

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
September 4, 2012

The city council met in regular session Tuesday, September 4, 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, Al Johnsrud, Bryce Curtiss and Sandra Hodge.
Absent: Karen Nieuwbeerta. Mayor Debra Lee Fader present.

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

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

MODIFY: 7(N) CONSIDER RESOLUTION ACCEPTING GIFTS/GRANTS FROM VARIOUS ORGANIZATIONS OR INDIVIDUALS.

Revised resolution reflected additional donation received.

ADD: 7(Q) CONSIDER REQUEST FROM LUTHER HELLER, SUPERINTENDENT OF SCHOOLS, FOR TWO (2) HANDICAP PARKING STALLS ON THE WEST SIDE OF SANFORD ELEMENTARY SCHOOL.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the minutes of the regular meeting of August 20, 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 AUGUST 31, 2012 IN THE AMOUNT OF \$285,783.23.

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

6. Public Hearings.

- None.

7. General Business.

7(A) CONDITIONAL USE PERMIT - FJERKENSTAD MINI-STORAGE.

Community Development Director Angela Steinbach presented a conditional use permit request by Dave Fjerkenstad for a proposed mini-storage facility to be located at the northeast corner of the intersection of Highways 7 & 212. Steinbach noted that the Montevideo Planning Commission had held the required public hearing at 6:30 P.M. this evening and unanimously recommended approval, with the following conditions:

1. 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.
2. The city reserves the right to review the parking conditions of this permit on a yearly basis, including the possible future need to pave the entry and parking lot areas.

It was moved by Garbe, seconded by Curtiss and unanimously passed to authorize issuance of the conditional use permit, with conditions 1 & 2, as recommended by the planning commission.

7(B) SITE PLAN REVIEW - FJERKENSTAD MINI-STORAGE.

Community Development Director Angela Steinbach presented a site plan submitted by Dave Fjerkenstad for a 28' x 76' steel and post frame building for mini-storage, to be constructed at the northeast corner of the intersection of Highways 7 & 212. This parcel is located in a B2 (Highway Business) District, a Flood Zone C (area of low flooding potential), is outside of Airport Safety Zones A & B, and meets airport height

requirements. Steinbach noted that the Montevideo Planning Commission had unanimously recommended approval.

It was moved by Johnsrud, seconded by Garbe and unanimously passed to approve the site plan, as recommended by the planning commission.

7(C) PRELIMINARY 2013 TAX LEVY.

Finance Director Jan Flaherty was present to discuss the proposed preliminary 2013 tax levy, which reflects a 2.8% increase over the 2012 levy. Total proposed 2013 levy is \$1,863,100.

Council member Garbe suggested a 3% increase instead. Staff noted that the .2% difference would result in approximately \$3,000-\$3,600 of additional revenue.

MARVIN GARBE OFFERED RESOLUTION NO. 3123, A RESOLUTION ESTABLISHING THE PRELIMINARY 2013 TAX LEVY (@ 3%), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3123 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(D) PRELIMINARY 2013 BUDGET.

Finance Director Jan Flaherty explained that recommendations from the council worksessions of August 6th and August 13th were incorporated into the preliminary budget document, showing total revenues of \$11,915,705 and total expenditures of \$11,817,223.

AL JOHNSRUD OFFERED RESOLUTION NO. 3124, A RESOLUTION ADOPTING THE PRELIMINARY BUDGET FOR THE FISCAL YEAR 2013, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3124 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.

7(E) PUBLIC COMMENT MEETING - 2013 BUDGET.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to set the date/time of December 3, 2012, 7:00 P.M., as the public comment meeting at which the council would discuss the 2013 budget and levy. The final budget would then be adopted at the regular council meeting on December 17, 2012.

7(F) EDA 2013 TAX LEVY.

Finance Director Jan Flaherty explained that the city has the authority to levy a tax for use by the Economic Development Authority (EDA). This was approved by the city for 2012, and the EDA has asked for it again in 2013. This tax is based on a maximum of .01813 of the taxable market value of the city.

