

Minutes of the regular Proctor City Council meeting held on March 21, 2016 in the Community Center Council Chambers

Mayor Brenna called the meeting to order at 6:00 p.m.

MEMBERS PRESENT: Councilors Jake Benson, Jim Schwarzbauer, Travis White & Shawn McGovern; Mayor David Brenna

OTHERS PRESENT: Mark Casey, City Administrator; Tim Peterson, Deputy Clerk; John Bray, City Attorney; Jim Aird, Midway Township; Brian Walker; Phil Larson; Phyllis Hom, Wok & Grill; Chief Walter Wobig; Kyle Borg, Proctor Chamber; Gary Nowak; Chad Ward; Joe Ward; Jesse Annala; Jay Boysen; Troy DeWall

APPROVAL OF MINUTES

Motion by McGovern, seconded by Brenna and carried: To approve the March 7, 2016 City Council Meeting Minutes.

APPROVAL OF AGENDA

White added 6I: Veterans Open  
Benson pulled 5G off of Consent Agenda

Motion by Benson, seconded by Schwarzbauer and carried: To approve the agenda of March 21, 2016 as amended.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Kyle Borg, Proctor Chamber President stated he is bringing before Council a resolution giving the light poles to the City of Proctor.

Phyllis Hom, Wok & Grill stated that the Golf Course Manager is staying at the clubhouse.

Joe Ward asked the councilors if the clubhouse should be open in the winter. Brenna stated that it has been used while kids are sledding. Ward said that Walker should be promoting the sledding and the council should be holding him to his tasks.

\*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

Motion by McGovern, seconded by Brenna and carried: To approved the consent agenda as amended.

## **\*1. COMMUNICATIONS**

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

## **\*3. CLERK ADVISES COUNCIL**

- A. Government Fund payroll period ended 03/06/16; Liquor Fund payroll ended 03/06/16 (attached).

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

- A. Liquor Control Meeting Minutes January 19, 2016
- B. Public Utility Meeting Minutes January 11, 2016 & February 8, 2016

## **5. UNFINISHED BUSINESS**

- \*A. Almac Drive Drainage
- \*B. Moving Street Department
- \*C. Adopting Street Project Assessments
- \*D. Flashing Stop Light at Kirkus and Boundary
- \*E. Athletic Complex
- \*F. Council Handbook
- \*G. MN State Statute Chapter 13D - Shedding Light on Open Meeting Law (Benson)

Benson read a statement regarding the open meeting law and any possible violations by the Public Utility Commission. Benson stated that there has not been a resolution, and this issue exposes the commissioner to possible legal liability. He acknowledged the complex duties of the commissioners; however this discussion is about ethics and the law. Benson recommends that this issue be sent to the personnel committee.

Motion by Schwarzbauer, seconded by Brenna and carried: To send this issue of possible Open Meeting Violation by Public Utility Commission to the Personnel Committee to review policies and any violation.

## 6. NEW BUSINESS

- A. Set Council Working Session to discuss Assessment Policy

Casey asked to reserve this item until the next meeting.

- B. 2016 Dirt Floor Arena Event Application

Brenna said that the application is self-explanatory. Benson asked if the application had gone through all the appropriate committees; Brenna said it had gone through the other committees. Schwarzbauer asked what is held at the Fairgrounds during the off season. Brenna said there are storage opportunities at the Fairgrounds in the winter. Schwarzbauer said that the fairgrounds are a large promotional opportunity for Proctor.

Motion by White, seconded by Schwarzbauer and carried: To approve the 2016 Dirt Floor Arena Event Application as presented.

- C. Resolution 16-16 ó Acceptance of the Transfer of Light Poles to the City of Proctor from The Chamber of Commerce

Motion by McGovern, seconded by Benson and carried: To approve Resolution 16-16 Acceptance of the Transfer of Light Poles to the City of Proctor from The Chamber of Commerce.

### **RESOLUTION 16-16**

### **ACCEPTANCE OF TRANSFER OF LIGHT POLES TO THE CITY OF PROCTOR from THE CHAMBER OF COMMERCE**

STATE OF MINNESOTA)  
COUNTY OF SAINT LOUIS)  
CITY OF PROCTOR)

**WHEREAS**, the City of Proctor (City) has the authority, pursuant to MN Statutes 465.03 to accept devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the Chamber of Commerce (Chamber); and,

**WHEREAS**, the Chamber wishes to convey to the City certain real property described as decorative light poles, located along Highway 2 within the municipal boundaries of the City, ðas isö; and,

**WHEREAS**, the City is willing to accept and maintain said property from the Chamber.

**NOW THEREFORE BE IT RESOLVED** through actions taken by the Mayor and City Council of the City of Proctor is hereby authorized to accept the transfer of light poles from the Chamber to the City and maintain them to best of its ability.

Upon vote taken thereon, the following voted:

For:

Against:

Whereupon said Resolution 16-16 was declared duly passed and adopted this 21<sup>st</sup> day of March, 2016.

D. Bylaw Changes for Fire Department

Casey stated that these are statutory changes for the Fire Department.

Motion by McGovern, seconded by White and carried: To accept and approve the Bylaw Changes for the Proctor Fire Department as presented.

E. Resolution 17-16 Declaring Golf Carts as Surplus

Brian Walker, golf course manager stated that the Gordy Downs trust fund will be purchasing eight new golf carts. With that, eight carts at the golf course need to be stated as surplus. However, Walker stated that with agenda item 6F, three additional carts need to be declared as surplus.

Motion by McGovern, seconded by Schwarzbauer and carried: To approval resolution 17-16 as presented.

Casey stated with agenda item 6F the motion should be amended to declare 11 carts as surplus. Even if the purchase of additional golf carts isn't approved at this time, the carts will be clarified accordingly for the future.

