

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
July 6, 2010

The city council met in regular session Tuesday, July 6, 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, Al Johnsrud, Karen Nieuwbeerta and Sandra Hodge.
Absent: Bryce Curtiss. Mayor Jim Curtiss absent.

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

It was moved by Nieuwbeerta, seconded by Garbe and unanimously passed to approve the minutes of the regular meeting of June 21, 2010, as presented.

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

4(A) FIRE & POLICE DEPARTMENT COMMENDATIONS.

Action by both the Montevideo Fire Department and Montevideo Police Department resulted in possible life savings on Saturday, June 26th. A letter had been received from the Chippewa County Sheriff's Office commending members of the fire department. After review, it became apparent that in addition to the individuals cited in the letter from the county, many other people were also involved in the positive outcome of the situation.

Council President Hodge presented departmental commendation certificates to Police Chief Adam Christopher and Fire Chief Dave Roelike for their department's efforts.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING JULY 2, 2010 IN THE AMOUNT OF \$264,674.36.

- 5(B) APPROVAL OF APPLICATION FROM THE CHURCH OF ST. JOSEPH FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS FOR BINGO AND RAFFLE ACTIVITIES ON SEPTEMBER 19, 2010.

6. Public Hearings.

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

President Hodge called a public hearing to order at 7:06 P.M. to consider the 2010 Street & Utility Improvement Projects and to consider the final assessments proposed. The entire public hearing was recorded on video tape and will be kept in accordance with the Minnesota State Retention Schedule.

City Engineer Berryman reviewed information contained in a handout prepared for the hearing. The handout provided final front foot assessments for the projects, in accordance with the city's adopted assessment policy. Each project was reviewed, as follows:

Project 1 - William Avenue, From 12th Street to 17th Street

36' street width, street reconstruction, replace curb & gutter - \$40.75/LF (preliminary hearing estimate was \$49.50/LF.)

There were no persons present to be heard on Project 1.

Project 2 - Coleman Avenue

24' street width, street reconstruction, rolled curb both sides - \$31.30/LF (preliminary hearing estimate was \$38.00)

Donald Oakland, 109 Coleman Avenue, was present to ask about truck traffic restrictions on Coleman Avenue. Mr. Oakland had raised similar concerns at the preliminary public hearing held by the council on March 15th. Oakland asked whether the size of the Tostenson refuse trucks could be reduced. City Staff answered that without a change in the agreement, the city cannot force a change in the size of the trucks. Mr. Oakland was also informed that the truck restriction issue would be further addressed at a later date.

Mark Schultz, 128 Coleman Avenue, was present to discuss the assessed cost of the project. The assessment policy was explained to Mr. Schultz, specifically stating the need to assess at least 20% of the cost of the project in order to bond for the improvements.

Mr. Oakland asked about the timeframe of the improvements. City Engineer Berryman indicated that work on Coleman Avenue would probably begin in 3-4 weeks, just after the Chippewa County Fair.

Project 3A - Ashmore Avenue, 17th Street to 24th Street

26' street width, street reconstruction, standard design - \$11.05/LF (preliminary hearing estimate was \$13.00)

There were no persons present to be heard on Project 3A.

Project 3B - 24th Street, from Ashmore Avenue South 575 Feet

26' street width, street reconstruction, standard design - \$11.05/LF (preliminary hearing estimate was \$13.00)

There were no persons present to be heard on Project 3A.

Project 4 - Windom Avenue, Alley West of 4th Street to Benson Road

30' street width, street reconstruction, new curb & gutter - \$36.15/LF (preliminary hearing estimate was \$44.00)

There were no persons present to be heard on Project 4.

Project 5 - Park Avenue, 6th Street to 8th Street

23' street width, street reconstruction, rolled curb both sides - \$30.50/LF (preliminary hearing estimate was \$37.00)

There were no persons present to be heard on Project 5.

There were no other interested persons present to speak to this issue; therefore, Council President Hodge closed the public hearing at 7:23 P.M.

Council member Garbe asked that the issue of Coleman Avenue road restrictions be brought back to the July 19th council meeting for further review.

MARVIN GARBE OFFERED RESOLUTION NO. 2982, A RESOLUTION ADOPTING ASSESSMENT FOR THE 2010 STREET IMPROVEMENT PROJECTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2982 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. General Business.

7(A) \$1,650,000 G.O. BOND SALE.

In order to fund the 2010 Street Improvements and refund the Series 2002A Bonds, the city needs to sell \$1,650,000 of G.O. Improvement Bonds. Carolyn Drude, Ehlers & Associates, was present to discuss the sale. Drude distributed and reviewed the Sale Report dated July 6, 2010 prepared for the issue. The report reflected the purchase by Cronin & Company, Inc., of Minneapolis at a true interest rate of 2.5081%. Drude recommended approval by the council.

Drude also reviewed the city's bond rating from Standard & Poors, which was upgraded this year from an "A" rating to an "A+" rating. Drude commented that this is an excellent rating for the city and commended city staff on its efforts to obtain it.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 2983, A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$1,650,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2010A, PLEDGING SPECIAL ASSESSMENTS FOR THE SECURITY THEREOF AND LEVYING A TAX FOR THE PAYMENT THEREOF, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2983 WAS SECONDED BY MARVIN GARBE. 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) TEMPORARY LIQUOR LICENSE - AMERICAN LEGION.

The American Legion Post #59 has submitted an application for consideration by the city council for a temporary on-sale liquor license to serve liquor at the Training & Community Center (TACC) on August 6, 2010. In addition to the city application, a state application is also required. The event is a homecoming welcome for the National Guard Troops. Major Troy Fink was present representing the National Guard.

Major Fink explained that the Johnny Holmes Band will be providing music in the TACC parking lot, from 7:00-10:30 P.M. Wrist bands will be provided to monitor the alcohol sales/consumption and the area where beer is served/consumed will be fenced. Fink also explained that a change of command ceremony will take place at the football complex and it is expected that Governor Pawlenty will be in attendance. They expect a crowd of 1500-1800.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to approve the issuance of a temporary license, subject to proper fencing and the use of wristbands to monitor alcohol sales/consumption.

7(C) ABATEMENT OF NUISANCE AT 410 NORTH 3RD STREET.

MARVIN GARBE OFFERED RESOLUTION NO. 2984, A RESOLUTION DIRECTING ABATEMENT OF NUISANCE (MISCELLANEOUS DEBRIS, INCLUDING BAGS OF LEAVES AND BOXES) AT 410 NORTH 3RD STREET, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2984 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(D) ABATEMENT OF NUISANCE AT 312 HUGHES AVENUE - ITEM PULLED FROM AGENDA - ISSUE RESOLVED.

7(E) REMOVAL OF TEMPORARY IMPROVEMENTS TO 1969 LEVEE.

City Manager Jones explained that during the 2010 flood season, clay was added to the old 1969 levee system for two reasons - 1) to fill in low areas in the levee; and, 2) to bring overall protection of the levee up about two feet. The city has requested reimbursement from FEMA for this work. FEMA has informed the city that they will only reimburse *temporary* improvements. Therefore, in order for the city to recapture costs, the clay that was added to the levee this spring needs to be removed. FEMA will pay for the cost of removal as well.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve removal of the clay by city staff.

7(F) INOPERABLE CURB BOX AT 331 CHIPPEWA STREET.

AL JOHNSRUD OFFERED RESOLUTION NO. 2985, A RESOLUTION ORDERING REPAIR OF INOPERABLE CURB BOX ON PROPERTY OWNED BY DALLAS FLINN AT 331 CHIPPEWA STREET, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2985 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(G) ACCEPTANCE OF GIFTS/GRANTS.

Donations have been given by various organizations and individuals, including a \$50.00 donation from the After Prom Committee to be used toward the cost of police services for their recent 2010 prom event; \$150.00 from Sue Heairet to the Montevideo Fire Department for their recent rescue efforts of an individual; and, \$100.00 from the Lions Club of Montevideo for a pool scholarship.

AL JOHNSRUD OFFERED RESOLUTION NO. 2986, A RESOLUTION ACCEPTING GIFTS/GRANTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2986 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, MARVIN GARBE, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(H) ADDITIONAL ALTERNATE ELECTION JUDGES.

Additional individuals have come forth expressing interest in serving as an election judge for the upcoming primary and general elections. Inasmuch as judges of election were previously appointed by the city council, these individuals are eligible to be appointed as alternate judges only.

MARVIN GARBE OFFERED RESOLUTION NO. 2987, A RESOLUTION APPOINTING ADDITIONAL ALTERNATE JUDGES FOR THE 2010 PRIMARY & GENERAL ELECTIONS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2987 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, KAREN NIEUWBEERTA, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(I) MOBILE HOME PARK EMERGENCY PLANS.

Mobile home parks are required to provide to the city emergency shelter or evacuation plans. Staff and the county emergency management director have recommended reviewing this issue and discussing whether the existing plans are adequate. Council member Garbe spoke as emergency management director, discussing the plan that should be in place for mobile home parks. He noted that Countryside Public Health is in charge of this issue. The city could, however, pass an ordinance to require that a park with 10 or more mobile homes build a storm shelter. Such shelter must be a cement block building.

Council President Hodge stated she had received a letter from a resident of the Northdale Community regarding the lack of their storm shelter or plan.

It was the consensus of the council that the city attorney draft an ordinance to address mobile home park storm shelters.

8. Ordinances.

8(A) LIQUOR LICENSING ISSUES.

IT WAS MOVED BY AL JOHNSRUD THAT ORDINANCE NO. 899, AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 2 OF TITLE 3 OF THE MONTEVIDEO CITY CODE, LIQUOR CONTROL, BE ADOPTED.

MOTION FOR ADOPTION OF ORDINANCE NO. 899 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, MARVIN GARBE, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 4-0.

9. Discussion and Miscellaneous.

- ▶ Council member Garbe asked about the status of obtaining a variance on Wolfe Avenue. City Engineer Berryman explained that it first needs to be designated as part of the state aid system before a variance can be applied for.
- ▶ Council President Hodge commented on the condition of Hughes Avenue and Summit Avenue and asked whether they are on the city's capital improvement plan. Staff noted that Hughes Avenue is on the list to repair; Summit Avenue is not.
- ▶ City Manager Jones discussed the engineer's report received on the Lagoon Park bridges and walls, which indicated that \$70,000 is needed in total to rehabilitate those areas. There was no structural damage inasmuch as the base is cement; the rock is a facade.

Meeting adjourned at 8:23 P.M.

Jan Flaherty, Acting Secretary

Approved by council July 19, 2010:

Sandra Hodge - President