

MANTORVILLE CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 10, 2016
6:30 PM

1. **Call to Order** – Mayor Bradford called the meeting to order at 6:30 pm.

Members Present: Chuck Bradford, Henry Blair, Will Lambert, Sherry Roth and Don Hofstad

Others Present: Tina Potter, Dave Burton, Daniel Trapp, Velda Musolf, Gretta Becay, Deputy Justin Classon, Tim Hruska, Scott Larsen and Cami Reber.

2. **Pledge of Allegiance** - Done

3. **Additions/Deletions to Agenda** - None

4. **Consent Agenda** – Motion made by Member Blair, second by Member Lambert to approve the consent agenda as follows:

- a) City Council Meeting Minute’s September 26, 2016
- b) City Council Special Meeting Minutes September 30, 2016
- c) Warrant List October, 2016
- d) Dodge County Commissioners Meeting Agenda
- e) Dodge County Sheriff’s Department Call Report for Mantorville – September 2016
- f) Xcel Energy LED Street Lighting Upgrade

Member Lambert commented on the Xcel Energy Street Light Upgrade. He noted that there has been some studies about the LED lighting coming in windows and that LED blue light is detrimental. Member Blair responded that there are studies looking at this but they are inconclusive. Motion passed unanimously.

5. **Public Concerns** - none

6. **Public Hearing** – Motion made by Member Hofstad, second by Member Lambert to close the regular session and open the public hearing at 6:32 pm. Motion passed unanimously.

- a) **6:32 pm - Mantor Woods West Final Plat**

Rich Massey, Massey Land Surveying, discussed the final plat with the Council. They are requesting that the City own the 2” sewer force main, but the home owners would own the grinder pumps and service line. A second request is to change the location of the access/utility easement; instead of the 20’ on the east side of vacated Blanch, keep 10’ and request 10’ on the City property (block 27) so they don’t have to adjust the rain garden locations.

Questions and discussion by citizens present were about the snow plowing of the cul-de-sac, why the cul-de-sac is a dead end instead of keeping it open to save money and allow for development to the North, and questions on the water line upgrade and 10th Street reconstruction. The public hearing was left open until the City Engineer could be present to help answer some questions.

Mayor Bradford asked City Engineer, Tim Hruska about the 2” sanitary sewer force main and Tim noted that we can take it on as City property, install curb stops at the right of way so the City has a way to regulate the system, and to turn it on and off when needed. This is similar to what we did in Mantor Drive and this is how we would maintain it. We would not be maintaining the grinder pumps, though.

In regards to the question on the cul-de-sac and why not a dead end for the potential to extend the street in the future. Tim noted that if we had a general development plan to extend to the North, it would be more in line but we are at the end of our sewer limits there. We had previously talked about this in 2009 and it was deemed we wouldn't necessarily see development to the North for a while. Also access to the east is not viewed as being an option due to no gravity sewer available. It isn't cost feasible to have a lift station put in due to the low number of homes and low flows which can cause more long term maintenance problems.

Resident Dave Burton asked about the water line and why we are doing it this way; (proposed to go from 9th Street to 10th Street then to the West side of Highway 57). He suggested we just go from the west side of the highway underground to the east side of the highway; forget about going from 9th street up through. We are wasting a lot of money; leave the alley alone. Tim noted we have to look at the water service for the entire area and it will also provide better fire protection for the area. Tim stated that we can look at a couple of alternatives.

Mayor Bradford asked about outstanding items that remain. Tim noted we still need to receive the permits and finalize the mechanism on the storm water maintenance being clarified with the individual lot owners. This will be worked through with the developer and the attorney. They have met the requirements needed to do a conditional approval of the final plat.

The resident at 920 Main Street asked about their financial responsibility of tying into everything once it goes by? Tim replied that there is no financial obligation to them, they are already tapped into it. It is basically a reconstruction project in front of his home.

Motion made by Member Hofstad, second by Member Blair to close the public hearing at 7:40 pm and go back into regular session. Motion passed unanimously.

