

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
December 17, 2018

The city council met in regular session Monday, December 17, 2018 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: Todd Hay, Nathan Schmidt, Sandra Hodge, Marvin Garbe and Bryce Curtiss. Absent: None. Mayor Fader present.

Also present were: Interim City Manager Angela Steinbach, City Engineer Mike Amborn, City Attorney Janice Nelson and Secretary Glennis Lauritsen.

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

MODIFY: 5A) **CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING DECEMBER 17, 2018 IN THE AMOUNT OF ~~\$884,988.85~~ \$1,129,245.45.**

AIRPORT

Duininck, Inc. - Taxilane Construction Application #1 213,923.45

UTILITY

Minnesota Pump Works - Park Lift Station Repairs 2,465.85

Minnesota Pump Works - Ashmore Lift Station Guide Rail 13,167.30

Short Elliott Hendrickson, Inc. - Aeration Blower-WWTP 14,700.00

MODIFY: 7C) **CONSIDER PROPOSED FINAL SETTLEMENT AGREEMENT FOR THE STEVE WILLIAMS ESTATE DONATION TO THE MONTEVIDEO VETERANS HOME PROJECT.**

- Updated agreement provided.

ADD: 7M) **CONSIDER APPROVAL OF A 2019 PRAIRIE FIVE COMMUNITY ACTION COUNCIL MEALSITE FACILITY CONTRACT.**

**ADD: 7N) CONSIDER APPROVING COMPUTER DATA TASKS BY
COMPUTER CONSULTANT LYLE PRINGNITZ.**

It was moved by Hay, seconded by Curtiss and unanimously passed to approve the minutes of the regular meeting of December 3, 2018, as presented.

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

Julie Dann Nelson spoke on behalf of the Dann family, inquiring as to the status of the internal investigation being conducted on Police Chief Adam Christopher. City Attorney Nelson explained that the investigation is ongoing - that an independent outside attorney is proceeding with the investigation, interviews are being setup for this week, and a report will then be submitted to the police civil service commission for its review/recommendation. Ms. Nelson asked about a timeline for this process, and City Attorney Nelson stated that it is unknown at this time, depending upon what information is found as a part of the investigation.

5. Consent Agenda.

It was moved by Hodge, seconded by Hay and unanimously passed to approve the following Consent Agenda items:

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING DECEMBER 14, 2018 IN THE (MODIFIED) AMOUNT OF \$1,129,245.45.

6. Public Hearings.

6(A) REASSESSMENT AGAINST 418 SOUTH 3RD STREET.

The property at 418 South 3rd Street was previously tax forfeited by Chippewa County. In September 2018, the property was sold to Jose Martinez. This property had previously been provided with 2016 Street Improvements (3rd Street, Merriam Avenue to State Road) for which there are remaining assessments in the total amount of \$518.93.

In accordance with the city's current assessment policy regarding tax forfeited property, a portion of the balance remaining is forgiven. The reassessment would be spread over a period of 14 years at 2.7% interest. The interest rate reflects the interest rate of the original project.

In order to reassess the parcel, a public hearing must be conducted, with due notice and an opportunity to be heard from the affected property owner. As a part of its meeting on December 3, 2018, the council adopted Resolution No. 3553 for this purpose. A Notice of Hearing was published in the Montevideo American-News on November 29, 2018 and a notice sent November 27th to the property owner providing them this opportunity to be heard on the matter.

Council President Garbe called a public hearing to order at 7:07 P.M. to consider the reassessment of 2016 Street Improvements against 418 South 3rd Street. The entire public hearing was recorded on video tape and will be kept in accordance with the city's adopted records retention schedule, after which time the tape will be destroyed.

There was no one present to be heard on this issue; therefore, President Garbe closed the public hearing at 7:07 P.M.

BRYCE CURTISS OFFERED RESOLUTION NO. 3558, A RESOLUTION ADOPTING REASSESSMENT ROLL, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3558 WAS SECONDED BY NATHAN SCHMIDT. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, NATHAN SCHMIDT, SANDRA HODGE, TODD HAY AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7. General Business.

7(A) ENGINEERING REPORT - 2019 IMPROVEMENTS.

By Resolution No. 3541, the city engineer was directed to prepare a preliminary report and cost estimates for the proposed 2019 improvement projects. In addition to a review of the report, the council also reviewed the proposed timeline for the improvements.

Projects recommended include:

- ▶ Railroad Crossing/Depot Area - \$116,000
- ▶ Park Avenue Repair/Mill Overlay - 3rd Street to 5th or 6th Street - \$120,000
- ▶ 2nd Street, Black Oak Avenue to Lincoln Avenue/1st Street - \$516,000 (State Aid)
- ▶ Miscellaneous Alley Improvements - \$15,000

Council President Garbe asked that a mill overlay be considered on the one block of Eureka Avenue, between 2nd Street and 3rd Street. This stretch of road is deteriorating and could get by with an overlay rather than a full reconstruction. The city engineer will research the issue further for inclusion as a possible option to the 2019 projects.

