

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
December 21, 2009

The city council met in regular session Monday, December 21, 2009 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: Karen Nieuwbeerta, Bryce Curtiss, Sandra Hodge, Marvin Garbe and Al Johnsrud. Mayor Jim Curtiss present (7:20 P.M.)

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

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

MODIFY:

5(A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING DECEMBER 18, 2009 IN THE AMOUNT OF ~~\$175,495.61~~ \$182,122.06.

Modified amount reflects the following additional claims:

<u>EDA ADMINISTRATION</u>		
Community Partners Research, Inc.	Housing Study Update	\$ 4,000.00
<u>UTILITY</u>		
Schoep Contracting, LLC	Valve pit labor & backhoe	2,626.45

7(E) CONSIDER APPOINTMENTS TO VARIOUS CITY BOARDS & COMMISSIONS.

Updated listing provided, which includes the following:

Police Civil Service Commission - Scott Marquardt is interested in appointment.

In addition, an application form has been submitted by Mark Rekow to support his interest in appointment to the Hospital Commission.

It should also be noted that City Attorney Nelson has reviewed the listing and has determined that Wendy Augeson would not be eligible for appointment to the Hospital Commission. She is an employee of the hospital and, therefore, a conflict of interest exists.

ADD:

7(I) CONSIDER QUOTES RECEIVED FOR SELF-CONTAINED BREATHING APPARATUS EQUIPMENT FOR THE FIRE DEPARTMENT AND RESOLUTION FORMALLY ACCEPTING THE \$88,920.00 2008 FEMA ASSISTANCE TO FIREFIGHTERS GRANT AWARD.

Attachments include memo from Fire Chief Robb Gilkey, copies of quotes received and proposed resolution.

It was moved by Curtiss, seconded by Johnsrud and unanimously passed to approve the minutes of the regular meeting of December 7, 2009, as presented.

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

- None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING DECEMBER 18, 2009 IN THE (MODIFIED) AMOUNT OF \$182,122.06.

6. Public Hearings.

- None.

7. General Business.

7(A) 2010 TAX LEVY.

Finance Director Jan Flaherty was present to state that the proposed levy is the same as the preliminary levy approved in September 2009. The total tax levy is \$1,643,740.

MARVIN GARBE OFFERED RESOLUTION NO. 2948, A RESOLUTION ESTABLISHING THE 2010 TAX LEVY, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2948 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, AL JOHNSRUD, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(B) 2010 BUDGET ADOPTION.

BRYCE CURTISS OFFERED RESOLUTION NO. 2949, A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR 2010, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2949 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

It was noted that a full copy of the budget document is available for viewing by the public at city hall.

7(C) GIFTS/GRANTS ACCEPTED.

A resolution is required for the acceptance of gifts/grants received by the city. A resolution has been prepared for the following:

<u>Name</u>	<u>Description</u>	<u>Amount</u>
American Legion	Pool Scholarship	\$ 100.00
Monte Youth Sports	Pool Scholarship	50.00
Office of Justice	Vest Grant	450.00
State of Minnesota	Vest Grant	470.99

AL JOHNSRUD OFFERED RESOLUTION NO. 2950, A RESOLUTION ACCEPTING GIFTS/GRANTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2950 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, MARVIN GARBE, KAREN NIEUWBEERTA, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(D) 2010/2011 MOTOR FUEL QUOTES.

Quotes were solicited for motor fuels for the years 2010 and 2011, with three quotes received. Staff has reviewed the quotes and recommended that all three quotes be accepted for the following reasons:

1. Food-N-Fuel: Best price for gasoline, but they don't offer diesel fuel.
2. Dooley's (BP): Good price on gas; best price on diesel, but not open 24 hours/day.
3. Cenex: They don't offer the best price, but they do offer both gasoline and diesel 24 hours/per day (card) AND some of the city's trucks cannot easily access Dooley's for diesel fuel, so a second source is needed for diesel fuel that is accessible.

It was noted that all three would be utilized; however, departments would be encouraged to use the station that has the most advantageous price, whenever possible.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to accept the quotes of all three entities, as presented.

7(E) BOARD/COMMISSION APPOINTMENTS.

It was moved by Johnsrud and seconded by Nieuwbeerta to appoint Kathy Thalberg to the **planning commission**, term expiring January 2013.

Following discussion, it was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to amend the motion to include the reappointment of incumbents Marvin Garbe and Debra Lee Fader, terms expiring January 2013.

Upon passage of the amended motion, the original motion was voted upon and passed unanimously.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to reappoint Dr. Thomas Birkey, Adam Christopher and Steve Jones to the **Board of Health**, terms expiring December 31, 2010.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to appoint Scott Marquardt to the **Police Civil Service Commission**, term expiring January 2013.

It was moved by Nieuwebeerta, seconded by Curtiss and unanimously passed to appoint Mark Rekow to the **Hospital Commission**, term expiring January 2013.

It was moved by Garbe, seconded by Nieuwebeerta and unanimously passed to reappoint the following incumbents:

Traffic Safety Improvement Committee
(1-year terms to December 31, 2010)

Ron Tschaekofske
Marv Dehne
Stacy Tufto
Lyle Henning
Mike Dann
Jim Curtiss

Park Board
5-year term to January 2015

Jerry Tilden

Cable Advisory Board
3-year term to 12/31/2012

Marv Dehne

Housing Commission
3-year term to 12/31/2012

Sharon Olson
Beth Russell

Building & Housing Advisory Appeals Board
3-year term to 12/31/2012

Arland Bebensee

Montevideo United Way
3-year term to March 2013

Dawn Stary

It was noted that vacancies remain on the Cable Advisory Board and Convention & Visitor's Bureau. Staff will advertise for membership on those boards.

Mayor Curtiss arrived at 7:20 P.M.

7(F) COUNCIL MEMBER APPOINTMENTS TO BOARDS/COMMISSIONS.

Council members reviewed the list of current representation on the various boards and commissions. Following review, it was moved by Garbe, seconded by Johnsrud and unanimously passed to appoint the following:

Board	Council Representative	Length of Term:
Airport Commission	Karen Nieuwbeerta	term expires 12/31/10
MCDC	Al Johnsrud	term expires 12/31/11
Chippewa Co. Historical Society	Sandra Hodge	term expires 12/31/12
Joint City/County Airport Zoning Board	Karen Nieuwbeerta Al Johnsrud	term expires 12/31/10
County Planning Commission	Karen Nieuwbeerta	term expires 12/31/10
County Elected Officials Comm.	Jim Curtiss	term expires 12/31/10

7(G) 2010 BUSINESS & LIQUOR LICENSES.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to approve the following business and liquor licenses for 2010, subject to the elimination of deficiencies noted:

Key:

- (1) = Application not returned - NOT LICENSED FOR 2010
- (2) = Proof of Insurance needed
- (3) = Bond needed
- (4) = Food license needed (restaurants)
- (5) = Payment needed

LIQUOR ON-SALE (3-2A-2: \$2,100 Fee/Liq.Liab./\$5,000 Bond/Worker's Comp.)

Appl. #	Name	Deficiencies
10-1	Groat's, Inc., DBA/Groat's	
10-2	Frommel, Inc., DBA/Topper's Bar & Grill	
10-3	Inn Like Flinn, Inc., DBA/Inn Like Flinn	(4)
10-4	VOID	

CLUB ON-SALE LIQUOR (3-2D-2: \$150.00 Fee/Liq. Liab./Worker's Comp.)

Appl. #	Name	Deficiencies
10-5	Henning-Erickson V.F.W. Post #380	
10-6	American Legion Post #59	

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

Appl. #	Name	Deficiencies
10-7	Eloise Valentino, DBA/Valentino's Restaurant (Monday-Saturday and separate Sunday license) <i>(Note: The combination of a wine license and 3.2 beer license allows the sale of strong beer Monday-Saturday. Sunday sales of strong beer are not allowed.)</i>	

3.2 PERCENT MALT LIQUOR ON SALE (3-2B-2: \$160.00 Fee/Sunday Fee \$70.00/Liq. Liab./Worker's Comp.)

Appl. #	Name	Deficiencies
10-8	DeVon Vien, DBA/Mel'ody Lanes Bowling Center, Inc. (& SUNDAY ON-SALE)	
10-9	VOID	
10-10	Inn Like Flinn, Inc., DBA/Inn Like Flinn (SUNDAY ONLY)	(4)
10-11	Eloise Valentino DBA/Valentino's Restaurant (MONDAY-SATURDAY) (In conjunction with a wine license, strong beer is allowed.)	

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

<u>Appl. #</u>	<u>Name</u>	<u>Deficiencies</u>
10-12	Henning-Erickson VFW Post #380 for 2009 Racetrack Concessions (Special Event - Monday-Saturday during the racing season)	(2)
10-13	KMJ Convenience Co., DBA/FOOD-N-FUEL	(2)
10-14	J & L Enterprises West, Inc., DBA/Montevideo County Market	(2)
10-15	Inn Like Flinn, Inc., DBA/Inn Like Flinn	(4)
10-16	Casey's Retail Company, DBA/Casey's General Store #1806	
10-17	Casey's Retail Company, DBA/Casey's General Store #2085	
10-18	Wal-Mart Stores, Inc., DBA/Wal-Mart Supercenter #1858	

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

<u>Appl. #</u>	<u>Name</u>	<u>Deficiencies</u>
10-20	Dooley's Petroleum, Inc., DBA/Dooley's Handistop of Monte	
10-21	City of Montevideo, DBA/Fiesta City Liquor	
10-22	VOID	
10-23	Wal-Mart Stores, Inc., DBA/Wal-Mart Store #1858	
10-24	J & L Enterprises West, Inc., DBA/Montevideo County Market	(2)
10-25	American Legion Post #59	
10-26	KMJ Convenience Co., DBA/Food-N-Fuel	(2)
10-27	Farmers Union Oil Co., DBA/CENEX	(2)
10-28	Bill's Foods, Inc., DBA/Bill's Supermarket	
10-29	Casey's Retail Company, DBA/Casey's General Store #2085	
10-30	Casey's Retail Company, DBA/Casey's General Store #1806	
10-31	Farmers Union Oil Co., DBA/CENEX C-STORE	(2)

REFUSE/RUBBISH HAULING LICENSE (4-2-7: \$40 Fee/Bond/Public Liab. & Property Damage Ins./Worker's Comp.)

<u>Appl. #</u>	<u>Name</u>	<u>Deficiencies</u>
10-32	Lonny Tostenson, DBA/Tostenson, Inc.	

Staff noted that tree licenses are issued administratively and set-up licenses renew in March.

7(H) SCHEDULE FOR 2010 CITY COUNCIL MEETINGS.

AL JOHNSRUD OFFERED RESOLUTION NO. 2951, A RESOLUTION FIXING TIME AND PLACE FOR REGULAR CITY COUNCIL MEETINGS - 2010, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2951 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, MARVIN GARBE, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(I) 2008 FEMA ASSISTANCE TO FIREFIGHTER GRANT AWARD / QUOTES.

Fire Chief Robb Gilkey was present to explain that the fire department had received an award under the 2008 FEMA Assistance to Firefighters Grant Program for the purchase of 18 new self-contained breathing apparatus. Subsequently, a committee of the department met with four area vendors representing major companies in the industry and offering competitive quality products. After testing the available equipment and reviewing the quotes, the committee recommended that the quote from Alex Air Apparatus, Inc., totaling \$89,727.30, be accepted.

Gilkey explained that while the quote from Alex Air was not the low quote, it was the preferred apparatus and the most responsive bid. This was based on the fact that all four vendor's apparatus were sampled, and it was found that the Alex Air apparatus was favored due to better viewing/peripheral vision, fit, ease of use, quality and because service would be better due to the close proximity of the company. In the long term, staff felt that the overall cost would be less with the Alex Air quote.

Gilkey further explained that the grant award is \$88,920 and that, together with the required 5% match of \$4,680, totals \$93,600 in available funds. Therefore, an excess of \$3,872.70 will be available. Under the terms of the grant program, up to \$5,000 in excess funds is available to the grantee to expand the scope of their grant project. In order to utilize the excess funds, Gilkey proposed to purchase five (5) optional Buddy Breather connections and two (2) extra face pieces. He stated that the Buddy Breather is used to connect the breathing apparatus to the on-board air in the aerial platform and, with two spare face pieces, there would be enough to allow the firefighters to have their own personal face mask. Cost of the Buddy Breathers and face pieces would be \$1,820.00, and Gilkey stated that quotes for additional equipment would be obtained to further expand the grant project and utilize all of the excess funds available.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the quote of Alex Air Apparatus in the amount of \$89,727.30 for reasons cited above.

BRYCE CURTISS OFFERED RESOLUTION NO. 2952, A RESOLUTION (FORMALLY) ACCEPTING THE 2008 FEMA ASSISTANCE TO FIREFIGHTERS GRANT OF \$88,920, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2952 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, AL JOHNSRUD, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

8. Ordinances.

8(A) ADOPTION OF ORDINANCE NO. 896.

This ordinance was introduced at the December 7th meeting and covers the following:

6-2-1, LIMITED PARKING. Current language limits the amount of time that a “motor vehicle” may be parked in a city street. Staff felt this term should be expanded to include “trailer, camper, boat or other similar vehicle.”

5-1-6, THEATERS, SMOKING RESTRICTIONS. It appears as though this ordinance was intended to eliminate smoking in theaters other than in designated areas. This language is outdated inasmuch as state law prevents smoking in all public buildings.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE. 896, AN ORDINANCE AMENDING 6-2-1 OF THE MONTEVIDEO CITY CODE (LIMITED PARKING) AND REPEALING 6-1-5 (THEATERS, SMOKING RESTRICTED), BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 896 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, AL JOHNSRUD, MARVIN GARBE, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 5-0.

9. Discussion and Miscellaneous.

- ▶ Council member Johnsrud stated he had attended the grant award presentation by the Montevideo Foundation and noted that the police department has obtained an \$800.00 grant for first responder bags. Johnsrud said that Police Chief Christopher had also been in attendance and had done a nice job in representing the city.

- ▶ Johnsrud added that as he completes his first year on the council, he found it to be enjoyable, is respectful and appreciative of his fellow council members and city staff, and he wished everyone happy holidays.
- ▶ Council member Curtiss stated that 400-500 people had attended the hospital open house. The project came in slightly under budget (\$300,000 +/-). The hospital is on line for one female doctor (1/13/10), a male doctor in March 2010 and, hopefully, another female doctor in October. They continue to look for additional personnel.
- ▶ Council member Garbe stated he had recently completed work on an update of the ambulance boundaries. The ambulance is moving to life support/having a paramedic on board. Garbe echoed the holiday sentiments of Johnsrud.
- ▶ City Manager Jones addressed the street light issue on the East Highway #7 frontage roads, stating that Public Works Director Schwaegerl is working on it along with Mn/DOT officials.

Meeting adjourned at 7:42 P.M.

Glenn A. Lauritsen, Secretary

Approved by council January 4, 2010:

Sandra Hodge - President