

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
February 18, 2014

The city council met in regular session Tuesday, February 18, 2014 in the council chambers at city hall. President Garbe called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Council members present: Marvin Garbe, Bryce Curtiss, Todd Hay and Nathan Schmidt.
Absent: Karen Nieuwbeerta. Mayor Debra Lee Fader present.

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

President Garbe welcomed high school students in attendance to observe the proceedings.

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

MODIFY: 5(A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING FEBRUARY 14, 2014 IN THE AMOUNT OF ~~\$204,655.18~~ \$236,444.08.

Modified amount reflects the following:

LIQUOR

| | |
|----------------------------------|-------------|
| Locher Brothers - Inventory | \$ 6,880.30 |
| Locher Brothers - Inventory | 8,487.85 |
| Madison Bottling Co. - Inventory | 5,863.90 |

CARNEGIE HALL

| | |
|---------------------------------|----------|
| Hay Dobbs - Building Assessment | 3,475.00 |
|---------------------------------|----------|

LEVEE - PHASE 2

| | |
|---------------------------------------|----------|
| SK Contracting - Wetland Construction | 3,286.00 |
|---------------------------------------|----------|

UTILITY

| | |
|---------------------------|----------|
| Hawkins, Inc. - Chemicals | 3,795.85 |
|---------------------------|----------|

- ADD:**
- 5(B) CONSIDER APPLICATION FROM CHIPPEWA COUNTY PHEASANTS FOREVER FOR EXEMPTION FROM LAWFUL GAMBLING REQUIREMENTS TO ALLOW PADDLEWHEEL & RAFFLE ACTIVITIES AT THE MONTEVIDEO TRAINING & COMMUNITY CENTER ON APRIL 5, 2014.**
- 5(C) CONSIDER APPLICATION FROM THE CHIPPEWA COUNTY FAIR ASSOCIATION FOR EXEMPTION FROM LAWFUL GAMBLING REQUIREMENTS TO ALLOW RAFFLE ACTIVITIES AS A PART OF THE CHIPPEWA COUNTY FAIR JULY 30-31/AUGUST 1-2, 2014. DATE OF DRAWING IS AUGUST 2ND AND WILL BE HELD AT THE FAIRGROUNDS.**

It was moved by Hay, seconded by Curtiss and unanimously passed to approve the minutes of the regular meeting of February 3, 2014, as presented.

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

- None.

5. Consent Agenda.

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

- 5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING JANUARY 31, 2014 IN THE (MODIFIED) AMOUNT OF \$236,444.08.
- 5(B) APPLICATION FROM CHIPPEWA COUNTY PHEASANTS FOREVER FOR EXEMPTION FROM LAWFUL GAMBLING REQUIREMENTS TO ALLOW PADDLEWHEEL & RAFFLE ACTIVITIES AT THE MONTEVIDEO TRAINING & COMMUNITY CENTER ON APRIL 5, 2014.
- 5(C) APPLICATION FROM THE CHIPPEWA COUNTY FAIR ASSOCIATION FOR EXEMPTION FROM LAWFUL GAMBLING REQUIREMENTS TO ALLOW RAFFLE ACTIVITIES AS A PART OF THE CHIPPEWA COUNTY FAIR JULY 30-31/AUGUST 1-2, 2014. DATE OF DRAWING IS AUGUST 2ND AND WILL BE HELD AT THE FAIRGROUNDS.

6. Public Hearings.

- None.

7. General Business.

7(A) 2014 FIESTA.

Angel Molden, Fiesta, Inc. was present to discuss the Fiesta Week Events Schedule, their request for city funding for 2014 in the amount of \$2,500 and their request for a new parade route. It was noted that the council need only approve those events that take place on city (public) property.

Molden explained that the main reason for the change in the parade route is safety-related (Highway 7 traffic). She noted that alternate routes had been discussed; however, the proposed route appeared to be the best. The proposed route would start at 17th/Black Oak, west on Black Oak to 12th Street, south on 12th Street to William Avenue, and end by the Cornerstone Baptist Church/Senior High School area.

Mayor Fader voiced her preference for a main street parade, but added that she understands the safety and other issues faced. Council member Curtiss stated he prefers the proposed route, stating it's better shaded and parking is not as big of an issue as it is in the downtown area. City Manager Jones stated that he has no issue with the proposed route IF Fiesta, Inc. understands they are responsible for intersection patrol(s) and trash pickup.

