

CITY OF MONTEVIDEO
CITY COUNCIL PROCEEDINGS
August 21, 2023

The city council met in regular session Monday, August 21, 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, Bryce Curtiss, Steve Sulflow and Beverly Olson.
Absent: Dan Sanborn. Mayor Erich Winter present.

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

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

MODIFY: 5A) CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING AUGUST 17, 2023 IN THE AMOUNT OF ~~\$150,939.15~~ \$286,760.17.

The revised list reflects the following additions:

CONVENTION & VISITORS BUREAU

Chamber of Commerce - Invoices - June/July/August \$ 4,683.31

MISCELLANEOUS

SW/WC Service Cooperative - Medica premium/September 80,568.51

POLICE

A-1 Cleaning - Mitigation expenses/roof damage (insurance) 1,777.07

REFUSE

Tostenson, Inc. - July services 46,184.13

UTILITY

Short Elliott Hendrickson, Inc. - Aeration Blower/August 2,608.00

MODIFY: 5B) CONSIDER APPLICATION FROM TWO RIVERS CHAPTER OF MN DEER HUNTERS ASSOCIATION FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS.

- New cover page provided with corrected date of raffle activity.

ADD: 7C) CONSIDER APPROVING STATE APPLICATION & CITY PERMIT FOR A 1-DAY TEMPORARY ON-SALE LIQUOR LICENSE (SPECIAL EVENT LICENSE) FOR TALKING WATERS BREWING COMPANY, 205 SOUTH 1ST STREET, FOR A COMMUNITY OKTOBERFEST EVENT ON SATURDAY, SEPTEMBER 23, 2023.

ADD: 7D) CONSIDER APPLICATION SUBMITTED BY THE CONVENTION & VISITORS BUREAU (CVB) FOR USE OF A PORTION OF THE CITY-OWNED PARKING LOT IN SOUTHTOWN PLAZA ON FRIDAY, SEPTEMBER 29, 2023, 6:00-9:00 P.M.

MODIFY: 8A) CONSIDER ORDINANCE AMENDING TITLE 7 OF THE MONTEVIDEO CITY CODE BY ADDING A CHAPTER 8 - PUBLIC PLACES.

Revised version of ordinance provided that adds the definition of "Adult-use Cannabis Products" to include a reference to edibles, as directed by the council at its August 7th meeting.

It was moved by Curtiss, seconded by Olson and unanimously passed to approve the minutes of the Budget Worksession of August 7, 2023, Regular Meeting of August 7, 2023 and Special Meeting of August 16, 2023, as presented.

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

- By Resolution Nos. 3873 & 3874, this date was provided for the property owners of 213 South 6th Street and the property owners of 103 South 8th Street to appear and be heard regarding nuisance abatement matters.

There was no one present to address the council on these properties.

4(A) LIFESAVING AWARDS PRESENTATIONS TO LIFEGUARD STAFF MEMBERS.

Outdoor Pool Manager Paul Teichert and Public Works Director Aaron Blom were present for the presentation of Public Service Awards to four (4) lifeguard staff members for providing lifesaving aid/assistance to a struggling swimmer at the Montevideo Outdoor Swimming Pool:

- ▶ Nels Baukol (incident occurred July 31, 2023)
- ▶ Willa Dissell (incident occurred June 5, 2023)
- ▶ Gillian Nelson (incident occurred July 25, 2023)
- ▶ Alondra Villarreal (incident occurred June 13, 2023)

Teichert recognized the individuals by providing specific information on each situation. None of the award recipients were in attendance; therefore the award certificates will be mailed.

5. Consent Agenda.

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

5(A) VERIFIED CLAIMS FOR THE PERIOD ENDING AUGUST 17, 2023 IN THE (MODIFIED) AMOUNT OF \$286,760.17.

5(B) APPLICATION FROM TWO RIVERS CHAPTER OF MN DEER HUNTERS ASSOCIATION FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE REQUIREMENTS TO ALLOW RAFFLE ACTIVITY AT THE MONTEVIDEO VFW ON FEBRUARY 24, 2024.

6. Public Hearings.

- None.

7. General Business.

7(A) BUDGET AMENDMENT - VA CLINIC PROJECT.

