

Pipestone, Minnesota  
February 1, 2016

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 1<sup>st</sup> day of February, 2016. Mayor Laurie Ness called the meeting to order. Roll call was taken and a quorum was declared. Members present: Laurie Ness, Myron Koets, Jim Stout, Rodger Smidt and Kyle Caskey. Absent: None. Others present: Deb Fitzgerald, 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 the agenda be amended to include Item I under New Business – “Alcohol Agreement for Hiawatha Lodge” and Item A under Executive Session – “Discuss the Possible Purchase of 4.6 Acres in the NW Quarter of the NE Quarter in Section 1, Township 106, Range 46.”

Motion was made by Stout, seconded by Koets and unanimously carried to amend the agenda to include Item I under New Business – “Alcohol Agreement for Hiawatha Lodge” and Item A under Executive Session – “Discuss the Possible Purchase of 4.6 Acres in the NW Quarter of the NE Quarter in Section 1, Township 106, Range 46.”

### **CONSENT AGENDA**

Mayor Ness stated the Consent Agenda contains the January 19, 2016 Regular Meeting Minutes and the Payment of Claims-Listing of Bills and asked if there was any discussion regarding these items.

Motion was made by Smidt, seconded by Stout and unanimously carried to approve the Consent Agenda which consisted of the following: January 19, 2016 Regular Meeting Minutes and Payment of Claims-Listing of Bills in the amount of \$283,556.93 for warrants #050033 to #050133 to be issued in payment thereof.

### **LEGAL**

#### **Ordinance 87, Fourth Series**

City Administrator/City Attorney Jones shared that this ordinance would establish fees, charges and compensation as allowed by City Code and summarized revisions and additions to the ordinance. The ordinance was introduced at the January 19<sup>th</sup> Council meeting and is on the agenda for approval.

Mayor Ness asked for clarification regarding the \$2.00/chair fee for the use of chairs on the grounds at the Hiawatha Pageant Park with Jones responding that this was correct.

Motion was made by Koets and seconded by Stout to approve Ordinance 87, Fourth Series: AN ORDINANCE ESTABLISHING FEES, CHARGES AND COMPENSATION AS ALLOWED BY CITY CODE. Upon roll call vote: Ayes: Ness, Koets, Smidt, Stout, Caskey; Nays: None, motion carried 5-0.

#### Ordinance 88, Fourth Series

City Administrator/City Attorney Jones informed the Council that this ordinance would approve the sale of property, described as Lots 1 & 2, Block 5, Skyway Industrial Park, First Addition, owned by the City of Pipestone to Pipestone Veterinary Clinic RE, LLC for \$70,000. Jones stated the sale would be contingent upon the city vacating the right-of-way where the retention pond is located in order for the Vet Clinic to put in two driveway accesses. The ordinance would need to be introduced with approval at the February 16<sup>th</sup> Council meeting.

Councilmember Stout introduced Ordinance 88, Fourth Series: AN ORDINANCE AUTHORIZING THE SALE OF A PARCEL OF REAL PROPERTY OWNED BY THE CITY OF PIPESTONE TO PIPESTONE VETERINARY CLINIC RE, LLC.

#### NEW BUSINESS

#### Change Meeting Date of February 15, 2016 at 6:30 p.m. to February 16, 2016 at 6:30 p.m. in Observance of the President's Day Holiday

Motion was made by Smidt, seconded Caskey and unanimously carried to change the meeting date of February 15, 2016 at 6:30 p.m. to February 16, 2016 at 6:30 p.m. in observance of the President's Day Holiday.

#### Resolution 2016-9

City Administrator/City Attorney Jones stated that State Statute 412.191, Subd. 4 requires publication of all ordinances but allows only the title and summary to be published in cases where the Council deems it appropriate due to the length of the Ordinance. Ordinance 87, Fourth Series is a lengthy ordinance so staff is recommending the Council approve the publication of the title and summary of the ordinance. A four-fifths majority vote is required.

Motion was made by Caskey, seconded by Smidt and unanimously carried to approve Resolution 2016-9: A RESOLUTION AUTHORIZING THE PUBLICATION OF A SUMMARY FOR ORDINANCE 87, FOURTH SERIES: AN ORDINANCE ESTABLISHING FEES, CHARGES AND COMPENSATION AS ALLOWED BY CITY CODE.

#### Resolution 2016-10

This resolution would approve the Mayor and City Council members be covered by the Minnesota Worker's Compensation law.

Motion was made by Stout, seconded by Koets and unanimously carried to approve Resolution 2016-10: A RESOLUTION APPROVING THE MAYOR AND CITY COUNCILMEMBERS OF THE CITY OF PIPESTONE BE COVERED BY THE MINNESOTA WORKER'S COMPENSATION LAW.

#### Resolution 2016-11

City Administrator/City Attorney Jones noted that when the Council approved the acquisition of the Robson Grocery building from Jack Jacobson, they were unaware that Mr. Jacobson had conveyed the property to David Nix. This resolution would authorize the acquisition of the Robson Grocery building from Jack Jacobson and David Nix.

Motion was made by Koets, seconded by Caskey and unanimously carried to approve Resolution 2016-11: A RESOLUTION AUTHORIZING THE ACQUISITION OF THE ROBSON GROCERY BUILDING FROM JACK JACOBSON AND DAVID NIX.

