

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
November 3, 2014

The city council met in regular session Monday, November 3, 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 Acting City Clerk Jan Flaherty.

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 30 2014 IN THE AMOUNT OF ~~\$212,846.47~~
\$361,670.31.**

Revised amount reflects the following additional claims:

LIQUOR

Locher Brothers, Inc. - Inventory	12,437.35
Madison Bottling Co. - Inventory	6,443.85

CONVENTION & VISITORS BUREAU

Montevideo Chamber of Commerce - Expenses	5,048.58
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FIRE

Foremost Promotions - Fire Prevention Backpacks	1,914.06
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MISCELLANEOUS

Chippewa County - Pioneerland Library Funding (3 rd & 4 th quarters)	29,165.00
Chippewa County - Library Building Maintenance - 2 nd half	9,000.00
Montevideo Public Library - Library Books - 2 nd half	6,550.00
SW/WC Service Co-Op - Health Insurance Premium - December	54,103.00

SMALL CITIES DEVELOPMENT GRANT

SW MN Housing Partnership - Disbursement #25	6,095.00
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UTILITY

Duininck, Incorporated - Patching Streets - Utility Projects 18,067.00

It was moved by Nieuwbeerta, seconded by Hay and unanimously passed to approve the minutes of the regular meeting of October 20, 2014, as presented.

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

- None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING OCTOBER 16, 2014 IN THE (MODIFIED) AMOUNT OF \$361,670.31.

6. Public Hearings.

- None.

7. General Business.

7(A) COUNTY ADA CURB RAMP RECONSTRUCTION PROJECT.

Chippewa County Engineer Steve Kubista was on hand to discuss the county's ADA Transition Plan for Public Right-of-way. Some aspects of the plan involve the city; specifically, sidewalk replacement and snow removal on ramps. A copy of the plan had been provided to the council, along with a proposed resolution of support.

Kubista explained that the plan is required in order for the county to be eligible to receive federal funding. Chippewa County will be applying for federal funds for costs associated with the reconstruction of pedestrian curb ramps, which would fund 80% of the project. The remaining 20% would be split between the county and city (10% each).

Responsibility for maintenance of the pedestrian curb ramps along the county state highways was discussed. Kubista stated that the county does not intend to construct any sidewalks; therefore, if the city were to do so, they would be responsible for all maintenance. Kubista assured the council that the county would notify the city each time a project is proposed.

TODD HAY OFFERED RESOLUTION NO. 3250, A RESOLUTION OF SUPPORT FOR THE COUNTY ADA CURB RAMP RECONSTRUCTION PROJECT, AND MOVED ITS

ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3250 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: TODD HAY, BRUCE CURTISS, NATHAN SCHMIDT, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(B) BYLAW AMENDMENTS - FIRE RELIEF ASSOCIATION.

Chad Hiepler, Montevideo Fire Relief Association, was present to discuss a proposed amendment to the Association's bylaws. By resolution, the Association amended Article VII - Benefits, as follows:

Section 1, Subd. 1. Pension Amount. Upon approval of the application therefore, a retired member shall be paid a lump sum of ~~one thousand nine hundred dollars (\$1,900.00)~~ two thousand one hundred dollars (\$2,100.00) for each year of active service in the Montevideo Volunteer Fire Department.

Section 1, Subd. 5. Payment Options. A retiring member shall ~~have the option of taking the pension in one lump sum payment or in multiple years not to exceed three years. No interest will be compounded on the unpaid balance and the total of payments made in multiple years shall not exceed the qualifying pension amount take pension in one lump sum.~~ The relief association may purchase an annuity contract on behalf of a retiring member in an amount equal to the service pension otherwise payable and in place of a direct payment to the retiree. The relief association may directly transfer the member's lump sum pension to the member's IRA under the federal Internal Revenue Code.

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to approve the bylaw amendments, as presented. Those voting in favor of motion: Nieuwbeerta, Curtiss, Hay and Garbe. Those voting against motion: None. Schmidt abstained. Motion carried 4-0-1.

7(C) TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS.

The Traffic Safety Improvement Committee met on Thursday, October 30, 2014, and has made the following recommendations:

1. *Request by ISD #129 to change the existing "no parking" area on the east side of North 4th Street (by Ramsey Elementary School) into a handicap parking spot.* The committee recommended the change.

It was moved by Hay, seconded by Schmidt and unanimously passed to accept the recommendation of the Traffic Safety Improvement Committee, as presented.

2. *Yield Sign at North 5th Street & Miawakon Intersection.* An existing yield sign at this location seemed out of place/unnecessary. The committee recommended that the sign be removed.

It was moved by Schmidt, seconded by Nieuwbeerta and unanimously passed to accept the recommendation of the Traffic Safety Improvement Committee to remove the sign; however, council directed the committee to discuss a yield sign at North 6th Street & Miawakon.

3. *Loading Zone on North 17th Street, Adjacent to the High School Football Field.* There is an existing loading zone at this location that does not appear to be used or needed. The committee recommended that this zone be removed and parking be allowed.

It was moved by Curtiss, seconded by Hay and unanimously passed to accept the recommendation of the Traffic Safety Improvement Committee, as presented.

4. *Parking on North 6th Street, West Side of the Family Services Building.* There are ongoing parking issues at this site. Despite attempts to work the issues out, problems still persist. The committee recommended that a no parking zone be added on 6th Street, east side of the street, from an area south of the entrance into the Family Services parking lot to the top of the hill.

