

- A second meeting was held on October 27 with the Schnepf's, Mr. Murphy and Administrator Bromeland to review Mr. Murphy's valuation and permit fee calculations on all permits issued to date. It was explained to the Schnepf's that City staff does not have the authority to issue a refund for any overcharges on past permits and that the matter would have to be reviewed by the City Council and a determination made.
- Mayor Auringer stated he and Kathy talked on the phone prior to these meetings and that he hopes there were productive meetings with city staff and the building official, it is his understanding that the most recent application has been withdrawn and permit fees have been refunded.
- Dana and Kathy Schnepf, 42389 Kerns Drive, North Mankato, stated that earlier in 2021 a building permit was applied for and the second permit they applied for had higher fees and that the value on the application was changed. They stated that the building official's valuation was incorrect. It is concerning to them that he is able to change the value. They feel that he should discuss changes with the applicant. They also have issues with the plan review fee, stating that a former administrator had them under a similar plan, and that their interpretation of "similar plan" is different than the building official's. The Schnepf's believe that the site plan they originally submitted should be considered the master plan, the buildings are the same, even if the sizes vary.
- It was explained that a master plan is used for similar sized buildings and since the building sizes are not all the same size they do not fall under the same master plan.
- Mr. and Mrs. Schnepf continued by expressing their concerns that the building inspectors' charts for cost per square foot are not the same as what it actually costs them to build these buildings. Their actual cost to construct a building, including concrete, is \$23 per square foot.
- Chris Kennedy, the city attorney, stated the reason the Schnepf's have not been reimbursed is due to his advice and that Council needs to review this matter and make this decision.
- Mayor Auringer explained that state statute does allow for a building official to change the valuation for a project. He also stated he feels the fair way proceed is for the city to utilize the data the Schnepf's have provided which shows the valuation for the project.
- Chris Kennedy stated that a former city administrator had certain handshake agreements and did not necessarily have these documented and did not necessarily get council approval. He also explained that Administrator Bromeland has instructed the building official to make property owners aware of valuation changes to their permit application prior to the permit being issued. The fees are mathematical using the 1997 fee schedule. There are a lot of things which have been learned through this process and will be improved upon. Need to consider if precedent is being set.
- Mayor Auringer explained to Council that the building code comes from the International Building Code which lays out a chart. The city is using the 1997 version which is more advantageous to residents than more current charts. It includes a building permit fee, the plan review fee, and the state surcharge fee. When a developer has a master plan with similar buildings, then the plan review fee would be reduced because there is not as much time involved in reviewing a similar plan. He also explained that at times, when the size of a building changes, it may put the building into a different code requirement.
- Mr. Schnepf voiced his concern about the valuation on the permit and that it would be used by the county to determine the amount of his property taxes. Administrator Bromeland shared an email from Blue Earth which stated: "Although a building permit valuation provides the county with an estimate pertaining to the actual cost of the item being completed it does not affect the valuation that the county will assign to the project. The county will make its own determination of the permit and will assign a valuation adjustment completely independent of the valuation estimate assigned by the permit."
- Mayor Auringer asked how Council would like to move forward, stating he is of the opinion that the costs the Schnepf's provided should be used, in lieu of the building code chart. Mrs. Schnepf state that if the city were to go back and recalculate the building permits using the \$23 it would not be advantageous to the city.
- Council Member Whittington asked if the issue is how this project it is being categorized, which appears to be a unique situation.
- Mr. Kennedy's concern is that if there is not an identified policy, how does it apply to different situations. The city's policy is similar to other cities. He also stated that the actual cost does not come into play, but rather what the expected valuation of the property is, which makes sense because some contractors may come in with the ability to build something much cheaper than someone else. This works well for residential property for the most part, but not as well for properties that do not slot in well to other categories.
- Council Member White asked how the value could be so far off. It is due to a storage building is the simplest of commercial buildings.

