

**CITY OF SAINT PETER, MINNESOTA
AGENDA AND NOTICE OF MEETING**

Regular Workshop Session of Monday, January 5, 2015
Library Meeting Room – 5:30 p.m.
601 South Washington Avenue

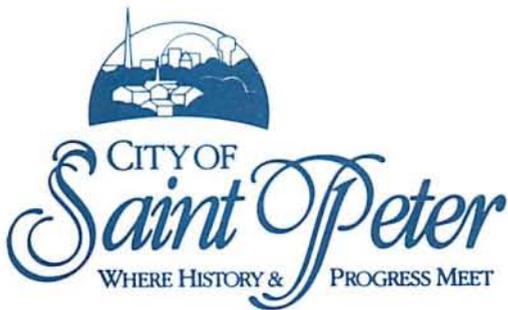
- I. **CALL TO ORDER**

- II. **DISCUSSION**
 - A. Cable Franchise Special City Attorney designation
 - B. Deer Feeding Nuisance
 - C. Right of Way Land Acquisition
 - D. Council Board and Commission appointment review
 - E. Others

- III. **ADJOURNMENT**

TP/bal

Office of the City Administrator
Todd Prafke



Memorandum

TO: Honorable Mayor Strand
Members of the City Council

DATE: 12/30/2014

FROM: Todd Prafke
City Administrator

RE: Special City Attorney for Telecom Franchise

ACTION/RECOMMENDATION

For your information and discussion.

BACKGROUND

Members may recall a very brief update at your goal session related to your telecommunication franchises. You may recall that both will be open for renegotiation in the next 18 months. In addition, your Conduit lease will be ending in a similar timeframe. The process to renegotiate these important agreements can take more than a year and it is my hope to be ready and initiate activity on all of these agreements in the first half of 2015.

To make that happen I am going to request that we hire a Special City Attorney to help us with this work. This is a specialized area of the law and I believe it requires someone involved in these issues on a regular basis. This is not something that your City Attorney deals with on a regular basis.

The Attorney recommended worked with you when these agreements were first put into place and has great knowledge of this area of the law and the marketplace. I have asked him to submit a proposal for service provision. That proposal is attached for your review.

Bob Vose is a shareholder with Kennedy & Graven, Chartered. He practices in the areas of Government Relations and Administrative Law, and Telecommunications and Utility Law, with an emphasis in Telecommunications and Utility Law.

It would be my hope to request his appointment so work can start in the proper time line.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal



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September 15, 2014

Mr. Todd Prafke
City Administrator
City of Saint Peter
227 South Front Street
Saint Peter, MN 56082

RE: Cable Franchise Renewal for the City of Saint Peter

Dear Todd:

It was nice to talk with you recently about the City's cable franchise renewal process. I would be pleased to assist the City with its cable franchising matters.

Attached is a list of Minnesota clients I've assisted with cable matters in recent years. This list is likely not exhaustive but is generally representative.

I typically charge \$175 for cable-related matters. If the City would like us to handle cable-related matters or you would like more information, please contact me.

Yours truly,

Robert J. V. Vose

RJV:jms
Enclosure

Recent Municipal Cable Clients

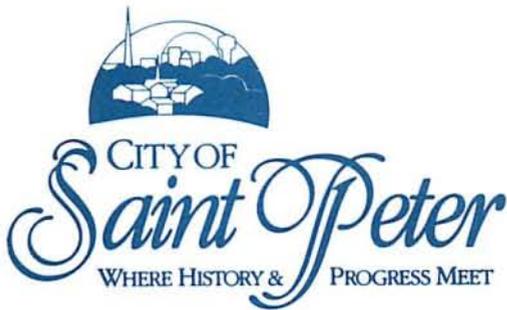
Cable Commissions and Joint Powers Organizations

- Apple Valley, Farmington, Rosemount Cable Commission
- Arlington, Gaylord, Winthrop, Gibbon Cable Commission
- Burnsville-Eagan Telecommunications Commission (commission recently dissolved)
- Lake Minnetonka Communications Commission- 12 cities
- LOGIS
- Quad Cities Communications Commission (Anoka, Ramsey, Champlin, Andover)
- Sherburne/Wright Counties Cable Commission- 10 cities
- Suburban Rate Authority- 35 metro area cities
- Chisago Lakes Cable Commission- Chisago Commission, Lindstrom, and Shafer (franchise renewal)
- Greater Grand Rapids Area Cable Commission (access programming issues)
- Southern Minnesota Cable Commission- Dodge Center, Mantorville, West Concord, Kenyon, and Blooming Prairie (general counsel)
- Southwest Minnesota Telecommunications Cooperative a/k/a "5Comm"- Heron Lake, Okabena, Lakefield, Round Lake, Brewster (municipal telecom venture)
- Winsted, Silver Lake, Lester Prairie Cable Commission (franchise renewal)

