



City Council Regular Meeting Agenda

April 21, 2025 at 6:30 PM

Pipestone City Hall- 119 2nd Ave SW #9, Pipestone, MN 56164

- 1. Call to Order and Roll Call**
- 2. Pledge of Allegiance**
- 3. Approve Agenda – Additions, Changes, Or Deletions**
- 4. Consent Agenda**

All items listed with asterisks () are considered routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member, City staff or citizen so requests in which case, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

5. **Approval of Minutes

- A. April 7, 2025 Special Council Meeting
- B. April 7, 2025 Regular Council Meeting
- C. April 8, 2025 Local Board of Appeals and Equalization Meeting

6. Community Concerns (Maximum 3 Minutes Per Person)

7. Bid Openings

- A. Airport Hangar Bid Opening

8. Public Hearings and Petitions

9. Reports

- A. Airport
- B. Economic Development Authority
- C. Museum
- D. Housing & Redevelopment Authority
- E. Senior Center
- F. Chamber of Commerce

10. Legal

- [A.](#) Introduction of Ordinance 165, Fourth Series: An Ordinance of the City of Pipestone Vacating All That Part of the Platted 16-Foot-Wide East/West Alley Lying Between Blocks One and Two, Crawford's Addition in the City of Pipestone According to the Plat Thereof on File and of Record in the Office of the County Recorder, Pipestone County, Minnesota
- B.** Introduction of Ordinance 166, Fourth Series: An Ordinance Amending Chapters 50 and 91 of the City Code Regarding the Regulation of Utility Service Lines in the City

11. Engineering

12. **Financial

- A.** Payment of Claims-Listing of Bills
- B.** March Financial Report

13. Old Business

14. New Business

- [A.](#) Request for Council Action - Chamber Water Tower Festival
- [B.](#) Request for Council Action - Chamber Car Cruise-Ins
- [C.](#) Resolution 2025-26: A Resolution Accepting Donations
- [D.](#) Consider Adoption of New Assessment Policy
- [E.](#) West Central Environmental Consultants, LLC Access and License Agreement
- F.** Declaration of Surplus Property
- G.** Approve Housing and Redevelopment Authority Council Liaison Member Resignation
- H.** Consider Appointment of Housing & Redevelopment Authority Commission Member
- I.** Approve Human Rights Commission Member Resignations
- J.** Consider Appointment of Human Rights Commission Member
- K.** **Approve Pipestone Baseball Inc. 2025 3.2 Off Sale Liquor License Renewal

15. Closing Comments

16. Executive/Closed Session

17. Adjournment

Pipestone, Minnesota
April 7, 2025

Pursuant to due call and notice thereof, a special meeting of the Pipestone City Council was duly held in-person and via Zoom in the Municipal Building at 5:30 p.m. on the 7th day of April 2025. Mayor Dan Delaney called the meeting to order. Roll call was taken, and a quorum was declared. Members present: Dan Delaney, Danielle Thompson, Scott Swanson, Rodger Smidt, and Verdeen Colbeck. Absent: none. Others present: City Engineer Travis Winter, City Attorney Jason Hill, Kyle Kuphal, Cable Access Coordinator Steve Moffitt, Assistant City Administrator/City Clerk Stephanie LaBrune, and City Administrator Deb Nelson.

Mayor Delaney stated that the Council is holding a special work session meeting to hold a discussion on the city's assessment policy. Delaney said the policy has not been changed since it was first adopted and the council has been working over the course of the last year to try and develop a new policy that will lessen the load to city residents and businesses.

WORK SESSION

Delaney invited Administrator Nelson to speak. Nelson shared that Engineer Winter and Attorney Hill have continued to review the policy and stated that the council needs to continue to move forward as more projects are coming along.

Winter explained that he added a statement of intent to the draft policy revolving around the discussion that was held with the city's financial advisor.

Hill advised the council to use the alternative language in section 5.2. Winter agreed saying that it is a backcheck to ensure that the assessments are fair. Hill continued by saying that the city will need to do the initial investigation to verify that the assessment cost proposals do not exceed the special assessment value. Discussion was then held.

Winter then said to ensure transparency, a final hearing could be held after the bids have come in to give the property owners a closer idea to what the assessments will be. Swanson said that the current dollar figures for some of these assessments can be devastating for people.

Winter then gave an update on the proposed changes that he made to the policy since the last time the council discussed it. He said with the new policy if adopted, the city will now be covering the cost to the property line for sewer instead of the property owner paying for the installation to the main. He also said in the past the thirty percent of the storm sewer was paid by assessments and now the storm sewer will be paid from the storm sewer revenue fund. Additionally, Winter said that the homeowner will now be responsible for their water line to the edge of their property rather than to and including half of the cost of the curb stop.

Following discussion, the council was in consensus to bring the draft policy to the next council meeting for consideration.

ADJOURNMENT

Motion made by Thompson, seconded by Colbeck and unanimously carried to adjourn the meeting at 6:17 p.m.

Dan Delaney
Mayor

ATTEST:

Stephanie LaBrune
Assistant City Administrator / City Clerk

Pipestone, Minnesota
April 7, 2025

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 7th day of April 2025. Mayor Dan Delaney called the meeting to order. Roll call was taken, and a quorum was declared. Members present: Dan Delaney, Rodger Smidt, Scott Swanson, Verdeen Colbeck and Danielle Thompson, Absent: none. Others present: Jody Wacker, Joel Adelman, Michael (Scott) Wilson, Solomon Derby, Robert Petersen, Kyle Kuphal, City Attorney Jason Hill via Zoom, Silas Parmar, Cable Access Coordinator Steve Moffitt, Assistant City Administrator/City Clerk Stephanie LaBrune, and City Administrator Deb Nelson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA - ADDITIONS, CHANGE OR DELETIONS

Motion made by Swanson, seconded by Thompson, and unanimously carried to approve the agenda as presented.

CONSENT AGENDA

Mayor Delaney stated the Consent Agenda contains the March 17, 2025, Regular Meeting Minutes and the Payment of Claims-Listing of Bills. He then asked if there was any discussion regarding these items. No discussion was held.

Motion was made by Swanson, seconded by Thompson and unanimously carried to approve the Consent Agenda items which consisted of the March 17, 2025, Regular Meeting Minutes and the Payment of Claims-Listing of Bills in the amount of \$671,434.29 for warrants #074507 to #074666 to be issued in payment thereof.

COMMUNITY CONCERNS

Administrator Nelson stated that no one was signed in and no other concerns had been received.

PUBLIC HEARING

Vacation of Alley in Crawford's Addition

Mayor Delaney shared that it has been recommended by the Water/Wastewater department for this public hearing to be held to hear public comment as part of the process to vacate the section of right of way located South of the 8th Avenue Diner, and property owned by Dave Bucher, and Michael Crawford. The area was originally platted as a public right of way but is only used as a private driveway by Crawford and Bucher.

Motion by Smidt and seconded by Colbeck and unanimously carried to open the public hearing at 6:32p.m.

With no public comments, there was a motion by motion by Thompson, seconded by Colbeck and unanimously carried to close the public hearing at 6:34p.m.

