

Pursuant to the due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Municipal Building Council Chambers on May 1, 2023. Mayor Carlson 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 Steiner, Oachs, Peterson, Whitlock, City Administrator McCann, Finance Director Ryan, Public Works Director Arnold, and City Clerk Van Genderen.

**Approval of Agenda**

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

**Pollinator Proclamation**

WHEREAS, the monarch butterfly is an iconic North American species whose migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, globally, pollinators are in decline due to pressures including habitat loss and climate change; and

WHEREAS, cities, towns, and counties have a critical role to play in helping preserve the monarch butterfly habitat; and

WHEREAS, North Mankato has made significant efforts to increase pollinator habitats through prairie restoration of Benson Park and Bluff Park and incorporating pollinator plants in community gardens, green spaces and natural yards; and

WHEREAS, the Mayor of North Mankato has taken the National Wildlife Federation's Mayor's Monarch Pledge to demonstrate North Mankato's commitment to creating habitat and educating citizens about how they can make a difference at home.

NOW, THEREFORE, I, Scott Carlson, Mayor of the City of North Mankato, Minnesota, declare the City of North Mankato a

**POLLINATOR-FRIENDLY COMMUNITY**

In the City of North Mankato, and encourage all North Mankato residents to join me in this special effort.

Dated this 1<sup>st</sup> day of May 2023.

**Approval of Council Minutes from April 17, 2023, Council Meeting.**

**Council Member Steiner moved, seconded by Council Member Peterson, to approve the Council Meeting Minutes of April 17, 2023. Vote on the motion Steiner, Oachs, Peterson, Whitlock, and Carlson, aye, no nays. Motion carried.**

**Approval of Council Work Session Minutes from April 17, 2023, Council Work Session.**

**Council Member Oachs moved, seconded by Council Member Steiner, to approve the Council Work Session Minutes of April 17, 2023. Vote on the motion Steiner, Oachs, Peterson, Whitlock, and Carlson, aye, no nays. Motion carried.**

**Consent Agenda**

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

- A. Bills and Appropriations.
- B. Res. No. 32-23 Accepting Donations/Contributions/Grants.
- C. Approved Audio Permit for June 3, 2023, at Wheeler Park Shelter from 10:00 am to 4:00 pm for a Graduation Party.
- D. Approved Seasonal Patio License for Big Dog Restaurants at 1712 Commerce Drive for May 1, 2023, through November 1, 2023.
- E. Approved Seasonal Patio License for the Circle Inn at 232 Belgrade Avenue for May 1, 2023, through November 1, 2023.
- F. Approved Audio Permits for May 3, 4, 5, 6, and 13, 2023, for the Circle Inn at 232 Belgrade Avenue from 5 pm to 10 pm.

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

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

None.

**Business Items**

**Res. No. 33-23 Adopting “Juneteenth” as an Official Holiday within the City of North Mankato’s Paid Holiday Schedule.**

City Administrator McCann stated that Juneteenth National Independence Day commemorates June 19, 1865, when the Union Army went to Galveston, Texas, to announce the emancipation of the last enslaved people in the United States. President Biden signed the Juneteenth National Independence Day Act into law on June 17, 2021, and on February 3, 2023, Governor Walz signed into law a bill establishing Juneteenth as a state-recognized holiday. With the law going into effect, the City must recognize Juneteenth. Minnesota law states that no public business shall be transacted on any holiday except in cases of necessity. As the City recognizes Juneteenth, two items need to occur. First, the City will need to add the date to the official holiday schedule, and the Council Meeting scheduled for June 19<sup>th</sup> will need to be moved to June 20<sup>th</sup>. The following two resolutions will recognize the holiday as paid and move the City Council Meeting.

**Council Member Steiner moved, seconded by Council Member Oachs, to Adopt Res. No. 33-23 Adopting “Juneteenth” as an Official Holiday within the City of North Mankato’s Paid Holiday Schedule. Vote on the motion Steiner, Oachs, Peterson, Whitlock, and Carlson, aye, no nays. Motion carried.**

**Res. No. 34-23 Amending Council Meeting Dates for the Year 2023.**

**Council Member Steiner moved, seconded by Council Member Oachs, to Adopt Res. No. 34-23 Amending Council Meeting Dates for the Year 2023. Vote on the motion Steiner, Oachs, Peterson, Whitlock, and Carlson, aye, no nays. Motion carried.**

**Authorize City Administrator McCann to Hire a New Water Department Staff Member.**

City Administrator McCann reviewed the memo noting that the Water Department currently employs four members and protects the City's drinking water. The current Water Superintendent will be retiring in 2025. The water department has recently hired individuals who were not fully trained, and it requires three years to be fully trained. Staff would like to hire an additional employee in 2023, so the staff will not be short-handed following the Water Superintendent's retirement. Public Works Director Arnold noted that the workload has increased, especially with water locates. City Administrator McCann noted that Finance Director Ryan had prepared several scenarios. With potential additional capital savings in the rest of the budget, the new staff member should not cause a budget deficit. Council Member Peterson requested clarification on if there was already a temporary worker the staff was interested in bringing on full-time. Public Works Director Arnold indicated there was a summer seasonal who would be returning and was interested in the position.

**Council Member Steiner moved, seconded by Council Member Oachs, to Authorize City Administrator McCann to Hire a New Water Department Staff Member. Vote on the motion Steiner, Oachs, Peterson, Whitlock, and Carlson, aye, no nays. Motion carried.**

**Receive Information Concerning the City's Brush Site.**

Public Works Director Arnold reviewed the memo noting the brush site open hours are currently set to match the recycling department's hours of 8:30 am to 4:30 pm Monday-Sunday. He stated that staff reviewed public information from 28 Minnesota communities and reported that most sites had limited hours, and a few of those with more extended hours had a permit system. Public Works Director Arnold stated the memo's purpose was to provide information and seek direction from the Council on immediate steps the City should take to provide additional hours to the brush site. He noted a few options, including soliciting and using volunteers or utilizing the Police Department to close down the brush site. Public Works Director Arnold noted the City had been approached by a potential volunteer but thought it might be possible to solicit additional volunteers to lessen the burden. Mayor Carlson asked if it would be possible to expand the site by an additional acre in 2023 or if that would need to wait. Public Works Director Arnold stated it would be possible to make it happen later in the year. He noted one of the main reasons for limiting the hours was to control costs which have increased in the past few years probably due to commercial dumping, which is prohibited, but the City has not been able to curb it. A discussion was held about possibly providing a third bin to residents as a compost/organics bin. Public Works Director Arnold stated that this proposal would need additional research as he has not considered the cost.

Mayor Carlson stated he thought in 2023 it would be good to look into the 1-acre expansion, search for additional contracts to remove the mulched waste, begin using volunteers to expand the hours and upgrade the video system to have a better-quality video to catch violators of the no-commercial dumping. Council Member Whitlock suggested contacting Police Chief Gullickson to consider having the new Police Reserve recruits also assist with monitoring the site.

**Open Forum**

Barb Church, 102 Wheeler Avenue, appeared before Council and stated regarding the additional bin that if residents use herbicides or pesticides, the materials could not be considered organic waste.

**City Administrator and Staff Comments**

Public Works Director noted that City staff had begun crack sealing. The Lor Ray roundabout has gone out for bid with a planned start date after the State Softball tournament and finishing before the start of school.

City Administrator McCann reported that the Governor's fishing opener would occur the weekend of May 12<sup>th</sup>.

City Administrator McCann invited everyone out to Bookin' on Belgrade on May 20<sup>th</sup>.

City Administrator McCann reported that the new website will go live on Tuesday, May 2<sup>nd</sup>.

City Administrator McCann said the new lights are up at Caswell Park and ready to go!

### **Mayor and Council Comments**

Council Member Peterson stated that the new roundabout would help the traffic flow at Lor Ray and Howard, especially at the start of the school day.

Council Member Whitlock thanked all the donors.

Council Member Steiner noted that The Beast would be hosting GMG after hours on May 2<sup>nd</sup> from 4-7 pm and asked why Jeni Bobholz could not serve liquor from the Circle Inn. She has served off-site before. City Administrator McCann reported that the City received a concern and they needed to follow up. Staff spoke with the State, which noted that Ms. Bobholz does not have a catering license that allows her to serve alcohol off-site. Staff also confirmed with an attorney that she could not serve liquor without jeopardizing her license. Staff was unaware of other times that Ms. Bobholz served off-site as her license is site specific.

Mayor Carlson noted that the Police Department had received new applicants for the Police Reserve.

Mayor Carlson thanked donors to the youth scholarships. He stated he is encouraging kids at his school to consider looking into scholarships if they are in need.

