

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 July 18, 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 Norland, Schindle, Freyberg and Steiner, City Administrator Sande, City Clerk Gehrke, Attorney Kennedy, Engineer Malm and Planner Fischer. Absent: Finance Director Mork.

Approval of Agenda

There were no changes to the agenda as presented.

Approval of Minutes

Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council Workshop of July 5, 2011 and the Council meeting of July 5, 2011. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.

Correspondence**River Meadows Community Garden**

Council Member Norland read an email she received from Lynn Solo giving an update of the River Meadows Community Garden. Ms. Solo reported the garden is doing well this year in spite of torrential rains. The church has granted the use of 11 more plots and once the soil is amended, those plots should be workable. She also noted the contribution by the City of North Mankato of the port-a-potty, wood chip, mulch and leaf piles.

Thank-You Letter from Minnesota Valley Action Council

Mayor Dehen presented a letter from the Minnesota Valley Action Council expressing their appreciation for the City's decision to continue the bookmobile service to the Head Start families.

Letter from Larry Schoettler

Mayor Dehen presented a letter and DVD from Larry Schoettler. The DVD features some home movies his father, Ray Schoettler, took of the North Mankato Hockey Club, circa 1955-1960, upper North Mankato, circa 1960 when work was being done on the water tower, and the flood of 1965.

Public Hearing, 7 p.m. – Consider Amending North Mankato City Code, Title XI, Business Regulations and Licensing

The Mayor opened the public hearing to consider amending the North Mankato City Code, Title XI, Business Regulations and Licensing. The Affidavit of Publication is included in the packet. Administrator Sande reported the public hearing is to address the rules and regulations for potential operation of pawn shops in B-3 zoning districts. Attorney Kennedy reported the drafted ordinance regulating pawn shops is patterned after the City of Mankato ordinance and Minnesota Statutes. He reported no fee schedule has been included in the ordinance and a fee schedule could be adopted at the time a request is made for a pawn shop. Attorney Kennedy reported he spoke with the Commander in charge of pawn shops in Mankato regarding their level and cost of enforcement. Council Member Freyberg asked Attorney Kennedy the difference between a natural person and unnatural person which is referenced in the proposed ordinance. Attorney Kennedy reported a natural person is an individual and an unnatural person is a Limited Liability Corporation or a Corporation. Kevin Mock, 1640 Pleasant View Drive, Apt. D, appeared before the Council and reported that he had worked at Pawn America for two years and has some knowledge about pawn shops. He referenced three items: 1) the Automated Pawn System (APS) – each item gets submitted on a daily basis to the APS, which is run

by the City of Minneapolis who charges the city a fee plus a fee to each customer. He stated there is another system, Leads on Line, which is cheaper. Mr. Mock believes there should be better clarification of what constitutes an item for the \$1.50 transaction fee. 2) Whether the person who owns the business should be charged if a wrong serial number is entered or the employee who did the actual transaction should be charged; and 3) He believes the hold period for items should be changed from 30 days to 15 days. He also stated that at Pawn America less than one percent of the merchandise is found to be stolen. Mr. Mock referenced other used goods shops which do not have the same hold requirements and stated he would like to see fair and equitable treatment for all used goods businesses. Attorney Kennedy reported other businesses do not have the same restrictions as the pawn shops and there are more reports required of a pawn shop. He also stated enforcement is the same as for liquor and cigarette licenses in that if an employee breaks the law, it puts the business in jeopardy. Attorney Kennedy also reported he is not aware of Minnesota Statutes that cover silver and gold buyers. Kim Spears, 916 South Avenue, appeared before the Council and stated he believes based on Attorney Kennedy's response there is a bias against pawn shops. Administrator Sande stated the request to consider changes to the ordinance to cover other used goods shops could be considered at an Intergovernmental meeting. He also reported that the City Code is updated annually to make any necessary changes. With no one else appearing before the Council, the Mayor closed this portion of the meeting.

Ord. No. 39, Fourth Series, Amending North Mankato City Code, Title XI, Business Regulations, Chapter 110, Entitled General Business Regulations and Licensing

Council Member Steiner moved, seconded by Council Member Norland, to adopt Ord. No. 39, Fourth Series, Amending North Mankato City Code, Title XI, Business Regulations, Chapter 110, Entitled General Business Regulations and Licensing. Vote on the Ordinance: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.

Public Hearing, 7 p.m. – Consider Amending North Mankato City Code, Title XV, Land Usage, Chapter 150 Entitled Building Regulations

Mayor Dehen opened the public hearing to consider amending the North Mankato City Code, Title XV, Land Usage, Chapter 150 Entitled Building Regulations. Administrator Sande reported that due to the state impasse and shutdown, it is necessary to adopt an ordinance to preserve the public safety regarding electrical inspections. As the state has the authority to issue permits and provide electrical inspections, no electrical inspections are occurring during the state shutdown. To continue electrical inspections during the state shutdown, the City proposes to contract with the current state electrical inspector for our area, Keith Hollnagel. Attorney Kennedy reported this is an emergency ordinance and may not be used if a state budget is adopted. Council Member Freyberg stated that the City could use electrical inspectors other than the State electrical inspector. With no one else appearing before the Council, the Mayor closed this portion of the meeting.

Ord. No. 40, Fourth Series, Amending North Mankato City Code, Title XV, Land Usage, Chapter 150 Entitled Building Regulations

Council Member Steiner moved, seconded by Council Member Norland, adopting Ord. No. 40, Fourth Series, Amending North Mankato City Code, Title XV, Land Usage, Chapter 150 Entitled Building Regulations. Vote on the Ordinance: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.

**Open the Meeting to the Public for the First Time
Marion Haayer, Emergency Management Director**

Marion Haayer, Emergency Management Director, appeared before the Council and thanked Boy Scout Troop 29 for the work they have done the past four years handing out rulers and Frisbees during the North Mankato Fun Days Grand Parade.

Nicollet County Board Actions

Council Member Schindle noted a new Deputy Sheriff was hired by Nicollet County. Administrator Sande reported this was a replacement hire for the person the City of North hired as a Patrol Officer.

Staff Reports**City Administrator****Res. No. 37-11 Awarding Bid for Project No. 11-04D, 2011 Street Improvements**

Administrator Sande presented the Tabulation of Bids for Project No. 11-04D, 2011 Street Improvements, reporting three bids were received with the low bid submitted by W.W. Blacktopping of Mankato in the amount of \$148,700.05. The Engineer's Estimate for the project was \$200,000. The City Engineer has reviewed the bids and staff is recommending award of the contract to W.W. Blacktopping of Mankato in the amount of \$148,700.05. **Council Member Steiner moved, seconded by Council Member Schindle, to adopt Resolution No. 37-11 Awarding Bid for Project No. 11-04D, 2011 Street Improvements, to W.W. Blacktopping of Mankato for the low bid amount of \$148,700.05. Vote on the Resolution: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

Agreement Between City of North Mankato and City of Mankato for Transit Services

Administrator Sande reported this item was brought forward from the July 5, 2011 Council meeting. Additional information has been provided regarding costs of service and a copy of the current route schedule. He reported the City of North Mankato must provide a written agreement to the City of Mankato by July 31, 2011 in order for them to encumber funds for the North Mankato bus route for calendar year 2012. Council Member Freyberg stated it might behoove the City to look at private mass transit. **Council Member Schindle moved, seconded by Council Member Steiner, to approve the Agreement Between City of North Mankato and City of Mankato for Transit Services. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

Reminder of Council Budget Workshop

Administrator Sande reported the Council Budget Workshop on Monday, August 1, 2011 was originally scheduled for 6 p.m. however since this is the Budget Workshop with the Department Heads, staff is recommending changing the Budget Workshop to 5 p.m. **Council Member Schindle moved, seconded by Council Member Steiner, to set the Council Budget Workshop with the Department Heads for Monday, August 1, 2011 at 5 p.m. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

School and Conference

Council Member Steiner moved, seconded by Council Member Norland, to approve actual and necessary expenses for the following school and conference:

1. Association of Minnesota Emergency Managers (AMEM) Conference, Breezy Point, September 18-21 for Emergency Management Director.