Delaney then shared that an introduction of Ordinance 165, Fourth Series: An Ordinance of the City of Pipestone Vacating All That Part of the Platted 16-Foot-Wide East/West Alley Lying

Between Blocks One and Two, Crawford's Addition in the City of Pipestone According to the Plat Thereof on File and of Record in the Office of the County Recorder, Pipestone County, Minnesota will be brought forth to the next council meeting.

REPORTS

- A. Law Enforcement - Absent.
- B. Public Works – Absent, report provided.
- C. Water/Wastewater – Adelman provided a written and verbal report.
- D. Building & Zoning – Derby provided a written and verbal report.
- E. Liquor Store – Wilson provided a written and verbal report.
- F. Recreation – Petersen provided a written and verbal report.
- G. Library – Wacker provided a verbal report.

OLD BUSINESS

SRTS Project Update

City Engineer Travis Winter provided an update on the 2025 Safe Routes to School project along with maps. He stated that the design is complete and plans are being reviewed by the State. Delaney questioned why the sidewalk on 8th Avenue was not on the East side of the road. Winter explained with the Kids N Care daycare, as well as utility poles there was not room for the sidewalk on the east side of the road. He also said North of 4th Street it was decided to keep the sidewalk on the west to pick up the kids that may be walking from homes on the West side of the road. Delaney also questioned why the sidewalk was not on the North side of 4th Street. Winter explained that due to the topography and the amount of fill that would need to be placed in the area east of the apartment complex it was not feasible to install the sidewalk there. In addition, he said they wanted to stay away from the substation and grain elevator on the South side of the road. Following discussion, Winter stated that he would bring the suggestions back to his engineering firm for further review.

NEW BUSINESS

Resolution 2025-24

Delaney stated this is a Resolution Granting a Conditional Use Permit for the Placement of an Accessory Structure at 711 3rd Avenue SW in the City of Pipestone. The resolution is being brought forth as a recommendation from the Planning Commission who held a public hearing pertaining to the matter on March 12th. If approved, the applicant, Randy Allen, will be allowed to place a 12ft. x 24ft. accessory structure on his property with the condition that an existing 5ft. x 8 ft. accessory structure be removed.

Motion was made by Swanson, seconded by Smidt and unanimously carried to approve Resolution 2025-24: A Resolution Granting a Conditional Use Permit for the Placement of an Accessory Structure at 711 3rd Avenue SW in the City of Pipestone.

Resolution 2025-25

Delaney said this This is a Resolution Adopting an Amendment to Administrative Policy #25 - Public Purpose Expenditure. City Administrator Nelson shared that the policy would only be temporary and would open up the opportunity for all residents to take advantage of a buy one get one free swim pass until the end of the year.

Motion by Colbeck, seconded by Smidt and unanimously carried to adopt the temporary amendment to Administrative Policy #25 - Public Purpose Expenditure.

Consider Aquatic Center Operational Audit Agreement

Delaney said at the February 1st Annual Planning Session meeting, the City Council was in consensus that the Pipestone Family Aquatic Facility is in need of maintenance and potential upgrades. Upgrading the facility was one of the top priorities in the city's one year plan. As a result, city staff is recommending that the city enter into an Operational Audit Agreement with the company Councilman Hunsaker to perform an audit of the aquatic center at a price of \$9,000. The initial estimate for this scope of work was \$14,000. Delaney said this is something that is needed with the aquatic center being almost 30 years old.

Motion by Thompson, seconded by Colbeck and unanimously carried to approve the Operational Audit Agreement with the company Councilman Hunsaker to perform an audit of the aquatic center at a price of \$9,000.

Declaration of Surplus Property

Delaney said Recreation Director, Robert Petersen, is recommending that the city council declare the sport court panels from the former Harmon Park Tennis Courts as surplus property so they can be sold.

Motion made by Swanson, seconded by Smidt, and unanimously carried to approve declaring the sport court panels from the former Harmon Park Tennis Courts as surplus property.

Approval Vendor(s) to Serve Alcohol at the Hiawatha Lodge

Delaney explained City Administration is recommending Council approve on-sale liquor license vendor, Bole Mor Lanes to serve alcohol at the Hiawatha Lodge for event(s) on May 8, 2025 and June 28, 2025.

Motion made by Thompson, seconded by Colbeck, and unanimously carried to approve Bole Mor Lanes to serve alcohol at the Hiawatha Lodge for event(s) on May 8, 2025 and June 28, 2025.

Approve Public Works Cold Storage Building Project

Delaney said Public Works Director, Michael Bloemendaal, has received quotes for the proposed 60ft. x 120ft. cold storage shed to be located at the Public Works Department directly north of the Historic Concrete Water Tower. Due to the projected increase in building materials, Administrator Nelson would like the approval of the council to proceed with the project. Nelson then presented the quotes received stating that the low quotes were from Jer's Electric \$11,120 and Ed Balster Construction \$32,400. Additionally, she stated that quotes for materials were received from Pipestone Building Materials, Edgerton Lumber Company, and Elkton Lumber Company. She said there were some discrepancies with the quotes and although Elkton Lumber's quote was slightly less it was being suggested that the council approve the material quote from Pipestone Building Materials in the amount of \$74,130.06. Nelson also shared that the cost of the project would be funded from the Cemetery, Streets, and Garbage funds.

Delaney questioned the need of the building and stated that there is a lot of uncertainty in the world and it worries him. He said the amount of local government aid which the city relies on could change. Nelson stated that the department is looking space at the airport for storing their

equipment. Delaney said he is not in favor of spending reserves. Swanson stated that he truly believes that the department would not be building it if they did not need it.

Motion made by Smidt and seconded by Swanson to approve moving forward with the quotes from Pipestone Building Materials in the amount of \$74,130.06, Ed Balster Construction in the amount of \$32,400, and Jer's Electric in the amount of \$11,120 for the construction of a 60ft. x 120ft. cost storage shed. The motion was carried 4-1 with Delaney voting against the motion.

Fire Chief Appointment

Delaney shared that the Fire Department members have voted to appoint Michael Bloemendaal as the city's Fire Chief. He said the appointment of the Fire Chief is done on an annual basis and council approval is needed.

Motion by Smidt, seconded by Swanson and unanimously carried to appoint Michael Bloemendaal as the City's Fire Chief.

Approve Housing and Redevelopment Authority (HRA) Commission Member Resignation

Delaney said a letter of resignation from the HRA Commission has been received from Mitch Reynolds effective April 1st. The Council will need to accept his resignation.

Motion by Swanson, seconded by Thompson, and unanimously carried to approve the resignation of Mitch Reynolds from the HRA Commission effective April 1st.

Approve Employee Resignation

Delaney said a letter of resignation has been received from Ashley Headrick, who served as the city's Accounting Clerk and Administrative Assistant. Delaney said Ashley's resignation date will be effective April 11, 2025 and the Council will need to accept her resignation.

Motion by Thompson, seconded by Colbeck, and unanimously carried to approve the resignation of Ashley Headrick effective April 11, 2025.

CLOSING COMMENTS –

Mayor Delaney reminded the public of the Local Board of Appeals and Equalization meeting on April 8th at 7 p.m.

Councilmember Swanson thanked Ashley Headrick for her 6 months of working for the city. He also thanked Mitch Reynolds for his many years of service on the HRA board.

Councilmember Thompson announced National Severe Weather Awareness Week and said that the sirens will be going off sometime during next week.

Councilmember Colbeck announced that there is a blood drive tomorrow and there will be \$15 Kwik Trip cards available for anyone who donates.

ADJOURNMENT

Motion made by Colbeck, seconded by Smidt, and unanimously carried to adjourn the meeting at 7:30 p.m.

Dan Delaney
Mayor

ATTEST:

Stephanie LaBrune
Assistant City Administrator / City Clerk

Pipestone, Minnesota
April 8, 2025

Pursuant to due call and notice thereof, a Special Meeting of the Pipestone City Council was duly held in the Municipal Building at 7:00 p.m. on the 8th day of April 2025. Mayor Dan Delaney called the meeting to order. Roll call was taken and a quorum was declared. Members present: Dan Delaney, Rodger Smidt, Verdeen Colbeck, and Danielle Thompson. Absent: Scott Swanson. Others present: Lynn (Glidewell) Hellie, Mike Hellie, Rich Stangle, Pipestone County Interim Assessor Lisa Braun, Pipestone County Junior Appraiser Alexis DeGroot, City Assessors Erik Skogquist and Mary Wells, Cable Access Coordinator Steve Moffitt, Assistant City Administrator/Clerk Stephanie LaBrune and City Administrator Deb Nelson.

Mayor Delaney explained the purpose of the special meeting is to conduct the Board of Appeal and Equalization meeting.

Members Delaney, Smidt, Colbeck, and Thompson then signed the Local Board of Appeals and Equalization certification form certifying that they have taken the required training, are participating in the meeting, and will take no action if they have a conflict of interest with any property or owner being discussed.

Delaney then asked Assessor Erick Skogquist to provide further information to the council and those in attendance. Skogquist stated that approximately twenty percent of the parcels in the city were visited. He also shared that 50 qualified or “good” residential sales within the city were reviewed from October 2023 to September 2024 and the initial ratio calculated came to 90.995%. Skogquist stated that the goal is to be between 90 and 105 percent. In addition, he stated that there were 8 qualifying commercial or industrial sales. He said the acreage rates did increase for larger parcels of industrial land. Assessor Braun said there were 19 ag land sales and the initial ratio came in at 103% but the final ratio was determined to be 92% based on the good sales that were looked at.

Delaney asked if the board had any questions. No questions were raised, so Delaney invited guests to the podium to speak.

Lynn (Glidewell) Hellie owner of 217 2nd Ave SE stated that she feels the \$80,000 value is too high. She stated that there is significant water damage and currently no one is living in the house. She also asked why the home was classified as non-homestead. Assessor Wells responded by saying that she was at the house last in November of 2023 and did not know the condition of the inside. She asked Hellie and the board if they would be ok moving on with the meeting while she went to look at Hellie’s home. Everyone was in consensus.

Rich Stangle then came to the podium stating that he owns commercial property at 213 West Main Street. He said the property was renovated in the last 3 years and he and his wife invested \$80,000 into the renovation. He was surprised that there was a 100% tax increase. He said he was not surprised with the valuation but rather the taxes due on the property and asked if anyone could give him more information. Skogquist stated that the property is the old Monk’s second-hand store. He said in January 2023 it was purchased for \$109,000 with a value of \$89,600. Skogquist said the new value is now \$112,800 and proposed to be \$191,500. He said there was a 40% increase at the time for most downtown commercial values. He explained that he sets the values for what he

believes the property would sell for on January 2025. He then said when values increase it results in taxes increasing too.

Wells then returned to the meeting and updated the board saying that the Hellie's home does have significant water damage to the ceiling and back wall due to roof damage. She stated that she suggests a \$20,000 reduction in the value for a total estimated market value (EMV) of \$60,000.

Skogquist then reviewed several properties with the board and explained where he and Wells felt that changes were or were not warranted.

Properties reviewed:

1. Brittany Rustad, 18-350-0450, 809 4th Ave. SE – reduce valuation from \$419,500 to \$373,800 following a physical inspection.
2. Susan Otto, 18-303-0080, 414 8th Ave NW – reduce valuation from \$94,800 to \$52,400 due to condition of property being condemned and structural and plumbing issues remaining.
3. Kathleen Keely-Dunbar, 18-657-0260, 615 9th St SW – reduce valuation from \$164,900 to \$162,300 due to change in square footage of property.
4. JS Dubb Properties, LLC, 18-112-0110 – Owner, Jamie Dubbelde felt the value was too high. Assessors recommend no change in \$206,600 valuation.
5. JS Dubb Properties, LLC, 18-007-3665 – Owner, Jamie Dubbelde felt the value was too high. Assessors recommend no change in \$29,000 valuation.
6. Lynn Glidewell, 18-645-1950, 217 2nd Ave SE – reduce valuation from \$80,000 to \$60,000 due significant water damage found after physical inspection.
7. Richard Oye, 18-658-0080 – Assessors recommend no change in \$202,100 valuation.
8. Mark Onken, 18-645-4570, 102 5th St SE – Assessors recommend no change in valuation.
9. Mark Onken, 18-645-4600, 104 5th St SE – Assessors recommend no change in valuation.

Motion was made by Thompson to approve the four suggested reductions as discussed. Thompson then rescinded her motion.

Motion made by Thompson, seconded by Smidt and unanimously carried to approve the following reductions in market values as recommended from Assessors Skogquist and Wells:

- Brittany Rustad, 18-350-0450, 809 4th Ave. SE – reduce valuation from \$419,500 to \$373,800 following a physical inspection.
- Susan Otto, 18-303-0080, 414 8th Ave NW – reduce valuation from \$94,800 to \$52,400 due to condition of property being condemned and structural and plumbing issues remaining.

- Kathleen Keely-Dunbar, 18-657-0260, 615 9th St SW – reduce valuation from \$164,900 to \$162,300 due to change in square footage of property.
- Lynn Glidewell, 18-645-1950, 217 2nd Ave SE – reduce valuation from \$80,000 to \$60,000 due significant water damage found after physical inspection.

Motion made by Smidt, seconded by Colbeck and unanimously carried to approve the following recommendations for zero adjustments made from Assessors Skogquist and Wells:

- JS Dubb Properties, LLC, 18-112-0110 – Owner, Jamie Dubbelde felt the value was too high. Assessors recommend no change in \$206,600 valuation.
- JS Dubb Properties, LLC, 18-007-3665 – Owner, Jamie Dubbelde felt the value was too high. Assessors recommend no change in \$29,000 valuation.
- Richard Oye, 18-658-0080 – Assessors recommend no change in \$202,100 valuation.
- Mark Onken, 18-645-4570, 102 5th St SE – Assessors recommend no change in valuation.
- Mark Onken, 18-645-4600, 104 5th St SE – Assessors recommend no change in valuation.

ADJOURNMENT

Motion was made by Colbeck, seconded by Thompson and unanimously carried to adjourn the meeting at 7:33 p.m.

Dan Delaney
Mayor

ATTEST:

Stephanie LaBrune
Assistant City Administrator / Clerk

ORDINANCE 165, FOURTH SERIES

AN ORDINANCE OF THE CITY OF PIPESTONE VACATING ALL THAT PART OF THE PLATTED 16-FOOT-WIDE EAST/WEST ALLEY LYING BETWEEN BLOCKS ONE AND TWO, CRAWFORD'S ADDITION IN THE CITY OF PIPESTONE ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, PIPESTONE COUNTY, MINNESOTA.

