

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 November 7, 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 Spears, Steiner, Norland and Freyberg, 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 Steiner moved, seconded by Council Member Norland, to approve the agenda as presented. Vote on the motion: Spears, Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.

Approval of Council Meeting Minutes

Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council meeting of October 17, 2016. Vote on the motion: Spears, Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.

Certificate of Recognition

Mayor Dehen read a Certificate of Recognition for Kim Henrickson into the record:

WHEREAS, Kim Henrickson has rendered service to this community which deserves special recognition; and

WHEREAS, Kim obtained permission to begin a Farmer's Market at the corner of Lee Boulevard and LorRay Drive bringing local consumers together with local businesses; and

WHEREAS, his dedication and zeal in pursuing the Farmer's Market and working to grow the market is appreciated by both the residents of the community and the City of North Mankato staff.

NOW, THEREFORE, on behalf of all our citizens, I am pleased to tender this Certificate of Recognition to Kim Henrickson, with our sincere thanks for his hard work to help make local goods available to the City of North Mankato.

Kim Henrickson appeared before Council and thanked the members of Messiah Lutheran Church for the use of their parking lot to host the event. He hoped next year more citizens would enjoy the farmers market.

Consent Agenda

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

- A. Bills and Appropriations.
- B. Res. No. 82-16 Approving Donations/Contributions/Grants.
- C. Res. No. 83-16 Appointing Kevin McCann to Serve as the Plan Coordinator for the City of North Mankato's ICMA Retirement Corporation Deferred Compensation Plan.
- D. Approved Parade Permit for Business on Belgrade's, Bells on Belgrade Parade on December 3, 2016 from 6:30 p.m. to 7:00 p.m.

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

Public Comments

None.

Business Items

Consider Adopting Res. No. 84-16 A Resolution Adopting a Regional Economic Development Agreement and Clarifying the Terms of the Agreement as Understood by the North Mankato City Council. Mayor Dehen stated the Resolution clarified the City's position on the REDA Agreement and the resolution would be brought to REDA to clarify North Mankato's position. **Council Member Norland moved, seconded by Council Member Steiner to adopt Res. No. 84-16 A Resolution Adopting a Regional Economic Development Agreement and Clarifying the Terms of the Agreement as Understood by the North Mankato City Council. Vote on the motion: Spears, Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

City Administrator and Staff Comments

Public Works Director Swanson reported the fall drop-off had the most volume in recent history.

Public Works Director Swanson stated sidewalks were being poured this week and next week turf would be laid.

Public Works Director Swanson stated sprinkler installation at the municipal building would occur during the week of November 7th followed by sod.

City Clerk Van Genderen reminded residents the 2016 General Election would be held on November 8, 2016 and polls would be open from 7 a.m to 8 p.m. Poll location assistance could be found on the North Mankato website or they could call City Hall at 507-625-4141. City Clerk Van Genderen thanked the Election Judges for their service during Election Day.

Mayor and Council Comments

Council Member Freyberg indicated a portion of Bluff Park was planted with prairie grass and flowers.

Council Member Norland thanked the generous donors on the donation list including \$2,000 from the Friends of the Library to the library endowment fund and Helen and Raymond Ganey family for the Paver Stone and Memorial Swing in Bluff Park.

Council Member Norland stated Council Members were invited to serve lunch with the Blue Earth County homeless response team on either the 14th, 15th, 16th, 17th or 18th of November. She was looking into a date to serve and encouraged the rest of the Council to also volunteer.

Mayor Dehen indicated the next Coffee with the Council would be held on November 19th at 10 a.m. at 1660 Commerce Drive in the Kitchenmaster building.

Mayor Dehen congratulated Greater Mankato Growth for reaching 1,000 members.

Council Member Norland reminded residents to keep leaves out of the gutters.

Public Comments

None.

There being no further business, on a motion by Council Member Norland, seconded by Council Member Steiner, the meeting adjourned at 7:15 p.m.

Mayor

City Clerk



City of North Mankato, MN

Claims List - Regular

By Vendor Name

Date Range: 11-21-16

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
00008	A+ SYSTEMS GROUP	11/21/2016	Regular	0	906.90	86194
02433	ADVANCED AUTO PARTS	11/21/2016	Regular	0	597.19	86195
02254	ALBRIGHT LAWNS	11/21/2016	Regular	0	90.00	86196
00036	ALEX AIR APPARATUS, INC.	11/21/2016	Regular	0	720.83	86197
00050	ALPHA WIRELESS COMMUNICATIONS	11/21/2016	Regular	0	3,107.56	86198
00057	AMERICAN CONCRETE	11/21/2016	Regular	0	373.75	86199
00078	ANDERSON, DOROTHY	11/21/2016	Regular	0	66.50	86200
00101	AT&T MOBILITY	11/14/2016	Regular	0	26.03	86193
02424	ATCHLEY, CATHERINE	11/21/2016	Regular	0	71.25	86201
00113	BAKER & TAYLOR	11/21/2016	Regular	0	33.98	86202
00121	BASTIAN, BERNARD	11/21/2016	Regular	0	76.00	86203
00176	BORDER STATES ELECTRIC SUPPLY	11/21/2016	Regular	0	142.63	86204
00177	BORUFF, CAROL	11/21/2016	Regular	0	76.00	86205
02019	BRENNAN CONSTRUCTION OF MN INC.	11/21/2016	Regular	0	13,742.64	86206
00202	BROWN-NICOLLET COMMUNITY HEALTH BOA	11/21/2016	Regular	0	252.00	86207
00203	BRUNER, MARGARITTE	11/21/2016	Regular	0	76.00	86208
02414	BULLERT, DAVID	11/21/2016	Regular	0	76.00	86209
00216	C & S SUPPLY CO, INC.	11/21/2016	Regular	0	224.37	86210
00233	CEMSTONE PRODUCTS COMPANY	11/21/2016	Regular	0	491.03	86211
00253	CITY DIRECTORIES	11/21/2016	Regular	0	265.00	86212
00258	CITY OF MANKATO-WATER BILL	11/21/2016	Regular	0	22.51	86213
00299	COUNTRYSIDE REFRIGERATION & HEATING, IN	11/21/2016	Regular	0	513.85	86214
00314	CURTIS 1000, INC. - MIDWEST	11/21/2016	Regular	0	1,931.16	86215
00337	DEMCO, INC.	11/21/2016	Regular	0	118.58	86216
02275	DEM-CON MATERIALS & RECOVERY	11/21/2016	Regular	0	229.57	86217
00364	DRUMMER'S GARDEN CENTER & FLORAL	11/21/2016	Regular	0	22.99	86218
00369	EBSO INFORMATION SERVICES	11/21/2016	Regular	0	1,132.45	86219
00379	EILDERS, MARCELLA	11/21/2016	Regular	0	76.00	86220
02489	ERNST, LYNDA	11/21/2016	Regular	0	66.50	86221
00399	ETZELL, KAREN	11/21/2016	Regular	0	76.00	86222
00401	EXPRESS SERVICES, INC.	11/21/2016	Regular	0	1,158.00	86223
00409	FERGUSON ENTERPRISES, INC #1657	11/21/2016	Regular	0	1,386.07	86224
00432	FLEETPRIDE	11/21/2016	Regular	0	356.81	86225
00447	FREE PRESS	11/21/2016	Regular	0	63.51	86226
00462	G & K SERVICES	11/21/2016	Regular	0	172.54	86227
00463	G & L AUTO SUPPLY, LLC	11/21/2016	Regular	0	9.90	86228
00460	G AND H READY MIX, LLC	11/21/2016	Regular	0	944.25	86229
00465	GALE/CENGAGE LEARNING	11/21/2016	Regular	0	151.45	86230
00472	GEHRKE, NANCY	11/21/2016	Regular	0	155.00	86231
02407	GEISTFELD, ERNEST	11/21/2016	Regular	0	76.00	86232
02405	GLASER, ARLENE	11/21/2016	Regular	0	68.88	86233
00482	GMS INDUSTRIAL SUPPLIES, INC.	11/21/2016	Regular	0	182.36	86234
00487	GOETTL, MICHELE	11/21/2016	Regular	0	157.50	86235
00493	GOODWIN, TONY	11/21/2016	Regular	0	487.50	86236
00508	GREEN TECH RECYCLING, LLC	11/21/2016	Regular	0	4,602.80	86237
00524	HALSTEAD, WILLIAM	11/21/2016	Regular	0	157.50	86238
00538	HAWKINS, INC.	11/21/2016	Regular	0	3,278.34	86239
00566	HIRVELA, JAMES	11/21/2016	Regular	0	76.00	86240
02409	HOHERTZ, EDWARD	11/21/2016	Regular	0	66.50	86241
02415	HOHERTZ, SHARON	11/21/2016	Regular	0	66.50	86242
00579	HOOEY, PATRICIA	11/21/2016	Regular	0	87.88	86243
00590	HUDSON, DAVID	11/21/2016	Regular	0	155.00	86244
00608	INGRAM LIBRARY SERVICES	11/21/2016	Regular	0	1,169.82	86245
00609	INMAN, RICH	11/21/2016	Regular	0	169.84	86246
00680	J.J. KELLER & ASSOCIATES, INC.	11/21/2016	Regular	0	669.50	86247
02421	JOHNSON, CHARLES	11/21/2016	Regular	0	76.00	86248
00657	JT SERVICES	11/21/2016	Regular	0	175.00	86249

02411	JUDKINS, WES	11/21/2016	Regular	0	142.50	86250
00671	KAUFMAN, CINDY	11/21/2016	Regular	0	68.88	86251
02406	KENDALL, KAY	11/21/2016	Regular	0	76.00	86252
00690	KENNEDY & GRAVEN CHARTERED	11/21/2016	Regular	0	2,800.00	86253
00691	KENNEDY & KENNEDY LAW OFFICE	11/21/2016	Regular	0	7,920.00	86254
00697	KIRSCHBAUM, JAMES	11/21/2016	Regular	0	66.50	86255
00698	KLASEUS, LORRAINE	11/21/2016	Regular	0	80.75	86256
00704	KLUTE, SUSAN	11/21/2016	Regular	0	150.00	86257
00743	LARKSTUR ENGINEERING & SUPPLY, INC.	11/21/2016	Regular	0	14.55	86258
00776	LLOYD LUMBER CO.	11/21/2016	Regular	0	2,555.02	86259
00796	MAC QUEEN EQUIPMENT, INC.	11/21/2016	Regular	0	729.04	86260
00804	MADSON, NORMAN	11/21/2016	Regular	0	76.00	86261
00812	MANKATO BEARING COMPANY	11/21/2016	Regular	0	259.22	86262
00829	MANKATO PUBLIC SCHOOLS	11/21/2016	Regular	0	144.00	86263
00862	MCGEE, SIDNEY	11/21/2016	Regular	0	76.00	86264
00863	MCGEE, THERESA	11/21/2016	Regular	0	76.00	86265
00874	MENARDS-MANKATO	11/21/2016	Regular	0	3,088.06	86266
02403	MEYER, DARYL	11/21/2016	Regular	0	76.00	86267
00881	MEYER, ROBERT	11/21/2016	Regular	0	76.00	86268
02413	MEYERS, DIANE	11/21/2016	Regular	0	144.88	86269
00884	MIDDLETON, JAMES E	11/21/2016	Regular	0	66.50	86270
00885	MIDLER, MARK	11/21/2016	Regular	0	71.25	86271
02336	MIDWEST AQUACARE	11/21/2016	Regular	0	620.00	86272
00900	MINNESOTA DEPARTMENT OF AGRICULTURE	11/21/2016	Regular	0	225.00	86273
00902	MINNESOTA IRON & METAL CO	11/21/2016	Regular	0	42.27	86274
00956	MINNESOTA WASTE PROCESSING CO.	11/21/2016	Regular	0	33,119.99	86275
02315	MIRACLE RECREATION EQUIPMENT CO	11/21/2016	Regular	0	1,206.34	86276
02408	MOCK, SHARON	11/21/2016	Regular	0	71.25	86277
02486	MORK, KATHY	11/21/2016	Regular	0	147.25	86278
00979	MORK, STEVE	11/21/2016	Regular	0	155.00	86279
00997	MTI DISTRIBUTING CO	11/21/2016	Regular	0	59.42	86280
01021	NEIR, HELEN	11/21/2016	Regular	0	68.88	86281
01026	NERE, MARY	11/21/2016	Regular	0	68.88	86282
01036	NICOLLET COUNTY RECORDER/ABSTRACTER	11/21/2016	Regular	0	46.00	86283
01045	NIELSEN BLACKTOPPING	11/21/2016	Regular	0	46,090.95	86284
01052	NORTH CENTRAL INTERNATIONAL	11/21/2016	Regular	0	743.51	86285
02420	OLIVER, DANIEL	11/21/2016	Regular	0	76.00	86286
01083	OVERDRIVE, INC.	11/21/2016	Regular	0	1,068.67	86287
02005	PANTHEON COMPUTERS	11/21/2016	Regular	0	49.99	86288
01090	PARAGON PRINTING, MAILING & SPECIALTIES	11/21/2016	Regular	0	726.01	86289
01099	PET EXPO DISTRIBUTORS	11/21/2016	Regular	0	50.00	86290
01106	PETTY CASH	11/21/2016	Regular	0	145.15	86291
01133	POWERPLAN/RDO EQUIPMENT	11/21/2016	Regular	0	62.18	86292
02410	PRATT, TERESA	11/21/2016	Regular	0	142.50	86293
01162	QUEST DIAGNOSTICS	11/21/2016	Regular	0	87.12	86294
01170	RAMY TURF PRODUCTS	11/21/2016	Regular	0	193.50	86295
02043	RED POWER DIESEL SERVICE, INC.	11/21/2016	Regular	0	5,401.11	86296
01211	RIVER BEND BUSINESS PRODUCTS	11/21/2016	Regular	0	68.00	86297
01235	SALZWEDEL, DEBRA	11/21/2016	Regular	0	76.00	86298
02485	SANDVIG, GARY	11/21/2016	Regular	0	147.25	86299
01247	SCHILLING, ELAINE	11/21/2016	Regular	0	144.88	86300
02422	SCHLOSSER, THOMAS	11/21/2016	Regular	0	71.25	86301
01252	SCHMIDT, RONALD	11/21/2016	Regular	0	144.88	86302
02419	SCHREINER, LYNN	11/21/2016	Regular	0	76.00	86303
01259	SCHULTZ, CAROL	11/21/2016	Regular	0	76.00	86304
01261	SCHULTZ, ROY	11/21/2016	Regular	0	76.00	86305
02416	SENDEN, THOMAS	11/21/2016	Regular	0	66.50	86306
01280	SHULT, BONNIE	11/21/2016	Regular	0	144.88	86307
02418	SIMONSON, EUNICE	11/21/2016	Regular	0	76.00	86308
01286	SKARPOHL PRESSURE WASHER SALES	11/21/2016	Regular	0	136.97	86309
01290	SLETTEN, CORY	11/21/2016	Regular	0	2.26	86310
01079	SMC-SOUTHERN MINNESOTA CONSTRUCTION	11/21/2016	Regular	0	1,724.28	86311
02427	SMITH, JAMES	11/21/2016	Regular	0	71.25	86312
01349	STONE & STEEL DESIGN, LLC	11/21/2016	Regular	0	237.36	86313
02425	STREIT, MARILYN	11/21/2016	Regular	0	76.00	86314
02417	STREIT, PAUL	11/21/2016	Regular	0	76.00	86315
01353	STURM, MARLYS	11/21/2016	Regular	0	71.25	86316

01358	SULLIVAN, PATRICIA	11/21/2016	Regular	0	71.25	86317
01402	TIRE ASSOCIATES	11/21/2016	Regular	0	633.33	86318
01407	TOOL SALES COMPANY	11/21/2016	Regular	0	22.00	86319
02487	TREAT, DEBBRA	11/21/2016	Regular	0	66.50	86320
01428	TUNGSVIK, BYRON	11/21/2016	Regular	0	71.25	86321
02150	U.S. BANK	11/21/2016	Regular	0	471,771.25	86322
01436	ULMEN, ANTHONY	11/21/2016	Regular	0	152.50	86323
01438	UNIFORMS UNLIMITED INC	11/21/2016	Regular	0	811.70	86324
02423	VANBUSKIRK, KAY	11/21/2016	Regular	0	71.25	86325
01477	VIKING ELECTRIC SUPPLY, INC.	11/21/2016	Regular	0	536.69	86326
01478	VIKING FIRE & SAFETY LLC	11/21/2016	Regular	0	39.59	86327
01492	WACO SCAFFOLDING & SUPPLY CO.	11/21/2016	Regular	0	265.07	86328
01523	WENZEL AUTO ELECTRIC CO	11/21/2016	Regular	0	64.00	86329
01525	WEST CENTRAL SANITATION, INC.	11/21/2016	Regular	0	25,772.11	86330
01527	WESTPHAL, MARGARET	11/21/2016	Regular	0	147.25	86331
01533	WIEDERICH, WANDA	11/21/2016	Regular	0	66.50	86332
02412	WILCOX, THOMAS	11/21/2016	Regular	0	68.88	86333
01538	WILSON, ROSE	11/21/2016	Regular	0	71.25	86334
01552	WW BLACKTOPPING, INC	11/21/2016	Regular	0	953.50	86335
01556	WYROWSKI, MARY CLARE	11/21/2016	Regular	0	76.00	86336
01564	ZELLMER, GARY	11/21/2016	Regular	0	71.25	86337
02402	ZELLMER, MARY	11/21/2016	Regular	0	76.00	86338
	CARDMEMBER SERVICES	11/16/2016	Bank Draft	0	6,324.50	DFT0000692
00241	CHARTER COMMUNICATIONS	11/08/2016	Bank Draft	0	403.96	DFT0000662
00241	CHARTER COMMUNICATIONS	11/08/2016	Bank Draft	0	7.76	DFT0000663
00241	CHARTER COMMUNICATIONS	11/08/2016	Bank Draft	0	15.49	DFT0000664
02058	CONSOLIDATED COMMUNICATIONS	11/08/2016	Bank Draft	0	36.99	DFT0000666
02058	CONSOLIDATED COMMUNICATIONS	11/08/2016	Bank Draft	0	40.62	DFT0000667
02058	CONSOLIDATED COMMUNICATIONS	11/08/2016	Bank Draft	0	250.92	DFT0000668
02058	CONSOLIDATED COMMUNICATIONS	11/08/2016	Bank Draft	0	32.39	DFT0000669
02058	CONSOLIDATED COMMUNICATIONS	11/08/2016	Bank Draft	0	42.94	DFT0000670
02058	CONSOLIDATED COMMUNICATIONS	11/08/2016	Bank Draft	0	30.61	DFT0000671
02058	CONSOLIDATED COMMUNICATIONS	11/08/2016	Bank Draft	0	3,130.11	DFT0000672
02058	CONSOLIDATED COMMUNICATIONS	11/14/2016	Bank Draft	0	209.70	DFT0000691
00311	CULLIGAN WATER CONDITIONING	11/08/2016	Bank Draft	0	54.00	DFT0000665
00733	LAKES GAS CO #10	11/14/2016	Bank Draft	0	79.80	DFT0000690
00851	MAYO CLINIC HEALTH SYSTEM - MANKATO	11/04/2016	Bank Draft	0	794.00	DFT0000650
00923	MINNESOTA DEPARTMENT OF LABOR & INDU:	11/14/2016	Bank Draft	0	10.00	DFT0000683
00923	MINNESOTA DEPARTMENT OF LABOR & INDU:	11/14/2016	Bank Draft	0	20.00	DFT0000684
00923	MINNESOTA DEPARTMENT OF LABOR & INDU:	11/14/2016	Bank Draft	0	10.00	DFT0000685
00923	MINNESOTA DEPARTMENT OF LABOR & INDU:	11/14/2016	Bank Draft	0	20.00	DFT0000686
00923	MINNESOTA DEPARTMENT OF LABOR & INDU:	11/14/2016	Bank Draft	0	10.00	DFT0000687
00923	MINNESOTA DEPARTMENT OF LABOR & INDU:	11/14/2016	Bank Draft	0	30.00	DFT0000688
00910	MINNESOTA VALLEY TESTING LAB, INC.	11/10/2016	Bank Draft	0	59.25	DFT0000674
00910	MINNESOTA VALLEY TESTING LAB, INC.	11/10/2016	Bank Draft	0	158.75	DFT0000674
00910	MINNESOTA VALLEY TESTING LAB, INC.	11/14/2016	Bank Draft	0	59.25	DFT0000689
01335	STAPLES ADVANTAGE	11/04/2016	Bank Draft	0	122.64	DFT0000649
01335	STAPLES ADVANTAGE	11/08/2016	Bank Draft	0	360.33	DFT0000661
01470	VERIZON WIRELESS	11/10/2016	Bank Draft	0	485.73	DFT0000676
01525	WEST CENTRAL SANITATION, INC.	11/10/2016	Bank Draft	0	7,437.50	DFT0000675
					676,829.21	174

Authorization Signatures

All Council

The above manual and regular claims lists are approved by:

MARK DEHEN- MAYOR

KIM SPEARS- COUNCIL MEMBER

DIANE NORLAND- COUNCIL MEMBER

WILLIAM STEINER- COUNCIL MEMBER

ROBERT FREYBERG- COUNCIL MEMBER

RESOLUTION NO.

RESOLUTION APPROVING DONATIONS/CONTRIBUTIONS/GRANTS

WHEREAS, the Minnesota Statute 465.03 and 465.04 allows the governing body of any city, county, school district or town to accept gifts for the benefit of its citizens in accordance with terms prescribed by the donor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following donations/contributions/grants are approved as follows:

Donor	Restriction	Amount
Christ the King Women's Book Club	Library Endowment Fund-Book Club Bags	\$150.00
Delta Kappa Gamma NU Chapter	Library Endowment Fund-Backpack Books	\$1,000.00
		\$1,150.00

Adopted by the City Council this 21st day of November 2016.

Mayor

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item 7C	Department: Finance	Council Meeting Date: 11/21/2016										
TITLE OF ISSUE: Delinquent Utility Assessment Certification												
BACKGROUND AND SUPPLEMENTAL INFORMATION: The City of North Mankato Ordinance No. 50.04 (H) provides that utility charges constitute a lien upon the premises served. Delinquent notices have been sent to the property address and to the property owner. In addition, a letter has been mailed to the property address and to the property owner notifying them the delinquent balance is the responsibility of the property owner and the balance may be certified to the County Auditor for collection with property taxes due this coming year. There are 34 accounts that have been identified for collection and a charge of seven percent (7%) will be applied to the delinquent balance when certified.												
<i>If additional space is required, attach a separate sheet</i>												
REQUESTED COUNCIL ACTION: Consider Adoption of Resolution Declaring Costs to be Assessed for Municipal Charges.												
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: Aye Nay _____ _____ Steiner _____ _____ Norland _____ _____ Freyberg _____ _____ Spears _____ _____ Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) _____ Letter sent to delinquent utility customers and property owners. _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Resolution	Ordinance	Contract	Minutes	Map								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
<input type="checkbox"/> Workshop <input checked="" type="checkbox"/> Regular Meeting <input type="checkbox"/> Special Meeting	<input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Table until: _____ <input type="checkbox"/> Other: _____											

RESOLUTION NO.

RESOLUTION DECLARING COSTS TO BE ASSESSED
FOR MUNICIPAL CHARGES

WHEREAS, pursuant to Section 50.04 (H) of the North Mankato City Code providing that delinquent utility charges constitute a lien upon the premises served; and

WHEREAS, the City of North Mankato has incurred municipal charges for services rendered in accordance with the following information; and

WHEREAS, all such costs are to be assessed against the property affected thereby;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following costs shall be assessed against such property in the amount and terms as specified on Exhibit A of this resolution.

Adopted by the City Council this 21st day of November 2016.

Mayor

ATTEST:

City Clerk

Account No	Status	Name	Street Mailing Address	City Mailing Address	Service Address	Collection Amount	Landlord/Owner	Landlord/Owner Mailing Address	L/O CITY MAILING ADDRESS
01-010100-003	A	TODD/JENNIFER FRITZ	1052 MARIE CT	NORTH MANKATO MN 56003	1052 MARIE CT NORTH MANKATO MN 56003	97.01			
05-003100-008	A	KELLEN GIEFER	429 BELGRADE AVE	NORTH MANKATO MN 56003	429 BELGRADE AVE NORTH MANKATO MN 56003	18.53	RICHARD & SANDRA SAW	433 BELGRADE AVE	NORTH MANKATO, MN 56003
06-000900-001	A	MIKE BIEHL	527 LYNDAL ST	NORTH MANKATO MN 56003	527 LYNDAL ST NORTH MANKATO MN 56003	85.54			
06-004700-003	A	HOWARD LARSEN	731 LYNDAL ST	NORTH MANKATO MN 56003	731 LYNDAL ST NORTH MANKATO MN 56003	74.07			
07-010200-002	A	MANDRA SCHROEDER	404 MONROE AVE	NORTH MANKATO MN 56003	404 MONROE AVE NORTH MANKATO MN 56003	1534.68			
09-004400-009	A	JASON ROBINSON	600 GARFIELD AVE	NORTH MANKATO MN 56003	600 GARFIELD AVE NORTH MANKATO MN 56003	295.61	HOM PROPERTY MGMT	PO BOX 4182	MANKATO, MN 56002
10-003400-002	A	JOSHUA WOLTERS	440 HARRISON AVE	NORTH MANKATO MN 56003	440 HARRISON AVE NORTH MANKATO MN 56003	823.20			
14-013900-004	A	BEVERLY MUNDT	428 SWIFT ST	ST PETER MN 56082	804 SOUTH AVE NORTH MANKATO MN 56003	21.83			
14-014700-002	A	JUSTIN BAKER	818 SOUTH AVE	NORTH MANKATO MN 56003	818 SOUTH AVE NORTH MANKATO MN 56003	65.29			
14-014900-002	A	PETE/JESSICA YBARRA	826 SOUTH AVE	NORTH MANKATO MN 56003	826 SOUTH AVE NORTH MANKATO MN 56003	71.92			
14-015900-003	A	US BANK HOME MORTGAGE	5030 BACK SQUARE DR	OWENSBORO KY 42301-7413	845 SOUTH AVE NORTH MANKATO MN 56003	45.30			
19-007600-002	A	RYAN SATHOFF	1630 NOTTINGHAM DR	NORTH MANKATO MN 56003	1630 NOTTINGHAM DR NORTH MANKATO MN 56003	1441.82			
22-018150-000	A	MELANIE WRUCK & ROGER SKRUKRUE	2200 ROLLING GREEN LN	NORTH MANKATO MN 56003	2200 ROLLING GREEN LN NORTH MANKATO MN 56003	107.04			
25-023800-001	A	MARLYCE HOFFMAN	820 SANTA VERA DR #213	CHANHASSEN MN 55317	1607 PLEASANT VIEW DR NORTH MANKATO MN 56003	21.83			
28-003400-003	A	MARISSA ANDERSON	2064 EXCALIBUR LN	NORTH MANKATO MN 56003	2064 EXCALIBUR LN NORTH MANKATO MN 56003	26.51			
28-013100-003	A	CODY FENNER	2057 LANCELOT LN	NORTH MANKATO MN 56003	2057 LANCELOT LN NORTH MANKATO MN 56003	650.15			
35-005200-002	A	ANDY WALLIN	193 KINGSWAY DR	NORTH MANKATO MN 56003	193 KINGSWAY DR NORTH MANKATO MN 56003	102.36			
06-003700-004	I	DERRICK SCHRADER	4107 UPTON AVE N	MINNEAPOLIS MN 55412	717 LYNDAL ST NORTH MANKATO MN 56003	40.41	GERD LACHENMAIER	717 LYNDAL ST	NORTH MANKATO, MN 56003
06-004500-006	I	STEPHANIE MARSCHALL	3991 W GROVE ST	PEQUOT LAKES MN 56472	726 LYNDAL ST NORTH MANKATO MN 56003	465.85	JODY & DAN LOMAX	8081 E 26TH ST	YUMA, AZ 85365
09-002500-002	I	J BEAL COMMERCIAL GROUP	3 CIVIC CENTER PLAZA SUITE 210	MANKATO MN 56001	250 GARFIELD AVE NORTH MANKATO MN 56003	81.36	THIELGES PROPERTIES	44946 JUDSON BOTTOM RD	NORTH MANKATO, MN 56003
10-007500-004	I	ERIC BARDUSCH	512 RANGE ST	NORTH MANKATO MN 56003	512 RANGE ST NORTH MANKATO MN 56003	25.30	TRAVIS LEITHA	512 RANGE ST	MANKATO, MN 56001
10-010200-002	I	MID-STATES HOLDINGS	530 S FRONT ST STE 100	MANKATO MN 56001	715 RANGE ST NORTH MANKATO MN 56003	63.82	ABBI SIMONSON	715 RANGE ST	NORTH MANKATO, MN 56003
10-013900-006	I	DAN FISCHER	924 RANGE ST	NORTH MANKATO MN 56003	924 RANGE ST NORTH MANKATO MN 56003	747.39	LUMIERE REAL ESTATE C	500 S BROAD ST	MANKATO, MN 56001
11-005100-007	I	TYLER RATCLIFF	725 LAKE ST	NORTH MANKATO MN 56003	113 TYLER AVE NORTH MANKATO MN 56003	124.27	BRIBERG LLC	605 DODD RD	ST PETER, MN 56082
14-002500-006	I	JENNIFER MARTIN	404 WARREN ST	MANKATO MN 56001-3722	421 SHERMAN ST NORTH MANKATO MN 56003	319.55	R&L INVESTMENTS C/O M	52272 169TH ST	GARDEN CITY, MN 56034
14-003800-001	I	JACOB SHELTON	1575 SHERWOOD DR	NORTH MANKATO MN 56003	707 SHERMAN ST NORTH MANKATO MN 56003	66.86			
15-009100-011	I	JASON ZUEHLKE	182 LONG ST	MANKATO MN 56001	928 WALL ST #2 NORTH MANKATO MN 56003	961.62	R&L INVESTMENTS C/O M	52272 169TH ST	GARDEN CITY, MN 56034
16-015900-013	I	SAM CERWINSKE	351 E ROOSEVELT CIR APT 102	MANKATO MN 56001-6974	1911 HAUGHTON AVE #201 NORTH MANKATO MN 56003	45.41	J LONG PROPERTIES	1817 ADAMS ST	MANKATO, MN 56001
16-020600-015	I	BRIANNA HAMPTON	308 MALLARD LN	MANKATO MN 56001	2017 HAUGHTON AVE NORTH MANKATO MN 56003	41.77	HAUGHTON TOWNHOMES	PO BOX 34	VICTORIA, MN 55386
18-001700-002	I	MID-STATES HOLDINGS	530 S FRONT ST STE 100	MANKATO MN 56001	221 NICOLLET AVE NORTH MANKATO MN 56003	125.43	PATRICK PETERSON	221 NICOLLET AVE	NORTH MANKATO, MN 56003
18-004600-008	I	MAXINE ANDERSON	337 NICOLLET AVE	NORTH MANKATO MN 56003	337 NICOLLET AVE NORTH MANKATO MN 56003	312.74	JOHN HUIRAS	2319 NORTH RIDGE DR	NORTH MANKATO, MN 56003
22-001600-002	I	MELANIE WRUCK & ROGER SKRUKRUE	2200 ROLLING GREEN LN	NORTH MANKATO MN 56003	87 BENSON TRL NORTH MANKATO MN 56003	137.69	SARAH STOCKER	87 BENSON TRL	NORTH MANKATO, MN 56003
25-008100-001	I	TOM/SHAWNA WOLFE	23634 589TH AVE	MANKATO MN 56001	2136 NORTH RIDGE DR NORTH MANKATO MN 56003	68.02			
32-009500-010	I	EVAN STOECHNER	8050 QUEEN AVE S APT 108	BLOOMINGTON MN 55431-1254	2132 WILLOW TRL NORTH MANKATO MN 56003	108.45	MATT WILLS	2132 WILLOW TRL	NORTH MANKATO, MN 56003

October 24, 2016

«Name»

«Street Mailing Address»

«City Mailing Address»

Account Number: «Account_No»

Service Address: «Service_Address»

Property ID: «Property_Id»

The City of North Mankato Ordinance No. 50.04 (H) provides that utility charges constitute a lien upon the premises served. If you are the owner and rent out the property, you are ultimately responsible for any unpaid utility charges. Accounts which are delinquent may be certified to the County Auditor for collection with property taxes due this coming year.

The service address above has a delinquent balance of \$«Collection_Amount», as of September 13, 2016, which will be certified to the County Auditor at the City Council's November 21st meeting. In addition, a seven percent (7%) annual rate of interest will be applied to the delinquent balance. If you wish to avoid interest charges, payment of the delinquent balance must be received or postmarked with the payment stub (below) by November 28, 2016, to:

City of North Mankato
Attn: Utility Billing
1001 Belgrade Avenue
P.O. Box 2055
North Mankato, MN 56002-2055

If you recently sent a payment or if you have a question regarding this notice, please call our utility billing customer service representative at (507) 625-4141. Thank you for your cooperation in this matter.

Sincerely,

Kevin McCann
Finance Director

Cc: «LandlordOwner»

Please return this payment stub with your check. Thank you.

Account Number: «Account_No»

Service Address: «Service_Address»

Property ID: «Property_Id»

Delinquent balance: \$«Collection_Amount»

(Please pay by November 28, 2016)

RESOLUTION NO.

RESOLUTION DECLARING COSTS TO BE ASSESSED
FOR MUNICIPAL CHARGES

WHEREAS, the City of North Mankato has incurred municipal charges for services rendered in accordance with the following information; and

WHEREAS, all such costs are to be assessed against the property affected thereby;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following costs shall be specifically assessed against such property in the amount specified:

Type: 18203
Parcel No.: 18.471.0040
Legal: BLOCK 1 ADJ TO HOWARD DR LOT S 150' OF E 144.3' OF LOT 1
SUBDIVISIONCD 18471 SUBDIVISIONNAME C & H INDUSTRIAL PLT
Address: 1730 Howard Drive

Owners: Brandon Schnepf
825 N Minnesota Ave.
St. Peter, MN 56082

Mowing: \$75.00

Adopted by the City Council this 21st day of November 2016.

Mayor

ATTEST:

City Clerk



CITY OF NORTH MANKATO

P.O. Box 2055

North Mankato, MN 56002-2055

507-625-4141

Invoice

Date	Invoice #
6/7/2016	6589

Bill To

Brandon Schnepf
825 N Minnesota Ave
St Peter, MN 56082

Terms

30 Days

Quantity	Description	Rate	Amount
1	Mowed at 1730 Howard Drive on 5/18/16. 2nd Notice 7/19/16. 3rd & Final Notice 8/19/16.	75.00	75.00
		Total	\$75.00
		Payments/Credits	\$0.00
Prompt payment is appreciated. Please include Invoice # with payment.		Balance Due	\$75.00



CITY OF NORTH MANKATO

Aug 19, 2016

Brandon Schnepf
825 N Minnesota Ave
St. Peter, MN 56082

Re: Delinquent Bill

Dear Property Owner:

Enclosed is the final notice of invoice #6589 dated 6/7/16, in the amount of \$75.00 for mowing fees for the property at 1730 Howard Drive on 5/18/16.

This letter is to notify you that these charges are past due. If payment is not received by 5:00 pm on August 29th (ten (10) business days from the date of this letter) the North Mankato City Council will take action to have these charges certified to the Nicollet County Auditor for collection with the property taxes on this parcel.

It is our hope that this action will not be necessary. Please make remittance to the City of North Mankato. If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

THE CITY OF NORTH MANKATO

Kevin McCann
Finance Director

Enclosure



RESOLUTION NO.

RESOLUTION DECLARING COSTS TO BE ASSESSED
FOR MUNICIPAL CHARGES

WHEREAS, the City of North Mankato has incurred municipal charges for services rendered in accordance with the following information; and

WHEREAS, all such costs are to be assessed against the property affected thereby;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following costs shall be specifically assessed against such property in the amount specified:

Type:	18203
Parcel No.:	18.725.0010
Legal:	BLOCK 1 LOT 1 SUBDIVISIONCD 18725 SUBDIVISIONNAME PRESIDENTIAL ESTATES 4
Address:	10 Arlington Court
Owners:	Eli Nelson 1401 LorRay Drive North Mankato, MN 56003
	Mowing: \$75.00
	Mowing: \$75.00
	Total: \$150.00

Adopted by the City Council this 21st day of November 2016.

Mayor

ATTEST:

City Clerk



CITY OF NORTH MANKATO

P.O. Box 2055

North Mankato, MN 56002-2055

507-625-4141

Invoice

Date	Invoice #
7/13/2016	6640

Bill To

Eli Nelson
1401 LorRay Drive
North Mankato, MN 56003

		Terms	
		30 Days	
Quantity	Description	Rate	Amount
	Mowing fees	75.00	75.00
	10 Arlington Court on 6/10/16.		
	2nd Notice 8/23/16.		
	3rd & Final Notice 9/26/16.		
		Total	\$75.00
		Payments/Credits	\$0.00
Prompt payment is appreciated. Please include Invoice # with payment.		Balance Due	\$75.00



CITY OF NORTH MANKATO

September 27, 2016

Eli Nelson
1401 LorRay Drive
North Mankato, MN 56003

Re: Delinquent Bill

Dear Property Owner:

Enclosed is the final notice of invoice #6640 dated 7/13/16, in the amount of \$75.00 for mowing fees for the property at 10 Arlington Court on 6/10/16.

This letter is to notify you that these charges are past due. If payment is not received by 5:00 pm on October 11, 2016 (ten (10) business days from the date of this letter) the North Mankato City Council will take action to have these charges certified to the Nicollet County Auditor for collection with the property taxes on this parcel.

It is our hope that this action will not be necessary. Please make remittance to the City of North Mankato. If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

Kevin McCann
Finance Director

Enclosure



CITY OF NORTH MANKATO

P.O. Box 2055

North Mankato, MN 56002-2055

507-625-4141

Invoice

Date	Invoice #
6/7/2016	6587

Bill To

Eli Nelson
1401 LorRay Drive
North Mankato, MN 56003

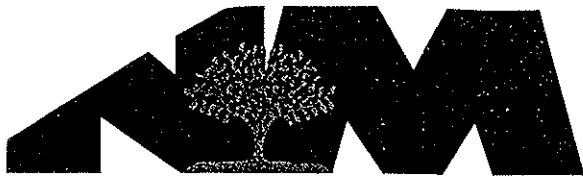
Terms

30 Days

Quantity	Description	Rate	Amount
1	Mowed at 10 Arlington Ct on 5/18/16	75.00	75.00
	2nd Notice 7/19/16. 3rd & Final Notice 8/19/16.		
		Total	\$75.00
		Payments/Credits	\$0.00

Prompt payment is appreciated.
Please include Invoice # with payment.

Balance Due \$75.00



CITY OF NORTH MANKATO

Aug 19, 2016

Eli Nelson
1401 LorRay Drive
North Mankato, MN 56003

Re: Delinquent Bill

Dear Property Owner:

Enclosed is the final notice of invoice #6587 dated 6/7/16, in the amount of \$75.00 for mowing fees for the property at 10 Arlington Court on 5/18/16.

This letter is to notify you that these charges are past due. If payment is not received by 5:00 pm on August 29th (ten (10) business days from the date of this letter) the North Mankato City Council will take action to have these charges certified to the Nicollet County Auditor for collection with the property taxes on this parcel.

It is our hope that this action will not be necessary. Please make remittance to the City of North Mankato. If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

THE CITY OF NORTH MANKATO

Kevin McCann
Finance Director

Enclosure



RESOLUTION NO.

RESOLUTION DECLARING COSTS TO BE ASSESSED
FOR MUNICIPAL CHARGES

WHEREAS, the City of North Mankato has incurred municipal charges for services rendered in accordance with the following information; and

WHEREAS, all such costs are to be assessed against the property affected thereby;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following costs shall be specifically assessed against such property in the amount specified:

Type: 18203
Parcel No.: 18.803.0180
Legal: BLOCK 9 LOT 18 SUBDIVISIONCD 18803 SUBDIVISIONNAME SUBD OF
BLK 7
Address: 424 South Avenue

Owners: Altisource
PO Box 105265
Atlanta, GA 30348

Mowing: \$75.00

Adopted by the City Council this 21st day of November 2016.

Mayor

ATTEST:

City Clerk



CITY OF NORTH MANKATO

P.O. Box 2055

North Mankato, MN 56002-2055

507-625-4141

Invoice

Date	Invoice #
6/7/2016	6585

Bill To
Altisource PO Box 105265 Atlanta, GA 30348

		Terms	
		30 Days	
Quantity	Description	Rate	Amount
1	Mowed at 424 South Ave on 5/17/16. 2nd Notice 7/19/16. 3rd & Final Notice 8/19/16.	75.00	75.00
		Total	\$75.00
		Payments/Credits	\$0.00
Prompt payment is appreciated. Please include Invoice # with payment.		Balance Due	\$75.00



CITY OF NORTH MANKATO

Aug 19, 2016

Altisource
P. O. Box 105265
Atlanta, GA 30348

Re: Delinquent Bill

Dear Property Owner:

Enclosed is the final notice of invoice #6585 dated 6/7/16, in the amount of \$75.00 for mowing fees for the property at 424 South Ave on 5/17/16.

This letter is to notify you that these charges are past due. If payment is not received by 5:00 pm on August 29th (ten (10) business days from the date of this letter) the North Mankato City Council will take action to have these charges certified to the Nicollet County Auditor for collection with the property taxes on this parcel.

It is our hope that this action will not be necessary. Please make remittance to the City of North Mankato. If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

THE CITY OF NORTH MANKATO

Kevin McCann
Finance Director

Enclosure

RESOLUTION NO.

RESOLUTION DECLARING COSTS TO BE ASSESSED
FOR MUNICIPAL CHARGES

WHEREAS, the City of North Mankato has incurred municipal charges for services rendered in accordance with the following information; and

WHEREAS, all such costs are to be assessed against the property affected thereby;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following costs shall be specifically assessed against such property in the amount specified:

Type: 18203
Parcel No.: 18.722.0040
Legal: BLOCK 2 LOT 30 SUBDIVISIONCD 18722 SUBDIVISIONNAME
PRESIDENTIAL ESTATES
Address: 2153 LorRay Drive

Owners: Lake Community Bank
1964 West Wayzata Blvd.
Long Lake, MN 55356

Mowing: \$75.00

Adopted by the City Council this 21st day of November 2016.

Mayor

ATTEST:

City Clerk

CITY OF NORTH MANKATO

P.O. Box 2055

North Mankato, MN 56002-2055

507-625-4141

Invoice

Date	Invoice #
7/13/2016	6644

Bill To	
Lake Community Bank 1964 West Wayzata Blvd. Long Lake, MN 55356	

		Terms	
		30 Days	
Quantity	Description	Rate	Amount
	Mowing fees	75.00	75.00
	2153 Lorrain Drive on 6/17/16.		
	2nd Notice 8/23/16.		
	3rd & Final Notice 9/26/16.		



CITY OF NORTH MANKATO

September 27, 2016

Lake Community Bank
1964 West Wayzata Blvd.
Long Lake, MN 55356

Re: Delinquent Bill

Dear Property Owner:

Enclosed is the final notice of invoice #6644 dated 7/13/16, in the amount of \$75.00 for lawn mowing fees for the property at 2153 LorRay Drive.

This letter is to notify you that these charges are past due. If payment is not received by 5:00 pm on October 11 (ten (10) business days from the date of this letter) the North Mankato City Council will take action to have these charges certified to the Nicollet County Auditor for collection with the property taxes on this parcel.

It is our hope that this action will not be necessary. Please make remittance to the City of North Mankato. If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

THE CITY OF NORTH MANKATO

Kevin McCann
Finance Director

Enclosure

RESOLUTION NO.

RESOLUTION DECLARING COSTS TO BE ASSESSED
FOR MUNICIPAL CHARGES

WHEREAS, the City of North Mankato has incurred municipal charges for services rendered in accordance with the following information; and

WHEREAS, all such costs are to be assessed against the property affected thereby;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following costs shall be specifically assessed against such property in the amount specified:

Type: 18203
Parcel No.: 18.615.0410
Legal: LOT W 143' OF E 247' OF LOT C "EX E 104' & EX E 50' OF W 314'"
SUBDIVISIONCD 18615 SUBDIVISIONNAME STEPHEN LAMM'S ADD
Address: 732 Wall Street

Owners: Georgia Kirchner
4434 22nd Ave NW
Rochester, MN 55901

Mowing: \$75.00

Adopted by the City Council this 21st day of November 2016.

Mayor

ATTEST:

City Clerk

CITY OF NORTH MANKATO

P.O. Box 2055

North Mankato, MN 56002-2055

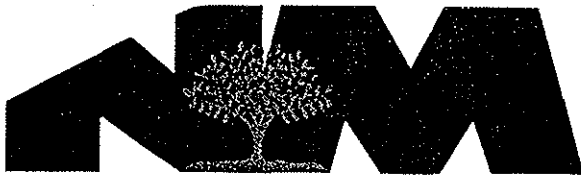
507-625-4141

Invoice

Date	Invoice #
7/13/2016	6642

Bill To
Georgia Kirchner 4434 22nd Ave NW Rochester, MN 55901

		Terms	
		30 Days	
Quantity	Description	Rate	Amount
	Mowing fees 732 Wall Street on 6/17/16. 2nd Notice 8/23/16. 3rd & Final Notice 9/26/16.	75.00	75.00
		Total	\$75.00
		Payments/Credits	\$0.00
Prompt payment is appreciated. Please include Invoice # with payment.		Balance Due	\$75.00



CITY OF NORTH MANKATO

September 27, 2016

Georgia Kirchner
4434 22nd Ave NW
Rochester, MN 55901

Re: Delinquent Bill

Dear Property Owner:

Enclosed is the final notice of invoice #6642 dated 7/13/16 in the amount of \$75.00 for mowing fees for the property at 732 Wall Street.

This letter is to notify you that these charges are past due. If payment is not received by 5:00 pm on October 11, 2016 (ten (10) calendar days from the date of this letter) the North Mankato City Council will take action to have these charges certified to the Nicollet County Auditor for collection with the property taxes on this parcel.

It is our hope that this action will not be necessary. Please make remittance to the City of North Mankato. If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

THE CITY OF NORTH MANKATO

Kevin McCann
Finance Director

Enclosure



CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #7I	Department: Finance	Council Meeting Date: 11/21/16																											
TITLE OF ISSUE: Set Public Hearing for 7 p.m. on Monday, December 5, 2016 to Consider Setting Rates and Charges for Municipal Utilities.																													
BACKGROUND AND SUPPLEMENTAL INFORMATION: Part of the proposed 2017 Budget is the increase in water and sewer rates. This includes a water base rate increase of \$3.00/meter/month and is expected to generate \$200,000 in additional revenue. While the 2014 rate increases stabilized the fund, several issues are present that require the rate increase. First, payment for Well #9. Second, over the last four out of five years, water usage has decreased. While good for conservation efforts, declining water use decreases the amount of revenue collected. Third, staff recommends cash capital outlay contributions increase by \$200,000 per year for a total of \$300,000 annually. The intended purpose of this allocation is to reduce annual borrowing. The Wastewater fund budget proposes \$2,274,000 in revenue and 2,341,00 in expenditures. This includes a base rate increase of \$3.60/meter/month and is expected to generate \$170,000 in additional revenue. Decreasing water use impacts wastewater revenue collections and the wastewater fund faces increasing capital costs associated regular capital outlay and costs associated with the treatment of wastewater. The purpose of the proposed 2017 rate increase is to increase cash capital contributions for infrastructure projects increasing the total amount budgeted by \$100,000 in year one.																													
<i>If additional space is required, attach a separate sheet</i>																													
REQUESTED COUNCIL ACTION: Set Public Hearing.																													
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Freyberg</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Spears</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Steiner	_____	_____	Norland	_____	_____	Freyberg	_____	_____	Spears	_____	_____	Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) <u>Notice of Public Hearing</u> _____ _____ _____ _____	Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aye	Nay																												
_____	_____	Steiner																											
_____	_____	Norland																											
_____	_____	Freyberg																											
_____	_____	Spears																											
_____	_____	Dehen																											
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NOTICE OF PUBLIC HEARING ON SETTING RATES AND CHARGES
FOR MUNICIPAL UTILITIES

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota at 7 p.m. on the 5th day of December 2016, to hold a public hearing to consider setting rates and charges for municipal utilities.

Such persons as desire to be heard with reference to the proposed municipal utility rates will be heard at this meeting.

Dated the 21st day of November 2016

April Van Genderen
City Clerk
City of North Mankato

RESOLUTION NO.

RESOLUTION SETTING RATES AND CHARGES FOR
MUNICIPAL UTILITIES

WHEREAS, Section 50.02 of the City Code requires the City Council to fix and determine all rates and charges for municipal utilities in the City of North Mankato;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, pursuant to Section 50.02 of the City Code that the following monthly municipal water, sewer, refuse and storm water rates and charges be set effective for billings on and after January 1, 2017:

<u>Water Rates</u>		
<u>Water Class & Meter Size</u>	<u>Monthly Cost of Service Fee</u>	<u>Cost per 1,000 gal</u>
Residential (5/8"-1 1/4")	\$5.00 \$8.00	\$3.43
Residential & Commercial (1 1/2"-3")	\$38.26 \$41.26	\$3.43
Commercial 5/8"- 1 1/4"	5.00 \$8.00	\$3.43
Commercial 4"-6"	\$38.26 41.26	\$3.43
Residential and Commercial Outside Meters	\$0.00	\$4.35
<u>Water Rates Rate Class & Meter Size</u>		
Rural Water (5/8"-1 1/4")	\$10.00 \$13.00	\$4.43
Rural (1 1/2"-3")	\$43.26 \$46.26	\$6.12
Multiple Dwelling Unit Rate Per Unit	\$5.00	n/a
<u>Sewer Rates</u>	<u>Minimum Bill</u>	<u>Cost per 1,000 gal</u>
0 Gal. to 2,250 Gal	\$11.40 \$15.00	
2,251 Gal & over cost per 1,000		\$6.35

Rural-0 Gal. to	\$11.40	
2,250	\$15.00	
<hr/>		
Rural-2,251 Gal		\$7.45
and over cost per		
1,000		

Adopted by the City Council this 5th day of December 2016.

Mayor

ATTEST:

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #7J	Department: City Administrator	Council Meeting Date: 11/21/16																												
TITLE OF ISSUE: Set Public Hearing for 7 p.m. on Monday, December 5, 2016 to Consider 2017 Budget and the Five-Year Capital Improvement Plan, 2017-2021.																														
BACKGROUND AND SUPPLEMENTAL INFORMATION: As part of the 2017 Budget process, it is necessary to formally set the date and time for the 2017 Budget and Five-Year Capital Improvement Plan, 2017-2021 Public Hearing.																														
If additional space is required, attach a separate sheet																														
REQUESTED COUNCIL ACTION: Set Public Hearing.																														
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Freyberg</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Spears</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Steiner	_____	_____	Norland	_____	_____	Freyberg	_____	_____	Spears	_____	_____	Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) <u>Notice of Public Hearing</u> _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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NOTICE OF PUBLIC HEARING ON 2017 BUDGET
AND FIVE-YEAR CAPITAL IMPROVEMENT PLAN, 2017-2021
CITY OF NORTH MANKATO

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, at 7 p.m. on the 5th day of December 2016, to hold a public hearing to consider the City's 2017 Budget and Five-Year Capital Improvement Plan, 2017-2021.

Such persons as desire to be heard with reference to the proposed 2017 Budget and Five-Year Capital Improvement Plan, 2017-2021 will be heard at this meeting. A copy of the 2017 Budget and Five-Year Capital Improvement Plan, 2017-2021 is available at the North Mankato Taylor Library or by calling 625-4141 or in person at City Hall, 1001 Belgrade Avenue, North Mankato.

Dated this 21st day of November 2016.

April Van Genderen
City Clerk
City of North Mankato

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #7K	Department: Administration	Council Meeting Date: 11/21/16										
TITLE OF ISSUE: Consider Resolution Approving the Proposed Transfer of the Cable Franchise Currently Held by Crystal Communications, Inc.												
BACKGROUND AND SUPPLEMENTAL INFORMATION: Please review the memorandum from Moss & Barnett concerning the transfer.												
<i>If additional space is required, attach a separate sheet</i>												
REQUESTED COUNCIL ACTION: Adopt Resolution Approving the Proposed Transfer of the Cable Franchise Currently Held by Crystal Communications, Inc.												
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: Aye Nay _____ _____ Steiner _____ _____ Norland _____ _____ Freyberg _____ _____ Spears _____ _____ Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) <u>Memorandum</u> _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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MEMORANDUM

To: John Harrenstein, City Administrator
From: Brian T. Grogan and Yuri B. Berndt
Date: November 14, 2016
Re: FCC Form 394 - Crystal Communications, Inc.

FINANCIAL QUALIFICATIONS

I. Scope of Review

We have reviewed selected financial information provided by Crystal Communications, Inc., a Delaware corporation ("Crystal"), and its ultimate parent entity, Consolidated Communications Holdings, Inc., a Delaware corporation, ("Consolidated") in conjunction with Crystal's request for approval of the merger of Crystal into Consolidated Communications Enterprise Services, Inc., a Delaware corporation ("CCES"). CCES is an indirect wholly owned subsidiary of Consolidated. At the request of the City, Moss & Barnett, PA has reviewed selected financial information that was provided by Consolidated.

The financial information that was provided and to which our review has been limited, consists solely of the following financial information (hereinafter referred to collectively as the "Financial Statements"):

1. FCC Form 394 "Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise," dated October 5, 2016, provided by Consolidated (the "Application") along with such other exhibits as provided therewith; and
2. Consolidated and its subsidiaries' unaudited Condensed Consolidated Balance Sheets as of December 31, 2015 and June 30, 2016, and its Condensed Consolidated Statements of Operations for the quarters ended June 30, 2015 and 2016, and the six (6) month periods ended June 30, 2015 and 2016.

Our procedure is limited to providing a summary of our analysis of the Financial Statements as provided herein in order to facilitate the City's assessment of the financial capabilities of Consolidated and its subsidiaries to maintain and operate the cable system (the "System") in the City.

II. Overview of Merger Transaction

Consolidated, the parent company of Crystal and CCES, is undertaking a series of intra-company transactions that include the merger of Crystal into CCES (the "Merger"). The Merger is expected to be effective as of January 1, 2017. Under the Merger, Crystal will cease to exist as a separate legal entity and CCES, the surviving entity, will assume all duties and obligations associated with Crystal, including the City's cable franchise. Consolidated will effectuate the Merger through a Certificate of Merger or similar document to be prepared and executed on or no later than December 31, 2016.

The pro forma merger of Crystal into CCES does not require any new or additional equity commitments or financing arrangements. After the Merger transaction, the assets and liabilities of Crystal will be the assets and liabilities, respectively, of CCES. From a financial qualification standpoint, CCES will have the same financial capability as Crystal upon the completion of the Merger. According to Consolidated, neither CCES nor Crystal maintains or has maintained separate Financial Statements and their financial information is included in Consolidated's Financial Statements.

III. Findings

Since the Merger will not result in a change in Consolidated's Financial Statements, require additional capital or result in any other significant expense and cost, we note that the Merger does not result in a change in Consolidated's financial position and its wherewithal to operate the System serving the City.

Furthermore, we note that the Financial Statements do not specifically relate to the ultimate holder of the System serving the City, but rather reflect the parent entity's financial information. The parent entity is not obligated to fulfill the terms and conditions of the City's franchise agreement or ordinance, or make contributions to the holder of the System that would allow the holder to make the required payments to the City. The parent entity may also receive distributions from the subsidiary entity (and holder of the System) that will deplete the assets of the subsidiary entity.

Neither federal law nor FCC regulations provide franchising authorities such as the City with any guidance concerning the evaluation of the financial qualifications of an applicant for a cable franchise in the case of a merger of two commonly owned subsidiaries. Typically, in evaluating the financial capabilities of a cable operator, we believe it is appropriate to consider the performance of an applicant based on the applicant's historical performance. In this situation, Consolidated's historical operations will be the same for both Crystal and CCES. There is overall no significant change to the financial aspects of the Consolidated group as a result of the Merger.

IV. Summary

Using the FCC Form 394 to establish an absolute minimum standard of financial qualifications that a proposed applicant must demonstrate in order to be qualified as the parent owner of the operator of the System, Consolidated has the burden of demonstrating to the City's satisfaction that Consolidated and the System holder have "sufficient net liquid assets on hand or available from committed resources" to consummate the Merger and operate the System, together with its existing operations, for three (3) months. This minimum standard is not easy to apply to the complex organizational structure of Consolidated and its multiple wholly-owned subsidiaries.

Based solely on the financial information that we reviewed, Consolidated will not recognize any change in the operation of the System through its subsidiary, CCES, from a financial standpoint. Based on the foregoing and limited strictly to the financial information analyzed in conducting this review, we do not believe that Consolidated's request for transfer of control of the System can reasonably be denied based solely on a lack of financial qualifications of Consolidated.

In the event the City elects to proceed with approving the proposed transfer of control, the assessment of Consolidated and its subsidiaries' financial qualifications should not be construed in any way to constitute an opinion as to the financial capability or stability of Consolidated to (i) operate the System with respect to the franchise agreement and applicable ordinance, (ii) operate its other operations, or (iii) successfully consummate the Merger. The sufficiency of the procedures used in making an assessment of Consolidated's financial qualifications and its capability as the parent owner of the operator of the System is solely the responsibility of the City. Consequently, we make no representation regarding the sufficiency of the procedures used either for the purpose for which this analysis of financial capabilities and qualifications was requested or for any other purpose.

RESOLUTION NO. _____

APPROVING THE PROPOSED TRANSFER OF THE CABLE FRANCHISE CURRENTLY HELD BY CRYSTAL COMMUNICATIONS, INC.

WHEREAS, Crystal Communications, Inc. ("Crystal"), currently holds a cable television franchise ("Franchise") granted by the City of North Mankato, Minnesota ("City"); and

WHEREAS, Crystal owns, operates and maintains a cable television system in the City ("System") pursuant to the terms of the Franchise; and

WHEREAS, on or about October 5, 2016 the City received from Crystal, FCC Form 394 - Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise ("Application"); and

WHEREAS, Section 10.5 of the Franchise requires the City's advance written consent prior to a transfer of the Franchise; and

WHEREAS, Federal law requires that the City take action to consider the Application within one hundred twenty (120) days of the date of receipt, or on or before February 2, 2017; and

WHEREAS, Crystal and its parent company, Consolidated Communications Holdings, Inc., ("Consolidated") are undertaking a series of intra-company transactions that include the merger of Crystal into Consolidated Communications Enterprise Services, Inc. ("CCES") (the "Transaction"); and

WHEREAS, the Transaction is expected to be effective as of January 1, 2017 subject to required regulatory approvals; and

WHEREAS, under the Transaction, Crystal will cease to exist as a separate legal entity and CCES will assume all duties and obligations associated with Crystal, including the Franchise; and

WHEREAS, as a result of the Transaction, Crystal has requested consent from the City to the proposed transfer of the Franchise; and

WHEREAS, the City has reviewed the Transaction, and based on information provided by Crystal and Consolidated and on the information received by the City, the City has elected to approve the Transaction subject to certain conditions as set forth herein.

NOW, THEREFORE, the City of North Mankato, Minnesota hereby resolves as follows:

1. All of the above recitals are hereby incorporated by reference as if fully set forth herein.

2. The Franchise is in full force and effect and CCES is the lawful holder of the Franchise.

3. The City hereby consents and approves of the Transaction.

4. CCES will be the lawful holder of the Franchise after completion of the Transaction.

5. The City's consent to the Transaction shall not serve to waive any rights City may have to hold Crystal liable for any and all liabilities, known and unknown, under the Franchise.

6. The City hereby consents and approves of the Transaction subject to, within thirty (30) days of the date of closing of the Transaction:

a. CCES shall notify the City in writing of the closing.

b. CCES shall execute and file with the City the Acceptance and Agreement attached hereto to verify CCES's compliance with the terms and conditions of this Resolution.

c. Crystal or CCES shall fully reimburse City for all of City's reasonable costs and expenses in connection with the City's review of the Transaction, including without limitation, all costs incurred by the City for attorneys retained by City to assist in the review as well as notice and publication costs ("Reimbursement").

7. The Reimbursement shall be considered a requirement or charge incidental to the awarding or enforcing of the Franchise and shall not be deemed to be "Franchise Fees" within the meaning of Section 622 of the Cable Act (47 U.S.C. §542), nor shall the Reimbursement be deemed to be (i) "payments in kind" or any involuntary payments chargeable against the Franchise Fees to be paid to the City by Crystal or CCES pursuant to the Franchise.

8. In the event the Transaction contemplated by the foregoing resolution is not completed, for any reason, the City's consent shall not be effective. If any of the conditions set forth herein are not met by Crystal or CCES, the City's consent to the Transaction shall be null and void and of no effect.

This Resolution shall take effect and continue and remain in effect from and after the date of its passage, approval, and adoption.

Approved by the City of North Mankato, Minnesota this ____ day of _____, 2016.

ATTEST:

CITY OF NORTH MANKATO, MINNESOTA

By: _____

By: _____

Its: _____

Its: _____

ACCEPTANCE AND AGREEMENT

Consolidated Communications Enterprise Services, Inc. hereby accepts this Resolution No. _____
_____ ("Resolution") and agrees to be bound by the terms and conditions of this
Resolution and the terms and conditions of the Franchise referenced within the Resolution.

Dated this ____ day of _____, 2016

CONSOLIDATED COMMUNICATIONS
ENTERPRISE SERVICES, INC.

By: _____

Its: _____

SWORN TO BEFORE ME this

____ day of _____, 2016

NOTARY PUBLIC

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item 7L	Department: Public Works	Council Meeting Date: 11/21/2016																												
TITLE OF ISSUE: Consider Resolution Purchasing Main Lift Station Generator.																														
BACKGROUND AND SUPPLEMENTAL INFORMATION: City staff received three quotes to replace the main lift station generator. The current generator has failed three times in the last two years. The generator was purchased used with an engine from the 1970's. City staff recommends replacing the generator.																														
<i>If additional space is required, attach a separate sheet</i>																														
REQUESTED COUNCIL ACTION: Adopt Resolution Purchasing Main Lift Station Generator.																														
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Freyberg</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Spears</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Steiner	_____	_____	Norland	_____	_____	Freyberg	_____	_____	Spears	_____	_____	Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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RESOLUTION NO.

RESOLUTION PURCHASING MAIN LIFT STATION GENERATOR

WHEREAS, pursuant to requesting and receiving three quotes from qualified generator dealers; and

WHEREAS, the following quotes were received:

Blue Star	\$32,027 plus tax
Interstate/MTU (Katolight)	\$33,500 plus tax
Zeigler/CAT	\$39,885 plus tax

AND WHEREAS, Blue Star, a qualified dealer, submitted the lowest quote.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, as follows:

1. The City hereby directs the Public Works Director to purchase a main lift replacement generator.

Adopted by the City Council this 21st day of November 2016.

Mayor

Attest:

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item 7M	Department: Public Works	Council Meeting Date: 11/21/2016																												
TITLE OF ISSUE: Consider Resolution Purchasing Main Lift Station Portable Back-up Generator.																														
BACKGROUND AND SUPPLEMENTAL INFORMATION: City staff received three quotes to purchase a back-up main lift station portable generator. The portable unit is used during power failures to keep the main lift station functioning. The current portable back-up generator was purchased in 1984, it still works but is underpowered and staff questions reliability. City staff recommends purchasing a portable back-up generator.																														
<i>If additional space is required, attach a separate sheet</i>																														
REQUESTED COUNCIL ACTION: Adopt Resolution Purchasing Main Lift Station Portable Back-up Generator.																														
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RESOLUTION NO.

RESOLUTION PURCHASING MAIN LIFT STATION
PORTABLE BACK-UP GENERATOR

WHEREAS, pursuant to requesting and receiving three quotes from qualified generator dealers; and

WHEREAS, the following quotes were received:

Blue Star	\$35,462 plus tax
Zeigler/CAT	\$41,785 plus tax
Interstate/MTU (Katolight)	\$60,500 plus tax

AND WHEREAS, Blue Star, a qualified dealer, submitted the lowest quote.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, as follows:

1. The City hereby directs the Public Works Director to purchase a main lift replacement back-up generator.

Adopted by the City Council this 21st day of November 2016.

Mayor

Attest:

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #9A	Department: Administration	Council Meeting Date: 11/21/16																												
TITLE OF ISSUE: Consider Resolution Setting Public Hearing to Consider Amending the City Code Chapter 54, Stormwater.																														
BACKGROUND AND SUPPLEMENTAL INFORMATION: Please review the memorandum from City Engineer Dan Sarff. City Engineer Sarff will be present to answer any questions.																														
If additional space is required, attach a separate sheet																														
REQUESTED COUNCIL ACTION: Adopt Resolution Setting Public Hearing to Consider Amending the City Code Chapter 54, Stormwater.																														
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Freyberg</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Spears</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Steiner	_____	_____	Norland	_____	_____	Freyberg	_____	_____	Spears	_____	_____	Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) <u>Memorandum, Redlined Chapter 54, Enforcement Response Procedures</u> _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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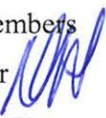


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MEMORANDUM

Date: November 16, 2016
To: Mayor Dehen and City Council Members
From: Daniel R. Sarff, P.E., City Engineer 
CC: John Harrenstein, City Administrator
Brad Swanson, Public Works Director
Michael Fisher, City Planner
Subject: Proposed Stormwater Ordinance Updates

The Minnesota Pollution Control Agency (MPCA) administers the requirements of the federal Clean Water Act in addition to its own State Disposal System requirements. At the MPCA, the Stormwater Program includes three general stormwater permits, including the Municipal Separate Storm Sewer System (MS4) Permit. The MS4 General Permit is designed to reduce the amount of sediment and pollution that enters surface and ground water from storm sewer systems to the maximum extent practicable. Stormwater discharges associated with MS4s are subject to regulation under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS). Through the MS4 General Permit, the system owner or operator is required to develop a stormwater pollution prevention program (SWPPP) that incorporates best management practices (BMPs) applicable to their MS4. Because MN State Statute 7090.1010 Requires a MS4 Permit for municipalities with a population of 10,000 or more, the City of North Mankato must obtain a MS4 permit and comply with its requirements.

The statewide MS4 General Permit was reissued in August 2013. The new general permit included a number of new requirements, including: more stringent stormwater management guidelines, mapping update requirements and the adoption of Enforcement Response Procedures (ERP). The new permit also requires that the City's stormwater ordinances include certain language and requirements. Attached is a draft copy of Chapter 54 – STORMWATER with the proposed changes indicated and footnoted. The following is a summary of the proposed changes to the ordinance:

SECTION 54.05 PURPOSE, SCOPE AND DEFINITIONS:

- Updated and expanded definition of Best Management Practices - the general permit requires that the Best Management Practices allowed by ordinance be at least as stringent as the ones required by the MPCA Construction Stormwater Permit. The wording has been revised to include the same reference that MPCA Construction Stormwater Permit allows while still providing the City an option to allow modifications on a site specific basis.
- Added definition of "Development" - the general permit has new standards that are required to be discussed in the City's ordinance for New Development. The definition used in the permit has been added to ensure clarity.
- Updated and expanded definition of Exposed Soil Areas – the general permit requires the ordinance to address site stabilization of exposed soil areas. This definition avoids misunderstandings of what is and is not considered Exposed Soil Area.

- Updated and expanded definition of Land Disturbance Activities – the general permit includes exemptions to Land Disturbance Activity that were not listed in the City Ordinance. A threshold of 5,000 square feet of disturbed area is proposed.
- Added definition of “Redevelopment” - the general permit has new standards that are required to be discussed in the City’s ordinance for redevelopment. The definition used in the permit has been added to ensure clarity.

SECTION 54.06 EROSION PREVENTION AND SEDIMENT CONTROL PLAN

- Included controls and provisions for dewatering – the general permit requires that the ordinance include requirements for dewatering during construction. This paragraph has been added to include performance standards for construction dewatering. The intent is to allow the owner and contractor to select the best practices to meet the standard instead of dictating a method for dewatering.
- Included requirements for temporary sedimentation basins – the general permit requires that the ordinance include criteria for temporary sedimentation basins. Temporary sedimentation basins are required for sites with 10 or more acres of soil disturbance or for sites of 5 or more acres if the site discharges to a special, impaired, or protected water. These sites are also required to obtain a permit from the MPCA. The ordinance language references the MPCA requirements instead of spelling out criteria to ensure that the ordinance is neither more nor less stringent than the MPCA requirement that the site must already meet.

SECTION 54.07 REVIEW OF PLAN

- Updated and expanded requirements for plan submittal and review:
 - Paragraph A was added to clarify the criteria that the site plans for new development and redevelopment would be reviewed for.
 - Paragraph B was added to ensure that the City has adequate information to properly review the site plan, without specifying the means or methods that the owner must use to submit the information. This allows that a small addition to a home is not required to meet the same submittal standards as a large multi-lot housing development.
 - Paragraph F was added requiring that the ordinance require inspections of all sites and that the inspections be properly documented.

SECTION 54.08 MODIFICATION OF PLAN

- Added provision for the removal of non-functioning BMP’s – the general permit requires that all non-functioning construction BMPS be repaired, replaced, or corrected. This paragraph has been added to provide a method for staff to enforce the new requirement so that City is not responsible for repair or replacement of private construction BMPs

SECTION 54.09 PERMANENT STORMWATER BMPS

- A new section for Permanent Stormwater BMPS (Best Management Practices) has been added. This section includes several new requirements from the general permit update that must be spelled out in the City ordinance:
 - Paragraph A:
 - Subparagraph 1: This sections requires that sites not discharge water at a higher rate than the existing rate. This protects downstream properties from flooding and erosion. It is important for the ordinance to state which design storm will be used for this analysis. The 2, 10, and 100 year 24-hour storm events are the industry standard used by most Cities in the region.

- Subparagraph 2: This section requires that the site not increase or for redevelopment must reduce the volume, total suspended solids, and total phosphorus of the discharge. The wording in this section matches the permit requirements.
- Subparagraph 2: Infiltration is often used to meet the criteria of subparagraph 2. The permit requires that infiltration be prohibited on certain sites. Subparagraph 2.i. has been added to indicate where in the City of North Mankato infiltration will be prohibited. The listed items are required.
- The 2013 MS4 permit requires that the listed order of preference of BMP practices be included in the ordinance.
- Paragraph C has been added to ensure that new development and redevelopment does not claim routine maintenance as an adequate BMP to meet the standards of the ordinance. This criteria is required to be included in the ordinance by the general permit. Please note, this section does not prohibit the use of an existing BMP that was constructed with a previous project, but was designed with the intent to accept stormwater from the new or redevelopment.
- Paragraph allows flexibility for sites that cannot meet the ordinance requirements. These alternatives are the only ones allowed by the general permit.
- Paragraph I was inserted to protect against BMPs that were installed to meet the requirements of the ordinance being removed at a later date without the consent of the City and without providing new BMPs to meet the criteria.

SECTION 54.98 ENFORCEMENT RESPONSE PROCEDURE

- Section 54.98 VIOLATIONS is replaced with a new SECTION 54.98 ENFORCEMENT RESPONSE PROCEDURE –
- The general permit requires that the City adopt an Enforcement Response Procedure covering construction stormwater management and erosion control, post-construction (permanent) stormwater management, and illicit discharges to the stormwater system. The permit requires that the ERP be referenced in the ordinance.
- The permit does not detail what is to be included in the ERP” “The permittee shall develop and implement written ERPs to enforce and compel compliance with the Regulatory Mechanism(s) developed and implemented by the permittee in accordance with Part III.A.”
- A draft of the proposed ENFORCEMENT RESPONSE PROCEDURE is attached. The draft ERP has been written with the intent of meeting the intent of the permit in a manner that is efficient, effective, and flexible. The following is a summary of the key elements of the ERP:
 - City Representative:
 - The City is required to designated MS4 Coordinator
 - The ERP is intended to provide this person a guide for reacting to enforcement issues without the need to involve law enforcement.
 - Civil Penalty:
 - The City has the option of using a Civil or a Criminal penalty for enforcement. – The draft ERP assumes civil penalties.
 - The use of a Civil Penalty does not remove any of the City’s legal rights to other actions recommended by the City Attorney.
 - The City Council will set and adopt the penalties with the other Municipal Fees.
 - Emergency Response:
 - When the MS4 coordinator is unable to resolve an issue by talking to the property owner or contractor then a written notice is given.
 - There are four types of written notices.
 - Notice of Correction (NOC) - written warning of the issue which provides a timeline for correction; no monetary penalty

- Notice of Violation (NOV) - issued if inadequate response to NOC or if more serious problem (illicit discharge, environmental damage, etc.); typically monetary penalty and permits may be revoked.
- Consent Orders - agreements between the violator and the City that detail how the problem will be corrected; typically when there is a major spill or illicit discharge.
- Cease and Desist Orders - legal notice that the activity that is causing a problem be stopped.
- The City can suspend, revoke, or modify a permit that has been previously issued if the property with that permit is not protecting against violations of the Stormwater Ordinance.
- Additional Measures details other options the City reserves the right to pursue for chronic violators or those that refuse to correct the issue. These include legal action, impacts to future building permits by the same violator, and actions that will apply to sites that do not have required permits.
- This section also allows the City to refer troublesome properties to the MPCA if the City feels this is the best method to correct the problem.
- Recordkeeping & Tracking:
 - Permit requires that the City track all actions taken under the ERPs.
 - This section lays out the information that will be tracked and references the City's records retention policy for how that information will be retained.
- Appeals - This section lays out a process for property owners and contractors to appeal an action that was taken under the ERPs.
 - A property owner may file a written appeal which will be reviewed by the City Administrator.
 - If the property owner does not agree with the findings of the City Administrator, they may then appeal to the City Council for a final review. The City Council decision is final and may not be appealed.
- Enforcement Action Matrices:
 - Table 1 – Noncompliance with Construction Requirements
 - Table 2 – Failure to remove Illicit Discharges

A public hearing is required in order to make changes to the City Code. Attached is a resolution that would set the public hearing at the next City Council meeting, December 5th.

I will be at the November 21st City Council meeting to answer any questions.

RESOLUTION NO.

RESOLUTION SETTING TIME AND PLACE OF PUBLIC HEARING
TO CONSIDER AMENDING THE CITY CODE CHAPTER 54, STORMWATER

BE IT RESOLVED by the Council of the City of North Mankato, Minnesota, that:

The City Council will conduct a public hearing on the proposed changes to City Code Chapter 54, Stormwater. Said hearing will take place on Monday, December 5, 2016, at 7:00 pm at the North Mankato City Council Chambers, 1001 Belgrade Avenue, North Mankato.

The purpose of this hearing is to inform the public of the proposed changes to City Code Chapter 54, Stormwater.

The City Clerk is hereby directed to publish notice of such hearing.

Adopted by the City Council this 21st day of December 2016

Mayor

ATTEST:

City Clerk

NOTICE OF PUBLIC HEARING ON AMENDING CITY CODE,
CHAPTER 54, STORMWATER

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota at 7 p.m. on the 5th day of December 2016, to hold a public hearing to consider amending the City Code Chapter 54, Stormwater.

Such persons as desire to be heard with reference to the proposed Amendment to the City Code will be heard at this meeting.

Dated the 21st day of November 2016

April Van Genderen
City Clerk
City of North Mankato

CHAPTER 54: STORMWATER

Section

- 54.01 Stormwater utility
- 54.02 Fixing rates and charges
- 54.03 Administration
- 54.04 Exemption
- 54.05 Purpose, scope and definitions
- 54.06 Erosion prevention and sediment control plan
- 54.07 Review of plan
- 54.08 Modification of plan
- 54.09 Remedial action
- 54.10 Emergency action
- 54.11 Notification of failure of the plan
- 54.12 Illicit discharge prohibited
- 54.13 Connection of sanitary sewer prohibited
- 54.14 Abrogation and greater restrictions
- 54.98 Violation

§ 54.01 STORMWATER UTILITY.

A stormwater utility is hereby established pursuant to M.S. § 444.075 and shall operate as an Enterprise Fund of the city subject to all applicable statutory requirements. The stormwater utility shall provide for the acquisition, construction, expansion, repair and maintenance of stormwater facilities in the city. The operation of the system shall include the collection, management, detention, pumping and discharge of stormwater as necessary to promote efficient operation of the system.

§ 54.02 FIXING RATES AND CHARGES.

(A) The monthly charge to a typical single-family residential parcel shall be the stormwater utility rate as established by the then current resolution of the City Council. For purposes of this section, each unit of a duplex, each townhome and each condominium unit shall be considered a single-family residential parcel. All other parcels of 10,000 square feet or less shall pay the stormwater utility rate. All other parcels of 10,000 square feet or more shall pay the rate times the number of 10,000 square foot increments comprising the parcel. A 20,000 square foot parcel shall pay two times the rate. A 25,000 square foot parcel shall pay 2.5 times the rate.

(B) Rates and charges for operation of the stormwater utility shall be established pursuant to § 50.02.

§ 54.03 ADMINISTRATION.

The City Administrator or his or her designee shall have administrative control of the stormwater utility. The City Administrator shall, from time-to-time, make recommendations to the City Council for the efficient and orderly operation of the stormwater system. The Administrator shall make recommendations to the City Council for inclusion in the Five-Year Capital Improvement Plan regarding the maintenance and improvement of the stormwater system.

§ 54.04 EXEMPTION.

Public rights-of-way shall be exempt ~~from~~ stormwater utility fees.

§ 54.05 PURPOSE, SCOPE AND DEFINITIONS.

(A) *Purpose.* The purpose of this chapter is to establish standards and requirements for conservation practices and planning activities designed to control or reduce point and non-point source stormwater pollution, soil erosion, sedimentation, and illicit discharges that may occur within the city.

(B) *Scope.* Any person, business entity, state agency, or political subdivision proposing a land disturbance activity within the city shall apply to the city for the approval of the Stormwater Pollution Prevention Plan (SWPPP). No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein. This chapter also develops regulations to manage illicit stormwater discharge within the city.

(C) *Definitions.* Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and to give this chapter its most reasonable application. For the purpose of this chapter, the words “must” and “shall” are mandatory and not permissive.

BEST MANAGEMENT PRACTICES (BMPS). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions and other management practices published by state or designated area-wide planning agencies. Acceptable BMPs are identified in the current version of The Minnesota Stormwater Manual. BMPs must be adapted to the site and can be adopted from other sources. However, they must be similar in purpose and at least as effective.¹

CITY. Any city official with authority, such as but not limited to, administration, City Council, City Engineer, Inspections Department, law enforcement and public works officials.

CONTAMINATED. Containing a harmful quantity of any substance.

CONTAMINATION. The presence of or entry of any substance which may be deleterious to the public health and/or the quality of the water into the public stormwater system, waters of the state, or waters of the United States.

COSMETIC CLEANING. Cleaning done for cosmetic purposes to the exterior of buildings, motorized vehicles, parking lots, recreational vehicles or similar activity. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

DEVELOPER. Any person, business entity, state agency, or political subdivision thereof, engaged in a land disturbance activity.

DEVELOPMENT. Any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.²

¹ Page 13 of 38 Permit No. MNR040000 – BMPs to minimize erosion, discharge of sediment or other pollutants.

² Page 15 of 38 Permit No. MNR040000 – The permit specifies discharge requirements for new development. This is the definition of development used in the permit.

EROSION. Any process that wears away the surface of the land by the action of water, wind, ice or gravity.

EROSION PREVENTION. Measures employed to prevent erosion.

EXPOSED SOIL AREAS. All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered "exposed soil," until it meets the definition of "final stabilization."³

FINAL STABILIZATION. All soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a minimum⁴ density of 70% has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed.

HARMFUL QUANTITY. The amount of any substance that will cause pollution of waters of the city, state or nation that will cause lethal or sub-lethal adverse effects on the representative, sensitive aquatic monitoring organisms residing in waters.

ILLICIT DISCHARGE. A discharge to the MS4 that is not composed entirely of stormwater, except for those discharges exempted under § 54.12.

LAND DISTURBANCE ACTIVITY. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including construction, clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

(a) Minor land disturbance activities, such as home gardens, tilling, planting or harvesting of agricultural and horticultural crops, repairs and maintenance work, unless such activity requires a permit.

(b) Emergency work to protect life or property, and emergency repairs. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

(c) Additions or modifications to existing single family structures which result in creating under five thousand (5,000)⁵ square feet of exposed soil or impervious surface.

(d) Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating under five thousand (5,000)⁶ square feet of exposed soil or impervious surface.

(e) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.⁷

³ Page 13 of 38 Permit No. MNR040000 – Regulatory mechanism to address stabilization with perennial vegetative cover on all exposed soils.

⁴ The Construction Stormwater Permit requires a minimum 70% coverage. This word is added to provide clarity.

⁵ 5,000 SF is a discretionary number. The intent is to allow soil disturbance on projects that do not otherwise require a City Permit. The City could decrease this number, but increasing it is not recommended.

⁶ This number should match (c).

⁷ These exemptions are allowed under the permit. The City is not required to allow these exemptions.

MOBILE COMMERCIAL COSMETIC CLEANING. Power washing, steam cleaning and any other mobile cosmetic cleaning operation of vehicles and/or exterior surfaces engaged for commercial purposes.

MS4 PERMIT. The Minnesota Pollution Control Agency (MPCA) permit issued to the city for monitoring and maintaining water quality in its MS4. The Environmental Protection Agency has promulgated the National Pollution Discharge Elimination System, Phase II stormwater rules. The MPCA has delegated the responsibility to administer the National Pollution Discharge Elimination System, Phase II stormwater permit system to MS4 communities.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). The system of conveyances, including sidewalks, municipal streets, driveways, curb and gutter, ditches, channels, retention basins, catch basins or similar stormwater inlets, and/or any other conveyance delivering water to the public storm sewer collection and delivery system.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (§§ 301, 318, 402 and 405) and 33 U.S.C. §§ 1317, 1328, 1342 and 1345.

OWNER. The person or party possessing the title of the property on which the land disturbing activities will occur; or if the land disturbing activities is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the land disturbing activities.

PERMITTEE. A person or persons, firm, or governmental agency or other institution that signs the application submitted, and is responsible for compliance with the terms and conditions of this permit.