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

City Clerk

Parade Permit for MSU Athletes in Action 5K Run/Walk

Clerk Gehrke presented an application for a parade permit for the MSU Athletes in Action to hold their 5K Run/Walk from 9 a.m. to 11:30 a.m. on Saturday, August 27, 2011. 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 MSU Athletes in Action 5K Run/Walk from 9 a.m. to 11:30 a.m. on Saturday, August 27, 2011. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

Parade Permit for Susan G. Komen Benefit Run, Benson Park

Clerk Gehrke presented an application for a parade permit for the Susan G. Komen Benefit Run at Benson Park on Saturday, August 13, 2011 from 9 a.m. to 12 noon. 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 Susan G. Komen Benefit Run at Benson Park from 9 a.m. to 12 noon on Saturday, August 13, 2011. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

Large Group Permit for Benefit Run, Benson Park

Clerk Gehrke presented an application for a large group permit for Susan G. Komen Benefit Run in Benson Park on Saturday, August 13, 2011 from 9 a.m. to 12 noon. Council Member Schindle asked about the cleaning schedule for the trail. Administrator Sande will ask the Park Superintendent to ensure the trails are clean prior to events being held at Benson Park. **Council Member Schindle moved, seconded by Council Member Norland, to approve the large group permit for the Susan G. Komen Benefit Run to be held at Benson Park on Saturday, August 13, 2011 from 9 a.m. to 12 noon. Vote on the motion: Steiner, Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

Audio and Large Group Permit for Bethany Lutheran College Family Picnic, Spring Lake Park

Clerk Gehrke presented an application for an audio and large group permit for Bethany Lutheran College to hold their family picnic at Spring Lake Park on Wednesday, August 10, 2011 from 3 p.m. to 10 p.m. **Council Member Norland moved, seconded by Council Member Schindle, to approve the audio and large group permit for Bethany Lutheran College to hold their family picnic at Spring Lake Park from 3 p.m. to 10 p.m. on Wednesday, August 10, 2011. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

Request for Special Event Permit for Bean Bag Tournament at Bobby Joe's Pub, 253 Belgrade Avenue

Clerk Gehrke presented a request for a special event permit for a Bean Bag Tournament to be held at Bobby Joe's Pub, 253 Belgrade Avenue from 11 a.m. to 6 p.m. on Saturday, August 6, 2011. Mayor Dehen noted that 30 teams were turned away for the Fun Days Bean Bag Tournament with 62 teams participating. Clerk Gehrke reported there will be a fenced in area allowing entry and exit only through the main entrance of Bobby Joe's Pub. **Council Member Steiner moved, seconded by Council Member Norland, to approve the special event permit for the Bean Bag Tournament to be held at Bobby Joe's Pub, 253 Belgrade Avenue from 11 a.m. to 6 p.m. on Saturday, August 6, 2011. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.**

Finance Director

Comprehensive Annual Financial Report

Administrator Sande reported the auditors would be present at the August 15, 2011 Council meeting to review the Comprehensive Annual Financial Report for the period ending December 31, 2010.

Report from Council Members

Council Member Norland

Council Member Norland requested copies of the Ray Schoettler DVD be sent to Dick Lyons and to Ben Leonard at the Nicollet County Historical Society.

Report from the Mayor

The Mayor thanked Council Members Norland and Steiner for attending “Coffee with the Council” at Spinner’s Bar on Saturday, July 16, 2011.

The Mayor reported Belgrade Blues will be held on Saturday, July 23, 2011 beginning at 12 noon. Administrator Sande reported traffic detours will be necessary with Belgrade Avenue closed through the Range Street intersection. Alternate routes are available on Nicollet Avenue or Wall Street.

The Mayor reported a Town Hall meeting hosted by I & S Engineers will be held at the Marigold site at 6:30 p.m. on Tuesday, July 26, 2011. Mankato Tent & Awning will provide a tent and Just Ask Rental will bring chairs. A tour of the 200 Block of Belgrade and discussion about what businesses and residents would like to see in the 200 Block of Belgrade will take place.

Open the Meeting to the Public for the Second Time

Phil Henry, 1300 Noretta Drive

Phil Henry, 1300 Noretta Drive, appeared before the Council and asked if discussion had been held on receiving training reimbursement for the Howe Fire Truck the City donated to South Central College. Administrator Sande reported this will be pursued in the near future.

Kim Spears, 916 South Avenue

Kim Spears, 916 South Avenue, appeared before the Council and asked for the total amount of City involvement in the Transit Agreement. Administrator Sande reported the amount is a net bill of \$53,000.

Bills and Appropriations

Council Member Steiner moved, seconded by Council Member Norland, to approve all bills and appropriations in the amount of \$664,998.48. Vote on the motion: Norland, Schindle, Freyberg, Steiner and Dehen, aye; no nays. Motion carried.

There being no further business, the meeting was adjourned at 7:59 p.m.

Mayor

City Clerk