

MANTORVILLE CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 22, 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, Don Hofstad, Sherry Roth and Will Lambert

Others Present: Daniel Trapp, Gretta Becay, Sharon Davern, Drew Kirmse, Jim Kirmse, Dave Dripps, Julie & Tom Johnson, Scott Larsen, and Cami Reber.

2. **Pledge of Allegiance** - Done

3. **Additions/Deletions to Agenda** – Marigold Days Street Closures, 7) I

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

- a) City Council Meeting Minute's August 8, 2016
- b) Warrant List August 22, 2016
- c) Dodge County Commissioners Meeting Agenda
- d) Dodge County Sheriffs Call Report Mantorville July 2016

Motion passed unanimously.

5. **Public Concerns**

Sharon Davern requested to discuss wording in the CUP she was recently issued. Mayor Bradford noted that it can be addressed when we discuss her building permit.

6. **Public Hearing – 6:32 pm**

Motion made by Member Lambert, second by Member Blair to close the regular session and open the public hearing at 6:33 pm. Motion passed unanimously

- a) **Amendments to Mantorville Zoning code**

- **Section 150.025 Titled Accessory Buildings**

Dave Dripps, 208 Bergman Drive – previously on Planning and Zoning Commission, noted that this was one of the ordinances they wanted to update because they thought a 900 sq. ft accessory building wasn't quite big enough. It appears the way the Council is proposing to modify this ordinance that he could have an out building that is over 4,400 square feet. Which is equivalent to a 15 stall garage and he could have 2 of them in his garage. This 10x more than the current ordinance allows. The Mayor noted that there has been discussion to take out the garage from the footprint and the foot print is not total square footage of each story of the principal structure. The other limiting factor is the 25% coverage of structures on the lot; on any given lot you cannot exceed 25% of that lot consumed with structures. Dave noted that he lives on 2.13 acres so he could cover a quarter of his lot with 2 out buildings; 2 fifteen stall garages. That is totally ridiculous and would ruin the neighborhood.

Mayor Bradford noted that the Council struggled with coming up with the right size for both the big and small lots. It's a starting point, what would you like to see. Dave suggested starting out with twice the size of the current ordinance. Other input from those present included;

- A Concern on the height change and if someone has a 30' high single family home, that would be a huge increase. If you have a two story home, you can have a two story accessory structure?
- A Gradual approach to the changes would be better; double the current size and keeping it a single story.

- 1,800 is the maximum they would want to see built next to them. Pick an amendable color. The Mayor noted that they have included wording to keep it like the main structure.
- Huge Massive storage buildings shouldn't be in residential areas.

- **Section 150.044 Titled Bed and Breakfasts**

Dave Dripps asked about the Guest House Ordinance – if he builds a separate accessory building, can he have a bed and breakfast in that separate building. Mayor noted that accessory structures are not a habitable structure. Dave said that a guest house, in his opinion, is something like a carriage house that he is building, for a guest. The wording on this doesn't sound right.

Julie Johnson – do you need to specify if you can put plumbing in an out building? Would that help define a guest house?

Dave noted you need to specify if it's an attached room to the primary residence or not. You need to specify that and that it's not a separate structure. The Mayor noted that the guest house is not intended as an accessory structure. Is the guest house in the definitions? Guest houses are separate buildings, in other people's opinions.

The State has different definitions and if you are going to label something a bed and breakfast, they have certain rules. If you label it a guest house or tourism home, they look at it different. It was suggested that the permits state which one it is, not lump them together. Member Blair noted, the State doesn't care what we call it, they have their own definitions. Ms. Davern disagrees and that's not what happens. If she has a tourism home, the State won't license her but under a Bed and Breakfast they do. There is a clarification that needs to happen. It was suggested to follow the same definitions as the State; why can't we have three definitions.

Separate out the three Bed and Breakfast, Guest House or Tourism Home is a suggestion. Redefine those. Member Blair noted that a guest house, as they are defining it, is not an allowed use. What is being asked to define is not an allowed use in the City. On the CUP, delineate what it is. Ms. Davern noted that it doesn't work how the City has it defined as the three things are very different and somewhere it does need to be cleaned up or we will run into it time and again.

