

Pipestone, Minnesota
December 21, 2009

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 21st day of December 2009. Mayor Laurie Ness called the meeting to order. Roll call was taken and a quorum was declared. Members present: Laurie Ness, Barbara Heyl, Jim Stout, Harry Hansen and Fred Portz. Absent: None. Others present: Cristy Appel, Gene Spicer, Robert Douty, Susan Wienands, Deb Fitzgerald, City Engineer Scot Leddy, Cable Access Coordinator Steve Moffit, City Administrator/City Attorney Jeff Jones and Assistant to the City Administrator Deb Nelson.

The Pledge of Allegiance was recited.

CONSENT AGENDA

Motion was made by Heyl, seconded by Hansen and unanimously carried to amend the consent agenda by adding under New Business, "Item K. Swanny's Liquor License" and "Item L. Calumet Liquor License"; and approving the following items: November 23, 2009 Special Meeting Minutes; December 7, 2009 Truth in Taxation Meeting Minutes; December 7, 2009 Regular Meeting Minutes; December 16, 2009 Special Meeting Minutes; Payment of Claims-Listing of Bills with warrants #29573 - #29725 in the amount of \$212,362.07; November 2009 Financial Reports; and Informational Reports.

COMMUNITY CONCERNS

Susan Wienands of Lake Wilson approached the podium and stated that she owns five properties in Pipestone and is against the City having HRA homes. She suggested the City explore the option to sell the HRA properties to first time home buyers when they become vacant.

Susan also stated she felt that time clocks should be installed in all City facilities, all employees from the City Administrator to the Janitor should punch in and out of the time clocks and the Council should look at time cards after a 30 day period to determine if all jobs are full time positions.

PRESENTATION

Gene Spicer, Co-Chair of Honor Flight for Southwestern Minnesota, gave a brief presentation informing the Council of what the intentions of the Honor Flight are. Gene introduced Co-Chair Cristy Appel and Secretary Bob Douty.

Gene went on to explain that there are several World War II veterans from Southwestern Minnesota that have applied in South Dakota for participation in an Honor Flight to Washington DC to visit the veteran's memorial. He stated that the Honor Flight Committee will be contacting

all businesses in the County in order to raise enough money to send 110-120 vets to the memorial in late Spring, early Summer. The amount needed to send this number of vets to the memorial is \$130,000. Gene explained that there were 1,585 men from Pipestone that fought in World War II with only approximately 60 surviving vets. He said that \$70,000 is needed just to book the plane. Donations made to Honor Flight are tax deductible.

LEGAL

None.

ENGINEERING

Pipestone Street Improvements Project 2009 – Certificate for Substantial Completion

City Administrator/City Attorney Jones explained that Musch Construction Inc. has submitted a Certificate for Substantial Completion for Council approval for the work completed on the Street Improvements Project 2009. He stated that substantial completion of the project was scheduled for November 20, 2009 but due to additional work performed by the Contractor, excessive precipitation and colder temperatures in October, City Engineers Banner Associates is recommending not to pursue liquidated damages.

Motion was made by Stout, seconded by Hansen and unanimously carried to approve the Certificate of Substantial Completion and not pursue liquidated damages.

FINANCIAL

None.

OLD BUSINESS

None.

NEW BUSINESS

Resolution 2009-32

City Administrator/City Attorney Jones explained that this resolution was tabled at the December 7th Council meeting for further research. Jones stated that this resolution would correct the legal description from the Amended Resolution 2004-48 by adding “Fourth Street Right-of-Way”.... Jones also stated that correcting the legal description would not affect the width of the street.

Motion was made by Heyl, seconded by Stout and unanimously carried to approve Resolution 2009-32: A RESOLUTION AMENDING AMENDED RESOLUTION 2004-48 BY CORRECTING THE LEGAL DESCRIPTION REGARDING VACATING A PORTION OF FOURTH STREET SOUTHEAST IN SANFORD'S ADDITION TO THE CITY OF PIPESTONE, PIPESTONE COUNTY, MINNESOTA.

Resolution 2009-33

City Administrator/City Attorney Jones explained that at the Truth in Taxation public meeting, a preliminary levy was set. This resolution will establish the tax levy for payable 2010. He stated that the levy does cover the loss of LGA for 2008 and 2009.

Motion was made by Hansen, seconded by Stout and unanimously carried to approve Resolution 2009-33: A RESOLUTION ESTABLISHING THE TAX LEVY FOR PAYABLE 2010.

Resolution 2009-34

City Administrator/City Attorney stated that a series of meetings were conducted between the Finance Committee and City Council and staff. Total cuts realized for the 2010 budget by Departments are \$275,000.

Motion was made by Stout, seconded by Hansen and unanimously carried to approve Resolution 2009-34: A RESOLUTION ADOPTING THE 2010 BUDGET.

Mayor Ness requested the City Administrator watch that Department Heads keep within their budgets.

Resolution 2009-35

City Administrator/City Attorney Jones informed the Council of the various year-end fund transfers that are approved annually.

Motion was made by Heyl, seconded by Portz and unanimously carried to approve Resolution 2009-35: A RESOLUTION APPROVING FUND TRANSFERS.

Approve the Use of Funds from the Garbage Fund for Public Works Roof Repair

City Administrator/City Attorney Jones explained that the roof at the Public Works Department building, which houses all street equipment, office space and storage space, had developed leaks and required a new roof. The Public Works Director is requesting Council approval to use \$13,056.00 out of the Garbage Fund to pay for these repairs.

