

Pursuant to due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Municipal Building Council Chambers on January 17, 2012. Mayor Dehen called the meeting to order at 7:00 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for the meeting, Mayor Dehen, Council Members Norland, Schindle, Freyberg and Steiner, City Administrator Sande, City Clerk Gehrke, Finance Director Thorne, Engineer Malm, Attorney Kennedy and Planner Fischer.

**Approval of Agenda**

**Council Member Steiner moved, seconded by Council Member Norland, to approve the agenda as presented. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

**Approval of Minutes**

**Council Member Freyberg moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of January 3, 2012. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

**Correspondence**

**Certificate of Achievement for Excellence in Financial Report for FY Ended December 31, 2010**

Mayor Dehen read a letter from the Government Finance Officers Association with notification that the City's Comprehensive Annual Financial Report for the fiscal year ended December 31, 2010 qualified for a Certificate of Achievement for Excellence in Financial Reporting.

**Public Hearing, 7 p.m. – Amending Code of Ordinances**

Mayor Dehen opened the public hearing to consider amending the Code of Ordinances. A notice of public hearing was published in the official newspaper and the Affidavit of Publication was included in the Council packet. Planner Fischer reported the Code of Ordinances was completely recodified in 2007 and an annual update is done at the end of each year to keep the Code of Ordinances current. He presented a summary of the changes (Exhibit A) during 2011 noting all ordinances adopted by the Council during 2011 are included in the amendments to the Code of Ordinances. He reported an obsolete sentence was removed from Section 91.05(D) Unclaimed Animals. Council Member Norland reminded pet owners to act responsibly, not allow their cats to go outdoors and to have their dogs and cats spayed and neutered. Planner Fischer reported an addition was made to Section 151.07 Action on Application for Rental License allowing for a \$100 reinstatement fee for each license that is not renewed by December 15<sup>th</sup> of each year. Section 154.16 (G) Informational/directional signs was changed to reflect the Planning Commission's recommendation for informational and directional signs. There being no one else appearing before the Council, the Mayor closed this portion of the meeting.

**Ord. No. 43, Fourth Series, Amending Code of Ordinances**

**Council Member Steiner moved, seconded by Council Member Norland, to adopt Ord. No. 43, Fourth Series, Amending Code of Ordinances. Vote on the Ordinance: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

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

**Kim Spears, 916 South Avenue**

Kim Spears, 916 South Avenue, appeared before the Council and requested information about the grant to Christy's Café and expressed his displeasure of the grant and loan awarded to Natural Pathways, LLC, 229 Belgrade Avenue.

**Phil Henry, 1300 Noretta Drive**

Phil Henry, 1300 Noretta Drive, appeared before the Council and expressed his concern that property taxes were raised and the City is granting money to local businesses.

**Mark Haack, 713 Bennett Street**

Mark Haack, 713 Bennett Street, appeared before the Council and expressed his concern about the snowplowing on Bennett Street.

**Nicollet County Board Actions**

Administrator Sande responded to questions regarding an abatement request to Nicollet County from the South Central Service Coop.

**Consent Agenda**

**Council Member Freyberg moved, seconded by Council Member Norland, to approve the Consent Agenda which includes:**

1. Audio and Large Group Permit for Priem/McCall Wedding, Spring Lake Park, from 8 a.m. to 6 p.m. on Saturday, August 18, 2012.
2. Resolution No. 04-12 Authorizing a Quit Claim Deed.

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

**Staff Reports**

**City Administrator**

**Res. No. 05-12 Authorizing the City of North Mankato to Act as Sponsoring Agency for the Northridge Ravine Restoration "Transportation Enhancements" Project**

Engineer Malm presented the ATP Funding Application for the Northridge Ravine Restoration Project reporting the Northridge ravine complex conveys stormwater runoff from a large watershed which includes residential and commercial development, agriculture land, City and County roads and a large section of T.H. 14. Engineer Malm reported the application submitted is for projects to be funded in 2013-2016 and the ATP subcommittee makes the funding recommendations. Each project has a maximum of \$400,000 in federal funds in a given year. The application submitted in 2011 for this project was not funded and the question if this project had a transportation relationship was raised by the ATP. Engineer Malm reported the 2012 application would address this question noting that stormwater runoff from a large watershed which includes City streets built prior to stormwater ponds being built, new development and a large section of T.H. 14 drains into the Northridge Ravine. The current Five-Year Capital Improvement Plan includes stabilization of the Northridge Ravine. The application is being submitted in order to involve MnDOT to pay for a portion of the cost. Council Member Freyberg reported he asked for and received the other 16 pages of the application. He reported that when this was brought up a year ago, he asked if there were alternatives to sticking a 90" pipe down the ravine. He understands that 370 tons of sediment are going down the ravine which

would be eliminated with the pipe, however, with this method untreated and unfiltered water is being taken off the roads and petroleum products and PAH's are directly entering the Minnesota River without allowing for any percolation or filtering of the water to occur thereby increasing the volume of water going into the Minnesota River. He asked if it was possible to redirect the water from the Northridge Ravine to the substantial ponds recently built during the Highway 14 Project. Engineer Malm explained the depth of the pipe at the head of the ravine is lower than the outlets of the ponds and the challenge with infiltration in dealing with the heavy clay soils in upper North Mankato so the pipe is the preferred method for dealing with the runoff. He also reported that if the project is funded an inline of small detention ponds in the ravines for low flows is being considered. It is a challenge for all cities to dredge the ponds as the material is toxic and has to be landfilled. Council Member Freyberg had a question regarding the possibility of the addition of future bike trails and benches and if these were private ravines. Engineer Malm reported most of the ravines are Outlots and have been platted as public property. Engineer Malm reported it is important to trap the high flows away from the pond so that sediment is not removed from the ponds allowing it to flow into the Minnesota River. Council Member Freyberg reported the ravine in his neighborhood no longer has any wildlife because the water has been drained and instead has prairie grass. Administrator Sande reported a substantial amount of piping has been done in this ravine. Council Member Freyberg referenced the MS4 report and stated the culvert system is the preferred method but it comes with the problem of taking the pollutants with the water. Some discussion was held on maintaining a natural waterway and the problem of trying to minimize the erosion from the ravine runoff and the prohibitive cost of other alternatives. Council Member Freyberg reported he did not have a problem with the resolution for the application process but believes we should have a plan in place for the maintenance of the ponds. **Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 05-12 Authorizing the City of North Mankato to Act as Sponsoring Agency for the Northridge Ravine Restoration "Transportation Enhancements" Project. Vote on the Resolution: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

**Res. No. 06-12 Agreeing to Maintain the Northridge Ravine Restoration "Transportation Enhancements" Project**

Engineer Malm reported that as part of the ATP Funding Application, the City of North Mankato must agree to assume full responsibility for the operation and maintenance of the Northridge Ravine Restoration Project. **Council Member Norland moved, seconded by Council Member Schindle, to adopt Resolution No. 06-12 Agreeing to Maintain the Northridge Ravine Restoration "Transportation Enhancements" Project. Vote on the Resolution: Norland, Schindle, Steiner and Dehen, aye; Freyberg nay. Motion carried.**

**Res. No. 07-12 Authorizing Joint Purchase of Equipment with Nicollet County**

Administrator Sande reported that Nicollet County is agreeable to the joint purchase, operation and maintenance of a new chip spreader. He reported that Nicollet County will be the lead agency and City staff will participate in the preparation of plans and specifications and all necessary related documents for this purchase. Council Member Freyberg thanked the Administrator for spearheading this joint purchase. Administrator Sande reported the joint purchase of a chip spreader allows for a better unit that will work for wide streets and also the trails that will need to be seal coated in the future. **Council Member Schindle moved, seconded by Council Member Freyberg, to adopt Resolution No. 07-12 Authorizing Joint Purchase of Equipment with Nicollet County. Vote on the Resolution: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

**Accept Bids for 2012 Material and Equipment Rental Rates from Bid Opening of January 3, 2012**

Administrator Sande presented a tabulation of bids taken on January 3, 2012 for Material and Equipment Rental Rates and reported the bids would be kept on file for reference when ordering material and renting equipment. Bids for material were received from M. R. Paving & Excavating, Inc., Flint Hills Resources, LP, and W.W. Blacktopping, Inc. Bids for equipment were received from W.W. Blacktopping, Inc., Leon's Custom Backhoe, and Hoehn Drainage & Excavating, LLC.

**Council Member Steiner moved, seconded by Council Member Norland, to accept all bids for the 2012 Material and Equipment Rental Rates and place them on file. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

**Schools and Conferences**

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

1. 2012 Leadership Conference for Experienced Officials, Brooklyn Center, January 27-28, for one Council Member.
2. MRWA Annual Conference, St. Cloud, March 6-8, for two Water Servicemen.

**Vote on the motion: Schindle, Freyberg, Steiner and Dehen, aye; Norland abstained; no nays. Motion carried.** Council Member Norland reported she would like to present the information from the Leadership Conference to the Council at a future Council Workshop.

**City Clerk****Application for On-Sale Wine and 3.2 On-Sale Beer Licenses for New Great Wall, 1814 Commerce Drive**

Clerk Gehrke presented an application from New Great Wall, 1814 Commerce Drive, for on-sale wine and 3.2 on-sale beer licenses. The Police Chief has conducted the necessary background investigation and the liability insurance is in place. **Council Member Steiner moved, seconded by Council Member Norland, to approve the application for on-sale wine and 3.2 on-sale beer licenses for New Great Wall, 1814 Commerce Drive. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

**Finance Director****Gift Policy**

Finance Director Thorne reported the Minnesota Statutes place certain restrictions on the acceptance of gifts and a gift over \$5.00 in value cannot be accepted by City officials and employees. Furthermore, Minnesota Statutes require a two-thirds majority of the City Council to accept gifts to the City. She presented a Gift Policy outlining the appropriate action and procedure in the acceptance of gifts to the Council for their adoption. **Council Member Schindle moved, seconded by Council Member Norland, to adopt the Gift Policy as presented. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

**Res. No. 08-12 Approving Donations/Contributions**

Finance Director Thorne presented Resolution No. 08-12 Approving Donations/Contributions from various individuals and entities totaling \$1,630. The donations are restricted as follows: \$680 for the Library, \$200 for the Library Book Club and \$750 for Christmas lighting. **Council Member**

**Schindle moved, seconded by Council Member Norland, to adopt Resolution No. 08-12 Approving Donations/Contributions. Vote on the Resolution: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

**Report from Council Members**

**Council Member Norland**

Council Member Norland thanked the beavers for removing the trees along the levy.

**Council Member Freyberg**

Council Member Freyberg offered his condolences to the family of Troy Mueller, long-time patrol officer for the City of Mankato, who passed away on January 16, 2012.

**Report from Mayor**

**Res. No. 09-12 Approving City Council Assignments**

Mayor Dehen presented Resolution No. 09-12 Approving City Council Committee Assignments for 2012 as follows:

Mayor Mark Dehen:	Nicollet County/North Mankato Liaison Committee Port Authority Commission Personnel Committee Intergovernmental Cooperation Committee – Mankato Cities/Colleges/Universities Advisory Council Coalition of Greater Minnesota Cities North Mankato Fire Relief Association Highway 14 Partnership
Council Member Bill Schindle:	Nicollet County/North Mankato Liaison Committee Personnel Committee Planning Commission Liaison All Seasons Arena Board Community Center Task Force Traffic and Safety Committee
Council Member Billy Steiner	North Mankato Taylor Library Board Port Authority Commission Intergovernmental Youth Assets Envision 2020
Council Member Diane Norland:	Region Nine Development Commission Mankato Area Community Services Council Envision 2020 Park and Green Spaces Committee Chair
Council Member Bob Freyberg:	Region Nine Development Commission (Alternate) Intergovernmental Cooperation Committee - Mankato Nicollet County Recycling Task Force

Council Member Norland requested the Council discuss at a future Council Workshop the next task for the Park & Green Spaces Committee. **Council Member Norland moved, seconded by Council Member Steiner, to adopt Resolution No. 09-12 Approving City Council Committee Assignments. Vote on the Resolution: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

### **Appointments to Boards and Commissions**

Mayor Dehen presented the list of appointments to boards, committees and commissions for the year 2012 as follows: Billy Steiner as Acting Mayor; Corey Brunton to the Planning Commission for a four-year term through 2015; John Daley and Sue Roemer to the Housing and Redevelopment Authority for five-year terms through 2016; Bill Borchardt to the Traffic & Safety Committee for a one-year term; Terri Jensen to the Board of Appeal and Equalization for a three-year term through 2014; Greg Abbott and Jim Kirschbaum to the Port Authority for six-year terms through 2017; Bolton & Menk as Consulting Civil Engineer; Northland Securities, Inc. as Bond Consultant; Abdo, Eick & Meyers as Auditor; Todd Mettler as Weed Inspector; Bruce Royer as Plumbing Inspector; and Derek Tostenson as Construction Inspector. **Council Member Norland moved, seconded by Council Member Steiner, to set the appointments for the year 2012. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

### **Appointment to Passenger Rail Group**

**Council Member Steiner moved, seconded by Council Member Norland, to appoint Council Member Freyberg to the Passenger Rail Group. Vote on the motion: Norland, Schindle, Steiner and Dehen, aye; Freyberg abstained, no nays. Motion carried.**

### **Community Video Program**

Mayor Dehen reported Administrator Sande and he spoke with a representative of CGI Communications regarding the Community Video Program. CGI Communications has partnered with the National League of Cities (NLC) in offering cities an Internet video programming opportunity at no cost to the cities. CGI Communications is able to provide this service at no cost because it offers the local business community the opportunity to sponsor their videos on our website. Attorney Kennedy reported one of the concerns is that it has the appearance of quid quo pro even though no special considerations would be given by the City to businesses participating in the Community Video Program. Council Member Norland stated that businesses participating would be somewhat similar to businesses buying advertising in the City newsletter with all local businesses having the opportunity to participate. Administrator Sande noted this is a policy matter for the Council to decide if they want businesses to be able to link to the City's website. CGI Communications has provided links to some of the videos they have produced for other cities. **Council Member Norland moved, seconded by Council Member Steiner, to table the Community Video Program to the February 6, 2012 Council meeting. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

### **Proclamation for Congenital Heart Defect Awareness Week, February 7-14, 2011**

Mayor Dehen read the proclamation naming February 7-14, 2011 as Congenital Heart Defect Awareness Week in North Mankato.

### **GMG Government Membership**

Mayor Dehen presented information regarding government membership in Greater Mankato Growth (GMG). Council Member Freyberg suggested Mayor Dehen be the GMG representative for the City of North Mankato. **Council Member Norland moved, seconded by Council Member Steiner, to approve GMG Government Membership for the City of North Mankato. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

### **Res. No. 10-12 Supporting U.S. Highway 14 Highway System Investment Plan**

Mayor Dehen reported he attended the Highway 14 Partnership Annual Meeting on Tuesday, January 10, 2012 in Owatonna. He reported there is a push on by MnDOT to stop funding trunk highway projects which puts federal dollars for T.H. 14 improvements at risk. He reported a public hearing will be held on Wednesday, January 18, 2012 at the MnDOT regional office to conduct a safety audit of T.H. 14. Mayor Dehen stated he is concerned the interim solutions proposed by MnDOT for T.H. 14 may become a long-term solution and derail the completion of the four-lane improvements. The Mayor presented Resolution No. 10-12 Supporting U.S. Highway 14 Highway System Investment Plan which calls on the Governor and MnDOT to prioritize the four-lane expansion of Highway 14 and related interchanges in the 2012-2032 Highway System Investment Plan. **Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 10-12 Supporting U.S. Highway 14 Highway System Investment Plan. Vote on the Resolution: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

### **Bonding Bill**

Mayor Dehen reported \$14.5 million for the Mankato Civic Center was included in the Governor's Bonding Bill. This would allow for the expansion of the Civic Center and a permanent sheet of ice. All the Minnesota State University-Mankato men's and women's hockey games and practices would be held at the Civic Center freeing up ice time at the Ice Arena for other hockey teams in the area.

### **Open the Meeting to the Public for the Second Time Mark Haack, 713 Bennett Street**

Mark Haack, 713 Bennett Street, appeared before the Council and again spoke of the snowplowing on Bennett Street. The Council requested a notice be posted on the City's website reminding residents not to plow their snow onto the street. Council Member Norland stated the City has a Public Works Department capable of making proper decisions as related to plowing the streets. Mayor Dehen stated the Public Works Department will plow Bennett Street as they plow all other streets and this discussion is closed.

### **Bills and Appropriations**

Council Member Schindle questioned the purchase of the property at 315 Range Street being funded from the Community Development Fund. He stated it would have been more appropriate to use the Sales Tax Fund for this purchase. He asked the City Planner to send him copies of the Council minutes that discussed the franchise fees that would fund the Community Development Fund. Some discussion was held on the use of the property at 315 Range Street. Administrator Sande reported the parcel is not large enough on its own to support a parking lot. Council Member Steiner moved, seconded by Council Member Norland, to approve all bills and appropriations in the amount of \$3,074,105.68. Vote on the motion: Norland, Freyberg, Steiner and Dehen, aye; Schindle nay. Motion carried.

There being no further business, the meeting was adjourned at 8:50 p.m. on a motion by Council Member Steiner, seconded by Council Member Norland. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.

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Mayor

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City Clerk