SANDRA HODGE OFFERED RESOLUTION NO. 3559, A RESOLUTION RECEIVING REPORT AND CALLING HEARING (JANUARY 22, 2019) ON IMPROVEMENTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3559 WAS SECONDED BY TODD HAY. THOSE VOTING IN FAVOR OF MOTION: SANDRA HODGE, TODD HAY, BRYCE CURTISS, NATHAN SCHMIDT AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(B) FIRE RELIEF ASSOCIATION CHANGE IN LUMP SUM BENEFIT LEVEL.

The Fire Relief Association has requested that the city council ratify its resolution increasing the yearly retirement, from \$2,700/year of service to \$2,900/year of service. In support of their request, a Financial Projection and Statement of Position were provided.

It was moved by Hodge and seconded by Curtiss to ratify the Fire Relief Association Resolution dated 12/11/18 amending Section 1. SERVICE PENSIONS. Those voting in favor of motion: Hodge, Curtiss, Hay and Garbe. Those voting against motion: None. Schmidt abstained (due to his membership as a firefighter). Motion passed 4-0-1.

7(C) SETTLEMENT AGREEMENT - STEVE WILLIAMS ESTATE.

The attorney for the Steve Williams Estate has requested that the city approve a proposed settlement agreement for a substantial monetary donation to the Montevideo Veterans Home Project. The city attorney has reviewed the agreement.

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

7(D) POLICE DEPARTMENT HIRING SCHEDULE/BUDGET ADJUSTMENT.

Staffing levels in the police department are low, with a sergeant position not filled and a new officer position opening in September. Interviews for new officers were recently conducted by the Police Civil Service Commission, with an eligibility list of five candidates developed. From that list, one officer has been hired. It has been recommended by the commission and staff to proceed forward in trying to secure two additional officers and the following:

- Approve hiring an officer in place of a sergeant, with the intent of promoting a sergeant from within the department in the future.
- Approve the additional budgetary expense of \$34,072 to hire an officer immediately (if possible) rather than waiting until September. This is not guaranteed to happen, but staff would like the opportunity to approach an officer to start working earlier rather than later.

Steve Beals, Police Civil Service Commission Chair, was present to explain the recent officer hiring process, which resulted in the submission of an eligibility list of five (5) individuals. The #1 candidate was offered and accepted a position with the city, the #2 candidate has accepted employment elsewhere, and candidates #3, 4, and 5 remain on the list for consideration. Beals stated that all five of the candidates on the list were excellent, and he encouraged moving forward with the next two on the list.

It was moved by Hay, seconded by Hodge and unanimously passed to proceed with the hiring process for the next two candidates on the eligibility list, as recommended by the police civil service commission and approve the additional funding as outlined by staff.

7(E) 2019 PATROL VEHICLE PURCHASE.

Police Captain Ken Schule was present to explain that quotes were received for purchase of a 2019 patrol vehicle for the Montevideo Police Department, with two quotes obtained. One quote was from Hibbing Ford (state bidder) for a 2019 Ford Utility Police Interceptor AWD at \$28,885. The other quote was from Schwieter Ford (local dealer) for a 2020 Ford Utility Police Interceptor AWD at \$37,520. Schwieter was unable to quote a 2019 vehicle because the order cut-off date had passed so there are no more 2019 vehicles available. However, Schwieters is currently looking for 2018 vehicles that may

be available. If one can be located, staff would like approval to obtain it at a price of \$28,000. It was noted that if a 2018 vehicle is located, purchase could occur in January 2019; delivery of a 2020 vehicle would not be until much later in the year (June).

It was moved by Schmidt, seconded by Curtiss and unanimously passed to authorize staff to pursue the purchase of a 2018 Ford Utility vehicle through Schwieter Ford (if one can be located) and if not, to authorize staff to solicit quotes for another vehicle.

7(F) 2019 BUSINESS & LIQUOR LICENSES.

