

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
January 12, 2009

The city council met in regular session Monday, January 12, 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: Bryce Curtiss, Sandra Hodge, Al Johnsrud, Karen Nieuwbeerta and Marvin Garbe. Absent: None. Mayor Jim Curtiss absent.

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

1(A) OATH OF OFFICE ADMINISTRATION.

City Clerk Lauritsen administered the oath of office to newly elected council members Al Johnsrud and Sandra Hodge.

1(B) ELECTION OF COUNCIL PRESIDENT.

Nieuwbeerta nominated Sandra Hodge for the position of council president. Johnsrud seconded the nomination. There were no other nominations; therefore, a vote was taken and passed unanimously.

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

Item Action

MODIFY:

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

Copy of application provided from Claudia Mijares for police civil service commission.

ADD:

7(Y) CONSIDER APPROVAL OF ADVERTISEMENT OF BIDS FOR THE WASTEWATER TREATMENT FACILITY MODIFICATIONS.

7(Z) CONSIDER REQUEST FOR RENEWAL OF 2:00 A.M. CLOSING OF GROAT'S, 309 SOUTH 1ST STREET.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular city council meeting of December 15, 2008 and adjourned meeting of December 29, 2008, as presented.

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

None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING JANUARY 9, 2009 IN THE AMOUNT OF \$1,132,944.02.

5(B) APPLICATION FROM CHIPPEWA COUNTY PHEASANTS FOREVER FOR EXEMPTION FROM LAWFUL GAMBLING REQUIREMENTS TO ALLOW RAFFLE AND PADDLEWHEEL ACTIVITIES AT THE MONTEVIDEO TRAINING & COMMUNITY CENTER ON MARCH 28, 2009.

6. Public Hearings.

None.

7. General Business.

ORGANIZATIONAL ITEMS OF BUSINESS:

7(A) APPOINTMENT OF SECRETARY TO THE CITY COUNCIL.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to appoint Glennis A. Lauritsen as secretary to the council and that in her absence, the acting city clerk serve in that capacity.

7(B) PROVIDING FOR ACTING CITY MANAGER AND ACTING CITY CLERK.

BRYCE CURTISS OFFERED RESOLUTION NO. 2887, A RESOLUTION PROVIDING FOR AN ACTING CITY MANAGER AND ACTING CITY CLERK WHEN SUCH MAY BE REQUIRED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2887 WAS SECONDED BY KAREN NIEUWBEERTA. 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 2009.

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to designate the following institutions as depositories for city funds for 2009:

KleinBank, Montevideo
Minnwest Bank, Montevideo
Co-Op Credit Union, Montevideo
4M Fund/League of Minnesota Cities
RBC Dain Rauscher
Smith Barney, Inc.
MJSK Investment Securities
Multi-Bank Securities, Inc.

7(D) WIRE TRANSFER OF FUNDS - 2009.

MARVIN GARBE OFFERED RESOLUTION NO. 2888, A RESOLUTION AUTHORIZING WIRE TRANSFER OF FUNDS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2888 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, BRYCE CURTISS, AL JOHNSRUD, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(E) ACTING MAYOR.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 2889, A RESOLUTION PROVIDING FOR AN ACTING MAYOR (BRYCE CURTISS) WHEN SUCH MAY BE REQUIRED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF

RESOLUTION NO. 2889 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, BRYCE CURTISS, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(F) ACTING CITY ATTORNEY.

MARVIN GARBE OFFERED RESOLUTION NO. 2890, A RESOLUTION PROVIDING FOR AN ACTING CITY ATTORNEY (DAVID M. GILBERTSON) WHEN SUCH MAY BE REQUIRED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2890 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, AL JOHNSRUD, KAREN NIEUWBEERTA, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(G) LICENSE INSPECTOR.

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to appoint Police Chief Adam Christopher as license inspector for 2009.

7(H) HEALTH INSPECTOR.

It was moved by Curtiss, seconded by Garbe and unanimously passed to appoint Dr. Tom Birkey as health inspector for 2009.

7(I) OFFICIAL NEWSPAPER.

It was moved by Curtiss, seconded by Johnsrud and unanimously passed to designate the Montevideo American-News as the city's official newspaper for 2009.

7(J) HUMAN RIGHTS OFFICER.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to appoint City Manager Steve Jones as the human rights officer; with City Clerk Glennis Lauritsen and Police Chief Adam Christopher appointed as the two designated alternate human rights officers.

7(K) BAD DEBT WRITE-OFFS.

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to write-off the following uncollectible debt:

Description	Amount
Fire call (structure fire/mobile home) June 2008	500.00
2008 delinquent mowing bill @ 516 State Road	468.75
1976 (delayed) Street Improvement assessment (Gades)	2,259.11
TOTAL	\$3,227.86

7(L) CONDITIONAL USE PERMIT - J & J MASONRY.

