

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
February 17, 2009

The city council met in regular session Tuesday, February 17, 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: Sandra Hodge, Al Johnsrud, Karen Nieuwbeerta, Marvin Garbe (7:30) and Bryce Curtiss. Absent: None. Mayor Jim Curtiss absent.

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

Council President Hodge welcomed high school students who were present in the audience.

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

ADD:

**8(K) CONSIDER APPROVING AERIAL APPLICATOR AGREEMENT WITH
BRYCE ORWICK, DBA/NORTHSTAR AEROSPRAY, INC.**

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to approve the minutes of the regular city council meeting of February 2, 2009, as presented.

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

4(A) EMPLOYEE SERVICE AWARD PRESENTATION.

Mayor Curtiss presented a Certificate of Appreciation to Steve McGuire, recognizing 10 years of employment with the City of Montevideo.

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 FEBRUARY 13, 2009 IN THE AMOUNT OF \$302,401.25.

5(B) APPLICATION FOR USE OF MAIN STREET FOR THE ST. PATRICK'S DAY PARADE ON MARCH 17, 2009.

6. Public Hearings.

None.

7. Ordinances.

7(A) ADOPTION OF ORDINANCE #888, "NOTICE TO ABATE."

Ordinance No. 888 was introduced on February 2, 2009. The ordinance would allow city staff to post notice on a property, if an owner cannot be found. Such posting would satisfy the service requirements and would apply to nuisance abatements only, not building abatements.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 888, AN ORDINANCE AMENDING 4-1-4A OF THE MONTEVIDEO CITY CODE, NOTICE TO ABATE; HEARING, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 888 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 4-0.

7(B) ADOPTION OF ORDINANCE #889, SIGN SETBACKS IN B-1 & B-2 DISTRICTS.

Ordinance No. 889 was introduced on February 2, 2009. The ordinance regulates the distance that signs can be placed from the lot lines in B-1 and B-2 Districts and would allow the base of a pedestal or ground sign to within 10 feet of the front lot line and the sign face to within 5 feet of the front lot line.

IT WAS MOVED BY AL JOHNSRUD THAT ORDINANCE NO. 889, AN ORDINANCE AMENDING 11-14-5A OF THE MONTEVIDEO CITY CODE, YARD REQUIREMENTS, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 889 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN

FAVOR OF MOTION: AL JOHNSRUD, KAREN NIEUWBEERTA, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE.
ORDINANCE PASSED 4-0.

7(C) ADOPTION OF ORDINANCE #890, TEMPORARY ON-SALE LICENSES.

Ordinance No. 890 was introduced on February 2, 2009. The ordinance provides for a **temporary on-sale license** for clubs, charitable, religious or other nonprofit organizations that are currently licensed by the city to sell on-sale intoxicating liquor.

IT WAS MOVED BY KAREN NIEUWBEERTA THAT ORDINANCE NO. 890, AN ORDINANCE AMENDING 3-2A-2 OF THE MONTEVIDEO CITY CODE, TEMPORARY ON-SALE LICENSES, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 890 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, BRYCE CURTISS, AL JOHNSRUD AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 4-0.

8. General Business.

8(A) WATSON SEWER CONNECTION & USE AGREEMENT.

This agreement allows the City of Watson to run a sewer line to Montevideo, and allows the city to take Watson's wastewater. In return, Watson will pay some capital costs, as well as a monthly fee. City Manager Jones discussed the agreement language and addressed questions/concerns raised by the council.

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

8(B) 2008 ANNUAL REPORT.

Section 7.12 of the Montevideo City Charter requires that "Once each year on or before the last day of February, the city manager must submit a report to the council covering the entire financial operations of the city for the past year." Over the years, because of auditing and state reporting requirements, this report has become less of a real financial report and more a comprehensive annual report of the activities of the city. It was noted

that over the next month or two, department heads will appear before the council to give a brief synopsis of their department's information contained in the report.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to accept the 2008 Annual Report.

8(C) 2009 FEES & CHARGES AMENDMENT.

Ordinance No. 890 provides for the issuance of 1 to 4-day temporary on-sale liquor licenses. The city's 2009 Fees & Charges Schedule does not include a fee for this type of license. Staff recommended a \$25.00 fee for this type of permit.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 2899, A RESOLUTION AMENDING THE 2009 FEES & CHARGES SCHEDULE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2899 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, AL JOHNSRUD, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

8(D) TEMPORARY ON-SALE LIQUOR LICENSE - VFW.

