

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 18, 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 Spears, Steiner, Norland and Freyberg, City Administrator Harrenstein, Finance Director Thorne, City Clerk Gehrke, Attorney Kennedy, Planner Fischer and Public Works Director Swanson.

Approval of Agenda

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

Approval of Minutes

Council Member Freyberg moved, seconded by Council Member Steiner, to approve the minutes of the Council meeting of February 3, 2014. Vote on the motion: Spears, Steiner, Freyberg and Dehen, aye; Norland abstained; no nays. Motion carried.

Public Hearing, 7 p.m. – Amendment to City Code, Chapter 32, Entitled “Departments, Boards and Commissions,” Specifically Section 32.30 Port Authority Commission

Mayor Dehen opened the public hearing to consider an amendment to City Code, Chapter 32, entitled “Departments, Boards and Commissions,” specifically Section 32.30 Port Authority Commission. Administrator Harrenstein reported the change addresses changes to membership of the Port Authority Commission stating five members of the Commission shall be comprised of the Mayor and City Council and two members that shall be appointed by the Council and may be removed by a 4/5 vote of the Council. Additionally, the terms of the appointment to the Port Authority for both the Mayor and City Council Members shall be the term of office they were elected to serve by the voters of North Mankato. Barb Church, 102 E. Wheeler Avenue, appeared before the Council and stated it was a good move to add the total Council to the Port Authority Commission and addressed the issue of payment for Commissioners to attend the Port Authority Commission meeting. There being no one else appearing before the Council, the Mayor closed this portion of the meeting.

Ord. No. 54, Fourth Series, Amending North Mankato City Code, Title III, Administration, Chapter 32, Entitled Departments, Boards and Commissions

Council Member Freyberg moved, seconded by Council Member Norland, to adopt Ord. No. 54 Fourth Series, Amending North Mankato City Code, Title III, Administration, Chapter 32, Entitled Departments, Boards and Commissions. Vote on the Ordinance: Spears, Steiner, Norland, Freyberg and Dehen, aye; no nays. Motion carried. Mayor Dehen stated he believes this will increase the transparency of the Port Authority Commission.

Public Hearing, 7 p.m. – Amendment to City Code, Chapter 110 Entitled General Business Regulations and Licensing, Specifically Section 110.22, Tobacco.

Mayor Dehen opened the public hearing to consider an amendment to City Code, Chapter 110, entitled General Business Regulations and Licensing, specifically Section 110.22, Tobacco. He reported that an ordinance was adopted on August 19, 2013 placing a one-year moratorium suspending acceptance of any application for a tobacco license under North Mankato City Code Section 110.22. The following individuals appeared before the Council to speak against e-cigarettes: Chris Crocker, 25 Arlington Court; Jon Anderson, 831 Nicollet Avenue; Dr. Steve

Penkhus, 36 Trail Drive, Mankato; Emily Kruger, 821 Wall Street; and Ann Christensen, P.O. Box 2252, Mankato. The following individuals appeared before the Council speaking in favor of e-cigarettes: Kevin and Debra Morin, 52112 190th Lane, Lake Crystal, Marilyn Bennett, 1009 N. 5th Street, Mankato; Dave Pettis, 6393 178th Street, Lakeville; Jesse Griffin, 5131 13th Avenue South, Lakeville;; and Tam Sang, Lakeville. With no one else appearing before the Council, the Mayor closed this portion of the meeting. Administrator Harrenstein reported there is not an ordinance before the Council tonight. Attorney Kennedy recapped a seminar he attended and stated the City's options regarding e-cigarettes: 1) Allow businesses and the market to operate with regulation or enforcement; 2) Await federal regulations; 3) Await state regulations; and 4) Amend the City Code. Administrator Harrenstein stated the questions is how Council wants staff to proceed in order to update the City Code before August 19, 2014. **Council Member Spears moved, seconded by Council Member Norland, to wait to act on local legislation on e-cigarettes until the State Legislature acts on e-cigarettes but to have something in place before the moratorium expires in August 2014. Vote on the motion: Spears and Norland, aye; Steiner, Freyberg and Dehen, nay. Motion failed.** Mayor Dehen reported he believes staff has the Council's direction to wait until after the State Legislature acts, and if necessary draft an ordinance for Council consideration prior to the expiration of the moratorium.

Consent Agenda

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

- A. Bills and Appropriations.
- B. Res. No. 12-14 Approving Donations/Contributions/Grants.
- C. Audio and Large Group Permit for Shakespeare in the Park(ing Lot), 1001 Belgrade Avenue, Thursday, May 29, 2014 from 5:30 p.m. to 9:30 p.m.
- D. Parade Permit for Final Stretch North Mankato, Triathlon, Saturday, June 28, 2014 from 8 a.m. to 11 a.m.
- E. Set Spring Cleanup for April 14-18 for the Valley and April 21-25 for the Hilltop.
- F. Set Water Main Flushing for April 21-25 for the Valley and April 28-May 2 for the Hilltop.
- G. February Traffic & Safety Committee Minutes.
- H. Monthly Budget Report.

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

Public Comments

Barb Church, 102 E. Wheeler Avenue

Barb Church, 102 E. Wheeler Avenue, thanked the Council for having the names and terms of the committees on the website and for the monthly budget that was in tonight's packet. She reported she attended the February 13, 2014 Planning Commission meeting and spoke of the consequences of rezoning areas for future redevelopment and that there needs to be more discussion about land use and redevelopment and asked that any rezoning be tabled prior to completion of the Comprehensive Plan.

John and Mary Lowrie, 501 Valerie Lane

John and Mary Lowrie, 501 Valerie Lane, appeared before the Council to speak of their frozen water lines and asked if any consideration would be given to the increased use of water as it was recommended to them to allow a pencil-sized stream of water to run from one of their taps. They requested compensation for the water they would be using to keep their water pipes from freezing. Public Works Director Swanson reported the water mains are higher volume and water will not freeze in the mains. He reported problematic areas are pre-strict codes or special conditions such as extreme grade situation. The Council requested staff prepare a recommendation for excess water usage for those properties that have or are in threat of having frozen water lines. Administrator Harrenstein will bring a recommendation to the Council at their March 3, 2014 meeting.

Bess Tsaouse, 136 Mary Circle

Bess Tsaouse, 136 Mary Circle, appeared before the Council and spoke of a manhole cover that has sunk on Commerce Drive. Public Works Director Swanson reported the manhole cover did not sink but the blacktop around the cover heaved. He reported a temporary repair was made; however, with snowplowing the fix was compromised but once weather permits, it will be permanently fixed.

Business Items**Z-1-14, Request to Rezone 410 Range Street from R-3, Limited-Multiple Dwelling to Central Business District (CBD)**

Planner Fischer presented Z-1-14 a request to rezone 410 Range Street. The Council recently approved the purchase of the property known as 410 Range to make way for additional parking for downtown. The Planning Commission reviewed Z-1-14 and did recommend approval of the Z-1-14. Jerry Troidahl, 414 Range Street, appeared before the Council and asked what the City was going to do make his property secure and what was going to be done with the trees on the property known as 410 Range Street. Administrator Harrenstein reported that a fence would be located between the properties and he stated staff will share the plans prior to the completion of the parking lot. Council Member Spears requested that the highest fence legally possible be placed and as many trees as possible be saved. City Attorney Kennedy reported this property could be used as a parking lot without rezoning the property from an R-3, Multiple Dwelling, to Central Business District (CBD), however the rezoning is proper since it makes the property part of the CBD.

Ord. No. 55, Fourth Series, Rezoning Part of Government Lot 7, Section 7-108-26 (410 Range Street) from R-3, Limited-Multiple Dwelling to Central Business District (CBD)

Council Member Norland moved, seconded by Council Member Steiner, to adopt Ord. 55, Fourth Series, Rezoning Part of Government Lot 7, Section 7-108-26 (410 Range Street). Vote on the Ordinance: Spears, Steiner, Norland and Dehen, aye; Freyberg, nay. Motion carried.

Review Comprehensive Plan Chapter 3 – Land Use and Growth Management

Administrator Harrenstein reported this is the review of the land use recommendations proposed by the consultants and has been reviewed by the Planning Commission; however, they took no action. The Mayor stated he was pleased with the Land Use and Growth Management portion of the Comprehensive Plan. Planner Fischer reported the consultants were in attendance at the meeting to present the Land Use Chapter and answer any questions. Kelsey Johnson and

Addison Lewis, WSB consultants, reported they were happy to be here and reported the Land Use Chapter is a vital component of this plan. As part of the stakeholder process, the consultants met with various stakeholders and citizens as well as reviewing regional and national trends. For ease in viewing, the City was divided into seven different zones. Ms. Johnson reviewed the property within the City limits and the land immediately outside the City limits. She reported the vision for land use designation does not necessarily have to be the same as that which the area is currently zoned since the City of North Mankato does not fall within the Metropolitan area. When looking at future land use decisions, Planner Fischer reported the City does not want to prohibit any business to grow and expand but there may be alternate uses in certain areas. The consultants spoke of guiding areas for different land uses. After considerable discussion, Council Member Freyberg suggested Council Work Sessions be held to review the Land Use chapter of the Comprehensive Plan. Administrator Harrenstein reported the seven sections could be broken out and two sections could be reviewed at each meeting and stated staff is open to how the Council wants to engage the public. Council Member Freyberg noted some inconsistencies in the Land Use Chapter and he stated we need to take some time and review the entire Chapter. The Mayor suggested the Council review Chapter 3 and have all inconsistencies in order and then the Council meet with stakeholders for their input. The Council asked staff to put together a plan for review of the Land Use Chapter.

Mayor and Council Members**Council Member Freyberg**

Council Member Freyberg reported he attended All Seasons Arena and Metropolitan Planning Organization meetings.

Council Member Norland

Council Member Norland attended a University of Minnesota Water Resources Center Workshop on February 5, 2014. Minnesota has the most water of any state in the lower 48. There is a state-wide long-term plan for conservation and preservation of resources including water on the website www.wrc.umn.edu. She reported the bad news is that the water is highly polluted. Part of the plan includes preservation of trees and wetlands.

Council Member Norland reported that she and Council Member Spears attended the annual banquet of the Greater Mankato Diversity Council on February 4, 2014. She presented the Mayor a certificate received at the banquet recognizing the City of North Mankato as a 2013 Champion of Diversity.

Mayor

The Mayor reported the Intergovernmental Meeting scheduled for February 20th will need to be reschedule and once it is rescheduled it will be placed on the website.

Public Comments**Barb Church, 102 E. Wheeler Avenue**

Barb Church, 102 E. Wheeler Avenue, appeared before the Council and thanked the City Planner for putting the names of streets on the maps. She wanted to know the cost of the large zoning maps. She gave a plea to Council not to separate stakeholder groups into separate groups because it is helpful for everyone who is interested to be in the same meeting.

Bess Tsaouse, 136 Mary Circle

Bess Tsaouse, 136 Mary Circle, appeared before the Council and would like the large map posted and more than one meeting where citizens could give their input. She believes all meetings on the Comprehensive Plan should be opened to all citizens. She also asked about ravine property and who was in control of the ravine property. Planner Fischer reported that some property owners own the ravine property and some ravine property is owned by the City. He also stated that ravines are protected so they could not be clear cut. The Mayor recommended this discussion be held with staff.

There being no further business, on a motion by Council Member Norland, seconded by Council Member Steiner, the meeting was adjourned at 9:03 p.m.

Mayor

City Clerk