

Pursuant to due call and notice thereof, a Council Workshop of the North Mankato City Council was held in the Municipal Building Council Chambers on April 18, 2016. Mayor Dehen called the meeting to order at 6 p.m. The following were present for the meeting: Mayor Dehen, Council Members Norland, Freyberg, and Spears, Administrator Harrenstein and City Clerk Van Genderen. Absent: Council Member Steiner.

Sound Permitting, Enforcement and Public Complaints.

Council Member Freyberg stated the City Council has been approached by a resident concerning sound levels during park events. In response to the concerns raised by the resident Council Member Freyberg suggested changes to the audio permit application process and the enforcement of the permit. He stated people enjoy the park in different ways and the Council should review the policies in place. Administrator Harrenstein indicated the goals were achievable and City Staff is in the process of reviewing the permitting process by updating the sound permit process and ensuring contact information for someone in charge at the event and responding to noise concerns with a decibel reader to ensure compliance. City staff is also working to ensure audio equipment is positioned to decrease noise directed at the bluff.

Council Member Freyberg stated it could be beneficial to consider moving events from Spring Lake Park to other parks. Council Member Freyberg addressed Mr. Tom Hagen the concerned resident stating not only does he live on the bluff but the wind often plays a factor in noise carrying in the direction of his home.

Mayor Dehen indicated staff continues to address the issue through changing the application process and ensuring an onsite event contact. He stated it may be difficult to move large events to Benson Park as the facilities are not ready.

Council Member Norland reported pine trees had been planted in response to noise complaints to act as a buffer and maybe additional trees could help buffer the sound.

Mayor Dehen inquired if Tom Hagen, 927 Lake Street, would like to address the Council as he was the reason the meeting was called. Tom Hagen appeared before Council and stated he appreciated the meeting and stated he was willing to see if the solutions presented by staff would work. He requested staff arrange a test with speakers prior to an actual event. Mayor Dehen reported staff could see to arranging the test.

Other Business

None.

There being no further business, the Council workshop was adjourned at 6:25 p.m.

Mayor

City Clerk

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 April 18, 2016. Mayor Dehen called the meeting to order at 7:00 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for roll call: Mayor Dehen, Council Members Spears, Norland and Freyberg, City Administrator Harrenstein, Attorney Kennedy, City Planner Fischer, Public Works Director Swanson and City Clerk Van Genderen. Absent: Council Member Steiner

Approval of Agenda

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

Approval of Minutes

Council Member Norland moved, seconded by Council Member Spears to approve the minutes of the Council meeting of April 4, 2016. Vote on the motion: Spears, Norland and Dehen aye; Freyberg abstain. Motion carried.

Consent Agenda

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

- A. Bills and Appropriations.
- B. Res. No. 39-16 Approving Donations/Contributions/Grants.
- C. Approved Large Group and Audio Permit for Label Works Company Picnic at Wheeler Park on August 20, 2016 from 8:00 a.m. to 8:00 p.m.
- D. Approved Parade Permit for the North Mankato Civic & Commerce Association Fun Days Parade on July 9, 2016 from 11:00 a.m. to 2:00 p.m.
- E. Approved Parade Permit for the North Mankato Civic & Commerce Association Fun Days Kiddie Parade on July 8, 2016 from 6:15 p.m. to 7:00 p.m.
- F. Res. No. 41-16 Waiving Waiting Period for Exemption from Lawful Gambling License for Knights of Columbus to Conduct Bingo on July 6-10, 2016 at Wheeler Park.
- G. Approved Application for Temporary 3.2 Permit for North Mankato Civic & Commerce Association, Fun Days, July 7-10, 2016, Wheeler Park.
- H. Approved Large Group and Audio Permit for Belgrade United Methodist Church Picnic at Spring Lake Park on May 22, 2016 from 11:00 a.m. to 7:00 p.m.
- I. Approved Large Group and Audio Permit for MS Society Walk at Spring Lake Park on April 30, 2016 from 8:00 a.m. to 10:00 p.m. with Audio from 10:00 a.m. to 1:00 p.m.
- J. Authorized City Administrator to Execute an Operating Service Agreement for the All Seasons Arena.

