

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
April 7, 2008

The city council met in regular session Monday, April 7, 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, Marvin Garbe, Bryce Curtiss and Karen Nieuwbeerta. Absent: None. Mayor 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.

City staff present: Utilities Superintendent Byron L. Hayunga, Public Works Director Greg Schwaegerl, Liquor Store Manager Tom Ryman and Fire Chief Robb Gilkey.

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

Item Action

MODIFY:

**5(A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD
ENDING APRIL 4, 2008 IN THE AMOUNT OF ~~\$370,458.79~~ \$375,864.29.**

One claim added:

2006 STREET CONSTRUCTION

Gaub, Inc. - Final Estimate

\$5,405.50

It was moved by Diggins, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular city council meeting of March 17, 2008, as presented.

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

4(A) PRESENTATION OF THE 2007 BUILDING AWARDS.

The following were recognized with a plaque presented by Mayor Curtiss:

- ▶ Best New Residential/Single-Family Development: Dr. Patrick & Stephanie Hanna @ 1906 Park Avenue.
- ▶ Best Residential Remodel: Dan & Marree Douglas @ 309 South 13th Street.
- ▶ Best New Large Commercial Development: Wal-Mart Stores, Inc., #1858 @ 3001 East Highway 7 - Brett McRea, Manager.
- ▶ Best Commercial Remodel: Nirvana Salon & Spa @ 209 South 1st Street, Kelsey Ryman & Marcia Ryman.
- ▶ Best Government or Non-Profit Remodel: 6W Community Corrections @ 129 Nichols Avenue.

4(B) CONNECTED COMMUNITY PARTNERSHIP PRESENTATION.

The following individuals were on hand representing Connected Community Partnership: Audrey Arner, Mark Rekow and Jerry Tilden. It was noted that Council Member Garbe and Mayor Curtiss are also members of the Partnership.

The representatives reviewed a “to do” list they had comprised of possible short and long-term areas that may be ripe for work in the community. Short-term areas included Branding Initiatives, “Stuff Swap”/Community-Wide Clean-Up Projects; Community Garden; Soccer Field and Multi-cultural Gathering Places; Promoting Community Assets and the VA Home. Long-term areas included the VA Home, Intermodal, Post-Secondary Satellite Learning Facility, Renewable/Alternative Energy and Multipurpose, Multi-generational, Multi-cultural Activity “Center”. The representatives were looking for city council advice/guidance on the proposed projects - i.e., which were of interest to council/which were not.

The group noted that its next meeting was scheduled for Thursday, April 10th, at the library and encouraged council members to attend.

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 APRIL 4, 2008 IN THE AMOUNT OF \$375,864.29.

6. Public Hearings.

6(A) PROPOSED REED BED SITE.

Although not a requirement, the city council set a public hearing for this date and time to enable public comment on the proposed reed bed site associated with the expansion planned for the city's wastewater treatment facilities.

Soil borings were completed on the proposed site along Town Road, north of Friendship Homes, on land currently owned by the Montevideo Industrial Development Corporation (MIDC). Approximately six acres is needed for the reed beds.

President Hodge called the public hearing to order at 7:27 P.M.

Prior to taking public comment, Utilities Superintendent Byron Hayunga briefly discussed the project and explained the purpose of a reed bed facility, its processes, etc.

Weldon Watson, General Manager Friendship Homes, was present to speak in opposition of the reed bed facility at this site for two reasons: 1) He is concerned with odor; and, 2) the site is the only opportunity for plant expansion. Watson discussed the industry, noting that they are a growing industry vs. a shrinking industry, particularly in the drywall section. For these reasons, he was strongly opposed to the city's proposal.

Roger Gades, property owner to the east of the proposed site, was present stating he is also opposed to the reed bed facility. He requested additional information regarding the odor issue and the effect it might have on property values for the residences at the top of the hill and to his property as well. He stated he would like to see more studies done in this regard. He reiterated his concern over the odor.

City Manager Jones stated that city staff had visited several wastewater treatment plants and they plan to visit more. He explained that the city's current wastewater treatment plant is "open," which emits more odor than what might be emitted from a reed bed facility. How the facility is managed will be germane to the issue, and staff continues to be educated in this regard.

Utilities Superintendent Hayunga stated he had also been contacted by Tim Elkington, who voiced similar concerns over odor.

