

Pursuant to due call and notice thereof, a Council Work Session of the North Mankato City Council was held in the Council Chambers on August 8, 2022. Mayor Dehen called the meeting to order at 12:00 pm. The following were present for roll call: Council Members Whitlock, Steiner, Norland, Oachs, City Administrator McCann, Police Chief Gullickson, and City Clerk Van Genderen.

Receive Information on the All-Seasons Arena Facility Needs

City Administrator McCann introduced Mankato City Manager Susan Arntz, who appeared before the council to provide information and analysis on the All-Seasons Arena (ASA) needs. Manager Arntz reported the City of Mankato became the operator of ASA in November 2020. After an eighteen-month assessment, three primary challenges need to be addressed, including replacement of systems, establishing a Joint Powers Agreement (JPA), revenue adjustments, and capital structure.

A review of the organization revealed that in 1985 the cities of Mankato, North Mankato, Skyline, and the counties of Blue Earth and Nicollet assumed ownership of the Mankato Ice palace property from Mankato Area Arena, Inc. The partners agreed that the ASA is an asset to their citizens and continues to be an asset creating a positive economic impact for the region. Manager Arntz reviewed the rink conditions. The south rink was constructed in 1973 and had a Direct R-22 refrigeration system; in 2005, significant improvements were completed, but the vessels, piping, pumper drums, etc., were not replaced, and these parts are 49 years old. Direct refrigeration systems are expected to be useful for 25 years. The north rink was added in 1998 and had an Indirect R-22 refrigeration system. Indirect R-22 refrigeration systems have a 20-year life expectancy, and the north rink is 24 years old. On January 1, 2020, a ban was placed on the production and import of R-22, and only recycled R-22 is available. On January 1, 2030, there will be a ban on all remaining production and import to the U.S. of all HCFCs or hydrochlorofluorocarbon. In 2016 the school district contracted with B32 to complete a report concerning rink conditions. The board reviewed the report but did not formulate a plan. B32 has provided updates, but action has not been taken. When they took over as operator, Mankato City Staff engaged ISG to complete a facility needs report to understand the full needs of the facility and create a comprehensive plan. The current proposed plan includes replacing the south and north rink and moving to an ammonia-based system with a longer life expectancy and a lower cost of operation. Ms. Arntz reported the ASA board had reviewed potential contingency plans if the ice systems failed. Ms. Arntz reviewed the proposed project schedule, including design in 2022- 2023, review and issuance of bids in 2023, beginning construction at the end of 2024, and bond for the project in 2024 with payments beginning in 2025. The estimated cost for rink improvement is \$5,700,722, which would increase North Mankato's annual payment from \$14,375 to \$112,202. ISG facility report identified projects as immediate, short-term, or long-term priorities. Improvements included mechanical and plumbing, site and grounds, electrical and technology, and architectural and structural. An estimated total of \$3,876,340 projects were identified. Immediate improvements made up \$2,729,100, short-term made up \$1,089,740 and long-term made up the remaining \$57,500. The ASA Board has not prioritized the potential projects and will review them in September as part of the review of the ASA budget. North Mankato's portion of the facility needs is 21.883% of the project based on the planned apportionment. Mankato Manager Arntz outlined the challenges and next steps, which included informing ASA owner communities of the existing condition of the asset, working with the partners on ice system plans and financing, working with partners on the development of a plan for the facility's capital improvement needs and continuing to explore possible additional partners for the improvement.

Council Member Norland thanked Mankato for the information and requested clarification concerning plans for the future of the board and facility. She mentioned former City Council Member Freyberg had indicated the commission was working on an improvement plan. Mankato Manager

Arntz reported the ASA had a debt of over \$876,000, and the partners all contributed funds toward the debt payment, but in 2020 the debt was paid off. The partners did not continue to contribute funds that could have been used for future projects.

Mayor Dehen requested clarification on the proposed new ice if it would be the same as the civic center. Manager Arntz reported it would be the same, and the civic center's experience could be used to assist if requested.

A discussion was held concerning the condition of the facility, with everyone agreeing work needs to be done to bring the facility up to code and provide a more attractive asset.

Mayor Dehen requested clarification on when North Mankato could anticipate the increased payment for the improvements.

Manager Arntz noted the ASA Board is trying to keep the regional partners, but Eagle Lake has indicated its intention to leave the organization.

City Administrator McCann requested additional information on the anticipated increase to North Mankato's current contribution as the contribution would impact the levy. Mayor Dehen suggested building equity to help cash flow some of the improvements. Manager Arntz indicated it would be a board decision on the work, but she would provide information to City Administrator McCann to help with budgeting. Manager Arntz also indicated work was being done to locate additional partners.

Attorney Kennedy suggested the development of a new joint powers agreement to assist with future conversations concerning payments and partners entering or exiting the organization.

City Administrator McCann introduced Eric Boelter and Josh Sherburn from the Mankato Area Hockey Association. Eric Boelter thanked the Council for contributing and indicated they would appreciate the continued support.

Cannabis Legislation

Police Chief Gullickson reviewed information concerning the legal definition of cannabis and indicated that Tetrahydrocannabinol (THC) is a naturally occurring substance in both hemp and marijuana. Delta-9 THC is the psychoactive component in marijuana that causes a high. Delta-9 THC occurs in hemp, just in lower concentrations. He reported that Delta-9 THC can now be sold in Minnesota with a few restrictions from the State.

The sale of edible cannabinoid products containing Delta-9 THC is legal to persons over 21 years old. Regulations include edibles that cannot contain more than 5 mg per gummy of any THC and 50 mg per package of any THC. Cannabinoid products cannot be sold in packaging that looks like candy.

Police Chief Gullickson reported that any business could sell edible cannabinoids except off-sale intoxicating liquor stores based on the current laws in place for off-sale. The State does allow cities to regulate the sale of cannabinoids. Some cities have created a moratorium on the sale of cannabinoids to allow time to study the sale. He indicated City Attorney Kennedy and staff have prepared a draft ordinance for consideration. The ordinance would require a license to operate with a background check before a business can sell cannabinoids. The ordinance also provides for the prosecution of those who possess cannabinoids under the age of 21. The ordinance also limits the City to five licenses, and City staff is seeking guidance on the number of allowed licenses. The ordinance also prohibits the sale of consumable cannabinoids at both on-sale and off-sale intoxicating liquor license- holding businesses.

Police Chief Gullickson stated the Council could proceed with either a moratorium or the passage of the proposed ordinance with guidance from the Council. A discussion was held concerning whether to proceed with a moratorium or the ordinance. It was determined to bring back both a

moratorium ordinance and the proposed cannabinoid ordinance and gather information from residents and see how other cities are proceeding. The ordinances would be brought back before Council to consider setting a public hearing at the next Council Meeting.

Council Member Norland moved, seconded by Council Member Oachs, to adjourn the Council Work Session at 12:54 pm.

Mayor

City Clerk

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 August 15, 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 Norland, Oachs, Steiner, Whitlock, City Administrator McCann, Interim Finance Director Ryan, Public Works Director Host, Community Development Director Fischer, and City Clerk Van Genderen.

Approval of Agenda

Council Member Steiner moved, seconded by Council Member Norland, to approve the agenda as presented. Vote on the motion Oachs, Steiner, Norland and Dehen aye, Whitlock abstain. Motion carried.

Approval of Council Minutes from August 1, 2022, Council Meeting.

Council Member Norland moved, seconded by Council Member Steiner, to approve the Council meeting minutes of August 1, 2022. Vote on the motion Oachs, Steiner, Norland and Dehen aye, Whitlock abstain. Motion carried.

Consent Agenda

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

- A. Bills and Appropriations.
- B. Res. No. 72-22 Approving Donations/Contributions/Grants.
- C. Approved Audio Permit for SPL Meets Car Show at Caswell Park Parking Lots from 10:00 a.m. to 9:00 p.m.
- D. Approved Audio and Block Party Permit for St. Paul Lutheran Church's Risen Savior Sunday, August 21, 2022, from 8:00 a.m. to 2:00 p.m.
- E. Approved the Audio Permit for Crossview Covenant Outdoor Baptism Worship Service at 2000 Howard Drive W. on August 14, 2022, from 8:30 a.m. to 12:30 p.m.
- F. Approved the Audio Permit for Connecting Commerce event at 1960 Commerce Drive on August 19, 2022, from 4 pm to 6 pm.
- G. Res. No. 73-22 Waiving Waiting Period for Exemption from Lawful Gambling License for Holy Rosary Church.

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

Public Comments Concerning Business Items on the Agenda.

None.

Business Items

Set Public Hearing Concerning an Ordinance Regulating the Sale of Cannabinoids on September 19, 2022, at 7:00 p.m.

City Administrator McCann reported the topic was brought before Council at a Council Work Session, where it was decided to bring the topic back to set a public hearing on either a moratorium or an ordinance regulating and licensing cannabinoids. He noted staff has worked with Attorney Kennedy to prepare an ordinance that would probably be implemented following a moratorium. Staff would request Council proceed with a public hearing on the ordinance regulating and licensing

cannabinoids. Council Member Steiner pointed out that the ordinance would be similar to the ordinance regulating alcohol, and the City does not want to ban only regulate. Council Member Norland agreed with the option to regulate the sale and proceed with setting a public hearing on the ordinance to regulate the sale of cannabinoids. Council Member Oachs noted that Minnesota Licensed Beverage Association would discuss cannabinoids in the next few months, which may impact the sale. Mayor Dehen noted Alexandria took up the issue and concluded it would be easier to start with regulations than it would be to try and impose regulations after the sales had been going on.

Police Chief Gullickson noted he was comfortable with the planned ordinance. It covered the bases his department would need.

Council Member Oachs questioned if the gummies would be considered food and would not qualify for the food and beverage tax.

Attorney Kennedy noted that the tax issue may still be an open issue as the Board of Pharmacy will regulate cannabinoids, and there continues to be an ongoing discussion. Attorney Kennedy asked if the prepared language was what the Council wanted as there were several items that they would need to determine. City Administrator McCann noted the ordinance currently has five allowed licenses in the City, but that could change based on Council direction. Attorney Kennedy pointed out the City has 12 on-sale intoxicating liquor licenses available. Council Member Steiner thought the number was restrictive, and Council Member Norland questioned if the items could be sold where liquor is sold. Attorney Kennedy said they could not be sold at off-sale locations, but by state law, it is not prohibited at on-sale locations.

Council Member Oachs mentioned a few spelling and grammar issues she would like updated before the public hearing.

It was determined to proceed with the Ordinance as presented and listen to the public during the public hearing concerning the number of licenses and where the cannabinoids could be sold.

Council Member Steiner moved, seconded by Council Member Norland, to set a Public Hearing to Consider an Ordinance Regulating the Sale of Cannabinoids on September 19, 2022, at 7:00 p.m. Vote on the motion Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Set Public Hearing Repealing and Replacing Chapter 153: Flood Plain Regulation on September 6, 2022, at 7:00 p.m.

Community Development Director Fischer reported that earlier this year, the City was contacted by the Federal Emergency Management Agency (FEMA), indicating that the Flood Insurance Rate Maps and Nicollet County Flood Insurance Study are complete and will become effective on October 13, 2022. FEMA indicated that the City must amend the current floodplain ordinance or adopt a new ordinance to continue participating in the National Flood Insurance Program. For the past several months, staff has been working with the DNR to create a new floodplain ordinance that meets state and federal standards. Attached is a floodplain ordinance approved by the DNR, which would replace our existing ordinance. As part of the ordinance amendment process, it is necessary to set a public hearing for September 6, 2022.

Mayor Dehen requested clarification on if there were many changes to the current Ordinance. Community Development Director Fischer reported that there were not a lot of changes due to the flood wall. Public Works Director Host noted there should be a reduction in residents' insurance rates.

Council Member Norland moved, seconded by Council Member Steiner, to Set a Public Hearing Repealing and Replacing Chapter 153: Flood Plain Regulation on September 6, 2022, at

7:00 p.m. Vote on the motion Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

Res. No. 74-22 Encouraging the Legislature to Meet for a Special Session.

City Administrator McCann reported the City received communication from the Coalition of Greater Minnesota Cities requesting Councils consider passing a resolution encouraging the State Legislature to meet for a special session. Council agreed that the resolution was important.

