

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
August 15, 2011

The city council met in regular session Monday, August 15, 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 Nieuwebeerta and Sandra Hodge. Absent: None. Mayor Debra Lee Fader present.

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

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

ACTION ITEM DESCRIPTION:

Add: 5(B) CONSIDER APPLICATION FROM THE CHURCH OF ST. JOSEPH FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS.

Modify: 7(J) CONSIDER RESOLUTION ~~ORDERING THE REPAIR, REMOVAL OR DEMOLITION OF HAZARDOUS STRUCTURE~~ DIRECTING THE ABATEMENT OF A NUISANCE AT 1314 NORTH 3RD STREET.

A revised agenda cover sheet and resolution were prepared to address the fence issue as a nuisance abatement, rather than an Order to Repair/Remove/Demolish.

Add: 7(N) CONSIDER RESOLUTION ACCEPTING GIFT OF REAL ESTATE (RIGHT-OF-WAY FOR CITY OF MONTEVIDEO FLOOD CONTROL PROJECT.)

It was moved by Garbe, seconded by Nieuwebeerta and unanimously passed to approve the minutes of the Budget Worksession of July 25, 2011 and regular meeting of August 1, 2011, as presented.

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

Katie Frank, Wal-Mart Store Manager, was present to introduce herself and discuss the vision Wal-Mart has for community participation.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING AUGUST 12, 2011 IN THE AMOUNT OF \$176,335.48.

5(B) APPLICATION FROM THE CHURCH OF ST. JOSEPH FOR AN EXEMPTION FROM LAWFUL GAMBLING REQUIREMENTS TO CONDUCT BINGO AND RAFFLE ACTIVITIES AT THE PARISH CENTER, 512 BLACK OAK AVENUE, IN CONJUNCTION WITH THEIR FALL FESTIVAL.

6. Public Hearings.

- None.

7. General Business.

7(A) REZONING OF KALMOE PROPERTY.

Community Development Director Nick Haggemiller was present to discuss this rezoning issue. Haggemiller stated that as a part of the planning commission meeting of August 8, 2011, the commission held a public hearing to consider a request by Chippewa Enterprises for rezoning of a parcel at the SE intersection of Ashmore Avenue and Highway 29 (Benson Road), from R1 - Single Family Residential District, to B2 - Highway Business District. The proposed rezoning would accommodate the construction of a new facility by Chippewa Enterprises to be located on this parcel. Following the hearing, the commission unanimously recommended the rezoning.

MARVIN GARBE INTRODUCED ORDINANCE NO. 912, AN ORDINANCE REZONING LAND.

7(B) CUP - CHIPPEWA ENTERPRISES.

Community Development Director Haggemiller was present to discuss the conditional use permit request. Haggemiller stated that as a part of its meeting of August 8, 2011, the planning commission held a public hearing to consider a request by Chippewa Enterprises for a conditional use permit to allow office space on property in a B2 - Highway Business District - at the SE intersection of Ashmore Avenue and Highway 29 (Benson Road). Following the hearing, the commission unanimously recommended approval of the conditional use permit, with the following conditions:

1. Contingent upon rezoning of the parcel, from R1 - Single-Family Residential to B2 - Highway Commercial District.
2. Subject to planning commission acceptance and approval of a site plan by the applicant.
3. If deemed necessary by the planning commission during the site plan review, screening shall be provided between the proposed development and neighboring residential parcels to the south on Highway 29.
4. Applicant will work with Mn/DOT and city staff ensuring vehicular approaches meet guidelines set forth from the State of Minnesota and do not pose threats of congestion or traffic accidents.
5. The city reserves the right to review this permit at any time and to add additional conditions to preserve and protect the character of the area in order to lessen any negative implications from this permit.

Gwen Bowler, Executive Director of Chippewa Enterprises, was also present to briefly describe their business. Bowler explained that Chippewa Enterprises has been in existence since 1960 and works with mentally handicapped individuals providing work training and work placement. It is a facility regulated closely by the State of Minnesota. She added that they are very excited about the proposed expansion and the benefits their growth would provide to the community.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the issuance of a conditional use permit, as recommended by the Montevideo Planning Commission, including conditions 1-5 listed above and contingent upon the adoption of Ordinance No. 912 (rezoning issue.)

7(C) 2:00 A.M. CLOSING RENEWAL - INN LIKE FLINN, INC.

Inn Like Flinn, Inc., 305 South 1st Street, wishes to submit a renewal application to the State of Minnesota for the optional 2:00 A.M. closing of their liquor establishment. The application must first be approved in an official meeting by the governing body of the city approving the sale of alcoholic beverages until 2:00 A.M. Their current permit expires 9/4/11.

