

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 March 2, 2015. 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 roll call: Mayor Dehen, Council Members Steiner, Norland, Freyberg, and Spears, City Administrator Harrenstein, Finance Director Thorne, Attorney Kennedy, City Clerk Van Genderen, City Planner Fischer and Public Works Director Swanson.

Approval of Agenda

Council Member Spears requested that the Bills and Appropriations be removed from the Consent Agenda for separate consideration. **Council Member Freyberg moved, seconded by Council Member Norland, to approve the agenda with the Bills and Appropriations removed from the Consent Agenda for separate consideration. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye; no nays. Motion carried.**

Approval of Minutes

Council Member Spears moved, seconded by Council Member Steiner to approve the minutes of the Council meeting of February 17, 2015. Vote on the motion: Steiner, Norland, Freyberg and Spears aye; Dehen abstain, no nays. Motion carried.

Consent Agenda

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

- A. Res. No. 17-15 Approving Donations/Contributions/Grants.
- B. Parade Permit for Mankato Area Derby Girls 5K Fundraiser, Saturday, September 12, 2015, from 2:00 p.m. to 3:00 p.m.
- C. Parade Permit for Coughlan Companies 5K Walk/Run, Saturday, September 12, 2015, from 8:00 a.m. to 2:00 p.m.
- D. Large Group Permit for Coughlan Company, Benson Park, September 12, 2015 from 8:00 a.m. to 2:00 p.m.
- E. Request for Cabaret License from Mankato Brewery, LLC.
- F. Large Group and Audio Permit for True Value Company Picnic, Spring Lake Park, August 1, 2015 from 8:00 a.m. to 7:00 p.m.
- G. Large Group and Audio Permit for Green Graduation Party, Spring Lake Park, June 7, 2015 from 8:00 a.m. to 6:00 p.m.
- H. Res. No. 18-15 Approving Consent Assessment Agreement-218 W. Wheeler Avenue.
- I. Res. No. 19-15 Awarding Bid for Project No. 14-01 Main Lift Station Rehabilitation.
- J. Res. No. 20-15 Awarding Bid for Municipal Building Vestibule Renovation.
- K. Res. No. 21-15 Waiving Waiting Period for Exemption from Lawful Gambling License for VINE Faith in Action.

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

Council Member Spears requested Business on Belgrade be removed from the Claims and Appropriations for a separate vote. **Council Member Spears moved, seconded by Council Member Norland to approve all Claims and Appropriations except Business on Belgrade. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye; no nays. Motion carried.**

Council Member Spears stated Business on Belgrade is a non-profit organization consisting of private businesses and Business on Belgrade should not earn money through influence on City officials. Spears indicated the support of Business on Belgrade should be discussed at the next budget meeting. Council Member Steiner stated Business on Belgrade has been beneficial for the City by bringing businesses and visitors to the downtown. Council Member Freyberg stated Business on Belgrade was in the Budget the Council passed and should not be removed at this time. Council Member Norland stated she agreed with Council Member Steiner. Mayor Dehen stated he agreed with Council Member Freyberg. **Steiner moved, seconded by Council Member Norland to approve the Business on Belgrade claim. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; Spears nay. Motion carried.**

Public Comments

John Hurd, 732 Garfield Avenue, appeared before the Council and stated he believed the owner of 1610 Lor Ray Drive should receive the maximum price for the land and he has been approached by several people who would like to donate money to purchase the property for a park.

Barb Church, 102 East Wheeler, appeared before the Council and noted there may be legal consequences to changing the Comprehensive Plan after it was passed. Church indicated she would like information on how to file a petition to get the Sales Tax Extension taken to a referendum.

Vonda Herding, 42127 520th Street, appeared before the Council and requested clarification on the rezoning of the Tschohl property. Herding stated the modifications to the development agreement were submitted to staff 2 weeks ago were not accepted and she was told she needed a site plan.

Tom Hagen, 927 Lake Street, appeared before the Council and requested a staff member attend the park events with audio permits to help control the noise.

Corey Brunton, 19 Eagle Ridge Court, appeared before the Council and requested clarification on the process to rezone 1610 Lor Ray Drive, known as the Tschohl property. Brunton stated the property needs to be zoned in order to sell the property to a developer.

Business Items

Z-4-14, Request to Rezone 1610 Lor Ray Drive from a Transitional Unzoned District (TUD) to an R-3, Limited Multiple Dwelling District. City Planner Fischer stated the request from the owner of 1610 Lor Ray Drive was to rezone the property from a Transitional Unzoned District (TUD) to an R-3. The Council requested a development agreement tied to a specific development when considering rezoning the property. Fischer noted that without a development agreement the Council should deny the request to rezone 1610 Lor Ray to an R-3. Fischer specified the request was to rezone 1610 Lor Ray from a TUD to an R-3 not an R-3A. Mayor Dehen remarked the request should be denied because there is no development agreement and the Council does not want the property to be rezoned an R-3. Administrator Harrenstein indicated that if R-3 zoning is denied changes to the zoning code could allow the property owners to come back and request an R-3A. Attorney Kennedy stated if the Council denied the request to rezone the property to an R-3 the City could waive the six-month waiting period and allow the property owners to apply for an R-3A. Council Member Freyberg recommended a work session in April 2015 to discuss the zoning of 1610 Lor Ray Drive. Administrator Harrenstein stated a workshop could be called but recommended having a zoning application before calling a workshop. **Council Member Freyberg moved, seconded by Council**

Member Norland to Approve Staff Recommendation to Deny the R-3 Zoning Request. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye; no nays. Motion carried.

Harrenstein indicated that if the Comprehensive Plan was adopted the Council would be directing the zoning designation as medium density residential for the property at 1610 Lor Ray Drive. Mayor Dehen stated adopting the Comprehensive Plan would guide the land but the owners would still need to make an application to change the current zoning and the Council would still need to approve the zoning change. Council Member Freyberg expressed concern over how the Comprehensive Plan zoned the property as medium density when previous conversations with the Council indicated most Council members wanted the property zoned low density. Administrator Harrenstein noted there are no guided parcels, besides the property at 1610 Lor Ray Drive, in the Comprehensive Plan guided medium or high density. He stated North Mankato citizens have indicated that they do not want medium density or high density housing. Council Member Freyberg stated R-1 and R-2 are recognized as low density in the City Code but in the Comprehensive Plan R-2 and R-3A are medium density. Mayor Dehen indicated the Planning Commission would review the Comprehensive Plan and the City Code and propose changes for the Code to reflect the Comprehensive Plan. Council Member Freyberg questioned why the Comprehensive Plan did not use the existing City Code as a guide to the zoning designations. Freyberg indicated the current City Code is generic and is similar to many other City Codes. Attorney Kennedy stated the North Mankato City Code is generic but the difference will be the R-3A designation. Kennedy indicated the Comprehensive Plan creates work for the Planning Commission and the transitional zones in any code are difficult, although R-2 is normally considered low density.

Resolution Adopting Comprehensive Plan. Council Member Spears stated the statutory implications of adopting the Comprehensive Plan should be discussed. If the Council adopts the Comprehensive Plan will the City need to conform the City Code to the Comprehensive Plan. Council Member Steiner indicated the Comprehensive Plan is a guideline. Council Member Norland indicated the Comprehensive Plan would be put into practice by updating the City Code. Council Member Spears stated there was a risk that the Comprehensive Plan could become very restrictive. Council Member Freyberg indicated he did not approve of the process of amending the City Code to the Comprehensive Plan, but there is enough good in the plan that he would approve the document. Mayor Dehen stated the adoption of the Comprehensive Plan still allows the property owner to apply to change the zoning. Dehen indicated the Comprehensive Plan guides the land use. Attorney Kennedy stated the Comprehensive Plan forces the Council to look at the City in its entirety, to look at the big picture and forces planning for the whole community. Mayor Dehen reported one area on the land use map may need to be changed before passing the Comprehensive Plan. Dehen indicated the parcel south of Howard and West of Lor Ray behind Arnold's Implement was guided as heavy industrial but it would be better suited to light industrial or general commercial. **Council Member Norland moved, seconded by Council Member Steiner to Amend the Comprehensive Plan to zone the property south of Howard and West of Lor Ray Drive behind Arnold's Implement as General Commercial. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye; no nays. Motion carried. Council Member Norland moved, seconded by Council Member Steiner to Adopt the Comprehensive Plan. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye; no nays. Motion carried.**

City Administrator and Staff Comments

- A. Parks Master Plan Revisions Memo. Administrator Harrenstein indicated the Parks Master Plan Revisions Memo was included in the packet and an open house would be held Wednesday, March 4, 2015 from 6:00-7:00 p.m. at the Police Annex.

Mayor and Council Comments

Council Member Spears requested Barb Church's request for information on a referendum petition be answered by the City Attorney.

Mayor Dehen thanked everyone who participated in Pedal Past Poverty which raised over \$73,000 for the community.

Mayor Dehen thanked the Roberts for sharing pictures of the 1965 flood.

Mayor Dehen reported that the City received a report from Minnesota Department of Health concerning radium in the water and the report looked good.

Public Comments

Vonda Herding, 42127 520th Street, appeared before the Council and requested the Council treat the property owner at 1610 Lor Ray Drive as every other property owner. Mayor Dehen stated the difficulty with zoning 1610 Lor Ray Drive is that the property was not previously zoned and did not fall into the normal zones. Dehen indicated that since the City had adopted the Comprehensive Plan the zoning of the property would be guided by the land use maps.

Barb Church, 102 East Wheeler, appeared before the Council and asked if a workshop to discuss the Tschohl property had been set. Mayor Dehen indicated a workshop was not planned.

Tom Hagen, 927 Lake Street, appeared before the Council and stated the property at 1610 Lor Ray could still be used as a park.

John Hurd, 732 Garfield Avenue, appeared before the Council and requested the City become a fiduciary agent to collect money to buy the Tschohl property for a park. Mayor Dehen indicated the City could not become a fiduciary agent because the City does not own the property. Attorney Kennedy indicated Mr. Hurd should contact a group like the Mankato Foundation. Hurd requested a workshop to discuss the City becoming a fiduciary agent. Mayor Dehen stated there would not be a workshop.

There being no further business, on a motion by Council Member Norland, seconded by Council Member Steiner, the meeting adjourned at 8:20 p.m.

Mayor

City Clerk