

CITY OF SAINT PETER, MINNESOTA

**OFFICIAL PROCEEDINGS
MINUTES OF THE CITY COUNCIL MEETING
APRIL 26, 2021**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Saint Peter was conducted in the Governor's Room of the Community Center and by virtual software on April 26, 2021. Under M.S. 13D.021, the City is able to conduct meetings by electronic means in the event of a state-wide emergency. Governor Walz has declared a state-wide peacetime emergency and as such the City Council meeting was conducted both in-person and remotely using GoToMeeting software.

A quorum present, Mayor Zieman called the meeting to order at 7:00 p.m. The following members were present through the virtual platform: Councilmembers Shanon Nowell, Brad DeVos, Stephan Grams, and Emily Bruflat. The following members were present in the meeting room: Councilmembers Ed Johnson and Keri Johnson and Mayor Zieman. The following officials were also present: City Administrator Todd Prafke (in person), City Attorney James Brandt (in person) and City Engineer Jeff Domras (in person).

Approval of Agenda – City Administrator Prafke asked that the agenda be modified to move consideration of the Enz Easement Agreements until after the closed session and that the closed sessions also include discussion regarding the easements covered under attorney-client privilege. A motion was made by Johnson (E), seconded by Johnson (K), to approve the agenda as modified. With all in favor, the agenda was approved.

Approval of Minutes – Councilmember Bruflat asked for a correction on the vote to table action on the beekeeping permit fee to indicate she and Councilmember Johnson (K) had voted “nay”. A motion was made by Grams, seconded by Bruflat, to approve the minutes of the April 12, 2021 regular City Council meeting as corrected. With all in favor, the corrected minutes were approved. A complete copy of the minutes of the April 12, 2021 regular City Council meeting is contained in the City Administrator's book entitled Council Proceedings 19.

A motion was made by Johnson (E), seconded by Nowell, to approve the minutes of the April 19, 2021 special City Council meeting. With all in favor, the minutes were approved as corrected. A complete copy of the minutes of the April 19, 2021 special City Council meeting is contained in the City Administrator's book entitled Council Proceedings 19.

Chief of Police Recognition – Mayor Zieman recognized Chief of Police Matt Peters who had announced his retirement effective May 3, 2021. Zieman presented Chief Peters with a certificate of appreciation and a retirement clock in recognition of his many years of service to the City. Chief Peters thanked all of the Councilmembers who served during his employment with the City and stated, “It's easy to be a good leader when you have a great team.”

Consent Agenda –In motion by Johnson (K), seconded by Nowell, Resolution No. 2021-68 entitled “Resolution Approving Consent Agenda” was introduced. Mayor Zieman asked who pays for the transformers included on the consent agenda which were being purchased specifically for Gustavus Adolphus College and McDonald's. Public Works Director Moulton indicated the City usually pays for transformers, but \$10,000-\$12,000 of the cost for the Gustavus equipment was being paid by Gustavus based on a re-wire project the College had undertaken. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-68 is contained in the City Administrator's book entitled Council Resolutions 23.

Stormwater Fund Budgets 2021-2022 – City Administrator Prafke apologized for a previous error in the financials related to the 2021-2022 stormwater budgets that had caused some confusion among the Council. Finance Director Vogel presented the Stormwater Fund budgets for 2021 (\$1,190,822) and 2021 (\$1,424,723) and reviewed various budget components. Vogel pointed out that the Fund was debt free as of 2020 and the cash position at the end of 2020 (\$1,076,566) would decrease to just over \$816,000 at the end of 2021 under the proposed budget.

Councilmember DeVos proposed two amendments that would modify the budgets by not purchasing equipment with cash, but instead funding equipment purchases through the Equipment Certificate and eliminating any transfers from the Stormwater Fund to the General Fund (with the monies made up by increased contributions from the Wastewater Fund), and then slowly reintroducing the transfers at the rate of \$5,000 per year in future years. DeVos explained his belief that by doing so, costs and fee increases could be spread out over time.