Council briefly discussed the possibility of moving the proposed site further to the north. It was noted that soil borings had been performed only on the southernmost portion of the site; additional borings would be required. It was also noted that the elevation of another portion of the site may not be appropriate for the reed bed facility.

There were no other interested persons present to speak to the issue; therefore, Council President Hodge closed the public hearing at 7:46 P.M. Hodge noted that in a later agenda item, council would be further discussing acquisition of land for a reed bed site, a portion of which may be closed to discuss the possible land purchase.

7. General Business.

7(A) USDA FUNDING APPLICATION.

Funding through the United States Department of Agriculture (USDA) is being sought for all or a portion of the costs associated with the wastewater treatment plant upgrades. Included in the application are various certifications, assurances and agreements which require city signatures. Staff has requested authorization to proceed with the application.

It was moved by Garbe, seconded by Diggins and unanimously passed to authorize staff to proceed and authorize the mayor and city manager to sign all associated documents.

7(B) 2:00 A.M. LIQUOR CLOSING - HUNT BAR & GRILL.

Matt Sather was present representing the Hunt Bar & Grill, 207 North 1st Street. Sather wishes to submit an application to the State of Minnesota for the optional 2:00 A.M. closing of their liquor establishment. Sather explained that he would like to pursue a stronger entertainment aspect, i.e. bands, a comedian, etc. and also alleviate the flow of patrons from his establishment to the smaller venues downtown.

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. Staff noted that both of the other downtown establishments (Inn Like Flinn and Groat's) hold this type of license.

It was moved by Curtiss and seconded by Diggins to approve the request, as submitted. Those voting in favor of motion: Curtiss, Diggins and Nieuwbeerta. Those voting against motion: Garbe and Hodge. Motion passed 3-2. Garbe and Hodge noted that they have nothing against Mr. Sather or his establishment; but rather, they do not agree with a 2:00 A.M. closing for any liquor establishment.

7(C) CONDITIONAL USE PERMIT - STEVE BIRKEY.

Steve Birkey has been using the building at 315 Wilkins Street, owned by Jeff Drexler, as a recycling center with outdoor storage. Such use requires a conditional use permit.

On March 24, 2008, the Montevideo Planning Commission held the required public hearing for this request and recommended approval, with conditions.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the conditional use permit, with the following conditions:

1. Storage of parts, materials and recycling materials outside of the building must be kept behind the screening fence and to the south of the existing building that fronts Wilkins Street. No storage in the front yard will be allowed. The city reserves the right to require further screening requirements on the property if, in its opinion, it is needed.
2. The business and property owners should be aware that this facility is in an A or B Flood Zone, and the city expects future mapping by FEMA and the Army Corps of Engineers which may place all of this property within a Flood A Zone. If that happens, future expansion on the site will be limited or non-existent, and additional restrictions may come into force.
3. The conditional use permit may not be transferred to another individual.
4. The conditional use permit is subject to yearly review and renewal, and the city reserves the right to add further conditions.

Item 7(I) was moved ahead and considered at this time.

7(I) CVB REQUEST FOR FEE WAIVERS - BIKE ACROSS MINNESOTA

Thomas Brusven was present to explain that on August 22, 2008, "Bike Across Minnesota" (BAM) will be spending the night in Montevideo. The Convention & Visitor's Bureau (CVB) requests that the camping fees be waived for this group and that every participant be given a free pass to the pool.

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

The order of the agenda resumed.

7(D) ANNUAL REPORT PRESENTATIONS.

The following were on hand to give reports on their department's activities for 2007: Liquor Store Manager Tom Ryman, Utilities Superintendent Byron Hayunga and Fire Chief Robb Gilkey. All three were commended for their excellent work for the City of Montevideo.

7(E) DRAFT FIRE HALL NEEDS REPORT.

The Fire Hall Task Force has reviewed possible ideas and needs for a new fire hall, as well as possible sites. A report has been developed by Short Elliott Hendrickson (SEH) which outlines the size and function of a new fire hall and presents three possible sites.

Fire Chief Robb Gilkey was present to discuss the issue and to address questions/concerns raised by the council. Gilkey explained that the task force felt the new fire hall should be (at a minimum) 13,120 square feet, with potential costs at \$2,250,000.