- Council consensus is that if the inspector is recommending a change to the valuation indicated on the permit, this needs to be communicated to the customer and explained why the change. Mr. Kennedy recommended that these changes are not only being communicated with the customer, but also with city staff.
 - Council would like to move forward and know that research of past permits and been analyzed. Mayor Auringer asked if there is any information if a refund is due.
 - Council Member Rohrich asked about Mr. Murphy's indication of a code violation.
 - Administrator Bromeland explained the site plan has different size buildings. Mr. Murphy has indicated that if there are different sized buildings the plan review reduction does not apply.
 - The overcharges, per Mr. Murphy, for building permit 16-21, the city would owe \$367.50 the Schnepfs utilizing the \$21.66 per square foot cost. The Schnepf's were undercharged on other permits.
 - Mayor Auringer stated he wanted to see the bills for construction are and that has been provided. Mr. Whittington voiced concern with how a determination tonight would be used going forward; how would the City replicate this. Mr. Kennedy stated this case it is a one-off situation. If a similar request is received the city should develop a policy and decide what that policy should be. This would not be setting of a president, but a onetime situation.
 - Council discussion included the desire to make sure the cost is accurate for future projects, that value and cost are not the same thing, and not wanting the Council to do anything to allow the City to be taken advantage.
 - It was explained that the Council updated the building code chart the City utilizes from the 1994 code to the 1997 code since the Schnepf's started their project in 2016.
 - Mayor Auringer moved, seconded by Council Member Whittington, to utilize the construction costs the Schnepf's have provided to determine valuation of this project. Council discussion included that items on the building permit should never change without a discussion between the building official and applicant unless a conversation has taken place. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
 - Mr. Kennedy stated this process is legal and that this is a one-off situation. He also referenced Mr. Murphy's note regarding a building code violation and that should be addressed.
2. Luke Israelson, KJ Walk: Developer's Agreement and Building Permit Timeline
- Luke Israelson, President of KJ Walk, asked what needs to be done to be able to issue building permits in the second phase of the Eagle Ridge subdivision. There is interest in new home building in the development.
 - Administrator Bromeland explained sidewalks would be constructed in 2022, stormwater pond calculations have been received with Bolton and Menk in the process of reviewing those, boulevard restoration and final wear course would be completed in 2022 as well as adjusting misaligned valve box. Items completed include the removal of concrete from catch basins, replacing bar from missing grate, and the removal of a concrete pipe from the site. City Hall has received inquiries about pulling permits and staff is following previous direction in not issuing permits until all punch list items have been completed.
 - The City's attorney, Chris Kennedy, stated Council can consider an irrevocable trust or that monies be set aside for repairs or punch list items which need to be completed. This would ensure funds would be available for uncompleted items on the punch list. Luke Israelson indicated he would be open to these options.
 - Discussion included that the buyers of the lots would need to be aware of where sidewalks will be installed and who is responsible for them. The city needs to ensure that the storm pond design is adequate. The city would not be responsible for snow removal until the city accepts all infrastructure. The cost of the remaining improvements needs to be determined.
 - Discussion of issuing building permits included those applications could be accepted but not issued until legal issues are finalized.
 - Mayor Auringer moved, seconded by Council Member White, to proceed with the final storm water calculations, develop a cost for outstanding items to be completed in 2022, and work with the developer to get escrow monies or a letter of credit for those items, allowing for the ability for building permits to be issued on those properties. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
 - Council directed Brian Sarff with Bolton and Menk to work with KJ Walk on cost estimates for remaining work.

3. Mike Kennedy, Insurance Agent: Insurance P & C and WC Renewal Information
 - Mr. Kennedy was unable to attend tonight's meeting.
4. Brian Sarff with Bolton and Menk: CSAH 27 (Agency Street) Project Update and Recap of Water Regionalization Meeting
 - Brian Sarff with Bolton and Menk stated the CSAH 27 project is substantially complete and that the initial punch list including sidewalks, signage and grading have been complete. The remaining items include concrete repairs, evaluation of grass and the final lift of blacktop will be completed in 2022.
 - In recapping the water meeting with Mankato, which staff attended, to discuss regionalization of water resulted in Mankato expressing two concerns which include the concern of water quality and the potential contamination of Mankato's water. The other concern is that of capacity and the difficulty for Mankato to expand their capacity, making this option much more challenging. Mankato indicated they would need financial reimbursement from Eagle Lake for this to be further explored.
 - The next step for Eagle Lake would be to secure a site for a water treatment plant. And to pursue preliminary designs for a plant. Funding for such a project would be available in 2023 with the new manganese threshold. A new well would also need to be constructed.
 - The timeline to submit a funding request is March 2023. Mr. John Graupman, with Bolton and Menk, would be available to attend the December's Council meeting to go into more detail and to answer questions.
 - Discussion included asking that research be done to ensure that the American Rescue Plan (ARP) funds can be used for the design work of the treatment plant and long-term planning is needed for such a project.

