

Pursuant to due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Municipal Building Council Chambers on January 6, 2014. Mayor Dehen called the meeting to order at 7:00 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for the meeting, Mayor Dehen, Council Members Steiner, Norland, Freyberg and Spears, City Administrator Harrenstein, City Clerk Gehrke, Attorney Kennedy, Engineer Sarff, Planner Fischer and Public Works Director Swanson. Absent: Finance Director Thorne.

Approval of Agenda

Council Member Freyberg asked that Item 7.H. Application for Tobacco and Soft Drink Licenses for Freyberg Management d/b/a Shell on LorRay be removed from the Consent Agenda to be voted on as a separate item. Mayor Dehen asked that Item 9.D. Attorney Client Privileged Closed Session to discuss Chester litigation and Church litigation be moved to the end of the agenda. **Council Member Norland moved, seconded by Council Member Steiner, to approve the agenda with these two changes. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen, aye; no nays. Motion carried.**

Approval of Minutes

Administrator Harrenstein asked that one sentence of Council Member Spear's remarks regarding amendments to the zoning districts be removed from the minutes. **Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council Workshop of December 16, 2013 and the minutes of the Council meeting of December 16, 2013, as amended. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen, aye; no nays. Motion carried.**

Consent Agenda

Council Member Freyberg moved, seconded by Council Member Norland, to approve the Consent Agenda which includes:

- A. Bills and Appropriations.
- B. Res. No. 01-14 Approving Donations/Contributions/Grants.
- C. Res. No. 02-14 Designating Official Newspaper.
- D. Res. No. 03-14 Designating Depositories for City.
- E. Res. No. 04-14 Setting Fees and Charges.
- F. Res. No. 05-14 Setting Mileage Rate Fee for 2014.
- G. Res. No. 06-14 Approving Consent Assessment – 630 Lyndale Street.

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

Application for Tobacco and Soft Drink Licenses for Freyberg Management d/b/a Shell on LorRay

Tyler Freyberg appeared before the Council and reported he is in the process of completing the paperwork to open the business to be known as Shell on LorRay at 1711 LorRay Drive. He stated he is hopeful the business will be open by February 1, 2014. **Council Member Spears moved, seconded by Council Member Norland, to approve the application for tobacco and soft drink licenses for 2014 for Shell on LorRay, 1711 LorRay Drive. Vote on**

the motion: Steiner, Norland, Spears and Dehen, aye; Freyberg abstained; no nays. Motion carried.

Public Comments

The Mayor opened the meeting to the public for the first time with no one appearing.

Business Items

Purchase of New Bookmobile

Library Director Lowry appeared before the Council and reported that several months ago the Council renewed its commitment service and gave its approval for the Library Director to seek grant funds to purchase a used bookmobile to replace the existing vehicle. She reported that thanks to the generosity of several area foundations and business which include the Carl and Verna Schmidt Foundation - \$15,000, Taylor Corporation - \$10,000, Mankato Area Foundation - \$1,600 for a public access computer, and the Otto Bremer Foundation - \$30,500. The City Administrator thanked the Library Director for her efforts in obtaining funding through grants for the new bookmobile.

Discuss Proposed Vision Statement for Comprehensive Land Use Plan

Planner Fischer reported the Planning Commission reviewed the Vision Statement for the Comprehensive Land Use Plan on December 11, 2013 and recommended its approval. Council Member Spears inquired if the policies that expand the tax base were initiated by City staff. Administrator Harrenstein reported this policy recommendation came out of the economic development stakeholder meetings; however, staff does concur with their recommendation.

Council Member Norland moved, seconded by Council Member Freyberg, to approve the Vision Statement for the Comprehensive Land Use Plan. Vote on the motion: Steiner, Norland, Freyberg, Spears and Dehen, aye; no nays. Motion carried.

Consider Approving the Purchase of Property at 410 Range Street

Administrator Harrenstein presented a Purchase Agreement for the property known as 410 Range Street. He reported this property would be used to further enhance the ability to solve parking needs in the downtown area and stated it is a prudent use of City resources. Council Member Steiner asked if the house on this property would be relocated. Planner Fischer reported the Building Inspectors have inspected the home and believes the layout is not conducive to moving the house. Administrator Harrenstein reported that all salvageable items will be auctioned off. The Mayor suggested the home may be used for firefighter training prior to demolition.

Res. No. 07-14 Authorizing the Purchase of Real Estate

Council Member Norland moved, seconded by Council Member Steiner, to adopt Resolution No. 07-14 Authoring the Purchase of Real Estate – 410 Range Street. Vote on the Resolution: Steiner, Norland, Freyberg, Spears and Dehen; aye; no nays. Motion carried.

City Administrator and Staff Comments

Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year Ended December 31, 2012

Administrator Harrenstein presented the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year Ended December 31, 2012. Notification of this Certificate of Achievement appeared in the *Free Press* on January 6, 2014.

Mayor and Council Members

Appointment to Boards, Commissions and Other Positions

The Mayor presented the list of appointments to be made for 2014 as follows: Reappoint Rick Haman to the Planning Commission for a 4-year term through 2017; Appoint Aaron Roush to the Planning Commission for a 4-year term through 2017; Reappoint Bill Borchardt to the Traffic and Safety Committee for a 1-year term; Reappoint John Stoffel to the Board of Appeal and Equalization for a 3-year term through 2016; Appoint Alyssa Brekke to the Board of Appeal and Equalization for a 3-year term through 2016; Reappoint Dave Arnold to the North Mankato Port Authority Commission for a 6-year term through 2019; Reappoint Kelly McDonough to the North Mankato Taylor Library Board for a 3-year term through 2016; Reappoint John Andersen and Tom Schwinghammer to the North Mankato Bicycle Commission for 2-year terms through 2015; Reappoint Billy Steiner to the Housing and Redevelopment Authority for a 5-year term through 2018; Appoint Billy Steiner as Acting Mayor; Appoint Kennedy & Kennedy as City Attorney; Appoint Bolton & Menk as Consulting Civil Engineer; Appoint Northland Securities, Inc. as Bond Consultant; Appoint Abdo, Eick & Meyers as Auditor; Appoint Todd Mettler as Weed Inspector; Appoint Bruce Royer as Plumbing Inspector; and Appoint Derek Tostenson as Construction Inspector. **Council member Norland moved, seconded by Council Member Spears, to approve the above listed appointments to Boards, Commissions and other positions. Vote on the motion: Norland, Freyberg, Spears and Dehen, aye; Steiner nay. Motion carried.**

Res. No. 08-14 Approving City Council Committee Assignments

Mayor Dehen presented Resolution No. 08-14 Approving City Council Committee Assignments for 2014 as follows:

- | | |
|------------------------|--|
| Mayor Mark Dehen | Nicollet County/City of North Mankato Liaison Committee
Port Authority Commission
Personnel Committee
Intergovernmental Cooperation Advisory Committee
Cities/Colleges/Universities Advisory Council
Coalition of Greater Minnesota Cities
North Mankato Fire Relief Association
Highway 14 Partnership |
| Council Member Steiner | North Mankato Taylor Library Board
Port Authority Commission
Intergovernmental Youth Assets
Envision 2020 |

Council Member Norland	Region Nine Development Commission Envision 2020 Mankato Area Community Services Council North Mankato Park and Green Spaces Committee Port Authority Commission
Council Member Freyberg	All Seasons Arena Board Intergovernmental Cooperation Advisory Committee Nicollet County Recycling Task Force North Mankato Planning Commission Port Authority Commission Metropolitan Planning Organization (MPO)
Council Member Spears	Region Nine Development Commission (Alternate) Personnel Committee Nicollet County/City of North Mankato Liaison Committee Community Center Task Force Port Authority Commission Traffic & Safety Committee Passenger Rail Group

Council Member Freyberg moved, seconded by Council Member Spears to adopt Resolution No. 08-14 Approving City Council Committee Assignments. Vote on the Resolution: Norland, Freyberg, Spears and Dehen, aye; Steiner nay. Motion carried.

Council Member Steiner

Council Member Steiner expressed his disappointment that he was taken off the Personnel Committee.

Council Member Norland

Council Member Norland reported the Region 9 Development Commission has information regarding: Made in Minnesota Solar Incentive Programs whereby residents and businesses can apply for the incentive to help defray the cost to install a solar electric system. Applications are online at the Minnesota Solar Incentive Program webpage, Minnesota Department of Commerce. She also reported the Minnesota Department of Agriculture has information regarding the NextGen Grant RFP to create facilities that produce or will produce bioenergy, biobased content or bioformulated products. This information may be located at <http://www.mda.state.mn.us/en/renewable/nextgen/~media/Files/renewable/ag0353bioenergy.ashx>.

Council Member Norland congratulated the Library Director for her success at gathering donations for a new bookmobile.

Council Member Norland thanked the Public Works Director for the work that is beginning in Benson Park.

Council Member Steiner

Council Member Steiner expressed kudos to the Street Department on the outstanding job plowing the streets during the Christmas and New Year holidays. The Public Works Director gave an update regarding snow emergencies reporting the City seldom calls a snow emergency; however, when a snow emergency is called, there is no parking on any street until the street has been plowed curb-to-curb.

Mayor

The Mayor reported that "Coffee with the Council" will be held from 10-11 a.m. on Saturday, January 11, 2014 at the Circle Inn, 232 Belgrade Avenue.

The Mayor reported a Bike Commission meeting will be held January 15, 2014 to discuss volunteer help for the Safe to Schools Program for the hilltop area.

City Attorney

The City Attorney reported the Council would convene to a closed meeting to discuss developments in the Chester litigation and the appeal by Barbara Church on the Marigold property.

There being no further business, on a motion by Council Member Freyberg, seconded by Council Member Norland, the meeting was adjourned at 7:27 p.m.

Mayor

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item: 7	Department: Planner	Council Meeting Date: 1/21/14
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TITLE OF ISSUE: Consider Amendments to the R-3, R-4 and CBD Sections of the Zoning Code.

BACKGROUND AND SUPPLEMENTAL INFORMATION: To better accommodate all residential uses within the R-3, R-4 and CBD districts, staff is proposing amendments to these sections of the Zoning Code. Attached is a staff report which summarizes the request. The Planning Commission has reviewed the proposed amendments on two separate occasions and recommends approval of the amendments.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: Consider recommendation from the Planning Commission and adopt Ord. No. 53, Fourth Series, Amending R-3, R-4 and CBD Districts of the Zoning Code.

For Clerk's Use:

Motion By: _____
 Second By: _____

Vote Record:

	Aye	Nay	
_____	_____	_____	Norland
_____	_____	_____	Spears
_____	_____	_____	Freyberg
_____	_____	_____	Steiner
_____	_____	_____	Dehen

SUPPORTING DOCUMENTS ATTACHED

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) <u>Affidavit of Publication</u>				
<u>Public Hearing Notice, Redacted Copies of R-3, R-4, and CBD,</u>				
<u>Planning Commission Report and Minutes of January 9, 2014</u>				
<u>Planning Commission Meeting</u>				

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

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

AFFIDAVIT OF PUBLICATION

State of Minnesota, ss.

County of Blue Earth

James P. Santori, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as *The Free Press and The Land*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331.02, 331.06, and other applicable laws, as amended.

(B) The printed _____ Notice _____

_____ which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Friday, the 10 day of January, 2014, and was thereafter printed and published on every Friday to and including Friday, the 10 day of January, 2014; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

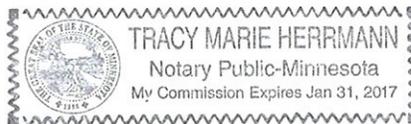
abcdefghijklmnopqrstuvwxyz

By: [Signature] Publisher

Subscribed and sworn to before me on this 10 day of January, 2014.

[Signature]
Notary Public

January 10, 2014
NOTICE OF PUBLIC HEARING
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 p.m. on the 21st day of January, 2014, to hold a public hearing to consider amendments to the R-3, R-4 and CBD Sections of the Zoning Code.
Such persons as desire to be heard with reference to the proposed amendment to the Zoning Code will be heard at this meeting.
Dated this 10th day of January 2014.
Nancy Gehrke, CMC
City Clerk
City of North Mankato, Minnesota



NOTICE OF PUBLIC HEARING

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 p.m. on the 21st day of January, 2014, to hold a public hearing to consider amendments to the R-3, R-4 and CBD Sections of the Zoning Code.

Such persons as desire to be heard with reference to the proposed amendment to the Zoning Code will be heard at this meeting.

Dated this 10th day of January 2014.

Nancy Gehrke, CMC
City Clerk
City of North Mankato, Minnesota

§ 156.040 R-3, LIMITED MULTIPLE DWELLING DISTRICT.

(A) *Purpose.* This district is intended to establish an area of limited high density residential uses.

(B) *Special requirements.*

(1) Conversion of any use to other than a permitted or approved conditional use is prohibited. Single family attached dwellings permitted shall not exceed eight dwelling units per structure. Apartments, apartment buildings, and multiple family dwellings permitted shall not exceed 12 dwelling units per structure.

(2) All two-family dwellings which share a common vertical wall and whose lot size and front footage render them capable of being converted to a twin home shall conform to the twin home building code requirements.

(C) *Permitted uses.* The following are permitted uses:

(1) Single family detached dwellings.

(2) Two family dwellings.

(3) Fences.

(4) Non-commercial gardening.

(5) Landscaping.

(6) Driveways.

(7) Churches, provided that no building shall be located within 50 feet of any abutting lot line in any of the classes of residential districts.

(8) Public buildings and uses of the following kind: elementary and secondary schools, parks, playgrounds, libraries, museums, community centers and recreation centers, or private schools having a curriculum equivalent to a public elementary school or public high school.

(9) Home occupations. See § 156.035(BB).

(10) Apartments or apartment buildings.

(11) Multiple family dwellings.

(D) *Conditional uses.* The following uses may be permitted:

(1) Cemetery.

(2) Government, public utility and public service uses.

(3) Mobile home or trailer park pursuant to the provisions of the City Code.

(E) *Accessory uses.* The following are permitted uses:

(1) Private garage.

(2) Inground private swimming pool or similar recreational facilities when completed enclosed with a suitable fence at least 6 feet in height.

(3) Aboveground swimming pool.

(4) Driveways.

(5) Off-street parking.

(6) Utility buildings.

(7) Solar energy systems.

(8) Satellite reception equipment.

(9) Accessory uses customarily incidental to and on the same lot as the principal use as regulated by this chapter.

(F) *Lot area.*

(1) *Lot area (detached).* Every single family detached dwelling erected shall require a lot area of not less than 6,500 square feet.

(2) *Lot area (attached)*. Every single family attached dwelling erected shall require a lot area of not less than 9,000 square feet for the first two dwelling units erected, plus 3,000 square feet for each additional unit attached.

(3) *Lot area (two family)*. Every two family dwelling erected shall require a lot area of not less than 8,800 square feet.

(4) *Lot area (multiple)*. Every multiple family dwelling erected shall require a lot area of not less than 11,000 square feet for the first three dwelling units erected plus 1,500 square feet for each additional unit attached.

(G) *Lot width and depth*.

(1) *Lot width (detached)*. Every lot upon which there is erected a single family detached dwelling shall require a minimum width of 65 feet at the building setback line.

(2) *Lot width (attached)*. Every lot upon which there is erected a single family attached dwelling consisting of two dwelling units shall require a minimum width of 80 feet at the building setback line; each additional dwelling unit attached thereafter shall require a minimum additional width of 16 feet per unit at the building setback line.

(3) *Lot width (two family/duplex)*. Every lot upon which there is erected a two family dwelling shall require a minimum width of 80 feet at the building setback line.

(4) *Lot width (multiple)*. Every lot upon which there is erected a multiple family dwelling ~~consisting of three dwelling units~~ shall require a minimum width of 100 feet at the building setback line; ~~each additional dwelling unit attached thereafter shall require a minimum additional width of 20 feet per unit at the building setback line.~~

(5) *Lot depth*. Every lot upon which there is erected a single family dwelling, whether attached or detached, a two family dwelling; or a multiple family dwelling shall require a minimum depth of not less than 100 feet.

(H) *Yard regulations*.

