

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
November 15, 2010

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

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

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

MODIFY:

5(A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING NOVEMBER 12, 2010 IN THE AMOUNT OF ~~\$291,014.83~~ \$309,720.78.

Modified amount reflects the following:

2010 STREET IMPROVEMENTS

Heather Nursery	Landscape/Bergeson Residence	\$ 2,845.00
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EDA ADMINISTRATION

MIDC	Contribution/Business Dev. Center	2,500.00
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LEGAL

Nelson Oyen Torvik	October Services	3,210.00
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UTILITY

Roger Lauritsen	Gallons hauled over contract	10,150.95
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8(A) CONSIDER ADOPTION OF ORDINANCE NO. 904, AN ORDINANCE REZONING LAND ALONG STATE ROAD, FROM R1 "SINGLE FAMILY

RESIDENCE” TO I1 “LIGHT INDUSTRIAL DISTRICT” AND CONSIDER APPROVING SUMMARY PUBLICATION.

Summary ordinance provided.

- 8(C) CONSIDER ADOPTION OF ORDINANCE NO. 906, AN ORDINANCE AMENDING 6-3-1 OF THE MONTEVIDEO CITY CODE, “ONE-WAY STREETS” TO CHANGE FOURTH, FIFTH AND SIXTH STREETS FROM ONE-WAY STREETS TO TWO-WAY STREETS.**

Additional public comments provided.

ADD:

- 7(J) CONSIDER ENTERING INTO JOINT POWERS AGREEMENT WITH THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY BUREAU OF CRIMINAL APPREHENSION (BCA) FOR COMPUTER ACCESS TO MN CRIMINAL JUSTICE DATA COMMUNICATIONS NETWORK (CJDN).**

It was moved by Nieuwbeerta, seconded by Garbe and unanimously passed to approve the minutes of the regular meeting of November 1, 2010 and Canvassing Board meeting of November 9, 2010, as presented.

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

- None.

5. Consent Agenda.

It was moved by Johnsrud, seconded by Garbe and unanimously passed to approve the following Consent Agenda item:

- 5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING NOVEMBER 12, 2010 IN THE (MODIFIED) AMOUNT OF \$309,720.78.

6. Public Hearings.

- None.

7. General Business.

7(A) MAIN STREET HOLIDAY PARADE.

An application for city property use was submitted by the Montevideo Area Chamber of Commerce Christmas Committee for use of Main Street for a lighted holiday parade on Thursday, December 2, 2010, 5:30-7:00 P.M. They are asking that the intersections be closed between Merriam Avenue and Lincoln Avenue for the duration of the parade.

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to approve the use of main street, as requested.

7(B) 2010 AUDIT TERMS & FEES.

Nancy Aagesen, Dana F. Cole & Company, LLP, was present to discuss their proposed Engagement Letter outlining audit terms and fees for the city's 2010 audit. A 3% fee increase is proposed. The letter estimates fees for these services at \$21,100 for the 2010 financial statement audit, and an additional \$1,625 for the single audit. Aagesen explained that a single audit is required whenever federal funds of over \$500,000 are involved. There is approximately \$7,000,000 of federal funding remaining with the wastewater treatment modification project.

It was moved by Johnsrud and seconded by Curtiss to approve the Engagement letter with Dana F. Cole & Company, LLP, as presented. Those voting in favor of motion: Johnsrud, Curtiss, Nieuwbeerta and Hodge. Those voting against motion: Garbe. Motion passed 4-1.

7(C) NORTHDAL COMMUNITY REPAIR/REMOVE/DEMOLISH ORDER.

Community Development Director Nick Haggemiller was on hand to discuss a proposed Repair/Remove/Demolish order for property within the Northdale Community (Unit Nos. 10, 12, 17, 22, 32, 38, 43, 51, 61, 64, 65, 67, 101, 102, 111, 113, 119, 120 and 121)

owned by Jack & Marlys Strommer. Haggemiller explained that a considerable number and varying severity of issues present at Northdale have prompted repair orders at the 19 units listed. The condition of the properties were discovered during the city's rental inspections. Of the 19, four (4) are vacant and 15 are occupied. The four vacant units are not salvageable; the 15 occupied units could be. To date, very little has been done to address the hazardous conditions of the properties. Haggemiller noted that he had received a phone call earlier today from one of the property owners indicated that some repairs had been made; however, this has not been confirmed by city staff. The proposed Order would give an additional 30 days for the property owners to address the issues described, prior to legal action.

It was noted that Countryside Public Health had been involved in the sewage issues and Building Official Don Fischer commented on that briefly, stating that there had been progress made in that regard.

