

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 February 4, 2013. 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 Freyberg, Spears, Steiner and Norland, Interim City Administrator Fischer, Finance Director Thorne, City Clerk Gehrke, Attorney Kennedy and Engineer Malm.

**Approval of Agenda**

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

**Approval of Minutes**

**Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the January 22, 2013 Council meeting. Vote on the motion: Spears, Steiner, Norland and Dehen aye; Freyberg abstained; no nays. Motion carried.**

**Correspondence**

**Letter from Department of Employment and Economic Development**

Mayor Dehen summarized a letter from the Department of Employment and Economic Development informing the City that based on staff review the Thin Film Technology project status was changed from “awarded” to “repayment.”

**Community Summit on Youth**

Mayor Dehen presented an invitation to the Council to attend the Community Summit on Youth to be held from 6 p.m. to 9 p.m. on Monday, February 11, 2013 at the Verizon Wireless Center.

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

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

Barbara Church, 102 E. Wheeler Avenue, appeared before the Council and asked if funding has been located for the “Circle of Friends” sculpture for placement in front of the North Mankato Taylor Library.

Ms. Church also addressed the revised project for the Marigold site and asked the Council to be cautious about approving a project for this site prior to having a strategic plan in place.

**Bess Tsaouse, 136 Mary Circle**

Bess Tsaouse, 136 Mary Circle, appeared before the Council and addressed concerns regarding the application process for boards and commissions, term limits for boards and commissions, when the Park Board will be discussed and the difficulty she encounters while trying to navigate the City’s website.

**Gus Sandborg, 915 South Avenue**

Gus Sandborg, 915 South Avenue, appeared before the Council and expressed his concerns regarding possible Minnesota legislation to ban large-capacity magazines and assault weapons. He stated he would like to see a local response to this legislation. The Mayor requested he leave copies of the proposed legislation for the Council to review.

**Nicollet County Board Actions**

Mayor Dehen reported the Nicollet County/North Mankato Liaison Committee meeting will be held at 4:30 p.m. on Monday, February 11, 2013 in the Large Conference Room of the Municipal Building. One agenda item at this meeting is the Recycling Center. The Mayor also reported that Nicollet County Commissioner Dave Haack attended the January Library Board meeting.

**Consent Agenda**

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

- A. Application for Parade Permit for Lasting Imprint Our Community Has Heart Walk/Awareness Event, Spring Lake Park, from 9-10 a.m. on Saturday, May 18, 2013.
- B. Audio and Large Group Permit for Community Day, Spring Lake Park, from 6 a.m. to 3 p.m. on Saturday, May 18, 2013.
- C. Audio and Large Group Permit for Blues on Belgrade, Belgrade Avenue, from noon to 11 p.m. on Saturday, July 27, 2013.

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

**Staff Reports****Interim City Administrator****Res. No. 15-13 Approving Updated Pay Equity Implementation Report**

Interim Administrator Fischer reported the State of Minnesota mandates a Pay Equity Implementation Report be submitted every three years. He reported the deadline for submission of the report was January 31<sup>st</sup> and the report was submitted as required. The necessary action for the Council is to adopt a resolution approving the report and authorizing the Mayor as signatory on behalf of the City. **Council Member Norland moved, seconded by Council Member Steiner, to adopt Resolution No. 15-13 Approving Updated Pay Equity Implementation Report. Vote on the Resolution: Freyberg, Spears, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**2012 Building Permit Report**

Interim Administrator Fischer presented the 2012 Building Permit Report stating the total dollar value for building permits was \$27,508,814. Total number of permits was 1,574 which included 35 single-family homes, 4 townhomes, 2 apartment buildings (8 units), 10 garages, 53 industrial/commercial, 53 other and 1,420 residential remodeling.

**Schools and Conferences**

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

1. Emotional Survival for Law Enforcement, Mankato, April 2, for one Patrol Officer.

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

**City Clerk****Results of 2013 Special Primary Election**

Clerk Gehrke reviewed the results of the 2013 Special Primary Election reporting a 4.00 percent voter turnout. She reported the Special General Election will be held on Tuesday, February 12, 2013. Absentee Ballots are now available and voters may also vote at the Nicollet County Courthouse on Saturday, February 9, 2013 between the hours of 10 a.m. and 3 p.m.

Mayor Dehen reported a candidate forum will be held at 7:30 p.m. on Wednesday, February 6, 2013 at the Nicollet County Historical Society's Treaty Site. The three candidates for House District 19A will be featured on KTOE "Talk of the Town" at 1 p.m. on Thursday, February 7, 2013 and Friday, February 8, 2013. The Mayor reported this is an important election because the candidate elected will be representing the City of North Mankato on issues such as Highway 14 and gun control.

**Finance Director****Community Room Usage Report**

Finance Director Thorne presented the Community Room Usage Report for 2012 reporting a total of 577 uses: 156 for the Municipal Building, 162 for the Police Annex and 259 for the Fire Station #2 Community Room. In response to a question, Finance Director Thorne reported since 2010 only one use per day was scheduled to allow for cleanup between uses.

**City Attorney**

Attorney Kennedy reported review of the ordinance pertaining to air soft guns was continuing with Chief Boyer. They have asked Mike Johnston, 418 Forest Height Drive, for his suggestions regarding appropriate definition for what is too dangerous for casual use. Mr. Johnston has not responded to this request. Attorney Kennedy reported they may be ready to set a public hearing on this matter at the second February Council meeting.

**City Engineer****Res. No. 16-13 Accepting Feasibility Report and Ordering Preparation of Plans and Specifications for Project No. 08-07B, Well No. 9**

Engineer Malm reported the original feasibility report for Well No. 9 was completed in 2007 estimating a cost of drilling the well at \$657,000 and a total cost including well, pump, watermain connections and building at a total cost of \$1.175 million. He reported the Capital Improvement Plan approved by the Council in December 2012 has a cost for Well No. 9 of \$1.35 million allowing for inflation over the past six years. The project will be phased over a two-year period drilling the well in 2013 with the building and watermain completed in 2014. Discussion was held regarding the feasibility of transferring water from the City of Mankato. The City Engineer reported because the water need is in the hilltop area and the limitation of transferring 1,000 gallons per minute from the lower system to the upper system, combined with the large cost of infrastructure changes that would be necessary to transfer water from the City of Mankato, this is not feasible. In answer to questions regarding water usage, the Engineer reported water usage tracks with the population and remains fairly stable at 70 to 100 gallons per person per day. Some discussion was held regarding implementing a lawn watering ban if the present drought conditions continue. **Council Member Norland moved, seconded by Council Member Steiner, to adopt Resolution No. 16-13 Accepting Feasibility Report and Ordering Preparation of Plans and Specifications for Project No. 08-07B, Well No. 9. Vote on the Resolution: Freyberg, Spears, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

## **Report from Council Members**

### **Council Member Steiner**

Council Member Steiner reported the North Mankato Civic & Commerce will be meeting on Wednesday, February 6, 2013 and will discuss funding of the "Circle of Friends" sculpture. Interim Administrator Fischer reported the request submitted to the Taylor Foundation for funding of the sculpture was denied.

### **Council Member Norland**

Council Member Norland reported discussion of the Parks Committee would take place as part of the strategic plan.

## **Report from Mayor**

Mayor Dehen reported the strategic planning process may not take place until the second half of the year in order to give the new City Administrator a chance to get acclimated.

The Mayor received a report from Lieutenant Bock regarding the noise level at Las Fronteras on Saturday nights. He reported that the bass has been adjusted to a level where it does not vibrate off the neighbors' windows. He believes this situation has been resolved to everyone's satisfaction.

The Mayor reported the Joint Economic Development discussion would be tabled until the May Intergovernmental meeting.

The Mayor reported no "Coffee with the Council" will be held in February but will be held in March.

The Mayor reported ten City of North Mankato Council/staff members are needed for the "Pedal Past Poverty" event to be held on Saturday, March 2, 2013. **Council Member Freyberg moved, seconded by Council Member Steiner, to authorize Partnership for Affordable Housing to be added to the 10% Charitable Gambling List and to approve a \$1,000 donation from the charitable gambling funds for the event "Pedal Past Poverty" which is sponsored by Partnership for Affordable Housing. Vote on the motion: Freyberg, Spears, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

The Mayor reported Mankato/North Mankato Day at the Capitol will be held March 22-23, 2013. He reported that he will be unable to attend.

## **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 the Mayor to discuss the noise from Riverfront Park at the upcoming Intergovernmental meeting.

### **Phil Henry, 1300 Noretta Drive**

Phil Henry, 1300 Noretta Drive, appeared before the Council and stated that drought does not affect the deep ground aquifers and we need to be conscious of taking water out of the aquifer. He also spoke of the amount of water used for the irrigation of Caswell Park and the soccer fields and asked that water be metered for these uses to get a true cost.

**Bess Tsaouse, 136 Mary Circle**

Bess Tsaouse, 136 Mary Circle, appeared before the Council and spoke of the requirement that only turf grass be planted in the first 5' of the right-of-way. Ms. Tsaouse also spoke of involving citizens in the decision-making process and making the City's website easier to navigate.

**Bills and Appropriations**

Council Member Steiner moved, seconded by Council Member Norland, to approve all bills and appropriations in the amounts of \$7,834.77 and \$308,970.50. Vote on the motion: Freyberg, Spears, Steiner, Norland and Dehen, aye; no nays. Motion carried.

There being no further business, the meeting was adjourned at 8:07 p.m. on a motion by Council Member Steiner, seconded by Council Member Norland. Vote on the motion: Freyberg, Spears, Steiner, Norland and Dehen, aye; no nays. Motion carried.

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Mayor

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City Clerk

**Notice to Counties and Municipalities  
Under Minn. Stat. § 216B.16, subd. 1**

STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
Phyllis Reha	Commissioner
David C. Boyd	Commissioner
J. Dennis O'Brien	Commissioner
Betsy Wergin	Commissioner

IN THE MATTER OF THE APPLICATION  
OF NORTHERN STATES POWER  
COMPANY, DOING BUSINESS AS XCEL  
ENERGY, FOR AUTHORITY TO  
INCREASE RATES FOR ELECTRIC  
SERVICE IN THE STATE OF MINNESOTA

MPUC DOCKET No. E002/GR-12-961  
OAH DOCKET No. 68-2500-30266

**RATE INCREASE NOTICE**

Xcel Energy has asked the Minnesota Public Utilities Commission (MPUC) for permission to increase its electricity rates by \$285.5 million, or approximately 10.7 percent effective January 1, 2013.

The MPUC will evaluate our request and will make its decision on final rates in September 2013. If final rates are lower than interim rates, we will refund customers the difference with interest. If final rates are higher than interim rates, we will not charge customers the difference.

**Public Comment**

Administrative Law Judge Jeanne Cochran has scheduled public hearings so customers may have an opportunity to present their views on the adequacy and quality of Xcel Energy's service, the level of rates, or other related matters. Any Xcel Energy customer or other person may attend or provide comments at the hearings. You do not need to be represented by an attorney.

**Accommodations**

If any reasonable accommodation is needed to enable you to fully participate in these public hearings (e.g. sign language, foreign language interpreter, large print materials), please contact the MPUC at **651-296-0406** or **800-657-3782** one week in advance of the hearing.

## Public Hearings Schedule

Date	Time	Location
Monday, March 4	1:00 p.m.	Earle Brown Heritage Center, 6155 Earle Brown Drive, Minneapolis
Monday, March 4	7:00 p.m.	Sabathani Center, 310 East 38th St., Minneapolis
Thursday, March 7	7:00 p.m.	Woodbury Central Park, 8595 Central Park Pl., Woodbury
Friday, March 8	1:00 p.m.	West Minnehaha Rec Center, 685 West Minnehaha Ave., St. Paul
Monday, March 18	7:00 p.m.	Civic Center, 1 Civic Center Plaza, Mankato
Tuesday, March 19	7:00 p.m.	Eden Prairie Community Center, 16700 Valley View Rd, Eden Prairie
Friday, March 22	1:00 p.m.	Lake George Municipal Complex, 1101 7 <sup>th</sup> St. South, St. Cloud

## Effect of Rate Changes

The table below provides examples of the effect of the proposed increase on typical bills of Xcel Energy's customers. Individual changes may be higher or lower depending on actual electricity usage.

The rate changes described in this notice have been requested by Xcel Energy. The MPUC may either grant or deny the requested changes, in whole or in part, and may grant a lesser or greater increase than that requested for any customer class or classes.

## Proposed change in monthly electricity costs

Customer classification	Average monthly kWh usage	Current monthly cost	Interim monthly increase	Proposed final monthly increase
Residential - Overhead line service	562	\$64.66	\$6.71	\$7.92
Residential - Underground line service	824	\$93.49	\$9.66	\$10.27
Energy-Controlled (Dual Fuel)	989	\$70.88	\$5.89	\$8.15
Small General Service	976	\$106.13	\$10.76	\$11.29
Small General Time-of-Day Service	1,405	\$131.23	\$12.51	\$12.63
General Service	17,141	\$1,489.69	\$138.07	\$147.85
General Time-of-Day Service	188,695	\$13,649.38	\$1,165.39	\$1,264.10
Peak-Controlled Service	62,571	\$6,570.24	\$660.40	\$882.97
Peak-Controlled Time-of-Day Service	605,670	\$49,058.84	\$4,450.02	\$5,572.11
Small Municipal Pumping	559	\$64.47	\$6.67	\$7.92
Municipal Pumping	5,177	\$511.26	\$50.17	\$53.77

\* Monthly increases do not include the portion of your bill for fuel, riders, sales taxes and municipal franchise fees, and may vary by customer based on usage.

## Written Comments

Written comments may be sent to the Administrative Law Judge:

**Judge Jeanne Cochran**  
Office of Administrative Hearings  
P.O. Box 64620  
St. Paul, Minnesota, 55164-0620  
Email: [ratecomments.oah@state.mn.us](mailto:ratecomments.oah@state.mn.us)

Customers may also provide comments to the Minnesota Public Utilities Commission:

121 Seventh Place East, Suite 350  
St. Paul, Minnesota, 55101-2147  
Email: [PublicComments.puc@state.mn.us](mailto:PublicComments.puc@state.mn.us).

Phone: **651-296-0406** or **800-657-3782**, Option 1  
Citizens with hearing loss or speech disabilities may call through Minnesota Relay at **800-627-3529** or by dialing **711**.

Written comments are most effective when the following three items are included:

- (1) the issue(s) in Xcel Energy's proposal you are addressing;
- (2) your specific recommendation; and
- (3) the reason for your recommendation.

Please include OAH docket number 68-2500-30266 and MPUC docket number E002/GR-12-961 in all communications. The deadline for written comments is **April 1, 2013**.

**Important:** Comments will be made available to the public on the MPUC's website, except in limited circumstances consistent with the Minnesota Government Data Practices Act. The MPUC does not edit or delete personal identifying information from submissions.

## Evidentiary Hearings

Formal evidentiary hearings on Xcel Energy's proposal are scheduled to start on April 18, 2013, at 9:30 a.m., in the Large Hearing Room, Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul. The purpose of the evidentiary hearings is to allow Xcel Energy, the Minnesota Department of Commerce-Division of Energy Resources, Energy Regulation and Planning, the Minnesota Office of Attorney General-Antitrust and Utilities Division, and others to

present testimony and to cross-examine each other's witnesses on the proposed rate increase.

Anyone who wishes to formally intervene in this case should contact the Administrative Law Judge, Jeanne Cochran at the above address.

**For More Information**

You may visit Xcel Energy's offices during normal business hours to examine the current and proposed rate schedules and our request for new rates. Xcel Energy's corporate office is located at:

414 Nicollet Mall  
Minneapolis, Minnesota 55401

Phone: 800-895-4999

Web: [www.xcelenergy.com/XcelMNRates](http://www.xcelenergy.com/XcelMNRates) , Select the **Filing Documents** tab.

Or, you may contact the Department of Commerce at:

85 Seventh Place East, Suite 500  
St. Paul, Minnesota 55101

Phone: 651-296-9314

Citizens with hearing loss or speech disabilities may call through Minnesota Relay at 800-627-3529 or by dialing 711.

Web: [www.puc.state.mn.us](http://www.puc.state.mn.us) ; Select **Search eDockets**; Select **12** in the year field; enter **961** in the number field; select **Search**, and the list of documents will appear on the next page.

February 2013  
Xcel Energy

**THESE ARE DRAFT MINUTES AND NOT YET APPROVED BY THE BOARD**

OFFICIAL PROCEEDINGS OF THE  
BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF NICOLLET  
February 12, 2013

The Nicollet County Board of Commissioners met in special session on Tuesday, February 12, 2013 at 9:00 a.m. with Chair David Haack presiding. Commissioners Marie Dranttel, Dr. Bruce Beatty, James Stenson, and Jack Kolars were present. Also present were County Attorney Michelle Zehnder Fischer, County Administrator Ryan Krosch, Auditor-Treasurer Bridgette Kennedy, and Recording Secretary Margo Brown.

Upon a motion by Commissioner Stenson and seconded by Beatty, it was moved to approve the minutes of the January 22, 2013 Board meeting. The motion carried unanimously.

Upon a motion by Commissioner Kolars and seconded by Dranttel, it was moved to approve the County bills as presented. On a roll call vote, all Commissioners voted yes and the motion carried unanimously.

Social Services Director Joan Tesdahl appeared before the Board to request approval of the Social Service bills. Upon a motion by Commissioner Beatty and seconded by Kolars, it was moved to approve the Social Services bills as presented. On a roll call vote, all Commissioners voted yes and the motion carried unanimously.

Director Tesdahl introduced two new employees – Rebecca Rustman, Family Based Services Provider and Kristin Monthei, Social Worker.

Human Resources Director Jamie Haefner addressed the Board to provide information about several new and replacement hirings.

Sheriff David Lange has hired David Vonberge to fill the open 911 Dispatcher position vacated by Bryanna Reich. Mr. Vonberge will begin his position on February 19, 2013 at a salary of \$15.90 per hour, which represents pay step 4 of pay grade 12 (of the 2012 scale).

Social Services Director Joan Tesdahl has selected Cheryl Wills to replace Lacey Kietzer as a 20-hour per week Case Aide. Ms. Wills was previously an Office Support Specialist in that office. She begins her position on February 11, 2013 at a salary of \$14.33 per hour, which represents pay step 2 of pay grade 11.

No action is required on the above hiring information.

Public Works Director Seth Greenwood introduced two new employees – Mike Suska, Highway Maintenance Manager and Nathan Henry, Drainage System Inspector.

Public Works Director Greenwood and Agricultural Inspector Tom Kennedy appeared before the Board to request consideration and approval of the Annual Agricultural Inspector Report and Work Plan. Mr. Kennedy provided more information relating to noxious weeds in the County, and how they are being dealt with. Upon a motion by Commissioner Stenson and seconded by Kolars, it was moved to accept the recommendation of the Public Works staff and approve the Annual Agricultural Inspector Report and Work Plan as presented and authorize the Chair to sign the document. The motion carried unanimously.

Public Works Director Greenwood requested that the Board consider approval of a Mn/DOT agreement and resolution relating to Phase II of the TH 14/CSA 41 interchange. Upon a motion by Commissioner Kolars and seconded by Beatty, it was moved to accept the recommendation of the Public Works Director and approve the agreement with the Minnesota Department of Transportation for Phase II of the TH 14/CSAH 41 interchange and 4-lane expansion project, adopt the resolution, and authorize the Board Chair and Administrator to sign the documents. The motion carried unanimously.

BE IT RESOLVED that Nicollet County enter into Mn/DOT Agreement No. 01663 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the County to the State of the County's share of the costs of the roadway, roundabout, and Bridge No. 52003 construction and other associated construction upon, along, and adjacent to Trunk Highway No. 14 from 5,300 feet west of Nicollet County State Aid Highway No. 41 to 800 feet west of Lookout Drive within the corporate limits of the City of North Mankato under State Project No. 5203-103.

BE IT FURTHER RESOLVED that the Nicollet County Board Chair and the Nicollet County Administrator are authorized to execute the agreement and any amendments to the agreement.

Public Works Director Greenwood provided information to the Board on the two (2) bids received for the Chip Spreader. The following bids were received:

BearCat Manufacturing from Wickenburg AZ	\$268,256.25
Swanston Equipment of Fargo ND	\$252,702.73

He requested that the Board delay the awarding of the bid until the meeting of February 26<sup>th</sup> in order to do more research on the two different machines being proposed. This was agreeable to Board members.

The Board authorized Public Works Director Greenwood to proceed with the process necessary for the purchase of two loaders – previously approved in the Capital Improvement Plan.

At this time, Mr. Greenwood provided an update on several Public Works items. He noted that he received \$380,000 in federal funding to install chevrons on at-risk curves, with the County providing a 10% match. He stated that right-of-way has been approved for 17 of the 18 landowners along the CSAH 5 project. Mr. Greenwood, along with new Drainage System Inspector Nathan Henry, provided information on what is

being done to computerize the county ditches. Mr. Henry provided copies of a sample computer image on one ditch in the county and explained how he will proceed with this project.

Veteran's Service Officer Charles Dempewolf appeared before the Board to provided information about quotes he had received for a new van. The following quotes were received:

Mankato Honda	2013 Honda Odyssey LX	\$25,775.25
Mankato Honda	2013 Honda Odyssey EX	\$28,476.69
Heintz Toyota	2013 Sienna LE	\$27,084.20
Mankato Motors	2012 Nissan Quest	\$26,700.79

Upon a motion by Commissioner Stenson and seconded by Kolars, it was moved to accept the recommendation of the Veteran's Service Officer and authorize him to purchase a new Veteran's Van (2013 Honda Odyssey LX) from Mankato Honda at a cost of \$25,775.25, with funding to come from donations received over the years. The motion carried unanimously. The Board thanked everyone who donated funds toward the replacement of the Veteran's Vans.

Auditor-Treasurer Bridgette Kennedy requested that the Board consider approval of an exempt gambling permit for the Habitat for Humanity for a raffle at North Links Golf Course. Upon a motion by Commissioner Stenson and seconded by Kolars, it was moved to adopt the recommendation of the Auditor-Treasurer and approve the exempt gambling permit for Habitat for Humanity of South Central MN to conduct a raffle at the North Links Golf Club on July 19, 2013. The motion carried unanimously.

Auditor-Treasurer Kennedy provided information to the Board relating to donations received during the last quarter of 2012. Upon a motion by Commissioner Dranttel and seconded by Stenson, it was moved to accept the recommendation of the Auditor-Treasurer and adopt the resolution approving the donations received from October 1, 2012 through December 31, 2012. The motion carried unanimously.

WHEREAS, in accordance with the Nicollet County Donation Policy, adopted September 9, 1997, a list of donations to the County will be considered for approval by the County Board of Commissioners, and

WHEREAS, the Nicollet County Auditor's Office has compiled a list of donations made to the County from October 1, 2012 through December 31, 2012.

THEREFORE, BE IT RESOLVED that the Nicollet County Board of Commissioners approve the following donations accepted by Department Heads on behalf of the County throughout the year of 2012.

**Donations received by Nicollet County  
October 1, 2012 through December 31, 2012**

<b>FROM WHOM</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
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American Legion Auxiliary			
Post 510 – Nicollet	\$ 100.00		Veteran's Van
Various Donors	\$1,150.00		Veteran's Van
Brown County Rural Electric Trust	\$ 150.00		Sheriff/K-9 Unit
Darla Laven family, in her memory	\$ 100.00		Sheriff
Nicollet Trinity Ladies Guild	\$ 75.00		Loan Closet
United Way of Great Mankato	\$ 750.00		Senior Transportation
Joanne Karvonen	\$ 350.00		Senior Transportation
Altamira Cohrt	\$ 100.00		Senior Transportation
Various Donors	\$ 673.00		Senior Transportation
Lake Crystal Saddle Club	\$ 200.00		Seven Mile Creek Park/ Trail Improvement
Prairie Ecology Bus Center	\$2,500.00		Children's Water Festival
Women of Scandian Grove Church	Quilts		Human Services

Auditor-Treasurer Kennedy requested approval of several abatements of taxes. Upon a motion by Commissioner Beatty and seconded by Kolars, it was moved to approve the abatement of taxes for the following persons, who are eligible for homestead credit:

For Lorena Vargas of 39 Summit Park, St. Peter MN for property located at parcel no. 19.950.1425 in St. Peter for taxes payable in 2012 in the amount of \$82.00.

For the Elroy Gieseke Trust of 54851 County Board 15, New Ulm MN for property located at parcel nos. 03.010.1400 & 03.011.0300 for taxes payable in 2011 and 2012 in the amount of \$2,188.

For the Gerald Brandes Family Trust of 43743 430<sup>th</sup> Street, Courtland MN for property located at parcel nos. 04.121.0500, 03.005.0800, 04.120.0500, 02.035.0700, 03.008.0400, and 03.008.0401 for taxes payable in 2011 and 2012 in the amount of \$3,730.00.

The motion carried unanimously.

Upon a motion by Commissioner Kolars and seconded by Beatty, it was moved to approve the abatement of taxes for the following persons, who are eligible due to disaster credit (home fires):

For Brian and Sarah Fortney of 839 Lyndale Street, North Mankato MN for property located at parcel 18.665.0420 in the amount of \$638.00.

For Torrey and Emily Rand of 833 Lyndale Street, North Mankato MN for property located at parcel 18.665.0430 in the amount of \$1,050.00.

For Growth Holdings LLC, 530 South Front Street, Mankato MN for property located at parcel 18.557.1960 in the amount of \$902.00.

The motion carried unanimously.

Deputy Zoning Administrator Jon Hammel addressed the Board to request approval of several conditional use permits. Upon a motion by Commissioner Stenson and seconded by Dranttel, it was moved to accept the Planning and Zoning Advisory Commission's January 28, 2013 report, recommendations, and findings as submitted therein, which includes the following conditional use permit:

Doug Cole / Property Owner  
Tim & Susan Compart

Permit No. C-1-13 Granby Township

The motion carried unanimously.

At this time a public hearing was held in regard to lifting the moratorium on building permits in the Nob Hill Subdivision. Deputy Zoning Administrator Jon Hammel provided additional information relating to this issue. Environmental Services Director Mandy Landkamer was also present at the meeting. There were no citizens present at the hearing. After discussion, Chair Haack closed the public hearing. Attorney Paul Tanis from Riley-Tanis Law Office, provided information relating to the problems that the landowners in this subdivision have encountered over the years. Upon a motion by Commissioner Dranttel and seconded by Stenson, it was moved to accept the recommendation of the Environmental Services Department and adopt the resolution lifting the moratorium on building permits in the Nob Hill Subdivision West of St. Peter. On a roll call vote, all Commissioners voted yes and the motion carried unanimously.

### **RESOLUTION LIFTING THE MORATORIUM ON BUILDING PERMITS IN NOB HILL SUBDIVISION**

**WHEREAS**, Nob Hill Subdivision was originally platted in 1974 and the platted roads within the subdivision were not graded or improved to township specifications as required in the Nicollet County Zoning Ordinance; and

**WHEREAS**, The residents of Nob Hill, in the form of the Nob Hill Subdivision Association, sought assistance from the County to initiate the improvement of the platted roads; and

**WHEREAS**, The County Board thereafter adopted a resolution to enact a moratorium on the issuance of building permits within the subdivision until such time as the roads were improved to township specifications as an incentive to initiate the improvement of the platted roads and to protect the health, safety, and welfare of the residents and the general public; and

**WHEREAS**, Following the March 1998 tornado, in combination with providing the residents a means of repairing damage caused by said tornado, the Nicollet County Board also provided a set of criteria for the lifting of the moratorium as an alternative to improving the platted roads, which included the formation of a neighborhood association, the vacation of the platted roads, the replatting of the subdivision, and the granting of access easements for all property owners within the subdivision; and

**WHEREAS**, The current residents of Nob Hill have formed the Nob Hill Neighborhood Association, the platted roads – Cole Lane, Boyd Drive, and Meyer Avenue – have been successfully vacated, the preliminary and final plat of “Nob Hill Re-Plat” were approved at the January 8, 2013 meeting of the Nicollet County Board, and the residents of Nob Hill have established access easements for all property owners within the subdivision; and

**WHEREAS**, The Nicollet County Board of Commissioners finds the criteria for lifting the moratorium on building permits within Nob Hill Subdivision to be met in total and that the lifting of the moratorium is in the interest of the residents and general public.

**NOW THEREFORE BE IT RESOLVED**, by the Nicollet County Board of Commissioners, that the resolution enacting a moratorium on building permits in Nob Hill Subdivision shall be rescinded effective immediately upon the adoption of this resolution.

Upon a motion by Commissioner Stenson and seconded by Beatty, it was moved to accept the Planning and Zoning Advisory Commission's January 28, 2013 report, recommendations, and findings as submitted therein, which includes the following conditional use permit:

Paul Swenson  
The motion carried unanimously.

Permit No. C-2-13 New Sweden Township

Mr. Hammel reviewed information with the Board relating to the current feedlot ordinance and noted some comments from the public regarding this ordinance. There was additional discussion about Nicollet County's ordinance by the Commissioners, as well as Ms. Landkamer. She was asked, by the Board, to put together some information relating to what other counties are doing in relation to their feedlot ordinances. Mr. Hammel stated that the Planning & Zoning Commission will be discussing this issue again at the February 25<sup>th</sup> meeting.