POLLUTION. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any waters of the state or the MS4, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

REDEVELOPMENT. Any construction activity where, prior to the start of construction, the areas to be disturbed have 15 percent or more of impervious surface(s).⁸

SEDIMENT. The product of an erosion process; solid material, both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind or ice, and has come to rest on the earth's surface, either above or below water level.

SEDIMENT CONTROL. Methods employed to prevent sediment from leaving the site.

SEDIMENTATION. The process or action of depositing sediment.

STABILIZED. The exposed ground surface has been covered by appropriate materials that prevent erosion from occurring. Grass seeding is not stabilization until it's established.

STORMWATER. Precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site, non-point

⁸ Page 15 of 38 Permit No. MNR040000 – The permit specifies discharge requirements for redevelopment. This is the definition of redevelopment that is used in the permit.

pollution.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state, or any portion thereof.

WETLAND or WETLANDS. Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(Ord. 35, 4th Series, passed 2-22-2011; Am. Ord. 48, 4th Series, passed 1-22-2013)

§ 54.06 EROSION PREVENTION AND SEDIMENT CONTROL PLAN.

All plans shall be consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, and the filing or approval requirements of relevant watershed districts, watershed management organizations, ditch authorities, soil and water conservation districts, or other regulatory bodies.

(A) *Required.* Every applicant for a building permit, excavation permit, plumbing permit or subdivision approval that involves any land disturbing activities within the city shall submit an erosion prevention and sediment control plan to the city. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein.

(B) *General criteria for erosion and sediment control plan.* An erosion and sediment control plan shall be required for any land disturbing activity and shall meet the following criteria:

- (1) Implement best management practices.
- (2) Protect storm sewers from sediment.
- (3) Prevent sediment damage to adjacent properties and other designated areas.
- (4) Protect paved roads from vehicle tracking.
- (5) Engineer the construction of steep slopes.
- (6) Stabilize all exposed soils and soil stockpiles.
- (7) Stabilize all waterways and outlets.
- (8) When working in or crossing water bodies, take precautions to contain sediment.
- (9) Maintain all temporary and permanent erosion and sediment control practices.
- (10) Establish permanent vegetation.
- (11) Dispose of temporary erosion and sediment control measures following final stabilization.

(BC) *Contents of plan.* The erosion and sediment control plan shall include the following:

- (1) *Project description.* The nature and purpose of the land disturbing activity.
- (2) *Project schedule.* A projected timeline for completion of all site activities.
- (3) *Existing site conditions.* Elevations, vegetation, utilities and drainage.
- (4) *Adjacent areas.* Properties, bodies of water, roads, and the like, which may be affected by the land disturbing activity.

(5) *Erosion and sediment control measures.* Methods to be used to control erosion and sedimentation on the site before, during and after the construction process.

(6) *Maintenance.* Schedule of regular inspections and repair of erosion and sediment control structures.

(7) *Permanent stabilization.* How the site will be stabilized after construction is completed.

(8) *Dewatering.* The plan must include provisions for dewatering. Water may not be

discharged in a manner that causes erosion or flooding of the site or of receiving channels or a wetland. Water pumped from the site shall be treated by one of the following processes: temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydrocyclones, swirl concentrators, or other controls as approved by the Director of Public Works or his/her designee.⁹

(9) Temporary sedimentation basins. Temporary sedimentation basins shall be installed when required by the version of the Minnesota Pollution Control Agency's NPDES Construction Permit Requirements in place at the time of application. All temporary and permanent basins shall be designed in accordance with the MN Stormwater Manual.¹⁰

~~(E)~~ *NPDES Construction Site Permit.* Any construction activity that disturbs one or more acres is required to obtain a separate NPDES Construction Site Permit from the Minnesota Pollution Control Agency (MPCA). A copy of this permit and erosion and sediment control plan shall be submitted to the city.

(Ord. 35, 4th Series, passed 2-22-2011)

§ 54.07 REVIEW OF PLAN.

(A) Site plans for new development and redevelopment of any kind will be assessed for stormwater quantity control and stormwater quality management. No permits shall be issued until a site plan meeting the requirements of this ordinance has been submitted by the Applicant.¹¹

(B) The Applicant shall submit information adequate for the City to evaluate if the plans meet the requirements of the ordinance.¹²

~~(A)~~(C) The city shall complete a review of the erosion and sediment control plan within 14 calendar days of receiving the plan from the developer.

(1) *Permit required.* If it determines that the plan meets the requirements of this chapter, the city shall issue the appropriate permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the plan.

(2) *Denial.* If it determines that the plan does not meet the requirements of this chapter, the city shall not issue a permit for the land disturbance activity.

~~(B)~~(D) ~~(B)~~ *City inspections and enforcement.* The city shall conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all cases, the inspectors will attempt to work with the developer to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, enforcement action(s) shall be taken by the city until erosion and sediment control measures meet the requirements of this chapter. An inspection may be needed before work can commence. Inspections are required as follows:

⁹ Page 13 of 38 Permit No. MNR040000 – Requirements for dewatering activities must be included in the ordinance.

¹⁰ Page 13 of 38 Permit No. MNR040000 – Criteria for use of temporary sediment basins must be included in the ordinance.

¹¹ Page 13 of 38 Permit No. MNR040000 – Regulatory mechanism shall require that owners and operators develop site plans that must be submitted to the permittee for review and approval prior to begin of work.

¹² Page 13 of 38 Permit No. MNR040000 – The plans submitted for review must be adequate for review by the City.

- (1) Before any land disturbing activity begins.
- (2) As necessary or required during construction.
- (3) At the completion of the project.

(E) ~~(C)~~ The city reserves the right to conduct other random inspections during the course of the project to ensure compliance with the plan.

(F) ~~(D)~~ Owner inspections. Unless otherwise authorized by the City, all construction sites shall be inspected by the owner or the owner's representative at least once per 7 calendar days and within 24 hours after a rainfall event greater than 0.5 inches in a 24 hours period.

(1) Records of each inspection shall be kept at the project site. The records shall clearly show the following information:

- Date and time of inspection
- Date and amount of any rainfall greater than 0.5 inches in a 24 hour period
- Name of inspector
- Findings of the inspection
- Documentation of corrective actions required and the actions taken

(2) The Owner shall make these records available to the City upon request.¹³

(Ord. 35, 4th Series, passed 2-22-2011)

§ 54.08 MODIFICATION OF PLAN.

The applicant must amend the erosion and sediment control plan as necessary to include added requirements such as additional or modified best management practices designed to correct problems identified.

All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs by the end of the next business day after discovery, or as soon as field conditions allow access. Perimeter control devices and sedimentation basins shall be considered nonfunctional when ½ of depth is full of sediment.¹⁴

(Ord. 35, 4th Series, passed 2-22-2011)

§ 54.09 PERMANENT STORMWATER BMPs.

(A) The applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage:

- (1) Storm peak discharge rates to pre-project rates for the 2.0-yr, 10-yr, and 100-yr 24-hour storm events.¹⁵
- (2) Volume, Total Suspended Solids (TSS), Total Phosphorus (TP) such that there is no net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on

¹³ Page 13 of 38 Permit No. MNR040000 – All construction sites must be inspected and records of the inspections and rainfall kept.

¹⁴ Page 13 of 38 Permit No. MNR040000 – BMPs must be maintained.

¹⁵ These design storms are not specified in the permit. The City may choose to only list 1 storm event. If only 1 storm event is specified, the 10-year, 24 hour event is the recommended event. Including a standard will reduce the potential for future challenges to the ordinance.

an annual average basis for redevelopment projects.¹⁶

i. For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within project boundaries. Such projects may include:¹⁷

1. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;
2. Sites where infiltration is prohibited;
3. Other locations as determined by the Director of Public Works or his/her designee.

(B) Investigation of practices. The following stormwater management practices shall be investigated in developing a Stormwater Management Plan in the following descending order of preference:¹⁸

(1) Infiltration of runoff on site, if suitable soil conditions are available for use except that infiltration shall be prohibited where:¹⁹

- i. Industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
- ii. Vehicle fueling and maintenance occur
- iii. Less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock can be achieved.
- iv. High levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
- v. Soil infiltration rates are more than 8.3 inches per hour.
- vi. Soils are predominately Hydrologic Soil Group D (clay), except where soil amendment will allow for appropriate infiltration.

(2) Flow attenuation by use of open vegetated swales and natural depressions;

(3) Stormwater retention facilities; and

(4) Stormwater detention facilities.

(C) Projects must include creation of new or retrofit existing structural stormwater best management practices or utilize properly designed regional structural stormwater best management practices. Routine maintenance of existing structural stormwater best management practices does not meet the requirement to provide stormwater management under this division.

(D) Projects that have made reasonable effort but been unable to fully meet volume, TSS and

¹⁶ Page 15 of 38 Permit No. MNR040000 – Requires that new development and redevelopment meet specific discharge criteria.

¹⁷ Page 16 of 38 Permit No. MNR040000 – Allows the ordinance to provide for alternatives for linear projects, sites where infiltration is prohibited, and other locations as determined by the Permittee to utilize alternative practices or locations.

¹⁸ Page 16 of 38 Permit No. MNR040000 – Permittee must identify and require BMPs to meet the discharge limits.

¹⁹ Page 16 of 38 Permit No. MNR040000 – Permittee must prohibit infiltration in the areas that meet these criteria.

TP requirements within the project limits may upon authorization by the Director of Public Works or his/her designee utilize the following methods to meet that portion not met onsite:

- (1) Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;
- (2) Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site. If this is not feasible then;
- (3) Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;
- (4) Provide treatment that yields the same benefits at a site approved by the City.
- (E) Applicants shall provide documentation showing compliance with (A), (B), (C), and (D) above. Acceptable options shall be:²⁰
 - (1) For Rate and Volume:
 - i. Select from the Modeling Tool Section of the MPCA Stormwater Manual,
or
 - ii. Other method approved by the Director of Public Works or his/her designee.
 - (2) For TSS and TP:
 - i. Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website, or
 - ii. Other method approved by the Director of Public Works or his/her designee.
- (F) Performance Security. Prior to approval of permits for construction, the applicant may be required to submit an agreement to construct such required physical improvements, to dedicate property or easements, to provide performance security (letter of credit or performance bond), and to comply with such conditions as may have been agreed to.²¹
- (G) Failure to Complete. If the applicant fails to complete the required stormwater improvements within 24-months of beginning construction of the project they are intended to mitigate, the City may make provisions to complete the required stormwater improvements or to provide equivalent downstream treatment. The City shall use any Performance Security held for the work or may utilize special assessments as provided in M.S. § 429 to reimburse itself for costs associated with this work.²²
- (H) Where the City Council authorizes the construction of private stormwater management facilities, the applicant shall designate the responsible party for inspection and maintenance of all private stormwater management facilities in an agreement to be

²⁰ This information is necessary for Permittee review and for compliance with documentation requirements.

²¹ Page 17 of 38 Permit No. MNR040000 – This section protects the City against failure on the part of the developer to properly install the BMPs.

²² Page 17 of 38 Permit No. MNR040000 – Mitigation projects shall be completed within 24 months after start of construction.

recorded against the properties being developed. In addition, the agreement shall provide for²³:

- (1) Description of anticipated maintenance activities and frequency.
- (2) Access in perpetuity for inspection of the facilities by the Director of Public Works or his/her designee.
- (3) Access in perpetuity for maintenance of the facilities should the Director of Public Works or his/her designee find that stormwater facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.
- (4) If the expense is not paid, the expense will be made a special assessment against the property concerned in accordance with M.S. § 429.061 and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, as the City Council may determine in each case.
- (I) Removal or Alteration of Structural Stormwater Best Management Practices. Structural Stormwater Best Management Practices installed to fulfill the requirements of this Ordinance shall be maintained in compliance with the approved maintenance plan. Where no plan is in place they shall be maintained in compliance with accepted Industry Standard and Minnesota Pollution Control Agency recommendations. No Structural Stormwater Best Management Practices shall be removed or altered in such a way to decrease structural Stormwater Best Management Practices effectiveness without:
 - (1) Authorization of the Director of Public Works or his/her designee; and
 - (2) Providing new or improved Structural Stormwater Best Management Practices providing or exceeding that amount lost due to the alteration or removal.²⁴

§ 54.09–10 REMEDIAL ACTION.

The city may take remedial action if any of the conditions listed below exist. The applicant shall reimburse the city for all direct costs incurred in the process of remedial work, including attorney's fees.

(A) *Abandonment.* The developer ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.

(B) *Failure to implement plan.* The developer fails to conform to the erosion and sediment control plan as approved by the city.

(Ord. 35, 4th Series, passed 2-22-2011) Penalty, see § 54.98

§ 54.10–11 EMERGENCY ACTION.

If circumstances exist such that noncompliance with this chapter poses an immediate danger to the public health, safety and welfare, as determined by the city, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action.

²³ The Permittee is responsible to ensure proper maintenance of both public and private BMPs installed to achieve the standards required in the MS4 permit. This language is included to allow the City the necessary access and also to provide a method for recouping any costs for requirement maintenance not done by the private owner.

²⁴ Page 17 of 38 MNRO40000 – Maintenance of existing BMPs cannot be used for credit toward compliance with the permit. This section also protects against future removal of required BMPs without replacement.

(Ord. 35, 4th Series, passed 2-22-2011) Penalty, see § 54.98

§ 54.11-12 NOTIFICATION OF FAILURE OF THE PLAN.

The city shall notify the permit holder of the failure of the erosion prevention and sediment control plan's measures.

(A) *Initial contact.* The initial contact will be with the party or parties listed on the application and/or the plan's contacts. Twenty-four hours after notification, the city, at its discretion, may begin corrective work as necessary. The city shall first attempt to provide notification in writing. If initial notification is verbal, it shall immediately be followed by a written notification. It is the responsibility of the permit holder to have a designated person available at all times for purposes of notification within the above-stated, 24-hour period.

(B) *Erosion off-site.* If sediment breaches the perimeter of the site, the permittee shall immediately develop and implement a cleanup and restoration plan within 24 hours of obtaining the adjoining property owner's permission. If, after making a good-faith effort to notify the adjoining property owner, the developer has been unable to establish contact, the responsible party may proceed with corrective work. If, at the discretion of the city, the permit holder does not repair the damage caused by the erosion, the city may do the remedial work required. When restoration to wetlands and other resources are required, the applicant shall be required to work with the appropriate agency to ensure that the work is done properly.

(C) *Erosion into streets, wetlands or water bodies.* If eroded soil (including tracked soils from construction activities) enters streets, wetlands or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

(D) *Failure to do corrective work.* When an applicant fails to conform to any provision of this chapter within the time stipulated, the city may take the following actions, but are not limited to:

(1) Issuing a stop-work order, withholding the scheduling of inspections, and/or the issuance of a certificate of occupancy.

(2) Revoking any permit issued by the city to the applicant for the site in question or any other of the applicant's sites within the city's jurisdiction.

(3) Correcting the deficiency or hiring a contractor to correct the deficiency.

(4) Requiring reimbursement to the city for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within 30 days after the city incurs costs, the city will halt all work on the project site and assess any reimbursement costs to the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of M.S. § 429.081 to challenge the amount or validity of assessment.

(Ord. 35, 4th Series, passed 2-22-2011) Penalty, see § 54.98

§ 54.12-13 ILLICIT DISCHARGE PROHIBITED.

(A) A person commits a violation if the person introduces or causes to be introduced into the MS4 any discharge that is not composed entirely of stormwater.

(B) A person commits a violation if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.

(C) The following are considered exempt discharge activities from enforcement action for a

violation:

- (1) A discharge authorized by, and in full compliance with a site specific NPDES permit such as a stormwater pollution prevention plan permit for construction activities;
 - (2) A discharge or flow resulting from fire fighting by the Fire Department;
 - (3) Agricultural stormwater runoff;
 - (4) A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine or any other chemical used in line disinfection.
 - (5) A discharge or flow from lawn watering, or landscape irrigation;
 - (6) A discharge or flow from a diverted stream flow or natural spring;
 - (7) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - (8) Uncontaminated groundwater infiltration;
 - (9) Uncontaminated discharge or flow from a foundation drain, sump pump, or footing drain;
 - (10) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
 - (11) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollution;
 - (12) A discharge or flow from a riparian habitat or wetland;
 - (13) A discharge or flow from water used in street washing or cosmetic cleaning that is not a contaminated soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or
 - (14) Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals. Drainage from swimming pool filter backwash is prohibited.
- (D) No exemption shall be allowed if:
- (1) The discharge or flow in question has been determined by the city to be a source of a pollutant or pollutants to the waters of the state or to the MS4;
 - (2) Written notice of the determination has been provided to the discharger; and
 - (3) The discharge has continued after the expiration of the time given in the notice to cease the discharge.
- (Ord. 48, 4th Series, passed 1-22-2013)

§ ~~54.13-14~~ CONNECTION OF SANITARY SEWER PROHIBITED.

A person commits an offense if the person connects a sanitary sewer line conveying or discharging a harmful quantity of pollutant to the MS4, or allows such a connection to continue. (Ord. 48, 4th series, passed 1-22-2013)

§ ~~54.14-15~~ ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(Ord. 35, 4th Series, passed 2-22-2011; Am. Ord. 48, 4th series, passed 1-22-2013)

§ 54.98 ~~VIOLETION. ENFORCEMENT RESPONSE PROCEDURE.~~²⁵

Enforcement Response Procedure. The City has adopted an Enforcement Response Procedure Document that includes penalties for Illicit Discharges of Pollutants which is hereby referenced as part of this Ordinance.

~~—Violation and misdemeanor.~~ Every person or legal entity who violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failures thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful by a code adopted by reference in this chapter, and upon conviction thereof, shall be punished as a misdemeanor.

~~(Ord. 35, 4th Series, passed 2-22-2011)~~

²⁵ Page 9 of 38 Permit No. MNR040000 – The Permittee shall develop and implement written ERPs to enforce the ordinance. The ERPs should be referenced in the ordinance.

Enforcement Response Procedures (ERPs)

for

MS4 Permit Violations

City of North Mankato, Minnesota

2016

Under the terms of the General NPDES/SDS Permit MNR040000, the City is required to develop and implement adequate enforcement authority for illicit discharges into its Municipal Separate Storm Sewer System (MS4). The purpose of these Enforcement Response Procedures is to communicate how the enforcement tools available to the City will be used to achieve compliance. The Enforcement Response Procedures also specify criteria by which City personnel can determine the enforcement action most appropriate to instances of non-compliance. This plan is a document of the City's procedure to be followed when a construction stormwater requirement, illicit discharge and post-construction violation is discovered. This plan is a guide; any of the enforcement responses may be used at the City's discretion. The City may also choose to pursue an enforcement case by skipping intermediate steps.

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I. City Representative

- A. The City's designated MS4 coordinator shall act as the City Representative as described herein.
- B. All full-time Public Works, Parks, Police, and Fire Department Staff shall be authorized to perform the field duties of the City Representative.
- C. The City Council, City Administrator, or City's Public Works Director may authorize additional City Staff or the City's Consultant Engineer to temporarily fulfill the duties of the City Representative.

II. Civil Penalty

- A. Civil penalty procedures established herein are intended to provide the public and the City with an informal, cost effective, and expeditious method for addressing violations.
- B. Civil penalties will depend on the extent of the damages.
- C. The monetary fine amounts shall be as set forth in the City Municipal Fee Schedule, except that the City may waive all or part of the financial penalty for the first offense if timely and substantial effort has been made to correct the discharge.
- D. Consent Orders as described herein may be accepted in lieu of damage penalties.
- E. In addition to civil penalties, the City may recover all damages proximately caused by the violator to the City, which may include:
 - 1. Reasonable expenses incurred in investigating violations of, and enforcing compliance with City Ordinances regulating the illicit discharge of pollutants or sediment, or any other actual damages caused by the violation.
 - 2. The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them.
- F. The alleged violator shall, within ten (10) business days of the date of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or submit an appeal as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

III. Description of Each Type of Enforcement Response

- A. Written Notices
 - 1. Notice of Correction (NOC)
 - a) Upon visiting the site, a City representative may observe issues on non-compliance. If the non-compliance has not yet resulted in a discharge of pollution, including sediment, the City's representative will issue a written warning, either by email or letter specifying the nature of the violation, the required corrective action and a follow-up inspection date. The Notice of Correction will note that failure to comply resulting in a discharge of pollution is likely to result in a civil penalty.
 - 2. Notice of Violation (NOV)/Civil Penalty/Permit Revocation
 - a) If, upon a site inspection, a City representative observes non-compliance that has resulted in a discharge of pollution, including sediment, the representative will issue:
 - (1) A Notice of Violation for discharges that can be satisfactorily corrected without evidence of property or environmental damage.
 - i. The NOV will specify the nature of the violation, the required corrective action and a follow-up inspection date.

- ii. The NOV will require the party committing the violation (perpetrator) to submit an explanation of the violation and a plan for the satisfactory correction and prevention of the violation conditions, including specific required actions within five (5) days.
- iii. If corrective action is not satisfactorily completed by the follow-up inspection date, the City Representative will:
 - Revoke the current building or construction permits where applicable. Revoked permits shall only be reinstated after the permittee has reapplied for the permit, complete with a permit fee and an approved plan for preventing similar pollutant discharges.
 - Issue a Civil Penalty where no building or construction permits exist.

3. Consent Orders

- a) Consent Orders are written agreements that allow the perpetrator to accept responsibility for the discharge and provide the opportunity to voluntarily clean-up and/or correct a pollutant or sediment discharge as a way to reduce the additional damage penalty associated with cleanup costs.
 - (1) Consent Orders will only be issued to perpetrators that can provide documentation verifying that the perpetrator is qualified to handle the required cleanup.
 - (2) The City Administrator or his/her designee is empowered to enter into consent orders with the perpetrator on behalf of the City.
 - (3) Where the discharge and cleanup area affects private (third party) properties, Consent Orders must be approved by all parties affected.
- b) A consent order will include specific corrective actions to be taken to correct the illicit or sediment discharge together with specified time periods to finish the corrective actions.

4. Cease and Desist Order

- a) The City Representative may issue a Cease and Desist Order effectively stopping all work on a site where there is a clear violation, continued violation, or blatant disregard for:
 - (1) City Ordinances regulating the illicit discharge of pollutants or sediment
 - (2) Building or Construction Stormwater permit requirements
 - (3) Previously issued Notices of Compliance Orders, Notices of Violation, or Consent Orders associated with the site of the illicit or sediment discharge.
- b) This order requires that the violator must comply with the order and must take appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting all operations on the site except for authorized cleanup, terminating the discharge and installing appropriate control measures.
- c) If not previously issued, all Cease and Desist Orders shall automatically include a Civil Penalty.

B. Suspension, Revocation or Modification of Permit

- 1. The City may suspend, revoke or modify any City issued permit authorizing the land development project or any other project of the applicant or other responsible person within the City.

2. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the Written Notice (See Section A) or has otherwise acceptably corrected the violation(s) described therein.
- C. Additional Measures
1. Legal Action
 - a) The City may bring legal action to enjoin continuing violation. Pursuant to the City's Ordinance; the City may, through the City Attorney, petition the appropriate court(s) for issuance of preliminary or permanent injunctions to restrain or compel activities by a violator.
 2. Future Permits
 - a) The City may withhold permits from Contractors with outstanding Civil Penalties until all Civil Penalties have been paid.
 - b) Contractors that have had two or more Civil Penalties within the previous 12-calendar months shall be required to deposit a cash surety equal to double the surety amount normally required for each permit obtained.
 - c) Contractors that work without required permits or under permits obtained by others in an attempt to avoid the requirements of this section shall be subject to the provisions of this ERP including but not limited to Civil Penalties, Cease and Desist Order, Suspension and/or Revocation of related permits, and Legal Action.
 3. Sites Without A Permit
 - a) For parties who fail to obtain a required permit prior to begin of land disturbance work, the initial enforcement action may be more stringent than for a project that has an approved plan but has failed to comply with the approved plan.
 - (1) The City has the ability to stop project work for non-permittees. Stopping work generally includes all work on the site except for work to address the noncompliance that caused the order.
 - (2) Non-permittees may be required to perform corrective actions as advised by the City and to develop the required erosion control and/or stormwater plan submittals to submit to the City for review and approval.
 - (3) Once the corrective actions have been successfully completed and the submitted stormwater plan has been approved by the City, the City will issue the violator a written notice that the situation has been resolved.
 4. If the corrective actions or the submitted plan cannot be approved, the City will issue a written notice to the violator describing what was deficient and what step(s) are needed to resolve the situation.
- D. Where the City has used progressive enforcement to achieve compliance and in the judgment of the City has not been successful, the City may refer the violation to the MPCA. For the purposes of this provision, "progressive enforcement" shall mean a minimum of two (2) Enforcement Responses and two (2) follow-up inspections.

IV. NPDES Permit Referrals

- A. For a known project site involving a construction activity, an industrial stormwater discharge, or an illicit discharge that should be covered by a state NPDES permit, and is known not to have a state NPDES permit, the City shall notify the property owner in writing of the missing permit.

- B. If the property owner fails to respond to the City notice within ten (10) business days the City will issue an Enforcement Response and refer the site to the MPCA for further review.

V. Recordkeeping & Tracking

- A. All non-compliance instances shall be tracked either electronically or using paper files. This tracking will include all records and documents related to stormwater ordinance violations at the site and be stored in the enforcement case file.
- B. The City shall use the non-compliance records and tracking to identify any chronic violators, and use this information to work toward reducing the rate of noncompliance relapse.
- C. The City shall keep enforcement files in compliance with the City's records retention policy.

VI. Appeals

- A. To contest an Enforcement Action the property owner may file a written appeal with the City Administrator. This appeal must be submitted within ten (10) business days of receipt of the notice.
- B. The City Administrator or his/her designee shall review the appeal and issue a finding sustaining, altering, or waiving the penalty.
- C. The property owner may request review by the City Council of the appeal finding. This request shall be made in writing within five (5) business days of notification of the appeal findings and will be considered at the next available regularly scheduled City Council Meeting.

VII. Enforcement Action Matrices

- A. These Enforcement Action Matrices are a guide; any of the enforcement responses may be used at the City's discretion and the City may choose to escalate an enforcement case by skipping intermediate steps.
- B. The City may at its discretion escalate by moving down the appropriate Enforcement Action Matrices for each repeat violation either on the same site or by the same party on a different site.
- C. Construction Site Stormwater Ordinance Violations
 - 1. See Table 1 for the enforcement action matrix for noncompliance with construction requirements. In general, the severity of the enforcement measure increases moving down the matrix.
 - 2. These Enforcement Actions shall apply to both permittees and non-permittees.
 - 3. Minor Violation shall be defined as failure to install or maintain adequate erosion and sediment control that has not yet resulted in a sediment release from the site.
 - 4. Major Violation shall be defined as failure to install or maintain adequate erosion and sediment control that has resulted in a sediment release from the site.
 - 5. If the corrective actions are inadequate, the City will issue a written notice to the violator describing what was deficient and what step(s) are needed to resolve the situation.

Table 1. Enforcement Action Matrix for Noncompliance with Construction Requirements.				
Type of Violation	Failure to Obtain Required Permit Prior to Starting Work	Minor Violation	Major Violation	Repeat Violation by a Party (Different Site than initial Noncompliance Site)
Enforcement Measures For Use (Increasing Severity Moving Down the Chart)	Cease and Desist Order	Notice of Correction	NOV	NOV
		NOV	Civil Penalty with or without Consent Order	Civil Penalty with or without Consent Order
	Legal Action	Civil Penalty with or without Consent Order	Cease and Desist Order and/or Suspension, Revocation or Modification of Permit	Cease and Desist Order and/or Suspension, Revocation or Modification of Permit
		Cease and Desist Order and/or Suspension, Revocation or Modification of Permit	Legal Action	Legal Action
		Legal Action		

D. Illicit Discharge Ordinance Violation

1. See Table 2 for the enforcement action matrix for failure to remove illicit discharges. In general, the severity of the enforcement measure increases moving down the matrix.
2. If the corrective actions are inadequate to address the illicit discharge, the City will issue a written notice to the violator describing what was deficient and what step(s) are needed to resolve the situation.
3. MN State Statute 115.061 requires notification of the State Duty Officer of discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby. Illicit discharge discovered by the City shall be reported by the City to the State Duty Officer.
4. If the illicit discharge has been reported by the property owner to the State Duty Officer and has not been reported to the City, the City may at its discretion consider the illicit discharge as a repeat violation.

Table 2. Enforcement Action Matrix for Failure to Remove Illicit Discharges.		
Type of Violation	Failure to Correct Illicit Discharge	Repeat Violation by a Party (Different Site than Initial Noncompliance Site)
Enforcement Measures For Use (Increasing Severity Moving Down the Chart)	Notice of Correction	NOV
	NOV	Civil Penalty with or without Consent Order
	Civil Penalty with or without Consent Order	Cease and Desist Order and/or Suspension, Revocation or Modification of Permit
	Cease and Desist Order and/or Suspension, Revocation or Modification of Permit	Legal Action
	Legal Action	

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #9B	Department: City Planner	Council Meeting Date: 11/21/16																																	
TITLE OF ISSUE: Review Proposed Amendments to City Code Section 156.038, R-1S, One Family Dwelling, Small Lot and Consider Setting a Public Hearing for 7 pm on January 3, 2016 to Consider an Ordinance Amending City Code Section 156.038, R-1S, One Family Dwelling, Small Lot.																																			
BACKGROUND AND SUPPLEMENTAL INFORMATION: Please review Planning Commission Report. City Planner Fischer will present the information. Staff recently presented the following amendments within the R-1S Zoning District to the Planning Commission for consideration:																																			
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For Clerk's Use: Motion By: _____ Second By: _____ <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Vote Record:</td> <td style="width: 10%; text-align: center;">Aye</td> <td style="width: 10%; text-align: center;">Nay</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Freyberg</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Spears</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Vote Record:	Aye	Nay			_____	_____	Steiner		_____	_____	Norland		_____	_____	Freyberg		_____	_____	Spears		_____	_____	Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; text-align: center;"> <tr> <td>Resolution</td> <td>Ordinance</td> <td>Contract</td> <td>Minutes</td> <td>Map</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> Other (specify) <u>Notice of Public Hearing, Planning Commission Report, Planning Commission Minutes</u> _____ _____ _____	Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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NOTICE OF PUBLIC HEARING ON PROPOSED
AMENDMENTS TO CITY CODE SECTION 156.038,
R-1S, ONE FAMILY DWELLING, SMALL LOT

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, at 7 p.m. on the 3rd day of January 2017, to hold a public hearing to consider the Amendments to City Code Section 156.038, R-1S, One Family Dwelling, Small Lot.

Such persons as desire to be heard with reference to the proposed amendments to City Code Section 156.038, R-1S, One Family Dwelling, Small Lot will be heard at this meeting.

Dated this 21st day of November 2016.

April Van Genderen
City Clerk
City of North Mankato

AMENDMENTS TO CITY CODE SECTION 156.038, R-1S, ONE FAMILY DWELLING,
SMALL LOT

THE CITY OF NORTH MANKATO

SUBJECT: R-1S Amendments
APPLICANT: City of North Mankato
LOCATION: R-1S Districts
EXISTING ZONING: NA
DATE OF HEARING: October 13, 2016
DATE OF REPORT: October 4, 2016
REPORTED BY: Michael Fischer, City Planner

APPLICATION SUBMITTED

Request to consider amendments to the R-1S. One Family Dwelling, Small Lot district

COMMENT

In July of 2015, staff presented the following amendments within the R-1S residential zoning district:

1. Change minimum lot area from 7,500 sq. ft. to 6,500 sq. ft.
2. Change minimum lot width from 75 feet to 65 feet
3. Change front yard setbacks on corner lots – one 30 foot setback and one 15 foot setback. This is change from requiring two 30 foot front yard setbacks
4. Change minimum side yard setback from 10 feet to 8 feet.

After discussion of the proposed amendments, the Planning Commission recommended no changes to the R-1S district. The Planning Commission believed that current lot size and setback requirements have proven to create quality neighborhoods and the use of Planned Unit Developments (PUD) is available. There was also discussion about the use of the R-1S adjacent to existing areas zoned R-1, Single Family Dwelling.

Within the Housing section of the Comprehensive Plan, the following is the Vision for Housing:

The City of North Mankato has a high quality housing stock and variety of options that allow residents to find housing at all stages of life. Quality housing is available for all income and age ranges. Existing homes have been well maintained and renovated, as the unique character of each neighborhood is

preserved. The City is open to creatively seeking opportunities to meet our housing needs and responsibly providing our share of affordable housing. Housing in North Mankato continues to be a strength in attracting young families to the area.

The following is Goal 1 within the Housing section of the Comprehensive Plan:

Goal 1: Allow all people the opportunity to call North Mankato their home.

Objective 1.1: Accommodate a variety of housing options to ensure a diverse housing stock.

Policy 1.1.1: Attract a variety of residential developers to ensure a diversity of housing styles, layouts and costs.

Policy 1.1.2: Provide a variety of different residential zoning districts that have varying regulations with regard to setbacks, height, density, and lot coverage.

Policy 1.1.3: Ensure that land is available in applicable zoning districts to allow for senior and assisted living facilities.

Objective 1.2: Provide quality and sufficient affordable housing that meets the area's demand.

Policy 1.2.1: Work with developers on providing affordable market rate housing

One way other cities in our area are capitalizing on the commitment to workforce housing by allowing single family development on smaller lots, those cities are seeing a more rapid growth in population. After examining differences between zoning codes, North Mankato's minimum lot size is greater than other municipalities in the region. For North Mankato's R-1S, One-Family Dwelling, Small Lot zoning district, the minimum lot width is 75'. Among our peers in the area, some have minimum R-1 lot widths ranging from 50 feet to 75 feet. Attached as Exhibit A is a survey of lot size requirements and setbacks used by other Minnesota Cities. Below is growth rate and building permit information for area cities:

	Population	Growth Rate Over Past 10 Years	Single Family Housing Permits Issued Since Jan. 2016
Mankato	42,790	1.9%	92
St. Peter	12,066	1.3%	9 with 6 pending
Eagle Lake	2,892	4.0%	12
Nicollet	1,150	1.5%	5
Madison Lake	1,201	2.8%	Not Available
North Mankato	13,855	0.9%	15

As population growth is needed to build new schools, support local business, provides opportunities for new business and provides a workforce for local businesses, staff is asking for consideration of amendments to provide increased workforce housing opportunities. Specifically, the following within the R-1S zoning district:

1. Change minimum lot area from 7,500 sq. ft. to 6,000 sq. ft.
2. Change minimum lot width from 75 feet to 60 feet
3. Change front yard setbacks on corner lots – one 30 foot setback and one 15 foot setback. This is change from requiring two 30 foot front yard setbacks
4. Change minimum side yard setback from 10 feet to 6 feet.

As part of the comprehensive planning process, attached as Exhibit B is the future land use map which guides future land use. As shown, virtually all land guided for future residential development is low density single-family. In an attempt to provide areas where housing could be developed on smaller lots, an option would be to amend the comprehensive plan to guide areas for such housing as shown on Exhibit C. Specifically, guiding an area on the northern part of the City between Lor Ray Drive and Lookout Drive for future Low Density Intermediate residential development. The future zoning classification for this area would be R-1S. This concept would provide an area for housing on starter lots not immediately adjacent to single-family housing developed on larger lots. As there are three property owners within this area, staff has spoken with all and they are supportive to amendments which reduce lot widths and setbacks in the R-1S zoning district.

RECOMMENDATION

Consistent with the vision, goals, policies and objectives within the Comprehensive Plan, staff recommends the following amendments to the R-1S zoning district:

1. Change minimum lot area from 7,500 sq. ft. to 6,000 sq. ft.
2. Change minimum lot width from 75 feet to 60 feet
3. Change front yard setbacks on corner lots – one 30 foot setback and one 15 foot setback. This is change from requiring two 30 foot front yard setbacks
4. Change minimum side yard setback from 10 feet to 6 feet.

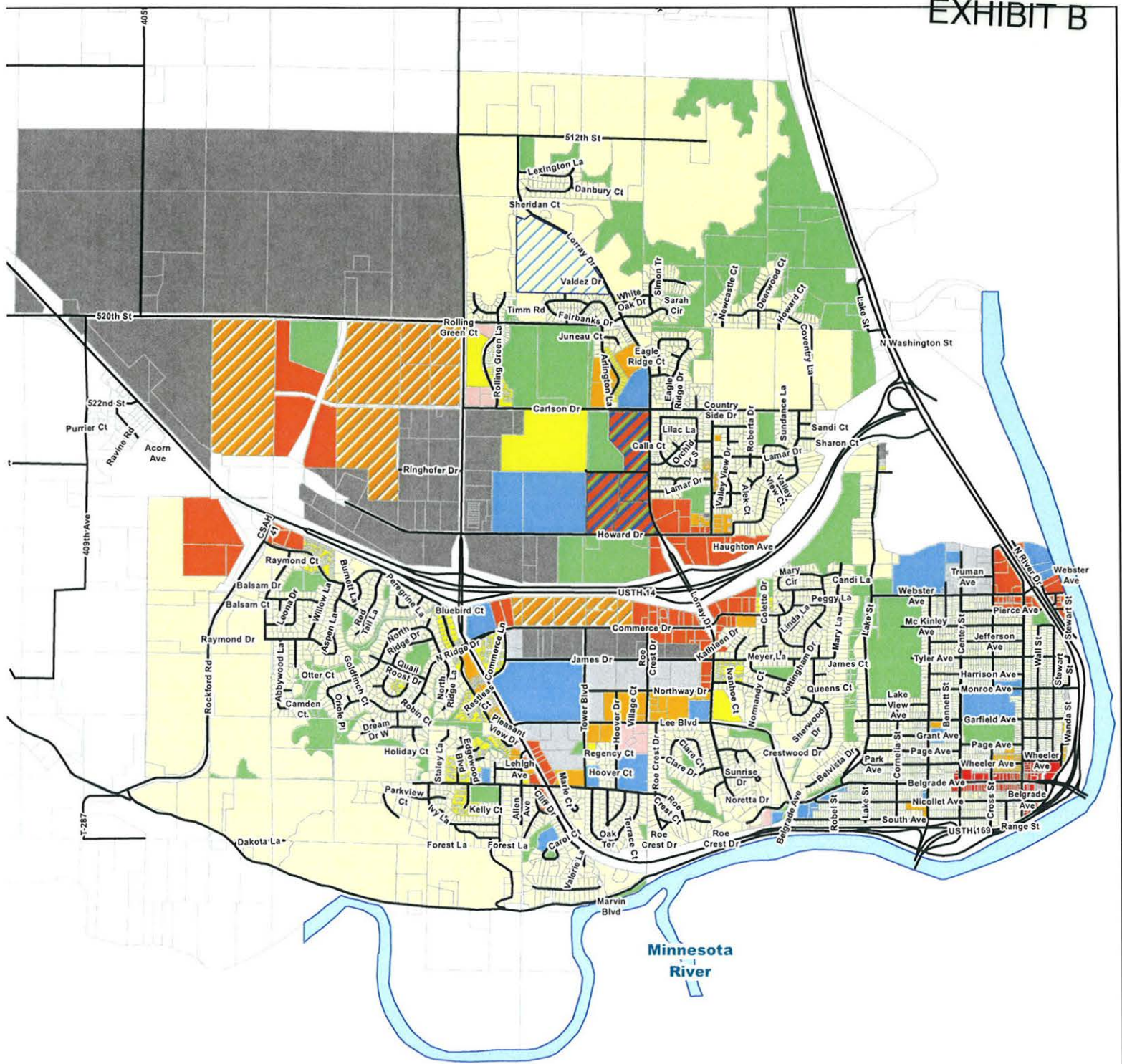
In addition to these changes, it is anticipated that Planned Unit Development applications will also be used to meet the needs of the housing market in the future.

Furthermore, staff recommends an upcoming amendment to Figure 3-2, Future Land Use in the Comprehensive Plan guiding areas for single-family residential development on smaller lots. This item could be considered in November 2016.

R-1 Comparisons

City	Zone	Min. Lot Width (Ft)	Min. Lot Depth (Ft)	Min. Lot Size (SF)	Front Yard Setback (Ft)	Front Yard	Side Yard Setback (Ft)	Rear Yard Setback (Ft)	Maximum Ground Coverage (%)
						Setback - Corner Lot (Ft)			
Belle Plaine	R-1	85 100 (corner)	-	12,000	30	20	10	30	25%
Blaine	R-1	80	125	10,000	30	-	10 to 20	30	-
Brainerd	R-1	50	-	7,000	20	20	5	25	60%
Brainerd	R-1A	75	-	10,000	30	20	10	30	60%
Brooklyn Park	R-1	70	-	-	50	-	10 to 20	30 to 50	-
Burnsville	R-1	80 90 (corner)	-	10,000 12,000 (corner)	30	-	5 to 20	30	-
Chaska	R-1	75	-	9,000	30	15	10	30	-
Chaska	R-1A	90	120	11,500	30	30	10	30	-
Chaska	R-1B	100	135	15,000	30	30	15	30	-
Coon Rapids	R-1	100 110 (corner)	150	-	40	-	15 to 20	50	-
Eagan	R-1	85	-	12,000	30	30	10	15	20%
Eagan	R-1S	65	-	8,000	30	-	6	15	25%
Eagle Lake	R-1	70	-	9,000	30	30	8	25	35%
Eden Prairie	R1-44	100	150	44,000	30	-	15	30	-
Eden Prairie	R1-22	90	100	22,000	30	-	15	25	-
Eden Prairie	R1-13.5	85	100	13,500	30	-	10	20	-
Eden Prairie	R1-9.5	70	100	9,500	30	-	-	20	-
Edina	R-1	75	120	9,000	30	-	10 to 15	25	-
Hutchinson	R-1	80 110 (corner)	130	10,400	30	30	8	30	50%
Lakeville	RS-1	100	-	20,000	30	-	15 to 30	30	-
LeSueur	R-1	100	-	15,000	30	20 to 30	10	30	35%
Madison Lake	R-1S	50	-	10,000	20	-	10% of lot width	30	-
Mankato	R-1	60	-	7,000	30	15 to 30	6	25	30%
Maplewood	R-1	75	-	10,000	30	-	10	20% lot depth	30%
Maplewood	R-1S	60 85 (corner)	-	7,500	30	30	10	20% lot depth	30%
New Ulm	R-1	65	125	8,000	30	30	10	20 % lot depth	-

R-1 Comparisons									
Nicollet	R-1	75	100	7500	30		5	5	
North Mankato	R-1S	75	100	7,500	30	30	10	25	40%
North Mankato	R-1	90	100	9,000	30	30	10	25	40%
Oakdale	R-1	100	150	15,000	30 to 40	30	10	50	24%
Rochester	R-SA	90	-	-	35	-	10	35	-
Rochester	R-1	60	-	6,000	25	-	6	25	-
Rochester	R-1X	60	-	6,000	25	-	6	25	-
Shakopee	R-1A	95	-	12,800	35	35	15	40	50%
Shakopee	R-1B	60	100	-	30	30	10	30	50%
		90 (corner)							
St. Peter	R-1	55	-	6,000	20	20	7	25	70%
Woodbury	R-2	80	200	-	50	-	25	50	35%



Future Land Use

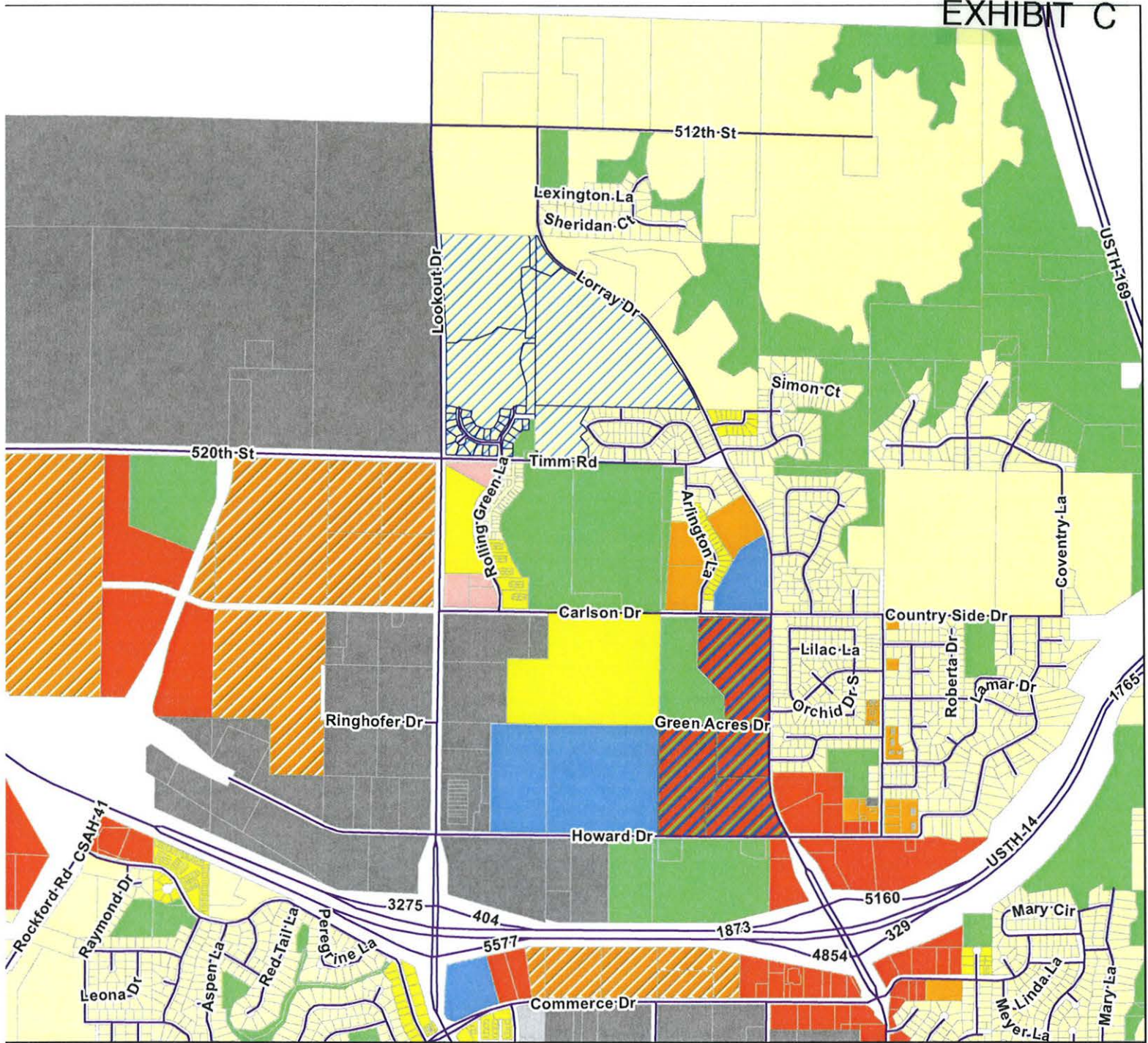
- Central Redevelopment District
- Central Business District
- General Commercial
- Neighborhood Commercial
- Commercial/Industrial Mixed Use
- Heavy Industrial

- Light Industrial
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Low Density Residential / Institutional
- Institutional
- Open Space/Park
- Right of way

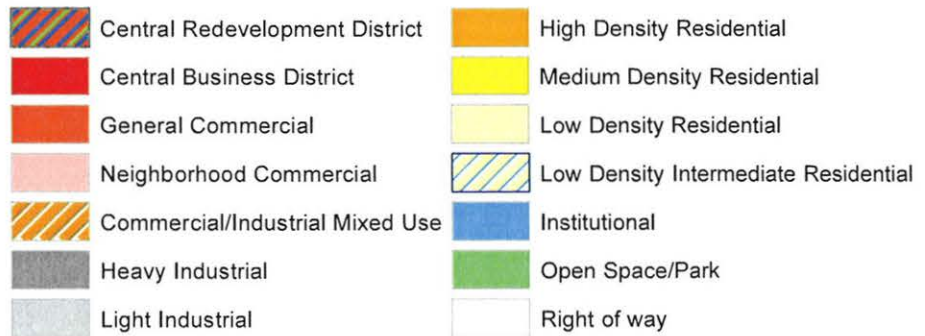


1 inch = 2,900 feet

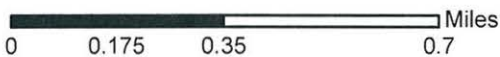
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Future Land Use



1 inch equals 1,666.67 feet



Minutes
of the
NORTH MANKATO PLANNING COMMISSION MEETING
North Mankato, Minnesota
November 10, 2016

A regular meeting of the North Mankato Planning Commission was held at 7 p.m., November 10, 2016 in the Council Chambers of the Municipal Building.

Planning Commission members present: Chair Stephanie Stoffel, Commissioners Jason Beal, Nick Meyer, Corey Brunton, Rick Haman and Bryan Bode. Staff members present: City Attorney Mike Kennedy and Community Development Director Mike Fischer.

A motion was made by Commissioner Haman, seconded by Commissioner Beal to approve the minutes of the August 18, 2016 regular meeting of the Planning Commission. Vote on the motion: all ayes, 0 nays; motion carried.

Amendment to City Code Section 156.038, R-1S, One-Family Dwelling, Small Lot District.

Staff summarized the proposed amendments to the R-1S Zoning district previously considered by the Planning Commission in July of 2015 with no changes being recommended. Staff summarized the housing vision and goals, policies, and objectives for housing within the Comprehensive Plan. Staff also presented information on growth of other cities in the area as well as a summary of residential setbacks used by other cities. Staff presented the following amendments to the R-1S Zoning District:

1. Change minimum lot area from 7,500 square feet to 6,000 square feet.
2. Change minimum lot width from 75 feet to 60 feet.
3. Change front yard setbacks on corner lots-one 30 foot setback and one 15 foot setback.
4. Change minimum side yard setback from 10 feet to 6 feet.

Additionally, staff presented a revised Future Land Use Map showing an area which could be guided for future R-1S zoning. The Planning Commission held considerable discussion regarding the proposed amendments including corner lot setbacks, proposed area guided for R-1S zoning and neighborhood strengths. Adam Huiras, 19 Otter Court, stated he is an area developer and realtor who supports the amendments to reduce development cost and increase the number of single-family housing starts. Mr. Huiras responded to questions regarding costs associated with the development of housing. Barb Church, 102 Wheeler Avenue, stated the guiding of small lot development to one area may be considered segregation and questioned if public transportation is available in this area. Mike White, 1040 South Victory Drive, stated he is a realtor who supports smaller lots to reduce development costs and summarized lot sizes used in other area cities. The Planning Commission held continued discussion regarding the use of PUD's, affordable housing, housing diversity, future of neighborhoods based on increased

density, guided land uses and what is best for the community. It was moved by Commissioner Beal, seconded by Commissioner Brunton to recommend the following amendments:

1. Change minimum lot area from 7,500 square feet to 6,500 square feet.
2. Change minimum lot width from 75 feet to 65 feet.
3. Change minimum side yard setback from 10 feet to 6 feet.

Vote on the motion: Beal and Brunton voting aye, Meyer, Haman, Bode and Stoffel voting nay: motion denied.

It was moved by Commissioner Meyer, seconded by Commissioner Bode to recommend the following amendments:

1. Change minimum lot area from 7,500 square feet to 6,500 square feet.
2. Change minimum lot width from 75 feet to 65 feet.
3. Change minimum side yard setback from 10 feet to 8 feet.

Vote on the motion: Beal, Meyer, Brunton and Bode voting aye; Haman and Stoffel voting nay. Motion carried.

There being no further discussion it was motioned by Commissioner Meyer, seconded by Commissioner Haman, to adjourn. Vote on the motion: all ayes, 0 nays; motion carried. The meeting was adjourned at 8:25 p.m.

Chairperson

Secretary

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #9C	Department: Finance	Council Meeting Date: 11/21/16																											
TITLE OF ISSUE: Review Draft Changes to the City of North Mankato Capital Asset Policy.																													
BACKGROUND AND SUPPLEMENTAL INFORMATION: Please review the attached redlined capital asset policy. One item to note is that the policy reduces the building capitalization threshold from \$50,000 to \$25,000 to capture minor projects such as a new park shelter which should be included in the assets.																													
<i>If additional space is required, attach a separate sheet</i>																													
REQUESTED COUNCIL ACTION: Review Draft Changes to the City of North Mankato Capital Asset Policy.																													
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Freyberg</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Spears</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Steiner	_____	_____	Norland	_____	_____	Freyberg	_____	_____	Spears	_____	_____	Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) <u>Capital Asset Policy</u> _____ _____ _____	Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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CITY OF NORTH MANKATO

CAPITAL ASSET POLICY

EFFECTIVE-ADOPTED: JANUARY 1, 2003

REVISED EFFECTIVE: JANUARY 1, 2016

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SECTION I Define Capital Assets and Capitalization Thresholds

SECTION II Reporting Capital Assets

SECTION III Depreciation Capital Assets

SECTION IV Capital Asset Definitions and Categories

SECTION V Capital Assets Estimated Useful Life

**CITY OF NORTH MANKATO
CAPITAL ASSET POLICY**

PURPOSE

It is the policy of the City of North Mankato to maintain appropriate procedures regarding the procurement, management, and disposal of all capital assets, in accordance with Governmental Accounting Standards Board Statement No. 34 (GASB 34). The Capital Assets Policy addresses classes of assets, determination of useful lives, and calculation of depreciation.

SECTION I

DEFINE CAPITAL ASSETS AND CAPITALIZATION THRESHOLDS

A capital asset is real or personal property used in operations and having a value equal to or greater than the capitalization threshold set forth by the City, for that specific asset classification, and has an estimated useful life greater than one year. For financial reporting purposes only, the City will classify and establish capitalization thresholds for each asset class as follows:

CAPITAL ASSET CLASSIFICATION	CAPITILIZATION THRESHOLD
Buildings and B building i improvements	\$ 50 25,000
Other improvements	\$ 15,000
Infrastructure;	\$250,000
Land and land improvements	\$25,000 1
Land and Other Improvements	\$ 25,000
Machinery and E equipment	\$ 5,000
Vehicles	\$ 5,000
Other Capital Assets	\$ 5,000
Other improvements	\$ 25,000
Construction in progress.	Accumulate all costs and capitalize if over \$100,000 when complete.

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Land is an asset and should always be capitalized no matter the purchase amount.

Construction in Progress part of construction fund until completed and then capitalized when complete

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Another criterion for recording capital assets is capital-related debt. Capitalize capital assets purchased with debt proceeds and depreciate over their estimated useful life. Capitalizing these assets will minimize the potential of reporting negative net assets in the statement of net assets. In most cases, these assets will meet the thresholds and guidelines for recording as a capital asset.

SECTION II

REPORTING CAPITAL ASSETS

Report capital assets at historical costs, which includes most costs necessary to placing a capital asset into its intended use or state of operation. Historical cost includes the vendor's invoice, the value of any trade-in or allowance, sales tax, initial installation cost (excluding in-house labor), modifications, attachments, accessories or apparatus; and ancillary charges such as freight and transportation charges, site preparation costs, and professional fees.

In the event the historical cost of a capital asset is not practicable determinable, it will be necessary to record an estimated historical cost of the asset using alternative methods. Alternative methods include standard costing and normal costing. Standard costing estimates the historical cost of a capital asset by establishing the average cost of obtaining the same or a similar

asset at the time of acquisition. Normal costing estimates historical cost based on the current cost to either reproduce or replace the capital asset, indexed by a reciprocal factor from the estimated

acquisition date, i.e., taking the value of acquiring the asset new today and then discounting that amount by an appropriate inflation factor back to the date of acquisition.

Capital assets donated to the City shall be reported at fair value. Fair value is the amount at which an asset could be exchanged in a current transfer at *arm's length* between willing parties, other than in a forced or liquidation sale. Donations are defined as voluntary contributions of resources to the City by a non-governmental entity. A voluntary contribution of resources between governmental entities is not a donation.

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SECTION III DEPRECIATION CAPITAL ASSETS

Depreciation is the process of allocating the cost of a tangible asset to the periods of benefit. Capital assets shall be depreciated over their estimated useful life with exception of the following:

- Inexhaustible assets, i.e., land, and land improvements that do not require maintenance or replacement, e.g., certain works of art and historical treasures;
- Infrastructure assets reported using the modified approach; and
- ~~• Construction work in progress.~~

For financial purposes the City will use the straight-line method of depreciation, which allocates the cost evenly over the life of the asset. Generally, at the end of an asset's life, the sum of the amounts charged for depreciation in each accounting period, or accumulated depreciation, will equal the original cost less salvage value.

A significant issue when recording capital assets is the question of, "when is an expenditure capitalized as an improvement versus recorded as repairs or maintenance expense." The key consideration for determining whether to capitalize expenditures depends on whether the cost incurred, significantly extends the asset's useful life, increases its capacity, or improves its efficiency. Therefore, capitalize capital asset improvement costs if:

- The costs exceeds the capitalization thresholds; and
- One of the following criteria is met:
 - o The value of the asset or estimated life is increased by 25% of the original cost or life period;
 - o The cost results in an increase in capacity of the asset; or
 - o The efficiency of the asset is increased by more than 10%.

SECTION IV CAPITAL ASSET DEFINITIONS AND CATEGORIES

Buildings refer to a structure that is permanently attached to the land, has a roof, is partially or completely enclosed by walls, and is not intended to be transportable or moveable. Certain buildings or structures that are an ancillary parts of infrastructure networks, such as well houses and pumping stations will reported as infrastructure rather than as buildings.

Examples of items to be capitalizes as building:

Purchased Buildings

- Original purchase price;

- Expenses for remodeling, reconditioning, or altering a purchased building to make it ready for its intended purpose;
- Environmental complies, i.e., asbestos abatement;
- Professional fees, includes architect, engineer, management fees for design and supervision, legal;
- Cancellation or buyout of existing leases; and
- Other costs required to place or render the asset into operation.

Constructed Buildings

- Completed project costs;
- Cost of excavation or grading or filling of land for a specific building;
- Expenses incurred for the preparation of plans, specifications, blueprints;
- Building permits;
- Costs of temporary buildings used during construction;
- Additions to buildings, i.e., expansions, extensions, or enlargements.

Building improvements include capitalized costs that materially extend the useful life of a building or increase the value of a building, or both, beyond one year. Building improvements should not include maintenance and repairs done in the normal course of business.

Examples of items to be capitalized as building improvements include:

- Installation or upgrade of heating and cooling systems, including ceiling fans and attic fans;
- Original installation or upgrade of wall or ceiling covering such as carpeting, tiles, paneling, or parquet;
- Structural changes such as reinforcement of floors or walls, installation or replacement of beams, rafters, joists, steel grids, or other interior framing;
- Installation or upgrade of window or door-frames, upgrading windows or doors, built-in closet and cabinets;
- Interior renovation of casings, baseboards,, light fixtures, ceiling trim;
- Installation or upgrade of plumbing and electrical wiring; and
- Installation or upgrade of telecommunication systems.

Examples of items considered repairs or maintenance in nature and should not be capitalized as buildings or building improvements include:

- Adding, removing and/or moving of walls relating to renovation projects that are not considered major rehabilitation projects and do not increase the value of the building;
- Improvement projects of minimal or no added life expectancy and/or value to the building;
- Plumbing or electrical repairs;
- Cleaning, pest extermination, or other periodic maintenance;
- Interior decoration, i.e., draperies, blinds, curtain rods, wallpaper;
- Exterior decoration, i.e., detachable awnings, uncovered porches, decorative fences;
- Maintenance-type interior renovation including repainting, touch-up plastering, replacement of carpet, tile, or pane sections, and refinishing of sinks and fixtures;
- Replacement of a part or component of a building with a new part of the same type and performance capabilities, e.g., replacement of an old boiler with a new one of the same type and performance capabilities;
- Any other maintenance-related expenditure, which does not increase the value of the

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building.

Infrastructure Assets are long-lived capital assets that are linear and stationary in nature and can be preserved for a significantly greater number of years than most capital assets.

Examples of infrastructure assets include:

- Roads, streets, curbs, gutters, sidewalks;
- Bridges;
- Water and sanitary sewer systems;
- Drainage and storm water systems;
- Street light systems; and
- Signage.

Infrastructure assets shall be capitalized and depreciated unless the modified approach is used. The modified approach is an alternative to reporting depreciation for infrastructure assets that meet the following criteria:

- The assets are managed using a qualifying asset management system; and
- It is documented that the assets are being preserved at or above a condition level established by the City.

Under the modified approach the infrastructure, assets are not depreciated, and only the costs that increase the capacity or efficiency of the asset are capitalized, while all other expenditures that preserve the useful life of the assets are expensed. Only infrastructure assets that comprise a network or subsystem of a network can be reported using the modified approach.

Land is the surface or crust of the earth, which can be used to support structures, and may be used to grow crops, grass, shrubs, and trees; and is characterized as having an unlimited life, i.e., indefinite. Land is an inexhaustible asset and non-depreciable.

Land improvements consist of betterments, site preparation, and site improvements (other than buildings) that ready land for its intended use. The costs associated with improvements to land are added to the cost of the land. Land improvements can be further categorized as inexhaustible, not requiring maintenance or replacement; or exhaustible, e.g., parking lots, landscaping and fencing.

Examples of items to be capitalized as land and land improvements include:

- Purchase price or fair value at time of gift;
- Commissions;
- Professional fees, includes title searches, architect, legal, engineering, appraisal, surveying, environmental assessments;
- Land excavation, fill, grading, and drainage;
- Demolition of existing buildings and improvements, less salvage;
- Removal, relocation, or reconstruction of property owned by others, i.e., power, telephone and railroad lines;
- Interest on mortgages accrued at date of purchase;
- Accrued and unpaid taxes at date of purchase;

- Other costs incurred in acquiring the land;
- Water wells, including initial cost for drilling, the pump and its casing; and
- Permanent right-of-way.

Other Land Improvements include land improvements that are exhaustible in nature and enhance the quality or facilitate the use of land for a specific purpose.

Examples of items to capitalize as other improvements include:

- Fencing and gates;
- Landscaping;
- Parking lots, driveways, and parking barriers;
- Outdoor sprinkler and irrigation systems;
- Recreation areas and athletic fields, including bleachers;
- Golf courses;
- Paths and trails;
- Septic systems;
- Stadia;
- Swimming pools, tennis courts, basketball courts, skate parks;
- Fountains;
- Plazas and pavilions; and
- Retaining walls.

Machinery, Equipment, and Vehicles refer to fixed or movable tangible assets used for operations, the benefits of which extend beyond one year from date of receipt.

Examples of expenditures to be capitalized as equipment, machinery, and vehicles include:

- Original contract or invoice price;
- Freight charges;
- Handling and storage charges;
- In-transit insurance charges;
- Sales, use and other taxes imposed on the acquisition;
- Installation charges;
- Charges for testing and preparation for use;
- Cost of reconditioning used items when purchased; and
- Parts and labor associated with the construction of equipment, machinery, or vehicle.

Note that the cost of extended warranties and/or maintenance agreements, which can be separately identified from the cost of the equipment, machinery, or vehicle shall not be capitalized.

The capitalization threshold is applied to individual units of fixed assets. For example, 5 desks purchased through a single purchase order each costing \$2,000 will not qualify for capitalization even though the total cost of \$10,000 exceeds the threshold of \$5,000.

Other Capital Assets includes computer software that is either purchased or developed for internal use, which should be capitalized, if the cost of the software exceeds the capitalization threshold and depreciated over the software's estimated useful life. Capitalization of computer

software includes software license fees if the total dollar amount of the fee divided by the number of units or terminals exceeds the threshold.

Examples of expenditures to be capitalized as computer software include:

- External direct costs of materials and services, i.e., third-party fees for services;
- Costs to obtain software from third parties;
- Travel costs incurred by employees in their duties directly associated with development;
- Payroll and payroll-related costs of employees directly associated with or devoting time to encoding, installing or testing; and
- Costs to develop or obtain software that allows for access or conversion of old data by new information systems.

Note that upgrades and enhancements should only be capitalized to the extent that they increase the functionality of the product.

Capital Leased Property includes leased real or personal property, for which ownership of the asset substantially transfers to the lessee; therefore meeting the criteria for capitalizing as an asset. Capitalize the cost of the asset if the lease agreement meets any one of four conditions:

- It transfers ownership of the property to the lessee at the end of the lease term;
- The lease contains a "bargain purchase" option—an option that gives the lessee the right to purchase the asset for a future price less than the fair market value;
- The lease term is equal to at least 75% of the asset's estimated economic life; or
- The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90% of the fair market value of the leased asset at the time the lessee signs the lease.

Leases that do not meet any of the above conditions shall be recorded as an operating lease and reported in the notes of the financial statements.

SECTION V **CAPITAL ASSETS ESTIMATED USEFUL LIFE¹**

Buildings and Building Improvements

Buildings	40 years
Cabling	10 years
Original Carpeting	7 years
Electrical	20 years
Elevators	20 years
Floor covering other than carpet	15 years
HVAC (heating, ventilation, air conditioning)	20 years
Interior construction	15 years
Interior renovation	10 years
Plumbing	20 years
Roof	20 years
Security and fire alarm system	10 years
Sprinkler System	20 years
Temporary and portable buildings	25 years

Equipment, Machinery, and Vehicles

Athletic equipment	4-5 years
Audio/Visual equipment	6-5 years
Business machines and office equipment	7-5 years
Cars, light general purpose trucks (actual weight less than 13,000 pounds)	7-10 years
Computer equipment and software	5 years
Custodial equipment	10 years
Fire Department equipment	10 years
Firefight trucks	20-25 years
Furniture and fixtures, including structural	10 years

¹ Estimated useful life values derived from the Internal Revenue Service Alternative Depreciation System (ADS)

components of a building	
Ground equipment (mowers, tractors, skid loaders)	10 years
Heavy duty general purpose truck and equipment (front end loaders, graders, etc. with actual weight greater than 13,000 pounds)	10-15 years
Kitchen equipment (appliances)	10 years
Lab equipment	10 years
Law enforcement equipment	10 years
Law enforcement marked vehicles	5 years
Law enforcement unmarked vehicles	10 years
Machinery, tools, and other equipment	5 years
Outdoor equipment (playgrounds, scoreboards)	15 years
Photocopiers	5 years
Telecommunications equipment	10 years

Infrastructure

Bridges	20 years
Parking Lots	20 years
Roads, Streets, curb and gutter	30 years
Sidewalks	25 years
Water, Sanitary Sewer, Storm Sewer Systems	50 years

Other Improvements

Fencing and gates	20 years
Fountains	20 years
Golf courses	20 years
Landscaping	20 years
Outdoor sprinkler and irrigation systems	20 years
Outdoor lighting	20 years
Parking lots, driveways, and parking barriers	15 years
Paths and trails	15 years
Recreation areas and athletic fields, including bleachers	15 years
Retaining walls	20 years
Septic Systems	15 years
Swimming pools, tennis courts, basketball courts, skate parks	20 years

CITY OF NORTH MANKATO
REQUEST FOR COUNCIL ACTION



Agenda Item #9D	Department: City Administrator	Council Meeting Date: 11/21/16																												
TITLE OF ISSUE: Consider Resolution Outlining the Legislative Priorities of the North Mankato City Council for the 2017 Legislative Session.																														
BACKGROUND AND SUPPLEMENTAL INFORMATION: Administrator Harrenstein will review the proposed resolution.																														
<i>If additional space is required, attach a separate sheet</i>																														
REQUESTED COUNCIL ACTION: Adopt Resolution Outlining the Legislative Priorities of the North Mankato City Council for the 2017 Legislative Session.																														
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center; width: 50px;">Aye</td> <td style="text-align: center; width: 50px;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Freyberg</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Spears</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Steiner	_____	_____	Norland	_____	_____	Freyberg	_____	_____	Spears	_____	_____	Dehen	<div style="text-align: center; border-bottom: 1px solid black; margin-bottom: 10px;"> SUPPORTING DOCUMENTS ATTACHED </div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; text-align: center;">Resolution</td> <td style="width: 20%; text-align: center;">Ordinance</td> <td style="width: 20%; text-align: center;">Contract</td> <td style="width: 20%; text-align: center;">Minutes</td> <td style="width: 20%; text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) _____ _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**A RESOLUTION OUTLINING THE LEGISLATIVE PRIORITIES OF
THE NORTH MANKATO CITY COUNCIL FOR THE 2017 LEGISLATIVE SESSION**

WHEREAS, the Citizens of North Mankato have approved the extension of the local sales and use tax; and

WHEREAS, to secure extension of the tax, approval is required from Minnesota Legislature to extend the tax; and

WHEREAS, additional priorities are of importance to the North Mankato City Council in regards to 2017 Legislative Session of the Minnesota Legislature.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NORTH MANKATO, MINNESOTA, THAT;

I. The following legislative priorities shall be advanced by the City Administrator or his designee during the 2017 legislative session:

1. Authorization to extend the local sales and use tax as approved by voters in the November 8, 2016 General Election.
2. Authorization to impose an "on-sale food and beverage" tax.
3. Monitor state appropriation requests for any "Regional Water Quality Plan" to ensure that revenues are equitably distributed to regional communities.
4. Work with the Minnesota Amateur Sports Commission and the Mankato Sports Commission to obtain recognition of the Caswell Sporting Complex as a regional sporting complex.
5. Continued support of the Highway 14 Partnership efforts to complete Highway 14 as a four lane highway from New Ulm to Rochester.

Adopted by the City Council this 21st day of November 2016.

Mayor

ATTEST:

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #10A	Department: City Administrator	Council Meeting Date: 11/21/16																												
TITLE OF ISSUE: Discussion of a Resolution Related to the Expenditure of Sales Tax Dollars Extended by the Voters of North Mankato in 2016 for Use in New Indoor Recreational Facilities.																														
BACKGROUND AND SUPPLEMENTAL INFORMATION: Administrator Harrenstein will present, for discussion, a resolution related to the expenditure of sales tax dollars extended by the voters of North Mankato in 2016.																														
If additional space is required, attach a separate sheet																														
REQUESTED COUNCIL ACTION: Discussion																														
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Freyberg</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Spears</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Steiner	_____	_____	Norland	_____	_____	Freyberg	_____	_____	Spears	_____	_____	Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**A RESOLUTION RELATED TO THE EXPENDITURE OF SALES TAX DOLLARS EXTENDED BY THE VOTERS OF
NORTH MANKATO IN 2016 FOR USE NEW INDOOR RECREATIONAL FACILITIES**

WHEREAS, the Citizens of North Mankato have approved the extension of the local sales and use tax; and

WHEREAS, one authorized use of the tax is new recreational facilities; and

WHEREAS, the City Council looks forward to partnering with various groups to consider new recreational facilities in North Mankato; and

WHEREAS, to establish fairness, transparency and openness in consideration of various projects the City Council seeks to articulate the manner in which potential partnerships may be established.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NORTH MANKATO, MINNESOTA;
The following guidelines are hereby established for funds used for new indoor recreational facilities as extended by the voters in November of 2016 when they are authorized for use by the Minnesota State Legislature:

I. New Capital Construction – Construction of new indoor facilities finances with sales tax proceeds should require the following:

- A. The City Council shall be provided with information that identifies the anticipated operational costs associated with the proposed facility.
- B. The City Council shall be provided with information that identifies anticipated sources of operational revenue associated with the proposed facility. If any operational revenue for a new indoor recreational facility is anticipated to be funded from the property tax levy or general fund dollars, specific notation of this will be made in materials presented to the council and made available for public review.
- C. If operational revenue is anticipated to be secured from an entity other than the City, an agreement outlining the financial obligations of the entity or entities proposing to fund operations of a new indoor facility must be presented to the City Council, before sales tax dollars are considered as a source of revenue for financing or constructing the project. The agreement must include:
 - 1. Length of agreement
 - 2. Amount of financial obligation committed by each entity proposing to fund operations of the facility
 - 3. A contract or lease agreement the entity or entities are prepared to execute with the City
 - 4. A proposal of how capital replacement on the facility will be shared between the City and users. If users assume no responsibility for capital replacement, then the City must identify the sources of funding for capital replacement/depreciation at the time the agreement is proposed to the City Council.

II. The Use of Sales Tax Dollars as Matching Funds

A. If state of Minnesota funding, state of Minnesota bonding, other government appropriations, grants, bonds, private financing, or private fundraising are proposed to be used as a matching or primary funding sources for a new indoor recreation project, consideration of the matter should be consistent with the following requirements

1. If funding has been officially approved by state statute or other official agreement at the time a request is presented to the City Council, requirements of section 1 of this resolution shall apply.
2. If funding is to be requested or is in consideration of being requested to any public or private agency, then the Council, prior to receiving a request seeking to obligate such dollars, shall be provided the following information:
 - a. Proposed ownership
 - b. Entity responsible for depreciation expenses
 - c. Entity responsibility for general maintenance and repair for proposed facility
 - d. Entity responsible for post construction operation of the facility

B. If any sales tax dollars are proposed to be used as a pledge or grant to secure matching funds from other agencies, either public or private, the City Council must approve reserving those funds to act as a pledge or a grant.

1. If sales tax dollars are pledged or granted to new indoor recreational facility not yet completed, those funds will be recognized in the City of North Mankato's annual budget as a pledge or a grant making them unavailable for other uses.
2. If such a pledge or grant is made, it will be time-limited by the City Council at the time of making such a pledge or grant and presented as such in the annual budget documents of the City.
3. The City Council may remove itself from a pledge or grant made to a project by a simple majority vote of the City Council at any regular or special meeting called by the Council.

III. New Facilities Constructed & Financed by Sales Tax Dollars - Any commitment by the City to be operationally responsible for any newly constructed indoor recreational facilities where construction dollars are also financed by the sales tax should be outlined and provided prior to the governing body making such provisions possible according to section 1 of this resolution.

IV. Super Majority Required for New Indoor Facilities Constructed after 2016 Sales Tax Extension -

A. Any construction of a new indoor recreational facility not affiliated with any previously owned City asset at the time of the sales tax referendum passed by citizens in November of 2016 shall require a "super majority" vote for approval as identified as four of five members of the North Mankato City Council, provided any of the following apply:

1. Any cash payment appropriation exceeding \$550,000 from cash balances in the sales tax fund or current year sales tax collections
2. Any bond issue financed by North Mankato sales tax dollars where the par value and interest on the bonds will equal \$1.5 million dollars or greater.

B. No supermajority will be required for expansion of a recreational facility owned by the City of North Mankato at the time of November 2016 sales tax referendum passed by citizens.

V. Reporting of Sales Tax Funds as part of Annual City Budget

Information on all special accounts holding proceeds and expenditures from sales tax revenue including:

1. Cash balances held in any sales tax funds
2. Expenditures made in the previous fiscal year
3. Remaining balances of any bond proceeds
4. Proposed end date of each separate bond financed with sales tax proceeds and bond schedule showing interest rates of each bond
5. Anticipated Capital Expenditures requests within the CIP provided for upcoming budget to be financed with sales tax proceeds.
6. Remaining available dollars as permitted by most recent sales tax extension approved by the Minnesota State Legislature and North Mankato Electorate
7. All balances of any depreciation accounts associated with sales tax funds
8. Listing of all dollars held as "unencumbered" for budget purposes

VI. Inclusion into future Debt Management Studies

Sales tax dollars will be included as part of any future debt management study completed by the City of North Mankato including discussion of what funds are to be used for cash replacement, future debt issues, and existing indebtedness financed with sales tax dollars.

Mayor

ATTEST:

City Clerk

Abstract of Votes Cast
In the Precincts of the City of North Mankato
State of Minnesota
at the STATE GENERAL ELECTION
Held Tuesday, November 8, 2016
as compiled from the official returns.

Summary of Totals
City of North Mankato
Tuesday, November 8, 2016 STATE GENERAL ELECTION

Number of persons registered as of 7 a.m.	8491
Number of persons registered on Election Day	866
Number of accepted regular, military, and overseas absentee ballots and mail ballots	835
Number of federal office only absentee ballots	5
Number of presidential absentee ballots	0
Total number of persons voting	7721

Summary of Totals
City of North Mankato
Tuesday, November 8, 2016 STATE GENERAL ELECTION

KEY TO PARTY ABBREVIATIONS

NP - Nonpartisan

Mayor (North Mankato)

NP	NP	WI
Mark Dehen	Thomas Hagen	WRITE-IN**
5096	1960	23

Council Member at Large (North Mankato) (Elect 2)

NP	NP	NP	NP	NP
Barbara Church	Christopher Shearman	Matt Peterson	Billy Steiner	Matthias Leyrer
1575	556	1402	2912	1046
NP	NP	NP	NP	NP
James Whitlock	Devin Durand	Dennis Sandersfeld	Jeffrey Campbell	Brian Lamm
1779	417	679	598	353
NP	NP	WI		
Craig Amundson	Isaac Kerry	WRITE-IN**		
587	174	50		

CITY QUESTION 1 (North Mankato)

NP	NP
YES	NO
4991	1853

Detail of Election Results
City of North Mankato
Tuesday, November 8, 2016 STATE GENERAL ELECTION

Precinct	Persons Registered as of 7 A.M.	Persons Registered on Election Day	Total Number of Persons Voting
07 0213 : NORTH MANKATO	2	0	2
52 0070 : NORTH MANKATO P-1	1274	145	1113
52 0075 : NORTH MANKATO P-2	1209	116	1071
52 0080 : NORTH MANKATO P-3	1217	171	1104
52 0085 : NORTH MANKATO P-4	1422	112	1288
52 0090 : NORTH MANKATO P-5	1540	129	1429
52 0095 : NORTH MANKATO P-6	1483	136	1383
52 0100 : NORTH MANKATO P-7	344	57	331
City of North Mankato Total:	8491	866	7721

Detail of Election Results
City of North Mankato
Tuesday, November 8, 2016 STATE GENERAL ELECTION

Office Title: Mayor (North Mankato)

Precinct	NP Mark Dehen	NP Thomas Hagen	WI WRITE-IN**
07 0213 : NORTH MANKATO	1	1	0
52 0070 : NORTH MANKATO P-1	687	311	3
52 0075 : NORTH MANKATO P-2	638	347	3
52 0080 : NORTH MANKATO P-3	713	275	5
52 0085 : NORTH MANKATO P-4	853	341	1
52 0090 : NORTH MANKATO P-5	1027	279	10
52 0095 : NORTH MANKATO P-6	960	330	1
52 0100 : NORTH MANKATO P-7	217	76	0
Total:	5096	1960	23

Office Title: Council Member at Large (North Mankato) (Elect 2)

Precinct	NP Barbara Church	NP Christopher Shearman	NP Matt Peterson	NP Billy Steiner	NP Matthias Leyrer
07 0213 : NORTH MANKATO	0	0	1	0	0
52 0070 : NORTH MANKATO P-1	250	45	172	486	189
52 0075 : NORTH MANKATO P-2	214	45	130	450	191
52 0080 : NORTH MANKATO P-3	234	52	154	415	137
52 0085 : NORTH MANKATO P-4	291	70	248	545	148
52 0090 : NORTH MANKATO P-5	281	140	295	463	193
52 0095 : NORTH MANKATO P-6	247	152	354	477	168
52 0100 : NORTH MANKATO P-7	58	52	48	76	20
Total:	1575	556	1402	2912	1046

Detail of Election Results
City of North Mankato
Tuesday, November 8, 2016 STATE GENERAL ELECTION

Office Title: Council Member at Large (North Mankato) (Elect 2)

Precinct	NP James Whitlock	NP Devin Durand	NP Dennis Sandersfeld	NP Jeffrey Campbell	NP Brian Lamm
07 0213 : NORTH MANKATO	0	0	1	0	0
52 0070 : NORTH MANKATO P-1	321	79	72	67	63
52 0075 : NORTH MANKATO P-2	288	99	81	80	48
52 0080 : NORTH MANKATO P-3	267	50	145	65	54
52 0085 : NORTH MANKATO P-4	294	63	146	73	55
52 0090 : NORTH MANKATO P-5	277	49	94	175	54
52 0095 : NORTH MANKATO P-6	281	51	115	102	57
52 0100 : NORTH MANKATO P-7	51	26	25	36	22
Total:	1779	417	679	598	353

Precinct	NP Craig Amundson	NP Isaac Kerry	WI WRITE-IN**
07 0213 : NORTH MANKATO	1	0	0
52 0070 : NORTH MANKATO P-1	78	32	7
52 0075 : NORTH MANKATO P-2	91	23	4
52 0080 : NORTH MANKATO P-3	84	20	6
52 0085 : NORTH MANKATO P-4	92	24	8
52 0090 : NORTH MANKATO P-5	122	35	16
52 0095 : NORTH MANKATO P-6	95	29	7
52 0100 : NORTH MANKATO P-7	24	11	2
Total:	587	174	50

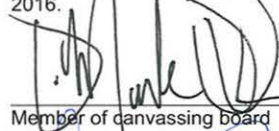
Detail of Election Results
City of North Mankato
Tuesday, November 8, 2016 STATE GENERAL ELECTION

Office Title: CITY QUESTION 1 (North Mankato)

Precinct	NP YES	NP NO
07 0213 : NORTH MANKATO	2	0
52 0070 : NORTH MANKATO P-1	673	305
52 0075 : NORTH MANKATO P-2	660	264
52 0080 : NORTH MANKATO P-3	658	258
52 0085 : NORTH MANKATO P-4	863	290
52 0090 : NORTH MANKATO P-5	999	327
52 0095 : NORTH MANKATO P-6	928	330
52 0100 : NORTH MANKATO P-7	208	79
Total:	4991	1853

We, the legally constituted county canvassing board, certify that we have herein specified the names of the persons receiving votes and the number of votes received by each office voted on, and have specified the number of votes for and against each question voted on, at the STATE GENERAL ELECTION held on Tuesday, November 8, 2016

As appears by the returns of the election precincts voting in this election, duly returned to, filed, opened, and canvassed, and now remaining on file in the office of the City of North Mankato Clerk. Witness our official signature at _____ in _____ County this _____ day of _____, 2016.


Member of canvassing board


Member of canvassing board


Member of canvassing board

Member of canvassing board

Member of canvassing board


Member of canvassing board

Member of canvassing board

State of Minnesota
City of North Mankato

I, April Van Gendeen, Clerk of the City of North Mankato do hereby certify the within and foregoing eight pages to be a full and correct copy of the original abstract and return of the votes cast in the City of North Mankato STATE GENERAL ELECTION held on Tuesday, November 8, 2016.

Witness my hand and official seal of office this 15th day of November, 2016.

