

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 July 21, 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, Freyberg, Spears and Steiner, City Administrator Harrenstein, Attorney Kennedy, City Clerk Gehrke, Planner Fischer and Public Works Director Swanson. Absent: Council Member Norland and Finance Director Thorne.

Approval of Agenda

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

Approval of Minutes

Council Member Freyberg moved, seconded by Council Member Spears, to approve the minutes of the Council meeting of July 7, 2014. Vote on the motion: Freyberg, Spears, Steiner and Dehen, aye; no nays. Motion carried.

Consent Agenda

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

- A. Bills and Appropriations.
- B. Res. No. 46-14 Approving Donations/Contributions/Grants.
- C. Res. No. 47-14 Waiving Waiting Period for Exemption from Lawful Gambling License for Holy Rosary Church, 546 Grant Avenue, to Conduct Raffles on November 28, 2014.
- D. Audio and Large Group Permit for Miracle League Gorilla Run, Caswell Park, Saturday, May 2, 2015, from 8 a.m. to 8 p.m.
- E. Parade Permit for Miracle League Gorilla Run, Caswell/Benson, Saturday, May 2, 2015 from 8 a.m. to 8 p.m.
- F. Audio Permit for Chris Good Birthday Party, 512 Sherman Street, Saturday, September 13, 2014 from 6-10 p.m.
- G. Audio and Large Group Permit for Making Strides Against Breast Cancer Walk/Run, Spring Lake Park, Saturday, October 11, 2014 from 6 a.m. to 1 p.m.
- H. Parade Permit for Making Strides Against Breast Cancer Walk/Run, Spring Lake Park, Saturday, October 11, 2014 from 9-11:30 a.m.
- I. Parade Permit for Crossview Cov. Church 125th Anniversary 5K Walk/Run, Sunday, August 17, 2014 from 9-10 a.m.

Council Member Spears asked that it be entered into the minutes that he has not received the Caswell Park Tournament report that he requested. Administrator Harrenstein stated he was not aware of the deadline for preparing the report but would send the report out to the Council. Council Member Spears also asked about the difference in the tax abatement payment to Theuninck from 2013 to 2014. Administrator Harrenstein reported that he would review this item and email the Mayor and Council.

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

Public Comments

The Mayor opened the meeting to the public for the first time asking that those residents wishing to speak of the Old Belgrade Hill Ravine Project go first. Matthias Leyrer, 632 Belgrade Avenue, stated he thinks the paving of the trail is a good idea and spoke of daylight streaming, in other

words, leaving some of the pipe open to have water running in the ravine. Matt Vihstadt, 1025 Belgrade Avenue, spoke of his concern regarding the steepness of the hill for a bike path. Nancy Marquardt, 1024 Belgrade Avenue, spoke of her concern about things that happen in the ravine and the bus traffic on Lee Boulevard hill. Neil Benson, 2221 Clare Drive, stated he is not in favor of a paved trail, that three spruce trees are not going to survive the project, there has been unauthorized motorized traffic in the ravine, and spoke of his concern regarding the steepness of the hill, cost, maintenance, and privacy issues for neighbors. Jon Anderson, 837 Nicollet Avenue, stated he was a member of the Bicycle Commission, and read a statement regarding the trail system in the Greater Mankato Area and summarized by stating the Old Belgrade Hill ravine is key to linking all the trails. Corrie Vihstadt, 1025 Belgrade Avenue, asked for the public to be notified of the Bicycle Commission meetings. The Mayor reported the meetings are held the third Wednesday of the month and this meeting will be added to the City calendar. She also asked if was possible to move the bike traffic toward the semaphore intersection. Roger Eberhart, 2003 Roe Crest Drive, spoke of his 37-year history in this area and stated he has witnessed hill slides, and believes the environmental impact of a paved trail will drive creatures from the ravine. He stated he did not believe the project was well thought out.

Barb Church, 102 E. Wheeler Avenue, appeared before the Council and spoke of attending the Planning Commission meeting on Thursday, July 10, 2014, where a summary of the future land use open house meetings was presented. She stated her disappointment this meeting did not open the meeting for public comment. The Mayor reported there would be additional times for public comment and the public is also welcome to comment via email.

