

CITY OF MONTEVIDEO  
CITY COUNCIL PROCEEDINGS  
May 16, 2011

The city council met in regular session Monday, May 2, 2011 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: Marvin Garbe, Al Johnsrud, Bryce Curtiss, Karen Nieuwebeerta and Sandra Hodge. Absent: None. Mayor Debra Lee Fader present.

Also present were: City Manager Steven C. Jones, City Engineer David Berryman and City Clerk Glennis Lauritsen.

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

**ACTION      ITEM DESCRIPTION:**

**Modify:      5(A)    CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING MAY 13, 2011 IN THE AMOUNT OF ~~\$196,351.11~~ \$212,140.94.**

Modified amount reflects the following additional claim:

UTILITY

Short Elliot Hendrickson, Inc.    April services/WWTP Mods    \$15,789.83

**Add:            7(E)    CONSIDER SALE OF ADDITIONAL ITEM (YAMAHA SCOOTER/MOTORCYCLE) AT POLICE DEPARTMENT AUCTION JUNE 10, 2011.**

It was moved by Johnsrud, seconded by Nieuwebeerta and unanimously passed to approve the minutes of the regular meeting of May 2, 2011, as presented.

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

President Hodge welcomed the group of high school students present to observe the council proceedings.

4(A) 2010 BUILDING AWARDS PRESENTATION.

Mayor Fader and Building Official Don Fischer acknowledged the following 2010 Building Awards recipients and presented certificates to those in attendance:

**I. Residential**

*A. Addition & Remodel*

502 South 12<sup>th</sup> Street - Jim & Alta Wik - 18' x 52' addition, with a 56' attached garage; new roof over existing house.

721 South 9<sup>th</sup> Street - Jim & Sally Tongen - Two additions.

*B. Rental Rehabilitation*

114 North 7<sup>th</sup> Street - Hamtin Properties - Exterior Remodel.

**II. Commercial**

*A. Commercial Remodel*

320 North 1<sup>st</sup> Street - Christa Landmark - (Christa Landmark Photography Studio & Boutique) - Store Front Remodel.

*B. New Commercial Development*

1220 Grove Avenue - Mary Haff (Perfect Paws Vet Clinic).

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING MAY 13, 2011 IN THE MODIFIED AMOUNT OF \$212,140.94.

6. Public Hearings.

6(A) 7:00 P.M. - PUBLIC HEARING TO CONSIDER CHIPPEWA RIVER DAM REMOVAL.

Chris Domeier, DNR Fisheries, Ortonville, MN, was present to discuss a possible removal of the Chippewa River dam in Smith Addition. Domeier described removal specifics, noting that a rock rapids would be constructed using four (4) rock weirs. He briefly discussed funding issues, noting that the DNR has \$40,000 that needs to be allocated to a project within the next six weeks, so he would like to get a commitment from the city this evening, if possible. Other funds earmarked for the project include \$150,000 from the State of Minnesota Dam Safety Program and, very recently, \$100,000 from the U.S. Fish & Wildlife Service.

Council member Johnsrud asked how the dam removal/rock rapids would affect flooding issues. Domeier stated that he could not speak to that issue; however, the engineers could address those questions/concerns.

At 7:17 P.M., President Hodge called the public hearing to order. The entire public hearing was recorded on video tape and will be kept in accordance with the adopted State of Minnesota Records Retention Schedule.

Jerry Tilden, 418 Chippewa Street, stated his back yard abuts the river, and he is concerned over what may happen to the area, i.e., the creation of a slough for mosquitos.

Mr. Domeier stated that the area will still be a wetland; however, it will be 4' lower in elevation than the current elevation. He added that this issue will be addressed during the study, which will likely take up to the next year to complete.

Patrick Moore, CURE Representative, was present to state overall support of the project. Moore had some questions regarding silt build-up, aesthetics of the proposed new river bed, condition of the channels and condition for recreational paddlers. Domeier addressed each comment individually.

