

**City of Mantorville
City Council Minutes
July 26, 2021**

1. Call to Order

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

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

Absent: None

Others Present: City Clerk-Treasurer Shirley Buecksler
Assistant City Clerk Shelly Jensen-Germundson
Public Works Joe Adams
Public Works Ryan Jech

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Swearing In Ceremony: Jeffrey Ingalls

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

4. Additions/Deletions to Agenda

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

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

Vote: 5 ayes / 0 nays. Motion carried.

5. Consent Agenda

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

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

Vote: 5 ayes / 0 nays. Motion carried.

6. Public Concerns

The following citizens addressed the Council:

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

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

7. Old/New Business

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

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

Vote: 5 ayes / 0 nays. Motion carried.

B. Acceptance of Staff Resignation from Ryan Jech

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

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

Vote: 5 ayes / 0 nays. Motion carried.

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

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

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

Vote: 5 ayes / 0 nays. Motion carried.

D. Marigold Days Update

Councilmember Hoaglund provided an update on the Marigold Days parade:

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

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

Vote: 5 ayes / 0 nays. Motion carried.

2) Parade route:

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

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

Vote: 5 ayes / 0 nays. Motion carried.

E. Code Enforcement at 720 County Road 12

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Kinney said it's the precedence it sets.

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

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

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

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

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

Vote: 5 ayes / 0 nays. Motion carried.

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

8. Reports

A. Public Works Report

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

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

A. City Clerk Report

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

B. Consultant Report

Nothing to report.

C. Committee Reports

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

D. Councilmember Reports

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

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

9. Executive Session

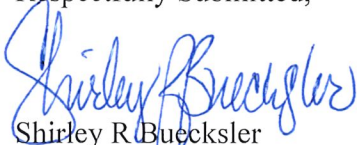
There was no Executive Session.

10. Adjourn

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

Vote: 5 ayes / 0 nays. Meeting adjourned.

Respectfully Submitted,


Shirley R. Buecksler
City Clerk-Treasurer