

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
August 18, 2014

The city council met in regular session Monday, August 18, 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 Attorney Janice M. Nelson and City Engineer David Berryman.

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

MODIFY: 5(A) **CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING AUGUST 15, 2014 IN THE AMOUNT OF ~~\$75,491.48~~ \$376,130.48.**

Revised amount reflects the following additional claims:

2014 CIP IMPROVEMENTS

KUE Contractors, Inc. - Application #3 - Fire Hall	300,639.00
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It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular meeting of August 4, 2014, as presented.

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

- Carena Kells of Madison, but formerly of Montevideo, was on hand to discuss her concerns with the Facebook site “Montevideo Secrets.” Ms. Kells felt the site encouraged bullying and harassment, and that those actions had consequences. The city council members discussed with Ms. Kells her concerns. Staff relayed that both the police chief and city manager had contacted Facebook to ask them to remove the site, but that Facebook would not. No formal action was taken, but staff will continue to monitor the situation.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING AUGUST 15, 2014 IN THE (MODIFIED) AMOUNT OF \$376,130.48.

5(B) SALE OF SEIZED/SURPLUS ITEMS FOR SALE BY THE POLICE DEPARTMENT (2000 BUICK REGAL AND 2004 OLDSMOBILE ALERO).

6. Public Hearings.

- None.

7. General Business.

7(A) 2:00 A.M. CLOSING - INN LIKE FLINN.

Inn Like Flinn, Inc., 305 South 1st Street, wishes to submit a renewal application to the State of Minnesota for the optional 2:00 A.M. closing of their liquor establishment. The application must first be approved in an official meeting by the governing body of the city approving the sale of alcoholic beverages until 2:00 A.M. Their current permit expires September 4, 2014.

Information about the application was read, and the police report was noted. With no objections noted, it was moved by Schmidt and seconded by Curtiss to approve the renewal. Those voting in favor of motion: Schmidt, Curtiss, Nieuwbeerta and Hay. Those voting against motion: Garbe. Motion passed 4-1.

7(B) WEST CENTRAL S.W.A.T. AGREEMENT.

This item was delayed until later in the meeting.

7(C) REPAIR/ REMOVE/ DEMOLISH ORDER - 316 MERRIAM AVENUE.

A house and garage located at 316 Merriam Avenue and owned by Thomas Eggers had been identified by city staff as hazardous. Staff attempted to work with the property

owner; however, the buildings remain in a hazardous condition. A letter dated July 23, 2014 was sent to the property owner informing him that the city council would be discussing the matter at this meeting. There was no one present representing the property.

BRYCE CURTISS OFFERED RESOLUTION NO. 3236, A RESOLUTION ORDERING THE HOUSE AND GARAGE AT 316 MERRIAM AVENUE TO BE REPAIRED, REMOVED OR DEMOLISHED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3236 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(D) REPAIR/REMOVE/DEMOLISH ORDER - 119 NORTH 3RD STREET.

A house located at 119 North 3rd Street and owned by Nathan Reynolds had been identified by city staff as hazardous. Staff attempted to work with the property owner; however, the structure remains in a hazardous condition. A letter dated July 23, 2014 was sent to the property owner informing him that the city council would be discussing the matter at this meeting. There was no one present representing the property.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 3237, A RESOLUTION ORDERING THE HOUSE AT 119 NORTH 3RD STREET TO BE REPAIRED, REMOVED OR DEMOLISHED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3237 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, BRYCE CURTISS, TODD HAY, NATHAN SCHMIDT AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(E) REPAIR/ REMOVE/DEMOLISH ORDER - 309 MERRIAM AVENUE.

A shed located at 309 Merriam Avenue and owned by Tom & Catalina Worden had been identified by city staff as hazardous. A permit to make repairs to the shed was taken out by the Wordens on May 1, 2012; however, no repairs have been made and the shed remains in a hazardous condition. A letter dated July 23, 2014 was sent to the property owner informing them that the city council would be discussing the matter at this meeting. There was no one present representing the property.

BRYCE CURTISS OFFERED RESOLUTION NO. 3238, A RESOLUTION ORDERING THE SHED AT 309 MERRIAM AVENUE TO BE REPAIRED, REMOVED OR DEMOLISHED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3238 WAS SECONDED BY TODD HAY. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, TODD HAY, NATHAN SCHMIDT, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(F) REPAIR/REMOVE/DEMOLISH ORDER - 803 NORTH 5TH STREET.

A house located at 803 North 5th Street and owned by David Christensen had been identified by city staff as hazardous. Staff attempted to work with the property owner; however, the building remains in a hazardous condition. A letter dated July 23, 2014 was sent to the property owner informing him that the city council would be discussing the matter at this meeting. There was no one present representing the property.

