

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 December 21, 2020. City Administrator Harrenstein on March 31, 2020, under MN Statute Section 13D.021, declared the use of electronic meetings due to the COVID-19 pandemic. 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 remotely through Zoom for roll call: Council Members Whitlock, Oachs and Steiner, City Attorney Kennedy, Finance Director McCann, Community Development Director Fischer, City Planner Lassonde, and Public Works Director Host, present in the Council Chambers for roll call: Council Member Norland, Mayor Dehen, City Administrator Harrenstein, and City Clerk Van Genderen. Citizen participation was available through teleconference.

Approval of Agenda

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

Approval of Council Minutes from the December 7, 2020, Council Meeting.

Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of December 7, 2020. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Approval of Council Work Session Minutes from the December 14, 2020, Council Work Session.

Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council Work Session Meeting of December 14, 2020. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Mayor Dehen read into record Certificates of Recognition for Roger Coyour and Kevin Ling for 30 Years of Service to the City.

WHEREAS, Roger Coyour began working for the City of North Mankato on August 29, 1990; and

WHEREAS, he is celebrating 30 years of service to the City of North Mankato; and

WHEREAS, these years of service have been marked by a dedicated effort to maintain the beauty of North Mankato's parks; and

WHEREAS, Roger provides experience and leadership in maintaining the Caswell Park fields' quality, a great asset to the City of North Mankato.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of North Mankato, I do hereby deem it an honor and pleasure to extend this Certificate of Recognition to Roger Coyour on the occasion of his 30th work anniversary, with sincere congratulations and best wishes.

And

WHEREAS, Kevin Ling began working for the City of North Mankato on December 17, 1990; and

WHEREAS, he is celebrating 30 years of service to the City of North Mankato; and

WHEREAS, these years of service have been marked by a dedicated effort to maintain the City's infrastructure and provide assistance to the citizens of North Mankato; and

WHEREAS, Kevin's experience and knowledge of the City's streets and infrastructure are invaluable.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of North Mankato, I do hereby deem it an honor and pleasure to extend this Certificate of Recognition to Kevin Ling on the occasion of his 30th work anniversary, with sincere congratulations and best wishes.

Public Hearing, 7 p.m. Consider Mobile Food Unit Ordinance

Greg Traylor, 329 Crystal Circle, Mankato, spoke before Council requesting clarification on the proposed Ordinance's origin. He stated he owns TNT Eats Food Truck and has served food in both Mankato and North Mankato. Mr. Traylor said food trucks benefit communities by bringing awareness to local businesses.

Jeni Bobholz, 228 Garfield Avenue, spoke before Council and stated she owns the Circle Inn in North Mankato, and the business serves alcohol and has a license for limited food. In the summer, after checking with City staff, she reported she purchased a food truck to serve food on her premises and help lower intoxication rates and provide potential revenue during the pandemic. Ms. Bobholz stated she would plan to use the truck a couple of days a week. She noted the 21-day restriction was too restrictive. Ms. Bobholz said her goal is to enhance the area and evolve her business.

Clay Oachs, 2310 Abbywood Lane, spoke before Council and stated he is not against food trucks but expressed concern over the lack of investment in the community compared to brick and mortar restaurants.

Samantha Barrett, 2232 Coventry Lane, spoke before Council and stated the 21-day limit is too restrictive, especially for locally owned businesses that would have invested in a brick and mortar location and would like to utilize a food truck on their premise additionally.

Beth Fasnacht, 1710 N. Orchid Drive, appeared before Council and stated the 21-day limit is too restrictive and requested Council return the Ordinance to protecting local bars and restaurants from outside food trucks.

Melanie Benit, 901 North Arlington, Virginia, spoke before Council and stated her business Institute for Justice has worked on street vending issues. She stated the Ordinance is too restrictive with the 21-day limit, and the 500 feet proximity limit should also be eliminated.

Brian Mechler, 303 Belgrade Avenue, spoke before Council and stated he supports food trucks and encouraged Council not to vote for the proposed Ordinance.

Barb Church, 102 Wheeler Avenue, spoke before Council and expressed concern about nonspecific fees for food truck licensing and concerns about the City Administrator or his designee making exceptions for the use of food trucks.

With no one else appearing before Council, Mayor Dehen closed the Public Hearing.

Public Hearing, 7 p.m. Improvement Hearing Project No. 19-05 ABCDEF 2021 Harrison Avenue Improvement and Project No. 20-04 ABCDE 2021 Cliff Court Improvement

City Engineer Sarff reported the project areas include the street and utility improvements on Harrison Avenue from Cross Street to Range Street and street and utility improvements on Cliff Court

from Cliff Drive to the end of the cul-de-sac. He noted two neighborhood meetings were conducted virtually. City Engineer Sarff reviewed the existing conditions for the Sanitary Sewer, Watermain, Storm Sewer, and Street and surface needs. Of note is that Harrison Avenue is over 65 years old, and Cliff Court is over 50 years old, and both are showing their age. City Engineer Sarff reviewed the proposed improvements, including new sanitary sewer service, new watermain pipes, new storm sewer pipes and maintenance holes, and reconstruction of existing streets with bituminous pavement and curb gutter. He reported 19 existing boulevard trees on Harrison Avenue, but most of the trees are very large, and the boulevard is too narrow to accommodate boulevard trees. Most of the trees are slated to be removed, but residents may get a new tree to plant in their yard, but not their boulevard.

City Engineer Sarff reviewed the estimated project costs. Harrison Avenue Street and Surface Improvements/Street Lights \$418,200, Storm Sewer \$64,900, Sanitary Sewer Mainline and Services \$78,900, and Watermain mainline and services \$101,500. For a total project cost of \$663,500. Cliff Court's total estimated cost is \$718,300 with \$349,700 for Street and Surface Improvements/Street Lights, \$172,500 for Storm Sewer, \$84,300 for Sanitary Sewer Mainline and Services, and \$11,800 for Watermain Mainline and Services. Using the assessment policy which has sanitary sewer and water services 100% assessable to residents and the street reconstruction, watermain, storm sewer, and street lights 40% assessable to residents and then applying the assessment cap projected assessments for Harrison Avenue at approximately \$7,500, and Cliff Court would be approximately \$9,000.

With no one else appearing before Council, Mayor Dehen closed the Public Hearing.

Public Hearing, 7 p.m. Annual Stormwater Pollution Prevention Program

City Engineer Sarff appeared before Council and stated the Minnesota Pollution Control Agency (MPCA) administers the requirements of the federal Clean Water Act in addition to its own State Disposal System requirements. The MS4 General Permit is designed to reduce the amount of sediment and pollution that enters surface and groundwater from storm sewer systems to the maximum extent practicable. The City's MS4 permit requires the City to develop and maintain a stormwater pollution prevention program (SWPPP) that incorporates best management practices (BMPs). There are six Minimum Control Measures included in the permit. They are 1. Public Education and Outreach on Stormwater Impacts, 2. Public Participation and Involvement, 3. Illicit Discharge Elimination, 4. Construction Site Stormwater Runoff Control, 5. Post-Construction Stormwater Management in New Development and Redevelopment, and 6. Pollution Control and Good Housekeeping for Municipal Operations. The SWPPP has not been updated in recent years. For the past several years, the MPCA has been working on updates to the MS4 general permit and just released the final permit on November 16, 2020. The new MS4 permit includes new requirements that will need to be incorporated into the SWPPP and the City's ordinances. City staff is reviewing the new permit requirements and will be working on the SWPPP updates and ordinance revisions over the next several months.

With no one appearing before Council, Mayor Dehen closed the meeting.

Consent Agenda

Council Member Norland moved, seconded by Council Member Steiner, to approve the Consent Agenda with Item C, Resolution Setting Rates and Charges moved to the Business Items.

- A. Bills and Appropriations.
- B. Res. No. 100-20 Approving Donations/Contributions/Grants.
- C. Res. No. 102-20 Setting Rates and Charges for Recycling Monthly Rates.

D. Res. No. 103-20 Setting Rates and Charges for Storm Water Surcharge Fees.

E. Approved North Mankato Public art Agreement with Devenport Consulting, LLC.

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

Public Comments Concerning Business Items on the Agenda

Barb Church, 102 Wheeler Avenue, spoke before Council and requested the City Audit remain at \$15.00, and the City Budget stay at \$22.50.

