

**CALL TO ORDER**

The regular meeting of the City of Buffalo City Council was called to order on April 18, 2022 at 7:00 PM in the Council Chambers of the City Center at 212 Central Avenue.

The following members were present: Council Members Teri Lachermeier, Jameson Wakefield, Scott Enter, Steve Downer. Absent: Nick O'Rourke.

Also in attendance: Administrator Laureen Bodin, Assistant Administrator Taylor Gronau, City Clerk Susan Johnson, Community Planning & Economic Development Director David Kelly, Utilities Director Jason Meusburger, Fire Chief John Harnois, Finance Director Kelly Horn, Police Chief Pat Budke, Water Superintendent Cara Hesse, Airport Manager/Services & Marketing Coordinator Chris Fredrick, Parks and Rec Director Lee Ryan.

**ANNOUNCEMENTS**

Mayor Lachermeier offered condolences to the family of Ann Vars who served on the Planning Commission. Ann passed away recently, and her service will be held this Thursday at 11:00 AM in St. Michael. Council Member Wakefield said he served with Ann on the Planning Commission and said Ann focused on doing her best for the City of Buffalo.

**OPEN FORUM**

Local artist Sue Davies told the Council that she is working on a project that includes the community. The project is funded by the Central Minnesota Arts Board. She is creating paintings of our lakes and asked the community to send her some reflections about the lakes. The paintings will be shown on May 17 at 4:30 PM at the Wright County Historical Society. There will be music, light refreshments, and a presentation. This is free and open to the public. Paintings will stay at the Wright County Historical Society through July 15. After that they will be placed at Stellis Health Clinic.

Fred Naaktgeboren from the Buffalo Food Shelf, Alisa Ledoux from the Salvation Army and Jonathan Parker from Love INC addressed the Council regarding the homeless population in Buffalo and Wright County. Naaktgeboren said that statistics are that 1 in 8 or 9 in our city, state, country are food insecure. As the pandemic winds down many free services are ending and the need grows again. In the first quarter of 2022 the food shelf has seen an over 50% increase in the number of individuals it is serving and a 35-40% increase in the pounds of food they are giving away.

Naaktgeboren related this to a triangle of shelter, food, and transportation. Without

those three people are struggling. This is a growing problem, and we want to bring awareness and education to the issue.

Alisa Ledoux gave her personal story that led her to work for the Salvation Army. She stressed seeing the individuals not the situations. She reiterated the growing needs of homeless people in Buffalo and Wright County. Salvation Army helps with gas cards, food, hotels, checking in on shut ins. She asked Council to review the information provided.

Jonathan Parker of Love INC shared the following numbers: 5, 29, 0, 1, 11,000. He explained this means 5 months, 29 homeless persons, 0 emergency shelters, 1 adult drug treatment center for those over 18 years of age in Wright County and \$11,000 in hotel rooms. In the last five months, Love INC and the Salvation Army provided shelter for these people. He reviewed the fund to help provide for the homeless. He said there is a need for emergency housing in Wright County.

Parker said that while there is a need for emergency housing and provision, housing alone is not the answer. He feels it's a multi-layer problem and the problems need to be addressed concurrently. The trend is going up nationally and we need to be prepared.

### **AGENDA ADDITIONS-NEW BUSINESS**

Authorization to Purchase Chassis for 2023 Street Department Truck  
USIC Agreement for Locating Service

### **COUNCIL REPORTS AND RECOGNITION**

Student Council Liaison Scherber reported that the Knowledge Bowl Team Varsity 2 won first place at state competition and Varsity 1 won tenth place. Drumline won first in their drumline competition in Rochester. Spring play is next week, and spring sports are underway. This week is Unified Week where the school focuses on inclusion.

Council Member Wakefield thanked those who attended the porkchop scholarship feed. Over 900 porkchops were served.

Council Member Downer mentioned the email alerts he received through the new website. Utility billing customers can get a \$35 tree rebate-first come first serve, \$50 rebate for irrigation system tune ups, new water fill station at Civic Center for bulk water, Lift Station 15 critical infrastructure was updated with ARPA funds.

### **CONSENT AGENDA**

Approval of April 4 Meeting Minutes  
Approval of Claims Listings

April 18, 2022 City Council Meeting Minutes

**Council Meeting ~ 04/18/2022**

**Payroll Dates**

03/20/2022 -  
04/02/2022

**Paid Date**

4/7/2022

**Payroll =**

**\$303,990.46**

**Payroll Withholding ~ Incl in Payroll**

<b>A/P Check Runs</b>	<b>EFT/DRAFTS</b>	<b>Checks</b>	<b>Total</b>	<b>Check Numbers</b>
03.30.2022		\$12,000.00	<b>\$12,000.00</b>	126812
04.04.2022		\$41,820.00	<b>\$41,820.00</b>	126814
04.07.2022	\$128,676.02	\$16,006.57	<b>\$144,682.59</b>	126832-126847
04.13.2022		\$2,718.56	<b>\$2,718.56</b>	126848-126864
04.13.2022	\$880,344.06		<b>\$880,344.06</b>	
04.13.2022	\$339,019.57	\$452,960.01	<b>\$791,979.58</b>	126865-126972
<b>Grand Total</b>			<b>\$1,873,544.79</b>	

Personnel Matters - Hiring, Promotion and Resignation Recommendation  
HR requests the approval of the position description for Senior Accountant and recruitment of the vacant position, acceptance of resignation of Grant Pfeifer as Liquor Store Clerk, hiring of Timothy Fink as meter reader and promotion of Christine Estrada to the Senior Accountant position.

Personnel Matters-Chief Budke recommends the conditional offer to police candidate Andrew Hite pending successful completion of a background investigation and psychological fitness exam.

Council Member Enter moved to approve the consent agenda; seconded by Council Member Wakefield.

<b>Jameson Wakefield</b>	<b>Nick O'Rourke</b>	<b>Scott Enter</b>	<b>Steve Downer</b>	<b>Teri Lachermeier</b>
Aye	Absent	Aye	Aye	Aye

The motion carries 4-0-1.

**REMOVED CONSENT AGENDA ITEMS**

None

**PUBLIC HEARINGS**

**Public Hearing on Past Due Accounts**

Finance Director Horn reported on the past due accounts. She said the cold weather rule ends at the end of April. She encouraged those having difficulty paying their bills to contact utility billing staff for resources or to set up a plan to get their bills paid.

Mayor called for comments for the public hearing. No comments were heard.

Council Member Downer urged people to reach out for assistance that is available.

**PUBLIC HEARING APRIL 18, 2022**

<b>PROPERTY ID</b>	<b>ADDRESS</b>	<b>AMOUNT*</b>	<b>DESCRIPTI ON</b>
103-123-003080	2006 Goldfinch Dr	\$620.20	Utilities
103-163-002010	1800 11th Street NE	\$231.59	Utilities
103-500-202402	1414 Pulaski Rd	\$395.80	Utilities

\*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.

Council Member Downer moved to certify the list of past due accounts to the tax roll; seconded by Council Member Enter.

<b>Jameson Wakefield</b>	<b>Nick O'Rourke</b>	<b>Scott Enter</b>	<b>Steve Downer</b>	<b>Teri Lachermeier</b>
Aye	Absent	Aye	Aye	Aye

The motion carries 4-0-1.

**OLD BUSINESS**

**Heritage Preservation - City of Buffalo**

Community Planning and Economic Development Director Kelly said he is asking the Council for direction on heritage preservation in Buffalo. He presented potential options for heritage preservation in Buffalo. Pros and cons were offered for both Heritage Preservation Commission (HPC) and Heritage Preservation Advisory Board (HPAB).

**Potential Options for Heritage Preservation in Buffalo:**

1. Heritage Preservation *Commission* (HPC)
  - Program works in partnership with Minnesota State Historic Preservation Office (SHPO)
  - Potential **Pro's**:
    - Access to considerable tax credits/grant funding
      - Federal/State Historic Preservation Tax Incentives
      - Building reuse studies
      - Historic preservation plans
      - Cultural landscape plans
    - Education & technical assistance through SHPO
      - SHPO can review redevelopment projects to determine if they comply with federal/state laws as it relates to historic preservation to ensure historic properties are not adversely affected

- SHPO maintains inventory of historic properties and assists in identifying properties for historic status
- Provides larger recognition of any historic properties in the city
- Potential **Con's**:
  - Can delay/alter development process of historically designated sites to ensure compliance with established local/state laws relating to preservation of sites
  - Certified Local Government (CLG) entity
    - If adopted, an HPC would need to have substantial “teeth” per State of MN law
      - **NOTE**: Any decision by the HPC would have ultimately have to be approved of by Council (much like the PC)
  - If a property is deemed historic/significant by the HPC, the restrictions on its development would remain with the property owner (and not the owner itself) which could disincentivize redevelopment of a property
    - **NOTE**: The restrictions on a property would be removed if the building is demolished however
  - Can prove to be more expensive in the long run to redevelop a building using historically significant materials (without grant assistance)

## 2. Heritage Preservation *Advisory Board* (HPAB)

- City advisory board with a dedicated staff liaison
- Potential **Pro's**:
  - Already codified per Sec. 2-130:
    - *"Purpose. The purpose of the board shall be to identify buildings, land, areas, or districts which are determined by the board to possess particular cultural or educational value and shall promote the designation of heritage preservation sites."*
  - Greater flexibility in the role of the board as it relates to heritage preservation
    - By-laws would have to be approved of by Council, but board members would work to make this board “their own”
      - **NOTE**: This board could submit recommendations to the Council much like the HPC, but would likely not have the same amount of control
  - Could incorporate and suggest various programs
    - Century-home designation; local landmark designation; etc.
  - Citizens have sought to fill this board in earnest over the last few years, and applications for this have been submitted
  - Albeit minor, a HPAB would remain an unpaid board position (unlike a PC which is a CLG entity)

- Would not hamper redevelopment efforts in comparison to a HPC; no binding status tied to the land/building
- Potential **Con's**:
  - Potential for resident's concerns specific to heritage preservation to be minimized (as compared to a HPC that has its rights entrusted by the statute)
  - Greater potential for board changeover
  - Limited access to heritage preservation funds for redevelopment that otherwise could be available
  - No formal assistance offered by SHPO/formal heritage preservation specialists
  - Lack of formal review as it relates to heritage preservation during large-scale construction projects
  - Potential for lack of recognition of historically significant sites by state/federal agencies (aside from National Register of Historic Places status)

Kelly asked the Council which route, if any, he should take on the matter.

Mayor said that after the workshop with the representative from the Minnesota State Historic Preservation Office she likes the idea of having a board. She noted the interested residents that have applied.

Council Member Enter said the last thing he wants to do is hinder future construction over something that might be of significance today but might not be in a hundred years. He is concerned about putting something in writing and mentioned other cities where their downtown is defunct because of regulations. He would like to see a subcommittee under the Planning Committee. He asked the question of what we have in Buffalo that we truly want to keep for a long period of time, such as 50-100 years. He likes the idea of them reporting to the Planning Commission.

Mayor clarified if this would be a separate board on its own. Kelly said yes. Council Member Enter feels the Heritage Board and Planning Commission need to work hand in hand. Kelly said that with the board there is more flexibility.

Council Member Wakefield said we have old buildings, but we don't have major sections of town that this would pertain to. He feels that downtown will be multiple uses and with a commission that will constrain what people can do with their buildings. They will want to renovate for retail purposes. He feels the board is a better fit.

Council Member Downer also feels the board is a better fit for Buffalo. He asked who the board would report to and how do we determine that. Mayor said a simple start is where to begin.

Mayor said direction has now been given to staff. Kelly said he will reach out to interested applicants and advertise to fill the rest of the board. Once the board is filled a meeting will be scheduled.

**Buffalo's Aquifer and Drought**

Water Superintendent Hesse reviewed the aquifer and recharging. She shared a picture of our five wells and how each of their flow paths go for one, five and ten-years. With the lack of moisture in 2021, the one-year flow path doesn't exist, and we are starting to see affects of last year's drought. Staff will begin tracking the aquifer more frequently. She encouraged residents to be mindful of their watering habits.

**Even/Odd Ordinance Lawn Watering Hour Adjustment**

Water Superintendent Hesse said City Code Sec. 16-2 states watering is allowed between the hours of 11:00 AM-5:00 PM. Staff has received public feedback and believes it would be beneficial to change the watering hours to 7:00 AM-7:00 PM.

Council Member Enter moved to call for a hearing on May 2, 2022 to amend City Code Sec. 16-2 Conservations Measures, seconded by Council Member Downer.

Council Member Downer asked about new seed/sod. Hesse said that there is a 30-day exemption. Residents will contact the Water Department and staff will meet with residents regarding the exemption.

Jameson Wakefield	Nick O'Rourke	Scott Enter	Steve Downer	Teri Lachermeier
Aye	Absent	Aye	Aye	Aye

The motion carries 4-0-1.

**Wild Marsh Golf Course Update and Approval of Extension of Closing Date**

Administrator Bodin reviewed that the Council had agreed to the purchase agreement and the short-term lease. BRB Golf Management is engaged with the bank and SBA lenders who have provided terms for financing and are completing their underwriting and approval process. The buyer's counsel expects to have firm guidance on timing for that approval in the next few days and anticipate providing the City a proposed purchase agreement amendment extending the due diligence date for completion as financing (as well as the date for the seller's completion of certain repairs/improvements required by the agreement).

Under the current purchase agreement terms, closing would occur on or before June 3 but BRB has the right to extend the due diligence period for 30 days by depositing \$10,000 in non-refundable earnest money. That would extend closing to July 3.

It is recommended that the City Council approve the extension of the purchase agreement as proposed and ask for the \$10,000 in hard earnest money. When closing occurs that \$10,000 would be part of the closing funds. If the closing falls through the earnest money would stay with the City. This is not unusual for an SBA loan as far as length of time.

Council Member Wakefield moved approval of extending the purchase agreement as proposed and to ask for the \$10,000 in hard earnest money, seconded by Council Member Downer.

Jameson Wakefield	Nick O'Rourke	Scott Enter	Steve Downer	Teri Lachermeier
Aye	Absent	Aye	Aye	Aye

The motion carries 4-0-1.

**NEW BUSINESS**

**Planning Commission Matters**

**Buffalo Dental, Zoning Amendment, 1000 HWY 25 S, PID 103-500-323203**

Council Member Wakefield reviewed the Planning Commission recommendations for Buffalo Dental Zoning Amendment. It is currently zoned A-1 Agriculture and they requested rezoning to B-2 Limited Business District. The Planning Commission voted in favor of the rezoning per NAC report File 137.03 - 22.06, dated April 4, 2022.

Council Member Enter moved approval of the zoning amendment for Buffalo Dental located at 1000 Hwy 25 S per NAC report File 137.03 - 22.06, dated April 4, 2022, seconded by Council Member Wakefield.

Jameson Wakefield	Nick O'Rourke	Scott Enter	Steve Downer	Teri Lachermeier
Aye	Absent	Aye	Aye	Aye

The motion carries 4-0-1.

Council Member Wakefield mentioned that the Planning Commission tabled a preliminary plat and PUD on CR 12 and Lake Boulevard.

**PCS Agreement & Overview**

Utilities and IT Director Meuseburger reviewed the Paumen Computer Services (PCS) position with the City. He noted that it was a strategic goal of the city to rebuild the internal MIS team. He stated that Jay Bares has been an integral part of our MIS team.

Council was supportive of bringing Bares onto the MIS team as a city employee.

Council Member Downer moved to approve of the PCS Agreement, seconded by Council Member Wakefield.

<b>Jameson Wakefield</b>	<b>Nick O'Rourke</b>	<b>Scott Enter</b>	<b>Steve Downer</b>	<b>Teri Lachermeier</b>
Aye	Absent	Aye	Aye	Aye

The motion carries 4-0-1.

### **Authorization to Order 2023 Street Plow Chassis**

Administrator Bodin reported that staff feels it is time to abandon the use of the 2009 IH truck. It is in constant need of repair and the engine is bad. Repairs have cost \$12,000 so far this year and parts are no longer made.

Street Superintendent Kotilinek has received a quote from Boyer who currently carries the state contract, to put in an order for a 2023 delivery of a 2024 chassis if ordered now. No down payment is required, but an order will allow the equipment order to be placed and the chassis can be built.

Kotilinek requests the Department be allowed to swap the 2023 planned purchase for a full-size loader with the 2024 truck replacement.

Council Member Enter moved approval of the swap for the 2023 planned loader with the 2024 planned truck replacement, motion seconded by Council Member Downer.

<b>Jameson Wakefield</b>	<b>Nick O'Rourke</b>	<b>Scott Enter</b>	<b>Steve Downer</b>	<b>Teri Lachermeier</b>
Aye	Absent	Aye	Aye	Aye

The motion carries 4-0-1.

### **USIC Agreement for Locating Service**

Utilities and IT Director Muesburger reviewed the current process of locations. He stated this agreement offers locating service full time eliminating the need for a full-time employee. This will supplement fiber and electric locations. Water and wastewater locating will continue to be handled by the Water Department. The contract is in the best interest of the City. It saves on staff overtime and will help operations move much smoother by not pulling current employees off other jobs. The agreement will go into effect in May and go through Thanksgiving. This agreement is more cost effective than a full-time employee. Liabilities are incorporated into the contract.

Council Member Enter moved approval of the Facilities Locating and Marking Service Contract with USIC, Council Member Downer seconded the motion.

<b>Jameson Wakefield</b>	<b>Nick O'Rourke</b>	<b>Scott Enter</b>	<b>Steve Downer</b>	<b>Teri Lachermeier</b>
Aye	Absent	Aye	Aye	Aye

The motion carries 4-0-1.

**STAFF UPDATES**

Staff gave general updates to the Council.

**ADJOURN**

Mayor adjourned the meeting at 8:49 PM.

**Attest:**

\_\_\_\_\_  
**Teri Lachermeier, Mayor**

\_\_\_\_\_  
**Susan Johnson, City Clerk**

DRAFT