



*Trail to the Past. Road to the Future.*

**CITY COUNCIL MEETING AGENDA  
MONDAY, AUGUST 9, 2021  
6:30 PM**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Adopt the Agenda**
- 4. Proclamations, Presentations and Recognitions**
  - a) Approval and Introduction of New Firefighter Tristan Fairchild
- 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
- 6. Public Concerns**
- 7. Public Hearing(s)**
  - 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 5<sup>th</sup> Street West
  - b) Application from Mark Lamphere for a Conditional Use Permit for a Business Related to the Sale of Firearms at 801 Walnut Street
- 8. Old Business/New Business**
  - a) Culvert and Ditch at 302 West Street
- 9. Reports**
  - a) Public Works Report
  - b) City Clerk Report
  - c) Consultant Report
  - d) Committee Reports  
*Chamber, EDA, Finance/Budget, Fire Department, Infrastructure, KM Joint Powers, MRA, Park Board, Personnel, Relief, Township*
  - e) Councilmember Report
  - f) Mayor Report
- 10. Tabled Items**
  - a) Code Enforcement at 720 County Road 12 – Storage Container
- 11. Executive Session – None**
- 12. Adjourn**

To join this meeting via Zoom:

Topic: City of Mantorville City Council Meeting

Time: Aug 9, 2021 06:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88490021181?pwd=dnhkYVBxbjFycjVVdTF6MDltSVd0dz09>

Meeting ID: 884 9002 1181

Passcode: 036071

One tap mobile

+13017158592,,88490021181#,,,,\*036071# US (Washington DC)

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Find your local number: <https://us06web.zoom.us/j/kdELQyrDIz>

# Memorandum

**To:** Mayor and Council

**From:** Shirley Buecksler, City Clerk-Treasurer

**Date:** August 9, 2021

**Re:** New Firefighter with Mantorville Fire Department

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## **BACKGROUND**

For Council's approval tonight is the hiring of a new Firefighter with the Mantorville Fire Department. All paperwork has been submitted and an interview was conducted. A background check is currently pending.

With Council's approval of this hiring, the Fire Department would appreciate the opportunity to introduce Tristan Fairchild to the City Council and the residents of Mantorville as a new Firefighter.

## **ACTION**

Motion to hire Tristan Fairchild, and allow the Fire Chief to introduce the new Firefighter.

**City of Mantorville  
City Council Minutes  
July 26, 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,  
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

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**3. Swearing In Ceremony: Jeffrey Ingalls**

Jeffrey Ingalls was sworn in by City Clerk Buecksler and appointed as Councilmember. Mayor Bradford and Council welcomed Councilmember Ingalls to the table.

**4. Additions/Deletions to Agenda**

City Clerk Buecksler recommended that Council add the appointment of a Councilmember to the Economic Development Authority (EDA) to tonight's agenda.

Motion was made by Councilmember Kinney and seconded by Councilmember Hoaglund to include the appointment of Councilmember to the EDA in item 7.a).

Vote: 5 ayes / 0 nays. Motion carried.

**5. Consent Agenda**

- A. City Council Meeting Minutes of June 28, 2021
- B. City Council Meeting Minutes of July 14, 2021
- C. Warrant List for July 26, 2021 in the Amount of \$69,958.98
- D. 2022 Patrol Contract with Dodge County Sheriff's Office
- E. Park & Recreation Board Meeting Minutes of May 25, 2021
- F. Park & Recreation Board Meeting Minutes of June 29, 2021

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

Vote: 5 ayes / 0 nays. Motion carried.

## 6. Public Concerns

The following citizens addressed the Council:

- A resident requested to put up a small literature stand outside of the City Hall door for church literature.
  - Council discussed. City Clerk Buecksler said the City cannot favor one church or one business over another.
  - Motion was made by Councilmember Hoaglund and seconded by Councilmember Kinney not to allow a literature stand at City Hall for anything other than City business.
  - Council recommended that he check with the Welcome Center.
  - Lynette Nash suggested he speak to Paul Larsen.
  - Councilmember Hoaglund said the Welcome Center Board meetings at 9:30 am the first Wednesday of the month at the Welcome Center.
- Lynette Nash discussed the ditch at her property and stated that when work was done there on 3<sup>rd</sup> Street, it left a giant ditch that she is unable to mow and it is not safe. She said the work done was not discussed with the property owners beforehand. It used to look similar to 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> streets. She is asking for a solution, such as a culvert and the ditch filled with dirt.
  - Mayor Bradford said that he and Joe Adams and the City Engineer went out to look at the property recently. The work done there was an attempt to move water to the side of the road. We discussed that one side is slightly deeper than the other. It was in the \$10K - \$15K range to mitigate. We did take a yard that only had a mild swale and changed it. We should take that consideration in mind. A formal proposal has not come in from the City Engineer, yet. Mayor Bradford said the yard would be flatter if we cover it with dirt.
  - Lynette Nash said it is at least five feet deep. If the culverts were connected and direct covered it up, it could be mowed, she said.
  - Mayor Bradford said she is suggesting running the culvert to the east and connecting the two.
  - Councilmember Keller said it would increase the probability of flowing with the additional resistance to the culvert.
  - Councilmember Hoaglund said if that was level, you would have water going to your house.
  - Councilmember Ingalls asked what was there before. Lynette said she has never had a water issue. Her sump pump has never run in 28 years. The infrastructure needed to be addressed but she said she doesn't know why they made this change.
  - Councilmember Keller said these rains (referring to the flood of 2019) were more than anything we have had here in 45 years, so we need to keep that in perspective. The culvert can only handle so much, he said.
  - Lynette Nash said if the tree had been removed, they could have sloped the ditch. The tree sits on the survey stake. She also said the right-of-way is only five feet from her house. Mayor Bradford said the City Engineer was going to get back to us on that.

- Lynette Nash said her house was placed where it had to be to meet all of the codes at that time. Mayor Bradford said that information would be helpful to the City Engineer and asked her to copy him when she sends it to the City Engineer.
- Councilmember Ingalls said it looks like Lynette Nash needs a professional opinion. Need permit files, easement information, and photos. Mayor Bradford said the City Engineer was going to check the City's files and Lynette Nash was going to check hers. The City Engineer will provide a quote.
- Lynette Nash said she wants an engineering determination that this was the right thing to do.
- Councilmember Keller said there are many people who cannot mow all or part of their property, so they hire someone who can. Total engineering is not the only option. Public Works will clean out the culvert. The perspective on culverts is that they don't have to function 100% of the time. If the culvert is not handling the water now, a longer culvert won't work because of the resistance.
- Councilmember Keller said most of us on Council are new to this. Was Luke Nash a Councilmember at the time the work was done? Lynette Nash said no.
- Councilmember Ingalls asked, if water flows in there, is there a risk that it could undercut the road? Joe Adams said the biggest thing is it has good vegetation established, so I don't see that happening.
- Councilmember Kinney said there is nothing we can go back and do, but we should be looking at ways to solve this. I am not dismissing your issue, but we are in a more productive place to get the City Engineer and others involved to find a solution for you.
- Mayor Bradford said we can ask our City Engineer to give us some options on solutions or recommendations. Mayor Bradford directed the City Clerk to contact the City Engineer.
- Councilmember Kinney said that Council won't be ready to vote until Lynette Nash is able to review the property and provide her feedback.
- Councilmember Hoaglund said we need the City Engineer to find out where the right-of-way is. Councilmember Keller said also the tree.
- Lynette Nash said we asked them not to review the tree because it's right on the property line. Councilmember Keller asked what if the decision is to take the tree out? Lynette Nash said that's fine, as long as she has a yard she can mow.
- Mayor Bradford said we need a definitive answer on where the easements are and, with that, it may guide future discussions.
- Mayor Bradford thanked Lynette Nash for coming and said we will keep you updated. Lynette Nash said she will look through her paperwork, also.

**7. Old/New Business**

**A. Appointment of Councilmember to Personnel Committee and Economic Development Authority**

Motion was made by Councilmember Keller and seconded by Councilmember Ingalls to appoint Councilmember Ingalls to both the Personnel Committee and the Economic Development Authority.

Vote: 5 ayes / 0 nays. Motion carried.

**B. Acceptance of Staff Resignation from Ryan Jech**

Council thanked Ryan Jech for his service to the City of Mantorville. The City Clerk said there will be cake served at Noon on Thursday, July 29<sup>th</sup>, in the Fire Department and everyone is invited to come extend their best wishes as Ryan leaves for the City of Rochester. Ryan's last day is Friday, July 30, 2021.

Motion was made by Councilmember Keller and seconded by Councilmember Ingalls to accept Ryan Jech's resignation.

Vote: 5 ayes / 0 nays. Motion carried.

**C. Review of Job Description and Pay Scale for Public Works Street Worker and Approval to Post**

Council reviewed the job description and pay scale for the position of Public Works Street Worker and made no changes.

Motion was made by Councilmember Keller and seconded by Councilmember Ingalls to approve the Public Works Street Worker job description and pay scale and approved posting the position as is.

Vote: 5 ayes / 0 nays. Motion carried.

**D. Marigold Days Update**

Councilmember Hoaglund provided an update on the Marigold Days parade:

- 1) Street closing between 8:00 am Friday, September 10<sup>th</sup>, and 6:00 pm Sunday, September 12<sup>th</sup>:
  - a. Close 4<sup>th</sup> Street for 2 blocks between Highway 57 and West Street for the vendors and the stage.
  - b. Close 5<sup>th</sup> Street for 2 blocks between Highway 57 and West Street for the car show, Firemen's water fight, and the beer garden.
  - c. Close Clay Street from 6<sup>th</sup> Street to 3<sup>rd</sup> Street so no cars can come down the hill to the band and food vendors.
  - d. Alleys will remain open.

