

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
July 21, 2008

The city council met in regular session Monday, July 21, 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: Mike Diggins, Marvin Garbe, Bryce Curtiss and Karen Nieuwbeerta. Absent: Sandra Hodge. Mayor Curtiss present.

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

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

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the minutes of the regular city council meeting of July 7, 2008, as presented.

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

4(A) PRESENTATION OF EMPLOYEE SERVICE AWARD.

Mayor Curtiss presented an employee service award certificate to Robert Kurtzbein, recognizing 15 years of employment with the City of Montevideo. Bob was hired July 12, 1993.

4(B) UPDATE BY CGMC REPRESENTATIVE.

Joe Sullivan, attorney/lobbyist with the Coalition of Greater Minnesota Cities (CGMC) was present to provide an update of the Coalition's efforts in 2008. Sullivan discussed legislative activity in the area of LGA, Transportation, Environment, Economic Development and Annexation and addressed questions/comments posed by the council.

4(C) BOYS & GIRLS CLUB PRESENTATION.

Sunshine Kahmann, Missy Ochsendorf, Kerry Jaspersen and Kevin TeBeest were present to discuss the development of a Boys & Girls Club in Montevideo. Their initial budget requests a \$25,000 pledge from the City of Montevideo for 2009. These individuals highlighted the various developmental programs, which include Character & Leadership

Development, Education & Career Development; Health & Life Skills, The Arts, Sports, Fitness & Recreation and Specialized Initiatives. Also briefly discussed was the group's budget, which totals \$200,000 for 2009.

The representatives were informed that the city will soon be meeting in budget worksessions and would discuss their request at that time.

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 JULY 18, 2008 IN THE AMOUNT OF \$269,782.56.

6. Public Hearings.

None.

7. General Business.

7(A) CEMETERY AD-HOC COMMITTEE APPOINTMENTS.

By secret ballot, it was determined that LaVonne Sundlee and Barb Kvaal would serve as the at-large representatives on the cemetery ad-hoc committee.

It was moved by Curtiss, seconded by Diggins and unanimously passed to create a cemetery ad-hoc committee, with membership as follows:

Council Member Nieuwbeerta
City Manager Steve Jones
Public Works Director Greg Schwaegerl
Mike Dahl, Director - Anderson Funeral Home
Everett Bain, Director - Wing-Bain Funeral Home
At-large representatives Sundlee & Kvaal

7(B) SIDEWALK REPORT.

Staff submitted a listing of sidewalks needing repair in 2008, which encompassed all zones of the community. A total of approximately 1,200 square feet was identified, at an estimated total cost of the improvements at \$6,000.00.

BRYCE CURTISS OFFERED RESOLUTION NO. 2855, A RESOLUTION RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT (8/4/08). MOTION FOR ADOPTION OF RESOLUTION NO. 2855 WAS SECONDED BY KAREN NIEUWBEERTA. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, KAREN NIEUWBEERTA, MARVIN GARBE AND MIKE DIGGINS. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 4-0.

7(C) WELL #17.

Bids were received on July 17th for the Well #17 pump, controls and discharge piping. Only one bid was received from Hjerpe Contracting, Inc. in the amount of \$95,555. City Engineer Berryman briefly discussed the project, noting that this is the final phase of the improvements, and stating that an amendment is needed to the DNR Appropriations Permit to allow additional water pumping.

It was moved by Nieuwbeerta, seconded by Diggins and unanimously passed to award the bid to Hjerpe Contracting, Inc., with the expenditure coming out of the Utility Fund.

7(D) DISBURSEMENT OF SCDP GRANT FUNDS.

A list of eligible projects was submitted for approval in conjunction with the Small Cities Grant Program for rental and owner-occupied rehabilitation projects. Total cost of the projects is \$121,315.00 (\$70,891.00 grant funds / \$50, 424.00 other funds).

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

8. Ordinances.

8(A) CONSIDERATION OF ORDINANCE NO. 878 (NOISE ORDINANCE).

This ordinance was introduced at the July 7, 2008 meeting and clarifies/specifies when a noise is considered a nuisance.

Council member Nieuwbeerta stated she is opposed to the proposed ordinance for several reasons, one of which is the distance cited in regards to vehicle noise. The proposed ordinance cites 20' and Nieuwbeerta felt this distance is unrealistic.

Council member Curtiss stated he felt the language is necessary in order to provide law enforcement personnel with prima facie evidence. Police Chief Christopher was in the audience and stated he concurred; without a specific distance clarified, these types of issues do not hold up in court.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 878, AN ORDINANCE AMENDING SECTION 3H OF CHAPTER 1 OF TITLE 4 OF THE MONTEVIDEO CITY CODE, "UNNECESSARY DISTURBANCES," BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 878 WAS SECONDED BY MIKE DIGGINS.

Council member Diggins stated that while he also has some concern with the distance, he felt that the police department would use discretion in issuing tickets.

FOLLOWING DISCUSSION, THE FOLLOWING VOTE RESULTED: THOSE VOTING IN FAVOR OF MOTION: MIKE DIGGINS, BRYCE CURTISS AND MARVIN GARBE. THOSE VOTING AGAINST MOTION: KAREN NIEUWBEERTA. **MOTION FAILED 3-1.**

Additional discussion took place regarding adequate distance. Council members concurred that 50' would be more appropriate and asked that the city attorney draft a revised ordinance for discussion at the August 4th meeting.

8(C) ADOPTION OF ORDINANCE NO. 879 (BARKING DOG ORDINANCE).

This ordinance was introduced at the July 7, 2008 meeting, after a request that the proposed language be modified to read as follows: "Habitually or frequently barking or crying means barking or crying ~~continuously~~ intermittently for at least ten minutes ~~with less than one minute interruption~~, which barking or crying is audible off the premises where the dog is located at the time of the incident." The city attorney modified the ordinance, as requested, and it was presented to council for consideration.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 879, AN ORDINANCE AMENDING SECTION 1 OF CHAPTER 4 OF TITLE 5 OF THE MONTEVIDEO CITY CODE, BY ADDING A DEFINITION OF HABITUALLY OR FREQUENTLY BARK OR CRY, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 879 WAS SECONDED BY MIKE DIGGINS. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, MIKE DIGGINS, MARVIN GARBE AND

KAREN NIEUWBEERTA. THOSE VOTING AGAINST MOTION: NONE.
ORDINANCE PASSED 4-0.

9. Discussion and Miscellaneous.

- ▶ City Engineer Berryman gave an update on the utility improvement projects and noted that the stockpile of clay on County Road 41 is temporary until the levee is built in 2009.
- ▶ Mayor Curtiss gave his thanks to Mike Dupere and the Chamber of Commerce for another successful Rock The Park event.
- ▶ Council member Diggins stated he had received two calls regarding the cemetery; both calls indicated they were in favor of the existing restrictions relative to gravesite decorations.
- ▶ Council member Diggins stated he had received a phone call inquiring about the bicycle safety hours, i.e., hours worked, etc. The caller felt this officer could work more hours.

Meeting adjourned at 8:13 P.M.

Glennis A. Lauritsen, Secretary

Approved by council August 4, 2008:

Sandra Hodge, President