



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

**CITY COUNCIL MINUTES
April 13, 2009**

Pursuant to call and notice the Montrose City Council met in regular session on Monday, April 13, 2009, at 7:00p.m. Those present were Mayor Andy Kauffman, Council Members Ryan Andreae, Scott Jensen, Sharon Knodel and Jeff Petersen. Also present were Kyle Hartnett, city attorney, Justin Kannas, city engineer, Wendy Manson, deputy clerk and Barb Swanson city administrator.

Open Forum

Evan Siljander spoke during open forum there was no action taken. Mayor Kauffman requested that Siljander be escorted from the meeting; Siljander left of his own accord.

Approval of the Agenda

Motion by Andreae, seconded by Knodel to approve the agenda with the following additions: data requests, open forum, overtime of staff and reduction of utility bill. Carried 5-0.

Approval of the Consent Agenda

Motion by Knodel, seconded by Petersen to approve the consent agenda which includes the following items: March 9, 2009 city council minutes, April 13, 2009 accounts payable in the amount of \$277,055.56, April 13, 2009 Fire Department accounts payable in the amount of \$3,527.98, and the utility adjustments for March 2009. Carried 5-0.

2008 Financial Statements

Andy Berg of Abdo, Eick & Meyer LLP reviewed the 2008 financial statements with the city council at a workshop prior to the council meeting allowing additional time for discussion.

The auditing firm issued an unqualified opinion, which is a clean opinion. Berg said that there were no difficulties and that the audit went as planned.

Motion by Andreae, seconded by Jensen to accept the 2008 financial statements. Carried 5-0.

Request for Council Action: Doug Roepke

Doug Roepke, owner of the Ugly Bar, constructed an outdoor smoking area without a building permit or zoning review. The construction does not comply with either the building code or the zoning code.

Kris Richter, Community Development, presented information to the city council related to the zoning violations.

Roepke said that he did not have a permit for the outdoor smoking area, but had a permit for the fence and storage shed. Roepke also mentioned how the change in the smoking law had impacted his business.

Motion by Jensen, seconded by Knodel instructing Roepke to attend the meetings of the Highway 12 Redevelopment Committee and the Planning and Zoning Commission for their suggestions and return with their recommendations to the city council.

Carried 5-0.

Request for Council Action: Greg & Tina Norris

Norris is requesting a change to the zoning ordinance to allow residents to raise a small flock of backyard hens for egg production.

Hannah Moyer spoke in favor of allowing chickens to be raised in a residential neighborhood. Miss Moyer suggested that property 1 acre or larger be allowed to have up to 12 chickens. She also suggested a small permit fee of \$10.00.

Ms. Norris spoke in favor of having laying hens in a residential neighborhood. She further stated that this would reduce one's carbon footprint, allows some control over personal food supply and is cost effective.

Kris Richter, Community Development, presented information to the city council related to the request. To accommodate this request the zoning ordinance and city code would have to be amended. Her research showed that many metropolitan cities do allow a small flock of laying hens. At this time there are no cities within Wright County that allow chickens in a residential zone. Annual permit fees range from \$10 - \$72. Richter also presented information related to fencing and shelter requirements.

Swanson discussed the cost of the change to hold a public hearing and to amend the zoning ordinance and city code. Typically the cost is the burden of the petitioner. Swanson further stated that the city council

can ask the Planning and Zoning Commission to address the issue and the city would then pay the fees.

Motion by Andreae, seconded by Knodel to refer the request to Planning and Zoning for their action. Carried 5-0.

Ordinance Amendment: Liquor violation penalty

Kyle Hartnett, city attorney, at the request of the city council, prepared an ordinance amendment adding a penalty to a liquor license violation.

Motion by Andreae, seconded by Jensen to adopt Ordinance 2009-04 amending civil penalties for liquor license violations. Carried 5-0.

Safe Routes to School

Justin Kannas, city engineer, discussed the construction of the trail along Trunk Highway 12. That portion of the project could be constructed this year, however, due to cost savings it is recommended that the entire project be postponed to 2010 when the additional grant money will be available for curb and gutter along MN 25 South.

Kannas assured the city council that Minnesota Department of Transportation is aware of the Safe Routes to School grant and the city will not risk losing the grant by waiting until 2010 for construction.

Preserve of Montrose

Kannas updated the city council on the Preserve of Montrose subdivision. It is partially finished; the city has not accepted any work and has not reduced the letter of credit. The sewer, water and grading are complete. The storm sewer is not in. There are erosion issues which is the city's largest concern. The Minnesota Pollution Control Agency, MPCA, has been notified of the violations related to the developer's storm water management permit. The city as the enforcement agency has done its due diligence. MPCA is working on the best course of action.

Hartnett told the city council that Lakeland Construction, the development company, is in receivership. The City of Montrose holds a letter of credit in excess of \$2,000,000.00, and will pursue collection of funds to complete the project as allowed by law. The lender is foreclosing on properties. Montrose is at an advantage because no buildings have been constructed.

Montrose Fire Department

Mike Marketon, fire chief, informed the city council that the Fire Department had received \$2,830.00 for Firefighter 1 & 2 training. Marketon requested permission to have Swanson issue payment for 20% of the 800 MHz radios for Montrose.

Motion by Knodel, seconded by Jensen to allow the city administrator to issue funds for the radios. Carried 5-0.

Airpacks will be ordered in the near future, the cost of the airpacks is covered by another grant received by the Fire Department.

