

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 December 21, 2020. City Administrator Harrenstein on March 31, 2020, under MN Statute Section 13D.021, declared the use of electronic meetings due to the COVID-19 pandemic. Mayor Dehen called the meeting to order at 7:00 p.m., asking that everyone join in the Pledge of Allegiance. The following were present remotely through Zoom for roll call: Council Members Whitlock, Oachs and Steiner, City Attorney Kennedy, Finance Director McCann, Community Development Director Fischer, City Planner Lassonde, and Public Works Director Host, present in the Council Chambers for roll call: Council Member Norland, Mayor Dehen, City Administrator Harrenstein, and City Clerk Van Genderen. Citizen participation was available through teleconference.

**Approval of Agenda**

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

**Approval of Council Minutes from the December 7, 2020, Council Meeting.**

**Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of December 7, 2020. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

**Approval of Council Work Session Minutes from the December 14, 2020, Council Work Session.**

**Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council Work Session Meeting of December 14, 2020. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

**Mayor Dehen read into record Certificates of Recognition for Roger Coyour and Kevin Ling for 30 Years of Service to the City.**

WHEREAS, Roger Coyour began working for the City of North Mankato on August 29, 1990; and

WHEREAS, he is celebrating 30 years of service to the City of North Mankato; and

WHEREAS, these years of service have been marked by a dedicated effort to maintain the beauty of North Mankato's parks; and

WHEREAS, Roger provides experience and leadership in maintaining the Caswell Park fields' quality, a great asset to the City of North Mankato.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of North Mankato, I do hereby deem it an honor and pleasure to extend this Certificate of Recognition to Roger Coyour on the occasion of his 30<sup>th</sup> work anniversary, with sincere congratulations and best wishes.

And

WHEREAS, Kevin Ling began working for the City of North Mankato on December 17, 1990; and

WHEREAS, he is celebrating 30 years of service to the City of North Mankato; and

WHEREAS, these years of service have been marked by a dedicated effort to maintain the City's infrastructure and provide assistance to the citizens of North Mankato; and

WHEREAS, Kevin's experience and knowledge of the City's streets and infrastructure are invaluable.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of North Mankato, I do hereby deem it an honor and pleasure to extend this Certificate of Recognition to Kevin Ling on the occasion of his 30<sup>th</sup> work anniversary, with sincere congratulations and best wishes.

**Public Hearing, 7 p.m. Consider Mobile Food Unit Ordinance**

Greg Traylor, 329 Crystal Circle, Mankato, spoke before Council requesting clarification on the proposed Ordinance's origin. He stated he owns TNT Eats Food Truck and has served food in both Mankato and North Mankato. Mr. Traylor said food trucks benefit communities by bringing awareness to local businesses.

Jeni Bobholz, 228 Garfield Avenue, spoke before Council and stated she owns the Circle Inn in North Mankato, and the business serves alcohol and has a license for limited food. In the summer, after checking with City staff, she reported she purchased a food truck to serve food on her premises and help lower intoxication rates and provide potential revenue during the pandemic. Ms. Bobholz stated she would plan to use the truck a couple of days a week. She noted the 21-day restriction was too restrictive. Ms. Bobholz said her goal is to enhance the area and evolve her business.

Clay Oachs, 2310 Abbywood Lane, spoke before Council and stated he is not against food trucks but expressed concern over the lack of investment in the community compared to brick and mortar restaurants.

Samantha Barrett, 2232 Coventry Lane, spoke before Council and stated the 21-day limit is too restrictive, especially for locally owned businesses that would have invested in a brick and mortar location and would like to utilize a food truck on their premise additionally.

Beth Fasnacht, 1710 N. Orchid Drive, appeared before Council and stated the 21-day limit is too restrictive and requested Council return the Ordinance to protecting local bars and restaurants from outside food trucks.

Melanie Benit, 901 North Arlington, Virginia, spoke before Council and stated her business Institute for Justice has worked on street vending issues. She stated the Ordinance is too restrictive with the 21-day limit, and the 500 feet proximity limit should also be eliminated.

Brian Mechler, 303 Belgrade Avenue, spoke before Council and stated he supports food trucks and encouraged Council not to vote for the proposed Ordinance.

Barb Church, 102 Wheeler Avenue, spoke before Council and expressed concern about nonspecific fees for food truck licensing and concerns about the City Administrator or his designee making exceptions for the use of food trucks.

