

**City of Mantorville
Regular City Council Minutes
January 8, 2024**



1. Call to Order

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

Present: Mayor Chuck Bradford

Councilmembers:

Jessica Bradford

Lyle Hoaglund

Jeffrey Ingalls

Absent: Greg Rud

Others Present: City Clerk-Treasurer Gretchen Lohrbach
Public Works Lead Joe Adams
Public Works Wade Schroeder
City Engineer Scott Huneke - WHKS

2. Pledge of Allegiance

Everyone stood and recited the Pledge of Allegiance.

3. Changes to the Agenda

Councilmember Bradford would like to add a discussion of the vacant Council seat to the agenda under New Business.

Councilmember Hoaglund moved and Councilmember Ingalls seconded to approve the new agenda:

Motion carried: 4 ayes / 0 nays

4. Consent Agenda

Councilmember Hoaglund moved and Councilmember Ingalls seconded to approve the consent agenda as presented:

- A. Accounts Payable Through End of 2023
- B. Accounts Payable – Warrant List 1.8.2023
- C. City Council Regular Meeting Minutes 11.13.2023
- D. City Council Regular Meeting Minutes 11.27.2023
- E. City Council and Truth in Taxation Meeting Minutes 12.11.2023
- F. Board of Commissioners Meeting Minutes 11.28.23
- G. Board of Commissioners Meeting Minutes 12.12.23
- H. Park Board Minutes for October – November 2023
- I. Garbage License Renewals for 2024

- J. Engagement Letter with Smith, Schafer and Associates, Ltd. For 2024 Audit (for year 2023)
- K. 2024 Mantorville Dodge County Sheriff's Office Patrol Contract
- L. Assessment Agreement with Dodge County 2024
- M. Annual Excess Insurance 2024 – Statutory Tort limits; Resolution No. 2024-01
- N. Designation of City Consultants for 2024; Resolution No. 2024-02

Motion carried: 4 ayes / 0 nays

5. **Proclamations, Presentations and Recognitions**

City Engineer Scott Huneke discussed the Riverside Park bandshell and the HWY 57 Project.

- Huneke has a flood model from the DNR and two different scenarios for the bandshell. There is a difference between the Floodway and Flood Fringe. There are legal hoops to jump through if you are inside the floodway and less if you are outside the floodway. After looking at the model, building in the floodway probably is not a feasible approach. It would have to be put on the Northern side of the stakes currently in the park, back from the river and closer to the existing pavilion and the ground would need to be built up. It will need to be decided which way the bandshell is going to face.

Tom Monson, Mayor Bradford, and Councilmember Ingalls will schedule a time for the three of them to meet at Riverside Park and do some looking and generate some ideas so they can come back to Council with some recommendations.

- Huneke explained how the Cooperative Construction Agreement (contract) with the State will work. The State is holding the contract and doing the project so they will be the ones taking bids and hiring the contractors. The contract dictates what the State (Minnesota Department of Transportation – MNDOT) will be paying for and what portion will be the City's responsibility. Also, it states what the City is responsible for as far as engineering and other planning. The City Attorney has reviewed this contract. WHKS is recommending that the City enter into the contract with MNDOT, as this is the only way the project can move forward.

WHKS would like to provide the planning and engineering services and has provided a Professional Services Agreement that would also need to be signed.

Bonding came up and Huneke said that MNDOT will be paid after the contract is signed and the City has secured the money, but that it is not uncommon for the bonding process to take a while and MNDOT is aware of this.

Mayor Bradford said he was able to speak with City Attorney Scott Riggs and Riggs said that MNDOT is usually not willing to change the contract, as it is a standard State contract, but they are open to some signage locations. Bradford said that he pushed back a little, but Riggs said MNDOT will likely not change the contract and

that we would just be spinning our wheels. MNDOT stated that we do need to sign the contract tonight for the project to move forward and not impact our timeline.

Councilmember Hoaglund asked what the contract amount of \$494,326.46 included. Huneke said it includes all our city utilities (sanitary sewer and water main work is 100% of the City's responsibility) and that we then have cost participation with the storm sewers, administrative costs, and the parking area alongside Highway 57. This does not include the streetlight costs with Xcel energy and the construction engineering costs that have already been paid by the City for this project. Councilmember Ingalls also asked if we are able to change any of the percentages that the City is responsible for, but Huneke said these are standard MNDOT percentages.

