

**CITY OF EAGLE LAKE
CITY COUNCIL MEETING
JANUARY 9, 2023**

CALL TO ORDER

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

ROLL CALL

- Council Members present: Garrett Steinberg, Beth Rohrich, Anthony White, John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, and Public Works Director Andrew Hartman.

PUBLIC COMMENTS

- None

APPROVAL OF THE AGENDA

- Requested to be added to the agenda under New Business is Resolution 2023-12 Appointing Chris Willette to the Fire Department Active Roster and a Letter from Region 9 asking for a City appointment to their Commission.
- Council Member White moved, seconded by Council Member Rohrich, to approve the agenda as amended. The motion carried with Council Members Steinberg, Rohrich, White, Whittington voting in favor. Mayor Norton abstained due to not being at the December 5th meeting.

APPROVAL OF MEETING MINUTES

- Council Member White moved, seconded by Council Member Rohrich, to approve the December 5, 2022 City Council minutes as presented. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

CONSENT AGENDA

- Council Member White moved, seconded by Council Member Rohrich, to approve the consent agenda.
 - Monthly Bills
 - Treasurer's Report
 - Police Report
 - Fire Report
 - Public Works Report
 - Building & Zoning Permits
 - Gambling Report
 - Res. 2023-01 Designating Official Depositories
 - Res. 2023-02 Designating Official Newspaper
 - Res. 2023-03 Approving 2023 Fee Schedule
 - Res. 2023-04 Electronic Fund Transfer Designated Authority
 - Res. 2023-05 Mayoral Appointments
 - Res. 2023-06 Resignation of Tyler Wallert
 - Res. 2023-07 Appointment of Tom Paulson to Planning Commission
 - Res. 2023-08 Accept Grant from Compeer Financial
- Mayor Norton brought to Council's attention the resignation of Tyler Wallert from Police Department, the appointment of Tom Paulson to the Planning Commission and the grant received from Compeer Financial.
- The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

PRESENTATIONS

1. Luke Israelson, KJ Walk: Escrow Funds

- Mr. Israelson with KJ Walk expressed concerns with the City retaining \$46,000 of escrow funds for repair of boulevards relating to Eagle Ridge Phase 2 development project for work still needing to be done in 2023 and that the City would be hiring an outside contractor to make repairs. He stated he was never informed of this possibility and does not feel the \$46,000 represents the work still needing to be done. He also stated that all work has been completed and that he should receive all remaining escrow funds.
- Mr. Israelson stated that while he did not personally inspect the boulevard work, he was told the work was completed. He stated he is willing to put in the castings and was never made aware they were missing.
- Mr. Israelson explained that he asked for escrow funds to be released in October and then again in November and learned it would be on the December Council meeting which he did not think he would need to attend and that he did not get a copy of Mr. Sarff's letter. He stated that communication from the city was lacking.
- Mr. Israelson stated he could make the necessary improvements for much less than the \$46,000 and would have his company make the needed repairs and that there are many vacant lots which will be developed by contractors.
- Council discussion included that the City has photos of the current state of the boulevards and that there is debris in the poor quality of dirt laid and there are safety concerns with the gap between the sidewalk and boulevard and that this sidewalk is a nice walking loop which gets used.
- Council also mentioned that for several years there has been a lack of communication from the developer and now the City finally has his attention by the withholding of escrow funds. They voiced concern that if funds were released what would the likelihood and timeliness of the repairs being made.
- Also discusses was the purpose of the escrow funds, which are to ensure that there are funds on hand in the event that the City needs to do work not completed by the developer.
- Council Member Rohrich stated she was in full support of withholding these funds.
- Mayor Norton stated she has asked for all emails and she has seen that KJ Walks has failed to communicate with the city repeatedly.
- Administrator Bromeland stated she sent an email on September 29th with pictures advising of concerns and the City did not hear anything back. She stated the \$46,000 retained was the amount suggested by the City's engineer who did consult a contractor as to estimated cost for repairs.
- Council stated that at the December meeting Administrator Bromeland stated that funds in excess of the cost of making repairs would be returned to the developer.
- Council Member Rohrich moved, seconded by Council Member Whittington, to have Mr. Israelson provide the City with a quote for the price of having the work done along with a timeline for the work to be completed and for this to be brought to the February Council meeting for consideration. Motion carried with Council Members Steinberg, Rohrich, White, Whittington and Mayor Norton voting in favor.
- Mr. Sarff recommended that work should be completed by April 30th to allow for seeding during the seeding window.

