

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
October 6, 2014

The city council met in regular session Monday, October 6, 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 Schmidt, 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 OCTOBER 3, 2014 IN THE AMOUNT OF ~~\$474,959.42~~ \$805,203.02.

Revised amount reflects the following additional claims:

LIQUOR

Locher Brothers, Inc. - Inventory 10,593.05

2014 CIP IMPROVEMENTS

KUE Contractors, Inc. - Application #5 - Fire Hall Project 295,090.00

2014 MONITORING WELLS CLOSURE

Thein Well Company, Inc. - Estimate #1 - Final 2,397.00

BUILDING INSPECTION

MN Department of Labor & Industry 1,511.44

LEGAL

Nelson Oyen Torvik - September services 6,704.57

MISCELLANEOUS

Farmer's Union Oil Company - Gas, etc.	7,847.54
Heritage Transfer Co., LLC - Compost Site Grinding	6,100.00

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

There are no items to consider at this time.

MODIFY: 7(D) CONSIDER CHANGE ORDER #1 FOR THE CITY HALL HVAC SYSTEM TO ADD/REROUTE SOME OF THE DUCT WORK.

Additional document provided - explanation letter dated October 3, 2014 from Duffy Engineering.

ADD: 7(F) CONSIDER CHANGE ORDER #9 AND DISCUSSION ON POSSIBLE CHANGE ORDER #10 FOR THE FIRE HALL PROJECT.

It was moved by Hay, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular meeting of September 15, 2014, as presented.

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

- None.

5. Consent Agenda.

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

5(A) APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING OCTOBER 3, 2014 IN THE (MODIFIED) AMOUNT OF \$805,203.02.

6. Public Hearings.

- None.

7. General Business.

7(A) FRISBEE GOLF COURSE.

Kurt TeBeest was present to discuss a proposal to build a frisbee golf course in Chinhinta Park as part of an Eagle Scout project. The Park Board had met with TeBeest about his proposal and although the board did not have a quorum present, those members in attendance recommended passing the matter on to the city council for review. There were a number of questions/concerns about the cost, upkeep, etc. raised by the park board members.

TeBeest explained that his proposal includes a 9-hole course, with a putting green. He said that due to the seasonal flooding that occurs in Lagoon Park, he began to look for alternative sites for a new course and determined that Chinhinta Park could provide a more challenging course layout. TeBeest stated that he would be seeking funding from local civic groups, businesses, individuals and grants. It is estimated that the cost of construction is \$7,500-\$8,000, plus labor and upkeep. He noted that he hopes to have the course completed by the end of Summer 2015.

The council discussed possible safety issues regarding the bike path and winter sledding activities. TeBeest stated that the posts on the concrete tee pads are removable, and he intended to remove those during the winter months for the safety of sledders. In regards to the bike path, he stated that signage will be erected to make citizens aware of any hazardous area(s).

It was moved by Nieuwbeerta, seconded by Hay and unanimously passed to approve the request by TeBeest, as presented.

7(B) UPDATE - MRHC LEASE AGREEMENT.

Since the September 15th council meeting, staff had again met with representatives of the Milwaukee Road Heritage Center (MRHC) to review with them the proposed lease agreement. Overall, they were agreeable to the proposed draft. However, they did express continued concerns about language in Section XII Termination - Parts A & B.

Following discussion, it was the consensus of the council to leave the existing language in Part A as is and to agree to new Part B language, as drafted by the city attorney. Staff was directed to take this information back to the MRHC representatives.

7(C) AMENDMENT #3 - LEVEE PROJECT GRANT AGREEMENT.

A grant agreement amendment has been offered by the State of Minnesota for Phase 3A/B/C of the Flood Risk Reduction Project (levee). The amendment would add \$2.7 Million in bonding funds to complete the project.

It was moved by Schmidt, seconded by Hay and unanimously passed to approve the amendment, as presented.

7(D) CHANGE ORDER 1 - CITY HALL HVAC SYSTEM.

Due to continued balancing problems with the new HVAC system at city hall, both the contractor and the engineer are recommending some duct work be added to decrease flow in some areas, and add flow to others. Estimated cost of the work is \$6,371.00, less the engineer's contribution of \$1,300.00, for a total cost of \$5,071.00.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve Change Order #1, as presented.

