

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 4, 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.

**Judge Bradley Walker conducted the Oath of Office for the Mayor and Council Members elected in November 2020. Mayor Dehen, Council Member Steiner, and Council Member Whitlock were sworn in for their respective terms.**

### **Approval of Agenda**

**Mayor Dehen commented that there was a request to remove Item 8G from the Consent Agenda for discussion as Item 10B in the Business Items. Council Member Norland moved, seconded by Council Member Oachs, to approve the agenda with Item 8G moved to Item 10B Business Items. Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

### **Approval of Council Minutes from the December 21, 2020, Council Meeting.**

**Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council meeting of December 21, 2020. Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

### **Public Hearing, 7 p.m. Consider Ordinance Amending City Code Chapter 155.48 (A), 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, the Planning Commission, and the City Council. The City Code amendment would allow the size and presence of utility easements to be adjusted on a case by case basis. He reported the Planning Commission recommended the amendment.

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. 1-21 Setting Gas Mileage Reimbursement Rate.
- C. Res. No. 2-21 Designating Official Newspaper.
- D. Res. No. 3-21 Designating Depositories for the City of North Mankato.
- E. Res. No. 4-21 Approving Committee Assignments.
- F. Res. No. 5-21 Approving Consent Assessment Agreement.

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

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

Tom Hagen, 927 Lake Street, spoke before Council and stated a public hearing does not provide enough opportunity for residents to provide input.

Lucy Lowry, 2263 North Ridge Drive, spoke before Council and stated the current Ordinance has worked and allows the City to work with residents individually. She said the Ordinance public hearing could be postponed as the growing season will not begin until May or June. Ms. Lowry questioned the language in the Ordinance.

Bess Tsause, 136 Mary Circle, spoke before Council and requested City Council not set the Public Hearing, instead send the proposed ordinance back to the Planning Commission for additional discussion and public input. She stated the public had not had enough time to review the proposed Ordinance.

Barb Church, 102 Wheeler Avenue, appeared before Council and concurred with the previous comments requesting the public hearing not be set and additional public comment opportunities be provided.

Mara Natakura, Mankato, spoke before Council and stated the current proposed Ordinance is different from the one originally proposed. She expressed concern about only allowing 250 square feet to be planted to a natural lawn. She requested the Ordinance be returned to the Planning Commission for further review and public discussion.

Robert Freyberg, 2142 Eagle Ridge Drive, submitted an email that was read. The email indicated that he advocates for property rights, but he knows ordinances protect his property rights by ensuring his neighbor's property rights do not infringe on his property's value. Mr. Freyberg reported many residents have acted with great environmental responsibility and passion for creating native environments that provide excellent habitat for pollinators, erosion control, water enhancement, and increasing percolation. He hopes the Ordinance brings attention to opportunities that exist within North Mankato to promote native gardens through an organized effort. He stated he hopes the Ordinance will take the fear of diminished property value away from many individuals. He noted a demonstration garden would be an excellent tool for homeowners to see what is possible with their yards. He also encouraged educating the public about native plants and noxious weeds by utilizing the Minnesota DNR resources.

### **Business Items**

**Ordinance No. 136, Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending North Mankato City Code, Chapter 155.48, Entitled "Easements."**

**Council Member Norland moved, seconded by Council Member Whitlock, to adopt Ordinance No. 136, Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending North Mankato City Code, Chapter 155.48, Entitled "Easements." Vote on the motion: Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

**Set Public Hearing for 7 p.m. on January 19, 2021, Amending City Code Chapter 90 and adding City Code Section 90.115 Entitled Managed Natural Landscapes.**

Council Member Steiner indicated he would like to postpone setting the Public Hearing and send the Ordinance to the Planning Commission. He stated there were severe flaws in the Ordinance.

Council Member Norland stated she would like to postpone setting the Public Hearing and provide additional public comment and interaction time. She indicated the City Council had received emails, and she would like Community Development Director Fischer to receive those emails and answer the questions. Council Member Norland stated that if any public member had questions concerning the proposed Ordinance, they should send those to Community Development Director Fischer.

Council Member Oachs indicated she would support postponing the Public Hearing but wanted to have the process moved forward.

Council Member Whitlock stated he would like to have the Public Hearing on January 19, 2021.

Mayor Dehen stated the Public Hearing would be a time for the public to comment on the proposed Ordinance. Council would not have any obligation to adopt the proposed Ordinance on January 19, 2021.

**Council Member Whitlock moved, seconded by Council Member Norland, to set a Public Hearing for 7 p.m. on January 19, 2021, Amending City Code Chapter 90 and adding City Code Section 90.115 Entitled Managed Natural Landscape. Vote on the motion: Oachs, Whitlock, and Dehen aye; Steiner and Norland no. Motion carried.**

### **Open Forum**

Tom Hagen, 927 Lake Street, spoke before Council and stated on May 7, 2019, a development agreement was signed between Dan Wingert and the City of North Mankato. Part of the development agreement required the developer to develop three single-family homes and have occupancy certificates by December 31, 2020. Mr. Hagen stated one lot is not set, and the agreement states the developer shall forfeit and return to the City of North Mankato forty-five thousand dollars for the undeveloped lot. He said he wants evidence the City received the funds.

Bess Tsause, 136 Mary Circle, spoke before Council and stated she was disappointed that Council was continuing with setting the Public Hearing and requested clarification on where she should send her three pages of questions concerning the Ordinance.

Lucy Lowry, 2263 North Ridge Drive, appeared before Council and stated she was disappointed with the decision to hold the public hearing on January 19, 2021. She indicated while the Council may believe the process is transparent, she did not believe it was, and people don't want to speak in front of the Council because they are intimidated.

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

Public Works Director Host stated the compost site is open for the disposal of Christmas trees.

### **Mayor and Council Comments**

Council Member Oachs wished everyone Happy New Year and encouraged residents to contact questions and information concerning the proposed Ordinance.

Mayor Dehen stated COVID-19 derailed plans for additional public engagement opportunities but encouraged residents to contact the Council or staff with comments, emails, or mail. He said while the Ordinance overlaps with the action taken against the Borchardt's, the City has been working on the natural landscape ordinance separately. He stated that while some indicated they disagreed with the idea that the Ordinance was expanding resident rights, it provided an additional opportunity for homeowners. While there are several enthusiasts concerning managed natural landscape, people

would take advantage of it to their neighbors' detriment. It is an educational process. He stated a demonstration plot at City Hall would be an opportunity for education.

At 7:47 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