Due to the high volume of projects for 2008 and into 2009, staff suggested tabling action on this issue until a later date. The next step for staff would be to begin discussions with the landowners, so that if acquisition is financially feasible, the process of acquiring the land in late 2008 or early 2009 can occur.

It was suggested that staff obtain footprint overlays of the three sites for further review by the council.

7(F) FIREFIGHTER TURN-OUT GEAR.

The Fire Department received a grant from FEMA for "Assistance to Firefighters." The department received \$59,700 for the purpose of acquiring personal protective equipment. Two quotes have been obtained for turn-out gear, and the department has requested council approval of the quote from Alex Air Apparatus, Inc., in the amount of \$43,500 (plus tax). The grant will be pay 95% of the cost up to the grant amount, and the city has matching grant funds set aside to pay our share. It was noted that in the near future, the department will also be acquiring helmets, boots and gloves under this grant.

It was moved by Garbe, seconded by Diggins and unanimously passed to approve the quote from Alex Air Apparatus, as submitted.

7(G) 2008 OUTDOOR POOL SEASON.

Public Works Director Greg Schwaegerl was present to discuss park board recommendations for the 2008 outdoor pool season. The board met on March 25th and recommended leaving all admission and rental rates the same as 2007. Dates, times and fees for the 2008 season are as follows:

Dates:	June 3-August 24
Times:	1:00-8:00 P.M. Daily
Lap Swim:	Monday-Wednesday-Friday, 6:00-7:30 A.M.
Fees:	Passes - \$50.00
	Tickets: 75 tickets - \$100.00
	50 tickets - \$75.00
	25 tickets - \$50.00
	10 tickets - \$25.00
	Daily Admission - \$3.00
	Wading Pool - \$1.00
	Family Night - \$6.00
	Lap Swim - \$2.00

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the 2008 outdoor pool fees, as recommended by the Montevideo Park Board.

7(H) RELAY FOR LIFE.

The annual Relay for Life is scheduled for May 16th & 17th. The entertainment committee has requested the use of Smith Park from 5:30 P.M. on Friday, the 16th, through 6:00 A.M. on Saturday, the 17th. They would like to have a DJ playing music throughout the night for the walkers.

Schwaegerl noted that this is an excellent group to work with. The city has encountered no problems with set-up, clean-up, etc.

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

7(I) - Previously considered.

7(J) 2008 FIESTA EVENTS.

A proposed draft of Fiesta events for 2008 has been submitted to the city. Some of the events are on city property and need city approval to proceed.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the draft schedule, as presented.

7(K) POLICE VEHICLE AUCTION.

Police Chief Adam Christopher has prepared a list of vehicles for the spring auction scheduled for May 5, 2008. Because the value of some of the vehicles is over \$1,500, the list needs approval.

It was moved by Diggins, seconded by Garbe and unanimously passed to approve the list of vehicles, as submitted.

7(L) AMBULANCE PURCHASE.

Two bids were received by the hospital for the purchase of a new ambulance. The hospital commission has recommended acceptance of a 2008 Braun ambulance for a base price of \$124,558.00 from North Central Ambulance. The commission further

recommended rejecting the Wheeled Coach bid as non-conforming for the following reasons:

- ▶ Size is non-compliant with the existing garage space
- ▶ Rocker switch electrical system does not meet specifications for a microprocessor system
- ▶ Slider door for curbside passage is not available
- ▶ Oxygen system is not controlled by the multiplex system
- ▶ Oxygen storage is not available for tank storage behind attendant seat.

(These are material variations from the bid specifications. The electrical system is not a proprietary system and was specified. The garage height likely could be met, but would reduce the interior height specifications from the bid requirements.)

It was moved by Curtiss, seconded by Diggins and unanimously passed to approve the bid from North Central Ambulance for a Braun ambulance at \$124,558.00 and to reject the bid for the Wheeled Coach for the reasons stated above.

7(M) REASSESSMENT OF 203 SOUTH FIRST STREET.

MARVIN GARBE OFFERED RESOLUTION NO. 2825, A RESOLUTION FOR HEARING (MAY 5, 2008) ON PROPOSED ASSESSMENTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2825 WAS SECONDED BY MIKE DIGGINS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, MIKE DIGGINS, BRYCE CURTISS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(N) INOPERABLE CURB BOX @ 223 SOUTH 6TH STREET.