It was moved by Curtiss, seconded by Schmidt and unanimously passed to accept the recommendation of the Traffic Safety Improvement Committee; however, to extend the east side no parking to the entire block, from Highway 7 to Miawakon Avenue.

7(D) BENSON ROAD SAFE ROOM OPERATIONS & MAINTENANCE PLAN.

The City of Montevideo received a FEMA Mitigation Grant to construct the Benson Road Safe Room. In order to comply with grant requirements, the city must submit an Operations & Maintenance Plan to FEMA for approval. A proposed plan has been developed for review by the council.

It was moved by Curtiss, seconded by Hay and unanimously passed to approve the plan, with one small wording change on page 4 to read, "Check doors and vents to ensure they did not ~~withstand~~ sustain damage and still function properly."

7(E) SALE OF RAILROAD YARD.

Staff had been directed to research the legalities of selling the city-owned railroad yard directly to the Milwaukee Road Heritage Center (MRHC) without offering it to others. In its research, staff found that the city does have this authority; however, the city should lay out the reasoning of the sale (why it is in the best interest of the citizens), as well as specific terms and conditions.

Approximate total value of the land and buildings is \$103,462. The city owns the sand house, engine house and turntable building. Most of the other structures are owned by the MRHC. The sand house was rebuilt with state funds (grant to the MRHC), and the city may or may not be able to sell the structure; the city would need to research grant or deed restrictions. It was noted that the city had given \$5,000 towards this effort.

Following discussion, city staff and the city attorney were directed to develop an agreement for a sale to the MRHC, including right-of-way, easement, buy-back options, etc., and leaving the sale price blank at this time.

7(F) CHANGE ORDER #11 - FIRE HALL PROJECT.

Change Order #11 adds double switches to all three doors in the apparatus bay, adds double switches at two doors in the training room, adds one switch by an additional door in the antique truck garage, adds two receptacles on the north wall of the antique truck garage and one receptacle on the south wall of the training room. In addition, a gas line and associated 120-volt receptacle will be added to the kitchen for a gas stove. Total amount of the change order is \$3,916.00.

It was moved by Schmidt, seconded by Nieuwbeerta and unanimously passed to approve Change Order #11, as submitted.

7(G) RIGHT-OF-WAY PLAT NO. 3.

A portion of the Flood Control Project requires rebuilding part of the levee system. Part of the system needing to be rebuilt is on the west side of Highway 212. This area is called the 1969 Levee North section. Properties in the area need to be acquired, in order to enable the city to complete the project. One step in that process is to create a plat of those properties.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the City of Montevideo Levee Right-of-Way Plat No. 3, as presented.

7(H) PROSOURCE TECHNOLOGIES AGREEMENT.

City staff has been working for a number of months to enlist the services of appraisers and negotiators for the levee project. An official Request for Proposal (RFP) was solicited by the city, with the intent that the work be completed by the end of December.

ProSource Technologies has submitted a proposal for appraisal, acquisition and relocation services for the Montevideo Flood Control Project Part 3A (north section old 1969 levee). It is anticipated that their fee could be as high as \$40,575, but will likely be less inasmuch as acquisition of all but one of the properties is not anticipated to be difficult and there will be no relocations.

It was moved by Hay, seconded by Schmidt and unanimously passed to accept the proposal by ProSource Technologies, as submitted.

7(I) SALE OF TAX FORFEITED PROPERTIES.

Chippewa County has requested approval of its list of tax forfeited properties for sale within the city. The city has the right to request acquisition for certain municipal uses. Staff has recommended that all of the properties be put up for sale, except for Parcel Nos. 70-420-0125 and 70-420-0210. These are located in the Telkamp Addition adjacent to Smith Addition and in A & B Flood Zones.

Following discussion, it was moved by Hay, seconded by Schmidt and unanimously passed to direct staff to take steps necessary to purchase Parcel Nos. 70-420-0125 and 70-420-0210 (\$2,500); to direct the county to proceed with the forfeiture sale of the remaining properties; and, to work with the county to assess the condition of those remaining properties and assist them in their future sale and/or removal.

7(J) WAIVER OF TORT LIABILITY LIMITS.

The city is protected under state law by Tort Liability limits. Each year, the League of Minnesota Cities offers the option to waive this limit and buy additional insurance. Staff recommended NOT waiving the tort liability limits.

It was moved by Curtiss, seconded by Hay and unanimously passed to NOT waive the monetary limits on municipal tort liability established by MN Statutes 466.04.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

9(A) CLOSED SESSION - CITY MANAGER PERFORMANCE REVIEW.

Council President Garbe called the closed session to order at 8:15 P.M. Those in attendance included council members Nieuwbeerta, Curtiss, Hay, Schmidt and Garbe, Mayor Fader and Acting City Clerk Jan Flaherty. The entire closed session was audio recorded on cassette tape and will be kept in accordance with the adopted records retention schedule, after which time it will be destroyed. Following discussion, City Manager Jones was asked to return to the room.

At 8:38 P.M., council moved back into regular session.

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A public statement summarizing the review will be presented at the November 17th city council meeting, as well as formal action to approve a 2.5 % increase in the salary of the city manager (the same increase being given to department heads and non-union employees for 2015.)

Meeting adjourned at 8:38 P.M.

Jan Flaherty, Acting Secretary

Approved by council November 17, 2014:

Marvin E. Garbe, President