

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

AGENDA  
PROCTOR CITY COUNCIL MEETING  
Monday, October 2nd, 2023, 6:00 PM  
Council Chambers - Community Activity Center - 100 Pionk Drive

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**OTHERS PRESENT**

**APPROVAL OF MINUTES** City Council Meeting Minutes – September 18<sup>th</sup>, 2023

**MINUTE CORRECTION** September 5<sup>th</sup>, 2023

Addition: M/S/P: Ward/Johnson to schedule a budget working session on Monday, September 11<sup>th</sup>, 2023 at 4:00 pm.

**APPROVAL OF AGENDA**

**COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT**

Senator Hauschild

**\*APPROVAL OF CONSENT AGENDA** One motion accepts all items listed under this agenda. Council members can pull any individual items out of the consent agenda and discuss/act on items separately leaving others to be approved via consent agenda action.

**\*1. COMMUNICATIONS**

- A. Kingsbury Creek Restoration Grant
- B. Minnesota Attorney General Supplemental Opinion – Use of Force
- C. Patrol – Special Update Use of Force
- D. Payroll Report

**\*2. PLANNING & ZONING DEPARTMENT MATTERS**

**\*3. COMMITTEE REPORTS**

- A. PEDS Minutes – August 15<sup>th</sup>, 2023
- B. PUC Minutes – August 14<sup>th</sup>, 2023

**4. CLERK ADVISES COUNCIL**

- A. 2<sup>nd</sup> St Update
- B. PUC Vacancy
- C. Trunk or Treat 2023 Update
- D. Ordinance 01-23 ***Draft: Cannabis Use in Public Places***

**5. UNFINISHED BUSINESS**

- A. City of Proctor Blight Policy

## **6. NEW BUSINESS**

- A. Resolution 36-23 Raffle Permit
- B. 2<sup>nd</sup> St Change Order – Retaining Wall

## **7A: CLOSED MEETING PURSUANT to §13D.06 Subd. 1(b)**

- A. Attorney Client Privilege
- B. Economic Development

### **MEMBER CONCERNS**

Benson:  
DeWall:  
Johnson:  
Rohweder:  
Ward:  
City Attorney:

### **BILLS FOR APPROVAL**

General: \$58,316.26  
Liquor: \$34,913.76

**TOTAL BILLS FOR APPROVAL: \$93,230.02**

### **ADJOURNMENT**

MINUTES OF THE PROCTOR CITY COUNCIL MEETING SEPTEMBER 18th, 2023

Meeting was streamed live on the Trac 7 YouTube channel.

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

Pledge of Allegiance

PRESENT: Mayor Ward, Councilor Troy DeWall, Councilor Rory Johnson, Councilor Benson, Councilor Rohweder

OTHERS PRESENT: Attorney John Bray, City Administrator Jess Rich, Administrative Assistant Megan Jordan, Police Chief Kent Gaidis

M/S/P: Rohweder/Johnson to approve the minutes from Tuesday, September 5<sup>th</sup>, 2023

M/S/P: Benson/Ward to approve the budget working session minutes from September 11<sup>th</sup>, 2023.

M/S/P: Rohweder/Johnson to approve the agenda for Monday, September 18<sup>th</sup>, 2023 adding items: 6G Yamaha Umax Mower Purchase – Golf Course and 6H Legislative Agenda.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT: NONE

M/S/P: Ward/Rohweder to approve the consent agenda for Monday, September 18<sup>th</sup>, 2023, pulling item \*3B: SEH Meeting Minutes for discussion.

Councilor Benson asks for clarification regarding water tower repairs and painting. Councilor DeWall states SEH is providing information pertaining to corrosion spots on the inside of the water tower.

M/S/P: Benson/Ward to approve the SEH meeting minutes from September 13<sup>th</sup>, 2023.

**4. Clerk Advises Council**

**A. 2024 House Capital Investment Committee Tour**

Matt Bolf of SEH and Administrator Rich will be presenting on behalf of the city regarding the Ugstad Road utility extension, invites councilors to attend the event. Mayor Ward states he will be in attendance and invites other councilors to ride along.

**B. Orange Place Project**

Preliminary concepts have been presented to the committee, noting updates and improvements. Public survey responses have stated the park to remain a basketball court with updates and improvements. The public will receive two concept designs for additional public input, discussion, and vote on their preference.

**C. CDBG**

Administrator Rich attended the meeting held by the county and requests approval from council to complete a grant application pertaining to completion of last phase at the Playground for Everybody.

M/S/P: Ward/Rohweder to approve Administrator Rich to submit a preliminary CDBG application for playground funding.

**5. UNFINISHED BUSINESS**

**A. City of Proctor Blight Policy**

Councilor Benson states he has information from the state regarding updated blight policies and adds other cities have been adopting it into their blight enforcement. He did not bring the updates to the meeting but adds there is additional information available.

## **6. NEW BUSINESS**

### **A. 2024 Preliminary Levy and Budget**

Following discussion from the recent budget working session, the levy can be lowered at a later date with suggestions to set the preliminary levy at 5% with the intention of lowering it at finalization. Budget highlights have been included in the meeting packet and considered as working documents.

M/S/P: Ward/Johnson to set the preliminary levy at 6%.

### **B. PACC/ISD 704 Agreement**

Administrator Rich requests council action and discussion on the terms and conditions of the agreement renewal as presented in the meeting packet. Clarification follows noting the previous agreement and proposed changes are both included in the meeting packet.

M/S/P: Benson/Rohweder to approve the PACC lease rental agreement with ISD #704 as submitted.

### **C. Acacia Storm Sewer Repair**

M/S/P: Johnson/DeWall to approve and accept the bid from Sinnott in the amount of \$55,800.00 as submitted for the Acacia storm sewer repairs.

### **D. Sand/Salt Shed – Veit Pay app #7**

M/S/P: Rohweder/Ward to approve pay app #7 to Veit for the sand/salt storage facility in the amount of \$16,496.94.

### **E. Change order #8**

M/S/P: Benson/Johnson to approve change order 8 for the sand/salt storage facility for sub grade and soil corrections in the amount of \$38,663.91.

M/S/P: Johnson/Rohweder to approve resolution 35-23 to participate in the chip/scrub sealing programs as submitted.

### **G. Yamaha Umax Mower Purchase**

The Golf Advisory Board has submitted meeting minutes from August 30<sup>th</sup>, 2023 with the recommendation to purchase a new Yamaha Umax 1EF1.

M/S/P: Johnson/Ward to approve the purchase of a new Yamaha Umax mower in the amount of \$12,470.93 from Gordy Downs Trust Fund.

### **H. Legislative Agenda**

Councilor Benson presents suggestions and discussion for submission of legislative items on behalf of the City of Proctor. His initial suggestions include payment in lieu of taxes with language addition of government entities of land ownership within the city, electric power ownership within corporate limits, police department recruit and retention of police officers, and language pertaining to the cost of additional SRO officers within St. Louis County.

**7A: CLOSED MEETING PURSUANT to §13D.06 Subd. 1(b) for Attorney Client Privilege and Labor Negotiations**

M/S/P: DeWall/Rohweder to suspend the regular council meeting at 6:31 pm and open a closed session for attorney client privilege.

M/S/P: DeWall/Johnson to reconvene the regular council meeting at 7:32 pm.

**MEMBER CONCERNS**

Benson: None

DeWall: None

Johnson: None

Rohweder: None

Mayor Ward: None

Attorney Bray: None

**BILLS FOR APPROVAL:**

General: \$122,696.46

Liquor: \$37,586.22

**TOTAL BILLS FOR APPROVAL: \$160,282.68**

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

M/S/P: DeWall/Johnson to adjourn the regular council meeting at 7:04 pm.

**From:** Beth Wanamaker <bwanamaker@glc.org>  
**Sent:** Thursday, September 28, 2023 9:50 AM  
**To:** glin-announce  
**Subject:** [glin-announce] Great Lakes Commission awards more than \$1.5 million to reduce runoff and improve water quality

**\*1A**

**FOR IMMEDIATE RELEASE** September 28, 2023

Contact: Beth Wanamaker – 734-396-6082, [beth@glc.org](mailto:beth@glc.org)

## **Great Lakes Commission awards more than \$1.5 million to reduce runoff and improve water quality**

**Ann Arbor, Mich.** – The [Great Lakes Commission](#) (GLC) announced today that it will award more than \$1.5 million in grants to reduce the runoff of sediment, nutrients, and other pollutants into the Great Lakes and their tributaries through the [Great Lakes Sediment and Nutrient Reduction Program](#).

“For more than thirty years, grants under the Great Lakes Sediment and Nutrient Reduction Program have prevented millions of pounds of phosphorus and tons of sediments from entering the Great Lakes,” said Todd L. Ambs, chair of the Great Lakes Commission and deputy secretary of the Wisconsin Department of Natural Resources (retired). “The Great Lakes Commission congratulates the 2023 grantees of this enduring program and is looking forward to witnessing their work contribute to a healthier Great Lakes basin.”

Each year, the Great Lakes Sediment and Nutrient Reduction Program provides competitive grants to local and state governments, Indigenous Nations, and nonprofit organizations to install erosion and nutrient control practices in the Great Lakes basin, including innovative and unique practices not typically funded by other federal cost-share programs. The 2023 projects focus on two approaches: long-term sediment and nutrient management through engagement with the agricultural community and streambank restoration.