It was moved by Hay, seconded by Hodge and unanimously passed to approve the issuance of the following 2019 Business & Liquor Licenses, contingent upon the elimination of deficiencies noted:

Key:

- (1) = Application not returned - NOT LICENSED FOR 2019
- (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/\$250 each additional station/\$100.00 additional Sunday sales - Liquor Liability/Worker's Comp/Food License/Menu)

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
19-1	Groat's, Inc., DBA/Groat's (one station & Sunday sales)	(6) - Sunday only
19-2	Frommel, Inc., DBA/Topper's Bar & Grill (two stations & Sunday sales)	(3)
19-3	Inn Like Flinn, Inc., DBA/Inn Like Flinn (one station & Sunday sales)	(3)(5)
19-4	Henning-Erickson VFW Post #380, Inc. (one station & Sunday sales)	(5)
19-5	American Legion Post #59 (one station & Sunday sales)	(5)

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

License #	Name	Deficiencies
19-6	Valentinos's Restaurant (Monday-Saturday)	None

BREWER-RELATED LICENSES (3-2F-4: \$1,500 Brew Pub On-Sale; \$70 Brew Pub Off-Sale; \$25.00 Brewer Temporary On-Sale; \$425 Brewer Taproom On-Sale; \$25.00 Brewer Taproom Temporary On-Sale [off-site]; \$70 Small Brewer Off-sale [growlers]; \$25 Accessory/Outside Event [extends premises licensed] - Liq. Liab./Worker's Comp.

License #	Name	Deficiencies
19-7	Talking Waters Brewing Company, LLC (Taproom)	None
19-8	Talking Waters Brewing Company, LLC (Growlers)	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)

License #	Name	Deficiencies
19-9	Valentino's Restaurant (MONDAY-SATURDAY) <i>(In conjunction with a wine license, strong beer is allowed.)</i>	None
19-10	Fiesta City Speedway	(1)
19-11	Mel'ody Lanes	(4)

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

License #	Name	Deficiencies
19-12	Casey's Retail Company, DBA/Casey's General Store #3269 (7 th Street)	(2)
19-13	Inn Like Flinn, Inc., DBA/Inn Like Flinn	(3)(5)
19-14	Casey's Retail Company, DBA/Casey's General Store #1806 (1 st Street)	(2)
19-15	LaPlazita Hispanic Market, LLC, 111 South 1 st Street	(4)(5)
19-16	Wal-Mart Stores, Inc., DBA/Wal-Mart Supercenter #1858	None

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SET-UP LICENSE - \$80 Fee/Liq. Liab./Worker's Comp./Proof of State License - Expires March 31st.

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
19-17	Mel'ody Lanes (Will renew in March 2019)	

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

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
19-18	City of Montevideo, DBA/Fiesta City Liquor	None
19-19	Wal-Mart Stores, Inc., DBA/Wal-Mart Store #1858	None
19-20	Casey's Retail Company, DBA/Casey's General Store #3269 (7 th Street)	None
19-21	Bill's Foods, Inc., DBA/Bill's Supermarket	None
19-22	Casey's Retail Company, DBA/Casey's General Store #1806 (418 S. 1 st Street)	None
19-23	Farmer's Union Oil Co., DBA/CENEX C-STORE (2402 E. Hwy 7)	(3)
19-24	Farmer's Union Oil Co., DBA/CENEX TRAVEL PLAZA (605 Hwy 212)	(3)
19-25	Jason Wiler, DBA/Twisted Vapes	None

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>
19-26	Lonny Tostenson, DBA/Tostenson, Inc.	None

PAWN BROKER LICENSE (3-10-1: \$200 Initial Application Fee - \$100 Renewal Application Fee - \$1.50 Billable Transaction Fee/\$5,000 Bond).

<u>License #</u>	<u>Name</u>	<u>Deficiencies</u>
19-27	Franklin Pierce, dba/Pierce Tactical Training & Trade, LLC	None

7(G) 2019 POLLING PLACE DESIGNATION.

2017 legislative changes to M.S. 204B.16, subd.1 requires that all municipalities (and counties with unorganized territories) designate polling places for each precinct by

December 31st each year for the next calendar year regardless if there is an election scheduled for the next year or not (in the event of a special election that is called.) This must be done by ordinance or resolution.

SANDRA HODGE OFFERED RESOLUTION NO. 3560, A RESOLUTION DESIGNATING 2019 POLLING PLACES, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3560 WAS SECONDED BY TODD HAY. THOSE VOTING IN FAVOR OF MOTION: SANDRA HODGE, TODD HAY, NATHAN SCHMIDT, BRYCE CURTISS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(H) CLIMATE ASSESSMENT SERVICES.

In light of numerous transitions within the city, staff has proposed the hiring of Herreid & Associates to conduct a phased climate assessment. Phase 1 would be a questionnaire and interview process to create an action plan; Phase 2 would address identified issues and Phase 3 would work with management personnel and/or identified stakeholders.

Council questioned and discussed the need, timing, staff participation and costs associated with the assessment. Fees for the consultation services include: Direct services billed at \$250.00/hour; Training material and document preparation billed at \$100.00/hour; and, Travel time billed at \$75.00/hour.

Council member Hay stated he felt this would be a good way to validate the system, comparing the results of five years ago to current results. Interim City Manager Steinbach clarified that these consulting services were previously utilized for only one department of the city. Council member Hodge asked if city staff had asked for this assessment to be performed; Steinbach answered that they definitely had. She added that cost of the process is unknown, depending on what issues, if any, arise from the employee surveys. The surveys would be anonymous and sent directly by the employees to Herreid.

