

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 June 18, 2007. Mayor Zellmer called the meeting to order at 7:00 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for the meeting, Mayor Zellmer, Council Members Norland, DeWitte, Schindle and Steiner, Administrator Sande, Finance Director Mork, City Clerk Gehrke, Engineer Malm, Attorney Kennedy and Planner Fischer.

**Approval of Minutes**

**Council Member Norland moved, seconded by Council Member DeWitte, to approve the minutes of the Council meeting of June 4, 2007 and the Council Workshop of June 4, 2007. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**Correspondence**

**Thank-You Letters**

The Mayor read thank-you letters from Lisa Lissimore, Director of the Girls State High School Softball Tournament, and from the Mankato Convention & Visitors Bureau for giving the welcome at the GSHS tournament banquet and for the City's support of the state tournament. The Mayor requested a letter be sent to the committee members of the Girls State High School Tournament requesting they continue holding the girls state tournament at Caswell Park.

**Open the Meeting to the Public for the First Time**

The Mayor opened the meeting to the public for the first time with no one appearing.

**Nicollet County Board Actions**

Administrator Sande reported that Nicollet County has identified members for the Nicollet County Library Board and appointments will be made at their Commissioner's meeting on June 26, 2007.

**Staff Reports**

**City Planner**

**Minutes of the June 14, 2007 Planning Commission Meeting**

The Council accepted the minutes of the June 14, 2007 Planning Commission meeting.

**CU-1-07, Conditional Use Permit Request to Allow the Operation of a Service Station at 1385 Lookout Drive**

Planner Fischer presented a request from Matt Raker for a conditional use permit to operate an automotive service station at 1385 Lookout Drive. The City Code requires conditional use permits to impose certain conditions for operation of a service station. The Planner reviewed the conditions recommended by the Planning Commission to permit the operation of an automotive service station at 1385 Lookout Drive.

Discussion was held on the number of vehicles stored on the property overnight and the time limit for single vehicles and trailers to be parked on the lot. Council Member Schindle suggested 8 vehicles overnight, which includes any employee vehicles and vehicles such as snowmobiles, motorcycles and ATVs, versus the 6 motor vehicles recommended by the Planning Commission. Matt Raker was in attendance at the meeting and addressed the Council reporting he agrees with all the conditions except the number of vehicles parked overnight may cause a problem at times due to timing of customers picking up their vehicles and new vehicles coming onto the lot for service. The Mayor

reported Mr. Raker could bring the conditional use permit back to the Council after six months if necessary. **Council Member Steiner moved, seconded by Council Member Norland, to approve CU-1-07, a conditional use permit to allow the operation of an automotive service station at 1385 Lookout Drive with the following conditions:**

- 1. That all signage conform to the City's Sign Ordinance.**
- 2. That all parking setbacks conform to the City Code.**
- 3. That a minimum of 10 parking spaces are provided.**
- 4. That there shall be no more than 8 motor vehicles, including employee vehicles, snowmobiles, motorcycles and ATVs, stored on the premises outside overnight and that no single vehicle shall be parked in the lot overnight for a period longer than 6 weeks.**
- 5. That there shall be no outside storage of materials or supplies.**
- 6. That all work take place within the existing building.**
- 7. That the hours of operation shall be no earlier than 7 a.m. and no later than 6 p.m.**

**Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

#### **V-2-07, Variance Request to Reduce a Side Yard Setback from 5 feet to 1 foot for a Garage at 233 Wheeler Avenue**

Planner Fischer presented a request from Ryan Luedtke to reduce a side yard setback from 5 feet to 1 foot for an existing garage at 233 Wheeler Avenue. The applicant received a building permit in 2006 to construct a garage and as a result of a land survey for an adjacent property after the garage was constructed, it was found the applicant's garage was constructed 1 foot from the east property line. The Planning Commission reviewed and recommended approval of V-2-07 granting the reduction of a side yard setback from 5 feet to 1 foot only for the existing garage and that storm water from the applicant's roof be directed onto the applicant's property. Tom Bohrer, owner of 231 Belgrade Avenue, appeared before the Council and asked them to deny the variance and questioned the location of any easements and private underground utilities. Mr. Bohrer also stated it would be difficult to maintain the future fence if the variance was granted. **Council Member Steiner moved, seconded by Council Member DeWitte, to table V-2-07 to the July 2, 2007 Council meeting to allow time for Mr. Bohrer to locate the underground utilities. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

#### **V-3-07, Variance Request to Reduce a Side yard Setback from 10 feet to 0 feet for a Parking Lot Expansion at 1601 LorRay Drive**

Planner Fischer presented a request from Brian and Jody Lange to reduce a side yard setback from 10 feet to 0 feet for a parking lot addition at 1601 LorRay Drive. The applicant recently replaced their existing parking lot in conformance with all applicable parking lot setback regulations. In an attempt to provide an additional 10 parking spaces, a variance is requested to reduce a side yard setback from 10 feet to 0 feet. The Planning Commission reviewed and recommended denial of V-3-07 and encouraged the applicants to continue discussions with ISJ regarding the purchase of additional property. Brian Lange, owner of Taco John's, addressed the Council and reported ISJ Clinic supports the variance request and does not plan on selling any of their property. **Council Member Schindle moved, seconded by Council Member DeWitte, to table V-3-07 to the July 2, 2007 Council meeting to allow the applicant additional time to review the parking plan layout and other options. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**Preliminary and Final Plat of Isaiah Estates No. 5**

Planner Fischer presented a request from MAD Enterprises to replat Lots 1 and 2, Block 3, Isaiah Estates No. 2. The applicant is proposing to replat these two lots, which were originally platted to accommodate the development of a 2-unit townhome, into one lot to accommodate the construction of a single-family home. The Planning Commission reviewed and recommended approval of the preliminary and final plat of Isaiah Estates No. 5. **Council Member Schindle moved, seconded by Council Member Norland, to approve the preliminary and final plat of Isaiah Estates No. 5. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye, no nays. Motion carried.**

**Roe Crest Drive Parking**

Planner Fischer reported the City received a request from Taylor Corporation to restrict parking on Roe Crest Drive from Northway Drive to James Drive in an attempt to increase visibility at the intersection of Roe Crest and James and Roe Crest and Northway. **Council Member Schindle moved, seconded by Council Member Steiner, to approve the installation of "No Parking" signs on Roe Crest Drive from Northway Drive to James Drive. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**City Administrator****Res. No. 61-07 Accepting Feasibility Report and Ordering Plans and Specifications for Project No. 07-02B, Water Tower No. 1 Replacement, Demolition of Current Tower, SCADA System Replacement, Water Tower No. 2 Modifications, Repainting and Internal Coating**

Administrator Sande presented the feasibility report for Project No. 07-02 and asked Engineer Malm to give a PowerPoint presentation outlining the project. Engineer Malm reported in February 2007 the Council authorized the feasibility study for the replacement of Tower No. 1, modifications and recoating of Tower No. 2 and SCADA System improvements. The City's water distribution system has two pressure zones, the upper system and the lower system, and each zone has water storage facilities. Tower No. 1 was constructed in 1959 and recoated in 1993 and has a 100,000 gallon capacity. Tower No. 2 was constructed in 1993 and has a capacity of 500,000 gallons. Tower No. 2 was inspected in 2005 and some modifications and recoating are recommended. Due to age and availability of parts and service, replacement of the SCADA System is recommended. Due to firefighting needs and the estimated growth of the community in the next 20 years, an additional 500,000 gallons of water storage is needed in the upper system. After replacement of Tower No. 1, demolition of the existing 100,000-gallon tank is recommended. Estimated project cost for construction of the new 500,000 gallon Tower No. 2 is \$1,511,895, cost for construction of SCADA System improvements is estimated at \$420,000, cost for demolition of the existing 100,000 gallon tower is estimated at \$37,485 and cost for repair and recoating of Tower No. 2 is estimated at \$271,143. The project schedule calls for construction of the new 500,000 gallon Tower No. 1 from September 2007-August 2008; the construction of the SCADA System improvements from October 2007-August 2008; the demolition of the existing 100,000 gallon Tower No. 1 from August-September 2008; and the repair and recoating of Tower No. 2 from May-June 2009. **Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 61-07 Accepting Feasibility Report and Ordering Plans and Specifications for Project No. 07-02B, Water Tower No. 2 Replacement, Demolition of Current Tower, SCADA System Replacement, and Water Tower No. 2 Modifications, Repainting and Internal Coating. Vote on the Resolution: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**Res. No. 62-07 Accepting Feasibility Report and Ordering Plans and Specifications for Project No. 07-03A, Marvin Boulevard Lift Station Holding Tank**

Administrator Sande presented the feasibility report for Project No. 07-03A, the Marvin Boulevard lift station and holding tank reporting this is a Five-Year Capital Improvement item. The improvement calls for a 10,000-gallon holding tank to be constructed at the bottom of the ravine near the bus turnaround along the Judson Bottom Road. Staff is in the process of acquiring an easement from the adjacent landowner to accommodate the project. The estimated project costs are \$99,589.

**Council Member Norland moved, seconded by Council Member Steiner, to adopt Resolution No. 62-07 Accepting Feasibility Report and Ordering Plans and Specifications for Project No. 07-03A, Marvin Boulevard Lift Station Holding Tank. Vote on the Resolution: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**Closure of Lookout Drive for Fun Days Triathlon**

Administrator Sande reported he met with the event organizer and department heads regarding the Triathlon to be held on Sunday morning, June 24, 2007. Because the surface drain installed just below the scenic overlook has the potential to cause bike riders to make unsafe choices during the competition, the organizers have asked us to consider other options for traffic on Lookout Drive. The Administrator asked the Council for permission to close the hill portion of Lookout Drive (corner of Lee Boulevard and Lookout Drive at the bottom of the hill to Lookout Drive and Lee Boulevard at South Central College) except for bikes and reroute vehicle traffic onto Lee Boulevard from 8 a.m. to 12 noon. Police reserves will direct the cross traffic at Marie Lane and Lookout Drive to Cliff Drive.

**Council Member Schindle moved, seconded by Council Member Norland, to authorize the closure of Lookout Drive from the bottom of the hill at Lookout Drive and Lee Boulevard to the intersection of Lookout Drive and Lee Boulevard at South Central College from 8 a.m. to 12 noon on Sunday, June 24, 2007 for the Fun Days Triathlon. Vote on the motion: all ayes, no nays. Motion carried.**

**Schools and Conferences**

**Council Member Norland moved, seconded by Council Member Steiner, to approve actual and necessary expenses for the following schools and conferences:**

1. Firearm Instructor Course, Rochester, August 27-31 for one Patrol Officer.
2. Critical Combat EMS Course, North Branch, August 23, for one Patrol Officer.
3. FBI Annual Training Session, Fargo/Moorhead, July 22-25, for Police Chief.
4. Coalition of Greater Minnesota Cities Summer Conference, Detroit Lakes, July 25-27, for Mayor and City Administrator.

**Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**City Clerk****Res. No. 63-07 Designating Polling Places for 2008 Primary and General Elections**

Clerk Gehrke presented Resolution No. 63-07 designating polling places for the 2008 Primary and General Elections and reported there were two changes from the 2006 polling places. Precinct 1A will be moved from Monroe School to St. Paul's Lutheran Church and Precinct 1B will be moved from Garfield School to Holy Rosary School. With the addition of the Automark and the optical scan voting machines, Monroe and Garfield schools no longer meet the space requirements to hold elections in these facilities. **Council Member Steiner moved, seconded by Council Member Norland, to adopt**

**Resolution No. 63-07 Designating Polling Places for the 2008 Primary and General Elections. Vote on the Resolution: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**Res. No. 64-07 Waiving Waiting Period for Exemption from Lawful Gambling License for Zonta Club of Mankato**

Clerk Gehrke presented an application for exemption from lawful gambling for the Zonta Club of Mankato to conduct a raffle at the Best Western Garden Inn Hotel & Conference Center, 1111 Range Street, on September 27, 2007. **Council Member Norland moved, seconded by Council Member Schindle, to adopt Resolution No. 64-07 approving the application for exemption from lawful gambling for the Zonta Club of Mankato. Vote on the Resolution: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**Res. No. 65-07 Waiving Waiting Period for Exemption from Lawful Gambling License for Eagles Aerie 269**

Clerk Gehrke presented an application for exemption from lawful gambling for Eagles Aerie 269 to conduct off-site gambling at Wheeler Park, 400 Garfield Avenue on July 15, 2007. **Council Member Steiner moved, seconded by Council Member DeWitte, to adopt Resolution No. 65-07 approving the application for exemption from lawful gambling for Eagles Aerie 269. Vote on the Resolution: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**Request for Street Closures for Law Enforcement Pursuit Driving Course, South Central College**

Clerk Gehrke presented a request from the Law Enforcement Program Manager at South Central College for permission to temporarily close James Drive at the north entrance to South Central College and Tower Boulevard at the east entrance to the red parking lot and the intersection of James and Tower to hold two sessions of a Scenario Based Pursuit Driving Course from 10 p.m. to 12 midnight on August 1-2, 2007. **Council Member Steiner moved, seconded by Council Member Norland, to approve the street closure for South Central College to conduct two sessions of Scenario Based Pursuit Driving on August 1-2, 2007 with the provision that South Central College sign a release and hold harmless agreement with the City. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**City Engineer**

**Res. No. 66-07 Approving Change Order No. 1 for Project No. 07-01ABCDEF, The Landing North – Phase I**

Engineer Malm presented Change Order No. 1 for Project No. 07-01ABCDEF, The Landing North – Phase I. This change order modifies the sanitary sewer design along Lexington Lane, extends sanitary sewer and watermain stub outs at the intersection of LorRay Drive and Lexington Lane and adds a watermain loop connecting Sheridan Court and LorRay Drive for an increase in the contract amount of \$6,225. **Council Member Schindle moved, seconded by Council Member Steiner, to adopt Resolution No. 66-07 Approving Change Order No. 1 for Project No. 07-01ABCDEF, The Landing North – Phase I. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**Report from Council Members****Council Member Norland****Report of Park & Green Spaces Committee Park Tour**

Council Member Norland reported the Park & Green Spaces Committee took a tour of the City's parks. She thanked Administrator Sande for leading the tour and reported the Committee members learned a lot about the parks and the many changes taking place in the City. The next meeting of the Park & Green Spaces Committee is scheduled for Tuesday, June 26, 2007.

**Council Member DeWitte****Report of Public Health Mass Dispensing Site Exercise**

Council Member DeWitte reported he attended the 64-county video conference on planning for a public health disaster in St. Peter on Monday, June 11, 2007. Nicollet County Public Health and the City of St. Peter Hospital will be conducting a full scale exercise on Wednesday, August 15, 2007 as part of the process for preparing for a public health disaster and will be testing the screening component of the mass dispensing site process. A minimum of 200 participants who can drive a car are needed to participate in the exercise.

**Report from Mayor****Set Mayor's Tour for 5:15 p.m. on Monday, September 17, 2007**

**Council Member Steiner moved, seconded by Council Member Norland, to set the Mayor's Tour for 5:15 p.m. on Monday, September 17, 2007. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

**Approve Revised 2008 Budget Calendar**

Administrator Sande noted that due to the Mayor's Tour to be held at 5:15 p.m. on Monday, September 17, 2007, the Council Budget Workshop scheduled for that date would need to be canceled, which should not disrupt the 2008 Budget process. **Council Member Steiner moved, seconded by Council Member Norland, to accept the revised 2008 Budget Calendar. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.**

The Mayor asked that a Public Service Announcement be prepared asking residents along the Fun Days Parade route not to block off the boulevards prior to the parade.

The Mayor referred to an article in the *Free Press* about speed trailers being used only as a means to slow the speed of traffic. He reported that in North Mankato it is a priority of the Police Department to enforce all traffic laws.

The Mayor thanked City staff for their outstanding work on the Rex Macbeth River Trail project and asked that letters be prepared thanking each of those employees who worked on the project. The Mayor also thanked City staff who recently completed the sidewalks in front of the Municipal Building. The Mayor reported a great ceremony was held on June 16, 2007 opening the Rex Macbeth River Trail.

The Mayor asked for a cost comparison for the Mankato trail to Kiwanis Park versus our cost for trails when the federal government is involved.

The Mayor reported this fall he is asking area Legislators to propose a bill changing the law which allows 12-year olds to drive scooters in the streets and believes it is only a matter of time before a serious accident occurs with the scooters.

The Mayor and City Administrator attended a meeting concerning the realignment of the Convention & Visitors Bureau, Chamber and Greater Mankato Economic Development. Some items have changed since the last meeting and they gave the realignment committee our approval to continue talks.

**Open the Meeting to the Public for the Second Time**

The Mayor opened the meeting to the public for the second time with no one appearing.

**Bills and Appropriations**

Council Member Norland moved, seconded by Council Member Steiner, to approve all bills and appropriations in the amount of \$374,862.90. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.

There being no further business, the meeting was adjourned at 8:57 p.m. on a motion by Council Member Steiner, seconded by Council Member Norland. Vote on the motion: Norland, DeWitte, Schindle, Steiner and Zellmer, aye; no nays. Motion carried.

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Mayor

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City Clerk