

Minutes of the regular Proctor City Council meeting held on July 18, 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; Mayor David Brenna

OTHERS PRESENT: Mark Casey, City Administrator; Tammie McDonald; Jim Aird, Midway Township; Phil Larson; Annette Kuyper; Gary Nowak; Gordan Downs; Leon Asbury; Mike Sullivan; Jim Rohweder; Jan Rohweder; Mike Thoune; Dick Kari; Tim Peterson; Paul Steinman; Lowell Rudd; Korey Halvorson

APPROVAL OF MINUTES:

Benson would like to see the Election Judges names in the minutes.

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the July 5, 2016 City Council Meeting Minutes as amended.

APPROVAL OF AGENDA

Motion by McGovern, seconded by Benson and carried: To approve the agenda of July 18, 2016 as amended.

COMMENTS AND SUGGESTIONS FROM CITIZENS PRESENT

Gordon Downs commented about the Proctor Journal's comments on the Golf Board. He feels that he has been treated unfairly and there was a Golf Advisory Board meeting without any attendees from the City of Proctor.

\*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

McGovern pulled item 5D

Motion by McGovern, seconded by Schwarzbauer and carried: To approve the Consent Agenda as amended.

## \*1. COMMUNICATIONS

- A. Thank you from County Administrator

## 2. PLANNING & ZONING DEPARTMENT MATTER

## \*3. CLERK ADVISES COUNCIL

- A. Government Fund payroll period ended 06/26/16; Liquor Fund payroll ended 06/26/16 (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

McGovern asked about the status of this light. Brenna said that the county will not approve a flashing light at this intersection. Brenna suggested that the city investigate the possibility of constructing a flashing light 20 feet prior to the intersection.

- \*E. Athletic Complex
- \*F. Council Handbook

## 6. NEW BUSINESS

- A. 6:00pm ó 2016 Delinquent Garbage Assessment Hearing

Leon Asbury discussed his garbage bill and stated that the amount is so high due to an additional dumpster. Council agreed to not include that portion of his bill where the penalty should be collected.

- B. Resolution 41-16 Certifying Garbage Assessments

Motion by McGovern, seconded by Schwarzbauer and carried (4-1, White opposed): To approve Resolution 41-16 Certifying the 2016 Garbage Assessments as presented minus the assessment for Leon Asbury.

C. Refunding of Series 2011A Bond (see attached)

A representative from Springstead, an Independent Financial Advisor, spoke offering competitive bid process for refunding of bonds.

Motion by Benson, seconded by Schwarzbauer and carried: To approve the Refunding of Series 2011A Bond with Springstead as presented.

D. Resolution 39-16 Resolution of Non-Objection

Resolution No. 39-16  
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 Welch Center Inc. dba Valley Youth Center to conduct a raffle on August 6, 2016 (August 13, 2016 if rained out) at Proctor Speedway, 800 N. Boundary Avenue, Proctor, MN.

Motion by White, seconded by McGovern and carried: To approve Resolution 39-16 as presented.

E. Resolution 40-16 Resolution of Non-Objection

Resolution No. 40-16  
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 Welch Center Inc. dba Valley Youth Center to conduct a raffle on September 1, 2016 (September 29, 2016 if rained out) at Proctor Speedway, 800 N. Boundary Avenue, Proctor, MN.

Motion by White, seconded by McGovern and carried: To approve Resolution 40-16 as presented.

F. Liquor Control Committee Member Addition

McGovern stated that Gary Nowak was approved at the Liquor Control Meeting as the newest member of the Liquor Control Board and would recommend approval by Council.

Motion by McGovern, seconded by White and carried: To approve Gary Nowak to serve on the Liquor Control Board effective immediately.

- G. Special Event Application ó MFZTA Gun and Craft Show (at Public Safety on 7/18/16)

Brenna stated that this application was approved at the Public safety meeting this afternoon.

Motion by White, seconded by Schwarzbauer and carried: To approve the Special Event Application for the MFZTA Gun and Craft Show as presented.

- H. Special Event Application ó Hoghead Street Dance (at Liquor Control and Public Safety on 7/18/16)

Brenna stated that there are recommendations from Public Safety and Liquor Control to approve this Event Application.

Motion by McGovern, seconded by White and carried (4-1, Benson opposed): To approve the Special Event Application for the Hoghead Street Dance as presented.

Brenna proposed an amendment to city code for the application to allow the music to be played until 1am.

Motion by McGovern, seconded by White and carried: To approve the amendment to allow music until 1am for the Hoghead Street Dance as presented.

- I. Yellow Ribbon Community ó Speakers will be present

Annette Cuypers from Beyond the Yellow Ribbon Program spoke about the possibility of Proctor becoming a Yellow Ribbon Community. Cuypers stated the City of Proctor already has two women who are willing to lead this program.