It was moved by Curtiss and seconded by Hay to approve working with Herreid & Associates Consulting, Inc. as outlined. Those voting in favor of motion: Curtiss, Hay, Schmidt and Garbe. Those voting against motion: Hodge. Motion passed 4-1.

7(I) CITY MANAGER/ASSISTANT CITY MANAGER WAGES.

As a part of its December 3rd meeting, the council had requested pay rate information for the Assistant City Manager position and the City Manager position in order to set a rate for Angela Steinbach who was appointed Interim City Manager at that same meeting for the period 12/3/18 to 1/4/19. Steinbach's wage rate as Assistant City Manager was \$39.71/hour; the former City Manager position was paid \$54.00/hour. Based on 26 pay periods per year, this is a difference of \$1,147 per pay period.

It was moved by Schmidt and seconded by Curtiss to approve a wage rate of \$54.00/hour for Steinbach during her tenure as Interim City Manager.

Council member Hay suggested an alternative of basing the rate on the starting wage of the former city manager of \$94,738/year, or \$45.55/hour. Council member Hodge agreed with Hay's suggestion.

Motion was acted on as follows: Those voting in favor of motion: Schmidt, Curtiss and Garbe. Those voting against motion: Hay and Hodge. Motion passed 3-2.

7(J) INTERIM CITY MANAGER SERVICES PROPOSALS.

Staff has worked with the League of MN Cities to identify individuals open to providing interim city manager services until such time as a permanent city manager is hired. Two proposals were received - from Rick Almich, LeSeuer, MN and Bill Lavin, Granite Falls, MN - for review by the council.

At a Worksession held earlier this evening, it was the consensus of the council to arrange a phone conference with Rick Almich for this purpose. Since that time, Almich has indicated that he is available on Thursday, December 20th, at 4:00 P.M. for this purpose. The phone conference could be held in the conference room at city hall. Members of council were polled for their availability. President Garbe stated that the council would need to adjourn to that date/time at the close of this meeting (see page 12).

7(K) COUNCIL REP - SCHOOLS/COUNTY/CCMH/CITY.

A meeting has been scheduled on Thursday, December 27th at 1:00 P.M. with representatives from the Montevideo Public Schools, CCMH and city staff to review past

discussions about collaborative efforts between the organizations. This meeting was set due to the large employee turnover in staff at the city level. Staff requested that a council member sit in on this meeting so knowledge is transferred forward. Council member Schmidt offered to serve in this capacity.

It was moved by Hodge, seconded by Hay and unanimously passed to appoint Council Member Schmidt to attend the December 27th meeting.

7(L) 2019 COUNCIL MEETING CALENDAR.

BRYCE CURTISS OFFERED RESOLUTION NO. 3561, A RESOLUTION FIXING TIME AND PLACE FOR REGULAR CITY COUNCIL MEETINGS FOR 2019, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3561 WAS SECONDED BY SANDRA HODGE. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, SANDRA HODGE, TODD HAY, NATHAN SCHMIDT AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(M) PRAIRIE FIVE 2019 MEALSITE FACILITY CONTRACT.

A request was received from Erick Hedman, Prairie Five Senior Nutrition, for renewal of the Mealsite Facility Agreement for use of space at the Community Center for the nutrition program. This agreement is considered annually by the council.

It was moved by Schmidt, seconded by Curtiss and unanimously passed to approve the 2019 contract, as presented.

7(N) COMPUTER SYSTEM DATA TASKS.

Lyle Pringnitz has been asked to work on information technology data tasks on current and former employee's computer systems. These tasks have the opportunity to be quite extensive, and this may become expansive if data recovery and sorting is complex.

It was moved by Hay, seconded by Schmidt and unanimously passed to authorize working with Pringnitz for this purpose.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- ▶ In light of his going off the council at the end of 2018, Council President Garbe asked to be named “point of contact” on the veterans home issues.

It was moved by Hay, seconded by Curtiss and unanimously passed to appoint Garbe to continue to serve in this capacity.

- ▶ Council President Garbe asked for council approval in paying for meal expenses associated with a March 2019 veterans home meeting.

It was moved by Schmidt, seconded by Curtiss and unanimously passed to authorize the expenditure for the meeting, as requested.

Meeting adjourned at 8:07 P.M.

Secretary

Approved by council on January 7, 2019:

President

Note: Because this meeting was not officially adjourned to 12/20 for the purpose of conducting a phone interview with interim city manager candidate Rick Almich, only two (2) members of the council could legally participate. Those two members were Schmidt & Hay. A special meeting was then set by notice dated 12/20/18 to consider a contract with Almich.