

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 3, 2008. 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 Steiner, Norland, DeWitte and Schindle, City Administrator Sande, Finance Director Mork, City Clerk Gehrke, Attorney Kennedy, Engineer Malm and Planner Fischer.

### **Approval of Minutes**

**Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council meeting of February 19, 2008. Vote on the motion: Steiner, Norland, Schindle and Zellmer, aye; DeWitte abstained; no nays. Motion carried.**

### **Correspondence**

#### **Letter and Appreciation Award from United Way**

Mayor Zellmer read a letter from Laura Bowman, President of United Way, thanking the City Administrator and employees of North Mankato for helping United Way achieve their 2008 campaign goal of \$1,780,009. Ms. Bowman congratulated the City employees on achieving the Appreciation Award.

### **Public Hearing, 7 p.m. – Project No. 08-02ABCDEF, Bennett Street/Pierce Avenue Reconstruction**

Mayor Zellmer opened the public hearing to consider Project No. 08-02ABCDEF, the reconstruction of Bennett Street and the 400 Block of Pierce Avenue. Administrator Sande reported a notice of the public hearing was published in the official newspaper and all affected residents were notified of the public hearing. Engineer Malm gave the PowerPoint presentation of the project as he did at the neighborhood meeting held on January 31, 2008. In summary, Engineer Malm reported in October of 2007 the Council authorized a feasibility report for reconstruction of Bennett Street and Pierce Avenue from Center Street to Cross Street. Engineer Malm presented five alternate plans for placement of sidewalks on Bennett Street. The following residents from Bennett Street appeared before the Council with their concerns and comments: Mark Haack, 713 Bennett Street – does not want sidewalks on west side of Bennett; Greg Depuydt, appearing for his mother, Mary Depuydt, 541 Monroe Avenue - suggested sidewalk be on the east side of Bennett because of students going to Monroe School to the east of Bennett Street; Ann Sloan, 739 Bennett; if sidewalks are placed on the west side of Bennett they will be too close to her house, does not want the beautiful trees to be cut down; Lois Almendinger, 737 Bennett – a sidewalk on the west side of Bennett will be too close to her house, she would be sad to see the large trees cut down; Jody Kopischke, 724 Bennett – okay for sidewalk to be placed on the east side of the street; Kristen Simpson, 729 Bennett – wants no sidewalk and is concerned about snow removal if sidewalks are placed on both sides of the street; Margaruite Bruner, 530 Garfield Avenue – stated there is a lot of traffic on Bennett Street and for safety reasons it would be nice to have a sidewalk, she is not in favor of no parking on the streets. With no one else appearing before the Council, the Mayor closed this portion of the meeting. The Council discussed a second neighborhood meeting prior to final decision on placement of the sidewalk on Bennett Street to give the east side neighbors a chance to give their input. **Council Member Norland moved, seconded by Council Member Steiner, to set a neighborhood meeting for Project No. 08-02 ABCDEF, Bennett Street/Pierce Avenue for 7 p.m. on Monday, March 10, 2008. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

**Public Hearing, 7 p.m. – Vacation of Utility Easement, M.B.P. Subdivision**

Mayor Zellmer opened the public hearing to consider the vacation of a utility easement in M.B.P. Subdivision. Planner Fischer reported a notice of the public hearing was published in the official newspaper and the utility companies have been notified. There are no utilities in this easement. He reported the vacation of the utility easement is necessary for the replatting of R.L.S. No. 26 and Lots 2-A and 2-B of M.B.P. Subdivision to accommodate the upcoming development of Walgreen's on the current Junker's Restaurant site. With no one appearing before the Council, the Mayor closed this portion of the meeting. **Council Member Schindle moved, seconded by Council Member Steiner, to adopt Resolution No. 36-08 Vacating Utility Easement, M.B.P. Subdivision. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

**Public Hearing, 7 p.m. – Vacation of a Portion of LorRay Drive Right-of-Way**

Mayor Zellmer opened the public hearing to consider the vacation of a portion of LorRay Drive right-of-way. Planner Fischer reported a notice of the public hearing was published in the official newspaper and the utility companies have been notified. He reported the vacation of the right-of-way easement is necessary to accommodate parking for the proposed Walgreen's project on the current Junker's Restaurant site. With no one appearing before the Council, the Mayor closed this portion of the meeting. **Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 37-08 Vacating a Portion of LorRay Drive Right-of-Way. Vote on the Resolution: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

**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**

Mayor Zellmer requested the City Council consider at an upcoming Council meeting adopting a resolution in support of the special legislation regarding the potential of changing the Office of Auditor-Treasurer from elected to appointed effective with the term beginning in January 2011.

**Staff Reports****City Planner****City Center Business Association Agreement**

Planner Fischer presented the proposed City Center Business Association Agreement with Greater Mankato Growth, Inc. This Agreement came out of Envision 2020 and was created to provide a forward momentum for improving the Central Business District in North Mankato and Old Town and the downtown area in Mankato with the overall goal to increase business trade in these areas through maps, brochures and distinctive signage. The City of North Mankato would contribute \$5,000 and would have at least one seat on the Board of Directors. Administrator Sande reported that downtown revitalization is one of the top six goals of Envision 2020. Barbara Embacher and Jonathan Zierdt from Greater Mankato Growth, Inc. were in attendance. In response to a question Barbara reported that letters will be mailed to invite all business owners to an organizational meeting on March 28, 2008. **Council Member Steiner moved, seconded by Council Member Norland, to approve the City Center Business Association Agreement. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

**Update on First-Time Homebuyer Grant Program**

Planner Fischer gave an update of the First-Time Homebuyer Grant Program reporting that in April of 2007 the City Council approved \$57,500 to provide grants to income-qualified first-time

homebuyers for down payment assistance. Eighteen grants of up to \$2,500 were available to qualified homebuyers who build or buy new homes and five grants of up to \$2,500 were available for qualified homebuyers who purchase existing homes. Also, the City received \$25,000 from the Greater Minnesota Housing Fund (GMHF) to provide an additional \$2,500 in grant funding for qualified homebuyers. The GMHF funds are only available to homebuyers who have children and the funds must be used for new construction only. To date four awards of \$2,500 were granted for persons who purchased new homes and five awards were granted for persons who purchased existing homes. The City has fourteen grants of up to \$2,500 remaining for new construction projects and \$22,500 of GMHF available. Planner Fischer stated that since there is a large demand for grants for the purchase of existing homes, the Council may wish to evaluate the grant program. **Council Member Steiner moved, seconded by Council Member DeWitte, to authorize five \$2,500 awards for income-qualified first-time homebuyers for the purchase of existing homes. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

#### **City Administrator**

#### **Res. No. 38-08 Ordering Improvement and Preparation of Plans and Specifications for Project No. 08-02ABCDEF, Bennett Street/Pierce Avenue Reconstruction**

**Council Member Norland moved, seconded by Council Member Steiner, to adopt Resolution No. 38-08 Ordering Improvement and Preparation of Plans and Specifications for Project No. 08-02 ABCDEF, Bennett Street/Pierce Avenue Reconstruction, subject to final determination of design of the street. Vote on the Resolution: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

#### **Res. No. 39-08 Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment and Ordering Hearing on Proposed Assessment for Project No. 08-02ABCDEF, Bennett Street/Pierce Avenue Reconstruction for 7 p.m. on Monday, March 17, 2008**

Administrator Sande presented Resolution No. 39-08 Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment and Ordering Hearing on Proposed Assessment for 7 p.m. on Monday, March 17, 2008 for Project No. 08-02ABCDEF, Bennett Street/ Pierce Avenue Reconstruction for the rehabilitation of water main, sanitary sewer main, water and sewer services, storm sewer, street base, curb and gutter, street surfacing and sidewalks. The total projected cost of these improvements is \$670,200. A Notice of Hearing will be sent to the property owners and published in the *Free Press*. **Council Member DeWitte moved, seconded by Council Member Norland, to adopt Resolution No. 39-08 Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment and Ordering Hearing on Proposed Assessment for Project No. 08-02ABCDEF, Bennett Street/Pierce Avenue Reconstruction. Vote on the Resolution: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.** The Council set a Special Council meeting for 7 p.m. on Monday, March 24, 2008 to adopt the resolutions that necessitate a 4/5's vote. Mayor Zellmer and Council Member Schindle will be absent from the March 17, 2008 Council meeting.

#### **Res. No. 40-08 Ordering Plans and Specifications for Project No. 08-03DEF, 2008 Street Improvements**

Administrator Sande asked Engineer Malm to give an overview of proposed Project No. 08-03 DEF, 2008 Street Improvements. Engineer Malm reported the 2008 Street Improvement project would include curb and gutter, street base and sidewalks for Burnett's Ravine Ridge No. 3 and No. 4 Subdivisions and the Reserve Subdivision, the wearing course on Abbywood Lane, Aspen Lane between Willow and Abbywood, Camden Court, wearing course on LorRay Drive just north of

Carlson Drive to Timm Road and the alley surfacing just south of Belgrade between Range Street and Center Street. **Council Member Schindle moved, seconded by Council Member Steiner, to adopt Resolution No. 40-08 Ordering Plans and Specifications for Project No. 08-03DEF, 2008 Street Improvements. Vote on the Resolution: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

#### **Set Board of Appeal and Equalization Meeting for 8:30 a.m. on Thursday, April 24, 2008, Police Annex**

Administrator Sande presented a letter from the Nicollet County Assessor setting the Board of Appeal and Equalization meeting for 8:30 a.m. on Thursday, April 24, 2008 in the North Mankato Police Annex Community room. This is an opportunity for property owners to discuss the assessed market value of their property with County personnel and members of the Board of Appeal and Equalization. Doreen Pehrson, Nicollet County Assessor, will appear before the City Council on Monday, April 7, 2008 to update the Council on any changes in the assessed market value of North Mankato properties. **Council Member Norland moved, seconded by Council Member Steiner, to set the Board of Appeal and Equalization meeting for 8:30 a.m. on Thursday, April 24, 2008. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

#### **Schools and Conferences**

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

1. 19<sup>th</sup> Annual Erosion Control & Stormwater Management Conference, Minneapolis, March 6-7, for Assistant Construction Inspector.
2. 2008 Minnesota Department of Labor Construction Codes & Licensing Spring Seminar, Burnsville, May 13 for Assistant Building Inspector and Assistant Construction Inspector and North Mankato, May 15 for Building Inspector and Construction Inspector.
3. Shade Tree Short Course, Arden Hills, March 25-26, for One Park Maintenance Worker.

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

#### **City Clerk**

##### **Res. No. 41-08 Approving Exemption from Lawful Gambling License for Holy Rosary Church**

Clerk Gehrke presented an application for exemption from lawful gambling for Holy Rosary Church, 546 Grant Avenue, to conduct a raffle on April 19, 2008. **Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 41-08 approving Exemption from Lawful Gambling License for Holy Rosary Church to conduct raffles on April 19, 2008. Vote on the Resolution: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

##### **Parade Permit for Arthritis Walk, 7 a.m. to 1 p.m. on Saturday, May 3, 2008**

Clerk Gehrke presented the application for a parade permit to hold the Arthritis Walk from 7 a.m. to 1 p.m. on Saturday, May 3, 2008. The North Mankato Police Chief has approved this application. **Council Member Schindle moved, seconded by Council Member Norland, to approve the parade permit for the Arthritis Walk from 7 a.m. to 1 p.m. on Saturday, May 3,**

**2008. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

**Parade Permit for Cystic Fibrosis Great Strides Walk, 8 a.m. to 2 p.m. on Saturday, May 3, 2008**

Clerk Gehrke presented the application for a parade permit to hold the Cystic Fibrosis Great Strides Walk from 8 a.m. to 2 p.m. on Saturday, May 3, 2008. The North Mankato Police Chief has approved this application. **Council Member Steiner moved, seconded by Council Member Norland, to approve the parade permit for the Cystic Fibrosis Great Strides Walk from 8 a.m. to 2 p.m. on Saturday, May 3, 2008. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

**Audio Permit for Cystic Fibrosis, Wheeler Park, from 11 a.m. to 12 noon on Saturday, May 3, 2008**

Clerk Gehrke presented a request from Cystic Fibrosis to use an audio device at Wheeler Park from 11 a.m. to 12 noon on Saturday, May 3, 2008. **Council Member Steiner moved, seconded by Council Member Norland, to approve the request to use an audio device by Cystic Fibrosis in Wheeler Park from 11 a.m. to 12 noon on Saturday, May 3, 2008. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.**

**Report from Council Members**

**Council Member Norland**

**Park & Green Spaces Advisory Committee Meeting**

Council Member Norland reported the Park & Green Spaces Advisory Committee met at 6:30 p.m. on Tuesday, February 26, 2008 and prioritized projects for 2008 including a major tree planting program.

**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 amounts of \$13,881.83 and \$510,690.33. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.

There being no further business, the meeting was adjourned at 8:34 p.m. on a motion by Council Member Steiner, seconded by Council Member Norland. Vote on the motion: Steiner, Norland, DeWitte, Schindle and Zellmer, aye; no nays. Motion carried.

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Mayor

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City Clerk