

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
September 15, 2014

The city council met in regular session Monday, September 15, 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 Engineer David Berryman, City Attorney Janice Nelson and City Clerk Glennis Lauritsen.

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

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

MODIFY: 5(A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING SEPTEMBER 12, 2014 IN THE AMOUNT OF ~~\$405,423.73~~ \$422,296.03.

Revised amount reflects the following additional claims:

LIQUOR

Locher Brothers, Inc. - Inventory	9,321.10
Madison Bottling Co. - Inventory	7,551.20

MODIFY: 7(I) CONSIDER ISSUES WITH CHARTER FRANCHISE AGREEMENT DUE TO AN INTERNAL RESTRUCTURING.

Additional documents provided - letter dated September 8, 2014 from Charter Communications regarding franchise renewal and a copy of an article discussing cable boxes.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular meeting of September 2, 2014, as presented.

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

4(A) EMPLOYEE SERVICE AWARD.

Mayor Fader presented service awards to Police Officer Troy Bruer and Public Works employee Steve Strand. Bruer received a 10-year award (hired 9/6/2004) and Strand received a 25-year award (hired 9/5/1989)

Al VanGorp, Montevideo, was present to request that the city review the drainage on south Wilkins Street in Smith Addition. City Manager Jones indicated that he had previously discussed the matter with VanGorp and suggested the city engineer now review the issue. It was the consensus of the council that the city engineer review the issue and report back to the council.

5. Consent Agenda.

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

- 5(A) APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING SEPTEMBER 12, 2014 IN THE (MODIFIED) AMOUNT OF \$422,296.03.
- 5(B) SALE OF SEIZED/SURPLUS ITEMS FOR SALE BY THE POLICE DEPARTMENT (1996 CHEVROLET ASTRO VAN, 1996 DODGE RAM PICKUP, 1991 BUICK REGAL.)
- 5(C) APPLICATION FROM TWO RIVERS CHAPTER OF MN DEER HUNTERS ASSOCIATION FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS TO ALLOW RAFFLE ACTIVITY AT THE AMERICAN LEGION ON FEBRUARY 28, 2015.
- 5(D) APPLICATION FOR USE OF CITY PROPERTY (17TH STREET, 12TH STREET, SHERIDAN AVENUE) BY THE MONTEVIDEO HIGH SCHOOL STUDENT COUNCIL TO ALLOW A HOMECOMING PARADE ON SEPTEMBER 24, 2014.

6. Public Hearings.

- None.

7. General Business.

7(A) UPDATE - CAPITAL IMPROVEMENT PLAN ADJUSTMENTS.

City Manager Jones explained that over the last few months, the city had made some major purchases, or approved projects for which the exact amount saved in the Capital Improvement Plan (CIP) for that project did not match up to the actual cost. Therefore, staff has adjusted the CIP. Jones highlighted the adjustments for the council, noting that the bottom line remains the same; amounts were simply “shuffled” around.

Update only - no action necessary.

7(B) WELL TRANSMISSION LINE PROJECT FUNDING APPLICATION.

One possible avenue of financing for the well transmission line project is through the State Public Facilities Authority (PFA). To enable an application, a resolution is required. The proposed resolution estimates the loan amount to be \$1,260,000, or the as-bid cost of the project.

BRYCE CURTISS OFFERED RESOLUTION NO. 3245, A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE MN PUBLIC FACILITY AUTHORITY CLEAN WATER REVOLVING FUND/DRINKING REVOLVING FUND, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3245 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, TODD HAY, NATHAN SCHMIDT AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(C) 2015 CONSTRUCTION PROJECTS.

Staff has recommended the council direct the city engineer to prepare a preliminary report and cost estimates for the following 2015 Street/Utility Improvement Projects:

- ▶ First Street - Canton Avenue to T.H. 7 Bridge (street/utility)
- ▶ First Street - T.H. 7 Bridge to Miawakon Avenue & Third Street (street/utility)
- ▶ 4th Street - Washington Avenue to Ashmore Avenue (street)
- ▶ Windom Avenue - West of Fire Hall to Highway 29 (street/storm sewer/utility)
- ▶ Miscellaneous alley entrances
- ▶ Miscellaneous cemetery improvements

- ▶ Miscellaneous park improvements
- ▶ Well site road (entrance)
- ▶ Wolfe Avenue/17th Street entrances
- ▶ East Highway 7 utility extensions

TODD HAY OFFERED RESOLUTION NO. 3246, A RESOLUTION REGARDING PREPARATION OF PRELIMINARY REPORT & COST ESTIMATES FOR PROPOSED 2015 CONSTRUCTION PROJECTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3246 WAS SECONDED BY NATHAN SCHMIDT. THOSE VOTING IN FAVOR OF MOTION: TODD HAY, NATHAN SCHMIDT, BRYCE CURTISS, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(D) STATE AID ADVANCE.