The following grants have been awarded:

<b>Project</b>	<b>Grantee</b>	<b>Amount</b>	<b>State</b>
Pierson Drain Improvements – Phase I	Fort Wayne City Utilities	\$175,000	Indiana
Cascading & Grassed Waterways in St. Marys River	Mercer Soil and Water Conservation District	\$111,800	Ohio
Kingsbury Creek Channel and Floodplain Restoration	South St. Louis Soil and Water Conservation District	\$300,000	Minnesota
Finger Lakes Phosphorus and Sediment Reduction Project	Ontario County Soil & Water Conservation District	\$300,000	New York

Upper Buffalo Creek Sediment and Nutrient Reduction Phase II	Erie County Soil and Water Conservation District	\$178,500	New York
County Road Z and G Stream Restoration	Outagamie County Land Conservation Department	\$116,541	Wisconsin
Neumiller Woods Wetland Improvements: Phase 2	Root-Pike Watershed Initiative Network	\$61,142	Wisconsin
Phase 3: Targeted Phosphorus and Sediment Reduction to North Fish Creek and Chequamegon Bay, Lake Superior	Northland College	\$299,795	Wisconsin

Since 2010, the U.S. Department of Agriculture – Natural Resources Conservation Service has provided funding for the Great Lakes Sediment and Nutrient Reduction Program under the Great Lakes Restoration Initiative (GLRI). In that time, the GLRI has provided more than \$3.7 billion to fund more than 7,500 projects across the Great Lakes region which protect freshwater resources by restoring wetlands, preventing the spread of invasive species, and reducing sediment and nutrients.

More information about the projects is available at [www.nutrientreduction.org](http://www.nutrientreduction.org).

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*The Great Lakes Commission, led by chair Todd Ambs, Deputy Secretary of the Wisconsin Department of Natural Resources (retired), is a binational government agency established in 1955 to protect the Great Lakes and the economies and ecosystems they support. Its membership includes leaders from the eight U.S. states and two Canadian provinces in the Great Lakes basin. The GLC recommends policies and practices to balance the use, development, and conservation of the water resources of the Great Lakes and brings the region together to work on issues that no single community, state, province, or nation can tackle alone. Learn more at [www.glc.org](http://www.glc.org).*

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To view this discussion on the web visit <https://groups.google.com/a/great-lakes.net/d/msgid/glin-announce/SN6PR11MB284722009C1CD4FBD01F1241CDC1A%40SN6PR11MB2847.namprd11.prod.outlook.com>.

**SCHOOL PUPILS: DISCIPLINE:** Laws of Minnesota 2023 ch. 55, art. 2, § 36 and art. 12, § 4 do not limit the types of reasonable force that may be used by school staff and agents to prevent bodily harm or death or to carry out lawful duties as set forth in Minnesota Statutes section 609.06, subd. 1(1). Minn. Stat. §§ 121A.58; 121A.582. Op. Atty. Gen. 169f (August 22, 2023) supplemented.

169f



The Office of  
**Minnesota Attorney General Keith Ellison**  
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**\*1B**

September 20, 2023

Willie L. Jett, II  
Commissioner  
Minnesota Department of Education  
400 NE Stinson Boulevard  
Minneapolis, Minnesota 55413

**Re: Recent Amendments to Student Discipline Laws**

Dear Commissioner Jett:

Thank you for your letter of August 18, 2023, which seeks clarity regarding recent amendments to student discipline laws, Minnesota Statutes sections 121A.58 and 121A.582. *See* Act of May 24, 2023, ch. 55, art. 2, § 36; art. 12, § 4 (hereinafter, the Amendment). Pursuant to Minnesota Statutes section 8.07, I issued an opinion on August 22, 2023, with binding guidance on the issue you raised. Since that date I have met with many stakeholders, including the Minnesota Chiefs of Police Association, Minnesota Sheriffs' Association, Minnesota Police and Peace Officers Association, individual police chiefs, legislators, city elected officials, and county attorneys, who brought forward valid questions about the application of the new law. As a result, I supplement that opinion today. By operation of section 8.07, this opinion is “decisive until the question involved shall be decided otherwise by a court,” and therefore it may be relied upon.<sup>1</sup>

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<sup>1</sup> Minnesota Statutes section 8.07 provides that “on all school matters” attorney general opinions like this one are “decisive.” The Minnesota Supreme Court has confirmed the opinions are “binding” until overruled by courts. *Eelkema v. Bd. of Ed. of Duluth*, 11 N.W.2d 76, 78 (Minn. 1943). “School matters” have been construed broadly, including the interpretation of how general statutes apply in an education context. *E.g., Village of Blaine v. Indep. Sch. Dist. No. 12*, 138 N.W.2d 32, 39-40 (Minn. 1965) (noting attorney general opinion had properly construed statute regarding municipal utilities in applying it to school district); *Mattson v. Flynn*, 13 N.W.2d 11, 16 (Minn. 1944) (noting reliance on attorney general opinion interpreting statutory language regarding teacher retirement funds); *Eelkema*, 11 N.W.2d at 78 (adopting attorney general analysis and noting that attorney general opinion regarding “tenure act”’s application to superintendent had been binding until any contrary court opinion was issued); *Lindquist v. Abbott*, 265 N.W. 54, 55 (Minn. 1936) (noting attorney general opinion regarding whether school district could enter into year-long contract with attorney was “followed ever since” it was issued).



## BACKGROUND

Relevant to your inquiry, the Amendment revises Minnesota Statutes section 121A.58 to include a definition of “prone restraint” and to specify that school employees and agents generally: (1) “shall not use prone restraint” on pupils; and (2) “shall not inflict any form of physical holding that restricts or impairs a pupil’s ability to breathe; restricts or impairs a pupil’s ability to communicate distress; places pressure or weight on a pupil’s head, throat, neck, chest, lungs, sternum, diaphragm, back or abdomen; or results in straddling a pupil’s torso” (i.e., compressive restraint techniques). *Id.* at art. 2, § 36.

The Amendment also revises Minnesota Statutes section 121A.582 to provide that: (1) teachers and principals may use reasonable force “to correct or restrain a student to prevent imminent bodily harm or death to the student or another”; and (2) other school employees, agents<sup>2</sup>, and bus drivers may use reasonable force “to restrain a student to prevent bodily harm or death to the student or another.” *Id.* at art. 12, § 4.

## QUESTION PRESENTED

You have expressed uncertainty regarding whether the Amendment categorically prohibits prone restraint and compressive restraint techniques in all scenarios. In particular, you ask: “whether the new language in Minnesota Statutes, section 121A.58, subdivision 3 and its reference to Minnesota Statutes, section 121A.582, acts as an exception to the general prohibition on prone restraints and other types of physical holds, thereby allowing the use of these practices when doing so would ‘prevent imminent bodily harm or death to the student or to another.’”

## SUMMARY OF CONCLUSIONS

The Amendment does not limit the types of reasonable force that may be used by school staff and agents to prevent bodily harm or death.<sup>3</sup> It also does not limit the types of reasonable force that may be used by public officers to carry out their lawful duties, as described in Minnesota Statutes section 609.06, subdivision 1(1). The test for reasonable force remains unchanged, and is highly fact-specific.

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<sup>2</sup> Neither the relevant statutes nor the Amendment defines “agents” of the school district. In the absence of a definition provided by the Legislature, Minnesota courts would likely apply “its ordinary legal meaning, which is one who has the authority to act on another’s behalf.” *Hogan v. Brass*, 957 N.W.2d 106, 109 (Minn. Ct. App. 2021) (using that definition of “agent” to interpret chapter 317 of Minnesota law). Whether an individual has authority to act on behalf of the school district depends on facts specifics to each circumstance.

<sup>3</sup> Teachers and principals may use these restraints only when a threat of bodily harm or death is *imminent*. See Act of May 24, 2023, ch. 55, art. 2, § 36. However, the word “imminent” is not included in subdivision 1(b), which relates to a broader set of individuals, including school employees, bus drivers, and other “agent(s) of the district.”

## ANALYSIS

Three things support these conclusions. First, the Amendment adds a new sentence to Minnesota Statutes section 121A.58, subdivision 3: “Nothing in this section or section 125A.0941 precludes the use of reasonable force under section 121A.582.” *Id.* at art. 2, § 36.<sup>4</sup> By this language, the Legislature expressed its clear intent to not limit the use of reasonable force when faced with the threat of bodily harm or death. *See, e.g., Houck v. Houck*, 979 N.W.2d 907, 911 (Minn. Ct. App. 2022) (interpreting a “nothing in this section” provision as unambiguous and “susceptible to only one reasonable interpretation”).

Second, Minnesota Statutes section 121A.582 states that: “Any right or defense under this section is supplementary to those specified in section 121A.58[.]” Minn. Stat. § 121A.582, subd. 4. This further evinces the Legislature’s view that the use of reasonable force authorized in Minnesota Statutes section 121A.582 is separate and distinct from the conduct prohibited by Minnesota Statutes section 121A.58. *See, e.g., Christensen v. State Dep’t of Conservation, Game and Fish*, 175 N.W.2d 433, 434 (Minn. 1970) (noting that provisions of an act that are supplementary to each other are construed together so as not to defeat rights); *Merriam Webster’s Collegiate Dictionary* (11th ed.) (defining “supplementary” to mean “additional”).

Similarly, because chapter 609 is referenced in section 121A.58, subdivision 3, as well as in section 121A.582, subdivisions 3 and 4, the restrictions on prone and compressive restraints do not apply under the circumstances enumerated in section 609.06, subdivision 1(1). Therefore, all peace officers, including those who are “school resource officers” or otherwise agents of a school district, may use force as reasonably necessary to carry out official duties, including, but not limited to, making arrests and enforcing orders of the court. *See* Minn. Stat. § 609.06.

Third, and relatedly, even without those clear indications of intent from the Legislature, the usual canons of statutory construction support the same result. Section 121A.582 specifically governs responses to threats of violence, and therefore controls over the more general statute about acceptable punishments. *See* Minn. Stat. § 645.26, subd. 1 (stating that when a conflict exists between two statutory provisions, the specific provision “shall prevail and shall be construed as an exception to the general provision”); *accord Connexus Energy v. Commissioner of Revenue*, 868 N.W.2d 234, 242 (Minn. 2015). Furthermore, had the Legislature intended to exclude prone restraint and compressive restraint techniques from the reasonable force permitted under Minnesota Statutes section 121A.582, it would have clearly said so. *See In re E.M.B.*, 987 N.W.2d 597, 601 (Minn. Ct. App. 2023) (reiterating that courts cannot add words or meaning to a statute that the Legislature intentionally or inadvertently omitted).