7(E) CHANGE ORDERS #7 AND #8 - FIRE HALL PROJECT.

Change orders have been proposed for the fire hall project, as follows:

- ▶ Change Order #7 in the amount of \$2,625.00 adds four (4) additional lights in the hose tower, and it also adds a receptacle to accommodate a future power winch to the top of the tower. It also adds some wiring for a heater that was not included in the plans.
- ▶ Change Order #8 in the amount of \$2,233.00 changes the slope of the sidewalk between two of the handicap entrances (two panels.)

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to approve Change Orders #7 and #8, as presented.

7(F) CHANGE ORDERS #9 AND #10 - FIRE HALL PROJECT.

Change Order #9 in the amount of \$2,258 has been proposed for the fire hall project to add three pieces of extra steel on the corners of the apparatus bay roof. These were missed during the design and review phase of the project.

It was moved by Schmidt, seconded by Hay and unanimously passed to approve Change Order #9, as presented.

A possible change order (#10) would accommodate a request that has been received from the Fire Department to add outlets to the kitchen and extra circuits to the south wall of the apparatus bay area. No cost estimates have been provided for this work, but staff requested direction from the council on how to proceed.

It was the consensus of the council to tentatively approve Change Order #10 for this purpose, thereby allowing the project to keep moving if the cost is reasonable, with formal approval of the change order taking place at a future meeting.

8. Ordinances.

8(A) ADOPTION OF ORDINANCE NO. 931 - ADMINISTRATIVE CODE.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 931, AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 931 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. ORDINANCE PASSED 5-0.

8(B) INTRODUCTION OF ORDINANCE NO. 932.

The city has the authority under law to collect unpaid utility charges with the property's real estate taxes. Under current ordinance, the city can also charge a fee and interest (\$15.00 fee / 8% interest). It is staff's opinion that the fee is too low, and the interest rate is too high. However, to change the fees and interest rate, the ordinance must be changed. An ordinance has been drafted which would allow the council to make changes to the fees and interest rate by resolution (annually, when the city's fees & charges schedule is adopted.)

BRYCE CURTISS INTRODUCED ORDINANCE NO. 932, AN ORDINANCE AMENDING 8-2-3 OF THE MONTEVIDEO CITY CODE ENTITLED UTILITY CHARGES LIENS TO BE COLLECTED WITH TAXES.

9. Discussion and Miscellaneous.

9(A) BREWERY TYPE LIQUOR ESTABLISHMENTS.

Community Development Director Angela Steinbach was present to discuss the issue of brewery type liquor establishments. Steinbach indicated that staff has received a request for this type of business and the Montevideo City Code does not currently address this. There are four options for licensure as outlined by State Statute, including:

- 1) Small brewers license; craft brewers license
- 2) Temporary on-sale intoxicating liquor license for micro-brewers
- 3) Brewer tap-room license (on-sale malt liquor)
- 4) Brew-on-premise stores exemption

In addition to providing statute language to the council for its review, a memo from Liquor Store Manager Tom Ryman was also provided. The memo states that a brew pub/small brewer would have absolutely no adverse affect on sales at the municipal liquor store. Steinbach stated that if the council is interested in allowing any of these types of establishments in the community, she asked that direction be given to staff on how to proceed.

It was the consensus of the council that staff work with the city attorney to draft ordinance language on this issue.

The council was polled for additional items:

- ▶ City Engineer Berryman reported that the patch on Sheridan Avenue had been completed and alley work will begin Wednesday.
- ▶ Mayor Fader invited everyone to the VIP Hunt scheduled for October 18th and the Candidate Forum at 6:30 P.M. October 7th at the Community Center.
- ▶ Council member Hay conveyed a citizen's inquiry regarding options for addressing the clean-up (vehicles, miscellaneous junk/debris) of a residential property on 19th Street.
- ▶ Council member Schmidt invited the public to the Fire Department's Open House on Thursday, October 9th, 5:00-7:00 P.M.

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Meeting adjourned at 7:42 P.M.

Glennis A. Lauritsen, Secretary

Approved by council October 20, 2014:

Marvin E. Garbe, President