

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
May 5 2008

The city council met in regular session Monday, May 5, 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 absent.

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 Nieuwbeerta, seconded by Diggins and unanimously passed to approve the agenda, as presented.

It was moved by Garbe, seconded by Curtiss and unanimously passed to approve the minutes of the regular city council meeting of April 21, 2008 and April 28, 2008 Board of Equalization Meeting, as presented.

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

4(A) PRESENTATION OF EMPLOYEE SERVICE AWARD.

Dale Rasmussen was recognized with a Certificate of Appreciation presented by Council President Hodge for 30 years of service in the public works department.

4(B) INTRODUCTION OF COMMUNITY DEVELOPMENT DIRECTOR.

President Hodge introduced Nick Haggemiller, the city's new Community Development Director.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING MAY 2, 2008 IN THE AMOUNT OF \$349,346.02.

6. Public Hearings.

6(A) REASSESSMENT OF PARCEL NO. 70-165-1720 (203 SOUTH 1ST STREET)

President Hodge called a public hearing to order at 7:05 P.M. to consider proposed reassessments against Parcel No. 70-165-1720 (203 South 1st Street) for 2000 Street/2000 Water & Sewer Improvements.

It was noted by staff that the property at 203 South 1st Street, also known as Parcel No. 70-165-1720 in Frink's 1st Addition, was tax forfeited by Chippewa County on November 1, 2007. The property has since been sold to Gabriel J. & Eloise Valentino. This property was previously provided with 2000 Street Improvements-Main Street and 2000 Water & Sewer Improvements-Downtown, for which there are remaining assessments in the amount of \$3,459.96.

In accordance with the city's current assessment policy regarding tax forfeited property, a portion of the balance remaining is forgiven. In this case, \$1,614.55 has been forgiven, leaving a total balance due of \$1,845.41 (\$1,656.40 street/\$189.01 water & sewer), which would then be spread over a period of eight (8) years @ 6.9% interest (rate in the original assessments.)

There was no one present to speak to this issue; therefore, President Hodge closed the public hearing at 7:07 P.M.

MARVIN GARBE OFFERED RESOLUTION NO. 2832, A RESOLUTION ADOPTING REASSESSMENT ROLL, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 2832 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, KAREN NIEUWBEERTA, BRYCE CURTISS, MIKE DIGGINS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7. General Business.

7(A) PETITION - NOISE ORDINANCE CHANGES/ENFORCEMENT.

A petition was presented to the city from "Concerned Citizens of Montevideo Requesting Noise Ordinance Changes and Enforcement". The petition included 111 signatures and

was accompanied by a letter requesting the council review and update its current noise and disturbance ordinance as soon as possible.

Police Chief Adam Christopher was present to discuss this issue with the council. Christopher stated that the department issued 12 tickets for noise/barking dog issues in 2007, in addition to numerous administrative tickets. He noted that, in his opinion, the city's ordinance is too vague in its language. He added that these types of "nuisances" are very difficult to enforce, inasmuch as an officer must actually witness the incident. Moreover, a ticket for this offense is issued to the **driver** (not the owner of a vehicle), so an officer would also need to identify the individual driving the vehicle.

Christopher went on to note that he had viewed the City of Willmar noise ordinance, which defines actual footage by which a nuisance is determined, i.e. 50' for cars, 75' for houses. There was also some brief discussion regarding changing the charge from a petty misdemeanor to a misdemeanor.

Following the discussion, Chief Christopher was directed to gather ordinance language examples from other city's and present the information back to council at a future date.

7(B) PETITION REGARDING LIBRARY ISSUES.

Al Johnsrud was present to submit a petition signed by over 200 individuals requesting the city "restore funding to the library so that the current hours may be continued and the current schedule of days the facility is open be continued." Johnsrud stated that he had initiated the petition prior to gaining additional information through the city manager's letter to the editor and, therefore, he suggested that the word "restore" in the petition should probably be "increase". Johnsrud hoped that the current funding issues surrounding the library could be worked out for the benefit of the community. He felt that the hours chosen for the library to be closed (Fridays and Saturdays) are prime times for parents and children to utilize the library.

President Hodge invited other audience members to address the council on the library issue, noting that the council welcomes this discussion and is open to listening and hearing what the public has to say.

Cheri Kahmann was present and stated that she and her husband own the former Bungalow building, just to the north of the library. Kahmann said that they witness a

great number of people coming and going from the local library and urged the council to take another look at its funding.

President Hodge explained that the hours chosen for the library to be closed was a decision made by the county library board, not the city council. Hodge publicly corrected a statement made in the Clara City paper, which stated that her former position on the county library board was as a city council representative. That statement is not true. Hodge explained that she sat on the county library board as a citizen appointment for a period of nine (9) years, after which time she was no longer eligible to serve in that capacity. She stated that if city representation is desired, the library board would need to approach the city.

Johnsrud asked the council if he should submit the petition also to the county library board and/or the county. He was urged to do so. Staff explained that Chippewa County has a legal obligation to provide a local library; the city does not. The Montevideo Library is not a city library; it is a county library.

President Hodge stated that the council will discuss budget issues during worksessions held this summer. In order to review any funding proposals, the information would need to be submitted in June or July

7(C) USE OF CITY PROPERTY - ROCK THE PARK EVENT.

