

Pipestone, Minnesota  
August 15, 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 15<sup>th</sup> day of August 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, Dan Delaney and Justin Schroyer. Absent: None. Others present: Kyle Kuphal, Amanda Hoss, Erica Volkir, City Engineers Dustin Meyer and 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**

There being no additions, changes or deletions to the agenda, motion was made by Stout, seconded by Smidt and unanimously carried to approve the agenda as presented.

### **CONSENT AGENDA**

The Consent Agenda contains the August 1, 2022 Special Meeting Minutes; August 1, 2022 Regular Meeting Minutes; Payment of Claims-Listing of Bills; July 2022 Financial Reports; and Informational Reports and asked if there was any discussion regarding these items.

Councilmember Delaney questioned what the payment made to American Engineering Testing in the payment of claims packet in the amount of \$2,844.50 was for. City Engineer Winter responded the city always uses American Engineering Testing to conduct soil samples.

Motion was made by Schroyer, seconded by Smidt and unanimously carried to approve the Consent Agenda which consists of the August 1, 2022 Special Meeting Minutes; August 1, 2022 Regular Meeting Minutes; Payment of Claims-Listing of Bills in the amount of \$1,597,856.92 for warrants #067314 to #067449 to be issued in payment thereof; July 2022 Financial Reports; and Informational Reports.

### **COMMUNITY CONCERNS**

None.

### **LEGAL**

#### **Ordinance 137, Fourth Series**

City Administrator/City Attorney Jones stated the Minnesota legislature recently approved the sale of edible cannabinoid products. Many Minnesota cities are enacting moratoriums to give the League of MN Cities time to provide additional guidance on this new law. The ordinance was introduced at the August 1<sup>st</sup> meeting and is now ready for approval.

Mayor Koets asked if the League developed guidance on this new law before the year was up, could the ordinance be rescinded with Jones responding that it could.

Motion was made by Stout and seconded by Smidt to approve Ordinance 137, Fourth Series: AN ORDINANCE PROVIDING A MORATORIUM ON THE SALE OF HEMP DERIVED THC (TETRAHYDROCANNABINOLS) FOOD AND BEVERAGES IN THE CITY OF PIPESTONE, MINNESOTA. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

## **ENGINEERING**

City Engineer Travis Winter introduced Engineer Dustin Meyer stating Meyer is the on-site Construction Manager for Bolton & Menk on the 2022 Street & Utility Improvements Project.

Winter then updated the council on the project stating:

- The project is progressing very well with pavement completed on six blocks of the 3<sup>rd</sup> Avenue corridor;
- work continues on the sidewalks;
- sanitary sewer work is just about completed; and
- all utility work should be completed by the end of the month.

## **OLD BUSINESS**

### **Public Library Agreement**

City Administrator/City Attorney Jones stated he was directed by council to prepare a proposed Library Agreement and present it to the School Board. The School Board has reviewed it and asked if the council would consider scheduling another meeting of the negotiating committee.

Mayor Koets stated he would like to have Jones sit in on the meeting since he drafted the proposed Agreement and could answer any questions of the Board.

Motion was made by Stout, seconded by Smidt and unanimously carried to have City Administrator/City Attorney Jones schedule and attend a meeting of the School Board and the city's negotiating committee to review the School Board's response.

## **NEW BUSINESS**

Change Meeting Date from Monday, September 5, 2022 at 6:30 p.m. to Tuesday, September 6, 2022 at 6:30 p.m.

Due to the Labor Day holiday, the regularly scheduled meeting date of Monday, September 5<sup>th</sup> will need to be changed to Tuesday, September 6<sup>th</sup>.

Motion was made by Delaney, seconded by Smidt and unanimously carried to change the regularly scheduled meeting date of Monday, September 5<sup>th</sup> at 6:30 p.m. to Tuesday, September 6<sup>th</sup> at 6:30 p.m. in observance of the Labor Day holiday.

