

**CITY OF EAGLE LAKE
CITY COUNCIL MEETING
APRIL 3, 2023**

CALL TO ORDER

- Mayor Norton called the meeting to order at 6:15 p.m.

ROLL CALL

- Council Members present: Garrett Steinberg, Beth Rohrich, Anthony White, John Whittington, and Mayor Lisa Norton.
- Staff present: City Administrator Jennifer Bromeland, Public Works Director Andrew Hartman, Fire Chief Vern Simpson, and Deputy Clerk Kerry Rausch.

PUBLIC COMMENTS

- None

APPROVAL OF THE AGENDA

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

APPROVAL OF MEETING MINUTES

- Council Member Rohrich moved, seconded by Council Member Whittington, to approve the March 6, 2023 City Council minutes as corrected. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

CONSENT AGENDA

- Mayor Norton pointed out the resolution for the donation from the American Legion for Music on Parkway, the appointments of Richard Garvey and Paul Bunkowske to the Planning Commission and the resignation of David Knutson from the Fire Department.

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

Monthly Bills	Treasurer's Report	Police Report
Fire Report	Public Works Report	Building & Zoning Permits
Gambling Report	Res. 2023-18 Accept Music on Parkway Donation	
Res. 2023-19 Appoint Garvey to Planning Commission		
Res. 2023-20 Appoint Bunkowske to Planning Commission		
Res. 2023-21 Resignation of Knutson from Fire Department		
Limited Continuing Disclosure Agreement		

- The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

PUBLIC HEARING

1. Planned Unit Development Application from Troy Schrom with Fox Meadows Housing Development (Lot 1, Blocks 2, 3 & 6)

- Administrator Bromeland explained that a public hearing has been scheduled to consider an application received from Troy Schrom with Fox Meadows. Mr. Schrom is seeking a Planned Unit Development

(PUD) for Blocks 2, 3, and 6. The PUD is being sought to create a new Common Interest Community (CIC) within the Fox Meadow development. Per the applicant, the CIC will consist of two types of dwellings. The first type will be twin homes located in Blocks 3 and 6. Each half of a twin home will become a separate lot and will eventually be sold to a homeowner. The greenspace and driveways will be owned by a homeowner's association. The second type will be single family homes located in Block 2. According to the plan submitted, there will be 17 single family home units and 16 twin home units. Each of the single-family homes will become a separate lot and will eventually be sold to a homeowner. The greenspace and driveways will be owned by the same homeowner's association as the twin homes.

- Administrator Bromeland also explained that CIC plats are governed by Minnesota Statute Chapter 515B. At the local level, a CIC can be approved as a Planned Unit Development, allowing some flexibility from regular zoning standards as to size and location, such as reduced lot size for dwellings and setbacks. In the proposed PUD, the applicant is seeking reduced lot sizes for the dwelling units and reduced setbacks. To approve a proposed Planned Unit Development, the Council must find that the proposed use meets one or more of the requirements listed in Section 6.195, Subdivision 2 of City code. Per staff's review, the proposed use appears to meet Subdivision 2(D) and (E).
- The PUD application and plan for Blocks 2, 3, and 6 of Fox Meadows was reviewed by the Planning Commission at its February 27, 2023 meeting. The Planning Commission recommends to the City Council that a public hearing be held based on the findings that the PUD satisfies the intent of the ordinance and/or does not jeopardize public health, safety, or welfare. A public hearing notice was published in the City's legal newspaper and posted on the bulletin board at City Hall. Notice was also mailed to all property owners within 350 feet of the subject property.
- Administrator Bromeland stated that the developer has submitted a CIC declaration and the City should have a copy of the covenant on file, but the City does not enforce covenants.
- Council discussion included Mayor Norton stating that the Planning Commission asked many questions and felt very comfortable with the PUD application.
- Council Member Steinberg moved, seconded by Council Member White, to approve Resolution 23-2022 approving a Planned Unit Development that will operate as a Common Interest Community. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

