

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 August 19, 2019. 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: Council Members Steiner, Norland, Oachs, Whitlock, and Mayor Dehen, City Administrator Harrenstein, City Attorney Kennedy, Finance Director McCann, Community Development Director Fischer, Public Works Director Host and City Clerk Van Genderen.

Approval of Agenda

Approval of Council Meeting Minutes August 5, 2019

Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council meeting of August 5, 2019. Vote on the motion: Steiner, Norland, Oachs, Whitlock, and Dehen aye; no nays. Motion carried.

Approval of Council Work Session Minutes August 12, 2019

Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council Work Session meeting of August 12, 2019. Vote on the motion: Steiner, Norland, Oachs, Whitlock, and Dehen aye; no nays. Motion carried.

Public Hearing Abatement of the Property Located at 1730 Howard Drive.

Community Development Director Fischer reported due to ongoing citizen complaints concerning the condition of the building located at 1730 Howard Drive; the City Building Official inspected the building for both local and State building code violations. The inspection revealed both local and State building code violations and notices of violations were sent to the owner on May 8, 2019 and June 11, 2019. No action was taken by the owner. City Attorney Kennedy sent a letter informing the owner that the City would be proceeding with abatement measures by setting a public hearing date and a resolution establishing a timeline for abatement is included in the agenda for later discussion.

With no one else appearing, Mayor Dehen closed the Public Hearing.

Public Hearing, Amend City Code Title XV: Land Usage, Chapter 154 Sign Regulations.

Community Development Director Fischer reported the Planning Commission reviewed the proposed amendments and recommended dynamic display signs be allowed for non-commercial public uses if the sign meets the following conditions:

- A. Sign image shall change no more than one time every three hours
- B. The sign shall be turned off 1-hour after sunset each night through 1-hour before sunrise the following day
- C. Luminance levels shall not exceed 6,000 nits during the daytime hours
- D. The sign manufacturer shall submit certification at the time of Sign Permit issuance that the sign has the mechanical capabilities to control luminance at the level noted in C above. In no instance shall the sign have the mechanical capabilities to exceed 6,000 nits

City Attorney Kennedy noted a definition for Non-Commercial Public Use was created that limits the use to property owned by the City of North Mankato, religious organizations, or public or private schools not created with the intent to earn a profit.

Barb Church, 102 Wheeler Avenue, appeared before Council and discussed the definition of dynamic sign displays, the changing of the sign every three hours, the size of the permitted signs and stated she did not believe dynamic signs should be allowed in residential areas.

Stephanie Jaquette, 509 Wheeler Avenue, appeared before Council and stated she did not believe dynamic display signs should be allowed in residential neighborhoods saying the signs could ruin the character of the neighborhoods, and negatively impact the health of children.

Lynn Solo, 726 Grant Avenue, appeared before Council and reported she did not want dynamic signs allowed in residential areas because they would be unsightly and could distract drivers.

With no one else appearing before Council, Mayor Dehen closed the Public Hearing.

Judson Bottom Road Update

Mayor Dehen requested an update on the Judson Bottom Road. City Administrator Harrenstein reported a resolution was passed in 1993 designating the road as a minimum maintenance road. Attorney Kennedy provided the Council with an opinion concerning liability, and a preliminary draft of the engineer's report has been received. Small boulders have been removed, and larger boulders are scheduled to be removed within the next two weeks. Traffic and Safety will meet following to review options and will make a recommendation to City Council.

Mayor Dehen inquired of the audience if anyone at the meeting had new information to share concerning the Judson Bottom Road.

Dave Blom, 40273 Judson Bottom Road, appeared before Council and stated he did not believe the road had ever been closed for anything except high water.

Attorney Kennedy stated because the road is designated as minimum maintenance, the City has no liability, and discretionary immunity also provides immunity from lawsuits. He believes a significant part of the Council's deliberations are moral in considering if it is safe enough for people to traverse.

Consent Agenda

Council Member Steiner moved, seconded by Council Member Norland, to approve the Consent Agenda.

- A. Bills and Appropriations.
- B. Res. No. 61-19 Approving Donations/Contributions/Grants.
- C. Res. No. 62-19 Approving Consent Assessment Agreement-1550 Nottingham Drive.
- D. Res. No. 63-19 Waiving Waiting Period for the Exemption from Lawful Gambling License for Holy Rosary Church.
- E. Appointed Jason Ceminsky to the Planning & Zoning Commission to Complete Isaac Kerry's Term Ending 2021.
- F. Approved Park Permit for Bridges Community School Picnic on August 28, 2019, from noon to 10:00 p.m. at Wheeler Park Shelter.
- G. Approved Park and Audio Permit for SouthPoint Financial Credit Union on September 18, 2019, from 4:00 p.m. to 8:00 p.m. at Spring Lake Park Shelter #1.
- H. Approved Parade and Audio Permit for SCC Fitness Center's 5K on September 19, 2019, from 5:00 p.m. to 7:00 p.m.
- I. Set Fall Drop-Off Dates-October 11-13, 2019.
- J. Set Water Main Flushing Dates-October 7-25, 2019.

