

**City of Mantorville
City Council Minutes
September 26, 2022**

1. Call to Order

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

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

Absent: None

Others Present: City Clerk-Treasurer Shirley Buecksler
Public Works Lead Joe Adams
Public Works Wade Schroeder

In anticipation of a larger audience for tonight's presentation, this meeting was held in the Mantorville Fire Department training room.

2. Pledge of Allegiance

Everyone stood and recited the Pledge of Allegiance.

3. Amendments/Approval of Agenda

Council approved the agenda, as presented.

Vote: 5 ayes / 0 nays. Motion carried.

4. Consent Agenda

- A. Accounts Payable Claims List for September 26, 2022
- B. Fund Transfers for the Year 2021; Resolution No. 2022-41

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

Vote: 5 ayes / 0 nays. Motion carried.

5. Proclamations, Presentations and Recognitions

- A. Informational Presentation by Mark Gamm and Bill Thompson, "Improve and Restore South Branch Middle Fork Zumbro Watershed"

Mark Gamm and Bill Thompson presented the benefits and possible enhancements of looking at the options to improve the dam in Mantorville.

Discussion:

- Virgil Andrist commented on the dam that was taken out in Oronoco and that they lost the pool.
 - Mr. Gamm said Oronoco was up against the wall when the dam blew out, so they didn't have many options.
 - Councilmember Kinney said, back in 2010, the DNR and the City of Oronoco weighted the costs of repairing the dam. They built recreational and historical things around it.
- Virgil Andrist asked if there has been a survey on the number of kids hurt on the rocks?
 - Mr. Gamm said they haven't gathered that data.
- Martha Vrieze said we need to have the survey to know what our options are. Even if we don't touch the dam, we have the information. The survey is to gain knowledge.
 - Mr. Thompson said this would be a survey of the river, not the dam, necessarily.
- Tom Gall, former Mayor, said we looked at options to repair the dam. It didn't cost anything. At the time, they were looking to remove the dam.
- Jane Olive said one of the main issues is drinkable water. It's a bigger issue than just Mantorville. We need people who have better ways of looking at this. The dam is not in danger of falling apart. The DNR put in money for the last repair.
- Bill Glawe and Billy Glawe stated that work was done on the dam years ago and was built to take debris out of the dam.
- Bill Reding said the park will flood the same even with the rock.
- Jim Potter spoke regarding preserving history but didn't see anything in the presentation on that.
 - Mark Gamm said Dundas had an old mill or grinding stone they put in place. You can create an historical piece or structure, if there are funds available.
- Jim Potter questioned why the City is giving Mr. Gamm and Mr. Thompson the authority to do this study? Will the DNR require us to do it their way, or at our cost to do it differently? Will we have to repair something seen?
 - Bill Thompson said the City should quiz the surveyors – how exactly are you going to do this? Get the specifics. He said he worked with the state government and the DNR for three decades. They look at the connection of rivers, dams, shorelines, etc. I would recommend going in with eyes wide open. The survey is not of the integral structure of the dam. I don't think it would play out that way, but be careful, he said.
- Will Lambert said to be aware of letting the camel get his nose into the tent. That can be a wedge and a lever on the part of state government. We have enough big government already.
- Jamie Jenks, former Councilmember, asked Mark Gamm and Bill Thompson if they live in Mantorville?
 - Mark Gamm said he has been here 30 years, just downstream. Bill Thompson said he lives a mile upstream.

- Jamie Jenks said many individuals' efforts have come together to educate us, whether they are scout groups doing a portage or other things coming together. We have possibilities, the only one I know of in the area where there is still a dam, hydro-electric. Now we have wind, we have solar, if we ever wanted to get a bike path route together, this is one of the historical areas. We do a lot with the schools and fishing contests, educating the skill of fishing. The water shed education district, development of the flood plain that the City does and has things in place, basically we also defend where people have tried to fill illegally the soil in those flood plains and make sure it stays to recapture that water and filter it. We have plans for restoration and maintenance of the dam, historic ones, as well as newer ones from the 40s and 60s. I believe that now that there has been so much time, it is eligible for filing under the National Trust for Historic Preservation and lock it into place. It's just a matter of do we want to do that. It's limestone and the original plans are pretty old. There have been some legislators that have said "over their dead body" if someone wanted to tear that out or "not as long as I'm in office." Some of those legislators are running again, and here we are again at it again. We have a campground right on it. I would love to see before the night is over, as to who wants to see it remain the way it is and not waste the City's money on further engineering that has already been redone and redone. It's nothing against your noble efforts. It's one other person's opinion, that's all.
- Billy Glawe – the water they showed of Hutchinson and Pine River, the flow of water there is tremendously more than what we have here. You want to keep the same level of ponding above it. Where does that say that the sediment isn't going to wash out? All of the structure like this built. Has anyone taken video from upstream? From your place on down on to show what's causing our sediment problem here now? Is there anything being done about the farmland above stream? The homeowners that live there don't benefit from this, so are pretty safe. And you say there are no fish above the dam. But there are fish. Last time we had a meeting, you said there are no fish above the dam, which is incorrect.
 - Mark Gamm corrected what he had said and stated that the fish below the dam are better than the fish above the dam.
- Billy Glawe - I understand what you're trying to do here but we also need to look at the dam's historic value. How many years it has been here? Before you said free money, now you're saying new money. That money is going to cost somebody something. Where does that money come from?
 - Mark Gamm said we are just pointing out the opportunities and obviously it's the City's decision.
- Billy Glawe - I understand, yet you haven't answered any of the questions that most of us have asked.
 - Mark Gamm said that we did our best. At this point, the detailed questions would have to follow a survey so we would know what it would look like, what the ripple structure would look like, safety concerns, is there going to be a wading pool, what are the options, etc. The pool of water is one of the concerns that would need an analysis to

know seasonally how that would work. Those are questions we cannot answer without more detail.

- Bill Thompson added that each of these projects is different and need to be looked at. But there is a science to managing these rivers with a lot of people at the University of Minnesota, not just the DNR. But legislatively, the DNR is managing the river channel and working on flow and hydrology so they have to be dealt with. They incorporate channel dimensions and the pool. The pool elevation can be designed. The disadvantage of dredging is someone has to pay for it. There will be more connection of sediment movement downstream, fish and recreation. These three things are what would be incorporated in a rock rapid installation.
- A resident stated that Mower County has had a very successful watershed program for ten years now. They kept their dam and were able to do a lot of things. We are a lot like them. Why don't we study what they did so we can keep the dam?
- Virgil Andrist asked what happens if the City decides to do this and remove the dam, who pays for it?
 - Bill Thompson said it depends on when and what circumstances the dam is removed. If you talk with the DNR and do the planning, they would pay for the removal. If the dam washes out, you may hear from the state and you have to clean it out yourself.
- Virgil Andrist – so the state would pay 100% for cleanup upstream, downstream and the dam? The City wouldn't pay?
 - Bill Thompson said those are the questions to ask going in.

Discussion continued regarding grants on park improvements, who would be writing the grants and managing the program, contractors who could use the sand and may remove it for free.

- Councilmember Ingalls asked if the rock rapids get damaged from a major flood, in your studies, did you find one of these structures damaged by flood waters, and who repaired it? Does the City still have liability on the new rock structure or is it turned over to the DNR? Is there a long term 100-year contract that the DNR has to do repairs on it? I have property just below the dam and I ended up with half of Mantorville in my yard. A rock structure like this, just like I have, got washed out and I had to have it repaired. These rocks could end up down river and in my yard again, essentially. Who's going to take care of that?
 - Bill Thompson said he assumed in negotiations with the DNR that, the City owns the dam now, but the DNE is managing the river channel, that it would probably go to the state. It's a good question, I don't know the answer.
- Councilmember Ingalls asked, if they put it all in and they manage it, they may not have the money for the dam or the rocks at that time. Have you seen a contract with that guarantee?
 - Bill Thompson said he hasn't looked into that.

- Councilmember Ingalls - are you seeing in your studies if the pressure is increasing and is the DNR using eminent domain to remove dams? Are they coming after small towns to say it has to be removed? Or can we keep it in perpetuity as long as we maintain it?
 - Mark Gamm said I don't think there is anything in uptick of pressure.
- Councilmember Hoaglund said I look at the dams around here and what happened to them. Wanamingo was a good example. I compare this dam to the power dam by Zumbro. What reaction do you think the public would give you if you said you're taking the power dam out tomorrow? Personally, not for fact, but I think the DNR still has it on their agenda to remove this dam someday.
- Councilmember Ingalls said we have a lot of invasive species down river, zebra mussels, specifically. Do you know if they are above the dam, and will removing the dam allow them to go up the river?
 - Bill Thompson - I haven't heard if zebra muscles and carp have made their way on both sides.
- Billy Glawe – are we exercising the dam?
 - Joe Adams said you don't want to shut off the dam completely because it will fill it up. I was told that you want to leave a little bit of water going through. It takes 2 to 3 hours to get them wrenched out. Last time it was shut down, it took several months for it to run properly. It's partially open right now and water is coming through pretty good through the culverts.

Mayor Bradford said, in the interest of soliciting community input, we will do an informal vote on whether to move forward with a survey and option for removing the dam. The majority were opposed.

Mayor Bradford thanked Mark Gamm and Bill Thompson for coming in and putting this information together. The aerial was very nice, he said. You have some time vested into this presentation with both the Park Board and here, and we appreciate that effort.

Council action: None.

At this time, Mayor Bradford said the City Council will not take any further action on this subject. Thank you to everyone for coming in, providing input, expressing your concerns, and allowing others to speak.

6. Public Safety Update

A. 2023 Contract Between City of Mantorville and Dodge County Sheriff's Office to Provide Law Enforcement Protection

Motion was made by Councilmember Kinney and seconded by Councilmember Ingalls to approve the 2023 Dodge County Sheriff's Office Law Enforcement Contract.

Vote: 5 ayes / 0 nays. Motion carried.

7. Public Concerns

The following citizen(s) addressed the Council:

- Bill Reding – where are we at on the ditches and the road?
Joe Adams said he talked to engineering because that road has settled. May tie into the 2022 Street Project.
- Carol Andrist – any more ditches proposed?
Joe Adams said no.
- Carol Andrist – why is the City liable if there is a poor plan by the Engineer (such as not putting things back in)?
Mayor Bradford said everyone understands the significance of the structure and what the ditches would look like. The Engineer did some of the work without charging the City (pro bono). The easiest was to get a different contractor and fill in the ditches.
- Carol Andrist – Why is the City paying for the drain?
Mayor Bradford said the original design did not require the drain, but the homeowner wanted it back in. It was a change of scope, not an error by engineering.

Councilmember Keller said the Engineer did a reasonable job. I don't think it was a poorly engineered job, it just wasn't aesthetically pleasing.
- Bill Reding – it's all in the contract and wasn't written correctly.
Councilmember Keller said I'm giving him the benefit of the doubt.

8. Old Business/New Business

- A. Application for Variance to Allow for the Construction of a 33-Foot Access Drive at 521 Chestnut Street – Applicant Kyle Decker; Resolution No. 2022-40

Motion was made by Councilmember Ingalls and seconded by Councilmember Keller to open the public hearing at 7:53 p.m.

Vote: 5 ayes / 0 nays. Motion carried.

Kyle Decker, Applicant, said he is proposing to finish his driveway. The City Code needs to be looked at regarding driveways.

Mayor Bradford said we have discussed it with the City Attorney. The terms "stall" and "space" are not defined in our ordinance.

Mr. Decker said the Code also doesn't state gravel, concrete or asphalt. He said he is actually making his driveway smaller than the gravel that is there now. He also said he measured all of the Bigelow homes and they are over 30 feet.

Councilmember Hoaglund said we have set a precedence. Bigelow homes, most have three car garages and one was 32 feet. There are a lot of homes with 30-foot driveways in Mantorville.

Mayor Bradford thanked Mr. Decker for applying for this variance and said he agrees that Council needs to work on this ordinance. Recommends granting the variance and waiving the \$250.00 fee.

Motion was made by Councilmember Ingalls and seconded by Councilmember Hoaglund to grant the variance and waive the \$250.00 fee.

Vote: 5 ayes / 0 nays. Motion carried.

9. Old Business/New Business

A. Budget and Levy Hearing Dates; and Adopting the Proposed Levy Collectible in the Year 2023; Resolution No. 2022-42

Motion was made by Councilmember Ingalls and seconded by Councilmember Keller to set the preliminary levy at nine percent (9%; \$600,847.00) and adopt Resolution No. 2022-42, Adopting the Proposed Property Tax Levy Collectible in the Year 2023.

Vote: 4 ayes / 1 nay – Councilmember Kinney voted against. Motion carried.

B. City Hall Office Hours Discussion, Continued from August 29, 2022

Council agreed that City Hall office hours will remain as is, which is Monday through Thursday 7:00 am to 5:30 pm, closed on Fridays. No further action to be taken, and no further logging of information necessary by Staff.

10. Reports

A. Public Works Report

1) Estimate from DeCook Contracting

Estimate to install 116 feet of curb at \$42.00/foot = \$4,872.00.

Curb at the Saloon parking lot to control water, next to the alley. 116 feet, 5th Street to the power pole towards Clay. We freed up money from the original water main project, and we need to control the water. Joe Adams said Scott and Koreen Seim, Mantorville Saloon, are comfortable with it and know what it will look like. He can have the contractor clean up the estimate with more detail.

Motion was made by Councilmember Hoaglund and seconded by Councilmember Ingalls to add the contract in the amount of \$4,872.00.

Vote: 5 ayes / 0 nays. Motion carried.

2) Estimate for reshaping Bill Reding's ditch:

Quote to reseed:	\$2,000.00
Stone by Stone quote on the gutter:	\$2,150.00
12-foot gutter by curb	
12-foot drive with steel grates over top	
Total:	<u>\$4,150.00</u>

Will be done before November.

Motion was made by Councilmember Keller and seconded by Councilmember Ingalls to approve this work in the amount of \$4,150.00.

Vote: 5 ayes / 0 nays. Motion carried.

3) Concern Raised by the League of Minnesota Cities Insurance Trust

The Fire Department door to the training room needs a safety push bar added and is required by the State at a cost of \$1,215.00 with a new keypad.

Motion was made by Councilmember Ingalls and seconded by Councilmember Keller to approve the use of American Rescue Plan Act (ARPA) Funds in the amount of \$1,215.00 to add a safety push bar to the Fire Department training room door.

Vote: 5 ayes / 0 nays. Motion carried.

4) There will be an Agate Swap meeting at the park. 25 vendors during the day, some from Michigan staying over on Friday night. Is there any concern with some of them sleeping in their vehicles in the park at night?

Check with the Sheriff, otherwise the City Administrator has the authority to grant it.

B. City Clerk Report

No report.

C. Consultant Report

1) Planning and Zoning Commission

Council discussed and recommended that the City Attorney draft an ordinance amendment that the Council will appoint themselves as back-up to the Planning Commission if there are not enough members. The Planning Commission would be made up of between five and seven members, with two Councilmembers appointed.

D. Committee Reports

1) Chamber

Planning the next events: Fall Festival and Olde Fashioned Christmas.
Meeting Wednesday night at the Art Guild.

2) Economic Development Authority

3) Finance/Budget

4) Fire Department

5) Infrastructure

6) Kasson Mantorville Joint Powers

7) Mantorville Restoration Association

8) Park Board

Meeting tomorrow night.

9) Personnel

10) Fire Relief

11) Township

E. Councilmember Reports

Councilmember Ingalls stated that his neighbor poured his driveway higher than the road. When the asphalt was ground on the road, they roughed up the concrete and it's going to be even higher.

Joe Adams said the Engineer stated that they will scrape it. He will meet with the homeowner and will have it taken care of.

Councilmember Ingalls asked if we can put up a sign regarding engine noise?

Mayor Bradford said he will work with Councilmember Ingalls on drafting an ordinance amendment.

Councilmember Ingalls recommended that the state transition the speed limit from 30, to 40, to 50. People will drive too fast when Highway 57 is done.

Councilmember Keller also suggested signage of "30 mph ahead." Mayor Bradford said we could probably get this quicker.

Councilmember Keller said the grass is coming in on 3rd Street. Joe Adams said the rut was fixed today.

F. Mayor's Report

1) No report.

11. Tabled Items

- A. Gambling Premises Permit Application from KM Snowdrifters to Conduct Lawful Gambling at 509 Main Street North; Resolution No. 2022-39

Motion was made by Councilmember Ingalls and seconded by Councilmember Hoaglund to adopt Resolution No. 2022-39, Concurring with the Issuance of a Gambling Premises Permit Application for KM Snowdrifters at 509 Main Street North, Mantorville, Minnesota.

Vote: 5 ayes / 0 nays. Motion carried.

12. Adjourn

Motion was made by Councilmember Ingalls and seconded by Councilmember Hoaglund to adjourn the meeting at 8:45 p.m.

Vote: 5 ayes / 0 nays. Meeting adjourned.

Respectfully Submitted,

A handwritten signature in black ink, reading "Shirley R. Buecksler". The signature is written in a cursive, flowing style.

Shirley R. Buecksler
City Clerk-Treasurer