Motion was made by Councilmember Hoaglund and seconded by Councilmember Keller to approve the street closings as listed above.

Vote: 5 ayes / 0 nays. Motion carried.

2) Parade route:

- a. The parade route needs to change because of construction on Walnut Street. Public Works would prefer that construction begin after Marigold Days.
- b. Changing the route to West Street will be kept as an option, in case the contractor has started digging before then.

Motion was made by Councilmember Hoaglund and seconded by Councilmember Kinney to approve the option to change the parade route to West Street on Sunday, September 12, 2021, at 1:00 pm.

Vote: 5 ayes / 0 nays. Motion carried.

E. Code Enforcement at 720 County Road 12

Per City Attorney Anderson, City Clerk Buecksler stated that she was directed to send Attorney Anderson's memo to the Council separately from the Council's packet. Attorney Anderson also directed that Council can discuss the property during the open portion of the meeting on Monday, July 26, which is all that is necessary to determine next steps; i.e., direct Staff to work with the prosecutor or, if Council wants to explore civil litigation, schedule a closed session with Kennedy & Graven at a future meeting. Note that Council should not disclose the complaining party.

Councilmember Ingalls asked what the dates of correspondence were to the property owners. City Clerk Buecksler said letters were dated September 28, 2018 and July 1, 2021.

Councilmember Keller said storage containers are unacceptable. This is out in the middle of nowhere. Have they asked for a variance? I encourage the land owners to apply for a variance and, perhaps, we could in good faith give a variance because it's not an issue for anyone.

Mayor Bradford said we would have to see if it is something we can do a variance for.

Councilmember Keller said at least they have that option. If they choose not to, I would wonder why.

Councilmember Ingalls asked if there has been any inquiry into the purpose of it. We have to be careful on enforcing if it's zoned agricultural and used to store any agricultural products or pesticides that have to be stored in the container like that.

Resident Dan Trapp spoke and said he believes it is zoned R-1.

Councilmember Keller said R-1 can have animals and agricultural.

Mayor Bradford said the simplest is to pursue parallel paths and get the City Attorney to 1) explore the variance option, and 2) if the land owners do not respond, what action do we want our legal team to take?

Councilmember Keller said if the land owners choose not to take the easy route, they're making it difficult for Council to accommodate them in the future. Can we wait on a decision until the next Council meeting?

Mayor Bradford said yes, but we are not committing to anything right now. But we can look at next steps, which can be done next time.

Councilmember Ingalls said he looked at the City ordinance, Section 150, on things of a temporary nature and can be protected by a fence or hedge.

Councilmember Keller said the property owners have a high probability of making this easy.

Councilmember Kinney said it's the precedence it sets.

Councilmember Ingalls asked if the goal is for the City Attorney to give the land owner options? (i.e., variance, fence)

Councilmember Keller said the City Attorney stated recently on another issue that it is not the City's responsibility to come up with a solution for the land owner.

Councilmember Kinney said the land owners are welcome to get advice from their own attorney.

Mayor Bradford asked if we should email the City Attorney and hold off on any planning activity until the next meeting?

Motion was made by Councilmember Keller and seconded by Councilmember Ingalls to table this item to the City Council meeting on August 9, 2021.

Vote: 5 ayes / 0 nays. Motion carried.

Council directed City Clerk Buecksler to contact the City Attorney regarding the variance option and said we have two weeks to see if a variance shows up.

## **8. Reports**

### **A. Public Works Report**

- Joe Adams said there was a watermain break on Walnut Street on Thursday.

- Last week, Joe Adams provided a walk through for the League of Minnesota Cities' Loss Control Consultant of the shop for things to be fixed. It was nice to have her point things out.
- Congratulations to Joe Adams on receiving the 2020 Water Fluoridation Award. The award will be presented to Joe at the annual conference this week in Grand Rapids, Minnesota.
- Council thanked Ryan Jech for his service to the City of Mantorville.

#### A. City Clerk Report

- Shirley Buecksler said the property owner of 412 County Road 15 came into the office today regarding the long grass letter he received. He wanted to apologize to the person who made the complaint, but that information could not be given out. He said deer bed down in his open field, so he let it get long for them. However, he will have it cut by this weekend. He may come in at a future date to discuss options for this plot with Council.
- I met last week with the League of Minnesota Cities' Loss Control Consultant regarding resources provided by the League, as well as information on safety training for Staff.
- I met last week with Berkley Risk for the City's annual workers' compensation audit. Results of that audit are pending.
- I also met last week with Sara Marquardt of the Dodge County Elections Office to discuss the election process for the City. It is important that the City and County have a good working relationship in regards to elections.
- I will be attending a health insurance renewal meeting on August 11<sup>th</sup> in Rochester.
- The Fire Chief, myself and others will be meeting with the City's insurance broker to look at coverage for the Fire Department during Marigold Days.
- I have a meeting scheduled with Jacobsen Law Firm next week to discuss the services they provide for the City.
- Our license with Zoom (for virtual meetings) will expire on August 19<sup>th</sup>. The cost is \$150.00 per year. In 2020, Councilmember Davern reimbursed the City \$149.00 for this license and the City paid \$11.00 for the tax portion. The cost remains the same for 2021. Does Council want to renew this license? In the four meetings held since I started with the City, there have only been one or two people attending, and one meeting with no one attending. What did the City do prior to COVID and social distancing? Is it necessary to continue with a virtual option?
  - Council discussed and agreed to allow the license with Zoom to lapse, as there was not enough attendance to make it worthwhile.
- I was off last Friday to fulfill my promise of training the new City Clerk at the City of West St. Paul. I spend the entire day with her, and it was nice to help her get started on the right track.
- Reminder that there will be cake for Ryan Jech on Thursday, July 29<sup>th</sup>, at Noon in the Fire Department.

#### B. Consultant Report

Nothing to report.

C. Committee Reports

- 1) Chamber
- 2) Economic Development Authority
- 3) Finance/Budget
- 4) Fire Department
- 5) Infrastructure
- 6) Kasson Mantorville Joint Powers – Mayor Bradford said they presented the total investment for the three entities. Cash balance is \$22,791.00. Some items funded have been bleachers and lighting. Our lighting expense will decrease in 2022 from \$7,500.00 to \$5,000.00. The group has created plaques so the public knows where taxpayer dollars are going. Working with the Lions for multi-purpose courts, basketball and pickleball. Council discussed possible options for soccer and exploring something with the County.
- 7) Mantorville Restoration Association – Councilmember Hoaglund said the MRA has just completed a project that each historical property has a sign with historical information about that property.
- 8) Park and Recreation Board – Shelly Jensen-Germundson said National Night Out is Tuesday, August 3, 2021 from 6:00 pm to 8:00 pm at Riverside Park. Councilmember Kinney said the Park Board will meet tomorrow night.
- 9) Personnel
- 10) Relief
- 11) Township – Councilmember Hoaglund will be attending their meeting in August.

D. Councilmember Reports

Councilmember Ingalls said he has heard from neighbors regarding a possible ordinance amendment to eliminate jake breaking on the highway. Joe Adams said jake breaking is prohibited but there is no signage to state such. Mayor Bradford said we need to verify if it's in our ordinance. Councilmember Ingalls said he will look.

Councilmember Keller said we have spent a lot of time with the property owners in relation to issues at 720 County Road 12. He is hoping for a resolution.

9. Executive Session

There was no Executive Session.

10. Adjourn

Motion was made by Councilmember Keller and seconded by Councilmember Hoaglund to adjourn the meeting at 8:08 p.m.

Vote: 5 ayes / 0 nays. Meeting adjourned.

Respectfully Submitted,

Shirley R Buecksler  
City Clerk-Treasurer

## Payments

Current Period: August 2021

## Fund Summary

|                  |                           |             |
|------------------|---------------------------|-------------|
|                  | 10100 Citizens State Bank |             |
| 101 GENERAL FUND |                           | \$6,197.76  |
| 601 WATER FUND   |                           | \$275.25    |
| 602 SEWER FUND   |                           | \$11,558.95 |
|                  |                           | <hr/>       |
|                  |                           | \$18,031.96 |

|                                        |             |
|----------------------------------------|-------------|
| Pre-Written Checks                     | \$1,937.55  |
| Checks to be Generated by the Computer | \$16,094.41 |
|                                        | <hr/>       |
| Total                                  | \$18,031.96 |

## MANTORVILLE, MN

08/05/21 4:42 PM

Page 1

## Payments

Current Period: August 2021

Payments Batch WAR 08 09 21

\$18,031.96

Refer 0 ROCHESTER CHEVROLET

Cash Payment E 101-43100-228 Equip. Repair and Mainte TRUCK # 2 REPAIRS - BRAD'S TRUCK \$435.18

Invoice CTCS940943 8/9/2021

Transaction Date 8/5/2021 Citizens State Bank 10100 Total \$435.18

Refer 0 PAYMENT SERVICE NETWORK, IN Ck# 005576 8/9/2021

Cash Payment E 601-49400-300 Professional Srvs (GENE MONTHLY SERVICE FEES FOR JULY 2021 \$39.28

Invoice 242300 8/9/2021

Cash Payment E 602-49450-300 Professional Srvs (GENE MONTHLY SERVICE FEES FOR JULY 2021 \$58.92

Invoice 242300 8/9/2021

Transaction Date 8/5/2021 Citizens State Bank 10100 Total \$98.20

Refer 0 PRAXAIR DISTRIBUTION INC - 448

Cash Payment E 101-43100-200 Supplies COWHIDE WELDING GLOVES \$20.00

Invoice 63946767 8/9/2021

Transaction Date 8/5/2021 Citizens State Bank 10100 Total \$20.00

Refer 0 QUALITY FLOW SYSTEMS

Cash Payment E 602-49450-220 Bldg.Repair and Mainten PUMP W/CORD \$6,500.00

Invoice 41198 8/9/2021

Cash Payment E 602-49450-220 Bldg.Repair and Mainten SERVICE CHECK \$950.00

Invoice 41197 8/9/2021

Cash Payment E 602-49450-220 Bldg.Repair and Mainten QUOTED PUMP REPAIRS \$3,422.00

Invoice 41278 8/9/2021

Cash Payment E 602-49450-220 Bldg.Repair and Mainten "ANCHOR" FLOAT SWITCH \$280.00

Invoice 41279 8/9/2021

Transaction Date 8/5/2021 Citizens State Bank 10100 Total \$11,152.00

Refer 0 KASSON HARDWARE HANK

Cash Payment E 101-43100-240 Tools and Minor Equipm 75' HOSE \$109.98

Invoice JULY 2021 8/9/2021

Cash Payment E 101-45200-401 Repairs/Maint Buildings TOILET REPAIR KIT \$19.99

Invoice JULY 2021 8/9/2021

Transaction Date 8/5/2021 Citizens State Bank 10100 Total \$129.97

Refer 0 JACOBSEN LAW FIRM, P.A.