- **Section 150.071 Titled Transitional Districts**

Comment to send out the zoning map so people know what is being talked about. Mayor Bradford noted that we are not changing any zoning, we are cleaning up the definition. Dave Dripps noted the wording in the buffer yards. If we are going to require 30 feet of a buffer yard, those lots are useless as most are only 60' wide, you can only use ½ of the lot. It doesn't make any sense.

- **Section 150.021 Titled Non-conforming Uses and Structures**

No Input

Motion made by Member Blair, second by Member Roth to close the public hearing at 7:12 pm. Motion passed unanimously.

7. Old Business/New Business

a) **Approval of Ordinance 01-2016 AN ORDINANCE AMENDING SECTION 150.025 OF THE MANTORVILLE CITY ZONING CODE**

Member Hofstad is glad we had input from the citizens. He feels that the size of foot print listed is a little too large. It's not appropriate to see such a large building. Those should be in a commercial area. Double the size of the house is a little much. He feels he could not vote

on it as written tonight. It needs to be changed to be a little more workable. Motion made by Member Hofstad, second by Member Roth to table (Approval of Ordinance 01-2016 AN ORDINANCE AMENDING SECTION 150.025 OF THE MANTORVILLE CITY ZONING CODE) pending some changes to the wording until the next City Council Meeting on September 12, 2016. Motion passed unanimously.

b) Approval of Ordinance 02-2016 AN ORDINANCE AMENDING SECTION 150.044 OF THE MANTORVILLE CITY ZONING CODE

The Mayor feels we had good discussion for the need of definitions. Members discussed "Guest House" and how to move forward with that. Member Blair suggested we check the States terminology. Motion made by Member Blair, second by Member Lambert to table this and get those definitions. Motion passed unanimously. This will be continued to the September 12 meeting.

c) Approval of Ordinance 03-2016 AN ORDINANCE AMENDING SECTION 150.071 OF THE MANTORVILLE CITY ZONING CODE

Member Lambert noted that it is interesting that in this instance we say that 30' shall be required abutting a residential use but we don't specify a setback in the commercial. Council Members discussed the buffer yards and screening listed in (H). Mayor Bradford doesn't think that we should be more restrictive than an R-1, which is 25', but it should be more restrictive than commercial which is 0'. Dripps notes it only affects 5 lots in town that are transitional abutting residential. Member Lambert recommended that we change the buffer yard requirement to 10' instead of 30'. Move to table this by Member Blair, second by Member Roth, to continue until the September 12 meeting. Council Members should get any additional changes to Cami by the 12th to continue the discussion. Motion passed unanimously.

d) Approval of Ordinance 04-2016 AN ORDINANCE AMENDING SECTION 150.021 OF THE MANTORVILLE CITY CODE AND OPTING OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES 462.3593

Motion made by Member Lambert, second by Member Blair to approve Ordinance 04-2016, (AN ORDINANCE AMENDING SECTION 150.021 OF THE MANTORVILLE CITY CODE AND OPTING OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES 462.3593). Clarification made by Member Lambert that in terms of intent we aren't trying to restrict families from supporting their elders, but we would address them on a one by one issue. Motion passed unanimously.

e) Sharon Davern – Building Permit Approval

Sharon Davern approached the Council regarding the building permit she submitted and she still hasn't received yet. She is paying on the loan but hasn't gotten the permit yet. Mayor Bradford asked if the MRA has completed its review yet. She replied that she is not part of the MRA. Mayor Bradford noted that her property is and has been considered part of the historic district and we will wait for their input. After we get their input, we will consider their concerns and move forward. The Mayor noted that he can try to light a fire under the MRA and we should have something by the next Council Meeting.

Wants Bed and Breakfast changed to Tourism Home in the body of the CUP document. The biggest thing she wants is to be able to say no, you cannot come stay in my home. Through Air BnB, you can do that. When you go commercial to a Bed and Breakfast, you cannot do that. The State also requires a restaurant license, they require a hotel/motel license, that means her insurance goes...and she is being exposed in a way that she shouldn't have to be. Labeling it as a Tourism Home, because there isn't a designation, keeps her safe to say No, you can't come. Mayor Bradford noted that two meetings ago, he believes she told them it is her intent that she would be on site, not serve meals and have offsite parking. She clarified that what she said is she has onsite parking, she won't be on site looking at them all the time,

she has other jobs and she has already screened them. She won't be renting it out when she is out of town. She is requesting that the City change what the Conditional Use allows, which we cannot change. As for editorial type changes, we can check with our Legal team.

Discussion on the intent that she has to be present 24/7 as a condition. Member Roth clarified that she lives there and has to be present when customers are staying on site to check them in. She has to be there when they check in. Ms. Davern asked for clarification on the "No outside employees". Council replied it is in regards to operating the B and B. She can hire someone to clean or other service, not directly related to the B and B. She also asked for clarification on the police thing, is it clear that that is specific to what is going on at home. Council clarified that if something happens that is not part of the B and B, then that does not count. If she were to have a call to her home due to one of her guests, that is what that means.

f) Fire Chief JJ Williams – Fire Hall Upgrades

JJ will come back to the City with some requested changes. Council Members gave the blessing to move forward with the new sink in the Fire Hall and any permitting needed.

g) Personnel Committee Recommendation

Member Roth gave an update and recommendation from the Personnel Committee due to Scott Larsen receiving his Collection License. Motion made by Member Roth, second by Member to approve an increase of .50 per hour back to the date the license was issued and move him into Supervisor position. Motion passed unanimously.

h) 2017 Preliminary Budget

Cami briefly explained the latest budget spreadsheet to the Council which shows a 5% preliminary levy. She does not have all of the wish lists yet and she is still waiting for benefit numbers to come in. This will continue to be worked on by Council Members.

i) Marigold Days Street Closures

Member Lambert brought forward the requested street closures request for this year's Marigold Days. Motion made by Member Lambert, second by Member Blair to approve the following; closure of 4th Street from Highway 57 to West Street, 5th Street from Highway 57 to West Street, and Clay Street from 3rd Street to 6th Street on Friday, Saturday and Sunday. Closing to start at 7:00 am on Friday and continue until 6:00 pm on Sunday. Motion passed unanimously.

8. TBD

a) Public Works Report

Scott requested the following signs be placed; in front of the no parking area that we paint on the West Side of the alley by the Fire Department and on the covered bridge where people seem to drive over the bridge. Council approved. He gave the update on the 5th Street East reclaim. Due to equipment problems, the contractor has been unable to get the roads reclaimed. He will be bringing forward requested street repair items for next year's budget.

b) City Clerk Report

Cami updated the Council on receiving the plans for the preliminary plat for Mantor Woods West Subdivision and the request for a light at the corner of County Rd 12 and Highway 57. The light might be placed as part of the road project for County Rd 12. Scott will check into.

c) Consultant Report - none

d) Committee Report

- MRA – Member Lambert reported that the MRA is looking at restructuring things.
- Park Board – Member Lambert reported that the Park Board will meet for clean up

After Marigold Days and he is working on getting pricing for mulch at the Dog Park for the 2017 budget.

- Mayor Bradford asked about an update on the planter project at the south Welcome sign. Member Hofstad updated that additional stone work is going to be completed in the next couple of weeks.
- Township – Member Hofstad gave an update of the meeting he and Tim attended. Cami noted that the Township was informed of the annexation request that will be coming forward as part of the new development and that they were in favor of it. She will be attending a meeting in the near future with a joint resolution that both Board and Council will sign.

e) Council Member Report

- Member Roth – she gave an update on the meeting on Thursday at the Co-op that both she and Cami will be attending on Health Insurance.
- Member Lambert – he noted that Goat Island is the best it has looked and that people are using it.
- Member Blair – none
- Member Hofstad – he brought up the idea that the City can do things with Tourism and there was a suggestion given to him on the City taking over the Welcome Center. Member Roth asked if the MRA has any attachment to them. Council Members discussed that they would like to see ways that they can help. Member Hofstad said he would like to look into it a little bit and see how other communities handle theirs. The Mayor agreed that further work can be done to see if there is anything that can work. Member Hofstad also brought up campground driver problems and how can we stop people from going through? It is and has been a safety issue for a long time.

f) Mayor Report – Mayor Bradford reminded the Council about the upcoming Marigold Days event.

9. Executive Session - none

10. Adjourn – Motion made by Member Hofstad, second by Member Roth to adjourn at 8:35 pm. Motion passed unanimously.