

CITY OF EYOTA  
CITY COUNCIL MINUTES  
AUGUST 25, 2016

Members Present: Tyrel Clark, Bryan Cornell, Tony Nelson, Ray Schuchard and Kurt Holst

Members Absent: none

Staff Present: Community Officer Deputy Johnson; Brad Boice, Public Works Supervisor and Marlis Knowlton, Clerk/Treasurer

**Call to Order:** Mayor Clark called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

**Approve Agenda:** Motion was made by Holst and seconded by Schuchard to approve the agenda with the addition of time for communications from guests present. Ayes 5, Nays 0. Motion carried.

**Communications:** John Austinson as a candidate for the House of Representative in District 26B.

**Consent Agenda:** Motion was made by Cornell and seconded by Nelson to approve the consent agenda items 4.A through 4.D as presented. Ayes 5, Nays 0. Motion carried.

4.A Minutes of the August 3, 2016 special Council meeting

4.B Minutes of the August 11, 2016 regular Council meeting

4.C Minnesota Municipal Utilities Association Safety Management Program Contract for 2016-2017 in the amount of \$8,140.17

4.D Firefighter Gideon Prudoehl resignation from the Eyota Volunteer Fire Department to be effective August 19, 2016

**REPORTS:**

**Community Officer:** Deputy Johnson commented Stewartville and Rochester have seen counterfeit \$20 bills; check to see if security strips are straight and colors look right. School will be starting soon, please: drive safely, obey signs and do not park where driveways would be blocked.

**DESCASD Sewer Board:** Schuchard reported assets of \$1,227,961.31. Concern there may be a sewer main leak because there was a 900,000 gallon increase in the plant flow on July 24 after the heavy rains. Purchase of security gates to enter the plant driveway was approved.

**Planning Commission:** Knowlton reported the Commission discussed revising the animal ordinance to eliminate dog and cat licensing, chickens are still being discussed. Commission discussed the parking ordinance and an application to expand the Kwik Trip operations.

**Temporary Family Health Care Dwellings:** The Commission recommended passing an ordinance to opt-out of the new Minnesota law allowing for temporary family health care dwellings, sometimes referred to as granny pods.

Motion was made by Cornell and seconded by Nelson to authorize the Planning Commission hold a public hearing in September to pass an ordinance to opt-out of the new law allowing temporary family health care dwellings. Ayes 5, Nays 0. Motion carried.

**Economic Development Authority (EDA):** Cornell reported on Arbor Gardens census, staffing and building improvements items. It was noted the required elevator repair costs will be covered by insurance. Clark reported on the EDA's financials and that the retail gap analysis area was approved.

**Public Works:** Brad Boice gave a status report on the following projects: 2016 Street and Utility Improvements are going well, street crack filing is completed, water tower inspection is being scheduled and drainage tiling bids are being requested for the Jefferson Avenue/Glenn Street SW/High School project.

**Third Street SW Sidewalk:** Motion was made by Cornell and seconded by Nelson to approve replacing the Third Street SW sidewalk (north side between Center and Lafayette AVE) for an estimated cost of \$4,300; \$3,000 to come out of the 2016 budgeted funds and \$1,300 to come from the 410 Reserves Fund. Ayes 5, Nays 0. Motion carried.

**2018 Project Considerations:** Boice suggested the following improvements be considered as additions when planning the 2018 Street and Utility Improvement Project:

- 1 – replace the water main and add curb and gutter to South Front Street SW from Franklin Avenue to Madison Avenue. The watermain in this area has damaged bolts due to corrosion from hot soils. This is the same problem that caused the water main break and water tower drainage during Eyota Days some years ago.
- 2 - Install curb and gutter on the south side of Fifth Street SW, from Madison Avenue to Jefferson Avenue.
- 3 – Mill and overlay one block of Lafayette Avenue SW, in between Fifth and Sixth Street SW.
- 4 – Complete mill and overlay of Park Drive NW; some base materials may need improvement also.

Once the 2018 utility project is completed, the only known four inch water main remaining will be on Madison Avenue NW from Carolann Street to Skyline Drive. Boice suggested this water main should be replaced as soon as feasible. At that time consideration should be made to: blacktop the gravel portions of Madison Avenue, install curb and gutter and the possibility of installing storm sewer between Carolann and Rena Belle to remove the ditches.

**Clerks Report:** Knowlton updated the Council regarding the agricultural land tiled by David Castleberg (northwest corner of the intersection of 19 Street SE and the railroad). The Olmsted Soil and Water Conservation District offered three different options to Mr. Castleberg: restoration, replacement at an Ag Bank or replacement at a Regular Wetland Bank.

820 Jefferson Avenue SW: Owners have requested the City provide a grate to cover the storm water outlet culvert in the drainage easement. Council agreed this should be investigated and to be include in the drainage project with the School.

