

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 October 15, 2018. Mayor Dehen called the meeting to order at 7:00 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for roll call: Mayor Dehen, Council Members Freyberg, Whitlock, Steiner, and Norland, City Administrator Harrenstein, Finance Director McCann, Attorney Kennedy, Community Development Director Fischer, Public Works Director Host, and City Clerk Van Genderen.

Approval of Agenda

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

Approval of Council Work Session Meeting Minutes

Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council Work Session meeting of September 17, 2018. Vote on the motion: Steiner, Norland, and Dehen aye; Freyberg and Whitlock abstain. Motion carried.

Approval of Council Meeting Minutes

Council Member Whitlock moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of September 17, 2018. Vote on the motion: Steiner, Norland, and Dehen aye; Freyberg and Whitlock abstain. Motion carried.

Approval of Council Work Session Meeting Minutes

Council Member Norland moved, seconded by Council Member Whitlock, to approve the minutes of the Council Work Session meeting of October 1, 2018. Vote on the motion: Freyberg, Whitlock, Norland, and Dehen aye; Steiner abstain. Motion carried.

Approval of Council Meeting Minutes

Council Member Norland moved, seconded by Council Member Whitlock, to approve the minutes of the Council meeting of October 1, 2018. Vote on the motion: Freyberg, Whitlock, Norland, and Dehen aye; Steiner abstain. Motion carried.

Anthony Ford Foundation Presentation

Anthony Ford Committee Members Larry Wild and Daniel Sprague appeared before Council and presented the City with \$100,000 as a contribution to the Spring Lake Park hockey rinks and warming house. Mr. Wild reported that in 2005 Anthony Ford was diagnosed with a rare form of childhood leukemia which he fought for 18 months. During his fight, he spent time with the MSU Hockey team, and his jersey #99 is now retired at MSU. The Ford family began a pond hockey tournament to honor Anthony and his love for the game. The funds raised by the foundation are spent 1/3 on leukemia research, 1/3 for area youth hockey scholarships, and 1/3 on providing ice for the local community. In 2016 the Anthony Ford Pond Hockey tournament came to North Mankato Spring Lake Park, and it has grown. The event will be held January 26th and 27th in 2019. Last year the Anthony Ford Fund committed \$50,000 in grant funds and improvements toward the construction of one new outdoor ice rink, upgrades to the existing ice rink and contribution to the warming house. The Anthony Ford Fund obtained a matching grant from the Mankato Area Foundation in the amount of \$50,000 which will also be applied toward the Spring Lake Park Improvements. The south rink will be

named the Anthony Ford rink, and the north rink will be the Auggie Scheuneman rink. Auggie was instrumental in North Mankato hockey in the 1920s through the 1960s. Mayor Dehen thanked the committee for the generous donation and reported the City was excited to continue the partnership.

Public Hearing, 7 p.m. Vacation of a Storm Sewer Easement in Sunrise Acres #5

Community Development Director Fischer reported this is a 20-foot easement on Sherwood Drive that is requested to vacate. City staff is working in the area and discovered, that while this is a storm sewer easement, there is no storm sewer located in the easement. The City has acquired another easement into the property and ravine, where the storm sewer is actually located. Due to no storm sewer being present, the City requests to vacate the easement. With no one appearing before Council, the Mayor closed the Public Hearing.

Consent Agenda

Council Member Norland moved, seconded by Council Member Whitlock, to approve the Consent Agenda.

- A. Bills and Appropriations.
- B. Res. No. 78-18 Approving Donations/Contributions/Grants.
- C. Approved Parade Permit for MVA Fall Fun 5K Run/Walk on October 26, 2018, at Caswell Park.
- D. Approved Large Group and Audio Permit for Cheers for Charity Event on December 1, 2018, from 5 p.m. to 10 p.m. at 512 Sherman Street.
- E. Res. No. 79-18 Designating Depository for the City of North Mankato.

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

Motion carried.

Public Comments Concerning Business Items on the Agenda

None.

Business Items

Res. No. 80-18 Vacating Utility Easements in Sunrise Acres #5.

Council Member Norland moved, seconded by Council Member Steiner to Adopt Res. No. 80-18 Vacating Utility Easements in Sunrise Acres #5. Vote on the motion: Freyberg, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Approve North Mankato Public Art and Creative Placemaking Initiative Participation Agreement with Kendrick Daum.

City Administrator Harrenstein reported Attorney Randy Zellmer was present and he worked on the agreements and could answer any questions. City Administrator Harrenstein reported the agreement permitted the painting of a loon mural on the east side of the NaKato. He reported the agreement outlines the rights and responsibilities of the artist and clarifies that the ownership is transferred to the City of North Mankato and the City can decommission or move after 2-years. Kendrick Daum appeared before Council and thanked them for the opportunity; he estimated the project would take one week to complete. **Council Member Steiner moved, seconded by Council Member Norland to Approve North Mankato Public Art and Creative Placemaking Initiative Participation Agreement with Kendrick Daum. Vote on the motion: Freyberg, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

Approve North Mankato Public Art and Creative Placemaking Initiative Participation Agreement with Elaine Hardwick.

City Administrator Harrenstein noted the proposed project was a Story Book Project that would feature different cultural viewpoints from students in North Mankato. The project would be displayed around Storybook Park. Elaine Hardwick noted the first round of chosen artists pictures were included in the packet. Each of the chosen artists also completed a biography and artists statement. Ms. Hardwick envisioned this as a rotating display of artwork. Ms. Hardwick believed the first round would be placed in the spring as she would like to have a small reception for the children. Mayor Dehen noted it might be a good chance to have KTV come out and meet with the children. Attorney Kennedy cautioned against copyright infringement. **Council Member Steiner moved, seconded by Council Member Norland to Approve North Mankato Public Art and Creative Placemaking Initiative Participation Agreement with Elaine Hardwick. Vote on the motion: Freyberg, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

Res. No. 81-18 Accepting Bid Project No. 18-06 Rehabilitation Well No. 8.

Council Member Steiner requested clarification on if the bid was within budget. City Engineer Sarff reported the base bid was under budget and there were two alternate bids that were bid, but until the well is pulled it is unknown if those will need to be completed. **Council Member Norland moved, seconded by Council Member Whitlock to adopt Res. No. 81-18 Accepting Bid Project No. 18-06 Rehabilitation Well No. 8. Vote on the motion: Freyberg, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

Receive Information on the North Mankato Ravine Management Master Plan.

City Engineer Sarff appeared before Council and reviewed the proposed Ravine Management Master Plan. He noted there is not a model to follow, so staff is using standard practices and innovative practices. City Engineer Sarff noted the staff is establishing a ravine identification/numbering system to help identify ravines, their locations, affected residences, and access points to the ravines. Staff will also inspect the ravines to determine the condition of the ravine, the degree of vegetation, the extent of foundation/sump pump drain lines extended to the bottom, the extent of surface runoff over the top of the ravines and locate any slides and sloughs. City Engineer Sarff indicated it would take several years to complete all of the field data collection. City staff will continue to maintain the ravines, but upon completion of the data collection will identify improvement priorities and maintenance or long-range plan. Public Works Director Host indicated staff has a narrow window to get in before the snow makes a review of the ravines difficult. Council Member Freyberg requested information on if the City intended to use drones. City Engineer Sarff reported it is looking at using drones as the drone technology will allow the collection of vertical data and moisture content, but staff will also want to walk the ravines to get an onsite visual of the ravine.

City Administrator Harrenstein noted the program is designed to help preserve and manage the ravines, creating a proactive assessment tool for the area. Once the assessment is complete, it will help determine how to manage areas deep in the ravine. The purpose of the report is to inform the Council and the public that the process of review has begun. He noted that several residents had observed an increase in water flow through the ravines, this could be the result of development as the City moves more water through the ravines.

Mayor Dehen commented that the City should include ravine maintenance tips in the water bill stuffer and encourage residents to contact the City if they would like their ravine reviewed.

Res. No. 82-18 Ordering the Preparation of a Report on an Improvement: Project No. 18-05DEF 2019 Commerce Drive Improvement Project.

City Engineer Sarff reported the Resolution begins the Special Assessment 429 process. The City has secured federal funding for the project, but a portion of the project will be assessed to property owners. The Preliminary Engineering report will be presented at the next Council meeting.

Council Member Steiner moved, seconded by Council Member Norland to Adopt Res. No. 82-18 Ordering the Preparation of a Report on an Improvement: Project No. 18-05DEF 2019 Commerce Drive Improvement Project. Vote on the motion: Freyberg, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Review the Draft Commerce Drive Development Plan.

Matt Lassonde from Bolton & Menk appeared before Council and reviewed the Draft Commerce Drive Development Plan. He reported the purpose of the plan is to achieve a shared vision for Commerce Drive between the city, citizens and stakeholders. Mr. Lassonde reviewed the chapters including Housing, Economic Development, Transportation, Parks and Trails and Area Design. He stated the plan provided an examination of the corridor and provided an opportunity for the public to respond. There was a lot of public outreach which hopefully produced a camaraderie within the stakeholders and potentially spur growth. The Plan can be used during the street resurfacing project in 2019, and by developers who are interested in developing by providing potential uses, and stakeholders as they consider what might be successful. City Administrator Harrenstein reported the next step would be to conduct public open houses to gather feedback. The Plan has been reviewed by property owners, and now the public can make additional comments. He noted the city had conducted a survey, there were four stakeholder meetings and then meetings one on one with the stakeholders. The Plan pairs well with the resurfacing project. Mayor Dehen thanked Mr. Lassonde and indicated he was interested in the additional feedback. **Council Member Norland moved, seconded by Council Member Steiner to approve the Commerce Drive Development Plan. Vote on the motion: Freyberg, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

Open Forum

Elaine Hardwick, 806 Garfield Avenue, appeared before Council and thanked the City for allowing the Zip-Zap Ice Cream truck in the City and thanked the City for supporting the art project. Ms. Hardwick also thanked City staff for their assistance following the last storm with regards to the hillside runoff.

Phil Henry, 1300 Noretta Drive, appeared before Council and stated he was impressed with the condition of the prairie in Bluff Park and thanked City staff for the fall drop-off. He stated he did not believe the last Council Work Session was a Work Session and requested more time for Budget discussion.

Tom Hagen, 927 Lake Street, appeared before Council and thanked Council for looking into the ravines and requested the City also look at hillsides.

City Administrator and Staff Comments

City Administrator Harrenstein reported that the trees that would be planted in Camelot Park would be 4 inches in diameter when they are planted.

City Administrator Harrenstein reviewed the Memorandum of Understanding between the City of North Mankato and the Anthony Ford Fund. He reported the Memorandum would be presented to Council at the next meeting for acceptance. Council Member Freyberg noted that all members of the All Season's Arena signed an agreement not to compete and that the new ice sheets should be placed

under All Season's Arena's services and the rates should be consistent with All Seasons Arena. City Administrator Harrenstein thanked Council Member Freyberg and reported this would be reviewed as the City prepared a contract with Mankato Area Hockey Association.

Public Works Director Host reported the Fall Drop-off was successful.

Mayor and Council Comments

Council Member Whitlock noted that on Sunday, October 28th the North Mankato Firefighter Relief Association would be hosting their Dad's Belgian Waffle Fundraiser from 8 am to noon.

Council Member Norland reported she has been working with a committee to create a Fraud Prevention Resource file that is available at the North Mankato Taylor Library. She noted the committee was planning presentations after January 1, 2019.

Mayor Dehen requested clarification on when leaf collection would begin. Public Works Director Host reported pick-up would begin on October 22, 2018. Council Member Norland requested that no one put leaves in the gutter.

Mayor Dehen reported City Administrator Harrenstein, Council Member Whitlock and himself went on an intercity leadership conference in Fayetteville, Arkansas.

There being no further business, on a motion by Council Member Norland, seconded by Council Member Steiner, the meeting adjourned at 8:09 p.m.

Mayor

City Clerk



City of North Mankato, MN

Claims List - Regular

By Vendor Name

Date Range: 11-5-18

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
00008	A+ SYSTEMS GROUP	11/05/2018	Regular	0	419.55	90083
00009	A-1 KEY CITY LOCKSMITHS, INC	11/05/2018	Regular	0	9.00	90084
02434	AUSTIN'S AUTO REPAIR CENTER, INC.	11/05/2018	Regular	0	32.46	90085
00118	BARNES & NOBLE, INC.	11/05/2018	Regular	0	99.90	90086
00145	BETTER HOUSEKEEPING VACUUMS, INC.	11/05/2018	Regular	0	392.85	90087
02812	CENTURY FENCE COMPANY	11/05/2018	Regular	0	4,540.00	90088
02757	CINTAS	11/05/2018	Regular	0	278.41	90089
00255	CITY OF MANKATO	11/05/2018	Regular	0	131,023.00	90090
00304	CREATIVE AD SOLUTIONS, INC.	11/05/2018	Regular	0	21.60	90091
02925	CRONN-MILLS, KRISTEN	10/22/2018	Regular	0	150.00	90074
02926	DAVIS, REBECCA	10/22/2018	Regular	0	150.00	90075
02275	DEM-CON MATERIALS & RECOVERY	11/05/2018	Regular	0	765.34	90092
02929	DEWITTE, JASON	11/05/2018	Regular	0	600.00	90093
00380	ELECTRIC PUMP, INC.	11/05/2018	Regular	0	915.00	90094
00392	ENERGY SALES, INC.	11/05/2018	Regular	0	392.77	90095
02933	EQUINOX INDUSTRIES LTD	11/05/2018	Regular	0	964.30	90096
00401	EXPRESS SERVICES, INC.	11/05/2018	Regular	0	2,584.28	90097
00447	FREE PRESS	11/05/2018	Regular	0	105.03	90098
00465	GALE/CENGAGE LEARNING	11/05/2018	Regular	0	248.71	90099
00499	GRAINGER	11/05/2018	Regular	0	64.02	90100
02050	GREGG ANDERSEN GALLERY19	11/05/2018	Regular	0	600.00	90101
02930	GSM PLUMBING AND DRAIN CLEANING	11/05/2018	Regular	0	11,401.34	90102
00534	HART'S AUTO SUPPLY	11/05/2018	Regular	0	64.00	90103
02574	HEDGEHOG ADVERTISING	11/05/2018	Regular	0	330.00	90104
02923	JACOB, FRED	11/05/2018	Regular	0	950.00	90106
00658	JT SERVICES INC.	10/15/2018	Regular	0	42.45	90066
02927	KRUGER, WILLIAM KENT	11/05/2018	Regular	0	1,000.00	90107
02928	LAROCHELLE, DAVID	11/05/2018	Regular	0	500.00	90108
00746	LAW ENFORCEMENT LABOR SERVICES, INC.	10/24/2018	Regular	0	686.00	90079
00800	MADDEN, GALANTER, HANSEN, LLP	11/05/2018	Regular	0	201.00	90109
00819	MANKATO FORD, INC.	11/05/2018	Regular	0	239.50	90110
00950	MINNESOTA STATE UNIVERSITY-MANKATO	11/05/2018	Regular	0	200.00	90111
00993	MRCI	11/05/2018	Regular	0	1,000.00	90112
01018	NCPERS MINNESOTA-UNIT 662400	10/24/2018	Regular	0	160.00	90080
01037	NICOLLET COUNTY	11/05/2018	Regular	0	100.00	90113
01037	NICOLLET COUNTY	11/05/2018	Regular	0	15,877.00	90114
01057	NORTH MANKATO MOTOR VEHICLE REGISTRA	11/05/2018	Regular	0	61.00	90115
02934	NORTHERN DEWATERING INC.	11/05/2018	Regular	0	19,804.00	90116
01076	OLD DOMINION BRUSH	11/05/2018	Regular	0	1,318.12	90117
01106	PETTY CASH	11/05/2018	Regular	0	111.92	90118
01124	PONDEROSA LANDFILL OF BLUE EARTH CO, IN	11/05/2018	Regular	0	31.59	90119
01133	POWERPLAN/RDO EQUIPMENT	11/05/2018	Regular	0	1,776.00	90120
01142	PREMIER VETERINARY CENTER - MANKATO	11/05/2018	Regular	0	858.90	90121
02195	PUB 500	11/05/2018	Regular	0	384.74	90122
01170	RAMY TURF PRODUCTS	11/05/2018	Regular	0	110.00	90123
02931	REDEXIM TURF PRODUCTS	11/05/2018	Regular	0	29,792.00	90124
02801	REHNELT EXCAVATING LLC	10/15/2018	Regular	0	49,174.96	90065
02235	RIVER CITY ELECTRIC CO	11/05/2018	Regular	0	12,240.00	90125
01321	SPRINGSTED, INC.	11/05/2018	Regular	0	1,995.00	90126
01335	STAPLES ADVANTAGE	11/05/2018	Regular	0	2,917.86	90127
01390	THOMAS TREE & LANDSCAPE, INC.	11/05/2018	Regular	0	11,215.00	90128
01402	TIRE ASSOCIATES	11/05/2018	Regular	0	2,808.19	90129
02150	U.S. BANK	11/05/2018	Regular	0	225,690.00	90130
01441	UNITED RENTALS, INC.	11/05/2018	Regular	0	4,465.68	90131
02640	VALLEY LANDSCAPE SUPPLY	11/05/2018	Regular	0	232.00	90132
01517	WELLS FARGO CORPORATE TRUST SERVICE	11/05/2018	Regular	0	732,020.00	90133
02924	WHITEWATER WEST INDUSTRIES LTD	11/05/2018	Regular	0	79,200.00	90134

00101	AT&T MOBILITY	10/15/2018	Bank Draft	0	27.82	DFT0002506
02058	CONSOLIDATED COMMUNICATIONS	10/15/2018	Bank Draft	0	209.70	DFT0002508
02058	CONSOLIDATED COMMUNICATIONS	10/23/2018	Bank Draft	0	60.00	DFT0002523
02058	CONSOLIDATED COMMUNICATIONS	10/23/2018	Bank Draft	0	197.05	DFT0002524
02058	CONSOLIDATED COMMUNICATIONS	10/23/2018	Bank Draft	0	36.06	DFT0002525
02058	CONSOLIDATED COMMUNICATIONS	10/23/2018	Bank Draft	0	38.80	DFT0002526
02932	HEADSETS.COM	10/25/2018	Bank Draft	0	319.95	DFT0002537
00608	INGRAM LIBRARY SERVICES	10/31/2018	Bank Draft	0	2,291.74	DFT0002546
00294	J.P. COOKE COMPANY	10/17/2018	Bank Draft	0	94.00	DFT0002516
00733	LAKES GAS CO #10	10/16/2018	Bank Draft	0	107.00	DFT0002511
00733	LAKES GAS CO #10	10/31/2018	Bank Draft	0	81.50	DFT0002547
00857	MC GOWAN WATER CONDITIONING, INC.	10/30/2018	Bank Draft	0	33.28	DFT0002545
01322	SPRINT	10/22/2018	Bank Draft	0	35.45	DFT0002522
01335	STAPLES ADVANTAGE	10/15/2018	Bank Draft	0	76.98	DFT0002515
01335	STAPLES ADVANTAGE	10/17/2018	Bank Draft	0	226.26	DFT0002518
01335	STAPLES ADVANTAGE	10/18/2018	Bank Draft	0	73.18	DFT0002519
01335	STAPLES ADVANTAGE	10/19/2018	Bank Draft	0	31.74	DFT0002520
01335	STAPLES ADVANTAGE	10/26/2018	Bank Draft	0	217.64	DFT0002543
02684	STINSON LEONARD STREET	10/17/2018	Bank Draft	0	862.00	DFT0002517
01377	TELRITE CORPORATION	10/16/2018	Bank Draft	0	254.66	DFT0002513
01426	TRUGREEN	10/16/2018	Bank Draft	0	380.00	DFT0002512
02496	USA SOFTBALL OF MINNESOTA	10/16/2018	Bank Draft	0	270.00	DFT0002514
01470	VERIZON WIRELESS	10/11/2018	Bank Draft	0	776.87	DFT0002505
01470	VERIZON WIRELESS	10/15/2018	Bank Draft	0	30.12	DFT0002509
02254	ALBRIGHT LAWNS	11/07/2018	EFT	0	285.00	1277
00036	ALEX AIR APPARATUS, INC.	11/07/2018	EFT	0	957.80	1278
00105	AUTO VALUE MANKATO	11/07/2018	EFT	0	353.48	1279
00174	BOLTON & MENK, INC.	11/07/2018	EFT	0	32,570.00	1280
00176	BORDER STATES ELECTRIC SUPPLY	11/07/2018	EFT	0	2,978.76	1281
00216	C & S SUPPLY CO, INC.	11/07/2018	EFT	0	368.30	1282
02749	COMMUNICATION STRATEGIES LLC	11/07/2018	EFT	0	160.00	1283
02706	CORE & MAIN LP	11/07/2018	EFT	0	267.67	1284
00310	CRYSTEEL TRUCK EQUIPMENT, INC	11/07/2018	EFT	0	312.00	1285
00334	DEHEN, MARK	11/07/2018	EFT	0	20.32	1286
00348	DIRT MERCHANT, INC.	11/07/2018	EFT	0	19,792.92	1287
00453	FREYBERG PETROLEUM SALES, INC.	11/07/2018	EFT	0	21,248.55	1288
00463	G & L AUTO SUPPLY, LLC	11/07/2018	EFT	0	395.90	1289
00460	G AND H READY MIX, LLC	11/07/2018	EFT	0	1,360.00	1290
00476	GIEFER, DANIEL	11/07/2018	EFT	0	58.59	1291
00538	HAWKINS, INC.	11/07/2018	EFT	0	5,048.88	1292
00544	HENDRICKSON, CHRISTOPHER	11/07/2018	EFT	0	29.60	1293
00577	HOLTMEIER CONSTRUCTION	11/07/2018	EFT	0	6,696.90	1294
00609	INMAN, RICH	11/07/2018	EFT	0	166.64	1295
00680	J.J. KELLER & ASSOCIATES, INC.	11/07/2018	EFT	0	606.00	1296
00632	JAVENS MECHANICAL CONTRACTING CO.	11/07/2018	EFT	0	85.00	1297
02209	KRAL, JACOB	11/07/2018	EFT	0	175.50	1298
02523	KRAUSE, TOM	11/07/2018	EFT	0	76.30	1299
00743	LARKSTUR ENGINEERING & SUPPLY, INC.	11/07/2018	EFT	0	131.27	1300
00767	LIME VALLEY ADVERTISING, INC.	11/07/2018	EFT	0	525.00	1301
00776	LLOYD LUMBER CO.	11/07/2018	EFT	0	603.65	1302
02644	MACQUEEN EMERGENCY GROUP	11/07/2018	EFT	0	1,132.58	1303
00796	MACQUEEN EQUIPMENT, INC.	11/07/2018	EFT	0	7,946.99	1304
00874	MENARDS-MANKATO	11/07/2018	EFT	0	282.14	1305
02532	MIKE'S LLC	11/07/2018	EFT	0	133.49	1306
00910	MINNESOTA VALLEY TESTING LAB, INC.	11/07/2018	EFT	0	288.00	1307
00956	MINNESOTA WASTE PROCESSING CO.	11/07/2018	EFT	0	22,693.75	1308
02323	MOBOTREX	11/07/2018	EFT	0	986.47	1309
00997	MTI DISTRIBUTING CO	11/07/2018	EFT	0	313.35	1310
01009	NAPA AUTO PARTS - MANKATO	11/07/2018	EFT	0	5.63	1311
01036	NICOLLET COUNTY RECORDER/ABSTRACTER	11/07/2018	EFT	0	46.00	1312
01052	NORTH CENTRAL INTERNATIONAL	11/07/2018	EFT	0	1,027.26	1313
01056	NORTH MANKATO FIREMEN'S RELIEF ASSOCIA	11/07/2018	EFT	0	72,616.09	1314
02005	PANTHEON COMPUTERS	11/07/2018	EFT	0	7,044.21	1315
01090	PARAGON PRINTING, MAILING & SPECIALTIES	11/07/2018	EFT	0	3,541.99	1316
01099	PET EXPO DISTRIBUTORS	11/07/2018	EFT	0	50.00	1317
01179	RED FEATHER PAPER CO.	11/07/2018	EFT	0	79.95	1318
01211	RIVER BEND BUSINESS PRODUCTS	11/07/2018	EFT	0	402.70	1319

01290	SLETTEN, CORY	11/07/2018	EFT	0	61.62	1320
01079	SMC-SOUTHERN MINNESOTA CONSTRUCTION	11/07/2018	EFT	0	1,256.09	1321
01323	SPS COMPANIES, INC.	11/07/2018	EFT	0	293.48	1322
02175	STREAMLINE COMMUNICATIONS, LLC	11/07/2018	EFT	0	265.00	1323
02536	USAQUATICS, INC.	11/07/2018	EFT	0	3,476.00	1324
01478	VIKING FIRE & SAFETY LLC	11/07/2018	EFT	0	48.74	1325
01552	WW BLACKTOPPING, INC	11/07/2018	EFT	0	151,043.67	1326
01572	ZWASCHKA, JAMES	11/07/2018	EFT	0	74.16	1327
00137	BENCO ELECTRIC COOPERATIVE	10/29/2018	Bank Draft	0	29,742.18	DFT0002541
00234	CENTER POINT ENERGY	10/30/2018	Bank Draft	0	1,651.65	DFT0002544
00614	INTERNAL REVENUE SERVICE	10/24/2018	Bank Draft	0	3,964.46	DFT0002531
00614	INTERNAL REVENUE SERVICE	10/24/2018	Bank Draft	0	11,378.29	DFT0002533
00614	INTERNAL REVENUE SERVICE	10/24/2018	Bank Draft	0	11,712.40	DFT0002534
02003	MINNESOTA DEPT OF REVENUE	10/24/2018	Bank Draft	0	5,664.09	DFT0002532
02003	MINNESOTA DEPT OF REVENUE	11/01/2018	Bank Draft	0	280.16	DFT0002548
01477	VIKING ELECTRIC SUPPLY, INC.	10/22/2018	Bank Draft	0	28.55	DFT0002521
01477	VIKING ELECTRIC SUPPLY, INC.	10/24/2018	Bank Draft	0	7.62	DFT0002535
01477	VIKING ELECTRIC SUPPLY, INC.	10/26/2018	Bank Draft	0	653.37	DFT0002538
01557	XCEL ENERGY	10/29/2018	Bank Draft	0	23,449.12	DFT0002542
					<u>1,818,961.55</u>	<u>143</u>

Authorization Signatures

All Council

The above manual and regular claims lists for 11-5-18 are approved by:

MARK DEHEN- MAYOR

DIANE NORLAND- COUNCIL MEMBER

WILLIAM STEINER- COUNCIL MEMBER

ROBERT FREYBERG- COUNCIL MEMBER

JAMES WHITLOCK- COUNCIL MEMBER

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 Marie Robbins	Library	300.00
Traverse Des Sioux Library Cooperative	Library-Community Read	\$632.00
Traverse Des Sioux Library Cooperative	Library-Summer Reading	\$2,235.00
Friends of the Deep Valley Libraries	Library-Special Programs	\$1,000.00
		\$4,167.00

Adopted by the City Council this 5th day of November 2018.

Mayor

City Clerk

RESOLUTION NO.

RESOLUTION APPROVING
CONSENT ASSESSMENT AGREEMENT

WHEREAS, the City of North Mankato has, at the property owner's request, paid for certain improvements that will benefit such property, specifically repair/replacement of sewer line for the following described real estate:

507 Cornelia Street

PIN #18.661.0430

Block 2 Lot BEG At NE COR OF LOT 1; THENCE S 124; W 130'; N 57'; E 130' TO PT 67' S OF POB
Subdivision Cd 18661 Subdivision Name J B NELSEN's ADD

Cost: \$11,401.34

WHEREAS, the property owner desires that the cost of the sewer line be made as a special assessment against the property; and

WHEREAS, the property owner has executed a consent assessment agreement;

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

That the attached consent assessment agreement is approved and that the City Clerk is directed to forward a certified copy of this resolution along with a copy of the consent assessment agreement to the Nicollet County Auditor.

Adopted by the City Council this 5th day of November 2018.

Mayor

ATTEST:

City Clerk

CONSENT ASSESSMENT AGREEMENT

This Agreement is made between the City of North Mankato (City) and Elizabeth Geer and Benjiman Geer (Owner).

The parties are guided in reaching this agreement by the following facts:

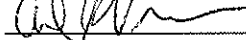
1. Owner's property is described as follows:
507 Cornelia Street
PIN #18.661.0430
Block 2 Lot BEG AT NE COR OF LOT 1; THENCE S 124'; W 130'; N 57'; E 130' TO PT 67' S OF POB
SubdivisionCd 18661 SubdivisionName J B NELSEN'S ADD
2. Owner replaced the sewer line.
3. Owner desires to waive all of the procedures mandated by Chapter 429 of Minnesota Statutes and to consent to the imposition of an assessment directly upon the described property.
4. City is willing to pay for the repair in consideration for the owner's consent to the assessment.

The parties therefore make the following agreement:

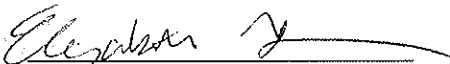
1. As a result of the improvement, a special assessment shall be filed against owner's land in the amount of \$11,401.34. The assessment shall be payable in equal installments extending over a period of ten (10) years and bear interest at the rate of 7.00% per annum from the date of this agreement. The City may transmit notice of this assessment to the County Auditor.

Adopted this _____ day of _____, 2018.

City of North Mankato

By: 

Its: C. L. Clark



Property Owner

Elizabeth Geer

Property Owner



GSM Plumbing and Drain Cleaning
106 3rd North St
New Ulm MN 56073

Invoice 3347460
Invoice Date 9/24/2018
Completed Date 10/10/2018
Technicians Luke Lowe
Sara Wenner
Tom Jore
Will Atwill

Billing Address

Ben Geer
507 Cornelia Street
North Mankato, MN 56003 USA

Customer PO

Job Address

Ben Geer
507 Cornelia Street
North Mankato, MN 56003
USA

Description of Work

Upon arrival the the main sewer was backed up so I cabled the sewer to remove the blockage I then ran my camera down the line and saw the sewer was broken and had tree roots in the line and the castiron line in the home was in bad shape as well. So I netted the roots out and we descaled the cast iron leaving the house so we could line it. We also cut out the old castiron in the floor of the house and going up to the main floor by saw cutting the concrete in the home and removing the concrete and castiron off site. Then putting in new pvc stack and running new pvc till it left the house we also ran a new kitchen line and add a laundry stand pipe and removed an old concrete sink from the basement. When the inspection was done we repoured the concrete and finished cleaning up at this time the plumbing is in great working condition and there is a 10 year warranty on the main sewer we did in the home and the lining.

Task #	Description	Quantity	Your Price	Your Total
C1215	Cable line thru Basement access to clear stoppage (Main Line)	1.00	\$364.44	\$364.44
B10	GSM Plan Membership - 3 Years	1.00	\$0.00	\$0.00
C14029	Set up for lining 4" or 6" No prep work included	1.00	\$6,018.45	\$6,018.45
	-Acquire permit			
	-Two guys on site			
	-Install liner, no use of sewer for 12 hours			
	-Install up to 5' of PVC to reconnect sewer			
	-Video inspection to insure proper flow			
	-City inspection			
C14035	-Acquire Permit	1.00	\$5,018.45	\$5,018.45
	-Break 4" concrete up to 3' x 3' square			
	-Dispose of concrete			
	-Excavate soil to expose sewer pipe			
	-Repair bad section of pipe/install clean out			
	-Video inspect to insure no further issues			
	-City inspection			
	-Backfill soil and compact			
	-Rough in concrete			

Member Savings \$1,719.82

Sub-Total \$11,401.34

Tax \$0.00

Total Due \$11,401.34

Balance Due \$11,401.34

Thank you for your business.

This invoice is agreed and acknowledged. Payment is due upon receipt. A service fee will be charged for any returned checks, and a financing charge of 1% per month shall be applied for overdue amounts.

10/3/2018

I have inspected all of the work done by [the contractor] pursuant to the contract terms agreed by me at [LOCATION] [the location described in the contract]. I find that all work has been completed in a satisfactory and workmanlike manner. I have been given the opportunity to address concerns and/or discrepancies in the work provided, and I either have no such concerns or have found no discrepancies or they have been addressed by [the contractor] to my satisfaction. My signature here signifies my full and final acceptance of all work performed by the contractor pursuant to the contract as agreed.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

10/10/2018

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #7D	Department: Administration	Council Meeting Date: 11/5/18																												
TITLE OF ISSUE: Consider Approving a Memorandum of Understanding with the Anthony Ford Fund.																														
BACKGROUND AND SUPPLEMENTAL INFORMATION: On October 15, 2018, the Anthony Ford Fund presented the City of North Mankato with \$100,000 to help complete the ice hockey rinks and the warming house. The document outlines the agreement between the two entities, concerning how the funds are to be used and the City's obligations upon receipt of those funds.																														
<i>If additional space is required, attach a separate sheet</i>																														
REQUESTED COUNCIL ACTION: Approve a Memorandum of Understanding with the Anthony Ford Fund.																														
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>Whitlock</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>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Whitlock	_____	_____	Steiner	_____	_____	Norland	_____	_____	Freyberg	_____	_____	Dehen	<div style="text-align: center; border-bottom: 1px solid black; margin-bottom: 10px;"> SUPPORTING DOCUMENTS ATTACHED </div> <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>Agreement</u> _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aye	Nay																													
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<input type="checkbox"/>	Other: _____																													

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into as of _____, 2018, by and between Anthony Ford Fund, a nonprofit organization (the "Anthony Ford Fund") and City of North Mankato, a Municipal Corporation ("North Mankato"). Anthony Ford Fund and North Mankato are at times individually referred to as "Party" and jointly as "Parties".

RECITALS

A. Anthony Ford Fund is a community non-profit organization that is committed to raising funds for pediatric cancer research and funding for youth hockey programs in the greater Mankato area, by hosting fundraising activities and sponsoring the annual outdoor Anthony Ford Pond Hockey Classic Tournament (the "Anthony Ford Pond Tournament").

B. Anthony Ford Fund has a fiscal agency agreement with Mankato Area Hockey Association, a Minnesota nonprofit corporation and 501(c)3 organization ("MAHA"), whereby MAHA maintains financial records pertaining on behalf of and administers the receipt, management, investment and disbursement of funds of the Anthony Ford Fund.

C. Anthony Ford Fund has committed \$50,000 (together with ice rink wall boards valued at \$13,400) in grant funds and improvements (the "AFF Funds") toward: (i) construction of one new outdoor ice rink with wall boards, (ii) upgrades to the existing ice rink, and (iii) contributing toward the new warming house/community room (the "Warming House"), all located at Spring Lake Park, North Mankato, Minnesota (the "Spring Lake Park Improvements").

D. Anthony Ford Pond Tournament has been located at Spring Lake Park since 2016.

E. Anthony Ford Fund obtained a matching grant from the Mankato Area Foundation in the amount of \$50,000 (the "MAF Funds"). The MAF Funds have been received by the Anthony Ford Foundation and shall be applied toward the Spring Lake Park Improvements and currently held by the Anthony Ford Fund.

F. Business on Belgrade Association has raised funds to locate the Anthony Ford Pond Tournament at Spring Lake Park through donations and finding sponsorships for the event, and will serve as the event concessionaire. In the event Business on Belgrade Association is unable to serve as event concessionaire, North Mankato or an entity selected by North Mankato shall serve as event concessionaire.

G. North Mankato will work with the Anthony Ford Fund to: (i) host the annual Anthony Ford Pond Tournament at Spring Lake Park, ((ii) complete the Spring Lake Park Improvements and (iii) to receive the AFF Funds and MAF Funds (hereinafter jointly the "Funds")

H. North Mankato and the Anthony Ford Fund now desire to memorialize the terms of the AFF Funds and MAF Funds.

NOW, THEREFORE, in consideration of the above-recitals, the promises contained herein and for all the good and valuable consideration, the Parties agree as follows:

1. Anthony Ford Fund shall remit to North Mankato the Funds balance of \$100,000.00 no later than October 15, 2018 to be applied toward the costs of the Spring Lake Park Improvements.

2. North Mankato anticipates completion of the Spring Lake Park Improvements prior to the Anthony Ford Pond Tournament scheduled to begin on January __, 2019.

3. North Mankato in recognition of the Funds, agrees as follows:

- a. To name the southerly outdoor rink the "Anthony Ford Rink" and the northerly outdoor rink the "Auggie Scheunamen Rink". Each rink shall have a name identifying plaque.
- b. As part of the Spring Lake Park Improvements, a monument commemorating Anthony Ford will be erected together with landscaping and paved access to the monument.
- c. To place inside the Warming House a plaque describing the history of the Anthony Ford Fund and Auggie Scheunamen.
- d. During the winter months, to consider priority use of Spring Lake Park hockey rinks by the Mankato Area Hockey Association, weather permitting, on Tuesdays and Thursday's from 5:30 to 8:30 P.M. and Saturdays from 10:30 to 1:00 A.M. The terms and licensing fees for use of the Spring Lake Park rinks shall be formalized in a written agreement between the Mankato Area Hockey Association and North Mankato.
- e. During the winter months, weather permitting, to have available for use by the general public the Spring Lake Park Hockey Rinks and Warming House, an estimated 40 hours per week.
- f. The Anthony Ford Fund shall have access at no charge to the Warming House for a total of four events per calendar to promote youth hockey in the Greater Mankato Area or children's cancer research. The dates and times of each event shall be as mutually agreed to by the Parties.

4. The terms of this Memorandum of Understanding shall be reviewed every five years, or more frequently if requested by either party.

5. The term of this Memorandum of Understanding maybe terminated by North Mankato if any of the following shall occur: (i) Anthony Ford Fund shall cease to exist as a legal nonprofit association, (ii) Anthony Ford Fund shall cease being an active community organization that promotes youth hockey in the Greater Mankato Area, (iii) Anthony Ford Fund shall fail to hold the Anthony Ford Pond Tournament at Spring Lake Park for two consecutive

calendar years, (iv) destruction of the Spring Lake Park Improvements, or (v) at any time on or after the tenth (10th) anniversary of this Memorandum of Understanding, upon 1 year written notice.

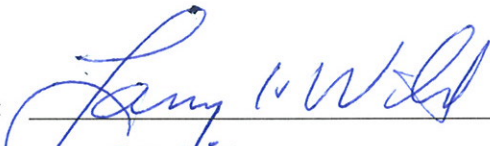
6. North Mankato retains the exclusive right in its sole discretion to decommission any aspect of Spring Lake Park Improvements after the useful life of the Spring Lake Park Improvements. However, so long as the Spring Lake Park Improvements are maintained and operated, they shall retain the names and identifying plaques for the Warming House, Anthony Ford Rink and Auggie Scheunamen Rink.

IN WITNESS HEREOF, the undersigned have caused this Memorandum of Understanding to be executed the day and year first written above.

ANTHONY FORD FUND:

By: _____

Its: _____


CHAIR

NORTH MANKATO:

City of North Mankato

By: _____

Its: _____

John Harrenstein

City Administrator

MEMORANDUM

TO: Honorable Mayor & City Council

FROM: Traffic & Safety Committee

DATE: October 16, 2018

SUBJECT: October Traffic & Safety Committee Minutes

On Monday, October 15, 2018, the Traffic & Safety Committee met to discuss items of business. Committee members present: Community Member Bill Borchardt, Council Liaison Jim Whitlock, Police Chief Ross Gullickson, Public Works Director Nate Host and Community Development Director Mike Fischer.

The following is a summary of the meeting:

1. Request to Review Traffic Speeds and Signage on Lookout Drive.

Staff presented a request from Scott Peymann regarding concerns for excessive speeds and traffic control on Lookout Drive including the location of Vehicle Noise Laws Enforced signs and enforcement. Staff noted that Mr. Peymann made a similar request in 2016 which resulted in a speed study which did not show any significant vehicle speed issues. Mr. Peymann indicated that he believes vehicle speeds are excessive, certain traffic control signage is not visible and semi-trucks are using air brakes regularly. The Committee held discussions regarding the current placement of Vehicle Noise Laws Enforced signs, posted speed limits on Lookout Drive and expected traffic from the new Mankato Clinic. The committee also discussed the opportunity to install the temporary electronic speed signs along Lookout Drive to display vehicle speeds.

RECOMMENDATION

The Committee recommend that the existing "Vehicle Noise Laws Enforced" signs be relocated along Lookout Drive, the Police Chief will contact CHS and State Patrol about the use of air brakes and the Police Department will monitor the area for speeding and vehicle noise laws.

2. Request to Review Traffic & Parking near Pleasant View Drive.

Staff indicated that the Parks Department has had multiple meetings with residents near Pleasant View Park regarding future development opportunities. As part of the process, some park users have expressed concerns regarding safety improvements along Pleasant View Drive such as the elimination of on-street parking near the park, creation of off-street parking within the park and area vehicle speeds. The Committee held discussions regarding the potential to create parking within the park, various options to eliminate on-street parking near the area, park access from Balsam and Raymond, current park users, visibility at street intersections and the function of neighborhood parks.

RECOMMENDATION

The Committee recommends that a "No Parking" area be created along the north side of Pleasant View Drive from Willow Lane to Linden Trail to create better vehicle/pedestrian visibility near the park.

MEMORANDUM

TO: Traffic & Safety Committee

FROM: Mike Fischer, Community Development Director

DATE: October 10, 2018

SUBJECT: October Traffic & Safety Committee Meeting

The next meeting of the Traffic & Safety Committee has been scheduled for Monday, October 15 at 3:30 p.m. in the Municipal Building Conference Room.

AGENDA

1. Request to review traffic speeds and signage on Lookout Drive
2. Request to review traffic and parking near Pleasant View Park

1. Request to Review Traffic Speeds and Signage on Lookout Drive

Attached as Exhibit A is a Report of Concern submitted by Scott Peymann regarding traffic speeds and signage on Lookout Drive. Specifically; the use of air brakes, locations of "Vehicle Noise Laws Enforced" signs and traffic speeds.

In 2016, Mr. Paymann made a similar request which was considered by the Traffic & Safety Committee and City Council. As a result, traffic tubes were placed on Lookout Drive to collect data on traffic speeds and a portable electronic speed sign was placed on both northbound and southbound lanes to display traffic speeds. The results of the data collection is shown on Exhibit B. As the speed limit on the majority of Lookout Drive is 45 mph, according to the data, the median speed on the southbound traffic was 43 mph and northbound traffic was 47 mph.

The applicant has also expressed concerns regarding the use of air brakes by semi trucks including the location and size of "Vehicle Noise Laws Enforced" signs on Lookout Drive. Attached as Exhibit C is a map showing the locations of existing "Vehicle Noise Laws Enforced" signs on Lookout Drive.

RECOMMENDATION

Review existing signage and traffic speeds on Lookout Drive

[Manage Content](#) [Library Specific Content](#) [Manage Event Feeds](#) [Manage Private Events](#)[Manage Navigation](#) [Manage users](#) [Instructions](#) [Log Out](#) [Home » Submission #739 » Report a Concern in North Mankato, MN »](#) [Log out](#)Webform results

Submission #739

[View](#)[Edit](#)[Delete](#)[Previous submission](#)[Next submission](#)[Resend e-mails](#)**Submission information**Form: [Report a Concern in North Mankato, MN](#)

Submitted by Anonymous (not verified)

Mon, 2018-10-01 15:30

68.115.102.119

What are you Reporting

Traffic Sign Issue

Name

Scott Peymann

Phone Number

507-995-2453

Email Address

docotis83@gmail.com

Describe the details of the problem you are reporting

I'm writing to address the issue of ongoing speed & traffic control on lookout drive. Also the signage for vehicle noise is small & obstructed by trees along the road. The truckers are using their brake much ahead of sign that is posted. In fact the braking is almost a block ahead of the sign. Most of these truckers are the same ones who constantly do this as they are using Lookout as the main road to bean plant. Especially with the construction on Hwy 169 the road is getting utilized much more then normal. Also the speeding issue has gotten even worse on the road which is creating dangerous conditions for anyone living the area. Thank you for your cooperation in this matter.

[Previous submission](#)[Next submission](#)



Real People. Real Solutions.

