

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 September 17, 2012. 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, Norland and Steiner, Interim Administrator Fischer, Finance Director Thorne, Engineer Malm, Attorney Kennedy and City Clerk Gehrke.

Approval of Agenda

Council Member Freyberg moved, seconded by Council Member Steiner, 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 Schindle, to approve the minutes of the Council meeting of September 4, 2012 and the Council Workshop of September 4, 2012. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.

Correspondence

Thank-You Letters for SCC Scholarships

The Mayor read letters from Sarah Deslauriers and Connie Wood thanking the City for the \$600 scholarships to South Central College.

Rural Domestic Preparedness Consortium

The Mayor read a letter from the Rural Domestic Preparedness Consortium (RDPC) regarding training held on July 9, 2012. He reported 21 rural responders were training for the MGT-383 "Emergency Operations Plan for Rural Jurisdictions." The RDPC was established to develop and deliver all-hazards training in support of rural homeland security requirements.

Public Hearing, 7 p.m. – Regional Park and Legacy Grant Program Application

Mayor Dehen opened the public hearing to obtain comment regarding the Parks Legacy Grant and the Regional Park Grant programs. A copy of the hearing notice and Affidavit of Publication was included in the packet. Planner Fischer reported staff is proposing to submit a grant application for Benson Park through one application for both the Park Legacy and the Regional Park Grant programs which are administered by the Department of Natural Resources (DNR). The request for grant funds is to advance the development of Benson Park in accordance with the Benson Park Master Plan. Staff is recommending submission of an application to include the following projects:

- Rolling Hills Prairie Habitat
- Underground Improvements
- Woodland Habitat
- Wildflower Demonstration Area
- Fishing Pier
- North Parking Lot

Planner Fischer reported the total cost of these improvements is estimated at \$827,900. He noted the Regional Park Grant program requires a 40 percent match and the Park Legacy program requires no match. However, he reported staff is recommending a 40 percent match of \$331,160 for the Regional

Park Grant application and a 50 percent match of \$413,950 for the Park Legacy Grant application.

Phil Henry, 1300 Noretta Drive, appeared before the Council with questions about the amount of bonding against future sales tax funds that is already in place for regional parks.

Jim Santori, 2102 Rolling Green Lane, appeared before the Council in support of the application for grant funding for the improvements to Benson Park. He reported he sat on the Park & Green Spaces Committee which helped develop the Master Plan for Benson Park, and stated it is time to make the Master Plan become a reality.

Joe Kluender, 2126 Rolling Green Lane, appeared before the Council and reported a great deal of effort was involved in completing the Master Plan for Benson Park. He encouraged the Council to apply for the grant funds to help provide for funding of the development of Benson Park.

Bess Tsaouse, 136 Mary Circle, appeared before the Council and reported the Master Plan for Benson Park has been in place for four years and it is a long-term project which needs to begin. She referenced the beautiful gardens in the St. Cloud area which is an attraction that brings tourists to the area.

Bernadette Wilson, 1754 Commerce Drive, appeared before the Council in support of the grant application for the Benson Park project. She reported that many daycare children use the park and have been waiting for the development of Benson Park.

There being no one else appearing during this portion of the meeting, the Mayor closed the public hearing.

Res. No. 58-12 Authorizing Regional Park and Park Legacy Grant Program Application

Council Member Freyberg moved, seconded by Council Member Steiner, to adopt Resolution No. 58-12 authorizing submission of the Regional Park and Park Legacy Grant application. Vote on the Resolution: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.

Tim Penny, Southern Minnesota Initiative Foundation

Tim Penny, Southern Minnesota Initiative Foundation (SMIF), appeared before the Council and presented the annual update of the SMIF. He reported the SMIF serves a 20-county region with the mission of promoting regional economic opportunities and collaborations with a focus on entrepreneurs and early childhood development. Mr. Penny reported 29 businesses received \$1.2 million in loans which created 70 jobs, 200 entrepreneurs attended Business Plan classes and 36 SCORE members provided consulting to an average of 22 clients monthly. The Mayor thanked Mr. Penny for the work the SMIF has done in the area.

Open the Meeting to the Public for the First Time

Nancy Cramblit, 19 Holiday Court

Nancy Cramblit, 19 Holiday Court, appeared before the Council and asked the Council to pass a resolution against the constitutional amendment to ban marriage for same-sex couples. She reported that 13 cities in the State of Minnesota have adopted resolutions against this constitutional amendment.

Jean Lovett, 134 Hawaiian Drive, Mankato

Jean Lovett, 134 Hawaiian Drive, Mankato, appeared before the Council and requested the Council pass the resolution against the constitutional amendment to ban marriage for same-sex couples

stating the amendment writes discrimination into the Constitution.

Michael Johnston, 418 Forest Heights Drive

Michael Johnston, 418 Forest Height Drive, appeared before the Council stating his opposition to the language in Ord. 130.09(a) Discharging Firearms which was adopted in 2009.

Kim Spears, 916 South Avenue

Kim Spears, 916 South Avenue, appeared before the Council and urged prompt repeal of this ordinance.

Mike Hatfield, 2224 Coventry Lane

Mike Hatfield, 2224 Coventry Lane, appeared before the Council and stated he felt it was unjust to create an ordinance limiting the use of certain spring-loaded or air guns within the City limits.

Sal Alsaker, 1745 Mary Lane

Sal Alsaker, 1745 Mary Lane, appeared before the Council and stated her concern about the firearms ordinance.

Consent Agenda

Council Member Schindle moved, seconded by Council Member Norland, to approve the Consent Agenda which included:

1. Resolution No. 59-12 Approving Donations/Contributions.
2. Audio and Large Group Permit for MTU Onsite Energy Company Picnic, Spring Lake Park, Friday, October 5, 2012, from 4 p.m. to 8 p.m.

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

Staff Reports

Interim City Administrator

Res. No. 60-12 Approving Change Order No. 1 for Project No. 12-02ABC, Caswell North Soccer Fields

Interim Administrator Fischer reported a change order was requested as part of the drainage work changing the temporary drop inlets to permanent structures to save cost and excavation when the parking lot is constructed and to avoid paying for the structures twice. Change Order No. 1 provides for this including replacing one HDPE pipe to a concrete storm pipe under the parking area for an increased cost of \$8,804.69. **Council Member Schindle moved, seconded by Council Member Norland to adopt Resolution No. 60-12 Approving Change Order No. 1 for Project No. 12-02ABC, Caswell North Soccer Fields in the amount of \$8,804.69. Vote on the Resolution: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

City Clerk

Placement of Political Signs

Clerk Gehrke reviewed a notice from the Minnesota Department of Transportation reminding candidates for public office that state law prohibits the placement, painting, printing or affixing of advertisements on any object within the limits of any highway in Minnesota. She also noted these same rules apply to any City right-of-way and all signs should be placed on private land.

City Attorney

Hearing on Belle House, LLC Request for Reasonable Accommodation

Attorney Kennedy reported that a hearing has been scheduled for Monday, September 24, 2012 6:00 to 8:00 p.m. in the Council Chambers to consider the request from Belle House, LLC for reasonable accommodation to allow housing of not more than eight (8) recovering addicts/alcoholics versus the permitted six (6) at 2107 Northridge Drive. Those wishing to appear at the meeting must give written notice to the City Clerk no later than 4:30 p.m. on Wednesday, September 19, 2012 for inclusion in the packet going out to the Council. After the hearing, the Council and City Attorney will review the findings and any ruling will be signed by a majority of the City Council in attendance at the meeting.

Discharging Firearms Ordinance

Attorney Kennedy referenced the issue raised during the open portion of the meeting reporting that since this is a juvenile matter and is pending in the court, the City will not be responding. He reported the City reviews the City Code on an annual basis and the ordinance in question could be reviewed at that time.

City Engineer

Engineer Malm reported he is working on the Benson Park plans in conjunction with the grant application.

Report from Council Members

Council Member Schindle

Sports Group Organization

Council Member Schindle reported he was approached by the Mankato Area Hockey Association regarding an additional sheet of ice. He reported there is always a shortage of ice time and MAHA has indicated they were willing to contribute to a building. Council Member Schindle stated the City owns land adjacent to Caswell Park that may be a good fit. He also stated that a track for indoor walking for seniors should be included in the complex. Mayor Dehen reported I & S Group is currently working with various sports groups to determine the demand for a multi-sports building. He will contact the various sports groups and invite them along with I & S Group to a future Council meeting to discuss the multi-sports building complex.

Council Member Freyberg

Council Member Freyberg expressed concern with the Request for Proposal for auditing services for the City stating the process should be delayed until a City Administrator has been hired. Finance Director Thorne reported the RFP has been sent out and could be reviewed once they are received.

Report from Mayor

Summary of Intergovernmental Committee Meeting of September 12, 2012

The Mayor summarized the minutes of the Intergovernmental Committee meeting of September 12, 2012. He reported discussion was held about exploring the possibility of creating a regional Economic Development Authority (EDA) and the advantages of a regional EDA because of the recent MSA and MPO status received. This discussion will continue at the Intergovernmental meeting of November 7, 2012. The City Attorney referenced a letter from Kennedy & Graven, bond counsel for the City comparing the Port Authority with an EDA and outlining the bonding powers. The Mayor reported a Joint Powers Agreement between the Cities could be executed to provide for a regional EDA. This discussion will continue at the Intergovernmental meeting of November 7, 2012.

City Administrator Search

The Mayor presented a recommendation and proposal for the City Administrator search process from Bonnie Bennett of TurningPoint Management, Inc. She recommended improving the pool of candidates by marketing the position to a broader network to include the International City Managers Association website, recruiting passive candidates and doing more up front work with the Council Members on what they want in the final candidates. She also recommended managing the search process by inserting a phone screen of the candidates using a different Council Member (Council Member Freyberg) and the HR representative who will review the applications, conduct the phone screen and send notes of the phone interviews to the Expanded Personnel Committee. An Auditor will be added to the Expanded Personnel Committee. Ms. Bennett's proposal included using her services to outsource part of the search process at an hourly rate of \$125 with a cap of \$7,500 for the project.

Council Member Schindle moved, seconded by Council Member Norland, to accept the proposal of Bonnie Bennett for the City Administrator Search. Vote on the motion: Norland, Schindle, Steiner and Dehen, aye; Freyberg abstained; no nays. Motion carried.

Coffee with the Council

Mayor Dehen thanked the Etzell family for hosting Coffee with the Council in September. He reported the next Coffee with the Council will be held on Saturday, October 13, 2012 from 10-11 a.m. at the Nakato Bar & Grill, 253 Belgrade Avenue.

Bier on Belgrade

The Mayor reported Bier on Belgrade will be held on Saturday, October 6, 2012 with three bands and the Mankato Brewery featuring an Oktoberfest commemorative stein for \$15 of which \$5 will be donated to the food shelf.

**Open the Meeting to the Public for the Second Time
Scott Gooler, 608 N. 2nd Street, Mankato**

Scott Gooler, 608 N. 2nd Street, Mankato, appeared before the Council and asked for a swift review of the firearms ordinance.

Jean Lovett, 134 Hawaiian Drive, Mankato

Jean Lovett, 134 Hawaiian Drive, Mankato, again appeared before the Council and asked if the City has a human rights commission. The City Attorney reported the City of North Mankato follows Minnesota Statutes regarding human rights. Ms. Lovett asked if the City Council was going to discuss the resolution regarding the amendment to the Minnesota constitution. Council Member Schindle reported a public hearing would need to be held if this item was going to be considered at a Council meeting and published notice given. Council Member Steiner reported that since this is not an agenda item the Council could not discuss this at tonight's meeting. In response to her question about their next plan of action, the Mayor reported she should request the City Clerk add to the next agenda consideration to set a public hearing to discuss amendment to the Minnesota Constitution.

Kim Spears, 916 South Avenue

Kim Spears, 916 South Avenue, appeared before the Council and stated he believes it is a good time to get a bonded debt study completed. He also asked about the terms for the Port Authority Commissioners and the City Attorney reported the terms were set by Minnesota Statute and are six-year staggered terms. Mr. Spears suggested putting a moratorium on any new TIF districts or Port Authority bonding if the City is a partner in an Economic Development Authority. Mr. Spears also questioned the purpose of a building permit and stated there are two systems, cost based and value based. He reported an individual felt he was unfairly treated by the value based system. Mr. Spears noted the

amendment to the Minnesota constitution is on the November 6th General Election ballot and it is best left to the decision of the voters.

Phil Henry, 1300 Noretta Drive

Phil Henry, 1300 Noretta Drive, appeared before the Council and asked if the building fee structure could be leveled out so that a small building project is not charged a much larger percentage than a large building project.

Bills and Appropriations

Council Member Norland moved, seconded by Council Member Freyberg, to approve all bills and appropriations in the amount of \$244,698.24. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen aye; no nays. Motion carried.

There being no further business, the meeting was adjourned at 8:31 p.m.

Mayor

City Clerk