Cash Payment E 101-41600-304 Legal Fees JULY 2021 - PROSECUTION SERVICES \$583.00

Invoice 3213 8/9/2021

Transaction Date 8/5/2021 Citizens State Bank 10100 Total \$583.00

Refer 0 GOPHER STATE ONE CALL

Cash Payment E 601-49400-300 Professional Srvs (GENE UTILITY LOCATES \$16.20

Invoice 1070564 8/9/2021

Cash Payment E 602-49450-300 Professional Srvs (GENE UTILITY LOCATES \$24.30

Invoice 1070564 8/9/2021

Transaction Date 8/5/2021 Citizens State Bank 10100 Total \$40.50

Refer 0 MN PERA Ck# 005575 8/9/2021

Cash Payment G 101-21704 PERA EMPLOYEE RETIREMENT \$1,197.65

Invoice JULY2021 8/9/2021

Transaction Date 8/5/2021 Citizens State Bank 10100 Total \$1,197.65

## MANTORVILLE, MN

08/05/21 4:42 PM

Page 2

## Payments

Current Period: August 2021

|                  |             |                                        |                                         |       |          |
|------------------|-------------|----------------------------------------|-----------------------------------------|-------|----------|
| Refer            | 0           | OLMSTED MEDICAL CENTER CLIN            |                                         |       |          |
| Cash Payment     | E           | 101-41500-300 Professional Svcs (GENE  | DRUG/ALCOHOL TESTING - JOE ADAMS        |       | \$37.00  |
| Invoice          | JULY2021JOE | 8/9/2021                               |                                         |       |          |
| Transaction Date | 8/5/2021    | Citizens State Bank                    | 10100                                   | Total | \$37.00  |
| Refer            | 0           | OSI ENVIRONMENTAL, INC                 |                                         |       |          |
| Cash Payment     | E           | 101-43100-229 Safety/OSHA              | DISPOSAL SERVICE - USED FILTERS PICK UP |       | \$50.00  |
| Invoice          | 2093283     | 8/9/2021                               |                                         |       |          |
| Transaction Date | 8/5/2021    | Citizens State Bank                    | 10100                                   | Total | \$50.00  |
| Refer            | 0           | NAPA                                   |                                         |       |          |
| Cash Payment     | E           | 101-42200-228 Equip. Repair and Mainte | FIRE DEPT - TAILLIGHT CIRCUIT BOARD     |       | \$49.99  |
| Invoice          | 713309      | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-42200-228 Equip. Repair and Mainte | FIRE DEPT - TRUCK MAINT SUPPLIES        |       | \$48.56  |
| Invoice          | 713309      | 8/9/2021                               |                                         |       |          |
| Transaction Date | 8/5/2021    | Citizens State Bank                    | 10100                                   | Total | \$98.55  |
| Refer            | 0           | MINNESOTA ENERGY                       |                                         |       |          |
| Cash Payment     | E           | 101-41940-380 Utility Services         | 4016467-5 STREETS                       |       | \$60.68  |
| Invoice          | JULY 2021   | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-41940-380 Utility Services         | 4300149-4 STREETS                       |       | \$50.47  |
| Invoice          | JULY 2021   | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-41940-380 Utility Services         | 4028156-0 STREETS                       |       | \$21.48  |
| Invoice          | JULY 2021   | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-42200-380 Utility Services         | 4229566-7 FIRE DEPT                     |       | \$52.70  |
| Invoice          | JULY 2021   | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 602-49450-380 Utility Services         | 4299022-6 WWTP                          |       | \$28.60  |
| Invoice          | JULY 2021   | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-41940-380 Utility Services         | 5121503-6 NEW SHOP                      |       | \$0.00   |
| Invoice          | JULY 2021   | 8/9/2021                               |                                         |       |          |
| Transaction Date | 8/5/2021    | Citizens State Bank                    | 10100                                   | Total | \$213.93 |
| Refer            | 0           | K-M TELECOM                            |                                         |       |          |
| Cash Payment     | E           | 101-41940-321 Communications Phone/    | CITY HALL MAIN 5170                     |       | \$111.92 |
| Invoice          | 10080875    | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-41940-321 Communications Phone/    | CITY HALL - 5176 - 2ND LINE             |       | \$20.94  |
| Invoice          | 10080875    | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-41940-321 Communications Phone/    | CITY HALL FAX 5300                      |       | \$0.00   |
| Invoice          | 10080875    | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-42200-321 Communications Phone/    | FD 5440                                 |       | \$25.93  |
| Invoice          | 10080875    | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-41940-321 Communications Phone/    | STREETS - SHOP 5119                     |       | \$80.92  |
| Invoice          | 10080875    | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 601-49400-321 Communications Phone/    | WATER TOWER ALARM 3588                  |       | \$45.96  |
| Invoice          | 10080875    | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 602-49450-321 Communications Phone/    | LIFT STATION ALARM 5066                 |       | \$35.96  |
| Invoice          | 10080875    | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 602-49450-321 Communications Phone/    | WWTP 5463 ALARM                         |       | \$35.96  |
| Invoice          | 10080875    | 8/9/2021                               |                                         |       |          |
| Cash Payment     | E           | 101-41940-321 Communications Phone/    | LONG DISTANCE/TAXES/FEES                |       | \$19.90  |
| Invoice          | 10080875    | 8/9/2021                               |                                         |       |          |

## MANTORVILLE, MN

08/05/21 4:42 PM

Page 3

## Payments

Current Period: August 2021

|                  |                                         |                                                          |       |                  |
|------------------|-----------------------------------------|----------------------------------------------------------|-------|------------------|
| Cash Payment     | E 101-46500-437 Other Miscellaneous     | EDA 800 NUMBER                                           |       | \$0.00           |
| Invoice          | 10080875                                | 8/9/2021                                                 |       |                  |
| Cash Payment     | E 601-49400-321 Communications Phone/   | WELL HOUSE FIBER                                         |       | \$25.00          |
| Invoice          | 10080875                                | 8/9/2021                                                 |       |                  |
| Transaction Date | 8/5/2021                                | Citizens State Bank                                      | 10100 | Total \$402.49   |
| Refer            | 0 HOMETOWN HAULERS                      |                                                          |       |                  |
| Cash Payment     | E 101-41940-384 Refuse/Garbage Dispos   | GARBAGE REMOVAL                                          |       | \$175.00         |
| Invoice          | 103678                                  | 8/9/2021                                                 |       |                  |
| Transaction Date | 8/5/2021                                | Citizens State Bank                                      | 10100 | Total \$175.00   |
| Refer            | 0 DODGE COUNTY INDEPENDENT              |                                                          |       |                  |
| Cash Payment     | E 101-41110-352 Publishing              | BIDS FOR STREET IMPROVEMENTS                             |       | \$343.20         |
| Invoice          | 12385                                   | 8/9/2021                                                 |       |                  |
| Cash Payment     | E 101-41110-352 Publishing              | PUBLIC HEARING - WOHLNHAUS                               |       | \$68.64          |
| Invoice          | 12386                                   | 8/9/2021                                                 |       |                  |
| Cash Payment     | E 101-41110-352 Publishing              | PUBLIC HEARING - LAMPHERE                                |       | \$72.93          |
| Invoice          | 12416                                   | 8/9/2021                                                 |       |                  |
| Transaction Date | 8/5/2021                                | Citizens State Bank                                      | 10100 | Total \$484.77   |
| Refer            | 0 CRESCENT LANDSCAPING SUPPL            |                                                          |       |                  |
| Cash Payment     | E 101-45200-401 Repairs/Maint Buildings | 100 YRDS - CERTIFIED PLAYGROUND CHIPS                    |       | \$1,900.00       |
| Invoice          | 025963                                  | 8/9/2021                                                 |       |                  |
| Transaction Date | 8/5/2021                                | Citizens State Bank                                      | 10100 | Total \$1,900.00 |
| Refer            | 0 BADGER METER                          |                                                          |       |                  |
| Cash Payment     | E 601-49400-300 Professional Svcs (GENE | JULY 2021 METERING SERVICES                              |       | \$148.81         |
| Invoice          | 80078636                                | 8/9/2021                                                 |       |                  |
| Cash Payment     | E 602-49450-300 Professional Svcs (GENE | JULY 2021 METERING SERVICES                              |       | \$223.21         |
| Invoice          | 80078636                                | 8/9/2021                                                 |       |                  |
| Transaction Date | 8/5/2021                                | Citizens State Bank                                      | 10100 | Total \$372.02   |
| Refer            | 0 FURTHER                               | Ck# 005574 8/9/2021                                      |       |                  |
| Cash Payment     | G 101-21714 Health Savings Account      | CORRECTION TO JUNE PMT EMPLOYER CONTRIBUTION - BUECKSLER |       | \$108.34         |
| Invoice          | JUNE2021CORR                            | 8/9/2021                                                 |       |                  |
| Transaction Date | 8/5/2021                                | Citizens State Bank                                      | 10100 | Total \$108.34   |
| Refer            | 0 FURTHER                               | Ck# 005577 8/9/2021                                      |       |                  |
| Cash Payment     | G 101-21714 Health Savings Account      | HEALTH SAVINGS ACCOUNT - EMPLOYER CONTRIBUTION           |       | \$433.36         |
| Invoice          | JULY2021                                | 8/9/2021                                                 |       |                  |
| Cash Payment     | G 101-21714 Health Savings Account      | HEALTH SAVINGS ACCOUNT - EMPLOYEE CONTRIBUTION           |       | \$100.00         |
| Invoice          | JULY2021                                | 8/9/2021                                                 |       |                  |
| Transaction Date | 8/5/2021                                | Citizens State Bank                                      | 10100 | Total \$533.36   |