It was moved by Curtiss and seconded by Nieuwbeerta to approve the renewal application. Those voting in favor of motion: Curtiss, Nieuwbeerta, Johnsrud and Garbe. Those voting against motion: Hodge. Motion passed 4-1.

7(D) SALE OF TANKER TRUCK TO CITY OF BOYD.

City Manager Jones explained that the city recently replaced an older tanker truck (1993 Chassis/1986 Tank) with a newer tanker truck, and that the older unit is now for sale. The City of Boyd has offered \$10,000 for the used tanker truck. The truck may be worth \$15,000 to \$20,000; however, this is not known for sure without testing the market.

The fire chief and city manager have recommended selling the unit to the City of Boyd, because they believe the offer to be fair, the unit would not have to be stored over the winter and, if kept local, the citizens in the area would still get the benefit of a workable tanker unit (mutual aid.)

It was moved by Garbe, seconded by Curtiss and unanimously passed to authorize the sale of the tanker truck to the City of Boyd for \$10,000.

7(E) SNOWGUARDS AT WASTEWATER TREATMENT PLANT.

Utilities Superintendent Byron Hayunga was present to discuss issues at the preliminary treatment building and the sludge thickening building at the wastewater treatment plant. Hayunga stated that with heavy snows, snow and ice would hang over the roof line 18-24" thick, extending out 2-4'. At the preliminary treatment building, damage occurred on the make-up air unit (dents and insulation ripped) and the sidewalk next to the sludge thickening building became a safety hazard.

Hayunga noted that staff had consulted with the engineer on the project, as well as the original roof supplier, to determine a remedy for the situation. Quotes were subsequently obtained for the installation of snow guards. The guards would provide safety on the one building and equipment protection on the other. Two quotes were received, with the low

quote from Buysse Roofing of St. Cloud in the amount of \$14,950.00. This company was the original roof installer, so there would be no warranty issues.

City Manager Jones stated that even with this added expense, the WWTP project is still under budget and PFA funds can be used. In addition, the city can contract with Buysse Roofing directly without going through Rice Lake Construction.

President Hodge referred to a note included in Buysse's quote, which indicated that installation of the snow guards did not guarantee that snow/ice would not damage the items installed and that there may be an additional issue (water edge/flashing/rail supports) that would need to be looked at. Hayunga commented that this is a simple disclaimer from Buysse and he has no issue with it.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to accept the quote from Buysse Roofing in the amount of \$14,950.00.

7(F) NUISANCE ABATEMENT - 601 NORTH 6TH STREET.

Community Development Director Nick Haggemiller was present to discuss the abatement of a nuisance at 601 North 6th Street, on property owned by Todd Homan. The nuisance cited unsafe stairs and scaffolding on the property. Haggemiller noted that he recently spoke to the owner who indicated they would be taking care of the issue within the next few days. However, he asked that council pass the proposed resolution in case appropriate action is not taken.

MARVIN GARBE OFFERED RESOLUTION NO. 3043, A RESOLUTION DIRECTING ABATEMENT OF NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3043 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(G) NUISANCE ABATEMENT - 223 SOUTH 6TH STREET.

Community Development Director Haggemiller was present to discuss the abatement of a nuisance at 223 South 6th Street, on property owned by Tracy Thornberry and Tanya Burkhardt. The nuisance cited a bathtub, fallen fence, decayed porch and broken and/or open windows/doors. Haggemiller stated he had spoken with a relative of the owner, who stated they would be working on the issues within the next month. However, he asked that council pass the proposed resolution in case appropriate action is not taken.

BRYCE CURTISS OFFERED RESOLUTION NO. 3044, A RESOLUTION DIRECTING ABATEMENT OF NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3044 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, MARVIN GARBE, KAREN NIEUWBEERTA, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(H) ORDER TO REPAIR/REMOVE/DEMOLISH - 621 STATE ROAD.

Community Development Director Haggenmiller was present to discuss the proposed Order to Repair/Remove Demolish a hazardous building at 621 State Road, on property owned by Jonathan Galis. The Order cites unsecured property, planks missing on front porch deck and failing siding. Haggenmiller stated there had been no contact with the owner.

AL JOHNSRUD OFFERED RESOLUTION NO. 3045, A RESOLUTION ORDERING THE HAZARDOUS STRUCTURE AT 621 STATE ROAD TO BE REPAIRED/ REMOVED/DEMOLISHED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3045 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(I) ORDER TO REPAIR/REMOVE/DEMOLISH - 216 NORTH 6TH STREET.

