

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
March 15, 2010

The city council met in regular session Monday, March 15, 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, Sandra Hodge, Bryce Curtiss, Al Johnsrud and Karen Nieuwbeerta. Absent: None. Mayor Jim Curtiss present.

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

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

MODIFY:

7(E) CONSIDER RESOLUTION ACCEPTING USDA GRANT FOR LIBRARY FUNDING.

- Letter from Chippewa County-Montevideo Library Board President Marvin Garbe attached.

ADD:

7(G) CONSIDER RESOLUTION APPROVING A ONE DAY OFF-SITE GAMBLING PERMIT FOR RAFFLE ACTIVITY ON JUNE 19-20, 2010 AT THE VFW CLUB, CONDUCTED BY THE MONTEVIDEO FIRE RELIEF ASSOCIATION IN CONJUNCTION WITH THE FIESTA DAYS CELEBRATION.

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the goal setting session of March 1, 2010 and regular meeting of March 1, 2010, as presented.

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

- None.

5. Consent Agenda.

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

- 5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING MARCH 12, 2010 IN THE AMOUNT OF \$1,112,841.65.

6. Public Hearings.

- 6(A) PUBLIC HEARING - 2010 STREET IMPROVEMENTS.

Council President Hodge called a public hearing to order at 7:05 P.M. for the proposed 2010 Street Improvements. The entire public hearing was recorded on video tape and will be kept in accordance with the Minnesota State Retention Schedule. It was noted that additional testimony had been taken at the March 1, 2010 city council meeting relative to the proposed improvements, which is reflected in the minutes of that meeting and which will be considered a part of the record of this public hearing.

City Engineer Berryman reviewed the following proposed improvements and estimated assessed costs in accordance with the city's adopted assessment policy:

Project #1 - William Avenue, 12th Street to 17th Street. There was no one present to be heard relative to this project.

Project #2 - Coleman Avenue. Donald Oakland, 109 Coleman Avenue, was present to inquire about Chippewa County paying a share of the cost of the improvements. (This was previously discussed at the 3/1 meeting.) It was explained that in accordance with the city's assessment policy, the city cannot assess a portion of the cost to the county inasmuch as their property does not directly abut the project. The council had, however, discussed the possibility of posting Coleman Avenue for weight limits to prohibit truck traffic. This issue will be placed on the city's traffic safety committee agenda, with information then forwarded to the county.

Kevin Leonard, 111 Coleman Avenue, was present to inquire as to amount of proposed assessment(s) and option for payment. It was explained that proposed assessments would be available at the final public hearing in May, with individual notices sent to property owners explaining their payment options.

City Engineer Berryman noted that this project is contingent upon the city acquiring the necessary drainage easement(s) from property owners.

Project #3A - Ashmore Avenue, 17th Street to 24th Street. There was no one present to be heard relative to this project.

Project #3B - 24th Street, Ashmore Avenue South 575'. There was no one present to be heard relative to this project.

Project 4 - Windom Avenue, Alley West of 4th Street to Benson Road. There was no one present to be heard relative to this project.

Project 5 - Park Avenue, 6th Street to 8th Street. There was no one present to be heard relative to this project.

Council expressed concern relative to the steep alley onto Park Avenue and asked that this issue be reviewed further by the engineer.

There were no other interested persons present to address the council; therefore, President Hodge closed the public hearing.

AL JOHNSRUD OFFERED RESOLUTION NO. 2964, A RESOLUTION ORDERING IMPROVEMENT AFTER PUBLIC HEARING (WITH THE CONDITIONS THAT COLEMAN AVENUE TRUCK TRAFFIC BE ADDRESSED AND FURTHER REVIEW BY THE CITY ENGINEER OF THE STEEP ALLEY ONTO PARK AVENUE), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2964 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7. General Business.

7(A) AMENDMENT TO MN/DOT MASTER PARTNERSHIP CONTRACT.

By Resolution #2788, the city entered into a 5-year Master Partnership Contract with Mn/DOT for the purposes of constructing, maintaining and improving the trunk highway system in Montevideo. That agreement allows Mn/DOT to take advantage of a state law enabling funds received for services provided to local governments to go back to the

Mn/DOT office actually providing the service. Under the advice of the Army Corps of Engineers, an amendment has now been proposed by Mn/DOT to include language for emergency services and repairs to roadways/rights-of-way “in the event of a man-made disaster, natural disaster or other acts of God.” As stated in the amendment, “Emergency services may include, but are not limited to: road closures, traffic control, debris removal, **flood protection and mitigation**, sign repair, sandbag activities and general cleanup.”

