

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
January 7, 2008

The city council met in regular session Monday, January 7, 2008 in the council chambers at city hall. Acting President Garbe called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Council members present: Bryce Curtiss, Mike Diggins, Karen Nieuwbeerta and Marvin Garbe. Absent: Sandra Hodge. Mayor Jim Curtiss present.

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

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

Item Action

ADD:

**7(V) CONSIDER QUIT-CLAIM DEED TO MN/DOT FOR ADDITIONAL T.H. 7
RIGHT-OF-WAY.**

DELETE:

**9(B) ANNUAL PERFORMANCE REVIEW OF CITY MANAGER STEVE
JONES.**

It was moved by Nieuwbeerta, seconded by Curtiss and unanimously passed to approve the minutes of the regular city council meeting of December 17, 2007, as presented.

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

None.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING JANUARY 4, 2008 IN THE AMOUNT OF \$1,069,038.87.

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 APRIL 12, 2008.

6. Public Hearings.

None.

7. General Business.

ORGANIZATIONAL ITEMS OF BUSINESS:

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

It was moved by Curtiss, seconded by Diggins 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.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 2803, 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. 2803 WAS SECONDED BY MIKE DIGGINS. THOSE VOTING IN FAVOR OF MOTION: NIEUWBEERTA, DIGGINS, CURTISS AND GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(C) DEPOSITORIES FOR 2008.

It was moved by Diggins, seconded by Curtiss and unanimously passed to designate the following institutions as depositories for city funds for 2008:

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 - 2008.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 2804, A RESOLUTION AUTHORIZING WIRE TRANSFER OF FUNDS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2804 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, BRYCE CURTISS, MIKE DIGGINS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(E) ACTING MAYOR.

MIKE DIGGINS OFFERED RESOLUTION NO. 2805, A RESOLUTION PROVIDING FOR AN ACTING MAYOR (BRYCE CURTISS) WHEN SUCH MAY BE REQUIRED, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2805 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MIKE DIGGINS, KAREN NIEUWBEERTA, BRYCE CURTISS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(F) ACTING CITY ATTORNEY.

BRYCE CURTISS OFFERED RESOLUTION NO. 2806, 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. 2806 WAS SECONDED BY MIKE DIGGINS. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, MIKE DIGGINS, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

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 2008.

7(H) HEALTH INSPECTOR.

It was moved by Diggins, seconded by Curtiss and unanimously passed to appoint Dr. Tom Birkey as health inspector for 2008.

7(I) OFFICIAL NEWSPAPER.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to designate the Montevideo American-News as the city's official newspaper for 2008.

7(J) HUMAN RIGHTS OFFICER.

It was moved by Nieuwbeerta, seconded by Curtiss 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) PETITION TO PAVE ALLEY.

A petition has been given to the city by residents in the neighborhood bounded by 6th and 7th Streets, Sheridan to Sherman Avenue, requesting that their alley be paved. Seven out of nine property owners signed the petition. If the council is interested, direction could be given to the city engineer to include the work in his report for 2008. It was noted by staff that 100% of the cost of the improvements would be borne by the property owners.

It was moved by Nieuwbeerta, seconded by Diggins and unanimously passed to direct the city engineer to include this item in his report for 2008 Street Improvements.

7(L) CURB BOX REPAIRS AT 1607 NORTH 6TH STREET.

MIKE DIGGINS OFFERED RESOLUTION NO. 2807, A RESOLUTION ORDERING REPAIR OF INOPERABLE CURB BOX ON PROPERTY OWNED BY HSBC MORTGAGE SERVICE, LOCATED AT 1607 NORTH 5TH STREET, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2807 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MIKE DIGGINS, BRYCE CURTISS, KAREN NIEUWBEERTA AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(M) AMENDED CAFETERIA PLAN.

The original cafeteria plan for city employees was adopted in 1992. Since that time, options have been made available and an amendment to the plan document was deemed necessary. Amendments include a new reimbursement account for adoption assistance, a grace period to March 15 of the following plan year, and eligibility for certain over-the-counter drugs. A notice was distributed to employees summarizing the proposed amendments. It was noted that the cafeteria plan is an employee cost, not a benefit provided by the city.

BRYCE CURTISS OFFERED RESOLUTION NO. 2808, A RESOLUTION ADOPTING AMENDED CAFETERIA PLAN FOR THE CITY OF MONTEVIDEO, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2808 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, MIKE DIGGINS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(N) DECLARATION OF INTENT TO BOND - WWTP MODIFICATIONS.

In accordance with IRS issued Treasury Regulations, the city is required to make a "Declaration of Intent" to reimburse itself for expenditures paid out prior to bonds being issued. The city needs to do this for the wastewater treatment plant modifications.

It was moved by Diggins, seconded by Curtiss and unanimously passed to approve a Declaration of Official Intent to bond for the wastewater treatment plant in the maximum principal amount of \$18,000,000.

7(O) ACCEPTING GIFTS/GRANTS.

BRYCE CURTISS OFFERED RESOLUTION NO. 2809, A RESOLUTION ACCEPTING GIFTS/GRANTS (WAL-MART AND FIRE RELIEF ASSOCIATION MONETARY GIFTS), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2809 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, MIKE DIGGINS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(P) EDA APPOINTMENT.

Mayor Curtiss has reappointed Kathy Thalberg to another six-year term on the Economic Development Authority, term expiring December 31, 2013.

It was moved by Diggins, seconded by Curtiss and unanimously passed to ratify the mayoral appointment of Kathy Thalberg to the EDA.

7(Q) PLANNING COMMISSION APPOINTMENT.

It was moved by Nieuwbeerta, seconded by Diggins and unanimously passed to appoint Richard Clarke to the planning commission for a three-year term, term expiring January 2011.

