



City Council Regular Meeting Agenda

April 07, 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. March 17, 2025 Regular Meeting Minutes

- 6. Community Concerns (Maximum 3 Minutes Per Person)**

- 7. Public Hearings**

A. Vacation of East/West Alley Located Between Blocks One and Two of Crawford's Addition

- 8. Petitions, and Bid Openings**

- 9. Reports**

- A.** Law Enforcement
- B.** Public Works
- C.** Water/Wastewater
- D.** Building & Zoning
- E.** Liquor Store
- F.** Recreation
- G.** Library

- 10. Legal**

11. Engineering

12. **Financial

- A. Payment of Claims-Listing of Bills

13. Old Business

- A. Safe Routes to School Project Update

14. New Business

- A. Resolution 2025-24: Resolution Granting a Conditional Use Permit for the Placement of an Accessory Structure at 711 3rd Avenue SW in the City of Pipestone
- B. Resolution 2025-25: Resolution Adopting an Amendment to Administrative Policy #25 - Public Purpose Expenditure
- C. Consider Aquatic Center Operational Audit Agreement
- D. Declaration of Surplus Property
- E. Approval Vendor(s) to Serve Alcohol at the Hiawatha Lodge
- F. Approve Public Works Cold Storage Building Project
- G. Fire Chief Appointment
- H. Approve Housing and Redevelopment Authority Commission Member Resignation
- I. Approve Employee Resignation

15. Closing Comments

16. Executive/Closed Session

17. Adjournment

Pipestone, Minnesota
March 17, 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 17th day of March 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: Jill Toering, Myron Koets, 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 Colbeck, seconded by Thompson, and unanimously carried to approve the agenda as presented.

CONSENT AGENDA

Mayor Delaney stated the Consent Agenda contains the March 3, 2025, Regular Meeting Minutes, the February Financial Reports, 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 Thompson, seconded by Smidt and unanimously carried to approve the Consent Agenda items which consisted of the March 3, 2025, Regular Meeting Minutes, the February Financial Reports, and the Payment of Claims-Listing of Bills in the amount of \$385,604.13 for warrants #074414 to #074506 to be issued in payment thereof.

COMMUNITY CONCERNS

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

PRESENTATIONS

ACE of Pipestone County

Jill Toering gave a presentation about ACE, Advocate Connect Educate, sharing with the council that her goal is to increase volunteers within the city. She also let the city know that she would be willing to partner with the city on volunteer efforts.

Casey Jones Trail Event

Myron Koets, shared information on an upcoming bike event on May 17th. He said the event will begin at Moore Park in Pipestone with a route that will take participants to the Indian Lake trail, the city of Woodstock and then back to the city of Pipestone. Additionally, he said that he would like to have more representation from the city and suggested that the city should consider having a city council member serve on the Casey Jones Trail Committee. Myron continued his presentation by sharing future goals of the committee which included potential future trail locations.

ENGINEERING

Bid Award for 2025 AWOS Project

Mayor Delaney stated on March 5th three bids were received for the 2025 AWOS Replacement project at the airport. The bids were:

- | | |
|-----------------------------|--------------|
| 1. Werner Brothers Inc. | \$92,850.00 |
| 2. Neo Electrical Solutions | \$110,320.00 |
| 3. Vinco, Inc. | \$118,230.00 |

Delaney then invited Silas Parmar, the Aviation Project Manager with Bolton & Menk to speak. Parmar stated that he is recommending the city award the project to the lowest bidder Werner Brothers Inc. contingent upon the issuance of a State grant. Parmar explained that the Werner Brothers is a reputable company that is familiar with the Pipestone Airport and went onto say that MNDOT is covering one hundred percent of the project to fully furnish and install the new AWOS system.

Motion was made by Smidt, seconded by Swanson and unanimously carried to award the AWOS project bid to Werner Bros. Inc. contingent upon receiving a State grant to cover the costs of the project.

NEW BUSINESS

Resolution 2025-21

Mayor Delaney stated on February 19th the City Board of Adjustments and Appeals held a variance public hearing on an application by Chandler Feed Company to construct seven (7) new accessory structures that would exceed the maximum 15-foot height limitation for accessory structures in the Highway Business District. The property is located at 113 8th Ave NE. Following the public hearing, the board made a recommendation to the council to approve the variance with the condition that the applicant applies with all local, state, and federal building, zoning, air navigation, and floodplain requirements.

Motion was made by Smidt, seconded by Colbeck and unanimously carried to approve Resolution 2025-21: Resolution granting a variance to construct accessory structures that exceed the allowed maximum height on property located at 113 8th Avenue NE in the City of Pipestone.