The department is progressing with Project Life Saver. A person with memory loss will be fitted for a wrist band to allow quick location in case they are missing.

Park Commission

Mayor Andy Kauffmann updated the city council regarding the last meeting of the Park Commission.

Montrose Youth Boosters ball program will be running under the Buffalo program this year; unfortunately Montrose does not have a volunteer to head up the program.

Natures Nest Art Festival will be held on May 16 & 17th.

Marty Berglund will offer a Monarch Butterfly class in June. Anyone that wishes to participate must pre-register.

Motion by Andreae, seconded by Knodel to allow a disbursement of \$100.00 for the Monarch Butterfly class. Carried 5-0.

The Park Commission is organizing a motorcycle run and they are working with the Parents Advisory Committee, PAC.

On May 30th is the city wide garage sale. Also there is a plant sale and swap at Veteran's Memorial Park on the same day.

The commission is planning its first 8K run to be held during Montrose Days.

Working with the Public Works Department they have requested that two sand volleyball courts are built at Northridge Park.

City hall garage remodel

Motion by Petersen, seconded by Andreae to allow the expenditure of \$3,250.00 for the construction of a handicapped accessible entrance in the amount of \$2000.00 and to hire Sentry Systems to furnish and install an alarm system in the amount of \$1250.00. Carried 5-0.

City Council Pay

In an effort to clarify the pay received by the Mayor and City Council, Wendy Manson presented an example of a monthly time sheet and reviewed how pay is calculated for the Mayor and City Council.

A resolution clarifying city council pay was prepared by Swanson. Motion by Knodel, seconded by Jensen, to adopt resolution 2009-08 to provide clarification of city council pay as adopted in 2005 and 2006. Carried 5-0.

Data Requests

The 2009 Data Request monthly report was reviewed by the city council. Discussion followed regarding the cost, time, repeat requests for the same data, and the burdensome and harassing nature of some requests.

Swanson was directed to provide information to the city council related to 2009 data requests including cost, estimate of hours and attorney expense.

Motion by Knodel, seconded by Petersen not to fill repeat data requests.

Carried 5-0.

Motion by Andreae, seconded by Knodel, to have the personnel committee review data practice request impact, procedures, time and cost. Carried 5-0

Finance

Council Member Jensen made a statement regarding questions related to city employee overtime. Jensen said that staff is making every effort not to have overtime, but there are instances when overtime is necessary such as emergency sewer system problems. Overtime is earned as compensatory time.

Marysville Township, Orderly Annexation Agreement

The Orderly Annexation Agreement between Marysville Township and the City of Montrose was approved at the same time the state law changed. The law now requires a public hearing for input before an orderly annexation agreement is signed. Due to the change in the law the two governing bodies will hold a meeting open to the public to allow citizens with interest to discuss the agreement.

Swanson will contact the township clerk and arrange the meeting.

Policy for water and sewer billing adjustments

Motion by Petersen, seconded by Knodel to adopt the policy for water and sewer billing adjustments. Carried 5-0.

2009 Appointments: Board of Appeal

Motion by Kauffman, seconded by Knodel to appoint Alfred Mohring and Doug Voerding to the Board of Appeal. Carried 5-0.

February 9, 2009 Council Minutes

Motion by Knodel, seconded by Andreae to make the change to the February 2009 city council minutes. Carried 5-0.

Identity Theft Policy

Line 33 was added saying: All sensitive information will be redacted so as to be illegible for dissemination.

Motion by Knodel, seconded by Andreae to approve the change. Carried 5-0.

Golf Cart Ordinance

Discussion was heard regarding allowing ATV's to be driven within the city.

Motion by Knodel, seconded by Andreae to table this item to a workshop for further discussion. Carried 5-0.

Complaint Policy

The complaint policy was changed to have complaints that are filed against employees sent to the Personnel Committee rather than the city attorney.

Motion by Petersen, seconded by Jensen to accept the change. Carried 5-0.

SPARK: summer playground activities reaching kids

Motion by Petersen, seconded by Knodel, to approve the expense for SPARK in the amount of \$2874.00, removing "five field trips will be taken throughout the program" and number 6. Carried 5-0.

Open Forum

Discussion was heard related to Open Forum. Open Forum was created to allow individuals who had an agenda topic that required immediate attention to be discussed without waiting until the next meeting. Open Forum no longer serves the purpose it was created for. Discussion continued.

Bob Chantland was removed from the meeting by a Deputy of the Wright County Sherriff's Department.

Utility Bill Reduction

A request to reduce the December 2008 and January 2009 utility bill for Reds Café was received.

Motion by Andreae, seconded by Jensen to approve the request for the utility bill reduction following the city's policy. Carried 5-0.

Recording Council Meetings for Web Site

A brief discussion was heard related to equipment to record council meetings then replay on the city's web site. Swanson will proceed with purchasing equipment.

City Council Workshop

The city council will hold a workshop on Monday, April 27 at city hall beginning at 5:30p.m.

Acknowledgements

- o Eagle Scout Brandon Arnold
- o Mayor Kauffman for making a stand for Montrose taxpayers
- o Montrose VFW 70th Anniversary

Adjournment

Motion by Kauffman, seconded by Petersen to adjourn at 9:30p.m.
Carried 5-0.

Andy Kauffman, Mayor

Barbara Thwing-Swanson, Administrator/Clerk/Treasurer