

Pipestone, Minnesota
February 7, 2022

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 7th day of February 2022. Mayor Myron Koets called the meeting to order. Roll call was taken and a quorum was declared. Members present: Myron Koets, Jim Stout, Rodger Smidt, and Dan Delaney. Excused: Justin Schroyer. Others present: Kyle Kuphal, Ann Miller, Vicki Gergen, City Engineer Travis Winter, Cable Access Coordinator Steve Moffitt, City Administrator/City Attorney Jeff Jones and City Clerk Deb Nelson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA – ADDITIONS, CHANGES OR DELETIONS

City Administrator/City Attorney Jones requested to amend the agenda to include Item L under New Business “Request of Relay for Life Committee.”

Motion was made by Delaney, seconded by Smidt and unanimously carried to approve the agenda amended with the addition of Item L under New Business “Request of Relay for Life Committee.”

CONSENT AGENDA

Mayor Koets stated the Consent Agenda contains the January 18, 2022 Regular Meeting Minutes and Payment of Claims-Listing of Bills and asked if there was any discussion regarding these items.

Motion was made by Delaney, seconded by Smidt and unanimously carried to approve the Consent Agenda which consisted of the January 18, 2022 Regular Meeting Minutes and Payment of Claims-Listing of Bills in the amount of \$668,580.59 for warrants #065963 to #066088 to be issued in payment thereof.

COMMUNITY CONCERNS

None.

PRESENTATION

Ann Miller – Possible Replacement of Sports Courts at Harmon Park Tennis Courts with Pickle Ball Courts

Ann Miller then addressed the council stating that there are several individuals that like to play pickleball but have found it difficult to play the game on the existing tennis courts at Harmon Park due to the surfaces. She explained how to play the game and the equipment used. Pickleball courts are smaller than a tennis court and Ms. Miller is wondering if the city would consider resurfacing the sports courts at Harmon Park so people can enjoy using the courts. She stated

Robert Petersen, Recreation Center Director, is looking into costs associated with resurfacing the courts.

LEGAL

Amended Ordinance 136, Fourth Series

City Administrator/City Attorney Jones stated Water/Wastewater Superintendent Joel Adelman has requested to amend the fee ordinance, Ordinance 136, Fourth Series, to include adding a surcharge fee in the amount of \$100.00 per month to be charged against any and all property owners that are found to be non-compliant with City Code, Sec. 50.30 "Reduction of Clear Water in the Sanitary Sewer System".

Councilmember Stout introduced Amended Ordinance 136, Fourth Series: AN AMENDED ORDINANCE ESTABLISHING FEES, CHARGES AND COMPENSATION AS ALLOWED BY CITY CODE.

ENGINEERING

Raw Watermain Well No. 5 Project

City Administrator/City Attorney Jones stated GM Contracting, Inc. is requesting closeout of this project and has submitted Pay Request No. 4/Final in the amount of \$37,933.49. All lien waivers, Consent of Surety form and IC-134 documents have been received. Bolton & Menk is requesting council approve the pay request.

Motion was made by Delaney, seconded by Smidt and unanimously carried to approve Pay Request No. 4/Final to GM Contracting, Inc. in the amount of \$37,933.49 to close out the Raw Watermain Well No. 5 Project.

OLD BUSINESS

Resolution 2022-8

City Administrator/City Attorney Jones stated this resolution was tabled from the January 18th meeting due to not enough councilmembers present to approve it with a four-fifths vote. The resolution would approve a summary publication of Ordinance 136, Fourth Series due to the length of the ordinance. Because Ordinance 136 is being amended, staff is recommending council table this resolution until the February 22nd meeting at which time the amended ordinance will be approved.

Motion was made by Smidt, seconded by Stout and unanimously carried to table Resolution 2022-8 until the February 22nd meeting.

Consider Approval of 2022 Mayoral Appointments and Committees

City Administrator/City Attorney Jones stated this item was tabled from the January 18th meeting to allow staff time to research if the council would be in violation of city code or the City Charter if they allowed out-of-town individuals to serve on committees. It was found there is no language

in either the code book or the Charter prohibiting out-of-town individuals from sitting our city boards and commissions.

Motion was made by Delaney, seconded by Smidt and unanimously carried to approve the 2022 Mayoral Appointments and Committees.

NEW BUSINESS

Consider Approval of Preliminary Plat for Pipestone County

City Administrator/City Attorney Jones informed the council that the Planning Commission met on January 26th to review a preliminary plat for a new subdivision for Pipestone County. The property is located in the 1100 Block of North Hiawatha and contains one commercial structure. The request is to subdivide the one lot into three. The Commission, by unanimous vote, recommends council approve the preliminary plat with the following changes prior to review of the Final Plat:

1. Add existing sanitary sewer lines to survey.
2. Add existing potable water lines to survey.
3. Add existing sanitary sewer that is west of the parcel located on Pipestone National Monument property.
4. Add all existing manholes.
5. Add existing storm sewer lines located south of Health and Human Services building.

