

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
January 22, 2008

The city council met in regular session Tuesday, January 22, 2008 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, Mike Diggins, Karen Nieuwbeerta and Marvin Garbe. Absent: Bryce Curtiss. 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 Garbe, seconded by Nieuwbeerta and unanimously passed to approve the agenda, with the following modifications:

<u>Item</u>	<u>Action</u>
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ADD:

- | | |
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| 7(I) | CONSIDER RESOLUTION APPROVING A PREMISES PERMIT FOR CHARITABLE GAMBLING FOR THE AMERICAN LEGION. |
| 7(J) | CONSIDER RESOLUTION APPROVING A PREMISES PERMIT RENEWAL FOR CHARITABLE GAMBLING FOR THE LAC QUI PARLE LAKE ASSOCIATION, CONDUCTED AT GROAT'S, 309 SOUTH FIRST STREET. |

It was moved by Diggins, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular city council meeting of January 7, 2008, 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 18, 2008 IN THE AMOUNT OF \$517,796.96.
- 5(B) APPLICATION FOR USE OF MAIN STREET & SIDE STREETS, FROM MERRIAM AVENUE TO SHERMAN AVENUE, FOR THE ST PATRICK'S DAY PARADE ON MARCH 17, 2008.

6. Public Hearings.

None.

7. General Business.

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

Gary Groothuis, dba/Groat's, Inc., 309 South 1st Street, wishes to submit an application to the State of Minnesota for the optional 2:00 A.M. closing of his 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. It was noted by staff that an adjacent establishment, Inn Like Flinn, Inc., is the only establishment that currently holds this license.

It was moved by Diggins and seconded by Nieuwbeerta to approve the application. Those voting in favor of motion: Diggins and Nieuwbeerta. Those voting against motion: Garbe and Hodge. Motion failed.

Gary Groothuis arrived at the meeting at this time. Police Chief Adam Christopher was also in attendance. Discussion regarding the split vote followed.

City Attorney Nelson explained that even though the ordinance allows for 2:00 A.M. bar closings, the council can deny these requests. The council cannot discriminate against the applicant in any way.

Council members Hodge and Garbe explained that they are not in favor of the 2:00 A.M. closing time, for any establishment. Both indicated that they do not have anything against Groothuis personally and that they had voted against previous requests by other establishments.

Mr. Groothuis stated he does not understand why Inn Like Flinn can have this opportunity and he cannot. He explained that with the .08 and recently enacted smoking ban, he feels he needs to supplement his business. He also stated that with the closing of Northern Lights Bar & Grill, the 1:00-2:00 A.M. crowd will congregate in only one spot. He felt that spreading the business out would benefit everyone.

Police Chief Christopher stated that while he does not support the later closing time, he concurs with Groothuis regarding consistency. He added that the 2:00 A.M. closing time has created some problems for law enforcement, as crowds shift from one end of town to the other, but having more than one establishment open during this time may curtail some of the issues.

When asked how the council could proceed at this point, City Attorney Nelson stated that a council member who voted in the negative can bring the issue back to the table.

Following additional brief discussion, it was moved by Garbe and seconded by Diggins that based on the closing of Northern Lights Bar & Grill and in an effort to be more uniform, the request by Groat's for a 2:00 A.M. closing license be approved. Those voting in favor of motion: Garbe, Diggins and Nieuwbeerta. Those voting against motion: Hodge. Motion passed.

Groothuis thanked the council for its consideration and left the meeting.

7(B) CIGARETTE LICENSE - INN LIKE FLINN.

It was moved by Garbe, seconded by Diggins and unanimously passed to approve a 2008 Cigarette License for Gary Flinn, Inn Like Flinn, Inc., dba/Inn Like Flinn, 305 South 1st Street.

7(C) CHANGE ORDER 001 - MONTEVIDEO PARK BUILDING PROJECT.

Due to the soils at the site in Smith Park, it was necessary to change footings, from 2' wide to 4'6" wide. This resulted in an additional \$1,525.00 and revises the amount of the contract to \$90,054.00.

It was moved by Nieuwbeerta, seconded by Garbe and unanimously passed to approve the change order and authorize the mayor and city manager to execute the document.

7(D) RECEIVE REPORT - 2008 STREET/UTILITY IMPROVEMENTS.

As directed by council, the city engineer has prepared a preliminary engineering report on the 2008 Utility & Street Improvements. Berryman reviewed the report, which discussed the following projects:

Proposed Utility Improvement Projects:

Project 1 - County Road 41 Sanitary Sewer & Watermain
Project 2 - Wolfe Avenue Storm Sewer

Proposed Street Improvement Projects:

Project 1 - Sherman Avenue, 3rd Street to 7th Street
Project 2 - 7th Street, from Eureka Avenue to Park Avenue
Project 3 - Alley Between 6th Street & 7th Street, Sherman Avenue to Sheridan Avenue
Project 4 - William Avenue, 9th Street to 12th Street
Proposed T.H. 7 Improvements

A time line for the project has also been proposed, as follows:

January 22	----	Formally receiving the report and calling for a public hearing (2/19) (Resolution)
February 19	----	Council holds public hearing
	----	Council orders plans, specifications and the solicitation of bids (Resolution Ordering the Improvement After Public Hearing)
April 17	----	Bid opening date
April 21	----	Council reviews bids
	----	Council sets assessment rates for the project (Resolution)
	----	Council calls for final assessment hearing (5/19)(Resolution)
May 19	----	Council holds final assessment hearing and sets final rates (Resolution to Adopt the Final Assessment Roll)
	----	Council awards bids
June 2	----	Bond sale approval
Mid-June	----	Construction begins

MARVIN GARBE OFFERED RESOLUTION NO. 2810, A RESOLUTION RECEIVING REPORT AND CALLING FOR HEARING ON IMPROVEMENT (2008 STREET & UTILITY IMPROVEMENTS), AND MOVED ITS ADOPTION. MOTION

FOR ADOPTION OF RESOLUTION NO. 2810 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, KAREN NIEUWBEERTA, MIKE DIGGINS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(E) AIRPORT ENGINEERING CONSULTING SERVICES.

Statements of Qualifications were solicited from engineers to provide consulting services for the Montevideo-Chippewa County Airport. This is a requirement of the city at least every five years. Four Statements of Qualifications were received, with recommendations from the airport commission and city manager to retain the services of Short Elliot Hendrickson (SEH) for this purpose.

It was moved by Diggins, seconded by Garbe and unanimously passed to accept the recommendations of the airport commission and city manager to retain SEH as the engineering consultant for the airport.

7(F) DEED GRANT APPLICATION.

If the city is successful in acquiring property north of Carnegie Library, there is an opportunity to apply for grant funding through the Department of Employment & Economic Development (DEED). Inasmuch as the grant application is due February 1st, staff asked that council approve a resolution to proceed in this manner, contingent upon property acquisition.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 2811, A RESOLUTION AUTHORIZING A DEPARTMENT OF EMPLOYMENT & ECONOMIC DEVELOPMENT (DEED) GRANT APPLICATION, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2811 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, MARVIN GARBE, MIKE DIGGINS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(G) LPA APPOINTMENT.

The mayor has appointed Lyle Henning to fill the unexpired term of Lowell Hanson, who has resigned his position on the city's Housing & Redevelopment Authority Board. The city needs to ratify the mayor's appointment.

It was moved by Garbe, seconded by Diggins and unanimously passed to ratify the mayoral appointment of Lyle Henning to the LPA Board, term expiring June 4, 2010.

7(H) PLANNING COMMISSION APPOINTMENT.

An application has been submitted by Scott Marquardt expressing his interest in serving on the planning commission for the one-year term.

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to appoint Scott Marquardt to the planning commission, term expiring December 31, 2008.

7(I) PREMISES PERMIT RENEWAL - AMERICAN LEGION.

KAREN NIEUWBEERTA OFFERED RESOLUTION NO. 2812, A RESOLUTION APPROVING A PREMISES PERMIT FOR CHARITABLE GAMBLING, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2812 WAS SECONDED BY MIKE DIGGINS. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, MIKE DIGGINS, MARVIN GARBE AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(J) PREMISES PERMIT RENEWAL - LAC QUI PARLE LAKE ASSOCIATION.

MARVIN GARBE OFFERED RESOLUTION NO. 2813, A RESOLUTION APPROVING A PREMISES PERMIT FOR CHARITABLE GAMBLING (TO BE CONDUCTED AT GROAT'S, 309 SOUTH FIRST STREET), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2813 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, KAREN NIEUWBEERTA, MIKE DIGGINS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

8. Ordinances.

8(A) WINE TASTINGS.

Ordinance No. 873 was introduced at the January 7, 2008 meeting. The ordinance mirrors State Statute 340.418 language authorizing wine tastings and would 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.

IT WAS MOVED BY KAREN NIEUWBEERTA THAT 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, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 873 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: KAREN NIEUWBEERTA, MARVIN GARBE, MIKE DIGGINS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 4-0.

9. Discussion and Miscellaneous.

Prior to discussing agenda item 9(A), and possibly going into closed session, council members were asked whether they had additional items for discussion.

- ▶ Council member Garbe gave a brief summary of a wastewater meeting he had attended in Mankato with Utilities Superintendent Byron Hayunga.
- ▶ City Manager Jones stated that he, Utilities Superintendent Hayunga and SEH representatives would be touring two wastewater treatment plants to view equipment on Friday and encouraged any interested council members to join them. It did not appear that any council member would be able to attend.
- ▶ City Manager Jones gave a brief report on his meeting with the Chippewa County Board to discuss an invoice received by the city for additional library funding.
- ▶ Council President Hodge stated she had recently visited the new physical therapy department and was quite impressed with the facility.

9(A) POSSIBLE REAL ESTATE ACQUISITION FOR REED BED CONSTRUCTION.

City Manager Jones discussed two possible sites for reed bed construction, in association with the upcoming wastewater treatment plant expansion: 1) property owned by the railroad adjacent to the Intermodal site along East Highway 212; and, 2) property owned by the MIDC north of Friendship Homes Plant #3, on the west side Town Road. Staff has

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had discussions with the railroad and continues to research the site. MIDC has not yet been contacted, and staff would like to pursue this option, if agreeable to the council.

It was the consensus of council that staff pursue the MIDC property as a possible option for this purpose.

Meeting adjourned at 8:10 P.M.

Glennis A. Lauritsen, Secretary

Approved by council February 4, 2008:

Sandra Hodge, President