Community Development Director Haggenmiller was present to discuss the proposed Order to Repair/Remove/Demolish a hazardous structure at 216 North 6th Street, on property owned by Richard Buseman. Haggenmiller stated that the city has been dealing with this issue since 2009; building permits have been applied for but the necessary repairs have not been made. He added that there has been no contact with the property owner this year.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 3046, A RESOLUTION ORDERING THE STRUCTURE AT 216 NORTH 6TH STREET TO BE REPAIRED/ REMOVED/DEMOLISHED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3046 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. RESOLUTION PASSED 5-0.

7(J) NUISANCE ABATEMENT - 1314 NORTH 3RD STREET.

Community Development Director Haggemiller was present to discuss the abatement of a nuisance at 1314 North 3rd Street, on property owned by Adrian Contreras Tovar. The nuisance cited a fence with panels falling/failing/rotting; posts falling; panels missing and debris adjacent to and around the fence. Haggemiller stated he had spoken with the property owner a number of weeks ago who indicated the fence would be taken down; however that has not occurred. Staff has communicated with Tovar on this issue over the past two years.

MARVIN GARBE OFFERED RESOLUTION NO. 3047, A RESOLUTION DIRECTING ABATEMENT OF NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3047 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(K) AGREEMENT FOR REMOVAL OF CHIPPEWA RIVER DAM.

City Manager Jones explained that to assist in the removal of the Chippewa River dam, the city has received a grant from the U.S. Fish & Wildlife Service in the amount of \$100,000. In conjunction with that grant, a Cooperative Agreement has been prepared for consideration by the council.

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to approve the agreement, authorizing the mayor and city manager to execute the document on behalf of the city.

7(L) LIGHTING UPGRADE BIDS.

As a part of its meeting on June 20, 2011, the council had approved a lighting upgrade proposal package. This project is for the change-out of old lighting fixtures (T-12's) and bulbs to the new T-8 standards. Staff had identified 225 fixtures (508 bulbs) in city-owned buildings that were the older T-12 fixtures. The proposal package also requested bids for an alternate project for an additional 169 fixtures/466 bulbs for the EDA/MIDC property at 301 North 1st Street (Business Development Center [BDC].)

After review of the bids received, staff recommended approving the bid from Ron Molde Electric, Inc., for the Base Bid (+ Alternate) in the amount of \$24,415, and approve changing to 28-watt bulbs for increased savings (32-watt bulbs had been specified.) Staff

also recommended rejecting both bids for the BDC and refer both bids to the EDA/MIDC for possible review. Reason for rejecting those bids is as follows:

- ▶ Neither bid was responsive to the requirements for the EDA/MIDC bid (no Xcel Energy rebate information;
- ▶ It is in the city's best interest to take the low bid from Molde's, but not the EDA/MIDC bid. (Heartland Electric bid was higher for the city/lower for the EDA/MIDC).
- ▶ Concerns that both bids quoted different products/ideas that need to be resolved.
- ▶ It is not known whether the EDA/MIDC will want to go forward, so the information can be referred to them for their own review.

It was moved by Garbe, seconded by Curtiss and unanimously passed to accept the bid from Ron Molde Electric, approve changing to 28-watt bulbs for increased savings, and approve substituting 4' fixtures for 8' fixtures; AND to reject the alternate bid for the EDA/MIDC portion, based on the reasons cited.

7(M) GRANT EXECUTION AUTHORIZATION - SNOW MAINTENANCE BUILDING.

Bids for the airport snow equipment maintenance project have been approved by the airport commission, city council and Chippewa County Board. A resolution has now been prepared to authorize execution of all grants or required documentation for the project on behalf of the three entities.

MARVIN GARBE OFFERED RESOLUTION NO. 3048, A RESOLUTION APPROVING GRANT AUTHORIZATION, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3048 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, KAREN NIEUWBEERTA, BRYCE CURTISS, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(N) ROW PURCHASE FOR LEVEE PROJECT (TRACK 12 CORPORATION).

MARVIN GARBE OFFERED RESOLUTION NO. 3049, A RESOLUTION AUTHORIZING PURCHASE OF REAL ESTATE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3049 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.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- ▶ City Attorney Nelson informed the council that the court date for the levee condemnation proceedings was scheduled for Tuesday, August 16th, at 10:30 A.M.
- ▶ Council member Garbe stated the enclosure located behind Carey's TV & Appliance, 1209 Black Oak Avenue, was full and overflowing. Staff will follow-up.

Meeting adjourned at 7:55 P.M.

Glennis A. Lauritsen, Secretary

Approved by council September 6, 2011:

Sandra Hodge - President