

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
December 15, 2014

The city council met in regular session Monday, December 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, Todd Hay, Bryce Curtiss, Nathan Schmidt and Karen Nieuwbeerta. Absent: None. Mayor Debra Lee Fader absent.

Also present were: City Manager Steven C. Jones, Rodeberg & Berryman Engineer Mike Amborn and City Attorney Janice Nelson.

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

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

MODIFY: 7(H) **CONSIDER AUTHORIZING BUSINESS & LIQUOR LICENSES FOR 2015.**

Updated listing attached.

MODIFY: 7(L) **DISCUSSION - SALE OF RAILROAD YARD TO THE MILWAUKEE ROAD HERITAGE CENTER (MRHC).**

Memorandum Purchase Agreement attached.

ADD: 7(N) **CONSIDER RESOLUTION ACCEPTING GIFTS/GRANTS FROM VARIOUS ORGANIZATIONS AND INDIVIDUALS.**

MODIFY: 9(A) **DISCUSSION - AFSCME UNION NEGOTIATIONS.**

Proposed agreement attached.

It was moved by Schmidt, seconded by Hay and unanimously passed to approve the minutes of the regular meeting of December 1, 2014, as presented.

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

- None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING DECEMBER 11, 2014 IN THE AMOUNT OF \$1,439,009.04.

5(B) SALE OF SEIZED/SURPLUS ITEMS FOR SALE BY THE POLICE DEPARTMENT (2002 Pontiac Grand Prix, 1991 Ford Pickup, 1999 Plymouth Breeze and 1996 Dodge Caravan.)

6. Public Hearings.

- None.

7. General Business.

7(A) 2015 SQUAD CAR PURCHASE.

Police Chief Adam Christopher was present to discuss the two quotes received for a 2015 police interceptor utility vehicle:

Nelson Auto Center, Fergus Falls, MN (state bid)	\$ 26,442.95
Parkview Ford, Inc., Montevideo, MN	26,879.00

Christopher explained that even though Nelson Auto is the lower quote, he recommended accepting the local quote inasmuch as there would be costs involved to drive to Fergus Falls (wages, fuel costs, meals) to retrieve the vehicle, making the local bid cheaper in the long run.

It was moved by Schmidt, seconded by Hay and unanimously passed to accept the quote from Parkview Ford in the amount of \$26,879.00 due to the reasons stated above.

7(B) PERA ELIGIBILITY - POLICE OFFICER LILBON CLARK.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 3258, A RESOLUTION PROVIDING FOR ELIGIBILITY INTO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION (PERA) POLICE & FIRE FUND FOR POLICE OFFICER LILBON CLARK, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3258 WAS SECONDED BY TODD HAY. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, TODD HAY, NATHAN SCHMIDT, BRYCE CURTISS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(C) AUTHORIZATION TO DEMOLISH - 612 NELSON AVENUE.

Staff has been working with Arlys Flaa on the anticipated demolition of the property she owns at 612 Nelson Avenue. Flaa has signed an Authorization to Demolish form, which was prepared by the city attorney, and authorizes the City of Montevideo to demolish the home after June 1, 2015. Flaa has requested that the city assess the costs of the demolition against the property.

It was moved by Hay, seconded by Nieuwbeerta and unanimously passed to approve the Authorization to Demolish form for 612 Nelson Avenue.

7(D) BUDGET MODIFICATION - BENSON ROAD SAFE ROOM.

A FEMA Mitigation Grant was received by the city to construct the Benson Road Safe Room. A budget modification for the project is needed due to items being left off of the construction cost estimates, as well as additional project management time. The total budget modification request is \$6,741.65, changing the local share from \$36,825 to \$38,510.56.

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to approve the budget modification request, as presented.

7(E) 2:00 A.M. CLOSING RENEWAL - GROAT'S.

It was moved by Curtiss and seconded by Nieuwbeerta to approve submittal to the state of the Renewal Application for Optional Liquor 2AM License for Groat's, Inc., 309 South 1st Street. Those voting in favor of motion: Curtiss, Nieuwbeerta, Hay and Schmidt. Those voting against motion: Garbe. Motion carried 4-1.

7(F) FARM LEASE WITH ROBERT KURTZBEIN.

City Manager Jones explained that Robert Kurtzbein has farmed land in the Ost Subdivision for several years. It was the wishes of the Ost family that Kurtzbein continue to farm the land, and an easement agreement is on file which allows Kurtzbein access across city property to this farm land. Rent is determined by taking the average of bids the city receives on the airport farm land and, for 2015, is \$222.73/acre (the same as the rent charged in 2014.)

It was moved by Schmidt, seconded by Hay and unanimously passed to authorize the 2015 farm lease with Robert Kurtzbein, as presented.

7(G) 2015 CITY COUNCIL MEETINGS.

TODD HAY OFFERED RESOLUTION NO. 3259, A RESOLUTION FIXING TIME & PLACE FOR REGULAR CITY COUNCIL MEETINGS - 2015, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3259 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: TODD HAY, BRYCE CURTISS, KAREN NIEUWBEERTA, NATHAN SCHMIDT AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(H) 2015 BUSINESS & LIQUOR LICENSES.

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to approve the following business and liquor licenses for 2015, subject to the receipt of all of the necessary documents prior to issuance by the city clerk:

Key:

- (1) = Application not returned - NOT LICENSED FOR 2015
- (2) = Incomplete application.
- (3) = Proof of Insurance needed
- (4) = Menu needed (restaurants)
- (5) = Food license needed (restaurants)
- (6) = Payment needed

LIQUOR ON-SALE (3-2A-2: \$1,500 Fee/Liq.Liab./Worker's Comp./Food License/Menu)

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
15-1	Groat's, Inc., DBA/Groat's	None
15-2	Frommel, Inc., DBA/Topper's Bar & Grill	None
15-3	Inn Like Flinn, Inc., DBA/Inn Like Flinn	None
15-4	Henning-Erickson VFW Post #380, Inc.	None
15-5	American Legion Post #59	5

ON-SALE WINE (3-2C-2: \$265 Mon-Sat.; \$70.00 Sunday Only/Liq. Liab./Worker's Comp/Food License/Menu.)

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
15-6	Valentinos's Restaurant (Monday-Saturday)	None
15-7	Java River (Monday-Saturday)	None

3.2 PERCENT MALT LIQUOR ON SALE (3-2B-2: \$160.00 Fee/Sunday Fee \$70.00/Liq. Liab./Worker's Comp/Food License/Menu, when applicable)

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
15-8	Montevideo Business Association, LLC, DBA/Mel'ody Lanes Bowling Center (& SUNDAY ON-SALE)	None
15-9	Inn Like Flinn, Inc., DBA/Inn Like Flinn (SUNDAY ONLY)	None
15-10	Valentino's Restaurant (MONDAY-SATURDAY) <i>(In conjunction with a wine license, strong beer is allowed.)</i>	None
15-11	Java River (Monday-Saturday)	None
15-12	Henning-Erickson VFW Post #380 for Racetrack Concessions (Special Event - Monday-Saturday during the racing season)	None

3.2 PERCENT MALT LIQUOR - OFF SALE (3-2B-3: \$70 Fee/Liq. Liab./Worker's Comp.)

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
15-13	Casey's Retail Company, DBA/Casey's General Store #3269 (7 th Street)	None
15-14	Inn Like Flinn, Inc., DBA/Inn Like Flinn	None
15-15	Casey's Retail Company, DBA/Casey's General Store #1806 (1 st Street)	None
15-16	Casey's Retail Company, DBA/Casey's General Store #2085 (Benson Road)	None
15-17	Wal-Mart Stores, Inc., DBA/Wal-Mart Supercenter #1858	None
15-18	Coborn's, Incorporated VOID - Not renewing	

SET-UP LICENSE (3/31/15 to 3/31/16) (\$80.00 Fee/Liq. Liab. & Work. Comp. Insurance and copy of State License.)

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
15-19	Montevideo Business Association, LLC, dba/Mel'ody Lanes Bowling Center, Inc.	Copy of State License
15-20	Inn Like Flinn, Inc.	Copy of State License

CIGARETTE LICENSE (3-5-2: \$100.00 Fee/Worker's Comp.)

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
15-21	Dooley's Petroleum, Inc., DBA/Dooley's Handistop of Monte	None
15-22	City of Montevideo, DBA/Fiesta City Liquor	None
15-23	Wal-Mart Stores, Inc., DBA/Wal-Mart Store #1858	None
15-24	Coborn's, Incorporated	None
15-25	Casey's Retail Company, DBA/Casey's General Store #3269 (7 th Street)	None
15-26	Farmer's Union Oil Co., DBA/CENEX (downtown)	3
15-27	Bill's Foods, Inc., DBA/Bill's Supermarket	None
15-28	Casey's Retail Company, DBA/Casey's General Store #2085 (Benson Road)	None
15-29	Casey's Retail Company, DBA/Casey's General Store #1806 (1 st Street)	None
15-30	Farmer's Union Oil Co., DBA/CENEX C-STORE (Hwy 7)	3
15-31	Farmer's Union Oil Co., DBA/CENEX C-STORE (Hwy 212)	3

REFUSE/RUBBISH HAULING LICENSE (4-2-7: \$40 Fee/Bond/Public Liab. & Property Damage Ins./Worker's Comp.)

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
15-32	Lonny Tostenson, DBA/Tostenson, Inc.	None

7(I) ARTIGAS PLAZA OFFICE SPACE LEASE.

