

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 March 19, 2018. 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, and Freyberg City Administrator Harrenstein, Finance Director McCann, Attorney Kennedy, Community Development Director Fischer, Public Works Director Swanson and City Clerk Van Genderen. Absent: Council Member Whitlock.

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 and Dehen aye; no nays. Motion carried.

Approval of Council and Open Forum Meeting Minutes

Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council and Open Forum meeting of March 5, 2018. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.

Library Director Katie Heintz Announced the 2018 Community Read Book.

Library Director Katie Heintz announced the 2018 Community Read Book as **The Family Romanov** by Candace Fleming. She invited the community to participate in the events held in April and encouraged everyone to visit local sponsors to pick up a book.

Proclamation.

Mayor Dehen read the proclamation into the record.

Minnesota Small Business Development Centers' (SBDC) mission is to help businesses start, grow and succeed; and

WHEREAS: Small businesses are the lifeblood of the Minnesota economy; and

WHEREAS: In 2017 the South Central Region SBDC provided 4,200 professional consulting hours at no cost to 400 entrepreneurs and businesses; and its client businesses created 32 new businesses and accessed \$20 million in new capital investment; and

WHEREAS: America's SBDCs are hosting the second annual SBDC Day on March 21, 2018 -- a national movement to share the small business success stories and notable impact SBDCs have fostered in communities nationwide;

NOW, THEREFORE, I, MARK DEHEN, do hereby proclaim Wednesday, March 21, 2018 as SBDC DAY in North Mankato, Minnesota.

Public Hearing, Project No. 17-06 ABCDE Marie Lane Extension Project.

City Engineer Dan Sarff appeared before Council and reported the improvement hearing is for Project No. 17-06 ABCDE Marie Lane Extension which includes the reconstruction and extension of

Marie Lane to connect with the proposed Nature View Subdivision #2. The estimated cost is \$242,000, there are six parcels and four abutting property owners adjacent to the reconstructed Marie Lane, but only one parcel will receive benefit from the project. The proposed assessment to the property owner is \$8,200. With no one appearing before Council Mayor Dehen closed the Public Hearing.

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. 26-18 Approving Donations/Contributions/Grants.
- C. Approved Parade Permit for YWCA's 10th Annual Girls on the Run 5K on April 21, 2018, from 8:00 a.m. to 11:30 a.m. at Spring Lake Park.
- D. Approved Application for 3.2% On-Sale, Wine and 2 AM Liquor License for Vero's Tacos, LLC located at 1754 Commerce Drive, Suite 103.
- E. Accepted March 7, 2018 Traffic and Safety Committee Minutes.
- F. Res. No. 27-18 Consent Assessment Agreement-1010 Cross Street.
- G. Set Public Hearing for 7 p.m. on April 2, 2018, for Revision of Code of Ordinances.
- H. Res. No. 28-18 Declaring the Official Intent of the City of North Mankato to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the City.

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

Public Comments Concerning Business Items on the Agenda

Barb Church, 102 Wheeler Avenue, appeared before Council and stated she did not think the Council should approve the Minutes in Agenda Item #10E because they were not present at the meeting. Ms. Church indicated she approved of the swim facility update but not all of the amenities. Ms. Church reported she wanted Council to revoke the Tobacco 21 Ordinance since Mankato had not adopted a similar Ordinance.

Tom Hagen, 927 Lake Street, appeared before Council and stated he did not approve of the proposed 2.2 million that was proposed to be spent on the Spring Lake Swim Facility in light of Mankato spending 6.1 million on Tourtelotte pool. He indicated swimmers would just go to Tourtelotte rather than go to a pool he considered a kiddie pool.

Erin Simmons, 52698 Valley View Circle, appeared before Council and encouraged the Council to enact the Tobacco 21 Ordinance.

Greg Kutcher 2233 Dream Drive West, appeared before Council and encouraged the Council not to wait for the State to pass legislation restricting the age to purchase tobacco products to 21, rather Council should enforce the Ordinance they adopted.

