

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
January 4, 2010

The city council met in regular session Monday, January 4, 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, Karen Nieuwbeerta, Sandra Hodge, Al Johnsrud and Bryce Curtiss. Mayor Jim Curtiss present.

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 Johnsrud, 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 31, 2009 IN THE AMOUNT OF ~~\$1,064,353.81~~ \$1,132,583.51.**

Modified amount reflects the following additional claims:

<u>ENGINEERING</u>		
Rodeberg & Berryman, Inc.	December services	\$18,659.95
<u>MISCELLANEOUS</u>		
MCDC	Reimbursement for VA Expenses	1,918.75
SW/WC Service Co-Op	Health Insurance/February	47,651.00

- 7(L) CONSIDER APPLICATION SUBMITTED BY DAVE BAG AUS, HUNT BAR & GRILL, LLC, DBA/HUNT BAR & GRILL, FOR A 2010 ON-SALE LIQUOR LICENSE AND A 2010 3.2 ON-SALE SUNDAY ONLY LICENSE.**

ADD:

- 7(V) CONSIDER USE OF EXCESS GRANT FUNDS (2008 FEMA ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM) FOR THE PURCHASE OF FOUR (4) NEW PAGERS.**

Memorandum from Fire Chief Robb Gilkey attached.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the minutes of the regular meeting of December 21, 2009, as presented.

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

4(A) AWARD PRESENTATION TO OFFICER NICK GUNDERSON.

Police Chief Adam Christopher was on hand to publically commend Officer Nick Gunderson for being instrumental in saving a life by administering CPR on an individual. The individual is alive today because of the efforts of Gunderson and the ambulance crew. On behalf of the City of Montevideo and the Montevideo City Council, Mayor Curtiss presented a certificate of acknowledgment to Gunderson and expressed his thanks and appreciation.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING DECEMBER 31, 2009 IN THE (MODIFIED) AMOUNT OF \$1,132,583.51.

6. Public Hearings.

- None.

7. General Business.

ORGANIZATIONAL ITEMS OF BUSINESS:

7(A) SECRETARY TO COUNCIL/2010.

It was moved by Garbe, seconded by Curtiss and unanimously passed to appoint Glennis A. Lauritsen as secretary to the council for 2010.

7(B) ACTING CITY MANAGER / ACTING CITY CLERK FOR 2010.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 2953, A RESOLUTION PROVIDING FOR AN ACTING CITY MANAGER (GLENNIS LAURITSEN) AND ACTING CITY CLERK (JAN FLAHERTY) WHEN SUCH MAY BE REQUIRED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2953 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, AL JOHNSRUD, BRYCE CURTISS, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(C) DEPOSITORIES FOR 2010.

It was moved by Curtiss, seconded by Garbe and unanimously passed to designate the following institutions as depositories for city funds:

KleinBank, Montevideo
Minnwest Bank, Montevideo
Co-op Credit Union, Montevideo
4M Fund/League of Minnesota Cities
RBC Capital Markets
Morgan Stanley Smith Barney, LLC
MJSK Investment Securities
Multi-Bank Securities, Inc.
ICD Securities, Inc.

7(D) WIRE TRANSFER OF FUNDS.

AL JOHNSRUD OFFERED RESOLUTION NO. 2954, A RESOLUTION AUTHORIZING WIRE TRANSFER OF FUNDS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2954 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(E) ACTING MAYOR / 2010.

AL JOHNSRUD OFFERED RESOLUTION NO. 2955, A RESOLUTION PROVIDING FOR AN ACTING MAYOR (BRYCE CURTISS), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2955 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(F) ACTING CITY ATTORNEY / 2010.

MARVIN GARBE OFFERED RESOLUTION NO. 2956, A RESOLUTION PROVIDING FOR AN ACTING CITY ATTORNEY WHEN SUCH MAY BE REQUIRED (DAVID GILBERTSON), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2956 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(G) APPOINTMENT OF LICENSE INSPECTOR FOR 2010.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to appoint the police chief as license inspector for 2010.

7(H) APPOINTMENT OF HEALTH INSPECTOR FOR 2010.

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to appoint Dr. Tom Birkey as health inspector for 2010.

7(I) OFFICIAL NEWSPAPER DESIGNATION / 2010.

It was moved by Curtiss, seconded by Johnsrud and unanimously passed to designate the Montevideo American-News as the city's official newspaper for 2010.

7(J) HUMAN RIGHTS OFFICER/ALTERNATES FOR 2010.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to appoint the city manager as the human rights officer, with the city clerk and police chief designated as alternate human rights officers.

7(K) APPOINTMENT OF HEARING OFFICER FOR 2010.

Resolution No. 2927 passed August 3, 2009 authorized administrative traffic citations for minor traffic offenses, pursuant to MN Statute 169.999. The resolution also requires the city to notify a recipient of an administrative traffic citation of his or her right to contest the citation and to appoint a neutral third party to hear and rule on challenges to administrative traffic citations.

Staff had contacted Attorney Stacey L. Lee from Dawson, Minnesota, and she expressed a willingness to serve in this capacity for 2010 at a rate of \$125.00/hour, including windshield time to and from Montevideo.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to appoint Stacey L. Lee as hearing officer for 2010 for administrative citation appeal processes.

7(L) 2010 LICENSE APPLICATIONS - DAVE BAG AUS DBA/HUNT BAR & GRILL.

Dave Bagaus, dba/Hunt Bar & Grill, LLC, submitted an application for a 2010 Liquor License and 3.2 On-Sale Sunday Only License for the Hunt Bar & Grill, 207 North 1st Street. The main components of the application have been submitted; however, staff recommended approval be contingent upon receipt of all required documents.

