

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
May 2, 2011

The city council met in regular session Monday, May 2, 2011 in the council chambers at city hall. Acting President Garbe called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Council members present: Marvin Garbe, Al Johnsrud, Bryce Curtiss and Karen Nieuwbeerta. Absent: 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 Nieuwbeerta, seconded by Johnsrud and unanimously passed to approve the agenda, with the following modifications:

ACTION ITEM DESCRIPTION:

**Add: 7(H) CONSIDERATION OF RESOLUTION AUTHORIZING THE
PURCHASE OF REAL ESTATE (RIGHT-OF-WAY FOR CITY OF
MONTEVIDEO FLOOD CONTROL PROJECT).**

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular meeting of April 18, 2011, as presented.

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

Acting President Garbe welcomed the group of high school students present to observe the council proceedings.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING APRIL 29, 2011 IN THE MODIFIED
AMOUNT OF \$275,054.27.

6. Public Hearings.

- None.

7. General Business.

7(A) EICKHOFF EAGLE SCOUT PROJECT PRESENTATION.

Inasmuch as the Eickhoffs were not yet present, this item was tabled pending their arrival.

7(B) SALE OF REAL ESTATE TO O'REILLY AUTOMOTIVE STORES, INC.

Community Development Director Nick Haggenmiller was present to discuss a proposed purchase agreement with O'Reilly Automotive Stores, Inc. of Springfield, Missouri, for the purchase of the east half of Lot 1 - Ost Addition for \$100,000.00. The asking price for the entire lot is \$170,000.00 and staff believes this to be a fair offer but notes that the remaining half will most likely not receive the same premium due to slightly limited access and the need to stub additional utilities.

Haggenmiller explained that in addition to this proposal, an additional potential franchise has indicated significant interest in the same parcel. Staff researched splitting the lot, reviewed city ordinances, and determined that a lot split could be completed. Therefore, the city is able to potentially accommodate two developments on the one parcel, given the lot split. The proposed purchase agreement includes language to allow for an easement to access the east side of the lot.

City Attorney Nelson expressed concern relative to the \$5,000 earnest money being held in an account outside of Minnesota and held by the buyer rather than the seller. Haggenmiller noted that while this is not preferred, staff believes it to be an acceptable level of risk, given the overall terms of the agreement proposed.

AL JOHNSRUD OFFERED RESOLUTION NO. 3030, A RESOLUTION AUTHORIZING SALE OF REAL ESTATE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3030 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(C) NORTHDALE COMMUNITY EMERGENCY MANAGEMENT PLAN.

MHP Investing & Leasing had received tentative approval from the council at its April 18th meeting for their proposed Emergency Management Plan for the Northdale Community. The approval was subject to some changes, notably confirmation of use of the Chippewa County-Montevideo Hospital as an emergency shelter. The plan was updated with phone numbers and the following language added: *"The emergency shelter portion of this plan has been approved by the Chippewa County-Montevideo Hospital. Annual certification of that approval by the*

hospital must be submitted to the city.” A letter from the hospital had also been submitted and attached to the plan.

Acting President Garbe had a few suggestions for very specific language changes (speaking as the Chippewa County Emergency Management Director) which were made note of, conveyed to MHP and incorporated into the final document.

It was moved by Nieuwbeerta, seconded by Johnsrud and unanimously passed to approve the proposed plan, subject to the specific changes being incorporated into the final document.

7(D) AERIAL APPLICATOR AGREEMENT WITH BRYCE ORWICK.

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to approve a 2011 Aerial Applicator Agreement with Bryce Orwick, dba/Northstar Aerospray, Inc.

7(E) ACCEPTANCE OF GIFTS/GRANTS.

Donations have been given by various organizations and individuals, including a \$450.00 donation from Farmer's Union Oil Company; a donation from the MN Sheriffs' Association for an In-Car Camera valued at \$4,200.00; and, an \$840.00 MN Institute of Public Health Alcohol Compliance Check Grant. According to MN Statute 465.03 - Gifts to Municipalities - the city must accept all donations/grants by resolution.

AL JOHNSRUD OFFERED RESOLUTION NO. 3031, A RESOLUTION ACCEPTING GIFTS/GRANTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3031 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

At this time, item 7(A) was considered.

7(A) EICKHOFF EAGLE SCOUT PROJECT PRESENTATION.

