

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
March 21, 2011

The city council met in regular session Monday, March 21, 2011 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, Al Johnsrud, Bryce Curtiss and Sandra Hodge.
Absent: Karen Nieuwbeerta. Mayor Debra Lee Fader present.

Also present were: City Manager Steven C. Jones, City Attorney Janice 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:

- 5(B) CONSIDER APPLICATION FOR USE OF CITY PROPERTY (CITY PARKING LOT) BY PAST REFLECTIONS ANTIQUE STORE FOR AN AUCTION JUNE 4TH OR JUNE 11TH.**
- 5(C) CONSIDER APPLICATION FROM THE SENIOR CITIZENS OF THE MONTEVIDEO AREA, INC. TO CONDUCT EXCLUDED BINGO ON JUNE 13, 2011.**
- 7(H) CONSIDER APPLICATIONS FOR 2011 LIQUOR-RELATED LICENSES FOR MARIA E. LEON, DBA/EL RANCHO MEXICAN RESTAURANT, 207 NORTH 1ST STREET.**
- 7(I) CONSIDER APPLICATION FROM WEST 212 USBA ASSOCIATION (BOWLING CONGRESS) FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS FOR PADDLEWHEEL AND TIPBOARD ACTIVITY AT THE VFW ON APRIL 16, 2011.**
- 7(J) CONSIDER QUOTE TO ADD RIPRAP TO THE MINNESOTA RIVER BANK TO CONTROL RIVER BANK EROSION.**

MODIFY:

7(D) CONSIDER RESOLUTION AUTHORIZING THE PURCHASE OF REAL ESTATE (RIGHT-OF-WAY) FOR THE CITY OF MONTEVIDEO FLOOD CONTROL PROJECT.

Revised resolution provided to include complete legal descriptions.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the minutes of the regular meeting of March 7, 2011, as presented.

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

Council President Hodge welcomed the large group of high school students present to observe the council proceedings.

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 MARCH 18, 2011 IN THE AMOUNT OF \$84,342.32.

5(B) APPLICATION FOR USE OF CITY PROPERTY (CITY PARKING LOT) BY PAST REFLECTIONS ANTIQUE STORE FOR AN AUCTION JUNE 4TH OR JUNE 11TH.

5(C) APPLICATION FROM THE SENIOR CITIZENS OF THE MONTEVIDEO AREA, INC. TO CONDUCT EXCLUDED BINGO ON JUNE 13, 2011.

6. Public Hearings.

- None.

7. General Business.

7(A) TOFT CONDITIONAL USE PERMIT.

Community Development Director Nick Haggemiller was present to discuss the conditional use permit request by Katherine Toft DVM, dba/Montevideo Veterinary Clinic. The proposed CUP would allow an animal clinic/hospital to be located in a B2 District at 1102 Benson Road. Katherine Toft was also present.

Haggemiller explained that the planning commission had met earlier this evening to conduct the required public hearing for the issue. At the conclusion of the hearing, the commission unanimously recommended approval to the city council, with the following conditions:

1. No outside storage.
2. Permitted entity must abide by any active law or city ordinance concerning animals. Examples include leashing of animals, dog barking, etc.
3. 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 in order to lessen any negative implications from this permit.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the issuance of the conditional use permit, as presented.

7(B) POLICE DEPARTMENT COPIER.

Police Chief Adam Christopher was present to discuss proposals received for a police department copier. Christopher explained that the department is nearing the end of a 60-month lease with The Document Company Xerox for its existing office copier and staff would like to update to a new printer/fax/scanner/copier. Three proposals were submitted from Xerox: 1) lease @ \$224.37/month; 2) lease/purchase @ \$365.02/month; and, 3) purchase @ \$11,249.00. Christopher briefly addressed the needs of the department and recommended option #1 - leasing the copier for \$224.37/month. He added that the proposed lease is approximately \$60.00 more/month than the existing lease amount; however, he felt that the overage could be covered by available DUI forfeiture funds.

It was moved by Johnsrud, seconded by Garbe and unanimously passed to approve the lease of a W7525P Xerox printer/copier/fax/scanner for the police department at a monthly lease rate of \$224.37.

7(C) DEPARTMENTAL ANNUAL REPORT REVIEWS.

Annual report presentations were made by Utilities Superintendent Byron Hayunga and Police Chief Adam Christopher. Council members commended the department heads on a job well done.

7(D) RIGHT-OF-WAY PURCHASES - FLOOD CONTROL PROJECT.

Staff explained that individual purchase agreements have been prepared for the property owners affected by the acquisition of right-of-way under and alongside Highway 212 for the levee project. Those agreements will be coming before the council for consideration as they are submitted. At this time, a resolution has been provided to authorize the execution of three agreements:

1)	Douglas & Marie Pederson; Brook & Crystal Pederson	\$1,436.00
2)	Brad & Marlys Weckwerth	1,020.00
3)	Lewis Weckwerth; Brad & Marlys Weckwerth	855.00

City Attorney Nelson noted a change to the legal description for #2, adding parcel 2-212 to its description.

MARVIN GARBE OFFERED RESOLUTION NO. 3024, A RESOLUTION AUTHORIZING PURCHASE OF REAL ESTATE (WITH CORRECTED LEGAL DESCRIPTION NOTED), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3024 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(E) LEGAL SIGNING AUTHORITY FOR DIVISION OF HOMELAND SECURITY GRANTS FOR THE 2011 FLOOD SEASON.