RESOLUTION 32-16  
SUPPORT OF YELLOW RIBBON COMMITTEE

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

WHEREAS the Proctor Yellow Ribbon Citizenø Committeeø objective is to establish and sustain a local Yellow Ribbon Network that proactively works together in order to meet the needs of service members, veterans and military families; and,

WHEREAS the Proctor Yellow Ribbon Citizenø Committeeø mission statement is in continuing Minnesotaø proud history of supporting our nationø military, the Yellow Ribbon Network is a diverse group of citizens and community leaders uniting key area within local communities to leverage existing support activities, build awareness and take action to recognize and support service members, veterans and military families; and,

WHEREAS the City Leadership is represented on the City of Proctor Yellow Ribbon Citizens Committee and the Proctor Yellow Ribbon Citizen Committee support efforts will be highlighted on City of Proctor website, and all Proctor Yellow Ribbon Citizen Committee meeting minutes will be reviewed by City leadership; and,

WHEREAS, City officials along with other government officials will be present at all Welcome Home events of deployed soldiers.

NOW BE IT RESOLVED that the Proctor city council embraces and support the entire action plan of the Proctor Yellow Ribbon Citizens Committee.

BE IT FURTHER RESOLVED that the Proctor City Council join with the Proctor Yellow Ribbon Citizens Committee and strive to be an integral partner to the success of the Yellow Ribbon Community Campaign

Motion by McGovern, seconded by White and carried: To approve Resolution 32-16 as presented.

J. WLSSD Representative

Jim Aird spoke to the Council about his willingness to serve as the WLSSD Representative. July 28, 2016 at 1pm is the Election Day for this position.

Motion by McGovern, seconded by Schwarzbauer and carried: To approve Jim Aird as the Representative for WLSSD.

K. Amendment to Resolution 37-16 (Benson)

City of Proctor  
Amendments to Resolution No. 37-16

WHEREAS, it is important to protect the citizens of the United States from harm while adhering to the Second Amendment, and

WHEREAS, gun violence should not be tolerated,

WHEREAS, it is government responsibility to enhance public safety by tightening existing laws in a responsible and focused manner, while protecting the rights of law-abiding gun owners,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Proctor as follows,

Section 1. The City Council of Proctor supports, restricting possession of ammunition magazines that hold more than 10 rounds.

Section 2. The City Council of Proctor supports, regulates the sale of ammunition by requiring sellers to be licensed, buyers to undergo background checks and transactions to be recorded.

Section 3. The City Council of Proctor proposes, allowing weapons that already are owned with bullet buttons that make it easy to detach magazines that are Minnesota compliant, but prohibiting "bullet buttons" on new weapons.

Section 4. The City Council of Proctor proposes, limiting the lending of guns to non-family members who have not completed background checks.

Section 5. The City Council of Proctor proposes, preventing gun sales to anyone on the government's No Fly List for terrorism suspect.

Section 6. The City Council of Proctor proposes, preventing the sale of green tip SS109 and M855 cartridges.

Section 7. The City Council of Proctor proposes, amending the Second Amendment to conform to the original intent of its draftsmen: A well-regulated Militia, being necessary to the security of a free State, the right of the

people to keep and bear Arms *when serving in the Militia* shall not be infringed.ö

Section 8. The City Council of Proctor proposes, requiring background checks for online sales and at gun shows.

Motion by Benson and seconded by White to open the topic for public discussion.

Mike Thrune and Lowell Rudd spoke in great length opposing this resolution. Councilor McGovern and Councilor White also spoke in opposition to the amendment.

Brenna called for the vote and Resolution 37-16 failed (0-5).

## 7. LABOR AND NEGOTIATIONS ISSUES

### MEMBER CONCERNS

Benson inquired about the decrease in total number of Election Judges. Brenna explained that one had passed away, and another no longer wants to participate in the process.

McGovern stated that there was another killing that involved twenty (20) police officers and he asked for a moment of silence.

Schwarzbauer asked Casey about the start of negotiations for the City. He also discussed an invite to a Wolson Dinner at the Veterans Memorial Hall and also that the Veterans are collecting stories from families.

### BILLS FOR APPROVAL

Motion by McGovern, seconded by Schwarzbauer and carried (5-0): To approve the General Fund bills in the amount of \$62,898.77. Roll call vote: Schwarzbauer ó yes, White ó yes; Benson ó yes; Brenna ó yes, McGovern ó yes.

Motion by McGovern, seconded by Schwarzbauer and carried (4-1, White): To approve the Liquor Fund bills in the amount of \$43,201.76. Roll call vote: Schwarzbauer ó yes, White ó no; Benson ó yes; Brenna ó yes, McGovern ó yes.

### ADJOURNMENT

Motion by White, seconded by Brenna and carried: To adjourn the City Council Meeting of July 18, 2016 at 8:35 p.m.