILITIES - GOLF COURSE
Paid Chk# 037091	RANGE PAPER	4/17/2018	\$76.74 TOWEL KLEENEX
Paid Chk# 037092	ST LUKES CLINICS	4/17/2018	\$231.00 FIRE DEPT - MATTHEW NYLUND
Paid Chk# 037093	TROY'S AMOCO	4/17/2018	\$418.03 2016 Dodge Durango
Paid Chk# 037094	USPS-HASLER	4/17/2018	\$500.00 PREPAID POSTAGE (METER)
Paid Chk# 037095	WIPFLI LLP	4/17/2018	\$13,000.00 CITY'S FINANCIAL STATEMENTS FO
Paid Chk# 037096	ZIEGLER, INC	4/17/2018	\$1,194.24 MACH & EQUIPMENT REPAIR
Paid Chk# 4579183	CITY OF PROCTOR	3/28/2018	\$10,817.08 PR18-06 wh
Paid Chk# 458683	CITY OF PROCTOR	4/5/2018	\$9,907.62 PR18-06 wh
<b>Total Checks</b>			<b>\$79,802.50</b>

## CITY OF PROCTOR

04/13/18 1:39 PM

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**\*Check Summary Register©**

April 2018

	Name	Check Date	Check Amt
10110	First National Lq		
Paid Chk# 028204	AMERICAN SOLUTIONS FOR BU	4/17/2018	\$284.92
Paid Chk# 028205	ARTISAN BEER COMPANY	4/17/2018	\$65.20
Paid Chk# 028206	BERNICK'S PEPSI	4/17/2018	\$3,319.56
Paid Chk# 028207	BREAKTHRU BEVERAGE	4/17/2018	\$1,323.03
Paid Chk# 028208	Cintas	4/17/2018	\$65.83
Paid Chk# 028209	GUARDIAN PEST SOLUTIONS, IN	4/17/2018	\$40.69
Paid Chk# 028210	JOHNSON BROTHERS INC	4/17/2018	\$3,483.78
Paid Chk# 028211	MEDIACOM	4/17/2018	\$334.68
Paid Chk# 028212	MICHAUD DISTRIBUTING COMP	4/17/2018	\$409.30
Paid Chk# 028213	PHILLIPS WINE & SPIRITS CO	4/17/2018	\$1,857.19
Paid Chk# 028214	PROCTOR PUBLIC UTILITIES	4/17/2018	\$505.40
Paid Chk# 028215	ROHLFING INC	4/17/2018	\$684.45
Paid Chk# 028216	SOUTHERN GLAZER'S OF MN	4/17/2018	\$3,594.20
Paid Chk# 028217	SUPERIOR BEVERAGE	4/17/2018	\$2,280.90
Paid Chk# 028218	VINOCOPIA	4/17/2018	\$210.38
	<b>Total Checks</b>		<b>\$18,439.51</b>