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 January 4, 2021. 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, 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.

Judge Bradley Walker conducted the Oath of Office for the Mayor and Council Members elected in November 2020. Mayor Dehen, Council Member Steiner, and Council Member Whitlock were sworn in for their respective terms.

#### Approval of Agenda

Mayor Dehen commented that there was a request to remove Item 8G from the Consent Agenda for discussion as Item 10B in the Business Items. Council Member Norland moved, seconded by Council Member Oachs, to approve the agenda with Item 8G moved to Item 10B Business Items. Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Approval of Council Minutes from the December 21, 2020, Council Meeting.

Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of December 21, 2020. Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

## Public Hearing, 7 p.m. Consider Ordinance Amending City Code Chapter 155.48 (A), 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, the Planning Commission, and the City Council. The City Code amendment would allow the size and presence of utility easements to be adjusted on a case by case basis. He reported the Planning Commission recommended the amendment.

With no one else appearing before Council Mayor Dehen closed the public hearing.

#### **Consent Agenda**

Council Member Steiner moved, seconded by Council Member Norland, to approve the Consent Agenda.

- A. Bills and Appropriations.
- B. Res. No. 1-21 Setting Gas Mileage Reimbursement Rate.
- C. Res. No. 2-21 Designating Official Newspaper.
- D. Res. No. 3-21 Designating Depositories for the City of North Mankato.
- E. Res. No. 4-21 Approving Committee Assignments.
- F. Res. No. 5-21 Approving Consent Assessment Agreement.

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

#### Public Comments Concerning Business Items on the Agenda

Tom Hagen, 927 Lake Street, spoke before Council and stated a public hearing does not provide enough opportunity for residents to provide input.

Lucy Lowry, 2263 North Ridge Drive, spoke before Council and stated the current Ordinance has worked and allows the City to work with residents individually. She said the Ordinance public hearing could be postponed as the growing season will not begin until May or June. Ms. Lowry questioned the language in the Ordinance.

Bess Tsaouse, 136 Mary Circle, spoke before Council and requested City Council not set the Public Hearing, instead send the proposed ordinance back to the Planning Commission for additional discussion and public input. She stated the public had not had enough time to review the proposed Ordinance.

Barb Church, 102 Wheeler Avenue, appeared before Council and concurred with the previous comments requesting the public hearing not be set and additional public comment opportunities be provided.

Mara Natakura, Mankato, spoke before Council and stated the current proposed Ordinance is different from the one originally proposed. She expressed concern about only allowing 250 square feet to be planted to a natural lawn. She requested the Ordinance be returned to the Planning Commission for further review and public discussion.

Robert Freyberg, 2142 Eagle Ridge Drive, submitted an email that was read. The email indicated that he advocates for property rights, but he knows ordinances protect his property rights by ensuring his neighbor's property rights do not infringe on his property's value. Mr. Freyberg reported many residents have acted with great environmental responsibility and passion for creating native environments that provide excellent habitat for pollinators, erosion control, water enhancement, and increasing percolation. He hopes the Ordinance brings attention to opportunities that exist within North Mankato to promote native gardens through an organized effort. He stated he hopes the Ordinance will take the fear of diminished property value away from many individuals. He noted a demonstration garden would be an excellent tool for homeowners to see what is possible with their yards. He also encouraged educating the public about native plants and noxious weeds by utilizing the Minnesota DNR resources.

#### **Business Items**

Ordinance No. 136, Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending North Mankato City Code, Chapter 155.48, Entitled "Easements."

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

Set Public Hearing for 7 p.m. on January 19, 2021, Amending City Code Chapter 90 and adding City Code Section 90.115 Entitled Managed Natural Landscapes.

Council Member Steiner indicated he would like to postpone setting the Public Hearing and send the Ordinance to the Planning Commission. He stated there were severe flaws in the Ordinance.

Council Member Norland stated she would like to postpone setting the Public Hearing and provide additional public comment and interaction time. She indicated the City Council had received emails, and she would like Community Development Director Fischer to receive those emails and answer the questions. Council Member Norland stated that if any public member had questions concerning the proposed Ordinance, they should send those to Community Development Director Fischer.

Council Member Oachs indicated she would support postponing the Public Hearing but wanted to have the process moved forward.

Council Member Whitlock stated he would like to have the Public Hearing on January 19, 2021.

Mayor Dehen stated the Public Hearing would be a time for the public to comment on the proposed Ordinance. Council would not have any obligation to adopt the proposed Ordinance on January 19, 2021.

Council Member Whitlock moved, seconded by Council Member Norland, to set a Public Hearing for 7 p.m. on January 19, 2021, Amending City Code Chapter 90 and adding City Code Section 90.115 Entitled Managed Natural Landscape. Vote on the motion: Oachs, Whitlock, and Dehen aye; Steiner and Norland no. Motion carried.

#### **Open Forum**

Tom Hagen, 927 Lake Street, spoke before Council and stated on May 7, 2019, a development agreement was signed between Dan Wingert and the City of North Mankato. Part of the development agreement required the developer to develop three single-family homes and have occupancy certificates by December 31, 2020. Mr. Hagen stated one lot is not set, and the agreement states the developer shall forfeit and return to the City of North Mankato forty-five thousand dollars for the undeveloped lot. He said he wants evidence the City received the funds.

Bess Tsaouse, 136 Mary Circle, spoke before Council and stated she was disappointed that Council was continuing with setting the Public Hearing and requested clarification on where she should send her three pages of questions concerning the Ordinance.

Lucy Lowry, 2263 North Ridge Drive, appeared before Council and stated she was disappointed with the decision to hold the public hearing on January 19, 2021. She indicated while the Council may believe the process is transparent, she did not believe it was, and people don't want to speak in front of the Council because they are intimidated.

#### City Administrator and Staff Comments

Public Works Director Host stated the compost site is open for the disposal of Christmas trees.

#### **Mayor and Council Comments**

Council Member Oachs wished everyone Happy New Year and encouraged residents to contact questions and information concerning the proposed Ordinance.

Mayor Dehen stated COVID-19 derailed plans for additional public engagement opportunities but encouraged residents to contact the Council or staff with comments, emails, or mail. He said while the Ordinance overlaps with the action taken against the Borchardt's, the City has been working on the natural landscape ordinance separately. He stated that while some indicated they disagreed with the idea that the Ordinance was expanding resident rights, it provided an additional opportunity for homeowners. While there are several enthusiasts concerning managed natural landscape, people

would take advantage of it to their neighbors' detriment. It is an educational process. He stated a demonstration plot at City Hall would be an opportunity for education.

At 7:47 p.m. on a motion by Council	Member Norland, seconded by Council Member Oachs,
the Council Meeting was adjourned.	
	Mayor
City Clerk	

Pursuant to due call and notice thereof, a Council Work Session of the North Mankato City Council was held in the Council Chambers on January 11, 2021. Mayor Dehen called the meeting to order at 12:00 pm. The following were present remotely through Zoom for roll call: Council Members Oachs, Norland, Steiner, Whitlock, and Mayor Dehen, City Administrator Harrenstein, Finance Director McCann, Community Development Director Fischer, City Planner Matthew Lassonde, and City Clerk Van Genderen. Citizen monitoring was available through a conference call.

#### Background on Managed Natural Landscape Ordinance.

Community Development Director Fischer reported he would review the process and research conducted to create the proposed Managed Natural Landscape Ordinance. A review of the current City Code includes grass and weed cutting and controlling at 90.110 Duty of Owner and Occupant and 90.111 Failure to Maintain. The current code requires residents to cut their grass or lawn to no higher than six inches, and failure to maintain provides a process where the City can go in and take care of properties and assess the cost to the property owner. Currently, there are no code provisions for natural lawn areas. City Code 156.054 does contain language about landscaping and general performance standards. The code is vague and requires that all lawns be landscaped attractively. Community Development Director Fischer reported landscaping is not permitted in the boulevard, and vegetable and flower gardens are permitted uses. He noted there have not been any concerns about flower and vegetable gardens reported to the City. The proposed Ordinance provides an opportunity to include managed natural lawns as a permitted use.

Community Development Director Fischer reported in the past three years, several residents have reported their lawn as a Managed Natural Lawn as a way to not comply with City Code. He commented that there are residents who are experts who maintain well managed natural areas and others who falsely refer to unmaintained yards as managed natural areas. Clarification needs to be given to residents and staff so staff can appropriately direct residents. Community Development Director Fischer reported a draft ordinance was created and reviewed by the Planning Commission, who requested additional information. The Ordinance did not need to go through the Planning Commission as it does not affect zoning and is not technically a Planning Commission topic. The City also held educational sessions with the MnDNR regarding pollinator habitats, and there have been three Council Work Sessions. Following a recent Work Session City Council was clear on moving forward to a public hearing after revisions were made concerning their preferences. Additional educational meetings were planned, but COVID-19 has prevented public interaction. On the January 4, 2021, Council Meeting, the Council set the Public Hearing for January 19, 2021.

City Planner Lassonde reviewed the proposed Ordinance. He stated the Ordinance's intent is to provide an opportunity for residents to establish a portion of their lawns on residential parcels for the planting of native vegetation that can grow to a height of greater than six (6) inches. Managed Natural Lawn is defined in the Ordinance. Also defined in the Ordinance is Native Vegetation; the definition references the Minnesota Department of Natural Resources and their Minnesota Department of Natural Resources Native Plan Encyclopedia. Turf Grasses are also defined but are not regulated by the Ordinance and remain under City Code Chapter 90.110. City Planner Lassonde reviewed the requirements, stating that any residential homeowner may have a Managed Natural Lawn Area not to exceed 250 square feet in size or 30% of any lawn, whichever is less. He noted discussion could be held about the natural lawn plot's allowed size, and Council could change the language. He said Council had requested not to let residents start with a whole lawn, instead start small and increase the allowed size. The discussion was held about changing the language from 250 square feet or 30% of any lawn or 500 square feet if the Council wants additional space. Additional requirements include native vegetation, which can be taller than 6 inches, but they may not include noxious weeds, the managed area will not include turfgrass lawns, the property line setbacks include a 10-foot setback

from the front and rear property lines, and a 5-foot setback from all side yards. The Ordinance also requires that while establishing a Managed Natural Lawn Area, turfgrass or other existing vegetation shall be eliminated, and native vegetation shall be planted. It was noted that installing a managed natural lawn area will take time and dedication. City Planner Lassonde noted additional requirements in the Ordinance include a Managed Natural Lawn Area must be free of blight, blighting factors, free of public nuisances, and the rest of the lawn be appropriately maintained. The Managed Natural Lawn must not interfere with motorists' views of the street or roadway. If a resident fails to maintain the Managed Natural Lawn properly, the City may proceed to abate the issue. The Ordinance lays out guidance for abating Managed Natural lawns that are not in compliance.

City Planner Lassonde reviewed the City's research, including existing North Mankato ordinances, Minnesota State Statute, Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and ordinances from various Minnesota Cities. He noted there was no one size fits all Ordinance and compared other City Ordinances with North Mankato's proposed Ordinance.

City Planner Lassonde noted North Mankato's commitment to Environmental practices, including establishing a ravine protection program, installing LED lighting, created a Buckthorn eradication program, installed EV Charging units, and established 30+ acres of native prairie in the City of North Mankato. North Mankato is committed to being environmental stewards.

Council Member Steiner stated he would like to allow up to 500 square feet of Managed Natural Lawn. He said the Ordinance recognizes that one size does not fit all.

Council Member Norland requested clarification on the proposed language changes. City Administrator Harrenstein reported it was a policy question the Council could decide. Mayor Dehen requested clarification from Community Development Director Fischer if there was a maximum amount allowed for gardens. Community Development Director Fischer reported there was no permitted maximum for gardens. City Administrator Harrenstein commented residents had used gardens to feed themselves, and there have not been any code issues. Mayor Dehen commented that the proposed language could be updated to state that the Managed Natural Lawn Area could include up to 30% of any pervious lawn, removing any impervious property from the calculations. It was determined that the language in Ordinance would state that the planned Managed Natural Lawn Area could not exceed 500 square feet or 30% of any pervious lawn.

Mayor Dehen thanked staff for using the DNR and tying the Ordinance to the language maintained and updated by the DNR; it will provide clarity for City staff and residents. He also appreciated the use of setbacks to define the area and maintain visibility for pedestrians and traffic. Mayor Dehen commented that the Ordinance has clear definitions, can protect our neighbors, and is enforceable.

Council Member Norland requested staff place the presentation on the website ahead of the Council Meeting.

Mayor Dehen requested staff speak with the Master Gardeners to see about establishing some times for public outreach.

City Administrator Harrenstein reported the City plans on a robust public outreach. A demonstration plot will be installed adjacent to the city hall parking lot, and educational materials and workshops will be provided.

