

**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.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
JANUARY 19, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Garret Steinberg, Beth Rohrich, Anthony White, John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, and Deputy Clerk Kerry Rausch.

**NEW BUSINESS**

1. Update on Public Hearing Scheduled for Annexation for Parcel R19.10.192.510.08
  - Administrator Bromeland stated the hearing has been cancelled due to the applicant's request to withdraw the petition for annexation.
2. Hearing to Review Conditional Use Permit for 107 598<sup>th</sup> Avenue (Bella's House of Doodles, LLC)
  - Administrator Bromeland provided the following information, stating that Angela DeMartini, owner of Bella's House of Doodles, was asked to appear at tonight's meeting to review with the City Council the Conditional Use Permit (CUP) for 107 598<sup>th</sup> Avenue. The purpose of the hearing is to review the CUP and determine whether the current violations warrant its revocation and/or whether an extension of the expired agreement to temporarily operate the business out of the secondary building is appropriate so long as certain conditions are met. She stated that discussion should include the following:
    - A) Status update for each of the outstanding inspections and anticipated date of completion
      - 1) Framing Inspection
      - 2) Insulation inspection
      - 3) Plumbing rough-in
      - 4) Plumbing final
      - 5) Mechanical permit
      - 6) Mechanical rough-in
      - 7) Mechanical final
      - 8) Verification of electrical final completed by the state electrical engineer
    - B) Timeline for completion of the main building and timeframe needed for an extension to continue operating out the secondary building
    - C) Approximate number of gallons of water used prior to the meter being installed
    - D) Plans for installing fencing for outdoor exercise area for dogs
    - E) Address trespassing allegations involving adjacent properties and provide assurance that this will not be an ongoing issue
    - F) Provide acknowledgement that there will not be outdoor storage of materials – the business must be enclosed except for the fenced in outdoor exercise area for the dogs
    - G) Timeframe for removal of ancillary building placed on parcel without a permit
    - H) Kennel permit for 2022
  - Rick DeMartini, 57370 174<sup>th</sup> Lane, Good Thunder, stated the framing and insulation inspections have been completed, the plumbing work is taking place now since the permit was received on December 16<sup>th</sup>. Once the plumbing is complete, it will be inspected, and the concrete will go in. The building is already insulated, and the mechanical will be installed and the building will be complete. The interior doors and interior steel has been guaranteed to arrive by February 14<sup>th</sup> and

asked for a certified letter from the contractor that it would be received by the February 14, 2022 date and if materials cannot be received by the February 14<sup>th</sup> date Mr. DeMartini will break his contract and purchase these materials at Menards to complete the construction. He should know this by February 1, 2022. Mr. DeMartini is forecasting the building will be complete and occupancy approved by April 15<sup>th</sup> and the parking lot concrete and fence completed by June 15<sup>th</sup>. He stated he was unaware that the water meter was not installed and that they started using their water in November. He asked that Council consider looking at their current water usage and back bill them for two months or compare Scott Borgmeier's water usage now and when there were using his water to determine what their water usage used to be and then bill them according for the past two months. Mr. DeMartini also stated that the plumber should complete his work in 1-2 days, but with the frost in the ground he is expecting it to take one week. It will be heated to get the frost out. Mr. DeMartini stated the mechanical permit has already been applied for and purchased from Schwartz.

- Council stated that a fencing permit for the kennel run will need to be applied for and will need to be inspected, that trespassing on neighboring properties needs to stop and that feces needs to be cleaned up.
- Administrator Bromeland will follow up to ensure that inspections are completed. She stated there is a recorded tank agreement allowing the use of an LP tank until a gas line becomes available to connect to. Confirmation is still needed to verify that the framing and insulation inspections have been completed.
- Rick and Angela DeMartini stated that she spoke with her attorney about the trespassing and that all 18 of her employees have received a mass text advising to remain on the business's property and pick up feces and to not drive through the neighbor's lot and that if they got caught they would be terminated immediately. Rick DeMartini stated he believes that people are using the access on Mr. Johnson's property, going through their and Mr. Borgmeier's properties to get to Casey's and that he has video showing who is coming through. He went on to state that once the concrete and curbing is installed this would prevent people from driving through. Angela stated that she thinks people think this is an access road. Mr. DeMartini stated there will be a trailer placed east to west to stop people from driving through.
- Council stated that when their project construction is complete that there will be no outside storage allowed as is stipulated by zoning code for this district. Mr. DeMartini stated there is no intend for outdoor storage, except a trailer occasionally. Council indicated that they would look into other businesses who are storing items outdoors in this zoning district and that all equipment has to be indoors.
- Mayor Auringer also stated that any dumpster will need to be fully enclosed with a dumpster enclosure and that the ancillary building has not been permitted. Mr. DeMartini was asked what his timeframe for removing this building is. Mr. DeMartini stated he is hoping to keep the ancillary building there, that it is a shed and has its own foundation and has five skids. It was custom built by Dakota Sheds, has spray foamed insulation, the electrical in done and has its own water. He also stated that the intention was always to bring it to the new location for overflow or a sick bay because it has four kennels inside. Mayor Auringer stated this was never relayed to the Council and that he would like to see the building gone immediately. Mr. DeMartini stated he did not know sheds needed to be permitted and that they live in the country and don't know city rules and that they are just trying to have a business here and that Angela employees 18 people with a payroll over \$100,000 from June to January 1<sup>st</sup>. She expects to employ over 30 people when she goes full-time with over \$200,000 in payroll. He went on to state that the land is frozen and that to remove the ancillary building (shed), the land would need to be heated/chipped away and that he would

need to ask Dakota Storage Buildings to move the shed. If it is required to be moved, he asked that he be given until spring to do so.

- Mayor Auringer reminded the DeMartini's that they have a signed CUP and agreement with the City. Mr. DeMartini stated that he thought the agreement was to have the building up by January 1<sup>st</sup> and that it is his fault that it is not ready for occupancy. He also stated that the plumbing permit was pulled in August and not received until December and that this delay was not communicated with the City.
- Administrator Bromeland explained that a kennel license has not been issued for 2022 and that staff would like Council direction as to issuing a kennel license in view of the violations to agreement and CUP. City Attorney, Chris Kennedy stated it is typical for kennel licenses to run the calendar year and that Council will want to limit the number of dogs on the premise. Mayor Auringer stated he feels the kennel process may need to be reviewed.
- Mrs. DeMartini stated that her facility is not just for breeding, that it is similar to the Paw, but on a smaller scale. She provides boarding, daycare, grooming and retail services. Both Mr. and Mrs. DeMartini stated they are looking at a maximum of 35 dogs on premise at a given time, that they currently have 18 5 x 10-foot kennels in the garage structure, are looking to install eight more in the main building, and that puppies are not included in the total number of dogs on premise. They also stated they would like to have more kennels in the ancillary building. The also stated they stopped using the ancillary building as part of their business effective immediately after the January 3, 2022 City Council meeting.
- Chris Kennedy stated that city code currently states that a dog does not need to be licensed if it is under 90 days old.
- Mayor Auringer stated the CUP allows for unannounced surprised inspections, which Mayor Auringer intends to look at. His concern personally is what is going on on-site. Mr. and Mrs. DeMartini stated the Council is welcome to stop in any time. Also addresses was the fact the that the state license only stipulates the maximum of 10 breeding dogs, not the number of dogs on premise.
- Mayor Auringer also stated that the intent of the signed agreement was for the temporary utilization of the garage until the main building was constructed. The DeMartini's indicated they need to continue utilizing the garage as part of their business operations to make the business work.
- Council discussion included that they feel the completion date of April 15, 2022 is optimistic, that the Council was hoping to see a written presentation of the dates for project completion. Also discussed were the current 18 kennels plus 8 more in the main building which totals 26 kennels and the anticipated maximum of 35 dogs on site at a given time and where all the dogs would be located. Discussion also included if all kennels are full and some of the dogs do not get along, where they will be located/housed. This is why they would like to use the ancillary building. The main building would be used for daycare, grooming, 24 hours doggy wash, and offices. The garage would be used for kennels and that since this is a tall building, it will help with the noise being heard from outside. Council responded with a suggestion that the number of dogs be limited to the number of kennels they have. The DeMartini's stated that daycare dogs do not hold a kennel space, that they are located in the indoor or outdoor play area. The indoor play area is divided into three sections, the dogs are assessed as to friendliness, and then it is determined which area they will be staying in. If a dog needs to be placed in a kennel it will use one that it not being used at that time. She also stated there is always staff present with the daycare dogs. She does not count daycare dogs in the kenneled animal count. She went on to state that she needs the garage as part of the business and that if she is unable to use it as such she may just as well move out. Constructions costs have increased over original anticipated costs.



- Council indicated they would like to look at all aspects of the business at this time to ensure that all issues and concerns are addressed for both the City Council and the DeMartini's. It was also stated the business plan presented to Council originally was very clear, in that the garage would only be used as a storage warehouse, and that the DeMartini's knew when they moved in that they would use this building as a location for dogs and that the original agreement was never followed; that the DeMartini's plans did not match the business plan they presented Council and that Council needs to receive their actual business plan for all the buildings. Mr. DeMartini stated that the original plans presented to Council needed to be changed due to building code requirements.
- Council asked if the DeMartini's had any other plans for their business which were not included in the CUP and signed agreement. They stated they have the amount of green space they need for the dogs. The business plan the Council has states 8 kennels and that they currently have 18 and intend to expand on that. The DeMartini's stated they have no other business plans. Angela stated their vision has not change and that going forward, if she needs to make one building work, she will have to. She also stated she needs both buildings.
- Chris Kennedy explained the process to amend the CUP, stating the CUP runs with the land and does not usually include buildings. He stated that Council can limit the number of dogs and kennels on the premise, as well as the size of the kennels. He also stated Council should consider fencing, concrete, blacktop, the maximum number of kennels and the size of kennels. He also stated that it is the DeMartini's responsibility, not the City's, to know the city's code/laws and abide by them and that if they are not abiding by then to then accept the consequences. He also recommended the DeMartini's read city code which is online on the City's website. Mr. DeMartini stated he would be contacting the City all the time in the future.
- Mayor Auringer stated the three options before Council include: 1) allow the two primary buildings and the ancillary building and consider the CUP altogether, 2) Rescind the CUP, in which case a closed meeting would need to be scheduled, and 3) have the DeMartini's return to the City Council meeting with additional information for a new CUP which would need a public hearing. Nothing would need to go to the Planning Commission. The CUP could be strengthened, as the city attorney recommended, as to the maximum number of dogs on site, whether the entire perimeter of property would need to be fenced.
- Council discussion included understanding the material issue, with a new business plan should be submitted. All proper procedures need to be followed.
- Mr. DeMartini stated originally, he was planning to use the garage as his shop and to store his dump truck and that his other option would be to store it at his father-in-law's house. He also stated that Angela did not know what she was getting into when she started this business, that originally there was going to be breeding and grooming at the building. Since then, they have added to doggy day care and kennel portion of the business.
- Mrs. DeMartini stated that the on-site vet will not happen, she may have a veterinary technician for her private use. She has two groomers who are currently in training. She also stated that she has checked with other businesses and learned that it is the local ordinance which controls the number of dogs a business can have on site at a given time.
- Mr. DeMartini stated their kennels are 5 feet by 10 feet and that all dogs have their own kennels, except occasionally two of their breeding dogs may share a kennel. Chris Kennedy stated there is a rule that dogs cannot be handled in a negligent manor, there is no given human to dog ratio.
- Council stated they no longer want to hear "I don't know" or "I didn't know" as an answer, that the owners need to know.
- Council stated if there are delays in construction the DeMartini's need to communicate this with staff immediately and directed the DeMartini's to provide City Council with a modified business

plan, intended use of each building, and include all aspects of the business and accurate use of the buildings. A clear and accurate statement of their needs must be presented to Council.

- Chris Kennedy laid out a timeline for the recommended process, stating an updated business plan, and the intended use of each building needs to be submitted by February 20<sup>th</sup>, the City Council will review this at the March 7<sup>th</sup> City Council meeting, and that a public hearing will be scheduled for the April City Council meeting. He also stated it will be City Council's responsibility to determine what is appropriate for the space and that staff will need two weeks to review the information provided prior to it going before Council.
  - Mayor Auringer summarized the following: complete the check list items, review of the business plan, how that looks with the number of dogs and clearly indicate the use of each building on the premise so the CUP for the entire property can be reviewed by Council. Also needed is an accurate, modified business plan. Mayor Auringer also stated the current CUP will need to be followed during this process.
  - Mr. DeMartini asked about fencing materials required. Administrator Bromeland stated a chain link fence would be sufficient and that a privacy fence is not required. Mr. DeMartini stated they will do their best to control dog barking while the dogs are outside. This could be determined at the public hearing. He also asked if he could plow snow into the ditch. He was directed to contact Blue Earth Council Engineer on this issue. He was directed to keep the fire hydrant area clean.
  - The permitting process is a separate issue from the CUP.
  - Council indicated they would also like to see addressed parking plans and number of stalls to ensure parking needs are met and also the plans for garbage storage/enclosure. The parking plan was filed with the site plan, the DeMartini's are currently taking their garbage home with them.
  - The permitting of the third building will be separate from the CUP. The reason staff was not comfortable with the use of this building and that it did not match the original conditional use permit. Initially when we thought it was a shed it would be handled differently than being used as part of operation of the business.
  - Council asked for an update of construction progress at the March 7<sup>th</sup> City Council meeting, since materials should be delivered by February 15<sup>th</sup>, either in writing or in person.
  - Administrator Bromeland will provide the DeMartini's with a follow-up of items discussed tonight and items they need to provide the City.
  - Council consensus was to move forward with the DeMartini's presenting a new business plan and the timeline which Mr. Kennedy presented.
3. 317 LeRay Avenue and Next Steps for Nuisance Abatement Action
- Administrator Bromeland explained that discussion took place at the January 3<sup>rd</sup> City Council meeting regarding the property at 317 LeRay Avenue and alleged nuisance violations related to storing sheet metal. A letter was sent to the property owner by legal counsel on January 4<sup>th</sup>, giving the property owner seven days to contact the City with a plan to bring the property into compliance within the next fourteen days. The property owner did contact Chief of Police John Kopp within the seven-day timeframe but has not yet brought the property into compliance within the fourteen-day timeframe given.
  - Chief Kopp stated he spoke with the property owner and the person with the dumpster. The owner of the dumpster (Chad Petersen) told Chief Kopp that he has a trailer to move the dumpster which is currently at Topper's Plus for service. Chief Kopp told him about tonight's meeting. Chief Kopp also stated that the police department is monitoring and documenting daily the issue of the property being brought into compliance. To date the property is not in compliance and a long trailer with two junk vehicles is parked on the roadway.

- Mary, mother of Chad Petersen, stated Chad has a disability and health challenges and explained what those are. She stated Chad has received funding to repair the trailer needed to move the dumpster, but that Topper's Plus would not be able to look at it until the end of the week. She also stated that the cost of the repairs needed would determine if sufficient funding is available. She asked for additional time to removed necessary items.
  - Chris Kennedy, the City's attorney, stated that the issue is with the owner of the property, Jenni Baker, and that she could evict Chad. He stated there are concerns that a scrapping business is being run out of this property which is not allowed by City code in a residential district.
  - Chief Kopp stated that Chad has told police officers that he is not running a business out of this property, that it is based out of Pemberton and that he has a different location to sort metal.
  - Chad's mother stated Chad brings items to Eagle Lake to then take to scrap. Mr. Kennedy stated she has described a business being run out of 317 LeRay Avenue, that it is part of the chain.
  - Chris Kennedy stated that additional notification would be needed to go to court to get approval for abatement.
  - Mayor Auringer stated he would like this issue to be brought before the Council at the February 7<sup>th</sup> City Council meeting, allowing for the trailer to be repaired, and that if there is no resolution going forward to move forward with abatement. He stated he is looking for progress.
  - Chief Kopp asked for clarification in that the dumpster is not allowed within City limits. That is correct and once it is removed, it cannot be brought back into the City and cannot be on the property overnight to be removed in the morning.
  - Council Member Steinberg moved, seconded by Council Member White, to grant an extension to February 7, 2022 for the property to be brought into compliance. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
4. Contract with Region Nine for Strategic Economic Development Plan Services
- Administrator Bromeland stated that in the Council packet is a contract from Region Nine for services related to researching and creating a Strategic Economic Develop Plan for the City of Eagle Lake. By signing the contract, Eagle Lake agrees to pay \$75 per hour to Region Nine. The cost for services will not exceed \$15,000. The cost for this contract will be paid for utilizing a \$10,000 grant from Sothern Minnesota Initiative Foundation (SMIF) that was obtained for the purpose of developing a strategic economic development plan and initiative. The City's match will be paid for using funds allocating in the 2022 budget for this purpose (101-41600-300).
  - Council Member White moved, seconded by Council Member Rohrich, authorizing Administrator Bromeland to sign contract with Region Nine for a Strategic Economic Development Plan. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

#### **ADJOURNMENT**

- Council Member White moved, seconded by Council Member Whittington, to adjourn the meeting at 8:01 p.m. Motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- 

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
FEBRUARY 7, 2022**

**CALL TO ORDER**

- Mayor Auringer 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, Public Works Director Brian Goettl, Fire Chief Vern Simpson, and Deputy Clerk Kerry Rausch.

**PUBLIC COMMENTS**

- Nita Baker, 11 Broadway, Hanska, expressed her concerns for her granddaughter’s safety if the tenant at 317 LeRay Avenue is evicted. She also asked who would be responsible for paying for abatement of the property in which it was explained that it would be the responsibility of the property owner.

**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 Auringer voting in favor.

**APPROVAL OF MEETING MINUTES**

- Council Member Steinberg moved, seconded by Council Member White, to approve the January 3, 2022 and January 19, 2022 City Council meeting minutes. The motion carried with Council Members Steinberger, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**CONSENT AGENDA**

- Mayor Auringer stated the consent agenda includes a resolution accepting the resignation of Dan Ruschmeyer from the fire department and expressed his thanks for Dan’s 23 years of service on the fire department and for serving as Fire Chief for seven years.
- 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	Resolution 2022-09 Not Waive Tort Liability	
Resolution 2022-10 Disposal of City Records		
Resolution 2022-11 Resignation of Dan Ruschmeyer from Fire Department		
Audit Engagement Letter		

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

**PRESENTATIONS**

- None

## **PUBLIC HEARING**

- None

## **OLD BUSINESS**

### 1. 317 LeRay Avenue and Nuisance Abatement

- Administrator Bromeland stated tonight's discussion is a continuation from last month with concern of scrap metal storage.
- Chief Kopp stated that since the last City Council meeting, the stored scrap metal has been removed, he has addressed the issue of parked vehicles in the front yard and that the vehicles have been moved to the side yard. He also stated that all vehicles on the property are currently licensed. Chief Kopp stated he has instructed the property owner and tenant that no scrap materials can be brought onto the property.
- Council consensus is that sufficient progress has been made and that abatement is not needed at this time.

## **NEW BUSINESS**

### 1. TIF Projection for Prospective Housing Development

- Administrator Bromeland stated Troy Schrom, with Schrom Construction, is proposing a 104-unit multifamily housing project in Eagle Lake. The proposed project would include parcel R12.10.18.400.013 (38.7 acres of ag land located within Eagle Lake city limits). Included with the overall proposed housing development would be parcel R39.10.18.400.005 (40 acres of ag land located in LeRay Township). The part of the development for which TIF would be sought is currently located entirely within city limits. Phase 1 would include 56 units – (28) 3-bedroom units and (28) 2-bedroom units. Phase 2 would consist of 48 units – (24) 3-bedroom units and (24) 21-bedroom units.
- Administrator Bromeland continued by explaining in the council packet is the tax increment financing (TIF) projection from Shannon Sweeney, a professional TIF consultant with David Drown Associates. The TIF projection was put together using valuations provided by Ryan Short, Assessment Supervisor with Blue Earth County. Mr. Sweeney notes in his email that the TIF project assumes that Phase 1 would be mostly constructed in 2023 which would generate the first tax increment in 2025; Phase 2 would be mostly constructed in 2025 which would add to the increment generated in 2027; the project would assume a tax capacity rate for a market rate project; and the actual duration for a potential subsidy would likely be less than the full duration provided for in statute. The developer would be required to make units available to people of specific income levels if TIF were provided – 20% of units made available to families at 50% of the area median income or 40% of the units made available to families at 60% of the area median income.
- Administrator Bromeland stated that Mr. Schrom has indicated that the proposed development will not occur but-for the use of TIF. TIF is a method of stimulating economic development. It uses additional property taxes paid as a result of the new development to pay for development. As the property increases as a result of the new development, the increase above the original tax capacity are captured. The taxes paid on the captured value are called increments. The result of a TIF project is an increased tax base that benefits all local taxing jurisdictions. If there is interest in TIF, Mr. Sweeney will assist with reviewing financial projections and negotiating the business subsidy. A public hearing would need to be held.
- Currently, Mr. Schrom has site control of the property via purchase agreement. To begin the platting and rezoning process, application must be made by the title owner of the property.
- Troy Schrom, owner of Schrom Construction, stated he has a purchase agreement for the said property and that he is working on the wetland delineation. He also stated the project design is only a concept plan and that it may change. His primary concern for this project is the cost of materials and supply chain concerns. He explained that this project would address water main looping concerns for Maple Lane and would be developed as part of Phase 1 construction and sidewalk connectivity is being looked at as well.

- Mr. Schrom stated he is looking into single family homes for this development and when asked by City Council stated he would also consider assisted living, if deemed feasible. Staff will look into the Blue Earth County housing study to see if it addresses such needs and share that information with Mr. Schrom.
  - Mr. Schrom stated he uses Lloyd Management to manage his properties and that they are familiar with TIF requirements.
  - Council discussion included this type of development is needed and that slab-on-grade homes are desirable in the marketplace.
  - Intersections along Agency Street will be reviewed during the platting process and would include Blue Earth County since Agency Street is a county road.
  - Council indicated a general consensus to offering TIF and authorized Administrator Bromeland to work with Shannon Sweeney on this. A public hearing will be held in the future relating to TIF.
  - Annexation, rezoning and re-platting will be addressed at a later date and will require a public hearing.
2. Letter from LJP Waste Solutions and Change to Spring Clean Up
- Administrator Bromeland stated that LJP recently notified City staff that curbside pickup will not be an option this year for the spring cleanup due to labor shortages and not having enough drivers to work an extra Saturday. Instead, LJP Waste Solutions is proposing a drop off site on Saturday, May 14<sup>th</sup> from 8am-12pm. In the past, the drop off site has been the parking lot of Lake Eagle Park for the fall cleanup. When the spring cleanup was scheduled as a drop off versus curbside pickup in 2020, City staff fielded a number of calls and emails from residents that expressed frustration with not having a means to transport items to a drop off site.
  - Administrator Bromeland also stated the contract with LJP does not mention about the cleanup being curbside. The City is billed for the cleanup on a per ton basis of refuse delivered to Minnesota Waste Process Company.
  - Council discussion included the desire to have a curbside pickup, if possible, and concern with wait time and traffic flow.
  - Public Works Director, Brian Goettl, stated staff could put up directional signage to assist with traffic flow. Administration Bromeland also stated that in 2020 there was only one truck available for dropped off items, but this year there would be three trucks.
  - Mayor Auringer directed staff to inquire of other companies to see if they would be able to provide curbside pickup for spring cleanup.

## **OTHER**

1. Wabash Valley Shipping Update for Parks Picnic Tables, Garbage Receptacles, and Benches Ordered
- Administrator Bromeland explained that an order was placed on April of 2021 with Wabash Valley for new picnic tables, benches, and trash receptacles for the parks. To date, the order has not been received and instead shipping dates continue to be pushed back. The current shipping date has been set for March 14<sup>th</sup>. This order was placed through St. Croix Recreation, and they will continue to service this order and are willing to provide pricing from other vendors. If the City were to cancel the original order, there would not be a penalty.
  - Brian Goettl, Public Works Director, stated that St. Croix Recreation Fun Playgrounds, Inc. has provided another price estimate for benches, receptacles and picnic tables and the prices have increased dramatically. The original order was to be paid for with capital outlay funds in 2021. The 2022 budget included \$10,000 for ordering more of these items for the parks.
  - Council discussion included the shipping time with the new vendor, which is 45 days. It was discussed that it does not make sense to cancel the original order since it will arrive at some point and that the price is substantially less than current pricing and that the quoted price will be honored.

- Administrator Bromeland stated that she will look to see if grants are available for such a purchase.
- Mayor Auringer asked for clarification, and it was stated that the original 2021 order would remain and that an order for additional benches, picnic tables and garbage receptacles would be placed in 2022.
- Council Member Rohrich moved, seconded by Council Member Whittington, to authorize a 2022 order of park benches, picnic tables, and garbage receptacles, not to exceed \$9,000. The motion carried with Council Members Steinberg, Rohrich, White and Whittington voting in favor. Mayor Auringer voted in opposition.
- Mayor Auringer stated he would like to see department requests such as this presented in a more organized fashion so an informed decision can be made.

## **CITY ADMINISTRATOR REPORT**

### **1. Population Signs Update**

- Scott Thompson, with MnDOT, has informed staff that they typically update the signs along state highways as soon as the Federal government certifies the census numbers. This usually happen at the beginning of the year after the census (January 2021). For various reasons, the certification was delayed. As a result, MnDOT only recently received certified numbers and is in the process of planning their updates. It is anticipated that motorists in District 7 begin to see the numbers updated this summer.
- Blue Earth County has stated they will either update the sign with the new population figure or just replace the sign with a new one with the cost being invoices to the City of eagle Lake.
- Eagle Lake’s population is 3,278, which is a 35 percent increase from the 2010 census.

### **2. Highway 14/County Road 56 Construction Update**

- A representative from MnDOT will attend the March 7, 2022 City Council meeting to review project staging maps.
- MnDOT has sent a construction postcard to nearby property owners. The purpose of the postcard was to steer people to the project website – <https://www.dot.state.mn.us/d7/projects/hwy14eaglelake/index.html> .

### **3. Music on Parkway Grant Fulfillment Letter from SMIF; Planning Underway for Scaled Back Series in 2022**

- A grant fulfillment letter has been received from Southern Minnesota Initiative Foundation, SMIF, for the grant that was made to the City of Eagle Lake for Music on Parkway.
- Included in the 2022 budget is \$5,000 for a scaled back music series. City staff is currently submitting funding requests to various organizations.

### **4. EAB Update and Community Forestry**

- Eagle Lake’s Community Forestry Member will be at the March 7<sup>th</sup> meeting to present an EAB plan tailored to fit our community. As part of the DNR EAB Grant that was obtained to remove and replace 7 trees, the City must adopt an EAB plan. If possible, that plan will be adopted at either the March 7<sup>th</sup> or April 4<sup>th</sup> meeting.
- Applications are currently being accepted for Community Forestry Members for the 2022-2023 year. There are no plans to apply for a third term with a Community Forestry Member, unless this is something the Public Works department feels would be beneficial.

### **5. School Facilities Committee – Appoint Elected Official to Represent Eagle Lake**

- Administrator Bromeland explained that in 2020 Mankato Area Public Schools (MAPS) formed a District Facilities Committee on which she served. The purpose of the committee was to develop options for School Board consideration that would address capacity and adequacy challenges in school district facilities. Committee members included appointed and elected officials from MAPS along with staff from each of the cities in the district. According to MAPS, enrollment increased by 15 percent during the last 10 years, representing about 1,100 students. This has resulted in schools operating over capacity while others are near capacity.

- Administrator Bromeland shared that a community survey was sent to every resident in the district during the fall of 2021. The School Board and Facilities Planning Committee determined that the most critical issue is increasing elementary school capacity to meet the needs of growing communities in the district. It is proposed that a new elementary school be constructed somewhere in the district and that all existing elementary schools (including Eagle Lake) be updated and expanded to include general education and special education classrooms along with more secure entrances, expanded kitchen and cafeteria areas, and additional space for student support services. In addition, early childhood programming would be added to Eagle Lake.
  - MAPS is now looking to form a new committee which will include an elected official from each of the cities in the district. It is anticipated that the bond referendum will occur later this fall.
  - The elected representative would bring information back to the City Council and be a contact person in the community.
  - Council Member White moved, seconded by Council Member Rohrich, to appoint Council Member Steinberg to the newly created MAPS Facility Committee. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
6. Le Sueur River One Watershed One Plan
- Administrator Bromeland explained that Waseca, Blue Earth, Faribault and Freeborn Counties and Soil Water Conservation Districts are in the process of developing a Le Sueur River comprehensive watershed management plan through the One Watershed, One Plan Program. The cities of Amboy, Eagle Lake, Good Thunder, Madison Lake, Mankato, Mapleton, Minnesota Lake, Pemberton, and St. Clair are in the Le Sueur River watershed. City staff recently participated in a Le Sueur River 1W1P Technical Advisory Committee (TWAC). Administrator Bromeland is serving as Eagle Lake’s staff representative.
7. Legislative Priorities and Upcoming Legislative Action Day in St. Paul
- Administrator Bromeland will compile items to present at the Legislative Action Day and will share her list with the EDA and City Council. She likes to make sure the City’s vested interests in economic development tools, clean water funding and PFA funding for water and sewer, childcare initiatives, and housing needs are shared with legislature.

## **COUNCIL REPORTS**

1. Council Member Garrett Steinberg shared that he has sent out an email to last year’s Music on Parkway Committee for 2022 planning. He would like to see events held in June, July, and August. The booking of bands was easier last year than booking food vendors.
2. Council Member Anthony White shared that All Seasons Arena is looking at a major update of their facilities which could cost between \$2 to \$3 million dollars. Under consideration is how to make the flow of the building better as well as parking lot accessibility and flow. The city’s cost has yet to be determined.
3. Council Member Beth Rohrich shared that MAPS Community Education and Recreation’s final numbers for 2021 increased from the previous year. They will cap this summer’s ACE’s program at 230 students and that field trips will be scheduled. They are looking at ways to better connect with cities and residents. Of particular concern is how to connect with non-English speaking residents.
4. Mayor Auringer shared that the MAPO Board approved the Eagle Lake connectivity plan to study ways to connect the Eagle Heights development with Agency Street. Bolton and Menk will start with traffic counts once permission is approved. They will come up with a plan for this connection.
5. Mayor Auringer shared that he attended a Region 9 meeting and that they are looking into infrastructure needs with electric cars. He stated that statistic from Europe show an increase in usage of electric cars and that this county is expected to see such an increase in the next 4-5 years. Region 9 is also looking into climate change.
6. Mayor Auringer announced that he will not be seeking re-election as Mayor in the November election.



7. A special City Council meeting is scheduled for February 16, 2022 at 7:00 p.m. for water treatment facility discussion.

**ADJOURN INTO CLOSED SESSION**

1. Council Member Steinberg moved, seconded by Council Member White, to close the meeting 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 Auringer voting in favor.
2. Council Member Steinberg moved, seconded by Council Member White, to reopen the meeting. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
3. Council Member Steinberg moved, seconded by Council Member Rohrich, to adjourn the meeting at 9:43 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL SPECIAL MEETING  
FEBRUARY 16, 2022**

**CALL TO ORDER**

- Mayor Auringer called the meeting to order at 7:00 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, Public Works Director Brian Goettl, and Deputy Clerk Kerry Rausch.

**NEW BUSINESS**

1. Letter from the MN Department of Health for Manganese at Well Nos. 2 and 3
  - Administrator Bromeland explained that the City received a request from MDH Drinking Water Protection on October 25, 2021, asking permission to collect water samples for manganese from each water supply entry in the water system. To learn more about our drinking water and to better protect public health, we consented to samples being collected. According to MDH, the average level of manganese at each sample location exceeds the Health Based-Value (HBV) in the drinking water supply. MDH recommends that the City notify its water customers as soon as possible about manganese in the drinking water supply. In the Council packet is the mailer that is to be sent to all customers. MDH also recommends that the City take action to reduce exposure to manganese to below the HBV in the drinking water supply.
  - Administrator Bromeland explained that manganese in the water supply is not new. It occurs naturally in rocks and soil and is usually present in Minnesota's ground and surface waters. This is not a new change in water quality, but it is not being recognized as a potential health concern. According to a phone call with an MDH representative, to date, some seventy (70) health risk advisory letters like the one Eagle Lake received have been sent to MN drinking water systems for this most recent study. There are around 1,000 community public water systems in MN.
  - Administrator Bromeland participated in a remote meeting today with Legislators to talk about the possibility of requesting an appropriation from the current bonding bill to make the necessary improvements to Eagle Lake's water treatment system to address high levels of manganese in the drinking water supply. In speaking with Senator Frenz and Representative Frederick, they indicated their supportiveness to help Eagle Lake in this regard. They stated Eagle Lake needs to provide them with more information and to include information which will make Eagle Lake stand out from other requests. They indicated their willingness to draft legislation for Eagle Lake to be included in the bonding bill.
  - The timing of such a request is good since there are funding sources available.
  - Also explained was that the public works department is in the process of coordinating random samples being collected from residences in the community to send to UB Laboratory in Janesville. Random sampling may help provide an indication of manganese levels at different locations in the community. If residents wish to test their water through UC Laboratory, test kits are available through UC Laboratory for approximately \$50 per kit. Another option is for the City to consider purchasing a handheld testing device to test manganese in drinking water when requested. City staff will need to research cost associated with obtaining a testing device and bring back pricing at an upcoming meeting if that is an avenue the City would like to explore further. MDH materials state that cities have no requirement to private testing, and that testing could be left to property owners.

- John Graupman with Bolton and Menk stated that a handheld device would provide an unofficial reading and that results would be available in approximately three minutes. These results would be fairly close to lab testing. He explained that the original samples were obtained from the point of entry into the water system and that water which goes through a properly functioning water softener will reduce the manganese level to close to zero and that additional home filtering systems would reduce it even more. It was also explained that manganese has always been at this level in the Eagle Lake water system, and that it is now something that the EPA has studied and found there are health concerns. He also stated that the current acceptable level set by MDH could change in the future. If the City is interested in purchasing a handheld device, one company he suggested looking at is Hach Co. This would allow the city to test for other items such as iron, fluoride, hardness, and nitrates. If the City proceeds with a filtration system a handheld device would be used and would be a wise investment.
- Mr. Graupman also explained that the levels of 100 for infants and 300 for adults is a lifetime exposure. For infants this is classified as the first year of life.
- Council discussion included that some manganese is needed in our bodies. A short-term option for residents would be to ensure the drinking water flows through a water softener as a treatment option. Discussion also included pros and cons to purchasing a handheld device for testing.

## 2. Planning for Water Treatment Plant and Next Steps

- Administrator Bromeland explained that a water treatment study was undertaken in 2020 to provide information needed to establish priorities, plan, fund, and implement required future water system improvements necessary to address water quality, color and odor concerns. A proposal was submitted to the Drinking Water Revolving Loan Fund Program with the MN Department of Health and Public Facilities Authority for placement on the 2022 Intended Use Plan.
- Mr. Graupman explained that for the City to be best situated for funding the project needs to be shovel ready; meaning that a site needs to be identified with either a purchase order or right of first refusal in place and that project plans need to be drawn. Minnesota has a moratorium on new wells in the Mt. Simon aquifer, which means that new wells cannot be drilled in that aquifer. Five (5) acres of land would be ideal for a water treatment facility, but a minimum of two (2) would be needed. Under 5 acres may require construction easements to be obtained. He also stated that it would be recommended for Eagle Lake to have some capacity for water store on site at the treatment facility. Location of land is recommended to be in relative close proximity to existing wells as a cost saving measure relating to connectivity. When asked, he stated once the plant is constructed, there would be little noise, and that the green space on the site could be used for other purposes one of which could be parkland. The estimated population capacity for the existing water tower is 4,000 people.
- Council discussion included the importance of looking to the future needs of the city which included, but not limited to, the need of an additional water tower and its location as the community grows, additional parkland desires, planning for a possible water campus and new wells.
- Next steps include locating land, start well study with test boring, and look to start plan design within six months with final plans ready in March 2023, and close on land purchase when state legislature approves project.
- Mr. Graupman recommended that when project pricing is being finalized to estimate costs on the high side to ensure adequate funding is obtained. The project can be broken into phases, with phase one being a planning grant and phase two a construction grant. These two phases can be combined or kept separate. The legislature likes to see funding requests which include a local government match. It is estimated that the planning portion of this project could cost \$500,000 for the full design.
- Council consensus was to leave residential testing for manganese up to individual property owners. Staff will check to see if test kits can be obtained for residential use or if they will need to work with UC Laboratories directly.

- Council established a land acquisition committee comprised of Council Members White and Steinberg and Administrator Bromeland. Council asked that the committee consider opportunities for additional land for the park system.

**ADJOURN**

- Council Member Steinberg moved, seconded by Council Member White, to adjourn the meeting at 8:30 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
MARCH 7, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Beth Rohrich, 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 Rohrich, to approve the agenda. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**APPROVAL OF MEETING MINUTES**

- Page three of the February 16, 2022 needs to be amended as to who moved and seconded to adjourn meeting.
- Council Member Whittington moved, seconded by Council Member Rohrich, to approve the February 7, 2022 and February 16, 2022 City Council meeting minutes as amended. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**CONSENT AGENDA**

- Mayor Auringer pointed out the consent agenda includes a resolution appointing Tony Dickmeyer to the EDA Board.
- 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		
Resolution 2022-12 Establish Present and Polling Place		
Resolution 2022-13 Accepting Music on Parkway Donation		
Resolution 2022-14 Appoint Tony Dickmeyer to EDA		
- The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**PRESENTATIONS**

1. Angela DeMartini, Owner of Bella's House of Doodles: Updated Business Plan
  - Administrator Bromeland stated that an updated business plan for Bella's House of Doodles was included in the City Council packet and that Mrs. DeMartini is present at the meeting to answer any questions.
  - For purposes of providing background, Administrator Bromeland explained that Mrs. DeMartini was asked to attend the January 19<sup>th</sup> City Council meeting so that the City Council could review the Conditional Use Permit (CUP) for 107 598<sup>th</sup> Avenue and determine whether alleged violations warranted its revocation

and/or whether an extension of the expired agreement to temporarily operate the business out of the secondary building was appropriate to continue so long as certain conditions were met. One of the items required was an updated business plan to accurately reflect the use of each building as well as give a clearer picture of the overall scope of the business. The Council packet included copies of letters sent to Mrs. DeMartini on January 5<sup>th</sup> and January 26<sup>th</sup>.

