

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
March 16, 2015

The city council met in regular session Monday, March 16, 2015 in the council chambers at city hall. Council President Garbe called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Council members present: Marvin Garbe, Karen Nieuwebeerta, Bryce Curtiss, Todd Hay and Nathan Schmidt. Absent: None. Mayor Debra Lee Fader present.

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

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

MODIFY: 5A) **CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING MARCH 12, 2015 IN THE AMOUNT OF \$163,380.54 \$179,990.89.**

Revised amount reflects the following additional claims:

LIQUOR

Locher Brothers, Inc. - Inventory	\$ 14,900.35
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EDA ADMINISTRATION

Short Elliott Hendrickson, Inc. - Services/V.A. Home Update	1,710.00
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MODIFY: 7G) CONSIDER MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND HOSPITAL REGARDING THE DEMENTIA CARE COORDINATOR GRANT.

A revised copy has been provided which changes the name of the grant from Dementia Care Coordinator Grant to Care Coordinator Grant.

ADD: 7K) **CONSIDER PLANNING COMMISSION RECOMMENDATION
ON SITE PLAN SUBMITTED BY XCEL ENERGY FOR THE**

**PROPOSED CONSTRUCTION OF A 60' X 75' STEEL STORAGE
BUILDING AT 1505 EAST HIGHWAY 7.**

It was moved by Nieuwbeerta, seconded by Schmidt and unanimously passed to approve the minutes of the regular meeting of March 2, 2015, as presented.

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

4(A) OATH OF OFFICE - POLICE OFFICER KELLY ROBINSON.

Mayor Fader administered the Oath of Office to police officer Kelly Robinson. Robinson was hired full-time November 5, 2014.

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 MARCH 12, 2015 IN THE (MODIFIED) AMOUNT OF \$374,566.26.

5(B) SALE OF SEIZED/SURPLUS VEHICLES/ITEMS BY THE POLICE DEPARTMENT (1998 PONTIAC GRAND AM; 1993 CROWN VICTORIA; 2001 FORD WINDSTAR VAN; AND, MISC. COMPUTER EQUIPMENT.)

5(C) APPLICATION FROM WEST 212 USBC ASSOCIATION (BOWLING CONGRESS) FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS FOR RAFFLE, PADDLEWHEEL & TIPBOARD ACTIVITY AT THE VFW POST #380 ON APRIL 24, 2015.

5(D) APPLICATION FROM THE MONTEVIDEO AREA CHAMBER OF COMMERCE FOR USE OF SMITH PARK (PLAYGROUND AREA AND SMALL LOG CABIN) FOR AN "EASTER EGG-CITEMENT" EGG HUNT EVENT ON SATURDAY, APRIL 4TH.

6. Public Hearings.

- None.

7. General Business.

7(A) NUISANCE ABATEMENT / 309 MERRIAM AVENUE.

Community Development Director Angie Steinbach was present to discuss a nuisance issue on property owned by Tom & Catalina Worden at 309 Merriam Avenue. On August 18, 2014, the council had passed a Repair/Remove/Demolish Order for a hazardous building (shed) on this property. The shed was eventually removed; however, the aftermath of its removal has become the accumulation of miscellaneous junk and debris in the back yard of the property. Inasmuch as the property owner has not taken sufficient action to remedy the problem, staff requested the council pass a resolution directing the abatement.

Tom Worden was present to speak to this issue. Worden requested a 15-day extension of the April 30th deadline, to allow for warmer weather. Worden cited a number of health issues that have made it difficult for him to complete the project. He thanked the council for the additional time afforded him previously and asked for the same consideration with this issue. He said he would take care of it but simply needs more time - specifically, a number of warmer temperature days (60° or greater.)

It was moved by Hay, seconded by Schmidt and unanimously passed to extend the completion date by 15 days, to May 15, 2015.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 3278, A RESOLUTION DIRECTING ABATEMENT OF NUISANCE (BY 5/15/15), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3278 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(B) DEPARTMENTAL ANNUAL REPORT REVIEWS.

2014 Annual Report Reviews were provided by Community Development Director Angela Steinbach and Utilities Superintendent Byron Hayunga.

7(C) BIDS / PIPE BURSTING RAW WATERMAIN PROJECT.

The city has been working on a project to replace 100-year-old lines that supply water from the north well sites to the water plant with new lines. This will be accomplished by “bursting” one of the existing supply lines and pulling through a new line. Bids on this project were received on Thursday, March 5th, as follows:

<u>Bidder</u>	<u>Bid</u>
GM Contracting, Inc. Lake Crystal, MN	\$1,015,409.80
Murphy Pipeline Contractors, Inc. Jacksonville, FL	\$1,198,226.00

The engineer’s estimate for the project was \$1,190,125.00. A letter was received from Short Elliott Hendrickson recommending the acceptance of the GM Contracting, Inc. bid.

It was moved by Curtiss, seconded by Hay and unanimously passed to accept the low bid of \$1,015,409.80 submitted by GM Contracting, Inc.

7(D) CONSULTANT PROPOSALS / WELLHEAD PROTECTION PLAN PART I.

The city is required to update its Wellhead Protection Plan. Proposals were solicited from qualified consultants, with two proposals submitted, as follows:

<u>Firm Name</u>	<u>Proposal</u>
Leggette, Brashears & Graham, Inc. (With Rodeberg & Berryman and Bolton & Menk)	\$13,300.00
Short Elliott Hendrickson (SEH)	\$17,100.00

Staff recommended approving the proposal from Leggette, Brashears & Graham, Inc., as submitted.

It was moved by Curtiss, seconded by Schmidt and unanimously passed to accept the proposal from Leggette, Brashears & Graham in the amount of \$13,300.00.

7(E) CITY HALL ROOF CONCEPT PLAN.

