

**CITY OF EAGLE LAKE
CITY COUNCIL MEETING
JULY 12, 2021**

CALL TO ORDER

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

ROLL CALL

- Council Members present: Beth Rohrich, Anthony White (arrived at 6:21 p.m.), John Whittington, and Mayor Auringer.
- Staff present: City Administrator Jennifer Bromeland, Chief John Kopp, Public Works Director Brian Goettl, and Deputy Clerk Kerry Rausch.

PUBLIC COMMENTS

- Coby Winkler, 205 S. Agency Street, presented access concerns for residents on the east side of CSAH 27 during the construction process. He stated there are, at times, 3–4-foot embankments making it impossible for residents and emergency vehicles to access properties. He has spoken with Bolton and Menk about his concerns. Council asked city staff to monitor road conditions each Friday to ensure access is maintained for residents as much as possible.

APPROVAL OF THE AGENDA

- Council Member Rohrich moved, seconded by Council Member Whittington, to approve the agenda. Motion carried with Council Members Rohrich, Whittington, and Mayor Auringer voting in favor.

APPROVAL OF MEETING MINUTES

- Council Member Whittington moved, seconded by Council Member Rohrich, to approve the June 7, 2021, City Council meeting minutes. Motion carried with Council Members Rohrich, Whittington, and Mayor Auringer voting in favor.

CONSENT AGENDA

- Mayor Auringer brought attention to the change order for the planned water main crossing beneath Canadian Pacific Railway. The estimated cost of the independent review ranges from \$3,500 to \$4,050.
- Council Member Rohrich moved, seconded by Council Member Whittington, to approve the consent agenda.

Monthly Bills

Treasurer's Report

Police Report

Fire Report

Public Works Report

Building & Zoning Permits

Gambling Report

Change Order No. 1: CSAH 27 (Agency St) Project

- Motion carried with Council Members Rohrich, Whittington, and Mayor Auringer voting in favor.

PUBLIC HEARING

- None

PRESENTATIONS

1. Vien Nguyen, Community Forestry Member with AmeriCorps: Overview of Tree Inventory Work and EAB Plan

- Vien Nguyen explained that she has conducted a comprehensive tree survey of Lake Eagle Park of which one third of the trees are at risk for Emerald Ash Bore (EAB) disease and of these two trees are of immediate concern. Individual trees should be treated once every three years and the city should randomly treat 15% of ash trees. This will substantially reduce the spread of disease.
- Approximately 20 residents signed up for a survey of two trees on their property. Approximately 2/3 of all trees within the city are on private property.
- A file will be compiled and provided to the city with the results of the surveys and will include recommendations, including a Slowing Ash Mortality (SLAM) plan. One recommendation is for the city and residents to diversify the variety of trees within the City and that maple trees are discouraged due to impending disease.
- Discussion included that boulevard trees are the responsibility of property owners, how to best protect ash trees within the city and the need to provide residents with tree care information.

2. Patti Schuch Family: Ag Land Access Request

- A request was received from the Patti Schuch family about obtaining access to their agricultural land that they farm using City of Eagle Lake right of way north of the railroad tracks along 598th Avenue or CSAH 56. This right of way parcel is referred to as Lutter Avenue. The area is currently overgrown with brush and would need to be cleared. The parcel is in compliance with the railroads required 50-foot setback.
- The Schuch family has expressed that they will be responsible for clearing the brush, establishing a driveway, installing a culvert in the driveway to let water through and not disrupt waterflow, and that they will ensure that their farm policy covers the right of way area for insurance purposes.
- If Council approves this request City staff will work with legal counsel to develop an agreement which would include these details.
- Patti and John Schuch confirmed that their farm policy would include coverage for the right of way and there would be no liability for the City. They also indicated they would begin this work in the fall.
- Council discussion included the need to talk to Blue Earth County regarding this access and how it would affect the adjacent property owner.
- Council Member White moved, seconded by Council Member Rohrich, to approve access via the right of way. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

3. Bradley Van Deinse, Auditor with Eide Bailly: Annual Audit Report Presentation

- Mr. Van Deinse stated that they are able to report a clean, unmodified opinion for the audit and that the city has a positive fund balance and is in compliance with its fund balance policy. He reviewed fund balances for the general fund and enterprise funds.
- Mr. Van Deinse presented a finding of requiring two signatures on all checks. A policy to this effect will be proposed later on the agenda.
- Eide Bailly is responsible for state filings.

4. Brian Sarff, Engineer with Bolton and Menk: CSAH 27 (Agency Street) Reconstruction Project

- Mr. Sarff explained that sanitary sewer and water work has been completed for phase one of the CSAH 27 project and that once the storm sewer has been completed the road will be put back together. Work on phase two will be from Linda Drive to Thomas Drive, followed by phase three which is Parkway Avenue to LeRay Avenue.
- Mr. Sarff reminded Council that the sanitary sewer line for 524 S. Agency Street is located on Connie Lane and in order for the property owner to connect it would result in a large expense to the property owner who would need a grinder pump. The existing line will not work for a gravity feed due to depth of the line. Per Council's prior request Mr. Sarff presented a cost of \$28,000 to extend the sanitary sewer line from Thomas Drive to this property. If approved, Blue Earth County would be responsible for the change order.
- Council discussion included if the property owner is interested in making the connection at this time, the cost, if the City decides to pursue this at a later date, would be substantially higher. Also discussed is when the property owner would need to connect if a new line is installed. Mr. Sarff stated that a delay in this decision could delay the entire CSAH 27 project.
- Public Works Director Brian Goettl stated he feels the City should extend this line and the City may want to consider contacting Blue Earth Council to determine if the septic system is in compliance.
- Council White moved, seconded by Council Member Rohrich, to extend the sanitary sewer line from Thomas Drive to 524 S. Agency Street. Motion carried with Council Member Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Mr. Sarff stated he has made note of Mr. Winkler's concerns and they will be addressed.

NEW BUSINESS

1. Memorial Bench Request

- A request was received from Judy Born to place a memorial bench along the north side of Parkway Avenue at the intersection of Linda Drive and Parkway Avenue in memory of Chuck Born, Robert Jacobs, Jan Hedge, and Bryce Olson. The bench will be paid for by the families of those being memorialized as will a name plate recognizing each person for their community service. Chuck served on the American Legion Post 617 board and Jaycees, Robert served on the Planning Commission, Jan served on the City Council, and Bryce serves as a former Mayor. The families are requesting that the City order and install the bench on their behalf with the cost for the bench to be reimbursed by the families.
- The estimated bench cost is \$2,520.11 and will be blue in color.

- City staff recommends that the color and location of the bench be reviewed by the Public Works Department since they maintain the other benches located in the parks and along trails and to help ensure uniformity in appearance and installation.
 - Other possible locations for the bench were discussed.
 - Council discussion included the desire to keep future bench donations of the same color and that City benches would remain green.
 - Council Member Rohrich moved, seconded by Council Member Whittington, to accept the donation of the park bench and plaque and to have City staff install and maintain bench. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.
2. Eagle Lake Area Lions Club Signage at City Signs and Proposed Community Service Project
- Terry Kvittek with the Eagle Lake Area Lion's Club recently contacted City Hall requesting the City's consideration to either affix to or place near the Welcome to Eagle Lake signs a Lions Club emblem. In addition, the Lions Club would like to offer the possibility of assisting with landscaping at the city signs as part of a community service project.
 - Mary Maul, with the Lions Club, was present and explained they have priced out metal signs, magnetized signs and decals.
 - Discussion included that a magnetized sign could look 3 dimensional, that signs attached to the welcome signs could potentially damage the signs if they are ever removed.
 - Council directed the Lions Club to bring to Council their designs for consideration.
 - Public Works Director Brian Goettl stated the landscaping project is something the Lions Club could assist with.
3. Resolution for Alley Vacation
- An alley vacation was approved at the November 4, 2013 City Council Meeting but a signed resolution cannot be located at City Hall and was not recorded with Blue Earth County. Per Minnesota Statutes 412.851, following a resolution granting a vacation, notice of completion of the proceedings should be prepared and then recorded with the county recorder. Failure to file the notice does not invalidate the vacation.
 - Legal counsel has recommended a new resolution be adopted referencing the 2013 action taken. Following adoption staff will record the alley vacation with the county recorder.
 - Discussion included the utility easement will remain.
 - Council Member Rohrich moved, seconded by Council Member Whittington, to approve Resolution 2021-30 A Resolution Approving the Vacation of an Alley Located in the City. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.
4. Pricing for Kage Plow
- Public Works Director Brian Goettl requested to purchase a Kage Plow totaling \$6,150. Currently there is \$462,086.85 available in capital outlay for streets. This includes the \$25,000 which was budgeted for 2021 and has not been expended.
 - Mr. Goettl explained this purchase was budgeted and that the plow turns side to side and will be a time saving when moving snow. It will be used on the Tool Cat or skid loader.
 - Council Member White moved, seconded by Council Member Rohrich, to approve the purchase of a Kage Plow for the price of \$6,150. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.
5. Authorized Disbursement Signature Police
- Included as an audit finding is the need to establish a check signing policy. It should be noted that there are some disbursements which are set up to come out the City's checking account automatically. These expenses are noted on the monthly bills list included on the consent agenda.
 - Council Member White moved, seconded by Council Member Rohrich, to approve the Check Signing Policy as presented. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.
6. Eagle Ridge Phase II
- Administrator Bromeland explained that a previous City Council put a hold on issuing building permits in phase II of the Eagle Ridge subdivision until corrective action was taken and the necessary underground infrastructure repairs were made. To date, the underground infrastructure issues have been completed and the first lift of bituminous has been applied. The outstanding item of concern is the stormwater pond. The pond needs to be constructed to the previously approved plans for stormwater construction. Requests for pond measurements and schedule have been made but the needed information has not yet been received. In

addition to the stormwater pond matter, the developer has not yet supplied a cash deposit or irrevocable letter of credit.

- City Hall has received a couple of inquiries from individuals who have purchased lots and are wanting to pull building permits.
- Legal counsel recommends that if building permits are allowed to be issued prior to the final lift of bituminous and the completion of the stormwater pond, that parties making application for a building permit be advised of the status of the public improvements and made aware that any issues related to grade or construction that affect their property are at their own risk.
- Council discussion included that they are not interested in issuing building permits until all punch list items have been completed and that any deficiencies have been corrected.
- Mr. Sarff, with Bolton and Menk, stated the planned stormwater pond was civilly engineered and if the city is interested in pond modifications the new calculations should be reviewed by Bolton and Menk. A more complete punch list will be developed.

7. American Rescue Plan Resolution

- The American Rescue Plan resolution is for the purpose of requesting funds from Minnesota Management and Budget. The exact amount Eagle Lake will receive will be finalized in the coming weeks but are estimated to be between \$330,000-\$350,000. The covered period to expend funds is March 3, 2021 through December 31, 2024. All uses of the funds will be subject to review and approval of the City Council prior to any expenditures being made.
- Council Member Rohrich moved, seconded by Council Member Whittington, to approve Resolution 2021-31 A Resolution to Accept the Coronavirus Local Fiscal Recovery Fund Established Under the American Rescue Plan Act. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

8. Special Assessment Deferrals

- Three property owners have applied for a special assessment deferral. The parcel IDs are R12.10.18.127.013, R12.12.18.128.011, and R12.10.18.128.003. Upon approval, these deferrals will be included with the special assessments to be certified to Blue Earth County.
- Council Member White moved, seconded by Council Member Rohrich, to approve the special assessment deferrals for the above listed parcels. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

9. Terminate Emergency Declaration

- Resolution 2021-32 is a resolution terminating the local emergency and temporary measures that went into effect on March 27, 2020 to address a peacetime emergency due to the COVID-19 health pandemic.
- Council Member Rohrich moved, seconded by Council Member White to approve Resolution 2021-32. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

10. Utility Disconnections

- Administrator Bromeland explained that water disconnections were stopped due to the COVID-19 pandemic and that the League of MN Cities has communicated that the unwritten and informal opinion of the Attorney General's office is that it is allowable for utility providers to follow their normal shutoff procedures.
- Discussion included there are federal funds distributed through the state to assist residents and the city offers payment plans.
- Council Member Rohrich moved, seconded by Council Member Whittington, to reinstate water disconnections. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

OTHER

1. Tator Days Parade – City Parade Entry

- Line up for the parade is at 12:30 p.m. for City Council and staff. Spouses and kids are welcome.

2. Mankato Motorsports Appeals Court Response

- The court remanded decision back to city to review climate change and wildlife.
- Bolton and Menk anticipates this information collection and review will take approximately two to three weeks to complete, at which time they will submit their findings to city staff for review and follow up EIS determination. Should the city require additional information, BMI staff will facilitate this with and through their client to ensure all information is received and approved by the City.

3. Mower Update

- Administrator Bromeland explained that a public works employee, while driving a lawn mower, was struck by a vehicle while crossing the street. The employee does not appear to have been injured.
- The mower did receive damage and will need to be repaired. Since the City's deductible is \$2,500 for property, the City's insurance carrier will subrogate on the City's behalf to collect from the at-fault party's insurance carrier.

CITY ADMINISTRATOR REPORT

1. Guidance from LMC on Juneteenth (June 19th) Federal Holiday
 - Cities are not required at this time to observe the holiday and are able to conduct city business on the day of the new holiday.
2. Drought Conditions and Water Conservation
 - The public works department monitors daily usage and capacity. Discussion should ensue about process if a mandatory watering ban were to be imposed on Eagle Lake in the future. At this time, no restrictions have been imposed.
3. 2021-2022 Service Term for Community Forestry Member Position
 - Vien will end her service with the City on August 28, 2021. For the 2021-2022 service year the City will be sharing a full-time Community Forestry Member with the City of Lake Crystal. Each City having 20 hours of service per week. Two interviews will be held this week with interested candidates.
4. SMIF Small Town Grant Program Application
 - An updated proposal is being sought from Region Nine Development Commission to apply for grant funding to update the EDA handbook.
5. DNR EAB Grant Program Application
 - City staff will work on submitting an application for DNR Emerald Ash Bore grant funds to help remove and replace ash trees on public property.
6. Requests from Public Works Director Brian Goettl
 - A request for new microphones for City Council meetings was made.
 - A request for a meeting for leaf vac collection was made. Council asked that Mr. Goettl compile options and bring to a work session.

COUNCIL MEMBER'S REPORT

1. Mayor Auringer stated he has reviewed police reports on stop sign violations and feels it is a matter of time before someone is hit. He would like to see more tickets and less warnings issued. Chief Kopp asked that the department is backed by City Council on this matter.
2. Council stated they would like to see more police interaction with residents, waiving, slowing down, etc.
3. Council Member White stated Jim Beal asked at the EDA meeting for the city to consider lowering the water rates for outside water usage. Mayor Auringer stated he believes this rate was established for water conservations purposes.

ADJOURNMENT

- Council Member Rohrich moved, seconded by Council Member White, to adjourn the meeting at 8:52 p.m. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

Tim Auringer, Mayor

Kerry Rausch, Deputy Clerk