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

Council Member Spears requested clarification on the Service Agreement with All Seasons Arena and if the City supported the organization in any other ways. Administrator Harrenstein stated the City had a debt service obligation that expires in 2021. Mayor Dehen thanked the anonymous donor to the North Mankato Taylor Library.

Public Comments

Katy Wortel, 1411 Pohl Road, Mankato, appeared before Council and spoke on behalf of Mankato Zero Waste. She stated Mankato Zero Waste has 79 subscribers and 20 of those are North Mankato residents. Ms. Wortel stated she was pleased the City was considering adopting a resolution

authorizing participation in a joint grant application being submitted to the MPCA. Council Member Spears stated the entire grant application was not included in the packet and he would want to see the entire application prior to agreeing to the grant. He stated he was concerned about penalties for non-compliance. Betty Winkworth, 970 Baker Avenue, Mankato, stated what was included in the packet was the portion that pertained specifically to North Mankato and indicated she was unaware of any penalties for non-compliance. The only action that may occur is the City may need to cover in-kind costs if the City does not comply. Public Works Director Swanson reported the majority of in-kind cost would be his time. Administrator Harrenstein indicated the resolution before Council approved the application, if the application was approved by the MPCA the complete grant could be brought before Council before signing.

Barb Church, 102 Wheeler Avenue, appeared before Council and stated she believed the Brewing Ideas event should not have been held on two Tuesdays. Ms. Church indicated noise control should be considered for all parks and events.

Business Items

Res. No. 40-16 Adopting Minnesota Pollution Control Agency FY 2016-17 Grant Program Authorization. Council Member Spears moved, seconded by Council Member Norland to Adopt Res. No. 40-16 Adopting Minnesota Pollution Control Agency FY 2016-17 Grant Program Authorization. **Vote on the motion: Spears, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

Receive Update on Planned Capital Outlay Expenditures for Parks. City Administrator Harrenstein stated the allocations stemmed from the Master Plan for the Park's System. The \$200,000 allocated to the parks is a commitment to the City's outstanding park system. The money would be allocated for tennis court resurfacing, playground structure upgrades, shelter repairs, Benson Park Bridge, Bluff Park Overlook and Spring Lake Hockey Upgrades. Additional funding was being procured for work at Bluff Park and Benson Park.

Consider Adopting Bluff Park Master Plan as an Amendment to the North Mankato Parks Master Plan.

Administrator Harrenstein reported the Greenway Committee has been actively examining existing assets and looking at how to leverage those assets. City Engineer Sarff reported the Greenway Committee has been working with an engineer to create a plan for Bluff Park. The plan includes a pavilion overlooking the river valley, construction of wood chip paths to complement existing paved trails and improve access to the unique groves of Black Maple, Red Oak and Aspen, the creation of an ornamental tree/orchard arboretum and a small grove of white pines, development of native prairie areas, enhanced seating and interpretive signage and re-establish the trail from the north end of Mary Lane to Lake Street. **Council Member Norland moved, seconded by Council Member Freyberg to Adopt Bluff Park Master plan as an Amendment to the North Mankato Parks Master Plan. Vote on the motion: Spears, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

Review Proposed Modifications and Schedule to the Municipal Building Entrance and Parking Lot.

City Engineer Sarff stated the discussion concerning ramp modifications began on April 4, 2016 when the City Council adopted the 2016-2017 HUD Annual Action Plan in which approximately \$140,000 of Community Development Block Grant (CDBG) federal funds were proposed to be used for modifications to the City of North Mankato Municipal Building entrance and parking lot. The

funds would be used to remove and replace the degrading and hazardous ramp, upgrade the parking lot and landscape. Engineer Sarff estimated the cost of the project at \$350,000 to \$400,000. The final project details would be presented at the May 16, 2016 Council Meeting with the contract awarded on June 20, 2016 and work to begin in July. Administrator Harrenstein reported this is outside the planned budget but the ramp has become dangerous and rehabilitation is not a feasible option. The ramp needs to be replaced before winter as it has become a liability. Administrator Harrenstein reported the budget would need to be trimmed in other areas and once the audit is completed funds may be available from remaining funds. Council Member Spears stated he did not like using the HUD funds as they require prevailing wage requirements be met and that may exclude the use of City staff.

