

**City Council Minutes**  
**January 18, 2022**

Pursuant to due call and notice thereof, the City Council of the City of Buffalo, Minnesota, held a regular meeting in the City Center on the 18 day of January 2022 at 7:00 p.m. Present were Council Members: Nick O'Rourke, Scott Enter (remote-nonvoting), Teri Lachermeier, Steve Downer and Jameson Wakefield. Staff: Administrator Laureen Bodin, Chief of Police Pat Budke, City Clerk Susan Johnson, Community Planning and Economic Development Director David Kelly, Finance Director Kelly Horn, Utilities Director Jason Meusburger (remote), Parks and Rec Director Lee Ryan, Student Liaison/Videographer Matthew Scherber.

**CALL TO ORDER**

Mayor Lachermeier called the meeting to order at 7:00 p.m.

**ANNOUNCEMENTS**

Mayor Lachermeier read the following proclamation for Buffalo Strong Day.

**A DAY FOR BUFFALO:  
BUFFALO STRONG DAY**

**WHEREAS:** On February 9<sup>th</sup>, 2021; the City of Buffalo was shaken by gun violence when Buffalo's Allina Clinic was targeted by one armed individual leaving five victims injured, one of whom later died; and

**WHEREAS:** The impact rippled through the entire Buffalo community, falling heavily on all of the staff and medical professionals working at the Allina Clinic and their coworkers across the Allina medical system and medical community; the Buffalo Police Department, Wright County Sheriff's Office, and additional law enforcement agencies who provided assistance at the scene; the family, friends, and neighbors of the five victims; the Buffalo School district students and their families; and all members of our City of Buffalo family; and

**WHEREAS:** The City of Buffalo will remain Buffalo Strong. The events of February 9<sup>th</sup> 2021 will not break the community apart nor will they take away healthcare resources from our community; and

**WHEREAS:** Buffalo Strong Day February 9, 2022, will be recognized through several community events. The community is committed to forever carry on the messages of continued support for one another and to connect through a caring community; and

**WHEREAS:** Buffalo Strong is lived by our Buffalo community because **Buffalo connects** with neighbors and community members, especially those who may be suffering from mental health issues, to check in and understand

January 18, 2022

Buffalo City Council Minutes

their needs; **Buffalo cares**, as evidenced by the outpouring of support of time, talent, and treasure by community members in the wake of February 9th; and **Buffalo continues on** with the work of strengthening our community and making sure all residents have the resources they need to be healthy and successful.

NOW, THEREFORE, I, TERI LACHERMEIER, MAYOR OF THE CITY OF BUFFALO, do hereby proclaim that February 9th, 2022, shall be observed as:

## **BUFFALO STRONG DAY**

**MAYOR TERI LACHERMEIER**

Randy Haskins said Old National Bank & Buffalo Strong will be bringing Clint Malarchuk to Buffalo for the Buffalo Strong event on February 9, 2022 at the high school performing arts center. Malarchuk shares his life story and how he deals with it moving forward. His wife will speak from her side of the story. Details can be found on their website [www.buffalostrong.care](http://www.buffalostrong.care).

Mayor Lachermeier said the Council met earlier regarding Wild Marsh Golf Course. She said Council had directed staff to put out a request for proposal for the sale or management of the course. Five bids were received to purchase the course. She said the Golf Course Advisory Board, city staff and consultants worked together on the process. BRB Golf Management was the choice that the Council went with to purchase the course.

Kevin Unterreiner and Brooks Ellingson of BRB Golf Management, LLC said they are very excited to be business owners at Wild Marsh and are looking forward to the year ahead.

Council Member Enter said two great opportunities were presented with the selection process. He wants the citizens to know that these guys will hit the ground running and have everything in place. He thanked the Golf Course Advisory Board for their dedication and open/honest communications. He said the decision was ultimately the Council's.

### **OPEN FORUM**

There was no one in attendance for the open forum portion of the meeting.

Mayor Lachermeier stated that Council Member Enter is not voting on any matters tonight because his situation does not meet the requirements of Minn. Stat.13D.02. There will not be roll call.

**AGENDA ADDITIONS OR DELETIONS**

Deletion of Item #9D OSHA Emergency Temporary Standards (ETS) Policy

**COUNCIL REPORTS AND RECOGNITION**

Council Member Downer said the Library Advisory Board met January 4. They discussed the recodification of Code the Board was dropped from 9 to 7. They are working on their bylaws. Question was raised of whether Council representatives are voting members or not. He noted that the Library Board is interested in the east parking lot as Wright County works through the sale of property. They would also like an electronic sign. A committee was established to work on promoting programs and services. They discussed a program called "Raising a Reader" He thanked Jack Harrold for his involvement serving on community boards.

Administrator Bodin said that city staff was told that the County would look at the entire parcel in the sale, but they recognize the city's interest in acquiring that lot.

Council Member Enter reported that he was asked by Wright County to be on the advisory board for government site.

**CONSENT AGENDA**

- A. Approval of January 3 Special Meeting and Regular Meeting Minutes
- B. Approval of Claims and Payrolls

**Council Meeting ~ 01/18/2022**

<b>Payroll Dates</b>		<b>Paid Date</b>		
12/26/2021 - 01/08/2022		1/13/2022	<b>Payroll =</b>	<b>\$358,366.10</b>
<b>Payroll Withholding ~ Incl in Payroll</b>				
<b>A/P Check Runs</b>	<b>EFT/DRAFTS</b>	<b>Checks</b>	<b>Total</b>	<b>Check Numbers</b>
1/13/2022	\$133,356.20	\$ 15,343.48	<b>\$148,699.68</b>	<b>126016-126034</b>
1/12/2022	\$497,035.72	\$213,380.14	<b>\$710,415.86</b>	<b>126035-126123</b>
1/12/2022	\$917,080.58		<b>\$ 917,080.58</b>	
			-	
<b>Grand Total</b>			<b>\$1,776,196.12</b>	

**C. Hiring of Parks Maintenance Worker Trevor Waldoch**

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

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O'Rourke
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-0.

**REMOVED CONSENT AGENDA ITEMS-None**

**PUBLIC HEARINGS**

Past Due Accounts

Mayor opened the public hearing. No comments were made.

<b>Property ID</b>	<b>Address</b>	<b>Amount*</b>	<b>Description</b>
103-026-006050	301 Central Ave	\$125.80	Utilities
103-192-001340	1002 Ivy Ridge Ln	\$435.85	Utilities
103-031-003070	503 8th Street NE #B	\$590.09	Utilities
103-165-001120	523 Creekside Dr	\$720.58	Utilities
103-163-002010	1800 11th Street NE	\$94.90	Utilities
103-097-004030	210 17th Street S	\$274.89	Utilities
103-500-322201	802 Bradshaw Ave NE	\$440.00	Admin.Penalties

\*Amount plus interest at 6%. A \$40 filing fee has been included in the above amounts in the event they are not paid in full by November 30, 2022.

Upon motion by Council Member Downer, motion seconded by Council Member Wakefield to certify the above past due account to the tax rolls.

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O'Rourke
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-0.

**OLD BUSINESS**

### **A. Pulaski Road Traffic Study-Proposed Vehicle Restriction Ordinance 2022-1**

Consulting Engineer Kannas said in November he presented to the Council recommendations on improvements for safety. One of those recommendations was restricting truck traffic on this roadway. Council was in favor of the restriction and ordinance which is before you tonight. This ordinance is allowed by State Statue 169.87 which states that the Council can restrict any vehicles on any roadways within its jurisdiction. This restricts through traffic exceeding 10,000 pounds. Trucks accessing property within the roadway are allowed. Signs will be posted on both ends of the segment. This restriction does not include trash haulers, utility vehicles or things of that nature.

Mayor asked about bus traffic and how do we notify people. Kannas said he could work with staff to contact the bus company as well as others that use that route regularly. Staff will work on educating. Mayor wondered about new developments in that area and how to notify them. Administrator Bodin said that could be part of the development agreement and staff can notify developers.

