



CITY OF NORTH MANKATO

OFFICE OF THE MAYOR

## ***PROCLAMATION***

*WHEREAS, September 17, 2022, marks the two-hundred-thirty-fifth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and*

*WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, to the patriotic celebrations which will commemorate it; and*

*WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.*

*NOW THEREFORE I, Mark Dehen, Mayor of North Mankato, by virtue of the power vested in me as Mayor of the City of North Mankato, do hereby proclaim September 17 through 23 as:*

### ***CONSTITUTION WEEK***

*And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.*

*Dated this 19<sup>th</sup> day of September 2022.*



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*Mark Dehen, Mayor  
City of North Mankato*

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 September 6, 2022. Mayor Dehen called the meeting to order at 7:00 pm, asking everyone to join the Pledge of Allegiance. The following were present for roll call: Council Members Oachs, Steiner, Whitlock, Norland, City Administrator McCann, Interim Finance Director Ryan, Community Development Director Fischer, and City Clerk Van Genderen.

**Approval of Agenda**

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

**Approval of Council Work Session Minutes from August 8, 2022, Council Work Session.**

**Council Member Norland moved, seconded by Council Member Steiner, to approve the Council Work Session Meeting Minutes of August 8, 2022. Vote on the motion Steiner, Norland, Oachs, and Dehen aye, Whitlock abstain, no nays. Motion carried.**

**Approval of Council Minutes from August 15, 2022, Council Meeting.**

**Council Member Steiner moved, seconded by Council Member Oachs, to approve the Council Meeting Minutes of August 15, 2022. Vote on the motion Steiner, Norland, Oachs, Whitlock and Dehen aye, no nays. Motion carried.**

**Approval of Council Work Session Minutes from August 29, 2022, Council Work Session.**

**Council Member Norland moved, seconded by Council Member Oachs, to approve the Council Work Session Meeting Minutes of August 29, 2022. Vote on the motion Steiner, Norland, Oachs, Whitlock and Dehen aye, no nays. Motion carried.**

**Public Hearing, 7 pm Consider Ordinance Repealing and Replacing City Code Chapter 153: Flood Plain Regulation.**

Community Development Director Fischer reported that the City was contacted by the Federal Emergency Management Agency (FEMA), indicating that the Flood Insurance Rate Maps and Nicollet County Flood Insurance Study were complete and would become effective on October 13, 2022. FEMA indicated that the City must amend or adopt a new flood plain ordinance to continue participating in the National Flood Insurance Program. City staff has been working with the DNR to create a new flood plain ordinance that meets both state and federal standards. The proposed ordinance meets those requirements.

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

**Consent Agenda**

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

- A. Bills and Appropriations.
- B. Res. No. 76-22 Approving Donations/Contributions/Grants.
- C. Res. No. 77-22 Declaring Surplus Vehicles and Equipment.
- D. Approved Audio Permit for Spinners Bar on August 27, 2022, from 7 pm to 10 pm
- E. Approved Audio Permit for Spinners Bar on September 3, 2022, from 7 pm to 10 pm
- F. Approved Audio Permit for Spinners Bar on September 16, 2022, from 7 pm to 10 pm.

G. Approved Parade Permit for the Charger Challenge on September 30, 2022, from 7:30 am to 2:00 pm at Spring Lake Park.

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

**Public Comments Concerning Business Items on the Agenda.**

None.

**Business Items**

**Ordinance No. 151 Fourth Series an Ordinance of the City of North Mankato, Minnesota Repealing and Replacing City Code Chapter 153: Flood Plain Regulation.**

**Council Member Steiner moved, seconded by Council Member Norland, to Adopt Ordinance No. 151 Fourth Series, an Ordinance of the City of North Mankato, Minnesota, Repealing and Replacing City Code Chapter 153: Flood Plain Regulation. Vote on the motion Steiner, Norland, Oachs, Whitlock and Dehen aye, no nays. Motion carried.**

**Res. No. 78-22 Calling for a Public Hearing on Proposed Property Tax Abatements.**

City Administrator McCann reported the resolution would set a public hearing on a proposed property tax abatement for the property located at 230 Nicollet Avenue. 230 Nicollet Avenue LLC proposes to tear down the current building and construct a 9-unit apartment building. The business also owns the 235 Belgrade infill project and is interested in similar tax incentives as that project. City Administrator McCann reported that the City's bond counsel suggested using tax abatements rather than a TIF due to the smaller nature of the project. The abatement would only abate the City taxes, not the County or the school levy. The total abatement would be \$200,000 over 12 years.

**Council Member Norland moved, seconded by Council Member Steiner, to Adopt Resolution No. 78-22, Calling for a Public Hearing on a Proposed Property Tax Abatement. Vote on the motion Steiner, Norland, Oachs, Whitlock and Dehen aye, no nays. Motion carried.**

**Receive an Update from MAPO on the Lookout Drive Corridor Study.**

Ross Tillman from Bolton & Menk reviewed the study and the proposed alternatives. The study aims to identify multimodal improvements and develop a reasonable implementation plan and timetable. The study focused on maintaining acceptable traffic operations, aligning the speed with the roadway, and improving pedestrian and bicycle connections. Public input was sought through engagement at the Farmers' Market and online.

The study addresses access management, traffic calming, enhanced bike/pedestrian facilities, and traffic control. The study team created a ranking system to address and evaluate the proposed alternatives.

The first segment reviewed was from Howard Drive to 512<sup>th</sup> Street. The proposed improvements included a three-lane road with a middle left turn lane, a trail on one side, and a sidewalk on the other side.

The second segment was from Commerce Drive to Marie Lane. Alternative 1 for this segment includes three lanes with a center turn lane, existing sidewalk maintenance, and access points consolidation. Alternative 2 for this segment created one lane each way with no center turn, a landscaped median, maintenance of existing sidewalks and trails, and access consolidation. Alternative 3 included maintenance of a road structure similar to the current structure with closure and

consolidation of access points. Public and study rankings of the alternatives were the same, with Alternative 2 ranking the highest and Alternative 1 ranking the second highest.

The third segment was from Marie Lane to Highway 169. The first alternative included the reduction of lanes from three to two with a 10-foot trail next to the cliff. The second alternative maintained the current three lanes and a five-foot sidewalk next to the cliff. Alternative one was ranked the highest by both the public and the study. The Council held a discussion concerning the maintenance of the third lane considering that trucks use the route. Mr. Tillman noted that the peak hour trucks recorded 20 trucks. Mayor Dehen commented that the number of trucks would probably decrease with improvements to the 169 and Highway 14 intersections.

Mr. Tillman noted that the study would continue to create phased improvement options once the study was completed and recommendations clarified.

City Council Member Oachs requested clarification on the middle section and if the study took in the intersection at Northridge Drive and Pleasantview. Mr. Tillman noted it is not included in the study, but the queue could and would be considered.

Council Member Norland requested the study address the intersection at Marie and Lookout Drive to make it a safer place for pedestrians and children. Mr. Tillman noted that the proposed alternatives would address the issue.

### **Open Forum**

None.

### **City Administrator and Staff Comments**

City Administrator McCann reported that Music in the Park would be at Wheeler Park on Thursdays in September from 5:30 pm to 7:30 pm.

City Administrator McCann invited everyone to Benson Park on Saturday, September 10, 2022, from 6:00 pm to 7:30 pm for Symphony on the Prairie.

City Administrator McCann invited everyone to Bier on Belgrade of September 17, 2022, from 2 pm to 10 pm. Attendees must be 21 years of age.

City Administrator McCann noted that Caswell Youth Sports would host a fall tennis camp for grades 1-7 from September 8<sup>th</sup> to October 13<sup>th</sup>.

### **Mayor and Council Comments**

Council Member Norland noted McKinley is nearing completion.

Council Member Oachs requested clarification on when the splash pad would be closed. City Administrator McCann reported it would remain open while weather permitted.

Mayor Dehen invited everyone to Symphony on the Prairie and Bier on Belgrade. He requested clarification on how the Caswell project is going. City Administrator McCann reported it was on schedule.

At 7:34 pm, on a motion by Council Member Norland, seconded by Council Member Steiner, the Council Meeting was adjourned.

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Mayor

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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 September 12, 2022. Mayor Dehen called the meeting to order at 12:00 pm. The following were present for roll call: Council Members Norland, Oachs, Whitlock, Steiner, City Administrator McCann, and City Clerk Van Genderen.

**Budget Work Session: General Fund, Debt Service, and Port Authority**

City Administrator McCann stated the purpose of the work session is to review, present, and discuss the recommended budget of property tax-supported funds, such as the General Fund, Debt Service Fund, and Port Authority General Fund. City Administrator McCann reported that the change in taxable market value increased by 16.04%. Staff recommends a 7.7 percent tax levy increase, which will still allow a 3.75% decrease in the tax rate. He reported that the organization chart was updated to reflect the new Culture and Recreation Department Structure. Total staffing levels were at a low in 2015 with 59 employees, but in 2020 staffing levels increased with the addition of the youth football position, the swim facility position, an additional street department member, and the new City Planner. In 2023 staffing levels will go to 64.5 with the addition of at least one new police officer.

City Administrator McCann presented an executive summary of the budget. The Tax Levy in 2023 is presented at \$7,669,360 or a 7.7% increase from 2022. The total revenue increase is \$546,000 from 2022, with \$424,000 going to the General Fund and \$122,000 to the Debt Service Fund. The increase in operating levy of \$424,000 is proposed to support General Fund operations and a new police officer. The debt service levy increase covers current and future debt service payments while meeting debt reserve policies. The proposed General Fund revenues for 2023 are \$10,102,395, an increase of \$680,815. The increase results from an increased tax levy, transfers, permits, and interest earnings. The Port Authority General Fund Revenues are proposed at \$90,976, a decrease of \$3,812, due to a decertified TIF district's admin fees. The Debt Service Fund Revenues for 2023 are proposed at \$3,389,896, of which the total Tax Levy of the debt service fund is proposed at \$1,869,739. The balance comprises sales tax, special assessments, state aid, and TIF payments. Total debt payments in 2023 are \$2,996,405, an increase of \$3,697. The total outstanding debt projected for 2023 is \$49,815,000. The 2023 budget includes a proposed debt issuance of \$3.6 million for streets and \$6 million for indoor recreation.

City Administrator McCann reviewed the 2022 and 2023 revenues and expenditures. Revenue highlights include a 7.67 % levy increase in 2023, which would result in \$424,046 in additional revenue. Building permits increasing from \$397,350 to \$503,450 is a \$106,100 increase due to continued building activities. General fund expenditure highlights include a \$33,024 decrease in the General Government due to no elections and not replacing the payroll clerk, rather dividing the duties of the position. The Police Department has a 7% increase from \$2,351,496 to \$2,511,568 due to funding for a new position and clothing allowances to manage the new uniforms. The Parks Department has increased from \$989,835 to \$1,127,644 to restore the park plan spending to pre-COVID levels. A significant decrease in Miscellaneous from \$68,900 to \$58,660 is due to no longer funding fireworks for Fun Days as the new committee has determined that due to the event being so close to the Fourth of July that there will no longer be fireworks.

City Administrator McCann highlighted specific department reports, including the Police Department, noting the addition of a new Police Officer. The Street Department included a \$79,500 Capital Outlay for the pavement management plan and a \$38,500 increase in Street maintenance due to the rise in material costs. The Parks Department had an increase in Capital Outlay to work on getting back into fully funding the Parks Management Plan. He reviewed the Area Agency Disbursements, which included increases in the cost of the Mass Transit Plan. Mayor Dehen requested further

information concerning ridership and potential options. City Administrator McCann also noted the significant growth in the All Seasons Arena costs due to payments necessary for the facility upgrades.

City Administrator McCann reviewed the Port Authority General Fund and noted that the total revenue is anticipated to decrease by \$3,812 due to the decertification of a TIF that contributed administrative fees to the fund. Anticipated expenditures remained relatively flat. City Administrator McCann noted that in 2027 staff is proposing an increase in the tax levy from \$75,000 to \$85,000 to cover the continued decertification of pay-as-you-go TIF districts.

City Administrator McCann reviewed the Debt Service Fund, which shows the existing debt in 2022 of \$43,151,200 and future debt. He noted that the future debt includes the City not taking on additional debt in 2024 to prepare cash funds for the anticipated new Public Works Department, which is planned for 2026. A discussion was held concerning if the location of the Public Works Department would change from its current location of 610 Webster. City Administrator McCann reported that it is recommended for the site to remain the same. He did note that to complete the whole compound, the City would need to phase the project. Mayor Dehen requested that the City staff forecast the potential debt for the Waste Water Treatment facility based on the needs reported by the City of Mankato. City Administrator McCann said the staff would forecast it in the Wastewater Fund, which would be brought to the Council at a future Work Session. Council Member Oachs requested that staff include the Highway 169/Webster Avenue Corridor improvement MnDOT is planning for 2027 or 2028. The City will need to fund a portion of the project. Council also mentioned the Highway 169/Belgrade improvement also be considered.

City Administrator McCann presented four 2023 Levy Options. Option one is a 7.67% Levy Increase and includes one new Police Officer. Option two is a 10.4% Levy Increase and contains two new Police Officers. Option three is a 13.2% Levy Increase and includes two new Police Officers and cash for additional debt service payments. Option four is a Flat Tax Rate and includes two new Police Officers and additional debt service payments, and cash for other projects. The City Council discussed the four options. Council Members wanted to ensure that a new Police Officer was included and that there was consideration for a second Police Officer. Mayor Dehen cautioned against increasing taxes too much due to the current financial strain on all residents. Council Member Oachs requested additional opportunities for the public to provide project input. City Administrator McCann noted that the City would be conducting two Brewing Ideas events, one on September 28, 2022, and one on October 19, 2022. Both would provide opportunities for residents to provide input into the City's expenditures. Council Member Whitlock noted that adding a new Police Officer is not a luxury but a necessity.

Council Member Norland moved, seconded by Council Member Oachs, to adjourn the Council Work Session at 12:42 pm.

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Mayor

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City Clerk

# The Free Press MEDIA

# THE LAND

P.O. Box 3287, Mankato, MN 56002

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

## Affidavit of Publication

### STATE OF MINNESOTA, COUNTY OF BLUE EARTH, SS.

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

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

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

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

The printed notice which is attached was cut from the columns of said newspaper, and was printed and published the following dates: 08/19/22, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

4. The Publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: 48.67.

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

FURTHER YOUR AFFIANT SAITH NOT.

By: \_\_\_\_\_

Steve Jameson, Publisher

Sworn to and subscribed before me, this day  
08/19/2022

Notary Public

### Public Notice

August 19, 2022

### NOTICE OF PUBLIC HEARING TO

CONSIDER AN ORDINANCE  
OF THE CITY OF NORTH  
MANKATO, MINNESOTA,  
REGULATING THE SALES,  
TESTING, MANUFACTURING,  
AND POSSESSION OF  
PRODUCTS CONTAINING THC,  
CANNABIS, OR  
CANNABINOIDS

Notice is hereby given that the City Council of the City of North Mankato, Minnesota, will hold a Public Hearing on Monday, September 19, 2022, at 7 p.m. in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, to consider an Ordinance Regulating the sale, testing, manufacturing, and distribution of hemp-derived THC food and beverages within the City of North Mankato. The complete ordinance is available for review at [www.northmankato.com](http://www.northmankato.com) or by calling 507-625-4141.

Such persons as desire to be heard with reference to this issue should appear at this meeting. Public comments may be sent to the North Mankato Municipal Building, 1001 Belgrade Avenue, North Mankato, MN 56003.

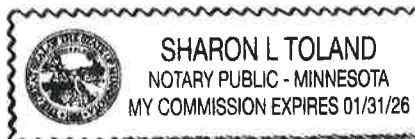
Dated this

19th day of August 2022.

April Van Genderen

City Clerk

City of North Mankato



# The Free Press MEDIA

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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: 09/08/22, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

4. The Publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: 56.83.

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

FURTHER YOUR AFFIANT SAITH NOT.

By: \_\_\_\_\_

Steve Jameson, Publisher

Sworn to and subscribed before me, this day  
09/08/2022

Notary Public

### Public Notice

September 08, 2022

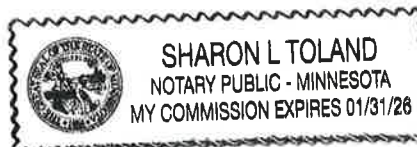
### CITY OF NORTH MANKATO, MINNESOTA NOTICE OF PUBLIC HEARING REGARDING PROPOSED PROPERTY TAX ABATEMENTS

Notice is hereby given that the City Council of the City of North Mankato, Minnesota (the "City"), will hold a public hearing at a regular meeting of the City Council beginning at 7:00 P.M., on Monday, September 19, 2022, at the Municipal Building Council Chambers, 1001 Belgrade Avenue, North Mankato, Minnesota, in connection with the proposed construction of a 9-unit multi-family apartment project (the "Project"). The City will grant an abatement of property taxes to be levied by the City on all or a portion of Parcel ID Numbers 18.071.0010 and 18.802.0120 (the "Tax Abatement Property"). The total amount of the taxes proposed to be abated by the City on the Tax Abatement Property for a period not to exceed twelve (12) years is estimated to be not more than \$200,000. The City Council will consider granting a property tax abatement in connection with the Project.

All persons may attend in person at the September 19, 2022 public hearing and present their views to the City Council orally; or if in writing contact the City Administrator's office at 1001 Belgrade Avenue, North Mankato, MN 56002 or 507-625-4141.

BY ORDER OF THE CITY  
COUNCIL

April Van Genderen,  
City Clerk





City of North Mankato, MN

# Check Report

By Vendor Name

Date Range: 9/19/22

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
00008	A+ SYSTEMS GROUP	09/19/2022	Regular	0	242.15	96406
03837	BECKER, ETHAN	09/19/2022	Regular	0	100.00	96407
00136	BENCHS	09/19/2022	Regular	0	266.00	96408
00147	BLACKSTONE PUBLISHING	09/19/2022	Regular	0	38.00	96409
00153	BLUE EARTH COUNTY	09/19/2022	Regular	0	500.00	96410
02169	BLUE LINE SHARPENING & SALES	09/19/2022	Regular	0	66.00	96411
03829	BRADY'S CONCRETE & CONSTRUCTION	09/19/2022	Regular	0	9,994.86	96412
00234	CENTER POINT ENERGY	09/19/2022	Regular	0	3,066.21	96413
00255	CITY OF MANKATO	09/19/2022	Regular	0	136,920.68	96414
00259	CITY OF NORTH MANKATO	09/19/2022	Regular	0	93.31	96415
03844	DRILL, DOUG	09/19/2022	Regular	0	200.00	96416
00074	EARL F. ANDERSEN INC.	09/07/2022	Regular	0	346.95	96400
03845	ERICKSON, ADAM	09/19/2022	Regular	0	50.00	96417
00401	EXPRESS SERVICES, INC.	09/19/2022	Regular	0	4,648.80	96418
00458	FRONTLINE WARNING SYSTEMS	09/19/2022	Regular	0	6,043.75	96419
00498	GP ENGINEERING	09/19/2022	Regular	0	750.00	96420
03843	GREG GEORGE	09/08/2022	Regular	0	700.00	96403
03569	HAGA, PAUL	09/07/2022	Regular	0	700.00	96399
00528	HANSEN SANITATION INC	09/19/2022	Regular	0	507.50	96421
00534	HART'S AUTO SUPPLY	09/19/2022	Regular	0	761.00	96422
00564	HINIKER SAWMILL	09/19/2022	Regular	0	250.00	96423
00577	HOLTMEIER CONSTRUCTION	09/19/2022	Regular	0	609,237.33	96424
00594	HY-VEE FOOD STORES, INC.	09/19/2022	Regular	0	67.39	96425
00595	HY-VEE, INC.	09/19/2022	Regular	0	47.92	96426
00624	JM PROMOTIONS	09/19/2022	Regular	0	2,488.23	96427
02737	KWS, LLC	09/19/2022	Regular	0	15,301.42	96428
00754	LEAGUE OF MINNESOTA CITIES	09/19/2022	Regular	0	14,077.00	96429
03842	LMTE LLC	09/01/2022	Regular	0	300.00	96398
03842	LMTE LLC	09/19/2022	Regular	0	250.00	96430
00842	MARTIN LUTHER COLLEGE	09/19/2022	Regular	0	240.00	96431
02898	MARTIN-MCALLISTER	09/19/2022	Regular	0	600.00	96432
00847	MATHESON TRI-GAS, INC.	09/19/2022	Regular	0	263.17	96433
01045	NIELSEN BLACKTOPPING	09/19/2022	Regular	0	39,172.00	96434
01066	NORTHLAND SECURITIES, INC.	09/19/2022	Regular	0	1,312.50	96435
01106	PETTY CASH	09/19/2022	Regular	0	31.62	96436
02677	PIZZA RANCH	09/19/2022	Regular	0	1,024.34	96437
03846	POLAND, JEREMY	09/15/2022	Regular	0	500.00	96405
01124	PONDEROSA LANDFILL OF BLUE EARTH CO, INC.	09/19/2022	Regular	0	72.13	96438
02769	PRESENCE MAKER INC.	09/19/2022	Regular	0	944.00	96439
02734	QUICK LANE OF MANKATO	09/19/2022	Regular	0	124.30	96440
01166	RADIO MANKATO	09/19/2022	Regular	0	750.00	96441
00224	ROBERT W. CARLSTROM CO., INC.	09/19/2022	Regular	0	298,066.59	96442
02070	SCHEELS	09/19/2022	Regular	0	405.72	96443
01279	SHINE-WAY JANITORIAL SERVICE, INC.	09/19/2022	Regular	0	70.00	96444
01443	UNITED STATES POSTAL SERVICE	09/19/2022	Regular	0	2,000.00	96445
02672	USA SOFTBALL, INC.	09/19/2022	Regular	0	200.00	96446
01525	WEST CENTRAL SANITATION, INC.	09/19/2022	Regular	0	30,317.75	96447
01562	ZAHL EQUIPMENT SERVICE, INC.	09/19/2022	Regular	0	199.00	96448
01460	USPS	09/01/2022	Bank Draft	0	224.00	DFT0007179
00910	MINNESOTA VALLEY TESTING LAB, INC.	09/01/2022	Bank Draft	0	70.04	DFT0007180
01335	STAPLES ADVANTAGE	09/06/2022	Bank Draft	0	571.31	DFT0007198
00465	GALE/CENGAGE LEARNING	09/06/2022	Bank Draft	0	46.40	DFT0007199
00910	MINNESOTA VALLEY TESTING LAB, INC.	09/06/2022	Bank Draft	0	70.04	DFT0007200
00511	GREENCARE	09/07/2022	Bank Draft	0	301.00	DFT0007201
00857	MC GOWAN WATER CONDITIONING, INC.	09/07/2022	Bank Draft	0	45.31	DFT0007202
00923	MINNESOTA DEPARTMENT OF LABOR & INDUSTRY	09/07/2022	Bank Draft	0	10.00	DFT0007203
01449	UNIVERSITY OF MINNESOTA	09/07/2022	Bank Draft	0	306.00	DFT0007204

00465	GALE/CENGAGE LEARNING	09/07/2022	Bank Draft	0	24.80	DFT0007205
00910	MINNESOTA VALLEY TESTING LAB, INC.	09/08/2022	Bank Draft	0	70.04	DFT0007206
00910	MINNESOTA VALLEY TESTING LAB, INC.	09/08/2022	Bank Draft	0	70.04	DFT0007207
01335	STAPLES ADVANTAGE	09/09/2022	Bank Draft	0	696.41	DFT0007208
00101	AT&T MOBILITY	09/13/2022	Bank Draft	0	66.07	DFT0007209
01525	WEST CENTRAL SANITATION, INC.	09/13/2022	Bank Draft	0	4,642.44	DFT0007210
00733	LAKES GAS CO #10	09/13/2022	Bank Draft	0	128.64	DFT0007211
01470	VERIZON WIRELESS	09/13/2022	Bank Draft	0	32.88	DFT0007212
01470	VERIZON WIRELESS	09/13/2022	Bank Draft	0	971.74	DFT0007213
03248	FREDRIKSON & BYRON, P.A.	09/13/2022	Bank Draft	0	448.00	DFT0007214
03248	FREDRIKSON & BYRON, P.A.	09/13/2022	Bank Draft	0	221.00	DFT0007215
03248	FREDRIKSON & BYRON, P.A.	09/13/2022	Bank Draft	0	35.00	DFT0007216
00608	INGRAM LIBRARY SERVICES	09/13/2022	Bank Draft	0	4,037.91	DFT0007217
00447	FREE PRESS	09/13/2022	Bank Draft	0	56.83	DFT0007218
00551	A.H. HERMEL COMPANY	09/21/2022	EFT	0	990.16	5590
00028	AFFORDABLE TOWING OF MANKATO, INC.	09/21/2022	EFT	0	150.00	5591
02254	ALBRIGHT LAWNS	09/21/2022	EFT	0	320.00	5592
01090	AMERICAN SOLUTIONS FOR BUSINESS	09/21/2022	EFT	0	3,926.19	5593
00105	AUTO VALUE MANKATO	09/21/2022	EFT	0	386.82	5594
00174	BOLTON & MENK, INC.	09/21/2022	EFT	0	3,514.30	5595
00216	C & S SUPPLY CO, INC.	09/21/2022	EFT	0	372.61	5596
03479	CENTRAL SQUARE TECHNOLOGIES (LETG)	09/21/2022	EFT	0	892.42	5597
02757	CINTAS	09/21/2022	EFT	0	203.94	5598
02706	CORE & MAIN LP	09/21/2022	EFT	0	4,626.14	5599
00310	CRYSTEEL TRUCK EQUIPMENT, INC	09/21/2022	EFT	0	230.00	5600
02946	FROELICH, PAUL	09/21/2022	EFT	0	539.63	5601
00482	GMS INDUSTRIAL SUPPLIES, INC.	09/21/2022	EFT	0	216.03	5602
00494	GOPHER STATE ONE-CALL	09/21/2022	EFT	0	373.95	5603
00538	HAWKINS, INC.	09/21/2022	EFT	0	6,939.00	5604
00646	HEINTZ, KATIE	09/21/2022	EFT	0	101.40	5605
00596	I & S GROUP, INC.	09/21/2022	EFT	0	56,915.00	5606
00680	J.J. KELLER & ASSOCIATES, INC.	09/21/2022	EFT	0	827.50	5607
00691	KENNEDY & KENNEDY LAW OFFICE	09/21/2022	EFT	0	10,553.91	5608
00776	LLOYD LUMBER CO.	09/21/2022	EFT	0	3,648.80	5609
02575	LOCHER BROS, INC.	09/21/2022	EFT	0	132.90	5610
00800	MADDEN, GALANTER, HANSEN, LLP	09/21/2022	EFT	0	2,707.23	5611
00825	MANKATO MOTOR COMPANY	09/21/2022	EFT	0	729.52	5612
00874	MENARDS-MANKATO	09/21/2022	EFT	0	145.34	5613
00889	MIDWEST TAPE/HOOPLA	09/21/2022	EFT	0	1,888.74	5614
03022	MINNESOTA PAVING & MATERIALS	09/21/2022	EFT	0	1,872.10	5615
00956	MINNESOTA WASTE PROCESSING CO.	09/21/2022	EFT	0	30,615.10	5616
00975	MORGAN, SHAWN	09/21/2022	EFT	0	41.94	5617
00997	MTI DISTRIBUTING CO	09/21/2022	EFT	0	214.57	5618
03160	NOVEL SOLAR THREE LLC (DBA GREEN STREET	09/21/2022	EFT	0	7,617.64	5619
03020	NUTRIEN AG SOLUTIONS, INC.	09/21/2022	EFT	0	583.03	5620
02245	ONSITE	09/21/2022	EFT	0	3,702.60	5621
02005	PANTHEON COMPUTERS	09/21/2022	EFT	0	3,674.00	5622
01099	PET EXPO DISTRIBUTORS	09/21/2022	EFT	0	404.98	5623
01402	POMPS TIRE	09/21/2022	EFT	0	700.71	5624
01179	RED FEATHER COMPANY	09/21/2022	EFT	0	691.82	5625
02747	RENT-N-SAVE	09/21/2022	EFT	0	274.03	5626
01211	RIVER BEND BUSINESS PRODUCTS	09/21/2022	EFT	0	217.62	5627
01281	SIGN PRO	09/21/2022	EFT	0	35.00	5628
01323	SPS COMPANIES, INC.	09/21/2022	EFT	0	436.11	5629
03254	TAFT	09/21/2022	EFT	0	21,000.00	5630
02150	U.S. BANK	09/21/2022	EFT	0	1,000.00	5631
03442	WASMUND, LARRY	09/21/2022	EFT	0	2,722.50	5632
01552	WW BLACKTOPPING, INC	09/21/2022	EFT	0	1,356.76	5633
02003	MINNESOTA DEPT OF REVENUE	09/02/2022	Bank Draft	0	625.01	DFT0007181
02181	ETS CORPORATION	09/01/2022	Bank Draft	0	3,767.44	DFT0007182
03482	CARDCONNECT	09/01/2022	Bank Draft	0	1,630.72	DFT0007183
03029	OPEN EDGE	09/01/2022	Bank Draft	0	403.70	DFT0007184
02003	MINNESOTA DEPT OF REVENUE	09/09/2022	Bank Draft	0	6,522.10	DFT0007190
00219	CARDMEMBER SERVICE	09/08/2022	Bank Draft	0	27,324.51	DFT0007193
02003	MINNESOTA DEPT OF REVENUE	09/08/2022	Bank Draft	0	19,037.00	DFT0007194
02766	SPROUT SOCIAL	09/06/2022	Bank Draft	0	99.00	DFT0007195
01557	XCEL ENERGY	09/13/2022	Bank Draft	0	51.38	DFT0007196

Authorization Signatures

All Council

The above manual and regular claims lists for 9/19/22 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 allow 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
Carly DeLeu	Youth Sports Scholarship	\$100.00
Anonymous	Music in the Park	\$268.00
Charles Juntunen	Book Donation	\$50.00
Anonymous	Music in the Park	\$348.00
Total		\$766.00

Adopted by the City Council this 19<sup>th</sup> day of September 2022.

Mayor

City Clerk



RESOLUTION DECLARING SURPLUS VEHICLES AND EQUIPMENT

WHEREAS, the City of North Mankato owns the following vehicles and equipment; and

1988 Ford Truck	VIN 1FKDF38M7JKA85453	Miles: 82,000
2011 Crown Victoria	VIN 1FM5K8AR1HGC07393	Miles: 124,534

BA-624 Daktronics Baseball/Softball Scoreboard six scoreboards  
Softball/Baseball Lights 4 sets of field lights

WHEREAS, these vehicles and equipment are owned by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the aforementioned vehicles and equipment be declared surplus and that the sale of said vehicles and equipment is hereby authorized.

Adopted by the City Council this 19<sup>th</sup> day of September 2022.

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Mayor

ATTEST:

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City Clerk

RESOLUTION APPOINTING ELECTION JUDGES FOR  
GENERAL ELECTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following individuals are hereby appointed to serve as election judges for the General Election on November 8, 2022:

Aaron Dimock	Diane Meyers	Martin Joel
Amy Swanson	Dominique Winchester	Mary Clare Wyrowski
Angela Kelly	Elaine Schilling	Mary Nere
Ann Broskoff	Elijah Nelson	Mary Zellmer
Ann Evans	Emily Kim	Mitch Halstead
Ann Snyder	Emma Bruegger	Nancy Hopkins
Annette Vanderplas	Gary Sandvig	Nancy Rorem
Anthony Ulmen	Gary Zellmer	Nancy Strate
Arlyce Anderson	Glen Meyer	Nick Meyer
Betty Rykhus	Helen Dehen	Patricia Dale
Bill Bickett	Jeannette Barsness	Patricia Sullivan
Bonnie Shult	Jennifer Cooklock	Peggy Mueller
Byron Tungsvik	Jessica Ryan	Rodney Baumann
Cher Joel	John Baker	Ronald Schmidt
Christian Sturm	Judy Longstreet	Sharolyn Henrickson
Christine Doyle	Kathleen Bauer	Shirley Ruby
Christopher Mahowald	Kathryn McGraw	Theresa Compton
Crystal Halstead	Kevin Moller	Thomas Allen
Dana Hartman	Kim Bruegger	Thomas Senden
Dannelle Buck	Kim Henrickson	Timothy Roemhildt
David Bullert	Krista Dinsmore	Wendy Musser
David Hudson	Loren Morgan	William Halstead
Dennis Huettl	Mae Hanson	Youwen Xu
Derek Roberts	Mark Midler	

The City Clerk is authorized to make substitutions to the above slate of judges as necessary to maintain the required minimum and fill vacancies if needed. Adopted by the City Council this 19<sup>th</sup> day of September 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



1001 Belgrade Ave., PO Box 2055  
North Mankato, MN 56003  
507-625-4141 Fax: 507-625-4252  
www.northmankato.com

For Office Use Only

APPROVED \_\_\_\_\_

DENIED \_\_\_\_\_

☐ PARK USE ☐ AUDIO USE

## Application For PARADE PERMIT

### REQUIRED INFORMATION:

- Application for Parade Permit
- Map of Parade Route
- \$35 Application Fee

*Thirty (30) days inadvance of the parade date.*

Name of Applicant Phil Tostenson	Address 1001 Belgrade Ave, North Mankato, MN 56003	Phone 507-625-9189	Email ptostenson@caswellsports.com
-------------------------------------	---	-----------------------	---------------------------------------

Sponsoring Organization Name Caswell Sports	Address 1001 Belgrade Ave, North Mankato, MN 56003	Phone 507-625-9189
---	---	-----------------------

Contact during event Phil Tostenson	Phone 507-382-7337
--	-----------------------

Event Location Caswell Soccer Complex/Benson Park	Date 10/12/22	From 3pm	Time To 7pm
--	------------------	-------------	-------------------

Occasion for Parade  
Cross Country Meet

Parade Description / Composition

Cross Country Meet through Benson Park. Asking for Carlson to be blocked off from the

Estimated Number of Participants: ~~80~~ <sup>80 plus</sup>

As duly authorized representative or agent of the parade sponsoring organization, I hereby make application for a permit to parade in the City of North Mankato, Minnesota. I hereby certify that, to the best of my knowledge, the above is an accurate and true description of the parade. I agree to execute the parade according to this permit and subject to the provisions and conditions which may be necessary to provide for the safety of parade participants and the orderly and safe movement of public traffic.

*Phil Tostenson*  
Applicant

9/3/2022

Date

Pursuant to Section 70.21 of the North Mankato City Code, I hereby authorize a parade permit for the applicant organization. This permit shall be valid only under the conditions recommended by the City of North Mankato and only for the date and time indicated.

Chief of Police

Date

Caswell Sports Director

Date



1001 Belgrade Ave., PO Box 2055  
North Mankato, MN 56003  
507-625-4141 Fax: 507-625-4252  
www.northmankato.com

For Office Use Only

APPROVED \_\_\_\_\_

DENIED \_\_\_\_\_

☐ PARK USE ☐ AUDIO USE

## Application For PARADE PERMIT

### REQUIRED INFORMATION:

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Name of Applicant Phil Tostenson	Address 1001 Belgrade Ave, North Mankato, MN 56003	Phone 507-625-9189	Email ptostenson@caswellsports.com
-------------------------------------	---	-----------------------	---------------------------------------

Sponsoring Organization Name Caswell Sports	Address 1001 Belgrade Ave, North Mankato, MN 56003	Phone 507-625-9189
---	---	-----------------------

Contact during event Phil Tostenson	Phone 507-382-7337
--	-----------------------

Event Location Caswell Soccer Complex/Benson Park	Date 9/27/2022	From 3pm	Time To 7pm
--	-------------------	-------------	-------------------

Occasion for Parade  
Cross Country Meet

Parade Description / Composition

Cross Country Meet through Benson Park. Asking for Carlson to be blocked off from the

Estimated Number of Participants: 80 plus  
**800**

As duly authorized representative or agent of the parade sponsoring organization, I hereby make application for a permit to parade in the City of North Mankato, Minnesota. I hereby certify that, to the best of my knowledge, the above is an accurate and true description of the parade. I agree to execute the parade according to this permit and subject to the provisions and conditions which may be necessary to provide for the safety of parade participants and the orderly and safe movement of public traffic.

<i>Phil Tostenson</i>	9/3/2022
Applicant	Date

Pursuant to Section 70.21 of the North Mankato City Code, I hereby authorize a parade permit for the applicant organization. This permit shall be valid only under the conditions recommended by the City of North Mankato and only for the date and time indicated.

Chief of Police	Date
-----------------	------

Caswell Sports Director	Date
-------------------------	------





Lor Ray Dr

13

Carlson Dr

13

Monarch Meadows

Good Shepherd Lutheran Church & Concordia...

Bus/Spectator Parking

ChargePoint Charging Station

Arlington Ct

Lor Ray Dr

Arlington Ln

Arlington Ln

Arlington Ln

Arlington Tr

Daria Makela Coaching  
Street Blocked For Pedestrians/Concessions

Team Camps

Caswell North Soccer Complex

BENSON PARK

Fenson Park

Concordia Classical Academy

Carlson Dr

Carlson Dr

Carlson Dr

Carlson Dr

Carlson Dr

Carlson Dr

Carlson Dr

Round Table Ln

Round Table Rd

Elaine Ln

Excalibur Rd

Excalibur Rd

Avalon

11th Mankato Department

Rolling Green Ln

Benson Trail

Rolling Green

Google



## Audio Permit

### About:

An audio permit is required for anyone operating outdoor amplified sound (i.e., a loudspeaker, public address system, or sound amplifying equipment). All Audio Permits must be approved by the Council. The sound system cannot be operated before 7:00 am or after 10:00 pm. There is a \$25 fee.

### Audio Permit Responsibilities:

- An onsite event coordinator must be available by mobile during the event.
- An applicant will provide a schedule of any music or entertainment proposed to occur during the event.
- A beginning and end time must be supplied on the application, and the event coordinator must ensure compliance.
- Applicants must comply with City Code Ordinance 90.045 and Minnesota Rules Chapter 7030 which limits noise.
- Noise levels cannot exceed 60 dBA more than 50 percent of the time.

### What happens if there is a noise complaint?

- A North Mankato Patrol Officer will meet with the complainant and evaluate and measure the noise using a decibel reader at the location of the complainant.
- If the noise is found out of compliance, the Patrol Officer will contact the onsite event coordinator, and the amplified sound must be turned down.
- If the onsite event coordinator does not comply, the event will be immediately terminated, and the group will be disbursed.
- Failure to comply will affect future ability to obtain an audio permit.

AMPLIFIED SOUND:	<input checked="" type="checkbox"/> LIVE MUSIC/BAND	DATE OF EVENT: <u>9/27/22</u>
	<input type="checkbox"/> DJ/KARAOKE MACHINE	BEGIN TIME: <u>11 am</u>
	<input type="checkbox"/> OTHER: _____	END TIME: <u>2 pm</u>
LOCATION / SHELTER:	<u>Band Shell</u>	
EVENT NAME:	<u>Block Party Keyc, SCC, City of NM</u>	
ONSITE COORDINATOR:	PRINT NAME: <u>Katie Heintz</u>	
	MOBILE NUMBER: <u>507 327 0027</u>	
<input checked="" type="checkbox"/> I, THE UNDERSIGNED, HAVE RECEIVED THE AUDIO PERMIT AND UNDERSTAND THAT FAILURE TO COMPLY WITH THE AUDIO POLICY MAY TERMINATE THE EVENT AND PREVENT FUTURE ABILITY TO OBTAIN AN AUDIO PERMIT.		
PRINT NAME:	<u>Katie Heintz</u>	
DATE: <u>9/2/22</u>	SIGNATURE: <u>[Signature]</u>	
	EMAIL: <u>kheintz@nmlibrary.org</u>	

POLICE CHIEF: 126

CITY CLERK: \_\_\_\_\_

☐ BOOK ☒ POLICE ☐ ONLINE ☐ \$25.00 FEE

☐ DENIED ☐ APPROVED

STAFF INITIALS \_\_\_\_\_

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 13A	Department: Police Dept.	Council Meeting Date: 9/19/22																											
<b>TITLE OF ISSUE: Consider Adopting Ordinance No. 152, Fourth Series an Ordinance Regulating the Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis or Cannabinoids</b>																													
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b> At a Council Work Session, the City Council received information concerning State Statute 151.72, which allows the sale of Delta-9 THC cannabinoid products. On August 15, 2022, the City Council set a Public Hearing for September 19, 2022, to allow the Public to respond to the proposed ordinance. The public hearing was held earlier in the evening. The proposed ordinance would regulate the sale of cannabinoids and require a license to sell.																													
<i>If additional space is required, attach a separate sheet</i>																													
<b>REQUESTED COUNCIL ACTION: Adopt Ordinance No. 152, Fourth Series an Ordinance Regulating the Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis or Cannabinoids</b>																													
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Oachs</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Whitlock</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Oachs	_____	_____	Norland	_____	_____	Whitlock	_____	_____	Steiner	_____	_____	Dehen	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) _____ _____ _____ _____ _____	Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aye	Nay																												
_____	_____	Oachs																											
_____	_____	Norland																											
_____	_____	Whitlock																											
_____	_____	Steiner																											
_____	_____	Dehen																											
Resolution	Ordinance	Contract	Minutes	Map																									
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																									
<input type="checkbox"/> Workshop  <input checked="" type="checkbox"/> Regular Meeting  <input type="checkbox"/> Special Meeting	<input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Table until: _____ <input type="checkbox"/> Other: _____																												

**ORDINANCE NO. 152 FOURTH SERIES  
CITY OF NORTH MANKATO  
NICOLLET, COUNTY MINNESOTA**

**AN ORDINANCE REGULATING THE SALES, TESTING, MANUFACTURING,  
AND POSSESSION OF PRODUCTS CONTAINING THC,  
CANNABIS OR CANNABINOIDS**

**WHEREAS**, the City Council of the City of North Mankato is the official governing body of the City of North Mankato, Minnesota ("the City"); and

**WHEREAS**, the City Council, at its regular meeting on September 19, 2022, enacted ordinance number 152, amending the city code to include regulation of the sales, testing, manufacturing, and possession of products containing THC, Cannabis, or Cannabinoids.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA**, does ordain that the City Code is modified to include:

TITLE XI: BUSINESS REGULATIONS, CHAPTER 113 SALES, TESTING,  
MANUFACTURING, AND POSSESSION OF PRODUCTS CONTAINING THC,  
CANNABIS, OR CANNABINOIDS

**Sale of Cannabinoid Products**

**SECTION 113.01 Definitions.** The following words, terms, and phrases, when used in this section, except where the context clearly indicates a different meaning:

***Certified Hemp.*** Means hemp plants that have been tested and found to meet the requirements of Minnesota Statute Chapter 18K.

***Child Resistant Packaging.*** Packaging that meets the definition set forth in C.F.R., Title 16 Section 1700.15 (b), as in effect on January 1, 2022, and was tested in accordance with the method described in C.F.R., Title 16, Section 1700.20.

***Compliance Checks.*** The system the city uses to investigate and ensure that those authorized to sell a licensed product are following and complying with the chapter. Compliance checks may involve the use of persons under the age of twenty-one (21) as authorized by this chapter. Compliance checks shall also mean the use of persons under the age of twenty-one (21) who attempt to purchase licensed products for educational, research, and training purposes as authorized by state and federal laws. Other government units may also



conduct compliance checks to enforce appropriate federal, state, or local laws and regulations relating to the licensed products.

***Edible Cannabinoid product.*** Means any product that is intended to be eaten or consumed as a food or beverage by humans and contains a cannabinoid in combination with food ingredients is not a drug.

***Moveable Place of Business.*** Any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

***Nonintoxicating cannabinoid.*** Means a substance extracted from certified hemp plants that produce intoxicating effects when consumed by any route of administration.

***Retail Establishment.*** Any place of business where licensed products are available for sale to the general public.

**SECTION 113.02 License Required.** It is unlawful for any person, directly or indirectly, to keep for retail sale, sell at retail, or otherwise dispose of any cannabinoid product in any form unless a license is obtained from the City.

- (1) ***Application.*** An application for a license shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's business and residential addresses, the applicant's phone number, the name of the business for which the license is sought, and any additional information the city may find necessary. Upon receipt of the completed application, the City Clerk shall forward the application to the City Council for action at its next regularly scheduled City Council meeting. If the Clerk determines that the application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.
- (2) ***Action.*** The City Council may either approve or deny the license or delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant deemed necessary. If the City Council approves the license, the City Clerk shall issue the license to the applicant. If the City Council denies the license, a notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the council's decision.
- (3) ***Term.*** All licenses shall expire on December 31 of each year.
- (4) ***Revocation and Suspension.*** Any license issued may be revoked or suspended as provided for in this ordinance.
- (5) ***Transfers.*** All licenses issued shall be valid only for the premises and party for which the license has been issued. No transfer of any license to another location or person shall be valid.

- (6) *Display*. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.
- (7) *Renewals*. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for renewal shall be made at least 30 days but not more than 60 days prior to the current license expiration.
- (8) *Issuance is a privilege and not a right*. The issuance of a license under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.
- (9) All licensed premises shall be open to inspection by any police officer as a condition of receiving a license and must consent to such inspection without a warrant. If a license holder refuses to allow an inspection, the license shall be suspended immediately and may be revoked by the City Council at their next meeting.

**SECTION 113.03 *Limits on License***. The license only allows for the sale or disposing of cannabinoid products that have been made legal in the State of Minnesota under the provision of Minnesota State Statutes.

**SECTION 113.04 *Restrictions***.

- (1) No cannabinoid product may be sold from a dispensing machine.
- (2) No cannabinoid product may be sold by law online, through a delivery service, transient sales, or any movable place of business.
- (3) All cannabinoid products must be sold in child-resistant packaging.
- (4) A license may not be issued to any establishment that has an on-sale or an off-sale intoxicating liquor license
- (5) It is unlawful for any person to sell or give away any cannabinoid in any form to anyone under age 21. Licensees shall verify by means of a government-issued photographic identification that the person is over the age of twenty-one (21).
- (6) Any product placed for sale must conform to the labeling requirements under Minnesota Statute 151.72 Sub 5.

**SECTION 113.05 *Limits on the Number of Licenses***. The City Council shall issue no more than five (5) licenses as required under this ordinance at any given time.

**SECTION 113.06 *Other illegal acts***. Unless otherwise provided, the following acts shall be a violation of this chapter:

(1) *Illegal Sales*. It shall be a violation of this chapter for any person to sell or otherwise provide any licensed product to a person who has not reached the age of twenty-one (21).

(2) *Illegal possession*. It shall be a violation of this chapter for any person under the age of twenty-one to possess any licensed product. This shall not apply to persons under the age of twenty-one lawfully involved in a compliance check.

(3) *Illegal use*. It shall be a violation of this chapter for any person under the age of 21 to consume or otherwise use any licensed product.

(4) *Illegal procurement.* It shall be a violation of this chapter for any person under the age of twenty-one (21) to purchase or attempt to purchase, obtain or attempt to obtain any licensed product. It shall be a violation of this chapter for any person to purchase or otherwise obtain those items on behalf of a person under the age of twenty-one (21). This shall not apply to a person under the age of twenty-one (21) who is involved in a compliance check

(5) Violation is a misdemeanor. A person who violates a provision of this subdivision when they perform an act thereby prohibited and, upon conviction thereof, shall be punished as a misdemeanor.

**SECTION 113.07 Fees.** No license shall be issued under this chapter until the appropriate license fee has been paid in full. Fee for any license under this chapter shall be established by the City's resolution establishing fees and charges, as it may be amended from time to time.

**SECTION 113.08 Violations and penalties.** Per administrative penalties, any licensee found to have violated this chapter or whose employee shall have violated this chapter shall be charged an administrative fine of \$300.00 for the first violation of this chapter; \$600.00 for a second offense on the same licensed premises within a twenty-four (24) month period; and \$1,000.00 for a third or subsequent offense at the same located within a twenty-four (24) month period. In addition, after the third or any subsequent violation, the license shall be suspended for not less than seven consecutive days.

**SUMMARY PUBLICATION** Pursuant to Minnesota Statutes Section 412.191, in case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council to be published in lieu of publishing the entire ordinance:

On September 19, 2022 at its regular meeting, the North Mankato City Council enacted Ordinance No 152. The following is a summary of the ordinance. The full text is available for public inspection by any person during regular office hours at City Hall.

The ordinance regulates the sale, testing, manufacture, and possession of products containing THC, Cannabis, or Cannabinoids. The ordinance requires that any person who directly or indirectly seeks to sell or otherwise dispose of any cannabinoid product have a license issued by the City. The ordinance limits the number of licenses that may be issued to five (5). The ordinance restricts the manner in which these products may be sold. The ordinance restricts sales and possession of these products to persons who are over the age of twenty-one. The ordinance further establishes penalties for the violation of the ordinance.

**Effective date.** This section becomes effective on the date of its publication or upon the publication of the summary of the Ordinance 152, Fourth Series as provided by

M.S. Section 412-191 Sub 4 as may be amended from time to time, which meets the requirements of M.S. Section 331A.01 Sub 10 as it may be amended from time to time.

Adopted by the North Mankato City Council

This \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
(Day) (Month) (Year)

Attest: \_\_\_\_\_, Mayor  
(Name of Elected Official)

Attest: \_\_\_\_\_, City Clerk

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 13B	Department: Administration	Council Meeting Date: 9/19/22																												
<b>TITLE OF ISSUE: Consider Resolution Approving Property Tax Abatements and Authorizing Execution of a Tax Abatement Agreement.</b>																														
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION: Bond Counsel Tammy Omdal will be present to discuss the proposed Tax Abatement and answer any questions.</b>																														
<i>If additional space is required, attach a separate sheet</i>																														
<b>REQUESTED COUNCIL ACTION: Adopt Resolution Approving Property Tax Abatements and Authorizing Execution of a Tax Abatement Agreement.</b>																														
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Oachs</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Whitlock</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Oachs	_____	_____	Norland	_____	_____	Whitlock	_____	_____	Steiner	_____	_____	Dehen	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) <u>Tax Abatement Agreement</u> _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/> Workshop  <input checked="" type="checkbox"/> Regular Meeting  <input type="checkbox"/> Special Meeting	<input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Table until: _____ <input type="checkbox"/> Other: _____																													

EXTRACT OF MINUTES OF A MEETING  
OF THE CITY COUNCIL OF THE  
CITY OF NORTH MANKATO, MINNESOTA

HELD: September 19, 2022

Pursuant to due call and notice thereof, a meeting of the City Council of the City of North Mankato, Blue Earth and Nicollet Counties, Minnesota, was duly called and held at the City Hall in said City on Monday, the 19th day of September, 2022, at 7:00 p.m.

The following members were present:

and the following were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING PROPERTY TAX ABATEMENTS  
AND AUTHORIZING EXECUTION OF  
A TAX ABATEMENT AGREEMENT

BE IT RESOLVED by the City Council (the "Council") of the City of North Mankato, Minnesota (the "City"), as follows:

1. Recitals.

(a) The City proposes to approve tax abatements in connection with the construction of a 9-unit multifamily apartment project (the "Project"). The City proposes to use the abatement for the Project as provided for in Minnesota Statutes, Sections 469.1812 through 469.1815 (the "Abatement Law"), from the property taxes to be levied by the City on Parcel ID Numbers 18.071.0010 and 18.802.0120 (the "Tax Abatement Property").

(b) On this date, the Council held a public hearing on the question of the Abatement, (as defined below) and said hearing was preceded by at least 10 days but not more than 30 days prior published notice thereof at which all interested persons appeared and were heard.

(c) It is proposed that the City will enter into a Tax Abatement Agreement (the "Tax Abatement Agreement"), which provides for the use of tax abatements to finance the Project.

(d) The City proposes to approve tax abatements on a portion of the City's share of property taxes on the Tax Abatement Property in the amount of \$200,000 for a term of up to twelve (12) years to finance a portion of the costs of the Project.

(e) The Abatement is authorized under the Abatement Law.

2. Findings for the Abatement. The City Council hereby makes the following findings:

(a) The tax abatement is the City's share of real estate taxes derived from the Tax Abatement Property (the "Abatement").

(b) The Council expects the benefits to the City of the Abatement to be at least equal or exceed the costs to the City thereof.

(c) Granting the Abatement is in the public interest because it will increase (i) increase or preserve tax base; and (ii) help provide access to services for residents of the political subdivision;

(d) The Tax Abatement Property is not located in a tax increment financing district.

(e) In any year, the total amount of property taxes abated by the City by this and other resolutions and agreements, does not exceed the greater of ten percent (10%) of the net tax capacity of the City for the taxes payable year to which the abatement applies or \$200,000, whichever is greater. The City may grant other abatements permitted under the Abatement Law after the date of this resolution, provided that to the extent the total abatements in any year exceed the Abatement Limit the allocation of the Abatement limit to such other abatements is subordinate to the Abatement granted by this resolution.

3. Terms of Abatement. The Abatement is hereby approved. The terms of the Abatement are as follows:

(a) The Abatement shall be for up to twelve (12) years commencing with taxes payable 2025 and shall not exceed \$200,000. The City reserves the right to modify the commencement date but the abatement period shall not exceed twelve (12) years.

(b) The City will provide the Abatement as provided in this resolution.

(c) In accordance with Section 469.1815 of the Act, the City will add to its levy in each year during the term of the Abatement the total estimated amount of current year Abatement granted under this resolution.

(d) The Abatement shall be subject to all the terms and limitations of the Abatement Law.

4. Approval of Tax Abatement Agreement.

(a) The Council hereby approves a Tax Abatement Agreement providing for payment of the Abatement in substantially the form submitted, and the Mayor and City Administrator are hereby authorized and directed to execute the Tax Abatement Agreement on behalf of the City.

(b) The approval hereby given to the Tax Abatement Agreement includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City officials authorized by this resolution to execute the Tax Abatement Agreement. The execution of the Tax Abatement Agreement by the appropriate officer or officers of the City shall be conclusive evidence of the approval of the Tax Abatement Agreement in accordance with the terms hereof

The motion for the adoption of the foregoing resolution was made by member \_\_\_\_\_ and duly seconded by member \_\_\_\_\_ and, upon a vote being taken thereon after full discussion thereof, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.



STATE OF MINNESOTA                 )  
  ) ss.  
COUNTIES OF BLUE EARTH  
AND NICOLLET                                 )

I, the undersigned, being the duly qualified and acting City Clerk of the City of North Mankato, Minnesota (the "City"), DO HEREBY CERTIFY that attached hereto is a compared, true and correct copy of a resolution approving the abatement of property taxes by the City, duly adopted by the City Council of the City on September 19, 2022, at a regular meeting thereof duly called and held, as on file and of record in my office, which resolution has not been amended, modified or rescinded since the date thereof, and is in full force and effect as of the date hereof, and that the attached Extract of Minutes as to the adoption of such resolution is a true and accurate account of the proceedings taken in passage thereof.

WITNESS My hand this      day of \_\_\_\_\_, 2022.

City Clerk

TAX ABATEMENT AGREEMENT

BY AND BETWEEN

CITY OF NORTH MANKATO, MINNESOTA

AND

230 NICOLLET AVENUE, LLC

This instrument drafted by:

Taft Stettinius & Hollister LLP (MLI)  
2200 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402  
(612) 977-8400

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## TAX ABATEMENT AGREEMENT

THIS AGREEMENT, made as of the \_\_\_\_ day of August, 2022 ("Effective Date"), by and between City of North Mankato, Minnesota (the "City"), a statutory city and political subdivision of the State of Minnesota, and 230 Nicollet Avenue, LLC (the "Developer").

WITNESSETH:

WHEREAS, pursuant to Minnesota Statutes, Sections 469.1812 through 469.1815, as amended, the City has established a Tax Abatement Program; and

WHEREAS, the City believes that the development and construction of a certain Project (as defined herein), and fulfillment of this Agreement are vital and are in the best interests of the City, will result in the enhancement of the tax base and help provide access to services for residents of the City and are in accordance with the public purpose and provisions of the applicable state and local laws and requirements under which the Project has been undertaken and is being assisted; and

WHEREAS, the requirements of the Business Subsidy Law, Minnesota Statutes, Section 116J.993 through 116J.995, do not apply to this Agreement pursuant to an exemption for housing; and

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

## ARTICLE I

### DEFINITIONS

Section 1.1 Definitions. All capitalized terms used and not otherwise defined herein shall have the following meanings unless a different meaning clearly appears from the context:

Agreement means this Tax Abatement Agreement, as the same may be from time to time modified, amended or supplemented;

City means the City of North Mankato, Minnesota;

County means Nicollet County, Minnesota;

Developer means 230 Nicollet Avenue, LLC, its successors and assigns;

Event of Default means any of the events described in Section 4.1;

Project means the construction by the Developer of a nine (9) unit multi-family apartment complex project by the Developer to be located on the Tax Abatement Property;

State means the State of Minnesota;

Tax Abatement Act means Minnesota Statutes, Sections 469.1812 through 469.1815, as amended;

Tax Abatement Program means the actions by the City pursuant to Minnesota Statutes, Section 469.1812 through 469.1815, as amended, and undertaken in support of the Project;

Tax Abatement Property means the real property described on Exhibit A attached hereto;

Tax Abatements means the City's share of annual real estate taxes derived from the Tax Abatement Property, abated in accordance with the Tax Abatement Program and this Agreement in an aggregate amount of \$200,000;

Term means the period in which this Agreement shall remain in effect, commencing on the Effective Date and continuing until the earlier of (i) the date the Developer receives the Reimbursement Amount (as defined herein), or (ii) February 1, 2037, unless earlier terminated or rescinded in accordance with the terms contained herein;

Unavoidable Delays means delays, outside the control of the party claiming its occurrence, including strikes, other labor troubles, unusually severe or prolonged bad weather, acts of God, fire or other casualty to the Project, litigation commenced by third parties which, by injunction or other similar judicial action or by the exercise of reasonable discretion, directly results in delays, or acts of any federal, state or local governmental unit (other than the City or the County) which directly result in delays.

## ARTICLE II

### REPRESENTATIONS AND WARRANTIES

Section 2.1 Representations and Warranties of the City. The City makes the following representations and warranties:

(1) The City is a statutory city and political subdivision of the State and has the power to enter into this Agreement and carry out its obligations hereunder.

(2) The Tax Abatement Program was created, adopted and approved in accordance with the terms of the Tax Abatement Act.

(3) To finance the costs of the Project to be undertaken by the Developer, the City proposes, subject to the further provisions of this Agreement, to apply the Tax Abatements to reimburse the Developer for a portion of the costs of the Project as further provided in this Agreement.

(4) The City has made the findings required by the Tax Abatement Act for the Tax Abatement Program.

Section 2.2 Representations and Warranties of the Developer. The Developer makes the following representations and warranties:

(1) The Developer has the power to enter into this Agreement and to perform its obligations hereunder and is not in violation of its articles of organization, member control agreement or any local, state or federal laws.

(2) The Developer is a Minnesota limited liability company, duly organized, existing and in good standing under the laws of the State and has the power to enter into this Agreement and to perform its obligations hereunder and carry out the covenants contained herein.

(3) The Developer will cause the Project to be constructed in accordance with the terms of this Agreement and all City, County, state and federal laws and regulations (including, but not limited to, environmental, zoning, energy conservation, building code and public health laws and regulations), including the Americans With Disabilities Act.

(4) The Developer will obtain or cause to be obtained, in a timely manner, all required permits, licenses and approvals, and will meet, in a timely manner, all requirements of all applicable local, state, and federal laws and regulations which must be obtained or met before the Project may be lawfully constructed.

(5) The construction of the Project would not be undertaken by the Developer, and in the opinion of the Developer would not be economically feasible within the reasonably foreseeable future, without the assistance and benefit to the Developer provided for in this Agreement.

(6) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and

conditions of this Agreement is prevented, limited by or conflicts with or results in a breach of, the terms, conditions or provisions of any contractual restriction, evidence of indebtedness, agreement or instrument of whatever nature to which the Developer is now a party or by which it is bound, or constitutes a default under any of the foregoing.

(7) The Developer will cooperate fully with the City with respect to any litigation commenced with respect to the Project.

(8) The Developer will cooperate fully with the City in resolution of any traffic, parking, trash removal or public safety problems which may arise in connection with the construction and operation of the Project.

(9) The construction of the Project shall commence no later than October 5th, 2022 and barring Unavoidable Delays, will be substantially completed by August 31, 2023.

### ARTICLE III

#### UNDERTAKINGS BY DEVELOPER AND CITY

##### Section 3.1 Construction of Project; Reimbursement of Construction Costs.

(1) The Developer agrees that it will substantially complete the construction of the Project by August 31, 2023, subject to Unavoidable Delays, in accordance with the terms of this Agreement and in compliance with all local, state and federal laws and regulations (including, but not limited to, environmental, zoning, energy conservation, building code and public health laws and regulations). The Developer will obtain or cause to be obtained, in a timely manner (subject to factors outside the control of Developer), all required permits, licenses and approvals, and will meet, in a timely manner, all requirements of all applicable local, state, and federal laws and regulations which must be obtained or met before the Project may be lawfully constructed. The Developer will, at all times prior to the termination of this Agreement, operate and maintain, preserve and keep the Project or cause the Project to be maintained, preserved and kept with the appurtenances and every part and parcel thereof, in good repair and condition.

(2) Upon submission to the City of invoices related to the costs of the construction of the Project in an amount not less than \$200,000, the City shall reimburse the Developer for such cost pursuant to the Abatement Program as provided in Section 3.7 (the "Project Reimbursement Amount").

Section 3.2 Limitations on Undertaking of the City. Notwithstanding the provisions of Section 3.1, the City shall have no obligation to the Developer, under this Agreement, to reimburse the Developer for a portion of the construction of the Project, if the City, at the time or times such payment is to be made, is entitled under Section 4.2 to exercise any of the remedies set forth therein as a result of an Event of Default which has not been cured. Notwithstanding any other provisions of the Agreement, the City shall have no obligation to the Developer under this Agreement to reimburse the Developer for the construction of the Project in an amount greater than \$200,000.

Section 3.3 Damage and Destruction. In the event of damage or destruction of the Project that (i) Developer chooses not to repair or rebuild, or (ii) Developer does not commence and diligently pursue such repair or rebuilding within one hundred eighty (180) days after such event of damage or destruction, the City may, with written notice to Developer, terminate this Agreement and discontinue such Tax Abatement Program for the Project as of the date of such event of damage or destruction and the final Reimbursement Amount payment shall be prorated to the date of such damage/destruction. In the event of such termination of this Agreement, in no circumstance shall Developer be required to return or reimburse the City for any Reimbursement Amount payments made hereunder prior to such termination.

Section 3.4 Change in Use of Project. The City's obligations pursuant to this Agreement shall be subject to the continued operation of the Project by the Developer, or any successors or assigns of Developer approved by the City as set forth in Section 3.5 below, during the Term.

Section 3.5 Transfer the Project and Assignment of Agreement. The Developer represents and agrees that prior to the expiration or earlier termination of this Agreement, the Developer shall not assign this Agreement in conjunction with a transfer of the Project or any part thereof or any interest therein, without the prior written approval of the City, which approval shall not be unreasonably withheld, conditioned or delayed. The City shall be entitled to require as conditions to any such approval that:

(1) Any proposed transferee shall have the qualifications and financial responsibility, in the reasonable judgment of the City, necessary and adequate to fulfill the obligations undertaken in this Agreement by the Developer.

(2) Any proposed transferee, by instrument in writing reasonably satisfactory to the City shall, for itself and its successors and assigns, and expressly for the benefit of the City, have expressly assumed all of the obligations of the Developer under this Agreement and agreed to be subject to all the conditions and restrictions to which the Developer is subject.

(3) There shall be submitted to the City for review and prior written approval all instruments and other legal documents involved in effecting the transfer of any interest in this Agreement or the Project. The City shall provide the Company with written approval or denial within thirty (30) days of the Company's request therefor. In the event of a transfer of the Project to a transferee approved by City, the Company shall be released from liability hereunder after the date of such transfer, and City shall look solely to such transferee to fulfill the obligation of the Company hereunder.

(a) It will not challenge the market value of the Tax Abatement Property and the Project with any governmental entities.

(b) It will not seek administrative review or judicial review of the applicability of any tax statute relating to the ad valorem property taxation of real property contained on the Tax Abatement Property determined by any tax official to be applicable to the Project or the Developer or raise the inapplicability of any such tax statute as a defense in any proceedings with respect to the Tax Abatement Property,



including delinquent tax proceedings; provided, however, "tax statute" does not include any local ordinance or resolution levying a tax;

(c) It will not seek administrative review or judicial review of the constitutionality of any tax statute relating to the taxation of real property contained on the Tax Abatement Property determined by any tax official to be applicable to the Project or the Developer or raise the unconstitutionality of any such tax statute as a defense in any proceedings, including delinquent tax proceedings with respect to the Tax Abatement Property; provided, however, "tax statute" does not include any local ordinance or resolution levying a tax;

(d) It will not seek any tax deferral or abatement, either presently or prospectively authorized under any State or federal law, of the ad valorem property taxation of the Tax Abatement Property so long as this Agreement remains in effect.

Section 3.6 Duration of Abatement Program. The Tax Abatement Program shall exist for a period of up to twelve (12) years beginning with real estate taxes payable in 2025 through 2036. On or before February 1 and August 1 of each year commencing August 1, 2025 until the earlier of the date that the Developer shall have received the Reimbursement Amount or February 1, 2037, the City shall pay the Developer the amount of the Tax Abatements received by the City in the previous six month period. The City may terminate the Tax Abatement Program and this Agreement at an earlier date if an Event of Default occurs and the City rescinds or cancels this Agreement as more fully set forth in Article IV herein.

## ARTICLE IV

### EVENTS OF DEFAULT

Section 4.1 Events of Default Defined. The following shall be "Events of Default" under this Agreement and the term "Event of Default" shall mean whenever it is used in this Agreement any one or more of the following events:

(1) Failure by the Developer to timely pay any ad valorem real property taxes, special assessments, utility charges or other governmental impositions with respect to the Project.

(2) Failure by the Developer to cause the construction of the Project to be completed pursuant to the terms, conditions and limitations of this Agreement.

(3) Failure by the Developer to observe or perform any other covenant, condition, obligation or agreement on its part to be observed or performed under this Agreement within thirty (30) days of written notice by the City.

(4) If the Developer shall:

(a) file any petition in bankruptcy or for any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under the United States Bankruptcy Act of 1978, as amended or under any similar federal or state law; or

(b) make an assignment for the benefit of its creditors; or

(c) admit in writing its inability to pay its debts generally as they become due;  
or

(d) be adjudicated as bankrupt or insolvent; or if a petition or answer proposing the adjudication of the Developer as bankrupt or its reorganization under any present or future federal bankruptcy act or any similar federal or state law shall be filed in any court and such petition or answer shall not be discharged or denied within sixty (60) days after the filing thereof; or a receiver, trustee or liquidator of the Developer, or of the Project, or part thereof, shall be appointed in any proceeding brought against the Developer, and shall not be discharged within sixty (60) days after such appointment, or if the Developer, shall consent to or acquiesce in such appointment.

(5) The holder of any mortgage on the Tax Abatement Property or any improvements thereon, or any portion thereof, commences foreclosure proceedings as a result of any default under the applicable mortgage documents.

Section 4.2 Remedies on Default. Whenever any Event of Default referred to in Section 4.1 occurs and is continuing, the City, as specified below, may take any one or more of the following actions after the giving of thirty (30) days' written notice to the Developer citing with specificity the item or items of default and notifying the Developer that it has thirty (30) days within which to cure said Event of Default (or commence and diligently pursue such Event of Default if Developer is unable to cure within such thirty (30) day period and Developer is diligently pursuing and can demonstrate progress toward curing the default). If the Developer is unable to cure or commence a cure for the Event of Default within said thirty (30) days as required above:

(a) The City may suspend its performance under this Agreement until it receives assurances from the Developer, deemed adequate by the City, that the Developer will cure its default and continue its performance under this Agreement.

(b) The City may cancel and rescind this Agreement.

(c) The City may take any action, including legal or administrative action, in law or equity, which may appear necessary or desirable to enforce performance and observance of any obligation, agreement, or covenant of the Developer under this Agreement.

Section 4.3 No Remedy Exclusive. No remedy herein conferred upon or reserved to the City is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof but any such right and power may be exercised from time to time and as often as may be deemed expedient.

Section 4.4 No Implied Waiver. In the event any agreement contained in this Agreement should be breached by any party and thereafter waived by the other party, such

waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other concurrent, previous or subsequent breach hereunder.

Section 4.5 Agreement to Pay Attorney's Fees and Expenses. In the event litigation is commenced for purposes of enforcing the terms and conditions of this Agreement, the prevailing party in relation to said litigation shall be reimbursed by the non-prevailing party for all of the prevailing party's reasonable attorneys' fees and costs associated with said litigation.

Section 4.6 Release and Indemnification Covenants.

(1) Except for any misrepresentation or any willful or wanton misconduct or negligence of the City of the governing body members, officers, agents, servants, consultants, and employees thereof (the "Indemnified Parties"), and except for any breach by the Indemnified Parties of their representative's obligations under this Agreement, the Indemnified Parties shall not be liable for and the Developer shall indemnify and hold harmless the Indemnified Parties against any loss or damage to property or any injury to or death of any person occurring at or about or resulting from any defect in the Project.

(2) Except for any willful misrepresentation, any willful or wanton misconduct, recklessness, or negligence of the Indemnified Parties, the Developer agrees to protect and defend the City and its governing body members, officers, agents, servants and employees, now or forever, and further agrees to hold the aforesaid harmless from any claim, demand, action or other proceeding whatsoever by any person or entity whatsoever arising or purportedly arising from a breach of the obligations of the Developer under this Agreement, or the transactions contemplated hereby or the acquisition, construction, ownership, maintenance and operation of the Project.

(3) Except for any misrepresentation or any willful or wanton misconduct or negligence of the Indemnified Parties, and except for any breach by any of the Indemnified Parties of their representation and obligations under this Agreement, the Indemnified Parties shall not be liable for any damage or injury to the persons or property of the Developer or its officers, agents, servants or employees or any other person who may be about the Project.

(4) All covenants, stipulations, promises, agreements and obligations of the City contained herein shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the City and not of any governing body member, officer, agent, servant or employee of the City in the individual capacity thereof.

## ARTICLE V

### ADDITIONAL PROVISIONS

Section 5.1 Restrictions on Use. The Developer agrees for itself, its successors and assigns and every successor in interest to the Tax Abatement Property, or any part thereof, that during the term of this Agreement the Developer and such successors and assigns shall operate, or cause to be operated, the Project as a multifamily rental housing facility, and shall devote the Tax Abatement Property to, and in accordance with, the uses specified in this Agreement.

Section 5.2 Conflicts of Interest. No member of the governing body or other official of the City shall participate in any decision relating to this Agreement which affects his or her personal interests or the interests of any corporation, partnership or association in which he or she is directly or indirectly interested. No member, official or employee of the City shall be personally liable to the City in the event of any default or breach by the Developer or successor or on any obligations under the terms of this Agreement.

Section 5.3 Titles of Articles and Sections. Any titles of the several parts, articles and sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

Section 5.4 Notices and Demands. Except as otherwise expressly provided in this Agreement, a notice, demand or other communication under this Agreement by any party to any other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, and

- (1) in the case of the Developer is addressed to or delivered personally to:

230 Nicollet Avenue, LLC  
Attention: Robert Beadell & Marty Walgenbach  
53936 208<sup>th</sup> Lane  
North Mankato, MN 56003

- (2) in the case of the City is addressed to or delivered personally to the City at:

City of North Mankato  
Attention: City Administrator  
1001 Belgrade Avenue  
PO Box 2055  
North Mankato, MN 56002  
with a copy addressed to or delivered personally to:

Taft Stettinius & Hollister LLP  
Attention: Mary Ippel  
2200 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402

or at such other address with respect to any such party as that party may, from time to time, designate in writing and forward to the other, as provided in this Section.

Section 5.5 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument.

Section 5.6 Law Governing. This Agreement will be governed and construed in accordance with the laws of the State of Minnesota.

Section 5.7 Term. This Agreement shall remain in effect commencing on the Effective Date until the earlier of (i) the date the Developer receives the Reimbursement Amount, or (ii) February 1, 2037, unless earlier terminated or rescinded in accordance with its terms.

Section 5.8 Provisions Surviving Rescission or Expiration. Sections 4.5 and 4.6 shall survive any rescission, termination or expiration of this Agreement with respect to or arising out of any event, occurrence or circumstance existing prior to the date thereof.

IN WITNESS WHEREOF, the City has caused this Agreement to be duly executed in its name and on its behalf, and the Developer has caused this Agreement to be duly executed in its name and on its behalf, on or as of the date first above written.

**230 NICOLLET AVENUE, LLC**

By: \_\_\_\_\_  
Its Vice President/Treasurer

This is a signature page to the Tax Abatement Agreement by and between City of North Mankato, Minnesota and 230 Nicollet Avenue, LLC.

**CITY OF NORTH MANKATO,  
MINNESOTA**

By \_\_\_\_\_  
Its Mayor

By \_\_\_\_\_  
Its City Administrator

This is a signature page to the Tax Abatement Agreement by and between City of North Mankato, Minnesota and 230 Nicollet Avenue, LLC.

## **EXHIBIT A**

### **DESCRIPTION OF TAX ABATEMENT PROPERTY**

The real property situated in the City of North Mankato, County of Nicollet, State of Minnesota, with the following Property Identification Numbers (PID):

18.071.0010

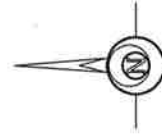
18.802.0120



SURVEY OF LOT 1, BLOCK 1, FORSYTH SUBDIVISION,  
CITY OF NORTH MANKATO, NICOLLET COUNTY, MINNESOTA

BLOCK 6, ORIG. PLAT NORTH MANKATO

LEGAL DESCRIPTION OF RECORD  
(From The Commitment provided by client)  
Lot 1, Block 1, Forsyth Subdivision, City of North Mankato,  
Nicollet County, Minnesota



SCALE 1" = 20'

DENOTES IRON MONUMENTS FOUND  
OR SET IN PREVIOUS SURVEYS.  
DENOTES IRON MONUMENTS SET &  
UNLESS OTHERWISE SHOWN.

BEARINGS ARE ORIGINATED TO THE  
NICOLLET COUNTY COORDINATE  
SYSTEM, NAD83 2011 ADJUSTMENT

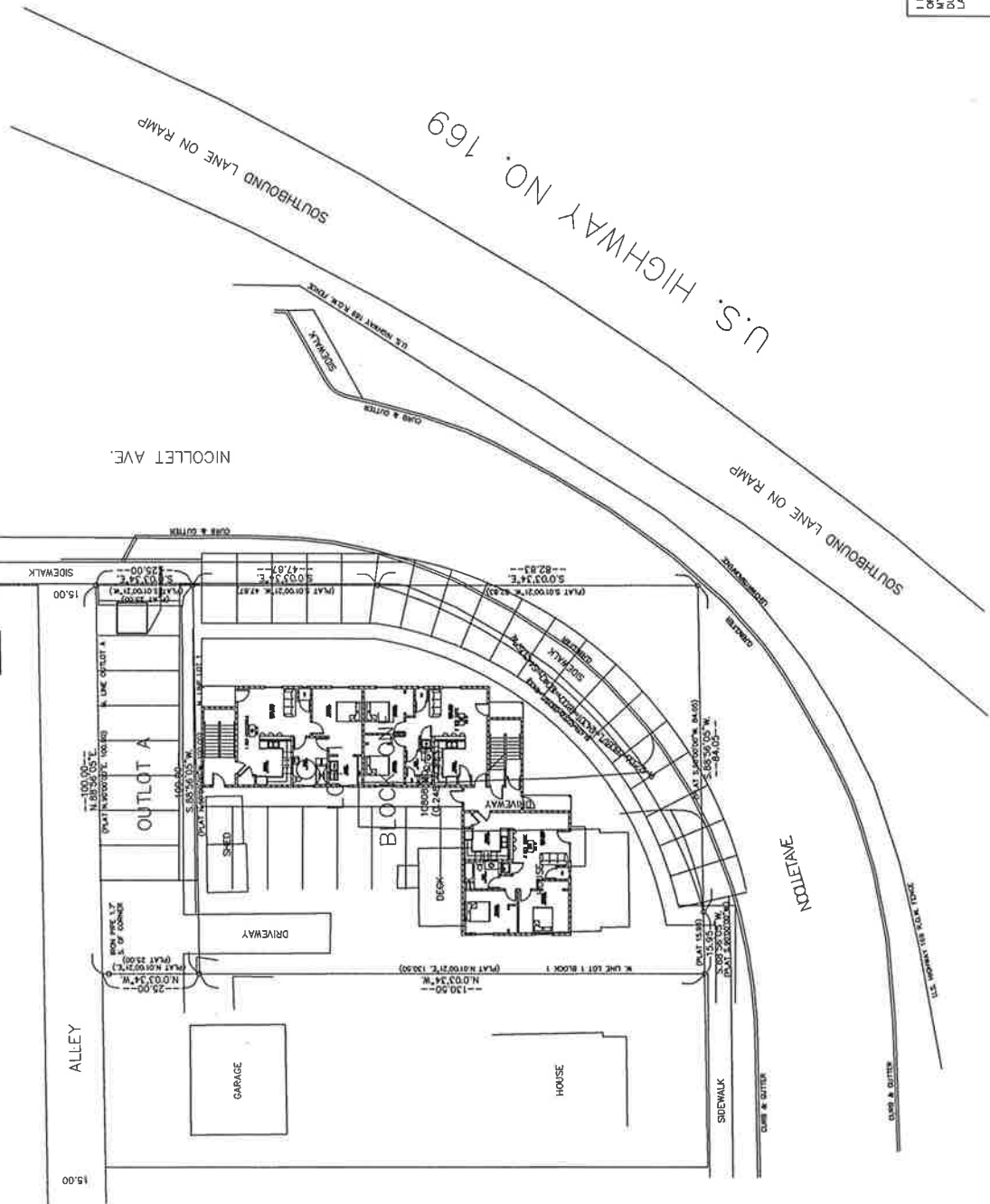


230 NICOLLET AVE. LLC

I HEREBY CERTIFY THAT THIS PLAN, SURVEY,  
OR RECORD WAS PREPARED BY ME OR UNDER  
MY DIRECT SUPERVISION AND THAT I AM A  
DULY LICENSED LAND SURVEYOR UNDER THE  
LAWS OF THE STATE OF MINNESOTA.

J. MADSEN  
DATE: 09-12-2022 LICENSE NO. 50875

1	22270
FILE NO.	22270
DATE	09-12-2022
PROJECT	230 NICOLLET AVE. LLC
CLIENT	230 NICOLLET AVE. LLC
DATE	09-12-2022
LICENSE NO.	50875
NAME	J. MADSEN
ADDRESS	318 EAST BLUE EARTH AVENUE FAIRMONT, MINNESOTA 56037
PHONE	(507) 235-3780
FAX	



PROPOSED  
BUILDING

230 NICOLLET AVE  
N MANKATO, MN  
56003

### CONCLUSIONS

No.	COMMUNICATIONS & SERVICES	Date
1	OFFICIAL DOCUMENTS	06-30-2012

[illegible]

## SITE PLAN

PROJ NO: C2243  
DATE: 06-30-2007  
DRAWN BY: AHS  
CHECKED BY:

A1







# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 13C	Dept: Finance	Council Meeting Date: 9/19/22
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**TITLE OF ISSUE:** Consider Resolution Approving a Proposed Maximum Tax Levy.

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** City Administrator McCann will review the proposed maximum tax levy options.

*If additional space is required, attach a separate sheet*

**REQUESTED COUNCIL ACTION:** Adopt Resolution Approving a Proposed Maximum Tax Levy.

**For Clerk's Use:**

Motion By: \_\_\_\_\_  
 Second By: \_\_\_\_\_

Vote Record:

Aye	Nay	
_____	_____	Norland
_____	_____	Oachs
_____	_____	Whitlock
_____	_____	Steiner
_____	_____	Dehen

**SUPPORTING DOCUMENTS ATTACHED**

Resolution    Ordinance    Contract    Minutes    Map

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Other (specify) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<input type="checkbox"/>	Workshop
<input checked="" type="checkbox"/>	Regular Meeting
<input type="checkbox"/>	Special Meeting

<input type="checkbox"/>	Refer to: _____
<input type="checkbox"/>	Table until: _____
<input type="checkbox"/>	Other: _____

## RESOLUTION APPROVING A PROPOSED TAX LEVY

WHEREAS, Minnesota Statute 275.065 requires that on or before September 30, each taxing authority shall certify to the County Auditor that proposed property tax levy for taxes payable in the following year; and

WHEREAS, an estimate of the required property taxes for collection in the City of North Mankato for the tax year payable 2023 has been made;

WHEREAS, the City Council will hold subsequent meetings at which the budget and levy will be discussed and at which public comment will be permitted. The meetings will be held in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, as follows:

December 5, 2022	7 p.m.	Public Hearing
December 19, 2022	7 p.m.	Public Hearing (if necessary)
December 19, 2022	7 p.m.	Adopt 2023 Budget and Tax Levy

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following sums of money be levied for the current year, collectible in 2023, upon the taxable property in the City of North Mankato, for the following purposes:

- General Fund ---- \$ xxxxxxxxx
- Port Authority --- \$ 75,000
- Debt Service ----- \$ 3,389,896
- Abatement ----- \$ 469,334
- TOTAL LEVY ----- \$ xxxxxxxxx

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the Nicollet County Auditor on or before September 30, 2022. This levy shall be subject to modification by the City Council.

Adopted by the City Council this 19<sup>th</sup> day of September 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## 2023 Levy Options

	1 7.67% Levy Increase	2 10.4% Levy Increase	3 13.2% Levy Increase	4 Flat Tax Rate
General				
2022 Levy				
Fund Levy	\$5,724,621	\$5,724,621	\$5,724,621	\$5,724,621
Port				
Authority	75,000	75,000	75,000	75,000
Debt Service Tax	1,346,736	1,400,405	1,400,405	1,400,405
Abatement	400,684	469,334	469,334	469,334
Additional Levy		\$192,572	\$391,311	\$652,269
Total Tax Levy	\$7,122,995	\$7,861,932	\$8,060,671	\$8,321,629
Levy				
Increase % Increase	\$546,365 7.67%	\$738,937 10.4%	\$937,676 13.2%	\$1,198,634 16.8%
+/- New Growth	\$443,082	\$635,654	\$834,392	\$1,095,351
Tax Rate & Est. Tax Rate	44.084%	45.191%	46.333%	47.833%
Change	-3.749%	-2.642%	-1.500%	0.000%
One new officer, ASA repairs, Tarrant increase				
Two new officers, more for parks, streets				
Build reserves				
Reduce debt issuance				

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 13D	Department: Community Dev	Council Meeting Date: 9/19/22																																																																		
<b>TITLE OF ISSUE:</b> Consider Resolution Setting Public Hearing on Code of Ordinance Amendments Chapter 54: Stormwater, Chapter 92: Health and Safety; Nuisances, Chapter 155: Subdivision Regulations and Chapter 156: Zoning Code.																																																																				
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b> City Engineer Sarff will review the Code Amendments. The Amendments are necessary to remain in compliance with the MS4 Stormwater Pollution Prevention Plan.																																																																				
If additional space is required, attach a separate sheet																																																																				
<b>REQUESTED COUNCIL ACTION:</b> Adopt Resolution Setting Public Hearing on Code of Ordinance Amendments Chapter 54: Stormwater, Chapter 92: Health and Safety; Nuisances, Chapter 155: Subdivision Regulations and Chapter 156: Zoning Code.																																																																				
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Vote Record:</td> <td style="width: 10%; text-align: center;">Aye</td> <td style="width: 10%; text-align: center;">Nay</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Oachs</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Norland</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Whitlock</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Steiner</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Dehen</td> </tr> </table>	Vote Record:	Aye	Nay								_____	_____						Oachs		_____	_____						Norland		_____	_____						Whitlock		_____	_____						Steiner		_____	_____						Dehen	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">Resolution</td> <td style="width: 20%;">Ordinance</td> <td style="width: 20%;">Contract</td> <td style="width: 20%;">Minutes</td> <td style="width: 20%;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) <u>MS4 Stormwater Pollution Prevention Plan</u> _____ _____ _____ _____				Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vote Record:	Aye	Nay																																																																		
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<input type="checkbox"/> Workshop  <input checked="" type="checkbox"/> Regular Meeting  <input type="checkbox"/> Special Meeting	<input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Table until: _____ <input type="checkbox"/> Other: _____																																																																			

RESOLUTION SETTING PUBLIC HEARING ON  
CODE OF ORDINANCE AMENDMENTS  
CHAPTER 54: STORMWATER  
CHAPTER 92: HEALTH AND SAFETY; NUISANCES  
CHAPTER 155: SUBDIVISION REGULATIONS  
CHAPTER 156: ZONING CODE

WHEREAS, The City of North Mankato participates in the MS4 Stormwater Pollution Prevention Plan; and

WHEREAS, the City Ordinances must be updated to stay in compliance with the Stormwater Pollution Prevention Plan; and

WHEREAS, a Public Hearing must be held to amend the City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA that a Public Hearing will be set for 7 p.m. on October 3, 2022, in the North Mankato City Council Chambers to review the proposed amendment to the Code of Ordinance Amendments Chapter 54: Stormwater, Chapter 92: Health and Safety; Nuisances, Chapter 155: Subdivision Regulations and Chapter 156: Zoning Code.

Adopted by the City Council this 19<sup>th</sup> day of September 2022.

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Mayor

ATTEST:

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City Clerk



NOTICE OF PUBLIC HEARING TO CONSIDER AMENDING CITY CODE  
CHAPTER 54: STORMWATER, CHAPTER 92: HEALTH AND SAFETY; NUISANCES, CHAPTER 155  
SUBDIVISION REGULATIONS, AND CHAPTER 156: ZONING CODE

Notice is hereby given that the City Council of the City of North Mankato will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, at 7 p.m. on the 3<sup>rd</sup> day of October to hold a public hearing to consider amendments to City Chapter 54: Stormwater, Chapter 92: Health And Safety; Nuisances, Chapter 155 Subdivision Regulations, And Chapter 156: Zoning Code

. Persons wishing to review the proposed changes may contact North Mankato City Hall at 507-625-4141 or visit the North Mankato website at [www.northmankato.com](http://www.northmankato.com).

Such persons who desire to be heard regarding this issue should appear at this meeting. Public comments may be sent to the North Mankato Municipal Building, 1001 Belgrade Avenue, North Mankato, MN 56001.

Dated this 19<sup>th</sup> day of September 2022.

April Van Genderen  
City Clerk  
City of North Mankato, Minnesota



Real People. Real Solutions.

1960 Premier Drive  
Mankato, MN 56001-5900

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

## Summary of Recommended Ordinance Revisions

Date: September 9, 2022  
To: Kevin McCann, City Administrator  
Michael Fischer, Community Development Director  
From: Daniel R. Sarff, P.E., City Engineer  
Subject: MS4 Ordinance Update Recommendations  
City of North Mankato, Minnesota

### **I. § 54.05 STORMWATER - PURPOSE, SCOPE AND DEFINITIONS. Paragraph (B).**

- A. The current ordinance language requires a Storm Water Pollution Prevention Plan (SWPPP) for any land disturbance in the City regardless of size. The recommended changes set a minimum land disturbance area requiring a SWPPP to 1.0 acre.

### **II. § 54.06 STORMWATER - EROSION PREVENTION AND SEDIMENT CONTROL PLAN. Paragraphs (B) & (C)**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.

### **III. § 54.07 STORMWATER - REVIEW OF PLAN. Paragraphs (F) & (G)**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.

### **IV. § 54.09 STORMWATER - PERMANENT STORMWATER BMPS. Paragraphs (A)(2), (A)(B), & (B)**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.

**V. § 92.19 HEALTH AND SAFETY; NUISANCES - NUISANCE PARKING AND STORAGE. Paragraph (C).**

- A. This wording meet the requirement for salt storage outlined in the MS4 Permit.

**VI. §155.49 SUBDIVISION REGULATIONS - STORMWATER DESIGN CRITERIA. Paragraph (B).**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.

**VII. §156.035 ZONING CODE - GENERALLY. Paragraph (X).**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.

**VIII. § 155.49 SUBDIVISION REGULATIONS - STORMWATER DESIGN CRITERIA.  
Paragraph (B).**

- A. Wording was added to incorporate the reference to the MS4 Permit for Post-Construction Stormwater management for sites with 1.0 or more acres of impervious.

**IX. § 156.035 ZONING CODE - GENERALLY. Paragraph (X).**

- A. Wording was added to incorporate the reference to the MS4 Permit for Post-Construction Stormwater management for sites with 1.0 or more acres of impervious.

NORTH MANKATO, MINNESOTA  
CODE OF ORDINANCES  
TITLE V: PUBLIC WORKS  
CHAPTER 54: STORMWATER

§ 54.05 PURPOSE, SCOPE AND DEFINITIONS.

(A) Purpose. The purpose of this chapter is to establish standards and requirements for conservation practices and planning activities designed to control or reduce point and non-point source stormwater pollution, soil erosion, sedimentation, and illicit discharges that may occur within the city.

(B) Scope. Any person, business entity, state agency, or political subdivision proposing a land disturbance activity impacting 1.0 acre or more of land within the city shall apply to the city for the approval of the Stormwater Pollution Prevention Plan (SWPPP). No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein. This chapter also develops regulations to manage illicit stormwater discharge within the city.

---

NORTH MANKATO, MINNESOTA`  
CODE OF ORDINANCES  
TITLE V: PUBLIC WORKS  
CHAPTER 54: STORMWATER

§ 54.06 EROSION PREVENTION AND SEDIMENT CONTROL PLAN.

All plans shall be consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, and the filing or approval requirements of relevant watershed districts, watershed management organizations, ditch authorities, soil and water conservation districts, or other regulatory bodies.

(A) Required. Every applicant for a building permit, excavation permit, plumbing permit or subdivision approval that involves any land disturbing activities within the city shall submit an erosion prevention and sediment control plan to the city. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein.

(B) General criteria for Erosion and Sediment Control Plans for sites less than 1.0 acres. shall be designed to avoid erosion on the site and to capture sediment before it leaves the site. 1. All off-site tracking shall be removed by the end of the business day unless otherwise authorized by the City.

(C) All SWPPPs for sites 1.0 acres or larger shall meet or exceed the requirements of the MN General Permit to Discharge Stormwater Associated with Construction Activity No. MN R100001 in place at the time of submittal as modified below:

— (1) All grading plans and building site surveys must be reviewed by the City for the effectiveness of erosion control measures in the context of site topography and drainage.

— (2) Easements. If a stormwater management plan involves directing some or all of the site's runoff, the Applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.

~~An Erosion and Sediment Control Plan shall be required for any land-disturbing activity and shall meet the following criteria:~~

- ~~— (1) Implement best management practices.~~
- ~~— (2) Protect storm sewers from sediment.~~
- ~~— (3) Prevent sediment damage to adjacent properties and other designated areas.~~
- ~~— (4) Protect paved roads from vehicle tracking.~~
- ~~— (5) Engineer the construction of steep slopes.~~
- ~~— (6) Stabilize all exposed soils and soil stockpiles.~~
- ~~— (7) Stabilize all waterways and outlets.~~
- ~~— (8) When working in or crossing water bodies, take precautions to contain sediment.~~
- ~~— (9) Maintain all temporary and permanent erosion and sediment control practices.~~
- ~~— (10) Establish permanent vegetation.~~
- ~~— (11) Dispose of temporary erosion and sediment control measures following final stabilization.~~
- ~~— (C) Contents of plan. The erosion and sediment control plan shall include the following:~~
  - ~~— (1) Project description. The nature and purpose of the land-disturbing activity.~~
  - ~~— (2) Project schedule. A projected timeline for completion of all site activities.~~

NORTH MANKATO, MINNESOTA`  
CODE OF ORDINANCES  
TITLE V: PUBLIC WORKS  
CHAPTER 54: STORMWATER

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---



NORTH MANKATO, MINNESOTA  
CODE OF ORDINANCES  
TITLE V: PUBLIC WORKS  
CHAPTER 54: STORMWATER

§ 54.06 EROSION PREVENTION AND SEDIMENT CONTROL PLAN.

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~~An Erosion and Sediment Control Plan shall be required for any land disturbing activity and shall meet the following criteria:~~

- ~~— (1) Implement best management practices.~~
- ~~— (2) Protect storm sewers from sediment.~~
- ~~— (3) Prevent sediment damage to adjacent properties and other designated areas.~~
- ~~— (4) Protect paved roads from vehicle tracking.~~
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- ~~— (7) Stabilize all waterways and outlets.~~
- ~~— (8) When working in or crossing water bodies, take precautions to contain sediment.~~
- ~~— (9) Maintain all temporary and permanent erosion and sediment control practices.~~
- ~~— (10) Establish permanent vegetation.~~
- ~~— (11) Dispose of temporary erosion and sediment control measures following final stabilization.~~
- ~~— (C) Contents of plan. The erosion and sediment control plan shall include the following:~~
  - ~~— (1) Project description. The nature and purpose of the land disturbing activity.~~
  - ~~— (2) Project schedule. A projected timeline for completion of all site activities.~~



NORTH MANKATO, MINNESOTA  
CODE OF ORDINANCES  
TITLE V: PUBLIC WORKS  
CHAPTER 54: STORMWATER

- ~~— (3) Existing site conditions. Elevations, vegetation, utilities and drainage.~~
- ~~— (4) Adjacent areas. Properties, bodies of water, roads, and the like, which may be affected by the land disturbing activity.~~
- ~~— (5) Erosion and sediment control measures. Methods to be used to control erosion and sedimentation on the site before, during and after the construction process.~~
- ~~— (6) Maintenance. Schedule of regular inspections and repair of erosion and sediment control structures.~~
- ~~— (7) Permanent stabilization. How the site will be stabilized after construction is completed.~~
- ~~— (8) Dewatering. The plan must include provisions for dewatering. Water may not be discharged in a manner that causes erosion or flooding of the site or of receiving channels or a wetland. Water pumped from the site shall be treated by 1 of the following processes: temporary sedimentation basins, grit chambers, sand filters, up-flow chambers, hydrocyclones, swirl concentrators, or other controls as approved by the Director of Public Works or his/her designee.~~
- ~~— (9) Temporary sedimentation basins. Temporary sedimentation basins shall be installed when required by the version of the Minnesota Pollution Control Agency's NPDES Construction Permit Requirements in place at the time of application. All temporary and permanent basins shall be designed in accordance with the MN Stormwater Manual.~~

(D) NPDES Construction Site Permit. Any construction activity that disturbs 1 or more acres is required to obtain a separate NPDES Construction Site Permit from the Minnesota Pollution Control Agency (MPCA). A copy of this permit and erosion and sediment control plan shall be submitted to the city.

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§ 54.07 REVIEW OF PLAN.

(A) Site plans for new development and redevelopment of any kind will be assessed for stormwater quantity control and stormwater quality management. No permits shall be issued until a site plan meeting the requirements of this section has been submitted by the applicant.

(B) The applicant shall submit information adequate for the city to evaluate if the plans meet the requirements of the section.

(C) The city shall complete a review of the erosion and sediment control plan within 14 calendar days of receiving the plan from the developer.

(1) Permit required. If it determines that the plan meets the requirements of this chapter, the city shall issue the appropriate permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the plan.

(2) Denial. If it determines that the plan does not meet the requirements of this chapter, the city shall not issue a permit for the land disturbance activity.

(D) City inspections and enforcement. The city shall conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all cases, the inspectors will attempt to work with the developer to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, enforcement action(s) shall be taken by the city until erosion and sediment control measures meet the requirements of this chapter. An inspection may be needed before work can commence. Inspections are required as follows:

(1) Before any land disturbing activity begins.

(2) As necessary or required during construction.

(3) At the completion of the project.

(E) The city reserves the right to conduct other random inspections during the course of the project to ensure compliance with the plan.

(F) Inspections and maintenance of temporary and permanent BMPs shall be performed by the Applicant during construction.

(G) Inspections and maintenance shall meet or exceed the criteria listed in the MN General Permit to Discharge Stormwater Associated with Construction Activity No. MN R100001 except as modified below:

(1) All off-site tracking shall be removed by the end of the business day unless otherwise authorized by the City.

(2) The Application shall provide site access during construction to the City for compliance inspections and shall make Applicant's records of maintenance and inspections available to the City upon request.

(a) The City shall notify the Applicant of deficiencies identified during City inspections.

(b) The Applicant shall correct deficiencies identified by the City within the timeframe requested by the City.

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~~(c) Where cooperation is withheld, construction stop orders may be issued by the City, until all erosion and sediment control deficiencies are corrected to the satisfaction of the City.~~

~~Owner inspections. Unless otherwise authorized by the city, all construction sites shall be inspected by the owner or the owner's representative at least once per 7 calendar days and within 24 hours after a rainfall event greater than 0.5 inches in a 24-hour period.~~

~~— (1) Records of each inspection shall be kept at the project site. The records shall clearly show the following information:~~

~~— (a) Date and time of inspection;~~

~~— (b) Date and amount of any rainfall greater than 0.5 inches in a 24-hour period;~~

~~— (c) Name of inspector;~~

~~— (d) Findings of the inspection; and~~

~~— (e) Documentation of corrective actions required and the actions taken.~~

~~— (2) The owner shall make these records available to the city upon request.~~

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§ 54.09 PERMANENT STORMWATER BMPs.

(A) The applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage:

(1) Storm peak discharge rates to pre-project rates for the 2.0-yr, 10-yr, and 100-yr 24-hour storm events.

(2) Sites that disturb less than 1.0 acres shall be designed to control runoff rate so as to not cause downstream flooding or erosion.

(3) Sites that disturb 1.0 acre or more shall provide permanent BMPs, with highest preference given to Green Infrastructure techniques and practices necessary to meet the following conditions on the site of construction activity to the Maximum Extent Practicable.

(a) Stormwater release rates and volume from the site on an annual average basis shall not increase over the predevelopment twenty-four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharges rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

(b) Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal.

(c) Applicants shall provide documentation showing rate, volume, and water quality compliance. Calculations shall be by a methodology listed in the MPCA Stormwater Manual or other method approved by the City.

(B) Oil and grease control. Where the potential for pollution by oil, grease, or both, exists, the City may require installation of an oil and grease removal device designed to handle the volume and type of material anticipated.

(2) Volume, Total Suspended Solids (TSS), Total Phosphorus (TP) such that there is no net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on an annual average basis for redevelopment projects.

(a) For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within project boundaries. Such projects may include:

1. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;

2. Sites where infiltration is prohibited; or

3. Other locations as determined by the Director of Public Works or his/her designee.



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~~—(B) Investigation of practices. The following stormwater management practices shall be investigated in developing a Stormwater Management Plan in the following descending order of preference:~~

~~—(1) Infiltration of runoff on site, if suitable soil conditions are available for use except that infiltration shall be prohibited where:~~

~~—(a) Industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA;~~

~~—(b) Vehicle fueling and maintenance occur;~~

~~—(c) Less than 3 feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock can be achieved;~~

~~—(d) High levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater;~~

~~—(e) Soil infiltration rates are more than 8.3 inches per hour;~~

~~—(f) Soils are predominately Hydrologic Soil Group D (clay), except where soil amendment will allow for appropriate infiltration;~~

~~—(2) Flow attenuation by use of open vegetated swales and natural depressions;~~

~~—(3) Stormwater retention facilities; and~~

~~—(4) Stormwater detention facilities;~~

~~—(C) Projects must include creation of new or retrofit existing structural stormwater Best Management Practices or utilize properly designed regional structural stormwater Best Management Practices. Routine maintenance of existing structural stormwater Best Management Practices does not meet the requirement to provide stormwater management under division (D). Projects that have made reasonable effort but been unable to fully meet volume, TSS and TP requirements within the project limits may upon authorization by the Director of Public Works or his/her designee utilize the following methods to meet that portion not met onsite:~~

~~—(1) Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;~~

~~—(2) Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site, if this is not feasible then;~~

~~—(3) Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;~~

~~—(4) Provide treatment that yields the same benefits at a site approved by the city.~~

~~—(D) Applicants shall provide documentation showing compliance with divisions (A), (B), and (C) above. Acceptable options shall be:~~

~~—(1) For Rate and Volume:~~

~~—(a) Select from the Modeling Tool Section of the MPCA Stormwater Manual; or~~

~~—(b) Other method approved by the Director of Public Works or his/her designee.~~

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~~—(2) For TSS and TP:~~

~~—(a) Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website; or~~

~~—(b) Other method approved by the Director of Public Works or his/her designee.~~

(CE) Performance security. Prior to approval of permits for construction, the applicant may be required to submit an agreement to construct such required physical improvements, to dedicate property or easements, to provide performance security (letter of credit or performance bond), and to comply with such conditions as may have been agreed to.

(DE) Failure to complete. If the applicant fails to complete the required stormwater improvements within 24-months of beginning construction of the project they are intended to mitigate, the city may make provisions to complete the required stormwater improvements or to provide equivalent downstream treatment. The city shall use any performance security held for the work or may utilize special assessments as provided in M.S. § 429 to reimburse itself for costs associated with this work.

(EG) Where the City Council authorizes the construction of private stormwater management facilities, the applicant shall designate the responsible party for inspection and maintenance of all private stormwater management facilities in an agreement to be recorded against the properties being developed. In addition, the agreement shall provide for:

(1) Description of anticipated maintenance activities and frequency.

(2) Access in perpetuity for inspection of the facilities by the Director of Public Works or his/her designee.

(3) Access in perpetuity for maintenance of the facilities should the Director of Public Works or his/her designee find that stormwater facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.

(4) If the expense is not paid, the expense will be made a special assessment against the property concerned in accordance with M.S. § 429.061 and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, as the City Council may determine in each case.

(H) Removal or alteration of Structural Stormwater Best Management Practices. Structural Stormwater Best Management Practices installed to fulfill the requirements of this chapter shall be maintained in compliance with the approved maintenance plan. Where no plan is in place they shall be maintained in compliance with accepted Industry Standard and Minnesota Pollution Control Agency recommendations. No Structural Stormwater Best Management Practices shall be removed or altered in such a way to decrease structural Stormwater Best Management Practices effectiveness without:

(1) Authorization of the Director of Public Works or his/her designee; and

(2) Providing new or improved Structural Stormwater Best Management Practices providing or exceeding that amount lost due to the alteration or removal.



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TITLE IX: GENERAL REGULATIONS

CHAPTER 92: HEALTH AND SAFETY; NUISANCES

§ 92.19 NUISANCE PARKING AND STORAGE.

(A) Declaration of nuisance. The outside parking and storage on residentially-zoned property or public rights-of-way of large numbers of vehicles, trailers, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

(B) Unlawful parking and storage.

(1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property.

(3) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) Vehicles that are parked or stored outside in the front-yard area must be on a paved driveway area.

(b) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(4) A person must not place, store or allow the placement of any garbage dumpster, portable storage unit or similar non-permanent structure on any residential property, including driveways, for longer than 10 consecutive days, except for dumpsters on private property where a valid building permit has been issued. These types of non-permanent structures are not permitted on any street or public right-of-way.

(C) Salt Storage.

(1) Commercial, institutional, and non-NPDES permitted industrial facilities storing salt and salt-containing materials outdoors must meet minimum standards for storage and handling.

(a) Designated salt storage areas must be covered or indoors;

(b) Located outside of areas likely to flood or to be exposed to stormwater or snowmelt runoff;

(c) Located on an impervious surface; and

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\_\_\_\_\_ (d) Protection practices to reduce exposure when transferring material in designated salt storage areas such as but not limited to sweeping, diversions, and/or containment must be implemented.



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TITLE XV: LAND USAGE

CHAPTER 155: SUBDIVISION REGULATIONS

§ 155.49 STORMWATER DESIGN CRITERIA.

(A) Stormwater modeling shall be in accordance with United States Soil Conversation Service (SCS) Technical Release 55 or 20, i.e. TR-55 or TR-20.

(B) Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal. Stormwater detention basins shall be designed to store sufficient excess runoff from the proposed development. Composite post-developed site runoff must be equal to or less than the composite pre-developed site runoff for the 5 and 100 year rainfall events. The SCS 24-hour, 5 year and 100 year rainfall events are 3.7 inches and 6.1 inches, respectively.

(C) Post-developed design site conditions, requiring diversion of stormwater from an existing inlet point to another inlet point on a different outfall sewer, shall meet the following: post-developed flow draining to an existing stormwater inlet point shall be equal to or less than the undisturbed pre-developed flow draining to that point.

(D) The following information shall be submitted to the city for review by the City Engineer:

- (1) SCS curve numbers for the pre-developed and post-developed site conditions;
- (2) Soil type(s) used in calculations;
- (3) Size, elevation and location of proposed stormwater system outfall(s);
- (4) Size, elevation, location and detail of proposed pond outlet structure;
- (5) Map or plan showing the pre-developed and post-developed design drainage districts;
- (6) Pond grading plan showing the proposed contour elevations and location of the pond's emergency overflow spillway; and
- (7) All drainage hydrographs, pond routing and peak elevation/outfall calculations.

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§ 156.035 GENERALLY.

The regulations of this chapter within each district shall be minimum regulations and shall apply uniformly within each district, except as may be permitted or provided by this chapter.

(A) District conformance. No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(B) Alterations. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or allowed to be erected or altered in any other manner contrary to the provisions of this chapter.

(C) Requirement computations. No part of a yard or other open space, or off-street parking required for or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as may be permitted by this chapter. Regulations requiring the use of numerical computations shall utilize the method provided by this chapter. Where no method has been provided by this chapter, it shall be the duty of the Zoning Administrator to determine appropriate uniform means of computation. In the event fractional sums, differences, products or quotients are determined in the application of this chapter, these values shall be "rounded off" to the applicable unit of measurement.

(D) Yard or lot reductions.

(1) No yard or lot existing at the time of the passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein except detached dwellings located on lots contained in plats recorded prior to the year 1958 which shall not be less than the following:

- (a) Front yards: 20 feet;
- (b) Side yards: 5 feet;
- (c) Rear yards: 20 feet;
- (d) Lot width: 50 feet.

(2) Yards or lots created after the effective date of this chapter shall not be less than the minimum requirements established by this chapter.

(E) Accessory uses. Accessory uses or structures shall not be located in any required front, side, rear or transitional yard except as may be permitted in this section.

(1) The following accessory uses or structures shall be permitted in any required rear or front yard in any residential zoning district, provided a 15 foot rear yard setback and the required front yard setback is maintained:

(a) Decks or elevated platforms, either attached to a dwelling or free standing, with no roof or overhead structure of any type;

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(b) Patios or paved areas that are level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.

(2) The following accessory uses or structures shall be permitted in any required rear yard in any zoning district, provided a 5 foot rear yard setback is maintained, and any required side yard in any zoning district, provided a 5 foot side yard is maintained from the furthest point of the building to the respective property line: utility buildings;

(3) The following are minimum rear yard setbacks for swimming pools, including attached deck or apron:

Pool Type	Property Type	Minimum Rear Yard Setbacks
In-ground	Non-ravine	Rear - 10 feet
In-ground	Ravine	Rear - 10 feet with the provision that upon inspection of the ravine by city staff, the setback can be increased to 25 feet
Above-ground	Non-ravine	Rear - 10 feet
Above-ground	Ravine	Rear - 25 feet

(a) The breakline shall be established by the Building or Construction Inspector prior to construction.

(F) Height exceptions. The building height limits established herein for districts shall not apply to belfries, cupolas, domes, spires, monuments, radio towers, flag poles, chimneys, water tanks, towers, solar collectors, wind energy conversion systems and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending above the roof of any building and not occupying more than 10% of the area of such roof. Building height limit exceptions shall conform to all structural design standards specified by the Minnesota State Building Code, as amended. In no event shall this section be construed to allow the construction or continued maintenance of structures constituting a hazard to the abutting property or the public at large. Where the average slope of lot is greater than 1 foot rise or fall in 7 feet of horizontal distance from the established street elevation at the property line, 1 story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

(G) Accessory buildings. If an accessory building is attached to the main building, it shall be made a structural part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than 5 feet to the main building or another accessory building. In no event shall an accessory building be permitted on a vacant lot or when not subordinate to and serving the principal use structure on the same lot.

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(1) An accessory building larger than 168 square feet shall be accessible by a hard-surfaced driveway which meets all applicable setback regulations.

(2) Private garages used as accessory structures for one and two-family residential dwellings shall not exceed a combined total of 1,400 square feet of floor space per lot for all structures.

(3) No pole barn type construction is permitted for any residential private garage.

(4) Detached residential garage roofs must have a hipped or gable design. No barn-type roofs are permitted on detached garages.

(H) Earth sheltered buildings.

(1) Where an earth sheltered building substantially alters the natural watershed of the lot, computations for yard area shall be based on measurements from the surrounding cover of earth. In cases where the earth sheltered building has been made part of the natural terrain, computations for yard area shall be made from the exterior surface of the building.

(2) All applications for building permits for earth sheltered buildings shall be accompanied by a drainage plan.

(I) Wind energy conversion systems (WECS).

(1) The location, design, maintenance and removal of WECS shall be governed as follows. WECS shall be considered a conditional use in all zoning districts. All appropriate regulations within each zoning district must be complied with in addition to regulations outlined below;

(2) Applicants requesting a building permit for a WECS shall furnish such scale drawings and information as the city deems necessary. This information may include, but is not limited to the following: a plot plan of the premises involved showing lot lines, the accurate location of all buildings or structures on the premises and on each adjacent plot and the location of proposed tower and all guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.

(3) The permitted maximum height of a WECS shall be determined in one of two ways:

(a) A ratio of 1 to 1 between the distance from the closest property line to any part of the WECS to the height of the tower;

(b) A maximum of 100 feet in agricultural and industrial districts and 60 feet in residential and commercial districts. The shortest height of the two above-mentioned methods shall be used in determining maximum height. Height shall be measured from the surrounding grade to the rotor hub or top of the tower, whichever is higher.

(4) No part of a WECS shall be located within or above any required front, side or rear setback area.

(5) All WECS shall be designed to meet the following minimum standards:

(a) An automatic braking device capable of halting operation in high winds (40 m.p.h. or greater) shall be incorporated;

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(b) The WECS shall be designed, constructed and operated so as to not cause radio and television interference;

(c) The WECS shall be operated and maintained in a condition which will not cause unreasonable noise emissions;

(d) The WECS shall be placed on the property in a position which will not unreasonably obstruct the view from neighboring properties;

(e) The WECS shall be guarded against unauthorized climbing. The first 12 feet of the tower shall be unclimbable by design or be enclosed by a 6 foot high, nonclimbable fence with a secured access;

(f) The WECS shall be designed and installed to withstand natural lightning strikes;

(g) The WECS electrical equipment and connections shall adhere to all state and local government, as well as power company rules and regulations and standards.

(6) Any WECS which fails to comply with this chapter shall be brought into compliance within 90 days after notice by the city, or be dismantled. Any WECS not in operation for 12 months shall be dismantled.

(7) WECS existing at the date of adoption of this chapter or existing at the time of annexation, shall be brought into compliance within 12 months or be dismantled.

(8) The owner of a WECS which is to be dismantled must accomplish such act within 30 days or the city is empowered to dismantle such WECS and assess the costs against the property.

(9) WECS that are by nature ornamental, rather than functional, shall be exempt from this chapter if total height is less than 25 feet.

(10) The city requires liability insurance to be maintained on the WECS by its owner.

(11) In order to insure adequate wind access, the city does encourage the use of private easements and restrictive covenants as a means to protect wind access.

(J) Minimum structural requirements. The following shall be minimum structural requirements in all residential districts:

(1) All structures used for residential occupancy shall have a minimum width of 24 feet and shall be affixed to a continuous permanent foundation constructed of concrete block, poured concrete or wood.

(2) A private attached or unattached garage having a minimum floor area of 280 square feet shall be required to be built concurrent with each dwelling constructed.

(3) Roof systems must have a 2-12 minimum pitch. Hip, gable, mansard, gambrel or shed roof designs are allowable. Flat roofs are not recommended and will require engineering drawings and snow load certification.

(4) The provisions of this subdivision shall apply to all structures used for residential occupancy except structures controlled by the provisions of Ch. 152.

(5) A residential structure shall have a minimum width of 24 feet at its narrowest point and a minimum depth of 32 feet with a minimum floor area of 800 square feet on the main floor.

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(6) Residential structures shall be placed upon and affixed to a permanent foundation consisting of concrete block, concrete, or treated wood. The foundation shall be solid for the complete circumference of the structure except for necessary doors or windows. The foundation shall align vertically with the outer walls of such structure for its complete circumference and shall, as well, provide such other support for the structure as is required pursuant to the Minnesota State Building Code.

(K) Residential driveways.

(1) The maximum allowable driveway width measured at the front property line on residential property having a width of less than 80 feet shall not exceed 24 feet. The maximum allowable driveway width measured at the front property line on a residential property having a width of 80 feet or more shall not exceed 30 feet. There shall be a minimum of 20 feet of hard surfaced driveway located perpendicular from the face of any garage stall to the street. All driveways shall conform to the required side yard building setbacks for the district it is within.

(2) Circular drives. The maximum allowable driveway width measured at the property line on residential property shall not exceed 14 feet.

(3) For garages with access from the alley there shall be a minimum of 20 feet of hard-surfaced driveway, located perpendicular from the face of any garage stall to the alley or side property line, depending on the position of the garage doors. In no event shall a driveway encroach into a side yard building setback.

(L) Ravine setbacks. For all uses permitted there shall be a setback of no less than 25 feet, measured from the breakline of an adjacent ravine to any permanent structure, including but not limited to: dwellings, garages, decks, and above-ground patios. Gazebos exceeding 144 square feet in size are subject to a 25-foot ravine breakline setback. The breakline shall be established by the Building or Construction Inspector prior to construction. Permitted uses in the 25-foot setback

(M) Cul de sac lot provisions.

(1) Lot width. The minimum lot width measured at the front property line on platted cul de sac lots shall be a minimum of 50 feet.

(2) Driveways. The maximum allowable driveway width measured at the property line on cul de sac lots shall not exceed 24 feet. Beginning at the front property line, the driveway width may be enlarged at an angle not greater than 45 degrees to a point not closer than 10 feet to any side property line.

(N) Carports. Permitted within any zoning district subject to applicable setback regulations within each zoning regulation.

(O) Amateur radio towers. Permitted within any zoning district subject to applicable setback and building height requirements.

(P) Storage or utility sheds. Permitted in any residential zoning district subject to the following:

(1) Maximum floor area shall not exceed 168 square feet.

(2) Minimum setback is 5 feet from any rear or side property line.

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(3) Located a minimum of 5 feet from any main or accessory building.

(4) Shall not be located within any front yard.

(5) Maximum height shall not exceed 14 feet.

(6) Overhangs shall not exceed 2 feet.

(7) Access door shall not exceed 6 feet in width.

(8) No more than 1 storage shed or utility shed is permitted on any lot.

(9) Minimum setback is 5 feet from any ravine breakline.

(Q) Setbacks for accessory buildings. The building setbacks for garages on lots platted prior to 1958 are as follows:

(1) Garage when the vehicle entrance doors face an adjacent alley; 20 foot rear, 5 foot side.

(2) Garage when the vehicle entrance doors face a side property line; 5 foot rear, 5 foot side.

(3) Garage when the vehicle entrance doors face an adjacent street; 5 foot rear, 5 foot side.

(4) Corner lots are subject to 2 front yard setbacks.

(R) Foundation drainage. All residential and commercial foundation drains shall be connected to a sump pump or directed into an adjacent ravine with the discharge line located at the bottom of the ravine. Beginning at a distance of 3 feet from the foundation wall, a drainage pipe shall be non-perforated.

(S) Land preparation. The initial stripping of land for any development requires the removal of all organic material and soil to a depth of at least 12 inches. Professional soil engineer or building inspector findings may require the removal of more than 12 inches of soil.

(T) Minimum distance between buildings. The minimum distance between privately owned primary or accessory buildings shall be 5 feet.

(U) Foundation elevations. The following standards apply for all new residential construction:

(1) Finished grade elevations shall have a minimum of 5% slope up to a maximum of 8% slope, from the back top of curb to the finished grade elevation adjacent to the foundation wall. This applies to the minimum front yard setback requirements for valley and hilltop locations. Any variations are subject to be reviewed for approval by the City Building Official. Criteria for determining setback elevations beyond minimum setbacks are subject to the following:

(a) Required setbacks.

(b) Surface contours.

(c) Elevations of adjacent properties.

(d) Distance from top back of curb.

(e) Drainage.

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(2) The City Building Official shall establish the final floor elevation for all new residential, commercial or industrial buildings.

(3) Window well casings shall be constructed a minimum of 6 inches above finished grade.

(4) Residential property drainage. Drainage resulting from new home construction must conform to the topography of the land and be directed so as to not adversely affect neighboring property. Drainage plans are subject to Building Inspector approval.

(V) Driveway paving. Driveway paving shall occur within 1 year after a building permit is issued for a garage and/or driveway having access to a public street or alley. The driveway shall be hard surfaced.

(W) Stormwater drainage plan. On-site stormwater detention is required for any new parking lot. Prior to issuance of a building permit, a stormwater drainage plan shall be submitted and approved by the City's Construction Inspector (refer to standards).

~~(X) Stormwater detention pond. For any residential, commercial or industrial development utilizing more than 1 acre of land, an on-site stormwater detention pond is required.~~ Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal. Prior to issuance of a building permit, a Stormwater Drainage Plan shall be submitted and approved by the Building Inspector. Setbacks for storm water ponds, rain gardens or other storm water retention areas shall be a minimum of 10 feet from any property line.

(Y) Address identification numbers. Any residential dwelling unit or Commercial/Industrial building shall display address identification numbers on the dwelling or building that shall be visible from the nearest public street and be of a contrasting color from the dwelling or building. The height of the numbers shall be no less than 4 inches.

(Z) Property corners. Prior to construction of any new residential dwelling, dwelling addition, garage, garage addition or commercial/industrial building, it is the responsibility of the property owner to establish or display all property corners. For any other type of project that requires a building permit, it may be necessary for the property owner to display property corners at the request of the Building Official or Assistant Building Inspector. Property corners shall be located by the property owner or a registered land surveyor.

(AA) Underground systems. Underground invisible pet fencing shall be located a minimum of 3 feet from any sidewalk or street. Any underground sprinkler system installed within any public right-of-way is at risk from damage as a result of street or utility maintenance or any other public improvement project. The city accepts no responsibility for underground sprinkler system or invisible pet fencing damage in any public right-of-way.



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(BB) Home occupations. Home occupations are permitted uses in residential districts and shall conform to the following standards:

- (1) Such use shall be operated entirely within the primary living dwelling. The use of an attached or detached accessory building or garage for such use is prohibited.
- (2) Such use shall not employ any person not residing on the premises.
- (3) Such use shall not exceed 1/3 of the main floor space of a dwelling.
- (4) Only 1 home occupation shall be operated within a dwelling.
- (5) There shall be no outside storage of materials, goods, supplies, or equipment of any kind related to the home occupation.
- (6) No traffic or parking demand shall be generated by such use in greater volumes than would normally be expected in a residential neighborhood.
- (7) Any occupation shall be clearly secondary to the main use of the premises as a residential dwelling.

(8) The owner of the building shall be the operator of the home occupation.

(CC) Outside storage of materials in Business or Commercial districts. Where outside storage of materials, equipment and product is permitted in a Business or Commercial district, such outside storage shall conform to the following provisions.

(1) Outside storage shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 6 feet in height.

(2) Outside storage areas shall be hard surfaced using concrete or asphalt material.

(3) Outside storage areas shall not be located within setback areas.

(4) All materials stored outside shall be directly associated with the business.

(DD) Outside storage in Industrial districts. Where outside storage of materials, equipment and product is permitted in an Industrial district, such outside storage shall conform to the following provisions.

(1) Outside storage areas shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 8 feet in height.

(2) Outside storage areas shall be hard surfaced using concrete or asphalt material.

(3) Outside storage areas shall not be located within setback areas.

(4) All materials stored outside shall be directly associated with the industry.

(EE) Outside storage of materials in Residential districts. In any Residential zoning district, it is unlawful for any person to discard, place, accumulate, maintain or store out of doors, the following:

(1) (a) Unlicensed, unregistered or inoperable motor vehicles, recreational vehicle, boats, campers, snowmobiles, trailers or similar equipment.

(b) In the event a licensed motor vehicle parked or stored out of doors on private property has not been moved within a consecutive 30-day time period, the Zoning Administrator may, by written letter to the property owner, request that the vehicle owner

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demonstrate the vehicle is operable by starting and driving the vehicle a distance of not less than 500 feet. The operation to be observed by the Zoning Administrator or his or her designee.

- (2) Motor vehicle bodies, frames, parts, tires, rims or other machinery or equipment.
- (3) Household furnishings or appliances.
- (4) Lumber or construction materials.
- (5) Non-residential vehicles including but not limited to: tractors, buses, skid loaders and commercial trucks.
- (6) Lawnmowers, snowblowers and other lawn and garden equipment.
- (7) Garbage, litter and other debris which is considered to be a public nuisance by the Zoning Administrator.
- (8) The outside storage of materials shall not be located within any building setback area.

(FF) Outside storage of vehicles in Residential districts. In any Residential district, the off-street parking of vehicles shall conform to the following provisions.

(1) The off-street parking on any automobile, trailer, camper, boat, or recreational vehicle shall be on a lawfully permitted hard-surfaced area constructed of concrete or asphalt.

(2) The off-street parking of any automobile, trailer, camper, boat, or recreational vehicle shall not be within any building setback area unless on a lawfully constructed parking area adjacent to an alley.

(3) Any automobile, trailer, camper, boat or recreational vehicle stored on private property shall be licensed and registered to the property owner or tenant.

(4) Any automobile, trailer, camper, boat, recreational vehicle stored on private property shall not be used to store materials or equipment.

(GG) Driveways and curb openings. The following standards shall apply for each use.

	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
Single Family Interior Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot utilizing circular drive	14 feet	2	20 feet	10 feet

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Single Family Cul-de-Sac Lot	24 feet	1	20 feet	10 feet
Multi-Family (2-8Units)	24 feet	1	20 feet	10 feet
Multi-Family (Over 8 Units)	24 feet	2	20 feet	10 feet
Commercial/Business	36 feet	2	20 feet	10 feet
Industrial	50 feet	4	20 feet	10 feet

(HH) Residential occupancies. Residential occupancies of single and two family dwellings in the R-1, R-1S and R-2 Districts shall be limited to family-functional and family-traditional as defined by § 156.003. A family-traditional or family-functional may have 1 additional person residing with them for non-rental purposes or for the purposes of providing a housekeeping or personal service for the resident(s) therein.

(II) For every new attached or detached residential dwelling unit constructed, an individual water service and shut-off shall be installed for each dwelling unit. Multi-unit rental apartment buildings are not subject to this provision.

(JJ) Landscaping. In conjunction with any new residential dwelling, commercial or industrial building, landscaping, including seeded or sodding, shall occur within 1 year after a building permit is issued.

(KK) Pergolas and dog kennels.

(1) Building setbacks for pergolas and dog kennels are as follows:

Valley	Hilltop
Side yard - 5 feet	Side yard - 10 feet
Rear yard - 5 feet	Rear yard - 10 feet

(2) Pergolas and dog kennels shall not be located within any front yard building setback.

(LL) Playhouses. Permitted in any residential zoning district, subject to the following:

- (1) Maximum floor area shall not exceed 60 square feet.
- (2) Maximum height shall not exceed 5 feet.
- (3) Minimum setback is 5 feet from any rear or side property line.
- (4) Shall not be located within any front yard.
- (5) No more than 1 playhouse permitted on any lot.
- (6) Minimum setback is 5 feet from any ravine breakline.
- (7) Shall be located a minimum of 5 feet from any main, accessory or utility building.

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(MM) Garage and yard sales. Permitted in all residential districts and the Central Business District subject to the following:

(1) Events shall not exceed 3 days in length with no more the 4 events allowed in any 12-month period.

(2) No items related to the event shall be stored out-of-doors overnight.

(3) No items or materials shall be located in any boulevard or public right-of-way area. (1975 Code, § 11.06) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 21, passed 4-9-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 36, passed 8-15-1983; Am. Ord. 114, passed 5-7-1990; Am. Ord. 146, passed 3-6-1995; Am. Ord. 193, passed 7-24-2000; Am. Ord. 194, passed 7-24-2000; Am. Ord. 206, passed 4-16-2001; Am. Ord. 233, passed 12-1-2003; Am. Ord. 235, passed 1-20-2004; Am. Ord. 8, 4th Series, passed 1-16-2007; Am. Ord. 17, 4th Series, passed 1-17-2008; Am. Ord. 21, 4th Series, passed 1-20-2009; Am. Ord. 34, 4th Series, passed 1-18-2011; Am. Ord. 48, 4th Series, passed 1-22-2013; Am. Ord. 63, 4th Series, passed 1-5-2015; Am. Ord. 86, 4th Series, passed 4-3-2017; Am. Ord. 102, 4th Series, passed 4-2-2018; Am. Ord. 112, 4th Series, passed 1-22-2019; Am. Ord. 114, 4th Series, passed 5-6-2019; Am. Ord. 125, 4th Series, passed 2-18-2020)

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- ~~— (3) Existing site conditions. Elevations, vegetation, utilities and drainage.~~
- ~~— (4) Adjacent areas. Properties, bodies of water, roads, and the like, which may be affected by the land disturbing activity.~~
- ~~— (5) Erosion and sediment control measures. Methods to be used to control erosion and sedimentation on the site before, during and after the construction process.~~
- ~~— (6) Maintenance. Schedule of regular inspections and repair of erosion and sediment control structures.~~
- ~~— (7) Permanent stabilization. How the site will be stabilized after construction is completed.~~
- ~~— (8) Dewatering. The plan must include provisions for dewatering. Water may not be discharged in a manner that causes erosion or flooding of the site or of receiving channels or a wetland. Water pumped from the site shall be treated by 1 of the following processes: temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydrocyclones, swirl concentrators, or other controls as approved by the Director of Public Works or his/her designee.~~
- ~~— (9) Temporary sedimentation basins. Temporary sedimentation basins shall be installed when required by the version of the Minnesota Pollution Control Agency's NPDES Construction Permit Requirements in place at the time of application. All temporary and permanent basins shall be designed in accordance with the MN Stormwater Manual.~~

(D) NPDES Construction Site Permit. Any construction activity that disturbs 1 or more acres is required to obtain a separate NPDES Construction Site Permit from the Minnesota Pollution Control Agency (MPCA). A copy of this permit and erosion and sediment control plan shall be submitted to the city.

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§ 54.07 REVIEW OF PLAN.

(A) Site plans for new development and redevelopment of any kind will be assessed for stormwater quantity control and stormwater quality management. No permits shall be issued until a site plan meeting the requirements of this section has been submitted by the applicant.

(B) The applicant shall submit information adequate for the city to evaluate if the plans meet the requirements of the section.

(C) The city shall complete a review of the erosion and sediment control plan within 14 calendar days of receiving the plan from the developer.

(1) Permit required. If it determines that the plan meets the requirements of this chapter, the city shall issue the appropriate permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the plan.

(2) Denial. If it determines that the plan does not meet the requirements of this chapter, the city shall not issue a permit for the land disturbance activity.

(D) City inspections and enforcement. The city shall conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all cases, the inspectors will attempt to work with the developer to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, enforcement action(s) shall be taken by the city until erosion and sediment control measures meet the requirements of this chapter. An inspection may be needed before work can commence. Inspections are required as follows:

(1) Before any land disturbing activity begins.

(2) As necessary or required during construction.

(3) At the completion of the project.

(E) The city reserves the right to conduct other random inspections during the course of the project to ensure compliance with the plan.

(F) Inspections and maintenance of temporary and permanent BMPs shall be performed by the Applicant during construction.

(G) Inspections and maintenance shall meet or exceed the criteria listed in the MN General Permit to Discharge Stormwater Associated with Construction Activity No. MN R100001 except as modified below:

(1) All off-site tracking shall be removed by the end of the business day unless otherwise authorized by the City.

(2) The Application shall provide site access during construction to the City for compliance inspections and shall make Applicant's records of maintenance and inspections available to the City upon request.

(a) The City shall notify the Applicant of deficiencies identified during City inspections.

(b) The Applicant shall correct deficiencies identified by the City within the timeframe requested by the City.



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~~(c) Where cooperation is withheld, construction stop orders may be issued by the City, until all erosion and sediment control deficiencies are corrected to the satisfaction of the City.~~

~~Owner inspections. Unless otherwise authorized by the city, all construction sites shall be inspected by the owner or the owner's representative at least once per 7 calendar days and within 24 hours after a rainfall event greater than 0.5 inches in a 24-hour period.~~

~~— (1) Records of each inspection shall be kept at the project site. The records shall clearly show the following information:~~

~~— (a) Date and time of inspection;~~

~~— (b) Date and amount of any rainfall greater than 0.5 inches in a 24-hour period;~~

~~— (c) Name of inspector;~~

~~— (d) Findings of the inspection; and~~

~~— (e) Documentation of corrective actions required and the actions taken.~~

~~— (2) The owner shall make these records available to the city upon request.~~

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§ 54.09 PERMANENT STORMWATER BMPS.

(A) The applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage:

(1) Storm peak discharge rates to pre-project rates for the 2.0-yr, 10-yr, and 100-yr 24-hour storm events.

(2) Sites that disturb less than 1.0 acres shall be designed to control runoff rate so as to not cause downstream flooding or erosion.

(3) Sites that disturb 1.0 acre or more shall provide permanent BMPs, with highest preference given to Green Infrastructure techniques and practices necessary to meet the following conditions on the site of construction activity to the Maximum Extent Practicable.

(a) Stormwater release rates and volume from the site on an annual average basis shall not increase over the predevelopment twenty-four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharges rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

(b) Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal.

(c) Applicants shall provide documentation showing rate, volume, and water quality compliance. Calculations shall be by a methodology listed in the MPCA Stormwater Manual or other method approved by the City.

(B) Oil and grease control. Where the potential for pollution by oil, grease, or both, exists, the City may require installation of an oil and grease removal device designed to handle the volume and type of material anticipated.

~~— (2) Volume, Total Suspended Solids (TSS), Total Phosphorus (TP) such that there is no net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on an annual average basis for redevelopment projects.~~

~~— (a) For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within project boundaries. Such projects may include:~~

~~—— 1. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;~~

~~—— 2. Sites where infiltration is prohibited; or~~

~~—— 3. Other locations as determined by the Director of Public Works or his/her designee.~~



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~~—(B) Investigation of practices. The following stormwater management practices shall be investigated in developing a Stormwater Management Plan in the following descending order of preference:~~

~~—(1) Infiltration of runoff on-site, if suitable soil conditions are available for use except that infiltration shall be prohibited where:~~

~~—(a) Industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.~~

~~—(b) Vehicle fueling and maintenance occur.~~

~~—(c) Less than 3 feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock can be achieved.~~

~~—(d) High levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.~~

~~—(e) Soil infiltration rates are more than 8.3 inches per hour.~~

~~—(f) Soils are predominately Hydrologic Soil Group D (clay), except where soil amendment will allow for appropriate infiltration.~~

~~—(2) Flow attenuation by use of open vegetated swales and natural depressions;~~

~~—(3) Stormwater retention facilities; and~~

~~—(4) Stormwater detention facilities.~~

~~—(C) Projects must include creation of new or retrofit existing structural stormwater Best Management Practices or utilize properly designed regional structural stormwater Best Management Practices. Routine maintenance of existing structural stormwater Best Management Practices does not meet the requirement to provide stormwater management under division (D). Projects that have made reasonable effort but been unable to fully meet volume, TSS and TP requirements within the project limits may upon authorization by the Director of Public Works or his/her designee utilize the following methods to meet that portion not met onsite:~~

~~—(1) Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;~~

~~—(2) Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site, if this is not feasible then;~~

~~—(3) Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;~~

~~—(4) Provide treatment that yields the same benefits at a site approved by the city.~~

~~—(D) Applicants shall provide documentation showing compliance with divisions (A), (B), and (C) above. Acceptable options shall be:~~

~~—(1) For Rate and Volume:~~

~~—(a) Select from the Modeling Tool Section of the MPCA Stormwater Manual; or~~

~~—(b) Other method approved by the Director of Public Works or his/her designee.~~

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~~—(2) For TSS and TP:~~

~~—(a) Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website; or~~

~~—(b) Other method approved by the Director of Public Works or his/her designee.~~

(CE) Performance security. Prior to approval of permits for construction, the applicant may be required to submit an agreement to construct such required physical improvements, to dedicate property or easements, to provide performance security (letter of credit or performance bond), and to comply with such conditions as may have been agreed to.

(DE) Failure to complete. If the applicant fails to complete the required stormwater improvements within 24-months of beginning construction of the project they are intended to mitigate, the city may make provisions to complete the required stormwater improvements or to provide equivalent downstream treatment. The city shall use any performance security held for the work or may utilize special assessments as provided in M.S. § 429 to reimburse itself for costs associated with this work.

(EG) Where the City Council authorizes the construction of private stormwater management facilities, the applicant shall designate the responsible party for inspection and maintenance of all private stormwater management facilities in an agreement to be recorded against the properties being developed. In addition, the agreement shall provide for:

(1) Description of anticipated maintenance activities and frequency.

(2) Access in perpetuity for inspection of the facilities by the Director of Public Works or his/her designee.

(3) Access in perpetuity for maintenance of the facilities should the Director of Public Works or his/her designee find that stormwater facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.

(4) If the expense is not paid, the expense will be made a special assessment against the property concerned in accordance with M.S. § 429.061 and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, as the City Council may determine in each case.

(H) Removal or alteration of Structural Stormwater Best Management Practices. Structural Stormwater Best Management Practices installed to fulfill the requirements of this chapter shall be maintained in compliance with the approved maintenance plan. Where no plan is in place they shall be maintained in compliance with accepted Industry Standard and Minnesota Pollution Control Agency recommendations. No Structural Stormwater Best Management Practices shall be removed or altered in such a way to decrease structural Stormwater Best Management Practices effectiveness without:

(1) Authorization of the Director of Public Works or his/her designee; and

(2) Providing new or improved Structural Stormwater Best Management Practices providing or exceeding that amount lost due to the alteration or removal.



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TITLE IX: GENERAL REGULATIONS

CHAPTER 92: HEALTH AND SAFETY; NUISANCES

§ 92.19 NUISANCE PARKING AND STORAGE.

(A) Declaration of nuisance. The outside parking and storage on residentially-zoned property or public rights-of-way of large numbers of vehicles, trailers, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

(B) Unlawful parking and storage.

(1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property.

(3) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) Vehicles that are parked or stored outside in the front-yard area must be on a paved driveway area.

(b) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(4) A person must not place, store or allow the placement of any garbage dumpster, portable storage unit or similar non-permanent structure on any residential property, including driveways, for longer than 10 consecutive days, except for dumpsters on private property where a valid building permit has been issued. These types of non-permanent structures are not permitted on any street or public right-of-way.

(C) Salt Storage.

(1) Commercial, institutional, and non-NPDES permitted industrial facilities storing salt and salt-containing materials outdoors must meet minimum standards for storage and handling.

(a) Designated salt storage areas must be covered or indoors;

(b) Located outside of areas likely to flood or to be exposed to stormwater or snowmelt runoff;

(c) Located on an impervious surface; and

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\_\_\_\_\_ (d) Protection practices to reduce exposure when transferring material in designated salt storage areas such as but not limited to sweeping, diversions, and/or containment must be implemented.

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TITLE XV: LAND USAGE

CHAPTER 155: SUBDIVISION REGULATIONS

§ 155.49 STORMWATER DESIGN CRITERIA.

(A) Stormwater modeling shall be in accordance with United States Soil Conservation Service (SCS) Technical Release 55 or 20, i.e. TR-55 or TR-20.

(B) Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal. Stormwater detention basins shall be designed to store sufficient excess runoff from the proposed development. Composite post-developed site runoff must be equal to or less than the composite pre-developed site runoff for the 5 and 100 year rainfall events. The SCS 24-hour, 5 year and 100 year rainfall events are 3.7 inches and 6.1 inches, respectively.

(C) Post-developed design site conditions, requiring diversion of stormwater from an existing inlet point to another inlet point on a different outfall sewer, shall meet the following: post-developed flow draining to an existing stormwater inlet point shall be equal to or less than the undisturbed pre-developed flow draining to that point.

(D) The following information shall be submitted to the city for review by the City Engineer:

- (1) SCS curve numbers for the pre-developed and post-developed site conditions;
- (2) Soil type(s) used in calculations;
- (3) Size, elevation and location of proposed stormwater system outfall(s);
- (4) Size, elevation, location and detail of proposed pond outlet structure;
- (5) Map or plan showing the pre-developed and post-developed design drainage districts;
- (6) Pond grading plan showing the proposed contour elevations and location of the pond's emergency overflow spillway; and
- (7) All drainage hydrographs, pond routing and peak elevation/outfall calculations.

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§ 156.035 GENERALLY.

The regulations of this chapter within each district shall be minimum regulations and shall apply uniformly within each district, except as may be permitted or provided by this chapter.

(A) District conformance. No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(B) Alterations. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or allowed to be erected or altered in any other manner contrary to the provisions of this chapter.

(C) Requirement computations. No part of a yard or other open space, or off-street parking required for or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as may be permitted by this chapter. Regulations requiring the use of numerical computations shall utilize the method provided by this chapter. Where no method has been provided by this chapter, it shall be the duty of the Zoning Administrator to determine appropriate uniform means of computation. In the event fractional sums, differences, products or quotients are determined in the application of this chapter, these values shall be "rounded off" to the applicable unit of measurement.

(D) Yard or lot reductions.

(1) No yard or lot existing at the time of the passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein except detached dwellings located on lots contained in plats recorded prior to the year 1958 which shall not be less than the following:

- (a) Front yards: 20 feet;
- (b) Side yards: 5 feet;
- (c) Rear yards: 20 feet;
- (d) Lot width: 50 feet.

(2) Yards or lots created after the effective date of this chapter shall not be less than the minimum requirements established by this chapter.

(E) Accessory uses. Accessory uses or structures shall not be located in any required front, side, rear or transitional yard except as may be permitted in this section.

(1) The following accessory uses or structures shall be permitted in any required rear or front yard in any residential zoning district, provided a 15 foot rear yard setback and the required front yard setback is maintained:

(a) Decks or elevated platforms, either attached to a dwelling or free standing, with no roof or overhead structure of any type;

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(b) Patios or paved areas that are level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.

(2) The following accessory uses or structures shall be permitted in any required rear yard in any zoning district, provided a 5 foot rear yard setback is maintained, and any required side yard in any zoning district, provided a 5 foot side yard is maintained from the furthest point of the building to the respective property line: utility buildings;

(3) The following are minimum rear yard setbacks for swimming pools, including attached deck or apron:

Pool Type	Property Type	Minimum Rear Yard Setbacks
In-ground	Non-ravine	Rear - 10 feet
In-ground	Ravine	Rear - 10 feet with the provision that upon inspection of the ravine by city staff, the setback can be increased to 25 feet
Above-ground	Non-ravine	Rear - 10 feet
Above-ground	Ravine	Rear - 25 feet

(a) The breakline shall be established by the Building or Construction Inspector prior to construction.

(F) Height exceptions. The building height limits established herein for districts shall not apply to belfries, cupolas, domes, spires, monuments, radio towers, flag poles, chimneys, water tanks, towers, solar collectors, wind energy conversion systems and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending above the roof of any building and not occupying more than 10% of the area of such roof. Building height limit exceptions shall conform to all structural design standards specified by the Minnesota State Building Code, as amended. In no event shall this section be construed to allow the construction or continued maintenance of structures constituting a hazard to the abutting property or the public at large. Where the average slope of lot is greater than 1 foot rise or fall in 7 feet of horizontal distance from the established street elevation at the property line, 1 story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

(G) Accessory buildings. If an accessory building is attached to the main building, it shall be made a structural part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than 5 feet to the main building or another accessory building. In no event shall an accessory building be permitted on a vacant lot or when not subordinate to and serving the principal use structure on the same lot.

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(1) An accessory building larger than 168 square feet shall be accessible by a hard-surfaced driveway which meets all applicable setback regulations.

(2) Private garages used as accessory structures for one and two-family residential dwellings shall not exceed a combined total of 1,400 square feet of floor space per lot for all structures.

(3) No pole barn type construction is permitted for any residential private garage.

(4) Detached residential garage roofs must have a hipped or gable design. No barn-type roofs are permitted on detached garages.

(H) Earth sheltered buildings.

(1) Where an earth sheltered building substantially alters the natural watershed of the lot, computations for yard area shall be based on measurements from the surrounding cover of earth. In cases where the earth sheltered building has been made part of the natural terrain, computations for yard area shall be made from the exterior surface of the building.

(2) All applications for building permits for earth sheltered buildings shall be accompanied by a drainage plan.

(I) Wind energy conversion systems (WECS).

(1) The location, design, maintenance and removal of WECS shall be governed as follows. WECS shall be considered a conditional use in all zoning districts. All appropriate regulations within each zoning district must be complied with in addition to regulations outlined below;

(2) Applicants requesting a building permit for a WECS shall furnish such scale drawings and information as the city deems necessary. This information may include, but is not limited to the following: a plot plan of the premises involved showing lot lines, the accurate location of all buildings or structures on the premises and on each adjacent plot and the location of proposed tower and all guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.

(3) The permitted maximum height of a WECS shall be determined in one of two ways:

(a) A ratio of 1 to 1 between the distance from the closest property line to any part of the WECS to the height of the tower;

(b) A maximum of 100 feet in agricultural and industrial districts and 60 feet in residential and commercial districts. The shortest height of the two above-mentioned methods shall be used in determining maximum height. Height shall be measured from the surrounding grade to the rotor hub or top of the tower, whichever is higher.

(4) No part of a WECS shall be located within or above any required front, side or rear setback area.

(5) All WECS shall be designed to meet the following minimum standards:

(a) An automatic braking device capable of halting operation in high winds (40 m.p.h. or greater) shall be incorporated;



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(b) The WECS shall be designed, constructed and operated so as to not cause radio and television interference;

(c) The WECS shall be operated and maintained in a condition which will not cause unreasonable noise emissions;

(d) The WECS shall be placed on the property in a position which will not unreasonably obstruct the view from neighboring properties;

(e) The WECS shall be guarded against unauthorized climbing. The first 12 feet of the tower shall be unclimbable by design or be enclosed by a 6 foot high, nonclimbable fence with a secured access;

(f) The WECS shall be designed and installed to withstand natural lightning strikes;

(g) The WECS electrical equipment and connections shall adhere to all state and local government, as well as power company rules and regulations and standards.

(6) Any WECS which fails to comply with this chapter shall be brought into compliance within 90 days after notice by the city, or be dismantled. Any WECS not in operation for 12 months shall be dismantled.

(7) WECS existing at the date of adoption of this chapter or existing at the time of annexation, shall be brought into compliance within 12 months or be dismantled.

(8) The owner of a WECS which is to be dismantled must accomplish such act within 30 days or the city is empowered to dismantle such WECS and assess the costs against the property.

(9) WECS that are by nature ornamental, rather than functional, shall be exempt from this chapter if total height is less than 25 feet.

(10) The city requires liability insurance to be maintained on the WECS by its owner.

(11) In order to insure adequate wind access, the city does encourage the use of private easements and restrictive covenants as a means to protect wind access.

(j) Minimum structural requirements. The following shall be minimum structural requirements in all residential districts:

(1) All structures used for residential occupancy shall have a minimum width of 24 feet and shall be affixed to a continuous permanent foundation constructed of concrete block, poured concrete or wood.

(2) A private attached or unattached garage having a minimum floor area of 280 square feet shall be required to be built concurrent with each dwelling constructed.

(3) Roof systems must have a 2-12 minimum pitch. Hip, gable, mansard, gambrel or shed roof designs are allowable. Flat roofs are not recommended and will require engineering drawings and snow load certification.

(4) The provisions of this subdivision shall apply to all structures used for residential occupancy except structures controlled by the provisions of Ch. 152.

(5) A residential structure shall have a minimum width of 24 feet at its narrowest point and a minimum depth of 32 feet with a minimum floor area of 800 square feet on the main floor.

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(6) Residential structures shall be placed upon and affixed to a permanent foundation consisting of concrete block, concrete, or treated wood. The foundation shall be solid for the complete circumference of the structure except for necessary doors or windows. The foundation shall align vertically with the outer walls of such structure for its complete circumference and shall, as well, provide such other support for the structure as is required pursuant to the Minnesota State Building Code.

(K) Residential driveways.

(1) The maximum allowable driveway width measured at the front property line on residential property having a width of less than 80 feet shall not exceed 24 feet. The maximum allowable driveway width measured at the front property line on a residential property having a width of 80 feet or more shall not exceed 30 feet. There shall be a minimum of 20 feet of hard surfaced driveway located perpendicular from the face of any garage stall to the street. All driveways shall conform to the required side yard building setbacks for the district it is within.

(2) Circular drives. The maximum allowable driveway width measured at the property line on residential property shall not exceed 14 feet.

(3) For garages with access from the alley there shall be a minimum of 20 feet of hard-surfaced driveway, located perpendicular from the face of any garage stall to the alley or side property line, depending on the position of the garage doors. In no event shall a driveway encroach into a side yard building setback.

(L) Ravine setbacks. For all uses permitted there shall be a setback of no less than 25 feet, measured from the breakline of an adjacent ravine to any permanent structure, including but not limited to: dwellings, garages, decks, and above-ground patios. Gazebos exceeding 144 square feet in size are subject to a 25-foot ravine breakline setback. The breakline shall be established by the Building or Construction Inspector prior to construction. Permitted uses in the 25-foot setback

(M) Cul de sac lot provisions.

(1) Lot width. The minimum lot width measured at the front property line on platted cul de sac lots shall be a minimum of 50 feet.

(2) Driveways. The maximum allowable driveway width measured at the property line on cul de sac lots shall not exceed 24 feet. Beginning at the front property line, the driveway width may be enlarged at an angle not greater than 45 degrees to a point not closer than 10 feet to any side property line.

(N) Carports. Permitted within any zoning district subject to applicable setback regulations within each zoning regulation.

(O) Amateur radio towers. Permitted within any zoning district subject to applicable setback and building height requirements.

(P) Storage or utility sheds. Permitted in any residential zoning district subject to the following:

(1) Maximum floor area shall not exceed 168 square feet.

(2) Minimum setback is 5 feet from any rear or side property line.

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- (3) Located a minimum of 5 feet from any main or accessory building.
- (4) Shall not be located within any front yard.
- (5) Maximum height shall not exceed 14 feet.
- (6) Overhangs shall not exceed 2 feet.
- (7) Access door shall not exceed 6 feet in width.
- (8) No more than 1 storage shed or utility shed is permitted on any lot.
- (9) Minimum setback is 5 feet from any ravine breakline.

(Q) Setbacks for accessory buildings. The building setbacks for garages on lots platted prior to 1958 are as follows:

- (1) Garage when the vehicle entrance doors face an adjacent alley; 20 foot rear, 5 foot side.
- (2) Garage when the vehicle entrance doors face a side property line; 5 foot rear, 5 foot side.
- (3) Garage when the vehicle entrance doors face an adjacent street; 5 foot rear, 5 foot side.
- (4) Corner lots are subject to 2 front yard setbacks.

(R) Foundation drainage. All residential and commercial foundation drains shall be connected to a sump pump or directed into an adjacent ravine with the discharge line located at the bottom of the ravine. Beginning at a distance of 3 feet from the foundation wall, a drainage pipe shall be non-perforated.

(S) Land preparation. The initial stripping of land for any development requires the removal of all organic material and soil to a depth of at least 12 inches. Professional soil engineer or building inspector findings may require the removal of more than 12 inches of soil.

(T) Minimum distance between buildings. The minimum distance between privately owned primary or accessory buildings shall be 5 feet.

(U) Foundation elevations. The following standards apply for all new residential construction:

(1) Finished grade elevations shall have a minimum of 5% slope up to a maximum of 8% slope, from the back top of curb to the finished grade elevation adjacent to the foundation wall. This applies to the minimum front yard setback requirements for valley and hilltop locations. Any variations are subject to be reviewed for approval by the City Building Official. Criteria for determining setback elevations beyond minimum setbacks are subject to the following:

- (a) Required setbacks.
- (b) Surface contours.
- (c) Elevations of adjacent properties.
- (d) Distance from top back of curb.
- (e) Drainage.

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(2) The City Building Official shall establish the final floor elevation for all new residential, commercial or industrial buildings.

(3) Window well casings shall be constructed a minimum of 6 inches above finished grade.

(4) Residential property drainage. Drainage resulting from new home construction must conform to the topography of the land and be directed so as to not to adversely affect neighboring property. Drainage plans are subject to Building Inspector approval.

(V) Driveway paving. Driveway paving shall occur within 1 year after a building permit is issued for a garage and/or driveway having access to a public street or alley. The driveway shall be hard surfaced.

(W) Stormwater drainage plan. On-site stormwater detention is required for any new parking lot. Prior to issuance of a building permit, a stormwater drainage plan shall be submitted and approved by the City's Construction Inspector (refer to standards).

~~(X) Stormwater detention pond. For any residential, commercial or industrial development utilizing more than 1 acre of land, an on-site stormwater detention pond is required. Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal.~~ Prior to issuance of a building permit, a Stormwater Drainage Plan shall be submitted and approved by the Building Inspector. Setbacks for storm water ponds, rain gardens or other storm water retention areas shall be a minimum of 10 feet from any property line.

(Y) Address identification numbers. Any residential dwelling unit or Commercial/Industrial building shall display address identification numbers on the dwelling or building that shall be visible from the nearest public street and be of a contrasting color from the dwelling or building. The height of the numbers shall be no less than 4 inches.

(Z) Property corners. Prior to construction of any new residential dwelling, dwelling addition, garage, garage addition or commercial/industrial building, it is the responsibility of the property owner to establish or display all property corners. For any other type of project that requires a building permit, it may be necessary for the property owner to display property corners at the request of the Building Official or Assistant Building Inspector. Property corners shall be located by the property owner or a registered land surveyor.

(AA) Underground systems. Underground invisible pet fencing shall be located a minimum of 3 feet from any sidewalk or street. Any underground sprinkler system installed within any public right-of-way is at risk from damage as a result of street or utility maintenance or any other public improvement project. The city accepts no responsibility for underground sprinkler system or invisible pet fencing damage in any public right-of-way.

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(BB) Home occupations. Home occupations are permitted uses in residential districts and shall conform to the following standards:

- (1) Such use shall be operated entirely within the primary living dwelling. The use of an attached or detached accessory building or garage for such use is prohibited.
- (2) Such use shall not employ any person not residing on the premises.
- (3) Such use shall not exceed 1/3 of the main floor space of a dwelling.
- (4) Only 1 home occupation shall be operated within a dwelling.
- (5) There shall be no outside storage of materials, goods, supplies, or equipment of any kind related to the home occupation.
- (6) No traffic or parking demand shall be generated by such use in greater volumes than would normally be expected in a residential neighborhood.
- (7) Any occupation shall be clearly secondary to the main use of the premises as a residential dwelling.

(8) The owner of the building shall be the operator of the home occupation.

(CC) Outside storage of materials in Business or Commercial districts. Where outside storage of materials, equipment and product is permitted in a Business or Commercial district, such outside storage shall conform to the following provisions.

(1) Outside storage shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 6 feet in height.

(2) Outside storage areas shall be hard surfaced using concrete or asphalt material.

(3) Outside storage areas shall not be located within setback areas.

(4) All materials stored outside shall be directly associated with the business.

(DD) Outside storage in Industrial districts. Where outside storage of materials, equipment and product is permitted in an Industrial district, such outside storage shall conform to the following provisions.

(1) Outside storage areas shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 8 feet in height.

(2) Outside storage areas shall be hard surfaced using concrete or asphalt material.

(3) Outside storage areas shall not be located within setback areas.

(4) All materials stored outside shall be directly associated with the industry.

(EE) Outside storage of materials in Residential districts. In any Residential zoning district, it is unlawful for any person to discard, place, accumulate, maintain or store out of doors, the following:

(1) (a) Unlicensed, unregistered or inoperable motor vehicles, recreational vehicle, boats, campers, snowmobiles, trailers or similar equipment.

(b) In the event a licensed motor vehicle parked or stored out of doors on private property has not been moved within a consecutive 30-day time period, the Zoning Administrator may, by written letter to the property owner, request that the vehicle owner

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demonstrate the vehicle is operable by starting and driving the vehicle a distance of not less than 500 feet. The operation to be observed by the Zoning Administrator or his or her designee.

- (2) Motor vehicle bodies, frames, parts, tires, rims or other machinery or equipment.
- (3) Household furnishings or appliances.
- (4) Lumber or construction materials.
- (5) Non-residential vehicles including but not limited to: tractors, buses, skid loaders and commercial trucks.
- (6) Lawnmowers, snowblowers and other lawn and garden equipment.
- (7) Garbage, litter and other debris which is considered to be a public nuisance by the Zoning Administrator.
- (8) The outside storage of materials shall not be located within any building setback area.

(FF) Outside storage of vehicles in Residential districts. In any Residential district, the off-street parking of vehicles shall conform to the following provisions.

(1) The off-street parking on any automobile, trailer, camper, boat, or recreational vehicle shall be on a lawfully permitted hard-surfaced area constructed of concrete or asphalt.

(2) The off-street parking of any automobile, trailer, camper, boat, or recreational vehicle shall not be within any building setback area unless on a lawfully constructed parking area adjacent to an alley.

(3) Any automobile, trailer, camper, boat or recreational vehicle stored on private property shall be licensed and registered to the property owner or tenant.

(4) Any automobile, trailer, camper, boat, recreational vehicle stored on private property shall not be used to store materials or equipment.

(GG) Driveways and curb openings. The following standards shall apply for each use.

	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
Single Family Interior Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot utilizing circular drive	14 feet	2	20 feet	10 feet

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Single Family Cul-de-Sac Lot	24 feet	1	20 feet	10 feet
Multi-Family (2-8Units)	24 feet	1	20 feet	10 feet
Multi-Family (Over 8 Units)	24 feet	2	20 feet	10 feet
Commercial/Business	36 feet	2	20 feet	10 feet
Industrial	50 feet	4	20 feet	10 feet

(HH) Residential occupancies. Residential occupancies of single and two family dwellings in the R-1, R-1S and R-2 Districts shall be limited to family-functional and family-traditional as defined by § 156.003. A family-traditional or family-functional may have 1 additional person residing with them for non-rental purposes or for the purposes of providing a housekeeping or personal service for the resident(s) therein.

(II) For every new attached or detached residential dwelling unit constructed, an individual water service and shut-off shall be installed for each dwelling unit. Multi-unit rental apartment buildings are not subject to this provision.

(JJ) Landscaping. In conjunction with any new residential dwelling, commercial or industrial building, landscaping, including seeded or sodding, shall occur within 1 year after a building permit is issued.

(KK) Pergolas and dog kennels.

(1) Building setbacks for pergolas and dog kennels are as follows:

Valley	Hilltop
Side yard - 5 feet	Side yard - 10 feet
Rear yard - 5 feet	Rear yard - 10 feet

(2) Pergolas and dog kennels shall not be located within any front yard building setback.

(LL) Playhouses. Permitted in any residential zoning district, subject to the following:

- (1) Maximum floor area shall not exceed 60 square feet.
- (2) Maximum height shall not exceed 5 feet.
- (3) Minimum setback is 5 feet from any rear or side property line.
- (4) Shall not be located within any front yard.
- (5) No more than 1 playhouse permitted on any lot.
- (6) Minimum setback is 5 feet from any ravine breakline.
- (7) Shall be located a minimum of 5 feet from any main, accessory or utility building.



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(MM) Garage and yard sales. Permitted in all residential districts and the Central Business District subject to the following:

(1) Events shall not exceed 3 days in length with no more the 4 events allowed in any 12-month period.

(2) No items related to the event shall be stored out-of-doors overnight.

(3) No items or materials shall be located in any boulevard or public right-of-way area. (1975 Code, § 11.06) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 21, passed 4-9-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 36, passed 8-15-1983; Am. Ord. 114, passed 5-7-1990; Am. Ord. 146, passed 3-6-1995; Am. Ord. 193, passed 7-24-2000; Am. Ord. 194, passed 7-24-2000; Am. Ord. 206, passed 4-16-2001; Am. Ord. 233, passed 12-1-2003; Am. Ord. 235, passed 1-20-2004; Am. Ord. 8, 4th Series, passed 1-16-2007; Am. Ord. 17, 4th Series, passed 1-17-2008; Am. Ord. 21, 4th Series, passed 1-20-2009; Am. Ord. 34, 4th Series, passed 1-18-2011; Am. Ord. 48, 4th Series, passed 1-22-2013; Am. Ord. 63, 4th Series, passed 1-5-2015; Am. Ord. 86, 4th Series, passed 4-3-2017; Am. Ord. 102, 4th Series, passed 4-2-2018; Am. Ord. 112, 4th Series, passed 1-22-2019; Am. Ord. 114, 4th Series, passed 5-6-2019; Am. Ord. 125, 4th Series, passed 2-18-2020)



# MS4 Stormwater Pollution Prevention Plan

City of North Mankato, MN  
September 2022



Real People. Real Solutions.

**Prepared by:**

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BMI Project No. 0M1.123853

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## BMP Summary Sheet

### Unique BMP MCM1: Public Education and Outreach

**MS4 Name:** City of North Mankato  
**Minimum Control Measure:** MCM1 Public Education And Outreach  
**BMP Title:** MCM1 Public Education and Outreach  
**MNR040000 Permit Reference:** Lines 16.1 - 16.9

#### BMP Description:

A public education program to distribute educational materials or equivalent outreach that informs the public of the impact stormwater discharges have on waterbodies and that includes actions citizens, businesses, and other local organizations can take to reduce the discharge of pollutants to stormwater.

Based on the EPA EJScreen report (Updated in 2022) the Population of North Mankato is approximately 13,480 and has the following demographics.:

	North Mankato, MN	State of MN
Low Income	20%	24%
Linguistically Isolated	2%	2%
Less Than High School Education	4%	7%
Under Age 5	7%	6%
Over Age 64	16%	15%

The City has identified that property owners, residents, and businesses in the City of North Mankato seek information via the City's official newspaper, City website, and City Facebook Page.

The education program will include the distribution of written educational items for each of the following topics:

- Household chemical disposal
  - The City will coordinate with the County for this educational outreach and event.
- Yard waste/composting
- Illicit discharge recognition and reporting
- Deicing salt impacts on receiving waters, methods to reduce use, and proper storage
- Pet waste impacts receiving waters, management of pet waste, and the City Code.

The City will use the official newspaper, City website, and City Facebook Page to distribute written educational items. The City may use additional methods of outreach such as radio and utility bill inserts from time to time to supplement the other methods used.

Written materials will be in English. The City will provide copies of written educational materials in alternative formats or languages upon request. Requests can be made via the email or phone numbers posted on the City website or in person at City Hall.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

**BMP Documentation and Measurable Goals:**

## Activities held

- At least one per calendar year,

## Educational materials distributed

- At least one seasonally appropriate educational material will be prepared and distributed each quarter.
- Dates, description, and estimated audience.

Document any feedback or requests for alternative educational material format from the Public and the City's Action because of that feedback or request.

- The City will respond to all feedback or requests within 5 regular business days.

**BMP Review and Update:**

This BMP will be reviewed each calendar year in advance of the MS4 Annual Report. The annual review will include an assessment of program compliance, and the measurable goals, and determine any necessary or desirable BMP improvements.

Necessary changes to the BMP will be documented as part of the MS4 Annual Reporting. Changes to the BMP will be implemented within 60-calendar days of the MS4 Annual Report being submitted.

**Schedule:**

Quarterly	Post seasonal materials and create links on the City website & City Facebook Page
Quarterly	Provide written information to City's Official Newspaper
As Needed	Radio and Utility Billing Inserts
Ongoing	BMP Documentation and Measurable Goals
Annual	BMP Review and update as needed.

**Responsible Party for this BMP:**

Title: City Administrator or his designee  
Contact Phone: (507) 625-4171  
Contact E-mail: [kmccann@northmankato.com](mailto:kmccann@northmankato.com)  
Other(s): Bolton & Menk will provide informational items for public outreach each month.  
City will coordinate household chemical disposal outreach with the County.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

## BMP Summary Sheet

### Unique BMP MCM2: Public Participation/Involvement

<b>MS4 Name:</b>	City of North Mankato
<b>Minimum Control Measure:</b>	MCM2 Public Participation/Involvement
<b>BMP Title:</b>	MCM2 Public Participation/Involvement
<b>MNR040000 Permit Reference:</b>	Lines 17.1 – 17.8

#### BMP Description:

A Public Participation/Involvement program to solicit public input on the SWPPP and involve the public in activities that improve or protect water quality.

The permit requires that the permittee provide a minimum of one opportunity for the public to provide input on the adequacy of the Stormwater Pollution Prevention Plan (SWPPP). To meet this requirement, the City will post the SWPPP on the City website. Comments will be accepted at any time and may be submitted via the contact information on the website or at the public comment period of any regularly scheduled City Council Meeting.

The annual reports, enforcement response procedures (ERPs), and stormwater ordinances are available to the public upon request. Requests can be made via the email or phone numbers posted on the City website or in person at City Hall.

The permit requires that the permittee must provide a minimum of one public involvement activity that includes pollution prevention or water quality theme. To meet this requirement the City will coordinate a household hazardous waste collection day with the County.

#### BMP Documentation and Measurable Goals:

Document all oral and written input regarding the SWPPP submitted by the public.

- The City will respond to all feedback within 5 regular business days.

Document the City's responses to public input and any revisions to the SWPPP.

- Activities held
  - At least one per calendar year,
  - Document dates, description, and estimated audience.

#### BMP Review and Update:

This BMP will be reviewed each calendar year in advance of the MS4 Annual Report. The annual review will include an assessment of program compliance, and the measurable goals, and determine any necessary or desirable BMP improvements.

Necessary changes to the BMP will be documented as part of the MS4 Annual Reporting. Changes to the BMP will be implemented within 60-calendar days of the MS4 Annual Report being submitted.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

<b>Schedule:</b>	
Annually	Post a public notice soliciting comments on the SWPPP.
Annually	Provide a public involvement event.
Ongoing	BMP Documentation and Measurable Goals
Annual	BMP Review and update as needed.
<b>Responsible Party for this BMP:</b>	
Title:	City Administrator or his designee
Contact Phone:	(507) 625-4171
Contact E-mail:	<a href="mailto:kmccann@northmankato.com">kmccann@northmankato.com</a>
Other(s):	City Clerk will post the public notice. Parks and Public Works employees will assist with the public involvement event. Public Works Department employees will provide feedback.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.



## BMP Summary Sheet

### Unique BMP MCM3: Illicit Discharge Detection and Elimination (IDDE)

<b>MS4 Name:</b>	City of North Mankato
<b>Minimum Control Measure:</b>	MCM3 Illicit Discharge Detection And Elimination
<b>BMP Title:</b>	MCM3 Illicit Discharge Detection and Elimination
<b>MNR040000 Permit Reference:</b>	Lines 18.1 – 18.18

#### BMP Description:

A program to detect and eliminate illicit discharges into the MS4.

The City will annually maintain and update a map(s) of the MS4 that includes:

- All pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes,
- Outfalls labeled with a unique identification (ID) number, and geographic coordinates,
- Structural stormwater BMPs,
- All receiving waters, and
- Inventory of priority areas identified as having a higher likelihood of illicit discharges. Areas will be determined based on:
  - Zoning,
  - Previous known or suspected IDDE, and
  - Areas with storage of significant materials that could result in an illicit discharge

The City Code prohibits non-stormwater discharges to the City's stormwater system, except for those non-stormwater discharges authorized in item 3.2 of the MS4 General Permit. The

The City Code requires owners or custodians of pets to remove and properly dispose of feces on City property.

At least once per year, outfalls will be inspected for illicit discharge. This inspection will be done during dry weather conditions (e.g., periods of 72 or more hours of no precipitation).

City Field Staff will receive training at least once per year to recognize IDDE. Training will be done using videos, handouts, posted materials, and in some cases attendance at outside events. The type and level of training will be determined based on the work duties and responsibilities.

- City Staff will report suspected IDDE to their direct supervisor.
- The direct supervisor will verify the report and follow the checklist for IDDE.
- Field staff to be trained includes but is not limited to police, fire department, public works, and parks staff.
- Training for IDDE may include, but is not limited to, videos, in-person presentations, webinars, training documents, and/or emails.

The City may contract for investigating, locating, eliminating illicit discharges, and/or enforcement or designate one or more City Staff to complete this task. City Staff designated to complete this task will receive training every three (3) calendar years following the initial training.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

## **BMP Written Procedures for this BMP:**

### **Investigating, Locating, and Eliminating the Source of Illicit Discharge:**

**The following written procedure will be followed for investigating, locating, and eliminating the source of illicit discharges.**

- **Timeframe:**
  - Reports of Illicit Discharge Received from the Public to the City via email, phone call, or visit to the City Hall:
    - An appropriate City Staff member from the Public Works or Parks Department or a Consultant will be dispatched to inspect the site. The IDDE Checklist will be used to evaluate the suspected IDDE and determine the next steps.
    - A response to the person(s) making the initial report will be made within 5 regular business days of the report being received.
  - Reports of Illicit Discharge Received from Emergency Responders (e.g. Fire or Police) 911 report:
    - The report will be forwarded to the Public Works non-work hours emergency on-call.
    - The on-call Staff member will use the IDDE Checklist to evaluate the suspected IDDE and determine the next steps.
  - Reports of Illicit Discharge Received from City Staff that are not related to an emergency response action:
    - The Field Staff will report the suspected IDDE to their immediate supervisor. The Supervisor will determine the urgency of the report and refer it accordingly.
    - report and determine using the IDDE Checklist if further investigation is necessary.
    - An appropriate City Staff member from the Public Works or Parks Department or a Consultant will be dispatched to inspect the site. The IDDE Checklist will be used to evaluate the suspected IDDE and determine the next steps.
- **Available Tools and Methods to Detect and Track the Source of an Illicit Discharge:**
  - When possible, the person inspecting the suspected IDDE will attempt to track the source by visually inspecting and following suspected IDDE upstream to determine the source and type of discharge.
  - When visual inspection is not possible, or if the source cannot be easily identified, the City may use storm sewer televising, water sampling and testing, smoke tests, dye tests, or other methods. The City Manager will determine with Consultant services are appropriate to assist with these actions.
  - Maps of the City stormwater collection system will be utilized to identify the upstream structure locations.
- **IDDE Containment and Cleanup Methods:**
  - IDDE Containment and Cleanup may require specialized training and equipment. City Staff will not attempt to contain or cleanup material if those actions would interfere with an emergency responder or if it would put themselves into a situation that requires PPE that they do not have training to use or availability at the site.
  - Cleanup methods for IDDE will depend on the source and composition.
  - When possible, City Staff will attempt to stop a suspected illicit discharge from entering a receiving water by containing the material by placing a sandbag or other block in the municipal storm conveyance system downstream of the suspected IDDE.
  - The City Manager will be notified as soon as possible about the extent and potential impacts of identified IDDE.
  - The City Manager will direct the reporting of the identified IDDE to the State Duty Officer and determine if Consultant assistance is appropriate.
  - The City will follow the directions of the State Duty Officer.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

- A clean-up plan will be developed and implemented.
- The City will implement the appropriate Enforcement Response Procedures depending on the IDDE.

**Spill Response:**

The following written procedure will be followed for responding to spills, including emergency response procedures to prevent spills from entering the MS4.

- Spill Avoidance:
  - Field Staff will be trained on spill avoidance for the duties assigned to them.
- Spill Response Checklist:
  - Field Staff will be trained on Spill Response and provided a Spill Response Checklist.
  - The Checklist includes:
    - How to identify a spill,
    - Steps to contain a spill,
    - Who and when to notify about a spill,
  - All spills that meet the criteria listed on the Spill Response Checklist will be reported to the City Manager.
  - The City Manager will:
    - Direct the reporting of the Spill to the State Duty Officer,
    - Direct any City Cleanup Response, and
    - Determine if Enforcement Response Procedures are appropriate

**Receipt of Stormwater Reports, Complaints, and Concerns:**

The following written procedure will be followed for receipt of reports, complaints, and concerns.

- The contact information for the City will be posted on the City Website.
- Complaints that are received will be forwarded to the City Manager.
- The City Manager will review the complaint and determine next steps, including but not limited to initiating action under the City's ERPs.

**Written Enforcement Response Procedures (ERPs):**

The City maintains written ERPs as described in this SWPPP and the City Code.

**BMP Documentation:**

Document all training:

- Date,
- Attendees' names and departments, and
- General subject matter covered.

Document Stormwater Reports and Complaints:

- Date and source of the report, and
- City response to the report.

Document all Enforcement Actions required under this BMP:

- name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s)
- date(s) and location(s) of the observed violation(s)
- description of the violation(s),
- corrective action(s) (including completion schedule) issued by the City,
- referrals to other regulatory organizations (if any), and
- date(s) violation(s) resolved.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

**BMP Review and Update:**

This BMP will be reviewed each calendar year in advance of the MS4 Annual Report. The annual review will include an assessment of program compliance, and the measurable goals, and determine any necessary or desirable BMP improvements.

Necessary changes to the BMP will be documented as part of the MS4 Annual Reporting. Changes to the BMP will be implemented within 60-calendar days of the MS4 Annual Report being submitted.

**Schedule:**

Annually	Field Staff Training (Training may be broken up to be seasonally appropriate.)
Annually	BMP, Written Procedure, Checklist, and ERPs review and update as needed.
Ongoing	BMP Documentation

**Responsible Party for this BMP:**

Title: City Administrator or his designee  
Contact Phone: (507) 625-4171  
Contact E-mail: [kmccann@northmankato.com](mailto:kmccann@northmankato.com)  
Others(s): Supervisors will schedule and document all field staff receive training.  
Field staff will complete assigned training.  
Bolton & Menk will provide training material.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

## BMP Summary Sheet

### Unique BMP MCM 4: Construction Site Stormwater Runoff Control

<b>MS4 Name:</b>	City of North Mankato
<b>Minimum Control Measure:</b>	MCM4 Construction Site Stormwater Runoff Control
<b>BMP Title:</b>	MCM4 Construction Site Stormwater Runoff Control
<b>MNR040000 Permit Reference:</b>	Lines 19.1 – 19.16

#### **BMP Description:**

A Construction Site Stormwater Runoff Control program for construction activity with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale

The permit requires that the permittee must develop, implement, and enforce a regulatory mechanism(s) that establishes requirements for erosion, sediment, and waste controls that is at least as stringent as the Agency's most current permit. The City Code requires projects to meet or exceed the requirements of the MN Construction Stormwater General Permit to Discharge Stormwater Associated with Construction Activity No. MNR100001.

The permit requires that the permittee's regulatory mechanism(s) to require site plans be submitted for review before the beginning of construction. §11.41 of the City Code meets this requirement.

City Staff performing site plan reviews and site inspections will receive training at least once per year for these duties. The type and level of training will be determine based on the work duties and responsibilities. Previously trained individuals will receive a refresher-training at least every three calendar years following the initial training.

#### **BMP Written Procedures for this BMP:**

##### **Site Plan Reviews:**

The following written procedure will be followed for Site Plan Review before the start of all construction activity.

- Sites that disturb 1.0 acres or more/Projects less than one acre that are part of a larger common plan of development or sale:
  - A written notice will be provided to the party that submitted the application to the City and the Property Owner of the need to apply for and obtain coverage under the CSW Permit,
  - A written checklist, consistent with the CSW and the City Code will be used to document the plan review. The checklist is based on the MPCA checklist (wq-strm2-47) modified to fit the needs of the City.
  - A copy of the checklist will be kept with the permit application for a period of not less than 3-calendar years from the date of all City permits being closed.
- Sites that disturb less than 1.0 acres and are not part of a larger common plan of development or sale:
  - A checklist will be used for the plan review.
  - The checklist may be discarded once the permit is approved.

##### **Site Inspections:**

The following written procedure will be followed for Site Inspections during construction activity.

- Sites that disturb 1.0 acres or more/Projects less than one acre that are part of a larger common plan of development or sale:
  - A written checklist, consistent with the CSW and the City Code will be used during site inspections. The checklist is based on the MPCA checklist (wq-strm2-36) modified to fit the needs of the City.
  - Sites will be spot inspected. All items on the checklist may not be included in each inspection.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

- Sites that disturb less than 1.0 acres and are not part of a larger common plan of development or sale:
  - No checklist will not typically be required or used for sites that fall into this category.
  - Erosion and sediment control on these sites will be inspected:
    - During routine inspections by the building inspector, and
    - In response to complaints or concerns reported to the City.

**High-Priority/Low-Priority Sites for Inspections:**

The following written procedure will be followed to determine high and low priority sites for inspections.

- Sites that do not require a CSW and area not located in the Shoreland Area will be considered Low Priority.
  - The City goal is to inspect all high-priority sites every 7 calendar days, but no less than every 14 calendar days.
- All other sites will be considered high priority.
  - The City will inspect low-priority sites during routine inspections by the building inspector, but no less than every 30 calendar days.
- All complaints or concerns reported to the City will be inspected within 5 regular business days of the City receiving the complaint or concern.

**Receipt of Stormwater Reports, Complaints, and Concerns:**

Refer to the written procedures section of MCM3 Illicit Discharge Detection And Elimination of this SWPPP for the written procedure for receipt of receipt of stormwater reports, complaints, and concerns.

**Written Enforcement Response Procedures (ERPs):**

The City maintains written ERPs as described in this SWPPP and the City Code.

**BMP Documentation:**

Document all Plan Reviews:

- Project name and Location,
- Total acreage to be disturbed,
- Property Owner and Construction Contractor (if known),
- For sites that are required to obtain coverage under the CSW Permit
  - Proof of coverage under the CSW Permit,
  - Calculations for the permanent stormwater treatment system,
  - Water quality volume treated compared to required water quality volume,
  - Any “higher level of engineering” used to justify deviation from the CSW or MS4 Permit Requirements.
  - All legal agreements related to stormwater:

Refer to the BMP Documentation section of MCM3 Illicit Discharge Detection and Elimination of this SWPPP for the items required to be documented for:

- Training,
- Receipt of Stormwater Reports, Complaints, and Concerns, and
- Enforcement Actions

**BMP Review and Update:**

This BMP will be reviewed each calendar year in advance of the MS4 Annual Report. The annual review will include an assessment of program compliance, and the documented information, and determine any necessary or desirable BMP improvements.

Necessary changes to the BMP will be documented as part of the MS4 Annual Reporting. Changes to the BMP will be implemented within 60-calendar days of the MS4 Annual Report being submitted.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.



<b>Schedule:</b>	
Annually	Staff Training
Annually	BMP, Written Procedure, Checklist, and ERPs review and update as needed.
Ongoing	BMP Documentation
<b>Responsible Party for this BMP:</b>	
Title:	City Administrator or his designee
Contact Phone:	(507) 625-4171
Contact E-mail:	<a href="mailto:kmccann@northmankato.com">kmccann@northmankato.com</a>
Others:	Supervisors will schedule and document staff receive training appropriate to their duties. Staff will complete assigned training. Bolton & Menk will provide training material.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

## BMP Summary Sheet

### Unique BMP MCM5: Post-Construction Stormwater Management

<b>MS4 Name:</b>	City of North Mankato
<b>Minimum Control Measure:</b>	MCM5 Post-Construction Stormwater Management
<b>BMP Title:</b>	MCM5 Post-Construction Stormwater Management
<b>MNR040000 Permit Reference:</b>	Lines 20.1 – 20.23

#### **BMP Description:**

A Post-Construction Stormwater Management program that prevents or reduces water pollution after construction activity is completed for construction activity with land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, within the permittee's jurisdiction and that discharge to the permittee's MS4.

The City ordinance requires the submittal of site plans with post-construction stormwater management BMPs designed with accepted engineering practices for review before permit approval. Construction may not begin until permit approval is received.

The City Code requires owners of construction activity to treat the water quality volume to meet or exceed the current CSW requirements. The City Code includes wording to meet the requirements of the 2013 MS4 General Permit.

The City maintains a mapped inventory of structural stormwater BMPs owned by the City.

A legal agreement such as a Development Agreement or similar document will be required for:

- New structural stormwater BMPs constructed that are intended to be owned and operated by a non-government party. The document will lay out requirements for long-term maintenance and provide access for City inspection.
- When cash payment or donation of land is made instead of construction of required structural BMPs, and
- When construction of required structural BMPs will not be completed within 24 calendar months of the start of the construction activity.

City Staff performing site plan reviews and inspecting structural BMPs will receive training at least once per year for these duties. The type and level of training will be determined based on the work duties and responsibilities. Previously trained individuals will receive refresher training at least every three calendar years following the initial training.

#### **BMP Written Procedures for this BMP:**

Refer to the written procedures section of MCM4 Construction Site Stormwater Control of this SWPPP for the written procedure for site plan reviews.

#### **Written Enforcement Response Procedures (ERPs):**

The City maintains written ERPs as described in this SWPPP and the City Code.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

**BMP Documentation:**

Refer to the BMP Documentation section of MCM3 Illicit Discharge Detection and Elimination of this SWPPP for the items required to be documented for:

- Training, and
- Enforcement Actions

Refer to the BMP Documentation section of MCM4 Construction Site Stormwater Control of this SWPPP for the items required to be documented for site plan reviews.

**BMP Review and Update:**

This BMP will be reviewed each calendar year in advance of the MS4 Annual Report. The annual review will include an assessment of program compliance, and the measurable goals, and determine any necessary or desirable BMP improvements.

Necessary changes to the BMP will be documented as part of the MS4 Annual Reporting. Changes to the BMP will be implemented within 60-calendar days of the MS4 Annual Report being submitted.

**Schedule:**

Sept. 2022	<ul style="list-style-type: none"><li>• The City Code will be updated to match the 2020 MS4 General Permit.</li><li>• The mapped inventory of BMPs will be updated to add those not owned or operated by the City.</li></ul>
Ongoing	BMP Documentation
Annual	BMP Review and update as needed.

**Responsible Party for this BMP:**

Title: City Administrator or his designee  
Contact Phone: (507) 625-4171  
Contact E-mail: [kmccann@northmankato.com](mailto:kmccann@northmankato.com)  
Others: City Council will amend the City Code to match the 2020 MS4 General Permit  
GIS Staff will update the mapped inventory of BMPs  
Supervisors will schedule and document staff receive training appropriate to their duties.  
Staff will complete assigned training.  
Bolton & Menk will provide training material and code revision recommendations.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

## BMP Summary Sheet

### Unique BMP MCM6: Pollution Prevention/Good Housekeeping for Municipal Operations

<b>MS4 Name:</b>	City of North Mankato
<b>Minimum Control Measure:</b>	MCM6 Pollution Prevention/Good Housekeeping for Municipal Operations
<b>BMP Title:</b>	MCM6 Pollution Prevention/Good Housekeeping
<b>MNR040000 Permit Reference:</b>	Lines 21.1 – 21.15

#### **BMP Description:**

An operations and maintenance program that prevents or reduces the discharge of pollutants to the MS4 from City-owned/operated facilities and operations.

The City maintains a mapped inventory of City-owned/operated facilities that may contribute pollutants to stormwater discharges.

The City reviews good housekeeping BMPs and implements new BMPs when feasible to prevent or reduce pollutants in stormwater discharges. Sample good housekeeping BMPs implemented by the City include:

- Waste disposal and storage, including dumpsters protected from contact with stormwater.
- Management of temporary and permanent stockpiles of materials such as street sweepings, snow, sand, and sediment removal piles
  - When feasible stockpiles are protected from contact with stormwater, and
  - Sediment controls at the base of stockpiles on the downgradient perimeter.
- Vehicle fueling, washing, and maintenance in designated areas only.
- Routine sweeping of municipal streets and parking lots.
- Annual Training for City Staff commensurate with individual's responsibilities as they relate to the permittee's SWPPP, including:
  - to recognize illicit discharge risks and implement controls to avoid them during normal duties. (e.g. park maintenance, pothole repair, paving activity, etc.)
  - use and location of Spill Kits
  - use of appropriate erosion and sediment controls during soil disturbing activity
  - proper use of herbicides, pesticides, fertilizers, and deicing materials
  - reporting and assessment activities
  - address the importance of protecting water quality

The City owned/operated salt storage areas are covered and on an impervious surface. Material loading and unloading are done in a designated area and spilled salt is swept up to avoid loss of salt.

#### **BMP Written Procedures for this BMP:**

Refer to the BMP written procedures section of MCM3 Illicit Discharge Detection and Elimination of this SWPPP for the written procedure for:

- Investigating, Locating, and Eliminating the Source of Illicit Discharge, and
- Spill Response

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

### **Determining TSS and TP Treatment Effectiveness**

The following written procedure is for the purpose of determining the Total Suspended Solids (TSS) and Total Phosphorus (TP) treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater. These procedures are not used to determine stormwater credits.

- The City will use a literature-based approach to assess stormwater pond effectiveness.
  - Pollutant removal percentages for stormwater pond BMPs vary. Values for TP and TSS include a range of values, from lowest to highest percent removal, observed in the literature.  
(*Pollutant Removal Percentages for Stormwater Pond BMPs. Minnesota Pollution Control Agency, 15 July 2015*)
    1. TSS (Low-median-high): 60-84-90
    2. TP (Low-median-high): 34-50-73
- Staff will evaluate the pond's design, construction, and maintenance before assigning TSS and TP effectiveness. Staff will use their best judgment when records or data are not available.
  - New ponds will be assigned estimated effectiveness based on the design and construction of the pond. Ponds will be reevaluated during subsequent inspection cycles for reduced effectiveness.
  - Existing ponds that have reduced detention times due to sediment build-up but are receiving regular maintenance and still effectively functioning in removing sediment will be assigned median effectiveness.
    1. TSS – 84%
    2. TP – 50%
- Existing ponds that have a substantial reduction in detention times due to sediment build-up (50%) and are receiving regular maintenance, but sediment removal is significantly diminished by the buildup, will be assigned low effectiveness.
  1. TSS – 60%
  2. TP – 34%
- Existing ponds that have a substantial reduction in detention times due to sediment build-up such that there is no sediment removal after precipitation events will be assigned zero effectiveness.
- Existing ponds that have been dredged to remove sediment build-up and restored to original design parameters will be assigned their original expected effectiveness.
  1. TSS – 90%
  2. TP – 73%
- In any situation above, staff may assign lower pond effectiveness if they determine that the original design and/or construction and/or existing maintenance preclude the pond from effectively removing sediments. Assigned values can range anywhere from 0-90% for TSS and 0-73% for TP.
- Staff will use the Minnesota Stormwater Manual wiki - Design Criteria for Stormwater Ponds ([http://stormwater.pca.state.mn.us/index.php/Design\\_criteria\\_for\\_stormwater\\_ponds](http://stormwater.pca.state.mn.us/index.php/Design_criteria_for_stormwater_ponds)) as a guide during pond evaluation.
- Staff will complete a visual inspection to ensure that there is not significant sediment buildup, hydrologic short-circuiting, or repairs/maintenance needed that would affect sediment or nutrient removal effectiveness.
- Pond effectiveness will be conducted in conjunction with the City's stormwater pond inspection cycle which runs concurrently with the MS4 General Permit cycle.
- Based on inspection findings, repair, replacement, or maintenance measures will be scheduled as necessary to ensure the structural integrity and proper function of structural stormwater BMPs and outfalls. The City will complete necessary maintenance as soon as possible. If necessary, maintenance cannot be completed within one year of discovery, the permittee must document a schedule(s) for completing the maintenance.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.

<b>BMP Documentation:</b>	
Refer to the BMP Documentation section of MCM3 Illicit Discharge Detection and Elimination of this SWPPP for the items required to be documented for:	
<ul style="list-style-type: none"> <li>• Training,</li> <li>• Investigating, Locating, and Eliminating the Source of Illicit Discharge, and</li> <li>• Spill Response</li> </ul>	
Document the following information associated with the operations and maintenance program:	
<ul style="list-style-type: none"> <li>• date(s) and a description of maintenance conducted as a result of inspection findings, including whether or not an illicit discharge is detected, and</li> <li>• schedule(s) for maintenance of structural stormwater BMPs and outfalls,</li> </ul>	
Document pond sediment excavation and removal activities, including:	
<ul style="list-style-type: none"> <li>• a unique ID number and geographic coordinates of each stormwater pond from which sediment is removed,</li> <li>• the volume of sediment removed from each stormwater pond,</li> <li>• results from any testing of sediment from each removal activity, and</li> <li>• location(s) of final disposal of sediment from each stormwater pond.</li> </ul>	
<b>BMP Review and Update:</b>	
This BMP will be reviewed each calendar year in advance of the MS4 Annual Report. The annual review will include an assessment of program compliance, and the measurable goals, and determine any necessary or desirable BMP improvements.	
Necessary changes to the BMP will be documented as part of the MS4 Annual Reporting. Changes to the BMP will be implemented within 60-calendar days of the MS4 Annual Report being submitted.	
<b>Schedule:</b>	
Sept. 2022	<ul style="list-style-type: none"> <li>• The City Code will be updated to match the 2020 MS4 General Permit.</li> <li>• Develop and implement a written Snow and Ice Policy including training for City Staff on the new policy.</li> <li>• Update training</li> </ul>
Ongoing	BMP Documentation
Annual	Inspect structural stormwater BMPs (other than ponds)
Annual	Inspect and observe City Staff operations and facilities <ul style="list-style-type: none"> <li>• Implement training, BMPs, and written procedures to correct or reduce potential sources of illicit discharge.</li> </ul>
Each Permit Cycle	Inspect all both City owned/operated and privately owned/operated basins at least one time per Permit Cycle.
<b>Responsible Party for this BMP:</b>	
Title:	City Administrator or his designee
Contact Phone:	(507) 625-4171
Contact E-mail:	<a href="mailto:kmccann@northmankato.com">kmccann@northmankato.com</a>
Others:	City Council will amend the City Code to match the 2020 MS4 General Permit Supervisors will schedule and document staff receive training appropriate to their duties. Staff will complete assigned training. Bolton & Menk will provide training material and code revision recommendations.

The information included or referenced on this Summary Sheet is intended to meet all SWPPP requirements for this BMP.



Real People. Real Solutions.

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Mankato, MN 56001-5900

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Bolton-Menk.com

## Summary of Recommended Ordinance Revisions

Date: September 9, 2022  
To: Kevin McCann, City Administrator  
Michael Fischer, Community Development Director  
From: Daniel R. Sarff, P.E., City Engineer  
Subject: MS4 Ordinance Update Recommendations  
City of North Mankato, Minnesota

### **I. § 54.05 STORMWATER - PURPOSE, SCOPE AND DEFINITIONS. Paragraph (B).**

- A. The current ordinance language requires a Storm Water Pollution Prevention Plan (SWPPP) for any land disturbance in the City regardless of size. The recommended changes set a minimum land disturbance area requiring a SWPPP to 1.0 acre.

### **II. § 54.06 STORMWATER - EROSION PREVENTION AND SEDIMENT CONTROL PLAN. Paragraphs (B) & (C)**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.

### **III. § 54.07 STORMWATER - REVIEW OF PLAN. Paragraphs (F) & (G)**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.

### **IV. § 54.09 STORMWATER - PERMANENT STORMWATER BMPS. Paragraphs (A)(2), (A)(B), & (B)**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.



**V. § 92.19 HEALTH AND SAFETY; NUISANCES - NUISANCE PARKING AND STORAGE. Paragraph (C).**

- A. This wording meet the requirement for salt storage outlined in the MS4 Permit.

**VI. §155.49 SUBDIVISION REGULATIONS - STORMWATER DESIGN CRITERIA. Paragraph (B).**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.

**VII. §156.035 ZONING CODE - GENERALLY. Paragraph (X).**

- A. This section was updated to reference the Construction Stormwater Permit SWPPP requirements and the MS4 permit Post-Construction Stormwater Management requirements. This will ensure that the City's ordinance is as but not more stringent than the permit requirements. It will also reduce the frequency of ordinance updates to match permit revisions.

**VIII. § 155.49 SUBDIVISION REGULATIONS - STORMWATER DESIGN CRITERIA.  
Paragraph (B).**

- A. Wording was added to incorporate the reference to the MS4 Permit for Post-Construction Stormwater management for sites with 1.0 or more acres of impervious.

**IX. § 156.035 ZONING CODE - GENERALLY. Paragraph (X).**

- A. Wording was added to incorporate the reference to the MS4 Permit for Post-Construction Stormwater management for sites with 1.0 or more acres of impervious.

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 13E	Department: Community Dev	Council Meeting Date: 9/19/22
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**TITLE OF ISSUE: Consider Resolution Approving the Sale of Real Estate.**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** Community Development Director Fischer will review the property and the proposed sale of 702 Range Street to Habitat for Humanity of Southern Minnesota, Inc.

*If additional space is required, attach a separate sheet*

**REQUESTED COUNCIL ACTION: Adopt Resolution Approving the Sale of Real Estate.**

**For Clerk's Use:**

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

Vote Record:

Aye      Nay

_____	_____	Oachs
_____	_____	Norland
_____	_____	Whitlock
_____	_____	Steiner
_____	_____	Dehen

**SUPPORTING DOCUMENTS ATTACHED**

Resolution    Ordinance    Contract    Minutes    Map

☒
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☐
☐
☐

Other (specify) Purchase Agreement

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☐ Workshop

☒ Regular Meeting

☐ Special Meeting

☐

Refer to: \_\_\_\_\_

☐

Table until: \_\_\_\_\_

☐

Other: \_\_\_\_\_

RESOLUTION APPROVING THE SALE OF REAL ESTATE

WHEREAS, the City of North Mankato owns certain real estate; and

WHEREAS, it is desirable to sell the hereinafter described real estate as follows:

Lot S ½ of LOT F SubdivisionCd 18615 SubdivisionName STEPHEN LAMM'S ADD  
702 Range Street  
PIN 18.615.0630  
Sale Price: \$40,000.00

Purchasers: Habitat for Humanity of Southern Minnesota, Inc.

Purpose: Construction of a new single-family home on the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the Mayor and City Clerk are authorized to execute the necessary documents to complete the sale of said property.

Adopted by the City Council this 19<sup>th</sup> day of September 2022.