- Administrator Bromeland stated that included in the updated business plan is a reference to add a loft or second floor in the tall building. The City's Building Inspector advises that plans are needed with a code analysis from an architect with changes that are being proposed. The analysis should address all buildings on the property. The need for a code analysis from an architect has been conveyed to Mrs. DeMartini. To date, a zoning application for a fence has been received. It was explained to the applicant that to place the fence directly on the property line, a notarized agreement from affected property owners is needed. The fence permit was subsequently rescinded. A site plan has been submitted for the parking lot showing 10 parking stalls including one handicapped accessible stall. The total number of parking stalls required will be dependent upon the use of the buildings and code requirements. An application for a dog run has been submitted. Lot coverage requirements will need to be reviewed. An application for the ancillary building that was placed without a building permit being secured first has also been received. It is not possible to process this application until it is determined if there are any requirements in state building code requiring a certain distance of separation between the building to the east. The City's building inspector will make this determination based on use of buildings and code requirements.
  - Mr. Rick DeMartini stated the second floor of the tall building is for future planning potentially 2-3 years in the future and would be made of engineered steel. It's purpose would be for storage and a play area for dogs. As of today, the HVAC system is 98% complete, needing a gas line in the primary building, the air conditioning is not installed and the floors are being epoxied.
  - Mayor Auringer explained that the use of the tall building has changed and the addition of a second floor may change the use again. The concern lies with the heating system being compliant with code for the current and possible future use. He also stated that the building official needs to review documentation which the DeMartini's need to provide him.
  - Council discussion included the maximum number of dogs allowed on site at any given time. The City's attorney, Chris Kennedy, explained that puppies under a certain age are not counted in the maximum capacity of dogs. The DeMartini's clarified stating, including their own dogs, the maximum number of dogs on the premise will be capped at 45 and that they will not expand the business to allow for more than 45 dogs.
  - The next steps the DeMartini's need to take are to meet with the City's building inspector and have all buildings reviewed with future uses considered, City staff need to receive said results of building review, schedule a public hearing at the April 4<sup>th</sup> City Council meeting, and hold a public hearing at the May 2<sup>nd</sup> City Council meeting to modify the CUP.
  - Discussion included that once the certificate of occupancy is issued that it would be acceptable for the DeMartini's to start using the primary building's office and to house puppies, all other operations will need to wait.
2. Steve Mohr with MetroNet: Utility Easement for Cabinet
- Steve Mohr with MetroNet stated that they are asking for an easement to install a fiber cabinet near the water tower. This cabinet is needed to feed service to Eagle Lake.
  - City Attorney, Chris Kennedy, stated the following concerns with the draft agreement: 1) the easement is freely assignable meaning that MetroNet and other future parties would be able to transfer their interest without notifying the City; 2) the right of way is perpetual; 3) there is no language that would allow the City to terminate the easement; and 4) ensuring the ballard posts are located within the easement and not outside

of it. Included in the updated draft is language stating that if MetroNet stops using the site, the location would revert back to original state and revert back to the City.

- Mr. Mohr stated that the beige metal cabinet will be 5 feet tall, and that rock could be placed around it for easier maintenance, no fence would be installed. He also stated the hope is that ariel work can start the beginning of May and all work would be completed and service ready for customers use by the end of July. Residents interested in MetroNets service can sign up online now and will be added to their build out list.
- Council Member Whittington moved, seconded by Council Member Rohrich, to approve Resolution 2022-15 authorizing the issuance of a utility easement and right-of-way to MetroNet. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

3. Vern Simpson, Fire Chief: Proposal for Air Packs for Truck 4311

- Chief Simpson explained that pumper truck 4311 has been listed for sale for \$40,000 with no interest shown to date. He stated the truck could be used as a blocker truck and a spare vehicle for mutual aid calls. There is room in the station to house the truck. In order to keep the truck NFPA compliant air packs for each seat need to be on the truck. South Central College's fire school is closing and they are selling air packs. Eagle Lake would be able to purchase six used self-contained breathing apparatus packs with 12 bottles for \$9,000.
- Chief Simpson also stated that there will be approximately an additional \$5,000 worth of purchases, such as hoses and a ladder, needed to keep this vehicle in use, but those purchases could be budgeted for in the next year or two. He also stated that the planned purchase of a side-by-side this year will not take place.
- This purchase was not a planned 2022 budgeted expenditure. To date, \$21,700 of the \$59,370 allocated funds for capital outlay for 2022 has been expended, leaving a balance of \$37,670.
- Council Member Rohrich moved, seconded by Council Member White, authorizing the fire department to purchase 6 air packs and 12 bottles for \$9,000. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **PUBLIC HEARING**

- None

## **OLD BUSINESS**

1. Spring Clean Up

- Administrator Bromeland explained that at the February 7th meeting discussion took place regarding spring cleanup and Council directed staff to explore options available for a curbside cleanup through alternate haulers. Since that time, City staff has reached out to Waste Management and Hansen Sanitary. City staff was able to confirm that Waste Management would conduct a cleanup via a centralized drop off location, same as what LJP Waste Solutions is offering, but was unable to find out if curbside collection was even an option. Hansen Sanitary out of Kasota will not do a curbside collection for a spring cleanup.
- LJP notified the City that curbside pickup will not be an option this year for the spring cleanup due to labor shortages and not having enough drivers to work an extra Saturday. LJP Waste Solutions is proposing a drop off site on Saturday, May 14<sup>th</sup> from 8:00 a.m. to Noon. In the past, the drop off site has been the parking lot at Lake Eagle Park for the fall cleanup.
- Council consensus was to schedule the spring cleanup as a drop off collection event for Saturday, May 14, 2022.

## **NEW BUSINESS**

1. Communications System Right of Way and Easement

- See Presentations.

2. Departmental Expenditure Request for Air Packs for Fire Truck 4311
  - See Presentations.
3. Resolution No. 2022-15: Resolution Calling for Public Hearing on Proposed Creation of Municipal Development District No. 3 and Tax Increment Financing District No. 3-2
  - Administrator Bromeland explained that as part of the Tax Increment Financing (TIF) process, the Planning Commission will be asked to consider a resolution at their March 21st meeting in which a finding will be made if the TIF District/Development District is consistent with the development goals of the City and plans for future growth. This is the only action required for the TIF process in March.
  - Administrator Bromeland provided background explaining that Troy Schrom with Schrom Construction is proposing a 104-unit multi-family housing project in Eagle Lake. The proposed project would include parcel R12.10.48.400.013 (38.7 acres of ag land located within Eagle Lake city limits). Included with the overall proposed housing development would be parcel R39.10.18.400.005 (40 acres of ag land located in LeRay Township). The part of the development for which TIF would be sought is currently located entirely within city limits. Phase 1 would include 56 units – (28) 3-bedroom units and (28) 2-bedroom units. Phase 2 would consist of 48 units – (24) 3-bedroom units and (24) 2-bedroom units. Shannon Sweeney, a professional tax increment financing (TIF) consultant with David Drown Associates, is assisting the City with the TIF process.
  - Administrator Bromeland stated that Mr. Sweeny is willing to come talk to the Council at a special meeting to explain TIF in more detail. His schedule would work best for a noon meeting.
  - Administrator Bromeland explained the TIF project would assume a tax capacity rate for a market rate project and the actual duration for a potential subsidy would likely be less than the full duration provided for in statute. The developer would be required to make units available to people of specific income levels if TIF were approved – 20% of units made available to families at 50% of the area median income or 40% of the units made available to families at 60% of the area median income. Mr. Schrom has indicated that the proposed development will not occur but-for the use of TIF. He is requesting a 13-year term for TIF assistance. Per MN Statute, up to a 26-year term could be approved. TIF is a method of stimulating economic development. It uses additional property taxes paid because of the new development to pay for the development. As the property increases because of the new development, the increases above the original tax capacity are captured. The taxes paid on the captured value are called increments. The result of a TIF project is an increased tax base that benefits all local taxing jurisdictions. Mr. Schrom currently has TIF agreements with the cities of Belle Plaine, Jordan, and Northfield. City staff has reached out to community and economic development staff with these cities to learn about the length and other business subsidy terms they have with Schrom Construction.
  - Before Council is a resolution calling for a public hearing to authorize a TIF development and tax increment financing.
  - Council discussion included if the rental cost would change for income qualified tenants, that TIF would not be used for the entire project, only the 104 units in phase 1 and phase 2.
  - Administrator Bromeland stated this project is complex and may warrant hiring an outside consultant to assist City staff with re-zoning and appropriate classification based on proposed use in different areas within the development. The developer needs to complete the wetland delineation process and will be required to complete any required environmental review such as an EAW.
  - Council Member Rohrich moved, seconded by Council Member Whittington, adopt Resolution 2022-15 Creating a Tax Increment Financing District Number 3-2 and the adoption of the Tax Increment Financing Plan. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.



#### 4. Motorsports Park Project

- Administrator Bromeland explained that a Supplemental Environmental Assessment Worksheet (EAW) has been received from Bradford Development for the Mankato Motorsports Park Project. City staff is currently in the process of seeking proposals from consultant to complete a Third-Party Review. Staff expressed that the developer has not offered to pay for the supplemental EAW, whereas the developer paid for the initial 3<sup>rd</sup> party review on the original EAW.
- Administrator Bromeland provided background history of this project stating that Bradford Development previously prepared a mandatory EAW for the proposed Mankato Motorsports Park Project located within the City of Eagle Lake. The purpose of the EAW was to identify any potential environmental impacts resulting from the project and determine if an environmental impact statement (EIS) was warranted. A third-party review was completed by Houston Engineering and paid for by Bradford Development at a cost of \$14,000. Following the City's determination that an EIS was not warranted, an appeal was filed by a group called CAMP "Citizens Against Motorsports Park, Michael Guentzel and Erin Guentzel". The matter was heard in the State of Minnesota Court of Appeals with the Court of Appeals reversing and remanding a new EIS determination on two issues – impacts to wildlife and climate change.
- Administrator Bromeland explained that the supplemental EAW focuses on the two narrow issues requiring further environmental review. This is not an opportunity to go back and revisit all the other items included in the original EAW. Upon City Council's authorization to contract with a party to conduct the third-party review and the review is completed, the document will be presented to the City Council as the RGU to review and determine if the supplemental EAW is complete for distribution or if more information is needed. Once determined complete, the supplemental EAW will be submitted to the EQB and the process for notification and publication is started. This includes a review by the agencies listed in Minnesota Rules 4410.1500 as well as a public comment period.
- Mike Guentzel, 22083 604<sup>th</sup> Avenue, asked Council to consider not using the same third-party review if the only reason to do so is that their bid comes in as the low bid. The City's attorney, Chris Kennedy, explained that per Minnesota statute the city must accept the lowest responsible bid.
- As bids are received Council can assess if a special meeting will be needed to accept a bid.
- Council Member White moved, seconded by Council Member Rohrich, authorizing staff to receive estimates from third-party reviewers and to contact the developer to determine who will pay for the review. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Administrator Bromeland stated that she will email Mike Guentzel a copy of the EAW.
- Mayor Auringer stated that there will be a public hearing in the future in which public comments will be heard and that the court says that only the two items needing to be reviewed in the EAW are the noise impact to wildlife and climate change, not the entire document. When asked by Mr. Guentzel why the City just doesn't do an EIS, Mayor Auringer stated that EIS's are not typically done, unless determined necessary.

#### 5. Mosquito Control Agreement with Clarke Environmental Mosquito Management

- Administrator Bromeland stated that in the Council packet is a proposal from an Environmental Mosquito Management (EMM) Program. There are two options. One option consists of 9 bi-weekly treatments at \$685 per treatment, and the other option consists of 15 weekly treatments at \$619.50 per treatment. In 2021, the City contracted for 9 bi-weekly treatments and 1 mile of extra spray for parks and trails at a cost of \$379.800 per treatment. The cost for the EMM program is budgeted and paid for out of budget line item, parks-professional services and funds have been allocated for this purpose.
- Council discussion included that treatment dates may be changed if weather conditions dictate doing so. The number of treatments have never been reduced, but could possibly be added at Council's request. The company will work around community events and they do spray at both Lake Eagle Park and Frazee Park.

- Nicole Davros, 101 Valley Lane, addressed Council stating there are better options that are more target specific. She suggested the City explore other options including a little fogging and add a larvicide as well. She stated that she understands this may not be possible to incorporate other treatment options for 2022, but could possibly incorporate in 2023.
- Council Member White moved, seconded by Council Member Whittington, to authorize 9 bi-weekly mosquito control treatments. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **OTHER**

### 1. Open Book Meeting Notice

- The Open Book meeting for Eagle Lake will be held at the Blue Earth County Property and Environmental Resource Offices at 9:00 a.m., Monday through Friday, April 18-22, 2022. The purpose of this meeting is to determine whether property in the jurisdiction has been property valued and classified by the assessor.

### 2. Summary of Performance Evaluation as Required by MN Statutes 13D.05, Subd. 3

- Administrator Bromeland explained that a closed session was held at the February 7, 2022 City Council meeting for the purpose of completing the annual performance evaluation of the city administrator. The meeting was closed as permitted by statute. Given the city administrator position is under the direction of the City Council, the evaluation was held at a public meeting. At its next open meeting, the public body shall summarize its conclusion regarding the evaluation.
- There were 5 rating factors and 19 elements used. The City Administrator, Jennifer Bromeland, received a rating of “meeting standards or exceeding standards” for all the rating factors and elements. Comments included “the need to provide ongoing leadership to senior staff by setting clear expectations to achieve departmental goals, continue displaying a positive attitude and outlook, continue building confidence in decision making, continue displaying a willingness to take on new projects and work, and overall pleased with performance in a variety of areas.

### 3. Blue Earth County Fair Sponsor Request Letter

- Administrator Bromeland explained that a request has been received asking for Blue Earth County Fair sponsorships. This is a non-budgeted request.
- Council discussion included that this is not something they are uncertain is an allowable public expenditure.

## **CITY ADMINISTRATOR REPORT**

### 1. Update on Microphone Order and Installation

- Video Services emailed stating they are waiting on one more piece of equipment, the expander, to be able to install the microphones. The manufacturer estimates 14 weeks on the order. In the short term, everyone using the old microphones needs to remember to speak directly into the microphone.

### 2. Music on Parkway, Series #2 – Status of Funding and Planning

- A request for funding was submitted to the American Legion Post 617 Gambling Fund. A donation in the amount of \$5,000 was received. In total, there is a budget of \$10,000 to work with for the Music on Parkway series this summer. The planning committee will meet next week to continue planning work. Once the schedule has been determined, it will be communicated to the public.

### 3. Highway 14/CR56 Construction Update

- Ann Wolfe with MnDot was planning to attend this evening’s meeting to present staging maps but has informed staff that they are a couple months behind and will instead attend an upcoming meeting.

4. Recap of Recent CGMC Legislative Action Day and Recent Communication with Legislators about Water Improvements Needed in Eagle Lake
  - A Zoom call was held with local legislators to discuss Eagle Lake's water treatment needs. Both legislators expressed their support for Eagle Lake's project and asked for updated numbers on planning and design so that legislation could be drafted and considered during the bonding session.
  - Top legislative policies for 2022, which are important to Eagle Lake, include changes to the Local Government Aid (LGA) formula which could increase Eagle Lake's aid, EDA programs, childcare, housing and environmental.
5. Utility Extension Project for 800 and 804 Parkway Avenue
  - A meeting was recently held with the property owners of 800 and 804 Parkway Avenue to discuss the utility easement needed to be able to extend sewer and water. Letters were sent to the two properties to the west of 800 Parkway Avenue notifying of the possibility of extending utilities contingent upon annexation. One of the property owners has responded and requested a meeting to learn more about what is involved with extending utilities and possible annexation. The property owner is not committing to anything, and this will just be an informational meeting to make them aware of options related to connecting to City utilities.
6. Status of Agency Street Lighting
  - Per an update from Xcel Energy, a new light was installed on the north end of the project but the mast arms for the other 9 lights on the existing poles are on back order until mid-June.
7. Upcoming Free EAB Outdoor Field Workshop
  - A free outdoor Emerald Ash Bore (EAB) field workshop will be held in St. Clair. The public works department will be sending two employees to attend this workshop and the City Administrator is planning to attend as well. Minnesota Department of Agriculture staff will be leading free EAB field workshops at several locations around the state with the closest being St. Clair. These hour-long outdoor workshops will provide an opportunity to get a firsthand look at EAB-infested trees and will assist in becoming familiar with early detection. Workshops are provided free of charge through support from the US Forest Service and the Environment and Natural Resources Trust Fund.
8. Planning and Zoning Related Work
  - An overview of current planning and zoning work items was reviewed as it may be more efficient to consider contracting with a consultant for assistance as it relates to specific work items in unique situations where significant staff time and expertise is required for more complex planning and zoning issues.
9. MAPO Pedestrian Connectivity Study
  - Mayor Auringer asked about the status of the MAPO Pedestrian Study. This is anticipated to be completed this summer. There is nothing the City needs to do at this time.
10. Strategic Plan-SMIF Grant
  - A public engagement component will be included.

## **COUNCIL REPORTS**

1. Mayor Auringer stated with the increase of inflation he would ask that staff look for ways to control costs and attempt to reduce fuel costs. If there are items that need to be purchased, to consider purchasing early as prices may increase.
2. Mayor Auringer stated the employee cost of living adjustments will need to be looked at and determine how to handle and what is an appropriate level of an increase.

## ADJOURNMENT

- Council Member White moved, seconded by Council Member Rohrich, moved to adjourn the meeting at 8:02 p.m. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
APRIL 4, 2022**

**CALL TO ORDER**

- Mayor Auringer 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 Officer Dustin Jensen, Public Works Director Brian Goettl, Fire Chief Vern Simpson, and Deputy Clerk Kerry Rausch.

**PUBLIC COMMENTS**

1. Bruce Beyer, 104 Creekside Drive, asked if there is a process to allow him to install a parking pad along side his garage. Staff was asked to bring this request to the Planning Commission. This is also an item which could be considered when updating city code.
2. Mike Guentzel, 60374 224<sup>th</sup> Lane, Madison Lake, asked that with only two bids being received and with one of those bids being from Houston who failed to identify items during the initial third-party review, why they are being considered. He stated he hopes the City tries to find someone else to do this review. Since the last EAW there are changes being made to roadways and intersections. He also stated his belief that the supplemental EAW is not a stand-alone document and that it has been tied to the original. He stated there is no supplement to an EAW and that a supplement is part of a whole. He asked that Council look at it as a whole unit. He encouraged new council members to read the original EAW.

**APPROVAL OF THE AGENDA**

- Administrator Bromeland asked that “Parking in Lake Eagle Park” be added under New Business.
- Council Member Rohrich moved, seconded by Council Member White, to approve the agenda as amended. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**APPROVAL OF MEETING MINUTES**

- Council Member White moved, seconded by Council Member Rohrich, to approve the March 7, 2022 City Council meeting minutes. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**CONSENT AGENDA**

- Mayor Auringer stated the consent agenda includes a resolution appointing Don Wesely to the Park Board and the resignations of Aran Augustin from the Fire Department and Joshua Norton and Katherine Scheurer from the Planning Commission.
- 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		
Resolution 2022-16 Appoint Don Wesley to the Park Board		

Resolution 2022-17 Appoint Election Judges

Resolution 2022-18 Resignation of Aran Augustin from Fire Department

Resolution 2022-19 Resignation of Joshua Norton from Planning Commission

Resolution 2022-20 Resignation of Katherine Scheurer from Planning Commission

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

## **PRESENTATIONS**

### **1. Tony Steffensmeier: Parcel R12.10.07.200.001**

- Administrator Bromeland explained that Tony Steffensmeier, owner of R12.10.07.200.001, has contacted the City to find out what he needs to do to convert his parcel from ag to commercial. Mr. Steffensmeier was advised that he should attend tonight's meeting to discuss his plans with the City Council and find out if there is an interest at this time in allowing the parcel to be developed separate from the proposed Mankato Motorsports Park Project. But for the proposed project, the parcel would not have been annexed into City limits.
- She also explained that for background purposes this parcel was annexed into City limits in October of 2019 as part of a joint resolution for orderly annexation between the City of Eagle Lake and LeRay Township for the proposed Mankato Motorsports Park Project. Once annexed, the parcel converted to an ag district for city zoning purposes. To change the use of the parcel, rezoning would need to occur. At the time of annexation, the parcel was owned by Bernadine Kopachek and then later sold at auction. When contacted by City staff, the developer of Mankato Motorsports Park Project indicated that the sale of the parcel would not affect the viability of his project and that the project could move ahead without the parcel. According to Mr. Steffensmeier, he is a separate entity from the Mankato Motorsports Park Project.
- Administrator Bromeland also explained that the joint resolution includes a reversion clause. As per the agreement, "should the property not be developed and retains its rural character, thirty-six months after the execution of the agreement, the property would revert back to the township. Legal counsel advised that LeRay Township be notified of the matter as the City would not want to approve a use that might not be allowed if the property were to revert to LeRay Township. City staff spoke with Phyllis Daschner, LeRay Township Chair, who was present at the meeting to learn more about Mr. Steffensmeier's plans for the parcel and to ask questions.
- Mr. Steffensmeier explained that he would like to install a pole barn/warehouse for business storage and personal use. He has spoke with the developer who has indicated he is ok with the proposed buildings.
- City Attorney, Chris Kennedy, recommended that the developer of the proposed Motorsports Park figure out what he wants to do with the parcels and that the City Council needs to keep in mind the reversion clause of the annexation agreement and that the City would not want an island of land annexed into the City. He recommended that Mr. Steffensmeier talk with LeRay Township to determine if they would have concerns with the proposed structure(s) in case this property reverts back to the township.
- Council suggested Mr. Steffensmeier prepare a site plan including the size and location of the buildings on the parcel for review.

### **2. Jesse Samuelson with LJP Waste Solutions: Spring Clean up and Fuel Surcharge**

- Administrator Bromeland stated that Mr. Samuelson with LJP was asked to attend the meeting to discuss concerns with the spring cleanup change and the fuel surcharge notice that was received at City Hall. City staff has shared with Mr. Samuelson that a comment was received on the City of Eagle Lake Facebook page asking about residents that are disabled and unable to get their items to the drop off location. Mr. Samuelson responded that LJP Waste Solutions will coordinate pickup of items for residents that are disabled and who have no other means to get their items to the drop off location. Residents who have a disability which prevents them from getting their items to the drop off location will need to contact City

Hall so that a pickup time can be coordinated with LJP Waste Solutions. A response was posted to the comment on the City's Facebook page asking the resident to contact City Hall but to date no response has been received. Information will be included in the Spring City Newsletter. Presented to Council was a survey of how other area cities and haulers are handling cleanup events with North Mankato being the only city offering a curbside cleanup event. Mr. Samuelson stated that North Mankato may have their staff assist in the curbside cleanup event.

- Mr. Samuelson addressed suggestions residents shared via Facebook, stating that extra bags for residents to fill and have picked up at normal trash collection would not be an option for the large items disposed of at cleanups. Neighborhood dumpsters could overflow and inappropriate items could be deposited in the dumpsters, incremental curbside cleanups by sectioning off the town would take several weeks and would be too confusing for this spring cleanup, but could be considered in the future, having the garbage trucks park at the entrance to the park so that vehicles don't have to drive into the park and turn around may be a viable option.
- Council discussion included that the City could look for alternate locations keeping traffic flow in mind.
- Mr. Samuelson stated that due to driver shortages and the fact that drivers can work only 60 hours a week, their drivers are not able to take a day off during the week to allow for curbside pick up events. There is a lack of available CDL drivers which is causing this issue. A curbside cleanup event required five trucks with three people per truck. By going to a drop off location event this can be done with three trucks and three men. Residents are encouraged to bring help to the clean up event if they need help unloading their items.
- Mr. Samuelson stated LJP has met with and talked to other cities regarding a fuel surcharge and explained that this is a temporary charge due to high fuel costs. They have calculated the time and fuel used in each city to determine the fuel charge amount. He explained that LJP used a calculation to determine the appropriate temporary fuel charge rate and their calculation shows that LJP uses 346.4 gallons of fuel per month in Eagle Lake. The temporary fuel surcharge would then be calculated by determining the current price of fuel and subtracting \$3.50. This amount would then be multiplied by the 346.4 gallons of fuel used.
- Attorney Chris Kennedy stated that a fuel surcharge is not in the current contract and that the City Council does not have the authority to modify the contract.
- Discussion included that LJP feels this is a separate charge from the contract and that future contracts would likely include this type of language.
- Council discussion included that the annual cost-of-living increases should be used to cover additional expenses and that a new contract would need to be negotiated. The current contract expires in 2026. An addendum to the contract could be considered. If a change to the contract is considered, such a change would need to be in writing.

3. Julie Blackburn and Paul Marston with ISG: Owl Lane Stormwater Pond Testing Options

- Ms. Blackburn presented an overview, explaining that ISG was contracted to study storm water ponds 15 and 16 along Owl Lane due to appearance and odor which became a nuisance to surrounding residents.
- A pond summary included pond volumes have been reduced only slightly since construction and there are no obvious structural, hydrologic, or hydraulic causes driving nuisance algal conditions. Ponds are consistent with MPCA design criteria with one exception, mature trees are present around the entirety of Pond 16 and within 25 feet of pond 15's outlet structure. Ms. Blackburn also stated that neither of these findings explain the issue.
- Ms. Blackburn explained that storm water ponds are developed to limit natural stormwater treatment capacity. Runoff reaches stormwater ponds through storm sewers and direct overland runoff. They treat runoff from driveways, streets, and sidewalks by soaking up nutrients and pollutants and slowing the release of runoff prior to entering a natural waterbody or groundwater source. A stormwater pond's sole purpose is to treat stormwater runoff.

- Conditions are likely a result of hypoxia, or low dissolved oxygen (DO) concentrations in the ponds, which can be caused or worsened by: algal growth, fueled by phosphorus, can deplete DO; lack of inflow of stormwater with high DO concentrations, lack of inflows and outflows limit mixing, lack of outflow prevents discharge of phosphorus, hypoxia at the pond bottom can cause the release of additional phosphorus from sediments to the water column, further fueling algal growth.. May of these factors combine to create a snowball effect that can cause rapid deterioration in water quality. Some of the common pollutants which negatively affect ponds are fertilizers, pet waste, tree debris, pesticides, and trash. Such pollutants will increase aquatic plant and algae growth, may result in foul smell, and are aesthetically unappealing.
  - It was also explained that residents can play a roll in making a difference in pond quality. Some examples included proper disposal of pet waste, install native buffer zones such as grasses and flowers, turn downspouts onto lawns instead of driveways and sidewalks, avoid dumping chemicals, including yard chemical such as fertilizer directly into storm drains, avoid overwatering lawns, don't apply fertilizer before a rain event and run water into gardens.
  - Pond management recommendations included additional water quality sampling to evaluate phosphorus loading and discharge and to confirm types of algae, remove all trees and woody vegetation within 25 feet of inlets and outlets, and the selective or complete removal of trees around pond 16.
  - Pond monitoring options were presented along with cost for each along with treatment options.
  - Next steps include providing outreach and education materials to landowners to manage expectations, treatment considerations, and implement the city's monitoring program.
  - Council discussion included that the removal of algae would not eliminate the problem and that algae could return within a couple of weeks, tree removal as budget allows, water depth of 1.5 – 2 feet would be sufficient for barley straw treatment. Pond treatment costs would come out of the storm water pond fund. Many properties landscaping infringes on the storm water pond setback requirements.
  - Ms. Blackburn stated that if the city monitors the ponds, baseline information will be obtained and without this treatment may be difficult.
  - Also discussed was the concern that there are 26 ponds within city limits and how it will be perceived if only one pond is treated. Council indicated that some treatment recommendations can be utilized, and that community education is important. Future ordinance changes relating to storm water would help ensure ponds are maintained correctly.
  - Ms. Blackburn will research if pond 16 could be eliminated.
4. Anne Wolff and Scott Thompson with MnDOT: Hwy 14/CR 56 Construction
- Scott Thompson with MnDOT explained that previously MnDOT conducted an online engagement opportunity for the public to provide input on construction options and the winner was a "restricted crossing". From there MnDOT, Blue Earth County and the City of Eagle Lake agreed on the R-cut design. Mr. Thompson explained this this project has received funding and is fully funded.
  - The project is expected to begin May 16<sup>th</sup> and be completed by the end of June 2022. There will be three stages to the construction and the highway will remain open during construction. No detour is anticipated for Highway 14 through traffic; motorists can expect lane restrictions and speed reductions. There will be phases of construction that don't allow for specific turns at intersection. Staging maps will be posted on the project website in advance of construction [www.mndot.gov/d7/projects/hwy14eaglelake](http://www.mndot.gov/d7/projects/hwy14eaglelake) , and roadway signs will direct motorists during construction.
  - Mr. Thompson also explained that an overpass is not financially feasible, costing approximately \$10 million, due to the lake to the north and the business to the south. He also stated that stoplights and reduced speed along this section would not work, stating a reduced speed section would create an enforcement nightmare and explained that drivers tend to drive at a speed they feel safe driving, not the posted speed



limit, and that a reduced speed zone would not change drivers' behavior. Traffic signals would be a recipe for fatal and serious rear end crashes.

- Council discussion included how many vehicles will fit on the R-cut section, which is about 40.

5. Vern Simpson, Eagle Lake Fire Chief: Recap of Recent Truck Inspection

- Mr. Simpson stated that through the annual vehicle inspections this year, it was identified that the ladder truck, #7312, needs a radiator, is having electrical issues when using the ladder, and needs lift cylinders which could cost up to \$10,000. The newest vehicle, the #1 pumper, which is covered under warranty, needs three valves to be replaced. Each vehicle will go in for repairs separately so that multiple vehicles are not out of commission at the same time. The pumper truck will have breaks replaced and the rescue vehicle is getting lighting upgrades.
- The cost for these repairs has not been received, but it is estimated that the cost of repairs for both vehicles could be \$20,000. This is an unexpected and unbudgeted expense. Mr. Simpson stated he will be watching the overall budget for the fire department closely.

## **PUBLIC HEARING**

1. Public Hearing for Tax Increment Financing District 3-2

- Administrator Bromeland stated that a public hearing was scheduled for the modification of municipal development district number 3, the adoption of a modified development program, the creation of tax increment financing district number 3-2, and the adoption of a related tax increment financing plan. Shannon Sweeney with David Drown Associates is in attendance to explain in more detail Tax Increment Financing (TIF) 3-2.
- Administrator Bromeland explained that Troy Schrom of Schrom Construction has been working on the development of a rental housing project within the City of Eagle Lake. The name of the development is Fox Meadow Townhomes, LLC. At this time, TIF is being requested for Phase 1 of the project, which will include 64-units. Once Phase 1 is complete and the developer is ready to commence Phase II, the developer will need to again demonstrate the financial needs, and a new TIF agreement would need to be authorized by the City Council.
- The terms of TIF assistance is 13-years. Income restrictions go away once the subsidy is completed (duration of TIF agreement). If the developer asks for additional TIF for subsequent phases, the income restrictions will need to remain in place for the entire project until the Phase II TIF agreement has expired.
- Administrator Bromeland noted that execution of the TIF agreement will not take place until after a development agreement addressing zoning, construction, and related issues authorized by the City Council has been approved and executed. City staff and the developer have been in communication regarding proposed terms of a development agreement. The developer must also complete the mandatory EAW process to commence construction.
- Shannon Sweeney explained that TIF is a way to capture new property taxes that are generated as a result of new development that occurs within the boundaries of a designated TIF district. For the proposed housing project, this capture period can extend for up to 26-years. Mr. Schrom has requested that the City reimburse 90% of the captured tax increment for a term of 13-years which would be expected to start with taxes payable in 2025. The developer will pay the taxes to the county and the county will send the city its portion of the tax payment. The city will then reimburse the developer for 90% of the taxes received. This is a pay as you go structure which is the method with the least amount of risk. Mr. Schrom will need to provide the City with verification of meeting income requirements by January 1<sup>st</sup> and July 1<sup>st</sup> of each year. Mr. Sweeney will prepare plans and send them to the county and school district; he will review the developer's financials. This is not a rent restriction project. If the city does not use their 10% for development, the funds will be returned to the county.
- Construction will begin this year and is estimated to be completed by January 1, 2023.

- Mr. Sweeney stated that the Mayor and City Administrator can implement the necessary documents.
- The public hearing was opened and closed with no comments being offered.
- Council Member White moved, seconded by Council Member Rohrich, to approve Resolution 2022-21 Approving the Modification of Municipal Development District 3, adoption of Modified Development Plan, the creation of TIF District 3-2, and TIF Plan. Mr. Sweeney verified that the modified plan would include a start date of September 1, 2022, which it would. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## OLD BUSINESS

- None

## NEW BUSINESS

1. Resolution 2022-21: Resolution Adoption Approving the Modification of Municipal Development District No. 3, the Adoption of the Modified Development Plan relating thereto, the Creation of Tax Increment Financing District No. 3-2 therein, and Adoption of the TIF Plan
  - See Public Hearing
2. Letter from LJP Waste Solutions Related to Fuel Surcharge
  - See Presentations
3. Mankato Motorsports Supplemental EAW and Proposals Obtained for Third Party Review
  - Administrator Bromeland explained that a supplemental EAW was recently received from Bradford Development for the Mankato Motorsports Park Project which was done in response to an appeal filed by a group called CAMP “Citizens Against Motorsports Park, Michael Guentzel and Eric Guentzel relating to the initial EAW. The appeal was heard in the State of Minnesota Court of Appeals with the Court of Appeals reversing and remanding a new EIS determination on two issues – impact to wildlife and climate change.
  - Administrator Bromeland also explained that at the March 7<sup>th</sup> City Council meeting it was explained that a third-party review of the supplemental EAW is not mandatory, but having one completed would be consistent with how the original EAW was handled. The developer is not required to pay for a third-party review and has recently expressed that while compensation from him for the second 3<sup>rd</sup> party review isn’t unjustified, he feels that an effort to share the expense could be an equitable alternative for all parties. She also stated that Council should determine whether it feels a third-party review is critical in determining whether the supplemental EAW sufficiently addresses the environmental concerns requiring further review and study as it relates to wildlife and climate change and whether the City is willing to cover all or any part of the expense. Two proposals were received for a third-party review for the Supplemental EAW for the Mankato Motorsports Park Project: one from Braun Intertec in the amount of \$12,915 and the other from Houston Engineering in the amount of \$4,000. Houston Engineering completed the original EAW third-party review.
  - It was also explained that if the City Council does not wish to move ahead with a third-party review, the City Council as the RGU will need to review and determine if the supplemental EAW is complete for distribution or if more information is needed. Once determined complete, the supplemental EAW will be submitted to the EQB and the process for notification and publication is started. This includes a review by the agencies listed in Minnesota Rules 4410.1500 as well as a public comment period.
  - Chris Kennedy, City Attorney, stated this is going through an unique process and that the attorney handling this process is much more versed in this area. He explained that the developer is still looking to purchase the property and that the city has no guarantees that they would be reimbursed for expenses relating to the third-party review.

- Council discussion included that with the land not being purchased there is no guarantee that the project would go through and that the City would be reimbursed.
  - Council Member White moved, seconded by Council Member Steinberg, to table discussion on a third-party review until such time Council is confident the project would move forward. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
4. Request for Annexation for Property Owner of Parcel R43.09.12.400.006
- As an update, Administrator Bromeland stated a letter was sent to the two properties just west of 800 and 804 Parkway Avenue advising of the upcoming utility extension project planned for the summer of 2022 and asking if there was an interest in connecting to City sewer and water. One of the two properties located in this area responded (Roger and Marilyn Barnes) and met with City staff and Bolton and Menk to discuss the process involved with connecting to City sewer and water. Following that meeting, a request for annexation was received.
  - Administrator Bromeland explained there is no formal petition form required in this situation. All that is needed is a request from the property owners to be annexed into city limits. Now that a request has been received, the City Council should review. If there is interest in annexing in this parcel, a joint resolution would be presented and need to be approved by both the City of Eagle Lake and Mankato Township. There is no requirement for a public hearing or notice to nearby properties in this area. Once the joint resolution has been adopted by both the City and Township, it will be forwarded to the Office of Administrative Hearings (OAH) and an order issued within 30 days. The fee to be annexed into City limits is \$500 and the property owner has been invoiced. Once annexed and water and sewer are available, there will be a \$500 water connection fee and a \$400 sewer connection fee.
  - Public Works Director, Brian Goettl, stated that the potential extension would need to run through the back of the properties.
5. Bella's House of Doodles and Upcoming Hearing for Amended CUP
- City Attorney Chris Kennedy explained that the owners of Bella's House of Doodles is looking to modify their conditional use permit (CUP) which is currently in effect. The owners need additional time to come up with necessary items. This matter will need to be put off until the May hearing at which time the owners will hopefully be in a position to move things forward. It is envisioned there will be a public hearing at some point, possibly the May meeting, but most likely the meeting after, dependant on when needed items are available.
  - Mr. Kennedy also stated that the owners are working with the building official and that some inspections were completed last week. The owners are moving forward.
  - Mayor Auringer stated the next step will be to set a public hearing once more information is received and at that point action will be taken, hopefully at the June City Council meeting.
6. All Pets Impound Agreement
- The City has received a modified Impound Agreement from All Pets in Mapleton. One of the major changes is that people were bringing cats into clinic from Eagle Lake. The clinic will only take dogs and won't take cats unless the cat needs to be watched for rabies. An adjustment was also made to the contract in regard to the fees that client need to pay; there will be no change to the fee if the animal is unclaimed.
  - Council Member White moved, seconded by Council Member Rohrich, to approve the modified Impound Agreement with All Pets in Mapleton. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
7. Recommendation to Hire Part-Time Police Officer
- Administrator Bromeland stated that an application was recently received for the position of part-time police officer from Conner Guillemette and an interview was completed. The hiring committee consisted of Jess Steinke with MN Valley Council of Governments, Police Chief John Kopp, and Administrator Bromeland. Connor will be graduating in May with his associate degree from Alexandria Technical

Community College and would like to work part-time as a police officer for Eagle Lake while attending MSU for a two-year program. Connor will be POST license eligible on July 1<sup>st</sup>.

