

CITY OF EYOTA
CITY COUNCIL MINUTES
SEPTEMBER 22, 2016

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

Members Absent: Tony Nelson

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 Cornell and seconded by Holst to approve the agenda with the minor change of moving items 6.E, 6.F and 6.G before item 6.A. Ayes 4, Nays 0.
Motion carried.

Consent Agenda: Motion was made by Schuchard and seconded by Holst to approve the consent agenda items 4.A through 4.C as presented. Ayes 4, Nays 0. Motion carried.

4.A Minutes of the September 8, 2016 regular Council meeting approved.

4.B 2015 Year End Continuing Disclosure Report. Authorize David Drown Associates prepare and submit required 2015 bonding reports: Official Statement and Continuing Disclosure Report for a fee of \$600.

4.C 2016 Financial Transfers. The 2016 financial transfers, relating to bonds, were approved as presented.

REPORTS:

Community Officer: Deputy Johnson reported service calls were about the same; there was some bathroom vandalism at West Side Park recently. Things are going well at school and noted that next week is Homecoming.

Park Board: Clark reported the Board's meeting agenda items included: Summer Rec Program wrap up, Public Works report, ice rink concrete cost estimates and Bush Park user survey status.

West Side Park Ballfield Fencing: The Dover-Eyota Traveling Ball League will donate \$5,000 to replace the back stop fencing. Upgrading the wire gauge would be an additional \$1,880 expense. Motion was made by Cornell and seconded by Holst to approve paying up to \$1,900 for the fencing wire upgrade. Ayes 4, Nays 0. Motion carried.

West Side Park Ballfield Grass: The parks are commercially sprayed every other year. It is now the intent to spray the ballfields every year to improve the grass quality and reduce crabgrass. The fields have been aerated and this would be a good time to over seed.

Motion was made by Holst and seconded by Schuchard to purchase up to \$1,000 of grass seed to over seed the West Side Park ballfields yet this fall. Ayes 4, Nays 0. Motion carried.

DESCASD Sewer Board: Schuchard reported District assets at \$1,097,719.70. The plant is running well, they are starting do soil test to prepare for solids to be spread this fall. Investments were reviewed and may be adjusted. A one percent (1%) rate increase, charged to the three cities, will be effective in 2017.

SAC Fees: The District approved the \$2,640 Service Availability Charges in 2017 for new construction will not be waived.

Planning Commission: Knowlton reported the action items of the Planning Commission are included in the regular Council agenda items.

Chad Ohl, Commission Member, did submit his resignation to be effective October 6, 2016; he is moving to Dover. Motion was made by Cornell and seconded by Schuchard to accept Ohl's resignation. Ayes 4, Nays 0. Motion carried.

Economic Development Authority (EDA): Cornell reported on Arbor Gardens: financials, working on the 2017 budget, Carla Nelson will be visiting in October, flu shots available October 4, and Tealwood will be completing both comparable wage and room rate studies.

Cornell reported on EDA business. It was noted the American Legion committee researching improvement options will meet again next week and will report back to Clark. The EDA recommends transferring \$41,150 out of the 220 Fund for future trail construction.

Perry Dental from Wabasha presented a business plan to establish a dental practice in Eyota. They will be invited to the next Council meeting to present the business plan and to ask for financial assistance.

Public Works: Brad Boice recommended bollards be placed in the concrete sidewalk/boulevard bump out at the Catholic Church on Second Street and South Avenue SE. Council authorized Boice to purchase and install three of them.

The water tower inspection was completed; an official final report will be submitted at a later date but it looks like only minor repairs will be required versus an entire new paint job. Boice gave an update on all the street projects. Boice did come in early this morning to check the sanitary sewers due to the heavy rain; the flow was higher but not concerning.

Two bids have been received on the drain tile project on the school property. One more bid is expected. Council requested this project be put on the next agenda.

REGULAR AGENDA ITEMS:

Temporary Family Health Care Dwellings: The Planning Commission held the required public hearing September 21, to take public comment regarding passing an ordinance to opt-out of the new Minnesota law for temporary family health care dwellings. The Commission recommends the Council pass this ordinance.

Motion was made by Cornell and seconded by Schuchard to approve adoption of Ordinance #146 AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593 TEMPORARY FAMILY HEALTH CARE DWELLINGS. Ayes 4, Nays 0. Motion carried. See “Exhibit 6.E”

Motion was made by Cornell and seconded by Holst to approve publishing the SUMMARY OF ORDINANCE #146. Ayes 4, Nays 0. Motion carried.

Firearms Ordinance #147: The Planning Commission held a public hearing September 21, to take public comment regarding passing an ordinance regulating the discharge of firearms within City limits. This ordinance will repeal the current Ordinance #75. This revised ordinance updates some minor language and now includes the approval of indoor shooting ranges. The Commission recommends changing the proposed ordinance to include the discharge of a bow and arrow in an approved indoor shooting range. Section 2. Exception. C. would read: A person discharging a firearm and/or bow and arrow in an approved indoor shooting range, built to current building code standards. The Commission recommends the Council pass this ordinance with the change.

Motion was made by Holst and seconded by Schuchard to approve adoption of Ordinance #147 AN ORDINANCE REGULATING THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS OF EYOTA AND PROVIDING PENALTY FOR VIOLATIONS with the recommended change. Ayes 4, Nays 0. Motion carried. See “Exhibit 6.F”

Motion was made by Cornell and seconded by Holst to approve publishing the SUMMARY OF ORDINANCE #147. Ayes 4, Nays 0. Motion carried.

Amending Zoning Ordinance #53: The Planning Commission held a public hearing September 21, to take public comment regarding amending the Zoning Ordinance. The approval of Ordinance #147 will require the Zoning Ordinance #53 to be amended to also allow indoor shooting ranges in Section 4.01 Use Categories, a. Commercial Recreation. To read: a. Commercial Recreation: Facilities and activities which primarily provide a recreational service, including but not limited to indoor/outdoor private and public for profit sports/recreation clubs and facilities, camping facilities, and indoor shooting ranges, but excluding target ranges, shooting or gun clubs.

Motion was made by Cornell and seconded by Schuchard to approve adoption of Ordinance #148 AN ORDINANCE AMENDING ARTICLE IV, SECTION 4.01 OF ORDINANCE NO. 53 AND TITLED “ZONING ORDINANCE”. Ayes 4, Nays 0. Motion carried. See “Exhibit 6.G”

Motion was made by Holst and seconded by Cornell to approve publishing the SUMMARY OF ORDINANCE #148. Ayes 4, Nays 0. Motion carried.

Debts – Public Comment Period: Notices were sent to property owners regarding delinquent water/sewer utility billings. Property owners were given the opportunity to address the Council regarding payments; no property owners were present, no comments were made. Knowlton requested to certify delinquent amounts to the tax rolls to be collected in 2017.

The total amounts are to be certified to the 2016 taxes payable in 2017. Amount will be the debt plus the County processing fee of \$30.00, interest is to be computed at 5.0% and the debt will be collected over one year.

Motion was made by Schuchard and seconded by Holst to authorize delinquent utility bills to be certified to the tax rolls for collection in 2017 via adoption of RESOLUTION #2016-30, RESOLUTION ADOPTING ASSESSMENT FOR WATER/SEWER BILLS. Ayes 4, Nays 0. Motion carried.

Potentially Dangerous Dog – Karen House: There have been numerous complaints of Karen House's dog 'Peanut' being aggressive and running at large; including instances that involved Deputy Johnson. The dog is not licensed (2016) and there has been no proof submitted that the dog has had any rabies vaccinations. Ms. House was informed, in writing, of the intent to declare the dog Potentially Dangerous and Ms. House is contesting that Peanut is not aggressive and should not be declared potentially dangerous. A lengthy conversation ensued.

Motion was made by Cornell to deem Karen House's dog, Peanut, potentially dangerous. Holst requested amending the motion to include the requirement for Ms. House within two (2) weeks or by the next Council meeting to provide proof of rabies vaccination and to purchase the 2016 city pet license or there will be another fine and probably a fine daily (while the violation continues). Cornell agreed to the amendment, Holst seconded the motion. Ayes 4, Nays 0. Motion carried.

Variance Request – 580 Canyon Lane NW Fence: The Planning Commission held the required public hearing September 21, to take public comment regarding a variance request from Brandon Schlueter, 580 Canyon Lane NW. The variance is to build a front yard fence two feet (2') taller than allowed; six feet versus four feet high. This would be on the west lot line that is adjacent to Whetstone Place NW and the Dollar General; which is considered a front yard because it is a corner lot. The Planning Commission recommends the variance request should be denied because it is not a hardship and the landowner is allowed to construct a fence, it is just not a fence to his liking. The Council discussed the variance, the location, the fence height, fence setbacks, yard definitions from the zoning ordinance and clear vision corners.

Motion was made by Cornell and seconded by Holst to approve the fence variance (allowing a six foot fence to be constructed where a four foot fence is the maximum allowed). Discussion: Council discussed they did not think this west side is actually a front yard, there are other fences in town that are six feet high, ordinance definitions can be argued, a couple feet higher will not make a substantial difference, the fence section on the east side of the house faces the front but it is considered a side yard because it is behind the front of the principal building and the home owner is required to make the angled clear vision corner. Ayes 4, Nays 0. Motion carried.