**REGULAR AGENDA ITEMS:**

**Ordinance #144 Electric Franchise Peoples' Energy:** Recommendation to enter into an electric franchise agreement with People's Energy Cooperative.

Motion was made by Cornell and seconded by Nelson to approve ORDINANCE #144, ELECTRIC FRANCHISE, AN ORDINANCE GRANTING TO PEOPLE'S ENERGY COOPERATIVE, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF EYOTA, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE CITY AND TO USE THE PUBLIC RIGHTS OF WAYS AND PUBLIC GROUNDS OF THE CITY OF EYOTA FOR SUCH PURPOSES. Ayes 5, Nays 0. Motion carried.

Motion was made by Cornell and seconded by Schuchard to approve publishing the SUMMARY OF ORDINANCE #144. Ayes 5, Nays 0. Motion carried.

**Ordinance #145 To Regulate Parking:** The Planning Commission reviewed Ordinance #142 and recommends replacing it with Ordinance #145.

Motion was made by Cornell and seconded by Holst to approve ORDINANCE #145, AN ORDINANCE TO REGULATE PARKING IN THE CITY OF EYOTA. Ayes 5, Nays 0. Motion carried. See "Exhibit 6.B"

Motion was made by Cornell and seconded by Holst to approve publishing the SUMMARY OF ORDINANCE #145. Ayes 5, Nays 0. Motion carried.

**Lake Eyota:** The Minnesota Design Team suggested creating a lake in the Second Street Wetlands parcel. An engineering study, estimated cost of approximately \$4,000, will be required in order to determine the pros and cons of a lake and to reasonably estimate construction and maintenance costs of a lake. The City surveyed the area to decide if money should be spent to continue to research creating a lake: out of 254 people, 145 (57%) said yes and 109 (43%) said no.

The Council discussed if the feasibility study should be authorized.

Schuchard: against spending the money on the study; and stated, before the money is spent, all the regulating agencies (like DNR, railroad, etc.) should be contacted to see if a lake is even allowable.

Cornell: in favor of spending money on the study, there is money available, the people have spoken in favor of completing a study and it is a feasibility study to determine road blocks.

Holst: agreed with Schuchard, to a point, Holst thought the study would include contacting all other regulatory agencies.

Nelson: against the study, because the Engineers previously looked at the wetlands and at that time a shallow lake (holding area) was going to cost in excess of \$800,000 and the public survey had responses from only a small part of the adult population.

Motion was made by Cornell to move forward with the feasibility study to create a lake. Holst requested amending the motion to include part of the feasibility study should be to contact those government agencies to make sure creating a lake is legal. Cornell agreed to amend his motion. Holst seconded the amended motion. Cornell, Holst and Clark voted in favor. Schuchard and Nelson voted opposed. Ayes 3, Nays 2. Motion carried.

**Second Street Wetlands One Acre Parcel Sale:** The EDA has recommended the City convey the one acre parcel to the EDA with the intention of selling it for a proposed brewery. The City owns the parcel, but can convey it to the EDA so they would be the owner and then the EDA can sell it to any party, for any price and the only requirement would be the EDA would need to hold a public hearing before the sale. The City Council would still have the final approval of any sale. The Council discussed the possible land sale to the potential brewery. Pros and Cons: breweries have odors and this is adjacent to residential areas - should the city subsidize a bar when there are two already - the city should invest in the city by subsidizing new businesses - once the parcel is zoned commercial the city will lose control of future businesses moving in - the brewery belongs in one of the current available commercial lots - this land was purchased by the city for storm water management - brewery business will include food which the city needs/wants more eating options - the Council will have the final say if the land is sold to the brewery - brewery does not belong on Second Street SW - it was appraised at \$50,000 and should be sold for that not \$1.

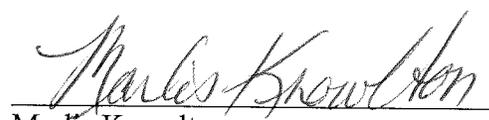
Motion was made by Holst and seconded by Cornell to convey the one acre to the EDA. Discussion: Schuchard suggested the Council should request to get the last three years of financial statements and tax returns from the brewery owner. Clark, Cornell, Nelson and Holst voted in favor. Schuchard voted opposed. Ayes 4, Nays 1. Motion carried.

**Accounts Payable:** Motion was made by Nelson and seconded by Schuchard to approve the accounts payable in the amount of \$33,327.72. Ayes 5, Nays 0. Motion carried. See "Exhibit 6.E"

**Other Business:** State Senator Carla Nelson was present and discussed with the Council the Temporary Family Health Care Dwellings, the Chester Woods trail and Senate bonding bill.

**Adjourn:** Motion was made by Cornell and seconded by Holst to adjourn the meeting. Ayes 5, Nays 0. Motion carried. The meeting was declared adjourned at 8:24 p.m.

  
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Tyrel Clark  
Mayor

  
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Marlís Knowlton  
Clerk/Treasurer