Motion by McGovern, seconded by Brenna and carried: To amend the previous motion and change Resolution 17-16 to reflect 11 golf carts as surplus.

**RESOLUTION 17-16  
DECLARING SURPLUS  
EQUIPMENT**

STATE OF MINNESOTA)  
COUNTY OF SAINT LOUIS)  
CITY OF PROCTOR)

**WHEREAS**, the City of Proctor Golf Course has items no longer in need by the department and been removed from service,

- Eleven (11) aged gas golf carts

**WHEREAS**, the sale/trade-in of such equipment and its proceeds will decrease operating costs of the department.

**NOW, THEREFORE BE IT RESOLVED** The City Council of the City of Proctor through the signature of its Mayor and Administrator authorizes to declare this equipment surplus and available for sale or trade.

Upon vote taken thereon, the following voted:

For:

Against:

Whereupon said Resolution 17-16 was declared duly passed and adopted this 21<sup>st</sup> day of March 2016.

F. Request to Purchase Three New Golf Carts (Walker)

Walker discussed the rotation of old carts and he is asking the city to purchase three additional golf carts. Brenna asked if the money is coming from the golf budget. Casey said that Walker has \$10,000 for miscellaneous in his budget. Benson asked if Walker receive additional bids. Walker said that he had two different bids form Yamaha and Club Car. Benson stated he would like to see the bids together and asked if a cost analysis had been done or a description of the repairs that had been done to each cart.

White asked about the trust paying for these three in the upcoming years. White also asked Tim Peterson about the profits from the golf course. Peterson stated that last year was the first year that the city took over the golf course and previously is lost about \$25,000 each year. Last year the city put money into the course and lost approximately \$40,000-\$45,000. Peterson explained that other city departments work with the Capital Improvement Program so that over time, purchases can be made. White said that if the course is losing money, maybe it isn't smart to make this purchase. Joe Ward suggested rotating the purchases so that the carts aren't old at the same time in the future.

No action taken.

G. Request to Purchase New Utility Cart (Walker)

Walker stated that the current utility cart is a John Deere Gator that actually does damage to the course. Walker is asking the council to consider purchasing this utility cart to be used as a beverage cart. McGovern stated that if the golf course can survive another year, Walker should wait and add this to the Capital Improvements Plan for next year; especially with a large lime bill coming this

year.

White said he would like to see at least three different bids for this purchase. Brenna agreed to deny this request until next year.

No action taken.

#### H. Liquor Control Committee Membership

Benson discussed that number of committee member that there should be on Liquor Control Committee. He said that there are seven members currently with one opening. White stated that he does not believe that liquor license holders should be on the committee. Schwarzbauer agreed with White and also suggested additional options for membership. Benson said that there will be a stricter vetting process for upcoming members. Brenna asked if the council could review the new questions prior to implementation.

#### I. Veterans Open

White stated that he asked for this to added to the agenda based on an email that the councilors received over the weekend from Walker about the Veterans Open. White read a portion of the letter and told Walker that he can understand his frustration. White asked Walker who was part of the Concert Committee. Walker stated: Eric Bingaman, Nick Berg, Cavan Timm, and Otis Mac. White said he was sorry Walker will be pulling the event to another city.

Chad Ward spoke about emails that he has copies of from the City Event Coordinator dated January 21, 2016. He said as a citizen he would like to see the city wash their hands of this event. He stated that he also has concerns about the golf course losing that much money and asked about specific policies like those for the Liquor Store.

White read through the email stating that Walker is withdrawing the event packets to move the Veterans Open to another city. Joe Ward expressed concern about a city employee taking an event away from the city of Proctor.

### 7. LABOR AND NEGOTIATIONS ISSUES

#### A. Recommendation of New Hire for Fire Department

Casey stated that the new hire is Jeremy Lopez. Joy Boysen spoke in support of Lopez and his qualifications.

Motion by White, seconded by Schwarzbauer and carried: To approve the recommendation of New Hire Jeremy Lopez for the Fire Department.

## MEMBER CONCERNS

Casey reminded the councilors and public about the Comprehensive Plan Public Meeting to be held at City Hall on March 29, 2016 at 6:00pm.

White stated that his niece has been training at Lorenziø and recently won her boxing match. He wanted to give credit to Lorenziø contributing to her success.

Benson mentioned sewer concerns he heard about on 3<sup>rd</sup> and 4<sup>th</sup> Avenue. Administration will investigate the concerns.

White asked to close the council meeting to discuss a disciplinary issue and email that he received. Bray advised that the council should defer to the Personnel Committee.

Motion by White, seconded by Schwarzbauer and carried: To send the email issue of an employee to the Personnel Committee for review.

Schwarzbauer reported to the council his attendance at a meeting for an amateur sports commission. The study to be performed will cost about \$28,000, of which \$14,000 will be paid by the City of Duluth. This commission will be a partnership between the cities of Duluth, Superior, Hermantown and Proctor.

Schwarzbauer also discussed his reasons for no longer supporting a municipal liquor store in the City of Proctor.

## BILLS FOR APPROVAL

Motion by McGovern, seconded by Brenna and carried: To approve the General Fund bills in the amount of \$65,208.54. Roll call vote: Schwarzbauer ó yes, White ó yes; Benson ó yes; McGovern ó yes, Brenna ó yes.

Motion by Benson, seconded by McGovern and carried (3-2, White and Schwarzbauer opposed): To approve the Liquor Fund bills in the amount of \$38,617.60. Roll call vote: Schwarzbauer ó no, White ó no; Benson ó yes; McGovern ó yes; Brenna ó yes.

## ADJOURNMENT

Motion by White, seconded by Brenna and carried: To adjourn the City Council Meeting of March 21, 2016 at 7:49 p.m.