

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 5, 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 Whitlock, Steiner, Norland, and Oachs, Mayor Dehen, City Administrator Harrenstein, City Attorney Kennedy, Finance Director McCann, and City Clerk Van Genderen. Absent: Community Development Director Fischer, and Public Works Director Host.

Approval of Agenda

Council Member Norland moved, seconded by Council Member Steiner, to set a Public Hearing to allow comment on the status of the Judson Bottom Road. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Approval of Council Meeting Minutes July 15, 2019

Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of July 15, 2019. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Approval of Council Work Session Minutes July 22, 2019

Council Member Norland moved, seconded by Council Member Whitlock, to approve the minutes of the Council Work Session meeting of July 22, 2019. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Judson Bottom Road

City Administrator Harrenstein opened the Judson Bottom Road Comments by noting the road has been closed for a few months due to rock slides, presumably caused by the rain. He noted the rock slides have been larger than usual and there is continued concern about the cliff. City staff intends to collect public feedback, the City Attorney will provide a written opinion to the Council and Administrator related to liability associated with opening the road, staff will contract for an assessment of the remaining bluff to determine if any proactive measures are needed for immediate safety threats and present those findings to the City Council, and following these measures provide recommendation to the Council in the next 4 to 6 weeks.

Mayor Dehen opened the podium to individuals who spoke about Judson Bottom Road.

Linda Johnson, 40816 Judson Bottom Road, appeared before Council and reported she would like the road open, but if the road will not be reopened to vehicle traffic it should not be opened to bike or pedestrian traffic.

Andy Johnson, 53804 Rockford Road, requested clarification on if this was a liability or maintenance issue. Mayor Dehen noted the safety of residents is the number one priority.

Craig Smith, 41296 Judson Bottom Road, appeared before Council and stated the road is the quickest route to the emergency room, and he would like to see the road open to ensure emergency access.

Jo Robbins, 467 Marvin Boulevard, appeared before Council and reported the increased traffic on Marvin Boulevard and Valerie Lane was an issue as those roads were not designed for the amount of traffic they are receiving with Judson Bottom Road closed.

Michael Sponberg, 40415 Judson Bottom Road, requested additional information on what staff would like to learn with the private contractor who will be assessing the cliff.

Karen Moritz, 487 Marvin Boulevard, appeared before Council and requested Council consider the pressure that is being placed on Valerie Lane which is not designed for heavy traffic.

Andrew Goettlicher, 39160 Judson Bottom Road, appeared before Council and stated he would like the road opened as it is the fastest emergency response route. He also noted it is an important route when it snows.

Ruth Craig, 414 Park Lane, appeared before Council and noted the road was an emergency route and she would like additional communication from the City concerning the use of the road.

Juelee Johnson, 40299 Judson Bottom Road, appeared before Council and requested the Council reopen Judson Bottom Road and suggested possible ways to stabilize the cliff.

Corey Mueller, 39516 Judson Bottom Road, appeared before Council and stated he believed the City had reallocated money designated for Judson Bottom Road and spent it on Rockford Road. He believes it is time the City invested in the road.

With no one else appearing before Council, Mayor Dehen closed this portion of the meeting.

Consent Agenda

Council Member Oachs requested Item #8J be removed from the Consent Agenda for discussion at the end of the business items. **Council Member Steiner moved, seconded by Council Member Norland, to approve the Consent Agenda with Item #8J removed for consideration in the Business Items.**

- A. Bills and Appropriations.
- B. Res. No. 56-19 Approving Donations/Contributions/Grants.
- C. Res. No. 57-19 Approving Consent Assessment Agreement-1722 Candi Lane.
- D. Res. No. 58-19 Approving Consent Assessment Agreement-1637 Nottingham Drive
- E. Approved Audio and Large Group Park Permit for RSLs Church Service and Potluck at Spring Lake Park Shelter #2 on August 18, 2019, from 8:00 a.m. to 1:00 p.m.
- F. Approved Audio Permit for Sherwood Drive Neighborhood Picnic on August 17, 2019, from 4:30 p.m. to 9:00 p.m.
- G. Approved Audio Permit for St. Paul's Lutheran Fall Festival at 304 Monroe Avenue on September 13, 2019, from 5:00 p.m. to 8:00 p.m.
- H. Res. No. 59-19 of the City of North Mankato Adoption of the Nicollet County All-Hazard Mitigation Plan.
- I. Set a Public Hearing for August 19, 2019, at 7:00 p.m. to consider the Abatement of the Property Located at 1730 Howard Drive.
- J. Consider Setting a Public Hearing on August 19, 2019, at 7:00 p.m. to consider Amending City Code Title XV: Land Usage, Chapter 154 Sign Regulations.

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

Public Comments Concerning Business Items on the Agenda

None.

Business Items

Accept the Preliminary & Final Plat of the Landing North Phase 4: A Request from KWS, LLC.

City Administrator Harrenstein reviewed the request from KWS. He noted KWS, LLC began The Landing North Phase 1, also known as the Reserve, in 2007. Today KWS, LLC would like to replat Outlot D and create 23 lots for future single-family residential development which will include the extension of Lexington Lane and the addition of Sunset Court. All lots meet or exceed the City Code requirements. **Council Member Steiner moved, seconded by Council Member Norland to Accept the Preliminary and Final Plat of the Landing North Phase 4: A Request from KWS, LLC. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.**

Approve the Developer Agreement for Privately Financed Improvements for the Landing North Phase 4.

City Administrator Harrenstein reported the agreement was discussed at the previous work session. He noted the agreement includes the City constructing a deep sewer that is necessary to continue developments to the North and East of the current development. The estimated cost for the deep sewer is \$200,000 and will be financed through the sewer capital. The plan is to complete the deep sewer this year and move the completion of the Carol Court main lift station improvements in 2020. The deep sewer will service future developments.

Finance Director McCann appeared before Council and reported the agreement is the fourth development agreement with KWS, LLC and the language remains fairly standard. The developer will install all utility, roads, sidewalks, streetlights, and will reimburse the City for engineering costs. The developer has requested the City complete the deep sanitary sewer, improve LorRay Drive, continue to maintain the stormwater ponds and fountains until 2023, and complete the final lift within two years. He noted the City staff is comfortable with the language.

Council Member Norland moved, seconded by Council Member Steiner to Approve the Developer Agreement for Privately Financed Improvements for the Landing North Phase 4. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Consider Approving the Memorandum of Understanding between the City of North Mankato and Profinium, Inc.

Finance Director McCann reported the loan program is a rehabilitation program that will offer loans from \$10,000 to \$75,000 for owner-occupied single-family homes built before 1995 with an Estimated Market Value under \$200,000. The loan terms would include an interest rate between 4.99% and 5.29% amortized over ten years. Types of improvements allowed include siding, roofing, windows, bathroom and kitchen remodels, and heating and cooling units. Profinium will work with qualified applicants throughout the loan application process. The City would provide marketing and inspection services. **Council Member Steiner moved, seconded by Council Member Norland to Approve the Memorandum of Understanding between the City of North Mankato and**

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

Res. No. 60-19 Approving Amendment No. 1 to Mn/DOT Contract No. 1033832 Appointing Mn/DOT as the City's Agent in Accepting Federal Aid Funds in Conjunction with the 2019 Commerce Drive Improvement Project.

City Engineer Sarff appeared before Council and reported the City Council approved MnDOT Agreement No. 1033832 which appointed MnDOT as the City's agent to accept federal funds for the Commerce Drive project on behalf of the City in order to secure the federal funds in advance of the years that the funds are designated. Since the original agreement was executed, MnDOT shifted federal funds to certain projects in several project years. As a result, the City is receiving some of the funds in the current year (FY 2019), and fewer funds will be advanced from future fiscal years.

Council Member Steiner moved, seconded by Council Member Norland to Adopt Res. No. 60-19 Approving Amendment No. 1 to Mn/DOT Contract No. 1033832 Appointing Mn/DOT as the City's Agent in Accepting Federal Aid Funds in Conjunction with the 2019 Commerce Drive Improvement Project. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Set Public Hearing on August 19, 2019, at 7:00 p.m. to consider Amending City Code Title XV: Land Usage, Chapter 154 Sign Regulations.

