

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 April 15, 2013. Mayor Dehen called the meeting to order at 7:00 p.m. asking that everyone join in the Pledge of Allegiance. The Mayor asked for a moment of silence for the victims of the Boston Marathon bombing which happened earlier in the day. The following were present for the meeting, Mayor Dehen, Council Members Spears, Steiner, Norland and Freyberg, City Administrator Harrenstein, Finance Director Thorne, City Clerk Gehrke, Attorney Kennedy, Engineer Malm and Planner Fischer.

**Approval of Agenda**

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

**Approval of Minutes**

**Council Member Norland moved, seconded by Council Member Freyberg, to approve the minutes of the Council meeting of April 1, 2013. Vote on the motion: Spears, Norland, Freyberg and Dehen, aye; Steiner abstained; no nays. Motion carried.**

**Public Hearing, 7 p.m. – Consider Approval of the 2013 Community Development Block Grant (CDBG) Action Plan**

The Mayor opened the public hearing to consider the 2013 Community Development Block Grant (CDBG) Action Plan. A notice of the public hearing was published in the official newspaper. Planner Fischer presented the 2013-2014 Action Plan for the use of our annual Community Development Block Grant (CDBG) funds. He reported as a HUD Entitlement Community, the City receives annual CDBG resources. The HUD Federal Resources available for projects and programs identified in the 2013 Action Plan is expected to be approximately \$55,600. As proposed in the 2013-2014 CDBG Action Plan, the following are the recommended projects for Council consideration: 1) Single-Family Housing Rehabilitation - \$39,480; 2) Comprehensive Plan - \$8,340; 3) Additional financial assistance to move existing home at 238 Nicollet Avenue to 202 Christensen Street including rehabilitation - \$5,000 and 4) Administration - \$2,780. Planner Fischer reported \$90,000 has been reserved from previous HUD funds for the 238 Nicollet Avenue project and the additional \$5,000 would fully fund the project. Council Member Spears asked if amendment to the HUD Consolidated Plan should be considered prior to acting on the 2013-2014 CDBG Action Plan. Administrator Harrenstein stated the HUD Consolidated Plan would not be amended if the 2013-2014 Action Plan was not approved by the Council. In response to a question, Planner Fischer reported the property at 238 Nicollet Avenue would be used for 17 parking spaces in the Central Business District. Phil Henry, 1300 Noretta Drive, asked how notice would be given to homeowners regarding the housing rehabilitation funds available. Mr. Henry stated notice could be given in the City newsletter. Planner Fischer reported notice would be given to homeowners through a marketing campaign at the North Mankato Taylor Library and other City buildings. He reported these are matching funds for improvements such as shingles, siding, windows and HVAC. With no one else appearing before the Council, the Mayor closed this portion of the meeting.

**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 she attended the Planning Commission meeting of April 11, 2013. Ms. Church also spoke about the lack of transparency regarding projects and asked that the Port Authority packets be placed on the City's

website. She also noted that the 2010 City Council minutes were no longer available on the City's website.

### **Consent Agenda**

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

- A. Bills and Appropriations.
- B. Audio and Large Group Permit for True Value Company Picnic, Spring Lake Park, Saturday, August 17, 2013 from 7 a.m. to 10 p.m.
- C. Audio and Large Group Permit for Nelson Wedding, Spring Lake Park, Saturday, July 20, 2013 from 8 a.m. to 10 p.m.

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

### **Business Items:**

#### **Consider Approving V-2-13, Variance Request to Reduce Ravine Breakline Building Setback, 1590 Sherwood Drive**

Planner Fischer presented V-2-13, a variance request from Darlene Viessman to reduce the ravine breakline building setback from 25 feet to 9.4 feet at 1590 Sherwood Drive. He reported the applicant is proposing to demolish the existing home and rebuild a new home on the existing foundation. When the home was originally constructed, the ravine setback requirement was 10 feet and has since been changed by City Council action to 25 feet creating a non-conforming use. Council Member Freyberg stated it may be more detrimental to the ravine to remove the existing foundation. City Attorney Kennedy spoke about grandfathering and non-conforming uses including the rebuilding of structures destroyed by natural disasters or fires. He also recommended the Council be very precise in their reasoning if variances are granted on a case-by-case basis. Discussion was held regarding the purpose and intent of the ravine setback ordinance to avoid disturbance of the ravine and whether due to the location of the foundation which is currently in place, this makes it unique to the property. Max DeMars was present as the applicant's contractor to answer any questions. The Planning Commission reviewed the statutory criteria for granting variances and affirmed the criteria for granting variances within Minnesota Statute 462.357, Subd. 6 has been met. The Planning Commission recommended approval of V-2-13 whereby the new home could not be built closer than 21.6 feet and the deck 9.4 feet from the ravine breakline. **Council Member Norland moved, seconded by Council Member Steiner, to approve V-2-13, to reduce the ravine breakline building setback from 25 feet to 21.6 feet for the home and 9.4 feet for the deck at 1590 Sherwood Drive. Vote on the motion: Steiner, Norland, Freyberg and Dehen, aye; Spears nay. Motion carried.**

#### **Consider Setting a Public Hearing to Amend HUD Consolidated Plan for 7 p.m. on Monday, May 6, 2013**

Planner Fischer reported that as a Department of Housing and Urban Development (HUD) Entitlement Community, the City was required to submit a 2010-2014 Consolidated Plan. The Consolidated Plan is used as a guideline as to how the City will utilize Community Development Block Grant (CDBG) Funds. He reported that in the 2013-2014 HUD Action Plan, staff is recommending the use of CDBG Funds to assist in the development of a Comprehensive Plan. Since the use of funds for this purpose was not originally listed in the Consolidated Plan, it would be necessary to amend the Plan to include the use of CDBG Funds for comprehensive planning purposes. **Council Member Freyberg moved, seconded by Council Member Norland, to set a public**

hearing for 7 p.m. on Monday, May 6, 2013 to consider amendment to the HUD Consolidated Plan. Vote on the motion: Spears, Steiner, Norland, Freyberg and Dehen, aye; no nays. Motion carried.

**Res. No. 28-13 Approving Plans and Specifications and Authorizing Advertisement for Bids for Project No. 07-02B, Water Tower No. 2 Interior Recoating**

Engineer Malm reported at the January 22, 2013 meeting, the Council authorized preparation of plans and specifications for interior coating and repairs on Water Tower No. 2, which is located along Carlson Drive. He reported plans and specifications have been prepared for the project which will consist of replacing the coating on the interior of the tank and minor structural repairs on the tank interior. This project was included in the Capital Improvement Plan (CIP) for 2013. The estimated cost for the project is \$324,000 and is proposed to be funded from the Water Utility Enterprise Fund. Engineer Malm reported an alternate bid for 2013 construction will be included in the bid process to compare pricing. Administrator Harrenstein responded to questions and reported the utility rates are being reviewed and should support this improvement. The Administrator also noted that delaying the interior recoating could be more costly in the long term and it was his recommendation to proceed to bid opening. **Council Member Norland moved, seconded by Council Member Steiner, to adopt Resolution No. 28-13 Approving Plans and Specifications and Authorizing Advertisement for Bids for Project No. 07-02B, Water Tower No. 2 Interior Recoating. Vote on the Resolution: Spears, Steiner, Norland, Freyberg and Dehen, aye; no nays. Motion carried.**

**Mayor and Council Comments**

**Council Member Norland**

Council Member Norland reported she has finished the community read "Chasing Lincoln's Killer" and it was excellent.

Council Member Steiner reported that funding for the sculpture "Circle of Friends" has reached over \$9,000. He thanked everyone who has made a pledge to purchase the sculpture.

Council Member Freyberg asked for guidance from the Council regarding the funding mechanism for the needs assessment for the multi-sports complex. He reported the City of North Mankato's share of the needs assessment would be 21 percent of approximately \$8,000. Council Member Norland reminded the Council that civic center and sports facilities rarely make money. Council Member Spears stated he felt it was ill-advised for the City to participate in long-term planning for 2-3 activities. **Council Member Norland moved, seconded by Council Member Steiner, to authorize City participation in the needs study for a multi-sports complex. Vote on the motion: Steiner, Norland, Freyberg and Dehen, aye; Spears nay. Motion carried.**

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

**Barbara Church, 102 E. Wheeler Avenue**

Barbara Church, 102 E. Wheeler Avenue, appeared before the Council and asked about the drinking water in relation to the recoating of the interior of the water tower. She also thanked the City for putting the study on the City's website.

**Phil Henry, 1300 Noretta Drive**

Phil Henry, 1300 Noretta Drive, appeared before the Council and spoke of the \$1,570 bill on the April 1, 2013 claims to South Central College for firemen's training. He asked if the City is

getting a discount for this training because of the fire truck that was donated to South Central College. The Administrator will research this matter and report back to Mr. Henry.

There being no further business, the meeting was adjourned at 7:56 p.m. on a motion by Council Member Norland, seconded by Council Member Steiner. Vote on the motion: Spears, Steiner, Norland, Freyberg and Dehen, aye; no nays. Motion carried.

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Mayor

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City Clerk