Staff explained that a resolution has been provided to authorize the mayor and city manager to sign documents and grant applications for post flood recovery grants.

BRYCE CURTISS OFFERED RESOLUTION NO. 3025, A RESOLUTION DELEGATING LEGAL SIGNING AUTHORITY, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3025 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, AL JOHNSRUD, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(F) EMERGENCY ENGINEERING SERVICES AGREEMENT.

City Manager Jones explained that per authority given at the last council meeting, an agreement was drafted and signed by the mayor and city manager to hire Rodeberg & Berryman Engineers for work on the old “1969 levee” and Highway 212 temporary levee for the upcoming flood season. Work has started, but staff has asked that the council affirm this agreement.

Jones further explained that FEMA did not reimburse the city for flood-related engineering costs in 2010; rather, they viewed the work done by the engineer as the normal course of duty. Staff believes that a signed agreement may allow the city to recoup some of the engineering costs incurred.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to affirm the agreement.

7(G) STATE OF EMERGENCY DECLARATION.

As a step towards receiving state and federal assistance for the spring flooding, a resolution has been prepared declaring a “state of emergency” in Montevideo.

BRYCE CURTISS OFFERED RESOLUTION NO. 3026, A RESOLUTION DECLARING A STATE OF EMERGENCY, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3026 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, AL JOHNSRUD, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(H) 2011 LIQUOR LICENSE APPLICATIONS - EL RANCHO MEXICAN RESTAURANT

City Clerk Glennis Lauritsen explained that application materials had been given to Maria E. Leon for 2011 liquor-related business licenses, including Liquor On-Sale, Sunday Wine and Sunday 3.2 On-Sale. Leon would like to open El Rancho Mexican Restaurant at 207 North 1st Street (formerly the Hunt Bar & Grill) in early April. None of the paperwork has yet been submitted; therefore, any approval would be subject to all materials being submitted, with the understanding that no license would be issued until all documents were received.

City Attorney Nelson stated that if no information has been submitted, the council cannot take any action this evening.

A representative of El Rancho was present to address the council. He stated that they wish to bring a family restaurant to the community and noted that they currently operate a similar restaurant in Medelia, MN. Hours of operation would be 11:00 A.M. to 9:00 P.M., Sunday-Thursday and 11:00 A.M. to 10:00 P.M. Friday-Saturday. He noted that the menu for the Medelia restaurant contains over 100 items, and he would propose a similar menu for Montevideo.

The representative also discussed his concern relative to the timeframe to obtain the licenses, inasmuch as some of the suppliers take nearly a week to deliver the inventory. He would like to open April 11th or the 15th, if possible. He also stated he has an appointment with Countryside Public Health officials to conduct an inspection of the facilities for the required food license.

Council President Hodge told the representative that the prospect of a new business in the community is very exciting, and that the council is anxious to see the completed application materials. She stated that the next regular city council meeting is April 4th and encouraged the representative to work closely with the city clerk to complete all of the necessary paperwork for consideration at that time.

7(I) LAWFUL GAMBLING EXEMPTION - USBC.

The West 212 USBC Association has requested support for an application for exempt gambling permit for paddlewheel and tipboard activity on April 16th at the VFW. Similar requests have been made by this organization in the past.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to express affirmative support for the application, waiving the 30-day waiting period.

7(J) RIPRAP QUOTE.

City Manager Jones explained that substantial erosion has taken place close to the levee, at the confluence of the Chippewa and Minnesota Rivers. A memorandum from City Engineer Dave Berryman was reviewed, which discussed quotes received relative to filling the eroded area with Class III and IV riprap. The engineer recommended that the city accept the low quote of \$35.40/ton from Duininck, Inc. At an estimated quantity of 1,400 tons, this would total approximately \$49,560.00.

Jones also explained that this is not a part of the levee project; however, it will need to be done sooner or later. Funds for the expense can be taken out of the city's share of the levee project, and staff will attempt to get the expense reimbursed from FEMA. Indications from Homeland Security representatives are that this may be an eligible expense under Part B (Protective Measures), but reimbursement cannot be guaranteed.

It was moved by Garbe, seconded by Curtiss and unanimously passed to accept the quote from Duininck for placement of riprap, as indicated.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- ▶ Council member Johnsrud thanked staff, emergency management personnel and the mayor for all of the flood-related preparations.
- ▶ Council member Curtiss conveyed thanks expressed by the City of Winona, for use of Montevideo's sandbagging machine. Council member Garbe indicated that the machine had made its rounds - to the communities of Winona, Lake City, Wabasha, Clara City and others. It is now back in Montevideo and will be ready for use within the community.
- ▶ City Manager Jones discussed sandbagging efforts, noting that a list is being compiled at city hall of volunteers willing to help. Jones stated that staff is taking it "day by day," with a possibility of sandbags being added to the Highway 212 levee Thursday and/or

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Friday, the 24th-25th. He encouraged students to consider volunteering, particularly inasmuch as there is no school on Friday.

Meeting adjourned at 8:05 P.M.

Glennis A. Lauritsen, Secretary

Approved by council April 4, 2011:

Sandra Hodge - President