

MINUTES OF THE MANKATO CITY COUNCIL

REGULAR MEETING, TUESDAY, MAY 29, 1990

CALL TO ORDER

A Regular Meeting of the Mankato City Council was held commencing at 7:00 p.m. on the 29th day of May with Vernon K. Carstensen presiding. Mayor Carstensen called the meeting to order. Council Members Kathleen Sheran, Michael Davis, Claire Faust, Tom McLaughlin, Tony Knapp, Michael Kennedy, City Manager William A. Bassett, Assistant City Manager David Ellison, City Attorney Eileen M. Wells, and Secretary of the Council Sandra R. Paulson were present.

AMBASSADOR AWARDS PRESENTATION

The Council gave Ambassador Awards to Charles Vokal and Michael Hoffman who received Honorable Mentions for Police Officers of the Year, and to the Mankato State University Forsenic Team who placed eighth in the National Forsenic Tournament.

APPROVAL OF AGENDA

Mayor Carstensen asked if there were any additions or corrections to be made to the agenda.

Mr. Faust stated that he would like to add under Appearances, the appearance of Ron Yezzi, 200 Chancery Court, who would like to present to the Council a petition.

There being no further additions or corrections, Mr. Kennedy moved and Mr. Knapp seconded a motion to approve the amended agenda. With all members voting in favor, the motion carried.

APPROVAL OF MINUTES

Mayor Carstensen asked if there were any corrections or changes to be made to the Minutes of the Regular Meeting of May 14, 1990.

There being no corrections or changes, Mr. Knapp moved and Mr. McLaughlin seconded a motion to approve the minutes. With all members voting in favor, the motion carried.

CITY MANAGER'S REPORT

(6.1) Mr. Bassett reported that at the last meeting, Charles Waters appeared before the Council regarding the options for the sale of lots in Kensington Hills. He stated that staff has provided a report to the Council outlining the options, and he stated that the price of \$18,900 for a lot is a very competitive price on a square foot basis in comparison with other subdivisions in the area. He explained that the reasons why the lot prices were raised January 1, 1990 to \$18,900 from \$14,900 were to better reflect their market price, to eliminate the possibility of unfairly competing with the private development sector, and to ensure the development of high quality homes. He stated that staff is not recommending to change the policy or price of lots in the Kensington Hills at this time. The Council discussed

sales of lots in nearby subdivisions.

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(6.2) Mr. Bassett reported on Resolutions Declaring Adequacy of Petition, Ordering Preparation of Report, and Calling for Hearing for Improvement No's. 89032, alley surfacing from Record Street to Carroll Street between State Street and Van Brunt Street, and 89051, alley surfacing from Carroll Street to Byron Street between State Street and Van Brunt Street.

There being no discussion, Ms. Sheran moved and Mr. Davis seconded a motion to adopt the Resolutions. With all members voting in favor, the motion carried.

(6.3) Mr. Bassett reported on a Resolution Requesting Variance from Right-of-Way Standards and Acknowledging and Accepting Conditions of Variance, if Granted, for State Aid Project No. 137-122-01, Adams Street. He stated that staff is negotiating with property owners to get easements to extend the right-of-way, and snow may have to be trucked off Adams Street if the City doesn't get the full right-of-way.

There being no discussion, Mr. Kennedy moved and Mr. Faust seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

Mr. Bassett reported on a Resolution Accepting Gift of Real Property for Right of Way Purposes. He stated that Dr. Kearney has offered to donate the property at 740 Adams Street to the City for storm drainage and easement for right-of-way. He recommended that the Council accept this donation, and the assessment for the property will become part of the City's share of the cost of the improvement. He explained that there is an old carriage house on the property which the City would probably tear down. A discussion was held by some of the Council Members whether any of the adjacent property owners would be interested in this property.

Following the discussion, Mr. Davis moved and Mr. McLaughlin seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

(6.4) Mr. Bassett reported on a Resolution Certifying Acceptance of Privately Constructed Improvement No. 89086, extension of a six inch watermain in Hickory Street from Second Street to approximately 150 feet east. He stated that previously this had been a private watermain to service U.S. West and Mankato Citizen's Telephone Company. They paid for replacement of the watermain and services to them. He stated that even though the line couldn't be pressure tested due to the fact that the City's four inch valve in the intersection was not holding, staff is confident that the project was completed to their satisfaction as the project was inspected by staff during the time of construction.

Following a brief discussion, Mr. Knapp moved and Mr. Faust seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

(6.5) Mr. Bassett reported on the Balcerzak elevated tank painting contract and explained that the Minnesota Pollution Control Agency has a new lead paint standard. If the existing paint on the tower exceeds more than one percent lead level, then there must be options taken to remove the paint in order that those lead levels don't get into the environment. He stated City Council Meeting - May 29, 1990

that Rainbow, Inc., was the low bidder to repaint the Balcerzak elevated tank. Rainbow, Inc. stated that they can follow the Minnesota Pollution Control Agency's requirements to remove the contaminated material, and they would be willing to complete the work for an additional \$40,225. He stated that there are three options which the City could pursue which are:

1. Modify existing bid with an increase of \$40,225 and proceed with the project this summer.
2. Cancel existing bid and potentially pay a bid cancellation fee of \$16,090.
3. Rebid project at a potential cost increase of \$80,000 to \$100,000.

He stated that staff is recommending the first option which would be to modify the existing bid.

Following Council discussion, Ms. Sheran moved and Mr. Knapp seconded a motion to modify the existing bid with an increase of \$40,225 and proceed with the project this summer. With all members voting in favor, the motion carried.

(6.6) Mr. Bassett reported that a request has been received from Blue Earth County for the City to donate \$100 to encourage recycling activities. The \$100 would be used for prize money for individuals who utilize the glass recycling sheds and the City's compost site. Mr. Faust stated that June has been declared National Recycling Month, and he would like to speak in favor of this request.

There being no discussion, Ms. Sheran moved and Mr. Knapp seconded a motion to donate the \$100 in prize money. With all members voting in favor, the motion carried.

REPORTS OF COUNCIL MEMBERS

(7.1) Mr. Faust reported that the Airport Commission has been contacted by Cornerstone Events, Inc. for the possibility of scheduling a major airshow (including a military jet team) for Mankato as a mid-week one day event for the summer of 1991. He stated that the Airport Commission is recommending approval of the proposal which Cornerstone Events, Inc. has provided in order that the commission can go ahead with the planning of the event. He explained that it will not cost the City anything, but volunteers will have to be utilized. Mr. Bassett mentioned to the Council that this is a mid-week airshow, not a weekend one which has been done in the past; therefore, it could create a minor problem in that volunteer police and fire personnel would have to be used. Hopefully, they will be able to help out during the week as these volunteers have other jobs. Mr. Knapp suggested that perhaps the commission could see if this event could be scheduled on a Friday or Monday instead.

There being no further discussion, Mr. Knapp moved and Mr. Davis seconded a motion to approve the proposal. With all members voting in favor, the motion carried.