Motion was made by Heyl, seconded by Hansen and unanimously carried to approve the use of \$13,056.00 from the Garbage Fund to pay for the installation of a new roof at the Public Works Department building.

Approve 1 to 4 Day Temporary On-Sale Liquor License for Chamber of Commerce

City Administrator/City Attorney Jones explained that each year the Chamber of Commerce hosts an annual social event. He stated that the event is scheduled for January 9, 2010 at the Performing Arts Center. This Temporary On-Sale liquor license has been approved in the past.

Motion was made by Stout, seconded by Heyl and unanimously carried to approve the 1 to 4 Day Temporary On-Sale Liquor License for the Chamber of Commerce.

Approve Master Subordination Agreement

City Administrator/City Attorney Jones stated that the Master Subordination Agreement is required as part of the loan documents for the Greater Minnesota Housing Fund loan in the amount of \$260,000 to the EDA to reduce rental rates which has improved the occupancy rate at Prairie Winds Apartments. Since the City gave funds to the Prairie Winds project, they are a party to the Agreement and must approve the Agreement. Jones then highlighted several items in the Agreement.

Motion was made by Stout, seconded by Hansen and unanimously carried to approve the Master Subordination Agreement and Estoppel Certificate for the Greater Minnesota Housing Fund loan to the EDA for Prairie Winds Apartments.

City Administrator/City Attorney Jones then went on to explain that the City had given \$10,200 of Program Income funds from the Small Cities Block Grant to the EDA to establish a reserve as part of the Greater Minnesota Housing Fund loan. He stated that program funds from TIF Districts, etc. have very specific uses and loss of LGA funds is not one of them.

Approve Re-Subdivision of Skyway Industrial Park

City Administrator/City Attorney Jones explained that a request had been received to re-subdivide the Bayliner property to make it more marketable. The Planning Commission had conducted a public hearing on December 9th and is recommending Council approval of the re-subdivision with no conditions.

Mayor Ness asked if this would affect the current property owner with Jones stating that it wouldn't.

Motion was made by Hansen, seconded by Heyl and unanimously carried to approve the Re-subdivision of property in the Skyway Industrial Park (Bayliner property) with no conditions.

Approve Resignation of Bill Larson from the Airport Commission

Motion was made by Heyl, seconded by Hansen and unanimously carried to approve the resignation of Bill Larson from the Airport Commission.

Approve Resignation of Keith Kluis from the Airport Commission

Motion was made by Stout, seconded by Hansen and unanimously carried to approve the resignation of Keith Kluis from the Airport Commission.

Approve Liquor License for Swanny's

City Administrator/City Attorney Jones stated that all necessary paperwork has not been received from Swanny's for a liquor license and staff is recommending Council approve the liquor license contingent upon receiving all necessary paperwork.

Motion was made by Stout, seconded by Hansen and unanimously carried to approve the liquor license for Swanny's contingent upon receiving all necessary paperwork.

Approve Liquor License for Calumet

City Administrator/City Attorney Jones explained that the Calumet has submitted all necessary paperwork for their liquor license and staff is recommending Council approve the liquor license for the Calumet.

Motion was made by Heyl, seconded by Portz and unanimously carried to approve the liquor license for the Calumet.

COUNCIL LIAISON REPORTS

Park & Rec Board Liaison Portz reported that the Board had met on October 7th and are working on updating the ballfield agreements; businesses and individuals are participating in the Viking Challenge; there are 122 participants in the Blue Cross Blue Shield discount program; the membership drive is going well; staff is working on the lifeguard schedule for the Christmas holiday; the Board is looking into replacing the Racquetball room with a Youth Fitness area; and there are 13 full-time members and 4 part-time members in the After School Program.

Planning Commission Liaison Stout reported on the public hearing regarding the Re-subdivision of property in the Skyway Industrial Park (Bayliner property).

Housing & Redevelopment Authority Liaison Ness reported there was no quorum, therefore a meeting was not held.

Law Enforcement Liaison Committee Member Hansen reported there was no quorum but stated that members present discussed snowmobilers will need to stay on designated routes otherwise they will be ticketed. Hansen also stated that the Committee is looking for new volunteers.

CLOSING COMMENTS

City Administrator/City Attorney Jones stated that Cable Access will be playing the Pipestone area programs and concerts twice daily Thursday, December 24th through Sunday, December 27th.

Jones also stated that with the additional snow expected, residents will need to keep their vehicles off the streets. He also mentioned that residents will need to keep their sidewalks cleared of ice and snow.

Jones then mentioned that there have been many positive things happening in Pipestone this past year; a ribbon cutting has been held for the new motel which will add to the City's tax base; GE Wind has a new office in Pipestone which will create new jobs; John Deere is building a new facility which will create new jobs; and Coborn's is still looking to build a new store in Pipestone which would also create new jobs.

Mayor Ness wished everyone a Happy Holiday and thanked everyone for their cooperation on the various issues the City has encountered this past year.

ADJOURNMENT

Motion was made by Hansen, seconded by Stout and unanimously carried to adjourn the meeting at 7:14 p.m.

Laurie K Ness
Mayor

ATTEST:

Deb Nelson
Assistant to the City Administrator