

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
JANUARY 3, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Anthony White, John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, Public Works Director Brian Goettl, Fire Chief Vern Simpson, and Deputy Clerk Kerry Rausch.

**PUBLIC COMMENTS**

- None

**APPROVAL OF THE AGENDA**

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

**APPROVAL OF MEETING MINUTES**

- Council Member Whittington moved, seconded by Council Member White, to approve the December 6, 2021 City Council meeting minutes. The motion carried with Council Members White, Whittington, and Mayor Auringer voting in favor.

**CONSENT AGENDA**

- Council Member White 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

Res. 2022-01 Designating Official Depositories

Res. 2022-02 Designate Official Newspaper

Res. 2022-03 Approve 2022 Fee Schedule

Res. 2022-04 Appoint Shane Wendland to Park Board

Res. 2022-05 Resignation of Zachary Keesey

Res. 2022-06 Mayoral Appointments

Res. 2022-07 Accepting Donations

Res. 2022-08 Appoint Vern Simpson as Fire Chief

The motion carried with Council Members White, Whittington, and Mayor Auringer voting in favor.

**PRESENTATIONS**

1. Angela DeMartini, Owner of Bella's House of Doodles: CUP for 107 598<sup>th</sup> Avenue

- City Administrator Bromeland stated that Angela DeMartini, owner of Bella's House of Doodles, was asked to attend tonight's meeting to review the current set up and use of each building located at 107 598<sup>th</sup> Avenue. It was explained that the request to appear before the City Council was prompted by the placement of a storage shed behind the secondary building without a building permit being pulled and because it

appears, based on pictures provided by Mrs. DeMartini, that the building is being used as part of the business operations and which was not included in the scope of the business plan when the conditional use permit (CUP) was sought and approved. The CUP was issued for the main commercial building. Administrator Bromeland provided some background and shared that Rick DeMartini contacted City staff on June 22<sup>nd</sup> asking if two temporary storage buildings could be placed on the vacant lot due to delays with delivery of the two buildings. The request was denied, and no temporary storage buildings were placed on the parcel. On August 2<sup>nd</sup>, per City staff's request, Rick and Angela DeMartini appeared before the City Council to discuss their plans for construction of the main commercial building and a secondary accessory storage building and to request an exception to the building permit process to accommodate their timeline with putting up the secondary building in advance of the main commercial building and temporarily operating their business out of the storage building. An agreement was approved by the City Council at its August 2<sup>nd</sup> meeting allowing for the construction of the secondary building (storage building) and temporary use of that building to house dogs and operate their business with the condition that a certificate of occupancy be obtained prior to January 1, 2022. As per the agreement, both parties agreed that if the main commercial building is not ready for occupancy on or before January 1, 2022 that the CUP be revoked and that any operation of the business that requires a CUP will immediately cease. In addition, Angela DeMartini and Bella's House of Doodles agreed to be severally liable for any costs incurred by the City in enforcing the agreement, including but not limited to time expended by staff and legal fees and costs. Administrator Bromeland stated that per her inquiry to the building inspector, a certificate of occupancy was issued for the secondary building on October 7<sup>th</sup>. To date a certificate of occupancy has not been issued for the main commercial building. According to the building inspector, the following inspections must be completed prior to a certificate of occupancy being issued: framing, insulation inspection, plumbing rough-in inspection, plumbing final, mechanical permit, mechanical rough-in, mechanical final and verification of electrical final completed by the state electrical inspector. Bromeland went on to state that at this time, Angela DeMartini and Bella's House of Doodles appears to be out of compliance with the CUP and supplemental agreement in that the business is being operated out of the secondary building and shed, and a certificate of occupancy has not yet been obtained for the main commercial building. Referencing an informational memo from the League of MN Cities, a city can revoke a CUP if there is not substantial compliance with conditions. The revocation must be based upon factual evidence, after appropriate notice and hearing.