## \*Check Summary Register©

August 2021

| Name                      | Check Date                    | Check Amt                                       |
|---------------------------|-------------------------------|-------------------------------------------------|
| 10100 Citizens State Bank |                               |                                                 |
| UnPaid                    | BADGER METER                  | \$372.02 JULY 2021 METERING SERVICES            |
| UnPaid                    | CRESCENT LANDSCAPING SUP      | \$1,900.00 100 YRDS - CERTIFIED PLAYGROUND CHIP |
| UnPaid                    | DODGE COUNTY INDEPENDENT      | \$484.77 BIDS FOR STREET IMPROVEMENTS           |
| UnPaid                    | GOPHER STATE ONE CALL         | \$40.50 UTILITY LOCATES                         |
| UnPaid                    | HOMETOWN HAULERS              | \$175.00 GARBAGE REMOVAL                        |
| UnPaid                    | JACOBSEN LAW FIRM P.A.        | \$583.00 JULY 2021 - PROSECUTION SERVICES       |
| UnPaid                    | KASSON HARDWARE HANK          | \$129.97 75' HOSE                               |
| UnPaid                    | K-M TELECOM                   | \$402.49 CITY HALL MAIN 5170                    |
| UnPaid                    | MINNESOTA ENERGY RESOURC      | \$213.93 4016467-5 STREETS                      |
| UnPaid                    | NAPA                          | \$98.55 FIRE DEPT - TAILLIGHT CIRCUIT BOARD     |
| UnPaid                    | OLMSTED MEDICAL CENTER        | \$37.00 DRUG/ALCOHOL TESTING - JOE ADAMS        |
| UnPaid                    | OSI ENVIRONMENTAL, INC        | \$50.00 DISPOSAL SERVICE - USED FILTERS PICK    |
| UnPaid                    | PRAXAIR DISTRIBUTION INC - 44 | \$20.00 COWHIDE WELDING GLOVES                  |
| UnPaid                    | QUALITY FLOW SYSTEMS, INC     | \$11,152.00 PUMP W/CORD                         |
| UnPaid                    | ROCHESTER CHEVROLET           | \$435.18 TRUCK # 2 REPAIRS - BRAD'S TRUCK       |
|                           | Total Checks                  | \$16,094.41                                     |

## MANTORVILLE,MN

08/05/21 4:47 PM

Page 1

**\*Check Detail Register©**

August 2021

|                                   |                             | Check Amt                   | Invoice   | Comment                               |
|-----------------------------------|-----------------------------|-----------------------------|-----------|---------------------------------------|
| 10100 Citizens State Bank         |                             |                             |           |                                       |
| Unpaid                            |                             | BADGER METER                |           |                                       |
| E 601-49400-300                   | Professional Svcs (GENERAL) | \$148.81                    | 80078636  | JULY 2021 METERING SERVICES           |
| E 602-49450-300                   | Professional Svcs (GENERAL) | \$223.21                    | 80078636  | JULY 2021 METERING SERVICES           |
| Total BADGER METER                |                             | \$372.02                    |           |                                       |
| Unpaid                            |                             | CRESCENT LANDSCAPING SUPPLY |           |                                       |
| E 101-45200-401                   | Repairs/Maint Buildings     | \$1,900.00                  | 025963    | 100 YRDS - CERTIFIED PLAYGROUND CHIPS |
| Total CRESCENT LANDSCAPING SUPPLY |                             | \$1,900.00                  |           |                                       |
| Unpaid                            |                             | DODGE COUNTY INDEPENDENT    |           |                                       |
| E 101-41110-352                   | Publishing                  | \$343.20                    | 12385     | BIDS FOR STREET IMPROVEMENTS          |
| E 101-41110-352                   | Publishing                  | \$68.64                     | 12386     | PUBLIC HEARING - WOHLNHAUS            |
| E 101-41110-352                   | Publishing                  | \$72.93                     | 12416     | PUBLIC HEARING - LAMPHERE             |
| Total DODGE COUNTY INDEPENDENT    |                             | \$484.77                    |           |                                       |
| Unpaid                            |                             | GOPHER STATE ONE CALL       |           |                                       |
| E 601-49400-300                   | Professional Svcs (GENERAL) | \$16.20                     | 1070564   | UTILITY LOCATES                       |
| E 602-49450-300                   | Professional Svcs (GENERAL) | \$24.30                     | 1070564   | UTILITY LOCATES                       |
| Total GOPHER STATE ONE CALL       |                             | \$40.50                     |           |                                       |
| Unpaid                            |                             | HOMETOWN HAULERS            |           |                                       |
| E 101-41940-384                   | Refuse/Garbage Disposal     | \$175.00                    | 103678    | GARBAGE REMOVAL                       |
| Total HOMETOWN HAULERS            |                             | \$175.00                    |           |                                       |
| Unpaid                            |                             | JACOBSEN LAW FIRM, P.A.     |           |                                       |
| E 101-41600-304                   | Legal Fees                  | \$583.00                    | 3213      | JULY 2021 - PROSECUTION SERVICES      |
| Total JACOBSEN LAW FIRM, P.A.     |                             | \$583.00                    |           |                                       |
| Unpaid                            |                             | KASSON HARDWARE HANK        |           |                                       |
| E 101-43100-240                   | Tools and Minor Equipment   | \$109.98                    | JULY 2021 | 75' HOSE                              |
| E 101-45200-401                   | Repairs/Maint Buildings     | \$19.99                     | JULY 2021 | TOILET REPAIR KIT                     |
| Total KASSON HARDWARE HANK        |                             | \$129.97                    |           |                                       |
| Unpaid                            |                             | K-M TELECOM                 |           |                                       |
| E 101-41940-321                   | Communications Phone/Cell   | \$111.92                    | 10080875  | CITY HALL MAIN 5170                   |
| E 101-41940-321                   | Communications Phone/Cell   | \$20.94                     | 10080875  | CITY HALL - 5176 - 2ND LINE           |
| E 101-41940-321                   | Communications Phone/Cell   | \$0.00                      | 10080875  | CITY HALL FAX 5300                    |
| E 101-42200-321                   | Communications Phone/Cell   | \$25.93                     | 10080875  | FD 5440                               |
| E 101-41940-321                   | Communications Phone/Cell   | \$80.92                     | 10080875  | STREETS - SHOP 5119                   |
| E 601-49400-321                   | Communications Phone/Cell   | \$45.96                     | 10080875  | WATER TOWER ALARM 3588                |
| E 602-49450-321                   | Communications Phone/Cell   | \$35.96                     | 10080875  | LIFT STATION ALARM 5066               |
| E 602-49450-321                   | Communications Phone/Cell   | \$35.96                     | 10080875  | WWTP 5463 ALARM                       |
| E 101-41940-321                   | Communications Phone/Cell   | \$19.90                     | 10080875  | LONG DISTANCE/TAXES/FEES              |
| E 101-46500-437                   | Other Miscellaneous         | \$0.00                      | 10080875  | EDA 800 NUMBER                        |
| E 601-49400-321                   | Communications Phone/Cell   | \$25.00                     | 10080875  | WELL HOUSE FIBER                      |
| Total K-M TELECOM                 |                             | \$402.49                    |           |                                       |