Heidi Pengilly, 102 Cleveland Avenue, spoke before Council and stated she believes food trucks bring business to the area and promotes local businesses.

Business Items

Council Member Norland Moved, seconded by Council Member Steiner to Adopt Res. No. 101-20 Setting Rates and Charges with the City Audit Cost remaining at \$15.00 and the City Budget Cost staying at \$22.50. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Res. No. 104-20 Approving the General Fund Budget and Auxiliary Budget for Fiscal Year 2021. Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 104-20 Approving the General Fund Budget and Auxiliary Budget for Fiscal Year 2021.

Res. No. 105-20 Approving the 2020 Tax Levy Collectible in 2021.

Mayor Dehen thanked staff for working to figure out the tax levy. The City has reduced the tax rate six out of the last seven years, showing the City's efforts at good stewardship.

Council Member Norland moved, seconded by Council Member Steiner, to Adopt Res. No. 105-20 Approving the 2020 Tax Levy Collectible in 2021. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Res. No. 106-20 Approving the Capital Improvement Plan 2021-2025.

Finance Director McCann reported the final CIP is approximately 9 million dollars greater than the 2020-2024 CIP, with the majority of the increase in Caswell Park improvements. City Administrator Harrenstein reported that in the next five years, the City is budgeting 25 million dollars in infrastructure improvements and 15 million dollars in recreation. Mayor Dehen commented that the City is striving for a balance of great quality of life and maintaining and improving the City's infrastructure. Council Member Norland stated infrastructure is not glamorous, but it is essential. Council Member Oachs commented that the CIP might change as the economic impact of COVID-19 becomes more visible.

Council Member Norland moved, seconded by Council Member Steiner, to Adopt Res. No. 106-20 Approving the Capital Improvement Plan 2021-2025. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Ordinance No. 134 Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending Chapter 110 General Business Regulations and Licensing and Adding City Code Section 110.28 Entitled Mobile Food Unit.

Council Member Norland moved, seconded by Council Member Whitlock, to adopt Ordinance No. 134 Fourth Series an Ordinance of the City of North Mankato, Minnesota

Amending Chapter 110 General Business Regulations Licensing and Adding City Code Section 110.28 Entitled Mobile Food Unit.

City Administrator Harrenstein reported there are several amendments that City staff would like to present to the Council. He stated the proposed Ordinance began to recognize the hardships imposed by the Peacetime Emergency and the imposition of the Food and Beverage Tax. The Ordinance would not be the strictest in Minnesota as many cities do not allow Food Trucks.

City Administrator Harrenstein reviewed the proposed Ordinance, which included definitions and applicability. Proposed revisions to the draft ordinance included the expansion of where mobile food units/vendors are allowed to vend and to open up the option to vend on public streets and private property between the hours of 8:00 a.m. and 10:00 p.m. as long as they are 500 feet from the nearest property line of any business in the City holding a food-service license. City Administrator Harrenstein noted in the exemption on restrictions section of the Ordinance a change to set the number of days a business owner holding a food-service license with the Brown-Nicollet County Environmental Health Department could operate their mobile food unit on their property, within 500 feet of another food-service license to 21 days. City Administrator Harrenstein noted the number of days could be changed as seen fit by the City Council. He also noted the addition of language that states a special events permits approved by the City for Business Owners within 500 feet of another food-service license holding establishment in North Mankato would apply toward the cumulative 21-day exemption.

A discussion was held concerning the number of days owners of a business with a food service license could operate their own food truck on their property. Council Member Oachs suggested doubling the number of days to 42 days. Council Member Steiner suggested 60 days with an exemption for owners during the Governor's shut-down. Mayor Dehen stated a food truck not operating in the City that was outside of the 500 feet could operate in one location for 21 days and another location for 21 days, so an owner of a local business with a food-license should be able to operate 42 days plus special events not going toward cumulative days. Council Member Norland was in favor of 60 days. Council Member Steiner suggested 50 days that a business owner with a food service license could operate a food truck on their property. A continued discussion was held concerning special events. Whether these events would be included in the cumulative days that a business owner with a food service license could operate a food truck on their property. It was determined that City hosted special events would not be added to the cumulative 50 days.

Council Member Whitlock moved, seconded by Council Member Norland, to amend the proposed Ordinance No. 134 to remove section B 5(d) and add the following language:

d. Mobile food units/vendors are allowed to vend on public streets between the hours of 8:00 a.m. and 10:00 p.m. on all days of the week in the B-1, B-2, B-3, I-1, M-1, M-2, and CBD zoning districts if they are 500 feet from the nearest property line of any business in the City holding a food-service license issued by the Brown-Nicollet County Environmental Health Department. Mobile food units may not vend in the same location for more than 21 days each calendar year on any public street.

e. Mobile food units/vendors are allowed to vend on private property between the hours of 8:00 a.m. and 10:00 p.m. on all days of the week in the B-1, B-2, B-3, I-1, M-1, M-2, and CBD zoning districts if they are 500 feet from the nearest property line of any business in the City holding a food-service license issued by the Brown-Nicollet County Environmental Health Department and if permission has been granted by the landowner to vend. Mobile food units may not vend on the same property parcel for more than 21 days each calendar year in the B-1, B-2, B-3, I-1, M-1, M-2, and CBD zoning districts.

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

Council Member Steiner moved, seconded by Council Member Norland, to amend the proposed Ordinance No. 134 and change the language in Section B 6 to allow 50 days each year for business owners who operate a food truck on their own property and exempting City hosted events from adding to the cumulative 50 days a year by making the following changes:

a. Business owners holding a food-service license with the Brown-Nicollet County Environmental Health Department may operate a mobile food unit owned by the business owner on their property within 500 feet of another food-service license holding establishment in North Mankato for 50 days each year.

And

c. Mobile food units which are vending at an event hosted by the City are allowed to operate as authorized by the organizers/managers of the event, at the location of, and for the duration of the event. Participation at an event hosted by the City does not apply toward the cumulative 50-day exemption authorized in section 6.a.

And

d. Special events permits approved by the City for Business Owners within 500 feet of another food-service license holding establishment in North Mankato apply toward the cumulative 50-day exemption authorized in section 6.a.

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

Council Member Steiner moved, seconded by Council Member Norland, to adopt Ordinance No. 134 Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending Chapter 110 General Business Regulations Licensing and Adding City Code Section 110.28 Entitled Mobile Food Unit as amended.

Vote on the motion: Council Member Whitlock: Yes, I vote in favor of the Ordinance as Amended, and I was not unduly influenced by the participation of any other council members in the decision. Council Member Norland: Yes, I vote in favor of the Ordinance as Amended, and I was not unduly influenced by the participation of any other council members in the decision. Council Member Steiner: Yes, I vote in favor of the Ordinance as Amended, and I was not unduly influenced by the participation of any other council members in the decision. Mayor Dehen: Yes, I vote in favor of the Ordinance as Amended, and I was not unduly influenced by the participation of any other council members in the decision. Council Member Oachs: Abstain. Motion carried.

Res. No. 107-20 Allowing Temporary Changes to Mobile Food Unit Regulations During Declared Peacetime Emergency.

City Administrator Harrenstein reported the Resolution is in line with how the City has supported businesses during the declared Peacetime Emergency. The Resolution would waive the 50-days allowed for a local business owner holding a food-service license to conduct mobile food unit business on their own property.

Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 107-20 Allowing Temporary Changes to Mobile Food Unit Regulations During Declared Peacetime Emergency. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Res. No. 108-20 Authorizing Funding Application for the Lor Ray Drive and Somerset Lane Improvement Project.

City Engineer Sarff reported that Federal Funding is available through the Surface Transportation Program (STP) to improve streets and bridges in cities within District 7 with a population greater than 5,000. The grant is competitive, and the current solicitation will be placed on the Statewide Transportation Improvement Program (STIP) and funded in the fiscal year 2024. The funding application is for improvements to Lor Ray Drive from a point approximately 350 feet north of White Oak Drive to Somerset Lane, Somerset Lane from Lor Ray Drive to Lookout Drive, and a mini-roundabout the intersection of Lor Ray Drive and Carlson Drive/Countryside Drive.

Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 108-20 Authorizing Funding Application for the Lor Ray Drive and Somerset Lane Improvement Project. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Res. No. 109-20 Ordering Improvement and Preparation of Plans for Project No. 19-05 ABCDEF 300 Block Harrison Avenue and Project No. 20-04 ABCDE 2021 Cliff Court Improvement Project.

