



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

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

5. Consent Agenda.

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

- 5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING JUNE 3, 2011 IN THE (MODIFIED) AMOUNT OF \$366,267.65

6. Public Hearings.

- None.

7. General Business.

- 7(A) TEMPORARY ON-SALE ACCESSORY USE BY INN LIKE FLINN.

Rochelle Rochel, Manager of Inn Like Flinn, was present to discuss their request to hold a "beer gardens" type event entirely on their property at 305 South First Street during the Fiesta Days celebration. Included in the request is the placement of a second station (3.2 beer wagon) within their outdoor licensed premises and to provide outside music, from 7:00 P.M. to 1:00 A.M. on Thursday (June 17<sup>th</sup>) and from 9:00 P.M. to 1:00 A.M. on Friday & Saturday nights (June 18-19).

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

- 7(B) LOT SPLIT VARIANCE REQUEST - BONNIE CROSBY.

Earlier this evening, the Montevideo Board of Zoning Adjustment held a public hearing to consider a variance request by Bonnie Crosby, 1004 North 3<sup>rd</sup> Street, to allow a lot split which would result in a substandard lot width (95') for the adjacent property to the south. Following the hearing, the board voted unanimously to recommend approval of the variance.

Bonnie Crosby and Community Development Director Haggemiller were both present to support the request. Crosby noted that the neighbor, Richard Whipple, is selling his house, making this a convenient time to make application for the variance. She stated that at some point in the future, she hopes to construct a garage on the property. Haggemiller added that the Board of Zoning Adjustment had no issues with the request.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to approve the variance, as submitted, based on the following conditions/reasons:

1. Undue hardship exists in that issues specific to the property prevent its highest and best use.
2. Property cannot be put to a reasonable use under the language of the zoning ordinance due to its substandard lot width, i.e., capacity for development such as modern single-family house sizes and needed accessory structures.
3. The circumstances are unique to the property and have not been created by the landowner.
4. Altering the property and adjacent property to the south by 10' will not alter the essential character of the locality.
5. Altering the property and adjacent property to the south by 10' will not conflict with the Comprehensive Plan.

7(C) USE OF CITY PROPERTY FOR CRAZY DAYS.

The Montevideo Area Chamber of Commerce submitted an application for the use of main street, between Nichols Avenue and Artigas Plaza, for the annual Crazy Days activities on July 21<sup>st</sup>. The request is for use of the street, sidewalks and Artigas Plaza for the planned events, between 6:00 A.M. and 8:00 P.M.

It was moved by Nieuwbeerta, seconded by Johnsrud and unanimously passed to approve the use of city property, as requested.

7(D) LPA APPOINTMENT.

Mayor Fader stated that the term of Steve Torvik on the City's Housing & Redevelopment Authority Board expired as of June 4, 2011. This appointment is made by the mayor, subject to council review. Mr. Torvik has indicated a willingness to serve another five-year term. Therefore, she recommended reappointment of Torvik to the LPA Board, term expiring June 4, 2016.

It was moved by Johnsrud, seconded by Curtiss and unanimously passed to reappoint Steve Torvik to the LPA Board, term expiring June 4, 2016.

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

AL JOHNSRUD OFFERED RESOLUTION NO. 3036, A RESOLUTION AUTHORIZING PURCHASE OF REAL ESTATE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3036 WAS SECONDED BY KAREN NIEUWBEERTA. 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(F) SUNDAY LIQUOR LICENSES FOR EL RANCHO MEXICAN RESTAURANT.

Yuri Leon, dba/El Rancho Mexican Restaurant, 207 North First Street, submitted an application for two city licenses: a 2011 3.2 Percent Malt Liquor On-Sale - Sunday Only License and a 2011 Wine License - Sunday Only. All of the necessary paperwork has been submitted and the fees paid.

It was moved by Johnsrud, seconded by Garbe and unanimously passed to approve issuance of the two liquor-related licenses, as submitted.

7(G) COBORN'S, INC. BUSINESS LICENSES.

Coborn's, Inc. is in the process of purchasing the former County Market grocery store at 1409 East Highway 7. In conjunction with that purchase, they have submitted applications for two city licenses: a 2011 3.2 Percent Malt Liquor Off-Sale License and a

2011 Cigarette License. All of the necessary paperwork has been submitted, along with the required fees.

It was moved by Nieuwebeerta, seconded by Curtiss and unanimously passed to approve issuance of both licenses, as submitted.

7(H) PURCHASE OF DIGITAL MAMMOGRAPHY SYSTEM.