2. Brian Sarff, Bolton and Menk: WTP Campus Concept Plan, and 2023 Infrastructure CIP

- Mr. Sarff explained that in 2022 the City executed a purchase option for a parcel for a water treatment facility on the west side of Eagle Lake. In September the City received the hydro-ecological assessment finding which included multiple high-capacity wells are feasible at this site, which is located at the northwest corner of 211th and 598th Avenue. Meetings have taken place with Bolton and Menk and City staff to create a conceptual layout of the parcel, which is not a final layout. The goal was to determine how much land is needed which would dictate the next steps.

- Approximately 5 acres of land are needed to be acquired and would be bounded by 211th and 598th and the extension of Peregrine Avenue. Consideration has been given to what is needed to construct a plant and for future expansion, as well as future needs such as a water tower and street improvements in this area. The plant building would have additional storage factored in. A future water tower project is possible 20 years in the future.
 - Well needs were assessed with the possibility of two wells on opposite ends of the parcel, however both wells could not be run simultaneously and one well would be sufficient to service the City. Existing wells #2 and #3 are located in Lake Eagle Park and consideration was given to leave these in service as an emergency backup. It may make sense to construct a raw water line in the future to connect the existing wells to the treatment facility. Well #1 is located by the current water tower and would be sealed and abandoned.
 - A bonding bill is needed to go much further in the process. A bonding bill will allow the City to score higher on future funding applications. The city has one item which is manganese content in the water supply. 2025 would be the earliest possible construction date.
 - The site would have a lot of green space which Council could determine its best use.
 - Council discussion included that the City has a 5 year option with Gary and Kim Hiniker on the parcel and that a sale price has not been identified. Wells have a 50 foot set back for development.
 - Administrator Bromeland confirmed that this concept is sufficient to move forward if funding is received. She has submitted requests for low interest loan/grant funding but has concerns if the project will score high enough without recognition of manganese levels. A meeting in January with legislators to provide them with an update on project would be beneficial since more information has been obtained since the last meeting with them. This project will not be possible without grant funding and a low interest loan.
 - Mr. Sarff stated the purpose of this process is to set the City up for conversations and potential land acquisition.
 - Mayor Norton expressed concern for wanting to ensure future utility bills remain affordable for residents.
 - Mr. Sarff stated the City's existing capital improvement plan for infrastructure needs to be updated periodically and that is what is being done now to include items such as the wastewater treatment plant and CSAH 27 trails. This is a planning and prioritization tool. Current items on the plan include watermain looping in the area of Valley Lane and Cedar Path as well as several full street improvements construction projects which would include water and sewer line work.
 - A CIP can provide the opportunity to prioritize projects and establish timeframes. Street reconstructions would also include sidewalks on one side of the road and include ADA ramps.
 - Mr. Sarff stated that the 429-assessment process is also looked at and stated that the City's current assessment policy is not in touch with benefits received and that the City should consider updating the assessment policy.
 - Administrator Bromeland explained that she is working on a grant application for a shared use path and two sidewalk segments to improve connectivity in the southeast area of Eagle Lake, that the City has submitted a letter of intent and was approved to submit an application which is due by January 13, 2023. She also stated that Shannon Sweeney with David Drown and Associates was present at the meeting and that she would like to work with him on future street and utility project needs and funding options, utility rates and to determine the amount of debt service the City can handle taking on.
3. Randy King, Prokore Inspection: Building Inspection Services
- Mr. King addressed the City Council by stating his company provides building inspection services for Mankato and other communities. He said that he has been contacted by some Eagle Lake community members and that through Prokore's work with the City of Mankato, he feels there would be improvements that could be made in Eagle Lake with administration and enforcement of the state building code and

consistency. He also stated they do not provide zoning review services but that they do deal with soil erosion control and are certified in this area. Currently Prokore is staffed by himself and a partner and that they will soon be hiring an additional staff person. Residential permits currently take 7-10 days for review and issuance and commercial permits 10-14 working days.

- Administrator Bromeland explained the current process includes her reviewing building permit applications for zoning, these are then forwarded on to the Dan Murphy with City Building Inspection Services. Non-zoning permit applications go directly to Dan Murphy for review and issuance. Administrator Bromeland also explained that Mr. King reached out to the staff and she recommended Mr. King come before Council since this was not a City initiated contact.
- Council Member White explained he has worked with Mr. King on a professional basis in the real estate setting and stated he feels Mr. King is willing to go the extra mile and would be an asset to the City.
- Council discussion included that there are no complaints with the current building inspector and that through personal experience Mr. Murphy is very responsive. It was also stated that there is value in consistency and that Mr. Murphy knows the community.
- Council Member Rohrich stated that unless there is a major cost difference for this service, there is a benefit to having someone who is familiar with the City. And that it may be best to stay with who we have.
- Council indicated they would like to compare fees for services offered and were open to opening this service to a request for proposal.

NEW BUSINESS

1. Resolution Requesting Parking Restrictions on CSAH 56 from CSAH 17 to Highway 14
 - Administrator Bromeland explained that following the discussion at the December 5th City Council meeting about whether parking should be allowed on CSAH 56 from CSAH 17 to Highway 14, she reached out to Blue Earth County Engineer Ryan Thilges to find out the next step in this process. Mr. Thilges advised that the Eagle Lake City Council needed to adopt a resolution requesting parking be prohibited on this segment of CSAH 56. The resolution states that the City of Eagle Lake agrees that it will post no parking signs and that the City will be responsible for enforcement of the parking restrictions in this area.
 - Council Member White moved, seconded by Council Member Steinberg, to approve Resolution 2023-09 restricting parking along both sides of CSAH 56 from CSAH 17 to Highway 14. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
2. Resolution Supporting State Bonding for Regional Water Resource Recovery Facility
 - Administrator Bromeland stated an update was provided at Mankato's fall server customer meeting that was held on November 15th at the City of Mankato about the Water Resource Recovery Facility (WRRF) disinfection and digester project costs. The project was initially projected to cost about \$45 million but now is estimated to cost between \$84 million and \$89 million.
 - The City of Mankato is asking member jurisdictions to partner together to lobby legislators for bond funding for this project since it is a critical regional project. Eagle Lake sends its sewage and wastewater to the City of Mankato WRRF for treatment before it is discharged into the Minnesota River. This is a need, not a want. Without improvements, the sewer capacity of the region becomes more fragile.
 - Council Member Steinberg moved, seconded by Council Member White, to approve Resolution 2023-10 A resolution supporting state bonding for the regional water resource recovery facility. The motion carried with Council Members Steinberg, Rohrich, White, Whittington and Mayor Norton voting in favor.
3. Resolution Providing for Issuance and Sale of GO Water Revenue Note, Series 2023A
 - Shannon Sweeney with David Drown and Associates provided information regarding the application for funding through the Minnesota Rural Water Midi-Loan program to fund the water tower renovation project.
 - The total project cost is \$561,690. This includes construction, engineering, and contingency costs and MN Rural Water fees. The funding sources to be utilized to finance the project include a 2023 A General

Obligation Note totaling \$462,000 and a cash contribution of \$99,690 using American Rescue Plan Act (ARPA) funds.

