

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 18, 2016. 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 Freyberg, Spears, Steiner and Norland, City Administrator Harrenstein, Finance Director McCann, Attorney Kennedy, City Planner Fischer, Public Works Director Swanson and City Clerk Van Genderen.

**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 Council Workshop Minutes**

**Council Member Steiner moved, seconded by Council Member Freyberg to approve the minutes of the Council Workshop meeting of July 5, 2016. Vote on the motion: Freyberg, Steiner and Dehen aye; Norland and Spears abstain. Motion carried.**

**Approval of Council Minutes**

**Council Member Norland moved, seconded by Council Member Steiner to approve the minutes of the Council meeting of July 5, 2016. Vote on the motion: Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Public Hearing, 7 pm-Proposed Sidewalk Maintenance and Installation Policy**

Barb Church, 102 Wheeler Avenue, appeared before Council and requested assurance that the Council would review each project to determine if sidewalks were necessary.

Phil Henry, 1300 Noretta Drive, appeared before Council and stated he did not believe residents should be responsible for 50% of sidewalk repair or replacement. Mayor Dehen stated 50% would relieve property owners from paying the current assessment amount of 100% for sidewalk repair or replacement. Mr. Henry stated it was unfair to property owners and the City should pay for the repair or replacement because they pay for bike trails.

**Public Hearing, 7 pm-Amend Franchise Ordinance No. 156 Third Series, Granted to Charter Communications.**

Administrator Harrenstein introduced Brian Grogan from Moss and Barnett who represented North Mankato during the negotiations with Charter Communications. Mr. Grogan stated the Charter Franchise expired in 2011 and the agreement had been going month to month since that date. The agreement before Council extends the terms of the Franchise to 2021 to coincide with Consolidated Communications Franchise expiration. Terms included in the agreement included an increased Franchise fee from 3% to 5% and the elimination of the PEG fee. Council Member Spears requested clarification on what terms North Mankato was not able to receive. Attorney Grogan stated a compromise was not made allowing upgrading local access content to HD.

Ms. Herrerra from Charter Communications appeared before Council and stated Charter was prepared to accept the terms outlined in the Ordinance.

**Public Hearing, 7 pm-Utility Easements Vacation between Lots 14 and 15, Block Seven, Restless Court Townhomes Plat.**

City Planner Fischer reported the recording of the Utility Easements Vacation between Lots 14 and 15, Block 7 is required because the property was replatted and townhomes built; a vacation was not recorded and as the townhomes are for sale the title company is requesting the easement be vacated.

**Consent Agenda**

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

- A. Bills and Appropriations.
- B. Adopted Res. 57-16 Approving Donations/Contributions/Grants.
- C. Approved Application for On-Sale Intoxicating Liquor, Sunday On-Sale Liquor, Cabaret and Soft Drink for Allen and Paula Enz d/b/a American Bar at 503 Belgrade Avenue.
- D. Approved Large Group Permit for Sarah Sanderson at 1014 Shady Oak Drive for a Block Party on August 5, 2016 from 5 p.m. to 10 p.m.
- E. Set Public Hearing, 7 pm on August 1, 2016 to Consider Ordinance Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593.
- F. Set Public Hearing, 7 pm on August 1, 2016 to Consider Amending City Code, Chapter 111, Alcoholic Beverages.
- G. Approved a Temporary Liquor License for the North Mankato Fire Relief Association for July 30-31, 2016 at Caswell Park.

**Vote on the motion: Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.** Council Member Spears requested clarification on the Ordinance Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593. Attorney Kennedy stated there were concerns with the size of the buildings allowed, zoning expectations and plumbing code issues. Council Member Spears requested more information on the State Statute and possible information on creating an Ordinance to address aging and health care temporary housing concerns.

**Public Comments**

Tom Hagen, 927 Lake Street, appeared before Council and stated he was dissatisfied with the audio permit process and demanded changes.

**Business Items**

**Res. No. 58-16 Vacating Utility Easements Vacation between Lots 14 and 15, Block 7 Restless Court Townhomes Plat. Council Member Freyberg moved, seconded by Council Member Norland to Adopt the Resolution Vacating Utility Easements Vacation between Lots 14 and 15, Block 7 Restless Court Townhomes Plat. Vote on the motion: Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Approved Zoning Application Z-4-16 and Adopted Ordinance No. 75 Fourth Series, Rezoning Lot 1, Block 1, Schorn Subdivision from I-1, Planned Industrial to B-3, General Commercial. Council Member Norland moved, seconded by Council Member Steiner to Approve Zoning Application Z-4-16 and Adopt Ordinance No. 75 Fourth Series, Rezoning Lot 1, Block 1, Schorn Subdivision from I-1, Planned Industrial to B-3, General Commercial. Vote on the motion, Freyberg, Spears, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

