

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
June 21, 2010

The city council met in regular session Monday, June 21, 2010 in the council chambers at city hall. Acting President Garbe called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Council members present: Bryce Curtiss, Marvin Garbe, Al Johnsrud and Karen Nieuwbeerta. Absent: Sandra Hodge. Mayor Jim Curtiss present.

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

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

ADD:

7(J) CONSIDER RESOLUTION OF COMMITMENT FOR MONTEVIDEO FLOOD CONTROL PROJECT.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular meeting of June 7, 2010, as presented.

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

4(A) LAW OFFICER OF THE YEAR.

Chief Adam Christopher was present to announce that Sergeant Rohn Halvorson had been awarded the MN American Legion "Law Officer of the Year" 2009-2010. Christopher highlighted Halvorson's many accomplishments in law enforcement and community involvement. Sergeant Halvorson was present for the recognition and received a round of applause from the council and audience.

4(B) 2009 BUILDING AWARDS.

The following were acknowledged as recipients of the 2009 Building Award Program:

I. Residential:

A. *Addition & Remodel*

217 South Fourth Street - Larry Ulferts - 10' x 26' two-story addition, kitchen remodel. Work completed by himself.

B. *Rental Rehabilitation*

316 South 9th Street - Randy Dyrdaahl - Steel roof, wiring upgrade, windows, furnace, aesthetic upgrades. Owned and contracted by Dyrdaahl.

315 South 5th Street - Carey Field - Recipient of Small Cities Grant funding. Windows, siding, roof, electrical upgrades. Contracted by Mike Kontz.

C. *Multi-Family Rehabilitation*

1011 North 11th Street (Eastgate Apartments) - Nationwide Group - Roof, siding, windows, patio doors. Total cost: \$450,000. Contracted by Structural Building, Inc.

D. *Landscaping*

121 North 5th Street - Mary Dalessandro - Retaining wall, fencing and patio. Contracted by homeowner and many volunteers from the community.

II. Commercial:

A. *Commercial Remodel*

1234 East Highway 7 (Thrifty White Drug Store) - Interior remodel and aesthetic upgrades. Contracted by Arrow Construction.

III. Institutional / Governmental:

A. *Mechanical Upgrades*

1501 William Avenue, ISD #129 - \$3.2 Million in heating, ventilation and air conditioning upgrades at the Montevideo High School. Contracted by Sentra-Sota Sheet Metal, Inc.

4(C) SIGN FOR RIVER PROMOTION.

Jenessa Runia, Girl Scout Troop #3662, was present to request permission to develop a sign to promote the Chippewa and Minnesota Rivers to be placed in the parking area to the east of the dam in Smith Addition. Runia distributed a sample of the proposed sign as she explained that this is a Girl Scout Gold Award Project, which requires 65 hours of work towards a specific project. She said that her goal is to construct two (2) 3' x 4' signs to promote the confluence of the two rivers and to promote fishing, not polluting. Runia had discussed the project with Chris Domeier of the DNR who had suggested this location.

City Manager Jones concurred that this is a good location and staff had no problems with its placement.

Runia was commended by the council for her work.

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

4(D) PRAIRIE WATERS & RDC UPDATE.

Kristi Fernholz, Tourism Planner with the Upper Minnesota Valley Regional Development Commission (UMVRDC) was present to update the council on the Prairie Waters Program and the RDC.

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 JUNE 18, 2010 IN THE AMOUNT OF \$303,091.14.

6. Public Hearings.

- None.

7. General Business.

7(A) AMENDMENT TO 2010 LIQUOR LICENSE - TOPPER'S.

Steve Frommel, dba/Topper's Bar & Grill, 311 State Road, was present to request an amendment to his 2010 On-Sale Intoxicating Liquor License to include an additional building and outdoor area. Frommel wishes to expand into the 29' x 27' garage directly attached to (south) the existing building and also a 1,300 sq.ft. cement patio/sidewalk area to the front (west) of the garage.

It was moved by Nieuwbeerta, seconded by Johnsrud and unanimously passed to approve the request, authorizing the city clerk to issue an amended license upon receipt of all of the necessary support documents.

