

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
September 7, 2010

The city council met in regular session Tuesday, September 7, 2010 in the council chambers at city hall. President Hodge called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Council members present: Marvin Garbe, Bryce Curtiss, Karen Nieuwbeerta, Al Johnsrud and Sandra Hodge. Absent: None. Mayor Jim Curtiss present.

Also present were: City Manager Steven C. Jones, City Engineer David Berryman, City Attorney Janice M. Nelson and City Clerk Glennis Lauritsen.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the agenda, with the following modification:

MODIFY:

5(A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING SEPTEMBER 3, 2010 IN THE AMOUNT OF ~~\$685,457.55~~ \$693,540.15.

Modified amount reflects the following:

MISCELLANEOUS

Farmer's Union Oil Co.	Motor fuel	\$ 4,325.03
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POLICE

Twin City Hardware	Door locks	3,757.57
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It was moved by Nieuwbeerta, seconded by Johnsrud and unanimously passed to approve the minutes of the regular meeting of August 16, 2010, as presented.

4. Notices/Communications/Announcements or Appearance of Interested Citizens.

4(A) LIFE SAVING AWARD PRESENTATION.

Police Chief Adam Christopher and Mayor Curtiss presented a Life Saving Award to Police Officer Nick Gunderson. Officer Gunderson was instrumental in saving the life of an individual on July 1, 2010.

4(B) LADWIG EMPLOYEE SERVICE AWARD.

City employee Al Ladwig was presented with an employee service award by Mayor Jim Curtiss. The Certificate of Appreciation acknowledged Ladwig for 25 years of service to the City of Montevideo with the Public Works Department. Ladwig was hired August 25, 1985.

5. Consent Agenda.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to approve the following consent agenda item:

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING SEPTEMBER 3, 2010 IN THE (MODIFIED) AMOUNT OF \$693,540.15.

6. Public Hearings.

6(A) CENEX CONDITIONAL USE PERMIT RECONSIDERATION.

Council president Hodge called a public hearing to order at 7:06 P.M. to receive additional public input and testimony on the request by Glen Moe, Farmer's Union Co-op Oil Company (Cenex) for a conditional use permit in accordance with City Code 11-8B-2 and 11-8B 4 to allow anhydrous ammonia storage tanks in an I2 District on land owned by them on the south side of Canton Avenue. The entire public hearing was recorded on video tape and will be kept in accordance with the Minnesota State Retention Schedule.

On August 3, 2009, the council had approved a conditional use permit for Cenex to place three (3) anhydrous ammonia tanks on their property. Kim Johnson, a neighboring property owner, had filed suit against Cenex and the city. The matter was heard before Judge Paul Nelson, who remanded the matter back to the city to discuss and develop

further findings of fact; specifically, issues of setback, health/safety, traffic and property values.

Information provided to the council by the city included: the city's Staff Report and Further Findings of Fact documents, State of MN application instructions for the installation of anhydrous ammonia storage, City Code excerpt for I-2 District, Mn Department of Agriculture letter granting state permit for Cenex, Excerpt from the 2004 All Hazard Mitigation Plan, Cenex Emergency Response & Contingency Plans, a historic collection of all HazMat spills in Chippewa County (no Cenex anhydrous ammonia spills noted), a MPD Initial Complaint Report from Kim Johnson regarding odor on property owned by Cenex on 4/11/10, a map of the area, information from NDSU Ag Machine Systems Specialist entitled, "Anhydrous Ammonia: Managing The Risks," MN Department of Ag document addressing Physical & Chemical Properties of anhydrous ammonia, e-mail correspondence between the state and the city's building official addressing anhydrous and LP tank separation, 2008 traffic volume maps, and Chippewa County property value reports for the Johnson residence and the Cenex site. An additional map of the area was hand distributed to the council by Haggemiller, which indicated proximity to residences from both the previous tank location and the current tank location.