- Mr. Sweeney also explained that past capital planning has identified the needed utility rate structure and the need for a 5% rate increases for the water utility per year for 2023 through 2026 to reach a break even result in 2026 recognizing that small deficits will be incurred in 2024 and 2025. The 2022 water rate was \$31.30 and will increase to \$38.05 in 2026 with a 5,000 gallon per month water usage.
- The terms of the recommended financing is 10 years and can be prepaid any time after February 1, 2030. The interest rate is 3.75%. If approved, the closing date will January 23, 2023.
- Council discussion included the funding will result in \$100,000 in interest being paid.
- Mr. Sweeney suggested that the City can look at when other debt service payments will drop off to plan for when a new project can be taken on. He stated it is his goal to help the city manage its funds well and to understand how decisions impact the City's finances before spending money and to be able to prioritize projects.
- Council Member Whittington moved, seconded by Council Member Rohrich, to approve Resolution 2023-11 a resolution providing for the issuance and sale of a \$462,000 General Obligation Water Revenue Note, Series 2023A, and pledging net revenues for the security and payment thereof. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

4. Fox Meadow Townhomes, LLC, TIF Agreement Modification and Resolution

- Administrator Bromeland explained that a development agreement by and between the City of Eagle Lake and Fox Meadows Townhome. LLC, was adopted in April of 2022 and included a construction start date of August 1, 2023 and a construction end date of January 14, 2023. Due to unforeseen delays on the developer's end with the wetland delineation and EAW processes, the construction start and end dates will now require modification to reflect the actual start and end dates.
- The new language to the First Amendment to Development Agreement will state: "Construction shall begin by May 1, 2023 and the construction of the Project will be substantially completed on or before July 1, 2024, subject to Unavoidable Delays."
- Shannon Sweeney explained that the delay will only impact what is being reimbursed to the developer which will be less. The City's invest in the project would be less.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to approve the modifications included in the First Amendment to Development Agreement for the Fox Meadows TIF Agreement. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

5. Use Agreement with Gary and Kim Hiniker and Steve Wolfe

- Administrator Bromeland explained that before Council is a proposed Use Agreement by and between Gary and Kim Hiniker, Steve Wolfe, and the City of Eagle Lake. The proposed agreement was drafted by legal counsel. The purpose of the agreement is to allow the City of Eagle Lake the ability to create wind rows on farmland owned by Gary and Kum Hiniker when necessary to help combat snow drifting along 598th Avenue in exchange for performing snow removal on three vacant lots owned by Hiniker's on Creekside Drive. The agreement also contains a provision giving staff the authority to issue monetary compensation to the tenant that farms the land in exchange for leaving up rows of either corn or beans to serve as a snow fence in this area.
- Included in the proposed agreement is that the value of the crop left for a snow fence would be calculated by the value of the crop left in the field based on the bushel price on November 1st of each year.
- Administrator Bromeland explained this is similar to the agreement allowing the City to haul leaves to a site owner by Hiniker's and in return the City mows vacant lots.

- Public Works Director Andrew Hartman stated that snow allows for windrows to be created further back from the road, but that corn is also beneficial and more cost effective due to having to contract someone to move snow into windrows.
 - Council Member Rohrich moved, seconded by Council Member Steinberg, to authorize the Use Agreement with Gary and Kim Hiniker and Steve Wolf. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
6. Planning Commission CUP Recommendation for Fox Meadows Housing Development
- Administrator Bromeland explained that a public hearing was held at the December 19th Planning Commission meeting to consider an application for Conditional Use Permit (CUP) from Troy Schrom and the area in the Fox Meadows Housing Development that is zoned R-4 for the 8-plex structures. Mr. Schrom intends to construct thirteen 8-plex structures in the part of the development that is zoned R-4, totaling 104 units. A CUP is being sought for grouped housing consisting of a total of thirteen buildings, each containing eight units to be located in the plat of Fox Meadows. Three buildings to be located in Block 4, eight buildings to be located in Block 5, and two buildings to be located in Block 7. Grouped housing projects are allowed in an R-4 district subject to the regulations for conditional uses. The applicant indicates that no variances will be required.
 - The Planning Commission recommends that the CUP application for the area zoned R-4 in the Fox Meadows Housing Development be approved.
 - Council Member Rohrich moved, Seconded by Council Member White, to grant the Conditional Use Permit. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
7. Website Redesign
- Administrator Bromeland explained that the City’s website was down on Monday, January 2nd, and appears to have been compromised. Per an inquiry to the City’s current web host, Greg Lee with Webicine, the most likely reason that the website was compromised is because the site is running an older version of Concrete 5 and needs to be upgraded to get security holes patched. Mr. Lee recommends that the site be moved to WordPress to secure it better. The last website refresh was in 2016. The current costs include a \$300 annual fee for web hosting and a \$25 fee for the domain renewal.
 - Two proposals were presented for website redesign. The first from Webicine is the one-time amount of \$5,100. The other from GovOffice in the form of a 4-year contract with an annual cost of \$4,475. The proposal from Webicine is more basic while the proposal from GovOffice offers new and different features and services but at a higher annual cost.
 - Mr. Lee has indicated that WordPress is user friendly and similar to what we are using at the present time with on-page editing. It is anticipated that the process to move to the new platform would take approximately one month. Given that the City’s website platform is currently obsolete and the website is vulnerable to being compromised, City staff recommended that the estimate from Webicine be approve using funds set aside in general government, and that the conversion process be implemented as soon as possible.
 - Council Member Rohrich moved, seconded by Council Member Steinberg, to accepted the estimate from Webicine to upgrade and redesign the City’s website. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
8. Resolution 2023-09 Add Christopher Willette to Active Fire Department Roster
- Council Member Whittington moved, seconded by Council Member Rohrich, to approve Resolution 2023-12 appointing Christopher Willette to the active fire department roster. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