## MANTORVILLE,MN

08/05/21 4:47 PM

Page 2

**\*Check Detail Register©**

August 2021

|                 |                                             | Check Amt          | Invoice     | Comment                                 |
|-----------------|---------------------------------------------|--------------------|-------------|-----------------------------------------|
| Unpaid          | MINNESOTA ENERGY                            |                    |             |                                         |
| E 101-41940-380 | Utility Services                            | \$60.68            | JULY 2021   | 4016467-5 STREETS                       |
| E 101-41940-380 | Utility Services                            | \$50.47            | JULY 2021   | 4300149-4 STREETS                       |
| E 101-41940-380 | Utility Services                            | \$21.48            | JULY 2021   | 4028156-0 STREETS                       |
| E 101-42200-380 | Utility Services                            | \$52.70            | JULY 2021   | 4229566-7 FIRE DEPT                     |
| E 602-49450-380 | Utility Services                            | \$28.60            | JULY 2021   | 4299022-6 WWTP                          |
| E 101-41940-380 | Utility Services                            | \$0.00             | JULY 2021   | 5121503-6 NEW SHOP                      |
|                 | <b>Total MINNESOTA ENERGY</b>               | <b>\$213.93</b>    |             |                                         |
| Unpaid          | NAPA                                        |                    |             |                                         |
| E 101-42200-228 | Equip. Repair and Maintenance               | \$49.99            | 713309      | FIRE DEPT - TAILLIGHT CIRCUIT BOARD     |
| E 101-42200-228 | Equip. Repair and Maintenance               | \$48.56            | 713309      | FIRE DEPT - TRUCK MAINT SUPPLIES        |
|                 | <b>Total NAPA</b>                           | <b>\$98.55</b>     |             |                                         |
| Unpaid          | OLMSTED MEDICAL CENTER CLINIC               |                    |             |                                         |
| E 101-41500-300 | Professional Srvs (GENERAL)                 | \$37.00            | JULY2021JOE | DRUG/ALCOHOL TESTING - JOE ADAMS        |
|                 | <b>Total OLMSTED MEDICAL CENTER CLINIC</b>  | <b>\$37.00</b>     |             |                                         |
| Unpaid          | OSI ENVIRONMENTAL, INC                      |                    |             |                                         |
| E 101-43100-229 | Safety/OSHA                                 | \$50.00            | 2093283     | DISPOSAL SERVICE - USED FILTERS PICK UP |
|                 | <b>Total OSI ENVIRONMENTAL, INC</b>         | <b>\$50.00</b>     |             |                                         |
| Unpaid          | PRAXAIR DISTRIBUTION INC - 448              |                    |             |                                         |
| E 101-43100-200 | Supplies                                    | \$20.00            | 63946767    | COWHIDE WELDING GLOVES                  |
|                 | <b>Total PRAXAIR DISTRIBUTION INC - 448</b> | <b>\$20.00</b>     |             |                                         |
| Unpaid          | QUALITY FLOW SYSTEMS                        |                    |             |                                         |
| E 602-49450-220 | Bldg.Repair and Maintenance                 | \$950.00           | 41197       | SERVICE CHECK                           |
| E 602-49450-220 | Bldg.Repair and Maintenance                 | \$6,500.00         | 41198       | PUMP W/CORD                             |
| E 602-49450-220 | Bldg.Repair and Maintenance                 | \$3,422.00         | 41278       | QUOTED PUMP REPAIRS                     |
| E 602-49450-220 | Bldg.Repair and Maintenance                 | \$280.00           | 41279       | "ANCHOR" FLOAT SWITCH                   |
|                 | <b>Total QUALITY FLOW SYSTEMS</b>           | <b>\$11,152.00</b> |             |                                         |
| Unpaid          | ROCHESTER CHEVROLET                         |                    |             |                                         |
| E 101-43100-228 | Equip. Repair and Maintenance               | \$435.18           | CTCS940943  | TRUCK # 2 REPAIRS - BRAD'S TRUCK        |
|                 | <b>Total ROCHESTER CHEVROLET</b>            | <b>\$435.18</b>    |             |                                         |
|                 | 10100 Citizens State Bank                   | \$16,094.41        |             |                                         |

**Fund Summary**

|                                  |                    |
|----------------------------------|--------------------|
| <b>10100 Citizens State Bank</b> |                    |
| 101 GENERAL FUND                 | \$4,358.41         |
| 601 WATER FUND                   | \$235.97           |
| 602 SEWER FUND                   | \$11,500.03        |
|                                  | <b>\$16,094.41</b> |



Minnesota Department of Public Safety  
Alcohol and Gambling Enforcement Division  
445 Minnesota Street, Suite 1600, St. Paul, MN 55101  
651-201-7507 Fax 651-297-5259 TTY 651-282-6555  
**APPLICATION AND PERMIT FOR A 1 DAY  
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

|                                   |                                                                                                                                                           |                                                                                |          |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------|
| Name of organization              | Date organized                                                                                                                                            | Tax exempt number                                                              |          |
| Mantorville Fire Relief           | 05.13.1982                                                                                                                                                | 3305044                                                                        |          |
| Address                           | City                                                                                                                                                      | State                                                                          | Zip Code |
| 21 5th Street East                | Mantorville                                                                                                                                               | MN                                                                             | 55955    |
| Name of person making application | Business phone                                                                                                                                            | Home phone                                                                     |          |
| Dave Gilbertson                   | 507-273-6528                                                                                                                                              |                                                                                |          |
| Date(s) of event                  | Type of organization                                                                                                                                      | <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer |          |
| 9/11/2021                         | <input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other non-profit |                                                                                |          |
| Organization officer's name       | City                                                                                                                                                      | State                                                                          | Zip Code |
| Dave Gilbertson                   | Mantorville                                                                                                                                               | MN                                                                             | 55955    |
| Organization officer's name       | City                                                                                                                                                      | State                                                                          | Zip Code |
|                                   |                                                                                                                                                           | MN                                                                             |          |
| Organization officer's name       | City                                                                                                                                                      | State                                                                          | Zip Code |
|                                   |                                                                                                                                                           | MN                                                                             |          |

Location where permit will be used. If an outdoor area, describe.

21 5th Street East, Mantorville

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

City of Mantorville / MN League

**APPROVAL**

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

|                                                               |                                                                                                |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| City of Mantorville<br>City or County approving the license   | Date Approved                                                                                  |
| Fee Amount                                                    | Permit Date                                                                                    |
| Date Fee Paid                                                 | Shirley @ Mantorville, Com<br>City or County E-mail Address                                    |
| Signature City Clerk or County Official<br>Shirley R Bueckler | 507. 635. 5116<br>City or County Phone Number                                                  |
|                                                               | Shirley R Bueckler, City Clerk-Treasurer<br>Please Print Name of City Clerk or County Official |

**CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.**

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.**

**PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO [AGE.TEMPORARYAPPLICATION@STATE.MN.US](mailto:AGE.TEMPORARYAPPLICATION@STATE.MN.US)**

# Memorandum

**To:** Mayor and Council

**From:** Shirley Buecksler, City Clerk-Treasurer

**Date:** August 9, 2021

**Re:** Variance for Driveway at 219 5<sup>th</sup> Street West

---

## **BACKGROUND**

Property owner Matt Wohlenhaus has submitted an application for Variance to install a driveway at his property located at 219 5<sup>th</sup> Street West that is wider than allowed by ordinance.

A Public Hearing must be held with citizens allowed to speak in regards to this item. A notice was published in the newspaper, and property owners within 350 feet of 219 5<sup>th</sup> Street West were notified of tonight's Public Hearing. Owner Matt Wohlenhaus will be in attendance.

Enclosed are the application materials submitted by the property owner. If Council approves of the variance, the enclosed resolution has been prepared for Council's adoption.

## **ACTION**

Based on discussion, motion to approve or deny the variance and enclosed resolution.

**CITY OF MANTORVILLE  
APPLICATION FOR VARIANCE**

**Fee \$250**

(A) Applicant's Name Matt Wohlenhaus Phone \_\_\_\_\_

(B) Address 219 5<sup>th</sup> St West Email Address: \_\_\_\_\_

(C) Owner's Name (if different from Applicant) \_\_\_\_\_ Phone \_\_\_\_\_

(D) Owner's Address \_\_\_\_\_ Email Address: \_\_\_\_\_

(E) Address of the Property 219 5<sup>th</sup> St West Mantorville

(F) Tax Parcel ID Number(s) \_\_\_\_\_

(G) Legal Description of Property \_\_\_\_\_

(H) Description of Request Driveway Variance 30' → 52'

(I) Reason(s) for Request Concrete full length of garage to roadway.

(J) Present Zoning Classification of the Property R1

(K) Existing Use of the Property Residential

(L) Section of the Zoning Ordinance in which a variance is sought: 150.086 (c)(1)

(M) Explain how you wish to vary from the applicable provisions of the Zoning Ordinance: ordinance allows for 30' intersection with roadway. I want to make my driveway match front of garage/stalls at 52' intersecting roadway on Walnut st.

(N) A variance may only be granted by the City Council where the strict enforcement of the Zoning Ordinance will result in "practical difficulties." Under the new law, **practical difficulties means** (1) the property owner proposes to use the property in a reasonable manner permitted by the ordinance, (2) the owner's plight is due to circumstances unique to the property not created by the owner, and (3) the variance will not alter the locality's essential character. The Applicant is responsible for establishing the existence of practical difficulties regarding the particular property and that the request otherwise satisfies the requirements of the Zoning Ordinance. Whether or not "practical difficulties" exist is determined by the City Council considering all of the following factors. Please summarize the facts as to your property and alleged "practical difficulties" with regard to each of the factors, using additional paper and attachments, if necessary.

1. In your opinion, is the variance in harmony with the purposes and intent of the Zoning Ordinance?

☒ Yes ☐ No Why or why not? Explain:  
This projected driveway will not cover a substantial portion of our lot. It will allow drainage of roadway through the lawn more effectively than current gravel

2. In your opinion, is the variance consistent with the comprehensive plan?

☒ Yes ☐ No Why or why not? Explain:  
I am looking to increase the curb appeal of the property and maintain increase functionality in respect to city's plans with drainage. P, 23

3. In your opinion, are you proposing to use your property in a reasonable manner not permitted by the Zoning Ordinance?

☒ Yes ☐ No Why or why not? Explain:  
Zoning Ordinance for parking standards allows 30' which would not allow full concrete in driveway to meet garage stalls.

4. In your opinion, is your dilemma due to circumstances unique to your property which do not apply to other properties in the same zone or vicinity?

☐ Yes ☒ No Why or why not? Explain:  
Several other properties here in Mantoville w/in 4 blocks have driveways exceeding 30'. Whether variances were applied for is unknown for known examples.

5. In your opinion, were the circumstances causing the practical difficulties created by someone or something other than you or the previous owners of the property?

☒ Yes ☒ No Why or why not? Explain:

Lack of drainage is a result of matching street grade, size of requested driveway variance is due to previous owners building.

6. In your opinion, will the granting of the variance maintain and not alter the essential character of the area or the neighborhood?

☒ Yes ☐ No Why or why not? Explain:  
There are 3 properties on the East side of the 400 blk of Walnut st, including 1 paved driveway about 12' wide, or 2 gravel drives. The proposed driveway would not result in substantial concrete coverage of the roadside

7. In your opinion, do the alleged practical difficulties involve more than just economic considerations?

☒ Yes ☐ No Why or why not? Explain:  
Proposed driveway will allow drainage of runoff from street to a shallow ditch proposed by city engineers to run through right of way on our front & side property (right of way).