Information provided to the council by Kim Johnson to support his objections to the conditional use permit included: Section A - Anhydrous ammonia unplanned release/causes, Properties, Exposure limitations, Health information, Industry trends and Theft; Section B - Area map, Distances, Seasonal prevailing wind graphs, historical data and Major release coverage example; Section C - Traffic safety concerns, Emergency vehicle access concerns and Egress issues; Section D - Smell/dust/fumes/noise/glare, Physiological effects on immediate area, Health issue (personal) and a Chippewa County Sheriff's Department Initial Complaint Report on a Cenex tank leak incident 4/11/10, Section E - Testimonials from persons living in close proximity to anhydrous ammonia facilities similar to proposal for CUP in Montevideo and Confirmation of physiological issues; and, Section F - Anhydrous ammonia accidental releases. Additional documents hand distributed by Johnson included a Mapquest map of the Montevideo-Chippewa County Airport area to support prevailing winds issue and a testimonial letter from Randy Peterson discussing his living situation in Blomkest just a few hundred feet from ammonia storage tanks and nurse tank.

An introduction of staff included Jason Kuboushek, Iverson Reuvers Law Firm (League of MN Cities attorney for the city), City Attorney Janice Nelson and Community Development Director Nick Haggemiller.

Haggemiller reviewed the staff report prepared for this issue, as well as the Further Findings of Fact which addressed the issues remanded back to the city by Judge Nelson, as follows:

Issue 1 - Setback Regulations. It is the position of the city that the conditional use permit will not be issued, unless setbacks in regards to the structure owned by Terri Nelson are addressed in one of the following mechanisms: removal, purchase by Cenex or State of MN determination that the structure is not a residence, school, hospital or place of assembly (state criteria for issuing its permit). On August 9, 2010, Cenex supplied the city with documentation indicating approval by the state of the site in question, making special note of meeting setback regulations as the Nelson property was determined to not fall into one of the exempted categories aforementioned. This letter certifies/licenses Cenex by the State of Minnesota to store anhydrous ammonia at the location of request for the conditional use permit.

Issue 2 - Health & Safety Concerns. The city restated its claim that the proposed project will not be a danger to the health and safety of the neighborhood or the city, if proper conditions and safeguards are put in place. The city reached this conclusion by determining specific requirements of the applicant per conditions of the conditional use permit. (Prior, these conditions were believed to be in place when asserting that the project must also receive state approval which details these provisions as well. As previously stated, state approval was granted by letter dated August 9, 2010.) The current CUP/staff report specifically lists all of those conditions.

Issue 3 - Traffic. The staff report reflects the traffic counts obtained from the 2008 Traffic Study and determines the increase to be statistically insignificant indicating no more than a projected .005% increase in traffic. Entrance/egress is addressed through the verbal agreement to allow egress to the south, thereby providing two methods of entrance/egress.

Issue 4 - Effect on Property Values. Based on information provided by the Chippewa County Assessor, their office has indicated that predicting with any level of certainty what and how property valuations (either negatively or positively) will be impacted will prove next to impossible. Valuations are based on comparable sales and improvements to

the site, not neighboring characteristics. In the specific case of this project, there have been no sales recently to indicate property valuations have or will be impacted, either positively or negatively. Over the last few years, valuations for the Cenex and Johnson properties have risen.

Haggenmiller then reviewed and discussed the supplemental documents provided.

Glen Moe, Farmer's Union Oil Company, was present to address the council. Moe explained that it is their proposal to move three (3) existing anhydrous ammonia tanks from their current location (north of Friendship Homes) to the proposed location on property they own on the south side of County Road 15 (approximately 1,740 feet.) Total capacity for all three tanks is \$78,000 (or 30,000/30,000/18,000) filled to 85% to allow for expansion; therefore, an actual amount of anhydrous ammonia capacity of 66,300 gallons. Mr. Moe discussed their company's specific procedures for usage, as well as inspection requirements. Moe introduced Mr. Ray Steil, CEO, Regulatory Management & Consulting, Inc., who was available to answer questions/concerns raised by the council in regards to anhydrous ammonia. Moe noted that in his tenure with Cenex, he had not experienced an anhydrous leak.

