

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
March 6, 2023

The city council met in regular session Monday, March 6, 2023 in the council chambers at city hall. Council President Schmidt called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Council members present: Nathan Schmidt, Dan Sanborn, Steve Sulflow, Beverly Olson and Bryce Curtiss. Absent: None. Mayor Erich Winter absent (*). (Mayor Winter was unable to attend the meeting; however, it was noted that he was available via speaker phone.)

Also present: City Manager Robert Wolfington, City Attorney Janice Nelson and City Clerk Glennis Lauritsen.

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

MODIFY: 5A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING MARCH 2, 2023 IN THE AMOUNT OF ~~\$2,229,754.06~~ \$2,270,503.29.

The revised list reflects the following additions/deletions:

CONVENTION & VISITORS BUREAU

Chamber of Commerce - Invoices (Dec '22 & Jan '23) \$ 6,355.69

FIRE

Heiman Fire Equipment - Blitzfire monitor 4,350.00

LEGAL

Nelson Oyen Torvik - Legal services 9,063.69

MISCELLANEOUS

Farmer's Union Oil Co. - Motor fuels 13,259.25

Fusion Cloud Services - Phone bill 2,345.15

POLICE

Stevens County Sheriff - Dues/S.W.A.T. 2,000.00

PUBLIC WORKS

Sherwin Williams Co. - Traffic paint, etc. 3,375.45

- ADD:** **5B) CONSIDER APPLICATION FROM WEST 212 USBC ASSOCIATION (BOWLING CONGRESS) FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS FOR RAFFLE, PADDEWHEEL AND TIPBOARD ACTIVITY AT THE AMERICAN LEGION POST 59 ON APRIL 28, 2023.**
- ADD:** **5C) CONSIDER APPLICATION FOR USE OF VARIOUS STREETS IN THE MONTEVIDEO MIDDLE SCHOOL AREA FOR THE PROM DRIVE-UP AND GRAND MARCH EVENT ON SATURDAY, MAY 6, 2023.**
- MODIFY:** **7E) CONSIDER APPROVING A 2023 WINE LICENSE AND A 2023 3.2 ON-SALE (MONDAY-SATURDAY) LICENSE FOR FIESTA CITY RACING ASSOCIATION, LLC., DBA/FIESTA CITY SPEEDWAY.**

Revised agenda item provided.

It was moved by Curtiss, seconded by Olson and unanimously passed to approve the minutes of the Regular Meeting of February 21, 2023 and Worksession of February 27, 2023, as presented.

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

4(A) 2022 BUILDING AWARDS PRESENTATION.

Acting Mayor Curtiss presented the 2022 Building Awards for the following:

- ★ *Best New Residential Construction* - Frank & Barbara Roder, 1807 Sheridan Avenue.
- ★ *Co-Winner Best Commercial Renovation* - McDonalds, 1706 East Highway 7.
- ★ *Co-Winner Best Commercial Renovation* - Hawks Nest Early Childhood Center, 2002 Black Oak Avenue.

- ★ *Best New Business Development* - Rafael Nunez/Plazita Restaurant 3, LLC - Plazita Mexican Restaurant, 1504 East Highway 7.

5. Consent Agenda.

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

- 5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING MARCH 2, 2023 IN THE (MODIFIED) AMOUNT OF \$2,270,503.29.
- 5(B) APPLICATION FROM WEST 212 USBC ASSOCIATION (BOWLING CONGRESS) FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS FOR RAFFLE, PADDEWHEEL AND TIPBOARD ACTIVITY AT THE AMERICAN LEGION POST 59 ON APRIL 28, 2023.
- 5(C) APPLICATION FOR USE OF VARIOUS STREETS IN THE MONTEVIDEO MIDDLE SCHOOL AREA FOR THE PROM DRIVE-UP AND GRAND MARCH EVENT ON SATURDAY, MAY 6, 2023.

6. Public Hearings.

- None.

7. General Business.

7(A) QUOTES - PAY LOADERS.

Public Works Director Aaron Blom was present to discuss quotes received for the purchase of two (2) new pay loaders for use in the public works department. These loaders would replace the existing JD 544 loaders. Two quotes were received, with the low quote submitted by Titan Machinery, Marshall, Minnesota, for CASE 621G machines at a total purchase price of \$304,040 including trade-ins. A quote was also solicited from the CAT dealer but with no response. Blom recommended accepting the quote from Titan, as submitted, noting that the price includes a three-year service program. This would be a departure from the familiarity of John Deere equipment; however, he felt the difference in cost justified the decision. He noted that city

employees had participated in a demo of the Case equipment and supported the recommendation.