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Mayor

ATTEST:

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City Clerk

## PURCHASE AGREEMENT

This Purchase Agreement ("**Agreement**") is made this \_\_\_\_\_ day of July, 2022 by the City of North Mankato ("**Seller**") and Habitat for Humanity of South Central MN ("**Buyer**").

In consideration of the mutual covenants and the undertakings contained herein, the parties agree as follows:

1. **Purchase of Land.** Sellers agree to sell to Buyer and Buyer hereby agrees to buy from Sellers, on the terms and conditions set forth herein, property located in Nicollet County, Minnesota and more fully described as follows to-wit:  
  
**South One-half of Lot F of S. Lamm's Addition to North Mankato, Nicollet County, Minnesota.**
2. **Purchase Price.** The purchase price ("**Purchase Price**") for the property is Forty thousand dollars (\$40,000.00) to be paid as follows:
  - a. \$1.00 down payment with remainder being due and payable at the time of closing.
3. **Covenants and Warranties of Sellers.** Sellers covenant and warrant to Buyers as follows:
  - a. On the Closing Date there will be no tenants, persons or entities occupying or having a right to occupy the Land or any part thereof.
  - b. At Closing, no contracts or agreements shall be in effect with respect to the Land by which Purchaser shall be bound, except those easements and agreements related to highway rights of way, utilities and the like, existing as of the date hereof filed with the office of the Nicollet County Recorder with respect to the Land.
4. **Closing: Closing Date.** The Closing shall take place on a date to be set by the parties, at a location to be determined by the parties.
5. At the Closing, the Sellers shall deliver to Buyers:
  - a. A Warranty Deed transferring all interest the Sellers have in the property.
6. **Real Estate Taxes and Special Assessments.** Taxes will be pro-rated as of the date of closing. Should there be any special assessments against the property, it shall be solely the responsibility of the Sellers.
7. **Possession.** Sellers agree to deliver possession of the Land to Buyers on the closing date.
8. **Risk of Loss.** Risk of loss prior to the time of Closing shall remain in the Sellers. At the time of closing the buyers assume any all risk of loss.

9. **Contingencies:**

- a. None

10. **Complete Agreement.** This is a final Agreement between the Parties with respect to the Land and contains their entire agreement and supersedes all previous understandings and agreements, oral or written, relative to the Land. There are no verbal agreements that can change this Agreement and no waiver of any of its terms will be effective unless in writing executed by the parties. The Seller will deliver a bare lot to the buyer and the Seller is responsible for the demolition and removal of the building presently on the lot.

11. **Time of the Essence.** Time is of the essence in the performance of this Agreement.

12. **Governing Law.** This Agreement is made and entered into under the laws of Minnesota, and Minnesota law shall govern its construction and enforcement.

13. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, and which together shall constitute a single, integrated contract.

14. **Representation and Warranties of Buyers.**

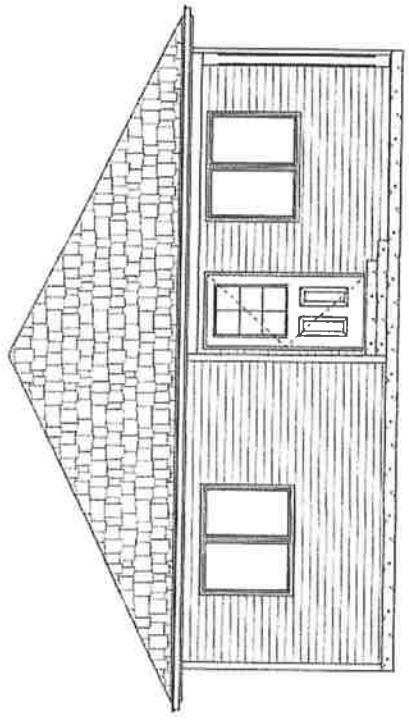
- a. **Authority.** Buyer have the full legal power and authority (including full corporate power and authority) to enter into, execute and deliver this Agreement, to perform its obligation hereunder, to make the representations, warranties and covenants contained herein and to cause the transactions contemplated by this Agreement to be consummated.
- b. **Compliance.** Neither the execution, delivery or performance of this Agreement will result in the breach under any indenture, security instrument or other agreement or court administrative order by which Buyer or the Land may be bound or affected.
- c. **Validity and Binding Effect.** This Agreement is, and the documents and agreements mentioned herein, contemplated hereby or to be delivered pursuant to the terms hereof which Buyer is a party when a duly executed and delivered, will be legal, valid and binding obligations of the Buyer, enforceable against Buyer in accordance with the terms and conditions of this Agreement.

**IN WITNESS WHEREOF** the parties have executed this Agreement as of the day and year first written above.

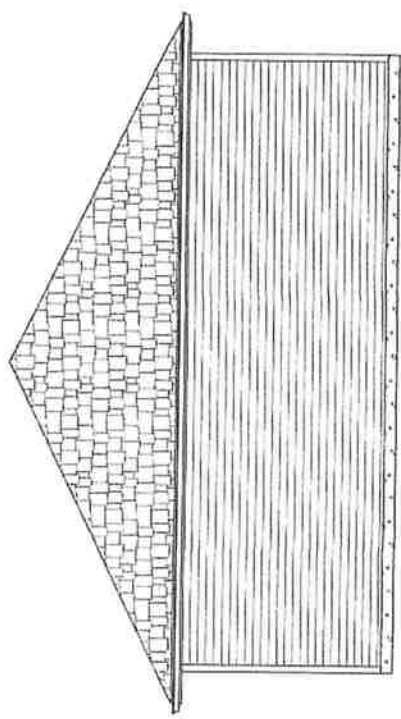
\_\_\_\_\_  
the \_\_\_\_\_ of  
the City of North Mankato, Seller

  
Habitat for Humanity of South Central MN,  
Buyer

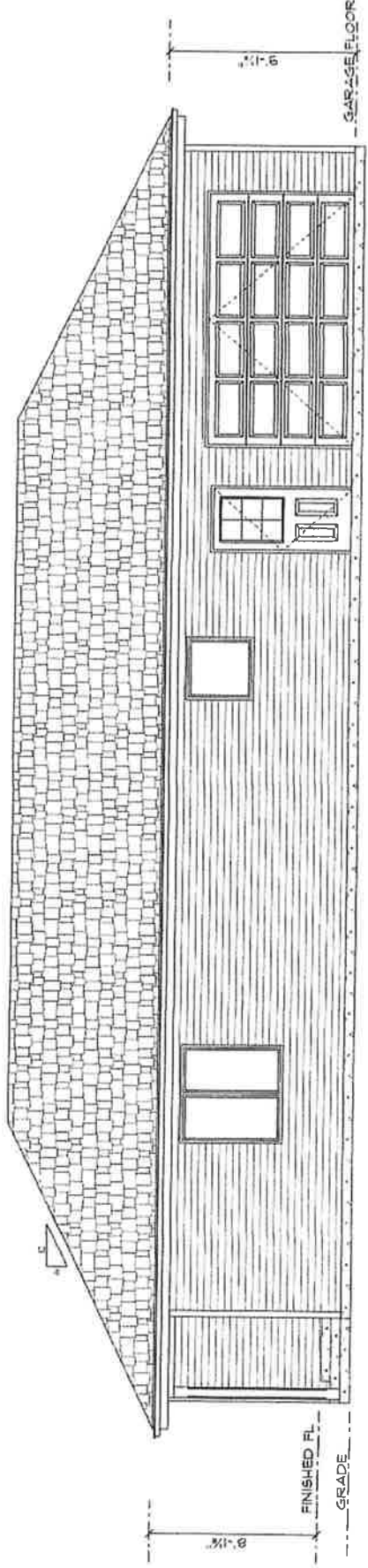




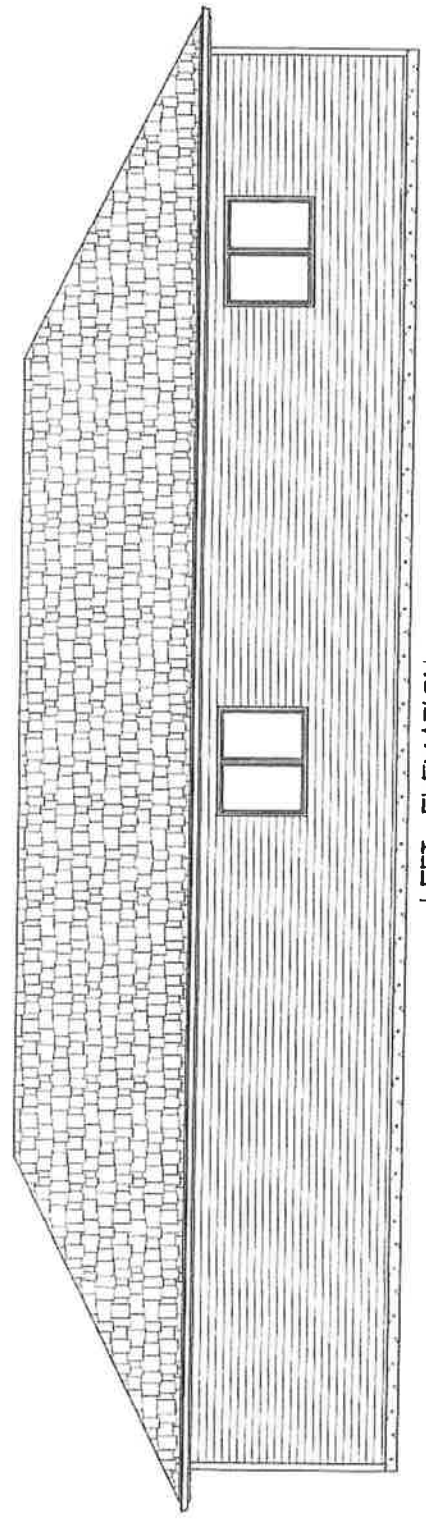
FRONT ELEVATION  
RANGE ST SIDE



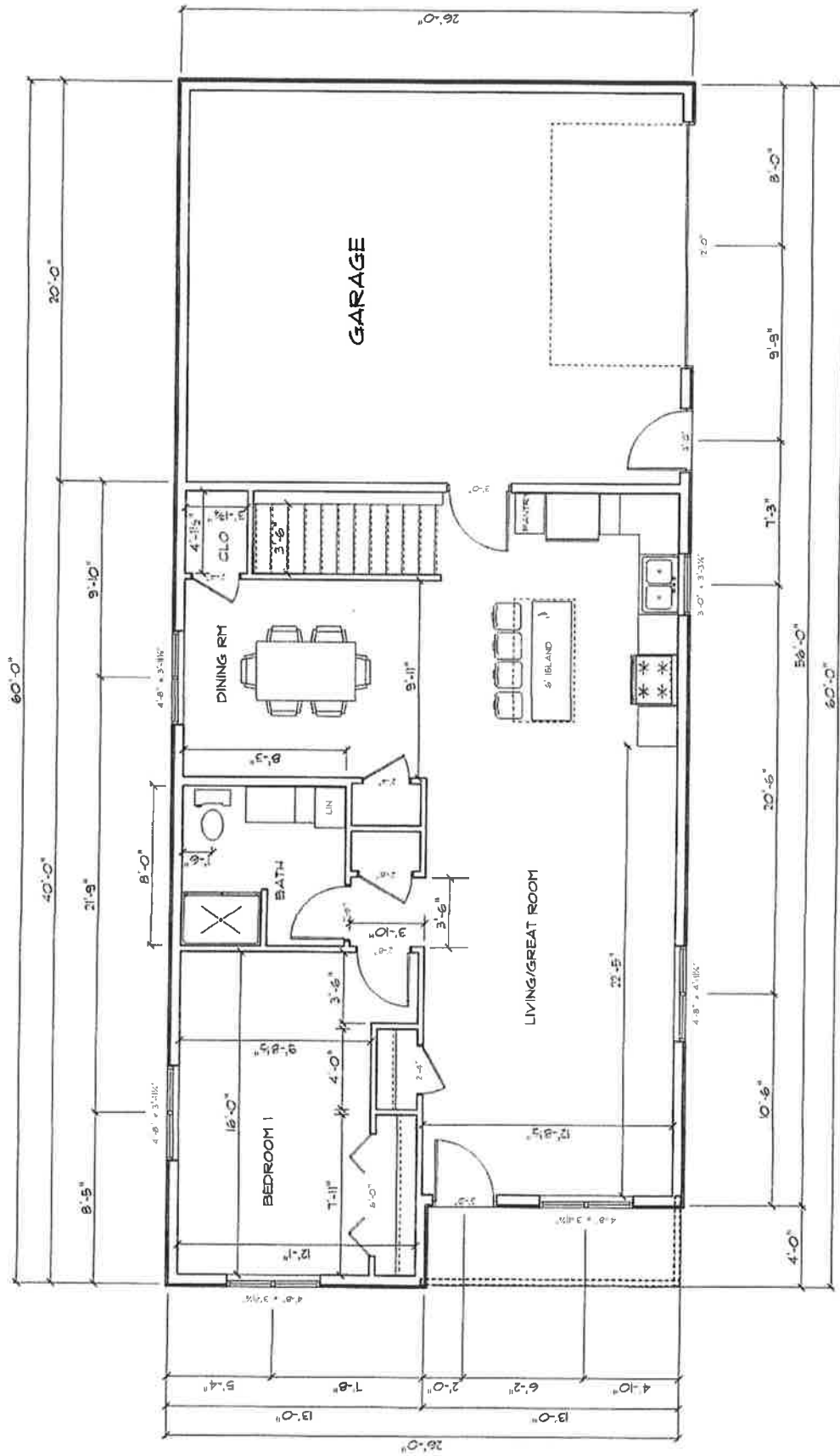
REAR ELEVATION



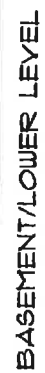
RIGHT ELEVATION



LEFT ELEVATION



FLOOR PLAN T02 RANGE, N. MKTO.  
988 SF



**CITY OF NORTH MANKATO**  
**REQUEST FOR COUNCIL ACTION**



Agenda Item # 13F		Department: City Engineer		Council Meeting Date: 9/19/22	
<b>TITLE OF ISSUE: Consider Resolution Accepting Bid Marvin Boulevard Lift Station Forcemain Replacement Project No. 22-04A</b>					
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION: City Engineer Sarff will be present to answer any questions concerning the project or bid.</b>					
<i>If additional space is required, attach a separate sheet</i>					
<b>REQUESTED COUNCIL ACTION: Adopt Resolution Accepting Bid Marvin Boulevard Lift Station Forcemain Replacement Project No. 22-04A</b>					
<b>For Clerk's Use:</b>			<b>SUPPORTING DOCUMENTS ATTACHED</b>		
Motion By: _____			Resolution   Ordinance   Contract   Minutes   Map		
Second By: _____			<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Vote Record:			Other (specify) <u>Memo</u>		
Aye   Nay			_____		
_____ Oachs			_____		
_____ Norland			_____		
_____ Whitlock			_____		
_____ Steiner			_____		
_____ Dehen			_____		
<input type="checkbox"/> Workshop			<input type="checkbox"/> Refer to: _____		
<input checked="" type="checkbox"/> Regular Meeting			<input type="checkbox"/> Table until: _____		
<input type="checkbox"/> Special Meeting			<input type="checkbox"/> Other: _____		



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

September 13, 2022

Mr. Kevin McCann  
City Administrator  
City of North Mankato  
P.O. Box 2055  
North Mankato, MN 56002-2055

RE: Marvin Boulevard Lift Station Forcemain Replacement  
City Project No. 22-04 A  
BMI Project No. 0M1.126539

Dear Mr. McCann,

Bids were received and opened at City Hall on Tuesday, September 13<sup>th</sup> at 11:00 am for the project referenced above. One (1) bid in the amount of \$161,258.81 was received from GM Contracting, Inc., from Lake Crystal, Minnesota. The low bid is approximately 17% below the Engineers Estimate of \$194,000.

This project consists primarily of the installation of sanitary sewer pressure pipe (forcemain) from the Marvin Boulevard lift station to the Carol Court lift station. The new pipe will be installed using directional drilling methods and the forcemain route runs along rear lot lines adjacent to a ravine. This is a very specialized construction method with a constrained construction corridor. Consequently, there are a limited number of contractors that have the equipment and expertise to do this work, especially in the Mankato area. We anticipated that these are the reasons that only one bid was received. Based on our discussions with City staff, the funds budgeted for this project are adequate to cover the bid amount.

Based on past performance on similar projects in previous years, it is our opinion that GM Contracting, Inc. is qualified to perform the work required under this contract, and we hereby recommend that they be awarded the bid in the amount of \$161,258.81.

If you have any questions or need any additional information, please feel free to contact me.

Sincerely,

**Bolton & Menk, Inc.**

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

Cc: Nathan Host, Public Works Director  
Duane Rader, Water Superintendent and Parks Superintendent

RESOLUTION NO. 86-22

RESOLUTION ACCEPTING BID  
MARVIN BOULEVARD LIFT STATION  
FORCEMAIN REPLACEMENT PROJECT NO. 22-04 A

WHEREAS, bids were received, opened, and tabulated for the Splashpad installation on September 13, 2022, and

WHEREAS the following bids were received complying with the advertisement:

Bidder	Bid
GM Contracting, Inc.	\$161,258.81

WHEREAS, the low bid of \$161,258.81 is approximately 17% below the Engineer's Estimate of \$194,000;

WHEREAS, it appears that GM Contracting, Inc., Lake Crystal, MN 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 GM Contracting, Inc. for the contract amount of \$161,258.81 in the name of the City of North Mankato, Minnesota for the Marvin Boulevard Lift Station Forcemain Replacement Project No. 22-04 A.
- 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 September 2022.

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Mayor

ATTEST:

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City Clerk

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 13G	Department: Administration	Council Meeting Date: 9/19/22																												
<b>TITLE OF ISSUE: Consider Resolution Amending the Contract for the Collection of Residential Solid Waste and Recyclable Materials in North Mankato.</b>																														
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION: West Central Sanitation proposed a change to the pickup schedule for the City of North Mankato. Attached please find an amendment for the contract with West Central Sanitation and the proposed new map and schedule.</b>																														
<i>If additional space is required, attach a separate sheet</i>																														
<b>REQUESTED COUNCIL ACTION: Adopt Resolution Amending the Contract for the Collection of Residential Solid Waste and Recyclable Materials in North Mankato.</b>																														
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Oachs</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Norland</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Whitlock</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Dehen</td> </tr> </table>	Aye	Nay		_____	_____	Oachs	_____	_____	Norland	_____	_____	Whitlock	_____	_____	Steiner	_____	_____	Dehen	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) <u>Amendment</u> _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Resolution	Ordinance	Contract	Minutes	Map																										
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<input type="checkbox"/> Workshop  <input checked="" type="checkbox"/> Regular Meeting  <input type="checkbox"/> Special Meeting	<input type="checkbox"/> Refer to: _____  <input type="checkbox"/> Table until: _____  <input type="checkbox"/> Other: _____																													



RESOLUTION NO. 87-22

RESOLUTION AMENDING THE CONTRACT FOR THE COLLECTION OF RESIDENTIAL SOLID  
WASTE AND RECYCLABLE MATERIALS IN NORTH MANKATO

WHEREAS, the City of North Mankato is contracted with West Central Sanitation for the collection of residential solid waste recyclable materials; and

WHEREAS, West Central Sanitation is experiencing cost inflation and is looking for ways to reduce expenses and still continue to provide quality services; and

WHEREAS, West Central Sanitation proposed a scheduling change reducing the number of pick-up days from four to three and changing the start time to 4:00 am; and

WHEREAS, West Central Sanitation will work with the City of North Mankato to provide a communication plan to inform all affected residents; and

WHEREAS, the City Council has reviewed the proposed scheduling change and has agreed to the changes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that Contract for the Collection of Residential Solid Waste and Recyclable Materials in North Mankato is hereby amended.

Adopted by the City Council this 19<sup>th</sup> day of September 2022.

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Mayor

ATTEST:

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City Clerk

## AMENDMENT

Now comes forth, the City of North Mankato, a Minnesota Municipal Corporation and West Central Sanitation who agree as follows:

Whereas, the parties previously entered into a contract on the 9<sup>th</sup> day of December 2014 and executed a five-year extension of the contract on the 4<sup>th</sup> day of November 2019,

Whereas, the parties agree to the following:

### 4.1 Hours of Operation shall now read:

Collection of household waste, recyclables, yard waste and other special collections ( e.g., bulky items, electronic waste) shall not start before 4:00 a.m. or continue after 9:00 p.m. on the same day. Exceptions to collection hours shall be effected only by prior permission of the City. The Contractor shall request permission from the City for any exception first via telephone and then in writing ( email to the Director of Public Works or designee is acceptable) with an explanation as to the reason for the exception.

### 4.2 Collection Route Sectors

Exhibit A will be updated to the new route sectors as shown in the attached Exhibit A.

Dated: \_\_\_\_\_

WEST CENTRAL SANITATION

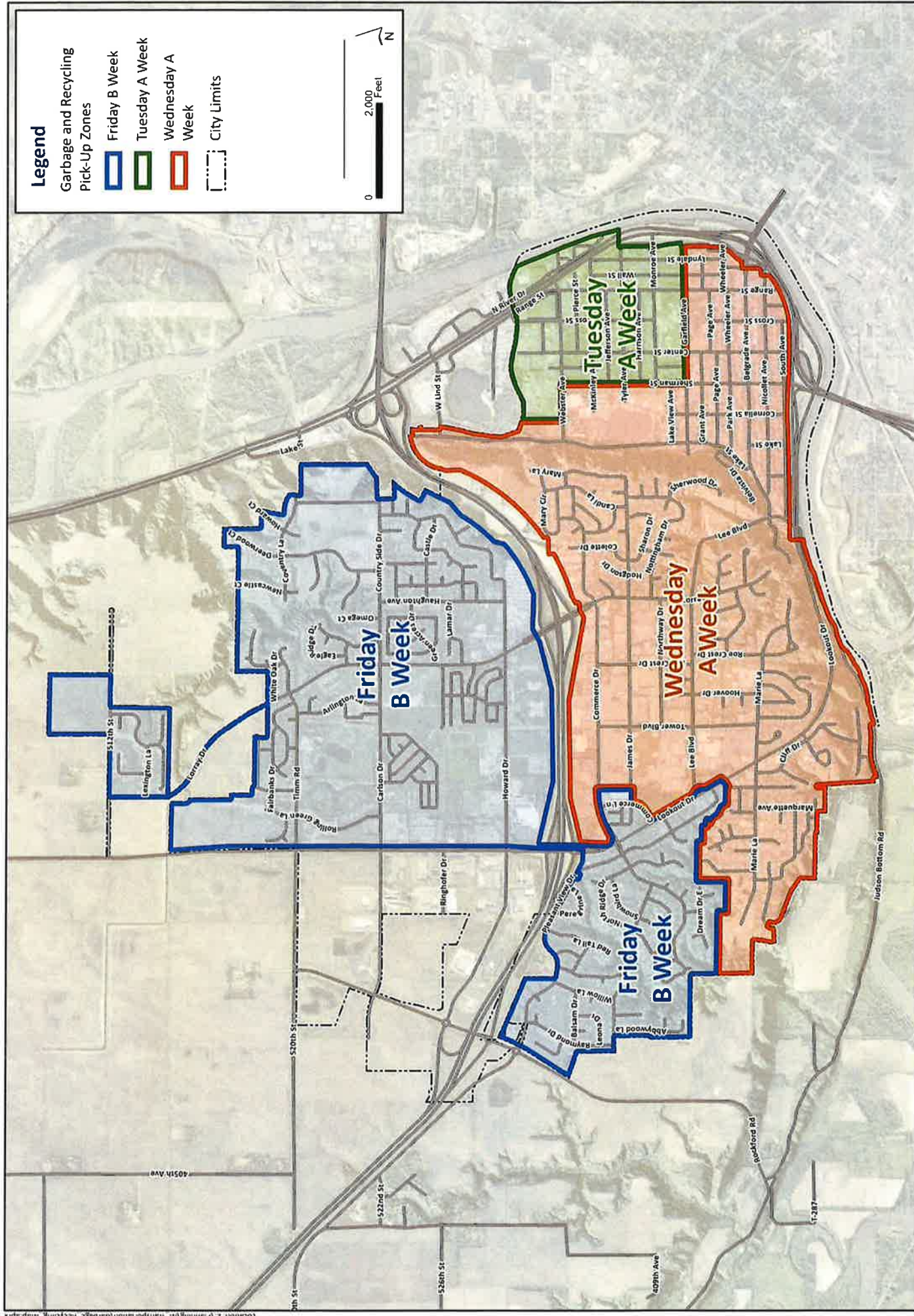
By: \_\_\_\_\_

It's: \_\_\_\_\_

CITY OF NORTH MANKATO

By: \_\_\_\_\_

It's: \_\_\_\_\_





4089 ABBOTT DRIVE ■ P.O. BOX 796 ■ WILLMAR, MINNESOTA 56201 ■ (320) 235-7630 ■ FAX (320) 235-5715

August 24, 2022

Nate Host  
Public Works Director  
City of North Mankato  
1001 Belgrade Avenue  
North Mankato, MN 56003

Dear Nate,

Thank you for arranging for us to appear at the work session on August 29, 2022. The following are the points of discussion concerning our route change request:

**Hours of operation:**

We currently operate from 6am until 6pm finishing all routes no later than 4pm everyday unless there are breakdowns or weather issues. We are proposing starting the routes at 4am and leaving the finish time the same 6pm with finishing all routes by 4pm outside of breakdowns and weather events.

**Shift of Current Routes:**

We propose to service the city residents Tuesday, Wednesday and Friday, rather than Tuesday through Friday. This would involve changing the current service day borders. Are current plan would leave all Wednesday stops on Wednesday and it would move part of Friday to Wednesday and part of Tuesday to Wednesday to create the Wednesday route. All of Thursday would move to the remaining Friday Route to create the Friday route. The remaining Tuesday route would stay on Tuesday for the Tuesday route. A list of all affected residents would be created and they would be notified of the day/schedule change. We would also work with the city on creating new service maps that we could include them in a mailer and for the website. We estimate this would take about 4-6 weeks to complete all phases.

**Reason for Request:**

The pressure of higher costs due to unusual inflation and the shortage of commercial truck drivers has created the need for us to make changes in our business.

We are requesting this change to try and reduce our cost of operations and still continue with the same level of customer service you have come to expect from West Central Sanitation. In 2021 we had to move to a four-day work week and 30% increased salary package to retain and acquire sufficient CDL operators. This route rebalance will ensure we limit the extra work load on the employees but still allow them the earning potential of overtime with 4 – 12-hour days. We feel this is a good work-life balance. We have done this in a few areas and have had good success



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with it and feel it is a necessary and wise move to make in North Mankato. Starting and finishing earlier in the day seems to work better than operating later into the evenings. It balances better with traffic in the city as morning traffic is more directed to work and school and, in the evening, it is wider spread. We feel for that same reason it is the safest option for the city as well. Our trucks are operated by CNG reducing noise issues which will limit that exposure as well. We will do our best to route dead ends and other areas that require us to back up to after 7am due to noise. In conclusion this will not alleviate all the hardship due to the rapid inflation that we have been experiencing but it will help.

We look forward to meeting with you.

Sincerely

A handwritten signature in blue ink, appearing to read "Don Williamson", with a stylized, flowing script.

Don Williamson

A handwritten signature in blue ink, appearing to read "Ray Sweetman", with a stylized, flowing script.

Ray Sweetman