2. Amendment to Chapter 3, Section 3.010, Subdivision 3(A)

- Administrator Bromeland explained this is a public hearing to consider an amendment to Eagle Lake City Code, Chapter 3, Section 3.010, Subdivision 3(A). The proposed amendment consists of replacing "All snow and ice not removed from public sidewalks after the snow or other precipitation causing the condition has ceased to fall" with "The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation."
- Notice of tonight's public hearing was published in the City's official newspaper and posted on the bulletin board at City Hall. To date, no comments have been received in advance of the public hearing on the matter. If the Council chooses to adopt the amendment to Chapter 3.010, a 2/3 vote is necessary and will go into effect after publication.
- Deb Mastin, 601 Linda Drive, explained to Council the difficulties they have in removing snow from their sidewalk and stated the change to 24 hours to remove snow from sidewalks is needed. She also asked that flexibility be used in the enforcement of code.
- Council Member White moved, seconded by Council Member Steinberg, to adopt amendment to Chapter 3.010 Subdivision 3(A) of City Code. A roll call vote was taken with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

PRESENTATIONS

1. Eugene and Joyce Bruner: Sidewalk Concerns

- Kip Bruender, 204 Joan Lane, spoke as a representative for Eugene and Joyce Bruender who live at 425 S. Agency Street, regarding the sidewalk in the Fox Meadows subdivision. Mr. Bruender asked Council to review the sidewalk plans closely for this development. He stated he feels it makes more sense to have sidewalks on the south side of Blace Avenue since there will be less driveways than on the north side. He also stated he would be happy to meet with Administrator Bromeland and staff relating to this. Mr. Bruender also stated that safety will out way any additional cost.
- Brian Sarff with Bolton and Menk stated that Connie Lane has been realigned. He also explained this project has a 60-foot right-of-way on Blace with 27 feet of this right-of-way on the Bruender side (the north side) of the roadway with an 8 foot boulevard. From the midsection of the road to the right-of-way is 18 feet 10 inches and there would be a 5-foot sidewalk with a 2 ½ foot boulevard, which is very narrow and will make it harder for maintenance.
- Council discussion included location and potential use of sidewalk based on location.
- Developer Troy Schrom stated by having the sidewalk on the north side, it will allow for an east/west connection. There are two wetlands, one in phase 1 and the other in phase 2 and that this design has gone through the wetland delineation process and they need to stay out of the wetlands. The moving of the sidewalk would cost approximately \$20,000-\$30,000 and the developer's agreement would need to be redone.
- Mr. Bruender reiterated that he is only asking for Council to review plans for the development and is not asking for a decision at tonight's meeting.
- Council asked that a future meeting be set to review plans and expressed the desire to look at the big picture relating to sidewalk installation.

2. Roger and Nathan Bechel: Sidewalk Maintenance Concerns

- Roger Bechel, 308 S. Agency Street, and Nathan Bechel, 312 S. Agency Street, presented their concerns about snow removal on sidewalks which includes ice chunks thrown onto the sidewalk when snow was removed from the street which has damaged his snow removal equipment. Roger Bechel stated he feels the City should pursue county state aid funding to remove snow on the sidewalks along the county road. Roger again asked Council to consider adding language to city code to state what is allowable equipment residents can use for snow removal. He stated when he uses his tractor unit he does not have problems with snow removal.
- Nathan Bechel stated their assessment for the CSAH 27 project was \$8,000 for the value added to their property, but now they are incurring additional costs to remove snow from the new sidewalk.
- Council discussion included the possibility of reviewing the maintenance contract with Blue Earth County which expires on December 31, 2023. Council also indicated that this winter snow removal has been difficult for the entire community.

