

CITY OF MONTEVIDEO  
CITY COUNCIL PROCEEDINGS  
November 16, 2009

The city council met in regular session Monday, November 16, 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.

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

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

It was moved by Nieuwbeerta, seconded by Garbe and unanimously passed to approve the minutes of the regular meeting of November 2, 2009, as presented.

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

- None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING OCTOBER 30, 2009 IN THE (MODIFIED) AMOUNT OF \$1,257,521.29.

5(B) APPLICATION FROM TWO RIVERS CHAPTER OF MN DEER HUNTERS ASSOCIATION FOR EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS FOR RAFFLE, PADDLEWHEEL AND PULL-TAB ACTIVITY AT THE VFW ON FEBRUARY 27, 2010.

6. Public Hearings.

- None.

7. General Business.

7(A) CHAMBER HOLIDAY PARADE.

The Montevideo Area Chamber of Commerce submitted an application for the use of main street for a holiday parade on December 1, 2009, 5:30-6:45 P.M. They have requested that streets be closed to traffic - both south and north main street. Parade route is from the parking lot south of Flinn's, north to the intersection by Mind Your Business, turning west and proceeding to the skateboard park area.

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

7(B) 2009 AUDIT TERMS/FEES.

Nancy Aageson, Dana F. Cole & Company, LLP, was present to explain the proposed audit and fees. Aageson also provided a brief explanation of the cost increases, including a need for federal audit due to grants.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to approve the audit terms and conditions.

7(C) 2010 FEES & CHARGES SCHEDULE.

Finance Director Jan Flaherty was present to review proposed changes to the 2009 Fees & Charges Schedule. Council member Garbe suggested changes to the rates charged in the fire department and also requested a review of similar rates in the public works department.

After further discussion, the matter was tabled until the next meeting, to give staff the time to research possible further changes.

7(D) SPEED LIMITS IN SCHOOL ZONES.

On October 19, 2009, the council adopted Ordinance No. 894 which established school zones within the community. The ordinance is effective November 21<sup>st</sup>. Police Chief Adam Christopher was present to recommend that a speed limit of 20 mph be established in those designated zones.

BRYCE CURTISS OFFERED RESOLUTION NO. 2944, A RESOLUTION SETTING SPEED LIMITS IN A SCHOOL ZONE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2944 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(E) LIBRARY COMPUTER FUNDING REQUEST.

Previously, the library had asked for funding for new computers. At that time, the request was for \$8,000; at this time, they have asked for \$4,000. City Manager Jones briefly outlined the request, and Library Board members Garbe & Johnsrud explained that the library had been able to raise the remainder of the funds, so the request to the city was lowered.

After much discussion, including concerns about the need for better long-term planning from the library for capital improvements, it was moved by Johnsrud and seconded by Garbe to approve the request. Those voting in favor of motion: Johnsrud, Garbe, Nieuwbeerta and Curtiss. Those voting against motion: Hodge. Motion passed 4-1.

7(F) MEALSITE FACILITY CONTRACT.

Prairie Five Community Action Council, Inc. administers a senior nutrition program at the community center. Each year, the city has entered into an agreement with them for this program. City Manager Jones commented that this arrangement has always gone extremely well, and it is a wonderful service for the community.

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to approve the agreement for 2010.

7(G) FARM LEASE WITH ROBERT KURTZBEIN.

The current farm lease with Robert Kurtzbein expires December 31, 2009. This land is located in the Ost Subdivision. An easement agreement is on file which allows Kurtzbein access across city property to this farm land. Tillable acres is 21.89 and rent for 2010 would be \$3,684.30.

City Manager Jones explained why this property, as well as the former Evans land along William Avenue, was not bid at the same time as the airport lands. The airport lands are

bid on a two-year cycle, but at both the Ost and Evans sites, because the parcels are so small, staff negotiated a price with the adjacent farmer at the average rate of all other city land.

After brief discussion, it was moved by Curtiss, seconded by Johnsrud and unanimously passed to approve the agreement with Kurtzbein, as presented.

7(H) TORT LIABILITY COVERAGE WAIVER FORM.

Each year, the council has been asked to decide whether to waive the statutory tort liability limits to the extent that insurance coverage is purchased. In the past, the city has not because if the monetary limits were waived, the city would be open to larger settlements and higher insurance costs.

After a brief discussion, it was moved by Garbe, seconded by Johnsrud and unanimously passed to NOT waive statutory liability limits for insurance coverage calculations.

8. Ordinances.

8(A) ADOPTION OF ORDINANCE NO. 895.

Introduced at the November 2, 2009 meeting, this ordinance would allow religious institutions and liquor establishments to exist simultaneously (in a B1 Zone only.)

Council discussed past action leading up to this ordinance, including questions to Community Development Director Nick Haggemiller and City Manager Jones about comments received since ordinance introduction (only positive comments).

IT WAS MOVED BY MARVIN GARBE THAT ORDINANCE NO. 895, AN ORDINANCE AMENDING 3-2A-7 OF THE MONTEVIDEO CITY CODE, PLACES INELIGIBLE FOR LICENSE, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 895 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, KAREN NIEUWBEERTA, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 5-0.

9. Discussion and Miscellaneous.

Prior to going into closed session for the city manager performance review, the council briefly discussed progress of the storm sewer project. Thanks were also conveyed to Haggemiller and Jones on obtaining the improved flood insurance rating for the community.

9(A) CITY MANAGER PERFORMANCE REVIEW.

President Hodge adjourned the meeting to closed session at 7:51 P.M. to conduct a performance review of City Manager Steve Jones. The entire closed session was recorded on tape and is on file and will be kept in accordance with the State Retention Schedule, after which time the tape will be reused.

President Hodge declared the closed session ended at 8:14 P.M.

Council President Hodge read a synopsis of the evaluation: "Ten (10) areas of position responsibilities were rated on a 10-point scale. Employee strengths were identified. Areas that council wishes the manager to do further work in were identified. Desired priority work objectives for the next year were identified. Opportunity for additional comments was provided. Job performance over the last year was graded on a 100-point scale.

At the conclusion of the performance review, the Montevideo City Council acknowledged Mr. Jones' excellent job performance and agreed to award a 1% salary increase and a 1% retirement fund contribution increase to Manager Jones for 2010."

Meeting adjourned at 8:21 P.M.

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Steven C. Jones, Acting Secretary

Approved by council December 7, 2009:

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Sandra Hodge - President