Resolution 2025-22

Delaney said this resolution approves plans and specs and orders advertisement for bids on the proposed 80ft. x 80ft. hangar at the airport. Bolton & Menk will prepare and publish the advertisement for bids for three (3) weeks, and bids will be accepted until 6:30 p.m. on April 21, 2025. All bids will be publicly opened and read at approximately 6:30 p.m. that same evening in the council chambers of the city hall. Bids will then be tabulated and will be considered by the council at the 6:30 p.m. city council meeting on May 5, 2025.

Parmar also spoke about the project saying that the project will be funded with funds from the 2021 25-million-dollar bipartisan bill that was passed by congress. He said the funds the city received were banked from 2022, 2023, and 2024 and staff had recommended that the funds be used for a larger project. Parmar said the hangar should bring in more aircrafts and allow for more fuel sales. Nelson stated that the project was put into this year's budget.

Motion made by Smidt, seconded by Thompson, and unanimously carried to approve Resolution 2025-22: A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids.

Resolution 2025-23

Delaney said on January 21st the city council adopted a resolution to order the pavement improvement to industrial road and on February 18th the city council held a public hearing to hear comments on the proposed improvement and assessment of the project. He continued by saying the resolution if approved will order the improvement of Industrial Road and the preparation of plans. Delaney said the project has been talked about for years and the utility commission is recommending that the council move forward with the project. He said the road is only a short length but used by a lot of trucks and funding is available in the street department.

Motion made by Smidt, seconded by Swanson, and unanimously carried to approve Resolution 2025-23: A Resolution ordering improvement and preparation of plans.

Carnegie Library Scope of Work Proposal

Delaney explained that material prices have skyrocketed since the last proposal on the Carnegie Library was done in 2019 and said that there could also be additional damage that has occurred in the last 5 years. He said the first step to get the ball rolling is to do another full scope of work. Delaney also informed the council that the Heritage Preservation Commission has also sent a letter to the council supporting the project.

Delaney then entertained a motion to approve the proposal of \$42,400. Thompson then questioned if the proposal is just to look at the building. Delaney said yes, the exterior of the building only. Swanson stated that the council still needs to know what the cost will be to fix the inside. Delaney then responded by saying that the building is going to cost the city money whether its rehabilitated or torn down and said that the city does not have the money so it will need to be fixed in stages with grant money. Smidt said Swanson is asking what the total costs are including the inside and asked if the \$42,400 cost of the proposal or the cost to repair the roof could be covered by the grant that the city was offered. Delaney said no and continued by saying that the council needs to make a decision on it and be good stewards of public property.

Delaney then made a motion to move forward with approving the \$42,400 proposal from LHB to conduct a full scope of work on the exterior of the Carnegie Library building. The motion was seconded by Colbeck and carried unanimously.

Housing and Redevelopment Authority (HRA) Board Appointments

Delaney shared that the City Attorney had done some research on concerns revolving around the HRA commission. Attorney Hill then explained to the council that he had written a memo addressing the concerns and the memo was sent to the HRA Director and included in the council packets. He stated that the State Statute says the members must reside within the territorial boundary of the city and further explained that records show that there are agreements in place to operate outside of the boundaries of the city; however, the territorial boundaries do not change. Hill stated that he would like to see a written agreement in place to make things clearer between the city and the HRA.

Delaney said he talked to Tammy Manderscheid the HRA Director and she did say that it was not their intent to do anything wrong. He also said that he felt it was not the HRA commission member's fault. Delaney then said at the recommendation of the HRA, he is recommending the appointment of Travis Lund, Daniel Guardado, and Jada Schumann to the HRA Board.

Motion made by Colbeck, seconded by Thompson, and unanimously carried to approve the mayor's appointment of Travis Lund, Daniel Guardado, and Jada Schumann to the Housing and Redevelopment Authority board.

Solar Energy Estoppel Certificate

Attorney Hill explained the estoppel, sharing that the original lease that the city holds on the solar field near north Hiawatha is being purchased by another company and the buyer is wanting confirmation from the city that everything is kosher. Hill said he recommends the approval of the certificate of estoppel.

Motion by Swanson, seconded by Smidt, and unanimously carried to approve signing the estoppel certificate for the solar lease near north Hiawatha Ave.

Approve Hiawatha Lodge Event Vendor(s)

Delaney said City Administration is recommending Council approve on-sale liquor license vendor, Utopian Paradise, LLC. to serve alcohol at the Hiawatha Lodge for two events on:

- March 18, 2025
- April 12, 2025

He explained in the past; the city held an exclusive alcohol dispenser agreement with one sole vendor which allowed alcohol to be served at any event at the Hiawatha Lodge. Currently, there are no licensed on-sale liquor license vendors willing to hold an exclusive annual agreement with the city. Therefore, city administration is recommending that the city operate according to MN State Statute 340A.404 Subd. 4. which allows the governing body of a municipality to authorize any holder of a retail on-sale intoxicating liquor license issued by the municipality or by an adjacent municipality to dispense intoxicating liquor at the Hiawatha Lodge. Moving forward, Council will need to approve each event and vendor where alcohol is being served at the Hiawatha Lodge. City staff will be reaching out to all on-sale intoxicating liquor license vendors in Pipestone County to form an alcohol vendor list for renters to utilize when renting the Hiawatha Lodge.

Motion by Thompson, seconded by Smidt, and unanimously carried to approve on-sale liquor license vendor, Utopian Paradise, LLC. to serve alcohol at the Hiawatha Lodge for two events on March 18, 2025 and April 12, 2025.

Fire Services Agreement

Delaney explained the Pipestone Fire Department recently received a request by the Holland Fire Department to assist in two practice grassland burns. He said City Attorney Hill is recommending that the city enter into a fire services agreement to ensure protection for both agencies. This agreement will terminate following the completion of the grass burns.

Motion by Thompson, seconded by Colbeck, and unanimously carried to sign the fire services agreement.

CLOSING COMMENTS –

Councilmember Thompson shared that a new Plum Creek got a new courier van called Vincent Van Gogh.

Mayor Delaney reported that there are unlicensed solicitors and tree service companies going door to door and also leaving their business cards on resident's doors. He said that these businesses are not licensed with the city and reminded residents that they can always ask any solicitor to see a copy of their city permit to ensure that they are legitimate and have a city license.

ADJOURNMENT

Motion made by Swanson, seconded by Smidt, and unanimously carried to adjourn the meeting at 7:38 p.m.

Dan Delaney
Mayor

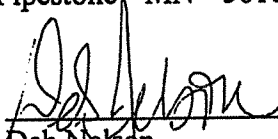
ATTEST:

Stephanie LaBrune
Assistant City Administrator / City Clerk

**CITY OF PIPESTONE
NOTICE OF PUBLIC HEARING**

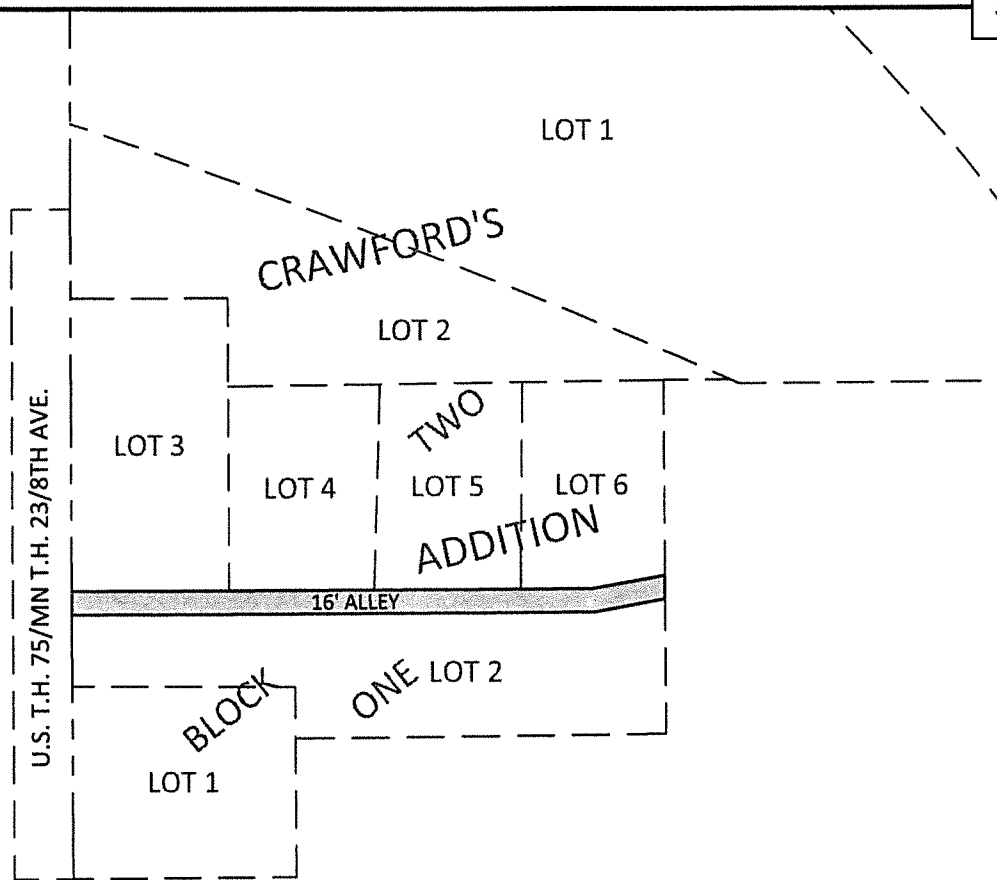
NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Pipestone on the 7th day of April, 2025 in the City Hall located at 119 2nd Ave SW at approximately 6:30 p.m. to consider the proposed vacation of all that part of the East/West alley between Blocks One and Two, Crawford's Addition to the City of Pipestone.

Any person wishing to object to said alley vacation may do so at the time and place of said hearing or by providing written comment prior to such hearing. Written comment should be addressed to the City Administrator, 119 2nd Ave SW, Pipestone, MN 56164 or via email at dnelson@cityofpipestone.com.



Deb Nelson
City Administrator

Published: March 13, 2025
 March 20, 2025



VACATION DESCRIPTION:

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.



SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Joseph A. Haefner
License Number 43909

3/07/2025
Date

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ALLEY VACATION EXHIBIT
CITY OF PIPESTONE, MINNESOTA



BOLTON & MENK

1501 SOUTH STATE STREET
SUITE 100
FAIRMONT, MN 56031
(507) 238-4738

LOT 6, BLOCK TWO CRAWFORD'S ADDITION
CITY OF PIPESTONE, MN

FOR: PIPESTONE, CITY OF

FIELD BOOK:

DRAWN BY: JTR

SEC. 23-106-45 (23)

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JOB NUMBER: 0F1133367

RESOLUTION 2025-24

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR THE PLACEMENT
OF AN ACCESSORY STRUCTURE AT 711 3RD AVENUE SW IN THE CITY OF
PIPESTONE**

WHEREAS, Randy L. Allen and Twyla M. Allen (collectively, the “Owner”) submitted an application for a conditional use permit (“CUP”) to place an accessory structure on property located in the City of Pipestone (“City”) at 711 3rd Avenue SW in the plat of Hillside Addition (PID 18.540.0380), which is owned by the Owners, subject to a life estate and future ownership of Tammy Rabb and Shari Schumann, and is legally described on the attached Exhibit A (“Property”); and

WHEREAS, the Owner’s request for a CUP seeks to move a prefabricated, 12-foot x 24-foot accessory structure, with a 12-inch gravel base, onto the Property and that upon approval of the CUP, the Owner would remove an existing 8-foot shed on the Property (“Project”); and

WHEREAS, on March 12, 2025, upon proper and sufficient published notice, notice to affected properties and notice to properties in the area of the Property, the City of Pipestone Planning Commission held a public hearing regarding the requested CUP, considered the information presented, and voted to forward the application to the City Council with a recommendation that the CUP be approved, on the condition that the installation of the structure follow all manufacturing requirements and building code regulations; and

WHEREAS, the City Council considered the requested CUP at its meeting on April 7, 2025 and finds as follows:

- a. The Property is currently zoned R-1, Single-Family Residential;
- b. The Property includes an existing storage shed and detached garage, and the Owner proposes to move a prefabricated, 12-foot x 24-foot accessory structure, with a 12-inch gravel base, onto the Property and that upon approval of the CUP, the Owner would remove an existing storage shed on the Property;

- c. Under Section 153.23(K) of the City Code, “In addition to a garage, not more than one accessory building or structure may be permitted on any single parcel, except by conditional use permit.”;
- d. The Owner’s application included plans for, and depiction of, the proposed prefabricated accessory structure and its placement on the Property, a copy of which is attached hereto as Exhibit B;
- e. The proposed location of the accessory structure is on the southeast portion of the Property, as depicted in Exhibit B;
- f. In accordance with Sections 153.26(B) of the City Code, the Planning Commission found and determined as follows:
 - (1) The proposed use is not in conflict with the City’s Comprehensive Plan as the accessory structure will not change the character of the neighborhood;
 - (2) The proposed use is not in conflict with the district plan for the area as the accessory structure fits in with the are and is under the square footage required by the City Code;
 - (3) The proposed use is not in conflict with the stated intent of the zoning district in which it is to be located as the accessory structure will clean up the Property and fits in with the neighborhood;
 - (4) The proposed use will not unreasonably harm the public health, safety, and welfare and will not create a nuisance or unreasonable congestion injurious to nearby properties as the Project meets all setback requirements;
 - (5) The proposed use does not interfere with the creation of a beneficial environment within its own property boundaries and on adjoining properties as the Project meets the applicable setback requirements;
 - (6) The proposed use will not interfere with the provision of a reasonable economic benefit to the community as the Project meets the applicable setback requirements;
 - (7) The provisions for interrelationship between the proposed development and contiguous and noncontiguous adjacent properties will not adversely affect pedestrian and vehicular movement and will not adversely affect the buffering of service facilities and parking areas; and
- k. The City Council additionally finds and determines that the criteria for approval of a conditional use permit set forth in Sections 153.26(B) of the City Code have been met by the proposal.

NOW, THEREFORE, BE IT RESOLVED, that, based on the record of this matter, including the application, information presented at the public hearing and the findings and determinations contained herein, the City Council hereby approves and issues a conditional use permit to place the accessory structure on the Property subject to all of the following conditions, restrictions, and requirements:

1. Scope of Use. This CUP allows the Owner move a prefabricated, 12-foot x 24-foot accessory structure, upon a 12-inch gravel base, onto the Property in accordance with the plans submitted with the Owner's application and approved by the City. The accessory structure must be placed in accordance with the conditions imposed on this CUP, the requirements of the City Code, and all other applicable regulations, including manufacturing requirements and applicable building codes.
2. Setbacks. The garage shall comply with setback requirements for the R-1 Single-Family Residential zoning district.
3. Removal of Exhibit Accessory Structure. Prior to the placement of the prefabricated accessory structure on the Property, the Owner shall remove the existing 8-foot storage shed on the Property.
4. As-Built. At the completion of construction, the Owner shall provide an as-built drawings of the garage.
5. Permits. The Owner shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances and shall obtain any additional permits or permissions that may be required for the Project. Construction may not begin unless all required permits are obtained and copies provided to the City.
6. Inspection. The City's Zoning Administrator shall be granted access upon reasonable notification for reasons of determining compliance with all conditions of this CUP and the City Code.
7. Amended Permit. Any alteration of the use of the Property, or of any plans submitted related to those uses, including, but not limited to, expansion of the use beyond what is allowed by this permit, shall not be permitted unless an amended CUP is obtained from the City.
8. Revocation. The violation of any term or condition of this CUP, including but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in the revocation of this CUP. The Applicant shall be given written notice of any violation, a hearing before the City Council, and reasonable time (not less than 30 days) to cure the violation before a revocation of this CUP may occur.
9. Binding Effect. This CUP and its conditions are binding on the parties, their successors and assigns, and shall run with the Property until the CUP is terminated or revoked as provided herein.

- 10. Legal Compliance. This CUP is subject to the requirements of the City Code and the Owners are required to comply with, and obtain all other permits or permission, as may be required by, all applicable federal, state and local laws, rules and ordinances.
- 11. Acceptance of Conditions. Utilization of the Property for the use allowed by this CUP shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the CUP without qualification, reservation, or exception.
- 12. No Waiver. A failure by the City to take action with respect to any violation of any condition, covenant or term of this CUP shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant or term.

Passed and adopted by the City Council of the City of Pipestone this 7th day of April, 2025.

Dan Delaney
Mayor

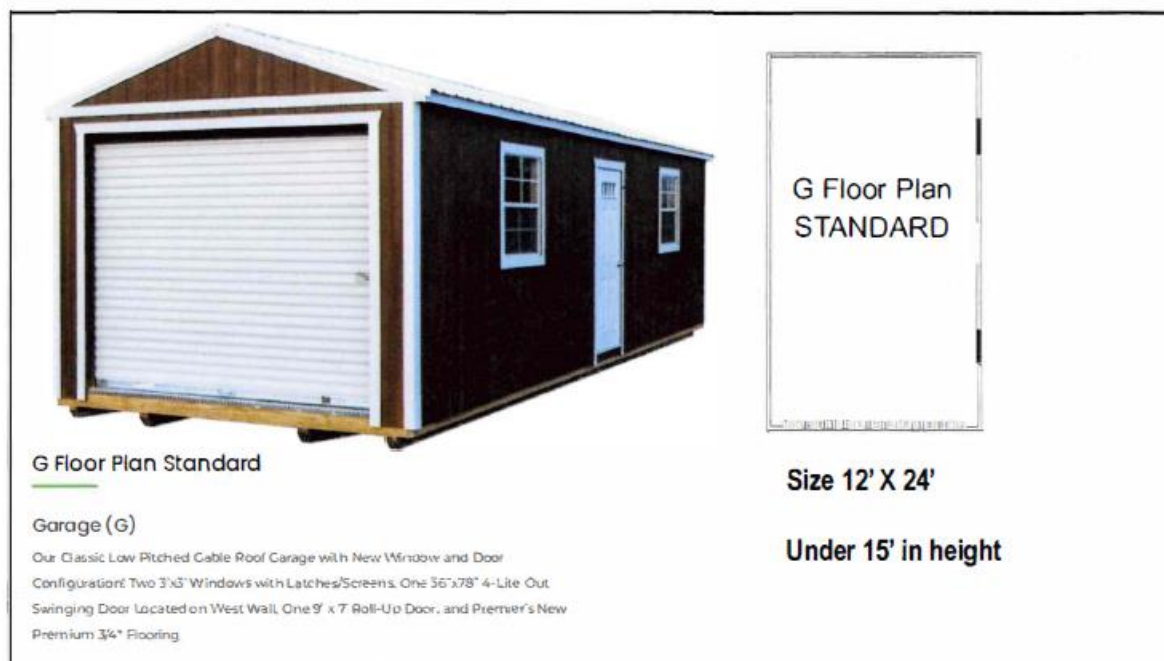
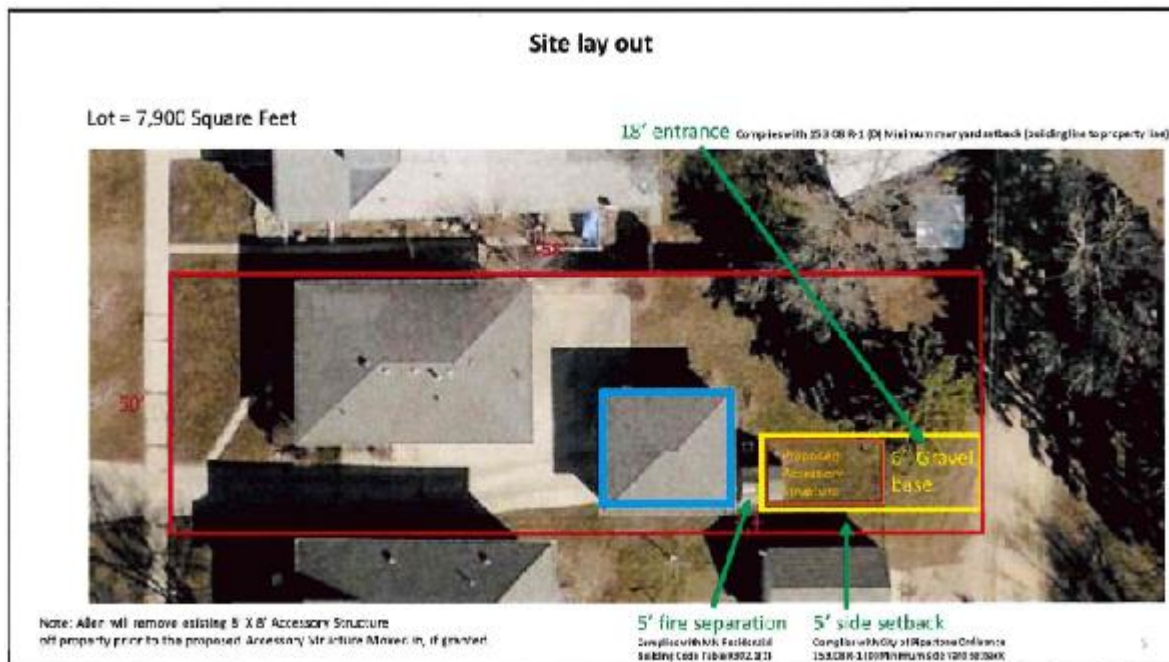
ATTEST:

Deb Nelson
City Administrator

EXHIBIT A
Legal Description of the Property

Lot Thirteen (13), Block Two (2), Hillside Addition to the City of Pipestone, County of Pipestone, State of Minnesota; RESERVING, HOWEVER, A LIFE ESTATE TO GRANTORS AND THE SURVIVOR OF THEM.

EXHIBIT B
Plan and Depiction of Accessory Structure



RESOLUTION 2025-25

**RESOLUTION ADOPTING AN AMENDMENT TO ADMINISTRATIVE POLICY #25 –
PUBLIC PURPOSE EXPENDITURE**

WHEREAS, the City of Pipestone (“City”) is committed to ensuring that expenditures adhere to the Minnesota Public Purpose Doctrine under the Minnesota State Constitution, Article X, Section 1, which allows cities to spend funds to further a public purpose and as authorized by the City Council through the adoption of the City’s annual budget; and

WHEREAS, City staff has proposed authorizing the offering of fee discounts, or other incentives, for the use of City parks and recreational facilities and the participation in City programs; and

WHEREAS, the City Council believes the benefits of attracting City residents to use City parks, the Ewert Recreation Center and other facilities, and to take part in programs offered by the City, result in significant benefits to the City, to its businesses and to the health and welfare of its residents, and thereby services the interests of the City; and

WHEREAS, in January 2026, the City Council will review the impact of the policy amendment for the year 2025 and determine whether the policy amendment should remain in effect.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Pipestone, Minnesota, as follows:

1. Administrative Policy #25 – Public Purpose Expenditure is hereby amended by adding the language set forth in Exhibit A attached hereto.
2. The amendment set forth in Exhibit A shall no longer be effective after December 31, 2025 unless further extended and approved by the City Council.
3. The City Council ratifies and approves any discounts or incentives previously offered by City staff.

Passed and adopted by the City Council of the City of Pipestone this 7th day of April 2025.

Dan Delaney
Mayor

ATTEST:

Deb Nelson
City Administrator

EXHIBIT A

Administrative Policy #25 – Public Purpose Expenditure Amendment

(attached hereto)

ADMINISTRATIVE POLICY #25
PUBLIC PURPOSE EXPENDITURE

Fee Discounts/Incentives

The City Council recognizes the benefits of attracting City residents to use City parks, the Ewert Recreation Center and other facilities, and to take part in programs offered by the City, resulting in significant benefits to the City, its business and to the health and welfare of its residents. The following items are deemed to meet the City Council’s definition of public purpose expenditures with regard to City fee discounts and incentives:

- Discounts on park rental fees, excluding the Hiawatha Lodge and Hiawatha Pageant Park, Ewert Recreation Center and City pool admission fees, punch cards and rental fees.
- Incentives and offers, including discounts on membership fees and membership upgrades.

All proposed discounts and incentives are limited to City residents and must be reviewed and approved by the City Council. All discounts and incentives must be fully and sufficiently documented by the applicable department head to meet the City’s accounting and auditing requirements.



OPERATIONAL AUDIT AGREEMENT

THIS AGREEMENT is made and entered into at St. Louis, Missouri, this ____ day of _____, 20____, by and between the **CITY OF PIPESTONE**, hereinafter referred to as the "**Client**" and **COUNSILMAN-HUNSAKER & ASSOCIATES, INC.**, a Missouri corporation, doing business at 12851 Manchester, Suite 120, St. Louis, Missouri 63131, hereinafter referred to as the "**Consultant**".

WHEREAS, the Client is undertaking an Operational Audit for an aquatic center at **PIPESTONE FAMILY AQUATIC CENTER**, located in **PIPESTONE, MINNESOTA** hereinafter referred to as the "**Project**" and,

WHEREAS, the Consultant is a consultant in the field of swimming pool planning and operations, and

WHEREAS, the Client desires to retain the Consultant as its independent contractor for purposes of evaluating the existing aquatic center, and

NOW, THEREFORE, in consideration of the covenants and agreements herein contained, the parties hereto agree as follows:

- I. SERVICES: The Client hereby retains the Consultant as its swimming pool engineering consultant for the proposed project. The scope of the Consultant's services are:

Task 1. Risk Assessment and Zone Evaluation (One (1) Site Visit)

A. Risk Assessment

1. Consultant shall complete a risk assessment review of the aquatic facility and associated services. The review will include but is not limited to:
 - a. Lifeguard operations
 - b. Entrance booths/areas, concessions
 - c. Aquatic restrooms and locker room areas
 - d. Pools and mechanical areas
 - e. Aquatic attractions
 - f. Pool deck areas
 - g. Deck equipment
 - h. Aquatic operations
 - i. Maintenance operations
 - j. Inspections/daily/weekly/monthly checklists
2. Consultant shall provide a risk assessment report following the review.
3. Consultant shall review planned changes in response to items identified in the risk assessment report and provide feedback.

B. Lifeguard Zone Evaluation and Documentation

1. The Consultant shall administer up to six (6) American Red Cross Zone Verification Drills to confirm the current Staffing Plans at the Project. The Consultant shall:
 - a. Conduct Visibility Drills for each lifeguard station utilizing Aquaconscience ANGELS devices with at least three lifeguards.
 - b. Perform Lifeguard Station Response Time Testing for each station with at least three lifeguards.
 - c. Provide documentation forms for the Owner to perform Live Recognition Drills throughout the swim season.
2. The Consultant shall provide documentation of each Zone Evaluation drill conducted for inclusion in the Owner's Safety Plan.

