

**City of Mantorville
City Council Minutes
July 12, 2021**

1. Call to Order

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

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

Absent: None

Others Present: City Clerk-Treasurer Shirley Buecksler
Public Works Lead Joe Adams
City Engineer Tim Hruska

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Additions/Deletions to Agenda

Council adopted the agenda as presented.

4. Consent Agenda

Motion was made by Councilmember Hoaglund and seconded by Councilmember Keller to approve the following items on the Consent Agenda, as presented:

- A. Warrant List for July 14, 2021 in the Amount of \$107,380.93
- B. Amend Fee Schedule to Add \$55.00 Flat Fee for Above Ground Pools
- C. Mantorville Fire Department Minutes of General Members Meetings April-July 2021

Vote: 4 ayes / 0 nays. Motion carried.

5. Public Concerns

The following citizens addressed the Council:

- A resident inquired about City of Mantorville ordinances in regards to property maintenance, specifically a roof caving in on a home.

Mayor Bradford responded that City ordinances cover all areas such as grass mowing, vehicles, zoning on accessory structures, etc., but we would ask Dodge County to intervene if there is a hazardous situation.

- Mathew Wohlenhaus provided a photo related to the layout of his driveway. He is proposing to create a new driveway 52 feet wide. He met with Scott Huneke of WHKS and Joe Adams at the site, and he will need a variance to go from the maximum width by City Code of 30 feet to what he is proposing of 52 feet.

Councilmember Keller asked if there are any rules to do some contouring to direct the water path? Mr. Wohlenhaus said it does tend to go north.

Tim Hruska said the right-of-way is 70 feet. From a drainage perspective, he has no concerns. On this particular block, he said, there are only a few driveways, so that's not a big concern, and it is proportional to the width of the lot.

6. Old/New Business

A. Marigold Days and the Gold Star Memorial Monument – Mantorville Saloon

Koreen Seim of the Mantorville Saloon said they finalized the purchase of The Bridge on Friday. They may do steak suppers.

Koreen Seim said they will not have a tent in the road for the band on Friday, September 10th, but would like to fence that area off and have the alleys open. If it rains, however, they would like to come out from the curb and set up for the bean bag tournament. They would also like to keep the tent up from Marigold Days until September 26th. They would like to block off 5th Street on September 26th.

Koreen Seim said the Gold Star Memorial Monument will be presented at the Dodge County Government Center on September 26, 2021. We may ask to use the tent in our parking lot from Marigold Days. We will serve food for 300 to 500 people. They will come down to the Saloon. We will serve in the parking lot behind the Saloon.

Motion was made by Councilmember Hoaglund and seconded by Councilmember Kinney to keep the tent up from Marigold Days to September 26th and block off 5th Street on September 26, 2021 for the Gold Star Memorial.

Vote: 4 ayes / 0 nays. Motion carried.

B. Appointment to Open City Council Seat for Term Ending January 1, 2023

Motion was made by Councilmember Keller and seconded by Councilmember Kinney to appoint Jeffrey Ingalls to the vacant Council seat for a term ending January 1, 2023.

Vote: 4 ayes / 0 nays. Motion carried.

C. Council Appointment to Economic Development Authority

An appointment to the EDA was not made at this time.

D. Street Reconstruction and Watermain Replacement on Walnut Street

Engineer Hruska presented and said this is for street reconstruction from 4th to 7th Streets on Walnut Street, as well as redoing the watermain from 6th to 7th Streets.

Planning on doing the micro bond for this. Estimate is \$200k. At this time, we are looking for Council to approve the plans and specifications and authorize the ad for bid. Bid date August 5, 2021. Completion date approximately October 29. This is a high priority item to address.

Motion was made by Councilmember Kinney and seconded by Councilmember Hoaglund to approve the plans and specifications and authorize the ad for bid.

Vote: 4 ayes / 0 nays. Motion carried.

E. Resolutions Memorializing Findings Related to 508 Clay Street

Councilmember Hoaglund recused himself from voting on this item.