Municipalities

- Albert Lea (franchise renewal)
- Albertville (competitive franchising)
- Becker (competitive franchising, franchise renewal)
- Belle Plaine (cable access dispute)
- Bemidji (competitive franchising, franchise renewal)
- Brainerd (competitive franchising)
- Big Lake Township (competitive franchising, franchise renewal)
- Brownton (franchise renewal and transfer)
- Brooten (franchise renewal and transfer)
- Brooklyn Park (wireless siting)
- Brooklyn Center (wireless siting)
- Burnsville (cable Commission joint powers issues)
- Clinton (franchise transfer)
- Cold Spring (wireless siting)
- Cottage Grove (wireless siting)
- Credit River Township (competitive franchising)
- Detroit Lakes (franchise renewal)
- Eagan (PEG dispute, general counsel on cable matters)
- Faribault (competitive franchising)
- Freeport (franchise renewal)

- Gaylord (wireless siting)
- Glencoe (franchise transfer)
- Graceville (franchise transfer)
- Grand Rapids (franchise transfer and enforcement, municipal network)
- Hibbing (competitive franchising, franchise renewal, wireless siting)
- Hoyt Lakes (franchise renewal)
- Kasota (franchise transfer)
- Keewatin (competitive franchising, franchise transfer)
- Kimball (franchise renewal)
- Little Falls (franchise renewal and transfer)
- Livonia Township (initial franchising)
- Ludlow, IL (franchise renewal)
- Medina (competitive franchising, wireless siting)
- Moose Lake (franchise transfer, various municipal)
- Morris (franchise renewal, competitive franchising)
- Mound (wireless siting)
- Nashwauk (competitive franchising, franchise transfer)
- New Prague (competitive franchising)
- Nicollet (competitive franchising)
- Oak Grove (franchise renewal)
- Orrock Township (initial franchising)
- Otsego (competitive franchising, franchise renewal, franchise litigation)
- Owatonna (franchise renewal, competitive franchising)
- Paynesville (competitive franchising, franchise renewal)
- Pine Island
- Redwood Falls (competitive franchising, franchise renewal and transfer, wireless siting)
- Richfield (wireless siting)
- Robbinsdale (wireless siting and cable franchise enforcement)
- Rosemount (competitive franchising)
- Sandstone (wireless siting)
- Shakopee (franchise renewal, franchise enforcement, pole attachment agreement)
- Shoreview (franchise transfer and franchise renewal)
- Sleepy Eye (franchise transfer)
- St. Peter (competitive franchising, franchise renewal and transfer, conduit agreement, wireless siting)
- Stewart (franchise renewal)
- Tracy (franchise renewal)
- Virginia (franchise renewal)
- Zimmerman (franchise renewal, competitive franchising)



Memorandum

TO: Honorable Mayor Strand
Members of the City Council

DATE: 12/30/2014

FROM: Todd Prafke
City Administrator

RE: Deer Feeding Nuisance

ACTION/RECOMMENDATION

This discussion is based on Council request relative to concerns raised about the number of Deer, particularly in the Front Street area. The deer can pose a health and safety hazard.

BACKGROUND

Members have received a number of complaints about deer, particularly in the area of South Front Street. While we have attempted to work with property owners in the area to educate them about the possible health and safety issues related to active feeding of the deer population no real change in practice has occurred. The dangers are to both humans and the deer population.

The Council directed staff to look at a scaled approach to this safety and health concern. That approach was in two phases. The first is to implement an Ordinance that would prohibit feeding. If that was not successful the Council would then consider a hunt as is done in other communities in our area and the Twin Cities.

After a review discussion with the City Attorney and his research, we have come to the conclusion that while an Ordinance can be put in place there may be better alternatives in State Statute. Minnesota Section 609.74(1) encompasses enough behavior to include deer feeding in City Limits. While it would be very helpful to have multiple complainants, encouraging deer into town does create a dangerous condition for the public.

As discussed, the Council had hoped that some additional teeth in an ordinance would serve as a deterrent to active and intended deer feeding. This Statute may serve that purpose more effectively.

My goal for your discussion is to review your want for this type of strategic approach and review of time lines to ensure we are meeting the goals which frankly is not enforcement, but rather a change in the active and intended feeding of deer that constitutes a health and safety hazard.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal

2014 Minnesota Statutes

Authenticate

Found 3 matches for nuisance

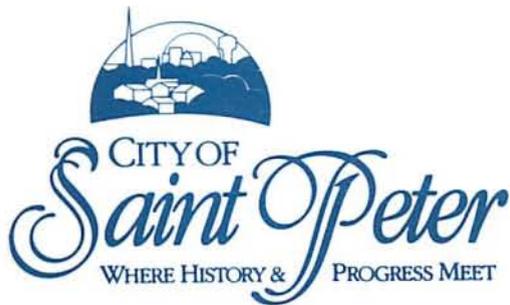
609.74 PUBLIC NUISANCE .

Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (1) maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- (2) interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (3) is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

History: 1963 c 753 art 1 s 609.74; 1971 c 23 s 74; 1986 c 444

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Memorandum

TO: Todd Prafke
City Administrator

DATE: 12/30/14

FROM: Russ Wille
Community Development Director

RE: Property Acquisition – 151 West St. Julien St.

