

**City of Mantorville
City Council Minutes
August 9, 2021**

1. Call to Order

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

Present: Mayor Chuck Bradford
Councilmembers Lyle Hoaglund,
Jeffrey Ingalls, and Bill Kinney

Absent: Councilmember Kent Keller (excused absence)

Others Present: City Clerk-Treasurer Shirley Buecksler
Public Works Joe Adams
Fire Chief JJ Williams
Assistant Fire Chief Steve Fairchild
New Firefighter Tristan Fairchild
City Engineer Tim Hruska
Assistant City Clerk Shelly Jensen-Germundson

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Adopt the Agenda

City Clerk Buecksler recommended the addition of these items to the agenda:

Item 4(b): Resolution 2021-18 Accepting Donations to the City

Item 8(b): 2021 Street Improvements – Bid Results

Item 8(c): Authorization to Apply to Minnesota Rural Water Association for Funding of
the 2021 Street Improvements Project and Snow Plow Purchase

Motion was made by Councilmember Ingalls and seconded by Councilmember Hoaglund
to add the above items and approve the agenda, as amended.

Vote: 4 ayes / 0 nays. Motion carried.

4. Proclamations, Presentations and Recognitions

A. Approval and Introduction of New Firefighter Tristan Fairchild

Fire Chief JJ Williams introduced Tristan Fairchild who has been a part of the Explorers Program for over two years and recently interviewed for a position as Volunteer Firefighter with the Mantorville Fire Department. Tristan is following in the footsteps of his dad, Assistant Fire Chief Steve Fairchild. Fire Chief Williams said we are excited to have Tristan as part of our crew.

Motion was made by Councilmember Kinney and seconded by Councilmember Ingalls to approve the hiring of Tristan Fairchild as Firefighter with Mantorville Fire Rescue. Mayor Bradford and the City Council welcomed Tristan, and everyone applauded.

Vote: 4 ayes / 0 nays. Motion carried.

B. Resolution No. 2021-18 Accepting Donations to the City

Mayor Bradford thanked the many businesses, committees and individuals who graciously donated towards the 2021 National Night Out event. The event was a success.

Motion was made by Councilmember Ingalls and seconded by Councilmember Kinney to adopt Resolution No. 2021-18 Accepting Donations to the City.

Vote: 4 ayes / 0 nays. Motion carried.

5. Consent Agenda

- A. City Council Meeting Minutes of July 26, 2021
- B. Warrant List for August 9, 2021 in the Amount of \$18,031.96
- C. Temporary Liquor License for Marigold Days, Mantorville Fire Relief

Motion was made by Councilmember Hoaglund and seconded by Councilmember Kinney to approve the Consent Agenda, as presented.

Vote: 5 ayes / 0 nays. Motion carried.

6. Public Concerns

The following citizens addressed the Council:

- Amy Fordham and Cassie Strauss-Fordham discussed their water bill and the challenges of watering new sod when the utility billing system also adds sewer charges to any water usage. Their utility bill over three months was over \$1,700.00. They have purchased a water meter this week for outdoor watering, which will not have the sewer charges added. They are hoping the Council can provide some resolution to their issue, as well as provide guidance for new homeowners.

- Council discussed this issue and directed Staff to look at the next three months of usage for an average.

and credit Amy Fordham and Cassie Strauss-Fordham for the sewer portion of the excess water usage.

Motion was made by Councilmember Ingalls and seconded by Councilmember Kinney to credit homeowners Amy Fordham and Cassie Strauss-Fordham for the sewer portion

of their utility bill for excess water usage since April 29, 2021 when they took over the utility bill from the builder.

Vote: 4 ayes / 0 nays.

Councilmember Ingalls also recommended that Staff include a letter or information, as part of the building permit packet, on the choice of obtaining a second meter for outdoor watering.

7. Public Hearings

- A. Application from Matt Wohlenhaus for a Variance from Section 150.086 of the Mantorville City Code to Allow for the Construction of a 52 Foot Wide Access Drive at 219 5th Street West

Applicant Matt Wohlenhaus was present to answer questions from Council.

Mayor Bradford opened the Public Hearing at 6:39 p.m.