Phil Henry, 1300 Noretta Drive, appeared before the Council and asked where the City would be getting the money for the LorRay Drive overlay. This will be discussed under Business Items.

Tom Hagen, 927 Lake Street, appeared before the Council and stated the City Council should have a Code of Conduct to study and follow and citizens should be heard and treated with respect.

Discuss Old Belgrade Hill Ravine Maintenance Road

City Engineer Sarff reported the Council adopted a resolution ordering Project No. 13-02AC, Roe Crest-Noretta-Belgrade Ravine Improvement without the trail until further direction. He stated the North Mankato topography does not allow for ideally situated bike trails to link with other trails in the Greater Mankato area. Staff level discussions were held about the necessity of an access maintenance road at a minimum in the ravine. He stated this is the only ravine where trunk sanitary sewer and storm water is located making it necessary for a maintenance road for access to the ravine. Engineer Sarff reported an easement has not been secured for one portion of the access road which is on private property. The property owner did grant an easement for the utility portion of the project, but did not grant an easement for the maintenance road portion of the project. Engineer Sarff reported options have been studied regarding the structure of the trail which will have an aggregate base and some type of surfacing such as crushed limestone, recycled bituminous or bituminous paving. Phil Henry, 1300 Noretta Drive and owner of a section of the maintenance road property where an easement is needed, appeared before the Council and stated he did not want to delay the project and would grant an easement for the access road, but not an easement for a bicycle trail. Attorney Kennedy will draft the proper easement for signature and recording. Council Member Spears stated an access maintenance road is the base need and discussion was held regarding the material to be used for the access maintenance road. Engineer Sarff stated crushed rock or recycled bituminous would be suitable for the maintenance road. Council Member Spears asked about grass paved material from the top of the ravine to Clare Drive. Engineer Sarff reported grass paved is more expensive but could be an option for this part of the access maintenance road. Council Member Spears stated he has grave

concerns using the maintenance road as a bike trail, but is okay with using it as a pedestrian trail. Council Member Steiner stated he was in favor of using the recycled bituminous for the maintenance road. The Mayor stated management of motorized vehicles would be used by spacing posts to the entrance of the ravine. Public Works Director Swanson stated a spot has been identified at the head of the ravine which will be hidden from the street. Scott Thiem, 1003 Shady Oak Drive, appeared before the Council and stated he was a member of the Bike Commission and reported this is a ravine that should be shared. He reported that a trail has been talked about in this ravine for 15 or more years and stated trails invoke a healthy lifestyle and this trail would link with the other trails in the Greater Mankato area. **Council Member Spears moved, seconded by Council Member Steiner, to authorize an access maintenance road with drivable grass from the top of the ravine to Clare Drive and recycled bituminous for the balance of the access maintenance road. Vote on the motion: Freyberg, Spears, Steiner and Dehen, aye; no nays. Motion carried.**

Bid Request for LorRay Drive Mill and Overlay

Public Works Director Swanson reported staff would like to advertise for bids for mill and overlay of LorRay drive from Lee Boulevard to Commerce Drive due to surface conditions which are rapidly degrading past the point of conventional maintenance. He reported the estimated cost of the mill and overlay for this portion of LorRay Drive is \$120,000 with work being completed by August 29, 2014. Administrator Harrenstein reported this item is not a part of the 2014 Budget; however, this project can be funded without compromising the 5-year budget. He will email the Council an overview of the proposed funding of the project after the bidding process. **Council Member Spears moved, seconded by Council Member Steiner, to authorize advertising for bids for the mill and overlay of LorRay Drive from Lee Boulevard to Commerce Drive. Vote on the motion: Freyberg, Spears, Steiner and Dehen, aye; no nays. Motion carried.**

Authorize City Administrator to Negotiate and Execute CCTV Operating Agreement

The City Administrator presented background information regarding the CCTV Operating Agreement. He reported the services currently operate from the CCTV station at 204 E. Vine Street, Mankato through an intergovernmental agreement between the Cities of Mankato and North Mankato. The Cities staff goals have been to increase the operating/service outcomes and create a sustainable financial/service level. He reported the current operational revenue is \$185,000 with the PEG fee (the \$1.00 charged to every cable subscriber) as the primary revenue source. He reported the CCTV budget reflects an operational/capital deficit since 2009 due to declining PEG fees and increasing technology needs. Prior to 2009, CCTV was funded through a combination of franchise and PEG fees but due to economic conditions, both Cities made the decision to temporarily discontinue allocation of franchise fees to CCTV. The Administrator presented a draft agreement and operating understanding whereby Bethany Lutheran College assumes operations sometime in August or September of 2014 with CCTV services relocated to the Bethany Campus. The CCTV property would be vacated and disposed of through an RFP process with all proceeds allocated to the CCTV fund balance. He reported a final document will be negotiated among the City of North Mankato, City of Mankato and Bethany Lutheran College. **Council Member Spears moved, seconded by Council Member Steiner, to authorize the City Administrator to negotiate and execute the CCTV Operating Agreement. Vote on the motion: Freyberg, Spears, Steiner and Dehen, aye; no nays. Motion carried.**

Authorize City Attorney to Develop Joint Powers Agreement with City of Mankato to Administer CCTV Contract

Discussion was held regarding the decision-making authority for administering the CCTV Contract with Bethany Lutheran College. The City Attorney reported issues of content to be aired and

make up of Board Members would be covered in the Joint Powers Agreement. **Council Member Freyberg moved, seconded by Council Member Steiner, to authorize the City Attorney to develop a Joint Powers Agreement with the City of Mankato to Administer the CCTV Contract with the current Intergovernmental Committee Members to be the Board Members for CCTV. Vote on the motion: Freyberg, Spears, Steiner and Dehen; aye; no nays. Motion carried.**

Set Public Hearing to Consider Ordinance Amending City Code, Chapter 51, Refuse Collection, Specifically Section 51.03 Containers

Administrator Harrenstein presented the proposed rates for solid waste and recycling and the communication plan for implementing the new services. He stated that in 2014 the Council moved forward in a joint bidding process with the City of Mankato for solid waste and recycling pickup. The process rewarded the City in three areas consistent with our values: reduced prices for collection, increased recycling service to citizens and environmentally friendly collection techniques, i.e. use of natural gas collection trucks. Without this change he stated a series of variables would have led to significant rate increases to citizens. He presented the proposed monthly solid waste rates for 2015 as follows: 95-gallon cart \$18.30; 65-gallon cart \$14.75 and 35-gallon cart \$13.50. The recycling cart rate is \$6.00 per month for both the 65-gallon cart and the 95-gallon cart. The Administrator reported the standard solid waste cart issued to residents unless otherwise selected will be a 65-gallon cart with a recommended monthly cost of \$14.75 and the standard recycling cart issued to residents unless otherwise selected will be a 95-gallon cart. The Administrator laid out the communication plan for transitioning solid waste and recycling service to West Central Sanitation. He presented the letter which will be sent to each existing utility customer explaining the change in service provider, the range of garbage cart sizes and price options and the two recycling cart size options. He stated that he is recommending a joint communication effort with the City of Mankato to include production of a 3-minute video for websites, Facebook, twitter, cable television and emails to City subscribers; exhibit for Children's Museum, service club visits, 30-second advertisement for Cinemark trailers; Facebook ad; open houses; posting of "Fast Facts" at high traffic locations, news releases with photo opportunities. The cost for participating in the communication plan will range between \$2,000 and \$4,000. Carts will be placed in high-traffic areas for residents to view. Some discussion was held about the senior discount and it was determined the 35-gallon garbage cart at the cost of \$13.50 would be available for seniors and any other resident who wishes to use this size cart. Administrator Harrenstein reviewed the cart credit program reporting approximately 700 carts are out in the neighborhoods that people have purchased at retail stores or Hansen Sanitation. It is staff's recommendation they can keep the cart or return it to the Riverbend Recycling Center in January for \$30.00 credit to their utility bill. The other option is for \$.50 credit per month for 10 years for those residents using their own carts. The Administrator reviewed the letter to be sent to residents along with a form for selecting their carts if they do not want the standard issue of a 65-gallon garbage cart and a 95-gallon recycling cart. He reported selections must be made by August 15, 2014 so that carts can be ordered in the correct quantities. He noted that if snowbirds are out of town in December when carts will be delivered, they need to notify the City. After considerable discussion it was determined that it would be mandated that all residents would be issued carts and residents could return their existing carts in January for a \$30.00 credit to their utility bill. The Administrator reported the cart buy back would be funded with the bond premium the City received. **Council Member Steiner moved, seconded by Council Member Freyberg, to approve the letter to the residents. Vote on the motion: Freyberg, Steiner and Dehen, aye; Spears nay. Motion carried. Council Member Freyberg moved, seconded by Council Member Steiner, to set a public hearing for 7 p.m. on Monday, August 4, 2014, to consider an Ordinance Amending City Code, Chapter 51, Refuse**

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

Res. No. 48-12 Amending Operating Agreement for Materials Recovery Facility

Administrator Harrenstein presented Res. No. 48-12 Amending the Operating Agreement for the Materials Recovery Facility. He reported this is the third five-year period ending December 31, 2019 of the Operating Agreement between the City and Nicollet County. The County contribution will increase by nine (9%) percent to the amount of \$96,861 for a period of five (5) years, payable in twelve (12) equal installments of \$8,071.75. **Council Member Steiner moved, seconded by Council Member Spears, to adopt Resolution No. 48-12 Amending Operating Agreement for Materials Recovery Facility. Vote on the Resolution: Freyberg, Spears, Steiner and Dehen, aye; no nays. Motion carried.**

Set Public Hearing to Consider Ordinance Amending City Code, Chapter 151, Residential Rental Property Licensing Code

The City Attorney reported he has prepared some amendments to the residential rental licensing code which would restrict where recently released sex offenders could be located. He reported the City of Mankato held a public hearing but has not acted yet. The Attorney reported the changes to the City Code outlines the distances between certain facilities must be located from places such as schools. Administrator Harrenstein urged the Council set the public hearing and that this also be a topic of discussion at the North Mankato-Nicollet County Liaison meeting. Council Member Spears stated that he wants to see the proposed ordinance in the future before setting any public hearings. Administrator Harrenstein reported the public hearing could be held but an ordinance does not have to be acted upon immediately. **Council Member Spears moved, seconded by Council Member Freyberg, to set a public hearing for 7 p.m. on Monday, August 4, 2014 to consider an ordinance amending City Code, Chapter 151, Residential Rental Property Licensing Code. Vote on the motion: Freyberg, Spears, Steiner and Dehen, aye; no nays. Motion carried.**

Mayor and Council Comments

Mayor

Mayor Dehen read thank-you letters from Art Splash for the City's 10-year support of this event, Our Community has Heart event, and the Mankato Mosaic Theatre Company for Shakespeare in the Park(ing) Lot event.

The Mayor thanked fellow team members Administrator Harrenstein, Fire Chief Pohlman and Building Inspector Knudson for helping bring home the Horseshoe Tournament trophy again this year.

Public Comments

Phil Henry, 1300 Noretta Drive

Phil Henry, 1300 Noretta Drive, appeared before the Council and asked about an item on the claims list.

Barb Church, 103 E. Wheeler Avenue

Barb Church, 103 E. Wheeler Avenue, appeared before the Council and asked for clarification of the 65-gallon cart size. She also asked about clarification about eliminating the senior discount for garbage.

Jim Whitlock, President of Business on Belgrade

Jim Whitlock, President of Business on Belgrade, appeared before the Council and reported that Blues on Belgrade will be held on Saturday, July 26, 2014. He stated the events held on Belgrade Avenue are bringing new people into North Mankato. He reported that Blues on Belgrade will feature six bands starting at noon and going until 11 p.m. Mr. Whitlock reported that Friday night, July 25, 2014 is Boogie on Belgrade with bands at several establishments and drawings will be held for \$20.00 gift certificates.

Mr. Whitlock reported on his opportunity to work with Don Westphal and Stone Path Productions announcing the Fun Days parade. The Mayor and Council complimented Jim Whitlock and Bethany Lutheran College for the work they did on the videotaping of the Fun Days Parade.

There being no further business, on a motion by Council Member Spears, seconded by Council Member Steiner, the meeting was adjourned at 8:53 p.m. to a closed session.



Mayor

City Clerk