MANTORVILLE
MINNESOTA

Trail to the Past. Road to the Future.

CITY COUNCIL MEETING AGENDA
MONDAY, AUGUST 23, 2021
6:30 PM

1. Call to Order

2. Pledge of Allegiance

3. Adopt the Agenda

4. Proclamations, Presentations and Recognitions

5. Consent Agenda
- a) City Council Meeting Minutes of August 9, 2021
- b) Warrant List for August 23, 2021 in the Amount of $36,355.91
- c) Gambling Permit for Marigold Days – Duck Race, Mantorville Restoration Association, Resolution No. 2021-19

6. Public Concerns

7. Public Hearing(s)
- 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

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.

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

City of Mantorville
City Council Minutes
August 9, 2021

1. **Call to Order**
Mayor Bradford called the meeting to order at 6:30 p.m.

Present:	Mayor Chuck Bradford Councilmembers Lyle Hoaglund, Jeffrey Ingalls, and Bill Kinney
Absent:	Councilmember Kent Keller (excused absence)
Others Present:	City Clerk-Treasurer Shirley Buecksler Public Works Joe Adams Fire Chief JJ Williams Assistant Fire Chief Steve Fairchild New Firefighter Tristan Fairchild City Engineer Tim Hruska Assistant City Clerk Shelly Jensen-Germundson

2. **Pledge of Allegiance**
The Pledge of Allegiance was recited.

3. **Adopt the Agenda**
City Clerk Buecksler recommended the addition of these items to the agenda:

Item 4(b): Resolution 2021-18 Accepting Donations to the City
Item 8(b): 2021 Street Improvements – Bid Results
Item 8(c): Authorization to Apply to Minnesota Rural Water Association for Funding of the 2021 Street Improvements Project and Snow Plow Purchase

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

Vote: 4 ayes / 0 nays. Motion carried.

4. **Proclamations, Presentations and Recognitions**
A. Approval and Introduction of New Firefighter Tristan Fairchild

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

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

Vote: 4 ayes / 0 nays. Motion carried.

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

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

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

Vote: 4 ayes / 0 nays. Motion carried.

5. <u>Consent Agenda</u>

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

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

Vote: 5 ayes / 0 nays. Motion carried.

6. <u>Public Concerns</u>

The following citizens addressed the Council:

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

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

Motion was made by Councilmember Ingalls and seconded by Councilmember Kinney to credit homeowners Amy Fordham and Cassie Strauss-Fordham for the sewer portion of their utility bill for excess water usage since April 29, 2021 when they took over the utility bill from the builder.

Vote: 4 ayes / 0 nays.

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

7. <u>Public Hearings</u>

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

Applicant Matt Wohlenhaus was present to answer questions from Council.

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

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

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

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

Vote: 4 ayes / 0 nays. Motion carried.

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

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

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

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

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

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

Vote: 4 ayes / 0 nays. Motion carried.

8. <u>Old Business/New Business</u>

A. Culvert and Ditch at 302 West Street

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

> In 2019, the roadway deteriorated from the flood. When it was originally constructed along 3rd Street, it was constructed incorrectly. It is about two feet of pavement to the bottom of the ditch with a 2 to 1 slope. The contractor came out and fixed it to a 4 to 1 slope in 2020. It was steeper near the culvert. The property owner would like the ditch filled in. The original ditch was 3 to 6 inches. We didn't change the overall drainage pattern of the neighborhood. At that direction, the water was flowing on the edge of the pavement, down the road.
>
> We went back and looked at it again recently. The right-of-way is about 10 to 12 feet from the home. We could fill the ditch 18 inches and still have a 6 inch swale. Even with 6 inches, I am hesitant because that will fill in with sediment and sand. If we're putting in a culvert, it would be shallow for fill over top. Quotes are estimated to be $12,000 - $15,000.
>
> If Council wishes to move forward, I would caution you on the precedence you may be setting with others for similar ramifications or other areas that have steep ditches.

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

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

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

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

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

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

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

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

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

Mayor Bradford asked what if we modify and sculpt the approach to the ditch a bit so they have more of a 5 to 1 slope? Engineer Hruska said we can't do anything like that from the road to the bottom of the ditch, because that's only knee deep, so you're not going to be able to change anything in there.

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

Councilmember Hoaglund said a culvert would be a mistake.

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

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

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

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

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

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

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

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

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

B. 2021 Street Improvements – Bid Results

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

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

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

Vote: 4 ayes / 0 nays. Motion carried.

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

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

Vote: 4 ayes / 0 nays. Motion carried.

9. Reports

A. Public Works Report

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

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

B. City Clerk Report

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

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

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

C. Consultant Report
No report.

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

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

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

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

F. Mayor's Report

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

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

10. Tabled Items

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

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

11. Executive Session

There was no Executive Session.

12. Adjourn

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

Vote: 4 ayes / 0 nays. Meeting adjourned.

Respectfully Submitted,

Shirley R Buecksler
City Clerk-Treasurer

MANTORVILLE,MN

Payments

Current Period: August 2021

Payments Batch WAR 08 23 21 $36,355.91

Refer 0 _

Invoice
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total**

Refer 0 *ADOBE, INC* Ck# 005578 8/23/2021

Cash Payment	E 101-41110-433 Dues and Memberships	ACROBAT PRO DC - MONTHLY FEE - JUNE 2021	$16.10
Invoice 1428955657	8/23/2021		
Transaction Date 8/19/2021		Citizens State Bank 10100 **Total**	$16.10

Refer 0 *ADOBE, INC* Ck# 005579 8/23/2021

Cash Payment	E 101-41110-433 Dues and Memberships	ACROBAT PRO DC - MONTHLY FEE - JULY 2021	$16.10
Invoice 1448562639	8/23/2021		
Transaction Date 8/19/2021		Citizens State Bank 10100 **Total**	$16.10

Refer 0 *AFLAC* _

Cash Payment	G 101-21710 AFLAC	EMPLOYEE PAID SUPPLEMENTAL INSURANCE - JULY 2021	$124.96
Invoice 658594	8/23/2021		
Transaction Date 8/19/2021		Citizens State Bank 10100 **Total**	$124.96

Refer 0 *BOUND TREE MEDICAL, LLC* _

Cash Payment	E 101-42200-311 First Responder Train/Eq	FIRE DEPT / FIRST RESPONDERS - SPLINT KITS W/CASE, PUMP & GEL	$215.28
Invoice 8416-0839	8/23/2021		
Cash Payment	E 101-42200-311 First Responder Train/Eq	FIRE DEPT / FIRST RESPONDERS - EPINEPHRINE INJECTOR - 2PK	$559.99
Invoice 8416-6343	8/23/2021		
Transaction Date 8/19/2021		Citizens State Bank 10100 **Total**	$775.27

Refer 0 *BLUE CROSS BLUE SHIELD OF MI* Ck# 005580 8/23/2021

Cash Payment	G 101-21706 Hospitalization/Medical Ins	HEALTH INSURANCE PREMIUMS - SEPTEMBER 2021	$3,877.50
Invoice 210802155552	8/23/2021		
Transaction Date 8/19/2021		Citizens State Bank 10100 **Total**	$3,877.50

Refer 0 *CASEYS BUSINESS MASTERCARD* Ck# 005583 8/23/2021

Cash Payment	E 101-42200-212 Motor Fuels	MOTOR FUELS - FIRE DEPARTMENT	$72.32
Invoice JULY 2021	8/23/2021		
Cash Payment	E 101-41500-437 Other Miscellaneous	NATIONAL NIGHT OUT - ICE FOOD	$33.06
Invoice JULY 2021	8/23/2021		
Cash Payment	E 101-43100-212 Motor Fuels	MOTOR FUELS - BRAD'S TRUCK	$79.20
Invoice JULY 2021	8/23/2021		
Cash Payment	E 101-45200-212 Motor Fuels	FUEL FOR GAS CAN	$14.23
Invoice JULY 2021	8/23/2021		
Cash Payment	E 602-49450-212 Motor Fuels	MOTOR FUELS - JOE'S TRUCK	$296.32
Invoice JULY 2021	8/23/2021		
Transaction Date 8/19/2021		Citizens State Bank 10100 **Total**	$495.13

Refer 0 *CRESCENT LANDSCAPING SUPPL* _

MANTORVILLE,MN

Payments

Current Period: August 2021

Cash Payment	E 101-45200-401 Repairs/Maint Buildings	PARKS - 50 YDS CERTIFIED PLAYGROUND CHIPS DELIVERED 7/29		$950.00
Invoice 026085	8/23/2021			
Transaction Date	8/19/2021	Citizens State Bank 10100	**Total**	$950.00
Refer	0 *CMS - CONSTRUCTION MGMT.SE*	_		
Cash Payment	E 101-42400-300 Professional Srvs (GENE	BUILDING INSPECTIONS - JULY 2021		$2,028.95
Invoice JULY 2021	8/23/2021			
Transaction Date	8/19/2021	Citizens State Bank 10100	**Total**	$2,028.95
Refer	0 *CULLIGAN - DRIESSEN WATER, IN*	_		
Cash Payment	E 101-41940-200 Supplies	BOTTLED WATER - 1 - 5 GALLON BOTTLE		$15.90
Invoice 07312021	8/23/2021			
Transaction Date	8/19/2021	Citizens State Bank 10100	**Total**	$15.90
Refer	0 *DODGE COUNTY INDEPENDENT*	_		
Cash Payment	E 602-49450-437 Other Miscellaneous	PUBLIC WORKS JOB POSTING AD		$240.00
Invoice 12462/12512	8/23/2021			
Cash Payment	E 101-41110-352 Publishing	LEGAL NOTICE - PUBLIC HEARING - TORKELSON		$77.22
Invoice 12462/12512	8/23/2021			
Transaction Date	8/19/2021	Citizens State Bank 10100	**Total**	$317.22
Refer	0 *TEIGEN PAPER & SUPPLY*	_		
Cash Payment	E 101-45200-200 Supplies	RESTROOM SUPPLIES - MGD		$77.52
Invoice 96866	8/23/2021			
Transaction Date	8/19/2021	Citizens State Bank 10100	**Total**	$77.52
Refer	0 *EARLS SMALL ENGINE REPAIR*	_		
Cash Payment	E 101-45200-404 Repairs/Maint Machinery	WEED WHIP MAINTANANCE/REPAIRS		$24.91
Invoice 898162021	8/23/2021			
Cash Payment	E 101-45200-404 Repairs/Maint Machinery	VALVES & CARB ADJUSTED		$47.50
Invoice 898162021	8/23/2021			
Transaction Date	8/19/2021	Citizens State Bank 10100	**Total**	$72.41
Refer	0 *FIRE SAFETY USA, INC*	_		
Cash Payment	E 101-42200-240 Tools and Minor Equipm	FIRE DEPARTMENT		$97.50
Invoice 150369/379	8/23/2021			
Cash Payment	E 101-42200-240 Tools and Minor Equipm	FIRE DEPARTMENT		$375.00
Invoice 150369/379	8/23/2021			
Transaction Date	8/19/2021	Citizens State Bank 10100	**Total**	$472.50
Refer	0 *HILL, KAREN*	_		
Cash Payment	E 101-45200-410 Rentals	REFUND - CANCELLED EVENT IN PARK SHELTER		$30.00
Invoice PKSHLTR	8/23/2021			
Transaction Date	8/19/2021	Citizens State Bank 10100	**Total**	$30.00
Refer	0 *HAWKINS, INC*	_		
Cash Payment	E 601-49400-216 Chemicals and Chem Pr	WATER TREATMENT - CHEMICALS		$4,038.44
Invoice 4999649	8/23/2021			
Transaction Date	8/19/2021	Citizens State Bank 10100	**Total**	$4,038.44
Refer	0 *HY-VEE*	_		

MANTORVILLE,MN

Payments

Current Period: August 2021

Cash Payment E 101-41500-437 Other Miscellaneous FOOD FOR NATIONAL NIGHT OUT - 2021 $320.05
Invoice 8022021 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $320.05

Refer 0 *KASSON LASER GRAPHICS* _
Cash Payment E 101-41500-437 Other Miscellaneous COUNCIL MEMBER NAME PLATE - JEFFREY INGALLS $15.00
Invoice 9269 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $15.00

Refer 0 *KENNEDY & GRAVEN, CHARTERE* _
Cash Payment E 101-41600-304 Legal Fees LEGAL SERVICES - GENERAL/TELECOMMUNICATIONS/VARIANCE&LOT SPLIT/ENFORCEMENT ACTION $2,374.40
Invoice JULY 2021 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $2,374.40

Refer 0 *LINCOLN FINANCIAL GROUP* _
Cash Payment G 101-21711 Life Insurance Payable EMPLOYER PAID LIFE INSURANCE & SHORT TERM DISABILITY $98.92
Invoice SEPT 2021 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $98.92

Refer 0 *MB REPAIR* _
Cash Payment E 101-43100-228 Equip. Repair and Mainte BUCKET TRUCK REPAIRS - DOT INSPECTION $180.00
Invoice 7934 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $180.00

Refer 0 *MCFOA* Ck# 005581 8/23/2021
Cash Payment E 101-41500-208 Training, Mileage MCFOA CONFERENCE - BUECKSLER $275.00
Invoice JULY 2021 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $275.00

Refer 0 *LEAGUE OF MN CITIES INS TRUST* _
Cash Payment E 101-41940-362 Property Ins ADDITIONAL TRUCK INSURANCE $100.00
Invoice 080421 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $100.00

Refer 0 *MAXSON ELECTRIC* _
Cash Payment E 602-49450-380 Utility Services LABOR - CHANGED FLOAT AT GROVER RESIDENCE $170.00
Invoice 6811 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $170.00

Refer 0 *MN DEPARTMENT OF HEALTH* _
Cash Payment E 601-49400-441 MDH FEE QUARTER 3 - WATER SERVICE CONNECTION FEES $928.00
Invoice 3RDQTR 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $928.00

Refer 0 *MENARDS - NORTH ROCHESTER* _
Cash Payment E 101-43100-200 Supplies BATTERIES/UTILITY MAT/FLEXLOCK $149.85
Invoice 90202 8/23/2021
Transaction Date 8/19/2021 Citizens State Bank 10100 **Total** $149.85

Refer 0 *MN PERA* Ck# 005582 8/23/2021

MANTORVILLE,MN

Payments

Current Period: August 2021

Cash Payment	G 101-21704 PERA	RETIREMENT BENEFITS - EMPLOYEE/EMPLOYER PAID	$1,210.74
Invoice PR16	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$1,210.74
Refer	0 *NAPA*		
Cash Payment	E 101-45200-404 Repairs/Maint Machinery	TOGGLE SWITCH FOR GATOR & MOTOR OIL	$66.05
Invoice JULY 2021	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$66.05
Refer	0 *ON SITE COMPUTERS, INC*		
Cash Payment	E 101-41500-300 Professional Srvs (GENE	BACK UP & STORAGE	$71.00
Invoice CW74855	8/23/2021		
Cash Payment	E 601-49400-300 Professional Srvs (GENE	SECURITY SUBSCRIPTION LICENSE	$16.00
Invoice CW74887	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$87.00
Refer	0 *ON SITE SANITATION*		
Cash Payment	E 603-45183-410 Rentals	RENTAL- RV PARK RESTROOM	$79.00
Invoice 0001180144	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$79.00
Refer	0 *POMPS TIRE SVC INC*		
Cash Payment	E 101-45200-404 Repairs/Maint Machinery	TIRE REPAIR - LAWN MOWER	$26.50
Invoice 0230105500	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$26.50
Refer	0 *RIST, ALBERT*		
Cash Payment	E 603-45183-440 Refunds and Reimburse	RESERVATION REFUND - CANCELLED STAY	$75.00
Invoice RESREF	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$75.00
Refer	0 *SAMS CLUB*		
Cash Payment	E 101-41500-437 Other Miscellaneous	NATIONAL NIGHT OUT 2021 - FOOD & SUPPLIES	$198.87
Invoice NNO2021	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$198.87
Refer	0 *SL CONTRACTING, INC*		
Cash Payment	E 101-43100-570 Capital Outlay	ROAD REPAIRS - WALNUT STREET DUE TO WATER MAIN BREAK	$3,310.00
Invoice 11881	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$3,310.00
Refer	0 *TEAM LAB CHEMICAL CORP.*		
Cash Payment	E 101-43100-224 Street Maint Materials	STREET MAINTANANCE SUPPLIES - FINE ROAD PATCH	$770.50
Invoice INV0026744	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$770.50
Refer	0 *TRUGREEN*		
Cash Payment	E 101-45200-500 Capital Outlay	PROFESSIONAL SERVICE - RIVERSIDE PARK SPRAYED	$1,932.75
Invoice 142143712	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$1,932.75

MANTORVILLE,MN

Payments

Current Period: August 2021

Refer	0 *ULTIMATE SAFETY CONCEPTS, IN*	-	
Cash Payment	E 101-42200-228 Equip. Repair and Mainte	FIRE DEPARTMENT - SC CARBON CYL/VALVE	$989.00
Invoice 195616	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$989.00
Refer	0 *VERIZON WIRELESS*	-	
Cash Payment	E 101-42200-321 Communications Phone/	FIRE DEPARTMENT - DATA SERVICES JULY 2021	$54.64
Invoice 9884820595	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$54.64
Refer	0 *WARSAW SOLAR, LLC*	-	
Cash Payment	E 101-43160-381 Electric Utilities	SOLAR GENERATION - APRIL 2021	$3,562.75
Invoice 2105/7-6994D	8/23/2021		
Cash Payment	E 101-43160-381 Electric Utilities	SOLAR GENERATION - JUNE 2021	$5,998.89
Invoice 2105/7-6994D	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$9,561.64
Refer	0 *WEBER, BRIAN*	-	
Cash Payment	E 603-45183-440 Refunds and Reimburse	CANCELLATION REFUND - CAMPGROUND RESERVATION	$75.00
Invoice REFUND	8/23/2021		
Transaction Date	8/19/2021	Citizens State Bank 10100 **Total**	$75.00

Fund Summary

	10100 Citizens State Bank
101 GENERAL FUND	$30,438.15
601 WATER FUND	$4,982.44
602 SEWER FUND	$706.32
603 RV PARK	$229.00
	$36,355.91

Pre-Written Checks	$5,890.57
Checks to be Generated by the Computer	$30,465.34
Total	$36,355.91

MINNESOTA LAWFUL GAMBLING

LG230 Application to Conduct Off-Site Gambling

No Fee

ORGANIZATION INFORMATION

Organization Name: Mantorville Rest. Assoc License Number: 01982

Address: PO Box 311 City: Mantorville, MN Zip: 55955

Chief Executive Officer (CEO) Name: Jane Olive Daytime Phone: ____

Gambling Manager Name: Shari James Daytime Phone: 507-951-7779

GAMBLING ACTIVITY

Twelve off-site events are allowed each calendar year not to exceed a total of 36 days.

From 9/12/21 to 9/12/21

Check the type of games that will be conducted:

☒ Raffle ☐ Pull-Tabs ☒ Bingo ☐ Tipboards ☐ Paddlewheel

GAMBLING PREMISES

Name of location where gambling activity will be conducted: Mantorville Dam

Street address and City (or township): Riverside Park, Mantorville Zip: 55955 County: Dodge

- Do not use a post office box.
- If no street address, write in road designations (example: 3 miles east of Hwy. 63 on County Road 42).

Does your organization own the gambling premises?

☐ **Yes** If yes, a lease is not required.

☒ **No** If no, the lease agreement below must be completed, and signed by the lessor.

LEASE AGREEMENT FOR OFF-SITE ACTIVITY (a lease agreement is not required for raffles)

Rent to be paid for the leased area: $ 0 (if none, write "0")

All obligations and agreements between the organization and the lessor are listed below or attached.

- Any attachments must be dated and signed by both the lessor and lessee.
- This lease and any attachments is the total and only agreement between the lessor and the organization conducting lawful gambling activities.
- Other terms, if any:

____

____

____

Lessor's Signature: Shirley R Buecksler, City Clerk-Treasurer Date: 08.17.2021

Print Lessor's Name: Shirley R Buecksler

CONTINUE TO PAGE 2

Acknowledgment by Local Unit of Government: Approval by Resolution

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
City Name: ______	County Name: ______
Date Approved by City Council: ______	Date Approved by County Board: ______
Resolution Number: ______ (If none, attach meeting minutes.)	Resolution Number: ______ (If none, attach meeting minutes.)
Signature of City Personnel: ______	Signature of County Personnel: ______
Title: ______ Date Signed: ______	Title: ______ Date Signed: ______
Local unit of government must sign.	TOWNSHIP NAME: ______ **Complete below only if required by the county.** On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.) Print Township Name: ______ Signature of Township Officer: ______ Title: ______ Date Signed: ______

CHIEF EXECUTIVE OFFICER (CEO) ACKNOWLEDGMENT

The person signing this application must be your organization's CEO and have their name on file with the Gambling Control Board. If the CEO has changed and the current CEO has not filed a LG200B Organization Officers Affidavit with the Gambling Control Board, he or she must do so at this time.

I have read this application, and all information is true, accurate, and complete and, if applicable, agree to the lease terms as stated in this application.

E Jane Olive   8/17/21

Signature of CEO (must be CEO's signature; designee may not sign)   Date

E Jane Olive

Mail or fax to:

Minnesota Gambling Control Board
Suite 300 South
1711 West County Road B
Roseville, MN 55113
Fax: 651-639-4032

No attachments required.

Questions? Contact a Licensing Specialist at 651-539-1900.

This publication will be made available in alternative format (i.e. large print, braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public.

If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor; national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

CITY OF MANTORVILLE
DODGE COUNTY, MINNESOTA

RESOLUTION 2021-19

A RESOLUTION APPROVING AN APPLICATION TO CONDUCT OFF-SITE GAMBLING FOR MANTORVILLE RESTORATION ASSOCIATION, LOCATED AT RIVERSIDE PARK, MANTORVILLE, MINNESOTA ON SEPTEMBER 12, 2021

WHEREAS, the Mantorville Restoration Association has submitted an application to the City of Mantorville for City approval to Conduct Off-Site Gambling on September 12, 2021; and

WHEREAS, it has been demonstrated that the organization is collecting gambling monies for lawful purposes; and

WHEREAS, the City has no objection to said activity.

NOW, THEREFORE, BE IT RESOLVED that the Mantorville City Council hereby concurs with the issuance of an Off-Side Gambling Permit by the Gambling Control Board to Mantorville Restoration Association for an event to be held on September 12, 2021 at Riverside Park, Mantorville, Minnesota, and hereby waives the 30-day waiting period.

Adopted by the City Council of the City of Mantorville, Minnesota, this 23rd day of August 2021.

ATTEST:

______________________________	____________________________________
Chuck Bradford, Mayor	Shirley R Buecksler, City Clerk-Treasurer

CITY OF MANTORVILLE
DODGE COUNTY, MINNESOTA

RESOLUTION 2021-21

A RESOLUTION ACCEPTING DONATIONS TO THE CITY

WHEREAS, the below listed individual has donated to the City of Mantorville:

Chuck Bradford has graciously donated two United States Flags to the City at a value of approximately $30.00; and

WHEREAS, one United States Flag has been placed at Riverside Park and one United States Flag has been placed outside of City Hall.

NOW THEREFORE BE IT RESOLVED, that the Mantorville Mayor and City Council accept this donation and express their thanks on behalf of the City and the residents of Mantorville.

Adopted by the City Council of the City of Mantorville, Minnesota, this 23rd day of August 2021.

ATTEST:

_____________________________	_____________________________
Chuck Bradford	Shirley R Buecksler
Mayor	City Clerk-Treasurer

Memorandum

To: Mayor and Council

From: Shirley Buecksler, City Clerk-Treasurer

Date: August 23, 2021

Re: Variance for Accessory Structure at 720 County Road 12

BACKGROUND

For Council's reference, the property owners at 720 County Road 12 have been using a storage container on a parcel of their land for agricultural purposes to support the farming of this parcel, which is referred to as Parcel B (see legal description below as obtained from the Dodge County Assessor's Office). Based on a complaint received, the City sent letters to the property owners that the storage container was in violation of Sections 95.05 and 150.025 of the Mantorville City Code and that it must be removed.

The City Code provision at issue is Section 150.025(A) which states, *"no accessory building shall be placed, erected or constructed on a lot where a permitted principal structure has not been constructed."* The storage container sits on its own parcel (Dodge County PID 250201603), which amounts to a violation of the aforementioned Code section because there is no principal structure on the parcel.

At their July 26, 2021 meeting, Council discussed whether the property owners could apply for a Variance for the storage container. City Staff conferred with the City Attorney who saw no reason why the owners cannot request a Variance with the justification being that the storage container is used for equipment and other items used to maintain the 10+ acres of hayfield on the site. Further, the City Attorney stated that a practical difficulties argument can be made related to the required hayfield maintenance, the size of the parcel, etc. Additionally, if the property owners were wanting to keep the storage container on this parcel, the Council could certainly attach reasonable conditions to an approved Variance regarding aesthetics, screening, etc.

Property owners Mark and Ann Torkelson recently submitted an application for Variance to construct an accessory structure on a lot without a principal structure. This application is attached for Council's review. A drawing showing the accessory structure in reference to other buildings on their property, as well as a concept photo of the new structure, are included with the application. In their application, the property owners state that the structure they would like to build is not to exceed 1,400 square feet, 16 feet in height, and will have a compatible exterior as outlined in City Code, Section 150.025. Construction is to be completed by October 31, 2022, and the current storage unit would remain until the construction is complete. As stated in their application, the

Variance would allow for a structure to support the continued agricultural use of this property, a use which began prior to their ownership of the property, and contributing to the local economy.

A Variance requires that the City Council hold a Public Hearing to receive any testimony from the public. A notice was published for the Public Hearing in the Dodge County Independent. Property owners Mark and Ann Torkelson will be in attendance tonight to answer any questions from Council.

Property Legal Description:

Parcel ID: 25.020.1603
Sct: 20 Twn: 107 Rng: 016
PARCEL B
THAT PART OF THE NE1/4 DESCRIBED AS FOLLOWS:
COMM AT THE SWCOR OF SAID NE184; TH ON AN ASSUMED BEARING OF N00°01'40" EAST ALONG THE WEST LINE OF SAID NE1/4 571.94FT TO THE CENTERLINE OF VACATED COUNTY ROAD NO. 12; TH N67°02'53" EAST, ALONG SAID CENTERLINE 556.65FT; TH CONTINUING N67°02'53" EAST ALONG SAID VACATED CENTERLINE 201.16FT; TH CONTINUNG N67°02'53" EAST AL0NG SAID VACATED CENTERLINE 97.37FT TO THE POINT OF BEGINNING; TH CONTINUING N67°02'53" EAST ALONG SAID VACATED CENTERLINE 58.02FT; TH NORTHEASTERLY 401.60FT ALONG A TANGENTIAL CURVE, CONCAVE TO THE SOUTHEAST, SAID CURVE HAS A RADIUS OF 1145.92FT, A CENTRAL ANGLE OF 20°04'48" AND THE CHORD OF SAID CURVE BEARS N77°05'16" E399.55FT; TH N00°27'07" WEST NOT TANGENT TO SAID CURVE 264.15FT; TH N69°15'24" E396.23FT; TH N00°26'06" W126.53FT TO THE SOUTH LINE OF FORMER CHICAGO AND GREATWESTERN RAILROAD COMPANY; TH NORTHWESTERLY 747.11FT ALONG SAID SOUTH LINE AND ALONG A NON-TANGENTIAL CURVE, CONCAVE TO THE NORTHEAST, SAID CURVE HAS A RADIUS OF 1482.39FT, A CENTRAL ANGLE OF 28°52'35" AND THE CHORD OF SAID CURVE BEARS N82°31'38" W739.23FT; TH N68°05'21" WEST, TANGENT TO SAID CURVE AND ALONG SAID SOUTH LINE 82.50FT; TH S00°03'56" W769.85FT TO THE POINT OF BEGINNING

ACTION

Based on discussion, Council should motion to approve or deny the Variance and direct Staff to prepare a resolution of approval or denial to be presented at the following regular City Council meeting.

RECEIVED AUG 0 9 2021

CITY OF MANTORVILLE
APPLICATION FOR VARIANCE

Fee $250

(A) Applicant's Name Mark & Ann Torkelson Phone ______

(B) Address 720 County Road 12 Email Address: ______

(C) Owner's Name (if different from Applicant) NA Phone ______

(D) Owner's Address ______ Email Address: ______

(E) Address of the Property 720 County Road 12, Mantorvile, MN

(F) Tax Parcel ID Number(s) R25.020.1603

(G) Legal Description of Property Sect-20 Twp-107 Range-016 7.93 AC; Parcel B that part of the NE1/4

(H) Description of Request To construct an accessory structure on a lot without a principal structure. Structure is not to exceed 1,400 sq ft, 16 ft in height, and will have a compatible exterior as outlined in 150.025.

(I) Reason(s) for Request A structure is requested for ag purposes to support the farming of this parcel. Ag related storage that is separate and designed for ag purposes is needed.

(J) Present Zoning Classification of the Property R-1

(K) Existing Use of the Property Agricultural

(L) Section of the Zoning Ordinance in which a variance is sought: 150.025

(M) Explain how you wish to vary from the applicable provisions of the Zoning Ordinance: We request approval to construct an accessory structure on a lot without a principal structure. Construction is to be completed by October 31, 2022 and the current storage unit would remain until the construction is complete.

(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?

   (X) Yes (_) No Why or why not? Explain:

   The variance would allow for a structure to support the continued agricultural use of this property. The use is consistent with adjacent properties including one with an accessory structure that does not include a principal structure.

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

   (X) Yes (_) No Why or why not? Explain:

   The variance supports productive use of this agricultural land and thus contributing to the local economy.

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

   (X) Yes (_) No Why or why not? Explain:

   The use of this property for agricultural use is long standing and continued productive use of the land in this manner is reasonable. The variance to allow for a structure within the limits of 150.025 without a prinpal structure is reasonable and supports the productive use of property within the City and in a manner consistent with the neighborhood.

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?

   (X) Yes (_) No Why or why not? Explain:

   The existance of property suited for agricultural use within the City boundaries is unique and a variance for an ag building to enable productive use of this property is reasonable.

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 (X) No Why or why not? Explain:

   The size and long standing use of this property for agricultural purposes was not created by the owners. We strongly desire to continue the productive agricultural use of this property.

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

(_) Yes (X) No   Why or why not? Explain:

Continued use of this property will not alter the character of the neighborhood. This property, and others adjacent or near by, have been used for agricultural purposes for decades. The variance will allow for a structure that provides the space to store ag related items neatly, out of site, and protected from the elements. It will add value to the property and neighborhood.

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

(X) Yes (__) No   Why or why not? Explain:

The practical difficulty is not economically driven, in fact, will be an additional expense. We are seeking a solution to support the agricultural use of this property in an aesthetically pleasing manner.

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.

Ann M. Torkelson MD   8-9-2021

Applicant Signature   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:

____ Yes ____No 1. A completed application form.

____ Yes ____No 2. An accurate boundary description of the property, in some cases a survey of the property by a licensed Surveyor will be required.

____ Yes ____No 3. Evidence of ownership or enforceable option on the property

____ Yes ____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 08.09.2021 Date Accepted 08.09.21 Fee Paid $250.00

Public Hearing Date: 08.23.2021

(Circle one) Approved Denied by the City Council on ______________, ________.

If approved, the following conditions were prescribed:

1. ______________________
2. ______________________
3. ______________________
4. ______________________

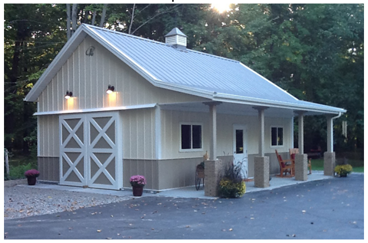
If denied, denial was for the following reason(s): ______________________

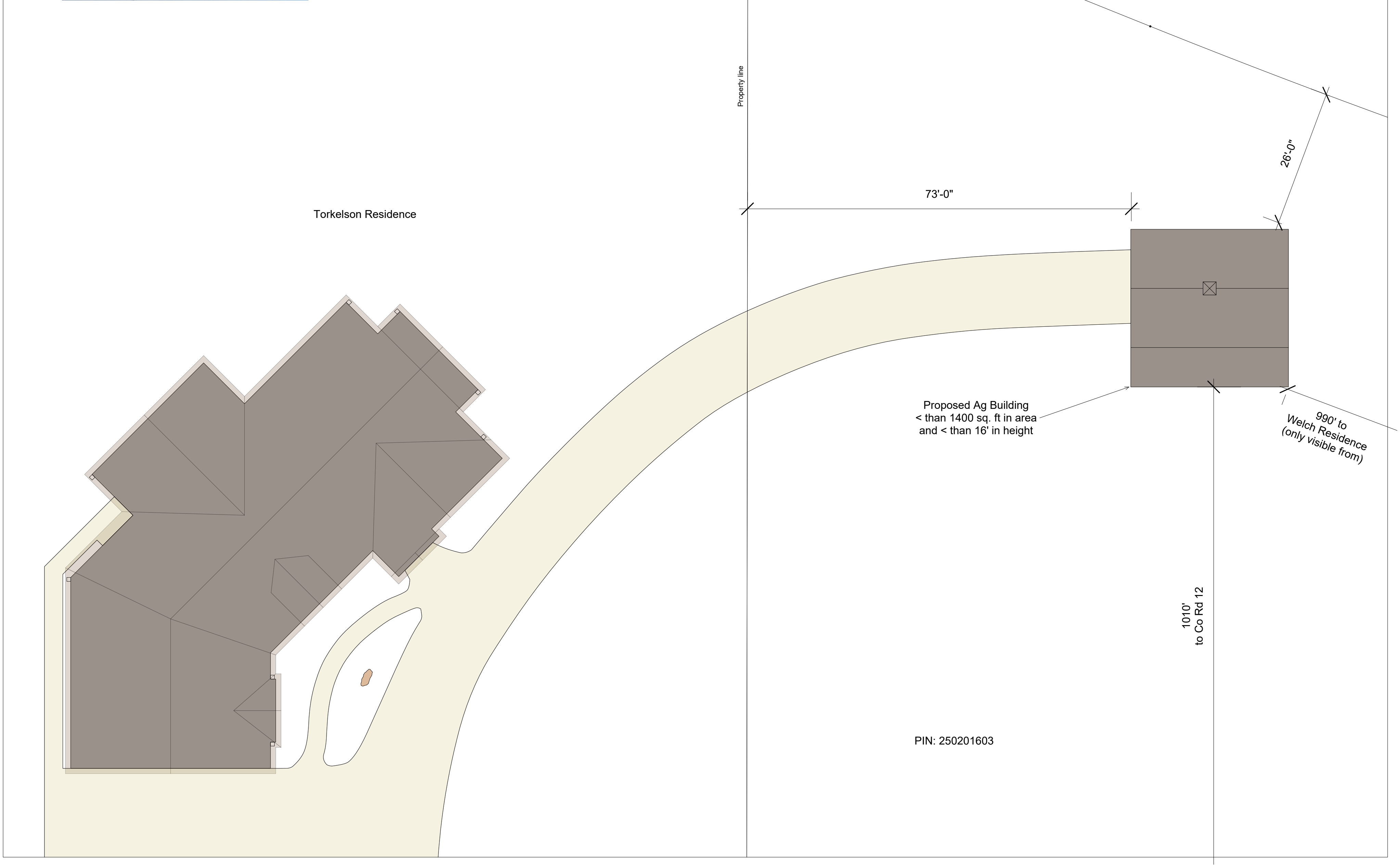
____

____

____

Concept Photo





PUBLIC HEARING NOTICE

Notice is hereby given that the Mantorville City Council will hold a Public Hearing on Monday, August 23, 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 150.025(A) of the Mantorville City Code to allow for an accessory building where a permitted principal structure has not been constructed.

The applicants are Mark and Ann Torkelson and the parcel in reference is Dodge County PID 250201603, 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 or by mailing or dropping off to City Hall, 21 5th Street East, Mantorville, MN 55955. All written comments will be presented to the City Council.

Shirley R Buecksler
City Clerk-Treasurer

MANTORVILLE
MINNESOTA

Trail to the Past. Road to the Future.

August 12, 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. Mark and Ann Torkelson, property owners at 720 County Road 12, are requesting to construct an accessory building on their property where a permitted principal structure has not been constructed on Dodge County Parcel ID 250201603.

A Public Hearing to discuss this Variance will be held by the City Council at their Regular City Council meeting on Monday, August 23, 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.

If you have any questions, please feel free to contact me at shirley@mantorville.com or 507.635.5116.

Sincerely,

Shirley R Buecksler
City Clerk-Treasurer

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Shirley R Buecksler
City Clerk-Treasurer

Shirley

From: Jay Welch >
Sent: Monday, August 23, 2021 4:58 PM
To: Shirley@mantorville.com
Subject: Request for Variance parcel ID 250201603

My name is Jay Welch, We own parcel id 250201700 and 800. I won't be able to attend the meeting tonight. I understand Mark and Ann Torkelson are asking for a variance to replace their temporary storge container with a permant structure on a parcel that does not have a primary residance. Shirley was kind enough show show me approximate planned location and size of said structure. Since they will access this parcel form their adjacent "home" parcel we do not have objections at this time and feel variance can be granted.

Shirley

From:	Jone Trapp
Sent:	Sunday, August 22, 2021 9:53 PM
To:	chuck@mantorville.com; lyle@mantorville.com; jeffrey@mantorville.com; kent@mantorville.com; bill@mantorville.com
Cc:	mantorvillemayor@gmail.com; shirley@mantorville.com
Subject:	Public Hearing - Torkelson Variance Request
Attachments:	Torkelson Resolution 2014-21 10.13.2014-2.pdf; Bufferyards & Screening - Ordinance 150.027 & 150.028.pdf; Torkelson Letter 1.19.2016.pdf

All

We are writing in response to a recent notice of a Public Hearing regarding yet another Request for Variance by Mark and Ann Torkelson.

We know most of you have visited with us, and you know our primary concerns are related to mowing the grass and maintaining the bufferyard/berm between the Torkelson property and ours, (Jone & Dan Trapp). Please refer to the attached Mantorville ordinances regarding "Bufferyard and Screenings". It states "when required shall include coniferous trees ... and the remaining shall be planted in grass and maintained and kept free of debris". Maintenance of that berm is critical, so those trees survive. Per the attached resolution, Torkelsons are required to have as a screening which included the trees.

Currently, the numerous weeds are problematic. Specifically, the thistles which have an incredible and invasive root system, are likely choking out other plants and grasses. As we have said before, the trees are not thriving and again, per the Bufferyard and Screening ordinance attached, the bufferyard/berm shall be maintained and kept free of debris. Also, as you continue to read the ordinances regarding fencing and landscaping, it speaks to "maintained in an attractive condition at all times". I think we could agree this is the spirit in which these ordinances were written. I understand there is an ordinance on the length of grass as well, which is not being followed.

You will also find attached, a copy of letter Anne Torkelson wrote to the Mantorville Council dated 1/19/2016. In that letter, it is clear the Torkelson's understood their responsibility to provide a screening for that building. Additionally, she notes they know they only have one opportunity to build the one accessory building and why it had to be so incredibly large.

I believe the Council may find the attached copy of Resolution 2014-21 useful as you consider the Torkelson's current request for yet another variance. Particularly, since no current council members, except the Mayor, has likely seen these documents or understand the complex history. I suspect there are many more documents related to this issue within the city files for your study that may relate to this current request.

Therefore, the questions that arose to us and others after receiving notice of the Variance Request and Public Hearing are:

Specific to our ongoing requests to have the berm maintained and the grass mowed - the original Resolution 2014-21, states on Page 3, (9) "The applicants shall comply with all applicable federal, state, local laws, rules, and ordinances. Clearly that hasn't happened.

Specific to this current variance request:

Page 2, (c) (iii) How can there be a building built to the East, since the original resolution references that segment of the property as "flood plain" It is our recollection that was the argument as to why the current building could not be to the side or in back of their house per the existing ordinances then and now, and why it was approved to be located right next to our home.

Page 3, (3) "No additional accessory structures may be constructed on the Property."

Again, our primary interest here is getting that bufferyard/berm maintained and mowed to continue to be the buffer and screening they were required to provide to obtain the original variance. Nonetheless, there is a pattern of non-compliance of current variances. This may be a consideration in granting, modifying, or denying any future variances.

I trust that the council will exercise due diligence by studying and investigating the multiple factors associated with the request prior to any decisions.

Thank you.

Jone & Dan Trapp.

150.027 BUFFERYARDS AND SCREENING.
Bufferyards when required shall include plantings of coniferous trees and other evergreens not less than 3 feet in height and spaced not less than 8 feet apart, the remaining shall be planted in grass and maintained and kept free of debris. Alternative bufferyard plantings may be submitted to the city for consideration, and upon approval shall be considered an acceptable alternative. Berming or additional plantings may be required in addition when deemed necessary by the city. Fencing may be required in addition to or in lieu of plantings. (Ord. 153, '1.11, passed 3-24-2003) Penalty, see '10.99 32

Mantorville -Land Usage
'150.028 FENCES AND LANDSCAPING.

(A) Fences, hedges, walls, and other landscaping shall be located entirely upon the property, which
they serve.

(B) Barbed wire or above ground electric fences shall not be permitted, used, or constructed except in
districts where livestock is permitted.

(C) As a good neighbor policy, fences should be placed with the good side facing adjacent properties.

(D)No fence, wall, or hedge shall exceed 6 feet in height, as measured from the finished grade, unless
required by the city for screening, buffering or safety.

(E) No obstructing portion of a fence, wall, or hedge projecting into the front yard of a property shall exceed 30 inches in height. No portion of a fence, wall, or hedge projecting into the front yard of a property, which is above 30 inches in height as measured from the finished grade, shall be constructed with an opening to material ratio of less than 10 to 1. (Example: 10 inches of opening is required between each 1 inch of material).

(F) The fence and the area between a fence and property line shall be maintained in an attractive
condition at all times.
(Ord. 153, '1.12, passed 3-24-2003) Penalty, see '10.9

January 19, 2016

Mark & Ann Torkelson
605 13th Avenue NW
Kasson, MN 55944

City of Mantorville
Attention: Ms. Camille Reber
PO Box 188
Mantorville, MN 55955

Dear Ms. Reber:

In response to the request for additional information regarding the variance application for the property located at 720 County Road 12, Mantorville, MN we submit the following for the Mayor and Members of the City Council to consider.

Background

This background is provided as you consider our consistent intention to build a structure that meets our needs and fits the local surroundings.

With the variance application approved at the October 13, 2014 meeting for a 70' X 90' X 18' structure, an attached drawing depicted a post frame building with a gable/pitched roof. This attached concept drawing did not include dimensions as a final determination on the overall height with trusses was yet to be determined. This submission demonstrates our intentions from the beginning for a post frame structure and gable roof.

Prior to the City Council Meeting on October 13, 2014, we recognized the 18' height was representing an overall height when it was our intention for it to be the sidewall height. We were not attempting to deceive the Mayor and Council Members, but had consistently spoken of the structure using the common industry practice (see Attachments A1, A2, A3, and A4) of referencing the side wall height. We spoke with the Mantorville City Clerk to clarify and were reassured this could be addressed in the final documents if the Council was to approve the application. In addition, during the Public Hearing it was shared that a finalized roof height was yet to be determined and would be based on the overall height necessary to include the building trusses (see Attachment B). This clarification was not included in the final resolution document. This exclusion is the reason for our current request.

Approval that evening was the final contingency pending for us to close on the purchase of the referenced property totaling approximately 20 acres. Had the City Council not approved the application before them on October 13, 2014, we would not have proceeded with the purchase at that time.

Building Code

In our application for a height variance in October 2015, we requested an overall height of 28' 3" for our accessory structure. In this application, we outlined three issues with constructing a building following Resolution 2014-21. We cited a desire for a building that:

(1) meets our needs (door height),
(2) fits the surroundings (gable roof), and
(3) meets building codes.

As we shared at the City Council Meeting on December 14, 2015, we can meet two of these three important factors with a steel frame and flat roof structure (Attachment C, Option #1). We do not believe this is in the best interest of the neighborhood and believe the City Council will agree. Financial impact is a consideration with a steel frame and flat roof structure in Option #1, but is secondary to our desire for a structure that will meet our personal needs and fits into the surroundings.

If we were to prioritize aesthetics over function, using a gable roof structure (Attachment C, Option #2), with the current height limitation the interior ceiling height will be 5' 9". Pursuit of this option is a moot point as it does not meet our personal needs. That being said, with input from our general contractor and utility sub-contractors, the following code concerns were raised regarding electrical, HVAC, egress, and snow load.

- IBC R305.1 requires habitable spaces, i.e. bathrooms, to have a minimum of 7' headroom/clearance for egress purposes
- IBC 1003.1.1.1 requires an interior door height of 80" and exterior door height of 76"
- National Electrical Code 110.26 requires a minimum clearance for electrical equipment, e.g. electrical panel and air compressor, of 6' 6"
- Building code also requires the installation of all equipment according to the manufacturer's requirements, including clearances. Radiant heating is planned for this space and the ceiling height will not meet the minimum clearance requirement of 15.25' (see Attachment D).
- In the current variance application, we reference the challenge of meeting building code requirements for snow load in context of a post frame structure. Jay Kruger from CMS suggested that we may be able to drop the roof pitch from a 4:12 to a 3:12 slope. After researching this option with our builder it is not recommended due to increased snow load to be carried by the structure. This also does not have a significant impact on overall height and will eliminate the option of dormers which significantly change the look of the accessory structure.

Option #3 (Attachment C) meets our needs, fits the surroundings, and conforms to building codes.

Response to Public Hearing

From the beginning, we have pursued a solution that allows for a structure that meets our personal needs and is fitting for the surroundings. Our needs have not changed. Our request has not changed. An oversight at the October 2014 City Council Meeting has resulted in our return. In response to the statements and materials provided during the December 14, 2015 City Council Meeting, we share the following:

Dimensions & Measurements

- Our building plans have been refined and reflect a smaller footprint (60' X 80'), the addition of dormers, and cupolas. We were advised by the City Clerk that the cupola height is not to be included in the overall height.
- The clarification of the overall height was not included in the final resolution as expected in October 2014. The appraisal report by Rochester Area Appraisals, submitted by Dan and Jone Trapp, reinforces our stated intention in October 2014 for a structure with a sidewall height of up to 18'. This contradicts Jone Trapp's current Point #2 indicating the building will now be larger than what they portrayed to their appraiser in December 2014 when they indicated it would be a structure with 16-20' sidewalls. Our current request is smaller than the structure they portrayed to their appraiser in both cubic volume and footprint.
- The City recently approved a variance for an accessory structure with an overall height of 25' in a residentially zoned district.
- The volume of a 60' X 80' structure with the overall height of 28' 3" is less than the volume of the structure allowable under Resolution 2014-21.
- Our single story home, on the same property, measures an overall height of 25' and a footprint of approximately 4,200 square feet. The proposed accessory structure is approximately 28' and a footprint of 4,800 square feet. The accessory structure is not out of scale when considering this context or the overall size of the property at 20 acres.
- Site plans and scaled drawing have been submitted per the variance application requirements.

View References

- In reference to this case, the Honorable Judge Jodi Williamson states, "A view is not enough to invalidate a decision that is wholly in the power and discretion of the City."
- The City has added twelve conditions regarding our building of the accessory structure and an additional sixteen conditions to the permitted use of this accessory building. These conditions are not insignificant and address reasonable concerns that have been raised.
- We have demonstrated a good faith effort to not only meet these requirements, but to exceed them. This includes the construction of our primary residence prior to the construction of the accessory structure, use of 20 evergreens (up to 10 feet in height when 3 foot trees are

required) for screening, and the addition of 12 deciduous trees (ranging from 8 to 12 feet in height) to further assist in summertime screening. These trees are on site, the deciduous being already planted and the evergreens are awaiting suitable conditions for planting.

- The site plan submitted (Attachment E) reflects the placement of these trees for screening purposes.

General Comments

- A home in the area, 29 Zumbro Ridge Drive, sold on December 28, 2015 (Attachment F). The sale price was within $1,000 of the initial asking price and a sold sign was in the front yard in less than 2 weeks. Our plans and current construction appears to have had no impact on a quick sale of the abutting property.
- Per Resolution 2014-21, we are limited to this one accessory structure, making it paramount that it is one that will meet our needs now and into the future.

Summary

In closing, we ask the City Council to carefully consider the request before them. We ask you to consider a height of 28' 3" that allows for an accessory structure fitting for the surroundings that meets our current and future needs.

Respectfully Submitted,

Ann M Torkelson

M T

Mark and Ann Torkelson

RESOLUTION 2014-21

A RESOLUTION GANTING A VARIANCE FOR THE PROPERTY LOCATED AT: 720 COUNTY ROAD 12

WHEREAS, Kevin Cain is the fee owner and Mark Torkelson and Ann Torkelson are the purchasers (collectively, the "Applicants") of the property located at: 720 County Road 12, Mantorville, Minnesota, legally described as:

PARCEL 'A'

That part of the Northeast Quarter of Section 20, Township 107 North, Range 16 West, Dodge County, Minnesota, described as follows:

Commencing at the southwest corner of said Northeast Quarter; thence on an assumed bearing of North 00°01'40" East, along the west line of said Northeast Quarter; 571.94 feet to the centerline of vacated County Road No. 12; thence North 67°02'53" East, along said centerline, 556.65 feet to the point of beginning; thence continuing North 67°02'53" East, along said vacated centerline, 201.16 feet; thence continuing North 67°02'53" East, along said vacated centerline, 97.37 feet; thence North 00°03'56" East 769.85 feet to the south line of former Chicago and Greatwestern Railroad Company; thence North 68°05'21" West, along said south line, 336.56 feet to the northeast corner of CAIN'S SUBDIVISION, according to the recorded plat thereof on file at the office of the Dodge County Recorder; thence South 00°05'00" East, along the west line of said CAIN'S SUBDIVISION, 691.67 feet; thence North 89°55'00" East 35.00 feet; thence South 00°05'00" East 320.24 feet to the point of beginning.

The above described parcel contains 6.15 acres and is subject to any easements covenants and restrictions of record (the "Property"); and

WHEREAS, the Property is located in the Single-Family (R-1) Zoning District; and

WHEREAS, the Applicants propose to construct an 18 foot high, 6,300 square foot detached garage in the front yard of the Property; and

WHEREAS, in order to accommodate the construction of the proposed garage, the Applicants have requested a variance from the maximum detached accessory building square footage requirement of 900 square feet contained in Section 150.025 (D) of the Mantorville City Code, a variance from the maximum detached accessory structure height requirement of 16 feet contained in Section 150.025 (E) of the Code, and a variance from the requirement that all accessory structures must be located in rear or side yards, which is contained in Section 150.025 (F) of the Code; and

WHEREAS, the Mantorville City Council held a public hearing as required for the variance per section 150.111 of the City Code on October 13, 2014, 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 variance is in harmony with the purposes and intent of the City's zoning regulations. The intent of the City's zoning regulations is to regulate structures and buildings on typical City lots in the City. A typical City lot is .18 of an acre or 7,920 square feet in in size. The Property is 6.16 acres or 268,330 square feet in size. Proportionately, the accessory structure being proposed by the Applicants will cover much less surface area on the Property than what is allowed for an accessory structure on a .25 acre lot.

(b) The variance is consistent with the comprehensive plan because the area in which the Property is located is not limited by the comprehensive plan for future development or restrictions.

(c) The traditional "undue hardship" standard for granting variances was recently removed from Minnesota Statutes Section 462.357 and has been replaced with a "practical difficulties" standard. Because the variance procedures set out in the City Code, which the City is in the process of updating, continue to reflect the undue hardship language, the new practical difficulties standard needs to be applied as that is the current law on the matter. Under the new standard, which is set forth in Minnesota Statutes Section 462.357, subdivision 6, paragraph (2), the primary considerations for demonstrating "practical difficulties" are that "the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties." Strict compliance with the size limitations and placement requirements for detached accessory structures in Section 150.025 of the City Code in this instance constitutes practical difficulties for the Applicants because:

(i) The proposal puts the Property to use in a reasonable manner because it will allow for storage of equipment and supplies for a family home business; and

(ii) There are circumstances unique to the Property due to the size of the Property. The Property is 6.16 acres or 268,330 square feet in size. A typical City lot is .18 of an acre or 7,920 square feet in size. The requirements for accessory structures in the City's zoning ordinance are based on a typical City sized lot; and

(iii) There are circumstances causing practical difficulties not created by the Applicants. The Property abuts flood plain on the east, south and north sides which greatly limits the potential uses of the Property; and

(iv) The granting of the variance will maintain and not alter the essential character of the area of the locality. The Property is located between large developed lots to the west, south and east. In the vicinity, up to one-half of a mile, there are multiple accessory structures in place for the purpose of storage or family and home operated businesses, some of which are larger than the proposed structure. Additionally, the proposed structure will be built and finished in a manner that allows it to best blend in with the natural surroundings of the area. It will include earth tone siding and roofing with landscaping around the most visible perimeter areas (west and north); and

(v) The practical difficulties involve more than just economic considerations. The purpose of constructing the structure on the Property is not to increase the value of the Property or to save the Applicants money. The Applicants desire to operate their home business on the Property and this will allow them to have full access to the equipment and supplies at one location. The accessory structure will allow for the tasteful storage of the Applicants' business equipment and supplies along with accommodating their personal storage needs.

NOW THEREFORE BE IT RESOLVED, the City Council hereby approves and issues a variance for the Property to construct an 18 foot high, 6,300 square foot detached garage in the front yard of the Property, subject to all of the following conditions:

(1) The detached garage allowed by this variance shall be a single-story structure that is 18 feet in height or less and its total square footage shall not exceed 6,300 square feet;

(2) The siding and roof on the detached garage must be earth tone in color (muted or flat brown, tan, warm gray or green);

(3) No additional accessory structures may be constructed on the Property;

(4) The structure must comply with all front yard structure setbacks applicable to the Property;

(5) The Applicants shall obtain all other permits as may be required, including obtaining a building permit from the City for the garage;

(6) The Property is currently vacant. The Applicants will be constructing a home (the principal structure) and the detached garage allowed by this variance. If construction of the detached garage will be commenced and completed prior to completion of the home (the principal structure), the Applicants must execute the City's Accessory Structure Agreement before a building permit will be issued for construction of the detached garage. This will allow the City to remove the detached garage and assess the removal costs in the event that the Applicants fail to complete construction of the home (the principal structure) on the Property;

(7) This variance shall be rendered null and void if the Applicants fail to construct the structure on the Property and obtain a certificate of occupancy for it by November 1, 2015; got Extension to NOV 1 2016

(8) This variance shall be rendered null and void if the Applicants fail to obtain approval for their request for a conditional use permit to operate a home-based business on the Property;

(9) The Applicants shall comply with all applicable federal, state and local laws, rules, and ordinances;

(10) The Applicants are solely responsible for determining the accurate location of the property lines to confirm that the structure is in compliance with all applicable setbacks;

(11) The Applicants must adhere to, and remain in compliance with, the requirements of this Resolution, applicable performance standards and such other requirements as may apply;

(12) All conditions of this variance 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; and

(13) This Resolution is subject to the condition that all representations, written and oral, made by the Applicants and their agents and representatives to the City contained in and concerning the Applicants' 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.

BE IT FINALLY RESOLVED, that the City Clerk Treasurer is hereby authorized and directed to record this variance resolution in the office of the County Recorder/Registrar of Titles.

Adopted by the Mantorville City Council this 13th day of October, 2014.

Mayor Chuck Bradford

Attest: City Clerk Treasurer, Camille C. Reber

Memorandum

To: Mayor and Council

From: Shirley Buecksler, City Clerk-Treasurer

Date: August 23, 2021

Re: General Obligation Equipment Certificate and Utility Revenue Note, Series 2021A

BACKGROUND

At their August 9, 2021 meeting, City Council heard from City Engineer Tim Hruska in regards to the 2021 Street Improvements Project, as well as the snow plow purchase. Mike Bubanny of David Drown Associates put together recommendations for paying and budgeting for these items, one which was a Micro Loan at a rate of 1.8%. Council discussed the options and directed the City Clerk-Treasurer to move forward with the loan application process for the Micro Loan.

With the assistance of Mike Bubanny, the loan application was submitted and the bank approved the Micro Loan on August 12th. Attached is the General Obligation Equipment Certificate and Utility Revenue Note, Series 2021A, and the sales resolution drafted by Taft Law.

Mike Bubanny will be in attendance at tonight's meeting to present this information for Council and answer any questions they may have.

ACTION

Motion to approve Resolution No. 2021-20, 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.

City of Mantorville, Minnesota 8/12/2021

$250,000 **FINAL**

General Obligation Equipment Certificate and Utilty Revenue Note, Series 2021A

Minnesota Rural Water Association "MICRO-Loan"

Uses of Funds

Plow Truck (Equip Certificate)	130,000.00
Water Project (Utility Revenue)	114,950.00
Road Costs	214,050.00
Total Project Costs	**459,000.00**
Capitalized Interest	-
MN Rural Water Loan Fees	5,050.00
Other costs	-
Surplus	-
	464,050.00

Sources of Funds

Bond Issue	**250,000.00**
Cash	214,050.00
	464,050.00

Closing Allocations

Purchaser:		Bank of Zumbrota, Minnesota
Proceeds wired to		
Construction Fund (Equip Cert)	130,000.00	
Construction Fund (Util Portion)	114,950.00	
Debt Service Fund (Equip Cert Portion)	-	
Debt Service Fund (Util Portion)	-	
Total to Issuer >>		**244,950.00**
Proceeds wired to Pay Agent for Costs		
David Drown Associates, Inc. (FA)	2,750.00	
Taft Law (Bond Counsel)	1,750.00	
Pay Agent -- None	-	
MN Rural Water Ass'n (Sponsor)	550.00	
Total for Expenses >>		**5,050.00**

Calendar

Application Received	8/11/2021
City Council approves Sales Resolution	8/23/2021
Dated Date / Closing Date	9/13/2021
1st Interest Payment	9/1/2022
Proceeds spent by…	12/31/2022

Statistics

Purchase Price (Issue Price)		250,000.00
Net Interest Cost		25,158.00
Net Effective Rate		1.80000%
Average Coupon		1.80000%
IRS Yield		1.79863%
WAM		5.5907
Tax Status		Tax Exempt, Bank Qualified
Call Option		Partial prepayments on pmt dates only beg. 2/1/2024 ($200 fee), prepayment in whole allowed on any date on or after 2/1/2024 @ par plus acc'd interest
Rebate		$5 million small issuer exemption
Continuing Disclosure		none -- audits upon request
Statutory Authority		M.S. Chapter 444,412, 475
Estimated Debt (including this Note)		2,210,220
Population		1,221
Debt / Capita		1,810
Debt / EMV	100,389,000	2.20%
Publication?	0.13%	NO

How to make payments

Payments are made directly to Bank of Zumbrota, Minnesota.
The lender will provide you with notice of pending payments prior to each scheduled payment. Generally, you should mail payments at least 3 days early - wired funds can be transferred on the date payment is due.
Payment questions? Contact the lender at 507-732-7555.

City of Mantorville, Minnesota

$250,000

General Obligation Equipment Certificate and Utilty Revenue Note, Series 2021A

PAYMENT SCHEDULE AND CASHFLOW

MASTER CASH FLOW

8/12/2021

	Note Payments									*D/S Fund Balance*	
Payment Date	Principal	Rate	Interest	**Payment Total**	Annual plus 5%	Pay Agent	Budget Year	Water Revenues	Tax Levies	Surplus (deficit)	Account Balance
9/13/2021									Deposit to Debt Service Account >		-
9/1/2022	23,000	1.80%	4,350	**27,350.00**	28,718	-	2022	13,724	14,993	-	-
3/1/2023			2,043	**2,043.00**							
9/1/2023	24,000	1.80%	2,043	**26,043.00**	29,490	-	2023	13,591	15,899	-	-
3/1/2024			1,827	**1,827.00**							
9/1/2024	24,000	1.80%	1,827	**25,827.00**	29,037	-	2024	13,383	15,653	-	-
3/1/2025			1,611	**1,611.00**							
9/1/2025	25,000	1.80%	1,611	**26,611.00**	29,633	-	2025	14,225	15,408	-	-
3/1/2026			1,386	**1,386.00**							
9/1/2026	25,000	1.80%	1,386	**26,386.00**	29,161	-	2026	13,999	15,162	-	-
3/1/2027			1,161	**1,161.00**							
9/1/2027	25,000	1.80%	1,161	**26,161.00**	28,688	-	2027	13,772	14,916	-	-
3/1/2028			936	**936.00**							
9/1/2028	25,000	1.80%	936	**25,936.00**	28,216	-	2028	13,545	14,671	-	-
3/1/2029			711	**711.00**							
9/1/2029	25,000	1.80%	711	**25,711.00**	27,743	-	2029	13,318	14,425	-	-
3/1/2030			486	**486.00**							
9/1/2030	27,000	1.80%	486	**27,486.00**	29,371	-	2030	14,141	15,229	-	-
3/1/2031			243	**243.00**							
9/1/2031	27,000	1.80%	243	**27,243.00**	28,860	-	2031	13,896	14,965	-	-
	250,000		25,158	**275,158.00**	288,916	-		137,595	151,321	-	

Prepared by: David Drown Associates, Inc.
612-920-3320

MASTER Cashflow

City of Mantorville, Minnesota

8/12/2021

$250,000
General Obligation Equipment Certificate and Utilty Revenue Note, Series 2021A

PAYMENT SCHEDULE AND CASHFLOW

130,000.00	Project Costs
1,000.00	Issuance Costs
-	Capitalized Interest
-	Cash Contribution
-	Rounding
131,000.00	Borrowing Amount

Plow Truck Portion

	Note Payments							*Budget Revenues*	*D/S Fund Balance*	
Payment Date	Principal	Rate	Interest	**Payment Total**	Annual plus 5%	Pay Agent	Budget Year	Tax Levies	Surplus (deficit)	Account Balance
9/13/2021								Deposit to Debt Service Account >		-
9/1/2022	12,000	1.80%	2,279	**14,279.40**	14,993	-	2022	14,993	-	-
3/1/2023			1,071	**1,071.00**						
9/1/2023	13,000	1.80%	1,071	**14,071.00**	15,899	-	2023	15,899	-	-
3/1/2024			954	**954.00**						
9/1/2024	13,000	1.80%	954	**13,954.00**	15,653	-	2024	15,653	-	-
3/1/2025			837	**837.00**						
9/1/2025	13,000	1.80%	837	**13,837.00**	15,408	-	2025	15,408	-	-
3/1/2026			720	**720.00**						
9/1/2026	13,000	1.80%	720	**13,720.00**	15,162	-	2026	15,162	-	-
3/1/2027			603	**603.00**						
9/1/2027	13,000	1.80%	603	**13,603.00**	14,916	-	2027	14,916	-	-
3/1/2028			486	**486.00**						
9/1/2028	13,000	1.80%	486	**13,486.00**	14,671	-	2028	14,671	-	-
3/1/2029			369	**369.00**						
9/1/2029	13,000	1.80%	369	**13,369.00**	14,425	-	2029	14,425	-	-
3/1/2030			252	**252.00**						
9/1/2030	14,000	1.80%	252	**14,252.00**	15,229	-	2030	15,229	-	-
3/1/2031			126	**126.00**						
9/1/2031	14,000	1.80%	126	**14,126.00**	14,965	-	2031	14,965	-	-
	131,000		13,115	**144,115.40**	151,321	-		151,321	-	

Prepared by: David Drown Associates, Inc.
612-920-3320

Plow Truck Portion Only

City of Mantorville, Minnesota 8/12/2021

$250,000
General Obligation Equipment Certificate and Utilty Revenue Note, Series 2021A

PAYMENT SCHEDULE AND CASHFLOW

114,950.00	Project Costs
4,050.00	Issuance Costs
-	Capitalized Interest
-	Cash Contribution
-	Rounding
119,000.00	Borrowing Amount

Utility Portion

		Note Payments							*100%*	*D/S Fund Balance*	
Payment Date	Principal	Rate	Interest	**Payment Total**	Annual plus 5%	Pay Agent	Budget Year		Water Revenues	Surplus (deficit)	Account Balance
9/13/2021								Deposit to Debt Service Account >			-
9/1/2022	11,000	1.80%	2,071	**13,070.60**	13,724	-	2022		13,724	-	-
3/1/2023			972	**972.00**							
9/1/2023	11,000	1.80%	972	**11,972.00**	13,591	-	2023		13,591	-	-
3/1/2024			873	**873.00**							
9/1/2024	11,000	1.80%	873	**11,873.00**	13,383	-	2024		13,383	-	-
3/1/2025			774	**774.00**							
9/1/2025	12,000	1.80%	774	**12,774.00**	14,225	-	2025		14,225	-	-
3/1/2026			666	**666.00**							
9/1/2026	12,000	1.80%	666	**12,666.00**	13,999	-	2026		13,999	-	-
3/1/2027			558	**558.00**							
9/1/2027	12,000	1.80%	558	**12,558.00**	13,772	-	2027		13,772	-	-
3/1/2028			450	**450.00**							
9/1/2028	12,000	1.80%	450	**12,450.00**	13,545	-	2028		13,545	-	-
3/1/2029			342	**342.00**							
9/1/2029	12,000	1.80%	342	**12,342.00**	13,318	-	2029		13,318	-	-
3/1/2030			234	**234.00**							
9/1/2030	13,000	1.80%	234	**13,234.00**	14,141	-	2030		14,141	-	-
3/1/2031			117	**117.00**							
9/1/2031	13,000	1.80%	117	**13,117.00**	13,896	-	2031		13,896	-	-
	119,000		12,043	**131,042.60**	137,595	-			137,595	-	

