

Regular Meeting
June 4, 2014
7:00 p.m.

With due call and notice thereof, the June 4, 2014 Regular Council Meeting of the City of Eden Valley was called to order by Mayor Korman at 7:00 p.m. in the Civic Center meeting room. Present were Mayor Korman, Councilors Gabrelcik, Bradshaw, Thielen and Kern, and Clerk Haag. Also present Public Works Director Rademacher, Kent Louwagie, and others. Mayor Korman presided.

The agenda was approved on a motion by Gabrelcik, seconded by Thielen.

The consent agenda was reviewed, and Approve Fire & Rescue New Employees was pulled from the consent agenda. A motion to approve the consent agenda was made by Thielen. Item remaining on the consent agenda was Approve Minutes of May 7, 2014 regular meeting. Motion to approve consent agenda was seconded by Gabrelcik and carried unanimously. A list of new employees as recommended by the Fire & Rescue Hiring Committee submitted on behalf of Fire Chief Joe Thielen & Rescue Chief Howard Covert was reviewed. Recommended for the Fire Department were: Darrin K. Hondl, Joshua Jesberg, Jerrod Nohner and Jason Rasmussen; and for the Rescue Squad were: Kristen Eisenschenk, Mark J. Kern, Lori Teicher, Lacy Hemmesch, and Steve Schmitt. A motion to approve Fire & Rescue new employees as recommended by Fire & Rescue Hiring committee, contingent on them passing their physical was made by Thielen, seconded by Bradshaw, and carried unanimously.

City Engineer Kent Louwagie was present to update the Council on the Hwy 22 Street Project. Louwagie reported they are working on utilities from the box culvert north and on Coleman Avenue and hope to have utilities finished by next week, followed by hauling in Class 5. Street lights on State Street from Stearns Avenue to Coleman Avenue have been removed and that area will be without lights for several weeks. Concrete work is to begin tomorrow with the current detour route on the Township road remaining until the concrete is completed between Highway 55 and the railroad tracks, and asphalt south of the tracks will be completed within the next two weeks. Drain tile was found in portions of the street north of the box culvert and they are determining if it will be replaced, and in what areas. Pay Estimate #6, in the amount of \$363,041.12 to Kuechle Underground, was presented for payment. In addition, Work Order #1, in the amount of \$8406.30 for banner and flag brackets on the light poles was presented for approval. Public Works Director Rademacher reported they are currently working on obtaining pole brackets for the Christmas lighting yet and that will be an additional cost. A motion was made by Bradshaw, seconded by Gabrelcik, and carried unanimously, to approve payment of Pay Estimate #6 and approval of Work Order #1 as presented.

Minutes of the May 28, 2014 Planning and Zoning Commission regular meeting and public hearing were reviewed. Haag reviewed information on the public hearing to consider amendments to Chapter 5, Eden Valley Zoning ordinance in regards to side yard setback requirements in the RSF and RMF Districts, as well as amendments to comply with recent State law changes. Findings of fact were included in the May 28, 2014 minutes and Haag had contacted City Attorney Adam Ripple to review correct verbage for compliance with State law changes, with proposed Ordinance No. 2014-2 as reviewed by Ripple presented to the Council for consideration. Discussion followed on the proposed amendments, with Haag requesting if

the Council agreed with the findings of fact, that approval of Ordinance 2014-2 be considered for adoption. After discussion, a motion was made by Thielen to amend Chapter 5 based on findings of fact presented by the Zoning Commission, and adopt Ordinance 2014-2 as follows:

ORDINANCE NO. 2014-2

AN ORDINANCE AMENDING CHAPTER 5 OF THE EDEN VALLEY ZONING ORDINANCE

The Eden Valley City Council ordains:

Section 1: Section 505.000 of the City Code is amended as follows (deleted language shown in ~~strikethrough~~ and new language shown in underline):

505.000 "RSF" SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT.