It was moved by Curtiss, seconded by Hay and unanimously passed to approve the event schedule; approve a 2014 contribution in the amount of \$2,500; and, approve the parade route change, as long as intersection patrol(s) and trash issues are taken care of by Fiesta, Inc.

7(B) 2014 FREIGHTLINER TRUCK PURCHASE.

Public Works Director Greg Schwaegerl was present to request the purchase of a 2014 Freightliner Truck equipped with box, hoist, snowplow and hitch for use in the Public Works Department. The capital equipment budget allows \$100,000 for this purpose. Quotes were obtained, and staff has determined that the best option is to purchase a 2014 Freightliner from IState Truck for \$71,732.92 and the equipment from Crysteel Truck

Equipment for \$27,732.71 (installed price.) Total purchase price would be \$99,465.63, plus tax on the truck of \$4,931.63, for a grand total of \$104,397.25. The truck and all equipment would be purchased through the State of Minnesota Cooperative Purchase Program. It was noted that the \$4,397.25 difference between the budgeted \$100,000 and the total purchase price would be covered within that same fund with savings realized in other purchases and the money saved by not purchasing a new pickup for the department this year.

It was moved by Schmidt, seconded by Hay and unanimously passed to approve the purchase, as recommended by staff.

7(C) CONSIDER THE PURCHASE OF MOWERS TO BE USED IN THE PARK DEPARTMENT.

Public Works Director Greg Schwaegerl was present to request the purchase of (4) mowers to be used in the Park Department. The capital equipment budget allows \$19,000 for this purpose. Schwaegerl explained that he would like to replace three (3) Z930 mowers with 2014 models and one (1) 2008 "700 Series" mower, for a total purchase price of \$17,799. All would be purchased under the State Contract.

It was moved by Hay, seconded by Curtiss and unanimously passed to authorize the purchase of four (4) mowers, as recommended by staff.

7(D) CENTER JACK PURCHASE.

Public Works Director Greg Schwaegerl was present to request the purchase of a center jack for a truck hoist to be used in the Public Works Department. The capital equipment allows \$6,000 for this purpose. Schwaegerl stated it is necessary to acquire a center jack from the Forward Lift Company inasmuch as no other jack is compatible with existing equipment. Therefore, he requested purchasing the lift jack from Carney Sales in the amount of \$4,990.

It was moved by Schmidt, seconded by Curtiss and unanimously passed to authorize the purchase of the jack, as recommended by staff.

7(E) MODIFICATIONS - HORIZON TRAILS ADDITION PUD.

Community Development Director Angela Steinbach was on hand to explain that the Montevideo Economic Development Authority (EDA) met on January 21, 2014 and unanimously approved the following recommended changes to the Horizon Trails Addition:

- ▶ Up to one (1) additional lot may be purchased if adjacent to either an owned or purchased lot. If an existing lot is between already purchased lots, both homeowners will have the right to split and purchase the lot if they choose to do so. If one of the owners opts out, the other owner shall have the right to purchase the entire adjacent lot.
- ▶ A maximum of two (2) lots that are adjacent to one another may be purchased (i.e., 3 or 4 adjacent lots may not be purchased for the purpose of one home.) A lot may not be purchased across the alley/street from a property for construction of a garage or any other item or use.
- ▶ If two adjacent lots are purchased, only one home will be required or allowed to be placed or built on the two lots per the restrictive covenants.
- ▶ Any person(s) buying a lot would be responsible for the assessments or other costs in connection with that lot.
- ▶ If a half lot is purchased, property owners would be required to conduct a survey of the lot and would be responsible for all expenses associated with it.
- ▶ Lots may not be purchased for the purpose of speculation.
- ▶ The EDA, as owners of the lot(s), is not required to sell any lot at any time.

At a special planning commission meeting held prior to the council meeting, the commission reviewed the proposed changes for incorporation into the PUD Agreement and Restrictive Covenants documents. Steinbach reported that the commission unanimously approved the recommended changes.

It was moved by Hay, seconded by Schmidt and unanimously passed to approve the recommendations of the EDA and planning commission, as presented.

7(F) FIRE HALL CONDITIONAL USE PERMIT.

At a meeting held just prior to the council meeting, the planning commission held a public hearing to consider a conditional use permit (CUP) for the proposed new Montevideo Fire Hall. The permit would allow a public building within a R3 zoning district at 911 North 11th Street.

City Manager Steve Jones stated a letter had been received via FAX at the city offices dated February 18, 2014 and received (today) at 4:24 P.M. The letter was signed by Steven J. Quam, Fredrikson & Byron, P.A., a legal firm representing Martha M. Head and Thomas V. Seifert as trustees of DMH Trust fbo Martha M. Head, an owner of the property located at 911 North 11th Street. The letter addressed issues of current ownership of the property, amount of property being discussed for the project, their concern relative to screening and lighting restrictions, and a request that the planning commission continue the hearing until its next scheduled meeting.

