

Pipestone, Minnesota  
January 3, 2012

Pursuant to due call and notice thereof, a regular meeting of the Pipestone City Council was duly held in the Municipal Building at 6:30 p.m. on the 3rd day of January 2012. Mayor Laurie Ness called the meeting to order. Roll call was taken and a quorum was declared. Members present: Laurie Ness, Barbara Heyl, Harry Hansen, Jim Stout and Fred Portz. Absent: None. Others present: Deb Fitzgerald, Sylvia Newell, Water/Wastewater Supervisor Joel Adelman, Public Works Director Scott Swanson, Liquor Store Manager Jim Biever, Building and Zoning Administrator Darrin Tinklenberg, Pipestone County Sheriff Dan Delaney, Cable Access Coordinator Steve Moffitt, City Administrator/City Attorney Jeffrey Jones and City Clerk Joan Schroeder.

### **ADJOURN 2011 COUNCIL SINE DIE**

Motion was made by Stout, seconded by Hansen and unanimously carried to adjourn the 2011 Council sine die.

### **CONVENE 2012 CITY COUNCIL**

Motion was made by Heyl, seconded by Portz and unanimously carried to convene as the 2012 City Council.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **APPROVE AGENDA – ADDITIONS, CHANGES OR DELETIONS**

None.

### **CONSENT AGENDA**

Motion was made by Heyl, seconded by Portz and unanimously carried to approve the Consent Agenda which includes the following items: December 19, 2011 Work Session Minutes; December 19, 2010 Regular Meeting Minutes; December 27, 2011 Special Meeting Minutes; Payment of Claims-Listing of Bills in the amount of \$172,052.54 for warrants #36478 to #36578 to be issued in payment thereof.

### **COMMUNITY CONCERNS**

None.

## **REPORTS OF STAFF PERSONNEL**

Public Works Director Swanson reported they have been busy picking up Christmas trees, taking down the Christmas decorations and trimming trees around town; they are working at the Ewert Recreation Center painting the gym, next week the flooring will be tore out; and they will be starting crack filling on the streets.

Cable Access Coordinator Moffitt reported the new system is up and running; the crawl should be ready to go shortly; and the new "Around Town" series will start next weekend.

Recreation Director Claussen was unavailable.

Water/Wastewater Supervisor Adelman reported they are continuing to work on updating the utility maps and valve books; there are a number of curb stops around town that need to be put back to ground level; and they are doing cleaning and maintenance in the shop.

Airport Manager Dykstra was unavailable.

Liquor Store Manager Biever reported December was a good month with a gain over last year, the fourth quarter fell behind the 2010's fourth quarter, but sales for the year 2011 were above last year.

Pipestone County Sheriff Delaney reported there were 1000 more contacts in 2011 then in 2010; there is a signed agreement with the County for 2012, there were no changes to the contract; some of the new radios have been installed in the squad cars, but there is a lot of work left to do; a tower for the radio system will be located by Trosky and an antenna placed on one of the water towers; and the department will be replacing cars this year but the new leases will no longer cover fuel costs.

Fire Chief Popma was unavailable.

Building and Zoning Administrator Tinklenberg reported the Planning Committee is doing a very thorough job on the sign ordinance and they will also be reviewing Chapter 11; permits were up in 2011 over 2010; the college, hospital and Coborn's will be obtaining permits for 2012 and there may be some new homes and townhouses built.

## **PRESENTATION**

### Conflict of Interest Policy

City Administrator/City Attorney Jones read the City of Pipestone Administrative Policy #6 Conflicts of Interest into the record.

## **CITY OF PIPESTONE ADMINISTRATIVE POLICY #6 CONFLICTS OF INTEREST**

WHEREAS, the following policy of conflicts of interest is hereby adopted:

1. A disclosure and description of the nature of any conflict of interest or possible conflict of interest on the part of any City Council member should be disclosed to the other City Council members and made a matter of record when the interest becomes a matter of City Council actions.
2. Any City Council member having a conflict of interest or possible conflict of interest on any matter should not vote or use his/her personal influence on the matter, and he/she should not be counted in determining the quorum for the meeting, even where permitted by law. The minutes of the meeting should reflect that a disclosure and description of the nature of the conflict was made, the abstention from voting and the quorum situation.
3. Federal Regulations, 24 CFR, Part 570, Uniform Administration Requirements and Minnesota Statutes 412.311 and 471.87-471.89 address conflict of interest. Under these regulations, recipients may not:
  - Obtain personal or financial interest or benefits, including money, favors, gratuities, entertainment or anything of value that may be interpreted as conflict of interest.
  - Obtain a direct or indirect interest in any contract, subcontract or agreement for any activity. This prohibition extends to contracts in which recipients' spouse, minor child, dependent or business associate may have personal or financial interest.
  - Obtain a direct or indirect interest in a contract, subcontract or agreement, include: elected, employed, appointed or contracted individuals; or their firms, of State, County, City or Township; or Grant Administrator.

BE IT FURTHER RESOLVED, that this policy be reviewed annually for the information and guidance of City Council members, and that any new City Council member be advised of the policy upon entering on the duties of his/her office. The Mayor and City Administrator are authorized and directed to see that the foregoing policy is effectuated.