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Mayor

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City Clerk



City of North Mankato, MN

# Check Report

By Vendor Name

Date Range: 5/17/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
00416	1st LINE/LEEWES VENTURES LLC	05/15/2023	Regular	0	957.25	97404
00012	ABDO FINANCIAL SOLUTIONS	05/15/2023	Regular	0	20,133.75	97405
03389	ANTHONY, ALONZO	05/15/2023	Regular	0	300.00	97406
02434	AUSTIN'S AUTO REPAIR CENTER, INC.	05/15/2023	Regular	0	44.79	97407
03735	BENNING, TIM	05/15/2023	Regular	0	600.00	97408
00238	CHAMPLIN AUTO WASH	05/15/2023	Regular	0	480.00	97409
00255	CITY OF MANKATO	05/15/2023	Regular	0	155,210.84	97410
00297	CORPORATE GRAPHICS COMMERCIAL	05/15/2023	Regular	0	40.33	97411
03527	CRYSTAL CLEAN	05/15/2023	Regular	0	4,440.83	97412
00344	DIAMOND VOGEL PAINT CENTER	05/15/2023	Regular	0	4,875.00	97413
03964	DIRT CHEAP LANDSCAPING	05/15/2023	Regular	0	330.00	97414
00401	EXPRESS SERVICES, INC.	05/15/2023	Regular	0	2,332.92	97415
03584	FACTORY MOTOR PARTS	05/15/2023	Regular	0	122.22	97416
00409	FERGUSON ENTERPRISES, INC	05/15/2023	Regular	0	6,183.58	97417
00432	FLEETPRIDE	05/15/2023	Regular	0	313.04	97418
00438	FORREY SEPTIC SYSTEMS & EXCAVATING LLC	05/15/2023	Regular	0	505.80	97419
02795	GAG SHEET METAL, INC	05/01/2023	Regular	0	571.25	97387
00528	HANSEN SANITATION INC	05/15/2023	Regular	0	255.70	97420
03633	HERMAN'S LANDSCAPE SUPPLIES	05/15/2023	Regular	0	11,200.00	97421
00560	HILDI, INC.	05/15/2023	Regular	0	1,100.00	97422
00577	HOLTMEIER CONSTRUCTION	05/01/2023	Regular	0	95,904.20	97388
03967	JOHNSON, KELLI	05/15/2023	Regular	0	125.00	97423
00690	KENNEDY & GRAVEN CHARTERED	05/15/2023	Regular	0	439.00	97424
03966	KING, TODD	05/09/2023	Regular	0	3,000.00	97397
00718	KUNKEL ELECTRIC, INC.	05/15/2023	Regular	0	56,999.00	97425
00724	LEAGUE OF MINNESOTA CITIES INSURANCE TR	05/15/2023	Regular	0	284,299.22	97426
03879	LIBRARY IDEAS LLC	05/15/2023	Regular	0	42.59	97427
00772	LITTLE FALLS MACHINE, INC.	05/15/2023	Regular	0	1,147.62	97428
03737	MALECHA, CRAIG	05/15/2023	Regular	0	600.00	97429
00812	MANKATO BEARING COMPANY	05/15/2023	Regular	0	207.90	97430
00829	MANKATO PUBLIC SCHOOLS	05/15/2023	Regular	0	90.00	97431
00875	METRO SALES, INC.	05/15/2023	Regular	0	285.00	97432
02892	MICHELS TRAILER SALES	05/15/2023	Regular	0	91.47	97433
00920	MINNESOTA DEPARTMENT OF HEALTH	05/15/2023	Regular	0	40.00	97434
00923	MINNESOTA DEPARTMENT OF LABOR & INDU	05/09/2023	Regular	0	100.00	97398
03740	MURRY, RICH	05/15/2023	Regular	0	599.00	97435
03734	MURRY, TIM	05/15/2023	Regular	0	599.00	97436
01036	NICOLLET COUNTY RECORDER/ABSTRACTER	05/09/2023	Regular	0	46.00	97399
01037	NICOLLET COUNTY	05/01/2023	Regular	0	7,436.00	97391
01037	NICOLLET COUNTY	05/01/2023	Regular	0	7,460.00	97392
01045	NIELSEN BLACKTOPPING	05/15/2023	Regular	0	18,025.26	97437
02060	NORTHERN COMFORT	05/15/2023	Regular	0	630.37	97438
01066	NORTHLAND SECURITIES, INC.	05/15/2023	Regular	0	750.00	97439
03962	OLSEN, RUTH	05/15/2023	Regular	0	110.00	97440
01072	O'REILLY AUTOMOTIVE, INC.	05/15/2023	Regular	0	93.58	97441
01106	PETTY CASH	05/15/2023	Regular	0	11.60	97442
01108	PIONEER ATHLETICS	05/15/2023	Regular	0	8,337.60	97443
02670	POHLMEIER, RICH	05/15/2023	Regular	0	600.00	97444
01133	POWERPLAN/RDO EQUIPMENT	05/15/2023	Regular	0	69.28	97445
03149	RADEMAKER, CHAD	05/15/2023	Regular	0	600.00	97446
03936	REBAR LEADERSHIP CORPORATION	05/15/2023	Regular	0	2,500.00	97447
00224	ROBERT W. CARLSTROM CO., INC.	05/01/2023	Regular	0	240,722.05	97393
02662	SCHMIDT, JOEL	05/15/2023	Regular	0	300.00	97448
02784	SPORTAFLEX, LLC	05/15/2023	Regular	0	1,261.75	97449
03970	SRP HEATING & COOLING	05/15/2023	Regular	0	40.00	97450
01332	STANDARD SPRING PARTS	05/15/2023	Regular	0	1,592.70	97451
01338	STATE CHEMICAL SOLUTIONS	05/15/2023	Regular	0	254.70	97452

01352	STREICHER'S, INC	05/15/2023	Regular	0	4,034.50	97453
01432	TWIN RIVERS COUNCIL FOR THE ARTS	05/15/2023	Regular	0	12,000.00	97454
02150	U.S. BANK	05/15/2023	Regular	0	75,765.00	97455
03662	VAN METER INC	05/15/2023	Regular	0	833.37	97456
02282	WARD EINESS STRATEGIES	05/15/2023	Regular	0	3,000.00	97457
01525	WEST CENTRAL SANITATION, INC.	05/15/2023	Regular	0	31,346.02	97458
00007	A&B TRANSMISSIONS	05/02/2023	Bank Draft	0	3,096.00	DFT0008025
00137	BENCO ELECTRIC COOPERATIVE	05/02/2023	Bank Draft	0	33,322.68	DFT0008024
00311	CULLIGAN (HEALTHY WATER SOLUTIONS LLC)	05/10/2023	Bank Draft	0	165.15	DFT0008026
03248	FREDRIKSON & BYRON, P.A.	05/10/2023	Bank Draft	0	477.50	DFT0008029
00465	GALE/CENGAGE LEARNING	05/05/2023	Bank Draft	0	103.96	DFT0008030
00465	GALE/CENGAGE LEARNING	05/04/2023	Bank Draft	0	151.15	DFT0008032
00608	INGRAM LIBRARY SERVICES	05/08/2023	Bank Draft	0	6,155.42	DFT0008036
00815	MANKATO CLINIC, LTD.	05/10/2023	Bank Draft	0	213.00	DFT0008038
00857	MC GOWAN WATER CONDITIONING, INC.	05/10/2023	Bank Draft	0	73.89	DFT0008039
00910	MINNESOTA VALLEY TESTING LAB, INC.	05/08/2023	Bank Draft	0	85.80	DFT0008041
00910	MINNESOTA VALLEY TESTING LAB, INC.	05/08/2023	Bank Draft	0	70.95	DFT0008042
01083	OVERDRIVE, INC.	05/05/2023	Bank Draft	0	1,083.17	DFT0008043
01335	STAPLES ADVANTAGE	05/05/2023	Bank Draft	0	163.91	DFT0008044
01470	VERIZON WIRELESS	05/04/2023	Bank Draft	0	1,130.18	DFT0008045
01525	WEST CENTRAL SANITATION, INC.	05/10/2023	Bank Draft	0	4,719.57	DFT0008046
00551	A.H. HERMEL COMPANY	05/17/2023	EFT	0	4,591.13	6305
00016	ADAMS, NICOLE	05/17/2023	EFT	0	93.90	6306
01090	AMERICAN SOLUTIONS FOR BUSINESS	05/17/2023	EFT	0	441.40	6307
00105	AUTO VALUE MANKATO	05/17/2023	EFT	0	639.24	6308
00106	AUTOMATIC SYSTEMS CO.	05/17/2023	EFT	0	12,383.00	6309
00172	BOHRER, TOM	05/17/2023	EFT	0	16.52	6310
00174	BOLTON & MENK, INC.	05/17/2023	EFT	0	18,422.00	6311
00216	C & S SUPPLY CO, INC.	05/17/2023	EFT	0	439.67	6312
02757	CINTAS	05/17/2023	EFT	0	216.85	6313
03675	COMPUTERSHARE	05/17/2023	EFT	0	15,412.50	6314
02706	CORE & MAIN LP	05/17/2023	EFT	0	1,255.89	6315
02275	DEM-CON MATERIALS & RECOVERY	05/17/2023	EFT	0	2,890.06	6316
00373	ECKERT, LELAND	05/17/2023	EFT	0	600.00	6317
00482	GMS INDUSTRIAL SUPPLIES, INC.	05/17/2023	EFT	0	167.28	6318
00494	GOPHER STATE ONE-CALL	05/17/2023	EFT	0	567.00	6319
00544	HENDRICKSON, CHRISTOPHER	05/17/2023	EFT	0	8.99	6320
00680	J.J. KELLER & ASSOCIATES, INC.	05/03/2023	EFT	0	2,026.33	6304
00691	KENNEDY & KENNEDY LAW OFFICE	05/17/2023	EFT	0	9,682.98	6321
00743	LARKSTUR ENGINEERING & SUPPLY, INC.	05/17/2023	EFT	0	185.53	6322
00776	LLOYD LUMBER CO.	05/17/2023	EFT	0	1,380.39	6323
00800	MADDEN, GALANTER, HANSEN, LLP	05/17/2023	EFT	0	40.00	6324
00825	MANKATO MOTOR COMPANY	05/17/2023	EFT	0	341.32	6325
00874	MENARDS-MANKATO	05/17/2023	EFT	0	694.69	6326
00889	MIDWEST TAPE/HOOPLA	05/17/2023	EFT	0	1,295.39	6327
03022	MINNESOTA PAVING & MATERIALS	05/17/2023	EFT	0	547.99	6328
00956	MINNESOTA WASTE PROCESSING CO.	05/17/2023	EFT	0	47,894.46	6329
02323	MOBOTREX	05/17/2023	EFT	0	58.00	6330
00997	MTI DISTRIBUTING CO	05/17/2023	EFT	0	319.99	6331
01052	NORTH CENTRAL INTERNATIONAL	05/17/2023	EFT	0	165.82	6332
03160	NOVEL SOLAR THREE LLC (DBA GREEN STREET	05/17/2023	EFT	0	7,182.59	6333
02005	PANTHEON COMPUTERS	05/17/2023	EFT	0	16,890.31	6334
03969	POHLMANN, WILLIAM	05/17/2023	EFT	0	257.40	6335
01402	POMPS TIRE	05/17/2023	EFT	0	730.98	6336
01160	QUALITY OVERHEAD DOOR CO, INC	05/17/2023	EFT	0	1,828.50	6337
03518	RIDDELL	05/17/2023	EFT	0	49,063.68	6338
01211	RIVER BEND BUSINESS PRODUCTS	05/17/2023	EFT	0	2,009.56	6339
01281	SIGN PRO	05/17/2023	EFT	0	105.00	6340
01286	SKARPOHL PRESSURE WASHER SALES	05/17/2023	EFT	0	1,350.00	6341
03770	SUBSITE ELECTRONICS	05/17/2023	EFT	0	424.34	6342
01380	TEXAS REFINERY CORP.	05/17/2023	EFT	0	3,262.50	6343
03191	US SOLAR	05/03/2023	EFT	0	7,507.48	6303
01478	VIKING FIRE & SAFETY LLC	05/17/2023	EFT	0	47.97	6344
03482	CARDCONNECT	05/02/2023	Bank Draft	0	1,537.94	DFT0008018
00219	CARDMEMBER SERVICE	05/03/2023	Bank Draft	0	10,711.16	DFT0008014
02003	MINNESOTA DEPT OF REVENUE	04/30/2023	Bank Draft	0	522.98	DFT0008019
02003	MINNESOTA DEPT OF REVENUE	04/30/2023	Bank Draft	0	13,969.00	DFT0008020