- II. EXCLUSIONS: The Consultant excludes the extensive and likely invasive examinations listed below. Extensive analysis of these areas of concern shall be authorized by the Client as an additional service and completed by other Consultants specializing in these disciplines.

- A. Structural analysis of pool shell(s).
- B. Determining causes of identified water loss.
- C. Geotechnical testing and analysis at the site.
- D. Determining water table elevations at the site.
- E. Locating aquifers at the site.
- F. Locating electrical currents and their sources at and around the pool(s).
- G. Equipotential bonding and grounding of the pool(s).

- III. DRAWINGS: All of the reports, drawings and specifications prepared by the Consultant as instruments of service are and shall be the property of the Consultant whether the project for which they are made

is executed or not. The Client shall be permitted to retain copies, including reproducible copies of the reports, drawings, and specifications.

- IV. FEES: The Consultant's fee shall be a lump sum of **\$9,000** including **one (1)** site visit. Reimbursable travel expenses are included in this lump.

The Consultant shall submit monthly statements of basic and additional services and for any reimbursable expenses incurred as a result of additional services, based upon the Consultant's hourly rate schedule for services completed at the time of billing. Reimbursable expenses shall include qualifying travel expenses, postage, express mailings, printing expenses for copies in excess of 10 of the final report and 5 draft copies, and any artwork desired, such as renderings that might be used in community publicity. Telephone and fax service are included in the basic fee.

The Client shall make payment within thirty (30) days after receipt of the invoice from The Consultant. If Client fails to make any payment due Consultant for services and expenses within forty-five (45) days after the invoice date, interest will begin to accrue from the date of the invoice at the rate of 1.5% per month. Consultant may, after giving seven (7) days written notice to the Client, suspend services until payment is made in full of all past due invoices for this project.

To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of The Consultant and The Consultant's officers, directors, partners, employees, agents and The Consultant's consultants, and any of them, to Client and anyone claiming by, through or under Client for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from, or in any way related to the conclusions and recommendations expressed in the Audit shall not exceed the total compensation received by The Consultant under this Agreement.

- V. ADDITIONAL SERVICES: All additional services must be authorized in writing.

The Consultant shall be paid for additional services according to the following fee schedule (if not listed as a lump sum):

Principal	\$285.00/hour
Director	\$250.00/hour
Project Manager	\$220.00/hour
Project Engineer/Architect	\$185.00/hour
Design Associate	\$155.00/hour
Administrative	\$90.00/hour
Site Visit	\$1,800.00 /day *

* Excluding travel expenses

- VI. TERMINATION: Each party agrees that upon the occurrence of a material breach or default of the other under the terms of this Agreement, it shall provide written notice of such default to the other. Such written notification given by the party shall specifically state the material breach or default under the terms of this Agreement. The notified party shall have thirty (30) days after such notice is given to remedy the specific breach or default. Upon the failure by the defaulting party to cure the specified breach or default within the allotted time, or recurrence of the same breach within thirty (30) days after

its initial cure, the other party shall have the right to terminate this Agreement except with respect to any liabilities or obligations which, under the terms of this Agreement are to survive its termination.

VII. SCHEDULE OF WORK: The Consultant shall execute all of the tasks listed above within 120 calendar days of receipt of a signed agreement and authorization to proceed. Review periods by the Client, or other extensions not caused by the Consultant, will be added to the 120 calendar days.

VIII. ENTIRE AGREEMENT: This agreement constitutes the entire understanding between the parties and cannot be modified except by their mutual written consent. In the event of a conflict between this Agreement and the terms of any other agreement or document pertaining to the Project, the terms and provisions of this Agreement will be controlling.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the day and year first above written.

ACCEPTED:
COUNSILMAN/HUNSAKER
& ASSOCIATES, INC.

City of Pipestone

Signature

Signature

CH Team Member & Title

Printed Name & Title

Date

Date

Client Information:
Krista Vanderwal
Assistant Manager
Ewert Recreation Center
115 N. Hiawatha Ave
Pipestone, MN 56164
(507)825-5834









Memo

Meeting Date: 4/7/25

To: Council

From: City Administration

Item Title: **Approval Vendor(s) to Serve Alcohol at the Hiawatha Lodge**

Background: N/A

Fiscal Impact: N/A

Recommendation: 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
- June 28, 2025

Attachments: None.