Council Member Oachs reported that the Council had received resident questions and concerns about the Cliff Court Improvement Project and wanted clarification as to why the project should proceed. City Administrator Harrenstein said the water main infrastructure had had significant issues with six breaks in the last seven years. He stated there is also elevation and stormwater issues that need to be addressed. City Administrator Harrenstein commented that the individual who sent the letter and expressed concerns might qualify for deferred assessment. He noted the project was considered in 2013, so the street has been on the City's radar for improvement for some time. Mayor Dehen stated the road is one of the older in the upper north.

Council Member Norland moved, seconded by Council Member Steiner, to Adopt Res. No. 109-20 Ordering Improvement and Preparation of Plans for Project No. 19-05 ABCDEF 300 Block Harrison Avenue and Project No. 20-04 ABCDE 2021 Cliff Court Improvement Project. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Set Public Hearing, 7 p.m. January 4, 2021, to Consider Amending City Code Section 155.48 Easements.

Community Development Director Fischer reported R Henry Construction requests an amendment to City Code section 155.48 (A), Easements. The applicant is proposing the amendment to allow flexibility when platting utility easements if agreed to by all utility providers and the City. The City Code would allow the size and presence of utility easements to be adjusted on a case by case basis. A discussion was held concerning the City's accessibility to the ravine and stormwater property holding pond access. Community Development Director Fischer stated there is access, but this amendment is specifically for utility easements.

Council Member Steiner moved, seconded by Council Member Norland, to Set a Public Hearing for 7 p.m. on January 4, 2021, to Consider Amending City Code Section 155.48 Easements. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Ordinance No. 135, Fourth Series Rezoning 635/637 Grant Avenue from R-1 One-Family Dwelling to R-3, Limited Multiple Dwelling.

Community Development Director Fischer reported Laurie Esch-Taylor requested to rezone her property addressed as 635/637 Grant Avenue from R-1, One-Family Dwelling to R-3, Limited Multiple Dwelling subject to the policy for rezoning of residential properties affected by the 2005 city-wide downzoning. He reported the property was originally built in 1952 as a duplex in an area zoned R-2, One-and Two-Family Dwelling. The property was licensed as a rental from 2003-2010. In 2005 the zoning district was downsized from R-2 to R-1. The property was purchased by the applicant in 2010 and occupied by the applicant and sister, and due to familial ties, the property did not need a rental license. The owner reported her sister has moved out, and she would like to rent out the other portion but needs a rental license. Due to the rezoning, the rental license would not be permitted. The City instituted a policy for rezoning of residential properties affected by 2005 City-Wide Down Zoning. The property meets the criteria for rezoning based on the property's history, including the dwelling was originally permitted and constructed as a multiple-family dwelling. The dwelling was originally located in a zoning district that allowed such use dwelling while not continually licensed has been used as a multi-family dwelling. Council Member Oachs stated she cautioned spot-zoning if no license is available and expressed concerns about available parking. Community Development Director Fischer noted the property was initially in a multiple-family zoning district and was impacted by the downzoning. The property is located near other property zoned R-2. He said the property should have sufficient parking for multi-family zoning. The area property owners were contacted, and there were no significant concerns raised about rezoning.

Council Member Norland moved, seconded by Council Member Whitlock, to Adopt Ordinance No. 135, Fourth Series Rezoning 635/637 Grant Avenue from R-1 One-Family Dwelling to R-3, Limited Multiple Dwelling. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Adopt Northwest Growth Area Study.

City Planner Lassonde reported the plan had not changed significantly since it was last presented to the Council. He noted the City conducted four open houses and provided the study and on the website for comments. He reported there were twelve comments on the plan. Most residents needed clarification that this was a long-term plan and would be used to guide the area's development. City Planner Lassonde reported the Planning Commission approved the study at the last Planning Commission Meeting. Mayor Dehen stated the plan would be a great addition and update to the Comprehensive Plan and would provide direction for the City.

Council Member Steiner moved, seconded by Council Member Norland, to Adopt the Northwest Growth Area Study. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.

Open Forum

Melanie Benit, 901 North Arlington, Virginia, stated she appreciated the amendments to the food unit ordinance, which included increasing the days from 21 to 50 days yearly but stated it is still overly burdensome. She also noted the 500 feet distance is excessive.

City Administrator and Staff Comments

City Administrator Harrenstein extended his thanks to the executive team and all staff members for working to make facilities accessible. He thanked Bekah Sands, Katie Heintz, and Jason Lobitz for their work at the swim facility. City Administrator Harrenstein reported there were positive

notes for the City, including new subdivision, capital improvements, and the City received 2 million dollars in bonding for the Caswell Park improvements.

Mayor and Council Comments

Council Member Oachs thanked staff for their work during the COVID-19 pandemic.

Council Member Steiner thanked staff for their continued dedication to the City.

Council Member Whitlock thanked staff and wished Council Member Steiner a Happy Birthday.

Council Member Norland stated everyone should be cautious when considering donating to charities and noted the Better Business Bureau has a website designed to review charities.

Mayor Dehen thanked staff for the Christmas lights, and for the Christmas light map. He stated the City continues to grow, and the year was great with the 2 million dollar grant for Caswell Park updates, the work done on the infrastructure and how safe the community is.

At 9:28 p.m. on a motion by Council Member Norland, seconded by Council Member Oachs, the Council Meeting was adjourned.

Mayor

City Clerk

The Free Press MEDIA

THE LAND

P.O. Box 3287, Mankato, MN 56002

www.mankatofreepress.com phone: (507) 344-6314, fax: (507) 625-1149

Affidavit of Publication

STATE OF MINNESOTA, COUNTY OF BLUE EARTH, SS.

Steve Jameson, being duly sworn, on oath states as follows:

1. I am the publisher of The Free Press, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

The printed notice which is attached was cut from the columns of said newspaper, and was printed and published the following dates: 12/24/20, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

4. The Publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: 75.55.

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notice: The newspaper's known office is located in Blue Earth County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

By: _____

Steve Jameson, Publisher

Sworn to and subscribed before me, this day
12/24/2020

Notary Public

Public Notice

December 24, 2020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato will hold a public hearing on Monday, January 4, 2021, commencing at 7:00 p.m. in the Council Chambers of the North Mankato Municipal Building, North Mankato, MN to consider adopting an Ordinance Amending City Code Chapter 155.48 (A), Easements. A copy of the proposed Ordinance is available online at www.northmankato.com or by calling 507-625-4141.

Due to the COVID-19 outbreak, the hearing location will be closed to the public. However, the City has modified the hearing process to ensure that the public is able to monitor the hearing and submit public comment.

The public hearing will be broadcast live on Charter Channel 180, or Consolidated Communications Channel 8.

Public comment may be submitted to the city council via the following methods:

1) Written comments/questions may be submitted in writing prior to the public hearing by any of the following methods.

a) By email. Submit your comments/questions to aprilv@northmankato.com no later than 5:00 p.m. on Monday, January 4, 2021.

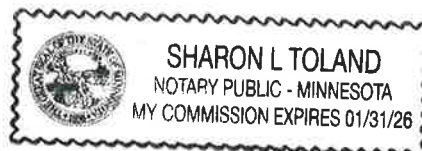
b) By mail. Submit your comments/questions by mailing to 1001 Belgrade Avenue, North Mankato, MN 56003. Questions/Comments must be received no later than 5:00 p.m. on Monday, January 4, 2021.

c) By physical delivery. Deliver your comments/question by delivering them to the Drop Box at City Hall at 1001 Belgrade Avenue, North Mankato, MN, no later than 3:00 pm on Monday, January 4, 2021.

2) Live comment during the public hearing via telephone. Please call 507-214-0517 and enter participant code 965994. Each resident will be given 3 minutes to make his/her comment. Residents desiring to make public comments by telephone during the public hearing must request to be placed on the public hearing agenda. You may do so by calling City Hall (507) 625-4141, emailing aprilv@northmankato.com.

Dated this 21st day of December 2020.

April Van Genderen
City Clerk
City of North Mankato



ORDINANCE NO. 136, FOURTH SERIES
AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA
AMENDING NORTH MANKATO CITY CODE, CHAPTER 155.48, ENTITLED "EASEMENTS"

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, ORDAINS:

Section 1. North Mankato City Code, Section 155.48, entitled "Easements," is hereby amended adding the following language to section 155.48A:

(A) The size of the easement width may be adjusted upon approval of the North Mankato Planning Commission and North Mankato City Council during consideration of a final plat. Any adjustment of easement width must include a written request by the subdivision developer and all known utility companies serving the subdivision and the City of North Mankato.