Ray Steil then discussed anhydrous ammonia, which he stated was his area of expertise inasmuch as he has worked with the chemical for many years and had authored the Emergency Response Plan included as part of the packet and All Hazard Plan. Steil commented on ANSI, federal and homeland security requirements related to anhydrous ammonia. He stated that rather than a 5-year audit program (per federal guidelines), Cenex undergoes a 1-year audit of its equipment (per his company's guidelines.) Steil informed the council that in the event of a leak, history shows that anhydrous ammonia travels towards water and not with the wind or towards buildings. He stated that anhydrous ammonia tanks do not explode; there are a number of built-in safety devices, in case of a catastrophic release event.

Kim Johnson, 7018 County Road 15 SW, was present to address the council. Johnson's residence is located adjacent to the proposed site. Johnson gave his comments relative to Issues 1-4 as presented in the city's Findings of Fact document. Johnson stated it appeared that a sudden change had taken place relative to the setback issue and, specifically, the definition of the type of structures affected. (This referred to the Terri Nelson structure which had been determined to not fall under the state's definition of a "residence, school, hospital or other place of public assembly.) He opined that anhydrous ammonia tanks do not belong next to a residence and that such placement would

definitely have a physiological affect to people living there due to property values, safety, etc. Johnson asked why this had to be the site for the tanks, within city limits and squeezed in with only the bare minimum setbacks. Johnson then commented on the assessed value information provided by the city, noting that the presence of the tanks would certainly affect the future selling price. Johnson indicated that getting information to prove this claim was like “finding a needle in a haystack,” and he was unable to after contacting eight city assessors. He also shared his views of health/safety concerns if exposed to a leak. He opined that even with safety precautions (lock & key), thieves could still easily tamper with tanks.

Mr. Johnson then addressed Items A-J as listed in the city’s staff report. In reference to Item G) - Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any persons, property or general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odor - Johnson referred to documents labeled B2/B3 which he had provided on the issue of wind roses and the document labeled B4 discussing Accidental release Scenarios: Ammonia. Johnson also discussed the fire/rescue accessibility, stating that there was no verbal agreement to allow Johnson access/egress through an adjacent property (owned by Brad Ruether.)

Johnson’s additional comments discussed potential relief valve failures, the BP Cherry Point incident, proximity of nurse tanks to his property, lack of warning systems, and a personal health issue.

Cenex was asked whether any complaints had been received relative to the existing site. Mr. Moe indicated that they receive a couple of calls per year from Friendship Homes and respond directly.

Mr. Johnson reviewed a number of testimonials he had provided from individuals who lived in close proximity to anhydrous ammonia tanks. He introduced Michael & Karen White, 48490 210th Street, Morris, MN, who had experienced an ammonia leak in the Morris area. Mr. White recounted the incident for the audience. Karen White stated that while her husband was educated in this field, had she been on their farmsite at the time, she would not have known what to do. She added that it is an unnecessary risk to locate anhydrous ammonia tanks close to people.

Council president Hodge informed the public that all of the support materials had been supplied to council and Mr. Johnson on September 3rd, providing time for review.

Brad Ruether, 7014 County Road 15, was present to address the council. Ruether stated he has stayed neutral on this issue, inasmuch as he values the relationship he has with all parties involved. He is a neighbor to Mr. Johnson, he is a former employee of the City of Montevideo and Cenex is his customer. Ruether explained that he had been asked by Cenex to sign a letter agreeing to provide an escape route, if necessary. He chose not to sign in order to, again, stay neutral. Ruether stated he was concerned with the path to water that anhydrous ammonia may take in the event of a leak inasmuch as he has a 17,000 gallon swimming pool in his yard.

Terri Nelson and Mark Bader were present to address the council. They discussed the setback issue of their structure, noting that it is within 330' of the site (city staff report indicated a 400' setback requirement for anhydrous storage from residences, critical care facilities and places of public assembly.) They noted that they are on site quite often inasmuch as the building is used both for storage and for working on boats/vehicles. They were concerned over the fact that the building they own is the closest to the site but yet is not listed to be called in case of an emergency (within the Cenex Emergency Response & Contingency Plan for the Agronomy Plant). Haggemiller requested to Cenex and Emergency Management Director Garbe that Nelson/Bader be placed on the list to be called.