- Angela DeMartini, 57370 174th Lane, Good Thunder and owner of Bella House of Doodles, stated that the main building should have been finished in July but that the plumbing contractor had backed out. She has received approval by the state for the plumbing permit and that the plumbing rough in was completed on January 6<sup>th</sup>. Next to be completed is the insulation and plumbing and they still need concrete to be laid. She asked City Council to consider extending the conditions of the agreement and would like to ask for changes to the CUP at the next City Council meeting. She explained that the shed behind the storage building was inside the Borgmeier building before its current location.
- Administrator Bromeland stated that she was asked by Rick DeMartini to look at a shed in the Borgmeier building last June to see a building that he wanted to temporarily place on the parcel. Administrator Bromeland stated that she drove out to the property and met Mr. DeMartini on site to briefly look at the building because she was not aware that there was a building inside Mr. Borgmeier's building. Following the brief viewing of the building, City Administrator informed Mr. DeMartini that no temporary structures would be allowed. It was noted that there was no further discussion of the building from that point until it was recently discovered that a building was placed on the property without a permit and that the building is the same building that Mr. DeMartini wanted to temporarily place on the property and was told that it was not allowed.

- Angela DeMartini stated that the large shed/storage building is being used as a makeshift office, has shelving, and being used to separate doggie daycare and play area. They have litters of puppies and boarding dogs. The little shed is a stand-alone structure with air conditioning and a furnace, heated floors, a tv and is now being used for overflow and for safety reasons they are boarding dogs in the little shed. Mrs. DeMartini stated she would like to use this shed as a sick bay and holding area for incoming dogs.
  - Mr. Kennedy, the City's attorney, stated the DeMartini's are using two buildings now and that Mrs. DeMartini is asking to expand the CUP and at this time is not in compliance with the existing CUP. Mrs. DeMartini indicated that the small shed being used does not have a certificate of occupancy. He also stated the shed is an ancillary building and not a shed. Mayor Auringer stated the ancillary building can not be used until it is permitted and a certificate of occupancy issued.
  - Mayor Auringer stated that the ancillary building (small shed) has not been reviewed by City Council and is out of compliance with the issued CUP and that the CUP could be revoked. The main structure has not been completed by the January 1, 2022 requirement of the signed agreement. The ancillary building must have a foundation, be permitted by the City, be inspected and have a certificate of occupancy issued by the City's building official. Administrator Bromeland indicated that the ancillary building (small shed) cannot be permitted due to it not being included in the CUP.
  - Chris Kennedy explained that properties are licensed and not a business as it related to kennel licenses. Administrator Bromeland explained that the kennel license runs January 1-December 31 and has now expired.
  - Mr. Kennedy explained that if City Council would like to consider revocation of the CUP there would need to be a hearing, send the owners a notice, take testimony and conduct finding of facts. He also asked if concrete information as to status for construction for the main building would be able to be provided at the January 19<sup>th</sup> Special City Council meeting and stated Council needs to consider the status of the CUP. He advised Council that they should not extend the CUP and that if Mrs. DeMartini needs more time to provide Council with answers that they should continue the hearing to a future date. He also stated that Council could extend the agreement without a hearing.
  - Council asked that either Angela or Rick DeMartini attend each City Council meeting to provide Council with updates and that they provide Council with a construction completion schedule for the interior space of the main building. The hearing will be scheduled for the January 19, 2022.
  - It was also mentioned that when the fence is constructed that a separate permit application will need to be completed and a permit issued prior to the construction of the fence.
2. Kevin Rykhus, 524 S. Agency Street: Sewer Connection Extension Request
- Mayor Auringer explained that the City extended sewer to this property as part of the Agency Street reconstruction project and that Mr. Rykhus has been asked to connect to the sewer line.
  - Administrator Bromeland stated that city code states that connection must be made within 30 days and that Mr. Rykhus is asking for consideration of a grace period to the spring of 2022.
  - Mr. Rykhus explained that he has received one estimate, which he feels is high and that he has found it difficult to find others to do this work.
  - Council recommended that Mr. Rykhus work now on finding someone to do this work.
  - Council Member White moved, and seconded by Council Member Whittington, to set the date of May 31, 2022 to have the connection to the sewer line completed. The motion carried with Council Members White, Whittington, and Mayor Auringer voting in favor.