At its December 22, 2008 meeting, the Montevideo Planning Commission held a public hearing on a request by J & J Concrete for a conditional use permit to allow a light industrial use in a B-1 District at 301 North 1st Street. Specifically, J & J wishes to construct molded concrete products inside the building. Upon review of the request, the planning commission recommended approval, with the following conditions:

1. Proper precautions must be met to ensure no hazardous chemicals, toxins or cement residue go down the floor drain.
2. No motorized vehicles inside the building, unless previously approved.
3. Existing tenants using the facility will not be adversely affected by dust, dirt, grit, etc. and, to the best of the tenement's ability, ensure quiet enjoyment of the building.
4. No outside storage of materials or vehicles and/or trailers is allowed. Note: Short-term parking of vehicles and trailers is acceptable in the existing municipal parking lot located below the building.
5. The city reserves the right to review this permit at any time and to add additional conditions to preserve and protect the character of the area and to lessen the impact of using a building in the B-1 Zone for light manufacturing.

The council discussed further Item # 4, "short-term parking of vehicles and trailers," with staff explaining that parking is allowed by the public in the public parking lot behind main street. It was also noted by staff that since the MIDC/EDA owns the building, these issues can be easily controlled. Council was reminded that the purpose of the incubator building is for business start-up, with the hope that a business will continue at a long-term location within the community.

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to approve the conditional use permit, with conditions 1-5 listed above.

7(M) NUISANCE ABATEMENT AT 210 SOUTH 8TH STREET.

The property at 210 South 8th Street, owned by Ryan & Sara Bunn, has received notification of nuisance items that needed to be abated. No action was taken by the owners to correct the deficiencies and, therefore, a resolution has been prepared to direct the abatement of the nuisance.

Some discussion took place regarding the procedure by which the resolution is served on the property owner.

MARVIN GARBE OFFERED RESOLUTION NO. 2891, A RESOLUTION DIRECTING THE ABATEMENT OF NUISANCE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2891 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, KAREN NIEUWBEERTA, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(N) ORDER TO REPAIR/REMOVAL/DEMOLISH - 210 SOUTH 8TH STREET.

A garage on property owned by Ryan & Sara Bunn at 210 South 8th Street was identified by city staff as hazardous. Notices were sent to the property owners, with no action taken by the deadlines provided. Therefore, a resolution ordering the repair, removal or demolition of the hazardous garage has been prepared.

City Attorney Nelson advised staff that a correction should be made to the language in Exhibit A, which would change "the above-described premises" to "the above-described garage."

BRYCE CURTISS OFFERED RESOLUTION NO. 2892, A RESOLUTION ORDERING THE REPAIR, REMOVAL OR DEMOLITION OF A HAZARDOUS

BUILDING, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2892 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, MARVIN GARBE, KAREN NIEUWBEERTA, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(O) BUS PASS REVISIONS.

Currently, senior citizen rates for riding on the city's bus system are set at 60+. Staff has recommended a modification to classify senior citizen rates at age 55. In addition to this recommendation, it is also recommended that veterans be afforded the same benefit.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to approve staff's recommendations, as presented.

7(P) 2008 AUDIT TERMS/FEES.

Dana F. Cole & Company, LLP, has provided the city with an engagement letter outlining audit terms and fees for the 2008 audit, which includes a fee increase of 4.9%.

Council discussed various sections of the engagement letter and, inasmuch as there were questions that could not be answered by staff, action was tabled to the January 20, 2009 meeting.

7(Q) ACCEPTING GIFTS/GRANTS.

MARVIN GARBE OFFERED RESOLUTION NO. 2893, A RESOLUTION ACCEPTING GIFTS/GRANTS (FIRE RELIEF ASSOCIATION, MONTEVIDEO FOUNDATION AND JOHN & ROSEMARY LESTER MONETARY GIFTS), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2893 WAS SECONDED BY BRYCE CURTISS. 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.

7(R) TRAFFIC SAFETY COMMITTEE RECOMMENDATION.

At its January 8, 2009 meeting, the Montevideo Traffic Safety Improvement Committee reviewed a request by ISD #129 to install in-street pedestrian crossing signs on Benson Road. After discussion, it was the consensus of the committee to table any

recommendation for in-street markings and to ask the city council and school board to review other options.

Following discussion by the council, staff was directed to send a follow-up letter to the school requesting they meet with the traffic safety improvement committee. Staff was also asked to research the cost of various types of signage for this purpose.

7(S) STREET LIGHTING REQUESTS.

City staff updated the council on lighting in Smith Park and Central Park, and recommended additional lights in the County Road 41/17th Street and William Avenue/County 15 areas.

The council discussed the need for additional street lights along the newly annexed 17th Street (County Road 41), with the consensus that no additional lights would be added at this time, unless petitioned for by property owners in the area.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to add a light at the southwest corner of Wolfe Avenue & 17th Street and a light at the intersection of William Avenue & County Road 15, in the southwest corner, if possible.

7(T) APPRECIATION RESOLUTION - FORMER COUNCIL MEMBER MIKE DIGGINS.

AL JOHNSRUD OFFERED RESOLUTION NO. 2894, A RESOLUTION OF APPRECIATION FOR FORMER CITY COUNCIL MEMBER MIKE DIGGINS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2894 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, BRYCE CURTISS, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

(Council President Hodge read the resolution aloud for the benefit of the listening audience.)