CITY OF MANTORVILLE
DODGE COUNTY, MINNESOTA

RESOLUTION NO. 2021-20

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

A. WHEREAS, the City of Mantorville, Minnesota (the "City"), has heretofore determined and declared that it is necessary and expedient to issue a $250,000 General Obligation Equipment and Utility Revenue Note, Series 2021A (the "Note"), pursuant to Minnesota Statutes, Chapters 475, and Section 444.075, to finance water utility improvements (the "System Improvements") within the City (the "Water Portion of the Note") and Section 412.301 to finance the acquisition of capital equipment (the "Equipment") for the City (the "Equipment Portion of the Note");

B. WHEREAS, the City owns and operates a municipal water system (the "Water System") and a municipal sewer system (the "Sewer System", and together with the Water System, the "System"), which are operated as separate revenue producing public utilities;

C. WHEREAS, there is outstanding $855,000 original principal amount General Obligation Refunding Bonds, Series 2011A, dated November 1, 2011, which are payable from the net revenues of the System (the "Outstanding Sewer and Water Bonds);

D. WHEREAS, there is outstanding the "Water Portion" of the outstanding $1,560,000 General Obligation Bonds, Series 2019A, dated July 1, 2019, which are payable from the net revenues of the Water System (the "Outstanding Water Bonds");

E. WHEREAS, the Equipment has an expected useful life at least as long as the term of the Equipment Portion of the Note;

F. WHEREAS, the principal amount of the Equipment Portion of the Note does not exceeds 0.25% of the estimated market value of taxable property in the City; and

G. WHEREAS, the City has retained David Drown Associates, Inc., in Minneapolis, Minnesota, as its independent municipal advisor for the sale of the Note and was therefore authorized to sell the Note by private negotiation in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mantorville, Minnesota, as follows:

1. Acceptance of Offer. The offer of Bank of Zumbrota, Zumbrota, Minnesota (the "Purchaser"), to purchase the Note and to pay therefor the sum of $250,000, plus interest accrued to settlement, if any, all in accordance with the terms and at the rates of interest hereinafter set forth, is hereby accepted.

2. Note Terms; Original Issue Date; Denominations; Maturities; Interest and Redemption. The City shall forthwith issue the Note, which shall be in fully registered form without interest coupons, shall be dated, mature, bear interest, and be subject to redemption and be payable as provided in the form of the Note.

3. Allocation. The Equipment Portion of the Note, in the aggregate principal amount of $131,000, with principal installment payments in each of the years and amounts hereinafter set forth, is issued to finance acquisition of the Equipment, The Water Portion of the Note in the aggregate principal amount of $119,000, with principal installment payments in each of the years and amounts hereinafter set forth, is issued to finance the System Improvements:

Year	Equipment Portion	Water Portion	Total Amount
2022	$ 12,000	$ 11,000	$ 23,000
2023	13,000	11,000	24,000
2024	13,000	11,000	24,000
2025	13,000	12,000	25,000
2026	13,000	12,000	25,000
2027	13,000	12,000	25,000
2028	13,000	12,000	25,000
2029	13,000	12,000	25,000
2030	14,000	13,000	27,000
2031	14,000	13,000	27,000

If the Note is prepaid in part, the partial prepayments shall be allocated to the portions of debt service as provided in this paragraph. If the source of prepayment moneys is the general fund of the City, or other generally available source, the prepayment may be allocated to either or both of the portions of debt service in such amounts as the City shall determine. If the source of the prepayment is taxes levied for the Equipment, the prepayment shall be allocated to the Equipment Portion of debt service. If the source of a prepayment is excess net revenues of the Water System pledged to the System Improvements, the prepayment shall be allocated to the Water Portion of debt service.

The principal installment schedule for the Water Portion of the Note complies with Minnesota Statutes, Section 475.54, subdivision 17 in that the principal installments to be paid with respect to the Water Portion of the Note are payable primarily from a source other than ad valorem taxes and the City Council hereby estimates that the net revenues from the Water System, which is the primary source of payment for the Water Portion of the Note, will be sufficient to pay, and by this Resolution is irrevocably appropriated to, the payment of the Water Portion of the Note.

4. Purpose. The Equipment Portion of the Note shall provide funds to finance the acquisition of the Equipment and the Water Portion of the Note shall provide funds to finance the System Improvements (together, with the Equipment, the "Project"). The total cost of the Project, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Note. Work on the Project shall proceed with due diligence to

completion. The City covenants that it shall do all things and perform all acts required of it to assure that work on the Project proceeds with due diligence to completion and that any and all permits and studies required under law for the Project are obtained.

5. Registrar. The City Clerk-Treasurer of the City of Mantorville, Minnesota, is appointed to act as registrar and transfer agent with respect to the Note (the "Registrar"), and shall do so unless and until a successor Registrar is duly appointed. The Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Note shall be paid to the registered holder (or record holder) of the Note in the manner set forth in the form of Note.

6. Form of Note. The Note, together with the Certificate of Registration, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
DODGE COUNTY
CITY OF MANTORVILLE

R-1 $250,000

GENERAL OBLIGATION EQUIPMENT AND UTILITY REVENUE NOTE,
SERIES 2021A

Interest Rate	Maturity Date	Date of Original Issue
1.80%	September 1, 2031	September 13, 2021

REGISTERED OWNER: BANK OF ZUMBROTA, ZUMBROTA, MINNESOTA

PRINCIPAL AMOUNT: TWO HUNDRED FIFTY THOUSAND DOLLARS

The City of Mantorville, Dodge County, Minnesota (the "Issuer" or the "City"), certifies that it is indebted and, for value received, hereby promises to pay to the registered owner specified above, or assigns duly certified on the Certificate of Registration attached to and made a part of this Note (the "Owner"), unless called for earlier redemption, in the manner hereinafter set forth, the $250,000 principal amount of this Note in the principal installments due on September 1 of the years and in the amounts, respectively, as follows, with each such principal installment bearing interest until paid at the interest rate of 1.80% per annum:

Principal Installments Due September 1	Amount	Principal Installments Due September 1	Amount
2022	$ 23,000	2027	$ 25,000
2023	24,000	2028	25,000
2024	24,000	2029	25,000
2025	25,000	2030	27,000
2026	25,000	2031	27,000

Interest. Interest shall be payable semiannually on March 1 and September 1 of each year, commencing September 1, 2022, and shall be calculated on the basis of a 360-day year consisting of twelve thirty-day months. At the time of final payment of all principal and interest on this Note, the Owner shall surrender this Note to the City Clerk-Treasurer of the Issuer (the "Registrar").

Redemption. This Note shall be subject to partial prepayment at the option of the Issuer on any payment date, beginning September 1, 2024 at a price of the principal amount to be prepaid, plus a fee of $200 and shall be subject to prepayment in whole on any date on or after September 1, 2024, at a price of par plus accrued interest to such date.

Date of Payment Not a Business Day. If the nominal date for payment of any principal of or interest on this Note shall not be a business day of the Issuer or of the Owner, then the date for such payment shall be the next such business day and payment on such business day shall have the same force and effect as if made on the nominal date of payment.

Fees upon Loss. The Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with any legal or unusual costs regarding a lost Note.

Treatment of Registered Owner. The Issuer and Registrar may treat the person in whose name this Note is registered as the holder hereof for the purpose of receiving payment as herein provided and for all other purposes, whether or not this Note shall be overdue, and neither the Issuer nor the Registrar shall be affected by notice to the contrary.

Issuance; Purpose; General Obligation. This Note is issued as a single instrument in the total principal amount of $250,000, pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council on August 23, 2021 (the "Resolution") for the purpose of providing money to finance improvements to the municipal water system and the acquisition of capital equipment within the jurisdiction of the Issuer. This Note is payable out of the General Obligation Equipment and Utility Revenue Note, Series 2021A Fund of the Issuer. This Note constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Payment Instructions. Interest and principal shall be paid by the City Clerk-Treasurer of the City of Mantorville, Minnesota (the "Registrar") by check, ACH debit, wire transfer or draft mailed to the Owner at the address listed on the Note of Registration attached to and made a part of this Note. On the maturity date or final redemption payment, the Owner shall surrender this Note to the Registrar.

Date of Payment Not a Business Day. If the nominal date for payment of any principal of or interest on this Note shall not be a business day of the Issuer or of the Owner, then the date for such payment shall be the next such business day and payment on such business day shall have the same force and effect as if made on the nominal date of payment.

Transfer. This Note is transferable, as provided in the Resolution, upon the Register kept by the Registrar upon surrender of this Note together with a written instrument of transfer duly executed by the Owner or the Owner's attorney duly authorized in writing, and thereupon a new, fully registered Note in the same aggregate principal amount shall be issued to the transferee in exchange therefor (or the transfer shall be duly recorded on the Register and the Note of Registration hereof), upon the payment of charges and satisfaction of applicable conditions, if any, as therein prescribed; provided that such transfer may occur only with respect to the entire Note and all of the remaining principal amount of the sole final maturity hereof. The City may treat and consider the person in whose name this Note is registered as the absolute Owner hereof for the purpose of receiving payment of or on account of the principal of and interest on this Note and for all other purposes whatsoever.

Authentication. This Note shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Registration hereon shall have been executed by the Registrar.

Qualified Tax-Exempt Obligation. This Note has been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Note, have been done, have happened and have been performed, in regular and due form, time and manner as required by law; that the Issuer has covenanted and agreed with the Registered Owner of the Note that it will impose and collect charges for the service, use and availability of its municipal water system (the "Water System") at the times and in amounts necessary to produce net revenues, together with other sums pledged to the payment of the Water Portion of the Note, as defined in the Resolution, adequate to pay all principal and interest when due on the Water Portion of the Note; and that the Issuer will levy a direct, annual, irrepealable ad valorem tax upon all of the taxable property of the Issuer, without limitation as to rate or amount for the years and in amounts sufficient to pay the principal and interest on the Water Portion of the Note as it becomes due, if the net revenues of the Water System, and any other sums irrevocably appropriated to the Debt Service Account are insufficient therefor; and that this Note, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Mantorville, Dodge County, Minnesota, by its City Council has caused this Note to be executed on its behalf by the manual or facsimile signatures of its Mayor and its City Clerk-Treasurer, the corporate seal of the City having been intentionally omitted as permitted by law.

Date of Registration:
September 13, 2021

REGISTRABLE BY AND
PAYABLE AT:

Office of the City Clerk-Treasurer
City of Mantorville, Minnesota

CITY OF MANTORVILLE,
DODGE COUNTY, MINNESOTA

[Do not sign]____________________________
Chuck Bradford, Mayor

[Do not sign]____________________________
Shirley R Buecksler, City Clerk-Treasurer

CERTIFICATE OF REGISTRATION

The transfer of ownership of the principal amount of the attached Note may be made only by the registered owner or the registered owner's legal representative last noted below:

Date of Registration	Registered Owner	Signature of Registrar
September 13, 2021	Bank of Zumbrota 1440 South Main Street Zumbrota, MN 55992	[Do not sign]

7. Execution. The Note shall be in typewritten form, shall be executed on behalf of the City by the manual or facsimile signatures of its Mayor and City Clerk-Treasurer, the seal having been omitted as permitted by law. In the event of disability or resignation or other absence of either such officer, the Note may be signed by the manual or facsimile signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature shall appear on the Note shall cease to be such officer before the delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

8. Delivery; Application of Proceeds. The Note when so prepared and executed shall be delivered by the City Clerk-Treasurer to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

9. Fund and Accounts. There is hereby established a special fund to be designated the "General Obligation Equipment and Utility Revenue Note, Series 2021A Fund" (the "Fund") to be administered and maintained by the City Clerk-Treasurer as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Note and the interest thereon have been fully paid. The Operation and Maintenance Account heretofore established by the City for the Water System (the "Operation and Maintenance Account"), shall continue to be maintained in the manner heretofore and herein provided by the City. All moneys remaining after paying or providing for the items set forth in the resolution establishing the Operation and Maintenance Account shall constitute or are referred to as "net revenues" until the Water Portion of the Note has been paid. In such records there shall be established accounts of the Fund for the purposes and in the amounts as follows:

(a) Capital Account. To the Capital Account there shall be credited the proceeds of the sale of the Note. From the Capital Account there shall be paid all costs and expenses of the Project, including the cost of any construction or other contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65. Moneys in the Capital Account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Note may also be used to the extent necessary to pay interest on the Note due prior to the anticipated date of commencement of the collection of taxes herein levied or covenanted to be levied; and provided further that if upon completion of the Project there shall remain any unexpended balance in the Capital Account, the balance shall be transferred to the Debt Service Account.

(b) Debt Service Account. There shall be maintained two separate subaccounts in the Debt Service Account to be designated the "Equipment Debt Service Subaccount" and the "Water System Debt Service Subaccount." There are hereby irrevocably appropriated and pledged to, and there shall be credited to the separate subaccounts of the Debt Service Account:

(i) Equipment Debt Service Subaccount. To the Equipment Debt Service Subaccount there shall be credited: (A) any collections of all taxes heretofore, herein or hereafter levied for the payment of the Equipment Portion of the Note and interest thereon; (B) a pro rata share of all funds remaining in the Capital Account after the payment of all costs of the Equipment; (C) all investment earnings on funds held in the Equipment Debt Service Subaccount; and (D) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Equipment Debt Service Subaccount. The Equipment Debt Service Subaccount shall be used solely to pay the principal and interest of the Equipment Portion of the Note and any other general obligation Note of the City hereafter issued by the City and made payable from said account as provided by law.

(ii) Water System Debt Service Subaccount. To the Water System Debt Service Subaccount there shall be credited: (A) the net revenues of the Water System not otherwise pledged and applied to the payment of other obligations of the City, in an amount, together with other funds which may herein or hereafter from time to time be irrevocably appropriated to the Water System Debt Service Subaccount, sufficient to meet the requirements of Minnesota Statutes, Section 475.61 for the payment of the principal and interest of the Water Portion of the Note; (B) any collections of all taxes which may hereafter be levied in the event that the net revenues of the Water System and other funds herein pledged to the payment of the principal and interest on the Water Portion of the Note are insufficient therefore; (C) a pro rata share of all funds remaining in the Capital Account after completion of the System Improvements and payment of the costs thereof; (F) all investment earnings on funds held in the Water System Debt Service Subaccount; and (G) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Water System Debt Service Subaccount. The Water System Debt Service Subaccount shall be used solely to pay the principal and interest and any premium for redemption of the Water Portion of the Note and any other general obligation Note of the City hereafter issued by the City and made payable from said subaccount as provided by law.

No portion of the proceeds of the Note shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Note was issued and (2) in addition to the above in an amount not greater than the lesser of five percent of the proceeds of the Note or $100,000. To this effect, any proceeds of the Note and any sums from time to time held in the Capital Account, Operation and Maintenance Account, or Debt Service Account (or any other City account which will be used to pay principal or interest to become due on the Note payable therefrom) in excess of amounts which under then applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Note to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

10. Covenants Relating to the Equipment Portion of the Note.

(a) Tax Levy; Coverage Test. To provide moneys for payment of principal and interest on the Equipment Portion of the Note, there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

Year of Tax Levy	Year of Tax Collection	Amount
2021	2022	$ 14,993
2022	2023	15,899
2023	2024	15,653
2024	2025	15,408
2025	2026	15,162
2026	2027	14,916
2027	2028	14,671
2028	2029	14,425
2029	2030	15,229
2030	2031	14,965

The tax levies are such that if collected in full they, together with estimated collections of special assessments and other revenues herein pledged for the payment of the Equipment Portion of the Note, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Equipment Portion of the Note. The tax levies shall be irrepealable so long as the Equipment Portion of the Note is outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

11. Covenants Relating to the Water Portion of the Note.

(a) Sufficiency of Net Revenues. It is hereby found, determined and declared that the net revenues of the Water System, together with other sums pledged, are sufficient in amount to pay when due the principal of and interest on the Water Portion of the Note and the Outstanding Water Bonds, and a sum at least five percent in excess thereof. It is hereby found, determined and declared that the net revenues of the Water System, together with the net revenues of the Sewer System, together with other sums pledged, are sufficient to the pay the Outstanding Water and Sewer Bonds, and a sum at least five percent in excess thereof. The net revenues of the Water System are hereby pledged on a parity lien with the Outstanding Water Bonds and the Outstanding Water and Sewer Bonds, and shall be applied for that purpose, but solely to the extent required to meet the principal and interest requirements of the Water Portion of the Note as the same become due.

Nothing contained herein shall be deemed to preclude the City from making further pledges and appropriations of the net revenues of the Water System for the payment of other or additional obligations of the City, provided that it has first been determined by the City Council that the estimated net revenues of the Water System will be sufficient in addition to all other sources, for the payment of the Water Portion of the Note and such additional obligations and any such pledge and appropriation of the net revenues may be made superior or subordinate to, or on a parity with the pledge and appropriation herein.

(b) Excess Net Revenues. Net revenues in excess of those required for the foregoing may be used for any proper purpose.

(c) Covenant to Maintain Rates and Charges. In accordance with Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the owner of the Note that it will impose and collect charges for the service, use, availability, and connection to the Water System at the times and in the amounts required to produce net revenues adequate to pay all principal and interest when due on the Water Portion of the Note. Minnesota Statutes, Section 444.075, Subdivision 2, provides as follows: "Real estate tax revenues should be used only, and then on a temporary basis, to pay general or special obligations when the other revenues are insufficient to meet the obligations."

12. Defeasance. When the Note has been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holder of the Note shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to the Note which is due on any date by irrevocably depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or if the Note should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to the Note called for redemption on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to the Note, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

13. Compliance With Reimbursement Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Note, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

(a) Not later than sixty days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional purpose thereof from which the Reimbursement Expenditure was to be paid (collectively the "Program"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Program; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Program, defined in the Reimbursement Regulations to include engineering or architectural, surveying and soil testing expenses and similar preliminary costs, which in the aggregate do not exceed twenty percent of the "issue price" of the Note, and (ii) a de minimis amount of Reimbursement Expenditures not in excess of the lesser of $100,000 or five percent of the proceeds of the Note.

(b) Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the Note or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

(c) The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Note, and not later than 18 months after the later of (i) the date of the payment of the Reimbursement Expenditure, or (ii) the date on which the Program to which the Reimbursement Expenditure relates is first placed in service, but in no event more than three years after the date of payment of the Reimbursement Expenditure.

(d) Each such reimbursement allocation will be made in a writing that evidences the City's use of Note proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the Note is issued, shall be treated as made on the day the Note is issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph upon receipt of an opinion of its bond counsel for the Note stating in effect that such action will not impair the tax-exempt status of the Note.

14. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Note, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Note and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Account when a sufficient balance is available therein.

15. Certificate of Registration. The City Clerk-Treasurer is hereby directed to file a certified copy of this resolution with the County Auditor of Dodge County, Minnesota, together with such other information as the County Auditor shall require, and to obtain from the County Auditor a certificate that the Note has been entered in the County Auditor's Bond Register and that the tax levy required by law has been made.

16. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Note, certified copies of all proceedings and records of the City relating to the Note

and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Note as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

17. Negative Covenant as to Use of Proceeds and Project. The City hereby covenants not to use the proceeds of the Note or to use the Project, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Project, in such a manner as to cause the Note to be a "private activity bond" within the meaning of Sections 103 and 141 through 150 of the Code.

18. Tax-Exempt Status of the Note; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Note, including without limitation (i) requirements relating to temporary periods for investments, (ii) limitations on amounts invested at a yield greater than the yield on the Note, and (iii) the rebate of excess investment earnings to the United States if the Note (together with other obligations reasonably expected to be issued and outstanding at one time in this calendar year) exceed the small-issuer exception amount of $5,000,000.

For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements for governmental units issuing $5,000,000 or less of bonds, the City hereby finds, determines and declares that: (i) the Note is issued by a governmental unit with general taxing powers; (ii) the Note is not a private activity bond; (iii) 95% or more of the net proceeds of the Note is to be used for local governmental activities of the City (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City); and (iv) the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City (and all entities subordinate to, or treated as one issuer with the City) during the calendar year in which the Note is issued and outstanding at one time is not reasonably expected to exceed $5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

19. Designation of Qualified Tax-Exempt Obligations. In order to qualify the Note as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representations:

(a) the Note is issued after August 7, 1986;

(b) the Note is not a "private activity bond" as defined in Section 141 of the Code;

(c) the City hereby designates the Note as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code;

(d) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2021 will not exceed $10,000,000;

(e) not more than $10,000,000 of obligations issued by the City during this calendar year 2021 have been designated for purposes of Section 265(b)(3) of the Code; and

(f) the aggregate face amount of the Note does not exceed $10,000,000.

The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

20. Offering Circular. The Offering Circular relating to the Note prepared and distributed by David Drown Associates, Inc., is hereby approved and the officers of the City are authorized in connection with the delivery of the Note to sign such certificates as may be necessary with respect to the completeness and accuracy of the Offering Circular.

21. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

22. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

Adopted by the City Council of the City of Mantorville, Minnesota, this 23rd day of August 2021.

ATTEST:

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Chuck Bradford, Mayor

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Shirley R Buecksler, City Clerk-Treasurer