Section 2. After adoption, signing, and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

Adopted by the Council this 4th day of January 2021.

Mayor

ATTEST:

City Clerk

Published in the Mankato Free Press on _____.



City of North Mankato, MN

Claims List - Regular

By Vendor Name

Date Range: 1-4-21

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
03197	ACE MENTOR PROGRAM OF SOUTHERN MN	12/31/2020	Regular	0	500.00	93768
00030	AHLMAN'S	01/01/2021	Regular	0	2,660.00	93812
02673	B&B TREE MOVING AND LANDSCAPING, LLC.	12/31/2020	Regular	0	3,850.00	93769
03492	BALES, MIKE	12/31/2020	Regular	0	161.81	93770
00124	BAUER'S UPHOLSTERY	12/31/2020	Regular	0	175.00	93771
00130	BDS LAUNDRY SYSTEMS	12/31/2020	Regular	0	16,394.00	93772
00136	BENCHS	12/31/2020	Regular	0	150.00	93773
00136	BENCHS	12/31/2020	Regular	0	500.00	93774
00181	BOY SCOUT TROOP #29	12/31/2020	Regular	0	500.00	93775
00244	CHILDREN'S MUSEUM OF SOUTHERN MINNESOTA	12/31/2020	Regular	0	1,000.00	93776
02757	CINTAS	12/31/2020	Regular	0	290.48	93777
00255	CITY OF MANKATO	12/31/2020	Regular	0	53.00	93778
00274	COALITION OF GREATER MINNESOTA CITIES	01/01/2021	Regular	0	32,571.00	93813
03156	DVS RENEWAL	01/01/2021	Regular	0	14.25	93814
00370	ECHO FOOD SHELF	12/31/2020	Regular	0	1,000.00	93779
00401	EXPRESS SERVICES, INC.	12/31/2020	Regular	0	87.20	93780
00408	FEEDING OUR COMMUNITIES PARTNERS	01/01/2021	Regular	0	1,500.00	93815
03185	FINSTAD, MIKE	12/31/2020	Regular	0	1,500.00	93781
00465	GALE/CENGAGE LEARNING	12/31/2020	Regular	0	171.97	93782
00477	GIRL SCOUTS OF MN & WI RIVER VALLEYS	12/31/2020	Regular	0	500.00	93783
02228	GREATER MINNESOTA PARKS & TRAILS	01/01/2021	Regular	0	225.00	93816
00508	GREEN TECH RECYCLING, LLC	12/31/2020	Regular	0	813.25	93784
00557	HIGH SCHOOL GRADUATION CELEBRATION	12/31/2020	Regular	0	500.00	93785
00575	HOLIDAY SHARING TREE	12/31/2020	Regular	0	500.00	93786
02915	HOUSE OF HOPE, INC.	12/31/2020	Regular	0	500.00	93787
03495	HUNT PLUMBING & DRAIN	01/01/2021	Regular	0	1,875.00	93817
03493	JILEK, JIM	12/31/2020	Regular	0	200.00	93788
03490	LASTING IMPRINT	12/31/2020	Regular	0	500.00	93789
00759	LEEP SUMMER REC	12/31/2020	Regular	0	500.00	93790
02855	LOBITZ, ADRIANNA	12/30/2020	Regular	0	61.80	93767
00805	MAGFA	12/31/2020	Regular	0	500.00	93791
00810	MANKATO AREA LACROSSE PROGRAM	12/31/2020	Regular	0	500.00	93792
00811	MANKATO AREA PUBLIC SCHOOLS DIST. 77	12/31/2020	Regular	0	3,000.00	93793
03249	MAYO CLINIC AMBULANCE SERVICE EDUCATION	12/31/2020	Regular	0	30.00	93794
00283	MINNESOTA DEPARTMENT OF TRANSPORTATION	12/31/2020	Regular	0	1,215.72	93795
00967	MINNESOTA SBDC	12/31/2020	Regular	0	500.00	93796
03034	MISS FUN DAYS CORONATION	12/31/2020	Regular	0	500.00	93797
00969	MNMYF FOOTBALL	12/31/2020	Regular	0	500.00	93798
01069	NORTHWESTERN POWER EQUIPMENT CO., INC.	12/31/2020	Regular	0	10,540.00	93799
03489	PENWORTHY	12/31/2020	Regular	0	907.92	93800
01106	PETTY CASH	12/31/2020	Regular	0	3.33	93801
01133	POWERPLAN/RDO EQUIPMENT	12/31/2020	Regular	0	13,450.79	93802
01133	POWERPLAN/RDO EQUIPMENT	12/31/2020	Regular	0	995.31	93803
03223	PRO HYDRO-TESTING LLC	12/31/2020	Regular	0	1,473.00	93804
01177	RECORDED BOOKS, LLC	12/31/2020	Regular	0	41.48	93805
03494	SCHUTTE, KAI	12/31/2020	Regular	0	500.00	93806
01297	SOUTH CENTRAL COLLEGE	01/01/2021	Regular	0	3,000.00	93818
01349	STONE & STEEL DESIGN, LLC	12/31/2020	Regular	0	138.68	93807
01415	TOYOTA-LIFT OF MINNESOTA	12/31/2020	Regular	0	761.05	93808
01416	TOYS FOR TOTS	12/31/2020	Regular	0	500.00	93809
01432	TWIN RIVERS COUNCIL FOR THE ARTS	01/01/2021	Regular	0	2,500.00	93819
01433	TYLER TECHNOLOGIES	01/01/2021	Regular	0	10,567.75	93820
01439	UNIQUE PAVING MATERIALS CORP.	12/31/2020	Regular	0	976.05	93810
01456	US HIGHWAY 14 PARTNERSHIP	01/01/2021	Regular	0	2,000.00	93821
01559	YMCA BROTHERS, SISTERS	12/31/2020	Regular	0	1,000.00	93811
00241	CHARTER COMMUNICATIONS	12/16/2020	Bank Draft	0	263.38	DFT0004999
02058	CONSOLIDATED COMMUNICATIONS	12/29/2020	Bank Draft	0	65.58	DFT0005009

