

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
July 7, 2014

The city council met in regular session Monday, July 7, 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, Nathan Schmidt and Karen Nieuwbeerta. Absent: None. Mayor Debra Lee Fader present.

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

Solomon Gustavo introduced himself as a new staff member of the Montevideo American-News. Gustavo was welcomed by the council.

It was moved by Schmidt, 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 JULY 3, 2014 IN THE AMOUNT OF ~~\$404,536.54~~ \$450,720.26.

Revised amount reflects the following additional claims:

LIQUOR

Locher Brothers - Inventory 16,505.85

BUILDING INSPECTION

MN Dept. of Labor & Industry - 2nd Qtr. Surcharge Report 1,826.91

MISCELLANEOUS

ACS - Annual tech support for city hall main computer 1,700.00

Farmer's Union Oil Co. - Gas, etc. 11,798.53

Orbitcom - Phone bill 1,992.56

SMALL CITIES DEVELOPMENT GRANT

SW MN Housing Partnership - Disbursement #21 2,250.00

UTILITY

Hawkins, Inc. - Aluminum sulfate	5,109.87
Short, Elliott, Hendrickson, Inc. - Watermain rehab	5,000.00

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular meeting of June 16, 2014, as presented.

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

- None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING JULY 3, 2014 IN THE (MODIFIED) AMOUNT OF \$450,720.26.

6. Public Hearings.

6(A) 2013 SPECIAL ASSESSMENT - GROVE AVENUE PROJECT.

A public hearing was called to order by President Garbe at 7:03 P.M. on a proposed special assessment against Parcel #70-050-0153 for a 2013 Street Improvement Project (Grove Avenue).

During a recent financial audit conducted by Dana F. Cole & Company, LLP, an error was discovered in the assessment for the 2013 Street Improvement Project of Grove Avenue, from Legion Drive east approximately 560'. The property known as PID #70-050-0153 and owned by Dutchman's Bluff, LLP, was affected by this error. The parcel was overlooked in the assessment calculations and, therefore, the owner did not receive a final bill for the improvements.

As a part of its meeting on June 2nd, the council set this date/time for a public hearing on the proposed assessment. An individual notice was sent to the property owner notifying them of the hearing date and their proposed assessment. It was noted that the property owner had paid the assessment in full.

Inasmuch as there were no interested persons present to speak to this issue, President Garbe closed the public hearing at 7:03 P.M.

BRYCE CURTISS OFFERED RESOLUTION NO. 3232, A RESOLUTION ADOPTING ASSESSMENT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3232 WAS SECONDED BY TODD HAY. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, TODD HAY, KAREN NIEUWBEERTA, NATHAN SCHMIDT AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7. General Business.

7(A) 2013 AUDIT REVIEW.

Nancy Aagesen, Dana F. Cole & Company, LLC, was on hand to review the 2013 Audit with the council.

It was moved by Schmidt, seconded by Curtiss and unanimously passed to accept the audit, as presented.

7(B) CHANGE ORDER #1 - FIRE HALL CONSTRUCTION.

Due to the soil conditions at the fire hall site, some additional work is required. Some of this was anticipated and was a variable cost (per square foot price) in the building footprint. Soil corrections are also needed to the parking lot areas. A change order has been prepared by the contractor (KUE Contractors, Inc.) and reflects an additional \$57,328.00 for Option #1, which is recommended by staff and the city engineer.

It was moved by Hay, seconded by Nieuwbeerta and unanimously passed to approve Change Order #1 (Option #1-Drain Tile) in the amount of \$57,328.00.

7(C) DRAINAGE QUOTES - LIBRARY.

Over the past several years, during heavy rainfalls, the large amount of runoff from the Third Street hill and the embankment behind the library has caused a leak on the south side of the Montevideo Library. This was due to a misalignment of the gutter and other contributing factors during the initial construction of the building.

Two quotes have been received for the repair work. The Library Board recommended accepting the low quote of Peters Construction in the amount of \$21,599.50 and accepting the engineering bid of Rodeberg & Berryman, Inc. in the amount of \$2,444.00. Total cost of the improvements would be split 50/50 with Chippewa County; therefore, the cost to the city would be \$12,021.75.

It was moved by Hay, seconded by Schmidt and unanimously passed to accept the quotes of Peters Construction and Rodeberg & Berryman for construction and engineering services, respectively, for drainage repairs to the library building.

7(D) MCDC LOAN TO CORNERSTONE CHIROPRACTIC.

Community Development Director Angela Steinbach was present to discuss a \$50,000 loan request by Gunlogson Family Chiropractic, P.A. (dba/Cornerstone Chiropractic Health Partners) to acquire the former Dollar Store building. As a part of its meeting on July 1, 2014, the MCDC recommended approval of a \$50,000 loan from Fund #205 at 4% interest for 15 years.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the MCDC loan, as stated.

7(E) UMRDC AGREEMENT / MONTEVIDEO ARTS PROJECT.

The city council has previously agreed, along with the Convention & Visitor's Bureau (CVB) and Montevideo Arts Project (MAP) members, to begin the process to attempt to enhance public art in Montevideo. One of the first projects is to use the services of the Upper MN Valley Regional Development Commission (RDC) to plan for and apply for grants for a mural project on Artigas Plaza. An agreement between the city and the RDC has been drafted in the amount of \$4,770 for professional services associated with the project. It was noted that costs would be less, if the city is not successful in being awarded a grant.

It was moved by Hay, seconded by Curtiss and unanimously passed to approve the agreement with the RDC, as presented.

7(F) Mn/DOT COST SHARE AGREEMENT - T.H. 29 IMPROVEMENTS.

Mn/DOT plans to upgrade T.H. 29 next year. The city needs to pay the costs associated with gate valve/frame and ring casting adjustments in the amount of \$2,560.

NATHAN SCHMIDT OFFERED RESOLUTION NO. 3233, A RESOLUTION ENTERING INTO MN/DOT AGREEMENT NO. 06228, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3233 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: NATHAN SCHMIDT, KAREN NIEUWBEERTA, TODD HAY, BRYCE CURTISS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(G) AMENDMENT-AIRPORT OPERATIONS & MAINTENANCE.

Mn/DOT has offered an amendment to the existing Grant Agreement for Airport Maintenance & Operation for state fiscal year 2014 only. The amendment would increase the potential reimbursement in 2014 from \$23,100 to \$25,410.

It was moved by Hay, seconded by Curtiss and unanimously passed to accept the Amendment, as presented.

7(H) POSSIBLE CHANGES TO ADMINISTRATIVE CODE.

City Manager Jones discussed possible changes to the Administrative Code relating to unpaid leaves. The proposed changes are in the following areas: Pregnancy & Parenting Leave; Adoptive Parent; School Conference Leave; Bone Marrow Donation Leave; Elections/Voting; Reasonable Unpaid Work Time for Nursing Mothers; and, Reasonable Accommodations to an Employee for Health Conditions Relating to Pregnancy. Suggested wording has been provided by the League of MN Cities.

It was moved by Schmidt, seconded by Curtiss and unanimously passed to direct staff to draft ordinance language to add the changes to the Administrative Code.

7(I) POSSIBLE CHANGES TO PARKING ORDINANCES.

Council and staff have received a number of complaints about commercial trucks and trailers parking on city streets. Additionally, staff receives yearly complaints about semi-trucks, motor homes, boats and trailers being parked on city streets. Enforcement is difficult under existing city code language. Staff is concerned that enforcement is uneven, or even selective, and therefore, has asked for direction from council on how to proceed. In a handout prepared by city staff, the council was provided with existing ordinance language and suggestions for possible new language. Police Chief Adam Christopher was on hand for the discussion.

Following discussion, it was the consensus of the council that staff work with the city attorney to draft an ordinance for future consideration.

The council then briefly discussed nuisance type issues related to rental properties and ideas for dealing with chronic problems. As a result of that discussion, staff (city attorney, police chief, city manager) was directed to work on possible language for review by the council at a future meeting. The council also requested a list be provided to them of the properties in this (chronic) category.

7(J) CHANNEL 8 UPDATE.

A proposal has been received, along with cost estimates, to update Channel 8 equipment and software. This is not a 2014 budgeted item, and staff has requested that the process be started for this upgrade in 2015, or the near future. Costs are estimated at \$40,000-\$60,000.

It was the consensus of the council to include this issue in talks for the 2015 Budget.

7(K) 2014 PRIMARY ELECTION JUDGES/SITE.

TODD HAY OFFERED RESOLUTION NO. 3234, A RESOLUTION DESIGNATING POLLING SITES AND ELECTION JUDGES FOR THE 2014 PRIMARY ELECTION, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3234 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: TODD HAY, KAREN NIEUWBEERTA, BRYCE CURTISS, NATHAN SCHMIDT AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(L) POLICE CIVIL SERVICE COMMISSION APPOINTMENT.

It was moved by Curtiss, seconded by Schmidt and unanimously passed to appoint William Rosin to the Montevideo Police Civil Service Commission, to fulfill the unexpired term of Claudia Swanson, term expiring December 31, 2015.

7(M) BUDGET WORKSESSION SCHEDULE.

It was moved by Schmidt, seconded by Nieuwbeerta and unanimously passed to schedule the following 2015 Budget Worksessions:

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- ▶ Monday, July 28, 2014 - 6:00 P.M.
- ▶ Monday, August 4, 2014 - 6:00 P.M.
- ▶ Monday, August 18, 2014 - 6:00 P.M. (only if necessary)

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- ▶ City Engineer Berryman updated the council on the street construction projects, specifically the progress on North 4th Street.
- ▶ Council member Hay said there are several trees along 17th Street that have dead branches hanging which need to be removed. Staff will contact the public works department.

Meeting adjourned at 8:10 P.M.

Glennis A. Lauritsen, Secretary

Approved by council July 21, 2014:

Marvin E. Garbe, President