Motion was made by Smidt, seconded by Stout and unanimously carried to approve the preliminary plat with the changes recommended for Pipestone County.

Resolution 2022-10

City Administrator/City Attorney Jones stated this resolution is approved annually and approves the Mayor and City Council members be covered by the Minnesota Worker's Compensation law.

Motion was made by Stout, seconded by Sdmit and unanimously carried to approve Resolution 2022-10: A RESOLUTION APPROVING THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF PIPESTONE BE COVERED BY THE MINNESOTA WORKER'S COMPENSATION LAW.

Resolution 2022-11

City Administrator/City Attorney Jones stated this resolution would authorize the city to apply for a loan from the Public Facilities Authority Clean Water Revolving Fund for the 2022 Infrastructure Improvements project. Approving the resolution does not obligate the city to go out for a loan but makes the funding available.

Councilmember Delaney asked if the loan includes engineering with City Engineer Travis Winter responding that it does.

Motion was made by Smidt, seconded by Stout and unanimously carried to approve Resolution 2022-11: A RESOLUTION OF APPLICATION TO THE MINNESOTA PUBLIC FACILITIES

AUTHORITY CLEAN WATER REVOLVING FUND FOR IMPROVEMENTS TO ITS MUNICIPAL WASTEWATER COLLECTION SYSTEM.

Resolution 2022-12

City Administrator/City Attorney Jones stated this resolution would authorize the city to apply for a loan from the Minnesota Public Facilities Authority Drinking Water Revolving Fund for the 2022 Infrastructure Improvements project. Approval of this resolution, just as the previous resolution, does not obligate the city to go out for a loan but makes the funding available.

Jones thanked Bolton & Menk stating they have been very diligent about getting the city on the PFA funding lists making sure the city can get both loans and grants.

Motion was made by Delaney, seconded by Smidt and unanimously carried to approve Resolution 2022-12: A RESOLUTION OF APPLICATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY DRINKING WATER REVOLVING FUND FOR IMPROVEMENTS TO ITS MUNICIPAL WATER DISTRIBUTION SYSTEM.

Jones shared the DEED press release that showcases the 26 Minnesota cities that were awarded just over \$180 million dollars in the second half of 2021. Pipestone received \$3,671,683.00 for the 2nd St SE sanitary sewer project and the connection of Well No. 5. The projects were funding by a \$467,828 Drinking Water Revolving Fund loan and a \$1,871,313.00 Water Infrastructure Fund grant.

Resolution 2022-13

City Administrator/City Attorney Jones stated the county is planning an overlay project for the improvement of CSAH 56 within city limits in 2022. In order to receive State Aid funding for the project, the city must approve the overlay plans. This resolution would approve the plans.

Motion was made by Delaney, seconded by Stout and unanimously carried to approve Resolution 2022-13: A RESOLUTION APPROVING COUNTY PROJECT WITHIN MUNICIPAL CORPORATE LIMITS.

Resolution 2022-14

City Administrator/City Attorney Jones shared several donations have been received as follows: \$2,000.00 from United Way to assist the Rec Center with the After School/Summertime Fun program; \$1,000.00 from United Way to assist the Rec Center with Park & Rec programs; \$1,000.00 from United Way to assist the city with "Lights at the Lodge"; and \$120.00 from Ann Miller to assist the Rec Center with the purchase of a pickle ball set. This resolution accepts the donations.

Motion was made by Smidt, seconded by Delaney and unanimously carried to approve Resolution 2022-14: A RESOLUTION ACCEPTING DONATIONS.

Change Meeting Date of February 21, 2022 at 6:30 p.m. to February 22, 2022 at 6:30 p.m. in Observance of the President's Day Holidays Day Holiday

Council will need to change the regular meeting date of February 21, 2022 to February 22, 2022 in observance of the President's Day holiday.

Motion was made by Delaney, seconded by Smidt and unanimously carried to change the regular meeting date of February 20, 2022 to February 21, 2022 in observance of the President's Day holiday.

Amend Administrative Policy #34 Park and Recreation Tobacco-Free Park System Policy

The Association for Non-Smokers-MN has free signs available to assist cities with promoting and bringing awareness to their tobacco-free policies in city parks. In order to receive the free signs, a copy of the city's tobacco-free policy, with electronic cigarettes included and adopted after 2014, must accompany the order. Council will need to approve the revision of the current Administrative Policy #34 Park and Recreation Tobacco-Free Park System Policy adopted on February 7, 2011 with the new policy with the addition of "electronic cigarettes".