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

Public Comments Concerning Business Items on the Agenda

Mathias Leyrer, 526 Wall Street, appeared before Council concerning the Preliminary and Final Plat of Romey Hinz Addition. He indicated the City should consider the proposed structure of the bar and ensure the building does not have an extreme angle, rather consider a straight line to help with future reuses of the building.

Business Items**Res. No. 65-19 Providing for the Competitive Sale of General Obligation Bonds, Series 2019A.**

City Administrator Harrenstein reported the G.O. Bond for 2019 would be for approximately 2.8 million dollars. The City plans to utilize the funds for the following projects: \$900,000 Commerce Drive Project, \$590,000 Tyler Avenue reconstruction, North Ridge Ravine improvement project \$800,000, Reserve deep sewer project \$279,000 and the Carol Court force main for \$230,000. Commerce Drive and Tyler Avenue make up approximately \$1.5 million of the G.O. Bond Debt. The ravine improvement will be a storm water utility debt, and the Reserve deep sewer and Carol Court force main will be sewer utility debt. The total is 2.8 million dollars, but only \$2 million is G.O. debt the remaining \$800,000 is utility bonds backed by the G.O. bonds ensuring a cheaper rate. A portion of Commerce Drive and Tyler Avenue debt will include assessments. City Administrator Harrenstein noted that bids would go out on October 7, 2019, and currently, the average coupon is 1.9%. Finance Director McCann noted the City plans to begin payment on the bonds beginning in February 2020 with the first payment of \$116,000. The City has already received over \$50,000 in prepaid assessments. Bond Counsel Tammy Omdal appeared before Council and reported the Bond Counsel suggest the City go out for rating. The City's current rating is AA and is just below a triple AAA bonding rate. The coupon rates are at a historic low and if the market holds the City could anticipate favorable rates. **Council Member Steiner moved, seconded by Council Member Norland to Adopt Res. No. 65-19 Providing for the Competitive Sale of General Obligation Bonds, Series 2019A. Vote on the motion: Steiner, Norland, Oachs, Whitlock, and Dehen aye; no nays. Motion carried.**

Res. No. 64-19 of the North Mankato City Council in the Matter of Abatement of a Continuing Nuisance at 1730 Howard Drive, North Mankato, Minnesota on Property owned by Brandon Schnepf.

Mayor Dehen requested clarification on if Mr. Schnepf had reached out following the last Council Meeting to create an action plan. Community Development Director Fischer stated he had not created an action plan. Attorney Kennedy reviewed the steps laid out in the resolution including, serving the resolution on the property owner, the owner obtaining building permits within ten days, beginning work within 20 days and completing all work within 60 days of the issuance of the permits. Council requested clarification on if the property owner received the information, and the Attorney and Community Development Director Fischer reported he had received the communication. **Council Member Norland moved, seconded by Council Member Whitlock to Adopt Res. No. 64-19 of the North Mankato City Council in the Matter of Abatement of a Continuing Nuisance at 1730 Howard Drive, North Mankato, Minnesota on Property owned by Brandon Schnepf. Vote on the motion: Steiner, Norland, Oachs, Whitlock, and Dehen aye; no nays. Motion carried.**

Ordinance No. 117, Fourth Series, An Ordinance of the City of North Mankato, Minnesota Amending City Code Title XV: Land Usage-Dynamic Signs in Residential Zoning Districts.

City Administrator Harrenstein reported that the Council could consider changing the language concerning flashing and blinking lights. He stated the fifty (50) square feet is consistent with current City code language. City Administrator Harrenstein stated he thought the three-hour limitations on the number of times a sign could change could be restrictive and suggested decreasing the time to one-hour. Council Member Norland noted the proposed Holy Rosary Church sign was not (50) fifty square feet. Council Member Oachs stated the current code language covers both blinking and flashing. Attorney Kennedy reported the Planning Commission worked to prevent the signs from being intrusive. Mayor Dehen noted the brightness is no brighter than a TV inside a person's house. Council Member Oachs noted any new signs would require a sign permit application. Council Member Whitlock commented on the sign at PJ's liquors which is close to his home and noted that he does not notice the sign anymore unless he wants to find out the temperature. **Council Member Norland moved, seconded by Council Member Whitlock to adopt Ordinance No. 117, Fourth Series, An Ordinance of the City of North Mankato, Minnesota Amending City Code Title XV: Land Usage-Dynamic Signs in Residential Zoning Districts. Vote on the motion: Norland, Whitlock, and Dehen aye; Steiner and Oachs nay. Motion carried.**

Consider Approving the Preliminary and Final Plat of Romey Hinz Addition: A Request from Growth Holdings and Frandsen Bank & Trust.