7. Old Business/New Business

a) Mantor Woods Development Agreement

Council Member's discussed the requested changes. Member Blair noted his hesitation in approving anything until the final documents are complete. Member Lambert feels the same way. The developer noted it is getting late in the season and he would like to get it rough graded yet this fall. Tim noted that this all needs to be in order before the developer can commence work.

Motion made by Member Blair, second by Member Roth to approve the Mantorwoods West Subdivision Development Agreement contingent upon changes in the wording of the City taking ownership of the sanitary sewer force main from and to include the curb stops on, amending the resolution for the vacation of Blanch to only require the 10' of easement on the vacated portion of the east 10', and the granting of the West 10' of Block 27 for an access and utility easement. Motion passed unanimously.

b) Resolution 2016-15 Joint Resolution for Orderly Annexation

Cami updated the Council on her meeting with Mantorville Township and the annexation agreement before them. It is for .76 acres and the township requested that we list the amounts for tax reimbursement in the resolution and that it be done on a 5 year reimbursement as we previously did. They are also requesting consideration that the payment be made in one lump sum versus over a five year period. Motion made by Member Blair, second by Member Roth to approve Resolution 2016-15, A JOINT RESOLUTION ESTABLISHING AN ORDERLY ANNEXATION AGREEMENT BETWEEN THE CITY OF MANTORVILLE AND MANTORVILLE TOWNSHIP PURSUANT TO STATUTES 414.0325.

Motion passed unanimously. The Council agreed to a one time payout to take place on January 1, 2017.

c) Approval of the Mantor Woods West Final Plat

Motion made by Member Blair, second by Member Lambert to move to approve the final plat of Mantorwoods Subdivision contingent upon all the items in the development agreement being addressed as suggested above (listed under development agreement), securing all permits before construction and the infiltration rates for the raingardens being verified as presented in this memo dated October 10, 2016, by City Engineer Tim Hruska. Motion passed unanimously.

d) Water Line Upgrade – 10th Street

City Engineer Tim Hruska told the council he is looking for direction to start moving forward with preparing the plans and specs for the 10th Street water line upgrade. He will meet with Scott Larsen next week on the alternatives to start developing the plan for a spring construction. Motion made by Member Blair, second by Member Roth to direct staff and engineering consultants to move forward with researching, and preparing plans and specs for the water main extension project to Mantorwoods West Subdivision. Motion passed unanimously.

e) Mantorville Welcome Center Utility Service

The Council discussed the request of the Mantorville Welcome Center to not charge them during the months that they aren't using water. Member Hofstad stated that it was his understanding that their request was to waive it all year. Member Lambert agreed. The welcome center noted their financial difficulties in raising funds to continue to operate. Cami is looking into what the Council wants staff to bring back to them to make a decision.

Member Blair noted the problem is precedence. If we say we are going to waive the reconnection fee, we need to establish how and why so we don't end up in a snow ball effect. How are going to define it if a property is only using water for a couple of months or if it's a nonprofit, etc.? Member Lambert said he would be interested to know exactly what the EDA said when they were approached. Member Roth asked if the Chamber had been approached on this request. Member Hofstad wasn't aware that they were contacted. Will suggested contacting Lanesboro, Chatfield, Northfield, and Pine Island; if they have welcome centers, how are they funded? Member Roth asked what function do they serve, how do businesses benefit, is it simply the tourists that benefit, what is its primary activity; Member Lambert noted that they provide tourist information, they provide information on the local businesses that someone wants to visit.

Member Roth asked what is the future of this and do we have people who are going to take this on? Cami will bring the water bill figure and information on how other communities handle their welcome centers back to the Council.

f) Resolution 2016-14 A Resolution Approving Election Judge Appointment

Motion made by Member Blair, second by Member Hofstad to approve Resolution 2016-14 Appointment of election judge for the General Election, Marilyn Lermon. Motion passed unanimously.

g) 2017 Final Budget Workshop Retreat Meeting Date

Council approved the retreat workshop date for November 21 at 6:30 pm.

8. TBD

a) Public Works Report – Scott reported the following:

- Meeting on Wednesday with the MN Dept of Health on the Wellhead protection plan.

- Bluff Street vacation, what does the Council think of this. A lot of time and material is spent on it and it is now owned by one person. Mayor Bradford if we would need to do a lot combination. Cami didn't think so. What do we do from a City position if we vacate, we would be land locking them. Cami noted an access off of Mantor Drive as an alternative. Scott noted a drainage problem on the road when it rains. Mayor suggested looking into it and continue discussion with the property owner. Member Roth suggested having the property owner combine them all into one so the vacation wouldn't be an issue.
- Life Station Service Agreement – Quality Flow to do preventative maintenance on the pump motors. They charge \$200 in the spring, and \$200 in the fall for both lift stations. Motion made by Member Roth, second by Member Hofstad to approve the agreement. Motion passed unanimously.
- Sterling Truck - needs repairs to the wing post. To repair is around \$3,500, to replace it with a trip is noted on the quote. The oil reservoir started leaking over the summer which he and Joe can fix, but would like to have the wing trip approved. To bend it back and straighten the posts back out, it would be \$3,500. For another \$1,000 you can go with the wing post. Motion made by Member Blair, second by Member Lambert to spend up to \$5,000 to upgrade the wing post assembly on the plow truck. Motion passed unanimously.

Tina Potter was present to discuss her drainage problem and find out where we are at.

Mayor Bradford: I did have a discussion with Ms. Potter today regarding our discussion on her flooding of the basement, and its cause by an adjacent property or suspected adjacent property. I shared with her that, uh, that our initial assessment didn't indicate anything conclusive that you could put at, that would indicate a cause and effect relationship.

Tim Hruska (City Engineer): Correct, so when we went out there, we had our surveyor run grades along the property line to the West of you, down that, adjacent to the apartments, and from about where the apartment building starts, it does drain to the West. So that's where previously, actually, from what we saw from the Ariel contours that were done before that more of that water was coming toward you versus where it is now.

Mrs. Potter: So what would be the explanation for my basement flooding 3 times now since he has done that work and nothing else changing in the neighborhood?

Tim: Some of what, I mean there is some private drainage issues going on.

Mrs. Potter: Did he get a permit?

Tim: There was no permit for what he did.

Mrs. Potter: Why? Did he ask anybody if it was going to change anything or if it's going to affect neighbors? Did he bring it up to anybody?

Tim: No

Mrs. Potter: cuz now he is planting trees and its continuing, a bulldozer continues to change things over there and nothing is being done. I have a basement I can't live in anymore, and it smells and it's starting to mold. 3 floods, never has flooded before, what would you assume caused it.

Tim: Well, so understand the concerns, and we went out there and we looked at what the grade actually...

Mrs. Potter: Nothing else has changed though. You did a comparison to when?

Tim: To what we saw from before from flight contours. So part of it is, is that I totally agree that ideally we would have had a conversation before any of this happened. We can't go back and change what was previously done. The conversation that would have occurred was that yes you can grade on your property but we can't change where the water is going. You can't take water from one area and push it, more water to the East.

Mrs. Potter: Well actually you can't do that when it is leading up to a culvert. He could of done anything on the other side of his property but adjacent to the culvert where all that water is coming to my yard, no he cannot do that.

Tim: Well and so what actually, from the evidence that I've seen from what we gathered in the field and what we saw from the flight contour data that we have, which is all we can go back and see, is that previously more water was draining to the culvert than what is now.

Mrs. Potter: Well something else changed; he's changed something else because where is the explanation as to all of a sudden why do I have 3" of water in my basement if we get 1" of rain? Suddenly, in an hour. What's your explanation?

Tim: So some of that may be....

Mrs. Potter: It has never flooded before, my mother owned the home before I bought it from her, it has never flooded. In 2010 she didn't get one inch of rain in the basement. So where's your explanation from? That's the only thing that has changed and I don't agree with your conclusion. There's no way that you can come to that conclusion without having some sort of an alternative for me to go, Oh, Ok that's why my basement is flooding because that just doesn't start happening.

Council Member Blair: So a couple of things here...if there's no permit, there's no permit required for the work that was done there. So through the new development...

Mrs. Potter: Why wouldn't one be required?

Blair: There's nothing in the code requiring a permit to...

Mrs. Potter: For water leading to a culvert that's going across the street...under the street which is now almost clogged with dirt, gravel because of everything he has done to change the grade of that side.

Blair: So it basically says he can't do harm, there's no permit...

Mrs. Potter: He's done harm!! My basement is flooding...is that not harm?

Blair: Bear with me for a second. I'm addressing the permit issue first. So if it was going to cause harm we couldn't issue a permit saying yes you can cause harm. So you asked if there was a permit and why wasn't a permit pulled...

Mrs. Potter: Should he of asked?

Blair: No, there's no permit for that. If he knows the rules and knows there's no permit.

Mrs. Potter: He doesn't know the rules.

Blair: ...and he knows that a permit is not required and he doesn't have to come ask if there is a permit required.

Mrs. Potter: so its ok for me to load a bunch of dirt on my property and flood my neighbors and not get a permit that's what you're saying, so I'm going to protect my home now, I'm going to plug up the culvert, I'm going to load tons of dirt to protect my home and this guy's gonna get flooded, that guys going to get

flooded, the church is already getting flooded because of what he did. And they haven't seen the water either that we are seeing now. So tell me that nothing has changed except that but your concluding that it's not his fault. How in the heck is that possible?

Blair: So the permit issue is not an issue, there is no permit; there is no such thing.

Mrs. Potter: Ok, that is not an issue so tell me why my basement is flooding now.

Blair: I do not know why your basement is flooding.

Mrs. Potter: Neither do we. That's the only change.

Blair: I do not know the current survey but from every research I did as well I don't know what...

Mrs. Potter: What research did you do, where's the report, where's your conclusion, I want to see what...

Blair: What I was looking at as well, I had not discussed this with Tim beyond the meeting previously, but yes it looked like it was probably...

Mrs. Potter: And you were looking from a road, did you do any calculations?

Blair: No I was using, um, GIS systems and things like that.

Mrs. Potter: Compared to what, I want to see a report. You guys all say you used this that and the other, I still have a flooded basement.

Blair: I was looking at geographical information that show that yes that looked like the split in the flow...

Mrs. Potter: I want to see proof.

Blair: I'm not going to supply you with a report, but I'm telling you right now it looked like the split was 20 feet or something like that back from in front of the building. And the nearest stuff I looked at was several years ago. He is saying they surveyed it and the break is at the front of the building that would suggest exactly what he is saying that...

Mrs. Potter: So all of a sudden god just decided that my property...

Blair: ...20' more of the water that hits that location is flowing West. As to why the water is flowing in to your basement there are a lot of people who got water in their basements this year who have never seen it before.

Mrs. Potter: I've looked at rainfall totals, I've compared them year to year and there has not been water in my basement...ever.

Blair: and I don't know about this but perhaps...

Mrs. Potter: I know you don't.

Blair:...but perhaps the tiling around your home has settled and is no longer as good as it was before. I was...it does happen.

Tim: It does happen.

Mrs. Potter: It doesn't happen in a gush of 3" of water that comes up through my sump pump which cannot keep up due to the volume of water coming through the culvert. That is not the answer.

Blair: If it's coming up through your sump pump that is also suggesting it's not the immediate surface flow allowing it to get down to your basement in that matter of time...

Mrs. Potter: Something that he changed, changed it.

Blair: If it's getting to your sump pump that fast, I would suggest that perhaps the grading is flowing it towards your house or something that has fallen to your wall.

Mrs. Potter: Ok, so you guys are approving that I am going to get a bunch of dirt, and put it in my yard, is that ok?

Blair: It depends on what you do with it.

Tim: So this is the conversation that we have with every property owner that talks to us. There is an amount, and I believe it is 50 yards of material that you can haul into your yard, but you cannot cause undue harm on your upstream downstream neighbor.

Mrs. Potter: Ok, so why is it ok that he caused harm to my property?

Tim: From what we have seen and found, is that he hasn't changed the drainage pattern to direct more water to your side. That's the conclusion that we have reached so far.

Mrs. Potter: Yep, ok.

Tim: I understand if I was sitting in your shoes, I would of totally questioned that and that's why I sent our survey crew out to verify the data and get actual grades.

Mayor: Playing the devil's advocate here and just asking a few questions. If the break has moved and more water is basically going back behind the house than going forward to the culvert, could that potentially have been the issue because now that that water is doing a loop...

Tim: That water goes to a different water shed.

Mayor: Alright. And it is flowing one of two directions, it's not side...

Tim: No it's flat. There's like 2/10 drop over 20' and then it goes flat for the next 60' then it drops off to the West.

Mayor: I am just trying to think of everything possibly that I can think of. Um, if this was even a possibility, what's the implications for the City, where there's, you know we have a lot of rock in this area, so um, let's say there's 8" of clay on top of fractured limestone and the grade is allowing it to get down to the fractured limestone and moving, you know...

Tim: You're thinking some sort of infiltration that was occurring before.

Mayor: Right

Tim: Theoretically yes but typically our clays are fairly heavy on top and then the limestone is typically impermeable layer, I mean you'll have some fractures in it but that's not it.

Mayor: Just looking for answers more than anything.

Mrs. Potter: So am I.

Council Member Lambert: I am just amazed that they let the church build the parsonage, over years, I mean... (Talking over each other so unclear)

Mrs. Potter: ...right next door to us, the reverend and his wife have never seen the kind of water in their basement that they are now seeing. But they aren't going to say anything...their super passive, they want to be accepted into this community, they don't want to ruffle any feathers and nothing gets done because you think...

Scott Larsen (City Public Works Supervisor): The pastor has water in his basement too?

Potter: Ridiculous amounts.

Scott: He is a higher plain...

Potter: I realize that.

Scott: He is up to the north.

Potter: All of the (countries?) are now under water every time it rains.

Scott: But the person across from you to the West is further down so the pastor's house is further north.

Potter: The pastor's house is right next door to me across the street from Kyle.

Scott: The pastor's house is just to the north of you; so you and Kyle are here and the pastor's house is up here so they had water in their basement?

Potter: um hmm they said...

Scott: Kyles didn't back up to the pastors basement.

Potter: Its coming through the culvert and going this way and into my home.

Scott: There's quite an elevation there.

Tim: Ya we would have to look at that. I was thinking it went up quite a bit to the north.

Scott: It would take quite a bit to get up there.

Tim: Up to that direction.

Blair: Which would suggest maybe it's coming underground from the north more than the West? Is that what maybe I think I am hearing?

Tim: I don't know...

Scott: I'm going to say it's a coincidence that we need to figure out what's going on.

Mayor: So Tim from what...it sounds like we don't really have any answers for either the City or Ms. Potter, is there anything else we can look at?

Tim: In order to do some sort of corrective action we can look at options for draining water through to getting it over to Walnut street and look at some alternatives there. Scott and I can look at that and then to do something in that area, if we were to go across private property, we would need to have easements and such to do that. Because right now, that's the whole part of town there are no drainage easements or utility easements.

Potter: (unclear)

Tim: In order to do something, we can look at alternatives for how to get that water from Chestnut to Walnut, see what can be done in there and come back with some solutions.

Mayor: Let's say we did that, is that going to help us?

Tim: That's something we would have to look at, I mean as far as what an alternative would be and what protection that alternative is going to be.

Potter: Do we have a timeframe for that cuz I'm living in a home that is flooding every time it rains;is going to be ridiculous.

Tim: And inside of that there is going to be certain requirements, obviously there is going to be a recommendation with a cost opinion and then I would assume right now that there is going to be some sort of private easement that would have to be obtained in order to do that work. Just given where the problems are occurring.

Blair: Being what it is, how much of this is a City issue for us to be concerned with stuff through here.

Potter: The State said it's your responsibility. I called the state and they said you have to do it because you are responsible for the culvert that goes underneath the road within the City. They're not going to touch anything.

Council Member Hofstad: I have a question. Being that that culvert is full of stuff, you say it doesn't flow very well through there, does it go over the street and flood through there?

Potter: I have no idea.

Hofstad: Because if the culvert is plugged, how does the water get there is my question.

Tim: So the culvert isn't plugged, it is partially plugged.

Hofstad: Ok, so that would restrict the flow of water coming in then, wouldn't it?

Tim: Correct.

Hofstad: So then, you know, I don't know I'm not an engineer or anything like that but if its plugged and not going over the street is it coming from up on top; is it going up and coming back down behind the buildings and down there then? I mean, Im just, I don't know.

Blair: Is it still the low spot in the street, is it still crossing in the same spot.

Hofstad: Ya because I know the night that we had the terrible rain fall and we had to evacuate the park, I drove down that way on my way down to the Fire Hall and I didn't see water going over the street but then I wasn't, my mind was other places and I didn't really pay attention if it coming from the top either. I'm just saying that if the culvert is plugged and it has restricted flow and it isn't getting as much water.

Tim: I'd have to check Don but if that culvert were to plug we have so much water that isn't going through the culvert, I believe that the water is actually going to flow to the West before it goes over the road to the east.

Blair: I'm sorry, to the west, you mean to the north or south before it crosses?

Tim: Nope, that culvert goes east west. So if that culvert plugs on the west side that water is actually going to flow due west. Between the apartments and Kyle's house.

Blair: Oh, oh, so the street is higher than that...gotcha.

Tim: Yes. I don't have grades on that but that is recollection. And I drove up there about 4am after the big rain and I didn't see any pooling on the West side. On the East side there was an inch, inch and a half of water in the grass, I mean I could see grass through the entire area.

Potter: What about the trees being completely under water, every pine tree you couldn't even see under the pine tree, it was water. My whole backyard was water. My neighbors backyard and the church.

Tim: I mean I could, the grass was all still visible, it wasn't submerged going through from what I could see. I even got out and looked at the culvert.

Mayor: Does the sediment in the culvert look like an accumulation over time or does that look like all new sediment?

Tim: Both, there is new stuff on top but there is definitely some accumulation from before. It's not like the whole culvert is plugged, the whole bottom third of it filled up...this year.

Mayor: How does the ___ on that culvert look, in other words if we just clean the culvert out, how much help would that be.

Tim: Its actually going to be counterproductive because it's going to allow more water to go through.

Mayor: All right.

Tim: I think that in this point in time, Scott and I will look at it, come up with what a solution could be? Inside that memo, to be perfectly honest, there may be that this isn't a public issue or where our public private drainage issue crosses where that line is and then what happens if we do perceive that we are going to take care of it, a public drainage through here, then we are going to have to have easements through that too. But there is a certain amount that, when I looked at it, there is some private drainage problems going on adjacent to the home that it was I recommend that you have a discussion with a landscaper to review what's going on with the drainage in the first 10 feet from your home out.

Potter: Ok

Mayor: Ok. Just let us know when you will have that memo. If I hear anything in the mean time I will personally try to reach out to you to close the communication gap. And again, I apologize that we didn't do that in the past.

Potter: Thank you for your time.

b) City Clerk Report – Cami reported the following:

- Mike Bubany will be at the next Council meeting to present the temporary financing documents.

c) Consultant Report – Tim Hruska reported that he received the bonds and documents from the WW Contractor. The 5th Street Project is still on schedule for this fall but the Contractor has asked for an extension of the Stagecoach Road until the spring of 2017.

d) Committee Report

- Fire Department – Member Hofstad reported on the open house this week and Fire Department Equipment needs.
- Park Board – Member Blair reported on the Mantor Field playground project.
- Relief – Member Hofstad reported on the investment meeting and payout of retirees.
- Township – Member Hofstad noted a meeting that needs to take place with township residents on the WW project and Cami met with them on the annexation for the Mantorwoods project.

e) **Council Member Report** – None

f) **Mayor Report** - None

9. **Executive Session** - None

10. **Adjourn** – Motion made by Member Blair, second by Member Lambert to adjourn the meeting at 8:26 pm. Motion passed unanimously.

Attest: _____
City Clerk Treasurer Camille C. Reber