

CITY OF EYOTA  
CITY COUNCIL MINUTES  
OCTOBER 13, 2016

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

Members Absent: none

Staff Present: 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 all regular agenda items 6.A-6.I before the reports 5.A-5.D. Ayes 5, Nays 0. Motion carried.

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

4.A Minutes of the September 19, 2016 Council work meeting approved.

4.B Minutes of the September 22, 2016 regular Council meeting approved.

**REGULAR AGENDA ITEMS:**

**Perry Dental EDA Assistance:** Dr. Phillip Perry and Dr. Isaac Phillip currently have a full service dental and orthodontic practice, including oral surgery procedures, in Wabasha, Minnesota. An offer has been made on the building in Eyota that was formally used as a dentist office located at: 515 Jefferson Avenue SW, the offer to purchase the building is contingent on the start-up costs. Dr. Perry has submitted a business plan and a request for assistance: a \$25,000 loan and a working capital grant request of \$15,000 which would come from the half percent sales tax money, which is designated for economic development.

The EDA made three recommendations to approve the assistance request.

Motion was made by Nelson and seconded by Holst to approve the three recommendations:

1. Approve a \$10,000 revolving loan at 2% interest for 15 years from the EDA's 221 revolving loan fund account for Dr. Perry to purchase a building and new equipment to startup a dentist practice in Eyota, collateral is a second lien position on the building to the bank, and a personal guarantee.
  2. Approve a \$15,000 revolving loan at 2% interest for 15 years from the EDA's 222 investment loan fund account for Dr. Perry to purchase a building and new equipment, collateral is a second lien position to the bank on the building, and a personal guarantee.
  3. Approve \$15,000 from the Rochester Sales Tax Economic Development Account 223 to be issued as a grant for the startup of a dentist office, Dr. Perry will be required to sign a promissory note to repay the City of Eyota \$3,000 a year over the next 5 years, therefore if he is not in practice in Eyota during a period of five years, a percentage of the grant is paid back to the City of Eyota.
- Ayes 5, Nays 0. Motion carried.

**Kwik Trip:** Northwest Investments La Crosse LLC is proposing a bio diesel fuel/blending station facility on the property they own north or adjacent to the current Kwik Trip store located at 380 Sandstone Drive NW. The property will need to be rezoned to M-1 (industrial) to accommodate this business activity. A conditional use permit is also required for any industrial business.

The Planning Commission held the required public hearings and recommends approval of the zoning change and made recommendations for the conditional use permit. The facility will have four, thirty two foot high, 8,500 gallon tanks to begin with; there is room for future expansion. All regulatory agency requirements will be met. All City requirements have been reviewed and have been met.

Motion was made by Nelson and seconded by Schuchard to approve rezoning the parcel from C-1 (commercial) to M-1 (industrial/manufacturing) via ORDINANCE #149, AN ORDINANCE PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM C-1 (COMMERCIAL DISTRICT) TO M-1 (INDUSTRIAL/MANUFACTURING DISTRICT) AN ORDINANCE AMENDING ZONING ORDINANCE #53. Ayes 5, Nays 0. Motion carried. See “Exhibit 6.B.1”

Motion was made by Schuchard and seconded by Holst to approve publishing the SUMMARY OF ORDINANCE #149. Ayes 5, Nays 0. Motion carried.

The zone change will require the land use plan map to be updated. This will be presented for approval at a later date; property legal descriptions need to be verified.

Industrial use properties and facilities require a conditional use permit per ordinance. The conditions recommended by the Planning Commission, discussed and approved by the Council are:

1. The owner of this facility must report to the Eyota Volunteer Fire Department and the Olmsted County Sheriff’s Department at least one (1) time a year to report products on-site.
2. The owner shall improve the Kwik Trip site and this site to reduce pedestrian/automobile and truck traffic conflicts by providing paving striping from the sidewalk to the convenience store.
3. All requirements cited by the City Engineer will be made.

Motion was made by Holst and seconded by Cornell to approve the conditions, with noted update to number two, and conditional use permit via RESOLUTION #2016-32, RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A BIO DIESEL FUEL FACILITY AT LOT 1 BLOCK 1, STONE RIDGE PLAZA. Ayes 5, Nays 0. Motion carried. See “Exhibit 6.B.2”

**Dover-Eyota School Tiling:** Brad Boice, Public Works Supervisor, had obtained and submitted three quotes to install a drainage tile line across the Dover-Eyota School property; between the elementary and high school buildings, running east and west. The design and price quotes from Brookins Construction, Kats Company and Ellingson Companies were discussed in detail. Boice recommends Brookins Construction as the lowest bidder and Brookins did install the previous tile on the school property; bid \$9,980. There is a section of bike path that will need to be cut and replaced; that expense is not included in these tile bids.

It was discussed that the School has the option to install another tile line that will serve their land. But the School will also benefit from the main tile and the Council will request that this be joint venture and will ask the School to pay twenty five percent of the project cost. There will also be regular maintenance required and there should be some sort of a maintenance agreement established with the School.

This project will be pending the School's approval to cost share and enter into a maintenance agreement. The School will be asked to put this on their November 14 board meeting agenda. Council's decision to move forward with the project is dependent on the School's decision.

Motion was made by Holst and seconded by Nelson to hire Brookins Construction with the School paying twenty five percent as a cost share. Ayes 5, Nays 0. Motion carried.

**Public Works Report:** Boice reported on the status of numerous projects: Arbor Gardens sidewalk installation, street repairs, gravel in ice rink and ISO information requests.