Jones stated that he had given testimony at the planning commission public hearing, on behalf of the Montevideo City Council, and stated that the city had attempted to work with the owners of this parcel for a number of years - by letters and phone call from city staff, letters and/or phone calls from the city attorney, and even a third party contact. He noted that the city had done everything possible to work out possible issues ahead of time. Jones said it is a shame that contact was not received sooner, so that these issues could have been addressed/resolved, rather than this last minute letter (a letter that could have easily been missed since it was faxed to the city at the end of the day.) At the planning commission meeting, City Attorney Nelson also noted that she had previously received a phone call from the firm, with general questions about the project, and then again today asking for copies of the materials provided to the planning commission. Those materials were then scanned/e-mailed to them.

Jones indicated that his testimony also included a clarification that the entire (approximate) two-acre parcel is what the city is looking to acquire, and what the CUP is requested to cover. He went on to address items from the letter, citing concerns about screening and lighting. Jones had read from several sections of the Montevideo City Code, and provided his interpretation of the Code. He had pointed out that, in his opinion, screening is mandatory only when the property is located in an Industrial or Business District and directly adjacent to a residential zone, or when commercial and industrial uses are directly adjacent to a Residential District. Lighting issues are covered

in a similar manner. Jones had asserted that, in his opinion, the fire hall itself is a residential use in the R-3 District (with a CUP), not a commercial or industrial use, so technically may not have the same screening or lighting review requirement or needs.

Jones noted that he had reviewed the entire lighting and screening plan of the project with the planning commission and had outlined that it was his opinion that screening was not needed because the building itself was low-impact, that the north side of the building was an architecturally designed building, with a pleasing outline and look. The only exit on the north side of the building (adjacent to the land owned by people represented in the letter) is an emergency door, with a small overhead light, that shines down, and not shining towards the adjacent building. Most of the firefighter parking is on the south and west side of the building (again, not adjacent to the occupied property on the north), and the large parking lot to the west of the building will only be used for a rare public event (2-3 times per year), or by a low number of visitors. Jones noted that he had also reviewed the lighting plan for the parking lot (required by code for security and safety reasons), and the lighting plan for the outside of the building. Most of the lighting on the building is placed under the soffits and fascia, and is directed downward, not upward or towards any adjacent properties. The plan does call for a small amount of decorative lighting on the east side of the building, which will be seen from 11th Street, not the property to the north. Jones went on to mention that the site plan prepared by staff also reviewed these issues and agrees that the proposed lighting and screening meets or exceeds city code and building code requirements.

To help alleviate concerns as registered in the letter, Jones had suggested that additional conditions be placed on the city in the conditional use permit, requiring that the permit be reviewed by the planning commission after a one-year period of time for additional screening/fencing needs and/or lighting needs, and if problems were found, the city would alleviate them to the satisfaction of whatever the revised permit would require.

As she had done at the planning commission, City Attorney Nelson addressed the legality of the CUP application prior to actual ownership of the property. She explained to the council that it is legal for the city to apply for the conditional use permit without actually owning the parcel, inasmuch as the permit would have no effect if the property is not acquired.

Angie Steinbach, Community Development Director, was present to state that following testimony and discussion, the planning commission voted unanimously to recommend approval of the CUP, with the following conditions:

1. City to review screening/fencing in one year.
2. City to review lighting in one year.
3. Contingent upon finalization of the transfer of the entire approximately two-acre parcel.
4. 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.

It was moved by Schmidt, seconded by Curtiss and unanimously passed to approve the conditional use permit, with the four (4) conditions recommended by the planning commission.

7(G) FIRE HALL SITE PLAN REVIEW.

In a meeting held just prior to the council meeting, the planning commission conducted a site plan review for the proposed new fire hall. Community Development Director Steinbach stated that following its review, the commission unanimously recommended its approval.

City Manager Jones referred the issues of screening and lighting to discussion held during the CUP review, and felt his comments were appropriate to the site plan review as well.

It was moved by Hay, seconded by Curtiss and unanimously passed to approve the site plan review, as recommended by the planning commission.

7(H) WATER TRANSMISSION LINE FEASIBILITY STUDIES.

Recent testing of the city's water transmission lines has shown that the lines are at the end of their life span and need to be replaced. There are several different options available for replacement. Short Elliott Hendrickson and Rodeberg & Berryman, Inc. were asked to provide cost estimates/information for feasibility studies, as follows:

1. SEH: Pipe bursting, swage lining/CIIP lining or open cut - \$25,000;
2. Rodeberg & Berryman: New transmission line down Benson Road - \$7,500.

It was moved by Schmidt, seconded by Curtiss and unanimously passed to approve both feasibility studies, as presented.

7(I) PERFORMANCE MEASUREMENT PROGRAM.

The Legislative Council on Local Results & Innovation created and released a set of 10 performance measures for cities. The City of Montevideo has chosen to participate in the performance measurement program and has adopted and implemented the minimum 10 performance measures developed by the council. By participating, the city may be eligible for a reimbursement in local government aid and an exemption from levy limits.

NATHAN SCHMIDT OFFERED RESOLUTION NO. 3210, A RESOLUTION REGARDING THE MONTEVIDEO PERFORMANCE MEASUREMENT PROGRAM, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3210 WAS SECONDED BY TODD HAY. THOSE VOTING IN FAVOR OF MOTION: NATHAN SCHMIDT, TODD HAY, BRYCE CURTISS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(J) REC VOTING DELEGATE APPOINTMENT.

It was moved by Curtiss, seconded by Schmidt and unanimously passed to appoint Mayor Fader as the voting delegate to attend the annual meeting of the MN Valley Cooperative Light & Power Association on March 22, 2014.

7(K) 2014 BOARD OF APPEAL & EQUALIZATION MEETING.

It was moved by Curtiss, seconded by Hay and unanimously passed to set the 2014 Board of Appeal & Equalization Meeting for Monday, April 28, 2014, from 6:00-6:30 P.M. at the council chambers in city hall.

7(L) PAY EQUITY SCALE CHANGES.

City Manager Jones reviewed proposed changes to the city's pay equity scale, by altering pay equity points for the utilities superintendent position and by adding a potential new

pay equity position (assistant utilities superintendent.) He suggested that points for the utilities superintendent position be increased from 680 (\$4,683-\$5,557/month) to 715 (\$5,255-\$6,235/month). Jones noted that both the water and wastewater plants have been upgraded, and the city's operator now must be an "A" Wastewater Operator, which was not required in the past. The current utilities superintendent is an "A" Operator.

Jones also requested that the council approve new pay equity points and associated salary ranges for a potential new assistant utility superintendent position. Points assigned to this position would be 605 (\$4,247-\$5,040/month). The assistant utility superintendent position would not be used until someone was hired for the position, which would not happen until there was an opening in the department, or if budgeted as an additional employee in a future budget (2015 or after.)

It was moved by Hay, seconded by Curtiss and unanimously passed to approve new pay equity points (and associated salary ranges, as noted) for the utility superintendent position at 715 points and potential new assistant utility superintendent position at 605 points.

7(M) 2013 ANNUAL REPORT DOCUMENT.

It was moved by Curtiss, seconded by Hay and unanimously passed to accept the 2013 Annual Report, as presented. It was noted that department heads would personally present their information during a council meeting over the next month or two.

8. Ordinances.

8(A) INTRODUCTION OF ORDINANCE NO. 927.

Minor changes to the city's Administrative Code have been proposed, some of which are necessary because of changes in state law and some to clarify a few internal issues. Sections affected include 2-1-9 Sick Leave; 2-1-9E Full-time Non-Union Post Retirement Health Care Savings Plan; and, 3-4-1 Employee Wellness and Recognition Programs.

Specifically, "immediate family" would be expanded to include step-parents, foster children and step-children; the timeframe for eligibility in the city's health care savings plan would be changed from "after 5 years of service" to "after 1 year of service;" and, language in the Employee Wellness & Recognition Program regarding employee "day" off

Minutes/City Council
February 18, 2014
Page No. 11

on their 10th anniversary (and every fifth year thereafter) would be clarified to “up to an additional 8 hours off.”

BRYCE CURTISS INTRODUCED ORDINANCE NO. 927, AN ORDINANCE AMENDING SECTIONS 2-1-9(A), 2-1-9(E) AND 3-4 OF THE CITY OF MONTEVIDEO ADMINISTRATIVE CODE, SICK LEAVE & EMPLOYEE WELLNESS AND RECOGNITION PROGRAMS.

9. Discussion and Miscellaneous.

- None.

Meeting adjourned at 7:55 P.M.

Glennis Lauritsen, Secretary

Approved by council March 3, 2014:

Marvin E. Garbe, President