Council Member Norland moved, seconded by Council Member Steiner, to Adopt Res. No. 74-22 Encouraging the Legislature to Meet for a Special Session. Mayor Dehen Requested A Friendly Amendment to the Resolution Adding Language to the Resolution to Include the City of Mankato's Waste Resource Recovery Facility Bond Request. Council Member Norland Accepted the Friendly Amendment. Vote on the motion Oachs, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.

Res. No. 75-22 Accepting Caswell Shelter Bid.

Public Works Director Host reported staff bid on the Caswell Park Shelter and received five bids as totaled below:

	RW Carlstrom	Rice Construction	DeMars	Apex	Web Construction	
Base Bid	\$ 346,140.00	\$ 319,350.00	\$ 339,800.00	\$ 358,777.00	\$ 366,483.00	Accepted
Alternate #001 - T&G Ceiling	\$ (3,155.41)	\$ (3,000.00)	\$ -	\$ (3,438.00)	\$ (2,205.00)	Accepted
Alternate #002 - Earthwork By City	\$ (40,863.00)	\$ (44,950.00)	\$ (31,000.00)	\$ (44,363.00)	\$ (38,607.00)	Accepted
Alternate #003 - Electrical By City	\$ (30,000.00)	\$ -	\$ (34,785.00)	\$ (34,785.00)	\$ (34,785.00)	Rejected
Alternate #004 - Concrete in Lieu of Block	\$ 23,402.00	\$ (10,000.00)	\$ -	\$ (2,085.00)	\$ 3,738.00	Accepted
Alternate #005 - Spring 2023 vs Fall 2022	\$ 22,557.00	\$ 30,000.00	\$ 33,980.00	\$ 23,550.00	\$ 3,038.00	Rejected
Total of Base Bid and Accepted Alternates	\$ 325,523.59	\$ 261,400.00	\$ 308,800.00	\$ 308,891.00	\$ 329,409.00	

Public Works Director Host noted the low bid was from Rice Construction with a start date after Labor Day with completion this fall. He reminded Council that the City received a DNR Grant to offset the cost, and the staff recommends approval.

Council Member Steiner moved, seconded by Council Member Oachs, to Adopt Res. NO. 75-22 Accepting Caswell Shelter Bid. Vote on the motion Oachs, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.

Open Forum

None.

City Administrator and Staff Comments

City Administrator McCann reported the Splash Pad ribbon cutting was held this afternoon and thanked the Ward Family Foundation for making the project possible.

City Administrator McCann reported Connecting Commerce Business Association will hold its final Concert on Commerce on August 19th from 4 pm to 6 pm.

City Administrator McCann said the last Adult Night of the season would be held on Saturday, August 20th, and tickets are on sale. The final day for the open swim is Sunday, August 28th.

Youth Football was featured in an article by USA football and highlighted the City's program and the grant received to fund the 3rd-grade tackle teams' equipment. The Annual Jamboree will be at the Caswell North Soccer Complex on Tuesday, August 23rd, and Wednesday, August 24th.

The City continues to encourage residents to implement water conservation measures as requested by the DNR.

Public Works Director Host reported McKinley Avenue is completed, just waiting to proceed with the restoration. He noted Lor Ray Drive is proceeding, and they are wrapping up the sewer and moving to water. Caswell Fields 5 and 6 are torn out, and work is proceeding.

City Clerk Van Genderen thanked all election judges for their work at the primary and noted an excellent primary turnout of approximately 28.6% of registered voters.

Mayor and Council Comments

Council Member Whitlock thanked the Ward Family Foundation for the donation of the Splash Pad.

Council Member Steiner also thanked the Ward Family Foundation.

Council Member Norland stated she appreciated the community working together to create a beautiful community.

Council Member Oachs reported the ASA Board met and stated a new Joint Powers Agreement would need to be created. She noted that Nicollet County left the organization in 2018, and Eagle Lake is considering leaving. If more partners back out, it may be difficult to do the work necessary to keep the rink going. If that happens, there might not be a rink for the community.

Mayor Dehen thanked the Ward Family Foundation for their donation and commented it is an excellent addition to the park. The bike trail continues to be recognized as a positive collaborative effort. He thanked everyone who worked as Election Judges at the primary and wished everyone well who was running for office.

At 7:30 pm, on a motion by Council Member Norland, seconded by Council Member Steiner, the Council Meeting was adjourned.

Mayor

City Clerk

Pursuant to due call and notice thereof, a Council Work Session of the North Mankato City Council was held in the Council Chambers on August 29, 2022. Mayor Dehen called the meeting to order at 1:00 pm. The following were present for roll call: Council Members Steiner, Norland, Oachs, City Administrator McCann, Public Works Director Host, Interim Finance Director Ryan, and City Clerk Van Genderen. Absent: Council Member Whitlock.

West Central Sanitation

Public Works Director Host introduced Don Williamson and Ray Sweetman from West Central Sanitation. He indicated West Central had experienced rising costs, and they have come up with a possible cost-saving solution and will present their ideas.

Don Williamson thanked the Council for the opportunity to speak. He noted that the company experienced a loss of qualified drivers and increased costs. The company had ordered ten new trucks, but all ten trucks were canceled. These are a few issues facing West Central, and the contract with North Mankato limits the amount they can increase the costs. Ray Sweetman stated that the company is looking for alternative methods to cut costs due to the continued rising costs. West Central is requesting to increase the hours of operation: from 6 am to 6 pm to 4 am to 6 pm. Currently, most routes are completed by 4 pm, and they also anticipate completion of the new routes by 4 pm. Along with the earlier start time, the proposed service dates would go from Tuesday-Friday to Tuesday, Wednesday and Friday. There would be a shifting of the routes to complete pickup within three days. Mr. Sweetman noted that a list of all affected residents would be created, and they would be notified of the day/schedule change. A new service map would also be created. He stated the estimated change time would be 4-6 weeks. Mr. Sweetman noted there would be complaints for a few weeks due to the changes but estimated the issues would be resolved within two to four weeks. West Central would have dedicated staff who would be managing the problems. Mr. Sweetman also noted that West Central had completed the change in several communities with few issues or complaints. West Central is in the planning stages with Mankato on making changes to fewer pickup days and increased hours.

Council Member Oachs thanked the company for being creative at keeping staff and working at reducing costs. She asked if they had an anticipated start date if the change was approved. Mr. Sweetman stated mid-October to early November if everything proceeds.

Mayor Dehen asked if Mankato had a transfer date to the new system. Mr. Sweetman stated not yet; they are working on the plan.

Mayor Dehen questioned if the early start was an issue, specifically about winter plowing. Mr. Sweetman stated it usually takes 4-6 weeks before residents remember the changes. He said West Central already manages issues with plowing by being flexible during storms.

Public Works Director Host requested clarification on if Mankato made the switch and North Mankato did not. Mr. Sweetman stated they would need to return to the drawing board to determine cost reductions.

City Administrator McCann requested clarification on if the change would be permanent. Mr. Sweetman stated that it would be up to the City in many ways. If the City wants to change to a different schedule, the costs will need to be factored into the change.

Mayor Dehen asked Council if there was a consensus to review an amendment to the contract during a Council Meeting with the change in days of service and hours of service. All Council Members agreed to look at the proposal at a Council Meeting.

Budget Work Session: Tax History & Distribution, Relevant Strategic Plans, and Proposed 2023 Tax Levy

City Administrator McCann reported that staff has been working on the 2023 budget and reviewed community statistics. He said that the community's taxable market value (TMV) is estimated at nearly \$1.5 billion for 2023, which is a \$200 million increase or about a 16% increase between 2022 and 2023 in new growth. The total city tax capacity increased by an estimated \$2.5 million between 2022 and 2023. Staff is proposing a 2023 tax levy estimated at \$7.7 million, which is a 7.7% increase and amounts to approximately \$546,000 in new revenue for the City. New construction makes up 1.45% of the 16% TMV increase. The estimated tax rate is 44.084%, a 3.75 percentage point reduction from 2022.

Mayor Dehen commented that the continued decreased tax rate is an essential goal for North Mankato residents.

City Administrator McCann reviewed the five tax classifications for 2023, with residential and homesteaded properties being 77% of the parcels. Commercial and industrial properties, which average \$7,722 per parcel, make up 5% of the parcels.

City Administrator McCann reviewed the top ten Taxable Market Value properties with a total value of \$69,368,600. The top ten entities paying the most city taxes pay 7.73% of the total tax revenue of \$564,907 in 2022. City Administrator McCann mentioned the numbers would change slightly as staff would be removing Blue Star from the list as the TIF District is still operational. The top ten residential homes in 2022 paid \$46,576 in City taxes.

City Administrator McCann reported that the estimated TMV in 2023 is \$1,484,186,195 and noted that the TMV increased from \$975 million in 2017 to \$1.48 billion in 2023. He reported the North Mankato proposed Tax Levy is \$7,669,360 when compared to comparable cities, showing North Mankato in a good position with Willmar, Mankato, Faribault, Buffalo, Marshall, Hutchinson, New Ulm, and Belle Plain with higher tax levies and Eagle Lake, Saint Peter, Fairmont, and Waseca with lower tax levies.

City Administrator McCann reported that the proposed tax rate in 2023 would be 44.084% which is about ten percentage points lower than 2013's 54.57%. The City Council has consistently worked to reduce the tax rate.

City Administrator McCann reviewed the 2022 utility rates for comparable cities, noting that only Faribault has a lower utility rate.

City Administrator McCann reviewed several parcels throughout the City and stated that the increased City taxes varied by parcel valuation and changes in market value for each parcel.

Mayor Dehen commented that it is good that the City continues to keep utility rates lower than the City's peers. City Administrator McCann reported that the City might need to increase the solid waste rates to help manage costs associated with the Spring and Fall clean up and rising transportation costs.

City Administrator McCann presented four 2023 Levy Options. Option 1 would capture only new growth, and the City would need to consider cuts in planned projects. Option 2 would have a 7.67% levy increase. The additional funds would include one new police officer, repairs for the All-Season Arena, wage increases, and additional transit agreement costs. Option 3 would be a 10.4% levy increase with room for two additional officers and increased funding for parks and streets. Option 4 would be a flat tax rate which would include funds to reduce debt issuance and funds for additional street work. Council Members held a discussion and agreed to work with scenarios 2, 3, and 4 during the further budget discussion. City Administrator McCann reported that the Council would need to set the preliminary levy at the September 19, 2022, Council Meeting. The council could decrease the levy but would not be able to increase the levy.

Council Member Norland moved, seconded by Council Member Oachs, to adjourn the Council Work Session at 1:47 pm.

Mayor

City Clerk

The Free Press MEDIA

THE LAND

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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: 08/18/22, 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: 40.50.

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
08/18/2022

Notary Public

Public Notice

August 18, 2022

NOTICE OF PUBLIC HEARING TO CONSIDER REPEALING AND REPLACING CITY CODE CHAPTER 153: FLOOD PLAIN REGULATION

Notice is hereby given that the City Council of the City of North Mankato, Minnesota, will hold a Public Hearing on Monday, September 6, 2022, at 7 p.m. in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, to consider an ordinance repealing and replacing City Code Chapter 153: Flood Plain Regulation. The complete ordinance is available for review at 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.

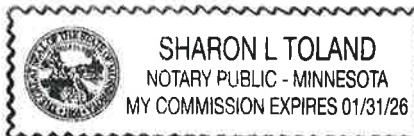
Dated this

18th day of August 2022.

April Van Genderen

City Clerk

City of North Mankato



CHAPTER 153: FLOOD PLAIN REGULATION

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§ 153.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- (A) *Statutory Authorization.* This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- (B) *Purpose.*
- (1) This ordinance regulates development in the flood hazard areas of the City of North Mankato. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
 - (2) This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
 - (3) This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
 - (4) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- (C) *Abrogation and Greater Restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance takes precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (D) *Warning and Disclaimer of Liability.* This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of North Mankato or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- (E) *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

§ 153.02 DEFINITIONS

Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

ACCESSORY STRUCTURE. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

BASE FLOOD. The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

BASE FLOOD ELEVATION (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

BASEMENT. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

BUILDING. See *Structure*.

CHANNEL. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

FEMA. Federal Emergency Management Agency.