Hearing from no one wishing to speak, Mayor Bradford closed the Public Hearing at 6:39 p.m.

City Clerk Buecksler stated that the resolution prepared by the City Attorney includes a condition regarding fees to be paid by the Applicant and asked the City Council if they wanted to include this condition or amend the resolution. It has not been the City's past practice to charge fees above the Application Fee.

Motion was made by Councilmember Hoaglund and seconded by Council Ingalls to remove Condition #4 (*"The Applicant shall make reimbursement to the City for all costs incurred by the City in relation to the application, including, but not necessarily limited to, consulting fees incurred."*), and approve Resolution No. 2021-16, Granting a Variance for Certain Real Property Located at 219 5th Street West, as amended.

Vote: 4 ayes / 0 nays. Motion carried.

- B. Application from Mark Lamphere for a Conditional Use Permit for a Business Related to the Sale of Firearms at 801 Walnut Street

Applicant Mark Lamphere had previously stated that he would be attending tonight's Public Hearing but was not present.

Mayor Bradford opened the Public Hearing at 6:41 p.m.

Hearing from no one wishing to speak, Mayor Bradford closed the Public Hearing at 6:41 p.m.

City Clerk Buecksler stated that this resolution prepared by the City Attorney also includes a statement regarding fees to be paid by the Applicant.

Motion was made by Councilmember Hoaglund and seconded by Councilmember Ingalls to strike the words “...after the Applicant makes reimbursement to the City for all costs incurred by the City in relation to the CUP application, including, but not necessarily limited to, consulting fees incurred,” found on page four of the resolution, and adopt Resolution No. 2021-17, Approving a Conditional Use Permit to Operate a Home Occupation at 801 Walnut Street, as amended.

Vote: 4 ayes / 0 nays. Motion carried.

8. Old Business/New Business

A. Culvert and Ditch at 302 West Street

City Engineer Tim Hruska described the culvert and ditch at 302 West Street and the homeowner's concerns.

In 2019, the roadway deteriorated from the flood. When it was originally constructed along 3rd Street, it was constructed incorrectly. It is about two feet of pavement to the bottom of the ditch with a 2 to 1 slope. The contractor came out and fixed it to a 4 to 1 slope in 2020. It was steeper near the culvert. The property owner would like the ditch filled in. The original ditch was 3 to 6 inches. We didn't change the overall drainage pattern of the neighborhood. At that direction, the water was flowing on the edge of the pavement, down the road.

We went back and looked at it again recently. The right-of-way is about 10 to 12 feet from the home. We could fill the ditch 18 inches and still have a 6 inch swale. Even with 6 inches, I am hesitant because that will fill in with sediment and sand. If we're putting in a culvert, it would be shallow for fill over top. Quotes are estimated to be \$12,000 - \$15,000.

If Council wishes to move forward, I would caution you on the precedence you may be setting with others for similar ramifications or other areas that have steep ditches.

Councilmember Hoaglund asked if we placed a culvert in there and filled it with dirt, would the water from the street flow to the house? Engineer Hruska said the house is still 3 to 4 feet above street elevation. There's plenty of fall from the home to the street and we just wanted to put a 6 inch swale in along there to take the water from the street in front of that property. Part of the reason for the deeper ditch is we needed to get that conveyance under the road. Once you get the culvert under the road, there is a certain depth that you need to get to but we tried to keep it as shallow as we could. When there is pavement over the culverts, you need about a foot to cover it but, in that area, it's still shallow.

Councilmember Hoaglund asked if the original plans called for removing the tree? Engineer Hruska said yes, but it was a request from the property owner to keep the tree that is straight west.

Councilmember Ingalls asked if the residents were given the option for curb and gutter? Engineer Hruska said we have not had that discussion.

Council discussed curb and gutter and assessments for such. Engineer Hruska said we did not engage them on curb and gutter because Council in the past did not want to do assessments. Council preferred to pay with cash or investments. As we move forward, we can have those conversations. It is a practice we can change as we move forward. Councilmember Hoaglund said we assess a fee on water meters to pay into the storm water fund.

Councilmember Hoaglund asked Engineer Hruska if he thinks the ditch is too steep to mow? Engineer Hruska said no, that a 4 to 1 slope is mowable. The outlet and inlet are a little steeper near the culvert and the tree.