- A conditional offer of employment was extended to Connor Guillemette, subject to approval by the City Council and becoming POST licensed, passing the background check, and demonstrating the ability to meet the department's physical and psychological standards. The current starting rate of pay for a part-time officer is \$19.08. On July 1<sup>st</sup>, the rate of pay will increase to \$19.46 per hour.
- Council Member Steinberg moved, seconded by Council Member Whittington, to authorize the contingent offer of employment to Connor Guillemette. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

8. Proposal from South Central Service Cooperative

- Administrator Bromeland explained that a proposal from South Central Service Cooperative (SCSC) for planning and zoning services has been received. City staff requested permission to utilize SCSC on an as needed basis, not to exceed 30 hours in 2022, when there are unique and complex planning and zoning matters that are not routine in nature. There is funding available in the professional services budget.
- Council Member Rohrich moved, seconded by Council Member White, to accept the proposal from SCSC for planning and zoning services. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

9. Eagle Lake Park Parking

- Administrator Bromeland explained that a complaint was received from a resident regarding vehicles parked on the trail by the restrooms in Lake Eagle Park and that City staff is looking for direction on how Council would like this handled.
- Council consensus was to close and lock the gate at the top of the hill and to make sure all affected parties who need access have a key.

**OTHER**

1. Electric Vehicle Charging Station Concept

- Mayor Auringer stated that he and Administrator Bromeland met with a company who has a program to install charging stations. There would be no cost to the City. The company would do all the construction and take care of all maintenance.
- Council discussion included they may investigate the city and determine if the city meets their criteria. Also discussed was the location of this type of structure is important so that people would have something to do while the vehicle is charging and if the city could add a charge to the company for using the space.
- More information will be gathered on this.

2. Integrated Mosquito Management Program (IMM) – with Larval Control Proposal

- Administrator Bromeland stated that a proposal was received by Clarke Mosquito Control for a program which would include larval control. The program the City has contracted for (adulticiding) will cost \$6,165 for nine (9) applications. A program which includes larval control would cost \$15,768.
- Council directed staff to contact the company and asked them to attend a Council meeting to answer questions.

**CITY ADMINISTRATOR REPORT**

1. Community Survey-Part of Strategic Economic Development Planning Process

- The spring newsletter includes information about this and the need for feedback.

2. All Seasons Arena

- With the City of Eagle Lake being a member of the ASA board, notice was recently received advising that the board wishes to explore improvements to the facility. Given the multitude of needs for our community

and funding that may be needed for improvements to the facility and the City's share of those improvements, careful study and evaluation will be needed.

- Council Member White, ASA Council representative, explained that they can provide the City with updates and that the preliminary cost to Eagle Lake could be \$150,000.
3. Rec on the Go and Outdoor Movie Night
    - Mankato Area Public School Community Ed and Recreation (MAPS CER) will hold Rec on the Go! on Wednesdays in Eagle Lake beginning June 15<sup>th</sup> and ending August 10<sup>th</sup>. There will be morning and afternoon sessions at various parks withing Eagle Lake.
  4. Music on Parkway
    - Performances will be held June 16<sup>th</sup>, July 14<sup>th</sup>, and August 18<sup>th</sup> from 7:00 – 10:00 p.m. Council discussion included if the time of these events should run from 6:00 to 9:00 p.m. since attendees left early last year. The time of the event will be brought back to the committee.
  5. Microphone Update
    - VSI and notified the City via email that the microphones for the council chambers will be installed soon. The expander has been shipped. Once it is received, installation will be scheduled.

## **COUNCIL REPORTS**

1. Mayor Auringer stated that the Planning Commission is in need of members and encouraged the Council to consider potential residents to fill vacancies.

## **ADJOURN TO CLOSED SESSION**

1. As permitted by section 13D.05, subdivision 3c, to develop or consider offers for the purchase of a portion of parcel R43.09.13.400.005 for the purpose of acquiring land to construct a possible future new water treatment plant.
  - Council member Rohrich moved, seconded by Council Member White, to close the public meeting. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
  - Council Member Steinberg moved, seconded by Council Member White, to re-open the public meeting. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
  - Council Member Whittington moved, seconded by Council Member Steinberg, authorizing staff to beginning working with landowner on land acquisition.

## **ADJOURNMENT**

- Council Member White moved, seconded by Council Member Rohrich, to adjourn the meeting at 8:02 p.m. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
MAY 2, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Garrett Steinberg, Beth Rohrich, Anthony White, 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**

1. Jim Enz, 208 Diane Drive, approached Council with concerns of a cracked sidewalk along Diane Drive from LeSueur Avenue to Blace Avenue. He stated trip hazard concerns for walkers and asked who would be liable if a walker was injured. He also expressed frustration with snow removal in the winter stating that many of the residents along this section of sidewalk are elderly and cannot afford to hire someone to remove snow.

**APPROVAL OF THE AGENDA**

- Administrator Bromeland asked that Eagle Avenue Storm Sewer be added to New Business and stated there is an email from Mike Guetzel for public comments relating to the Mankato Motorsports Park.
- Council Member Steinberg moved, seconded by Council Member White, to approve the agenda as amended. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

**APPROVAL OF MEETING MINUTES**

- Corrected minutes were presented to City Council for approval.
- Council Member White moved, seconded by Council Member Rohrich, to approve the April 4, 2022 City Council meeting minutes. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

**CONSENT AGENDA**

- Council Member Rohrich 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		
Resolution 2022-22 Accept Donation from Scheels		
- The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

**PRESENTATIONS**

1. Brad Bass, Mankato Motorsports Park
  - Brad Bass stated he is still on track to pursue this project and that the EAW was a process. He explained that the Bernie Kopacheck parcel was purchased by Tony Steffensmeier who is looking to put up commercial buildings. Mr. Bass stated that Mr. Steffensmeier will work with him to sell land for the

motorsports park in the future when needed. At this point Mr. Bass stated he is waiting for the 3<sup>rd</sup> party review to take place.

- City Attorney Chris Kennedy stated there is no purchase agreement at this time and that this fall the land will revert back to LeRay Township.
- Mr. Bass responded by stating that the Dauks have been good to work with and that they should have closed on the property last October, but due to delays in process that did not happen. With no purchase agreement in place, this allows the Dauks to have control of the property and allow them to continue to farm the land.
- Mr. Bass stated he is waiting for the City to make a decision as to if this project will move forward and if it does, he will continue working with the Dauks.
- Council discussion included what the layout of the project, including the Steffensmeier project will look like, if there is a current site plan, if this changes the EAW and if there are changes would those changes set the project back to the starting over point. Mr. Bass explained that nothing in the layout has changed and that the buildings Mr. Steffensmeier is proposing would act as a better noise buffer than the berm in the original design. He will work with his draftsman and can show this on his plans.
- Chris Kennedy stated these changes would not set the project back to square one, but the Council does need to see the plans and that updates should include traffic and noise levels.
- Mr. Bass stated he will contact the sound engineer and have them submit information before the 3<sup>rd</sup> party review. He also stated that Mr. Steffensmeier's plans for commercial buildings would just be on a different corner of the parcel from the original plans.
- Mr. Kennedy asked if Mr. Bass could have additional information for the City Council's June meeting.
- Mayor Auringer mentioned Mike Guenzel's questions with Mr. Bass responding that Mr. Guenzel can contact him directly with his questions. Mayor Auringer also stated that this is not a public hearing and that Council has Mr. Guenzel's email to review.

## **PUBLIC HEARING**

- None

## **NEW BUSINESS**

### **1. Review Conditions and Set Public Hearing for Amended CUP (R12.09.12.476.005)**

- Administrator Bromeland stated she has received an email from Rick DeMartini with Bella's House of Doodles stating a code analysis has been completed on the storage building. The code analysis was forwarded to the City's building inspector, Dan Murphy, and deemed acceptable by Mr. Murphy.
- For background purposes, Administrator Bromeland stated the City's building inspector Dan Murphy previously requested that a code analysis be completed for a change of occupancy. A public hearing should be scheduled, and discussion should ensue about conditions to attach to the revised CUP. Council has before them a draft of the revised CUP from legal counsel. Notice that will need to be mailed out and posted in advance of the public hearing.
- Mr. DeMartini stated he is not clear on the second building, that it is still going to be used for storage, not equipment, but for dogs. He also stated that the air-to-air system is installed and that Mr. Murphy needs to inspect this and to make sure the building is a handicapped building.
- Administrator Bromeland stated that a new building permit application needs to be completed for the occupancy change and that the application has been picked up, it needs to be completed and returned to the City.
- City Attorney Chris Kennedy stated that animals are not considered storage and this is why the CUP needs to be modified.

- Mayor Auringer stated the CUP allows for a business to be operated in a district it would otherwise not be allowed in.
- Council Member Steinberg moved, seconded by Council Member Rohrich, to set a public hearing for June 6, 2022 to review revised CUP and conditions. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
- Mr. DeMartini asked if it would be okay to open the dog wash since the parking lot has been paved and stated that the plumbing has been inspected by Mr. Murphy. There is a 10-foot by 10-foot room which would be self-service style.
- Mr. Kennedy stated this may be something staff can address if this is considered grooming.
- Mayor Auringer stated this could also be handled at the time of the CUP discussion.

## 2. Lutter Avenue Access

- Administrator Bromeland explained that a request was received from the Patti Schuch family in 2021 to access ag land with farm equipment using the City of Eagle Lake's ROW referred to as "Lutter Avenue". The request was presented to the City Council and approval was granted for the City to enter into an Access Agreement with the Schuch family. Since that time, the Schuch family has challenged some of the proposed terms in the agreement and questioned whether the property owner of the parcel to the north of the access has a similar agreement with the City. Per staff's research, the owner of the parcel to the north approached the City back in 2009 asking who owned Luther Avenue. According to an excerpt of the November 7, 2009 City Council minutes, a copy of which was included in the council packet, the property owner was directed to develop the access.
- Per an email in October 2021, the Schuch family indicated that it was more work than it was worth at the time negotiating terms and no further action was taken. The Schuch family reach back out in early April 2022 asking that the matter be revisited.
- City Attorney Chris Kennedy stated it appears that there was a handshake type of agreement with the property owner to the north. He also stated that the Schuch's want language in the agreement to keep others off the property. They would like access due to ease of access and safety.
- Brian Sarff, engineer with Bolton and Menk, stated there is a parcel north of the railroad tracks which has a future city use. He also stated that he is not confident that Blue Earth County will want another driveway access in this area.
- Mr. Kennedy stated the city is not obligated to do anything and that the Schuch's can accept the agreement the City originally offered.
- Staff was directed to contact Mr. Johnson and address access with him.

## 3. Certificate of Title – Certificate of Forfeiture (R12.09.13.279.028)

- Administrator Bromeland explained that it was noted on a recent property tax statement received from Blue Earth County that the City of Eagle Lake is listed as the alternate taxpayer and not the primary taxpayer for parcel R12.09.13.279.028. Per a phone call to Blue Earth County, this is Torrens property. Staff was advised to obtain a directive from an examiner of title and referred to contact Kim Literovich, attorney and Blue Earth County Examiner of Titles with Blethen Berens Law Firm.
- Administrator Bromeland also explained that a letter was received from Blue Earth County in June of 2021 advising of two parcels forfeited to the State of Minnesota for nonpayment of property taxes. Both parcels were classified as non-conservation lands located in the City of Eagle Lake. Per MN Statute 282.01, Subdivision 1 (g)(h)(i), Blue Earth County asked the City of Eagle Lake to approve the classification of each parcel and approve sale by public auction or auction to adjacent owners. Another option was for the City to request a sale or conveyance to itself.
- Given the parcels function as a stormwater pond, it was discussed in August of 2021 that the City may wish to consider conveyance of the parcels. A resolution was adopted at that time acknowledging that the



forfeited land would enhance the public service facilities of the City of Eagle Lake by providing ownership of the parcels on which the stormwater pond that it maintained lies. Following that action, paperwork was submitted and recorded, and fees paid. No mention was made at that time about the subject parcel being Torrens property and other steps involved.

- Administrator Bromeland participated in a conference call with special legal counsel Kim Literovich with Blethen Berens Law Firm. Ms. Literovich advised that the most cost-efficient option for the City is to wait until November 2030 and request an Examiner's Directive to have a new Certificate of Title issued in the name of the City of Eagle Lake. She also explained that a primary benefit of Torrens property is the assurance that no one may gain adverse possession rights against the title to the property. Adverse possession is where a non-owner occupies or uses another's property for a length of time and thereby acquires ownership rights. The alternative option is to pursue a Proceeding Subsequent which would include attorney's fees, Examiner of Title fees, court fees, and recording fees. The estimate cost for a Proceeding Subsequent is estimated to run approximately \$3,000.
- Administrator Bromeland explained that the year 2030 comes from the requirement that ten years must pass from the time a parcel was forfeited.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to request an Examiner's Directive to have a new Certificate of Title issued to the City of Eagle Lake in 2030.

#### 4. Outlots F & G in Eagle Lake Parkway Corridor Plat

- Administrator Bromeland explained there are two outlots in the Eagle Lake Parkway Corridor referred to as "Outlot F" and "Outlot G" that are owned by the City of Eagle Lake. The City does not pay taxes on these outlots. Outlot F is located by Uncle Albert's apartments and Outlot G is located by the alley by Allied Overhead Doors.
- Administrator Bromeland stated she contacted the League of MN Cities who stated the City does not need to offer these outlots to the public.
- Brian Sarff with Bolton and Menk stated the City may want to look at the location of the watermain in this area to determine if the City would want an easement on Outlot G.
- Discussion included if the City would like to offer these lots to the adjacent property owners.
- Council Member White moved, seconded by Council Member Rohrich, to authorize staff to look into utility easement needs and to work with adjacent property owners and ask them to cover the cost of conveyance. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

#### 5. Withdrawal of Annexation Request from R43.09.12.400.006

- Administrator Bromeland explained that an annexation request was received from the property owners of parcel R43.09.12.400.006 and presented at the April 4<sup>th</sup> City Council Meeting. The consensus at that meeting was to work on drafting a joint resolution for the annexation of this parcel between Mankato Township and the City of Eagle Lake. The property owner has since submitted notice via email indicating that they are no longer interested in annexing into Eagle Lake at this time and that they wish to remove their request for annexation. It was also explained that this annexation request may come before Council again.
- Brian Sarff with Bolton and Menk stated 800 and 804 Parkway Avenue are in city limits and are the extent of the sewer water project. The next step is to start drafting easements which attorney Chris Kennedy is working on.
- Mr. Sarff also explained that the 2000 project brought sewer up to and across the railroad and that the plan showed the sewer extending back behind the properties and since the sewer is not deep enough, making gravity service potentially impossible and therefore a grinder pump will be needed. An alternate option would be to run a line south on 598<sup>th</sup> to connect to a deeper sanitary sewer line. This would be a much longer distance and more costly.

- With the current plan, there will be a hydrant installed for flushing purposes. Construction is anticipated to begin in 2022, but it was noted that there are supply issues at this time.
  - Administrator Bromeland stated the project will be paid for using reserves and that Shannon Sweeney with David Drown Associates will review the utility rates.
  - Council Member Steinberg moved, seconded by Council Member Rohrich, to formally acknowledge the owners request to withdraw their previous request for annexation of R43.09.12.400.006. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
6. Resolution Election Standard Allowance (American Rescue Plan Act)
- Administrator Bromeland stated that a resolution to elect the standard allowance available under the revenue loss provision of the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act (ARPA) was included in the Council packet. The league of Minnesota Cities (LMC) recommends that cities adopt a resolution to elect the standard allowance of up to \$10 million available under the revenue replace provision of ARPA even if cities have not yet determined how funding will be used. Electing the standard allowance allows for a streamlined reporting process as per a final rule issued by the Department of Treasury on January 6, 2022.
  - Administrator Bromeland stated that City staff have submitted the necessary report to the US Treasury, which was due April 30<sup>th</sup> and required regardless of the resolution to elect the standard allowance. The specific use of funds does not yet need to be determined. To date, no ARPA funds have been spent. The first half of the ARPA allocation was received in 2021 and the second half will be received in the summer or fall of 2022. The use of water funds for ARPA does qualify for the standard allowance.
  - Council Member Rohrich moved, seconded by Council Member White, to adopt Resolution 2022-23 To Elect the Standard Allowance Available Under the Revenue Loss Provision of the Coronavirus Local Fiscal Recovery Fund. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
7. Return Unused Forgivable Child Care Loan Program Funds to Blue Earth County
- Administrator Bromeland explained that in July of 2019, Little Sprouts was approved for a Blue Earth County Childcare Forgivable Loan in the amount of \$19,142.62 for the purchase of play equipment and supplies. To date, there have been three draws totaling \$3,876.89. A request was made by Little Sprouts to utilize the remaining funds for rent and wages. Per an inquiry with Blue Earth County, the loan funds can only be used for items for which the application for funding was submitted and approved. An email was received on April 6<sup>th</sup> from Little Sprouts advising that they do not plan to use any additional funds. The next step in the process is for the City to return the unused funds to Blue Earth County so that the interest payments can be recalculated for the rest of the term and an new amortization schedule put together.
  - Administrator Bromeland also explained that in 2018 Blue Earth County created the Childcare Forgivable Loan Program to serve as funds to expand or improve the availability of childcare in small cities and townships across Blue Earth County. Three of Eagle Lake’s childcare providers submitted applications for funding. The Eagle Lake Economic Development Authority (EDA) reviewed the original application for forgivable loan funds from Little Sprouts and ultimately recommended approval to the City Council in 2019. The City accepted the EDA’s recommendation and approved the application which next was presented to the Blue Earth County Commissioners and approved in July 2019.
  - Council Member Steinberg moved, seconded by Council Member White, to staff to return unused funds of the Little Sprouts Forgivable Childcare Loan. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
8. Pricing Obtained to Remove and Replace 7 Ash Trees at Lake Eagle Park
- Administrator Bromeland stated that Melchior’s Tree Service has provided pricing in the amount of \$7,084.93 to remove and replace seven ash trees. New trees will be purchased from Traverse des Sioux Garden Center in St. Peter. The City of Eagle Lake received a matching grant from the Minnesota

Department of Natural Resources Preparing for Emerald Ash Borer Grant Program to begin removing and replacing ash trees on public property in the amount of \$10,500. The City of Eagle Lake will contribute \$3000 as part of the city's share.

- Eagle Lake's Community Forestry Member, Rachel James, will assist with the planting of the new trees. The new trees will be a variety of St. Croix Elm, Hackberry, Autumn Brilliance Serviceberry, and Espresso Kentucky Coffee Tree.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to authorize the removal and replacement of 7 ash trees in the amount of \$7,080.93. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

9. Hiring of Part-Time Seasonal Public Works Worker

- Administrator Bromeland stated that an interview was held with Lawrence Kuster for the position of Seasonal Public Works Worker. The hiring committee consisted of Public Works Director Brian Goettl and herself. Mr. Kuster most recently served as a seasonal public works worker helping this past fall with the leaf collection effort. The hiring committee recommended that Lawrence Kuster be hired as a Seasonal Public Works Worker to help with mowing and weed trimming in public spaces during the months of May – September. The primary duties of this position are to mow and use the weed eater and to fill in as needed. The hourly rate of pay for this position is \$12.22 and will increase to \$12.46, effective July 1<sup>st</sup>. With the addition of Mr. Kuster, the Public Works Department roster will include the Public Works Director, Public Works Supervisor, Part-Time Public Works Worker and two Seasonal Public Works Workers.
- Council Member White moved, seconded by Council Member Rohrich, to authorize the hiring of Lawrence Kuster as a seasonal public works worker, with a starting pay rate of \$12.22 per hour. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

10. Street Sweeping Estimate

- Administrator Bromeland explained that Loken's Asphalt Maintenance, Inc. submitted an estimate in the amount of \$4,095 for street sweeping services. As a comparison, last year's estimate was in the amount of \$3,705 with the actual cost being \$2,775. Street sweeping was completed in house in 2020, and in 2019 Loken was hired at a cost of \$2,945 to perform street sweeping. Public Work's Director Brian Goettl recommends that the estimate be approved and that street sweeping work be scheduled.
- Council Member White moved, seconded by Council Member Steinberg to approve Loken's estimate for street sweeping. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

11. Baseball Field Repair

- Administrator Bromeland explained she recently attended a meeting with reps from Mankato Area Public Schools (MAPS), Mankato Area Youth Baseball Association (MAYBA), and the City of Eagle Lake. The purpose of the meeting was to discuss the outfield at the baseball field and the needed repairs. MAYBA noticed a safety hazard when assessing the ballfield prior to a game on April 11<sup>th</sup>. The City was notified of the safety hazard, assessed the field, and then installed temporary green fence around the area deemed unsafe for players. It was agreed upon at the meeting with MAPS and MAYBA that the City would reach out to a local contractor and obtain pricing for pulverized black dirt to level the outfield. Grass seed will be planted. The fence will be left up until the grass is established. The consensus of all at the meeting is that the ballfield can be playable as long as black dirt is brought in to level the outfield and the green fence is left up until grass is established.
- J.R. Bruender Construction has submitted an estimate for the pulverized black dirt at a cost of \$640 per load and Public Works Director Brian Goettl estimates that 3-4 loads will be needed. Mr. Goettl also stated that the Public Works department would lay the black dirt on a Friday and that MAYBA would level and rake it on Saturday. He also stated this is a temporary fix and that a large area of the field needs to be redone in

2023 or 2024. It was confirmed by Mr. Goettl that the tile in this area is working correctly and that grass seed will need to be purchased.

- Council Member White moved, seconded by Council Member Rohrich, to authorize the repairs to the ballfield in an amount not to exceed \$3,000. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

12. Community Service Opportunity Request from Resident

- Administrator Bromeland explained that Police Chief John Kopp was recently contacted by a resident asking about community service opportunities as the individual has court ordered community service hours to complete. According to Chief Kopp, the individual is willing to pick up garbage in the parks, paint the ice rink, and detail vehicles.
- Chief John Kopp stated there will need to be a staff person for this individual to check in with and that a waiver would need to be signed.
- Council discussion included a desire to work with this individual. Other items brainstormed included pick up ditches and creek beds within city limits.
- Public Works Director Brian Goettl stated he is looking at having the ice rink professionally painted.
- Council directed staff to work with legal counsel on a waiver for the individual to pick up garbage in the parks and on public property.

13. Lights On! Program

- Chief Kopp explained he recently attended the Annual Chief of Police Conference and learned about a program that is designed to turn traffic stops into an opportunity to create positive and restorative interactions. Lights On! is a program that replaces tickets with repair vouchers for things such as headlight or brake lights being out or broken. He stated there is no cost to the City to participate in this program. People stopped under this program would be given a \$250 voucher to a local automobile service station who would then submit for reimbursement to the appropriate party. Any cost above the voucher amount would be that person's responsibility.
- Chief Kopp stated this is an opportunity to bring back community policing and that if approved he would contact a local service station to ask for their participation.
- Council Member Steinberg moved, seconded by Council Member Rohrich, authorizing participation in the Lights On! Program. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

14. Hiring of Part-Time Police Officer

- Administrator Bromeland stated an application was received for the position of part-time police officer from Tyler Wallert and an interview was completed. The hiring committee, consisted of Jess Steinke with Minnesota Valley Council of Governments, Police Chief John Kopp and herself. They recommend that Tyler Wallert be hired as a part-time police officer who will be POST eligible this summer. A conditional offer of employment was extended to Tyler Wallert, subject to approval of the City Council and becoming POST licensed, passing the background check, and demonstrating the ability to meet the department's physical and psychological standards. The current starting rate of pay for a part-time officer is \$19.08. On July 1<sup>st</sup>, the rate of pay will increase to \$19.46 per hour.
- Council Member Rohrich moved, seconded by Council Member White, to hire Tyler Wallert at a part-time police officer. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

15. Eagle Avenue Storm Sewer

- Public Works Director Brian Goettl explained that the storm sewer outlet on Eagle Avenue was plugged and that the runoff goes into the wetlands. He spoke with J.R. Bruender Construction who stated this outlet

was not constructed correctly. They would be able to pull out the rip rap and sediment and install the appropriate materials. A quote in the amount of \$3,950 has been received from J.R. Bruender Construction.

- Council Member White moved, seconded by Council Member Rohrich, to accept the quote from J.R. Bruender Construction to repair the storm sewer outlet on Eagle Avenue. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

## **OTHER**

### 1. All Seasons Arena – Recap of Recent Board Meeting

- Administrator Bromeland stated discussion took place at the April 29<sup>th</sup> All Seasons Board of Directors meeting regarding a review of All Seasons Arena (ASA) facility recommendations as it relates to needed capital improvements for the continued viability of the rink. A condensed summary of needed improvements and background will be forthcoming from the City of Mankato, but for the time being, an excerpt from the April 29<sup>th</sup> ASA board meeting materials was included in the council packet to illustrate the potential financial impact to member jurisdictions such as Eagle Lake. A deeper analysis will be completed by ASDA staff and consultants and more detailed information will follow.
- For purposes of background, Administrator Bromeland explained that in May of 2019 the City of Eagle Lake was approached about becoming a member of the ASA Joint Powers Board. An agreement was entered in June of 2019 and then in July of 2021, the City of Eagle Lake was asked to renew the agreement due to changes with the agreement. The current expiration of the agreement is December 2023.
- Council Member White stated there is a definite need for a facility upgrade and that it is his understanding that the City was previously told they would not be on the hook for expenses. He also stated that he does not understand what the City's 4.7% entails. He feels the City needs to look more closely at the contract language. He also stated that the City's contract ends in 2023 and construction on the facility upgrades is estimated to begin in 2024.
- Council discussion included the desire to find out if there is a way to continue with ASA for operational support but not the facility upgrades, if there are any benefits for the City to be a member of the ASA Joint Powers Agreement, and that other communities use the rink but don't pay anything and if the City can justify to residents why we spend money on this.
- Council directed staff to contact legal counsel to determine the best way to proceed, if the city can resign or withdraw from the contact now.

## **CITY ADMINISTRATOR REPORT**

### 1. MS4 Update

- Public Works Director and Administrator Bromeland continue to work with ISG on MS4 program management. Draft ordinance language to meet minimum control measures will be presented at the June 6<sup>th</sup> City Council meeting for consideration.

### 2. Fox Meadow Development Update

- City staff recently met with the developer of the proposed Fox Meadow development to review layout of the proposed development and utilities and infrastructure. A developer's agreement is in progress. The developer will be completing wetland delineation and working through the EAW process next. Zoning and platting will follow.

### 3. Congressionally Directed Spending Requests Submitted for Water Treatment Plant Project

- Two requests were submitted for funding for the proposed water treatment plant project-one to Senator Amy Klobuchar and the other to Senator Tina Smith.

### 4. Residential Survey Update

- The front office at City Hall has been working diligently to print and fold residential surveys which will go out in the mail shortly. Region 9 is running an ad on Facebook promoting the survey. To date, over 120

survey responses have been submitted using the on-line survey. The survey will be open until the end of May. More than one survey can be completed per household.

5. Fire Department Trucks

- A question came up recently about utilizing public works staff to assist the fire department when delivering or picking up fire trucks that have been sent out of town for service. Sometimes the service can be a couple hours' drive from Eagle Lake each way. The Public Works Department indicated that it's been several years since they've been asked to help with delivering or picking up trucks. The City's insurance (LMCIT) indicated there are no property or casualty or work comp coverage issues so long as it is within the course and scope of employee duties to help deliver to pick up fire vehicles. Departments work together and help each other out when needed. Absent any insurance coverage issues, there does not appear to be any reason why public works staff would not be able to assist the fire department with delivery and pick up of fire trucks sent out for service except for when there is scheduled work and potential disruption to workflow. City staff will communicate to the Fire Chief the need to provide sufficient advance notice to the City Administrator and Public Works Director to avoid unnecessary disruption to planned work activities prior to authorizing Public Works staff to leave city limits for this purpose.

6. Audit Report Presentation Scheduled for June

- The auditors have confirmed that the annual audit report will be presented at the June 6<sup>th</sup> meeting.

**COUNCIL REPORTS**

- Council Member Steinberg stated that a Music on Parkway planning meeting will be scheduled soon.

**ADJOURNMENT**

- Council Member White moved, seconded by Council Member Rohrich, to adjourn the meeting at 8:30 p.m. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
JUNE 6, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Garrett Steinberg, Beth Rohrich, John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, Public Works Director Brian Goettl, Deputy Clerk Kerry Rausch.

**PUBLIC COMMENTS**

- None

**APPROVAL OF THE AGENDA**

- Added under New Business was YMCA-John Kind and LawnPro-Dave Iveland. The public hearing will be first item on the agenda and then move onto presentations.
- Council Member Steinberg moved, seconded by Council Member Rohrich, to approve the agenda as amended. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

**APPROVAL OF MEETING MINUTES**

- Council Member Steinberg moved, seconded by Council Member Rohrich, to approve the May 2, 2022 City Council meeting minutes. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

**CONSENT AGENDA**

- Council Member Whittington moved, seconded by Council Member Steinberg, to approve the consent agenda.
  - Monthly Bills
  - Fire Report
  - Gambling Report
  - Res. 2022-25 Music on Parkway Donations
  - Tator Days Contiguous Area-Legion and Eagle's Nest
  - Tator Days Parade Permits Submitted to Blue Earth County Highway Dept for Approval
  - Res. 2022-26 Guillemette PERA
  - Res. 2022-27 Willette Fire Dept Reserves
  - Treasurer's Report
  - Public Works Report
  - Res. 2022-24 Park Donations
  - Police Report
  - Building & Zoning Permits
- The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

**PUBLIC HEARING**

1. Conditional Use Permit at 107 598<sup>th</sup> Ave
  - Administrator Bromeland explained that a public hearing has been scheduled for this evening to consider conditions for a conditional use permit for 107 598<sup>th</sup> Ave., doing business as Bella's House of Doodles,

LLC. Notices were mailed to all properties within 350 feet of the subject property and a notice was published in the City's legal newspaper. A conditional use permit with conditions was approved on April 5, 2021 for 107 598<sup>th</sup> Avenue for a commercial facility in a B-1 district to be used for indoor dog kennels, dog breeding, and veterinarian services with temporary sleeping quarters. Included in the application for conditional use permit was a business plan. Since the conditional use permit was approved, the scope of the business has expanded, which has prompted a review of conditions for the conditional use permit to determine if additional reasonable conditions are appropriate. Once approved, a conditional use permit is a property right that runs with the land. It attaches to and benefits the land and is not limited to a particular landowner. If a property is sold, the new landowner will have the same continued right to the conditional use permit so long as conditions are met. A city can revoke a conditional use permit if there is not substantial compliance with conditions.

- Administrator Bromeland presented suggested conditions which include:
  - General Conditions:
    - Property may be used to operate a business that breeds and raises Doodles, in addition the property may be used to train, groom, care for dogs of all breeds, including the provision of a doggie day care facility.
    - That the property shall consist of a main building and a secondary building. The main building shall be used for the sheltering of all animals. The secondary building shall be used for storage and as an ancillary use to the main building.
    - All buildings will be well maintained and any building in which animals may use shall be maintained in a manner that provides for the humanitarian care of those animals.
    - Any expansion of the facilities including adding on to the square footage of any business will require a review of the conditional use permit, and the City at its discretion may require modifications or a public hearing.
    - The conditional use may be amended at any time at the pleasure of the City Council through the proper public hearing process as provided for under City Code.
  - Bella's House of Doodles:
    - A. That Bella's House of Doodles shall maintain the dogs in a manner that is humane, this includes but is not limited to providing adequate food, water and shelter, in addition the facility must provide an appropriate amount of space for each animal to move about; the property will also be well ventilated.
    - B. That the maximum number of animals that may be boarded at the facility at any given time is forty (40), this shall include animals that are owned by owners, officers, or employees of the business.
    - C. That the business shall have sufficient kennels for the animals so that they are able to freely move around and no kennel shall have more than two adult dogs, each kennel will be a minimum of 5 feet by 10 feet and any kennel in which two animals are kept will be a minimum of 7 feet by 14 feet.
    - D. The property may also contain puppies (animals that are less than ninety (90) days old). But only the number of puppies in which there is proper care.
    - E. That the property will be maintained in a manner that mitigates the sound of barking from neighboring properties.
    - F. All animals will be housed indoors from 9:00 p.m. to 7:00 a.m., and the buildings must be constructed with walls that keep the sound in.
    - G. All animals will be kept on the property of the facility. The business will ensure that all employees and customers are aware of the property limits and will take action to ensure that no person or animal strays onto an adjoining property.



- H. That a fence will be constructed and maintained around the perimeter of the property.
  - I. All waste products shall be removed from the property on a weekly basis.
  - J. That all fecal waste and food waste will be stored and sealed in odor proof containers.
  - K. All food products will be stored in rodent proof containers.
  - L. The premises may include sleeping quarters for an employee, but no employee shall live on the premises, stay there for more than 7 consecutive nights or more than fifteen total nights in a month.
- City Attorney Chris Kennedy explained that the above are staff recommendations and that Council can make changes to these. He also stated that the CUP is for the land and not the buildings, Council could address the buildings in the CUP, but he does not advise it.
  - The public hearing was opened in which Angela DeMartini indicated that the proposed conditions are acceptable to her for her business and stated that no aspect of the business has changed. The public hearing was closed with no other comments being offered.
  - Council discussion included the maximum number of animals, with the concern for the number of breeding dogs on site at a given time. Angela DeMartini stated the maximum number of breeding dogs would be 7 or 8 and that this could fluctuate due to the whelping and weening periods.
  - Administrator Bromeland pointed out the fence provision in the suggested CUP language, with Rick DeMartini stating he was not planning to install a fence, that the run areas are fenced in and have privacy curtains. The parcel has an utility easement making it difficult to install a fence. All doors in which animals enter and exit are fenced in with the exception of the primary entrance.
  - Administrator Bromeland suggested Council consider replacing item H in the proposed CUP with item 8 in the original CUP which stated, the entire business must be enclosed with the exception of limited use to walk or train the dogs in an outdoor fenced in area. Fence must be routinely inspected and properly maintained.
  - Also discussed was soil run off into the ditch. Mr. DeMartini stated this will be put back to the original condition and will be graded and seeded. Parking concerns were addressed with the DeMartini's stating there will always be two open parking spaces for customer use.
  - Council Member Steinberg moved, seconded by Council Member Rohrich, to approve the conditions in the proposed CUP with the only modification being to replace condition H with the condition number 8 from the original CUP regarding fencing. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
  - Jim Johnson, an adjacent property owner, inquired about the grading of his property along 598<sup>th</sup> Ave. with the water main looping project, stating that it was not leveled correctly and is not draining properly. Council stated this would be looked into.

## **PRESENTATIONS**

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

- Bradley Van Deise presented the audit findings and stated the City received a clean audit opinion. Audit findings found that on the date of December 31, 2022 there were insufficient funds collateralized. For audit purposes they only look at one day. Administrator Bromeland stated a corrective action plan was immediately implemented in which bank balances are checked and logged into a spreadsheet. It was also explained that banks generally watch this and contact the city when more collateralization is needed. This instance was related directly to end of the year receipts.
- Cash and investments balances saw no drastic change. The general funds revenues were higher than budgeted as were expenditures, with an overall slight increase in fund balance. The unassigned fund balance is similar to past years. The water fund experienced in profit in 2021 and the sanitary sewer fund held steady.

- Two funds realized a deficit in 2021. These are related to the CSAH 27 project and the deficit is due to the anticipated general fund and sewer fund transfers needing to be made. Administrator Bromeland explained that in talking with Shannon Sweeney, he indicated cities can handle these transfers in two ways, one at the end of the project so that actual needed amounts are known or during the project itself. If done before the project is completed, the City could return unused funds back to the accounts they were transferred from. Administrator Bromeland stated she and the auditor are comfortable making these transfers now.

## 2. Julie Blackburn with ISG: Annual MS4 Presentation

- Julie Blackburn explained that MS4 stands for Municipal Separate Storm Sewer System and that Eagle Lake is included in Mankato's urban district area and is required to follow the MS4 requirements. There are proposed changes to the rural "hop" distance which may affect Eagle Lake if implemented.
- This meeting is part of the annual requirement of the MS4 permit and provides an opportunity for interested residents to learn about the City's efforts to address the 6 minimum control measures and for the City to receive comments from the public on the stormwater program.
- According to the EPA stormwater, the rain or snowmelt that flows over land and does not infiltrate, is the leading cause of water pollution. Stormwater carries all that it picks up as it flows across surfaces and enters the surface water, such as ponds, lakes and streams.
- The 6 minimum controls (MCM) are: public participation, public involvement, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction stormwater management, and pollution prevention and good housekeeping for municipal operations.
- Beginning in September 2022 the City will be required to log all comments receive relating to storm water and how they are addressed.
- This year the Eagle Lake Area Lions Club will participate in the public involvement aspect of the program by stenciling storm drains. The City will purchase the stencils and other needed materials.
- The new MS4 requirements will require ordinances to be updated and appropriate staff will need to be trained.
- A spreadsheet has been created to serve as a checklist for the City to ensure that all requirements of this program are met.
- The City's MS4 permit coverage was authorized September 24, 2021 and the City has 12 months to plan and adopt the measures that ensure compliance with the expanded requirements. Ordinance updates provide the starting point for much of the remaining items to be updated, such as procedures and documentation. Ms. Blackburn indicated she feels confident the City can meet these requirements.
- Discussion included that there is no funding to offset the costs associated with these requirements other than the City's stormwater fee on the utility bills. The city should look at any private stormwater ponds and obtain a perpetual easement.
- Council Member Rohrich moved, seconded by Council Member Whittington, to schedule a public hearing for ordinance changes for the July 11<sup>th</sup> meeting. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

## 3. Brian Sarff with Bolton and Menk: Project Updates for Sewer and Water Extension and WTP

- Brian Sarff stated that the water and sewer extension will only include the Ragan properties and not the Barnes property. Easements for the two parcels have been drafted by legal counsel. Bids will be reviewed at the July City Council meeting with construction anticipated to take place this fall.
- The preliminary cost estimate was \$80,000 and it is anticipated that costs may come in higher than this with recent trends.
- Administrator Bromeland stated she has contacted Shannon Sweeney who will be completing an updated rate analysis to ensure sufficient cash reserves to cover project costs.
- The property owners will be responsible for connecting their service to the City's main.

