

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 19, 2021. 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, 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, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Approval of Council Minutes from the January 4, 2021, Council Meeting.

Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council meeting of January 4, 2021. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Approval of Council Minutes from the January 11, 2021, Council Work Session.

Council Member Norland moved, seconded by Council Member Steiner, to approve the minutes of the Council Work Session meeting of January 11, 2021. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Public Hearing, 7 p.m. Consider Ordinance Amending City Code Chapter 90 and adding City Code Section 90.115 Entitled Managed Natural Lawn Area.

Community Development Director Fischer reported he would review the process and research conducted to create the proposed Managed Natural Landscape Ordinance. A review of the current City Code includes grass and weed cutting and controlling at 90.110 Duty of Owner and Occupant and 90.111 Failure to Maintain. The current code requires residents to cut their grass or lawn to no higher than six inches, and failure to maintain provides a process where the City can go in and take care of properties and assess the cost to the property owner. Currently, there are no code provisions for natural lawn areas. City Code has no current prescriptions permitting native and/or natural landscaping on residential properties for environmental sustainability. The purpose of the 90.115 Managed Natural Lawn Area is to provide an opportunity for residential property owners to incorporate native/natural vegetation into their lawns in a responsible, "managed" way.

Community Development Director Fischer reported in the past three years, several residents have reported their lawn as a Managed Natural Lawn as a way to not comply with City Code. He commented that there are residents who are experts who maintain well managed natural areas and others who falsely refer to unmaintained yards as managed natural areas. Clarification needs to be given to residents and staff so staff can appropriately direct residents. Community Development Director Fischer reported a draft ordinance was created and reviewed by the Planning Commission, who requested additional information. The Ordinance did not need to go through the Planning Commission as it does not affect zoning and is not technically a Planning Commission topic. The City also held educational sessions with the MnDNR regarding pollinator habitats, and there have been three Council Work Sessions. Following a recent Work Session City Council was clear on moving

forward to a public hearing after revisions were made concerning their preferences. Additional educational meetings were planned, but COVID-19 has prevented public interaction. On the January 4, 2021, Council Meeting, the Council set the Public Hearing for January 19, 2021.

City Planner Lassonde reviewed the proposed Ordinance. He stated the Ordinance's intent is to provide an opportunity for residents to establish a portion of their lawns on residential parcels for the planting of native vegetation that can grow to a height of greater than six (6) inches. Managed Natural Lawn Area is defined in the Ordinance. Also defined in the Ordinance is Native Vegetation; the definition references the Minnesota Department of Natural Resources and their Minnesota Department of Natural Resources Native Plan Encyclopedia. Turf Grasses are also defined but are not regulated by the Ordinance and remain under City Code Chapter 90.110.

City Planner Lassonde reviewed the Ordinance requirements, which states "Any owner of a residential lot in the City may transition an area of lawn on the lot to a Managed Natural Lawn Area not to exceed 500 square feet or 30% of the pervious surface area of the lot within defined setbacks, excluding natural wooded areas, bluffs, and ravines." The decision to allow up to 30% was discussed at the January 11, 2021, Council Work Session. He stated with Council's desire to "walk, jog, run," on implementing the ordinance staff was recommending considering 500 sq. feet or up to 15% of available pervious space. He stated the size would be more acceptable for neighbors who do not share the same opinions that native/natural lawns supporters do. The presentation included samples of city lots with 500 sq. feet, 30% and 15% depicted.

Additional requirements include native vegetation, which can be taller than 6 inches. Still, they may not include noxious weeds; the managed area will not include turfgrass lawns, the property line setbacks include a 10-foot setback from the front and rear property lines, and a 5-foot setback from all side yards. The Ordinance also requires that while establishing a Managed Natural Lawn Area, turfgrass or other existing vegetation shall be eliminated, and native vegetation shall be planted. It was noted that installing a managed natural lawn area will take time and dedication. City Planner Lassonde noted additional requirements in the Ordinance include a Managed Natural Lawn Area must be free of blight, blighting factors, free of public nuisances, and the rest of the lawn be appropriately maintained. The Managed Natural Lawn must not interfere with motorists' views of the street or roadway. If a resident fails to maintain the Managed Natural Lawn properly, the City may proceed to abate the issue. The Ordinance lays out guidance for abating Managed Natural lawns that are not in compliance.

