

Pipestone, Minnesota
January 4, 2021

Pursuant to due call and notice thereof, a regular meeting of the Pipestone City Council was duly held via Zoom in the Municipal Building at 6:30 p.m. on the 4th day of January 2021. 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: John Draper, Building and Zoning Administrator Doug Fortune, City Engineer Travis Winter, Cable Access Coordinator Steve Moffitt, City Administrator/City Attorney Jeff Jones and City Clerk Deb Nelson.

ADJOURN 2020 COUNCIL SINE DIE

Motion was made by Smidt and seconded by Schroyer to adjourn the 2020 Council Sine Die. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

City Administrator/City Attorney Jones stated that re-elected officials, Mayor Myron Koets and Councilmembers Dan Delaney and Justin Schroyer, were sworn in at the City Office. In view of the COVID-19 pandemic, the swearing in of elected and re-elected officials could be held separately from the first meeting of the year.

CONVENE 2021 CITY COUNCIL

Motion was made by Delaney and seconded by Smidt to convene the 2021 City Council. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

APPROVE AGENDA – ADDITIONS, CHANGES OR DELETIONS

Motion was made by Stout and seconded by Delaney to approve the agenda as presented. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

CONSENT AGENDA

Mayor Koets stated the Consent Agenda contains the December 21, 2020 Special Council Meeting; December 21, 2020 Truth in Taxation Continuation Public Meeting Minutes; December 21, 2020 Regular Meeting Minutes and Payment of Claims-Listing of Bills and asked if there was any discussion regarding these items.

Motion was made by Schroyer and seconded by Smidt to approve the Consent Agenda which consisted of the December 21, 2020 Special Council Meeting; December 21, 2020 Truth in Taxation Continuation Public Meeting Minutes; December 21, 2020 Regular Meeting Minutes and Payment of Claims-Listing of Bills in the amount of \$242,236.48 for warrants #063259 to #063324 to be issued in payment thereof. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

COMMUNITY CONCERNS

None.

PRESENTATION

Conflict of Interest Policy

Mayor Koets read the Conflict of Interest Policy into record.

CITY OF PIPESTONE ADMINISTRATIVE POLICY #6 CONFLICTS OF INTEREST

WHEREAS, the following policy of conflicts of interest is hereby adopted:

1. A disclosure and description of the nature of any conflict of interest or possible conflict of interest on the part of any City Council member should be disclosed to the other City Council members and made a matter of record when the interest becomes a matter of City Council actions.
2. Any City Council member having a conflict of interest or possible conflict of interest on any matter should not vote or use his/her personal influence on the matter, and he/she should not be counted in determining the quorum for the meeting, even where permitted by law. The minutes of the meeting should reflect that a disclosure and description of the nature of the conflict was made, the abstention from voting and the quorum situation.
3. Federal Regulations, 24 CFR, Part 570, Uniform Administration Requirements and Minnesota Statutes 412.311 and 471.87-471.89 address conflict of interest. Under these regulations, recipients may not:
 - Obtain personal or financial interest or benefits, including money, favors, gratuities, entertainment or anything of value that may be interpreted as conflict of interest.
 - Obtain a direct or indirect interest in any contract, subcontract or agreement for any activity. This prohibition extends to contracts in which recipients' spouse, minor child, dependent or business associate may have personal or financial interest.
 - Obtain a direct or indirect interest in a contract, subcontract or agreement, include: elected, employed, appointed or contracted individuals; or their firms, of State, County, City or Township; or Grant Administrator.

BE IT FURTHER RESOLVED, that this policy be reviewed annually for the information and guidance of City Council members, and that any new City Council member be advised of the policy upon entering on the duties of his/her office. The Mayor and City Administrator are authorized and directed to see that the foregoing policy is effectuated.

Adopted: January 9, 1995

Prepared by Terry J. Berg
December 29, 1994

Amended by Troy L. Strom
January 22, 2002

LEGAL

Ordinance 122, Fourth Series

City Administrator/City Attorney Jones stated this ordinance was introduced at the December 21st meeting and if approved, would change language in its entirety in Chapter 11, Sec. 11.42 entitled "Wind Energy Conversion Systems (WECS)" to provide a more in-depth and comprehensive process for requests of wind tower and solar gardens located within the city limits. Jones said Building and Zoning Administrator Doug Fortune was present to answer any questions of the council.

Building and Zoning Administrator Fortune informed the council that there was no mention of solar gardens anywhere in the city code book so the Planning Commission had met and developed this ordinance to set up a baseline in the code book.

Councilmember Delaney asked if solar panels must be roof mounted or is it allowed in an open area on the ground in residential areas and is there any language regarding the height of the solar array.

