

Pursuant to due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Council Chambers of the Municipal Building on September 6, 2011. Mayor Dehen called the meeting to order at 7:03 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for the meeting, Mayor Dehen, Council Members Norland, Schindle and Freyberg, Administrator Sande, Finance Director Mork, Engineer Malm, Attorney Kennedy, Planner Fischer and City Clerk Gehrke. Absent: Council Member Steiner.

### **Approval of Agenda**

**Council Member Freyberg moved, seconded by Council Member Norland, to approve the agenda with the following two changes: Add as Item 8.b. Resolution: City of North Mankato Vehicles --- Useable Life and add as Item 8.c. Resolution forming Joint Services Committee. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

### **Approval of Minutes**

**Council Member Schindle moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of August 15, 2011, as amended. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Council Member Norland moved, seconded by Council Member Schindle to approve the minutes of the Council Workshop of August 15, 2011. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

### **Correspondence**

#### **Letter from South Central College**

Mayor Dehen read a letter from Tim Zehnder, Public Safety Fire Program of South Central College, regarding the donation of the fire engine to SCC. Mr. Zehnder reported in exchange for the fire engine, the SCC fire program has extended the use of their training props, including the live burn building with no charge for the use of equipment or for certificates to verify the training. He reported there is also a reduced fee for training, including fire school for the North Mankato firefighters.

#### **Public Hearing, 7 p.m. – Consolidated Annual Performance and Evaluation Report (CAPER)**

The Mayor opened the public hearing to consider the Consolidated Annual Performance and Evaluation Report. Planner Fischer reported that as part of our status as a HUD Entitlement Community, the City is required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) on the use of 2010 Community Development Block Grant (CDBG) funds which we receive on an annual basis. As part of the process, it is necessary to hold a public hearing to present the CAPER and allow a 15-day comment period after the public hearing. A notice of public hearing was published in the official newspaper. Planner Fischer presented background information reporting the City received funds in the amount of \$96,000 and the 2010 Action Plan identified the use of CDBG funding for single-family homeownership assistance providing for eleven (11) grants of up to \$8,000 for income-qualified persons to purchase or build a new home. He reported there was limited interest in this program with only two grants administered and therefore the initiative was changed to dedicate funds for the purchase of 706 Range Street and the demolition of the Budget Mart on Belgrade. Attorney Kennedy reported the Budget Mart property in the 200 Block of Belgrade will be going to a Sheriff's sale which will clear the title to the property. He reported that once we have a purchase agreement in place for the Budget Mart, the Council could hold a closed session regarding the proposed purchase. Arrangements will be made for the property to be thoroughly inspected. Administrator Sande reported a private party is interested in the Budget Mart property on LorRay Drive. The Budget Mart property on Belgrade will be used for future redevelopment. With no one appearing before the

Council, the Mayor closed this portion of the meeting. **Council Member Norland moved, seconded by Council Member Schindle, to approve the Consolidated Annual Performance and Evaluation Report (CAPER). Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Res. No. 45-11 City of North Mankato Vehicles --- Useable Life**

Council Member Freyberg read Resolution: City of North Mankato Vehicles – Useable Life and asked the Council to consider adopting the resolution so that vehicles owned by the City are not replaced prior to 100,000 miles unless for catastrophic reasons and that staff will make every effort to replace vehicles that are not used for emergency purposes with used ones and that the City garage keep a repair record for each vehicle demonstrating its repair intervals. After some discussion, the word “every” was changed to “an” allowing that staff will make an effort to replace vehicles with used vehicles. **Council Member Schindle moved, seconded by Council Member Norland to adopt Resolution No. 45-11 City of North Mankato Vehicles – Useable Life with the one change. Vote on the Resolution: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Res. No. 46-11 Forming Joint Services Committee**

Council Member Freyberg read Resolution forming Joint Services Committee reporting he had visited with the Sheriffs of Blue Earth and Nicollet Counties about this committee. **Council Member Schindle moved, seconded by Council Member Norland, to adopt Resolution No. 46-11 and recommending formation of a Joint Services Committee. Vote on the Resolution: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

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

**Phil Henry, 1300 Noretta Drive**

Phil Henry, 1300 Noretta Drive, appeared before the Council and expressed his concern about funding of the Small Business Development Center.

**Kim Spears, 916 South Avenue**

Kim Spears, 916 South Avenue, appeared before the Council and expressed his concern about the proposed 2012 tax levy. He also requested clarification of items listed on the claims report.

**Cory Schreyer, 1528 Peggy Lane**

Cory Schreyer, 1528 Peggy Lane, appeared before the Council and expressed his concern that a tax increase is being considered. He also questioned why the City of North Mankato does not have any “big box” businesses.

**Bess Tsaouse, 136 Mary Circle**

Bess Tsaouse, 136 Mary Circle, appeared before the Council and expressed her concern about the proposed tax levy and suggested using more volunteers.

**Paul Herzberg, 1619 Clare Court**

Paul Herzberg, 1619 Clare Court, appeared before the Council and reported that Nicollet County has raised the assessed value on his lot. He also asked for a breakdown of the expenditures from the sales tax fund.

