

Minutes of the regular Proctor City Council meeting held on October 17, 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, Shawn McGovern, Travis White, and Mayor David Brenna

OTHERS PRESENT: Mark Casey, City Administrator; Tammie McDonald; Jim Aird, Midway Township; Phil Larson, PUC; Gary Nowak; Gordy Downs; Jim Rohweder; Walter Wobig; Russell Habermann; Gary Nowak; Nancy Aldridge; Tom Aldridge; Chad Ward; JoAnn Godfrey; Vance Okstad; Sherry Larson; Ed Habermann; Jakob White; Kevin Bahr

APPROVAL OF MINUTES:

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the October 3, 2016 City Council Meeting Minutes.

APPROVAL OF AGENDA

Benson added 6J: READ Fundraiser
Schwarzbauer added 6K: LMC Regional Meeting

Motion by Benson, seconded by Schwarzbauer and carried: To approve the agenda of October 17, 2016 as amended.

PUBLIC HEARING - ACTION REQUESTED

Notice is hereby given that the City of Proctor City Council will conduct a public hearing to consider the following:

To establish a "No Parking" on the west side of Boundary Avenue between 5th Street and 2nd Street

The Public Hearing began at 6:03 p.m.

Casey stated that the future plan for the Munger Trail is to tentatively extend down Boundary Avenue from 9th Street to 2nd Street. He said there is a portion of Boundary that is the County right of way and there was some communication with the City of Duluth to keep the trail of the Proctor side. Casey said if the resolution is approved, it will be passed on to the County Board for a final decision.

Motion by Benson, seconded by Schwarzbauer and carried: Close the public hearing at 6:08p.m.

CITY OF PROCTOR
RESOLUTION 56-16
ESTABLISH NO PARKING

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

WHEREAS, the City of Proctor has the authority, pursuant to MN Statutes 169.04 and 459.14 to establish no parking or restricted parking areas.

WHEREAS, the City created and adopted through Ordinance No. 802.02, a parking policy with the ability to restrict/regulate in which persons(s) may stand or park a vehicle in municipally designated areas; and,

WHEREAS, the City intends to support improved safety and trails throughout the community; and,

WHEREAS, as public hearing was held on 17th October, 2016, to establish a restricted/no parking area from 2nd Street to 5th Street along west side of Boundary Avenue in order to create a safe bike trail along as depicted in Attachment A.

Motion by McGovern, seconded by Schwarzbauer and carried (5-0): To approve Resolution 56-16 Establishing a No Parking Section on Boundary Avenue.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Gordy Downs, Proctor Golf Board, discussed the water valve at the golf course.

*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 Schwarzbauer, seconded by Benson and carried: To approve the Consent Agenda.

*1. COMMUNICATIONS

A. 2017 WLSSD Budget

2. PLANNING & ZONING DEPARTMENT MATTER

Casey stated that there is nothing new to report.

*3. CLERK ADVISES COUNCIL

- A. Government Fund payroll period ended 10/02/16; Liquor Fund payroll ended 10/02/16 (attached).

*4. COMMITTEE REPORTS

5. UNFINISHED BUSINESS

- *A. Council Handbook
- *B. Moving Street Department
- *C. Adopting Street Project Assessments
- *D. Flashing Stop Light at Kirkus and Boundary
- *E. Athletic Complex
- *F. Almac Drive Drainage

6. NEW BUSINESS

- A. Trail Grant (Benson)

Benson referred this agenda item to 6G.

- B. Trail Funding/Spending (Benson)

Benson stated that in reviewing the budget to determine where the Food and Beverage Tax monies were be distributed. He discovered that they are not being used as originally intended.

- C. Resolution 55-16: Abolish the Position of Golf Course/Project Manager Reinstating the Position of Golf Course Manager (Benson)

Resolution No. 55-16
City of Proctor

ABOLISH THE POSITION OF GOLF COURSE/PROJECT MANAGER
REINSTITUTING THE POSITION OF GOLF COURSE MANAGER

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

WHEREAS, the City of Proctor during its regular meeting of 10/29/15 had created the position of Golf Course and Project Manager duly appointing the current employee to fill said position with job duties established on 12/21/2015; and

WHEREAS, the City Council has deemed it prudent to abolish the position and reinstitute the position of Golf Course Manager; and ,

WHEREAS, the reinstated position will be offered to the employee currently filling the Golf Course/Project Manager at a salary deemed appropriate to the duties assigned and will only be for a seven (7) month period.

