

CITY OF RUSHFORD VILLAGE MINUTES OF September 3, 2024
BRANDEN JOHNSON SHED VARIANCES PUBLIC HEARING and
REGULAR COUNCIL MEETING
43038 State Hwy 30, Rushford Village, Minnesota 55971-5167

Branden Johnson Shed Variances Public Hearing

Variance Applications to build 45'x60' shed-Relating to Ordinance #5,

1509.06 -NO ACCESSORY BUILDING or STRUCTURE in FRONT YARD. No accessory building or structure shall be located in any front yard (any area in front of the dwelling) in any Residential District or Subdivision. This shall not apply to an Ag dwelling that is not part of a Subdivision or Residential District.

1509.07. ACCESSORY BUILDING, DETACHED. A detached accessory building in any residential district shall not exceed twelve (12) feet in side wall height, *shall not occupy more than thirty (30) percent* of the area of any side or rear yard, and shall not be placed less than 10 feet from any side or rear boundary line.

The September 3, 2024 Branden Johnson Shed Variances Public Hearing was called to order by Mayor Dennis Overland at 6:45 p.m. in the Rushford Village Office. Council Members present: Mike Ebner, Travis Link, Robert Hart and Rick Ruberg; Planning-Zoning Administrator Jon Pettit, City Attorney Joseph O'Koren, Treasurer Judy Graham, Clerk Mary Miner

Public Present: Branden Johnson, Ashley Johnson, David Johnson

Discussion:

- Pettit reported the first variance is for the siting of an auxiliary building in front of the house. The Johnson property is near the floodplain which makes it difficult to place the building behind the house and their well/waterlines, electric, septic and propane tank placement do not allow for the building to be placed on either side of the house
- Pettit reported the second variance is for an auxiliary building with 14-foot sidewalls which is 2 foot larger than the ordinance allows. The additional height would allow access for the equipment Johnson wants to use in the building. The building would be off the neighbor's property line by more than 30 feet and well off the Village Rd setback.
- Johnson stated his neighbors, the Sandeno's and Happel's, do not have an issue with the proposed location or height of the shed
- O'Koren stated reasonableness, uniqueness and essential character are the three factors when determining practical difficulties. This puts everyone on a level playing field when analyzing a variance. The property owner has to use the property in a reasonable manner, the property has to have some kind of unique physical properties that would allow the variance that are not created by the property owner and the structure variance cannot alter the essential character of the location
- O'Koren stated the location variance meets all the factors, the uniqueness being the floodplain and the location of utilities
- Pettit stated because this is in a subdivision is why the sidewalls cannot be higher than 12 feet. Pettit feels the uniqueness is the location of this particular property/subdivision, is not a traditional subdivision. It is Pettit's understanding the reason the height restriction was put in was for aesthetics and to have uniformity within a subdivision. Pettit does not feel either one of those apply to this particular site. He does not think the height will change the uniformity of the other buildings in the area, it is not a safety hazard that can't be seen through or by and he could not get the use of the building he wants without the higher walls
- O'Koren stated the reasons Pettit stated are good objective reasons. This is not a traditional subdivision with a cul-de-sac where multiple homes are right next to each other which would be a strong consideration for the uniqueness factor.
- Overland questioned if the reason for the variance request is because the property owner just wants it is a reason to grant a variance. O'Koren stated the reason you do not want to make a determination on a property owner request is because if you get another person who comes in with an unreasonable request you have to be able to objectively back up why you did it for this specific circumstance. In this case Pettit was able to state two really good reasons for the uniqueness factor for the height. In this case it does serve a personal benefit that is not determinative on the flip side and just because it serves a personal benefit does not mean you deny it
- Johnson stated the shed will be approximately 3.5 feet below Village Rd and he would have to build it up to meet the grade of his driveway which is lower than Village Road. The color of the shed will be similar to the house and would blend in nicely
- O'Koren stated is his opinion the criteria for both variances have been satisfied. The location because of the floodplain and utilities and the sidewall height because it is not a traditional subdivision

Motion to close the Branden Johnson Shed Variances Public Hearing at 7:01 pm **Motion** by Hart, 2nd by Ruberg. Carried.

Regular Council Meeting

Pledge of Allegiance to the Flag

The September 3, 2024 Council Meeting was called to order by Mayor Dennis Overland at 7:02 p.m. in the Rushford Village Office. Council Members present: Mike Ebner, Travis Link, Robert Hart and Rick Ruberg; Planning/Zoning Administrator Jon Pettit, City Attorney Joseph O’Koren, Treasurer Judy Graham, Clerk Mary Miner

Absent: PW/Maintenance Supervisor Trenten Chiglo

Motion made to approve Resolution 2024-09-03-01 Branden Johnson variance 1509.06-Location

Motion by Link, 2nd by Hart, Carried.

Motion made to approve Resolution 2024-09-03-02 Branden Johnson variance 1509.07-Sidewall Height

Motion by Ruberg, 2nd by Ebner, Carried.

AGENDA was approved as presented

Motion by Hart, 2nd by Ebner, Carried.

MINUTES from the August 20, 2024 Regular Council Meeting were approved as presented

Motion by Hart, 2nd by Ruberg, Carried.