BRYCE CURTISS OFFERED RESOLUTION NO. 2826, A RESOLUTION ORDERING REPAIR OF INOPERABLE CURB BOX, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2826 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, MARVIN GARBE, KAREN NIEUWBEERTA, MIKE DIGGINS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

8. Ordinances.

8(A) ADOPTION OF ORDINANCE NO. 874/APPROVAL OF SUMMARY PUBLICATION.

Since its introduction at the March 17, 2008 meeting, one small revision was made to Section 3-3-6A as follows:

When more than one conference attendee is attending the same conference, participants are ~~encouraged~~ required to ride share, unless prior approval is given by the department head.

IT WAS MOVED BY MARVIN GARBE THAT ORDINANCE NO. 874, AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE BY AMENDING CHAPTER 3, "PAY AND EXPENSE REIMBURSEMENT," AND CHAPTER 4, "VEHICLE AND MOTORIZED EQUIPMENT USE AND MAINTENANCE," BE ADOPTED AND THAT A SUMMARY OF SAME BE APPROVED FOR PUBLICATION. MOTION FOR ADOPTION OF ORDINANCE NO. 874 AND PUBLICATION OF THE SUMMARY WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, MIKE DIGGINS, KAREN NIEUWBEERTA AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 5-0 AND SUMMARY PUBLICATION APPROVED.

8(B) INTRODUCTION OF ORDINANCE NO. 875 - WINE LICENSES.

An ordinance has been prepared to clarify existing language dealing with wine licenses and, specifically, the combination of a Sunday wine license with a 3.2 percent malt liquor on-sale Sunday only license. With this combination of licenses, the sale of intoxicating (strong) malt liquor is allowed without an additional license. Because the sale of liquor in Montevideo is prohibited on Sundays, such sale of intoxicating malt liquor is only allowed Monday-Saturday. Therefore, the proposed clarifying language has been added "to prohibit the sale of intoxicating malt liquors on Sunday, or at other times prohibited by city ordinances or state law."

BRYCE CURTISS INTRODUCED ORDINANCE NO. 875, AN ORDINANCE AMENDING SECTION 2B OF CHAPTER 2C OF TITLE 3 OF THE MONTEVIDEO CITY CODE, DEALING WITH WINE LICENSES.

9. Discussion and Miscellaneous.

9(A) LAND ACQUISITION FOR REED BED SITE.

City Manager Jones explained that time is of the essence in determining a location for the reed bed site. Soil borings have only been conducted at the proposed location. He added that council needs to be aware that any additional engineering work done at this stage will add thousands of dollars to the project.

Mr. Weldon Watson was present for the discussion and reiterated that the development of this site for the reed bed facility would curtail any future expansion of Friendship Homes to the north. Watson stated that they would need 20-25 acres for this purpose.

Jones stated that it is necessary for the council to move into closed session to discuss the possible land purchase from the MIDC.

Prior to doing so, council members were asked whether they had additional items for discussion.

- ▶ Engineer Berryman stated that bids will be taken on the 2008 Utility Improvements on Wednesday, April 16th at 2:00 P.M. and on the 2008 Street Improvements on Thursday, April 17th at 2:00 P.M.
- ▶ Council member Garbe asked to see final plans of the Highway 7 design and, specifically how Black Oak Avenue is affected.
- ▶ Council member Diggins commented on the materials provided to council relating to the ongoing library issue. Diggins conveyed his disappointment over the proposed hours of operation for the library, i.e. closing on Fridays and Saturdays. He questioned this decision. He added that while the number of hours seems reasonable, the actual hours do not.

It was moved by Diggins, seconded by Garbe and unanimously passed to direct staff to convey the council's concerns to the Chippewa County Library Board.

Minutes/City Council
April 7, 2008
Page No. 12

9(A) CLOSED SESSION.

President Hodge adjourned the meeting to closed session at 9:02 P.M. to discuss a possible land purchase from the MIDC on land they own along Town Road, north of Friendship Homes. Those in attendance included: Council members Hodge, Diggins, Nieuwbeerta, Garbe and Curtiss; Mayor 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.

Council moved out of closed session at 9:37 P.M.

President Hodge stated that the city manager has been instructed to continue negotiations in regard to the purchase of land for the reed bed site.

Meeting adjourned at 8:40 P.M.

Glennis A. Lauritsen, Secretary

Approved by council April 21, 2008:

Sandra Hodge, President