Resolution 2022-43

Mayor Koets explained this resolution would approve a Regional Legacy Connecting People to the Outdoors Small Grant application to the Greater Minnesota Regional Parks and Trails Commission and DNR for the Luverne to Pipestone regional trail project. Unlike the Casey Jones State Trail which is a state-owned trail and funded through bonding dollars, this trail would be a regional trail that could be located in the right-of-way corridor along Highway 75. Koets stated he is looking into Legacy dollars as a possible funding source to build the trail. Pipestone County has already approved the resolution showing their support.

Motion was made by Schroyer and seconded by Delaney to approve Resolution 2022-43: A RESOLUTION APPROVING A REGIONAL LEGACY CONNECTING PEOPLE TO THE OUTDOORS SMALL GRANT APPLICATION TO THE GERATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION AND MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR THE LUVERNE TO PIPESTONE REGIONAL TRAIL PROJECT. Upon vote taken; Ayes: Stout, Smidt, Delaney, Schroyer; Nayes: none; Abstain: Koets, motion carried 4-0-1.

Resolution 2022-44

Electronic bids were received and opened at the August 1<sup>st</sup> council meeting for the 11<sup>th</sup> Street NE Extension – 2022 Improvements. City Engineer Winter has reviewed the following two bids received:

<b>BIDDER</b>	<b>BID</b>
Double D Gravel 611 4 <sup>th</sup> St NE PO Box 400 Pipestone MN 56164 507-825-5552	\$149,594.84
Duininck, Inc. 408 6 <sup>th</sup> St Prinsburg MN 56281 320-978-6011	\$157,930.00

Based upon the tabulation of unit prices, the low bidder for the project is Double D Gravel of Pipestone in the amount of \$149,594.84 which is \$22,669.84 above the engineer’s estimate. Bolton & Menk is recommending council proceed with the improvements at this time.

Councilmember Delaney asked since this is an unbudgeted item how are we going to pay for it.

Mayor Koets reminded the council that they had approved using the Liquor Store Fund to pay for the project at a previous meeting.

Motion was made by Stout and seconded by Schroyer to approve Resolution 2022-44: A RESOLUTION ACCEPTING BID. Upon vote taken; Ayes: Koets, Stout, Schroyer; Nays: Smidt, Delaney, motion carried 3-2.

Motion was made by Stout and seconded by Schroyer to take the balance of the funds needed for the project out of the Liquor Store fund. Upon vote taken; Ayes: Koets, Stout, Schroyer; Nays: Smidt, Delaney, motion carried 3-2.

#### Resolution 2022-45

City Administrator/City Attorney Jones stated that even though the state is sitting on a record surplus, the legislature did not approve a bonding bill. The failure of the legislature to pass a bonding bill means that the Public Facilities Authority (PFA) did not receive any funding to provide cities with grants to assist with any upgrades to their systems. The Coalition of Greater Minnesota Cities is encouraging cities to adopt a resolution urging the Governor to declare a Special Session to pass a bonding bill.

Motion was made by Delaney, seconded by Stout and unanimously carried to approve Resolution 2022-45: A RESOLUTION URGING GOVERNOR WALZ TO DECLARE A SPECIAL SESSION AND LAWMAKERS TO WORK IN A BIPARTISAN WAY TO PASS A BONDING BILL AND A TAX BILL THAT INCLUDES AN LGA INCREASE.

#### Resolution 2022-46

City Administrator/City Attorney Jones stated the following donations have been received to assist the city with "Lights at the Lodge" at the Hiawatha Pageant Park:

- First Farmers & Merchants Bank - \$500.00
- Pipestone Realty, LLC - \$100.00
- Pipestone County Medical Center - \$1,000.00
- L Charles & Dorie J Sendelbach - \$500.00
- Bomgaars - \$500.00

Motion was made by Delaney, seconded by Smidt and unanimously carried to approve Resolution 2022-46: A RESOLUTION ACCEPTING DONATIONS.

#### Consider Development of North Hiawatha Property

Mayor Koets shared that during the budget work session before the regular meeting, the council had discussed the possibility of developing the North Hiawatha city-owned property. The property is already zoned Light Industrial which makes it an ideal location for light industry businesses. He stated the Friends of Scouting and Youth recently sold their building and are looking for a new location to build.