The VFW wishes to submit an application to the State of Minnesota for a temporary on-sale liquor license to serve liquor at the TACC on April 4, 2009, in conjunction with the send-off for the National Guard troops. Ordinance No. 890 does not go into effect until March 25th; however, due to the state's time line that the application be submitted 30 days prior to the event, staff has asked that action be taken on this request now, contingent upon approval by the state.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the application, contingent upon approval by the State of Minnesota.

8(E) 2:00 A.M. CLOSING RENEWAL - HUNT BAR & GRILL.

Matt Sather, MKL Sather, LLC, dba/Hunt Bar & Grill, wishes to submit a renewal application to the State of Minnesota for the optional 2:00 A.M. closing of the Hunt Bar & Grill, 207 North 1st Street. 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 4/22/09.

It was moved by Curtiss and seconded by Nieuwebeerta to approve the renewal. Those voting in favor of motion: Curtiss, Nieuwebeerta and Johnsrud. Those voting against motion: Hodge. Motion passed 3-1.

8(F) AIRPORT GRANT AGREEMENTS.

Grant agreements have been prepared for building design, plow truck and equipment for the truck to be used at the airport. Due to FAA time constraints, their documents must be returned by February 20th. Also, it is important to the FAA that their agreement and the state grant agreement have the same date and signatures. Therefore, even though the state agreement has not yet been received, staff asked for its approval as well, so that they can be dated and signed the same as the FAA agreement.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to approve the FAA Grant Agreement **AND** State Grant Agreement for the 2009 Airport Projects.

Some discussion was held relative to site issues for the building, i.e., an existing 1978 septic system and waterline.

Council member Garbe arrived at 7:30 P.M.

8(G) COMMUNITY CENTER FLOOD INSURANCE.

The council had previously discussed flood insurance for the community center as a part of its December 15, 2008 meeting. Action was tabled until February 2009. The building is valued at \$535,000 and contents at \$90,000. National Flood Insurance Program insurance for \$500,000 building and \$100,000 contents would cost \$1,642.00.

It was moved by Curtiss, seconded by Garbe and unanimously passed to NOT purchase flood insurance for the community center.

8(H) APPOINTMENT OF VOTING REPRESENTATIVE/REC.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to appoint Jim Curtiss to serve as the city's voting delegate at the Minnesota Valley Light & Power Association's annual meeting on March 28th.

8(I) APPOINTMENT TO WESTERN MN PRAIRIE WATERS BOARD.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to appoint Nick Haggemiller to the Western Minnesota Prairie Waters Board, term expiring December 31, 2011.

8(J) 2009 BOARD OF APPEAL & EQUALIZATION MEETING.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to set the date of Monday, April 27, 2009, from 6:30-7:00 P.M., for the purpose of a Board of Appeal & Equalization Meeting.

8(K) AERIAL APPLICATOR AGREEMENT.

Bryce Orwick, dba/Northstar Aerospray, Inc. proposes to conduct aerial spraying operations from a base at the Montevideo-Chippewa County Airport. An agreement has been prepared which expresses the proposed terms and conditions for that relationship. The term of the agreement would be for the year 2009.

Johnsrud asked about the \$50.00 fee for use of city water. City Manager Jones stated that this year, water will be metered at the airport for a more accurate determination of that usage. If necessary, the \$50.00 fee may be adjusted in future years.

9. Discussion and Miscellaneous.

- ▶ Some discussion took place regarding time line of the proposed legislative "bail-out." City Manager Jones stated that the timing is perfect for Montevideo inasmuch as the city's wastewater treatment project meets the criteria for receiving funds (already in progress, etc.) He felt that the city is likely to receive money, possibly \$1 Million. Jones noted that there is also \$8.5 Million in the bonding bill for the wastewater treatment plant.

- ▶ Council member Curtiss informed the council that the move-in date for the new hospital is March 5-6. Once that occurs, demolition will then begin. He noted that there has been no open house date set and that that may or may not happen.
- ▶ Council member Garbe reported on areas within the community where cars are parked in the front yard - specifically, 115 North 3rd Street and Black Oak/Benson Road (behind Whitmore-Slater Insurance.)
- ▶ The city's sidewalk clearing policy was discussed briefly. Staff noted that the city responds to uncleared sidewalks on a complaint basis only. When asked by one of the students present, City Manager Jones explained that when a complaint is received by city staff, the property owner is then notified in writing and given 3 days to clear the walk, or the city clears it for them and they are billed accordingly.

Meeting adjourned at 7:53 P.M.

Glennis A. Lauritsen, Secretary

Approved by council March 2, 2009:

Sandra Hodge, President