Fortune explained that it is not stated that the panels must be roof mounted but the Planning Commission would determine all aspects of the solar array through the Conditional Use Permitting process. Fortune said a solar array would need to be fenced in or tree belt planted to block it.

Discussion then followed regarding height requirements.

Jones asked if the city would be prohibiting solar gardens/arrays in open spaces such as the one being developed by the water treatment facility with Fortune responding that open large, megawatt arrays would be allowed.

Motion was made by Delaney and seconded by Stout to amend Ordinance 122, Fourth Series to include "Solar panels in residential neighborhoods shall be structure (rooftop) mounted only. Ground mounted solar panels are not allowed."

Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Ordinance 123, Fourth Series

City Administrator/City Attorney Jones stated this ordinance is approved annually and establishes fees, charges and compensation for 2021. The following revisions are proposed for 2021:

General Government Compensation

Decrease mileage from 57.5 cents per mile to .56 cents per mile.

Park and Recreation Charges

Revise Hiawatha Lodge rentals to the following:

Security Deposit	300.00
Hiawatha Lodge	300.00
White Linen Tablecloth	5.00/linen

Attachment B – Water/Sewer Rates

Increase residential and commercial water rates from .81 per 100 gallons to .85 per 100 gallons.

Increase residential sewer rates from .90 per 100 gallons to .95 per 100 gallons.

Increase commercial sewer rates from .90 per 100 gallons to .95 per 100 gallons.

Increase Customer Access Charge for Water from \$27.52 per month to \$28.00 per month.

Increase Customer Access Charge for Sewer from \$12.92 per month to \$13.00 per month.

Attachment B Continued – Garbage Rates

Increase the monthly fee of the 35-gallon tote from \$10.50 to \$13.00.

Increase the monthly fee of the 65-gallon tote from \$14.50 to \$15.00.

Increase the monthly fee of the 95-gallon tote from \$16.50 to \$17.00.

Attachment B Continued – Garbage Rates Continued

Increase dumpster fees to reflect increased fees as follows:

<u>Dumpster Size</u>	<u>Commercial Cost Per Pickup</u>	<u>Cost Per Pickup (Demolition Debris)</u>	<u>Cost Per Pickup House Clean Out</u>	<u>Roofing</u>
1-1/2 Yard	\$24	\$ 50.00	\$ 40.00	\$ 56.00
3 Yard	\$36	\$ 75.00	\$ 60.00	\$ 84.00
4 Yard	\$48	\$100.00	\$ 80.00	\$112.00
6 Yard	\$72	\$150.00	\$120.00	\$168.00
8 Yard	\$96	\$200.00	\$160.00	\$224.00

Dumpster Rentals – 30 day dumpster rental or minimum charge

Couch - \$20.00 * Mattresses - \$25.00 each * Box Springs - \$25.00 each
Hide-a-Bed Couch - \$25.00 each

Councilmember Stout introduced Ordinance 123, Fourth Series: AN ORDINANCE ESTABLISHING FEES, CHARGES AND COMPENSATION AS ALLOWED BY CITY CODE.

ENGINEERING

8th Avenue NW Watermain Improvements – Pay Request No. 5

City Administrator/City Attorney Jones stated GM Contracting, Inc. has submitted Pay Request No. 5 in the amount of \$8,853.86 for work completed on the 8th Ave NW Watermain Improvements Project. Bolton & Menk has reviewed the pay request and are recommending council approval.

City Engineer Travis Winter informed the council that the pay request is simply to even up on some items that were verified including finalizing quantities with the contractor. There is an outstanding punch list of items yet that will be taken care in the spring.

Motion was made by Smidt and seconded by Delaney to approve Pay Request No. 5 in the amount of \$8,853.86 to GM Contracting, Inc. for work completed on the 8th Avenue NW Watermain Improvements project. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

NEW BUSINESS

Resolution 2021-1

Motion was made by Smidt and seconded by Schroyer to approve Resolution 2021-1: A RESOLUTION ADOPTING RULES OF ORDER AND PROCEDURE FOR THE CITY COUNCIL IN ACCORANCE WITH THE CITY CODE, CHAPTER 2, SECTION 2.03. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Resolution 2021-2

Motion was made by Delaney and seconded by Smidt to approve Resolution 2021-2: A RESOLUTION DESIGNATING THE PIPESTONE COUNTY STAR AS THE OFFICIAL NEWSPAPER FOR THE CITY OF PIPESTONE. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Resolution 2021-3

Motion was made by Smidt and seconded by Delaney to approve Resolution 2021-3: A RESOLUTION DESIGNATING THE FIRST FARMERS AND MERCHANTS NATIONAL BANK AS AN OFFICIAL DEPOSITORY OF CITY FUNDS. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Resolution 2021-4

Motion was made by Stout and seconded by Schroyer and unanimously carried to approve Resolution 2021-4: A RESOLUTION DESIGNATING THE FIRST BANK AND TRUST AS AN OFFICIAL DEPOSITORY OF CITY FUNDS. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Naves: none, motion carried 5-0.