7(B) HANDICAP PARKING/CONTROLLED CROSSING - TOPPER'S.

As a part of the proposed expansion of Topper's Bar & Grill, 311 State Road, Steve Frommel has requested permission to add a handicap parking space in front of the building, as well as a crosswalk from the parking lot across the street to their building. Frommel has agreed to pay for all expenses of installation/maintenance.

City Manager Jones stated he feels that once installed, future costs/upkeep to maintain the signage/painting is and should be a city cost, and that it is not practical to have a private entity pay for or maintain street signs or handicap spots/crossings placed in public rights-of-way.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the request, as submitted, with ongoing costs borne by the city.

7(C) SITE PLAN REVIEW - MARY HAFF, DBA/PERFECT PAWS.

Community Development Director Nick Haggemiller was present to discuss a site plan review for Mary Haff, dba/Perfect Paws for the construction of a 44' x 80' steel building for a pet grooming/vet clinic/kenneling facility to be located at 1220 Grove Avenue. This is a new lot made as a result of a lot split of the west 207' of Lot 3, Block 1 - Burns Second Addition - also known as 1209 Black Oak Avenue. The property is located in a B-1 Zone, a Zone C Flood Zoning District (area of low flooding potential), is outside of Airport Safety Zones A & B and meets airport height requirements.

Haggenmiller stated that the planning commission had conducted a site plan review at its meeting held at 6:00 P.M. and had unanimously recommended approval, with the stipulation that the paving issue be revisited in June 2011. The commission agreed to allow a gravel parking lot rather than require it be paved, in order to help keep Haff's immediate costs down for the first year.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the site plan, as recommended by the planning commission.

7(D) LTD MOTORCYCLE MEMORIAL RUN.

The American Legion has requested permission to close the area between Legion Drive & Black Oak Avenue and 12th Street & Grove Avenue, from 7:00 A.M. to 11:00 A.M. on Saturday, July 24th. This is for the annual LTD Memorial Motorcycle Run for three fallen soldiers of the 1st Battalion Field Artillery. 800 riders are expected.

In addition, they have talked to law enforcement personnel to request traffic control at the time of departure at various locations and have arranged for barricades that will be removed when the motorcycles have departed.

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

7(E) CHANGE ORDER NO. 11 - WWTF MODIFICATIONS.

This Change Order addresses the hazardous area surrounding the open top grit separation tank on the east side of the preliminary treatment building and results in an increase of \$2,271.00. Total contract price after incorporating this Change Order is \$10,839,314.00.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve Change Order No. 11, as presented.

7(F) SUNDAY LIQUOR QUESTION.

At the June 7, 2010 meeting, the council approved placing the issue of Sunday liquor on the November ballot. Official language has now been developed by the city attorney for approval by the council, as follows:

SUNDAY LIQUOR QUESTION

Shall the City of Montevideo be authorized to issue Sunday intoxicating liquor licenses? Yes No

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to approve the language, as drafted by the city attorney and direct the city clerk to submit the approved language to the county auditor.

7(G) APPOINTMENT OF POLLING SITES & ELECTION JUDGES.

BRYCE CURTISS OFFERED RESOLUTION NO. 2979, A RESOLUTION DESIGNATING POLLING SITE AND JUDGES OF ELECTION FOR THE 2010 PRIMARY ELECTION, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2979 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE AND AL JOHNSRUD. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

AL JOHNSRUD OFFERED RESOLUTION NO. 2980, A RESOLUTION DESIGNATING POLLING SITE AND JUDGES OF ELECTION FOR THE 2010 GENERAL ELECTION, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2980 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, BRYCE CURTISS, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(H) CHANGE OF HOURS AT COMMUNITY CENTER.

The senior citizens group, as well as staff, has recommended that open hours at the community center be changed, from 10:00-5:00 to 9:00-4:00. There is more demand to be open earlier than later in the day.

It was moved by Nieuwbeerta, seconded by Johnsrud and unanimously passed to approve the change of hours, effective immediately.

7(I) 2011 BUDGET PLANNING.

