

BUFFALO CITY COUNCIL MINUTES
May 15, 2023

CALL TO ORDER

The regular meeting of the City of Buffalo City Council was called to order on May 15, 2023, at 7:00 p.m. in the Council Chambers of the City Center at 212 Central Avenue.

The following members were present: Teri Lachermeier, Brad Dahl, Steve Downer, and Jameson Wakefield. Absent: Nick O'Rourke

Also in attendance: Administrator Taylor Gronau, Planning Assistant Brenda Smith, Community Planning & Economic Development Director David Kelly, Utilities and IT Director Jason Meusburger, Fire Chief John Harnois, Police Sergeant Mark Brown, Parks and Rec Director Lee Ryan, Airport Manager/Services & Marketing Coordinator Chris Fredrick, Streets and Facilities Maintenance Superintendent Carey Kotilinek, Customer Service Director Cara Hesse, Technical Services Director Derek Eiklenborg, IT Administrator Jay Bares, and IT Technician Sam Solarz.

ANNOUNCEMENTS

Mayor Lachermeier announced the Concerts in the Park schedule and shared a printed copy with everyone in attendance. The Concert schedule will be launched on social media tomorrow. Thank you to all our sponsors.

Splash of Color, a coloring book designed, printed, and sponsored by Bolton & Menk, is now available at the Community Center. She's looking forward to distributing this lovely piece of art to the third-grade students when she visits them to read aloud.

Member Steve Downer shared State Municipal Utilities Association is having a meeting June 27 in Litchfield. He's encouraging fellow Council members who may want to carpool, as this event is geared toward policy makers.

Member Dahl announced the Fast as Flash Fun Run at West Pulaski Park runs from 9 to noon on June 3. This event will raise funds for a Splash Pad in memory of Andrew. The Tree-Climbing Championship will be held this weekend in Sturges Park.

AGENDA ADDITIONS AND DELETIONS

Addition to New Business

- Resolution 2023-20 Adoption of Wright County All-Hazard Mitigation Plan
- Resolution 2023-21 Call for Public Hearing to Consider Vacation of Public

May 15, 2023 City Council Meeting Minutes

Right-of-Way and Conveyance of Its Interest

- Resolution 2023-22 Accepting Resignation of Member Nick O'Rourke and Declaring a Vacancy

Deletion of Public Hearing

- Due to payment Friday, there are no accounts that are past due. Therefore, there is no need for the Public Hearing.

CONSENT AGENDA

- Approval of May 1 Meeting Minutes
- Approval of Claims Listings
- Approval of Payroll Expense Summary

Council Meeting ~ 05/15/23				
Payroll Dates	4/16/23 - 4/29/23			
			Payroll =	\$412,126.75
	Payroll Withholding ~ Incl in Payroll			
		Paid Date	5/4/2023	
			Payroll =	
	Payroll Withholding ~ Incl in Payroll			
		Paid Date		
A/P Check Runs	EFT/DRAFTS	Checks	Total	Check Numbers
5/4/2023	\$ 141,577.45	\$ 59,660.09	\$ 201,237.54	130401-130402
5/10/2023	\$ 756,913.91		\$ 756,913.91	-
5/10/2023	\$ 319,601.45	\$ 531,833.37	\$ 851,434.82	130409-130518
		Grand Total	1,809,586.27	

- Land Lot Lease Approval for Lot #38
- Approval of Golf Cart Permit for Elaine Fillmore of 811 2nd Avenue NW
- Resignation of Cheryl Sinn
- Hiring of Michele Raymond as Part-Time Liquor Store Clerk
- Approval of Pay Application #5 to MN Mechanical Solutions – Wastewater Treatment Facility Pretreatment Building Improvements

Upon motion by Council Member Downer, motion seconded by Council Member Wakefield to approve of the consent agenda.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

OLD BUSINESS

Ordinance No. 2023-9 Amending the Buffalo City Code Chapter 6 to Allow Limited Keeping of Chickens-First Reading

Administrator Gronau stated that at its April 17 meeting, Council directed staff to prepare and present a draft ordinance for the care and keeping of chickens within the city limits. Taking the comments shared at that meeting, including public comments, the draft of this ordinance is largely taken from the City of Annandale’s ordinance, as it addressed the concerns discussed at that April 17 meeting. Next steps would be for the Planning Commission to review and provide recommendation listed in the ordinance and call for a Public Hearing to prepare for the second reading.

Mayor commented that she’s pleased with the initial reading of the ordinance and likes the process for next steps so that this can proceed. Member Dahl recommends adding “at any time” after the word revoke in Section 1 (h) (3). Member Downer mentioned that there should be grounds for denying a permit to include any code violations and/or delinquent utility bills in Section 10 (3). He also thinks the abutting property owner should be notified in advance, as opposed to after an application has been submitted for permit review. Administrator Gronau thanked the public for their participation and helpful comments in preparation and planning for this ordinance.

Upon motion by Council Member Wakefield, motion seconded by Council Member Dahl to approve of the initial reading of Ordinance No. 2023-9 Amending the Buffalo City Code Chapter 6 to allow limited keeping of chickens.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O’Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

Buffalo Fiber Funding Request & 2023 Strategy

Utilities Director Jason Meusburger shared the Buffalo Fiber timeline to date with a feasibility study and establishing a task force including Council Members Downer and Wakefield. Buffalo Fiber has a reasonable plan for fiber build out in the City and is ready for Council’s direction for funding. Meusburger highlighted all these strategic points through a PowerPoint presentation.

Buffalo Fiber is a community-owned utility with a scalable service and symmetrical speed. They are looking to design Phase One (largely commercial) this year and plan the actual build-out next year. The timeline is fluid, and has a moving target, but there is a plan. Meusburger continued fielding questions from Council including an incentive to connect to service as the build-out happens. There are residential pockets in the initial phase. There are also areas outside city limits in the initial build-out because of grant projects.

May 15, 2023 City Council Meeting Minutes

The success rate of Phase One will largely determine when Phase Two can begin. The initial task force discussions showed a cost of \$17-20 million to build this out in a 3–5-year timeline. The task force agreed a Phase approach would be best in accomplishing both short- and long-term goals. When considering the Phase approach, it is estimated that Buffalo Fiber will need \$2.8 million and they've considered an abatement bond, backed by the general levy. Along with this they want to separate Fiber funds from Electric funds.

Timing of Phase One take rate need 30-40% penetration to continue building out. New residential areas being developed in the city are being built with Buffalo Fiber available, and that will continue. As more residential developments come about, the intent is to have Buffalo Fiber to all new homes.

In the short-term, Buffalo Fiber will need an interdepartmental loan from the Electric fund to purchase a necessary piece of equipment and get the design going of the Phase One build out. Meusburger was adamant that the interdepartmental load would be refunded this year and that there would be no budget interruption for the Electric fund because of the loan. Administrator Gronau stated the Council would adopt a Resolution for assurance.

Member Dahl inquired about competition, seeing that there are no territories in comparison to electric utility. Meusburger stated that there has been interest from competitors, but Buffalo Fiber does have the edge because of the amount of fiber already in the ground. Members Downer and Wakefield are eager to see the project move forward and recognize the foundation that has already been laid. Fiber is moving forward, phased approach is nice, both of them personally experienced the need for better ISP especially during 2020-21 when many residents had to work from home and students were required to attend school virtually.

Council has directed staff to continue with the plans presented. They like the metric, phased approach, and reasonable capital outlay. Meusburger stated the Council will likely see a Resolution next month regarding the interfund loan and a purchase order for engineering design necessary for Phase One.

NEW BUSINESS

Planning Commission Matters

Community & Economic Development Director David Kelly shared the Planning Commission recommended approval of the proposed Chipotle (Chipotlane)/Starbucks at 1200 State Hwy 25 N/93 14th St NE. The Developer went through a significant Concept Review stage with the Commission, and last week the Preliminary Plat and Development Stage PUD for these parcels. Kelly also touched on the addition to the agenda this evening regarding the Vacation and property conveyance of frontage road along TH25 to this developer.

Member Wakefield shared the significant improvement to the overall site with the additional frontage road space. He is encouraged that the Developer will create the necessary turn-around as a condition of the Preliminary Plat/Development Stage PUD. There was a brief discussion regarding turn lane designation on 14th St. NE as a result of this development and ingress/egress to the parcel.

Upon motion by Council Member Wakefield, motion seconded by Council Member Downer to approve and adopt the Preliminary Plat and Development Stage PUD with conditions stated in the Planning Commission Minutes.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

Resolution 2023-18 Designating Commercial Parking

Administrator Gronau expressed that he's been approached that 15th St NW (the public street just north of the WalMart retail site). There is increased overnight parking of occupied passenger and recreational vehicles in this area. There has been a history of complaints, namely accumulating trash and debris on the site. This area does have need of commercial vehicle space as 15th St NW serves as temporary parking when semis are waiting to drop commercial deliveries. Gronau proposes the Council designates this area as semi-trailer and commercial parking only; and placing signs that read "Commercial Vehicle Parking Only. No Occupied Vehicles Allowed" along the street.

Sergeant Mark Brown attests to the area having numerous complaints when he served as Detective. Member Dahl asked, "Do we now have to address the homeless living in the area? Where are they going to go?" Sergeant Brown stated that the people in the area have a good relationship with the police department. He alluded to a favorable outcome discussing these changes and their alternative plans.

Upon motion by Council Member Dahl, motion seconded by Council Member Downer to Adopt Resolution 2023-18 designating commercial parking.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

Resolution 2023-19 Accepting Donation of Real Property PID 103-198-002020

The Huston family wishes to designate the land to the City of Buffalo. Its assessed value is \$15,000. Our understanding is that no other businesses in the area were interested in this parcel, and it cannot be developed due to its size. It currently serves as a collection area for run-off and the City sees the value in this site assisting with managing storm water in the area.

Upon motion by Council Member Wakefield, motion seconded by Council Member Downer to adopt Resolution 2023-19 accepting donation of real property PID 103-198-002020.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

West Pulaski Sewer Relocation

Utilities Director Jason Meusburger introduced the capital project that started last year. This is separate from the project on the south side of Lake Pulaski. It is funded through debt service against Water Reclamation. These grinder stations are private after construction and the homeowners will receive manuals and instructions on who can service them for their future reference.

Justin Kannas, City Engineer with Bolton & Menk, discussed this part of the project area affects 6 homes—1612-1602 3rd Ave NE—that have an existing gravity sewer within the lake edge. The proposed improvement is that each home will have its own grinder station. Each home will have an individual sewer force main from that grinder station. Gravity service from the home will flow by gravity into the pump station, be discharged through a pump and up into the individual force main, and then discharge into the low-pressure common force main underneath 3rd Avenue NE.

The plan to roll out the project is as follows: receive bids by June 21, award a contract in July, stipulate that disruptive work cannot begin until September 1 and be finished by the end of May 2024. Property owners affected have been contacted with details about grinder stations, received their input on placement of these stations, and Kannas reported that the discussions went well, all things considered. Prior to construction, Kannas will reach out to the homeowners again with project details and contact information.

Kannas continued that this area's service is not effective, has some major issues including back-ups. He suspects that the frost and elements have caused this pipe to sag over time as the sewer is shallow and very close to the lake edge.

Additionally, the manholes are difficult to access. Property owners have reconciled what is public and what is private with the discussions they've had. Property owners understand that the capital cost is initially paid for by the City, their grinder stations when installed, become theirs and that given these will be brand new going in, we will not provide an additional pump.

Upon motion by Council Member Downer, motion seconded by Council Member Dahl to approve of the West Pulaski Sewer Relocation.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

2023 Street Maintenance Projects

Follow up to move forward with the project to reclaim and repave Pulaski Road from 16th Street NE to just south of Greenbriar Lane; and to reclaim and repave Orr Avenue just south of Marketplace Drive to 3rd Street S. The latter being in front of Cub Foods. It is clear they need to better manage their storm water as it currently goes over land thus creating issues in the roadway. Kannas is hopeful that they will take their water underground through a basin (at their cost) to eliminate this surface drainage.

Because of the condition of both these highly travelled roadways, the entire depth of the pavement must be reclaimed and repaved to a depth of 4 inches. The sub-base of the roadway will remain as is. Member Downer asked about the Pavement Management mileage in categories 4 and 5 (requiring full replacement). Administrator Gronau stated 10 miles in rating 4, 6.8 miles in rating 5. With the current sites being done this year (1/2-3/4 mi.), there is barely a dent, but as Downer stated, "it's something."

Upon motion by Council Member Downer, motion seconded by Council Member Wakefield to approve and proceed with these 2023 Street Maintenance Projects.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

Lake Pulaski Filtration Project

Administrator Gronau recognized two members of the LID (Lake Improvement District), Bill Jundt and John Tank, are present tonight. Tonight's topics include two separate motions: One is for the scope of the project needing to go to bid; two is for the purchase of two Filtrex filters. These filters are a temporary fix as

May 15, 2023 City Council Meeting Minutes

this project is getting started later than initially planned. The Pulaski LID would reimburse the City for this initial purchase of the two filters.

Justin Kannas gave a brief history: The existing MN DNR permit to pump water from Lake Pulaski to Buffalo Lake was suspended in the Summer of 2022 due to zebra mussels. The suspension stays in place until such time as the issue is mitigated. In discussions with MN DNR the terms have been modified to include a minimum of a 35-micron filter installed and operational during spring, summer, and fall. While pumping can occur in the winter without filtration, it is not ideal for a variety of reasons, mainly ice safety. The lake can only be pumped down to a certain level.

Many systems were considered, the best being this Filtrex filtration system (the two Filtrex filters, all valves, piping, monitors, etc.) housed inside a concrete block building approximately 34 ft x 26 ft with a façade to match the pavilion at Griffing Park and tucked across from the volleyball courts on the far east side of the park boundary to limit obstructing the view and allowing for future development in the park.

The second component of the system is to put a screen on the face of the current pump adjacent to the lake to protect it from large debris, vegetation, and the backwash that goes through the housed filtration system. It in and of itself will not filter the zebra mussels but will act as a pre-filter and potentially extend the life of the filters. New pumps will be installed as the system requires more horsepower and the equipment currently seen at the lake edge will be housed inside the new building, protecting it from the elements. The electric transformer will be relocated as part of the scope of the project. Beebe Lake has a similar set-up for this screening process.

Member Downer inferred that the Pulaski LID is also in favor of this solution. Staff affirmed as did the members of the LID in the audience. Member Wakefield inquired about filter maintenance and what was acceptable. Kannas confirmed mechanical maintenance will be required and that an extra filter will be kept on hand. Administrator Gronau said that the City will look toward a maintenance agreement as part of the actual bid package. More details to come when that part of the process is before the Council in the future.

Upon motion by Council Member Wakefield, motion seconded by Council Member Downer to purchase two Filtrex filters.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

Upon motion by Council Member Downer, motion seconded by Council Member Dahl to approve of the Lake Pulaski Filtration Project.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

F-16 Static Display Request

Airport Manager/Sales & Marketing Coordinator Chris Fredrick mentioned that Member Dahl brought this possibility before the Airport Board when he was a member of that Board. The Air Force has need to relocate several planes from the base near Fort Snelling in preparation for an expansion project. If approved, this static display would be an addition to the older T-33 currently on-site. Aircraft displays are "on loan" and Fredrick takes care of the necessary documentation and photos the agencies require for continued use of the displays.

Member Dahl reports that transporting and set-up would largely be done by teams designated by the USAF. From the City perspective, Member Dahl says there may be a need for a crane to lift components off the truck itself when it arrives, but there are times these services are donated. Given that the airport is undergoing an Airport Layout Plan, Fredrick says they think this display would be south of the current T-33. The addition the City would need to make is to have footings installed for the F-16 to sit upon, so it does not add a large footprint, but certainly adds interest to our airport. This aircraft would come to us in 2024.

Member Dahl stated there is no need for a motion, just Council approval to pursue and proceed with the requirements to secure the display. Council present gave a resounding approval to pursue.

Resolution 2023-20 Adoption of Wright County All-Hazard Mitigation Plan

Fire Chief John Harnois presented this All-Hazard Mitigation Plan. An Act was passed in 2000 that cities and counties need to be prepared in the event of natural disaster, largely spear-headed by Hurricane Katrina and its devastating effects. Chief Harnois is happy to say that the City of Buffalo has been proactive with planning for natural disaster.

An update to this plan is required every 5 years. Over the last 18-24 months, Wright County has been collaborating with Homeland Security, U of M, their extensions, citizens, and all the cities in the county to update this plan. Chief Harnois further reminds and encourages all City residents to sign up for these

“RAVE system” emergency notifications on the county’s website.

As part of this Hazardous Mitigation Plan, the City’s public education component included siren testing and daily announcements through social media during Severe Storms/Tornado Awareness Week. Additional components of this plan include having generators on/for all critical infrastructure and the addition of sirens with sufficient area coverage in newly developed areas.

Mayor Lachermeier inquired about trail derailment and Chief Harnois stated that the county would refer to the Emergency Operations Plan in the event something like that happened in our City. Being part of this Hazard Mitigation Plan allows us access to apply for grants and other funds through other agencies such as FEMA and Homeland Security.

Upon motion by Council Member Downer, motion seconded by Council Member Wakefield to adopt Resolution 2023-21 Wright County All-Hazard Mitigation Plan.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O’Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

Resolution 2023-21 Call for Public Hearing to Consider Vacation of Public Right-of-Way and Conveyance of Its Interest

David Kelly reviewed the Preliminary Plat and Development Stage PUD for the parcels that were discussed during the Planning Commission Matters portion. These parcels will develop into the Chipotle and Starbucks facilities requiring this Vacation secondary to development of the site. Staff recommends the Council to call for Public Hearing June 5, which satisfies the required 14 days publication in preparation for the next steps for this project. The conveyance of the land is in conjunction with the Vacation because the Final Plat approval for these parcels is contingent upon both items being satisfied.

Upon motion by Council Member Wakefield, motion seconded by Council Member Dahl to approve Resolution 2023-21.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O’Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

Resolution 2023-22 Accepting Resignation of Member Nick O'Rourke and Declaring a Vacancy

Nick O'Rourke tendered his resignation. Mayor read the resignation letter.

Mayor Lachermeier commented on how she enjoyed working with Member O'Rourke and is sad to hear his resignation. Member Wakefield commented that this [serving on Council] is as close to your [the residents] government as you can get. Members of Council impact your quality of life in the city you live in and O'Rourke embraced that. He was a passionate voice for this and he brought valuable energy to the discussions. Member Downer reiterated his agreement with the others. Member Dahl expressed his disappointment as he himself is new to Council, he looked to O'Rourke for encouragement in this role.

Upon motion by Council Member Downer, motion seconded by Council Member Wakefield to approve Resolution 2023-22 accepting Nick O'Rourke's resignation and declare a council vacancy.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

Administrator Gronau stated that since Member O'Rourke had fewer than 2 years left on his term, Council is not required to hold a special election. Council can appoint a Member to fill the vacancy. The Council has experienced this before when Member Eric Anderson tendered his resignation due to relocation.

Administrator Gronau encouraged the Council's past practice was to solicit application from the current Planning Commission and HRA boards with their applications due May 30. Interviews for those expressing interest in serving in this capacity would be conducted during a Workshop on June 5 prior to the next Council Meeting. If the Council can reach a decision during that time, the plan would be to install them at the start of the regular June 5 Council meeting.

Member Downer inquired about the restriction to those two boards and Administrator Gronau affirmed Staff's recommendation. Downer expressed his original thoughts that perhaps it should be opened to include those who had run during the past election. Administrator Gronau's response was that this resignation had come to his attention just today, late in the afternoon. If the timing of this resignation had happened closer to the previous election, that would make sense, but the next election happens in roughly 18 months.

Upon motion by Council Member Dahl, motion seconded by Council Member Downer to allow staff to reach out to Planning Commission and HRA for their applications to fill the vacancy.

Jameson Wakefield	Brad Dahl	Teri Lachermeier	Nick O'Rourke	Steve Downer
Aye	Aye	Aye	Absent	Aye

The motion carries 4-0.

STAFF UPDATES

Staff gave general updates to the Council.

OTHER

Closed Session to Discuss Potential Land Acquisition of PID 103-500-193106

At 9:05 PM Mayor Lachermeier stated that the Council will enter into a closed session to discuss the potential land acquisition of this property. This meeting may be closed pursuant to Minn. Stat. 13D.05, Subd. 3(c)(3) to develop or consider offers or counteroffers for the sale of real or personal property identified as 103-500-193106.

Mayor re-opened the meeting at 9:41 PM.

Mayor stated that the Council asked staff to explore wetland delineation and soil borings and give the Council an update at the June 5 meeting.

ADJOURN

Mayor adjourned the meeting at 9:43 p.m. to a workshop at 5:00 p.m. on June 5, 2023.

Attest:

Teri Lachermeier, Mayor

Susan Johnson, City Clerk