505.050 PERFORMANCE STANDARDS.

505.050 Subdivision 3.

Setbacks (measured from lot lines):

1. Front yard: Twenty (20) feet
2. Side yard:
 - a. Interior lots ~~Ten (10) percent of lot width with a maximum requirement of Eight (8) feet~~ Six (6) feet
 - b. Corner lots: Not less than twenty (20) feet on the side yard abutting a public street.
3. Rear yard:
 - a. Principal building Twenty (20) percent of the depth of the lot with a maximum requirement of twenty-five (25) feet.
 - b. Accessory Building Per 518.000 of this Ordinance.

Section 2: Section 506.000 of the City Code is amended as follows (deleted language shown in ~~strikethrough~~ and new language shown in underline):

506.000 "RMF" MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

506.050 PERFORMANCE STANDARDS.

Setbacks (measured from lot lines):

1. Front yard: Twenty (20) feet.
2. Side yard:
 - a. Interior lots: ~~10% of lot width or a maximum of ten (10) feet~~ Eight (8) feet
 - b. Corner lots: Not less than twenty (20) feet on the side yard abutting a public street.
3. Rear yard:
 - a. Principal building 20% of Lot Depth or a maximum of (25) feet.
 - b. Accessory Building Per **518.030** subd. 1 of this Ordinance.

Section 3: Section 519.000 of the City code is amended as follows (deleted language shown in ~~strikethrough~~ and new language shown in underline):

519.000 ADMINISTRATION.

519.040 NON-CONFORMANCE.

Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following conditions:

1. No such use nonconformity shall be expanded, reconstructed or enlarged except in conformity with the provisions of this Ordinance.
2. ~~If a non-conforming use~~ If the nonconformity or occupancy is discontinued for a period of twelve (12) months, further use of the structures or property shall conform to this Ordinance.
3. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent (50%) of its fair market value as indicated by the records of the County Assessor, and a site permit is not applied for within 180 days of the property damage, a future all subsequent use, occupancy, and structure on the site shall conform to this Ordinance.

4. Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building. A non-conforming dwelling may not, however, be demolished and a new dwelling constructed unless the new dwelling is in full compliance with this Ordinance.
5. Non-conforming single family dwelling units and developed substandard single family lots may be expanded to improve livability as a conditional use provided that the non-conformity is not increased.
- ~~6. Nothing in this Ordinance shall prevent the placing of a structure in safe condition providing the necessary repairs shall not constitute more than fifty percent (50%) of fair market value of such structure as determined by the County Assessor.~~

519.090 ZONING AMENDMENTS.

519.090 Subdivision 1. Criteria for Granting Amendments.

The City Council may adopt amendments to the zoning ordinance and the zoning map in relation to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the City.

519.090 Subdivision 2. Procedure:

1. An amendment to the text of the Ordinance or zoning may be initiated by the City Council, the Planning Commission or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Council until it has received the Planning Commission's recommendations. Individuals wishing to initiate an amendment to the zoning ordinance shall complete a zoning amendment application form and submit it to the Zoning Administrator.
2. A public hearing on the rezoning application shall be held by the Planning Commission within thirty (30) days after the request for the zoning amendment has been received. Legal notice concerning official action pursuant to this Section shall be as follows:
 - aa. A notification of the date, time and place of the hearing shall be published in the municipality's official newspaper at least ten (10) days before the hearing.
 - bb. In addition, persons who own property situated wholly or partly within three hundred fifty (350) feet of the affected parcel or parcels shall receive similar, individual notifications by mail.
3. The City Council must take action on the application within sixty (60) days following receipt of a complete application, unless the timeline has been extended or waived in accordance with Minnesota Statute 15.99. The person making the application shall be notified of the action taken. ~~The amendment shall be effective only if four-fifths (4/5) of all members of the Council concur with its passage. The amendment shall be effective upon majority vote of the Council, with the exception of an amendment changing all or part of the classification of a district from residential to either commercial or industrial, which shall be effective only if two-thirds (2/3) of all members of the Council concur with its passage.~~ The City Council shall maintain records of amendments to the text and zoning map of the Ordinance. ~~Amendments shall be filed with the County Recorder.~~

519.110. VARIANCES.

519.110 Subdivision 1. Criteria for granting variances.

A variance to the provision of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the Ordinance imposes ~~undue hardship~~ or practical difficulties to the property owner in the use of his land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over

which the owners of property since enactment of this Ordinance have had no control;

2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights reasonable use of the property commonly enjoyed by other properties in the same district under the terms of this Ordinance;
3. The special conditions or circumstances do not result from the actions of the applicant;
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district;
5. The variance requested is the minimum variance which would alleviate the ~~hardship~~ practical difficulty; and
6. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.
7. The variance will not alter the essential character of the neighborhood.