- Mr. Sarff explained that he and staff met with Mr. and Mrs. Hiniker in March and a purchase agreement has been drafted for the parcel being sought. The Hinikers have expressed interest in working with the City. Administrator Bromeland has championed two Senators to appropriate funds. The next step would be to draft a concept plan and to identify challenges. The next PFA deadline is March 2023.
  - Administrator Bromeland expressed concerns with completing too much work on this project until funding is identified. The cost for a generic water plan and to determine if City goals will be met is approximately \$10,000. Any expenses incurred prior to funding being allocated can not be reimbursed to the city.
  - Mr. Sarff stated this is not an emergency situation and that the process could be slowed down. There could be a 4-month delay in funding with the special session at the state level.
  - Administrator Bromeland suggested that the next step could be to put together costs for council consideration and review.
4. John Jensen, Director of Economic Development with MetroNet: Letter Agreement
- Administrator Bromeland stated that Mr. Jensen will be available by phone if Council has any questions.
  - Administrator Bromeland provided background stating that a letter agreement with MetroNet for fiber to premises network for voice, video, and internet services was approved on March 1, 2021. An ordinance granting and awarding a non-exclusive cable service franchise with MetroNet was adopted by City Council on September 13, 2021. The ordinance was signed by the City of Eagle Lake and sent to MetroNet but never returned fully executed. Per an inquiry to MetroNet as to the status of the execution of the ordinance, MetroNet advised that they are no longer able to offer video, just voice and internet, due to the transition to streaming and it being cost prohibitive. Currently there are no franchise fees for fiber in place, just video.
  - The letter from MetroNet will be sent to legal counsel for review and brought back to the July Council meeting.
5. John Kind: YMCA Member Survey
- John Kind stated the YMCA is considering a new facility on the east side of Mankato and are considering the Shopko building as a location. The YMCA is looking to determine how this would affect their membership numbers. A survey has been developed and Mr. Kind asked if the survey could be included in a City newsletter to help gather information.
  - Discussion included if it could also be included on the City's website.
  - Council Member Steinberg moved, seconded by Council Member Rohrich, to include the YMCA's survey in a City newsletter and on the city's website. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
6. David Iveland: LawnPro
- Mr. Iveland stated he has been working with EAB since 2009 and that his goal is to sell services. He stated it is important for the City to implement an EAB plan. He explained that one beetle can lay 80 eggs and if they all survive, the new batch could lay 80 eggs each. He stated that options for the City and residents are to either treat the trees or remove them. He is able to treat trees if residents are interested.
  - Administrator Bromeland stated there will be an EAB plan presented to Council at the July meeting.

## **NEW BUSINESS**

1. Fund Transfer for CSAH 27 (Agency Street Project)
  - This was addressed under Presentations.
2. Schedule Public Hearing to Consider Adoption of Amended Ordinances
  - This was addressed under Presentations.
3. Mankato Motorsports Park Project
  - City Attorney Chris Kennedy stated that the Council needs to make findings of facts related to the EAW and that a public hearing is not required, but recommended Council hold one since they have stated there

would be a public hearing. There is nothing in the appellate court record stating the process should start over. He recommended that the developer and their engineers should be present to answer questions and stand up to their findings. He also stated it is his opinion that LeRay Township would be open to working with the City in relation to the annexation agreement and that he would not recommend the city bringing in the Steffensmeier parcel if the motorsports park does not develop.

- Council Member Whittington moved, seconded by Council Member Steinberg, to schedule a special meeting and public hearing for Tuesday, June 28th at 6:00 p.m. to address the EAW and motorsports development. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
4. American Legion Request for Special Event Contiguous Area Permit and Request to Waive Fee
- Administrator Bromeland explained that the City has received an Application and Permit for a 1-4 day Temporary On-Sale License from the Eagle Lake American Legion to sell liquor in a contiguous area on Saturday, August 13, 2022. The Eagle Lake American Legion is requesting that the City's fee (\$100) be waived due to the event being a fundraiser to help support local Disabled American Veterans (DAV).
  - Council Member Whittington moved, seconded by Council Member Rohrich, to approve the special event contiguous area permit and to waive the \$100 fee due to this event being a fundraiser for disabled veterans. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
5. Medora Air Mixing Unit for Lift Station
- Public Works Director Brian Goettl requested authorization to spend \$3,795 on a Medora Air Mixing Unit, stating the purpose of this expenditure is to address an issue with grease build up on the sides of sewer infrastructure. The purchase of a mixing unit was recommended by Minnesota Pump Works, who performs lift station maintenance on the City's lift station, to help mix up sewage and prevent buildup while also reducing the amount of degreaser that is needed. It is estimated that the annual cost for degreaser to address this issue will cost more than the initial cost of the unit.
  - He also explained that the grease building up is occurring in the Owl Lane lift station and that the cause is food going down drains. He would like to look at the neighborhood that may be causing the issue and educate residents.
  - Council discussion included that this is not a budgeted purchase and that the cost would come out the sewer reserves.
  - Council Member Steinberg moved, seconded by Council Member Whittington, authoring the purchase of a Medora Air Mixing Unit. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
6. 211<sup>th</sup> Avenue/Minimum Maintenance Road
- Mr. Goettl stated some work was done on the minimum maintenance last year, but other than that and a culvert being installed, maintenance has not been done in approximately 30 years. He requested pricing to lay rock, but DMI provided pricing in the amount of \$20,547 for recycled bituminous and shaping of the roadway.
  - Discussion included that this improvement may generate more road traffic. The road will only be widened slightly and would still be closed in the winter and until road restrictions are lifted in the spring.
  - Council Member Steinberg moved, seconded by Council Member Whittington, to authorize the road improvements to the minimum maintenance road as quoted by DMI. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.
7. Painting Park Bathrooms
- Mr. Goettl stated he contacted four companies with only Bellissimo being able to provide painting services at a quoted price of \$1,500. They would scrape and paint the walls, ceilings and wooden stall doors. Work could be completed this fall or possibly next spring.

- Council Member Steinberg moved, seconded by Council Member Rohrich. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

8. Painting of Outdoor Rink

- Mr. Goettl stated a quote in the amount of \$3,200 has been received by Bellissimo to pressure wash, prime and paint the wood surfaces of the hockey rink. If the work is not able to be completed until the spring the current quoted price will be honored.
- Discussion included this work would be done in the fall, after the 3 on 3 events have ended. The painting of the stripes on the concrete is done by another company.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to authorize contracting with Bellissimo to paint the hockey rink in for a price of \$3,200.

9. Hydro Seeding for Eagle Heights Park

- Mr. Goettl received a bid from Evergreen Companies, in the amount of \$2,075, to complete prep work, bring in 2 yards of black dirt for leveling and grading purposes, hydroseeding, and cleanup of wood chips at the new playground at Eagle Heights Park. This work is part of the Parks Project and needs to be finished.
- Evergreen would provide these services when they are in town doing other work.
- Administrator Bromeland stated a resident has asked about trees being installed in Eagle Heights Park. Staff indicated they could purchase trees from Drummers.
- Discussion included the grading at Eagle Heights Park in that the sidewalk dips and floods at times. This will be corrected with the building up of black dirt.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to authorize the work quoted by Evergreen Companies in the amount of \$2,075. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

10. Status of Needed Ballfield Improvement

- Mr. Goettl explained that at the last meeting council approved the purchase of up to \$3,000 of dirt (6 loads) to correct issues in the ballfield. This was not enough dirt and it is estimated that an additional 15 loads will be needed to correct issue which is estimated to cost \$7,500.
- Discussion included looking at fixing the field correctly, obtaining input from MAYBA and funding sources for this work. This work is unbudgeted for the current year, so funding source would need to be determined.
- Administrator Bromeland stated the MN Twins have a grant opportunity to improve ballfields.
- Council directed staff to contact Bolton and Menk and to explore the Twins grant.
- Staff and/or MAYBA will seed the area where dirt has been laid.

**OTHER**

1. Right of Way Concerns by Public Works Department

- Administrator Bromeland explained that the Public Works Department has recently expressed concern with basketball hoops being placed in the City's right of way and lines painted on pavement in some cul-de-sacs around Eagle Lake.
- Mr. Goettl stated this has been going on for a while and expressed concern for snowplowing and leaf vac services. He also stated these hoops are in the right of way and expressed child safety concerns.
- Administrator stated she would like Council direction on this issue since it has been occurring for a while.
- Council discussion included if there are permanent or portable hoops. Most are portable except for one or two. Council expressed the desire to be flexible in that the portable hoops should be moved in the fall and that the permanent hoops should be removed and that residents should be educated on this issue. Council directed staff to research this issue more.

2. Feedback Request from Blue Earth County on UFD Ordinance Update
  - Administrator Bromeland explained that she received an email from Blue Earth County which stated they have prepared a draft update to the Urban Fringe District (UFD) Ordinance and that they are soliciting jurisdictional feedback from Eagle Lake who is included in this district.
  - Administrator Bromeland asked Council to review the draft UFD and provide feedback to her by the July Council meeting.
3. Membership Survey Request from YMCA
  - This was addressed under Presentations.
4. Schedule Work Session to Review Police Department Staffing Needs
  - The personnel committee, Mayor Auringer and Council Member Steinberg, met with Police Chief John Kopp and Administrator Bromeland to discuss police department coverage and staffing needs. The possibility of hiring a 4<sup>th</sup> full-time officer to address coverage and staffing needs was discussed.
  - A Council work session was scheduled for June 20<sup>th</sup> at 7:00 p.m. to discuss this issue.
5. CSAH 27 (Agency Street) Reconstruction Project Newsletter
  - Mr. Sarff stated a newsletter to the residents has been mailed regarding seeding and paving. Paving has been pushed back to Thursday of this week. The paving will not result in any detours.

## **CITY ADMINISTRATOR REPORT**

1. SMIF Bus Tour in Eagle Lake
  - The SMIF Bus Tour will stop in Eagle Lake on July 21<sup>st</sup> from 9:15 to 10:00 a.m. at City Hall. Coffee and light refreshments will be served. There will be approximately 40 people that will be getting off the bus to learn more about our community, its accomplishments and challenges. Council was encouraged to mark this date and time on their calendars and to attend if available. The EDA will also be invited to attend.
2. Congressionally Directed Spending Request Confirmation Notification
  - Two congressionally directed spending requests were submitted, one to U.S. Senator Klobuchar and another to U.S. Senator Smith, for funding of the proposed water treatment plant project. Notice was received from Senator Smith's office that the request has been put forward and is being reviewed by the Appropriations Committee. Updates will be provided as information becomes available. A proposal was submitted to both MDH and PFA for placement on the drinking water revolving loan fund project priority list. In addition, a request for an appropriation was sent to local legislators asking for planning and design work for a new water treatment plan. An option to purchase land needed for a new water treatment plant was drafted and sent to the owners of the parcel identified as a feasible location. City staff has requested an updated water and sewer rate analysis to ensure sufficient funding for the proposed sewer and water extension project as well as requested a review of financing options for a new SCADA system and water tower rehab project. Discussion should ensue in the future about the use of ARPA funding and needed water infrastructure improvements.
3. 2023 Budget Timeline
  - Departmental budget worksheets will be distributed later this month. The preliminary levy will be adopted in September. A report will be sent out with expenditures and revenues and we will work to implement a schedule involving quarterly reviews by elected officials.
4. Outdoor Warning Sirens and Information from Blue Earth County
  - Following a severe weather event in May, City staff fielded some questions from elected officials about outdoor warning sirens and who determines when they are used. Per an inquiry to the Blue Earth County's Sheriff's Office, there is no statewide policy. It is a county decision on when the sirens are used. It is staff's understanding that the outdoor warning sirens are used when there is a tornado warning that goes into effect by the National Weather Service or if a trained spotter identifies a tornado on the ground. At the present time, anytime a tornado warning is in effect, all the sirens sound. As far as siren coverage, that is the

responsibility of each city and are owned by the City. An option the city may wish to explore is contacting a sire company to review current location of sirens and put together a coverage map showing areas covered by the existing sirens and identify any gaps that should be addressed as Eagle Lake grows. Sirens are intended as outdoor warning systems only. A weather radio is an option for those that would like an indoor warning system.

## **COUNCIL REPORTS**

- Mayor Auringer summarized there will be Council Work Session on June 20<sup>th</sup> at 7:00 p.m. to discuss the police department coverage and staffing needs and a Special City Council meeting on June 28<sup>th</sup> at 6:00 p.m. relating to the motorsports park.
- Police Chief John Kopp asked to provide Council with an update on the mobile home park. He and building inspector Dan Murphy went through the park and found more mobile homes that need to be removed. Do not occupy tags were placed on these units. He is working with Regency Park management on this issue. Some of these units are not boarded up, causing safety concerns. Chief Kopp explained concerns to management and the maintenance worker and what needs to be done. The Park will be responsible taking care of tall grass.
- Mayor Auringer stated he would like to have the grass ordinance reviewed and possibly changed to allow for taller grass before notices are sent.
- Mayor Auringer stated he has signs from Uncle Albert's Café and asked if one could be displayed at City Hall. He will bring one in for Council to look at to determine if this would be acceptable.

## **ADJOURNMENT**

- Council Member Rohrich moved, seconded by Council Member Whittington, to adjourn the meeting at 9:22 p.m. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL SPECIAL MEETING  
JUNE 21, 2022**

**CALL TO ORDER**

- Mayor Auringer 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 Deputy Clerk Kerry Rausch.

**NEW BUSINESS**

1. Work Session to Review Police Department Staffing Needs

- Administrator Bromeland explained that due to ongoing challenges with retaining part-time officers, the schedule for police officer coverage is predominantly filled by full-time officers. This can be problematic in that full-time officers need to be able to take time off and often there is no other option for coverage other than to put an officer on call while another officer is out using vacation or sick leave which can result in inconsistent coverage. The current roster comprises of the chief of police, two full-time officers, and two part-time officers. At the present time, both part-time officers are in the process of completing the training necessary to be able to work independently.
- Administrator Bromeland also explained that Chief Koh Kopp was tasked with compiling and analyzing call data to determine peak call times and to help determine appropriate hours of coverage. Under the current schedule, there is on average 21 hours of coverage on most days except those in which an officer is on-call. Weekend day shifts are typically covered by an on-call officer due to lack of staff available to cover the shifts. With the addition of a 4<sup>th</sup> full-time officer, the overall daily hours of coverage would remain relatively the same with some overlap to ensure that full-time officers work the number of hours required each pay period to be benefit eligible. A key difference would be that weekend day shirts would be covered by an on-duty officer. Part-time officers would be eliminated under this scenario.
- Based on current costs, the estimated cost for a 4<sup>th</sup> full-time officer would be approximately \$85,000. This figure includes wages and benefits.
- Chief John Kopp presented the pros and cons to hiring a 4<sup>th</sup> full-time officer. Some of the benefits to hiring an additional full-time officer include less turnover, a more stable schedule, decreased on-boarding costs, the community will better know the officers, and full-time officers are more invested in the community. Draw backs would include increased benefit costs, harder to keep part-time staff, and lower annual training costs.
- Chief Kopp presented the following data for the time period of March 2021 through March 2022: call outs (officers called in while on on-call status), traffic stops by time of day, directed patrol by time of day, and police calls by time of day.
- Chief Kopp then presented five scheduling strategies which included the current schedule with three full-time officers, 3 officers with 10-hour shifts (two scenarios), 3 officers with 9-hour shifts, and a schedule with 4 full-time officers. Also presented were the pros and cons for each schedule.
- Administrator Bromeland stated that with bear bone staffing, the police department could easily find themselves down to one available officer while another officer is on vacation. She also explained that Eagle



Lake is a growing community, close to Mankato, and sees a lot of activity and that sometimes the City may be much with low staffing levels.

- Administrator Bromeland and Chief Kopp explained they have met with Blue Earth County Captain Paul Barta to learn if the county could assist in providing coverage, what that would look like and the anticipated cost of this service. It was explained that Blue Earth County is short staffed as well and that some officers are pulled from patrol to help cover the jail. This would make it difficult to predict call response time in Eagle Lake.
- Council discussion included staffing levels of other communities, which Administrator Bromeland presented, then number of shifts scheduled as on-call coverage only in June, the majority of council members indicated the desire to try to make the hiring of a 4<sup>th</sup> full-time officer work, while needing to be mindful of budgetary constraints.
- Mayor Auringer stated that all departments will need to look at ways to trim their budgets to make this hiring happen and that he is sure there is unnecessary spending that could be identified. Council Member Rohrich cautioned that asking other departments to cut back could send the message that the Council wants staff to continue current work, or more, with less resources and that all departments and staff members need to know they are appreciated.
- Council consensus was to determine during the 2023 budget process if there is a way to make hiring a 4<sup>th</sup> full-time police officer possible.

#### **ADJOURN**

- Council Member Steinberg moved, seconded by Council Member White, to adjourn the meeting at 7:21 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE**  
**CITY COUNCIL SPECIAL MEETING**  
**JUNE 28, 2022**

**CALL TO ORDER**

- Mayor Auringer 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 Deputy Clerk Kerry Rausch.

**NEW BUSINESS**

1. Presentation of Supplemental EAW for Mankato Motorsports Park Project by Bradford Development

- Mayor Auringer explained the purpose of this meeting is to review the supplemental EAW that was received from Bradford Development for the Mankato Motorsports Park project. Mr. Brad Bass is presented to answer questions. He also stated that this meeting is not a public hearing and that if members of the audience have questions, they should limit them to those relating directly to the supplemental EAW. It will be the Council's job to make a determination of the next step.
- Brad Bass, 4336 Linder Bay Lane, Madison Lake, stated that Bolton and Menk have compiled a response to the appeal and put together a report. The Kopachek property has been included as a component of the project.
- Jason Femrite with Bolton and Menk presented finding for the supplemental EAW. He stated the area around the buildings and track will be turf grass, with the remainder of land within road course will be short grass, native grasses and forbs, the area between the noise barriers and tree line along Eagle Lake will be tall prairie grass. He also stated that Eagle Lake is a MN DNR wildlife lake with no control of the outlet structure. The lake drawdown is not utilized as an active management tool at Lake Eagle. The 2022 Noise Analysis included five additional receptors concentrating on the shores of Eagle Lake and in the middle of the lake. Greenhouse Gas (GHG) levels for Highway 14 for one mile is 9.51 tons of CO2 per day, the road course will increase CO2 by 0.03 tons per day. There are no Minnesota or National Ambient Air Quality Standards for GHGs. The use of native grasses and plants within the site will facilitate carbon uptake.
- Mr. Femrite also presented information relating to the filing with the Court of Appeals on the following topics:
  - A. The City lacks substantial evidence to support its determination that the project has no potential to significantly affect wildlife as a whole, the record contains no evidence about the project's effect on wildlife because there was no attempt to identify, survey, or catalog the wildlife in the project area. The response addressed in the supplemental EAW can be found on pages 12-18. A summary of these responses include the MN DNR Eagle Lake Survey data from 1953-2011 have been provided and are discussed with the 2022 noise analysis. USFWS Information for Planning and Consultation (IPac) has been included. The Bald Eagle is present January through mid-April and Lesser Yellowlegs present mid-March and October. The park is open seasonally, April – October.
  - B. DNR commented that Eagle Lake's value as a "designated wildlife lake" in fact "would be damaged by the proposed project, which would generate noise, heavy vehicular traffic, automobile exhaust fumes, and the creation ...of turf lawn." The city did not address the potential harm to wildlife or the lake's recreational value from the project's vehicular and human traffic or automobile exhaust fumes, even

though the DNR and the county identified these harms. The response addresses this on pages 12-18 of the supplemental EAW. A summary of these responses include that some impacts are anticipated due to fumes, vehicle and human traffic, and turf lawn, the proposed course conditions: 20 cars operating for 50-minutes per hour at two minutes per lap during daylight hours, MPCA and FHWA provided little published data on calculating and analyzing noise effects on wildlife from non-highway focused projects, additional noise analysis was completed in 2022, the increase in GHG emissions is negligible and should not have negative effects on wildlife or surrounding residences, the driving track will not be lighted at night, no lights will be located along the course of the track. Lighting is not anticipated to affect wildlife, and turf lawn around buildings and track, short prairie grasses within course area, long prairie grasses between noise walls/barriers and trees along lake.

- C. “The city lacks substantial evident for its determination that noise from the project has no potential to significantly affect wildlife.” and “The record should consider data on “noise on the shore of and on the water of the lake to determine noise impacts,” as well as consider use restraints on the track during important seasonal activities. Additional noise analysis was completed in 2022. The 2022 noise analysis compared current Highway 14 to proposed conditions and found modeled noise levels along the shore of Eagle Lake (areas of nesting and gathering) are negligible. Therefore, an in-depth wildlife study would not be warranted to this project due to noise.
- D. 2022 Noise Analysis: Five receptors were modeled, three along the lake shore by the track, one in the center of the lake, and one on the south side of the lake by Highway 14. Combining the proposed track noise with existing (2019) traffic volumes. Results showed existing maximum modeled noise levels from Highway 14 traffic at the Eagle Lake receptors are similar to (within 1 dBA) the maximum noise level impacts from the track predicted at these same locations during a daytime track event. The berm with proposed wall will meet the criteria of the noise study. The one change to track layout is the addition of two storage buildings by the berm to the proposed track. This area will have taller greases and short pollinator greases as well.
- Dan Donayre with Bolton and Menk provided more details as to how the noise study was conducted, stating three receptors were added along the lake shore in the location of nesting birds, one receptor was placed for Highway 14 noise, and the final receptor was placed in the middle of the lake to determine how noise travels over the lake. The sound study did not utilized the sound barriers which will be in place. The maximum noise level observed with receptor 3 was 63.1 decibels and the modeled noise for adding the track increased the noise level by 0.5 decibels. The existing decibels for receptor 4 was 58.4. With the track it would increase by 0.4 decibels. Receptor 5’s existing decibel level is 67.5 and would increase by .4 with the track. No noise makers were set in place. The receptors were utilized to provide background noise and modeling was used to determine the increase in decibels at each location. Anticipated car noise was calculated at 105 decibels. Council asked if there is modeling that could be done with actual noise maker to determine track noise, which could be done. The model that was used is the same as the model that MN DOT and counties uses for their noise studies.
  - Mr. Donayre explained they utilized the 2019 track study for the road by the cemetery and Highway 14 and determined the types of vehicles on Highway 14, they also took into consideration the future use of Highway 14. From there they used federal highway data on each vehicle. They also assumed there would be 20 cars on the track. The current CO2 ton is 9.51 and the track will generate .031 tons. There are not numbers available to how this would affect wildlife.
  - Brad Bass stated they are taking into consideration the use of electric vehicles on the track, that there are currently electric vehicles which would utilize the track, and that electric vehicles are the future. Mr. Bass also stated that his plans have not changed. There will be space for a hotel and restaurant for other developers to building to bring in their products. The component of the strip mall would be relevant to those that use the track and would not be intended for public use. If a developer would like to purchase one or

two parcels from this project, they would need to come to the City for approval. There will be 92 condos included in this project. The land owned by Mr. Tony Steffensmeier and the buildings he is proposing to construct would be outside of the track and berm.

- Discussion included asking what the carbon output is for agricultural use of the land; this was not looked at.
- Attorney Chris Kennedy asked about emissions and if the track as a whole, including buildings was looked at, stating the court of appeals asked that the cumulative affect be determined.
- Mayor Auringer restated that there is not a public hearing tonight so any questions from the public need to address the following two questions relating to the supplemental EAW: noise/wildlife and climate change impact.
- Mike Guentzel, 60374 224<sup>th</sup> Lane, Madison Lake, stated his concern for vehicle decibels used for calculations was only 62. It was clarified that the study used a decibel level of 105. He asked for clarification of what track hours would be. Mr. Bass stated normal track hours would be from 9 a.m. to 5 p.m., unless there is a rented event, which could extend the hours. The track will not have lighting. Mr. Guentzel also stated he does not understand why this is not being sent to a third party for review and also stated that Bolton and Menk was hired by the developer and that he feels Bolton and Menk will make the findings fit the needs. The staff from Bolton and Menk stated they are professionals within the industry and have ethical standards to adhere to and that their work is their reputation. He expressed concern on the traffic study stating that the design of the highway design has changed. Mr. Guentzel asked about a public hearing because he has four pages of information he would like to read. Mayor Auringer stated a public hearing is not required and Attorney Kennedy stated he does not know a city who would allow someone to read four pages at a public hearing. Mr. Guentzel asked about a picture of the new layout and stated it has changed from the original. Mayor Auringer explained that when doing EAW projects, they don't normally get to this level of scrutiny and that the EAW does allow for minor changes to data. Attorney Kennedy explained that plans can be modified throughout the process and that the question is, do the changes affect what is being look at.
- Nicole Davros, 101 Valley Lane, stated that as a citizen she likes to recreate on the state trail (which is heavily used) and that she is a birder. The wildlife on the list is anecdotal. She stated that early on it was stated that the reason the developer was interested in this land is because it is flat farm ground. She stated that nature calms blood pressure. She stated that by changing ag land to prairie planting will result in butterflies being smacked by windshields. She stated noise data and studies to compute impact on wildlife can be found through google searches. She asked if the noise study is cumulative or synergistic. Ms. Davros asked for clarification asked about cumulative impacted and if HAVA has been included, which it was not. She also asked where the receptors were placed, in the wetlands or in the buffer. Receptors were placed in gathering, nesting areas.
- Erin Guentzel, 60374 224<sup>th</sup> Lane, Madison Lake, asked for clarification: Will there be a drag strip? Mr. Bass stated a drag strip has never been considered and that he is willing to put that in writing. She also stated that the lake does have a controlled outlet. It was explained that the DNR does not have control of this, that it is on private property.
- Nikki Hanson, 23721 583<sup>rd</sup> Ave., Mankato, stated she feels the City Council has already made up their minds and that they need to represent the community. She has three colleagues that live in Eagle Lake and that none of them know about this development and that it would be beneficial to ask for residents input. It was explained that information about this project has been on the City's website for three years and that agendas for council meetings are also on the website and are emailed to residents. City Attorney Chris Kennedy stated the agendas are published and the City does not have the resources to send out notices to residents. Mayor Auringer stated that community members need to take interest to find out what is happening in the community and that information

about this project has been in city newsletters. Council Member Rohrich asked if a public hearing is truly needed for this. She stated residents in her neighborhood have had general discussions on this topic. Ms. Hanson stated it is disappointing that no council members are taking notes on what is being said. Council Member Rohrich stated that she and Council Member White have been taking notes so that comment is not valid. Council Member Rohrich also asked what do people know about, how should the City get information out to the residents, other than going door to door. Council Member Whitington stated there have been plenty of opportunities for people to attend meetings and ask questions. He also stated the City does publish the agenda. Administrator Bromeland clarified that the City has added the extra step of sending out the agenda by email as well as post and extra reminder on Facebook.

- Cindy Guentzel, 22083 604<sup>th</sup> Ave, Eagle Lake, stated they used to farm out by the airport when this project was first proposed and that it is hard to understand Bolton and Menk findings when there is a house in the middle of the property and adjoining acreage. She stated that combines only run for 2-3 hours in a year, and not every day for six months. She offered to stuff envelopes to mail residents a survey relating to this development.
- Daryl Guentzel, 22083 604<sup>th</sup> Ave, Eagle Lake, stated the supplemental EAW has inaccuracies, what is termed as wetland is not wetland. Mr. Guentzel handed council a picture of a lot parcel, it was determined that Mr. Guentzel was referring to the parcel in Lime Valley Township and that it was not relevant to tonight's meeting. Mr. Guentzel stated he has talked to residents who were walking in Eagle Lake about this development and encouraged them to attend tonight's city council meeting. He invited about 20 people and none of them are present at the meeting.
- Dennis Terrell, 60604 211<sup>th</sup> Street, Eagle Lake, stated he did a decibel test inside of a combine which registered between 98-100 decibels and when come down by bank could hear it, once moving away from bank could not hear it.
- Jason with Bolton and Menk explained that sound travels through open areas and that berms and walls will dampen noise.
- Gary Borchardt, 21402 598<sup>th</sup> Street, asked if property and layout has changed since other parcel was bought. It has not. He also stated that the wildlife data is 11 years old. Bolton and Menk explained they used the DNR wildlife data and this gives a snapshot only. Greenhouse and CO2 effects are negligible. These results will be reviewed by the DNR and other agencies. He also stated that it is not their belief that Eagles will be affected. When Mr. Borchardt asked why they did not get base data from other tracks, it was expensed that every track has geographic area differences. Mayor Auringer stated that when he drove to Hastings, NB to visit their track, when vehicles were driving away from him, he could not hear them. When cars came near him, he was 85 decibels. Jason with Bolton and Menk stated the original noise study showed the impact in town.
- Lyle Groskreutz, 22298 604 Ave., Eagle Lake, stated the only reason he knows about this project is through a mutual friend. He receives the city's newsletter, and the track has only been mentioned one time and has not seen an update to the public. He also stated that he does not use a computer. He asked about the building on the site and if this would need to follow county or city code. Since this has been annexed into the City, the City is responsible for the building code. His concern is to protect the neighborhood and asked if a row of trees could be considered. It was explained that the buildings on the adjacent property would be for storage.
- Brad Bass stated that at the beginning of this process he sent fliers to every home and held an open where he and other professionals met with Mike Guentzel and others about the proposed development. He stated that the Guentzel's have known that there is no drag strip planned and that

nothing about the project has changed. The development has been downsized due to Mike Guentzel and others from the public's input.

- Mayor Auringer stated the City Council needs to determine if the information presented tonight meets the court's request and that the original EAW passed except for the two items: climate change and noise impact to wildlife.
- Dennis Wendland, 112 N. 3<sup>rd</sup> St, Eagle Lake, asked if the noise study was done for the south side of the highway and how much extra noise would be generated above Highway 14. Jason with Bolton Menk stated the noise levels were within the MN Department of Health's guidelines.
- Jim Sohler, 101 Creekside Drive, Eagle Lake, asked for clarification that all vehicles on the track would be street legal, which they would be. He also stated that when he served on Mankato Township's board, they looked at the highest and best use tax wise and service wise when making decisions.
- Mayor Auringer and Council Member Steinberg stated his biggest concern tonight is the cumulative effect of the entire project on climate change and asked if there is a way to calculating the climate change impact of buildings and what the current use of the land generates. Dan with Bolton and Menk stated this may be possible and that there are good studies. Jason with Bolton and Menk explained vehicles were the focus since they are the major use.
- Attorney Chris Kennedy stated the court remanded substantiation of cumulative effects and that if Council does not feel the study meets requirements, they should ask for more findings.
- Mayor Auringer explained two options before council; one would be to determine that the EAW is complete and to distribute the decision to the EQB. The other would be to request additional study for the two items and declare the EAW is incomplete.
- Council Member Whittington moved, seconded by Mayor Auringer, to request additional study and declare the EAW incomplete. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor. Council Member Steinberg voted in opposition.
- City Council requested that more study on cumulative effects on climate change be studied and to include all aspects of the project.
- Don with Bolton and Menk stated they are employed by Bradford Development, and it is their job to look at all angles. Once complete, this study will go to the DNR and other agencies for review.

#### **UPDATE**

- Administrator Bromeland asked to update the Council on Police Department staffing and stated that since the last Council meeting a full-time police officer has turned in his resignation. Staff is following past practice and has posted this opening internally. If there is not internal interest it will be posted externally.

#### **ADJOURN**

- Council Member Steinberg moved, seconded by Council Member Rohrich, to adjourn the meeting at 7:58 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
JULY 11, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Garrett Steinberg, Beth Rohrich, John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, Public Works Director Brian Goettl, Deputy Clerk Kerry Rausch (left early).

**PUBLIC COMMENTS**

- None

**APPROVAL OF THE AGENDA**

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

**APPROVAL OF MEETING MINUTES**

- Council Member Whittington moved, seconded by Council Member White, to approve the June 6, June 21, and June 28, 2022 City Council meeting minutes. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

**CONSENT AGENDA**

- Mayor Auringer brought to the Council's attention the resignations of Ben Romig from the Police Department and Larry Kuster from Public Works.
- 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. 2022-28 Not Waive Tort Limits

Res. 2022-29 Appoint Election Judges

Res. 2022-30 Resignation Police Officer Ben Romig

Res. 2022-31 Resignation of Larry Kuster

- The motion carried with Council Members Steinberg, Whittington, and Mayor Auringer voting in favor. Council Member Rohrich abstained from vote.

**PUBLIC HEARING**

- None

**PRESENTATIONS**

1. Agency Street (CSAH 27) Project Resident Concerns
  - a. Monica Hintze, 102 N. Agency Street: Restoration Work

- Administrator Bromeland explained that a couple of residents have contacted City Hall with concerns about restoration work completed as part of the Agency Street (CSAH 27) Project. Complaints have been comprised mostly of poor soil quality and debris in the soil. Another resident has concerns about tree damage. The property owner believes that this tree was damaged during the construction project and now needs to be removed as it is dead. The owner had a tree service company come out and look at the tree and the tree service claim the tree is hollowing out on the inside and attributed the issue to root system damage from the project. The property owner is asking for compensation to have it removed. After talking with Bolton and Menk, it was not conclusive that the tree was damaged by the project.
  - As has been done throughout the project, all complaints received are routed to Joe Smith or Brian Sarff with Bolton and Menk. Bolton and Menk has put out a door hanger for residents letting them know about the discussion at tonight's meeting and they have been in contact with the contractor as well.
  - Brian Sarff with Bolton and Menk stated Dirt Merchant, who is doing the repairs has been contacted. Seeding of grass is not recommended at this time due to heat, this is usually done in early spring and in the fall. They are aware of the issues and the project is not at the point of acceptance. The seeding contractor has been made aware the issues. There is a running punch list which includes weeds, low spots, etc. for the contractor to address before the project is accepted.
  - Mayor Auringer stated he has noticed a lot of debris in the topsoil and asked what the process is to clean this up. Mr. Sarff stated the area by railroad crossing has been their point of observation and the contractor may be back yet this week to clean up debris. It is normal to see smaller rocks, not larger chunks. There are various processes available to clean the topsoil and council was reminded that grass does take time to establish and will take maintenance. Council discussion included that there are some areas on both the north and south side that may need to start from scratch for soil correction and seeding.
  - Monica Hintze, 102 North Agency Street, presented to the Council debris found in her and her son's yards. She stated that she has sprayed weeds, but some weeds are spray resistant.
  - Yevon Salfer, 109 N. Agency Street, stated she has a sink hole that has developed and the contractors simply threw dirt to fill in the hole and did not address the cause of the situation. She also stated the contractors just through dirt on top of existing weeds in the boulevard. She went on to state that debris from project has damaged her mower and there stopped mowing, to avoid more damage.
  - Ann Arnett, 145 N. Agency Street, stated the boulevard is full of rocks and broken glass and that her great grandson fell and cut his hand.
  - Dirt Merchant is the contractor and was in the N. Agency Street location. The engineer will make sure the contractor has the most current punch list of items to be addressed.
  - Discussion included that debris will be removed by contractor and that seeding will be delayed until weather is appropriate for seeding. Residents will be informed of process established to make needed corrections.
  - Brian Sarff explained that the City partnered with Blue Earth County on this project and that the County has in their policy to hire a lawn service for such projects. They will come in at the appropriate time to treat the right of way area. First, however, the right of way needs to be brought to acceptable baseline condition.
- b. Tom Hager, 212 S. Agency Street: Damage to Tree
- Mr. Hager explained that the tree in question, normally fills out but since the alley was dug up, the north side of the tree has died. The south side of tree is still full of foliage. He brought in Nick Johnstone, owner of Melchior's Tree Service, who is a certified arborist, to look at the tree who told Mr. Hager it is his opinion that the digging killed the tree and will need to be removed. Mr. Hager stated when the digging occurred tree roots were removed.



- Brian Goettl, Public Works Director, stated this tree suffered from storm damage on the north side previously, where a branch broke and fell on the house next door and asked the question if this could have caused the tree to die.
- Brian Sarff stated that the pictures he has from construction does not show any visible roots and certainly not large roots. The closest the city came for connections was 18 feet from the tree and the trench would be approximately 15 feet from the base of the tree. He also stated that the gas company did work in this alley which would have been closer to the tree. He also stated that this tree was well outside the project limits and had it been identified within the project limits they would have addressed this with the contractor to remove the stump ahead of time.
- Mr. Hager stated the cut was 5 feet from the tree and that the roots were hanging out of the loader when carrying dirt away. He also stated that Melchior's Tree Service estimated to remove this tree is \$2,300.
- Council discussion included the fact that there are differing opinions as to the cause of trees death and potential solutions. Council agreed to bring in an independent arborist to determine if the damage to the tree was due to this project or from pre-existing damage. Brian Sarff will research to determine if there is tree person involved with this project.
- City Attorney Kennedy stated that the City may want to consider establishing a tree replacement policy. He also stated the City most likely does not have any liability in this situation and that statutorily it would be difficult for the City to reimburse the homeowner for the cost of tree removal prior to the City Council having approved to do so. However, if an emergency situation arises, this could be dealt with afterwards.

c. Other Residents Concerns

2. Travis Fristed with Braun Intertec Corporation: EAW Presentation for Fox Meadows

- Mr. Fristed explained the project stating the project will be located on the east side of town, east of South Agency Street on 78.7 acres. Of this, the project slated for development will be on 60.15 of these acres. The project is 100% residential in nature with mixed units and single-family homes. There are 2 parcels of land, one on the west side is currently within city limits. The parcel on the east side will be annexed in at a future date.
- The existing land cover is agricultural with a large wetland in the northeast corner which is approximately 4.65 acres. There are 5-6 smaller wetlands that are farmed wetlands for a total of 4.87 acres of wetland. The wetland delineation is pending at this time with approval expected within the next month. The elevations are relatively flat but slopes down quite a bit in the northeast corner as it goes towards the wetland. The slope is currently farmed to the wetland edge.
- The proposed development is mixed with single family, detached townhomes, as well as duplexes. The sloped area to the northeast would be open space down to the large wetland.
- There is currently four proposed storm water management area and a proposed neighborhood playground.
- The project would be phased, with the first phase beginning later this year, the second phase is anticipated to begin in 2025, and phases three and four would be market driven and estimated to begin between 2028 and 2031. The project will be developed from west to east.
- The EAW preliminary findings include the size of the proposed project was above the EAW size for residential developments. Across all topics of EAW no significant impacts were identified. They created a cultural resources study which is under review with the state historical preservation office. There will opportunity to review this during the 30-day public review process. There were no significant cultural finds on the site. There will be no major disruptions to traffic conditions and no impact to safety or local roads. Noise and air emissions were reviewed. While there will be some noise during construction, there will be little noise and emission impact of the residential development.

