

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
November 1, 2021

The city council met in regular session Monday, November 1, 2021 in the council chambers at city hall. President Schmidt called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Council members present: Nathan Schmidt, Bryce Curtiss, Steve Sulflow, Beverly Olson and Dan Sanborn. Absent: None. Mayor Erich Winter present.

Staff present: City Manager Robert Wolfington, City Attorney Janice Nelson and City Clerk Glennis Lauritsen.

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

MODIFY: 5A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING OCTOBER 29, 2021 IN THE AMOUNT OF ~~\$321,040.79~~ \$436,260.48.

2021 UTILITY METER REPLACEMENT

Ferguson Waterworks - Meters Installed (121)	\$ 10,285.00
Ferguson Waterworks - Meters Installed (210)	17,850.00
Ferguson Waterworks - Meters Installed (374)	31,790.00
Ferguson Waterworks - Meters Installed (96)	8,160.00

CAPITAL EQUIPMENT & FACILITIES

Schweiters Ford - Utilities Department 2022 Ford F250	27,387.00
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MISCELLANEOUS

CEDA - Economic Development Services Monthly Fee	7,044.33
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UTILITY

Chippewa Co. License Bureau - Title/Registration-2022 Ford	1,812.03
Hawkins - Aluminum Sulfate Liquid	5,311.35
Hawkins - LPC-5, Sodium Permanganate, etc.	5,579.98

DELETE: 5C) **CONSIDER APPLICATION FROM THE SENIOR CITIZENS OF THE MONTEVIDEO AREA, INC. FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS TO ALLOW RAFFLE ACTIVITY AT THE COMMUNITY CENTER, 550 1ST STREET SOUTH, ON DECEMBER 29, 2021.**

MODIFY: 7F) **CONSIDER RESOLUTION ACCEPTING GIFTS/GRANTS FROM VARIOUS ORGANIZATIONS & INDIVIDUALS.**

Updated resolution provided.

ADD: 7G) **CONSIDER AGREEMENT FOR SPECIAL ASSESSMENT ASSOCIATED WITH THE REMOVAL OF A BOULEVARD TREE AT 205 SOUTH 13TH STREET.**

It was moved by Sulflow, seconded by Olson and unanimously passed to approve the minutes of the Regular Meeting of October 18, 2021, as presented.

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

4(A) NUISANCE ABATEMENTS.

By Resolution Nos. 3739 and 3740, this date/time was provided as an opportunity for the property owners of 417 North 2nd Street (Reyes) and 533 North 4th Street (Kessler) to appear and be heard in regards to nuisance abatement matters. (Agenda Items 7(A) and 7(B) provide for further abatement procedures, if necessary.)

- 417 North 2nd Street:

No one was present to be heard on this issue.

- 533 North 4th Street:

Wendy Kesller was present to address this issue. Kesller stated that vehicle registrations/insurance were current; that the mower and snowmobile were both operable; and, that their intent is to erect a fence to contain the miscellaneous items used by her son for working in the garage. Kesller left the meeting following the discussion.

4(B) ABANDONED SIGNAGE.

This date/time was provided as an opportunity for the property owner of 301 North 1st Street (H Buckley Properties, LLC) to be heard in response to an October 8, 2021 notice issued by the city requiring the removal of abandoned signage (letter attached).

No one was present to be heard on this issue.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING OCTOBER 29, 2021 IN THE (MODIFIED) AMOUNT OF \$436,260.48.

5(B) CORRECTION TO CLAIMS LIST FOR THE PERIOD ENDING OCTOBER 15, 2021, RESULTING IN A MODIFICATION TO THE TOTAL AMOUNT OF CLAIMS DUE (FROM \$1,668,970.24 TO \$493,273.25.)

6. Public Hearings.

- None.

7. General Business.

7(A) NUISANCE ABATEMENT - 417 NORTH 2ND STREET.

By Resolution No. 3739, the property owner of 417 North 2nd Street was directed to abate a nuisance (miscellaneous building materials) by October 29, 2021 and/or be heard at this meeting. By certified mail dated September 21, 2021, the property owner was notified of this action and provided with a copy of the resolution. Staff reported that while a number of the nuisance items were removed, a number of the items remain and are in violation of city ordinances. Therefore, staff recommended proceeding with a resolution directing the city to abate the nuisance.

BRYCE CURTISS OFFERED RESOLUTION NO. 3749, A RESOLUTION AUTHORIZING THE CITY TO ABATE THE NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3749 WAS SECONDED BY DAN SANBORN. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, DAN SANBORN, BEVERLY OLSON, STEVE SULFLOW AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(B) NUISANCE ABATEMENT - 533 NORTH 4TH STREET.

By Resolution No. 3740, the property owner of 533 North 4th Street was directed to abate a nuisance (vehicles with expired registrations, a mower, snowmobile, tires and the accumulation of other miscellaneous junk/trash/debris) by October 29, 2021 and/or be heard at this meeting. By certified mail dated September 21, 2021, the property owner was notified of this action and provided with a copy of the resolution. Upon inspection 11/1, it was found that the items remain and, therefore, are in violation of city ordinances.

The property owner had appeared earlier in the meeting to discuss the issue (see Agenda Item 4A). The council further discussed the matter, noting that inasmuch as the initial letter was sent June 1, 2021, an ample amount of time had been afforded the property owner to bring their property into compliance. And, there were concerns voiced that a fence may only serve to camouflage the miscellaneous trash/debris and prevent them from removing the items from the premises.

DAN SANBORN OFFERED RESOLUTION NO. 3750, A RESOLUTION AUTHORIZING THE CITY TO ABATE THE NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3750 WAS SECONDED BY STEVE SULFLOW. THOSE VOTING IN FAVOR OF MOTION: DAN SANBORN, STEVE SULFLOW, BRYCE CURTISS, BEVERLY OLSON AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(C) ABANDONED SIGNAGE - 200 SOUTH 1ST STREET.