In order to request an advance from the Municipal State Aid Street Fund to fund a portion of the city's costs related to the First Street Improvement Project, a formal resolution must be approved by the council. The proposed resolution requests an advance in the amount of \$110,000.

BRYCE CURTISS OFFERED RESOLUTION NO. 3247, A STATE AID STREET FUNDS ADVANCE RESOLUTION, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3247 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, NATHAN SCHMIDT, TODD HAY AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(E) RAMSEY TRAILER PARK EVACUATION PLAN.

An evacuation plan for the Ramsey Trailer Park has been submitted by its manager, Laura Sears. This is a requirement of the Department of Health, and the plan must be approved by the city. The plan identifies the Benson Road safe room as its evacuation site.

It was moved by Schmidt, seconded by Hay and unanimously passed to approve the evacuation plan, as submitted.

7(F) MONTEVIDEO PERFORMANCE MEASUREMENT PROGRAM.

In the past, the city has participated in the Performance Measurement Program. This resulted in a reimbursement from the state of about \$800 and, in practice, it promised that levy limits would not apply if the city took part in the program. Annually, the city conducted a city-wide survey and relayed those results to the public and the state.

Staff explained that it costs the city as much or more to conduct the survey than what is reimbursed, and the state has not lived up to its promise with levy limits.

It was moved by Nieuwbeerta, seconded by Schmidt and unanimously passed to discontinue participation in the Performance Measurement Program.

7(G) LELS POLICE UNION AGREEMENT.

As a result of recent negotiations, a tentative two-year agreement has been drafted between the city and Law Enforcement Labor Services, Inc. (LELS) for Local #58 (Montevideo Police Department). City Manager Jones highlighted the proposed modifications, including Section 12.7 - Court/Meeting Time, Section 12.8 - Training Time, Article 15 - Wages (2.5% increase each year), Section 15.7 - Shift Differential and Section 15.8 - Starting Wage Advancement.

It was moved by Hay, seconded by Curtiss and unanimously passed to approve the 2015-2016 LELS Agreement, as presented.

7(H) FIRE HALL CHANGE ORDER NOS. 5 & 6.

Change Orders have been submitted for the fire hall project. Change Order #5 (\$313.00) adds a sub-breaker by the generator and Change Order #6 (\$1,083.00) adds a motor into the Energy Recovery System that was inadvertently omitted from the drawings and is required in order to operate the system.

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to approve the change orders, as submitted.

7(I) CHARTER FRANCHISE AGREEMENT CHANGES.

Charter Communications has contacted the city about a change to their corporate structure. Staff has recommended that the city contact Brian Grogan of Moss & Barnett

to conduct a review of the information and advise the council on any potential adverse impact the proposed transfer of control may have on consumers and constituents within the community. If the city takes no action within the 120-day time period allowed by federal law (December 27, 2014), the city's silence would serve as an implicit approval of the proposed transfer of control.

In addition, a letter dated September 8th was also received from Charter Communications about its franchise renewal with the city. The letter requests a meeting to discuss the renewal proceedings. It was staff's recommendation that this issue also be reviewed by Mr. Grogan.

It was moved by Schmidt, seconded by Hay and unanimously passed to hire Moss & Barnett to review both communications noted and advise accordingly.

7(J) MILWAUKEE ROAD HERITAGE CENTER LEASE AGREEMENT.

City Manager Jones explained that he had met with representatives of the Milwaukee Road Heritage Center (MRHC) to review the proposed lease agreement. Overall, they were agreeable to the proposed draft. They voiced concerns, however, with Section XII - Termination, A & B. Section A discusses the right of termination by the city and regaining possession upon 90 days written notice. Section B discusses the additional right of termination by the city and regaining possession upon 24-hours "in the event that the lessee's use of the premises creates a danger to public health or safety or to any property." MRHC representatives asked that Section B be modified to include language that would allow them time to correct a problem.

It was the consensus of the council that Section A language be left as is, and that the city attorney draft modified language to Section B, as discussed. Once the revised document is prepared, it will then be presented to the MRHC representatives for review.

7(K) EDA APPOINTMENT.

Mayor Debra Lee Fader has appointed Nolan Jaspersen to the Montevideo Economic Development Authority (EDA), to fulfill the unexpired term of Kathy Thalberg. The term expires December 31, 2015.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to ratify the mayoral appointment of Nolan Jaspersen to the EDA, term expiring December 31, 2015.

7(L) POLLING SITES/JUDGES FOR 2014 GENERAL ELECTION.

