

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
March 19, 2012

The city council met in regular session Monday, March 19, 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 Nieuwbeerta, 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 Nieuwbeerta and unanimously passed to approve the agenda, with the following modifications:

MODIFY:

- 5(A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING MARCH 16, 2012 IN THE AMOUNT OF ~~\$145,941.87~~ \$147,802.22.**

Modified amount reflects the addition of the following:

<u>MISCELLANEOUS</u>		
Delta Dental of MN	Premium	1,860.35

ADD:

- 7(E) CONSIDER APPLICATION FROM THE WEST 212 USBC ASSOCIATION FOR RAFFLE, PADDLEWHEEL AND TIPBOARD ACTIVITY ON APRIL 27, 2012 AT THE AMERICAN LEGION.**

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the minutes of the worksession of March 5, 2012 and regular meeting of March 5, 2012, as presented.

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

- None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING MARCH 16, 2012 IN THE (MODIFIED) AMOUNT OF \$147,802.22.

5(B) LIST OF SURPLUS/SEIZED ITEMS FOR SALE BY THE POLICE DEPARTMENT.

5(C) APPLICATION FROM THE SENIOR CITIZENS OF THE MONTEVIDEO AREA, INC., TO CONDUCT EXCLUDED BINGO AT THE MONTEVIDEO COMMUNITY CENTER ON JUNE 11, 2012.

6. Public Hearings.

6(A) PROPOSED STREET CLOSING/LAND RECLAMATION - SMITH ADDITION.

Council President Hodge called a public hearing to order at 7:04 P.M. to consider a proposed street closings and land reclamation project in Smith Addition. Street closings would include a portion of Wilkins and Pettijohn Streets, a portion of Second and Third Avenues and a portion of the alley between Chippewa/Wilkins, off of First Avenue. Work would include the removal of the road (bituminous and concrete) by city staff. Land reclamation would involve replanting of the proposed areas into natural coverings, to include native grasses and trees.

City Manager Jones explained that three houses are being acquired in Smith Addition and, therefore, select streets can be closed and land reclaimed. He noted that closing the streets and naturalizing some of the land will allow the city to save costs in snow removal and mowing. It will also add additional buffer areas along the Chippewa River.

Jones further explained that the streets are not being abandoned, only closed. If they were abandoned, different action would need to be taken by the city. He also noted that existing hydrants would remain.

Curt Berg, 604 Kingman Street, was present to state that he has no problem with the proposed street closings; however, he is concerned that the area may become a dog park. He said that people use the open areas to let their dogs run and “do their business,” without picking up after them. City Manager Jones noted that this is also a problem in city parks and encouraged Berg to contact the police department if he sees this happening.

Ron Sather, 611 Kingman Street, was present and reiterated the dog issues. He also asked about the city’s plans for future road improvements to Kingman Street. He said the pavement in the 500-600 block is quite soft/breaking up. City Manager Jones stated that there are no plans for an overlay; however, the larger holes would be filled. Jones added that, long-term (15+ years), the road will be gravel. The intent for Smith Addition has been and continues to be to depopulate. Sather stated he is retired and offered to smooth out road material, if the city were to supply it.

There were no other persons present to speak to this issue; therefore, President Hodge closed the public hearing at 7:13 P.M.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve closing the select streets and changing some of the land in Smith Addition into natural coverings.

6(B) 2012 SMALL CITIES DEVELOPMENT PROGRAM (SCDP) PROJECT.

Nick Haggemiller explained that as part of the SCDP application, all applicants are required to provide for citizen notification and involvement in the planning and implementation of the proposed project through at least one public hearing held prior to submission of the full application. Haggemiller introduced Jennifer Prins, Community Development Director with the Southwest MN Housing Partnership (SWMHP) to discuss the proposed project.

Council President Hodge called the public hearing to order at 7:17 P.M.

Prins and Haggemiller provided an update of the application status, noting that 36 pre-applications had been received, with 32 being submitted from within the designated target area. Applicants were limited to owner occupied, single-family homes. They explained that the target area for the grant is considerably larger than past SCDP projects; however, the original application requested the entire city. The Department of Employment &

Economic Development (DEED) suggested cutting down the area to what has been presented.

The amount of the total application is \$418,600 (which includes program income from the city.) Applicants must income qualify, with up to 70% of the requested amount covered by a forgivable loan over 10 years. Applicants can then work with other agencies to pull together the remaining 30%. Priarie Five Community Action Council will serve as grant administrator. Final award date will be in June, with an anticipated late summer/early fall project start-up.

There was no one present from the public to address the council on this matter; therefore, President Hodge closed the public hearing at 7:25 P.M.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 3099, A RESOLUTION IN SUPPORT OF A SMALL CITIES DEVELOPMENT PROGRAM PROJECT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3099 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, AL JOHNSRUD, MARVIN GARBE, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7. General Business.