NOTE: Economic conditions alone shall not be considered a ~~hardship~~ practical difficulty.

Section 4: This Ordinance shall be effective upon publication.

Motion was seconded by Bradshaw. Voting in favor were Gabrelcik, Bradshaw, Korman, Thielen, and Kern; against: none, whereby Ordinance 2014-2 was duly adopted. Resolution #2014-9, A Resolution Directing Summary Publication of Ordinance No. 2014-2 Amending the Eden Valley Zoning Ordinance was introduced and moved for adoption by Gabrelcik, seconded by Kern. Voting in favor were Gabrelcik, Bradshaw, Korman, Thielen, and Kern; against: none, whereby Resolution #2014-9 was duly adopted. Review of the regular meeting minutes showed site permit applications from Jeff Bradshaw for an accessory building and Joe Gruenes for a new house had been received, and recommended for approval, with Joe Gruenes' application contingent on the Council adopting Ordinance 2014-2. After review, a motion to accept the May 28, 2014 minutes of the Planning & Zoning Commission as presented and approve recommended site permit applications was made by Thielen, seconded by Gabrelcik, and carried unanimously.

Street closing applications for Valley Daze were received from Valley Daze Coordinator Donna Garvey. After review, a motion to close Cossairt Avenue West as requested for Friday and Saturday Valley Daze was unanimously approved on a motion by Gabrelcik, seconded by Bradshaw. A motion to close Church St. N., between Cossairt Ave. and Central Ave. on Saturday of Valley Daze was unanimously approved on a motion by Gabrelcik, seconded by Bradshaw. A motion to close Cossairt Avenue East Friday and Saturday of Valley Daze was unanimously approved on a motion by Thielen, seconded by Kern.

Clerk Haag recommended the following election judges be appointed: Pat Arnold, Lona Brutger, Ruth Johnson, David Moran, Pat Schlangen, Sharon Teicher, Sherri Zieglmeier, and Mona Haag. A motion was made by Kern, seconded by Thielen, and carried unanimously, to appoint the judges as recommended. Haag reported the City could use more election judges if anyone is interested in serving.

Haag reported the Eden Valley Area Library has organized as a non-profit and is ready to handle finances separate from the Healthy Communities funding. The Healthy Communities Executive Board has recommended transferring the donations of \$1250 from the Eden Valley Lions Club for costs associated with obtaining the non-profit status and \$500 from Stearns Electric for the

summer reading program from the Healthy Communities Special Revenue Fund to the Eden Valley Area Library. A motion was made by Bradshaw, seconded by Kern, and carried unanimously to approve the transfer of funds as recommended. Haag also reported Healthy Communities has been discussing improvements at the Friederichs Park that the City and Lions Club had been planning for a number of years, including moving the horseshoe pits, constructing a park shelter, improving tennis courts, basketball courts, playground area, and possibly overnight r/v parking, and would like to know if the current City Council supports such a plan. Healthy Communities would like to hire a consultant to help with a site plan for the park to determine what the layout could possibly be, and if there is enough property available for the items on the wish list, and the Eden Valley Lions Club has indicated they will commit some funds to help hire the consultant. After discussion, Council consensus showed support for such a plan, with the possibility of consideration of an ice skating rink to be included on the wish list, and Haag was to obtain estimates of consultant fees for the site plan.

Mayor Korman opened the Public Forum. There were no comments.

The Clerk presented the bills.