THE CITY OF PIPESTONE ORDAINS:

Section 1. The City Council finds the following to be true and correct and in accordance with the requirement of the City Charter for vacating streets and alleys:

1. A finding by the City Council directing the vacation of all that part of the platted 16-foot wide East/West alley lying between Block One and Block Two, Crawford's Addition in the City of Pipestone due to the fact that this alley has not been used for public travel and is not necessary for public use; and
2. Notice was published in the official newspaper once each week for two consecutive weeks on March 13, 2025 and March 20, 2025 stating that a public hearing would be conducted by the City Council to consider vacating this alley at its meeting on April 7, 2025 at approximately 6:30 p.m.

Section 2. The City Council, based on the aforestated facts, hereby vacates and closes in perpetuity, all that part of the platted 16-foot wide East/West alley lying between Block One and Block Two, Crawford's Addition in the City of Pipestone, as legally described in Exhibit A attached hereto and as depicted in Exhibit B attached hereto, and shall retain all underground and overhead utility easement rights in said alley.

Section 3. The City Administrator is hereby instructed to file, after publication, a certified copy of the ordinance in the offices of the Pipestone County Auditor and Recorder.

Section 4. This ordinance shall take effect and be in full force from and after its passage and publication.

Passed and adopted by the City Council of the City of Pipestone this 5th day of May 2025.

Dan Delaney
Mayor

ATTEST:

Deb Nelson
City Administrator

(Published in the Pipestone County Star on May 8, 2025).

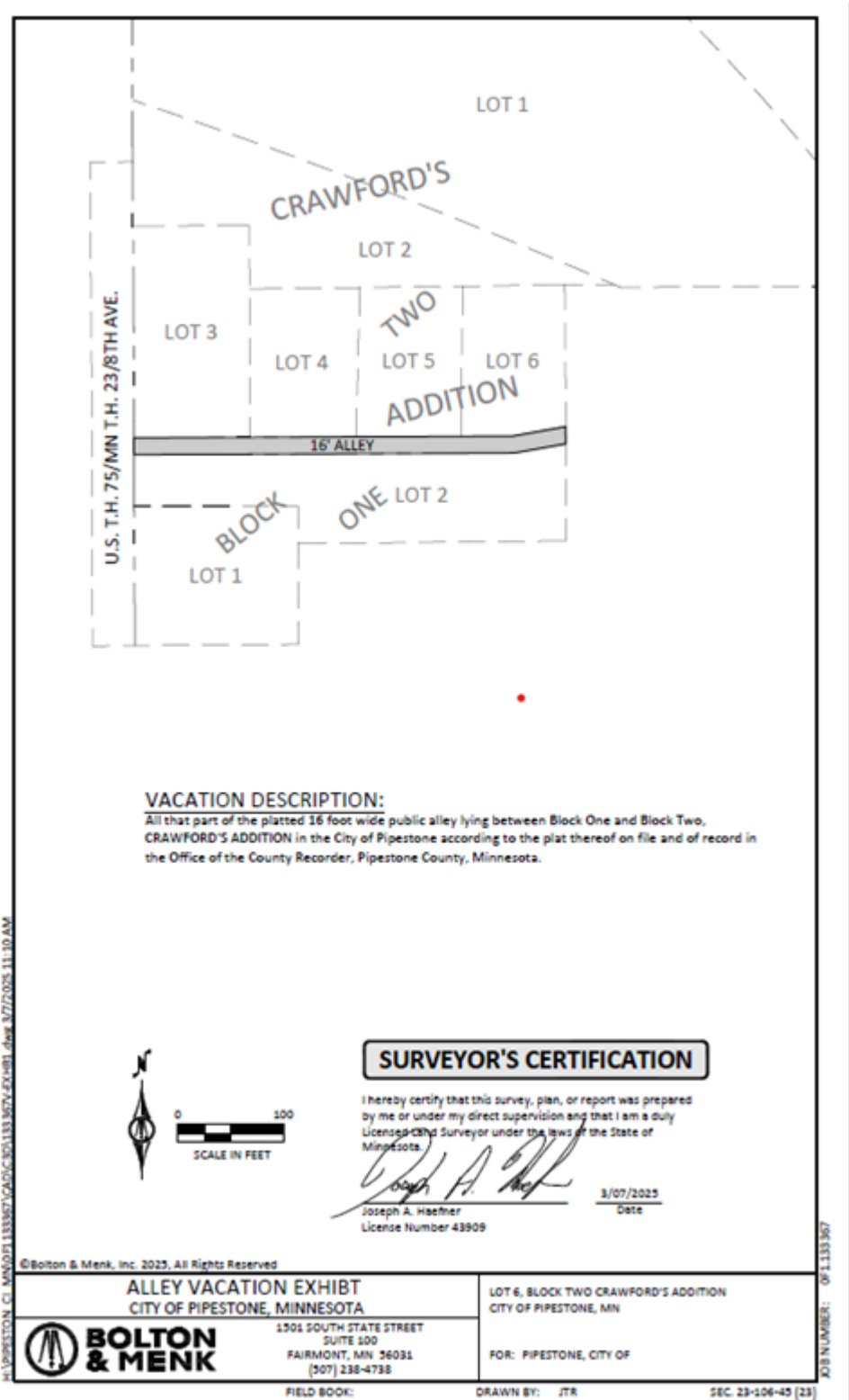
EXHIBIT A

Legal Description of Vacated Alley

All that part of the platted 16-foot-wide public alley lying between Block One and Block Two, CRAWFORD'S ADDITION in the City of Pipestone according to the plat thereof on file and of record in the Office of the County Recorder, Pipestone County, Minnesota.

EXHIBIT B

Survey of Alley Vacation





117 8TH Avenue SE, P.O. Box 8, Pipestone, MN 56164

Phone (507) 825-3316

www.pipestoneminnesota.com ~ erica.pipestonechamber@gmail.com

Fax (507) 825-3317

To: Pipestone City Council
From: Erica Volkir, Executive Director of the Pipestone Area Chamber of Commerce & Visitors Bureau
RE: 36th Annual Water Tower Festival: Friday, June 27 – Sunday, June 29, 2025

The Pipestone Area Chamber of Commerce is requesting your permission and assistance to produce the following during the 2025 Water Tower Festival weekend:

Friday, June 27 – Kids' Night:

- We are **requesting permission to close the 100 Block of South Hiawatha Ave from Main Street to Second Street SW/SE from 2:00 pm – 9:30 pm** for a Community Burger Feed (5:00-7:30 pm), Kids Tractor Pedal Pull at 6:00 pm for ages 3-11.
- **We are requesting 12 Picnic Tables, 4 Blue Garbage Cans, 4 bleachers, and the City's car trailer with carpet, steps, blocks for trailer tires, and jacks** for back of trailer to stabilize it.
- Please have Public Works place **two "No Parking-Street Closed at 2:00pm" signs with the barricades at noon** – one on Main Street at intersection and one at Second Street SW/SE intersection.

