

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
April 19, 2010

The city council met in regular session Monday, April 19, 2010 in the council chambers at city hall. President Hodge called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Council members present: Marvin Garbe, Sandra Hodge, Bryce Curtiss, Al Johnsrud and Karen Nieuwbeerta. Absent: None. Mayor Jim Curtiss present.

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

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

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the minutes of the regular meeting of April 5, 2010, as presented.

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

- None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING APRIL 16, 2010 IN THE AMOUNT OF \$238,212.32.

5(B) APPLICATION FROM THE SENIOR CITIZENS OF THE MONTEVIDEO AREA, INC., TO CONDUCT EXCLUDED BINGO JUNE 14 AND OCTOBER 18, 2010.

6. Public Hearings.

- None.

7. General Business.

7(A) VFW BEER GARDENS LICENSE DURING FAIR.

The VFW submitted an application for a Temporary 3.2 Percent Malt Liquor On-Sale License during the Chippewa County Fair the week of August 4th, 2010 at the Chippewa County

Fairgrounds. Included in the application materials was a letter from the president of the Chippewa County Fair Board granting permission for the activity during this time.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the application, as submitted.

7(B) VFW FIESTA DAYS BEER GARDENS.

The VFW submitted an application for a Temporary 3.2 Percent Malt Liquor On-Sale License on June 19-20, 2010, in conjunction with Fiesta Days. This beer gardens would take the place of the annual Fire Relief Association event, which had typically taken place at the fairgrounds and last year was conducted at the American Legion.

It was noted that even though the Fire Relief Association is not the applicant, some of the Relief Association members may serve the beer. The city's worker's compensation insurance will not cover this activity, and the Relief Association has been advised to that end by memo from city staff.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to approve the application, as submitted.

7(C) VFW 2010 ON-SALE LIQUOR LICENSE APPLICATION.

The VFW submitted an application for a 2010 liquor license for their establishment at 570 1st Street S.W. The VFW Board recently voted to move away from a club license and obtain a full on-sale liquor license. This license would allow the club greater flexibility in its activities to involve the general public. It was noted that the Montevideo City Code authorizes the issuance of on-sale licenses only to hotels and restaurants; therefore, in this instance, the VFW would be considered a restaurant.

VFW Quartermaster Jonathan Schiller was present to address questions/concerns. When asked about hours that food is served, Schiller stated nightly, between 5:00-9:00 P.M. A copy of the menu had been submitted along with the application documents.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the application, as submitted.

7(D) LIQUOR REGULATIONS.

Staff has recommended that the council call for a worksession to discuss liquor law issues, recent developments with the state, etc. In addition to council members, the city attorney, police chief and city clerk would also be in attendance.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to set a worksession for Monday, April 26, 2010 at 7:00 P.M.

7(E) AMERICAN LEGION RIDERS LEGACY RUN.

J.R. Burrows, American Legion Commander and Paul Rice, Secretary of the American Legion Riders Post #59, were present to discuss the American Legion Riders Legacy Run, which will be coming to Montevideo on August 22nd. The Legacy Run is a fundraising event for scholarships for families of veterans after the 9/11 tragedy. They are requesting city support for this event by waiving the camping fees at Lagoon Park for the night of the 22nd. Smith Park would be utilized only if necessary. To date, there are 100 bikers registered, which could result in 200-250 individuals.

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to approve the use of Lagoon & Smith Parks, as requested.

7(F) REVISED TIMELINE - 2010 STREET IMPROVEMENTS.

City Manager Jones stated that due to spring flooding, engineering work for the 2010 Street Improvement Projects was delayed and some timelines for completion need to be adjusted, as follows:

(Completed)	January 19 -	Council formally receives the report from the engineer and calls for a public hearing.
(Completed)	March 1 -	Council holds public hearing (due to lack of publication, formal hearing delayed)
(Completed)	March 15 -	Council holds public hearing.
(Completed)	March 15 -	Council orders plans/specifications/solicitation of bids.
(Delayed)	April 15 -	Bid opening date (New date May 13)
(Delayed)	April 19 -	Council reviews bids, sets assessment rates, calls for final assessment hearing (New date May 17)
(Delayed)	May 17 -	Council holds final assessment hearing/sets final rates/awards bids. (New date June 7)
(Delayed)	June 7 -	Bond sale approval (New date June 21)

(Same) Mid-June - Construction starts (William Avenue must be done by mid-August)

No formal action was required of the council.

8. Ordinances.

8(A) SUMMARY PUBLICATION OF ORDINANCE NO. 897.

Ordinance No. 897 was adopted by the council on April 5, 2010. Publication of the ordinance would be quite costly to publish in its entirety. The council could, by a 4/5 vote, agree to publish a summary, noting that the full text of the ordinance is available for inspection by anyone during regular business hours, at the city clerk's office.

It was moved by Garbe and seconded by Nieuwbeerta to authorize publication of the Summary of Ordinance No. 897. Those voting in favor of motion: Garbe, Nieuwbeerta, Curtiss, Johnsrud and Hodge. Those voting against motion: None. Motion passed 5-0.

9. Discussion and Miscellaneous.

- ▶ Council member Garbe reminded the council of an All Hazard Mitigation Plan Meeting scheduled for Friday, May 23rd, at the court house. He noted that public input is welcome.
- ▶ Council member Garbe stated he may need additional funds for the new sirens. If that is the case, a grant amendment will need to be approved to cover the cost.

Meeting adjourned at 7:23 P.M.

Glennis A. Lauritsen, Secretary

Approved by council May 3, 2010:

Sandra Hodge - President