Motion was made by Councilmember Keller and seconded by Councilmember Kinney to adopt:

Resolution No. 2021-14 Memorializing Findings Related to Denial of Lot Split for Certain Real Property Located at 508 Clay Street; and
Resolution No. 2021-15 Memorializing Findings Related to Denial of Variances for Certain Real Property Located at 508 Clay Street

Vote: 3 ayes / 0 nays. Motion carried.

F. 508 Clay Street, Update from Property Owner

Kirk Hoaglund is looking for an extension to September 15, 2021 and said he will update the City Council on a monthly basis.

Lyle Hoaglund said he and his wife bought a different home. 508 Clay Street will not have a residence.

7. Reports

A. Public Works Report

Joe Adams said we had to purchase a new lift station pump at \$6,500.00 for the pump that was 15 years old, and rebuilt the other lift station pump for \$3,500.00. Flows have been way down.

B. City Clerk Report

- Shirley Buecksler said a complaint was received regarding long grass at the property located at 720 County Road 12. The District Manager from the Dodge Soil and Water Conservation District is planning to meet with the property owners to determine if it is prairie grass.

There was a second complaint for the property located at 720 County Road 12 related to a storage container on the property. After speaking with the property owners, it was learned that the 20 acre property is actually made up of three parcels. The parcel in the front is empty and only for hay. Of the two parcels in the back, the west parcel consists of six acres with their home and barn. The east parcel is their farmland for hay, is also six acres, and is where the storage container sits. The property owners do not believe the storage container is out of compliance with the City Code. Shirley Buecksler read aloud their written comment:

“The northeast (back east) parcel is farmed for hay and the non-permanent structure should be allowed for the following reasons:

- The non-permanent structure is approximately 160 square feet
- It is equivalent to an ice fish house, playhouse, and other common non-permanent structure
- It does not meet the criteria to require a permit and there are no variance limitations associated with this parcel
- The definition of nuisance is not met
 - A – does not obstruct views on streets and property – 1000 feet off road
 - B – is not cluttered or otherwise unsightly – area is maintained and neat
 - C – does not prevent the full use of residential streets for residential parking – not located on street
 - D – does not introduce commercial advertising – does not include ads and matches the home color
 - E – does not decrease adjoining landowner and occupants’ enjoyment of their property – no, it is not near any neighbor’s property to impact enjoyment
 - F – does not adversely affect property values – the taxed property value exceeds that of all neighbors and has improved the area”

Mayor Bradford directed Staff to forward the owner’s response to the City Attorney for feedback and request a memo from their office on how to proceed. In the past, Mayor Bradford said we have asked for storage containers to be removed. We want to be sure we are doing what we need to be consistent.

Councilmember Keller read from the League of Minnesota Cities’ Handbook for Minnesota Cities, Chapter 11, Section VIII. Nuisances, B. Public or Private, *“Nuisances are either public nuisances or private nuisances. A private nuisance causes damage to only one or a few persons. For example, a person directing water into a neighbor’s yard is a private nuisance, and the neighbor wronged by the misdirected water may act against the person responsible. Cities need not deal with private nuisances, and private nuisances are not subject to municipal action. Public nuisances affect a considerable number of people and they violate public rights and*

produce a common injury, or they injure or annoy that portion of the public that encounters them."

Councilmember Keller said this sounds like a private nuisance and suggested that the City not get involved in private disputes. He said it needs to be worked out between the land owners and we cannot mitigate this type of dispute. It would be best not to get involved.

Councilmember Hoaglund agreed and said if you look at the problem and the complaint, it comes down to one section of lawn. The other thing that makes it different is they are not on main street.

Councilmember Kinney said the City would be wise to get a legal opinion. Mayor Bradford agreed and directed Staff to do so.

- Shirley Buecksler said she has been filling in for the Assistant City Clerk with accounts payable and utility billing while she has been out of the office.

A. Consultant Report

Nothing to report.