Mayor Dehen hoped providing the information and presentation early will help allay people's fears and help find a middle ground.

Council Member Whitlock requested clarification if residents could split the square feet between the front lawn and the backyard. City Administrator Harrenstein clarified that there could be a split.

Council Member Oachs moved, seconded by 12:50 pm.	y Council Member Norland, to close the meeting at
	Mayor
City Clerk	

### The Free Press THE LAND MEDIA

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,

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: 01/09/21, 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:

abcdefghijklmnopgrstuvwxyz

4. The Publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: \$\frac{1.08}{0.08}\$.

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.

Steve Jameson, Publisher

Sworn to and subscribed before me, this day 01/09/2021

**Public Notice** 

January 9, 2021
NOTICE OF PUBLIC HEARING 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 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 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.

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 com-

ments/questions to aprilv@northmankato.com no lat-

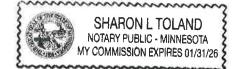
agril@northmankato.com no later than 5:00 pm on Tuesday, January 19, 2021.
b) By mail. Submit your comments/auestions by mailing to 1001 Belgrade Avenue, North Mankato, MN 56003. Questions/ Comments must be received no later than 5:00 pm on Tuesday, January 19, 2021.
c) By physical delivery. Delivery.

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 comments by felephone 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 aprily@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

April Van Genderen City Clerk
City of North Mankato



#### **ORDINANCE NO. 137**

#### FOURTH SERIES AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA AMENDING CHAPTER 90 GRASS AND WEED CONTROL AND ADDING CITY CODE SECTION 90.115 ENTITLED MANAGED NATURAL LAWN AREA

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

**Section I.** North Mankato City Code, Title IX: General Regulations. Chapter 90: Management of Public and Private Property, is hereby amended to read as follows:

#### 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), <u>subsection 251Ba (Minnesota River Prairie)</u>, 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 250 500 square feet or 30% of the pervious surface area of the lot, excluding natural wooded areas, bluffs, and ravines. 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. An 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, immediately adjacent to any driveway.
- 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 subchapter 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:
  - i. Concerning public rights-of-way, the weed inspector or his/her designee 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.
  - ii. Concerning private property, the weed inspector or his/her designee 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.

**SECTION II.** After adoption, signing and attestation, this Ordinance shall be published once in the official newspaper of the City of North Mankato and shall be in effect on or after the date following such publications.

publications.	
ADOPTED by the City Council of the City of North Mankato this	_ day of, 2021
ATTEST:	Mayor
City Clerk	
Published in the Mankato Free Press this day of	2021.

#### **ORDINANCE NO. 137**

#### FOURTH SERIES AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA AMENDING CHAPTER 90 GRASS AND WEED CONTROL AND ADDING CITY CODE SECTION 90.115 ENTITLED MANAGED NATURAL LAWN AREA

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

**Section I.** North Mankato City Code, Title IX: General Regulations. Chapter 90: Management of Public and Private Property, is hereby amended to read as follows:

#### 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

- 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), subsection 251Ba (Minnesota River Prairie), 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 500 square feet or 30% of the pervious surface area of the lot, excluding natural wooded areas, bluffs, and ravines.
- 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. An 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, immediately adjacent to any driveway.
- 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 subchapter 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:
  - i. Concerning public rights-of-way, the weed inspector or his/her designee 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.
  - ii. Concerning private property, the weed inspector or his/her designee 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.

**SECTION II.** After adoption, signing and attestation, this Ordinance shall be published once in the official newspaper of the City of North Mankato and shall be in effect on or after the date following such publications.

<b>ADOPTED</b> by the City Council of the City of No	orth Mankato this	day of, 2021
		Mayor
ATTEST:		
City Clerk		
Published in the Mankato Free Press this	day of	2021



02941

JAGUAR COMMUNICATIONS

#### City of North Mankato, MN

## **Claims List - Regular**

By Vendor Name

Date Range: 1-19-21

MINNESUIA						
Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-A	PBNK					
03476	1ST CHOICE SECURITY	01/19/2021	Regular	0	2,350.00	93826
00012	ABDO, EICK & MEYERS, LLP	01/19/2021	Regular	0	6,500.00	93827
00060	AMERICAN LEGION POST 518	01/19/2021	Regular	0	75.42	93828
00136	BENCHS	01/19/2021	Regular	0	120.00	93830
00146	BIG DOG SPORTS CAFE	01/19/2021	Regular	0	562.12	93831
02757	CINTAS	01/19/2021	Regular	0	111.00	93832
00249	CIRCLE INN OF NORTH MANKATO	01/19/2021	Regular	0	562.12	93833
03497	COMPASS MINERALS AMERICA INC.	01/19/2021	Regular	0	11,377.24	93834
02751	CTM SERVICES, INC.	01/19/2021	Regular	0	139.81	93835
03496	DAVIDSON, LINDSEY	01/19/2021	Regular	0	100.00	93836
02068	DINO'S PIZZERIA	01/19/2021	Regular	0	562.12	93838
03156	DVS RENEWAL	01/19/2021	Regular	0	20.25	93839
00409	FERGUSON ENTERPRISES, INC	01/19/2021	Regular	0	5,445.00	93840
02774	FURTHER	01/14/2021	Regular	0	200.00	93825
02795	GAG SHEET METAL, INC	01/19/2021	Regular	0	1,516.10	93841
03234	JET VAC ENVIRONMENTAL	01/19/2021	Regular	0	146.70	93842
00659	JTS ENTERPRISES, INC.	01/19/2021	Regular	0		93843
00813	MANKATO BREWERY, LLC	01/19/2021	Regular	0	71.15	93844
00835	MANKATO WEST ACTIVITIES DEPT	01/19/2021	Regular	0	1,000.00	93845
00847	MATHESON TRI-GAS, INC.	01/19/2021	Regular	0	176.40	93846
00963	MINNESOTA BUREAU OF CRIMINAL APPREHEN		Regular	0	270.00	93847
00908	MINNESOTA TRANSPORTATION ALLIANCE, INC		Regular	0	525.00	93848
00993	MRCI	01/19/2021	Regular	0	1,000.00	93849
01008	NAKATO BAR & GRILL	01/19/2021	Regular	0	562.12	93850
01066		01/19/2021		0		
03194	NORTHLAND SECURITIES, INC.		Regular	0	2,250.00	93851
01106	OPENWOOD STUDIOS INC.	01/19/2021	Regular	0	4,145.00	93852
01100	PETTY CASH	01/19/2021	Regular	0	19.52	93853
02823	POWERPLAN/RDO EQUIPMENT	01/19/2021	Regular	0	107.85	93854
	SIGMA CONTROLS, INC.	01/19/2021	Regular	0	514.50	93855
01317	SPINNER'S BAR	01/19/2021	Regular		562.12	93856
03499	SPORTS IMPORTS	01/19/2021	Regular	0	16,211.20	93857
01352	STREICHER'S, INC	01/19/2021	Regular	0	3,247.20	93858
03498	SWATMOD LLC	01/19/2021	Regular	0	6,225.00	93859
01414	TOWMASTER	01/19/2021	Regular	0	5,876.48	93860
01432	TWIN RIVERS COUNCIL FOR THE ARTS	01/19/2021	Regular	0	12,000.00	93861
01433	TYLER TECHNOLOGIES	01/19/2021	Regular	0	787.50	93862
02150	U.S. BANK	01/19/2021	Regular	0	500.00	93863
01441	UNITED RENTALS, INC.	01/19/2021	Regular	0	201.60	93864
01443	UNITED STATES POSTAL SERVICE	01/19/2021	Regular	0	1,000.00	93865
03311	W. LORENTZ AND SONS CONSTRUCTION, INC.	01/11/2021	Regular	0	696.50	93822
01525	WEST CENTRAL SANITATION, INC.	01/19/2021	Regular	0	28,742.92	93866
01544	WINTER EQUIPMENT CO., INC.	01/19/2021	Regular	0	11,212.14	93867
01568	ZIEGLER, INC.	01/19/2021	Regular	0	141.89	93868
00062	AMERICAN PAYMENT CENTERS	01/04/2021	Bank Draft	0	93.00	DFT0005035
00137	BENCO ELECTRIC COOPERATIVE	01/07/2021	Bank Draft	0	29,190.33	DFT0005058
00182	BOYER TRUCKS	01/11/2021	Bank Draft	0	230.52	DFT0005066
00311	CULLIGAN WATER CONDITIONING	01/04/2021	Bank Draft	0	37.50	DFT0005037
00311	CULLIGAN WATER CONDITIONING	01/04/2021	Bank Draft	0	30.00	DFT0005038
00353	DITTRICH MECHANICAL & FABRICATION	01/11/2021	Bank Draft	0	286.20	DFT0005065
02750	DPS MEDIA	01/15/2021	Bank Draft	0	191.26	DFT0005057
03248	FREDRIKSON & BYRON, P.A.	01/11/2021	Bank Draft	0	55.50	DFT0005067
00447	FREE PRESS	01/04/2021	Bank Draft	0	124.97	DFT0005030
00447	FREE PRESS	01/11/2021	Bank Draft	0	532.58	DFT0005050
00506	GREATER MANKATO GROWTH, INC.	01/04/2021	Bank Draft	0	360.00	DFT0005029
00608	INGRAM LIBRARY SERVICES	01/13/2021	Bank Draft	0	4,158.19	DFT0005025
02026	INTERNATIONAL CODE COUNCIL	01/12/2021	Bank Draft	0	445.00	DFT0005087
02020	LACUAR COMMANDICATIONS	01/12/2021	Pank Draft	0	445.00	DET0005067

01/07/2021

Bank Draft

0

4,004.42 DFT0005059

00733	LAKES GAS CO #10	01/04/2021	Bank Draft	ö	107.00	DFT0005036
00733	LAKES GAS CO #10	01/13/2021	Bank Draft	0	51.00	DFT0005088
00857	MC GOWAN WATER CONDITIONING, INC.	01/07/2021	Bank Draft	0	37.63	DFT0005054
00923	MINNESOTA DEPARTMENT OF LABOR & INDU:	01/06/2021	Bank Draft	0	1,499.14	DFT0005051
00910	MINNESOTA VALLEY TESTING LAB, INC.	12/28/2020	Bank Draft	0	250.50	DFT0005027
00910	MINNESOTA VALLEY TESTING LAB, INC.	12/09/2020	Bank Draft	0	77.00	DFT0005048
01117	PLUNKETT'S PEST CONTROL, INC.	01/13/2021	Bank Draft	0	122.87	DFT0005089
01335	STAPLES ADVANTAGE	12/31/2020	Bank Draft	0	80.59	DFT0005028
01335	STAPLES ADVANTAGE	01/04/2021	Bank Draft	0	117.45	DFT0005039
01335	STAPLES ADVANTAGE	01/05/2021	Bank Draft	0	58.19	DFT0005050
01335	STAPLES ADVANTAGE	01/07/2021	Bank Draft	0	40.46	DFT0005063
03279	STERICYCLE INC	01/07/2021	Bank Draft	0	40.00	DFT0005056
03254	TAFT	01/04/2021	Bank Draft	0	3,500.00	DFT0005032
03254	TAFT	01/07/2021	Bank Draft	0	5,747.50	DFT0005052
01470	VERIZON WIRELESS	01/04/2021	Bank Draft	0	853.25	DFT0005034
01525	WEST CENTRAL SANITATION, INC.	01/11/2021	Bank Draft	0	4,087.05	DFT0005064
00050	ALPHA WIRELESS COMMUNICATIONS	01/21/2021	EFT	0	180.00	3555
00063	AMERICAN PEST CONTROL	01/21/2021	EFT	0	65.00	3556
00105	AUTO VALUE MANKATO	01/21/2021	EFT	0	222.98	3557
00172	BOHRER, TOM	01/21/2021	EFT	0	69.01	
00174	BOLTON & MENK, INC.	01/21/2021	EFT	0	33,909.64	3559
00216	C & S SUPPLY CO, INC.	01/21/2021	EFT	0	579.47	3560
02706	CORE & MAIN LP	01/21/2021	EFT	0	2,555.20	3561
00310	CRYSTEEL TRUCK EQUIPMENT, INC	01/21/2021	EFT	0	295.00	3562
02275	DEM-CON MATERIALS & RECOVERY	01/21/2021	EFT	0	1,839.19	3563
00463	G & L AUTO SUPPLY, LLC	01/21/2021	EFT	0	43.00	3564
00476	GIEFER, DANIEL	01/21/2021	EFT	0	516.00	3565
00482	GMS INDUSTRIAL SUPPLIES, INC.	01/21/2021	EFT	0	335.49	3566
00494	GOPHER STATE ONE-CALL	01/21/2021	EFT	0	140.45	3567
00503	GREAT AMERICAN BUSINESS PRODUCTS	01/21/2021	EFT	0	784.00	3568
00538	HAWKINS, INC.	01/21/2021	EFT	0	7,216.34	3569
00646	HEINTZ, KATIE	01/21/2021	EFT	0	60.18	3570
00680	J.J. KELLER & ASSOCIATES, INC.	01/21/2021	EFT	0	990.74	3571
00691	KENNEDY & KENNEDY LAW OFFICE	01/21/2021	EFT	0	9,733.55	3572
00743	LARKSTUR ENGINEERING & SUPPLY, INC.	01/21/2021	EFT	0	15.60	3573
00767	LIME VALLEY ADVERTISING, INC.	01/21/2021	EFT	0	75.00	3574
00776	LLOYD LUMBER CO.	01/21/2021	EFT	0	26.14	3575
00825	MANKATO MOTOR COMPANY	01/21/2021	EFT	0	6,356.00	
00886	MIDSTATES EQUIPMENT & SUPPLY	01/21/2021	EFT	0	13,370.73	3577
00889	MIDWEST TAPE/HOOPLA	01/21/2021	EFT	0	1,247.44	3578
00902	MINNESOTA IRON & METAL CO	01/21/2021	EFT	0	81.40	3579
00956	MINNESOTA WASTE PROCESSING CO.	01/21/2021	EFT	0	28,577.44	
00970	MOBILE GLASS SERVICE	01/21/2021	EFT	0	479.16	
02323		01/21/2021	EFT	0	2,336.00	
01009	NAPA AUTO PARTS - MANKATO	01/21/2021	EFT	0	69.68	
01052	NORTH CENTRAL INTERNATIONAL	01/21/2021	EFT	o	881.62	3584
01056	NORTH MANKATO FIREMEN'S RELIEF ASSOCIA		EFT	0	7,057.00	3585
03160	NOVEL SOLAR THREE LLC (DBA GREEN STREET	1. 1.	EFT	0	4,696.98	3586
01090	PARAGON PRINTING, MAILING & SPECIALTIES		EFT	0	5,529.69	3587
01402	,	01/21/2021	EFT	o	82.49	3588
01160		01/21/2021	EFT	0	313.50	3589
01179	·	01/21/2021	EFT	0	141.94	3590
01211		01/21/2021	EFT	0	514.29	3591
01263		01/21/2021	EFT	0	510.00	3592
03482		01/04/2021	Bank Draft	0	261.58	DFT0005045
00219		01/08/2021	Bank Draft	0	12,946.81	DFT0005062
00234		01/04/2021	Bank Draft	0	6,221.84	DFT0005041
02181		01/04/2021	Bank Draft	0	2,556.57	DFT0005043
02003		01/06/2021	Bank Draft	0	396.44	DFT0005049
02003		01/12/2021	Bank Draft	ō	9,147.00	DFT0005049
03029		01/04/2021	Bank Draft	0	470.32	DFT0005070
03029		01/04/2021	Bank Draft	0	16.63	DFT0005042
02766		01/07/2021	Bank Draft	0	99.00	DFT0005060
01477		01/11/2021	Bank Draft	0		DFT0005069
		, ,		* -	349,130.74	
					2.2,.00	