(1) *Front yard*. For all uses allowed there shall be a front yard of not less than 30 feet. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side.

(2) *Side yard*. For all uses allowed there shall be a side yard, on each side of the building, each not less than 10 feet in width, plus 1 additional foot for each side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.

(3) *Rear yard*. For all uses allowed there shall be a rear yard of not less than 25 feet.

(4) *Transitional yards*. There are no requirements.

(I) *Ground coverage*. Not more than 50% of a lot or plot shall be covered by all main and accessory buildings.

(J) *Height regulations*. No structure hereafter erected or altered shall exceed three stories or 45 feet in height. Accessory buildings shall not exceed 1-1/2 stories in height or 22 feet in height.

(1975 Code, § 11.10) (Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 54, passed 12-17-1984; Am. Ord. 8, 4th series, passed 1-16-2007)

§ 156.041 R-4, MULTIPLE DWELLING DISTRICT.

(A) *Purpose.* This district is intended to establish a residential area of high density.

(B) *Special requirements.*

(1) Conversion of any use to other than a permitted or approved conditional use is prohibited.

(2) All two family dwellings which share a common vertical wall and whose lot size and front footage render them capable of being converted to a twin home shall conform to the twin home building code requirements.

(C) *Permitted uses.* The following are permitted uses:

(1) Single family detached dwellings.

(2) Two family dwellings.

(3) Apartment buildings in excess of 12 units per building.

(4) Multi-family dwellings in excess of 8 units per building.

(5) Fences.

(6) Non-commercial gardening.

(7) Landscaping.

(8) Driveways.

(9) Churches, provided that no building shall be located within 50 feet of any abutting lot line in any of the classes of residential districts.

(10) Public buildings and uses of the following kind: elementary and secondary schools, parks, playgrounds, libraries, museums, community centers and recreation centers, or private schools having a curriculum equivalent to a public elementary school or public high school.

(11) Home occupations. See § 156.035(BB).

(D) *Conditional uses.* The following uses may be permitted:

(1) Bed and breakfast.

(2) Cemetery.

(3) Government, public utility and public service uses.

(4) Hotels, motels and apartment hotels in which no business shall be conducted except as a service for guests thereof accessible to customers from inside the building.

(E) *Accessory uses.* The following are permitted uses:

(1) Private garage.

(2) Inground private swimming pool or similar recreational facilities when completed enclosed with a suitable fence at least 6 feet in height.

(3) Aboveground swimming pool.

(4) Driveways.

(5) Off-street parking.

(6) Utility buildings.

(7) Solar energy systems.

(8) Satellite reception equipment.

(F) *Lot area.*

(1) *Lot area (detached).* Every single family detached dwelling erected shall require a lot area of not less than 6,000 square feet.

(2) *Lot area (attached).* Every single family attached dwelling erected shall require a lot area of not less than 9,000 square feet for the first two dwelling units erected plus 3,000 square feet for each additional unit attached.

(3) *Lot area (two family)*. Every two family dwelling erected shall require a lot area of not less than 8,800 square feet.

(4) *Lot area (multiple)*. Every multiple family dwelling erected shall require a lot area of not less than 11,000 square feet for the first three dwelling units erected plus 500 square feet for each additional unit attached.

(G) *Lot width and depth*.

(1) *Lot width (detached)*. Every lot upon which there is erected a single family detached dwelling shall require a minimum width of 60 feet at the building setback line.

(2) *Lot width (attached)*. Every lot upon which there is erected a single family attached dwelling consisting of two dwelling units shall require a minimum width of 80 feet at the building setback line; each additional dwelling unit attached thereafter shall require a minimum additional width of 16 feet per unit at the building setback line.

(3) *Lot width (two family)*. Every lot or plot upon which there is erected a two family dwelling shall require a minimum width of 80 feet at the building setback line.

(4) *Lot width (multiple)*. Every lot or plot upon which there is erected a multiple family dwelling ~~consisting of three dwelling units~~ shall require a minimum width of 110 feet at the building setback line.; ~~each additional dwelling unit attached thereafter shall require a minimum additional width of 20 feet per unit at the building setback line.~~

(5) *Lot depth*. Every lot or plot upon which there is erected a single family dwelling, whether attached or detached, a two family dwelling, or a multiple family dwelling shall require a minimum depth of not less than 100 feet.

(H) *Yard regulations*.

(1) *Front yard*. For all uses allowed there shall be a front yard of not less than 30 feet. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot.

(2) *Side yard*. For all uses allowed there shall be a side yard, on each side of the building, each not less than 10 feet in width, plus 1 additional foot for each side yard required for each 1 foot or fraction thereof of building height in excess of 45 feet.

(3) *Rear yard*. For all uses allowed there shall be a rear yard of not less than 25 feet.

(4) *Transitional yards*. There are no requirements.

(I) *Ground coverage*. Not more than 60% of a lot shall be covered by all main and accessory buildings.

(J) *Height regulations*. No structure hereafter erected or altered shall exceed three stories or 45 feet in height, except as may be permitted in subsection (D)(4) of this section, as regulated by this chapter.

Accessory uses shall not exceed 1-1/2 stories or 22 feet in height.

(1975 Code, § 11.11) (Am. Ord. 54, passed 12-17-1984; Am. Ord. 8, 4th series, passed 1-16-2007)

§ 156.045 CBD, CENTRAL BUSINESS DISTRICT.

(A) **Purpose.** The Central Business District is intended to ~~establish a district for the purpose of providing a high density shopping environment with special emphasis on pedestrian traffic. provide for low- to high-intensity pedestrian-oriented residential, office, retail, commercial, institutional and mixed-use (commercial/residential) development that supports the integrity of a downtown neighborhood, and serves the entire population. While pedestrian orientation is emphasized, the automobile is also accommodated. The CBD District accommodates the traditional "main street" character of the historical North Mankato downtown area (200 block of Belgrade), but also extends west to accommodate a combination of residential, commercial, and office uses. It includes a traditional residential corridor, with some houses that are maintained as residences and others that have converted to non-residential use.~~

(B) Special requirements.

~~(1) Every use, unless expressly exempted by this division, shall be operated in its entirety within a completely enclosed structure; the exception of a use from the requirement of the enclosure will be indicated by the phrase "need not be enclosed" appearing after any use exempted.~~

~~(2) Residential uses that may be permitted shall be regulated by the minimum standards set forth in § 156.040.~~

(C) Permitted uses.

(1) The following are permitted uses:

- (a) Antique store.
- (b) Apparel store.
- (c) Appliance store.
- (d) Art gallery, studio, school or supply store.
- (e) Bakeries, retail.
- (f) Banks, savings and loans or finance companies.
- (g) Barber and beauty shops.
- (h) Bars, taverns, and cocktail lounges licensed to sell soft drinks, beer malt, or alcoholic beverages on sale, off sale or both.
- (i) Book store.
- (j) Bowling alley.
- (k) Business machine store.
- (l) Business, trade or commercial school.
- (m) Camera and photographic studio and supply.
- (n) Candy, ice cream, confectionary store.
- ~~(o) Car sales lots, need not be enclosed.~~
- (p) Catalog service and mail order house.
- (q) Caterer.
- ~~(r) Cemetery, memorial garden, need not be enclosed.~~
- (s) Churches.
- (t) Clinic, dental or medical, but not animal clinic.
- (u) Club or lodge.
- (v) Community centers, parks or public buildings.
- (w) Convent, monastery or similar institution for religious training.
- (x) Conventions, or meeting facility.
- (y) Dairy store.
- (z) Dance studio.
- (aa) Day cares.
- (bb) Delicatessen.

~~(cc) Driveways.~~

~~(dd)(cc) Drug store.~~

(dd) Dwellings:

-Single-family detached

-Two-family

- Apartments or apartment buildings

-Multiple family dwellings

(ee) Essential public utility and service structures.

(ff) Fences.

(gg) Floral and garden supply including nursery, need not be enclosed.

(hh) Gift, novelty or souvenir store.

(ii) Grocery store.

(jj) Hardware store.

(kk) Hobby store.

(ll) Hotels and motels.

(mm) Institution of religious, charitable or philanthropic nature.

(nn) Interior decorating store and supply.

(oo) Janitorial services.

(pp) Laboratory, medical or dental.

(qq) Laundry or dry-cleaning.

(rr) Leather goods store - retail only.

(ss) Libraries, auditoriums, museums, or other cultural institutions.

(tt) Locksmith or key stand, need not be enclosed.

(uu) Medical appliance sales and fittings.

(vv) Medical intern or resident doctor's quarters.

(ww) Mixed-use buildings and developments

~~(xx)(ww) Mortuary, funeral home.~~

~~(xx) Motorcycle sales and service.~~

~~(yy) Office condominium.~~

(yyzz) Office of any type.

(zz)aaa) Optical services and supply.

(aaabbb) Parking of vehicles, need not be enclosed.

(bbbccc) Pet store, including animal clinic.

(cccdde) Private recreation facilities; tennis court, golf club, swimming pool.

~~(eee) Public and private utilities.~~

(dddfff) Rehabilitation center for handicapped persons.

(eeeggg) Restaurants or other eating places including drive-ins.

(fffhhh) School, public or private.

(gggiii) Shoe repair shops.

(hhhjjj) Sporting goods store.

(iiikkk) Stationery store.

(jjjlll) Tailor shops.

(kkkmmm) Theater.

(lllann) Toy store.

(mmmooo) Travel bureau or ticket agency.

(nnnppp) Variety stores.

(2) Every permitted use allowed shall be constructed on a permanent foundation and be connected to municipal utilities.

(D) Conditional uses. The following uses may be permitted if granted a Conditional Use permit under the provisions of Section 156.055:

- :
- (1) Automobile wash, service or repair;
 - (2) Convenience store;
 - (3) Home and building supply store;
 - (4) Taxidermist;
 - (5) Structures exceeding 3-4 stories or 45 feet in height;
 - (6) Car sales lots, need not be enclosed.
 - (7) Motorcycle sales and service.

(E) Accessory uses. The following is a permitted use: Storage building not to exceed 600 square feet.

(F) Lot area. For each permitted or conditional non-residential use there shall be provided not less than 3,500 square feet of lot area. Required lot area for permitted residential uses are as follows:

(1) Lot area (detached). Every single family detached dwelling erected shall require a lot area of not less than 6,500 square feet.

(2) Lot area (attached). Every attached dwelling erected shall require a lot area of 3,000 square feet for each unit attached.

(3) Lot area (two family). Every two family dwelling erected shall require a lot area of not less than 8,800 square feet.

(4) Lot area (multiple). Every multiple family dwelling (non-attached) erected shall require a lot area of not less than 850 square feet for each unit.

(G) Lot width and depth. Minimum lot width of 25 feet and minimum depth of 140 feet.

(H) Yard regulations.

(1) For all permitted uses in the CBD District, principal buildings must be located within 10 feet of the front lot line, unless a front yard is required under the provisions of this section. There are no other yard requirements except as may be required for conditionally permitted uses and pursuant to § 156.040 for residential uses. for all uses as follows:

(1) Residential Uses:

(a) Front yard. For all single-family detached, two-family, and attached (townhome) dwellings there shall be a front yard of not less than 20 feet. For all multiple family dwellings (non-attached) there are no front, side or rear yard requirements. When a multiple family dwelling is located adjacent to a single-family residential use, a front yard of not less than 20 feet shall be provided.

(b) Side yard. When any new residential use is located adjacent to an existing residential use, there shall be a side yard, on that side of the building adjacent to the existing residential use, of not less than 5 feet in width, plus 1 additional foot of side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.

(c) Rear yard. When any new residential use is located adjacent to an existing residential use, there shall be a rear yard of not less than 20 feet.

(2) Non-residential Uses:

(a) Front yard. For all permitted non-residential or mixed uses, there shall be a front yard of not less than 20 feet when such a structure is located across the street from an area zoned to a residential district classification. When a permitted non-residential or mixed use is located adjacent to a single-family residential use, a front yard of not less than 20 feet shall be provided. Off-street parking shall not be located in that front yard area. Where the lot is located at the intersection of two or more streets there shall be a front yard on each street side.

(b) Side yard. When a permitted non-residential or mixed use is located adjacent to an existing residential use, there shall be a side yard, on that side of the lot adjacent to the residential use, of not less than 10 feet in width, plus 1 additional foot of side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.

(c) Rear yard. None required.

~~(2) Transitional yards may be required.~~

(I) Ground coverage. There are no maximum ground coverage requirements.

(J) Height regulations. No structure hereafter erected or altered shall exceed ~~3-4~~ stories or 45 feet in height, except as may be permitted in subsection (D)(5) of this section, as regulated by this chapter.

(K) Off-street parking. Uses within the CBD district shall meet the off-street parking and loading requirements of Section 156.053. However, commercial properties having frontage on the 200 block of Belgrade Avenue are exempt from off-street parking and loading requirements. For mixed use buildings within the 200 Block of Belgrade Avenue, one (1) off-street parking space is required per residential dwelling unit provided that mixed use buildings have a minimum of 100 percent of the ground floor dedicated to commercial use.

(1975 Code, § 11.15) (Am. Ord. 33, passed 3-21-1983; Am. Ord. 46, passed 6-18-1984; Am. Ord. 8, 4th series, passed 1-16-2007; Am. Ord. 17, 4th series, passed 1-17-2008)

R-3, R-4 and CBD ZONING CODE AMENDMENTS

A REQUEST FROM THE CITY OF NORTH MANKATO

THE CITY OF NORTH MANKATO

SUBJECT: R-3, R-4 and CBD Zoning Code Amendments

APPLICANT: City of North Mankato

DATE OF HEARING: January 9, 2014

DATE OF REPORT: December 27, 2013

REPORTED BY: Michael Fischer, City Planner

APPLICATION SUBMITTED:

Request to consider changes to the R-3, R-4 and CBD sections of the Zoning Code.

COMMENT

At the December 2013 Planning Commission meeting, staff presented proposed Zoning Code changes within the R-3, R-4 and CBD zoning districts. Staff indicated that the proposed changes would provide greater flexibility when accommodating higher density housing in these districts. In the R-3 and R-4 zoning districts, the proposed amendments included changes to lot width requirements. In the CBD, proposed amendments included, but were not limited to, changes to permitted uses, conditional uses, lot area and setbacks.

At the Planning Commission meeting, public comments were received and the Planning Commission held discussion pertaining to the proposed Zoning Code amendments. As a result, the Planning Commission unanimously recommended approval of the amendments with one change. That recommendation was considered by the City Council on December 16, 2013. At that meeting, the City Council directed the Planning Commission review the proposed amendments again with more consideration given to ground coverage requirements. Additionally, the City Council believe when comparing our Zoning Code regulations to other cities, only Mankato should be compared. Therefore, attached as Exhibit A is a comparison of North Mankato and Mankato's R-3, R-4 and CBD regulations. The City Council also discussed the use of Planned Unit Developments (PUD) within other cities. In summary, a PUD is a type of building development and regulatory process which encourages the efficient use of land by relaxing zoning code regulations. Currently, North Mankato does not have the ability to review a PUD based on Zoning Code regulations. As an example, a copy of Mankato's Planned Unit Development regulation is shown as Exhibit B. Mankato has used their PUD regulations to develop projects such as the University Square Mall and the Tailwind project which is underway on South Front Street.

When comparing ground coverage requirements in the R-3 and R-4 zoning districts, North Mankato's coverage requirements are less restrictive than Mankato's (See Exhibit A). For ground coverage demonstration purposes, attached as Exhibit C is a layout of the Oak Terrace Assisted Living facilities adjacent to Lee Boulevard. As these buildings are in an R-4 zoning district, no more than 60 percent of the lot can be covered by buildings. As shown on the exhibit,

the building along Tower Boulevard occupies 30.6 percent of the lot and the building along Hoover Drive occupies 34.9 percent of the lot. As a result, additions to each building could potentially be made if all lot area, setbacks, height, storm water detention and parking regulations are met.

When comparing ground coverage in both cities' CBDs, in North Mankato residential ground coverage is subject to the R-3 regulations. For commercial projects within both cities, ground coverage is not regulated except by floor area ratio regulations in Mankato.

