

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
February 2, 2009

The city council met in regular session Monday, February 2, 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 Nieuwbeerta, Marvin Garbe and Bryce Curtiss. Absent: None. Mayor Jim Curtiss absent.

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

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

ADD:

7(E) CONSIDER AUTHORIZING THE WRITING OFF OF BAD DEBTS.

**8(C) CONSIDER INTRODUCTION OF AN ORDINANCE TO ALLOW FOR
THE ISSUANCE OF TEMPORARY ON-SALE LICENSES.**

MODIFY:

**9(A) PRELIMINARY REVIEW & DISCUSSION - PROPOSED SEWER
CONNECTION & USE AGREEMENT WITH THE CITY OF WATSON.**

Updated agreement provided, highlighting Watson's comments and staff's comments.

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular city council meeting of January 20, 2009, as presented.

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

- None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING JANUARY 30, 2009 IN THE AMOUNT OF \$277,232.64.

6. Public Hearings.

None.

7. General Business.

7(A) NUISANCE AT 210 SOUTH 8TH STREET.

Community Development Director Nick Haggemiller was present to address questions/concerns raised by the council regarding the nuisance abatement issue at 210 South 8th Street. At the January 12th council meeting, the city council passed a resolution directing the abatement of a nuisance on property at 210 South 8th Street owned by Ryan & Sarah Bunn. The resolution provided January 20, 2009 at 7:00 P.M. as a time for the property owner to appear and be heard. The property owner did not appear at that time. All of the necessary and required steps have been taken by the city, with no action taken by the property owner, or contact from them. Therefore, a resolution had been prepared which authorizes the city to abate the nuisances and assess the costs (plus 25%) as a special assessment against the property.

MARVIN GARBE OFFERED RESOLUTION NO. 2897, A RESOLUTION AUTHORIZING CITY TO ABATE NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2897 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(B) PARK BOARD/PLANNING COMMISSION APPOINTMENTS.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to appoint Mary Saeger to the planning commission, term expiring December 31, 2011 and appoint Bill

Pauling to the park board, to fulfill the unexpired term of retired board member Jim Litchy, term expiring December 31, 2011.

7(C) ENGINEER'S REPORT - 2009 CONSTRUCTION PROJECTS.

As directed by Resolution No. 2865, the city engineer prepared a preliminary engineering report on the 2009 Utility & Street Improvements. Berryman reviewed the report, which discussed the following projects:

Proposed Street Improvement Projects:

Project 1 - Sherman Avenue, 7th Street to 11th Street - \$264,500

Project 2 - Ashmore Avenue/24th Street - \$272,500

Project 3 - Frontage Drive, CR 15 to 17th Street - \$30,000

Proposed Utility Improvement Projects:

Project 1 - Storm sewer between Buckeye Drive & 19th Street - \$47,500

Total Estimated Project Costs: \$614,500.

A time line for the project was also proposed, as follows:

February 2	-----	Formally receiving the report and calling for a public hearing (3/2) (Resolution)
March 2	-----	Council holds public hearing
	-----	Council orders plans, specifications and the solicitation of bids (Resolution Ordering the Improvement After Public Hearing)
April 16	-----	Bid opening date
April 20	-----	Council reviews bids
	-----	Council sets assessment rates for the project (Resolution)
	-----	Council calls for final assessment hearing (5/19)(Resolution)
May 18	-----	Council holds final assessment hearing and sets final rates (Resolution to Adopt the Final Assessment Roll)
	-----	Council awards bids
June 1	-----	Bond sale approval
Mid-June	-----	Construction begins

A number of issues were voiced, including: 1) possibility of fixing some of the "bad spots" on Ashmore Avenue - the engineer indicated \$10,000 has been included for

additional aggregate; 2) concern over the proposed 28' width of Ashmore Avenue; 3) traffic usage of Ashmore Avenue; 4) curb returns on Ashmore/24th; 5) overlay of William Avenue; and, the need to discuss state-aid designation/re-designation.

President Hodge asked about the difficulty of selling bonds, in light of the current economic situation. City Manager Jones stated he had spoken with Carolyn Drude, Bond Consultant with Ehlers & Associates. Ms. Drude said that with the city's excellent "A" bond rating and based on the amount of the bond sale, she anticipates multiple bidders at good rates. As a back-up, staff plans to discuss bank negotiated sales with local financial institutions.