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

**Public Hearing, 7 p.m. Improvement Hearing Project No. 19-05 ABCDEF 2021 Harrison Avenue Improvement and Project No. 20-04 ABCDE 2021 Cliff Court Improvement**

City Engineer Sarff reported the project areas include the street and utility improvements on Harrison Avenue from Cross Street to Range Street and street and utility improvements on Cliff Court

from Cliff Drive to the end of the cul-de-sac. He noted two neighborhood meetings were conducted virtually. City Engineer Sarff reviewed the existing conditions for the Sanitary Sewer, Watermain, Storm Sewer, and Street and surface needs. Of note is that Harrison Avenue is over 65 years old, and Cliff Court is over 50 years old, and both are showing their age. City Engineer Sarff reviewed the proposed improvements, including new sanitary sewer service, new watermain pipes, new storm sewer pipes and maintenance holes, and reconstruction of existing streets with bituminous pavement and curb gutter. He reported 19 existing boulevard trees on Harrison Avenue, but most of the trees are very large, and the boulevard is too narrow to accommodate boulevard trees. Most of the trees are slated to be removed, but residents may get a new tree to plant in their yard, but not their boulevard.

City Engineer Sarff reviewed the estimated project costs. Harrison Avenue Street and Surface Improvements/Street Lights \$418,200, Storm Sewer \$64,900, Sanitary Sewer Mainline and Services \$78,900, and Watermain mainline and services \$101,500. For a total project cost of \$663,500. Cliff Court's total estimated cost is \$718,300 with \$349,700 for Street and Surface Improvements/Street Lights, \$172,500 for Storm Sewer, \$84,300 for Sanitary Sewer Mainline and Services, and \$11,800 for Watermain Mainline and Services. Using the assessment policy which has sanitary sewer and water services 100% assessable to residents and the street reconstruction, watermain, storm sewer, and street lights 40% assessable to residents and then applying the assessment cap projected assessments for Harrison Avenue at approximately \$7,500, and Cliff Court would be approximately \$9,000.

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

### **Public Hearing, 7 p.m. Annual Stormwater Pollution Prevention Program**

City Engineer Sarff appeared before Council and stated the Minnesota Pollution Control Agency (MPCA) administers the requirements of the federal Clean Water Act in addition to its own State Disposal System requirements. The MS4 General Permit is designed to reduce the amount of sediment and pollution that enters surface and groundwater from storm sewer systems to the maximum extent practicable. The City's MS4 permit requires the City to develop and maintain a stormwater pollution prevention program (SWPPP) that incorporates best management practices (BMPs). There are six Minimum Control Measures included in the permit. They are 1. Public Education and Outreach on Stormwater Impacts, 2. Public Participation and Involvement, 3. Illicit Discharge Elimination, 4. Construction Site Stormwater Runoff Control, 5. Post-Construction Stormwater Management in New Development and Redevelopment, and 6. Pollution Control and Good Housekeeping for Municipal Operations. The SWPPP has not been updated in recent years. For the past several years, the MPCA has been working on updates to the MS4 general permit and just released the final permit on November 16, 2020. The new MS4 permit includes new requirements that will need to be incorporated into the SWPPP and the City's ordinances. City staff is reviewing the new permit requirements and will be working on the SWPPP updates and ordinance revisions over the next several months.

With no one appearing before Council, Mayor Dehen closed the meeting.

### **Consent Agenda**

**Council Member Norland moved, seconded by Council Member Steiner, to approve the Consent Agenda with Item C, Resolution Setting Rates and Charges moved to the Business Items.**

- A. Bills and Appropriations.
- B. Res. No. 100-20 Approving Donations/Contributions/Grants.
- C. Res. No. 102-20 Setting Rates and Charges for Recycling Monthly Rates.

- D. Res. No. 103-20 Setting Rates and Charges for Storm Water Surcharge Fees.
- E. Approved North Mankato Public art Agreement with Devenport Consulting, LLC.

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

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

Barb Church, 102 Wheeler Avenue, spoke before Council and requested the City Audit remain at \$15.00, and the City Budget stay at \$22.50.

Heidi Pengilly, 102 Cleveland Avenue, spoke before Council and stated she believes food trucks bring business to the area and promotes local businesses.

**Business Items**

**Council Member Norland Moved, seconded by Council Member Steiner to Adopt Res. No. 101-20 Setting Rates and Charges with the City Audit Cost remaining at \$15.00 and the City Budget Cost staying at \$22.50. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

**Res. No. 104-20 Approving the General Fund Budget and Auxiliary Budget for Fiscal Year 2021. Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 104-20 Approving the General Fund Budget and Auxiliary Budget for Fiscal Year 2021.**

**Res. No. 105-20 Approving the 2020 Tax Levy Collectible in 2021.**

Mayor Dehen thanked staff for working to figure out the tax levy. The City has reduced the tax rate six out of the last seven years, showing the City's efforts at good stewardship.

**Council Member Norland moved, seconded by Council Member Steiner, to Adopt Res. No. 105-20 Approving the 2020 Tax Levy Collectible in 2021. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

**Res. No. 106-20 Approving the Capital Improvement Plan 2021-2025.**

Finance Director McCann reported the final CIP is approximately 9 million dollars greater than the 2020-2024 CIP, with the majority of the increase in Caswell Park improvements. City Administrator Harrenstein reported that in the next five years, the City is budgeting 25 million dollars in infrastructure improvements and 15 million dollars in recreation. Mayor Dehen commented that the City is striving for a balance of great quality of life and maintaining and improving the City's infrastructure. Council Member Norland stated infrastructure is not glamorous, but it is essential. Council Member Oachs commented that the CIP might change as the economic impact of COVID-19 becomes more visible.

**Council Member Norland moved, seconded by Council Member Steiner, to Adopt Res. No. 106-20 Approving the Capital Improvement Plan 2021-2025. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

**Ordinance No. 134 Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending Chapter 110 General Business Regulations and Licensing and Adding City Code Section 110.28 Entitled Mobile Food Unit.**

**Council Member Norland moved, seconded by Council Member Whitlock, to adopt Ordinance No. 134 Fourth Series an Ordinance of the City of North Mankato, Minnesota**

**Amending Chapter 110 General Business Regulations Licensing and Adding City Code Section 110.28 Entitled Mobile Food Unit.**

City Administrator Harrenstein reported there are several amendments that City staff would like to present to the Council. He stated the proposed Ordinance began to recognize the hardships imposed by the Peacetime Emergency and the imposition of the Food and Beverage Tax. The Ordinance would not be the strictest in Minnesota as many cities do not allow Food Trucks.

City Administrator Harrenstein reviewed the proposed Ordinance, which included definitions and applicability. Proposed revisions to the draft ordinance included the expansion of where mobile food units/vendors are allowed to vend and to open up the option to vend on public streets and private property between the hours of 8:00 a.m. and 10:00 p.m. as long as they are 500 feet from the nearest property line of any business in the City holding a food-service license. City Administrator Harrenstein noted in the exemption on restrictions section of the Ordinance a change to set the number of days a business owner holding a food-service license with the Brown-Nicollet County Environmental Health Department could operate their mobile food unit on their property, within 500 feet of another food-service license to 21 days. City Administrator Harrenstein noted the number of days could be changed as seen fit by the City Council. He also noted the addition of language that states a special events permits approved by the City for Business Owners within 500 feet of another food-service license holding establishment in North Mankato would apply toward the cumulative 21-day exemption.

A discussion was held concerning the number of days owners of a business with a food service license could operate their own food truck on their property. Council Member Oachs suggested doubling the number of days to 42 days. Council Member Steiner suggested 60 days with an exemption for owners during the Governor's shut-down. Mayor Dehen stated a food truck not operating in the City that was outside of the 500 feet could operate in one location for 21 days and another location for 21 days, so an owner of a local business with a food-license should be able to operate 42 days plus special events not going toward cumulative days. Council Member Norland was in favor of 60 days. Council Member Steiner suggested 50 days that a business owner with a food service license could operate a food truck on their property. A continued discussion was held concerning special events. Whether these events would be included in the cumulative days that a business owner with a food service license could operate a food truck on their property. It was determined that City hosted special events would not be added to the cumulative 50 days.

**Council Member Whitlock moved, seconded by Council Member Norland, to amend the proposed Ordinance No. 134 to remove section B 5(d) and add the following language:**

- d. Mobile food units/vendors are allowed to vend on public streets between the hours of 8:00 a.m. and 10:00 p.m. on all days of the week in the B-1, B-2, B-3, I-1, M-1, M-2, and CBD zoning districts if they are 500 feet from the nearest property line of any business in the City holding a food-service license issued by the Brown-Nicollet County Environmental Health Department. Mobile food units may not vend in the same location for more than 21 days each calendar year on any public street.
- e. Mobile food units/vendors are allowed to vend on private property between the hours of 8:00 a.m. and 10:00 p.m. on all days of the week in the B-1, B-2, B-3, I-1, M-1, M-2, and CBD zoning districts if they are 500 feet from the nearest property line of any business in the City holding a food-service license issued by the Brown-Nicollet County Environmental Health Department and if permission has been granted by the landowner to vend. Mobile food units may not vend on the same property parcel for more than 21 days each calendar year in the B-1, B-2, B-3, I-1, M-1, M-2, and CBD zoning districts.