For a number of years, the city has leased office space at Artigas Plaza to Congressman Collin Peterson. The lease rate was calculated based off of other lease rates, and prorated to one day per week.

It was moved by Curtiss, seconded by Hay and unanimously passed to approve the District Office Lease and District Office Lease Attachment, as presented.

7(J) FIRE HALL CHANGE ORDERS #12 AND 13.

As a part of the December 1st meeting, the council had given informal approval to these change orders. Formal paperwork and final numbers have now been submitted, as follows:

Change Order #12 - Back Flow Preventer Valve for Truck Fill System - \$4,839.00.
Change Order #13 - Additional Circuit to Generator and Lighting Change - \$732.00.

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

7(K) 2015 STREET/UTILITY IMPROVEMENT REPORT & TIMELINE.

Rodeberg & Berryman Engineer Mike Amborn presented the Preliminary Engineering Report for the 2015 Street & Utility Improvement Projects. The report recommends the following improvements:

1 st Street -	Canton Avenue to the T.H. 7 Bridge
1 st Street -	North Side of T.H. 7 Bridge to Miawakon Avenue; and Miawakon Avenue, from 1 st Street to 3 rd Street.
Windom Avenue Construction -	T.H. 29 East to end of 2014 Project.
4 th Street Reconstruction -	Washington Avenue North to Ashmore Avenue
Alleys Paved -	Behind First Street (west) Between Main Street Dentistry and the Kupfer Building; and Alley Between 9 th & 10 th Streets, Nichols Avenue South to the Bike Path.

Well Field Access Road

County Road 41 Driveways

Total estimated cost of the project is \$1,091,000.

Staff presented a proposed timeline for the improvements, for review by the council.

TODD HAY OFFERED RESOLUTION NO. 3260, A RESOLUTION RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENTS (JANUARY 20, 2015), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3260 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(L) SALE OF RAILROAD YARD & DEPOT LEASE.

Over the past several months, the council has had ongoing discussions regarding the lease or sale of the railyard to the Milwaukee Road Heritage Center (MRHC). As a result of those discussions, staff was directed to draft a potential purchase agreement on the land on the west side of 1st Street, and a potential lease agreement for the depot building.

It was the consensus of the council that the language of the lease agreement for the depot building was acceptable, as drafted, noting that Exhibit A (a legal description) was still needed.

In regards to the purchase agreement, the council had previously discussed setting a sale price and possibly finance the purchase of the land over time, or allowing for all or part of the debt to become forgivable. Therefore, an agreement was redrafted for a \$45,000 sale, with \$5,000 due and \$40,000 forgivable, with certain conditions.

After discussion, it was the consensus that the language be reworded slightly and the purchase agreement be brought back to the council for further consideration.

7(M) \$6,000 GIFT FROM AMERICAN LEGION.

The American Legion Post #59 would like the city to accept a donation in the total amount of \$6,000 from its gambling account. Their wish is that those funds be given to the Chippewa County-Montevideo Ambulance for ambulance equipment and maintenance.

BRYCE CURTISS OFFERED RESOLUTION NO. 3261, A RESOLUTION ACCEPTING GIFT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3261 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(N) ACCEPTANCE OF VARIOUS GIFTS/GRANTS.

Donations and/or grants have been received from various organizations and individuals, as follows:

<u>Name</u>	<u>Description</u>	<u>Amount/Value</u>
Dept. of Justice Assistance Grant	Bulletproof Vest Reimbursement	\$ 502.50
State of Minnesota	2014 Flood Grant	3,842.25
Minnesota Dept. Of Natural Resources	Phase III Levee Grant	2,700,000.00
Homeland Security	Benson Road Safe Room Grant Amendment	16,650.00
Federal Emergency Management	2014 Flood Grant	1,280.75

NATHAN SCHMIDT OFFERED RESOLUTION NO. 3262, A RESOLUTION ACCEPTING GIFTS/GRANTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3262 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.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

Prior to going into closed session, Council President Garbe polled the council for additional items.

- ▶ An article regarding waterline insurance was discussed briefly. City Manager Jones will relay some basic information regarding the city's policy to residents.

At this time, members of the audience left the meeting.

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9(A) AFSCME UNION NEGOTIATIONS.

At 8:20 P.M., the council moved into closed session. The entire closed session was recorded on audio tape and will be kept in accordance with the records retention schedule, after which time the tape will be destroyed.

Present were: Council Members Hay, Schmidt, Nieuwbeerta, Curtiss, Garbe and City Manager Steven C. Jones.

At 8:27 P.M., the council moved out of closed session and back into regular session.

It was moved by Hay, seconded by Curtiss and unanimously passed to authorize the mayor and city manager to execute the 2015-16 AFSCME Agreement.

Meeting adjourned at 8:28 P.M.

Steven C. Jones, Acting Secretary

Approved by council January 12, 2015:

Marvin E. Garbe, President