

CITY OF EYOTA  
CITY COUNCIL MINUTES  
NOVEMBER 10, 2016

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

Members Absent: none

Staff Present: Jeff Peck and Justin Wendt, Fire Department Chiefs; Daren Sikkink, WHKS & Co. 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 Schuchard to approve the agenda with the addition of a donation presentation after the consent agenda. Ayes 5, Nays 0. Motion carried.

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

4.A Minutes of the October 27, 2016 regular Council meeting

4.B. Resolution 2016-34 RESOLUTION EXPRESSING ACCEPTANCE OF, APPRECIATION FOR AND DESIGNATION OF DONATIONS RECEIVED donated to the Fire Department a total of \$525 cash and designates the funds to be appropriated to the Fire Department Fund for the purchase of future equipment to be determined.

4.C. Firefighter Josh Presson resignation accepted to be effective December 9, 2016

4.D. Snow plow driver contracted wages for temporary, additional, substitute or emergency drivers set at \$15.00 per hour.

**Donation Presentation:** Brad Kullot and ball players presented a \$5,000 cash donation from the Dover-Eyota Traveling Youth Baseball Association. Motion was made by Nelson and seconded by Holst to accept the donation by passing RESOLUTION #2016-35 RESOLUTION EXPRESSING ACCEPTANCE OF, APPRECIATION FOR AND DESIGNATION OF DONATION RECEIVED of the \$5,000.00 donation and designates the funds to be appropriated to the Park Board Fund for the backstop fence replacement expenses. Ayes 5, Nays 0. Motion carried.

**REPORTS:**

**Planning Commission:** Schuchard reported that the November 2 special meeting was spent on the process of codifying the ordinances.

**Fire Department:** Justin Wendt, Assistant Chief spoke to the Council regarding selling Engine 5 and there has been no activity. After discussing options, consensus of the Council was to recommend to the Eyota Township Board to reduce the price from \$19,000 to \$15,000.

Chief Jeff Peck requested the Council's interpretation of the proposed Fire Department Committee that was discussed at the last meeting. Peck questioned if the Council wants this committee formed, if this committee is really necessary if communication issues could be alleviated with an annual budget meeting. The Council agreed with Peck's suggestion that he will attend a Township meeting and encourage an annual budget meeting versus establishing the proposed committee.

**Park Board:** Holst reported the Board discussed ongoing projects: Freedom Park scoreboard electrical wiring is done but still need a place to store the remote controls, West Side Park ballfield aerating and seeding is done, continuing plans to rearrange structures in Bush Park to increase green space and researching a city operated tree nursery. The Board also reviewed the park ordinance and made change recommendations to be sent to the Planning Commission.

**New Member Dom Kellen:** Motion was made by Cornell and seconded by Holst to accept the Park Board's recommendation to appoint Dom Kellen as a Park Board member. Ayes 5, Nays 0. Motion carried. Note: Kellen replaces Randy Sexton's vacated seat, term expires December 2017.

**Clerk Report:** none

### **REGULAR AGENDA ITEMS:**

**2015 Street & Utility Improvements:** Daren Sikkink, City Engineer reported Elcor Construction, the general contractor has finished construction. Elcor needs to submit the final paper work before the final payment will be made. This pay request is probably the second to the last to be made.

Motion was made by Nelson and seconded by Holst to approve the 2015 Street & Utility Improvements Project pay request #7, payable to Elcor Construction, \$49,802.07. Clark, Cornell, Nelson and Holst voted in favor. Schuchard abstained; his wife is employed by Elcor. Ayes 4, Nays 0, Abstain 1. Motion carried.

**2016 Street & Utility Improvements:** Sikkink gave a quick update: sodding has not been completed and the unimproved alley in-between Third and Fourth Street will be sodded because of heavy use during the construction season. Dormant sod usually survives a normal winter and there is warranty if it does not grow.

**Stone Garden Estates:** Engineers recommend the City does not approve any building permits until the development is completed and accepted. There is some grading that needs to be done. The contractor pressure tested the water and sewer mains and the water main did not pass. That needs to be fixed and bacteria tests need to be completed.

**18 Park Drive NW Utility Billing:** Water meter reads were done the end of October, 18 Park Drive NW had an extraordinarily high usage and the property owner was called.

The property owner discovered an outside faucet had been turned on, it had a hose attached to it, the hose went across the yard and the end of it had been placed in the creek. The homeowner was not aware that the hose had been moved or that the water had been turned on.

Olmsted County Sheriff's Office was contacted to have the situation and possible vandalism reported and investigated. The Officer's report noted: nothing suspicious seen and no suspects, no further action.

Normally the homeowner uses 1,000 or 2,000 gallons monthly. This month 77,000 gallons were used, resulting in a \$763.53 charge. The Council discussed the situation at great length.

Motion was made by Holst and seconded by Cornell to reduce the bill to the average amount the homeowner usually uses. Discussion: it was questioned if the City is setting precedent here for any future incident a hose is left on. Other options were suggested like reducing the water charge in half. The motion will stay at reducing the billing to the average two thousand gallons used. Clark, Cornell, Nelson and Holst voted in favor. Schuchard voted opposed. Ayes 4, Nays 1. Motion carried.

**Bush Court Proposed Land Sale:** John Haverly, 1034 Bush Court SW is proposing selling portions of the land (additional parcels) that are behind his principal lot, to his neighbor to the west, Brad Kullot, 1038 Bush Court. The intention is to sell land behind the principal lots so those lot lines line up with the principal lot lines. This is complicated because of the city boundary lines.

