

**CITY OF EAGLE LAKE
CITY COUNCIL MEETING
APRIL 5, 2021**

CALL TO ORDER

- Mayor Auringer called the meeting to order at 6:00 p.m.

ROLL CALL

- Council Members present: Dennis Terrell, Garrett Steinberg, Beth Rohrich, Anthony White, and Mayor Auringer.
- Staff present: City Administrator Jennifer Bromeland, Public Works Director Brian Goettl, Police Chief John Kopp, and Deputy Clerk Kerry Rausch.

PUBLIC COMMENTS

- None

APPROVAL OF THE AGENDA

- Administrator Bromeland asked to add an application for liquor license from Casey's General Store to New Business.
- Council Member White moved, seconded by Council Member Rohrich, to approve the agenda as amended. Motion carried with Council Members Terrell, Steinberg, Rohrich, White and Mayor Auringer voting in favor.

APPROVAL OF MEETING MINUTES

- Council Member Steinberg moved, seconded by Council Member Terrell, to approve the March 1, 2021 City Council meeting minutes. Motion carried with Council Members Terrell, Steinberg, Rohrich, White and Mayor Auringer voting in favor.

CONSENT AGENDA

- Council Member White moved, seconded by Council Member Rohrich, to approve the consent agenda.
Monthly Bills Treasurer's Report Police Report
Fire Report Public Works Report Building & Zoning Permits
Gambling Report Resolution 2021-11 Tarkey Resignation from Fire Dept
- Motion carried with Council Members Terrell, Steinberg, Rohrich, White and Mayor Auringer voting in favor.

PUBLIC HEARING

- None

PRESENTATIONS

1. Brian Sarff, Engineer with Bolton and Menk: CSAH 27 (Agency Street) Bid Recommendation and Other Project Updates
 - Mr. Sarff reported that three bids were received and all were below the engineering estimate. The lowest bid was submitted by Dirt Merchants in the amount of \$2.4 million of which the city would be responsible for \$1.4 million. The city needs to accept this bid on the city's behalf and Blue Earth County will be the agency to award the bid at their April 13, 2021 meeting.
 - The special benefit analysis is expected to be completed for the May city council meeting which will result in the special assessment hearing being delayed by one month. City Council may need to hold a work session to determine assessment amounts. The special assessment hearing will most likely be held in June.
 - Center Point Energy, as a private utility, is looking to begin utility relocations in the next couple of weeks.
 - Xcel Energy has been contacted and additional lights can be installed on poles at a cost of \$10 per month. An additional pole may be added for lighting. Council requested that current foot candle levels be calculated along with the foot candle levels with the proposed lighting changes.

- Timing of construction will be determined after the bid is awarded and a pre-construction meeting is scheduled.
2. Shannon Sweeney with David Drown Associates, Inc (Public Finance Advisors)
 - Mr. Sweeney explained the total amount to be financed is \$1.896 million, which includes financing costs. It was recommended that the city pay \$600,000 cash from the sanitary sewer fund. This would result in a \$1.295 million general obligation bond with annual payments of \$100,000 for fifteen (15) years. Annual payments from the water fund in the amount of \$40,000 and an additional \$10,000 from sanitary sewer fund will be needed.
 - It is anticipated that the special assessments will be certified in the fall of 2021 for first collection in 2022.
 - Mr. Sweeney made the following recommendations: 15-year term on project financing consistent with the term on special assessments, bonds callable any time after February 1, 2028, sale of bonds utilizing a competitive sales process, purchasing a Standard & Poors rating, and the use of \$600,000 of cash to reduce borrowing for the project.
 - Administrator Bromeland explained that it is unknown at this time how America Rescue Funds monies will be able to be used.

OLD BUSINESS

- None

NEW BUSINESS

1. Resolution Accepting Bids and Awarding Contract for CSAH 27 Project
 - By approving this resolution, it will be the city's support to go to Blue Earth County.
 - Council Member Terrell moved, seconded by Council Member Rohrich, to approve Resolution 2012-12 Resolution Approving Bid. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
2. CSAH 27 (Agency Street) Cooperative Construction Agreement
 - The proposed agreement was prepared by Blue Earth County and Eagle Lake's attorney reviewed document and suggested change was made.
 - Council Member Steinberg moved, seconded by Council Member Rohrich, to approve the cooperative construction agreement. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
3. Resolution Providing for the Competitive Negotiated Sale of \$1,295,000 General Obligation Improvement Bonds, Series 2021A
 - If approved, the city's first payment will be due February 1, 2023 and will be assessed to properties in 2021 to be collected in 2022. Assessments must be finalized this fall. Bonds will be callable in 2028.
 - Council Member Terrell moved to approve Resolution 2021-13 Providing for the Competitive Negotiated Sale of \$1,295,000 General Obligation Improvement Bonds, Series 2021A. Council Member Steinberg seconded the motion. The motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
 - Mr. Sarff stated that notices of the assessment hearing will be sent to residents prior to the assessment hearing.
 - Administrator Bromeland received communication from the special benefit consultant and stated a special city council meeting will be needed the week of April 26, 2021.
4. Resolution Accepting Resignation of Council Member Terrell and Declaring a Vacancy
 - Council Member Terrell has submitted his resignation. Mr. Terrell has served on City Council for a total of 19 years and is resigning due to moving out of Eagle Lake.
 - Council Member White moved, seconded by Council Member Rohrich, to accept Resolution 2021-14 Accepting Resignation and Declaring a Vacancy. Motion carried with Council Members Terrell, Steinberg, Rohrich, White and Mayor Auringer voting in favor.
5. Brindlee Mountain Fire Apparatus Listing and Marketing Commission Agreement
 - In August of 2020 the Fire Department retired the 1995 Spartan Fire Truck and was directed to advertise the sale of the truck. The truck has been listed with Brindlee Mountain. A motion is needed to retroactively approve authorizing the City of Eagle Lake to enter into a listing and marketing commission agreement with Brindlee Mountain for the sale of the 1985 Spartan Fire Truck.
 - Council Member Steinberg moved, seconded by Council Member White, authorizing the City to enter into a listing and marketing commission agreement with Brindlee Mountain for the sale of the 1995 Spartan Fire

Truck. Motion carried with Council Members Terrell, Steinberg, Rohrich, White and Mayor Auringer voting in favor.

6. Planning Commission Recommendation for Conditional Use Permit

- Administrator Bromeland explained that a Conditional Use Permit (CUP) application was received for R12.09.12.476.005 (107 598th Avenue) for the purpose of constructing a facility to offer designer doodles, puppy training classes, grooming services, doggie daycare with boarding facilities, show room filled with dog products, and an on-staff vet or vet technician.
- The parcel is currently zoned B-1 Community Business District. Since the proposed use is not specifically classified and permitted for a B-1 district, the CUP is being sought due to the proposed use being of the same general character as permitted and conditional uses and not detrimental to existing uses and to the general public, health, safety, and welfare.
- Notices were mailed to all properties within 350 feet of this parcel. Two property owners participated in the public hearing. One property owner asked about whether there should be a fence on the proposed location, if there would be turf and proposed drainage plans. Another property owner expressed concern with ag land being adjacent to the facility and concern for the dogs when spraying occurs and at harvest time with dust. It was discussed with the parcel owner that the parties would be in contact when spraying is scheduled to occur and at harvest time.
- Following the public hearing the Planning Commission made a recommendation to allow the CUP with the following provisions: sound proofing of walls, weekly pickup of fecal waste from site, odor proof containers for fecal waste storage, ongoing fence repair and maintenance, rodent proof food containers, ventilation system installed, surprise inspections, the sleeping quarter are not allowed to be used as a residence or for a period of time in excess of seven (7) consecutive days, and that the entire business must be enclosed with the exception of limited use to walk or train the dogs in an outdoor fenced in area.
- Council Terrell moved, seconded by Council Member Steinberg, to allow a Conditional Use Permit with the conditions listed above. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

7. Rental License Agreement with Property Owner at 404 S. Agency Street

- The City received a complaint regarding the exterior condition of 404 S. Agency Street, which is a licensed rental property. An inspection was completed by the City's building inspector, Dan Murphy, and a list of items were noted as needing corrective action. The property owner was issued a letter stating that the items needed to be corrected by June 13, 2021 or the rental license would be revoked. The property owner contacted City staff and explained that he has given his tenants notice that they must be out of the property by December 1, 2021 as he intends to demolish the structure and eventually replace it with new, single family housing. The owner has provided the City a copy of an agreement between himself and Bruender Construction to demonstrate the intent to demolish the building in December.
- According to an inspection report completed by the building inspector, the home appears safe to occupy. The outside conditions appear to be cosmetic and have impacts on the long-term stability of the structure if not addressed in a timely fashion.
- Legal Counsel advises that the property owner (1) agree to an inspection of the interior of the home if deemed appropriate; (2) agree that any repairs that are necessary to protect the health and safety of tenants be made immediately; (3) agree that the property either needs to be brought up to code or demolished by March 1, 2022; (4) agree that if the property is not brought up to code that the tenants shall be required to exit the property at the end of their lease, and under no circumstances no later than December 31, 2021; and (5) agree that if the property is not brought up to code or demolished by March 1, 2022, that the property owner consents to the City making the repairs or having the repairs made to the property with the property owner being billed for the cost of the repairs.
- Council Member Rohrich moved, seconded by Council Member White, to authorize entering into an agreement with the property owner of 404 S. Agency Street requiring the above listed conditions. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer Voting in favor.

8. Pricing for Playground Base Materials and Installation

- Administrator Bromeland stated that Council Member and Park Board Member Beth Rohrich has spearheaded this project and has obtained pricing for equipment, base material and grading work. The League of MN Cities has stated that pea rock is a non-compliant base material, and it needs to be replaced. The remaining costs of \$72,000 will be paid for by the park's capital outlay funds.
- Council Member Rohrich explained that the equipment was ordered and received last fall. There will be four new pieces installed in Lake Eagle Park. The installer cannot put compliant equipment in non-compliant base material. To remove the pea rock from Lake Eagle Park, the park will need to be closed for

7-10 days. At that time engineered wood fibers will be installed. Council Member Rohrich recommended that the City has the installer lay the base material.

- Public Works Director, Brian Goettl, stated the public works department can remove the existing pea rock and will utilize a sentence to serve crew to assist with this project either the week of April 26th or May 3rd. Pea rock will be taken to Bruender Construction. Grading work for Eagle Heights Park will be done once road restrictions are lifted.
- Council Member Terrell moved, seconded by Council Member White, authorizing the purchase and installation of engineered wood fibers for the base material at Lake Eagle and Eagle Heights Parks. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

9. Pricing for Street Sweeping

- Public Works Director Goettl stated he has received a bid from Loken's for street sweeping services at a cost of \$95 per hour with an estimated total of \$3,705. Mr. Goettl recommended the bid be approved and staff be authorized to schedule street sweeping services.
- Council Member White moved, seconded by Council Member Terrell, to accept the street sweeping bid from Loken's and authorize staff to schedule street sweeping services. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

10. Proposal for Environmental Mosquito Management (EMM) Program

- Administrator Bromeland stated that in the past the city has sprayed for mosquitos biweekly. Options for 2021 include nine (9) biweekly treatments at a cost of \$648.90 per treatment or 15 weekly treatments at a cost of \$590 per treatment. This service would be paid out of park's professional service.
- Council discussion included if the city would like to continue mosquito spraying services and if not, would residents use chemicals that are harmful. Council Member Rohrich stated she has spoken with approximately 35 residents and 21 stated they would like the city to continue with mosquito spraying treatments.
- Council Member Terrell moved, seconded by Council Member Rohrich, to contract with EMM for biweekly mosquito spraying services and to ask them to spray along park trails and other trails. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

11. Southern Minnesota Initiative Foundation (SMIF) Grant Commitment

- Administrator Bromeland stated that SMIF has granted the city an additional \$5,000 for the Music on Parkway project, bringing the total grant amount to \$10,000. The city must contribute \$5,000. Events are being planned for May, June, July, and August and will be held between the Eagle Lake American Legion and the Eagle's Nest on North Third Street.
- Council Member Rohrich moved, seconded by Council Member White, to accept the additional funding through a SMIF grant. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer.

12. Renting Out Council Chambers

- Administrator Bromeland explained that due to COIVD-19 renting of the Council Chambers was suspended. The front office has received inquiries from residents asking if the space is available for rent. If Council wishes to resume renting of this space, staff recommend adding an attachment to the rental agreement stating something to the effect that due to COIVID-19, the party that is renting the space is responsible for ensuring compliance with recommended safety measures and social distancing as recommended by the MN Department of Health (MDH) or Centers for Disease Control (CDC). Additionally, the party renting the room would be responsible for ensuring that his/her guests comply with the Governor's Executive Order as it relates to face coverings while indoors at a public space. Staff have contacted three nearby communities that are similar in size to find out if they are renting community spaces to the public. All communities reported that they are renting communities spaces to the public but that they have capacity limitations due to COVID-19.
- Council discussion included the need to make sure video streaming equipment is safely stored when space is being rented.
- Council Member Steinberg moved, seconded by Council Member White, to resume renting of the Council Chambers to the public. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

13. Community Forestry Member Request for 2021-2022

- If the City wishes to have another community forestry member for the 2021-2022 service year, a request must be submitted by April 16, 2021. It is uncertain if Vien Nguyen will continue.
- Council Member Steinberg moved, seconded by Council Member Rohrich, to apply for a part-time community forestry member for 2021-2022 service year.

14. Liquor License-Casey's General Store

- Administrator Bromeland explained that Casey's General Store discontinued their liquor license a couple of years ago and is now requesting a 3:2 liquor license. An application and fees have been received and a background check is in process. Staff is asking for approval, contingent on the results of the background check.
- Council Member Terrell moved, seconded by Council Member White, approving the 3:2 liquor license for Casey's General Store contingent upon positive background check. Motion carried with Council Members Terrell, Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

OTHER

1. Notice of Pay Equity Compliance

- The City has been found in compliance with pay equity requirements for gender-based disparities. This reporting is required every three years.

2. Council Member Terrell Presentation

- Council Member Dennis Terrell was thanked and presented with a plaque in recognition of 19 years of service on the City Council.

3. Upcoming Special City Council Work Session

- A special City Council work session will be scheduled the week of April 26, 2021.

CITY ADMINISTRATOR REPORT

1. Private utility work along Agency Street will be taking place.

COUNCIL MEMBER'S REPORT

1. Council Vacancy

- The vacancy on the City Council can be filled by mayoral appointment. Residents will be notified of the vacancy and how to apply if interested. Applications can be reviewed at the special City Council meeting at the end of April and the appointment being made at the May 3, 2021 City Council meeting.

2. Community Education and Recreation

- Council Member Rohrich reported that she attended the March Community Education meeting and that the Spirit of Youth Award will be presented at their May banquet.

3. Fire Hall

- Council Member White reported that at the March EDA meeting there was discussion of fire hall location needs.

4. MAPO Meeting

- Mayor Auringer reported that the Mankato Area Planning Organization (MAPO) deals with regional transportation and that they are compiling future projects which can include bike trails. Mayor Auringer sees Eagle Lake project needs such as 211th Street, sidewalk connection to Casey's and a connection to the Sakatah Trail. Council Members were asked to share any ideas they may have.

Staff Update

- Public Works Director, Brian Goettl, stated the new meter for Regency's waste water has arrived and that the representative will program and calibrate it on Friday.

ADJOURNMENT

- Council Member Terrell moved, seconded by Council Member White, to adjourn the meeting at 7:52 p.m.

Tim Auringer, Mayor

Kerry Rausch, Deputy Clerk