FLOOD. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

FLOOD FRINGE. The portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE.

FLOOD INSURANCE RATE MAP (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS). The study referenced in § 153.03(B), which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

FLOODPLAIN. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

FLOODPROOFING. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

INTERIOR PONDING AREA. Stillwater flooded area identified on the adopted FEMA FIRM associated with interior drainage behind a levee.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

PRINCIPAL STRUCTURE. The main building or other structure on a lot that is utilized for the property's principal use.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

REGULATORY FLOOD PROTECTION ELEVATION (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from

designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

STAGE INCREASE. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in § 153.04(D) shall also be considered a structure for the purposes of this ordinance.

SUBDIVISION. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

VARIANCE. "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2).

WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

§ 153.03 JURISDICTION AND DISTRICTS

- (A) **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of the City of North Mankato within the boundaries of the Floodway, Flood Fringe, Interior Ponding Areas, and General Floodplain Districts.
 - (1) The Floodway, Flood Fringe, Interior Ponding Areas, or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 - (2) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the

one-percent annual chance floodplain, with the exception of areas protected from flooding by the Minnesota River North Mankato Levee as indicated on the FIRM.

- (3) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Zoning Administrator, Planning Commission and City Council and to submit technical evidence.

- (B) *Incorporation of Maps by Reference.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Nicollet County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, and prepared by the Federal Emergency Management Agency.

27103C0405H, dated October 13, 2022

27103C0410H, dated October 13, 2022

27103C0415H, dated October 13, 2022

27103C0416H, dated October 13, 2022

27103C0417H, dated October 13, 2022

These materials are on file in the City Hall at 1001 Belgrade Ave, North Mankato, MN 56003.

- (C) *Districts.*

- (1) *Floodway District.* Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in § 153.03(B).
- (2) *Flood Fringe District.* Those areas within Zones AE located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in § 153.03(B).
- (3) *Interior Ponding Areas.* Those areas within the flood fringe district located in the area protected by the Minnesota River North Mankato Levee. The following Interior Ponding Areas are identified:

Sherman Street Ponding Area

Wheeler Avenue Ponding Area

- (4) Reserved for General Floodplain District.

- (D) *Annexations.* The Flood Insurance Rate Map panels referenced in § 153.03(B) may include floodplain areas that lie outside of the corporate boundaries of the City of North Mankato at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of North Mankato after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in § 153.03(B) require ordinance amendment in accordance with § 153.13.

§ 153.04 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

- (A) *Permit Required.* A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
 - (1) The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in § 153.11(A)(3).
 - (2) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction.
 - (3) The change or expansion of a nonconforming use.
 - (4) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - (5) The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.
 - (6) The storage of materials or equipment, in conformance with § 153.04(C)(2).

- (7) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
 - (8) Any other type of "development," as defined in § 153.02 of this ordinance.
- (B) *No Permit Required.* Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.
- (C) *Minimum Development Standards.*
- (1) All development must:
 - (a) Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (b) Be constructed with materials and equipment resistant to flood damage;
 - (c) Be constructed by methods and practices that minimize flood damage;
 - (d) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
 - (e) Be reasonably safe from flooding and consistent with the need to minimize flood damage;
 - (f) Be assured to provide adequate drainage to reduce exposure to flood hazards;
 - (g) Not be detrimental to uses in adjoining areas; and
 - (h) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
 - (2) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

Table 1. Summary of Permitting Requirements for Structures

Structure Type	Floodway	Flood Fringe	Standards*
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	§153.06(B)(1)(a), via §153.06(B)(3)(d)(ii)
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	§153.06(B)(3)(d)(i)
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	§153.06(B)(3)(d)(iii)
Residential – on fill	Not allowed	Allowed with Permit	§153.06(B)(1)(a)
Residential – Dry (watertight) Floodproofing	Not allowed	Not allowed	N/A
Non-Residential – on fill	Not allowed	Allowed with Permit	§153.06(B)(1)(a), via §153.06(B)(2)(a)
Non-Residential – Dry (watertight) Floodproofing	Not allowed	Allowed with Permit	§153.06(B)(2)(b)

**Note - many of these standards are cross-referenced to avoid duplication*

(D) **Recreational Vehicles.** Recreational vehicles must be travel ready, meeting the following criteria:

- (1) The vehicle must be fully licensed.
- (2) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
- (3) No permanent structural type additions may be attached to the vehicle.

§ 153.05 FLOODWAY DISTRICT

(A) **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in § 153.05(B):

- (1) Recreational uses, parking lots, loading areas, water control structures, navigational facilities, as well as public open space uses.
- (2) Roads, railroads, trails, bridges, and culverts.
- (3) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
- (4) Grading, filling, land alterations, and shoreline stabilization projects.
- (5) No structures, as defined in § 153.02, are allowed in the Floodway District, except structures accessory to the uses detailed in § 153.05(A)(1).

(B) **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in § 153.04:

- (1) The applicant must demonstrate that the development will not result in any of the following during the one-percent chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”
- (2) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in § 153.10(A)(5) and § 153.13.
- (3) Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in § 153.10(A)(5) and § 153.13.
- (4) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing

license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.

- (5) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.

§ 153.06 FLOOD FRINGE DISTRICT

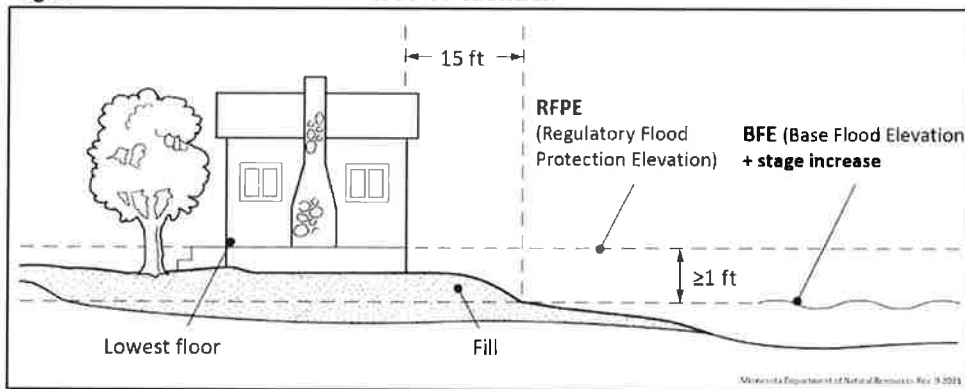
- (A) *Permitted Uses in Flood Fringe.* Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in § 153.06(B).

- (B) *Standards for Permitted Uses in Flood Fringe.* In addition to the applicable standards detailed in § 153.04:

(1) *Residential Structures.*

- (a) *Elevation on Fill.* All structures to be erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in § 153.02 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.

Figure 1: Overview of fill standards for residential structures.



- (2) *Nonresidential Principal Structures.* Nonresidential principal structures must meet one of the following construction methods:
- (a) *Elevation on Fill.* Structures may be elevated on fill, meeting the standards in § 153.06(B)(1)(a) of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
 - (b) *Dry Floodproofing.* Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:
 - (i) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
 - (ii) Must meet the standards of FEMA Technical Bulletin 3, as amended; and
 - (iii) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.
- (3) *Accessory Structures.* All accessory structures must meet the following standards:
- (a) Structures shall not be designed or used for human habitation.
 - (b) Structures will have a low flood damage potential.
 - (c) Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.

- (d) Structures with two or more rigid walls, must meet one of the following construction methods:
 - (i) *Wet Floodproofing.* Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
 - (ii) *Elevation on Fill.* Structures may be elevated on fill, meeting the standards in § 153.06(B)(1)(a) and § 153.06(C) of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure for accessory structures.
 - (iii) *Dry Floodproofing.* Structures may be dry-floodproofed, or watertight, meeting the standards in § 153.06(B)(2)(c) of this ordinance.
- (4) Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of North Mankato that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.
- (C) *Standards for Interior Ponding Areas.* In addition to the applicable standards detailed in § 153.06(A) through (B), the following criteria apply to activities in the Interior Ponding Areas identified in § 153.03(C)(2).
 - (1) *Compensatory Storage Requirement.* Any fill placed in the Interior Ponding Areas must be offset with compensatory flood storage volume of equal or greater volume below the BFE. Compensatory storage must occur contiguous with the same impacted Interior Ponding Area. The excavated material removed to create the compensatory storage area must not be deposited elsewhere in the floodplain. Preparation and final grading must be consistent with the applicable flood fringe standards set forth in § 153.06.
 - (2) Earthwork, grading, or construction in the Interior Ponding Areas cannot inhibit, reroute, or restrict runoff patterns, and must maintain adequate area for runoff to flow to the stormwater system.

§ 153.07 RESERVED FOR GENERAL FLOODPLAIN DISTRICT

§ 153.08 SUBDIVISION STANDARDS

- (A) *Subdivisions.* All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
 - (1) All lots within floodplain districts must be suitable for a building site outside of the Floodway District.
 - (2) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of North Mankato.
 - (3) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of North Mankato.
 - (4) The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

§ 153.09 RAILROADS, ROADS, BRIDGES, AND PUBLIC AND PRIVATE UTILITIES AND SERVICE FACILITIES

- (A) *Public Transportation Facilities.* Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

- (B) *Public Utilities.* All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- (C) *Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.* Private facilities shall be subject to applicable provisions detailed in § 153.09(B). In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

§ 153.10 ADMINISTRATION

- (A) *Duties.* A Zoning Administrator or other official must administer and enforce this ordinance.
 - (1) *Permit Application Requirements.* Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
 - (a) A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
 - (b) Location and detail of grading, fill, or storage of materials.
 - (c) Compensatory storage calculations for projects in the Interior Ponding Areas of the Flood Fringe District.
 - (d) Copies of any required local, state or federal permits or approvals.
 - (e) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
 - (2) *Recordkeeping.* The Zoning Administrator must maintain applicable records in perpetuity documenting:
 - (a) All certifications for dry floodproofing, where applicable.
 - (b) Analysis of no-rise in the Floodway District, as detailed in § 153.05 (B)(1), and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in § 153.07.
 - (c) Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
 - (d) Substantial damage and substantial improvement determinations, as detailed in § 153.11(A)(3), including the cost of improvements, repairs, and market value.
 - (e) All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
 - (3) *Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.* No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.
 - (4) *Notifications for Watercourse Alterations.* Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
 - (5) *Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.* Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of North Mankato must notify FEMA of the changes in order to obtain a Letter of Map Revision

(LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available.

(B) *Variances.*

- (1) *Variance Applications.* An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
- (2) *Adherence to State Floodplain Management Standards.* Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- (3) *Additional Variance Criteria.* The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (b) Variances may only be issued by a community upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) *Flood Insurance Notice.* The Zoning Administrator must notify the applicant for a variance in writing that:
 - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (6) *Considerations for Approval.* The community may consider the following factors in granting variances and imposing conditions on variances in floodplain districts:
 - (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - (c) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (7) *Conditions of Approval.* The City of North Mankato may attach such conditions to the granting of variances as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - (a) Limitations on period of use, occupancy, and operation.
 - (b) Imposition of operational controls, sureties, and deed restrictions.
 - (c) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - (d) Other conditions as deemed appropriate by the Zoning Administrator, Planning Commission and City Council.

(C) *Notifications to the Department of Natural Resources.*

- (1) All notices of public hearings to consider variances under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
- (2) A copy of all decisions granting variances under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

§ 153.11 NONCONFORMITIES

- (A) *Continuance of Nonconformities.* A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
 - (1) Within the floodway and general floodplain districts, expansion or enlargement of uses or structures is prohibited.
 - (2) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
 - (3) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in § 153.11(A)(2), it may not be reconstructed except in conformity with the provisions of this ordinance. Existing structures within the regulatory floodplain, but outside of the one-percent annual chance floodplain, are exempt from this provision.
 - (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- (B) *Substantial Improvement and Substantial Damage Determinations.* Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:
 - (1) *Estimate the market value of the structure.* In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
 - (2) *Estimate the cost of the project.* The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - (a) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - (b) Costs to restore damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
 - (3) Compare the cost of the project and/or repairs to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in § 153.02 of this ordinance.
 - (4) Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

§ 153.12 VIOLATIONS AND PENALTIES

- (A) *Uses in Violation of the Ordinance.* Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- (B) *Civil Remedies.* The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of North Mankato or the Department of Natural Resources.

- (C) *Enforcement.* Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of North Mankato must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

§ 153.13 AMENDMENTS

- (A) *Ordinance Amendments.* Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in § 153.03. of this ordinance.
- (B) *Required Approval.* All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval and publication.

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, MN

Claims List - Regular

By Vendor Name

Date Range: 9-6-22

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
02433	ADVANCED AUTO PARTS	09/06/2022	Regular	0	18.18	96374
00029	AG SPRAY EQUIPMENT	08/24/2022	Regular	0	11.52	96321
00031	AIM ELECTRONICS, INC.	09/06/2022	Regular	0	565.00	96375
03837	BECKER, ETHAN	08/24/2022	Regular	0	100.00	96322
03590	BEHIND THE MASK	08/19/2022	Regular	0	1,332.78	96316
03834	BERAN, NATHAN	08/24/2022	Regular	0	100.00	96323
00145	BETTER HOUSEKEEPING VACUUMS, INC.	08/24/2022	Regular	0	35.15	96324
02169	BLUE LINE SHARPENING & SALES	09/06/2022	Regular	0	126.00	96376
00189	BRAUN INTERTEC CORPORATION	08/24/2022	Regular	0	1,253.50	96325
00228	CARR'S TREE SERVICE	08/24/2022	Regular	0	2,750.00	96326
00255	CITY OF MANKATO	08/24/2022	Regular	0	609.84	96327
03686	COMMERCIAL RECREATION SPECIALISTS	08/24/2022	Regular	0	186,628.94	96328
00297	CORPORATE GRAPHICS COMMERCIAL	08/15/2022	Regular	0	7,950.20	96312
03831	COYLE, STEPHEN	08/24/2022	Regular	0	100.00	96329
03838	DDA HUMAN RESOURCES, INC	08/24/2022	Regular	0	23,000.00	96330
03619	DESTINATIONS INTERNATIONAL	08/24/2022	Regular	0	1,992.00	96332
00344	DIAMOND VOGEL PAINT CENTER	09/06/2022	Regular	0	88.60	96377
02705	DUNKIN DONUTS	09/06/2022	Regular	0	271.55	96378
00386	EMERGENCY APPARATUS MAINTENANCE, INC	09/06/2022	Regular	0	1,932.12	96379
00401	EXPRESS SERVICES, INC.	08/24/2022	Regular	0	3,535.03	96333
00401	EXPRESS SERVICES, INC.	09/06/2022	Regular	0	2,108.35	96380
00409	FERGUSON ENTERPRISES, INC	08/24/2022	Regular	0	5,242.76	96334
00409	FERGUSON ENTERPRISES, INC	09/06/2022	Regular	0	605.53	96381
03692	FRANSON, SALLY	09/06/2022	Regular	0	45.05	96382
00473	GENERATOR SYSTEM SERVICES, INC.	09/06/2022	Regular	0	3,485.00	96383
03310	GERDES, DOUG	08/24/2022	Regular	0	300.00	96335
00506	GREATER MANKATO GROWTH, INC.	08/24/2022	Regular	0	7,000.00	96336
00508	GREEN TECH RECYCLING, LLC	08/24/2022	Regular	0	180.00	96337
00519	HACH COMPANY	09/06/2022	Regular	0	1,918.08	96384
03836	HARGRAVE, MICHELLE	08/24/2022	Regular	0	100.00	96338
00819	HARRISON FORD OF MANKATO LLC	08/24/2022	Regular	0	424.30	96339
00819	HARRISON FORD OF MANKATO LLC	09/06/2022	Regular	0	891.80	96385
02829	HELLEKSON HEATING & AIR CONDITIONING LL	08/24/2022	Regular	0	118.75	96340
00577	HOLTMEIER CONSTRUCTION	09/06/2022	Regular	0	59,000.30	96386
03835	HOULE, SARAH	08/24/2022	Regular	0	100.00	96341
00595	HY-VEE, INC.	08/24/2022	Regular	0	313.57	96342
00595	HY-VEE, INC.	09/06/2022	Regular	0	216.63	96387
02597	INTERNET CONNECTIONS, INC	08/24/2022	Regular	0	100.00	96343
02429	J D TRUFFLES CATERING	08/24/2022	Regular	0	350.00	96344
03830	JANOUSEK, CHRIS	08/12/2022	Regular	0	110.00	96310
00639	KIBBLE EQUIPMENT LLC	09/06/2022	Regular	0	212.85	96388
03174	LAKES SPORTS BAR & GRILL	09/06/2022	Regular	0	734.45	96389
03832	LANDSTEINER, JESSICA	08/24/2022	Regular	0	100.00	96345
00746	LAW ENFORCEMENT LABOR SERVICES, INC.	08/26/2022	Regular	0	901.66	96371
00780	LOCATORS & SUPPLIES, INC.	08/24/2022	Regular	0	1,303.84	96346
00805	MAGFA	08/19/2022	Regular	0	1,151.79	96317
00812	MANKATO BEARING COMPANY	08/24/2022	Regular	0	8.90	96348
00812	MANKATO BEARING COMPANY	09/06/2022	Regular	0	44.82	96390
03624	MANKATO SYMPHONY ORCHESTRA	08/24/2022	Regular	0	9,160.00	96349
00849	MAYBA	08/19/2022	Regular	0	529.21	96318
03840	MBPTA	09/06/2022	Regular	0	100.00	96391
00920	MINNESOTA DEPARTMENT OF HEALTH	09/06/2022	Regular	0	13,394.16	96392
02895	MOTEL 6	08/24/2022	Regular	0	2,594.44	96350
01037	NICOLLET COUNTY	08/24/2022	Regular	0	100.00	96351
01057	NORTH MANKATO MOTOR VEHICLE REGISTRA	08/24/2022	Regular	0	29.75	96352
01057	NORTH MANKATO MOTOR VEHICLE REGISTRA	08/25/2022	Regular	0	14.25	96368
01106	PETTY CASH	09/06/2022	Regular	0	39.09	96393

02681	PITA PIT	09/06/2022	Regular	0	1,618.15	96394
01133	POWERPLAN/RDO EQUIPMENT	08/24/2022	Regular	0	198.12	96353
01133	POWERPLAN/RDO EQUIPMENT	09/06/2022	Regular	0	92.06	96395
02769	PRESENCE MAKER INC.	08/24/2022	Regular	0	3,263.50	96354
03149	RADEMAKER, CHAD	08/24/2022	Regular	0	967.00	96355
01170	RAMY TURF PRODUCTS	08/24/2022	Regular	0	69.00	96356
03833	ROCHE, MICHELLE	08/24/2022	Regular	0	100.00	96357
02070	SCHEELS	08/24/2022	Regular	0	131.88	96358
01263	SCHWICKERT'S TECTA AMERICA LLC	08/12/2022	Regular	0	243.90	96311
02819	SETTER & ASSOCIATES LLC	08/24/2022	Regular	0	3,175.00	96359
01352	STREICHER'S, INC	08/24/2022	Regular	0	1,263.00	96360
03035	TOW DISTRIBUTING CORPORATION	08/24/2022	Regular	0	1,092.65	96361
01414	TOWMASTER	08/24/2022	Regular	0	5,178.00	96362
01433	TYLER TECHNOLOGIES	08/24/2022	Regular	0	600.00	96363
02672	USA SOFTBALL, INC.	08/24/2022	Regular	0	128.00	96364
03307	VINNIES MINN. SNO PENTICO ICE & MFG	08/24/2022	Regular	0	666.60	96365
03307	VINNIES MINN. SNO PENTICO ICE & MFG	09/06/2022	Regular	0	165.00	96396
03839	WAGGIE, AL	08/24/2022	Regular	0	20.00	96366
01503	WASSMAN PLUMBING	09/06/2022	Regular	0	134.41	96397
02606	WHITE, DAN	08/24/2022	Regular	0	1,150.00	96367
00007	A&B TRANSMISSIONS	08/01/2022	Bank Draft	0	4,331.00	DFT0007118
02033	AMAZON.COM	08/23/2022	Bank Draft	0	35.11	DFT0007133
00064	AMERICAN PLANNING ASSOCIATION	08/16/2022	Bank Draft	0	411.01	DFT0007111
00101	AT&T MOBILITY	08/15/2022	Bank Draft	0	49.42	DFT0007100
00137	BENCO ELECTRIC COOPERATIVE	08/31/2022	Bank Draft	0	38,936.29	DFT0007165
00241	CHARTER COMMUNICATIONS	08/19/2022	Bank Draft	0	271.95	DFT0007124
02058	CONSOLIDATED COMMUNICATIONS	09/01/2022	Bank Draft	0	76.15	DFT0007138
02058	CONSOLIDATED COMMUNICATIONS	09/01/2022	Bank Draft	0	55.20	DFT0007139
02058	CONSOLIDATED COMMUNICATIONS	09/01/2022	Bank Draft	0	1,577.20	DFT0007140
02058	CONSOLIDATED COMMUNICATIONS	09/01/2022	Bank Draft	0	42.94	DFT0007141
02058	CONSOLIDATED COMMUNICATIONS	09/01/2022	Bank Draft	0	49.20	DFT0007142
02058	CONSOLIDATED COMMUNICATIONS	09/01/2022	Bank Draft	0	235.74	DFT0007143
02058	CONSOLIDATED COMMUNICATIONS	09/01/2022	Bank Draft	0	372.05	DFT0007144
03248	FREDRIKSON & BYRON, P.A.	08/23/2022	Bank Draft	0	52.50	DFT0007136
00447	FREE PRESS	08/05/2022	Bank Draft	0	99.29	DFT0007102
00447	FREE PRESS	08/19/2022	Bank Draft	0	27.48	DFT0007123
00447	FREE PRESS	08/23/2022	Bank Draft	0	40.50	DFT0007135
00447	FREE PRESS	08/25/2022	Bank Draft	0	48.67	DFT0007147
00447	FREE PRESS	08/31/2022	Bank Draft	0	216.08	DFT0007169
00447	FREE PRESS	08/31/2022	Bank Draft	0	123.00	DFT0007170
00511	GREENCARE	08/31/2022	Bank Draft	0	699.87	DFT0007171
00511	GREENCARE	09/01/2022	Bank Draft	0	734.57	DFT0007173
00608	INGRAM LIBRARY SERVICES	08/17/2022	Bank Draft	0	1,643.68	DFT0007155
00733	LAKES GAS CO #10	08/16/2022	Bank Draft	0	128.64	DFT0007109
00733	LAKES GAS CO #10	08/24/2022	Bank Draft	0	158.30	DFT0007146
00815	MANKATO CLINIC, LTD.	08/23/2022	Bank Draft	0	1,626.58	DFT0007134
00923	MINNESOTA DEPARTMENT OF LABOR & INDUSTRY	08/26/2022	Bank Draft	0	30.00	DFT0007166
00910	MINNESOTA VALLEY TESTING LAB, INC.	08/12/2022	Bank Draft	0	70.04	DFT0007116
00910	MINNESOTA VALLEY TESTING LAB, INC.	08/16/2022	Bank Draft	0	93.66	DFT0007119
00910	MINNESOTA VALLEY TESTING LAB, INC.	08/18/2022	Bank Draft	0	140.08	DFT0007125
00910	MINNESOTA VALLEY TESTING LAB, INC.	08/19/2022	Bank Draft	0	163.70	DFT0007131
00910	MINNESOTA VALLEY TESTING LAB, INC.	08/24/2022	Bank Draft	0	70.04	DFT0007156
00910	MINNESOTA VALLEY TESTING LAB, INC.	08/26/2022	Bank Draft	0	93.66	DFT0007158
03841	NEW CENTURY PRESS	08/30/2022	Bank Draft	0	725.00	DFT0007168
01112	PIONEER MANUFACTURING COMPANY	08/15/2022	Bank Draft	0	919.00	DFT0007103
02449	RADISSON HOTELS	08/16/2022	Bank Draft	0	381.40	DFT0007112
01335	STAPLES ADVANTAGE	08/11/2022	Bank Draft	0	336.92	DFT0007104
01335	STAPLES ADVANTAGE	08/23/2022	Bank Draft	0	334.66	DFT0007145
03279	STERICYCLE INC	08/22/2022	Bank Draft	0	27.56	DFT0007137
03738	TOTAL LANDSCAPE SUPPLY LLC	08/26/2022	Bank Draft	0	36.00	DFT0007157
01470	VERIZON WIRELESS	08/16/2022	Bank Draft	0	32.96	DFT0007110
03221	ZIBSTER	08/27/2022	Bank Draft	0	32.00	DFT0007167
00551	A.H. HERMEL COMPANY	08/26/2022	EFT	0	3,440.21	5507
00551	A.H. HERMEL COMPANY	09/08/2022	EFT	0	434.14	5560
00016	ADAMS, NICOLE	09/08/2022	EFT	0	24.99	5561
00028	AFFORDABLE TOWING OF MANKATO, INC.	08/26/2022	EFT	0	50.00	5508
00028	AFFORDABLE TOWING OF MANKATO, INC.	09/08/2022	EFT	0	150.00	5562