Moore added that the CURE Board had met and discussed the project at length, after which they expressed their support.

Jim Dahlvang, 1201 Oak Drive and Chippewa County Commissioner, stated he has a pretty good understanding of the proposed project and its results. He viewed it as a positive project for the community and encouraged its progress. He cited safety as the #1 priority.

Danny Kirkowitz, Montevideo teacher and CURE Board Member, was present to ask the reason for not removing the abutments. Domeier explained the concern with destabilization. The abutments are not doing any damage, so they feel it is best to leave them in place. He added that it may not be the cheapest solution, but is the safest solution.

Some discussion took place relative to ownership of the dam. City Manager Jones stated that the city insures and maintains the structure.

There were no other persons present to speak to this issue; therefore, President Hodge declared the public hearing closed at 7:37 P.M.

President Hodge asked about future funding, if problems should occur. Domeier stated that while he cannot promise that future funds will be available, the DNR would lend its expertise in assisting in any way possible.

President Hodge also asked about the occurrence of flow changes/land increases and who would then take ownership of that land. Domeier stated this was a question for the city attorney and would depend upon how the land is deeded.

MARVIN GARBE OFFERED RESOLUTION NO. 3034, A RESOLUTION REGARDING DAM REMOVAL ON THE CHIPPEWA RIVER, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3034 WAS SECONDED BY AL JOHNSRUD. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, AL JOHNSRUD, KAREN NIEUWBEERTA, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7. General Business.

7(A) FIESTA DAYS USE OF PROPERTY.

Each year, Fiesta Days uses city parks and streets for their activities. To secure permission (and liability protection), the city council formally reviews and approves such uses. A schedule was submitted by the Fiesta Board for review and consideration.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to approve the use of city property, as indicated on the schedule submitted for Fiesta Days 2011.

7(B) OUTDOOR ACCESSORY USE BY AMERICAN LEGION.

The American Legion Post #59, 613 Legion Drive, has submitted an application for a temporary permit for special events accessory use; outdoor areas. The Legion would like to hold a beer gardens type event entirely on its own property (parking lot) during Fiesta Days, June 18, 2011. All of the necessary support documents were submitted, along with the \$25.00 fee.

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

7(C) PURCHASE OF RIGHT-OF-WAY FOR LEVEE PROJECT.

AL JOHNSRUD OFFERED RESOLUTION NO. 3035, A RESOLUTION AUTHORIZING PURCHASE OF REAL ESTATE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3035 WAS SECONDED BY MARVIN GARBE. THOSE VOTING IN FAVOR OF MOTION: AL JOHNSRUD, MARVIN GARBE, KAREN NIEUWBEERTA, BRYCE CURTISS AND SANDRA HODGE. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(D) TEMPORARY ON-SALE LIQUOR LICENSE - AMERICAN LEGION.

The American Legion Post #59 wishes to submit an application to the State of Minnesota for a temporary on-sale liquor license to serve liquor at the Montevideo Training & Community Center (TACC) on August 26, 2011, in conjunction with a wedding reception. The \$25.00 local fee has been submitted.

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

7(E) SALE OF ADDITIONAL AUCTION ITEM (SCOOTER).

At its meeting of April 18, 2011, the council approved a list of items for the police department auction scheduled for June 10, 2011. The department has now requested to add the Yamaha Scooter-motorcycle to that list.

It was moved by Curtiss, seconded by Nieuwbeerta and unanimously passed to approve the addition of the scooter to the auction list, as requested.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- ▶ Council member Garbe commented on the condition of the cyclone fence behind 2<sup>nd</sup> Street hill and asked that city staff inspect.
- ▶ City Clerk Lauritsen noted that general contractors are also acknowledged for the building awards program by receiving a mailed certificate of recognition.

Meeting adjourned at 7:51 P.M.

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Glennis A. Lauritsen, Secretary

Approved by council June 6, 2011:

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Sandra Hodge - President