Accordingly, the Legislature did not change the types of reasonable force that school staff and agents are authorized to use in responding to a situation involving a threat of bodily harm or death. Of course, what force is “reasonable” is not defined in law and is determined on a case-by-

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<sup>4</sup> Minnesota Statutes sections 125A.0941-.0942 restrict the actions that may be taken toward students with disabilities. It explicitly allows the use of reasonable force under section 121A.582. Minn. Stat. § 125A.0942, subd. 6(b).

case basis. *See Moses v. Minneapolis Pub. Schs.*, No. C4-98-1073, 1998 WL 846546, at \*3 (Minn. Ct. App. Dec. 8, 1998) (“[T]he question of whether the school employees’ acts were a reasonable use of force is a fact issue to be answered by the jury.”); *cf. Bond by and through Bond v. Indep. Sch. Dist. #191*, No. A21-0688, 2022 WL 92661, at \*5 (Minn. Ct. App. Jan. 10, 2022) (declining to apply official immunity where school dean used force explicitly defined as prohibited in school restraint training). In addition, the level of threat posed by a particular student or situation can change rapidly, and any assessment of what use of force is reasonable must take that into account.

In recent meetings with representatives of your staff, the Minnesota Chiefs of Police Association, the League of Minnesota Cities, the Minnesota Sheriffs’ Association, and the Minnesota Police and Peace Officers Association, participants raised other important questions. Those questions demonstrate that coordinated training and guidance from trusted law enforcement leaders could be very beneficial in this area and there may be room for additional clarification from the Legislature.

Sincerely,



KEITH ELLISON  
Attorney General

Cc: Jeff Potts, Executive Director  
Minnesota Chiefs of Police Association  
Imran Ali, counsel for MPPOA  
Patricia Beety, General Counsel  
League of Minnesota Cities

**Subject:** Statutory changes regarding use of force by school resource officers.

**Principal Issues:** Use of force by school resource officers and other officers who are agents of a school district; Minnesota Statutes, sections 121A.58, 121A.582, and 609.06, subdivision 1(1); reliance on attorney general opinions.

**Date Issued:** September 27, 2023

**Prepared By:** League of Minnesota Cities Insurance Trust

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### Executive summary:

As a result of recent changes to Minnesota law, and subsequent interpretations of these changes by the Minnesota Attorney General:

- School resource officers (SROs) and officers contracted to work in a school district (contracted officers) may use reasonably necessary force toward students under the circumstances enumerated in Minnesota Statutes section 609.06, subdivision 1(1).
- Outside the circumstances enumerated in section 609.06, subdivision 1(1), SROs and contracted officers may only use force, including prone and compressive restraint, when necessary to restrain a student to prevent death or bodily harm to the student or another.

### Background:

Minnesota Statutes chapter 121A governs student rights, responsibilities, and behavior. In 2023, lawmakers included two provisions in the education

bill amending this chapter to limit the use of force toward students by SROs and contracted officers.

This is the third Special Update on this topic since August, as our basis for understanding the effects of the amendments on police practice has kept changing. The Minnesota Attorney General (AG) is empowered by law to issue binding guidance on legal issues relating to public schools.<sup>1</sup> The AG has exercised this power twice now regarding the amendments to Chapter 121A, once on August 22<sup>2</sup> and again on September 20, 2023.<sup>3</sup> The AG's opinions rendered the earlier Special Updates on this topic obsolete and they have been withdrawn.

This Special Update is based on the 2023 legislation governing the use of force by SROs and contracted officers toward students and the AG's statutorily authorized September 20 interpretation of that legislation.

### 2023 statutory amendments:

The 2023 amendments were addressed to sections 121A.58 and 121A.582. As amended, section 121A.58 prohibits SROs and contracted officers from using prone or compressive restraint toward students.<sup>4</sup> Prone restraint consists of "placing a child in a face-down position."<sup>5</sup> Compressive restraint is "any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso."<sup>6</sup>

Section 121A.582, subdivision 1(b), governs the use of force toward students by school employees

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<sup>1</sup> Minn. Stat. § 8.07 (2022).

<sup>2</sup> Recent Amendments to Student Discipline Laws, Op. Att'y Gen. 169f (August 22, 2022), available at <https://www.ag.state.mn.us/Office/Opinions/169f-20230822.pdf> (hereinafter, "August AG Opinion").

<sup>3</sup> Recent Amendments to Student Discipline Laws, Op. Att'y Gen. 169f (August 22, 2023) supplemented

(September 20, 2023), available at <https://www.ag.state.mn.us/Office/Opinions/169f-20230920.pdf> (hereinafter "September AG Opinion").

<sup>4</sup> Laws 2023 Ch. 55, Art. 2, sec. 36.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

and agents of a school district. Before the recent amendments, this law permitted the use of reasonable force to “restrain a student or to prevent bodily harm or death to another.”<sup>7</sup> Notably, the word “or” has been stricken from the operative language. Thus, following the amendments, subdivision 1(b) permits agents of a school district to use reasonable force only “when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or to another.”<sup>8</sup>

### **The Attorney General opinions:**

Briefly summarized, the August AG Opinion concluded that the amendments to Chapter 121A did not impose an outright ban on the use of prone and compressive restraint by SROs and contracted officers toward students.<sup>9</sup> Instead, the opinion held that section 121A.582 permits the use of these techniques when necessary to prevent bodily harm or death to the student or another.<sup>10</sup> Though answering this question, the August opinion offered no guidance on whether SROs could lawfully use force in situations that do *not* involve a threat of death or bodily harm, such as to arrest a student for trespassing or criminal damage to property.<sup>11</sup>

The September AG Opinion addressed these latter issues. It states in relevant part:

The Amendment [to Chapter 121A] does not limit the types of reasonable force that may be used by school staff and agents to prevent bodily harm or death. It also does not limit the types of reasonable force that may be used by public officers to carry out their lawful duties, as described in Minnesota Statutes section 609.06, subdivision 1(1).

...

[B]ecause chapter 609 is referenced in section 121A.58, subdivision 3, as well as in section 121A.582, subdivisions 3 and 4, the restrictions on prone and compressive restraints do not apply under

the circumstances enumerated in section 609.06, subdivision 1(1). Therefore, all peace officers, including those who are “school resource officers” or otherwise agents of a school district, may use force as reasonably necessary to carry out official duties, including, but not limited to, making arrests and enforcing orders of the court. See Minn. Stat. § 609.06.<sup>12</sup>

### **Authority to use force under section 609.06:**

The September AG Opinion supplemented the earlier one by determining that the authority of SROs and contracted officers to use force is, like that of peace officers generally, governed by section 609.06, subdivision 1(1).<sup>13</sup> This law states:

Except as otherwise provided in subdivisions 2 and 3, reasonable force may be used upon or toward the person of another without the other’s consent when the following circumstances exist or the actor reasonably believes them to exist:

(1) when used by a public officer or one assisting a public officer under the public officer’s direction:

- (i) in effecting a lawful arrest; or
- (ii) in the execution of legal process; or
- (iii) in enforcing an order of the court; or
- (iv) in executing any other duty imposed upon the public officer by law....<sup>14</sup>

### **Arrests and other duties imposed by law:**

It should not be difficult for SROs and contracted officers to recognize when they are involved in effecting a lawful arrest, executing legal process,

<sup>7</sup> 2023 Minn. Laws Chap. 55, Art. 12, sec. 4 (emphasis added).

<sup>8</sup> *Id.*

<sup>9</sup> See generally August AG Opinion, *supra* note 2.

<sup>10</sup> *Id.*

<sup>11</sup> See *id.*

<sup>12</sup> September AG Opinion, *supra* note 3, at 2-3.

<sup>13</sup> *Id.*

<sup>14</sup> Minn. Stat. § 609.06, subd. 1(1) (2022).

or enforcing an order of the court. But knowing when one is “executing any other duty imposed... by law” is an important focus under this new legal framework.

It is crucial for SROs and contracted officers to consider that they may be called on in a school environment to perform “duties” that fall outside those covered by section 609.06, subdivision 1(1). In those circumstances, the statute provides no authority to use force, so sections 121.58 and 121A.582 are controlling. Section 121A.582 permits SROs and contracted officers to use force only as necessary to prevent death or bodily harm.<sup>15</sup> The net practical effect is that SROs and contracted officers may use reasonable force toward students to carry out a duty that exists by virtue of law, but may not use force to enforce a school rule or policy. The case law provides a helpful framework for determining when an officer is performing a duty imposed by law.

In *State v. Ivy*, the court considered whether a St. Paul police officer was performing a duty imposed by law when the defendant, Ivy, assaulted him.<sup>16</sup> The officer was working off-duty at Regions Hospital. Ivy had sneaked into the locked emergency room, yelled profanities and racial epithets, and became verbally aggressive toward staff. Ivy assaulted the officer as he was escorting her out of the building. Ivy argued that the officer was not performing a legal duty but was instead only enforcing a hospital policy as a private security guard.<sup>17</sup>

The court took a two-step approach to determining whether the officer was carrying out a duty imposed by law. It first considered, at a general level, whether off-duty officers working at Regions performed any duties that the law imposed on regular, on-duty officers. The court observed that peace officers are responsible by law for the “prevention and detection of crime and the enforcement of the general criminal laws of the state....”<sup>18</sup> Their duties also include “exercises of

professional judgment that are legitimately calculated to protect the health, safety, and general welfare of the public.”<sup>19</sup> The evidence in the case showed that hospital peace officers at Regions were tasked with handling “police matters” that arose at the hospital, and thus they had some of the same duties that the law imposed on regular, on-duty officers.<sup>20</sup>

Next, the court turned to the question of whether the officer was *actually performing* a duty imposed by law when Ivy assaulted him. The court found that he was. Ivy’s behavior had amounted to disorderly conduct, and “By escorting [her] out of the emergency room, the officer was protecting the health and safety of the hospital’s patients and preventing [a] breach of the peace.”<sup>21</sup>

The Minnesota Court of Appeals has issued some unpublished decisions that, while not precedential, nevertheless illustrate how courts approach the question of whether an officer is carrying out a duty imposed by law:

- In *State v. Boudreau*, a state trooper was assaulted while making a traffic stop.<sup>22</sup> The court held that the trooper’s duties under the law included enforcement of the traffic code.<sup>23</sup>
- In *State v. Steenerson*, an officer assigned to work at a block party told the defendant he could not bring an outside beverage into a beer tent.<sup>24</sup> The defendant got rid of the beverage, became “highly agitated,” and tried to reenter the tent. When the officer held up a hand to stop him, the defendant pushed the officer to the ground.

