

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 October 19, 2015. 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 roll call: Mayor Dehen, Council Members Spears, Steiner and Norland, City Administrator Harrenstein, Finance Director Thorne, Attorney Kennedy, City Clerk Van Genderen, City Planner Fischer and Public Works Director Swanson. Absent: Council Member Freyberg.

Approval of Agenda

Council Member Norland moved, seconded by Council Member Spears, to approve the agenda as presented. Vote on the motion: Spears, Norland and Dehen aye; Steiner abstain. Motion carried.

Approval of Minutes

Council Member Norland moved, seconded by Council Member Spears to approve the minutes of the Council meeting of October 5, 2015. Vote on the motion: Spears, Norland and Dehen aye, Steiner abstain. Motion carried.

Consent Agenda

Council Member Steiner moved, seconded by Council Member Norland, to approve the Consent Agenda which included:

- A. Bills and Appropriations.
- B. Res. No. 83-15 Approving Donations/Contributions/Grants.
- C. Res. No. 84-15 Consider Resolution Declaring Surplus Vehicles and Equipment.
- D. Consider Change Order Request from Mark J. Traut Wells, Inc. for the Construction of Municipal Well No. 9.
- E. Consider Miracle League of North Mankato's ADA Playground Request.
- F. Res. No. 85-15 Amending Res. No. 76-15 regarding the Moratorium on the Granting of New Rental Licenses within the City of North Mankato, Minnesota.

Vote on the motion: Steiner, Norland and Dehen aye; Spears nay. Motion carried. Council Member Spears requested clarification on if Well No. 9 was the well the City had offered a \$10,000 incentive for early completion. City Engineer Herman Dharmarajah appeared before Council and stated the incentive was for early mobilization anticipating an earlier completion date. Mr. Dharmarajah indicated Mark J. Traut Wells, Inc. began construction in early February and began test pumping on schedule in June only to have the bore hole collapse and sand fill the well requiring additional work. City Engineer Dharmarajah reported there was no way to know the geology of the well site prior to beginning work and Mark J. Traut Wells fulfilled the early incentive requirement by beginning work in February. Council Member Norland thanked Randy and Sandy Zellmer and Mary and Gary Zellmer and the Nicollet Conservation Club for their donations.

Public Comments

Barb Church, 102 Wheeler Avenue, appeared before Council and stated she spoke on behalf of the Drummer family concerning the CU-3-97 and the Drummer life estate. Ms. Church indicated the residents of Avalon Park and the Drummer family would like a minimum of 3 acres for parkland, and 1 acre donated to the City for public use.

Dick Lundin, 4460 Washington Blvd, Madison Lake, the owner of Avalon Park, appeared before Council and indicated he was willing to provide 3 acres of land for a park for the residents. Mr. Lundin stated he would like to allow older homes that had been screened for quality into the park.

Jim Whitlock, 332 Belgrade Avenue, appeared before Council and reported the City art walk tour was coming to an end and residents have until October 31, 2015 to place their vote for the People's Choice Award which the City of North Mankato could possibly be receiving. Mr. Whitlock encouraged citizens to vote for Godzilla.

Julie Schoettler, 1901 Lancelot Lane, appeared before Council and requested clarification on the 3 acres that would be made into a park in Avalon.

Lori Jones, 319 North Washington Avenue, St. Peter, appeared before Council and stated her father was Ray Drummer. Ms. Jones stated she did not believe her father would have agreed to the life estate if parkland had not been dedicated for the residents use.

Business Items

Res. No. 86-15 Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Project No. 15-01ABCDEF West Carlson Drive Improvements.

City Engineer Dan Sarff appeared before Council and indicated this resolution was a part of the formal process of declaring assessments. The assessment roll would affect two property owners, Mayo Health Systems and H.H. Partnership. The final plat has not been finalized on the Mayo addition, but Mayo Health Systems prepaid the assessment. The other property owner is H.H. Partnership and until the property is annexed into the City the assessment will be deferred at 0% percent interest. The total to be assessed is approximately \$700,000 and each property will be assessed approximately \$350,000. **Council Member Steiner moved, seconded by Council Member Norland to adopt Res. No. 86-15 Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment Project No. 15-01ABCDEF West Carlson Drive Improvements. Vote on the motion: Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

Res. No. 87-15 Setting Public Hearing for 7 pm on November 16, 2015 for Proposed Assessments Project No. 15-01ABCDEF West Carlson Drive Improvements. Council Member Norland moved, seconded by Council Member Steiner to adopt Res. No. 87-15 Setting Public Hearing for 7 pm on November 16, 2015 for Proposed Assessments Project No. 15-01ABCDEF West Carlson Drive Improvements. Vote on the motion: Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.

Consider CU-3-97 Amendment, Camelot II Subdivision: A Request from Dick Lundin.

City Planner Fisher appeared before Council and stated in 1997 the applicant obtained a conditional use permit to operate Avalon Manufactured Home Park. In 1997 the conditional use permit had eight conditions placed on the property. The applicant is currently requesting two amendments to the conditions. First, the applicant requested the Drummer Life Estate be used for the residency of the Park Manager instead of converting a minimum of 4 acres into parkland. Second, the applicant requests the admittance of manufactured homes older than 5 years into the park. City Planner Fisher stated the Planning Commission first reviewed the request on September 10, 2015 but tabled the request to allow staff to provide specific recommendations on the requested amendments. On October 10, 2015 the Planning Commission held considerable discussion and listened to public comment concerning the request and recommended the following changes. First, the Planning Commission recommended converting 2.5 acres of the Drummer life estate into park land. Second, the Planning Commission recommended no manufactured home older than 20 years be admitted into the park and must have a peaked shingled roof, horizontal lapped siding and skirting. Third, the property owner will be required to execute a permanent and temporary construction easement for a pedestrian

trail along the east side of the park. **Council Member Norland moved, seconded by Council Member Steiner to approve the Planning Commission and staff recommendations to amend CU-3-97.** Council Member Spears stated he attends the Planning Commission meetings as the City Council liaison and he understood the 3 acres and the trail easement were separate. City Planner Fisher indicated that was not his understanding. Council Member Spears stated he canvassed the park and many were not aware of the original conditional use permit to convert the Drummer life estate into parkland. He reported more were concerned with allowing older homes into the park. **Council Member Spears moved, seconded by Council Member Norland to amend the recommendations to state that 3 acres be recommended for parkland with additional acreage set aside for the trail easement and no homes be allowed into the park older than 15 years.** Mayor Dehen asked Mr. Lundin, the applicant, about the proposed changes to the amendments. Mr. Lundin stated he was willing to give 3 acres to parkland but wanted to be able to allow homes as old as 20 years. **Vote on the motion: Spears aye; Steiner, Norland and Dehen nay. Motion did not pass. Council Member Steiner moved, seconded by Council Member Norland to amend the Planning Commission and staff recommendations to state that 3 acres be recommended for parkland with additional acreage set aside for the trail easement and no homes be allowed into the park older than 20 years. Vote on the motion; Steiner, Norland and Dehen aye; Spears nay. Motion carried.** Mayor Dehen requested a vote on the original motion to approve Planning Commission and staff recommendations to amend CU-3-97. **Vote on the motion; Steiner, Norland and Dehen aye; Spears nay. Motion carried.**

City Administrator and Staff Comments

City Administrator Harrenstein stated fall leaf collection would be held this year beginning October 26, 2015.

City Administrator Harrenstein indicated the Lookout Drive and Commerce Drive intersection would be closed for paving on October 21, 2015. Public Works Director Swanson indicated the project should be completed by the end of October 2015.

City Administrator Harrenstein reported the City was undertaking a comprehensive buckthorn eradication and public education campaign and a webpage with information is on the City website and KTV is producing a video.