**Consider Proposed Amendments to B-1, B-2 and B-3 Building Setbacks, A request from the City of North Mankato.** City Planner Fischer reported the Planning Commission has been reviewing commercial setbacks. He reported that in 2006, a major recodification of the City Code occurred. As a result there were many changes made throughout the City Code including changes to commercial setbacks. Specifically, increasing the front yard setback in the B-3 district from 15 feet to 40 feet. He stated the current setbacks are as follows:

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
B-1	30 feet	10 feet	25 feet
B-2	40 feet	10 feet	25 feet
B-3	40 feet	10 feet	25 feet

City Planner Fischer reviewed a request from Casey’s General store who are considering an expansion, but originally built when the front setbacks were 15 feet. Currently the front setbacks for B-3 is 40 feet making it difficult for Casey’s to expand. Planner Fischer also indicated the Mankato Clinic is working on expansion plans and has concerns about setbacks. The Planning Commission held multiple discussions on setbacks including concern about corner lots, effective land use and site lines. The Planning Commission recommended the following setbacks:

	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Parking</u>
B-1	20 feet	10 feet	15 feet	10 feet
B-2	20 feet	10 feet	15 feet	10 feet
B-3	20 feet	10 feet	15 feet	10 feet

Council Member Freyberg requested clarification on the change in 2006. City Planner Fischer indicated it may have been that the Council valued the green space. Council Member Freyberg requested a Public Hearing. **Council Member Norland moved, seconded by Council Member Steiner to Set a Public Hearing on Proposed Amendments to B-1, B-2 and B-3 Building Setbacks. Vote on the motion, Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Ordinance No. 76, Fourth Series An Ordinance of the City of North Mankato, Minnesota Amending Ordinance No. 156 Third Series by Extending the Franchise Term, Amending the Franchise Fee and Deleting the Peg Fee Obligation.** Council Member Norland moved, seconded by Council Member Steiner to Adopt Ordinance No. 76, Fourth Series An Ordinance of the City of North Mankato, Minnesota Amending Ordinance No. 156 Third Series by Extending the Franchise Term, Amending the Franchise Fee and Deleting the Peg Fee Obligation. **Vote on the motion, Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Res. No. 59-16 Adopting Proposed Sidewalk Maintenance and Installation Policy.** City Administrator Harrenstein stated several proposed changes were included in the final draft including reducing the City portion for repair or reconstruction of sidewalks from 60% to 50%, reducing the minimum sidewalk width from 6-feet to 5-feet, including the language that if the City Forester deemed a tree worth saving the sidewalk could be rerouted around the tree and ensuring the use of the correct map. Council Member Spears requested assurances that each project would be considered separately and the map not used to justify a sidewalk when it is not desired. Mayor Dehen stated each project would include a Public Hearing to discuss the inclusion of a sidewalk. **Council Member Norland moved, seconded by Council Member Steiner to Adopt Res. No. 59-16 Adopting Proposed Sidewalk Maintenance and Installation Policy. Vote on the motion, Freyberg, Steiner, Norland and Dehen aye; Spears nays. Motion carried.**

**Res. No. 60-16 Awarding Bid for Project No. 16-01EF Municipal Building Entrance and Parking Lot.** City Engineer Dan Sarff reported one (1) bid was received and opened on Tuesday, July 12, 2016. The bid was from Nielsen Concrete, LLC for \$194,185.00. The bid received was approximately 40% over the engineers estimate. Engineer Sarff reported he spoke with other potential bidders and the lack of other bidders and the higher than anticipated prices were due to the complex nature of the project and the tight timeline. City Engineer Sarff recommended approving the bid. City Administrator Harrenstein stated staff recommends the project be divided evenly between either three or four funds of the City: General, Water, Sewer, Federal Revolving Loan Fund. An even split for the project would result in \$40,000 from each fund being transferred into the 2016 Construction Fund to complete the project. If the Council is uncomfortable using the Federal Revolving Loan Fund, then simply dividing the cost three ways among the General, Water, and Sewer Fund can be used to fund the project. Staff believes the Federal Revolving Loan Fund should be preserved for redevelopment or economic development purposes and therefore recommends a three way split between the General, Water, and Sewer Fund. Council Member Freyberg indicated that he supported the project but was concerned that with the complexities of the project the bid should have been accepted prior to the City beginning work. City Engineer Sarff stated the timing required to get out in front of the contractors; if the City would have waited, the project would have been pushed too far out into the fall. Council Member Freyberg stated he would have considered pushing it back another year. **Council Member Steiner moved, seconded by Council Member Norland to Adopt Res. No. 60-16 Awarding Bid for Project No. 16-01EF Municipal Building Entrance and Parking Lot Authorizing the use of up to \$53,000 from each of the following funds for the project: General, Water and Sewer. Vote on the motion, Freyberg, Steiner, Norland and Dehen aye; Spears nays. Motion carried.**

**Res. No. 61-16 Awarding Bid for Project No. 16-02E 2016 Bituminous Mill and Overlay Projects and Spring Lake Trail Repairs.** City Engineer Sarff reported bids were received and opened on July 12<sup>th</sup> at 11:00 a.m. for the 2016 Bituminous Mill and Overlay Project and Spring Lake Park Trail Repairs, City Project No. 16-02E. One (1) bid was received from OMG Midwest, Inc. for a total project bid of \$246,525.45 which is 18% below engineer estimates. City Engineer Sarff recommended approving the bid. **Council Member Norland moved, seconded by Council Member Steiner to adopt Res. No. 61-16 Awarding Bid for Project No. 16-02E 2016 Bituminous Mill and Overlay Projects and Spring Lake Trail Repairs. Vote on the motion, Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Res. No. 62-16 Establishing, Naming and Outlining the Roles and Responsibilities of the North Mankato Events and Promotion Advisory Group.** City Administrator Harrenstein stated the resolution was presented before Council during the last work session. Administrator Harrenstein indicated that with increased events the City would like an advisory council to help coordinate events. Council Member Spears requested clarification on those involved in the committee. Administrator Harrenstein indicated there would be a mix of staff and volunteers. **Council Member Norland moved, seconded by Council Member Steiner to adopt Res. No. 62-16 Establishing, Naming and Outlining the Roles and Responsibilities of the North Mankato Events and Promotion Advisory Group. Vote on the motion, Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Res. No. 63-16 A Resolution of the North Mankato City Council in the Matter of a Hazardous Building Located at 732 Wall Street, North Mankato, Minnesota, Described as Set Forth in this Resolution Owned by Georgia A. Kirchner, a Single Person.** Attorney Kennedy

stated City Planner Fischer, due to complaints received concerning the condition of the property at 732 Wall Street, has implemented the Code Enforcement Policy procedure. As no improvements have been made to the property, Attorney Kennedy stated he has become involved to help move the process towards abatement. The City will serve the resolution on the property owner if the owner does not proceed to abate the nuisance and the City will cause a motion of summary enforcement to be made to the District Court of Nicollet County. **Council Member Freyberg moved, seconded by Council Member Norland to adopt. Res. No. 63-16 A Resolution of the North Mankato City Council in the Matter of a Hazardous Building Located at 732 Wall Street, North Mankato, Minnesota, Described as Set Forth in this Resolution Owned by Georgia A. Kirchner, a Single Person. Vote on the motion, Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Agenda Item 13J Consider Adopting Resolution Specifying Proposed Use of Revenues from the Extension of the Local Sales and Use Tax and Agenda Item 13K Consider Resolution Determining the Necessity for the Extension of a Sales and Use Tax and Calling a Special Election Thereon.** City Administrator Harrenstein requested these items be deferred until August 1, 2016 due to the potential Legislative Special Session allowing Council more time to consider the resolutions, but action must be taken on the resolutions at the August 1, 2016 meeting. **Council Member Norland moved, seconded by Council Member Steiner to review Agenda Item 13J Consider Adopting Resolution Specifying Proposed Use of Revenues from the Extension of the Local Sales and Use Tax and Agenda Item 13K Consider Resolution Determining the Necessity for the Extension of a Sales and Use Tax and Calling a Special Election Thereon on August 1, 2016 at the regular meeting of the City Council of the City of North Mankato. Vote on the motion, Freyberg, Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

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

None.

#### **Mayor and Council Comments**

Mayor Dehen announced the City of North Mankato won the Fun Days celebrity horseshoe tournament.

Mayor Dehen invited everyone to attend Blues on Belgrade on July 23, 2016 from 12 noon to 11:00 p.m.

#### **Public Comments**

Tom Hagen, 927 Lake Street, appeared before Council and stated he has been attending Council Meetings for three years and has presented many wonderful ideas that the Council has not moved on and he now believes it is time for the City Council to be removed and replaced with a new Council.

Barb Church, 102 Wheeler Avenue, appeared before Council and spoke about the new volunteer group.

Phil Henry, 1300 Noretta Drive, appeared before Council stated he did not agree with starting the Municipal Building entrance before receiving the bid.

There being no further business, on a motion by Council Member Steiner, seconded by Council Member Norland, the meeting adjourned at 8:13 p.m.

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Mayor

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City Clerk