

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 February 7, 2011. 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 the meeting, Mayor Dehen, Council Members Schindle, Freyberg, Steiner and Norland, City Administrator Sande, Finance Director Mork, City Clerk Gehrke, Attorney Kennedy and Engineer Malm. Absent: Planner Fischer.

**Approval of Minutes**

**Council Member Freyberg moved, seconded by Council Member Norland, to approve the minutes of the Council Workshop of January 18, 2011 and Council meeting of January 18, 2011, as amended. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Correspondence****Thank-You from the Miracle League of North Mankato Board – Snow Softball Tournament**

Mayor Dehen read a thank-you from the Miracle League of North Mankato Board for the City's support of the snow softball tournament. He thanked the media for their support of the tournament.

**Public Hearing, 7 p.m. – Modification of Industrial Development District No. 1 and Establishment of Tax Increment Financing District IDD No. 1-20 Plan (Ziegler Caterpillar)**

The Mayor opened the public hearing to consider the modification of Industrial Development District No. 1 and the establishment of Tax Increment Financing District IDD No. 1-20 Plan (Ziegler Caterpillar). Administrator Sande reported this matter was considered and approved by the Port Authority Commission at their January 25, 2011 meeting and they are recommending this to the City Council for adoption. Kim Spears, 916 South Avenue, appeared before the Council and again expressed his opposition to this project based on his opinion that it constitutes a moral hazard, lost opportunity and unequal treatment. Council Member Schindle reported in 2010 the State Legislature changed the Tax Increment Financing rules to allow projects such as this an incentive to create construction jobs and long-term jobs. Administrator Sande reported Ziegler is estimating the creation of five permanent positions during the first two years and a total of 12 positions during the first five years. Mayor Dehen reported the permanent jobs created will have an average salary of \$27.00 per hour and the City would see a revenue stream for the jobs and increased revenues from taxes. Administrator Sande also stated new jobs are a plus for the school district bringing students to the area at a time when many schools are losing enrollment. Mayor Dehen stated the City of North Mankato lost a large-chain food store on the hilltop to Mankato where tax increment financing was available. Council Member Schindle reported without the job creation, the company would not receive the subsidy. Phil Henry, 1300 Noretta Drive, appeared before the Council and stated Ziegler is a very wealthy corporation and the City should not be involved in this project. Administrator Sande referenced previous projects that are now on the tax rolls. The list of these projects is available to the public. Administrator Sande reported this list of projects will be sent to Mr. Henry and a copy will be made available on the City's website, [www.northmankato.com](http://www.northmankato.com). With no one else appearing before the Council, the Mayor closed this portion of the meeting.

**Res. No. 12-11 Modifying Industrial Development District No. 1 and Adopting a Development Program for Said Industrial Development District**

**Council Member Norland moved, seconded by Council Member Steiner, to adopt Resolution No. 12-11 Modifying Industrial Development District No. 1 and Adopting a**

**Development Program for Said Industrial District. Vote on the Resolution: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Res. No. 13-11 Approving Tax Increment Financing District No. 1-20**

**Council Member Schindle moved, seconded by Council Member Steiner, to adopt Resolution No. 13-11 Approving Tax Increment Financing District No. 1-20. Vote on the Resolution: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Public Hearing, 7 p.m. – Consider Submission of Outdoor Recreation, Regional Park and Park Legacy Grant Program Application**

The Mayor opened the public hearing to consider submission of the Outdoor Recreation, Regional Park and Park Legacy Grant Program Application to the Department of Natural Resources (DNR) for improvements at Benson Park in the amount of \$997,900. He reported a similar application was submitted in 2010, however, did not obtain funding. The proposed improvements are taken from the Benson Park Master Plan which received Council approval in 2009. The Administrator referenced a copy of the hearing notice and an Affidavit of Publication included in the Council packet. Administrator Sande summarized a memo outlining the funding requests for the Benson Park Grant. He reported according to the DNR, the 2011 application allows applicants to apply for funds under the Park Legacy Program, Regional Park Program and Outdoor Recreation Program with a different local match for each grant program. The Park Legacy Program requires a 25% local match or \$249,475; the Regional Park Program requires a 50% local match or \$399,160; and the Outdoor Recreation Program requires a 50% match or \$498,950. If funded, the local match would come from local option sales tax receipts dedicated to regional park improvements. He reported funding for the Park Legacy Program is provided through the State Parks and Trails Fund, which constitutes a portion of the dedicated sales tax revenue from the Clean Water, Land and Legacy Constitutional Amendment approved by voters in 2008. The local match of the funds will be derived from the Local Sales Tax Fund which was approved by the North Mankato voters in 2006. Kim Spears, 916 South Avenue, appeared before the Council and asked if by submitting this application the City is committed to spending funds. Administrator Sande reported adopting the resolution authorizes submission of the grant request but does not commit the City to spending funds. Projects for Benson Park would be brought to the Council for approval. There being no one else appearing before the Council, the Mayor closed this portion of the meeting.

**Res. No. 14-11 Authorizing Submission of Outdoor Recreation, Regional Park and Park Legacy Grant Program Application**

**Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 14-11 Authorizing Submission of Outdoor Recreation, Regional Park and Park Legacy Grant Program Application. Vote on the Resolution: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Open the Meeting to the Public for the First Time  
Brian Cain, 47 Deerwood Court**

Brian Cain, 47 Deerwood Court, appeared before the Council and expressed his concern that the requirement to obtain a plumbing permit to install a water heater violates his 4<sup>th</sup> Amendment rights. Administrator Sande stated a plumbing permit is required to ensure proper installation for life safety purposes.

**Phil Henry, 1300 Noretta Drive**

Phil Henry, 1300 Noretta Drive, appeared before the Council and stated he agreed with the inspection process for the installation of water heaters, however, he asked if there is a requirement for the City to charge \$25.00 considering residents already pay property taxes. Administrator Sande reported the \$25.00 fee is charged to cover the cost of the inspection for those homeowners using the service.

**Staff Reports****City Planner****Submit Application to League of American Bicyclists for Designation of North Mankato/Mankato as a Bicycle Friendly Community**

Administrator Sande presented a memo from the City Planner regarding the possible submission of a joint application for Bicycle Friendly Community status for North Mankato/Mankato as requested by the Mankato Bike & Walk Advocates. Under the League of American Bicyclists, the Bicycle Friendly Community Program provides award recognition for communities that actively support bicycling. He reported the City of North Mankato has built several bicycle and pedestrian trails and the MATAPS Plan calls for connection of the trails in order to accommodate riders by providing safe routes for cycling and encouraging people to bike for transportation and recreation. He reported the two other cities recognized as Bicycle Friendly Communities are Rochester and Minneapolis. **Council Member Schindle moved, seconded by Council Member Norland, to authorize submission of the joint application to the League of American Bicyclists for Designation of North Mankato/Mankato as a Bicycle Friendly Community. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Intergovernmental Committee Activity Report**

Administrator Sande presented an Intergovernmental Committee Report prepared by Planner Fischer which summarized intergovernmental committees in which the Planner actively participates. Mayor Dehen reported the Intergovernmental Committee meeting with Mankato will be held at 7 p.m. on Wednesday, February 16, 2011 in the Council Chambers of the Municipal Building.

**City Administrator****Set Public Hearing for 7 p.m. on Tuesday, February 22, 2011 for Adoption of Storm Water Ordinance**

Administrator Sande reported as a required part of compliance activities for the City's MS4 permit, the Minnesota Pollution Control Agency (MPCA) notified the City of the requirement to adopt an amended Storm Water Ordinance. Staff has prepared amendments to the Storm Water Ordinance which have been reviewed by the City Attorney. As part of the process to adopt the amendments to the Storm Water Ordinance, it is necessary to hold a public hearing. **Council Member Steiner moved, seconded by Council Member Norland, to set a public hearing for 7 p.m. on Monday, February 22, 2011 to consider the adoption of the amendments to the Storm Water Ordinance. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Res. No. 15-11 Authorizing City of North Mankato to be a Party to Minnesota Water Agency Response Network**

Administrator Sande reported the Public Works Director is recommending that we become a party to the Minnesota Water Agency Response Network, which is a mutual aid agreement among government units to provide assistance to one another in the case of an emergency relating to water,

waste water or storm water utilities. Discussion was held about the area to which North Mankato would respond. Administrator Sande reported the City would respond to cities in the area and would not be traveling long distances. The City would not be obligated to respond to emergencies. **Council Member Schindle moved, seconded by Council Member Norland, to adopt Resolution No. 15-11 Authorizing City of North Mankato to be a Party to Minnesota Water Agency Response Network. Vote on the Resolution: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

#### **Request for Street Closure for Belgrade Blues & Jazz Festival on July 23, 2011**

Administrator Sande reported Business on Belgrade has initiated plans for the Belgrade Blues & Jazz Festival to be held on July 23, 2011. The group is requesting to extend the street closure to include the alleys immediately north and south of Belgrade on Range Street and approximately 100 feet to the west of Range Street on Belgrade. Discussion was held about the placement of a temporary 4-way "STOP" sign at the corner of Cross Street and Belgrade Avenue. **Council Member Schindle moved, seconded by Council Member Steiner, to authorize the street closure for the Belgrade Blues & Jazz Festival. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen; aye; no nays. Motion carried.**

#### **Parking Request for Beans Plus Events, March 19, April 7 and April 10, 2011**

Administrator Sande presented a request from Beans Plus for authorization for temporary on-street parking for events on March 19, April 7 and April 10, 2011. The requested proposed parking area includes the north side of Carlson Drive to Lookout Drive and the west side of Rolling Green Lane to Timm Road. Beans Plus is also requesting the use of the Park Department parking lots for the April events. If approved, the Police Department will be notified of the permitted parking area. Council Member Schindle asked if the streets in this area have been widened and Administrator Sande reported the Public Works crews have been removing snow and widening streets for the past four weeks and will continue to keep this area widened to allow for the permitted parking. **Council Member Norland moved, seconded by Council Member Steiner, to approve the parking request for the Beans Plus events on March 19, April 7 and April 10, 2011 on the north side of Carlson Drive to Lookout Drive and the west side of Rolling Green Lane to Timm Road and the Park Department parking lot for the April events. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; 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. 46<sup>th</sup> Annual Governor's Homeland Security & Emergency Management Conference, St. Paul, March 8-10, for Emergency Management Director.
2. League of MN Cities Loss Control Workshop, Brooklyn Park, April 21, for Police Chief.
3. Midwestern Electrical Seminar, North Mankato, March 18, for Electrician.

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

**City Clerk****Audio and Large Group Permit for Nimps and Jones Wedding, Spring Lake Park, Friday, October 7, 2011**

Clerk Gehrke presented a request from Lori Nimps for an audio and large group permit to hold the Nimps and Jones wedding at Spring Lake Park from noon to 8 p.m. on Saturday, October 7, 2011. She reported the wedding ceremony will be held on the Thompson Pier. **Council Member Schindle moved, seconded by Council Member Steiner, to approve the audio and large group permit for the Nimps and Jones Wedding at Spring Lake Park from noon to 8 p.m. on Friday, October 7, 2011. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Finance Director****Res. No. 16-11 Authorizing Execution of Amendment to 2010 Narcotics & Gang Task Force Grant**

Finance Director Mork presented Resolution No. 16-11 authorizing execution of amendment to the 2010 Narcotics & Gang Task Force Grant to authorize the City Administrator and Police Chief to executive this amendment for the City of North Mankato. **Council Member Steiner moved, seconded by Council Member Norland, to adopt Resolution No. 16-11 Authorizing Execution of Amendment to 2010 Narcotics & Gang Task Force Grant. Vote on the Resolution: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Report from Council Members****Council Member Schindle****Minutes from January Traffic & Safety Committee Meeting**

Council Member Schindle presented the January Traffic & Safety Committee minutes. He reported they reviewed on-street parking conditions on Pleasant View Drive from its intersection with Lookout Drive to Peregrine Lane during the winter months. The Committee reviewed existing parking restrictions in this area as well as street maintenance issues and public safety concerns. The Traffic & Safety Committee recommended the implementation of seasonal no parking on the section of Pleasant View Drive from Restless Court to Peregrine Lane from November 1 to April 1 of each year. **Council Member Schindle moved, seconded by Council Member Norland, to implement seasonal no parking on the section of Pleasant View Drive from Restless Court to Peregrine Lane from November 1 to April 1 of each year. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

The Traffic & Safety Committee discussed traffic and safety issues relating to past and upcoming 4<sup>th</sup> of July fireworks displays at Riverfront Park in Mankato indicating it is necessary to get the State Patrol more involved in the event. Mayor Dehen reported this item will be discussed at the upcoming Intergovernmental Committee meeting with Mankato to be held at 7 p.m. on Wednesday, February 16, 2010.

In response to the request for street closure for the Belgrade Blues & Jazz Festival on July 23, 2011, discussion was held about placing a temporary 4-way "STOP" sign at the intersection of Belgrade Avenue and Cross Street. **Council Member Schindle moved, seconded by Council Member Steiner, to refer this item to the Traffic & Safety Committee. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Council Member Norland**

Council Member Norland reported Community Education & Recreation is conducting a survey on recreation needs and wants of community members and asked that residents participate. She reported Community Education and Recreation is a great resource for computer classes in addition to all the youth recreation programs.

Council Member Norland reported incorrect information found its way into the *North Mankato City News & Views* regarding cats and dogs that are picked up by the Police Department due to outdated information in the City Code. She reported Premier Veterinary Center has never sold animals to the University of Minnesota for research. Administrator Sande reported Premier Veterinary Center received numerous calls and the City apologized for this mistake and reported the City is very happy with the work they do under the Impound Agreement the City has with them. A correction was also printed in the *Free Press*. The Administrator reported the City Code was updated in 2007 and yearly updates of the City Code are done each January. The impound language will be changed with the next update of the Code.

Council Member Norland reported she and the Mayor attended the League of Minnesota Cities conference the weekend of January 28-29, 2011. The League of Minnesota Cities and the Extension Service is facilitating 10 Communication Conversations around the State of Minnesota in an effort to obtain citizen input on the state of cities and thoughts about the future and how to fund our responsibilities. The Cities of North Mankato and Mankato have an opportunity to co-sponsor a series of 4 Communication Conversations. **Council Member Norland moved, seconded by Council Member Schindle, to submit a joint application with the City of Mankato to sponsor a series of 4 Communication Conversations facilitated by the League of Minnesota Cities and the Extension Service. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

Council Member Norland reported she had received the bond information from Finance Director Mork in October 2010 as previously requested by Council Member Schindle.

**Council Member Freyberg**

Council Member Freyberg reported he watched recent Port Authority Commission meetings on television and asked that a Council Workshop be scheduled to discuss Port Authority items. Discussion was held regarding the Central Business District Grant Program, criteria for approving grants and the time of the Port Authority meetings. **Council Member Freyberg moved, seconded by Council Member Norland, to set a Council Workshop for 6 p.m. on Monday, April 4, 2011 to discuss Port Authority items. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.**

**Report from Mayor**

The Mayor announced the Intergovernmental Committee Meeting with Mankato will be held at 7 p.m. on Wednesday, February 16, 2011 in the Council Chambers of the Municipal Building. This is an open meeting and the public is invited to attend.

The Mayor reported "Coffee with the Council" will be held from 10-11 a.m. on Saturday, February 12, 2011 at Big Dog. Future "Coffee with the Council" events will be held at various establishments in North Mankato.

**Certificate of Recognition for Dolores Spreter's 100<sup>th</sup> Birthday**

The Mayor read the Certificate of Recognition he presented to Dolores Spreter on February 4, 2011, the occasion of her 100<sup>th</sup> birthday.

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

**Kim Spears, 916 South Avenue**

Kim Spears, 916 South Avenue, appeared before the Council for the second time and asked for clarification of the City's commitment by submitting an application to the League of American Bicyclists for designation of North Mankato as a Bicycle Friendly Community. Mr. Spears also requested clarification of the City's commitment as a partner in the Minnesota Water Agency Response Network. Attorney Kennedy reviewed the mutual aid rules stating the agreements provide a framework for cooperation among entities and provide for each entity to retain control of their employees, equipment and allows for the liability and workers compensation insurance to cover these employees and equipment while aiding another entity during an emergency. Mr. Spears asked about the \$108,000 payment on tonight's bills. Administrator Sande reported this is the down payment for the 50.40-acre parcel the Port Authority is purchasing from the Rist Family on a Contract for Deed. A copy of the Contract for Deed will be forwarded to Mr. Spears.

**Phil Henry, 1300 Noretta Drive**

Phil Henry, 1300 Noretta Drive, appeared before the Council for the second time and reported he recently spoke with a North Mankato business owner who was very complimentary about the way he was treated while conducting business at the City of North Mankato offices.

**Bills and Appropriations**

Council Member Norland moved, seconded by Council Member Schindle, to approve all bills and appropriations in the amounts of \$159,071.45 and \$421,400.21. Vote on the motion: Schindle, Freyberg, Steiner, Norland and Dehen, aye; no nays. Motion carried.

There being no further business, the meeting was adjourned at 8:50 p.m.

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Mayor

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City Clerk