The City will not consider as a variance any use that is not permitted for the property in the district where the affected person's land is located.

No application for a variance shall be considered by the Council within a 1-year period following a denial of the request unless, in the opinion of the Council, new evidence or a change in circumstances warrant it.

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of the Mantorville Zoning Ordinance and other applicable City ordinances. Submittal of the application, required information and fee does not guarantee the issuance of a variance. Additional information may be needed or conditions may exist that would prevent the actual granting of a variance.

I hereby certify with my signature that all data on my application form, and any additional sheets, plans and specifications, are true and correct to the best of my knowledge.



Applicant Signature

7-21-21

Date

Property Owner Signature (if different from Applicant)

Date

**PROCEDURES:** The procedure for applying for a Variance from the regulations of the Zoning Ordinance are as follows:

1. The applicant shall file the completed application together with the required exhibits listed below and pay an application fee as established by the City Council.
2. When the City Clerk determines the application to be complete the public hearing date will be set.
3. The City Clerk shall publish a notice of the Public Hearing at least once in the legal newspaper not less than ten (10) days prior to the hearing.
4. The City Clerk shall give written notice to all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
5. The City Council shall take action to approve or deny the application within sixty (60) days of receiving a completed application. If the Council cannot take action to approve or deny the application within these sixty (60) days, the Council may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant in writing.
6. No application for a Variance shall be considered by the City Council within a one (1) year period following a denial of such request, except that the City Clerk may permit a new application to be filed if new evidence or a change in circumstances warrant it.

**REQUIRED EXHIBITS FOR VARIANCES** The following exhibits shall be required:

- |                                                          |                                                                                                                                      |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Yes <input type="checkbox"/> No | 1. A completed application form.                                                                                                     |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | 2. An accurate boundary description of the property, in some cases a survey of the property by a licensed Surveyor will be required. |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | 3. Evidence of ownership or enforceable option on the property                                                                       |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | 4. An accurate drawing, at scale, showing property lines, locations of existing buildings and proposed project.                      |

**NOTE: SUBMITTAL OF THE REQUIRED INFORMATION DOES NOT GUARANTEE THE ISSUANCE OF A VARIANCE. ADDITIONAL INFORMATION MAY BE NEEDED OR CONDITIONS MAY EXIST THAT WOULD PREVENT THE ACTUAL GRANTING OF A VARIANCE.**

### FOR OFFICE USE ONLY

Date Submitted \_\_\_\_\_ Date Accepted \_\_\_\_\_ Fee Paid \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

(Circle one) Approved Denied by the City Council on \_\_\_\_\_, \_\_\_\_\_.

If approved, the following conditions were prescribed:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

If denied, denial was for the following reason(s): \_\_\_\_\_

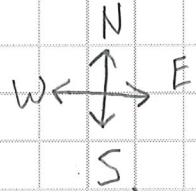
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5<sup>th</sup> St West

West  
Central  
Steel

West Central Steel, Inc.  
2011 West Gorton Ave  
PO Box 1178  
Willmar MN 56201  
Phone 320-235-4070  
Toll Free 1-800-992-8853  
Fax 320-235-1816

219 5<sup>th</sup> St West



Scale - 1/4" = 4'

152' to street

Walnut St

Proposed  
Driveway

Existing driveway

Garage

Setback  
12'

10'-8"

40'

139'

53'

25'

15'

12'

12'

19'

12'

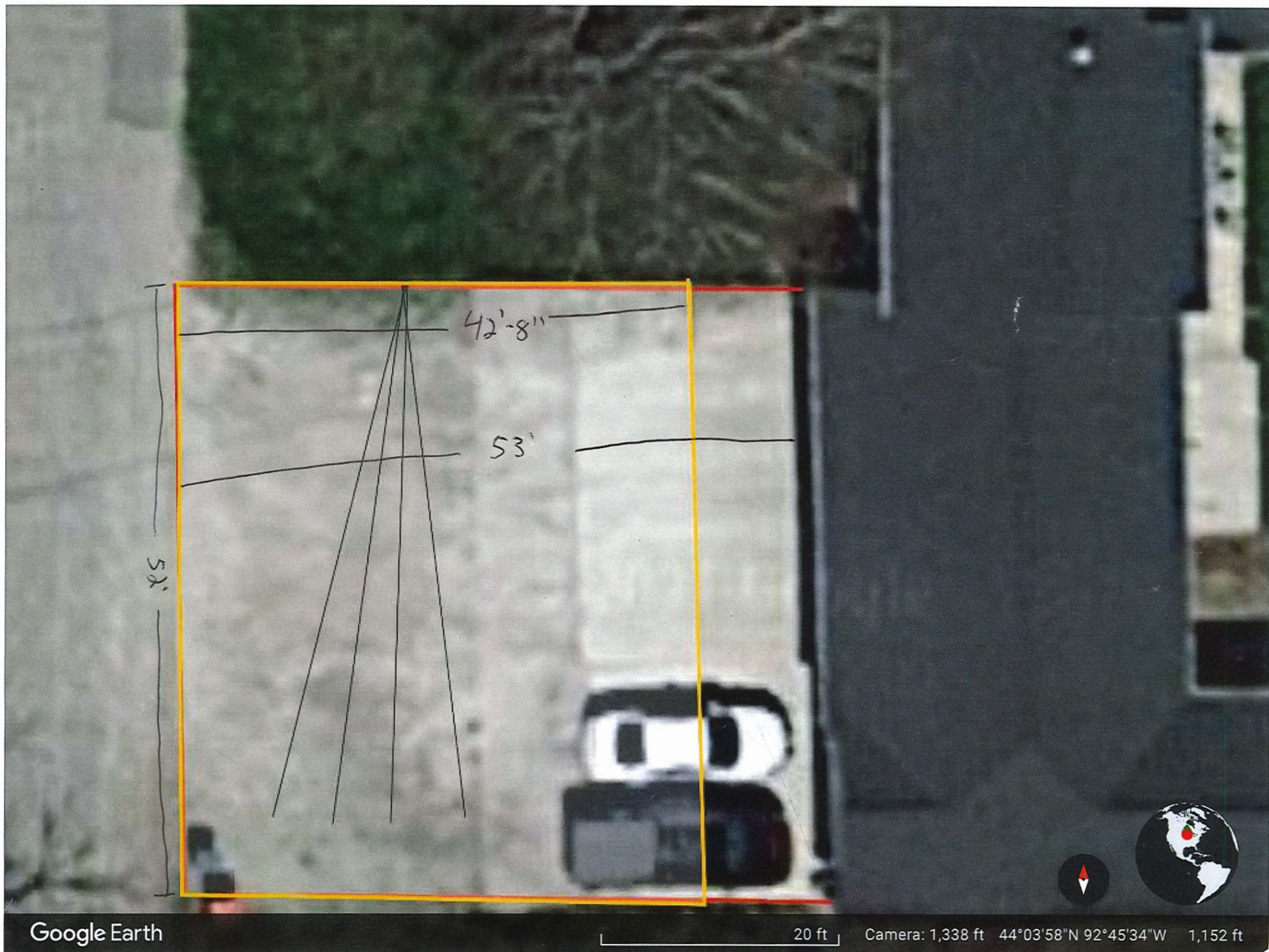
14'

18'

9'

54'

9'





*Trail to the Past. Road to the Future.*

July 29, 2021

Dear Property Owner:

You are receiving this notice because your property is within the required public notice area for notification of a request for Variance. Matt Wohlenhaus, property owner at 219 5<sup>th</sup> Street West, is requesting to install a concrete driveway on his property that is 52 feet wide, which is 22 feet wider than allowed by ordinance. Mantorville City Code requires a Variance process for permission to install a driveway access wider than 30 feet.

A Public Hearing to discuss this Variance will be held by the City Council at their Regular City Council meeting on Monday, August 9, 2021. You are welcome to attend and provide comment in regards to this Variance during the Public Hearing. If you are unable to attend the Public Hearing but would like to provide comment, you may email City Clerk-Treasurer Shirley Buecksler at [shirley@mantorville.com](mailto:shirley@mantorville.com).

If you have any questions, please feel free to contact me at [shirley@mantorville.com](mailto:shirley@mantorville.com) or 507.635.5116.

Sincerely,

Shirley R Buecksler  
City Clerk-Treasurer

.....  
PUBLIC HEARING NOTICE

Notice is hereby given that the Mantorville City Council will hold a Public Hearing on Monday, August 9, 2021 starting at 6:30 pm, or as soon as reasonably practical thereafter, in the City Council Chambers to consider the following zoning request:

An application for a variance from Section 150.086 of the Mantorville City Code to allow for the construction of a 52 foot wide access drive.

The applicant is Matt Wohlenhaus and the property address is 219 5<sup>th</sup> Street West, Mantorville, Minnesota.

All interested persons should attend. If unable to attend, written comments may be submitted to the City Council prior to the Public Hearing via email to the City Clerk-Treasurer at [shirley@mantorville.com](mailto:shirley@mantorville.com) or submitted to the City by mailing or dropping off at City Hall, 21 5<sup>th</sup> Street East, Mantorville, MN 55955. All written comments will be presented to the City Council.

Shirley R Buecksler  
City Clerk-Treasurer

**CITY OF MANTORVILLE**

21 5th Street E • P.O. Box 188 | Mantorville, MN 55955 | p: 507.635.5170

email: [cityofmant@kmtel.com](mailto:cityofmant@kmtel.com) | [www.mantorville.com](http://www.mantorville.com)

*On the National Register of Historical Places Est. 1854*

## PUBLIC HEARING NOTICE

Notice is hereby given that the Mantorville City Council will hold a Public Hearing on Monday, August 9, 2021 starting at 6:30 pm, or as soon as reasonably practical thereafter, in the City Council Chambers to consider the following zoning request:

An application for a variance from Section 150.086 of the Mantorville City Code to allow for the construction of a 52 foot wide access drive.

The applicant is Matt Wohlenhaus and the property address is 219 5<sup>th</sup> Street West, Mantorville, Minnesota.

All interested persons should attend. If unable to attend, written comments may be submitted to the City Council prior to the Public Hearing via email to the City Clerk-Treasurer at [shirley@mantorville.com](mailto:shirley@mantorville.com) or submitted to the City by mailing or dropping off at City Hall, 21 5<sup>th</sup> Street East, Mantorville, MN 55955. All written comments will be presented to the City Council.

Shirley R Buecksler  
City Clerk-Treasurer

**CITY OF MANTORVILLE  
DODGE COUNTY, MINNESOTA**

**RESOLUTION 2021-16**

**A RESOLUTION GRANTING A VARIANCE FOR CERTAIN  
REAL PROPERTY LOCATED AT 219 5<sup>TH</sup> STREET WEST**

**WHEREAS**, Matt Wohlenhaus (the “Applicant”) is fee owner of certain real property located in Mantorville, Minnesota and legally described as:

The West 112 feet of Lot 5 and the North 63 feet of the West 112 feet of Lot 4, all in Block 2, Mantors Addition, Dodge County, Minnesota

(the “Property”); and

**WHEREAS**, the Applicant has made application to the City for a variance to allow a driveway curb cut that is 52 feet wide, which is greater than what is otherwise allowed for width pursuant to Mantorville City Code, section 150.086(C)(1); and

**WHEREAS**, the Applicant seeks said variance to allow him to construct a driveway to provide adequate vehicular access to the three-car garage located on the Property in lieu of the gravel/grass that currently exists between the street and the garage; and

**WHEREAS**, the Mantorville City Council held a public hearing for the requested variance on August 9, 2021, at which time it heard from those wishing to speak on the variance and reviewed any written testimony or information provided to the City regarding this matter; and

**WHEREAS**, the City Council hereby finds and determines the following:

- (a) The requested variance is in harmony with the purposes and intent of the City’s zoning regulations and is consistent with the comprehensive plan because such variance will allow for the existing residential structure, which conforms with the aforementioned official controls, to have an adequate and improved vehicular access from the street to the three-car garage;
- (b) The Applicant has proven to satisfy the “practical difficulties” standard, which is set forth in Minnesota Statutes Section 462.357, subdivision 6, paragraph (2), as said Applicant proposes to use the property in a reasonable manner not otherwise permitted by the zoning ordinance; the plight of the Applicant is due to circumstances unique to the property not created by it as the three-car garage was located on the Property when the Applicant purchased the home; and the variance requested will not alter the essential character of the locality.

**NOW THEREFORE BE IT RESOLVED**, that the above findings are made part of this resolution and the City Council hereby approves and issues the variance for the Property to allow for a driveway curb cut which shall not exceed 52', subject to all of the following conditions:

1. The variance shall be rendered null and void if the new driveway is not constructed within one year of the date of this resolution.
2. The Applicant and the Property shall remain in compliance with all applicable federal, state and local laws, rules, and ordinances.
3. All conditions of this approval must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
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.
5. This resolution is subject to the condition that all representations, written and oral, made by the Applicant and its agents and representatives to the City contained in and concerning the Applicant's application for the variance must have been true, complete, and accurate at the time they were made, and that they remain true and accurate for the duration of the variance.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Clerk-Treasurer is hereby authorized and directed, *only upon the satisfaction of the above conditions*, to record a certified copy of this resolution with the Office of the County Recorder, Dodge County, Minnesota.

Adopted by the City Council of the City of Mantorville, Minnesota, this 9<sup>th</sup> day of August 2021.

ATTEST:

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Chuck Bradford, Mayor

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Shirley R Buecksler, City Clerk-Treasurer

# Memorandum

**To:** Mayor and Council

**From:** Shirley Buecksler, City Clerk-Treasurer

**Date:** August 9, 2021

**Re:** Conditional Use Permit for Home Occupation/Firearms License at 801 Walnut St

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## **BACKGROUND**

Property owner Mark Lamphere has submitted an application for Conditional Use Permit (CUP) to allow a home occupation for Firearms License at 801 Walnut Street. Mr. Lamphere has conducted a business of transferring new and used firearms out of his home since 1974.

Staff was recently contacted by the State Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) to ensure compliance with all local zoning ordinances to operate a home-based business. Per the ATF, Mr. Lamphere holds a Type 01 FFL which allows him to engage in the business of dealing in firearms.

The City Attorney reviewed the zoning code and provisions related to “home businesses” and “home occupations.” Per Attorney Anderson, this individual does need a CUP for what clearly seems to be a “home occupation.” City Code, section 150.069(C)(1) expressly provides that “home occupations” are conditional uses in the R-1 district. The Code does have provisions about both “home occupations” and “home businesses,” and the definitions of the two have some overlap, although the main distinction seems to be that “home businesses” are “detectable from off of the premises and... usually characterized by activity not normally present within a residential parcel or neighborhood.” It is unknown to both the City Attorney and Staff what sort of activity this firearm business brings with it. However, even assuming that it is totally undetectable, it still meets the Code’s definition of “home occupation” in section 150.007 (“Any occupation, profession, or enterprise conducted in a dwelling unit by a member of the immediate family residing on the premises and carried out for gain.”). Based on this, if Mr. Lamphere operates a federally licensed firearm business out of his personal residence, then it seems quite clear that a CUP is required. The performance standards for such a CUP are outlined in City Code, section 150.087(B).

In speaking with the former City Clerk, it was understood that, although he used his home address on his original firearm dealer application, Staff understood from Mr. Lamphere at that time that he wasn’t doing business out of his home. Federal law, however, requires that the licensed dealer only operate and sell firearms out of its respective business address. Therefore, any past communication that City Staff may have had with Mr. Lamphere was likely based on the notion that he was not operating his business out of the home.

*August 5, 2021*

A Public Hearing must be held with citizens allowed to speak in regards to this item. A notice was published in the newspaper, and property owners within 350 feet of 801 Walnut Street were notified of tonight's Public Hearing. Owner Mark Lamphere will be in attendance.

Enclosed are the application materials submitted by the property owner. If Council approves of the Conditional Use Permit, the enclosed resolution has been prepared for Council's adoption.

**ACTION**

Based on discussion, motion to approve or deny the Conditional Use Permit and enclosed resolution.

**CITY OF MANTORVILLE  
CONDITIONAL USE PERMIT**

**Fee \$250**

- (A) Applicant's Name MARK LAMPHERE Phone \_\_\_\_\_
- (B) Address 801 WALNUT ST Email Address \_\_\_\_\_
- (C) Owner's Name (if different from Applicant) \_\_\_\_\_ Phone \_\_\_\_\_
- (D) Owner's Address \_\_\_\_\_ Email Address \_\_\_\_\_
- (E) Address of the Property 801 WALNUT ST
- (F) Tax Parcel ID Number(s) \_\_\_\_\_
- (G) Legal Description of the Property HOME 801 WALNUT ST
- (H) Present Zoning Classification of the Property \_\_\_\_\_
- (I) Existing Use of the Property FF / SALES & HOME
- (J) The Conditional Use Permit requested is a permitted Conditional Use as described in Section \_\_\_\_\_ of the City Code.
- (K) Explain the requested conditional use (give details of the type, size, purpose, and any other relevant information regarding the proposed use):

SALES OF GUNS SINCE 1974  
All sales take place in House

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of the Mantorville Zoning Ordinance and other applicable City ordinances. Submittal of the application, required information and fee does not guarantee the issuance of a conditional use permit. Additional information may be needed or conditions may exist that would prevent the actual granting of a conditional use permit.

I hereby certify with my signature that all data on my application form, and any additional sheets, plans and specifications are true and correct to the best of my knowledge.

Mark Lamphere  
Applicant Signature

7-19-21  
Date

\_\_\_\_\_  
Property Owner Signature (if different from Applicant)

\_\_\_\_\_  
Date

**PROCEDURES:** The procedure for applying for a conditional use permit are as follows:

1. The applicant shall file the completed application together with the required exhibits and pay an application fee as established by the City Council.
2. When the City Clerk determines the application to be complete the public hearing date will be set.
3. The City Clerk shall publish a notice of the Public Hearing at least once in the legal newspaper not less than ten (10) days and not more than thirty (30) days prior to the hearing.
4. The City Clerk shall give written notice to all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
5. The City Council shall take action to approve or deny the application within sixty (60) days of receiving a completed application. If the Council cannot take action to approve or deny the application within these sixty (60) days, the Council may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant in writing.
6. No application for a conditional use permit shall be considered by the City Council within a one (1) year period following a denial of such request, except that the City Clerk may permit a new application to be filed if new evidence or a change in circumstances warrant it.

**REQUIRED EXHIBITS FOR CONDITIONAL USE PERMITS**

The following exhibits shall be required:

- |                                                                     |                                                                                                                                                  |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 1. A completed application form                                                                                                                  |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 2. An accurate boundary description of the property, in some cases a survey of the property by a licensed surveyor will be required              |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 3. Evidence of ownership or enforceable option on the property                                                                                   |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 4. A development plan of the property showing the existing or proposed buildings, streets, access roads, driveways, parking spaces, and/or signs |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 5. Landscaping and screening plans                                                                                                               |

**NOTE: SUBMITTAL OF THE REQUIRED INFORMATION DOES NOT GUARANTEE THE GRANTING OF CONDITIONAL USE PERMIT. ADDITIONAL INFORMATION MAY BE NEEDED OR CONDITIONS MAY EXIST THAT WOULD PREVENT THE ACTUAL GRANTING OF A CONDITIONAL USE PERMIT.**

**FOR OFFICE USE ONLY**

Date Submitted 07.19.2021 Date Accepted 07.22.21 Fee Paid \$250.00

Public Hearing Date: 08.09.21

(Circle one) Approved Denied by the City Council on \_\_\_\_\_.