Mr. Bagaus was present to address questions/concerns raised by the council. Bagaus stated that he intends to be open from 4:00 P.M. to 1:00 A.M. and on Sundays for special events (for the time being.)

It was moved by Curtiss, seconded by Johnsrud and unanimously passed to approve the issuance of the liquor and 3.2 licenses to Bagaus, contingent upon receipt of all of the necessary documentation.

7(M) \$837.00 MONTEVIDEO FOUNDATION GRANT.

A grant from the Montevideo Foundation in the amount of \$837.00 was awarded to the Montevideo Police Department to replace medical bags in squad cars. Acceptance of the grant must be done by resolution of the council.

AL JOHNSRUD OFFERED RESOLUTION NO. 2957, A RESOLUTION ACCEPTING GRANT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2957 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(N) SQUAD CAR QUOTES.

Police Chief Adam Christopher was present to review and discuss quotes received for the purchase of a 2010 police squad car. Christopher explained that the 2010 Budget includes funds for the purchase of a new squad car. Quotes were received as follows:

Parkview Ford-Mercury, Inc. - \$22,630.00 (no trade)

Parkview Ford-Mercury, Inc. - \$20,430.00 (with trade of the 2007 Crown Vic.)

Elk River Ford - \$21,932.00 (no trade)

Christopher recommended the Parkview Ford bid, without trade, of \$22,630.00, even though it is slightly higher (\$698.00) than the Elk River bid, because once the delivery charge is calculated in and due to the ease of having any repair work done locally, the actual cost will be lower overall to the city. Staff would then sell the 2007 Crown Vic at auction.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to accept the quote from Parkview Ford-Mercury, Inc. in the amount of \$22,630.00, with no trade.

7(O) DWI ENFORCEMENT GRANT.

Chief Christopher explained that the Nightcap Program is a grant provided by the State of Minnesota for a collaborative effort with local law enforcement on a DWI enforcement night. The date of the effort has not yet been set; however, it will take place sometime during the summer of 2010. The date would be advertised ahead of time. Christopher

noted that the grant pays up to \$1,320 for overtime expenses, and that the city had entered into a similar contract in 2009.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to enter into a grant contract with the State of Minnesota and authorize the mayor, city manager and police chief to execute the document.

7(P) POUNDMASTER AGREEMENT WITH MARY HAFF.

Chief Christopher explained that the former poundmaster agreement has been terminated, and a new agreement has been drafted by the city attorney between the city and Mary Haff. Haff's facility is located at 1209 Black Oak Avenue. Christopher noted that the city has been using the facility in the interim, pending a new agreement. The arrangement has worked well and, therefore, staff recommended approving the agreement.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the poundmaster agreement with Mary Haff.

7(Q) RIGHT-OF-WAY LEASE AT 301 SOUTH 1ST STREET.

The use of city right-of-way along the north side of the building at 301 South First Street requires a lease agreement with the City of Montevideo. The most recent lease was held with KleinBank for this property. Because the property is now owned by the church, a new lease agreement has been drafted for this purpose. This is an annual lease, with a rent of \$122.00/year.

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

7(R) \$27,800 GIFT FROM FIRE RELIEF ASSOCIATION.

The Montevideo Fire Relief Association would like the city to accept a donation in the total amount of \$27,800.00. Their wish is that \$7,000.00 be given to the Montevideo Youth Sports and \$20,800.00 be put into the Capital Equipment & Facilities Fund.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 2958, A RESOLUTION ACCEPTING GIFT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2958 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, AL JOHNSRUD, BRYCE

CURTISS, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(S) SAFE ASSURE CONTRACT FOR 2010.

A renewal contract has been drafted by Safe Assure Consultants, Inc., Willmar, Minnesota, to provide the employee safety training program for 2010. The fee for 2010 would be \$5,975.00, which is the same as 2009.

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

7(T) APPOINTMENT TO CVB.

It was moved by Garbe, seconded by Nieuwebeerta and unanimously passed to appoint Nick Haggemiller to the Convention & Visitor's Bureau, term expiring December 31, 2012.

7(U) APPOINTMENT TO EDA.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to ratify the mayoral (re)appointment of Linda Givan to the Economic Development Authority, term expiring December 31, 2015.

7(V) EXCESS FIREFIGHTERS GRANT FUND USAGE.

A memorandum was presented from Fire Chief Robb Gilkey requesting the use of remaining excess funds from the 2008 FEMA Assistance to Firefighters Grant Program for the purchase of four new pagers. The grant award (with the city's 5% match) totals \$93,600. Proposed expenditures from grant funds thus far are \$91,547.30, leaving \$2,052.70 in available funds.

A quote from West Central Communications, Inc. was received in the amount of \$2,036.00 for the pagers (\$509.00 each). With sales tax, the total would be \$2,175.98.

It was moved by Garbe, seconded by Nieuwebeerta and unanimously passed to approve the expenditure, as presented.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- ▶ Council member Garbe asked for another council member to attend an upcoming meeting with the Watson City Council and their fire department. Council member Johnsrud stated his willingness to attend.
- ▶ Staff explained to the council and listening audience that the city's public works department continues to work on the condition of the streets. Crews are applying salt in an effort to break up the ice; however, this material does not work in the cold temperatures. Once the surface is heated up, it will begin to work. The crews are working at cutting down the bumps in the roadways.
- ▶ City Manager Jones stated he had attended the opening service at the new church downtown. There were 200-300 people in attendance, and it was a very lively and fun service.

Meeting adjourned at 7:38 P.M.

Glennis A. Lauritsen, Secretary

Approved by council January 19, 2010:

Sandra Hodge - President