

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 10, 2017. Mayor Dehen called the meeting to order at 7:10 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for the meeting: Council Members Norland, Freyberg, Whitlock and Steiner, Mayor Dehen, City Administrator Harrenstein, Finance Director McCann, Community Development Director Fischer, Public Works Director Swanson and City Clerk Van Genderen.

**Approval of Agenda**

Council Member Freyberg requested to move Agenda Item 7C to Consider Setting Public Hearing to Amend City Code, Chapter 110 Business Regulations to Business Items and Council Member Norland requested to move Agenda Item 7D Consider Approving Resolution Clarifying Public Comments Policy to Business Items. **Council Member Steiner moved, seconded by Council Member Norland to approve the Agenda with Items 7C and 7D moved to Business Items. Vote on the motion: Norland, Freyberg, Whitlock, Steiner, and Dehen, aye; no nays. Motion carried.**

**Approval of Minutes**

**Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council meeting of June 19, 2017. Vote on the motion: Norland, Freyberg, Whitlock, Steiner, and Dehen, aye; no nays. Motion carried.**

**Proclamation**

Mayor Dehen presented the following proclamation to MRCI CEO Brian Benshoof.

WHEREAS, MRCI Worksource and the cities of Mankato and North Mankato recognize that individuals with disabilities contribute greatly to our communities; and,

WHEREAS, we celebrate the progress, lasting contributions, skills and uniqueness each person contributes; and,

WHEREAS, according to the U.S. Census Bureau, 19 percent of the population has a disability, making this part of the largest and most diverse minority representing all abilities, ages, races and socio-economic backgrounds; and

WHEREAS, it is important for people with disabilities to be proudly visible in their contributions in the community through employment, volunteerism and leisure activities; and,

NOW, THEREFORE, BE IT RESOLVED, that we, Eric Anderson, Mayor of the City of Mankato, and Mark Dehen, Mayor of the City of North Mankato, in the State of Minnesota hereby proclaim the week of July 23-30, 2017

"Disability Awareness Week"

IN WITNESS WHEREOF, we have hereunto signed our Name this 10th day of July 2017.

**Consent Agenda**

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

- A. Bills and Appropriations.
- B. Res. No. 41-17 Approving Donations/Contributions/Grants.
- C. Res. No. 42-17 Approving Special Legislation.
- D. Approved Large Group and Audio Permit for Business on Belgrade's Blues on Belgrade on the 200 block of Belgrade Avenue on July 22, 2017, from 9 a.m. to 11 p.m. with Audio from noon to 11 p.m.

**Vote on the motion: Norland, Freyberg, Whitlock, Steiner, and Dehen, aye; no nays. Motion carried.** Mayor Dehen thanked all those who made donations.

### **Public Comments**

Kim Spears, 916 South Avenue, appeared before Council and stated his opposition to the proposed Resolution Clarifying Public Comments Policy.

Barb Church, 102 Wheeler Avenue, appeared before Council and expressed her opposition to the proposed Resolution Clarifying Public Comments Policy.

Caleb Wunderlich, 921 Lake Street, appeared before Council and expressed his opposition to the proposed Resolution Clarifying Public Comments Policy.

Tom Hagen, 927 Lake Street, appeared before Council and expressed his opposition to the proposed Resolution Clarifying Public Comments Policy.