Options:

1 - One new parcel can be created if the far west existing lot, which is currently located in the Township of Eyota, is annexed into the City and Bush Court subdivision is re-platted.

2 - If two parcels are created, the new small parcel to be owned by Kullot (which is within city limits) would not meet residential lot requirements. The new lot would only be 34.52 feet wide; zoning regulations requires lots to have a minimum 70 frontage. A non-conforming lot would be created and that would be in violation of City ordinances.

The Council discussed the options, the logic, the history, the cost, the end result and the consequences. The Council consensus was to allow the property owners to proceed with a metes and bounds application to create a new small parcel within city limits.

**Compost Site Agreement:** Scott Harnack, compost site property owner, had submitted a letter to terminate the agreement with the City; or ten required changes if the City wants the site to stay open. Motion was made by Holst and seconded by Cornell to terminate the agreement with Harnack per Harnack's letter, effective December 27. Ayes 5, Nays 0. Motion carried.

After further consideration and ideas from Public Works, more research will be done for the existing compost/storage city owned property at the end of Second Street SE to be reopened for public use. Motion was made by Nelson and seconded by Holst to direct Public Works to finish cleaning up the site, prepare fencing and have the site open by spring. Discussion: Cornell requested to get the signs back from Harnack and no charge will be added at this time (suggested \$.25 monthly) on the utility billings because there already is \$2,400 in the 2017 budget for compost site expenses. Ayes 5, Nays 0. Motion carried.

**Amending the Land Use Map:** The Council previously approved rezoning Stone Ridge Plaza Lot 1, Block 1 from commercial to industrial land use to accommodate a bio fuel blending station by Kwik Trip. The land use map should be updated to reflect the change. The map update change is approved and made official by ordinance.

Motion was made by Schuchard and seconded by Holst to approve adoption of Ordinance #150 AN ORDINANCE AMENDING THE LAND USE MAP OF THE CITY OF EYOTA; FROM COMMERCIAL TO INDUSTRIAL IN THE STONE RIDGE PLAZA PLAT, OLMSTED COUNTY, MINNESOTA. Ayes 5, Nays 0. Motion carried. See "Exhibit 6.E.1"

Motion was made by Nelson and seconded by Cornell to approve publishing the SUMMARY OF ORDINANCE #150. Ayes 5, Nays 0. Motion carried. See "Exhibit 6.E.2"

**Animal Ordinance:** The proposed animal ordinance makes the following changes:

- Voice control of dogs is defined. Voice Control: Dogs must be under verbal control at all times, regardless of distractions. Dogs must immediately obey verbal command and always remain in sight. Dogs under voice control are not allowed to charge, chase, or display aggression toward other people, dogs, or others. Dogs under voice control may not go on private property without permission of said owner.
- Annual municipal licensing of dogs and cats has been eliminated. Dogs and cats will continue to require proper vaccinations, but proof of vaccinations will only be required upon request.
- Dogs and cats will be required to have a vaccination and/or identification tag on them at all times. The City will not provide identification tags. Vaccination or identification tags will be the means by which the City will be able to return lost pets.

Motion was made by Nelson and seconded by Schuchard to waive the annual city licensing requirement and fees for both dogs and cats. Clark, Cornell, Nelson and Schuchard voted in favor. Holst opposed. Ayes 4, Nays 1. Motion carried.

Motion was made by Clark and seconded by Holst to change the chicken permitting fee of \$25 to be valid for two years (instead of annually). Discussion: clarification, the permits purchased for 2017 will be valid for 2017 and 2018. Clark, Nelson and Holst voted in favor. Cornell and Schuchard opposed. Ayes 3, Nays 2. Motion carried.

Motion was made by Nelson and seconded by Holst to approve the animal ordinance changes. Ayes 5, Nays 0. Motion carried.

Note: the final revised ordinance and summary ordinance will be on the next agenda for approval.

**Accounts Payable:** Motion was made by Cornell and seconded by Nelson to approve the accounts payable in the amount of \$109,219.01. Ayes 5, Nays 0. Motion carried. See "Exhibit 6.G"

\*\*\*\* Councilman Bryan Cornell left the meeting at 8:40 p.m. \*\*\*\*

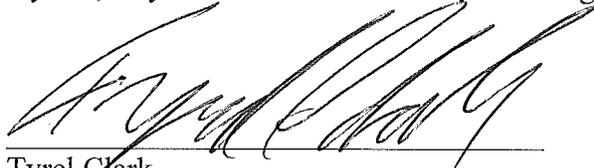
**Other Business:** Arbor Gardens deck/patio repairs.

During the demolition of the deck/patio unit, additional rot and decay was found. The other two west deck units were inspected and varying degrees of damage was found.

For safety reasons an emergency repair was requested: \$7,400 total, \$1,100 demo, \$2,000 excavation, \$4,300 concrete for the other two deck/patio units.

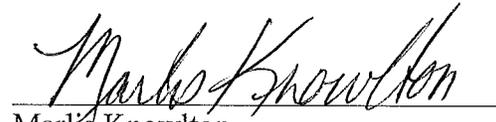
Motion was made by Nelson and seconded by Holst to approve the repairs and spend the \$7,400 from the Arbor Gardens Enterprise Fund (655). Ayes 4, Nays 0. Motion carried.

**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 8:45 p.m.



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Tyrel Clark  
Mayor



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Markis Knowlton  
Clerk/Treasurer