**Dog Waste Signs:** Greg Brehmer, 310 Carolann Street NW had requested signs be installed on pedestrian trails to require dog owners to pick up after their animals. Council agreed there are too many signs already and signs will not make everyone pick up. Boice was instructed to research prices and success using the plastic bag dispensers with garbage cans in parks; for consideration next spring. No further action was taken.

**Greg Beckman – 222 Third Street SW Tree Removal:** Greg Beckman requested one of his boulevard trees to be removed after roots were damaged during street construction. Motion was made by Nelson and seconded by Cornell to authorize removing the evergreen tree, as requested; expense will come out of the tree maintenance account. Ayes 5, Nays 0. Motion carried.

**2016 Sixth Street Reconstruction Project Pay Request #2:** Motion was made by Schuchard and seconded by Nelson to approve the 2016 Sixth Street Reconstruction Project pay request #2, payable to Rochester Sand and Gravel, \$3,534.10. Ayes 5, Nays 0. Motion carried.

**2016 Street and Utility Improvement Pay Request #4:** Motion was made by Nelson and seconded by Cornell to approve the 2016 Street & Utility Improvements Project pay request #4, payable to A-1 Excavating Inc., \$299,115.80. Ayes 5, Nays 0. Motion carried.

**Tax Forfeited Land Purchase:** The vacant lot, 15 Madison Avenue NW, has been in tax forfeiture and will be going on auction. The City has the option to purchase the land for specific limited uses. This property has a sanitary sewer main across it, along with the creek. It probably is a non-buildable lot. This lot could be a good location for an access to the agricultural field to the west. The only other access to that field is from Everett Avenue NW. If the field is ever to be developed a second access is highly desired and recommended.

Motion was made by Cornell and seconded by Holst to direct the Clerk to respond to Olmsted County with the City's intent to purchase the property. Ayes 5, Nays 0. Motion carried.

**Accounts Payable:** Motion was made by Nelson and seconded by Schuchard to approve the accounts payable in the amount of \$434,462.47. Ayes 5, Nays 0. Motion carried. See “Exhibit 6.I”

**REPORTS:**

**Fire Department:** At the regular business meeting held on October 6, 2016 the members of the Eyota Volunteer Fire Department approved a motion to recommend to the City of Eyota that Matt Axelsen be accepted into membership of the EVFD.

Motion was made by Holst and seconded by Cornell to appoint Matt Axelsen to be an Eyota Volunteer Fire Department member, pending a successful medical examination. Ayes 5, Nays 0. Motion carried.

Motion was made by Cornell and seconded by Holst to approve the resignation of Firefighter Nic Woslager to be effective September 13, 2016. Ayes 5, Nays 0. Motion carried.

**Planning Commission:** Cornell reported the Commission has received the first packet of information to be reviewed to begin the process of codifying the ordinances. Knowlton gave the Council the animal ordinance for review and discussion at the next meeting. The Commission has recommended approval with a couple items for the Council’s consideration.

**Park Board:** Holst reported on numerous items the Board discussed:

- Successful summer recreation program review, the participation was increased
- Freedom Park ball field advertising signs will soon be taken down for the season
- Summerfield Park basketball stencil has been received; lines will be painted on the court
- Volleyball net cranks are being researched and priced
- West Side Park ball field backstop fence replacements are scheduled for this fall
- Bush Court Park is being looked at to alter landscaping features to decrease maintenance time
- Looking into a possible City managed boulevard tree project, to have trees available to residents

Randy Sexton submitted his resignation as a Park Board member; Randy is moving out of town. Motion was made by Cornell and seconded by Nelson to accept the resignation of Randy Sexton from the Park Board, effective October 12, 2016. Ayes 5, Nays 0. Motion carried.

Thank you Randy for your time as a member.

\*\*\* Councilmember Bryan Cornell left the meeting at 8:20 p.m. \*\*\*\*

**Clerk Report:**

**Lake Eyota:** City Engineers, WHKS did contact the Minnesota Department of Natural Resources, Olmsted County Soil & Water Conservation District and the Army Corps of Engineers regarding the feasibility of creating a lake. The agencies could not think of any reason why the potential lake project would not be allowed from a regulatory standpoint. WHKS will proceed with the feasibility study. Schuchard understood there were four agencies involved; Knowlton will verify with WHKS.

Karen House Dog: At the last meeting Ms. House's dog was deemed potentially dangerous and she was instructed to have the dog vaccinated and obtain a city license by this meeting. Ms. House has been in custody (Olmsted County Jail) since September 23 and the dog has not been seen in town since that date. More time will be given to House to license the dog, no citations or fines will be issued at this time.

**Other Business:**

Complaint/Comments: Ms. R. Miller from Second Street SW addressed the Council with concerns and observations regarding access and communications on the 2016 street project. Public buildings like the post office should be a priority for access. Information and updates regarding construction delays should be communicated to the public in a timely matter and not just on the cable television station. The Council thanked Ms. Miller for bringing this to their attention.

14 Fifth Street SE: This house is an octagon house built in the 1860's and is being sold by owner. The owner would like to see the house saved and is willing to discuss options with the City to have the City own the house and/or lot. Schuchard was against buying another piece of property and a building that needs substantial work. Clark and Holst were interested in being able to at least tour the property before making any decision. Knowlton will contact the owners and request being able to walk through the house. No further action was taken.

**Adjourn:** Motion was made by Nelson and seconded by Holst to adjourn the meeting. Ayes 4, Nays 0. Motion carried. The meeting was declared adjourned at 8:30 p.m.

  
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Tyrel Clark  
Mayor

  
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Marlis Knowlton  
Clerk/Treasurer