7(R) TAX FORFEITED PARCEL CLASSIFICATION.

Chippewa County has submitted a request for approval by the council for a sale of two tax forfeited parcels. They are: 70-165-1720 (203 South 1st Street) and 70-345-0160 (207 South 7th Street). Staff has looked at the properties and sees no benefit to the city acquiring either.

It was moved by Diggins, seconded by Curtiss and unanimously passed to approve the Certification of County Board of Classification of Forfeited Lands for the two parcels noted above.

7(S) PAY EQUITY REPORT.

The State Department of Employee Relations (DOER) requires cities to submit pay equity reports, in compliance with pay equity laws. The state will review the report and officially find whether the city is in or out of compliance.

It was moved by Diggins, seconded by Curtiss and unanimously passed to approve the Pay Equity Implementation Report and authorize its submittal to the state.

7(T) RFP FOR CITY-OWNED TRACT ON MAIN STREET.

Staff has completed its review of the city-owned tract of land to the north of Dr. Powers office on main street. The review included the location of utilities, alley-ways and lot dimensions for possible sale. The total square footage of the proposed lot is 6,090 and staff recommends that the council sets a minimum price of \$2,500 for purposes of the RFP (\$.41 per square foot.)

Dr. Jack Powers was present for the discussion.

Following brief discussion, it was moved by Curtiss and seconded by Nieuwbeerta to direct staff to prepare an RFP for the site, with the minimum price accepted of \$2,500.

Council member Diggins stated he felt the price should be less and suggested \$1,500-\$1,700.

After additional discussion, Curtiss amended his motion to delete reference to a minimum price. Nieuwbeerta seconded the amendment.

Those voting in favor of the motion, as amended: Curtiss, Nieuwbeerta, Diggins and Garbe. Those voting against motion: None. Motion passed unanimously.

7(U) VETERAN FRIENDLY COMMUNITY (VFC.)

Staff is proposing a new program, "A Veteran Friendly Community" in an effort to support our veterans and to help market the community. The proposal developed by staff discussed the reasons for such a project, how the program would be administered, possible offers/discounts for participants, the identification of veteran status and who

might oversee the program. If council is interested in pursuing the idea, staff recommends that a VFC Committee be established to pursue the proposal.

It was moved by Diggins, seconded by Curtiss and unanimously passed to go forward with the concept and direct staff to set up a VFC Committee to pursue the proposal.

7(V) QUIT CLAIM DEED FOR ADDITIONAL T.H. 7 RIGHT-OF-WAY.

A utility easement runs north and south along the easterly portion of the car wash property at the northwest corner of the T.H. 7/Benson Road intersection. Since Mn/DOT is widening the T.H. 7 right-of-way, the acquisition affects this easement. The existing right-of-way is 30', and Mn/DOT is acquiring an additional 10' from the owner. The city's easement currently ends at the right-of-way and, in the future, will also end at the new right-of-way.

City Attorney Nelson had reviewed the proposed Quit Claim Deed and suggested that language be added which would reserve the right for the city to retain the easement right-of-way.

It was moved by Diggins, seconded by Curtiss and unanimously passed to direct the city attorney to revise the Quit Claim Deed by adding the suggested language.

8. Ordinances.

8(A) WINE TASTINGS.

State Statute 340.418 provides language authorizing wine tastings. The city attorney has prepared an ordinance to allow the city to issue a temporary permit for wine tastings to charitable, religious or other nonprofit organizations, under certain conditions/restrictions as outlined in the statute.

MIKE DIGGINS INTRODUCED ORDINANCE NO. 873, AN ORDINANCE AMENDING SECTION 2 OF CHAPTER 2(C), SECTION 2 OF CHAPTER 2(A), AND SECTION 4 OF CHAPTER 2(C) OF TITLE 3 OF THE MONTEVIDEO CITY CODE TO PROVIDE FOR THE ISSUANCE OF A TEMPORARY LICENSE FOR WINE TASTINGS.

9. Discussion and Miscellaneous.

Prior to going into closed session, council members were asked whether they had additional items for discussion.

- ▶ Council members were reminded that Senator Amy Klobuchar would be at Trailways Café on Wednesday, January 9th, at 2:45 P.M. and were encouraged to stop by. A quick poll was taken to determine whether a quorum of council members would be attending. Only Council member Diggins planned to attend.
- ▶ City Manager Jones stated that he had not filled the Community Development Director position and, therefore, staff will be reopening applications and starting over with the process.
- ▶ Acting President Garbe reminded the council of the vets home meeting scheduled for 2:00 P.M. on Tuesday, January 8th, at the American Legion. Confirmations have been received from Senator Kubly, Representative Koenen and House Minority Leader Representative Seifert.
- ▶ Acting President Garbe informed the council that he would be accompanying Utilities Superintendent Byron Hayunga to Mankato on January 9th to meet with the PCA.

Acting President Garbe called a brief recess at 8:00 P.M.

9(A) POSSIBLE REAL ESTATE ACQUISITION (PROPERTY NORTH OF CARNEGIE LIBRARY.)

Acting President Garbe adjourned the meeting to closed session at 8:03 P.M. to discuss possible real estate acquisition (property to the north of Carnegie Library.) Those in attendance included: Council members Garbe, Nieuwbeerta, Diggins and Curtiss; City Manager Jones, City Attorney Nelson and City Clerk Lauritsen.

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.

Acting President Garbe declared the closed session ended at 8:10 P.M.

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Acting President Garbe announced that the discussion held during the closed session resulted in directing staff to make an offer on the property and at such time as an offer is accepted, that information will be made public.

Meeting adjourned at 8:11 P.M.

Glennis A. Lauritsen, Secretary

Approved by council January 22, 2008:

Sandra Hodge, President