#### **All Council**

The above manual and regular claims for 1-19-21 l	ists are approved by:
MARK DEHEN- MAYOR	
DIANE NORLAND- COUNCIL MEMBER	
WILLIAM STEINER- COUNCIL MEMBER	
SANDRA OACHS- COUNCIL MEMBER	
JAMES WHITLOCK- COUNCIL MEMBER	

#### RESOLUTION APPROVING DONATIONS/CONTRIBUTIONS/GRANTS

WHEREAS, the Minnesota Statute 465.03 and 465.04 allows the governing body of any city, county, school district or town to accept gifts for the benefit of its citizens in accordance with terms prescribed by the donor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following donations/contributions/grants are approved as follows:

Donor	Restriction	Amount
Pam Fink	8x8 Paver	\$75.00
Beth Kruger	8x8 Paver	\$75.00
Anonymous	Book Donation	\$28.25
Olseth Family Foundation	EV Charger at Caswell	\$5,000.00
Ken Haugen	Police Donation	\$25.00
Lindsay Windows, LLC	Fire Donation	\$10,000.00
Total		\$15,203.25

Adopted by the City Council th	is 19 <sup>th</sup> day of January 2021.	
	Mayor	
City Clerk		

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of North Mankato, Minnesota, will hold a Public Hearing on Monday, March 1, 2021, at 7 pm in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, to consider the Annexation of Land containing 2.57 acres owned ALH Land Company LLC.

That part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 108 North Range 27 West, Nicollet County, Minnesota. A full legal description is available at the North Mankato City Hall.

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 can 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 <u>aprilv@northmankato.com</u> no later than 5:00 pm on Monday, March 1, 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 Monday, March 1, 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 Monday, March 1, 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 <a href="mailto:aprilv@northmankato.com">aprilv@northmankato.com</a>. Please call 507-214-0517 and enter participant code 965994. Each resident will be given 3 minutes to make his/her comment.

Written questions submitted prior to the public hearing will be read during the meeting.

Dated this 19th day of January 2021.

April Van Genderen City Clerk City of North Mankato

#### PETITION FOR ANNEXATION BY ORDINANCE

# IN THE MATTER OF THE PETITION FOR ANNEXATION OF ALL THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 108 NORTH, RANGE 27 WEST BY THE CITY OF NORTH MANKATO FOR ANNEXATION PURSUANT TO MINNESOTA STATUTES 414.033, SUBD. 5

Petitioners state that the property owner or a majority of the property owners in number are required to commence a proceeding under M.S. 414.033, Subd. 5.

<u>X</u>	_ the sole property owner; or
	_ all of the property owners; or
	a majority of the property owners of the area proposed for annexation
	to annex certain property described herein lying in the Township of
	Belgrade to the City of North Mankato, County of Nicollet, Minnesota.

The area proposed for annexation is described as follows:

It is hereby requested by:

That part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 108 North Range 27 West, Nicollet County, Minnesota, described as:

Beginning at the southwesterly corner of G.P.H. Subdivision, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 84 degrees 09 minutes 19 seconds West, (Minnesota County Coordinate System - Nicollet County Zone - HARN NAD83 - 1996), along the northerly right of way line of Pleasant View Drive, according to the plat of North Ridge Estates Phase XI, on file and of record with the Nicollet County Recorder, a distance of 291.70 feet to monument B52064 according to Nicollet County Right Of Way Plat No. 26, on file and of record with the Nicollet County Recorder; thence North 07 degrees 12 minutes 25 seconds East, along the easterly line of Parcel 9N4 of said Right Of Way Plat, a distance of 20.33 feet to monument B52063 of said Right Of Way Plat; thence North 82 degrees 47 minutes 35 seconds West, along the northerly line of said Parcel 9N4, a distance of 37.00 feet; thence North 00 degrees 07 minutes 37 seconds West, a distance of 216.43 feet; thence North 18 degrees 33 minutes 34 seconds East, a distance of 163.04 feet to monument B52058 of said Right Of Way Plat, said point being on the southerly right of way line of U.S. Highway No. 14; thence South 66 degrees 37 minutes 19 seconds East, along said southerly right of way line, a distance of 296.85 feet to the point of intersection with the westerly line of said G.P.H. Subdivision; thence South 00 degrees 04 minutes 40 seconds East, along said westerly line, a distance of 307.71 feet to the point of beginning. Containing 2.57 acres.

Said parcel contains 2.57 acres, subject to any and all easements of record.

- 1. There is one property owner in the area proposed for annexation.
- 2. The property owner has signed this petition. (If the land is owned by both husband and wife, both must sign the petition to represent all owners.)

- 3. The population of the annexation area is 0.
- 4. Said property is unincorporated, abuts on the City's boundary, and is not included within any other municipality.
- 5. The area of land to be annexed, in acres, is 2.57

Platted 0 Unpl

12/23/2020

Unplatted 2.57

Total 2.57

- 6. The reason for the requested annexation is residential development.
- 7. All of the annexation area is or is about to become urban or suburban in character.
- 8. The area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to M.S. 414.0325.

The Petitioner requests that pursuant to M.S. 414.033, the property described herein be annexed to and included within the City of North Mankato, Minnesota.

Date

ALH Land Company LLC

Adam Huiras



Nman\_cty19\_3inch.sid

Red: Band\_1 Green: Band\_2

Blue: Band\_3

Minnesota River

Lakes & Ponds

Parcels (7-1-2020)

Roadways Medians

MINNESOTA



**EXHIBIT A** 

This drawing is neither a legally recorded map nor a arrays and it not intended to be used as one. This drawing is a compilation of records, information, and data located in valuous city, county, and state driftings, and other sources affecting the area shown, and is to be used for reference purposes only. The City of North Mankato is not reference purposes only. The City of North Mankato is not

& MENK

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527 Feet

#### **MEMORANDUM**

TO:

Honorable Mayor & City Council

FROM:

Mike Fischer, Community Development Director

DATE:

January 14, 2021

SUBJECT:

January Traffic & Safety Committee Meeting

On Thursday, January 14, 2021 the Traffic & Safety Committee met to discuss items of business. Committee members present: Council Liaison Jim Whitlock, Police Chief Ross Gullickson, Public Works Director Nate Host, Community Member Lori Erickson and Community Development Director Mike Fischer. City Planner Matt Lassonde was in attendance as well. Below is a summary of the meeting:

#### Request to replace existing YIELD sign at the intersection of Marie Lane and Ivy Lane with a STOP sign.

Staff presented a request from Dale Carlson at 607 Parkview Court to replace the existing YIELD Sign at the intersection of Marie Lane and Ivy Lane with a STOP sign for safety purposes. Staff summarized the existing area conditions including the recent extension of Marie Lane to accommodate ten more single-family homes. As Marie Lane is a collector street, the Committee discussed the potential to relocate the existing YIELD sign to Ivy Lane which would be consistent with the location of existing area YIELD signs used for traffic entering onto Marie Lane. It was noted that this relocation would require the trimming or removal of ash trees on Ivy Lane near the Marie Lane intersection.

#### **RECOMMENDATION**

The Traffic & Safety Committee recommends the relocation of the existing YIELD sign at this intersection from Marie Lane to Ivy Lane which is consistent with the placement of existing area YIELD signs.

#### 2. Request for the use of golf carts on City streets

Staff summarized the prior review of this request by the Traffic & Safety Committee and City Council whereby, the City Council requested that staff conduct additional research of other cities ordinances which permit the use of golf carts on City streets. City Planner Matt Lassonde summarized the research he conducted on this issue. The Committee discussed preferred operational and equipment to be required should the City consider an ordinance amendment to permit golf carts on City streets. Chief Gullickson questioned if staff spoke to the Police Departments of the cities which permit golf carts to determine if enforcement issues exist and if the cities have golf courses. Public Works Director Host questioned the use of golf carts on certain City streets with high traffic volumes or hills and Community Development Director Fischer questioned the storage of golf carts when not in use. Bill Young expressed his support

for the amendment and shared contact information for other cities which permit golf carts on City Streets.

#### **RECOMMENDATION**

The Traffic & Safety Committee recommends that staff contact the cities surveyed to determine if they are encountering problems associated with the use of golf carts on their streets and report back to the Traffic & Safety Committee in the future.

#### **MEMORANDUM**

TO:

**Traffic & Safety Committee** 

FROM:

Mike Fischer, Community Development Director

DATE:

January 5, 2021

SUBJECT:

January Traffic & Safety Committee meeting

The next meeting of the Traffic and Safety Committee is scheduled for Thursday, January 14, 2021 at 9:00 a.m. This meeting will be held via Zoom.

#### AGENDA

- 1. Request to replace Yield sign at the intersection of Marie Lane and Ivy Lane with a STOP sign
- 2. Request for the use of golf carts on City streets

1. Request to replace Yield sign at the intersection of Marie Lane with a STOP sign. Attached is a request from Dale Carlson, 607 Parkview Avenue, to replace an existing YIELD sign at the intersection of Marie Lane and Ivy Lane with a STOP sign. A map of the intersection with the location of the YIELD sign is attached. According to the applicant, there is increased traffic in this area due to recent residential development at the west end of Marie Lane and a dip in Marie Lane which creates visibility issues. Therefore, the request is to replace the YIELD sign with a STOP sign.

#### **Michael Fischer**

From:

Dale Carlson <dalecarl9075@gmail.com>

Sent:

Tuesday, December 8, 2020 3:54 PM

To:

michaelf@northmankato.com

Subject:

Yield vs Stop sign on Ivy Iane

I would like the to request that the Traffic and Safety Council consider replacing the Yield sign at the intersection of Ivy lane and Marie Lane with a stop sign.