Total Expense: \$ 456,380.90

A motion to approve the bills was made by Bradshaw, seconded by Thielen, and carried unanimously.

Clerk Haag reported George Ruhland had requested an adjustment on the water bill for the Suds Hut and she had informed him he would need to come to the Council to make that request or submit a request in writing and she would present it to the Council. He had suggested she just make the request on his behalf. Council consensus was Mr. Ruhland should either come to the Council meeting or submit a request in writing before anything would be considered. Haag reported the International Clerk's Conference she had attended in Milwaukee was an excellent training session and thanked the Council for allowing her to attend. Information she received there on capital improvement planning was provided to the Council for their review, and she reminded the Council the next scheduled work session for the City's capital planning process is scheduled for July 9th, at 6:00 p.m., with the regular Council meeting to follow at 7:00 p.m. Haag provided the monthly cash and investment balance report to the Council. The Deputy Clerk position was discussed, and it was suggested a part-time Deputy Clerk/Zoning Administrator position be advertised, and the hiring process begin. Mayor Korman and Councilor Kern will be on the hiring committee with Haag

Chief Junker was not at the meeting due to a personal vehicle accident.

Public Works Director Rademacher reported crackfilling started today and a water leak has been found in the hydrant by city hall. Rademacher suggested when digging for the new hydrant a storm sewer should be created from the alley west to Church Street in front of city hall to help alleviate some of the water and ice problems that occur there. Councilor Thielen questioned if a hydrant was needed at that location, since there is one on State Street and also one located under the watertower, and Rademacher agreed the hydrant could be removed and not replaced. The storm sewer plans on Cossairt were discussed, and Rademacher would also like to overlay the street from State Street to Church Street, and will get estimates on that cost, along with the storm sewer cost. Other street and I&I issues were discussed, including under

the concrete pad at the Fire Hall and Logeais Street north of RIE, and Rademacher will check into solutions for dealing with those issues. Councilor Kern questioned if the speed bumps on Church Street South were going to be marked, and Rademacher reported he has ordered "speed bump ahead" signs to be installed.

Haag reported the marquee has been out of service for several weeks and hopefully should be fixed soon.

Next meeting date is July 9, 2014, with work session on capital improvement planning beginning at 6:00 p.m., followed by regular meeting at 7:00 p.m.

As there was no further business, the meeting was adjourned on a motion by Thielen, seconded by Gabrelcik.

Attest:

Mona Haag, Clerk/Treasurer

Peter Korman, Mayor



CITY OF EDEN VALLEY

*Check Summary Register©

May 2014 to June 2014

Name	Check Date	Check Amt	
10100 STATE BANK IN EV			
Paid Chk# 007820	AFSCME LOCAL 65	5/27/2014	\$239.16 UNION DUES
Paid Chk# 007821	BANK OF ZUMBROTA	5/27/2014	\$4,632.91 INTEREST ON LOAN #130573
Paid Chk# 007822	CENTER POINT ENERGY	5/27/2014	\$1,163.27
Paid Chk# 007823	FLEET SERVICES	5/27/2014	\$540.30
Paid Chk# 007824	MADISON NATIONAL LIFE	5/27/2014	\$334.70
Paid Chk# 007825	MEEKER COOPERATIVE	5/27/2014	\$638.50
Paid Chk# 007826	MN REVENUE	5/27/2014	\$728.63 STATE WITHHOLDING
Paid Chk# 007827	NOHNER ELECTRIC	5/27/2014	\$943.00 SERVICES/REPAIRS
Paid Chk# 007828	SELECT ACCOUNT	5/27/2014	\$579.45 FLEX & ADMIN
Paid Chk# 007829	T-MOBILE	5/27/2014	\$113.82
Paid Chk# 007830	WEST CENTRAL SANITATION	5/27/2014	\$167.47
Paid Chk# 007831	XCEL ENERGY	5/27/2014	\$1,957.08
Paid Chk# 007832	A & P PRODUCTIONS	6/5/2014	\$600.00 MSB 1/2 DOWNPAY
Paid Chk# 007833	AMERIPRIDE SERVICES	6/5/2014	\$123.91 UNIFORM RENTAL
Paid Chk# 007834	JUANITA ARENS	6/5/2014	\$450.00 SERVICES
Paid Chk# 007835	ARNOLDS OF KIMBALL	6/5/2014	\$150.02 SUPPLIES
Paid Chk# 007836	ARVIG	6/5/2014	\$1,458.02 PHONE SERVICE
Paid Chk# 007837	BATTERIES PLUS	6/5/2014	\$16.95 SUPPLIES
Paid Chk# 007838	BCBS/RESOURCE TRAINING	6/5/2014	\$5,591.50 INSURANCE
Paid Chk# 007839	BELL APPLIANCE INC	6/5/2014	\$414.00 REPAIRS
Paid Chk# 007840	BOLTON & MENK, INC	6/5/2014	\$7,147.50 SERVICES
Paid Chk# 007841	BORDER STATES	6/5/2014	\$128.95 SUPPLIES
Paid Chk# 007842	BRAUN INTERTEC CORP	6/5/2014	\$243.50 SERVICES
Paid Chk# 007843	CENTRA SOTA	6/5/2014	\$213.36 SUPPLIES
Paid Chk# 007844	CENTRAL MCGOWAN	6/5/2014	\$6.20 RENTAL
Paid Chk# 007845	CITY OF RICHMOND	6/5/2014	\$165.28 TRAVEL EXPENSE
Paid Chk# 007846	COMDATA	6/5/2014	\$733.63 SUPPLIES & SERVICE
Paid Chk# 007847	EDEN VALLEY AREA LIBRARY IN	6/5/2014	\$1,750.00 SERVICES
Paid Chk# 007848	EDEN VALLEY LUMBER CO	6/5/2014	\$543.94 SUPPLIES & REPAIRS
Paid Chk# 007849	ELECTRIC MOTOR CENTER	6/5/2014	\$793.01 REPAIRS
Paid Chk# 007850	ELECTRIC PUMP	6/5/2014	\$839.00 MAINT/REPAIR
Paid Chk# 007851	ERKENS WATER SOFTENER SE	6/5/2014	\$25.90 SUPPLIES
Paid Chk# 007852	EV-W SCHOOLS ISD #463	6/5/2014	\$25.00 ADVERTISING
Paid Chk# 007853	FARM-RITE EQUIPMENT INC	6/5/2014	\$39.38 SUPPLIES
Paid Chk# 007854	FASTENAL COMPANY	6/5/2014	\$56.87 SUPPLIES
Paid Chk# 007855	FRAUENSHUH & SPOONER, P.A.	6/5/2014	\$29.75 LEGAL
Paid Chk# 007856	GOPHER STATE ONE-CALL	6/5/2014	\$89.90
Paid Chk# 007857	GRANITE WATER WORKS	6/5/2014	\$35.96 SUPPLIES
Paid Chk# 007858	HEIMAN INC.	6/5/2014	\$720.00 SUPPLIES - PANTS
Paid Chk# 007859	JACK'S OIL DISTRIBUTING INC	6/5/2014	\$1,351.49 GAS
Paid Chk# 007860	KELLYS HEATING AND AC	6/5/2014	\$334.00 REPAIRS
Paid Chk# 007861	LOST & FOUND	6/5/2014	\$26.34 SUPPLIES
Paid Chk# 007862	MAOSC	6/5/2014	\$588.90 DUES
Paid Chk# 007863	MARC	6/5/2014	\$276.42 SUPPLIES
Paid Chk# 007864	MATT LAHR CONSTRUCTION	6/5/2014	\$173.64 REPAIRS
Paid Chk# 007865	MEEKER COMMUNICATION SER	6/5/2014	\$227.50 REPAIRS

