

Pipestone, Minnesota
October 17, 2022

Pursuant to due call and notice thereof, a regular meeting of the Pipestone City Council was duly held in-person and via Zoom in the Municipal Building at 6:30 p.m. on the 17th day of October 2022. Acting Mayor Jim Stout called the meeting to order. Roll call was taken and a quorum was declared. Members present: Myron Koets (via Zoom), Jim Stout, Rodger Smidt, Dan Delaney and Justin Schroyer. Absent: None. Others present: Verdeen Colbeck, Bud Johnston, Kyle Kuphal, Luke Gildemeister – US Solar (via Zoom), Coleton Maskovich, Dylan McCormick, Jaime Guardado, Daniel Guardado, City Treasurer Kasi Pantekoek, City Engineer Travis Winter (via Zoom), 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 Schroyer, seconded by Smidt and unanimously carried to approve the agenda as presented.

CONSENT AGENDA

Acting Mayor Stout stated the Consent Agenda contains the October 3, 2022 Regular Meeting Minutes; Payment of Claims-Listing of Bills; September 2022 Financial Reports; and Informational Reports and asked if there was any discussion regarding these items.

Motion was made by Smidt and seconded by Delaney to approve the Consent Agenda which contains the October 3, 2022 Regular Meeting Minutes; Payment of Claims-Listing of Bills in the amount of \$357,886.26 for warrants #067830 to #067952 to be issued in payment thereof; September 2022 Financial Reports; and Informational Reports. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

COMMUNITY CONCERNS

None.

PUBLIS HEARINGS

Proposed Assessment for Unpaid Municipal Services and/or Municipal Utilities

Motion was made by Smidt and seconded by Delaney to open the public hearing at 6:33 p.m. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

City Administrator/City Attorney Jones stated that this public hearing is held annually and is necessary to adopt assessments for unpaid municipal services and/or utilities.

Councilmember Delaney stated he noticed on the assessment roll that there was a deceased individual and asked how that was handled.

City Treasurer Pantekoek stated that a notice that the assessment was adopted would be sent to the address on file.

Delaney asked how often were residents notified of the unpaid municipal services and/or utilities with Pantekoek responding monthly.

Motion was made by Smidt and seconded by Delaney to close the public hearing at 6:36 p.m. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Proposed Vacation of All That Portion of the North/South and East/West Alleys in Block 64, Wallbridge and Moore's Addition

Motion was made by Delaney and seconded by Smidt to open the public hearing at 6:37 p.m. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

City Administrator/City Attorney Jones stated Bud Johnston, Keepers of the Sacred Tradition of Pipemakers, has requested the council vacate the North/South and East/West alleys in Block 64, Wallbridge and Moore's Addition (400 North Hiawatha Ave). Part of the process to vacate the alleys is to conduct a public hearing to solicit public comment regarding the vacation. All property owners within a 350 ft radius have been notified by certified mail of the public hearing and Mr. Johnston is available to answer any questions.

Councilmember Delaney asked if Mr. Johnston owned all of the alleys/property in Block 64 with Mr. Johnston responding that he and his wife had owned the property and sold it to the Keepers. The Keepers would like to combine the property into one lot and in order to do that it will be necessary to vacate the alleys.

Motion was made by Delaney and seconded by Smidt to close the public hearing at 6:39 p.m. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

LEGAL

Ordinance 139, Fourth Series

City Administrator/City Attorney Jones stated this ordinance would vacate the north/south and east/west alleys in Block 64, Wallbridge and Moore's Addition as requested by The Keepers of the Sacred Tradition of Pipemakers. The public hearing was just held and the ordinance would need to be introduced.

Councilmember Delaney introduced Ordinance 139, Fourth Series: AN ORDINANCE OF THE CITY OF PIPESTONE VACATING ALL THAT PORTION OF THE NORTH/SOUTH AND EAST/WEST ALLEYS IN BLOCK 64, WALLBRIDGE AND MOORE'S ADDITION TO THE CITY OF PIPESTONE, COUNTY OF PIPESTONE, STATE OF MINNESOTA.

ENGINEERING

City Engineer Winter then updated the council on the current projects:

- The 2nd Street project is progressing nicely with the contractor pouring street fill ins today which they plan to finish this week. They will then proceed to sidewalks after which they will start filling and seeding the boulevards.
- Duinick, Inc. is ready for concrete on the 4th Street SE and 10th Street SW project. The Xcel Energy has relocated the poles but they are still waiting for Mediacom to remove their line. The project should be complete within the next two weeks.
- Concrete has been poured on the 11th St NE project.

Councilmember Delaney asked what recourse does the city have regarding the delay that Mediacom continually creates with the 4th St SE and 10th St SW project.

Winter stated that when Mediacom requests permit to perform work in the city, maybe additional charges could be added.