The reason for the request is the occurrence of several potential accidents I have avoided due to people ignoring the present yield sign. I have lived on Park view ct. for nearly 40 years and never had much of a problem until the new street was developed. It previously was a two home driveway.

One of the problems is, that even if they due see the yield sign, the dip in the road prohibits them from seeing oncoming traffic when approaching the intersection.

Thanks for your consideration!

Dale Carlson 607





## Legend

City Limits

Medians

Parcels (7-1-2020) Roadways

Lakes & Ponds

Minnesota River

Nman\_cty19\_3inch.sid Green: Band\_2 Red: Band\_1

Blue: Band\_3

Map Name

This drawing is neither a legally recorded map nor a survey and is no intended to be used as som. This drawing is a compilation of records, information, and data located in various city, count, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of worth Mankato is not resconsible for any inscrimaries herein contained.

BOLTON & MENK

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#### 2. Request for the use of golf carts on City streets

In September of 2020, the Traffic & Safety Committee reviewed a request from Bill Young for the use of golf carts on City streets. After review, the Committee recommended denial of the request due to:

- 1. Public Safety concerns
- 2. Enforcement
- 3. Lack of demonstrated need for the use of golf carts as a form of transportation

Upon review of the request by the City Council, no action was taken, and it was recommended that staff conduct additional research on this topic including ordinances used by other cities. Attached is a memo which summarizes ordinances of twelve Minnesota cities regarding the use of motorized golf carts. It is requested that the Traffic & Safety Committee review the document and provide a recommendation related to the request. Attached is the original request from the applicant and City Code Chapter 73:Recreational Vehicles.



#### **MEMORANDUM**

TO:

Traffic and Safety Committee

FROM:

Matt Lassonde - City Planner, City of North Mankato;

Mike Fischer – Community Development Director, City of North Mankato

DATE:

January 5, 2021

SUBJECT:

Motorized Golf Cart Ordinance Review – Summary of Ordinances

#### Introduction

Minnesota State Statute 169.045 - Special Vehicle Use on Roadway states that "any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction." With this in mind, the City of North Mankato is considering establishing an ordinance to regulate the usage of Motorized Golf Carts in the community and has begun research to fully understand how other MN cities are doing so. The following provides a summary review of ordinances pertaining to the regulation of usage of Motorized Golf Carts (MGCs) in various MN cities, including the following:

1. Rochester

7. Shakopee

2. Lake City

8. White Bear Lake

3. Anoka

9. Madison

4. Minneota

10. Pipestone

5. Prior Lake

11. Elysian

6. Golden Valley

12. Oak Grove

#### **Ordinance Requirements**

The following requirements were common among all ordinances reviewed as dictated by Minnesota State Statute 169.045:

- Ordinances shall:
  - Designate roadways
  - Prescribe the form of application for permit for up to a three-year term with option to renew
  - o Require evidence of insurance.
- MGCs:

- May only be operated from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing break lights.
- Shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at 500 feet.
- o Shall display the slow-vehicle emblem.
- May cross any street or highway intersecting a designated roadway.
- Are operated under the same rights and duties applicable to any driver except when those provisions cannot reasonably by applied to motorized golf carts.

#### **Variations Among MN Ordinances**

Ordinances tailor the requirements of Minnesota State Statute 169.045 in various ways. The following outlines some of the variations observed between MN ordinances:

- Designated Roadways. Perhaps the largest variation among ordinances is how each ordinance dictates where MGCs can operate. The following is a breakdown per city:
  - Rochester:
    - MGCs can only operate on streets approved by resolution of the City Council. Approved roadways will be listed on the permit issued to the operator.
    - Applicants must submit a written description of the route which the applicant proposes to take from the place where the MGC is garaged to the golf course where the intended use is.
  - Lake City:
    - MGCs may be operated on roadways or shoulders of roadways under the City's jurisdiction except for those listed.
    - MGCs can be operated on roadways with joint jurisdiction for connectivity purposes to access the nearest municipal street. These are listed in ordinance.
  - o Anoka:
    - Motorized golf carts may be operated on all local city streets within the limits of the city that have a speed limit of 30 miles per hour or less, with the exception of East Main Street, where such operation is prohibited. MGCs can also be operated on designated trails. Restricted areas are further listed in the ordinance.
  - O Minneota:
    - MGCs and ATVs shall only be operated on city owned streets, alleys, and county roads or county state-aid highways located within the boundaries of the city.
       Golf carts and ATV's are permitted to cross State Highway 68.
  - o Prior Lake:

Motorized golf carts may only be operated on the designated roadways specified on the approved permit. The roadways listed on the approved permit on which the motorized golf cart may operate. Designated roadways must be public streets under City jurisdiction with speed limits of 35 miles per hour or less.

#### o Golden Valley:

MGCs are hereby authorized on the roadways and streets in all districts zoned for residential uses only and which streets are not State trunk highways, County highways or County State-aid roads, but may cross such roads and highways if the golf cart bears a slow-moving vehicle emblem.

#### o Shakopee:

May operate on all roads in City with a posted speed of 35mph or less.

#### White Bear Lake:

 Roadways within the City of White Bear Lake with a posted speed limit of thirtyfive (35) miles per hour or less.

#### Madison:

 MGCs may be operated on all streets and roads within the limits of the city except State Highways designated as Highway 75 and Highway 40 and County Highways designated as Highway 19 and Municipal Highway 204.

#### o Pipestone:

- Motorized carts shall be permitted on City streets between April 1 and October 31 of each year.
- ...a permit issued under this ordinance also may:
  - Limit operation of the motorized golf cart to use only on specific streets within the group of designated streets.
  - Prohibit operation on certain designated streets during specified times, dates or occasions.

#### o Elysian:

- Motorized golf carts may be operated only on streets and roadways designated on the permit authorized by the City Council.
- Motorized golf carts may not be operated on State Highways or County Highways. Drivers may cross, at right angles, any highway intersecting a designated street or roadway.
- Motorized golf carts may not be driven on any portion of the DNR State Trail. Drivers may cross the Trail where it intersects approved streets or roadways.

#### Oak Grove:

- No person shall operate an all-terrain vehicle or golf cart on the roadway, on the shoulder, or on the inside bank or slope of any trunk, county state-aid, or county highway in the city.
- All-terrain vehicles and golf carts may be operated within city streets provided that they are operated on the far right-hand side of the roadway surface and in the same direction as the roadway traffic on the nearest lane of the roadway except for turning or crossing movements at intersections.
- Age of Operator. While many cities specifically state a minimum age of 16 years of age to
  operate MGCs in designated public rights-of-way, most cities require a valid driver's license
  which implies the same. However, Anoka requires that only persons 21 years of age and older
  may operate MGCs on designated public rights-of-way.

- Permits and Proof of Insurance.
  - Many ordinances require the operator to have the permit and/or proof of insurance in their possession while operating a MGC.
  - Some require the permit number is posted on the vehicle such as White Bear Lake, Minneota, and Lake City.
- Parking. Many ordinances, not all, provide provisions for parking. Parking for MGCs typically follows normal vehicle parking laws and MGCs are required to use vehicle parking spaces.
- Permit Term. Under MN State Statute, cities can offer a permit term of up to three years without renewal. However, most cities reviewed only provide an annual term. Anoka is the only city reviewed allowing a three-year permit term.
- Speed Limits. The City of Minneota is the only city regulating speed of MGCs beyond posted speed limits, limiting MGCs to a maximum of 15mph.
- MGC Relation to All-Terrain Vehicles (ATVs) and Other Similar Type Vehicles. Most ordinances
  reviewed pertain solely to permitting and operating MGCs. However, some have broader scope,
  including provisions and distinctions between MGCs, ATVs, and other similar type vehicles.
  These cities include Anoka, Minneota, Prior Lake, and Pipestone.
  - Anoka defines UTVs and outlines exemptions for public safety and golf course use of UTVs in the community.
  - Minneota defines Class 1 and Class 2 ATVs and provides similar guidance for MGC and ATV usage in the community throughout the ordinance.
  - Prior Lake and Pipestone both state that the definition of MGCs excludes ATVs.

#### **Conclusion**

Some MN communities have chosen to regulate the use of MGCs as dictated through Minnesota State Statute 169.045. This allows cities to designate roadways, prescribe the form of application for permit, and require insurance for operators of MGCs while dictating operating timeframes and conditions that will ensure public safety.

City staff reviewed state statute and ordinances from 12 MN cities to understand requirements and observed differences among them. Perhaps the most variation among cities that were reviewed was found where MGCs can operate, with some cities allowing MGCs on public streets within residential zones, others only allowing MGCs on streets with posted speeds (maximum 30-35 mph), and yet others only allowing MGCs on prescribed streets dictated by the City Council. Some variation was observed in age of operator, permitting and insurance, parking, maximum operating speeds, and relationship to ATVs and other similar type vehicles.

The City of North Mankato will need to consider variations when determining how to "right-size" an ordinance for the community and how citizens will be allowed to use MGCs moving forward.

#### **Links to State Statute and Ordinances**

MN State Statute 169.045: <a href="https://www.revisor.mn.gov/statutes/cite/169.045">https://www.revisor.mn.gov/statutes/cite/169.045</a>

- Rochester, MN:
  - https://library.municode.com/mn/rochester/codes/code of ordinances?nodeId=PTIICOOR TIT 11TRVE CH11-2MOGOCA
- Lake City, MN: <a href="https://www.ci.lake-city.mn.us/vertical/sites/%7B95AE24C2-7B77-4EE6-9D85-64F563A03DED%7D/uploads/Chapter">https://www.ci.lake-city.mn.us/vertical/sites/%7B95AE24C2-7B77-4EE6-9D85-64F563A03DED%7D/uploads/Chapter</a> 77 Golf Carts updated 01.06.20.pdf
- Anoka, MN:
  - https://library.municode.com/mn/anoka/codes/code of ordinances?nodeId=CD CH66TRVE A RTIVGOCAUTSIVE
- Minneota, MN: https://minneota.com/Ordinance 15 01 Golf Cart ATV.pdf
- Prior Lake, MN:
  - http://156.99.83.130/WeblinkExternal/DocView.aspx?id=135738&dbid=0&repo=PriorLake
- Golden Valley, MN:
  - https://library.municode.com/mn/golden\_valley/codes/code\_of\_ordinances?nodeId=PTIGEOR\_CH26TRVE\_ARTIINGE\_S26-5MOGOCAOPRE
- Shakopee, MN:
  - https://shakopee.municipalcodeonline.com/book?type=ordinances#name=MOTORIZED\_GOLF\_CARTS
- White Bear Lake, MN:
  - https://www.whitebearlake.org/sites/default/files/fileattachments/administration/page/1711/c hapter 607.pdf
- Madison, MN: <a href="https://ci.madison.mn.us/index.asp?SEC=A5D30E46-859B-4F12-8B51-DFEF95452D85&Type=B">https://ci.madison.mn.us/index.asp?SEC=A5D30E46-859B-4F12-8B51-DFEF95452D85&Type=B</a> BASIC
- Pipestone, MN: <a href="https://www.progressivepipestone.com/DocumentCenter/View/522/Golf-Cart-Ordinance">https://www.progressivepipestone.com/DocumentCenter/View/522/Golf-Cart-Ordinance</a>
- Elysian, MN: <a href="http://www.elysianmn.com/docs/ordinances/Ordinance65">http://www.elysianmn.com/docs/ordinances/Ordinance65</a> 09.pdf
- Oak Grove, MN:
  - https://library.municode.com/mn/oak grove/codes/code of ordinances?nodeId=COORPAI CH 22STSIOTPUPL ARTIIRI-WMA S22-63ALTEVE

#### **Michael Fischer**

From:

Bill Young <Bill.Young@lindsaywindows.com>

Sent:

Wednesday, September 9, 2020 7:56 AM

To:

'Michael Fischer'

Cc:

neetz@hickorytech.net

Subject:

Proposal to Change City Ordinance 73.08 Motorized Golf Carts

Dear Mike Fischer,

I, William Young, would like to propose a change in the City Ordinance 73.08 Motorized Golf Carts, to allow the use of motorized golf carts on designated roadways in North Mankato. City ordinance 73.08 states that no person shall operate a motorized golf cart on streets, alleys, sidewalks, or other public property.

As a resident of North Mankato, MN since August 2, 1988, my wife and I would like to see this ordinance pass. This is an environmentally way to travel around North Mankato. Fellow residents would be able to drive to the gas station, patronage the local restaurants, visit family members, and the lifelong friends they have made in our community. Contractors would be able to visit construction sites in developing neighborhoods. As the city walk branches over to North Mankato this would be an economical way for residents to view these amazing sculptures. There are residents within our community who are unable to walk for long distances and allowing them to utilize a golf cart to get around would encourage their independence. This would help residents to get out and enjoy themselves. They're simple to operate and maintain; they're less costly than a vehicle.