Saturday, June 28th – Parade:

- We are **requesting a Parade Permit (free)**. The parade route will start at West Main and Sixth Avenue SW, then turn south at the corner of Main Street and Hiawatha Avenue, and end at the corner of Hiawatha Avenue and Fifth Street SW (Courthouse). The **parade will begin at 10:00am** and conclude approximately 11:30am. **Lineup is at 9:30 am.**
- Please have Public Works place **"No Parking Signs" on Main Street and Hiawatha Ave as they have in the past and provide barricades to block each North/South streets to prevent traffic from entering the parade route.**

Saturday, June 28th – Arts, Crafts, Food, & Vendor Show / Pipestone Cruizers' Car Show:

- We are requesting permission to **close Second Ave SW from 7:00 am – 3:30 pm from Third St SW to Fifth Street SW** for the Pipestone Cruizers' Car Show.
- We are requesting **36 Picnic Tables by 8:00 am**; please put 24 under the tent and 12 on the west end of the Courthouse Lawn for the Car Show.
- We are requesting assistance to set up the big blue tent on the courthouse lawn prior to Saturday and then to tear it down on Monday.
- We are requesting **12 Blue Garbage Cans by 8:00 am** on the Courthouse Lawn near the tent.

Saturday, June 28th – Evening Family Entertainment and Free Street Dance:

- We are requesting permission to **close the 100 Block South Hiawatha Street from Main Street to Second Street SW/SE from 3:00 pm Saturday to 2:00 am Sunday** for a Free Street Dance (Sioux Falls Band – "Undercover") from 9:00 pm – 1:00 am, along with a **request for the Street Dance Permit (and \$25 fee).**
- Please have Public Works place **two "No Parking-Street Closed at 3:00pm" signs with the barricades at noon** – one at the Main Street intersection and one at Second Street SW/SE intersection.
- We are **requesting up to 30 Picnic Tables, 12 Blue Garbage Cans, and the City's flatbed trailer.**

Sunday, June 29 – Church Services on Courthouse Lawn

- We are requesting the picnic tables & some of the garbage cans be left at the Courthouse lawn in order that there be a Community Church service at 10:30 am and possibly a Ministerial Association event later in the day.

Thank you for your support of this celebration for 36 years!



Phone (507) 825-3316

117 8TH Avenue SE, P.O. Box 8, Pipestone, MN 56164
 PipestoneMinnesota.com ~ erica.pipestonechamber@gmail.com

Fax (507) 825-3317

Date: April 16, 2025

To: Pipestone City Council

From: Erica Volkir, Executive Director of the Pipestone Area Chamber of Commerce & Visitors Bureau

RE: Street Closure Requests & Assistance for Chamber Car Cruise-Ins

Dear Pipestone City Council and Pipestone City Administrator:

The Pipestone Area Chamber of Commerce is requesting your permission and assistance to produce the following Chamber Car Cruise-In in 2025:

Street Closure on Thursday, May 29, 2025:

- **Close the 100 Block* of W Main St from 4:00 PM – 8:00 PM** for a Chamber Car Cruise-In (between Stonehouse and A&S Drugs). The Chamber Car Cruise-In will run from 5 PM - 7:30 PM.
 - *In the event the capacity of the 100 block is exceeded, we ask permission to close the intersection of 2nd Ave SW/NW and West Main Street in order to expand west towards Geyermans, possibly all the way to 3rd Ave SW/NW.

Public Works Assistance on Thursday, May 29, 2025:

- **Barricades, Street Closed Signs, Picnic Tables, and Garbage Cans**

Street Closure on Thursday, September 4, 2025:

- **Close the 100 Block* of W Main St from 4:00 PM – 8:00 PM** for a Chamber Car Cruise-In (between Stonehouse and A&S Drugs). The Chamber Car Cruise-In will run from 5 PM - 7:30 PM.
 - *In the event the capacity of the 100 block is exceeded, we ask permission to close the intersection of 2nd Ave SW/NW and West Main Street in order to expand west towards Geyermans, possibly all the way to 3rd Ave SW/NW.

Public Works Assistance on Thursday, September 4, 2025:

- **Barricades, Street Closed Signs, Picnic Tables, and Garbage Cans**

A third Chamber Car Cruise-In is being planned for August 7th in Hatfield. Thank you in advance for your consideration and support of this request!

RESOLUTION 2025-26

A RESOLUTION ACCEPTING DONATIONS.

WHEREAS, the City of Pipestone is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens; and

WHEREAS, the following entities and/or individuals have offered to contribute the cash amounts and/or tangible items as set below to the City of Pipestone:

<u>Name of Donor(s)</u>	<u>Amount</u>
• Pipestone Jaycees	\$700.00 – to assist with DJ & Daycare Day at the Aquatic Center.

WHEREAS, such donations have been contributed to assist the city as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donations offered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PIPESTONE, MINNESOTA, AS FOLLOWS:

1. The donations described above are accepted.
2. The City Clerk is hereby directed to issue a receipt to the donors acknowledging the City’s receipt of the donors’ donations.

Passed and adopted by the City Council of the City of Pipestone this 21st day of April 2025.

Dan Delaney
Mayor

ATTEST:

Deb Nelson
City Administrator

CITY OF PIPESTONE, MINNESOTA

Adopted:

Revised:

ASSESSMENT POLICY

The purpose of this Assessment Policy is to establish a procedure for recovering and distributing the cost of public improvements such as streets, curb and gutter, sidewalk, water main and sewers. The City's intent is to assess a minimum of 20% of the project costs that are financed by bonds under statute 429.

Chapter 8 of the City Charter and Minnesota Statutes, section 429.021 give the City Council the authority to make any and every type of public improvement and to levy special assessments to pay all or any part of the cost of such improvements. The Charter also allows the City Council to adopt a comprehensive ordinance prescribing the procedures which are to be followed in making all local improvements and levying assessments for their construction. This policy is intended to serve such purpose.

The procedures used by the City Council of Pipestone for levying special assessments are those specified by Minnesota Statutes, Chapters 429 and 435. This policy shall serve as a guide for the current and future City Council, as well as for all persons concerned with assessments related to public improvements within the City. It is the intent and purpose of this policy to provide for and insure consistent, uniform, fair, and equitable treatment (insofar as it is practical, lawful, and possible) of all property owners with regard to the assessment of costs associated with public improvements within the City. While this policy shall serve as a guide for current and future City Councils, there may be exceptions to the policy or unique circumstances or situations which may require special consideration and discretion by the City Council, subject to applicable law. Nothing in the policy is intended to limit, or shall be construed as limiting, the City Council's authority under law to impose and collect special assessments.

1. **"Special Benefit" and "Uniformity"**. Special assessments are charges levied against real property for the costs of a public improvement that provides a "special benefit" to the assessed properties. Special benefit must be determined on a project-by-project basis, and on a parcel-by-parcel basis. The rate of a special assessment must be uniform and levied equally upon all property receiving special benefits. Assessment must be confined to property benefited, and the amount of the assessment shall not exceed the special benefit.
2. **Modifications**. The City Council reserves the right to vary from these policies where, in the sole discretion of the City Council, it is appropriate under the facts of the particular situation.
3. **Review and Modifications**. The City Council may, without notice, review and revise this policy.