TODD HAY OFFERED RESOLUTION NO. 3239, A RESOLUTION ORDERING THE HOUSE AT 803 NORTH 5TH STREET TO BE REPAIRED, REMOVED OR DEMOLISHED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3239 WAS SECONDED BY NATHAN SCHMIDT. THOSE VOTING IN FAVOR OF MOTION: TODD HAY, NATHAN SCHMIDT, KAREN NIEUWBEERTA, BRYCE CURTISS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(G) REVISED STREET CONSTRUCTION PLAN.

Each year, the street construction plan is updated. Staff recommends revisions due to changes in the condition of certain streets, financial consideration, or petitions by citizens. This year's plan also includes upgrades to watermains and storm sewers.

The revised Street Construction Plan for 2015 and beyond was reviewed and discussed by the city council. Special note and discussion was made about the condition of Wolfe Avenue, but also the associated cost and complications with completing that project.

After discussion, it was the consensus of the city council that staff bring forward this fall a formal resolution asking the city engineer to provide a preliminary review of proposed projects for 2015.

At this time, Item 7(B) was considered.

7(B) UPDATED WEST CENTRAL S.W.A.T. TEAM AGREEMENT.

Police Chief Christopher was on hand to review the proposed changes to an existing S.W.A.T. Team Agreement. The major change in the agreement was to add the inclusion of paramedics from two health care institutions into the agreement (Sanford Medical Center and Glacial Ridge Health Systems.)

After a brief discussion, it was moved by Schmidt, seconded by Curtiss, and unanimously passed to approve the revised S.W.A.T. agreement.

The original order of the agenda resumed.

7(H) UPDATE - RYMAN WETLAND COMPLETION.

City Manager Jones stated that the completion of the Ryman wetland issue is at hand. In addition, the city council had previously discussed information about agreement issues and close-out costs.

After discussion, it was moved by Hay, seconded by Schmidt and unanimously passed to direct staff to draft a new agreement including \$14,000 of additional engineering and close-out costs reimbursement to the agreement.

7(I) GRANT AGREEMENTS - AIRPORT MASTER PLAN.

The city, county and airport commission have been working for some time to attract funding for completion of a new Airport Master Plan. The council took the following action on the two grant agreements required - one with the Federal Aviation Administration (FAA) and another with the Minnesota Department of Transportation (Mn/DOT):

1. It was moved by Curtiss, seconded by Nieuwbeerta, and unanimously passed to approve an August 4, 2014 Grant Agreement with the FAA, listed as AIP Grant Number 3-27-0065-14-14.

AND

2. TODD HAY OFFERED RESOLUTION NO. 3240, A RESOLUTION AUTHORIZATING MN/DOT GRANT AGREEMENT NO. A1201-50, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3240 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 5-1.

7(J) SECOND DRAFT - MRHC LEASE AGREEMENT.

The city council reviewed a second draft of a revised Milwaukee Road Heritage Center (MRHC) Lease Agreement. In this draft, staff attempted to include in its contents comments and concerns by the city council at previous meetings.

After review and discussion, it was the consensus of the council to send it on to the Milwaukee Road Heritage Center for review and comment.

8. Ordinances.

8(A) INTRODUCTION OF ORDINANCE NO. 928. (COUNCIL/MAYOR SALARY).

An ordinance has been drafted increasing the annual wage of the Mayor and Council members, from \$5,941.50 to \$6,208.87.

BRYCE CURTISS INTRODUCED ORDINANCE NO. 928, AN ORDINANCE AMENDING CHAPTER 5, TITLE 1 OF THE MONTEVIDEO CITY CODE ENTITLED, "COMPENSATION OF MAYOR AND COUNCIL MEMBERS."

9. Discussion and Miscellaneous.

Prior to going into closed session, President Garbe polled the council for additional items. Seeing none, council moved into closed session at 7:54 P.M. for the purpose of discussing union negotiations.

9(A) CLOSED SESSION - L.E.L.S. (POLICE) UNION NEGOTIATIONS.

A closed session was held from 7:54 P.M. to 8:18 P.M. for the purpose of discussing union negotiations with the Law Enforcement Labor Services Bargaining Unit. The

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entire session was recorded on tape and is on record in the city clerk's office. The tape will be retained in accordance with the adopted records retention schedule, after which time it will be destroyed.

Meeting adjourned at 8:19 P.M.

Steven C. Jones, Acting Secretary

Approved by council September 2, 2014:

Marvin E. Garbe, President