

**City of Mantorville
City Council Minutes
June 14, 2021**

1. Call to Order

Mayor Bradford called the meeting to order at 6:30 p.m.

Present: Mayor Chuck Bradford
Councilmembers Lyle Hoaglund, Don Hofstad, Bill Kinney,
and Kent Keller

Absent: None

Others Present: City Clerk-Treasurer Shirley Buecksler
Assistant City Clerk Shelly Jensen-Germundson
Public Works Joe Adams
Public Works Ryan Jech
City Attorney Dave Anderson (via Zoom)
Brian Hindal, Economic Development Authority

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Additions/Deletions to Agenda

Council adopted the agenda as presented.

4. Consent Agenda

A. City Council Meeting Minutes of May 24, 2021

B. Warrant List for June 14, 2021 in the Amount of \$100,106.51

Motion was made by Councilmember Hofstad and seconded by Councilmember Keller to approve the City Council Meeting Minutes of May 24, 2021 and the Warrant List for June 14, 2021 in the Amount of \$100,106.51.

Vote: 5 ayes / 0 nays. Motion carried.

C. Mantorville Instagram Request

Brian Hindal presented, and Council discussed this item. Motion was made by Councilmember Hofstad and seconded by Councilmember Hoaglund to approve the Mantorville Instagram Request.

Vote: 5 ayes / 0 nays. Motion carried.

D. Revisions to Economic Development Authority Bylaws

Brian Hindal presented, and Council discussed this item. Motion was made by Councilmember Hofstad and seconded by Councilmember Kinney to approve the Revisions to the Economic Development Authority Bylaws.

Vote: 5 ayes / 0 nays. Motion carried.

5. Public Concerns

The following citizens addressed the Council:

- Matt Wohlenhaus, 219 5th Street West, discussed the size of his driveway and that he is interested in requesting a variance to extend it to 52 feet wide.
 - Mayor Bradford stated that a homeowner cannot make flooding worse for their neighbors. This item will need to go before Planning, and a Public Hearing will be required for a variance.

6. Old/New Business

A. 508 Clay Street, Lot Split – Continued from May 24, 2021

Councilmember Hoaglund recused himself from voting on this item. He may contribute to the discussion as a citizen and interested party to the property.

Councilmember Keller said he spoke with Lyle Hoaglund for an explanation of two houses on one lot. What statute addresses this? City Attorney Anderson referred Council to Section 150.022 of the Zoning Ordinance. He said he has not found any exceptions in the Code.

Mayor Bradford asked if a primary structure has anything to do with ownership and if renting one is still two primary structures? Attorney Anderson answered yes.

Councilmember Keller gave an example of properties in Rochester where the owner lives in the primary home and erects another for a grandmother. When there are two owned by the same individual, he said this is where he was getting caught up with that concept. How do they cover those? Attorney Anderson said those are called mother-in-law buildings. His assumption is that this is done through a Conditional Use Permit in Rochester, but would have to see if Rochester has it in their City Code. Mantorville would have to amend the Zoning Code and the Hoaglund's would need to apply for a Conditional Use Permit. This would be a text amendment to the Zoning Ordinance.

Councilmember Keller said Kirk Hoaglund was going to have his attorney review and asked if this has happened? Lyle Hoaglund said Kirk Hoaglund was going to wait to contact his attorney until after tonight's Council meeting discussion.

Attorney Anderson said Lyle and Theresa Hoaglund are the fee owners and sold the property on a Contract for Deed. Legally, Lyle and Theresa Hoaglund own the property and their son, Kirk Hoaglund, has an equitable interest in the party.

Lyle Hoaglund said he got a Conditional Use Permit to put the building in as a commercial use. We found using those buildings for commercial use didn't work out.

It became obvious to us that it would be easier to rent as residential units. However, the former City Clerk-Treasurer Cami Reber said this was not allowed. Our goal is to be in compliance, and it makes sense to split the lot. Kirk Hoaglund's attorney suggested the same. We want to solve it or do something different.

Councilmember Keller said what concerned him most was the two easements – the sidewalk between the properties and the shared parking lot. If the property is split, there could be disagreements between the owners with both easements. It seems to be logical to leave it as is with one owner of both.

Regarding parking for a split lot, Councilmember Hofstad said there would be two different owners. Right now, they share parking. They cannot park on streets, and I don't know how they could have a driveway on Clay Street. Councilmember Keller agreed.

Councilmember Hofstad asked Lyle Hoaglund about when the second building was brought onto the property. Were there living quarters and a bathroom in this building? Lyle Hoaglund said yes, it was a complete set-up. We installed a bath in the basement for Theresa's students. In the kitchen, we hung some cabinets and added a sink and such.

Councilmember Hofstad said, if that was a commercial business and changed to a living dwelling, there may have been a red flag from CMS when the permits were pulled. Lyle Hoaglund said the only problem they had with the permit was we built the railing to normal residential specifications, in order to make it ADA compliant for the business.

To make the kitchen a living dwelling, Councilmember Hofstad said he is curious to know what the format was when permits were pulled and the inspections that are in the records. Lyle Hoaglund said the Building Inspector doesn't look at zoning.

Councilmember Hofstad said he has concerns regarding the split. What was the outcome of making it into a duplex? Attorney Anderson said because this is in the commercial district, it doesn't allow for more than one single family home.

Councilmember Keller said we don't want to keep tabling this item unless Lyle Hoaglund requests it as a citizen.

Councilmember Hofstad asked if there is a separate meter and sewer for each building? Lyle Hoaglund said no, that there is single service for electric, water and gas and stated Xcel Energy allows two residences to be on one meter in Minnesota. Councilmember Kinney said if the lot is split, Kirk Hoaglund was planning to add another meter.

Attorney Anderson said if the lot is split, to keep in mind that one property could be sold to a third party.

Mayor Bradford said the options are:

1. We could pass the resolutions as is and move forward; or
2. Deny these resolutions and make the owner come into compliance; or
3. Make an exception to Section 150.022 of the Zoning ordinance for a mother-in-law apartment.

Attorney Anderson said Options 1 and 2 are on the table. Option 3 to change the ordinance is an entirely separate process. It's an option but not as it relates to what is in front of the City Council right now.

Councilmember Kinney said there is a minimum size lot in other cities that have a mother-in-law apartment in their ordinance. I'm not sure if this lot would meet that minimum size.

Mayor Bradford said we would at least have an option to look at a variance.

Councilmember Hofstad said we may have to vote to not do this and have them come back with a plan, or we change the Zoning ordinance for mother-in-law apartments.

Councilmember Keller asked Lyle Hoaglund if he wants more time to find another alternative? Lyle Hoaglund answered yes.

Mayor Bradford asked when the 60 days started. Attorney Anderson said the deadline is July 20, 2021. You would need a final decision no later than the City Council's July 12, 2021 meeting. If you deny this, you can still consider alternatives that may work. The only way to get around the deadline is for the applicants to request an extension. You don't want to lose sight of this.

Councilmember Hofstad confirmed that they can come back with other options? Attorney Anderson answered yes. If denied, we would go back to where we started. A solution needs to be determined at some point. The Conditional Use Permit was approved in 2007 as an accessory structure.

Councilmember Keller suggested that this item be tabled one more time so the land owners can come to Council with a plan at the next meeting.

Councilmember Hofstad said we have already heard the plan from the owner. This split is not meeting the needs for the owner. They can come back with something that works.

Mayor Bradford said we could leave it tabled and have one more option come forward. We would have justification for denial. It would be hard to go back otherwise.

Councilmember Hofstad said we would need another resolution for their plan.

Mayor Bradford said we need a reason for denial backed by Statute.

Attorney Anderson said it is the land owner's issue, not the City's, to come up with a solution. The owner is out of compliance and there are not a lot of options. Council can consider options that the owner presents, but you are not required as a City to make this work. Councilmember Hofstad said this is what he was getting towards.

Lyle Hoaglund asked if multiple dwellings are not allowed in the commercial district? Attorney Anderson answered yes.

Lyle Hoaglund asked how we solve this? Attorney Anderson said his answer to land owner Lyle Hoaglund is the same. The City does not need to come up with an answer. It's not up to the City to come up with a solution. He added that it is an awkward lot split.

Councilmember Keller thanked Attorney Anderson for his perspective and moved to table this item. Mayor Bradford said the resolutions are still tabled and can be left there for the next meeting.

Council agreed to leave this item and Resolutions 2021-09 and 2021-10 tabled until the next meeting.

B. Performance Review for Ryan Jech

Mayor Bradford said the Personnel Committee met with Ryan Jech previous to tonight's meeting. Ryan was asked and authorized Council to hold tonight's review in an open session. Mayor Bradford said Ryan has proved to be a valuable employee. The Personnel Committee recommended a \$.50 increase for performance plus \$.50 for receiving his Water & Sewer License, bringing his hourly wage to \$21.28, with retro pay effective as of March 4, 2021.

Motion was made by Councilmember Hofstad and seconded by Councilmember Keller to accept the performance review and approve the increase in pay for Ryan Jech from \$20.28 to \$21.28 effective March 4, 2021.

Vote: 5 ayes / 0 nays. Motion carried.