Delaney asked if it was possible to have the Public Works Department remove the line with City Administrator/City Attorney Jones responding that this would be work that is beyond the scale and scope of the Public Works Department.

Jones stated he would check with the League to see what recourse the city would have in this situation.

NEW BUSINESS

Adopt Unpaid Municipal Services and/or Municipal Utilities

City Administrator/City Attorney Jones stated that earlier in the meeting, a public meeting was held to receive any objections or concerns with the proposed assessments for unpaid municipal services and/or municipal utilities. Council will need to adopt the final assessments at this time.

Motion was made by Delaney and seconded by Smidt to adopt the assessments for unpaid municipal services and/or municipal utilities. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Consider Request to Remove Sewer Charges at 220 5th St SW

City Administrator/City Attorney Jones stated he would like to move Item G under New Business "Consider Request to Remove Sewer Charges at 220 5th St SW" to Item B at this time to allow City Treasurer Pantekoek to leave the meeting after this agenda item.

Mark Onken, owner of 220 5th St SW, has submitted a letter requesting council consider removing the charge for sewer at 220 5th St SW. He has been fixing up the property and has used a lot of water trying to get the grass to grow. Since it is water that does not go down the sewer, he feels he shouldn't have to pay these fees.

City Treasurer Pantekoek then outlined City Code Chapter 50.09 Rules and Regulations Relating to Sewer Service Charge stating that the monthly billable wastewater volume shall be equal to monthly metered water usage with a maximum monthly sewer charge established during the winter quarter (average monthly usage during December, January and February). Since the property was not purchase until May of 2022 and no one has been living in it as it is being remodeled, a maximum monthly sewer charge was unable to be established. She noted that there is another option available that provides for a separate meter be installed and operated to register the quantity so not discharged into the sewerage system.

Councilmember Delaney asked if Mr. Onken had ever requested a separate meter be installed with Pantekoek answering no.

Motion was made by Delaney and seconded by Schroyer to deny the request from Mark Onken to Remove Sewer Charges at 220 5th St SW. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Approve Conditional Use Permit for Roger Elgersma

The Planning Commission held a public hearing on Wednesday, October 12th to consider a Conditional Use Permit application from Roger Elgersma. Mr. Elgersma wishes to install a roof-mounted solar heat collector on his home located at 212 4th Ave SE. City Code, Title 15, Chapter 153.17, Section 1, states an approved conditional use permit is required before construction can begin. The Planning Commission is recommending council approve the conditional use permit for Mr. Elgersma with the following conditions:

- Install the heat collector on the dormer so as not to adversely affect adjacent properties.
- Annually review the conditional use permit for any violations per city code.

Motion was made by Delaney and seconded by Smidt to approve the Conditional Use Permit for Roger Elgersma to install a 10' x 12' roof-mounted solar heat collector on his home at 212 4th Ave SE with the following conditions: Install heat collector on the dormer so as not to adversely affect adjacent properties and annually review the conditional use permit for any violations per city code. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Approve Conditional Use Permit for US Solar

City Administrator/City Attorney Jones stated the Planning Commission held a public hearing on Wednesday, October 12th to consider a Conditional Use Permit application from US Solar. US Solar wishes to construct a 1-Megawatt solar garden located west of the intersection of Highway 75 and 9th Street NE. City Code, Title 15, Chapter 153.17, Section 1, states an approved conditional

use permit is required before construction can begin. The Planning Commission is recommending council approve the conditional use permit with the following conditions:

- No buildings will be located on the site.
- The solar garden will not adversely affect other properties.
- Fencing will be installed per Minnesota DNR requirements.
- Annually review the conditional use permit for any violations per city code.

Mayor Koets asked US Solar Representative Luke Gildemeister if US Solar had a permit to go on the grid.

Mr. Gildemeister informed the council that US Solar is currently in the 2nd of two major studies, one of which includes an interconnection agreement. He stated that it is anticipated to have the interconnection agreement in place by Thanksgiving.

Motion was made by Koets and seconded by Schroyer to approve the conditional use permit with the following conditions: No buildings will be located on the site; the solar garden will not adversely affect other properties; fencing will be installed per Minnesota DNR requirements; and annually review the conditional use permit for any violations per city code. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Resolution 2022-56

City Administrator/City Attorney Jones stated this resolution is being updated to reflect the name change of the Woodlawn Tree Board Commission to the Community Improvement Commission and if approved, authorizes the City of Pipestone to revest itself with title to cemetery lots that were conveyed but not used for the purpose of burial for more than 75 years.

Motion was made by Delaney and seconded by Smidt to approve Resolution 2022-56: A RESOLUTION AUTHORIZING THE CITY OF PIPESTONE TO ADOPT A POLICY TO REVEST ITSELF WITH TITLE TO CEMETERY LOTS THAT WERE CONVEYED BUT NOT USED FOR THE PURPOSE OF BURIAL FOR MORE THAN 75 YEARS. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Resolution 2022-57

City Administrator/City Attorney Jones stated that the city has been notified that funding is now available from the Public Facilities Authority and the resolution, if approved, will approve a \$403,828.00 loan from PFA and a \$1,615,312.00 grant for the 2022 street project. Interest on the loan is 2.47%.