**Staff Reports****City Administrator****Introduce Proposed 2012 Budget**

Administrator Sande introduced the proposed budget for fiscal year 2012. Administrator Sande reported the Legislature requires the City to set its preliminary tax levy prior to September 15<sup>th</sup> each year. After this date the levy can be lowered but not raised. The Council requested a report outlining tax levy increases of 7.5 percent, 5.0 percent and 2.5 percent and the corresponding budget impact at these levels.

**Set Special Council Meeting for 7 p.m. on Monday, September 12, 2011**

**Council Member Schindle moved, seconded by Council Member Norland, to set a Special Council meeting for 7 p.m. on Monday, September 12, 2011. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Award Quote for Sanitary Sewer Extension on the Center of Lookout Drive and Carlson Drive**

Administrator Sande presented quotes to extend a large diameter sanitary sewer 60 feet to avoid conflict with a turn lane to be constructed on Lookout Drive to westbound Carlson Drive. He is recommending award to Dirt Merchant, Inc. for the low quote amount of \$16,770. This item will be funded from the Carlson Drive Improvement Project. **Council Member Norland moved, seconded by Council Member Freyberg, to award the quote for the sanitary sewer extension on the center of Lookout Drive and Carlson Drive to Dirt Merchant, Inc. for the low quote amount of \$16,770. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Renewal of MRCI WorkSource Agreement for September 1, 2011 through August 31, 2012**

Administrator Sande presented the MRCI WorkSource Agreement for the period September 1, 2011 through August 31, 2012 with the hourly rate of pay increasing from \$8.50 to \$8.67. He reported this is the agreement that provides for the MRCI workers on the sorting line at the Recycling Center. **Council Member Norland moved, seconded by Council Member Schindle, to approve the renewal of the MRCI WorkSource Agreement for September 1, 2011 through August 31, 2012. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**2011 Swimming Facility Report**

Administrator Sande presented a recap of the 2011 swim facility operations reporting season ticket sales for family passes were 342 compared to 262 for 2010, single passes were 96 compared to 88 for 2010 and punch cards were 101 compared to 82 for 2010. The season was shortened by the late end of school in June and the loss of guards returning to college in August.

**City Clerk****Application for Taxicab License for Mavs Taxi, Inc. for 2011**

Clerk Gehrke presented an application for a taxicab license for Mavs Taxi for two vehicles. The Police Chief has completed a background investigation of the applicant and is recommending approval. The necessary Certificate of Insurance, maintenance of vehicles worksheets and the taxicab rates are in order. **Council Member Norland moved, seconded by Council Member Schindle, to approve the application for a taxicab license for Mavs Taxi, Inc. for 2011. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Large Group Permit for Williams/Hawker Wedding, Wheeler Park**

Clerk Gehrke presented a request from Dustin Williams for a large group permit for the Williams/Hawker Wedding to be held at Wheeler Park from 12 noon to 8 p.m. on Saturday,

July 21, 2012. **Council Member Norland moved, seconded by Council Member Schindle, to approve the large group permit for the Williams/Hawker Wedding to be held at Wheeler Park from 12 noon to 8 p.m. on Saturday, July 21, 2012. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Large Group Permit for Lindblom/Waldron Wedding, Spring Lake Park**

Clerk Gehrke presented a request from Kyle Lindblom for a large group permit for the Lindblom/Waldron Wedding to be held at Spring Lake Park from 10 a.m. to 5 p.m. on Saturday, May 12, 2012. **Council Member Norland moved, seconded by Council Member Schindle, to approve the large group permit for the Lindblom/Waldron Wedding to be held at Spring Lake Park from 10 a.m. to 5 p.m. on Saturday, May 12, 2012. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Audio and Large Group Permit for Belgrade Avenue United Methodist Church Block Party**

Clerk Gehrke presented a request from Shawn Tweten for an audio and large group permit for Belgrade Avenue United Methodist Church to hold a block party in their parking lot and the alley between Belgrade Avenue and the 600 Block of Nicollet Avenue from 4 p.m. to 10 p.m. on Saturday, September 10, 2011. **Council Member Norland moved, seconded by Council Member Freyberg, to approve the audio and large group permit for the Belgrade Avenue United Methodist Church Block Party in their parking lot and the alley between Belgrade Avenue and the 600 Block of Nicollet Avenue from 4 p.m. to 8 p.m. on Saturday, September 10, 2011. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Large Group Permit for Kump Graduation, Wheeler Park**

Clerk Gehrke presented a request from Dena Kump for a large group permit for a graduation to be held at Wheeler Park from 9 a.m. to 7 p.m. on Sunday, June 10, 2012. **Council Member Norland moved, seconded by Council Member Schindle, to approve the large group permit for the Kump graduation to be held at Wheeler Park from 9 a.m. to 7 p.m. on Sunday, June 10, 2012. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Parade Permit for Three Eagles Communications Winter Holiday Parade**