City Planner Lassonde reviewed the City's research, including existing North Mankato ordinances, Minnesota State Statute, Minnesota Board of Water and Soil Resources, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and ordinances from various Minnesota Cities. He noted there is no one size fits all Ordinance and compared other City Ordinances with North Mankato's proposed Ordinance.

City Planner Lassonde noted North Mankato's commitment to environmental practices, including establishing a ravine protection program, installing LED lighting, created a Buckthorn eradication program, installing EV Charging units, and establishing 30+ acres of native prairie in the City of North Mankato. North Mankato is committed to being environmental stewards.

Kathleen Felt, 702 Cornelia Street, spoke before Council and stated she appreciated the changes to the proposed ordinance and the fewer restrictions. She appreciated that the height could be left to 12 inches as it would provide nesting materials for native bees. She did note the setbacks would be challenging to work within Lower North. She also requested the consideration of more than five days to bring a yard into compliance. Ms. Felt stated this was an excellent opportunity for residents to create small patches of habitat for pollinators.

Barb Church, 102 Wheeler Avenue, spoke before Council and stated she had not seen the question and answer page that would be on the website. She requested Council not pass the ordinance and wait for additional discussion. She asked for clarification on several points of the ordinance. Ms. Church stated 5-day compliance was too short.

Diane Anderson, 225 Allan Avenue, spoke before Council and stated she had testified before Council concerning the Borchardt property which she lives next to. She reported pictures taken from October 2019 would show the concern expressed about the property and similar properties were justified. Ms. Anderson stated she received hate mail because she spoke about the property. She encouraged Council to pass the Ordinance to provide guidance for residents and staff.

Lucy Lowry, 2263 North Ridge Drive, spoke before Council and stated she believed the ordinance was poorly written. She said she thinks the ordinance was written specifically to target 225 Allan Avenue, and Council was not going to listen to comment, and Council's minds were already decided.

Mara Natrakul, 59254 230th Street, Mankato, MN, spoke before Council and stated she believes the current ordinance is more restrictive than the first. Ms. Natrakul said she disagrees with the definitions used, including the definition of natural lawn area. She indicated she had also reviewed ordinances and spoke with other cities and disagrees that North Mankato's ordinance is less restrictive than other cities. Ms. Natrakul questioned if shrubs and vines should be cut down yearly to twelve inches as the ordinance requires. She requested additional research and study.

Bess Tsaouse, 136 Mary Circle, spoke before Council and stated the ordinance lacked knowledge about plants, and staff showed a lack of knowledge. She requested clarification on why the ordinance was being considered now and why it could not wait until later in the year. She stated further deliberation concerning the ordinance should occur. She encouraged Council not to vote on the Ordinance.

Tom Hagen, 927 Lake Street, spoke before Council and reported he believed the ordinance was aimed at Ed Borchardt and his property. He questioned why the ordinance could not wait and stated he did not believe the Council had ever visited the property. Mr. Hagen said Ms. Anderson just doesn't like to look at Mr. Borchardt's yard and questioned why her complaints were listened to when he believes his complaints about deer have not been heard.

Karl Friedrichs, 624 S. 2nd St, Mankato MN, Friedrichs Law Office, spoke before Council and stated the ordinance is poorly written and needs clarification. He requested clarification on what the term protection of the larger community means. Mr. Friedrichs also requested clarification on the use of the words noxious weeds or weeds in the ordinance. He questioned the applicability of cutting the natural yard area back to 12 inches once a year when the ordinance includes shrubs and trees in its definition. Mr. Friedrichs requested an exception be made for trees and shrubs. He asked for an extension of the 5-days for compliance following a failure to maintain to 30 days to allow time for compliance.