ACTION/RECOMMENDATION

The Community Development Director will provide an explanation as to the process and timeline of acquiring the 151 West St. Julien Street property to provide sufficient land to implement future traffic control measures.

BACKGROUND

The City of Saint Peter has negotiated the acquisition of property from Northern Con-Ag, McDonalds and Holiday. The acquisitions were necessary to provide the land for the implementation of future traffic control measures at the Old Minnesota Avenue and St. Julien Street intersection.

The only property on the corner that the City has not been able to negotiate the acquisition of is the National Retail Properties (NRP) site at the northwest corner of the intersection. Right-of-Way Plat #3, previously adopted by the City Council would suggest that it would be appropriate to acquire a 2,721 square foot parcel from National Retail Properties to complete the Right-of-Way acquisition.

In addition to the permanent acquisition, successful completion of the traffic control improvements would require the acquisition of a very small temporary construction easement which would be relinquished upon the completion of the project.

Future traffic control measures have been suggested due to the anticipated increase in vehicular traffic at the Old Minnesota and St. Julien intersection. 2012 traffic counts established average daily traffic of 2,500 vehicles between Highway 169 and Old Minnesota Avenue. By 2030, as more development occurs, average daily traffic at this site is expected to increase to 10,300, a 412% increase over 2012 counts.

National Retail Properties currently leases the site and facilities to Carquest.

It is my suggestion that future negotiations with National Retail Properties (NRP) would be futile. In phone conversations with NRP representatives, NRP has suggested that if the acquisition were necessary for road improvements, the City would likely initiate condemnation actions to acquire the property via eminent domain. It is my further suggestion that the City Council initiate condemnation proceedings.

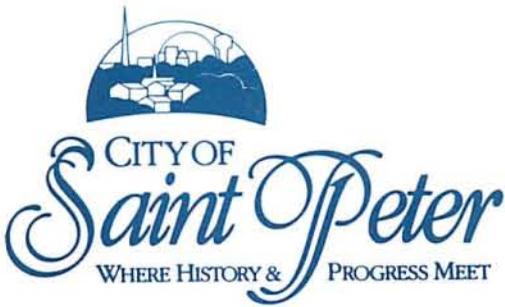
The land contemplated for acquisition from NRP was appraised by Patchin, Messner, Dodd and Brumm in March, 2014. The appraisal determined a value of \$21,250 for the 2,721 square foot parcel and temporary construction easement.

Given that the appraisal is more than six months old, it would be necessary to provide for an update completed by Patchin, Messner, Dodd and Brumm. The cost of the update would be nominal and it is expected that the established value would not have changed by much, if at all.

Once the appraisal is updated, the City Council would be asked to authorize Dan Wilson (Wilson Development Services) to provide National Retail Properties (NRP) with what would be considered to be the City's "Last Written Offer". If NRP balks at the offered price, the City Council would be asked to authorize Wilson to initiate the formal eminent domain process.

Once condemnation is formally initiated by legal service, the City would be able to obtain possession of the land within approximately 90 – 120 days.

Please feel free to contact me if you have any questions or concerns.



Memorandum

TO: Honorable Mayor Strand
Members of the City Council

DATE: 12/30/2014

FROM: Todd Prafke
City Administrator

RE: Council Board and Commission appointment review

ACTION/RECOMMENDATION

The Mayor and Council asked that I review your discussion from November 17th related to Council appointments. This is that review.

BACKGROUND

Based on your request here is the draft list of the discussed Council appointments for the 2015 year.

Finance	Kvamme and Carlin
Personnel and Code Review	Zieman and Brand
Public Works and Utilities	Grams and Parras
Economic Development Authority	Kvamme and Zieman
Heritage Preservation Commission	Carlin and Grams
Hospital and Nursing Home Commission	Carlin
Housing and Redevelopment Authority	Zieman
Human Rights	Brand (Changes to occur in Q1 of 2015)
Library Board	Parras
Planning and Zoning Commission	Kvamme and Zieman
Region 9	Strand
SPRTC Committee	Strand and Chief Peters
Tourism and Visitors Bureau	Brand and Kvamme
School District #508 Cooperation Committee	Brand and Kvamme
Nicollet County Cooperation Committee	Parras and Grams
LeSueur County Cooperation Committee	Kvamme and Parras
Gustavus Cooperation Committee	Strand and Carlin
Appeal and Adjustment	Kvamme, Parras and Zieman
Greater Mankato Growth	Kvamme
Sister City Committee	Strand and Carlin
Mayor ProTem	Zieman

The process is the Mayor recommends appointment. The Council must vote in favor for these appointments to be in effect. They are usually placed on the Consent Agenda.

In addition you discussed a few consolidations of Boards or Commission. I will continue to work on that and a few other clarifications that members suggested at your meeting. I expect that all of those will be actionable and completed prior to the end of the first quarter of 2015.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal