

CITY OF MONTEVIDEO  
CITY COUNCIL PROCEEDINGS  
May 6, 2024

The city council met in regular session Monday, May 6, 2024 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: Steve Sulflow, Beverly Olson, Dan Sanborn, Bryce Curtiss and Nathan Schmidt. Absent: None. Mayor Erich Winter present.

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

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

**ADD:            4(A)    APPEARANCE BY LYNNE WILLEKE TO DISCUSS DOG PARK PROJECT.**

**MODIFY:        5(A)    CONSIDER APPROVAL OF VERIFIED CLAIMS FOR THE PERIOD ENDING MAY 2, 2024 IN THE AMOUNT OF ~~\$520,167.31~~ \$768,706.81.**

The revised list reflects the following additions:

AIRPORT

Kranz Construction - Payment # 2 - Hangar Improvements     \$    69,825.00

FIRE

Dahlberg Sales, Inc. - Aluma Utility Trailer - 25'                             7,100.00

LEGAL

Nelson, Oyen, Torvik - Legal services     9,786.25

MISCELLANEOUS

Farmer's Union Oil Co - Gas, etc.     6,529.13

Fusion Cloud Services, LLC - Phone bill     2,331.19

UTILITIES

Rubin Construction, LLC - Aeration Basin Blower-Application #22,967.93

**DELETE:** 7(H) **CONSIDER RESOLUTION PRESCRIBING RULES & REGULATIONS FOR SUNSET MEMORIAL CEMETERY.**

**ADD:** 7(K) **CONSIDER APPROVAL OF (2) TEMPORARY ON-SALE ACCESSORY USE PERMITS FOR AN ONSITE/OUTDOOR SHARED EVENT FOR GROAT'S AND INN LIKE FLINN'S ON FRIDAY, JUNE 14, 2024 DURING FIESTA DAYS.**

**ADD:** 7(L) **CONSIDER RESOLUTION PLACING REQUIREMENTS FOR THE COUNTING OF WRITE-IN VOTES FOR MUNICIPAL ELECTION CANDIDATES.**

It was moved by Sanborn, seconded by Curtiss and unanimously passed to approve the minutes of the regular meeting of April 15, 2024, Board of Review meeting of April 22, 2024 and Worksession of April 22, 2024 as presented.

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

4(A) DOG PARK PROJECT.

Lynne Willeke, 1637 North 4<sup>th</sup> Street, was present to discuss the dog park project. Willeke introduced herself as a citizen of Montevideo since 2021 and stated that she has 18 years of experience as a dog behavioral trainer. She stated that she supports the project overall; however, she had some concerns/ideas/opinions to express. One of the concerns was that of lack of shade in the proposed area; however, she stated that she had recently been made aware of the city's intent to soon plant trees to alleviate that issue. Willeke reviewed and discussed her pros and cons, noting that her main concern is that of size. She recommended that the park be a minimum of 1 acre, with more space being preferable. She asked that if the planned dog park continues as designed, that dogs be allowed to continue to use the Larson Park hockey rink in the spring, summer and fall. And, if that is not possible, then to brainstorm other options.

- ▶ Vione Streed was present to introduce herself as the new owner of the former P.K. Egans building at 121-123 South 1<sup>st</sup> Street. Streed provided the council with her background and expressed her desire to serve on the Traffic Safety Improvement Committee. She

brought to the attention of the council a few areas of concern, including stop sign locations, speed limits, etc. It was noted that staff is working with Ms. Streed on an application.

Because Streed was also present to discuss Item 7(A) on the agenda, the item was pulled forward for consideration at this time.

7(A) FLEA MARKET/FARMERS MARKET REQUEST.

Vione Streed was present to discuss an Application for City Property Use she had submitted for a combination farmer's market and flea market. The property requested for use was the city-owned parking lot behind Main Street, from Nichols Avenue to Sherman Avenue for the time period of May 1 to October 31, 2024, 9:00 A.M. to 5:00 or 6:00 P.M.