03766	ALMANZA, ALBINO	08/26/2022	EFT	0	216.00	5509
01090	AMERICAN SOLUTIONS FOR BUSINESS	08/26/2022	EFT	0	3,945.20	5510
01090	AMERICAN SOLUTIONS FOR BUSINESS	09/08/2022	EFT	0	388.75	5563
00105	AUTO VALUE MANKATO	08/26/2022	EFT	0	340.98	5511
00105	AUTO VALUE MANKATO	09/08/2022	EFT	0	13.98	5564
03745	BIEVER, DAN	08/26/2022	EFT	0	729.00	5512
00172	BOHRER, TOM	09/08/2022	EFT	0	440.00	5565
00174	BOLTON & MENK, INC.	09/08/2022	EFT	0	82,995.03	5566
00216	C & S SUPPLY CO, INC.	08/26/2022	EFT	0	10.25	5513
00216	C & S SUPPLY CO, INC.	09/08/2022	EFT	0	184.57	5567
02757	CINTAS	08/26/2022	EFT	0	376.14	5514
02757	CINTAS	09/08/2022	EFT	0	317.21	5568
02706	CORE & MAIN LP	08/26/2022	EFT	0	308.04	5515
00322	DALCO	08/26/2022	EFT	0	563.34	5516
00322	DALCO	09/08/2022	EFT	0	77.62	5569
00343	DH ATHLETICS LLC	08/26/2022	EFT	0	2,011.00	5517
00369	EBSO INFORMATION SERVICES	08/26/2022	EFT	0	284.90	5518
00373	ECKERT, LELAND	08/26/2022	EFT	0	108.00	5519
03199	EVERBRIDGE, INC	08/26/2022	EFT	0	6,300.00	5520
03338	FISCHENICH, WILLIAM	08/26/2022	EFT	0	567.00	5521
00434	FLINT HILLS RESOURCES LP	08/26/2022	EFT	0	13,705.40	5522
00439	FORSTER, DANIEL	08/26/2022	EFT	0	50.00	5523
00463	G & L AUTO SUPPLY, LLC	08/26/2022	EFT	0	66.00	5524
03746	GAUKER, KYLE	08/26/2022	EFT	0	621.00	5525
01098	GILLETTE GROUP/PEPSI-COLA	08/26/2022	EFT	0	357.00	5526
01098	GILLETTE GROUP/PEPSI-COLA	09/08/2022	EFT	0	974.00	5570
00482	GMS INDUSTRIAL SUPPLIES, INC.	09/08/2022	EFT	0	678.97	5571
03797	GPS INSIGHT, LLC	08/26/2022	EFT	0	188.00	5527
00538	HAWKINS, INC.	08/26/2022	EFT	0	1,338.99	5528
00646	HEINTZ, KATIE	09/08/2022	EFT	0	58.40	5572
03750	HERWIG, NICHOLAS	08/26/2022	EFT	0	89.56	5529
00680	J.J. KELLER & ASSOCIATES, INC.	08/26/2022	EFT	0	899.00	5530
00632	JAVENS MECHANICAL CONTRACTING CO.	08/26/2022	EFT	0	220.00	5531
00632	JAVENS MECHANICAL CONTRACTING CO.	09/08/2022	EFT	0	11,981.56	5573
00743	LARKSTUR ENGINEERING & SUPPLY, INC.	08/26/2022	EFT	0	196.65	5532
00776	LLOYD LUMBER CO.	08/26/2022	EFT	0	1,667.01	5533
00776	LLOYD LUMBER CO.	09/08/2022	EFT	0	5,465.15	5574
02575	LOCHER BROS, INC.	08/26/2022	EFT	0	2,876.20	5534
03352	LUXE QUARTERLIES	08/26/2022	EFT	0	1,555.70	5535
00796	MACQUEEN EQUIPMENT, INC.	09/08/2022	EFT	0	166.32	5575
00800	MADDEN, GALANTER, HANSEN, LLP	08/26/2022	EFT	0	2,147.00	5536
00869	MECHANICAL RESOURCES, INC.	08/26/2022	EFT	0	165.00	5537
00874	MENARDS-MANKATO	08/26/2022	EFT	0	269.08	5538
00874	MENARDS-MANKATO	09/08/2022	EFT	0	151.83	5576
02532	MIKE'S EMERGENCY VEHICLE INSTALLATIONS I	08/26/2022	EFT	0	3,223.95	5539
00902	MINNESOTA IRON & METAL CO	09/08/2022	EFT	0	84.00	5577
03022	MINNESOTA PAVING & MATERIALS	08/26/2022	EFT	0	168.00	5540
00966	MINNESOTA PUBLIC FACILITIES AUTHORITY (P	08/19/2022	EFT	0	89,991.70	5505
02323	MOBOTREX	08/26/2022	EFT	0	1,719.00	5541
00985	MOSS & BARNETT	09/08/2022	EFT	0	172.50	5578
00997	MTI DISTRIBUTING CO	08/26/2022	EFT	0	318.88	5542
01036	NICOLLET COUNTY RECORDER/ABSTRACTER	08/26/2022	EFT	0	92.00	5543
01052	NORTH CENTRAL INTERNATIONAL	08/26/2022	EFT	0	210.47	5544
01052	NORTH CENTRAL INTERNATIONAL	09/08/2022	EFT	0	2,574.62	5579
03384	NOVAK, QUINTIN	08/26/2022	EFT	0	783.00	5545
03020	NUTRIEN AG SOLUTIONS, INC.	09/08/2022	EFT	0	486.78	5580
01084	OVERHEAD DOOR CO. OF MANKATO, INC.	08/26/2022	EFT	0	98.00	5546
02005	PANTHEON COMPUTERS	09/08/2022	EFT	0	12,502.00	5581
03141	PIPES, ROGER	08/26/2022	EFT	0	1,107.00	5547
01402	POMPS TIRE	09/08/2022	EFT	0	105.00	5582
01179	RED FEATHER COMPANY	08/26/2022	EFT	0	418.99	5548
01179	RED FEATHER COMPANY	09/08/2022	EFT	0	188.91	5583
03518	RIDDELL	08/26/2022	EFT	0	5,702.45	5549
01211	RIVER BEND BUSINESS PRODUCTS	08/26/2022	EFT	0	454.42	5550
01211	RIVER BEND BUSINESS PRODUCTS	09/08/2022	EFT	0	376.54	5584
01281	SIGN PRO	08/26/2022	EFT	0	2,266.75	5551
01281	SIGN PRO	09/08/2022	EFT	0	639.00	5585

01286	SKARPOHL PRESSURE WASHER SALES	08/26/2022	EFT	0	30.89	5552
01286	SKARPOHL PRESSURE WASHER SALES	09/08/2022	EFT	0	68.39	5586
03680	STAGELINE MOBILE STAGE INC.	08/19/2022	EFT	0	108,801.00	5506
03109	THOMAS, BRANDON	08/26/2022	EFT	0	44.55	5553
01429	TURFWERKS	09/08/2022	EFT	0	196.26	5587
03191	US SOLAR	08/17/2022	EFT	0	6,030.92	5504
03191	US SOLAR	08/26/2022	EFT	0	5,773.77	5554
03140	VELDHUISEN, ROSE	08/26/2022	EFT	0	297.00	5555
03442	WASMUND, LARRY	08/26/2022	EFT	0	1,457.50	5556
03442	WASMUND, LARRY	09/08/2022	EFT	0	500.00	5588
03328	WOLLENZIEN, RICK	08/26/2022	EFT	0	216.00	5557
01552	WW BLACKTOPPING, INC	08/26/2022	EFT	0	471.12	5558
01552	WW BLACKTOPPING, INC	09/08/2022	EFT	0	1,010.44	5589
01563	ZARNOTH BRUSH WORKS, INC.	08/26/2022	EFT	0	594.00	5559
00234	CENTER POINT ENERGY	08/30/2022	Bank Draft	0	1,930.53	DFT0007160
03539	METRONET	08/15/2022	Bank Draft	0	4,126.96	DFT0007130
02766	SPROUT SOCIAL	08/08/2022	Bank Draft	0	99.00	DFT0007129
01477	VIKING ELECTRIC SUPPLY, INC.	08/17/2022	Bank Draft	0	90.32	DFT0007122
01477	VIKING ELECTRIC SUPPLY, INC.	08/19/2022	Bank Draft	0	225.20	DFT0007127
01477	VIKING ELECTRIC SUPPLY, INC.	08/29/2022	Bank Draft	0	202.30	DFT0007159
01557	XCEL ENERGY	08/30/2022	Bank Draft	0	12,545.54	DFT0007161
					<u>839,774.93</u>	<u>212</u>

Authorization Signatures

All Council

The above manual and regular claims lists for 9-6-22 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
Sandra Walberg	Park-Tree in Spring Lake Park	\$95.00
Duane Rader	Paver	\$95.00
Steve Menke	Park-Tree by Lady Bug Lake	\$95.00
Jean Anne Willaert	Library-Book Donation	\$158.00
Anonymous	Library-Book Donation	\$68.58
Total		\$511.58

Adopted by the City Council this 6th 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

2001 Ford TEL 4D	VIN 1FAPP56SXIG243101	Miles: 133,062
1998 Sterling Ford Tandem	VIN 1FDYX86E8WVA40933	Miles: 166,739
1989 GMC Sierra ½ Ton	VIN 1GTDC14K0KZ550307	Miles: 150,477
1978 Ford Oil Distributor	VIN N80FVAJ9144	Miles: 90,000

WHEREAS, these vehicles 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 6th day of September 2022.

Mayor

ATTEST:

City Clerk



1001 Belgrade Avenue
North Mankato, MN 56003
507-625-4141 Fax: 507-625-4151
www.northmankato.com

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:

☒
☐
☐

LIVE MUSIC/BAND
DJ/KARAOKE MACHINE
OTHER: _____

DATE OF EVENT: 8-27-22

BEGIN TIME: 7pm

END TIME: 10pm

LOCATION / SHELTER:

Spinners Bar

EVENT NAME:

Ocho & friends

ONSITE COORDINATOR:

PRINT NAME:

Clayton Oachs

MOBILE NUMBER:

507-382-8652

☒ 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:

Clayton Oachs

SIGNATURE:

Clay Oachs

DATE:

8-16-22

EMAIL:

Spinnersbar@yahoo.com

POLICE CHIEF:

Y26

CITY CLERK:

☐ DENIED ☐ APPROVED

☐ BOOK

☒ POLICE

☐ ONLINE

☐ \$25.00 FEE

STAFF INITIALS _____



MINNESOTA

1001 Belgrade Avenue

North Mankato, MN 56003

507-625-4141 Fax: 507-625-4151

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AMPLIFIED SOUND:



LIVE MUSIC/BAND



DJ/KARAOKE MACHINE



OTHER: _____

DATE OF EVENT: 9-3-22

BEGIN TIME: 7pm

END TIME: 10pm

LOCATION / SHELTER:

Spinners Bar

EVENT NAME:

Hop Heads Band

ONSITE COORDINATOR:

PRINT NAME:

Clayton Oachs

MOBILE NUMBER:

507-382-8652

☒ 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:

Clayton Oachs

SIGNATURE:

[Signature]

DATE:

8-16-22

EMAIL:

Spinnersbar@yahoo.com

POLICE CHIEF:

126

CITY CLERK:



DENIED



APPROVED



BOOK



POLICE



ONLINE



\$25.00 FEE

STAFF INITIALS



MINNESOTA

1001 Belgrade Avenue
North Mankato, MN 56003
507-625-4141 Fax: 507-625-4151
www.northmankato.com

Audio Permit

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- 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:



LIVE MUSIC/BAND



DJ/KARAOKE MACHINE



OTHER: _____

DATE OF EVENT: 9-16-22

BEGIN TIME: 7pm

END TIME: 10pm

LOCATION / SHELTER:

Spinnersbar

EVENT NAME:

Sip of Whiskey Round

ONSITE COORDINATOR:

PRINT NAME:

Clayton Oachs

MOBILE NUMBER:

507-382-8652

☒ 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:

Clayton Oachs

SIGNATURE:

Clay Oachs

DATE:

8-16-22

EMAIL:

Spinnersbar@yahoo.com

POLICE CHIEF:

RLG

CITY CLERK:

☐ DENIED ☐ APPROVED



BOOK



POLICE



ONLINE



\$25.00 FEE

STAFF INITIALS _____



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 in advance of the parade date.

Name of Applicant <u>Sarah Cornish</u>	Address <u>Mankato 120 Hobart Ct</u>	Phone <u>507-469-5608</u>	Email <u>SarahC@hickorytechnet</u>
---	---	------------------------------	---------------------------------------

Sponsoring Organization

Name

Address

Phone

Charger Challenge Mankato

507-469-5608

Contact during event

Sarah Cornish

Phone

507-469-5608

Event Location

Spring Lake Park

Date

9.30.22

From

Time

To

7:30am

2pm

Occasion for Parade

Charger Challenge School walk fundraiser

Parade Description / Composition

Start at Spring Lake Park to Hiniker Pond
Out by thrift store down west Lind to lake to walking trail up
Estimated Number of Participants: 400 Culvers hill.

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.

[Signature]
Applicant

7.19.22
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.

[Signature]
Chief of Police

8/15/22
Date

Caswell Sports Director

Date

2000 ft

994 ft elevation

PRAIRIE
DEVELOPMENT
LLC

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Offline Maps



My Content



Tools



Tracker

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item # 12A	Department: Community Dev.	Council Meeting Date: 9/6/22
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TITLE OF ISSUE: Consider Ordinance No. 151, Fourth Series An Ordinance of the City of North Mankato, Minnesota, Repealing and Replacing City Code Chapter 153: Flood Plain Regulation.

BACKGROUND AND SUPPLEMENTAL INFORMATION: Earlier this year, we were contacted by the Federal Emergency Management Agency (FEMA), indicating that the Flood Insurance Rate Maps and Nicollet County Flood Insurance Study are complete and will become effective on October 13, 2022. FEMA indicated that we must amend our floodplain ordinance or adopt a new ordinance in order to continue participating in the National Flood Insurance Program.

For the past several months staff has been working with the DNR to create a new floodplain ordinance that meets state and federal standards. The ordinance before you would replace our existing ordinance. A public hearing was held earlier this evening.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: 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.

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Other (specify) _____

☐ Workshop

☒ Regular Meeting

☐ Special Meeting

☐ Refer to: _____

☐ Table until: _____

☐ Other: _____

ORDINANCE NO. 151, FOURTH SERIES

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA, REPEALING AND REPLACING CITY CODE CHAPTER 153: FLOOD PLAIN REGULATION

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

Section 1. North Mankato City Code, Title XV: Land Usage, Chapter 153, Flood Plain is hereby replaced and will read as follows:

§ 153.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

§ 153.02 DEFINITIONS

Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

ACCESSORY STRUCTURE. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

BASE FLOOD. The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

BASE FLOOD ELEVATION (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

BASEMENT. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

BUILDING. See *Structure*.

CHANNEL. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

FEMA. Federal Emergency Management Agency.

FLOOD. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

FLOOD FRINGE. The portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE.

FLOOD INSURANCE RATE MAP (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS). The study referenced in § 153.03(B), which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

FLOODPLAIN. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

FLOODPROOFING. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

INTERIOR PONDING AREA. Stillwater flooded area identified on the adopted FEMA FIRM associated with interior drainage behind a levee.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

PRINCIPAL STRUCTURE. The main building or other structure on a lot that is utilized for the property's principal use.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

REGULATORY FLOOD PROTECTION ELEVATION (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

STAGE INCREASE. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in § 153.04(D) shall also be considered a structure for the purposes of this ordinance.

SUBDIVISION. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

VARIANCE. "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2).

WATERCOURSE. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

§ 153.03 JURISDICTION AND DISTRICTS

- (A) *Lands to Which Ordinance Applies.* This ordinance applies to all lands within the jurisdiction of the City of North Mankato within the boundaries of the Floodway, Flood Fringe, Interior Ponding Areas, and General Floodplain Districts.
 - (1) The Floodway, Flood Fringe, Interior Ponding Areas, or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 - (2) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain, with the exception of areas protected from flooding by the Minnesota River North Mankato Levee as indicated on the FIRM.
 - (3) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Zoning Administrator, Planning Commission and City Council and to submit technical evidence.
- (B) *Incorporation of Maps by Reference.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Nicollet County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, and prepared by the Federal Emergency Management Agency.
 - 27103C0405H, dated October 13, 2022
 - 27103C0410H, dated October 13, 2022
 - 27103C0415H, dated October 13, 2022
 - 27103C0416H, dated October 13, 2022
 - 27103C0417H, dated October 13, 2022

These materials are on file in the City Hall at 1001 Belgrade Ave, North Mankato, MN 56003.

- (C) *Districts.*
 - (1) *Floodway District.* Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in § 153.03(B).
 - (2) *Flood Fringe District.* Those areas within Zones AE located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in § 153.03(B).

- (3) *Interior Ponding Areas.* Those areas within the flood fringe district located in the area protected by the Minnesota River North Mankato Levee. The following Interior Ponding Areas are identified:

Sherman Street Ponding Area

Wheeler Avenue Ponding Area

- (4) Reserved for General Floodplain District.
- (D) *Annexations.* The Flood Insurance Rate Map panels referenced in § 153.03(B) may include floodplain areas that lie outside of the corporate boundaries of the City of North Mankato at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of North Mankato after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in § 153.03(B) require ordinance amendment in accordance with § 153.13.

§ 153.04 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

- (A) *Permit Required.* A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
- (1) The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in § 153.11(A)(3).
 - (2) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction.
 - (3) The change or expansion of a nonconforming use.
 - (4) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - (5) The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.
 - (6) The storage of materials or equipment, in conformance with § 153.04(C)(2).
 - (7) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
 - (8) Any other type of "development," as defined in § 153.02 of this ordinance.
- (B) *No Permit Required.* Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.
- (C) *Minimum Development Standards.*
- (1) All development must:
 - (a) Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (b) Be constructed with materials and equipment resistant to flood damage;
 - (c) Be constructed by methods and practices that minimize flood damage;
 - (d) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
 - (e) Be reasonably safe from flooding and consistent with the need to minimize flood damage;
 - (f) Be assured to provide adequate drainage to reduce exposure to flood hazards;

- (g) Not be detrimental to uses in adjoining areas; and
 - (h) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- (2) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

Table 1. Summary of Permitting Requirements for Structures

Structure Type	Floodway	Flood Fringe	Standards*
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	§153.06(B)(1)(a), via §153.06(B)(3)(d)(ii)
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	§153.06(B)(3)(d)(i)
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	§153.06(B)(3)(d)(iii)
Residential – on fill	Not allowed	Allowed with Permit	§153.06(B)(1)(a)
Residential – Dry (watertight) Floodproofing	Not allowed	Not allowed	N/A
Non-Residential – on fill	Not allowed	Allowed with Permit	§153.06(B)(1)(a), via §153.06(B)(2)(a)
Non-Residential – Dry (watertight) Floodproofing	Not allowed	Allowed with Permit	§153.06(B)(2)(b)

**Note - many of these standards are cross-referenced to avoid duplication*

- (D) **Recreational Vehicles.** Recreational vehicles must be travel ready, meeting the following criteria:
- (1) The vehicle must be fully licensed.
 - (2) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - (3) No permanent structural type additions may be attached to the vehicle.

§ 153.05 FLOODWAY DISTRICT

- (A) **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in § 153.05(B):
- (1) Recreational uses, parking lots, loading areas, water control structures, navigational facilities, as well as public open space uses.
 - (2) Roads, railroads, trails, bridges, and culverts.
 - (3) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
 - (4) Grading, filling, land alterations, and shoreline stabilization projects.
 - (5) No structures, as defined in § 153.02, are allowed in the Floodway District, except structures accessory to the uses detailed in § 153.05(A)(1).
- (B) **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in § 153.04:
- (1) The applicant must demonstrate that the development will not result in any of the following during the one-percent chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or

using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”

- (2) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in § 153.10(A)(5) and § 153.13.
- (3) Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in § 153.10(A)(5) and § 153.13.
- (4) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
- (5) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.

§ 153.06 FLOOD FRINGE DISTRICT

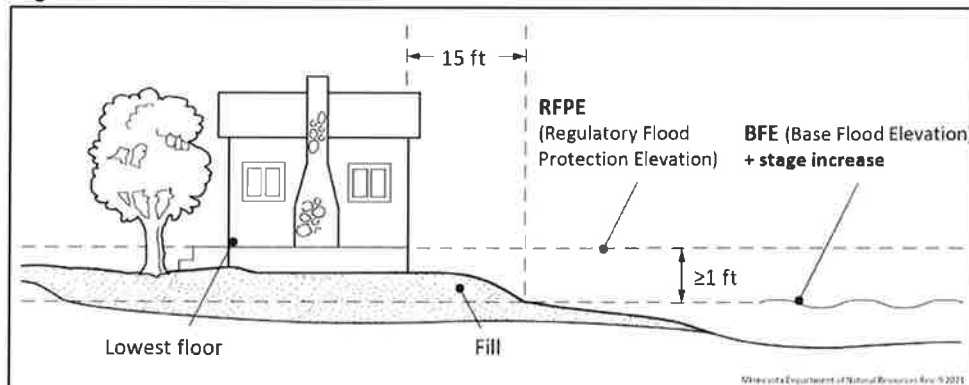
(A) *Permitted Uses in Flood Fringe.* Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in § 153.06(B).

(B) *Standards for Permitted Uses in Flood Fringe.* In addition to the applicable standards detailed in § 153.04:

(1) *Residential Structures.*

- (a) *Elevation on Fill.* All structures to be erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in § 153.02 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.

Figure 1: Overview of fill standards for residential structures.



(2) *Nonresidential Principal Structures.* Nonresidential principal structures must meet one of the following construction methods:

- (a) *Elevation on Fill.* Structures may be elevated on fill, meeting the standards in § 153.06(B)(1)(a) of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
- (b) *Dry Floodproofing.* Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:
 - (i) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);

- (ii) Must meet the standards of FEMA Technical Bulletin 3, as amended; and
 - (iii) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.
- (3) *Accessory Structures.* All accessory structures must meet the following standards:
 - (a) Structures shall not be designed or used for human habitation.
 - (b) Structures will have a low flood damage potential.
 - (c) Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
 - (d) Structures with two or more rigid walls, must meet one of the following construction methods:
 - (i) *Wet Floodproofing.* Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
 - (ii) *Elevation on Fill.* Structures may be elevated on fill, meeting the standards in § 153.06(B)(1)(a) and § 153.06(C) of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure for accessory structures.
 - (iii) *Dry Floodproofing.* Structures may be dry-floodproofed, or watertight, meeting the standards in § 153.06(B)(2)(c) of this ordinance.
- (4) Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of North Mankato that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.
- (C) *Standards for Interior Ponding Areas.* In addition to the applicable standards detailed in § 153.06(A) through (B), the following criteria apply to activities in the Interior Ponding Areas identified in § 153.03(C)(2).
 - (1) *Compensatory Storage Requirement.* Any fill placed in the Interior Ponding Areas must be offset with compensatory flood storage volume of equal or greater volume below the BFE. Compensatory storage must occur contiguous with the same impacted Interior Ponding Area. The excavated material removed to create the compensatory storage area must not be deposited elsewhere in the floodplain. Preparation and final grading must be consistent with the applicable flood fringe standards set forth in § 153.06.
 - (2) Earthwork, grading, or construction in the Interior Ponding Areas cannot inhibit, reroute, or restrict runoff patterns, and must maintain adequate area for runoff to flow to the stormwater system.