OLD BUSINESS

- None

NEW BUSINESS

1. Planning Commission Recommendation for Rezoning for Eastgate Townhomes (Parcel R12.10.18.201.019)

- Administrator Bromeland explained that a public hearing was held at the March 30th Planning Commission meeting to consider an application for rezoning for parcel R12.10.18.201.019. The applicant is seeking to rezone the parcel from L-1 Light Industrial to R-3 Limited Multiple Family Residential for the purpose of developing the property into a townhome housing development. According to the concept plan, the development is proposed to consist of a 2-unit townhome, two five-unit townhomes, and two four-unit

townhomes on the parcel. No written comments were received in advance of the public hearing, but one resident did speak at the meeting and stated that he was not against the rezoning but did have a questions about where a light industrial business would go if one wanted to move to town.

- Administrator Bromeland stated the applicant’s request to rezone the parcel from L-1 to R-3 is not consistent with the City’s land use map as this parcel is shown as L-1. However, as the applicant indicates in the rezoning request, the parcel is directly adjacent on the east, south, and west sides of the property are zoned R-3. If the subject parcel were to be rezoned, it would eliminate the remaining lot available for L-1.
 - Administrator Bromeland explained that when making a determination about a zoning amendment, the following shall be considered:
 - Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Land Use Plan, as adopted and amended from time to time by the City Council.
 - Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the affected property.
 - Whether the proposed amendment will have an adverse effect on the value of adjacent properties.
 - The adequacy of public facilities and services.
 - The Planning Commission recommends to the City Council that the request for rezoning of parcel R12.10.18.201.019 be approved.
 - Mayor Norton stated the Planning Commission focused on watermain connectivity and a possible easement from the developer for watermain looping.
 - Council discussion included the need to ensure space for emergency vehicles to enter and exit the development and the location of fire hydrants. The developer indicated the design presented has a turn radius for a 42-foot fire truck and stated he is willing to work with adjacent property owners. The developer also stated that they would provide more fire hydrants and the units will be sprinkled.
 - The Council asked if water run off with this development would be a concern. It was explained that the holding ponds included in this development would handle water runoff.
 - Council Member Whittington indicated his desire to look at the multi-family versus single family units within Eagle Lake to consider appropriate balance.
 - Council Member White moved, seconded by Council Member Rohrich, to rezone parcel R12.10.18.201.019 from L-1 to R-3. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
2. Planning Commission Recommendation for Preliminary Plat for Eastgate Townhomes (R12.10.18.201.019)
- Administrator Bromeland stated a public hearing for a preliminary plat application was held at the March 20th Planning Commission meeting. The applicant is seeking to develop the property into a townhome housing development consisting of 1 two-unit townhome, 2 five-unit townhomes, and 2 four-unit townhomes on the parcel. The Planning Commission recommends that the preliminary plat be approved.
 - Administrator Bromeland also explained that the City’s engineer, staff and the developer have reviewed the concept plan and preliminary plat and that notices were sent to properties within 350 feet of this parcel and that a notice was published in the City’s official newspaper and posted in City Hall. She also explained that if there are any concerns, the preliminary plat could be approved with conditions and that items could be worked through with the final plat.
 - Council Member Steinberg moved, seconded by Council Member White, to approve the preliminary plat. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
3. Planning Commission Recommendation for Zoning Code Amendment
- Administrator Bromeland explained that a public hearing was held at the March 20, 2023 Planning Commission meeting for the purpose of considering the addition of the word “required” to Chapter 6,

Section 6.210, Subdivision 4(A)(2). Currently, there is conflicting language in code. In Section 6.210, Subdivision 6(A) the word “required” is included, but it is missing from Section 6.210, Subdivision 4(A)(2). The purpose of the amendment is to promote consistency within Chapter 6 as it relates to the permissible location of accessory structures in the front and side yards.