- The EAW is currently under review by the City for completeness. Once there is a notice of availability of the EAW, it will be published in the environmental Quality Board Monitor (AQB) which is required. There will also be a public notice in the local newspaper and it will be available on the city's website. A hard copy will be available at the city office as well. This will trigger a 30-day public comment period. The public and agencies will review the EAW. Factual based public comments received will be responded to and will be forwarded on to the City for review. These would be forwarded on to City Council for a decision on the need of a negative declaration or an environmental impact statement and this would complete the EAW threshold.
  - Administrator Bromeland explained that the Council will need to determine if the EAW is complete or if a 3<sup>rd</sup> party review is needed. If council is comfortable the EAW, it can be accepted tonight as complete and sent to the EQB next or more information can be asked for. A third-party review is not required.
  - Attorney Chris Kennedy stated that after the 30-day review period Council could still ask for an EIS if so desired.
  - Council discussion included the concern relating to stormwater and how with heavy rains the southwest corner flows into the ditch along Agency Street and the hope that the storm water issued with this project may help improve the situation in this other location. Mr. Schrom stated there will be discussion on this issue with his project.
  - Administrator Bromeland read a letter received by Blue Earth County's Property and Environmental Resources regarding the portion of this development which is located within LeRay Township. This letter stated that the property is zoned agricultural and is in the Urban Fringe District (UFD) of the City of Eagle Lake. Without annexation the proposed multi-unit development is not allowed in the agricultural district and is further limited by the UFD. To facilitate the development, annexation into the City of Eagle Lake is required and the review of the EAW will be the responsibility of the city. The letter also stated that the City of Eagle Lake is the most logical Responsible Governmental Unit (RGU) for this project.
  - Council Member Steinberg moved, seconded by Council Member White, to declare the EAW submitted as complete. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
3. Julie Blackburn with ISG: Stormwater Ordinance and Recommended Fee Structure
- Julie Blackburn with ISG reviewed MS4 requirements and work done to date. She went on to explain that ordinances relating to MS4 are required and were presented to City Council at the June meeting. Chapter 18.020 was substantially rewritten for water quality volume treatment required to consider infiltrations and many other requirements.
  - Once city staff have received the required training, they will be able to review permits. The city must implement an inspection program and must do inspections utilizing a check list which will be developed ensuring applicants meet the requirements. Staff will be responsible for reports of non-compliance and enforcement and must document all enforcement that is conducted.
  - The section for permanent stormwater management will address what happens when construction work is completed and the site is stabilized.
  - Sections on Pet Waste and De-icing and Salt Storage will also be added to the ordinance.
  - Once the ordinances are adopted, worked on developing the site plan review procedures, enforcement response processes, various check lists and creating maps will begin. The stormwater portion of the ordinance addresses the erosion and sediment control permit, which pertains to the temporary disturbance during construction. The section relating to permanent stormwater management permit pertains to post construction work is required for any land disturbance.
  - The storm water section of the ordinance requires an Erosion and Sediment Control Permit (ESC Permit) and a Stormwater Management Permit. The ESC permit is for the temporary disturbance during

construction. All new construction will need to have a plan to limit the amount of erosion and sediment that are going off site and into water resources. This ordinance can be enforced even for construction not needing a permit.

- The City must implement an inspection program and must do inspections. Written check lists must be developed listing the requirements applicants must meet. Other requirements include establishing procedures for reviewing site plans, check list for inspecting sites, procedures for reports of non-compliance and enforcement response procedures. All enforcement actions must be documented.
- The Stormwater Management Permit addresses how stormwater will be managed after construction is complete. This is required for any land disturbance equal or greater than 1 acre or less than 1 acre if it is part of a larger common plan of development. This permit requires an engineer review. The ordinance must allow the city to conduct inspections and maintenance. A lot to be developed, which is part of a common plan of development, will need to be transferred from the developer to the owner of the lot through the MN Pollution Control Agency (MPCA) online process, they will then be the owner of the stormwater management permit.
- The ESC Permit and Stormwater Management Permit must be submitted to the City at the time they apply for a building permit.
- Discussion included that these requirements are in place in Mankato as well, that utility companies are exempt from applying for a permit.
- Administrator Bromeland stated that a meeting with builders may be scheduled for this fall to review MS4 requirements.
- The public hearing 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. A roll call vote was taken with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor. The ordinance will go into effect upon publication in the City's official newspaper.
- Ms. Blackburn presented the following as recommended fees: ESC Permit fees of \$150 for Single Family Residential and 5,000 square feet to 0.5 acres, \$250 for more than 0.5 acres to 1 acre, and \$350 for more than 1 acre. Recommended Stormwater Management Permit fees were \$50 for less than 1 acre and \$100 for more than 1 acre. Applicants for development review must also pay for the costs incurred from staff, legal, engineering, or other persons involved in the review. The recommended administrative penalty fees are \$150 for construction site non-compliant inspection, \$150 for post constructing stormwater non-compliant inspection, and \$250 plus clean up costs for illicit discharge.
- Discussion included desire to keep permit prices reasonable, permit fees will be tracked in a separate budget line item, and the City needs to be able to justify the fees.
- Administrator Bromeland stated she is working with Shannon Sweeney to help analyze the City's stormwater fees since they have not been increased for a number of years and because of increasing costs to the city. Until the ordinance is published, submitted building permits will be exempt from fees, but will need to follow the ordinance. Ms. Blackburn stated this is a growing program and the City will incur more expenses.
- Council Member Rohrich moved, seconded by Council Member Whittington, moved to approve fees for ESC Permits, Stormwater Management Permits, and Administrative Penalties as presented. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Ms. Blackburn presented a proposal for MS4 Map Tracking in which tracking and documentation needs could be handled on a single site. This is a GIS system in which pictures could be stored as well. Information could be downloaded for the annual MS4 reporting. The cost of this software is \$15,000 and there would be a \$2,000 annual hosting fee.

- Discussion included this software would be customized for the City's needs and enhancements are most likely fee based.
  - Council consensus was to consider this software during the budgeting process.
4. Brian Sarff with Bolton and Menk: 2022 Sanitary Sewer and Watermain Extension Project and Proposal for Water Treatment Plant Facility Concept Plan
- Brian Sarff with Bolton and Menk stated that three bids were received for the 2022 sanitary sewer and water extension project with the lowest bidder being Bromeling Excavating, Inc. in the amount of \$106,435. The engineer's estimate was \$91,922. The low bid is approximately 16% above the engineer's estimate.
  - Discussion included if there are other properties within City limits in similar situations and that if the city does not do this project it is allowing a septic system within city limits. When Parkway Avenue was reconstructed existing septic systems were grandfathered in and the city could not force connection at that time. The Chapter 429 process has not been followed so assessing the property owners is not an option.
  - Upon approval, work will be scheduled with work being completed in 2022. There is a supply chain shortage which may affect a part of this project, which would then be completed in 2023.
  - Council Member White moved, seconded by Council Member Whittington, to approve the bid from Bromeling Excavating Inc. in the amount of \$106,435. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
  - Mr. Sarff explained the next steps for the water treatment plant is proceeding with the concept plan which includes looking at the site, create a preliminary layout, treatment system, how watermains would connect, identify land acquisition needs, and identify environmental and cultural conflicts. Concept development could be discussed at a council work session.
  - A preliminary well assessment was recommended to look at aquifers. There is a statutory limitation on the Mount Simon aquifer which the city is currently tapped into which include restrictions on increasing flow capacity. This study would be done by a subcontractor at the amount of \$6,500.
  - Discussion included that test drilling areas would be identified, but not drilled at this time, that the preliminary well assessment study pricing seems high, that well study would show if the selected site is a viable option and that it is very convenient to have wells on the site of the treatment plant so that pipes to the water treatment plant are minimized. If a new well is constructed, the current well #1 would be abandoned. It would be fine to conduct the well assessment before the concept plan, but may want to do simultaneously to be in a good position if funding becomes available.
  - Council Member White moved, seconded by Council Member Rohrich, to authorize the concept plan and preliminary well assessment. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
5. Paul Barta, Captain with Blue Earth County Sheriff's Office: On-Call Emergency Service Option
- Administrator Bromeland explained that she and Chief John Kopp recently contacted Blue Earth County Sheriff's Department to advise that Eagle Lake will be down to two full-time officers during the month of July due to a resignation of a full-time officer and part-time officers still working their way through training and that Blue Earth County may be asked to be on-call for Eagle Lake. Captain Paul Barta with the Blue Earth County's Sheriff's Department advised that a contract for on-call services be established similar to what is in place for other cities who at times need to request on-call service from the County. Chief Kopp has requested this matter be considered to contract for on-call service on an emergency basis when no other Eagle Lake police officers are on-duty or available to take on-call. Administrator Bromeland clarified that planning for an on-call emergency contingency has nothing to do with contracting any other law enforcement service with Blue Earth County, just on-call service when no other Eagle Lake officers are available for on-duty or on-call coverage. Administrator Bromeland asked that Captain Barta talk about possible training opportunities available for elected officials and staff and Eagle Lake businesses as it related to workplace violence and active shooter awareness training.

- Chief Kopp stated Blue Earth County has taken call when there has been a need for Eagle Lake, but they have not been used much. He stated it would be nice to have this contract in place if an emergency need arises.
  - Captain Barta stated staffing issues for the police department are not unique to Eagle Lake, this is a state wide situation. He explained that the proposed contract would only be to support public safety in Eagle Lake. They could provide on-call service for \$40 per hour from the hours of 7:00 a.m. to 3:00 a.m and for \$60 per hour from the hours of 3:00 a.m. to 7:00 a.m. This would be a per hour rate no matter how many officers would respond to a call. This contract would not be for scheduled coverage, only emergency on-call basis. The County would need to prioritize calls, but deputies would be notified if they are serving Eagle Lake on an on-call basis. Response times would generally be about 10 minutes but may vary depending on other calls within the County. All other police agencies within Blue Earth County have a similar agreement with the Sheriff's department. Captain Barta pointed out that fees for service are reviewed during their budget process.
  - Council Member Steinberg moved, seconded by Council Member White, to authorize entering into an agreement with Blue Earth County's Sheriff's Department for emergency on-call coverage. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
  - Captain Barta explained that the Sheriff's department has created standardized curriculum for schools, business, and churches for active shooter training. This is a power point training which could be provided at no cost to the city and businesses. If the City is interested in this training, they should contact Captain Barta.
6. Rachel James, Community Forestry Member with AmeriCorps: EAB Management Plan
- Administrator Bromeland presented the Emerald Ash Borer (EAB) Management Plan in Ms. James absence.
  - The EAB Management Plan is a component necessary to continue receiving DNR grants to remove ash and replace ash trees. Ms. James has completed a tree inventory of public spaces and an ash tree inventory has been completed and mapped. As ash trees are removed the mapping is updated and replacement tree types can be indicated. The goal is to replace 10% of the ash trees each year.
  - The city of Lake Crystal is purchasing equipment to treat EAB and there is a possibility that Eagle Lake could work out an agreement with Lake Crystal to rent their equipment with Eagle Lake paying for the chemicals to treat trees. Treatment would buy the City time to not have to remove several trees at one time when infestation occurs.
  - Diversifying the tree canopy is needed to minimize impacts of future type of tree disease and infestations.
  - At this time there are no funds to assist with treatment or removal of trees on private property. Newsletter components have been included which can be used in city newsletters. The plan includes wood disposal guidelines and cost estimate. It also includes best management practices on when to remove, treat and plant trees.
  - Council Member Steinberg moved, seconded by Council Member Rohrich, to adopt the Emerald Ash Borer Management Plan as presented. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **PUBLIC HEARING**

1. Amendment to Chapter 18 of City Code related to Storm Water Drainage Utility
  - This was addressed under Presentation, number 3.

## **OLD BUSINESS**

- None

## NEW BUSINESS

1. Amendment to Chapter 18 of City Code and Storm Water Drainage Utility and Fee Schedule for Storm Water Drainage Utility
  - This was addressed under Presentations, number 3.
2. Bid Tabulation and Engineer's Recommendation for 2022 Sanitary Sewer and Watermain Extension
  - This was addressed under Presentations, number 4.
3. Emerald Ash Borer Management Plan
  - This was addressed under Presentations, number 6.
4. Hiring of Connor Guillemette as Full-Time Police Officer
  - Administrator Bromeland explained that with the recent resignation of a full-time officer, an internal announcement was posted advertising the full-time officer opening. The hiring committee, comprised of Police Chief John Kopp, Administrator Bromeland, and a representative from the MN Valley Council of Governments (MVCOG), interviewed 1 internal candidate for the position of full-time police officer. The committee recommends that Connor Guillemette be promoted from a part-time police officer position to a full-time police officer position. Mr. Guillemette was hired as a part-time police officer for Eagle Lake on April 4, 2022. Officer Guillemette has since obtained his MN POST Board license and successfully met the departments physical and psychological standards and has been satisfactorily progressing through training. Chief Kopp anticipates Officer Guillemette will be ready to work independently on or around August 1, 2022.
  - A conditional offer was made to Officer Guillemette to start at Step 1 (\$22.60) on the wage scale as a full-time police officer. He will have a performance evaluation following the completion of 6 months of service as a full-time officer, at which time he will have the opportunity to advance a step on the wage scale. He will have another performance evaluation following the completion of 12 months of service as a full-time officer at which time he can advance another step on the wage scale for his position if he receives a satisfactory performance evaluation.
  - Officer Guillemette introduced himself to Council.
  - Council Member Steinberg moved, seconded by Council Member White, approving Resolution 2022-32, hiring Officer Connor Guillemette to a full-time police officer position. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
5. Quit Claim Deed for Outlot G, Eagle Lake Parkway Corridor
  - Administrator Bromeland explained there are two outlots in the Eagle Lake Parkway Corridor referred to as Outlot F and Outlot G that are owned by the City of Eagle Lake. The City does not currently pay property taxes on the outlots. Discussion took place at the May 2<sup>nd</sup> meeting about contacting adjacent property owners to see if there is an interest in acquiring the outlots. Both property owners adjacent to the outlots were notified of the opportunity to acquire the outlot. The property owner of Allied Overhead Doors replied that they were interested and willing to pay conveyance fees to acquire the outlot adjacent to their property. There will not be any cost for conveyance as the property owner will reimburse the City for all legal and recoding costs associated with the conveyance of the outlot.
  - Council Member Rohrich stated she spoke with Mr. Wangen when he asked her about this. He asked if this would include splitting the lot with the storage unit. Administrator Bromeland stated this is just for the outlot.
  - Council Member Steinberg moved, seconded by Council Member White, to authorize the Mayor and City Administrator to sign the Quit Claim Deed for Outlot G in the Eagle Lake Parkway Corridor.
  - City Attorney Chris Kennedy explained that the motion needs to state that the outlot is no longer necessary to Eagle Lake.

- Council Member Steinberg amended his motion to state that Outlot G is no longer necessary to the City of Eagle Lake and to authorize the Mayor and City Administrator to sign the Quit Claim Deed for Outlot G in the Eagle Lake Parkway Corridor. Council Member White seconded the amended motion. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
6. Bids Obtained for Annual Street Maintenance and Repairs
    - Public Works Director Brian Goettl stated he requested three bids for annual street maintenance and that two bids were received. The lowest bid was from WW Blacktopping in the amount of \$22,622. Repairs would be completed yet this year.
    - Council Member White moved, seconded by Council Member Steinberg, to accept the bid from WW Blacktopping in the amount of \$22,622. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
    - Mr. Goettl explained that he has requested bids for sidewalk and curb repairs which will be presented to Council at the August meeting.
  7. 2023 Enforcement Grant Application
    - Police Chief John Kopp explained this grant is for the Towards Zero Death (TZD) program in which Blue Earth County is the lead agency and that Eagle Lake is a partner in this program. Eagle Lake has participated in this program for several years and this grant would run from October 2022 – September 2023.
    - Council Member Whittington moved, seconded by Council Member Rohrich, to approve participation in this grant program. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **OTHER**

- None

## **CITY ADMINISTRATOR REPORT**

1. What Do You Love About Eagle Lake Drawing Contest – Entries due July 31<sup>st</sup>
  - As part of the grant obtained for the strategic planning process, a contest is being held for Eagle Lake youth in grades K-12. The first-place winners from each grade category will receive a \$25 gift card. Prizes will be funded using grant funding from Sothern MN Initiative Foundation. The deadline has been extended until July 31<sup>st</sup>.
2. Community Planning Workshop on July 13<sup>th</sup>
  - As part of the \$10,000 Small Town Grant Program award from the Southern MN Initiative Foundation to develop a Strategic Economic Development Plan and Initiative, the City is contracting with Region Nine Development Commission to create a strategic economic development plan. An open house will be held to City Hall on July 13<sup>th</sup> at 6:00 p.m. for the purpose of reviewing survey results and conducting a SWOT analysis. Light refreshments will be served. Please plan to attend if able. RSVPs are preferred.
3. Pedestrian Connectivity Survey Open House on July 26<sup>th</sup>
  - An open house will be held on July 26<sup>th</sup> from 5-7 om at City Hall for the purpose of gathering input on preferred alternatives for pedestrian connectivity along CSAH 27 between 211<sup>th</sup> Street and Thomas Drive. Council members were encouraged to attend if available.
4. Park Survey – Open until August 15<sup>th</sup>
  - As part of the planning process for a master plan for Lake Eagle Park, a park survey is being conducted online. The survey is available until August 15<sup>th</sup>. Please take a few minutes and complete the survey.

5. American Rescue Plan Funds

- The 2022 distribution of American Rescue Plan funds was recently received in the amount of \$168,677.13. The funds must be expended by 12/31/2024.

6. 2023 Budget Timeline

- The budget process is underway and department budget worksheets are ready for distribution. The preliminary tax levy must be verified no later than September 30<sup>th</sup>. A special budget work session will be scheduled in August.

7. 2021 Population and Household Estimates

- The MN State Demographer has estimated Eagle Lakes 2021 population as 3,282 and 1,204 households.

8. Lutter Avenue Access

- There are plans to review the recent communication from the Schuch family and discussion to next steps on how the City Council would like to move ahead will need to be determined.

9. Tator Days

- The Tator Days schedule was included in the Council packet.

10. Music on Parkway

- July's Music on Parkway event will be held on July 14<sup>th</sup> from 6-9 p.m.

**COUNCIL REPORTS**

**ADJOURNMENT**

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk



**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
AUGUST 1, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Garrett Steinberg, Beth Rohrich, Anthony White, 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**

- All Seasons Arena Agreement was added to New Business.
- Council Member Rohrich moved, seconded by Council Member White to approve the amended agenda. The motion carried with Council Members Steinberg, Rohrich, and Mayor Auringer voting in favor.

**APPROVAL OF MEETING MINUTES**

- Council Member White moved, seconded by Council Member Rohrich, to approve the July 11, 2022 City Council meeting minutes. The motion carried with Council Members Steinberg, Rohrich, and Mayor Auringer voting in favor.

**CONSENT AGENDA**

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

**PRESENTATIONS**

1. Cody Christianson with Bolton and Menk: MAPO Pedestrian Connectivity Study
  - Mr. Christianson stated there was an open house on July 26th and that Bolton and Menk is working with MAPO, Eagle Lake and Blue Earth County on a bike and pedestrian connectivity study for a crossing for 211th Street and Thomas Drive. At the open house four options were presented. Option 1 included a sidewalk on the west side of Agency Street with a crossing at 211<sup>th</sup> and urbanizing the west side of Agency Street with curb and gutter. Consideration for the wetlands in this area need to be considered. Option 2 included a sidewalk on the east side, urbanizing the east side with curb and gutter. Some draining concerns were noted on this side with the existing ditch and two openings into the mobile home park. Option 3 would include a shared use path which would keep the rural function of the roadway with just the paved shoulder and the trail constructed down the slope on the east side. Option 4 would include a shared use path outside of the county road right of way, to be placed on the north side of the mobile home park, then going

east between the mobile home park and the townhomes. This option would require right of way acquisitions.

- Comments heard at the open house included the need for a larger sidewalk/trail plan for the city and the possible need for traffic control at the intersection of Agency and Thomas Drive. Details for each option will be looked into while additional feedback is accepted.
- Input from the public will be taken for the next three weeks and information can be located on the MAPO website.
- Discussion included if information could be provided at the Music on Parkway event on August 18<sup>th</sup>.

## 2. John Graupman with Bolton and Menk: Water Tower Rehab and SCADA System

- Brian Sarff with Bolton and Menk filled in for Mr. Graupman stating the current SCADA system is in need of upgrades. This is a system which provides communication between the water tower and lift stations and provides staff with alerts. The next step in this process would be to engage an electrical engineer for biddable plans and to create contract documents. The goal would be to consider bids at the October City Council meeting. If approved, it would take one year for full implementation and to be up and running. This is a communication system and allows staff to control infrastructure remotely.
- Discussion included the needs for this system to be expandable with future growth of the City, with the need for a water filtration system and a second water tower. Mr. Sarff stated he will verify with Mr. Graupman that this system would be expandable.
- Administrator Bromeland contacted the city's auditor who indicated this project could be used with America Rescue Plan Act (ARPA) funds under the clean water and drinking water program. MN PFA's revolving loan funds could also be used for this project. The City has received \$337,354.26 in ARPA funds which need to be expended by December 31, 2024.
- City staff as begun obtaining pricing for a SCADA system.
- Council Member Steinberg moved, seconded by Council Member Rohrich, to direct Bolton and Menk to prepare specifications and bid documents for the SCADA system. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
- Discussion included asking if the SCADA system and the water tower rehab project could be combined. It was recommended that these projects be kept separate due to separate contracts.
- Brian Sarff explained that on a biannual basis the city receives a report on the water tower and that the last report indicated the need for the tower to be recoated. The life expectancy of recoating is 20 years and the cost to recoat the interior and exterior is between \$415,000 - \$500,000.
- Administrator Bromeland explained that KLM did the last inspection in 2021 and that the City has a contract with them for inspecting and cleaning the water tower.
- Public Works Director Brian Goettl explained that there are a few interior sections which need to be cleaned and repaired.
- If the Council chooses to proceed, it was recommended that bid documents and specifications are needed and it was recommended that it go out to bid in December 2022 or January 2023. Bolton and Menk needs to climb the tower to do an inspection in the next month or so and review KLM's report. The current recommendation is based off KLM's report. It is anticipated this project could take place in 2023.
- Discussion included that this project does include painting of the exterior of the water tower and that it is an opportunity to select new colors and design.
- Council Member Rohrich moved, seconded by Council Member Steinberg, authorizing Bolton and Menk to inspect the water tower and to obtain bids. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

## **PUBLIC HEARING**

### **1. EAW for Fox Meadows**

- Administrator Bromeland stated that Travis Fristed and Troy Schrom are not able to be at tonight's meeting but that any public comments or questions received will be relayed onto them. She also explained that a public hearing is not required but is an option to gather comments.
- Council discussion included that the EAW has been submitted to the EQB. Agencies are reviewing the EAW and looking at what it means for the community. The TIF agreement can be amended for correct construction dates.
- Administrator Bromeland stated she has spoken with Bolton and Menk relating to current city utilities and has confirmed that the existing utilities have the capacity to serve this project.
- The public hearing was opened and closed with no comments being offered.
- Troy Schrom requested a special council meeting after the 30-day public comment period closes. Council set a special meeting for Tuesday, August 30th at 6:00 p.m.

## **OLD BUSINESS**

- None

## **NEW BUSINESS**

### **1. South Agency Street Project – Tree Opinions Obtained for 212 S. Agency Street**

- Administrator Bromeland explained that discussion took place at the July 11<sup>th</sup> City Council meeting about a tree at 212 S. Agency Street and whether it was damaged before or during the Agency Street (CSAH 27) project. The consensus at that time was for Brian Sarff with Bolton and Menk to obtain an opinion from a tree expert. Since that time, Mr. Sarff has obtained two opinions. One from Dan Donayre, a Natural Resource Project Manager with Bolton and Menk, and one from Seumnick's Final Cut Tree Service, LLC. Both indicated that based on the pictures of the tree prior to construction, there was already early stages of die back or some type of disease present.
- Tom Hager, 212 S. Agency, stated it is his hope that he and the City could share in the cost of the tree removal. He stated he has received two other bids of \$870 and \$900. This would remove the tree at ground level, but not remove the roots. Mr. Hager also asked if anyone is certain if this tree is on his property, with Brian Sarff stating it is his belief that the tree is outside of the alley right of way by 2-4 feet.
- Council discussion included the need to determine liability, with Mayor Auringer stating he does not see liability for the city.
- Council Member White moved, seconded by Council Member Rohrich, to pay one half of the \$875 bid. The motion carried with Council Members Rohrich, White, and Mayor Auringer voting in favor. Council Member Steinberg voted in opposition.

### **2. Advance Resignation Notice Program**

- Administrator Bromeland explained that the purpose of the proposed program is to improve the efficiency and stability of the City's workforce by encouraging employees to give advance notice of their intent to resign. This allows for the process of replacing an employee who is leaving the city to begin as soon as possible after notice is received and will hopefully reduce the time that the position remains unfilled. Included in the policy is a one-time payment for advance notice. The payment is made after the employment termination date and is subject to taxation and required deductions.
- Discussion included that the policy before council is a sample proposal from the League of MN Cities and that employees would have this as an option, it is not required.

- Council Member Rohrich moved, seconded by Council Member Steinberg, to approve the Advance Resignation Notice Program as presented. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
3. Compensation of Mayor and Council
- Administrator Bromeland explained that the last increase to mayor and city council compensation was in 2013 to \$325 per month for mayor and \$225 per month for city council. If there is interest in increasing the compensation for mayor and city council, a public hearing could be set for the September 12th City Council meeting to amend Section 2.020 of City Code. No salary change shall take effect until after the next regular city election. An ordinance changing council salaries should specify the date when the changes will take effect.
  - Discussion included Mayor Auringer stating the current salaries seem to be in line with other communities, Council Member Rohrich stating she has no strong opinion on this, Council Member White stating he is fine with the current salaries and Council Member Steinberg stating that with inflation he feels staff and council members should receive a cost-of-living adjustment.
  - Council Member White moved, seconded by Council Member Steinberg, to set a public hearing for September 12th to consider mayor and council member salaries. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
4. Sidewalk and Concrete Curb Street Repair
- Public Works Director Brian Goettl stated he requested three bids for sidewalk and curb repairs and only received one. There are capital outlay funds for sidewalk repairs and the curb repairs would be paid out of general street repairs.
  - Discussion included that some of the sidewalk repair will include installation of ADA pads.
  - Council asked if in the future such bids could be received earlier.
  - Council Member Rohrich moved, seconded by Council Member White, to approve the bid from Clint Adams in the amount of \$30,174 for sidewalk and curb repairs. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
5. All Seasons Arena (ASA)
- Administrator Bromeland explained that a letter has been received from the city's attorney who reviewed documents regarding the management of All Seasons Arena (ASA) and responded with the following. The working arrangement has been in place in some fashion since 1979. The current All Season Arena Board by-laws as amended are dated July 31, 2015 and the City of Eagle Lake was not a party to the by-laws. The operating service agreement is dated July 21, 2021 (Mankato) to January 10, 2022 (Skyline, North Mankato) was signed on July 21, 2021. The agreement now lists Eagle Lake as an owner but there is no signed joint powers agreement. The agreement provides that the City of Mankato will operate the facility utilizing the payment of \$40,000 by all of the owners. Eagle Lake agreed to pay 4.524% of this amount for the years of 2021, 2022, 2023. It is not clear that there is any working agreement that is currently in effect for any party, but there certainly is no agreement in place for Eagle Lake. If Eagle Lake is to continue in this entity a new joint powers agreement is required. If the City determines this is no longer in the best interest of the City to participate in this agreement, then the City will need to give notice as there is no joint powers agreement that the city is part of. Eagle Lake is responsible for the payments on the Operating Service Agreement but that ends in 2023.
  - Council Member White stated the ASA Board has now determined there are more improvements needed and no clear understanding of the costs. He expressed his desire to continue on with the ASA operations portion but does not agree with paying for the upgrades. The current cost for improvements is between \$5-\$6 million and Eagle Lake's portion would be 4.524% of this.

- Both Administrator Bromeland and Council Member White expressed that it would be difficult to justify this expense to taxpayers when other communities don't pay and can use the facilities. There are also questions that need to be answered, such as who owns the building.
- Council Member White moved, seconded by Council Member Steinberg, to deny paying 4.52% of upgrade to All Season Arena, but to continue with operational costs.
- Council Member White amended his original motion, seconded by Council Member Steinberg to read, to deny paying 4.52% of upgrades to All Season Arena, but to continue with operational costs if it is financially feasible. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

## **OTHER**

- None

## **CITY ADMINISTRATOR REPORT**

1. Budget Work Session
  - The work session is scheduled for August 22<sup>nd</sup> at 6:00 pm. Department heads are gathering information.
2. Recap of CGMC Summer Conference and Highlights
  - CGMC is advocating for LGA, PFA funding, environmental issues and childcare. The Coalition is requesting Governor Waltz to call for a special session and cities were asked for letters of support. Topics covered included PTSD liability claims, childcare, and employment issues.
3. National Night Out
  - National Night Out will be held at 2<sup>nd</sup> from 5-7 p.m. at Epiphany Lutheran Church.
4. Music on Parkway
  - The final event will be held August 18<sup>th</sup> from 6:00 – 9:00 p.m.
5. Storm Drain Stenciling Project
  - As part of MS\$ public outreach, the City will coordinate public education and stenciling storm drains in a portion of the community. The City will cover costs of paint and stencils. The Lions Club and Girl Scouts have been contacted as a possible community service project.
6. Congressionally Directed Spending
  - An email was received informing the City our request for congressionally directed spending was not approved and that the process is extremely competitive. Consideration with the State is still a possibility.

## **COUNCIL REPORTS**

1. Upon request from Mayor Auringer, Chief Kopp provided an update on 317 LeRay Avenue. The Blue Earth County attorney has indicated this would be a civil matter, not a criminal matter. Council could consider abatement or civil proceedings. Formal complaints against this property have been received. Mayor Auringer stated action needs to be taken. Chief Kopp will prepare reports for the city attorney for his review.

## **ADJOURNMENT**

- Council Member Rohrich moved, seconded by Council Member Steinberg, to adjourn the meeting at 7:36 p.m. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
AUGUST 22, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Garrett Steinberg (arrived at 6:30 p.m.), Beth Rohrich, Anthony White, John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, Public Works Supervisor Andrew Hartman, Fire Chief Vern Simpson, and Deputy Clerk Kerry Rausch.

**APPROVAL OF THE AGENDA**

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

**NEW BUSINESS**

1. Budget Work Session

- Department heads for fire, public works, and the police departments presented proposed changes to their 2023 departmental budgets and reviewed current and future capital outlay and staffing needs.
- Administrator Bromeland presented an in-depth report of the city's needs by stating that the community is experiencing growth and the growing pains and pressures that accompany growth, Council is faced with the increased difficult task this budget cycle with putting together a fiscally prudent budget that ensures both the continued delivery of quality services and planning for the future during a time when the economy is volatile and inflation is high.
- Eagle Lake's population has grown approximately 36% in the last decade while staffing levels have remained relatively the same even though the demand for services has increased because of development. Included in this year's budget requests are a 4<sup>th</sup> Full-Time Police Officer, a 4<sup>th</sup> Full-Time Public Works Worker, and a Full-Time Community Development Coordinator position.
- Eagle Lake is behind on updating some key planning documents such as the comprehensive plan (adopted in 1991) and land use plan (adopted in 2006), both of which are important for strategic planning as it relates to community development. Funding should be prioritized to update planning documents.
- With the upcoming retirement of the Public Works Director, City staff recommends that Bolton and Menk be consulted to assist with putting together an updated Capital Improvement Plan (CIP) as it relates to street and utility reconstruction projects. Included in the CIP could be other infrastructure needs such as the proposed water treatment plant project, street pavement evaluation and mapping (this is currently done in house as time allows), and a review of sewer televising records to identify problem areas around town.
- Coming up this fall, bidding will take place for a SCADA system for water and sewer. This system is estimated to cost around \$175,000. Then, in December or January, bidding is anticipated to take place for the water tower rehab project in 2023. It appears that American Rescue Plan Act (ARPA) funds can be used for a SCADA system, but more research is needed to determine if a water tower rehab project is an eligible use of the funding. Regardless, financing will need to be obtained for the rehab project which will likely cost approximately \$500,000. A total of \$337,354 was received in ARPA funding. Funds must be expended by December 31, 2024.

- Administrator Bromeland presented basic information about the budgeting process by stating cities must prepare and adopt a proposed budget and proposed property tax levy each year. By law in Minnesota, the fiscal year of a city and all its funds must be calendar year. A budget is one year of estimated money coming in or revenue, and expenditures or money going out. Cities over 500 in population that propose a property tax increase are required to provide notice of the proposed budget adoption and to allow public input on the proposed budget and property tax levy. The “truth-in-taxation” process (TNT) requires cities to certify proposed property tax levies to the county auditor on or before September 30<sup>th</sup>. The preliminary levy can be reduced once adopted but cannot be increased prior to the final levy being adopted. The levy is comprised of the general fund, EDA and debt service. A TNT public comment hearing must occur sometime between November 25<sup>th</sup> and December 28<sup>th</sup>. The final levy must be certified to the county auditor by or before December 28<sup>th</sup>. Cities must also file a certificate of compliance with the Department of Revenue by December 28<sup>th</sup>.
- Last year’s final tax levy was set at 10% or an increase of \$81,173. Property taxes should have remained relatively flat unless a property’s valuation increase.
- The preliminary levy can be reduced once adopted but cannot be increased prior to the final levy being adopted. The levy is comprised of the general fund, EDA, and debt service. Preliminary tax levy amounts for 2023 are General Fund: \$766,690, EDA \$51,000, and Debt Service \$152,310 for a total of \$969,904. This equates to a 8.6% increase or \$77,003. Proposed revenues are \$1,866,032 and proposed expenditures are \$1,917,456. This difference of (\$51,424) is due to planned deficit spending using capital outlay reserves. The budget would be balanced except for planned capital outlay expenditures drawing down previously set aside funding in general fund reserves. The expenditures are comprised of fire, police, streets, and parks capital outlay expenditures.
- Some items that are included in budget consideration include the net tax capacity estimate and levy impact, tax levy history, fund balances, certified local government aid for 2023, the cost-of-living adjustment of employee wages, step increases in employee wages, and health insurance rates. Per an inquiry to Blue Earth County, Eagle Lake’s average market value percent increase on residential homes was 8.44%. It should be noted that the City’s net tax capacity has increased recently due to new residential and commercial construction. This is important because with more taxpayers, the tax base has expanded and helps to spread the burden of taxes over more taxpayers. Taxation notices are sent to all property owners each November before local units of government finalize their budgets for the coming year. The notice is meant to help property owners understand how property taxes are determined and how they can get invoiced with local budgeting and taxation. Property owners cannot appeal their property’s market value or classification at the Truth in Taxation meeting. The Truth in Taxation meeting is tentatively schedule for Monday, December 5<sup>th</sup> at 6:00 p.m. at City Hall. The City consistently maintains a minimum unassigned general fund balance of 50% of the annual budget. A positive fund balance contributes to a favorable bond rating, provides a source of working capital to meet cash flow needs, and offers a cushion for unexpected expenditures or revenue short falls.
- Local Government Aid (LGA) for 2023 is certified at \$699,884, which is a \$13,962 increase from 2022. A cost-of-living adjustment (COLA) to wages is made to wages using the consumer price index. This is intended to counteract inflation and the average change over time in prices paid by consumers for goods and services. Discussion in 2021 included that the City retains discretion as to the actual adjustment to wages for cost of living and is not bound by the CPI. This year, the percent change for the Midwest region from June 2021 to June 2022 is 9.5%. Last year, it was 5.9% and the year before that it was 0.7%. Based on a survey of other area cities comparable in size, most are budgeting anywhere between 3% - 5% for a cost-of-living adjustment for 2023. A 3% COLA was factored into the 2023 budget.