MARVIN GARBE OFFERED RESOLUTION NO. 2965, A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO MN/DOT MASTER PARTNERSHIP CONTRACT NO 92110 FOR THE DESIGN, CONSTRUCTION, MAINTENANCE AND OPERATION OF STATE AND LOCAL ROADS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2965 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, KAREN NIEUWBEERTA, BRYCE CURTISS, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(B) DEPARTMENTAL ANNUAL REPORT REVIEWS.

The following individuals were on hand to give a synopsis of their reports:

Liquor Store Manager Tom Ryman
Police Chief Adam Christopher
Community Center Director Diane Ostlie
2009 Fire Chief Robb Gilkey (who introduced 2010 Chief Dave Roelike)
City Manger Steve Jones (airport)

7(C) TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS.

The traffic safety committee met on February 17, 2010 and recommended the following action: Two (2) stop signs be placed at the intersection of South 9th Street & McKinley Avenue, making McKinley the through street.

Following discussion with Police Chief Christopher, it was moved by Johnsrud, seconded by Curtiss and unanimously passed to place the stop signs, as recommended by the committee.

7(D) MNWARN MEMBERSHIP.

Utilities Superintendent Byron Hayunga was present to discuss membership in Minnesota's Water/Wastewater Agency Response Network (MnWARN). Hayunga explained that MnWARN members assist member's utilities with emergency assessment, emergency response and recovery, mutual aid agreement for sharing emergency resources with members, resources to help recover from a disaster, emergency contact network and voluntary participation. By becoming a member, it would help clean-up a lot of the "unknowns" and the assurance that we can get help and equipment. This program is recommended by FEMA.

MARVIN GARBE OFFERED RESOLUTION NO. 2966, A RESOLUTION AUTHORIZING GOVERNMENTAL UNIT TO BE A PARTY TO MINNESOTA WATER AGENCY RESPONSE NETWORK (MnWARN), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2966 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, KAREN NIEUWBEERTA, BRYCE CURTISS, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(E) USDA LIBRARY GRANT.

City Manager Jones explained that on behalf of the library, city staff has put together a grant request to the United States Department of Agriculture (USDA). The request included a number of items, including building repairs, computers, audio-visual equipment, furniture and shelves. All of the items have been approved for funding, but only at a 55% rate. Therefore, whatever is funded will have to include a local match of 45%. Even though this is a time of extremely tight funding, staff feels that this is a good opportunity for a cost share with the USDA. It was noted that the library board had met and unanimously recommended the improvements and expenditure and asked that both the city and county support their recommendation.

AL JOHNSRUD OFFERED RESOLUTION NO. 2967, A RESOLUTION ACCEPTING GRANT, CONTINGENT UPON COST SHARE BY CHIPPEWA COUNTY, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2967 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(F) MAYORAL CONTROL DURING FLOOD EMERGENCY.

Historically, the mayor has taken overall control of the flood fighting operations during times of flood emergencies; however, official “appointment” has never taken place. City Charter recognizes the mayor as chief executive officer of the city. In time of public danger or emergency, he may, with the consent of the council, take command of the police, maintain order, and enforce the law. Staff recommends formal appointment by the council.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to authorize mayoral control during the 2010 flood emergency season, March 15-May 1, 2010.

7(G) FIRE RELIEF ASSOCIATION OFF-SITE GAMBLING PERMIT.

MARVIN GARBE OFFERED RESOLUTION NO. 2968, A RESOLUTION APPROVING A ONE DAY, OFF-SITE GAMBLING PERMIT AT THE VFW BEGINNING JUNE 19 AND ENDING JUNE 20, 2010, CONDUCTED BY THE MONTEVIDEO FIRE RELIEF ASSOCIATION, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2968 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, KAREN NIEUWBEERTA, BRYCE CURTISS, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

8. Ordinances.

8(A) INTRODUCTION OF ORDINANCE NO. 897.

Police Chief Adam Christopher was present to discuss a proposed ordinance addressing the licensing of cats, adding a “potential dangerous dog” section, as well as other wording changes. Chief Christopher and City Attorney Nelson reviewed the proposed language.

BRYCE CURTISS INTRODUCED ORDINANCE NO. 897, AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 5 OF THE MONTEVIDEO CITY CODE, DOGS AND CATS.

Minutes/City Council
March 15, 2010
Page No. 7

9. Discussion and Miscellaneous.

- ▶ City Attorney Nelson updated the council on the status of the Kim Johnson lawsuit against the city.
- ▶ Council member Johnsrud commended staff on its flood emergency preparation efforts.

Meeting adjourned at 8:38 P.M.

Glennis A. Lauritsen, Secretary

Approved by council April 5, 2010:

Sandra Hodge - President