

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 October 6, 2014. Mayor Dehen called the meeting to order at 7:00 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for the meeting: Mayor Dehen, Council Members Norland, Freyberg, Spears, Steiner; City Administrator Harrenstein, Attorney Kennedy, City Clerk Van Genderen, Planner Fischer, and Public Works Director Swanson. Absent: Finance Director Thorne.

**Approval of Agenda**

**Council Member Norland moved, seconded by Council Member Steiner, 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 Freyberg moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of September 15, 2014. Vote on the motion: Freyberg, Spears, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

**Public Hearing, 7 p.m. – Electric Franchise Ordinances (Not setting fees.)**

The Mayor opened the public hearing to consider Electric Franchise Ordinances with Xcel Energy and Benco. Copies of the Notice of Public Hearing and Affidavit of Public Hearing were included in the packet. Administrator Harrenstein reported this was a renewal of franchise agreements and Trisha Rosenfeld, Xcel Community Relations, was present to answer questions. With no one appearing before the Council, the Mayor closed this portion of the meeting.

**Public Hearing, 7 p.m. – Vacation of Utility Easement in Outlot B, Presidential Estates**

The Mayor opened the public hearing to consider Utility Easement in Outlot B, Presidential Estates. Copies of the Notice of Public Hearing and Affidavit of Public Hearing were included in the packet. Planner Fischer stated this was a request to vacate a utility easement in Presidential Estates. The easement was developed and recorded by the previous owner who no longer owns the property. The easement is no longer necessary as the current owner plans to develop apartments on the property. The local utilities were notified and no comments were received. With no one appearing before the Council, the Mayor closed this portion of the meeting.

**Consent Agenda**

**Council Member Steiner moved, seconded by Council Member Norland, to approve the Consent Agenda as presented:**

- A. Bills and Appropriations.
- B. Res. No. 60-14 Approving Donations/Contributions/Grants.
- C. Res. No. 61-14 Approving Resolution of Application, Minnesota Public Facilities Authority Loan Application Drinking Water Revolving Fund.
- D. Res. No. 62-14 Approving Mutual Aid Agreement among LeSueur, Blue Earth and Nicollet Counties including the Cities of Courtland, Lafayette, Nicollet, St. Peter and the City of North Mankato.
- E. Res. No. 63-14 Approving Consent Assessment Agreement-302 Nicollet Avenue.
- F. Consider Approval of Grant Administration Contract between the City of North Mankato and Minnesota Valley Action Council, Inc.

- G. Consider Approval of City of North Mankato Housing Rehabilitation Program Policies and Procedures.
- H. Res. No. 64-14 Waiving Waiting Period for Exemption from Lawful Gambling License for Holy Rosary Church, 546 Grant Avenue, to conduct a raffle on November 20, 2014.
- I. Audio and Large Group Permit for Reynolds/Kleinow Wedding, Spring Lake Park, Saturday, September 19, 2015 from 10 a.m. to 8 p.m.
- J. Audio and Large Group Permit for Heller/Janovitz Wedding, Spring Lake Park, Saturday, September 12, 2015 from 8 a.m. to 10 p.m.
- K. Res. No. 65-14 Approving Resolution Rescinding Special Assessments.

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

**carried.** Council Member Spears asked why the Housing Rehabilitation Agreement ends July 2015. Judd Shultz from Minnesota Valley Action Council stated the agreements are a one-year contract. He also reported that last year the program provided funds for six income-eligible applicants. Mayor Dehen thanked the William G. Altnow Estate for the generous donation to the Police Department.

**Public Comments**

Barb Church, 102 Wheeler, appeared before the Council and stated that she hoped the Council would carefully consider the proposed rezoning of 1610 LorRay Drive, referred to as the Tschohl property. A proposal to rezone the property from TUD to R-3 is scheduled to be presented at the Planning Commission on Thursday, October 9, 2014.

Rhonda Geving, 506 Ivanhoe Court, appeared before the Council and requested the Tschohl property be preserved as green space. She stated the use of the property should fit with the area to maintain the property values.

John Hurd, 732 Garfield, appeared before the Council and stated that he hoped it was not too late to look for funding or a buyer for the Tschohl property who was interested in creating an historical site at the location. Mayor Dehen stated he was aware of the concerns about the Tschohl property but the City does not have discretionary funds to purchase the property. Dehen stated the Council can only regulate the zoning. Mayor Dehen also stated the owner has the right to sell the property to whomever she wants. He stated the proposal will be presented before the Council if the Planning Commission approves the rezoning.

Rhonda Geving, 506 Ivanhoe Court, appeared before the Council and stated she thought the rezoning was complete, but since it was not she asked the Council to consider what is best for the City of North Mankato if they consider rezoning the property. Mayor Dehen stated that rezoning the property would be discussed by the Planning Commission on October 9, 2014. Attorney Kennedy stated the City brought a proposal for rezoning the property in May of 2014 but the Council did not take action because they wanted a project to accompany the rezoning. There is a project attached to this request to rezone.

John Hurd, 732 Garfield, appeared before the Council and requested the Council direct Administrator Harrenstein to look for funding, possibly through an increase in property taxes.

**Business Items****Ord. No. 61 and Ord. No. 62, Fourth Series, Electric Franchise Agreements (Not setting fees.)**

Administrator Harrenstein stated he spoke with Trish Rosenfeld, Xcel Community Relations, concerning questions raised about tree trimming performed by Xcel. Rosenfeld stated that aesthetics were not a concern when trimming trees. She stated the main concern when trimming trees was safety. Rosenfeld said they were willing to work with property owners to make the trees look better. Council Member Spears stated residents did approach Xcel but they did not get a response. He stated this was the time to obtain assurance that the trees would be aesthetically trimmed. Administrator Harrenstein stated there was no assurance unless the Council did not sign the agreement and rewrote the agreement. Council Member Norland stated that a few years ago residents contacted Xcel concerning the trimming of trees and they were told that Xcel had an easement and they had the right to trim the trees as they deemed necessary. Rosenfeld stated that Xcel's procedures were approved by the State. **Council Member Freyberg moved, seconded by Council Member Norland, to adopt Ord. No. 61 and Ord. No. 62, Fourth Series, Electric Franchise Agreements. Vote on the Ordinances: Freyberg, Steiner, Norland and Dehen aye; Spears nay. Motion carried.**

**Res. No. 66-14 Vacating the Utility Easement in Outlot B, Presidential Estates**

City Planner Fischer stated this was the Resolution from the Public Hearing. **Council Member Steiner moved, seconded by Council Member Norland, to approve Res. No. 66-14 Vacating Utility Easement in Outlot B, Presidential Estates. Vote on the Resolution: Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Res. No. 67-14 Vacating the Utility Easement in Northport No. 17**

**Council Member Norland moved, seconded by Council Member Steiner, to approve Res. No. 67-14 Vacating the Utility Easement in Northport No. 17. Vote on the Resolution: Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Res. No. 68-14 Approving Plans and Specifications and Authorizing Advertisement for Bids for Project No. 08-07B Construction of Municipal Well No. 9**

Administrator Harrenstein provided an overview of the proposed construction of Well No. 9 which has an estimated completion date of December 2015. The total estimated cost of construction is \$1,675,000 and will be paid for by a PFA loan at an interest rate of 2% (or less). Debt servicing for the loan will begin in February of 2016. Administrator Harrenstein reported that State Legislature mandated conservation water rates begin January 1, 2015. The following changes will be made to comply with the new water rates; no flat rate customers, no gallons to be included with base rate and no declining block water rates. The proposed water rates include a \$5.00/month base rate with no gallons included and a usage charge of \$3.43/1000 gallons. Multiple units served by one meter will be charged a \$5.00 connection fee, per month, for each unit and rural water will have a \$3.00 increase per month. **Council Member Norland moved, seconded by Council Member Steiner, to approve Res. No. 68-14 Approving Plans and Specifications and Authorizing Advertisement for Bids for Project No. 08-07B Construction of Municipal Well No. 9. Vote on the Resolution: Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Res. No. 69-14 Consider Setting Resolution Calling for Public Hearing on the Proposed Issuance of Housing Facilities Revenue Refunding Notes in an Aggregate Principal Amount not to Exceed \$8,000,000 at the Request of Vista Prairie at Monarch Meadows, LLC.**

Administrator Harrenstein stated that Monarch Meadows was requesting conduit bonds as they did earlier in 2005, with a 1% fee allowing the City to collect between \$70,000 and \$80,000. Council

Member Spears asked if the City provides the loan. Attorney Kennedy responded that the City lends its name and a portion of borrowing power. The bond does not involve the full faith and credit of North Mankato. Council Member Spears stated the paper work speaks of a first mortgage. Attorney Kennedy replied Monarch Meadows does not make payments to the City. Administrator Harrenstein reported the action tonight is to set a date for the public hearing. **Council Member Steiner moved, seconded by Council Member Norland, to Set a Public Hearing on the Proposed Issuance of Housing Facilities Revenue Refunding Notes in an Aggregate Principal Amount not to Exceed \$8,000,000 at the Request of Vista Prairie at Monarch Meadows, LLC. Vote on the Resolution: Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

### **Pavement Management System Report**

City Engineer Dan Sarff presented a review of the Pavement Management System Report. Sarff stated the purpose of the report is to outline the current pavement system condition and provide information and recommendations to the City Council concerning the maintenance and preservation of the City streets. Sarff stated the focus was on bituminous pavement not on the concrete pavement. Sarff stated that overall the street pavements within the City are in good condition with over 84% at a rating >5 and over 50% having a condition rating >7. He provided pavement management recommendations of continuing the use of crack filling and seal coating, while adding a mill and overlay program to preserve more distressed pavements. Sarff provided a 5-year pavement maintenance/preservation funding scenario and a 7-year pavement maintenance/preservation funding scenario. He recommended the 7-year Pavement Preservation Plan beginning with the 2016 Budget at an estimated cost of \$564,000/year. The plan recommends the continuation of the ongoing seal coat program, formalizing an ongoing mill and overlay program and including the streets with condition ratings of 1 and 2 or those with underground utility deficiencies be included in the Capital Improvement Plan. Council Member Freyberg asked if the plan took into account inflation. Sarff stated that it did not and if the plan is adopted the numbers would need to be adjusted to reflect inflation. **Council Member Norland moved, seconded by Council Member Steiner to adopt the Pavement Management Report. Vote on the motion: Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

### **City Administrator and Staff Comments**

Administrator Harrenstein stated the Pavement Management Study affirmed the work of Public Works Director Swanson. Harrenstein also thanked Dan Sarff for his work. Public Works Director Swanson thanked his crew and predecessors for their hard work on the roads. Swanson also thanked Construction Inspector Derek Tostenson for his work on the Belgrade Hill project. He stated the project is a little behind schedule because of bedrock removal. Mayor Dehen asked what the City was doing with the bedrock that was removed. Swanson reported it was being recycled for other uses within the city.

### **Mayor and Council Comments**

Council Member Steiner requested that Administrator Harrenstein continue to look for funding for the Tschohl property. Administrator Harrenstein reported staff has been engaged in several conversation with both public and private foundations but no specific grants come to mind. He stated it is difficult to continue looking for funding because the City is under a 60-day review of a rezoning request. Harrenstein stated the Council needs guidance from the Planning Commissions about how to proceed and rezone 1610 LorRay Drive. The Council had specifically asked the Planning Commission not to bring a rezoning request unless there was a development agreement for the site. Attorney Kennedy stated the Planning Commission will discuss the request for rezoning, which has a plan

attached. Anyone interested in expressing their concerns about the rezoning may appear at the Planning Commission meeting on October 9, 2014. Kennedy stated that by the time the request reached the Council the citizens would have less input. This is private property and the property owner has the right to sell the property.

Mayor Dehen thanked Business on Belgrade for a great event on Saturday, September 27 with Bier on Belgrade.

Mayor Dehen reported that Coffee with the Council would be held on Saturday, October 11, 2014 from 10:00 a.m.-11:00 a.m. at the Caswell Park North Soccer Complex at 1875 Howard Drive.

Mayor Dehen read the following Proclamation into the record.

*WHEREAS, hospice and palliative care empower people to live as fully as possible, surrounded and supported by family and loved ones, despite serious and life-limiting illness; and*

*WHEREAS, hospice and palliative care bring patients and family caregivers the highest quality care delivered by an interdisciplinary team of skilled professionals that includes physicians, nurses, social workers, therapists, counselors, health aides, spiritual care providers and others who make the wishes of each patient and family a priority; and*

*WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers; and*

*WHEREAS, each year, hospice saves Medicare more than \$2 billion by providing solutions for physicians, care to patients and comfort to families anywhere, at any time; and*

*WHEREAS, every year more than 1.65 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States; and*

*WHEREAS, more than 450,000 trained volunteers contribute 21 million hours of service to hospice annually; and*

*WHEREAS, hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals;*

*NOW, THEREFORE, I, Mark Dehen, Mayor of the City of North Mankato, Minnesota, do hereby proclaim November, to be*

### *National Hospice Palliative Care Month*

*in the City of North Mankato, and encourage all citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.*

There being no further business, on a motion by Council Member Norland, seconded by Council Member Steiner, the meeting adjourned at 8:27 p.m.

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Mayor

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City Clerk