Although the encounter started with the officer enforcing a private policy against outside beverages, the defendant’s agitated behavior gave rise to a reasonable concern that he posed a “threat to breach the peace.” Therefore, the officer was carrying out a duty imposed by law

<sup>15</sup> 2023 Minn. Laws Ch. 55, Art. 12, sec. 4.

<sup>16</sup> 873 N.W.2d 362, 366 (Minn. Ct. App. 2015).

<sup>17</sup> *Id.* at 367-68.

<sup>18</sup> *Id.* at 368; Minn. Stat. 626.84, subd. 1.

<sup>19</sup> *Ivy*, 873 N.W.2d at 368 (quoting *In re Claim for Benefits by Sloan*, 729 N.W.2d 626, 629-30 (Minn. Ct. App. 2007)).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 368-69.

<sup>22</sup> No. CX-89-1684, 1990 WL 61279, at \*2 (Minn. Ct. App. May 15, 1990).

<sup>23</sup> *Id.* at 3.

<sup>24</sup> No. C0-99-1405, , 2000 WL 943564, at \*1 (Minn. Ct. App. July 11, 2000).

when he tried to stop the defendant from reentering the beer tent.<sup>25</sup>

- In *State v. Carter*, uniformed officers were providing off-duty security at an event when a vehicle jumped the curb and veered toward several pedestrians.<sup>26</sup> An officer ran toward the car, drew his gun, and ordered the driver to stop. The driver reversed course and drove toward the officer, who had to jump out of the way to avoid being struck.<sup>27</sup> The officer was responding to a “deadly force situation” when the driver came at him, and was therefore carrying out a duty imposed by law.<sup>28</sup>

These cases illustrate that officers have a duty (or authority) under the law to respond to instances of disorderly conduct, to prevent assaults and breaches of the peace, and to take other actions they reasonably deem necessary to protect public safety. Statutory law imposes additional duties on peace officers that could potentially be relevant to SROs. These include, for example, taking children into custody who have run away from home or are found in dangerous conditions,<sup>29</sup> and effecting transport holds on persons in crisis.<sup>30</sup> Because all these duties are imposed by law, section 609.06, subd. 1(1)(iv) permits officers to use force as reasonably necessary to accomplish them.

There are limits, however, on what constitutes a duty imposed by law, as illustrated by *Reetz v. City of St. Paul*, a 2021 decision of the Minnesota Supreme Court.<sup>31</sup> The officer in *Reetz* worked off-duty at a St. Paul homeless shelter.<sup>32</sup> His responsibilities there included searching clients’ bags to keep weapons and alcohol from entering the facility.<sup>33</sup> One client stabbed another. The victim sued the officer for failing to detect the knife used in the assault.<sup>34</sup> The officer asked the city to defend and indemnify him against the lawsuit, claiming that it arose from his performance of peace officer duties.<sup>35</sup> The court disagreed. The claim against the

officer was that he negligently carried out the shelter’s policy against weapons and alcohol. His job searching clients’ bags did not involve the actual exercise of law enforcement powers.<sup>36</sup> The court observed that the officer would have had “no authority *as a police officer* to confiscate the knife from the client.”<sup>37</sup>

In the case of SROs, schools may have rules against speaking disrespectfully to teachers or other students, or engaging in verbal harassment. But unless the behavior that violates these rules also amounts to disorderly conduct or threatens a breach of the peace, then SROs and contracted officers would have no authority to use force in enforcing them. Similarly, a teacher might tell a student who is wearing a T-shirt with vile language to leave their classroom and go to the office. If the student refuses, the SRO would have no authority to use force in dealing with the situation, unless and until the matter escalates into something criminal or threatening. As in *Reetz*, where an officer is acting only to enforce a school policy or rule, then the officer is not engaged in a duty imposed by law. Accordingly, the officer would not be permitted to use force to carry out that duty.

### Reliance on AG opinions:

The September AG Opinion provides guidance that can be relied upon, pending further developments in the courts. Minnesota Statutes, section 8.07, provides that opinions of the AG on school matters are “decisive until the question involved shall be decided otherwise by a court of competent jurisdiction.”<sup>38</sup> The Minnesota Supreme Court has held that such opinions are “binding” until reversed by the courts.<sup>39</sup> Indeed, the September AG September Opinion declares that it may be relied upon.<sup>40</sup> In addition, attorney general opinions are entitled to “careful

<sup>25</sup> *Id.* at \*2.

<sup>26</sup> No. C6-00-1514, 2001 WL 1117568, at \*1 (Minn. Ct. App. Sept. 25, 2001)

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at \*4-5.

<sup>29</sup> Minn. Stat. § 260C.175, subd. 1 (2022).

<sup>30</sup> Minn. Stat. 253B.051 (2022).

<sup>31</sup> 956 N.W.2d 238 (Minn. 2021).

<sup>32</sup> *Id.* at 241.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 241-42 (citing Minn. Stat. § 466.07).

<sup>36</sup> *Id.* at 246.

<sup>37</sup> *Id.* at 248 (emphasis in original).

<sup>38</sup> Minn. Stat. § 8.07.

<sup>39</sup> *Elkema v. Bd. of Educ. of City of Duluth*, 11 N.W.2d 76, 78 (1943).

<sup>40</sup> September AG Opinion, *supra* note 3, at 1.

consideration” by the courts.<sup>41</sup> Thus, while it is possible a court would reach a different conclusion than the AG Opinion, it is reasonable to rely upon the opinion until someone challenges it in court *and* obtains a decision that reverses it.<sup>42</sup>

Finally, answering whether the AG opinions regarding SROs afford protection to officers against criminal charges is beyond PATROL’s function as a training partner. An examination of this issue would need to consider many factors. One of them would be whether officers who act in reliance on these opinions could still have “clear notice,” sufficient to satisfy due process concerns, that their conduct was prohibited by law.<sup>43</sup> Agencies may wish to make appropriate inquiries to their city and county attorneys to determine if they will seek to challenge the September AG Opinion in court.

#### **Application scenarios:**

1. Officer Josh is an SRO. A student is causing a disturbance in the lunchroom by screaming and throwing food trays on the floor. Staff and students are backing away from the area. The student’s behavior would constitute a breach of the peace and disorderly conduct. Officer Josh may attempt de-escalation, if safe and appropriate. He also has the option of arresting and escorting the student away from the area and may use force as reasonably necessary to do so.
2. SRO Fran works at the high school. The principal complains that a student, Charlotte, got in a conflict with a teacher and is presently in a hallway kicking locker doors and bending them. Charlotte is committing criminal damage to property. Hopefully, SRO Fran will be able to de-escalate Charlotte and persuade her to stop the destructive behavior. If not, SRO Fran

may use reasonably necessary force to make an arrest or otherwise intervene in the situation.

3. Deputy Jamie is providing security at a football game under a contract with the school district. A 911 caller reports that a person with a gun is threatening others in the parking lot of the school where the game is occurring. Deputy Jamie responds and conducts a high-risk stop of the person who was reported to have a gun, ordering the person to lie face-down on the ground. The limitations on prone restraint in Chapter 121A have no bearing on this situation. This is because Deputy Jamie is responding to a reported life-threatening emergency and threat to public safety, not a violation of a school rule. Therefore, Deputy Jamie is authorized to use reasonable force under section 609.06, subdivision 1(1).
4. Student Quinn returned to the school building after being expelled for disciplinary reasons. The principal orders Quinn to leave and not return until the expulsion is over. Quinn refuses to depart. The principal calls SRO Madison and, with Madison present, repeats the order to leave. Quinn still refuses to depart. SRO Madison may place Quinn under arrest for trespassing. Under section 609.06, subdivision 1(1), SRO Madison may use reasonably necessary force to complete the arrest and overcome any resistance.
5. Student Dorfman hurls a series of swear words and biting insults at Assistant Principal Johnson. Dorfman is neither loud nor threatening. Dorfman’s conduct is not disorderly in a criminal sense, and it does not indicate that violence is about to unfold. Dorfman’s behavior, however, violates two or three different rules in the student handbook.

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<sup>41</sup> *Village of Blaine v. Indep. Sch. Dist. No. 12, Anoka Cnty.*, 138 N.W.2d 32, 39 (1965); *Minnesota Daily v. Univ. of Minnesota*, 432 N.W.2d 189, 194 (Minn. Ct. App. 1988).

<sup>42</sup> *See Cnty. of Hennepin v. Cnty. of Houston*, 39 N.W.2d 858, 861, 229 Minn. 418, 424 (1949) (court ruled contrary to attorney general’s opinion issued in the same case).

<sup>43</sup> *State v. Welke*, 216 N.W.2d 641, 648 (Minn. 1974) (a criminal statute must give the defendant clear notice of

what is prohibited); *see also Bouie v. City of Columbia*, 378 U.S. 347, 352-53 (1964) (defendants do not have fair warning of what is prohibited when the courts expand the reach of a criminal statute); *State v. Miller*, No. A13-2094, 2014 WL 7343794, at \*5 (Minn. Ct. App. Dec. 29, 2014) (unpublished) (defendant could not “be punished for conduct that was not effectively defined as criminal.”)



An SRO confronting this situation could certainly try to speak with or de-escalate Dorfman, but would have no authority to use force.

6. Two students got in a fistfight in a classroom. Very minor injuries ensued. The fight is over when SRO Nancy arrives. School procedures dictate that the two students should be sent to the principal's office. SRO Nancy can *ask* them to go to the office but cannot use force to make them go. Engaging in brawling or fighting is a misdemeanor under the disorderly conduct statute, section 609.72. But the fight was over by the time Nancy arrived. The "completed misdemeanor" rule applies so Nancy cannot make a custodial arrest for the offense. The requirement to go to the office is a school rule, not a legal one, so SRO Nancy may not use force to achieve compliance with it.

**City of Proctor**  
**Payroll Summary by Department**

\*1D

Check Date Range      9/29/2023                      to                      9/29/2023

<b>Department</b>	<b>Gross Wages</b>	<b>Overtime Hours</b>	<b>Overtime Wages</b>	<b>Double Overtime Hours</b>	<b>Double Overtime Wages</b>
Council	-	-	-	-	-
City Admin	7,268.82	-	-	-	-
Finance	3,076.80	-	-	-	-
Police Department	25,101.56	3.00	142.38	-	-
Fire Department	-	-	-	-	-
Street Department	9,637.33	-	-	-	-
Liquor Store	5,146.62	-	-	-	-
PUC	7,236.32	27.17	1,115.52	-	-
Committees	-	-	-	-	-
Election Judges	-	-	-	-	-
<b>Total</b>	<b>57,467.45</b>	<b>30.17</b>	<b>1,257.90</b>	-	-

Minutes of the Proctor Economic Development Authority Meeting held Tuesday, August 8, 2023, at the Proctor Area Community Center.

Meeting called to order by PEDA Chair Madson at 6:01 p.m.

MEMBERS PRESENT: Chair Eric Madson, Commissioner Schwarzbauer, Mayor Chad Ward, Commissioner Trish Jauhola and Commissioner Eric Bingaman.

OTHERS PRESENT: City Administrator Jess Rich

Motion by Mayor Ward, seconded by Commissioner Bingaman and carried (5-0) to approve the July 2023 meeting minutes.

Motion by Commissioner Bingaman, seconded by Commissioner Schwarzbauer and carried (5-0) to approve the agenda.

Motion by Mayor Ward, seconded by Commissioner Bingaman and carried (5-0) to approve the proposal from Giant Voices.

Motion by Commissioner Bingaman, seconded by Commissioner Schwarzbauer and carried (5-0) to approve the financial report as submitted and to designate any unused 2023 budget dollars to go toward principal on the PUC Loan.

Discussion on various projects and economic development opportunities.

MEMBER CONCERNS

Chair Madson: None

Commissioner Bingman: None.

Mayor Ward: None.

Commission Schwarzbauer: None

Commissioner Jauhola: None

Motion by Mayor Ward, seconded by Commissioner Bingaman and carried (5-0) to adjourn at 8:06 PM.

Respectfully Submitted: PEDA Secretary, Jess Rich

Minutes of the Proctor Public Utilities Commission meeting held on Monday, August 14, 2023 at 6:00 p.m. in the Council Chambers at Proctor City Hall.

The following members were present:

Eric Bingaman  
Troy DeWall

**\*3B**

The following members were absent:

Jennifer Cady

Others who were present:

Charlene Jones, Commission Secretary  
John Bray, PUC Attorney (by phone)

### **APPROVAL OF AGENDA**

Motion by DeWall, seconded by Bingaman and carried: To approve the agenda, as presented, with the addition of agenda item 3I – Commission Terms.

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

Motion by DeWall, seconded by Bingaman and carried: To approve the PUC Regular Meeting minutes of July 10, 2023.

### **APPROVAL OF PAYROLLS OF:**

Motion by DeWall, seconded by Bingaman and carried: To approve the payroll pay dates of 7/07/23, 7/21/23 & 8/04/23.

**DELINQUENT ACCOUNTS** were discussed.

### **CALL FOR COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT**

#### **1. OLD BUSINESS**

A. Water Maintenance Contractor update.

#### **2. NEW BUSINESS**

A. 2<sup>nd</sup> Street Project from 5<sup>th</sup> Ave to 9<sup>th</sup> Ave was discussed. Secretary to check into when the new curb stop for 840 2<sup>nd</sup> St will be completed.

B. Water tower maintenance was discussed. The SEH Water Tower Inspection Report was reviewed and Commission had questions. They requested to have SEH come to the next meeting to discuss.

C. Lead service line inventory was discussed. We will be starting the inventory with the 2<sup>nd</sup> Street Project. Secretary applied for a Technical Assistance Grant through the MN Dept of Health, but has not had any updates from them yet.

D. Service Territory Discussion. Nothing new to discuss.

E. Forward looking budget items  
•seasonal summer help  
•rate structure  
•generator

Commission would like to add water tower maintenance to this agenda item.

**3. REPORT OF OFFICE**

- A. PUC Meter Reader/Water Technician position update.
- B. Booster (Pump) Station update was discussed. Generator receptacle is supposed to be installed this week. Commission is not happy with the weeds and feels that USA should add new topsoil and re-seed. SEH was already notified of this by the City and will be sending an e-mail to USA on what needs to be done here to correct it.
- C. Sand Salt Building & PUC/Public Works Garage was discussed. The garage work has begun.

Motion by Bingaman, seconded by DeWall and carried: To approve Pay App #1 in the amount of \$42,281.30, per Engineer's recommendation.

Motion by DeWall, seconded by Bingaman and carried: To approve Change Order #1 for the PUC/Public Works Garage in the amount of \$9,482.00 for the cost to install additional conduit and wiring as a result of the change in the transformer location from original plans.

Motion by DeWall, seconded by Bingaman and carried: To approve Change Order #7 for the Proctor Sand/Salt Project in the amount of \$6,490.51 to install a new 10" water main gate valve on the south side of Kirkus St, because the north side valve was difficult to operate and we had to connect to the main on the south side anyway for the water line to the garage.

- D. Tree trimming update was discussed. All crews are currently spraying the transmission lines and will be starting trimming after Labor Day.
- E. 2023 Water Break Repairs update. Sinnott will be starting the work at the end of August.
- F. SEH Meeting Minutes of 7-12-23 & 8-10-23 were discussed. Secretary to look into the possibility of getting 569 Funds for existing water tower maintenance that would be a year or two out.
- G. MMUA Summer Conference was discussed. It is difficult for us to commit to full days every day, so Secretary will make a request to MMUA about the possibility of future conferences being held on the weekend or being able to split up the days and only attend for partial.
- H. NEMMPA Meeting 7-19-23 was reviewed.
- I. Commission Terms were discussed. Before the meeting, Commission Chair Cady informed PUC Secretary that she is not able to seek another term on PUC and will be sending a letter regarding that soon.

Motion by DeWall, seconded by Bingaman and carried: To not accept Cady's request of not seeking re-appointment until a letter is received, but to start advertising for a Commission position.

**4. FINANCIAL STATEMENTS**

- A. PUC June Income Statements were reviewed. Commission would like to see a preliminary 2024 budget in October, with both capital and operational budgets included.

**5. APPROVAL OF BILLS**

- A. The MP July power bill was reviewed.
- B. The MP July maintenance bills were reviewed. SWL&P April, May, June & July bills were not received by meeting time.
- C. The bills listings were reviewed.

Motion by Bingaman, seconded by DeWall and carried: To approve the bills presented and on file at the utility office, including the Minnesota Power Maintenance Billing in the amount of \$20,160.76 and all electronic payments for sales tax & payroll payables. Payable checks #020036 thru #020043.

**6. COMMUNICATIONS**

- A. Billing insert on back side of utility bills was reviewed. Cold Weather Rule information will go out with the bills in September. Commission would like to see advertising for a new PUC Commissioner on the back of the utility bill.
- B. City Administrator did not have any additional correspondence to discuss.

**7. LABOR & NEGOTIATION ISSUES**

**8. MEMBERS CONCERNS**

- A. Commissioners would like office staff to get updated quotes on our envelopes.

Motion by Bingaman, seconded by DeWall and carried: To adjourn the meeting at 7:01 p.m.

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Charlene Jones, Commission Secretary

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Eric Bingaman, Acting Chair

Chad Ward  
Mayor

# City of Proctor

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

Jess Rich  
City Administrator

*You Have A Place in Proctor*

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

4D

## Ordinance 01-23

### ***Cannabis Use Within Public Property and Public Places***

#### SECTION:

34.30 SCOPE AND INTENT

34.31 DEFINITIONS

34.32 PROHIBITION

34.33 PENALTY

34.34 EFFECTIVE DATE

§ 34.30 SCOPE AND INTENT.

Pursuant to and in recognition of the purpose of Minn. Stat. Chapter 342, as it may be amended from time to time, the City desires to prohibit the use of cannabis flower, cannabis products, lower-potency hemp edibles and hemp-derived consumer products within public property and in public spaces.

§ 34.31 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(A) *Public place* shall include property that is generally open to or accessible by the public, except on those premises licensed by the State of Minnesota to permit on-site use or consumption.

(B) *Public property* shall include property, real and personal, that is owned, managed, or controlled by the City, including but not limited to: City buildings and all the land thereon, parking lots, parks, golf courses, pathways and trails, and City rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, City equipment and the like.

(C) *Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp derived consumer products* shall have the meanings as defined in Minn. Stat. § 342.01 (enacted under Minnesota Laws 2023).

§ 34.32 PROHIBITION.

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products within public property or in a public place.

§ 34.33 PENALTY.

A violation of this Section is a petty misdemeanor.

§ 34.34 EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council of the City of Proctor this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Chad Ward, Mayor

ATTEST: \_\_\_\_\_  
Jess Rich, City Administrator

Chad Ward  
Mayor

Jess Rich  
City Administrator

# City of Proctor

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*You Have A Place In Proctor*

---

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

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

6A

**Resolution No. 36-23**  
**Resolution of Non-Objection**  
**To Issuance of State of Minnesota**  
**Charitable Gambling License**

BE IT RESOLVED that the City Council of the City of Proctor hereby certifies that there is no objection to the issuance of a State of Minnesota Charitable Gambling Permit to Proctor Synergy to conduct a raffle on December 22, 2023 the Proctor High School gymnasium Proctor, Minnesota.