C. Resignation from Councilmember Don Hofstad

Mayor Bradford said Councilmember Hofstad has worked diligently on the City Council and directed Staff to post this as an opening with applications submitted to City Hall.

Motion was made by Councilmember Kinney and seconded by Councilmember Hoaglund to accept Councilmember Hofstad's resignation effective June 30, 2021 and declare a vacancy on the City Council.

Vote: 4 ayes / 0 nays. Motion carried.

7. Reports

A. Public Works Report

- Joe Adams said Public Works Staff have been busy mowing.

A. City Clerk Report

- Shirley Buecksler and Shelly Jensen-Germundson attended several training sessions last week with Banyon, including payroll, fund accounting, and utility billing.
- Email accounts have now been set up for Council and Staff with the @mantorville.com extension, which more closely match the City's website of www.mantorville.com. Email addresses with the @kmtel.com extension will be phased out over the next six to 12 months. Buecksler reminded Council to always use their City-issued email accounts for City of Mantorville correspondence and to be sure not to automatically forward emails to a personal account. If there were to be a data practice suit, using a personal account could open up the account for investigation.
- June 15 through 18, Buecksler will be attending the Municipal Clerks and Finance Officers Association Annual Conference in St. Cloud.

B. Consultant Report

Nothing to report.

C. Committee Reports

- 1) Chamber – Councilmember Hoaglund said there is a planned get-together at the County Seat at 9:00 am on June 24th to present a plaque to Michael Phy (“Wa”) recognizing his accomplishment of becoming a naturalized citizen of the United States of America.
- 2) Economic Development Authority – Mayor Bradford said the EDA did not have a quorum but talked with a couple of citizens regarding Stage Coach Days and the Fiddle Contest. There are enough applicants to hold the Fiddle Contest on June 26th.
- 3) Finance/Budget
- 4) Fire Department – Councilmember Hofstad said they have had a normal routine and calls. The Fire Department had some mutual aid calls with Kasson. They are getting raffle tickets out for Marigold Days.
- 5) Infrastructure
- 6) Kasson Mantorville Joint Powers
- 7) Mantorville Restoration Association – Councilmember Hoaglund said the Open House will be at the Greek Revival on June 26 and 27 from 1:00 pm to 4:00 pm with refreshments served. Also, Manager Sherry James has been promoted to Executive Director of the MRA. The Assistant Manager has been promoted to the position of Manager.
- 8) Park and Recreation Board – Councilmember Kinney said a young lady spoke to the Park Board about placing a trash can near the covered bridge. The Park Board is pursuing this, based on her recommendation, and will be purchasing one to be

placed there. Also, Dennison Park donations are approaching the point for matching funds from joint powers.

9) Personnel

10) Relief

11) Township – At their last meeting, Councilmember Hoaglund said they discussed seal coating and future planning of Mantorville Township and the City of Mantorville. Discussed scheduling a joint meeting to brainstorm the expansion of this community with their township. Mayor Bradford said we have an annexation agreement with them. Councilmember Hoaglund said we also talked about joint bidding for seal coating.

D. Councilmember Reports

Councilmember Kinney said residents on Golfview Court have had some well issues. They discussed with him the possibility of connecting them to City water versus repairing old wells. They would like to receive some planning information and a timeline.

Mayor Bradford said some outer areas are served by water only.

Councilmember Hofstad noted that Cemetery Road only has sewer, not water. Down the road, it would be worth it to put in a water tower, rather than go through the river.

Mayor Bradford said the timeline is a way's out, yet.

Councilmember Kinney said there are issues with pressure, old pumps, and various other things.

Councilmember Hofstad said another issue is the depth of the water, as well as iron. Their septic could be tied in. It's all set up with curb stops to each house, as well. He added that it was planned well when it was originally set up.

E. Mayor's Report

Mayor Bradford said he attended the Hwy 57 TAC meeting on June 8th. It's still set for 2023. At this meeting, street size was discussed. Tim Hruska put together a plan with more pedestrian walkway. Discussion also included adding a fog line, which is not there currently. A narrower road tends to slow down traffic. Bump-outs at certain intersections were discussed, as well as architectural lighting and moving power lines. Everything is preliminary at this time and we will be looking for community feedback. The next meeting is scheduled for July 13, 2021. Mayor Bradford requested a scale model so citizens can see how traffic will move through the area.

8. Executive Session

There was no Executive Session.

9. Adjourn

Motion was made by Councilmember Hofstad and seconded by Councilmember Hoaglund to adjourn the meeting at 8:15 p.m.

Vote: 5 ayes / 0 nays. Meeting adjourned.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Shirley R. Buecksler".

Shirley R. Buecksler
City Clerk-Treasurer