1. Project Initiation

Public improvements may be initiated by any of the following method:

- 1.1. **Council Initiated**. As part of its duties, there arise situations when the City Council, on its own initiative, will desire proposed improvements be considered. The procedure for organization and consideration is implemented by a member of the Council proposing a resolution referring the proposed improvement to the City Engineer for preliminary study and preparation of a

feasibility report.

- 1.2. **Staff Initiated.** It is an administrative responsibility to bring to the attention of the City Council needed or advisable public improvement.
- 1.3. **Petitioned Improvements.** Public improvements can be initiated by petition of the affected property owners. A petition must be signed by not less than 35% of the owners in frontage of the real property abutting on the streets named in the petition as the location of the improvement. Additional work outside of the scope of the project is to be arranged between the contractor and the property owner and is to be outside of the construction project. Work within the contract will be to contract specifications. If 100% of the owners sign the petition the City Council is able to utilize a streamlined approval process.
- 1.4. **Ordering the Project.** Voting Requirement. Depending on how a public improvement project is initiated, state law provides certain voting requirements, which are as follows:
 - (a) For projects which are initiated upon the filing of a petition of 35% or more of the abutting owners, a majority of the members of the City Council must vote to approve the resolution ordering the improvements.
 - (b) For projects which are initiated upon the filing of a petition of 100% of the abutting owners, the resolution approving the public improvement project and assessing the entire cost of the improvement to those properties may be adopted by a vote of a majority of the members of the City Council without a public hearing.
 - (c) For projects which are initiated by the City Council, 4/5 of the City Council must vote to approve the resolution ordering the improvements.

2. New Construction Classification and City Cost Participation

- 2.1. **New Construction.** A developer of a new subdivision or owner of an unimproved subdivision, lot, lots, or parcels has two alternatives in making improvements to the property. These options are Developer Installed Improvements and City Installed Improvements.
 - (a) **Developer Installed Improvements.** The City permits installation of public improvements by developer, and upon written acceptance, these become part of the municipal system. All improvements must be according to the City specifications as prepared by the City Engineer. No work shall commence until final plans and specifications have been reviewed and approved by the City Engineer. Plans and specifications will not be approved until the applicant has completed the following:
 - i. Made a cash deposit for 1.25 times the estimated cost of plan inspection review, staking and inspection, and all the City expenses expected to be incurred; and the developer has submitted a letter of credit or other form of security, in a form approved by the City Attorney, in the amount of 1.25 times the estimated cost of construction of the public improvements.
 - (b) **City Installed Improvements.** If a developer petitions for an improvement by June 1 prior to the year of construction, the City will include the improvement in the annual improvement program upon deposit by the developer with the City Treasurer an amount equal to 1.25 times the City's estimated cost for such improvements. The deposit shall be either in an escrow deposit or an indemnity bond, with sureties satisfactory to the City conditioned upon payment of all construction costs; including engineering, legal fees, and

other expenses incurred in making of such improvements.

- (c) **City Participation in New Construction.** The City is not obligated to participate in new development unless it directs the developer to oversize an improvement or install at an additional depth for purposes outside the new subdivision. In those instances, the City will only pay for the costs due to the oversizing and/or additional depth.

3. Assessment Methods

General Statement. State law provides different methods for assessing public improvements, which includes the total cost of all necessary construction work required to accomplish the improvement, plus all engineering, legal, administrative, financing, and other contingent costs, including the costs of any necessary land acquisition. The three methods are: (1) per lot; (2) adjusted front foot; and (3) area assessments. The feasibility report prepared for the proposed public improvement project shall recommend one of these methods, or a combination thereof, based upon which method would best reflect the respective benefits which will be received for the properties within the area to be assessed. Proper notification will be given of all public hearings per Statute 429.

Methods. The following methods of assessments, as described and defined below and as may be further defined in state law, are hereby established as the methods of assessment for the City. Regardless of the method used, all properties, including those owned by governmental agencies and other tax exempt entities, are included in the calculation and are subject to assessment as provided in this policy and under state law.

- (a) **Per Lot.** The “per lot” method of assessment shall be based on an equal assessment of all lots within the benefitted area. The “assessment per lot” shall be the quotient of the assessable costs, which are the project costs less the City’s contribution, divided by the total number of assessable lots or parcels benefitting from the public improvement. If all lots are of similar size and purpose, the “per lot” method may be used. If there are disproportionate lot sizes or a combination of residential, business and industrial uses, the frontage method may be used.
- (b) **Adjusted Front Foot.** The “adjusted front foot” method of assessment shall be based on the quotient of the assessable cost divided by the total frontage benefitting from the public improvement. For purposes of calculating the adjusted front footage, the City shall apply the following:
 - 1) The actual physical frontage of a benefitting property shall not be used to calculate the assessment for a particular parcel. Rather, an “adjusted front footage” shall be calculated for each parcel.
 - 2) The purpose of this method of assessment is to equalize the assessment calculations for lots of similar size, despite their physical shape (e.g., rectangle lots versus pie-shaped lots).
 - 3) **Rectangular Lots.** These lots are defined as those lots having less than a two-foot difference between the front and rear lot lines. The adjusted front footage for these lots is equal to the actual front footage of the lot. For rectangular lots whose frontage is greater than its depth, the odd-shaped lot method of calculation shall be used.
 - 4) **Odd-shaped Lots.** For odd-shaped lots, defined as those where there is more than a

two-foot difference between the rear and front lot lines, the adjusted front footage shall be the average width of all lots in the block in which the lot is located.

- 5) **Cul-De-Sac Lots.** The adjusted front footage shall be the length of the lot frontage as measured on a curve at the front building setback line.
- 6) **Corner Lot Adjustments.** For street and trail assessments, the short side will be assessed the actual front footage. The long side will be assessed one-half the actual side footage or 75 feet, whichever is greater.
- (c) **Area.** The area method of assessment shall be based on the number of square feet or acres within the boundaries of the appropriate property lines of the areas benefitting from the project. The assessment rates (i.e., cost per square foot) shall be calculated by dividing the total assessable cost by the total assessable area. On large lots, the City Engineer may determine that only a portion of the lots receives the benefit and may select a lot depth for the calculations equal to the benefit received.

The following items shall not be included in area calculations: public right-of-way; natural waterways; swamps; lakes; and other wetlands designated by the Minnesota Department of Natural Resources or the City. The City Engineer will make a recommendation on the boundaries or parameters of the benefitted area in the feasibility report.

- 3.1. **Reconstruction.** Each infrastructure improvement has a design life. At some point in time, all improvements will have to be reconstructed to ensure reliability and manage maintenance costs. To assist and promote the upgrading of the aging infrastructure, the City Council may adopt a Capital Improvement Plan (CIP) showing potential improvements over the next 5 to 10- years. The purpose is to make replacements on a cost-effective time schedule rather than wait until the City is spending more on maintaining an adequate system than it would cost to replace it.
- 3.2. **Allocation of Costs.** The standard allocation and term of assessment for public improvements shall be based upon the type of improvement made, as set forth in the table below. The term of any assessment will generally not exceed the term of a bond’s duration when a bond is issued to finance the project’s costs. Any assessment that is less than \$100.00 shall be prepaid or shall be certified as the entire amount payable in one installment in the upcoming year. The City Council may, however, establish a shorter or longer term if it is determined to be in the best interest of the City. Costs to be assessed will generally be actual project costs.

