

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 July 2, 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 Steiner, Schindle and Freyberg, Interim Administrator Fischer, City Clerk Gehrke, Attorney Kennedy and Engineer Malm. Absent: Council Member Norland and Finance Director Thorne.

Approval of Agenda

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

Approval of Minutes

Council Member Steiner moved, seconded by Council Member Schindle, to approve the minutes of the Council meeting of June 18, 2012. Vote on the motion: Steiner, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.

Correspondence**Twins Community Fund Grant Award for MSHSL Girls' State Softball Tournament**

Mayor Dehen presented a letter from the Twins Community Fund announcing the award of a 2012 Youth Baseball & Softball Tournament Grant in the amount of \$1,000 for the MSHSL Girls' State Softball Tournament.

Thank-You Letter from Darcy Wennes, Executive Director of Belle House

The Mayor read a letter from Darcy Wennes, Executive Director of Belle House, thanking the Mayor for attending their Open House and supporting Belle House. They reported four clients are using Belle House at this time but they plan to apply for a variance to allow for eight clients.

Water Quality Report for North Mankato

The Mayor reported that all households should have received their notification of the Water Quality Report. The full report is on the City's website at www.northmankato.com or available at the North Mankato Taylor Library.

Public Hearing, 7 p.m. – Consider Adoption of Ordinance of Annexation of Land, Robert J. Chester

The Mayor opened the public hearing to consider the adoption of Ordinance of Annexation of the Robert J. Chester land. A Notice of Public Hearing was published in the official newspaper and notices were given to Nicollet County and School District No. 77. The Affidavit of Publication is included in the packet. Interim City Administrator Fischer presented background information reporting Mr. Chester owns a 2-acre parcel of land located on Coventry Lane. The property contains a home, a 46'X56' storage shed which is over his lot line and therefore partly in the City limits and a dilapidated detached garage. As Mr. Chester owned and lived on the property prior to the area residential development, development has occurred around his property. All the other property owners in this area have annexed their land into the City limits to accommodate new single-family residential homes; however, Mr. Chester has chosen not to annex his property. As a result, Mr. Chester's property is completely surrounded by property within the City limits. Interim Administrator Fischer reported the Chester house currently relies on an on-site septic system and a well located on a nearby Howard Court lot. As part of the installation of the municipal utilities to service this area, two separate water and sewer services were stubbed into the Chester property due to the potential to create two future

dwellings on the property and two assessments would be activated upon annexation of the property or when Mr. Chester connects to the municipal system. The owner of the lot where the well is located has sold this lot for residential development. The City has offered Mr. Chester the option of connecting to City water and would defer any annexation of the property for a period of three (3) years. Mr. Chester has declined this offer. For the past seven (7) years, the Chester property has been completely surrounded within the North Mankato City limits. According to Minnesota Statutes, a municipality may annex any land which is completely surrounded by land within municipal limits. Robert Chester, 51831 Coventry Lane, appeared before the Council and reported he has a well agreement with the neighbor, he has chickens on his property and he wishes to be left alone. Kim Spears, 916 South Avenue, appeared before the Council and asked if Mr. Chester was questioned about what it would take for him to annex into the City limits. Interim Administrator Fischer reported several offers have been made to Mr. Chester. Council Member Schindle stated he has a problem with forced annexation and a problem with two services being installed to this property. He also stated the building infringing on the neighbor's property is a problem. Council Member Freyberg also stated his objection to assessing for two hook-ups to this property. Mayor Dehen stated that in light of the other individuals the City needs to accommodate, negotiations should take place and that the third party should be involved. Attorney Kennedy reported this is a unique annexation because the property is completely surrounded by the municipality. With no one else appearing before the Council, the Mayor closed this portion of the meeting. No additional action was taken at this time.

Open the Meeting to the Public for the First Time

Barb Church, 102 E. Wheeler Avenue

Barb Church, 102 E. Wheeler Avenue, appeared before the Council and stated her concerns regarding the elimination of curbside brush pickup and spring and fall curbside pickups. She also expressed her thoughts on Tax Increment Financing for a college housing unit and Marigold 2.5. Ms. Church questioned when the joint meeting of the City Council and Port Authority would be held. She requested the Port Authority packets and also the Port Authority meetings be made available for viewing on the City's website. (The Port Authority meetings are already available for viewing on the City's website www.northmankato.com).

Denny Savik/Jenny Padilla-Savik, 810 Belgrade Avenue

Denny Savik and Jenny Padilla-Savik, 810 Belgrade Avenue, appeared before the Council to discuss the following items: 1) Strongly suggested the Council take a closer look at the Chester annexation; 2) Complimented Barb Church on her research regarding the Marigold site; 3) Tax Increment Financing and the Port Authority meeting times; 4) Thank you to Interim City Administrator for the 815 Park Avenue project and requested a total cost of the project; 5) Request for Proposal for refuse contract; 6) Frustration with Council Member Norland regarding the creation of a Statement of Values.

Phil Henry, 1300 Noretta Avenue

Phil Henry, 1300 Noretta Avenue, appeared before the Council and requested the Port Authority Commission meetings be held in the evening.

Nicollet County Board Actions

Mayor Dehen reported the Nicollet County Board appointed County Auditor-Treasurer Bridgette Kennedy as Interim County Administrator until such time as a full-time County Administrator has been hired.

Consent Agenda

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

- a. Res. No. 42-12 Approving Donations/Contributions.

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

City Planner

Set Public Hearing for Vacation of Perpetual Dike Easement (Christensen Street) for 7 p.m. on Monday, August 6, 2012

Planner Fischer reported the City owns a residential lot addressed as 202 Christensen Street. As a result of a recent survey to find exact lot lines, a perpetual dike easement was found on the property. Since the construction of the flood walls and that there is no dike present, it is recommended that the easement be formally vacated. It is necessary to set a public hearing for 7 p.m. on Monday, August 6, 2012 to vacate the easement. **Council Member Steiner moved, seconded by Council Member Schindle, to set a public hearing to vacate the perpetual dike easement at 202 Christensen for 7 p.m. on Monday, August 6, 2012. Vote on the motion: Steiner, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Interim City Administrator
2012 Fun Days Schedule**

Interim City Administrator Fischer presented the Fun Days Schedule of Events for July 5-8, 2012 noting the Kiddie Parade begins at 6:15 p.m. on Friday, July 6, 2012 and the grand parade begins at 11 a.m. on Saturday, July 7, 2012. The parade routes were included in the flyer in the packet.

Res. No. 43-12 in Support of Park and Trail Legacy Funding

Interim City Administrator Fischer reported the City is currently part of the Greater Minnesota Regional Parks and Trails Coalition. As the Coalition has been advocating for increased parks and trails legacy funding for Greater Minnesota, it is requesting the Coalition members support local resolutions to increase the percentage of Legacy Funds for Greater Minnesota. **Council Member Schindle moved, seconded by Council Member Freyberg, to adopt Resolution No. 43-12 in Support of Park and Trail Legacy Funding. Vote on the Resolution: Steiner, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

Schools and Conferences

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

1. Mind Armor for the Warrior & Family, Metro Area, September 19, for one Patrol Officer.
2. New Directors Workshop, Breezy Point, September 16, for Emergency Management Director.
3. Missing Persons/Search Training, North Mankato, July 25, for 15 Police Reserve Officers.

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

City Clerk

Application for 3.2 Temporary License for Fall Blast/American Legion 518 Vets Benefit, Saturday, August 25, 2012

Clerk Gehrke presented an application for a 3.2 temporary liquor license for the American Legion 518 Fall Blast Vets Benefit to be held on Saturday, August 25, 2012 at Wheeler Park. The North Mankato Police Chief has approved this application. **Council Member Schindle moved, seconded by Council Member Steiner, to approve the 3.2 temporary license for the American Legion 518 Fall Blast Vets Benefit for Saturday, August 25, 2012. Vote on the motion: Steiner, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

Application for 3.2 Temporary License for Men's State Tournament, Caswell Park, August 10-12, 2012

Clerk Gehrke presented an application for a 3.2 temporary liquor license for the Men's State Tournament to be held August 10-12, 2012 at Caswell Park. The North Mankato Police Chief has approved this application. **Council Member Steiner moved, seconded by Council Member Schindle, to approve the 3.2 temporary license for Civic & Commerce Association for the Men's State Tournament to be held at Caswell Park August 10-12, 2012. Vote on the motion: Steiner, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

Application for 3.2 Temporary License for Men's A, B, C West National Tournament, Caswell Park, August 30-September 3, 2012

Clerk Gehrke presented an application for a 3.2 temporary liquor license for the Men's A, B, C West National Tournament to be held August 30-September 3, 2012 at Caswell Park. The North Mankato Police Chief has approved this application. **Council Member Steiner moved, seconded by Council Member Freyberg, to approve the 3.2 temporary license for the Men's A, B, C West National Tournament to be held at Caswell Park August 30-September 3, 2012. Vote on the motion: Steiner, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

Finance Director

Res. No. 44-12 Approving Consent Assessment Agreement – 613 Page Avenue

Finance Director Thorne presented Resolution No. 44-12 for costs to be assessed in the amount of \$2,500 for sidewalk replacement at 613 Page Avenue. **Council Member Schindle moved, seconded by Council Member Freyberg, to adopt Resolution No. 44-12 Approving Consent Assessment Agreement for sidewalk replacement at 613 Page Avenue. Vote on the Resolution: Steiner, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

City Engineer

Engineer Malm reported the Highway 14 detour has began and is functioning well. There appeared to be no backup at the ramp at the intersection of Lookout Drive and Howard Drive.

Report from Council Members

Council Member Schindle

Council Member Schindle asked that the Request for Proposals for the Refuse Contract be brought before the Council for approval prior to distribution.

Council Member Schindle asked about the abatement for the Theuninck property. Attorney Kennedy reported he does not have a legal answer to the abatement being lost if the building is no longer used as a child care center. The agreement between the Port Authority and Theuninck does not reference the use of the building. The Attorney reported the Abatement Agreement lists recitals, findings and terms.

**Report from the Mayor
Park/Biking Advisory Boards**

Mayor Dehen reported the Council discussed forming a North Mankato Bicycle Commission at their Council Workshop with the recommendation of a 5-member panel of North Mankato citizen volunteers, one of which is an acting Council Member. **Council Member Freyberg moved, seconded by Council Member Steiner, to form a 5-member North Mankato Bicycle Commission with a term limit of 24 months. Vote on the motion: Steiner, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

Lighting of Sibley Park

Mayor Dehen reported the Kiwanis Club will be holding a press conference to announce the lighting of Sibley Park with one million lights. The Mankato Area Foundation is supporting the lighting of Sibley Park with a \$50,000 grant. He reported the City of North Mankato has provided staff time and the use of the boom truck for this project.

North Mankato Triathlon

The Mayor reported 85 children and a total of 280 participants competed in the North Mankato Triathlon. The participants were complimentary of the closed course and Police Chief Boyer reported there were no complaints. The Mayor stated that Mark Bongers of Final Stretch reported there is room for another 30 participants in future years.

Mankato River Ramble/North Mankato Oktoberfest

The Mayor reported the Mankato River Ramble will be held on Sunday, October 7, 2012 after Oktoberfest is held on Saturday, October 6, 2012 on Belgrade Avenue in North Mankato.

“Coffee with the Council”

The Mayor reported the next “Coffee with the Council” is scheduled to be held at ExpressWay, 238 Belgrade Avenue, from 10 a.m. to 11 a.m. on Saturday, July 14, 2012.

Veterans’ Memorial Park Dedication

Mayor Dehen reported dedication of the Veterans’ Memorial Park would be held at 2:30 p.m. on Wednesday, July 4, 2012. The Veterans’ Trail maps will be passed out at this dedication.

Fireworks

The Mayor reported the Veterans’ Bridge will be closed beginning at 8 p.m. on July 4th to provide for viewing of the fireworks that will be held in Riverfront Park. Food will be available on both sides of the bridge.

North Mankato Fun Days

The Mayor announced that North Mankato Fun Days will be held July 5-8, 2012 with the Kiddie Parade scheduled for 6:15 p.m. on Friday, July 6 and the Grand Parade scheduled for 11 a.m. on Saturday, July 7.

2013 Budget

The Mayor reported work would begin on the 2013 Budget starting in August. He noted that since 2008 the City has lost eight full-time employees and believes the lay off of employees is beginning to erode services.

Open the Meeting to the Public for the Second Time

Kim Spears, 916 South Avenue

Kim Spears, 916 South Avenue, appeared before the Council and asked that the Port Authority begin holding their meetings in the evening.

Bernadette Wilson, Beans Plus

Bernadette Wilson, Beans Plus, appeared before the Council and requested that no additional abatement be given to Craig Theuninck. She reported that 137 children and 33 employees were displaced when Beans Plus was evicted from his building. She reported that initially a \$1 million building was to be built and Mr. Theuninck built a much larger building costing over \$2 million. She stated she applied for the abatement and did everything the Port Authority requested including providing a daycare center for up to 197 children, space for community recreation sports and brought new employment to the community. She is still waiting for the minutes from the loan committee of April 13, 2010 where her name was taken off the application and the abatement was given to Craig Theuninck.

Bills and Appropriations

Council Member Steiner moved, seconded by Council Member Freyberg, to approve all bills and appropriations in the amounts of \$43,429.33 and \$965,692.88. Vote on the motion: Steiner, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.

There being no further business, the meeting was adjourned at 8:40 p.m.

Mayor

City Clerk