NOW, THEREFORE, IT IS HEREBY RESOLVED: through the actions of the Council of the City of Proctor, the position of Golf Course/Project Manager will be abolished and the current employee holding the abolished position will have the opportunity to reapply on a seasonal basis of seven months.

BE IT FURTHER RESOLVED: a salary will be established in accordance to the duties assigned the position of Golf Course Manager.

McGovern asked about an amendment to change the duties assignment be 8 months, instead of 7 months. Benson and White both asked why it should be changed to 8, instead the usual 7 month. McGovern suggested that the 8 months would cover if there were an early spring or late fall.

Motion by Benson, seconded by Brenna and carried (5-0): Change the resolution wording to "duties assigned up to 8 months depending on weather and the discretion of the City Administrator."

Phil Larson said that this resolution should be about if the City of Proctor can afford a full time position; and how the golf course did do financially in 2016. Casey stated that the course has not made money, and the money for the salary came out of a different section of the budget. Excluding the Parks & Recreation money, the course loss \$20,000.

McGovern asked about the wording specifying the reapplication for this position. Attorney Davis said that it wouldn't be a requirement to reapply if everything stayed the same. Jim Rohweder stated that if the new position is different at all from the original position, he should reapply. White stated that he took some "heat" for not posting this position, and he agrees with Rohweder that if the

council goes back to the original position, Walker should not have to reapply.

Motion by White, seconded by Brenna and carried (3-2): To give Brian Walker 1st refusal of the position of Seasonal Golf Course Manager reverting the position pay back to the original \$22,500.00.

Motion by McGovern, seconded by White and carried (4-1, Benson opposed): To approve Resolution 55-16 as presented.

D. Leader Board at Racetrack

Casey said this is a zoning issue as the Racetrack is Open Recreational and the Planning and Zoning commission gave the applicants a Variance Application. Brenna recommends that this agenda item be sent back to Planning and Zoning commission, however he would like to suggest the permit and variance fees be waived.

Motion by Schwarzbauer, seconded by White and carried (5-0): To authorized the waiver of the Permit and Variance fees for the Leader Board application at the Racetrack.

E. Request for Sewer Rate Study (see letter from Administration)

Casey stated that at the last PUC meeting, the sewer rates were not addressed. Phil Larson said that a rate study has not been done for some time.

Motion by McGovern, seconded by Brenna and carried (5-0): To approve the Work Plan for a Sewer Rate Study to be done as presented.

F. New Proctor Economic Development Authority Bylaws (approved by PEDDA)

Brenna stated that the new bylaws were approved by PEDDA at their last meeting. Benson stated that he was unable to determine the changes that were made. Casey said that Administration will send a summary sheet to the councilors for their review.

G. Resolution 54-16 Munger Trail Funding

Resolution: 54-16
Munger Trail Funding

CITY OF PROCTOR)
COUNTY OF ST. LOUIS)
STATE OF MINNESOTA)

BE IT RESOLVED that CITY OF PROCTOR has the legal public authority to sponsor a grant funding request associated with Munger Spur Trail PROJECT, which has been previously designated by the Greater Minnesota Regional Park and Trail Commission as a regional park or trail.

BE IT FURTHER RESOLVED that as we are fully aware of the information provided in the funding request, including any non-state match and other long-term commitments (as defined in the funding request), related master plan and any supporting information as submitted.

BE IT RESOLVED that, if selected for funding by the COMMISSION, the CITY OF PROCTOR shall act as legal sponsor for the PROJECT contained in the Department of Natural Resources (DNR) Parks & Trails Legacy Grant Application (STATE'S GRANT APPLICATION) and that CITY OF PROCTOR's Administrator is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of Proctor.

BE IT FURTHER RESOLVED that the CITY OF PROCTOR has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the funding request and therefore, also in the STATE'S GRANT APPLICATION.

BE IT FURTHER RESOLVED that the CITY OF PROCTOR has or will acquire fee title or permanent easement over the land described in the funding request and therefore, also in the STATE'S GRANT APPLICATION for regional parks and has or will acquire fee title, perpetual easement or a minimum of a 20 year lease over the land described in the funding request and therefore, also in the STATE'S GRANT APPLICATION for regional trails.

