

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
March 5, 2012

The city council met in regular session Monday, March 5, 2012 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, Karen Nieuwebeerta, Sandra Hodge, Al Johnsrud and Bryce Curtiss. 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.

Council President Hodge welcomed high school students present in the audience to observe the council proceedings, inviting them to pose their questions throughout the meeting.

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

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the minutes of the regular meeting of February 21, 2012, as presented.

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

4(A) EMPLOYEE SERVICE RECOGNITION - JAN FLAHERTY.

Mayor Fader presented a Certificate of Appreciation to Finance Director Jan Flaherty, in recognition of 20 years of service to the City of Montevideo. Flaherty was hired March 2, 1992.

4(B) 2012 INSURANCE PACKAGE.

Jon Kuhlmann, Casualty Assurance, was present to review the 2012 insurance package with the council. Kuhlmann presented a breakdown comparison of coverages provided, which reflected a \$7,638.00 premium increase over 2011. Kuhlmann also noted the dividend received by the city in 2011 in the amount of \$27,801.00.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING MARCH 2, 2012 IN THE AMOUNT OF \$416,529.28.

5(B) APPLICATION FROM CHIPPEWA COUNTY PHEASANTS FOREVER FOR EXEMPTION FROM LAWFUL GAMBLING REQUIREMENTS, TO CONDUCT RAFFLE AND PADDLEWHEEL ACTIVITIES MARCH 31, 2012 AT THE MONTEVIDEO TACC.

6. Public Hearings.

6(A) 2012 STREET IMPROVEMENTS.

By Resolution No. 3087, the council set this date and time for a public hearing on the 2012 Street Improvements. The following projects are proposed:

- Project 1 - North 6th Street, from T.H. 7 to Ost Avenue
- Project 2 - Orchard Circle
- Project 3 - Lincoln Avenue Storm Sewer
- Project 4 - Linda Lane
 - Project 4A - Existing Alignment (with island)
 - Project 4B - New Alignment (without island)
- Project 5 - Town Road

Council President Hodge called the public hearing to order at 7:12 P.M. The entire public hearing was recorded on tape and is on file and of record in the city clerk's office and will be retained in accordance with the adopted records retention schedule.

City Engineer Berryman reviewed and discussed the handout prepared for the public hearing, which discussed the city's assessment policy and each project individually, noting estimated project costs and estimated project assessments. Public input was received on each project, as follows:

Project 1 - North 6th Street, from T.H. 7 to Ost Avenue.

Don McKee, 1322 North 6th Street, was present to ask whether curb and gutter will be added to his property. City Engineer Berryman stated yes. He also stated that there is no alley adjacent to his property, and he requested a driveway access be added. Berryman stated that is no problem, as long as it does not interfere with traffic. McKee addressed the issue of frost boils in the area. Engineer Berryman explained that this section of street has not been redone for 30+ years; it has only received a yearly overlay and complete reconstruction should fix the issue. McKee inquired as to the removal of 2-3 trees. Berryman noted that the trees are not located on his property.

Council President Hodge stated that she had received a couple of phone calls relative to this project. One was from a property owner who lived on a corner lot inquiring about the

assessment procedure. Specifically, they already had an assessment on their property taxes for a previous project and were wondering whether an additional project could be assessed simultaneously. It was noted that multiple assessments are allowed on the tax rolls. Hodge stated that the other question posed to her was relative to the interest rate, i.e., how and when the rate would be determined. Engineer Berryman explained that the interest rate is established at the final assessment hearing (May 19th) based on the sale of the bonds. Typically, the rate is established at 1% over the rate of the bonds.

Phyllis Wik, 729 North 6th Street, was present to state that when Miawakon Avenue was improved, bituminous was placed around the corner of 6th Street, along a portion of the front of her property. She asked whether this area would be replaced with this project and whether she would be assessed for that. Engineer Berryman stated this is an area of city right-of-way, it will be replaced and will not be assessed against her property.

There were no other persons present to speak on this project.

Project 2 - Orchard Circle.

Ken Swanson, 127 Orchard Circle, was present for the hearing and stated that he had previously visited with the city engineer on the project. He conveyed that the neighborhood is happy to have the improvements done.

There were no other persons present to speak on this project.