- No comments were received in advance or at the public hearing on this matter. The Planning Commission recommends that the above-described amendment be approved. The proposed amendment will need at least a 2/3 affirmative vote by the Council to be approved.
- Council Member Steinberg moved, seconded by Council Member White, to adopt the amendment to Chapter 6, Section 6.210, Subdivision 4(A)(2). A roll call vote was taken with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

4. Resolution Authorizing Delegation of Authority, Amendment to Check Signing Policy, Update to Internal Controls Policy

- Administrator Bromeland explained the proposed resolution is to authorize the delegation of authority to pay claims and make electronic fund transfers. She directed Council to a memo from the League of Minnesota Cities which states a city council may delegate its authority to pay certain claims. This authority may be given by the city council to a city administrative official. In order to delegate this authority, a city must adopt a resolution, establish internal accounting and administrative control procedures, and prepare annual audited financial statements.
- Administrator Bromeland provided background stating that discussion took place at the October 3, 2022 City Council meeting about the need to amend the City’s check signing policy. A concern was expressed by City staff at that time with being able to issue disbursements in a timely manner to avoid late fees. The check signing policy was amended to allow for checks to be processed twice a month. Since that time, Deputy City Clerk Kerry Rausch has requested that staff be allowed to process disbursements on a weekly basis, if needed, to avoid late fees.
- Council discussion included the possible need of paying claims by electronic fund transfers. It was mentioned that from an internal control standpoint it would be best to pay claims by check whenever possible.
- Council Member Steinberg moved, seconded by Council Member White, to approve Resolution 2023-23 authorizing the delegation of authority to pay claims and make electronic fund transfers. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
- Council Member White moved, seconded by Council Member Rohrich, to approve the amended check signing policy. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
- Council Member Rohrich moved, seconded by Council Member Whittington, to approve the updated internal control procedures policy. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

5. Pricing for Hydrant Nozzles

- Administrator Bromeland explained that during the 2023 budget setting process, the Fire Department requested that \$5,000 be set aside in the 601 Water fund for the purpose of updating 9 fire hydrants. The scope of work will involve replacing 9 hydrant nozzles. The proposal from Core & Main totals \$5,898.15. Of this amount \$5,000 will be paid for using funds in the 601 fund with the remaining portion to be paid for using fire department funds.
- Council Member Steinberg moved, seconded by Council Member White, to approve the purchase of fire hydrant nozzles from Core & Main. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

6. Pricing for Street Sweeping

- Administrator Bromeland explained that the Public Works Director Andrew Harman requested pricing from Loken's Asphalt Maintenance, Inc. and Peters Striping for street sweeping. Loken's Asphalt Maintenance, Inc. came in at \$4,725.
- Public Works Director stated Loken's Asphalt Maintenance pricing reflects the hours needed to clean up the sand.
- Council discussion included the desire to have the street swept sooner than later stating concerns with MS4 requirements.
- Council Member Rohrich moved, seconded by Council Member Whittington, to accept the bid from Loken's Asphalt Maintenance. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

7. Schedule Public Hearing for Chicken Ordinance

- Administrator Bromeland stated that Mayor Norton compiled information from several cities and created a spreadsheet with a list of various factors to consider addressing an ordinance regulating chickens.
- The City Council reviewed Lake Crystal's ordinance to use and made suggested modifications to use for Eagle Lake's draft ordinance.
- Administrator Bromeland asked, due to the size of the draft ordinance, to publish a summary which will state the complete draft ordinance will be available at City Hall. If the Council authorizes a summary publication a 4/5th vote will be needed.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to hold a public hearing at the May City Council meeting and to allow for a summary publication relating to amending city code to allow for chickens. The a roll call vote was taken with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

8. Mosquito Control Pricing and Options

- Administrator Bromeland explained two proposals from Clarke for environmental mosquito management were received. The first option is for 9 bi-weekly treatments at \$825.00 per treatment and an option for 15 weekly treatments at \$775.00 per treatment. Staff also contacted Total Lawn Care and Landscapes with a quote to provide mosquito and tick control at two of the three city parks. The quote consists of four liquid applications totaling \$4,688.
- When asked by Council if these treatments are effective, Public Works Director Hartman stated that it is difficult to tell until there is no treatment. He also stated the dog park area is the worst area at Lake Eagle Park.
- Council discussion included the cost for this service and questioned how effective it is, especially in back yards. Also discussed was if it would be possible to contract for special events only and if the city could contract this service out later if it is deemed necessary.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to not accept the bid from Clarke and to not do any regular spraying for mosquitos. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
- Council Member Rohrich moved, seconded by Council Member Whittington, to revisit the need for mosquito control at the May City Council meeting. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

OTHER

- None

CITY ADMINISTRATOR REPORT

1. Open Book Meeting Notice

- The open book meeting for Eagle Lake will be held at Blue Earth County Property and Environmental resources office at 9:00 a.m. Monday through Friday, April 17-23, 2023.