B. Committee Reports

- 1) Chamber – Councilmember Kinney said the Chamber met and is celebrating the success of Stage Coach Days. They are prepping for future events.
- 2) Economic Development Authority
 - Mayor Bradford said the EDA spent time talking about Stage Coach Days. Two television stations and a newspaper came out to cover the event. We had a good turnout, despite the weather.
 - Spirits with Spirits is going to be a wine tasting/ghost walk in the fall.
 - It has been a challenge to get a quorum at the past couple of meetings, so they have been information sharing sessions only.
- 3) Finance/Budget
- 4) Fire Department
- 5) Infrastructure – no report
- 6) Kasson Mantorville Joint Powers
- 7) Mantorville Restoration Association – Councilmember Hoaglund said they are meeting tonight.
- 8) Park and Recreation Board – Councilmember Kinney said they met with a local fundraiser and she is looking at ways to fund the park project. We are very close to hitting the \$30k mark.
- 9) Personnel
- 10) Relief
- 11) Township

C. Councilmember Reports

No reports.

D. Mayor's Report

Mayor Bradford reminded everyone that there is an ordinance on long grass – it must be under eight inches (8”) or the City will reach out to the property owner.

Mayor Bradford gave a reminder in regards to water and drainage issues – you cannot do any harm to effect drainage to make it worse for neighboring properties.

Mayor Bradford said the Dodge County Fair is on this week and he was asked to participate in a milking competition on Wednesday with other elected officials.

7A. Clerk's Report Regarding 720 County Road 12, Continued

Resident Dan Trapp arrived at the meeting and requested to speak regarding the issue of long grass at 720 County Road 12.

Dan Trapp said Mark and Ann Torkelson, property owners at 720 County Road 12, were given variances that allowed them to put up a large berm. My greatest concern, he said, was that my septic tank is directly impacted by the berm. Although I lost, I took them to court, so it is on record. I am worried about my field drain. I did nothing to create the problems I deal with now. I am only asking for what the City allowed them to do.

Mayor Bradford said we have turned this issue over to the Dodge Soil & Water Conservation District (SWCD) to determine if it is prairie grass or not. They know we want a quick resolution, and we will contact the SWCD again tomorrow.

Dan Trapp said you are welcome to come to my property and view their property. They need to remove the thistles and other weeds. It's probably 50 feet from the property line. If he doesn't keep it cleaned, my drain field will be impacted again.

Mayor Bradford said we were able to mitigate some of the pooling and drainage issues in the past. If the swale is filled with long vegetation, it will not drain properly.

Dan Trapp said the berm is all weeds.

Councilmember Hoaglund inquired about the purpose of the berm. Dan Trapp responded that it was to redirect water.

Councilmember Hoaglund said he would like to look at it. Dan Trapp provided his address.

Councilmember Keller said he would also be interested to see if the mound is causing pooling and too close to the drain field. If it came to your property and it pooled on your property, we would know today if it was a problem. I would like to see it.

Mayor Bradford said there are two violations on this property and you can see both from the Trapps' property.

Councilmember Hoaglund said a site plan was produced before they built the house and barn. Dan Trapp said the Torkelson's did not have an accurate plan with height and boundaries.

Councilmember Hoaglund asked Dan Trapp what you suggest the Torkelson's do with the berm? Dan Trapp said I want the berm properly maintained.

Councilmember Keller asked if the area between the barn and the house all thistles? Dan Trapp said I have a great view and you can see.

Councilmember Kinney asked if the Torkelson's have done a controlled burn? Dan Trapp said the Torkelson's have trees within his prairie grass, so that would be hard to do.

Mayor Bradford said right now we need a determination from SWCD. In the meantime, two Councilmembers will go out and get research for themselves. Staff will reach out to SWCD that we need an answer now. If it's not prairie grass, we will move forward with the plan we had last week.

Councilmember Keller said, in the short time I've been here, I try to emphasize but the only way to do that is to go out there. I cannot apologize for previous members.

Dan Trapp said I am frustrated at how this is playing out but I am not mad at you. He also said the storage container is a separate issue. My concern is the berm and what the lack of maintenance will do to my septic system.

8. Tabled Items

9. Executive Session

There was no Executive Session.

10. Adjourn

Motion was made by Councilmember Hoaglund and seconded by Councilmember Keller to adjourn the meeting at 7:51 p.m.

Vote: 4 ayes / 0 nays. Meeting adjourned.

Respectfully Submitted,



Shirley R. Bueckler
City Clerk-Treasurer