Community Development Director Fischer reported the applicants submitted an application to replat three lots on the 200 block of Belgrade into two lots for future redevelopment. The applicants plan to demolish the old gas station and bank drive-thru and develop a bar and a bank with parking behind the lots. The final plat includes a drawing of the positioning of the new buildings. Mayor Dehen requested clarification if the drawing includes a passageway for pedestrians especially as the City intends to create a mid-block crossing on the 200 block of Belgrade. Additional discussion was held concerning the proposed plat and potential pedestrian passageway. City Administrator Harrenstein suggested continued deliberation with the developer to ensure public benefit of the redevelopment. No action was taken on the preliminary and final plat.

Consider Accepting the Planning Commission's Recommendations Concerning CU-1-10, 1730 Commerce Drive.

Community Development Director Fischer reported the owners of ExpressCare at 1730 Commerce Drive requested financial assistance to expand their parking lot. The Port Authority reviewed the request but requested the Planning Commission review their current Conditional Use Permit (CUP). The original CUP was issued in 1998 but modified to its current status in 2010. Community Development Director Fischer reviewed the current CUP and provided the Planning Commission's recommendations to modify the CUP.

1. All parking space sizes conform to the City Code requirements
2. All parking spaces shall be clearly painted
3. Parking of vehicles shall be consistent with the original parking plan or a revised plan approved by the City
4. Stacked or double parking of vehicles within the front parking lot is not permitted
5. Access to adjacent businesses shall not be blocked
6. There shall be no more than twenty (20) motor vehicles, including employee vehicles and vehicles for sale stored outdoors on the property for a period longer than four (4) consecutive weeks
7. All parts and equipment shall either be stored within the building or within an entirely screened-in area outside the building

Mayor Dehen requested clarification on if they comply with the modified CUP would they be eligible for the additional funding. Additional discussion was held concerning the proposed additional parking lot and if adding those parking stalls would put the property over the allowed stalls in the CUP.

Council Member Norland moved, seconded by Council Member Steiner to accept the Planning Commission's Recommendations Concerning CU-1-10, 1730 Commerce Drive. Vote on the motion: Steiner, Norland, Oachs, Whitlock, and Dehen aye; no nays. Motion carried.

Res. No. 66-19 Decertifying Tax Increment Financing District No. IDD 1-21 (Allstate Peterbilt Project) Located in the City of North Mankato, Minnesota

Finance Director McCann reported all obligations for the TIF district has been met because the collections were greater than anticipated and all obligations were met last year. There is a \$5,000 balance that will be collected by Nicollet County and redistributed to the appropriate agencies. The property will be completely on the tax roll next year. **Council Member Norland moved, seconded by Council Member Steiner to Adopt Res. No. 66-19 Decertifying Tax Increment Financing District No. IDD 1-21 (Allstate Peterbilt Project) Located in the City of North Mankato, Minnesota. Vote on the motion: Steiner, Norland, Oachs, Whitlock, and Dehen aye; no nays. Motion carried.**

Open Forum

Tom Hagen, 927 Lake Street, appeared before Council and encouraged the development of an Historic Preservation Commission.

Barb Church, 102 Wheeler Avenue, requested clarification on organic recycling and expressed her disagreement with the allowed size of a sign in a residential neighborhood.

City Administrator and Staff Comments

City Administrator Harrenstein reported Council and staff will review and approve of any building built and ensure the Belgrade Avenue design guidelines are reviewed.

Public Works Director Host reported West Central has taken over the organics recycling and a dumpster was placed last week. He reported the levee has been recertified and all properties will be reclassified. He thanked residents for their patience during the construction season and indicated the pool has been a wonderful asset to the community.

Finance Director McCann reported a budget would be provided to the Council.

City Clerk Van Genderen reminded residents that they can view an Historic Display on North Mankato at the Nicollet County Historical Society.

Mayor and Council Comments

None.

At 8:15 p.m. on a motion by Council Member Norland, seconded by Council Member Steiner the Council Meeting was adjourned to closed session for Follow-up to Attorney Confidential/Personnel Committee Report for Review of Non-Elected Personnel.

At 8:45 p.m., the Council reconvened and Council Member Norland read the following statement: "The City Council of North Mankato is pleased to announce their continued support for City Administrator John Harrenstein and his very successful enhancement efforts on behalf of the City. Subsequent to a pay equity review and a market analysis of all City staff wages and including a 3% merit increase, Mr. Hartenstein's base salary will be \$139,000 in 2019. For more information

please contact Mayor Dehen or Diane Norland at 507-625-4141.” At 8:47 p.m. on a motion by Council Member Norland, seconded by Council Member Steiner the Council Meeting was adjourned.

Mayor

City Clerk