### **Business Items**

**Receive the 2016 Comprehensive Annual Financial Report (CAFR).** City Administrator Harrenstein introduced Layne Kockelman from Abdo, Eick & Meyers who presented the CAFR. Mr. Kockelman reported the City's total net position decreased by \$768,990 as compared to an increase of \$6,821,916 in the previous year. The decrease was primarily due to changes in the reporting of public safety expenses in the GASB 68 which increased by \$786,274. Housing and economic development expenses increased \$1,345,507 mainly as a result of removing property sold by the Port Authority in prior years. The City's total debt decreased by \$1,720,050 (5.1%) during the current fiscal year, consisting of new debt issuances of \$2,765,959 and retirement of long-term debt of \$4,486,009. The City maintained an "AA rating from Standard and Poor's for 2016. Mr. Kockelman reported the General Fund Balance increased with a reserve fund balance of 52.2% which is above the Office of the State Auditor and the League of Minnesota Cities recommendation of between 35 and 50%. Mr. Kockelman stated the General Fund Operations budget was under budget by \$160,222. There was an increase in the Joint Economic Development fund due to land sales of \$326,584. Mr. Kockelman reviewed the Capital Project Funds noting that the 2015 Construction fund deficit was caused by the State advancing Municipal State Aid Funds for Streets that were received in cash by the City in 2015 and 2016 but will not be recognized as revenue until available in future years. A review of the enterprise funds revealed healthy cash flow and fund balances. Discussion was held concerning a Storm Water rate increase in 2018. Council Member Freyberg commented that the fund cash balance charts have a minimum target cash balance that appears high for the smaller funds such as the Sanitary Collection and Storm Water Funds. Mayor Dehen suggested a policy change for the smaller funds, reducing the minimum cash balance from 25% to a more reasonable balance, reflecting more accurately how the funds are used. Mayor Dehen suggested staff review the policy. Mr. Kockelman presented Peer Group Ratios noting the City was in-line with peer group cities.

**Receive the North Mankato Public Art Ideas Plan.** Administrator Harrenstein introduced Twin Rivers Council for the Arts Executive Director Noelle Lawton. Ms. Lawton reviewed the process involved with creating the Public Art Ideas Plan. An Art Advisory Group was formed and met for four or five months to set the ground work for the plan followed by community engagement to include the public in the process. The goal was to establish a comprehensive visual identity for the community along with standards for selection and placement of art and maintenance of the art. The process revealed themes: love of small town feel, local character, active organizations thanks to Business on Belgrade and the Library and citizens are active. Executive Director Lawton reported funding could be provided in several ways including setting aside a percent of the budget, round up for the arts where citizens could round up their utility bill to donate to the arts and grants for community members. Administrator Harrenstein stated Council could review the plan and discuss it further in a work session. Administrator Harrenstein reported the City is working on creating neighborhood plans that feel welcoming. Mayor Dehen requested Executive Director Lawton clarify if there was a clear priority presented by the citizens. Executive Director Lawton reported the public was interested in parks. Mayor Dehen stated it would be good to have a summary of public priorities as the City moves forward with the budgeting process to enhance what the City is already doing. Public Works Director Swanson indicated he would continue to meet with Executive Director Lawton and work with the advisory group to see what ideas can be brought forward as the City continues with the parks planning process. Administrator Harrenstein clarified that the Public Art Ideas Plan is not a parks plan, parks are one portion and there are many other areas to display art. **Council Member Norland moved, seconded by Council Member Freyberg to discuss the Public Art Ideas Plan during a Council Work Session. Vote on the motion: Norland, Freyberg, Whitlock, Steiner, and Dehen, aye; no nays. Motion carried.**

**Consider Setting Public Hearing to Amend City Code, Chapter 110 Business Regulations.** Administrator Harrenstein commented that the date of the Public Hearing would need to be changed to August 7<sup>th</sup> with consideration of the ordinance on August 21, 2017, due to State Statutes. **Council Member Steiner moved, seconded by Council Member Norland to change the date of the Public Hearing.** Council Member Freyberg questioned the City Clerk to determine if a citizen petition had been received by the City or if a citizen approached the City to change City Code. City Clerk Van Genderen indicated the City had not received either. Council Member Freyberg indicated he was shocked to learn that the Council was considering increasing the age required to purchase tobacco to 21 in a Free Press article. Mayor Dehen indicated he promulgated the idea and brought the idea to Mankato who discussed the idea at a Council Work Session on June 26<sup>th</sup>. Council Member Freyberg indicated he did not believe the correct procedures were followed and would not be able to vote to set a public hearing. Mayor Dehen indicated the public hearing would be to raise the age for purchasing tobacco to 21 and not criminalize the behavior. Council Member Freyberg expressed concerns about moving ahead of State legislation and acting on individual or industry likes or dislikes. Attorney Kennedy indicated similar action was taken by the City and Mankato when bars were made smoke-free in Mankato and North Mankato before the State made the same move. Attorney Kennedy reported the Ordinance before Council does not criminalize smoking by those under 21 just the sale of tobacco and tobacco products to those under 21. Mayor Dehen stated to maintain transparency he thought bringing the idea to Council and the public at a Public Hearing would start the conversation. **Council Member Steiner withdrew his motion to set the Public Hearing Date. Council Member Norland moved, seconded by Council Member Freyberg to discuss changes to City Code Chapter 110 Business Regulations at a Council Work Session. Vote on the motion: Norland, Freyberg, Whitlock, Steiner, and Dehen, aye; no nays. Motion carried.**