Public Works Director Swanson updated the Council on current construction in the City. He reported an anticipated completion date for the downtown parking lots by the end of October 2015. The Lookout Drive reconstruction and roundabout should reach completion at the end of October 2015. The Highway 14 trail should be paved the week of October 26-30, 2015.

Mayor and Council Comments

Council Member Norland stated a list of park volunteers was reported in the e-newsletter and she wanted to thank those who volunteer to make the parks beautiful.

Mayor Dehen stated many sports teams were still playing and wished all those teams well as they compete in tournaments.

Mayor Dehen congratulated Jacob Long and Lucas Baker two North Mankato residents who will be receiving their Eagle Scout awards.

Mayor Dehen invited the public to the Fire Department's waffle feed on Sunday, October 25th from 8am to noon at Fire Station #2 located at 1875 Howard Drive.

Public Comments

Phil Henry, 1300 Noretta Drive, appeared before Council and stated he believed Ray Drummer's intent was to have the entire life estate turned into parkland.

Lawrence Sanders, 22 Renann Court, appeared before Council and stated he did not approve of the Highway 14 bike path.

Teresa Voge, 429 Byron Street, appeared before Council and stated she was Ray Drummer's niece and she believed the Planning Commission had moved to use 3 acres of parkland with the walking path separate.

Julie Schoettler, 1901 Lancelot Lane, appeared before Council and stated she wanted assurances that the 3 acres of parkland would not be wooded.

Lori Jones, 319 North Washington Avenue, St. Peter, appeared before Council and stated the entire life estate should be converted to parkland.

Kyle Vogt, 1715 Lee Boulevard, appeared before Council and stated the Highway 14 bike path will be well used and he was a proponent of the path.

Jolly Corley, 617 Range Street, appeared before Council and stated she was in favor of purchasing 1610 LorRay Drive and creating a park.

Marilyn Frank, 320 Belgrade Avenue, appeared before Council and stated there were three reasons she believed 1610 LorRay Drive should be turned into a park: historical significance, future generations and additional walking trails along Lee Boulevard.

Bill Wagner, 1701 Linda Lane, appeared before Council and stated the oak trees at 1610 LorRay Drive could not be replaced if they were destroyed.

Kyle Vogt, 1715 Lee Boulevard, appeared before Council and stated if the property at 1610 LorRay Drive was developed into high density residential there was potential for ravine destabilization and traffic difficulties at the intersection of Lee Boulevard and LorRay Drive.

Becky Dimock, 52900 Minnewaukon Drive, appeared before Council and stated parks were one of North Mankato's greatest assets.

Christa Judkins, 409 Grant Avenue, appeared before Council and stated a new park would be a great asset for future generations.

Dan Cronin-Mills, 201 Robel Street, appeared before Council and stated if the property at 1610 LorRay Drive was developed traffic congestion at the corner of Lee Boulevard and LorRay Drive would occur.

Dan Clark, 335 Allan Avenue, appeared before Council and quoted Teddy Roosevelt “It is not what we have, but how we use it.” He then indicated the use of the land at 1610 LorRay would be better used as a park.

Lawrence Sanders, 22 Renann Court, appeared before Council and requested clarification on how many parks the City of North Mankato already maintains. Mayor Dehen stated the City of North Mankato has well over 3 times the federal recommended guidelines for parks to residents.

Cara and Greta Gorman, 1619 Colony Court, appeared before Council and stated this was an exciting opportunity to create a new park at 1610 LorRay Drive.

John Hurd, 732 Garfield Avenue, appeared before Council and stated many young people were enthusiastic about the possibility of creating a park at 1610 LorRay Drive. He stated the Friends of North Mankato has been contacted by several people who would be willing to loan \$10,000 toward the purchase of the property at 1610 LorRay Drive. Attorney Kennedy requested clarification on if the Friends of North Mankato have new information from Audrey Tschohl the property owner on if she would sell to the Friends of North Mankato or to the City. Mr. Hurd indicated he did not have any additional information from the property owner.

Barbara Church, 102 Wheeler Avenue, appeared before Council and stated the Friends of North Mankato has not spoken with property owner Audrey Tschohl.

Tom Hagen, 927 Lake Street, appeared before Council and stated he was the major donor’s representative and the Friends of North Mankato would lose the possibility of obtaining the \$50,000 if the City does not take definitive action. Mr. Hagen stated he thought the City had three options: a) enter into negotiations with Audrey Tschohl, b) use eminent domain to take the property, c) do nothing and disappoint the possible major donor.

James Dimock, 1948 Howard Drive, appeared before Council and stated there were numerous people who came out to support the purchase and creation of a park at 1610 LorRay Drive.

Dawn Leahy, 201 Lime Valley Road, Mankato appeared before Council and stated the property at 1610 LorRay Drive would be the perfect property to bring people together.

Mark Halverson, 133 Lincoln, Mankato appeared before Council in support of purchasing the property at 1610 LorRay Drive.

Rachel Obermiller, 717 N. 8th Street, St. Peter, appeared before Council and stated the council should consider saving the trees.

Allie Baskfield, 39143 County Road 15, St. Peter, appeared before Council and stated the destruction of the trees at 1610 LorRay Drive would have a negative impact on the future.

Council Member Steiner stated the City’s values include adaptability, excellence and responsibility and requested the Council consider pursuing assisting the Friends of North Mankato.

Attorney Kennedy requested clarification on if the potential donor could be approached next year to donate. Mr. Hagen responded by stating the donor has time limitations and the City must move

to take the property through eminent domain in order to meet the time limitations of the potential major donor. Attorney Kennedy responded the very dedicated Friends of North Mankato group has only raised approximately \$30,000 without including the potential major donor's funds.

Mayor Dehen stated the property owner has the property priced at approximately- \$84,000.00 an acre taking the property beyond the means of the City to attain. The City currently has 21 parks that require maintenance and updating and the Parks Plan that was adopted earlier in 2015 dedicates money and resources to those parks. Mayor Dehen stated the City Council is the financial steward of the City's money and purchasing and maintaining an additional park would be a financial risk. Mayor Dehen stated he appreciated the depth of passion the Friends of North Mankato has for the purchase of the property but the Council is responsible for all of the citizens and the fiscal security of the City.

Council Member Norland stated she would never vote for eminent domain as that was a dictatorial action not democracy.

Council Member Spears indicated the agenda could be amended with a 2/3rds majority vote and he would like to propose an amendment. **Council Member Spears moved, seconded by Council Member Steiner to amend the agenda. Vote on the motion; Spears, Steiner and Dehen aye; Norland nay. Motion carried.**

Council Member Spears moved, seconded by Council Member Steiner to include a motion that the City of North Mankato accept the property as a gift if purchased by a private entity under the condition that all structures be demolished and the purchaser agree the property will be maintained as a passive unimproved park that limits municipal operational costs to mowing and trimming at the time of conveyance and for the foreseeable future. Council Member Spears stated a private buyer would need to buy the property and convey it to the City as a gift. Mayor Dehen requested City Administrator Harrenstein comment on the motion. Administrator Harrenstein stated the motion would only obligate the City to mow and trim the property if it is conveyed to the City by private purchaser. He indicated this motion does not overcome the position of the seller. Attorney Kennedy stated the property would need to be rezoned if the land was donated to the City. Council Member Steiner stated the history of the property includes the barn. **Council Member Steiner moved, seconded by Council Member Spears to amend the motion to save the barn. Vote on the motion Spears, Steiner, Norland aye; Dehen abstain. Motion carried.** Mayor Dehen requested a vote on the original motion to accept the property as a gift if offered by a private entity. **Vote on the motion: Spears, Steiner, Norland and Dehen aye; no nays. Motion carried.**

There being no further business, on a motion by Council Member Norland, seconded by Council Member Steiner, the meeting was adjourned at 8:51 p.m. to closed session to discuss the sale of property PIN 18.653.00020 and the purchase of property PIN 01.0103.0615.

Mayor

City Clerk