

CITY OF MONTEVIDEO  
CITY COUNCIL PROCEEDINGS  
June 18, 2012

The city council met in regular session Monday, June 18, 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: Sandra Hodge, Marvin Garbe, Al Johnsrud and Bryce Curtiss.  
Absent: Karen Nieuwbeerta. 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 Garbe, seconded by Johnsrud and unanimously passed to approve the agenda, with the following modifications:

**MODIFY: 5(A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING JUNE 15, 2012 IN THE AMOUNT OF ~~\$151,133.13~~ \$174,052.66.**

Modification reflects the following additional invoices:

**LEGAL**

---

Nelson Oyen Torvik - May services	\$ 2,762.50
-----------------------------------	-------------

**MISCELLANEOUS**

Delta Dental of MN - Dental premium	1,860.35
-------------------------------------	----------

**SMITH ADDITION BUYOUTS**

MAAC, Inc. - Inspect/asbestos removal @ 418 Chippewa	10,830.00
MAAC, Inc. - Inspect/asbestos removal @ 512 Chippewa	3,520.00

**UTILITY**

Hawkins, Inc. - Chlorine, hydro acid, etc.	3,946.68
--	----------

**MODIFY: 7(A) CONSIDER RESOLUTION PROVIDING FOR THE ISSUANCE & SALE OF \$950,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2012.**

Inasmuch as only three members of the council were planned to be in attendance at this meeting, today's 10:00 A.M. bond sale was postponed (resolution requires four votes for passage.) Therefore, it will be necessary to continue tonight's meeting to Thursday, June 21<sup>st</sup> at 5:00 P.M. to facilitate the sale of those bonds.

Rather than adjourning at the end of the meeting tonight, a motion should be made to continue the meeting to that date and time.

It was moved by Curtiss, seconded by Johnsrud and unanimously passed to approve the minutes of the regular meeting of June 4, 2012 and worksession of June 12, 2012.

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 JUNE 15, 2012 IN THE (MODIFIED) AMOUNT OF \$174,052.66.

6. Public Hearings.

- None.

7. General Business.

7(A) \$950,000 G.O. IMPROVEMENT BONDS/2012 STREET PROJECT.

Staff noted that the bond sale previously scheduled for this morning had been postponed to Thursday. Therefore, the council will need to set a date/time to approve the bids. Staff and bond counsel have recommended Thursday, June 21, 2012 at 5:00 P.M. City Attorney Nelson advised the council to adjourn this meeting to that date/time.

No action taken at this time.

7(B) FINAL 2011 COMMITTED/ASSIGNED FUND BALANCES.

Finance Director Jan Flaherty was present to explain that the city funds with fund balances “committed” were previously identified by Resolution No. 3077 (approved December 19, 2011.) The actual amounts are now being presented to the council for approval, including approval of the amounts for the “assigned” fund balances as of December 31, 2011. A spreadsheet was prepared for council review which outlined those committed and assigned fund balances.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the committed and assigned fund balances, as presented.

7(C) PRIVATE WELL INSTALLATION - COTTAGES OF MONTEVIDEO.

City Manager Jones discussed a request submitted by the Cottages of Montevideo to install an on-site private well to use for watering their lawns. He explained that there are a number of issues the city needs to be assured of, including: that the private well does not interfere with city wells, recharge areas or wellhead protection plan; it is not an attempt to circumvent city rules, regulations or health department rules and requirements; it is environmentally correct; and, that this private well does not supplant potable, commercial or industrial water uses without a good reason, or seriously impact utility financial obligations because of infrastructure plans already in place and obligated to by the city.

City Code 8-4-41: Private Wells and Septic Systems states, “No party shall construct a new private well or septic system within the city limits of the City of Montevideo without the consent of the city manager.” After discussing the request with the utilities superintendent, Jones’ position is that the request be approved, based on the following:

1. Financial loss to the city will be minor - it does not affect overall city financial plans to repay water infrastructure costs;
2. The well will not affect the city’s existing wellhead protection plan. (It is far removed from the area of protection.)
3. Environmentally, it is sound (treated water is not a good use for lawn watering.)

4. It is sound water conservation from the point of view of the city. (Less water that will need to be pumped, and the use is not a priority - saves water for more important uses.)
5. It is close to an area of high water tables or perched water, so the city's aquifer will not be affected.

It was moved by Garbe, seconded by Curtiss and unanimously passed to affirm the city manager's position to allow the installation of a private well by the Cottages of Montevideo.

7(D) REQUEST FOR CONNECTION TO CITY STORM WATER SYSTEM.

City Manager Jones explained that the Cottages of Montevideo has requested permission to install an underground drain into the city storm water system on Ashmore Avenue. At the Cottages, one of the units appears to have been built too low, and surface water can (and has) entered the building. A small private storm water extension to the city's storm sewer system may help alleviate the problem.

It was moved by Johnsrud, seconded by Garbe and unanimously passed to approve the request, as submitted.

7(E) HOMEFRONT I & II EXPANSION.

City Manager Jones presented a conditional use permit request by Homefront Properties, LLC, for a proposed expansion of their existing care center facilities at 216 and 224 North 19<sup>th</sup> Street by adding two buildings directly east of the existing structures. The Montevideo Planning Commission held the required public hearing on Monday, June 11, 2012 and unanimously recommended approval, with the following conditions:

1. Drainage plans need to be reviewed and approved by the city engineer prior to construction. Any costs to review these plans must be paid by the developer.
2. The developer must verify that elevations of the expansion to the east are compatible with future street construction to the north and east. Any city engineering costs needed to coordinate this with the developer will be paid for by the developer.