Dennis Brandon, 4015 70th Street SW, was present to address the council. Brandon stated he owns two commercial buildings in Smith Addition, within 500-600' of the proposed site. He also stated that he has been General Manager at Western Co-Op Transport for five years and, therefore, has worked in close proximity with anhydrous ammonia. He stated he has never had a problem with the chemical. Brandon stated that he is bothered by the restrictions being imposed upon Cenex, when this is an already highly regulated industry with additional local restrictions now being placed. He noted that Cenex is a locally owned and operated company that has made a substantial investment in the community. They wish to use the property they own, in a district zoned for this type of use, which he feels is their right. And, he's concerned that the conditions being placed on Cenex may have an adverse effect on his property values.

Jim Ruether, 4169 Highway 212, was present to address the council. Ruether stated he is a local businessman whose facility is located along Division Street, just east of the Highway 7 underpass. He discussed his concern of the prevailing winds through the underpass and incident possibilities for in town vs. out-of-town locations.

Curt Berg, 604 Kingman Street, was present to address the council. Berg suggested that Asbury be considered as a possible location by Cenex.

Tom Worden, 309 Merriam Avenue, was present to address the council. Worden stated he had previously worked for Swift County/Schwans in loading trucks with refrigeration freezers, citing his experience with the use of ammonia and o-rings. He opined that anhydrous is a dangerous chemical and the proximity to residents is an issue.

Mr. Steil asked to again approach the council. He provided additional information to a variety of issues that had been heard through public comment and addressed questions/concerns raised.

Council member Johnsrud asked for staff's comment on the Terri Nelson structure issues. Community Development Director Haggenmiller stated that he had relied on information provided by the State of Minnesota, who determined that the structure did not fall into their definition guidelines and, therefore, its proximity to the proposed site was not a concern.

Council member Johnsrud also asked about the access/egress to the Johnson property. Haggenmiller stated that access to Canton Avenue is available from multiple locations.

Gabe Valentino, 303 South 7th Street, was present to address the council. He commented on the access/egress issue via the Ruether property, noting that the Molde's property might be another egress option for the Johnson's. Valentino stated his understanding was that the Cenex anhydrous ammonia tanks are already located within city limits and that the proposed move creates more issues for the Johnsons and the Ruethers. He added that the proposed site is a good piece of land, located in an industrial district which, in his opinion, is conducive to this type of use. He also added that the resident who filed suit are not in the city limits, while the Cenex site had been annexed in. This is a local business wanting to use its own property for a use that is allowable. His opinion was that if the request does not go through, there may be further legal ramifications and cost to the city.

Council member Nieuwbeerta asked for additional information relative to alarm systems. Mr. Steil explained that such systems are extremely expensive, with sensors that need replacement every six months and that a large number of sensors (hundreds) would have to be placed to even begin to cover all areas. The question becomes where to place the sensors.

City Manager Jones asked Brad Ruether whether he would deny access/egress to his property for either emergency services or for Kim Johnson's family in the case of an emergency. Ruether stated no, he would not deny access/egress in that instance.

Ruether again asked about the path traveled by ammonia to water, specifically his swimming pool. Mr. Steil stated that in the event of a leak, ammonia will go towards water, but he could not say how much would go in the direction of the swimming pool vs. the direction of the stormwater pond and/or river and that it depended on proximity of each water source.

Council member Nieuwbeerta asked for a clarification on the location of nurse tanks vs. LP gas tanks so close to a residence. It was explained that the State of Minnesota setback is 150' for both.

There were no other persons present to speak to this issue; therefore, Council president Hodge closed the public hearing at 10:27 P.M.

Council member Garbe stated there are 83 hazardous materials sites in Chippewa County, with 60+ situated within the City of Montevideo. As the Chippewa County Emergency Management Director, he worked with the hydrochloric acid incident in Clara City, noting that security was better due to the incident taking place within the city limits vs. outside city limits.