Streed stated that she owns the building at 121-123 South First Street, formerly known as P.K. Egans, and that she is in the process of opening a business that would work with other vendors. As a part of that business, she would like to hold a flea market/farmer's market for approximately 20 vendors using a 10' x 10' or 10' x 20' area marked by chalk. The vendors would setup between 8:00-9:00 A.M. and secure their materials at the end of the day. Streed indicated that she would add a rider onto her liability insurance policy and list the City of Montevideo as an additional insured.

Staff indicated its concern about the impact this activity would have on parking in downtown Montevideo during weekends. Additionally, other activities are planned during some of the weekends requested, i.e., Fiesta Days June 15-16.

Following considerable discussion, it was agreed that city staff would meet with Ms. Streed to select one weekend (to start) as a trial basis for the activity and bring the request back to the city council at a future meeting, with recommended conditions, etc.

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 MAY 2, 2024 IN THE (MODIFIED) AMOUNT OF \$768,706.81.

- 5(B) SALE OF SEIZED/SURPLUS VEHICLES BY THE POLICE DEPARTMENT (1991 CHEVY 1500, 2004 PONTIAC GRAND PRIX, 2008 FORD TAURUS, 1999 DODGE RAM, 2001 JEEP GRAND CHEROKEE AND 2005 FORD ESCAPE).
- 5(C) APPLICATION FROM TWO RIVERS CHAPTER OF MN DEER HUNTERS ASSOCIATION FOR AN EXEMPTION FROM LAWFUL GAMBLING LICENSE FOR BINGO AND A RAFFLE ON NOVEMBER 23<sup>RD</sup> AT THE AMERICAN LEGION POST 59 LOCATED AT 613 LEGION DRIVE.
- 5(D) APPLICATION SUBMITTED BY LEAH LEHTOLA, ON BEHALF OF CCM HEALTH, REQUESTING USE OF CITY STREETS AND THE BIKE PATH FOR THE FIESTA “5K RUN/WALK” ON SATURDAY, JUNE 15, 2024.
- 5(E) APPLICATION SUBMITTED BY MIKE DUPERE, MONTE CAR SHOW, REQUESTING USE OF SMITH PARK SHELTER AND SURROUNDING AREA FOR ANNUAL CAR SHOW DURING FIESTA ON SUNDAY, JUNE 16, 2024.

6. Public Hearings.

- 6(A) 7:00 P.M. PUBLIC HEARING/STATE ROAD VACATION.

At the April 15, 2024 meeting this date and time was set for a public hearing regarding the State Road vacation. The city received a Judge’s Order to dedicate right-of-way for this project and this is the next step. A resolution for this purpose was prepared by City Attorney Janice Nelson.

President Schmidt called the public hearing to order at 7:27 P.M.

City Attorney Nelson briefly updated the council on the matter, noting that the proposed vacation is for pieces of properties located only in the block where the Jeffery LaBar residence is located. The LaBar property is the only property that contains a structure. This would remove his building off of the right-of-way and “clean up” the other properties for alignment purposes. If approved by the council, the resolution would be recorded. The council conveyed its appreciation to Nelson Oyen Torvik for their work on this matter.

City Manager Wolfington stated that he had spoken to one of the adjacent property owners simply inquiring about the process. No other contacts or comments had been received, either for or against the project.

There was no interested persons on hand to speak on the issue; therefore, the public hearing was closed at 7:29 P.M. The entire public hearing was recorded on a zip drive, which will be kept in accordance with the city's adopted records retention schedule, after which time the component will be destroyed.

DAN SANBORN OFFERED RESOLUTION NO. 3941, A RESOLUTION VACATING A PORTION OF STATE ROAD, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3941 WAS SECONDED BY BEVERLY OLSON. THOSE VOTING IN FAVOR OF MOTION: DAN SANBORN, BEVERLY OLSON, BRYCE CURTISS, STEVE SULFLOW AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7. General Business.

7(A) USE OF CITY PROPERTY FOR FLEA MARKET/FARMERS MARKET.