Hospital CEO Brian Lovdahl and VA Clinic Project Manager Jeff Mortenson were in attendance to support a request from CCM Health for an amendment to the VA Clinic

budget. Original approved budget for the project was \$5.5 Million; the amendment increases the budget to \$6.2 Million. Representatives explained that the majority of the overage was due to HVAC and/or electrical expenses, as well as items not included in the original scope of work. Council member Olson questioned the “Community Electric: Public Address, Security, Nurse Call” line item in the amount of \$230,220. It was explained that there was only one vendor approved by the VA; therefore, there were no other options. Council member Schmidt commented that his construction company had to provide additional work as well, due to unforeseen issues.

It was moved by Curtiss and seconded by Sulflow to approve the amended budget, as presented. Those voting in favor of motion: Curtiss, Sulflow and Olson. Those voting against motion: None. Schmidt abstained. Motion passed 3-0-1.

7(B) FIRE DEPARTMENT SIDE-BY-SIDE PURCHASE.

At its meeting on June 20th, the council had approved the purchase of a 2023 Can Am Defender 6x6 DPS from Action Sports, Inc., Marshall, MN (\$39,609) for use in the Fire Department using COVID/ARPA funds. Since that approval, the dealer informed staff that this unit is no longer available. Therefore, quotes were solicited on another unit - a 2023 Can Am Defender 6x6 XT. Two quotes were received, with the low quote submitted by Action Sports, Marshall, in the amount of \$28,054, including buildout.

It was moved by Sulflow, seconded by Olson and unanimously passed to authorize the purchase of the XT from Action Sports, as quoted, and using COVID/ARPA funds.

7(C) TALKING WATERS OKTOBERFEST EVENT.

Council reviewed two applications submitted by Talking Waters Brewing Company - one for a (State) 1-4 Day Temporary On-Sale Liquor License and another for a (City) Special Event License for an Oktoberfest event on Saturday, September 23, 2023, 3:00-7:00 P.M. The event would include the closing of Main Street, between Nichols & Canyon Avenues, (possible) live music and two mobile food trucks.

It was moved by Sulflow, seconded by Curtiss and unanimously passed to authorize the submission of the State application for the event.

It was moved by Curtiss, seconded by Olson and unanimously passed to approve the City application for the event.

7(D) CVB USE OF CITY PROPERTY DURING MEANDER.

Council reviewed an application submitted by Tesa Siverhus-Maus and Donna Krueger on behalf of the Montevideo Convention & Visitors Bureau (CVB) for the use of a portion of the city-owned parking lot in Southtown Plaza to place a few tables and canopy for use by farmers market vendors on Friday, September 29, 2023, 6:00-9:00 P.M., during the annual Meander event. The application indicated that because only a portion of the parking lot would be used for the event, other areas would be available for public parking purposes. The sidewalk will not be used.

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

8. Ordinances.

8(A) ADOPTION OF ORDINANCE NO. 982 - CANNABIS IN PUBLIC PLACES.

Ordinance No. 982 was introduced at the August 7th council meeting which would prohibit cannabis use in public places. As a part of the introduction, council directed that the element of “edibles” be added to the proposed language prior to adoption. Therefore, a revised Ordinance was prepared by the city attorney to incorporate a definition of “Adult-use Cannabis Products” to include edible cannabis products.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 982, AN ORDINANCE AMENDING TITLE 7 OF THE MONTEVIDEO CITY CODE BY ADDING A CHAPTER 8, PUBLIC PLACES, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 982 WAS SECONDED BY BEVERLY OLSON. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, BEVERLY OLSON, STEVE SULFLOW AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. ORDINANCE PASSED 4-0.

8(B) ADOPTION OF ORDINANCE NO. 983 - CANNABIS USE AS PUBLIC NUISANCE.

IT WAS MOVED BY BRYCE CURTISS THAT ORDINANCE NO. 983, AN ORDINANCE AMENDING SECTION 2 OF CHAPTER 1 OF TITLE 4 OF THE MONTEVIDEO CITY CODE, PUBLIC NUISANCES AFFECTING HEALTH, BE ADOPTED. MOTION FOR ADOPTION OF ORDINANCE NO. 983 WAS SECONDED BY STEVE SULFLOW. THOSE VOTING IN FAVOR OF MOTION: BRYCE CURTISS, STEVE SULFLOW, BEVERLY OLSON AND NATHAN

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

9. Discussion and Miscellaneous.

- None.

Meeting adjourned at 7:18 P.M.

Glennis A. Lauritsen, Secretary

Approved by council September 5, 2023:

President - City Council