NEW BUSINESS

1. Planning Commission Recommendation for 237 Oak Drive
 - Mark Fromm, owner of 237 Oak Drive, has submitted an application for the construction of a new detached garage. As the zoning administrator, Jennifer Bromeland explained that she reviews permit applications for dimensions and setbacks and carefully reviews the site plan. Included on Mr. Fromm's site plan appeared to have a hard surface of more than 40 feet at the garage line. A response was sent to Mr. Fromm and his contractor indicating that the existing driveway for the three-stall garage was already at the maximum allowed per code. Mrs. Bromeland's response prompted a request from the owner and contractor to meet on site. When she met with the property owner and his contractor, it was apparent that the additional hard surface needed for the proposed new detached garage was already constructed and in violation of code. An email was sent to the owner and contractor following that meeting informing that the hard surface more than 40 feet at the front garage line was considered illegal and non-conforming.
 - A building permit was approved in 2017 for the new construction of a home of which the driveway was included with a measurement of 39.4 feet at the garage line. The property owner approached the City in the spring of 2018 asking how wide the driveway could be at curb. This inquiry prompted discussion at the April 2018 Planning Commission meeting which resulted in a public hearing being schedule to consider widening the driveway width at curb and eliminating the 40-foot driveway width at the garage line. A public hearing was scheduled, and a recommendation made from the Planning Commission to the City Council to increase the driveway width at curb and to allow more flexibility for hard surface parking. The City Council tabled taking any action at their initial meeting in which the recommendation was made, due to concerns with allowing up to 35% of a front yard to be hard surfaced. Ultimately, the City Council voted to widen the driveway width at curb to 32 feet but took no action on increasing the amount that a front yard could be hard surfaced and left the 40-ft driveway width at curb language as written.
 - When an application comes in, the zoning administrator reviews against code and if everything look good on the application and site plan, it is approved, and then public works goes on site to complete a staking inspection. At the conclusion of the project, public works goes back on site for a final staking inspection to verify that the result is consistent with what was approved according to code. The permit was approved in 2017 and a final inspection should have occurred when the permit was finalized out. According to the permit, no driveway inspection occurred or was initialed on the permit form.
 - Discussion took place at the October 18th Planning Commission meeting and a recommendation made to deny the permit application for a detached garage until the property is brought into compliance with code.
 - City staff informed the applicant that upon reviewing definitions of front, rear, and side yards, it was noted that the detached garage could not be placed where proposed as doing so would mean placement of an accessory structure in the "side yard". The lot is odd shaped and not rectangular creating some confusion as to what is considered the front, side, and rear yard. An accessory structure can be placed in a rear yard so long a five-foot setback is maintained from all property lines.

- Section 6.260 of Chapter 6 of City Code states, upon finding the existence of a violation of the ordinance, corrective action may be required. The hard surface of more than 40 feet in width at the garage line will need to be removed to bring the property into compliance with code.
 - Discussion included that the existing concrete at the garage line is approximately 56 feet. Possible actions of recourse could include removing side parking pad or applying for a variance. Council indicated they are not interested in issuing variances after the fact. Discussion also included if 4 stall garages are something that should be addressed in city code, that this parcel is unique in shape.
 - It was also noted that once the city receives a complaint or is made aware of a violation, it needs to act upon it. Violations of city code are considered a misdemeanor and a citation could be issued.
 - City Council asked that the Planning Commission review city code to determine if any code changes are needed.
2. Pricing for New Air Compressor for Fire Department
- Fire Chief Dan Ruschmeyer stated he has received two quotes for an air compressor. The quote from Alex Air Apparatus is for \$36,550 and includes a 5-year warranty and has a local presence for service and the quote from Sandry Fire Supply is for \$31,643.55, the extended warranty would need to be purchased separately, and service would come out of Iowa. An electrician would need to be contracted to do the electrical hook up. The fire department requested authorization to purchase the air compressor from Alex Air Apparatus utilizing the American Rescue Plan (ARP) funds.
 - Discussion included that the lowest cost is not necessarily the best purchase option. There is \$21,700 set aside in capital outlay for this purchase which leave a balance of approximately \$15,000 that has not been set aside at this point.
 - Council discussion included the desire to utilize the ARP funds for water situations and that this purchase is not eligible for ARP funds per the city's auditors and that gambling funds held with the City would be an appropriate option to pay the remaining balance.
 - Chad Witte with the fire department stated that he feels the city should be responsible for this purchase and that gambling is an unreliable income source. He stated he does not want to be disrespectful of what the city provides but he feels the gambling funds could be used elsewhere.
 - Council Member Rohrich moved, seconded by Council Member Steinberg, to approve the purchase of an air compressor from Alex Air Apparatus in the amount of \$36,550. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
 - Discussion continued stating there is approximately \$91,000 in the gambling fund and those funds would be used to cover the remaining \$15,000 of this purchase. This purchase will be order now with delivery and payment coming in 2022.
3. Pricing for New Microphones for Council Chambers
- The updated proposal for the purchase of nine used microphones for the Council Chambers from Video Services, Inc. (VSI) is \$4,857. Per an inquiry to the City's auditor, the use of American Rescue Plan (ARP) funds to purchase microphones to complement the new live stream equipment in the Council Chambers that was purchase in 2020 using CARES Act funding, so it seems logical that additional funding made available because of COVID be used to finish outfitting the Council Chambers for this purpose.
 - In 2021, \$163,329 has been received in ARP funds and to date, no expenditures have been made using these funds.
 - Discussion included whether this is a desired purchase and if so that the purchase should come out of general government capital outlay and not use ARP funds.
 - Council Member Rohrich moved, seconded by Council Member Whittington, to purchase nine microphones from VSI. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

OTHER

1. Recap of Recent Meeting about Water Regionalization Concept
 - This was covered under presentations.
2. Mayor for a Day Essay Contest
 - The League of MN Cities is holding another Mayor for a Day essay contest. To enter, 4th, 5th, and 6th graders can answer the prompt, "What would you do if you were mayor for a day?" for a chance to win \$100 and recognition in the Minnesota Cities magazine. The deadline for submission is Monday, December 6th. Essays can be submitted online or through email. Winners will be notified in early January.
 - In addition to the LMC contest, Eagle Lake can provide additional recognition for local participants.

- A letter from Mayor Auringer will be sent to the Eagle Lake Elementary School, sent out via email, and posted on the City's Facebook page.
3. Informational – Non-Conforming Fence and Corrective Action Required
- City public works staff recently expressed concern with the placement of the west side of a newly installed fence, at 245 Joan Lane, as it appeared to be very close to the roadway and likely in the City's right of way. An onsite meeting was coordinated with the owner, public works staff and the City Administrator to review the site plan, property pins, and placement of the fence.
 - Since the on-site meeting, the property owner submitted an application for variance along with payment and was planning to attend tonight's meeting but has since withdrawn his application and requested to be removed from the agenda. The property owner has indicated cooperation with the City's request for corrective action by agreeing to remove the west side of the fence from its present location to within the property owner's property. There appears to have been a misunderstanding by the property owner as to where the property line ended in conjunction with the City's right of way. The property owner has requested a grace period to remove the fence from the City's right of way as the installer of the fence is from out of state and won't be returning until December. City staff recommends that the property owner be given a grace period until December 31st to remove the fence from the City's right of way on the west side along Thomas Drive.

