



**200 Center Avenue South  
Montrose, Minnesota 55363**

**CITY COUNCIL MINUTES  
June 9, 2008**

**Pursuant** to call and notice the Montrose City Council met in regular session on Monday, June 9, 2008 at 7:00p.m. Those present were Mayor Charlie Nelson, Council Members Andy Kauffman, Sharon Knodel and Jeff Petersen. Also present were Sean Diercks, Public Works Director, Brad DeWolf, City Engineer, Kyle Hartnett, City Attorney, Bob Kirmis, City Planner, Wendy Manson, Deputy Clerk and Barb Swanson, City Administrator. Council Member Beaton was absent.

**Open Forum**

Bob Chantland asked why the violation letters were signed "City Staff". Swanson replied that has been the practice for many years. Mayor Nelson added that the letters are on city letterhead. If the recipients have a question they can stop at city hall.

Chantland asked what the 2007 wages were for the city administrator. Mayor Nelson said that the information is available to anyone at city hall.

Evan Siljander had several questions. Siljander stated that responses such as "inaccessible for maintenance", "takes a lot of time" and "saves/costs a lot of money" are too subjective and would like more specific information.

He presented a sample of the Accounts Payable report from the City of Plymouth for council review.

Siljander asked why the council packets were no longer being emailed to him. The city council said the packets were available on the web site.

Siljander also had concerns regarding the 2008 South Interceptor Sanitary Sewer Replacement Project and the changes the Council may make regarding the Animal Ordinance.

### **Agenda**

Motion by Kauffman, seconded by Knodel, to accept the agenda as amended, which included the addition of an email from Bob Chantland.  
Carried 4-0.

### **Consent Agenda**

Motion by Knodel, seconded by Petersen, to approve the Consent Agenda, with the correction to the May 12, 2008 minutes Under Senior Citizen Group the vote should be 3-1 with Knodel opposed and including the following items:

- A. Minutes: May 12, 2008
- B. Accounts Payable: June 9, 2008, \$122,243.49
- C. Fire Department Accounts Payable: June 9, 2008, \$1,322.29
- D. May utility adjustments
- E. Liability Coverage Waiver Form: the city DOES NOT WAIVE the monetary limits on municipal tort liability established by Minnesota Statutes 466.04

Carried 4-0.

### **Fire Department**

Mayor Nelson presented the Fire Department with a plaque from the Bauch Family. The plaque was given in appreciation of the Fire Department's efforts at an automobile crash involving family members.

### ***Certification completion***

Thomas J. Weineck and Jeff Daniels have completed NFPA 1001 Fire Fighter I and NFPA 472 Awareness level certification.

### ***Opticon Equipment***

Jason Chaffins, 2<sup>nd</sup> Chief, discussed the need for a lightbar on the rescue truck and an Opticon unit for three of the trucks. This equipment will permit control of the stop light by interrupting the cycle thereby allowing the truck to enter the intersection by stopping the flow of traffic. The Fire Department has received 1 quote and are waiting to receive a 2<sup>nd</sup> quote.

Mayor Nelson asked if there were funds in the budget. Chaffins replied that there were.

Motion by Petersen, seconded by Kauffman, to allow the Fire Department to purchase the Opticon equipment for three vehicles. Carried 4-0

### **Park & Recreation**

Andy Kauffman updated the city council on the Park & Recreation special meeting to consider holding a dance on Saturday, June 14, 2008. There were

several conflicts with the June 14<sup>th</sup> date including Buffalo Days and Winstock which hindered the commission from locating 10 chaperones as required by the city council. Consequently the proposed dance was cancelled.

### **Planning & Zoning Commission**

#### ***411 Nelson Boulevard Conditional Use Permit***

Bob Kirmis, City Planner, reviewed the report as presented to the city council.

### **INTRODUCTION**

At the May 21, 2008 meeting of the Planning Commission, a public hearing was held to consider the conditional use permit amendment application of Dale and Susan Tretter to allow used car sales upon property located north of U.S. Highway 12 and east of Emerson Avenue (411 Nelson Boulevard). Specifically, the applicants wish to expand the current automobile detailing business on the property to include used car sales of up to 15 vehicles.

In the summer of 2004, the City approved a conditional use permit to allow the establishment of an automobile detailing business upon the site. The approved business operation included automobile detailing, small mechanical repair and oil/lubricant changes. Because the proposed use differs from that previously approved, the processing of a conditional use permit amendment (including a public hearing) is necessary.