CITIZENS/OTHERS PRESENT: Branden Johnson, Ashley Johnson, David Johnson (all left after variances were approved)
Kirsten Zoellner-Fillmore County Journal

FINANCIALS: August Expenses \$42,618.23, August Receipts \$10,465.64,
Outstanding Checks as of 8/31/2024 \$16,472.04, Bank Balance as of 8/31/2024 \$348,492.96
Estimated September Receipts \$9,000.00/Estimated September Expenses \$40,000.00
CD’s renewing at current advertised rates

Motion made to approve the Financials as presented

Motion by Ebner, 2nd by Link. Carried.

- Ruberg questioned how the budget is looking right now, Miner answered it looks good at this point but cautioned things could change if something big were to happen

PLANNING/ZONING: Pettit: New Permits/Inquiries/Updates:

New Permits:

#1680-Eric Vitse-12’x40’ Concrete slab for exterior wood boiler-State Highway 43 S

Permit Status / Projects in Process / Inquiries: Pettit Reported

- Featherstone Farms received the grant they applied for and will be starting their shed additions next week
- There has been interest in a couple of unique pieces of properties that will going to Planning and Zoning for discussion
- Nothing has been turned in for the Ladewig subdivision
- There has not been a Planning and Zoning meeting/quorum for the last 2 months (August & September). Planning and Zoning members are required to attend a certain number of meetings, it was mentioned missing 3 meeting in a row or a year but the actual number would have to be confirmed. Not meeting the attendance requirement can result in a member being removed from the Board. Pettit stated if it’s going to be recommended to kick someone off the Board he does not have anyone to go on. Pettit does not feel a meeting once a month is a priority and they can schedule things over the top of the meeting without knowing it.

ROADS/WATER/SEWER:

- **Roads/Utilities Update:** Miner reported Chiglo
 - Had some tree cleanup Friday after the Thursday night storm
 - Has been doing ditch work on Ekern and Aspen
 - Continues to mow road ditches
 - Lift station has not had any issues recently

OTHER:

- **Featherstone September 21, 2024 Customer Appreciation Event Parking:**

- Featherstone asked to rent the CRV community center but it was already rented for the whole day so using the CRV parking lot is not an option either
- CRV received a request to allow parking along City Park Road and diagonally by the solar array fence along the road between Featherstone and the CRV maintenance shed for their event
- Concerns: rain would make it messy and campers use City Park Road to get to the campground
- During past events parking has been allowed on one side of City Park Road
- Featherstone Farm mentioned they might talk with MiEnergy about using their parking lots
- Graham mentioned there is a nice parking area at Croell after the road crew cleaned up the pile they had for the chip sealing project and suggested Featherstone talk with Croell to see if it would be possible to park in their lot

Motion made to allow parking on the south side of City Park Road during the September 21st event and suggest MiEnergy and Croell for additional parking **Motion** by Ebner, 2nd by Hart. Carried.

- **Truth In Taxation (TNT) Meeting-December 3, 2024 @ 6:45 pm:**

- This gives residents the opportunity to talk with the Council about the proposed tax levy before the final tax levy is set

Motion made to set the TNT Meeting for December 3, 2024 @ 6:45 pm **Motion** by Ebner, 2nd by Link. Carried.

- **Budget Review:**

- 2024 budgeted disbursements are \$629,178.13 of that \$401,404.29 has been spent so far this year
- 2025 proposed disbursements are \$724,343.00 and receipts are \$691,529.00. Difference of approximately \$33,000.00
- Proposed health insurance is figured at \$1,500.00 per month
- Proposed salaries are figured at 3% with a step increase. Overland stated it is better to figure high and be able to come down
- Proposed \$2,000.00 for PTO severance pay to start building that fund
- Proposed for shed remodel is \$24,000.00 not \$30,000.00, as mentioned at last meeting, for installation of overhead doors and electric
- Contract increases from CEDA, Harter's and others were figured in
- Part-Time help, it needs to be determined how this will be filled. For the 2025 budget it was figured at 10 hours per week for 8 months at \$15.00 per hour. Council does not feel the hourly rate will be enough
- Proposed F450 \$87,000.00 budgeted and \$25,000.00 from CD
- Proposed 2025 levy is \$535,000.00, same as 2024 final levy.
- Overland questioned how is the current budget compared to the last few years. Miner stated we are sitting better than in the past. Ruberg questioned if there are any large bills due, Miner stated there shouldn't be but you never know when something might happen
- Hart mentioned the sewer fund has been running below the budget. Ebner stated the Auditor has suggested the last couple of years CRV have a sewer rate study done. The levy is for the general fund only and does not include sewer
- Ebner stated CRV needs to clean up some of the big projects that are hanging out there like chip sealing. Small City Assistance has been received which is to be used for roads.
- At this time it appears CRV will receive a yearly Small City Assistance payment from the State of Minnesota for street aid. Ebner questioned if this money could be used for road equipment, cutting trees, road signs etc. Miner believes it has to be used to build, maintain or improve roads but will check into it. Miner suggested it should be able to be used for the yearly gravel put on the roads and suggested if the whole amount is not used it should a CD should be purchased to build up funds for future road projects
- Proposed budget will need to be set at the September 17th meeting
- Overland will be gone for the September 17th meeting. He will meet with Graham and Miner September 12th at 10:00 am to review the proposed budget

OTHER UPDATES / MEETINGS:

- September 26-October 1, 2024-Chiglo on Vacation

Next Meetings: Council: September 17, 2024 and October 1, 2024 @ 7:00 pm at CRV Hall Office

Zoning: September 17, 2024 @ 5:30 pm at CRV Hall Office

Motion made to Adjourn Regular Council Meeting at 7:33 pm by Hart, 2nd by Link. Carried