(7.2) Mayor Carstensen reported that the Quality Council, which was initiated by the Council in October 1988, has been meeting monthly, and a number of speakers have been in attendance.

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APPEARANCES

(8.1) Mr. Bassett stated that a representative from the Lincoln Park Association would like to appear before the Council to give an update on the Celebrate Minnesota 1990 Program, the housing improvement program, and to request that the Council adopt a Resolution of Sponsorship for Minnesota Department of Trade and Economic Development, Small Cities Development Program, and Minnesota Housing Financing Agency Neighborhood Preservation Home Improvement Loan Program.

Roger Guenette, 343 Ramsey Street, stated that the Lincoln Park Association has been working on the Celebrate 1990 effort the past three months. On Saturday, June 2nd, the neighborhood will start planting trees and shrubs in the small park.

Dean Pettis, 320 Fulton Street, illustrated to the Council what their organization intends to do in the park which includes the planting of trees and shrubs, benches, period lighting, and irrigation system. Mr. Guenette stated that they do have a long range plan for the park which includes a flagpole, a decorative drinking fountain, and iron fencing. He stated that these improvements amount to over \$61,000. The neighborhood has contributed \$4,600 so far, and they expect to receive \$5,000 from the Celebrate 1990 program. They have been working with local companies, and with buying some items at cost or having some donated, they feel it will cost \$36,000. Therefore, they are asking that the City make a contribution to the park. This is the only piece of public property in the Lincoln Park area. He stated that the fraternity across the street from the park has offered to water the shrubs, and they feel that the wiring for the street lamps could be put in this year.

Mr. Kennedy stated that he has two concerns. One concern is to see how well the park is used and treated. The second concern is having these type of expenditures come from the current budget. Perhaps it would be better to budget an expenditure such as this over a couple of years. Mr. Bassett stated that he thinks the Parks Superintendent, Floyd Roberts, would not like to recommend this kind of investment for this park. The traffic patterns could present dangers to people, and drinking fountains are subject to a lot of vandalism, and they are not practical in Minnesota. Also, he questions the installation of an irrigation system for the park. Mr. Faust asked Mr. Guenette if there is ample space for children to play in this park. Mr. Guenette stated that they have kept one area aside; however, this park is not an appropriate area for children to play. He stated that the Lincoln Park Association has met with Mr. Roberts on a number of occasions, and he showed nothing but enthusiasm for their proposed plans. Ms. Sheran stated that neighborhood organizations, such as the Lincoln Park Association, have given the Council much thought as to the degree the City will participate with neighborhood projects. Such as, how does the City determine its participation, and what does it do when a neighborhood designs its own park. She suggested that the Council look at the idea of possibly providing matching funds to neighborhood projects, and she suggested that this be discussed at a Council work session.

Mr. Guenette stated that they will give a list of items as to what they intend to commit their funds to, and they are open to talking with staff. They wouldn't be opposed to amending their plans.

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There being no further discussion, Ms. Sheran moved and Mr. Kennedy seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

Mr. Bassett stated that the Lincoln Park Association will have to get permission from the Council to dig up the park on Saturday, June 2nd, in order to plant their trees and shrubs. Mr. Kennedy moved and Mr. Davis seconded a motion to give permission to the Lincoln Park Association to dig up the park on June 2nd. With all members voting in favor, the motion carried.

Mr. Kennedy stated that he would like staff to provide a report to the Council as to how much money is in the park dedication fund.

(8.2) Mr. Bassett stated that Ron Yezzi, 20 Chancery Court, would like to appear before the Council regarding a petition from the Kensington Hills residents.

Ron Yezzi, 20 Chancery Court, stated that he has a petition to present to the Council from residents and property owners of Kensington Hills. He stated that the preliminary plat of Mayan Subdivision was approved at the last Council meeting. Access for the subdivision to Monks Avenue would be through Ledlie Lane (Viking Terrace). Since that meeting, residents of Kensington Hills have found out that the Viking Terrace residents want to put an access through Kensington Hills. He stated that residents of Kensington Hills are against that as they are concerned there may be an unfair compromise, and Viking Terrace shouldn't be able to say that their obligation should be shared by Kensington Hills. He then read to the Council the petition.

Ms. Sheran stated that after the May 14th Council meeting, she was approached by Viking Terrace residents who have other options in regards to access to Monks Avenue which weren't discussed at the Council meeting. Ms. Sheran stated that she was going to suggest that a meeting be held with the residents of Viking Terrace and Kensington Hills to look at the proposals which have been presented by the Viking Terrace residents. She stated that she feels there should also be a staff person in attendance to look at the implications and costs of the proposals.

Elaine Lilly, 320 Chancery Lane, stated that Kensington Hills already has an access to Monks Avenue. She stated that she is concerned under what circumstance they would have to negotiate a second access, and why should Kensington Hills have to absorb all of the outlet area.

Kathy Trauger, 110 Chancery Lane, stated that she feels it is unfair that Kensington Hills has to absorb two accesses to Monks Avenue. She stated that if there is a meeting held with Viking Terrace and Kensington Hills residents, the Council must keep in mind that the population of the areas are quite different, and Viking Terrace residents have had more time to bring together proposals.

Following Council discussion, Ms. Sheran moved and Mr. Faust seconded a motion to have staff prepare a report on the proposals presented by the Viking Terrace residents, and schedule a meeting with the residents of Viking Terrace and Kensington Hills. With Sheran, Faust, and Kennedy voting yes, and Davis, McLaughlin, Knapp, and Carstensen voting no, the motion failed.

Ms. Sheran stated that she would like to look at bringing Chancery Lane City Council Meeting - May 29, 1990
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into Viking Drive which means there would be a "T" intersection at Ledlie Lane. She stated that this, along with extending Ledlie Lane to Monks Avenue, were the Council's long-range plans of this area. Therefore, she

would like staff to give a report to the Council as to how this proposal could be brought to a public hearing.

HEARINGS

(9.1) Mr. Bassett stated that this is the date of a project hearing on Improvement No. 89052, necessary sanitary sewer, watermain, storm drainage, grading, base, curb and gutter, and bituminous surfacing on Second Street from Good Counsel Drive to 250 feet south and on Good Counsel Drive from Riverfront Drive to 600 feet east. He stated that Harlan Drumm and James Fallenstein have agreed to being annexed, and have agreed to the sewer, water, drainage, and street improvements adjacent to their property. They stated that this is conditional upon approval of a 30 foot opening onto North Riverfront Drive adjacent to the property.

He stated that Floyd Roberts has contacted Joseph Ulicini regarding the maintenance of the front of his property as the City owns a portion of it. It was decided that the City would pay Mr. Ulicini for the maintenance of the City's portion.

Mayor Carstensen opened the public hearing for testimony.

Mark Honetschlager, 2032 North Fourth Street, had Mr. Bassett explain to him what is going to happen with the five properties who have new wells. Mr. Bassett stated that there will be no additional improvements to those properties, and there will be sewer and water available if and when they hook in. They are future assessments.