- Health insurance rates for 2023 will not be known until October but the City has been advised by our agent to budget for a 12% increase at this time. It is anticipated that the renewal will be under 10% but budgeting higher until we know for sure.
  - Organization dues were also taken into consideration, as well as Music on Parkway budget of \$5,000, Park Board budget of \$50,000, and audit fees of \$26,500. Also considered were increases to worker's compensation and property and casualty insurance rate increases. Shannon Sweeney with DDA is assisting the City with a water, sewer, and storm utility rate analysis to ensure rates are commensurate with expenses.
  - A proposal will be presented at the September 12<sup>th</sup> City Council meeting to look at terminating the current copier lease and maintenance agreement with Metro Sales and instead moving to Loeffler to realize a significant monthly cost savings.
  - Council was asked to put together a list of their top 5 immediate and long-term goals for the City of Eagle Lake between now and the next budget work session.
  - Administrator Bromeland presented a possible new full-time position with the City, that of Community Development Coordinator. This position would work with Planning and Zoning and EDA and would relieve pressure on current staff and would work to bring businesses to Eagle Lake. Council discussion included seeing this position as a vital need for the City.
  - Council set the next budget session for September 26<sup>th</sup> to adopt a preliminary budget.
2. Resolution 2022-33: Accepting Resignation from Part-Time Public Works Worker Brian Shoemaker
    - Council Member White moved, seconded by Council Member Rohrich, to accept the resignation of Brian Shoemaker effective August 19, 2022. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
  3. Resolution 2022-34: Accepting Resignation/Notice of Retirement from Public Works Director Brian Goettl
    - Public Works Director Brian Goettl submitted his notice of resignation/retirement, effective February 10, 2023, and completed the Advance Resignation Notice form. Due to Mr. Goettl submitting a 180 days' notice, he will be eligible for a one-time payment of \$1,500 for providing advance notice as per the City's newly adopted Advance Resignation Notice Program.
    - Mr. Goettl began working for the City of Eagle Lake on May 3, 1994 as a Part-Time Public Works Maintenance employee and has moved throughout the ranks since that time to his current position as Public Works Director which he has held since April 16, 2018.
    - Council Member Steinberg moved, seconded by Council Member White, to accept the resignation of Brian Goettl, effective February 10, 2023. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
  4. Discuss Hiring Process and Next Steps for Public Works Positions
    - Administrator Bromeland stated the purpose for the advanced resignation notice is to allow for the transfer of knowledge to the new person and stated it would be beneficial to bring the new person on yet this fall.
    - Council Member Whittington moved, seconded by Council Member Rohrich, to authorize the advertisement of the Public Works Director through external advertisement. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
    - Administrator Bromeland stated Brian Shoemaker was a very dependable employee.
    - Council Member White moved, seconded by Council Member Steinberg, to authorize the advertisement of a Part-Time Public Works Worker. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
  5. Approval to Advertise and Sell Old Leaf Vac on Minn Bid
    - Administrator Bromeland explained that with the purchase of a new leaf vac in October of 2021, the 2006 leaf vac is no longer needed. The Public Works Department would like to advertise the sale of the



leaf vac on Minn Bid, which is the same site that was used to sell the 1986 plow truck in December of 2021.

- Andrew Hartman, Public Works Supervisor, stated that he is estimating the minimum bid price to be \$5,000 but that he is waiting to hear back from a sales rep. to get a recommendation on a minimum bid amount.
- Council Member Rohrich moved, seconded by Council Member Whittington, to authorize the sale of the 2006 leaf vac on the Minn Bid site with a minimum bid of \$5,000 or at the price the sale rep recommends. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

6. Resolution 2022-35: Resolution on Special Session

- Administrator Bromeland explained that the failure of the Legislature to pass a tax bill and a bonding bill before the session adjourned was a disappointment for many. The Coalition of Greater Minnesota Cities (CGMC) is asking cities to pass resolutions urging the Governor to call for a special session and the Legislature to pass a bonding bill and tax bill.
- The proposed resolution is from the CGMC and has been tailored to fit Eagle Lake. It includes a reference to the City of Eagle Lake's Water Treatment Plant Project, the Mankato Water Resource and Recovery Facility (WRRF), increasing the Local Government Aid (LGA) appropriation, and more. If adopted, the resolution will be sent to the Governor, local legislators, the Speaker of the House, the Senate Majority Leader, the House Minority Leader, and the Senate Minority Leader.
- Council Member Rohrich moved, seconded by Council Member White, to approve Resolution 2022-35: Resolution on Special Session. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**OTHER**

- None

**ADJOURNMENT**

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

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
AUGUST 30, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Garrett Steinberg, Beth Rohrich, Anthony White (arrived at 6:10 p.m.), John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, Public Works Director Brian Goettl, and Deputy Clerk Kerry Rausch.

**NEW BUSINESS**

1. Fox Meadows Development and Environmental Assessment
  - a. Responses to Public Comments (Public Comment Period Ended 8/25/22)
  - b. EIS Need Decision
    - Administrator Bromeland explained that the public comment period for the Environmental Assessment Worksheet (EAW) for the Fox Meadows Development closed on August 25, 2022. All comments that are both substantive and timely must have a response prepared. Following review of the comments and responses to the comments, the City Council will need to determine whether an Environmental Impact Statement (EIS) will be necessary. The decision that an EIS is needed must be made within 30 days of the public comment period ending. An EIS shall be ordered for projects that have the potential for significant environmental effects. If it is determined that there is insufficient information, the EIS need decision can be postponed up to 30 days to obtain missing information.
    - Travis Fristed with Braun Intertec was present and explained that 30 comments were received, of which two were from residents, 13 were factual, 10 were acknowledgements, 5 were recommendations, and 2 were speculative. Substantive/factual comments have been responded to. Most comments were helpful in that they verified information. There were questions on storm water management which have since have received the geotechnical response. The State Historical Preservation Office found no findings with the archeological review. Revisions to the EAW were made based on information provided by Blue Earth County that there is no farmstead on the west side of the property and that when they did the well sealing in 1991 it was noted there are tanks in the area, and Table 9-1 was updated as to the status of some permits. The two resident comments relating to the traffic volumes has been addressed.
    - Mayor Auringer mentioned that comment 16 indicated that 87% of soil on the site have a very limited rating and asked if this land is buildable. These items will be taken care of during the building process. Mayor Auringer also asked if the plan is to have drainage run to the northeast. The storm water feature will drain to the dedicated area. The traffic questions in the EAW may result in a future road connection with 211<sup>th</sup> Street.
    - Mayor Auringer explained that if the City Council deems the submittal as complete, they would then need to determine if an EIS is required or if they negatively declare that an EIS is required, then make such a motion to accept the information that has been received.
    - City Attorney Chris Kennedy explained if the Council deems there is no need for additional studies or information they should then consider a motion to declare a negative declaration to the EIS.

- Council Member Steinberg moved, seconded by Council Member Whittington, to adopt a negative declaration to the EIS and to make a finding that the report is complete. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- The next step would be for Council members to review the findings before the next meeting to determine if there are any changes needed or to decide to adopt as stated. If anyone sees anything in the next 5 days, they should alert City Hall, otherwise a notice will be published in the EQB Monitor after the five days.
- Troy Schrom stated he is finalizing the construction documents and is prepared to submit an application for rezoning and the preliminary plat for approval.
- It was explained that the Planning Commission would review the rezoning application and the preliminary plat and will make recommendations to the City Council.
- City Administrator Bromeland stated that Mr. Schrom is requesting to apply for rezoning and preliminary plat concurrently and explained that rezoning should be final or completed before the preliminary plat can be approved.
- City Attorney Chris Kennedy confirmed that rezoning and preliminary plat must be independent decisions and that it is his recommendation to act on the rezoning request first and then the preliminary plat could be addressed even if they are presented at the same meeting. He advised City Council against any involvement in the homeowner's association.
- Mayor Auringer stated that a Planned Unit Development (PUD) allows for flexibility with zoning and also the ability to work with the developer with unusual situations.

#### **OTHER**

- None

#### **ADJOURNMENT**

- Council Member Steinberg moved, seconded by Council Member White, to adjourn the meeting at 6:26 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
SEPTEMBER 12, 2022**

**CALL TO ORDER**

- Mayor Auringer 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, Public Works Director Brian Goettl, and Deputy Clerk Kerry Rausch.

**PUBLIC COMMENTS**

- Mike Guentzel, 60374 224<sup>th</sup> Lane, Madison Lake, stated that the annexation agreement with LeRay Township ends on October 8, 2022, and asked what happens at that point. Mayor Auringer stated that will be a township decision.

**APPROVAL OF THE AGENDA**

- Added to the agenda was the public hearing for Mayor and Council compensation and under New Business the addition of a Community Forestry member.
- Council Member Steinberg moved, seconded by Council Member Rohrich to approve the amended agenda. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**APPROVAL OF MEETING MINUTES**

- Council Member White moved, seconded by Council Member Rohrich, to approve the August 1, August 22, and August 30, 2022 City Council meeting minutes. The motion carried with Council Members Steinberg, Rohrich, White, Whittington and Mayor Auringer voting in favor.

**CONSENT AGENDA**

- Added to the consent agenda were additional payables and the Fire Chief's report.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to approve the consent agenda as amended.

Monthly Bills

Treasurer's Report

Police Report

Fire Report

Public Works Report

Building & Zoning Permits

Gambling Report

WEX Agreement

Resignation of Amy McGuire

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

**PRESENTATIONS**

1. Supplemental EAW for Mankato Motorsports Park Project: Jason Femrite and Addy Tuese with Bolton and Menk
  - Mayor Auringer explained that Council had asked for more information on the effects the motorsports park would have on climate change.

- Ms. Tuese stated that the existing greenhouse gas (GHG) output for Highway 14 is 37,045 MTCO<sub>2e</sub> a year and 185.28 MTCO<sub>2e</sub> from the 230 acres of cropland for a total of 37,230.28 MTCO<sub>2e</sub>.
  - The output from the proposed facility, which includes buildings, course use and employees/vendors/patrons will be 35,221.87 more MTCO<sub>2e</sub> a year than existing conditions. The per acre GHG is 315 MTCO<sub>2e</sub> per year for the proposed facility versus 161.87 MTCO<sub>2</sub> per year for the existing condition.
  - There are no Minnesota or National ambient air quality standards for GHGs which means there is no threshold identified.
  - Traffic levels in this study included a 20 mile stretch to include commuters. The only ag land data is from California which averages a variety of farming techniques.
  - During construction the first year, the result will be less than a 50% increase in GHS; this includes construction equipment emissions and then the continued operational use of the track, facility and vehicles. Electric cars were not figured into these calculations. Residential housing use of land was not available for comparison purposes due to the variability of housing.
  - Administrator Bromeland explained the next step is for the Council to make a determination of completeness of the supplemental EAW, if found complete, there will be a 30-day comment period after which it will come back to the Council to determine if an EIS is needed.
  - Mayor Auringer stated that when comments come back from agencies who have reviewed the supplemental EAW it may provide Council with more information.
  - Council Member White moved, seconded by Council Member Steinberg, to declare the Supplemental EAW as complete. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
2. Sewer and Water Extension Project Update and Next Steps: Brian Sarff with Bolton and Menk
- Brian Sarff with Bolton and Menk explained that this project has been in progress for over a year, plans have been prepared, bids received, and the project awarded to Bromeling Construction who is set to begin installing the fire hydrant tomorrow. Last week Chad Ragan informed the city that he is looking at other options. Mr. Sarff also stated that there have been two meetings with Mr. Ragan and that Bolton and Menk proceeded accordingly. Parties involved are unwilling to sign easement documents.
  - Chad Ragan, 804 Parkway Avenue, stated that at the first meeting 3 of 6 owners were present and at that meeting a rough draft was presented as to where the line would run. Another option was presented to push the line to the north. At the second meeting a proposed line from the existing manhole which would follow the railroad tracks was presented. He was informed the line would be 8 feet and no deeper and a hydrant would be installed in his back yard. Mr. Ragan stated at that time he was told to get personal bids to install a private line to the house and shop and was not given an idea of the cost. His contractor told him he would need an E1 grinder system which could cost between \$10,000-\$20,000 and this pump would need to be replaced every 8 years. On December 6<sup>th</sup>, Pete Forrey, Mr. Ragan's contractor, informed Mr. Ragan that a new septic system would not work due to soil quality. Mr. Ragan stated he thought the sewer system would be brought to the front of the house and that to do this project on his own it would cost him \$2,000 more and that he would not lose property due to an easement and he would still need an E1 grinder system. He then clarified by stating he would need a lift pump, not a E1 grinder pump which can only be used if the run is less than 300 feet.
  - Mr. Ragan stated it would be less distance to run this line through his front yard. Mr. Sarff stated that to run the line in front of the property, instead of where proposed, would be a longer distance and would cost more due to the paved trail and parking lot.
  - City Attorney Chris Kennedy stated the Council needs to consider the cost to the City with any changes to the scope of the project. He also stated costs to date will be absorbed by the city and if the City is to rebid this project there will be additional costs.

- Brian Sarff explained the contractor has the materials ordered for the project and the hydrant is on hand. There are no major material costs to date. He also stated that no property owners were guaranteed a gravity system.
- Mr. Ragan asked how the bid was accepted and awarded when he was still determining his cost. Mr. Kennedy explained that state statute does not require a property owner be part of the process and that property owners do not need to sign off on a city project for a bid to be awarded. He also stated he is unsure if he can get an easement from family members for this project but should know within a couple of days.
- Council discussion included that past discussions recognized that a line installed at the rear of the property was not an optimal location, but it is a location that worked.
- Mr. Sarff explained that if development occurs to the west of these properties, easements would be needed and that a gravity system would not be installed. The only other option would be to come off of Parkway Avenue and this would involve Blue Earth County's force main system. Brian Goettl, Public Works Directed, stated that connecting into the force main is not an option because there is no meter. This would need to go to a lift station.
- Mr. Ragan asked if the commercial property he owes to the east of 598<sup>th</sup> could be added to this project. Mr. Sarff stated that he is unsure of the depth and that it would need to cross County Road 17 and it may disturb the trail and parking lot. He stated he does not believe Blue Earth County would allow the City to go into the road (598<sup>th</sup>).
- Council Member Rohrich stated that taxpayers are fronting the cost of this project and asked why the City has not heard from Mr. Ragan until it is an emergency situation and that there have been several meetings where this could have been discussed. She also stated the City does not hold up other projects for property owners. This project affects only two properties and is costing the City \$110,000. She also stated Mr. Ragan has had 1 ½ years to obtain the easement from family members. Without an easement the city is unable to help.
- Mr. Kennedy explained that an easement does not change ownership of land. Mr. Ragan responded that an easement would make future construction impossible. Mr. Kennedy explained that the type of easement would determine if construction could occur.
- Council discussion included that if no easement is granted, the City has no way to proceed with the project and that the City has spent a lot of money to date on this project. The City will need to know by the end of this week if easements will be granted.
- Council Member Rohrich moved, seconded by Council Member Whittington, to set a deadline of September 16, 2022 to obtain an easement for the project and if an easement is not granted within the deadline then a reduction to the scope of the project will be pursued. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **PUBLIC HEARING**

### 1. Mayor and Council Compensation

- Mayor Auringer explained that any changes to Mayor and City Council wages would need to be approved prior to the November election.
- Administrator Bromeland stated that a public hearing notice was published in the Free Press to amend City Code Chapter 2.020. The current wages are \$325 per month for the Mayor and \$225 per month for City Council members. Each are paid \$50 for special meetings. The last wage increases for the Mayor and Council occurred in 2013. Included for Council review is a summary of other city's pay rates.
- The public hearing was open and closed with no comments being offered.
- Council discussion included that Eagle Lake's pay rates are in line with other communities.

- Council Member Steinberg stated he would like to see Eagle Lake move to two council meetings a month due to the amount of activity in Eagle Lake and then use Bryon's pay scale of \$400 for Mayor and \$300 for City Council a month. The two meetings a month should eliminate the need for most special meetings.
- Discussion included how moving to two meetings a month would affect staff's workload and overtime pay, that residents would know there are two meetings scheduled each month instead of having special meetings periodically. Two meetings a month would require an ordinance change.
- Council concern included the need to wait until additional staff are brought on board to assist with the workload and that such a decision in an election year will affect potential new members to the Council.
- Administrator Bromeland stated from experience in other cities where two meetings a month were held she noticed that it makes twice as much work and take twice the amount of time.
- Council asked that staff determine where the year to date budget is at for the Mayor and Council wages. Council Members Rohrich and White stated they are not concerned with wages and Council Member Rohrich stated she is more concerned about the amount of time two meetings a month will take. Council Whittington stated his concern is that two meetings a month will turn into two meetings expanding into two long meetings.
- Council Member Steinberg moved, seconded by Council Member White, to table discussion on mayor and council wages until the October City Council meeting. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **OLD BUSINESS**

- None

## **NEW BUSINESS**

1. Hazardous Buildings Report from Building Inspector for Eagle Lake Regency Manufactured Home Park
  - Administrator Bromeland stated that Dan Murphy, the City's building inspector, was asked to inspect eleven homes in Eagle Lake Regency Manufactured Home Park. As per Mr. Murphy's report, all eleven homes have been deemed structurally unsafe per MN Rules 1300.0180. The unsafe homes shall be demolished and placed in a licensed landfill/recycling center per MN Statute 463.15. Mr. Murphy estimated that it will cost \$6,000 per structure for demolition and removal. He also stated that Regency Manufactured Home Park does not have titles to the structures.
  - Administrator Bromeland explained that in April of 2015 the City agreed to remove a large special assessment of unpaid utility bills in exchange for Regency replacing sewer infrastructure within the park. A provision of the agreement references vacant homes and the demolition timeline and process. This applies to homes within the ownership of Regency.
  - Mr. Murphy has recommended that the City establish a timeline that is reasonable for Regency to be able to demolish the structures due to the potentially large upfront costs to the City if abatement is initiated.
  - Randy Roiger with Regency had the Park Manager, Kim Stumne, on the phone who stated all units are vacant and that she is unable to tear them down without a title, but since the units have been condemned, she can start the tear down process. Ms. Stumne asked if there would be any assistance the City could provide, but it is unlikely that funding could be obtained through outside funding sources. Ms. Stumne stated that the corporate office is exploring options and are looking to remove the first 5-6 units within the next 60-90 days. The remaining units would be removed in the spring of 2023.
  - Council asked that a map of the units to be removed be provided. When asked Ms. Stumne stated the units to be removed would be secured.
  - Council consensus was that removing 5-6 units in 2022 and the remaining units in the spring 2023 is a reasonable plan.

## 2. Copier Proposal from Loffler

- Administrator Bromeland explained that the City of Eagle Lake currently leases its copier from Metro Sales and that under the current agreement with Metro Sales, there is a cost escalator for black and white and color copies. Depending on print volume, our monthly cost can vary significantly and so far in 2022 we have averaged approximately \$800 per month.
- Kirk Hankins with Loffler recently reached out with a proposal for a copier that has all the same features as the current copier and would allow for the ability to make unlimited black and white and color copies. The proposal from Loffler entails a 60-month lease agreement at \$388.00 per month and pricing is locked for 60 months. The proposal includes new copier equipment; delivery, installation, on site training, and networking; ship back via Loffler truck of the current copier with Metro Sales; and \$1,482 for Loffler to satisfy the current lease with Metro Sales. All toner, parts, and labor are included. The proposal from Loffler would result in an immediate cost savings of at least 50% of our monthly copier lease and printing costs. The current lease with Metro Sales is set to expire in September 2023.
- Council Member White asked if staff could reach out to Riverbend Business Products to learn what they could offer the City for a copier agreement.
- Council Member White moved, seconded by Council Member Steinberg, to approve the Loffler copier proposal unless Riverbend Business Products can offer a better cost savings. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## 3. Sale of 2006 Leaf Collector

- Administrator Bromeland stated that following the special city council meeting on August 22<sup>nd</sup>, the 2006 leaf vac unit was posted on Surplus Services (MinnBid.org) website. The bidding closed on Thursday, September 1<sup>st</sup> with the high bid of \$6,550. The sale proceeds should be credited to the 201 Storm Water Fund. The auction administrative fee is 8 percent of the sale price.
- Council Member Steinberg moved, seconded by Council Member White, to approve the sale of the 2006 Leaf Collector and to designate the sale proceeds to the 201 Storm Water Fund. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## 4. Electronic Fund and Wire Transfer Policy

- Administrator Bromeland stated that as electronic banking becomes more widely accepted, the City of Eagle Lake has experienced an uptick in the number of vendors requiring or requesting electronic payment. The purpose of the proposed Electronic Funds Transfer Policy is to ensure that electronic funds transfers are completed in a manner that conforms to Minnesota Statutes governing electronic or wire transfer to pay claims or make investments.
- Included in the Council packet was an “Avoiding Pitfalls” from the Minnesota Office of the State Auditor regarding Electronic Funds Transfers and a copy of Minnesota Statute 471.38. According to the MN OSA, while electronic transactions are convenient, they present unique opportunities for fraud. As a result, state law requires local units of government to adopt certain policies and procedures before electronic transfers are made. These policy controls include delegating on an annual basis a designated person the authority to make electronic funds transfers, the disbursing bank must keep on file a certified copy of the delegation of authority; the person initiating the electronic transfer must document the request and obtain approval from the designated person before initiating the transfer; written confirmation of the transaction must be made within one business day after the transaction; and a list with all transaction made by electronic funds transfer must be submitted to the governing body at its next regular meeting.
- Council Member White moved, seconded by Council Member Steinberg, to approve the Electronic Funds Transfer Policy as presented. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## 5. Utility Rate Discussion and Recommendations – Water, Sewer, and Stormwater Rate Analysis



- Administrator Bromeland directed Council to the letter from Shannon Sweeney with David Drown Associates pertaining to his utility rate recommendations for water, sanitary sewer, and storm water.
  - The water utility is making debt payments on the 2021 bonds and planning a water tower rehab project for 2023 that is estimated to cost approximately \$500,000. The impact of these expenditures will require modifications to water rates. A 5% annual increase is recommended for years 2023 through 2026, and a 3% annual increase for years 2007 and 2008.
  - Based on inflation and operating costs, it is recommended that sewer rates be increased 4% annually for years 2023 through 2028.
  - A 15% annual storm water rate increase is recommended to cover debt service contributions for the 2021 bonds and operating costs.
  - No increases to refuse and recycling collection are proposed.
  - The projected monthly increase for an average residential customer based on an average monthly water consumption of 4,300 gallons is \$3.40. The proposed increase would take effect with January's water usage which would be billed in February 2023.
  - Council discussion included the need to keep up with inflation and that smaller incremental increases are better than large increases. The possibility of early bond payoffs was discussed, but with bonds being refinanced last year, this is not an option.
  - Concern with staffing shortages for LJP and the possible need for an RFP was mentioned.
  - Council Member Whittington moved, seconded by Council Member Rohrich, to adopt a 5% increase in water rates, a 4% increase in sewer rates, and a 15% increase in storm water rates for 2023. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
6. Drug and Alcohol Testing and Drug-Free Workplace Act Policy
- Administrator Bromeland referred to the proposed Drug and Alcohol Testing and Drug-Free Workplace Act Policy for Non-DOT Employees which is based on a model policy provided by the League of Minnesota Cities. The policy reflects recent changes to legislation passed that went into effect related to legalized cannabinoids, including tetrahydrocannabinol (THC), in some circumstances. Also before Council is a proposed Drug and Alcohol Testing and Drug Free Workplace Act Policy for DOT Employees.
  - Administrator Bromeland explained that action is not needed tonight and once the policies are adopted they will be reviewed with staff and staff will be asked to sign an acknowledgement form.
  - Currently the City tests as part of the pre-employment process and there is no review of driver's license citations.
  - Council discussion included the desire to test for suspicious behavior, which is covered in the proposed policies.
  - City Attorney, Chris Kennedy, stated the problem with THC is complex in that the Federal law is clear with DOT licenses there can be nothing in your system. The issue is if an employee tests positive, it does not necessarily mean they are impaired.
  - Council Member Rohrich moved, seconded by Council Member Whittington, to adopt the DOT and Non-DOT Drug and Alcohol Testing and Drug-Free Workplace Act Policies. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
7. Fire Department Policy
- Administrator Bromeland explained that Sheila with the MN Valley Council of Governments has provided feedback on the proposed policies. A small committee of fire department members worked on the updated policy and presented it to the department. Department members are comfortable with this policy.

- Spencer Kolles with the Fire Department stated the current policies are outdated and the proposed policies are more in-depth and include job descriptions, drug testing policy, driving policy, and leave of absence policy.
- Council Member Steinberg moved, seconded by Council Member White, to adopt the fire department policies as presented. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **OTHER**

- None

## **CITY ADMINISTRATOR REPORT**

1. Storm Drain Stenciling Activity-Eagle Heights Park
  - As part of the MS4 program, the City is responsible for completing education and outreach with the public. A storm drain stenciling activity has been coordinated for Wednesday September 14<sup>th</sup> from 5:30-7:30 p.m. in the Eagle Heights Subdivision. To date, there are 15 volunteers signed up to help between the Eagle Lake Area Lions Club and Girls Scouts.
2. Fall Clean Up
  - The Fall Clean Up is scheduled for October 15<sup>th</sup> from 8:00 a.m. to noon in Lake Eagle Park
3. Fox Meadows Development Status
  - Following the completion of the EAW, applications for re-zoning and the preliminary plat were received from the developer. Public hearings for re-zoning and preliminary plat have been scheduled for the upcoming Planning Commission meeting on September 19<sup>th</sup> at 6:00 p.m. The developer's agreement will be included on the October 3<sup>rd</sup> City Council agenda.
4. Road Inquiry from Mankato Township
  - City staff was recently contacted about the City of Eagle Lake taking over the gravel road on 598<sup>th</sup> Avenue from Peregrine Avenue to 211<sup>th</sup> Street. The Public Works Director was consulted and advises against the City accepting this segment of 598<sup>th</sup> Avenue at this time as it was expressed that there is no benefit to the City to do so. Mankato Township also asked about the portion of the 211<sup>th</sup> Street from 598<sup>th</sup> to the area where the leaves are hauled. The Public Works Director indicated that the City is currently maintaining all of 211<sup>th</sup> Street from 598<sup>th</sup> to CSAH 27 and that it makes sense for the City to have ownership of this portion.
5. Fall Newsletter
  - The fall newsletter will go out towards the end of the month.
6. Upcoming Mandatory Staff Trainings in September
  - There will be a safety committee meeting for all staff on September 20<sup>th</sup>. After the safety committee meeting, there will be a brief mandatory MS4 training for all staff with more in-depth training for field staff. Another annual related safety training will take place on September 22<sup>nd</sup> for all staff.
7. Special City Council Meeting
  - A special City Council Meeting will be held on Monday, September 26<sup>th</sup> at 6:00 p.m.
8. Community Forestry Member 2022-2023
  - If available, the City may want to consider a part-time Community Forestry Member who could help assess storm water ponds vegetation, and work with the rain gardens and buckthorn. This is a no cost program to the City.
  - Depending on staffing levels, this person may be officed in the Council Chambers or at the Public Works building.

- Council Member Rohrich moved, seconded by Council Member Steinberg, to authorize the contracting of a part-time community forestry person. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

#### **COUNCIL REPORTS**

- None

#### **ADJOURNMENT**

- Council Member Steinberg moved, seconded by Council Member White, to adjourn the meeting at 8:41 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
SEPTEMBER 26, 2022**

**CALL TO ORDER**

- Mayor Auringer 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, Public Works Director Brian Goettl, and Deputy Clerk Kerry Rausch.

**NEW BUSINESS**

1. Preliminary 2023 Budget and Tax Levy
  - a. Resolution No. 2022-38: A Resolution Setting the Fiscal Year 2023 Preliminary City Budget and Preliminary Property Tax Levy
    - Administrator Bromeland explained that the preliminary levy must be adopted on or before September 30<sup>th</sup>. The preliminary levy can be reduced once adopted but cannot be increased prior to the final levy being adopted. The levy is comprised of the general fund, EDA, and debt service.
    - A Truth-N-Taxation (TNT) public comment hearing must occur sometime between November 25<sup>th</sup> and December 28<sup>th</sup>. This hearing has been set for the regularly scheduled City Council meeting at 6:00 p.m. on Monday, December 5<sup>th</sup>.
    - The final levy must be certified to the county auditor by or before December 28<sup>th</sup>. Cities must also file a certificate of compliance with the Department of Revenue by December 28<sup>th</sup>.
    - For reference purposes, Administrator Bromeland explained that last year's final levy was set at 10% or an increase of \$81,173 over the 2021 tax levy. Property taxes should have remained relatively flat unless a property's valuation increase.
    - Administrator Bromeland stated that attached is spreadsheet from Blue Earth County which can be used to consider different scenarios by changing the proposed levy amount and residential taxable market values. It was noted that the estimated city tax used a residential 1% class rate and that this does not represent property classifications with a different class rate such as commercial or industrial. The local property tax rate is a function of the levy and total tax base. Taxable tax capacity is used to determine the local tax rate. A property's share of the City levy is based on the taxable value of the property relative to the full value of all other property in the City's taxing district. Per an inquiry to Blue Earth County Property staff, the average residential sale price in the City of Eagle Lake was \$300,100 for the 2022 assessment. The average market value percent increase on residential homes was 8.44%. It was noted that the City's net tax capacity has increased recently due to new residential and commercial construction. This is important because with more taxpayers, the tax base has expanded and helps to spread the burden of taxes over more taxpayers.
    - A net tax capacity increase with continued growth allows our tax rate to decrease. Even with a proposed 9% levy increase, the proposed 2023 tax rate would still be slightly below the 2022 tax rate. However, if a property's valuation increased, taxes will increase accordingly. If taxpayers see an increase in taxes, they also need to look at their valuation and whether that increased. Valuations can appreciate or depreciate. The time to appeal a valuation is in April and taxpayers need to contact Blue Earth County directly as the City of Eagle Lake does not determine property valuations. Overall, property taxes and market valuation are complex with several moving parts.

- Discussion took place at the August 22<sup>nd</sup> budget work session about setting aside funds annually for future facility maintenance at the Fire Hall. Since that meeting, a line item was specifically added to the Fire Department budget for this purpose and \$25,000 has been allocated with \$20,000 of this amount for parking lot maintenance and HVAC work, and the remaining \$5,000 set aside for phase 1 of the new facility study. Because this is in a capital outlay line item, any unused funds at year end will be carried forward.
- Since the Mayor and Council compensation matter was tabled at the September 12<sup>th</sup> meeting, a \$400 increase was factored into the 2023 budget for the mayor and a \$300 increase for council. If no action is taken to increase the compensation for the Mayor and City Council before the election in November, these amounts can be removed before the final budget and tax levy is approved in December.
- In additional \$2,500 was allocated for set aside in capital outlay in the City Hall budget to continue incrementally setting aside funding for future facility improvements.
- The proposed preliminary tax levy is General Fund - \$769,952, EDA - \$51,000, and Debt Service - \$152,310 for a total of \$973,262. This is a \$80,361 or 9% increase from the 2022 tax levy.
- Administrator Bromeland stated from her perspective, one of her immediate goals is that we increase staffing levels to keep up with the demands and growth pressures that we will continue to encounter as a growing community. To ensure effective and efficient delivery of services and to be able to accommodate ongoing growth, the City must be intentional about adequately staffing departments. If staffing needs aren't addressed in specific areas, such as consistent police coverage, sufficient public works maintenance staff, and dedicated planning and zoning and economic development position, we will likely continue to fall behind and be reactive while the delivery of services could suffer due to staff being stretched too thin. Staff are simply trying to do too much with too little resources, and it is not sustainable as the community continues to grow and expectations for services and amenities increases.
- Other immediate goals include updating outdated planning documents to promote orderly growth and development (2023). Moving ahead with the SCADA system for water and sewer (2022-2023), water tower rehab project (2023), secure funding for water treatment plant project (2023-2025), park pavilion (2023), and research and implement creative employee retention and recruitment ideas, including all full-time and part-time employees, and paid volunteer fire and daytime rescue personnel (2023-2034).
- Discussion included the water, sewer and storm water rates and increasing operating costs due to inflation, ongoing maintenance of aging infrastructure, and debt service for bonds. Administrator Bromeland explained that Shannon Sweeney with David Drown and Associates has done a rate study and that he has proposed a multi-year rate increase plan. Administrator Bromeland explained that rate increases are necessary to keep up with increasing operation costs and debt service. This information was factored into the rate analysis. It was noted that the enterprise budgets reflect anticipated revenues and expenditures for one year and that we completed the rate analysis to ensure that we maintain healthy enterprise fund balances.
- Also discussed was the importance to prioritize staffing needs and when would be best time to advertise for new positions. Staff recommendations for the hiring process will be brought to the October 3<sup>rd</sup> City Council meeting.
- Council Member Whittington moved, seconded by Council Member Rohrich, to adopt Resolution 2022-38 A Resolution Setting the Fiscal Year 2023 Preliminary City Budget and Preliminary Property Tax Levy. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## 2. Police Staffing Needs

- Police Chief Kopp was asked to present to Council police staffing needs. He presented a proposed schedule if a 4<sup>th</sup> full-time police officer was hired. He also reviewed call out data, explained that 46% of call outs occurred on Saturdays and Sundays and that 54% on Mondays – Fridays. Only 6% of calls for service occur between 8:00 a.m. and 4:00 p.m.

- Chief Kopp also stated if a 4<sup>th</sup> full-time officer is hired it would be his recommendation that a third squad car be purchased. He proposed that when the oldest squad is due to be replaced, that it be left in the fleet and that a new squad would be purchased as well. He explained that squad cars are difficult to purchase at this time with a long wait time for delivery.
  - Chief Kopp also explained if staffing levels remain at 3 full-time officers an additional part-time officer should be added to staff. The difficulty is that officers look at pay when deciding where to apply and that in general police officers face liability and are taking a risk coming to work.
  - It was Chief Kopp's recommendation to maintain three full-time police officers and stated he feels the current staff can make the schedule work in an efficient and effective manner. He also stated that he feels a good wage is needed to be competitive and would have a better chance at retaining officers and that other cities in the area are offering higher wages.
  - Discussion included if a third squad is really needed and where it would be stored since the current garage has two stalls.
  - Staffing with on/call shifts was also discussed and how that affects the community and response times. When school is in session and more housing developments, a presence at the school and on school routes is appreciated by parents and students.
  - Police Chief Kopp stated it is his recommendation to remain with 3 full-time police officers.
  - Council asked Chief Kopp to draft a proposed schedule of patrol hours and coverage.
  - Also discussed was the possibility of establishing a pool of part-time police officers with other cities within Blue Earth County that could be contacted to fill staffing needs.
  - Fire Department members Vern Simpson and Trent Talle voiced their concern with on/call staffing, stating this places fire department members in a dangerous position and causes response delays while the fire department waits for a police officer to arrive to provide site safety. They stated they would like to see more policing.
  - Mayor Auringer stated this has been a long-term struggle and asked that it be brought to the October City Council meeting.
3. Council Goals
- Administrator Bromeland stated that Council goals have been received from two of the Council members and asked the rest to submit their 2023 goals so they can be brought to the October 3<sup>rd</sup> City Council meeting.

#### **OTHER**

- None

#### **ADJOURNMENT**

- Council Member Rohrich moved, seconded by Council Member Whittington, to adjourn the meeting at 6:53 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

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

**CALL TO ORDER**

- Mayor Auringer 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, Public Works Director Brian Goettl, Andrew Hartman, and Deputy Clerk Kerry Rausch.

**PUBLIC COMMENTS**

- Troy Michels, 302 Concetta Trail, stated that prior developers presented a concept plan when asking for rezoning and then after rezoning was approved the actual project was not what was originally presented. He asked that if the final draft of the project is different than what is presented that there be a penalty.

**APPROVAL OF THE AGENDA**

- New Business item #10 will be moved up on the agenda to be heard after the Fox Meadow's development agreement and item 14 will be added to New Business for a quote for fire department extrication equipment.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to approve the amended agenda. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**APPROVAL OF MEETING MINUTES**

- Council Member White moved, seconded by Council Member Rohrich, to approve the September 12 and September 26, 2022 City Council meeting minutes. The motion carried with Council Members Steinberg, Rohrich, White, Whittington and Mayor Auringer voting in favor.

**CONSENT AGENDA**

- Added to the consent agenda were additional payables and the Fire Chief's report.
- Council Member Steinberg moved, seconded by Council Member Whittington, to approve the consent agenda as amended.

Monthly Bills	Treasurer's Report	Police Report
Fire Report	Public Works Report	Building & Zoning Permits
Gambling Report	Electronic Fund Transfer Designated Authority	
- Clarification was provided that the Electronic Fund Transfer Designated Authority would be approved at the beginning of each year.
- The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**PRESENTATIONS**

- None

## **PUBLIC HEARING**

- None

## **OLD BUSINESS**

### 1. Mayor and Council Compensation

- Administrator Bromeland explained a public hearing was held at the September 12<sup>th</sup> meeting to consider amending Section 2.020 of City Code for wages of the Mayor and City Council members. She explained that according to the League of Minnesota Cities, generally, no change in salary shall take effect until after the next succeeding regular city election. An ordinance changing council salaries should specify the date when the changes will take effect. For budgeting purposes, an increase to the Mayor's wage to \$400 per month and an increase to City Council members wages to \$300 per month, was factored in. If no action is taken to increase the compensation before the election in November, these amounts can be removed before the final budget and tax levy is approved in December.
- Administrator Bromeland also explained that discussion took place at the September 12<sup>th</sup> meeting about the possibility of holding two regularly scheduled meetings a month versus one.
- Discussion included that there have been nine (9) special meetings so far this year, that most special meetings are unique to building and zoning concerns, concerns that both meetings will turn into long meetings, and the desire to monitor the number of special meetings in 2023. Administrator Bromeland stated that if Council moves to two meetings a month that a date would need to be determined and the Planning Commission currently meets the third Monday of the month.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to remain at 1 meeting per month and monitor need for special meetings in 2023. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Council Member White moved, seconded by Council Member Steinberg, to increase the Mayor pay to \$400 per month and City Council pay to \$300 per month beginning in January 2023. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **NEW BUSINESS**

### 1. Variance Request from Planning Commission for 104 Creekside Drive

- Administrator Bromeland explained that a public hearing was held at the September 19<sup>th</sup> Planning Commission meeting for the purpose of considering an application received for a variance from 104 Creekside Drive. The applicant for the variance is seeking to encroach two feet into the required eight-foot side yard setback. No public comments were received in advance of the public hearing, at the hearing, or following the hearing. Notice of the public hearing was published in the newspaper and mailed to all property owners within 350 feet of the subject property.
- Administrator Bromeland also explained that when contemplating whether to grant a variance, the legal standard of practical difficulties must be applied to the facts presented by the applicant. "Practical Difficulties" is a three-factor test including reasonableness, uniqueness, and essential character. Discussion took place at the Planning Commission regarding whether the practical difficulties test could be met for all three factors. Ultimately, the Planning Commission recommends that the variance be approved.
- Mayor Auringer asked if the Planning Commission was aware that the variance is for the encroaching on the side yard setback requirement as well as asking for a variance to park in the side yard setback which is not allowed in City code.
- Mayor Auringer stated that he does not feel the variance meets the three areas of practical difficulty and that if approved it could be a slippery slope and that more requests and more questions could be received. The pad could be constructed at 10 feet 9 inches and still meet the City's code.



- Council Member Rohrich stated she attended the Planning Commission meeting and that their discussion included that by granting the variance, it would keep the truck off the street, and that campers and vehicles park in the side yards. She also asked that if we allow this for one, do we need to allow for all.
  - City Attorney, Chris Kennedy, stated that the variance is allowing for the construction, but it does not allow for the parking in the side yard setback, which could be in violation of City Code and that a variance allowing the owner to park on it could not be granted and City code would need to be changed to allow this. He also stated that if the City receives a complaint about parking in the side yard setback the police will investigate this.
  - Council Member Steinberg moved, seconded by Council Member White, to grant the variance request for 104 Creekside Drive.
  - Council Member Whittington stated it is unwise to approve the pouring of the pad when they would not be allowed to park on it, stating that they would need to park right up next to the house.
  - Council Member Steinberg stated that if the vehicle would be parked right next to the house, the owner would be fine and not in violation of the parking in the side yard setback requirement in City code.
  - Motion carried with Council Members Steinberg, Rohrich and White voting in favor. Council Member Whittington and Mayor Auringer voted in opposition.
2. Rezoning Recommendation from Planning Commission for Parcel ID # R.12.10.18.400.013
- Administrator Bromeland stated an application for re-zoning was received from Troy Schrom to rezone land that he owns (R12.10.18.400.013) for the Fox Meadows Housing Development that is currently located in City limits. When this parcel was annexed into City limits, it was placed in the A-1, Agricultural District, until placed in another district by action of the City Council after recommendation by the Planning Commission. Annexed land may be zoned other than A-1, Agricultural Land, if another use is applied for by the property owner. The area to be re-zoned R-4 is for 8-plex structures, the area to be re-zoned R-2 is for twin homes and the area to be re-zoned R-1 is for single family homes. The area noted “PUD” will follow rezoning and the preliminary and final plat process. Notice of the public hearing describing the area to be re-zoned was published in the newspaper and notices sent to property owners within 350 feet from the parcel. Mr. Schrom and his team were provided zoning code regulations for each of the zoning districts to ensure that proposed construction conforms with each zoning district’s respective regulations for setbacks, lot coverage, etc.
  - Administrator Bromeland explained that included in Mr. Schrom’s original application for re-zoning for the area for the 8-plex structures was an R-3 zoning designation. It was communicated to the developer and his team that to rezone R-3, the preliminary plat would need to be modified so that each structure had its own lot versus being platted as one lot which is permitted in an R-4 district. The density will not change as the same number of 8-plex structures proposed will remain the same.
  - Administrator Bromeland stated that two residents provided feedback at the public hearing that took place at the September 19<sup>th</sup> Planning Commission meeting. One resident expressed concern with multiple family housing along Agency Street and expressed a preference that single family housing be in this area citing that the 8-plex structures don’t fit the neighborhood. Discussion took place about the possibility of adding screening such as trees or shrubs as a buffer along Agency Street in this area. The other resident that spoke expressed similar concerns with density, increased traffic, increased demands on the City’s water and sewer system, and water runoff.
  - The Planning Commission recommends approval of the rezoning but with a change of the portion with 8-plex structures from R-3 to R-4.
  - Administrator Bromeland explained that there will be 13 8-plex units in phase 1 and 8 8-plex units in phase 2.

- When the topic of TIF and Section 8 house was broached, the City's attorney stated this is a slippery topic which is not for Council to consider. Administrator Bromeland explained that 20% of the units need to be at 50% of the median income standard. This translated to 13 of the 64 units must meet the above-mentioned standard.
- Council Member Whittington moved, seconded by Council Member Rohrich, to approve the rezoning as recommended by the Planning Commission which includes the area to be re-zoned R-4 is for 8-plex structures, the area to be re-zoned R-2 is for twin homes, and the area to be re-zoned R-1 is for signal family homes. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor. Council Member Steinberg voted in opposition.

3. Recommendation from Planning Commission for Parcel ID #R12.10.18.400.013

- Administrator Bromeland stated an application for a preliminary plat was received from Troy Schrom to plat land that he owns (R12.10.18.400.13) for the Fox Meadows Housing Development that is currently located in City limits. Notices of the public hearing was published in the newspaper and mailed to residents within 350 feet of the parcel. A public hearing was held at the September 10<sup>th</sup> Planning Commission meeting.
- One resident provided feedback at the public hearing with respect to safety concerns about children crossing Agency Street in this area and the speed of vehicles. Since public hearing, a letter has been received from Eugene and Joyce Bruender, who live at 425 S. Agency Street. In their letter, they identify some items of concern as it relates to placement of sidewalk on Blace, the driveway on the south side of their property to Blace Avenue, trees on the south side of their property that may be impacted by the right of way, and a filed tile on the east side of their property.
- The City's engineer with Bolton and Menk has been involved with the review of the concept plan and preliminary plat. Mr. Sarff was asked to review the preliminary plat and provide his feedback as it relates to street and utility infrastructure requirements and city standards. The Planning Commission recommends that the Preliminary Plat be approved with the recommendations from the City's engineer for street and utility infrastructure requirements.
- Mr. Sarff explained there was no firm resolution at the Planning Commission meeting regarding sidewalks and safety but there had been talk of a Thomas Drive crossing with the Agency Street project, however, Blace may now be a better location for the crossing.
- Discussion included the need to look at providing safe access to children to get to school and play areas. There is a need to look at the speed of traffic on Agency Street, consider stop signs and general traffic flow and bud stop locations. It was asked if the pedestrian connectivity study could look at this. The pedestrian connectivity study is planned to go before Council at the November meeting. Discussion included the possibility of flashing signs along Agency Street.
- John Schulte, a representative for Troy Schrom, stated within the development there will be sidewalks on every street as required by City Code.
- Mayor Auringer stated before Council is the preliminary plat and that modifications can be made with the final plat.
- Administrative Bromeland stated in a phone call today with Mr. Schrom discussion included the need to ensure that easements are not encroached upon, and parkland and parkland dedication fees need to be determined.
- Mr. Michels previously expressed concern with potential project changes and Council's density concerns were discussed and the desire to address these in the developer's agreement.

- Mr. Sarff answered questions regarding infrastructure needs with this project and explained that he has looked at existing infrastructure and stated it was sized with future growth in mind. Storm water run off has been taken into consideration and a controlled discharge and been included with this project.
- The current plans include .38 acres for parkland in the area currently in city limits. The City will follow the park land dedication calculation in code.
- County Commissioner Kip Bruender addressed speed concerns on Agency Street and explained that if a speed study is requested, it could result in speeds being lowered or increased and this is a risk of such a study. Mr. Bruender recommended that the City work with Ryan Thielges at Blue Earth County and stated that the County may be able to assist the City with cost sharing options.
- Council Member Whittington moved, seconded by Council Member Rohrich, to approve the preliminary plat. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

4. Developer's Agreement for Fox Meadows

- Chris Kennedy stated he has meet with Mr. Schrom and his attorney to work on the developer's agreement and that good progress has been made and that there are existing items to still be worked out.
- Administrator Bromeland explained that the developer's agreement can be approved concurrently with the final plat.
- Troy Schrom explained it is his intention to begin phase 1 this fall with completion in 2023, phase 2 would include the 8-plex units to the east.

5. Recommendation to Hire Andrew Hartman of the New Public Works Director

- Administrator Bromeland explained that a hiring committee, comprised of Mayor Auringer, Council Member Steinberg, Public Works Director Brian Goettl, Jess Steinke with the MN Valley Council of Governments and herself recently interviewed two finalists for the position of Public Works Director. The hiring committee recommends that Andrew Hartman be hired a Public Works Director. Mr. Hartman's current title with the City is Public Works Supervisor.
- She went on to explain that with the current Public Works Director retiring on February 10, 2023, the hiring committee recommends that Mr. Hartman be given the title of Public Works Director in training, effective immediately, and that he be placed at Grade 11, Step 1 on the pay schedule as he trains alongside Mr. Goettl and that Mr. Hartman will have opportunities to advance up the pay scale with satisfactory performance evaluations.
- Council Member Steinberg moved, seconded by Council Member White, to hire Andrew Hartman as Public Works Director. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Discussion included the budget effects on paying two Directors wages until Mr. Goettl retires. Administrator Bromeland said that it is a concern but that the City Council wanted to advertise and fill the position quickly to promote a smooth transition and to minimize service impacts of being short staffed and that was what was done and that is a drawback. It was noted that the department has had a vacant part-time position and it is hoped that wages will be at or below what is budgeted by year end but that it is a budget and this wasn't something that was planned for when the budget was set last December.

6. Commence Hiring Process for Full-Time Public Works Worker

- Administrator Bromeland stated that with the promotion of Andrew Hartman to Public Works Director and the upcoming retirement of Public Works Director Brian Goettl, another full-time public works worker is needed. Given the current hiring environment and labor shortage concerns, City staff recommend to commencing the hiring process now. If approved, and advertisement can be posted as "open until filled" so

that the City retains flexibility about when it feels ready to schedule interviews based on the applications received. The goal is to hire a full-time employee yet this fall so that they can be trained and ready to assist with snow removal and help ensure a smooth transition. Ideally, interviews would be scheduled for late October, and if possible, have a recommendation to hire for the November 7th City Council meeting.

- Council Member White moved, seconded by Council Member Whittington, to authorize the hiring process for a full-time Public Works Worker. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

#### 7. Police Department Staffing

- Police Chief John Kopp presented the pros of hiring a fourth full-time police officer, some of which include the additional police coverage and a quicker response times compared to having an officer on-call. He also stated he has concerns with retention due to higher wages in surrounding communities but feels positions with the City of Eagle Lake can be positively promoted. He also stated he would still like to keep in mind the need for a third squad in the future as the City continues to grow.
- Council discussion included that a 4<sup>th</sup> full-time position has been included in the budget but that the City can not pay the same wage of larger cities. Weekend coverage was discussed stating this is when the most people are in Eagle Lake and moving around. Additional squad needs can be discussed at a future time.
- Administrator Bromeland stated she has been surveying other cities and feels Eagle Lake needs to keep in mind the entire compensation package, including benefits. She stated that Eagle Lake has implemented a practice of offering the opportunity for new employees to quickly move through the first three steps of the pay scale with satisfactory performance reviews during the first year of employment.

#### 8. Community Development Coordinator Position

- Administrator Bromeland stated funding for this position is included in the 2023 preliminary budget which was adopted on September 26<sup>th</sup>. Given the current hiring environment and labor shortages, it may be worthwhile to begin advertising soon to gauge interest in the position.
- Administrator Bromeland explained that staffing levels need to keep up with the demands and growth pressures that we will continue to encounter as a growing community. It was her recommendation to hire someone dedicated to planning and zoning and economic development. Each of these functions deserves sufficient time and attention for thorough study and review. The current workload is becoming unmanageable with the many other day to day demands and expectation. The current set up is not sustainable as the community continues to grow and expectations for services and amenities increase. Even if Eagle Lake were not a community poised for continued growth, it would be forward thinking to hire someone dedicated to these functions to have the ability to be proactive in planning and economic development. Given Eagle Lake's proximity to Mankato and North Mankato and continued growth, hiring a position for planning and economic development is long overdue.
- Due to labor conditions, a formal inquiry was submitted to the South Central Service Cooperative (SCSC) asking for an intern to complete a project involving a zoning code update, something that is needed. SCSC replied that they will begin looking for a student intern. There is no cost to the City of Eagle Lake to participate in the intern project unless the city wishes to pay above the \$12 per hour that SCSC will reimburse. There is no guarantee that an intern will be available for this project, but SCSC is currently working to find an intern for this purpose.
- If the City is unable to fill a Community Development Coordinator position, Administrator Bromeland suggested we may want to consider utilizing a consultant on an as needed basis for more complex and time-consuming work and projects. City staff will work to obtain updated proposals from consultants that provide economic development and planning services as another option to consider.
- A hiring timeline was presented with an the hiring process commencing in October or November.

- Council Rohrich moved, seconded by Council Member Whittington, to begin advertising for this position. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
9. 4M Investment Fund for EDA Funds
- Administrator Bromeland explained that as the EDA fund continues to grow, the EDA was asked to consider investing funds in a certificate of deposit or money market until the money is needed for an economic development related project. Discussion took place at the recent EDA meeting about investing \$200,000 of its funds with the League of Minnesota Cities 4M Funds. The 4M fund is fluid and there are no penalties for withdrawing funds as needed. The EDA recommends that \$200,000 of their \$246,540.94 be invested in the LMC 4M Fund.
  - Council Member Steinberg moved, seconded by Council Member White, authorizing the invest of \$200,000 of the EDA's funds in the 4M Fund. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
10. KJ Walk Supplemental Agreement
- Brian Sarff with Bolton and Menk provided an update on the KJ Walk Supplemental Agreement stating there has been onsite digging with the pond to build the pond to full capacity, grading has been done, but it has not been seeded. On the To Do list is the final lift of bituminous and restoration work. A schedule for the remaining items has been requested several times and responses have been vague. Per the agreement, work was to be completed by September 30, 2022. Mr. Sarff also stated the agreement is clear that restoration work must include 6 inches of clean top soil and Bolton and Menk is watching this.
  - Discussion included to make sure the City does not formally accept the project until all work has been completed. City road snow removal services were discussed since the project has not yet been accepted. Discussion included the need to charge for this service, in an amount greater than last year since the roads will not need to be plowed curb to curb in a timely manner since people are living in the development.
11. Amend Check Signing Policy
- Administrator Bromeland explained that Mayor Auringer asked to review the City's check signing policy as it relates to processing and signing checks mid-month in between meetings. The City's Deputy City Clerk recommends that we designate one day a week (e.g. Wednesday) to sign checks for invoices that arrive after a council meeting with a due date that occurs before the next meeting. City staff recommends that the check signing policy be amended to include the ability to process and sign checks mid-month that come in after a council meeting and that are due before the next meeting to avoid incurring late fees. Paying invoices electronically is another option. All checks and electronic payments processed mid-month are included in the council packet bills list for retroactive approval as has been the practice for many years.
  - Deputy Clerk Kerry Rausch explained that she ran a listing of all vendors paid between council meetings this year and contacted the most frequently paid, asking if due dates could be changed. All responded by saying their dates are set and cannot be changed. Ms. Rausch stated she contacted the City's auditors to see if they had any recommendation. The auditors addressed MN Statute 471.4725, subd. 4 which stated that any late payments must include a 1.5% interest rate. She also explained that she is now going online to print invoices that are cut between meetings to get them electronically where possible.
  - Council Member Rohrich stated they have this same issue with their business and that vendors are set in their due dates.
  - Mayor Auringer asked if checks could be cut twice a month, once for the council meeting approval and a second between council meetings. Deputy Clerk Rausch indicated this should work but mentioned issues could arise such as when Council meetings are delayed due to holidays.
  - Council Member Rohrich moved, seconded by Whittington, to include in the check signing policy the authorization to issue checks twice a month. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## 12. Set Election Canvassing Board for November 17th or 18th

- Administrator Bromeland explained that after each general election local jurisdictions needs to certify the local election results through a Canvassing Board and that Eagle Lake has historically utilized the current City Council to serve as the Canvassing Board. The City must certify their local election results between November 11-18<sup>th</sup>; however, Blue Earth County must first certify their results which will take place on November 16<sup>th</sup>.
- City Council set Friday, November 18<sup>th</sup> at 7:30 a.m. for the canvassing board to meet to certify the local 2023 election results.

## 13. Towards Zero Death Resolution

- Chief Kopp stated the TZD grant was received for 2022-2023. A resolution stating Eagle Lake will be participate in this grant program is needed. Officers need specialized training to participate in this program and Officer Guillemette is participating in this training. The goal is to make the most impact with these shifts and create high visibility.
- Administrator Bromeland explained that TZD shifts can take place both in town and on Highway 14.
- Council Member Rohrich moved, seconded by Council Member White to adopt Resolution 2022-39. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## 14. Extrication Equipment Quotes from Fire Department

- Fire Chief Vern Simpson and Trent Talle provided an updated quote for battery operated extrication equipment from Clarey's Safety Equipment in the amount of \$26,337. Of the \$59,370 included in the 2022 fire budget for capital outlay expenditures, there is a balance of \$25,837.89 remaining. The Fire Department proposes to utilize gambling funds to close the gap between what's available in capital outlay and the quote. Mr. Simpson explained that the ram and equipment will be removed from items requested to be purchased. It was explained that the current equipment works well but newer vehicles have reimbursement zones which make the current equipment difficult to use and new equipment would allow for fast rescue. This equipment would be stored on the rescue vehicle.
- Council Member Steinberg moved, seconded by Council Member White to authorize the purchase of the battery-operated extrication equipment. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **OTHER**

### 1. Council Goals

- Council members who have not submitted their goals were encouraged to do so, so that they could be brought to the November City Council meeting.

## **CITY ADMINISTRATOR REPORT**

1. The upcoming builders workshop will be held October 12<sup>th</sup> at City Hall from 1-2:30 p.m. with local builders. A representative from MPCA will be on hand to help present information about construction stormwater (CSW) requirements.
2. The storm drain stenciling event took place on September 14<sup>th</sup> in the Eagle Heights subdivision. Over twenty volunteers were on hand comprised of the Eagle Lake Area Lions Club, Girl Scout Troop 34497, and other community volunteers.
3. A second proposal for a copier has been received from River Bend Business and was reviewed at the meeting. Loffler's proposal came in lower.

4. A meeting has been scheduled with Bolton and Menk engineers John Graupman and Brian Sarff to review the findings of a recent well report relating to the Water Treatment Plant Project. The report will indicate whether there is a potential to drill 1-2 wells at the proposed site.
5. The Fire Department will hold an open house at the Fire Hall on October 9<sup>th</sup> from 1-3 p.m.. This year's theme for fire prevention week is "Fire Won't Wait. Plan Your Escape".
6. Fall Cleanup is scheduled for Saturday October 15<sup>th</sup> from 8:00 p.m. to noon at Lake Eagle Park.
7. Leaf collection will begin on October 17<sup>th</sup>. The town will be divided into two zones with Zone 1 being Mondays and Wednesdays and Zone 2 being Tuesdays and Thursdays.
8. The consultants working on the pedestrian connectivity study will be at the November 7<sup>th</sup> City Council meeting to present the final report.

## **COUNCIL REPORTS**

1. Mayor Auringer asked about the status of the Ragan sewer project. Administrator Bromeland explained that an easement was not obtained so the scope of the project was reduced. A bill from Bromeling will be presented for payment at the November City Council meeting. It will be up to the Ragans' to determine a method to connect. Administrator Bromeland will reach out to other property owners with a letter.
2. Mayor Auringer asked about the property at Parkway and Third Street. Administrator Bromeland explained that Mr. Bales has one year left to pull a building permit.
3. Mayor Auringer asked if there would be any benefit to the City purchasing a street sweeper due to MS4 requirements. Public Works Director Brian Goettl stated that sweepers are high maintenance equipment and that the new leaf vac equipment is able to clean catch basins and gutters. Mr. Goettl also explained that in the past the city has contracted for street sweeping twice a year and could consider this again to remove sand and gravel from roadways. The City has the Toolcat which can be used to remove small amounts of sand. Discussion included the desire to consider sweeping roadways earlier to prevent winter sand from flowing into the storm drains as the snow melts.
4. Council Member White asked that Council consider bringing Randy King, a building inspector, before Council to learn what services he may be able to provide the City. Discussion included that it is always good to bring in comparisons, but that it is also good to work with someone who knows the City. Council asked that Mr. King be invited to attend a City Council meeting.

## **ADJOURNMENT**

- Council Member White moved, seconded by Council Member Steinberg, to adjourn the meeting at 9:15 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
NOVEMBER 7, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

- Council Members present: Garrett Steinberg, Beth Rohrich, Anthony White (arrived at 6:14 p.m., John Whittington (arrived at 6:05 p.m.), and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, Public Works Director Andrew Hartman, and Deputy Clerk Kerry Rausch.

**PUBLIC COMMENTS**

- Mike Guentzel, 60374 224<sup>th</sup> Lane, Madison Lake MN, stated that a piece of his comments was not included in the Council packet and some of the items included are not in color and asked if the Council and developer saw this information. Administrator Bromeland stated that all of Mr. Guentzel's comments have been forwarded to the City Council members and the developer.

**APPROVAL OF THE AGENDA**

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

**APPROVAL OF MEETING MINUTES**

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

**CONSENT AGENDA**

- Council Member Rohrich 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	2023 Liquor Licenses	
Resolution Designating 2023 Polling Place		
Resolution Accepting Donation from Girl Scouts		
Authorization to Renew Dental Insurance Contract-Delta Dental		
Resignation of Ron Rose from Planning Commission		
Resolution for Fire Relief Pension Actuarial Service		

- Mayor Auringer expressed his thanks to Ron Rose for his years of service on the Planning Commission.
- The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.



## PRESENTATIONS

### 1. Bradford Development: Mankato Motorsports Park

- Administrator Bromeland explained the comment period for the Supplemental Environmental Assessment Worksheet (EAW) for the Mankato Motorsports Park Project began on September 20<sup>th</sup> and ended on October 20<sup>th</sup>. Following the public comment period, the decision on the need for an EIS shall be made within 30 days of the close of the comment period. Council will need to determine if there is sufficient information to make the EIS need decision and prepare a record of decision including findings of fact and responses to all substantive comments.
- Dan Donayre with Bolton and Menk, reviewed the Court of Appeals items to be addressed which included the project's effect on wildlife, the DNR's comment that Lake Eagle is designated as a wildlife lake, the noise impact from this project, and the impact of noise on the shore of the lake.
- Council discussion included the desire that the responses to the DNR's comments be fully vetted.
- The City's attorney, Chris Kennedy, addressed the proposed native grasses and stated he did not see this is allowed in City code. He went on to stated that if Council desires, Council could address this item.
- Mr. Donayre addressed sound modeling and stated there are no parameters. There are no studies or models, so this was looked at from a traffic standpoint. He also explained there is an unpublished sound study in the works and that he contacted the researcher who has looked at this and found no indication of effect on migrating birds.
- Mr. Donayre presented the following findings: there is no need to conduct an in depth wildlife use survey due to no public data suggesting that waterfowl utilize the lake for nesting. Research suggests that racing noise will not significantly impact waterfowl behavior and racing will not take place during prime inversion periods between dusk and dawn, therefore increases to existing noise levels will be minimal. The current habitat quality isn't significantly suitable for potentially sensitive species because of the dominant plant community, and hunting season is already a known disturbance to waterfowl and Eagle Lake is open to waterfowl hunting.
- The following are responses to MN DNR comments received. Noise from highway and development cannot be cumulated. Noise propagates best under inversion conditions which typically occur at nighttime and early morning hours. The track will not operate at night, so maximum noise from the track typically is not at the same time as maximum noise from the highway. Mitigation of wetland impacts within the Eagle Lake basin will be mitigated through the MN Wetland Conservation Act permitting procedures along with Section 404 of the Clean Water Act. A landscaping plan will be developed during the final design to address the vegetation management plan. Reseeding and landscaping materials will be free of invasive plants or plant parts and will be focused on the use of native plants. The project will work to minimize disturbance of areas not planned for construction. When possible, the MN DNR Conservation Management Guidelines for the Rusty Patched Bubble Bee will be followed. The development will meet all state and local water quality measures. Measures include, but are not limited to, stormwater retention ponds, bioretention swales, raingardens, and other stormwater control features. Other stormwater management features will be determined during the final design. Lighting will follow City Ordinance Section 6.240 Landscaping and Screening, Subd. 6. Exterior Lighting. Full cut-off lighting with wattage and lumen levels similar to those typically found in similar developments will be used.
- Noise analysis included five receptors which were modeled, three along the lake shore by the track, one in the center of the south lake and one on the south side of the lake by Highway 14. They combined the proposed track noise with existing traffic volumes. The noise results showed existing maximum modeled noise levels from Highway 14 traffic at the Eagle Lake receptors similar to (within 1dBA) the maximum noise level impacts from the track predicted at these same locations during a daytime track event. He stated that human perception of noise levels includes a sound increase of 3 dBA is barely perceptible to the human

ear, a 5 dBA increase is clearly noticeable, and a 10 dBA increase is heard as twice as loud. The modeling results show there would not be a high decibel increase to deter wildlife.

- Mayor Auringer stated he was looking for this report to contain written responses to all of the comments and that he would like to see this addressed prior to making a decision.
- Mayor Auringer proposed to postpone a decision for up to 30 days to allow for written responses to be received. His biggest concern is the DNR letter and that there could be a continual noise question, unless addressed.
- It was asked if the Steffensmeier project was factored into this review.
- Mayor Auringer asked that written responses be provided to the City two weeks prior to the December 5<sup>th</sup> City Council meeting.
- Mayor Auringer moved, seconded by Council Member Steinberg, to declare insufficient information and to postpone the EIS decision to the December 5, 2022 City Council meeting. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

2. John Graupman, Engineer with Bolton and Menk: Presentation of Quotations Obtained for SCADA System, and Overview of Water Tower Rehab Bidding Timeline and Project Schedule

- John Graupman with Bolton and Menk stated City staff have looked at features and options for a SCADA system and that recently the lift station had an acute failure. Two bids were received for Council consideration for the purchase of a SCADA system and it was recommended for Council to consider the bid from MN Pump Works in the amount of \$162,635, which came in below the engineered estimate.
- The quote includes panels at the lift station, water tower control and lift station controls. The estimated completion date for installation is April 30, 2023, but it was noted with supply chain issues this could be delayed.
- This system is a complete system and can be integrated into a water plant system in the future.
- Public Works Director Andrew Hartman stated unknown issues may not be identified until installation. The current system is using only two pumps and the alarm systems is only for high-level alarms, no low-level alarms.
- Administrator Bromeland explained the City has received \$337,354 in ARPA funds that will need to be expended by December 31, 2024. Per an inquiry to the City's auditor, if an expenditure would be eligible to receive financial assistance through the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF), then the expenditure is eligible under ARPA. An inquiry was submitted to MN Public Facilities Authority (PFA) asking if this expenditure would be eligible under CWDRF or DWSRF and PFA has indicated the expenditure would be eligible.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to accept the bid for the SCADA system from MN Pump Works in the amount of \$162,635 and to utilize ARPA funds for this purchase. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Mr. Graupmann recommended that bids for the water tower rehab project be let November 30<sup>th</sup>. The depreciation rate/life cycle for such a project is 20 years and this project is over due by that standard. The proposal is to have this project completed by July 1, 2023 which would be prior to Tator Days. Due to weather, the earliest anticipated start date is April 15<sup>th</sup> and this would be an eight (8) week project to fully recoat the interior and exterior of the tower. The final painting and design of the exterior finish does not need to be determined at this meeting.
- Council discussion included that there is no warranty for mildew issues. Darker colored bases of towers will help hide such an issue. If there is an eagle on the tower we may want to look at obtaining resident input on the design.

3. Christopher Talamantez with MAPO: Pedestrian Connectivity Study

- Mr. Talamantez presented the findings for the Eagle Lake connectivity study along CSAH 27 (Agency Street) between Thomas Drive and 211<sup>th</sup> Street and explained the goals for the study were identifying pedestrian and bicycle access, safety for all users, environmental compatibility and financial responsibility. Public input was obtained through an open house at City Hall in July, digital correspondence and through a presentation to City Council in August.
  - Four alternatives were presented which included a west side sidewalk with boulevard, east side sidewalk with boulevard, east side shared use path with boulevard, and off-road shared use path. Alternative #3, an east side shared use path with boulevard was the recommended option. The final report is being drafted.
  - Council discussion included if this project is feasible.
  - Administrator Bromeland explained that she submitted a letter of intent for Transportation Alternative funding and noted that only construction costs would be allowed and that there is a 20% City match if funded. Funds would likely be available for 2027.
4. Lisa Graphenteen, Development Services Inc.: Affordable Housing Action Plan for Mankato Area
- Ms. Graphenteen explained that she has been working with Mankato and Blue Earth County on a housing study, looking at housing needs and what communities want. She wants to ensure that the cities of Blue Earth County have the opportunity to participate in this voluntary process.
  - Council input included that the challenge is affordable housing, the starter home market. The city does not have assisted living options which forces people to move out of Eagle Lake, there is a lack of slab on grade/patio homes and senior living communities, the older homes are expensive to do upgrade, the mobile home park is a potential focus area with code changes, the city need to be aware of rental market and the possibility of over saturating community with rental units.

## **PUBLIC HEARING**

- None

## **OLD BUSINESS**

### 1. Regency Mobile Home Park

- Administrator Bromeland stated she has been in contact with Regency's Park manager who stated they are having dumpster issues. Ms. Stumne anticipates that 4-5 units will be removed yet this year and the rest in 2023.
- Administrator Bromeland and City Attorney, Chris Kennedy, have reviewed City code relating to mobile homes.
- Two building permits applications have been applied for to bring in new units.

## **NEW BUSINESS**

### 1. Detachment Request from LeRay Township for Parcels Annexed for Proposed Motorsports Park

- Administrator Bromeland explained that a letter has been received from LeRay Township requesting that the detachment process be started for the parcels annexed into City limits for the Mankato Motorsports Park project. She also explained that the reversion clause in the orderly annexation agreement stated that should the property not be developed and retain its rural character, thirty-six months after the execution of this agreement, the property shall revert back to the township with the parties agreeing to follow the detachment process as outlined in Minnesota Statutes Section 414.06. This agreement was signed by LeRay Township on October 8, 2019.
- If the city and township do a joint resolution to detach the property and a petition is received from all of the property owners, then no mediation hearing is required. If the city and township do a joint resolution to detach the property and no petition request is received from all the property owners, then a hearing will be

scheduled and mediation is required. City staff have been advised to expect the process of mediation to cost around \$10,000.

- Chris Kennedy recommended that this be tabled until after the next meeting because the Council is still looking at the EIS. If the city decides to move forward with the detachment process, he expects that mediation would be needed.
- Mayor Auringer stated that if all property owners don't join in and this goes to mediation, the state is reluctant to detach if the parcel may be developed within 10 years or so.
- Council Member Whittington moved, seconded by Council Member Rohrich to table the detachment process until after the EIS decision for the Mankato Motorsports Park decision has been made, to allow for a better understanding of how to proceed. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## 2. Pricing for Water and Sewer SCADA System

- See Presentations.

## 3. Proposal to Replace Main Lift Station Pump

- Administrator Bromeland explained that in addition to the SCADA System, there are other immediate needs. Public Works Director Andrew Hartman is requesting that the City consider utilizing American Rescue Plan Act (ARPA) funding to replace pump #3 at the main lift station. Per Mr. Hartman pump #3 is approximately 14 years old and has about 8,000 pumping hours on it and should be replaced soon.
- A quote from MN Pump Works has been received for a new pump and installation in the amount of \$21,370.69.
- Mr. Hartman stated that he has spoken with the pump inspector, and it is time to replace this pump to avoid an emergency. He also stated the current pump can be rebuilt to use as a backup. Expected pump hours range from 8,000-10,000 hours. The other two pumps at the main lift station have been replaced within the last five years. Mr. Hartman recommended utilizing MN Pump Works for this project since they will be the company that provides service work, and this is the pump they use.
- Council Member Rohrich moved, seconded by Council Member White, to authorize the use of ARPA funds to purchase of a pump for Well #3. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## 4. Proposal for Maintenance of Well #3

- Administrator Bromeland explained that Public Works Director Andrew Hartman is requesting the City consider utilizing ARPA funding to perform maintenance needed on Well #3. Mr. Hartman has indicated the capacity of the well and pump rate have been declining since 2014 and maintenance is needed.
- An estimate from Thein Well has been received to set a drill rig up over the well, drill and lift debris out of the well. The estimated cost to clean and develop the well is \$23,750, however the actual invoice will reflect actual time and materials. Thein Well has provided well maintenance on the City's wells for many years.
- John Graupman with Bolton and Menk stated the soft sand stone is starting to impact capacity, there is no emanate failure, but this needs to be cleaned out.
- Council Member Steinberg moved, seconded by Council Member Rohrich, to authorize the use of ARPA funds and to accept the quote from Thein Well to provide maintenance on Well #3. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## 5. Pay Estimate No. 1 and Final for 2022 Sanitary Sewer and Watermain Extension Project

- Administrator Bromeland explained that the contractor's pay request number 1 and final for the 2022 sanitary sewer and watermain extension project is \$28,811.50.
- The city was unable to obtain the necessary easements from the Ragan family to move ahead with the full project. Instead, the project scope was reduced to the installation of a new hydrant.

- Council Member Steinberg moved, seconded by Council Member Rohrich, authorizing the payment of \$28,811.50 to the contractor Bromeling Excavating. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
  - Administrator Bromeland stated that City code requires the property owners be connected to utilities and that she has not heard from these property owners.
6. Certification of Special Assessment
- Administrator Bromeland explained that cities must certify special assessments to the County Auditor no later than November 30<sup>th</sup> each year per Minnesota Statute 429.061, Subdivision 3.
  - City staff have compiled a listing of properties which will be assessed if payment is not received prior to November 30, 2022. Past practice has been that assessed balances are charged interest at 4%. City staff has sent notice to the properties advising that if payment is not made, the unpaid charges will be assessed for collection with property taxes. Included in the notice was the process to contest any unpaid charges.
  - Council Member Steinberg moved, seconded by Council Member Whittington, the authorization to assess unpaid charges to Blue Earth County's property taxes. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
7. Request from 100 Valley Lane to Defer Connection to Public Sewer until 2023
- Administrator Bromeland explained that Scott Wangen recently purchased 100 Valley Lane and that the property is zoned R-3 and has a single-family dwelling on it with a septic system. The property owner is aware that City sewer is available and that connection is required, however, the property owner has expressed that he plans to redevelop the property in 2023 and is requesting the ability to defer connection to public sewer until that time.
  - Administrator Bromeland also stated that Blue Earth County does not have record of this property being on a septic system and that the property owner has 10 months to upgrade or abandon the septic system in Blue Earth County.
  - Council asked if a rental license, if sought, could be denied until septic system is addressed.
  - Attorney Kennedy stated it is acceptable to defer the connection to the sewer until 2023, but that it will need to be taken care of within 10 months. It is also acceptable to not issue a rental license if there is a septic in use.
  - Council discussion included that the 10 months begins at the date of purchase of the property.
  - Chris Kennedy recommended that Council give Mr. Wangen 6 months from November 7, 2022 to determine what he will be doing with the property.
  - Council Member Steinberg moved, seconded by Council Member White, to grant Mr. Wangen's request to deferring connection to the City's sanitary sewer for six months from the date of property purchase and to deny any rental license requests until the property is connected to the sanitary sewer. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
8. Request from Utility Customer to Waive NSF Fee
- Administrator Bromeland explained that a request was received asking for the returned check fee to be waived. This customer has not have a history of past insufficient funds or dishonored check fees.
  - The customer indicated in their letter that this situation occurred due to a death in the family and the funds being frozen.
  - Council Member Steinberg moved, seconded by Council Member White, to grant request to remove NSF charge from their account. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
9. Request from Utility Customer to Waive Outside Water Charge
- Administrator Bromeland stated a request was received from a resident to waive outside water charge. The resident indicated that someone turned on his outside water while he was out of town and water entered his

basement and flooded his furnace room. The customer has not paid his bill and now there is an \$8 late fee applied. Due to the charges being for outdoor water, no sewer charges were applied.

- Council discussion included this was an unfortunate situation, but concern was expressed about granting such a request due to the possibility of other such requests in the future.
- Council Member Rohrich moved, seconded by Council Member Whittington, to remove the \$8 late fee and to deny the request for outdoor water fees being removed from the account. Motion carried with Council Members Rohrich, White, Whittington and Mayor Auringer voting in favor. Council Member Steinberg voted in opposition.

#### 10. Agreement with Xcel Energy for Street Lighting

- Administrator Bromeland stated that per the developer's agreement with KJ Walk for Phase II of the Eagle Ridge subdivision, the City of Eagle Lake is responsible for street light installation. Before Council is an agreement with Xcel Energy for the installation of five (5) streetlights in Phase II. The total cost is anticipated to be \$2,186.68. If the lights can be installed before the ground freezes, the total cost will be \$951.68.
- Administrator Bromeland also stated that staff has reviewed other development agreements for Eagle Lake and it appears that street light installation has typically been the responsibility of the developer. Depending on the size of a development and potential cost to extend electric utilities, staff recommends that future development agreements be written so that street light installation is the responsibility of the developer and not the city.
- Council discussion included that Xcel Energy designs the street lighting plan and the distance between lights.
- Mayor Auringer moved, seconded by Council Member Rohrich, to approve the agreement with Xcel Energy. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

#### 11. Recommendation to Hire Full-Time Public Works Worker

- Administrator Bromeland explained that three full-time candidates were interviewed by Andrew Hartman, Jennifer Bromeland and Jessica Steinke with the Minnesota Valley Council of Governments. The hiring committee unanimously recommends that Nathan Ruel be hired as a full-time Public Works Worker with a start date of December 5<sup>th</sup>. A conditional offer of employment has been extended to Mr. Ruel, and he has accepted, this offer is contingent upon the successful completion of a background check, physical examination, and drug and alcohol testing. Other conditions of employment include the ability to possess a valid MN Class D Water Supply System Operation certification and a valid MN Class S/C Wastewater Operation certification within two years from the date of hire. Mr. Ruel must also possess a valid driver's license and be able to drive in the State of MN. Within 90 days of employment, Mr. Ruel must acquire a valid MN Class B driver's license. The City of Eagle Lake will pay for training costs and licenses required for the position.
- Mr. Ruel will be hired at \$19.46 per hour with the opportunity for a step increase following the completion of six months of service and a satisfactory performance evaluation. Another step increase will be possible following the completion of one year of service and a satisfactory performance evaluation. After the first year of service, step increases will occur annually so long as the employee receives a satisfactory performance evaluation.
- Cit staff compiled year to date information and projections for the remainder of the year. The analysis included two director's wages, and an additional full-time public works worker for the month of December. The final amount at year end for wages will vary based on actual hours worked and overtime. Overtime estimates are factored into the projected wages. Overall, streets and parks are projected to be slightly over budget, while storm, water and sewer are anticipated to be under budget. Wages are cost allocated by varying percentages to the streets, parks, storm, water and sewer budgets.