To summarize, the Planning Commission previously recommended lot width changes in the R-3 and R-4 zoning districts along with changes in the CBD shown on Exhibit D. At the direction of the City Council, the Planning Commission is asked to again review the changes in relationship to Mankato's regulations.

RECOMMENDATION

Staff recommends approval of the proposed changes within the R-3, R-4 and CBD Districts and recommends that staff draft a Planned Unit Development process to encourage innovative land use and development.

R-3

	North Mankato	Mankato
Minimum Lot Width	One-Family – 60 feet Two-Family – 80 feet, plus 6 feet for each additional unit Multiple - 110 feet at the building setback line for the first 3 dwelling units; each additional dwelling unit attached thereafter shall require a minimum additional width of 20 feet per unit at the building setback line.	One-Family – 50 feet Two-Family – 60 feet All Other Uses – 100 feet Lots recorded prior to 1956 and utilized as single or two-family dwellings – 50 feet
Minimum Lot Depth	100 feet	None
Minimum Lot Area	One-Family – 6,000 sq. ft. Two Family – 9,000 sq. ft. for first two units, plus 3,000 sq. ft. for each additional unit attached Multiple Family - 11,000 sq. ft. for the first 3 dwelling units plus 500 sq. ft. for each additional unit attached.	One-Family – 6,000 sq. ft. per unit. Two-Family - 6,000 sq. ft. Multiple Family 6,000 sq. ft. for up to 4 units, plus 1,500 sq. ft. for each additional unit in excess of 4 units.
Maximum Building Height	3 stories or 45 feet in height.	35 feet
Maximum Ground Coverage	Not more than 60% of a lot shall be covered by all main and accessory buildings.	The sum of the ground area that may be covered by all structures shall not exceed 35% of the lot area.
Setbacks	Front – 30 feet Side – 10 feet, plus 1 additional foot for each side yard required for each 1 foot or fraction thereof of building height in excess of 45 feet Rear – 25 feet Lots recorded prior to 1958 Front – 20 feet Side – 5 feet Rear 20 feet	Front – 25 feet Side (one-and two-family) – 6 feet. All other principal buildings and uses-10% of lot width, provided the yard is a minimum of 10 feet or a maximum of 30 feet. Rear – 25 feet. All Other Principal Uses – 25% of lot depth, provided the yard is a minimum of 25 feet or a maximum of 75 feet. Accessory buildings: Rear – 3 feet
Maximum number of units per building	12 units	8 units per lot

R-4

	North Mankato	Mankato
Minimum Lot Width	One-Family – 60 feet Two-Family – 80 feet, plus 6 feet for each additional unit Multiple - 110 feet at the building setback line for the first 3 dwelling units; each additional dwelling unit attached thereafter shall require a minimum additional width of 20 feet per unit at the building setback line.	One-Family – 50 feet All other buildings – 60 feet
Minimum Lot Depth	100 feet	None
Minimum Lot Area	One-Family – 6,000 sq. ft. Two Family – 9,000 sq. ft. for first two units, plus 3,000 sq. ft. for each additional unit attached Multiple Family - 11,000 sq. ft. for the first 3 dwelling units plus 500 sq. ft. for each additional unit attached.	One-Family – 6,000 sq. ft. per unit. Two-Family - 6,000 sq. ft. Multiple Family 10,000 sq. ft. for up to 4 units, plus 2,000 sq. ft. for each additional unit in excess of 4 units.
Maximum Building Height	3 stories or 45 feet in height.	45 feet
Maximum Ground Coverage	Not more than 60% of a lot shall be covered by all main and accessory buildings.	The sum of the ground area that may be covered by all structures shall not exceed 35% of the lot area.
Setbacks	Front – 30 feet Side – 10 feet, plus 1 additional foot for each side yard required for each 1 foot or fraction thereof of building height in excess of 45 feet Rear – 25 feet Lots recorded prior to 1958 Front – 20 feet Side – 5 feet Rear 20 feet	Front – 25 feet Side (one-and two-family) – 6 feet. Multiple --Family Dwellings and All other principal buildings and uses- 10% of lot width, provided the side yard is a minimum of 10 feet or a maximum of 30 feet. Principal Buildings exceeding 35 feet in height shall provide an increase in the side yard setback equal to 1 foot for each 4 feet of building height. Rear (one-and two-family) – 25 feet. Multiple-Family Dwellings and All Other Principal Buildings – 25% of lot depth, provided the yard is a minimum of 25 feet or a maximum of 75 feet. Accessory buildings: Rear – 3 feet
Maximum number of units per building	None	None

CBD

	North Mankato		Mankato
	Residential	Commercial	
Minimum Lot Width	100 feet for the first 3 units, each additional unit shall require an additional width of 20 feet per unit.	25 feet	44 feet
Minimum Lot Depth	100 feet	140 feet	None
Minimum Lot Area	11,000 sq. ft. for the first 3 dwelling units plus 1,500 sq. ft. for each additional unit.	3,500 sq. ft.	6,000 sq. ft.
Maximum Building Height	3 stories or 45 feet.	3 stories or 45 feet, taller if issued CUP.	None, except by Floor Area Ratio Regulations.
Maximum Ground Coverage	Not more than 50% of a lot shall be covered by all main or accessory buildings.	None	None, except by Floor Area Ratio Regulations.
Residential Uses Permitted	Single-family, two-family dwelling and apartments	As permitted by R-3 Section	Apartments located above the ground floor (CUP).
Setbacks	Front – 20 feet Side – 5 feet Rear – 20 feet	Except where the CBD abuts a residential district.	None, except when the CBD abuts a residential district
Other			Use of Floor Area Bonus Incentives and use of Planned Unit Developments

10.93 : Planned Unit Developments.

1.000 Authority.

The City Council may, in accordance with the procedures and standards set forth in this Section, and other standards and regulations applicable to the district in which the subject property is located, approve by ordinance, planned unit developments for uses as listed within each zoning district.

2.000 Purpose.

A planned unit development is intended to encourage the efficient use of land and resources, to promote greater efficiency in public and utility services, and to encourage innovation in the planning and building of all types of development. A planned unit development may be approved by the City Council following a review and recommendation by the Planning Agency.

3.000 Public Benefit.

The public benefits to the surrounding neighborhood and the City as a whole that are intended to be derived from the approval of a planned unit development include, but are not limited to:

- A. Preservation and enhancement of desirable site characteristics and open space.
- B. A pattern of development which preserves natural vegetation, topographic and geologic features.
- C. Preservation and enhancement of historic and natural resources that significantly contribute to the character of the City.
- D. Use of design, landscape, or architectural features to create a pleasing environment or other special development features.
- E. Provision of a variety of housing types in accordance with the City's housing goals.
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.
- G. Business and commercial development to enhance the local economy and strengthen the tax base.
- H. The efficient use of land resulting in more economic networks of utilities, streets, schools, public grounds, buildings, and other facilities.

4.000 General Provisions.

The following general provisions shall govern the review, approval, and establishment of planned unit developments.

- A. Control of the Planned Development. A planned unit development may be established for any parcel or tract of land under single ownership or control. The property included in the Planned Unit Development shall be planned and developed or redeveloped as a single unit and in a manner consistent with the intent and purpose for which a planned unit development may be permitted.
- B. Uses Allowed. All permitted and conditional uses listed in a specific district are allowed as planned unit developments. Where residential units are provided as part of a planned unit development, regardless of the specific district, they may be of one-family attached, one-family detached, townhouse, or clustered or multiple-family type construction. Mixed use planned unit developments are permitted and encouraged provided they meet the intent and purpose for which a planned unit development is permitted. Uses not listed as permitted or conditional in a specific

district shall not be allowed in a planned unit development unless it is found that the use is complementary to the functionality of the development and the other uses found therein.

C. Authority to Modify Regulations. The City Council shall have the authority in approving any planned unit development to change, alter, modify, or waive any provision of this Chapter or the subdivision regulations as they apply to the proposed planned unit development. No such change, alteration, modification or waiver shall be approved unless the City Council shall find that the proposed planned unit development:

1. Will achieve the purpose for which a planned unit development may be approved pursuant to this Section.
2. Will not violate the general purpose, goals, and objectives of this Chapter and of any plans adopted by the Planning Agency or the City Council.

D. Limitations. No change, alteration, modification or waiver authorized by this Section shall authorize a change in uses allowed in any district or a modification with respect to any standard established by this Section, or a modification with respect to any standard in a zoning district made specifically applicable to a planned unit development, unless the regulation expressly authorizes such a change, alteration, modification or waiver.

5.000 Site Design.

A. The number of principal use structures which may be constructed within the planned unit development shall be determined by dividing the net acreage of the project acreage by the required lot area per unit that is required in the district in which the planned unit development is located. The net acreage shall be defined as the project area less the land area dedicated for public streets or other public purposes. The project area includes all the land within the planned unit development that is allocated for residential, institutional, commercial, or industrial uses, and for common open space as required.

B. The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory structures, and public facilities as may be necessary for the welfare of the planned unit development and the City.

C. The common open space, and other common properties, individual properties, and all other elements of the planned unit development shall be so planned that they achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.

D. Common open space within a planned unit development must be used for amenity or recreational purposes. Motor vehicle parking areas and traffic corridors shall not be considered an approved use of common open space. The uses authorized for the common open space must be approved to the scale and character of the planned unit development, and consider the planned unit development's size, density, topography, and number and type of structures to be provided.

E. Common open space must be suitably improved for its intended use. Common open space containing natural features worthy of preservation may be left unimproved. The development plan must coordinate the improvement of

the common open space and the construction of the permitted structures within the planned unit development.

F. Adequate access shall be provided for fire and emergency vehicles.

6.000 Minimum Area.

A planned unit development proposed for any parcel or tract of land under single ownership or control shall have a minimum net site area for each zoning district as set forth below.

A. Residential Districts	Minimum Area
R-1, One-Family Dwelling District	Two (2) acres
R-2, One- and Two-Family Dwelling District	Two (2) acres
R-3, Limited Multiple Dwelling District	Two (2) acres
R-4, Multiple-Family Dwelling District	Two (2) acres
OR, Office Residential	Two (2) acres
B. Downtown Districts	Minimum Area
CBD-C, Central Business District-Core	One (1) acre
CBD-F, Central Business District-Fringe	One (1) acre
C. Business Districts	Minimum Area
B-1, Community Business District	Four (4) acres
B-2, General Business District	Four (4) acres
B-3, Highway Commercial District	Four (4) acres
D. Industrial Districts	Minimum Area
PI, Planned Industrial District	Five (5) acres
M-1, Light Industrial District	Five (5) acres
M-2, Heavy Industrial District	Five (5) acres

7.000 Application Procedure.

Subd. 7. Application Procedure. An application for a planned unit development shall be processed in accordance with the following procedures:

A. **Pre-Application Conference.** Prior to submitting a formal application for a planned unit development, an applicant shall participate in a pre-application conference with the Planning Director and Zoning Administrator. Representatives of other City departments and decision-making bodies may also be present where appropriate. The purpose of the pre-application conference is to enable the applicant to present the concept of the proposed planned unit development and to discuss the procedures and standards for planned unit development approval. The conference is intended to facilitate the filing and consideration of a formal planned unit development application. No representations made by any representatives of the City's departments or decision-making bodies during the pre-application conference shall be binding upon the City with respect to a formal application subsequently submitted.

B. **Information Needed for the Pre-Application Conference.** The applicant shall provide the following information at the time of the scheduling of the pre-application conference:

1. Concept site plan.
2. Narrative summary of the proposal.
3. Description of the land uses and neighboring characteristics.

C. Formal Application-Development Plan. Formal applications for a planned unit development shall be filed with the Zoning Administrator on a form provided and accompanied by such number of copies as so indicated. Upon receipt of a properly completed formal application for a planned unit development, the Zoning Administrator shall forthwith transmit to the Planning Agency the application together with all papers and plans attached thereto. All formal applications for a planned unit development shall include at least the following information:

1. General Information.

- a. The applicant's name, address, telephone number, and interest in the property.
- b. The owner's name, address, and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application.
- c. The street address and legal description of the property.
- d. The zoning classification, zoning district boundaries, and present use of the property.
- e. The proposed title of the project and the names, addresses, and telephone numbers of the architect, landscape architect, planner or engineer on the project.

2. Preliminary Development Site Plan. A development site plan shall be drawn at a scale of twenty (20) feet to one (1) inch and shall contain at least the following, unless determined not applicable by the Zoning Administrator:

- a. The location, dimensions, and total area of the site.
- b. The location, dimensions, floor area, type of construction, and use of each proposed building or structure and setbacks from property lines.
- c. The number, the size, and type of dwelling units in each building, and the overall dwelling unit density.
- d. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations.
- e. Architectural graphics, including typical floor plans and elevations, profiles, and cross-sections.
- f. The number, location, and dimensions of parking spaces and loading docks, with means of ingress and egress.
- g. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.
- h. A vehicular traffic analysis.
- i. The location of all fire hydrants on the property and the location of all fire hydrants within one-hundred fifty (150) feet of the property.
- j. The location and dimensions of all accesses for fire and emergency vehicles.
- k. Statement of whether or not the building will be sprinkled and fire flow availability for the sprinkler system and fire hydrants.

- l. The location and intensity of safety and security lighting.
- m. The location and purpose of any existing or proposed dedication or easement.
- n. The general drainage plan for the development tract.
- o. The location and dimensions of adjacent properties, abutting public right-of-ways and easements, and utilities serving the site.
- p. Significant topographical or physical features of the site, including existing trees.
- q. Wetland delineation showing all wetlands present on the site.
- r. The location and proposed treatment of any historical structure or other historical design element or feature.

3. **Preliminary Plat of Survey.** A preliminary plat of the property shall be submitted in conformance with Chapter 11. The layout of the plat shall conform to the development plan.

4. **Additional Information.** The application shall also contain the following information and be accompanied by the following submissions, as well as such additional information, drawings, plans or documentation as may be requested by the Zoning Administrator or the Planning Agency, if determined necessary or appropriate for a full and proper consideration and disposition of the application.

- a. A certificate of disclosure of ownership interest.
- b. When the proposed planned unit development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by an entity other than a government authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
- c. Copies of any restrictive covenants that are to be recorded with respect to property in the proposed planned unit development.
- d. When the planned unit development is to be constructed in stages, a schedule for the development of such stages shall be submitted stating the approximate beginning and completion time for each stage. When the development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the stages completed or under development bear to the entire development.
- e. A statement showing the relationship of the proposed planned unit development to any adopted general plan of the City.
- f. A statement showing why the proposed planned unit development is compatible with other property in the neighborhood.

D. Review Procedure.

1. **Action of Zoning Administrator.** Upon review of the formal application, including the development site plan, the Zoning Administrator shall determine if the application is complete. If the application is determined not to be complete, the Zoning Administrator shall not transmit the application to the Planning Agency, but shall notify the applicant of any deficiencies and/or modifications necessary to perfect the application.

2. **Public Hearing.** Upon receipt of a properly completed application for a planned unit development, the Planning Agency shall set a date for a public hearing.

3. **Notice.** Notice of the public hearing shall be given by the Planning Agency by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published a minimum of ten (10) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing. Notice shall also be given by first class mail to all owners of property within three hundred (300) feet from the proposed location of the conditional use. The notice shall describe the particular planned unit development and shall contain a brief description thereof.

4. **Action of the Planning Agency.** Upon the conclusion of the public hearing, the Planning Agency shall transmit its recommendation to the City Council. The Planning Agency shall either recommend the granting of the planned unit development, granting the planned unit development subject to modifications, or denying the planned unit development.

5. **Action of the City Council.** After receipt of the Planning Agency's recommendation, the City Council shall either deny the planned unit development, or grant the planned unit development with or without modifications and conditions.

8.000 Standards.

A. The Planning Agency shall not recommend approval of, nor shall the City Council approve, a planned unit development unless each shall first make written findings of fact that the planned unit development satisfies the intent of this ordinance and/or does not jeopardize the public health, safety, or welfare.

B. The development of the planned unit development shall conform to the approved development plan; including all proposed covenants, easements, conditions of approval, and other provisions relating to the bulk, location, and density of permitted structures, accessory structures, parking, and other public facilities.

C. All land shown on the approved development plan as common open space must be conveyed to trustees provided in the indenture establishing the association or similar organization for the maintenance of the planned unit development.

D. No common open space may be put to any use not specified in the approved development plan.

9.000 Time Limit on Approved Planned Unit Development.

No planned unit development approval shall be valid for a period longer than one (1) year unless a Building Permit is issued. However, upon written request of the applicant, the one (1) year period may be extended by the Planning Agency for such time as it shall be determined and for good cause shown, without further hearing.

10.000 Effect of Approval of a Planned Unit Development.

The approval of a proposed planned unit development by the City Council shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for such permits or approvals as may be required by the regulation of the City, including, but not limited to, a subdivider's agreement as required in Chapter 11 of the Mankato City Code, Building Permit, and a Certificate of Occupancy.

11.000 Regulations During and Following Completion of Development.

Following approval of the planned unit development, the development site plan, including any modifications thereof, shall constitute the use, parking, loading, sign, bulk, space, and yard regulations applicable to the property, and no use, building or development, other than home occupations and temporary uses not allowed by the development site plan, shall be permitted within the area of the planned unit development.

12.000 Adjustments to the Development Site Plan.

Adjustments to the development site plan shall be in accordance with the requirement set forth below.

A. New Application Required. No alteration or amendment shall be made in the construction, development, or use without a new application under the provisions of this Section. However, minor alterations may be made subject to written approval of the Zoning Administrator.

B. Minor Adjustments. During build-out of the planned unit development, the Zoning Administrator may authorize minor adjustments to approved development site plans when such adjustments appear necessary in light of technical or engineering considerations. Such minor adjustments shall be limited to the following elements:

1. Adjusting the distance as shown on the approved development site plan between any one (1) structure or group of structures, and any other structure or group of structures, or any vehicle circulation element or any boundary of the site.
2. Adjusting the location of any open space.
3. Adjusting any final grade.
4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area.

Such minor adjustments shall be consistent with the intent and purpose of the Ordinance and development plans approved pursuant to this Section and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such adjustments would result in a violation of any standard or requirement of this Chapter.

C. Major Adjustments. Any adjustments to the development site plan not authorized as a minor adjustment shall be considered a major adjustment and shall require a new application under the provisions of this Section.

13.000 Fee.

All applications for a planned unit development shall be accompanied by a non-refundable filing fee in accordance with Section 10.92, Subd. 11.

§ 156.045 CBD, CENTRAL BUSINESS DISTRICT.

(A) **Purpose.** The Central Business District is intended to ~~establish a district for the purpose of providing a high density shopping environment with special emphasis on pedestrian traffic, provide for low- to high-intensity pedestrian-oriented residential, office, retail, commercial, institutional and mixed-use (commercial/residential) development that supports the integrity of a downtown neighborhood, and serves the entire population. While pedestrian orientation is emphasized, the automobile is also accommodated. The CBD District accommodates the traditional "main street" character of the historical North Mankato downtown area (200 block of Belgrade), but also extends west to accommodate a combination of residential, commercial, and office uses. It includes a traditional residential corridor, with some houses that are maintained as residences and others that have converted to non-residential use.~~

(B) **Special requirements.**

~~(1) Every use, unless expressly exempted by this division, shall be operated in its entirety within a completely enclosed structure; the exception of a use from the requirement of the enclosure will be indicated by the phrase "need not be enclosed" appearing after any use exempted.~~

~~(2) Residential uses that may be permitted shall be regulated by the minimum standards set forth in § 156.040.~~

(C) **Permitted uses.**

(1) The following are permitted uses:

- (a) Antique store.
- (b) Apparel store.
- (c) Appliance store.
- (d) Art gallery, studio, school or supply store.
- (e) Bakeries, retail.
- (f) Banks, savings and loans or finance companies.
- (g) Barber and beauty shops.
- (h) Bars, taverns, and cocktail lounges licensed to sell soft drinks, beer malt, or alcoholic beverages on sale, off sale or both.
- (i) Book store.
- (j) Bowling alley.
- (k) Business machine store.
- (l) Business, trade or commercial school.
- (m) Camera and photographic studio and supply.
- (n) Candy, ice cream, confectionary store.
- ~~(o) Car sales lots, need not be enclosed.~~
- (p) Catalog service and mail order house.
- (q) Caterer.
- ~~(r) Cemetery, memorial garden, need not be enclosed.~~
- (s) Churches.
- (t) Clinic, dental or medical, but not animal clinic.
- (u) Club or lodge.
- (v) Community centers, parks or public buildings.
- (w) Convent, monastery or similar institution for religious training.
- (x) Conventions, or meeting facility.
- (y) Dairy store.
- (z) Dance studio.
- (aa) Day cares.
- (bb) Delicatessen.

(cc) Driveways:

(dd)(cc) Drug store.

(dd) Dwellings:

-Single-family detached

-Two-family

- Apartments or apartment buildings

-Multiple family dwellings

(ee) Essential public utility and service structures.

(ff) Fences.

(gg) Floral and garden supply including nursery, need not be enclosed.

(hh) Gift, novelty or souvenir store.

(ii) Grocery store.

(jj) Hardware store.

(kk) Hobby store.

(ll) Hotels and motels.

(mm) Institution of religious, charitable or philanthropic nature.

(nn) Interior decorating store and supply.

(oo) Janitorial services.

(pp) Laboratory, medical or dental.

(qq) Laundry or dry-cleaning.

(rr) Leather goods store - retail only.

(ss) Libraries, auditoriums, museums, or other cultural institutions.

(tt) Locksmith or key stand, need not be enclosed.

(uu) Medical appliance sales and fittings.

(vv) Medical intern or resident doctor's quarters.

(ww) Mixed-use buildings and developments

(xx)(ww) Mortuary, funeral home.

(xx) Motorcycle sales and service.

(yy) Office condominium.

(yyzz) Office of any type.

(zz)aaa) Optical services and supply.

(aaabbb) Parking of vehicles, need not be enclosed.

(bbbccc) Pet store, including animal clinic.

(cccdde) Private recreation facilities; tennis court, golf club, swimming pool.

(eee) Public and private utilities.

(dddfff) Rehabilitation center for handicapped persons.

(eeeggg) Restaurants or other eating places including drive-ins.

(ffhjjj) School, public or private.

(gggiii) Shoe repair shops.

(hhjjjj) Sporting goods store.

(iijjkk) Stationery store.

(jjjjll) Tailor shops.

(kkmmmm) Theater.

(llnnnn) Toy store.

(mmoooo) Travel bureau or ticket agency.

(nnpppp) Variety stores.

(2) Every permitted use allowed shall be constructed on a permanent foundation and be connected to municipal utilities.

(D) Conditional uses. The following uses may be permitted if granted a Conditional Use permit under the provisions of Section 156.055:

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- :
- (1) Automobile wash, service or repair;
 - (2) Convenience store;
 - (3) Home and building supply store;
 - (4) Taxidermist;
 - (5) Structures exceeding 3 stories or 45 feet in height;
 - (6) Car sales lots, need not be enclosed.
 - (7) Motorcycle sales and service.

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(E) Accessory uses. The following is a permitted use: Storage building not to exceed 600 square feet.

(F) Lot area. For each permitted or conditional non-residential use there shall be provided not less than 3,500 square feet of lot area. Required lot area for permitted residential uses are as follows:

- (1) Lot area (detached). Every single family detached dwelling erected shall require a lot area of not less than 6,500 square feet.
- (2) Lot area (attached). Every attached dwelling erected shall require a lot area of 3,000 square feet for each unit attached.
- (3) Lot area (two family). Every two family dwelling erected shall require a lot area of not less than 8,800 square feet.
- (4) Lot area (multiple). Every multiple family dwelling (non-attached) erected shall require a lot area of not less than 850 square feet for each unit.

(G) Lot width and depth. Minimum lot width of 25 feet and minimum depth of 140 feet.

(H) Yard regulations.

(1) For all permitted uses in the CBD District, principal buildings must be located within 10 feet of the front lot line, unless a front yard is required under the provisions of this section. There are no other yard requirements except as may be required for conditionally permitted uses and pursuant to ~~§ 156.040 for residential uses.~~ for all uses as follows:

(1) Residential Uses:

(a) Front yard. For all single-family detached, two-family, and attached (townhome) dwellings there shall be a front yard of not less than 20 feet. For all multiple family dwellings (non-attached) there are no front, side or rear yard requirements. When a multiple family dwelling is located adjacent to a single-family residential use, a front yard of not less than 20 feet shall be provided.

(b) Side yard. When any new residential use is located adjacent to an existing residential use, there shall be a side yard, on that side of the building adjacent to the existing residential use, of not less than 5 feet in width, plus 1 additional foot of side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.

(c) Rear yard. When any new residential use is located adjacent to an existing residential use, there shall be a rear yard of not less than 20 feet.

(2) Non-residential Uses:

(a) Front yard. For all permitted non-residential or mixed uses, there shall be a front yard of not less than 20 feet when such a structure is located across the street from an area zoned to a residential district classification. When a permitted non-residential or mixed use is located adjacent to a single-family residential use, a front yard of not less than 20 feet shall be provided. Off-street parking shall not be located in that front yard area. Where the lot is located at the intersection of two or more streets there shall be a front yard on each street side.

(b) Side yard. When a permitted non-residential or mixed use is located adjacent to an existing residential use, there shall be a side yard, on that side of the lot adjacent to the residential use, of not less than 10 feet in width, plus 1 additional foot of side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.

(c) Rear yard. None required.

~~(2) Transitional yards may be required.~~

(I) **Ground coverage.** There are no maximum ground coverage requirements.

(J) **Height regulations.** No structure hereafter erected or altered shall exceed 3 stories or 45 feet in height, except as may be permitted in subsection (D)(5) of this section, as regulated by this chapter.

(K) Off-street parking. Uses within the CBD district shall meet the off-street parking and loading requirements of Section 156.053. However, properties having frontage on the 200 block of Belgrade Avenue are exempt from off-street parking and loading requirements.

(1975 Code, § 11.15) (Am. Ord. 33, passed 3-21-1983; Am. Ord. 46, passed 6-18-1984; Am. Ord. 8, 4th series, passed 1-16-2007; Am. Ord. 17, 4th series, passed 1-17-2008)

Minutes
of the
NORTH MANKATO PLANNING COMMISSION MEETING
North Mankato, Minnesota
January 9, 2014

A regular meeting of the North Mankato Planning Commission was held at 7 p.m., January 9, 2014, in the Council Chambers of the Municipal Building.

Planning Commission members present: Chair Stephanie Stoffel, Corey Brunton, Nick Meyer, Aaron Roush, Bryan Bode and Mark Weinstein. Staff members present: City Attorney Michael Kennedy and City Planner Michael Fischer.

A motion was made by Commissioner Weinstein, seconded by Commissioner Brunton, to approve the minutes of the December 12, 2013 regular meeting of the Planning Commission. Vote on the motion: all ayes, 0 nays; motion carried.

Consider Amendments to the R-3, R-4 and CBD Sections of the Zoning Code

Chair Stoffel summarized the previous recommendations by the Planning Commission regarding proposed zoning code amendments and direction by the City Council to consider them again with attention given to ground coverage regulations. Chair Stoffel asked that each section be discussed and considered individually.

R-3 District

Staff summarized the proposed lot width change within the R-3 zoning district including information on ground coverage and setback regulations in North Mankato and Mankato. The Planning Commission held considerable discussion on R-3 regulations within both Cities including existing buildings located in R-3 districts. Kim Spears, 916 South Avenue, indicated he supports the current ground coverage requirement but questions the market demand for high-density housing. It was moved by Commissioner Weinstein, seconded by Commissioner Brunton to recommend the proposed lot width change to the R-3 zoning district with no additional changes from the December 12, 2013 recommendation. Vote on the motion: all ayes, 0 nays; motion carried.

R-4 District

Staff presented the proposed amendment within the R-4 Zoning district relating to lot width requirements for multi-family dwellings. The Planning Commission held considerable discussion on the current ground coverage requirement in comparison to the City of Mankato's regulation. Discussion was also held regarding existing multi-family buildings in R-4 districts and availability of vacant R-4 land for future multi-family buildings. The Planning Commission discussed off-street parking regulations for multi-family dwellings, cost of vacant land and the need to plan for future housing trends. Kim Spears, 916 South Avenue, indicated he is comfortable with the current ground coverage regulation in the R-4 district but acknowledged that some persons may want to see more land available for landscaping and trees. It was moved by Commissioner Weinstein, seconded by Commission Roush, to recommend the proposed lot width change to the R-4 zoning district with no additional changes from the December 12, 2013 recommendation. Vote on the motion: all ayes, 0 nay; motion carried.

Central Business District (CBD)

Chair Stoffel proved a summary of the proposed changes within the CBD district indicating the intent is to create an opportunity where both residential and commercial uses can co-exist. The majority of the discussion regarding the proposed amendments involved the off-street parking requirements for residential and commercial uses within the 200 Block of Belgrade Avenue. Further discussions involved setbacks and permitted uses. Commissioner Weinstein spoke of the need to support business growth in the CBD. Chair Stoffel and Commissioner Meyer agreed with the need to encourage growth of business and supported the proposed amendments as they allow for business growth while protecting residential property. Barb Church, 102 Wheeler Avenue, questioned the off-street parking requirements being discussed, acknowledged she liked the discussion the Planning Commission is having and questioned the proposed change to the purpose of the CBD as it relates to high-density. Kim Spears, 916 South Avenue, asked the Planning Commission to postpone any changes to the CBD zoning regulations until the Comprehensive Plan is complete. It was moved by Commissioner Meyer, seconded by Commissioner Weinstein, to recommend the proposed amendments with a change to off-street parking in the 200 Block of Belgrade Avenue whereby for mixed use developments, one (1) off-street parking space is required per dwelling unit and mixed-use buildings shall have a minimum of 100 percent of the ground floor dedicated to commercial use. Vote on the motion: all ayes, 0 nays; motion carried.

Staff provided information regarding the use of Planned Unit Development (PUDs) for residential, commercial and industrial projects and referenced the City of Mankato's PUD regulations. Chair Stoffel expressed concerns for the use of PUDs if written incorrectly. The Planning Commission directed staff to prepare a PUD for future consideration.

Staff noted that Chapter 3 of the Comprehensive Plan was not ready for review by the Planning Commission and presented the 2013 end-of-year Planning and Zoning Report.

There being no further business, it was moved by Commissioner Weinstein, seconded by Commissioner Meyer, to adjourn. Vote on the motion: all ayes, 0 nays; motion carried. The meeting was adjourned at 9:20 p.m.

Chairman

Secretary

ORDINANCE NO. 53, FOURTH SERIES

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA,
AMENDING NORTH MANKATO CITY CODE, TITLE XV, LAND USAGE,
CHAPTER 156, ZONING CODE

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

Section 1. North Mankato City Code, Title XV, Land Usage, Chapter 156,
Zoning Code, is hereby amended to read as follows:

§ 156.040 R-3, LIMITED MULTIPLE DWELLING DISTRICT.

(A) *Purpose.* This district is intended to establish an area of limited high density residential uses.

(B) *Special requirements.*

(1) Conversion of any use to other than a permitted or approved conditional use is prohibited. Single family attached dwellings permitted shall not exceed eight dwelling units per structure. Apartments, apartment buildings, and multiple family dwellings permitted shall not exceed 12 dwelling units per structure.

(2) All two-family dwellings which share a common vertical wall and whose lot size and front footage render them capable of being converted to a twin home shall conform to the twin home building code requirements.

(C) *Permitted uses.* The following are permitted uses:

- (1) Single family detached dwellings.
- (2) Two family dwellings.
- (3) Fences.
- (4) Non-commercial gardening.
- (5) Landscaping.
- (6) Driveways.
- (7) Churches, provided that no building shall be located within 50 feet of any abutting lot line in any of the classes of residential districts.
- (8) Public buildings and uses of the following kind: elementary and secondary schools, parks, playgrounds, libraries, museums, community centers and recreation centers, or private schools having a curriculum equivalent to a public elementary school or public high school.

(9) Home occupations. See § 156.035(BB).

(10) Apartments or apartment buildings.