7(U) EDA APPOINTMENT.

Mayor Curtiss has appointed Mary Sellner to a six-year term on the Economic Development Authority, term expiring December 31, 2014.

It was moved by Garbe, seconded by Curtiss and unanimously passed to ratify the mayoral appointment of Mary Sellner to the EDA.

7(V) BOARDS/COMMISSIONS APPOINTMENTS.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to appoint the following individuals to the city's various boards/commissions:

Board of Health (Annual Terms)	Dr. Thomas Birkey Adam Christopher Steve Jones
Planning Commission (3-year terms to January 2012)	Jan Briones Glen Herfurth
Airport Commission (3-year terms to January 2012)	Gerald Kleene Ralph Anderson Darrell Augeson
Police Civil Service Commission (3-year term to January 2012)	Claudia Mijares
Hospital Commission (3-year term to January 2012)	Lorelei Andresen
Traffic Safety Improvement Committee (annual terms)	Ron Tschaekofske Marv Dehne Stacy Tufto Lyle Henning Mike Dann Jim Curtiss
Park Board (5-year term to January 2014)	Harriet Hubred
Housing Commission (3-year term to 12/31/2011)	Jon Haff
Convention & Visitor's Bureau (2-year term to 12/31/2010)	Donna Krueger
Building & Housing Advisory Appeals Board (3-year term to 12/31/2011)	Scott Johnson

It was noted that three vacancies exist: a 3-year term on the planning commission; a 3-year term on the cable advisory board; and, a 2-year term on the convention & visitor's bureau. Those vacancies will be advertised.

7(W) NOMINATION FOR UMVRDC.

Council member Garbe volunteered to be nominated as a Chippewa County municipal representative to the Upper MN Valley Regional Development Commission (UMVRDC).

It was moved by Johnsrud and seconded by Curtiss to submit Marvin Garbe's name as a nominee to the UMVRDC. Those voting in favor of motion: Johnsrud, Curtiss, Nieuwbeerta and Hodge. Those voting against motion: None. Marvin Garbe abstained. Motion passed.

7(X) COUNCIL MEMBER APPOINTMENTS.

It was moved by Garbe, seconded by Curtiss and unanimously passed to appoint council members to the various boards and commissions, as follows:

Board	Incumbent	Length of Term:
Airport Commission	Karen Nieuwbeerta	term expires 12/31/09
Hospital Commission	Bryce Curtiss	term expires 12/31/09
MCDC	Al Johnsrud Bryce Curtiss	term expires 12/31/09 term expires 12/31/10
Chippewa Co. Historical Society	Sandra Hodge	term expires 12/31/09
Joint City/County Airport Zoning Board	Karen Nieuwbeerta Al Johnsrud	
EDA	Sandra Hodge Marvin Garbe	term expires 12/31/10 term expires 12/31/12
County Planning Commission	Karen Nieuwbeerta	term expires 12/31/09
County Elected Officials Comm.	Jim Curtiss	term expires 12/31/09
Library Board	Marvin Garbe	term expires 12/31/10

7(Y) ADVERTISEMENT FOR BIDS - WWTP MODIFICATIONS.

Short-Elliott-Hendrickson has prepared an advertisement for bids for the wastewater treatment facility modifications. Sealed bids would be received until 11:00 A.M. on Thursday, February 12, 2009.

It was moved by Johnsrud, seconded by Garbe and unanimously passed to approve the advertisement.

7(Z) 2:00 A.M. CLOSING RENEWAL - GROAT'S.

Groat's, Inc., 309 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 1/24/09.

It was moved by Curtiss and seconded by Nieuwbeerta to approve the renewal application. Those voting in favor of motion: Curtiss, Nieuwbeerta, Garbe and Johnsrud. Those voting against motion: Hodge. Motion passed 4-1.

8. Ordinances.

8(A) BILLBOARD SIGNS.

The city had been asked by the RDC to amend its zoning code to prohibit billboard signs along federally designated scenic byways. The planning commission held the required public hearing on the issue and unanimously recommended the amendment.

MARVIN GARBE INTRODUCED ORDINANCE NO. 887, AN ORDINANCE AMENDING SECTION 6 OF CHAPTER 14 OF TITLE 11 OF THE MONTEVIDEO CITY CODE, "PROHIBITED SIGNS", BY ADDING A SUBSECTION H.

9. Discussion and Miscellaneous.

- ▶ Council member Garbe read an excerpt from the publication, "The Profile," which mentioned Montevideo and its designation as "The City of Parks."
- ▶ Council member Garbe discussed several areas which he felt needed additional signage. Areas mentioned included the 17th Street/County Road 41 intersection and possible

Minutes/City Council
January 12, 2009
Page No. 12

directional signage identifying Legion Drive and 16th Street. Staff noted that it should be determined whether Mn/DOT had completed its signage for the Highway area(s).

Meeting adjourned at 9:07 P.M.

Glennis A. Lauritsen, Secretary

Approved by council January 20, 2009:

Sandra Hodge, President