#### Resolution 2016-12

City Administrator/City Attorney Jones explained the Coalition of Greater Minnesota Cities has established a Wastewater Legal and Regulatory Program that will be funded by its members through a voluntary assessment. The suggested assessment is \$1.00 per wastewater billing account for a total of \$1,848.00 for the City of Pipestone. The purpose of this program would aid the Coalition with their challenge to MPCA's water quality standards for rivers and streams.

Mayor Ness asked if this was over and above dues already paid with Jones responding yes.

Motion was made by Koets, seconded by Stout and unanimously carried to approve Resolution 2016-12: A RESOLUTION AUTHORIZING PAYMENT OF \$1,848.00 TO THE GREATER MINNESOTA WASTEWATER LEGAL AND REGULATORY PROGRAM.

#### Consider Approval of Consumption and Display Permit for K & R Yochem, LLC dba Kelly's Koffee and Grill

Motion was made by Smidt, seconded by Stout and unanimously carried to approve the Consumption and Display Permit to K & R Yochem LLC dba Kelly's Koffee and Grill.

#### Removal of Trailer at 513 North Hiawatha

City Administrator/City Attorney Jones informed the Council that Building and Zoning Official Doug Fortune has been very active with the blighted property enforcement ordinance noting the mobile home located at 513 North Hiawatha is one of the properties that has been cited. The owner has agreed to permit the city to remove the trailer at this address for a cost not to exceed \$2,000.00 by Double D Gravel.

Mayor Ness asked if the funds to cover this cost would be taken from the Blighted Property fund with Jones responding yes.

Motion was made by Stout, seconded by Koets and unanimously carried to approve the City to remove the mobile home at 514 North Hiawatha at a cost not to exceed \$2,000.00.

### Consider Approval of Historic Pipestone Inc Historic Property Improvement Program Application

Mayor Ness stated her intention of abstaining from discussion and voting on this application as it is a conflict of interest as she sits as Chairperson to the board.

Historic Pipestone Inc. is requesting a loan/grant to assist them with tuckpointing and replacement of a block window at the Historic Episcopal Church in Pipestone. Loan amount would be \$6,725.25, grant amount would be \$6,725.25 and owner equity would be \$5,674.50.

Motion was made by Smidt and seconded by Stout to approve the Historic Improvement Program application of Historic Pipestone Inc. contingent upon the approval of the Heritage Preservation Commission. Upon roll call vote; Ayes: Koets, Smidt, Stout, Caskey; Nays: None; Abstain: Ness, motion carried 4-0-1.

### Alcohol Agreement for Hiawatha Lodge

Councilmember Koets has prepared a draft alcohol agreement for alcohol consumption at the Hiawatha Lodge for Council review.

City Administrator/City Attorney Jones summarized the contents of the agreement and stated that he is waiting for information from the League of Minnesota Cities regarding the agreement.

Discussion followed regarding various items in the agreement.

Councilmember Caskey felt provisions should be made so prices don't get out of hand. He also felt he needed more time to process this information and the Council should wait to hear information received from the League.

Councilmember Koets stated he would like to give a copy of the draft agreement to the contractor's for their review at the February 4<sup>th</sup> meeting at the Hiawatha Lodge.

Motion was made by Koets, seconded by Smidt and unanimously carried to table the alcohol agreement depending upon the outcome of the meeting on February 4<sup>th</sup>.

### **CLOSING COMMENTS**

Councilmember Koets informed the Council that the Hiawatha Club is going to install a sign at the entry to the Hiawatha Pageant Grounds on 4<sup>th</sup> Ave south of the entrance by Douty Floral. They will also be modifying the east entrance sign to include the word "Park" and the Hiawatha Club logo.

It was also noted that once the Lodge is complete, the pine trees along the north side of the Lodge will be replaced.

City Administrator/City Attorney Jones stated that at the Planning Session held January 30<sup>th</sup>, it was requested to have Rebecca Kurtz from Ehlers & Associates, the city's Financial Planners, attend the next City Council meeting on February 16<sup>th</sup>. Jones said that Ms. Kurtz is unavailable to attend the meeting that evening but could make it during a meeting in March.

Jones mentioned that the city has received feedback regarding snow plow operations and mailboxes. The city has posted the Postal Service Mailbox installation guidelines on the city website that contain requirements regarding how far the mailbox should be installed from the road as well as other requirements.

Mayor Ness informed the Council that the hospital has invited Council members to attend a tour of the hospital on February 16<sup>th</sup> at 5:30 p.m. The Council could attend the tour and then return to City Hall for the regular meeting.

### **EXECUTIVE SESSION**

Motion was made by Smidt, seconded by Stout and unanimously carried to close the regular meeting and enter into Executive Session to discuss the possible purchase of 4.6 acres of land located in the NW Quarter of the NE Quarter of Section 1, Township 106, Range 46.

Motion was made by Smidt, seconded by Caskey and unanimously carried to close Executive Session.

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

As discussed in Executive Session, the City Administrator was directed by the Council to negotiate acquisition of 4.6 acres in the Northwest Quarter of the NE Quarter in Section 1, Township 106, Range 46.

### **ADJOURNMENT**

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

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Laurie K Ness  
Mayor

ATTEST:

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Deb Nelson  
City Clerk