Project 3 - Lincoln Avenue Storm Sewer

There were no persons present to speak on this project.

City Manager Jones stated that this project will be accomplished only if funds allow. The city will make that determination when bids are received. If the project is not undertaken this year, then it will be budgeted for 2013.

Project 4 - Linda Lane

Bill Mickelson, 310 Linda Lane, was present to ask about removal of the median. Engineer Berryman stated that the council would decide at this meeting whether to proceed with or without the median. Berryman stated that he had received a phone call from Mark Grussing, who owns three properties affected by the project, and asked that the median be removed. Berryman noted that each property would gain a little frontage if the median is removed. Mickelson stated he agreed that the median should be removed. He then asked about the proposed timeline for the

improvements. Berryman noted that, typically construction gets underway mid-June to the first part of July.

There were no other persons present to speak on this project.

Project 5 - Town Road.

There were no persons present to speak on this project.

No other persons were present to address the council; therefore, President Hodge closed the public hearing at 7:38 P.M.

MARVIN GARBE OFFERED RESOLUTION NO. 3096, A RESOLUTION ORDERING IMPROVEMENT AFTER PUBLIC HEARING, SPECIFYING THE REMOVAL OF THE MEDIAN ON PROJECT 4 - LINDA LANE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3096 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.

7. General Business.

7(A) ABATEMENT OF NUISANCE AT 569 GRAVEL ROAD.

AL JOHNSRUD OFFERED RESOLUTION NO. 3097, A RESOLUTION AUTHORIZING THE CITY TO ABATE NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3097 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, MARVIN GARBE, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(B) LIGHTING AT AIRPORT TERMINAL BUILDING.

City Manager Jones explained that substantial savings could be realized in energy costs if some existing incandescent lighting in the former airport terminal building were changed to more energy efficient fluorescent lighting. Xcel Energy offers a rebate for this, but the project must be completed by the end of March. Jones noted that the city had previously accepted bids and entered into a contract with Ron Molde Electric for lighting change-outs in other city buildings and has agreed to add this building to that existing contract. He added that approval is also needed by Chippewa County.

It was moved by Garbe, seconded by Curtiss and unanimously passed to direct staff to proceed with this project, contingent upon approval by the Chippewa County Board.

7(C) ACCEPTANCE OF \$1,000 GIFT FROM VFW.

Henning-Erickson VFW Post #380 would like the city to accept a \$1,000 donation from their organization's gambling funds, to be used in conjunction with the Twins Fields for Kids Program.

AL JOHNSRUD OFFERED RESOLUTION NO. 3098, A RESOLUTION ACCEPTING GIFT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3098 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, MARVIN GARBE AND BRYCE CURTISS. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

8. Ordinances.

8(A) ELECTION PRECINCT BOUNDARIES.

As a part of the county redistricting, the population in Montevideo Precinct 2 exceeds the acceptable number by 80 residents. Moving the precinct two census blocks, as recommended by the county auditor, puts Precinct 2 into compliance. The population in Precinct 1 would still remain in the acceptable range for redistricting. An ordinance is required for the boundary change.

MARVIN GARBE INTRODUCED ORDINANCE NO. 915, AN ORDINANCE AMENDING 1-7-1 OF THE MONTEVIDEO CITY CODE, ELECTION DISTRICTS DESIGNATED.

8(B) ILLEGAL DISCHARGE/ILLICIT CONNECTION.

The MS4 (Stormwater Pollution Protection Plan) requires the city to each year review mechanisms (statutory and other) to control storm water pollution. The state strongly recommends this be done in the form of an Illegal Discharge and Illicit Connection Ordinance. Therefore, the city attorney has drafted an ordinance for council review and consideration.

AL JOHNSRUD OFFERED ORDINANCE NO. 916, AN ILLEGAL DISCHARGE AND ILLICIT CONNECTION ORDINANCE.

9. Discussion and Miscellaneous.

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- ▶ Over the past few months, the council held worksessions to discuss various issues. At staff's suggestion for an additional worksession, it was moved by Garbe, seconded by Curtiss and unanimously passed that a worksession be scheduled for Monday, March 19, 2012 at 5:00 P.M.

Meeting adjourned at 7:52 P.M.

Glennis A. Lauritsen, Secretary

Approved by council March 19, 2012:

Sandra Hodge - President