The subject property is zoned B-2, Highway Business which lists “automobile service and repair shops” and “outdoor sales lots” as conditional uses.

Background information related to this application is provided in our office’s planning report dated May 8, 2008 and the City Engineer’s memorandum dated May 20, 2008.

### **DISCUSSION**

Two primary issues were discussed at the Planning Commission meeting as summarized below:

Vehicle Licensing. The staff report includes a recommendation that all used cars stored outside upon the property be licensed and in working order. The applicant raised concern over the licensing requirement, indicating that used cars typically are not licensed until after the sales transaction takes place. As a follow-up, staff contacted a representative of the Minnesota Department of Motor Vehicles. It was found that the State (Minnesota Statute 168.11) does not impose a licensing requirement upon used car sales. Thus, the condition related to licensing has been modified to reflect State law.

Service Bays. As shown on the site plan, parking stalls (either customer or vehicle display stalls) are proposed along the south side of the building where they will block access to the building’s service bays. The Planning Commission

raised concern both in regard to the impact such stalls will have upon site functioning and fire safety. Ultimately, the Planning Commission recommended that the six parking stalls located south of the service bays be eliminated. Staff has requested supplemental comment and recommendation from the Fire Department regarding the fire safety issue.

Based on the submitted application materials, background information, the recommendation of staff and the evidence received at the meeting, the Planning Commission has recommended approval of the conditional use permit amendment subject to the listed conditions as amended from our office's May 8, 2008 planning report (changes from the referenced report are highlighted):

1. This conditional use permit amendment shall supersede the previously approved conditional use permit for the property (allowing only automobile detailing) rendering it null and void.
2. The site plan be modified to identify the ~~15~~ parking spaces intended to be used for vehicle display and those intended to be reserved for customer parking.
3. The site plan be modified to illustrate one handicap parking stall (consistent with State ADA requirements).
4. The site's off-street parking and automobile sales areas be hard surfaced in bituminous or concrete.
5. The City Engineer provide comment and recommendation in regard to perimeter curbing.
6. ~~City Officials determine the acceptability of locating off-street parking/automobile display stalls in front of the building's service bays (essentially blocking access)~~ **The six parking stalls located south of the building's service bays be eliminated (to ensure access to the bays). Resultantly, the site plan shall be modified to illustrate a maximum of nine automobile display stalls and five customer parking stalls.**
7. There shall be no exterior storage of automobile parts, paint cans or related items on the site. All storage related to the use of the site shall be internal to the building.
8. All vehicles stored outside the building shall be ~~licensed and~~ in full working order.
9. All site lighting shall be hooded and directed such that the source of the light is not visible from neighboring properties and rights-of-way.

10. If automobile repair activities are to take place in the existing structure, the internal ventilation system shall be subject to review by the Building Official. Additionally,
11. The Building Official provide comment and recommendation in regard to the storage and disposal of auto-related petroleum products.
12. All refuse shall be kept in an enclosed building or properly contained in a closed container designed for such purposes.
13. All site signage meet the applicable requirements of the Sign Ordinance.
14. Comments of other City Staff.

### **ACTION REQUESTED**

Approval of the conditional use permit amendment application subject to the conditions listed above

Following the review of the planner's report the city council discussed several issues. Applicant, Sue Tretter, asked if she would be allowed to plant grass rather than blacktop the parking lot. Kirmis explained that the parking area is limited to a hard surface which grass is not.

Tretter then stated that they would like to be allowed to park cars wherever they want and estimated the cost to finish the bituminous would be \$20,000.00.

Motion by Kauffman, seconded by Knodel, to approve the Conditional Use Permit (CUP) with all conditions except No. 4 and allowing up to 5 years to satisfy No. 4 (The site's off-street parking and automobile sales areas be hard surfaced in bituminous or concrete). Carried 4-0.

Tretter stated that she did not want a time limit.

Motion by Petersen, seconded by Kauffman, to removed condition No. 4 from the CUP. Failed 0-4.

Hartnett stated that ignoring the ordinance leaves the city open to challenge of the ordinance in the future.

An amendment to the motion was offered by Nelson:

Motion by Nelson, seconded by Knodel to remove condition No. 6 (City Officials determine the acceptability of locating off-street parking/automobile display stalls in front of the building's service bays (essentially blocking access) The six parking stalls located south of the building's service bays be eliminated (to ensure access to the bays). Resultantly, the site plan shall be modified to illustrate a maximum of nine automobile display stalls and five customer parking stalls.) Carried 4-0.

