

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
AUGUST 2, 2021**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Garrett Steinberg, Beth Rohrich, 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**

1. Daryl Guentzel, 22083 604<sup>th</sup> Avenue, Eagle Lake, stated that in regard to the motorsports track, 110 decibels is similar in volume to a train whistle which is 96-110 decibels and asked why people would want to tolerate such noise and the congestion the motorsports park would bring. He went on to state that Lime Township rejected the proposal, which would have been located on land Mr. Guentzel farms. He stated he feels the location of the Eagle Lake site would be better suited for light industrial or housing which would be less obtrusive. He feels this is a risky venture for a rich man's playground.
2. Mike Guentzel, 60374 224<sup>th</sup> Lane, Madison Lake, stated he wonders what the new EAW is based on. He also stated the original proposal for the motorsports park has changed and that there now will be sanctioned events and an auto mall which were not in the original EAW. Car condos now will be located together. The track was never designed for first responder training. He also stated that Judge Segal stated this was "a death by 1,000 cuts". Mr. Guentzel went on to state that the DNR has stated this project would be better suited in a different location. He also stated that the seasons the track will be open has also changed and that the developer is looking to hold winter events and that the lack of foliage in the winter will result in sound traveling further. He encouraged council members to visit an actual track to get good information. He also questioned why Council would decide if an EIS is needed and that there are professionals who should make this decision. He stated that he has spoken to Brainerd International Raceway and Hasting Raceway and they have stated that the condos and track are not enough to finance this project. If there is a new EAW he would like to see it go back to the drawing board to look at the updated scope of the project. He asked how many jobs it would bring. He also stated that Brad Bass has no interest in being part of the Eagle Lake community other than for financial purposes.
3. Rachel Calsbeek, 212 Oak Drive, explained that while away for 10 days their toilet was leaking and since returning have fixed the problem. She spoke with the City Office and was told she can set up a payment plan and that late fees would be applied to the account. She asked Council if any relief could be given. This will be taken up under New Business on the agenda.

**APPROVAL OF THE AGENDA**

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

**APPROVAL OF MEETING MINUTES**

- Council Member Rohrich moved, seconded by Council Member Whittington, to approve the July 12, 2021, City Council meeting minutes. Motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

## CONSENT AGENDA

- Council Member Rohrich moved, seconded by Council Member Steinberg, to approve the consent agenda.

Monthly Bills	Treasurer's Report	Police Report
Fire Report	Public Works Report	Building & Zoning Permits
Gambling Report	Certification Special Assessment-Unpaid Snow Removal Charges	
- Motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

## PUBLIC HEARING

- None

## PRESENTATIONS

### 1. Angela DeMartini, owner of Bella's House of Doodles

- Administrator Bromeland explained the DeMartini's are present to discuss their plans for the construction of the main commercial building and a garage/shed at 107 598<sup>th</sup> Avenue and to request an exception to the building permit process to accommodate their timeline.
- A building permit application was received for a shed only with the use of property listed as storage and kennel use. Absent from the application was information for the main commercial building. The applicants anticipate completion of the shed by October 1, 2021 and completion of the main commercial building by November 30, 2021.
- A Conditional Use Permit (CUP) was approved to operate a kennel business in a B-1 Business District with conditions attached to the CUP. Included in the approved plan was a commercial facility for operations and a garage/shed building for products and equipment. The shed would not be approved for use by itself and cannot be the only structure on the property since it was not approved for use as the kennel. The shed is an accessory to the principal structure, the commercial facility.
- To approve the building permit application, the final plans for the main commercial building need to be submitted for review. Administrator Bromeland reviews the site plan as zoning administrator to make sure all setbacks are met and that building materials are in line with city code and any other zoning regulations in the business district, while the building inspector will review the design/plans and ensure compliance with state building code. Until the building permit process has been completed, no digging can occur as it relates to the proposed buildings. What is needed is the final plans for the main building to process the building permit application for both the main building and garage.
- Rick DeMartini explained they have been running into snags, that the original building was planned to be 40 x 80 foot, but has learned that due to the size they would need to have an architect sign off on the plans at an additional cost of \$29,000. Therefore, they are looking to construct a 40 x 60 ft main building and a 40 x 60 shed which they would run the business out of temporarily. The blueprints for the main building are slow in coming and he anticipates he will have them sometime this week. He would like to build the shed first and then move into the shed in August, then the main building could go up yet this year.
- The DeMartini's asked if the kennel license they currently have could be issued for their shed and that the grooming business would need to wait for the main building.
- Council discussion included that Council did not approve running the business out of the Borgmeier building on a temporary basis and that the plans for the business have changed completely since it was first brought to the City and that is the reason why a CUP was needed. The shed would be an accessory building to the main business structure. Concern was voiced that if the shed is constructed first, that the main building may not be constructed. Also mentioned was the desire to see a sidewalk in this area.
- Council asked if an agreement could be drafted allowing to construct the shed first and for the short-term housing of dogs. The CUP would still remain with the primary building. Staff was directed to contact legal counsel to draft an agreement allowing the temporary housing of the dogs in the shed until the main building is complete with both buildings being complete by the end of the year or a cease and desist would be issued.
- Mr. DeMartini asked about utilities and was told he would need to contact utility companies himself. He also mentioned concerns for traffic his business would bring for entering and exiting through the Borgmeier access point. Access concerns would need to be brought to Blue Earth County since this business will be located on a county road.

2. Steve Mohr, Project Director with MetroNet: Location for Fiber Cabinet
  - Mr. Steve Mohr with MetroNet explained there was a need to change fiber plans due to the fact that they are no longer going into Mankato. Because of this they will need to install a cabinet. He met with Administrator Bromeland and Public Works Director Goettl and identified a location close to the water tower. They are looking for a utility easement to build a 30 x 12 foot cabinet to hold network equipment.
  - Discussion included that MetroNet could draft an agreement for the City's legal counsel to review. The ballard posts would be 12 inches from the sidewalk and MetroNet does not anticipate needing to expand the cabinet. Council desire is for the agreement to include language that MetroNet would remove the cabinet in the future if no longer needed. The agreement would be filed with Blue Earth County.
  - Council directed MetroNet and staff to move forward with in writing the agreement.
3. John Jensen, VP of Economic Development with MetroNet: Franchise Agreement
  - Mr. Jensen was unable to attend the Council meeting.
  - Mayor Auringer asked if the franchise agreement was standard language based on the agreements with Consolidated Communications and Spectrum, which it is with a 3 percent of gross revenues.
  - A public hearing would need to be scheduled for this ordinance change.
  - Council Member Rohrich moved, seconded by Council Member Whittington, to schedule a public hearing for Monday, September 13, 2021 at the City Council meeting. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
  - Mr. Mohr updated Council on the fiberoptic build out stating 25,000 feet of the 32,000 feet of underground work has been completed on the south side and that 5,000 feet of underground on the north side still need to be done. They are still waiting for pole permits for above ground work. It is anticipated that the underground work will be completed by the end of September. They will continue working as long as weather allows. Two of the drills have been pulled from this project temporarily.
4. Brian Sarff, Engineer with Bolton and Menk: CSAH 27 (Agency Street) Project Updated
  - Mr. Sarff explained that the underground utilities from Linda Drive to Parkway have been completed and that the concrete curb and gutter will be poured tomorrow.
  - The asphalt from Linda Drive to Thomas Drive has been stripped and the connection of the temporary water line will take place tomorrow.
  - The railroad permit for the needed underground work has been fully executed.
  - It is anticipated the project will be substantially completed by the middle to end of October and there is no major concerns with the schedule.
  - It is anticipated that the east access to Thomas Drive will be closed sometime this week and will be closed for a two to three days.
  - People using the minimum maintenance road as a detour are doing so at their own risk.
  - The contractor will most likely lay Phase 1 and 2 bituminous at the same time.

## **NEW BUSINESS**

1. Utility Easement Needed for Fiber Cabinet for MetroNet
  - This item was handled under Presentations.
2. Franchise Agreement with MetroNet
  - This item was handled under Presentations
3. All Seasons Arena Operating Service Agreement
  - The City entered into an agreement with All Seasons Arena two years ago and the agreement is up for renewal for a three year period. Eagle Lake's share is 4.524% or \$1,809.57 per year, which is the same amount Eagle Lake paid in 2019 and 2020.
  - Council Member Steinberg moved, seconded by Council Member Rohrich, to approve the agreement with All Seasons Arena. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
4. Tax Forfeited Parcels
  - There are two parcels forfeited to the State of Minnesota for nonpayment of property taxes. Each of the parcels listed is classified as non conservation lands located in the City of Eagle Lake. Per MN Statutes 282.01 Subdivision 1(g)(h)(i), they are requesting that the City approve the classification of each parcel and approve the sale by public auction or auction to adjacent owners. Alternatively, the City may request a sale or conveyance to itself. Since these parcels are classified as wetlands and are an important part of stormwater infrastructure. The City may wish to request conveyance of parcels R12.09.13.279.028 and R12.09.13.402.008 which are classified as outlots.
  - Council discussion included that it would be wise for the City to have control of these parcels.

- Council Member Whittington moved, seconded by Council Member Rohrich, to approve Resolution 2021-33. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
5. Authorization to Apply for Walmart Community Grant for Parks Project
    - Administrator Bromeland explained that the City previously received \$5,000 from the Walmart Community Grants Program for the Parks Project. The City received notification of another grant opportunity through the Walmart Community Grants Program to apply for additional funds for the Parks Project. It was explained that the application process has changed, and applicants are now required to apply through Cybergrants FrontDoor. As part of the process, banking information is required as a way of confirming that the person who is trying to claim the organization is in fact an authorized member of the organization. Administrator Bromeland stated that providing this information is not typical when applying for a grant and noted that it was verified with a local Walmart Store Manager that Cybergrants FrontDoor is used as part of the application process. A request was sent to Cybergrants asking if there is an alternative to submitting this information, but no response has been received. Administrator Bromeland stated she wanted to review the new application process with the City Council to determine if there is still an interest in having staff submit a grant application.
    - Council discussion included the desire to find a secure way to submit the grant application.
  6. Authorization to Advertise Sale of 2017 Police Squad Car
    - Police Chief John Kopp asked for permission to sell the 2017 squad car through the MN Bid state system utilizing Blue Earth County as the seller. The County would handle any questions that come in as well as the sale and the transferring of the title. In return they would keep a small percentage of the sale price.
    - Council Member Rohrich moved, seconded by Council Member Steinberg, to approve the sale of the police squad using Mn Bid. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
  7. Water Bill Relief Request
    - Administrator Bromeland explained the last time relief was given for utility bills was in 2014 when residents ran water to prevent pipes from freezing in the winter. One option for Council to consider is the waiving of late fees if property owner enters into a payment plan agreement. It was also explained that this summer there have been several residents with high water usage and that staff has notified them of their usage.
    - Discussion included Rachel Calsbeek has come before Council in good faith. It was also explained that most payment plans which are entered into are due to delinquent utility bills to avoid water disconnection. The City is unable to adjust sewer charges due to the fact that Mankato bills the City for sewer pumped to them.
    - Council consensus was to waive the late fees for Rachel Calsbeek if she enters into a payment agreement.

## **OTHER**

1. Mankato Motorsports Appeals Court Response – Next Steps
  - Following the July 12, 2021 City Council meeting, a conference call was held with legal counsel and the developer and the developer's team to discuss what is required by the City and next steps. The developer and his team were advised that the process so outlined in Minnesota Rules 4410 will be followed, meaning that the same timelines and process should be adhered to as if this was a new EAW, with the exception that it will be limited to the remand issues and referred to as a "supplement to the EAW". The process is not intended to revisit the entire EAW, but rather to focus on the two narrow issues outlined by the Court of Appeals: 1) The project's potential effects on wildlife; and 2) The project's cumulative effects on climate change.
  - Mike Guentzel stated this is not the same project and asked if there will be a public comment period. The City will have 30 days to review the published EAW and after that resident will have the right to appeal the two items remanded back. Mike Guentzel asked at what point does Council say this project is not what was talked about. He asked to start the process over and stated the City should take into account the county's concerns regarding traffic. That this process should include the automall and racetrack.
  - Cindy Guentzel stated she saw more concern about the puppies at Bella House of Doodles than she did for humans and this project will be in her backyard.
2. Follow-Up to Access Off of CSAH 56 Using City ROW
  - Following Patti Schuch's request to access agricultural land via Lutter Avenue Administrator Bromeland contacted Blue Earth County and they responded that the existing access for agricultural access is fine, but a street construction would need to be looked at by the county.

3. Follow-Up to Resident Request for History on Outdoor Water Rates
  - In response to a question raised by Council Member White at July's City Council meeting and a request made by a resident Administrator Bromeland explained that in 2015 City Council increase the outside water rate to promote water conservation.
  - The resident's concerns were the aesthetic appeal of green grass.
  - Council discussion included that Shannon Sweeney has analyzed the city's water rate. In 2015/2016 the water tower was in danger of running out of water due to a drought at that time. Council Members responses varied from being opposed to watering of grass, to enjoying green lawns.
  - Council would like to see education on drought resistant grasses and other conservation ideas such as how trees can help maintain green lawns.
4. 2020 Community Water Fluoridation 50 Year Award Letter from MN Department of Health
  - The City has been recognized with the Fluoridation 50 Year Award which is awarded by the American Dental Association, Association of State and Territorial Dental Directors and Centers for Disease Control and Prevention. This award is given jointly to recognize public water systems that have consistently adjusted the fluoride concentration in drinking water for the past 50 years.
5. Notice from Mankato Township Planning and Zoning of Upcoming Hearing to Consider USS Peach Solar LLC's Request for a Conditional Use Permit to Construct and Operate a 1-Megawatt Solar Garden
  - Mankato Township will hold a public hearing on this request on August 10, 2021.
6. Status of Lease Agreement to Stockpile Leaves
  - Gary Hiniker gave a verbal ok to lease his land and is now asking for a meeting to discuss concerns. If an agreement cannot be reached, leaf collection this fall may need to be cancelled. The City can no longer use their current leaf storage location due to proximity to the wetlands.
  - Council discussion included educating residents on the benefits of mulching their leaves, looking for alternate locations for leaf storage, which may be difficult due to locations of other facilities.

#### **CITY ADMINISTRATOR REPORT**

1. Music on Parkway – will be held on August 19<sup>th</sup> from 7:00 p.m. to 10:00 p.m.
2. National Night Out – will be held on August 3<sup>rd</sup> from 5:00 p.m. to 7:00 p.m.
3. Upcoming Budget Work Session – work session was scheduled for August 30<sup>th</sup> at 6:00 p.m.

#### **STAFF UPDATE**

1. Police Chief Kopp stated the part-time officer the city hired is currently being backgrounded for a full-time position. Chief Kopp would like to hold off in hiring a new officer until after the wage survey is completed, hoping that a more competitive wage will be identified.

#### **COUNCIL MEMBER'S REPORT**

- None

#### **ADJOURNMENT**

- Council Member Rohrich moved, seconded by Council Member Steinberg, to adjourn the meeting at 8:15 p.m. Motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

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Tim Auringer, Mayor

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Kerry Rausch, Deputy Clerk