02058	CONSOLIDATED COMMUNICATIONS	12/29/2020	Bank Draft	0	46.67	DFT0005010
02058	CONSOLIDATED COMMUNICATIONS	12/29/2020	Bank Draft	0	1,518.48	DFT0005011
02058	CONSOLIDATED COMMUNICATIONS	12/29/2020	Bank Draft	0	42.94	DFT0005012
02058	CONSOLIDATED COMMUNICATIONS	12/29/2020	Bank Draft	0	40.67	DFT0005013
02058	CONSOLIDATED COMMUNICATIONS	12/29/2020	Bank Draft	0	172.33	DFT0005014
02058	CONSOLIDATED COMMUNICATIONS	12/29/2020	Bank Draft	0	209.70	DFT0005015
00447	FREE PRESS	12/29/2020	Bank Draft	0	153.64	DFT0005007
00733	LAKES GAS CO #10	12/29/2020	Bank Draft	0	81.50	DFT0005006
03207	MIDWEST ENGINEERING LLC	12/29/2020	Bank Draft	0	350.00	DFT0005005
00910	MINNESOTA VALLEY TESTING LAB, INC.	12/21/2020	Bank Draft	0	72.00	DFT0005001
00910	MINNESOTA VALLEY TESTING LAB, INC.	12/22/2020	Bank Draft	0	59.50	DFT0005002
00910	MINNESOTA VALLEY TESTING LAB, INC.	12/23/2020	Bank Draft	0	59.50	DFT0005003
01322	SPRINT	12/29/2020	Bank Draft	0	36.23	DFT0005008
01335	STAPLES ADVANTAGE	12/15/2020	Bank Draft	0	56.70	DFT0004998
01335	STAPLES ADVANTAGE	12/17/2020	Bank Draft	0	156.37	DFT0005000
01335	STAPLES ADVANTAGE	12/23/2020	Bank Draft	0	164.39	DFT0005004
00105	AUTO VALUE MANKATO	01/06/2021	EFT	0	389.90	3522
00142	BETHANY LUTHERAN COLLEGE	01/06/2021	EFT	0	11,625.00	3523
00172	BOHRER, TOM	01/06/2021	EFT	0	255.00	3524
00216	C & S SUPPLY CO, INC.	01/06/2021	EFT	0	109.95	3525
03479	CENTRAL SQUARE TECHNOLOGIES (LETG)	01/06/2021	EFT	0	8,511.97	3550
02706	CORE & MAIN LP	01/06/2021	EFT	0	878.49	3526
00322	DALCO	01/06/2021	EFT	0	377.80	3527
00439	FORSTER, DANIEL	01/06/2021	EFT	0	35.30	3528
00463	G & L AUTO SUPPLY, LLC	01/06/2021	EFT	0	180.79	3529
00469	GANGELHOFF, BRIAN	01/06/2021	EFT	0	253.00	3530
03341	JAGERSON, CHRIS	01/06/2021	EFT	0	102.00	3531
02209	KRAL, JACOB	01/06/2021	EFT	0	14.98	3532
00743	LARKSTUR ENGINEERING & SUPPLY, INC.	01/06/2021	EFT	0	16.00	3533
00776	LLOYD LUMBER CO.	01/06/2021	EFT	0	159.85	3534
02644	MACQUEEN EMERGENCY GROUP	01/06/2021	EFT	0	11,771.23	3535
00819	MANKATO FORD, INC.	01/06/2021	EFT	0	105.43	3536
00825	MANKATO MOTOR COMPANY	01/06/2021	EFT	0	52.78	3537
01009	NAPA AUTO PARTS - MANKATO	01/06/2021	EFT	0	5.30	3538
01036	NICOLLET COUNTY RECORDER/ABTRACTER	01/06/2021	EFT	0	138.00	3539
02005	PANTHEON COMPUTERS	01/06/2021	EFT	0	24.95	3540
02005	PANTHEON COMPUTERS	01/06/2021	EFT	0	6,582.05	3551
01093	PAULSON, ANDREAS	01/06/2021	EFT	0	797.00	3541
01402	POMPS TIRE	01/06/2021	EFT	0	20.50	3542
01211	RIVER BEND BUSINESS PRODUCTS	01/06/2021	EFT	0	641.25	3543
01211	RIVER BEND BUSINESS PRODUCTS	01/06/2021	EFT	0	46.50	3552
01257	SCHULTZ, BRADLEY	01/06/2021	EFT	0	797.00	3544
01281	SIGN PRO	01/06/2021	EFT	0	103.00	3545
01285	SIRSIDYNIX	01/06/2021	EFT	0	35,069.06	3553
01336	STAPLES OIL CO., INC.	01/06/2021	EFT	0	13,418.93	3546
03191	US SOLAR	01/06/2021	EFT	0	2,205.96	3547
03491	VOLZ, MACKENZIE	01/06/2021	EFT	0	102.00	3548
01563	ZARNOTH BRUSH WORKS, INC.	01/06/2021	EFT	0	3,188.00	3549
01557	XCEL ENERGY	12/30/2020	Bank Draft	0	13,908.96	DFT0005023
					240,792.35	106

Authorization Signatures

All Council

The above manual and regular claims lists for 1-4-21 are approved by:

MARK DEHEN- MAYOR

DIANE NORLAND- COUNCIL MEMBER

WILLIAM STEINER- COUNCIL MEMBER

SANDRA OACHS- COUNCIL MEMBER

JAMES WHITLOCK- COUNCIL MEMBER

RESOLUTION SETTING GAS MILEAGE
REIMBURSEMENT RATE

WHEREAS, periodically it is necessary for City employees to use their personal vehicles for City business; and

WHEREAS, the federal government has set the standard mileage rate for reimbursement of business mileage at 56 cents per mile effective January 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, the mileage reimbursement rate for use of personal vehicles is hereby set at 56 cents per mile effective January 1, 2021.

Adopted this 4th day of January 2021.

Mayor

City Clerk

RESOLUTION DESIGNATING OFFICIAL NEWSPAPER

WHEREAS, pursuant to M.S. 412.831, it is necessary for the City to designate a legal newspaper of general circulation within the City as its official newspaper; and

WHEREAS, the *Mankato Free Press* meets such qualifications:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, as follows:

That the *Mankato Free Press* is designated the legal newspaper for the City of North Mankato.

Adopted by the City Council this 4th day of January 2021.

Mayor

ATTEST:

City Clerk

RESOLUTION DESIGNATING DEPOSITORIES
FOR THE CITY OF NORTH MANKATO

WHEREAS, it is necessary for the City to designate depositories for City funds and establish the terms therefore;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following banks are designated as City depositories:

Bremer Bank
Citizens Community Federal
Community Bank
First National Bank Minnesota
Frandsen Bank & Trust
Minnesota Municipal Money Market (4M) Fund
Minnstar Bank
Pioneer Bank
PMA Financial Network
TCF Bank
Wells Fargo Bank
Morgan Stanley
Northland Securities
Oppenheimer & Co. Inc.
UBS Financial Services
Wells Fargo Securities
RBC Wealth Management
Multi-Bank Securities, Inc.

AND, FURTHER, that the City checking account shall be maintained at Frandsen Bank & Trust and shall be interest-bearing, and that any deposits at any of the aforementioned banks shall be collateralized as required by Minnesota statute.

Adopted by the City Council this 4th day of January 2021.

Mayor

City Clerk

RESOLUTION NO. 4-21

RESOLUTION APPROVING
COMMITTEE ASSIGNMENTS

WHEREAS, the City of North Mankato is represented on various Boards, Task Forces, Committees, and Commissions; and

WHEREAS, it is necessary to appoint City Council Members and staff as representatives to the various entities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following individuals are appointed to the boards, committees, task forces, and commissions as listed in Exhibit A effective January 1, 2021.

Adopted this 4th day of January 2021.

Mayor

City Clerk

2021 BOARD AND COMMITTEE ASSIGNMENTS

BOARD/COMMITTEE

REGION NINE DEVELOPMENT COMMISSION

JIM WHITLOCK

EXECUTIVE COMMITTEE

DIANE NORLAND

MARK DEHEN

ALL SEASONS ARENA BOARD

SANDRA OACHS

NICOLLET COUNTY/CITY OF NORTH MANKATO LIAISON COMMITTEE

JIM WHITLOCK

MARK DEHEN

INTERGOVERNMENTAL COMMITTEE

MARK DEHEN

JIM WHITLOCK

NICOLLET COUNTY RECYCLING TASK FORCE

SANDRA OACHS

COALITION OF GREATER MINNESOTA CITIES

DIANE NORLAND

INTERGOVERNMENTAL YOUTH ASSETS

BILLY STEINER

CITIES/COLLEGES/UNIVERSITIES ADVISORY COUNCIL

MARK DEHEN

NORTH MANKATO FIRE RELIEF ASSOCIATION

MARK DEHEN

KEVIN MCCANN

HIGHWAY 14 PARTNERSHIP

MARK DEHEN

INDOOR RECREATION TASK FORCE

SANDRA OACHS

JIM WHITLOCK

NORTH MANKATO PLANNING COMMISSION

SANDRA OACHS

NORTH MANKATO PORT AUTHORITY

BILLY STEINER

MARK DEHEN

DIANE NORLAND

SANDRA OACHS

JIM WHITLOCK

NORTH MANKATO TAYLOR LIBRARY BOARD

BILLY STEINER

TRAFFIC AND SAFETY COMMITTEE

JIM WHITLOCK

PASSENGER RAIL GROUP

DIANE NORLAND

NORTH MANKATO BICYCLE COMMISSION

MARK DEHEN

METROPOLITAN PLANNING ORGANIZATION (MPO)

JIM WHITLOCK

GREENWAY CONSERVATION ADVISORY COMMITTEE

DIANE NORLAND

CITIES, COLLEGES, STUDENTS

JIM WHITLOCK

COMMUNITY EDUCATION AND RECREATION

KATIE HEINTZ

PHIL TOSTENSON

NORTH MANKATO BUSINESS ASSOCIATION LIAISON

JIM WHITLOCK

SANDRA OACHS

BUSINESS ON BELGRADE

KATIE HEINTZ

RESOLUTION APPROVING
CONSENT ASSESSMENT AGREEMENT

WHEREAS, the City of North Mankato has, at the property owner's request, paid for certain improvements that will benefit such property, specifically repair/replacement of water pipe for the following described real estate:

1690 Valley View Dr.

PIN #18.853.0090

Block 1 Lot 9 Subdivision Cd 18853 Subdivision Name VALLEY VIEW SUBD #3

Cost: \$1,875.00

WHEREAS, the property owner desires that the cost of the water line be made as a special assessment against the property; and

WHEREAS, the property owner has executed a consent assessment agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, as follows:

That the attached consent assessment agreement is approved and that the City Clerk is directed to forward a certified copy of this resolution along with a copy of the consent assessment agreement to the Nicollet County Auditor.