An amendment to the motion was offered by Knodel:  
Motion by Knodel, seconded by Kauffman, to change 15 parking spaces to 20 spaces. Carried 4-0.

### **Public Works**

Sean Diercks, public works director, discussed two bids for repair to catch basins. Widmer Construction \$9023.00 and Davis Construction \$5450.00. Motion by Petersen, seconded by Kauffman to hire Davis Construction for \$5450.00. Carried 4-0.

### **Senior Citizen Group**

Sylvia Henry reported that the first week lunch was provided they served 19 seniors. She will report back to the city council on July 7, 2008 after providing lunch for a month.

### **Animal Ordinance**

Hartnett and Swanson will make the changes to the animal ordinance as discussed and report back to council.

### **Request for Council Action Policy**

The following proposed policy was discussed by the city council.

## **REQUEST FOR COUNCIL ACTION POLICY**

In an effort to fulfill requests of the Montrose City Council, the council has adopted this policy determining the process for dealing with requests for action.

Persons or entities interested in presenting items for City Council action must submit a "Request for Council Action" form as designed by City staff. The request form must be presented to City Hall by the Tuesday before the meeting which the action is being requested.

The request shall contain the contact information of the person or entity requesting the action. The person or entity must be willing to provide additional information to City staff in order that staff may completely present the request to the City Council.

Once City staff deems a "Request for Council Action" form is complete, staff will place the item on the agenda for consideration by the City Council. The City strongly encourages any person or entity requesting Council action to attend the City Council meeting at which the request is being considered in order to answer any questions the Council may have.

Should a request be incomplete, be from an anonymous requestor, or if the requestor fails to provide complete information as determined by City staff, the request will be sent to the City Council members, but will not be placed on the agenda except by motion of the City Council.

This policy was adopted by the City Council on June 9, 2008

Motion by Petersen, seconded by Kauffman, to adopt the Request for Council Action Policy. Carried 4-0.

**Public Works Building Agreement**

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**PUBLIC WORKS BUILDING AGREEMENT**

This Agreement made and entered into by and between the Montrose Chapter of the Lions Club, Intl. (Lions Club) and the City of Montrose (City), a municipal subdivision of the County of Wright, State of Minnesota.

WHEREAS, in 1990 the Montrose Lions Club agreed to assist in the building of a garage stall at the City's Public Works Facility located at 261 2<sup>nd</sup> Street South.

WHEREAS, the purpose of the garage stall was to store a City Fire Truck.

WHEREAS, the Lions Club built and paid for the garage stall at the Public Works Building.

WHEREAS, in return the City agreed to allow the Lions Club to use the garage stall when it was no longer needed to store a Fire Truck.

WHEREAS, in 1995 the City built a new Fire Hall which now stores its equipment.

WHEREAS, the Lion's Club now uses the garage stall it helped build to store its equipment.

WHEREAS, the agreement between the City and the Lions Club was never memorialized in writing.

WHEREAS, to ensure the agreement between the Lions Club and the City remains as was initially agreed, it is the intent of the parties to put the agreement in writing.

Now therefore it is mutually agreed:

1. The Lion's Club will continue to use the garage stall indefinitely to store items related to its functions.
2. Should the City deem it is necessary to tear down the building or sell the property, the City agrees to use its best efforts to find another similar space on City property to allow the Lion's to use for storage. The Lion's Club, however, is not guaranteed such space.

Motion by Petersen, seconded by Kauffman, to adopt the Public Works Building Agreement with the Montrose Lions. Carried 4-0.

**Email from Bob Chantland**

Discussion of the email occurred. By consensus the city council instructed Swanson to disregard the request for information because of the tone and language of the email.

**Projector/Laptop**

Swanson presented two quotes for a projector, software and laptop. The equipment will be used for training, presentations and council meetings. Best Buy cost was \$2,599.87, Paumen Computer was \$2,238.00. Motion by Kauffman, seconded by Knodel, to purchase the equipment from Paumen Computer. Carried 4-0.

**Request for Council Action - anonymous**

No action was taken.

**Acknowledgements**

- Marysville Township for this \$600.00 donation to the summer recreation program

**Adjournment**

Motion by Knodel, seconded by Petersen, to adjourn at 8:30p.m. Carried 4-0.

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Barbara C. Thwing-Swanson  
Administrator/Clerk/Treasurer

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Mayor Charlie Nelson