Passed by a majority vote of the Proctor City Council, this 2<sup>nd</sup> day of October, 2023

BY: \_\_\_\_\_  
Chad Ward  
Mayor

ATTEST: \_\_\_\_\_  
Jess Rich  
City Administrator

CITY OF PROCTOR  
CORPORATE SEAL

2023 OCT 2



**LG220 Application for Exempt Permit**

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

**Application Fee (non-refundable)**

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

**ORGANIZATION INFORMATION**

Organization

Name: Proctor Synergy

Previous Gambling

Permit Number: \_\_\_\_\_

Minnesota Tax ID

Number, if any: 27-5364218

Federal Employer ID

Number (FEIN), if any: \_\_\_\_\_

Mailing Address: 28 Fifth St

City: Proctor State: MN Zip: 55810 County: St. Louis

Name of Chief Executive Officer (CEO): Scott Wojtyasiak

CEO Daytime Phone: 218-428-7012

CEO Email: sldanger@aol.com

(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): msolberg@proctor.k12.mn.us

**NONPROFIT STATUS**

Type of Nonprofit Organization (check one):

☐ Fraternal

☐ Religious

☐ Veterans

☒ Other Nonprofit Organization

**Attach a copy of one of the following showing proof of nonprofit status:**

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☐ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division  
60 Empire Drive, Suite 100  
St. Paul, MN 55103

Secretary of State website, phone numbers:

[www.sos.state.mn.us](http://www.sos.state.mn.us)

651-296-2803, or toll free 1-877-551-6767

☒ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

**GAMBLING PREMISES INFORMATION**

Name of premises where the gambling event will be conducted

(for raffles, list the site where the drawing will take place): Proctor High School Gymnasium

Physical Address (do not use P.O. box): 131 N 9th Ave Proctor, MN 55810

Check one:

☒ City: Proctor Zip: 55810 County: St. Louis

☐ Township: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

Date(s) of activity (for raffles, indicate the date of the drawing): 12/22/23

Check each type of gambling activity that your organization will conduct:

☐ Bingo

☐ Paddlewheels

☐ Pull-Tabs

☐ Tipboards

☒ Raffle

**Gambling equipment** for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to [www.mn.gov/gcb](http://www.mn.gov/gcb) and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.



**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)**

**CITY APPROVAL  
for a gambling premises  
located within city limits**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- ☐ The application is denied.

Print City Name: \_\_\_\_\_

Signature of City Personnel: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**The city or county must sign before  
submitting application to the  
Gambling Control Board.**

**COUNTY APPROVAL  
for a gambling premises  
located in a township**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- ☐ The application is denied.

Print County Name: \_\_\_\_\_

Signature of County Personnel: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**TOWNSHIP (if required by the county)**

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: \_\_\_\_\_

Signature of Township Officer: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)**

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Scott Wojtyla Date: 9/25/23  
(Signature must be CEO's signature; designee may not sign)

Print Name: Scott Wojtyla

**REQUIREMENTS**

**Complete a separate application for:**

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

**Financial report to be completed within 30 days after the gambling activity is done:**

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

**MAIL APPLICATION AND ATTACHMENTS**

**Mail application with:**

- \_\_\_\_\_ a copy of your proof of nonprofit status; and
- \_\_\_\_\_ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

**To:** Minnesota Gambling Control Board  
1711 West County Road B, Suite 300 South  
Roseville, MN 55113

**Questions?**

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

An equal opportunity employer



INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date **SEP 30 2011**

PROCTOR SYNERGY INC  
C/O STEPHEN ANDERSON  
28 FIFTH ST  
PROCTOR, MN 55810

Employer Identification Number:

27-5364218

DLN:

17053115320031

Contact Person:

FELICIA JOHNSON

ID# 31287

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

December 31

Public Charity Status:

509(a)(2)

Form 990 Required:

Yes

Effective Date of Exemption:

March 1, 2011

Contribution Deductibility:

Yes

Addendum Applies:

No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Lois G. Lerner  
Director, Exempt Organizations

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)



# STATE AID FOR LOCAL TRANSPORTATION CHANGE ORDER

# 6B

Rev. February 2018

SP/SAP(s)	009-594-001	MN Project No.:		Change Order No.	4
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Project Location	2 <sup>nd</sup> St. between 9 <sup>th</sup> Ave. and 5 <sup>th</sup> Ave.; 9 <sup>th</sup> Ave. between 1 <sup>st</sup> St. and 4 <sup>th</sup> St.; 3 <sup>rd</sup> St. between Ugstad Road and 9 <sup>th</sup> Ave.		
Local Agency	St. Louis County Public Works	Local Project No.	CP 0000-617698
Contractor	Utility Systems of America Inc.	Contract No.	CP 0000-617698
Address/City/State/Zip	PO Box 706 / Eveleth / MN / 55734		
Total Change Order Amount \$		\$8,400.00	

*The Contract provides for among other things grading, bituminous surfacing, lighting and ADA improvements.*

*In accordance with the following terms of this Contract, you are hereby authorized and instructed to perform the work as altered by the following provisions.*


*During construction, the City, SEH, and Contractor discussed and determined that it would be beneficial to construct a small tied curb-wall along the back side of the new sidewalk at the SE and SW quadrants at the 6<sup>th</sup> Ave. intersection. The reason for this is to limit the amount of vegetation removals and grading onto private property as well as constricted grading near the handhole that was relocated by private utilities. The curb-wall would prevent steep grading that is cause for future turf maintenance issues. This change order is for construction of a new 2-foot maximum height wall tied with reinforcement to the adjacent concrete sidewalk and will be approximately 40-feet in length at the SW corner and approximately 30-feet in length at the SE corner.*

*Payment shall be at the negotiated price as indicated in the Cost Breakdown hereafter.*

<b>Estimate Of Cost:</b> (Include any increases or decreases in contract items, any negotiated or force account items.)						
**Group/funding Category	Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
Proctor – Non-Participating	2411.603	CONCRETE RETAINING WALL	LF	\$120.00	70	\$8,400.00
<b>Net Change this Change Order</b>						<b>\$8,400.00</b>

**\*\*Group/funding category is required for federal aid projects**

<b>Due to this change, the contract time:</b> (check one)	
( X ) Is NOT changed	( ) May be revised as provided in MnDOT Specification 1806
( ) Is Increased by _____ Working Days	( ) Is Increased by _____ Calendar Days
( ) Is Decreased by _____ Working Days	( ) Is Decreased by _____ Calendar Days

Approved by Project Engineer:  Date: 9/29/2023  
 Print Name: Tyler Yngsdal, PE (Lic. MN) Phone: 218-279-3001

Approved by City of Proctor: \_\_\_\_\_ Date: \_\_\_\_\_  
 Print Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**DSAE Portion:** The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for: \_\_\_\_\_ Federal Funding \_\_\_\_\_ State Aid Funding \_\_\_\_\_ Local funds

District State Aid Engineer: \_\_\_\_\_ Date: \_\_\_\_\_



Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Paid and unpaid invoices included.

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

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

[Report].Date Paid = 10/02/2023

# General Bills

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
<b>ACME TOOLS</b>				
11767630	MILWAUKEE DRILL, BATTERY, AND SOCKETS	09/19/2023	298.94	100-30-300-2210 Operating Supplies
Total ACME TOOLS:			298.94	
<b>ARROWHEAD PAINT PRODUCTS INC</b>				
50719	YELLOW TRAFFIC PAINT	09/19/2023	115.00	100-30-300-2210 Operating Supplies
Total ARROWHEAD PAINT PRODUCTS INC:			115.00	
<b>AT&amp;T MOBILITY</b>				
287291128817	FIRSTNET CELL PHONES/ HOTSPOTS	08/25/2023	773.94	100-20-210-3021 Telephone
Total AT&T MOBILITY:			773.94	
<b>BRADLEY, MICHAEL</b>				
NASBRO0823	TRAVEL TO NASRO TRAINING	08/18/2023	224.21	100-20-210-3031 Travel & Lodging Expe
Total BRADLEY, MICHAEL:			224.21	
<b>CENTURYLINK</b>				
1707	ALARM SYSTEM - WESTGATE LIFT STATION	09/28/2023	.10	500-50-510-3021 Telephone
2630	ALARM SYSTEM - ALMAC LIFT STATION	09/10/2023	44.27	500-50-510-3021 Telephone
9-10-23FD	TELEPHONE - FIRE DEPT	09/10/2023	99.97	100-20-220-3021 Telephone
Total CENTURYLINK :			144.34	
<b>CINTAS</b>				
4167745662	CITY HALL MATS, TOWELS, MOPS	09/14/2023	134.01	100-10-130-3000 Professional Services
4167745662	STREET DEPT COVERALLS	09/14/2023	21.36	100-30-300-2217 Clothing
4168451075	STREET DEPT COVERALLS	09/21/2023	21.36	100-30-300-2217 Clothing
4168451075	POLICE DEPT MATS	09/21/2023	36.49	100-10-130-3000 Professional Services
Total CINTAS:			213.22	
<b>EARL F. ANDERSEN INC</b>				
0133336-IN	PLAYGROUND SIGNS	07/20/2023	141.30	100-40-410-2210 Operating Supplies
Total EARL F. ANDERSEN INC:			141.30	
<b>ELAN CORPORATE PAYMENT SYSTEMS</b>				
4793658894	GOOGLE WORKPLACE	09/05/2023	63.00	100-20-210-3009 Computer Services
Total ELAN CORPORATE PAYMENT SYSTEMS:			63.00	
<b>GREAT AMERICA FINANCIAL SERVICE</b>				
34952852	AGREEMENT 1813067-000 - BIZHUB C360I COPIER	09/25/2023	345.16	100-20-210-4400 Repairs & Maintenanc
34952853	AGREEMENT 1813070-000 - BIZHUB C360I COPIER	09/25/2023	172.58	100-10-120-4400 Repairs & Maintenanc