Council Member Wakefield said he has heard comments about the truck traffic from developments going in.

Upon motion by Council Member Wakefield, motion seconded by Council Member O'Rourke to adopt Ordinance 2022-1.

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O'Rourke
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-0.

### **B. Dague Avenue NE and 30<sup>th</sup> Street NE Reconstruction Right-of-Way Plat No. 2**

Consulting Engineer Kannas explained that this right-of-way plat establishes easement and right-of-way lines for Dague Avenue. Most easements have been signed off on. To record the plat, it needs Council approval.

Upon motion by Council Member Downer, motion seconded by Council Member O'Rourke to approve of the Dague Avenue NE and 30<sup>th</sup> Street NE Reconstruction Right-of-Way Plat No. 2.

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O'Rourke
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Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-0.

**C. Johnsonville, LLC, Resolution Approving Written Findings, Resolution 2022-2**

Administrator Bodin reviewed that the January 3 meeting was the hearing on the appeal by Johnsonville, LLC. for the administrative penalties. Resolution 2022-2 outlines the written findings that were acted on at the last meeting. The City Council is required to provide written findings pursuant to City Code Section 2.229(f).

Upon motion by Council Member Wakefield, motion seconded by Council Member O'Rourke to adopt Resolution 2022-2 A Resolution Approving Written Findings.

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O'Rourke
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-0.

~~D. OSHA Emergency Temporary Standards (ETS) Policy~~

**E. Advisory Board Appointments**

Community Planning & Economic Development Director Kelly said staff recommends the following appointments to the Parks Advisory Board and the Planning Commission. The Planning Commission opening is due to Council Member Wakefield's move from the Planning Commission to the Council so this would fill the remainder of Wakefield's term.

Parks Advisory Board: Ryan Gustafson to a full term ending in & Sarina Siljander to the remainder of Judd Goerss' term ending in 2022.

Planning Commission: Lisa Marie Smith to the remainder of Wakefield's term ending in 2024.

Kelly said he has a call scheduled with staff at the Minnesota State Historical Preservation Office tomorrow and will report back to the Council on that discussion.

Council Member Downer thanked the outgoing board members who have served. He noted that there is an opening on the Airport Advisory Board, and he has been contacted by someone who is interested.

Upon motion by Council Member Downer, motion seconded by Council Member Wakefield to appoint Ryan Gustafson to the Parks Advisory Board and Lisa Marie Smith to the Planning Commission.

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O'Rourke
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-0.

**NEW BUSINESS**

**A. Sale of \$1,850,000 G.O. Refunding Bonds, Series 2022A-Resolution 2022-3**

Consulting Financial Advisor Nick Anhut of Ehlers and Associates reviewed two bonds that the City can call on for either prepayment or refinance. The first is a bond that was issued in 2012C for downtown improvement projects, and the second is the 2013B Series which was utilized for utility improvements. It is recommended that the City refinance at this time and preserve the tax-exempt status given the understanding about the future of the City and its financial condition. The bonds will be combined into one refunding bond that will match the length of time of the current repayment structure, but hopefully at a much lower rate. Expected savings is more than a net basis over \$100,000 between the two representing about a 5% savings on what is being paid today.

Anhut said he is looking for Council’s consent to move ahead in the process. They will use a competitive approach in the hopes to obtain multiple bids and will come back to the February 7 meeting for approval of the actual sale.

Upon motion by Council Member Downer, motion seconded by Council Member O'Rourke to adopt Resolution 2022-3 Resolution Providing for Sale of \$1,850,000 General Obligation Bonds Series 2022A.

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O'Rourke
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Absent

Motion passed 4-0.

**B. Tobacco Compliance Checks**

Chief Budke reviewed the tobacco compliance checks done on December 29, 2021. Three entities failed the compliance checks. He reviewed the fines as set by State Statute based on a 36-month timeframe.

He said immediate education is done after the compliance check and ongoing resources are made available. In these three cases, none of the staff asked for ID.

This is a first Violation in 36 months for Smokin’ Monkey and Buffalo Smoke Shop and a second violation in 36 months for BP. It is recommended that Smokin’ Monkey and Buffalo Smoke Shop be assessed the \$300.00 fine and BP be assessed the \$600 fine.

Upon motion by Council Member O’Rourke, motion seconded by Council Member Downer to assess the fines as stated in State Statute to Smokin’ Money, Buffalo Smoke Shop and BP.

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O’Rourke
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-0.

**C. Resolution Delegating Authority to Make Electronic Fund Transfers, Resolution 2022-4**

Finance Director Horn said this resolution will document the formal delegation from Council on who can make electronic fund transfers. State Statute 471.38 allows for certain payments to vendors, payroll, and debt payments. It does require internal controls and among those are the annual delegation of who can make those transfers. The resolution before you recommends authority be given to the City Administrator, Assistant Administrator and City Clerk.

She explained that the City’s practice is that transfers are initiated by the Finance Department, but requires approval by Administrator, Assistant Administrator, or City Clerk. The two groups have different authorities. Moving forward next year this delegation would be part of annual appointments. This resolution formally adopts the delegation.



Council Member Downer asked if this was a change in process. Horn said that the formal designation is per State Statute. The City has internal controls in place that the Statute requires, it just hasn't been noted as an official action.

Council Member asked for clarification on Council approving the transfers. Horn said, yes that process is still in place. All registers will continue to be presented to Council for approval.

Upon motion by Council Member Wakefield, motion seconded by Council Member O'Rourke to adopt Resolution 2022-4 A Resolution Delegating Authority to Make Electronic Fund Transfers.

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O'Rourke
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-0.

**D. Feasibility Study for Fiber Growth**

Utilities Director Muesburger said that in the last quarter of 2021 the Fiber Department presented some opportunities to the Council to fund a fiber buildout using ARPA funds. One of the takeaways from that discussion was to establish a roadmap of how to fund it, how to build it and if the City would benefit from it. That is what this study will do.

Staff reached out to Finley Engineering who is in the fiber industry and CCG Consulting Group will provide the financial analysis on the study. If things look to be in the City's favor to move forward, they will provide us with a 100-page report with a strategic roadmap for the Council to make sound decisions moving forward with fiber to the home, fiber to businesses and utilizing funding to increase our own city infrastructure as well with lift stations and water towers.

Mayor Lachermeier said she's looking forward to feasibility for direction. Council Member Downer said the question is to what extent does it make for a business case to expand what we are doing now. The study is to look at the competitive situation and make some recommendations. He believes they will give a fair reading on the status. He feels it will be money well spent.

Mayor Lachermeier said it is good for the public to know where we're at with it, and that we've done our job with research and getting a business plan. Council

Member Enter stated the reliability of fiber is huge. Council Member Downer said the businesses he knows who have it, love it. He doesn't want to jump into it and feels we will get a straight answer from the study.

Council Member Wakefield feels this is a small price to pay to know competitively if the City should go this route.

Upon motion by Council Member Downer, motion seconded by Council Member Wakefield to commission the feasibility study by Finley Engineering and CCG Consulting not to exceed \$32,500.

<b>VOTE</b>	Wakefield	Downer	Enter	Lachermeier	O'Rourke
Aye	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nay	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Absent	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed 4-0.

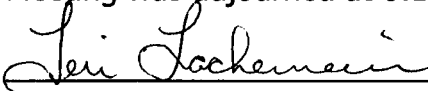
**STAFF UPDATES**

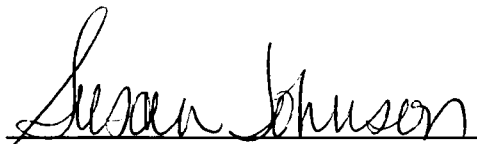
Staff gave general updates to the Council.

**OTHER-None**

**ADJOURN**

Meeting was adjourned at 8:15 p.m.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk