

Pursuant to due call and notice thereof, a Council Work Session of the North Mankato City Council was held in the Council Chambers on November 23, 2020. Mayor Dehen called the meeting to order at 12:00 pm. The following were present remotely through Zoom for roll call: Council Members Oachs, Whitlock, Steiner, Norland, and Mayor Dehen, City Administrator Harrenstein, Finance Director McCann, Community Development Director Fischer, Public Works Director Host, City Engineer Sarff, and City Clerk Van Genderen. Citizen monitoring was available through a conference call.

Belgrade Avenue Three Lane Conversion

City Administrator Harrenstein stated the discussion would include pedestrian and sidewalk improvements along Belgrade Avenue as well as dialogue with business owners and stakeholder meeting information. City Engineer Sarff reported City staff has been working to develop and review alternatives for the three-lane conversion of Belgrade Avenue with a mid-block pedestrian crossing. He reported Alternative 1 and Alternative 2 have been reviewed by the City.

Alternative 1 provides additional parking on Belgrade Avenue's north side and aligns a pedestrian crossing with refuge with a proposed pedestrian passage between planned structures on the north side of Belgrade Avenue. Pros for the plan include crossing aligns with pedestrian passage between proposed development and adding several parking spaces to Belgrade Avenue's north side. Cons include the crossing bumpout blocks parking for the Post Office. The crossing is a barrier to left-turning traffic into the existing Frandsen Bank entrance, and it is not anticipated that the crossing would serve the most pedestrians.

Alternative 2 places the pedestrian crossing in the same location as Alternative 1. In Alternative 2, however, the westbound approach from the Veteran's Memorial Bridge and the intersection with Highway 169 ramps channels traffic to the new thru-traffic lane before Wall Street, diverting traffic away from the new parking area in front of the Circle Inn. The following pros and cons were identified. Pros for the plan include crossing aligns with pedestrian passage between proposed development, adding several parking spaces to the north side of Belgrade Avenue, and adding more parking spaces to the north side of Belgrade Avenue than Alternate 1. Cons include the crossing bumpout blocks parking for Post Office. The crossing is a barrier to left-turning traffic into the existing Frandsen Bank entrance. It is not anticipated to serve the most pedestrians.

Alternative 3 was developed in response to input from the first stakeholder meeting. Alternative 3 places the pedestrian crossing at the Belgrade Avenue and Wall Street intersection, which is similar to how a standard intersection with a center median may have a dedicated left-turn lane onto a sidestreet. This alternative provides additional parking on Belgrade Avenue's north side to make up for parking loss with the bump-out on the south side of the pedestrian crossing. However, the sidewalk bump-out on the south side of the crossing is in front of Neutral Groundz and Like-Nu Cleaners. These businesses rely on quick drive-up traffic for success. Alternative 3 pros include the crossing located near Wall Street is identified as an area with high pedestrian traffic, and it adds some parking to the north side of Belgrade Avenue. Cons include the crossing bumpout blocks parking for Like-Nu Cleaners and Neutral Groundz who rely on it, and stakeholders raised concerns over the safety of those crossing. The westbound traffic is perceived as coming in too fast, and some disagreed that the location serves the most pedestrians.

Alternative 4 was developed in response to feedback received at the first stakeholder meeting. This alternative places the pedestrian crossing in a more centralized location, accommodating turning traffic movements on both the north and south sides of Belgrade Avenue. This alternative has an extended sidewalk bump-out on Belgrade Avenue's south side, drafted in response to a request from Dino's Pizzeria to allow for more patio seating in favorable weather. Parking is added on the north

side of Belgrade and is maintained on key locations on the south side of the road. The following pros and cons were identified. Pros included that the crossing aligns closely with the pedestrian passage between the proposed development. It adds several parking spaces to the north side of Belgrade Avenue. Most participants identified this location as accommodating the most pedestrian traffic. Cons include some increased loss of parking on the south side with the extended sidewalk bump-out, and participants didn't support the added sidewalk.