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
Total GREAT AMERICA FINANCIAL SERVICE:			517.74	
<b>GREATER MN PARKS &amp; TRAILS</b>				
2024	MEMBERSHIP	08/09/2023	165.00	100-15-115-4433 Dues & Subscriptions
Total GREATER MN PARKS & TRAILS:			165.00	
<b>GUARDIAN PEST CONTROL INC</b>				
2504445	CITY HALL PEST CONTROL	09/28/2023	88.00	100-10-130-4406 Pest Control
Total GUARDIAN PEST CONTROL INC:			88.00	
<b>JOHNSON CONTROLS</b>				
1-1312059322	PACC ROOM UPDATES	09/22/2023	9,875.00	100-10-130-4400 Repairs & Maintenanc
Total JOHNSON CONTROLS :			9,875.00	
<b>KTM COMPANIES</b>				
223-3061	PATCH ROADS AND DRIVEWAYS WHERE WE REPLACED CULVERTS	09/13/2023	7,863.15	500-50-510-3015 Contractor
Total KTM COMPANIES :			7,863.15	
<b>MCCOY CONSTRUCTION AND FORESTRY</b>				
2262907	HYDRAULIC OIL	09/26/2023	136.73	100-30-300-2220 Supplies - Repair & M
Total MCCOY CONSTRUCTION AND FORESTRY:			136.73	
<b>MN MUNICIPAL UTILITIES ASSOC</b>				
62367	DRUG & ALCOHOL TESTING	09/26/2023	140.00	100-30-300-3000 Professional Services
Total MN MUNICIPAL UTILITIES ASSOC:			140.00	
<b>NAPA - HERMANTOWN</b>				
255137	HYDRAULIC FILTER JOHN DEERE FRONT DECK	09/26/2023	24.33	100-30-300-2220 Supplies - Repair & M
Total NAPA - HERMANTOWN :			24.33	
<b>NORTHERN DOOR &amp; HARDWARE INC</b>				
23-2112	REPAIR DOOR - CITY HALL	06/15/2023	158.00	100-10-130-4400 Repairs & Maintenanc
Total NORTHERN DOOR & HARDWARE INC:			158.00	
<b>NORTHLAND CONSTRUCTORS OF DULUTH</b>				
21366	ASPHALT FOR POTHOLES	09/13/2023	253.82	100-30-330-2224 Street Maintenance M
21378	ASPHALT FOR POTHOLES	09/21/2023	238.28	100-30-330-2224 Street Maintenance M
21400	ASPHALT FOR POTHOLES	09/26/2023	233.84	100-30-330-2224 Street Maintenance M
Total NORTHLAND CONSTRUCTORS OF DULUTH:			725.94	
<b>PROCTOR JOURNAL</b>				
37770	CITY COUNCIL MINUTES 7.17.23, 8.7.23. 8.21.23	09/20/2023	383.76	100-10-110-3052 General Notices & Pub
37792	CITY COUNCIL MINUTES 9.5.23	09/27/2023	214.85	100-10-110-3052 General Notices & Pub
Total PROCTOR JOURNAL:			598.61	

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
<b>RASMUSSEN CLEANING SERVICE LLC</b>				
1090	CLEANING SERVICES	09/25/2023	3,575.00	100-10-130-3000 Professional Services
Total RASMUSSEN CLEANING SERVICE LLC:			3,575.00	
<b>REDROCK PRECAST</b>				
POS2101	2 CULVERTS AND BAND	08/02/2023	974.00	100-30-300-2210 Operating Supplies
Total REDROCK PRECAST:			974.00	
<b>SHRED N GO INC</b>				
156462	SHREDDING SERVICES	09/23/2023	491.89	100-10-120-3000 Professional Services
Total SHRED N GO INC:			491.89	
<b>TENET CORP</b>				
767476	STORM SEWER MANHOLE RINGS	09/18/2023	274.29	500-50-510-2210 Operating Supplies
Total TENET CORP:			274.29	
<b>VIKING INDUSTRIAL CENTER</b>				
3274441	SAFETY ITEMS	09/21/2023	32.28	100-30-300-2214 Safety Items
Total VIKING INDUSTRIAL CENTER:			32.28	
<b>W.L.S.S.D.</b>				
09302023	WASTEWATER CHARGES	09/30/2023	29,319.00	500-50-510-3085 Sewer - WLSSD Billin
09302023	2022 ADJUSTMENT	09/30/2023	2,249.00-	500-50-510-3085 Sewer - WLSSD Billin
Total W.L.S.S.D.:			27,070.00	
<b>WHITE CAP</b>				
10018672492	RENTAL OF MASTIC TRAILER	09/07/2023	3,632.35	100-30-300-4410 Rentals
Total WHITE CAP:			3,632.35	
Grand Totals:			58,316.26	

## Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Paid and unpaid invoices included.

Invoice Detail.GL account (3 Characters) = {&lt;&gt;} "600"

Vendor.Vendor type = {&lt;&gt;} "PR"

[Report].Date Paid = 10/02/2023



Report Criteria:

- Detail report.
- Invoices with totals above \$0.00 included.
- Paid and unpaid invoices included.
- Invoice Detail.GL account (3 Characters) = "600"
- [Report].Date Paid = 10/02/2023

# Liquor Bills

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
<b>AMERICAN BOTTLING COMPANY</b>				
4615900907	SODA	09/25/2023	143.94	600-60-600-2254 Soft Drinks & Mix
Total AMERICAN BOTTLING COMPANY :			143.94	
<b>ARTISAN BEER COMPANY</b>				
3630239	BEER	09/22/2023	586.05	600-60-600-2252 Beer Purchases
3630240	THC	09/22/2023	110.75	600-60-600-2255 THC Products
Total ARTISAN BEER COMPANY:			696.80	
<b>BERNICKS PEPSI</b>				
30056819	THC	09/20/2023	162.50	600-60-600-2255 THC Products
30056820	BEER	09/20/2023	3,915.55	600-60-600-2252 Beer Purchases
30056823	BEER	09/20/2023	6.00-	600-60-600-2252 Beer Purchases
30057898	THC	09/27/2023	330.00	600-60-600-2255 THC Products
30057899	BEER	09/27/2023	5,998.05	600-60-600-2252 Beer Purchases
Total BERNICKS PEPSI:			10,400.10	
<b>BOURGET IMPORTS LLC</b>				
200194	SERVICE FEE	09/21/2023	13.50	600-60-600-3033 Freight & Express
200194	WINE	09/21/2023	328.00	600-60-600-2253 Wine Purchases
Total BOURGET IMPORTS LLC:			341.50	
<b>BREAKTHRU BEVERAGE</b>				
112233299	SERVICE FEE	09/21/2023	11.56	600-60-600-3033 Freight & Express
112233299	LIQUOR	09/21/2023	1,015.56	600-60-600-2251 Liquor Purchases
112336258	SERVICE FEE	09/28/2023	16.65	600-60-600-3033 Freight & Express
112336258	LIQUOR	09/28/2023	1,222.50	600-60-600-2251 Liquor Purchases
411432412	LIQUOR	09/19/2023	30.11-	600-60-600-2251 Liquor Purchases
411432412	SERVICE FEE	09/19/2023	1.85-	600-60-600-3033 Freight & Express
Total BREAKTHRU BEVERAGE:			2,234.31	
<b>C&amp;L DISTRIBUTING</b>				
1773650	SHIPPING	09/15/2023	3.00	600-60-600-3033 Freight & Express
1773650	BEER	09/15/2023	1,131.55	600-60-600-2252 Beer Purchases
1775157	SHIPPING	09/19/2023	3.00	600-60-600-3033 Freight & Express
1775157	BEER	09/19/2023	837.70	600-60-600-2252 Beer Purchases
1777680	SHIPPING	09/22/2023	3.00	600-60-600-3033 Freight & Express
1777680	BEER	09/22/2023	811.15	600-60-600-2252 Beer Purchases
1778850	SHIPPING	09/26/2023	3.00	600-60-600-3033 Freight & Express
1778850	BEER	09/26/2023	1,674.95	600-60-600-2252 Beer Purchases
2752000062	BEER	09/19/2023	88.82-	600-60-600-2252 Beer Purchases
2752000071	BEER	09/26/2023	20.40-	600-60-600-2252 Beer Purchases
Total C&L DISTRIBUTING:			4,358.13	