MARVIN GARBE OFFERED RESOLUTION NO. 3125, A RESOLUTION AUTHORIZING A TAX LEVY FOR USE BY THE EDA, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3125 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(G) MN INTERNET CRIMES AGAINST CHILDREN TASK FORCE.

Police Chief Adam Christopher was present to request an extension (through grant cycle 2012-2013) of an existing agreement with the Minnesota Department of Public Safety Bureau of Criminal Apprehension (BCA). The agreement allows the Montevideo Police Department to assist the Minnesota Internet Crimes Against Children Task Force (ICAC) by providing an officer to assist in investigations. There is no cost associated, other than some staff time in investigations. The ICAC provides training to the local officer, as well as provides assistance to the department in cases.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve a Minnesota Internet Crimes Against Children Task Force Multi-Agency Law Enforcement Joint Powers Agreement with the Minnesota Department of Public Safety - Bureau of Criminal Apprehension - and authorizing the mayor and city manager to execute the agreement on behalf of the City of Montevideo.

7(H) 2013 STREET CONSTRUCTION PROJECTS.

City Manager Jones and Public Works Director Greg Schwaegerl reviewed and discussed the draft street construction plan, which outlines proposed street improvements for 2013-2022 and beyond. In conjunction, staff has recommended authorizing the city engineer to prepare a preliminary report and cost estimates for the following 2013 street construction projects:

1. Park Avenue (9th Street to 17th Street)
 2. Grove Avenue (Legion Drive-East)
 3. First Street (Canton Avenue to Miawakon Avenue) (**Partial State Aid**)
 4. Miawakon Avenue (1st Street to 3rd Street)
 5. Sheridan Avenue (11th Street to 17th Street) **STATE AID PROJECT**
- AND
6. Smith Park Drainage System Culverts

BRYCE CURTISS OFFERED RESOLUTION NO. 3126, A RESOLUTION REGARDING PREPARATION OF PRELIMINARY REPORT AND COST ESTIMATES FOR PROPOSED 2013 CONSTRUCTION PROJECTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3126 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, AL JOHNSRUD, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(I) 2013 UTILITY CONSTRUCTION PROJECTS.

Staff has recommended authorizing the city engineer to prepare a preliminary report and cost estimates for the following 2013 utility construction projects:

1. Water Tower Painting
2. Transmission Line Testing
3. Sanitary Sewer Lining: WWTP to Smith Addition Lift Station
8th Street, Sherman Avenue to Black Oak Avenue
4. Smith Addition Lift Remote Disconnect

MARVIN GARBE OFFERED RESOLUTION NO. 3127, A RESOLUTION REGARDING PREPARATION OF PRELIMINARY REPORT AND COST

ESTIMATES FOR PROPOSED 2013 UTILITY PROJECTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3127 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(J) DRAINAGE SYSTEM MAINTENANCE POLICY/SOP.

City Manager Jones explained that both the city's MS/4 (stormwater) and flood insurance rating plans have varying requirements (or point incentives) for having a drainage system maintenance policy and standard operating procedures (SOP). Therefore, such a plan has been drafted by staff. The plan is basically what the city has in place now; however, it has not been written.

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

7(K) CHANGE ORDER NO. 1 - WWTP STORAGE BUILDING PROJECT.

Staff explained that Peters Construction has requested a change order to allow for a one-month extension in the completion of the project. Because of a delay at the state level in approval of the plumbing plan (waste trap), the project was delayed. The proposed change order would change the project completion date from August 31, 2012 to September 30, 2012.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve Change Order No. 1, as presented.

7(L) MAYOR/COUNCIL COMPENSATION.

An increase to the compensation of the mayor and council members had been discussed during the 2013 Budget worksessions. Current compensation is \$5,825.00/year and was last increased in 2008. The consensus of the council was that the compensation be increased by 2%.

The city attorney will draft an ordinance for introduction at the September 17th meeting.