03029	OPEN EDGE	05/02/2023	Bank Draft	0	25.70	DFT0008021
02766	SPROUT SOCIAL	05/08/2023	Bank Draft	0	124.74	DFT0008022
03945	TYLER PAYMENTS	05/02/2023	Bank Draft	0	5,147.80	DFT0008023
01557	XCEL ENERGY	05/10/2023	Bank Draft	0	13,143.47	DFT0008047
					<u>1,382,019.83</u>	<u>128</u>

Authorization Signatures

All Council

The above manual and regular claims lists for 5/17/2023 are approved by:

\_\_\_\_\_  
SCOTT CARLSON- MAYOR

\_\_\_\_\_  
SANDRA OACHS- COUNCIL MEMBER

\_\_\_\_\_  
JAMES WHITLOCK- COUNCIL MEMBER

\_\_\_\_\_  
WILLIAM STEINER- COUNCIL MEMBER

\_\_\_\_\_  
MATT PETERSON- 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
Anonymous	Library Donation	\$140.00
Terri Stratton Hickey	Library Donation	\$25.00
Ken Green	Youth Sports Donation	\$55.00
Alliances and Outreach for Kids	Backpack Books	\$300.00
Cornelia Eberhart	Backpack Books	\$100.00
Nancy Blethen	Backpack Books	\$20.00
Mary Callahan	Backpack Books	\$20.00
Susan Moore	Backpack Books	\$20.00
Cynthia Shirk	Backpack Books	\$20.00
Susan Desteian	Backpack Books	\$100.00
Sandra Friday	Backpack Books	\$6.00
Sandra Ekstam	Backpack Books	\$5.00
Misc. Cash	Backpack Books	\$237.00
Thursday Reading Club	Book Donation	\$50.00
Anonymous	Book Donation	\$21.00
Steiners	Swim Scholarship	\$45.00
Total		\$1,164.00

Adopted by the City Council this 15th day of May 2023.

\_\_\_\_\_  
Mayor

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



**MEMORANDUM OF AGREEMENT  
LELS POLICE OFFICERS**

This Memorandum of Agreement is entered into between the City of North Mankato (hereafter "City") and Law Enforcement Labor Services, Inc. (hereafter "Union") representing Police Officers.

**WHEREAS**, the City and the Union are parties to a collective bargaining agreement in effect January 1, 2022 until December 31, 2023; and

**WHEREAS**, the Governor signed Senate File 13 amending Minnesota Statute 645.44, subdivision 5 establishing June 19 ("Juneteenth") as an official state holiday effective August 1, 2023; and

**WHEREAS**, the City wishes to provide Juneteenth as a paid holiday to all City employees effective in 2023.

**NOW THEREFORE**, the parties agree as follows:

1. Effective in 2023, Juneteenth will be added to the list of paid holidays found in Article 20, Holidays, Section 20.1.
2. This Memorandum of Agreement represents the full and complete agreement between the parties regarding this matter.

FOR THE CITY OF NORTH MANKATO

  
\_\_\_\_\_  
712  
Name

MAY 9, 2023  
Date

FOR LAW ENFORCEMENT  
LABOR SERVICES, INC.

  
\_\_\_\_\_  
Name

05-09-2023  
Date

**MEMORANDUM OF AGREEMENT  
LELS POLICE LIEUTENANTS**

This Memorandum of Agreement is entered into between the City of North Mankato (hereafter "City") and Law Enforcement Labor Services, Inc. (hereafter "Union") representing Police Lieutenants.

**WHEREAS**, the City and the Union are parties to a collective bargaining agreement in effect January 1, 2023 until December 31, 2023; and

**WHEREAS**, the Governor signed Senate File 13 amending Minnesota Statute 645.44, subdivision 5 establishing June 19 ("Juneteenth") as an official state holiday effective August 1, 2023; and

**WHEREAS**, the City wishes to provide Juneteenth as a paid holiday to all City employees effective in 2023.

**NOW THEREFORE**, the parties agree as follows:

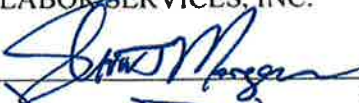

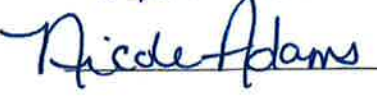
1. Effective in 2023, Juneteenth will be added to the list of paid holidays found in Article 19, Holidays, Section 19.1.
2. This Memorandum of Agreement represents the full and complete agreement between the parties regarding this matter.

FOR THE CITY OF NORTH MANKATO

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

FOR LAW ENFORCEMENT  
LABOR SERVICES, INC.

 5/8/2023  
\_\_\_\_\_  
Name  
 5/8/2023  
\_\_\_\_\_  
Date  
 5/9/23  
\_\_\_\_\_  
Date

**MEMORANDUM OF AGREEMENT  
LELS POLICE SECRETARIES**

This Memorandum of Agreement is entered into between the City of North Mankato (hereafter "City") and Law Enforcement Labor Services, Inc. (hereafter "Union") representing Police Secretaries.

**WHEREAS**, the City and the Union are parties to a collective bargaining agreement in effect January 1, 2022 until December 31, 2023; and

**WHEREAS**, the Governor signed Senate File 13 amending Minnesota Statute 645.44, subdivision 5 establishing June 19 ("Juneteenth") as an official state holiday effective August 1, 2023; and

**WHEREAS**, the City wishes to provide Juneteenth as a paid holiday to all City employees beginning with Juneteenth, 2023.

**NOW THEREFORE**, the parties agree as follows:

1. Beginning in 2023, Juneteenth will be added to the list of paid holidays found in Article 17, Holidays, Section 17.1.
2. Beginning in 2023, Article 17, Holidays, Section 17.2 shall be amended to include Juneteenth.

When New Year's Day, January 1; or Juneteenth, June 19; or Independence Day, July 4; or Veteran's Day, November 11; or Christmas Day, December 25 falls on Sunday, the following day shall be a holiday. When New Year's Day, January 1; or Independence Day, or Juneteenth, June 19; July 4; or Veteran's Day, November 11; or Christmas Day, December 25 falls on a Saturday, the preceding day shall be a holiday. When Christmas Day, December 25 falls on a Monday or Thursday the following day shall be a holiday. When Christmas Day, December 25 falls on a Tuesday, Wednesday or Friday, the preceding day shall be a holiday. When Christmas Day, December 25 falls on a Saturday, the preceding Thursday shall be a holiday. When Christmas Day, December 25 falls on a Sunday, the preceding Friday shall be a holiday. If a holiday falls during vacation period, the employee shall be granted an extra day of vacation leave. Employee must be on pay status the day before and the day after the holiday in order to receive holiday-pay benefits.

3. This Memorandum of Agreement represents the full and complete agreement between the parties regarding this matter.

FOR THE CITY OF NORTH MANKATO

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

FOR LAW ENFORCEMENT  
LABOR SERVICES, INC.

*Jay Mahw*  
\_\_\_\_\_  
Name

*May 12, 2023*  
\_\_\_\_\_  
Date

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 7D, 7E	Dept: Administration	Council Meeting Date: 5/15/23																												
<b>TITLE OF ISSUE: Consider Approving Mobile Food Licenses for Tommy's Tacos and DonutNV</b>																														
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION: Both Mobile Food Truck applicants have completed all of the required paperwork, including, License Application, proof of Worker's Compensation, Copy of the MN Department of Health, MN Department of Agriculture Mobile Food Unit or Brown/Nicollet County Environmental Health Department License, proof of insurance and submitted the licensing fee.</b>																														
<i>If additional space is required, attach a separate sheet</i>																														
<b>REQUESTED COUNCIL ACTION: Approve Mobile Food License for Tommy's Tacos and DonutNV.</b>																														
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  Vote Record: <table style="margin-left: 40px; border: none;"> <tr> <td style="text-align: center;">Aye</td> <td style="text-align: center;">Nay</td> <td></td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Whitlock</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Oachs</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Peterson</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Carlson</td> </tr> </table>	Aye	Nay		_____	_____	Whitlock	_____	_____	Steiner	_____	_____	Oachs	_____	_____	Peterson	_____	_____	Carlson	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify)    Plan _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 7F	Dept: Administration	Council Meeting Date: 5/15/23																												
<b>TITLE OF ISSUE:</b> Consider Approving Cannabinoid License for BL Worldwide Investments d/b/a PJ's THC Emporium, 315 Cross Street, North Mankato.																														
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b> The applicant has completed the required paperwork including business license application, Cannabinoid license application, background authorizing, licensing fee, worker's compensation information and proof of insurance. All requirements have been met.																														
<i>If additional space is required, attach a separate sheet</i>																														
<b>REQUESTED COUNCIL ACTION:</b> Approve Cannabinoid License for BL Worldwide Investments d/b/a PJ's THC Emporium, 315 Cross Street, North Mankato.																														
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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 Tim Wachter	Address 52947 Deerwood Trail	Phone 507-469-0507	Email timwa@rickorytech.net
----------------------------------	---------------------------------	-----------------------	--------------------------------

Sponsoring Organization Name 2wheels2heal	Address	Phone
---	---------	-------

Contact during event Tim	Phone 507-4690507
-----------------------------	----------------------

Event Location 256 Belgrade Ave	Date 06/24/23	From Time To 12pm - leaving
------------------------------------	------------------	--------------------------------

Occasion for Parade Raise money for Mission 22	5:30 - coming back
---	--------------------

Parade Description / Composition

We will be leaving the Legion and temp stop traffic at Belgrade and Range. Also along

Estimated Number of Participants: 100plus

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.