Betty Larson, 2015 North Broad Street, asked how far the sewer and water will come to her property. Mr. Bassett stated that it will go to Second Street.

There being no one else wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

Mr. McLaughlin moved and Mr. Faust seconded a motion to adopt a Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment for Improvement No. 89052 and a Resolution Ordering Improvement No. 89052 and Approving Plans and Specifications and Ordering Advertisement for Bids. With all members voting in favor, the motion carried.

(9.2) Mr. Bassett stated that this is the date of a project hearing on Improvement No. 84044, necessary sanitary sewer, watermain, including services, storm drainage, grading, base, curb and gutter, and bituminous surfacing to construct a 36 foot wide street with parking on northeast side only on Agency Road from Main Street to Glenwood Avenue, excluding sidewalk construction.

Mayor Carstensen opened the public hearing for testimony.

Carl Lindmeyer, 112 Agency Road, stated that nothing has been mentioned about the driveway approaches. He stated that the residents would like to have slanted curbs (apron style) such as Hosanna Street has. Mr. Bassett mentioned that the design of the curb isn't for the function of the driveway but rather for drainage.

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Joe Kotthoff, who owns property at 104 Agency Road, asked if the City could give him 10 feet more by their house as the improvement brings the road closer to their lot line. He stated that he talked to the City Engineer, Ken Saffert, but he didn't give him a definite answer. Mr. Bassett stated that he will have Mr. Saffert contact him tomorrow.

Jane Eby, 234 Clover Lane, stated that she is in favor of this improvement.

There being no one else wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

Ms. Sheran asked Mr. Bassett if the concerns of Mark Scheidel, 1 Petticoat Lane, and Orville Hogen, 101 Agency Road, were addressed by staff. Mr. Bassett stated that he is unsure, however, he will get a report from Engineering for the Council.

Larry Schnoor, 107 Agency Road, asked when construction will get started as there are already two drain holes which are ready to cave in. Mayor Carstensen directed Mr. Schnoor to call the City Engineer.

There being no discussion, Mr. Kennedy moved and Mr. Knapp seconded a motion to adopt a Resolution Ordering Improvement No. 84044 and Approving Plans and Specifications and Ordering Advertisement for Bids and a Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment for Improvement No. 84044. With McLaughlin, Knapp, Kennedy, and Carstensen voting yes, and Sheran, Davis, and Faust voting no, the motion carried.

(9.3) Mr. Bassett stated that this is the date of an assessment hearing on Improvement No. 89097, necessary sanitary sewer, watermain, storm drainage, grading, base, curb and gutter, and bituminous surfacing on Summit Avenue from Third Avenue to Lundin Boulevard. He mentioned that the notice of hearing was published with sidewalks on both sides of the street.

Mayor Carstensen opened the public hearing for testimony.

There being no one wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

There being no discussion, Mr. Davis moved and Mr. Knapp seconded a motion to adopt a Resolution Adopting Amended Assessment for Improvement No. 89097. With all members voting in favor, the motion carried. The Council then discussed the sidewalk being on both sides of the street.

(9.4) Mr. Bassett stated that this is the date of assessment hearings for minor street resurfacing, curb and gutter replacement, and replacement of utility service as necessary on Improvement No's. 90022, Cora Court from Main Street to end, 90023, Gretchen Court from Main Street to end, 90024, Karen Court from Main Street to end, 90027, Belmont Avenue from Hope Street to Main Street, and 90028, Maxfield Street from Third Avenue to Fifth Avenue.

Mayor Carstensen opened the public hearing for testimony.

There being no one wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

There being no discussion, Mr. Faust moved and Mr. Knapp seconded a motion to adopt Resolutions Adopting Assessment for Improvement No's. 90022, 90023, 90024, 90027, and 90028. With all members voting in favor, the motion carried.

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BIDS

(10.1-10.2) Mr. Bassett reported that staff is recommending the low bids of C.W. Scheurer and Sons Construction for Improvement No. 89097, Summit Avenue Industrial Park, in the amount of \$796,782.05, and Improvement No. 86001, North Riverfront Drive watermain extension, in the amount of \$109,853.

There being no discussion, Mr. Knapp moved and Ms. Sheran seconded a

motion to approve the low bids. With all members voting in favor, the motion carried.

PLANNING COMMISSION

(11.1-11.2) Mr. Bassett recommended that the Council set June 11, 1990 as date of hearing on an Ordinance Rezoning Certain Real Property Located at 1316 North Broad Street from a R-3 Zoning District to a B-3 Zoning District and a Resolution of the City of Mankato Vacating an Utility Easement, Lime Valley Second Addition, Lots 3 and 4, Block 2.

There being no discussion, Mr. Knapp moved and Mr. Davis seconded a motion to set June 11, 1990 as date of hearing for the Ordinance and Resolution. With all members voting in favor, the motion carried.

TRAFFIC AND SAFETY

(12.1) Mr. Bassett reported on a Resolution Designating No Parking on the East Side of Fifth Street from Cherry Street North 300'. He stated that Old Main Village requested this as it is hard to get out of their driveways with all the cars parked so close.

Following a brief discussion, Ms. Sheran moved and Mr. Davis seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

ORDINANCES

(13.1) Mr. Bassett reported that this is the date of hearing on an Ordinance Amending Sections 10.15 and 10.16 of the Municipal Code of the City of Mankato (to allow churches and schools in B-2 and B-3 Zoning Districts).

Mayor Carstensen opened the public hearing for testimony.

There being no one wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

Following a brief discussion, Mr. Knapp moved and Mr. Faust seconded a motion to adopt the Ordinance. With all members voting in favor, the motion carried.

(13.2) Mr. Bassett reported that this is the date of hearing on an Ordinance Rezoning Certain Real Property Located in Section 10, Township 108 North, Range 26 West, from an R-A Zoning District to an I-1 Zoning District (Eastwood Industrial Centre).

Mayor Carstensen opened the public hearing for testimony.

There being no one wishing to appear before the Council to give City Council Meeting - May 29, 1990
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testimony, Mayor Carstensen declared the public hearing closed.

There being no discussion, Mr. Kennedy moved and Mr. Davis seconded a motion to adopt the Ordinance. With all members voting in favor, the motion carried.

MISCELLANEOUS BUSINESS

Mr. McLaughlin requested that he receive a copy of the Planning Commission minutes as they relate to Item No. 11.1.

ADJOURNMENT

There being no further business to come before the Council, Mayor Carstensen declared the meeting adjourned at 9:30 p.m.

Minutes Approved.

Vernon K. Carstensen, Mayor

ATTEST:

Sandra R. Paulson
Secretary of the Council

For more information about the City Council, contact the Executive Assistant at 507-387-8690

MINUTES OF THE MANKATO CITY COUNCIL

REGULAR MEETING, MONDAY, MAY 14, 1990

CALL TO ORDER

A Regular Meeting of the Mankato City Council was held commencing at 7:00 p.m. on the 14th day of May with Vernon K. Carstensen presiding. Mayor Carstensen called the meeting to order. Council Members Michael Kennedy, Kathleen Sheran, Michael Davis, Claire Faust, Tom McLaughlin, Tony Knapp, City Manager William A. Bassett, Assistant City Manager David Ellison, City Attorney Eileen M. Wells, and Secretary of the Council Sandra R. Paulson were present.

APPROVAL OF AGENDA

Mayor Carstensen asked if there were any additions or corrections to be made to the agenda.

Mr. Bassett requested to remove Item No. 8.1 from the agenda, and he requested to add an appearance of Charles Waters, 1261 Pohl Road, under Miscellaneous Business as Item No. 13.1, and a Resolution Authorizing City Manager to Enter into an Agreement for Consulting Services as Item No. 13.2.

There being no further additions or corrections, Mr. Faust moved and Mr. Knapp seconded a motion to approve the amended agenda. With all members voting in favor, the motion carried.

APPROVAL OF MINUTES

(4.1) Mayor Carstensen asked if there were any corrections or changes to be made to the Minutes of the Regular Meeting of April 9, 1990.

There being no corrections or changes, Mr. Kennedy moved and Mr. McLaughlin seconded a motion to approve the minutes. With all members voting

in favor, the motion carried.

(4.2) Mayor Carstensen asked if there were any corrections or changes to be made to the Minutes of the Regular Meeting of April 23, 1990.

There being no corrections or changes, Mr. Faust moved and Mr. Knapp seconded a motion to approve the minutes. With all members voting in favor, the motion carried.

(4.3) Mayor Carstensen asked if there were any corrections or changes to be made to the Minutes of the Special Meeting of April 30, 1990.

There being no corrections or changes, Mr. Knapp moved and Mr. Faust seconded a motion to approve the minutes. With all members voting in favor, the motion carried.

CITY MANAGER'S REPORT

(5.1) Mr. Bassett reported on a Resolution Authorizing the City Manager to Enter into an Agreement with the Minnesota Department of Transportation, Office of Aeronautics, for Paint Striping of Airport Runways at the Mankato Municipal Airport. He stated that the Department of Transportation has a program to paint center line stripes and edge markings on public airport pavement services, and under this program, the City is financially responsible for the cost of the paint. He stated that this agreement will
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expire November 15, 1999.

There being no discussion, Mr. Faust moved and Ms. Sheran seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

(5.2) Mr. Bassett reported that Paul Montgomery's term on the Regional Library Board will be expiring, therefore, the City Clerk will advertise the opening for two weeks with a deadline of May 25, 1990.

(5.3) Mr. Bassett reported on Supplemental Agreement No's. 2 and 3 for Improvement No. 84005, North Riverfront Drive reconstruction, and he stated that Supplemental Agreement No. 2 involved adjustment of rings to bring all of the manhole elevations to the desirable height upon placement of the final pavement wearing course this summer. He stated that accommodations were also made to the modified valving water manholes as the contractor had to replace the standard water vaults with 84 inch vaults. These changes totalling \$22,418.83 were offset by deletions of four standard water vaults, therefore, this supplemental agreement amounts to a net increase of \$8,299.83 or a 4.33 percent increase.

He stated that Supplemental Agreement No. 3 involved expanding the project limits between Ruby Street and Trunk Highway 14 to rectify some pavement conditions discovered upon inspection with the district state aid engineer after the plan was approved in the spring of 1989. Staff is requesting Municipal State Turnback Funds to accomplish this work as part of the project. The Supplemental Agreement amounts to a net increase of \$30,066 or a 6.14 percent increase.

(5.4) Mr. Bassett reported on a Resolution Certifying Acceptance of Privately Constructed Improvement No. 82029, extension of sanitary sewer to service property north and west of Maple and Rock Streets and construction of

watermain under Chicago and Northwestern Railroad right-of-way at Rock Street, west to Maple Street (Jerome Sheehan property). Mr. Bassett stated that this project was petitioned by the property owner, and he was also the low bidder. Therefore, he completed the work as a private improvement. Therefore, staff is recommending adoption of this Resolution to accept the project as a private improvement.

There being no discussion, Mr. Kennedy moved and Ms. Sheran seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

(5.5) Mr. Bassett reported on a Resolution Appropriating Municipal State Aid Funds for SAP 137-105-03, North Broad Street reconstruction.

There being no discussion, Ms. Sheran moved and Mr. Knapp seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

(5.6) Mr. Bassett reported on a Resolution Declaring Adequacy of Petition, Ordering Preparation of Report, and Calling for Hearing on Proposed Improvement No. 84044, necessary sanitary sewer, watermain, including services, storm drainage, grading, base, curb and gutter, and bituminous surfacing to construct a 36 foot wide street with parking on City Council Meeting - May 14, 1990
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northeast side only on Agency Road from Main Street to Glenwood Avenue, excluding sidewalk construction.

Mr. Bassett discussed with the Council that only a simple majority vote is required for a petitioned improvement. Following the discussion, Mr. Knapp moved and Mr. Kennedy seconded a motion to adopt the Resolution. Mr. Faust stated that he would like to make an amendment to include four foot sidewalks on one side of the street. Therefore, he moved and Ms. Sheran seconded a motion to approve the amendment. With Sheran, Davis, and Faust voting yes, and Kennedy, McLaughlin, Knapp, and Carstensen voting no, the amendment failed. Roll call was then taken on the motion to adopt the Resolution. With Kennedy, Davis, McLaughlin, Knapp, and Carstensen voting yes, and Sheran and Faust voting no, the motion carried.

(5.7) Mr. Bassett reported on a Resolution Authorizing the City Manager to Enter into an Agreement with Meray's Restaurant and the HECO Building for Lease of Space for Construction of a Freezer Storage Room. He stated that the proposed lease agreement is for five years at \$120 per year which, according to Larry Forsythe, Economic Development Director, is consistent with what has been done in this area. A discussion was held on the size and type of freezer storage room.

There being no further discussion, Ms. Sheran moved and Mr. Davis seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

(5.8) Mr. Bassett reported on a Resolution Authorizing Execution of Contract with Blue Earth County Housing and Redevelopment Authority to Provide Management and Services for Public Housing and Section 8 Housing Programs. He stated that this agreement will for a three year period.

There being no discussion, Mr. Kennedy moved and Ms. Sheran seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

(5.9) Mr. Bassett reported on a Resolution Authorizing an Agreement for the Administration of the Minnesota Rental Rehabilitation Program in Conjunction with the Martin County Housing Trust Program. He stated that the Minnesota Valley Action Council is the usual administrator of the Minnesota Rental Rehabilitation Program, but is unable to act as the administrator because it is administrating the Housing Trust Accessible Program.

There being no discussion, Mr. Davis moved and Mr. Faust seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

(5.10) Mr. Bassett reported on a Resolution Requesting Minnesota Department of Transportation to Participate in Improvements for Trunk Highway No. 66. He stated that this resolution will formalize the agreement with the Minnesota Department of Transportation, and this project should be completed in 1991.

Following a brief discussion, Mr. Davis moved and Mr. Faust seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

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REPORTS OF COUNCIL MEMBERS

(6.1) Mr. Bassett read the Proclamation Designating May 16, 1990 as "Transit Appreciation Day."

There being no discussion, Ms. Sheran moved and Mr. Faust seconded a motion to adopt the Proclamation. With all members voting in favor, the motion carried.

(6.2) The Council held a discussion on the Ambassador Awards nominations for May 29, 1990. Mr. Faust stated that since the end of the school year is drawing near, he would suggest that staff contact the educational institutions to see if there are students who should receive an Ambassador Award. He stated that his concern is that if this is done after June, the students will be out of town for the summer. Mr. Kennedy asked Mr. Bassett what qualifies a person to receive an Ambassador Award. Mr. Bassett replied that at the State level, one must place in the top five to receive an Ambassador Award. He suggested that rather than having the staff contact the schools, the Council Members should make the nominations. Mr. Kennedy stated that his concern is that the City may be duplicating the awards which the schools give their students. Therefore, he stated that the Council should be careful in not letting this Ambassador Awards program get out of hand. Mr. Faust stated that he agrees with Mr. Kennedy. Mr. Bassett suggested to honor the university students on May 29th and the high school students on June 11th, and he stated that staff can contact the schools and universities this time. However, he recommended that future student nominations come from the Council Members. Mayor Carstensen assigned the schools to the Council Members as follows:

Mr. Faust - Mankato State University
Mr. McLaughlin - Loyola High School
Mr. Knapp - Mankato East High School
Mr. Davis - Mankato West High School
Mr. Kennedy - Bethany Lutheran College
Ms. Sheran and Mayor Carstensen - Mankato Technical College

(6.3) Mayor Carstensen recommended that Verona Burton, 512 E Hickory Street, be appointed to the Public Access Authority Board. He stated that she will be replacing Mr. Kennedy on the board.

Mr. Kennedy commented that he feels a citizen should serve on this board instead of himself as he serves on the Cable Advisory Board which supervises the Public Access Authority Board.

There being no further discussion, Mr. Davis moved and Mr. Kennedy seconded a motion to approve the appointment. With all members voting in favor, the motion carried.

(6.4) Mayor Carstensen recommended that Gretchen Townsend, 404 Oak Knoll Boulevard, be reappointed as an alternate member to the Board of Review for another three year term.

There being no discussion, Mr. Kennedy moved and Mr. Faust seconded a motion to approve the appointment. With all members voting in favor, the motion carried.

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APPEARANCES

(7.1) Mr. Bassett stated that Gerald Smith, 1117 Woodland, would like to appear before the Council at this time to request a soccer field in the park system.

Mr. Smith stated that he would like to request a soccer field somewhere in the park system as they feel there are enough soccer players to warrant one. He stated that there are over 350 players in the Spring YMCA Program, and last fall the Mankato Area Youth Athletic Association had a recreational league which had eight full teams and over 100 boys and girls in the program. They would like to thank the Bethany Lutheran College for enabling them to use their field. He stated that Mankato is the largest city in the State that does not have a public soccer field. He stated that he has talked to City staff, and all have been very supportive of this project, but they feel that the most logical place for a soccer field is in the Land of Memories Park. He stated that this area is considered a special place or a sacred site to the native Indian movement, therefore, this probably isn't an appropriate site for a soccer field. One site that he feels would work out would be the Blue Earth County fairgrounds if they get located to the Mankato area.

Mr. Faust asked Mr. Smith if spectator seating needs to be provided. Mr. Smith stated that they do not need spectator seating. They only need an approximate area of 120 yards by 80 yards. They are asking for one field, however, two fields would be nice. Mr. Faust asked Mr. Smith if he has a suggested location(s) for the soccer field. Mr. Smith suggested the two softball fields in Sibley Park as they're not well lit anyway, and there would be parking available. He stated that the parks near Highway 22 wouldn't be appropriate. Ms. Sheran read the following recommendations from Floyd Roberts, Park Superintendent, to Mr. Smith:

1. Mr. Smith attend a community services facility committee meeting and establish how many soccer fields they would possibly need, who would use them, and where would the most convenient place be to put the fields.
2. Establish how the field would be built. If it were built within the City of Mankato, how the funds would be established to build and maintain

it.

3. Mr. Smith come back to the City with the information and recommendation.

Mr. Smith stated that he will be happy to meet with the community services facility committee. Mr. Davis suggested that he contact Tom Anderson in order that he can meet with the subcommittee of the Facility Committee.

Marilyn Strasser, 204 Dolph Road, stated that she is a member of the Mdewakanton Club and the Pow Wow Committee. She read to the Council a policy statement, which was adopted by their committee, regarding the uses of the Land of Memories Park.

Mr. Bassett explained to the Council that originally the City bought the land for a well field to supply water for the community, and the land was dedicated for park purposes with a portion of it dedicated for the Pow Wow. He stated that the land was first purchased in the 1960s with the last purchase made in the 1970s. Mr. Kennedy stated that he would like the staff to provide the following information to the Council:

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1. History of land purchases in the Land of Memories Park by the City.
2. Official agreements with local Indian leaders for using the park for the annual pow-wow.
3. Any documents showing the park is established as sacred, spiritual ground.

Mary Larsen, 16 Westminster Road, stated that the Indians recognize that the land belongs to the City. She stated that this area is documented as the King's Mount and that is where they meet the third week of September. She stated that they aren't asking this to be a single use site, however, they will continue to meet in Mankato. She thanked the Council for listening to her testimony.

(7.2) Mr. Bassett stated that Doug Schroeder, 516 Monroe Avenue, North Mankato, would like to appear before the Council to request signing for Hosanna Lutheran Church, 105 Hosanna Drive, on Victory Drive and East Main Street.

Mr. Schroeder stated that they are requesting this signing because people have difficulty in finding their church. Mayor Carstensen asked Mr. Schroeder if the congregation has pursued putting signs on private property. Mr. Schroeder stated that they haven't; that was their next step if the Council denied their request this evening. Mr. Bassett commented that the Traffic and Safety Committee felt that there was no great need for signing of churches as people who attend weddings and funerals usually get directions. Therefore, they recommended to deny this request. The Council suggested to Mr. Smith that they put signs on private property as long as they meet the zoning requirements.

HEARINGS

(8.1) Deleted.

(8.2) Mr. Bassett stated that this is the date of a continued assessment hearing on Improvement No. 89097, necessary sanitary sewer, watermain, storm drainage, grading, base, curb and gutter, and bituminous surfacing on Summit Avenue from Third Avenue to Columbia Street and on Park Street from Summit

Avenue to Lundin Boulevard. He stated that since there was an error in the mailing of the notice of hearing, staff is recommending to continue this hearing until May 29, 1990.

There being no discussion, Ms. Sheran moved and Mr. Davis seconded a motion to continue the hearing until May 29, 1990. With all members voting in favor, the motion carried.

(8.3) Mr. Bassett stated that this is the date of project hearings for minor street resurfacing, curb and gutter replacement, and replacement of utility service lines on Improvement No's. 90031, Hope Street from Madison Avenue to north end, 90032, Holly Lane from Belle Avenue to north end, and 90033, Tullamore Street from Holly Lane to 400 feet east.

Mayor Carstensen opened the public hearing for testimony.

There being no one wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.
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There being no discussion, Ms. Sheran moved and Mr. Davis seconded a motion to adopt Resolutions Ordering Improvements and Approving Plans and Specifications and Ordering Work Done by Day Labor, and Resolutions Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment for Improvements for Improvement No's. 90031, 90032, and 90033. With all members voting in favor, the motion carried.

(8.4) Mr. Bassett stated that this is the date of a project hearing on Improvement No. 89063, necessary storm drainage, grading, base, curb and gutter, and bituminous surfacing on Park Avenue from Lundin Boulevard to south end.

Mayor Carstensen opened the public hearing for testimony.

Dick Cashman, 1734 Candi Lane, North Mankato, stated that he would request that the one option which was to do Park Avenue from Lundin Boulevard to 300 feet south be altered to 200 feet instead. He stated that it is unnecessary to go 300 feet, and there would be additional expense. He stated his other concern is that the 80 foot corner credit hasn't been recognized in any of the correspondence that he's received from the City.

Ralph Baumgartner, general manager of the Southern Valley Co-op, stated that Mr. Cashman's solution is a very reasonable solution as it would save a great deal of expense for everyone, and they are in agreement.

Herb Sorell, 8620 Hunters Way, Apple Valley, stated that his family owns lot five valued at \$1,100, and the proposed assessment for this lot is \$748. Therefore, they are opposed to the improvement.

There being no one else wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

Following a brief discussion, Ms. Sheran moved and Mr. Davis seconded a motion to adopt a Resolution Ordering Improvement No. 89063 and Approving Plans and Specifications and Ordering Advertisement for Bids, and a Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment for Improvement No. 89063 with the project to go on Park Avenue from Lundin Boulevard to 200 feet south. With all members voting in favor, the motion carried.

(8.5) Mr. Bassett stated that this is the date of a project hearing on Improvement No. 89042, necessary storm drainage, grading, base, curb and gutter, and bituminous surfacing on West Third Street from Sibley Street to approximately 200 feet east.

Mayor Carstensen opened the public hearing for testimony.

Cliff Anderson, 80109 West 102nd Street, Bloomington, stated that he originally circulated the petition for improvements in this area. However, he wasn't aware that it was going to involve driveway approaches, sanitary sewer, and water service. Therefore, he recommends that only the paving of the street be done.

Mr. Bassett stated that the City's share of this project would amount to approximately \$130,000 to get rid of the water. Therefore, he suggests that the Council reject the project and have staff look at different options to solve the water, sewer, and paving problems.

Cal Cammack, 325 Sibley Street, stated that he resides on the corner where the water problem is. He stated that the water does drain naturally to the railroad tracks, therefore, the drainage issue could be solved a lot City Council Meeting - May 14, 1990

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cheaper than what is proposed. He also suggested that the street be paved without curb and gutter.

There being no one else wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

There being no discussion, Mr. Davis moved and Mr. Faust seconded a motion to reject the project. With all members voting in favor, the motion carried.

(8.6) Mr. Bassett stated that this is the date of a project hearing on Improvement No. 89052, necessary sanitary sewer, watermain, storm drainage, grading, base, curb and gutter, and bituminous surfacing on Second Street from Good Counsel Drive to 250 feet south and on Good Counsel Drive from Riverfront Drive to 600 feet east.

Mayor Carstensen opened the public hearing for testimony.

Mark Honetschlager, 2032 North Fourth Street, stated that there are about five families that already have new wells, and now the City comes along with these assessments. He stated that he was told years ago when he bought his property that there wouldn't be utilities installed out there. He requested that staff print up some materials for the residents so they know where they stand.

Joseph Ulicini, 2044 North Fourth Street, stated that the residents don't need the improvements. He stated that he lives on the corner, and the City has added extra lawn approximately 100 feet by 150 feet wide which needs to be maintained. He is unable to maintain this due to his health, and he can't afford to have someone maintain it.

Dan Corcoran, owner of C & S Supply and Mankato Sports, stated that they originally petitioned North Second Street. He stated that they are in favor of this improvement, however, they didn't realize that they'd run into the sanitary sewer and water improvements. He stated that the City piles snow on Tourtellotte Park, it melts, and it ends up on his property.

There being no one else wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

A question was raised as to what the term "future" assessment means on the assessment roll. Mr. Bassett stated that it means an assessment becomes due and payable when the property gets developed, plus interest. Mr. Kennedy asked Mr. Bassett why the City hasn't annexed some of this property. Mr. Bassett stated that a few years ago the City negotiated with the township to annex this property, however, there was no reason to annex the property. Mr. Kennedy asked if there was any way to bring services into Mankato Sports without going through all this property. Mr. Bassett stated he's not sure,

however, he suggested to continue this hearing until May 29th in order to get a report from the City Engineer regarding the questions that were raised this evening.

There being no further discussion, Mr. Kennedy moved and Mr. Faust seconded a motion to continue the hearing until May 29, 1990. With all members voting in favor, the motion carried.

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PLANNING COMMISSION

(9.1) Mr. Bassett reported on the request for approval of the amended final plat of Hilltop Power Center (Madison Avenue and Highway 22 intersection).

Mr. Knapp asked if it is correct that the park dedication be with a cash payment in lieu as he thought they had to make some kind of donation to the Peace Pipe Park. Mr. Bassett stated that he is not sure, however, he suggested that the Council adopt the resolution subject to the conditions that the Planning Commission originally established.

There being no further discussion, Ms. Sheran moved and Mr. Knapp seconded a motion to adopt a Resolution Approving Revised Final Plat of Hilltop Power Center subject to the conditions that the Planning Commission originally established. With all members voting in favor, the motion carried.

(9.2) Mr. Bassett reported on the request for approval of the final plat of Eastwood Industrial Centre.

There being no discussion, Mr. Knapp moved and Mr. Davis seconded a motion to adopt a Resolution Approving Final Plat of Eastwood Industrial Centre. With all members voting in favor, the motion carried.

(9.3) Mr. Bassett reported on the request of E.J. Enterprises, Inc. for a Conditional Use Permit to allow a restaurant in a CBD-2 Zoning District (624 South Front Street). He stated that there are three conditions of the Conditional Use Permit which are:

1. That the owners of the business provide written agreement for the use of five additional parking stalls.

That the parking lot be hard-surfaced and striped.

3. That one handicapped parking stall be striped and signed.

John Romas, 407 West Eighth Street, stated that he will occupy lot 5, and lot 4 does not have an easement. He stated that Snyder Drug has not approved their parking request, therefore, they have no access to the back of their property. He stated that they have nine parking spaces, but they are unable to get the five additional stalls which is a requirement.

Mr. Kennedy asked why the City is requiring off-street parking. Mr. Knapp stated that because there are apartments located above the building. Mr. Faust asked Mr. Romas if they had been designated property for parking on the north side of the building earlier. Mr. Romas stated that they have not; Snyder Drug wouldn't grant it. He stated that they have told Snyder Drug that they will help out with policing of the lot, snow removal, etc., and they still won't grant it. He stated that the parking spaces in question are not for customers of Snyder Drug. If there isn't an easement, there is no way to get back to the five parking spaces. He asked the Council if they have any directions or suggestions for him to pursue.

Larry Ellingsrud, current owner of 624 South Front Street, explained to the Council, by overhead projector, the current parking situation around the building. He stated that they have never had a problem with parking. He
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stated that they use Snyder Drug's entrance, and Snyder Drug's employees park on his property and use it for snow removal.

Mr. McLaughlin and Mr. Faust discussed with Mr. Romas possibilities for finding additional parking and the idea to approach Snyder Drug again. Mr. Romas stated that if he is unable to find additional parking, will this Conditional Use Permit be valid. Mr. Bassett stated that it will not.

There being no further discussion, Mr. Knapp moved and Mr. Faust seconded a motion to adopt a Resolution of the Council of the City of Mankato Granting a Conditional Use Permit to Allow a Restaurant in a CBD-2 Zoning District. With all members voting in favor, the motion carried.

(9.4) Mr. Bassett reported on the preliminary plat approval of Mayan Way Subdivision (Mayan Properties - N 1/2 of NE 1/4, Section 30, T108N, R26W).

Mick Montag stated that he is proposing a 48 lot development south of town between Ledlie Lane and Monks Avenue which contains 34 acres of ground and a ravine. He stated that the project will be in phases, and he desires a road to Monks Avenue.

Jim Lindberg, 308 Ledlie Lane, stated that he used to live on North Second Street, however, they desired to move to a more quiet area, that being Viking Terrace. He stated that the primary goal of the residents who are in attendance this evening is to not have Ledlie Lane be a thorough street from County Road 16 to Monks Avenue. He stated that a lot of residents didn't realize that Ledlie Lane was going to be a future thoroughfare. They are very concerned about the road itself and the traffic flow. He showed to the Council by overhead some of his proposed alternatives.

Ralph Sleeper, 301 Viking Drive, stated that traffic patterns are generated different ways, and he does believe that the City will see that people will take this route as it will be shorter and quicker. He stated that Ledlie Lane is approximately 36 feet wide, and a thoroughfare road should be 44 feet wide. He asked Mr. Bassett if the residents who reside on Ledlie Lane will have to pay for a street improvement if the street deteriorates. Mr. Bassett stated that is correct.

John Just Sr., 30 College Court, stated that he lives on a cul-de-sac in Viking Terrace, and the Council must look at three concerns this evening which are:

1. Outside threats to neighborhoods.
Imbalances in developing neighborhoods; balance must be sought.
3. Pride within the neighborhood.

He stated that he doesn't want the Council to jeopardize their neighborhood by having a thoroughfare road. Achievement of one shouldn't be at the expense of another.

Diane Olson, 108 Viking Drive, stated that she moved to Viking Terrace three years ago, and she has known more neighbors there in three years than the 10 years when she lived at Ellis Avenue. A thoroughfare road will totally change the neighborhood.

Mr. Davis stated that he would like to remind the residents in attendance that Ledlie Lane will not be open to Monks Avenue until the southern bypass goes through.

Marty Weisbeck, 309 Ledlie Lane, stated that people will use Ledlie Lane in the winter time. He also stated that Ledlie Lane's residents currently don't have sidewalk, but once the new development does, will they also be required to have sidewalk, and will the parking be limited to one side only due to the width of the road.

Scott Kelly, 304 Ledlie Lane, stated that the majority of the residents do not want the street as a thoroughfare. If it's for the idea of traffic and safety and public safety issues, then Essex Drive should be used as it is a better route. He stated that if sidewalks are installed, there will be approximately 13 homes that will be affected. There will be an impact on property values if Ledlie Lane is a thoroughfare. He stated that he has heard that the City didn't want the access through Kensington Hills, and the City should be careful as they are in the real estate business since they are selling those lots. He stated that there is a blind spot to Ledlie Lane, and one can't police the area with traffic signs. He stated that it might be a better proposal to reevaluate the whole situation.

Mr. Montag stated that there is an urgency to get this preliminary plat approved by the Council, and he has tried very hard to work closely with the neighborhood and Council. Mr. Montag stated that the two alternatives he had included were the two cul-de-sacs in the development, and that alternative didn't fit in with the City's comprehensive plan. The second alternative was to use Essex Drive which is more of a straight shot and site line, and that is owned by the City. However, with the second alternative, there is between a \$40,000 to \$60,000 cost to improve Essex Drive. He stated that his proposal is a compromise with staff, and his project will happen four to six years which is the same time frame as the Highway 22 bypass. This proposal also puts the City in a competitive position with North Mankato as far as housing. It will bring in a six acre park, bigger tax base, and will link the subdivisions. He stated that the lots will sell between \$30,000 to \$40,000 with roughly \$200,000 homes on them. The Council then held a discussion on the two cul-de-sac alternative. Mr. Bassett stated that if the land is developed that way, only one of the cul-de-sacs will be developed. Mr. Faust commented that with the lots selling for \$30,000 to \$40,000 with \$200,000 homes, it should only increase the values of homes in Viking Terrace, Kensington Hills, etc. The Council discussed and compared the alternatives with Mr. Montag.

Following the discussion, Mr. Davis moved and Mr. Knapp seconded a motion to approve the preliminary plat. Mr. Faust stated that he would like to make a substitute motion that being the access through Essex Drive rather than Ledlie Lane with the developer to bear the cost of improving Essex Drive. Mr. Kennedy stated that he will second that motion. With Faust voting yes, and all other Council Members voting no, the motion failed. Roll call was then taken on the motion to approve the preliminary plat. With Davis, McLaughlin, Knapp, and Carstensen voting yes, and Kennedy, Sheran, and Faust voting no, the motion was carried.

(9.5) Mr. Bassett requested that the Council introduce and set May 29, 1990 as date of hearing on an Ordinance Amending Sections 10.15 and 10.16 of the City Code to Allow Churches and Schools in B-2 and B-3 Zoning Districts.

There being no discussion, Mr. Knapp moved and Mr. Davis seconded a City Council Meeting - May 14, 1990
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motion to introduce and set date of hearing on the Ordinance. With all members voting in favor, the motion carried.

(9.6) Mr. Bassett requested that the Council introduce and set May 29, 1990 as date of hearing on an Ordinance Rezoning Certain Real Property Located in Section 10, Township 108 North, Range 26 West, From an R-A Zoning District to an I-1 Zoning District.

There being no discussion, Mr. Faust moved and Mr. Knapp seconded a motion to introduce and set date of hearing on the Ordinance. With all members voting in favor, the motion carried.

TRAFFIC AND SAFETY

(10.1) Mr. Bassett reported on a Resolution Designating No Parking on the East Side of Fifth Street from Cherry Street North 300'. He stated that he received a call today from Region 9 who would like to review this. Therefore, he is recommending to table this until May 29, 1990.

There being no discussion, Ms. Sheran moved and Mr. Davis seconded a motion to table the Resolution until May 29, 1990. With all members voting in favor, the motion carried.

(10.2) Mr. Bassett reported on the request of Gary Schemen, 426 Willard Street, for a 16' curbcut.

There being no discussion, Mr. Davis moved and Mr. Kennedy seconded a motion to approve the curbcut. With all members voting in favor, the motion carried.

ORDINANCES

(11.1) Mr. Bassett stated that this is the date of hearing on an Ordinance Annexing Property to the Corporate Limits of the City of Mankato (property south of City limits between Monks Avenue and County Road 16).

Mayor Carstensen opened the public hearing for testimony.

Katy Wortel, 1411 Pohl Road, requested that the Council not annex this property. She stated that she feels as long-range planning, the City took the wrong step this evening by first approving the preliminary plat of Mayan Way Subdivision.

There being no one else wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

There being no discussion, Mr. Knapp moved and Mr. Davis seconded a motion to adopt the Ordinance. With all members voting in favor, the motion carried.

(11.2) Mr. Bassett stated that this is the date of hearing on an Ordinance Rezoning Certain Real Property Located in Section 30, Township 108 North, Range 26 West From an R-A Zoning District to an R-1 Zoning District.

Mayor Carstensen opened the public hearing for testimony.

There being no one wishing to appear before the Council to give testimony, Mayor Carstensen declared the public hearing closed.

There being no discussion, Mr. Davis moved and Mr. Faust seconded a City Council Meeting - May 14, 1990
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motion to adopt the Ordinance. With all members voting in favor, the motion carried.

LICENSES

(12.1) Mr. Bassett reported on the renewal of Lawful Gambling Licenses of the Elks Lodge for lawful gambling to be conducted at Sunset Bowl, Mettler's, Albatross, Cheer's, Charley's, and their lodge location.

There being no discussion, Mr. Kennedy moved and Ms. Sheran seconded a motion to approve the renewals. With all members voting in favor, the motion carried.

(12.2) Mr. Bassett reported on the renewal of a Lawful Gambling License for Eagles Aerie 269 Auxiliary.

There being no discussion, Mr. Kennedy moved and Mr. Davis seconded a motion to approve the renewal. With all members voting in favor, the motion carried.

(12.3) Mr. Bassett reported on the renewal applications for Consumption and Display (Set-Up) Permits of Happy Chef Restaurant, Highway 169 North, and Jake's Stadium Pizza, 1609 Monks Avenue. Mayor Carstensen requested to be removed from discussing and voting on this item due to a conflict of interest. Mr. Faust moved and Mr. McLaughlin seconded a motion to excuse Mayor Carstensen due to a conflict of interest. With all members voting in favor, the motion carried.

There being no discussion, Mr. Davis moved and Mr. Faust seconded a motion to approve the renewals. With all eligible members voting in favor, the motion carried.

(12.4) Mr. Bassett reported on the application of Mankato Area Jaycees for a Temporary Non-Intoxicating Malt Liquor License for People's Fair, May 19-20, 1990.

There being no discussion, Mr. Kennedy moved and Mr. Davis seconded a motion to approve the application. With all members voting in favor, the motion carried.

MISCELLANEOUS BUSINESS

(13.1) Mr. Bassett stated that Charles Waters, 1261 Pohl Road, would like to address the Council at this time regarding the prices of lots in Kensington Hills.

Mr. Waters stated that he feels the lots are priced too high in Kensington Hills. He stated that after talking with Mick Montag, he is not too sure he wants to buy a lot now in Kensington Hills. He stated that he feels that a person paying cash for a lot should receive a discount at no real cost to the City. As of two weeks ago, only one lot has been sold at the current price of \$18,900. By this time of the year, most of the contractors have their schedules filled for the year, and such is the case this year. Given the current rate at which the lots are selling, and the time of the year, he believes there is a high probability that many of the lots will not be sold until next spring. He stated that the City is City Council Meeting - May 14, 1990
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requiring \$2,000 earnest money with the balance due in one year at no interest. He explained that he can demonstrate that if a buyer chooses to pay cash, and receives equivalent benefits, that the cash buyer should only pay \$14,595. Local banks are charging about 11.5 percent for money borrowed

for buying a lot. In addition, they require monthly installments. Thus the buyer is receiving a benefit greater than \$1,943 (11.5% x \$16,900). If a lot is paid for in cash, the City has the use of \$16,900 for one year beyond the \$2,000 in earnest money. It is not hard to find a bank paying at least 8 percent for a 12 month CD. At this rate, the City of Mankato could earn a return of \$1,352 (8% x \$16,900) in one year.

Mr. Bassett stated that the reason why the City raised its prices on the lots was because other realtors felt the City was undercutting them. Mr. Kennedy requested to table this matter until May 29, 1990, and he requested that Dave Dacquisto provide a report to the Council as to the number of lots which have been sold since January 1, 1990 which is the date that the City Council raised its price on the lots.

(13.2) Mr. Bassett reported on a Resolution Authorizing the City Manager to Enter into an Agreement for Consultant Services. He stated that the Downtown Planning Task Force is recommending that ZHA, Inc., be selected to lead the community in the downtown revitalization strategy and implementation program not to exceed \$160,000.

There being no discussion, Mr. Kennedy moved and Mr. Davis seconded a motion to adopt the Resolution. With all members voting in favor, the motion carried.

Mr. Bassett stated that the City has been contacted by the League of Minnesota Cities asking if it would consider being a plaintiff in a lawsuit challenging Commissioner Leonard Levine's directive regarding the prevailing wage law for projects receiving state aid funds. He stated that Commissioner Levine will not pay on Minnesota State Aid projects which do not pay the prevailing law wage. He stated that staff has always argued with the Attorney General who makes the opinion as to the prevailing law wage. However, there has never been a Commissioner of Transportation that has enforced it.

Mr. Kennedy asked Mr. Bassett if it is possible that this item be discussed in a work session in order that the City can determine what costs would be associated with this law suit. Eileen Wells, City Attorney, stated that it is her understanding that there would be no charge to the City other than the time of the staff to prepare and testify at the hearings. Ms. Sheran asked how the prevailing law wage is determined. Mr. Bassett stated that the Department of Labor and Industry does it on a county basis, but they do it on the labor contracts. Mr. Kennedy suggested that in the future items such as these be acted under the City Manager's Report rather than under Miscellaneous Business.

There being no further discussion, Mr. Kennedy moved and Mr. Davis seconded a motion to be a plaintiff in the lawsuit. With all members voting in favor, the motion carried.

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ADJOURNMENT

There being no further business to come before the Council, Mayor Carstensen declared the meeting adjourned at 11:18 p.m.

Minutes Approved.

Vernon K. Carstensen, Mayor

ATTEST:

Sandra R. Paulson
Secretary of the Council

For more information about the City Council, contact the Executive Assistant at 507-387-8690