City Engineer Winter reported that there was delay in PFA funding because no bonding bill was approved earlier this year. He shared that because of the delay, most cities had to put their projects on hold while the city of Pipestone was able to move ahead with the current street project.

Motion was made by Smidt and seconded by Delaney to approve Resolution 2022-57: A RESOLUTION ACCEPTING THE OFFER OF THE MINNESOTA PUBLIC FACILITIES

AUTHORITY TO PURCHASE A GENERAL OBLIGATION IMPROVEMENT NOTE, SERIES 2022C, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$403,828; PROVIDING FOR ITS ISSUANCE; AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AND PROJECT LOAN AGREEMENT. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Resolution 2022-58

City Administrator/City Attorney Jones stated the city has been notified that funding is now available from the Public Facilities Authority and the resolution, if approved, will approve a loan of \$1,719,191 from PFA with an interest rate of 2.47% for the 2022 street project.

City Engineer Winter stated that this funding is through the Clean Water State Revolving Fund and it is a large sum of money at a low interest rate.

Motion was made by Schroyer and seconded by Smidt to approve Resolution 2022-58: A RESOLUTION ACCEPTING AN OFFER FROM THE MINNESOTA PUBLIC FACILITIES AUTHORITY TO PURCHASE A GENERAL OBLIGATION IMPROVEMENT NOTE, SERIES 2022D, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$1,719,191; PROVIDING FOR ITS ISSUANCE; AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AND PROJECT LOAN AGREEMENT. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Consider Approval of Daktronics Lease for New Sign at A's Field

City Administrator/City Attorney Jones stated that at an earlier meeting, the council approved purchasing a new sign. A Lease-Purchase is attached. This will accommodate the donations committed to this purchase. The donations will cover the cost of the sign.

Motion was made by Smidt and seconded by Delaney to approve entering into a lease with Daktronics for the new sign at A's Field. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Approve Four New Firefighters

City Administrator/City Attorney Jones stated Fire Chief Mike Bloemendaal is requesting council approve four new firefighters for the Fire Department.

Fire Chief Mike Bloemendaal then introduced the following four new firefighters: Coleton Maskovich, Dylan McCormick, Jaime Guardado, and Daniel Guardado.

Motion was made by Smidt and seconded by Delaney to approve the following four new firefighters: Coleton Maskovich, Dylan McCormick, Jaime Guardado, and Daniel Guardado.

Councilmember Delaney thanked Fire Chief Bloemendaal for bringing in the four new firefighters so the public could see who they were.

Meinders Community Library

City Administrator/City Attorney Jones reported that the process with the library continues stating that cleaning has been completed at the temporary location at 220 3rd Ave SE, staff is working on library staff job descriptions and the Meinders family, who originally donated funds for the community library, had contacted him and expressed that it is their intention that the name the Meinders Community Library follow the library to its new location.

Councilmember Schroyer reported to the council that he had met with the School Board last week to develop a timeline for the move to the new location and consider recognition of the years of service for staff members that will transition from library employees with the school to city employees.

Motion was made by Delaney and seconded by Schroyer to continue with the name of the library as Meinders Community Library at its temporary location at 220 3rd Ave SE. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

COUNCIL LIAISON REPORTS

Human Rights Commission Liaison Koets reported that the Commission has received a possible racial incidence and the Commission will be investigating the incident next week.

Hiawatha Pageant Park Committee Liaison Koets reported the main focus of the Committee is Lights at the Lodge and he has been working with Councilmember Schroyer to possibly designate Hiawatha Pageant Park as a regional park.

Economic Development Boardmember Smidt reported the EDA received an update on the 622 3rd Ave SW project house; Dean Peters with Minnesota West attended the meeting to discuss possibly adding new construction along with remodeling of houses to the current program.

Law Enforcement Liaison Committee Liaison Delaney reported the Committee has not met and asked City Administrator/City Attorney Jones to check into the reasons for not having meetings.

Planning Commission Liaison Smidt reported that the two conditional use permit applications that were discussed earlier in the meeting were the items discussed at the Planning Commission meeting.

CLOSING COMMENTS

City Administrator/City Attorney shared that the Public Works Department will start leaf vac pick up next week.

Councilmember Delaney shared that the city had received an age-friendly grant and informed residents of the new park benches that are placed on Main Street and at various locations around town.

ADJOURNMENT

Motion was made by Koets and seconded by Smidt to adjourn the meeting at 7:27 p.m. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Acting Mayor
Jim Stout

ATTEST:

Deb Nelson
City Clerk