*** Councilmember Bryan Cornell left the meeting at 8:15 p.m. ****

2017 Budget and Levy: The 2017 budget and levy amount was discussed at the work meeting held September 19. After that work meeting, Council members attended the Eyota Township Board meeting to discuss the Fire Department budget. The Township Board requested \$1,000 be added back in for radios; that change has been included in the budget and levy presented tonight.

The proposed levy is now \$594,945 which is approximately a three percent increase from last year; but there has been substantial economic development that will reduce the increase because of new construction on the tax rolls.

Motion was made by Holst and seconded by Schuchard to approve the 2017 budget as presented. Ayes 3, Nays 0. Motion carried.

Motion was made by Holst and seconded by Schuchard to approve the levy via RESOLUTION #2016-31, RESOLUTION ADOPTING PROPOSED TAX LEVY RESOLUTION APPROVING 2016 TAX LEVY, COLLECTIBLE IN 2017 in the amount of \$594,945. Ayes 3, Nays 0. Motion carried. See "Exhibit 6.D"

November and December Meetings:

Motion was made by Holst and seconded by Schuchard to reschedule the November 24 meeting to Tuesday, November 22. Ayes 3, Nays 0. Motion carried.

Motion was made by Holst and seconded by Schuchard to reschedule the December 8 meeting to Wednesday, December 7. Ayes 3, Nays 0. Motion carried.

Motion was made by Schuchard and seconded by Holst to keep the December 22 meeting as scheduled and that will be the meeting the final budget and levy is discussed and approved. Ayes 3, Nays 0. Motion carried.

NOTE: The budget and levy will be discussed and public comment will be permitted at the December 22 meeting, held at the Eyota City Hall, meeting begins at 7:00 p.m.

Accounts Payable: Motion was made by Holst and seconded by Schuchard to approve the accounts payable in the amount of \$14,368.74. Ayes 3, Nays 0. Motion carried. See "Exhibit 6.H"

Clerk Report:

Motion was made by Holst and seconded by Schuchard to approve Kathie Hall to attend Advanced Governmental Accounting training in Owatonna, October 26; registration cost \$30 plus travel expenses. Ayes 3, Nays 0. Motion carried.

Motion was made by Schuchard and seconded by Holst to approve Marlis Knowlton to attend Floodplain Management Training in Rochester, October 13, cost will be travel expenses. Ayes 3, Nays 0. Motion carried.

Motion was made by Holst and seconded by Schuchard to approve Marlis Knowlton and any other interested parties to attend Olmsted County Multi Hazard Mitigation planning in Rochester, October 24, cost will be travel expenses. Ayes 3, Nays 0. Motion carried.

Dog Signs: Property owner Greg Brehmer has requested "pick up after your dog" signs be installed along the walking trails. Council requested Boice to get prices and bring them back to the next meeting for consideration.

No Motorized Vehicles Signs: Another request is to install more signs prohibiting motorized vehicles on the trails/paths. It was discussed that maybe it would make sense to allow an exception for golf carts because it is hazardous to be on the shoulder of Highway 42 versus being on the trail adjacent to the highway. Council requested the Planning Commission research the option to allow specific vehicles on paths; maybe just golf carts, or by size or maybe if handicapped.

Kwik Trip Blending Station Proposal: Due to the timing and complexity of the proposed construction project, professional expertise would be helpful. Suggestion: Kristi Clark, who is a planner for a local engineering firm, so she brings a higher level of experience and knowledge of zoning issues - contracted planner for the City of Chatfield, so is experienced with small cities – was contracted to update Eyota’s Comprehensive Plan in 2009, so is familiar with Eyota.

Motion was made by Holst and seconded by Schuchard to contract the professional services of Kristi Clark to help with the Kwik Trip applications, up to \$1,000. Ayes 3, Nays 0. Motion carried.

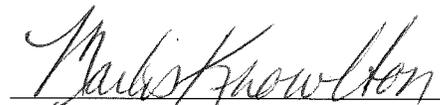
Animal Ordinance: The ordinance was reviewed by the Planning Commission and will be presented to the Council for consideration shortly. The dangerous dog section may need to be revisited. Deputy Johnson suggested removing the option to have a dog under voice control; it is very difficult to prove in court.

Other Business: None

Adjourn: Motion was made by Holst and seconded by Schuchard to adjourn the meeting. Ayes 3, Nays 0. Motion carried. The meeting was declared adjourned at 8:45 p.m.



Tyrel Clark
Mayor



Marlis Knowlton
Clerk/Treasurer