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
<b>CINTAS</b>				
4168706582	MATS - LIQUOR STORE	09/25/2023	190.60	600-60-600-2210 Operating Supplies
Total CINTAS:			190.60	
<b>COCA COLA BOTTLING CO</b>				
3232013	SODA	08/29/2023	1.96	600-60-600-2254 Soft Drinks & Mix
3235646	SODA	09/19/2023	208.75	600-60-600-2254 Soft Drinks & Mix
Total COCA COLA BOTTLING CO:			206.79	
<b>JOHNSON BROTHERS INC</b>				
2383671	DELIVERY CHARGE	09/15/2023	3.40	600-60-600-3033 Freight & Express
2383671	WINE	09/15/2023	60.75	600-60-600-2253 Wine Purchases
2385972	DELIVERY CHARGE	09/20/2023	11.90	600-60-600-3033 Freight & Express
2385972	LIQUOR	09/20/2023	575.05	600-60-600-2251 Liquor Purchases
2385973	DELIVERY CHARGE	09/20/2023	22.53	600-60-600-3033 Freight & Express
2385973	WINE	09/20/2023	520.67	600-60-600-2253 Wine Purchases
2390717	DELIVERY CHARGE	09/27/2023	38.81	600-60-600-3033 Freight & Express
2390717	LIQUOR	09/27/2023	2,180.95	600-60-600-2251 Liquor Purchases
2390718	DELIVERY CHARGE	09/27/2023	17.44	600-60-600-3033 Freight & Express
2390718	WINE	09/27/2023	506.00	600-60-600-2253 Wine Purchases
Total JOHNSON BROTHERS INC:			3,937.50	
<b>LAKESHORE ICE</b>				
03-304362	ICE	09/26/2023	94.28	600-60-600-2258 Misc Merchandise
04-303760	ICE	09/18/2023	54.00	600-60-600-2258 Misc Merchandise
Total LAKESHORE ICE:			148.28	
<b>MICHAUD DISTRIBUTING COMPANY</b>				
380778	FUEL SURCHARGE	09/18/2023	3.00	600-60-600-3033 Freight & Express
380778	BEER	09/18/2023	549.15	600-60-600-2252 Beer Purchases
380987	FUEL SURCHARGE	09/25/2023	3.00	600-60-600-3033 Freight & Express
380987	BEER	09/25/2023	1,455.35	600-60-600-2252 Beer Purchases
Total MICHAUD DISTRIBUTING COMPANY:			2,010.50	
<b>PHILLIPS WINE &amp; SPIRITS CO.</b>				
6658649	DELIVERY	09/15/2023	6.80	600-60-600-3033 Freight & Express
6658649	LIQUOR	09/15/2023	241.00	600-60-600-2251 Liquor Purchases
6658650	DELIVERY	09/15/2023	6.80	600-60-600-3033 Freight & Express
6658650	WINE	09/15/2023	132.30	600-60-600-2253 Wine Purchases
6660350	LIQUOR	09/20/2023	906.42	600-60-600-2251 Liquor Purchases
6660350	DELIVERY CHARGE	09/20/2023	22.74	600-60-600-3033 Freight & Express
6660351	DELIVERY	09/20/2023	6.54	600-60-600-3033 Freight & Express
6660351	WINE	09/20/2023	273.25	600-60-600-2253 Wine Purchases
6664105	DELIVERY	09/27/2023	64.35	600-60-600-3033 Freight & Express
6664105	LIQUOR	09/27/2023	2,764.48	600-60-600-2251 Liquor Purchases
6664106	DELIVERY	09/27/2023	10.90	600-60-600-3033 Freight & Express
6664106	WINE	09/27/2023	321.25	600-60-600-2253 Wine Purchases
Total PHILLIPS WINE & SPIRITS CO.:			4,756.83	
<b>RED BULL</b>				
2011552343	RED BULL	09/18/2023	273.60	600-60-600-2254 Soft Drinks & Mix

Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account and Title
2011552344	RED BULL	09/18/2023	8.10-	600-60-600-2254 Soft Drinks & Mix
Total RED BULL:			265.50	
<b>SOUTHERN WINE &amp; SPIRITS</b>				
2391035	LIQUOR	09/15/2023	2,150.36	600-60-600-2251 Liquor Purchases
2391035	DELIVERY	09/15/2023	33.80	600-60-600-3033 Freight & Express
2393647	DELIVERY	09/22/2023	48.43	600-60-600-3033 Freight & Express
2393647	LIQUOR	09/22/2023	1,987.19	600-60-600-2251 Liquor Purchases
Total SOUTHERN WINE & SPIRITS:			4,219.78	
<b>TEAMSTERS JC 32</b>				
9-23C-HRA	HRA - 9/23	09/25/2023	240.00	600-60-600-1131 Employer Paid Health
Total TEAMSTERS JC 32:			240.00	
<b>URSA MINOR BREWING</b>				
e-5053	BEER	09/28/2023	106.20	600-60-600-2252 Beer Purchases
Total URSA MINOR BREWING:			106.20	
<b>VINOCOPIA</b>				
0336583-in	DELIVERY	09/20/2023	12.00	600-60-600-3033 Freight & Express
0336583-in	WINE	09/20/2023	312.00	600-60-600-2253 Wine Purchases
0336583-in	LIQUOR	09/20/2023	333.00	600-60-600-2251 Liquor Purchases
Total VINOCOPIA:			657.00	
Grand Totals:			34,913.76	

## Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Paid and unpaid invoices included.

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

[Report].Date Paid = 10/02/2023

## Report Criteria:

Report type: Summary

Check.Type = {&lt;&gt;} "Adjustment"

Bank.Account description = "City Checking"

Check Issue Date	Check Number	Payee	Amount
10/02/2023	42788	AMERICAN BOTTLING COMPANY	143.94
10/02/2023	42789	ARROWHEAD PAINT PRODUCTS INC	115.00
10/02/2023	42790	ARTISAN BEER COMPANY	696.80
10/02/2023	42791	AT&T MOBILITY	773.94
10/02/2023	42792	BERNICKS PEPSI	10,400.10
10/02/2023	42793	BRADLEY, MICHAEL	224.21
10/02/2023	42794	BREAKTHRU BEVERAGE	2,234.31
10/02/2023	42795	C&L DISTRIBUTING	4,358.13
10/02/2023	42796	CENTURYLINK	44.37
10/02/2023	42797	CENTURYLINK	99.97
10/02/2023	42798	CINTAS	403.82
10/02/2023	42799	EARL F. ANDERSEN INC	141.30
10/02/2023	42800	ELAN CORPORATE PAYMENT SYSTEMS	63.00
10/02/2023	42801	GREATER MN PARKS & TRAILS	165.00
10/02/2023	42802	GUARDIAN PEST CONTROL INC	88.00
10/02/2023	42803	JOHNSON BROTHERS INC	3,937.50
10/02/2023	42804	JOHNSON CONTROLS	9,875.00
10/02/2023	42805	KTM COMPANIES	7,863.15
10/02/2023	42806	LAKESHORE ICE	148.28
10/02/2023	42807	NAPA - HERMANTOWN	24.33
10/02/2023	42808	PHILLIPS WINE & SPIRITS CO.	4,756.83
10/02/2023	42809	RED BULL	265.50
10/02/2023	42810	REDROCK PRECAST	974.00
10/02/2023	42811	SHRED N GO INC	491.89
10/02/2023	42812	SOUTHERN WINE & SPIRITS	4,219.78
10/02/2023	42813	TENET CORP	274.29
10/02/2023	42814	WHITE CAP	3,632.35
10/02/2023	999913886	ACME ELECTRIC MOTOR INC	298.94
10/02/2023	999913887	BOURGET IMPORTS LLC	341.50
10/02/2023	999913888	COCA COLA BOTTLING CO	206.79
10/02/2023	999913889	GREAT AMERICA FINANCIAL SERVICE	517.74
10/02/2023	999913890	MCCOY CONSTRUCTION AND FORESTRY	136.73
10/02/2023	999913891	MICHAUD DISTRIBUTING COMPANY	2,010.50
10/02/2023	999913892	MN MUNICIPAL UTILITIES ASSOC	140.00
10/02/2023	999913893	NORTHERN DOOR & HARDWARE INC	158.00
10/02/2023	999913894	NORTHLAND CONSTRUCTORS OF DULUTH	725.94
10/02/2023	999913895	PROCTOR JOURNAL	598.61
10/02/2023	999913896	RASMUSSEN CLEANING SERVICE LLC	3,575.00
10/02/2023	999913897	TEAMSTERS JC 32	31,108.00
10/02/2023	999913898	TEAMSTERS JC 32	4,320.00
10/02/2023	999913899	UFCW LOCAL 1189	105.84
10/02/2023	999913900	URSA MINOR BREWING	106.20
10/02/2023	999913901	VIKING INDUSTRIAL CENTER	32.28
10/02/2023	999913902	VINOCOPIA	657.00
10/02/2023	999913903	W.L.S.S.D.	27,070.00
Grand Totals:			128,523.86

Summary by General Ledger Account Number

M = Manual Check, V = Void Check

GL Account	Debit	Credit	Proof
100-00-000-2020	.00	58,358.29-	58,358.29-
100-00-000-2176	31,108.00	.00	31,108.00
100-00-000-2177	105.84	.00	105.84
100-10-110-3052	598.61	.00	598.61
100-10-120-1131	480.00	.00	480.00
100-10-120-3000	491.89	.00	491.89
100-10-120-4400	172.58	.00	172.58
100-10-130-3000	3,745.50	.00	3,745.50
100-10-130-4400	10,033.00	.00	10,033.00
100-10-130-4406	88.00	.00	88.00
100-10-150-1131	240.00	.00	240.00
100-15-115-1131	240.00	.00	240.00
100-15-115-4433	165.00	.00	165.00
100-20-210-1131	1,920.00	.00	1,920.00
100-20-210-3009	63.00	.00	63.00
100-20-210-3021	773.94	.00	773.94
100-20-210-3031	224.21	.00	224.21
100-20-210-4400	345.16	.00	345.16
100-20-220-3021	99.97	.00	99.97
100-30-300-1131	1,200.00	.00	1,200.00
100-30-300-2210	1,387.94	.00	1,387.94
100-30-300-2214	32.28	.00	32.28
100-30-300-2217	42.72	.00	42.72
100-30-300-2220	161.06	.00	161.06
100-30-300-3000	140.00	.00	140.00
100-30-300-4410	3,632.35	.00	3,632.35
100-30-330-2224	725.94	.00	725.94
100-40-410-2210	141.30	.00	141.30
500-00-000-2020	2,249.00	37,500.81-	35,251.81-
500-50-510-2210	274.29	.00	274.29
500-50-510-3015	7,863.15	.00	7,863.15
500-50-510-3021	44.37	.00	44.37
500-50-510-3085	29,319.00	2,249.00-	27,070.00
600-00-000-2020	157.24	35,071.00-	34,913.76-
600-60-600-1131	240.00	.00	240.00
600-60-600-2210	190.60	.00	190.60
600-60-600-2251	13,376.51	30.11-	13,346.40
600-60-600-2252	17,065.70	115.22-	16,950.48
600-60-600-2253	2,454.22	.00	2,454.22
600-60-600-2254	626.29	10.06-	616.23
600-60-600-2255	603.25	.00	603.25
600-60-600-2258	148.28	.00	148.28
600-60-600-3033	366.15	1.85-	364.30
Grand Totals:	133,336.34	133,336.34-	.00

GL Account	Debit	Credit	Proof
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Report Criteria:  
Report type: Summary  
Check.Type = {<>} "Adjustment"  
Bank.Account description = "City Checking"