§ 153.07 RESERVED FOR GENERAL FLOODPLAIN DISTRICT

§ 153.08 SUBDIVISION STANDARDS

- (A) *Subdivisions.* All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
 - (1) All lots within floodplain districts must be suitable for a building site outside of the Floodway District.
 - (2) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of North Mankato.
 - (3) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of North Mankato.

- (4) The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

§ 153.09 RAILROADS, ROADS, BRIDGES, AND PUBLIC AND PRIVATE UTILITIES AND SERVICE FACILITIES

- (A) *Public Transportation Facilities.* Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.
- (B) *Public Utilities.* All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- (C) *Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.* Private facilities shall be subject to applicable provisions detailed in § 153.09(B). In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

§ 153.10 ADMINISTRATION

- (A) *Duties.* A Zoning Administrator or other official must administer and enforce this ordinance.
- (1) *Permit Application Requirements.* Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
- (a) A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
 - (b) Location and detail of grading, fill, or storage of materials.
 - (c) Compensatory storage calculations for projects in the Interior Ponding Areas of the Flood Fringe District.
 - (d) Copies of any required local, state or federal permits or approvals.
 - (e) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- (2) *Recordkeeping.* The Zoning Administrator must maintain applicable records in perpetuity documenting:
- (a) All certifications for dry floodproofing, where applicable.
 - (b) Analysis of no-rise in the Floodway District, as detailed in § 153.05 (B)(1), and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in § 153.07.
 - (c) Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
 - (d) Substantial damage and substantial improvement determinations, as detailed in § 153.11(A)(3), including the cost of improvements, repairs, and market value.
 - (e) All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
- (3) *Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.* No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning

Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.

- (4) *Notifications for Watercourse Alterations.* Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
- (5) *Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.* Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of North Mankato must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available.

(B) *Variances.*

- (1) *Variance Applications.* An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
- (2) *Adherence to State Floodplain Management Standards.* Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- (3) *Additional Variance Criteria.* The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (b) Variances may only be issued by a community upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) *Flood Insurance Notice.* The Zoning Administrator must notify the applicant for a variance in writing that:
 - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (6) *Considerations for Approval.* The community may consider the following factors in granting variances and imposing conditions on variances in floodplain districts:
 - (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - (c) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (7) *Conditions of Approval.* The City of North Mankato may attach such conditions to the granting of variances as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - (a) Limitations on period of use, occupancy, and operation.

- (b) Imposition of operational controls, sureties, and deed restrictions.
 - (c) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - (d) Other conditions as deemed appropriate by the Zoning Administrator, Planning Commission and City Council.
- (C) *Notifications to the Department of Natural Resources.*
- (1) All notices of public hearings to consider variances under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
 - (2) A copy of all decisions granting variances under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

§ 153.11 NONCONFORMITIES

- (A) *Continuance of Nonconformities.* A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
- (1) Within the floodway and general floodplain districts, expansion or enlargement of uses or structures is prohibited.
 - (2) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
 - (3) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in § 153.11(A)(2), it may not be reconstructed except in conformity with the provisions of this ordinance. Existing structures within the regulatory floodplain, but outside of the one-percent annual chance floodplain, are exempt from this provision.
 - (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- (B) *Substantial Improvement and Substantial Damage Determinations.* Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:
- (1) *Estimate the market value of the structure.* In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
 - (2) *Estimate the cost of the project.* The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - (a) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - (b) Costs to restore damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
 - (3) Compare the cost of the project and/or repairs to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in § 153.02 of this ordinance.
 - (4) Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

§ 153.12 VIOLATIONS AND PENALTIES

- (A) *Uses in Violation of the Ordinance.* Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- (B) *Civil Remedies.* The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of North Mankato or the Department of Natural Resources.
- (C) *Enforcement.* Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of North Mankato must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

§ 153.13 AMENDMENTS

- (A) *Ordinance Amendments.* Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in § 153.03. of this ordinance.
- (B) *Required Approval.* All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

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

Adopted by the North Mankato City Council this 6th day of September 2022.

Mayor

Attest: _____
City Clerk

SUMMARY NORTH MANKATO FLOODPLAIN ORDINANCE

The North Mankato City Council adopted a newly revised floodplain ordinance at the September 6, 2022, Council Meeting. The ordinance was based on the Minnesota DNR model floodplain ordinance to satisfy the state and federal standards detailed in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR 59 to 78. The ordinance provides the general regulations for development in floodplains and procedures guiding administrative responsibilities.

A copy of the ordinance in its entirety is available for inspection at 1001 Belgrade Avenue, North Mankato, Minnesota, between the hours of 8:00 a.m. and 5:00 p.m. Monday-Friday. Or visit www.northmankato.com to view a copy online.

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item # 12B	Department: Administration	Council Meeting Date: 9/6/22
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TITLE OF ISSUE: Consider Resolution Calling for a Public Hearing on Proposed Property Tax Abatements.

BACKGROUND AND SUPPLEMENTAL INFORMATION: Tonight Council is being asked to set a public hearing to consider a Tax Abatement agreement by and between the City of North Mankato, MN, and 230 Nicollet Avenue, LLC. City Administrator McCann will be reviewing the proposed agreement.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: Adopt Resolution Calling for a Public Hearing on Proposed Property Tax Abatements.

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
<input type="checkbox"/>	<input checked="" 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: _____

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

HELD: September 6, 2022

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of North Mankato, Blue Earth and Nicollet Counties, Minnesota, was duly held at the Municipal Building Council Chambers on September 6, 2022 at 7:00 p.m., for the purpose in part of calling for a public hearing on property tax abatements.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION CALLING FOR A PUBLIC HEARING ON PROPOSED PROPERTY TAX
ABATEMENTS

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

1. Recitals.

(a) Minnesota Statutes, Sections 469.1812 through 469.1815, as amended, both inclusive, authorize the City, upon satisfaction of certain conditions, to grant an abatement of all or a part of the taxes levied by the City on real property within its boundaries.

(b) It is a legal requirement that the City hold a public hearing prior to adoption of a resolution granting any property tax abatements.

2. Hearing. A public hearing on the consideration of the property tax abatement will be held at the time and place set forth in the Notice of Hearing attached hereto as Exhibit A and hereby made a part hereof.

3. Notice. The City Clerk is hereby authorized and directed to cause notice of said hearing in substantially the form attached hereto as Exhibit A to be given one publication in a newspaper of general circulation in the City more than 10 days but less than 30 days before the

hearing. The newspaper must be one of general interest and readership in the City, and the notice must be published at least once.

Councilmember _____ moved for the adoption of the foregoing resolution, and said motion was duly seconded by Councilmember _____, 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.

Adopted on September 6, 2022, by the City Council of the City of North Mankato, Minnesota.

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 I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of the City, duly called and held on the date therein indicated, insofar as such minutes relate to the calling of a public hearing on a proposed property tax abatement.

WITNESS my hand this ____ day of _____, 2022.

City Clerk
City of North Mankato, Minnesota

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 multifamily 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

/s/ April Van Genderen, 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 208th 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

CITY OF NORTH MANKATO
REQUEST FOR COUNCIL ACTION



Agenda Item # 12C	Department: Administration	Council Meeting Date: 9/6/22
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TITLE OF ISSUE: Receive an Update from MAPO on the Lookout Drive Corridor Study.

BACKGROUND AND SUPPLEMENTAL INFORMATION: A representative from the MAPO study will be present to provide an update on the study.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: Receive an Update from MAPO on the Lookout Drive Corridor Study.

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
<input type="checkbox"/>	<input checked="" 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: _____



City Council Meeting

September 6th, 2022

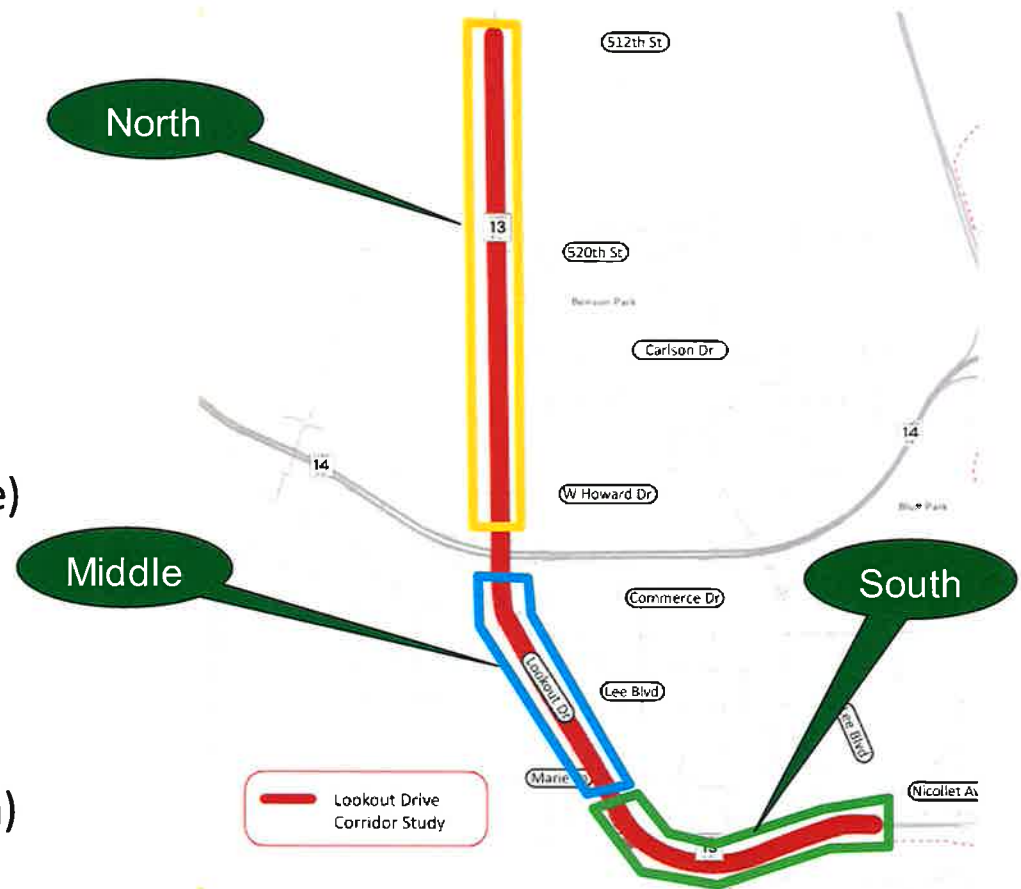
Purpose and Needs

- **Purpose**

- Identify multimodal improvements that can be made on Lookout Drive
- Develop an implementation plan that is reasonable and implementable

- **Needs**





- Maintain acceptable traffic operations and safety into future (North and Middle)
- Align speeds to match context of roadway (Middle)
- Improve pedestrian and bicycle connections both along and crossing Lookout Drive (North, Middle, and South)



Summer Engagement

- **Farmers Market 8/8**
 - Alternative layouts available for conversation
 - Approximately 40 people stopped by
- **Online Engagement 8/8 – 8/29**
 - Recorded presentation and alternative layouts provided
 - 56 responses to posted survey

Roadway Alternative Features

-  Access Management – *Keeping the route commuter friendly and safe*
-  Traffic Calming – *Speeding concerns*
-  Enhanced Bike/Pedestrian Facilities – *Desire for crossing refuge and dedicated facilities*
-  Traffic Control Changes – *Keeping the route commuter friendly and safe as well as improving pedestrian crossings*