Josh Ramaker, 1551 Nottingham Drive, appeared before Council and asked the Council to lead by enforcing the Tobacco 21 Ordinance.

Jeff Brand, St. Peter, appeared before Council and stated he was a Council Member from St. Peter and their Council would be considering a similar Ordinance and encouraged North Mankato to enforce the Ordinance.

Will Simmons, 52698 Valley View Circle, appeared before Council and encouraged the Council to enforce Tobacco 21.

Business Items**Z-1-18 Request to Zone Part of Section 9-108-27: A Request from Burnett Land Company, LLC. Ordinance No. 101, Fourth Series Zoning Part of Section 9-108-27 as R-1, One-Family Dwelling.**

Community Development Director Fischer reported the request was to zone land being annexed into the City limits as R-1, One-Family Dwelling. The applicant is in the process of annexing 2.38 acres of land into the City limits to accommodate future single-family residential development. The location of the property is on the west side of Raymond Drive. Applicants are proposing to create eight single-family residential lots on the west side of Raymond Drive. It is necessary to provide a zoning classification based on the intended use of the property. The classification is consistent with the Future Land Use Map taken from the Comprehensive Plan. The Planning Commission reviewed the zoning and recommended approval upon successful annexation of the property. **Council Member Freyberg moved, seconded by Council Member Steiner to Adopt Ordinance No. 101, Fourth Series Zoning Part of Section 9-108-27 as R-1, One-Family Dwelling. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

Preliminary and Final Plat of Burnett's Ravine Ridge No. 5. A Request from Burnett Land Company, LLC.

Community Development Director Fischer reported the platting of the property coincides with the previous zoning request. The applicants are in the process of annexing 2.38 acres of land into the City limits to accommodate future single-family residential development. The location is west of Raymond Drive. The Preliminary Plat of Burnett's Ravine Ridge No. 5 consists of eight single-family residential lots along the west side of Raymond Drive. The applicants requested an R-1 zoning classification for the 2.38 acres of land being annexed into the City limits and the proposed lot sizes meet and exceed the minimum lot size for R-1 zoning. The Planning Commission reviewed and recommend the Preliminary and Final Plat Burnett's Ravine Ridge No. 5 contingent upon successful annexation of the property. **Council Member Freyberg moved, seconded by Council Member Norland to Approve the Preliminary and Final Plat of Burnett's Ravine Ridge No. 5. A Request from Burnett Land Company, LLC. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

Res. No. 29-18 Accepting Bid Project No. 17-04 Spring Lake Swim Facility.

City Engineer Herman Dharmarajah appeared before Council and stated bids were opened on March 1, 2018, with one bid being received. The bid from Global Specialties Contractors, Inc. was for \$2,214,700. Engineer Dharmarajah noted the swim facility was in need of repair and the City contacted US Aquatics to assess the facility. It was determined it would cost approximately 1.8 million to repair the facility. The project was bid last fall with only one bid being received for 2.6 million, well above the estimates and what the City was prepared to pay for the improvement. Engineer Dharmarajah reported the proposed amenities cost approximately \$400,000 and include a climbing wall and a zip-line, he indicated the pool was not a kiddie pool. He reported the bid this spring from Global Specialties Contractors, Inc. was within the City's budget and staff recommends approving the bid. City Administrator Harrenstein reported staff was excited about the bid and ensured the citizens the bid would not increase the tax levy. He reported the bid was very competitive as Finance Director McCann had assisted in getting a similar project completed 10 years ago in Gaylord for 3 million. City Administrator Harrenstein indicated the City was committed to serving the community with the opportunity to have a swim facility and the new facility should serve the city for 30 years. Council Member Norland stated the bid sounded good. Mayor Dehen said the City has for 50 years committed

to the swim facility and to be able to repair and improve the pool for 2.2 million would be wonderful and the City could commit to additional years of swimming. **Council Member Freyberg moved, seconded by Council Member Norland to Adopt Res. No. 29-18 Accepting Bid for Project No. 17-04 Spring Lake Swim Facility from Global Specialty Contractors, Inc., for \$2,214,700. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

Res. No. 30-18 Ordering Improvement and Preparation of Plans for Project No. 17-06 ABCDE Marie Lane Reconstruction/Extension Project.

City Engineer Dan Sarff appeared before Council and reported he would speak about this proposed resolution and the one that followed. He stated this resolution would order the improvement and plans and specifications for the project that was discussed during the Public Hearing. The next resolution would order the advertisement for bids. **Council Member Norland moved, seconded by Council Member Freyberg to adopt Res. No. 30-18 Ordering Improvement and Preparation of Plans for Project No. 17-06 ABCDE Marie Lane Reconstruction/Extension Project. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

Res. No. 31-18 Approving Plans and Specifications and Ordering Advertisement for bids for Project No. 17-06 ABCDE Marie Lane Reconstruction/Extension Project. Council Member Steiner moved, seconded by Council Member Norland to adopt Res. No. 31-18 Approving Plans and Specifications and Ordering Advertisement for Bids for Project No. 17-06 ABCDE Marie Lane Reconstruction/Extension Project. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.

Res. No. 32-18 Approving Plans and Specifications and Ordering Advertisement for Bids for Project No. 18-01 AB 2018 Northport Industrial Park Utility Extension Project.

City Engineer Sarff reported the City of North Mankato received a grant through the Greater Minnesota Business Development Public Infrastructure Grant Program (BDPI) for the extension of sanitary sewer and watermain to provide service to the undeveloped lots in the Northport Industrial Park. The utility extension will also provide water service and fire protection to the Blue Star Power Systems building as well as future industrial development sites north of Timm Road. The improvements include the extension of a 12” diameter sanitary sewer along the west side of Lookout Drive from Carlson Drive to Timm Road, the Extension of a 12” diameter sanitary sewer and 12” diameter watermain along the south side of Timm Road and Rockford Road to Lookout Drive and the Extension of a 16” diameter watermain along the east side of Rockford Road from Carlson Drive to Timm Road. The total estimated project cost is \$825,000. The amount of the BDPI is \$394,209 or up to 50% of eligible project costs. Mayor Dehen requested clarification on if the 12” water main was substantial enough to support growth when the City grows west. City Engineer Sarff reported it was substantial enough to support growth. **Council Member Freyberg moved, seconded by Council Member Norland to adopt Res. No. 32-18 Approving Plans and Specifications and Ordering Advertisement for Bids for Project No. 18-01 AB 2018 Northport Industrial Park Utility Extension Project. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

Res. No. 33-18 Approving Plans and Specifications and Ordering Advertisement for Bids for Project No. 18-02 Bluff Park Overlook Project.

City Engineer Dan Sarff reported the project had been discussed in the past and the project would be moving forward. He reported the overlook will be constructed adjacent to the existing

bituminous trail in Bluff Park and will provide a vista of Hiniker Pond and the Minnesota River valley to the east. The materials include ironwood decking and treated structural pieces. There will be three trees internal to the overlook including two oaks and a basswood. Benches will be placed adjacent to two of the trees and along inside railings. There are two planned interpretive panels. The access path and overlook will comply with Americans with Disabilities Act requirements. The estimated cost is \$85,000. City Administrator Harrenstein reported the funds would come from funds set aside for Park Improvements. **Council Member Norland moved, seconded by Council Member Steiner to adopt Res. No. 33-18 Approving Plans and specifications and Ordering Advertisement for Bids for Project No. 18-02 Bluff Park Overlook Project. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

Res. No. 34-18 Requesting the Advance of Municipal State Aid Funds for Municipal Construction Projects.

City Engineer Sarff reported the City has a negative balance in its Municipal State Aid Fund; however this is not necessarily a bad thing as it represents an interest-free loan from Municipal State Aid to cover the costs of state aid eligible projects. Due to the negative balance, the City can advance State Aid Funds as required by MnDOT. **Council Member Norland moved, seconded by Council Member Steiner to adopt Res. No. 34-18 Requesting the Advance of Municipal State Aid Funds for Municipal Construction Projects. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.**

Review and Comment on Chapters Two, Three and Five of the Commerce Drive Redevelopment Plan.

Community Development Director Fischer reported the City is working with Bolton & Menk to prepare a Commerce Drive Redevelopment Plan. It is intended that Council may comment on the chapters and when the plan is completed the plan will be brought to an open house and then back to the Council for final approval. Council Member Norland requested clarification on the possibility of a trail connecting to New Ulm. City Engineer Sarff reported there were different possibilities discussed but no plans confirmed. Mayor Dehen indicated the DNR has the Minnesota River Valley Trail and there are plans for interconnections.

Consider Tobacco 21.

Mayor Dehen stated City Council passed the Tobacco 21 Ordinance in February with the expectation that the City of Mankato would pass a similar ordinance. The City of Mankato did not pass a similar ordinance, and now the Council must decide if they would publish and enforce the ordinance or rescind the ordinance. **Council Member Norland moved, seconded by Council Member Freyberg to publish and enforce the Tobacco 21 Ordinance.** Mayor Dehen reviewed the City's options. He stated the City could publish the Ordinance and begin enforcement in 30 days, publish and delay enforcement to begin on January 1, 2019, or rescind the Ordinance outright. Council member Steiner stated he did not believe this was a municipal issue rather it should be a State legislative issue. Council Member Norland indicated it did not look promising that Mankato or the State will approve Tobacco 21. Mayor Dehen suggested a friendly amendment to the motion to set an implementation date of January 1, 2019, to allow businesses to prepare for the change, Mankato to possibly adopt a similar Ordinance, or the State to adopt legislation to raise the minimum age to purchase tobacco products to 21. **Council Member Freyberg made a friendly amendment stating the implementation date should be January 1, 2019.** Council Member Freyberg stated that while at the Intergovernmental Meeting the discussion was to implement in conjunction with the City of

Mankato, those terms were not included in the Ordinance and now the Council must make a decision based on the Ordinance. Attorney Kennedy suggested the Council may want to rescind the previous Ordinance and adopt a new Ordinance with an effective day of January 1, 2019. City Administrator Harrenstein requested clarification from Attorney Kennedy on if the Council must rescind the Ordinance. Attorney Kennedy indicated that it would not be necessary, rather, adopt the motion with the friendly amendment that enforces the Ordinance and delays implementation to January 1, 2019. **Council Member Norland moved, seconded by Council Member Freyberg to Accept the Friendly Amendment and Publish the Ordinance with an Implementation Date of January 1, 2019. Vote on the motion: Norland, Freyberg and Dehen aye; Steiner nay. Motion carried.**

City Administrator and Staff Comments

City Administrator Harrenstein thanked Public Works Director Swanson for his 25 years of service to the City of North Mankato and congratulated him on his new position as Deputy Public Works Director in Mankato.

Finance Director McCann thanked Public Works Director Swanson for his service.

Mayor and Council Comments

Council Member Steiner thanked Public Works Director Swanson for his service.

Council Member Norland thanked Public Works Director Swanson for his service.

Mayor Dehen stated he was recommended to return the Public Comment Period to the Council Meeting. He stated the lessons and guidelines established during the Open Forum have provided the Council with the tools and experience to reintroduce the second Public Comment period.

Council Member Freyberg moved, seconded by Council Member Steiner to move the Public Comment Period to the Agenda utilizing the guidelines established for the Open Forum. Vote on the motion: Steiner, Norland, Freyberg and Dehen aye; no nays. Motion carried.

There being no further business, on a motion by Council Member Steiner, seconded by Council Member Norland, the meeting adjourned at 8:04 p.m.

Mayor

City Clerk