Motion was made by Stout, seconded by Smidt and unanimously carried to approve amending Administrative Policy #34 Park and Recreation Tobacco-Free Park System Policy with the addition of "electronic cigarettes".

Schedule Special Meeting for Tuesday, April 12, 2022 to Conduct Local Board of Appeal and Equalization Meeting

City Administrator/City Attorney Jones stated last year, due to COVID-19, the county held an Open Book session for the local board of appeal and equalization meeting for the City of Pipestone. At the July 6, 2021 meeting, council approved a resolution that would have the city act as the Board of Equalization in 2022. Council will need to schedule a special meeting for Tuesday, April 12, 2022 at 7:00 p.m. to conduct the local board of appeals and equalization meeting.

Motion was made by Delaney, seconded by Stout and unanimously carried to schedule a special meeting for Tuesday, April 12, 2022 at 7:00 p.m. to conduct the local board of appeals and equalization meeting.

Discuss Appointments to Library/School District Negotiating Committee

City Administrator/City Attorney Jones stated on December 20th, the School Board gave notice that they had terminated the Public Library Agreement on one (1) year's notice. They wish to negotiate a new agreement. The council needs to appoint individuals to the negotiating committee.

Discussion then followed regarding the make up of the committee and individuals recommended by council to sit on the committee.

Motion was made by Smidt and seconded by Stout to table this item until the February 22nd meeting in order to see if the recommended individuals are willing to serve on the committee. Upon vote taken; Ayes: Koets, Stout, Smidt; Nays: Delaney, motion carried 3-1.

Consider Amendment to Sanitary Sewer Replacement Loan Program Eligibility Requirements

City Administrator/City Attorney Jones stated the original program was limited to residential owner-occupied dwellings. Staff is recommending that this program be available to rental properties as well.

Councilmember Smidt asked if the fine that was added to the amended fee ordinance include rental property owners with Jones responding that it would.

Motion was made by Smidt, seconded by Stout and unanimously carried to approve the amendment to the Sanitary Sewer Replacement Loan Program eligibility requirements by making the program available to rental properties as well.

Request of Relay for Life Committee

City Administrator/City Attorney Jones stated that the Relay for Life Committee would like to use the Hiawatha Pageant Park Lodge and grounds on July 28th from 1:00 p.m. to 11:00 p.m. to conduct their annual Relay for Life event. They are requesting council waive the fees associated with using the facility and grounds but would pay the \$300.00 deposit. All proceeds from the event go to the American Cancer Society with a portion of those funds being used for Pipestone County.

Motion was made by Delaney, seconded by Smidt and unanimously carried to approve the request of the Relay for Life Committee to waive fees associated with using the Hiawatha Pageant Park Lodge and grounds for their Relay for Life event on July 28th from 1:00 p.m. to 11:00 p.m.

CLOSING COMMENTS

City Administrator/City Attorney Jones shared the legislative session has started and one of the biggest topics this session is \$7.7 Billion dollar surplus the state has. He stated the Coalition of Greater Minnesota Cities will be lobbying on behalf of its member cities to increase LGA.

EXECUTIVE/CLOSED SESSION

Mayor Koets stated the council will be entering into Executive/Closed Session to discuss the possible purchase price of the West 77 Ft of Lots 9-12, Block 5, Nichols Addition and the possible sale price of the W 1/2 of Lot 5 and the West Five (5) Ft of the East 1/2 of Lot 5, Block 2, Cuttings Addition and stated he had asked that City Clerk Deb Nelson stay for the Closed Session to give a presentation.

Motion was made by Smidt, seconded by Stout and unanimously carried to close regular session and enter into Executive/Closed Session.

Motion was made by Smidt, seconded by Stout and unanimously carried to enter into Executive/Closed Session.

Motion was made by Smidt, seconded by Stout and unanimously carried to close Executive/Closed Session.

Mayor Koets stated that the council had been in closed.

Motion was made by Delaney, seconded by Smidt and unanimously carried to open Regular Session.

Mayor Koets stated that in regard to the W 77 Ft of Lots 9-12, Block 5, Nichols Addition, staff was to make changes to the proposed Purchase Agreement and solicit offers.

In regard to the W 1/2 of Lot 5 and the West Five (5) Ft of the East 1/2 of Lot 5, Block 2, Cuttings Addition, staff is to continue negotiating the sale price.

ADJOURNMENT

Motion was made by Stout, seconded by Smidt and unanimously carried to adjourn the meeting at.

Myron D. Koets
Mayor

ATTEST:

Deb Nelson
City Clerk