Tim Wachter

Applicant

Date

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

Chief of Police

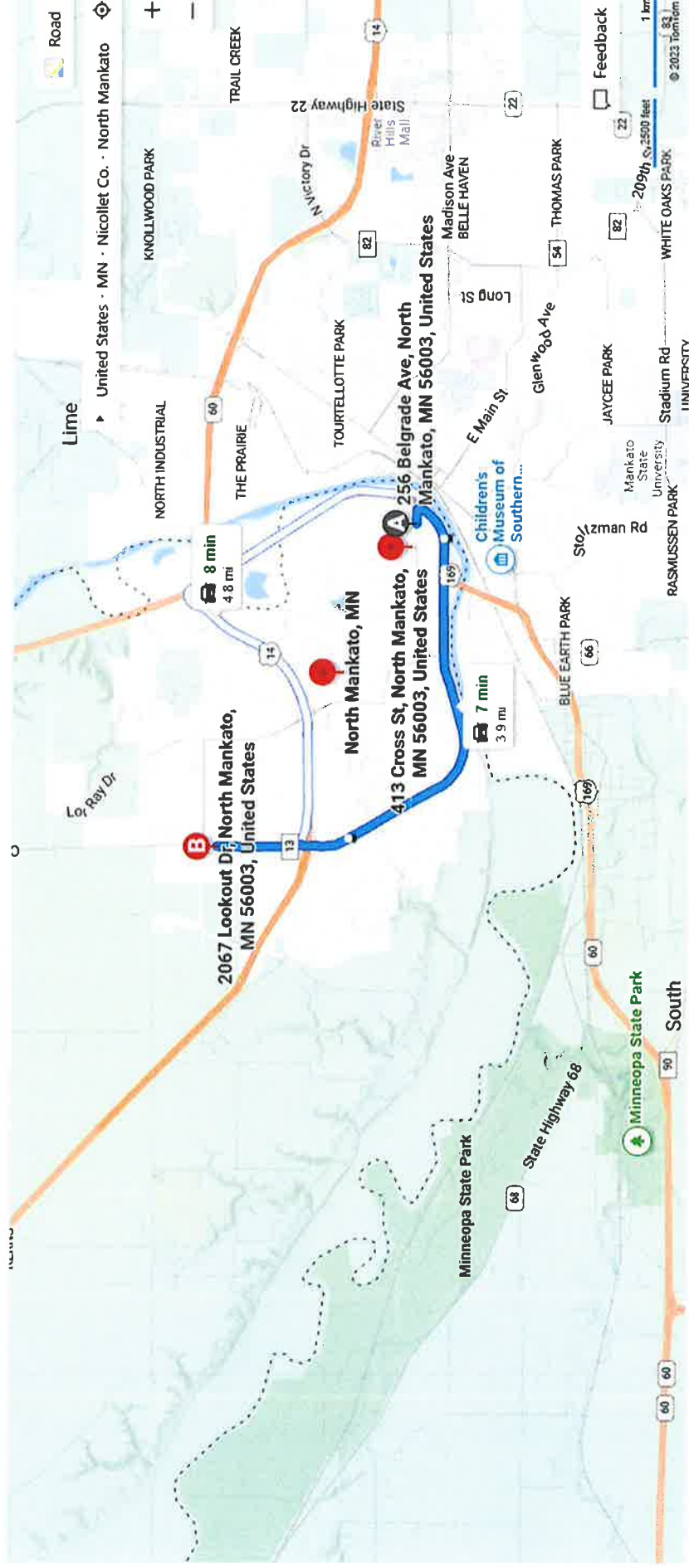
5/11/23

Date

Caswell Sports Director

Date





RESOLUTION WAIVING WAITING PERIOD  
FOR EXEMPTION FROM LAWFUL GAMBLING LICENSE FOR  
KNIGHTS OF COLUMBUS

WHEREAS, Knights of Columbus has made an application for exemption from a charitable gambling license to conduct bingo on July 6, 7, 8, 9, 2023, at 402 Page Avenue within the City of North Mankato, Minnesota, which application was received by the City on April 3, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the City waives the mandatory waiting period concerning the issuance of an exemption from lawful gambling license concerning the above-identified organization.

Adopted by the City Council this 15<sup>th</sup> day of May 2023.

---

Mayor

ATTEST:

---

City Clerk



# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 9A	Dept: Community Dev.	Council Meeting Date: 5/15/23																																		
<b>TITLE OF ISSUE:</b> Consider Setting a Public Hearing for June 5, 2023, at 7 pm to Consider Adopting Ordinance No. 155, Fourth Series Compiling Certain Ordinances of the City Dealing with the Subjects Embraced in the Code of Ordinances and Providing Penalties for the Violation of the Code of Ordinances.																																				
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b> Community Development Director Fischer and City Planner Lassonde will review the proposed updates to the code of ordinances. Minnesota Statutes authorize the City to cause its ordinances to be revised, updated and compiled. The Ordinances adopted since the last codification will be codified.																																				
<i>If additional space is required, attach a separate sheet</i>																																				
<b>REQUESTED COUNCIL ACTION:</b> Set a Public Hearing for June 5, 2023, at 7 pm to Consider Adopting Ordinance No. 155, Fourth Series Compiling Certain Ordinances of the City Dealing with the Subjects Embraced in the Code of Ordinances and Providing Penalties for the Violation of the Code of Ordinances.																																				
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NOTICE OF PUBLIC HEARING  
TO AMEND NORTH MANKATO CITY CODE

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, at 7 pm on the 5<sup>th</sup> day of June 2023, to hold a public hearing to amend the City Code of North Mankato to include all Ordinances adopted by the City Council since the last codification.

Such persons as desire to be heard concerning the proposed amendment to the City Code will be heard at this meeting.

Dated this 15<sup>th</sup> day of May 2023.

April Van Genderen  
City Clerk  
City of North Mankato, Minnesota

ORDINANCE NO. 155, FOURTH SERIES

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR  
THE CITY OF NORTH MANKATO, MINNESOTA  
REVISING, UPDATING AND  
COMPILING CERTAIN ORDINANCES OF THE CITY DEALING WITH THE  
SUBJECTS EMBRACED IN THE CODE OF ORDINANCES AND PROVIDING  
PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES

WHEREAS, Minnesota Statutes Section 415.02 and 415.021 authorize the City to cause its ordinances to be revised, updated and compiled;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, ordains as follows:

**Section 1.** Ordinance Nos.139, 140, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, and 154 Fourth Series, are incorporated into the revised Code of Ordinances;

**Section 2.** This ordinance amending the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the City's official newspaper. The City Clerk shall cause a substantial quantity of the amended Code of Ordinances to be printed for public distribution to the public at actual cost. The official copy of this amended Code of Ordinances shall be marked and kept in the Office of the City Clerk.

**Section 3.** The Code of Ordinances is declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota.

**Section 4.** This ordinance amending the Code of Ordinances shall take effect upon publication of this ordinance in the City's official newspaper.

Adopted by the City Council of the City of North Mankato this 5<sup>th</sup> day of June 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

## MEMORANDUM

**TO:** North Mankato Planning Commission

**FROM:** Matt Lassonde, City Planner  
Mike Fischer, Community Development Director

**DATE:** April 27, 2023

**SUBJECT:** North Mankato City Code - Chapter 156. Zoning Code Amendments

### INTRODUCTION

During the April 2023 Planning Commission Meeting, the Planning Commission tabled proposed amendments to City Code Chapter 156: Zoning Code until the next regular meeting on May 11, 2023 where staff will bring a revised copy of the Code responding to the Commission's concerns. The following outlines concerns expressed by the Commission and staff's revisions.

### REVISIONS RESPONDING TO PLANNING COMMISSION CONCERNS

The following lists Planning Commission concerns with Code Amendments along with recommended staff revisions:

1. **§ 156.003 Definitions.**

a. **Landscaping**

- *Planning Commission Concern:* Commissioners asked if sidewalks or walking paths were considered landscaping and/or if they should also be excluded in the definition.
- *Staff Response:* Staff revised the definition of landscaping to ensure that walking paths made of brick or rock are not considered landscaping.

b. **Sport Courts**

- *Planning Commission Concern:* Commissioners were concerned for a lack of a definition of sport courts.
- *Staff Response:* Staff inserted a definition for Sport Courts or Athletic Courts and assigned setbacks and size restrictions in the new accessory use tables.

2. **§ 156.035 Generally.**

a. **Accessory Use Tables**

- *Planning Commission Concern:* There was concern about confusing language regulating accessory structure or building size. The language in question stated, "Floor area not to exceed a combined total of 1,400 sq. ft. for all structures on a given lot." This language raised several questions:

- i. Does this include all primary and accessory structures?

- ii. Does this include storage or utility sheds?
- iii. Are attached and detached garages included in this calculation?
- iv. Does "Floor Area" mean structure footprint, or combined square footage of all floors in a given structure?
- *Staff Response:* Staff updated this language to reference Chapter 156.035(G)(2) which states:  
  
*"Accessory structures or buildings, including attached and detached private garages, accessory recreational buildings, and pool houses/cabanas for one and two-family residential dwellings shall not exceed a total footprint of 1,400 square feet per lot for all structures combined. This excludes storage or utility sheds that are 168 square feet or smaller."*

#### **ADDITIONAL AMENDMENTS TO CHAPTER 156. ZONING CODE**

Staff recommends additional amendments to Chapter 156. Zoning Code not included in the April 2023 presentation.

Corner lots are unique from typical lots in that more than one side of the property faces the street. The City Code is consistent in requiring that corner lots are subject to two front yard setbacks. This requirement prevents some homeowners from adding hard surface parking areas for campers, ice fishing houses, and other recreational vehicles adjacent to garages that are built to the required 30-foot front yard setback in Upper North (20-foot setback in Lower North).

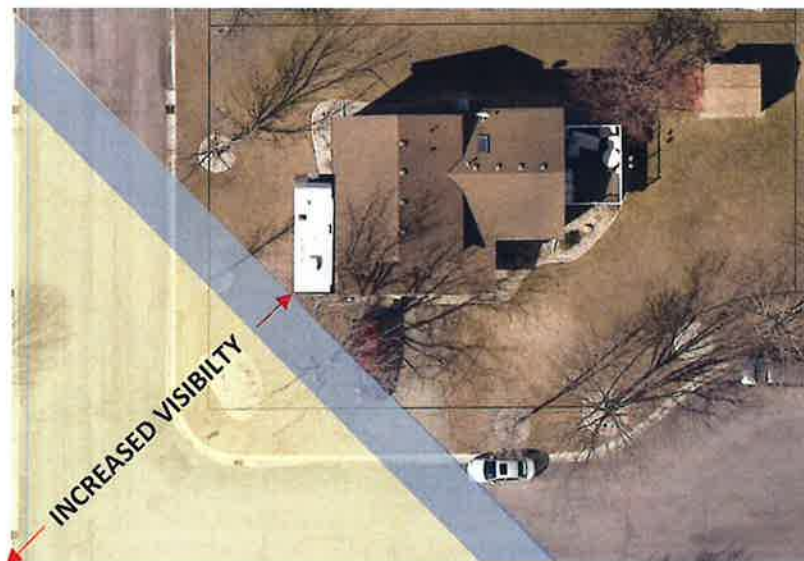
Staff believes the corner lot requirement for two front yard setbacks exists to ensure appropriate visibility is maintained at street intersections. However, driver visibility at street intersections can be worse if recreational vehicles are confined to park on standard driveways in front of homes. The pictures at the end of this memo illustrate this scenario for parking and impacts to visibility.

Alternatively, homeowners are permitted to add a fence in the location where hard surface parking might be located that extends up to six feet from the side of a private garage (not extending past the front of the structure).

Given driver visibility benefits of parking recreational vehicles on the side of garages and given that the City already allows fences in the front yard setback on corner lots, staff recommends the Planning Commission approve amendments to Chapter 156. Zoning Code that permit hard surface parking areas in front yard setbacks adjacent to garages on corner lots.

#### **CONCLUSION**

Revisions to Chapter 156. Zoning Code are attached to this document. Upon approval from the Planning Commission, the proposed amendments will be presented to the City Council for review. The revisions presented herein will alleviate issues staff have dealt with pertaining to accessory uses and yard regulations in the code. Proposed amendments will also remove unnecessary parking restrictions on homeowners residing on corner lots.





## GENERAL PROVISIONS

### § 156.003 DEFINITIONS.

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

**ACCESSORY RECREATIONAL BUILDING.** An accessory building or accessory portion of the principal building which is intended for and used for relaxation, private interests or hobbies, and/or amusement-type activities of the family or families resident upon the premises but not intended for or used to store private passenger vehicles. Activities undertaken in accessory recreational buildings shall not adversely affect the use and enjoyment of surrounding properties.

**ACCESSORY USE, ACCESSORY STRUCTURE, or ACCESSORY BUILDING.** A use, structure, building, or portion of a structure or building subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.

**AGRICULTURAL.** The art or science of cultivating the soil and activities incident thereto; the growing of soil crops in the customary manner on open tracts of land; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way. The term shall include the accessory keeping or raising of animals pursuant to applicable health and safety requirements and particularly in conformity with § [156.036](#).

**ALLEY.** A public right-of-way less than 30 feet in width which provides secondary access to abutting property.

**APARTMENT.** A part of a building consisting of a room or suite of rooms which is used for a semi-permanent residence for one family or an individual and equipped with cooking facilities, other than a boarding or lodging house, motel or hotel.

**APARTMENT BUILDING.** Three or more apartments grouped in one building where each apartment is accessed from a common hallway connecting to shared building entrances.

**AUTOMOTIVE SERVICE STATION.** Any building or premises principally used for the dispensing or sale of automotive fuels (including diesel), lubricating oil, grease, tires, batteries, or minor automotive accessories. Services offered may include minor installations, adjustments or repairs. When sales, service, and repair are offered as the principal use, such premises shall be classified as a public garage. Automotive service stations shall not operate truck, car or trailer rental or an automobile wash without a conditional use permit.

**BASEMENT.** A portion of a building having  $\frac{1}{2}$  or more of its floor to ceiling height below the average grade of the adjoining ground.

**BED AND BREAKFAST.** An owner-occupied single-family residence which provides lodging and meals to registered guests.

**BUILDING.** Any structure having a roof which may provide shelter or enclosure of persons or property of any kind.

**BUILDING HEIGHT.** The vertical distance measured from the average elevation of the finished grade along the building edge to the highest point of the roof surface.

**BUILDING LINE.** A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from the right-of-way line, except that an overhang portion of the roof not exceeding 24 inches may be permitted.

**CAMP GROUND.** Public or private land or premises used or occupied for compensation by campers.

**CAR OR TRUCK WASHOR LAUNDRY.** A building, or portion thereof, containing facilities for washing automobiles or trucks.

**CONDITIONAL USE.** A use having special circumstances pertaining to its location or operation which may be permitted in a district subject to approval by the City Council and is subject to conditions approved by the City Council.

**CURB LEVEL.** The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the Construction Inspector or his or her designee shall establish such curb level or its equivalent for the purpose of this chapter.

**DEPTH OF LOT.** The horizontal distance between the front street right-of-way line and the rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

**DISTRICT** and **ZONING DISTRICT.** A section of the city for which the regulations governing the use of land and improvements thereon are the same. The word **DISTRICT** shall include the word **ZONING DISTRICT**, and the word **ZONING DISTRICT** shall include the word **DISTRICT** as defined and regulated herein.

**DRIVE-IN.** Any use providing the opportunity of selling, serving, or offering goods or services directly to customers waiting in vehicles or customers who return to their vehicles to consume or use the goods or services while on the premises of the principal use.

**DRIVEWAY.** A minor private way used by vehicles and pedestrians on an individual lot or parcel of land.

**DWELLING.** A building designed or used exclusively for residential occupancy but not including hotels, motels or bed and breakfast.

**DWELLING UNIT.** One or more rooms in a dwelling or other building designed for occupancy by one family for living purposes and having its own permanently installed cooking, sanitary facilities and separate identifiable access and complying with applicable residential building codes.

**DWELLING - ATTACHED.** A dwelling joined to other dwellings by a party wall or walls, including but not limited to such common references as townhouse, twin home, and row house.

**DWELLING, CONDOMINIUM.** A multiple family dwelling in which the dwelling units are separated by a party wall and which dwelling units are designed and intended to be owned separately in fee under the condominium statutes of the state.

**DWELLING, DETACHED.** A single-family dwelling which is entirely surrounded by open space on the same lot.

**DWELLING, MANUFACTURED, MOBILE HOME.** A structure, transportable in 1 or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, it is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under M.S. Ch. 327.31, as it may be amended from time to time, and which structure conforms to the requirements of the Manufactured Home Building Code. Any structure which is smaller than the above



dimensional requirements shall be known as a "recreational camping vehicle" pursuant to the definitions of M.S. Ch. 327.14, Subd. 7, as it may be amended from time to time.

**DWELLING, MANUFACTURED, MODULAR.** A housing unit that is basically fabricated at a factory and transported in sections to a building site where final assembly and installation of such components is completed to permanently affix the module to the site and thereby create a non-mobile housing unit conforming to the Minnesota State Building Code.

**DWELLING, MANUFACTURED, PREFABRICATED.** A housing unit with the walls, floors and ceilings constructed at a factory and which are transported to a building site where final assembly and installation of such component is completed to permanently affix the unit to the site and thereby create a non-mobile housing unit conforming to the Minnesota State Building Code.

**DWELLING, MULTIPLE FAMILY.** A dwelling designed for or intended for or containing 3 or more dwelling units, including but not limited to such common references as apartment buildings and condominiums.

**DWELLING, SINGLE FAMILY.** A dwelling designed for and used for occupancy by one family.

**DWELLING, TWIN HOME.** Two single family attached dwellings located on individual lots in such a manner that the common party wall is located on the common side lot line.

**DWELLING, TWO FAMILY.** A dwelling designed or intended exclusively for occupancy by 2 families living independently of each other and commonly referred to as a duplex. Also referring to a single family dwelling plus a single apartment.

**DWELLING, ZERO LOT LINE.** A single family dwelling attached by party walls with other single family dwellings in such a manner that the common party wall(s) is located on the common lot line(s), including but not limited to such common references as twin homes.

**EARTH SHELTERED.** Constructed so that 50% or more of the exterior surface is covered or in contact with earth. Exterior surface includes all walls and roof, but excludes garages and other accessory buildings. Earth covering on walls is measured from the floor of the structures lowest level. Earth covering on the roof must be at least 12 inches deep to be included in calculations of earth covering. An **EARTH SHELTERED** building must satisfy the building code standard promulgated pursuant to M.S. § 16B.61, as it may be amended from time to time. Partially completed buildings shall not be considered earth sheltered.

**EXTERIOR STORAGE.** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**EXTRACTION AREA.** Any non-agricultural artificial excavation of earth exceeding 50 square feet of surface area of 2 feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth, except that public improvement projects shall not be considered extraction areas.

**FAMILY.** An individual or 2 or more persons related by blood, marriage, or adoption, or a group of not more than 5 unrelated persons, living together as single housekeeping unit within a dwelling unit as distinguished from individuals or a group occupying a hotel, motel, club, lodge, sorority, fraternity, or dormitory.

**FAMILY - TRADITIONAL.** One or more persons related by blood or marriage residing in a single dwelling unit.

**FAMILY - FUNCTIONAL.** A collective group of unrelated persons residing in a single dwelling unit, limited to not more than 2 adult persons, together with their traditional family members of any age.

**FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of walls, including basements and accessory buildings on the same zoning lot.

**FLOOR AREA (LIVABLE).** The same as **FLOOR AREA** except its application is limited to dwellings. It is measured from the interior faces of the interior walls and excludes all unoccupied cellars, garages, porches, attics, stairways, basements, storage, utility, heating rooms and similar areas.

**GARAGE, PRIVATE.** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

**GARAGE, PUBLIC.** Any premises used for the storage or care of motor vehicles or premises where any such vehicles are equipped for operation, are repaired, or are kept for remuneration, for hire, or for sale. Any sale of gasoline, oil, and accessories are only incidental to the principal use.

**GARAGE, TRUCK.** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding 1-1/2 ton capacity.

**GRADE, GROUND.** The average of the natural ground elevation within a 200-foot radius within the buildable envelope of a lot or lots.

**GRADE, STREET.** The elevation of the established street in front of the building measured at the center of such front. The Zoning Administrator or his or her designee shall establish such street grade or its equivalent for the purposes of this chapter.

**HOME OCCUPATION.** Any occupation which is clearly secondary to the main use of the premises as a dwelling and does not substantially change the character thereof or have any substantial exterior evidence of such secondary use.

**HOTEL.** A building or portion thereof occupied as a lodging place for persons who are lodged with or without meals and in which there are more than 10 sleeping rooms.

**LANDSCAPING.** The enhancement of the appearance of land by altering its contours, including the planting of trees, shrubs and flowers or installation of rock, brick, or mulch. Rock or brick referenced here include those used as edging for landscaped areas. Patios, walkways, or other paved areas consisting of rock or brick are not considered landscaping under this definition.

**LICENSE or PERMIT.** A written license or permit issued by the city under the provisions of this chapter.

**LOT.** One unit of a recorded plat or subdivision of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved access.

**LOT AREA.** The area of a lot in a horizontal plane bounded by the lot lines.

**LOT AREA PER FAMILY.** The lot area required by this chapter to be provided for each unit in a dwelling, providing residence for one family.

**LOT, CORNER.** Any lot situated at the junction of and fronting on 2 or more streets.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal buildings and accessory buildings measured as a percentage of the total area of the zoning lot.

**LOT, DOUBLE FRONTAGE.** A lot having frontage on 2 streets.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE.** The lines bounding a lot as defined herein. When a lot line abuts a street or alley, such lines shall also be street or alley lines.

**LOT LINE, FRONT.** That boundary of a lot which abuts a public street, and, in the case of a double frontage lot or a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a double frontage lot or a corner lot are equal, the front lot line shall be designated by the owner and filed with the Zoning Administrator.

**LOT LINE, REAR.** That boundary of a lot which is opposite the front lot line. If the rear line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

**LOT LINE, SIDE.** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT WIDTH.** The width of a lot is its width measured at the front setback line.

**LANDSCAPING.** Plantings such as trees, grass, and shrubs.

**MOTEL.** A combination or group of 2 or more detached, semi-detached or connected permanent buildings that are used for overnight transient living accommodations and are oriented toward travelers parking their automobiles.

**NONCONFORMING USE.** Any pre-existing structure or previously permitted use of land which is inconsistent with the current provisions of this chapter or any amendment thereto.

**NUISANCE.**

(1) **PRIVATE NUISANCE.** Any wrongful action, which destroys or deteriorates the property of an individual or interferes with the person's lawful use or enjoyment of the property.

(2) **PUBLIC NUISANCE.** Maintaining a public nuisance by act, or by failure to perform a legal duty, intentionally causing or permitting a condition to exist which injures or endangers the public health, safety or welfare. A miscellaneous and diversified group of minor criminal violations, based on some interference with the interests of the community or the comfort and convenience of the general public may rise to the level of a "public nuisance." To be considered public, the nuisance must affect an interest common to the general public. The activity must be harmful to the public; create an interference in the use of away of travel; prevent the public from the peaceful use of their land and the public streets; or must affect a common interest of the general public.

**NURSING HOME.** A facility for the care of the aged or disabled.

**OFF-STREET LOADING SPACE.** A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate 1 vehicle of the type typically used in the particular business.

**OFF-STREET PARKING SPACE.** A land area exclusive of driveways of such shape and dimensions and so prepared as to be usable for the parking of motor vehicles, trailers, boats, campers and recreational vehicles.

**OPEN SALES LOT.** Any land used or occupied for the purpose of buying and selling any vehicles, goods, materials or merchandise and for the storing of same under the open sky prior

to sale. The words **OPEN SALES LOT** shall include the words **EXTERIOR STORAGE** as defined herein.

**OVERHANG.** Portion of a roof which projects beyond the main structure.

**PLANNED UNIT DEVELOPMENT or PLANNED DEVELOPMENT.** A large lot or tract of land developed as a unit rather than as individual development wherein 2 or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

**PREFABRICATED DWELLING.** See Dwelling, Manufactured, Prefabricated.

**PRINCIPAL STRUCTURE OR USE.** The purpose of activity for which the land or structure thereon is designed, arranged or intended, or for which it is actually occupied or maintained.

**PUBLIC OPEN SPACE.** Any publicly owned open area, including but not limited to the following: parks, playgrounds, school sites, parkways and streets.

**RETAINING WALL.** A structure made of masonry, stone, brick, concrete or timber that holds back soil, rock or landscaping material from a building, structure or area to prevent downslope movement or erosion and provide support for vertical grade changes.

**ROW HOUSE.** A group or row of dwellings which are joined by party wall or walls.

**SETBACK.** The horizontal distance between the property lines of and the allowable building lines as defined by the yard regulations of this chapter.

**SOLAR COLLECTOR.** Any device that is employed in the collection of solar energy for heating and/or cooling of a structure, building or water.

**SOLAR ENERGY.** Radiant energy received from the sun.

**SOLAR ENERGY SYSTEM.** A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes, including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

**SPORTS COURT or ATHLETIC COURT.** An outdoor area paved with asphalt, concrete, or similar hard surface material (not including driveways, patios, or pools) intended for athletic purposes including, but not limited to, basketball, tennis, handball, and racquetball.

**STORAGE or UTILITY SHED.** An accessory structure, either freestanding or attached to another structure, that is not classified for human habitation or occupancy and is intended to be used to store personal property.

**STORY.** That portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY-HALF.** That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least 2 opposite exterior-walls, are not more than 2 feet above the floor of such story.

**STREET.** A public right-of-way which affords a principal means of access to abutting property and which has been accepted by the city as a public way.

**STRUCTURE.** Anything constructed, the use of which requires permanent location on the ground; or attached to something having a permanent location on the ground.

**STRUCTURAL ALTERATIONS.** Any change, other than incidental repairs, which alters bearing walls, columns, beams, girders, foundations or other structural elements.

**POOL HOUSE or CABANA.** An accessory building located near a private swimming pool which is intended for and used to store pool related accessories including equipment necessary for pool operation, recreational equipment used in the pool, and other similar-type pool-related equipment while also including elements intended for pool-side relaxation, and/or pool related amusement-type activities.

**TOWNHOUSE.** A single family dwelling attached by party walls with other single family dwellings in such a way that all exits open to the outside.

**TRAIL.** A private means of access to abutting property.

**UNRELATED INDIVIDUALS.** Two or more individuals who are not related by blood, marriage, or adoption. For the purposes of this chapter, **RELATED BY BLOOD** shall mean whole or half relation between a common ancestor or descendant, husband, wife, son, daughter, father, mother, brother, sister, uncle, aunt, niece, nephew, stepchildren, legally adopted children, grandmother, grandfather, state assigned foster children, first cousin, or any combination of the above persons.

**USE.** The purpose for which land, premises or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**USED FOR.** Shall include the phrases **ARRANGED FOR, DESIGNED FOR, INTENDED FOR, MAINTAINED FOR,** and **OCCUPIED FOR.**

**VARIANCE.** A modification or variation of the provisions of this chapter where it is determined that by reason of special and unusual circumstances relating to a specific lot, strict application of the ordinance would cause undue hardship or that strict conformity with the provisions of this chapter would be unreasonable, impractical or unfeasible under the circumstances.

**WIND ENERGY CONVERSION SYSTEM (WECS).** Any device that converts wind power to another form of energy such as electricity or heat (also referred to by such common names as wind charger, wind turbine, and windmill.)

**YARD.** An open space unoccupied by structures and exclusive of accessory uses except as may be otherwise permitted by this chapter.

**YARD, FRONT.** A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest point on the front building setback line. The front yard depth shall be measured from an existing or future street right-of-way line on which the lot fronts.

**YARD, REAR.** A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the rear building setback line.

**YARD, SIDE.** A yard between the side line of the lot and the side building setback line.

**YARD TRANSITIONAL.** A front, rear or side yard that may be required where any lot line coincides with any residential zoning district lot line, or where the extension of a front or side lot line coincides with a front lot line of any residential district lot line. The transitional yards shall be required where such properties are separated by a public street, alley, or highway right-of-way of less than 100 feet in width. Such yards required shall not be less than that which would be required under this chapter for a residential use on the adjacent residential lot.

(1975 Code, § 11.03) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 13, passed 7-6-1981; Am. Ord. 21, passed 4-8-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 29-82, passed 12-6-1982; Am. Ord. 37, passed 8-15-1983; Am. Ord. 214, passed 4-15-2002; Am. Ord. 17, 4th Series, passed 1-17-2008)

## **ZONING DISTRICTS AND DISTRICT MAP**

### **§ 156.020 DISTRICTS.**

(A) The city is divided into zoning districts. The zoning districts established are each separate and distinct and are designed to assist in carrying out the intents and purposes of this chapter.

(B) The districts are established as follows:

- (1) R-A, Residential Agricultural District;
- (2) R-1, One-Family Dwelling District;
- (3) R-1S, One Family Dwelling, small lot;
- (4) R-2, One and Two-Family Dwelling District;
- (5) R-3, Limited Multiple Dwelling District;
- (6) R-4, Multiple Dwelling District;
- (7) B-1, Neighborhood Business District;
- (8) B-2, Community Business District;
- (9) B-3, General Commercial District;
- (10) CBD, Central Business District;
- (11) I-1, Planned Industrial District;
- (12) M-1, Light Industry District;
- (13) M-2, Heavy Industry District;
- (14) TUD, Transitional Unzoned District;
- (15) OR-1, Office-Residential District.
- (16) P-1, Public Use District.

(1975 Code, § 11.04, Subd. 1) (Am. Ord. 213, passed 3-18-2002)

### **§ 156.021 ZONING DISTRICT MAP.**

The location and boundaries of the districts established by this chapter are set forth on the Zoning Map and the map is made a part of this chapter. The map shall be known as the "City of North Mankato Zoning Map." The map and all notations, references, and data shown thereon are incorporated by reference into this chapter and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain the map and amendments thereto. The Official Zoning Map shall be publicly displayed in the City Hall. All amendments to the Zoning Map are generally described in the Table of Special Ordinances, see [Table I](#).

(1975 Code, § 11.04, Subd. 2)

### **§ 156.022 DISTRICT BOUNDARIES.**

The boundaries between districts are, unless otherwise indicated, either the center lines of streets or alleys or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated. Boundaries indicated as following shore



line shall follow the low water shore lines, and in the event of change in shore line shall move with the actual shore line; boundaries indicated as following the center lines of streams, rivers, canals, lakes, or other bodies of water shall follow such center lines. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.

(1975 Code, § 11.04, Subd. 3)

#### **§ 156.023 FUTURE ANNEXATION.**

Any land annexed to the city on or after the effective date of this chapter shall upon annexation and without formal zoning action be placed in a transitional unzoned district until otherwise zoned in accordance herewith.

(1975 Code, § 11.05)

### **DISTRICT REGULATIONS**

#### **§ 156.035 GENERALLY.**

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

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

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

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

(D) *Yard or lot reductions.*

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

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

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

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

(1) The following are the minimum residential building setbacks for permitted accessory uses for properties platted prior to 1958:

Accessory Use	Side Yard Setback	Rear Yard Setback	Front Yard Setback	Accessory Structure or Building Size Restrictions
Decks or Elevated Platform <sup>(1)</sup>	5 Feet	15 Feet	20 Feet	N/A
Patios or Paved Area <sup>(2)</sup>	5 Feet	15 Feet	20 Feet	N/A
Parking Areas (must be hard surfaced)	5 Feet	15 Feet	Limited to Permitted Driveway <sup>(3)</sup>	Minimum 20 feet in length
Utility Building/Shed	5 Feet	5 Feet	Not Permitted	Floor area not to exceed 168 sq. ft.
Private Garage: Vehicle Entry Doors Face Adjacent Alley	5 Feet	20 Feet	N/A	See § 156.035(G)(2)
Private Garage: Vehicle Entry Doors Face Side Property Line	5 Feet	5 Feet	N/A	See § 156.035(G)(2)
Private Garage: Vehicle Entry Doors Face Adjacent Street <sup>(4)</sup>	5 Feet	5 Feet	20 Feet	See § 156.035(G)(2)
Accessory Recreational Building	5 Feet	5 Feet	20 Feet	See § 156.035(G)(2)
Sports Court or Athletic Court	5 Feet	15 Feet	Not Permitted	Included in calculated ground coverage. See § 156.037(I) and § 156.038(H)
Private Swimming Pool: <u>All Types</u> ; Non-Ravine Lot <sup>(5)</sup>	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>In-Ground</u> Ravine Lot <sup>(5)(6)</sup>	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>Above-Ground</u> Ravine Lot <sup>(5)(6)</sup>	5 Feet	25 Feet	20 Feet	N/A
Pool House/Cabana	5 Feet	5 Feet	20 Feet	See § 156.035(G)(2)

1. Either attached to a dwelling or free standing, with no roof or overhead structure of any type.



2. Level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.
  3. A hard surfaced parking area is permitted in a front yard setback of a corner lot if it adjoins to the side of a private garage, does not exceed 10-feet in width, and does not extend past the rear of the garage it adjoins.
  4. Corner Lots are subject to two front yard setbacks.
  5. Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.
  6. The ravine breakline shall be established by the Building or Construction Inspector prior to pool construction. City staff can require a setback of up to 25 feet from any identified ravine breakline at their discretion, regardless of proximity to any property line; Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.
- (1) The following are the minimum residential building setbacks for permitted accessory uses for properties platted after 1958:

Accessory Use	Side Yard Setback	Rear Yard Setback	Front Yard Setback	Accessory Structure or Building Size Restrictions
Decks or Elevated Platform <sup>(1)</sup>	10 Feet	15 Feet	30 Feet	N/A
Patios or Paved Area <sup>(2)</sup>	10 Feet	15 Feet	30 Feet	N/A
Parking Areas (must be hard surfaced)	10 Feet	15 Feet	Limited to Permitted Driveway <sup>(3)</sup>	Minimum 20 feet in length
Utility Building/Shed	5 Feet	5 Feet	Not Permitted	Floor area not to exceed 168 sq. ft.
Private Garage	10 Feet	25 Feet	30 Feet	See § 156.035(G)(2)
Accessory Recreational Building	10 Feet	25 Feet	30 Feet	See § 156.035(G)(2)
Sports Court or Athletic Court	10 Feet	15 Feet	N/A	Included in calculated ground coverage. See § 156.037(I) and § 156.038(H)
Private Swimming Pool: <u>All Types</u> ; Non-Ravine Lot <sup>(4)</sup>	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>In-Ground</u> ; Ravine Lot <sup>(4)(5)</sup>	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>Above-Ground</u> ; Ravine Lot <sup>(4)(5)</sup>	5 Feet	25 Feet	20 Feet	N/A
Pool House/Cabana	10 Feet	25 Feet	30 Feet	See § 156.035(G)(2)

1. Either attached to a dwelling or free standing, with no roof or overhead structure of any type.

2. *Level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.*
3. *A hard surfaced parking area is permitted in a front yard setback of a corner lot if it adjoins to the side of a private garage, does not exceed 10-feet in width, and does not extend past the rear of the garage it adjoins.*
4. *Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.*
5. *The ravine breakline shall be established by the Building or Construction Inspector prior to pool construction. City staff can require a setback of up to 25 feet from any identified ravine breakline at their discretion, regardless of proximity to any property line. Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.*

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

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

(1) An accessory structure or building larger than 168 square feet and intended to be used to store private passenger vehicles shall be accessible by a hard-surfaced driveway which meets all applicable setback regulations. Accessory recreational buildings and pool houses/cabanas are permitted to be larger than 168 square feet but cannot be used to store private passenger vehicles.

(2) Accessory structures or buildings, including attached and detached private garages, accessory recreational buildings, and pool houses/cabanas for one and two-family residential dwellings shall not exceed a total footprint of 1,400 square feet per lot for all structures combined. This excludes storage or utility sheds that are 168 square feet or smaller.

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

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

(H) *Earth sheltered buildings.*

(1) Where an earth sheltered building substantially alters the natural watershed of the lot, computations for yard area shall be based on measurements from the surrounding cover of

earth. In cases where the earth sheltered building has been made part of the natural terrain, computations for yard area shall be made from the exterior surface of the building.

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

(l) *Wind energy conversion systems (WECS).*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(K) *Residential driveways.*

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

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

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

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

(M) *Cul de sac lot provisions.*

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

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

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

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

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

- (1) Maximum floor area shall not exceed 168 square feet.
- (2) Minimum setback is 5 feet from any rear or side property line.
- (3) Located a minimum of 5 feet from any main or accessory building.
- (4) Shall not be located within any front yard.
- (5) Maximum height shall not exceed 14 feet.
- (6) Overhangs shall not exceed 2 feet.
- (7) Access door shall not exceed 6 feet in width.
- (8) No more than 1 storage shed or utility shed is permitted on any lot.
- (9) Minimum setback is 5 feet from any ravine breakline.

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

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

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

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

(1) Finished grade elevations shall have a minimum of 5% slope up to a maximum of 8% slope, from the back top of curb to the finished grade elevation adjacent to the foundation wall. This applies to the minimum front yard setback requirements for valley and hilltop locations. Any

variations are subject to be reviewed for approval by the City Building Official. Criteria for determining setback elevations beyond minimum setbacks are subject to the following:

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

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

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

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

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

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

(X) *Stormwater detention pond.* For any residential, commercial or industrial development utilizing more than 1 acre of land, an on-site stormwater detention pond is required. Prior to issuance of a building permit, a Stormwater Drainage Plan shall be submitted and approved by the Building Inspector. Setbacks for storm water ponds, rain gardens or other storm water retention areas shall be a minimum of 10 feet from any property line.

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

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

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

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

(1) Such use shall be operated entirely within the primary living dwelling. The use of an attached or detached accessory building or garage for such use is prohibited.

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

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

- (1) Outside storage shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 6 feet in height.
- (2) Outside storage areas shall be hard surfaced using concrete or asphalt material.
- (3) Outside storage areas shall not be located within setback areas.
- (4) All materials stored outside shall be directly associated with the business.

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

- (1) Outside storage areas shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 8 feet in height.
- (2) Outside storage areas shall be hard surfaced using concrete or asphalt material.
- (3) Outside storage areas shall not be located within setback areas.
- (4) All materials stored outside shall be directly associated with the industry.

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

- (1) (a) Unlicensed, unregistered or inoperable motor vehicles, recreational vehicle, boats, campers, snowmobiles, trailers or similar equipment.
- (b) In the event a licensed motor vehicle parked or stored out of doors on private property has not been moved within a consecutive 30-day time period, the Zoning Administrator may, by written letter to the property owner, request that the vehicle owner demonstrate the vehicle is operable by starting and driving the vehicle a distance of not less than 500 feet. The operation to be observed by the Zoning Administrator or his or her designee.
- (2) Motor vehicle bodies, frames, parts, tires, rims or other machinery or equipment.
- (3) Household furnishings or appliances.



- (4) Lumber or construction materials.
- (5) Non-residential vehicles including but not limited to: tractors, buses, skid loaders and commercial trucks.
- (6) Lawnmowers, snowblowers and other lawn and garden equipment.
- (7) Garbage, litter and other debris which is considered to be a public nuisance by the Zoning Administrator.
- (8) The outside storage of materials shall not be located within any building setback area.
- (FF) *Outside storage of vehicles in Residential districts.* In any Residential district, the off-street parking of vehicles shall conform to the following provisions.
- (1) The off-street parking on any automobile, trailer, camper, boat, or recreational vehicle shall be on a lawfully permitted hard-surfaced area constructed of concrete or asphalt.
- (2) The off-street parking of any automobile, trailer, camper, boat, or recreational vehicle shall not be within any building setback area unless on a lawfully constructed parking area adjacent to an alley.
- (3) Any automobile, trailer, camper, boat or recreational vehicle stored on private property shall be licensed and registered to the property owner or tenant.
- (4) Any automobile, trailer, camper, boat, recreational vehicle stored on private property shall not be used to store materials or equipment.
- (GG) *Driveways and curb openings.* The following standards shall apply for each use.

	<b>Maximum Curb Cut (Measured at Property Line)</b>	<b>Maximum # of Curb Cuts</b>	<b>Minimum Distance Between Curb Cuts</b>	<b>Minimum Side Yard Driveway Setback</b>
	<b>Maximum Curb Cut (Measured at Property Line)</b>	<b>Maximum # of Curb Cuts</b>	<b>Minimum Distance Between Curb Cuts</b>	<b>Minimum Side Yard Driveway Setback</b>
Single Family Interior Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot utilizing circular drive	14 feet	2	20 feet	10 feet
Single Family Cul-de-Sac Lot	24 feet	1	20 feet	10 feet
Multi-Family (2-8Units)	24 feet	1	20 feet	10 feet
Multi-Family (Over 8 Units)	24 feet	2	20 feet	10 feet
Commercial/Business	36 feet	2	20 feet	10 feet
Industrial	50 feet	4	20 feet	10 feet

(HH) *Residential occupancies.* Residential occupancies of single and two family dwellings in the R-1, R-1S and R-2 Districts shall be limited to family-functional and family-traditional as defined by § 156.003. A family-traditional or family-functional may have 1 additional person



residing with them for non-rental purposes or for the purposes of providing a housekeeping or personal service for the resident(s) therein.

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

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

(KK) *Pergolas and dog kennels*.

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

<b>Valley</b>	<b>Hilltop</b>
Side yard - 5 feet	Side yard - 10 feet
Rear yard - 5 feet	Rear yard - 10 feet

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

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

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

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

- (1) Events shall not exceed 3 days in length with no more the 4 events allowed in any 12-month period.
- (2) No items related to the event shall be stored out-of-doors overnight.
- (3) No items or materials shall be located in any boulevard or public right-of-way area.

(1975 Code, § 11.06) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 21, passed 4-9-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 36, passed 8-15-1983; Am. Ord. 114, passed 5-7-1990; Am. Ord. 146, passed 3-6-1995; Am. Ord. 193, passed 7-24-2000; Am. Ord. 194, passed 7-24-2000; Am. Ord. 206, passed 4-16-2001; Am. Ord. 233, passed 12-1-2003; Am. Ord. 235, passed 1-20-2004; Am. Ord. 8, 4th Series, passed 1-16-2007; Am. Ord. 17, 4th Series, passed 1-17-2008; Am. Ord. 21, 4th Series, passed 1-20-2009; Am. Ord. 34, 4th Series, passed 1-18-2011; Am. Ord. 48, 4th Series, passed 1-22-2013; Am. Ord. 63, 4th Series, passed 1-5-2015; Am. Ord. 86, 4th Series, passed 4-3-2017; Am. Ord. 102, 4th Series, passed 4-2-2018; Am. Ord. 112, 4th Series, passed

1-22-2019; Am. Ord. 114, 4th Series, passed 5-6-2019; Am. Ord. 125, 4th Series, passed 2-18-2020)

**CITY OF NORTH MANKATO**  
**REQUEST FOR COUNCIL ACTION**



Agenda Item # 9B		Dept: Public Works		Council Meeting Date: 5/15/23	
<b>TITLE OF ISSUE: Consider Adopting Ordinance Ordering Preparations of Plans and Specifications Water Meter Replacement City Project No. 23-04</b>					
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION: Public Works Director Arnold will review the resolution.</b>					
<i>If additional space is required, attach a separate sheet</i>					
<b>REQUESTED COUNCIL ACTION: Adopt Ordinance Ordering Preparations of Plans and Specifications Water Meter Replacement City Project No. 23-04</b>					
<b>For Clerk's Use:</b>			<b>SUPPORTING DOCUMENTS ATTACHED</b>		
Motion By: _____			Resolution   Ordinance   Contract   Minutes   Map		
Second By: _____			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
Vote Record:			Other (specify)   Plan _____		
Aye   Nay			_____		
_____ Whitlock			_____		
_____ Steiner			_____		
_____ Oachs			_____		
_____ Peterson			_____		
_____ Carlson			_____		
<input type="checkbox"/> Workshop			<input type="checkbox"/> Refer to: _____		
<input checked="" type="checkbox"/> Regular Meeting			<input type="checkbox"/> Table until: _____		
<input type="checkbox"/> Special Meeting			<input type="checkbox"/> Other: _____		

RESOLUTION NO. 37-23

RESOLUTION ORDERING PREPARATION OF PLANS AND SPECIFICATIONS  
WATER METER REPLACEMENT  
CITY PROJECT NO. 23-04

WHEREAS, the City Council determined that the installation of new water meters for all water accounts is in the best interest of the City of North Mankato; and

WHEREAS, the City Council determined that said water meters will be installed in a timely fashion; and,

WHEREAS, the City Council determined that utilizing a Contractor to perform the installation of water meters will facilitate the timely installation of water meters.

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

1. Utilizing a Contractor to install water meters is a necessary, cost-effective, and feasible action.
2. Plans and Specifications shall be prepared to solicit for the installation of water meters within the City of North Mankato.
3. Bolton & Menk, Inc. is hereby designated as the City Engineer for this improvement.

BE IT FURTHER RESOLVED, that the City Engineer shall prepare plans and specifications for the making of such replacements.

Adopted by the City Council this 15<sup>th</sup> day of May 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

# **Agenda**

**Friday, May 12, 2023**

**All Seasons Arena**

**7:00 a.m.**

1. Call Meeting to Order
2. Review Minutes of the March 3, 2023, Meeting
3. Old Business
  - a. Update from Knutson Construction
4. New Business
  - a. Confirm Date for Next Meeting
  - b. Other
5. Adjourn

## **All Season Arena Board Meeting Minutes**

**Friday, March 3, 2023**

### **All Seasons Arena Board Meeting Minutes**

Members Present: Dennis Dieken, Sandra Oachs, Mark Piepho

Others Present: Susan Arntz, Kevin McCann, Bob Meyer, Eric Jones, Parker Skophammer, Jared Larson

Chair Dieken called the meeting to order at 7:00 a.m.

Review of Minutes of March 3, 2023, Meeting. Motion by Oachs, second by Piepho. Motion approved.

#### **Old Business**

##### **Update from Knutson Construction:**

Arntz reviewed the update from Knutson Construction, provided in memo format in the packet. Knutson is working to engage customers and have had meetings. They are currently working on completing additional end user meetings, a site visit to the New Ulm Arena is planned in the next few weeks, and are working toward making recommendations for a future ASA Board Meeting.

#### **New Business**

##### **Review 2022 Year End Budget:**

Parker Skophammer, Administrative Services Director, provided an overview of the 2022 Year End financials. Excluding the \$76,186 allocation of fund balance, revenue came in at 103% of budget for the year. While ice sheet rental revenue is its major contributor, the mix has shifted drastically over the past year to exempt (tax free) as customers have provided tax exempt status confirmation in preparation for the January 1, 2023, price increases which favor exempt rentals. The Public Skating, Skate Rental, and Sharpening line items appear to be under budget but that is due to a carryover line item for skating lessons that is now conducted by Community Education through the School District and should not have been included in 2022. Expenditures were mostly on target with the repair and maintenance line item as a future risk until needed repairs are made. Overall, expenditures were at 98.5% of the budget.

It should be noted that among other minor price increases, Ice Rental collections (net of any sales tax) went up 10.8% for exempt and 16.4% for taxable as of January 1, 2023. In 2023, there is no plan to use fund balance for the planned budget year.

##### **Manager's Facility Update:**

Jared Larson, Facility Manager, updated the Board on the operations as the season comes to a close. Hockey isn't yet done with MAHA having 5 teams in Sections.

Boelter commented that the puck didn't appear to be moving the same on the North Rink. Larson agreed to follow up on this matter outside the Board Meeting.

**Consideration of Water Heater Replacement:**

During a routine maintenance inspection of the furnace located above the South Rink Zamboni Room, the water heater servicing the locker rooms on the east side of the building was found to be leaking. Upon further inspection, it appears the unit is failing and in need of replacement. This unit was manufactured and likely installed in 1988.

Staff obtained quotes from Javens Mechanical Contracting Co. that would replace the unit and provided two recommendations. After review, the Board discussed the Option that would replace the unit with an on demand system including 5 tankless water heaters installed in a series to obtain the required supply rates for the number of fixtures within these locker rooms. Modifications would need to be done with the exhaust piping and water supply. Work, not including electrical, is estimated to cost \$27,594.00. Electrical quotes for this Option were also still being reviewed. Staff recommended assigning a budget number of \$10,000 for any electrical work

In accordance with the current Joint Powers Agreement, section 5.4, because the purchase was not budgeted and exceeds \$25,000, the Board reviewed and would need to review the purchase to the respective governing bodies of each Party for their review and authorization.

Motion by Oachs, second by Piepho to recommend the Option 2, as recommended by Staff. Motion passed.

**Consideration of Next Meeting:**

The Board reviewed and discussed the next meeting to be May 12, 2023 at 7 a.m.

Motion by Piepho, second by Oachs to adjourn the meeting at 7:29 a.m. Motion passed.



## MEMORANDUM

To: All Seasons Arena Board  
From: Susan Arntz, Mankato City Manager  
Date: May 12, 2023  
RE: Knutson Construction Update

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At the time of writing, Knutson Construction is finalizing their report creating recommendations for the facility improvements. During our meeting, they will walk the Board through a summary of their meetings with the various stakeholders, their identified list of recommendations for the improvements, and a proposed construction staging schedule.

As part of the presentation, the Board will need to provide feedback as to certain improvements. There are some concepts that connect to various improvements. They will present the alternatives and how they are connected.

We are hoping to have a discussion with the Board to review their concepts and recommendations. With the direction from the Board, Mankato Staff would then work with the Blue Earth County and North Mankato Staff to review funding plans.

We would propose the Board schedule a follow up meeting to discuss the funding scenarios for the project. We would propose the Board consider a meeting in two to three weeks: