

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 November 21, 2016. 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 Steiner, Norland, Freyberg, and Spears, City Administrator Harrenstein, Finance Director McCann, Attorney Kennedy, City Planner Fischer and City Clerk Van Genderen. Absent: Public Works Director Swanson.

Approval of Agenda

Council Member Steiner moved, seconded by Council Member Norland, to approve the agenda as presented. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye; no nays. Motion carried.

Approval of Council Meeting Minutes

Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council meeting of November 7, 2016. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye; no nays. Motion carried.

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. 85-16 Approving Donations/Contributions/Grants.
- C. Res. No. 86-16 Declaring Costs to be Assessed for Municipal Charges.
- D. Res. No. 87-16 Declaring Costs to be Assessed for Municipal Charges-1730 Howard Drive.
- E. Res. No. 88-16 Declaring Costs to be Assessed for Municipal Charges-10 Arlington Court.
- F. Res. No. 89-16 Declaring Costs to be Assessed for Municipal Charges-424 South Avenue.
- G. Res. No. 90-16 Declaring Costs to be Assessed for Municipal Charges-2153 LorRay Drive.
- H. Res. No. 91-16 Declaring Costs to be Assessed for Municipal Charges-732 Wall Street.
- I. Set Public Hearing for 7 pm on December 5, 2016 to Consider Resolution Setting Rates and charges for Municipal Utilities.
- J. Set Public Hearing for 7 pm on December 5, 2016 to consider 2017 Budget and Five-Year Capital Improvement Plan, 2017-2021.
- K. Res. No. 92-16 Approving the Proposed Transfer of the Cable Franchise Currently Held by Crystal Communications, Inc.
- L. Res. No. 93-16 Purchasing Generator for Main Lift Station.
- M. Res. No. 94-16 Purchasing Portable Back-up Generator for Main Lift Station.

Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye; no nays. Motion carried. Council Member Spears asked for clarification on the need to purchase a portable back-up generator for the main lift station. City Administrator Harrenstein stated the back-up generator was underpowered and an additional back-up generator was necessary if more than one lift station lost power. Mayor Dehen thanked Christ the King Women's Book Club and Delta Kappa Gamma NU Chapter for their donations to the library.

Public Comments

None.

Business Items

Res. No. 95-16 Setting a Public Hearing for 7 pm on December 5, 2016 to Consider Amending City Code Chapter 54, Stormwater. City Engineer Dan Sarff appeared before Council and stated the amendments were in response to the Minnesota Pollution Control Agency's (MPCA) administration of the federal Clean Water Act. The MPCA administers three stormwater permits, including the Municipal Separate Storm Sewer System (MS4) Permit. The MS4 General Permit is designed to reduce the amount of sediment and pollution that enters surface and ground water from storm sewer systems to the maximum extent practicable. North Mankato has a population over 10,000 so it must obtain a MS4 permit and comply with its requirements. The statewide MS4 General Permit was reissued in August 2013. The new permit includes more stringent stormwater management guidelines, mapping update requirements and the adoption of Enforcement Response Procedures (ERP). The new permit also requires specific language be included in the City's stormwater ordinance. City Engineer Sarff highlighted a few changes including the updated and expanded definition of Land Disturbance Activities-the general permit includes exemptions to Land Disturbance Activity that were not listed in the current City Code. A threshold of 5,000 square feet of disturbed area. City Engineer Sarff noted section 54.09 Permanent Stormwater BMPs (Best Management Practices) has also been added. This section requires that sites not discharge water at a higher rate than the existing rate. This protects downstream properties from flooding and erosion. Another addition is Section 54.98 Enforcement Response Procedure. He stated the permit does not detail what is to be included in the ERP rather the permittee shall develop and implement a written ERP. The ERP for the City of North Mankato was written with the intent of meeting the intent of the permit in a manner that is efficient, effective and flexible. City Engineer Sarff indicated the ERP included designating a City representative. The ERP uses civil penalties instead of criminal penalties as enforcement while allowing the City to respond with criminal penalties if necessary. He stated there were four written notices starting with a notice of correction, notice of violation, consent orders and cease and desist orders. The ERP also outlines the appeal process for property owners and contractors to appeal an action that was taken under the ERP. The individual appeals to the City Administrator and then to the City Council. Council Member Spears questioned why the City was replacing criminal response in the City Code with a civil response. City Engineer Sarff stated the individual charged with enforcing the policy is not a police officer or officer of the law and is not able to enforce criminal charges. Council Member Spears requested clarification on why criminal response was left in the enforcement action matrix at the end of the ERP. City Engineer Sarff stated it can be used as a last resort. Council Member Spears stated the City is forced to enforce the MPCA's laws and was interested in clarification as to why City Code was less stringent than the MPCA's laws. City Engineer Sarff indicated many ordinances around the state were similar to the one recommended and they have not been challenged. Council Member Spears indicated this may leave the City open to action if action is contested. City Engineer Sarff estimated 98% of violations were resolved with the notice of correction. City Attorney Kennedy indicated cities enforce most state laws and it is unusual for cities to have leeway in the rules. **Council Member Steiner moved, seconded by Council Member Norland to adopt Res. No. 95-16 Setting a Public Hearing for 7 pm on December 5, 2016 to Consider Amending City Code Chapter 54, Stormwater. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye; no nays. Motion carried.**

Review Amendments to City Code Section 156.038, R-1S, One Family Dwelling Small Lot and Consider Setting a Public Hearing for 7 pm on January 3, 2017 to Consider an Ordinance Amending City Code Section 156.038, R-1S, One Family Dwelling, Small Lot. Council Member Freyberg moved, seconded by Council Member Norland to Set a Public Hearing for 7 pm on

January 3, 2017 to Consider an Ordinance Amending City Code Section 156.038, R-1S, One Family Dwelling, Small Lot. Council Member Spears moved a friendly amendment to the motion to set the Public Hearing for 7 pm on December 5, 2016. Council Member Freyberg seconded the motion to set a Public Hearing for 7 pm on December 5, 2016 to Consider an Ordinance Amending City Code Section 156.038, R-1S, One Family Dwelling, Small Lot. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen aye: no nays. Motion carried.

Review Draft Changes to the City of North Mankato Capital Asset Policy. Finance Director McCann appeared before Council and stated the update for the Capital Asset Policy followed discussions held during the Capital Improvement Plan discussions. Finance Director McCann reviewed changes to the document and indicated Council Members could contact him with questions or comments concerning the policy. He indicated the policy would be brought back before Council for approval on December 5, 2016.

Res. No. 96-16 Outlining the Legislative Priorities of the North Mankato City Council for the 2017 Legislative Session. Administrator Harrenstein indicated the document was being proposed to guide the City Council during the 2017 Legislative Session. Council Member Spears stated he approved of the inclusion of the monitoring of the state appropriation requests for any “Regional Water Quality Plan” and continued support of the Highway 14 Partnership. He state he was ambivalent about seeking regional recognition of the Caswell Sporting Complex. Council Member Spears reported he could not support the extension of the sales tax or the imposition of an “on-sale food and beverage” tax. **Council Member Freyberg moved, seconded by Council Member Norland to adopt Res. No. 96-16 Outlining the Legislative Priorities of the North Mankato City Council for the 2017 Legislative Session. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye, Spears nay. Motion carried.**

City Administrator and Staff Comments

Discussion of a Resolution Related to the Expenditure of Sales Tax Dollars Extended by the Voters of North Mankato in 2016 for Use in New Indoor Recreational Facilities. City Administrator Harrenstein presented a draft resolution Related to the Expenditure of Sales Tax Dollars Extended by the Voters of North Mankato in 2016 for Use in New Indoor Recreational Facilities. Council Member Spears stated there were some good ideas in the resolution. No action was taken.

Election Results. City Clerk Van Genderen indicated Election Results were included in the packet. City Clerk Van Genderen reported excellent voter turn-out of 83% of registered voters in North Mankato for a total of 7,721 North Mankato residents voting.

Mayor and Council Comments

Council Member Norland reported there were many charities seeking funding during the holiday season. She stated she was working on compiling resources to help citizens vet charities before donating.

Mayor Dehen reported the Council was invited to the Mayo Clinic Health System Community Stakeholder Breakfast.

Public Comments

None.

There being no further business, on a motion by Council Member Norland, seconded by Council Member Steiner, the meeting adjourned at 7:35 p.m.

Mayor

City Clerk