12224 Nicollet Avenue
Burnsville, MN 55337-1649

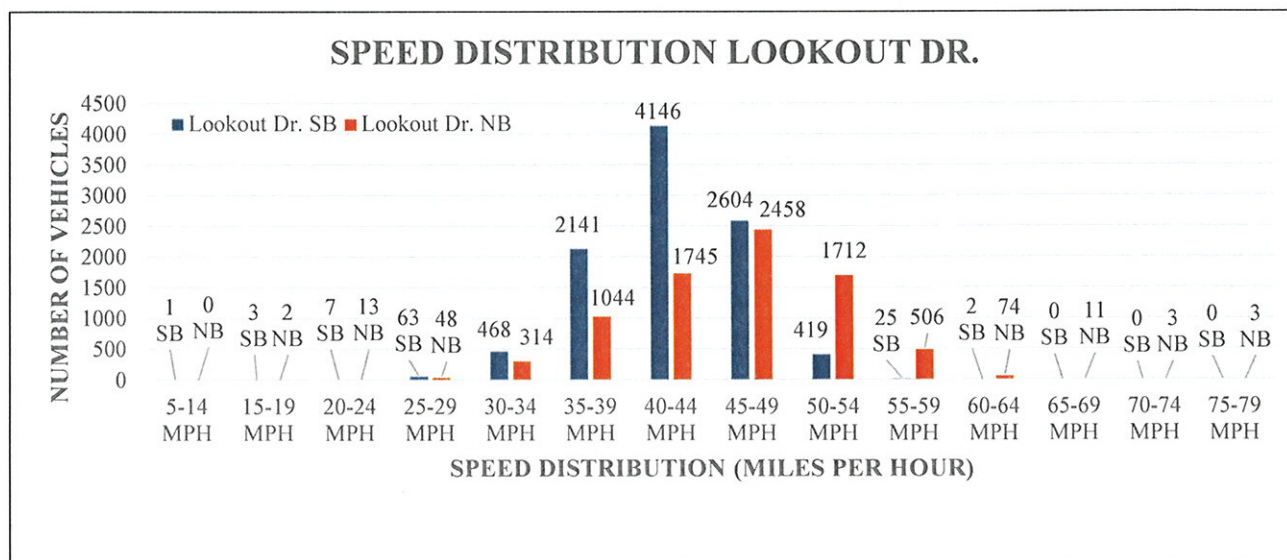
Ph: (952) 890-0509
Fax: (952) 890-8065
Bolton-Menk.com

MEMORANDUM

Date: 9/22/2016
To: City of North Mankato
From: Ross Tillman, P.E.
Curt Brezina, E.I.T.
Subject: Speed study on Lookout Dr. near Commerce Dr.
City of North Mankato
Project No.: M18.111274

The City of North Mankato requested a speed study along the corridor of Lookout Dr. near the cross streets of Commerce Dr. and Restless Ct. The posted speed on Lookout Dr. in this area is 45 MPH. Traffic tube counters were used to assess the vehicle speeds traveling in both directions. The dates the study occurred were from Wednesday August 31st to Thursday September 1st, along with Tuesday September 13th to Wednesday September 14th.

It was determined that traffic traveling along Lookout Dr. in the southbound direction, had an 85th percentile speed of 48 MPH and a median speed of 43 MPH. Vehicles traveling northbound had an 85th percentile speed of 53 MPH with a median speed of 47 MPH. The speed distribution is graphed below.



Please refer to attachments for all speed data collected for this study.

Daily Southbound Speeds (MPH)

Study Date: Tuesday, 09/13/2016

Unit ID:

Location: Lookout Dr. SB Traffic

Posted Speed: 45

	5-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-99	Total
00:00 - 00:59	0	0	0	0	1	8	13	6	2	0	0	0	0	0	0	30
01:00 - 01:59	0	0	0	0	2	5	5	4	0	0	0	0	0	0	0	16
02:00 - 02:59	0	0	0	1	0	1	5	3	0	0	0	0	0	0	0	10
03:00 - 03:59	0	0	0	0	2	2	1	4	0	0	0	0	0	0	0	9
04:00 - 04:59	0	0	0	0	3	7	7	4	2	0	0	0	0	0	0	23
05:00 - 05:59	0	0	0	2	2	14	25	22	6	1	0	0	0	0	0	72
06:00 - 06:59	0	0	0	1	8	34	77	52	6	0	0	0	0	0	0	178
07:00 - 07:59	0	0	1	5	52	175	233	162	31	3	0	0	0	0	0	662
08:00 - 08:59	0	0	0	3	21	90	183	87	12	1	1	0	0	0	0	398
09:00 - 09:59	0	0	0	0	10	34	78	65	13	4	0	0	0	0	0	204
10:00 - 10:59	0	0	0	1	7	44	81	55	7	1	0	0	0	0	0	196
11:00 - 11:59	1	1	0	3	11	57	124	79	12	0	0	0	0	0	0	288
12:00 - 12:59	0	1	0	2	11	60	131	70	11	1	0	0	0	0	0	287
13:00 - 13:59	0	0	0	2	15	54	94	56	10	1	0	0	0	0	0	232
14:00 - 14:59	0	0	0	4	10	75	105	67	10	1	0	0	0	0	0	272
15:00 - 15:59	0	0	1	4	12	89	182	87	13	0	0	0	0	0	0	388
16:00 - 16:59	0	0	1	2	12	96	180	129	15	1	0	0	0	0	0	436
17:00 - 17:59	0	0	0	1	14	80	211	124	12	1	0	0	0	0	0	443
18:00 - 18:59	0	0	0	2	7	56	121	62	8	0	0	0	0	0	0	256
19:00 - 19:59	0	0	0	2	10	48	94	38	5	0	0	0	0	0	0	197
20:00 - 20:59	0	0	0	1	11	37	68	23	4	0	0	0	0	0	0	144
21:00 - 21:59	0	0	0	0	2	23	37	19	2	0	0	0	0	0	0	83
22:00 - 22:59	0	0	0	0	2	15	25	8	0	0	0	0	0	0	0	50
23:00 - 23:59	0	0	0	0	3	6	15	2	0	0	0	0	0	0	0	26
Totals	1	2	3	36	228	1110	2095	1228	181	15	1	0	0	0	0	4900
Percent of Total	0.0	0.0	0.1	0.7	4.7	22.7	42.8	25.1	3.7	0.3	0.0	0.0	0.0	0.0	0.0	100
Percent of AM	0.0	0.0	0.0	0.8	5.7	22.6	39.9	26.0	4.4	0.5	0.0	0.0	0.0	0.0	0.0	100
Percent of PM	0.0	0.0	0.1	0.7	3.9	22.7	44.9	24.3	3.2	0.2	0.0	0.0	0.0	0.0	0.0	100

Standard Deviation: 5.0 MPH

Ten Mile Pace: 40 to 49 MPH

85th Percentile: 47.8 MPH

Mean Speed: 42.4 MPH

Percent in Ten Mile Pace: 67.8%

Median Speed: 42.6 MPH

15th Percentile: 37.1 MPH

Modal Speed: 42.5 MPH

90th Percentile: 48.8 MPH

95th Percentile: 49.8 MPH

Daily Southbound Speeds (MPH)

Study Date: Wednesday, 09/14/2016

Unit ID:

Location: Lookout Dr. SB Traffic

Posted Speed: 45

	5-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-89	Total
00:00 - 00:59	0	0	0	0	3	8	13	1	1	0	0	0	0	0	0	26
01:00 - 01:59	0	0	0	1	0	2	11	2	0	0	0	0	0	0	0	16
02:00 - 02:59	0	0	0	0	1	0	1	1	3	0	0	0	0	0	0	6
03:00 - 03:59	0	0	0	0	4	2	1	2	2	0	0	0	0	0	0	11
04:00 - 04:59	0	0	0	1	5	4	8	6	1	0	0	0	0	0	0	25
05:00 - 05:59	0	0	0	1	6	18	28	10	7	0	0	0	0	0	0	70
06:00 - 06:59	0	0	0	2	8	42	51	52	7	0	0	0	0	0	0	162
07:00 - 07:59	0	0	1	6	40	147	248	157	31	1	0	0	0	0	0	631
08:00 - 08:59	0	0	0	2	22	76	166	99	11	0	0	0	0	0	0	376
09:00 - 09:59	0	0	0	1	12	50	92	60	16	1	0	0	0	0	0	232
10:00 - 10:59	0	0	0	0	12	55	83	50	7	1	1	0	0	0	0	209
11:00 - 11:59	0	1	0	0	7	56	110	74	14	1	0	0	0	0	0	263
12:00 - 12:59	0	0	0	0	17	60	118	89	13	2	0	0	0	0	0	299
13:00 - 13:59	0	0	0	2	10	46	105	78	16	0	0	0	0	0	0	257
14:00 - 14:59	0	0	0	0	7	59	111	98	20	1	0	0	0	0	0	296
15:00 - 15:59	0	0	1	0	16	63	162	122	28	0	0	0	0	0	0	392
16:00 - 16:59	0	0	0	2	11	71	187	147	14	1	0	0	0	0	0	433
17:00 - 17:59	0	0	0	2	13	85	229	165	23	2	0	0	0	0	0	519
18:00 - 18:59	0	0	0	3	10	51	116	60	11	0	0	0	0	0	0	251
19:00 - 19:59	0	0	0	2	10	54	101	48	7	0	0	0	0	0	0	222
20:00 - 20:59	0	0	0	0	15	51	60	31	2	0	0	0	0	0	0	159
21:00 - 21:59	0	0	1	0	9	20	32	10	2	0	0	0	0	0	0	74
22:00 - 22:59	0	0	1	2	2	11	18	14	2	0	0	0	0	0	0	50
Totals	0	1	4	27	240	1031	2051	1376	238	10	1	0	0	0	0	4979
Percent of Total	0.0	0.0	0.1	0.5	4.8	20.7	41.2	27.6	4.8	0.2	0.0	0.0	0.0	0.0	0.0	100
Percent of AM	0.0	0.0	0.0	0.7	5.9	22.7	40.1	25.4	4.9	0.2	0.0	0.0	0.0	0.0	0.0	100
Percent of PM	0.0	0.0	0.1	0.4	4.1	19.3	42.0	29.2	4.7	0.2	0.0	0.0	0.0	0.0	0.0	100

Standard Deviation:	5.1 MPH	Ten Mile Pace:	40 to 49 MPH	85th Percentile:	48.2 MPH
Mean Speed:	42.8 MPH	Percent in Ten Mile Pace:	68.8%	15th Percentile:	37.3 MPH
Median Speed:	42.9 MPH			90th Percentile:	49.1 MPH
Modal Speed:	42.5 MPH			95th Percentile:	50.0 MPH

Daily Northbound Speeds (MPH)

Study Date: Wednesday, 08/31/2016

Unit ID:

Location: Lookout Dr. NB Traffic

Posted Speed: 45

	5-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-99	Total
00:00 - 00:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00 - 01:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00 - 02:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 - 03:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 - 04:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00 - 05:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00 - 06:59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00 - 07:59	0	0	2	0	5	13	53	92	66	16	1	0	0	0	0	248
08:00 - 08:59	0	0	2	0	4	26	53	109	76	17	2	1	0	0	0	290
09:00 - 09:59	0	0	1	2	10	26	48	66	40	5	3	0	0	0	0	201
10:00 - 10:59	0	0	0	3	11	30	42	61	31	18	1	0	0	0	0	197
11:00 - 11:59	0	1	0	1	15	45	62	69	41	12	6	0	0	0	0	252
12:00 - 12:59	0	0	0	1	8	30	80	89	84	40	1	2	0	0	0	335
13:00 - 13:59	0	0	0	1	12	54	50	95	67	22	6	1	0	0	0	308
14:00 - 14:59	0	0	1	3	6	47	58	83	59	23	2	0	0	1	0	283
15:00 - 15:59	0	0	0	2	19	48	88	110	77	23	0	1	1	0	0	369
16:00 - 16:59	0	0	0	1	16	52	77	130	102	26	9	0	0	0	0	413
17:00 - 17:59	0	0	1	3	7	37	78	143	113	35	5	1	1	0	0	424
18:00 - 18:59	0	0	0	3	6	20	52	75	72	14	2	0	0	0	0	244
19:00 - 19:59	0	0	0	0	9	34	38	71	39	17	1	2	0	0	0	211
20:00 - 20:59	0	0	0	0	5	25	54	55	30	6	2	0	0	0	0	177
21:00 - 21:59	0	0	0	1	4	15	36	38	18	4	0	0	0	0	0	116
22:00 - 22:59	0	0	0	0	7	8	33	30	19	5	0	0	0	0	0	102
23:00 - 23:59	0	0	0	0	1	7	8	16	10	3	0	0	0	0	0	45
Totals	0	1	7	21	145	517	910	1332	944	286	41	8	2	1	0	4215
Percent of Total	0.0	0.0	0.2	0.5	3.4	12.3	21.6	31.6	22.4	6.8	1.0	0.2	0.0	0.0	0.0	100
Percent of AM	0.0	0.1	0.4	0.5	3.8	11.8	21.7	33.4	21.4	5.7	1.1	0.1	0.0	0.0	0.0	100
Percent of PM	0.0	0.0	0.1	0.5	3.3	12.5	21.5	30.9	22.8	7.2	0.9	0.2	0.1	0.0	0.0	100

Standard Deviation:	6.8 MPH	Ten Mile Pace:	45 to 54 MPH	85th Percentile:	53.4 MPH
Mean Speed:	46.5 MPH	Percent in Ten Mile Pace:	54.0%	15th Percentile:	39.4 MPH
Median Speed:	46.9 MPH			90th Percentile:	54.6 MPH
Modal Speed:	47.5 MPH			95th Percentile:	57.2 MPH

Daily Northbound Speeds (MPH)

Study Date: Thursday, 09/01/2016

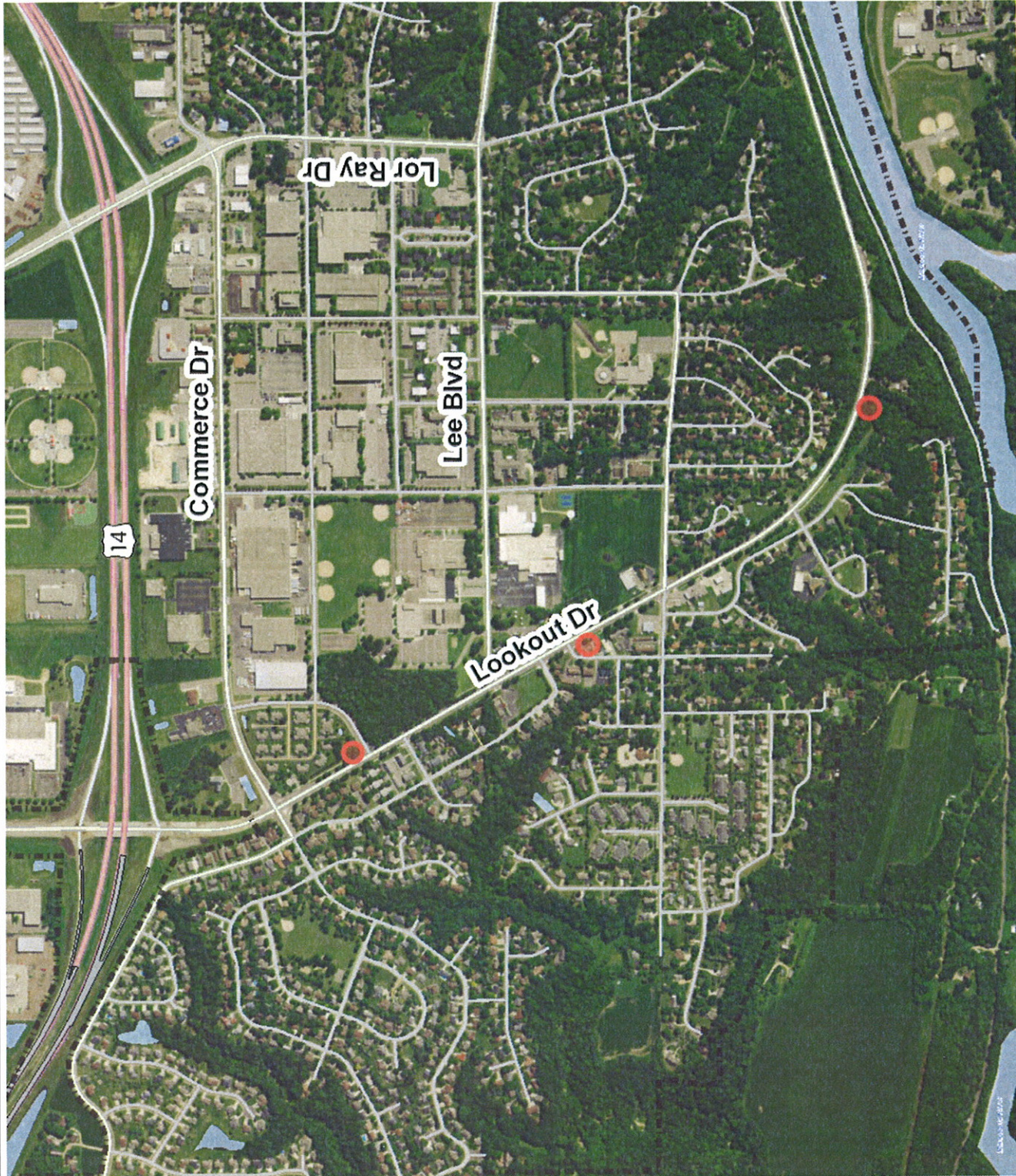
Unit ID:

Location: Lookout Dr. NB Traffic

Posted Speed: 45

	5-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-99	Total
00:00 - 00:59	0	0	0	0	2	1	2	7	2	0	0	0	0	0	0	14
01:00 - 01:59	0	0	0	0	1	4	4	5	1	2	0	0	0	0	0	17
02:00 - 02:59	0	0	0	0	3	0	0	4	1	0	0	0	0	0	0	8
03:00 - 03:59	0	0	0	0	2	2	3	3	4	2	1	0	0	0	0	17
04:00 - 04:59	0	0	0	0	3	2	9	13	12	3	0	0	0	0	0	42
05:00 - 05:59	0	0	0	1	1	5	17	21	15	6	3	0	0	0	0	69
06:00 - 06:59	0	0	0	1	1	10	31	67	47	14	2	0	0	0	0	173
07:00 - 07:59	0	0	0	1	5	18	61	144	98	17	1	0	0	0	0	345
08:00 - 08:59	0	0	0	1	6	29	43	68	61	9	4	1	0	0	0	222
09:00 - 09:59	0	1	0	1	11	30	44	50	22	5	1	0	0	0	0	165
10:00 - 10:59	0	0	0	3	10	33	38	41	25	8	1	0	0	0	0	159
11:00 - 11:59	0	0	2	2	16	38	51	56	23	14	3	1	0	0	0	206
12:00 - 12:59	0	0	0	1	10	40	61	71	65	14	2	0	0	1	0	265
13:00 - 13:59	0	0	1	1	13	45	52	60	29	14	4	0	1	1	0	221
14:00 - 14:59	0	0	0	1	13	32	49	55	63	13	3	0	0	0	0	229
15:00 - 15:59	0	0	1	2	7	54	71	74	51	20	2	0	0	0	0	282
16:00 - 16:59	0	0	2	4	11	52	87	85	61	23	2	0	0	0	0	327
17:00 - 17:59	0	0	0	4	11	33	56	77	77	25	3	0	0	0	0	286
18:00 - 18:59	0	0	0	1	6	33	46	54	40	14	0	0	0	0	0	194
19:00 - 19:59	0	0	0	0	17	25	40	76	29	9	0	1	0	0	0	197
20:00 - 20:59	0	0	0	2	4	17	25	46	24	3	0	0	0	0	0	121
21:00 - 21:59	0	0	0	0	9	13	25	31	14	2	1	0	0	0	0	95
22:00 - 22:59	0	0	0	1	7	11	20	18	4	3	0	0	0	0	0	64
Totals	0	1	6	27	169	527	835	1126	768	220	33	3	1	2	0	3718
Percent of Total	0.0	0.0	0.2	0.7	4.5	14.2	22.5	30.3	20.7	5.9	0.9	0.1	0.0	0.1	0.0	100
Percent of AM	0.0	0.1	0.1	0.7	4.2	12.0	21.1	33.3	21.6	5.6	1.1	0.1	0.0	0.0	0.0	100
Percent of PM	0.0	0.0	0.2	0.7	4.7	15.6	23.3	28.4	20.0	6.1	0.7	0.0	0.0	0.1	0.0	100

Standard Deviation:	6.9 MPH	Ten Mile Pace:	40 to 49 MPH	85th Percentile:	53.1 MPH
Mean Speed:	45.9 MPH	Percent in Ten Mile Pace:	52.7%	15th Percentile:	38.4 MPH
Median Speed:	46.3 MPH			90th Percentile:	54.3 MPH
Modal Speed:	47.5 MPH			95th Percentile:	56.7 MPH



Legend

- City Limits
- Medians
- Roadways
- Roads
- US TRUNK HWY
- COUNTY STATE AID HWY
- MUNICIPAL STATE AID STREET
- LOCAL STREET
- RAMP
- PRIVATE STREET
- Lakes & Ponds
- Minnesota River

Map Name



Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of North Mankato is not responsible for any inaccuracies herein contained.



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0 1,053 Feet

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2. Request to Review Traffic & Parking Near Pleasant View Park

Recently, the Park Department had the opportunity to meet with residents near Pleasant View Park to discuss future improvements to the park. As part of the process, some area residents and park users expressed concerns for traffic speeds on Pleasant View Drive including the impact of on-street parking near the park. Some suggestions for safety improvements included:

1. Create No Parking area on Pleasant View Drive near the park
2. Create off-street parking area off Pleasant View Drive within the park
3. Find way to reduce traffic speeds near the park
4. Improve pedestrian crossing on Pleasant View Drive near the park

Attached is a map showing the location of Pleasant View Park.

RECOMMENDATION

Consider the suggestions made by area residents and park users



- Legend**
- City Limits
 - Medians
 - Roadways
 - Parcels (6-7-2018)
 - Lakes & Ponds
 - Minnesota River



Map Name

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of North Mankato is not responsible for any inaccuracies herein contained.



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0 263 Feet

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MEMORANDUM

To: John Harrenstein, City Administrator
From: Brian T. Grogan
Date: October 31, 2018
Re: Charter's FCC Form 394 - City of North Mankato, MN

Attached please find Moss & Barnett's Report regarding Charter's FCC Form 394 – Assignment of Cable Television Franchise to Spectrum Mid-America, LLC. Moss & Barnett's Report also includes a proposed Resolution for your City Council's review and consideration.

If the City adopts the proposed Resolution, please forward one executed original of the Resolution directly to Charter at the below address:

Amanda Duerr
Senior Manager, Government Affairs
Charter Communications
16900 Cedar Avenue
Rosemount, MN 55068

Please also send a copy to my attention and I will retain in our file.

If you should have any questions regarding this matter, please feel free to contact me.

END OF MEMO

INTRODUCTION

By letter dated October 1, 2018, Adam Falk, Senior Vice President, State Government Affairs for Charter Communications, submitted to the City FCC Form 394 ("Form 394") - Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise ("Application"). In the Application Charter has requested the City's approval of the proposed pro forma transfer of control of Charter from CC VIII to Spectrum Mid-America, LLC, a Delaware limited liability company ("Spectrum"). If the transaction is completed, Spectrum will thereafter hold the cable television franchise ("Franchise") in the City.

Moss & Barnett has been retained by a number of jurisdictions including the City (hereinafter collectively referred to as "City" or "Cities") to review the Application. This report has been provided by Moss & Barnett, a Professional Association, for the express purpose of evaluating the Application and providing the City with a recommendation on Charter's request.

Pursuant to Minnesota State law and the City's Franchise, this proposed transfer is prohibited without the written consent of the City. Federal law provides the City with a period of one hundred twenty (120) days to examine the legal, technical and financial qualifications of the proposed transferee - Spectrum. Under Federal law, if the one hundred twenty (120) days expires without action by the City, the Application is deemed granted. Given that an entity owned by Charter will retain control of the Franchise following completion of the proposed transaction, the Cities have directed that this report not address the legal and technical qualifications of Spectrum, by rather focus solely on the financial qualifications of Charter Communications, Inc. as more fully described herein.

In addition to the Franchise requirements, the following provisions of Federal law and State law govern the actions of the City in acting on the request for approval of the proposed transfer.

FEDERAL LAW

The Cable Communications Policy Act of 1984, as amended by the Cable Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996 ("Cable Act"), provides at Section 617 (47 U.S.C. § 537):

Sales of Cable Systems. A franchising authority shall, if the franchise requires franchising authority approval of a sale or transfer, have 120 days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in accordance with Commission regulations and by the franchising authority. If the franchising authority fails to render a final decision on the request within 120 days, such request shall be deemed granted unless the requesting party and the franchising authority agree to an extension of time.

Further, the Federal Communications Commission ("FCC") has promulgated regulations governing the sale of cable systems. Section 76.502 of the FCC's regulations (47 C.F.R. § 76.502) provides:

Time Limits Applicable to Franchise Authority Consideration of Transfer Applications.

(a) A franchise authority shall have 120 days from the date of submission of a completed FCC Form 394, together with all exhibits, and any additional information required by the terms of the franchise agreement or applicable state or local law to act upon an application to sell, assign, or otherwise transfer controlling ownership of a cable system.

(b) A franchise authority that questions the accuracy of the information provided under paragraph (a) must notify the cable operator within 30 days of the filing of such information, or such information shall be deemed accepted, unless the cable operator has failed to provide any additional information reasonably requested by the franchise authority within 10 days of such request.

(c) If the franchise authority fails to act upon such transfer request within 120 days, such request shall be deemed granted unless the franchise authority and the requesting party otherwise agree to an extension of time.

STATE LAW

Minnesota Statutes Section 238.083 provides:

Sale or Transfer of Franchise.

Subd. 1. Fundamental corporate change defined. For purposes of this section, "fundamental corporate change" means the sale or transfer of a majority of a corporation's assets; merger, including a parent and its subsidiary corporation; consolidation; or creation of a subsidiary corporation.

Subd. 2. Written approval of franchising authority. A sale or transfer of a franchise, including a sale or transfer by means of a fundamental corporate change, requires the written approval of the franchising authority. The parties to the sale or transfer of a franchise shall make a written request to the franchising authority for its approval of the sale or transfer.

Subd. 3. Repealed, 2004 c 261 art 7 s 29

Subd. 4. Approval or denial of transfer request. The franchising authority shall approve or deny in writing the sale or transfer request. The approval must not be unreasonably withheld.

Subd. 5. Repealed, 2004 c 261 art 7 s 29

Subd. 6. Transfer of stock; controlling interest defined. Sale or transfer of stock in a corporation so as to create a new controlling interest in a cable communication system is subject to the requirements of this section.

The term "controlling interest" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

FINANCIAL QUALIFICATIONS

I. SCOPE OF REVIEW

Charter Communications, Inc., a Delaware corporation ("Charter"), is the ultimate parent company of CC VIII Operating, LLC, a Delaware limited liability company ("CC VIII"), the current holder of the Franchise granted by the City. Under the Franchise, Charter, through its subsidiaries, operates cable television systems (the "System") that provide cable services and other communication services in the City. Charter has requested the City's approval of the proposed pro forma transfer of control of Charter from CC VIII to Spectrum Mid-America, LLC, a Delaware limited liability company ("Spectrum").

At the request of the City, Moss & Barnett, PA has reviewed selected financial information that was provided by Charter or publicly available to assess the financial qualifications of Spectrum, an indirectly wholly-owned subsidiary of Charter.

The financial information that was provided or available through other public sources 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 1, 2018, provided by Charter Communications, Inc. (the "Application"), along with such other exhibits as provided therewith;
2. Form 10-K for Charter Communications, Inc. filed with the Securities and Exchange Commission on February 13, 2018, for the fiscal year ended December 31, 2017; and
3. Such other information as is publicly available.

Our procedure is limited to providing a summary of our analysis of the Financial Statements in order to facilitate the City's assessment of the financial capabilities of Spectrum to control and operate the System in the City. We have not requested any additional financial information from Charter other than what is available publicly.

II. OVERVIEW OF TRANSACTION

According to the Application, Charter is simplifying its operating structure by reducing the number of operating entities and subsidiaries, and by aligning its cable operations into regional entities (the "Reorganization"). CC VIII is the authorized holder of the Franchise in the City. As part of the Reorganization, CC VIII will merge into Spectrum, another subsidiary of Charter.¹

¹ FCC Form 394 "Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise" dated October 1, 2018, provided by Charter Communications, Inc. (the "Application") at Exhibit 1.

Upon consummation of the Reorganization, CC VIII will merge into Spectrum and assign the Franchise to Spectrum.² This merger with and into Spectrum creates a pro forma change of control of the System serving the City for which Charter is seeking the City's approval.³

As a result of the transactions described above, Charter's current shareholders, who include Liberty Broadband Corporation and Advance/Newhouse Partnership, which own 25.01% and 12.7% of Charter's Class A common stock, respectively, will continue to own a majority of the outstanding equity interests of Spectrum.⁴

The steps necessary to complete the Reorganization will conclude and be fully consummated by approximately the second quarter of 2019.⁵

III. OVERVIEW OF CHARTER AND SPECTRUM

Charter Communications, Inc. provides full service communications and cable services, along with other video programming, Internet services, and voice services to approximately 27.1 million residential and business customers in certain markets in the United States.⁶

Cable providers and telecommunication companies operate in a competitive environment and the financial performance of cable television operators, like Charter, are subject to many factors, including, but not limited to, the general business conditions, programing costs, incumbent operators, digital broadcast satellite service, technology advancements, burdensome service contracts, and customer preferences, as well as competition from multiple sources, which provide and distribute programming, information, news, entertainment and other telecommunication services.⁷ The cable business is inherently capital intensive, requiring capital for the construction and maintenance of its communications systems. Each of these factors could have a significant financial impact on Spectrum and its ability to continue to operate the System.

IV. FINDINGS

As part of our review, we have analyzed the Financial Statements, including the historical financial statements of Charter. Charter's financial statements do not separately provide financial information for Spectrum, and Spectrum did not provide us with financial statements specific to its business. Since Spectrum combined and projected financial statements are not available, we are reporting our Findings hereunder based upon Charter's historical information as reported to the Securities and Exchange Commission.

1. Analysis of Financial Statements. Federal law and FCC regulations provide franchising authorities, such as the City, with limited guidance concerning the evaluation of the financial qualifications of an applicant for a cable franchise. In evaluating the financial

² Application at page 2.

³ Id.

⁴ Application at Exhibit 3.

⁵ Application at Exhibit 1.

⁶ Form 10-K for Charter Communications, Inc. filed with the Securities and Exchange Commission on February 13, 2018, for the fiscal year ended December 31, 2017 ("Form 10-K") at p. 1.

⁷ Form 10-K at pp. 16-25.

capabilities of a cable operator, we believe it is appropriate to consider the performance of an applicant based on the applicant's historical performance plus its projected or budgeted financial information along with its financial capabilities (financing). We believe a general review of the historical Charter financial information may provide some insight into the general financial operations of Spectrum with respect to the Application, but we note that there are many unanswered questions regarding Spectrum's operations going forward.

Spectrum's operations will include both cable television video services and non-cable television services. According to Charter's financial statements, Charter's video service compromised approximately thirty-two and one-half percent (32.5%) of its revenue in 2017.⁸ The Charter financial information discussed below includes all of the Charter operations, including the non-cable television video services. We have analyzed historical financial statements as of December 31, 2017 and 2016 in providing the information in this section.

2. **Specific Financial Statement Data and Analysis.**

(a) **Assets.** Charter had (i) current assets of \$2,555 million and \$3,300 million; and (ii) total assets of \$146,623 million and \$149,067 million as of December 31, 2017 and 2016, respectively.⁹

(b) **Liabilities and Net Equity.** Charter had (i) current liabilities of \$11,090 million and \$9,572 million; (ii) deferred taxes of \$17,314 million and \$26,665 million; and (iii) long term debt of \$68,186 million and \$59,719 million as of December 31, 2017 and 2016, respectively.¹⁰

(c) **Income and Expense.** Charter reported (i) revenue of \$41,581 million and \$29,003 million; (ii) operating expenses of \$26,541 million and \$18,655 million; and (iii) operating income of \$10,115 million and \$3,522 million for the year ending December 31, 2017 and 2016, respectively.¹¹ Charter posted an overall net loss for the fiscal year ending December 31, 2015.¹²

V. **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 successor operator of the System, Charter has the burden of demonstrating to the City's satisfaction that Charter has "sufficient net liquid assets on hand or available from committed resources" to consummate the transaction 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 Charter and the multiple wholly-owned companies that hold cable operations in other geographical locations.

⁸ Form 10-K at p. 3.

⁹ Form 10-K at p. F-4.

¹⁰ Form 10-K at p. F-4.

¹¹ Form 10-K at p. F-5.

¹² Id.

Based solely on Charter's financial information that we reviewed and limited strictly to the financial information analyzed in conducting this review, we do not believe that Charter's request for transfer of the System from one indirectly wholly-owned subsidiary to another indirectly wholly-owned subsidiary can reasonably be denied based solely on a lack of financial qualifications of Charter.

In the event the City elects to proceed with approving the proposed transfer of control, the assessment of Charter's financial qualifications should not be construed in any way to constitute an opinion as to the financial capability or stability of Charter to (i) operate under the Franchise, (ii) operate its other operations, or (iii) successfully consummate the transaction as contemplated in the Transaction Agreement. The sufficiency of the procedures used in making an assessment of Charter's financial qualifications and its capability to remain the parent 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.

Lastly, in order to ensure compliance with its obligations to operate the System and since we have based a significant part of our analysis on the Financial Statements of Charter, the parent entity; we recommend that the City maintain any performance bonds, security funds and/or corporate parent guaranty that may be required under the Franchise.

RESOLUTION REGARDING THE PROPOSED TRANSACTION

Moss & Barnett has prepared a proposed Resolution approving the transaction for the City's review and consideration - attached hereto as Exhibit A.



Moss & Barnett

**EXHIBIT A
RESOLUTION**

RESOLUTION NO. _____

**APPROVING THE ASSIGNMENT OF
THE CHARTER CABLE FRANCHISE**

WHEREAS, CC VIII Operating, LLC (hereinafter referred to as "Grantee"), currently holds a cable television franchise ("Franchise") granted by the City of North Mankato, Minnesota ("City"); and

WHEREAS, Grantee operates a cable television system ("System") that provides cable services and other communication services in the City; and

WHEREAS, Charter Communications, Inc., ("Charter") is the ultimate parent company of Grantee; and

WHEREAS, on or about October 1, 2018 the City received from Grantee, FCC Form 394 - Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise ("Application"); and

WHEREAS, under the Application Grantee and Charter have requested the City's approval of the proposed assignment of the Franchise ("Assignment") from Grantee to Spectrum Mid-America, LLC, a Delaware limited liability company ("Spectrum"); and

WHEREAS, Spectrum will become the new holder of the Franchise in the City; and

WHEREAS, Federal law and the terms of the Franchise require that the City take action to consider the Application within one hundred twenty (120) days of the date of receipt, or on or before January 29, 2019; and

WHEREAS, Minnesota state law and the Franchise require the City's advance written consent prior to the proposed Assignment; and

WHEREAS, the City has reviewed the Application and the proposed Assignment, and based on information provided by Grantee and information otherwise publicly available, the City has elected to approve the Assignment 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 Grantee is the lawful holder of the Franchise.
3. The City hereby consents and approves of the Assignment as set forth in the Application.
4. The City's consent to the Assignment shall not serve to waive any rights the City may have under applicable law to hold the Grantee or Spectrum liable for any and all liabilities, known and unknown, under the Franchise.

5. The City expressly reserves any and all rights it may have under applicable law to enforce compliance with the terms of the Franchise against Grantee and Spectrum.

6. In the event the Assignment contemplated by the Application is not completed, for any reason, the City's consent shall not be effective and shall be null and void.

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 _____, 2018.

ATTEST:

CITY OF NORTH MANKATO, MINNESOTA

By: _____

By: _____

Its: _____

Its: _____

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #9A	Department: Administration	Council Meeting Date: 11/5/18																												
TITLE OF ISSUE: Consider Adopting Resolution Receiving Feasibility Report and Calling Hearing for Project No. 18-05 DEF Commerce Drive Improvement.																														
BACKGROUND AND SUPPLEMENTAL INFORMATION: Please review the attached report. City Engineer Dan Sarff will be present to answer any questions.																														
If additional space is required, attach a separate sheet																														
REQUESTED COUNCIL ACTION: Adopt Resolution Receiving Feasibility Report and Calling Hearing for Project nO. 18-05 DEF Commerce Drive Improvement.																														
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>Whitlock</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>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Whitlock	_____	_____	Steiner	_____	_____	Norland	_____	_____	Freyberg	_____	_____	Dehen	<div style="text-align: center; font-weight: bold; margin-bottom: 10px;">SUPPORTING DOCUMENTS ATTACHED</div> <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>Report</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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RESOLUTION NO.

RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING HEARING
FOR PROJECT NO. 18-05 DEF COMMERCE DRIVE IMPROVEMENT PROJECT

WHEREAS, pursuant to resolution of the Council adopted October 15, 2018 a feasibility report has been prepared by Bolton & Menk, Inc., with reference to proposed street improvements, sidewalk improvements, driveway improvements, trail improvements, lighting improvements and streetscape improvements on Commerce Drive from Lookout Drive to Lor Ray Drive, Project No. 18-05 DEF; and this report was received by the council on November 5, 2018, and

WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, AS FOLLOWS:

1. The council will consider the improvement of such street in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$2,796,000.
2. A public hearing shall be held on such proposed improvement on the 19th day of November 2018, in the council chambers of City Hall at 7:00 p.m. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

Adopted by the City Council this 5th day of November 2018.

Mayor

ATTEST:

City Clerk

NOTICE OF PUBLIC HEARING
PROJECT NO. 18-05 DEF COMMERCE DRIVE IMPROVEMENT PROJECT

Notice is hereby given that the City Council of North Mankato will meet in the Council Chambers of the City Hall at 7:00 p.m. on November 19, 2018, to consider the making of Improvement No. 18-05DEF, an improvement on Commerce Drive from Lookout Drive to Lor Ray Drive, pursuant to Minn. Stat. §429.011 to 429.111. The estimated cost of the improvement is \$2,796,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons as desire to be heard with reference to the proposed improvement will be heard at this meeting.

/s/April Van Genderen
City Clerk

Published in the Free Press on November 7, and November 14, 2018.



**BOLTON
& MENK**

Real People. Real Solutions.

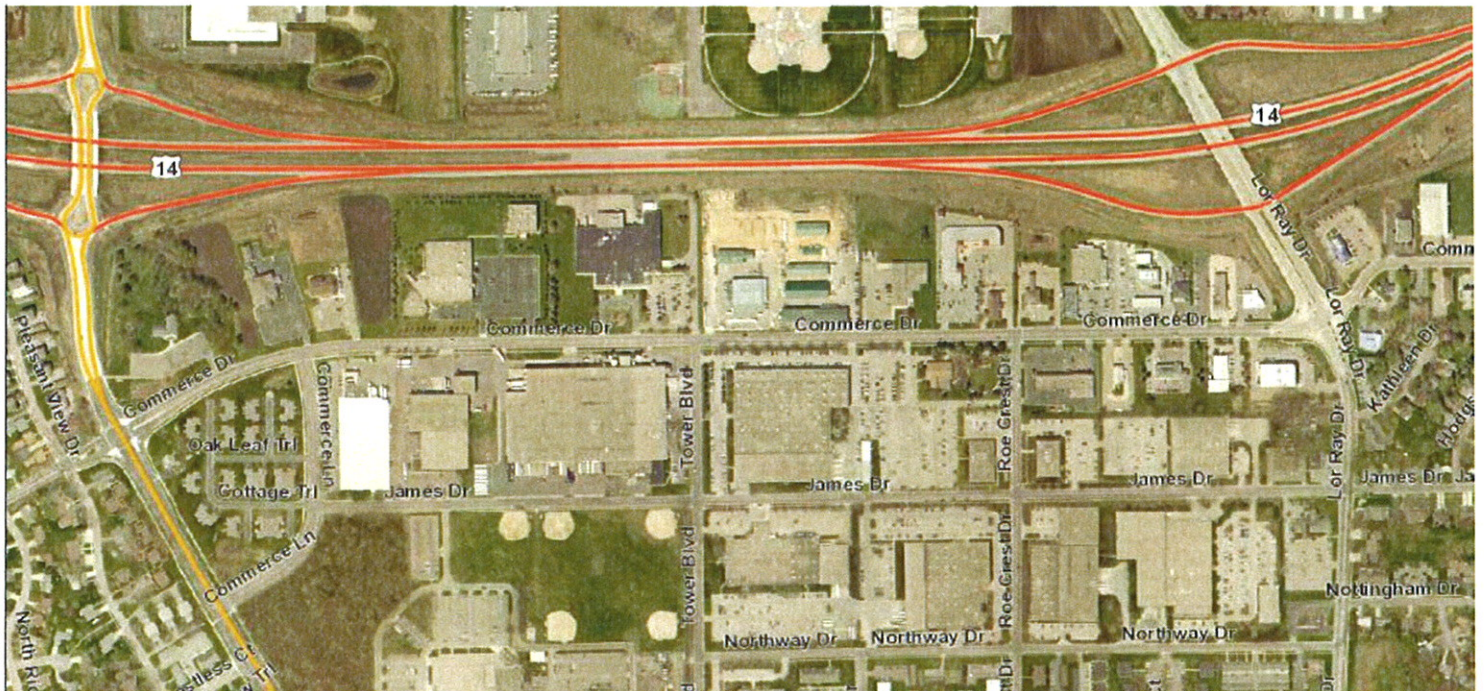
Preliminary Engineering Report

2019 Commerce Drive Improvement Project

City Project No. 18-05 DEF

City of North Mankato, Minnesota

October 2018



Submitted by:

Bolton & Menk, Inc.
1960 Premier Drive
Mankato, MN 56001
P: 507-625-4171
F: 507-625-4177

Certification

Preliminary Engineering Report

for

2019 Commerce Drive Improvement Project
City Project Number 18-05 DEF

City of North Mankato, Minnesota
BMI Project No. M18.115987

October 2018

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

By:



Daniel R. Sarff, P.E.
License No. 17080

Date:

October 31, 2018

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Appendix

Appendix A: Figures

Appendix B: Corridor Enhancement Possibilities from Commerce Drive ADP

I. PROJECT INTRODUCTION

This preliminary engineering report was authorized by the North Mankato City Council on October 15, 2018 to examine the reconstruction of Commerce Drive from Lookout Drive to Lor Ray Drive. This report will define the scope and determine the feasibility of the proposed project.

The specific objectives of this Preliminary Engineering Report are to:

- Evaluate the need for the project.
- Determine the necessary improvements.
- Provide information on the estimated costs for the proposed project.
- Determine the project schedule.
- Determine the feasibility of the proposed project.

The project as proposed would consist reconstructing approximately 4,800-feet of Commerce Drive. Specific items of construction will include:

- Removal and installation of bituminous pavement with aggregate base & edge drain.
- Isolated replacement of curb & gutter.
- ADA pedestrian ramp and sidewalk improvements.
- Concrete multi-use trail construction.
- Driveway entrance construction/modifications.
- Street light improvements
- Miscellaneous streetscaping improvements

II. EXISTING CONDITIONS

A. Land Use

Land use in the project area currently consists of retail and commercial businesses. Commerce Drive provides direct access to approximately 44 businesses between Lookout Drive and Lor Ray Drive. Commerce Drive also provides one of the primary access points for a number of businesses owned and operated by the Taylor Corporation and its subsidiaries.

The location of the proposed project is shown on Figure No. 1 in Appendix A.

B. Traffic Operations

Commerce Drive has a three-lane section with a center turn lane carrying nearly 11,500 vehicles per day (vpd) between Lor Ray Drive and Roe Crest Drive and 4,400 vpd between Roe Crest Drive and Lookout Drive to the west. Various factors drive traffic volumes on Commerce Drive including new development and redevelopment on and surrounding the corridor, traffic on adjacent TH 14, and citizen perceptions of safety and convenience, among others. The eastern half of the corridor draws far more vehicle traffic than does the western due to the heavy retail presence on the eastern end of the corridor.

During the preparation of the Commerce Drive Area Development Plan (ADP) citizens and stakeholders repeatedly commented on safety in the eastern portion in the commercial zone.

This included concerns raised about numerous access points between Lor Ray Drive as well as the number of large trucks traveling on Commerce Drive and how these conflict with pedestrian and bicycle safety along and across the corridor.

Crash information for 2011 to 2015 was obtained using the Minnesota Crash Mapping Analysis Tool (MNCMAT). In total, there were 15 total crashes on Commerce Drive between Lookout Drive and Lor Ray Drive within this timeframe. Most areas exhibited one or two crashes over five years and none of the crashes resulted in serious injury or death. Most crashes involved property damage only and few had minor injuries. There were no pedestrian or bicycle related crashes on the corridor. The location with the highest number of crashes is in the eastern portion of the corridor, in proximity to the Walgreens entrance near the Lor Ray Drive intersection, which exhibited eight crashes. This location is close in proximity to the area of congested access locations.

C. Street

Commerce Drive from approximately 400 feet east of Commerce Lane to Lor Ray Drive was originally constructed in 1977. The roadway is 52-feet wide with concrete curb & gutter on both sides. The existing pavement consists of a "full-depth" bituminous pavement section - 10 inches of bituminous surfacing with a very thin layer (3 inches) of aggregate base. The existing pavement is in poor condition.

Full-depth bituminous pavements were common during the 1970's and early 1980's, but many experienced premature deterioration of the bituminous pavement. In most cases the deterioration started at the lower levels of the pavement structure. As such, the use of full-depth bituminous pavements was discontinued in favor of pavements with thicker aggregate base layers.

There is an existing 4-foot wide concrete sidewalk on the south side of the street within this segment of Commerce Drive, and there is an existing 6-foot wide concrete sidewalk on the north side between Roe Crest Drive and Lor Ray Drive. There is no existing sidewalk on the north side west of Roe Crest Drive. The concrete curb & gutter and sidewalk are in good to fair condition.

The following are several photos of the existing conditions along Commerce Drive:



Photo 1 - View of deteriorating pavement on Commerce Drive west of Tower Drive.



Photo 2 - View of deteriorating pavement and driveways, many nearby accesses, non-compliant pedestrian facilities and existing lighting looking north east from east of Lor Ray Drive.



Photo 3 - Another view of deteriorating roadway and driveway pavement between Lor Ray Drive and Roe Crest Drive, showing potential drainage issues along the shoulder/curb line.



View of closely spaced and offset accesses with more areas of deteriorating pavement just west of Lor Ray Drive.

Commerce Drive was realigned from Lookout Drive to approximately 400 feet east of Commerce Lane in 1998. The roadway is 52-feet wide with a bituminous section, aggregate base, and concrete curb & gutter and edge drain on both sides. There is an existing 8-foot wide concrete sidewalk on the south side of the road within this segment.

D. Sanitary Sewer

The existing sanitary sewer system in the project area consists of 15-inch and 18-inch diameter pipe. The sanitary sewer was originally installed in the 1970's. The existing pipe is oversized as it is one of the main trunk sewers in upper North Mankato. Public works staff has televised the existing sanitary sewer and found it to be in good condition. Since the services were installed at the same time as the mainline, the services are expected to be in the same fair to good condition.

E. Watermain

The existing water distribution system along Commerce Drive was originally constructed in the 1970's and consists of 6-inch to 12-inch diameter pipe. The existing watermain along Commerce Drive is 8-inch diameter from Lookout Drive to Commerce Lane, 12-inch diameter from Commerce Lane to Roe Crest Drive, and 10-inch from Roe Crest Drive to Lor Ray Drive. A 16-inch diameter watermain loops north in an easement at the intersection Tower Boulevard intersection and a 10-inch diameter watermain loops north in an easement at the Roe Crest Drive intersection. Based on information provided by public works and utilities staff, the existing watermain pipe and appurtenances are in good condition. Since the water service piping were most likely installed the same time as the mainline, they are also expected to be in fair to good condition.

F. Storm Sewer

Storm water along Commerce Drive is collected by catch basins at low and intermediate points. The storm water is conveyed by storm sewer pipe ranging from 12-inch diameter to 54-inch diameter. All the storm sewer along Commerce Drive outlets north through a 54-inch diameter pipe approximately 370 feet east of Commerce Lane, then along TH 14 and

across Lookout Drive, and ultimately into a ravine. The storm sewer pipe and structures are in good condition.

III. ACCESS CONSIDERATIONS

There are 73 access points on Commerce Drive including two primary accesses (1.6 per mile), three secondary accesses (2.4 per mile), and 52 private accesses (42.2 per mile). The section of Commerce Drive between Roe Crest Drive and Lor Ray Drive exhibits several access locations in a small area and provides the primary area of concern with regards to access management. High traffic volumes combined with numerous access points in this location degrade safety and mobility. Many businesses have multiple accesses resulting in a high number of conflicting left-turn movements, driver confusion, and congestion impacting the Commerce Drive and Lor Ray Drive intersection. Participants in the visioning process during the preparation of the Commerce Drive ADP agreed that the number of access points is excessive and associated issues may deter patrons from visiting area retail. It's important to understand allowable access counts and spacing to address these perceptions and provide alternatives.

The North Mankato Comprehensive Plan provides roadway access standards and access spacing guidelines for collector roadways. According to this, a commercial/business property can have a maximum of two curb cuts at up to 36 feet wide each. Minimum distance between curb cuts is 20 feet and the minimum side yard driveway setback is 10 feet. The Comprehensive Plan also states that private access to major collector roadways is not permitted unless deemed necessary. It goes further to state access on major collectors should be limited to public street access and steps should be taken to redirect private access on major collectors to other local streets.

The following figure from the Commerce Drive ADP illustrates primary, secondary and private access along Commerce Drive. Both primary and secondary access counts fall well above MAPO's recommendations for 9 to 19 accesses per mile along minor arterial roadways. Several properties along the corridor have the potential for side street access, which could help alleviate this situation. Options for alleviating the access issues could include shifting access to side streets, closing excess or unneeded access points, and combining for shared access to properties.

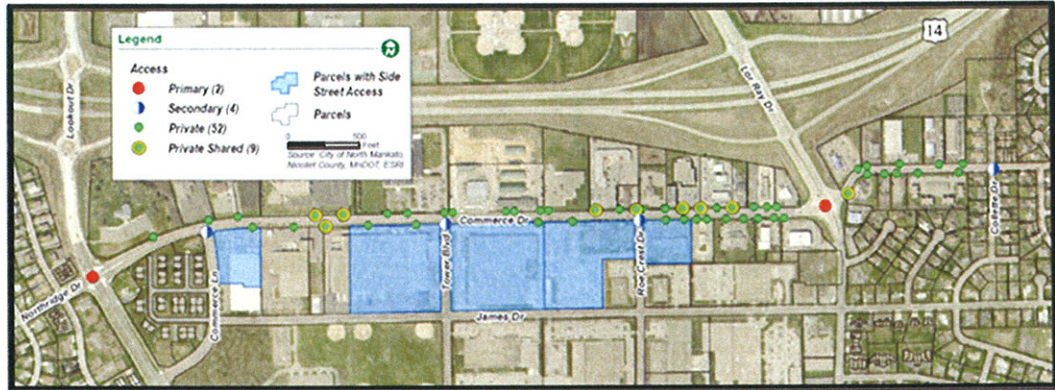


Figure 1 - Access Points on Commerce Drive. *Accesses in the eastern commercial business district are numerous contributing to driver confusion and pedestrian and bicycle safety issues (from Commerce Drive ADP)*

In conjunction with the preparation of the Commerce Drive ADP, discussions were held with the owners and/or tenants of properties that have multiple accesses. The goal of those discussions was to encourage the property owners to consider closing one driveway when access to the property could still be provided via the remaining driveway accesses. None of the proposed access closures or consolidations would have eliminated direct access to the business from Commerce Drive. Reactions to these discussions varied considerably - several of the properties were open to considering access modifications while others were adamantly opposed to any changes. To close business accesses without the consent of the property owner, the City would need to go through condemnation proceedings and it is likely that compensation to the property owner could be required in some cases.

Therefore, it is recommended that the City proceed with access consolidations at locations where the property owners are agreeable and not pursue the access closures on properties that object to the closures. However, it is recommended that further access consolidations be considered in the future when properties adjacent to Commerce Drive undergo redevelopment.

IV. PROPOSED IMPROVEMENTS

A. Street

Commerce Drive, from 400 feet east of Commerce Lane to Lor Ray Drive, has a deficient pavement section due to full depth bituminous with minimal aggregate base. It is proposed to reconstruct the pavement section along Commerce Drive. The City's typical bituminous pavement section for commercial/industrial streets will be utilized: 7 inches of bituminous surfacing, 18 inches of Class 6 aggregate base, geogrid, all placed on a prepared subgrade. The existing curb & gutter is in generally in good condition, and will for the most part remain in place. The project will include isolated curb and gutter removal and replacement to correct deteriorated or otherwise deficient segment. The construction of 4-inch diameter perforated edge drains along the lip of the curb on both sides is proposed to provide subsurface drainage for the pavement section. The edge drains will help to remove moisture from the subgrade

thus strengthening the subgrade and reducing the chances of damage from saturated subgrades. The soils in this area of the City are expected to be generally clay in nature and should provide a good sub-base for roadway construction. However, if unsuitable subsoils are discovered during construction, engineered fill may be required.

The segment for from Lookout Drive to 400 feet east of Commerce Lane, the existing pavement section was reconstructed in 1998. The pavement consists of 7-inches of bituminous and 21-inches of aggregate base and the pavement is structurally in good condition. It is proposed to edge mill and overlay this segment with 2-inches of bituminous surfacing to improve the ride quality.

Since the 4-foot wide sidewalk and pedestrian ramps do not meet ADA standards, it is proposed to install an 8-foot wide concrete trail and pedestrian ramps on the south side of Commerce Drive from approximately 400 feet east of Commerce Lane to Lor Ray Drive. The construction of a 6-foot wide sidewalk is proposed on the north side of Commerce Drive from Lookout Drive to Lor Ray Drive.

The street will be re-striped to provide one drive lane in each direction and a continuous left turn lane. Upon completion of surface improvements, boulevards will be restored with topsoil and seed in all disturbed areas. The proposed typical section for Commerce Drive are shown on Figure No. 2 in Appendix A.

B. Lighting and Streetscaping

Long term and storm term streetscaping initiatives for the Commerce were reviewed during the preparation of the Commerce Drive ADP. Visioning participants identified a host of potential streetscape elements they would like to see that could improve the character and sense of place of Commerce Drive. These are as follows:

- Area branding including:
 - Banners
 - Gateway Structure
 - Wayfinding Signage
- Street Beautification including:
 - Enhanced/Decorative Lighting
 - Planters
 - Trees
 - Public Art (in line with the City of North Mankato 2017 Public Art Ideas Plan)
- Enhanced infrastructure including:
 - Wider Sidewalks
 - More/Safer Pedestrian Crossings
 - Public gathering space including:
 - Benches/Seating Areas

Figure 2 was developed during the preparation of the Commerce Drive ADP and illustrates a typical section of Commerce Drive with an 8-foot multi-use trail on the south side of the corridor, and possible streetscape enhancements.

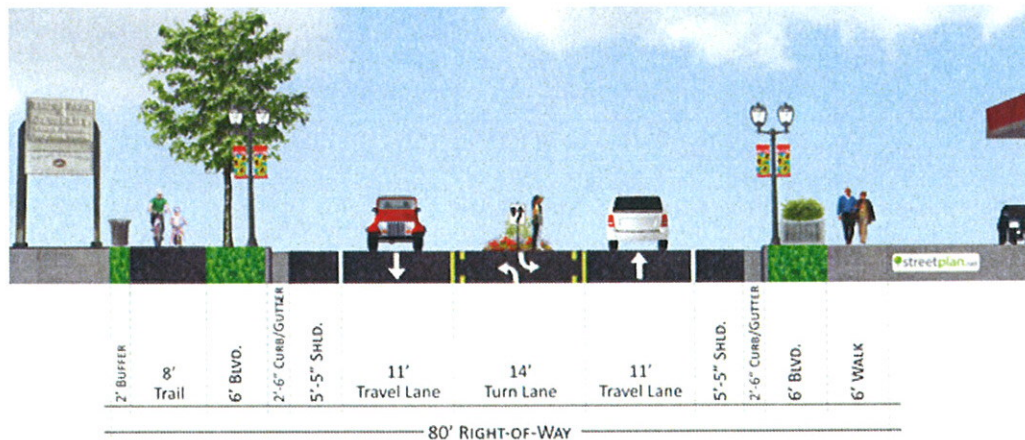


Figure 2 - Illustrated potential typical section of Commerce Drive with a multi-use path, pedestrian refuge, and streetscaping amenities.

A summary of the Corridor Enhancement Opportunities outlined in the Commerce Drive ADP is included in Appendix B. It is proposed that the following streetscaping/corridor enhancements be incorporated into the 2019 Commerce Drive Improvement Project:

- Wider sidewalks and multi-use trail – as previously discussed, a 6-foot wide sidewalk is proposed along the entire length of the project corridor on the north side and an 8-foot wide multi-use trail is proposed along the entire length on the south side.
- Enhanced Lighting – new decorative street lights are proposed throughout the project corridor.
- Street trees – a number of existing trees will need to be removed to accommodate the construction of the wider sidewalk and the multi-use trail. It is proposed that the existing trees will be replaced with new trees and additional trees will be added within the project corridor.
- Branding and wayfinding – gateway enhancements at both ends of the Commerce Drive corridor are proposed. The design of the gateway enhancements has not been finalized, but may include monuments and/or the incorporation of public art, working in conjunction with Twin Rivers Council for the Arts. Further details will be provided as the design process progresses.
- Pedestrian nodes – several pedestrian “nodes” are proposed. A node is a place where people gather, and often occurs at the intersection of two or more paths of travel. The nodes would include the widening of the sidewalk/trail, and typically include such design features as a concentration of site amenities, such as benches, waste receptacles, planters, etc. Public art may also be incorporated into the pedestrian nodes working in conjunction with Twin Rivers Council for the Arts. The location

and design of the pedestrian nodes has not been finalized, and further details will be provided as the design process progresses.

C. Sanitary Sewer, Watermain, Storm Sewer

Since the existing utilities were originally installed throughout the 1970's and City staff indicated they are in good to fair condition, replacement of the utilities is not recommended at this time.

D. Other Utilities

The design of the proposed improvements will be coordinated with the owners of private utilities such as natural gas, electric, telephone, and cable television. A meeting will be held with representatives of the private utility companies to verify the location of their existing facilities, to discuss potential impacts based on preliminary design layouts, and to begin the coordination process for utility relocations. Further coordination will take place with the utility companies during the final design and construction phases.

V. CONSTRUCTION STAGING AND DETOUR

A construction staging and traffic control/detour plan will be developed during the final design to maintain access to existing businesses to the extent possible and access by emergency vehicles during construction. Construction activities will be staged to minimize interruptions to access and impacts to businesses. Through traffic will be routed around the project corridor. It is anticipated that the detour route will utilize Commerce Lane, James Avenue, and Lor Ray Drive. Portions of the detour will likely remain in place throughout the duration of the street/pavement construction (estimated to be approximately 4 to 6 weeks) although traffic may be restored to segments of the roadway utilizing Tower Boulevard and Roe Crest Drive as the pavement reconstruction is completed. The sidewalk, trail and street lighting construction may be completed under traffic to minimize the interruption of access to businesses.

VI. RIGHT-OF-WAY AND EASEMENTS

The project will be designed to limit construction of the proposed improvements to within the existing right-of-way. Due to possible driveway reconfigurations and the construction of the sidewalk and trail, it may be necessary for the construction limits to extend beyond the right-of-way. In those cases, temporary and/or permanent easements, as appropriate, will be secured.

VII. APPROVALS/PERMITS

Approvals and Permits are required from various agencies for the construction of the project. They include:

- Minnesota Department of Transportation (MnDOT) Project Memorandum (Federal Aid Environmental Review Document) Approval
- Minnesota Department of Transportation (MnDOT) Municipal State Aid and Federal Aid Plan Approval
- Minnesota Pollution Control Agency (MPCA) General Construction Storm Water Permit

VIII. PROJECT COST ESTIMATE AND FINANCING

The estimated project costs are summarized below.

Estimated Project Costs	
Item	Estimated Cost
Street Reconstruction	\$1,880,000
Street Mill & Overlay	\$69,000
Concrete Sidewalk	\$199,000
Concrete Trail	\$215,000
Street Lighting	\$371,000
Streetscaping Elements	\$62,000
Total:	\$2,796,000

The following is a breakdown of the anticipated funding for the project:

- | | |
|---|--------------------|
| • Federal Funds – STP Small Urban | \$1,159,414 |
| • State Funds – Local Road Improvement Program: | \$700,000 |
| • City Funds and/or Municipal State Aid Funds | \$936,586 |
| • Total | \$2,796,000 |

These cost estimates are based on public construction cost information from other recent projects similar in scope. Since the cost estimates are dependent on the cost of labor, materials, competitive bidding process, weather conditions, and other factors affecting the cost of construction, all cost estimates are opinions for general information and no warranty or guarantee as to the accuracy of construction cost is made. Therefore, financing for this project should be based upon actual competitive bid prices with reasonable contingencies.

It is anticipated that special assessments would be utilized to fund a portion of the project costs. According to the City's assessment policy, 40% of the proposed street and surface reconstruction costs are assessable to the benefitting properties. Street reconstruction costs are assessed on a front footage basis. City staff is currently working on the preparation of a preliminary assessment roll for this project. The assessment policy has provisions whereby the Council can make adjustments if it is determined that calculated assessment for each property are not reasonable considering the benefit received to each property due to the project. It is recommended that City Staff evaluate the calculated assessments and, if appropriate, recommend adjustments to the calculated assessments for each property.

Assessment proceedings (hearings, notices, etc.) for the project would follow the requirements of Chapter 429. Detailed assessment rolls will be prepared once the Preliminary Engineering Report has been approved and a date has been set for the Improvement Hearing.

IX. PROPOSED PROJECT SCHEDULE

The following is the proposed schedule for the project.

Date	Task
November 5, 2018	Resolution Receiving Report and Calling for Hearing on Improvements
November 19, 2018	Improvement Hearing
November 19, 2018	Resolution Ordering Improvement and Preparation of Plan and Specifications
March 4, 2019	Resolution Approving Plans and Specifications and Ordering Advertisement for Bids
March 26, 2019	Open Bids
April 1, 2019	Resolution Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment
April 1, 2019	Resolution for Hearing on Proposed Assessment
May 6, 2019	Assessment Hearing
May 6, 2019	Resolution Adopting Assessment
May 6, 2019	Resolution Awarding Contract
June 10, 2019	Begin Construction (Approx.)
August 30, 2019	End Construction (Approx.)

X. CONCLUSION AND RECOMMENDATIONS

The existing street along Commerce Drive is deteriorated and in need of repair. If the infrastructure is not replaced, maintenance costs will continue to rise as further deterioration occurs, and the infrastructure will ultimately fail. We recommend proceeding with the improvements outlined in this report. From an engineering standpoint, this project is feasible, cost effective, necessary, and can best be accomplished by letting competitive bids for the work.

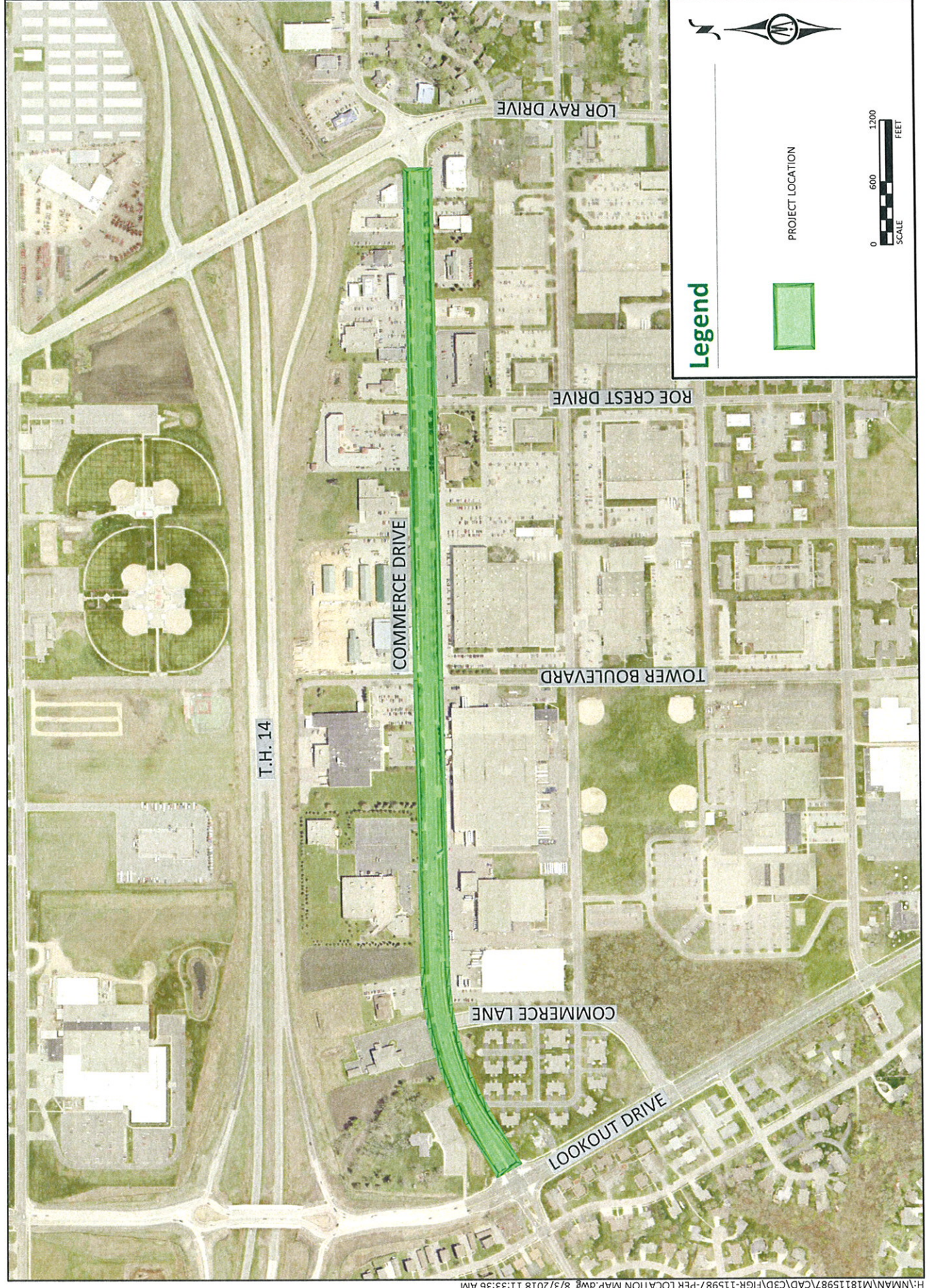
We recommend that the Council accept this report, and call for a hearing on the proposed project to solicit further public input on this project.

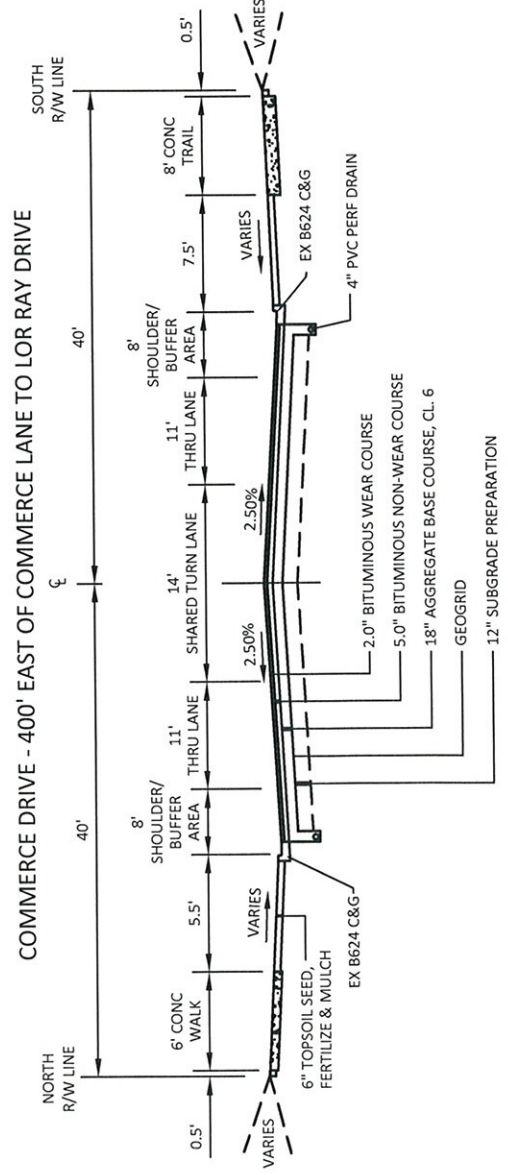
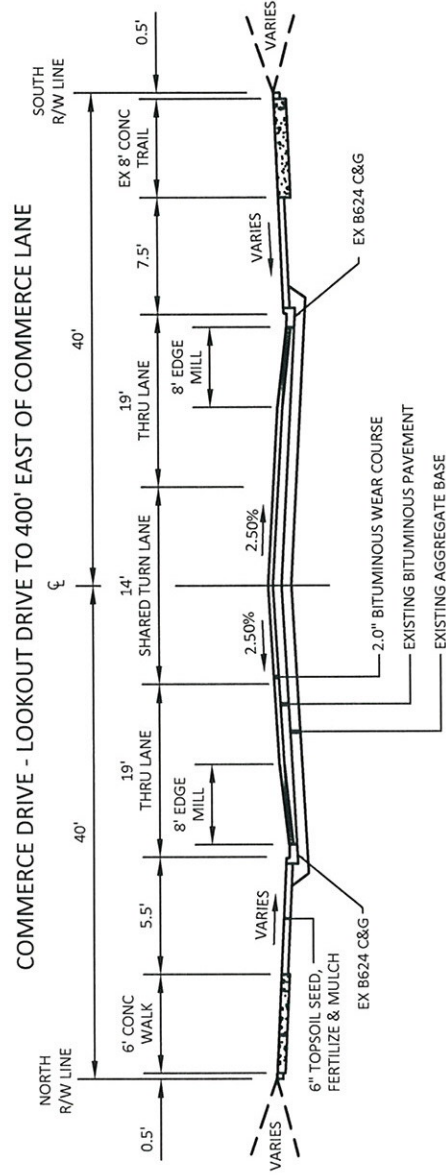
Appendix A: Figures

Figure A1: Location Map

Figure A2: Typical Sections

Figure A3: Preliminary Layout







Appendix B: Corridor Enhancement Possibilities from Commerce Drive ADP

Corridor Enhancement Opportunities Streetscape Elements

Wider Sidewalks & Multi-use Trail	<p>Sidewalk and trails are an essential element in a street profile and, in accordance with ADA accessibility guidelines and best practices, should be provided on all streets in urban areas. Pedestrian connectivity and the walkability of a community has been shown to have a positive impact on land values and the desirability to live and work in an area. Sidewalks should be 6-feet minimum in width and multi-use trails, 10-feet. Pedestrian routes should be buffered from traffic where possible.</p>	
Enhanced Lighting	<p>Lighting contributes to safety, function, and character of a roadway. "Typical" roadway lighting functions as a safety measure to illuminate and improve visibility of all users at intersections and crosswalks. Enhanced lighting includes pedestrian-scale lighting with potential aesthetic treatments which contribute to the character and brand of a community.</p>	
Street Trees	<p>Planting trees in the public right-of-way have several benefits in addition to their ecological importance. Large mature street trees are found to be the most important indicator of attractiveness in an area. Property values, energy costs savings, and perception of safety have all been shown to increase along tree lined streets. Several considerations - including utility conflicts, sight-lines, and pollutants - need to be taken into account when locating trees along a roadway.</p>	
Planters/Planting Areas	<p>Plant material contributes to local character, traffic calming, and pedestrian-scale enhancements. These areas can be at-grade, raised, or in moveable planters. They can be located in the boulevard or behind the back of walk. Ongoing maintenance needs, pollutant exposure and sight-lines are all considerations that need to be taken into account when identifying location of planting areas and the plant material itself.</p>	
Branding & Wayfinding	<p>Developing a consistent look, or brand, of a neighborhood or community contributes to the creation of a unique sense of place, arrival, and of community. Wayfinding helps to guide residents and visitors to local and regional destinations and is often incorporated within a branding package. Directional signage, gateway structures, banners and site furnishings are all elements that can contribute to a community brand.</p>	
Site Amenities (Benches, Waste Receptacles, etc.)	<p>Benches, waste receptacles (trash and recycling), bicycle racks, bicycle fixit stations, and bollards are all examples of site amenities. These elements contribute to user-experience and corridor character. Groupings of site amenities of occur at intersections or gathering spots.</p>	

Corridor Enhancement Opportunities

(Continued)

Additional Pedestrian Crossings with Refuge

Marked pedestrian crossings can improve the walkability of an area and increase driver awareness of pedestrians in the roadway. Choosing the appropriate locations and number of crosswalks increases pedestrian safety and driver yield rates. Including a pedestrian refuge will further increase pedestrian safety by providing two-stage crossings where the pedestrian only needs to focus on one direction of traffic at a time.



Gateway Structures & Public Art

Gateway structures and public art contribute to placemaking and a community's character. These elements can be used to mark the transition into an area with slower speeds as well as bring out the unique culture and history of a place.



What is a 'Node'?



A node is a place where people gather. This often occurs at the intersection of two or more paths of travel. A widening of the sidewalk and a concentration of site amenities are common design features of a node along a roadway.