Councilmember Ingalls asked if there is another option to pretty it up? Can we put in some rip rap and landscape protection? Engineer Hruska said that is typically done by the property owner, not the City, and that there is a relatively small amount of water running along the edge of that street to the culvert.

Mayor Bradford asked if there is an appreciable drop to the floor of the ditch? Engineer Hruska said no, he doesn't believe so and it's pretty smooth coming out of there. When we made that modification, we actually pushed the bottom of the ditch back to the north a little bit to try and get that flatter slope in there. We did modify that grade a little bit. That was what we worked with when it originally came up in the end of 2019 at the end of that project. We went out there and found it wasn't constructed correctly in 2019 and fixed it in 2020.

Mayor Bradford asked if there is any contouring that we could do to push the ditch line out more? Engineer Hruska said there is a little bit of potential to do that but we would be flattening the west part of the ditch. And then we run into the possibility of having some awning, which is a concern. Flattening the grade on the west part of the ditch, my concern is a lower percentage can run the possibility of ponding. Those are potential problems when you get into less than 2% slopes.

Councilmember Ingalls asked if we could add dirt to the ditch? Engineer Hruska said it's definitely cheaper. We looked at the option, but we're talking only about inches, not feet, and it would only affect part of the ditch. It's not going to change the ditch profile at the beginning or at the end, only in the middle.

Mayor Bradford asked what if we modify and sculpt the approach to the ditch a bit so they have more of a 5 to 1 slope? Engineer Hruska said we can't do anything like that

from the road to the bottom of the ditch, because that's only knee deep, so you're not going to be able to change anything in there.

Mayor Bradford said our only viable options are to fill it in with dirt and cover it with a swale and get some grass growing or do nothing.

Councilmember Hoaglund said a culvert would be a mistake.

Mayor Bradford asked if we did the culvert, and with the mandate to do no harm to your neighbors, what would be the results of back pressure upstream? At max flow? Engineer Hruska said if we put in 12 inches, it would be relatively close. Most of the water is coming from Walnut Street to West, 3rd to 4th.

Councilmember Ingalls asked if a 4 to 1 slope is mowable, they should be able to mow this ditch? Engineer Hruska said yes.

Mayor Bradford asked if curb and gutter would include a culvert? Engineer Hruska said yes.

A resident attending the meeting asked if the City held a neighborhood meeting at that time? Engineer Hruska said yes, we held a meeting in the park in 2019. Councilmember Ingalls asked if those meetings were documented? Engineer Hruska said he has email conversations with Luke Nash.

Councilmember Hoaglund said we need to be careful not to set a precedence. I don't think we should add expense to taxpayers by adding a culvert. Councilmember Kinney concurred.

Councilmember Ingalls said the precedence should be to ask the homeowner if they want to improve above and beyond but at an assessment cost and agreement among the neighbors. Engineer Hruska said there are clear rules for assessments, as well as different thresholds. Mayor Bradford said, with assessments, you need to look at how much of the value has been increased.

Mayor Bradford said we talked about flattening and sculpting the ditch. Is there anything we can do to help with the ability to mow? Engineer Hruska said if you put in dirt, it would be better for the middle third portion of the ditch only. There would be a higher probability for standing water. The cost is about \$3,000 to \$5,000.

Mayor Bradford said a good course of action is to describe the options to the homeowner and follow-up on that conversation with them.

The Council took no action on this item. Mayor Bradford, Councilmember Ingalls, Engineer Hruska and Joe Adams will work together on this.

B. 2021 Street Improvements – Bid Results

Engineer Hruska said we received four bids, with the lowest bid from Snow Contracting out of Byron. He said they've done a couple of projects with Snow Contracting in 2021. The project cost is more than we were anticipating.

In concern of Marigold Days, Councilmember Hoaglund asked when the contractor will start work? Engineer Hruska said we can have that conversation with the company owner.

Motion was made by Councilmember Ingalls and seconded by Councilmember Kinney to award the 2021 Street Improvements Projects contract to Snow Contracting, in the amount of \$298,789.30.

Vote: 4 ayes / 0 nays. Motion carried.