MARVIN GARBE OFFERED RESOLUTION NO. 2999, A RESOLUTION ORDERING 19 UNITS WITHIN THE NORTHDAL COMMUNITY TO BE REPAIRED/REMOVED/DEMOLISHED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2999 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(D) UNIT 23-NORTHDAL COMMUNITY REPAIR/REMOVE/DEMOLISH ORDER.

Community Development Director Haggemiller explained that a fire on September 5, 2010 had completely compromised the structural integrity of Unit #23 within the Northdale Community, owned by Douglas Kruger. The unit is deemed a hazard by the city's building official, Don Fischer. Fischer gave Mr. Kruger a deadline of November 1, 2010 to remove the structure. To date, this has not been done nor has staff had any communication from Mr. Kruger.

AL JOHNSRUD OFFERED RESOLUTION NO. 3000, A RESOLUTION ORDERING UNIT #23 WITHIN THE NORTHDAL COMMUNITY TO BE REPAIRED/REMOVED/DEMOLISHED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3000 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(E) UNIT 31-NORTHDAL COMMUNITY REPAIR/REMOVE/DEMOLISH ORDER.

Community Development Director Haggemiller explained that Unit #31 within the Northdale Community has been used for storage by its owner, Susan Armstrong. The unit has collapsed and become a public hazard. The city's building official has granted over six months in extensions to the owner and, to date, no action has taken place. Haggemiller noted that the last official extension gave Ms. Armstrong until September 30, 2010 to remove the structure. Armstrong requested an extension to November 1, 2010, which was denied by city staff. To date, there has not been any activity in regards to the demolition or removal of this unit.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 3001, A RESOLUTION ORDERING UNIT #31 WITHIN NORTHDAL COMMUNITY TO BE REPAIRED/ REMOVED/DEMOLISHED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3001 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, MARVIN GARBE, BRYCE CURTISS, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(F) REMOVAL OF DAM ON THE CHIPPEWA RIVER.

City Manager Jones explained that staff is continuing to work with the Department of Natural Resources (DNR) on plans to remove the dam on the Chippewa River. The Dam Safety Division of the DNR will not fund the study as requested by the city; however, they still want to proceed forward and have requested council action in the form of the proposed resolution. The DNR has also requested other action by the city, including a cost estimate for the dam removal and a property owner verification.

Jones further stated that staff believes the passage of the resolution is needed before the Dam Safety Division of the DNR will proceed; however, there are a number of unanswered questions, including how or who should pay for a study, which staff believes is necessary to estimate removal costs. Also, it needs to be determined what the long-

term effect of removal of the dam will have to adjacent properties and Lagoon Park, and what might need to be done to mitigate those effects.

Jones also noted that staff will continue to find funding for the study from other elements of the DNR (or other sources). At this point in time, however, the city does not have the estimated \$57,000 needed for the study, so if the resolution is passed, we are likely at a short-term impasse with the DNR Dam Safety Division. Staff recommended approving the resolution but does not recommend going forward without a study of the effect on the river, adjacent properties and Lagoon Park.

MARVIN GARBE OFFERED RESOLUTION NO. 3002, A RESOLUTION REGARDING DAM REMOVAL ON THE CHIPPEWA RIVER, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3002 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(G) TORT LIABILITY LIMITS.

It was moved by Nieuwbeerta, seconded by Johnsrud and unanimously passed to NOT waive the city's tort liability limits.

7(H) INOPERABLE CURB BOXES.

MARVIN GARBE OFFERED RESOLUTION NO. 3003, A RESOLUTION ORDERING REPAIRS TO INOPERABLE CURB BOXES AT 1212 OAK DRIVE AND 1108 NORTH 15TH STREET, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3003 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(I) TABLED UNTIL AFTER ORDINANCE CONSIDERATION.

7(J) BCA JOINT POWERS AGREEMENT.

Police Chief Adam Christopher was present to discuss a proposed Joint Powers Agreement with the Minnesota Department of Public Safety Bureau of Criminal Apprehension (BCA). This is an annual agreement that allows the police department access to the Minnesota Criminal Justice Data Communications Network (CJDN).

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the agreement, as presented, and authorize the mayor and city manager to execute the agreement.

8. Ordinances.

8(A) ADOPTION OF ORDINANCE NO. 904.

The council had introduced Ordinance 904 at its November 1st meeting. The ordinance would rezone a portion of land along State Road, from R1 to I1. If adopted, staff would recommend approval of the summary ordinance for publication, which was prepared by the city attorney.

IT WAS MOVED BY AL JOHNSRUD THAT ORDINANCE NO. 904, AN ORDINANCE REZONING LAND, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 904 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, BRYCE CURTISS, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 5-0.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve a summary publication of the ordinance, due to the length of the associated legal descriptions.