9. Region 9 Development Commission Appointment

- Mayor Norton stated a letter has been received requesting that the City's vacant seat on the Region Nine Commission be filled. Mayor Norton volunteered to fill this seat if no other Council Member was interested.
- Mayor Norton moved, seconded by Council Member White, to appoint Mayor Norton to the Region Nine Commission. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

OTHER

- None

CITY ADMINISTRATOR REPORT

1. Hiring Update for 4th FT PW Worker, 4th FT Police Officer, and Community Development Coordinator
 - Job announcements will be posted externally on January 9th for the 4th full-time public works worker and 4th full-time police officer. Very few applications have been received for the newly created community development coordinator position. A review of applications will take place and interviews scheduled for those that meet minimum qualifications.
2. Upcoming Friday Family Fun Programming
 - The Mankato Area Public Schools Community Education Enrichment staff in partnership with the City of Eagle Lake Park Board and Eagle Lake Elementary School will be opening Eagle Lake Elementary School from 6:30-8:30 p.m. on Friday evenings from February 3rd-March 24th. A variety of activities are being planned, including open gym, library and maker space activities, bingo and trivia. Each week different activities will be offered for families to enjoy. There is no cost to participate and all activities are free and open to the Eagle Lake community.
3. Upcoming 4th Annual Winter Activities at Lake Eagle Park on Feb. 4th from 2-4 p.m.
 - The Park Board will host the 4th Annual Winter Activities Event at Lake Eagle Park on Saturday, February 4th from 2:00-4:00 p.m. This is a free event and open to the public. It is geared towards encouraging outdoor physical activity and winter fun at the park.
4. Winter Newsletter
 - The newsletter will be printed and mailed to all postal patrons with a 56024 zip code shortly.

COUNCIL REPORTS

1. Council Member Steinberg passed along a resident's comment that the City's roads are not in good shape before snow emergencies are lifted and voiced his agreement with this comment. The resident also stated that the Public Works department is doing a good job. Public Works Director Andrew Hartman explained that the purpose of the snow emergency was to allow for the pushing of snow back and making the roads wider. Once accomplished the snow emergency was lifted and staff continued to clear the remainder of the snow.
2. Council Member Steinberg stated he would like to see the City establish a task force to look into the possibility of a Eagle Lake community center, stating that venues are highly sought after. A task force could determine what could be part of a regional aspect.
3. Council Member Rohrich stated that Council should determine their goals and start addressing them.
4. Council discussed the times of the EDA and Park Board meetings and determined the 6:45 a.m. meetings are working well.

ADJOURNMENT

- Council Member Rohrich moved, seconded by Council Member White, to adjourn the meeting at 8:28 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