Councilmember Ingalls asked why they would put the dewatering from the project into our sanitary sewer and Huneke said MNDOT will do that because, in case there is contaminated soil, it will be treated by our system and that Kasson had the same agreement with MNDOT for their HWY 57 project.

Councilmember Bradford asked what portion of our engineering fees will be paid for by the State. Huneke said the City is responsible for the water and sewer engineering, but that the State will take care of all the other construction engineering (streets, storm sewer, sidewalks, etc.).

Councilmember Hoaglund said that the Chamber and local businesses are concerned about signage for people to come into Mantorville. Huneke said that MNDOT will put up standard signage detouring traffic around Mantorville, but that the City would be responsible for any signage for traffic to come into Mantorville.

Councilmember Bradford had heard that MNDOT paid for additional signage for businesses in Kasson. Huneke said he would look into this.

Councilmember Hoaglund said that he would like to have a brochure that will give all the necessary information and phone numbers for the project. Huneke agrees that the MNDOT information should be on there, he also said that MNDOT will have posting on their website about the contractor's schedule and will update it monthly. Councilmember Hoaglund asked if City Clerk Lohrbach would be able to work on this; she will be willing to do this.

Councilmember Bradford asked what the WHKS contract entailed as far as weekly observation. Huneke said the contract contains what MNDOT suggests. WHKS is in charge of the water and sewer and MNDOT is in charge of inspecting their portion of the project. WHKS won't be here all summer, but will be there when needed and there will be several inspectors in town to make sure all of the specs are being followed.

Councilmember Hoaglund asked if all the soil in front of the old gas station that used to be on HWY 57 and is the Dodge County Sheriff station; if it would all need to be removed. Huneke said yes. Mayor Bradford asked former Councilmember Bill Reding if he could remember how it was done in the past and he said it was removed and then the groundwater was monitored for two or three years. Mayor Bradford thanked him for this information.

Councilmember Ingalls asked about permitting and Huneke said the permits have been secured for water and sewer, but electric will come later. Bill Reding said Xcel will obtain the permit for their electrical lines. Councilmember Hoaglund wanted to make sure there is going to be 4 lights at the intersection of HWY 57 & 5th Street. Huneke said there would be. Also, the lighting layout contains eleven lights.

Council discussed the MNDOT Contract.

Councilmember Ingalls feels that we don't have much of a choice but to move forward and approve it.

Councilmember Ingalls moved and Councilmember Hoaglund seconded to approve the resolution to enter into Contract 1055130 with the Minnesota Department of Transportation.

Motion Carried: 4 Ayes / 0 Nays

- Council discussed the Construction Engineering Agreement with WHKS. Councilmember Ingalls would like Council to look at it and decide at the next Council Meeting.
- New lighting layout will have eleven lights with eleven lights total and four lights at the intersection of HWY 57 and 5th Street. We will need a new cost estimate from Xcel. Councilmember Bradford was wondering if we really need that eleventh light and would rather stick with ten lights.

Councilmember Hoaglund moved and Councilmember Ingalls seconded to get a new quote from Xcel for the eleven lights on HWY 57.

Motion carried: 4 ayes / 0 nays

- Councilmember Hoaglund moved and Councilmember seconded to approve the Minnesota Energy easement for the HWY 57 project.

Motion carried: 4 ayes / 0 nays

- Councilmember Bradford wanted to know who will have liability if something goes wrong after signing the Temporary Permit to Construct for Governmental Entities

for MNDOT to access the easements the City has collected. Huneke said that would fall back on the contractor.

Councilmember Ingalls moved and Councilmember Bradford seconded to approve the Temporary Permit to Construct for Governmental Entities for MNDOT.

Motion carried: 4 ayes / 0 nays

6. Public Concerns

- Wendy Schleeter asked about the drop off area in front of the Senior Center. People park there and then someone dropping off a person can't get in there and has to drop the person off in the middle of the street. There is a yellow line painted on the curb, but it is not long enough. She was wondering if the line could be made longer, or if they could have a signage that says "Drop Off Point". Public Works Lead Adams added that this is a County Road, not a City street, so we would have to look into what the County allows. We get a maintenance fee from the County to maintain it and maybe that would cover us painting it. Bill Reding said the City could contact the County and they would probably have no problem with us painting it. Adams will follow up with the County, but we will have to wait until Spring to paint it.

7. Public Safety Update – No Items

8. Public Hearings – No Items

9. Old Business/New Business

A. New Business

- 1) Mayor Bradford said that the Council seat vacancy has been put on the water bills with a deadline of the 17th and that all who are interested should come down and talk with City Clerk Lohrbach for applications. Councilmember Bradford asked about why the deadline was extended (previously was January 4th) when we had applications turned in before the deadline. City Clerk Lohrbach said that was on herself because the vacancy was posted December 12th and zero applications had been received as of January 2nd. She decided to extend the deadline so that it could be put on the water bills and reach more people who might be interested. Later in the afternoon of the 2nd, the first application was turned in, but it was after all the water bills had been sent out. Councilmember Bradford pointed out that people often turn their applications in at the last minute. William Reding asked if the Council had set the deadline and Lohrbach replied that Council told her to post it, but she set the deadline so it is all on her. Councilmember Bradford was concerned that things had been promised to people, which may or may not happen. Mayor Bradford said he had spoken with people interested in the seat who had questions about it and he let them know that there is a process, so they should fill out an application at City Hall and Council will consider anyone that is interested. Councilmember Bradford said she had

not heard about the extension of the deadline and that decisions like this should be talked about.

Councilmember Ingalls felt the Council should have set a date at the beginning and that the failure was Council's, not Lohrbach's. Virgil Andrist felt the Council should go with the application that was submitted before the initial deadline of the 4th.

Bill Reding asked if it had been in the paper and Lohrbach said that it was only on the website, Facebook, and the City's cable channel.

Jim Potter said that City Clerk Lohrbach had told him on the 2nd that the Council were the ones who extended the deadline. Lohrbach said that it had been extended, but not that Council told her to, and that she was the one who extended it. Potter said this was corruption, was visibly and verbally upset, and abruptly exited Council Chambers.

City Clerk Lohrbach knew the next Council meeting was not until January 8th, so she went ahead with the extension of the application deadline. She apologized and said that perhaps she should have called a special meeting to extend it.

Virgil Andrist said this is not right and that if it was closing on the 4th, that's when an application needs to be in. Mayor Bradford said he spoke with the City Attorney and that he is aware of what the statutes and requirements are for these postings and this is his responsibility, but thanked Andrist for his input.

Councilmember Bradford feels that the initial deadline should be honored and the applications that came in before that deadline.

Bill Reding said that all applicants that were before the deadline are entitled to request a closed meeting as to why their applications weren't accepted.

Councilmember Ingalls moved and Councilmember Hoaglund seconded to approve the deadline of the 17th of January.

Motion carried: 3 ayes / 1 nay – Councilmember Bradford voting against

Councilmember Ingalls noted that in the future, Council should set a specific date.

- 2) Tom Wiener from WSE Massey was present to speak to Council about their options for the Construction management services (CMS) 2024 contract and to answer any questions.

He stated that there are three options available to us:

1. Percent of Fee Compensation – Jurisdiction adopts attached Permit Fee Schedule
2. Lump Sum Compensation – Jurisdiction develops/keeps their own Fee Schedule
3. Hourly Rate Compensation – Jurisdiction develops/keeps their own Fee Schedule

Mantorville currently has the Hourly Rate Compensation model, but Weiner stated that most jurisdictions are moving toward the Percent of Fee Compensation.

He spoke about construction inflation and what inspection costs really are. Our Fee Schedule we currently had is old and costs have changed.

Council would like to wait until January 22nd to move on this contract. Weiner said that training will begin soon and will fill up fast, so Council should make a decision by February 1st.

He is available to answer Council questions whenever they come up.

- 3) Tony Bigelow has written a formal letter to the City to ask for an extension on the preliminary plat for Eagle Meadows, which was approved in January 2023, Resolution 2023-08. He requests a one-year extension to finish planning and engineering and public hearings associated with all approvals. He was present to speak about this and answer and any questions Council may have.

Councilmember Bradford moved and Councilmember Ingalls seconded to approve a one-year extension for the Eagle Meadows preliminary plat.

Motion carried: 4 ayes / 0 nays

- 4) City Clerk Lohrbach said there is not a lot to change on the Master Fee Schedule. The items she was asking Council's advice on to change would be: the wording of "disk" to "flash drive", adding a late fee to overdue invoices, increasing garbage hauler license fees because of wear-and-tear on the City streets, and increasing the costs of the water meters.

Public Works Lead Adams will check on the updated costs of the water meters.

Lohrbach said that there must be a Public Hearing for an Ordinance to change our Master Fee Schedule, but that Council doesn't have to make any decisions that night.

Councilmember Ingalls said that we should discuss the CMS Contract at the next meeting before making any changes.

Mayor Bradford said he believes our Ordinance is such that we don't need a Public Hearing to move on this. City Clerk Lohrbach will check on this for the next Council Meeting.

- 5) The Committee 2023 assignments will stand until we fill the vacant seat on City Council.

10. Old Business

- A. City Clerk Lohrbach made changes on the 2024 budget regarding employee wages and benefits. She is looking for Council approval for these changes.

Councilmember Ingalls moved and Councilmember Bradford seconded to approve the 2024 budget with these changes.

Motion carried: 4 ayes / 0 nays

11. Tabled Items- No Items

12. Reports

A. Public Works Report

1. A fluoride pump went out and we needed to replace it right away at a cost that will be roughly \$900.00. Mayor Bradford stated that Adams had spoken to him about this.
2. Budgeted \$,1000.00 for a toolbox and Adams is shopping around for a good one that has a reasonable cost.

Councilmember Ingalls moved and Councilmember Bradford seconded to approve Adams purchasing a new one with \$1,000.00.

Motion carried: 4 ayes / 0 nays

3. Posting for Part-time summer help for Public Works. Adams said it's usually posted in March and they start in April.

Councilmember Bradford moved and Councilmember Ingalls seconded to approve the posting for the summer Public Works position.

Motion Carried: 4 Ayes / 0 Nays

B. City Clerk Report

1. Would like to know if we should close City Hall for the week of May 6-10 to send both City Clerk Lohrbach and Deputy City Clerk Arnold to the Municipal Clerks Institute. Because it's a three-year program and Lohrbach has already finished year

one, Councilmember Bradford felt she should go ahead and finish the program. Councilmember Ingalls suggested finding another training that could be purposeful for Arnold so that she knows Council is investing in her as well. City Clerk Lohrbach said she will look into this. Councilmember Ingalls suggested perhaps a City Accounting option, but that we should have her look into something that might interest her.

C. Consultant Report – *No report*

D. Committee Reports

- 1) Chamber – Annual Dinner coming up January 25th.
- 2) Economic Development Authority
- 3) Finance/Budget
- 4) Fire Department
- 5) Infrastructure
- 6) Kasson Mantorville Joint Powers
- 7) Mantorville Restoration Association – They meet tomorrow night.
- 8) Park Board
- 9) Personnel
- 10) Fire Relief
- 11) Township

E. Councilmember Reports – Councilmember Hoaglund would like a meeting with MNDOT, the City, Xcel, and our engineer. Councilmember Bradford said that WHKS is allowing for 2 meetings, but maybe the City could negotiate for more meetings in the contract.

F. Mayor's Report

- Mayor Bradford spoke to City Clerk Lohrbach about what happened earlier in the evening, with an upset resident, and said she does not have to tolerate that in any shape or form. He stated that anytime someone uses profanity or shows a certain emotion towards her, he would like her to remove herself from the situation and if necessary, to involve law enforcement; he will not have his employees harassed in that manner.

13. Executive Session – *No Items*

14. Adjourn

Motion was made by Councilmember Ingalls and seconded by Councilmember Bradford to adjourn the meeting at 9:06 p.m.

Motion carried: 4 ayes / 0 nays. Meeting adjourned.