3. The planning commission reserves the right to review the off-street parking situation on a yearly basis and, if deficiencies are found, require further action to comply with permit and code requirements.
4. The conditional use permit is subject to yearly review and renewal, and the city reserves the right to add further conditions.
5. Signage for the designated parking areas is encouraged; and,
6. Insure center sidewalk extends to the west side parking lot.

Lyle & Christy Johnson, 116 North 19<sup>th</sup> Street, were present to state their concerns relative to drainage and parking. The Johnson's own the property directly adjacent/south of the Homefront property.

Following discussion, it was the consensus of the council that condition #1 be modified to read, "Drainage plans need to be reviewed and approved by the city engineer **and city council** prior to construction. Any costs to review these plans must be paid by the developer." and that condition #5 be modified to read, "Signage for the designated parking areas is ~~encouraged~~ required."

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the conditional use permit, with the conditions listed above.

7(F) SITE PLAN REVIEW - HOMEFRONT I/II EXPANSION.

As discussed in the previous agenda item, Homefront Properties, LLC has proposed an expansion of the existing care facilities located at 216 and 224 North 19<sup>th</sup> Street. The Montevideo Planning Commission reviewed the site plan at its June 11, 2012 meeting and unanimously recommended its approval.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the site plan, as submitted.

7(G) SITE PLAN REVIEW - TOPPER'S BAR & GRILL.

Steve Frommel, dba/Topper's Bar & Grill has submitted a site plan review for a proposed building expansion at 311 State Road (roof cover/enclosure of existing outside patio area adjacent to The Warehouse.) Mr. Frommel was present to address questions/concerns raised by the council.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the site plan, as presented.

7(H) CONDITIONAL USE PERMIT - BIRKEY JUNK YARD/RECYCLING CENTER.

City Manager Jones explained that in response to complaints received, the Montevideo Planning Commission had reviewed an existing conditional use permit for Steve Birkey, to allow a junk yard/recycling center in an I2 District on property owned by Jeff Drexler at 315 Wilkins Street.

Jones stated that prior to the planning commission meeting, city staff met with Birkey to review the situation. Birkey had attempted to live within conditions placed on the permit; however, problems remained. Birkey has now requested permission to be able to expand into the vacant lot across from 315 Wilkins Street, also owned by Jeff Drexler. That area is protected (screened) by a berm system built on the lot in 1997. This allows screening on the north, east and south sides. After review and discussion with Birkey, staff recommended an additional condition be added to the permit, as follows:

- ▶ Storage of materials may take place on the vacant lot owned by Jeff Drexler, across from 315 Wilkins Street, as long as it is off city right-of-way and is behind the berm system. The city reserves the right to add further conditions or screening requirements in the future.

Following discussion, the planning commission unanimously recommended amending the conditional use permit to include the additional condition, as requested, and directed staff to insure that the property owner (Drexler) was in agreement.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to amend the existing conditional use permit to allow the use of the vacant lot, as requested.

7(I) CHIPPEWA RIVER DAM REMOVAL BIDS.

Bids have been received for demolition of the Chippewa River Dam and reconstruction of the channel, as follows:

<u>Bidder</u>	<u>Bid</u>
MAAC, Inc. - Montevideo	\$244,014.47
Schoep Contracting, LLC - Montevideo	\$309,996.58
Rachel Contracting - St. Michael	\$313,198.00
Riley Brothers Construction, Inc. - Morris	\$701,390.00

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the low bid from MAAC, Inc., in the amount of \$244,014.47, contingent upon approval by the Minnesota Department of Natural Resources and the U.S. Fish & Wildlife Service.

7(J) ACTING CITY MANAGER/CITY CLERK.

AL JOHNSRUD OFFERED RESOLUTION NO. 3115, A RESOLUTION PROVIDING FOR AN ACTING CITY MANAGER (GREG SCHWAEGERL) AND ACTING CITY CLERK (JAN FLAHERTY) WHEN SUCH MAY BE REQUIRED (FOR THE REMAINDER OF CALENDAR YEAR 2012), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3115 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, BRYCE CURTISS, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

9(A) UPDATE - POSSIBLE TRANSIT SYSTEM CONSOLIDATION.

City Manager Jones updated the council on the possible consolidation of the city transit system with Prairie Five Rides, noting that staff had met with representatives of Prairie Five Rides to begin the discussion. A list of the discussion items was provided to the council for its review.

- ▶ City Engineer Berryman updated the council on the 2012 Street Improvement Project, noting that the contractor, Duininck, Inc., has indicated they will begin the project on Friday, June 22<sup>nd</sup>, by removing the existing bituminous surfacing on 6<sup>th</sup> Street and on Lincoln Avenue. A memo to affected property owners has been prepared and will be mailed by city staff.
- ▶ Brief discussion was held on the sounding of the severe weather sirens and radio announcements.

It was moved by Garbe, seconded by Curtiss and unanimously passed to adjourn the meeting to Thursday, June 21, 2012 at 5:00 P.M. to review bids received for the 2012 G.O. Improvement Bond sale.

Meeting adjourned at 8:05 P.M.

---

Glenn A. Lauritsen, Secretary

Approved by council July 2, 2012:

---

Sandra Hodge - President