Resolution 2021-5

Motion was made by Delaney and seconded by Stout to approve Resolution 2021-5: A RESOLUTION DESIGNATING THE FIRST STATE BANK SOUTHWEST AS AN OFFICIAL DEPOSITORY OF CITY FUNDS. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Naves: none, motion carried 5-0.

Resolution 2021-6

City Administrator/City Attorney Jones stated Bolton & Menk have donated their engineering services in the amount of \$1,693.50 for soccer field improvements and this resolution will accept the donation.

Motion was made by Smidt and seconded by Stout to approve Resolution 2021-6: A RESOLUTION ACCEPTING DONATION. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Naves: none, motion carried 5-0.

Change Meeting Date from Monday January 18, 2021 at 6:30 p.m. to Tuesday, January 19, 2021 at 6:30 p.m.

Motion was made by Schroyer and seconded by Stout to change the meeting date from Monday, January 18, 2021 at 6:30 p.m. to Tuesday, January 19, 2021 at 6:30 p.m. due to the Martin Luther King Jr holiday. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Naves: none, motion carried 5-0.

Cost of Living Adjustment

City Administrator/City Attorney Jones stated city policy gives the council the discretion to award a cost of living adjustment to city employees based on the Social Security COLA. The 202 Social Security COLA is 1.3%. A 1.5% cost of living adjustment is budgeted for in 2021.

Councilmember Delaney stated since a 1.5% COLA increase was budgeted for, he would like to see employees receive a 1.5% increase instead of the 1.3%.

Motion was made by Stout and seconded by Schroyer to approve the 1.3% Cost of Living Adjustment for city employees. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Naves: none, motion carried 5-0.

Schedule Annual Planning Session

City Administrator/City Attorney Jones informed the council that they will need to schedule a special meeting for their annual planning session.

Discussion then followed on the best date and time that would work for the entire council to attend the planning session.

Motion was made by Delaney and seconded by Stout and unanimously to schedule Monday, January 11th at 6:30 p.m. to conduct the Annual City Council Planning Session. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

League of Minnesota Cities Liability Coverage Waiver Form

City Administrator/City Attorney Jones stated it is necessary for LMCIT members purchasing liability coverage from LMCIT to annually decide whether to waive or not waive liability coverage. The League recommends the council not waive the monetary limits on municipal tort liability established by Minnesota Statutes. Council will also need to appoint Kozlowski Insurance Agency as the city's insurance agent

Motion was made by Delaney and seconded by Smidt to not waive the monetary limits on municipal tort liability and to appoint Kozlowski Insurance Agency as the city's insurance agent. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Appoint Pat Weets to Library Board

City Administrator/City Attorney Jones informed the council they will need to approve the appointment of Pat Weets to the Library Board. Nathan Lamb has resigned from the Board creating a vacancy.

Motion was made by Delaney and seconded by Stout to approve the appointment of Pat Weets to the Library Board. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Nays: none, motion carried 5-0.

Ewert Center Hot Tub

City Administrator/City Attorney Jones informed the council the hot tub at the Ewert Center has a long history of leaks. MC & R Pools is proposing to remove the entire concrete shell, make necessary repairs, pour in shotcrete and plaster the hot tub. The cost is \$35,669. The Rec Department has \$6,550 earmarked for the hot tub and has funds in the Department fund balance for the remaining amount. The hot tub is a popular amenity at the Rec Center and MC & R is prepared to start repairs immediately.

Discussion then followed regarding the various repairs that need to be made to the hot tub.

Motion was made by Stout and seconded by Schroyer to approve repairs to the Rec Center hot tub at a cost of \$35,669. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Naves: none, motion carried 5-0.

CLOSING COMMENTS

City Administrator/City Attorney Jones encouraged councilmembers to let him know of any particular items they would propose to be discussed at the annual planning session.

ADJOURNMENT

Motion was made by Stout and seconded by Smidt to adjourn the meeting at 7:16 p.m. Upon roll call vote; Ayes: Koets, Stout, Smidt, Delaney, Schroyer; Naves: none, motion carried 5-0.

Myron D. Koets
Mayor

ATTEST:

Deb Nelson
City Clerk