Council Member Norland moved, seconded by Council Member Freyberg to proceed with Proposed Modifications to the Municipal Building Entrance and Parking Lot. Vote on the motion: Norland, Freyberg and Dehen aye; Spears nay. Motion carried.

City Administrator and Staff Comments

Receive Update on Green Space Policy. Administrator Harrenstein provided a review of the Greenway Conservation Management Policy. The policy outlines maintenance of ditches, outlots, storm water holding ponds, wetlands, bays, lakes, ponds, prairies, ravines, scenic overlooks and addresses the emerald ash bore threat and other species as need be. Council Member Spears requested clarification on the recommended mowing height of three inches. Public Works Director Swanson reported this has been standard practice. Administrator Harrenstein thanked Randy Schindle and Scott Siegfried for their work on the committee. Council Member Norland requested information on the use of chemicals. Public Works Director Swanson indicated the City only sprays following an assessment of the situation and staff uses the necessary safety protocol.

City Engineer Sarff reported the City's application for the Dakota Meadows Safe Routes to School Transportation Alternative Program (TAPs) for \$342,000 was approved. Funding would be available in 2019.

Mayor and Council Comments

Mayor Dehen reported the Bicycle Commission meeting would be held at the North Mankato Police Annex on Wednesday, April 27th at 7 p.m. The Commission would be discussing the Bike Grand Prix.

Mayor Dehen stated Coffee with the Council would be held on May 7, 2016 at 10 a.m. It would be a ribbon cutting for the Highway 14 Trail. Culvers agreed to provide free ice cream to anyone who rode or walked the path.

Mayor Dehen indicated an artist Meet and Greet was planned for the City Art Walking Sculpture Tour on May 14, 2016 from 3 p.m. to 5 p.m.

Public Comments

Phil Henry, 1300 Noretta Drive, appeared before Council and stated he thought restrooms should be installed at Benson Park before the construction of a bridge. He reported signage pertaining to trees and native species would be a great addition to Bluff Park. Mr. Henry indicated he believed the City should try and save the ramp. Administrator Harrenstein reported City staff were in agreement with the need for restrooms at Benson Park and temporary ones were being installed for the summer. He indicated work was proceeding towards permanent restrooms.

There being no further business, on a motion by Council Member Norland, seconded by Council Member Spears, the meeting adjourned at 8:10 p.m.

