

**CITY OF EAGLE LAKE
CITY COUNCIL MEETING
JULY 10, 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 Lisa Norton.
- Staff present: City Administrator Jennifer Bromeland, Public Works Director Andrew Hartman, and Deputy Clerk Kerry Rausch.

PUBLIC COMMENTS

- None

APPROVAL OF THE AGENDA

- Council Member Steinberg moved, seconded by Council Member Whittington, to approve the agenda.
- Administrator Bromeland asked to add a quote for water meters to New Businesses.
- Council Member Whittington moved, seconded by Council Member Steinberg, to amend the motion to approve the agenda as requested. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

APPROVAL OF MEETING MINUTES

- Council Member White moved, seconded by Council Member Steinberg, to approve the June 5, June 12, and June 30, 2023 City Council minutes. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

CONSENT AGENDA

- Mayor Norton pointed out the resolution accepting donations for Music on Parkway from the Sons of the American Legion and Jeremy Horkey and thanked them for their donations. Mayor Norton also expressed thanks to the Tator Days committee for their hard work.
- Council Member Whittington moved, seconded by Council Member Steinberg, to approve the consent agenda.

Monthly Bills	Treasurer's Report	Police Report
Fire Report	Public Works Report	Building & Zoning Permits
Gambling Report	Res. 2023-32 Resignation of Galen Mastin for Fire Department	
Res. 2023-33 Accept Donations for Park Pavilion.		

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

PUBLIC HEARING

1. Amendment to Chapter 18 of City Code related to Storm Water Drainage Utility

- Administrator Bromeland explained that a public hearing was scheduled for tonight to consider amendments to Chapter 18 related to Storm Water Drainage Utility. A motion is necessary to adopt the amendments as proposed and if approved the changes will take effect upon publication in the City's official

newspaper. The City may choose to publish the title and a summary of an ordinance. To do so, the City Council must approve summary publication by a four-fifths vote.

- Julie Blackburn with IS Group presented the proposed changes which included Section 18.0207 (a), Section 18.0208 (h)(3)(b)(iii), and Section 18.0209 (d)(1). The proposed changes will reflect the process that is in place.
- The public meeting was opened and closed with no comments being offered.
- Council Member Rohrich moved, seconded by Council Member Whittington, to adopt the amendments to Chapter 18 of City Code. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to authorize a summary publication of the ordinance change. A roll call vote was taken with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

PRESENTATIONS

1. Bradley Van Deise with Eide Bailly: Annual Audit Presentation

- Mr. Van Deise presented the audit findings and stated the City has received a clean unmodified audit opinion and that the financial statements do not contain material misstatements and are fairly presented. They did note three findings which are common for smaller cities which are the preparation of financial statements, material journal entries and segregation of duties.
- The cash investment balance has remained steady, the general fund saw a 7% increase in revenue over the budgeted amount and 19.6% less expenditures than budgeted with an ending fund balance of \$3.3 million. The City has a fund balance policy that unassigned fund balance is at least 50% of the annual budget.
- Other funds include debt service: revenues from property tax levies and special assessments have been sufficient to meet the required debt service payments. The water fund revenues over the past ten years have been sufficient to cover the operating expense of the water system. The sanitary sewer fund revenues for the past ten years have been sufficient to cover the operating expense of the sanitary sewer system.
- There have been no significant changes in the City's net position in the water and sewer funds.

2. Chris Kennedy, City Attorney: Moratorium, ROW Ordinance, Indemnity Agreement, Pocket Bikes

- Mr. Kennedy explained that he has drafted a THC moratorium and if the City would choose to adopt this it would prevent new businesses from coming into Eagle Lake until the state law is understandable. Come August 1, 2023 cannabis will become legal in Minnesota, but can not be sold until 2025. The City may want to consider if zoning restrictions are needed. Mr. Kennedy explained that a moratorium would require a study and that in this case much of that information would come from the League of Minnesota Cities and the states newly created Office of Cannabis Management.
- Mr. Kennedy explained that approximately 50% of cities have a Right-of-Way Ordinance and it is up to the City Council to determine if they would like to create such an ordinance. Mr. Kennedy voiced his concern relating to staffing levels to enforce an ordinance of this type. Such an ordinance could include utility easements, basketball hoops, etc. This could be a discussion for a work session.
- Mr. Kennedy stated that an indemnity agreement for a concession trailer at the park would be wise. It could address what can be sold, injuries, and who can use it. Such an agreement needs to be neutral in nature. Administrator Bromeland stated an indemnity agreement should be considered sooner than later.
- Mr. Kennedy addressed pocket bikes and stated that it is up to the City Council to determine how much this should be regulated. He also stated that currently pocket bikes would be allowed in the city parks. Police Chief Kopp stated that he has not seen as many pocket bikes being used lately. Council Member Rohrich stated it is her opinion that these types of items should be monitored by the parents and the community and not the City.

3. Mike Guentzel with Citizens Against the Motorsports Park (CAMP)

- Mike Guentzel, 60374 - 224 Lane, Madison Lake MN, stated he is before Council not representing CAMP, but as an individual. He stated his parents have purchased the north 80 acres of the land originally included in the Mankato motorsports park. This land will never be developed and will remain rural in nature. There is a potential of building a house on part of this acreage. His concern is that if a house with a septic system is built and then the City would extend water and sewer the City could require them to hook up to city services and the money spent on a new septic system would be wasted. He stated there is no reason for this land to be within city limits and asked that it be un-annexed. He stated the original agreement with the township stated that if the owner wants out and there is no development within three years the land can be unannexed. The developer for the motorsports park had an option to purchase this land and did not. He would like to get the process of unannexing this land started.
- Mayor Norton stated that the City Council, upon the City Attorney recommendation, has no comment at this time.
- Mr. Guentzel went on to state that the township may want money for use of the road since the City will not grade it. He stated that the sale of 1/3 of the acres originally planned for the motorsports park drastically changes the EAW. The EAW was for the dilution of the pollution. He also stated it would save the City money if they pulled the pin on the project and that Mr. Bradford is not coming through.

4. Roger Bechel, 308 S. Agency St: Fiber Installation Complaint

- Mr. Bechel stated that the fiber optic installation is welcome and that his concern is with the temporary cable which is intended to be a permanent buried cable. He went on to state cable needs to be buried 36-48 inches and that state statute requires copper to be buried 36 inches. He also stated there are franchise agreements which allow easements for utility companies to just show up with no permits.
- Mr. Bechel went on to state the conditions of the franchise agreement cover name transfers but that he feels when a company is sold, that mean management changes and that the City has the right to review the franchise agreements. The City has the right to monitor and inspect installations.
- Mr. Bechel stated he pulled the cable out unintentionally and that this work is not acceptable. He would like the state code to be followed and feels this installation is a nuisance.
- Mr. Bechel asked that the easement for 308 and 213 S. Agency Street be vacated buy the city. This will need to be surveyed and he is asking the City to vacate the easement.
- Mr. Kennedy, the City's attorney, stated that Mr. Bechel is referring to a state rule, not a state statute. He also explained that the City can look at the frustrations expressed, the franchise agreement, but cannot discuss the vacation until a vacation has been applied for. He also stated that he has reservations that the vacation request would qualify.
- Mr. Bechel then mentioned that a neighbor's property marker was pulled out.

5. Nick Sorenson with Consolidated Communications: Fiber Build Update

- Mr. Sorenson stated that fiber has been installed in most of the town and that the final area needing installation is the Maple Lane and Oak Drive area which will start this week.
- Mr. Sorenson stated that during the installation process three gas lines were hit. He also stated there were issues with locaters being able to use the right-of-way for what it is intended for and that Eagle Lake is the only community they have had issues when installing their pedestals. He also stated that he and Mr. Bechel have talked and that Consolidated Communications has moved to the front of the parcel.
- Council discussion included their concerns with workers walking in residents back yards in the evening and how long utility marking flags are required to stay in place. Council thanked Mr. Sorenson for his responsiveness through this process.

- Council expressed the need for better communication from utility companies when there are doing work in the right-of-way and easements and that it is the company's responsibility to send out the communications, not the city's.
 - City Attorney Chris Kennedy explained that there are federal and state regulations which will need to be researched.
 - Administrator Bromeland stated that acceptable hours of operation for this type of work is 7:00 a.m. to 7:00 p.m.
6. David Wing, District Outreach Representative with Congressman Brad Finstad's Office: Outreach and Introduction
- Mr. Wing introduced himself as the Outreach Representative for Brad Finstad and explained that it is his duty to inform Mr. Finstad of City's concerns. He encouraged the City of Eagle Lake to let him know of issues and concerns.
 - Mayor Norton stated one of the pressing issues for Eagle Lake is congressionally directed funding.

OLD BUSINESS

NEW BUSINESS

1. Police Department Staffing Challenges and Police Chief Recommendations

- Administrator Bromeland explained that like many police departments across the state and country, Eagle Lake's Police Department is struggling to attract and retain police officers, both full-time and part-time positions. Funding for a fourth full-time officer was included in the 2023 budget but been unable to fill the position and has instead been operating with just three officers, the police chief and two full-time officers. The staffing shortage has placed a strain on Eagle Lake's officers because of challenges with scheduling and taking time off and needing to be available for on-call.
- Administrator Bromeland went on to explain there is one officer on duty 20 hours a day, Monday through Friday, and 12 hours on Saturday and Sunday. The remainder of the time, either an Eagle Lake Police Officer or the Blue Earth County Sheriff's Office is on-call. An emergency on-call agreement has been in place with the Blue Earth County Sheriff's Office since June of 2022. With the recent resignation of Eagle Lake's two full-time police officers, Eagle Lake's police roster now consists of the police chief and a newly hired full-time officer. Due to the time involved with field training, the soonest the newly hired full-time officer will be able to work independently will be this fall.
- Administrator Bromeland also explained that Police Chief John Kopp has been working on a staffing contingency plan for his department, which he will present. Included in his plan is a recommendation to contract with the Blue Earth County Sheriff's office 12 hours a week to help fill gaps in coverage.
- Administrator Bromeland presented a cost comparison for contracting with Blue Earth County's Sheriff's office and that of paying overtime rates for the Police Chief. The rates were very comparable and contracting with the Sheriff's Office would ensure the officer is well rested and able to take time off when needed to avoid burnout.
- Administrator Bromeland explained that there are over 170 law enforcement openings on the POST board and that there are not enough officers to fill every opening across the state right now and that is why all options are being explored to ensure the best coverage for Eagle Lake. An outcome of the 2023 legislative session is a \$210 million in one-time public safety aid to all cities in Minnesota. The aid can be spent on fire, police, emergency medical, or other public safety needs.
- Administrator Bromeland explained that the contingency plan includes contracting with the Sheriff's department for 12 hours per week and that Chief Kopp would need to work approximately 10 hours of overtime per week. An agreement with the Sheriff's department has been drafted and reviewed by Chris Kennedy.

- Police Chief John Kopp presented three contingency plan options and stated that option 3 gives the most flexibility with split shifts and utilizes the Eagle Lake officer the most. He stated this option would provide a familiar face to the community. Chief Kopp stated his goal was to create an efficient and effective plan utilizing Eagle Lake's officers.
 - Option 2 would utilize more county coverage and less Eagle Lake hours. A drawback of this option is that there are items the Eagle Lake officers do on a nightly basis that would not be done by the Sheriff's Office.
 - Option 1 would have Blue Earth County provide 42 hours of coverage and the Eagle Lake officer would work straight 8 1/2 hour shifts.
 - Chief Kopp stated that he was approached by an applicant who may be interested in a part-time police officer position.
 - Substantial Council discussion occurred with the consensus being they would like to utilize the Blue Earth County's Sheriff's department as much as possible to minimize the amount of overtime Chief Kopp would need to work. Scheduling an officer 50 hours a week knowing that there will be call outs was thought to be asking a lot and could result in burnout.
 - The City Council emphasized that the goal is to recruit and retain Eagle Lake officers and that options need to be explored to encourage recruitment and retention.
 - Captain Paul Barta with the Blue Earth County Sheriff's Office stated that the simpler the schedule the easier that will make the scheduling of deputies. He stated that a good working relationship/partnership is important and that the Sheriff's office will not let a call go unanswered. Captain Barta explained the process of how a deputy will be assigned to cover Eagle Lake.
 - Deputy Jeremy Brennan explained what their coverage would look like when they are covering a shift. When asked if the Sheriff's office would be able to cover up to 36 hours a week, he stated that was a big ask and most likely not possible.
 - Police Chief Kopp stated he would be fine with taking on call hours when he is available when the Sheriff is off and that he can work with the Sheriff's office.
 - Mayor Norton moved, seconded by Council Member Rohrich, to authorize contracting with Blue Earth County's Sheriff's Office up to 20 hours per week, staying within budget as much as possible. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
 - Administrator Bromeland stated she will continue to work with Chief Kopp on hours and try to keep overtime to a minimum.
 - It was verified that Toward Zero Death (TZD) hours are outside and different from overtime hours.
 - Next steps need to include specifics for officer retention proposals, which should be a one-page document.
 - Mayor Norton moved, seconded by Council Member Rohrich, to schedule a work session at 5:00 p.m. for Tuesday, August 8, 2023, to review the police department's staffing and retention program. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
2. Amendments to City Code Chapter 18 Related to Storm Water Drainage Utility
 - See Public Hearing.
 3. Necessary Accessories for New F-250 for Public Works Department
 - Public Works Director Andrew Hartman presented a quote from Toppers & Trailers Plus for accessories for the new F-250 truck totaling \$2,858.62 for safety lighting, a spray in bedliner and a box cover. A quote for the plow is not yet available.
 - Council Member Steinberg moved, seconded by Council Member White, to accept the quote from Toppers & Trailers Plus. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

4. Schedule Public Hearing for Interim Ordinance Related to Cannabis
 - Administrator Bromeland stated a draft interim ordinance prohibiting the sale, testing, manufacturing, cultivating, growing, transporting, delivery, and distribution of cannabis projects in the City of Eagle Lake is before Council. If the City Council wishes to adopt an interim ordinance to this effect, then a motion is necessary to schedule a public hearing for the August 7th meeting. To publish a summary of the interim ordinance, the City Council must approve doing so by a four-fifths vote.
 - Council Member Whiting moved, seconded by Council Member Rohrich, to schedule a public hearing for a Interim Ordinance relating to cannabis be scheduled for August 7th and to publish a summary publication in the City's official newspaper. A roll call vote was taken with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
5. Pay Application No. 1 for Water Tower Rehab Project
 - Administrator Bromeland explained that before Council is a pay application from Maguire Iron in the amount of \$204,440 for the water tower rehab project. Bolton and Menk Engineer John Graupman recommends payment of the contractor's pay request.
 - Administrator Bromeland explained that concerns with the paint job have been received and that the engineer made the contractor aware of the issue and that the project will not be accepted until the issue is corrected.
 - Council Member Whittington moved, seconded by Council Member Rohrich, to approve pay application #1 for the water tower rehab project. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.
6. Draw Request No. 2 for Fox Meadows Housing Development Cash Escrow
 - Administrator Bromeland explained that the request is in the amount of \$826,447.55 and that Brian Sarff with Bolton and Menk has reviewed the request and recommends that the escrow funds be released as requested.
 - Council Member White moved, seconded by Council Member Steinberg, to release \$826,447.55 in escrow funds for the Fox Meadow Development. The motion carried with Council Members Steinberg, Rohrich, White, Whittington and Mayor Norton voting in favor.
7. Purchase of Water Meters
 - Public Works Director Andrew Hartman explained that he is requesting to purchase 64 water meters to be installed in the Fox Meadows Development. The cost of these meters is \$20,672.00.
 - Council Member White moved, seconded by Council Member Rohrich, to authorize the purchase of 64 water meters. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Norton voting in favor.

OTHER

- None

CITY ADMINISTRATOR REPORT

1. Upcoming Budget Work Session: Tuesday, August 8th
 - A budget work session has been scheduled for 6:00 p.m. for Tuesday, August 8th and the police department retention work session for 5:00 p.m. that same evening.
2. 2024 Capital Budget Request Submitted to MMB for Water Treatment Improvements Project
 - A capital budget request was submitted to Minnesota Management and Budget for the water treatment improvement project.

3. Update on Siren Replacement at Fire Hall and Timeframe for Installation

- Eric Wellner, Blue Earth County's Sheriff's Departments Emergency Management Director, recently updated the City advising that all siren upgrade/replacement work will be completed by September 30th. Eagle Lake's project will consist of replacing the existing, nonfunctional, siren at the Fire Hall. A new pole will be installed in the same location for the new siren. City staff inquired about the possibility of programming the sirens for noon and curfew whistles and was advised that outdoor warning sirens should be sounded for public warning purposes only. Use of sirens for non-public warning purposes should be phased out.

4. Upcoming Music on Parkway: July 13th from 6-9 p.m. at Lake Eagle Park

- Due to the water tower rehab project and site restoration work, the July 13th Music on Parkway event will be held at Lake Eagle Park instead of under the water tower. The Music on Parkway Committee will closely monitor site conditions and make an announcement if the August 17th event will need to be relocated to the park.

5. Lead Service Line Inventory and Technical Assistance Application to MDH

- The federal Environmental Protection Agency is requiring all cities with public water systems to conduct an inventory of the lead lines within their water service area by October 2024. The City can apply now through the Minnesota Department of Health (MDH) for the first round of technical assistance. Assistance is available in three different categories: records review, visual inspection, or development of a replacement plan. The deadline to apply for assistance is July 20th. City staff will apply by the deadline.

6. YTD Expenditure and Revenue Worksheet as of June 30th

- The council has been provided with a year-to-date expenditure and revenue report as of June 30th. Staff will be providing this information to the Council on a monthly basis which helps with bond ratings to demonstrating it is being reviewed on a monthly basis.

7. PFAS Update

- The City received an email from the MN Rural Water Association which was sent to all public water suppliers. City Administrator Bromeland gave an overview of PFAS and shared that she reached out to both the engineer and attorney to find out if the City should participate in the cost recovery program. It was noted that the City has not incurred any cost related to testing of PFAS in the water. Administrator Bromeland reported that both the City's engineer and attorney have indicated the City could disregard the notice since no costs have been incurred to date for testing and because there are no issues at this time with our water supply.

8. Water Tower

- A water tower update was provided.

9. Sewer Televising

- Public Works Director Hartman stated that lines on the north side of town were televised and cleaned. There is a section of line that needs to be repaired due to an object sticking into the line. The cost at this time is known.

10. City Logo

- Administrator Bromeland asked about the City's logo and if the Council is interested in utilizing only one logo for the City for branding purposes and whether the logo on the water tower should match what is on the City's vehicles. This discussion was initiated with the purchase of the new Public Works truck and which logo to use. Council discussion included the desire to start consolidating logos but recognizing the fact that a logo on letterhead and envelopes may not look good in other applications such as on vehicles.
- This discussion lead into if Council Members would be interested in a City of Eagle Lake shirt.

COUNCIL REPORTS

- Council Member White asked about getting the name of Lake Eagle Park renamed to Eagle Lake Park. Administrator Bromeland stated it would be wise to look into the history of naming the park.
- Council Member White stated that when Mankato does an I & I inspection it is good for 10 years and that Eagle Lake requires one be done every time a house sells. It was his feeling they do not need to be done so often. Public Works Director Hartman stated he does not see an issue with doing the inspections less frequently and that he has found only 2-3 connections that have not complied within the last few years.
- Mayor Norton recapped the League of Minnesota Cities annual conference and stated she felt it was a good conference. She stated she learned that lead pipe replacements to homes can be done at no cost to the homeowner. There was discussion on the recent cannabis legislation and police staffing issues. She also stated that Administrator Bromeland did a fantastic job serving on a panel. She also stated that many cities are doing veterans memorials with park board funding. She will be looking into the Green Steps Cities Program.
- Mayor Norton stated that the Tator Days Committee has done a great job in marketing the town's celebration and stated she would like to recognize them for their hard work at the August City Council meeting.

ADJOURNMENT

- Council Member Steinberg moved, seconded by Council Member Rohrich, to adjourn the meeting at 8:55 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