At the direction of the council, city staff researched the cost to provide a concept plan for a “roofed” city hall building. A proposal was obtained from Short Elliott Hendrickson (SEH) for a cost of \$5,200.00. If approved, staff recommended the funds be taken from the Contingency Fund for this project, if necessary.

It was moved by Hay, seconded by Nieuwbeerta and unanimously passed to approve the proposal of SEH in the amount of \$5,200.00, with funds taken from the Contingency Fund, if necessary.

7(F) MCDC LOAN TO JAY SCHOEP, DBA/JAY’S DIGGING SERVICE.

The MCDC met on Thursday, March 12th, to consider a \$74,999 loan request from Jay Schoep, Jr., dba/Jay’s Digging Service, LLC, to acquire Lauritsen Digging Service, LLC. The MCDC approved the loan at 4% interest for 10 years. The loan would balloon after five (5) years and would be secured by a UCC filing on the equipment. The city would need to agree to take a second position behind KleinBank.

It was moved by Schmidt, seconded by Hay and unanimously passed to approve the MCDC loan, as noted, agreeing to take a second position behind KleinBank and contingent upon an acceptable valuation of the equipment.

7(G) CARE COORDINATOR GRANT.

A Memorandum of Understanding has been drafted between the City of Montevideo and the Chippewa County-Montevideo Hospital which describes the role and expectations of the Montevideo Community Center with respect to the Care Coordinator Grant proposal for which the hospital is the grant applicant. The objective of the grant project is to integrate medical and community based long-term care services and support for caregivers by providing a care coordinator to work with individuals diagnosed with dementia, caregivers and families at the clinic, hospital and memory care clinic; linking them to needed community services and programs and help to maintain patients in their homes for as long as possible. The anticipated in-kind donation of time and services provided to the project is \$21,136.

It was moved by Nieuwbeerta, seconded by Hay and unanimously passed to approve the Memorandum of Understanding, as submitted.

7(H) LIONS CLUB DONATION FOR ARTIGAS PLAZA MURAL PROJECT.

The Montevideo Lions Club has donated \$250.00 from its gambling fund proceeds for costs associated with the Artigas Plaza Mural Arts Project. The gift must be accepted by formal resolution.

BRYCE CURTISS OFFERED RESOLUTION NO. 3279, A RESOLUTION ACCEPTING GIFT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3279 WAS SECONDED BY NATHAN SCHMIDT. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, NATHAN SCHMIDT, KAREN NIEUWBEERTA, TODD HAY AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

Council President Garbe stated that inasmuch as agenda items 7(I) and 7(J) require the council to move into closed sessions, item 7(K) would be pulled forward for consideration.

7(K) SITE PLAN REVIEW - XCEL ENERGY STORAGE BUILDING.

Community Development Director Steinbach reported that at its meeting held earlier in the evening, the Montevideo Planning Commission voted unanimously to recommend approval of a site plan submitted by Xcel Energy for a 60' x 75' steel storage building expansion at 1505 East Highway 7.

It was moved by Hay, seconded by Curtiss and unanimously passed to approve the site plan, as recommended by the planning commission.

Prior to the consideration of the following agenda items, Council President Garbe polled members for additional items.

- ▶ Mike Amborn reported that appropriate notices were posted last week for the city's 2015 Street/Utility Improvement Projects bid date of April 2nd.
- ▶ Council member Schmidt stated that the Annual Fire Department raffle tickets are now available.

- Council President Garbe stated that he, Angie Steinbach, Mayor Fader and 13 area veterans were on hand to testify at the Capitol on Monday, the 9th, for the VA Home Project. There was not enough time to give testimony; however, the Bill was forwarded on and the group will now be testifying next week.

7(I) SALE OF LOT 1, BLOCK 1 - OST ADDITION.

A development firm has made an offer to purchase Lot 1, Block 1 - Ost Addition along Highway 7 and west of O'Reilly Auto Parts. In order to discuss the potential land sale, prices and conditions, the council moved into Closed Session at 7:45 P.M. In attendance were Council Members Garbe, Nieuwbeerta, Schmidt, Hay and Curtiss; City Attorney Nelson, Mayor Fader, City Manager Jones, Community Development Director Steinbach and City Clerk Lauritsen. The Closed Session was recorded on audio tape which will be retained in accordance with the adopted records retention schedule, after which time the tape will be destroyed.

The council moved back into regular session at 7:55 P.M.

It was moved by Hay, seconded by Curtiss and unanimously passed to direct the city attorney to proceed with further negotiations for the sale of Lot 1, Block 1 - Ost Addition - with United Development.

7(J) FIRE HALL LAND PURCHASE.

It was noted that City Manager Steve Jones and City Attorney Janice Nelson had met with the attorney of the former owner of the fire hall property to discuss price, terms and conditions. In order to discuss a possible sale price, terms and conditions, the council moved into Closed Session at 7:56 P.M. In attendance were Council Members Garbe, Nieuwbeerta, Schmidt, Hay and Curtiss; City Attorney Nelson, Mayor Fader, City Manager Jones, Community Development Director Steinbach and City Clerk Lauritsen. The Closed Session was recorded on audio tape which will be retained in accordance with the adopted records retention schedule, after which time the tape will be destroyed.

The council moved back into regular session at 8:25 P.M.

Council President Garbe stated that during the closed session, a motion was made by the council directing the city attorney on how to proceed on the matter. This original motion

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is filed with the tape of the meeting until the transaction is finalized, at which time the information will be made part of the written minutes.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- (Several items noted prior to closed sessions - see pages 6-7.)

Meeting adjourned at 8:25 P.M.

Glennis A. Lauritsen, Secretary

Approved by council April 6, 2015:

Marvin E. Garbe, President