CITY OF EDEN VALLEY

***Check Summary Register©**

May 2014 to June 2014

Name	Check Date	Check Amt	
Paid Chk# 007866	MIDWEST SOUND & STAGE	6/5/2014	\$650.00 SERVICES
Paid Chk# 007867	MINNESOTA COMPUTER SYSTE	6/5/2014	\$94.28 SERVICES & SUPPLIES
Paid Chk# 007868	MN DEPARTMENT OF HEALTH	6/5/2014	\$680.00 MN TEST FEE
Paid Chk# 007869	440800 NCPERS MINNESOTA	6/5/2014	\$16.00 INSURANCE
Paid Chk# 007870	NOHNER ELECTRIC	6/5/2014	\$3,058.00 REPAIRS
Paid Chk# 007871	PAYNESVILLE PRESS	6/5/2014	\$45.35 ADV
Paid Chk# 007872	BOB PESCHON	6/5/2014	\$200.00 SERVICES
Paid Chk# 007873	RINKE NOONAN	6/5/2014	\$1,577.40 LEGAL
Paid Chk# 007874	ST CLOUD FIRE EQUIPMENT IN	6/5/2014	\$451.50 SERVICES
Paid Chk# 007875	STEARNS COUNTY AUDITOR/TR	6/5/2014	\$500.00 LEGAL FEES
Paid Chk# 007876	STEARNS COUNTY CHIEFS ASS	6/5/2014	\$150.00 TRAINING
Paid Chk# 007877	STOCKMEN'S GREENHOUSE	6/5/2014	\$146.93 SUPPLIES
Paid Chk# 007878	SUDS HUT	6/5/2014	\$55.00 SUPPLIES
Paid Chk# 007879	JEFF TEICHER	6/5/2014	\$255.00 LIONS PARK SERVICES
Paid Chk# 007880	THIELEN EXCAVATING	6/5/2014	\$2,497.50 REPAIRS/MAINT
Paid Chk# 007881	THUNDER VALLEY	6/5/2014	\$12.83 SUPPLIES
Paid Chk# 007882	TOSHIBA FINANCIAL SERVICES	6/5/2014	\$134.72 COPIER LEASE
Paid Chk# 007883	TOTAL LAWN CARE	6/5/2014	\$176.64 SERVICES
Paid Chk# 007884	TRI-COUNTY NEWS	6/5/2014	\$30.00 ADV
Paid Chk# 007885	UC LABORATORY	6/5/2014	\$1,446.10 TESTING
Paid Chk# 007886	USPS	6/5/2014	\$108.00 BOX RENT
Paid Chk# 007887	VALLEY DAIRY SUPPLY, INC.	6/5/2014	\$41.75 SUPPLIES
Paid Chk# 007888	VALLEY QUICK STOP	6/5/2014	\$5.50 SUPPLIES
Paid Chk# 007889	VERIZON	6/5/2014	\$61.03 SQUAD COMPUTER LINE
Paid Chk# 007890	VMG	6/5/2014	\$90.79 SUPPLIES
Paid Chk# 007891	WEST CENTRAL TRIBUNE	6/5/2014	\$439.00 ADV-MSB
Paid Chk# 007892	XCEL ENERGY	6/5/2014	\$2,953.25
Paid Chk# 007893	PETER ZIEGLMEIER	6/5/2014	\$882.00 SERVICES
Paid Chk# 007894	KUECHLE UNDERGROUND INC	6/24/2014	\$363,041.12 PAY EST #6
Total Checks			\$417,207.80

CHECK#	TO:	FOR:	AMOUNT
39931	USPS	Stamps	283.00
EFT14E	ING	MN DCP	100.00
EFT15E	IRS	Payroll Taxes	1,830.62
EFT16E	PERA	PERA	1,553.10
	City Utilities	Water/sewer	1,503.81
EFT17E	ING	MN DCP	100.00
EFT18E	IRS	Payroll Taxes	2,012.85
EFT19E	PERA	PERA	2,009.74
JE-2014-15	Water Treatment Plant	May Usage	14,391.00
22252-			
22258	Payroll	Salaries	6,799.45
22259-			
22265	Payroll	Salaries	6,969.16
22266-			
22267	Payroll	Comp Time	1,620.37
TOTAL:			\$ 39,173.10
GRAND TOTAL			\$ 456,380.90