The state of Minnesota allows golf cart use on public roadways and highways, with a special permit and insurance; there would be a special fee for the special permit. The driver would also need to be licensed. There would have to be some restrictions, which would have to be included is that the driver of the golf cart would be subjected to the same traffic laws and duties as operators of other motor vehicles. The golf cart would only be operated on designated roadways where the speed limit is posted for 30 mph, if necessary, you would be able to cross over non-designated roads or highways, as long as, you remain on the designated road. A slow-moving emblem would need to be attached to the golf cart. The golf cart could only be operated between sunrise and sunset. They would also not be able to be operated in bad weather, except for emergencies and if the visibility is poor and you cannot see people or other vehicles from 500 feet away. The golf cart would not be able to be modified to go more than designed speed; which is generally 15 - 25 mph.

Golf carts have been used for many years in gated communities, resorts, and campuses. As they grow in popularity there are several cities that allow them on their roadways in Minnesota, some include: Rochester, Lake City, Anoka, Minneota, Prior Lake, and Golden Valley.

When used properly they are very safe and we as residents of North Mankato should be able to utilize golf carts as means of transportation within our community.

Hopeful Golf Cart Driver,

William Young 717 Nicollet Avenue North Mankato, MN 56003

#### CHAPTER 73: RECREATIONAL VEHICLES

#### Section

- 73.01 Purpose and intent
- 73.02 Definition
- 73.03 Operation requirements
- 73.04 Street crossings
- 73.05 Hours of operation
- 73.06 Minimum equipment requirements
- 73.07 Designation of public areas for use
- 73.08 Motorized golf carts
- 73.09 Specialized vehicles: utility-terrain vehicles and mini-trucks

#### § 73.01 PURPOSE AND INTENT.

- (A) (1) The purpose of this chapter is to provide reasonable regulations for the use of recreational motor vehicles on public and private property in the city.
- (2) This chapter is not intended to allow what the Minnesota Statutes prohibit nor to prohibit what the Minnesota Statutes expressly allow.
- (B) It is intended to ensure the public safety and prevent a public nuisance. § 73.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**RECREATIONAL MOTOR VEHICLE.** Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including, but not limited to trail bike, off-highway motorcycle, as defined by M.S. § 84.787, Subd. 7, as it may be amended from time to time, or other all-terrain vehicle as defined by M.S. § 84.92, Subd. 8, it may be amended from time to time, motorized go-carts, hovercraft or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

#### § 73.03 OPERATION REQUIREMENTS.

It is unlawful for any person to operate a recreational motor vehicle:

- (A) On private property of another without specific written permission of the owner of the property; (Written permission may be given by a posted notice of any kind or description, so long as it specifies the kind of vehicles allowed, that the owner, occupant or lessee prefers, such as by saying "Recreational Vehicles Allowed, "" Trail Bikes Allowed, "" All-Terrain Vehicles Allowed " or words substantially similar.)
- (B) On publicly-owned land, including school, park property, playgrounds, recreation areas and golf courses, except where permitted by this chapter;
- (C) In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons;
  - (D) On a public sidewalk or walkway provided or used for pedestrian travel;

- (E) At a place while under the influence of intoxicating liquor or narcotics or habit-forming drugs;
- (F) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
- (G) At any place in a careless, reckless or negligent manner so as to endanger or be likely to endanger any person or property or to cause injury or damage thereto;
- (H) On any public street, highway or right-of-way unless licensed pursuant to Minnesota law;
  - (I) To intentionally drive, chase, run over or kill any animal, wild or domestic;
- (J) By halting any recreational motor vehicle carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or be likely to endanger any person or property or in excess of 25 miles per hour on publicly-owned lands; and/or
- (K) Within 150 yards of any public recreational area or gathering of people. This provision does not apply to the occasional use of recreational motor vehicles on private property for the purpose of loading or unloading it from a trailer or for mechanically checking it.

Penalty, see § <u>10.99</u>

§ 73.04 STREET CROSSINGS.

No person under 14 years of age operating the vehicles regulated herein shall make a direct crossing of any street, highway or public right-of-way.

Penalty, see § 10.99

§ 73.05 HOURS OF OPERATION.

Hours for use are 8:00 a.m. to 10:00 p.m.

Penalty, see § <u>10.99</u>

§ 73.06 MINIMUM EQUIPMENT REQUIREMENTS.

- (A) Standard mufflers shall be properly attached and in constant operation to reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a recreational motor vehicle motor. The exhaust system shall not emit or produce a sharp popping or crackling sound.
- (B) Brakes shall be adequate to control the movement of and to stop and hold under any conditions of operation.
- (C) At least one clear lamp shall be attached to the front with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The head lamp shall be so that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. This equipment

shall be required and shall be in operating condition when the vehicle is operated between the hours of one-half hour after sunset and one-half hour before sunrise, or at times of reduced visibility.

Penalty, see § 10.99

- § 73.07 DESIGNATION OF PUBLIC AREAS FOR USE.
- (A) The Council may designate areas for use of recreational motor vehicles by approval of a majority of the members of the City Council. The areas designated may be changed from time to time by the City Council. Any area designated shall be published in the official newspaper of the city in a conspicuous place after the approval. If an area is changed, the change shall be published in like manner in the official newspaper of the city. An up-to-date map of any designated park areas open for recreational motor vehicle use shall be kept on file in the office of the City Clerk, who shall provide on request a copy of the map together with the applicable rules, regulations and this chapter to each person requesting the information from the city.
- (B) Unless designated by the City Council as an area for recreational motor vehicles, the use on city park property shall be unlawful. Further, the use of city parks designated by the City Council shall be in accordance with all of the applicable provisions of this chapter.

Penalty, see § 10.99

§ 73.08 MOTORIZED GOLF CARTS.

No person shall operate a motorized golf cart on streets, alleys, sidewalks or other public property.

- § 73.09 SPECIALIZED VEHICLES: UTILITY-TERRAIN VEHICLES AND MINI-TRUCKS.
- (A) *Purpose and intent*. The purpose of this section is to provide reasonable regulations for the use of specialized vehicles on public property within the city. This section is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statues expressly allow. It is intended to ensure the public safety and prevent a public nuisance.
- (B) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- **DRIVER.** The person driving and having physical control over the utility-terrain vehicle or mini-truck.

**MINI-TRUCK.** As defined in M.S. § 169.011, Subd. 40(a), as may be amended from time to time, a motor vehicle that has 4 wheels, is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less, has a total dry weight of 900 to 2,200 pounds, contains an enclosed cabin and a seat for the vehicle operator, commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety

standards required of motor vehicles in the 49 C.F.R. §§ 571.101 to 571.404, and successor requirements.

**UTILITY-TERRAIN VEHICLE.** A motorized flotation-tired vehicle with at least 3 but no more than 6 low pressure tires that has an engine displacement of less than 960 cubic centimeters and total dry weight of less than 1800 pounds and side-by-side seating.

- (C) *Operation*. Utility-terrain vehicles may only be used for business or commercial purposes.
  - (D) Conditions of operation.
    - (1) A driver shall be at least 18 years of age.
- (2) Utility terrain vehicles shall display the slow-moving vehicle emblem provided for in M.S. § 169.045, as it may be amended from time to time, when operated on designated roadways.
- (3) Utility-terrain vehicles and mini-trucks shall be equipped with a rearview mirror to provide the driver with adequate vision from behind as required by M.S. § 169.70, as it may be amended from time to time.
- (4) Every person operating a utility-terrain vehicle or a mini-truck on designated roadways has all the rights and duties applicable to the driver or any other vehicle under provisions of M.S. Chapter 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to utility-terrain vehicles or mini-trucks and except as otherwise specifically provided in M.S. § 169.045, Subd. 7, as it may be amended from time to time.
- (5) The number of occupants on the utility-terrain vehicle or mini-truck shall not exceed the design occupant load.
- (6) No operation of a utility-terrain vehicle and mini-truck shall be allowed on private property without the consent of the owner, or on any city sidewalk, trail or park.
- (7) A mini-truck may be operated on roadways within the city if it is equipped with all of the following:
  - (a) At least 2 headlamps;
  - (b) At least 2 tail lamps;
  - (c) Front and rear turn signal lamps;
- (d) An exterior mirror mounted on the driver's side of the vehicle and either (a) an exterior mirror mounted on the passenger's side of the vehicle or (b) an interior rearview mirror:
  - (e) A windshield;
  - (f) A seat belt for the driver and front passenger; and
  - (g) A parking brake.
- (E) Violation; penalty. Any person who operates a utility-terrain vehicle or a minitruck within the city in violation of this section shall be guilty of a misdemeanor. (Ord. 48, 4th Series, passed 1-22-2013)

# CITY OF NORTH MANKATO REQUEST FOR COUNCIL ACTION



Agenda Item: 11A	Department: Community Dev.	Council Meeting Date: 1/19/21
TITLE OF ISSUE: Consider Ordinance Minnesota Adding City Code Section 90.		
REQUESTED COUNCIL ACTION: Add Mankato, Minnesota Adding City Code S	pt Ordinance No. 137, Fourth	If additional space is required, attach a separate sheet Series an Ordinance of the City of North
For Clerk's Use:	SUPPORT	TING DOCUMENTS ATTACHED
Motion By:	Resolution Ordina	nce Contract Minutes Map
Vote Record: Aye Nay		
Whitlock Steiner	Other (specify)	
Norland		
Oachs Dehen	-	
Workshop	Refe	r to:
	Line	
X Regular Meeting	Tabl	e until:

#### **ORDINANCE NO. 137**

#### FOURTH SERIES AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA AMENDING CHAPTER 90 GRASS AND WEED CONTROL AND ADDING CITY CODE SECTION 90.115 ENTITLED MANAGED NATURAL LAWN AREA

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

**Section I.** North Mankato City Code, Title IX: General Regulations. Chapter 90: Management of Public and Private Property, is hereby amended to read as follows:

#### 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), subsection 251Ba (Minnesota River Prairie), 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 500 square feet or 30% of the pervious surface area of the lot, excluding natural wooded areas, bluffs, and ravines.
- 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. An 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, immediately adjacent to any driveway.
- 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 subchapter 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:
  - i. Concerning public rights-of-way, the weed inspector or his/her designee 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.
  - ii. Concerning private property, the weed inspector or his/her designee 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.

**SECTION II.** After adoption, signing and attestation, this Ordinance shall be published once in the official newspaper of the City of North Mankato and shall be in effect on or after the date following such publications.

ADOPTED by the City Council of the City of North	h Mankato this da	ny of, 2021
		Mayor
ATTEST:		
City Clerk		
Published in the Mankato Free Press this	day of	2021.

### **CITY OF NORTH MANKATO**





Agenda Item: 11B	Department: City Engineer	Council Meeting Date: 1/19/21
TITLE OF ISSUE: Consider Resolution Improvement Project.	n Accepting Bid Project No.	20-05 DE Street and Miscellaneous Paving
REQUESTED COUNCIL ACTION: Ad Miscellaneous Paving Improvement Pro	lopt Resolution Accepting B	If additional space is required, attach a separate sheet id Project No. 20-05 DE Street and
		şer.
For Clerk's Use:	SUPPO	RTING DOCUMENTS ATTACHED
Motion By:	Resolution Ord	inance Contract Minutes Map
Second By:  Vote Record: Aye Nay	x	
Whitlock	Other (specify	·)
Steiner Norland	<del></del>	
Oachs		
Dehen	-	
Workshop	R	efer to:
X Regular Meeting	Т	able until:
Special Meeting		ther:

### RESOLUTION ACCEPTING BID PROJECT NO. 20-05 DE 2021 STREET AND MISCELLANEOUS PAVING IMPROVEMENT PROJECT

WHEREAS, pursuant to an advertisement for bids for the 2021 Street and Miscellaneous Paving Improvement Project, bids were received, opened, and tabulated according to the law for street and surface improvements, and

WHEREAS the following bids were received complying with the advertisement:

Bidder	Bid Amount
W.W. Blacktopping, Inc	\$541,842.80
OMG Midwest, Inc. (SMC)	\$554,600.30
Nielsen Blacktopping, Inc.	\$568,288.75

WHEREAS, the low bid of \$541,842.80 is lower than the engineering estimate of \$573,294.00; and

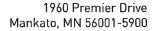
WHEREAS, it appears that W.W. Blacktopping, of Mankato, Minnesota is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, AS FOLLOWS:

- 1) The Mayor and Administrator are hereby authorized and directed to enter into a construction contract with W.W. Blacktopping, Inc. of Mankato, Minnesota for the adjusted contract amount of \$541,842.80 in the name of the City of North Mankato, Minnesota for the 2021 Street and Miscellaneous Paving Improvement Project.
- 2) The city clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted by the City Council this 19<sup>th</sup> day of January 2021.

ATTEST:	Mayor	
City Clerk		





Real People. Real Solutions.

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January 12, 2021

John Harrenstein City Administrator City of North Mankato 1001 Belgrade Avenue, P.O. Box 2055 North Mankato, MN 56002-2055

RE: 2021 Street and Miscellaneous Paving Improvement Project

City Project No. 20-05 DE BMI Project No. 0M1.123192

Dear Mr. Harrenstein,

Bids were received and opened on Tuesday, January 12<sup>th</sup> at 11:00am for the 2021 Street and Miscellaneous Paving Improvement Project. The following is a summary of the proposed improvements for which bids were taken:

Street and Alley Mill & Overlays:

- Marvin Boulevard entire length
- Valerie Lane entire length
- Cliff Drive entire length
- Carol Court entire length
- Clare Drive/Clare Court entire length except segment connecting to Roe Crest Drive
- Marie Court entire length
- Alleys:
  - 300 block alley (Cross Street to Range Street) between Page Avenue and Wheeler Avenue
  - 400 block alley (Center Street to Cross Street) between Belgrade Avenue and Nicollet Avenue
- Colette Drive entire length
- Sharon Drive James Drive to dead end east of Collette Drive
- Linda Lane entire length

#### Other Miscellaneous Paving Projects:

- Spring Lake Park basketball courts
- Lake Street to Mary Lane Trail (Phase 1) approx. 950 feet from Lake Street

Attached is a map showing the location of the proposed improvements.

Mr. John Harrenstein January 12, 2021 Page 2

Three (3) bids were received, and the results of the bids are tabulated below:

Bidder	<b>Bid Amount</b>
W.W. Blacktopping, Inc.	\$541,842.80
OMG Midwest, Inc. (MN Paving & Materials)	\$554,600.30
Nielsen Blacktopping, Inc.	\$568,288.75
Engineer's Estimate	\$573,294.00

The low bidder for the project is W.W. Blacktopping, Inc., from Mankato, Minnesota. The low bid is approximately 5% below the engineer's estimate and approximately 2% below the next lowest bid.

Based on past performance on similar projects in previous years, it is our opinion that W.W. Blacktopping, Inc. is qualified to perform the work required under this contract. If deemed financially feasible, we hereby recommend that W.W. Blacktopping, Inc. be awarded the contract based on the bid contract amount of \$541,842.80.

Please feel free to contact me if you have any questions or if you need any additional information.

Sincerely,

Bolton & Menk, Inc.

Daniel R. Sarff, P.E.

City Engineer

cc: Nathan Host, Public Works Director

Enclosure



# CITY OF NORTH MANKATO REQUEST FOR COUNCIL ACTION



Agenda Item: 11C	epartment: City Engineer	Council Meeting Date: 1/19/21
TITLE OF ISSUE: Consider Resolution A	Approving Plans and Specifica	tions and Ordering Advertisement for
Bids Project No. 19-05 ABCDEF Harrison	Avenue and Project No. 20-04	ABCDE Cliff Court Improvements.
	· ·	•
DACKCDOUND AND CUDDLEMENT AT	INFORMATION, C'4 E '	C CC 111
BACKGROUND AND SUPPLEMENTAL and answer any questions.	INFORMATION: City Engi	neer Sarff will review the proposed plan
and answer any questions.		
T		
.51		
		lf additional space is required, attach a separate sheet
REQUESTED COUNCIL ACTION: Adop	t Resolution Approving Plans	and Specifications and Ordering
Advertisement for Bids Project No. 19-05 A Improvements.	ABCDEF Harrison Avenue and	d Project No. 20-04 ABCDE Cliff Court
improvements.		
For Clerk's Use:	SUPPORTI	NG DOCUMENTS ATTACHED
Motion By:	Resolution Ordinanc	e Contract Minutes Map
Second By:	Resolution Oraniane	e Contract Winduces Wap
-	X	
Vote Record: Aye Nay		
Whitlock Steiner	Other (specify)	
Norland	-	
Oachs	-	
Dehen	· · · · · · · · · · · · · · · · · · ·	
Workshop	Refer to	
Workshop	Refer to	0:
X Regular Meeting		ıntil:
	I able t	***************************************
-	l able t	
Special Meeting	Other:	



Real People. Real Solutions.

Ph: (507) 625-4171 Fax: (507) 625-4177 Bolton-Menk.com

#### **MEMORANDUM**

Date:

January 14, 2021

To:

John Harrenstein, City Administrator

From:

Daniel R. Sarff, P.E., City Engineer

CC:

Nate Host, Public Works Director Kevin McCann, Finance Director

Subject:

2021 Street & Utility Improvement Projects

Harrison Avenue Improvements, City Project No. 19-05 ABCDEF, BMI Project No. M18.119997

Cliff Court Improvements, City Project No. 20-04 ABCDE, BMI Project No. 0M1.122932

Plans and specifications have been prepared for the 2021 Street & Utility Improvement Projects. The proposed improvements are essentially the same as that presented with the Preliminary Engineering Report and subsequent City Council presentations. The following is a brief summary of the proposed improvements:

Project Locations:

Harrison Avenue from Cross Street to Range Street (300 block)

Cliff Court from Cliff Drive to dead end cul-de-sac

#### **Proposed Improvements:**

- Sanitary Sewer, Watermain, Storm Sewer:
  - o Replace existing clay sanitary sewer with new plastic pipe and new manholes
  - o Replace existing cast iron watermain with new plastic pipe and replace valves/fittings
  - Replace existing sanitary sewer and water services within right-of-way
  - Install new auto-reading water meters on residential properties
  - o Construct new storm sewer including additional inlets
  - o Construct storm sewer outlet to the bottom of the ravine (Cliff Court project)
- Street and Surface:
  - Reconstruct existing street with new bituminous pavement and curb and gutter (same width as existing)
  - o Bituminous pavement section conforming to City standards, including subsurface drains on both sides
  - Sidewalk on both sides (Harrison Avenue only) same width as existing, 5' wide
  - New concrete driveway aprons
  - o Restore all disturbed residential turf areas with seed
- Street Lights
  - Add two new street lights on Harrison Avenue
  - o Add four new street lights on Cliff Court

#### **Estimated Project Costs:**

	Estimated Cost	
Item	Harrison Avenue	Cliff Court
Street and Surface Improvements/Street Lights	\$418,200	\$307,400
Storm Sewer	\$64,900	\$193,300
Sanitary Sewer Mainline and Services	\$78,900	\$107,900
Watermain Mainline and Services	\$101,500	\$123,500
TOTAL:	\$663,500	\$732.100

**Recommended Action:** Adopt resolution approving plans and specifications and ordering advertisement for bids. Copy of resolution is included in Council Packet.

## RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS PROJECT NO. 19-05 ABCDEF HARRISON AVENUE AND PROJECT NO. 20-04 ABCDE CLIFF COURT IMPROVEMENTS

WHEREAS, pursuant to a resolution of the City Council adopted the 21st day of December 2020, the City Engineer has prepared plans and specifications for Project No. 19-05 ABCDEF Harrison Avenue and Project No. 20-04 ABCDE Cliff Court Improvements and has presented such plans and specifications to the council for approval.

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

- 1. Such plans and specifications, a copy of which is on file in the City Clerk's office and made a part hereof, are hereby approved.
- 2. The city clerk shall prepare and cause to be inserted in the official paper and on Quest Construction Data Network, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for not less than three weeks, shall specify the work to be done, shall state that bids will be received by the clerk until 11:00 a.m. on February 23, 2021, at which time they will be publicly opened in the Council Chambers of the City Hall by the City Clerk and the City Engineer
- 3. The bids will then be tabulated and will be considered by the City Council at their regular meeting at 7:00 p.m. on April 5, 2021, in the Council Chambers of the City Hall. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility.
- 4. No bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the clerk for five (5) percent of the amount of such bid.

Adopted by the City Council this 19th day of January 2021.

ATTEST:	Mayor	
City Clerk	_	

### **CITY OF NORTH MANKATO**





Agenda Item: 11D	Department: Community Dev.	Council Meeting Date: 1/19/21
TITLE OF ISSUE: Consider Approving Prairie Development.	g Amendment to the Final Plat	of the Waters North: A Request from
BACKGROUND AND SUPPLEMENTATE review the Planning Commission Report REQUESTED COUNCIL ACTION: Apprairie Development.	t and recommendation.	If additional space is required, attach a separate sheet  Plat of the Waters North: A Request from
For Clerk's Use:	SUPPORT	ING DOCUMENTS ATTACHED
Motion By:  Second By:  Vote Record:  Aye  Whitlock  Steiner  Norland  Oachs  Dehen	Resolution Ordina.  X  Other (specify)	
Workshop  X Regular Meeting  Special Meeting	Reference Table Other	e until:

## AMENDMENT TO THE FINAL PLAT OF THE WATERS NORTH A REQUEST FROM PRAIRE DEVELOPMENT

#### THE CITY OF NORTH MANKATO

SUBJECT: Amendment to Final Plat of The Waters North

APPLICANT: Prairie Development

LOCATION: The Waters North

EXISTING ZONING: R-1, One-Family Dwelling

DATE OF HEARING: January 14, 2021

DATE OF REPORT: January 7, 2021

REPORTED BY: Mike Fischer, Community Development Director

#### **APPLICATION SUBMITTED**

Request to amend the final plat of The Waters North

#### COMMENT

In August of 2020, the Planning Commission recommended approval of the final Plat of The Waters North as shown on Exhibit A. The final plat was then formally approved by the City Council. As shown on the final plat, consistent with the City Code at that time, five (5) foot side yard and ten (10) rear yard utility easements were platted on each lot. Since that time, the applicant was successful in amending the City Code section 155.48 (A): Easements. The amended City Code language is shown on Exhibit B. In summary, on a case by case basis, the size of utility easements can be adjusted upon approval of the Planning Commission and City Council during consideration of a final plat subject to a written request by the developer and all known utility companies serving the subdivision, including the City. Attached as Exhibit C is a request from the developer and Exhibit D is a signed request by the known utility companies serving the subdivision.

As a result, the amended final plat as shown as Exhibit E includes the following changes:

- 1. Elimination of the majority of side yard utility easements (with the exception of those needed for storm water sewer purposes)
- 2. The elimination of all rear yard utility easements
- 3. An increase in all front yard utility easements from 10 feet to 15 feet

Due to the fact that nearly all lots within The Waters North are adjacent either to a pond or ravine, all utility companies consent to the amendment. According to the applicant, the amendment will allow greater flexibility to utilize the

administrative lot split process to adjust lot lines without the need to formally vacate utility easements.

#### RECOMMENDATION

Staff recommends approval of the amended plat of The Waters North consistent with City Code section 155.48 (A)

#### § 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)

#### Michael-

We are requesting an amendment to the final plat of The Waters North to change the utility easements as shown on the new proposed plat.

Thanks Rich Weyhe Prairie Development LLC

Rich Weyhe



1711 Premier Dr, Suite 100 Mankato MN 56001 Office: 507-345-3007

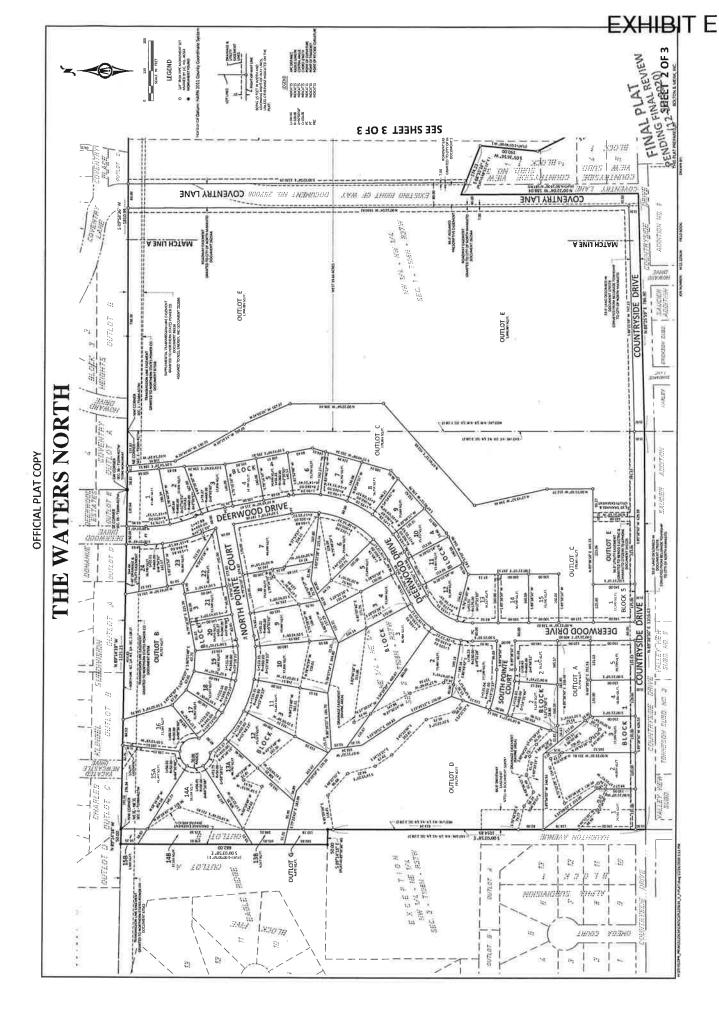
Cell: 507-351-4671

E-Mail: rich@rhenryconstruction.com

#### **CITY OF NORTH MANKATO**

#### REQUEST TO ADJUST STANDARD EASEMENTS IN NEW SUBDIVISION

Date of Request:	11-17-2020		
Subdivision Name:	The Waters North		
Project Developer:	Prairie Deve	lopment LLC	
Project Engineer:	Bolton and N	<u>Menk</u>	
The developer above	hereby request	ts that the standard easement requiremen	ts are changed as follows:
City of North Mankato	o Standard:	Changed to:	
Front Easement: Side Easements: Back Easement:	10 feet 5 feet 5 feet	15 feet No Easement No Easement	
By signing below, you	indicate you ha	ave read and agree to the proposed chang	es:
Charter Communication	ons	Brian Oviatt Brian Oviatt (Nov 18, 2020 07:42 CST)	Nov 18, 2020
Name of Utility Compa		Signature (Brian Oviatt)	Date
		Chuck Mayers	Nov 23, 2020
Centerpoint Energy	-	Chuck Mayers (Nov 23, 2020 08:41 CST)	_
Name of Utility Compa	any	Signature (Barry Hager)	Date
BENCO Electric Cooper	ative	Tim Braulick Tim Braulick (Nov 23, 2020 08:56 CST)	Nov 23, 2020
Name of Utility Compa		Signature (Tim Braulick)	Date
		Questin M. Grev	Nov 23, 2020
Consolidated Commun		In M. Grev (Nov 23, 2020 09 CST)	
Name of Utility Compa	any	Signature (Timothy Madlo)	Date
Name of Utility Compa	any	Signature (Authorized Signer)	 Date
<i>Prairie Development Li</i> Developer / Requester		Rich Weyhe Rich Weyhe (Nov 23, 2020 09:58 CST)  Signature (Richard Weyhe)	Nov 23, 2020 Date
<u>City of North Mankato</u> City or Jurisdiction		Much Ful Signature (Michael Fischer)	<u> </u>



# CITY OF NORTH MANKATO REQUEST FOR COUNCIL ACTION



Agenda Item: 11E	Department: Community Dev. Council Meeting Date: 1/19/21	
TITLE OF ISSUE: Consider approving Z-1-21 and Adopting Ordinance No. 138 Fourth Series Zoning Part of Section 3 as R-3, Limited Multiple Dwelling.		
BACKGROUND AND SUPPLEMENTAL INFORMATION: Community Development Director Fischer will review the Planning Commission Report and recommendation.		
REQUESTED COUNCIL ACTION: Ado Limited Multiple Dwelling.	opt Ordinance No. 138 Fourth Series Zoning Part of Section 3 as R-3,	
For Clerk's Use:	SUPPORTING DOCUMENTS ATTACHED	
Motion By: Second By: Vote Record:  Aye Nay Whitlock	Resolution Ordinance Contract Minutes Map    X	
Steiner Norland Oachs Dehen		
Workshop  X Regular Meeting  Special Meeting	Refer to:   Table until:   Other:	

#### ORDINANCE NO. 138, FOURTH SERIES

AN ORDINANCE OF THE CITY OF NORTH MANAKTO, MINNESOTA
AMENDING NORTH MANKATO CITY CODE, CHAPTER 156, ENTITLED "ZONING CODE",
BY CHANGING THE ZONING DISTRICT MAP AND, BY ADOPTING BY REFERENCE NORTH
MANKATO CITY CODE, CHAPTER 10 AND SECTION 10.99 WHICH,
AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

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

Section 1. North Mankato City Code, Section 156.021, entitled "Zoning District Map," is hereby amended by changing the zoning as follows:

- A. To Zone part of Southwest Quarter of the Southwest Quarter of Section 3, Township 108 North Range 27 West, as R-3, Limited Multiple Dwelling.
- Section 2. North Mankato City Code, Chapter 10, entitled "General Provisions" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. After adoption, signing, and attestation, and successful annexation of the property 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 19th day of January 2021.

	Mayor	
ATTEST:		
City Clerk		
Published in the Mankato Free Press on		

## Z-1-21 A REQUEST FROM ALH LAND COMPANY

#### THE CITY OF NORTH MANKATO

SUBJECT:

Z-1-21

APPLICANT:

ALH Land Company LLC

LOCATION:

Part of Section 3

**EXISTING ZONING:** 

AG

DATE OF HEARING:

January 14, 2021

DATE OF REPORT:

January 7, 2021

REPORTED BY:

Mike Fischer, Community Development Director

#### APPLICATION SUBMITTED

Request to zone part of Section 3 as R-3, Limited Multiple Dwelling

#### **COMMENT**

The applicant is in the process of annexing 2.57 acres of land adjacent to Pleasant View Drive into the City limits for future residential development. The location of the property is shown on Exhibit A. As the property is proposed to be developed for multi-family residential development, Exhibit B is a request from the developer requesting the property be zoned R-3, Limited Multiple Dwelling. For reference, the proposed development of the property is shown on Exhibit C which consist of three new buildings to accommodate fourteen townhome units.

According to the Future Land Use Map within the Comprehensive Plan, the property is guided for future high density residential. That map is shown as Exhibit D. Within the Comprehensive Plan, High Density Residential is described as follows:

High Density Residential. The High-Density Residential land use category consists of multiple family attached housing oriented in a vertical fashion, more commonly referred to as apartments and condominiums. Housing units may be owner or renter occupied. High density housing is an efficient land use because it contains more dwelling units per acre than other residential uses. High density residential uses are located in places with compatible adjacent land uses and where the local street system will accommodate the traffic. Ideally, they are located near commercial uses or employment centers to maximize the number of people who can walk or use alternative modes of transportation. Residential areas near the downtown suitable for redevelopment may be prime locations for new high-density housing. Because high density housing is generally

associated with renting, it may be a very attractive option for recent graduates looking to live in North Mankato. Providing enough quality high density residential housing is essential for providing a diverse housing stock. The densities targeted in this category are over 10 dwelling units per acre. The primary zoning districts that would generally correspond to this land use designation would be the R-3 Limited Multiple Dwelling District and the R-4 Multiple Dwelling District.

While the densities targeted for this classification are over 10 dwelling units per acre, the proposed development is 5.45 dwelling units per acre.

Exhibit E is a map showing existing area zoning. As shown, there is existing R-3 adjacent to the property which accommodates an existing townhome development. The property immediately adjacent to the west of the subject property is out of the City limits and guided for future commercial development.

#### RECOMMENDATION

Staff recommends approval of Z-1-21, contingent upon successful annexation of the property, as it is consistent with existing area zoning and the Comprehensive Plan



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Legend

MINNESOTA

Roads

US TRUNK HWY

MUNICIPAL STATE AID STREET COUNTY STATE AID HWY

LOCAL STREET RAMP

PRIVATE STREET

Minnesota River Lakes & Ponds

Nman\_cty19\_3inch.sid Red: Band\_1

Blue: Band\_3

Map Name

© Bolton & Menk, Inc - Web GIS 1/7/2021 9:35 AM

City Limits

Medians

Roadways 1

#### **Michael Fischer**

From:

Adam Huiras <adam@connectmankato.com>

Sent:

Friday, January 8, 2021 9:05 AM

To:

Michael Fischer

Subject:

- Formal Request 40014 Pleasant View Drive

#### Good Morning Mike,

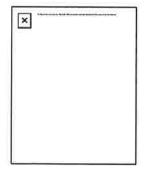
I am the owner of 40014 Pleasant View Drive, approximately 2.57 acres of land adjacent to Pleasant View Drive, which I am annexing into the City limits for future townhome development. I request that the property be zoned R-3, Limited Multiple Dwelling to accommodate the development of townhomes on the property. The proposed R-3 Zoning should be consistent with the City's guided zoning as documented in your Comprehensive Plan and consistent with the current zoning in this area.

This development is planned out to preserve the existing trees on the property.

Please contact me with any questions you have.

Sincerely,

Adam Huiras



Adam Huiras | Realtor & Developer

| Connect Real Estate Group

| mobile: 507.381.1767 | phone: 507.779.7319

| email: adam@connectmankato.com | website: www.connectmankato.com

| address: 151 St. Andrews Court, Suite 400, Mankato MN 56001



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EXHIBIT C





Rear Main Building

Los Area = 1,1005 sq. fr. minmum requirements for the first 3 dwelling units plus 1,500 sq. ft. for each captoriol dwelling units plus 1,500 sq. ft. for each captoriol dwelling units.

List Worth (minmum) = 55 fer.

Maximum Should on get plus + 55 fer.

Maximum Should on get plus + 55 fer.

LEGAL DESCRIPTION

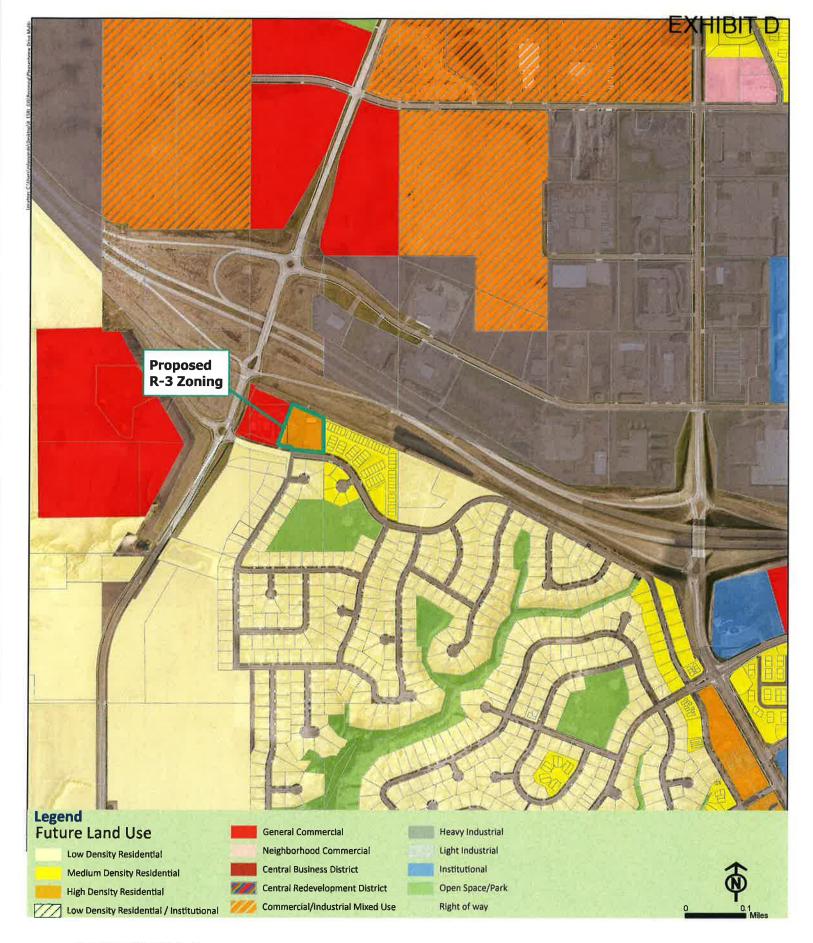
That part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 108 North Range 27 West, Nicollet County, Minnesola, described as:

# OWNERS/DEVELOPERS

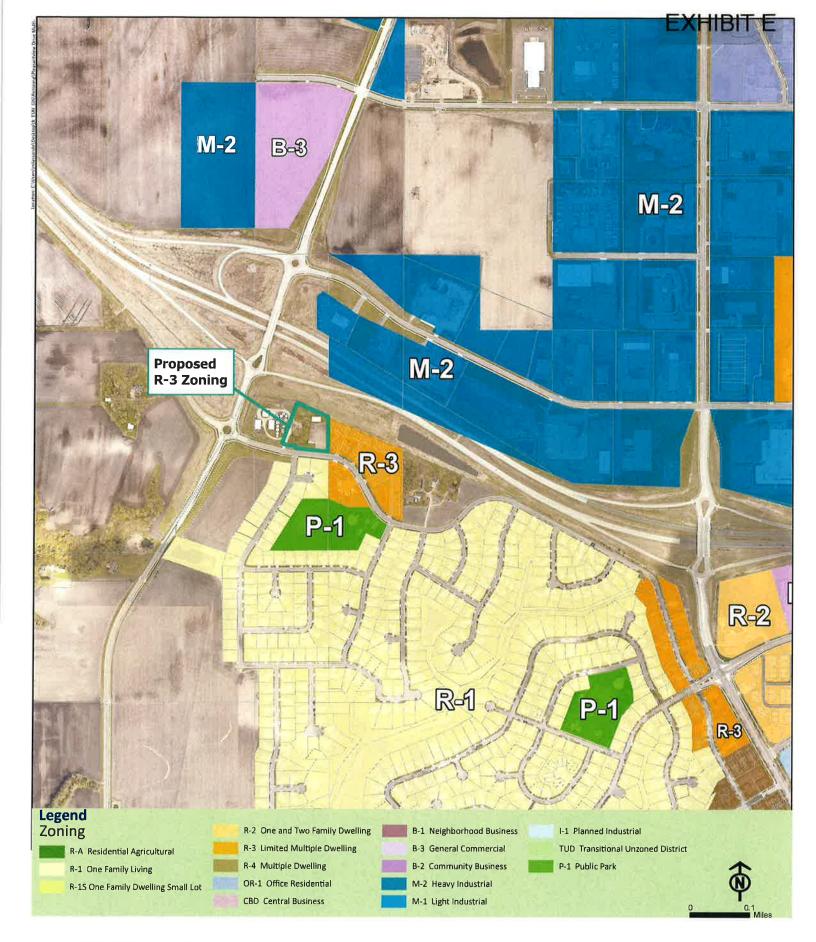
PART OF THE W 1/2-W 1/2-5W 1/4
SECTION 3, 1108N - R2-W

BOLTON & MENK

FOR: ALH LAND COMPANY ADAM HURAS











December 30, 2021

#### Dear Resident:

The City of North Mankato has received a request from ALH Land Company (Adam Huiras) to provide a zoning classification of R-3, Limited Multiple Dwelling, for property which is being annexed into the City limits for future development. The location of the property is shown on Exhibit A. The layout of the proposed future use of this property is shown on Exhibit B which consists of fourteen new townhome units. As a nearby property owner, you have the opportunity to comment on the zoning request.

This request will be considered by the Planning Commission on Thursday, January 14, 2021 and by the City Council on Tuesday, January 19, 2021. Both meetings begin at 7:00 p.m. At this time, both meetings are scheduled to be held remotely. Members of the public may monitor the meetings by calling into a conference call at 507-514-6103 and enter participant code 965994 to listen and participate via telephone.

Please feel free to contact me at 625-4141 should you have any questions regarding the upcoming meetings.

Sincerely,

THE CITY OF NORTH MANKATO

mile Fiel

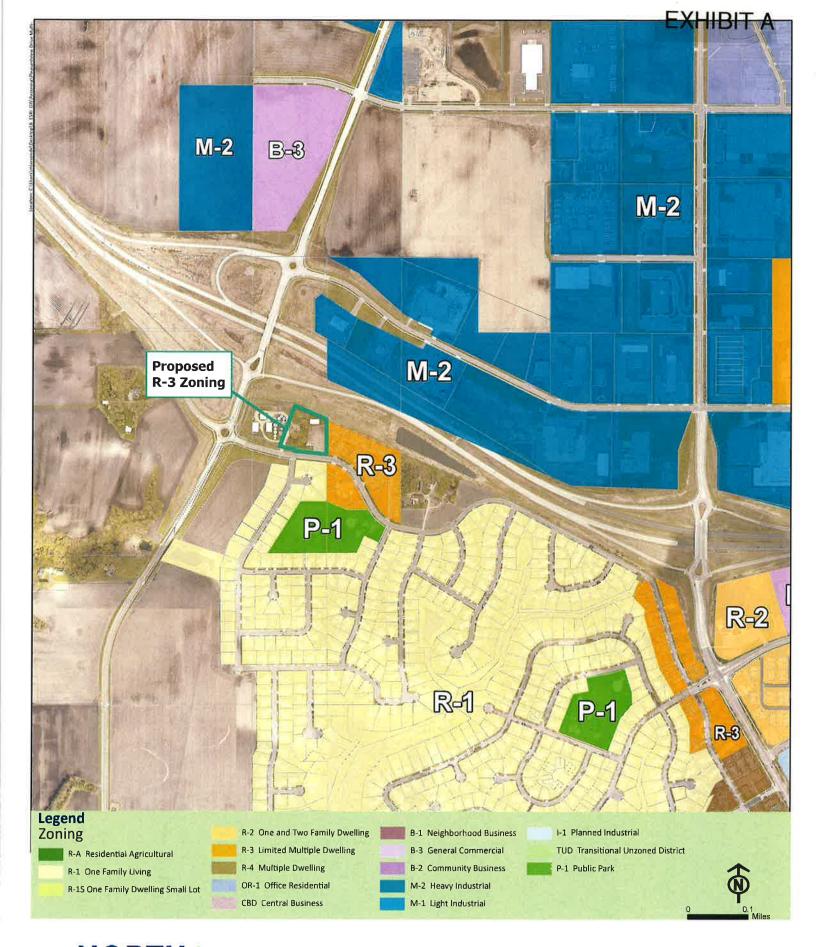
Mike Fischer

**Community Development Director** 

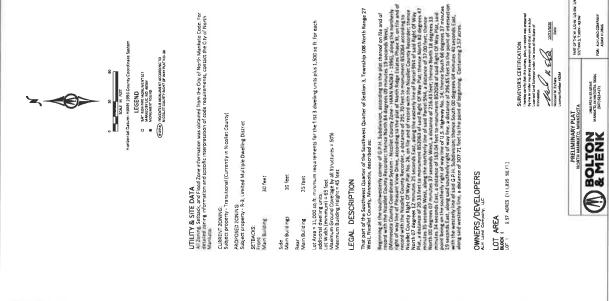
Enc













Russell & Stacey Warnke 15 Raymond Ct North Mankato, MN 56003

Brian & Tracy Zins 2158 Eagle Ridge Dr North Mankato, MN 56003 Krista & Dustin Evans 10 Raymond Ct North Mankato, MN 56003

Nathan Stolt 2102 Hemlock Trl North Mankato, MN 56003 Karna Hubbard 2104 Hemlock Trl North Mankato, MN 56003 Mark Wellner 2106 Hemlock Trl North Mankato, MN 56003

Benjamin Divine 15195 W 154<sup>th</sup> St Olathe, KS 66062

Jennifer Peterson 2103 Hemlock Tr North Mankato, MN 56003 Tracy Willaert 2108 Hemlock Trl North Mankato, MN 56003

Kara Wasson 2105 Hemlock Trl North Mankato, MN 56003 Kenney Family Trust 7699 74<sup>th</sup> St S Cottage Grove, MN 55016 Nathan & Ricky Chandler 10 Winslow Cir Saint Clair, MN 56080

Yorik Andrian PO Box 248 Mankato, MN 56002 Denise Schweim 2102 Evergreen Trl North Mankato, MN 56003 Hannah Birkholz 2103 Evergreen Trl North Mankato, MN 56003

Hans & Catherine Fjelstad 2104 Evergreen Trl North Mankato, MN 56003 Greg & Emma Holzhueter 2105 Evergreen Trl North Mankato, MN 56003

Sadie Dahn 1009 Trillum Ct Eagan, MN 55123

Ryan Grommersch 2154 Willow Trl North Mankato, MN 56003 Ismail Ahmed 3268 Echo Ln SW Rochester, MN 55902-2875 Michelle Guillaume 1597 6<sup>th</sup> St E Saint Paul, MN 55106-4829

Jennifer Luettel 2158 Willow Trl North Mankato, MN 56003

S Properties LLC 117 E Washington St Mankato, MN 56001 H3 Properties LLC 2105 Evergreen Trl North Mankato, MN 56003

C and C Properties of S MN LLC PO Box 222 Madison Lake, MN 56063

Nathan Chandler 10 Winslow Cir Saint Clair, MN 56080 Todd & Jeanne Bergstrom 2321 Seurer Ct Elko New Market, MN 55054

Kevin Tauer 2501 Royale Ct Eagan, MN 55122 Dale Tischer 2176 Willow Trl North Mankato, MN 56003 Dale & Donna Gieseke 20 Pleasant View Ct North Mankato, MN 56003 Chris & Angie Schreiber 11 Raymond Ct North Mankato, MN 56003

ALH Land Company LLC 22 Balsam Ct North Mankato, MN 56003 Krystal & Jeffery Hanson 19 Raymond Ct North Mankato, MN 56003

Steven R Burnett Trust 53042 Rockford Rd North Mankato, MN 56003 Andrew & Amie Ternes 14 Raymond Ct North Mankato, MN 56003

### CITY OF NORTH MANKATO





Agenda Item: 11F	Department: Community Dev.	Council Meeting Date: 1/19/21
TITLE OF ISSUE: Consider Approving Company.	g Preliminary Plat of Pleasant	View Cottages: A Request from ALH Land
REQUESTED COUNCIL ACTION: Appland Company.	t and recommendation.	If additional space is required, attach a separate sheet asant View Cottages: A Request from ALH
For Clerk's Use:	SUPPOR	TING DOCUMENTS ATTACHED
Motion By:  Second By:  Vote Record:  Aye  Whitlock  Steiner  Norland  Oachs  Dehen	Resolution Ordin  Other (specify)	ance Contract Minutes Map  Report
Workshop  X Regular Meeting  Special Meeting		er to:  er:

### PRELIMINARY PLAT OF PLEASANT VIEW COTTAGES A REQUEST FROM ALH LAND COMPANY

#### THE CITY OF NORTH MANKATO

SUBJECT:

Preliminary Plat of Pleasant View Cottages

APPLICANT:

**ALH Land Company** 

LOCATION:

Part of Section 3

**EXISTING ZONING:** 

Proposed R-3

DATE OF HEARING:

January 14, 2021

DATE OF REPORT:

January 7, 2021

REPORTED BY:

Mike Fischer, Community Development Director

#### APPLICATION SUBMITTED

Request for preliminary plat consideration for Pleasant View Cottages

#### COMMENT

The applicant is in the process of annexing 2.57 acres of land adjacent to Pleasant View Drive into the City limits for future multi-family residential development. The location of the property is shown on Exhibit A which includes an existing house and storage building. To begin the platting process, shown as Exhibit B, the applicant has submitted a preliminary plat of Pleasant View Cottages. The plat consists of one (1) lot with three (3) new buildings to include fourteen, 2-story townhome units. An elevation drawing of one of the buildings is shown on Exhibit C. Access to the property would be provided by two new driveways as shown on the preliminary plat. A storm water holding pond is also shown. Regarding the existing house and storage building, the applicant proposes to keep both on the property. The house has been recently rehabilitated and proposed to be used as a VRBO. The storage shed would be used by the applicant.

In terms of compliance with City Code regulations for platting, the proposed development of the property meets all building setbacks, density requirements, lot size requirements, ground coverage, and building height regulations within an R-3 zoning district. Subject to preliminary plat approval, a final plat of Pleasant View Cottages would be submitted in the future.

#### RECOMMENDATION

Staff recommends approval of the preliminary plat of Pleasant View Cottages



Legend

MANKATO I

City Limits Medians

Roadways

Roads

US TRUNK HWY

MUNICIPAL STATE AID STREET COUNTY STATE AID HWY

LOCAL STREET RAMP

PRIVATE STREET

Minnesota River Lakes & Ponds

Nman\_cty19\_3inch\_sid

Green: Band\_2

Map Name

BOLTON & MENK

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EXHIBIT B





UTILITY & SITE DATA
All Zenng, Schabek, and Flood Zovernformation was obtained from the Cby of North Manhato Code. For detailed normig information and specific interpretation of code requirements, cornact the City of North Manhato.

CURRENT ZOWNG: Subject property - Transitional (Currently in Nicollet County)

PROPOSED ZONING: Subject property - R-3, Limited Multiple Dwelling District

Side Main Buildings

Rear Main Building

LEGAL DESCRIPTION

That part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 108 North Range 27 West, Nicollet County, Minnesota, described as:

# OWNERS/DEVELOPERS

SURVEYOR'S CERTIFICATION
Interpretation and resolution as proposed
interpretation that the control of the contr PRELIMINARY PLAT

2360 PHÉMIER DRIVE MANKATO, MINNESOTA \$6001 (507) 625-477. BOLTON & MENK

PART OF THE W. 127-W. 125-SW 146 SECTION 2. TURN - NEXT FOR: ALH LAND COMPAN ADAM HURAS

