

**City of Mantorville
City Council Minutes
August 23, 2021**

Councilmember Jeffrey Ingalls was sworn in on July 26, 2021; however, the last line, “So help me God” was missing from the Oath at that time. It was requested that the Oath include this statement and that the Swearing In Ceremony be conducted again. Councilmember Jeffrey Ingalls was sworn in by City Clerk Buecksler prior to the start of tonight’s meeting.

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,
Kent Keller, and Bill Kinney

Absent: None

Others Present: City Clerk-Treasurer Shirley Buecksler
Public Works Lead Joe Adams
Mike Bubanny, David Drown Associates
Assistant City Clerk Shelly Jensen-Germundson

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Adopt the Agenda

City Clerk Buecksler requested that the following item be added to the agenda:

Item 4(a): Resolution 2021-21 Accepting Donations to the City

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

Vote: 5 ayes / 0 nays. Motion carried.

4. Proclamations, Presentations and Recognitions

A. Donations to the City

City Council thanked Mayor Chuck Bradford for graciously donating two United States Flags to the City, at a value of approximately \$30.00. One flag was placed at Riverside Park and the other flag was placed outside of City Hall.

Motion was made by Councilmember Hoaglund and seconded by Councilmember Keller to adopt Resolution No. 2021-21 Accepting Donations to the City.

Vote: 4 ayes / 0 nays – Mayor Bradford abstained. Motion carried.

5. Consent Agenda

- A. City Council Meeting Minutes of August 9, 2021
- B. Warrant List for August 9, 2021 in the Amount of \$36,355.91
- C. Resolution No. 2021-19 Approving an Application to Conduct Off-Site Gambling for Mantorville Restoration Association, Located at Riverside Park, Mantorville, Minnesota, on September 12, 2021

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

Vote: 5 ayes / 0 nays. Motion carried.

6. Public Concerns

The following citizens addressed the Council:

- Karen Steele, 321 Clay Street
Sod that was added when the new street went in is now dead. They had watered it and the City waived part of their watering cost. What can be done?
 - Mayor Bradford said we can reach out to the company who installed the sod and ask but, with drought conditions, he would be interested in their response.
 - Councilmember Keller asked if anyone else has complained? Joe Adams said the sod was put in in 2019. He hasn't received any other complaints. With this year's drought, however, the park looks bad, also.
 - Mayor Bradford said we can reach out and get back to you. We will look at what our options may be. The City Clerk will get back to you.

7. Public Hearings

- A. Application from Mark and Ann Torkelson for a Variance from Section 150.025 of the Mantorville City Code to Allow the Construction of an Accessory Structure on a Lot Without a Principal Structure

Applicant Ann Torkelson was in attendance to answer any questions from Council.

Mayor Bradford opened the Public Hearing at 6:36 p.m.

Daniel Trapp, 10 Zumbro Ridge Drive, commented on the number of variances issued to one property. He said the original resolution for variance (Resolution No. 2014-21) states that the property owner knew that variance was allowing them their one and only building allowed. He asked if the floodplain has changed. He said that the resolution (Resolution No. 2016-04) mentioned about care and maintenance of the berm and that they have not done anything with it. He referred to City Code Section 150.027 Bufferyards and Screenings which states: bufferyards, when required, shall include plantings and the remaining shall be planted in grass and be maintained and kept free of debris. The reason I bring this up is they have shown a strong history of not following the ordinances. They have not followed the rules. They have chosen to defy

them and find reasons not to comply. When are we going to stop giving variances to one particular property? If you give them a variance tonight, you can certainly add more things into that variance, but it is terribly disheartening to have people constantly coming and getting more and tweaking the rules, simply for themselves. When does the neighborhood become the most important thing? One of the things it says in 150.028 is a good neighborly policy. What is a good neighborly policy? It was in the floodplain 5 or 6 years ago, and that property is still in the floodplain. In their letter at that time, the Torkelson's stated it was their one and only building, but now they need another building.

Councilmember Ingalls asked about the primary property. Is that property considered separate from the variance sought for tonight? City Clerk Buecksler said yes, they are separate parcels.

Daniel Trapp asked when that property was split and said it still goes back to the fact that it is floodplain. They were given that large building and it was going to be their one and only building. The only reason they got that big building was because it was going to be their one and only building. In their letter, they said they couldn't put it anywhere else because that other property was floodplain. Why is it not floodplain today?

Councilmember Ingalls said he is wondering if it is considered two separate properties? Daniel Trapp said it doesn't matter if it's two separate properties. He said they split it after the fact.

City Clerk Buecksler corrected and said on October 13, 2014, the City Council adopted Resolution No. 2014-20 for a Metes & Bounds split, followed by Resolution No. 2014-21 Granting a Variance on October 13, 2014. Even though there is one accessory structure with their home, that is on Parcel A. Parcel B is what we are talking about tonight, which has nothing else on it but currently a storage container which the City has been trying to get the property owner to remove.

Applicant Ann Torkelson said the Metes & Bounds (Resolution No. 2014-20) was required by the City for us to do the Metes & Bounds split – we didn't come and ask for that. We were told at that time in October 2014 when we applied for the variance that it was necessary. I don't recall the details why but we were asked to do that. So we split into what is now Parcel A and Parcel B into two parcels at the request of the City. It was approximately divided, along what I would say I didn't use the property term, as floodplain. It was probably not the accurate term because it includes fringe, floodplain, and a little bit that is not in either of those. Where we are talking about here is right along the edge of the flood fringe. Ordinances of the City do allow for use of a building or to have an accessory structure within the flood fringe. For reference, the ordinance is Section 150.050 Flood Fringe Use. We are asking for a variance to put up a small structure within the accessory structure ordinance along the flood fringe. It would replace the storage container, and the purpose of this accessory structure is for

agricultural use, which is what that parcel is used for, as well as the front parcel. It is hayed.

Daniel Trapp said but it is R-1 property, all of it.

Councilmember Ingalls asked if we know why the property owners were requested to split the parcels. City Clerk Buecksler did not have that information at hand. Mayor Bradford said he thinks it had something to do with the flood fringe and flood plain and separating out buildable lot, but he cannot recall the exact reason.

Councilmember Ingalls said the reason it is relevant is if you were asked to do the first change. If it was one lot, would you need a variance for this accessory structure? Mayor Bradford said the ordinance only allows for one accessory structure.

Daniel Trapp said the building is 60 feet by 80 feet, 28 feet high, which is 12 feet higher than a normal accessory structure.

Councilmember Hoaglund asked the Applicant why they need the second accessory building? Ann Torkelson said when they first purchased the property, it was farmed and they thought they might rent it out. But that is not what we ended up doing and we are haying it. Storage of hay in our other structure is not ideal, as it will attract mice, it will attract things you don't want to have in with your other equipment, so the intent is to have it for agricultural purposes and anything related to seeds, chemicals, equipment, etc.

Mayor Bradford asked what are you using the hay for? Ann Torkelson said we are selling it.

Councilmember Keller said the classification of this property is R-1. The statement on the application refers to the use of the property as agriculture. Certainly, agriculture is carried out in several areas within the city that are classified as R-1, so I don't see a problem with that aspect.

Daniel Trapp asked where is a plan for the size of this proposed building? Ann Torkelson said she provided an image of a concept. We do not have architectural drawings at this time. We were asked if we could move quickly to bring this forward to a Public Hearing, so we have not had those drawn out by a third party.

Daniel Trapp commented that this was the trouble that created all of the first problems. When they came here the first time for their building, they had no site plan, they had no building plan, they had no idea about how much dirt they were going to move around for their berm. The Council basically gave them a site unseen do what you want permit and it has been nothing but trouble since. Why would the City want to jump back into that same problem? He said if they're going to store hay, it's going to have to be a rather large building.

Ann Torkelson said the structure will be less than 1,400 square feet. We would apply for a building permit and follow all regulations. Daniel Trapp said you're not going to store much hay in a 1,400 square foot footprint.

Councilmember Ingalls said the variance tonight is a request to build an accessory structure without a primary structure. Ann Torkelson said, yes.

Daniel Trapp asked what happened to the variance to get the large building? We are just going to do away with it? Ann Torkelson said the resolution previously passed (Resolution No. 2016-04) was specific to the 6 to 7 acre parcel that our home sits on.

Councilmember Keller asked if the accessory structure is to replace the storage unit? Ann Torkelson said yes, and we are asking to keep it until a specified date.

Daniel Trapp asked if we can ask about the berm tonight? Councilmember Keller said no. Mayor Bradford added that there are two ways to look at it. Any variance should be considered on its own. On the flip side, it is also important for the City Council to look at history. Revisiting a previous variance would be out of scope. Council will take your comments into consideration for this new variance.

Councilmember Keller said, based on your concerns, it would be reasonable for us to ask for plans. Councilmember Hoaglund agreed that we need a site plan.

Ann Torkelson said the application submitted does show the location, style and dimensions need to be within the 1,400 square feet. She asked what is required for the plans and what would be helpful to Council?

Mayor Bradford said we want projection lines from the current structures, distance between other structures, and elevation.

Councilmember Ingalls asked what the distance is from the parcel property line or the distance to the other structures? Ann Torkelson said the distanced to the property line is 75 feet and twice that to our home. It is over 1,000 feet to County Road 12. The back side is 26 feet to the property line.

Ann Torkelson said the building would not be in line of site for Mr. Trapp. The proximity is only to our home.

Councilmember Keller said my question was the distance to the buildings. Both of you have confirmed that it is a long way away and is irrelevant. I appreciate your distances in this discussion. My thought was if it distracts from the neighborhood, but it does not.

Ann Torkelson said there are two other properties within visibility that have an accessory structure without a primary structure.

Councilmember Keller said I propose, given the history, that we ask you to provide more detailed plans. You don't need to spend a fortune on these plans, but the reason for more detail is the history.

Motion was made by Councilmember Hoaglund and seconded by Councilmember Kinney to close the Public Hearing.

Vote: 5 ayes / 0 nays. Motion carried.

Mayor Bradford closed the Public Hearing at 7:10 p.m.

Mayor Bradford said we would like detailed drawings to include elevation, distance to the house, and a building plan. If adjacent properties are too far out on a scaled drawing, he said the Applicant can draw an arrow with distance included.

Ann Torkelson said we can also do a bird's eye view. She asked if Council could approve this variance "upon receipt of these items."

Mayor Bradford said it would be appropriate for Council to leave this item on the table until we receive the requested information.

8. Old Business/New Business

- A. General Obligation Equipment Certificate and Utility Revenue Note, Series 2021A, Resolution No. 2021-20 – Mike Bubanny, David Drown Associates, Inc.

Mike Bubanny of David Drown Associates presented the General Obligation Equipment Certificate and Utility Revenue Note, 2021A, and answered questions from Council.

Motion was made by Councilmember Hoaglund and seconded by Councilmember Ingalls to approve moving forward with and adopting Resolution No. 2021-20, of which will not be signed at this time but for the closing scheduled for September 13, 2021, A Resolution Providing for the Issuance and Sale of a \$250,000 General Obligation Equipment and Utility Revenue Note, Series 2021A, Pledging for the Security Thereof Net Revenues, and Levying a Tax for the Payment Thereof.

Vote: 5 ayes / 0 nays. Motion carried.

9. Reports

- A. Public Works Report

Joe Adams requested \$2,200 for striping downtown and to move forward with this project.

Motion was made by Councilmember Kinney and seconded by Councilmember Ingalls to approve striping downtown at an estimated cost of \$2,200.

Vote: 5 ayes / 0 nays. Motion carried.

Joe Adams said the Minnesota Department of Health found a couple of issues with the well house. To bring it up to code, work will need to be performed by Hawkins, Inc. at a cost of \$1,622.

Motion was made by Councilmember Kinney and seconded by Councilmember Ingalls to approve work performed by Hawkins, Inc. on the well house at an estimated cost of \$1,622.

Vote: 5 ayes / 0 nays. Motion carried.

B. City Clerk Report
No report.

C. Consultant Report
No report.

D. Committee Reports

- 1) Chamber – Councilmember Hoaglund said the Chamber sponsored the Cemetery Walk. It was a good event, including press coverage.
- 2) Economic Development Authority
- 3) Finance/Budget
- 4) Fire Department
- 5) Infrastructure
- 6) Kasson Mantorville Joint Powers
- 7) Mantorville Restoration Association
- 8) Park and Recreation Board
- 9) Personnel
- 10) Relief
- 11) Township

E. Councilmember Reports

Councilmember Keller said there was an article in the Dodge County Independent on Wednesday regarding the Highway 57 project in Kasson. They are looking to remove the stoplight at Highway 57 and Main Street and install a roundabout. The same at Highway 57 and County Road 34. In his opinion, Councilmember Keller said they should leave the stoplights at Main Street, which can be synced with the railroad crossing. There are more details in the article. Councilmember Keller asked Council to think about whether Mantorville should officially state an opinion on that project. He said he has tried since April to talk with them about it.

Councilmember Ingalls added that roundabouts are not pedestrian friendly. Councilmember Keller said the same is true for cyclists.

Councilmember Keller said a great location for a roundabout would be at the high school.

Councilmember Hoaglund said he is surprised that the City of Kasson hasn't opposed to it.

F. Mayor's Report

Mayor Bradford said he will be making a proclamation for Mr. Melcher who has completed his Eagle project. It will be presented at the September 13, 2021 City Council meeting.

10. Tabled Items

- a) Code Enforcement Regarding Storage Container at 720 County Road 12 (tabled 07.26.2021)
- b) Application from Mark and Ann Torkelson for a Variance from Section 150.025 of the Mantorville City Code to Allow the Construction of an Accessory Structure on a Lot without a Principal Structure (tabled 08.23.2021)

11. Executive Session

There was no Executive Session.

12. Adjourn

Motion was made by Councilmember Keller and seconded by Councilmember Ingalls to adjourn the meeting at 7:39 p.m.

Vote: 5 ayes / 0 nays. Meeting adjourned.

Respectfully Submitted,



Shirley R. Buecksler
City Clerk-Treasurer