

CITY OF MONTEVIDEO  
CITY COUNCIL PROCEEDINGS  
August 17, 2009

The city council met in regular session Monday, August 17, 2009 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: Sandra Hodge, Al Johnsrud, Karen Nieuwebeerta and Marvin Garbe. Absent: Bryce Curtiss. Mayor Jim Curtiss present.

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

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

**MODIFY:**

**5(A)            CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD  
                  ENDING AUGUST 14, 2009 IN THE AMOUNT OF ~~\$181,744.80~~  
                  \$227,726.64.**

Modified amount reflects the addition of the following:

<u>UTILITY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Short Elliot Hendrickson, Inc.	July Services/WWTP Mods	\$45,981.84

It was moved by Garbe, seconded by Nieuwebeerta and unanimously passed to approve the minutes of the regular city council meeting of August 3, 2009 and budget worksession of August 10, 2009 as presented.

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

4(A)    PARKVIEW TOWER GREEN SPACE MAINTENANCE

The council had received a letter from the Resident Advisory Committee, representing the residents of Parkview Tower, 501 North 1<sup>st</sup> Street. The letter asked for consideration of assistance they are offering the city in maintaining green space near the Parkview Tower facility.

City Manager Jones explained that he briefly discussed this matter with Public Works Director Schwaegerl earlier in the day and was informed that the city use to maintain this area, until approximately two years ago when the city rolled a tractor on the hillside. Staff is unsure why the city had ever maintained the area, inasmuch as it was unknown whether the property was private or right-of-way. Jones stated he would like the opportunity for staff to speak with Sharon Olson, Housing & Redevelopment Executive Director to obtain additional information.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to table the issue until more information is provided.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING AUGUST 14, 2009 IN THE REVISED AMOUNT OF \$227,726.64.

6. Public Hearings.

- None.

7. General Business.

7(A) PROSECUTING ATTORNEY DESIGNATION.

The state has asked for a copy of the official contract/agreement for city prosecutions, in order to appropriately allocate current fine/fee splits into its case management system. A proposed resolution was drafted by the state for this purpose. Even though the city designated the city attorney by resolution, the state asked that this specific resolution be adopted.

MARVIN GARBE OFFERED RESOLUTION NO. 2930, A RESOLUTION DESIGNATING THE CITY ATTORNEY AS PROSECUTING ATTORNEY FOR PETTY MISDEMEANOR AND MISDEMEANOR STATE LAW VIOLATIONS OCCURRING WITHIN THE CITY OF MONTEVIDEO, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2930 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION:

MARVIN GARBE, AL JOHNSRUD, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(B) DISEASED ELM TREE REMOVAL - 221 SOUTH 4<sup>TH</sup> STREET.

Jeremy & Amy Hamilton, 221 South 4<sup>th</sup> Street, were recently notified by the city that a diseased elm tree had been identified on their property and needed to be removed. The Hamiltons have asked that the removal be done by the city and that they be able to pay for it as an assessment.

City Manager Jones explained that whenever a tree is on a property line, the city asks the property owners to work out a shared agreement. In this case, the tree appears to be on the Hamilton property; however, it is possible (without knowing for certain without a survey) that some of the tree is on city right-of-way. Therefore, staff has suggested the city pay about 1/3 of the cost, or \$500.00.

Jones further explained that in discussions with Public Works Director Greg Schwaegerl, Schwaegerl informed him that in similar cases in the past, if any portion of a tree is on city right-of-way, the city has taken down the tree at no cost to the property owner.

It was moved by Garbe, seconded by Johnsrud and unanimously passed that based on past precedent, city staff be authorized to remove the diseased elm with no charge to the Hamiltons.

7(C) 2010 TRANSPORTATION AGREEMENT.

Each year, a new agreement must be passed by the city in order to receive state/federal funds to operate the transit system. The agreement calls for 80% of the operating budget paid by state and federal funds and a 20% local match. A resolution was prepared for this purpose.

AL JOHNSRUD OFFERED RESOLUTION NO. 2931, A RESOLUTION ENTERING INTO AN AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION, TO PROVIDE PUBLIC TRANSPORTATION SERVICE IN THE MONTEVIDEO AREA IN 2010, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2931 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD,

KAREN NIEUWBEERTA, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(D) AIRPORT SEWER PROJECT.

Bids for the airport utility improvement project were received at 10:00 A.M. on Friday, July 24<sup>th</sup>. The following bids were received:

<u>Bidder:</u>	<u>Bid:</u>
Gaub, Inc. Lake Lillian, MN	\$39,683.00
Hjerpe Corporation, Inc. Hutchinson, MN	\$51,343.50
Schoep Contracting Montevideo, MN	\$68,525.00

City Engineer Berryman noted that the low bid is considerably under the engineer's estimate for this project - \$56,000.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to award the bid to Gaub, Inc., in the amount of \$39,683.00.

In conjunction with this project, a resolution was prepared to accept the grant agreements associated and to authorize execution of same by the city manager and mayor.

MARVIN GARBE OFFERED RESOLUTION NO. 2932, A RESOLUTION AUTHORIZING EXECUTION OF FAA & MN/DOT GRANT AGREEMENTS FOR AIRPORT IMPROVEMENT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2932 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(E) ENGINEERING AGREEMENT FOR AIRPORT SEWER PROJECT.

On behalf of the city council and the airport commission, Rodeberg & Berryman recently completed the design and bid for the airport sewer project. Normally, a separate agreement would not be required; however, the FAA requested that the city have one for this project.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the engineering agreement with Rodeberg & Berryman, Inc., at an estimated cost of \$8,750.

7(F) CHANGE ORDER #8 - WASTEWATER TREATMENT PLANT MODIFICATIONS.

This change order addresses the addition of guardrail to the roof of the existing control building (a requirement of the recent OSHA inspection) and increases the contract by \$14,228.00, for a revised contract price of \$10,509,219.00.

It was moved by Nieuwbeerta, seconded by Johnsrud and unanimously passed to approve Change Order No. 8, as presented.

7(G) SMALL CITIES GRANT FUNDS.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the list of eligible projects for the Small Cities Grant, as submitted by Prairie Five. Total cost of the projects was \$45,026.00 (\$26,249.00 grant funds / \$18,777.00 matching sources.)

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- ▶ City Engineer Berryman briefly updated the council on the status of the street improvement projects and Highway #7.
- ▶ City Attorney Nelson informed the council that two easements are outstanding from property owners on the 19<sup>th</sup> Street/Buckeye Drive storm sewer project.
- ▶ Council member Garbe stated he had been contacted by Elsie Roder, who has an evergreen tree she would like to donate to the city for a Christmas tree.

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- ▶ Tree trimming by Xcel Energy was discussed. Specifically noted was the area of Smith Avenue/Heather Nursery.
- ▶ Council member Garbe invited members to attend a meeting on August 20<sup>th</sup> to learn about the new radio communications system.
- ▶ City Manager Jones said he had talked with Karen Young, Xcel Energy, to follow-up on the installation of street lights in Central Park, William Avenue/County Road 15 and others.
- ▶ City Manager Jones briefly updated the council on the status of the levee project.

Meeting adjourned at 7:30 P.M.

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Glennis A. Lauritsen, Secretary

Approved by council September 8, 2009:

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Sandra Hodge, President