Adopted: January 9, 1995

Prepared by Terry J. Berg  
December 29, 1994

Amended by Troy L. Strom  
January 22, 2002

## **LEGAL**

### **Ordinance 63, Fourth Series**

City Administrator/City Attorney Jones explained this ordinance establishes fees, charges and compensation as allowed by City Code and is adopted annually. Additions and revisions include: utility costs for estimating water usage and reading water meters have been removed; increasing

fees for testing water meters, equipment rental, grave and cremation openings, sewer rates and dumpster purchases.

Councilmember Stout introduced Ordinance 63, Fourth Series: AN ORDINANCE ESTABLISHING FEES, CHARGES AND COMPENSATION AS ALLOWED BY CITY CODE.

## **ENGINEERING**

### **Wastewater Treatment Facility Expansion Project – Pay Request #7**

City Administrator/City Attorney Jones noted the project is not done yet, there are still items on the punch list to be completed and the seeding to do in the spring.

Motion was made by Stout, seconded by Hansen and unanimously carried to approve Pay Request #7 to Doboszinski and Sons, Inc., Loretto, Minnesota, in the amount of \$146,857.78 (which includes Change Order #1 - \$14,605.99) for work completed on the Pipestone WWTF Expansion Project.

## **FINANCIAL**

None.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

### **Resolution 2012-1**

Motion was made by Heyl, seconded by Portz and unanimously carried to approve Resolution 2012-1: A RESOLUTION AMENDING ADOPTING RULES OF ORDER AND PROCEDURE FOR THE CITY COUNCIL IN ACCORDANCE WITH THE CITY CODE CHAPTER 2, SECTION 2.03.

### **Resolution 2012-2**

Motion was made by Heyl, seconded by Hansen and unanimously carried to approve Resolution 2012-2: A RESOLUTION DESIGNATING THE PIPESTONE COUNTY STAR AS THE OFFICIAL NEWSPAPER FOR THE CITY OF PIPESTONE.

### Resolution 2012-3

Motion was made by Stout, seconded by Heyl and unanimously carried to approve Resolution 2012-3: A RESOLUTION DESIGNATING THE FIRST FARMERS AND MERCHANTS NATIONAL BANK AS AN OFFICIAL DEPOSITORY OF CITY FUNDS.

### Resolution 2012-4

Motion was made by Stout, seconded by Hansen and unanimously carried to approve Resolution 2012-4: A RESOLUTION DESIGNATING THE FIRST BANK AND TRUST AS AN OFFICIAL DEPOSITORY OF CITY FUNDS.

### Resolution 2012-5

Motion was made by Hansen, seconded by Portz and unanimously carried to approve Resolution 2012-5: A RESOLUTION DESIGNATING THE FIRST STATE BANK SOUTHWEST AS AN OFFICIAL DEPOSITORY OF CITY FUNDS.

### Resolution 2012-6

City Administrator/City Attorney Jones noted several businesses and individuals donated funds for the replacement of the Ewert Recreation Center gym floor. This resolution accepts those donations made from First State Bank Southwest - \$15,000, Casey's General Store - \$500, Hank's Foods - \$300; Hartquist Funeral Home - \$100, Larry and Lorayne Giff - \$30.

Motion was made by Stout, seconded by Heyl and unanimously carried to approve Resolution 2012-6: A RESOLUTION ACCEPTING DONATIONS.

### Change Meeting Date

Motion was made by Heyl, seconded by Portz and unanimously carried to change the regular meeting date from Monday, January 16, 2012 at 6:30 p.m. to Tuesday, January 17, 2012 at 6:30 p.m. due to the Martin Luther King holiday.

### Approve Amendment for Pipestone Municipal Airport Snow Removal Equipment Purchase and SWPPP Update

City Administrator/City Attorney Jones explained the State Agreement for the Airport Snow Removal Equipment Purchase and the Storm Water Pollution Prevention Plan Update was encumbered incorrectly by the State. Amendment Number 1 calls for \$2308.92 in additional funds to be paid by the City to correct the mistake.

Motion was made by Stout, seconded by Hansen and unanimously carried to approve Amendment Number 1 for payment of \$2308.92 for the Airport Snow Removal Equipment and Storm Water Pollution Prevention Plan Update.

### Progress, Inc. Request for Council Action

City Administrator/City Attorney Jones noted that Progress, Inc. is requesting a no parking sign which states “No Parking between 8:00 a.m. to 4:00 p.m. Monday-Friday” be placed across the street to the west from the main Progress building at 101 4th Avenue Northeast.

Sylvia Newell, Progress Executive Director, was present to state that a number of fender benders have occurred to cars parked directly across the street due to the narrow road.

Motion was made by Stout, seconded by Hansen and unanimously carried to grant the request by Progress, Inc. to have a “No Parking between 8:00 a.m. to 4:00 p.m. Monday-Friday” sign placed on the west side of 4th Avenue Northeast.

### CLOSING COMMENTS

City Administrator/City Attorney Jones relayed all the airport hangars are full and he is working with MN/DOT and the FAA to obtain funding to build additional hangars.

Councilmember Portz stated the Ewert Recreation Center gym is looking awesome and there is a need for more Silver Sneaker members.

### ADJOURNMENT

Motion was made by Heyl, seconded by Stout and unanimously carried to adjourn at 7:07 p.m.

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Laurie Ness  
Mayor

ATTEST:

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Joan Schroeder  
City Clerk