Adopted by the City Council this 4th day of January 2021.

Mayor

ATTEST:

City Clerk

CONSENT ASSESSMENT AGREEMENT

This Agreement is made between the City of North Mankato (City) and Wade Anderson and Nicole Riemer.

The parties are guided in reaching this agreement by the following facts:

1. Owner's property is described as follows:
1690 Valley View Drive
PIN #18.853.0090
Block 1 Lot 9 Subdivision Cd 18853 Subdivision Name VALLEYVIEW SUBD #3
2. Owner replaced the water line.
3. Owner desires to waive all of the procedures mandated by Chapter 429 of Minnesota Statutes and to consent to the imposition of an assessment directly upon the described property.
4. City is willing to pay for the repair in consideration for the owner's consent to the assessment.

The parties therefore make the following agreement:

1. As a result of the improvement, a special assessment shall be filed against owner's land in the amount of \$1,875.00. The assessment shall be payable in equal installments extending over a period of ten (10) years and bear interest at the rate of 7.00% per annum from the date of this agreement. The City may transmit notice of this assessment to the County Auditor.

Adopted this _____ day of _____, 2021.

City of North Mankato

By: _____

Its: _____



Property Owner



Property Owner



HUNT

PLUMBING & DRAIN

45994 Shanaska Creek Rd
Saint Peter, MN 56082
(612) 655-6615
joe.hunt.plumbing@gmail.com


Invoice

DATE	12/28/2020
INVOICE#	1392
TERMS	Cash On Delivery

BILL TO
Wade Anderson 1690 Valley View Drive North Mankato MN 56003 (507) 351-7548

PRIMARY SERVICE LOCATION
Wade Anderson 1690 Valley View Drive North Mankato MN 56003 (507) 351-7548

JOB#	DATE	PO/REF#	DESCRIPTION
38863047	12/26/2020		Water pipe spraying, city can't shut it off , told him to call a plumber
Completion Notes:			
Job Charges	Qty	Rate	Total
Plumbing Service	1.00	\$1,875.00	\$1,875.00
City tax assessment			
Replace curb stop riser. Replace both valves on each side of water meter. We will take up a 2'x2' square of concrete. Dig up curb stop riser up to 2' deep to repair bent curb stop riser. Replace soil and concrete. Replace both valves.			
Job Subtotal			\$1,875.00
Job Total			\$1,875.00

PRE-WORK SIGNATURE

12/26/2020 11:57 am

POST-WORK SIGNATURE

Signed By: Wade Anderson

Signed By:

CUSTOMER MESSAGE

Invoice Total:	\$1,875.00
Deposits (-):	\$0.00
Payments (-):	\$0.00

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato will hold a public hearing on Tuesday, January 19, 2021, commencing at 7:00 pm in the Council Chambers of the North Mankato Municipal Building, North Mankato, MN, to consider adopting an Ordinance Amending City Code Chapter 90 and adding City Code Section 90.115 Entitled Managed Natural Landscapes. A copy of the proposed Ordinance is available upon request by contacting 507-625-4141 or visiting www.northmankato.com.

Due to the COVID-19 outbreak, the hearing location will be closed to the public. However, the City has modified the hearing process to ensure that the public is able to monitor the hearing and submit public comment.

The public hearing will be broadcast live on Charter Channel 180, Consolidated Communications Channel 8, or can be watched live stream at <http://www.accessktv.org/watch/>

Public comment may be submitted to the city council via the following methods:

- 1) Written comments/questions may be submitted in writing prior to the public hearing by any of the following methods.
 - a) By email. Submit your comments/questions to aprilv@northmankato.com no later than 5:00 pm on Tuesday, January 19, 2021.
 - b) By mail. Submit your comments/questions by mailing to 1001 Belgrade Avenue, North Mankato, MN 56003. Questions/Comments must be received no later than 5:00 pm on Tuesday, January 19, 2021.
 - c) By physical delivery. Deliver your comments/questions by delivering them to the DropBox at City Hall at 1001 Belgrade Avenue, North Mankato, MN, no later than 3:00 pm on Tuesday, January 19, 2021.
- 2) Live comment during the public hearing via telephone. Residents desiring to make public comments by telephone during the public hearing must request to be placed on the public hearing agenda. You may do so by calling City Hall (507) 625-4141, emailing aprilv@northmankato.com. Please call 507-214-0517 and enter participant code 965994. Each resident will be given 3 minutes to make his/her comment.

Dated this 4th day of January 2021.

April Van Genderen
City Clerk
City of North Mankato

GRASS AND WEED CONTROL

§ 90.110 DUTY OF OWNER AND OCCUPANT.

Every owner and occupant of private real property shall be responsible *for the proper maintenance of the property. Proper maintenance shall include sodding, planting, mowing or weed abatement whenever necessary, this includes* cutting and controlling the grass and weeds on such property. Furthermore, if the private property abuts any street or alley, then the owner and occupant shall be responsible for cutting and controlling grass and weeds on the public property between the private property and the center of the street or alley.

(Am. Ord. 121, passed 9-16-1991)

§ 90.111 FAILURE TO MAINTAIN.

(A) If the grass or weeds attain a height in excess of 6 inches, or noxious weeds go to seed, it shall be considered prima facie evidence of the failure of the owner and occupant to comply with this subchapter.

(B) The city may then proceed as follows:

(1) Concerning public rights-of-way, the appointed Weed Inspector shall provide written notice to the property owner utilizing first class mail, advising such owner or occupant that the grass and weed cutting must be performed within 5 days. If the owner fails to cut the grass and weeds, then the city shall perform the necessary work to cut the grass and weeds, keeping an accurate account of the cost. The cost shall be assessed to the abutting private property in conformance with the provisions of this chapter;

(2) Concerning private property, the appointed Weed Inspector shall provide written notice to the property owner, utilizing first class mail, advising such owner that the grass and weed cutting must be performed within 5 days. Such notice shall also advise the owner that the city shall perform such work, with the presumed consent of the owner, if the owner fails to cut the grass and weeds within such schedule. If city employees are utilized to cut the grass and weeds, an accurate account of the time and charges shall be maintained. Such costs shall be assessed to the benefitted property in conformance with the provisions of this chapter.

(Am. Ord. 121, passed 9-16-1991; Am. Ord. 8, 4th Series, passed 1-16-2007)

§ 90.115 MANAGED NATURAL LAWN AREA

1. Intent

- a. The City Council determines some residents desire to use portions of lawns on residential parcels for the planting of native naturalistic vegetation which can grow to a height of greater than six (s) inches. The Council finds these types of plantings may preserve, restore, or maintain natural plants and may utilize environmentally sound practices. However, as a protection for the larger community, this change in vegetation and lawn use must be properly planned, managed and maintained and the transition period must be minimized or the property is likely to create a public nuisance and shall be abated.

2. Definitions

- a. **Managed Natural Lawn Area** – A planned, intentional, and maintained planting of native vegetation that is free from noxious weeds as defined by the Minnesota Department of Natural resources and that may exceed six (6) inches in length.
- b. **Native Vegetation** – Ferns, wildflowers, grasses, sedges, rushes, shrubs, vines, and forbs that are native to the State of Minnesota ecological section 222 (Minnesota and Northeast Iowa Morainal Section) and subsection 222Mb (Big Woods) as defined by the Minnesota Department of Natural Resources and that can be found in the Minnesota Department of Natural Resources Native Plant Encyclopedia.
- c. **Turf Grasses** – Bluegrass, fescue and ryegrass blends with non-woody vegetation interspersed with them commonly used in regularly cut lawns.

3. Applicability.

- a. **Residential zoning districts.**
- b. **Managed Natural Lawn Area** is a term used to describe a variety of lawn management practices that include but are not limited to natural lawns, natural landscapes, native lawns, pollinator gardens, rain gardens, meadow vegetation, native prairie, prairie gardens, monarch waystations, native plantings, native gardens, and butterfly habitat.