BE IT FURTHER RESOLVED that, upon approval of its application by the state, the City of Proctor may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of Proctor certifies that it will comply with all applicable laws and regulations as stated in the grant contract including committing to maintain the trail for a period of no less than 20 years and providing a perpetual easement for recreational trail purposes on all lands acquired for trail use

Motion by Benson, seconded by McGovern and carried: To approve Resolution 54-16 as presented.

H. Resolution 53-16 Declaring Property for Non Educational or Community Use

RESOLUTION NO. 53-16
DECLARING PROPERTY FOR NON EDUCATIONAL OR COMMUNITY USE

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

WHEREAS, the City is authorized through state statutes to purchase and convey real property by private sale to carry out a public purpose; and,

WHEREAS, in the year 2000, the City received State funding to erect and landscape property, for a Community Center City Hall; and,

WHEREAS, the City Council at its regular meeting of the 21st of December 2015, through a motion, passed a purchase agreement for the fair market value of \$25,500 with Troy DeWall LLC for property as described in Attachments "A" and "B"; and,

WHEREAS, per the agreement with the State of Minnesota, the City determines that this portion of property is no longer usable or needed as an educational and community center; and,

WHEREAS, the City, per the agreement with State of Minnesota, will pay the net proceeds of the sale back to the State.

WHEREAS, this resolution shall supersede all other resolutions before it in regards to the parcel described in Attachment A and B.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL, OF THE CITY OF PROCTOR, COUNTY OF ST. LOUIS, MINNESOTA the property as described above has no longer a usable or needed purpose for educational and community center needs.

BE IT FURTHER RESOLVED The net proceeds of the sale of property will be used repay the State of Minnesota for the Grant given to the City of Proctor.

Casey stated that this resolution is part of the process in the agreement with Troy DeWall. As the PACC was built with State funds, this resolution is required and the money from the sale will be returned to the State.

Motion, by McGovern, seconded by Brenna and carried (5-0): To approve Resolution 53-16 as presented.

I. Assessment Policy (updated version attached)

Casey stated that the changes to the policy are underlined in the policy included in the packet. Benson asked if there would be a public hearing. Casey said that since this is a policy, which can be changed at any time, a public hearing is not necessary. McGovern stated that Mayor Brenna indicated at the last meeting that there would be a public hearing.

Motion by McGovern, seconded by Schwarzbauer and carried: To have a public hearing on Monday, November 7, 2016 at 6:00 p.m. to hear public input on the Assessment Policy.

J. READ Fundraiser

- Benson described the upcoming READ Fundraiser on October 28, 2016.
- K. League of Minnesota Cities Regional Meeting

Schwarzbauer distributed a flier about the regional meeting he attended.

7. LABOR AND NEGOTIATIONS ISSUES ó Closed Session

Motion by Schwarzbauer, seconded by McGovern and carried (5-0): To close the Public Meeting at 7:35p.m.

- A. Contract Negotiation Strategies

- B. Knudsen v. City of Proctor

Motion by McGovern, seconded by Brenna and carried (5-0): To follow the League of Minnesota Cities recommendation.

- C. Hovland Annexation

Motion by McGovern, seconded by Brenna and carried (5-0): To accept the Administrative Law Judge's decision regarding this boundary adjustment.

Public Meeting reopened at 8:15pm.

MEMBER CONCERNS

Brenna stated that the Mayor of Hermantown is wearing a Proctor Football Jersey today following the win last Friday. The Proctor Football team beat Hermantown in the annual Hammer Game.

BILLS FOR APPROVAL

Motion by McGovern, seconded by Schwarzbauer and carried (5-0): To approve the General Fund bills in the amount of \$109,494.76. Roll call vote: Schwarzbauer ó yes, Brenna ó yes, McGovern ó yes. Benson ó yes. White ó yes.

Motion by McGovern, seconded by Benson and carried (4-1, White opposed): To approve the Liquor Fund bills in the amount of \$23,427.79. Roll call vote: Schwarzbauer ó yes, Brenna ó yes, McGovern ó yes, Benson ó yes, White ó no.

ADJOURNMENT

Motion by White, seconded by Brenna and carried: To adjourn the City Council Meeting of October 17, 2016 at 8:15 p.m.