Mike Dupere and Sara Wohlers were present to discuss plans for the "Rock the Park" Event on July 19th. The Chamber is the sponsoring entity, and they are asking permission to use Lagoon Park for the event (including a beer garden), use of Smith Park from July 18th to July 20th for overflow camping, and use of city parking lots for RV's. It was noted that only the use of city property is being considered at this time; the license for the beer gardens will be considered at a future meeting.

Dupere outlined the entertainment they have secured for the event, which includes four (4) quality tribute bands from all over the country. The event would begin with a "Meet and Greet/Hospitality for ticketholders" at Noon on the 19th. The last band would perform from approximately 10:15 P.M. until approximately 12:30 A.M.

Police Chief Christopher stated that this event ran very well in 2007, with only a couple of minor incidents for a crowd of 3,000-4,000.

It was moved by Garbe, seconded by Curtiss and unanimously passed to authorize the use of city property for the Rock the Park event, as requested.

7(D) FARMER'S MARKET USE OF SMITH PARK.

The Farmer's Market group has requested the use of Smith Park on Thursdays and Saturdays, June-October, from 3:30-6:30 P.M. on Thursdays and from 8:00 A.M. until 1:00 P.M. on Saturdays. They have also asked to have access to the log cabin on days when the weather doesn't cooperate.

It was moved by Diggins, seconded by Nieuwbeerta and unanimously passed to authorize the use of Smith Park for the Farmer's Market, as requested, with the understanding that the group will coordinate with city staff on the use of the log cabin, or other park building(s).

7(E) USE OF CITY PARKING LOT BY INN LIKE FLINN'S.

Gary Flinn has made application for the use of the city-owned parking lot directly south of Groat's. Mr. Flinn proposes to provide the Fiesta Days Beer Gardens on the site June 14-16, 2008.

It was moved by Curtiss, seconded by Diggins and unanimously passed to authorize this use, as requested.

7(F) FIESTA DAYS BEER GARDENS.

In the previous agenda item, the council gave its approval to Gary Flinn for the use of the city-owned parking lot directly south of Groat's during Fiesta Days, June 14-16, 2008. Flinn has applied for a temporary 3.2% malt liquor on-sale license to provide the beer gardens on those days.

It was moved by Garbe, seconded by Nieuwbeerta and unanimously passed to approve the temporary 3.2% malt liquor on-sale license to Gary Flinn dba/Inn Like Flinn for the Fiesta Days Beer Gardens.

7(G) 3.2% MALT LIQUOR ON-SALE LICENSE FOR RACETRACK CONCESSIONS.

Henning-Erickson VFW Post #380, Inc. has applied for a 3.2% malt liquor on-sale license for the concession stand at the Fiesta City Speedway, Chippewa County Fairgrounds, for the 2008 racing season. The VFW held a similar license in 2007.

It was moved by Garbe, seconded by Curtiss and unanimously passed to authorize the issuance of the license, contingent upon receipt of the liquor liability insurance certificate.

7(H) REED BED ALTERNATIVE - WWTP UPGRADE.

The city does not currently have a viable option for the installation of reed beds in conjunction with the mandatory wastewater treatment plant upgrades. Over time, a number of sites have been reviewed, but at this time, a site has not been secured and the city needs to continue in a timely manner to meet the mandates. Staff has recommended proceeding with the alternative - additional liquid sludge storage, expansion of aerobic digesters and the addition of heat exchange. Also, it is staff's opinion that in the near future (3-5 years), the city should begin the process of acquiring farm land to gain more control over when/where sludge is applied during the next 20 years.

City Manager Jones referred to information provided by Short, Elliott, Hendrickson which discussed the liquid sludge storage option, costs involved, pros/cons, etc. Of particular note is that while the estimated construction cost of this alternative is less than the reed beds (\$15,070,000 vs. \$15,492,000), the sludge storage option has a higher annual operation/maintenance cost (\$446,000 vs. \$243,000 for reed beds).

It was asked if an extension could be applied for through the Pollution Control Agency. City Manager Jones stated no; the plant needs to be operational by Summer 2009. At this point, the sludge storage option is the only choice. Staff also discussed possible future issues with the hydraulics at the plant, noting that the new structures will be all right but the older structures may have issues. Also discussed briefly was the utility rate structure for Jennie-O and other industrial users, commercial users and residential users. It was noted that this issue will be further discussed with SEH Representatives.

It was moved by Diggins, seconded by Curtiss and unanimously passed to approve the change from the reed bed design to the sludge storage design for the WWTP upgrades.

Glen Herfurth, 1502 North 5th Street, was present to make a personal apology to the council, MIDC and the citizens of Montevideo for the time and money that had been expended on studying the land north of Friendship Homes for reed beds . Herfurth explained that he is former MIDC Board Member and, while serving in that capacity, MIDC had made a promise to Friendship Homes that this land would be reserved for future plant expansion. Herfurth commended the council in making the right decision for the community.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- ▶ City Engineer Berryman stated that the Highway 7 Project has been delayed slightly due to a permit issue. Work should begin the week of May 12th.
- ▶ City Manager Jones stated that the community development director will be attending the weekly Highway 7 construction update meetings being held at the court house and will prepare a weekly bulletin updating the affected businesses. The bulletin will also be posted on Channel 8.
- ▶ Brief discussion took place on the proposed parking layout at the court house.

Meeting adjourned at 8:23 P.M.

Glennis A. Lauritsen, Secretary

Approved by council May 19, 2008:

Sandra Hodge, President