**Consider Approving Resolution Clarifying Public Comments Policy.** Mayor Dehen stated the resolution is modeled after a resolution adopted by the Mankato City Council. Mayor Dehen stated City Council would continue to take public comment but the public comment period is not designed for discussion or debate. He stated items presented to Council were often in progress, but government moves slowly and even if the City is not as fast as some citizens would like it to move, it is moving. Council Member Steiner indicated he disagreed and stated a citizen has the right to repeat the same comment and would like to strike item #7 which states “the same citizen may not repeat a comment, question or concern if they have previously addressed the City Council on the same matter at a Public Comment,” and emphasize that we maintain a 3-minute limit. Council Member Steiner moved to strike item #7 as he viewed it as a violation of free speech. The motion died without a second. Attorney Kennedy stated he knew cities that did not have a public comment period. He stated not allowing a citizen to repeat a comment could be difficult for the Mayor to enforce as there is no time limit on when a citizen can return to a topic. Council Member Freyberg stated the timeframe was an issue; how long before a topic can be brought up by a citizen a second or third time. Administrator Harrenstein noted public comment periods are not a requirement of state or federal government and not allowing or limiting public comment would not be a violation of free speech. Attorney Kennedy indicated the concern would be enforcement. **Council Member Norland moved, seconded by Council Member Steiner to table the item for discussion at a Work Session. Vote on the motion: Norland, Freyberg, Whitlock, Steiner, and Dehen, aye; no nays. Motion carried.**

### **Public Comments**

Kim Spears, 916 South Avenue, appeared before Council and stated if the City moved forward with preventing the sale of tobacco to individuals under the age of 21 it would criminalize parents if they bought cigarettes for their minors. He indicated he was concerned about the green initiative and wanted the Council to make sure they continued to be fiscally responsible.

Barb Church, 102 Wheeler Avenue, appeared before Council and stated she believed an independent contractor should review the City’s work environment.

Tom Hagen, 927 Lake Street, appeared before Council and requested the Park Board be reinstated. He indicated that he supported a review of the City’s work environment.

Phil Henry, 1300 Noretta Drive, appeared before Council and stated if a Park Commission were formed he would like to be considered for contribution as he had experience with trees and shrubs.

Sandra Renor, 1921 Rockridge, St. Peter appeared before Council and thanked the City Council for considering raising the purchasing age of tobacco to 21.

### **City Administrator and Staff Comments**

**A. Green Initiative Action Items.** Administrator Harrenstein suggested the item be discussed at the upcoming Council Work Session.

### **Mayor and Council Comments**

Council Member Norland stated that Public Works Director Swanson and the staff worked to ensure that any green initiative was cost effective.

Council Member Whitlock reported Blues on Belgrade would be held on Saturday, July 22<sup>nd</sup> from 12 pm to 11 pm.

Council Member Steiner requested City staff consider allowing dogs on leashes at Spring Lake Park.

Mayor Dehen thanked Public Works Director Swanson, City staff and Civic and Commerce for another successful Fun Days.

Mayor Dehen read a letter from the League of Minnesota Cities proclaiming Representative Clark Johnson as a legislator of distinction for his work during the 2017 legislative session.

There being no further business, on a motion by Council Member Norland, seconded by Council Member Steiner, the meeting adjourned at 9:10 pm.

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Mayor

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City Clerk