Considered previously (see page 3).

7(B) DEPARTMENTAL 2023 ANNUAL REPORT REVIEW.

Utilities Superintendent Ryan Gallagher was on hand to review and discuss the 2023 Annual Report information for the department.

7(C) REVIEW OF 2024 IMPROVEMENT BIDS.

City Engineer Amborn stated that bids were received at 11:00 A.M. on Tuesday April 30, 2024 for the 2024 Improvement Project as follows:

<u>Bidder</u>	<u>Base Bid</u>
Schmidt Construction, Inc., Redwood Falls, MN	\$ 659,260.00
Central Specialties, Inc., Alexandria, MN	\$ 693,735.00
Duininck, Inc., Prinsburg, MN	\$ 718,567.50
Brouwer Construction, LLC, Raymond, MN	\$ 751,700.30

<u>Bidder</u>	<u>Base Bid</u>
Joe Riley Construction, Inc., Morris, MN	\$ 780,376.00
Crow River Construction, New London, MN	\$ 876,651.00

The engineer's estimate for the base bid was \$896,000.00. Based on the bids received, Rodeberg & Berryman, Inc. recommended that the city move forward with the project and schedule the final assessment hearing.

It was the consensus of the council to move forward with the improvement project, as recommended by Rodeberg & Berryman, Inc.

7(D) COSTS TO BE ASSESSED - 2024 IMPROVEMENT PROJECT.

Based on the bids received for the 2024 Improvement Project, a resolution was prepared stating the contract price for the improvement at \$659,260.00 plus associated expenses of \$181,500.00, for a total cost of the improvement at \$840,760.00. The portion of the cost to be assessed against benefitted property owners is \$191,429.92.

DAN SANBORN OFFERED RESOLUTION NO. 3942, A RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3942 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(E) FINAL PUBLIC HEARING - 2024 IMPROVEMENT PROJECT.

DAN SANBORN OFFERED RESOLUTION NO. 3943, A RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT (6/3/24), AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3943 WAS SECONDED BY STEVE SULFLOW. THOSE VOTING IN FAVOR OF MOTION: DAN SANBORN, STEVE SULFLOW, BRYCE CURTISS, BEVERLY OLSON AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

7(F) INTENT TO BOND - 2024 IMPROVEMENT PROJECT.

In accordance with IRS issued Treasury Regulations, the city is required to make a “Declaration of Intent” to reimburse itself for expenditures paid out prior to bonds being issued for the 2024 Improvement Project.

It was moved by Curtiss, seconded by Olson and unanimously passed to approve a Declaration of Official Intent associated with the 2024 Improvement Bonds in an amount not to exceed \$1,100,000.

7(G) RELIEF ASSOCIATION BYLAWS AMENDMENT.

The Fire Relief Association requested ratification of its resolution increasing the yearly retirement benefit from \$3,500/year of service to \$3,800/year of service, effective May 1, 2024. The last increase was effective 6/1/22.

Chad Hiepler, outgoing secretary, and newly appointed Secretary, Darin Brock, were present representing the Relief Association and to address any questions/concerns raised. Hiepler explained the process involved in calculating the annual benefit level. He also briefly discussed the age liability issue in determining the accrued liability amount.

It was moved by Curtiss and seconded by Sulflow to ratify the Relief Association resolution, as presented. Those voting in favor of motion: Curtiss, Sulflow, Olson and Sanborn. Those voting against motion: None. Schmidt abstained due to the fact that he is an active firefighter. Motion passed 4-0-1.

7(H) RULES & REGULATIONS FOR SUNSET MEMORIAL CEMETERY - DELETED.

7(I) AMENDED FIRE RELIEF ASSOCIATION DONATION.

Resolution No. 3919 was adopted 1/2/2024 and accepted a donation from the Montevideo Fire Relief Association in the amount of \$10,000 for youth activities. The amount listed should have been \$10,500 and therefore a correction needs to be made.