(11) Multiple family dwellings.

(D) *Conditional uses.* The following uses may be permitted:

(1) Cemetery.

(2) Government, public utility and public service uses.

(3) Mobile home or trailer park pursuant to the provisions of the City Code.

(E) *Accessory uses.* The following are permitted uses:

(1) Private garage.

- (2) Inground private swimming pool or similar recreational facilities when completed enclosed with a suitable fence at least 6 feet in height.
- (3) Aboveground swimming pool.
- (4) Driveways.
- (5) Off-street parking.
- (6) Utility buildings.
- (7) Solar energy systems.
- (8) Satellite reception equipment.
- (9) Accessory uses customarily incidental to and on the same lot as the principal use as regulated by this chapter.

(F) *Lot area.*

- (1) *Lot area (detached).* Every single family detached dwelling erected shall require a lot area of not less than 6,500 square feet.
- (2) *Lot area (attached).* Every single family attached dwelling erected shall require a lot area of not less than 9,000 square feet for the first two dwelling units erected, plus 3,000 square feet for each additional unit attached.
- (3) *Lot area (two family).* Every two family dwelling erected shall require a lot area of not less than 8,800 square feet.
- (4) *Lot area (multiple).* Every multiple family dwelling erected shall require a lot area of not less than 11,000 square feet for the first three dwelling units erected plus 1,500 square feet for each additional unit attached.

(G) *Lot width and depth.*

- (1) *Lot width (detached).* Every lot upon which there is erected a single family detached dwelling shall require a minimum width of 65 feet at the building setback line.
- (2) *Lot width (attached).* Every lot upon which there is erected a single family attached dwelling consisting of two dwelling units shall require a minimum width of 80 feet at the building setback line; each additional dwelling unit attached thereafter shall require a minimum additional width of 16 feet per unit at the building setback line.
- (3) *Lot width (two family/duplex).* Every lot upon which there is erected a two family dwelling shall require a minimum width of 80 feet at the building setback line.
- (4) *Lot width (multiple).* Every lot upon which there is erected a multiple family dwelling shall require a minimum width of 100 feet at the building setback line.
- (5) *Lot depth.* Every lot upon which there is erected a single family dwelling, whether attached or detached, a two family dwelling; or a multiple family dwelling shall require a minimum depth of not less than 100 feet.

(H) *Yard regulations.*

- (1) *Front yard.* For all uses allowed there shall be a front yard of not less than 30 feet. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side.
- (2) *Side yard.* For all uses allowed there shall be a side yard, on each side of the building, each not less than 10 feet in width, plus 1 additional foot for each side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.
- (3) *Rear yard.* For all uses allowed there shall be a rear yard of not less than 25 feet.
- (4) *Transitional yards.* There are no requirements.

- (I) *Ground coverage.* Not more than 50% of a lot or plot shall be covered by all main and accessory buildings.

(J) *Height regulations.* No structure hereafter erected or altered shall exceed three stories or 45 feet in height. Accessory buildings shall not exceed 1-1/2 stories in height or 22 feet in height.

§ 156.041 R-4, MULTIPLE DWELLING DISTRICT.

(A) *Purpose.* This district is intended to establish a residential area of high density.

(B) *Special requirements.*

(1) Conversion of any use to other than a permitted or approved conditional use is prohibited.

(2) All two family dwellings which share a common vertical wall and whose lot size and front footage render them capable of being converted to a twin home shall conform to the twin home building code requirements.

(C) *Permitted uses.* The following are permitted uses:

(1) Single family detached dwellings.

(2) Two family dwellings.

(3) Apartment buildings in excess of 12 units per building.

(4) Multi-family dwellings in excess of 8 units per building.

(5) Fences.

(6) Non-commercial gardening.

(7) Landscaping.

(8) Driveways.

(9) Churches, provided that no building shall be located within 50 feet of any abutting lot line in any of the classes of residential districts.

(10) Public buildings and uses of the following kind: elementary and secondary schools, parks, playgrounds, libraries, museums, community centers and recreation centers, or private schools having a curriculum equivalent to a public elementary school or public high school.

(11) Home occupations. See § 156.035(BB).

(D) *Conditional uses.* The following uses may be permitted:

(1) Bed and breakfast.

(2) Cemetery.

(3) Government, public utility and public service uses.

(4) Hotels, motels and apartment hotels in which no business shall be conducted except as a service for guests thereof accessible to customers from inside the building.

(E) *Accessory uses.* The following are permitted uses:

(1) Private garage.

(2) Inground private swimming pool or similar recreational facilities when completed enclosed with a suitable fence at least 6 feet in height.

(3) Aboveground swimming pool.

(4) Driveways.

(5) Off-street parking.

(6) Utility buildings.

(7) Solar energy systems.

(8) Satellite reception equipment.

(F) *Lot area.*

(1) *Lot area (detached)*. Every single family detached dwelling erected shall require a lot area of not less than 6,000 square feet.

(2) *Lot area (attached)*. Every single family attached dwelling erected shall require a lot area of not less than 9,000 square feet for the first two dwelling units erected plus 3,000 square feet for each additional unit attached.

(3) *Lot area (two family)*. Every two family dwelling erected shall require a lot area of not less than 8,800 square feet.

(4) *Lot area (multiple)*. Every multiple family dwelling erected shall require a lot area of not less than 11,000 square feet for the first three dwelling units erected plus 500 square feet for each additional unit attached.

(G) *Lot width and depth*.

(1) *Lot width (detached)*. Every lot upon which there is erected a single family detached dwelling shall require a minimum width of 60 feet at the building setback line.

(2) *Lot width (attached)*. Every lot upon which there is erected a single family attached dwelling consisting of two dwelling units shall require a minimum width of 80 feet at the building setback line; each additional dwelling unit attached thereafter shall require a minimum additional width of 16 feet per unit at the building setback line.

(3) *Lot width (two family)*. Every lot or plot upon which there is erected a two family dwelling shall require a minimum width of 80 feet at the building setback line.

(4) *Lot width (multiple)*. Every lot or plot upon which there is erected a multiple family dwelling shall require a minimum width of 110 feet at the building setback line.

(5) *Lot depth*. Every lot or plot upon which there is erected a single family dwelling, whether attached or detached, a two family dwelling, or a multiple family dwelling shall require a minimum depth of not less than 100 feet.

(H) *Yard regulations*.

(1) *Front yard*. For all uses allowed there shall be a front yard of not less than 30 feet. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot.

(2) *Side yard*. For all uses allowed there shall be a side yard, on each side of the building, each not less than 10 feet in width, plus 1 additional foot for each side yard required for each 1 foot or fraction thereof of building height in excess of 45 feet.

(3) *Rear yard*. For all uses allowed there shall be a rear yard of not less than 25 feet.

(4) *Transitional yards*. There are no requirements.

(I) *Ground coverage*. Not more than 60% of a lot shall be covered by all main and accessory buildings.

(J) *Height regulations*. No structure hereafter erected or altered shall exceed three stories or 45 feet in height, except as may be permitted in subsection (D)(4) of this section, as regulated by this chapter. Accessory uses shall not exceed 1-1/2 stories or 22 feet in height.

§ 156.045 CBD, CENTRAL BUSINESS DISTRICT.

(A) **Purpose**. The Central Business District is intended to provide for low- to high-intensity pedestrian-oriented residential, office, retail, commercial, institutional and mixed-use (commercial/residential) development that supports the integrity of a downtown neighborhood, and serves the entire population. While pedestrian

orientation is emphasized, the automobile is also accommodated. The CBD District accommodates the traditional "main street" character of the historical North Mankato downtown area (200 block of Belgrade), but also extends west to accommodate a combination of residential, commercial, and office uses. It includes a traditional residential corridor, with some houses that are maintained as residences and others that have converted to non-residential use.

(B) *Special requirements.*

Every use, unless expressly exempted by this division, shall be operated in its entirety within a completely enclosed structure; the exception of a use from the requirement of the enclosure will be indicated by the phrase "need not be enclosed" appearing after any use exempted.

(C) *Permitted uses.*

(1) The following are permitted uses:

- (a) Antique store.
- (b) Apparel store.
- (c) Appliance store.
- (d) Art gallery, studio, school or supply store.
- (e) Bakeries, retail.
- (f) Banks, savings and loans or finance companies.
- (g) Barber and beauty shops.
- (h) Bars, taverns, and cocktail lounges licensed to sell soft drinks, beer malt, or alcoholic beverages on sale, off sale or both.
- (i) Book store.
- (j) Bowling alley.
- (k) Business machine store.
- (l) Business, trade or commercial school.
- (m) Camera and photographic studio and supply.
- (n) Candy, ice cream, confectionary store.
- (p) Catalog service and mail order house.
- (q) Caterer.
- (s) Churches.
- (t) Clinic, dental or medical, but not animal clinic.
- (u) Club or lodge.
- (v) Community centers, parks or public buildings.
- (w) Convent, monastery or similar institution for religious training.
- (x) Conventions, or meeting facility.
- (y) Dairy store.
- (z) Dance studio.
- (aa) Day cares.
- (bb) Delicatessen.
- (cc) Drug store.
- (dd) Dwellings:

-Single-family detached

- Two-family
- Apartments or apartment buildings
- Multiple family dwellings
- (ee) Essential public utility and service structures.
- (ff) Fences.
- (gg) Floral and garden supply including nursery, need not be enclosed.
- (hh) Gift, novelty or souvenir store.
- (ii) Grocery store.
- (jj) Hardware store.
- (kk) Hobby store.
- (ll) Hotels and motels.
- (mm) Institution of religious, charitable or philanthropic nature.
- (nn) Interior decorating store and supply.
- (oo) Janitorial services.
- (pp) Laboratory, medical or dental.
- (qq) Laundry or dry-cleaning.
- (rr) Leather goods store - retail only.
- (ss) Libraries, auditoriums, museums, or other cultural institutions.
- (tt) Locksmith or key stand, need not be enclosed.
- (uu) Medical appliance sales and fittings.
- (vv) Medical intern or resident doctor's quarters.
- (ww) Mixed-use buildings and developments
- (xx) Mortuary, funeral home.
- (yy) Office of any type.
- (zz) Optical services and supply.
- (aaa) Parking of vehicles, need not be enclosed.
- (bbb) Pet store, including animal clinic.
- (ccc) Private recreation facilities; tennis court, golf club, swimming pool.
- (ddd) Rehabilitation center for handicapped persons.
- (eee) Restaurants or other eating places including drive-ins.
- (fff) School, public or private.
- (ggg) Shoe repair shops.
- (hhh) Sporting goods store.
- (iii) Stationery store.
- (jjj) Tailor shops.
- (kkk) Theater.
- (lll) Toy store.
- (mmm) Travel bureau or ticket agency.
- (nnn) Variety stores.

(2) Every permitted use allowed shall be constructed on a permanent foundation and be connected to municipal utilities.

(D) Conditional uses. The following uses may be permitted if granted a Conditional Use Permit under the provisions of Section 156.055:

- (1) Automobile wash, service or repair;
- (2) Convenience store;
- (3) Home and building supply store;
- (4) Taxidermist;
- (5) Structures exceeding 4 stories or 45 feet in height;
- (6) Car sales lots, need not be enclosed.
- (7) Motorcycle sales and service.

(E) Accessory uses. The following is a permitted use: Storage building not to exceed 600 square feet.

(F) Lot area. For each permitted or conditional non-residential use there shall be provided not less than 3,500 square feet of lot area. Required lot area for permitted residential uses are as follows:

- (1) *Lot area (detached).* Every single family detached dwelling erected shall require a lot area of not less than 6,500 square feet.
- (2) *Lot area (attached).* Every attached dwelling erected shall require a lot area of 3,000 square feet for each unit attached.
- (3) *Lot area (two family).* Every two family dwelling erected shall require a lot area of not less than 8,800 square feet.
- (4) *Lot area (multiple).* Every multiple family dwelling (non-attached) erected shall require a lot area of not less than 850 square feet for each unit.

(G) Lot width and depth. Minimum lot width of 25 feet and minimum depth of 140 feet.

(H) Yard regulations.

For all permitted uses in the CBD District, principal buildings must be located within 10 feet of the front lot line, unless a front yard is required under the provisions of this section. There are no other yard requirements except as may be required for conditionally permitted uses and for all uses as follows:

(1) Residential Uses:

- (a) *Front yard.* For all single-family detached, two-family, and attached (townhome) dwellings there shall be a front yard of not less than 20 feet. For all multiple family dwellings (non-attached) there are no front, side or rear yard requirements. When a multiple family dwelling is located adjacent to a single-family residential use, a front yard of not less than 20 feet shall be provided.
- (b) *Side yard.* When any new residential use is located adjacent to an existing residential use, there shall be a side yard, on that side of the building adjacent to the existing residential use, of not less than 5 feet in width, plus 1 additional foot of side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.
- (c) *Rear yard.* When any new residential use is located adjacent to an existing residential use, there shall be a rear yard of not less than 20 feet.

(2) Non-residential Uses:

- (a) *Front yard.* For all permitted non-residential or mixed uses, there shall be a front yard of not less than 20 feet when such a structure is located across the street from an area zoned to a residential district classification. When a permitted non-residential or mixed use is located adjacent to a single-family residential use, a front yard of not less than 20

feet shall be provided. Off-street parking shall not be located in that front yard area. Where the lot is located at the intersection of two or more streets there shall be a front yard on each street side.

(b)*Side yard.* When a permitted non-residential or mixed use is located adjacent to an existing residential use, there shall be a side yard, on that side of the lot adjacent to the residential use, of not less than 10 feet in width, plus 1 additional foot of side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.

(c)*Rear yard.* None required.

(I) ***Ground coverage.*** There are no maximum ground coverage requirements.

(J) ***Height regulations.*** No structure hereafter erected or altered shall exceed 4 stories or 45 feet in height, except as may be permitted in subsection (D)(5) of this section, as regulated by this chapter.

(K) ***Off-street parking.*** Uses within the CBD district shall meet the off-street parking and loading requirements of Section 156.053. However, commercial properties having frontage on the 200 block of Belgrade Avenue are exempt from off-street parking and loading requirements. For mixed use buildings within the 200 Block of Belgrade Avenue, one (1) off-street parking space is required per residential dwelling unit provided that mixed use buildings have a minimum of 100 percent of the ground floor dedicated to commercial use.

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

Adopted by the City Council this 21st day of January 2014.

Mayor

ATTEST:

City Clerk

CLAIM REPORT
FOR REGULAR COUNCIL MEETING OF JANUARY 21, 2014

76787	Lloyd Lumber	supplies-Street & Park Depts.	\$86.87
76788	Alexandria Technology & Comm College	registration fees for training-Fire Dept.	\$350.00
76789	Charter Communications	high speed data service-All Depts.	\$463.96
76790	PowerPlan	equipment parts-Street Dept.	\$316.12
76791	ICMA Retirement Trust - 457	employee payroll deductions	\$3,018.85
76792	ICMA Retirement Trust - Roth IRA	employee payroll deductions	\$660.00
76793	Coldwell Banker	earnest money for purchase 410 Range-Unallocated	\$1,000.00
76794	Enventis	telephone & internet bill-All Depts.	\$3,492.89
76795	AT & T Mobility	cell phone bill-Bookmobile	\$24.82
76796	Verizon Wireless	cell phone bill-Gen Gov, Police & Comm Dev	\$140.35
76797	Nelson, Ruby	replace payroll Notice of Deposit account closed	\$111.83
	Alex Air Apparatus, Inc.	turnout gear & supplies-Fire Dept.	\$1,304.58
	Alpha Wireless Communications	repeater electric exp & radio repair-Gen Gov & Police	\$281.44
	Ameripride Services	mats, uniform & towel service-Street, Shop & Library	\$522.07
	American Engineering Testing, Inc.	site investigation & soil testing-Street Dept.	\$3,597.70
	American Pest Control	professional service-Sanitation	\$65.00
	Anderson, Bob	special program-Library	\$375.00
	Arnold's of North Mankato	equipment parts-Park Dept.	\$114.12
	Association of Minnesota Bldg Officials	2014 membership dues-Comm Dev	\$200.00
	Baker & Taylor	books-Library & Bookmobile	\$33.98
	Brunton Architects	construction plans soccer fields concession bldg	\$1,500.00
	Bureau of Criminal Apprehension	criminal justice data network qtrly bill-Police Dept.	\$270.00
	Butler, Linda	refund water bill credit	\$6.22
	Caretakers of Mankato	snow removal-Public Access	\$388.40
	Cargill, Inc.	road salt-Street Dept.	\$8,165.40
	City of Mankato	water bill-Public Access	\$24.33
	Computer Technology Solutions, Inc.	software & production equip-Fire & P/A Equip Replace	\$6,904.46
	Connect Business Magazine	ad-Port Authority	\$479.00
	Creative Ad Solutions, Inc.	nameplate-Comm Dev	\$24.25
	Crysteel Truck Equipment	equipment parts-Street & Park Depts.	\$781.59
	EBSCO	magazine renewal-Library	\$5.50
	Express Services, Inc.	crossing guards-Police Dept.	\$158.38
	Fastenal Company	equipment parts-Water Dept.	\$5.42
	Ferguson Enterprises, Inc.	supplies-Comm Dev	\$36.87
	Freyberg Petroleum Sales, Inc.	oil for generators-Gen Gov, Pol, Fire, Water & Sewer	\$180.00
	G & L Auto Supply	equipment parts-Street Dept.	\$71.92

CLAIMS CONTINUED

Gopher State One-Call	one-call locates-Inspection	\$34.80
H & L Mesabi	plow plades-Street Dept.	\$2,946.40
Hach Company	chemical testing-Water Dept.	\$1,891.96
Hansen Sanitation	refuse pickup-Shop, Park, Sanitation & Public Access	\$159.12
Infratech Infrastructure Technologies	calibration gas for gas monitor & equip parts-Sewer	\$660.59
Ingram Library Services	books-Library	\$132.28
Keller, J.J. & Associates, Inc.	drug testing-All Depts.	\$376.80
Kennedy & Kennedy Law Office	legal serv-Attorney, Comm Dev, Block Grant, Port Auth	\$10,663.58
Kietzer, Jon	refund water bill credit	\$84.28
LJP Enterprises of St. Peter	wire baling-Sanitation	\$90.00
LJP Waste & Recycle	transportation charges-Sanitation	\$691.20
Loe's Oil Company	oil filter disposal-Shop	\$40.00
MacTools Distributor	supply-Shop	\$21.42
Madden, Galanter, Hansen, LLP	labor relations services-Police Dept.	\$48.04
Mankato Clinic	physical new employee-Sanitation	\$110.98
Matheson Tri-Gas, Inc.	welding supplies & adapter kit for welder-Shop	\$1,395.57
Mayo Clinic Health System	physicals new firefighters-Fire Dept.	\$389.00
McCrometer	equipment parts-Water Dept.	\$5,361.38
Metro Sales, Inc.	copier maintenance-Mun Bldg	\$182.00
McGowan Water Conditioning	salt for softener-Library	\$52.20
Menards-Mankato	equipment parts & supplies-Gen Gov, Park & Water	\$45.77
Mid-States Organized Crime Info Center	2014 membership dues-Police Dept.	\$150.00
Minnesota Crime Prevention Assn.	2014 membership dues-Police Dept.	\$45.00
Minnesota Iron & Metal	equipment parts-Street, Park & Parkland	\$1,435.10
Minnesota Dept. of Labor & Industry	annual inspection of elevator-Fire Dept.	\$100.00
Minnesota Pollution Control Agency	renewal fee wastewater certification-Sewer Dept.	\$23.00
Minnesota State Fire Chiefs Assn.	2014 membership dues-Fire Dept.	\$605.00
Minnesota State Fire Dept. Assn.	2014 membership dues-Fire Dept.	\$315.00
Minnesota Valley Testing Lab	sample testing-Sewer Dept.	\$39.00
Minnesota Waste Processing	processing fees-Sanitation	\$20,626.14
Misgen Auto Parts, Inc.	equipment parts-Street Dept.	\$500.00
Motorola Solutions, Inc.	radio-Capital Facilities	\$1,513.04
Neopost USA, Inc.	postage meter rental-Water & Sewer Depts.	\$315.68
Newman Traffic Signs	cones & signs-Street & Park Depts.	\$998.84
North Mankato Motor Vehicle Registrar	license tabs-All Depts.	\$1,120.00
OverDrive, Inc.	downloadable audio/ebooks-Bookmobile	\$588.90
Paragon Printing, Mailing & Specialties	supplies-All Depts.	\$233.69
Petty Cash, Clara Thorne	petty cash items-All Depts.	\$106.12
Plunkett's Pest Control	professional service-Street & Shop	\$113.60
River Bend Business Products	copier maintenance-Police Dept.	\$96.19

CLAIMS CONTINUED

Spieker, Kevin	replace clothing-Police Dept.	\$22.24
SPS Companies, Inc.	building repair supplies-Street Dept.	\$793.96
Staples Advantage	supplies-All Depts.	\$466.72
Suburban Tire Wholesale, Inc.	tires-Police Dept.	\$505.69
Twin River Council for the Arts	2014 appropriation-Area Agency Disbursements	\$10,000.00
Viking Fire & Safety	service fire extinguisher-Shop	\$26.41
Viking Electric Supply	heater repairs & electrical code book-Water Dept.	\$230.68
VoyageurWeb	retainer for website-Admin	\$960.00
Wander, Mike & Deb	refund water bill credit	\$25.39
Wells Fargo Bank	principal & interest on bonds	\$2,160,576.24
Wells Fargo Bank	administrative fees on bonds	\$1,600.00
Werner Electric Supply	electrical supplies & heater-Fire & Water Depts.	\$210.08
Total		<u>\$2,264,880.40</u>

CLAIMS CONTINUED

General	\$56,263.03
Library	\$206.97
Bookmobile	\$605.89
Community Development Block Grant	\$178.00
Community Development	\$75.00
Parkland	\$897.75
Port Authority	\$524.00
Capital Facilities & Equipment Replacement-General	\$2,571.76
Capital Improvement Bonds of 2008	\$220,467.50
Local Option Sales Tax Bonds	\$400.00
GO Improvement Bond of 2004	\$82,147.50
GO Improvement Bond of 2005	\$143,362.63
GO Improvement Bond of 2006	\$169,800.00
GO Improvement Bond of 2007	\$142,678.12
GO Improvement Bond of 2008	\$198,230.00
GO Improvement Bond of 2010	\$400.00
GO Refunding Bond of 2010	\$164,298.59
GO Refunding Bond of 2012	\$161,811.25
GO Port Authority Revenue Bonds of 1993A, 1994A, 1998A	\$163,123.12
GO Port Authority Bonds 2011A	\$48,528.12
Port Authority Tax Increment Revenue Bonds 2011B	\$20,170.00
Port Authority Tax Increment Bonds 2001	\$18,153.75
Local Option Sales Tax Construction	\$1,500.00
2013 Construction	\$8.60
Water	\$425,879.76
Sewer	\$114,536.78
Sanitary Collection	\$110,216.23
Storm Water	\$10,391.53
Public Access	\$765.06
Public Access Equipment Replacement	\$6,689.46
	<hr/>
Total	<u>\$2,264,880.40</u>

List of Bills in the Amount of \$2,264,880.40

Council Meeting of January 21, 2014

Mayor Mark Dehen

Council Member Kim Spears

Council Member Diane Norland

Council Member William Steiner

Council Member Robert Freyberg

PORT AUTHORITY INVOICES
FOR REGULAR COUNCIL MEETING OF JANUARY 21, 2014

Connect Business Magazine	ad-Port Authority	\$479.00
Kennedy & Kennedy Law Office	legal services-Port Authority	\$45.00
Wells Fargo Bank	principal & interest on bonds	\$249,574.99
Wells Fargo Bank	administration charges on bonds	<u>\$400.00</u>
Total		<u><u>\$250,498.99</u></u>

List of Port Authority Bills in the Amount of \$250,498.99

Council Meeting of January 21, 2014

Mayor Mark Dehen

Council Member Kim Spears

Council Member Diane Norland

Council Member William Steiner

Council Member Robert Freyberg

RESOLUTION NO.

RESOLUTION APPROVING DONATIONS/CONTRIBUTIONS/GRANTS

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

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

Donor of Gift	Restriction on Gift	Amount
Otto Bremer Foundation	Bookmobile	\$30,500.00
Barbara Eide	Donation for Police Department	\$150.00
Maple River Book Ends Book Club	Library Book Club Bags	\$200.00

Adopted by the City Council this 21st day of January 2014.

Mayor

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item: 8.C	Department: Police	Council Meeting Date: 1/21/14
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TITLE OF ISSUE: Authorize Purchase of 2014 Ford Police Interceptor SUV

BACKGROUND AND SUPPLEMENTAL INFORMATION: The Police Department is requesting to purchase a 2014 Ford Police Interceptor SUV to replace Squad #714 (2008) which has more than 100,000 miles which will come out of the Capital Facilities and Equipment Replacement Fund. This vehicle was approved in the 2014 Budget.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: Authorize Purchase of 2014 Ford Interceptor SUV

For Clerk's Use:

Motion By: _____
 Second By: _____

Vote Record:

	Aye	Nay	
_____	_____	_____	Norland
_____	_____	_____	Spears
_____	_____	_____	Freyberg
_____	_____	_____	Steiner
_____	_____	_____	Dehen

SUPPORTING DOCUMENTS ATTACHED

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) <u>Memo, Quote from Mankato Ford and</u>				
<u>Equipment List.</u>				

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

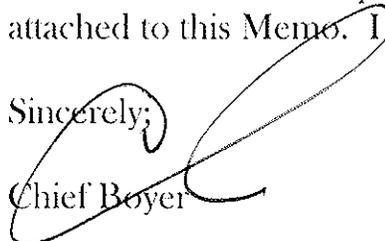
<input type="checkbox"/> Refer to: _____
<input type="checkbox"/> Table until: _____
<input type="checkbox"/> Other: _____

Memo

To: Administrator Harrenstein
From: Chief Boyer
Date: 01-07-14
Re: Squad Car Purchase

We are in need of a vehicle to replace Police Vehicle #714. Vehicle #714 is a 2008 Ford Police Interceptor. (Crown Victoria) Vehicle #714 has more than 100,000 miles and has reached the end of it's safe tenure as a patrol vehicle. We are budgeted in 2014 to purchase a replacement. Many departments, including Mankato, Blue Earth County, and Nicollet County are changing to the Ford Police Interceptor SUV. (Explorer Package) This vehicle is all wheel drive and is top safety rated vehicle. Departments currently using this vehicle are reporting better gas mileage that the previous police interceptor vehicles. We also expect to have a greater resale value when we go to sell the vehicle at the end of its police life cycle. A quote from Mankato Ford is attached to this Memo. I am requesting permission to purchase this vehicle.

Sincerely;


Chief Boyer

Mankato



01-07-14

City of North Mankato
1001 Belgrade Ave
North Mankato, MN 56003
Attn: Chief Chris Boyer

Chris,

The following is the information that you requested on the 2014 Ford Police Interceptor Utility. A copy of the window sticker will accompany the bid

The pricing is as follows:

2014 Ford Police Interceptor Utility

Retail Price: \$31,935
Discounts: \$ 5,852
\$26,083

Thanks for the opportunity to earn your business and if you have any questions feel free to call me. Please remember that you will pay all of the applicable tax, license and fees due to the State of Minnesota at the time of delivery.

Always a pleasure doing business with you.

Thank you,

A handwritten signature in black ink, appearing to read "Nicholas Wegman".

Nicholas Wegman
Mankato Ford Lincoln-Mercury
507-387-3454
507-920-7869
nwegman@mankatoford.com

==>

Dealer: F58661

2014 EXPLORER 4-DOOR

Page: 1 of 1

Order No: 0006 Priority: B4 Ord FIN: QC460 Order Type: 5B Price Level: 440

Ord Code: 500A Cust/Flt Name: N MANKATO PO Number:

	RETAIL		RETAIL
K8A	4DR AWD POLICE \$30185	68G	RR DR/LK INOP \$35
	.112.6" WB	85R	RR MOUNT PLATE 35
LK	DARK BLUE	86P	FRT LMP HOUSING 125
9	CLTH BKTS/VNL R		FLEX FUEL
W	BLACK INTERIOR		SP DLR ACCT ADJ
500A	EQUIP GRP		SP FLT ACCT CR
99R	.3.7L V6 TIVCT NC		FUEL CHARGE
44C	.6-SPD AUTO TRAN NC	B4A	NET INV FLT OPT NC
53M	SYNC SYSTEM 295		DEST AND DELIV 895
	FRT LICENSE BKT NC	TOTAL	BASE AND OPTIONS 31935
17T	CARGO DOME LAMP 50	TOTAL	31935
21B	REAR VIEW CAM 245	*THIS IS NOT AN INVOICE*	
43D	COURTESY DISABL 20		
59B	KEY CODE 1284X 50		

JOB #2 ORDER

F1=Help

F2=Return to Order

F3/F12=Veh Ord Menu

F4=Submit

F5=Add to Library

S099 - PRESS F4 TO SUBMIT

QC01767



CITY OF NORTH MANKATO
APPLICATION FOR PARADE PERMIT

This application, accompanied by a map of the parade route and the required application fee, shall be submitted to the Chief of Police at least fourteen (14) days in advance of the parade date.

Applicant Information

Name: Lasting Imprint - Kristen Thomas

Address: 38904 State Hwy 99 (personal) PO Box 261 (non profit)

City: St Peter (personal) Mankato (PO Box) State: MIN Zip: 56082/56001

Telephone: 507-317-2180

Sponsoring Organization: Lasting Imprint "Our Community Has Heart"

Address: PO Box 261

City: Mankato State: MN Zip: 56002

Telephone: 507-317-2180

Occasion for Parade: Community Awareness Event 5K/walk

Date of Parade: May 17 2014 Estimated Length of Parade: 3.1 mile

Estimated Starting Time: 9:00 am Estimated Finish Time: 10:00 am

General Composition of Parade: Start + Finish Spring Lake
using portion of Hiniker, Tyler, Cross, Webster Street.

As a 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.

Kristen Thomas
Applicant

1-10-14
Date

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

[Signature] #701
Chief of Police

01-17-14
Date

COMMENTS/ADDITIONAL STIPULATIONS:

Police Reserve needed to help control Tyler, Cross + Webster streets.
cones. Available from 8:30 am - 10:10 am. on Saturday May 17 2014



Address North Mankato, MN



CITY OF NORTH MANKATO PARK PERMIT

This permit does reserve space in a City Park.

Gazebo + Pier

PERMIT #: 22 -2014 SHELTER: SLP # 2 + 3 FEE: 80.00

TYPE OF EVENT: Community Day DATE VALID: 5-17-14 HOURS: 5:30 - 3pm Setup
5K - 9am Walk 10:30

ORGANIZATION: Lasting Imprint SIZE: 500-800

APPLICANT NAME: Kristen Thomas

ADDRESS: PO Box 261 - Mankato CITY: 56004 St. Hwy 99 - St. Pete

ZIP: DAYTIME PHONE #: 317-2180

Fire Trucks

TENTS: yes ELECTRICITY: yes ALCOHOL: NO

Petting zoo - Pkg Lot
Therapy dogs

AUDIO DEVICES: DJ - Radio Station 9am - 1pm
If keg beer, a \$250 deposit and \$25 fee are required.
Amplified music or band requires Council approval

OTHER: Am Red Cross Blood mobile, 5K walk around Lake,
Kids fun run, bounce house/slides, Food vendors

PERMIT APPROVED: DATE: 1-10-14

PERMIT DENIED:

REFER TO COUNCIL: [check] Nancy Gehrke by VJ
City Clerk

The following rules and regulations have been set by the City Code which apply to all parks and are enforced:

PROHIBITED

- * Vehicles are not allowed to be parked or driven on the grass for any reason unless permission is given from the Park Department.
- * Pets (Allowed in Benson Park and Bluff Park only. Must be on a 6' leash).
- * Glass containers.
- * Bonfires.
- * Snowmobiles, ATVs, golfing, swimming, boating and motorized flotation devices.
- * Audio equipment may not be played so loud as to interfere with the reasonable use of the park by others. All audio devices shall end at 8 p.m.

ALLOWED

- * Personal grills may be brought in.
- * Keg beer is allowed only with a permit.
- * Fishing/Ice fishing on Ladybug Lake and Spring Lake only.
- * Non-motorized canoes and kayaks on Ladybug Lake and Spring Lake. Children under 12 must be accompanied by an adult. Flotation device required.
- * Hog roasts are allowed in the parks on hard-surfaced lots only.

I, the undersigned, understand that the park shelter reservation fee is NOT a deposit and is NOT refundable for any reason other than inclement weather making it impossible to hold a picnic. Cancellation of this park shelter reservation will NOT result in a refund of the fee. If prior approval is not obtained for the installation of additional tents or stakes and causes disruption of utility services, I agree to be held liable for any repairs to service lines.

SIGNED: [Signature] 1-10-14
Applicant Date

For Office Use Only Receipt # Book Park Police

CITY OF NORTH MANKATO PARK PERMIT

This permit does reserve space in a City Park.

PERMIT #: 23 -2014 SHELTER: SLP 1-2 FEE: 100.00

TYPE OF EVENT: Company Picnic DATE VALID: 9/21/14 HOURS: 8:00-5:00

ORGANIZATION: Carlson Craft SIZE: ~~2000~~ 2200

APPLICANT NAME: Shanna Zuelch

ADDRESS: 1750 Tower Blvd CITY: N. Mankato

ZIP: 56003 DAYTIME PHONE #: 507-995-3924

TENTS: Y ELECTRICITY: _____ ALCOHOL: _____

If keg beer, a \$250 deposit and \$25 fee are required.

AUDIO DEVICES: Y speaker for bingo
Amplified music or band requires Council approval

Porta-Potties

OTHER: _____

PERMIT APPROVED: _____ DATE: 1-13-14

PERMIT DENIED: _____

REFER TO COUNCIL: _____

Nancy Zuelch
City Clerk

The following rules and regulations have been set by the City Code which apply to all parks and are enforced:

PROHIBITED

- * Vehicles are not allowed to be parked or driven on the grass for any reason unless permission is given from the Park Department.
- * Pets (Allowed in Benson Park and Bluff Park only. Must be on a 6' leash).
- * Glass containers.
- * Bonfires.
- * Snowmobiles, ATVs, golfing, swimming, boating and motorized flotation devices.
- * Audio equipment may not be played so loud as to interfere with the reasonable use of the park by others. All audio devices shall end at 8 p.m.

ALLOWED

- * Personal grills may be brought in.
- * Keg beer is allowed only with a permit.
- * Fishing/Ice fishing on Ladybug Lake and Spring Lake only.
- * Non-motorized canoes and kayaks on Ladybug Lake and Spring Lake. Children under 12 must be accompanied by an adult. Flotation device required.
- * Hog roasts are allowed in the parks on hard-surfaced lots only.

I, the undersigned, understand that the park shelter reservation fee is NOT a deposit and is NOT refundable for any reason other than inclement weather making it impossible to hold a picnic. Cancellation of this park shelter reservation will NOT result in a refund of the fee. **If prior approval is not obtained for the installation of additional tents or stakes and causes disruption of utility services, I agree to be held liable for any repairs to service lines.**

SIGNED: [Signature] 01/13/2014
Applicant Date

For Office Use Only	Receipt # <u>105997</u>	<input checked="" type="checkbox"/> Book	<input type="checkbox"/> Park	<input type="checkbox"/> Police
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2014 MATERIAL BIDS

M.R. Paving & Excavating, Inc.

1000 North Front
P.O. Box 787
New Ulm, MN 56073
Phone: (507) 354-4171 Fax: (507) 359-4156

Crushed Gravel

FOB Guemmer Pit – Courtland, CL-1 6.65/ton
FOB Guemmer Pit – Courtland, CL-5 6.20/ton

Screened Gravel

FOB Guemmer Pit – Courtland, CL-3 5.35/ton

FA2 Class C Aggregate

FOB Wallner Pit – New Ulm 13.20/ton
FOB Delivered 21.25/ton

Asphalt Patch Around Concrete 240.00/ton

Asphalt Patches by Square Foot

2 inch 2.65/sq ft
3 inch 4.40/sq ft
4 inch 5.55/sq ft

Hot Mix Asphalt, FOB Valley Asphalt Products 66.00/ton

Sales tax not included in above prices.

W.W. Blacktopping, Inc.

700 Industrial Road
Mankato, MN 56001
Phone: (507) 387-1518
Fax: (507) 387-2228

Concrete Removal

Curb and Gutter 2.50/lf
Slab Concrete 1.50/sq ft

Saw Cutting 3.25/lf

Asphalt Patch back around concrete 175.00/ton

Asphalt Patching

2" 2.75/sq ft
3" 3.75/sq ft
4" 4.75/sq ft
(asphalt patching is per minimum 1.5" wear course on top)

Screened Gravel (FOB) 8.50/ton

Hot Mix Asphalt (FOB)

AC Fines 80.00/ton
SPWEA240 58.00/ton
SPNWB330 58.00/ton

W.W. Blacktopping, Inc. continued

(Hot Mix Asphalt prices are subject to change based on oil prices)

Labor Rates

Laborer.....55.00/hr

Southern Minnesota Construction Co., Inc.

1905 Third Avenue

P.O. Box 3069

Mankato, MN 56002-3069

Phone: (507) 625-4866 Fax: (507) 625-4907

Materials (FOB)

Crushed Rock (Class VII Concrete)7.75/ton
Crushed Rock (Class 5 or Class 2 Modified Limestone)8.75/ton
Crushed Gravel (Class 5 Mankato Pit Only)7.40/ton
Pit-Run Sand (Gravel – Not Screened)(Pit Run Fill)5.00/ton
Engineered Sand (Washed Fill Sand).....5.00/ton
Screened Gravel (Class 5)7.40/ton
Riprap (Limestone Class II)27.00/ton
Riprap (Limestone Class III, IV & V).....26.25/ton

Seal Coating Materials

CRS-2 Oil5.15/Gal.
CRS-2P Oil6.25/Gal.
CSS1-H Emulsion Oil5.15/Gal.
19/64 Chip Seal Rock (FOB)24.60/ton
FA2 Class A Aggregate (FOB)32.75/ton
FA3 Class A Aggregate (FOB).....32.75/ton

Asphalt

Hot Mix Asphalt (FOB).....68.00/ton

Holtmeier Construction, Inc.

3301 Third Avenue

Mankato, MN 56001

Phone: (507) 389-9112

Fax: (507) 389-9703

Materials (FOB)

Crushed Rock ¾" w/Fines Limestone7.50/ton
Class 5 Modified Limestone8.45/ton
¾" Dustfree Limestone.....12.00/ton
1.5" Dustfree Limestone11.75/ton
4"x6" Dustfree Limestone12.65/ton
Class 7 Recycle Bituminous/Concrete8.25/ton
Class 5 Crushed Gravel7.50/ton
Pit Run Sand.....6.00/ton
Engineered Sand (<12% #200).....6.00/ton
Screened Gravel.....7.00/ton
Riprap Class II25.50/ton
Riprap Class III, IV, V24.50/ton

2014 EQUIPMENT BIDS

W.W. Blacktopping, Inc.

700 Industrial Road
Mankato, MN 56001
Phone: (507) 387-1518
Fax: (507) 387-2228

Backhoes

Gehl Mini Excavator.....	90.00/hr
Linkbelt 2800Q Excavator	150.00/hr

Trucks

One-Ton Single Axle	65.00/hr
5-Yard Single Axle	65.00/hr
Tandem and 3 Axle	85.00/hr
Lowboy Tractor Trailer.....	135.00/hr
Belly-Dump Tractor Trailer	95.00/hr
End-Dump Tractor Trailer.....	95.00/hr
Water Truck	85.00/hr

Loaders

Michigan L120	130.00/hr
John Deere 644	130.00/hr
Gehl Skid	85.00/hr

Dozers

John Deere 650 LGP w/6 Way Blade	130.00/hr
John Deere 750C w/6 Way Blade	150.00/hr

Asphalt Pavers

Blaw Knox PF4410 Track Paver	205.00/hr
Blaw Knox PF172B, 10-18"	205.00/hr

Rollers

BOMAG 120AD Steel Roller.....	85.00/hr
Roscoe, Rubber Tire Roller.....	85.00/hr
Hamm 10-Ton Steel Roller.....	105.00/hr

Compaction Equipment

Dynapac CA15 Sheepsfoot	85.00/hr
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Air Compressor - Joy

90.00/hr

Distributor - Bearcat

110.00/hr

THE ABOVE RATES ARE WITH OPERATOR

Labor Rates

Laborer	55.00/hr
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Leon's Custom Backhoe, Inc.

Leon G. Depuydt
59988 – 206th Street
Eagle Lake, MN 56024
Phone: (507) 345-5366

Backhoe

Tractor Backhoe/Loader 4 WD Extenda-Hoe with either
12 inch general purpose Backhoe bucket with or w/o Frost Hook
24 inch general purpose Backhoe bucket with or w/o Frost Hook
30 inch general purpose Backhoe bucket
36 inch general purpose Backhoe bucket
1.3 yard 4-in-1 Jaw Loader Bucket
Forks 130.00/hr w/operator

Single-Axle Dump Truck

4WD - 5 yards 75.00/hr w/operator
Snow capacity - 10 yards 75.00/hr w/operator

Skidloader

General purpose bucket/tooth bucket/forks/leveling bar 80.00/hr w/operator

Concrete Breaker

Tractor/Backhoe with Hammer 200.00/hr w/operator

Also available

Roller Packer walk behind vibrating sheep foot 30.00/hr without operator
Trench Shield 60.00/day

Hoehn Drainage & Excavating LLC

1213 N. 7th Street
Mankato, MN 56001
Phone: (507) 388-7741

Trucks (with operator)

10-12 Yard Tandem 90.00/hr

Backhoes (with operator)

John Deere 410G, 4WD, extend a hoe, multiple buckets, front forks 115.00/hr
In rock, concrete or frost add 10.00/hr

Miscellaneous (without operator)

Cable Locator, Dynatel 2250 14.00/hr 50.00/day
Chop Saw, Stihl TS760 w/cart, waterfeed (blades add.).. 18.00/hr 80.00/day
Hammer drill 14.00/hr 75.00/day
Laser Plane Model 220 Grade Control 14.00/hr 50.00/day

Excavator (with operator)

200 Kamatsu 5' ditching bucket, 42' GP bucket, hydraulic thumb, frost hook
..... 160.00/hr (2 hr min.)
in rock, concrete or frost add 180.00/hr (2 hr min.)
Hydraulic hammer 240.00/hr (5 hr min)

Dirt Merchant, Inc.
3301 Third Avenue
Mankato, MN 56001
Phone: (507) 389-9112
Fax: (507) 389-9703

Backhoes

Backhoe.....	115.00/hr
Trackhoe 2 CY	175.00/hr
Trackhoe 2.5 CY.....	195.00/hr
Trackhoe 2 CY Longreach.....	285.00/hr
Trackhoe 3.5 CY.....	225.00/hr

Trucks

Tandem Axel Dump 13.5 TN.....	95.00/hr
Quint Axel Dump 23.5 TN.....	105.00/hr
Side Dump 23.5 TN	115.00/hr

Loaders

Skid Loader.....	125.00/hr
Front End Loader 4 CY.....	155.00/hr

Dozers

Dozer 90 HP	150.00/hr
Dozer 180 HP	185.00/hr

Scraper

25 CY Wheeled	245.00/hr
30 CY Rubber Tracked	250.00/hr

Miscellaneous

Hydraulic Frost Breaker (includes Excavator)	285.00/hr
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Labor Rates

Foreman w/Pickup	95.00/hr
Laborer.....	75.00/hr

Southern Minnesota Construction Co., Inc.

1905 Third Avenue
P.O. Box 3069
Mankato, MN 56002-3069
Phone: (507) 625-4866
Fax: (507) 625-4907

Backhoes

Trackhoes 180.00/hr

Trucks

Single Axle 80.00/hr
Tandem Axle Truck 98.00/hr
Tri-Axle Truck 98.00/hr
Quad-Axle 98.00/hr

Loaders

Skid 125.00/hr
Wheeled (Cat 950) 125.00/hr

Dozers

D8 280.00/hr

Paving Equipment

Seal Coat Ship Spreader 150.00/hr
Paver - Asphalt 350.00/hr
Rubber Tire Roller 90.00/hr

Miscellaneous

Distributor 110.00/hr
Air compressor w/jackhammer 110.00/hr

THE ABOVE RATES ARE WITH OPERATOR

Labor Rates

Laborer 63.00/hr

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #10.A	Department: Administrator	Council Meeting Date: 1/21/14
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TITLE OF ISSUE: Set Public Hearing for 7 p.m. on Tuesday, February 18, 2014 for Revision of City Code, Section 32.30, Port Authority Commission.

BACKGROUND AND SUPPLEMENTAL INFORMATION: Attached to this agenda statement is a memo delivered to the City Council in October of last year. This memo accompanied the recommendations for changes to economic development policies and structure of the City and North Mankato Port Authority. Following the Mayor's appointment of the entire City Council to the North Mankato Port Authority at the last business meeting, staff recommends acting on the revision to City Code Section 32.30 so that the terms of office of the Mayor and City Council are concurrent with the terms of office they were elected to by the voters. As you will recall, the reason staff recommended City Council Members be appointed to the Port Authority was to resolve the questions of transparency voiced by members of the stakeholder group asked to provide input into the new economic development policies. Failure to adopt these policies may result in members of the City Council continuing to serve on the North Mankato Port Authority after they leave office. This potential result is contrary to the intent of the recommendations. Staff recommends a public hearing be set for the ordinance revision Section 32.30 of the City Code and that it be adopted following the public hearing. The tracted changes for the ordinance are shown on Exhibit D.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: Set public hearing for 7 p.m. on Tuesday, February 18, 2014.

For Clerk's Use:

Motion By: _____
 Second By: _____

Vote Record:

	Aye	Nay	
_____	_____	_____	Norland
_____	_____	_____	Spears
_____	_____	_____	Freyberg
_____	_____	_____	Steiner
_____	_____	_____	Dehen

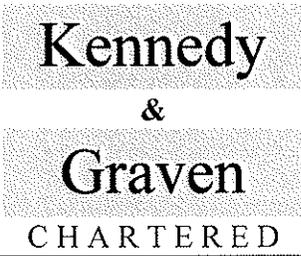
SUPPORTING DOCUMENTS ATTACHED

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (specify Memo from Kennedy & Graven with Exhibits A-D, Public Hearing Notice.)

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

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



470 U.S. Bank Plaza
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Minneapolis MN 55402

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(612) 337-9310 fax
<http://www.kennedy-graven.com>

MEMORANDUM

TO: John Harrenstein
City Administrator, City of North Mankato

FROM: Julie Eddington

DATE: October 14, 2013

RE: Port Authority Board

Request

Our firm has been asked whether more than two (2) City Council members may be appointed to the North Mankato Port Authority Commission. Our response is below.

Background

The North Mankato Port Authority Commission was established in 1987 pursuant to Minn. Stat. Section 469.079 (the "Enabling Act"), which is attached as Exhibit A. Pursuant to the Enabling Act, the Port Authority Commission must have 7 members, 2 of which must be City Council members.

Section 32.30 of the City Code also provides requirements for the Port Authority Commission, including that the Port Authority Commission must consist of seven members with two members being City Council members and five members appointed by the Council. Commissioners may be removed by a 4/5 vote of the Council. Section 32.30 of the City Code is attached as Exhibit B.

Currently, there are two vacancies on the Port Authority Commission and another vacancy will occur after December 31, 2013. Of the Port Authority Commission members who will remain after December 31, 2013, two are City Council members. The other two Port Authority Commission members have terms that expire in 2015 and 2017.

Response to Question

There is no prohibition regarding the City Council's ability to appoint more than two members of the City Council for service on the Port Authority Commission.

If the City Council's intent is to increase the number of City Council members appointed to the Port Authority Commission, then consideration should be given to aligning the appointments with their terms in office. This will require amendments to the Section 32.30 City Code (attached as Exhibit B) and the Port Authority Commission By-Laws (attached as Exhibit C). The changes to Section 32.30 of the City Code needed to implement the changes being considered are attached as Exhibit D.

Please contact me at your convenience with any questions regarding the foregoing.

KENNEDY & GRAVEN, CHARTERED

Julie Eddington

EXHIBIT A

NORTH MANKATO PORT AUTHORITY ACT

469.079 NORTH MANKATO.

Subdivision 1. Establishment.

The city of North Mankato may establish a port authority commission that has the same powers as a port authority established under section 469.049 or other law. If the city establishes a port authority commission, the city shall exercise all the powers relating to the port authority granted to a city by sections 469.048 to 469.068 or other law. Notwithstanding any law to the contrary, the city may choose the name of the commission and may appoint a seven-member commission.

Subd. 2. Municipal housing and redevelopment authority.

If the city of North Mankato establishes a port authority commission under subdivision 1, the commission may exercise the same powers as a municipal housing and redevelopment authority established under sections 469.001 to 469.047 or other law.

EXHIBIT B

CITY CODE SECTION 32.30

§ 32.30 PORT AUTHORITY COMMISSION.

(A) *Establishment.* A Port Authority Commission is hereby established.

(B) *Membership.* The Port Authority Commission shall consist of 7 members. Two members of the Commission shall be City Council Members and 5 members shall be appointed by the Council and may be removed by a 4/5 vote of the Council. Appointed members of the Commission shall serve 6 year overlapping terms as defined by the applicable state statute. The Commission shall appoint an Executive Vice President, a Secretary and an Assistant Treasurer and such other positions as it may deem appropriate in the circumstance. The City Attorney shall serve in an advisory capacity to the Commission without voting privileges.

(C) *Organization and meetings.* The Commission shall elect a President, Vice President and Treasurer from among its members for terms of 1 year or until their successors are elected and seated. The Commission shall hold an annual meeting in July of each year and shall hold such other meetings as it deems appropriate for the transaction of its business. The Secretary of the Commission shall keep a record of its resolutions, transactions and its minutes, which record shall be a public record.

(D) *Powers of the Commission.* The Commission shall serve as the economic development arm of the City of North Mankato and shall have all the powers of a Port Authority as established under applicable Minnesota Statute and may exercise the same powers as a Municipal Housing and Redevelopment Authority established under M.S. § 462.425 or other law.

EXHIBIT C

BY-LAWS AND RULES OF PROCEDURE OF PORT AUTHORITY COMMISSION OF THE CITY OF NORTH MANKATO

ARTICLE I.

THE COMMISSION

Section 1. Name of Commission. The name of the Commission shall be the North Mankato Port Authority Commission.

Section 2. Seal of Commission. The official seal of the Commission shall be in the form affixed hereto.

Section 3. Office of Commission: Place of Meetings. The office of the Commission shall be at the Municipal Building in North Mankato, Minnesota. Regular and special meetings of the Commission shall be open to the public and shall be held at the office of the Commission; provided, however, that upon five days written notice to the commissioners of the place of such meeting, any regular or special meeting may be held at such other place as the notice shall designate.

ARTICLE II.

OFFICERS

Section 1. Officers. The officers of the Commission shall be a president, a vice president, a treasurer, a secretary, and an assistant treasurer, and such other officers as from time-to-time are provided by official action of the Commission. The president, vice president and treasurer shall be elected from among the commissioners. A commissioner may not serve as president and vice president at the same time. The other offices may be held by one commissioner. The offices of secretary and assistant treasurer need not be held by a commissioner.

Section 2. President. The president shall have the duties and powers usually attendant upon the office of president, and such other duties and powers as may be prescribed by statute and as may be provided from time-to-time by the Commission. He/she shall preside at all meetings of the Commission if he/she is present. At each meeting he/she shall make such reports to the Commission as he/she may deem necessary or as may be required of him/her and perform such other duties as are incident to his office or as are required of him/her by the Commission.

Section 3. Vice President. The vice president shall perform the duties of the president in his/her absence or incapacity and/or because of death or resignation of the president, until a new president is elected.

Section 4. Secretary. The secretary shall perform the duties of the office of secretary of the Commission and shall preside at all meetings of the Commission in the absence of the president and vice president.

Section 5. Treasurer and Assistant Treasurer. The treasurer shall receive and be responsible for all moneys of the Commission. He/she shall also be responsible for the acts of the assistant treasurer. The Finance Director of the City of North Mankato shall serve as the assistant treasurer. All checks are to be signed by the assistant treasurer. Each check shall state the name of the payee and the nature of the claim for which the same is issued. The assistant treasurer shall generate a detailed trial balance and make it available to the commissioners at times to be determined by the Commission but not less than once a year. The annual report of the Commission shall be part of the City's General Purpose Financial Statements (GPFS). All financial statements shall be prepared in conformance with Generally Accepted Accounting Principles (GAAP). The assistant treasurer shall present the Port Authority section of the city's budget for commissioner's approval. The assistant treasurer shall have the powers and perform

the duties of the treasurer as directed by the Commission. The City of North Mankato shall be designated the fiscal agent for the Commission.

Section 6. Execution of Instruments. All deeds, contracts, promissory notes, warrants and other instruments, excepting bonds issued by the Commission and excepting checks authorized by the Commission shall be signed by the president or vice president and secretary of the Commission, or in the event the action approving execution of the instrument shall so provide, the same may be signed by other officers duly authorized thereto by such action. Checks may be signed by the assistant treasurer or by one other officer named by the Commission in a resolution. Except where otherwise provided by law, the Bonds of the Commission shall be signed by the person or persons designated in the resolution authorizing the issuance of said Bonds.

ARTICLE III.

TERMS OF OFFICERS

All officers of the Commission shall be elected at each annual meeting of the Commission and shall serve in whatever capacity they are chosen, for a term of one year and until their successors are elected and qualify. In the event the annual meeting is continued and the election held at such continued meeting, all officers elected shall serve until the next annual meeting and until their successors are elected and qualify.

ARTICLE IV.

VACANCIES

Should the office of the president, vice president, secretary or treasurer become vacant, the Commission shall elect a successor at a regular meeting or a special meeting called for such purpose, and such election shall be for the unexpired term of said office.

ARTICLE V.

EXECUTIVE DIRECTOR AND ADDITIONAL PERSONNEL

An executive director shall be appointed by the Commission who shall have the title of executive vice president, at such compensation, for such term and with duties as the Authority shall determine by resolution. The Commission may from time-to-time employ such additional personnel, as it deems necessary to exercise its power, duties and functions as prescribed by Chapter 458 of the Law of Minnesota and all other laws applicable thereto. The compensation of such personnel shall be determined by the Commission upon recommendation of the executive vice president.

ARTICLE VI.

ANNUAL MEETING

The annual meeting of the Authority shall be held on the second Monday of July of each year at 7:00 p.m.; provided, however, that the date of the annual meeting may be postponed to a date on or before July 31st of each year upon the vote of a majority of the commissioners in office at any time taken at any regular or special meeting of the Commission.

ARTICLE VII.

REGULAR MEETINGS

The commissioners of the Commission shall meet at 7:30 a.m. on the second Monday of March, September and December of each year, unless the same shall be a legal holiday in which event the meeting shall be held on the next succeeding day. The meetings shall be held at the principal office of the Commission unless a different location of said meeting is specified in the notice as provided in Section 3 of Article I.

ARTICLE VIII.

SPECIAL MEETINGS

Special meetings of the commissioners may be called by the president, the executive vice president, or any two commissioners by a writing filed with the executive vice president or secretary who shall then mail or personally deliver to all members notice of the time and place of such meeting at least one day before the meeting. The notice shall state the time, place and purpose of the meeting and no other business shall be considered than shall have been specified in the notice. Upon unanimous consent of all members present, any of the provisions of this Article may be waived.

ARTICLE IX.

REPORTS TO COUNCIL

City Council members of the Commission shall make regular monthly reports to the City Council concerning activities of the Commission. The executive vice president and assistant treasurer will submit a written annual report no later than April 15 of each year.

ARTICLE X.

ADJOURNED MEETING

Any meeting of the Commission may be adjourned from time-to-time to a specific time and place without additional notice published or otherwise.

ARTICLE XI.

QUORUM

The powers of the Commission shall be vested in the commissioners thereof in office at any one time; a majority of who shall constitute a quorum for all purposes, but a lesser number may adjourn a meeting from time-to-time until a quorum is obtained. When a quorum is in

attendance, action may be taken by the Authority upon a vote of a majority of the commissioners present, except as otherwise provided for by law or in these by-laws.

ARTICLE XII.

ORDER OF BUSINESS

At the regular meetings of the Commission the following shall be the order of business:

- 1) Roll Call
- 2) Approval of the Minutes of the previous meeting
- 3) Financial report
- 4) Old business
- 5) New business
- 6) Open meeting to the public
- 7) Adjournment

ARTICLE XIII.

MANNER OF VOTING

The voting on all questions coming before the Commission shall be by the president calling for a roll call vote on the question and the result shall be entered upon the minutes of each meeting. The president and all members of the Commission at every meeting of the Commission shall be entitled to vote. Real property owned by the Commission must not be sold, be exchanged, or have its title transferred without approval of two-thirds of Commission members voting following notice to all members. The resolution authorizing the real estate transaction is not effective unless a quorum is present. A commissioner need not vote on all questions, but may abstain from voting on a question. An abstention shall be considered neither an affirmative or negative vote on the matter.

ARTICLE XIV.

COMMITTEES

The president of the Commission shall appoint such committees and subcommittees as he determines are necessary. These committees shall report all recommendations to the Commission for further action.

ARTICLE XV.

AMENDMENTS

The By-Laws and Rules of Procedure of the Commission shall be amended by vote of a five-sevenths majority of the Commissioners only when said proposed amendment has been submitted in writing to the Commissioners a reasonable period of time prior to the meeting at which said amendment is to be considered.

ARTICLE XVI.

ANNUAL AUDIT

The Commission shall provide for an annual audit of the financial affairs of the Port Authority to be performed by a Certified Public Accountant.

ARTICLE XVII.

FISCAL YEAR

The fiscal year of the North Mankato Port Authority Commission shall be from January 1 through December 31.

EXHIBIT D

CITY CODE SECTION 32.30 (REVISED)

§ 32.30 PORT AUTHORITY COMMISSION.

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(B) *Membership.* The Port Authority Commission shall consist of 7 members. ~~Two~~Five members of the Commission shall be comprised of the Mayor and City Council Members and ~~5~~2 members shall be appointed by the Council and may be removed by a 4/5 vote of the Council. The term of the appointment to the Port Authority for both the Mayor and City Council members shall be the term of office they were elected to by the voters of North Mankato. Appointed members of the Commission shall serve 6 year overlapping terms as defined by the applicable state statute. The Commission shall appoint an Executive Vice President, a Secretary and an Assistant Treasurer and such other positions as it may deem appropriate in the circumstance. The City Attorney shall serve in an advisory capacity to the Commission without voting privileges.

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NOTICE OF PUBLIC HEARING
FOR AMENDMENT TO THE CITY CODE CHAPTER 32
ENTITLED "DEPARTMENTS, BOARDS AND COMMISSIONS"
SPECIFICALLY SECTION 32.30
PORT AUTHORITY COMMISSION

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 p.m. on the 18th day of February, 2014 to hold a public hearing to amend Chapter 32 of the City Code entitled "Departments, Boards and Commissions" specifically Section 32.30 Port Authority Commission.

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

Dated this 21st day of January 2014.

Nancy Gehrke, CMC
City Clerk
City of North Mankato, Minnesota

ORDINANCE NO. ____, FOURTH SERIES

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA,
AMENDING NORTH MANKATO CITY CODE, TITLE III, ADMINISTRATION,
CHAPTER 32, ENTITLED DEPARTMENTS, BOARDS AND COMMISSIONS

Section 1. The City Council of the City of North Mankato, Minnesota, ordains Section 32.30. PORT AUTHORITY COMMISSION is amended to read as follows:

(A) *Establishment.* A Port Authority Commission is hereby established.

(B) *Membership.* The Port Authority Commission shall consist of 7 members. Five members of the Commission shall be comprised of the Mayor and City Council and 2 members shall be appointed by the Council and may be removed by a 4/5 vote of the Council. The term of the appointment to the Port Authority for both the Mayor and City Council Members shall be the term of office they were elected to by the voters of North Mankato. Appointed members of the Commission shall serve 6-year overlapping terms as defined by the applicable Minnesota State statute. The Commission shall appoint an Executive Vice President, a Secretary and an Assistant Treasurer and such other positions as it may deem appropriate in the circumstance. The City Attorney shall serve in an advisory capacity to the Commission without voting privileges.

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

Adopted by the City Council this 18th day of February 2014.

Mayor

ATTEST:

City Clerk



CITY OF NORTH MANKATO

OFFICE OF THE MAYOR

PROCLAMATION

WHEREAS, the health and well-being of our children are of paramount importance; and

WHEREAS, each year in the United States, more than 40,000 babies are born with a congenital heart defect; and

WHEREAS, the medical community has identified congenital heart defects as the leading cause of birth defect-related deaths; and

WHEREAS, it is crucial that parents, pediatricians, and all those in the health profession have greater awareness of the potential for congenital heart defects among newborns and children; and

WHEREAS, Congenital Heart Defect Awareness Week provides the opportunity for families and patients affected by these conditions to share their experiences and knowledge with the public, so that we may be made more aware of how this defect affects our lives;

NOW, THEREFORE, I, Mark Dehen, Mayor of the City of North Mankato, Minnesota, do hereby proclaim February 7-14, 2014 as

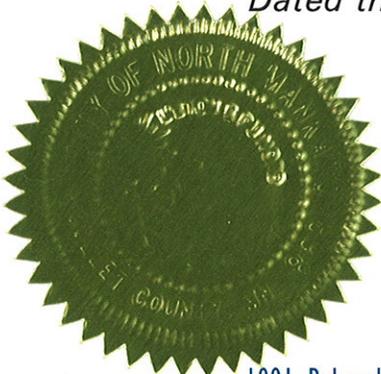
CONGENITAL HEART DEFECT AWARENESS WEEK

in the City of North Mankato, and encourage all citizens to join me in this special observance.

Dated this 21st day of January 2014.



Mark Dehen, Mayor



1001 Belgrade Avenue, P.O. Box 2055 • North Mankato, MN 56002-2055 • Telephone 507-625-4141

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Dear Honorable Mayor,

Families of children with congenital and acquired heart disease, adults with congenital heart defects, and the professionals who work with them are joining forces to have February 7-14th proclaimed in all states as "Congenital Heart Defect Awareness Week".

I am requesting that you help us reach our goal by making an executive proclamation declaring this special week in February.

I am the parent of a 4 year old girl named Amayha who was born with a rare congenital heart and lung defect who struggled to survive until a diagnosis right before her first birthday. Before her diagnosis, I had never heard of the words "Congenital Heart Defect". Amayha has been through three open heart surgeries and numerous procedures done at the University of Minnesota Amplatz Children's Hospital. She will need numerous surgeries and procedures throughout the rest of her lifetime. I am the Southern Minnesota coordinator, and Event Coordinator for Lasting Imprint which is a state wide non-profit organization dedicated to raising awareness of CHD's, as well as supporting families dealing with CHD's. CHD Awareness is so important as they are responsible for more childhood deaths than all forms of childhood cancer combined.

For more information about CHD Awareness Week, participants and activities, you can go to: www.tchin.org/aware.

I would be extremely proud if your city would participate in making February 7-14th a special week to recognize people born with heart defects, to remember loved ones who lost their battle to CHD, and to honor the dedicated health professionals who work with us. I have included a rough draft of what I imagine a proclamation would look like.

I would be most grateful if you could send the proclamation as soon as possible so that we can display it proudly on February 9th for an event to recognize Congenital Heart Defect week. North Mankato's participation in this event will have a profound impact on thousands of families and individuals. I thank you for your time and consideration.

Respectfully,

Kristen Thomas
507-317-2180
kristen.thomas@lastingimprint.org