Councilmember Johnson (K) stated she valued the experience of City staff and asked for their reaction to the proposal by Councilmember DeVos. City Administrator Prafke indicated it had

“taken a lot” to get the Stormwater Fund, which was a volatile fund, to a point where it could contribute to the General Fund and he had concerns about removing the transfer of funds. Prafke also stated policy for the Stormwater Fund had been to avoid debt issuance.

Councilmember Nowell asked if the cost of debt interest had been calculated in DeVos’ proposal. DeVos provided additional information.

A motion was made by DeVos to move the resolution with calculations that included his two proposals (eliminate General Fund transfer and move equipment purchases to debt payment rather than cash payment). The motion died for lack of a second.

In motion by Johnson (E), seconded by Johnson (K), Resolution No. 2021-69 entitled “Resolution Adopting 2021-2022 Stormwater Fund Budget” was introduced. Upon roll call, with Councilmembers Johnson (E), Bruflat, Grams, Johnson (K), Nowell and Mayor Zieman voting aye, Councilmember DeVos voting nay, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-69 is included in the City Administrator’s book entitled Council Resolutions 23.

City Code Modification: Beekeeping – City Administrator Prafke once again presented the draft ordinance providing for modification to the City Code that would allow for keeping of bees on private property within the City limits. Prafke noted the ordinance had been drafted based on numerous past discussions of the Council and would allow up to two hives with additional specifications related to the structure, flyaway area, limiting location to the rear yard, setbacks from neighbors and property lines; training of the keeper; provision of water; sanitation; inspection; and permitting. Prafke also indicated since the last iteration of the ordinance, language had been added to require re-inspection every two years; signage requirements at the hive location; and an effective date of June 1, 2021.

Peter Westre, 446 Nichols Court, addressed the Council to encourage passage of the Code change citing how rare the risk of death from bee stings is; the small number of applicants expected; and that not only can native pollinators and honeybees co-exist, but people can live with bees also.

Councilmember Bruflat once again stated her support for the change and pointed out that all pollinators are already here and the Council can’t “legislate away” honeybees. Bruflat stated she wouldn’t vote for something that would be dangerous and the risk posed by honeybees is negligible. Finally, Bruflat reminded the Council she believed removal of honeybees would affect the food supply.

Councilmember Johnson (K) explained that while she appreciated the community engagement in the discussion, she had shifted her position when discussions with St. Peter residents showed more support for “pollinator friendly” efforts by the City than allowing beekeeping.

Councilmember Grams expressed his belief that the Council should not be part of the “I” generation and should be part of the “we” generation and most of the people he had spoken with about the issue were against the proposal.

Councilmember Nowell stated that the having considered both of safety and land use concerns related to beekeeping, her primary concern is the impact on native pollinators.

A motion was made by Bruflat, seconded by DeVos, to introduce an ordinance entitled, “An Ordinance Amending Saint Peter City Code Chapter 8 ‘Animals’, Article IV ‘Farm, Wild And Exotic Animals’ And Adopting By Reference Saint Peter City Code Chapter 1, Section 1-6, Which, Among other Things, Contain Penalty Provisions”. Upon roll call, with Councilmembers Bruflat and DeVos voting aye, Councilmembers Grams, Johnson (K), Nowell, Johnson (E), and Mayor Zieman voting nay, the Ordinance failed.

Beekeeping Permit Fee – City Administrator Prafke recommended the fee not be established as the previous action to allow beekeeping in the City had been defeated. Mayor Zieman asked for a motion to move a resolution establishing a beekeeping permit fee. There being no motion, no action was taken.