Staff explained that changes at the state level over the last few years has limited local options for budget changes (increase) or major new programs, expenses or policy shifts, unless those shifts have lowered costs. Over the same period of time, most known cost savings have been taken into account. Because of the financial situation and the changes that have already been made over the last few years, the 2011 Budget, department by department, will be very similar to the 2010 Budget.

Therefore, staff suggests that only one budget meeting with department heads/staff may be necessary and recommended August 9, 2010 at 6:00 P.M.

It was moved by Curtiss, seconded by Johnsrud and unanimously passed to set a budget worksession for Monday, August 9, 2010 at 6:00 P.M. at city hall.

7(J) RESOLUTION OF COMMITMENT - FLOOD CONTROL PROJECT.

The Chippewa Soil & Water Conservation District has requested a letter from the City of Montevideo outlining its strong commitment to ensuring the Montevideo Flood Control Project meets the minimum standards of the MN Wetland Conservation Act Rule. A resolution has been drafted for that purpose.

BRYCE CURTISS OFFERED RESOLUTION NO. 2981, A RESOLUTION OF COMMITMENT TO PROVIDE WETLAND REPLACEMENT FOR THE MONTEVIDEO FLOOD CONTROL PROJECT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2981 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE AND AL JOHNSRUD. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

8. Ordinances.

8(A) LIQUOR LICENSING ISSUES.

The council held a worksession on April 26, 2010 to discuss liquor licensing issues. As a result of that discussion, the city attorney had prepared an ordinance amending current city code language. In addition, staff had attended a State Liquor Control Division training that brought up a few additional issues for possible further changes, as follows:

1. (Live Performance) Theaters. State Statute 340A.404 authorizes the issuance of an on-sale intoxicating liquor license, an on-sale wine license, or an on-sale malt liquor license to (live performance) theaters. Sales are restricted to patrons attending an event at the theater; no walk-in business and no “open bar business.”
2. Consumption & Display (Set-up) Permits. State Statute permits set-up permits in areas the city does not, i.e., bed & breakfast facilities, resorts, and any establishment licensed for the sale of 3.2% malt liquor.
3. Exclusions From License Limits. State Statute 340A.413, Subd. 4 excludes from license limits the following: Clubs (or congressionally chartered veterans organizations), restaurants, wine license, theaters that are issued licenses under Section 340A.404, hotels and bowling centers. Since the city can only issue licenses to business that are excluded from license totals, an unlimited number of licenses may be issued. Current city code sets seven (7) as the limit of on-sale liquor licenses the city can issue. By using the state definition, the city could issue additional licenses.
4. Caterers Permits. Currently, anyone who holds a liquor caterers permit can sell liquor incidental to food service in the community, without a local permit. The caterer must hold a permit from the state but need only notify the police or sheriff prior to the event. (This is not asking permission; it is notification.)

At the June 7th meeting, it was the consensus of the council that items 1-3 be incorporated into a new draft ordinance for consideration at the June 21st meeting and, inasmuch as this does not seem to be an issue, that no language be drafted for the caterers permit issue at this time.

The proposed ordinance incorporates all of the various changes council wished to make, except for the licensing of (live performance) theaters. Even though it appears that the state would allow the city to issue liquor licenses to theaters, the city attorney feels that a theater is not an eligible entity for a city with a municipal liquor store, in accordance with state statute.

AL INTRODUCED ORDINANCE NO. 899, AN ORDINANCE AMENDING
VARIOUS PROVISIONS OF CHAPTER 2 OF TITLE 3 OF THE MONTEVIDEO CITY
CODE, LIQUOR CONTROL.

Minutes/City Council
June 21, 2010
Page No. 9

9. Discussion and Miscellaneous.

- ▶ City Clerk Lauritsen noted that in addition to the certificates presented to the recipients of the 2009 Building Awards, a Certificate of Acknowledgment is also mailed to the general contractors.
- ▶ Council member Curtiss stated that the hospital will be celebrating its Centennial in October of this year. Specific information will be provided at a later date.

Meeting adjourned at 7:52 P.M.

Glennis A. Lauritsen, Secretary

Approved by council July 6, 2010:

Sandra Hodge - President