

Minutes of the regular Proctor City Council meeting held on April 4, 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; Tammie McDonald; John Bray, City Attorney; Jim Aird, Midway Township; Brian Walker; Phyllis Hom, Wok & Grill; Chief Walter Wobig; Gary Nowak; Chad Ward; Joe Ward; Sally Hedtke; Jay Boysen; Troy DeWall; Dick Wicklund; Tom Vukelich; Nicole Swanson; Eric Bingaman; Nick Greenwood; Matt Schwab, Ducks Unlimited; Mick War; Jakob White; Lowell Harnell; Keenan McGovern

APPROVAL OF MINUTES

Motion by Schwarzbauer, seconded by Brenna and carried: To approve the March 21, 2016 City Council Meeting Minutes.

APPROVAL OF AGENDA

McGovern added 7B: Advertising and Hiring New Building Inspector
McGovern added 6E: Veteranø Open as City Event

Motion by Benson, seconded by Schwarzbauer and carried: To approve the agenda of April 4, 2016 as amended.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

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

Motion by McGovern, seconded by Schwarzbauer and carried: To approved the consent agenda.

*1. COMMUNICATIONS

A. ISD #704 School Board Agenda dated March 28, 2016

B. Administrator Correspondence to Commissioner Stauber

2. PLANNING & ZONING DEPARTMENT MATTER

Casey stated that Planning & Zoning commission received a request to divide property on Kirkus Street. It was similar to the request that Council approved last meeting. Casey will have this new request on the next agenda.

*3. CLERK ADVISES COUNCIL

- A. Government Fund payroll period ended 03/20/16; Liquor Fund payroll ended 03/20/16 (attached).

*4. COMMITTEE REPORTS

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)
- *H. Set Council Working Session to discuss Assessment Policy

6. NEW BUSINESS

- A. Snocross Sponsorship Report (Tourism)

Brenna stated that this report is information for the councilors.

B. Administrator Request (Casey)

Casey stated that he was asked to speak at a seminar/workshop for engineers in training from a client's perspective. He said this would be a great way to network also.

Motion by Schwarzbauer, seconded by Benson and carried: To approve the request from Administration to attend the Young Professionals Seminar on April 28, 2016.

C. Resolution No. 19-16 ó Resolution Confirming the Appointments to the Liquor Control Committee (White)

Benson stated that he would like to add an amendment to this Resolution.

Motion by Benson, seconded by McGovern and carried (5-0 in favor): To decrease the number of Public Safety committee members from eleven to nine; and to add a Public Safety member to the Liquor Control Committee.

Brenna read the resolution to the audience and stated that he doesn't agree that the Liquor Control Committee should eliminate bar owners. McGovern agreed with Brenna and understands the importance of the business owners on the committee, similar to the hotel owners/managers on the Tourism Committee.

Schwarzbauer asked the council if they had found other example of liquor control committees. Benson said that according to the League of Minnesota Cities, elected officials are part of most Liquor Control Committees. White stated that the Liquor Store should not have representatives on the committee as it would eliminate any conflict.

Motion by White, seconded by Schwarzbauer and motion failed (2-3, Brenna, McGovern and Benson opposed): Resolution No. 19-16 ó Resolution Confirming the Appointments to the Liquor Control Committee

D. Resolution No. 20-16 ó Resolution of Non-Objection to Issuance of State of Minnesota Charitable Gambling License

Brenna stated that Ducks Unlimited has done this same event in years prior.

Motion by Benson, seconded by McGovern and carried: To approve Resolution No. 20-16 ó Resolution of Non-Objection to Issuance of State of Minnesota Charitable Gambling License

Resolution No. 20-16
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 are no objection to the issuance of a State of Minnesota Charitable Gambling Permit to The Ducks Unlimited St. Louis Bat 125 to conduct a raffle on May 6, 2016 at Blackwoods Banquet Center, Proctor, Minnesota.

- E. Resolution No. 21-16 ó Resolution Prohibiting Proctor Golf Course Manager from Working on Veteranø Open During Working Hours (White)

McGovern suggested adding the wording of the Veteranø Open as a City Event. This would include having the City as a sponsor and participant in the event working with the Event Coordinator and through the Event Coordinator.

White stated that at the last two council meetings, Walker made it clear that he did not want the Veterans Open to be a City Event. White said that he wrote this resolution based on those comments, not because he is against the Veterans Open as an Event. Schwarzbauer asked if the money for the event would be run through the City. McGovern said that it would be overseen by Peterson and the city would charge a fee for the services. Peterson said that there would be a need to create financial policies and he would have to work with the auditors as this hasn't been done with any other event.

Joe Ward asked if it was customary for city employees to work on events during business hours. Brenna said that this had been done in the past and will for future events.

Motion by White, seconded by Schwarzbauer and carried (3-2, McGovern and Brenna opposed): To approve Resolution No. 21-16 ó Resolution Prohibiting Proctor Golf Course Manager from Working on Veteranø Open During Working Hours

Resolution No. 21-16
City of Proctor

RESOLUTION PROHIBITING
PROCTOR GOLF COURSE MANAGER
FROM WORKING ON VETERAN'S OPEN
DURING WORKING HOURS

WHEREAS, the 2015 Veteran's Open event was sponsored by the City of Proctor; and

WHEREAS, the 2015 Veteran's Open event was organized by the Proctor Golf Course Manager, Brian Walker; and

WHEREAS, on February 1st 2016, the City Council authorized Brian Walker to work on the 2016 Veteran's Open event during working hours; and

WHEREAS, the Veterans Open Committee, a 501(c)3 nonprofit organization, has decided to look at locations outside of Proctor to host the 2016 Veteran's Open event; and

WHEREAS, Brian Walker is the President of the Veterans Open Committee; and

WHEREAS, the 2016 Veteran's Open event is no longer being sponsored by the City of Proctor; and

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PROCTOR AS FOLLOWS:

Section 1. That the City of Proctor, by and through its City Council, rescinds the motion, passed on February 1st 2016, authorizing Brian Walker to work on the 2016 Veteran's Open event during working hours; and

Section 2. That the City of Proctor, by and through its City Council, prohibits Brian Walker from working on the 2016 Veteran's Open event during working hours; and

Section 3. That this resolution shall become effective immediately upon passage and adoption.

F. Resolution 22-16 ó Abolish the Position of Golf Course/Project Manager Reinstating the Position of Seasonal Golf Course Manager (Schwarzbauer)

Motion by Schwarzbauer, seconded by White to approve Resolution 22-16.

Brenna opened the floor for discussion about said resolution.

Schwarzbauer stated that this resolution is to remove the position, not the person. He stated that the council made a mistake and they need to rectify the error.

Schwarzbauer said that he is recommending reinstate the position of seasonal golf course manager and offer that position to the existing manager.

Brenna asked the council if they were prepared to close the golf course if the existing manager does not accept the position. Bray asked if this resolution is for budgetary purposes or disciplinary reasons. Schwarzbauer said that he wrote the resolution for budgetary purposes.

McGovern asked attorney Bray if the city abolishes one position, can another be created? Bray stated that it can be done as the city will be recreating a prior position. Brenna asked if the position should be posted; Bray stated that it does not have to be posted, but from public policy the city could consider posting the position. Schwarzbauer said that he was hoping that the resolution was clear enough to abolish the position and have the same person take the new position.

Bray stated that he would review the Fair Labor Standards Act and report back at the next meeting. White and Schwarzbauer withdrew the motion and the second for Resolution 22-16.

G. Proclamation of National Crime Victims' Rights Week (Wobig)

Brenna read the proclamation in its entirety to the public.

Motion by Benson, seconded by White and carried: To approve Proclamation of National Crime Victims' Rights Week as presented.

7. LABOR AND NEGOTIATIONS ISSUES

A. Request to hire Seasonal Park Worker

Casey stated that the letter in the packet was written by the Public Works Supervisor with his recommendation to hire Angie Peterson back as a Park Worker. Brenna said that for transparency purposes, she should submit an application.

Motion failed due to lack of second. Administration will advise Peterson to submit application for position and item will be added to next council agenda.

B. Advertising and Hiring of new Building Inspector

McGovern stated that administration had a conversation with prior building inspector regarding the open position. Prior inspector does not have interest in taking this position at this time. No action taken and administration asked what salary to post and will advertise in local paper.

MEMBER CONCERNS

Schwarzbauer shared information about the Veterans Memorial Hall having a benefit run in May. He stated that if anyone is interested, they can contact him for more information.

BILLS FOR APPROVAL

Motion by Benson, seconded by McGovern and carried: To approve the General Fund bills in the amount of \$56,369.15. 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 \$24,973.30. 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 April 4, 2016 at 7:05p.m.