

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
June 16, 2008

The city council met in regular session Monday, June 16, 2008 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, Mike Diggins, Marvin Garbe, Bryce Curtiss and Karen Nieuwbeerta. Absent: None. Mayor Curtiss present.

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

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

It was moved by Nieuwbeerta, seconded by Diggins and unanimously passed to approve the minutes of the regular city council meeting of June 2, 2008, as presented.

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

4(A) INTRODUCTION OF POLICE OFFICER ANGELA KVEENE.

Police Chief Adam Christopher introduced Angela Kveene, full-time police officer hired June 16, 2008. Angela had worked for the department part-time since November 2007.

Mayor Curtiss administered the oath of office to Officer Kveene.

APPEARANCE OF CITIZENS - CEMETERY RULES/REGULATIONS.

Several community members were present to address the council regarding recent city action taken at the Sunset Memorial Cemetery to remove unapproved items placed on and around the grave sites. Individuals expressing their concerns were: Dianna Johnson, Donna Halvorson, Jan Bothun and council member Karen Nieuwbeerta.

Following discussion, it was the consensus of the council that this item be placed on the July 7th agenda for further consideration. Council asked that the public works director and cemetery sexton be present at that meeting.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING JUNE 13, 2008 IN THE AMOUNT OF \$288,439.12.

6. Public Hearings.

None.

7. General Business.

7(A) \$1,345,000 G.O. IMPROVEMENT BOND ISSUE.

Rebekah Kurtz, Ehlers & Associates, was present to discuss bids received for the \$1,345,000 General Obligation Improvement Bonds Issue, Series 2008A. Prior to that discussion, Kurtz presented the city with an Authentication Certificate for achieving a "Credit Rating A" by Standard & Poor's. Kurtz commended the city on this achievement, which recognized "the city's prominence as a regional economic center, its above average income and wealth indicators, its strong financial performance including maintenance of substantial reserve levels, and a manageable debt burden."

Kurtz then discussed bids received for the sale of the bonds necessary to fund the 2008 Street Improvements. Three bids were received, as follows:

Bidder	True Interest Rate
BERNARDI SECURITIES, INC. Chicago, Illinois KleinBank - Montevideo, MN	3.9021%
CRONIN & COMPANY, INC. Minneapolis, MN	4.0399%
NORTHLAND SECURITIES, INC. Minneapolis, MN	4.2811%

Kurtz recommended acceptance of the low bidder, Bernardi Securities, Inc.

MARVIN GARBE OFFERED RESOLUTION NO. 2843, A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$1,345,000 G.O. IMPROVEMENT BONDS, SERIES 2008A, PLEDGING FOR THE SECURITY THEREOF SPECIAL ASSESSMENTS AND LEVYING A TAX FOR THE PAYMENT THEREOF, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2843 WAS SECONDED BY MIKE DIGGINS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, MIKE DIGGINS, BRYCE CURTISS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(B) STATE AID ADVANCE.

A \$275,000 advance of funds from the Municipal State Aid Street Fund is needed to fund a portion of the city's costs related to the Highway 7 reconstruction. The advance would be used to offset some of the costs related to utilities, traffic signals, service drives and turn lanes.

MIKE DIGGINS OFFERED RESOLUTION NO. 2844, A RESOLUTION FOR STATE AID STREET FUNDS ADVANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2844 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MIKE DIGGINS, BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(C) NUISANCE ABATEMENTS.

Four (4) properties remain unaddressed, following notification by the city concerning nuisance items that needed to be abated. This date and time had been provided for the property owners to be heard. In order for the city to proceed with the abatement, resolutions are required.

Lot 1 - Ramsey Mobile Home park - Jack & Marlys Strommer, Property Owners.

MARVIN GARBE OFFERED RESOLUTION NO. 2845, A RESOLUTION AUTHORIZING THE CITY TO ABATE NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2845 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE,

BRYCE CURTISS, MIKE DIGGINS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

Lot 54 - Northdale Community - Jack & Marlys Strommer, Property Owners.

MIKE DIGGINS OFFERED RESOLUTION NO. 2846, A RESOLUTION AUTHORIZING CITY TO ABATE NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2846 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MIKE DIGGINS, KAREN NIEUWBEERTA, MARVIN GARBE, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

1314 North 3RD Street - Adrian Contreras Tovar, Property Owner.

BRYCE CURTISS OFFERED RESOLUTION NO. 2847, A RESOLUTION AUTHORIZING CITY TO ABATE NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2847 WAS SECONDED BY MIKE DIGGINS. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, MIKE DIGGINS, MARVIN GARBE, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

223 South 6th Street - Tanya Burkhardt, Property Owner.

BRYCE CURTISS OFFERED RESOLUTION NO. 2848, A RESOLUTION AUTHORIZING CITY TO ABATE NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2848 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE, MIKE DIGGINS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(D) HAZARDOUS BUILDING AT 2709 EAST HIGHWAY 7.

A collapsed shed has been identified by city staff as hazardous. The property is owned by Jeff Drexler and is located at 2709 East Highway 7. Notices were sent to the property

owner notifying him of the condition of the building and requesting that the building be repaired.

City Manager Jones informed the council that he had received a phone message from Mr. Drexler indicating that the issue would be resolved by the end of the week of June 16th. Jones suggested, however, that council adopt the resolution ordering the repair, removal or demolition of the building, in the event that this does not occur.

BRYCE CURTISS OFFERED RESOLUTION NO. 2849, A RESOLUTION ADOPTING AN ORDER TO REPAIR, REMOVE OR DEMOLISH HAZARDOUS BUILDING, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2849 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, MARVIN GARBE, KAREN NIEUWBEERTA, MIKE DIGGINS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(E) HIGHWAY 7 TREE REMOVAL REQUEST.