7(A) DEPARTMENTAL ANNUAL REPORT PRESENTATIONS.

2011 Annual Report information was presented by Utilities Superintendent Byron Hayunga and Police Chief Adam Christopher.

7(B) AMENDMENT - CJDN SUBSCRIBER AGREEMENT WITH THE BCA.

Police Chief Christopher was present to explain that in 2010, the city entered into a Master Joint Powers Agreement (JPA) with the State of MN, Department of Public Safety, for the services/tools the Bureau of Criminal Apprehension (BCA) offers to the police department. eCharging is not covered by that JPA because eCharging includes interaction with courts and returns court data to the city. To further streamline the city's use of systems and tools that include court data, the BCA has entered into a separate agreement with courts that delegate to the BCA the authority to enter into an agreement with individual cities to cover court data. The document that covers data from the courts

is known as the Court Data Services Subscriber Amendment, which is being presented to the council for its review and consideration.

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

7(C) REVISED LIBRARY AGREEMENT.

City Manager Jones explained that the Library Board had suggested changes to the existing library agreement. After study, the city attorney suggested two separate agreements be drafted. The first agreement restated an existing agreement between the city and Chippewa County about the shared maintenance costs on the Montevideo Library Building, while the second agreement addressed the relationship between the county and all cities within Chippewa County.

Both agreements had been considered by the council on February 21, 2012. The first agreement (Library Building Agreement) was approved, but the council asked that the second agreement (Library Agreement) be modified to reflect that the county would pay 50% of the operating costs. That revision has been made and the agreement was presented for consideration.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the revised Library Agreement between the County of Chippewa, the City of Montevideo, the City of Clara City, the City of Maynard and the City of Milan.

Staff noted that both agreements will now be sent to the county for its review and consideration.

7(D) LOCAL COST - AIRPORT RUNWAY RENOVATION PROJECT.

City Manager Jones explained that even though it is not official (and Mn/DOT has not given the city estimates of the local share of the project), it appears that the runway renovation project will be approved and can go forward later this year. Because of changes to the FAA contribution rates (95% down to 90%), however, and how the state is calculating picking up 5% (they only pick up some of the costs at 5%), the local share of 5% will actually be closer to 7-8% of the cost. Therefore, council is being asked to consider a possible local cost increase for the project.

Estimate of local share of the project has grown from about \$90,000 to \$100,000 (\$45,000-\$50,000 each by the city and county) to \$150,000 to \$160,000 (\$75,000-\$80,000 each by the city and county). These are engineer estimates, and final costs could be higher or lower.

It was the consensus of the council to go ahead with the project, as indicated.

7(E) LAWFUL GAMBLING EXEMPTION - WEST 212 USBC ASSOCIATION.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the application by the West 212 USBC Association (Bowling Congress) for an exemption from lawful gambling license requirements for raffle, paddlewheel and tipboard activity at the American Legion on April 27, 2012.

8. Ordinances.

8(A) ELECTION PRECINCT BOUNDARIES.

IT WAS MOVED BY MARVIN GARBE THAT ORDINANCE NO. 915, AN ORDINANCE AMENDING 1-7-1 OF THE MONTEVIDEO CITY CODE, ELECTION DISTRICTS DESIGNATED, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 915 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. ORDINANCE PASSED 5-0.

8(B) ILLEGAL DISCHARGE/ILLICIT CONNECTION.

IT WAS MOVED BY AL JOHNSRUD THAT ORDINANCE NO. 916, AN ILLEGAL DISCHARGE AND ILLICIT CONNECTION ORDINANCE, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 916 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, BRYCE CURTISS, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 5-0.

8(C) SUMMARY PUBLICATION - ORDINANCE NO. 916.

Due to the length of this ordinance, staff recommended a summary publication, noting that the full text of the ordinance would be available for anyone during regular business hours, at the city clerk's office.

It was moved by Curtiss, seconded by Garbe and unanimously passed to authorize the publication of a summary ordinance, as prepared by the city attorney.

9. Discussion and Miscellaneous.

- ▶ City Engineer Berryman reported that plans and specifications are currently being prepared for the 2012 Street/Utility Improvement Projects and will soon be available for staff review.
- ▶ City Manager Jones informed the council that staff had applied for and received a tree grant. The amount of the grant is yet unknown, but roughly \$10,000.
- ▶ Council member Garbe reported that staff and other individuals had traveled to the Capitol on Wednesday, March 21st for another VA Home presentation.

Meeting adjourned at 8:18 P.M.

Glennis A. Lauritsen, Secretary

Approved by council April 2, 2012:

Sandra Hodge - President