4. Requirements.

- a. Any owner of a residential lot in the City may transition an area of lawn on the lot to a Managed Natural Lawn Area not to exceed 250 square feet in size or 30% of any lawn, whichever is less.
- b. A Managed Natural Lawn Area may include native vegetation more than six (6) inches in height and which have gone to seed but may not include any noxious weeds and must be maintained.
- c. A Managed Natural Lawn Area shall not include turf-grass lawns left unattended for the purpose of returning to a natural state.
- d. Any Managed Natural Lawn Area shall meet the following property line setbacks. Corner lots shall have two Front setbacks:
 - i. Front-10 feet
 - ii. Sides- 5 feet
 - iii. Rear 10 feet
- e. A Managed Natural Lawn Area shall be cut at least once annually to a height no greater than twelve (12) inches.
- f. When establishing a Managed Natural Lawn Area, turf grass and/or other existing vegetation shall be eliminated and native vegetation shall be planted through transplanting or seeding by human or mechanical means. Soil erosion should be controlled while the ground is bare of plant growth that is sufficient to inhibit erosion and is the sole responsibility of the owner or occupant.
- g. Properties with a Managed Natural Lawn Area must be free of blight and blighting factors, free of public nuisances, and other areas of the lawn must be properly maintained in accordance with the City Code.

- h. Managed Natural Lawn Areas shall not be located within any drainage utility easement, public right-of-way, or immediately adjacent to any driveway.
- i. Managed Natural Lawn Areas shall not be located within 20 feet of a road intersection unless the height of the plantings within 20 feet of an intersection do not exceed 12 inches in height.
- j. At no time shall a Managed Natural Lawn Area interfere with motorists' views of the street or roadway.

5. Failure to Maintain

- A. If a property owner chooses to install a Managed Natural Lawn Area and it is determined by the weed inspector the area fails to meet the definition and requirements of a Managed Natural Lawn Area as defined in chapter 90.115 sections 2,3, and 4 it shall be considered prima facie evidence of the failure of the owner and occupant to comply with this subchapter.

- B. The city may then proceed as follows:

(1) Concerning public rights-of-way, the appointed Weed Inspector shall provide written notice to the property owner utilizing first class mail, advising such owner or occupant that the grass and weed cutting must be performed within 5 days. If the owner fails to cut the grass and weeds, then the city shall perform the necessary work to cut the grass and weeds, keeping an accurate account of the cost. The cost shall be assessed to the abutting private property in conformance with the provisions of this chapter;

(2) Concerning private property, the appointed Weed Inspector shall provide written notice to the property owner, utilizing first class mail, advising such owner that the grass and weed cutting must be performed within 5 days. Such notice shall also advise the owner that the city shall perform such work, with the presumed consent of the owner, if the owner fails to cut the grass and weeds within such schedule. If city employees are utilized to cut the grass and weeds, an accurate account of the time and charges shall be maintained. Such costs shall be assessed to the benefitted property in conformance with the provisions of this chapter.

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item: 10A	Department: Community Dev.	Council Meeting Date: 1/4/21																																																																			
TITLE OF ISSUE: Consider Ordinance No. 136, Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending North Mankato City Code, Chapter 155.48, Entitled "Easements."																																																																					
BACKGROUND AND SUPPLEMENTAL INFORMATION: Community Development Director Fischer will review the Planning Commission Report and discussion.																																																																					
<i>If additional space is required, attach a separate sheet</i>																																																																					
REQUESTED COUNCIL ACTION: Adopt Ordinance No. 136, Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending North Mankato City Code, Chapter 155.48, Entitled "Easements."																																																																					
For Clerk's Use: Motion By: _____ Second By: _____ <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Vote Record:</td> <td style="width: 10%; text-align: center;">Aye</td> <td style="width: 10%; text-align: center;">Nay</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Oachs</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Whitlock</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Steiner</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Norland</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Dehen</td> </tr> </table>	Vote Record:	Aye	Nay								_____	_____						Oachs		_____	_____						Whitlock		_____	_____						Steiner		_____	_____						Norland		_____	_____						Dehen	SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; text-align: center;"> <tr> <td style="width: 16.6%;">Resolution</td> <td style="width: 16.6%;">Ordinance</td> <td style="width: 16.6%;">Contract</td> <td style="width: 16.6%;">Minutes</td> <td style="width: 16.6%;">Map</td> </tr> <tr> <td><input checked="checked" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> Other (specify) _____ _____ _____ _____ _____					Resolution	Ordinance	Contract	Minutes	Map	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vote Record:	Aye	Nay																																																																			
	_____	_____						Oachs																																																													
	_____	_____						Whitlock																																																													
	_____	_____						Steiner																																																													
	_____	_____						Norland																																																													
	_____	_____						Dehen																																																													
Resolution	Ordinance	Contract	Minutes	Map																																																																	
<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																	
<input type="checkbox"/> Workshop <input checked="checked" type="checkbox"/> Regular Meeting <input type="checkbox"/> Special Meeting	<input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Table until: _____ <input type="checkbox"/> Other: _____																																																																				

ORDINANCE NO. 136, FOURTH SERIES
AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA
AMENDING NORTH MANKATO CITY CODE, CHAPTER 155.48, ENTITLED "EASEMENTS"

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, ORDAINS:

Section 1. North Mankato City Code, Section 155.48, entitled "Easements," is hereby amended adding the following language to section 155.48A:

(A) The size of the easement width may be adjusted upon approval of the North Mankato Planning Commission and North Mankato City Council during consideration of a final plat. Any adjustment of easement width must include a written request by the subdivision developer and all known utility companies serving the subdivision and the City of North Mankato.

Section 2. After adoption, signing, and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

Adopted by the Council this 4th day of January 2021.

Mayor

ATTEST:

City Clerk

Published in the Mankato Free Press on _____.

REQUEST TO AMEND CITY CODE SECTION 155.48 (A)

THE CITY OF NORTH MANKATO

SUBJECT: Request to amend City Code section 155.48 (A),
Easements

APPLICANT: R Henry Construction

LOCATION: -

EXISTING ZONING: -

DATE OF HEARING: December 10, 2020

DATE OF REPORT: December 3, 2020

REPORTED BY: Mike Fischer, Community Development Director

APPLICATION SUBMITTED

Request to amend City Code section 155.48 (A), Easements

COMMENT

Attached as Exhibit A is a request from R Henry Construction to amend City Code section 155.48 (A), Easements. This section is located within the Subdivision Regulations and reads as follows:

§ 155.48 EASEMENTS.

- (A) *Easement width.* An easement for utilities, at least 10 feet wide, shall be provided along the front and rear lot lines of each lot and an easement at least 5 feet wide shall be provided along each side lot line. If necessary, for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

Utility easements are required along all lot lines within new subdivisions primarily for the benefit of the local utility companies to install and maintain their above and below ground equipment (telephone, cable, electric, etc.) to serve the subdivision.

As requested in Exhibit A, the applicant is proposing an amendment to section 155.48 (A) to allow flexibility when platting utility easements if agreed to by all utility providers and the City. For example, attached as Exhibit B is a layout of The Waters North submitted by the applicant which was recently approved by the City. The final plat included utility easements consistent with section 155.48 (A). Because all lots either back up to a pond or a ravine, the applicant initially questioned if side yard utility easements would be required. Additionally, by not

having side yard utility easements, it would be easier to adjust lot lines without having to vacate utility easements.

There was a considerable amount of communication between the applicant and the local utility companies about the need for side yard utility easements in The Waters North after it was approved by the City. As The Waters North was unique in that all the lots are adjacent to either a pond or ravine, the utility companies agreed that side yard utility easements were not necessarily needed if the front yard easements were larger. However, section 155.48 (A) requires utility easements.

As a result of the experience in platting The Waters North, the applicant is requesting a City Code amendment whereby the size and presence of utility easements may be adjusted on a case by case basis. A proposed change to 155.48 (A) is shown on Exhibit C. Exhibit D includes emails from four local utility companies supporting the amendment and Exhibit E is a request to adjust utility easements within The Waters North.

RECOMMENDATION

Should all known utility providers support the amendment, staff recommends approval as shown on Exhibit C.

