

Pursuant to due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Council Chambers of the Municipal Building on October 3, 2011. Mayor Dehen called the meeting to order at 7 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for the meeting, Mayor Dehen, Council Members Schindle, Freyberg, Steiner and Norland, Administrator Sande, Finance Director Thorne, Engineer Malm, Attorney Kennedy, Planner Fischer and City Clerk Gehrke.

### **Approval of Agenda**

**Council Member Freyberg moved, seconded by Council Member Schindle, to approve the agenda with the addition of 6.a. Resolution Regarding the Inclusion of Clarifying Statements in the Official Record. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

### **Approval of Minutes**

**Council Member Freyberg moved, seconded by Council Member Schindle, to approve the minutes of the Council meeting of September 26, 2011.** Council Member Freyberg expressed his concern that Council dialogue was not included in the minutes for Resolution No. 52-11 for the sale of \$455,000 bonds. He stated he was thankful the *Free Press* accurately reported on this, that this item was nearly a split decision and items such as this will start shaping policy. He reported that Council Member Schindle was not quoted in the minutes. Council Member Freyberg read from Chapter 7 of the League of Minnesota Cities Handbook regarding adequate record of Council decisions and of factual information on which Council Members base their decisions, that Council actions are generally classified as either legislative or administrative in nature. The establishment of general policies and procedures is legislative action and is subject to limited judicial review. Courts typically will not substitute their judgment for a Council's judgment on these topics. Administrative actions are subject to greater judicial scrutiny and therefore it is important for the Council to develop an accurate record and findings. Council Member Freyberg reported this puts heavy evidence on the completeness and accuracy of the minutes and this is the third time he has brought this subject forward. He stated the Council minutes and the minutes of the Port Authority reflect the City Administrator's comments and do not include the comments of the Council Members. He stated that when there is a negative vote on a resolution, people have a right to know why and for that reason he will not support the minutes of the Council meeting of September 26, 2011. He asked the City Attorney for his opinion regarding this matter. Attorney Kennedy stated he believes the complete record of the Council meeting include the minutes and the taped recording of the meeting. He stated not every resolution calls for findings, that it is not up to the minute taker to come up with findings and that a Council Member is not required to give reasons for their negative vote. He also stated that many votes the Council makes are not suited for findings but that a Council may call for findings. Council Member Freyberg stated he believes the records on the resolution bonding with TIF should show more clearly the reason for the negative vote. Attorney Kennedy suggested the minutes be circulated to the Council prior to the meeting so they may give suggested input to the City Clerk prior to the meeting. Council Member Schindle would like to get copies of the Council meetings on a DVD. Council Member Freyberg stated he would like to table the minutes to the October 17, 2011 Council meeting and see them corrected which the City Clerk is obligated to do. Attorney Kennedy reported it is the duty of whoever is casting a negative vote to state their reasons and if they give a reason for their negative vote, it should be enumerated in the minutes. **Council Member Freyberg moved to table the minutes of the September 26, 2011 Council meeting superseding the previous motion to approve the minutes. Vote on the motion: Schindle, Freyberg and Dehen, aye; Steiner nay; Norland abstained. Motion carried.**

**Res. No. 56-11 Regarding the Inclusion of Clarifying Statements in the Official Record**

**Council Member Freyberg moved, seconded by Council Member Schindle, to adopt Resolution No. 56-11 Regarding the Inclusion of Clarifying Statements in the Official Record. Vote on the Resolution: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Correspondence**

**Thank-You Letter from Mona Lee**

The Mayor read a letter from Mona Lee thanking the North Mankato Taylor Library staff for their help in downloading books to her Ipod and Nook.

**Open the Meeting to the Public for the First Time**

**Kim Spears, 916 South Avenue**

Kim Spears, 916 South Avenue, appeared before the Council with questions about the rented trailer from LJP, the CBD grants to P.J.'s Liquor and Oliver Skillings Law Office, and stated his objection to the \$455,000 Tax Increment Financing to Corey Brunton for the 422 Belgrade Avenue Project. He also addressed items from the Council Workshop including fees, debt service, reducing the donations to the Summit Center, Twin Rivers Center for the Arts, and calendar parking.

**Phil Henry, 1300 Noretta Drive**

Phil Henry, 1300 Noretta Drive, appeared before the Council and asked if the current Council was previously aware of the financing for the 422 Belgrade Avenue Project. Administrator Sande reported the Port Authority Commission and Council received the complete TIF report for the 422 Belgrade Project which included the financing information. The Clerk was instructed to send Mr. Henry a copy of the TIF report for this project.

**Bess Tsaouse, 136 Mary Circle**

Bess Tsaouse, 136 Mary Circle, appeared before the Council and urged the Council to put the budget, newsletter, place for citizen input and Council meeting recordings on the City's website. Administrator Sande reported the budget is on the website in segments and the recordings of the Council meetings are available online. Ms. Tsaouse also asked about the progress of Benson Park and if sales tax dollars slated for the park were going to be used for the T.H. 14/CSAH 41 Project. Administrator Sande reported that \$1.5 million can be used for the T.H. 14/CSAH 41 Project and the sales tax money for parks cannot be transferred for a different use. Mayor Dehen reported the City is in the process of updating the City's website and if residents have suggestions they may contact the Council.

**Staff Reports**

**City Planner**

**Minutes of September 8, 2011 Planning Commission Meeting**

Planner Fischer presented the minutes of the September 8, 2011 Planning Commission meeting reporting the applicants withdrew their request to rezone Lot 1, Block 5, North Ridge Estates Phase XI from R-3 to B-2 to accommodate construction of a childcare facility and fitness center due to resident opposition and Planning Commission recommended denial of the request. He reported this request will not come before the Council but he thought it was important for the Council to be aware of this request. Attorney Kennedy reviewed the minutes which showed the reasons for denial of the request.

**City Administrator****Request for Iceman 2012 Winter Softball Tournament at Caswell Park Fields 1-6 on Saturday, January 21, 2012**

Administrator Sande reported the Miracle League of North Mankato would like to hold their 2<sup>nd</sup> Annual Iceman Softball Tournament at Caswell Park on Saturday, January 21, 2012 on Fields 1-6. The event this year was successful enough for them to continue this event. Mayor Dehen asked if we have had many requests for use of the Miracle League Field. Administrator Sande reported it is the responsibility of the Miracle League to schedule the use of the field. He reported the use of the field has been limited and suggested that it may be opened up for little tyke events such as T-ball. Mayor Dehen reported it is difficult to get people because of transportation costs and that maybe funds generated from this field may be used to help with transportation costs. Administrator Sande reported tournament sponsors may be solicited. **Council Member Steiner moved, seconded by Council Member Norland, to approve the request for the Iceman 2012 Winter Softball Tournament. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Res. No. 57-11 Approving Contract Renewal Between the Sports Institute and City of North Mankato**

Administrator Sande presented the contract between the Sports Institute and the City of North Mankato for the period of September 1, 2011 to August 31, 2012. He reported due to the economic conditions Mr. Boyer is proposing a 20 percent reduction from \$18,000 to \$14,400 per year. Administrator Sande reported the funds for this contract are drawn from the Community Development fund. He reported the City has an extremely good working relationship with the Sports Institute and is recommending renewal of the contract. Mayor Dehen thanked Mr. Boyer for taking a 20 percent reduction of his contract. **Council Member Schindle moved, seconded by Council Member Norland, to adopt Resolution No. 57-11 Approving Contract Renewal Between the Sports Institute and City of North Mankato. Vote on the Resolution: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Schools and Conferences**

**Council Member Norland moved, seconded by Council Member Steiner, to approve actual and necessary expenses for the following schools and conferences:**

1. Commercial Vehicle Inspection Recertification, North Mankato, December 6, for two Mechanics.
2. Building Science: Renovations and Rehabilitation Seminar, North Mankato, November 7, for two Building Inspectors.
3. Use of Force/Firearms Instructor Course, St. Paul, April 16-27, for one Patrol Officer.

**Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Finance Director**

The Mayor officially welcomed Clara Thorne to the City of North Mankato as the new Finance Director.

**Report from Council Members**

**Council Member Steiner**

Council Member Steiner offered condolences to City Clerk Nancy Gehrke at the passing of her father.

**Council Member Norland**

Council Member Norland reported the Park & Green Spaces Committee met on Thursday, September 22, 2011 and decided it may be time to sunset the Committee. She reported the Committee was directed by the Council to come up with a park and green spaces vision and plan and that has been submitted and accepted by the Council. She asked if there was some other task that the Committee could work on that would be beneficial to the City such as fund raising, a Park Foundation or developing some kind of format such as "Friends of Benson Park" or "Friends of Spring Lake Park" and asked that this item be discussed at a future Council meeting.

**Report from Mayor**

**Coffee with the Council**

Mayor Dehen reported the next Coffee with the Council will be held at Hott Shotts from 10-11 a.m. on Saturday, October 8, 2011.

Mayor Dehen reported the Intergovernmental Committee has discussed creating a veterans walk starting at Highland Park and connecting all the veterans memorials together. A dedication of the re-installment of the World War I Memorial is scheduled for November 11<sup>th</sup> at 11 a.m. at Sibley Park. The Mayor reported he had a brief meeting with Tom McLaughlin and Anna Thill of the CVB and Anna is going to work with MSU to have their geography department work on the walk information. Council Member Norland asked the Mayor to let Anna know that the Nicollet County Historical Society and Blue Earth County Historical Society are wonderful sources of information.

**Open the Meeting to the Public for the Second Time**

**Phil Henry, 1300 Noretta Drive**

Phil Henry, 1300 Noretta Drive, appeared before the Council and stated he thinks it is time to do something for the veterans.

**Bills and Appropriations**

**Council Member Steiner moved, seconded by Council Member Norland, to approve all bills and appropriations in the amounts of \$17,522.42 and \$881,649.38. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

There being no further business, the meeting was adjourned at 7:55 p.m.

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Mayor

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City Clerk