8(B) ADOPTION OF ORDINANCE NO. 905.

The council had introduced Ordinance No. 905 at its November 1st meeting. The ordinance would change the one-way street designation of Washington Avenue, between 5th Street and 4th Street, to two-way traffic.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 905, AN ORDINANCE REPEALING ONE-WAY DESIGNATION, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 905 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. ORDINANCE PASSED 5-0.

8(C) ADOPTION OF ORDINANCE NO. 906.

The council had introduced Ordinance No. 906 at its November 1st meeting. The ordinance would change one-way street designations to two-way traffic on 4th, 5th and 6th Streets. A city questionnaire had been distributed to residents on those streets, Council member Nieuwbeerta had distributed a similar questionnaire, as well as comments/votes received on a “survey monkey” site put out on the local police department website.

Police Chief Adam Christopher stated he had visited (again) with representatives of the Catholic Church, all who indicated that the church was not opposed to the change. Christopher discussed briefly the possibility of restricting parking to one side of the street only.

President Hodge stated that she is personally affected by traffic in the area of the Catholic Church, inasmuch as she lives on 6th Street, just one block north of the one-way. Hodge stated that parking by residents of the area is not a problem; the problem occurs when activities take place at the church, which is more than just Sundays - it is Saturday evenings, during weddings or funerals, or any other event taking place at the church. When cars are parked on both sides of the street, only one vehicle can pass at a time.

Council member Nieuwbeerta stated that in her conversations with members of the public, they had asked about parking on one side of the street.

Council member Curtiss voiced his opinion that there is no reason for the one-ways anymore; that while the council could take action on just 4th Street or just 6th Street, he felt that all three streets should be changed to provide better traffic flow. He noted that the 30' width of the streets in these areas is no different than in other areas of the community.

Council member Johnsrud stated that he sits on the property board at St. Paul's Lutheran Church. They are in favor of two-way traffic.

Lyle Henning was present to address the council. Henning stated that he is a member of the Traffic Safety Improvement Committee, is an instructor for "55 Alive" and a former city bus driver. He addressed the issue of handicap accessibility on the one-ways, noting that passengers are exposed to the street side for 5-10 minutes as they are loaded onto/out of the bus. Two-way traffic would eliminate this issue.

Council member Curtiss stated he had spoken with a former ambulance driver, who indicated that they also have to follow the rules by traveling one-way, which adds extra travel time to their destination. This would be the case for any emergency vehicle.

Council discussed the issue of limiting parking to one side of the street only, how this applies to state aid (feeder) streets, etc. It was staff's recommendation that if the ordinance is adopted, this issue be tabled inasmuch as it may not be necessary.

Council member Nieuwbeerta voiced her struggle with how to vote on the issue. She stated she was planning to vote with the wishes of the majority of the citizens who lived in the areas but after listening to other views, she was not certain. Chief Christopher stated that he respects the opinion of those citizens who live in these areas; however, he views the change to two-way to be best for the community as a whole.

Dan Sanborn, 106 North 4th Street, stated he lives on the one-way and would prefer that it be changed to two-way.

IT WAS MOVED BY MARVIN GARBE THAT ORDINANCE NO. 906, AN ORDINANCE AMENDING SECTION 1 OF CHAPTER 3 OF TITLE 6 OF THE MONTEVIDEO CITY CODE, "ONE-WAY STREETS" (FOR 4TH, 5TH & 6TH STREETS), BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 906 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, AL JOHNSRUD AND KAREN NIEUWBEERTA. THOSE VOTING AGAINST MOTION: SANDRA HODGE. ORDINANCE PASSED 4-1.

At this time, Item 7(I) was revisited.

7(I) STOP SIGN INSTALLATION.

Due to the adoption of Ordinance No. 906, staff recommended that stop signs be added on those streets, at Black Oak and Sheridan Avenues.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the installation of stop signs, as noted.

9. Discussion and Miscellaneous.

- ▶ Council member Garbe asked about membership in the Coalition of Greater Minnesota Cities. City Manager Jones stated that council had not joined the CGMC in 2010, and he would recommend that for 2011 as well.
- ▶ Council member Johnsrud commended the community on the veterans program and acknowledged area veterans for all that they have done. Council member Garbe added a thank you to the Chordayres for their performance at the Veteran's Day program.
- ▶ President Hodge stated she had been contacted by Janis Oakes, 303 North 6th Street, who was concerned over the pooling of water by her residence (intersection of 6th & Lincoln).

Meeting adjourned at 8:00 PM.

Glennis Lauritsen, Secretary

Approved by council December 6, 2010:

Sandra Hodge - President