Evaluation and Ranking of Alternatives



Vehicle mobility



Vehicle safety



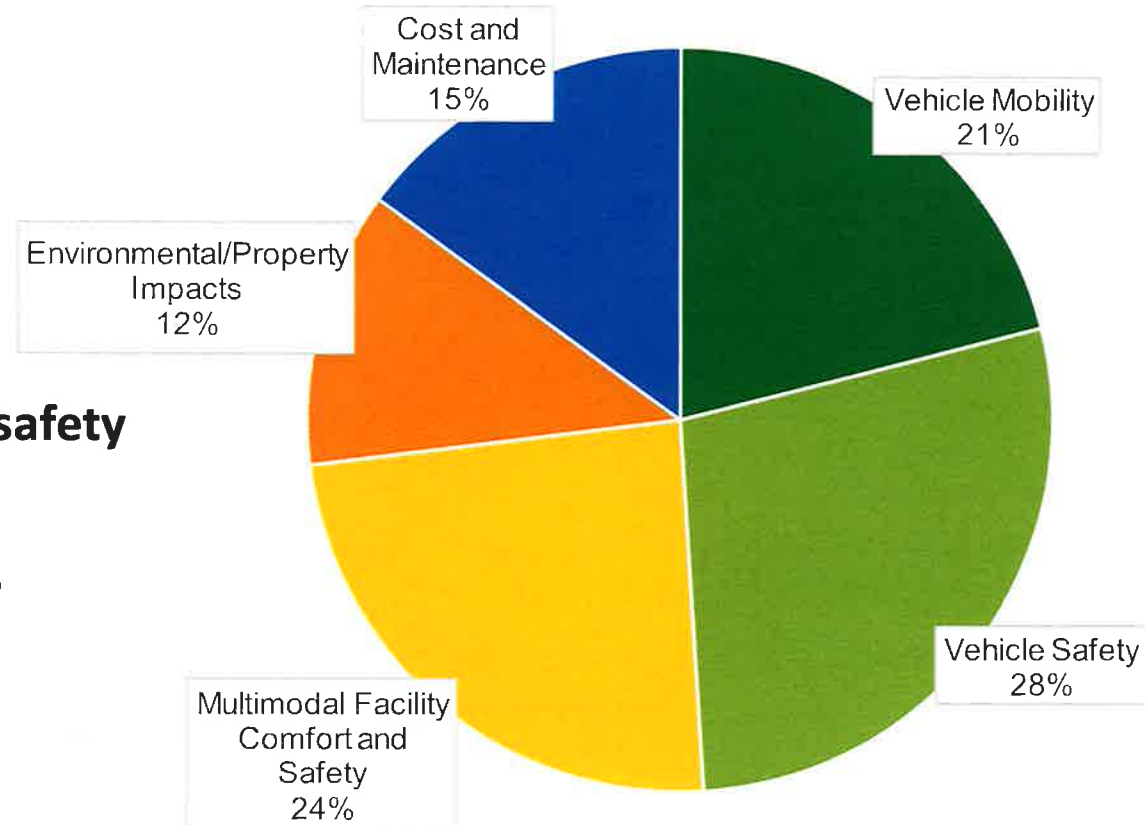
Multimodal facility comfort and safety



Environmental/property impacts



Cost and maintenance



North Segment – Alternative 1

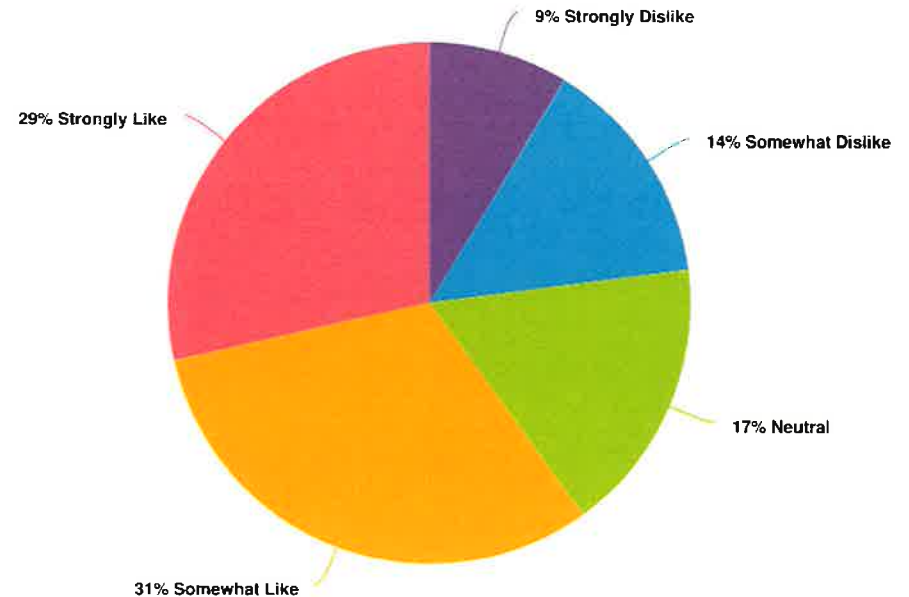
North



North Segment Alternative 1 – Roadway Section Details

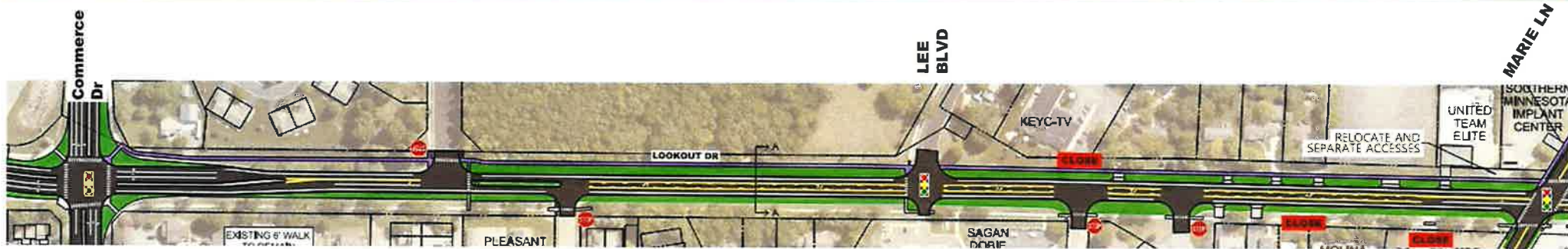


Category	Performance
Vehicle Mobility	Great
Vehicle Safety	Great
Multimodal Facilities	Great
Impacts	Good
Cost & Maintenance	Good
Overall	Great
Segment Rank	1 st (of 1)



Middle Segment Alternative 1 – Proposed Improvements

North



Middle Segment Alternative 2 – Proposed Improvements

North ←



Middle Segment Alternative 3 – Proposed Improvements

North ←



Middle Segment – Alternative Comparison

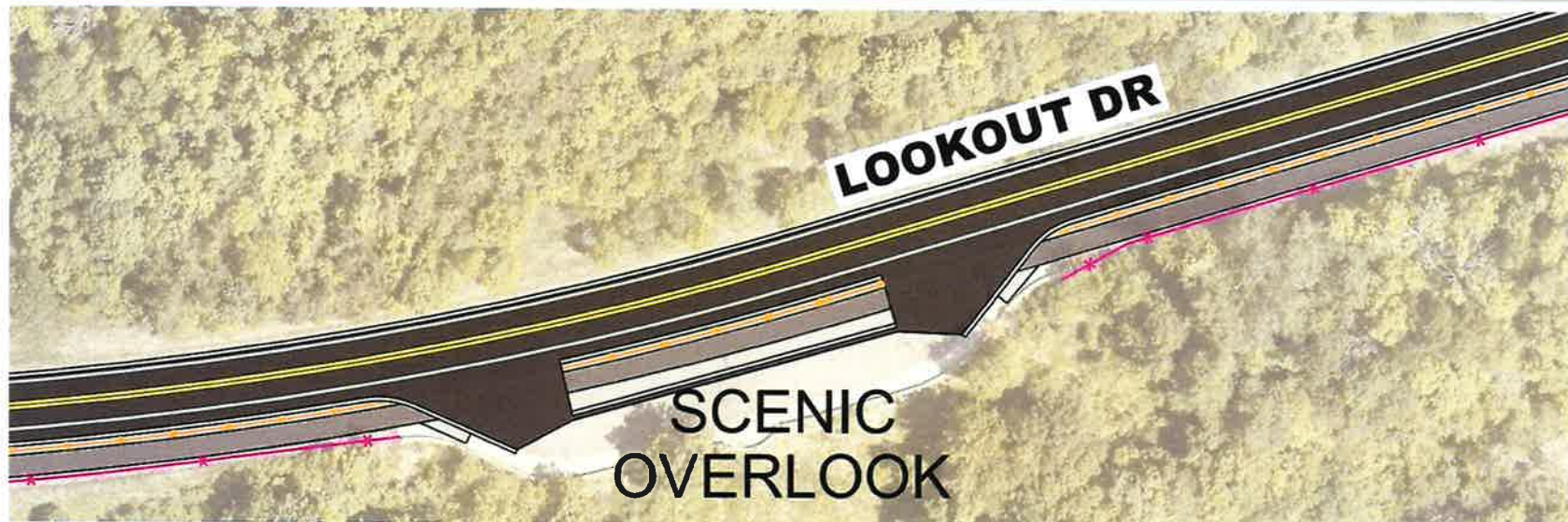
Category	Alt 1	Alt 1A	Alt 2	Alt 3
Vehicle Mobility	Good	Good	Great	Good
Vehicle Safety	Good	Great	Great	Fair
Multimodal Facilities	Great	Great	Great	Good
Impacts	Good	Good	Fair	Good
Cost & Maintenance	Fair	Fair	Fair	Great
Overall	Good	Good	Good	Good
Segment Ranking	3 rd	2 nd	1 st	4 th

- **Alternative 1:** 3-lane section with traffic signals
- **Alternative 1A:** 3-lane section with roundabouts
- **Alternative 2:** 2-lane median-divided section with roundabouts
- **Alternative 3:** Retrofit

Middle Segment – Public Rank Choice

	1	2	3	Responses
Alternative #1				
Count	4	16	4	24
Row %	16.7%	66.7%	16.7%	
Alternative #2				
Count	13	2	9	24
Row %	54.2%	8.3%	37.5%	
Alternative #3				
Count	7	5	12	24
Row %	29.2%	20.8%	50.0%	
Totals				
Total Responses				24

South Segment Alternative 1 – Proposed Improvements



North
↑



South Segment Alternative 2 – Proposed Improvements



South Segment – Alternatives Comparison

Category	Alt 1	Alt 2
Vehicle Mobility	Good	Good
Vehicle Safety	Good	Good
Multimodal Facilities	Great	Poor
Impacts	Great	Great
Cost & Maintenance	Good	Fair
Overall	Good	Fair
Segment Ranking	1 st	2 nd

- **Alternative 1:** Remove Truck Climbing Lane + 10' Trail
- **Alternative 2:** Maintain Truck Climbing Lane + 5' Sidewalk

South Segment – Public Rank Choice

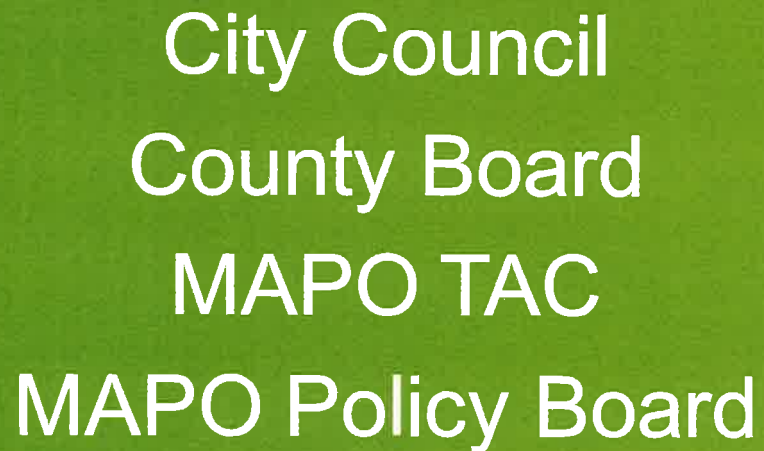
	1	2	Responses
Alternative #1			
Count	15	9	24
Row %	62.5%	37.5%	
Alternative #2			
Count	9	15	24
Row %	37.5%	62.5%	
Totals			
Total Responses			24

Phased Improvement Options

- **Dividing ultimate vision into bite-size pieces**
 - Key intersection improvement
 - Key pedestrian/bicycle connection
 - Certain portion of corridor/segment
- **Applying short-term solutions in advance of larger infrastructure project**
 - Dynamic speed display signs
 - Improved pedestrian signing and crossings
 - Median additions/improvements

Next Steps

City Council
County Board
MAPO TAC
MAPO Policy Board



Study Wrap Up
(Fall/Winter 2022)