- Council discussion included the desire begin advertising for a 4<sup>th</sup> full-time public works worker the beginning of January.
- Andrew Hartman asked Council if it would be ok to utilize an emergency backup snowplow driver this year if needed, paying \$20 per hour.
- Council Member Whittington moved, seconded by Council Member Rohrich, to hire Nathan Ruel as a full-time Public Works Worker. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Administrator Bromeland suggested that discussion take place about future plans to hire a 4<sup>th</sup> full-time public works worker. It was noted that there has been a lot of movement in the public works department with the notice of retirement and promotion and filling of positions. Administrator Bromeland cautioned commencing the hiring process too soon because typically once a candidate is selected for hire, they want to start soon. It was noted that a 4<sup>th</sup> full-time public works worker should not be hired to start until Mr. Goettl retires due to budgetary concerns with carrying 5 full-time public works employees on the payroll at one time.
- Council Member Steinberg moved, seconded by Council Member Rohrich, to begin advertising for a 4<sup>th</sup> full-time Public Works Worker in early January 2023. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to authorize using Matt Lee as an emergency snowplow driver at \$20 per hour. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

#### 12. Hiring Timeline for 4<sup>th</sup> Full-Time Police Officer

- Administrator Bromeland explained that discussion took place at the October 3<sup>rd</sup> meeting about the possibility of hiring a 4<sup>th</sup> full-time officer. Past practice has been to post internally and if no interest to then post externally. Upon receipt of a letter of interest from an internal candidate an interview could be held. If the internal candidate is deemed suitable and meets required qualifications a recommendation to promote could be made at the December 5<sup>th</sup> meeting with a January 4<sup>th</sup> start date. If there is no viable internal candidate, the position would need to be posted externally.
- Council discussion included the desire to allow the internal candidate time to patrol on their own after the training period and the desire to push back the hiring decision until January 2023.
- Chris Kennedy stated it is acceptable to promote from within and that he does not expect many applications would be received from external candidates.
- Council asked that Chief Kopp bring to the Council in January or February how the officer in training is doing.

### **OTHER**

#### 1. Recap of Recent All Seasons Arena Board Meeting

- Administrator Bromeland stated she attended the All Seasons Arena (ASA) meeting on October 14<sup>th</sup>. Topics discussed at the meeting included debt service scenarios and a draft Joint Powers Agreement (JPA) for the ASA. A question was asked if the City of Eagle Lake could still be an “operator” without being part of the JPA. The board indicated that the City of Eagle Lake could not be an operator without being a member of the JPA.
- Council Member White stated that the City could make a donation to ASA if they would like to.

#### 2. Minimum Maintenance Road and Speed Limit Inquiry

- Administrator Bromeland explained that staff was notified by a resident of a recent incident in which they were walking along the minimum maintenance road when a vehicle drove by at what appeared to be an

excessive speed. The resident asked if speed limit signs should be posted and cited a concern for pedestrian safety in this area.

- Administrator Bromeland also stated that she too has personally experienced a recent incident in which she was running along the edge of the minimum maintenance road and a vehicle drove by at what felt like a fast speed and was just a couple of feet away from her. The vehicle did not slow down or move over as it went by and there was a cloud of dust.
- Both the police and public works departments were notified of this situation and were asked for their input regarding the appropriateness of speed limit signage.
- With recent maintenance performed on this road, during the Agency Street project and again this summer, there may be an increase in drivers utilizing the road and speed patterns increasing due to the improved condition of the road.
- If land on either side of the road were to be developed in the future, a city street would most likely be constructed.
- Council discussion included putting up the road closed signs for the winter, the need to find a long-term solution and the need to make a legal determination as to where the road is located, in the city or in the township.

## **CITY ADMINISTRATOR REPORT**

### **1. Recap of Meeting with MnDOT Regarding Trail Responsibility**

- Administrator Bromeland and Public Works Director Hartman met with Mathew Thibert with MnDOT to talk about an upcoming Highway 14 preservation project and ADA upgrades to the trail by Casey's and the railroad tracks. The question was posed during the meeting asking if the City would like to take over maintenance of the trail along Highway 14. It was noted that the City declined to take responsibility for the trail back in 2016 and that the matter would have to be reviewed by the City Council. Several questions were posed and scenarios contemplated. Mr. Thibert indicated that he would investigate the questions and schedule a follow up meeting and eventually appear before the City Council. This is a recreational opportunity for the City to consider as it relates to the trail and access to the pond and possible walking path around the pond.

### **2. Timeline for New Copier**

- The copier lease agreement and terms and conditions were both reviewed by the City's legal counsel and an attorney from the League of Minnesota Cities that performs contract reviews at no charge. It is anticipated that the new copier from Loeffler will arrive in the next month or so. In the meantime, the City will continue to utilize the existing copier from Metro Sales. Loeffler will buy out the remaining lease. The City will realize a significant cost savings once the new copier arrives and service agreement begins.

### **3. Truth In Taxation Hearing**

- The Truth In Taxation hearing is scheduled for the December 5<sup>th</sup> City Council Meeting. Health insurance rates are now available and will be adjusted accordingly.

### **4. RFP for IT Services**

- The City has contracted with CTS since 2014 for IT services. City staff reached out to CTS with concerns about increasing costs and inquired about ways to reduce costs. No options have been presented to help the City reduce costs. City staff would like to consider exploring putting together an RFP for IT services to reduce costs. Council Member Whittington is willing to assist with Council approval.
- Council Member Rohrich moved, seconded by Council Member White, authorizing staff initiate and RFP for IT services, with the assistance of Council Member Whittington. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.



5. Letter of Intent Submitted for Transportation Alternatives (TA) Funding for Shared Use Path
  - A letter of intent has been submitted for federal funding for a shared use path between Thomas Drive and 211<sup>th</sup> Street, a sidewalk segment on the north side of 211<sup>th</sup> to Maple Lane, and a sidewalk segment on the east side of Agency Street from Thomas to Blace. There is no obligation to the city if it is decided not to pursue a shared use path or sidewalk segments as described. The overall estimated cost is \$120,000 for 211<sup>th</sup> to Thomas, \$76,000 from 211<sup>th</sup> to Maple Lane, and \$74,000 from Thomas to Blace. Of this amount, the City's share would be 20%.
6. Siren Coverage
  - The City received a call from a resident stating they could not hear the siren located by Regency Mobile Home park.
  - Frontline Warning Systems reprogrammed the outdoor warning sirens in Eagle Lake this past August as part of the siren upgrading process in Blue Earth County. They needed to change the encoding format and radio frequency to allow the County's new automated siren activation software to activate all the siren throughout the County. Frontline Plus was asked at that time to review siren coverage so that funding could be set aside if additional sirens were needed or if siren replacement is coming up. There are three sirens in Eagle Lake, two of the sirens were converted this past August. The siren at the fire hall will need a new radio/controller because it is too old to be programmed. The siren still works but eventually will need to be replaced. Staff is awaiting pricing to replace this siren. It will likely be around \$20,000 to replace a siren.
7. Public Hearing Notice from Mankato Township Planning Commission
  - Eagle Lake receives public hearing notices from the Township when a property is within 2 miles of Eagle Lake.

## **COUNCIL REPORTS**

1. Council Member Rohrich asked for an update on the Rykhus property being connected to city sewer. This connection has been made.
2. Mayor Auringer stated he has attended his last MAPO Policy Board meeting as Mayor and stated that Eagle Lake will need to appoint a Council representative to sit on this board.
3. Mayor Auringer stated he has attended his last Region 9 Development meeting as Mayor. The City may want to consider nominating a Council member to attend these meetings, but it is not required.
4. The Canvassing Board will meet Friday, November 18<sup>th</sup> at 7:30 a.m. at City Hall.

## **ADJOURNMENT**

- Council Member White moved, seconded by Council Member Rohrich, to adjourn the meeting at 8:56 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CANVASSING BOARD  
CITY COUNCIL MEETING  
NOVEMBER 18, 2022**

**CALL TO ORDER**

- Mayor Auringer called the meeting to order at 7:30 a.m.

**ROLL CALL**

- Council Members present: Garrett Steinberg, Beth Rohrich, Anthony White, John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland and Deputy Clerk Kerry Rausch.

**AGENDA**

1. Canvassing of General Municipal Election Results

- Administrator Bromeland reviewed the results of the municipal election results which included Lisa Norton being elected as Mayor and Garrett Steinberg and John Whittington being elected to City Council
- Deputy Clerk Rausch explained the details of a complaint received by a voter and how that situation was handled. She also stated there were 77 newly registered voters and that there were 1305 voters total which is 65% voter turnout.
- Council Member White moved, seconded by Council Member Rohrich, to certify the elections results as shown on the Abstract of Votes Cast.

**ADJOURNMENT**

- Council Member White moved, seconded by Council Member Rohrich, to adjourn the meeting at 7:40 a.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE  
CITY COUNCIL MEETING  
DECEMBER 5, 2022**

**CALL TO ORDER**

- Mayor Auringer 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, Public Works Director Andrew Hartman, and Deputy Clerk Kerry Rausch.

**PUBLIC COMMENTS**

- None

**APPROVAL OF THE AGENDA**

- Mayor Auringer removed Randall King from Presentations and noted that he will be at the January meeting instead. Administrator Bromeland stated that she received an email from Nancy Reason, 305 Maywood Ave. related to the Mankato Motorsports Park Project and forwarded it onto the Council.
- Council Member Steinberg moved, seconded by Council Member Rohrich, to approve the agenda as amended. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**APPROVAL OF MEETING MINUTES**

- Council Member Steinberg moved, seconded by Council Member Whittington, to approve the Council minutes as presented. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer 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
  - Resolution Accepting Donation to Parks
  - Resolution Accepting Chelsea Britton's Resignation from Fire Department
  - Resolution Accepting Jacob Fangmann's Resignation from Fire Department
- Mayor Auringer expressed his thanks to the Sedar's for their donation to the parks and pointed out the resignations of Chelsea Britton and Jacob Fangmann from the fire department.
- The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

**PUBLIC HEARING**

1. Truth-In-Taxation Hearing for Final Property Tax Levy Collectible in 2023
  - Administrator Bromeland explained the purpose of this meeting is to provide an overview of the final budget and that changes in a property's market value should be addressed with Blue Earth County's Property and Environmental Resources department.

- Administrator Bromeland presented the following as part of the Truth-In-Taxation meeting.
- The final levy must be certified to the county auditor by December 28<sup>th</sup> and the City must file a certificate of compliance with the Department of Revenue by that same date. The levy is comprised of the general fund, EDA, and debt service. The property tax statements residents receive show all levy authorities which include the county, school district, special taxing districts, and the state of Minnesota.
- Eagle Lake's preliminary tax levy was set at 9% over 2022 for an approximate increase of \$80,361. Proposed final general fund revenues are \$1,879,390 and proposed final expenditures are \$1,945,100. The budget would be balanced but for planned deficit spending using capital outlay reserves. These are reserves that were previously set aside for capital outlay expenditures. Planned deficit spending is the intentional drawing down of capital outlay funds previously set aside in the general fund.
- The 2023 levy includes \$769,952 for the general fund, \$51,000 for the EDA, and \$152,310 for debt service for a total of \$973,262.
- Per an inquiry to Blue Earth County Property and Land staff, the average residential sale price in the City of Eagle Lake was \$300,100 for the 2022 assessment. The average market value percent increase on residential homes was 8.44%. It was noted that the City's net tax capacity has increased recently due to new residential and commercial construction. This is important because with more taxpayers, the tax base has expanded and helps to spread the burden of taxes over more taxpayers.
- In summarizing revenues Administrator Bromeland explained that local government aid comprises approximately 38% of general fund revenues while property taxes comprise about 41% while the remaining 21% is received through licenses, permit fees, interest earnings, franchise fees, police and fire state aid and other miscellaneous sources. On the expenditure side, police, fire and streets comprise the bulk of the general fund expenditures at approximately 60%.
- The overall health of the City is favorable with a bond rating of AA -. The City has a policy to maintain a minimum unassigned general fund balance of 50% of the annual general fund budget. The city has a positive fund balance, which offers a cushion for unexpected expenditures or revenue shortfall.
- The public hearing was opened with no comments being offered.
- The Truth-In-Taxation hearing concluded, and action will take place later on the agenda.

## **PRESENTATIONS**

### **1. Bradford Development: Mankato Motorsports Park Project**

- Dan Donayre, Project Manager with Bolton and Menk, who represents the Mankato Motorsports Park was present to answer questions.
- Mayor Auringer stated the public comment period ended October 20, 2022 and that Council has received all the responses to the public comments.
- Mayor Auringer asked if the shoreline of Lake Eagle will be encroached upon with the project. Mr. Donayre stated it will not, there will be a buffer with a native plant mix. The design of the vegetative plans will occur later and will be discussed with the DNR. They will restore habitat for bees and other species to come back. Additional tree planting could be considered as well as the possibility of extending the tree line with native trees. The best way to handle environmental planting/restoration could be looked at through the DNR permitting.
- Mayor Auringer asked about the in-depth wildlife analysis. Mr. Donayre explained that this is a DNR study. Lake Eagle is a low-quality lake and stated that geese are not affected by noise and that other wildlife has adjusted to the noise of the highway, the distribution center, etc. The details of the study include bird counts and drones will be utilized to allow for digitization. This would most likely be done during migration periods and would be done over the course of one growing season. This study has been done by

the DNR in the past and it will identify species and migration periods. This lake, on the south side, is a shallow marsh with cattails. On the north side there is more shoreline.

- Mayor Auringer asked about sound projections and his concern for noise if the condos do not get built. He asked what the fallback protection would be. Mr. Brad Bass stated that the condos would be constructed in phases and that they could consider adding berms to mitigate noise and then remove the berms when building the condos.
  - Council Member White stated noise is a common theme with the comments and asked if there is more that can be done to mitigate noise. Mr. Donayre explained that sound barriers will lower noise by 5 decibels. He also stated that the track will not be running at night and that cars will not be souped up, that they will be high performance cars. He stated the sound barriers should work on this track. Mr. White asked if tall trees and or a tall fence would be good to consider to which Mr. Donayre stated they could possibly plant trees on the highway side.
  - Mayor Auringer referred to the topography of the land, stating that the north side is higher than the south side. He asked if the track would be higher than any of the berms or sound barriers. Jason Femrite with Bolton and Menk stated they have not gotten into the final details of this yet but stated that the purpose of the sound barrier is to mitigate the noise adjacent to that. He thinks that the track is about equal to the 20-foot sound barrier. He reiterated from previous meetings that the developer will adhere to the decibel levels stated per their agreement. Items can be addressed along the way in the development of this project.
  - Council Member Whittington stated that the DNR will have a lot of weight in how wildlife mitigation will be address. He also asked about the interior grass design. Mr. Femrite stated that the grass will only be manicured by the condos.
  - Council Member Steinberg stated there will be things discovered as the project moves along. He is glad to see that native habitat such as prairie grass will be included for animals.
  - Council Member Rohrich stated that prairie grass is against city code and that council will need to address this. City Attorney, Chris Kennedy stated council can look to modify city code and that cities such as Mankato and North Mankato have amended their code to allow for prairie grass.
  - Mr. Donayre summarized that most comments were related to noise and that the information they have showed with sound barriers, that noise will be diminished greatly. The next steps will be DNR permits and working with other organizations. The DNR will determine what studies they will require.
2. Mike and Erin Guentzel: Citizens Against Motorsports Park (CAMP)
- Mike Guentzel stated that when looking at the comments, the DNR is questioning the validity of the sound study and is anticipating wildlife will be affected. He stated that a study to identify what wildlife in is in this area should be conducted.
  - He also stated the car study was conducted in Melbourne Australia during the Grand Prix and black swans were the only species studied and they showed evident of stress. Due to this he asked this be studied further.
  - Mr. Guentzel continued by stating the DNR is requesting more information with the noise modeling and that the response that they used on the 2020 EAW was the modeling which was objected by the appellate court. Bolton and Menk are saying the sensors won't work on water and water is what there are trying to protect. A way to model on the water needs to be figured out.
  - The responses state that inversions only happen at night. The most common times for inversions are in the morning and the evening which are during daylight hours. This track is supposed to be operating during daylight hours.
  - He also stated that most of the responses to the DNR's questions were send back with responses from the insufficient 2020 EAW.

- The EAW which was remanded back was largely related to global warming. The report states the track will produce of carbon monoxide. Just because the highway and Mankato are producing carbon monoxide does not mean we have to make it here. The report also stated the track may affect air quality with fumes and may affect wildlife.
  - Mr. Guentzel voiced concern as to whether the high-performance cars will be driven in or if they may be trailered in. The shops on site may soup up the cars, thus being legal when they come in but not when they go on the track. He also questioned if the cars would be legal to drive on the roads in the United States. Also mentioned was this track may have exotic car rentals, this could mean illegal to United States cars.
  - The study of the facility in California relating to greenhouse gas emissions does not exist. It was shot down by the City Council after they got the study back. The size of the driving strip was not similar in size to what is proposed with this motorsports park.
  - The question on topography was absolutely avoided and he stated the track is higher than the 20-foot wall. There is a 40-foot elevation change from the north to the south. The house across the street from the park is higher than the wall as are the apartments along the highway.
  - It was brought up that the DNR does not have control of the lake's outlet and Mr. Guentzel stated they do have control of this and that Mr. Stein with the DNR will be getting the dam replaced, the DNR wants to improve this lake.
  - There needs to be a long-term feasibility study of this motorsports park. How will they make enough on the condos to get this going. Is this a get your foot in the door and then not have enough money so they will want to offer other types of events at the facility. He stated that he has spoken to people at the Hasting's track, which is similar, who told him there is no way they could keep their track open without their grudge matches. Brainerd says it is not the road course that keeps them going, it is the speedway track.
  - The geese were addressed in the report stating they will take further action, but don't say what that action is. None of the studies take into account the wildlife in the tree line, it was only about the shoreline.
  - Mr. Guentzel asked if there will be additional development, because that box was not checked.
  - He stated that any violations of the MPCA noise standards is going to be on the City Council to enforce those standards. This could be the noise committee. But when they are in violation it is on the Council to handle it or it will be the City that is liable for the detriment of the neighbors.
  - He mentioned that the eagles in this area are in breeding season at the time the track is in operation. It has not been stated if the track will affect this.
  - The intersection at Highway 14 and County Road 27 was deemed acceptable but has since been changed twice by MnDOT. He asked with the changes made how can it be said that it is now acceptable without further study.
  - The developers have said there is no significant changes to the integrity of this project. He does not believe this to be true. The first design does not have the condos where they are proposed now. The driving range and hotel are completely gone. They traffic study was done on a driving range and a hotel. There is a new business included now with the Steffensmeier business and this was not included when the storm water design was done.
  - He asked the City Council to vote for an EIS.
3. Brian Sarff with Bolton and Menk: Water Tower Rehabilitation
- Mr. Sarff explained that seven bids were received and they were opened on November 3<sup>rd</sup> with John Graupman leading the opening. The bids ranged from \$463,000 to \$758,700. The low bid was received from Maquire Iron, Inc from Sioux Falls, South Dakota.
  - Mr. Sarff stated the company is aware of the July 10, 2023 completion deadline and has no concern and recommended Council consider awarding the bid to Maguire Iron in the amount of \$463,000.
  - It was recommended that Council continue moving forward on logo design and water tower color choices.

- Council Member Steinberg moved, seconded by Council Member White, to accept the bid from Maguire Iron for the water tower rehabilitation. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
4. Alejandra Bejarano with Region 9: Presentation of Strategic Economic Development Plan
- Ms. Bejarano and Kristian Baekkan explained Region 9 was established by Minnesota statute 462.381 to provide technical assistant to local units of government in each region by providing services based on the region's unique needs. They partner with numerous state and federal agencies to obtain and administer grants for programs and projects at the local level. They are governed by volunteer commissions composed of elected officials, business and community leaders.
  - Region 9 serves Blue Earth, Brown, Faribault, LeSueur, Martin, Nicollet, Sibley, Waseca, and Watonwan counties, along with 72 cities, 147 townships, 33 school districts, and 232,411 citizens.
  - Services Region 9 provides includes, General services relating to fiscal sponsorship, loan funds, policy development and research and data analysis, community and economic development planning and special studies, and transportation planning.
  - The strategic planning document is a living vehicle for community leaders to think strategically, to make sound decisions, to focus efforts, and to develop consensus for collaboratively solving problems.
  - This planning shapes a community's future, defines the purpose of the community, allows the community to be responsive and better positioned to attract funding opportunities, and coordinates efforts and lays the foundation for effective and practical economic development efforts.
  - The process of developing Eagle Lake's strategic economic development plan was explained along with population and housing trends and predictions. Key points included Eagle Lake's very high growth rate, high education attainment levels, high housing costs, and above average household incomes. Also included was that the poverty rate is highest in female householder, no husband present with children under 18.
  - Recommendations included concern with staff capacity, and the need to leverage residents and local colleges and universities for volunteers, interns and knowledge and skills.
  - Learning points included the need of affordable housing, preservation of the small-town identity, location and school, as well as quietness and safety are drawing point for the community. Equity and inclusion should remain a focus.
5. Al Kiefer and Mitch Kleist: MAYBA Agreement
- Mr. Kiefer, MAYBA General Manager, explained that MAYBA encompasses District 77 youth ages 5-18 years. Youth ages 5-9 are grouped into teams by schools they attend. Eagle Lake as a great participation in MAYBA.
  - Appreciation of the MAYBA/Eagle Lake partnership was expressed.
  - An update on the baseball field was provided. Due to the drought this past summer, part of the outfield collapsed so dirt was brought in which may be an ongoing need based on soil conditions. This fall MAYBA turfed in some areas of the field and also brought in a storage unit to store supplies. This storage will also be used by Eagle Lake's t-ball group. MAYBA is looking to do concrete work in the dug outs as well as fascia work and will install Astroturf in the batting cage. A long-term goal, 2-5 years, is to have MAYBA and the fire department pay for a sprinkler system for this field and would ask the City to cover the cost of the water. MAYBA may consider improvements to the bleachers, but stated they would not remove the sliding hill.
  - Mitch Kleist, who has been involved with the field repairs, stated he appreciates the City's help this fall and stated this field has a lot of potential and that fields are in high demand.
  - Mr. Kiefer stated this field is used by MAYBA and the school district in April and continues to be used almost nightly through June. The Eagle Lake Expos also use this field.

- Administrator Bromeland stated the next step will be to work on a new agreement and bring it back to Council.

## **OLD BUSINESS**

### 1. Detachment Request from LeRay Township for Parcels Annexed for MMS

- Council sent this item back to staff due to the need to see if the developer will purchase this property. Council would like to review this at the January meeting.
- Phyllis Daschner was present at tonight's meeting and will bring information to the township at their next meeting.
- Administrator Bromeland stated concerns about making a lump sum payment to the township and would like an annual payment considered.

## **NEW BUSINESS**

### 1. EIS Need Decision for Mankato Motorsports Park Supplemental EAW

- Mayor Auringer explained that there are four criteria in deciding whether a project has the potential for significant environmental effects, and the following should be considered. 1)-Type, extent, and reversibility of environmental effects, 2)-Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant, whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect, the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect, and the efforts of the proposer to minimize the contributions from the project. 3)- The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project. 4)-The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.
- Mr. Donayre explained that if an EIS is asked for it would include a more in-depth process of research and a longer review with more agencies involved.
- Council discussion included asking what would be gained by an EIS and that the DNR could require a more in-depth study as part of their licensing process. Concern about wildlife impact was expressed.
- Mr. Guentzel stated there is more to an EIS, they could look at traffic, environmental, cumulative effects and take a deep look at wildlife impacts.
- Jason Femrite explained that explained that an EIS could look further into a specific topic as directed.
- Gary Borchardt, 21402 598<sup>th</sup> Ave, stated that specific information has not been addressed about wildlife and effects on wildlife.
- Mr. Donayre stated he felt they addressed the DNR's focus on wildlife risks, in that more study is not necessary since this is a shallow lake with no species of significance.
- Council Members White and Whittington expressed their opinions that an EIS is not needed since the DNR will be involved throughout the process and that mitigation measures can be added throughout the process.
- Council Member Whittington moved, seconded by Council Member White, for a negative declaration on the need for an EIS. The motion carried with Council Members Steinberg, Rohrich, White, and Whittington voting in favor. Mayor Auringer voted in opposition.
- Mr. Bass stated he will look to work with land sellers.

### 2. Water Tower Rehabilitation Project Bids

- Handled under Presentations.



3. Minnesota Rural Water Midi Loan Program for Water Tower Rehabilitation Project

- Administrator Bromeland stated that Shannon Sweeney with David Drown and Associates has provided the City with preliminary project financing recommendations for the rehabilitation of the water tower. The total estimated project cost is \$549,000. This includes engineering costs and a recommended contingency of \$25,000. City staff recommends a cash contribution using \$100,000 of the remaining unallocated \$129,598.31 of American Rescue Plan Act (ARPA) funds.
- It was also explained that Mr. Sweeney recommended an application be made to the Minnesota Rural Water Midi Loan Program. Mr. Sweeney's cash flow projection was shared reflecting current interest payments of approximately \$58,880. An updated rate projections for the water funds was completed in September of 2022 and included the water tower rehabilitation project, assuming annual debt service payments of approximately \$61,000 to come out of the water fund.
- Council Member White moved, seconded by Council Member Rohrich, authorizing City Administrator Bromeland to apply to the Minnesota Rural Water Midi Loan program. Motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

4. Resolution Adopting Final Tax Levy Collectible in 2023

- Administrator Bromeland noted that the proposed 2023 tax rate is slightly below that of 2022's tax rate, the City has a healthy fund balance, and the budget includes the addition of a 4<sup>th</sup> full-time police officer, a 4<sup>th</sup> full-time public works worker, and a community development coordinator position.
- Council Member Steinberg moved, seconded by Council Member Rohrich, to approve Resolution 2022-47 Setting the Fiscal Year 2023 Final Property Tax Levy. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Council Member White moved, seconded by Council Member Steinberg, to adopt the 2023 budget. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

5. Developer's Agreement between Fox Meadow Townhomes LLC and City of Eagle Lake

- Administrator Bromeland stated a proposed developer's agreement for Phase 1 of Fox Meadows is before Council for consideration and that the City's attorney, Chris Kennedy has reviewed the agreement. The agreement addresses land disturbance and Mr. Kennedy has recommended this language remain in the agreement and that Mr. Schrom can proceed at his own risk. Also addressed includes storm sewer crossing Agency Street, sidewalks, sanitary sewer and watermain and the cost sharing between the developer and the City. Park dedication includes the developer dedicating 0.38 acres of land and pay the City \$24,495.68. Water and sewer area charges are also addressed.
- Blue Earth County is requiring the driveways for 513 and 425 Agency Street be relocated off of Agency Street and as far away from the intersection as possible.
- Street lighting will be the responsibility of the developer.
- Council Member Rohrich moved, seconded by Council Member White, to approve the developer's agreement as presented. Motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voted in favor.

6. Planning Commission Recommendation for Fox Meadow Final Plat

- Administrator Bromeland explained that a public hearing was held on November 21<sup>st</sup> to consider an application for final plat from Troy Schrom for the Fox Meadow Housing Development. Notice was published in the newspaper and sent to property owners within 350 feet of parcel R.12.10.184.000.13.
- Brian Sarff with Bolton and Menk has been involved with both the review of the concept plan, preliminary plat, and final plat to ensure proposed street and utility infrastructure conform with City standards.
- The developer will make new applications in the future for the planned unit developments for Blocks 2, 3, and 6. Each of these applications will have new public notices and public hearings.

- A motion was made and passed at the November 21<sup>st</sup> Planning Commission meeting recommending approval of the final plat with the notation that the driveways of 425 and 513 S. Agency Street being relocated off of Agency Street.
  - Council Member Steinberg moved, seconded by Council Member White, to approve Resolution 2022-48 to approve the final plat of Fox Meadows phase One. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
7. Pricing for F-250 for Public Works Department
- Administrator Bromeland explained that a capital outlay expenditure request from the Public Works Department for the replacement of the 2008 Ford F-250 has been received. Bids were received for a 2023 Ford F-205 and a 2023 Chevy Silverado 2500HD.
  - The public works department included \$11,000 in each of the five departments -water, sewer, storm, streets, and parks for this purchase in 2023. Previously there was \$50,000 allocated in the streets capital outlay for this purchase. Since these will be unused funds in the street capital outlay fund, those funds can be applied towards the additional outfitting needed for the truck including plow, lightbar, etc. since the base cost of the vehicle exceeded what was anticipated.
  - Public Works Director Andrew Hartman stated he would like to sell the 2008 F-250 and that even though the F-250 was higher in price, he would like to purchase the Ford F-250 to maintain fleet uniformity.
  - Council Member Steinberg moved, seconded by Council Member White, authorizing the purchase of the 2023 Ford F-250. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer.
8. MetroNet Quote for Fiber at City Locations
- Administrator Bromeland stated the proposal and business agreements from MetroNet for fiber internet at City for Eagle Lake locations including City Hall/Police, Fire Hall, Public Works, Main Lift Station, Pump House, and Water tower is before Council. The business agreement has a term of 60 months, and the price will not increase during the service agreement term. The City will not be billed until the service is installed.
  - Discussion included that the SCADA system will work with the new fiber, and that MetroNet has contacted the SCADA company to confirm what is needed for their system. The pricing would increase but service will improve as well. Park vandalism was also discussed, and fiber internet would be possible to locate in the parks for security systems.
  - Council Member Rohrich moved, seconded by Council Member Whittington, to approve the proposal and business agreement from MetroNet for fiber internet. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
9. Resolution TA Application
- Administrator Bromeland stated that before Council are two resolutions needed for the Transpiration Alternatives (TA) funding application for the Eagle Lake Pedestrian Connectivity Project. As was discussed at the November 7<sup>th</sup> City Council meeting, a letter of intent has been submitted. The next step in the process is to submit a full application. The deadline to submit a full application is Friday, January 13<sup>th</sup>. Since the January meeting is not until the 9<sup>th</sup>, City staff requests that the resolutions be adopted this evening to ensure submittal of all application materials by the deadline.
  - Council Member Rohrich moved, seconded by Council Member Steinberg, to approve Resolution 2022-49 A Resolution of Sponsorship. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
  - Council Member Steinberg moved, seconded by Council Member White, to approve Resolution 2022-50 A Resolution Agreeing to Maintain the Facility for its Useful Life. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

10. Release of Escrow for Eagle Ridge, Phase II, from KJ Walk

- Administrator Bromeland stated she received a request from Amy Skillestad, Vice President of KJ Walk Inc, for a release of funds deposited with the City of Eagle Lake in 2021 for outstanding punch list items for Phase Two of the Eagle Ridge Subdivision. The funds were required as part of a supplemental agreement to the original developer's agreement.
- Brian Sarff with Bolton and Menk stated that in 2021 KJ Walk provided the City with \$154,257.50 to be placed in escrow to cover items on the punch list. Punch list items included a damaged gate valve in the street, storm water pond corrections, bituminous wear course, and the sidewalks. All items on the punch list have been completed, however the restoration work along the installed sidewalk remains incomplete. It was noted that the sidewalks were constructed but the restoration in conjunction with the sidewalks is outstanding. The boulevards were left untouched since the sidewalk crew came in. There is gravel in the boulevard and it is not graded properly. Due to this Mr. Sarff deems the work incomplete and that funds should be retained in the event that the City hires a contractor in the spring to complete the work. He also recommended that if the City chooses to complete this work, that the work be completed by May 1<sup>st</sup> to allow for the seeding window to adequately restore the project. The escrow portion of for the sidewalks was \$46,057.50.
- Mr. Sarff stated that KJ Walk is aware of the restoration work still needed. The supplemental agreement states that the plan was to release the funds as the issues were completed.
- Council Member Rohrich asked how excess retained funds would be handled if restoration work cost less than the retained funds. Brian Sarff stated this would be a legal question. He also stated that the deadline to have the work completed was September 30, 2022 and that there were several items on the punch list that did not meet this deadline. All items except for the boulevard restoration have been completed.
- Council Member Rohrich asked at what point the City may want to take over the completion of the restoration work to ensure that it is completed in a timely manner. Discussion included that we are at that point.
- Mayor Auringer asked the status of streetlight installation. Due to adverse weather conditions the installation has been pushed out to next week and that the original plan was to have streetlighting installed by the end of December.
- Council Member Rohrich moved, seconded by Council Member Steinberg, to release escrow funds in excess of the anticipated \$46,057.50 needed to complete restoration work.
- Council Member Rohrich added to her motion to include that the City will take responsibility of the boulevard restoration work and may choose to contract out this service. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- Public Works Director Andrew Hartman asked about street plowing of Eagle Ridge Phase II. Council discussion included the desire to verify if the street has been accepted. Mr. Sarff stated the street work is complete.
- Council asked that all property owners of this development be sent a letter informing them of the City's code requirement of snow removal on sidewalks.
- Mayor Auringer stated next year's Council may want to review City code which requires snow to be removed from sidewalks within 12 hours.

11. Parking along County Road 567 in Eagle Lake between Highway 14 and County Road 17

- Administrator Bromeland explained that staff fielded a question asking if parking should be allowed along County Road 56 in Eagle Lake between Highway 14 and County Road 17. Cars were observed parked along this stretch of road for a short duration.
- City staff reached out to Blue Earth County Engineer Ryan Thilges to find out which entity has the authority to make the determination about whether parking is allowed on a county roadway within city limits. Mr.

Thilges indicated that they do not encourage parking along that segment. Ultimately, Blue Earth County has the authority as to whether to restrict parking on a road, however, they take city feedback into account because they rely on the local police department to enforce no parking. Unless there is a significant hazard on the road, Blue Earth County defers to state statute.

- Police Chief Kopp stated that he spoke with Chad Wilde with Blue Earth County who stated that if there is room in the parking lots along this roadway, that people should not park on the road. Chief Kopp recommended Council consider posting No Parking signs along this segment of road because there is no sidewalk/trail in the area and residents use the shoulder as the walking area and that if cars are parked on this road, it will force walkers and bikers onto the road itself. Chief Kopp stated that the county attorney has indicated the addition of no parking signs will make enforcement cleaner.
- Council Member White moved, seconded by Council Member Steinberg, recommending that No Parking signs be installed on County Road 56 between Highway 14 and County Road 17. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

## **OTHER**

### **1. Fox Meadows TIF Agreement Modification**

- Administrator Bromeland explained that due to unforeseen delays on the developer's end with the wetland delineation and EAW process, the construction start and end dates will require modification. According to Shannon Sweeney with David Drown and Associates, the TIF agreement will need to be modified to reflect actual start and end dates and be approved by the City Council. Mr. Sweeney was made aware that Mr. Schrom has expressed his intent to submit permit applications required as it relates to land disturbance to start "digging" this winter. The recommendation from Mr. Sweeney is that the City Council be informed that Mr. Schrom wishes to start work on the project and in the meantime, the TIF agreement will be revised to reflect a different start and end date for the project. The subsidy term and duration will remain unchanged.
- Mr. Troy Schrom thanked the City Council and expressed kudo's to City Administrator Bromeland through this process, she has done a great job and shown patience, while having a lot on her plate. She and the Council have been very transparent throughout this process. He also stated extra help for the current staff would be appreciated.

### **2. Plaque Presentation Thanking Mayor Auringer for Many Years of Dedicated Service**

- Mayor Auringer was presented with a plaque in recognition of his years of service to the City.

## **CITY ADMINISTRATOR REPORT**

### **1. Builders Workshop with MPCA**

- Due to inclement weather this workshop was postponed until December 15<sup>th</sup>.

### **2. Recap of Fall Sewer Customer Meeting**

- A fall sewer customer meeting was held on November 15<sup>th</sup> at the City of Mankato. Topics discussed included intermunicipal contract updates, flow updates, and capital expenditure updates. Discussion included the disinfection and digester project. It was initially projected to cost about \$45 million but is now estimated to cost between \$84-\$89 million. The previous bond funding request by the City of Mankato for this project totaled \$30 million. Unfortunately, the session ended without a bonding bill. The City of Mankato is asking member jurisdictions to partner together to lobby our legislators for bond funding for this project since it is a critical regional project. This is a need, not a want. City staff will assist as needed with lobbying efforts. It was noted that due to the drought, Eagle Lake's flows are down for a second year. This may result in a rebate but that has not yet been determined. Since contracts are up for renewal, a draft contract will be sent to member jurisdictions towards the end of the year. The term of the contract is proposed to be set at 5 years. More information will be provided as it becomes available.

3. Preparing for EAB Grant Application

- The paperwork for the DNR grant to remove and replace 10 ash trees in 2022 has been closed out and payment has been received. The overall grant funding available for the next grant cycle has decreased making the process more competitive. The grant application is now open and staff will submit a grant application shortly. Our EAB management plan was written to include a goal of removing and replacing 10 ash trees per year on City property, depending of course on funding available.

4. Indoor Rec on the Go through MAPS Community Education and Recreation

- Mankato Community Education and Recreation in partnership with the Eagle Lake Park Board is coordinating Indoor Rec on the Go this winter at Eagle Lake Elementary to encourage physical activity during the winter months. The holiday mailer will include information on this opportunity.

**COUNCIL REPORTS**

1. Council Member Steinberg thanked Mayor Auringer for his service.
2. Council Member Steinberg stated he would like to begin working on the Music on Parkway event and that he has spoken to members of the community. The need to move this event was mentioned due to the water tower rehabilitation project.

**ADJOURNMENT**

- Council Member White moved, seconded by Council Member Rohrich, to adjourn the meeting at 9:01 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

---

Tim Auringer, Mayor

---

Kerry Rausch, Deputy Clerk