MARVIN GARBE OFFERED RESOLUTION NO. 2898, A RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT (2009 STREET & UTILITY IMPROVEMENTS), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2898 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, KAREN NIEUWBEERTA, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(D) AIRPORT PLOW TRUCK.

State bid prices have been obtained for acquisition of a plow truck for the airport. Estimated total cost is \$91,233.02 (approximately \$94,000 is available from the FAA.) Of this cost, the FAA would pay \$86,671.37 (95%) and the city and county would split the remaining 5% (\$4,561.65) or \$2,280.83 each.

Staff indicated that county approval is anticipated on 2/3, and that the airport commission had yet to review this information. However, the commission is scheduled to meet on February 10th and information is due into the FAA by February 11th. Therefore, staff recommended approval, with the understanding that if not supported by the airport commission, the truck would not be ordered.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the state bid prices for the airport plow truck, as presented.

7(E) WRITING OFF BAD DEBT.

City Clerk Lauritsen explained that two additional bills remain unpaid and uncollectible, as follows:

- 10/17/08 mowing at 516 State Road (now tax forfeited property) - \$62.50
- NSF check for 2008 pool tickets in the amount of \$75.00 + bank processing fee of \$30.00, for total of \$105.00

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to authorize the writing off of these bills as bad debt.

8. Ordinances.

8(A) NUISANCE ABATEMENTS.

Ordinance language has been drafted which would allow city staff to post notice on a property, if an owner cannot be found. Such posting would satisfy the service requirements and would apply to nuisance abatements only, not building abatements. Community Development Director Haggemiller was present for the discussion.

MARVIN GARBE INTRODUCED ORDINANCE NO. 888, AN ORDINANCE AMENDING 4-1-4A OF THE MONTEVIDEO CITY CODE, NOTICE TO ABATE; HEARING.

8(B) SIGN SETBACKS IN B-1 & B-2 DISTRICTS.

On January 26, 2009, the Montevideo Planning Commission held a public hearing to consider amending the city code regulating the distance that signs can be placed from the lot lines in B-1 and B-2 Districts. The proposed change would allow the base of a pedestal or ground sign to within 10 feet of the front lot line and the sign face to within 5 feet of the front lot line.

BRYCE CURTISS INTRODUCED ORDINANCE NO. 889, AN ORDINANCE AMENDING 11-14-5A OF THE MONTEVIDEO CITY CODE, YARD REQUIREMENTS.

8(C) TEMPORARY ON-SALE LICENSES.

The city has received a request from the VFW to serve food and liquor at the TACC on April 4, 2009, in conjunction with the send off for the National Guard troops. City Code currently restricts the issuance of this type of **on-sale license** to wine tasting purposes only. Inasmuch as state statute allows this type of permit and because its use would be on a very limited basis, an ordinance has been prepared by the city attorney to provide for a

temporary on-sale license for clubs, charitable, religious or other nonprofit organizations that are currently licensed by the city to sell on-sale intoxicating liquor.

KAREN NIEUWBEERTA INTRODUCED ORDINANCE NO. 890, AN ORDINANCE AMENDING 3-2A-2 OF THE MONTEVIDEO CITY CODE, TEMPORARY ON-SALE LICENSES.

9. Discussion and Miscellaneous.

9(A) SEWER CONNECTION & USE AGREEMENT WITH WATSON.

A preliminary review was conducted of the proposed agreement with the City of Watson to take their wastewater flow. The council had been provided with a copy that included Watson's comments, as well as staff comments. Utilities Superintendent Byron Hayunga was on hand for the discussion.

No action taken at this time.

- ▶ Council member Garbe stated that the library board would like to add another council member to its membership. Council member Johnsrud volunteered to serve in that capacity.

It was moved by Garbe, seconded by Curtiss and unanimously passed to appoint Al Johnsrud to serve on the local library board, term expiring December 31, 2011.

Meeting adjourned at 8:20 P.M.

Glennis A. Lauritsen, Secretary

Approved by council March 2, 2009:

Sandra Hodge, President