

April 14, 2020

The regular meeting of the City Council of the City of Sleepy Eye was held electronically in accordance with MN Statute 13D.021. Meeting was held via GoToMeeting at 7:00 p.m. on the 14<sup>th</sup> day of April 2020 per due call and notice. Mayor Wayne Pelzel and Councilors Nathan Stevermer, Douglas Pelzel, Joann Schmidt, Larry Braun and Gary Windschitl were present. Also, present were City Manager Bob Elston, City Attorney Alissa Groen, Public Works Director Mike Hardin, City Engineer David Palm, Chief of Police Matt Andres and City Clerk Michelle Strate.

Councilor Pelzel made a motion to approve Resolution 10-2020.

### **RESOLUTION # 10-2020**

#### **Resolution Establishing Unfeasibility of In-Person Meetings due to COVID-19**

##### **CITY OF SLEEPY EYE, MINNESOTA**

**WHEREAS**, on March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-01, “Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19,” declaring a peacetime emergency under Minn. Stat. § 12.31, subd. 2;

**WHEREAS**, the Center for Disease Control has labeled COVID-19 as a pandemic illness;

**WHEREAS**, COVID-19 poses a risk to the health, welfare, and safety of the public;

**WHEREAS**, the Minnesota Department of Health has issued guidelines and recommendations to slow the spread of COVID-19 that include limiting social interaction;

**WHEREAS**, the City of Sleepy Eye, Minnesota provides important services related to transportation, public safety, economic development, critical infrastructure and protection of property;

**WHEREAS**, Minn. Stat. § 13D.021 permits open meetings to be conducted through telephone or other electronic means if:

1. The presiding officer for the governing body finds it not practical or prudent to meet in person because of a health pandemic or an emergency declared under Minn. Stat. Ch. 12;
2. All members of the body participating in the meeting, wherever their physical location, can hear one another and hear all testimony and discussion;
3. Members of the public present at the regular meeting location can hear all discussion, testimony, and votes of the public body, unless attendance at the meeting is not feasible due to health pandemic or emergency declaration;
4. At least one member of the body, chief legal counsel, or chief administrative officer is present at the regular meeting location, unless unfeasible due to health pandemic or emergency declaration; and
5. All votes of the body are conducted by roll call so each member’s vote can be identified and recorded; and

**WHEREAS**, the Mayor of the City of Sleepy Eye, Minnesota, finds that that in-person city council meetings are not practical or prudent because of the COVID-19 health pandemic, and that city meetings shall be held by telephone or other electronic means pursuant to Minnesota Statute, section 13D.021.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF SLEEPY EYE, MINNESOTA AS FOLLOWS:**

1. Due to COVID-19 health pandemic and the public health emergency it is not feasible for members of the public to hear all discussion and testimony and all votes of the city council during meetings held by electronic means.
2. Due to the COVID-19 health pandemic and public health emergency, it is not feasible to have at least one member of the city council or other appropriate staff physically present at the regular meeting location during meetings held by electronic means.
3. All City meetings governed by Minnesota Statutes, Chapter 13D, will be conducted through telephone or other electronic means without members of the public or City officials present at the regular physical location so long as a health pandemic exists or an emergency is declared under Minnesota Statutes, Chapter 12.
4. City staff is directed, to the extent practical, provide means for the public to monitor City meetings held by telephone or other electronic means from a remote location.
5. City staff is directed to provide notice of all City meetings held by telephone or other electronic means in a manner consistent with state law.

4/14/2020  
Date

/s/Wayne Pelzel  
Mayor

Attest:

/s/Michelle Strate  
City Clerk

Councilor Schmidt seconded the motion. Motion passed with roll call votes 5-0.

Councilor Schmidt moved to approve the minutes of the March 10, 2020 regular meeting and March 25, 2020 Special Meeting, with corrections to the March 10, 2020 meeting minutes.

Councilor Pelzel seconded the motion. Motion passed with roll call votes 5-0.

Councilor Schmidt made a motion to extend the Mayors Declaration of Emergency to May 13, 2020. Councilor Windschitl seconded the motion. Motion passed with roll call votes 5-0.

Councilor Windschitl made a motion to approve the variance for Jeff and Sue Pelzel garage. Councilor Braun seconded the motion. Motion passed with roll call votes 4-0 with Councilor Pelzel abstaining.

Councilor Windschitl made a motion to approve the combination on-sale/off-sale liquor license for Railway Bar, during the time period they are ordered to be closed. Councilor Schmidt seconded the motion. Motion passed with roll call votes 4-0 with Councilor Braun abstaining.

City Attorney Groen reported on the following:

- A. Councilor Stevermer called for Second Reading of the Food Truck License. Ordinance #166 An Ordinance Establishing Licensing and Regulations for Mobile Food Units and Food Carts. Councilor Pelzel seconded the motion and the motion carried with roll call votes 5-0.

- B. Barking Dogs. Councilor Pelzel called for Second Reading of the Ordinance #167 Amending City Code Section 5-4-10-d. Councilor Schmidt seconded the motion and the motion carried with roll call votes 5-0.
- C. Nuvera Franchise Agreement. Councilor Schmidt called for Second Reading of Ordinance #168 Ordinance to Amend Ordinance No. 69. Councilor Pelzel seconded the motion and the motion carried with roll call votes 5-0.
- D. Councilor Stevermer made a motion to approve Resolution 11-2020.

**RESOLUTION NO. 11-2020**

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF SLEEPY EYE ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT**

WHEREAS, the City of Sleepy Eye on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Sleepy Eye, on behalf of its Prosecuting Attorney and Police Department, are hereby approved.
2. That the Matthew Andres, Chief of Police, or his successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
3. That the Alissa B. F. Groen, City Attorney, or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
4. That Wayne Pelzel, the Mayor for the City of Sleepy Eye, and Michelle Strate, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 14<sup>th</sup> day of April, 2020.

CITY OF SLEEPY EYE

/s/Wayne Pelzel  
By: WAYNE PELZEL  
Its Mayor

ATTEST: /s/Michelle Strate  
By: MICHELLE STRATE  
Its City Clerk

City Engineer David Palm reported on the following:

- A. 12<sup>th</sup> Avenue Project. Mathiowetz Construction to start middle of next week. Preconstruction scheduled for April 16, 2020. Councilor Stevermer made a motion to set a Public Improvement Hearing for May 12, 2020. Councilor Windschitl seconded the motion. Motion passed with roll call votes 5-0.
- B. 2020 Project. Councilor Pelzel made a motion to approve the Change Order 1 to Remove Construction Interim Completion Requirements & Modify Warranty Provisions for Concrete Improvements. Councilor Windschitl seconded the motion. Motion passed with roll call vote 5-0. Preconstruction meeting took place on April 13, 2020

City Manager Elston reported on the following:

- A. Update on the Bond Refinancing. The rates increased and the refinance has not taken place yet. Possibly look at end of April.
- B. EDA put together a stimulus package for businesses in Sleepy Eye that were required to shut down due to Governor's Stay-At-Home Orders. A grant of \$2,500 will be awarded to those that qualify. PUC also put together a package to defer utility payments 2 months after a business opens back up.

No miscellaneous correspondence

Councilor Schmidt made a motion to approve the Police Report and Cash Fund Balances. Councilor Pelzel seconded the motion. Motion passed with roll call votes 5-0.

Councilor Stevermer moved to approve and allow payment of the monthly bills. Councilor Braun seconded the motion. Motion passed with roll call votes 5-0.

There was no other business.

The meeting was properly adjourned at 8:00 p.m.

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Wayne Pelzel, Mayor

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Michelle Strate, City Clerk