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

**Council Member Steiner moved, seconded by Council Member Norland, to amend the proposed Ordinance No. 134 and change the language in Section B 6 to allow 50 days each year for business owners who operate a food truck on their own property and exempting City hosted events from adding to the cumulative 50 days a year by making the following changes:**

a. Business owners holding a food-service license with the Brown-Nicollet County Environmental Health Department may operate a mobile food unit owned by the business owner on their property within 500 feet of another food-service license holding establishment in North Mankato for 50 days each year.

And

c. Mobile food units which are vending at an event hosted by the City are allowed to operate as authorized by the organizers/managers of the event, at the location of, and for the duration of the event. Participation at an event hosted by the City does not apply toward the cumulative 50-day exemption authorized in section 6.a.

And

d. Special events permits approved by the City for Business Owners within 500 feet of another food-service license holding establishment in North Mankato apply toward the cumulative 50-day exemption authorized in section 6.a.

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

**Council Member Steiner moved, seconded by Council Member Norland, to adopt Ordinance No. 134 Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending Chapter 110 General Business Regulations Licensing and Adding City Code Section 110.28 Entitled Mobile Food Unit as amended.**

**Vote on the motion: Council Member Whitlock: Yes, I vote in favor of the Ordinance as Amended, and I was not unduly influenced by the participation of any other council members in the decision. Council Member Norland: Yes, I vote in favor of the Ordinance as Amended, and I was not unduly influenced by the participation of any other council members in the decision. Council Member Steiner: Yes, I vote in favor of the Ordinance as Amended, and I was not unduly influenced by the participation of any other council members in the decision. Mayor Dehen: Yes, I vote in favor of the Ordinance as Amended, and I was not unduly influenced by the participation of any other council members in the decision. Council Member Oachs: Abstain. Motion carried.**

**Res. No. 107-20 Allowing Temporary Changes to Mobile Food Unit Regulations During Declared Peacetime Emergency.**

City Administrator Harrenstein reported the Resolution is in line with how the City has supported businesses during the declared Peacetime Emergency. The Resolution would waive the 50-days allowed for a local business owner holding a food-service license to conduct mobile food unit business on their own property.

**Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 107-20 Allowing Temporary Changes to Mobile Food Unit Regulations During Declared Peacetime Emergency. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

**Res. No. 108-20 Authorizing Funding Application for the Lor Ray Drive and Somerset Lane Improvement Project.**

City Engineer Sarff reported that Federal Funding is available through the Surface Transportation Program (STP) to improve streets and bridges in cities within District 7 with a population greater than 5,000. The grant is competitive, and the current solicitation will be placed on the Statewide Transportation Improvement Program (STIP) and funded in the fiscal year 2024. The funding application is for improvements to Lor Ray Drive from a point approximately 350 feet north of White Oak Drive to Somerset Lane, Somerset Lane from Lor Ray Drive to Lookout Drive, and a mini-roundabout the intersection of Lor Ray Drive and Carlson Drive/Countryside Drive.

**Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 108-20 Authorizing Funding Application for the Lor Ray Drive and Somerset Lane Improvement Project. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

**Res. No. 109-20 Ordering Improvement and Preparation of Plans for Project No. 19-05 ABCDEF 300 Block Harrison Avenue and Project No. 20-04 ABCDE 2021 Cliff Court Improvement Project.**

Council Member Oachs reported that the Council had received resident questions and concerns about the Cliff Court Improvement Project and wanted clarification as to why the project should proceed. City Administrator Harrenstein said the water main infrastructure had had significant issues with six breaks in the last seven years. He stated there is also elevation and stormwater issues that need to be addressed. City Administrator Harrenstein commented that the individual who sent the letter and expressed concerns might qualify for deferred assessment. He noted the project was considered in 2013, so the street has been on the City's radar for improvement for some time. Mayor Dehen stated the road is one of the older in the upper north.

**Council Member Norland moved, seconded by Council Member Steiner, to Adopt Res. No. 109-20 Ordering Improvement and Preparation of Plans for Project No. 19-05 ABCDEF 300 Block Harrison Avenue and Project No. 20-04 ABCDE 2021 Cliff Court Improvement Project. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

**Set Public Hearing, 7 p.m. January 4, 2021, to Consider Amending City Code Section 155.48 Easements.**

Community Development Director Fischer reported R Henry Construction requests an amendment to City Code section 155.48 (A), Easements. The applicant is proposing the amendment to allow flexibility when platting utility easements if agreed to by all utility providers and the City. The City Code would allow the size and presence of utility easements to be adjusted on a case by case basis. A discussion was held concerning the City's accessibility to the ravine and stormwater property holding pond access. Community Development Director Fischer stated there is access, but this amendment is specifically for utility easements.

**Council Member Steiner moved, seconded by Council Member Norland, to Set a Public Hearing for 7 p.m. on January 4, 2021, to Consider Amending City Code Section 155.48 Easements. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

**Ordinance No. 135, Fourth Series Rezoning 635/637 Grant Avenue from R-1 One-Family Dwelling to R-3, Limited Multiple Dwelling.**

Community Development Director Fischer reported Laurie Esch-Taylor requested to rezone her property addressed as 635/637 Grant Avenue from R-1, One-Family Dwelling to R-3, Limited Multiple Dwelling subject to the policy for rezoning of residential properties affected by the 2005 city-wide downzoning. He reported the property was originally built in 1952 as a duplex in an area zoned R-2, One-and Two-Family Dwelling. The property was licensed as a rental from 2003-2010. In 2005 the zoning district was downsized from R-2 to R-1. The property was purchased by the applicant in 2010 and occupied by the applicant and sister, and due to familial ties, the property did not need a rental license. The owner reported her sister has moved out, and she would like to rent out the other portion but needs a rental license. Due to the rezoning, the rental license would not be permitted. The City instituted a policy for rezoning of residential properties affected by 2005 City-Wide Down Zoning. The property meets the criteria for rezoning based on the property's history, including the dwelling was originally permitted and constructed as a multiple-family dwelling. The dwelling was originally located in a zoning district that allowed such use dwelling while not continually licensed has been used as a multi-family dwelling. Council Member Oachs stated she cautioned spot-zoning if no license is available and expressed concerns about available parking. Community Development Director Fischer noted the property was initially in a multiple-family zoning district and was impacted by the downzoning. The property is located near other property zoned R-2. He said the property should have sufficient parking for multi-family zoning. The area property owners were contacted, and there were no significant concerns raised about rezoning.

**Council Member Norland moved, seconded by Council Member Whitlock, to Adopt Ordinance No. 135, Fourth Series Rezoning 635/637 Grant Avenue from R-1 One-Family Dwelling to R-3, Limited Multiple Dwelling. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

#### **Adopt Northwest Growth Area Study.**

City Planner Lassonde reported the plan had not changed significantly since it was last presented to the Council. He noted the City conducted four open houses and provided the study and on the website for comments. He reported there were twelve comments on the plan. Most residents needed clarification that this was a long-term plan and would be used to guide the area's development. City Planner Lassonde reported the Planning Commission approved the study at the last Planning Commission Meeting. Mayor Dehen stated the plan would be a great addition and update to the Comprehensive Plan and would provide direction for the City.

**Council Member Steiner moved, seconded by Council Member Norland, to Adopt the Northwest Growth Area Study. Vote on the motion: Whitlock, Norland, Steiner, Oachs, and Dehen aye; no nays. Motion carried.**

#### **Open Forum**

Melanie Benit, 901 North Arlington, Virginia, stated she appreciated the amendments to the food unit ordinance, which included increasing the days from 21 to 50 days yearly but stated it is still overly burdensome. She also noted the 500 feet distance is excessive.

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

City Administrator Harrenstein extended his thanks to the executive team and all staff members for working to make facilities accessible. He thanked Bekah Sands, Katie Heintz, and Jason Lobitz for their work at the swim facility. City Administrator Harrenstein reported there were positive

notes for the City, including new subdivision, capital improvements, and the City received 2 million dollars in bonding for the Caswell Park improvements.

**Mayor and Council Comments**

Council Member Oachs thanked staff for their work during the COVID-19 pandemic.

Council Member Steiner thanked staff for their continued dedication to the City.

Council Member Whitlock thanked staff and wished Council Member Steiner a Happy Birthday.

Council Member Norland stated everyone should be cautious when considering donating to charities and noted the Better Business Bureau has a website designed to review charities.

Mayor Dehen thanked staff for the Christmas lights, and for the Christmas light map. He stated the City continues to grow, and the year was great with the 2 million dollar grant for Caswell Park updates, the work done on the infrastructure and how safe the community is.

At 9:28 p.m. on a motion by Council Member Norland, seconded by Council Member Oachs, the Council Meeting was adjourned.

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Mayor

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City Clerk