CITY ADMINISTRATOR REPORT

1. Update on Lawn Mower Claim from Motor Vehicle Damage
- One of the City's seasonal public works employees was hit while driving a city mower across the street last July. Fortunately, the employee was not injured but the mower did sustain damage and needed to be repaired. With the City's deductible being \$2,500 and the repairs being \$1,150.50, the League of MN Cities Insurance Trust (LMCIT) subrogated on the City's behalf to collect from the at-fault party's insurance carrier. LMCIT was successful in recovering \$1,150.50. A check from LMCIT will be arriving shortly. The repairs have been made to the lawn mower.
2. Response from Canadian Pacific Railroad for Crossing #193-416W
- Canadian Pacific Railroad has indicated that the railroad crossing at the east edge of the city has been inspected with work scheduled in the next couple of weeks to make it smoother.
3. 2020 Census Population and Household Counts from MN State Demographer
- The 2020 census population and household count for Eagle Lake from the Minnesota State Demographer have been received. Eagle Lake's population is 3,278 which is an increase of 35% since 2010 when the population was 2,422.
4. CSAH 27 (Agency Street) Reconstruction Project Newsletter
- The contractor is substantially complete with the work on Agency Street. New traffic signs were installed last week. After all signs were placed, the detour and all temporary signage was removed from the project area. Agency Street is now fully open to traffic.
5. Issuance of Coverage under MPDES General Permit MNR040000 for Eagle Lake MS4
- Minnesota Pollution Control is issuing coverage under the Small Municipal Separate Storm Sewer System (MS4) General Permit to the city of Eagle Lake MN4, effective October 22, 2021.
6. Manganese Sampling Request from MDH Drinking Water Protection
- The Minnesota Department of Health Drinking Water Protection has asked water suppliers to participate in collecting water samples for manganese from each water supply entry in the water system. Public Works Director Brian Goettl responded to MDH and notified them that Eagle Lake will be participating in the sampling.
7. Pedestrian Connectivity Study
- At the recent Mankato Area Planning Organization Technical Advisory Committee (TAC) meeting, a recommendation to approve requests for proposal for studies contained in the 2022 Unified Planning Work Program was approved. Included is the Eagle Lake Connectivity Study. The purpose of the study is to identify alternatives to connect the southeastern portion of Eagle Lake to the rest of the community with the potential addition of a pedestrian crossing and a sidewalk or trail along CSAH 27 (Agency Street) from Thomas Drive to 211th Street. The study is intended to promote walkability and connectivity while eliminating accessibility barriers and ensuring ADA compliance. Currently there is a safety concern to pedestrians crossing CSAH 27 and traveling along the shoulder of the road between Thomas Drive and 211th Street. There is a population of youth that are disconnected from the rest of Eagle Lake for fear of crossing CSAH 27 without a safe crossing and sidewalk system in place. The total project cost for the study is \$25,000 with an anticipated date of completion for the study being December of 2022. There is no direct cost to the City of Eagle Lake for the study.

8. MN DNR Park Inspection

- The MN DNR recently completed a visit to Eagle Lake to inspect sites funded by DNR grants. Each site is visited at least every 5 years to ensure that the program requirements are being met. During the recent site inspection, the DNR checked to be sure that the grant assisted park areas (Lake Eagle Park and tennis courts) are being managed for public outdoor recreation and that the grant assisted facilities are still in existence. They also look for any safety or accessibility concerns and verify that there is a grant funding acknowledgement sign displayed near the entrances. Following the inspection, an email was received notifying that the park and tennis courts were found to be well maintained and operated for outdoor recreation use. One comment was that a walkway and level access should be provided to the playground to ensure access for persons with disabilities. Coincidentally, a day or two after receipt of the email, the concrete path was poured at the playground area and a photo sent documenting the improvement to ensure ADA access.

9. Budget and Wage Study Update

- As updated numbers begin to be available for health insurance and other items, budget line items will be updated accordingly. Survey data has been received and compiled. A meeting will be scheduled with the Personnel Committee soon to review results and recommendations. The goal is to implement wage study recommendations into the 2022 budget. It is anticipated that a work session may be necessary in mid to late November to review wage study recommendations and timeline for implementation.

10. One Million Cups Event in Eagle Lake on November 17th

- This event will be held at City Hall from 8:30 a.m. to 9:30 a.m. and all are invited to attend. It is anticipated that two Eagle Lake business owners will be presenting-Kim Daschner with Dasch Salon, and Jake Schrom with Hometown Fitness.

11. Support Local Campaign/Community Holiday Event

- The EDA has in recent years collaborated with local businesses to send out a support local business flyer in conjunction with the holidays. In addition, last year the police and fire held a drive through event at Eagle Lake Elementary in which the departments and Santa handed out goodie bags to children. Discussion will take place at the November EDA meeting about collaborating with the police and fire departments and holding a community event that encourages celebrating community and supporting local.

COUNCIL REPORTS

- None

ADJOURNMENT

- Council Member Rohrich moved, seconded by Council Member Whittington, to adjourn the meeting at 8:38 p.m. Motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

Tim Auringer, Mayor

Kerry Rausch, Deputy Clerk