Type of Improvement	Allocation of Cost (Property Owners/City)	Assessment Period
Streets (removal of curb and gutter, driveways, sidewalks or pavement/installation of concrete curb and gutter, driveways, sidewalks, base and pavement and bituminous mill and overlays)	30% / 70% (New Construction and Reconstruction)	10 years
Alleys	100% / 0% (New Construction and Reconstruction)	10 years

3.3. Project Specific Standards. Street assessments to be based on no more than a 36-foot wide street, regardless of the actual constructed street width.

In the event that a commercial, business, or industrial property requires a heavier street design (exp. truck route) through a residential zone to serve one or more businesses, the business(es) requiring the heavier design shall be assessed the difference between the residential design and the needed design strength for the length required to meet the need.

Curb and gutter and sidewalk may be petitioned for by individual property owners if not included in the project. The total assessment to the property owner petitioning the improvement shall cover 100 percent of the costs except that approach sidewalk to corner lots at street intersections and alley crossings shall be paid by the City.

Property owners that had replaced the sidewalk on their property within the last 15 years and can prove the sidewalk replacement (exp. right-of-way permit) will not be assessed for any cost of replacement of the sidewalk as part of the street construction project. This shall also apply to driveway aprons if expanded or replaced in the last 15 years.

- (a) Property owners may petition the City to improve alleys. The cost shall be assessed to cover 100 percent of the cost of the work. The Assessment to properties with indirect benefit (potential garage access) shall be 25 percent of the assessment rate for properties with direct benefit (garage access). Consider a subordinate service district (Jason to review language)
- (b) Maintenance costs of improved alleys shall be assessed 100 percent to the property owners on the same basis as the assessment of the alley improvement.

3.4. Sanitary Sewer Main

- (a) The total cost of removal and installation of sewer main shall be funded through sewer rates.
- (b) The cost of construction and reconstruction of sanitary sewer service lines from the main sanitary sewer to the property line shall also be funded through sewer rates. The service line from the sewer main may be stubbed to the property line of each buildable empty lot when a reconstruction project for the adjacent street is constructed.
- (c) The property owner will be responsible for compliance with the city's sewer service ordinance regarding the sewer service from the property line to the building. The property owner will bring their service line into compliance with the ordinance or agree to allow the city's contractor to complete the work. The cost of sewer service replacement from the property line to the building will be assessed 100 percent to the benefitted property owner if completed by the city's contractor.

3.5. Storm Sewer Main

- (a) The cost of construction and reconstruction of storm sewers mains, leads, and catch basins/manholes will not be assessed, but will be paid for 100% through storm sewer utility fund or other sources of revenue.

3.6. Water Main

- (a) The total cost of removal and installation of water main shall be funded through water rates.
- (b) The cost of construction and reconstruction of water service lines from the main to the property line shall also be funded through water rates. The service line from the watermain may be stubbed to the property line of each buildable empty lot when a reconstruction project for the adjacent street is constructed.
- (c) The property owner will be responsible for compliance with the lead and copper rules regarding the water service from the property line to the building. The property owner will bring the water service into compliance with the rules or agree to allow the city's contractor to complete the work. The cost of water service replacement from the property line to the building will be assessed 100 percent to the benefitted property owner if completed by the city's contractor.

4. Assessment Deferrals:

- 4.1. **Deferral of Assessment.** Special assessments for senior citizens and property owners retired due to a permanent and total disability for whom it would be a hardship to make payments homeowners may be deferred, at the City Council's discretion, pursuant to Minnesota Statutes, sections 435.193(a)(1). Special assessments for persons who are members of the military ordered into active military service and for whom it would be a hardship to make payments may be deferred, at the City Council's discretion, pursuant to Minnesota Statutes, section 435.193(a)(2). In order to qualify for a hardship deferment, a property owner must meet the following conditions:

- (a) The property owner must apply for deferment no later than thirty (30) days after the adoption of the assessment roll by the City Council.
- (b) The property owner must be the owner of the property.
- (c) The property owner must occupy the property as their principle place of residence.
- (d) The property owner is 65 years of age or older, or the property owner's income from all sources shall not exceed the current "Very Low (50%) Income Limits" as provided in the area median income limits published annually by the United States Department of Housing and Urban Development.

In order to qualify for a disability and hardship deferment, a property owner must meet the hardship conditions set forth above and must also present documentation of income or of permanent and total disability status.

Notwithstanding the conditions cited above, the City shall have the discretion to determine a

hardship on the basis of exceptional and unusual circumstances in accordance with Minnesota Statutes, section 435.193(b). The City may require regular verification by the applicant of the continuation of the exceptional or unusual circumstances.

Any and all deferments terminate, and all amounts accumulated plus interest, shall become due upon the occurrence of any of the following events:

- (a) The death of the property owner and the spouse of the property owner is not eligible for deferment.
- (b) The sale, transfer or subdivision of the property or any part of the property;
- (c) The property loses its homestead status; or
- (d) The property owner is no longer determined to be in a hardship by the City.

- 4.2. **Undeveloped or Unimproved Property.** In the event an improvement affects undeveloped property that will not be utilizing the improvement, the property owner can request deferral of assessments with accumulated interest until such time as the property is developed or the improvement utilized. The payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the Council. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall record with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. If the property is not developed within 20 years of the improvement the assessment shall be waived.
- 4.3. **Large Un-platted Lots.** For un-platted lots with a single-family home on them the assessment will be based on the actual street frontage up to a maximum of 150 feet. Any frontage greater than 150 feet will be eligible for deferment based on this policy for undeveloped property.
- 4.4. **Deferred Assessments of Green Acres Parcels.** Parcels certified as “Green Acres” by the County Assessor under Minnesota Statutes, section 273.111 may defer the assessment until such time as the property no longer meets the Green Acres requirements and no longer carries the designation. Any other deferral of assessments shall be allowed on a case-by-case basis to be approved by the City Council.

5. General Policy Provisions:

- 5.1. **Local Ordinance Requirement.** Construction of improvements in new additions and subdivisions to the City shall conform with the provisions of Chapter 72, 90, and 152 of the City

Ordinance and 100 percent of the cost shall be paid by the developer or property owners in accordance with Chapter 152. The City Council reserves the right to deviate from this policy for construction improvements in new development areas and to formulate Development Agreements with alternate payment methods.

- 5.2. **Assessment Cap.** If the City Council determines that the total assessment on a parcel or parcels on an improvement project as computed on the basis outlined herein results in a total assessment that does not reflect the benefit received by the property owner(s) for the improvements, the Council, at their sole discretion may adjust the assessment(s) to more closely represents the benefit received.
- 5.3. **Partial and Full Prepayments of Assessments.** After the City Council has adopted the assessment roll in a local improvement hearing, the owner of any property specially assessed may, prior to certification of the assessment to the County Auditor, pay to the City all or a portion of the assessment, but not less than \$100.00. The remaining unpaid balance (if any) shall be spread over the period of time established by the City Council for installment payment of the assessment. At any time after certification to the County Auditor, the owner of any property against which a special assessment has been levied may pay the full amount of the remaining assessment. Interest accrued prior to December 31 in the year in which such a prepayment is made shall also be paid with the prepayment. If full payment is made prior to certification to the County Auditor, interest through December 31 shall be waived.
- 5.4. **Tax Forfeited Properties.** Properties, which have been forfeited for non-payment of taxes, are subject to possible reassessment pursuant to Minnesota Statutes, section 429.071. The amount of special assessments subject to reassessment is determined by City Council resolution following sale by the County for the tax-forfeited land. Following the sale of a tax forfeited property, the City may conduct an assessment hearing and re-assess the amount remaining unpaid on the original assessment. The assessment terms and conditions will be determined by the City Council. In reassessing such property, the City will follow the same procedure as for an original assessment under Minnesota Statutes, section 429.061 including advance notice and public hearing.
- 5.5. **Tax Exempt Properties.** Government units including private cemeteries, churches, hospitals, schools, and similar institutions must pay special assessments. Railroads are also subject to special assessments. Government units subject to special assessments include state agencies, cities, school districts, and counties. However, federal government entities are exempt from special assessments.
- 5.6. **Reapportionment.** Special assessments that have been levied against a tract of land that is subsequently subdivided may be reapportioned pursuant to Minnesota Statutes, section 429.071 and any applicable City ordinances.
- 5.7. **Right to Appeal.** Pursuant to Minnesota Statutes, section 429.081, any person aggrieved, who is not precluded by failure to object prior to or at the assessment hearing, or whose failure to object is due to a reasonable cause, may appeal to the district court by serving a written notice upon the Mayor or clerk of the City within 30 days after the adoption of the assessment.
- 5.8. **Previous Policy.** The above policy statements supersede all previous assessment policies in effect upon the adoption of this Assessment Policy by the City Council. It may be used on new projects that have not been initiated or any project for which the final assessment role has not

been certified.

ACCESS AND LICENSE AGREEMENT

This License Agreement (“Agreement”) is made and entered into this 21st day of April, 2025, by and between the City of Pipestone, Pipestone County, a Minnesota public corporation (“City”), and West Central Environmental Consultants, LLC, a Minnesota limited liability company (“WCEC”).

RECITALS

- A. In coordination with the Minnesota Pollution Control Agency (“MPCA”), WCEC is required to perform work and install a monitoring well in response to the release of petroleum from a tank owned by the former Chandler Coop site, which is located at 217 8th Avenue SE in the City.
- B. WCEC proposes to install the monitoring well on a parcel of property owned by the City, located near the former Chandler Coop site, at 201 8th Avenue SE (PID 18.810.0040) (“Property”).
- C. The MPCA, and WCEC, are authorized to install the monitoring well in accordance with Minnesota Statutes, section 115C.03, subd. 2 and 3.
- D. The City has agreed to allow the installation of the monitoring well on the Property, subject to the terms set forth below, on the condition that WCEC execute this Agreement and comply with its terms and conditions.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt of which is acknowledged by the parties, and based on the premises and the mutual covenants and agreements set forth herein, the parties hereby agree as follows:

- 1. Access and License Granted. The City hereby grants to WCEC, its agents, employees, successors and assigns, subject to all of the terms and conditions of this Agreement, a non-exclusive license and access to the Property for the sole purpose of conducting borings and installing, locating, operating and maintaining a monitoring well located in the area depicted on Exhibit A attached hereto. The operation of the monitoring well includes (1) access to the Property to conduct sampling with portable equipment, which will occur approximately every 3 months on 2-3 occasions and (2) when the site is closed, the at-grade well cover will be saw-cut and removed and cut-out area on the Property for the well will be repaved to match the surrounding area. The City grants access to the area of the Property as may reasonably be needed to conduct the borings and to install, locate, operate and maintain the monitoring well.
- 2. Limitations and Requirements. This Agreement is subject to the following understandings, limitations, requirements, and agreements:

- (a) This Agreement is limited exclusively to the placement of one monitoring well on the Property and does not authorize the placement of any additional wells;
 - (b) WCEC shall be solely responsible for all work and costs to conduct the borings and to install, maintain, operate and locate the monitoring well;
 - (c) WCEC agrees not to interfere with the public's use of the Property and the right-of-way adjacent to the Property in any way. It is understood that the activities in the right-of-way will be limited accessing the Property with equipment and vehicles and the use of cones and sawhorse style barricades to provide traffic control in the area;
 - (d) If WCEC, or its agents or employees, at any time when conducting the borings or during the installation, operation, locating or maintenance of the monitoring well on the Property, cause any damage to the Property or the adjacent right-of-way, WCEC agrees to repair and restore the Property or the right-of-way to the condition it was in prior to said damage or better, at WCEC's sole expense. If WCEC fails, within 30 days after notice from the City, to fully repair and restore the Property or the right-of-way in the event of damage thereto, the City shall have the right to make all such repairs and restoration it deems necessary. If the City determines the condition of the right-of-way is such that it cannot wait 30 days for WCEC to make the repairs, the City may immediately take steps to cause the repairs to be made or to otherwise act to protect public safety. The City shall bill WCEC for all associated costs it incurred related to the work, including the City's administrative and legal costs;
 - (e) WCEC agrees to obtain all necessary permits related to the borings and the monitoring well, and WCEC and its contractors shall comply with all applicable local, state and federal laws and regulations now in existence or hereafter enacted, including all laws governing health, safety, and environmental protection;
 - (f) WCEC agrees not to suffer or allow any liens, claims and processes to be placed against the Property or the right-of-way;
 - (g) WCEC assumes all risk with respect to their activities within, and use of, the Property and the right-of-way; and
 - (h) WCEC hereby indemnifies and holds harmless the City for any damage to the monitoring well caused by public use of the Property.
3. Term and Revocation. The Agreement shall commence on the date first written above and shall continue until terminated by mutual agreement of the parties.
 4. Indemnification. WCEC shall indemnify, hold harmless and defend the City, its officials, employees, contractors and agents, from and against any and all claims, losses, proceedings, damages, causes of action, liability, costs or expenses (including reasonable

attorneys’ fees), arising from or in connection with or caused by any act, omission or negligence of WCEC, their contractors, agents, servants or employees in connection with the borings and the installation, operation and maintenance of the monitoring well and WCEC’s use of the Property. Nothing in this Agreement shall be construed as either party waiving any exception from, or limitation on, its liability provided in Minnesota Statutes, chapter 466 or in other law.

- 5. Governing Law and Amendments. This Agreement shall be governed by the laws of the State of Minnesota and may only be modified or amended with the written consent of both parties.
- 6. Binding Agreement. This Agreement constitutes the entire agreement between the parties regarding this matter and is binding on the parties until terminated by mutual agreement.
- 7. Incorporation. The recitals contained herein and the exhibits attached hereto are incorporated in and made part of this Agreement.
- 8. Counterparts. For the convenience of the parties, any number of counterparts hereof may be executed and each such executed counterpart shall be deemed an original, but all such counterparts together shall constitute one and the same Agreement.

Dated this 21st day of April, 2025.

**WEST CENTRAL ENVIRONMENTAL
CONSULTANTS, LLC (“WCEC”)**

By: _____
Its: _____

CITY OF PIPESTONE

By: Dan Delaney, Mayor

By: Deb Nelson, City Administrator

EXHIBIT A
WCEC Work Area

(attached hereto)