DATE: 11-30-2020

TO: MICHAEL FISCHER, CITY OF NORTH MANKATO

FROM: PRAIRIE DEVELOPMENTS LLC

RE: CHANGE TO CITY CODE

Please accept this letter as an official request to amend section 155.48 of the City Code to allow subdivisions to vary easement requirements within a subdivision if agreed to by all utility providers within said subdivision.

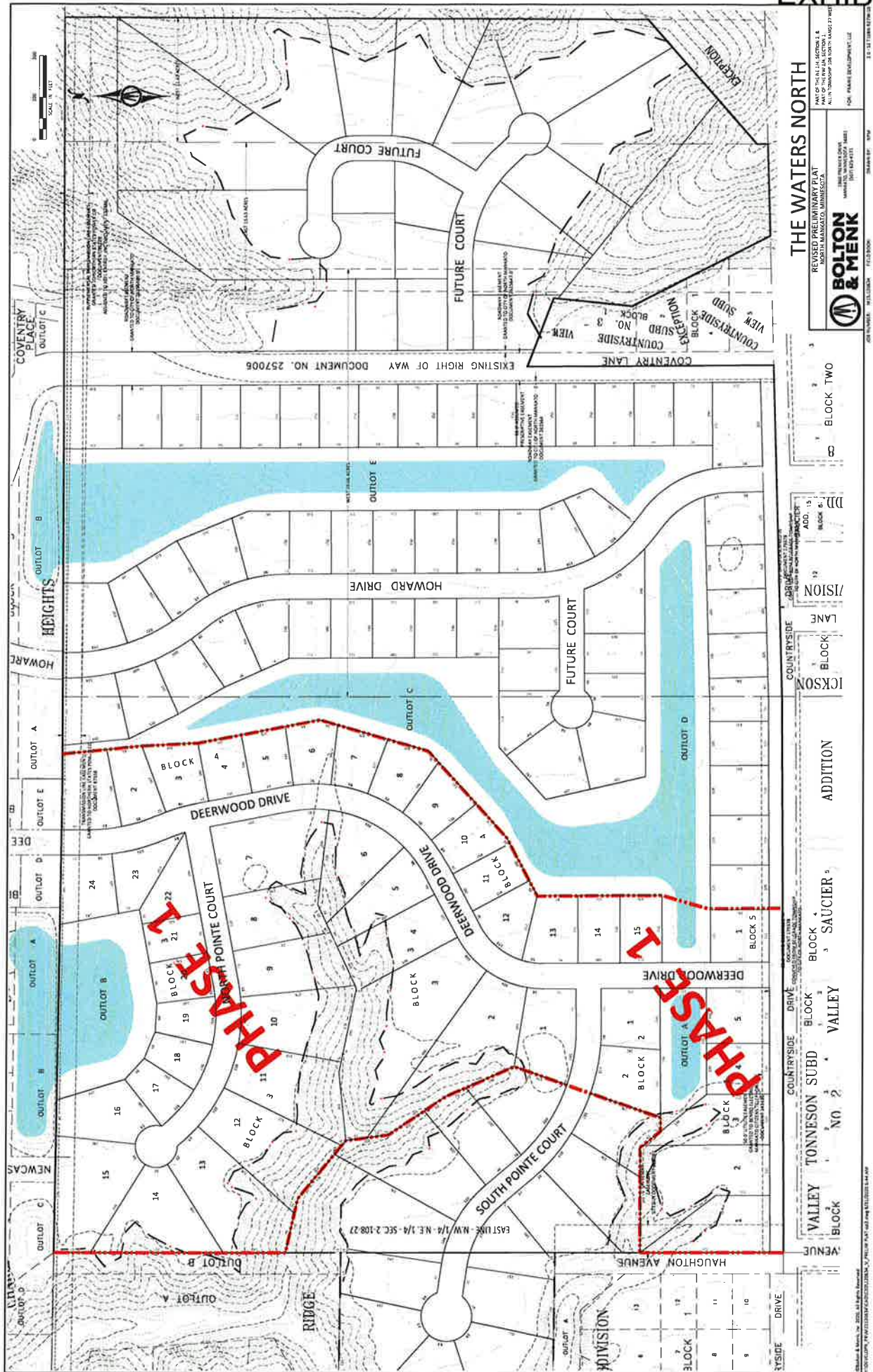
Suggested language for the code might be:

In a new subdivision plat, easement requirements may be adjusted only with the express written agreement of the subdivision developers, all known utility companies involved in the subdivision, and the city of North Mankato.

Thanks

A handwritten signature in black ink, appearing to read 'Rich Weyhe', followed by a long horizontal line extending to the right.

Rich Weyhe, Prairie Development LLC



§ 155.48 EASEMENTS.

(A) *Easement width.* An easement for utilities, at least 10 feet wide, shall be provided along the front and rear lot lines of each lot and an easement at least 5 feet wide shall be provided along each side lot line. If necessary, for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots. The size of the easement width may be adjusted upon approval of the North Mankato Planning Commission and North Mankato City Council during consideration of a final plat. Any adjustment of easement width must include a written request by the subdivision developer and all known utility companies serving the subdivision and the City of North Mankato.

(B) *Easements, adjoining.* Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the Council, by ordinance, upon the recommendation of the Planning Commission.

(C) *Pole guys.* Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along side lot lines.

(D) *Additional easements.* Where a subdivision is traversed by a water course, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem the most adequate, conforming substantially with the lines of such water courses shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the Planning Commission.

(1975 Code, § 12.06, Subd. 4)

Hi Michael,

Thank you for the plat, I reviewed the plat, and CenterPoint Energy has no issues or concerns with side yard utility easements.

CenterPoint Energy approves the developer who wants to eliminate the side yard utility Easement and incorporate larger front yard easements.

Let me know if you have any questions moving forward.

Thanks, Michael

Chuck Mayers



Chuck Mayers **SR/WA**
Senior Agent, Right of Way
System Integrity & Operation Support
612-321-5381 w. | 952-334-9180 c.
Charles.mayers@centerpointenergy.com



Michael,

BENCO agrees to the one time amendment for Water North development. BENCO will charge full cost of moving any of its equipment and will not compromise the integrity of the infrastructure.

Thanks

Tim Braulick

Engineering and Operation Manager

Mr. Fischer,

Consolidated Communications approves side easement vacation throughout The Waters North subdivision. I have also signed the Request to Adjust Easement form.

Thanks and let me know if you have additional questions.

Justin M Grev | Sr. Outside Plant Manager

D: 507.386.3606 | C: 507.340.3674

justin.grev@consolidated.com

consolidated.com | NASDAQ: CNSL



Mike,
I'm ok with the amendment.
-Brian



Brian Oviatt | Construction Coordinator II | 507.469.0256
1724 Madison Ave | Mankato, MN 56001

CITY OF NORTH MANKATO

REQUEST TO ADJUST STANDARD EASEMENTS IN NEW SUBDIVISION

Date of Request: 11-17-2020Subdivision Name: The Waters NorthProject Developer: Prairie Development LLCProject Engineer: Bolton and Menk

The developer above hereby requests that the standard easement requirements are changed as follows:

City of North Mankato Standard: Changed to:

Front Easement:	<u>10 feet</u>	<u>15 feet</u>
Side Easements:	<u>5 feet</u>	<u>No Easement</u>
Back Easement:	<u>5 feet</u>	<u>No Easement</u>

By signing below, you indicate you have read and agree to the proposed changes:

Charter Communications
Name of Utility Company

Brian Oviatt
Brian Oviatt (Nov 18, 2020 07:42 CST)

Nov 18, 2020
Date

Centerpoint Energy
Name of Utility Company

Chuck Mayers
Chuck Mayers (Nov 23, 2020 08:41 CST)

Nov 23, 2020
Date

BENCO Electric Cooperative
Name of Utility Company

Tim Braulick
Tim Braulick (Nov 23, 2020 08:56 CST)

Nov 23, 2020
Date

Consolidated Communications
Name of Utility Company

Justin M. Grev
Justin M. Grev (Nov 23, 2020 09:54 CST)
Signature (Timothy Madlo)

Nov 23, 2020
Date

Name of Utility Company

Signature (Authorized Signer)

Date

Prairie Development LLC
Developer / Requester

Rich Weyhe
Rich Weyhe (Nov 23, 2020 09:58 CST)

Nov 23, 2020
Date

City of North Mankato
City or Jurisdiction

Signature (Michael Fischer)

Date