

Minutes of the regular Proctor City Council meeting held on December 5, 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; John Bray, City Attorney; Jim Aird, Midway Township; Gordy Downs; Jim Rohweder Gary Nowak; Jakob White; Andrew Erjavec, White Tail Unlimited; Crystal Holden; John Bodell

APPROVAL OF MINUTES:

Motion by Schwarzbauer, seconded by McGovern and carried: To approve the November 21, 2016 City Council Meeting Minutes as amended.

APPROVAL OF AGENDA

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the agenda of December 7, 2016.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Gordy Downs spoke briefly about the work that was done this year with the financial assistance of his trust fund. He also became obstreperous about the city charging him or his attorney a fee to obtain requested data.

John Bodell spoke about concerns he has with the law enforcement shooting range that was recently opened. He has spoken with Chief Wobig about his concerns however, as a citizen, he doesn't approve of a pistol shooting range around a residential area. Bodell's niece lives 1/10th of a mile away with small children. He would recommend not shooting at this facility at all as he is afraid the general public will be to utilize it also.

Casey said that he met with Kevin Holden and the Chief has already order signs and there will not be any more shooting at that range until Spring.

Crystal Holden stated that she lives .1 mile from where they were shooting. She distributed a letter to the council about the events that happened. Holden is vehemently opposed to a gun range at this location.

Motion by McGovern, seconded by Benson and carried: To suspend the council meeting at 6:20pm and open the Public Hearing.

6:15 p.m. TRUTH IN TAXATION HEARING ó Certification of 2016 Property Tax Levy Payable 2017

Jennifer Crown, Assistant City Administrator, presented a slide show to the council for the Truth in Taxation. Crown stated that there is a slight increase in Projected Expenditures; however there isn't a larger increase for the Projected Revenues. Crown indicated that funds will be spent for COLAs as it is a contract negotiation year for all employees in addition to insurance increases. Crown thanked Casey for doing an excellent job looking into cost savings.

Crown reminded the council that the initial levy was proposed at 5%, however they were able to reduce it to 4% - which is significantly less than last year's levy of 7%. Casey praised the council for doing their due diligence in preparing the budget and reducing spending.

Benson thanked Crown for a well done presentation and stated that he investigated 32 other cities in St. Louis County. He found that 23 cities are proposing higher levies with an average of 6.7%. He also stated that the state average is an increase of 6.2%. Benson also reported that the neighboring communities of Hermantown and Duluth proposed levies are 17.8% and 15.8% respectively.

Motion by Benson, seconded by Schwarzbauer and carried (5-0) to close the Public Hearing at 6:30pm.

Motion by McGovern, seconded by Schwarzbauer and carried 4-1, White opposed): To approve the recommendation and certify the 2016 property tax levy at 4% (\$1,397,970) payable in 2017.

*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 McGovern and carried: To approve the Consent Agenda as presented.

*1. COMMUNICATIONS

2. PLANNING & ZONING DEPARTMENT MATTER

Casey stated that the Planning and Zoning committee has moved their next meeting to Monday, December 19 at 5:00pm. At that meeting, the committee will be approving the 2017 Home Occupation permits and variance for the sign at the Fairgrounds. This information will then be presented at the council meeting that same night.

*3. CLERK ADVISES COUNCIL

- A. Government Fund payroll period ended 11/27/16; Liquor Fund payroll ended 11/27/16 (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. Easement Clearing Expenditures

Casey stated that the City and PUC went out for bids for the easement clearing project. The only bid received was from Lake States Tree Service in the amount of \$40,137.02. This fee will be split between the City and PUC.

McGovern asked about a timeline for the project completion. Casey stated that the plan is to complete it this winter.

Motion by Schwarzbauer, seconded by Brenna and carried (5-0): To accept the bid from Lakes States Tree Service for the easement clearing as presented.

- B. Resolution 62-16: Resolution of Non-Objection

**Resolution No. 62-16
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 North Woods Chapter of Whitetails Unlimited to conduct a raffle on Friday, February 17, 2017 at Black Woods Banquet Center, 195 US Hwy 2, Proctor, Minnesota.

Motion by White, seconded by McGovern and carried (5-0): To approve Resolution 62-16 as presented.

- C. Assessment Feasibility Study ó Resolution 63-16 Ordering Preparation of Feasibility Report on Improvement Sixth Street and Almac Drive

**RESOLUTION NO. 63-16
CITY OF PROCTOR**

**ORDERING PREPARATION OF FEASIBILITY REPORT ON IMPROVEMENT
SIXTH STREET AND ALMAC DRIVE**

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

WHEREAS, it is proposed to improve Sixth Street from Boundary Avenue to Highway 2, and Almac Drive Area from North 8th Avenue to Bee Street, in Proctor. The project and report is to consist of replacement of the utilities and street and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF PROCTOR, MINNESOTA:

That the proposed improvement be referred to Matt Bolf, SEH Consulting City Engineer, for study and that he is instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Casey stated that the Feasibility Study is the first step in the Almac Drive and 6th Street project.