ADA Ad Hoc Committee Appointment – Community Development Director Wille proposed the appointment of Ed Lee (Chamber of Commerce), Jessica Becker (Nicollet County Historical Society), and Julie Frederickson (Economic Development Authority) as an ad hoc Committee to review the eight applications received for the ADA grant program and make recommendations on which applications will be funded within the grant program budget constraints. Wille noted that the eight applications exceeded the available budget for grants to make accessibility improvements in central business district properties. In motion by Johnson (E), seconded by Bruflat, Resolution No. 2021-70 entitled “Resolution Establishing Ad Hoc Committee To Review And Recommend Funding For Applications Received For 2021 Central Business District

Accessibility Improvement Grant Program“ was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-70 is contained in the City Administrator’s book entitled Council Resolutions 23. Wille pointed out that those applications which were not recommended for funding could still be considered for the fifty percent (50%) loan forgiveness program.

2021 North Third Street Improvement (Livermore to Union) Project Bid Award – Public Works Director Moulton recommended award of the bid for the 2021 North Third Street Improvement (Livermore to Union) Project to W.W. Blacktopping in the total amount of \$149,807.20. Moulton noted all four bids were below the Engineer’s estimate for the project which would include stormwater, sidewalk, curb and gutter and roadway improvements. City Administrator Prafke corrected an error in the project title to identify the project as North “Third” Street between Livermore and Union Streets. In motion by Nowell, seconded by Grams, Resolution No. 2021-71 entitled “Resolution Awarding Bid For 2021 North Third Street Improvement (Livermore to Union) Project“ was introduced with the corrected title. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-71 is contained in the City Administrator’s book entitled Council Resolutions 23.

2021 Seal Coating Project Bid Award – Public Works Director Moulton recommended award of the 2021 Seal Coating Project bid to Allied Blacktopping in the amount of \$2.35 per gallon for a not to exceed amount of \$141,474.70. Moulton noted staff expected to complete one hundred blocks of seal coating and utilize 60,000 gallons (10 tanker loads) of the CS2 oil. Councilmember Bruflat asked if staff had investigated any environmentally friendly methods to seal roads. Moulton indicated staff had not. In motion by Johnson (K), seconded by Johnson (E), Resolution No. 2021-72 entitled “Resolution Awarding Bid For 2021 Street Seal Coating Project“ was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-72 is contained in the City Administrator’s book entitled Council Resolutions 23.

2021 Asphalt Purchase Bid Award – Public Works Director Moulton recommended award of the bid for the 2021 Asphalt Purchase project to Minnesota Paving and Materials in the total amount of \$172,400. City Administrator Prafke pointed out that if Minnesota Paving’s plant was closed unexpectedly when the City was in the middle of a project, staff may purchase materials from W.W. Blacktopping to complete a project. In motion by Bruflat, seconded by Grams, Resolution No. 2021-73 entitled “Resolution Awarding 2021 Asphalt Materials Project Bid“ was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-73 is contained in the City Administrator’s book entitled Council Resolutions 23.

Electric Master Plan Update Acceptance – Public Works Director Moulton recommended acceptance of the updated Electric Master Plan as prepared by DGR Engineers. Engineer Chad Rasmussen of DGR provided an overview of the plan which recommends a two-phased approach to improvements to the electric system over ten years at a total expected cost of \$4.8 million. In motion by Johnson (E), seconded by Nowell, Resolution No. 2021- 74 entitled “Resolution Accepting Electric Master Plan Update“ was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-74 is contained in the City Administrator’s book entitled Council Resolutions 23.

Business License Application: Tree Worker – City Administrator Prafke recommended approval of a Tree Worker license application for DeLa Torre-Avaolos dba Snow and Land LLC. Prafke indicated nothing had been found in the background investigation that would prohibit issuance of the license. In motion by Johnson (K), seconded by Bruflat, Resolution No. 2021-75 entitled “Resolution Approving Tree Worker License Application“ was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-75 is contained in the City Administrator’s book entitled Council Resolutions 23.

Request For City Assistance: MarketFest – City Administrator Prafke presented a request by the organizers of MarketFest St. Peter for City assistance for their outdoor retail events that would occur every Saturday May 1st - October 30th from 8 am – 5 pm. Prafke indicated the group began in 2020 to promote a safe retail experience in St. Peter during COVID-19. Prafke noted the request also included closure of the west one-half of the 100 block of West Park Row; use of the City’s festoon lighting circuits to provide electricity for vendors; and a commitment by the organizers to ensure that ADA requirements were followed by all vendors who would place their stalls on the road side of the sidewalk leaving a clearance for pedestrians. Prafke noted the St. Peter Chamber of Commerce was supportive of the effort. In motion by Nowell, seconded by Johnson (E), Resolution No. 2021-76 entitled “Resolution Approving City Assistance For MarketFest St. Peter“ was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-76 is contained in the City Administrator’s book entitled Council Resolutions 23.

Reports

Mayor's Report – Mayor Zieman acknowledge the expertise of City Engineer Jeff Domras who has done a great job in estimating construction costs for all of the City's recent bid projects. Zieman also reminded everyone that the Board of Appeal and Equalization meeting will be held on April 27, 2021 at 6:00 p.m. and would be virtual only.

City/County Meeting 4/21/2021 Discussion – City Administrator Prafke and Councilmember Johnson (K) provided a report on the April 21st City/County meeting which included discussion on water, solid waste and other issues. With the change in leadership at the County, the County representatives were hesitant to take on any more projects until a permanent County Administrator was in place.

Chief of Police Recruitment Process – City Administrator Prafke provided an update on the recruitment process for Chief of Police.

Closed Sessions – City Administrator Prafke requested three closed sessions to discuss offers to purchase City-owned land (the former wastewater treatment ponds and Municipal Lot #5) and negotiations with the City Attorney related to the Enz property easements covered under attorney-client privilege as authorized under State Statute. In motion by Johnson (E), seconded by Nowell, Resolution No. 2021-77 entitled "Resolution Calling For Closed Sessions" was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-77 is contained in the City Administrator's book entitled Council Resolutions 23.

Prafke noted that the Council would return to open session only to adjourn and no action would be taken on the offers to purchase land.

The Council adjourned to closed session to discuss the offer to purchase Municipal Lot #5 at 8:46 p.m. The closed session ended at 8:59 p.m.

The Council adjourned to closed session to discuss the offer to purchase the former wastewater treatment ponds at 9:02 p.m. The closed session ended at 9:09 p.m.

The Council adjourned to closed session to discuss negotiations with City Attorney Brandt related to the Enz easement agreements at 9:10 p.m. The closed session ended at 9:16.m.

The Council returned to open session at 9:16 p.m.

Enz Property Temporary/Permanent Easements – City Attorney Brandt reviewed the issues surrounding the negotiations for temporary (construction) and permanent easements across property owned by Lavonne A. and Larry F. Enz. Brandt indicated the Enz's attorney wanted the agreements to include several issues including the City limiting access across their property to the land abutting either the current and/or future extension of Clark Street and no equipment being placed outside of the easement. Brandt reported the planned utility installation would be done in such a way that City staff would have access to the easement within the identified boundaries. In motion by Johnson (E), seconded by Grams, Resolution No. 2021-78 entitled "Resolution Authorizing Acceptance Of The Wastewater Utility Easement, Temporary (Construction) Easement And Payment Of The Agreed Value Between The City Of Saint Peter And Lavonne A. Enz and Larry F. Enz" was introduced. Upon roll call, with all in favor, the Resolution was declared passed and adopted. A complete copy of Resolution No. 2021-78 is contained in the City Administrator's book entitled Council Resolutions 23.

There being no further business, a motion was made by Johnson (E), seconded by Bruflat, to adjourn. With all in favor, the motion carried and the meeting adjourned at 9:22 p.m.

Charles Zieman
Mayor

ATTEST:

Todd Prafke
City Administrator