Council Member Oachs requested a definition for non-commercial institutional use be incorporated into the sign ordinance definitions. City Administrator Harrenstein reported staff would include the language in the ordinance. Discussion was held that the language presented to the Planning Commission that included signs only having black and white be changed because white is the brightest LED color. City Administrator Harrenstein reported the suggested changes would be incorporated into the ordinance that will be presented to Council on August 19, 2019. **Council Member Norland moved, seconded by Council Member Steiner to Set Public Hearing on August 19, 2019, at 7:00 p.m. to consider Amending City Code Title XV: Land Usage, Chapter 154 Sign Regulations. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.**

Open Forum

Gary Wolters, 1177 Range Street, appeared before Council and discussed the location of the mailbox tree at Trails West Estates. He also requested assistance in having a fence moved to allow him to develop property in Lower North Mankato.

Jason Bennett, 137 Pebble Creek, Mankato, will be moving to 46 Prairie Court, North Mankato, appeared before Council and requested the City consider working with Mn/DOT to improve Lor Ray Drive and potentially build sidewalks to allow children to bike or walk to school. He also requested the City consider a walking path around the Reserve pond/park as he has a child in a wheelchair and it would be beneficial if she could wheel around the park.

Nancy Evans, 705 Grant Avenue, appeared before Council and spoke about her rental house and concerns about the rental transfer process during a contract for deed.

Tom Hagen, 927 Lake Street, appeared before Council and expressed concerns about the proposed Belgrade Rooftop Bar and Bank redevelopment and reported a preservation committee should be allowed to review development plans.

Phil Henry, 1300 Noretta Drive, appeared before Council and noted musk thistle could be found in Bluff Park and thanked Council for listening to him. He noted he did not believe that Frandsen Bank should receive a TIF.

Brandon Schnepf, 1730 Howard Drive, appeared before Council and reported he was trying to alleviate the issues at his property at 1730 Howard Drive, which will be the topic of an abatement hearing at the August 19, 2019, City Council Meeting. Attorney Kennedy reported he should speak with Community Development Director Fischer and prepare a plan of action to present at the Public Hearing.

Barb Church, 102 Wheeler Avenue, appeared before Council and requested the City continue organics recycling if possible and not to be too concerned with cost.

City Administrator and Staff Comments

City Administrator Harrenstein reported the Spring Lake Swim Facility had a successful opening on July 31, 2019, and thanked the Council for working to make it happen. He also thanked Public Works Director Host, Bolton and Menk Engineer Herman Dharmaraja and Global Specialties for their efforts to open the pool.

City Administrator Harrenstein reported Xcel confirmed that the Huntley Wilmarth line would not impede City development.

City Administrator Harrenstein stated the City is working to make LorRay Drive a State Aid Route similar to Lookout Drive and improve pedestrian access.

City Administrator Harrenstein reported he was not sure what the recommendations from the engineer would be concerning the assessment of the bluff. He was not aware that the City reallocated money from Judson Bottom Road to Rockford Road. Mayor Dehen commented he believes it was Nicollet County that reallocated the money.

City Administrator Harrenstein reported the requested TIF for the Belgrade development would proceed through the Port Authority TIF Process. He noted there were development guidelines that Community Development Director Fischer would review before the plans would be approved. He stated this is why the City should not pursue a preservation committee because a potential development would go to a different city if the archaic bureaucratic process of a preservation committee would be followed.

City Administrator Harrenstein reported resident Phil Henry was the longest of the public commenters and wished him well on his move.

Finance Director McCann reported the 2020 Budget would be discussed soon.

City Attorney Kennedy noted the City should have discretionary immunity if Council opens Judson Bottom Road as a minimum maintenance road and someone is injured on the road.

Mayor and Council Comments

Council Member Oachs reported the pool is beautiful and thanked those who donated free season passes for those in need. She thanked all in attendance who spoke about Judson Bottom Road and thanked Phil Henry for his comments.

Council Member Norland wished Phil Henry well in Arizona.

Council Member Whitlock thanked those who donated to the swim passes. He wondered if Safe Routes to School could be considered for LorRay Drive and wished Phil Henry well.

Council Member Steiner wished Phil Henry well and thanked Attorney Kennedy for his comments concerning Judson Bottom Road and indicated he would like it open.

Mayor Dehen thanked the staff for their work on the pool and Blues on Belgrade stating both are great assets to the community. He noted Coffee with the Council would occur at 10:00 am on Saturday, August 10, 2019, at the Pool House Community Room.

At 8:20 p.m. on a motion by Council Member Norland, seconded by Council Member Whitlock the Council Meeting was adjourned.

Mayor

City Clerk