Kay Helms, 1025 E. Mulberry St. Mankato, MN, submitted comments. "If my neighbor can plant as many gladiolas as he wants and wherever he wants, why can't I plant as many purple coneflowers as I want and wherever I want? If you are going to restrict pollinator gardens, then you must restrict flower and vegetable gardens as well. Let's enlarge this ordinance to include any and every garden in everyone's yard. And then, every yard could look alike!

Let's also restrict how much Kentucky blue grass everyone can have in their lawn, too. I don't like Kentucky blue grass or the noise and air pollution from mowing or all the chemicals that people use on their lawns that enter our waters. Can I get an ordinance passed that would restrict pollution from mowing and lawn chemicals?

We all depend on bees and other pollinators for our fruits and vegetables. But pollinators depend on us to provide the chemical-free plants for them to use throughout the season. Bees and other pollinators need way stations. And, according to Karl Foord, University of MN Extension Educator, they need more than one plant. They need a space big enough for a season-long party. Thus, "500 square feet or 30% of the pervious surface area" is way too restrictive. Plus, they need the right kind of flowers. For a list, see www.beelab.umn.edu.

I urge the Council members to look at lawns and native plants a bit differently. Drive around your community. You will see mostly lawns. Yet these lawns are often toxic to pollinators because of the chemicals that are sprayed on them. And there are just so very many lawns.

Traditional turf lawns have essentially become some of the country's largest mono-crops, according to the Pollinator Friendly Alliance. Let's re-think the perfect lawn and embrace dandelions and sweet clover, which also provide flowers for bees. After all, where did we get the idea that we must have a perfect, green, mowed lawn? (From the lawn companies of course.)

Even the This Old House guys say to "Outgrow the traditional grass lawn and plant native flowers." www.thisoldhouse.com"

With no one else appearing before Council Mayor Dehen closed the public hearing.

Consent Agenda

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

- A. Bills and Appropriations.
- B. Res. No. 6-21 Approving Donations/Contributions/Grants.
- C. Accepted Property Owner Petition to Annex 2.57 Acres of Land into the City of North Mankato and Set a Public Hearing for 7:00 p.m. on March 1, 2021.
- D. Received and Approved the Recommendations from the January 14, 2021, Traffic & Safety Committee Meeting.

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

Public Comments Concerning Business Items on the Agenda

None.

Business Items

Consider Ordinance No. 137, Fourth Series an Ordinance of the City of North Mankato, Minnesota Adding City Code Section 90.115 Entitled Managed Natural Lawn Area.

Council Member Norland moved, seconded by Council Member Steiner, to amend the ordinance to increase the days residents have to come into compliance from 5-days to 30-days.

City Administrator Harrenstein commented that the 5-days is used for grass and weed complaints, and the issue is normally in existence for several weeks before the letter is sent. Staff is always in dialogue with residents before the City takes action.

Vote on the motion: Steiner, Norland, Oachs, and Dehen aye; Whitlock nay. Motion carried.

Council Member Oachs reported resident Nancy Goodwin, 921 Range Street, would also like to speak concerning the ordinance. Ms. Goodwin requested clarification on if there was an opportunity to grandfather in properties that already have natural lawns on their property.

Council Member Norland moved, seconded by Council Member Steiner, to amend the ordinance to grandfather in properties that have established native plantings.

City Administrator Harrenstein cautioned that grandfathering in properties is difficult to determine what qualifies and what does not. Council Member Oachs stated some people had spent a lot of time establishing their yards. City Attorney Kennedy stated grandfathering is difficult as the burden falls on the property owner. Because there is currently no ordinance allowing this land use, they should not have it on their property. Mayor Dehen commented the City utilizes a complaint-based system, and unless a complaint is filed, the City does not search for properties out of compliance.

Vote on the motion: Steiner aye, Whitlock, Norland, Oachs, and Dehen nay. Motion failed.

Mayor Dehen moved, seconded by Council Member Norland, to amend Section 1 4(e), excluding shrubs from being cut annually to a height no more than 12 inches.

City Administrator Harrenstein reported in the definition used, trees are not included and would not be cut to 12 inches, but the City staff agrees that shrubs should be removed from the list. Council Member Oachs requested clarification on ornamental grasses and if those would need to be cut down to 12 inches every year. City Administrator Harrenstein reported the area that was described would fall under the landscape ordinance.

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

A discussion was held concerning the area allowed to be utilized as Natural Lawn Area. Council Member Steiner reported he wanted 30%. Council Member Oachs stated she would be fine moving forward with either 15% or 30%. Council Member Norland indicated she would like 30%.

Council Member Steiner moved, seconded by Council Member Oachs, to table the ordinance until the next meeting.

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

Mayor Dehen commented that staff could make the requested changes to the ordinance and bring it back at the next Council Meeting. He noted the ordinance is designed to respect everyone’s property rights noting that while enthusiasts may maintain their natural lawns, other individuals would not, which could impede their neighbor’s rights. Mayor Dehen noted he signed the pollinator pledge in 2015, and since then, the City has converted 30 acres into a natural prairie. The City continues to strive to protect the environment.

Res. No. 7-21 Accepting Bid Project No. 20-05 DE Street and Miscellaneous Paving Improvement Project.

City Engineer Sarff reported bids were opened on Tuesday, January 12th. The project included Street and Alley Mill & Overlay for nine streets and two alleys, along with resurfacing Spring Lake Parks basketball courts and paving approximately 950 feet of the Lake Street to Mary Lane Trail. The bid results were:

Bidder	Bid Amount
W.W. Blacktopping, Inc.	\$551,842.80
OMG Midwest, Inc. (MN Paving & Materials)	\$554,600.30
Nielsen Blacktopping, Inc.	\$568,288.75

The low bidder for the project is W.W. Blacktopping, Inc. from Mankato, MN. The low bid is approximately 5% below the engineer's estimate of \$573,294.00. City Engineer Sarff reported the City has worked with W.W. Blacktopping, Inc. before and recommends approval of the bid.

Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 7-21 Accepting Bid Project No. 20-05 DE Street and Miscellaneous Paving Improvement Project. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Res. No. 8-21 Approving Plans and Specifications and Ordering Advertisement for Bids Project No. 19-05 ABCDEF Harrison Avenue and Project No. 20-04 ABCDE Cliff Court Improvements.

City Engineer Sarff reported the plans and specifications had been prepared for the 2021 Street & Utility Improvement Projects. The proposed improvements are essentially the same as that presented with the Preliminary Engineering Report and subsequent City Council presentations. The estimated cost for Harrison Avenue is \$663,500, and the estimated cost for Cliff Court is \$732,100.

Council Member Steiner moved, seconded by Council Member Norland, to Adopt Res. No. 8-21 Approving Plans and Specifications and Ordering Advertisement for Bids Project No. 19-05 ABCDEF Harrison Avenue and Project No. 20-04 ABCDE Cliff Court Improvements. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Approve Amendment to the Final Plat of the Waters North: A Request from Prairie Development.

Community Development Director Fischer reported in August of 2020, the Planning Commission recommended approval and City Council approved the final plat of The Waters North. As shown on the approved plat, the utility easements were consistent with City Code. Since that time, the applicant successfully amended the City Code section 155.48 (A) Easements. The amended City Code now allows the adjustment of utility easement on a case-by-case basis and can be adjusted upon the Planning Commission and City Council's approval. All known utility companies and subdivisions must also agree to the easements. As a result, the final amended plat includes eliminating the majority of side yards, eliminating all rear utility easements, and increasing all front yard utility easements from 10 feet to 15 feet.

Council Member Steiner moved, seconded by Council Member Norland, to Approve Amendment to the Final Plat of the Waters North: A Request from Prairie Development. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Ordinance No. 138, Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending North Mankato City Code, Chapter 156, Entitled "Zoning Code," by changing the Zoning District Map and, by Adopting by Reference North Mankato City Code, Chapter 10 and Section 10.99 Which, Among other things, Contain Penalty Provisions.

The applicant is in the process of annexing 2.57 acres of land adjacent to Pleasant View Drive into the City limits for future residential development. The property's location is proposed to be developed for multi-family residential development, and the developer would like the property zoned R-3, Limited Multiple Dwelling. The development consists of three new buildings to accommodate fourteen townhomes units. According to the Future Land Use Map within the Comprehensive Plan, the property is guided for future high-density residential. The densities targeted for this classification

are over ten dwelling units per acre. The proposed development is 5.45 dwelling units per acre. There is an existing R-3 adjacent to the property, which accommodates an existing townhome development.

Council Member Norland moved, seconded by Council Member Steiner, to Adopt Ordinance No. 138, Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending North Mankato City Code, Chapter 156, Entitled “Zoning Code,” by changing the Zoning District Map and, by Adopting by Reference North Mankato City Code, Chapter 10 and Section 10.99 Which, Among other things, Contain Penalty Provisions. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Approve Preliminary Plat of Pleasant View Cottages.

Community Development Director Fischer reported the applicant is in the process of annexing 2.57 acres of land adjacent to Pleasant View Drive into the City limits for future multi-family residential development. The plat consists of one lot with three new buildings to include fourteen 2-story townhome units. Two new driveways would provide access to the property. A stormwater holding pond is also shown. The existing house and storage building will be rehabilitated into a VRBO.

Council Member Steiner moved, seconded by Council Member Oachs, to approve the Preliminary Plat of Pleasant View Cottages. Vote on the motion: Whitlock, Steiner, Norland, Oachs, and Dehen aye; no nays. Motion carried.

Open Forum

Bess Tsaouse, 136 Mary Circle, spoke before Council and requested the City consider an ordinance restricting the use of pesticides and herbicides.

Barb Church, 102 Wheeler Avenue, spoke before Council and requested Council to direct staff to collate all of the questions and answers and place them on the website.

Tom Hagen, 927 Lake Street, spoke before Council and stated he has not received an answer concerning his request for clarification on the Wingert development agreement since one of the lots has not been developed by December 31, 2020. He stated the development agreement requires the developer to return \$45,000 to the City.

City Administrator and Staff Comments

City Administrator Harrenstein reported the Questions and Answers concerning the proposed Natural Lawn Area Ordinance is already on the website.

City Administrator Harrenstein stated the State of Minnesota had chosen North Mankato for a COVID-19 vaccination test site. City staff is working with the State to ensure a smooth event.

Community Development Director Fischer reported the City did enter into an agreement in 2018 with Dan Wingert to develop the tax-forfeited property. Two lots have had homes built on and sold. The third lot is sold but has yet to be developed due to hardships with COVID-19. He noted City staff entered into an extension of the agreement until December 31, 2021, to provide additional time to complete the home.

Finance Director McCann reported the City sent out a joint press release with Mankato concerning the restructuring of bus route 5.

Mayor and Council Comments

Council Member Oachs thanked the street department for keeping the streets clean.

Council Member Norland thanked staff for the work on the Natural Lawn Area ordinance.

Mayor Dehen reported a thank you note from Toys for Tots for the City’s gambling fund donation.

Mayor Dehen stated he received a book and DVD concerning pollinator gardens and said staff could review the material and place it in the library for patrons.

Mayor Dehen extended his condolences to the Bill Borchardt family on the passing of Bill Borchardt. Mr. Borchardt was a longtime member of the Traffic and Safety Committee.

Mayor Dehen extended his condolences to the Fred Roufs family. Fred was a longtime supporter of the baseball community in the area.

At 8:47 p.m., on a motion by Council Member Norland, seconded by Council Member Oachs, the Council Meeting was adjourned.

Mayor

City Clerk