Motion by Benson, seconded by McGovern and carried (4-1, White opposed): To approve Resolution 63-16 as presented.

- D. Topographical Survey

Item tabled until Spring 2017.

E. 2017 Towing Permit

Brenna stated that there are two companies that have submitted the paperwork for the 2017 Towing Permits.

Motion by Schwarzbauer, seconded by Benson and carried (5-0): To approve the 2017 Towing Permits for DeWall Service Center and Troyø's Towing dba USA Towing and Recovery.

F. Certification of Assessments to St. Louis County ó Resolution 64-16 Certify Assessments and Liens to County

**RESOLUTION NO. 64-16
CITY OF PROCTOR
CERTIFY ASSESSMENTS AND LIENS TO COUNTY**

WHEREAS, pursuant to notice duly given as required by law, the City Council has met and passed upon all objections to the proposed assessments for the following improvements of 2001 ó 2016 to also include any past due refuse payments:

Westgate Blvd; Ugstad Rd Water and Sewer; 3rd Ave Water and Sewer; 13th Street Water and Sewer; Kirkus Street Road, Water, and Sewer; Grove Street Sewer; 1st Ave Water; 8th Street; Almac Dr Water and Sewer; 4th Street Sewer; Venice Street; Waterview Dr Road, Water, and Sewer; JJ&RT Water Project; Lavaque Rd Water and Sewer; 1st Street Water and Sewer; 2nd and 4th Streets Sewer and Water;

and has amended such proposed assessments as it deems just:

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Proctor, Minnesota as follows:

1. Such proposed assessments, a copy of which are attached hereto and made a part hereof is hereby accepted and shall constitute the special assessments against the land named therein, and each tract of land therein is hereby found to be benefited by the proposed improvement.
2. Such assessments shall be as follows:
 - a. The assessments shall be payable in equal annual installments including principal and interest extending over a period of five, ten, or fifteen years, with interest at the rate of zero percent (0%) up to six percent (6.0%) per annum, in the amount annually required to pay the principal over such period at such rate, and said installments to be payable with general taxes for the year 2016, collectible with such taxes during the year 2017.
 - b. The owner of the property so assessed may at any time prior to the certification of the assessment to the County Auditor, pay to the City Clerk, and therefore at any time prior to November 15th of any year, pay to the County Auditor the whole of

the principal amount of the assessment on such property, provided that no such prepayment shall be accepted without payment of all installments due to and including December 31st of the year of prepayment, and the original principal amount reduced only by the amounts or principal included in such installments computed on an annual authorized basis.

3. The City Clerk shall forthwith transmit a certified duplicate copy of this assessment to the Auditor of Saint County.
4. The past due utility accounts for municipal utility (as the term is defined in the City Code) services be certified by the City Clerk of the City of Proctor, Minnesota to the County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

Motion by Schwarzbauer, seconded by Brenna and carried (4-0, White opposed):
To approve Resolution 64-16 Certifying Assessments and Liens to the County

G. PD Records Management System

Wobig had submitted a letter to council about the City of Duluth receiving a large forfeiture return and will be purchasing a new records management system. They have asked Wobig to be a part of the selection group for this process.

Motion by Benson, seconded by McGovern and carried: To approve Chief Wobig to be a representative on the Advisory Committee with the City of Duluth to select a new records management system.

H. Phone system for City Hall

Casey said that the packet includes two quotes for phone systems. The quote from CW has an initial cost that is a bit higher however, the long term payoff is better. Aitech uses an offsite system which the city's IT team discourages. Casey recommends the CW proposal for the new phone system.

Motion by Benson, seconded by Schwarzbauer and carried: To accept staff recommendation and move forward with the CW Technology proposal for a new phone system in City Hall.

7. LABOR AND NEGOTIATIONS ISSUES

Bray reported that he will be participating in a conference call on Thursday regarding the Hovland property and that both Midway and Duluth are appealing the most recent ruling.

MEMBER CONCERNS

Schwarzbauer described his recent writing with a joint powers agreement with neighboring communities.

BILLS FOR APPROVAL

Motion by McGovern, seconded by Schwarzbauer and carried (5-0): To approve the General Fund bills in the amount of \$84,953.26. Roll call vote: Schwarzbauer ó yes, Brenna ó yes, McGovern ó yes. Benson ó yes. White ó yes.

Motion by McGovern, seconded by Schwarzbauer and carried (4-1, White opposed): To approve the Liquor Fund bills in the amount of \$28,813.26. 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 (5-0): To adjourn the City Council meeting of December 5, 2016 at 7:08 p.m.

Respectfully submitted,

Mark Casey, City Administrator