County Administrator Ryan Krosch addressed the Board to discuss information relating to the LEAN program, which is being sponsored by AMC. This program has been established to provide training on how to improve efficiency, improve employee outputs, reduce time and costs and other similar issues relating to efficiency. He is hoping to be able to send approximately 5 or 6 staff to an upcoming training for this program and noted that the costs would be minimal. The Board had no objections to this and Mr. Krosch will provide further information at a later date.

County Administrator's report included information about the following items/meetings:

- AMC is sponsoring County Day at the Capital – it was suggested that Nicollet County try to get a date after April 15<sup>th</sup> to attend this event.

Commissioner and Chair David Haack reported on the following meetings:

- Various County board meetings and retreats
- MRCI Meeting
- Criminal Justice Committee meeting
- Highway 14 Partnership meeting
- Individual Department Head meeting
- Traverse des Sioux Library meeting
- Brown/Nicollet Community Health meeting
- Reported on the Nicollet County/North Mankato Liaison meeting held on February 11<sup>th</sup>.

The Commissioners reported on various past and future activities/meetings, including:

Commissioner Marie Dranttel

- No report

Commissioner Bruce Beatty

- Various County Board and Budget meetings and retreats
- Compensation Committee meetings
- Critical Position Review Committee meeting
- Criminal Justice Committee meeting
- Personnel Committee
- Brown/Nicollet Community Health Meeting

- Minnesota Senate Transportation Committee meeting

#### Commissioner James Stenson

- Discussed the upcoming decision on the purchase of a chip spreader, in conjunction with the City of North Mankato. He noted that staff will be looking at the two proposed machines to determine which one they would prefer.
- Discussed issues relating to the recycling center in North Mankato.
- Participated in Building Committee meetings and Compensation Committee meetings

#### Commissioner Jack Kolars

- Various County Board meetings and retreats
- Meeting with County Administrator
- Criminal Justice Committee meeting
- Sioux Trails Mental Health meeting
- Meeting at Highway Department
- Minnesota Valley Action Council
- Brown/Nicollet Community Health meeting
- Attended an area transportation meeting

At this time and pursuant to Nicollet County Personnel Policies, Rules and Regulations, Article 13, Section 13.4, a level two grievance filed by Nicollet County Social Services employee Karen Gerhardson was presented. Ms. Gerhardson was grieving a verbal reprimand issued August 3, 2012. County Attorney Michelle Zehnder Fischer asked Ms. Gerhardson if she wished to have the meeting open or closed to the public. Ms. Gerhardson requested that the meeting remain open to the public. Chair David Haack informed both Ms. Gerhardson and Nicollet County Social Services staff Joan Tesdahl and Dawn Michels that each party would have 10 minutes to present their positions. County Administrator Ryan Krosch provided the background information related to the grievance. Social Services Director Tesdahl stated that the Board has been provided with the background information related to the reprimand and that she had nothing else to add at this time. Ms. Gerhardson then presented her position. Ms. Gerhardson also requested that she be allowed to provide the Board with additional information. According to County Policies, Rules and Regulations, the Board has twenty (20) working days from the date of the hearing to issue a decision. Upon a motion by Commissioner Kolars and seconded by Beatty, it was moved to include on the February 26, 2012 County Board agenda the issuance of a decision on Ms. Gerhardson's grievance of a verbal warning issued to her on August 3, 2012 and that any additional information provided by Ms. Gerhardson to the County Board must be information related to her grievance of the verbal reprimand. The motion carried unanimously.

Upon a motion by Commissioner Beatty and seconded by Kolars, it was moved to approve the expenses and per diems for the meetings noted above during the Commissioner reports and/or listed on the Claims Listing, and authorize payment of

those expenses and per diems by the Auditor-Treasurer's Office. The motion carried unanimously.

Upon a motion by Commissioner Stenson and seconded by Haack, it was moved to adjourn the meeting at 11:30 a.m. The motion carried unanimously.

# CITY OF NORTH MANKATO PARK PERMIT

This permit does reserve space in a City Park.

PERMIT #: 20 -2013 SHELTER: Wheeler FEE: --

TYPE OF EVENT: Fall Blast DATE VALID: 8-24-13 HOURS: 11am-10:30pm  
Set-up Fri 8/23 - Clean up Sun 8/25

ORGANIZATION: American Legion SIZE: 2000

APPLICANT NAME: Pete Wachtel

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_

ZIP: \_\_\_\_\_ DAYTIME PHONE #: 381-2707

TENTS: Small on parking lot ELECTRICITY: yes ALCOHOL: yes

If keg beer, a \$250 deposit and \$25 fee are required.

AUDIO DEVICES: 3 Bands

Amplified music or band requires Council approval MUSIC - 2-10:30pm

OTHER: Fencing by Todd

PERMIT APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

PERMIT DENIED: \_\_\_\_\_

REFER TO COUNCIL:

Nancy Behrke by VJ  
City Clerk

The following rules and regulations have been set by the City Code which apply to all parks and are enforced:

### PROHIBITED

- \* Vehicles are not allowed to be parked or driven on the grass for any reason unless permission is given from the Park Department.
- \* Pets (Allowed in Benson Park and Bluff Park only. Must be on a 6' leash).
- \* Glass containers.
- \* Bonfires.
- \* Snowmobiles, ATVs, golfing, swimming, boating and motorized flotation devices.
- \* Audio equipment may not be played so loud as to interfere with the reasonable use of the park by others. All audio devices shall end at 8 p.m.

### ALLOWED

- \* Personal grills may be brought in.
- \* Keg beer is allowed only with a permit.
- \* Fishing/Ice fishing on Ladybug Lake and Spring Lake only.
- \* Non-motorized canoes and kayaks on Ladybug Lake and Spring Lake. Children under 12 must be accompanied by an adult. Flotation device required.
- \* Hog roasts are allowed in the parks on hard-surfaced lots only.

I, the undersigned, understand that the park shelter reservation fee is NOT a deposit and is NOT refundable for any reason other than inclement weather making it impossible to hold a picnic. Cancellation of this park shelter reservation will NOT result in a refund of the fee. **If prior approval is not obtained for the installation of additional tents or stakes and causes disruption of utility services, I agree to be held liable for any repairs to service lines.**

SIGNED: by phone 1-31-13  
Applicant Date

For Office Use Only	Receipt # _____	<input checked="" type="checkbox"/> Book	_____ Park	_____ Police
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# CITY OF NORTH MANKATO PARK PERMIT

This permit does reserve space in a City Park.

PERMIT #: 25 -2013 SHELTER: Benson Park FEE: NC

TYPE OF EVENT: 5K Run DATE VALID: 3-30-13 HOURS: 9:00-11:00 am

ORGANIZATION: RPLS @ MSU and Scheels SIZE: 350 racers

APPLICANT NAME: Kristi Montandon

ADDRESS: 1655 Castle Dr. CITY: NM

ZIP: \_\_\_\_\_ DAYTIME PHONE #: 389-5320

TENTS: — ELECTRICITY: — ALCOHOL: NO

If keg beer, a \$250 deposit and \$25 fee are required.

AUDIO DEVICES: Mega Phone  
Amplified music or band requires Council approval

5K Run from DMMS to Benson Park & back.

OTHER: Easter Egg Hunt + Kids races @ DMMS

PERMIT APPROVED: \_\_\_\_\_

DATE: 2-13-13

PERMIT DENIED: \_\_\_\_\_

REFER TO COUNCIL: ✓

Nancy Buhk  
City Clerk

The following rules and regulations have been set by the City Code which apply to all parks and are enforced:

## PROHIBITED

- \* Vehicles are not allowed to be parked or driven on the grass for any reason unless permission is given from the Park Department.
- \* Pets (Allowed in Benson Park and Bluff Park only. Must be on a 6' leash).
- \* Glass containers.
- \* Bonfires.
- \* Snowmobiles, ATVs, golfing, swimming, boating and motorized flotation devices.
- \* Audio equipment may not be played so loud as to interfere with the reasonable use of the park by others. All audio devices shall end at 8 p.m.

## ALLOWED

- \* Personal grills may be brought in.
- \* Keg beer is allowed only with a permit.
- \* Fishing/Ice fishing on Ladybug Lake and Spring Lake only.
- \* Non-motorized canoes and kayaks on Ladybug Lake and Spring Lake. Children under 12 must be accompanied by an adult. Flotation device required.
- \* Hog roasts are allowed in the parks on hard-surfaced lots only.

I, the undersigned, understand that the park shelter reservation fee is NOT a deposit and is NOT refundable for any reason other than inclement weather making it impossible to hold a picnic. Cancellation of this park shelter reservation will NOT result in a refund of the fee. **If prior approval is not obtained for the installation of additional tents or stakes and causes disruption of utility services, I agree to be held liable for any repairs to service lines.**

SIGNED: [Signature] 2/14/13  
Applicant Date

For Office Use Only	Receipt # _____	Book _____	Park _____	Police _____
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CITY OF NORTH MANKATO  
APPLICATION FOR PARADE PERMIT

This application, accompanied by a map of the parade route and the required application fee, shall be submitted to the Chief of Police at least fourteen (14) days in advance of the parade date.

Applicant Information

Name: KRISTI Montandon  
 Address: 1655 Castle Dr.  
 City: N. Mankato State: MN Zip: 56003  
 Telephone: 507 389-5320  
 Sponsoring Organization: RPLS dept MSU and Schools  
 Address: HN 213, Minnesota State University  
 City: Mankato State: MN Zip: 56001  
 Telephone: 507-389-5320  
 Occasion for Parade: 5K Run & Easter Egg Scramble  
 Date of Parade: March 30<sup>th</sup> Estimated Length of Parade: 5K  
 Estimated Starting Time: 9:00 Estimated Finish Time: 11:00  
 General Composition of Parade: 5K Run from DMMS to Benson Parks & back. Easter Egg Hunt & kids races @ DMMS

As a duly authorized representative or agent of the parade sponsoring organization, I hereby make application for a permit to parade in the City of North Mankato, Minnesota. I hereby certify that, to the best of my knowledge, the above is an accurate and true description of the parade. I agree to execute the parade according to this permit and subject to the provisions and conditions which may be necessary to provide for the safety of parade participants and the orderly and safe movement of public traffic.

[Signature]  
Applicant

2/14/13  
Date

Pursuant to Section 70.21 of the North Mankato City Code, I hereby authorize a parade permit for the applicant organization. This permit shall be valid only under the conditions recommended by the City of North Mankato and only for the date and time indicated.

[Signature] #701  
Chief of Police

2/14/13  
Date

[Signature]

COMMENTS/ADDITIONAL STIPULATIONS:

Scheels 5K Route Proposal.

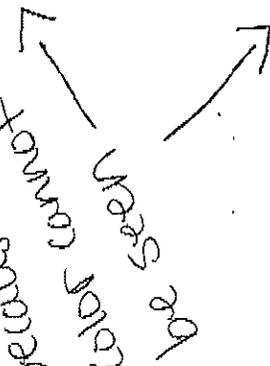
- The red route indicates the start location and the first leg of the race from the school to Benson Park. Participants will run on the north sidewalk on Howard Dr. W.; the west sidewalk on Lookout Dr.; the south sidewalk on Carlson Dr. They will cross Carlson Drive to get onto Benson Park trail system by Monument rock and loop around the trail system (TBD route on trail system).
- The blue route indicates the second leg of the race from Benson Park back to the school/ finish line. Participants will run on the north sidewalk on Carlson Dr.; the east sidewalk on Lookout Dr.; the north sidewalk on Howard Dr. W.

All participants will run on sidewalks and not on the road. There will be crossing guards at each section where participants will be crossing to prevent any accidents. We will mark the course with signage so participants know exactly where to go.

- Red route is the north side walk on Howard,  
East side walk on Lookout, south sidewalk on  
Carlson

- Blue route is North sidewalk on Howard,  
West sidewalk on Lookout, North sidewalk  
on Carlson

\* Because  
color cannot  
be seen



RESOLUTION NO.

RESOLUTION APPROVING DONATIONS/CONTRIBUTIONS

WHEREAS, the Minn. Stat. 465.03 and 465.04 allows the governing body of any city, county, school district or town to accept gifts for the benefit of its citizens in accordance with terms prescribed by the donor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following donations/contributions are approved as follows:

<b>Donor of Gift</b>	<b>Restriction on Gift</b>	<b>Amount</b>
Jo Marie Robbins	Library	\$100.00
Sandra K. Kwolek / Dow Chemical Co. Foundation	Library-Books	\$500.00
Taylor Corporation	Library-Summer Reading Program	\$3,500.00
William G. Altnow	General Fund - Police	\$25.00

Adopted by the City Council this 19th day of February 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item #11A	Department: City Planner	Council Meeting Date: 02/19/13
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**TITLE OF ISSUE: Minutes of February 14, 2013 Planning Commission Meeting**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:**

*If additional space is required, attach a separate sheet*

**REQUESTED COUNCIL ACTION: Information only**

<p><b>For Clerk's Use:</b></p> <p>Motion By: _____</p> <p>Second By: _____</p> <p>Vote Record:</p> <table style="width:100%; border: none;"> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align: center;">Aye</td> <td style="width:15%; text-align: center;">Nay</td> <td style="width:55%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Spears</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Freyberg</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>		Aye	Nay			_____	_____	Spears		_____	_____	Steiner		_____	_____	Norland		_____	_____	Freyberg		_____	_____	Dehen	<p style="text-align: center;"><b>SUPPORTING DOCUMENTS ATTACHED</b></p> <table style="width:100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td colspan="5">Other (specify) _____</td> </tr> <tr> <td colspan="5">_____</td> </tr> <tr> <td colspan="5">_____</td> </tr> <tr> <td colspan="5">_____</td> </tr> </table>	Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other (specify) _____					_____					_____					_____				
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<p><input type="checkbox"/> Workshop</p> <p><input checked="" type="checkbox"/> Regular Meeting</p> <p><input type="checkbox"/> Special Meeting</p>	<p><input type="checkbox"/> Refer to: _____</p> <p><input type="checkbox"/> Table until: _____</p> <p><input type="checkbox"/> Other: _____</p>
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Minutes  
of the  
NORTH MANKATO PLANNING COMMISSION MEETING  
North Mankato, Minnesota  
February 14, 2013

A regular meeting of the North Mankato Planning Commission was held at 7 p.m., February 14, 2013, in the Council Chambers of the Municipal Building.

Planning Commission members present: Chair Stephanie Stoffel, Corey Brunton, Bryan Bode, Mark Weinstein, Nick Meyer and Mike Smith. Staff members present: Council Liaison Bob Freyberg, City Attorney Michael Kennedy and City Planner Michael Fischer.

A motion was made by Commissioner Smith, seconded by Commissioner Weinstein, to approve the minutes of the January 10, 2013 regular meeting of the Planning Commission. Vote on the motion: all ayes, 0 nays; motion carried.

**Preliminary and Final Plat of the Raker Addition**

Planner Fischer presented a request from Matthew Raker to replat Lots 22 and 23, Block 1, J. B. Nelsen's Addition. Staff indicated the applicant's house is located on Lot 22 and he has recently purchased Lot 23 which is a vacant lot. In order to accommodate a future addition to the applicant's existing home, it is necessary to replat the two lots as one described as Lot 1, Block 1, Raker Addition. After brief discussions regarding existing zoning and easements, it was moved by Commissioner Weinstein, seconded by Commissioner Bode, to approve the preliminary and final plat of Raker Addition. Vote on the motion: all ayes, 0 nays. Motion carried.

**V-1-13, Variance Requests to Accommodate the Development of an Apartment Complex in the Central Business District**

Planner Fischer indicated that in December of 2012, both the Planning Commission and City Council denied variances to accommodate the development of a 6-story, 106-unit apartment complex on the balance of the Marigold property. The co-applicant, Vanyo Moody has revised the project consisting of a 4-level, 58-unit complex with different setbacks from the original variance request. Planner Fischer stated that according to Section 156.085(C)(9) of the City Code, the Planning Commission shall determine if new evidence or a change in circumstances warrant variance consideration or the applicant must wait 6 months from the date of denial to resubmit a variance application.

After consideration, it was the consensus of the Planning Commission that the project request has changed to a level where consideration would be given. Staff proceeded to summarize the variance requests for lot area, number of units, lot width, yard regulations and lot coverage requirements as stated in the City Code. Staff acknowledged that Minnesota law states the applicants must satisfy a statutory three-factor test for practical difficulties and summarized the criteria. Bob Knutson, 987 Belvista Drive and President of the Port Authority indicated the Port Authority has attempted to develop the property for the past 20 years and believes the proposed project is the best use of the property based on the increased residential density in the Central Business District. He acknowledged the project is supported by the City Center Partnership and Business on Belgrade. He stated the existing City Code is out-of-date

and that other cities are developing high-density residential projects in commercial areas. He indicated that if the variances and the project are not approved, the developer will not continue to pursue the project. In response to a question from the City Attorney regarding the Port Authority's role in the project financing, Mr. Knutson stated the variances need to be approved before the financing is addressed. Vanyo Moody, 200 Belgrade Avenue, stated the 6-story, 106-unit project was conditionally approved by his lender and he cannot get final financing until he has ownership of the property. He stated he did not previously know about the need for variances and is attempting to comply as best he can with City Code regulations. He talked about the revisions made to the building size and layout including a timeline for construction. He noted his proposed project is consistent with the Envision 2020 Plan and the Downtown Planning Study prepared by I & S Group. In response to the statutory three-factor test for practical difficulties, he believes the criteria is subjective, there are poor soils on the site, the site is odd-shaped and the land is in close proximity to businesses and residential uses. He stated that permitted commercial buildings could be constructed without setbacks as stated in the City Code. Council Liaison Freyberg questioned if the City participates with the financing of the soil corrections, is the site still unique. Commissioner Brunton asked Mr. Moody if the exterior materials could be changed to conform more with the existing area. Barb Church, 102 E. Wheeler Avenue, commended Mr. Moody on the revised project but stated the project still needs to meet the statutory variance test. She stated there is no comprehensive plan for the City and questioned the precedent the granting of variances for this project may have for future variance requests. She cited the definition of the Central Business District as stated in the City Code and stated the development agreement between Mr. Moody and the Port Authority Commission should not have been signed in advance of variance requests. Bess Tsaouse, 136 Mary Circle, stated the variance requests do not satisfy the statutory criteria for granting variances and acknowledged the City does not have a comprehensive plan. She stated the property should be used for commercial development and more public space should be created in the downtown. Tom Hagen, 927 Lake Street, indicated he is not opposed to development or variances but a Strategic Plan needs to be prepared to base land use decisions on. He spoke of his participation in the E2020 report, requested the variance requests be tabled and indicated there may be litigation resulting in the granting of the variances. Sharon Schaller, Sharon's Craft-N-Floral, 242 Belgrade Avenue, stated the property was subdivided at the request of Mr. Moody to accommodate phased development of the property. Jim Whitlock, 332 Belgrade Avenue, and President of Business on Belgrade stated the developer has met the tests for practical difficulties and the project is in close proximity to other residential areas. Jim Hughes, 247 Wheeler Avenue, questioned how many variances are requested and believes the variance requests do not meet the statutory criteria. The City Attorney summarized use variances versus area variances and recommended that each requested variance be voted on individually. Commissioner Smith stated he believes the statutory criteria has been met and the project would act as a buffer between commercial and residential uses. Commissioner Brunton stated density and diversity is healthy in downtowns and the project is a transitional use between existing commercial and residential uses. Commissioner Meyer stated the uniqueness of the variance requests would prevent further precedent for the granting of variances. Commissioner Bode indicated he supports the project but will abstain from voting due to a conflict of interest. Chair Stoffel questioned if the statutory criteria for granting variances has been met. Council Liaison Freyberg expressed his frustration of how the project has been addressed including the development agreement between Mr. Moody and the Port Authority. He believes the statutory criteria has not been met. After further discussion by the Planning Commission on the variance requests, it was moved by Commissioner Meyer, seconded by Commissioner Weinstein, to approve the reduction of the lot area from

93,500 square feet to 59,677 square feet. Vote on the motion: Brunton, Weinstein, Meyer and Smith voting aye, Bode abstain, Stoffel nay. Motion carried. It was moved by Commissioner Smith, seconded by Commissioner Weinstein, to increase the number of dwelling units permitted from 12 per unit to 58. Vote on the motion: Brunton, Weinstein, Meyer and Smith voting aye, Bode abstain, Stoffel nay. Motion carried. It was moved by Commissioner Weinstein, seconded by Commissioner Brunton, to reduce the required lot width from 1,200 feet to 345 feet. Vote on the motion: Brunton, Weinstein, Meyer and Smith, voting aye, Bode abstain, Stoffel nay. Motion carried. It was moved by Commissioner Meyer, seconded by Commissioner Weinstein, to reduce the side yard setback from 20 feet to 17 feet. Vote on the motion: Brunton, Weinstein, Meyer and Smith, aye, Bode abstain, Stoffel nay. Motion carried. It was moved by Commissioner Meyer, seconded by Commissioner Weinstein, to increase the maximum lot coverage from 50 percent to 56.5 percent. Vote on the motion: Brunton, Weinstein, Meyer and Smith, aye; Bode abstain, Stoffel nay. Motion carried.

Planner Fischer presented the 2012 End-of-Year Planning and Zoning Report as an informational item.

In other business, the City Attorney presented the summary of his research regarding the role of the Planning Commission as advisory to the City Council.

There being no further business, it was moved by Commissioner Brunton, seconded by Commissioner Smith, to adjourn. Vote on the motion: all ayes, 0 nays; motion carried. The meeting was adjourned at 9:05 p.m.

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Chairman

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Secretary



PRELIMINARY AND FINAL PLAT  
OF RAKER ADDITION

LOTS 22 AND 23, BLOCK 1, J.B. NELSEN'S ADDITION

A REQUEST FROM MATTHEW RAKER

THE CITY OF NORTH MANKATO

SUBJECT: Preliminary and Final Plat of Raker Addition  
APPLICANT: Matthew Raker  
LOCATION: Lots 22 and 23, Block 1, J.B. Nelsen's Addition  
EXISTING ZONING: R-1, One-Family Dwelling  
DATE OF HEARING: February 14, 2013  
DATE OF REPORT: February 5, 2013  
REPORTED BY: Michael Fischer, City Planner

APPLICATION SUBMITTED

Request to replat Lots 22 and 23, Block 1, J.B. Nelsen's Addition.

COMMENT

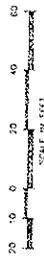
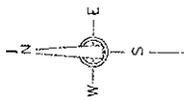
The applicant owns a house and property addressed as 823 Park Avenue which is on Lot 22, Block 1, J.B. Nelsen's Addition. The applicant recently purchased an adjacent vacant lot described as Lot 23, Block 1, J.B. Nelsen's Addition. According to the applicant, the vacant lot was purchased to allow the expansion of his house at 823 Park Avenue. To accommodate any addition to the house, it is necessary to replat Lots 22 and 23 together as one lot.

As shown on the attachments, the current conditions are shown on Exhibit A and the proposed replat of Raker Addition is shown on Exhibit B.

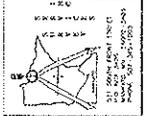
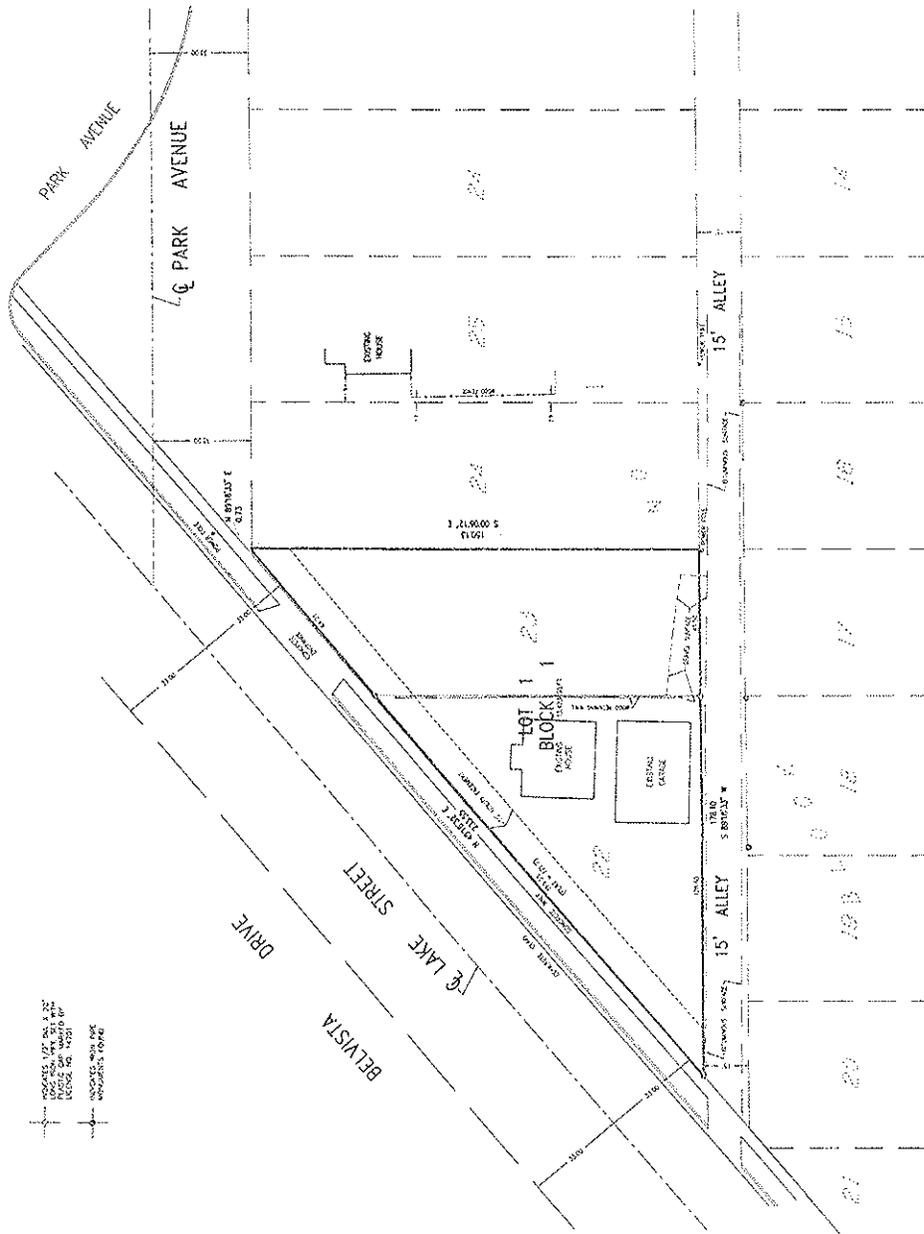
RECOMMENDATION

Staff recommends approval of the preliminary and final plat of Raker Addition.

**RAKER ADDITION**  
 CITY OF NORTH MANKATO  
 NICOLLET COUNTY, MINNESOTA



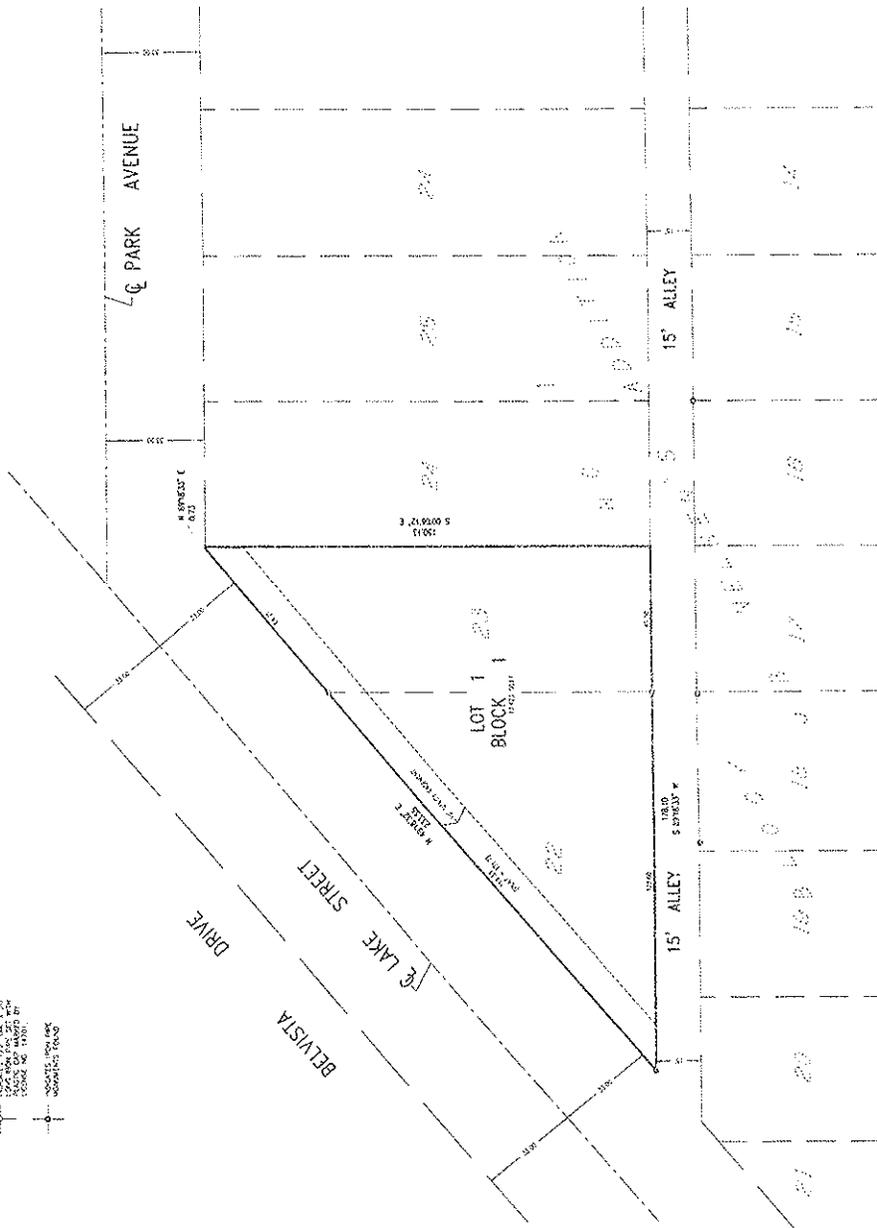
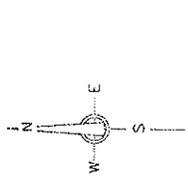
--- INDICATES LOT OR LOTS  
 --- INDICATES LOT OR LOTS



**PRELIMINARY PLAT**  
 LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21  
 J.B. NELSON'S ADDITION

PLAT PREPARED BY  
 J.B. NELSON  
 1000 W. 1ST ST.  
 MANKATO, MINN.  
 1911

**RAKER ADDITION**  
CITY OF NORTH MANKATO  
NICOLLET COUNTY, MINNESOTA



**INSTRUMENT OF DEEDICATION**

Know all men by these presents that I, Matthew L. Raker, a single person, and Kimberly E. Lomban, a single person, owners of the following described property to-wit: Lots 29 and 23, Block No. 1, J. B. Helgen's Addition, according to the plat thereof on file and of record with the Nicollet County Recorder, containing 13.423 more feet do hereby declare that we have caused the above described property to be surveyed and plotted and monuments to be set, that we have named said plotted area RAKER ADDITION, and that as evidence to the public use the documents herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by Matthew L. Raker and Kimberly E. Lomban

Matthew L. Raker  
Kimberly E. Lomban  
Notary Public  
State of Minnesota  
County of Nicollet

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me a Notary Public within and for said County, personally Matthew L. Raker, a single person, and Kimberly E. Lomban, a single person, known by me to be the persons named in the foregoing instrument and who did acknowledge said instrument to be their free act and deed.

**SURVEYOR'S CERTIFICATE**

I, Warren P. Smith, Licensed Land Surveyor, do hereby certify that I have surveyed or directly supervised the survey of the property described on this plat, prepared this plat or directly supervised the preparation of this plat of RAKER ADDITION, that this plat is a correct representation of the boundary survey, that all mathematical facts and labels have been set, that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 360.01, Sub 3, as of the date of the survey's certification are shown and located on this plat, and all public ways are shown and located on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Warren P. Smith, Licensed Land Surveyor  
Minnesota License No. 14270

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me a Notary Public in and for said County, appeared Warren P. Smith, and being duly sworn did say that he has executed the foregoing instrument.

**APPROVALS**

Be it known that on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the Planning Commission of the City of North Mankato did duly ratify this plat of RAKER ADDITION.

Be it known that on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, the City Council of the City of North Mankato did approve this plat of RAKER ADDITION.

Mayor: \_\_\_\_\_  
City Clerk: \_\_\_\_\_  
Secretary: \_\_\_\_\_

I, Howard F. Hough, Licensed Attorney, State of Minnesota, do hereby certify that the names as indicated herein, represent all ownership interest in the land encompassed by this plat.

Howard F. Hough, Licensed Attorney

I, Kimberly E. Lomban, County Auditor, do hereby certify that the current taxes have been paid and that the transfer has been entered on the time described herein on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Kimberly E. Lomban, County Auditor

I hereby certify that this instrument was filed in my office for record on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and that it was duly recorded on \_\_\_\_\_.

County Recorder  
Nicollet County, Minnesota

County Auditor/Recorder  
Nicollet County, Minnesota

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item #11C	Department: City Planner	Council Meeting Date: 02/19/13
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**TITLE OF ISSUE: V-1-13, Request for lot area, lot width, setback and lot coverage variances at 400 Wall Street, a request from the North Mankato Port Authority and Vanyo Moody**

**BACKGROUND AND SUPPLEMENTAL INFORMATION: See attached report.**

*If additional space is required, attach a separate sheet*

**REQUESTED COUNCIL ACTION: Consider recommendation from the Planning Commission.**

**For Clerk's Use:**

Motion By: \_\_\_\_\_  
 Second By: \_\_\_\_\_

Vote Record:

Aye	Nay	
_____	_____	Spears
_____	_____	Steiner
_____	_____	Norland
_____	_____	Freyberg
_____	_____	Dehen

**SUPPORTING DOCUMENTS ATTACHED**

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>				
Other (specify)		V-1-13		
_____				
_____				
_____				

<input type="checkbox"/> Workshop
<input checked="" type="checkbox"/> Regular Meeting
<input type="checkbox"/> Special Meeting

<input type="checkbox"/>	Refer to: _____
<input type="checkbox"/>	Table until: _____
<input type="checkbox"/>	Other: _____

V-1-13

400 WALL STREET

A REQUEST FROM NORTH MANKATO PORT AUTHORITY  
AND VANYO MOODY

THE CITY OF NORTH MANKATO

SUBJECT: V-1-13  
APPLICANT: North Mankato Port Authority/Vanyo Moody  
LOCATION: 400 Wall Street  
EXISTING ZONING: CBD, Central Business District  
DATE OF HEARING: February 14, 2013  
DATE OF REPORT: February 5, 2013  
REPORTED BY: Michael Fischer, City Planner

APPLICATION SUBMITTED

Request for variances to accommodate the development of an apartment complex.

COMMENT

In December of 2012, the Planning Commission recommended the denial of variances to accommodate the construction of a 6-story 106-unit apartment complex on the balance of the Marigold property. The City Council denied the variance requests as well in December 2012. As a result, the co-applicant Vanyo Moody has revised his proposal to develop the property. The original project consisted of a 6-story 106-unit apartment complex. The revised project consists of a 4-story, 64-unit apartment complex. Due to the fact the project is a residential use in a commercial district, residential setbacks, lot area requirements and lot size requirements do apply and variances are again being requested.

According to Section 156.085(C)(9) of the City Code, no variance application shall be resubmitted for a period of six months from the date of the denial, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it. Should the Planning Commission believe that a revised development plan for the property is a change of circumstances, the variance process can continue as proposed. If not, any variance request could not be considered until June 2013.

The Marigold property is located in the Central Business District (CBD) where there are no setback regulations or lot coverage requirements for commercial buildings. However, according to Section 156.045(2) of the City Code, residential uses in the Central Business District shall be regulated by the minimum setbacks set forth in Section 156.040, Limited Multiple Dwelling, R-3. The following is a summary of the Code provisions which apply to the revised proposed project as it is strictly residential:

Lot Area

Based on the number of units proposed, a lot size of 102,500 square feet would be required. The current lot size is 59,677 square feet.

### Number of Units

Multiple-family dwellings shall not exceed 12 dwelling units per structure. The proposed project consists of 64 units.

### Lot Width and Depth

Based on the Code regulations and based on the number of units within the building, a lot width of 1,320 feet would be required. The maximum width of the lot is 345 feet. The project would meet the lot depth requirement of 100 feet.

### Yard Regulations (Setbacks)

Residential setbacks used in Lower North Mankato are as follows:

Front yard – 20 feet

Side yard – 5 feet plus 1 additional foot for each 1 foot of building height in excess of 30 feet

Rear yard – 20 feet

As the proposed project has property frontage on two streets, two front yard setbacks apply. The layout of the property is shown on the attached site plan. As proposed, the building setbacks are as follows:

Front yard – 20 feet

Side yard – 17 feet (20 feet required based on height)

Rear yard – 0 feet (20 feet required)

Regarding the rear yard setback on the south side of the property, the lot line separating Phase 1 and proposed Phase 2 could be relocated to meet the required building setback.

### Lot Coverage

In the CBD there are no lot coverage requirements for commercial buildings. In the R-3 district no more than 50% of a lot can be covered by main or accessory buildings. As proposed, the Marigold Phase 2 Project covers 56.5% of the lot.

Attached are colored building elevation drawings which reflect a four-story building. The first level contains 77 indoor parking spaces with 3 floors of apartments above. Also attached is a Letter of Intent from US Bank.

Regarding the review of requested variances, Minnesota law states the applicant must satisfy a statutory three-factor test for practical difficulties. Practical difficulties are a legal standard set forth in law that cities must apply when considering applications for variances. The following is a summary of the three practical difficulties factors:

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line, or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

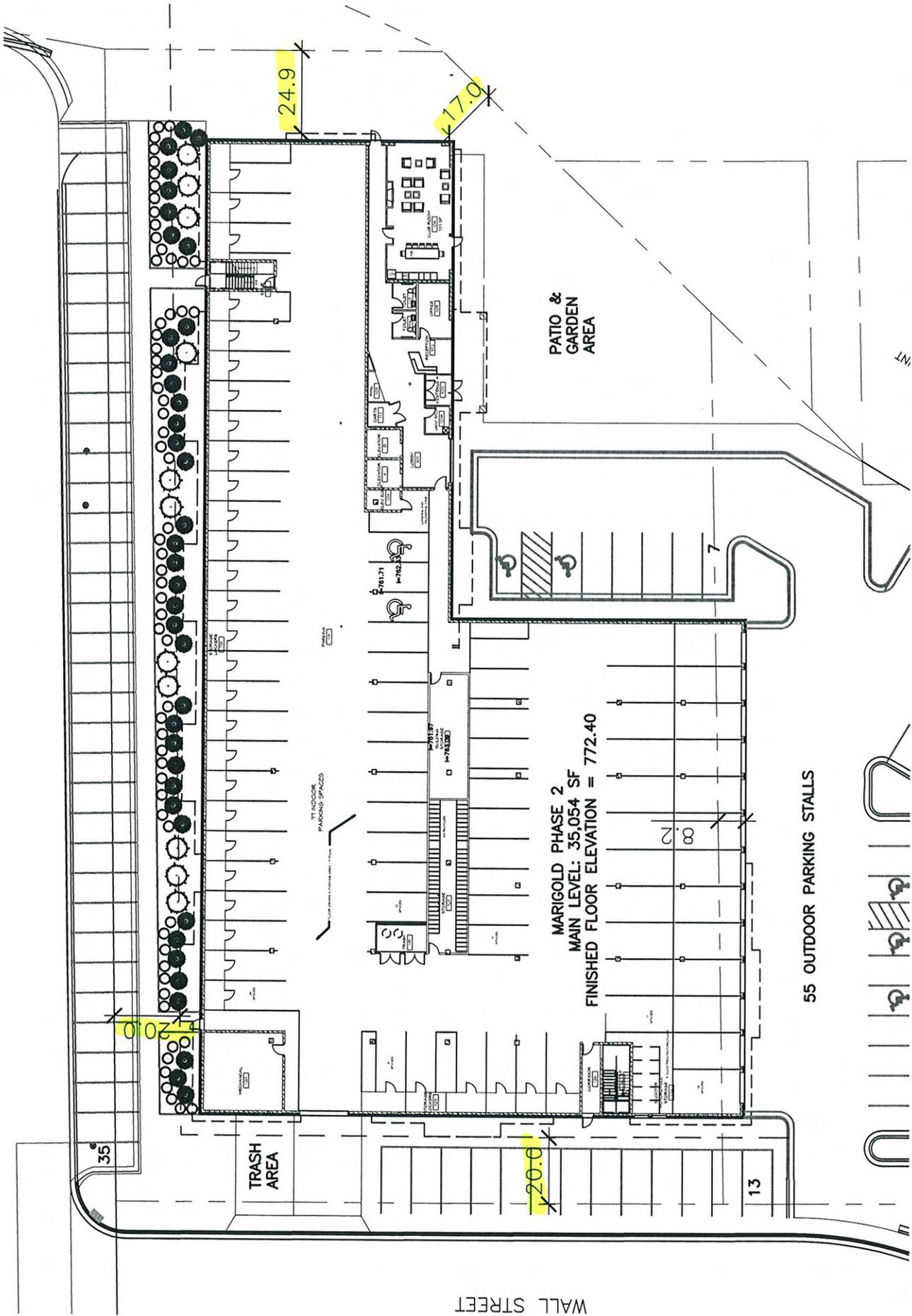
The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land, and not personal characteristics or preference of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

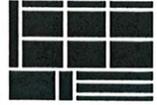
The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

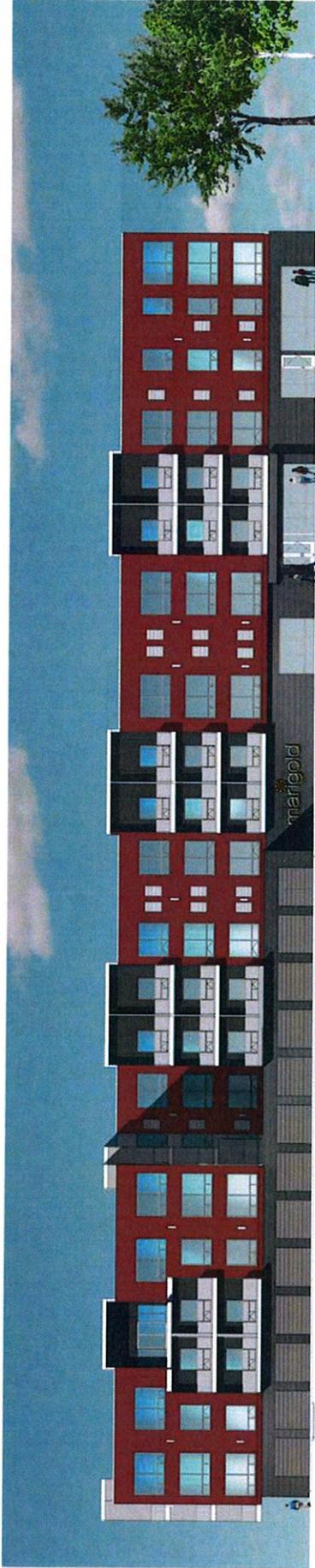
In an attempt to provide the Planning Commission with information related to the development of this property, attached is a development agreement between the Port Authority and the developer.

#### RECOMMENDATION

The Planning Commission should review the proposed development and determine if the applicant has met the three-factor test for the granting of variances.



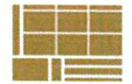
	<b>MARIGOLD PHASE 2 SITE PLAN</b>		DATE: 1-31-13	DETAIL NUMBER: -
	REVISION X -	PROJECT NO. 1131.1B	SCALE 1" = 40'	SHEET NUMBER: C1
P A U L S E N   A R C H I T E C T S				



South Elevation



North Elevation



**PAULSEN**  
ARCHITECTS

209 South Second Street, Suite 201 Mankato, MN 56001  
Phone: 507.388.9811 Fax: 507.388.1751 [www.paulsen-arch.com](http://www.paulsen-arch.com)

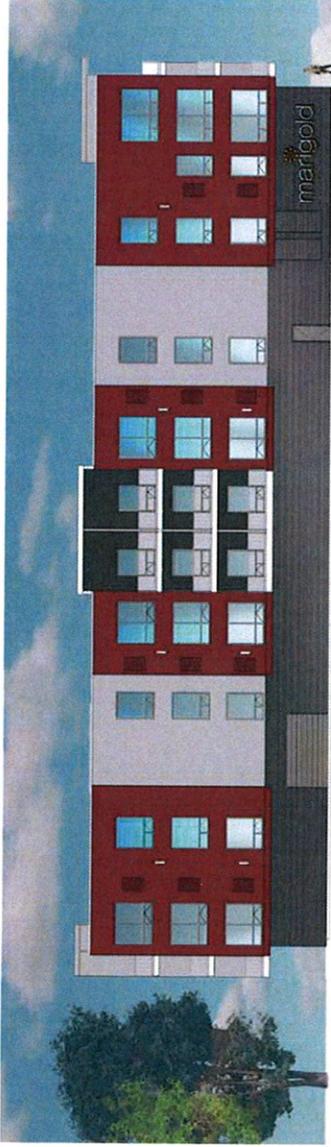
## Marigold Apartments

Conceptual Elevations

January 31st, 2013

Sheet

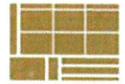
**A1**



West Elevation



East Elevation



**PAULSEN**  
ARCHITECTS

209 South Second Street, Suite 201 Mankato, MN 56001  
Phone: 507.388.9811 Fax: 507.388.1751 [www.paulsen-arch.com](http://www.paulsen-arch.com)

## Marigold Apartments

Conceptual Elevations

January 31st, 2013

Sheet

**A2**



All of **us** serving you®

115 E. Hickory Street, Suite 200  
Mankato, MN 56001  
507.387.9486  
507.387.9490 fax

LETTER OF INTENT

January 30, 2013

Vanyo Moody  
Marigold Apartments, LLC  
15 Capri Drive  
Mankato, MN 56001

Dear Vanyo,

U.S. Bank National Association is pleased to consider your request to provide financing for the proposed Marigold Apartments multi-family development currently in process of being developed. To date, the Bank has received plans & specs, proforma financials and other information qualifying the development and providing a high level of interest by U.S. Bank to provide financing for the project.

It is our intent to obtain revised building plans, specifications, real estate appraisal, environmental reports and other typical due diligence necessary to finance this project in the coming weeks.

As we obtain more information, additional substantive conditions will be required and terms will be defined. In addition, upon completion of our analysis and due diligence and if we obtain credit approval of this proposal, we will prepare loan documentation which will include terms and conditions customary to U.S. Bank, as well as warranties and covenants specific to this transaction.

**To that end, this letter is an expression of interest only, and it is not a contract, commitment nor intent to be bound. U.S. Bank does not intend that this letter or discussions relative to the terms of this letter create any legal rights or obligations, implicit or explicit, in favor of or against the other party. Also, no oral discussions and/or written agreements shall be in place of or supersede written loan agreements executed by your business and accepted by U.S. Bank.**

Thank you for discussing your financing needs with U.S. Bank. If you have any questions regarding this letter, please contact me at 507-387-9489.

Very truly yours,

U.S. BANK NATIONAL ASSOCIATION

Bryan G. Sowers  
Vice President

DEVELOPMENT AGREEMENT  
MARIGOLD PROJECT  
200 BLOCK BELGRADE AVENUE  
NORTH MANKATO, MINNESOTA

This Development Agreement, dated as of May 13, 2010, between the North Mankato Port Authority Commission, hereinafter referred to as "Port" and The Marigold, LLC, as Developer, hereinafter referred to as "Developer" will prescribe the rights and responsibilities of both parties as it relates to the development of Outlot A of the Marigold Subdivision.

Phase 2 Project

Developer proposes to construct a four-story mixed-use commercial/residential structure on the westerly one-half of Outlot A of Marigold Subdivision (See Exhibit A). Developer agrees that the project will have a minimum construction cost of \$5 million and will consist of at least 40,000 square feet of finished space. Developer agrees that the project, when complete, will have an Assessor's Market Value of not less than \$4.25 million which is equal to 85 percent of the anticipated construction costs. Should construction costs exceed \$5 million, the agreed minimum Assessor's Market Value will be equivalent to 85 percent of the actual construction costs.

Pursuant to the commitment of the Developer to construct the project, the Port agrees to provide a project subsidy equal to ten percent of the total construction costs not to exceed \$500,000. The Port agrees to make such site improvements as are necessary, based on soil reports, to prepare the site for building footings and piers.

The Developer must notify Port of his intent to proceed with Phase 2 of the project not later than April 1, 2013. Construction must begin on the project on or before December 31, 2013. The Developer may elect to substitute the Phase 3 Project on the Phase 2 schedule. Should the Developer so elect, the project identified as Phase 2 above will move to the Phase 3 schedule.

Upon approval of the project, the Port agrees to transfer title of the westerly portion of Outlot A sufficient in size to support the proposed Phase 2 development. Final lot lines will be determined and a replat completed as necessary to accomplish the proposed project. Port agrees to sell said real estate to the Developer at a cost of \$1 and other valuable consideration. If for any reason, Developer is unable to proceed with the project within 90 calendar days of the date of real estate closing, Developer agrees that title will revert to the Port upon refund of the purchase price. Port and Developer agree that if construction on Phase 2 has not begun by December 31, 2013, this Agreement shall become null and void.

Phase 3 Project

Developer proposes to construct a four-story residential structure on the easterly one-half of Outlot A of Marigold Subdivision. Developer agrees that the project will have a minimum construction cost of \$4 million and will consist of at least 30,000 square feet of finished space. Developer agrees that the project, when complete, will have an Assessor's Market Value of at least \$3.4 million which is equal to 85 percent of the anticipated construction costs. Should construction costs exceed \$4 million, the agreed minimum Assessor's Market Value will be equivalent to not less than 85 percent of the actual construction costs.

Pursuant to the commitment of the Developer to construct the project, the Port agrees to provide a project subsidy equal to ten percent of the total construction costs not to exceed \$400,000. The Port agrees to make such site improvements as are necessary, based on soil reports, to prepare the site for building footings and piers.

The Developer must notify Port of his intent to proceed with Phase 3 of the project not later than April 1, 2016. Construction must begin on the project on or before December 31, 2016.

Upon approval of the project, the Port agrees to transfer title to the easterly portion of Outlot A of Marigold Subdivision which was previously apportioned and replatted as part of the Phase 2 development. Port agrees to sell said real estate to the developer at a cost of \$1.00 and other valuable consideration. If for any reason, Developer is unable to proceed with the project within 90 calendar days of the date of real estate closing, the Developer agrees the title will revert to the Port upon refund of the purchase price. Port and Developer agree that if construction on Phase 3 has not begun by December 31, 2016, this Agreement shall become null and void.

IN WITNESS WHEREOF, the Port Authority has caused this Agreement to be duly executed in its name and on its behalf and its seal to be hereunto duly affixed, and the Developer has caused this Agreement to be duly executed in his name and on his behalf, on or as of the date first above written.

DEVELOPER

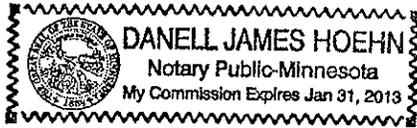
NORTH MANKATO PORT AUTHORITY

By   
The Marigold, LLC

By   
Its Wendell Sande, Executive Vice President

STATE OF MINNESOTA )  
 ) ss  
COUNTY OF NICOLLET )

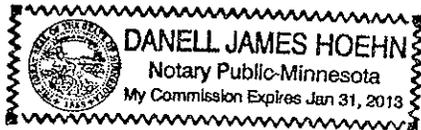
The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2010, by Wendell Sande, the Executive Vice President of the North Mankato Port Authority.



Danell J. HoeHN  
Notary Public

STATE OF MINNESOTA )  
 ) ss  
COUNTY OF NICOLLET )

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2010, by Vanya Moody for the Developer.



Danell J. HoeHN  
Notary Public



February 1, 2013

Dear Resident:

The City of North Mankato has received a request from the Port Authority Commission and Vanyo Moody for certain variances to accommodate the proposed construction of a 64-unit apartment complex at 400 Wall Street (Marigold site). The requested variances pertain to lot area, lot width, building setbacks, lot coverage and maximum number of units. Attached is a site drawing of the proposed development showing the building setbacks and color elevation drawings.

These variances will be considered by the Planning Commission on February 14, 2013 and by the City Council on February 19, 2013. Both meetings begin at 7 p.m. in the Municipal Building Council Chambers at 1001 Belgrade Avenue.

As a nearby property owner, you have the opportunity to comment on these requests. You may either send written comments by February 14, 2013 or appear at either or both meetings.

Sincerely,

THE CITY OF NORTH MANKATO

Michael Fischer  
City Planner

MF:ng

Enclosure



Hawkeye Holdings, LLC  
530 S Front St; Suite 100  
Mankato, MN 56001

Phillip M Miller & Jillian Padgett  
511 Wall Street  
North Mankato, MN 56003

Norman L & Judith K Douglas  
240 Wheeler Avenue  
North Mankato, MN 56003

Gerald L Troidahl  
414 Range Street  
North Mankato, MN 56003

Bradley C Hanson  
105 Rosewood Drive  
Mankato, MN 56001

Adam Huiras  
P.O. Box 2111  
North Mankato, MN 56002

Kevin S & Donna L Briggs  
304 Moreland Avenue  
Mankato, MN 56001

Shannon M Finnegan  
509 Wall Street  
North Mankato, MN 56003

John & Jackie Ellis  
218 Wheeler Avenue  
North Mankato, MN 56003

Charles Edward Hoffman  
521 Wall Street  
North Mankato, MN 56003

Donald J & Phylis A Enz  
515 Wall Street  
North Mankato, MN 56003

Lori Schmidt  
105 Cleveland Avenue  
North Mankato, MN 56003

Kenneth Hull  
526 Lyndale Street  
North Mankato, MN 56003

Taylor Bancshares Inc  
245 Belgrade Avenue  
North Mankato, MN 56003

Allison J & Sharon A Schaller  
241 Belgrade Avenue  
North Mankato, MN 56003

P-Jack Properties  
1812 S Riverfront Drive  
Mankato, MN 56001

Lisa Hughes  
247 Wheeler Avenue  
North Mankato, MN 56003

John Todtleben &  
Cheryl L Kastning  
522 Lyndale Street  
North Mankato, MN 56003

Ryan E Luedtke  
1216 Albion Avenue  
Fairmont, MN 56031

Thomas J & John C Bohrer  
232 Belgrade Avenue  
North Mankato, MN 56003

Staples & Roozen  
P.O. Box 243  
Windom, MN 56101

Steven A Schmahl  
524 Lyndale Street  
North Mankato, MN 56003

Jessica A Malakowsky  
418 Range Street  
North Mankato, MN 56003

Claudia F Vosbeck  
245 Wheeler Avenue  
North Mankato, MN 56003

Elaine Y Shea  
241 Wheeler Avenue  
North Mankato, MN 56003

Carl R & Sandra A Kiewatt  
235 Wheeler Avenue  
North Mankato, MN 56003

Kenneth C Lundberg  
521 Lyndale Street  
North Mankato, MN 56003

Gregory T Rueff  
520 Wall Street  
North Mankato, MN 56003

Kenneth & Diana Stoll  
216 Wheeler Avenue  
North Mankato, MN 56003

James G Newsom  
511 Lyndale Street  
North Mankato, MN 56003

Michael M & Brenda K Burger  
238 Wheeler Avenue  
North Mankato, MN 56003

Kelley ML & Katherine Brigman  
209 Viking Drive  
Mankato, MN 56001

Richard & Sharon L Haman  
513 Lyndale Street  
North Mankato, MN 56003

William J Lee  
237 Belgrade Avenue  
North Mankato, MN 56003

T.O.B.E. Properties LLC  
2313 Snowbird Lane  
North Mankato, MN 56003

David L Mutch  
231 Belgrade Avenue  
North Mankato, MN 56003

Theresa M Kopischke  
502 Range Street  
North Mankato, MN 56003

Barbara A Church  
102 Wheeler Avenue  
North Mankato, MN 56003

Paul J & Jena L Osterman  
516 Lyndale Street  
North Mankato, MN 56003

Jeffrey J Kenne  
42462 Kerns Drive  
North Mankato, MN 56003

Corey Brunton  
300 St. Andrews Drive  
Suite 110  
Mankato, MN 56001

Natural Pathways  
229 Belgrade Avenue  
North Mankato, MN 56003

Loon Lake Properties LLC  
2201 Dream Drive W  
North Mankato, MN 56003

James J Padil III &  
Paula Grabau Padil  
518 Wall Street  
North Mankato, MN 56003

Jay P Dengel &  
Pamela K Weller-Dengel  
410 Range Street  
North Mankato, MN 56003

Ai Yun Zhang Kretsch  
477 Marvin Boulevard  
North Mankato, MN 56003

Robert W & Heather J Milton  
244 Wheeler Avenue  
North Mankato, MN 56003

Frandsen Bank  
245 Belgrade Avenue  
North Mankato, MN 56003

James L & Joni J Spenger  
54137 State Hwy 68  
Mankato, MN 56001

To: Planning Commission & City Council

Re: Marigold Proposal Changes and Required Variances

From: Heather Milton, 244 Wheeler Ave, North Mankato

I request that the commission and thereby the city council again deny the variance requests from Mr. Moody. The discussion at a previous planning commission meeting focused heavily on the fact that there is no overall strategic growth plan for North Mankato. Until there is a plan in place that can adequately address what the goals and intentions of the citizens and administration of the city have agreed upon as a common goal there should not be variances allowed or changes made to the city code.

The city code has been the standard developers have been required to meet for many years in North Mankato. I was surprised that Moody came back with a downsized project proposal since he made it clear himself how vital the size and scope of the project was for it to be viable. I am against the city giving the property to him for his profit. There still must be profit in the downscaled plans or Moody would not have changed his proposal or continued to pursue this project. I venture to speculate that the interest in the property is because he is not required to pay market value for it, which means that when he sells it he will make an instant and large profit. Moody is a wise businessman, I do not fault him for seeing and wanting to capitalize on the profit potential.

This property is the gateway into North Mankato – it is the first impression many will have of our city. I enjoy the openness and view of Mankato skyline (great place to view MSU fireworks) and would welcome a green space and some permanent parking for the current downtown businesses and the many gatherings that have been hosted on Belgrade.

In my opinion this project and/or any future project that does not fit within the standards of the city code should be refused any variance request until there is a broader work compiled on the strategic growth initiatives of the city. I will add that even a new document for strategic growth should not have the power to override city code as it currently exists for established and currently zoned areas. People have chosen to purchase homes and invest in businesses in areas that meet their needs. By changing the dynamics of a neighborhood or business area it will have immeasurable effects to those currently in the area. For one, traffic patterns. I find it entertaining that Mr. Moody complained of the traffic and requested a speed limit change after he built Phase 1 right up to the street. He continued to mention how unsafe it was and requested a crosswalk be painted from Wall St. across Belgrade for safety, yet he wanted to add additional traffic to the area by having 108 units that would most likely house more than one driver. Therefore increasing the traffic and safety concerns he already expressed concern about.

I do not feel this project it in the best interest of this area of North Mankato. In fact, I would like to remind people that it was the city that removed several residential properties to expand the CBD zoning to attract businesses to the historic area of lower North. The initial reasons behind that was a large project that wanted to use the TIF on the Marigold site. However, the TIF only covered a small sliver of the project and the completed project had to be entirely on the TIF for it to be granted. It also was due to expire soon. Why the city did not let it expire and sell the then Marigold land for market value baffles me, but instead the city spent taxpayer money to clear the land, rezone and re-qualify for TIF which left it vacant for several years rather than collecting taxes from the original homesteads.

In closing, I ask the city, why this project was brought forth for the Marigold property (noting most of the current property was not part of the original Marigold property)? I have heard rumors of other proposals throughout the years that were never allowed to be brought forth for public comment. They were dismissed early in the game. I would like to know what the other proposals for this site have been and who or what body was able to veto the further development or due process of public comment.

Respectfully Submitted, February 13, 2013, Heather J. Milton

**Michael Fischer**

---

**From:** Hughes, Lisa (DEED) [lisa.hughes@state.mn.us]  
**Sent:** Thursday, February 14, 2013 10:35 AM  
**To:** Mike Fischer  
**Cc:** markdehen@northmankato.com; northmankato@aol.com  
**Subject:** Planning Commission February 14, 2013

Hi Mike,

This message in in reference to V-1-13, Request for lot area, lot width, setback and lot coverage variances at 400 Wall Street, a request from the North Mankato Port Authority and Vanyo Moody.

As a follow-up to my previous email this week, I am opposed to the granting of the requested variances at 400 Wall Street. The request to vary lot width, setbacks, lot area, lot coverage and maximum number of permissible units (as noted in the letter I received) does not meet the practical difficulties test. The property has an existing reasonable use; the situation is created by the landowner – not circumstances unique to the property; and, an economic argument by the land owner/developer/Port Authority does not constitute a practical difficulty. The use as proposed alters the essential character of the locality, is out of scale, out of place and inconsistent with the surrounding area. In addition, as far as I know, the city does not have a comprehensive plan which the request is required to be consistent with and is most certainly not in harmony with the general purposes and intent of the zoning ordinance.

In the future we need to talk about the increased amount of water that is ponding on my property. Strangely enough, in these drought conditions, I have more standing water in my back yard than ever before in the 11 years I've lived there. I'm concerned that the storm water run-off issues were never addressed and adding more lot coverage will only exacerbate the problem. This is only one concern.

As you know, I'm not one to become involved in these issues. However, the possibility, even if remote, that the city would grant this request for several dimensional and even possibly a use variance (density), which is specifically prohibited by law, is of such concern, I felt I had no option but to put my opposition in writing.

Sincerely,

Lisa Hughes

Application for  
VARIANCE

Pursuant to Chapter 156 of the North Mankato City Code, application is hereby made for a modification in the zoning regulations described herein:

LEGAL DESCRIPTION OF PROPERTY:

Lot # Outlot A Block # 1  
Subdivision Marigold Subdivision Address 400 Wall Street

APPLICANT:

Name Vanyo Moody Address 200 Belgrade Avenue Phone (507)388-3880  
North Mankato, MN 56003

PROPERTY OWNER (If Other Than Applicant):

Name North Mankato Port Authority Address 1001 Belgrade Avenue Phone (507)625-4141  
North Mankato, MN 56003

CURRENT ZONING: CBD CURRENT USE OF PROPERTY: Vacant

VARIANCE REQUESTED: Reduce building setbacks; including lot area, lot widths and ground coverage.

REASON FOR VARIANCE: Accomodate development of an apartment complex.

ZONING REGULATION APPLIED: Section 156.040 Subdivision (B)(2) (F)(4) (G)(4) (H) (I)

REQUIREMENT OF REGULATION:

REQUEST PREVIOUSLY CONSIDERED? Yes  No  If Yes, date December 17, 2012

ADDITIONAL COMMENTS:

SUPPORTING DOCUMENTS:

	Required	Attached		Required	Attached
Plot Plan	_____	_____	Comment Letters	_____	_____
Floor Plan	_____	_____	Performance Test	_____	_____
Landscaping Plan	_____	_____	Petition	_____	_____
Parking/Loading Plan	_____	_____	Development Schedule	_____	_____
Survey	_____	_____	Proposed Regulations	_____	_____
Other _____	_____	_____			

FEES: Application Fee \$ 335.00

Notice Charge # 49 @ \$2.00 = \$ 98.00

Total Fee \$ 433.00 Receipt # \_\_\_\_\_

I hereby certify that the information both described in and attached to this application is correct and true.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

# MEMORANDUM

TO: Planning Commission

FROM: Michael Fischer, City Planner

DATE: February 13, 2013

SUBJECT: Revised Marigold Plans

Attached is a revised site plan and building elevation drawings for the Marigold project as submitted by the developer. These are different than what was sent to you in your V-1-13 packet. Notable changes include the reduction of units from 64 to 58 and the redesign of the indoor parking.

WHEELER AVENUE

35

24.9

17.0

TRASH AREA

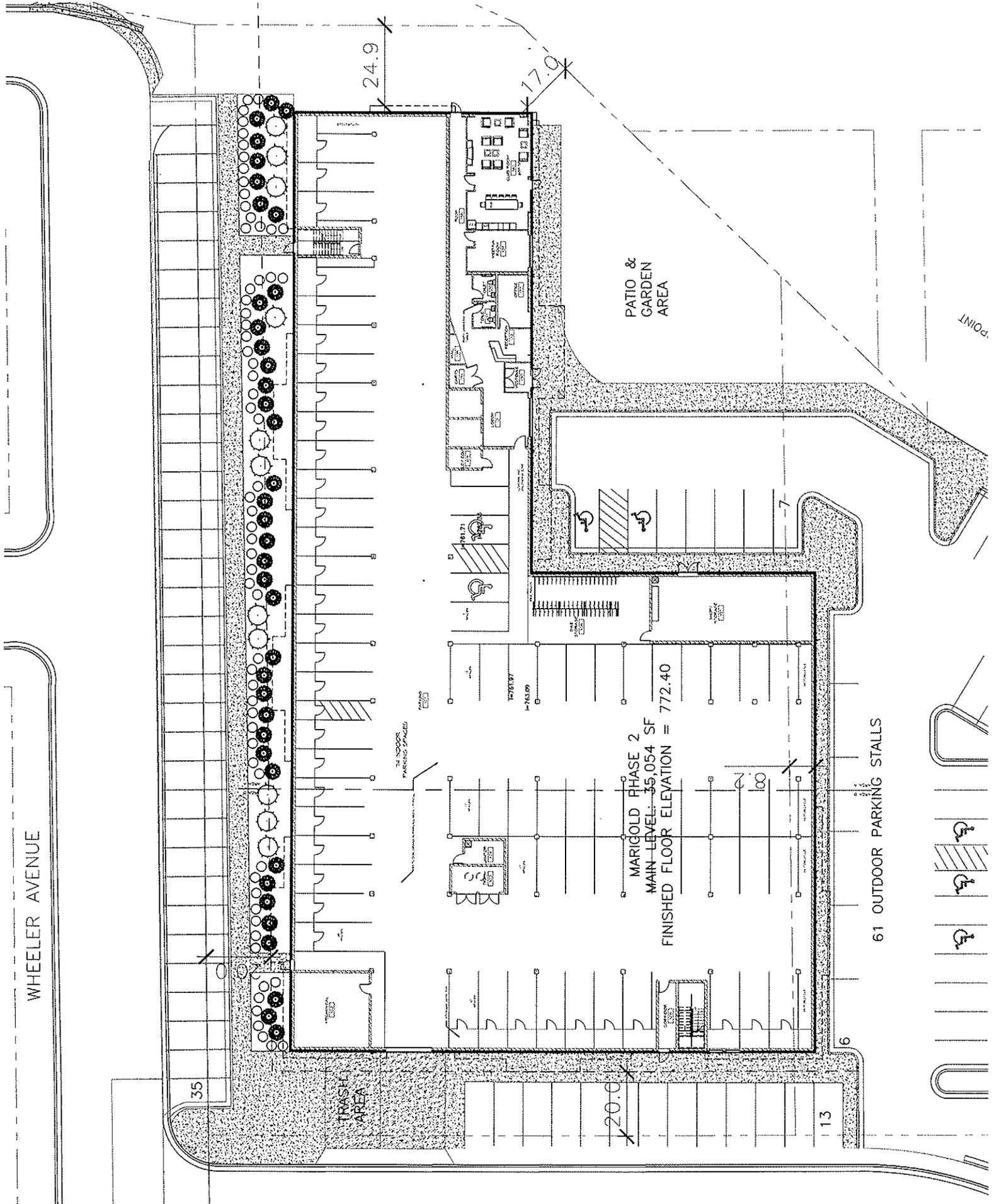
MARIGOLD PHASE 2  
MAIN LEVEL: 35,054 SF  
FINISHED FLOOR ELEVATION = 772.40

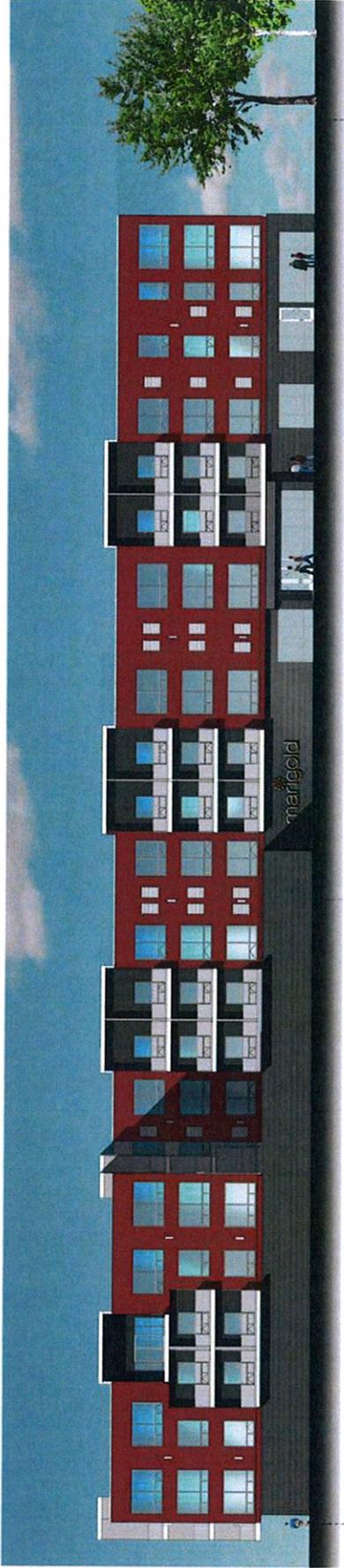
PATIO &  
GARDEN  
AREA

61 OUTDOOR PARKING STALLS

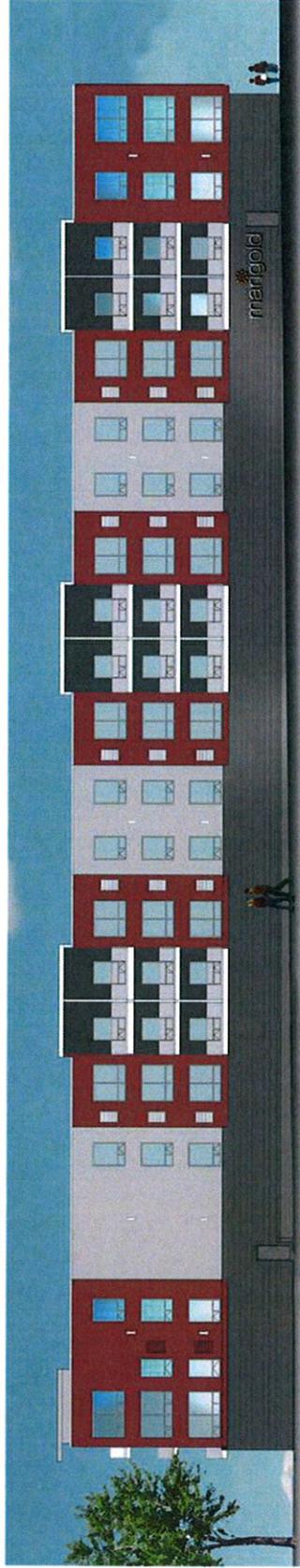
13

POINT

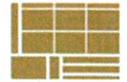




South Elevation



North Elevation



**PAULSEN**  
ARCHITECTS

209 South Second Street, Suite 201 Mankato, MN 56001  
Phone: 507.388.9811 Fax: 507.388.1751 [www.paulsen-arch.com](http://www.paulsen-arch.com)

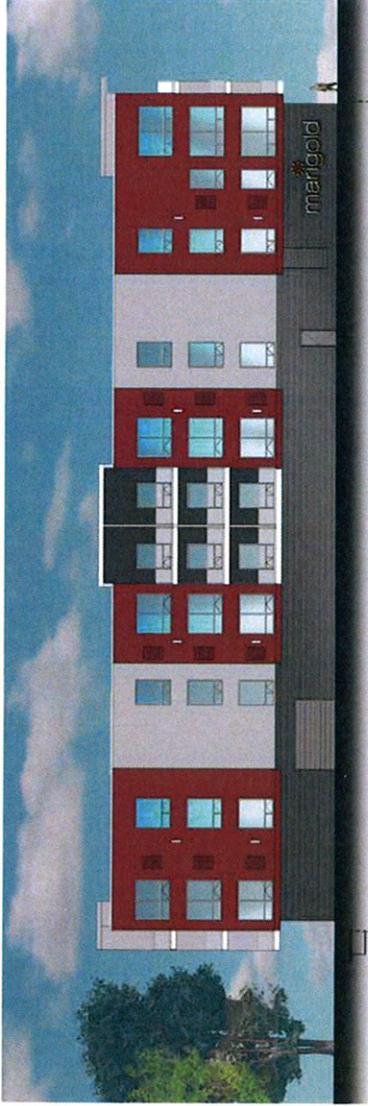
# Marigold Apartments

Conceptual Elevations

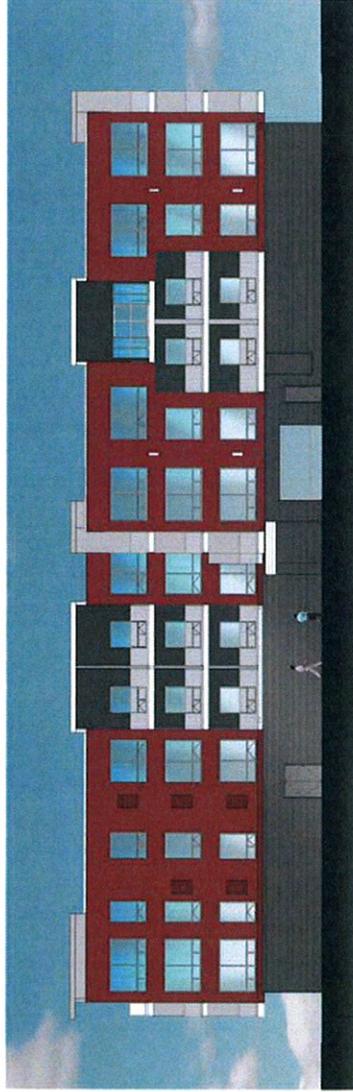
February 07, 2013

Sheet

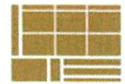
**A1**



West Elevation



East Elevation



**PAULSEN**  
ARCHITECTS

209 South Second Street, Suite 201 Mankato, MN 56001  
Phone: 507.388.9811 Fax: 507.388.1751 [www.paulsen-arch.com](http://www.paulsen-arch.com)

# Marigold Apartments

Conceptual Elevations

February 07, 2013

Sheet

**A2**

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item #11D	Department: City Planner	Council Meeting Date: 02/19/13
------------------	--------------------------	--------------------------------

**TITLE OF ISSUE: 2012 End-of-Year Planning and Zoning Report**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** Attached as an informational item is the 2012 Year-end Planning and Zoning Report.

If additional space is required, attach a separate sheet

**REQUESTED COUNCIL ACTION: Information only**

**For Clerk's Use:**

Motion By: \_\_\_\_\_  
 Second By: \_\_\_\_\_

Vote Record:

	Aye	Nay	
_____			Spears
_____			Steiner
_____			Norland
_____			Freyberg
_____			Dehen

**SUPPORTING DOCUMENTS ATTACHED**

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>				

Other (specify) 2012 End-of-Year Planning and Zoning Report

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<input type="checkbox"/>	Workshop
<input checked="" type="checkbox"/>	Regular Meeting
<input type="checkbox"/>	Special Meeting

<input type="checkbox"/>	Refer to: _____
<input type="checkbox"/>	Table until: _____
<input type="checkbox"/>	Other: _____

2012 END-OF-YEAR PLANNING AND ZONING REPORT

NORTH MANKATO ZONING HISTORY

CONDITIONAL USE PERMITS

2012

Legal Description	Address	Applicant	Application Number	Planning Comm.		City Council		Applications/ Conditions
				MO/YR	Action	MO/YR	Action	
Northport Industrial Park	2155 Carlson Drive	Great River Energy/Benco Electric	CU-1-12	Mar-12	Approved	Mar-12	Approved	1. Restore land within easement areas after construction. 2. Transmission poles shall be made of galvanized steel.
Original Plat of North Mankato	238 Belgrade Avenue	Staples and Roozen, LLC	CU-2-12	Mar-12	Approved	Mar-12	Approved	1. All signage including the use of temporary signs shall conform to the Sign Code. 2. All garbage shall be stored in an enclosed area. 3. Alley access shall be maintained at all times. 4. Car wash hours of operation shall occur between 5 a.m. and 11 p.m.
Outlot A, Marigold Subdivision	400 Wall Street	Vanyo Moody	CU-3-12	Oct-12	No Recommendation	Nov-12	Approved	Approved construction not to exceed 6 stories or 68 feet in height.

NORTH MANKATO ZONING HISTORY

PLATTING  
2012

Legal Description	Application	Applicant	Zoning District	Planning Comm. MO/YR.	City Council MO/YR.	City Council Action	Subdivision Name
Lot 1, Block 5, North Ridge Estates, Phase XI	Preliminary Plat	Octavian Properties, LLC	R-3	Apr-12	Apr-12	Approved	North Ridge Estates Phase XIV
Lot 1, Block 5, North Ridge Estates, Phase XI	Final Plat	Octavian Properties, LLC	R-3	Jun-12	Jun-12	Approved	North Ridge Estates Phase XIV
Outlot B, North Ridge Estates Phase XI	Preliminary and Final Plat	John Pavsek	R-1	Jul-12	Jul-12	Approved	North Ridge Estates Phase XI
Lot 1, Block 4 and Outlot D, Parks Edge Addition	Preliminary and Final Plat	Drummer Development	R-1S	Aug-12	Aug-12	Approved	Parks Edge Addition No. 2
Lots 1-5, Block 1, Whispering Oak Twins	Preliminary and Final Plat	Wilcon Construction	R-2	Aug-12	Aug-12	Approved	Whispering Oak Addition
Lot 1, Block 1, Outlots A and B, Northport No. 14	Preliminary and Final Plat	North Mankato Port Authority	M-2	Oct-12	Oct-12	Approved	Northport No. 17
Lot 3, Block 2, Valley View Subdivision	Preliminary and Final Plat	Community Bank Mankato	R-2	Oct-12	Oct-12	Approved	Nikden North
Registered Land Survey No. 25	Preliminary and Final Plat	Growth Holdings, LLC	B-3	Oct-12	Oct-12	Approved	Commerce Industrial Park No. 3

Legal Description	Application	Applicant	Zoning District	Planning Comm. MO/YR.	City Council MO/YR.	Subdivision Name
Outlot A, RASM Rolling Green Addition	Preliminary and Final Plat	Scott and Marsha Madigan/Rist Family	OR-1	Nov-12 Approved	Nov-12 Approved	Rolling Green Addition No. 3

NORTH MANKATO ZONING HISTORY

VARIANCES

2012

Address	Applicant	Application Number	Planning Comm.		City Council		Applications/ Conditions
			MO/YR	Action	MO/YR	Action	
1710 Commerce Drive	Growth Holdings, LLC	V-1-12	Mar-12	Approved	Mar-12	Approved	Reduce east setback from 10 feet to 0 feet and reduce north setback from 10 feet to 4 feet
203 Cross Street	Jon Roiger	V-2-12	Jul-12	Approved	Jul-12	Approved	Reduce side yard setback from 5 feet to 2.5 feet and rear yard setback from 25 feet to 0.7 feet
23 Howard Court	Preston Loughheed	V-3-12	Aug-12	Approved	Aug-12	Approved	Reduce front yard setback from 30 feet to 18.9 feet and a rear yard setback from 25 feet to 13.3 feet
400 Wall Street	Vanyo Moody	V-4-12	Dec-12	Denied	Dec-12	Denied	Variances for lot area, number of units, lot width and depth, lot coverage and building setbacks

NORTH MANKATO ZONING HISTORY

ZONING - 2012

Address/Legal Description	Applicant	Application Number	Planning Comm.		City Council		Applications/ Conditions
			MO/YR	Action	MO/YR.	Action	
1620/1622 Sharon Drive and 1624 Sharon Drive/1614 James Drive	Patty Yahnke Mark Miller	Z-1-12	Oct-12	Approved	Oct-12	Approved	Rezone from R-1 to R-2
2228/2230 Dream Drive West	Gary and Carolyn Hopfenspitger	Z-2-12	Nov-12	Approved	Nov-12	Approved	Rezone from R-1 to R-2
116/116-1/2 Tyler Avenue	Anthony Anderson	Z-3-12	Dec-12	Approved	Dec-12	Approved	Rezone from R-1 to R-2

## Issued Building Permits - Year to Date Report

	<u>Single Family</u>	<u>Duplex</u>	<u>Twin Homes</u>	<u>Townhome</u>	<u>Apt./ Asst. Living</u>	<u>Garages</u>	<u>Industry Commercial</u>	<u>Other</u>	<u>Residential Remodel</u>	<u>Totals</u>
<b>2012</b>										
Number of Permits	35	0	0	4	2	10	50	53	1420	1,574
Number of Units	35	0	0	4	8	0	0	0	0	47
Dollar Value	\$7,895,390	\$0	\$0	\$793,800	\$680,000	\$122,400	\$3,107,724	\$3,244,168	\$11,665,332	\$27,508,814
<b>2011</b>										
Number of Permits	15	0	0	4	2	4	55	58	1612	1,750
Number of Units	15	0	0	4	10	0	0	0	0	29
Dollar Value	\$3,957,510	\$0	\$0	\$740,000	\$895,172	\$38,600	\$17,133,415	\$1,812,284	\$11,262,855	\$35,839,836
<b>2010</b>										
Number of Permits	15	0	0	2	0	11	45	44	2073	2,190
Number of Units	15	0	0	8	0	0	0	0	0	23
Dollar Value	\$3,331,230	\$0	\$0	\$1,400,000	\$0	\$142,743	\$3,690,890	\$1,418,178	\$14,379,728	\$24,362,769
<b>2009</b>										
Number of Permits	32	0	0	2	0	9	51	43	905	1,042
Number of Units	32	0	0	2	0	0	0	0	0	34
Dollar Value	\$7,093,960	\$0	\$0	\$304,000	\$0	\$76,300	\$7,917,765	\$960,109	\$4,676,484	\$21,028,618
<b>2008</b>										
Number of Permits	23	0	0	7	0	18	50	36	842	976
Number of Units	23	0	0	15	0	0	0	0	0	38
Dollar Value	\$5,639,190	\$0	\$0	\$2,195,020	\$0	\$251,800	\$10,916,749	\$1,116,530	\$4,336,348	\$24,455,637
<b>2007</b>										
Number of Permits	49	0	0	3	0	11	56	24	682	825
Number of Units	49	0	0	6	0	0	0	0	0	55
Dollar Value	\$10,339,930	\$0	\$0	\$920,120	\$0	\$168,340	\$8,501,543	\$5,468,948	\$3,491,072	\$28,889,953

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item #12A	Department: Administration	Council Meeting Date: 02/19/13
------------------	----------------------------	--------------------------------

**TITLE OF ISSUE: Res. Approving Plans and Specifications and Ordering Request for Quotes for Relocation of Municipal Utilities**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** Contingent on the approval of the variances for the Phase 2 Marigold Project, it is necessary to approve plans and specifications and order request for quotes for the relocation of municipal utilities on the site. Due to the fact the estimated project cost is under \$100,000, quotes may be taken. Sales tax dollars could be used to finance the project.

*If additional space is required, attach a separate sheet*

**REQUESTED COUNCIL ACTION: Adopt resolution**

**For Clerk's Use:**

Motion By: \_\_\_\_\_  
 Second By: \_\_\_\_\_

Vote Record:

	Aye	Nay	
_____	_____	_____	Spears
_____	_____	_____	Steiner
_____	_____	_____	Norland
_____	_____	_____	Freyberg
_____	_____	_____	Dehen

**SUPPORTING DOCUMENTS ATTACHED**

Resolution	Ordinance	Contract	Minutes	Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) _____		Plans and Specifications		
_____				
_____				
_____				

<input type="checkbox"/> Workshop
<input checked="" type="checkbox"/> Regular Meeting
<input type="checkbox"/> Special Meeting

<input type="checkbox"/> Refer to: _____
<input type="checkbox"/> Table until: _____
<input type="checkbox"/> Other: _____

RESOLUTION NO.

RESOLUTION  
APPROVING PLANS AND SPECIFICATIONS  
AND ORDERING REQUEST FOR QUOTES  
FOR RELOCATION OF MUNICIPAL UTILITIES

WHEREAS, Bolton & Menk, Inc. has prepared plans and specifications for the relocation of municipal utilities within Outlot A of the Marigold Subdivision, and has presented such plans and specifications to the Council for approval; and

WHEREAS, the estimated cost of such improvement does not exceed \$100,000;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, as follows:

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Clerk shall request quotes from at least three (3) qualified contractors for the making of such improvement under such approved plans and specifications, and submit the quotes for consideration by the Council at their March 4, 2013 Council meeting.

Adopted by the City Council this 19th day of February 2013.

\_\_\_\_\_  
Mayor

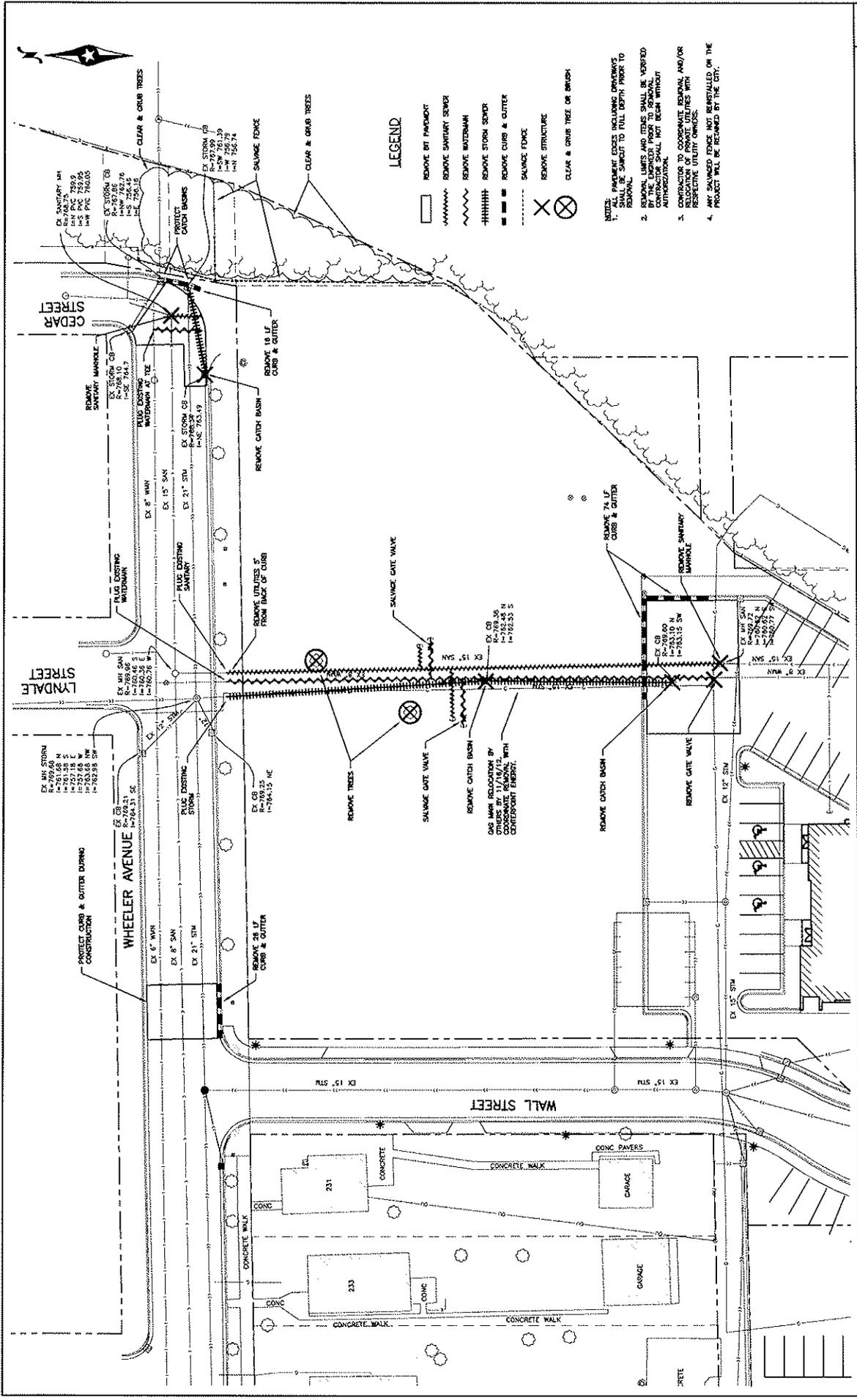
ATTEST:

\_\_\_\_\_  
City Clerk









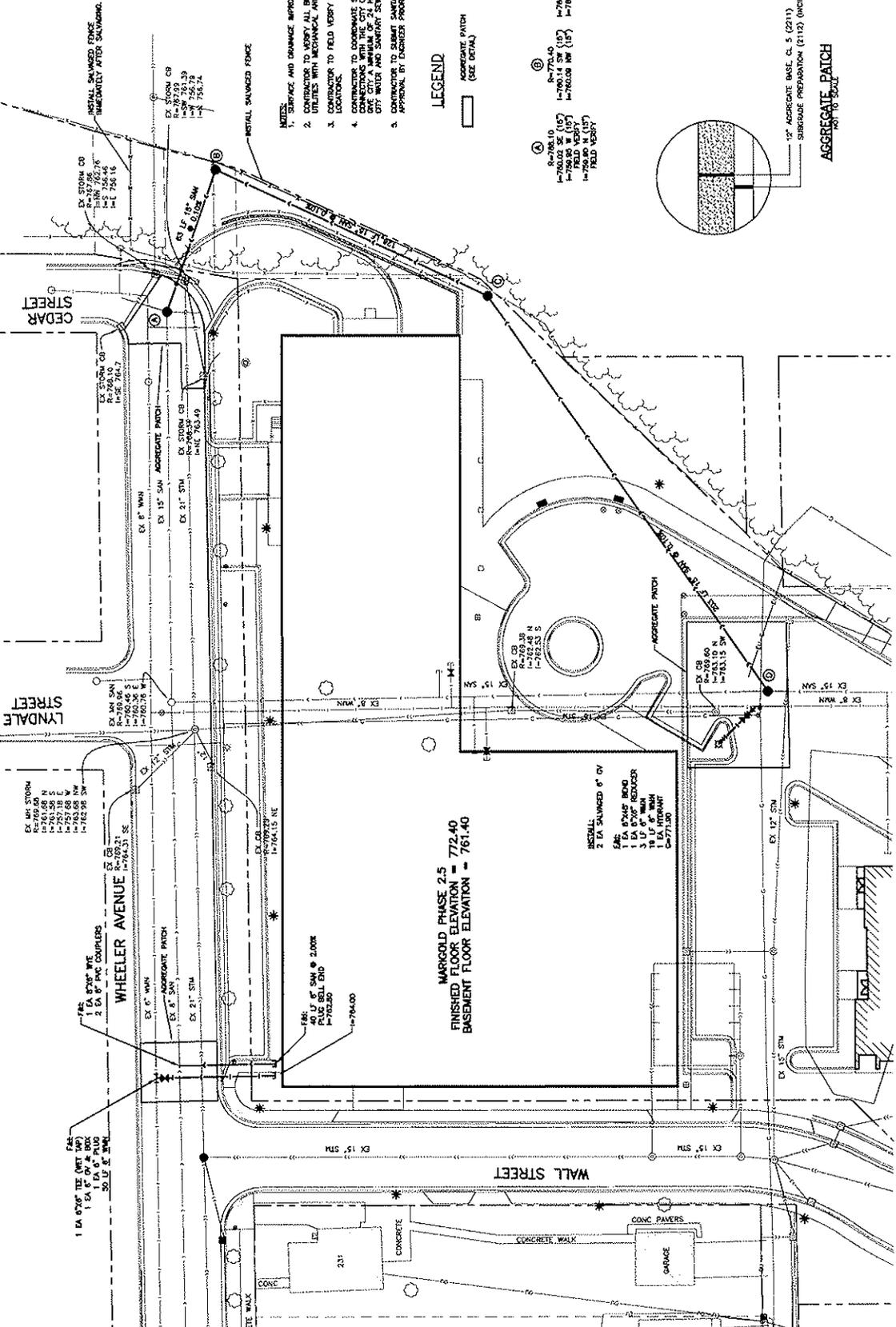
**LEGEND**

- REMOVE BIT PAVEMENT
- ~~~~~ REMOVE SANITARY SEWER
- ~~~~~ REMOVE WATERMAIN
- ||||| REMOVE STORM SEWER
- ▬ REMOVE CURB & GUTTER
- SALVAGE FENCE
- ⊗ REMOVE STRUCTURE
- ⊗ CLEAR & GRUB TREE OR BRUSH

**NOTES:**

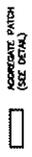
- ALL EXISTING CURBS INCLUDING DRIVEWAYS SHALL BE SUBJECT TO FULL DEPTH PAVEMENT REMOVAL.
- REMOVAL LIGHTS AND ITEMS SHALL BE WORKED BY THE EMPLOYER PRIOR TO REMOVAL. UNLESS OTHERWISE NOTED, ALL REMOVAL SHALL NOT BEGIN WITHOUT AUTHORIZATION.
- CONTRACTOR TO COORDINATE REMOVAL AND/OR RELOCATION OF PRIVATE UTILITIES WITH RESPECTIVE UTILITY OWNERS.
- ANY SWAMPED FENCE NOT REINSTALLED ON THE PROJECT WILL BE REINSTALLED BY THE CITY.

		<b>BOLTON &amp; MENK, INC.</b> ENGINEERS, ARCHITECTS, PLANNERS 1000 W. WASHINGTON ST. SUITE 200 MINNEAPOLIS, MN 55401 TEL: 612.338.1100 FAX: 612.338.1101 WWW.BOLTONMENK.COM	CITY OF NORTH MANKATO CITY PROJECT # 12-03-A-F
SHEET <b>4.1</b>	CITY OF NORTH MANKATO, MINNESOTA MARKGOLD SITE UTILITY RELOCATION REMOVAL PLAN		
DATE 11/27/2012	DRAWN BY [Signature]	CHECKED BY [Signature]	SCALE 1" = 40'

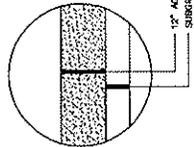


- NOTES:**
1. SURFACE AND DRAINAGE IMPROVEMENTS SHOWN FOR REFERENCE ONLY.
  2. CONTRACTOR TO VERIFY ALL BUILDING ENTRY POINTS AND ELEVATIONS FOR UTILITIES WITH MECHANICAL AND ARCHITECTURAL PLANS.
  3. CONTRACTOR TO FIELD VERIFY ALL CONNECT TO EXISTING UTILITY LOCATIONS.
  4. CONTRACTOR TO COORDINATE SANITARY SEWER AND WATERMAIN SERVICE OF ALL BUILDINGS WITHIN 24 HOURS NOTICE PRIOR TO CONNECTING TO CITY WATER AND SANITARY SEWER SYSTEMS.
  5. CONTRACTOR TO SUBMIT SANITARY SEWER BYPASS PUMPING PLAN FOR APPROVAL BY ENGINEER PRIOR TO CONSTRUCTING SANITARY SEWER.

**LEGEND**



- ① R=772.10  
I=760.02 SE (15')  
I=759.98 W (15')  
I=759.98 N (13')  
FIELD VERIFY
- ② R=772.10  
I=760.14 SW (15')  
I=760.08 NW (15')  
FIELD VERIFY
- ③ R=772.10  
I=760.32 NE (15')  
I=760.27 NE (15')  
FIELD VERIFY
- ④ R=772.10  
I=760.32 NE (15')  
I=760.27 NE (15')  
FIELD VERIFY



**AGGREGATE PATCH**  
NOT TO SCALE

<p><b>BOLTON &amp; MENK, INC.</b> CITY OF NORTH MANKATO, MINNESOTA MARGOLD SITE UTILITY RELOCATION UTILITY PLAN</p>		<p>SHEET 5.1</p>
<p>CITY PROJECT # 12-05-A-F</p>		<p>CITY OF NORTH MANKATO</p>
<p>DATE: 11/27/2012</p>	<p>BY: [Signature]</p>	<p>SCALE: 1" = 20'-0"</p>
<p>PROJECT NO: 40157</p>	<p>DATE: 11/27/2012</p>	<p>SCALE: 1" = 20'-0"</p>
<p>1. OWNER: CITY OF NORTH MANKATO, 200 W. WASHINGTON ST., MANKATO, MN 56001 2. CONTRACTOR: [Name], [Address], [City], [State], [Zip] 3. DESIGNER: [Name], [Address], [City], [State], [Zip]</p>		

# Marigold/Wheeler Project Estimate

## City Utility Relocation

CITY OF NORTH MANKATO

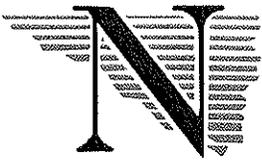
BMI PROJECT NO. M19.105789

H:\NMAN\M19105789\3\_Preliminary\_Design\Spreadsheets\Marigold Site Cost Estimate.xls\Marigold Site Work

11/16/2012

Item	Approx. Quantity	Unit	Unit Price	Total Cost
Mobilization	1	LS	\$5,000.00	\$5,000.00
Traffic Control	1	LS	\$2,000.00	\$2,000.00
Clear & Grub Trees	1	LS	\$3,000.00	\$3,000.00
Remove Bituminous Pavement	475	SY	\$2.00	\$950.00
Remove Curb & Gutter	116	LF	\$2.00	\$232.00
Sawcut Bituminous	247	LF	\$3.00	\$741.00
Remove Sanitary Sewer	274	LF	\$5.00	\$1,370.00
Remove Watermain	285	LF	\$5.00	\$1,425.00
Remove Storm Sewer	238	LF	\$5.00	\$1,190.00
Remove Sanitary Structure	2	EA	\$250.00	\$500.00
Remove Storm Structure	3	EA	\$250.00	\$750.00
Salvage & Reinstall Gate Valve	2	EA	\$400.00	\$800.00
Salvage & Reinstall Chain Link Fence	209	LF	\$10.00	\$2,090.00
Aggregate Base, Class 5	158	CY	\$30.00	\$4,740.00
Connect to Sanitary Sewer	2	EA	\$500.00	\$1,000.00
6" Sanitary Sewer	40	LF	\$22.00	\$880.00
15" Sanitary Sewer	392	LF	\$45.00	\$17,640.00
8"x6" Wye	1	EA	\$175.00	\$175.00
Construct Sanitary Manhole	40.3	LF	\$210.00	\$8,463.00
Sanitary Sewer Casting Assembly	4	EA	\$700.00	\$2,800.00
Connect to Existing Watermain	2	EA	\$550.00	\$1,100.00
6" Watermain	69	LF	\$23.00	\$1,587.00
8" Watermain	3	LF	\$26.00	\$78.00
6" Gate Valve	1	EA	\$1,200.00	\$1,200.00
6"x6" Wet Tap	1	EA	\$2,000.00	\$2,000.00
Hydrant	1	EA	\$2,900.00	\$2,900.00
Watermain Fittings	150	LB	\$6.50	\$975.00
2" Polystyrene Insulation	14	SY	\$16.00	\$224.00
Erosion Control	1	LS	\$1,000.00	\$1,000.00
Inlet Protection	8	EA	\$175.00	\$1,400.00
SUBTOTAL:				\$68,210.00
10% Contingency				\$6,821.00
<b>TOTAL:</b>				<b>\$75,031.00</b>
Design & Construction Engineering				\$13,505.58
City Administration				\$3,751.55
<b>TOTAL PROJECT COST:</b>				<b>\$92,288.13</b>





# Nicollet County

MINNESOTA

Serving Citizens since 1853

Office of COUNTY ASSESSOR

*Doreen Pehrson, Assessor*

February 4, 2013

Nancy Gehrke  
North Mankato City Clerk  
PO Box 2055  
N Mankato, MN 56003

I have set the following date, time and location for your Board of Appeal and Equalization meeting for 2013:

Date:	Thursday, April 25th
Time:	9:00 am
Location:	Police Annex

If any part of the above schedule or the location is not correct or will not be suitable for your board, please contact me on or before February 13, 2013.

If I do not hear from you by that date, I will assume everything is acceptable and proceed to send you the official notices for the meeting.

Sincerely,

Doreen Pehrson  
County Assessor

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item #12C	Department: Administration	Council Meeting Date: 02/19/13
------------------	----------------------------	--------------------------------

**TITLE OF ISSUE: Set Water Main Flushing for April 22-May 3, 2013**

**BACKGROUND AND SUPPLEMENTAL INFORMATION: We are requesting that you set water main flushing for April 22 through May 3, 2013.**

If additional space is required, attach a separate sheet

**REQUESTED COUNCIL ACTION: Set Water Main Flushing**

**For Clerk's Use:**

Motion By: \_\_\_\_\_  
 Second By: \_\_\_\_\_

Vote Record:

	Aye	Nay	
_____			Spears
_____			Steiner
_____			Norland
_____			Freyberg
_____			Dehen

**SUPPORTING DOCUMENTS ATTACHED**

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>				

Other (specify) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<input type="checkbox"/>	Workshop
<input checked="" type="checkbox"/>	Regular Meeting
<input type="checkbox"/>	Special Meeting

<input type="checkbox"/>	Refer to: _____
<input type="checkbox"/>	Table until: _____
<input type="checkbox"/>	Other: _____





# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item #12F	Department: Administration	Council Meeting Date: 02/19/13
------------------	----------------------------	--------------------------------

**TITLE OF ISSUE:** Schools and Conferences

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** Items 1 and 2 are Travel and Training requests for schools and conferences. The schools do not include out-of-state travel.

If additional space is required, attach a separate sheet

**REQUESTED COUNCIL ACTION:** Approve actual and necessary expenses

**For Clerk's Use:**

Motion By: \_\_\_\_\_  
 Second By: \_\_\_\_\_

Vote Record:

	Aye	Nay	
	_____	_____	Spears
	_____	_____	Steiner
	_____	_____	Norland
	_____	_____	Freyberg
	_____	_____	Dehen

**SUPPORTING DOCUMENTS ATTACHED**

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)		Travel and Training Requests		
_____				
_____				
_____				

<input type="checkbox"/> Workshop
<input checked="" type="checkbox"/> Regular Meeting
<input type="checkbox"/> Special Meeting

<input type="checkbox"/> Refer to: _____
<input type="checkbox"/> Table until: _____
<input type="checkbox"/> Other: _____



Date: 2/5/13

CITY OF NORTH MANKATO  
Training and Travel Request

Department: Electrician

Names: Tom Neubert

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of Personnel Attending: 1

Event: Midwestern Electrical Seminar

Dates: March 15, 2013

Location: Mankato, MN

Required Training for Certification/License:  Yes  No

What Certification/License is this training required for? Electrical License

Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## Registration Form

A completed form is required for each person attending. Photocopies are acceptable.

Name Tom Neuberger  
Email TNeuberger@NorthMankato.com  
Address 11 Cardinal Ct.  
City North Mankato  
State MN Zip Code 56003  
Work Phone 507-317-0792  
Personal Electrical License (not contractors #) AJ 07808

An individuals electrical license number must be provided to receive credit toward the Continuing Education Requirements.

Class Fee: \$60.00

Make checks payable and mail to:  
BENCO Electric  
PO Box 8  
Mankato MN 56002

If you have any special needs please contact John before March 1.

BENCO Electric  
PO Box 8  
Mankato, MN 56002

# BENCO

COOPERATIVE



Presents:

Paul Sunde from

**MWES** MIDWESTERN  
ELECTRICAL  
SEMINARS

March 15, 2013  
Courtyard Marriot  
Mankato

8 Hr. Code Seminar  
\$60.00

For more information  
contact:  
John Hutchens

387-7963  
or  
1-888-792-3626



**MIDWESTERN  
ELECTRICAL  
SEMINARS**

A Code class to help you understand and comply with the changes in the 2011 National Electrical Code.

This seminar is designed to assist any individuals currently working in the electrical industry.

Our objective is to expand your understanding of the 2011 NEC Code changes as they apply to your daily electrical work.

Each attendee receives a MwES color booklet containing many practical illustrations of the NEC.

Through the use of the MwES booklet, overhead transparencies, product samples, and class discussions, we will improve your understanding of the NEC requirements.

**Instructor**

Paul Sunde

All MwES instructors are Class A-Master electrician license holders, approved by the State Board of Electricity as continuing education instructors, and are members of the International Association of Electrical Inspectors. These instructor's expertise will give you a practical understanding of the code.

**Text**

A 2011 NEC code book is required to complete this course, bring your own copy.

The MwES booklets are provided to all attendants on the day of registration.

**Seminar Fee**

The \$60.00 registration fee includes:  
Breaks and noon lunch.

Seminar Materials:  
Ballpoint pen, highlighter,  
Certificate of Completion,  
MwES booklet with many useful  
illustrations.

**Class Information**

This class is an annual seminar to complete your 16 hour credits that are needed for continuing education. It is 1 day (8 hours) and will be held on Friday, March 15, 2013 at the Courtyard Marriot, Mankato. From 8:00 am to 5:00 pm. Registration starts at 7:45 am.

**Refund Information**

Refunds will not be made unless requested in writing five days prior to the class. All refunds are subject to a \$25.00 registration cancellation fee.



Date: 02-15-13

CITY OF NORTH MANKATO  
Training and Travel Request

Department: Police

Names: Chief Bayer / Officer Hendrickson

officer Howe / officer Schultz

① Detective Swenson

Number of Personnel Attending: 5

Event: DMT-G Recertification (Intoxilyzer)

Dates: April 1-5, 2013 (only need to attend 1 half day)

Location: Rochester MN

Required Training for Certification/License:  Yes  No

What Certification/License is this training required for? \_\_\_\_\_

P.O.S.T.

Description: See Attached

# MINNESOTA DEPARTMENT OF PUBLIC SAFETY



Alcohol and  
Gambling  
Enforcement

Bureau of  
Criminal  
Apprehension

Driver and  
Vehicle  
Services

Emergency  
Communication  
Networks

Homeland  
Security and  
Emergency  
Management

Minnesota  
State Patrol

Office of  
Communications

Office of  
Justice  
Programs

Office of Traffic  
Safety

State Fire  
Marshall and  
Pipeline Safety



## Bureau of Criminal Apprehension

1430 Maryland Avenue, St. Paul, Minnesota 55106

Phone: 651-793-2777

Fax: 651-793-2778

### Forensic Science Laboratory

February 7, 2013

Training officer

North Mankato Police Dept

1001 Belgrade Avenue

P.O. Box 2055

North Mankato, MN 56003

Attn: Training officer

## Notification Letter

The BCA Breath Test Section will be holding DMT-G Recertification classes during the week of April 1 - 5, 2013. Morning class times are 0800 - 1200 and Afternoon class times are 1300 - 1700.

April 1, 2013	Afternoon only
April 2, 2013	Morning and Afternoon
April 3, 2013	Morning and Afternoon
April 4, 2013	Morning and Afternoon
April 5, 2013	Morning only

Class will be held at the Carpenters Training Center, 6692 Tenth Avenue S.W., Rochester, MN 55902 Phone: (507) 282-3119

Operators from your department that require this training are listed on the back side of this paper and must be registered to attend as class sizes are limited. You can register for this class through the BCA CJTE Training website:

[https://cjte.x.state.mn.us/ei/cm.esp?id=3&pageid=\\_3C20W9MNY&showpage=WELCOME&src=eiscript&cd=15933794](https://cjte.x.state.mn.us/ei/cm.esp?id=3&pageid=_3C20W9MNY&showpage=WELCOME&src=eiscript&cd=15933794)

Select the DMT-G Recertification Course for the day and time that best fits your schedule. When the course information page has opened, click "Add to Saved Course Search" at the bottom of the screen. Your course will then appear at the top of your screen, click "Go to Checkout". You will be prompted to login or create a new account. Once you have logged in or created a new account, you will be directed to the payment options page. Select either "Invoice" or "Credit Card". Please read the terms and conditions and check the "I Agree to the Following Terms and Conditions:" box. Click continue. Your status for the course will be "Pending" until you are given final approval. You will be notified via email when final approval is granted. If you have questions regarding registration, please contact the BCA CJTE Unit at [bca.cjte@state.mn.us](mailto:bca.cjte@state.mn.us) or 651-793-1100.

For questions regarding the class, please contact the BCA Breath Test Section at [bca.breathtest@state.mn.us](mailto:bca.breathtest@state.mn.us) or 651-793-2777.



**CITY OF NORTH MANKATO  
RESULTS OF 2013 SPECIAL ELECTION**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>TOTAL</b>
Number Registered at 7 a.m.	1,414	1,375	1,336	1,543	1,514	1,514	247	8,943
Number Registered at Polls	2	2	2	1	2	0	1	10
Total Number Registered	1,416	1,377	1,338	1,544	1,516	1,514	248	8,953
Total Number Voting	285	268	230	389	251	235	38	1,696
% Turnout of Registered Voters	20.13%	19.46%	17.19%	25.19%	16.56%	15.52%	15.32%	18.94%

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item #16A	Department: City Engineer	Council Meeting Date: 02/19/13
------------------	---------------------------	--------------------------------

**TITLE OF ISSUE: Resolution Accepting Feasibility Report and Calling for Public Hearing on Project No. 13-01ABCDEF, Cliff Court Reconstruction**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** A feasibility report has been prepared by Bolton & Menk, Inc. with reference to Project No. 13-01ABCDEF, Cliff Court Reconstruction. The report provides information regarding whether the proposed improvement is necessary, cost-effective and feasible. The resolution calls for an improvement hearing to be held for this project at 7 p.m. on Monday, March 4, 2013.

*If additional space is required, attach a separate sheet*

**REQUESTED COUNCIL ACTION: Adopt resolution accepting feasibility report and set public hearing for 7 p.m. on Monday, March 4, 2013**

**For Clerk's Use:**

Motion By: \_\_\_\_\_  
 Second By: \_\_\_\_\_

Vote Record:

	Aye	Nay	
_____	_____	_____	Spears
_____	_____	_____	Steiner
_____	_____	_____	Norland
_____	_____	_____	Freyberg
_____	_____	_____	Dehen

**SUPPORTING DOCUMENTS ATTACHED**

Resolution	Ordinance	Contract	Minutes	Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify)		Feasibility Report, Notice of Public Hearing		
_____				
_____				
_____				

<input type="checkbox"/> Workshop
<input checked="" type="checkbox"/> Regular Meeting
<input type="checkbox"/> Special Meeting

<input type="checkbox"/> Refer to: _____
<input type="checkbox"/> Table until: _____
<input type="checkbox"/> Other: _____

RESOLUTION NO.

RESOLUTION ACCEPTING FEASIBILITY REPORT  
AND CALLING FOR PUBLIC HEARING  
ON PROJECT NO. 13-01ABCDEF  
CLIFF COURT RECONSTRUCTION

WHEREAS, pursuant to resolution of the Council adopted January 22, 2013, a report has been prepared by Bolton & Menk, Inc., with reference to Project No. 13-01ABCDEF, Cliff Court Reconstruction, for the improvement of Cliff Court, from Cliff Drive to the cul-de-sac, by the construction of sanitary sewer, water main, water and sewer services, street grading and base, storm sewer, curb and gutter, street surfacing and sidewalks, and this report was received by the Council on February 19, 2013; and

WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, as follows:

1. The Council will consider the improvement of such project in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$520,800.
2. A public hearing shall be held on such proposed improvement on the 4<sup>th</sup> day of March 2013 in the Council Chambers of the Municipal Building at 7 p.m. and the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

Adopted by the City Council this 19<sup>th</sup> day of February 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

NOTICE OF HEARING ON PROJECT NO. 13-01ABCDEF  
CLIFF COURT RECONSTRUCTION

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, at 7:00 p.m. on the 4<sup>th</sup> day of March, 2013, to hold a public hearing to consider an improvement affecting property abutting Cliff Court from Cliff Drive to the cul-de-sac calling for the construction of sanitary sewer, water main, water and sewer services, street grading and base, storm sewer, curb and gutter, street surfacing and sidewalks, pursuant to Minnesota Statutes 429.011 to 429.111.

The area proposed to be assessed for such improvement is the property abutting on the improvement as described above. The estimated cost of such improvement is \$520,800. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvement will be heard at this meeting.

Dated this 22<sup>nd</sup> day of February and this 1<sup>st</sup> day of March 2013.

Nancy Gehrke, CMC  
City Clerk  
City of North Mankato, Minnesota



Preliminary Engineering Report for

# Cliff Court Reconstruction

City Project No. 13-01-A-F

February 2013

**Submitted by:**

Bolton & Menk, Inc.  
1960 Premier Drive  
Mankato, MN 56001

P: 507-625-4171

F: 507-625-4177

BMI Project No. M19.105951



**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors

# PRELIMINARY ENGINEERING REPORT

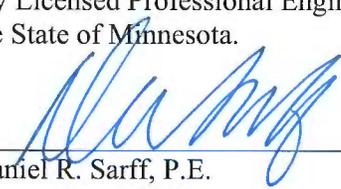
## CLIFF COURT RECONSTRUCTION

CITY PROJECT NO. 13-01-A-F

CITY OF NORTH MANKATO, MINNESOTA

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

By: \_\_\_\_\_

  
Daniel R. Sarff, P.E.  
License No. 17080

Date: \_\_\_\_\_

2/13/2013

**BOLTON & MENK, INC.**  
**CONSULTING ENGINEERS & SURVEYORS**  
**MANKATO, MINNESOTA**

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- Figure No. 1 – Vicinity Map
- Figure No. 2 – Existing and Proposed Street and Utility Improvements
- Figure No. 3 – Typical Section

APPENDIX B - FIGURES

- Exhibit No. 1 – Preliminary Cost Estimate (with Breakdown)

## **EXECUTIVE SUMMARY**

The street and utilities along Cliff Court were originally constructed approximately 50 years ago. Currently, the existing streets and utilities along Cliff Court are deteriorated and in need of repair. If the infrastructure is not replaced, maintenance costs will continue to rise as further deterioration occurs, and ultimately the street and utilities will fail.

The proposed improvements include the replacement of the existing sanitary sewer and watermain systems, bituminous surface, curb and gutter, and the addition of concrete sidewalk. The reconstruction would also include the replacement and addition of storm sewer to improve drainage along the street and provide an outlet for sump pumps. The reconstruction and extension of the existing storm sewer outlet to the bottom of the ravine is also recommended to minimize further erosion.

The estimated cost of the proposed improvements is \$520,800.00. Funding for the proposed improvement is proposed to come from the sale of an improvement bond, to be repaid through special assessments and City enterprise funds.

According to the City's past practice for calculating assessments, the proposed improvements are assessable to the benefitting properties as follows:

- Street Reconstruction, Sanitary Sewer, Watermain, and Storm Sewer – 40% Assessable, 60% City Cost (\$140.27/foot)
- Sanitary Sewer Services– 100% Assessable (\$1,033/connection)
- Water Services – 100% Assessable (\$1,300/connection)
- Driveway Pavement – 100% Assessable (\$6.73/sq ft)

Using these rates, assessments for the project would range from \$6,300 to \$44,000. However, the City has recently capped the total assessments to a parcel in previous reconstruction projects at \$6,000 plus the driveway assessment to maintain assessments at a reasonable level. If the assessment cap was adjusted to reflect the increase in construction costs since 2008, the assessment cap would increase to \$7,000, and the individual assessments would range from \$6,300 to \$9,300, with an average of approximately \$8,100.

The issuance of bonds for the project could be accomplished using either local improvement bonds issued under the authority of Minnesota State Statute 429 or street reconstruction bonds issues under the authority of Minnesota State Statute 475. Bonds issued under Chapter 429 require that a minimum of

20% of the total project costs be assessed to the benefitting properties. If the bonds were issued under Chapter 429, the assessment cap would need to be increased to approximately \$9,000 to meet the minimum 20% assessment requirement.

Street reconstruction bonds issued under Chapter 475 are not subject to a minimum assessment percentage, so the \$7,000 assessment cap could be utilized. However, Chapter 475 includes several other requirements. It is recommended that City staff seek input from the City Attorney and the City's financial advisors related to the project financing and special assessment process.

From an engineering standpoint, the proposed improvements are feasible, cost effective, necessary, and can be best be accomplished by letting competitive bids for the work. We recommend that the Council accept this Preliminary Engineering Report and call for a public hearing on the proposed improvements. The proposed schedule for the project is as follows:

- Design, Hearings, Approvals, and Bidding – February 2013 to May 2013
- Assessment Notices, Hearings and Award of Contract – May 2013 to June 2013
- Construction - July 2013 to October 2013

## **I. PROJECT INTRODUCTION**

This Preliminary Engineering Report considers street and utility reconstruction on Cliff Court from Cliff Drive to the dead-end cul-de-sac. The project location is shown on the Vicinity Map, Figure No. 1 of Appendix B.

This proposed reconstruction project has been included in the City of North Mankato's Capital Improvements Plan which was adopted by the City Council on December 17, 2012. In accordance with Minnesota Statutes, Chapter 429, the City Council has authorized the preparation of a preliminary engineering report to define the scope and determine the feasibility of the proposed project. The specific objectives of this Preliminary Engineering Report are to:

1. Evaluate the need for the project.
2. Determine the necessary improvements.
3. Provide information on the estimated costs for the proposed project.
4. Determine the project schedule.
5. Determine the feasibility of the proposed project.

The project as proposed would consist of reconstructing the entire length of Cliff Court, approximately 650 feet in length. Specific items of construction along Cliff Court will consist of:

1. Removal of existing pavement and curb and gutter.
2. Removal and replacement of sanitary sewer.
3. Removal and replacement of watermain.
4. Installation of storm sewer.
5. Installation of bituminous pavement with concrete curb and gutter.
6. Installation of concrete sidewalk and driveway aprons.

## **II. EXISTING CONDITIONS**

### **A. Street and Surface**

The street right-of-way for Cliff Court was dedicated in a plat that was recorded in 1967. Assuming that the street was constructed at approximately the same time that the property was platted, it is estimated that the existing street is approximately 50 years old. Cliff Court is currently bituminous (blacktop) streets, 34-foot wide with concrete curb and gutter on both sides of the street. The bituminous pavement, concrete driveway aprons, and curb and gutter are in fair to poor condition. The bituminous pavement shows significant signs of oxidation, fatigue, alligator cracking, block cracking, some rutting and patched areas. There is no existing sidewalk on either side of the street. The condition of the existing street is shown in Photos 1 through 5 in Appendix A.

The soils in this area of the City are expected to be generally clay in nature and should provide a good sub-base for roadway construction. However, if unsuitable subsoils are discovered during construction, engineered fill may be required.

The existing street layout is shown on Figure No. 2 in Appendix B.

## **B. Storm Sewer**

The existing storm sewer system on Cliff Court includes several inlets at the low point in the street located approximately 250-feet north of the cul-de-sac. These inlets collect the storm water runoff from the entire length of Cliff Court and the adjacent areas. An existing 12-inch diameter storm sewer that extends from the south end of Allen Drive through an easement between two houses also connects into the existing inlets on Cliff Court. The existing inlets on Cliff Court are connected to a storm sewer that runs in an easement that extends down the ravine to the south of Cliff Court. The storm sewer outlet stops approximately 40 feet short of the bottom of the ravine. The existing pipe extending down the ravine has pulled apart and leakage has caused several washouts exposing the pipe. Due to inadequate slope stabilization and outlet protection, the area near the existing storm sewer outlet has eroded. Photos 6 through 9 in Appendix A shows the erosion near the existing storm sewer outlet and the washouts in the ravine slope.

A portion of Cliff Drive north of Cliff Court drains to the south and onto Cliff Court. The storm water runoff from this portion of Cliff Court and the adjacent areas flows to the existing storm sewer system and outlet on Cliff Court. The high point in this segment of Cliff Drive is located approximately midway between Cliff Court and Marie Lane, and the northerly portion of the street drains to Marie Lane. There is no existing storm sewer on Cliff Drive between Cliff Court and Marie Lane and all storm water runoff currently surface drains through in the gutters.

The existing storm water drainage system is shown on Figure No. 2 in Appendix B.

## **C. Sanitary Sewer**

The existing sanitary 8-inch diameter sanitary sewer along Cliff Court was originally constructed over 50-years ago. The 8-inch sanitary sewer on Cliff Court starts at a manhole in the cul-de-sac and flows northeast to Cliff Drive. This sanitary sewer connects to a manhole located at the intersection of Cliff Court and Cliff Drive and the 8-inch sanitary sewer then continues south on Cliff Drive. The existing sanitary sewer on Cliff Court varies

in depth from approximately 3-feet in the cul-de-sac to approximately 11-feet at Cliff Drive. Due to the shallow depth of the sanitary sewer on Cliff Court, a portion of the existing pipe consists of insulated pipe. The existing pipe in the deeper sections consists of vitrified clay pipe (VCP). The sanitary sewers on Cliff Court, Cliff Drive and in the pipe system downstream are all constructed at minimum grades, so no additional depth can be obtained without the construction of a lift station. A 2001 video inspection of the sanitary sewer along Cliff Court revealed that it is in fair to poor condition due to offset joints, sags, and calcium build ups. Since the services were installed the same time as the mainline, the services are expected to be in the same fair to poor condition.

The existing sanitary sewer system is shown on Figure No. 2 in Appendix B.

#### **D. Watermain**

The existing water distribution system along Cliff Court consists of a 6-inch diameter cast iron pipe that was constructed over 50-years ago. The watermain on Cliff Court connects to the existing 6-inch diameter watermain on Cliff Court and to an existing 6-inch watermain that extends from the cul-de-sac, through an easement to Allen Avenue. The City Public Works Department has fixed several watermain breaks or leaks on Cliff Court each year over the past several years and the existing cast iron pipe observed during these repairs is corroded and brittle. The limited number of operable valves in many locations results in difficulties in isolating portions of the existing watermain system for maintenance and repairs. Many of the existing fire hydrants have less capacity than what would be provided with modern hydrants. The existing hydrants are also spaced beyond the upper limit of recommended hydrant intervals. Since the services were installed the same time as the mainline, the services are expected to be in the same fair to poor condition.

The existing watermain system is shown on Figure No. 2 in Appendix B.

#### **E. Other Utilities**

Other non-municipal owned utilities are present in the right-of-way. These include natural gas, electric, and telecommunication. A major electric transmission line runs along the length of Cliff Court. This transmission line is supported by two sets of three poles located within the project area – just south of the cul-de-sac and at the intersection of Cliff Court and Cliff Drive.

Natural gas lines are present, generally running along the south/east side of Cliff Court. The conditions of these utilities are unknown.

### **III. PROPOSED IMPROVEMENTS**

#### **A. Street**

Cliff Court will be reconstructed as 34-foot wide bituminous street with concrete curb and gutter on both sides, and sidewalk on one side. With the low traffic volumes on Cliff Court, this width will provide for 2 lanes of through traffic and parallel parking on both sides.

The City's "typical" bituminous pavement section for residential streets will be utilized: 4-inches of bituminous surfacing, 7-inches of Class 5 aggregate base, and 6 inches of crushed rock base, all placed on a prepared subgrade. The construction of 4-inch diameter perforated edge drains along the back of the curb on both sides is proposed to provide subsurface drainage for the pavement section. In accordance with City standards for new and reconstructed streets, new 5-foot wide concrete sidewalk will be constructed on one side of the street. The sidewalk is proposed to be located on the south/east side of Cliff Court.

Boulevards will be restored with topsoil and seed in all disturbed areas. Trees, bushes, and other vegetation located in the construction zone will be protected where possible; however, some trees and bushes may need to be removed as a part of construction due to direct conflict with the proposed utilities, or due to unavoidable root damage. Any trees that are removed as a part of the project will be replaced with new trees suitable for use within the boulevard.

The proposed street and surface improvements are shown on Figure No. 2 in Appendix B. The proposed typical street section for Cliff Court is shown on Figure No. 3 in Appendix B.

#### **B. Storm Sewer**

Given the age of the existing storm sewer and to improve drainage, the construction of a new storm sewer system is recommended. New inlets on Cliff Court will be constructed at the low point in the street and at intermediate points between the cul-de-sac and Cliff Court to intercept flow to provide adequate drainage and to prevent flooding. Storm sewer pipes ranging from 12-inches to 24-inches in diameter will be constructed at appropriate locations on Cliff Court. Manholes will be located at appropriate intervals to provide access for maintenance and cleaning. The existing storm sewer outlet from Allen Avenue will be connected into the new storm sewer system. In areas where the foundation drains or sump

pumps do not discharge into the ravine, sump pump drains will be provided in the front yards along the street.

The extension of the storm sewer system to the intersection of Cliff Drive is proposed with this project to allow for the future extension of the storm sewer north on Cliff Drive. The storm sewer system will be designed to accommodate a 10-year storm event for the contributing drainage area on Cliff Court and oversized to accommodate the future drainage from Cliff Drive and adjacent areas.

A new storm sewer outlet will be constructed within the existing easement from Cliff Court into the ravine to the south. The outlet pipe will be extended to a new manhole structure located near the bottom of the ravine using solid wall high density polyethylene pipe with fused joints. A reinforced concrete pipe and apron will be extended from the manhole structure to the bottom of the ravine, where the existing eroded areas will be stabilized and slope protection and armoring will be installed to prevent future erosion. Other eroded areas along the ravine slope will also be filled and stabilized.

The proposed storm sewer construction is shown on Figure No. 2 in Appendix B.

### **C. Sanitary Sewer**

Given the age and condition of the sanitary sewer along Cliff Court, the construction of new sanitary sewer is recommended. As stated previously, the existing sanitary sewer on Cliff Court is very shallow. Due to the constraints of the existing topography and the depths of the existing downstream sanitary sewer system, the only means possible for providing additional sanitary sewer depth would be the construction of a lift station near the end of the cul-de-sac.

Considering the cost of constructing and operating a lift station and the limited number of properties that would be served, the lift station option is not considered to be feasible. It is proposed that the shallow portions of new sanitary sewer on Cliff Court that may be subject to freezing be constructed using insulated pipe. The existing 8-inch VCP sanitary sewer pipes in areas with adequate depth to prevent freezing would be replaced with new 8-inch polyvinyl chloride (PVC) pipe with rubber gasket joints. Precast concrete manholes are proposed to be constructed at intervals not exceeding 400 feet to provide access for maintenance and cleaning.

Existing service lines that may be subject to freezing will be replaced using insulated pipe. Existing service lines outside the frost zone will be reconstructed with new 4-inch diameter PVC pipe from the mainline sewer in the street to the property line. It is recommended for each home that at the time of construction the service pipe from the right-of-way line to the home be inspected. If it is determined that the line is deteriorated and is a potential source of infiltration into the city's wastewater collection system, the service line will be condemned and ordered to be replaced at the homeowner's cost.

The proposed sanitary sewer construction is shown on Figure No. 2 in Appendix B.

#### **D. Watermain**

Given the age, condition, and inadequate size of the existing watermain, it is recommended that the existing cast iron watermain be replaced along with new PVC watermain. In order to provide proper fire protection, the current standard for minimum watermain size is 8-inch diameter pipe. Hydrants will be installed at appropriate intervals and valves will be provided to properly isolate the system for flushing, repair, and maintenance.

New 1-inch copper water service pipe will be constructed to the right-of-way for each home, and new curb stops will be installed. It is recommended at the time of construction that the service pipe from the right-of-way line to the home be inspected. If it is determined that the line is deteriorated, leaking, or contains lead, the service line will be condemned and ordered replaced at the homeowner's cost.

The proposed watermain construction is shown on Figure No .2 in Appendix B.

#### **E. Other Utilities**

The design of the proposed improvements will be coordinated with the owners of private utilities such as natural gas, electric, telephone, and cable television. A design coordination meeting will be held with all private utility companies to identify those utilities that are in conflict with the proposed improvements. Private utility companies will be requested to submit proposed designs and construction schedules for any relocation. The construction schedule for the proposed improvements will be coordinated with the utility relocation schedule to avoid unnecessary delays.

#### IV. RIGHT-OF-WAY AND EASEMENTS

Although the project will be designed to limit construction of the proposed improvements to within the existing 60-foot right-of-way, it is inevitable that minor disturbances to private property will occur during construction of sidewalks, driveways and services. Therefore, we recommend that temporary construction easements be obtained along the project frontage to accommodate these minor disturbances. An easement width of 10-feet is recommended. The existence and adequacy of existing easement for the storm sewer outlet extension down the ravine and the storm sewer connection from Allen Avenue will also be verified and, if necessary, new easements secured.

#### V. APPROVALS AND PERMITS

Approvals and Permits are required from various agencies for the construction of the project. They include:

- Minnesota Pollution Control Agency (MPCA) General Construction Storm Water Permit
- Minnesota Department of Health (MDH) Plan Review

#### VI. PROJECT COST ESTIMATE AND FINANCING

The estimated project costs are summarized below. A detailed cost estimate and breakdown is included in Exhibit No. 1 in Appendix C.

Item	Estimated Construction Cost	Estimated Administration and Financing Cost	Total Estimated Project Cost
<b>Removals, Street &amp; Surface, Misc.</b>	\$223,800	\$51,500	\$275,300
<b>Storm Sewer</b>	\$88,000	\$20,200	\$108,200
<b>Sanitary Sewer</b>	\$48,200	\$11,100	\$59,300
<b>Watermain</b>	\$63,400	\$14,600	\$78,000
<b>TOTAL</b>	<b>\$423,400</b>	<b>\$97,400</b>	<b>\$520,800</b>

These cost estimates are based on public construction cost information from other recent projects similar in scope. Since the cost estimates are dependent on the cost of labor, materials, competitive bidding process, weather conditions, and other factors affecting the cost of construction, all cost estimates are opinions for general information and no warranty or guarantee as to the accuracy of construction cost is made. Therefore, financing for this project should be based upon actual competitive bid prices with reasonable contingencies.

Funding for the proposed improvement is proposed to come from the sale of a general obligation bond, to be repaid through special assessments, City enterprise funds and ad valorem taxes. According to the City's past practice for calculating assessments, the proposed improvements are assessable to the benefitting properties as follows:

- Street Reconstruction, Sanitary Sewer, Watermain, and Storm Sewer – 40% Assessable, 60% City Cost
- Sanitary Sewer Services– 100% Assessable
- Water Services – 100% Assessable
- Driveway Pavement – 100% Assessable

Street reconstruction, sanitary sewer, and watermain costs are assessed on a front footage basis, services on a unit basis, and driveways on a square footage basis. Applying these assessment rates to the project costs, results in the following unit costs for the assessable items:

<b>Item</b>	<b>Assessable Cost</b>
<b>Street, Sanitary, Watermain</b>	\$140.27/lin. ft.
<b>Sanitary Service</b>	\$1,033/connection
<b>Water Service</b>	\$1,300/connection
<b>Driveway</b>	\$6.73/sq. ft.

Using these rates, assessments for the project would range from \$6,300 to \$44,000. However, the City has recently used the practice of capping the total assessments to a parcel in previous reconstruction projects to maintain assessments at a reasonable level. An assessment cap of \$6,000 plus the driveway assessment was utilized in the last reconstruction project that the City undertook – the 2008 Pierce Avenue and Bennett Street Rehabilitation Project. If the assessment cap is adjusted to reflect the increase in construction costs since 2008, the assessment cap would increase to \$7,000. This adjustment is based on the Engineering News Record (ENR) Construction Cost index, which is a common method of comparing construction costs over extended periods of time. Assuming that the \$7,000 assessment cap is used, the individual assessments would range from \$6,300 to \$9,300, with an average of approximately \$8,100.

The issuance of bonds for the project could be accomplished using either local improvement bonds issued under the authority of Minnesota State Statute 429 or street reconstruction bonds issues under the

authority of Minnesota State Statute 475. Bonds issued under Chapter 429 require that a minimum of 20% of the total project costs be assessed to the benefitting properties. On past projects, applying the \$6,000 cap resulted in the assessments totaling approximately 30-35% of the project costs. However, even with the \$7,000 assessment cap, the amount of the assessments on this project would only be \$88,700, or approximately 14% of the total project cost. This is due to several factors including the relative low density of the lots (in comparison to past projects in lower North Mankato), the short length of the street and the cul-de-sac. If the bonds were issued under Chapter 429, the assessment cap would need to be increased to approximately \$9,000 to meet the minimum 20% assessment requirement.

Street reconstruction bonds issued under Chapter 475 are not subject to a minimum assessment percentage, so the \$7,000 assessment cap could be utilized. However, Chapter 475 includes several other requirements not included in Chapter 429, including:

- The project must be included on a 5-year street reconstruction plan or capital improvements plan for which a public hearing with the required notices must be held. This requirement has previously been met by the City.
- The bond issuance is subject to a reverse referendum, provided that a petition signed by voters equal to 5% of the votes in the last municipal general election is received within the timeframes specified in the statute.
- Obligations issued under Chapter 475 are subject to debt limits of the City.
- The resolution authorizing the sale of the street reconstruction bonds must be approved by unanimous vote of the Council.

Assessment proceedings (hearings, notices, etc.) for the project would follow the requirements of Chapter 429, regardless of which bonding authority is utilized. Detailed assessment rolls will be prepared once additional direction from City Council and staff is received confirming the assessment policy and establishing the assessment cap. It is also recommended that City staff seek input from the City Attorney and the City's financial advisors related to the project financing and special assessment process.

## VII. POSSIBLE SCHEDULE

The following is a possible schedule for the proposed project.

Date	Task
February 19, 2013	Resolution Receiving Report and Calling For Hearing on Improvements
February 25 - 29, 2013	Optional Neighborhood Meeting (date to be determined)
March 4, 2013	Improvement Hearing
March 4, 2013	Resolution Ordering Improvement and Preparation of Plan and Specifications
April 15, 2013	Resolution Approving Plans and Specifications and Ordering Advertisement for Bids
May 15, 2013	Open Bids
May 20, 2013	Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment
May 20, 2013	Resolution for Hearing on Proposed Assessment
June 17, 2013	Assessment Hearing
June 17, 2013	Resolution Adopting Assessment
June 17, 2013	Resolution Awarding Contract
July 2013	Begin Construction
October 2013	Complete Construction (Except Bituminous Wearing Course)
June 2014	Complete Bituminous Wearing Course

## VIII. CONCLUSION AND RECOMMENDATIONS

The existing streets and utilities along Cliff Court are deteriorated and in need of repair. If the infrastructure is not replaced, maintenance costs will continue to rise as further deterioration occurs, and the infrastructure will ultimately fail. From an engineering standpoint, this project is feasible, cost effective, necessary, and can best be accomplished by letting competitive bids for the work. Feasibility is contingent upon City Council findings with respect to project financing.

We recommend that the Council accept this report, call for a hearing on the proposed improvements, and consider scheduling a neighborhood meeting to solicit further public input on this project.

## **APPENDIX A - PHOTOS**





**Photo 1**



**Photo 2**

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**Photo 3**



**Photo 4**



**Photo 5**



**Photo 6**

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**Photo 7**



**Photo 8**

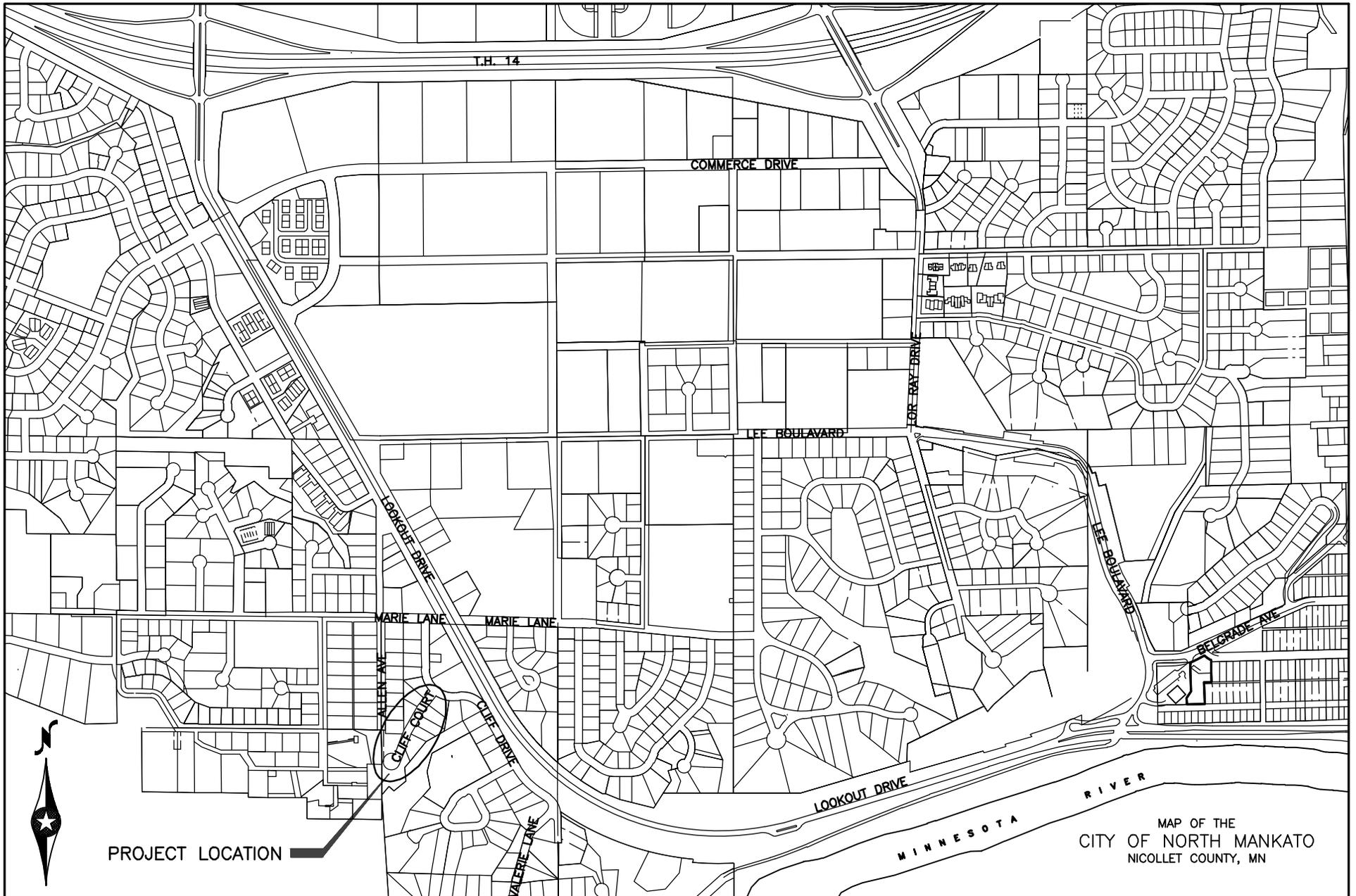
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**Photo 9**

## **APPENDIX B - FIGURES**





MAP OF THE  
CITY OF NORTH MANKATO  
NICOLLET COUNTY, MN

PROJECT LOCATION



**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors

MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN  
WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN  
BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA



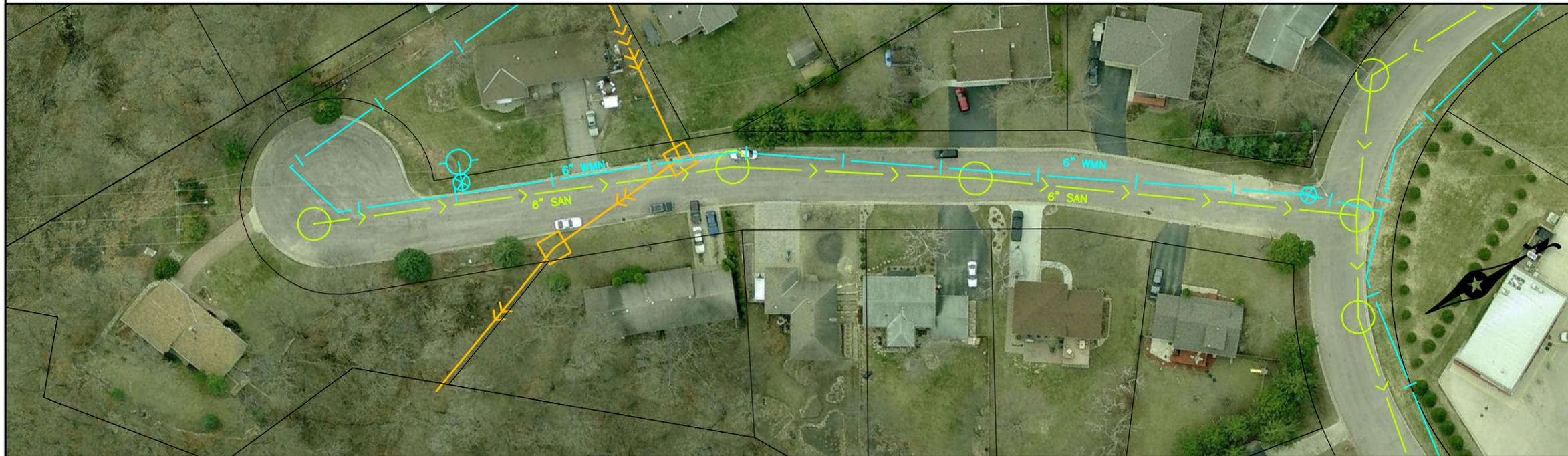
CITY OF NORTH MANKATO, MINNESOTA  
CLIFF COURT RECONSTRUCTION  
VICINITY MAP

JANUARY, 2013

FIGURE NO. 1

© Bolton & Menk, Inc. 2012, All Rights Reserved  
H:\NMAN\19105951\3\_Preliminary\_Design\Reports\FIG 2-VICINITY MAP SEC.dwg 2/6/13 2:58 pm

# EXISTING CONDITIONS

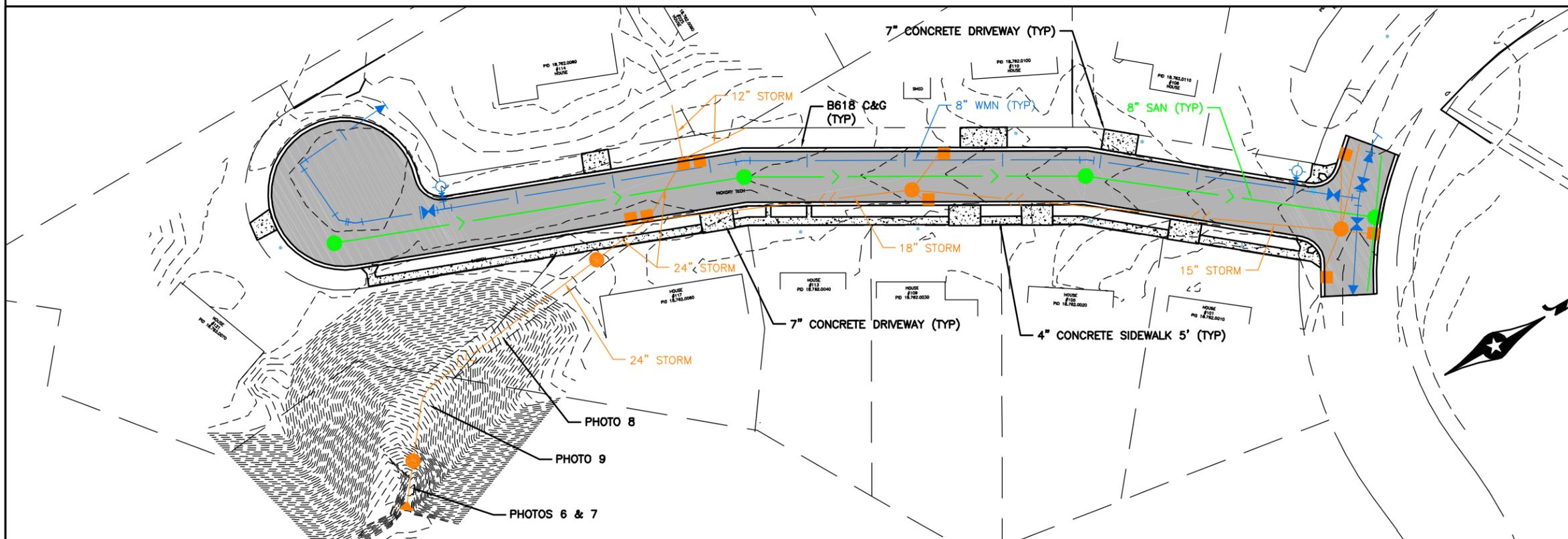


## LEGEND

### EXISTING UTILITIES

- HYDRANT
- WATERMAIN
- GATE VALVE
- STORM MANHOLE
- STORM PIPE
- SANITARY MANHOLE
- SANITARY PIPE

# PROPOSED IMPROVEMENTS



### PROPOSED IMPROVEMENTS

- HYDRANT
- WATERMAIN
- GATE VALVE
- STORM MANHOLE
- STORM CATCH BASIN
- STORM PIPE
- SANITARY MANHOLE
- SANITARY PIPE
- SURFACE IMPROVEMENTS

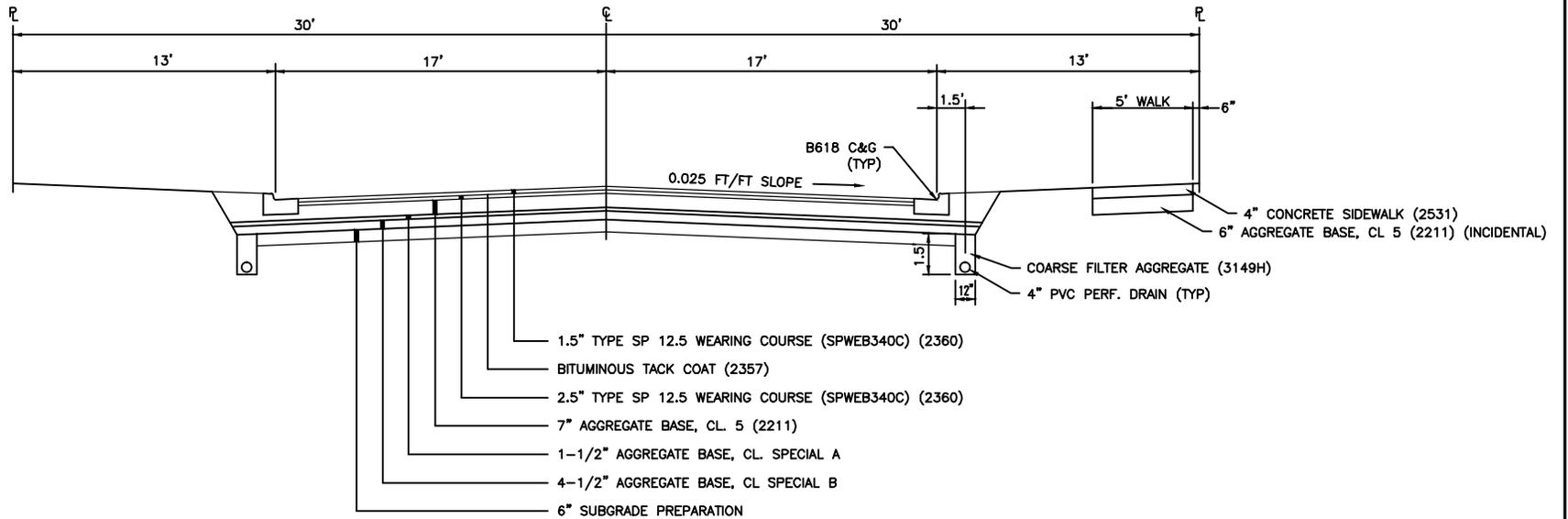


**BOLTON & MENK, INC.**  
 Consulting Engineers & Surveyors  
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN  
 WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN  
 BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA



CITY OF NORTH MANKATO, MINNESOTA  
 CLIFF COURT RECONSTRUCTION  
 EXISTING AND PROPOSED STREET AND UTILITY IMPROVEMENTS  
 FEBRUARY, 2013

TYPICAL SECTION  
NOT TO SCALE  
CLIFF COURT



**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors  
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN  
WILLMAR, MN CHASKA, MN RAMSEY, MN MAPLEWOOD, MN  
BAXTER, MN ROCHESTER, MN AMES, IA SPENCER, IA



CITY OF NORTH MANKATO, MINNESOTA  
CLIFF COURT RECONSTRUCTION  
TYPICAL SECTION

JANUARY, 2013

FIGURE NO. 3

## **APPENDIX C - EXHIBITS**



**EXHIBIT NO. 1**

**PRELIMINARY COST ESTIMATE**

CLIFF COURT RECONSTRUCTION - CLIFF DRIVE TO CUL-DE-SAC

CITY PROJECT NO. 13-01-A-F

CITY OF NORTH MANKATO, MINNESOTA

BMI PROJECT NO. M19.105951

H:\NMANM19105951\3\_Preliminary\_Design\Spreadsheets\105951 Preliminary Cost Estimate.xls\CLIFF COURT  
2/6/2013

ITEM NO.	ITEM	UNIT	UNIT PRICE	SANITARY SEWER		WATERMAIN		STORM SEWER		STREET RECONSTRUCTION		TOTAL PROJECT	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	MOBILIZATION	LS	\$10,000.00		\$0.00		\$0.00		\$0.00	1	\$10,000.00	1	\$10,000.00
2	TRAFFIC CONTROL	LS	\$2,000.00		\$0.00		\$0.00		\$0.00	1	\$2,000.00	1	\$2,000.00
3	COMMON EXCAVATION (P)	CY	\$12.00		\$0.00		\$0.00		\$0.00	1400	\$16,800.00	1400	\$16,800.00
4	AGGREGATE BASE CL. SPECIAL	CY	\$40.00		\$0.00		\$0.00		\$0.00	530	\$21,200.00	530	\$21,200.00
5	AGGREGATE BASE CL. 5	CY	\$30.00		\$0.00		\$0.00		\$0.00	600	\$18,000.00	600	\$18,000.00
6	BITUMINOUS WEAR	SY	\$6.00		\$0.00		\$0.00		\$0.00	2690	\$16,140.00	2690	\$16,140.00
7	BITUMINOUS NON-WEAR	SY	\$9.00		\$0.00		\$0.00		\$0.00	2690	\$24,210.00	2690	\$24,210.00
8	REMOVE BITUMINOUS PAVEMENT	SY	\$3.00		\$0.00		\$0.00		\$0.00	2880	\$8,640.00	2880	\$8,640.00
9	REMOVE WALK CONCRETE DRIVEWAY	SY	\$9.00		\$0.00		\$0.00		\$0.00	105	\$945.00	105	\$945.00
10	TACK COAT	GAL	\$2.50		\$0.00		\$0.00		\$0.00	160	\$400.00	160	\$400.00
11	SEED, FERTILIZE, MULCH	SY	\$3.50		\$0.00		\$0.00		\$0.00	1170	\$4,095.00	1170	\$4,095.00
12	TOPSOIL BORROW	CY	\$17.00		\$0.00		\$0.00		\$0.00	195	\$3,315.00	195	\$3,315.00
13	INLET PROTECTION	EA	\$140.00		\$0.00		\$0.00		\$0.00	11	\$1,540.00	11	\$1,540.00
14	REMOVE CONCRETE CURB & GUTTER	LF	\$2.50		\$0.00		\$0.00		\$0.00	1460	\$3,650.00	1460	\$3,650.00
15	B618 CONCRETE CURB & GUTTER	LF	\$13.50		\$0.00		\$0.00		\$0.00	1460	\$19,710.00	1460	\$19,710.00
16	7" CONCRETE PAVEMENT	SY	\$45.00		\$0.00		\$0.00		\$0.00	360	\$16,200.00	360	\$16,200.00
17	4" CONCRETE WALK	SF	\$4.00		\$0.00		\$0.00		\$0.00	2900	\$11,600.00	2900	\$11,600.00
18	4" UNDERDRAINS	LF	\$8.00		\$0.00		\$0.00		\$0.00	1460	\$11,680.00	1460	\$11,680.00
19	SUBGRADE EXCAVATING AND BACKFILL	CY	\$35.00		\$0.00		\$0.00		\$0.00	380	\$13,300.00	380	\$13,300.00
1	12" STORM SEWER	LF	\$26.00		\$0.00		\$0.00	260	\$6,760.00		\$0.00	260	\$6,760.00
2	15" STORM SEWER	LF	\$27.00		\$0.00		\$0.00	340	\$9,180.00		\$0.00	340	\$9,180.00
3	18" STORM SEWER	LF	\$32.00		\$0.00		\$0.00	175	\$5,600.00		\$0.00	175	\$5,600.00
4	24" STORM SEWER	LF	\$45.00		\$0.00		\$0.00	270	\$12,150.00		\$0.00	270	\$12,150.00
5	OUTLET STRUCTURE	LS	\$1,500.00		\$0.00		\$0.00	1	\$1,500.00		\$0.00	1	\$1,500.00
6	A-JACKS EROSION STRUCTURE	EA	\$6,000.00		\$0.00		\$0.00	1	\$6,000.00		\$0.00	1	\$6,000.00
7	CONNECT TO EXISTING STORM SEWER	EA	\$200.00		\$0.00		\$0.00	2	\$400.00		\$0.00	2	\$400.00
8	REMOVE STRUCTURES	EA	\$250.00		\$0.00		\$0.00	4	\$1,000.00		\$0.00	4	\$1,000.00
9	STORM SEWER STRUCTURE	LF	\$250.00		\$0.00		\$0.00	72	\$18,000.00		\$0.00	72	\$18,000.00
10	STORM CASTING	EA	\$600.00		\$0.00		\$0.00	13	\$7,800.00		\$0.00	13	\$7,800.00
11	ADJUST STORM CASTING	LF	\$225.00		\$0.00		\$0.00	3	\$675.00		\$0.00	3	\$675.00
12	SHAPE FILL	LS	\$3,000.00		\$0.00		\$0.00	1	\$3,000.00		\$0.00	1	\$3,000.00
13	SEEDING AND FERTILIZER	AC	\$2,000.00		\$0.00		\$0.00	0.45	\$900.00		\$0.00	0.45	\$900.00
14	WOOD FIBER BLANKETS	SY	\$3.00		\$0.00		\$0.00	1000	\$3,000.00		\$0.00	1000	\$3,000.00
15	SUMP PUMP HOOKUPS	EA	\$450.00		\$0.00		\$0.00	9	\$4,050.00		\$0.00	9	\$4,050.00
1	8" SANITARY SEWER	LF	\$25.00	650	\$16,250.00		\$0.00		\$0.00		\$0.00	650	\$16,250.00
2	CONNECT TO EXISTING SANITARY SEWER	EA	\$300.00	1	\$300.00		\$0.00		\$0.00		\$0.00	1	\$300.00
3	8X4 WYE	EA	\$125.00	9	\$1,125.00		\$0.00		\$0.00		\$0.00	9	\$1,125.00
4	4" SANITARY SEWER SERVICE	LF	\$20.00	290	\$5,800.00		\$0.00		\$0.00		\$0.00	290	\$5,800.00
5	SANITARY SEWER MANHOLE	LF	\$200.00	30	\$6,000.00		\$0.00		\$0.00		\$0.00	30	\$6,000.00
6	SANITARY SEWER CASTING	EA	\$550.00	4	\$2,200.00		\$0.00		\$0.00		\$0.00	4	\$2,200.00
7	REMOVE SANITARY SEWER PIPE	LF	\$3.00	650	\$1,950.00		\$0.00		\$0.00		\$0.00	650	\$1,950.00
8	REMOVE SANITARY SEWER MANHOLE	EA	\$300.00	4	\$1,200.00		\$0.00		\$0.00		\$0.00	4	\$1,200.00
9	PREFORMED PIPE INSULATION	LF	\$18.00	500	\$9,000.00		\$0.00		\$0.00		\$0.00	500	\$9,000.00

**EXHIBIT NO. 1****PRELIMINARY COST ESTIMATE**

CLIFF COURT RECONSTRUCTION - CLIFF DRIVE TO CUL-DE-SAC

CITY PROJECT NO. 13-01-A-F

CITY OF NORTH MANKATO, MINNESOTA

BMI PROJECT NO. M19.105951

H:\NMANM19105951\3\_Preliminary\_Design\Spreadsheets\105951 Preliminary Cost Estimate.xls\CLIFF COURT  
2/6/2013

ITEM NO.	ITEM	UNIT	UNIT PRICE	SANITARY SEWER		WATERMAIN		STORM SEWER		STREET RECONSTRUCTION		TOTAL PROJECT	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	TEMPORARY WATER	LS	\$4,000.00		\$0.00	1	\$4,000.00		\$0.00		\$0.00	1	\$4,000.00
2	8" WATERMAIN	LF	\$28.00		\$0.00	775	\$21,700.00		\$0.00		\$0.00	775	\$21,700.00
3	6" WATERMAIN	LF	\$23.00		\$0.00	90	\$2,070.00		\$0.00		\$0.00	90	\$2,070.00
4	CONNECT TO EXISTING WATERMAIN	EA	\$300.00		\$0.00	3	\$900.00		\$0.00		\$0.00	3	\$900.00
5	HYDRANT	EA	\$3,200.00		\$0.00	2	\$6,400.00		\$0.00		\$0.00	2	\$6,400.00
6	8" GATE VALVE AND BOX	EA	\$1,700.00		\$0.00	3	\$5,100.00		\$0.00		\$0.00	3	\$5,100.00
7	6" GATE VALVE AND BOX	EA	\$1,300.00		\$0.00	3	\$3,900.00		\$0.00		\$0.00	3	\$3,900.00
8	1" CORP STOP AND SADDLE	EA	\$200.00		\$0.00	9	\$1,800.00		\$0.00		\$0.00	9	\$1,800.00
9	1" CURB STOP	EA	\$200.00		\$0.00	9	\$1,800.00		\$0.00		\$0.00	9	\$1,800.00
10	1" WATER SERVICE	LF	\$16.00		\$0.00	315	\$5,040.00		\$0.00		\$0.00	315	\$5,040.00
11	WATERMAIN FITTINGS	LB	\$5.50		\$0.00	370	\$2,035.00		\$0.00		\$0.00	370	\$2,035.00
12	REMOVE HYDRANT	EA	\$250.00		\$0.00	1	\$250.00		\$0.00		\$0.00	1	\$250.00
13	REMOVE VALVE	EA	\$150.00		\$0.00	2	\$300.00		\$0.00		\$0.00	2	\$300.00
14	REMOVE WATERMAIN PIPE	LF	\$3.00		\$0.00	775	\$2,325.00		\$0.00		\$0.00	775	\$2,325.00
	SUBTOTAL				\$43,825.00		\$57,620.00		\$80,015.00		\$203,425.00		\$384,885.00
	CONTINGENCIES				\$4,375.00		\$5,800.00		\$8,000.00		\$20,300.00		\$38,500.00
	<b>ESTIMATED CONSTRUCTION COST</b>				<b>\$48,200.00</b>		<b>\$63,400.00</b>		<b>\$88,000.00</b>		<b>\$223,800.00</b>		<b>\$423,400.00</b>
	ENGINEERING, ADMIN & LEGAL				\$11,100.00		\$14,600.00		\$20,200.00		\$51,500.00		\$97,400.00
	<b>TOTAL ESTIMATED PROJECT COST</b>				<b>\$59,300.00</b>		<b>\$78,000.00</b>		<b>\$108,200.00</b>		<b>\$275,300.00</b>		<b>\$520,800.00</b>

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item #16B	Department: City Engineer	Council Meeting Date: 02/19/13
------------------	---------------------------	--------------------------------

**TITLE OF ISSUE: Res. Approving Minnesota Department of Transportation Agreement No. 02662 between the State of Minnesota Department of Transportation and the City of North Mankato**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** Attached is a proposed cooperative construction agreement for phase 2 of Highway 14/CSAH 41 interchange construction. This agreement provides for payment to the state of the City's share of the costs of the roadway, lighting, ADA improvements, roundabout and bridge.

If additional space is required, attach a separate sheet

**REQUESTED COUNCIL ACTION: Adopt resolution**

<p><b>For Clerk's Use:</b></p> <p>Motion By: _____</p> <p>Second By: _____</p> <p>Vote Record:</p> <table style="width:100%; border: none;"> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align: center;">Aye</td> <td style="width:15%; text-align: center;">Nay</td> <td style="width:55%;"></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Spears</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Steiner</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Norland</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Freyberg</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Dehen</td> </tr> </table>		Aye	Nay		_____	_____	_____	Spears	_____	_____	_____	Steiner	_____	_____	_____	Norland	_____	_____	_____	Freyberg	_____	_____	_____	Dehen	<p style="text-align: center;"><b>SUPPORTING DOCUMENTS ATTACHED</b></p> <table style="width:100%; border: none;"> <tr> <td style="width:20%;">Resolution</td> <td style="width:20%;">Ordinance</td> <td style="width:20%;">Contract</td> <td style="width:20%;">Minutes</td> <td style="width:20%;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td colspan="2">Other (specify) _____</td> <td colspan="3">Proposed Agreement _____</td> </tr> <tr> <td colspan="5">_____</td> </tr> <tr> <td colspan="5">_____</td> </tr> <tr> <td colspan="5">_____</td> </tr> </table>	Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (specify) _____		Proposed Agreement _____			_____					_____					_____				
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<p><input type="checkbox"/> Workshop</p> <p><input checked="" type="checkbox"/> Regular Meeting</p> <p><input type="checkbox"/> Special Meeting</p>	<p><input type="checkbox"/> Refer to: _____</p> <p><input type="checkbox"/> Table until: _____</p> <p><input type="checkbox"/> Other: _____</p>
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RESOLUTION NO.

RESOLUTION APPROVING  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
AGREEMENT NO. 02662  
BETWEEN  
THE STATE OF MINNESOTA DEPARTMENT OF TRANSPORTATION  
AND  
THE CITY OF NORTH MANKATO

WHEREAS, it is necessary to enter into an agreement with the Minnesota Department of Transportation (MnDOT) to provide for payment by the City to the State of the City's share of the costs of the roadway, lighting, ADA improvements, roundabout and Bridge No. 52003 construction and other associated construction upon, along and adjacent to Trunk Highway No. 14 from 5,300 feet west of Nicollet County State Aid Highway No. 41 to 800 feet west of Lookout Drive within the corporate City limits under State Project No. 5203-103;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, the City of North Mankato enters into MnDOT Agreement No. 02662 with the State of Minnesota, Department of Transportation; and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the North Mankato Mayor and City Clerk are hereby authorized and directed for and on behalf of the City to execute the Agreement and any amendments to the Agreement.

Adopted by the City Council this 19<sup>th</sup> day of February 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION  
And  
CITY OF NORTH MANKATO  
COOPERATIVE CONSTRUCTION  
AGREEMENT**

<b>State Project Number (S.P.):</b>	<u>5203-103</u>	<b>Estimated Amount Receivable</b>
<b>Trunk Highway Number (T.H.):</b>	<u>14=122</u>	<b><u>\$1,592,591.47</u></b>
<b>State Project Number (S.P.):</b>	<u>5203-52003</u>	

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and City of North Mankato acting through its City Council ("City").

**Recitals**

1. In two separate phases, the State is extending the 4-lane section of Trunk Highway No. 14 westerly from approximately Lookout Drive to Nicollet County State Aid Highway No. 6 and constructing a new interchange at C.S.A.H. 41 that will include a new bridge, frontage road, access closures and roundabouts; and
2. Under phase one, the State performed grading, paving, roundabout, frontage road, sidewalk, shared-use path, drainage, pond, temporary lighting, water main and sanitary sewer construction and other associated construction under State Project No. 5203-85 (T.H. 14=122); and
3. Under phase two, the State will perform grading, concrete and bituminous surfacing, lighting, ADA improvements, roundabout and Bridge No. 52003 construction and other associated construction upon, along and adjacent to Trunk Highway No. 14 from 5,300 feet west of Nicollet County State Aid Highway No. 41 to 800 feet west of Lookout Drive in North Mankato according to State-prepared plans, specifications and special provisions designated by the State as State Project No. 5203-103 (T.H. 14=122)("Project"); and
4. City cost participation for construction of the interchange project, phase one and phase two, is in accordance with "MnDOT's Policy and Procedures for Cooperative Construction Projects with Local Units of Government"; and
5. The City requests that certain lighting facilities include LED luminaires and GFI receptacles and the City agrees to participate in the additional cost for said LED luminaires and GFI receptacles.
6. The City and the State agree the City will pay for their share of the contract construction performed under phase two, including additional costs for City requested LED luminaires and GFI receptacles, by paying for a prorated percentage of the entire construction contract cost plus associated construction engineering; and
7. Agreement No. 02663 between the State and Nicollet County will provide for the County's share of the Project construction cost and the County's maintenance responsibilities upon completion of the Project; and
8. Minnesota Statutes § 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining and improving the trunk highway system.

**Agreement**

**1. Term of Agreement; Survival of Terms; Plans; Incorporation of Exhibits**

- 1.1. **Effective date.** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. **Expiration date.** This Agreement will expire when all obligations have been satisfactorily fulfilled.
- 1.3. **Survival of terms.** All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this Agreement,

including, without limitation, the following clauses: 3. Maintenance by the City; 8. Liability; Worker Compensation Claims; 10. State Audits; 11. Government Data Practices; 12. Governing Law; Jurisdiction; Venue; and 14. Force Majeure.

- 1.4. **Plans, Specifications, Special Provisions.** Plans, specifications and special provisions designated by the State as State Project No. 5203-103 (T.H. 14=122) are on file in the office of the Commissioner of Transportation at St. Paul, Minnesota, and incorporated into this Agreement by reference. ("Project Plans")
- 1.5. **Exhibits.** Preliminary Schedule "I" is on file in the office of the City Administrator and incorporated into this Agreement by reference. EXHIBIT "Composite Documentation" is on file in the office of the State's Municipal Agreements Engineer at St. Paul and incorporated into this Agreement by reference.

## 2. Construction by the State

- 2.1. **Contract Award.** The State will advertise for bids and award a construction contract to the lowest responsible bidder according to the Project Plans.
- 2.2. **Direction, Supervision and Inspection of Construction.**
  - A. **Supervision and Inspection by the State.** The State will direct and supervise all construction activities performed under the construction contract, and perform all construction engineering and inspection functions in connection with the contract construction. All contract construction will be performed according to the Project Plans.
  - B. **Inspection by the City.** The City participation construction covered under this Agreement will be open to inspection by the City. If the City believes the City participation construction covered under this Agreement has not been properly performed or that the construction is defective, the City will inform the State District Engineer's authorized representative in writing of those defects. Any recommendations made by the City are not binding on the State. The State will have the exclusive right to determine whether the State's contractor has satisfactorily performed the City participation construction covered under this Agreement.
- 2.3. **Plan Changes, Additional Construction, Etc.**
  - A. The State will make changes in the Project Plans and contract construction, which may include the City participation construction covered under this Agreement, and will enter into any necessary addenda, change orders and supplemental agreements with the State's contractor that are necessary to cause the contract construction to be performed and completed in a satisfactory manner. The State District Engineer's authorized representative will inform the appropriate City official of any proposed addenda, change orders and supplemental agreements to the construction contract that will affect the City participation construction covered under this Agreement.
  - B. The City may request additional work or changes to the work in the plans as part of the construction contract. Such request will be made by an exchange of letter(s) with the State. If the State determines that the requested additional work or plan changes are necessary or desirable and can be accommodated without undue disruption to the project, the State will cause the additional work or plan changes to be made.
- 2.4. **Satisfactory Completion of Contract.** The State will perform all other acts and functions necessary to cause the construction contract to be completed in a satisfactory manner.

## 3. Maintenance by the City.

Upon completion of the project, the City will provide the following without cost or expense to the State:

- 3.1. **Roadways.** Maintenance of Howard Drive. Maintenance includes, but is not limited to, snow, ice and debris removal, resurfacing and seal coating and any other maintenance activities according to accepted City maintenance practices.

- 3.2. **Storm Sewers.** Routine maintenance of Howard Drive storm sewer facilities construction. Routine maintenance includes, but is not limited to, removal of sediment, debris, vegetation and ice from structures, grates and pipes; repair of minor erosion problems; minor structure repair; and any other maintenance activities necessary to preserve the facilities and to prevent conditions such as flooding, erosion, sedimentation or accelerated deterioration of the facilities.
- 3.3. **Sidewalks.** Maintenance of any Howard Drive, C.S.A.H. 41 and roundabout sidewalk construction, including stamped and colored concrete sidewalk (if any) and pedestrian ramps. Maintenance includes, but is not limited to, snow, ice and debris removal, patching, crack repair, panel replacement, cross street pedestrian crosswalk markings, mowing grass boulevards (if any) and any other maintenance activities necessary to perpetuate the sidewalks in a safe, useable, and aesthetically acceptable condition.
- 3.4. **Bikeways/Shared-use Paths.** Maintenance of any Howard Drive, C.S.A.H. 41 and roundabout bikeways and shared-use paths construction. Maintenance includes, but is not limited to, snow, ice and debris removal, patching, crack repair, mowing, trimming, signing, pavement markings, and any other maintenance activities necessary to perpetuate the bikeways and shared-use paths in a safe and usable condition.
- 3.5. **Lighting.** Maintenance and ownership of any C.S.A.H. 41, C.S.A.H. 6, Pleasant View Drive, Howard Drive and roundabout lighting facilities construction. Maintenance includes but is not limited to; replacing faulty luminaries and knocked down or otherwise damaged poles; repairing or replacing underground facilities and wiring; repairing service cabinets, photocells, and all other miscellaneous hardware to keep the lighting facilities in working order; cleaning and re-lamping the luminaries; and if needed, painting the lighting facilities. The City will pay all monthly electrical service expenses necessary to operate the lighting facilities. As owner of the lighting facilities, the City will be responsible for all "Gopher State One Call" locates. The State will be responsible for the maintenance, power and "Gopher State One Call" locates of lighting facilities construction on the T.H. 14 mainline, including the ramps and loop to the T.H. 14/C.S.A.H. 41 interchange.
- 3.6. **Bridge No. 52003(Sidewalk/Shared-use Path).** Maintenance of the sidewalk/shared-use path on Bridge No. 52003 over the Trunk Highway. Maintenance includes snow, ice and debris removal necessary to perpetuate the bridge sidewalk/shared-use path in a safe, useable and aesthetically acceptable condition. The State is responsible for inspection and structural maintenance of the bridge, including concrete surfacing, abutments and non-ornamental railings, from bridge approach panel to bridge approach panel.
- 3.7. **Roundabout Landscaping.** Maintenance of landscaping in the C.S.A.H. 41 roundabouts. Maintenance includes but is not limited to, mowing, litter and debris removal, removal and replacement of all dead or diseased plantings, and any other maintenance activities necessary to perpetuate the landscaping in a safe, usable and aesthetically acceptable condition.
- 3.8. **Additional Drainage.** Neither party to this Agreement will drain any additional drainage into the storm sewer facilities constructed under the construction contract that was not included in the drainage for which the storm sewer facilities were designed, without first obtaining written permission to do so from the other party. The drainage areas served by the storm sewer facilities constructed under the construction contract are shown in a drainage area map, EXHIBIT "Drainage Area", which is on file in the office of the State's District Hydraulics Engineer at Mankato and is incorporated into this Agreement by reference.
- 3.9. **Future Responsibilities.** Upon completion of the Howard Drive and Pleasant View Drive construction, the City will accept full and total responsibility and all obligations and liabilities arising out of or by reason of the use, operation, maintenance, repair and reconstruction of Howard Drive and Pleasant View Drive and all of the facilities constructed as part of this Agreement, without cost or expense to the State.
- 3.10. **Release and Conveyance of Roadways.** Upon completion of the Howard Drive and Pleasant View Drive construction, the State will serve upon the City a "Notice of Release" placing those roadway portions under the jurisdiction of the City; and subsequent thereto, after all required documents have been prepared and processed, the State will convey to the City all right, title and interest of the State in those roadway portions.

Upon receipt of that "Notice of Release", the City will become the road authority responsible for the roadway portions so released.

### 3.11. *Related Agreements.*

- A. *Agreement No. 00671.* All maintenance terms defined in Agreement No. 00671, dated April 5, 2012, for construction completed under S.P. 5203-85 (Phase I), will remain in full force and effect.
- B. *Agreement No. 02663 (Nicollet County Maintenance).* Agreement No. 02663, between the State and Nicollet County, will provide for the County's maintenance responsibilities associated with the Project, including but not limited to, C.S.A.H. 41, Bridge No. 52003 and C.S.A.H. 41 roundabouts maintenance. The City may wish to enter into a separate agreement with Nicollet County to further define any shared maintenance responsibilities.

## 4. **Basis of City Cost**

- 4.1. *SCHEDULE "I" and EXHIBIT "Composite Documentation".* The Preliminary SCHEDULE "I" includes a computation of the City participation construction cost and the construction engineering cost share covered under this Agreement, and is based on estimated plan quantities and engineer's estimated unit prices. EXHIBIT "Composite Documentation" contains documentation used in determining the City's composite percentage. Upon award of the construction contract, the City's composite percentage will be adjusted based on construction contract unit prices as described in Article 5.1. The City's adjusted composite percentage will not change during the life of this Agreement.
- 4.2. *City Participation Construction.* The City will participate in the following at the percentage indicated. The construction includes the City's proportionate share of item costs for mobilization, field office, field laboratory, traffic control supervisor and traffic control.
  - A. 16.77 Percent will be the City's rate of cost participation in all of the construction covered in EXHIBIT "Composite Documentation."
- 4.3. *Construction Engineering Costs.* The City will pay a construction engineering charge equal to 8 percent of the total City participation construction covered under this Agreement.
- 4.4. *Plan Changes, Additional Construction, Etc.* The City will share in the costs of construction contract addenda, change orders and supplemental agreements that are necessary to complete the City participation construction covered under this Agreement, including any City requested additional work and plan changes.
 

The State reserves the right to invoice the City for the cost of any additional City requested work and plan changes, construction contract addenda, change orders and supplemental agreements, and associated construction engineering before the completion of the contract construction.
- 4.5. *Liquidated Damages.* All liquidated damages assessed the State's contractor in connection with the construction contract will result in a credit shared by each party in the same proportion as their total construction cost share covered under this Agreement is to the total contract construction cost before any deduction for liquidated damages.

## 5. **City Cost and Payment by the City**

- 5.1. *City Cost.* \$1,592,591.47 is the City's estimated share of the costs of the contract construction and the 8 percent construction engineering cost share as shown in the Preliminary SCHEDULE "I". The Preliminary SCHEDULE "I" was prepared using estimated quantities and unit prices, and may include any credits or lump sum costs. Upon award of the construction contract, the State will prepare a Revised SCHEDULE "I" based on construction contract unit prices. The City's composite percentage will be recomputed in EXHIBIT "Composite Documentation" using estimated plan quantities and construction contract unit prices. The Revised SCHEDULE "I" will use the adjusted City composite percentage in determining the City's estimated construction cost share.

**5.2. Conditions of Payment.** The City will pay the State the City's total estimated construction and construction engineering cost share, as shown in the Revised SCHEDULE "I", after the following conditions have been met:

- A. Execution of this Agreement and transmittal to the City, including a copy of the Revised SCHEDULE "I".
- B. The City's receipt of a written request from the State for the advancement of funds.

**5.3. Acceptance of the City's Cost and Completed Construction.** The computation by the State of the amount due from the City will be final, binding and conclusive. Acceptance by the State of the completed contract construction will be final, binding and conclusive upon the City as to the satisfactory completion of the contract construction.

**5.4. Final Payment by the City**

Upon completion of all contract construction and upon computation of the final amount due the State's contractor, the State will prepare a Final SCHEDULE "I" and submit a copy to the City. The Final SCHEDULE "I" will be based on the City's adjusted composite percentage described in Article 4.1 and final contract construction costs, and will include all City participation construction which is a part of any construction contract change order or supplemental agreement and the construction engineering cost share covered under this Agreement. If the final cost of the City participation construction exceeds the amount of funds advanced by the City, the City will pay the difference to the State without interest. If the final cost of the City participation construction is less than the amount of funds advanced by the City, the State will refund the difference to the City without interest.

The State and the City waive claims for any payments or refunds less than \$5.00 according to Minnesota Statutes § 15.415.

**6. Authorized Representatives**

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

**6.1.** The State's Authorized Representative will be:

Name/Title: Maryanne Kelly-Sonnek, Municipal Agreements Engineer (or successor)  
 Address: 395 John Ireland Boulevard, Mailstop 682, St. Paul, MN 55155  
 Telephone: (651) 366-4634  
 Fax: (651) 366-4769  
 E-Mail: maryanne.kellysonnek@state.mn.us

**6.2.** The City's Authorized Representative will be:

Name/Title: Mike Fischer, City Administrator (or successor)  
 Address: 1001 Belgrade Avenue, P.O. Box 2055, North Mankato, MN 56002-2055  
 Telephone: (507) 625-4141  
 Fax: (507) 625-4151  
 E-Mail: michael.f@northmankato.com

**7. Assignment; Amendments; Waiver; Contract Complete**

**7.1. Assignment.** Neither party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

**7.2. Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.

**7.3. Waiver.** If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.

**7.4. Contract Complete.** This Agreement contains all prior negotiations and agreements between the State and the City. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

## **8. Liability; Worker Compensation Claims**

**8.1.** Each party is responsible for its own acts, omissions and the results thereof to the extent authorized by law and will not be responsible for the acts and omissions of others and the results thereof. Minnesota Statutes § 3.736 and other applicable law govern liability of the State. Minnesota Statutes Chapter 466 and other applicable law govern liability of the City.

**8.2.** Each party is responsible for its own employees for any claims arising under the Workers Compensation Act.

## **9. Nondiscrimination**

Provisions of Minnesota Statutes § 181.59 and of any applicable law relating to civil rights and discrimination are considered part of this Agreement.

## **10. State Audits**

Under Minnesota Statutes § 16C.05, subdivision 5, the City's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

## **11. Government Data Practices**

The City and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City under this Agreement. The civil remedies of Minnesota Statutes §13.08 apply to the release of the data referred to in this clause by either the City or the State.

## **12. Governing Law; Jurisdiction; Venue**

Minnesota law governs the validity, interpretation and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

## **13. Termination; Suspension**

**13.1. By Mutual Agreement.** This Agreement may be terminated by mutual agreement of the parties.

**13.2. Termination for Insufficient Funding.** The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the performance of contract construction under the Project. Termination must be by written or fax notice to the City.

**13.3. Suspension.** In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities and performance of work authorized through this Agreement.

## **14. Force Majeure**

Neither party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

**CITY OF NORTH MANKATO**

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions or ordinances.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION**

Recommended for Approval:

By: \_\_\_\_\_  
(District Engineer)

Date: \_\_\_\_\_

Approved:

By: \_\_\_\_\_  
(State Design Engineer)

Date: \_\_\_\_\_

**COMMISSIONER OF ADMINISTRATION**

By: \_\_\_\_\_  
(With delegated authority)

Date: \_\_\_\_\_

**INCLUDE COPY OF RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.**

*MKS*

**PRELIMINARY SCHEDULE "I"**

Agreement No. 02662  
City of North Mankato

Preliminary: December 26, 2012

S.P. 5203-103 (T.H. 14=122)

S.P. 5203-52003

State Funds

Grading, concrete and bituminous surfacing, lighting, ADA improvements, roundabout and Bridge No. 52003 construction to start approximately May of 2013 under State Contract No. \_\_\_\_\_ with \_\_\_\_\_ located on T.H. 14 from 5,300 feet west of C.S.A.H. 41 to 800 feet west of Lookout Drive in North Mankato

**COMPUTATION FOR CITY CONSTRUCTION AMOUNT**

TC = Total Contract Amount

(1) CP = City Construction Percentage

CC = City Construction Amount

CC= TC x CP

CC= \$8,793,212.46 x 16.77%

CC= \$1,474,621.73

**CITY COST PARTICIPATION**

Total City Construction Amount 1,474,621.73

Construction Engineering (8%) 117,969.74

(2) Total City Cost **\$1,592,591.47**

(1) As described in Article 4 of the Agreement

(2) Amount of advance payment as described in Article 5.1 of the Agreement (Estimated amount)

**EXHIBIT "Composite Documentation"**  
**Agreement No. 02662 and No. 02663**  
**City of North Mankato and Nicollet County**

Preliminary: December 26, 2012

S.P. 5203-103 (T.H. 14=122)

S.P. 5203-52003

State Funds

Grading, concrete and bituminous surfacing, lighting, ADA improvements, roundabout and Bridge No. 52003 construction to start approximately May of 2013 under State Contract No. \_\_\_\_\_ with \_\_\_\_\_ located on T.H. 14 from 5,300 feet west of C.S.A.H. 41 to 800 feet west of Lookout Drive in North Mankato

**CONSTRUCTION COSTS**

	STATE	CITY	COUNTY
From Sheet No. 6 (50% State, 25% City, 25% County)	2,476,856.45	1,238,428.23	1,238,428.23
From Sheet No. 7 (50% State, 50% City)	199,758.79	199,758.79	
100% City LED Luminaires & GFI Receptacles Amount		36,800.00	
(1) 100% State Construction Amount	3,403,181.98		
Total State Construction Amount	\$6,079,797.22		
Total City Construction Amount		\$1,474,987.01	
Total County Construction Amount			\$1,238,428.23
<b>Total Construction Amount</b>			<b>\$8,793,212.46</b>

**COMPUTATION OF COMPOSITE PERCENTAGES**

City's Composite Percentage = (Total City Construction Amount ÷ Total Construction Amount) x 100  
 City's Composite Percentage =  $(\$1,474,312.60 \div \$8,793,212.46) \times 100$   
**City's Composite Percentage = 16.77%**

County's Composite Percentage = (Total County Construction Amount ÷ Total Construction Amount) x 100  
 County's Composite Percentage =  $(\$1,239,172.74 \div \$8,793,212.46) \times 100$   
**County's Composite Percentage = 14.08%**

(1) Items are not shown in Exhibit

(1) 50% STATE, 25% COUNTY, 25% CITY

ITEM NUMBER	S.P. 5203-103 WORK ITEM	UNIT	QUANTITY	UNIT PRICE	COST (1)
2021.501	MOBILIZATION	LUMP SUM	0.56	360,000.00	201,600.00
2031.501	FIELD OFFICE TYPE D	EACH	0.56	10,800.00	6,048.00
2031.503	FIELD LABORATORY TYPE DX-MODIFIED	EACH	0.56	19,440.00	10,886.40
2102.501	PAVEMENT MARKING REMOVAL	SQ FT	540.00	1.74	939.60
2102.502	PAVEMENT MARKING REMOVAL	LIN FT	4,675.00	0.67	3,132.25
2102.602	PAVEMENT MARKING REMOVAL-SPECIAL	EACH	12.00	41.60	499.20
2104.509	REMOVE SIGN TYPE A	EACH	1.00	960.00	960.00
2104.509	REMOVE SIGN TYPE C	EACH	29.00	30.42	882.18
2104.509	REMOVE SIGN TYPE D	EACH	6.00	62.40	374.40
2104.523	SALVAGE CASTING	EACH	1.00	157.78	157.78
2104.523	SALVAGE MARKER	EACH	2.00	23.40	46.80
2104.523	SALVAGE SIGN TYPE C	EACH	5.00	40.60	203.00
2104.523	SALVAGE SIGN TYPE D	EACH	2.00	70.42	140.84
2105.603	MINOR GRADING	LIN FT	13,050.00	2.25	29,362.50
2105.604	GEOTEXTILE FABRIC TYPE IV	SQ YD	6,896.00	2.50	17,240.00
2105.607	PREMIUM TOPSOIL BORROW	CU YD	1,118.00	30.00	33,540.00
2106.607	EXCAVATION - COMMON	CU YD	2,836.00	1.84	5,218.24
2106.607	COMMON EMBANKMENT (CV)	CU YD	2,554.00	3.00	7,662.00
2106.607	SELECT GRANULAR EMBANKMENT (CV)	CU YD	11,906.00	16.00	190,496.00
2106.607	SELECT GRANULAR EMBANKMENT MOD 10% (CV)	CU YD	2,708.00	22.00	59,576.00
2111.501	TEST ROLLING	ROAD STA	69.00	28.00	1,932.00
2112.604	SUBGRADE PREPARATION	SQ YD	31,723.00	3.41	108,270.60
2211.503	AGGREGATE BASE (CV) CLASS 5	CU YD	10,382.00	21.43	222,486.26
2301.511	STRUCTURAL CONCRETE	CU YD	169.00	100.00	16,900.00
2301.531	EXPANSION JOINTS DESIGN E8S	LIN FT	142.00	51.84	7,361.28
2301.538	DOWEL BAR	EACH	12,770.00	7.14	91,177.80
2301.553	BRIDGE APPROACH PANELS	SQ YD	322.00	170.00	54,740.00
2301.602	DRILL & GROUT DOWEL BAR (EPOXY COATED)	EACH	108.00	14.56	1,572.48
2301.604	CONCRETE PAVEMENT 8.0"	SQ YD	19,924.00	23.00	458,252.00
2301.604	CONCRETE PAVEMENT 10.0"	SQ YD	3,149.00	48.00	151,152.00
2301.608	SUPPLEMENTAL PAVEMENT REINFORCEMENT	POUND	22,019.00	1.17	25,740.21
2360.501	TYPE SP 12.5 WEARING COURSE MIX (2.B)	TON	1,139.00	50.74	57,790.58
2401.521	STRUCTURE EXCAVATION CLASS E	CU YD	1,841.00	3.95	7,271.95
2501.515	12" CP PIPE APRON	EACH	1.00	200.00	200.00

(1) 50% STATE, 25% COUNTY, 25% CITY

S.P. 5203-103  
WORK ITEM

ITEM NUMBER	UNIT	QUANTITY	UNIT PRICE	COST (1)
2501.515	EACH	1.00	579.59	579.59
2502.501	EACH	50.00	93.75	4,687.50
2502.521	LIN FT	1,600.00	3.11	4,968.00
2502.521	LIN FT	237.00	22.76	5,394.83
2502.541	LIN FT	4,779.00	6.23	29,792.29
2502.541	LIN FT	8,080.00	2.14	17,299.28
2503.511	LIN FT	697.00	43.00	29,971.00
2503.541	LIN FT	910.00	26.69	24,286.08
2503.541	LIN FT	1,006.00	26.95	27,107.68
2503.541	LIN FT	588.00	24.60	14,467.15
2503.541	LIN FT	280.00	30.40	8,513.12
2506.501	LIN FT	147.10	211.86	31,165.19
2506.501	LIN FT	106.60	241.19	25,711.28
2506.501	LIN FT	67.60	174.52	11,797.82
2506.516	EACH	55.00	581.94	32,006.59
2506.521	EACH	1.00	235.80	235.80
2506.602	EACH	1.00	1,060.00	1,060.00
2511.502	TON	25.00	40.00	1,000.00
2521.501	SQ FT	12,970.00	3.31	42,904.76
2531.501	LIN FT	615.00	13.78	8,474.70
2531.501	LIN FT	9,167.00	13.94	127,824.65
2531.502	LIN FT	78.00	19.55	1,524.59
2531.503	SQ YD	26.00	37.41	972.71
2554.501	LIN FT	50.00	65.47	3,273.40
2554.501	LIN FT	150.00	16.35	2,452.20
2554.509	EACH	4.00	38.28	153.10
2554.523	EACH	2.00	2,127.44	4,254.89
2563.601	LUMP SUM	0.56	31,757.04	17,783.94
2563.601	LUMP SUM	0.56	25,000.00	14,000.00
2564.522	POUND	5,912.00	2.66	15,696.36
2564.522	POUND	1,465.00	4.60	6,736.07
2564.531	SQ FT	575.00	22.69	13,044.45
2564.531	SQ FT	950.00	27.01	25,659.50
2564.531	SQ FT	303.00	29.58	8,963.04

(1) 50% STATE, 25% COUNTY, 25% CITY

ITEM NUMBER	S.P. 5203-103 WORK ITEM	UNIT	QUANTITY	UNIT PRICE	COST (1)
2564.531	SIGN PANELS TYPE OH	SQ FT	256.00	24.45	6,258.18
2564.537	INSTALL SIGN TYPE C	EACH	5.00	134.40	672.01
2564.537	INSTALL SIGN TYPE D	EACH	2.00	220.32	440.64
2564.550	DELINEATOR TYPE X4-6	EACH	17.00	66.35	1,127.92
2564.552	HAZARD MARKER X4-2	EACH	7.00	76.74	537.17
2564.602	INSTALL DELINEATOR	EACH	10.00	35.79	357.92
2564.602	INSTALL MARKER	EACH	2.00	42.61	85.22
2571.504	CONIFEROUS SHRUB 18" SPREAD CONT	SHRUB	103.00	40.00	4,120.00
2571.505	DECIDUOUS SHRUB NO 2 CONT	SHRUB	151.00	27.50	4,152.50
2571.505	DECIDUOUS SHRUB NO 5 CONT	SHRUB	47.00	60.00	2,820.00
2571.505	DECIDUOUS SHRUB 3' HT B&B	SHRUB	50.00	30.00	1,500.00
2571.507	PERENNIAL NO 3 CONT	PLANT	648.00	18.00	11,664.00
2573.530	STORM DRAIN INLET PROTECTION	EACH	53.00	173.06	9,171.97
2573.540	FILTER LOG TYPE STRAW BIOROLL	LIN FT	8,821.00	2.05	18,100.69
2573.602	CULVERT PROTECTION	EACH	5.00	106.31	531.53
2575.501	SEEDING	ACRE	22.90	67.10	1,536.66
2575.502	SEED MIXTURE 270	POUND	39.00	2.63	102.45
2575.502	SEED MIXTURE 350	POUND	1,909.00	2.99	5,713.64
2575.511	MULCH MATERIAL TYPE 3	TON	46.00	118.80	5,464.89
2575.513	MULCH MATERIAL TYPE 6	CU YD	279.00	35.00	9,765.00
2575.519	DISK ANCHORING	ACRE	22.90	42.43	971.60
2575.523	EROSION CONTROL BLANKETS CATEGORY 3	SQ YD	170.00	0.87	147.05
2575.532	FERTILIZER TYPE 3	POUND	8,000.00	0.41	3,272.00
2575.541	MOWING	ACRE	22.90	37.08	849.22
2575.545	WEED SPRAYING	ACRE	22.90	50.96	1,167.03
2575.547	WEED SPRAY MIXTURE	GALLONS	28.00	17.00	476.00
2582.501	PAVT MSSG (LT ARROW) EPOXY	EACH	2.00	105.10	210.20
2582.501	PAVT MSSG (RT ARROW) EPOXY	EACH	1.00	118.00	118.00
2582.501	PAVT MSSG (LT-THRU ARROW) EPOXY	EACH	7.00	150.00	1,050.00
2582.501	PAVT MSSG (RT-THRU ARROW) EPOXY	EACH	2.00	184.47	368.94
2582.501	PAVT MSSG (THRU ARROW) EPOXY	EACH	6.00	105.00	630.00
2582.501	PAVT MSSG (TRAN ARROW) EPOXY	EACH	1.00	105.00	105.00
2582.502	4" SOLID LINE WHITE-POLY PREF (GR IN)	LIN FT	790.00	2.93	2,313.12
2582.502	7" BROKEN LINE WHITE-POLY PREF (GR IN)	LIN FT	160.00	6.09	974.72

(1) 50% STATE, 25% COUNTY, 25% CITY

ITEM NUMBER	S.P. 5203-103 WORK ITEM	UNIT	QUANTITY	UNIT PRICE	COST (1)
2582.502	8" DOTTED LINE WHITE-POLY PREF (GR IN)	LIN FT	435.00	6.54	2,845.34
2582.502	4" SOLID LINE WHITE-EPOXY	LIN FT	5,750.00	0.21	1,230.50
2582.502	6" SOLID LINE WHITE-EPOXY	LIN FT	1,840.00	0.26	480.24
2582.502	4" SOLID LINE YELLOW-EPOXY	LIN FT	5,375.00	0.25	1,338.38
2582.502	24" SOLID LINE YELLOW-EPOXY	LIN FT	85.00	6.24	530.06
2582.502	4" DOUBLE SOLID LINE YELLOW-EPOXY	LIN FT	1,395.00	0.42	584.51
2582.503	CROSSWALK MARKING-EPOXY	SQ FT	1,080.00	4.51	4,874.04
2582.618	PAVEMENT MARKING SPECIAL	SQ FT	510.00	14.67	7,480.68
	TOTAL BRIDGE NO. 52003		1.00	2,500,000.00	2,500,000.00
				TOTAL	\$4,953,712.91
	(1) 50% STATE		\$2,476,856.45		
	25% CITY		\$1,238,428.23		
	25% COUNTY		\$1,238,428.23		



CLAIM REPORT  
FOR REGULAR COUNCIL MEETING OF FEBRUARY 19, 2013

74223	Void	Void	(\$243.10)
74286	ICMA Retirement Trust - 457	employee payroll deductions	\$4,193.85
74287	ICMA Retirement Trust - Roth IRA	employee payroll deductions	\$460.00
74288	Benco Electric Cooperative	training for electrical license-Water Dept.	\$60.00
74289	Cardmember Service	charge card items-All Depts.	\$8,002.43
74290	Charter Communications	high speed data service-Pol, Fire, Contingency & P/A	\$442.96
74291	HickoryTech	telephone & internet bill-All Depts.	\$3,333.66
74292	Menards-Mankato	supplies-All Depts.	\$566.31
74293	AT & T Mobility	cell phone bill-Bookmobile	\$24.49
74294	Verizon Wireless	cell phone & internet bill-All Depts.	\$216.05
	Ameripride Services	mats, gloves, uniform & towel service-All Depts.	\$664.64
	Arnold's of North Mankato, Inc.	mower, equipment parts & supplies-Fire & Equip Cert	\$47,889.33
	Audio Editions	supplies & audio books-Library	\$422.67
	Baker & Taylor	books-Library & Bookmobile	\$106.51
	Bobholz, Jacob	travel expenses for training-Sewer Dept.	\$131.80
	Border States Electrical Supply	electrical for HVAC-Mun Bldg	\$754.50
	Caretakers of Mankato	snow removal-Public Access	\$373.20
	Cargill, Inc.	ice control-Street Dept.	\$8,478.15
	Carquest Auto Parts	equipment parts & supplies-All Depts.	\$684.81
	Chesley, Robert	refund water bill credit	\$27.55
	City of Mankato	water bill-Public Access	\$15.63
	Computer Technology Solutions, Inc.	equipment parts-Inspection	\$102.01
	Crysteel Truck Equipment	equipment parts-Street Dept.	\$327.02
	Culligan Water Conditioning	bottled water-Public Access	\$44.30
	DEMCO, Inc.	supplies-Library	\$201.80
	Diamond Vogel	paint-Street & Park Depts.	\$143.78
	Ecker, Brian & Tammy	refund water bill credit	\$202.13
	Express Services, Inc.	temporary crossing guards-Police Dept.	\$619.44
	Fastenal Company	equipment parts-Street & Water Depts.	\$44.07
	Ferguson Enterprises, Inc.	equipment parts & supplies-Park & Water Depts.	\$446.93
	FleetPride	equipment parts-Street Dept.	\$39.34
	Flexible Pipe Tool Company	equipment parts-Sewer Dept.	\$2,443.00
	Forrey Septic Systems & Excavating	road sand-Street Dept.	\$836.89
	Free Press	ads-Admin & Library	\$584.38
	Frontier Precision, Inc.	GPS equipment & software-Equipment Certificates	\$32,024.15

CLAIMS CONTINUED

G & L Auto Supply	equipment parts & supplies-Police, Insp & Street	\$419.34
Gale Group	books-Library & Bookmobile	\$276.32
Gopher State One-Call	one-call locates-Inspection	\$40.60
Hach Company	supplies-Water Dept.	\$684.77
Hansen Sanitation	refuse pickup-Shop, Park, Sanitation & Public Access	\$159.12
Hawkins, Inc.	chemical & signs-Water Dept.	\$2,570.60
Horvick, Inc.	equipment parts-Sewer Dept.	\$683.37
Ingram Library Services	books-Library & Bookmobile	\$1,060.76
Johnson, Katie	reimbursement for employment physical-Library	\$104.89
Jost, Byron	reimbursement for sewer cleaning City's portion-Sewer	\$149.00
Keller, J.J. & Associates, Inc.	drug testing-All Depts.	\$277.20
Kennedy & Kennedy Law Office	legal services-Attorney	\$8,741.15
LJP Enterprises of St. Peter	gaylords & wire baling-Sanitation	\$330.00
LJP Waste & Recycle	transportation charges-Sanitation	\$820.80
Larkstur Engineering & Supply, Inc.	equipment parts & supplies-Park Dept.	\$306.35
Lawson Products, Inc.	supplies-Shop	\$440.99
Mankato Bearing Co.	equipment parts-Sewer Dept.	\$635.27
Mankato Ford, Inc.	equipment parts-Police & Park Depts.	\$68.24
Mankato Motor Company	equipment parts-Street Dept.	\$41.70
Mankato Public Schools	transportation for special program-Library	\$57.75
Matheson Tri-Gas, Inc.	welding supplies-Shop	\$112.58
Mayo Clinic Health System	physical-Fire Dept.	\$831.00
McGowan Water Conditioning	salt for softener-Library	\$26.10
Menards-Mankato	equip parts, supplies & microwave-Street & Water	\$150.31
Minnesota Iron & Metal Co.	equipment parts & supplies-Street, Park & Sewer	\$322.84
Minnesota Elevator, Inc.	annual service for elevator-Fire Dept.	\$925.76
Minnesota Pipe & Equipment	equipment parts & meters-Water & Sewer Depts.	\$755.52
Minn. River Valley Drug Task Force	4th quarter 2012 OJP grant-Task Force	\$13,657.24
Minnesota Valley Testing Lab	water testing-Water Dept.	\$158.75
Minnesota Waste Processing Co.	processing fees-Sanitation	\$22,270.00
MN Dept Employment & Economic Dev	20% of Thin Film loan-Port Auth State Rev Loan Fund	\$18,346.40
Morgan, Shawn	supplies-Tactical Response Team	\$117.98
MRCI	wages for MRCI employees-Sanitation	\$12,320.00
MTI Distributing, Inc.	equipment parts-Park Dept.	\$449.32
Murray, Laura	blog posts for December & January-Library	\$160.00
NAPA Auto Parts	supplies-Police Dept.	\$29.40
North Central International	equipment parts-Street & Sewer Depts.	\$1,942.50
Northeast Wisconsin Technical College	training-Police Dept.	\$175.00
Northern States Supply	supplies-Street Dept.	\$21.99
Northland Securities, Inc.	debt study-Finance	\$1,600.00

CLAIMS CONTINUED

Nuss Truck & Equipment	equipment parts-Street Dept.	\$105.21
Pepsi-Cola of Mankato	pop-Unallocated	\$86.80
Petty Cash, Clara Thorne	petty cash items-All Depts.	\$196.90
Quest Diagnostics	drug testing-Fire Dept.	\$20.75
River Bend Business Products	copier maintenance-Library	\$80.74
Schwickert's	HVAC repair-Mun Bldg	\$664.00
Select Account	January & February participant fee-Unallocated	\$208.62
Sign Pro	supplies-Shop, Park & Sewer Depts.	\$32.00
SPS Companies, Inc.	plumbing supplies-Street & Park Depts.	\$321.25
Staples Advantage	supplies-Library	\$44.99
Tire Associates	tires & tire repairs-All Depts.	\$1,985.29
Titan Machinery	equipment parts-Street Dept.	\$675.37
Toppers Plus, Inc.	plow blades-Street Dept.	\$288.30
Toyota-Lift of Minnesota	equipment parts-Sanitation	\$3,306.61
Tri-County Communications	narrow banding of radios-Street Dept.	\$160.00
Turning Point Management, Inc.	professional service-Admin	\$5,562.50
Twin Rivers Council for the Arts	2013 appropriation-Contingency	\$10,000.00
Uniforms Unlimited, Inc.	badges-Police Reserve	\$204.13
US Postal Service	postage-All Depts.	\$3,000.00
Veldman, Marni	refund community room reservation	\$80.00
Viking Electric Supply	electrical supplies-Mun Bldg	\$572.74
Zellmer, Gary	pay for election judge	\$116.00
Westphal, Margaret	pay for election judge	\$116.00
Klute, Susan	pay for election judge	\$130.50
Klaseus, Lorraine	pay for election judge	\$116.00
Shult, Bonnie	pay for election judge	\$116.00
Etzell, Karen	pay for election judge	\$116.00
Goettl, Michele	pay for election judge	\$135.00
Michels, Betty	pay for election judge	\$116.00
Kemp, Janis	pay for election judge	\$116.00
Johnson, Janet	pay for election judge	\$116.00
Wegscheid, Robert	pay for election judge	\$116.00
Midler, Mark	pay for election judge	\$116.00
Schilling, Elaine	pay for election judge	\$132.75
Tungsvik, Byron	pay for election judge	\$116.00
Wilson, Rose	pay for election judge	\$116.00

CLAIMS CONTINUED

Lovik, Carolyn	pay for election judge	\$64.00
Lovik, Roger	pay for election judge	\$64.00
Smith, Michael	pay for election judge	\$116.00
Boruff, Carol	pay for election judge	\$116.00
Neir, Helen	pay for election judge	\$116.00
Anderson, Dorothy	pay for election judge	\$52.00
Johnson, Jean	pay for election judge	\$116.00
Johnson, Lowell	pay for election judge	\$116.00
Middleton, James	pay for election judge	\$52.00
Kaufman, Cindy	pay for election judge	\$130.50
Ulmen, Anthony	pay for election judge	\$135.00
Hooge, Alice	pay for election judge	\$52.00
Salzwedel, Debra	pay for election judge	\$64.00
Halstead, William	pay for election judge	\$130.50
Hirvela, James	pay for election judge	\$116.00
Total		<u>\$237,732.04</u>

CLAIMS CONTINUED

General	\$55,335.60
Library	\$4,658.37
Bookmobile	\$454.37
Community Development	\$118.00
Contingency	\$10,128.99
Port Authority	\$6.99
Port Authority State Revolving Loan Fund	\$18,346.40
Equipment Certificates	\$79,806.03
2013 Construction	\$133.43
Water	\$8,549.67
Sewer	\$5,528.50
Sanitary Collection	\$39,915.26
Storm Water	\$44.71
Public Access	\$930.50
Minnesota River Valley Drug Task Force	\$13,657.24
Tactical Response Team	\$117.98
	<hr/>
Total	<u>\$237,732.04</u>

PORT AUTHORITY INVOICES  
FOR REGULAR COUNCIL MEETING OF FEBRUARY 19, 2013

MN Dept Employment & Economic Dev	20% of Thin Film loan-Port Auth State Rev Loan	\$18,346.40
Petty Cash, Clara Thorne	petty cash item-Port Authority	<u>\$6.99</u>
Total		<u><u>\$18,353.39</u></u>

List of Port Authority Bills in the Amount of \$18,353.39

Council Meeting of February 19, 2013

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Mayor Mark Dehen

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Council Member Kim Spears

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Council Member Diane Norland

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Council Member William Steiner

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Council Member Robert Freyberg

List of Bills in the Amount of \$237,732.04

Council Meeting of February 19, 2013

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Mayor Mark Dehen

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Council Member Kim Spears

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