STEVE SULFLOW OFFERED RESOLUTION NO. 3944, A RESOLUTION AMENDING RESOLUTION NO. 3919 ACCEPTING GIFTS/GRANTS, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3944 WAS SECONDED BY BEVERLY OLSON. THOSE VOTING IN FAVOR OF MOTION:

STEVE SULFLOW, BEVERLY OLSON, BRYCE CURTISS, DAN SANBORN AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE.  
RESOLUTION PASSED 5-0.

7(J) USE OF CITY PROPERTY FOR FIESTA EVENTS.

A use of city property application was received from Sara Wagner, on behalf of Montevideo Fiesta Days. Each year, Fiesta, Inc. asks for use of city property for various Fiesta Days events. The draft schedule included a number of events/locations for consideration by the council. Some of the scheduled events have previously been approved by the council and/or were considered earlier in the meeting as part of the consent agenda.

It was moved by Sulflow, seconded by Olson and unanimously passed to approve the use of various city properties for Fiesta Days events.

7(K) TEMPORARY ON-SALE PERMITS - GROAT'S & INN LIKE FLINN'S.

Groat's and Flinn's each submitted an application for a permit from the council to allow an on-site/outdoor shared event on Friday, June 14, 2024 during Fiesta Days. This type of permit allows a temporary extension of each of their on-sale liquor licenses to premises adjacent and contiguous to the licensed premises. Similar permits have been issued in the past, with no issues. All of the activity will take place on private property; no city properties will be used. Music is planned by way of a DJ during the hours of 9:00 P.M. to Midnight. All liquor sales will take place inside the building(s).

It was moved by Sanborn, seconded by Olson and unanimously passed to approve the issuance of the accessory on-sale permit to Inn Like Flinn's for 6/14-15, 2024.

It was moved by Curtiss, seconded by Sulflow and unanimously passed to approve the issuance of an accessory on-sale permit to Groat's for 6/14-15, 2024.

7(L) WRITE-IN VOTES FOR MUNICIPAL ELECTIONS.

During the 2023 Legislative Session, Minnesota Statute 204B.9, Subd. 3 was passed to allow municipalities to put in place requirements for counting write-in votes. Chippewa County Auditor/Treasurer Michelle May recommended the following option: Write-in candidates will only have their individual votes tallied if the total number of write-in



votes for the contest is greater than or equal to the fewest number of votes cast for non-write-in candidates. This will save election judges and the County considerable time and resources in counting write-in votes for races where the write-in candidates clearly did not receive the most votes. This must be done by a resolution prior to the first day of filing (July 30, 2024).

BEVERLY OLSON OFFERED RESOLUTION NO. 3945, A RESOLUTION GOVERNING THE COUNTING OF WRITE-IN VOTES, AND MOVED ITS ADOPTION. MOTION FOR ADOPTION OF RESOLUTION NO. 3945 WAS SECONDED BY BRYCE CURTISS. THOSE VOTING IN FAVOR OF MOTION: BEVERLY OLSON, BRYCE CURTISS, STEVE SULFLOW, DAN SANBORN AND NATHAN SCHMIDT. THOSE VOTING AGAINST MOTION: NONE. RESOLUTION PASSED 5-0.

8. Ordinances.

- None.

9. Discussion and Miscellaneous.

- ▶ City Engineer Amborn stated that the contractor from the 2023 Wolfe Avenue Project will be in town this week and/or next week to provide follow-up completion work.
- ▶ Council member Sanborn stated that he had been contacted by a couple of Ashmore Avenue residents, expressing their concerns over the quality of the 2023 project. City Engineer Amborn indicated that the contractor (Duinincks) is aware of the issue and that options are being discussed internally.
- ▶ Council member Olson relayed concern expressed by a community member over the condition of the railroad tracks by Toppers and was looking for direction on who to contact. City Manager Wolfington stated that TC&W Railroad is the owner/responsible party.

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Meeting adjourned at 8:03 P.M.

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Glennis A. Lauritsen, Secretary

Approved by council May 20, 2024:

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President - City Council