Councilmember Delaney asked if the engineer's had an estimate on the cost of engineering this location. Winter responded approximately \$5,000 to \$7,000 to survey and plat the location.

Motion was made by Smidt, seconded by Schroyer and unanimously carried to proceed with Bolton & Menk to start the platting process of the North Hiawatha property.

### Chamber of Commerce Request for Council Action

On May 16, 2022, the council granted permission to the Chamber to close the 100 block of West Main St (Stonehouse to A & S Drug) from 4:00 p.m. to 8:00 p.m. on September 1<sup>st</sup> for the Car Cruise-In event. Attendees from past events have asked for the ability to enjoy an alcoholic beverage while viewing the classic cars. Therefore, the Chamber is requesting permission to allow Stonehouse & Quarry Lounge to serve alcohol on this closed block from 5:00 p.m. to 7:30 p.m.

Discussion followed regarding where the alcohol will be sold from and having an officer present during the event.

Motion was made by Schroyer, seconded by Smidt and unanimously carried to approve the request of the Chamber of Commerce to allow Stonehouse & Quarry Lounge to serve alcohol from 5:00 – 7:30 p.m. during the Car Cruise-In event on September 1, 2022.

### American Legion Request for Council Action

Amanda Hoss, Manager at the American Legion, explained to the council that the Legion would like to hold a street dance on Saturday, September 10<sup>th</sup> to use as a fundraiser for the Legion. They are requesting permission to close the 100 block of South Hiawatha from Main St to 2<sup>nd</sup> St SW from 5:00 p.m. to 1:00 p.m. on Sunday, September 11<sup>th</sup>. There will also be a rib cookoff and funds received from the sale of the ribs would be donated to the Legion. They are also requesting the use of six (6) garbage totes, picnic tables and “Street Closed” signs.

Motion was made by Smidt, seconded by Stout and unanimously carried to approve the request of the American Legion to close the 100 block of South Hiawatha Avenue on Saturday, September 10<sup>th</sup> from 5:00 p.m. to 1:00 a.m. on Sunday, September 11<sup>th</sup> to conduct a street dance along with the use of garbage totes, picnic tables and “Street Closed” signs.

## **COUNCIL LIAISON REPORTS**

Human Rights Commission Liaison Koets reported that the Commission will be meeting at 6:00 p.m. tomorrow night at the library. Various concerns have been discussed including if a person reports a possible human rights violation that is not the city’s jurisdiction, who should they report it to and how should they report it.

Hiawatha Pageant Park Committee Liaison Koets reported the “Light’s at the Lodge” fundraiser is currently running; they are looking at options to reduce the fish kill during the winter months; and Boardmembers have requested that Administrative Assistant Amanda Burke attend the next meeting to go over with the Board how the cleaning charges work.

Economic Development Authority Boardmember Smidt reported the EDA met on August 8<sup>th</sup> and discussed the 622 3<sup>rd</sup> Ave SW project house; a loan application was received from the Stonehouse/Quarry Lounge to assist expanding the tap beer options; and the Board went into the Executive Session to discuss the sale of 411 West Main.

Planning Commission Liaison Smidt reported the Commission is reviewing the current City Code book including the animal ordinance, noise ordinance and garbage containers that are sitting around people’s yards for years and are not being used. Building and Zoning Official Doug Fortune

is looking into the possibility of having an Animal Control Officer through the Sheriff's Department.

**CLOSING COMMENTS**

City Administrator/City Attorney Jones informed the council that the new fire truck will be here in September/October and all three banks in Pipestone have agreed to participate in the bond sale.

**EXECUTIVE/CLOSED SESSION**

Mayor Koets stated that the council was to go into Executive/Closed Session to discuss the possible sale price of Lots 20 & 21, Block 6, Nichols' Addition to the City of Pipestone.

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

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

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

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

Mayor Koets stated that no action will be taken at this time regarding the described property.

**ADJOURNMENT**

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

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Myron D. Koets  
Mayor

ATTEST:

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Deb Nelson  
City Clerk