C. Authorization to Apply to Minnesota Rural Water Association for Funding of the 2021 Street Improvements Project and Snow Plow Purchase

Motion was made by Councilmember Kinney and seconded by Councilmember Ingalls to direct the City Clerk-Treasurer to pursue the loan application process for a Micro Loan at 1.8%.

Vote: 4 ayes / 0 nays. Motion carried.

9. Reports

A. Public Works Report

Joe Adams said we received the report from the Minnesota Department of Health on Mantorville's Public Water System. With our population above 1,000, the City must now conduct monthly tests at the City's expense. If we fall below 1,000 population when the 2020 Census numbers are released, we can go back to quarterly reports with no expense to the City.

Council congratulated Joe Adams on his award from the Minnesota Wastewater Operator's association for Outstanding Operator of the Year 2020, Class SD.

B. City Clerk Report

The Fire Department is looking into liquor liability insurance for Marigold Days. A meeting has been set up with the City's insurance broker for a quote.

A letter was sent to the property owner at 501 Clay Street regarding their trees that need trimming on 5th Street, 6th Street and Clay Street. These trees are overgrown halfway into the roadway and are obstructing the sight line for drivers. A letter was mailed on August 5th; however, in copying a previous letter, the deadline to trim the trees before abatement was not included. If the owner does not comply, we may have to send another letter with a five day notice that the City will abate if the owner doesn't trim

the trees. Council directed the City Clerk-Treasurer to send another letter that includes the five day notice.

Mike Bubanny of David Drown Associates will be at the Council's August 23rd meeting to discuss funding for the 2021 Street Improvements Project and the snow plow purchase and answer any questions from Council.

C. Consultant Report

No report.

D. Committee Reports

- 1) Chamber – Councilmember Hoaglund said the Chamber met last week. Smiling Moose and Graphic Design, both in Kasson, have joined the Chamber. More information on the Spirits with Spirits event will be coming out soon.
- 2) Economic Development Authority
- 3) Finance/Budget
- 4) Fire Department
- 5) Infrastructure
- 6) Kasson Mantorville Joint Powers
- 7) Mantorville Restoration Association – Councilmember Hoaglund attended the August 10th meeting and plans for Marigold Days are coming along.
- 8) Park and Recreation Board
- 9) Personnel
- 10) Relief
- 11) Township

E. Councilmember Reports

Councilmember Ingalls said our noise ordinance does not call out engine breaking. He has looked at examples from other Cities, such as Delano, Pipestone, and Stockton, and their ordinances pull in State law (Minnesota Statute 169.693 calls it out, except for during parades). Some Cities put up signage. It can't be referred to as jake breaking, however, because the term is trademarked by an engine company. Councilmember Ingalls will forward this information to the City Clerk Buecksler to send to the Mayor and Councilmembers.

Councilmember Hoaglund said at the Mantorville Township meeting, there isn't much going on but they are selling a lot of building permits.

Councilmember Kinney said the Park Board is working on the budget and have listed out and prioritized projects. We have met our funding threshold to receive monies for joint ventures for Dennison Park. \$32,000 is in the bank as of Friday. We should receive additional contribution. We will work on ordering materials and have it installed by fall or spring, depending on the weather. Additional funding will bring up to ADA considerations.

F. Mayor's Report

Mayor Bradford said we need to revisit advertising for the 2022 National Night Out event, as this year wasn't well advertised. We need to be looking at Facebook, Instagram, Twitter, and any other social media that the City uses, as well as on the television channels and send out with utility bills. We need a marketing plan for the public and a marketing plan for the City.

Councilmember Ingalls said marketing the City is a good topic for EDA discussion.

10. Tabled Items

- a) Code Enforcement at 720 County Road 12 – Storage Container

City Clerk Buecksler said the property owners at 720 County Road 12 have submitted an application for Variance. A Public Hearing is scheduled for the next regular City Council meeting on August 23, 2021.

11. Executive Session

There was no Executive Session.

12. Adjourn

Motion was made by Councilmember Hoaglund and seconded by Councilmember Kinney to adjourn the meeting at 8:29 p.m.

Vote: 4 ayes / 0 nays. Meeting adjourned.

Respectfully Submitted,



Shirley R Buecksler
City Clerk-Treasurer