7(M) TRANSIT SYSTEM CONSOLIDATION.

City Manager Jones and Public Works Director Schwaegerl explained that after several months of discussion, a “Letter of Understanding” has been drafted and agreed to in concept for consolidation of the city’s transit system with Prairie Five Community Action Council (Prairie Five Rides.) The letter spells out in detail how the consolidation will take place and how bus sales and building rentals will be handled. The consolidation would take effect January 1, 2013.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the Letter of Understanding, as presented.

7(N) ACCEPTANCE OF GIFTS/GRANTS.

The following donations have been received which need formal approval:

Name	Description	Amount/Value
Co-Op Credit Union	Twins Fields for Kids Program	500.00
Minnwest Bank	Twins Fields for Kids Program	500.00
Brad & Marlys Weckwerth	Twins Fields for Kids Program	100.00
KleinBank	Twins Fields for Kids Program	500.00

BRYCE CURTISS OFFERED RESOLUTION NO. 3128, A RESOLUTION ACCEPTING GIFTS/GRANTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3128 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, MARVIN GARBE, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(O) BONDING FUNDS - AIRPORT RUNWAY REHAB PROJECT.

As a part of the August 6th city council meeting, the council authorized approval and execution of a Mn/DOT Grant Agreement - Construction Grant for runway rehabilitation at the airport. The state has now informed the city that a resolution is required for the authorization.

MARVIN GARBE OFFERED RESOLUTION NO. 3129, A RESOLUTION ENTITLED, "MN/DOT GRANT AGREEMENT - CONSTRUCTION GRANT FOR THE REHABILITATION OF RUNWAY 14/32 AT THE CHIPPEWA COUNTY-MONTEVIDEO AIRPORT UNDER THE AIRPORT RUNWAY PAVEMENT REHABILITATION PROGRAM," AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3129 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(P) PUBLIC WORKS ISSUES WORKSESSION.

Staff indicated they would like to meet with the city council to discuss flood policy and building space issues. They would also like to revisit the public works building issue concerns, and discuss some possible options.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to set a council worksession for Monday, October 15, 2012 at 5:30 P.M. for this purpose.

7(Q) HANDICAP PARKING BY SANFORD SCHOOL.

The School District has requested the installation of two (2) handicap parking stalls on the west side of Sanford Elementary School, on 13th Street - one to the north of the main sidewalk going into the school and one to the south of that sidewalk.

Public Works Director Schwaegerl provided photos of the area for review by the council. Schwaegerl explained that there is a cutout in this area of 13th Street that may have been used as a loading zone at one time. There is no curb access at this mid-block location, but there is at the corners. He noted that 13th Street is scheduled for improvement in 2014, and the location of the stalls may need to be further discussed at that time.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to authorize the handicap parking stalls, as requested.

8. Ordinances.

8(A) ORDINANCE NO. 920 (FENCING/SCREENING) TABLED.

Ordinance No. 920 was introduced by the council at its meeting on August 20th. The proposed ordinance would amend existing language that fences exceeding 8' in height require a building permit and/or conditional use permit to read 6' in height. (The MN State Building Code states that fences exceeding 6' require a building permit.) Since its introduction, however, staff discovered that some of the sections should remain as is. Also, because this would be a change to the zoning ordinance, a public hearing is required prior to action. Because staff is still able to enforce the building code without the proposed changes, it was recommended that action on the ordinance be tabled until such time as other changes are made to the zoning code. (This small change is not important enough to spend the time and effort to make the change at this time.)

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to table action (indefinitely) on Ordinance 920, until such time as other changes are being made to the zoning code.

9. Discussion and Miscellaneous.

- ▶ City Engineer Berryman updated the council on the progress of the 2012 Street Improvement projects, noting that paving was scheduled to start on the 5th.

Meeting adjourned at 8:13 PM.

Glennis A. Lauritsen, Secretary

Approved by council September 17, 2012:

Sandra Hodge, President