If approved, the following conditions were prescribed:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

If denied, denial was for the following reason(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NUMBER

# Abstract of Title

*To the following described Real Estate situated in*

*Dodge County, Minnesota, to wit:*

Lot Nine (9) -

Block Two (2) -

Christenson's Rolling Hills Addition

City of Mantorville, Minnesota.



*Trail to the Past. Road to the Future.*

July 29, 2021

Dear Property Owner:

You are receiving this notice because your property is within the required public notice area for notification of a request for a Conditional Use Permit. Mark Lamphere, property owner at 801 Walnut Street, is requesting a Conditional Use Permit to continue his home based business of selling firearms, a business he has had at this location since 1974. The current Mantorville City Code requires a Conditional Use Permit process for home based businesses.

A Public Hearing to discuss this Conditional Use Permit will be held by the City Council at their Regular City Council meeting on Monday, August 9, 2021. You are welcome to attend and provide comment in regards to this Conditional Use Permit during the Public Hearing. If you are unable to attend the Public Hearing but would like to provide comment, you may email City Clerk-Treasurer Shirley Buecksler at [shirley@mantorville.com](mailto:shirley@mantorville.com).

If you have any questions, please feel free to contact me at [shirley@mantorville.com](mailto:shirley@mantorville.com) or 507.635.5116.

Sincerely,

Shirley R Buecksler  
City Clerk-Treasurer

.....  
**PUBLIC HEARING NOTICE**

Notice is hereby given that the Mantorville City Council will hold a Public Hearing on Monday, August 9, 2021 starting at 6:30 pm, or as soon as reasonably practical thereafter, in the City Council Chambers to consider the following zoning request:

An application for Conditional Use Permit to allow a business related to the sale of firearms at 801 Walnut Street

The applicant is Mark Lamphere and the property address is 801 Walnut Street, Mantorville, Minnesota. All interested persons should attend. If unable to attend, written comments may be submitted to the City Council prior to the Public Hearing via email to the City Clerk-Treasurer at [shirley@mantorville.com](mailto:shirley@mantorville.com) or submitted to the City by mailing or dropping off at City Hall, 21 5<sup>th</sup> Street East, Mantorville, MN 55955. All written comments will be presented to the City Council.

Shirley R Buecksler  
City Clerk-Treasurer

**CITY OF MANTORVILLE**

21 5th Street E • P.O. Box 188 | Mantorville, MN 55955 | p: 507.635.5170

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*On the National Register of Historical Places Est. 1854*

## PUBLIC HEARING NOTICE

Notice is hereby given that the Mantorville City Council will hold a Public Hearing on Monday, August 9, 2021 starting at 6:30 pm, or as soon as reasonably practical thereafter, in the City Council Chambers to consider the following zoning request:

An application for Conditional Use Permit to allow a business related to the sale of firearms at 801 Walnut Street

The applicant is Mark Lamphere and the property address is 801 Walnut Street, Mantorville, Minnesota.

All interested persons should attend. If unable to attend, written comments may be submitted to the City Council prior to the Public Hearing via email to the City Clerk-Treasurer at [shirley@mantorville.com](mailto:shirley@mantorville.com) or submitted to the City by mailing or dropping off at City Hall, 21 5<sup>th</sup> Street East, Mantorville, MN 55955. All written comments will be presented to the City Council.

Shirley R Buecksler  
City Clerk-Treasurer

**CITY OF MANTORVILLE  
DODGE COUNTY, MINNESOTA**

**RESOLUTION 2021-17**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO  
OPERATE A HOME OCCUPATION AT 801 WALNUT STREET**

**WHEREAS**, Mark S. Lamphere (the “Applicant”) is the fee owner of the property located at: 801 Walnut Street, Mantorville, Minnesota, legally described as:

Lot 9, Block 2, Christenson’s Rolling Hills Addition, Dodge County, Minnesota

(the “Property”); and

**WHEREAS**, the Property is located in the City of Mantorville’s (the “City”) R-1 Zoning District; and

**WHEREAS**, the Applicant is seeking approval from the City for a home occupation to conduct his federally licensed firearm dealer business on the Property; and

**WHEREAS**, pursuant to Section 150.069(C)(1) of the City Code, home occupations are conditional uses in the R-1 Zoning District, and Section 150.087 of the City Code sets forth conditional use permit requirements for home occupations; and

**WHEREAS**, the Applicant has submitted an application for a conditional use permit to the City (“CUP”) to conduct this home occupation on the Property; and

**WHEREAS**, the City Council held a public hearing as required for the CUP on August 9, 2021, at which time it heard from those wishing to speak on the CUP and reviewed any written testimony or information provided to the City regarding this matter; and

**WHEREAS**, the City Council hereby finds and determines the following:

- (a) The Property is currently zoned R-1; and
- (b) Home occupations are conditionally allowed in the R-1 Zoning District and require a conditional use permit; and
- (c) The CUP application is consistent with the performance standards for home occupations set forth in Section 150.087 of the City Code; and
- (d) The use will not create an excessive burden on existing parks, schools, streets, or other public facilities which serve or are proposed to serve the area because there will be no employees requiring additional parking; and

- (e) The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land; and
- (f) Since there are no changes being made to the outside of the home for the occupation, its appearance will not have an adverse effect on adjacent residential properties; and
- (g) The use, in the opinion of the City, is reasonably related to the overall needs of the City and to the existing land use; and
- (h) The use is consistent with the purpose of the City's zoning regulations and the purposes of the R-1 Zoning District because home occupations are conditional uses in said district. The purpose of a CUP is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions; and
- (i) The use is not in conflict with the comprehensive plan because the comprehensive plan does not limit future land use for this parcel that would be inconsistent with the one that is being proposed; and
- (j) The use will not cause traffic hazards or congestion because daily traffic from the Property will be limited to occasional trips by customers at various times, not all at once; and
- (k) The traffic generated by the use can be safely accommodated on existing roads. There will not be any upgrades or improvements needed to existing roads in order to handle the additional traffic generated by the use; and
- (l) There will be no offensive odors, fumes, dust, noise, vibration, or lighting emanating from the Property that would otherwise disturb the use of neighboring properties; and
- (m) Adequate utilities, parking, drainage and other necessary facilities are available for the use on the Property; and
- (n) The properties surrounding the Property are completely developed so the use will not impede the normal and orderly development or improvement of the surrounding properties; and
- (o) The use will not be injurious to the use and enjoyment of other properties in the neighborhood and will not significantly diminish or impair the values of the other properties because there are no changes being made to the Property as it currently exists and there will be minimal traffic associated with the use; and
- (p) The use will not disrupt the character of the neighborhood because it is a home occupation that is limited in size and there will be minimal traffic.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby approves the CUP in order to allow the Applicant to conduct a home occupation as described herein on the Property, and the Applicant shall comply with all of the following conditions in conducting said home occupation:

1. The home occupation shall be conducted entirely within the home by resident occupants only. No outside employees shall be permitted.
2. The home occupation shall not require more than 1/4 of the area of any floor in the residence located in the dwelling on the Property.
3. The home occupation shall not require any structural alterations or constructions involving features not customarily found in dwellings.
4. The home occupation shall be consistent with and shall not detract from the residential character of the district in which the Property is located.
5. There shall be no outside storage of materials or equipment or display of merchandise related to the use.
6. The Applicant must obtain and maintain all licenses and permits that may be necessary to conduct the home occupation on the Property.
7. The Applicant's operations on the Property must be in compliance with all applicable state, federal and local regulations.
8. The City may inspect the Property at all reasonable times for purposes of ensuring compliance with the conditions of this CUP.
9. The Applicant shall correct a violation of any of these conditions immediately, but in no case, more than 15 days of receipt of written notice from the City.
10. The conditions of this CUP shall run with the Property and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership of the Property and all reference to the Applicant herein shall include their heirs, successors, and assigns.
11. There must not be any offensive odors, fumes, dust, noise, vibration, or lighting emanating from the Property that would otherwise disturb the use of neighboring properties.
12. This CUP shall be rendered null and void if the Applicant fails to commence operations of the home occupation described herein on the Property within one year from the date of this Resolution.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Clerk-Treasurer is hereby authorized and directed to record a certified copy of this resolution with the Office of the County Recorder, Dodge County, Minnesota 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.

Adopted by the City Council of the City of Mantorville, Minnesota, this 9<sup>th</sup> day of August 2021.

ATTEST:

---

Chuck Bradford, Mayor

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Shirley R Buecksler, City Clerk-Treasurer

# Memorandum

**To:** Mayor and Council  
**From:** Shirley Buecksler, City Clerk-Treasurer  
**Date:** August 9, 2021  
**Re:** 302 West Street

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## **BACKGROUND**

City Engineer Tim Hruska will be attending tonight's meeting to discuss with Council the culvert and ditch at 302 West Street.

## **ACTION**

Based on discussion.

# Memorandum

**To:** Mayor and Council

**From:** Shirley Buecksler, City Clerk-Treasurer

**Date:** August 9, 2021

**Re:** Tabled Item: Code Enforcement at 720 County Road 12 – Storage Container

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## **BACKGROUND**

At their July 26, 2021 meeting, Council discussed the storage container located on the property at 720 County Road 12. Council tabled this item awaiting any communication from the owner.

Staff has been in communication with the owners and they are progressing on moving forward with an application for variance. A Public Hearing has been planned for August 23, 2021 to discuss this application.

## **ACTION**

Staff is providing this information as an update for Council. No action is necessary at this time.