Two separate contracts would be utilized - the first being \$151,520 with trade-in and the second being \$152,520 with trade-in. There is \$305,000 set aside in the Capital Equipment Budget for this purchase, which plans for loader replacements every 20 years.

It was moved by Curtiss, seconded by Sanborn and unanimously passed to accept the low quote of Titan Machinery and authorize the purchase, as presented.

7(B) 2022-2023 FARM LEASE ACREAGE ADJUSTMENTS.

The USDA Farm Service Agency (FSA) reviewed the airport land acreage farmed by Toby Sunderland under the 2022-2023 Farm Lease with the city and determined that the tillable acres have changed since the original agreement was made. This has resulted in a reduction of 5.32 tillable acres for this period. Because of this, Mr. Sunderland has requested consideration for a reduction in his lease payment for both the 2022 and 2023 crop years. If approved, the 2023 payment would be decreased by \$3,271.80 (\$1,675.80 for 2022 | \$1,596.00 for 2023).

It was moved by Sulflow, seconded by Curtiss and unanimously passed to authorize the adjustment in the Sunderland farm lease, as requested and presented.

City Manager Wolfington added that the FSA had also adjusted the tillable acres for the city's other lessee, Dusten Williamson for the 2022/2023 crop years. Therefore, staff requested authorization to similarly adjust the 2023 farm lease payment of Williamson so that both lessees are treated fairly.

It was moved by Curtiss, seconded by Olson and unanimously passed to authorize staff to adjust the 2023 farm lease payment for land leased by Dusten Williamson, as appropriate based on the acreage adjustment made by the FSA.

7(C) LAND TRANSFER - MEDICAL PARK ADDITION.

During the preparation of the 2023 Improvement Project assessment information, staff discovered that the property known as Lot 4, Block 1 of the Montevideo Medical Park Addition is currently owned by the City of Montevideo. However, this property is used

by CCM Health for a parking lot. All other real property used by CCM Health for hospital purposes is owned one-half by the city and one-half by the county.

Research was conducted by the city attorney's office and by Chippewa County staff who found that it appears the one-half interest of this property was inadvertently not transferred to Chippewa County at the time the property was to be used for hospital purposes. Therefore, a resolution has been prepared authorizing the title of this property be transferred one-half to the County of Chippewa.

DAN SANBORN OFFERED RESOLUTION NO. 3851, A RESOLUTION AUTHORIZING TRANSFER OF REAL ESTATE, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3851 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: DAN SANBORN, BRYCE CURTISS, STEVE SULFLOW, BEVERLY OLSON AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(D) FIRE DEPARTMENT 2023 FIESTA DAYS RAFFLE.

BRYCE CURTISS OFFERED RESOLUTION NO. 3852, A RESOLUTION APPROVING APPLICATION TO CONDUCT OFF-SITE GAMBLING ON JUNE 17-18, 2023 AT THE MONTEVIDEO VFW POST #380, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3852 WAS SECONDED BY BEVERLY OLSON. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, BEVERLY OLSON, STEVE SULFLOW, DAN SANBORN AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(E) FIESTA CITY SPEEDWAY LIQUOR-RELATED LICENSES.

It was moved by Curtiss, seconded by Sulflow and unanimously passed to authorize the issuance of a 2023 Wine License (Monday-Saturday) and a 2023 3.2 On-Sale License (Monday-Saturday) to Fiesta City Racing Association, dba/Fiesta City Speedway, Inc.

7(F) PERA ELIGIBILITY - PART-TIME OFFICERS GILE & NAGEL.

STEVE SULFLOW OFFERED RESOLUTION NO. 3853, A RESOLUTION PROVIDING FOR ELIGIBILITY INTO PERA POLICE & FIRE FUND, AND MOVED

ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3853 WAS SECONDED BY BEVERLY OLSON. THOSE VOTING IN FAVOR OF MOTION: STEVE SULFLOW, BEVERLY OLSON, DAN SANBORN, BRYCE CURTISS AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(G) CENSURE RESOLUTION - SULFLOW.