Council discussed whether an additional condition should be added to require that a vegetative fence be placed on the western edge of the proposed fence to help control noise/lights. Glen Moe stated that that would not be a problem.

It was moved by Garbe, seconded by Curtiss and unanimously passed to grant the conditional use permit by adopting the staff report, including conditions 1-8 and the addition of condition #9) - Trees/shrubbery must be placed along the western edge of the fence to control noise/lights - and adopting the Further Finding of Facts, as presented.

Council member Nieuwbeerta noted that she had lived for 12 years in close proximity to anhydrous ammonia tanks and had not experienced any problems.

Council president Hodge thanked all those present for their testimony, their comments and their concerns, adding that the council respects the opinions voiced and took those opinions under serious consideration in their deliberation.

At 10:37 P.M., the council took a brief recess. Mayor Curtiss left the meeting at this time.

At 10:44 P.M., the meeting reconvened.

7. General Business.

7(A) PRELIMINARY 2011 TAX LEVY.

Finance Director Jan Flaherty presented the preliminary 2011 tax levy, which has been incorporated into the 2011 preliminary budget. Overall, the levy has increased 5%. Flaherty presented a Levy Comparison 2010 vs. Proposed 2011 spreadsheet, which shows a total 2011 levy of \$1,726,000 vs. the 2010 levy of \$1,643,740.

MARVIN GARBE OFFERED RESOLUTION NO. 2991, A RESOLUTION ESTABLISHING THE 2011 TAX LEVY, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2991 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, AL JOHNSRUD, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(B) PRELIMINARY 2011 BUDGET.

Finance Director Jan Flaherty discussed the preliminary 2011 Budget document, which incorporated recommendations from the August 9th worksession. Flaherty noted that state funding has been jeopardized due to the deficit and the flux in Local Government Aid (LGA). Total revenue for all funds is \$11,177,105; total expenditures is \$10,879,365. She noted that LGA makes up 50% of the General Fund revenues. She added that a 12.65% increase in health insurance is expected in 2011. Council member Garbe asked that staff incorporate the assessable portion into the debt levies spreadsheet. City Manager Jones noted that that portion is close to 20%.

AL JOHNSRUD OFFERED RESOLUTION NO. 2992, A RESOLUTION ADOPTING THE PRELIMINARY BUDGET FOR THE FISCAL YEAR 2011, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2992 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, MARVIN GARBE, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(C) EDA TAX LEVY / 2011.

The city has the authority to levy a tax for use by the EDA. This was approved by the city in 2010, and they are asking for it again for 2011. This tax is based on a maximum of .01813 of the taxable market value of the city, which was \$38,792 in 2010 and will be \$39,695 in 2011.

MARVIN GARBE OFFERED RESOLUTION NO. 2993, A RESOLUTION APPROVING AN EDA TAX LEVY, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2993 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, KAREN NIEUWBEERTA, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(D) PUBLIC COMMENT MEETING - 2011 BUDGET.

The city must announce information about a public comment meeting at which the council will be discussing the 2011 Budget and levy. This meeting information must also be given to Chippewa County so it can be included on the parcel specific notices. The meeting must be held between November 25, 2010 and December 27, 2010 and it must be held after 6:00 P.M.

It was moved by Nieuwbeerta, seconded by Garbe and unanimously passed to set the public comment meeting for 7:00 P.M. on Monday, December 6, 2010 and the final budget be adopted at the regular council meeting on Monday, December 20, 2010.

7(E) 2010 SIDEWALK QUOTES.

Specifications for 2010 Sidewalk Improvements were sent to area contractors for work on approximately 280 sq.ft. of sidewalk to be replaced this year. All of the proposed work is the city's responsibility to repair (tree root damage, etc.) and the 2010 budget allows \$10,000 for such improvements. Quotes were received until 2:00 P.M. on September 7th.

City Manager Jones informed the council that quotes received were double what was expected. Therefore, staff recommended tabling the issue until spring and re-bid for the work at that time.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to table the 2010 Sidewalk Improvements until next year, with a possible re-bid in Spring 2011.