NATHAN SCHMIDT OFFERED RESOLUTION NO. 3248, A RESOLUTION DESIGNATING POLLING SITES (TACC) AND ELECTION JUDGES FOR THE 2014 GENERAL ELECTION NOVEMBER 4, 2014, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3248 WAS SECONDED BY TODD HAY. THOSE VOTING IN FAVOR OF MOTION: NATHAN SCHMIDT, TODD HAY, KAREN NIEUWBEERTA, BRYCE CURTISS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(M) TEMPORARY LIQUOR LICENSE - VFW.

The VFW wishes to submit an application to the State of Minnesota for a temporary on-sale liquor license to allow them to serve liquor at the Chamber Gala event on October 24, 2014 at the Hollywood Theater. City Clerk Lauritsen stated that the \$25.00 fee has been received, but proof of insurance has yet to be submitted.

It was moved by Hay, seconded by Curtiss and unanimously passed to approve the application, contingent upon receipt of the required proof of insurance and subsequent approval by the state.

7(N) ACCEPTANCE OF GIFTS/GRANTS.

The following gifts/grants have been accepted by the city:

<u>Name</u>	<u>Description</u>	<u>Amount/Value</u>
Dept. of Justice Assistance Grant	Bulletproof Vest	\$ 527.50
Dept. of Justice Assistance Grant	Bulletproof Vest	543.00
MN Board of Firefighter Training & Education	Fire Department Training	300.00
MN Board of Firefighter Training & Education	Fire Department Training	875.00
MN Board of Firefighter Training & Education	Fire Department Training	725.00
State of Minnesota	Police Department Training	3,861.72
Monte Youth Sports	Pool Scholarship	50.00
American Legion Auxiliary	Pool Scholarship	50.00
State of Minnesota-DNR Grant	Flood Damage Reduction (624 Town Rd.)	14,000.00
SW MN Arts Council Grant	Arts Legacy Planning Grant (Mural)	2,000.00
FAA Grant	90% Airport Master Plan	233,460.00
Mn/DOT Grant	5% Airport Master Plan	12,970.00
Farmer's Co-Op Elevator Company	Fire Department Tools, Safety Gear, etc.	10,000.00

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 3249, A RESOLUTION ACCEPTING GIFTS/GRANTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3249 WAS SECONDED BY NATHAN SCHMIDT. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, NATHAN SCHMIDT, BRYCE CURTISS, TODD HAY AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

8. Ordinances.

8(A) ADOPTION OF ORDINANCE NO. 929 (RENTAL HOUSING PROVISIONS.)

Ordinance No. 929 was introduced by the council on September 2nd and revises City Code 10-2-2 - Additional Rental Housing Provisions - due to a discrepancy between the building code and the city's rental code in defining where egress windows are needed.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 929, AN ORDINANCE AMENDING 10-2-2 OF THE MONTEVIDEO CITY CODE (ADDITIONAL RENTAL HOUSING PROVISIONS), BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 929 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. ORDINANCE PASSED 5-0.

8(B) ADOPTION OF ORDINANCE NO. 930 - PARKING RESTRICTIONS.

Ordinance No. 930 was introduced by the council on September 2nd and addresses parking issues on city streets, particularly with trucks, trailers, RV's and boats.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 930, AN ORDINANCE AMENDING 6-2-2 OF THE MONTEVIDEO CITY CODE, PARKING RESTRICTIONS, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 930 WAS SECONDED BY NATHAN SCHMIDT. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, NATHAN SCHMIDT, TODD HAY, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 5-0.

8(C) INTRODUCTION OF ORDINANCE NO. 931 - ADMINISTRATIVE CODE.

The State of Minnesota has enacted a number of changes in state law about how employees are managed and what types of benefits or rules need to be followed. A proposed ordinance has been drafted to amend the city's Administrative Code to incorporate these changes. The ordinance language was recommended by the League of Minnesota Cities and drafted by the city attorney. The changes deal with Wage Disclosure, Pregnancy & Parenting Leave, Adoption, School Conference Leave, Bone Marrow Donation Leave, Elections/Voting, Nursing Mothers and Conditions Relating to Pregnancy.

TODD HAY INTRODUCED ORDINANCE NO. 931, AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE.

9. Discussion and Miscellaneous.

- ▶ City Engineer Berryman updated the council on the 2014 Street/Utility Improvement Projects, stating that the contractor would be paving alley entrances early next week, as well as street patching.
- ▶ President Garbe thanked Brad Henriksen for his landscaping work around the new generator site.

Meeting adjourned at 7:55 P.M.

Glennis A. Lauritsen, Secretary

Approved by council October 6, 2014:

Marvin E. Garbe, President