BRYCE CURTISS OFFERED RESOLUTION NO. 3850, A CENSURE RESOLUTION FOR COUNCIL MEMBER STEVE SULFLOW, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3850 WAS SECONDED BY DAN SANBORN. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, DAN SANBORN, BEVERLY OLSON AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. STEVE SULFLOW ABSTAINED. RESOLUTION PASSED 4-0-1.

8. Ordinances.

8(A) ADOPTION OF ORDINANCE NO. 975 - MOBILE FOOD TRUCKS/VENDORS.

At its February 6, 2023 meeting, the council introduced Ordinance No. 975, Mobile Food Trucks/Vendors. Since its introduction and as a result of developing a license application, staff suggested modifying the language to allow the administrative issuance of the license (similar to how licenses are issued for tree trimming/removal and transient merchants), rather than bringing each license to the council for approval. Therefore, the city attorney made a slight revision to Section 3-12-2B of the ordinance, and it was provided for review and consideration.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 975, AN ORDINANCE ADDING CHAPTER 12 OF TITLE 3 OF THE MONTEVIDEO CITY CODE, MOBILE FOOD TRUCKS/VENDORS, BE ADOPTED AS AMENDED. MOTION FOR ADOPTION OF ORDINANCE NO. 975, AS AMENDED, WAS SECONDED BY BEVERLY OLSON. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, BEVERLY OLSON, STEVE SULFLOW, DAN SANBORN AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE WAS ADOPTED 5-0.

8(B) SUMMARY PUBLICATION/ORDINANCE NO. 975.

Due to the length of Ordinance No. 975, Mobile Food Trucks/Vendors, staff requested the council authorize the publication of a Summary of the ordinance, as prepared by the city attorney.

It was moved by Curtiss, seconded by Sanborn and unanimously passed to authorize the publication of Summary of Ordinance No. 975, as requested.

8(C) ADOPTION OF ORDINANCE NO. 976 - FOOD TRUCK ZONING REGULATIONS.

Ordinance No. 976 was introduced at the February 21, 2023 meeting. The ordinance incorporates into the Zoning Code new language allowing mobile food trucks/vendors as a permitted use in all Residential, Business and Industrial Districts of Montevideo.

IT WAS MOVED BY DAN SANBORN THAT ORDINANCE NO. 976, AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 11 OF THE MONTEVIDEO CITY CODE TO ALLOW MOBILE FOOD TRUCKS/VENDORS AS A PERMITTED USE WITHIN THE RESIDENTIAL, BUSINESS AND INDUSTRIAL DISTRICTS, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 976 WAS SECONDED BY STEVE SULFLOW. THOSE VOTING IN FAVOR OF MOTION: DAN SANBORN, STEVE SULFLOW, BEVERLY OLSON, BRYCE CURTISS AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE WAS ADOPTED 5-0.

8(D) SUMMARY PUBLICATION/ORDINANCE NO. 976.

Due to the length of Ordinance No. 976 establishing zoning regulations for Mobile Food Trucks/Vendors, staff requested the council authorize the publication of a Summary of the ordinance, as prepared by the city attorney.

It was moved by Curtiss, seconded by Sanborn and unanimously passed to authorize the publication of Summary of Ordinance No. 976, as requested.

8(E) INTRODUCTION OF ORDINANCE NO. 977.

City Code 3-6-4 establishes regulations for peddlers, solicitors and transient merchants and also includes a list of exemptions from those requirements. Since separate regulations have been established for mobile food truck/vendor activity, staff suggested that this activity be added to the list of exemptions for a peddlers, solicitors or transient merchants

license. Therefore, an ordinance was drafted by the city attorney for this purpose and presented to the council for consideration.

BRYCE CURTISS INTRODUCED ORDINANCE NO. 977, AN ORDINANCE AMENDING 3-6-4 OF THE MONTEVIDEO CITY CODE TO ADD FOOD TRUCKS AS AN EXEMPTION TO REQUIREMENTS FOR A PEDDLERS, SOLICITORS OR TRANSIENT MERCHANTS LICENSE.

9. Discussion and Miscellaneous.

- ▶ City Manager Wolfington reported that demolition of the Fine Arts Center is progressing.

Meeting adjourned at 7:33 P.M.

Glennis A. Lauritsen, Secretary

Approved by council March 20, 2023:

President - City Council