As a part of its regular meeting of May 18, 2011, the Chippewa County-Montevideo Hospital Commission considered bids received for a digital mammography system to replace existing analog equipment which is nearing the end of its useful life, in addition to having a high maintenance history. Three bids were received, as follows:

<u>Bidder</u>	<u>Bid</u>
GE Healthcare	\$217,603
Hologic	\$227,950
Siemens	\$250,000

After

After review, the Commission recommended acceptance of the bid from GE Healthcare for a Senographe Essential Digital Mammography System, in the amount of \$217,603.00.

It was moved by Curtiss, seconded by Johnsrud and unanimously passed to accept the bid from GE Healthcare, as recommended by the Hospital Commission.

7(I) USE OF TANGLEWOOD/HORIZON TRAILS AREA RETENTION POND.

City Manager Jones explained that the retention pond behind Tanglewood/Horizon Trails has become an unplanned community fishing spot and staff is asking for council's guidance in determining whether it would be worthwhile to work with the DNR to try to maximize its potential.

Jones further explained that even though staff believes this is a worthwhile endeavor, it does have its consequences. By officially deeming the pond as a fishing pond, the city's

liability would increase and additional maintenance would be required. Therefore, staff recommended referring the matter back to the Park Board and city staff to review all of the issues, and report back to the city council with its findings. Such action would also allow time to verify what the DNR is willing to do at the site.

It was moved by Johnsrud, seconded by Nieuwbeerta and unanimously passed to approve the stocking of the retention pond by the DNR and refer other matters (liability/additional maintenance) to the Park Board for review and discussion.

7(J) STATE PERFORMANCE MEASUREMENT PROGRAM.

The State of Minnesota is offering incentives to develop its Performance Measurement Program, which establishes a standard set of (10) performance measures for counties and ten (10) performance measures for cities that will aid residents, taxpayers and state and local elected officials in determining the efficacy of counties and cities in providing services, and measure residents' opinions of those services. Cities and counties that choose to participate in the new standards measure program may be eligible for a reimbursement in LGA, and exemption from levy limits in 2012. Montevideo would gain about \$750 in additional aid, in addition to having no levy limits in 2012.

Participation in the standard measures program by the city is voluntary. If the city would choose to participate, the 10 performance benchmarks must be adopted and implemented in 2011. It would also be required that the city communicate the results of the measures to its residents the following calendar year (survey). Participation would result in the city being eligible for a reimbursement of \$0.14 per capita in local government aid, not to exceed \$25,000, and would also be exempt from levy limits for taxes payable in 2012, if levy limits are in effect. Adoption of the 10 performance measures must be reported to the State Auditor by July 1, 2011.

Council discussed the pros/cons of adopting such criteria, noting concern over the micro management of cities by the state, concern with unfair comparisons made between cities, and concern over whether the city could "opt out" once the criteria is adopted.

FOLLOWING DISCUSSION, IT WAS MOVED BY MARVIN GARBE THAT RESOLUTION NO. 3037, A RESOLUTION REGARDING ADOPTION OF PERFORMANCE MEASURES, BE ADOPTED. MOTION FOR ADOPTION OF RESOLUTION NO. 3037 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: MARVIN GARBE, BRYCE CURTISS, AL

JOHNSRUD AND KAREN NIEUWBEERTA. THOSE VOTING AGAINST MOTION:  
SANDRA HODGE. RESOLUTION PASSED 4-1.

7(K) OFF-SITE GAMBLING PERMIT - MONTEVIDEO LIONS CLUB.

The Montevideo Lions Club submitted an application for exemption from lawful gambling requirements. The application indicates that on June 18, 2011, their organization wants to conduct raffle activities (duck race) at Lagoon Park, in conjunction with the Fiesta Days celebration.

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

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

Prior to going into closed session, President Hodge polled council members and staff for additional items of discussion.

- ▶ Council member Garbe commented on the weeds/tall grass along highway right-of-way, noting that communication should be made with Mn/DOT to avoid a written request.

9(A) CLOSED SESSION - UPDATE - LIQUOR STORE LEAD CLERK SALARY.

At 7:35 P.M., council went into closed session to discuss AFSCME union negotiations relating to the liquor store lead clerk salary issue. The entire closed session was recorded on cassette tape and will be kept in accordance with the adopted records retention schedule.

Closed session ended at 7:43 P.M.

It was moved by Garbe, seconded by Johnsrud and unanimously passed to authorize a \$.25 per hour increase for the Lead Full-Time Liquor Store Clerk position.

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Meeting adjourned at 7:51 P.M.

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Glennis A. Lauritsen, Secretary

Approved by council June 20, 2011:

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Sandra Hodge - President