Letters dated July 9 and October 8, 2021 were sent to the property owners of 200 South 1st Street informing them that abandoned signage was identified on the property. The first letter had asked that the signage be removed by August 8th, had provided them an

opportunity to be heard before the council on August 2nd and informed them that the matter would be placed on the August 16th council agenda for final action.

Subsequent to the initial letter, a representative had contacted city staff and had requested additional time for the removal. The property was inspected October 27th and it was found that the signage remained and, therefore, in violation of city ordinances. An additional letter was sent dated 10/27 informing the property owner that the council would take final action at this meeting.

DAN SANBORN OFFERED RESOLUTION NO. 3751, A RESOLUTION AUTHORIZING THE CITY TO REMOVE THE ABANDONED SIGNAGE AT 200 SOUTH 1ST STREET, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3751 WAS SECONDED BY BEVERLY OLSON. THOSE VOTING IN FAVOR OF MOTION: DAN SANBORN, BEVERLY OLSON, STEVE SULFOW, BRYCE CURTISS AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(D) COMMUNITY DEVELOPMENT COORDINATOR POSITION.

It was explained that for the past two years, the city has contracted with Community & Economic Development Associates (CEDA) to provide contracted full-time community and economic development services to the EDA. The 2022 Budget includes funds for a full-time position, and CEDA has been notified that the city will be terminating their contract at the end of 2021.

The intent to move back to a full-time staff person was discussed during the 2022 Budget Worksessions and, therefore, a proposed job description and salary range was developed for review by the council. Due to revisions made in the job title, job description/responsibilities and salary range, staff asked for council approval to proceed with advertising in this manner.

It was moved by Sanborn, seconded by Sulflow and unanimously passed to approve the job related materials, as presented, and to authorize staff to proceed with advertising for the position.

7(E) STORM WATER UTILITY.

The City of Montevideo does not have an established revenue source for the maintenance, repair and creation of storm sewer projects. City Manager Wolfington reported that staff has met with Ehlers, the city's financial advisors, regarding steps necessary for creating a new storm sewer utility, which included developing a rate structure. There are three main ways rates can be structured, including 1) a flat rate paid by all; 2) rates based on categories/size of lots; and/or 3) usage based (requiring significant calculations). Ehlers recommended the city consider option #2 and stated they could provide an estimate on the costs of developing such a rate structure.

It was the consensus of the council that staff seek an estimate from Ehlers on the establishment of a rate structure for the creation of a storm sewer utility.

7(F) ACCEPTANCE OF GIFTS/GRANTS.

The following gift was received by the city:

<u>Name</u>	<u>Description</u>	<u>Amount/Value</u>
VFW Post #380 Gambling Funds	Donation - Fire Prevention Activities	\$ 500.00
Montevideo Noon Lions	Donation - Christmas Lights	7,500.00
Co-Op Credit Union	Donation - Fire Prevention Week	100.00
Walmart	Donation - Supplies for P.D. Class "Refuse to be a Victim"	173.00

STEVE SULFLOW OFFERED RESOLUTION NO. 3752, A RESOLUTION ACCEPTING GIFTS/GRANTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3752 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: STEVE SULFLOW, BRYCE CURTISS, DAN SANBORN, BEVERLY OLSON AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(G) SPECIAL ASSESSMENT AGREEMENT - TREE REMOVAL.

Dennis & Nancy Ammermann, 205 South 13th Street, requested an assessment agreement with the city for costs associated with the removal of a 36" Ash tree from their boulevard. The Ammermanns had indicated an interest in extending their driveway and, therefore,

the tree would need to be removed. As a part of its meeting on April 6, 2020, the council had discussed the calculation used by staff to determine the value of this tree (based on the Department of Horticulture's "Landscape Tree Appraisal.") It was the consensus of the council at that time that the tree be valued at \$2,052.34, which has been reflected in the proposed Special Assessment Agreement that has been signed by the Ammermanns. The agreement would allow the \$2,052.34 to be assessed against the property over a 10-year period at 2.7% interest (the same interest rate applied to the 2021 Improvement Project.) The city public works department would remove the tree.

It was moved by Sanborn, seconded by Olson and unanimously passed to approve the Agreement for Special Assessment, as presented.

8. Ordinances.

8(A) RE-ZONING OF 2002 BLACK OAK AVENUE.

At its meeting on March 1, 2021, the council had approved the re-zoning in concept of the property known as Parcel #70-817-1205 (2002 Black Oak Avenue), contingent upon a required survey being conducted to determine legal descriptions. The property is currently zoned I1, Light Industry District, and the request was to re-zone approximately 4 acres to B2, Highway Business District, and approximately 5 acres to R1, Single-Family Residential District. The survey was completed, and an Ordinance was presented to the council for consideration.

DAN SANBORN INTRODUCED ORDINANCE NO. 964, AN ORDINANCE RE-ZONING CERTAIN LAND.

9. Discussion and Miscellaneous.

- Council member Sanborn asked about the property at the corner of Highway 7 and North 5th Street. A number of vehicles have been placed on the site, without any "for sale" signs, advertising, etc. City Manager Wolfington explained that the property was recently acquired through a tax forfeiture sale by the county and staff has not yet had any contact with the new owner(s).
- Mayor Winter stated that with the \$7,500 donation accepted by resolution this evening, the Noon Lions Club has now submitted donations totaling \$15,000 for holiday lights.

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Meeting adjourned at 7:43 P.M.

Glennis A. Lauritsen, Secretary

Approved by council November 15, 2021:

President - City Council