## **PUBLIC HEARING**

- None

## OLD BUSINESS

- None

## NEW BUSINESS

1. Status of CUP for 107 598<sup>th</sup> Avenue
  - Handled under presentations
2. Sewer Connection Extension Request
  - Handled under presentations
3. Sale of 2017 Police Squad
  - Administrator Bromeland reported that Blue Earth County notified the police department that the 2017 squad car sold for \$10,675 via MinnBid. MinnBid will retain 6% of the sale proceeds and the remainder will be forwarded onto the City via Blue Earth County. Administrator Bromeland explained that typically, the proceeds from the sale of equipment are credited to the general fund revenue account to offset general fund expenses. With the upcoming capital outlay needs of the police department, she explained that it may be beneficial to consider setting aside the sale proceeds into the police capital outlay fund.
  - Council Member Whittington moved, seconded by Council Member White, to accept the sale proceeds for the sale of the 2017 squad car and to designate those funds to police capital outlay. The motion carried with Council Members White, Whittington, and Mayor Auringer voting in favor.

## OTHER

1. Monitoring of Water Tower and Wells and Need for SCADA System
  - Brian Goettl, Public Works Director, explained that the telemetric signal which relays information from the well house to the water tower has been failing daily and the public works staff is monitoring the well/tower information manually to ensure that the water tower does not overflow or to get too low.
  - Three companies have been contacted for pricing on a SCADA system. It is estimated that the cost of such a system could range anywhere from \$65,000 - \$100,000 for both the well and lift stations. It is possible to do the water system first and then add the sewer system later. When the sewer system is added, Mr. Goettl stated he would like to connect the main lift station first and then when volume increases for the smaller lift stations, add them at that time.
  - Mr. Goettl stated he did contact Bolton and Menk and was told this system would be compatible with a water filtration system. Employees could monitor and operate this system from either a computer or their cell phones. He also asked for Council to consider adding this item to the January 19<sup>th</sup> special city council meeting. If purchased, monies in the water and sewer funds could be used to pay for it.
  - Administrator Bromeland recommended that Brian Sarff with Bolton and Menk be contacted for analysis purposes and stated that the issues with the current system typically occur in colder weather.
2. 317 LeRay Avenue and Next Steps for Code Compliance
  - Discussion took place at the December 6<sup>th</sup> City Council meeting about nuisance complaints, specifically the storage of scrap metal in unenclosed containers, received against the property located at 317 LeRay Avenue.
  - Chief Kopp is monitoring and documenting the situation through ICR's. Direction from City Council is requested as to next steps which could include a code compliance letter or the city abating and cleaning up the situation.
  - Council indicated they would like staff to mail a letter to the property owner. Chris Kennedy, the City's attorney, stated he would like to be the person to send the letter to the property owner. Council also directed the Planning Commission to review city code and asked that changes be very specific to avoid such issue as the current one.

- Council Member Whittington moved, seconded by Council Member White, instructing Chris Kennedy to send the property owner of 317 LeRay Avenue a letter requesting that the property be cleaned up. The motion carried with Council Members White, Whittington, and Mayor Auringer voting in favor.
3. Alleyway between North 2<sup>nd</sup> Street and North 3<sup>rd</sup> Street
    - Administrator Bromeland informed that multiple complaints have been received by a resident that uses the alleyway between North 2<sup>nd</sup> Street and North 3<sup>rd</sup> Street. The complaints involve two metal posts in the ground and concern for potential damage to vehicles if the post is hit. Public Works Director Brian Goetl was asked to mark the City's property pin in pink. Based on the location of the property pins, it appears that the metal posts are located on private property.
    - Council asked if Public Works had any concerns with plowing snow, which they do not. The Fire Chief also state he has no concerns relating to access for the fire department.
    - Council consensus is that there is no violation of city code and that there is nothing the City can do.
  4. Thank You to Ice Rink Volunteers
    - Staff and Council Members thanked the volunteers for their hard work flooding and maintaining the ice rink.

### **CITY ADMINISTRATOR REPORT**

1. Recent Communication with MnDOT about Upcoming Hwy 14/County Road 56 Project in Eagle Lake
  - MnDOT will have someone at the February or March City Council meeting to update the Council on the R-cut project.
2. Winter Newsletter
  - The winter newsletter will be mailed soon.
3. Upcoming Special Meeting and Public Hearing for Annexation on Wednesday, January 19th at 6:00 p.m.
  - Council was reminded the special meeting scheduled for January 19, 2022

### **COUNCIL REPORTS**

- None

### **ADJOURNMENT**

- Council Member White moved, seconded by Council Member Whittington, to adjourn the meeting at 7:39 p.m. Motion carried with Council Members White, Whittington, and Mayor Auringer voting in favor.

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Tim Auringer, Mayor

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Kerry Rausch, Deputy Clerk