Bailey Eickhoff, a 7th grader in the Montevideo school system, was present to request the use of city property for his Eagle Scout Project. The project is to erect a veteran's memorial alongside the existing memorial located behind the city hall building. Permission has been obtained from both of the local service clubs to engage in this project.

Eickhoff explained that the project will enhance the Flags of Honor Memorial by installing a cemented area where a monument will be erected, as well as two benches and two flower urns, to

be placed between the brick case containing the Flags of Honor names and the Howitzer. A cement walkway will be placed around the brick name case leading to the monument and seating area. The monument will be engraved with the symbols of the Army, Navy, Air Force, Marines, Veterans of Foreign War and American Legion. With the help of the members of the Legion and VFW, Eickhoff stated he plans to include a symbol of the United States and a meaningful inscription on the front of the monument, with the hope that the benches would invite visitors to take a moment to reflect on our nation's heroes.

Council commended Eickhoff on his project and stated it would be an attractive addition to the area.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the use of city property, as requested.

7(F) FIRE RELIEF ASSOCIATION GAMBLING PERMIT FOR FIESTA DAYS.

The Montevideo Fire Relief Association proposes to conduct lawful gambling at the American Legion Post 59 beginning June 18 and ending June 19, 2011, in conjunction with the Fiesta Days celebration. If approved by the council, the application would then be filed with the State of Minnesota.

AL JOHNSRUD OFFERED RESOLUTION NO. 3032, A RESOLUTION APPROVING A ONE DAY OFF-SITE GAMBLING PERMIT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3032 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, BRYCE CURTISS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(G) CITY HALL BUILDING IMPROVEMENTS.

City Manager Jones explained that the following building maintenance items are need at city hall (submitted in order of priority):

1. Heating coils - two (2) new - one at each end of the building. At this time, heat does not function in city hall and is crippled in the police department. Proposals submitted resulted in a low quote of \$7,650.00 from Olsen Plumbing for this expenditure.
2. Tuckpointing/brick repair/concrete repair/flashing extension. A few problem areas will greatly expand if not repaired soon. Estimated cost \$1,000-\$2,000 for brick work; \$2,000-\$4,000 for flashing extension.

3. Rebuild handicap ramp and police department landing. Needs to be replaced within the next 1-3 years. Estimated cost is \$6,000.
4. Grinder pump/lift station. A chronic problem exists with the sewer system and the lift station will eventually need to be moved out of the building and into an outside station. Parts only are estimated at \$15,000.

Staff recommended approving the low bid from Olsen Plumbing for the heating coil work at \$7,650.00 and direct staff to obtain bids for the tuckpointing/brick work, flashing extension and for the front ramp and police department deck. These three projects would likely use up the CIP funds targeted for city hall repairs.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to accept the low quote of \$7,650.00 from Olsen Plumbing on the heating coil expenditure and direct staff to obtain bids for the tuckpointing/brick work, flashing extension and for the front ramp and police department deck, as recommended by staff.

7(H) ROW ACQUISITION/LEVEE PROJECT.

Three purchase agreements were submitted for approval, in conjunction with the acquisition of right-of-way under and alongside Highway 212 needed for Phase 2 of the levee project, as follows:

1. Richard D. Mitchell & Linda F. Mitchell - Purchase price: \$121.00
2. Susan J. Spencer - Purchase price: \$1,048.00
3. J.C. Curtiss, Inc. - Purchase price: \$30,828.00

AL JOHNSRUD OFFERED RESOLUTION NO. 3033, A RESOLUTION AUTHORIZING THE PURCHASE OF REAL ESTATE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3033 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

9(A) LEVEE PROJECT UPDATE.

City Manager Jones updated the council on the levee project, reviewing the city's financial position, funding problems for Phase 3 and possible scenarios for completing the project.

- ▶ Related to the levee update, City Attorney Nelson informed the council that she has scheduled closings for three right-of-way acquisitions. She added that she hoped to get condemnation action filed shortly for those properties the city may need to acquire by eminent domain.
- ▶ Acting President Garbe asked whether Mn/DOT has plans for upgrading Highway 29. City Engineer Berryman stated that it is scheduled for overlay; however, it's possible the city could put some pressure on the state for a rebuild.

Meeting adjourned at 7:44 P.M.

Glennis A. Lauritsen, Secretary

Approved by council May 16, 2011:

Sandra Hodge - President