Mayor

City Clerk



City of North Mankato, MN

Claims List - Regular

By Vendor Name

Date Range: 5-2-2016

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
	Void	05/02/2016	Regular	0	-	84629
00416	1st LINE/LEEWES VENTURES LLC	05/02/2016	Regular	0	480.00	84600
00008	A+ SYSTEMS GROUP	05/02/2016	Regular	0	320.60	84601
00009	A-1 KEY CITY LOCKSMITHS, INC	05/02/2016	Regular	0	197.00	84602
00029	AG SPRAY EQUIPMENT	05/02/2016	Regular	0	89.35	84603
00106	AUTOMATIC SYSTEMS CO.	05/02/2016	Regular	0	694.95	84604
00118	BARNES & NOBLE, INC.	05/02/2016	Regular	0	11.96	84605
00163	BLUE VALLEY SOD, INC.	05/02/2016	Regular	0	76.00	84606
02317	BOEHLKE, LISA	05/02/2016	Regular	0	48.00	84607
00187	BRANDT, INC.	05/02/2016	Regular	0	607.20	84608
00216	C & S SUPPLY CO, INC.	05/02/2016	Regular	0	550.87	84609
00221	CARGILL, INC.	05/02/2016	Regular	0	1,990.07	84610
00227	CARQUEST AUTO PARTS STORE	05/02/2016	Regular	0	173.10	84611
00234	CENTER POINT ENERGY	05/02/2016	Regular	0	3,750.03	84612
00241	CHARTER COMMUNICATIONS	04/21/2016	Regular	0	7.76	84581
00255	CITY OF MANKATO	05/02/2016	Regular	0	74,550.75	84613
00255	CITY OF MANKATO	05/02/2016	Regular	0	79,000.00	84614
02058	CONSOLIDATED COMMUNICATIONS	04/19/2016	Regular	0	209.70	84576
02058	CONSOLIDATED COMMUNICATIONS	04/21/2016	Regular	0	276.38	84582
00305	CROP PRODUCTION SERVICES, INC.	05/02/2016	Regular	0	1,462.33	84615
00336	DELTA DENTAL	04/21/2016	Regular	0	947.40	84583
02318	ENVISION LAB	05/02/2016	Regular	0	3,000.00	84616
00401	EXPRESS SERVICES, INC.	05/02/2016	Regular	0	794.60	84617
00409	FERGUSON ENTERPRISES, INC #1657	05/02/2016	Regular	0	28.48	84618
00439	FORSTER, DANIEL	05/02/2016	Regular	0	230.63	84619
00447	FREE PRESS	05/02/2016	Regular	0	139.75	84620
00462	G & K SERVICES	05/02/2016	Regular	0	183.24	84621
00463	G & L AUTO SUPPLY, LLC	05/02/2016	Regular	0	316.90	84622
00465	GALE/CENGAGE LEARNING	05/02/2016	Regular	0	92.00	84623
01098	GILLETTE GROUP/PEPSI-COLA	05/02/2016	Regular	0	701.90	84624
00482	GMS INDUSTRIAL SUPPLIES, INC.	05/02/2016	Regular	0	137.00	84625
00493	GOODWIN, TONY	05/02/2016	Regular	0	512.50	84626
00525	HANCOCK CONCRETE PRODUCTS LLC	05/02/2016	Regular	0	275.40	84627
00595	HY-VEE, INC.	04/19/2016	Regular	0	57.43	84577
00600	ICMA RETIREMENT TRUST ROTH IRA	04/26/2016	Regular	0	625.00	84596
00601	ICMA RETIREMENT TRUST-457	04/26/2016	Regular	0	2,690.00	84597
00608	INGRAM LIBRARY SERVICES	05/02/2016	Regular	0	957.03	84628
00637	JETTER CLEAN, INC.	05/02/2016	Regular	0	200.00	84630
00624	JM PROMOTIONS	05/02/2016	Regular	0	793.95	84631
00733	LAKES GAS CO #10	05/02/2016	Regular	0	79.80	84632
00743	LARKSTUR ENGINEERING & SUPPLY, INC.	05/02/2016	Regular	0	113.67	84633
00776	LLOYD LUMBER CO.	05/02/2016	Regular	0	791.62	84634
00797	MAC TOOLS DISTRIBUTOR	05/02/2016	Regular	0	159.98	84635
00817	MANKATO EAST	04/27/2016	Regular	0	121.21	84598
00829	MANKATO PUBLIC SCHOOLS	05/02/2016	Regular	0	70.50	84636
00832	MANKATO TENT & AWNING CO.	05/02/2016	Regular	0	520.00	84637
00835	MANKATO WEST ACTIVITIES DEPT	04/22/2016	Regular	0	132.78	84589
00837	MANTRONICS MAILING SYSTEMS, INC.	05/02/2016	Regular	0	415.68	84638
00851	MAYO CLINIC HEALTH SYSTEM - MANKATO	05/02/2016	Regular	0	1,197.00	84639
00874	MENARDS-MANKATO	05/02/2016	Regular	0	204.23	84640
00890	MII LIFE, INC.- VEB	04/21/2016	Regular	0	22,461.03	84584
00902	MINNESOTA IRON & METAL CO	05/02/2016	Regular	0	175.94	84641
00935	MINNESOTA PIPE & EQUIPMENT	05/02/2016	Regular	0	271.45	84642
00936	MINNESOTA POLLUTION CONTROL AGENCY	05/02/2016	Regular	0	312.50	84643
00954	MINNESOTA VALLEY ACTION COUNCIL	05/02/2016	Regular	0	10,577.04	84644
00910	MINNESOTA VALLEY TESTING LAB, INC.	05/02/2016	Regular	0	218.00	84645
02315	MIRACLE RECREATION EQUIPMENT CO	05/02/2016	Regular	0	1,206.34	84646
00975	MORGAN, SHAWN	05/02/2016	Regular	0	200.02	84647
00997	MTI DISTRIBUTING CO	05/02/2016	Regular	0	901.78	84648
01010	NATIONAL INSURANCE SERVICES OF WI, INC.	04/21/2016	Regular	0	1,183.56	84585
01010	NATIONAL INSURANCE SERVICES OF WI, INC.	04/21/2016	Regular	0	594.91	84586
01010	NATIONAL INSURANCE SERVICES OF WI, INC.	04/21/2016	Regular	0	179.50	84587
02313	NELSON, DANIEL	05/02/2016	Regular	0	200.02	84649
01036	NICOLLET COUNTY RECORDER/ABTRACTER	05/02/2016	Regular	0	92.00	84651

01037	NICOLLET COUNTY	05/02/2016	Regular	0	12,954.00	84650
01052	NORTH CENTRAL INTERNATIONAL	04/21/2016	Regular	0	204.31	84588
01052	NORTH CENTRAL INTERNATIONAL	05/02/2016	Regular	0	2,075.15	84652
01064	NORTHERN STATES SUPPLY, INC.	05/02/2016	Regular	0	68.98	84653
02314	OPENGOV, INC.	05/02/2016	Regular	0	4,700.00	84654
01083	OVERDRIVE, INC.	05/02/2016	Regular	0	819.11	84655
02005	PANTHEON COMPUTERS	05/02/2016	Regular	0	5,789.05	84656
01099	PET EXPO DISTRIBUTORS	05/02/2016	Regular	0	50.00	84657
01106	PETTY CASH	05/02/2016	Regular	0	35.62	84658
01137	PRAXAIR DISTRIBUTION, INC	05/02/2016	Regular	0	63.91	84659
01190	REINHART FOODSERVICE LLC	05/02/2016	Regular	0	2,057.80	84660
01191	RELIANCE ELECTRIC OF SOUTHERN MINNESOT	05/02/2016	Regular	0	110.62	84661
01211	RIVER BEND BUSINESS PRODUCTS	05/02/2016	Regular	0	1,324.56	84662
02235	RIVER CITY ELECTRIC CO	05/02/2016	Regular	0	2,251.55	84663
01281	SIGN PRO	05/02/2016	Regular	0	3.50	84664
02108	SIREK'S HYDRAULIC SERVICE, INC.	05/02/2016	Regular	0	814.64	84665
01079	SMC-SOUTHERN MINNESOTA CONSTRUCTION	05/02/2016	Regular	0	2,190.29	84666
01303	SOUTH CENTRAL REGIONAL FIRE DEPARTMEN	05/02/2016	Regular	0	50.00	84667
01322	SPRINT	04/27/2016	Regular	0	75.05	84599
01335	STAPLES ADVANTAGE	05/02/2016	Regular	0	898.98	84668
01352	STREICHER'S, INC	05/02/2016	Regular	0	2,279.94	84669
02312	STURGIS, RYAN	04/19/2016	Regular	0	100.00	84578
01377	TELRITE CORPORATION	04/19/2016	Regular	0	73.79	84579
01393	THORSET COMFORT SYSTEMS, INC.	05/02/2016	Regular	0	3,756.48	84670
01402	TIRE ASSOCIATES	05/02/2016	Regular	0	1,791.68	84671
01409	TOPPERS PLUS, INC.	05/02/2016	Regular	0	95.00	84672
02150	U.S. BANK	05/02/2016	Regular	0	18,000.00	84673
02150	U.S. BANK	05/02/2016	Regular	0	35,656.88	84674
01443	UNITED STATES POSTAL SERVICE	05/02/2016	Regular	0	2,000.00	84675
01453	UPSTART	04/22/2016	Regular	0	1,435.13	84590
01470	VERIZON WIRELESS	04/19/2016	Regular	0	1,566.05	84580
01477	VIKING ELECTRIC SUPPLY, INC.	05/02/2016	Regular	0	104.00	84676
01503	WASSMAN PLUMBING & HEATING LLC	05/02/2016	Regular	0	638.26	84677
	WELLS FARGO BANK	04/25/2016	Regular	0	128.25	84591
	BUTZER MANAGEMENT	04/25/2016	Regular	0	140.83	84592
	JAY BAUDER	04/25/2016	Regular	0	41.39	84593
	FIRM FOUNDATION INVESTMENT GROUP	04/25/2016	Regular	0	25.43	84594
	LLOYD MANAGEMENT	04/25/2016	Regular	0	31.76	84595

Bank Code APBNK Summary

	Payable	Payment		
Payment Type	Count	Count	Discount	Payment
Regular Checks	237	101	0.00	323,961.81
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	237	102	0.00	323,961.81

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
Jo Robbins	Library Endowment	\$500.00
Barbara Bloomer	Library Endowment-Backpack Books	\$181.00
		\$681.00

Adopted by the City Council this 2nd day of May 2016.

Mayor

City Clerk

CITY OF NORTH MANKATO PARK PERMIT

This permit does reserve space in a City Park.

PERMIT #: 15 -2016 SHELTER: SLP #2/Gazebo FEE: 80.00

TYPE OF EVENT: Wedding Ceremony DATE VALID: 9-2-16 HOURS: 8a-8p

ORGANIZATION: Talamantez/Hed SIZE: 100-150

APPLICANT NAME: Vicki Trudeau

ADDRESS: 525 Harrison Ave. CITY: N. MKTO

ZIP: _____ DAYTIME PHONE #: 327-6477

TENTS: NO ELECTRICITY: yes ALCOHOL: possibly sm. amt.

If keg beer, a \$250 deposit and \$25 fee are required.

AUDIO DEVICES: DJ for ceremony - light music
Amplified music or band requires Council approval + microphone/
for 2 small speakers

OTHER: NOON - Setup
2:00 - Photos
4:00 Ceremony
5:00 Take down

PERMIT APPROVED: _____ DATE: _____

PERMIT DENIED: _____

REFER TO COUNCIL: ✓ _____

City Clerk

The following rules and regulations have been set by the City Code which apply to all parks and are enforced:

PROHIBITED

- * Vehicles are not allowed to be parked or driven on the grass for any reason unless permission is given from the Park Department.
- * Pets (Allowed in Benson Park and Bluff Park only. Must be on a 6' leash).
- * Glass containers.
- * Campfires / Bonfires / Fire rings.
- * Snowmobiles, ATVs, golfing, swimming, boating and motorized flotation devices.
- * Audio equipment may not be played so loud as to interfere with the reasonable use of the park by others. All audio devices shall end at 8 p.m.

ALLOWED

- * Personal grills may be brought in.
- * Keg beer is allowed only with a permit.
- * Fishing/Ice fishing on Ladybug Lake and Spring Lake only.
- * Non-motorized canoes and kayaks on Ladybug Lake and Spring Lake. Children under 12 must be accompanied by an adult. Flotation device required.
- * Hog roasts are allowed in the parks on hard-surfaced lots only.

I, the undersigned, understand that the park shelter reservation fee is NOT a deposit and is NOT refundable for any reason other than inclement weather making it impossible to hold a picnic. Cancellation of this park shelter reservation will NOT result in a refund of the fee. **If prior approval is not obtained for the installation of additional tents or stakes and causes disruption of utility services, I agree to be held liable for any repairs to service lines.**

SIGNED: Vicki Trudeau 10/22/15
Applicant Date

For Office Use Only

Receipt # R000047116

✓ Online

X Book

____ Park

____ Police

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item: #7D	Department: City Attorney	Council Meeting Date: 05/02/16																																																						
TITLE OF ISSUE: Consider Setting Public Hearing on Abatement of Public Nuisance at 831 Nicollet Avenue.																																																								
<p>BACKGROUND AND SUPPLEMENTAL INFORMATION: In the fall of 2015 the City of North Mankato began receiving complaints about the property located at 831 Nicollet Avenue and had discussions with one of the property owners regarding compliance. The City inspected the property and on March 23, 2016 the City delivered a registered letter to the property owner concerning the code violations found on the property. The letter clearly indicated the violations and the procedure required to comply with City Code. On April 5, 2016 a second registered letter was sent to the property owner with clear instructions concerning compliance with City Code. As no action was taken by the property owner to comply with City Code the City is proceeding with Abatement procedures laid out in City Code 92.23. The next step for the City is to bring the Code violations before the City Council and allow the property owner an opportunity to be heard.</p> <p style="text-align: right; font-style: italic; font-size: small;">If additional space is required, attach a separate sheet</p>																																																								
REQUESTED COUNCIL ACTION: Set Public Hearing on Abatement of Public Nuisance at 831 Nicollet Avenue at 7 p.m. on May 16, 2016.																																																								
<p>For Clerk's Use:</p> <p>Motion By: _____</p> <p>Second By: _____</p> <p>Vote Record:</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 15%;">Aye</th> <th style="width: 15%;">Nay</th> <th></th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Spears</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Steiner</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Norland</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Freyberg</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>Dehen</td> </tr> </tbody> </table>		Aye	Nay		_____	_____	_____	Spears	_____	_____	_____	Steiner	_____	_____	_____	Norland	_____	_____	_____	Freyberg	_____	_____	_____	Dehen	<p style="text-align: center;">SUPPORTING DOCUMENTS ATTACHED</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 20%;">Resolution</th> <th style="width: 20%;">Ordinance</th> <th style="width: 20%;">Contract</th> <th style="width: 20%;">Minutes</th> <th style="width: 20%;">Map</th> </tr> </thead> <tbody> <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> <tr> <td colspan="5">Other (specify) <u>Notice of Public Hearing, Letter to Property Owner, City Code 92.23</u></td> </tr> <tr><td colspan="5">_____</td></tr> <tr><td colspan="5">_____</td></tr> <tr><td colspan="5">_____</td></tr> </tbody> </table>		Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (specify) <u>Notice of Public Hearing, Letter to Property Owner, City Code 92.23</u>					_____					_____					_____				
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May 3, 2016

Mark & Matthew Haack
831 Nicollet Avenue
North Mankato, MN 56003

Dear Mark & Matthew:

Pursuant to North Mankato City Code Chapter 92.23 (A) (1) you are hereby notified that a hearing will be held before the City Council of the City of North Mankato on May 16, 2016 at 7:00 p.m. or as soon as can be heard, thereafter, at the Council Chambers, Municipal Building, North Mankato, Minnesota. At that time the City Council will determine whether or not to issue an Order requiring that you, as owner, abate any nuisance present at 831 Nicollet Avenue, North Mankato, Minnesota. The City Council will receive copies of all correspondence between you and city staff as well as pictures of the exterior of the residence at 831 Nicollet Avenue, North Mankato, Minnesota. If the City Council determines that a public nuisance is being maintained or exists on the premises, you will be notified in writing regarding such order and that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not completed within the time specified, the Community Development Director shall report that fact forthwith to the City Council. Thereafter, the City Council may seek injunctive relief from the Nicollet County District Court.

You are notified under North Mankato City Code provision 92.24 (A) that you as owner of the premises have personal liability for the cost to the city of the abatement, including administrative costs.

Sincerely

THE CITY OF NORTH MANKATO

Michael Fischer
Community Development Director



**NOTICE OF PUBLIC HEARING ON ABATEMENT OF
PUBLIC NUISANCE AT 831 NICOLLET AVENUE**

Notice is hereby given that the City Council of the City of North Mankato will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, at 7 p.m. on Monday, May 16, 2016 to consider abatement procedures against the property located at 831 Nicollet Avenue. Such persons as desire to be heard with reference to the abatement of public nuisance will be heard at this meeting.

Dated this 3rd day of May 2016.

/s/ April Van Genderen
April Van Genderen
City Clerk

§ 92.23 ABATEMENT.

(A) *Notice.* Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this section.

(1) *Notice of violation.* Written notice of violation shall be served by a peace officer or designated person on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

(2) *Notice of City Council hearing.* Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of the City Council hearing, notice of City Council hearing shall be served by posting it on the premises.

(3) *Notice of City Council order.* Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(4) *Notice of motion for summary enforcement.* Written notice of any motion for summary enforcement shall be made as provided for in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(B) *Procedure.* Whenever a peace officer or designated person determines that a public nuisance is being maintained or exists on the premises in the city, the officer or person designated shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the officer or designated person shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(C) *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer or designated person shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The officer or designated person shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) of this section, and may

order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

(D) *Immediate abatement.* Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Penalty, see § 92.99

§ 92.24 RECOVERY OF COST.

(A) *Personal liability.* The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

(B) *Assessment.* After notice and hearing as provided in M.S. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other charges as well as other charges for current services to be assessed under M.S. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

Penalty, see § 92.99