

CITY OF MONTEVIDEO  
CITY COUNCIL PROCEEDINGS  
March 7, 2011

The city council met in regular session Monday, March 7, 2011 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, Al Johnsrud, Bryce Curtiss, Karen Nieuwbeerta and Sandra Hodge. Mayor Debra Lee Fader 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 Garbe, seconded by Nieuwbeerta and unanimously passed to approve the agenda, with the following modifications:

**ADD:**

- 5(B) CONSIDER APPLICATION FOR EXEMPT GAMBLING PERMIT SUBMITTED BY CHIPPEWA COUNTY PHEASANTS FOREVER, TO ALLOW RAFFLE AND PADDLEWHEEL ACTIVITY ON APRIL 16, 2011 AT THE MONTEVIDEO TRAINING & COMMUNITY CENTER.**
- 7(D) CONSIDER RESOLUTION AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS RELATED TO EMERGENCY WORK ON THE 1969 LEVEE AND/OR A TEMPORARY LEVEE ON HIGHWAY 212.**
- 7(E) CONSIDER APPROVAL OF 2011-2012 LABOR AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES, INC. (LELS LOCAL #58).**

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the minutes of the regular meeting of February 22, 2011, as presented.

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

- None.

5. Consent Agenda.

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

- 5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING MARCH 4, 2011 IN THE AMOUNT OF \$191,148.82.
- 5(B) APPLICATION FOR EXEMPT GAMBLING PERMIT SUBMITTED BY CHIPPEWA COUNTY PHEASANTS FOREVER, TO ALLOW RAFFLE AND PADDLEWHEEL ACTIVITY ON APRIL 16, 2011 AT THE MONTEVIDEO TRAINING & COMMUNITY CENTER.

6. Public Hearings.

- None.

7. General Business.

- 7(A) DEPARTMENTAL ANNUAL REPORT REVIEWS.

Annual report presentations were made by Liquor Store Manager Tom Ryman, Public Works Director Greg Schwaegerl (Street/Park/Pool) and City Manager Steve Jones (Airport). Council members commended the department heads on a job well done.

- 7(B) MAYORAL CONTROL DURING FLOOD EMERGENCY.

Historically, (1997, 2001), the mayor has assumed overall control of the flood fighting operations during times of flood emergency. In time of public danger or emergency and with the consent of the council, the mayor may take command of the police, maintain order and enforce the law. Staff noted that this has worked very well in the past. Local citizens and state and federal officials expect mayors to be in charge during emergencies and prefer to hear from chief elected officials rather than hired staff. Staff recommended approving this action, for the period March 15-May 1, 2011.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to authorize mayoral control during the flood emergency period (March 15-May 1, 2011).

7(C) FLOOD CONTROL PROJECT ITEMS.

City Manager Jones explained that in order to complete work on acquiring right-of-way for Phase 2 of the levee project, land under and alongside Highway 212 needs to be acquired. In order to accomplish that, two plats and a resolution need to be approved by the council. City Engineer Berryman stated that appraisals are currently underway, with follow-up offers being made to the affected property owners. City Attorney Nelson noted that Exhibit "A" of the resolution will provide property owner names/legal descriptions for the acquisitions.

7(C)1 & 2. RIGHT-OF-WAY PLATS NO. 1 AND NO. 2

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to approve Plat No. 1 and Plat No. 2, as presented.

7(C)3. ACQUISITION OF RIGHT-OF-WAY.

MARVIN GARBE OFFERED RESOLUTION NO. 3022, A RESOLUTION AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR CITY OF MONTEVIDEO FLOOD CONTROL PROJECT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3022 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(D) EXECUTION OF FLOOD/EMERGENCY WORK DOCUMENTS.

City staff has anticipated that it will become necessary to take advanced measures to build up the 1969 levee and Highway 212, in anticipation of flooding this spring. Therefore, staff has requested the authority to go forward, if this becomes necessary. A resolution has been prepared which would authorize the execution of necessary documents with the Army Corps of Engineers and/or private contractors to complete such emergency work.

In addition to the resolution provided, a 1969 Levee Profile map was presented which shows the city's intent to build the levee up to the 100-year level, plus three additional feet, or to an elevation of 938'. Start date for that work is targeted for March 21<sup>st</sup>, with anticipated sandbagging efforts to begin March 28<sup>th</sup>.

BRYCE CURTISS OFFERED RESOLUTION NO. 3023, A RESOLUTION PROVIDING FOR ADVANCED MEASURES IN ANTICIPATION OF SPRING FLOODING, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3023 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, AL JOHNSRUD, MARVIN GARBE, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(E) 2011-2012 LABOR AGREEMENT WITH (LELS LOCAL #58).

A revised union agreement with LELS has been prepared, which incorporated negotiated items, as follows:

12.7 COURT/MEETING TIME:

An Employee shall be paid for off-duty court/meeting time as follows: Less than two (2) hours at one and one-half (1 ½) their regular rate of pay: over two (2) hours paid one and one-half (1 ½) their regular rate of pay. Court/meeting time shall be paid in cash or compensatory time off. Reporting early for shift or an extension of a shift shall not qualify for court/meeting time minimum under this Section.

12.8 TRAINING TIME.

An Employee shall be paid straight time for required police training, with a two-hour minimum. The City shall pay the fee for an Employee's POST license.

15.1 WAGES.

Revised wage tables to reflect a 1% increase effective 7/1/11; 1% increase 1/1/12; and, a 1% increase 7/1/12.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the agreement, as presented.

8. Ordinances.

8(A) ADOPTION OF ORDINANCE NO. 911.

IT WAS MOVED BY KAREN NIEUWBEERTA THAT ORDINANCE NO. 911, AN ORDINANCE CLARIFYING LANGUAGE IN VARIOUS ORDINANCE PROVISIONS (DOGS & CATS), BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 911 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, MARVIN GARBE, AL JOHNSRUD, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 5-0.

9. Discussion and Miscellaneous.

- ▶ Staff provided an update on the Northdale Community Order(s) to Repair/Remove/ Demolish, noting that a court date is set for Friday, March 18<sup>th</sup>. Building Inspector Don Fischer has been working with the owners to inspect the mobile homes; however, an emergency management plan has not been submitted to the city.
- ▶ Mayor Fader commended city staff for their teamwork and expertise in regards to the flood fighting/planning efforts.
- ▶ City Manager Jones informed the council that the dishwasher at the community center needs to be replaced. He has been told that the seniors and Prairie 5 are willing to pay for the replacement, at a cost of \$3,000-\$5,000. Council members indicated they had no problem with those entities making that purchase.

Meeting adjourned at 7:53 P.M.

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Glennis A. Lauritsen, Secretary

Approved by council March 21, 2011:

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Sandra Hodge - President