

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 March 19, 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 DeWitte, Schindle, Steiner and Norland, City Administrator Sande, Finance Director Mork, City Clerk Gehrke, Engineer Malm, Attorney Kennedy and Planner Fischer.

### **Approval of Minutes**

**Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of March 5, 2007 and the Council Workshop of March 5, 2007. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

### **Correspondence**

#### **Letter from Sara Brigger, Greater Mankato Convention & Visitors Bureau**

Mayor Zellmer presented a letter from Sara Brigger announcing her resignation from the Greater Mankato Convention & Visitors Bureau to accept a position to lead Northwest Airlines sales communication team. The Mayor thanked Sara for her efforts on behalf of North Mankato and wished her well in her new endeavor.

#### **Letters from Suzanne Miller, State Librarian, and Roxann Wellman, President of Traverse des Sioux Library Board**

The Mayor presented letters from Suzanne Miller, State Librarian, and Roxann Wellman, President of the Traverse des Sioux Library Board, addressing criteria for library board members and the issue of incompatible offices and if the Mayor serving as a Traverse des Sioux Board Member is in compliance with the state statute. The Council directed the City Attorney to contact the State Attorney General for clarification on this issue.

### **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 Mike Wagner, Nicollet County Engineer, has submitted resolutions for funding for T.H. 14 similar to the resolutions North Mankato has submitted. The Administrator and Mayor thanked Mike for his assistance in compiling the information for presentation to the Legislature.

### **Staff Reports**

#### **City Planner**

The Council accepted the minutes of the March 8, 2007 Planning Commission meeting.

### **Final Plat of The Landing North Phase I (formerly Sunset Ridge)**

Planner Fischer presented a request from KWS, LLC for final plat approval of The Landing North Phase I, formerly Sunset Ridge Subdivision. Members of KWS, LLC were in attendance to answer questions. The final plat consists of fifty-four (54) lots for future residential development and several Outlots for future parkland, future phases of development, ravine property and maintenance access, storm water management and a sidewalk. The only changes from the preliminary plat to the final plat were the additions of Outlots F and G for access into the ravine and the placement of a public

sidewalk. Terry Schneider, Consultant for KWS, LLC, appeared before the Council and gave an overview of the proposed residential area reporting five well-known high-quality developers will build homes that are a mixture of full basement walkout, full basement look out or split entry walkout. The Planning Commission recommended approval of the final plat of The Landing North Phase I. **Council Member Schindle moved, seconded by Council Member Steiner, to approve the final plat of The Landing North Phase I. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

#### **Z-2-07, Request to Zone The Landing North Phase I as R-1 and P-1**

Planner Fischer presented a request from KWS, LLC to zone The Landing North Phase I as R-1, One-Family Dwelling, and P-1, Public Park. The Landing North Phase I was recently annexed into the City limits and it is necessary to provide a zoning classification based on intended use of the property. The applicants are requesting Blocks One and Two and Outlots B, C, D, E, F and G be zoned as R-1, One-Family Dwelling, and Outlot A as P-1, Public Park. Council Member Schindle voiced his opposition to the proposed 5.4-acre park in this subdivision. The Planning Commission recommended approval of Z-2-07. **Council Member Steiner moved, seconded by Council Member Norland, to adopt Ord. No. 11, Fourth Series, Zoning The Landing North Phase I as R-1, One-Family Dwelling, and P-1, Public Park. Vote on the Ordinance: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

#### **Preliminary and Final Plat of the Family Fellowship Church Addition**

Planner Fischer presented a request from Merton Anderson and the Family Fellowship Church for preliminary and final plat approval of the Family Fellowship Church Addition. The Family Fellowship Church purchased 4.66 acres of land from Merton Anderson for the future construction of a church at the corner of Carlson Drive and Lee Boulevard. Outlot A will be retained for future residential development. Gary Kunz, Trustee of the Family Fellowship Church, was in attendance and reported construction would begin this summer. The Council discussed a secondary access/exit for the church property to aid in traffic flow. Planner Fischer will prepare the access agreement and obtain the necessary signatures. The Planning Commission recommended approval of the preliminary and final plat of the Family Fellowship Church Addition. **Council Member Schindle moved, seconded by Council Member Norland, to approve the preliminary and final plat of the Family Fellowship Church Addition contingent on an agreement among the City of North Mankato, Merton Anderson and the Family Fellowship Church providing for a secondary access/exit when Arlington Lane is extended. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

#### **Z-3-07, Request to Zone the Family Fellowship Church Addition**

Planner Fischer presented a request from Merton Anderson and the Family Fellowship Church to rezone the Family Fellowship Church Addition from TUD, Transitional Unzoned District, to R-2, One- and Two-Family Dwelling. The proposed zoning would accommodate the needs of the church and would allow the development of one- and two-family homes on the balance of the property. The Planning Commission recommended approval of Z-2-07. **Council Member Schindle moved, seconded by Council Member Steiner, to adopt Ord. No. 12, Fourth Series, Zoning the Family Fellowship Church Addition as R-2, One- and Two-Family Dwelling. Vote on the Ordinance: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**Registered Land Survey No. 59**

Planner Fischer presented a request from Arlo Zander and John Zander for approval of Registered Land Survey No. 59 to create a lot line through the existing building and lot owned by Mr. Zander for the purpose of providing separate ownership. Arlo Zander, owner of Service Rack, was in attendance and reported the building meets the Fire Code and the common wall is a concrete structure. The Service Rack will be located on Tract A and have access onto Pierce and Range Street and Starr Cycle will be located on Tract B and have access onto Range Street. The Planning Commission recommended approval of Registered Land Survey No. 59. **Council Member Norland moved, seconded by Council Member Steiner, to approve Registered Land Survey No. 59. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**City Administrator****Report on Future LorRay Drive Improvements**

Administrator Sande presented an estimate from the City Engineer of construction costs for the section of LorRay Drive from the south line of The Landing North Phase I to Belgrade Township Road 121. The improvements would cover a distance of approximately one-quarter mile at a cost of \$633,417. Administrator Sande reported LorRay Drive is designated as a minor arterial street in the current Transportation Plan and since the balance of LorRay south of Timm Road to T.H. 14 is on the MSA route, he believes this section of LorRay should be designated as a MSA route including the section of Township Road 121 that leads back to CSAH 13. Current MSA allocations are dedicated to the Timm Road project through 2008. In 2009 and in later years, this section of LorRay should be considered as one of the leading candidates for MSA construction. Council Member Schindle stated developers put back yards up to LorRay Drive to avoid assessment costs and doesn't believe MSA dollars should be used to help developers but instead should go for rehabilitation of existing streets. Engineer Malm will review the current status of the MSA system and possible realignment of MSA miles. Council Member Schindle requested the assessment policy be an item for the next Council workshop. Administrator Sande reported he will draft guidelines to address procedures used when the City annexes County roads and bring the proposed guidelines to the Council for their review.

**Res. No. 32-07 Accepting Feasibility Report and Ordering Plans and Specifications for Project No. 07-01ABCDEF, The Landing North Phase I (formerly Sunset Ridge Subdivision)**

Engineer Malm introduced Adam Jacobs, Bolton & Menk, who did much of the work on the feasibility report for Project No. 07-01ABCDEF. Engineer Malm gave a PowerPoint presentation reporting a petition was submitted in February 2007 for improvements for The Landing North Phase I subdivision and a preliminary engineering report has been completed for the project. Phase I of the subdivision includes 54 lots for single-family homes and a 5.76-acre park. Improvements will include installation of sanitary sewer, watermain, storm sewer and stormwater management pond, bituminous pavement with concrete curb and gutter, sidewalks and grading. Engineer Malm presented the two options for sanitary sewer improvements; construction of a new interceptor sewer to serve the north expansion of the City or construction of a lift station. He outlined the advantages and disadvantages of both options and concluded by recommending the lift station option because of the smaller initial cost with no permanent easements being required. **Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 32-07 Accepting Feasibility Report and Ordering Plans and Specifications for Project No. 07-01ABCDEF, The Landing North Phase I (formerly Sunset Ridge Subdivision). Vote on the Resolution: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**Res. No. 33-07 Authorizing First-Time Homebuyer Grant Program**

Planner Fischer recapped the staff recommendation submitted at the March 5, 2007 Council Workshop allowing for \$63,000 of the 2006 General Fund Budget surplus to be used to provide small grants for income-qualified first-time homebuyers who construct new homes in North Mankato. Income limits and purchase price limits would be consistent with those used by the Minnesota Housing Finance Agency (MHFA) and the Greater Minnesota Housing Fund (GMHF). He reported the Greater Minnesota Housing Fund contacted staff after seeing the *Free Press* article on this subject and reported they have a program to provide matching down payment assistance funds up to \$2,500 per homebuyer. The Planner has spoken with area lenders who actively work with first-time homebuyer mortgages and the lenders are very supportive of the possible grants from the City to qualified first-time homebuyers to be used as down payment assistance. The Planner also reviewed housing assistance offered by other cities and counties and several incentives are used including: 1) Providing utility credits up to \$1,200 to people who build or purchase new homes; 2) Selling lots at a reduced price; 3) Deferred loan programs; 4) Providing one-year free water, sewer and garbage utility services; 5) Providing free lots; and 6) Providing revolving loan funds to assist with down payment assistance. The Council requested \$5,000 of the \$63,000 2006 General Fund Budget surplus be used to fund Partners for Affordable Housing (PAH) Home Stretch Program leaving \$58,000 for the First-Time Homebuyer Grant Program. Discussion was held on the amount of down payment required from the homebuyer and the Council asked that the First-Time Homebuyer Grant Program allow for matching grants to the homebuyer's down payment up to a maximum of \$2,500. Council Member Schindle asked if these surplus funds could be used to subsidize real estate tax payments to the elderly who were unable to pay their real estate taxes. **Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 33-07 Authorizing the First-Time Homebuyer Grant Program with up to a \$2,500 matching grant to the homebuyer's down payment. Vote on the Resolution: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**Res. No. 34-07 Authorizing Local Down Payment Assistance Program Application**

Planner Fischer presented income limits and single-family acquisition cost limits for first-time homebuyers to qualify for the matching grant funds available from the Greater Minnesota Housing Fund (GMHF) and requested authorization to submit a grant application. **Council Member Schindle moved, seconded by Council Member Norland, to adopt Resolution No. 34-07 Authorizing Local Down Payment Assistance Program Application. Vote on the Resolution: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**Res. No. 35-07 Authorizing Funding for PAH Home Stretch**

**Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 35-07 Authorizing Funding for PAH Home Stretch. Vote on the Resolution: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**Logo Design for Senior Softball World Series**

Administrator Sande presented the logo design for the Senior Softball World Series which will be held at Caswell Park in August 2007. This logo will be used on the commemorative items that will be sold at the tournament. With the resignation of Sara Brigger from the Convention & Visitor's Bureau, Larissa Omann Mrozek will be in charge of this tournament.

**Authorize Purchase of Equipment – Water Department**

Administrator Sande presented a request for purchase of a 2007 Dodge 2500 4X4 Quad Cab, ¾ ton pickup from Elk River at a cost including tax of 23,846.42 for the Water Department. This is a

2007 Budget item. **Council Member Steiner moved, seconded by Council Member Norland, to authorize the purchase of a 2007 Dodge 2500 4X4 Quad Cab, ¾ ton pickup from Elk River for the Water Department at a purchase price including tax of \$23,846.42. Vote on the motion: DeWitte, Schindle, Steiner, Norland, and Zellmer, aye; no nays. Motion carried.**

#### **Authorize Purchase of Equipment – Park Department/Storm Water Department**

Administrator Sande presented a request for purchase of a utility vehicle for the combined use of the Park and Storm Water Departments for weed and fertilizer spraying, pond maintenance and grooming of volleyball courts. The unit will also be used by the Inspection Department for ravine work and storm sewer maintenance. The Public Works Director is recommending the purchase of a 2007 Kawasaki Mule 2010 4X4 with equipment for a total purchase price including tax of \$15,762.85. Administrator Sande reported this item was not in the 2007 Budget and is recommending the purchase of this unit from the Storm Water Utility Fund. **Council Member Norland moved, seconded by Council Member DeWitte, to authorize the purchase of a 2007 Kawasaki Mule 2010 4X4 with equipment for a total purchase price including tax of \$15,762.85. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

#### **Schools and Conferences**

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

1. LMC Safety & Control Workshop, North Mankato, April 4, for Police Chief and Police Lieutenant.
2. Metro Spring Water Operators School, Brooklyn Center, April 18-20, for Water Superintendent.
3. National AWWA Conference, Toronto, June 24-28, for Public Works Director.
4. S.E. Water Operator's School, Rochester, March 21-23, for Public Works Director.
5. Administrative Professionals Seminar, Mankato, April 24, for three Account Clerks, one Records Clerk and one Dispatcher/Police Records Clerk.
6. National Association of Broadcasters Conference, Las Vegas, April 13-19, for Public Access Coordinator.

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

#### **City Clerk**

##### **Parade Permit for Mankato Area Environmentalists National Climate Action Day Parade**

Clerk Gehrke presented an application for a parade permit for Mankato Area Environmentalists to hold their National Climate Action Day Parade from 4-5:30 p.m. on Saturday, April 14, 2007. The North Mankato Police Chief has approved this application. **Council Member Norland moved, seconded by Council Member DeWitte, to approve the parade permit for the National Climate Action Day Parade from 4-5:30 p.m. on Saturday, April 14, 2007. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

#### **Finance Director**

##### **Res. No. 36-07 Approving Consent Assessment Agreement – 620 Grant Avenue**

Finance Director Mork presented the Consent Assessment Agreement for 620 Grant Avenue in the amount of \$164.61 for sidewalk replacement to be added to the property owner's assessment for

the Cornelia/Grant project. This assessment will be for a ten-year period at 6.25% interest. **Council Member Norland moved, seconded by Council Member Steiner, to adopt Resolution No. 36-07 Approving Consent Assessment Agreement for sidewalk replacement at 620 Grant Avenue. Vote on the Resolution: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**Res. No. 37-07 Approving Consent Assessment Agreement – 601 Grant Avenue**

Finance Director Mork presented the Consent Assessment Agreement for 601 Grant Avenue in the amount of \$2,365.92 for sidewalk replacement to be added to the property owner's assessment for the Cornelia/Grant project. This assessment will be for a ten-year period at 6.25% interest. **Council Member Schindle moved, seconded by Council Member DeWitte, to adopt Resolution No. 37-07 Approving Consent Assessment Agreement for sidewalk replacement at 601 Grant Avenue. Vote on the Resolution: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**Res. No. 38-07 Approving and Authorizing Execution of a Declaration of Official Intent of the City under the Reimbursement Bond Regulations of the Internal Revenue Service for Project No. 07-01ABCDEF, The Landing North Phase I (formerly Sunset Ridge Subdivision)**

Finance Director Mork presented a reimbursement resolution for the following project:

Project No. 07-01ABCDEF, the Landing North Phase I (formerly Sunset Ridge Subdivision)

**Council Member Norland moved, seconded by Council Member DeWitte, to adopt Resolution No. 38-07 Approving and Authorizing Execution of a Declaration of Official Intent under the Reimbursement Bond Regulations for Project No. 07-01ABCDEF, The Landing North Phase I (formerly Sunset Ridge Subdivision). Vote on the Resolution: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**Report from Council Members**

**Council Member DeWitte**

Council Member DeWitte reported he attended an All Seasons Arena Board meeting on Friday, March 16, 2007 and gave an update on the lighting changes and modifications to the second floor lounge area. The All Seasons Arena Operating Service Agreement was presented to the Council for renewal. Council Member DeWitte reported the All Seasons Arena Board would like to bring Nicollet County back as a partner of All Seasons Arena since many of the users are Nicollet County residents. **Council Member Steiner moved, seconded by Council Member Norland, to approve the All Seasons Arena Operating Service Agreement contingent on review by the City Attorney. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**Council Member Norland**

Council Member Norland reported she attended the new Commissioner orientation and the Region 9 meeting on March 19, 2007.

**Report from Mayor**

**Appointment of Chair to Park Committee**

Mayor Zellmer reported Diane Norland has agreed to Chair the newly formed Park Committee and asked for Council approval of this appointment. **Council Member Steiner moved, seconded by**

**Council Member Schindle, to appoint Diane Norland as Chair of the Park Committee. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.**

**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 \$538,772.20. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.

There being no further business, the meeting was adjourned at 9:28 p.m. on a motion by Council Member Schindle, seconded by Council Member Norland. Vote on the motion: DeWitte, Schindle, Steiner, Norland and Zellmer, aye; no nays. Motion carried.

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Mayor

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City Clerk