Fiesta Town Square business owners have submitted a request to the city that the trees between 11th Street and Legion Drive, along Highway 7 in front of their businesses, be removed. They pledge to plant two trees for every tree that is being removed in a suitable location elsewhere in the city.

It was moved by Curtiss, seconded by Garbe and unanimously passed to direct staff to communicate with Mn/DOT requesting that they approve of such removal and by city personnel.

7(F) NOISE ORDINANCE.

Police Chief Adam Christopher was on hand to further discuss the issue of loud vehicle stereo noise, and noise generated from house parties. As directed at the May 5, 2008 city council meeting, Christopher had gathered ordinance language examples from other cities, which was presented to council for this discussion. Christopher stated that the main difference between other cities and Montevideo is the "prima facie evidence," which specifies distance rather than the vague language currently in the city's ordinance. Christopher encouraged the city to adopt such similar language, as the council deems appropriate.

Following discussion, it was moved by Garbe, seconded by Diggins and unanimously passed to direct staff to draft an ordinance incorporating a 50' distance threshold for noise violations (vehicle stereo and house parties). It was also the consensus of the council that the section regarding barking dogs be discussed further.

7(G) PERA POLICE & FIRE FUND ELIGIBILITY - EDWARD PICTH.

MARVIN GARBE OFFERED RESOLUTION NO. 2850, A RESOLUTION PROVIDING ELIGIBILITY INTO PERA'S POLICE & FIRE FUND FOR PART-TIME POLICE OFFICER EDWARD PICTH, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2850 WAS SECONDED BY MIKE DIGGINS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, MIKE DIGGINS, BRYCE CURTISS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(H) SOIL BORINGS AT WWTP.

Additional soil borings are necessary at the wastewater treatment plant due to an expanded/newly sited sludge holding tank and a storm sewer crossing under the highway. Estimated cost for four (4) soil borings is \$13,788, plus engineering hourly costs associated with the reviews.

It was moved by Garbe, seconded by Curtiss and unanimously passed to authorize the mayor and city manager to execute the proposal with SEH for the necessary additional soil borings.

7(I) GIFT FROM FIRE RELIEF ASSOCIATION.

MARVIN GARBE OFFERED RESOLUTION NO. 2851, A RESOLUTION ACCEPTING GIFT OF \$500.00 FROM THE MONTEVIDEO FIRE RELIEF ASSOCIATION TO BE RELAYED TO THE FIESTA COMMITTEE FOR FIESTA DAYS ACTIVITY COSTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2851 WAS SECONDED BY MIKE DIGGINS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, MIKE DIGGINS, BRYCE CURTISS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(J) MN/DOT GRANT AGREEMENT (PARALLEL TAXIWAY PROJECT).

Although the council previously took action to authorize the execution of this agreement, a formal resolution is required.

MIKE DIGGINS OFFERED RESOLUTION NO. 2852, A RESOLUTION AUTHORIZING EXECUTION OF MN/DOT GRANT AGREEMENT NO. 93010 FOR AIRPORT IMPROVEMENT EXCLUDING LAND ACQUISITION (PARALLEL TAXIWAY 14/32), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2852 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MIKE DIGGINS, BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(K) LIBRARY FINANCING.

Since the June 2, 2008 city council meeting, staff was visited by County Commissioner Mark Dahl to discuss library financing issues. Specifically, Dahl requested that both sides agree to immediately fund \$10,000 to the library and then meet together to discuss how to proceed from there.

Council briefly discussed the request, noting a concern that if they agree to the \$10,000 funding this year, would that amount then “automatically” be added to next year’s funding. The council also voiced concern over the daily hours of operation resuming, without consideration for apparent budget constraints.

It was the consensus of council that all parties need to meet jointly to discuss the Montevideo Library. This would include members of the County Board, County Library Board, City Council, John Houlahan - Director, Pioneerland Library System, Dave Lauritsen - Librarian. County Commissioner Dahl had suggested June 24th. All council members indicated they would be available to meet on that day.

8. Ordinances.

8(A) INTRODUCTION OF ORDINANCE NO. 877.

The city’s new MS4 Storm Water Permit requires an ordinance controlling construction storm water runoff. The city will be required to monitor and enforce the state statutes dealing with erosion control.

MIKE DIGGINS INTRODUCED ORDINANCE NO. 877, AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 10 OF THE MONTEVIDEO CITY CODE BY ADDING A NEW SECTION 6, ENTITLED "CONSTRUCTION EROSION CONTROL."

9. Discussion and Miscellaneous.

- ▶ City Engineer Berryman updated the council on current projects, including progress on Well #17, 2008 Utility Improvement Projects and 2008 Street Improvement Projects.
- ▶ Council member Garbe submitted two property addresses to be checked for weeds and nuisances - 502 South 7th Street and 123 North 7th Street.
- ▶ Council member Garbe commented on two areas needing repairs - Access onto 28th Street behind Firestone in the Wal-Mart area and "hump" at 11th & Nichols.
- ▶ Council member Garbe stated he had been asked to attend a Mn/DOT Variance Committee meeting on June 25th and asked whether council members had any objection. No objections were voiced. Garbe noted that perhaps a variance could be obtained for Wolfe Avenue so that a portion of it could be improved using state-aid funds.

Meeting adjourned at 9:10 P.M. to 5:00 P.M. on Tuesday, June 24, 2008 in the city hall council chambers.

Glennis A. Lauritsen, Secretary

Approved by council July 7, 2008:

Sandra Hodge, President