7(F) PRAIRIE WATERS FUNDING.

The Convention & Visitor's Bureau (CVB) has dropped its funding of Prairie Waters Regional Tourism at the \$3,500 per year level. It is staff's assumption that the EDA and city will also likely drop funding, but staff suggested the council discuss this as well. It appears that the county is still budgeting \$15,000 for regional tourism, but according to county staff, those funds may not go to Prairie Waters. It was noted that the CVB is picking up most of what Prairie Waters was supplying. It was also noted that the current city contribution is \$1,250/year.

Following discussion, it was moved by Garbe, seconded by Johnsrud and unanimously passed to discontinue funding to Prairie Waters for 2011.

7(G) MN/DOT GRANT AGREEMENT FOR DESIGN OF RUNWAY REHABILITATION.

The council had previously approved agreements with SEH and the FAA for design work for reconstruction of the main runway at the airport. A resolution has now been presented approving a grant agreement with the State of Minnesota, inasmuch as they act as grant administrator on the project.

BRYCE CURTISS OFFERED RESOLUTION NO. 2994, A RESOLUTION APPROVING MN/DOT GRANT AGREEMENT FOR AIRPORT IMPROVEMENT EXCLUDING LAND ACQUISITION, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2994 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(H) RESPONSIBILITY OF WATER LINES.

It was moved by Curtiss, seconded by Garbe and unanimously passed to table this discussion to the September 20th meeting.

8. Ordinances.

8(A) INTRODUCTION OF ORDINANCE NO. 902.

The frontage road between 24th & 28th Streets was left unnamed. Council had previously agreed on naming it “Washington Avenue” inasmuch as this is the first east/west street north of Highway 7. State Statute requires an ordinance be adopted for any change of name and/or renaming of any city streets. Therefore, an ordinance is presented for that purpose.

MARVIN GARBE INTRODUCED ORDINANCE NO. 902, AN ORDINANCE NAMING AN EXTENSION OF WASHINGTON AVENUE.

8(B) ADOPTION OF ORDINANCE NO. 901 - “SUBSTANDARD STREETS.”

The council had been asked to consider restricting truck traffic on Coleman Avenue and had discussed the issue at previous council meetings. Following discussion, council directed staff to develop proposed language that would allow the council to declare streets substandard and to restrict through traffic to 1 ½ tons or less in weight. An ordinance was introduced at the August 16th meeting. After brief discussion, the city attorney was directed to modify the ordinance slightly, to identify the reason for the substandard designation for each street listed.

IT WAS MOVED BY KAREN NIEUWBEERTA THAT ORDINANCE NO. 901, AN ORDINANCE AMENDING SECTION 2 OF CHAPTER 1 OF TITLE 6 OF THE MONTEVIDEO CITY CODE, WEIGHT LIMITATIONS, TRUCK ROUTES, BY ADDING A SUBSECTION D, SUBSTANDARD STREETS (WITH THE MODIFICATION), BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 901 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, BRYCE CURTISS, AL JOHNSRUD, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 5-0.

9. Discussion and Miscellaneous.

- ▶ City Engineer Berryman provided a brief update on the status of the 2010 Street Improvements.

- ▶ Council member Garbe brought up several items requiring staff follow-up: 1) Junk cars at 115 North 3rd Street; 2) Garbage at 111 South 3rd Street; 3) Condition of road, from Highway 29 lights to the corporate limits; and, 4) Acres of Mn/DOT owned property which is mowed by the city.

- ▶ It was noted that both Council president Hodge and Council member Garbe would be gone for the September 20th council meeting.

At 11:23 P.M., President Hodge announced that council would be taking a brief recess prior to going into closed session to discuss labor negotiations.

At 11:25 P.M., council went into closed session for the purpose of discussing labor negotiations. The closed session ended at 11:40 P.M.

Meeting adjourned at 11:40 P.M.

Glennis Lauritsen, Secretary

Approved by council September 20, 2010:

Marvin E. Garbe - Acting President