2. Spring Newsletter

- The spring newsletter will be printed and mailed to all postal patrons shortly. The newsletter will also be emailed via the City's email list and posted on the City's website and Facebook page.

3. Engineering Review for Park Shelter and Next Steps

- Public Works Director Hartman and City Administrator Bromeland participated in a remote meeting with Bolton and Menk regarding pricing for an engineer review of the shelter plans. Project cost is yet to be determined.
- General discussion included that the building inspector has asked for an engineering review.
- Council asked if it should be the responsibility of the park board to fund this project, if donations could be raised and the possibility of locating grants to assist with the cost. It was suggested that developing a concept plan to circulate to the public for fundraising purposes would be helpful.

4. LMCIT Loss Control Workshop on April 5th

- City staff will be attending a Safety and Loss Control Workshop in Mankato on April 5th and the front office will be closed in the afternoon.

5. Generators

- Pricing for generators was explored and pricing came in much higher than anticipated. It was noted that there is a matching grant but it is only for \$10,000 and the cost is much higher.

6. Access to Police Department

- The police chief has been informed that any person who has access to the police department office without an officer present must be fingerprinted and screened. Chief Kopp will be drafting a policy which will include that no one has access to the police department without an officer present except for the city administrator. When drafted this policy will come before the Council for approval.

7. CSAH 56 No Parking

- Blue Earth County has been contacted asking that No Parking signs be ordered.

8. No Mow May

- City Council discussed and determined the City of Eagle Lake will not be participating in No Mow May.

9. Request from Non-Resident

- Public Works Director Hartman stated he has received a request from a person living outside of city limits for gravel to be hauled in due to road conditions. The road in question runs from Peregrine to 211th. Mr. Hartman asked if Council wants to maintain this portion of the road to the fullest.
- Council discussion included the need to determine who is responsible for this section of road, the township or the City. If the township, then the township should be responsible for the road maintenance.

COUNCIL REPORTS

- Council Member Rohrich asked about the office layout with the Community Development Coordinator position and asked if the office needs to be renovated to create a private office space. This may need to be reviewed in the 2024 budget planning process.
- Council Member Steinberg stated that Music on Parkway bands have been hired.
- Council Member Steinberg stated he has worked with city staff to secure the council chambers for every Thursday at 6:00 p.m. for AA meetings.

- Council Member Whittington asked about the work on the water tower. Public Works Director Hartman explained that the company doing the work is planning to start in April and is pulling their crew together.
- Mayor Norton asked about the school districts decrease in enrollment and their need for budget cuts and asked if this would affect the Eagle Lake school. Council Member Steinberg stated he emailed two school board members with his concerns. Council asked if a meeting with District 77's Superintendent could be arranged. Council Member Rohrich stated she feels it is the roll of the Council to keep residents and business in town and that Council needs to be the voice of the residents and feels that the Council should use their leverage to try to have an open dialog with the school district.

ADJOURN INTO CLOSED SESSION

- Council Member Rohrich moved, seconded by Council Member Whittington, to moved into a closes session as permitted by section 13D.05 subdivision 3(a), to complete the annual performance evaluation of the city administrator, Jennifer Bromeland. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
- Council Member Rohrich moved, seconded by Council Member Whittington, to move back into the public meeting. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

ADJOURNMENT

- Council Member Steinberg moved, seconded by Council Member White, to adjourn the meeting at 10:05 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

Lisa Norton, Mayor

Kerry Rausch, Deputy Clerk