Clerk Gehrke presented an application for Three Eagles Communications to hold their Winter Holiday Parade starting at 5 p.m. on Saturday, November 19, 2011 with lighting of the World's Tallest Christmas Tree immediately after the parade. The parade will begin at the corner of Tower Boulevard and Commerce Drive and end at the corner of Lee Boulevard and Hoover Drive. The Police Chief has reviewed the application and recommended approval of the permit for the Three Eagles Communications Winter Holiday Parade. **Council Member Schindle moved, seconded by Council Member Norland, to approve the permit for the Three Eagles Communications Winter Holiday Parade to be held starting at 5 p.m. on Saturday, November 19, 2011. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Audio and Large Group Permit for American Legion Fall Blast, Wheeler Park**

Clerk Gehrke presented a request from Pete Wachtel for an audio and large group permit for the American Legion Fall Blast to be held at Wheeler Park from 8 a.m. to 10:30 p.m. on Saturday, August 25, 2012. **Council Member Norland moved, seconded by Council Member Freyberg, to approve an audio and large group permit for the American Legion Fall Blast to be held at Wheeler Park from 8 a.m. to 10:30 p.m. on Saturday, August 25, 2012. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Application for Soft Drink License for New Great Wall, 1814 Commerce Drive**

Clerk Gehrke presented an application for a soft drink license for New Great Wall, 1814 Commerce Drive, for September 6, 2011 through December 31, 2011. **Council Member Norland moved, seconded by Council Member Schindle, to approve the application for a soft drink license for New Great Wall, 1814 Commerce Drive, for September 6, 2011 through December 31, 2011. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Hott Shotts Re-Opening**

Clerk Gehrke notified the Council that Hott Shotts would be re-opening soon. A new owner will be purchasing Hott Shotts and making application for the necessary licenses and open at this location at the beginning of 2012 under the name Crossroads.

**City Attorney**

The Mayor asked about the status of the Lake Street duplex. Attorney Kennedy reported he visited the site and wrote to the owner. He has heard nothing from the owner. Administrator Sande reported a local consultant had been contacted by the lender about stabilization of the hillside. Some discussion was held on setbacks and Engineer Malm reported it is difficult to place a blanket setback on hillside properties considering the differing soil types.

**City Engineer**

Engineer Malm reported Project No. 11-04D Street Improvements, which included the wear course for numerous streets has been completed. He reported the grading of Carlson is nearing completion. Engineer Malm also updated the Council on the bids for the 14/41 interchange project reporting the estimate for the project was approximately \$18 million and the low bid was \$23.5 million. Some changes to the contract could reduce the contract amount. The Engineers are working on wetland issues and plan to use straw mulch instead of hydro-seeding which would create a savings.

**Report from Council Members**

**Council Member Freyberg**

Council Member Freyberg requested items that do not merit discussion at the Council meeting be grouped under a Consent Agenda.

**Report from Mayor**

**Res. No. 47-11 Joining the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>**

Mayor Dehen read Resolution No. 47-11 expressing support for coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 12 noon CDT on September 11, 2011 in honor of the 10th Anniversary of the terrorist attacks committed against the United States on September 11, 2001.

**Proclamation Naming the Month of September 2011 as National Recovery Month: Prevention Works, Treatment is Effective, People Recover**

Mayor Dehen reported that he and Mankato Mayor Anderson presented the joint proclamation naming the month of September 2011 as National Recovery Month to the people at the Recovery Center.

**Res. No. 48-11 Making Appointment to the North Mankato Housing and Redevelopment Authority Board**

Mayor Dehen presented Resolution No. 48-11 appointing resident Leon Bembenek to fill the

final open position to the North Mankato Housing and Redevelopment Authority Board for the term of September 6, 2011 through December 31, 2012. **Council Member Norland moved, seconded by Council Member Schindle, to adopt Resolution No. 48-11 appointing Leon Bembenek to the North Mankato Housing and Redevelopment Authority Board for the term of September 6, 2011 through December 31, 2012. Vote on the Resolution: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.**

**Coffee with the Council**

The Mayor reported "Coffee with the Council" will be held from 10 a.m. to 11 a.m. on Saturday, September 10, 2011 at the North Mankato Taylor Library.

The Mayor reported he attended the postal meeting where the National Mail Feasibility Report was presented. He reported 18 jobs would be lost at the Mankato mail sorting center; however, 100 jobs would remain. A meeting will be held during November to determine the outcome of the North Mankato Post Office. H.R. 1351 has been introduced to allow the postal service not to prepay retirements in full which would help ease their budget.

The Mayor reported statistics prepared by the Convention & Visitors Bureau detailing the percentage from a group of 400 people surveyed who have or would visit North Mankato.

**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 requested clarification of the soft drink license application which was on the agenda.

**Bills and Appropriations**

**Council Member Norland moved, seconded by Council Member Freyberg, to approve all bills and appropriations in the amounts of \$130,556.41 and \$1,479,423.62. Vote on the motion: Norland, Schindle, Freyberg and Dehen aye; no nays. Motion carried.**

There being no further business, the meeting was adjourned at 8:52 p.m. on a motion by Council Member Norland, seconded by Council Member Freyberg. Vote on the motion: Norland, Schindle, Freyberg and Dehen, aye; no nays. Motion carried.

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Mayor

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City Clerk