Based on this information, staff recommends alternative 4 for implementation as the preferred option. City Engineer Sarff reported staff is seeking direction on the layout. No cost estimate has been prepared, but if the City is interested in moving forward, the assessment process would need to begin soon to satisfy the State statute. City Administrator Harrenstein commented that improvements funded by the TIF would need to be carefully monitored to ensure the improvements about the TIF project. He stated the remaining work could proceed under the 429 assessment process, and the City would still operate under the established assessment cap. However, the City would need to assess 25%, and there may be concerns from local business owners in light of the State mandated COVID-19 shut-downs. Mayor Dehen requested clarification if the developers have been consulted. City Engineer Sarff stated they had been invited to the meetings, but he was unaware of any comments made by the developers. City Administrator Harrenstein reported staff would continue to contact local businesses, specifically Like-Nu Cleaners and Neutral Groundz, to discuss the developer's changes.

All council members agreed that they liked Alternative 4. Mayor Dehen requested staff consider temporary options such as paint rather than concrete to see how the changes work. He stated the goal is to slow traffic down so they can see what Belgrade has to offer.

Discuss Proposed Food Truck Ordinance

Council Member Oachs requested the opportunity to make a statement before the discussion began. Council Member Oachs stated she wanted to address the issue of conflict of interest brought up on social media. She reported that before she became a Council Member, she sat on the Business on Belgrade board. BOB hosts annual events comprised of local businesses staging those events, and increasingly outside vendors requested participation in the circumstances. BOB denied those requests due to the amount of time, energy, and money that local businesses put into those events. She noted that food trucks are not regulated the same way as other restaurants and are not regularly inspected. The ordinance was brought forward in August when the full impact of COVID-19 on local businesses was unknown, and businesses were wanting protection from outside influence. She stated she asked questions concerning how the ordinance determined who could have a food truck. Council Member Oachs reported she never argued for or against the food trucks; she was simply requesting additional information. She indicated she approved of the current proposed ordinance, and it is fair to everyone. The questions she asked concerning using a food truck as a permanent kitchen option were to ask questions and learn. She stated she had requested the administration to review the issue of conflict of interest.

Mayor Dehen stated the purpose of the current discussion is to discuss the proposed food truck ordinance that would guide the City. The ordinance intends to protect local brick and mortar stores, and the Council must set aside special circumstances to regulate and protect not only now but in the future.

City Administrator Harrenstein reviewed the proposed ordinance timeline, which has included two previous work sessions discussing various types of food licenses and what defines a restaurant, and discussion surrounding business owner exemptions. He reported if Council comes to a consensus, a public hearing could be set on December 7, 2020, and held on December 21, 2020, and staff would request the adoption of an emergency exemption resolution on December 21, 2020.

City Administrator Harrenstein reviewed the history of food trucks in North Mankato, which includes using them for special events and allowing them access to private property owners in non-residential zoning districts because it is not expressly prohibited in the code. Currently, the City Code does not allow vending from a public street. Allowing the use of mobile food units on public streets within any number of feet of a food license establishment is an expansion of opportunity for mobile food units. It correctly raises questions about the impact on existing food license holders. In 2020, a business owner requested the use of a food truck to supplement operations. City Administrator Harrenstein reported City staff conducted a review of approximately 25 cities that regulate mobile food units, and distances from brick-and-mortar establishments ranged from 50 to 2,000 feet with an average of 150 feet. Still, the average does not account for cities that don't allow the use. City Administrator Harrenstein stated questions had been raised about the permanency of food trucks on private property. He said restaurants interested in locating in the community have asked about protections from food trucks. The ordinance addresses this with a 500-foot buffer but allows exceptions for other food license holders' mobile units. Staff recommends using the number of days permitted by Brown-Nicollet County of 21-days a year in one location. This will meet restaurant owners' competitive concerns and allow the creative use of mobile food units for periods of time allowed by the regulating agencies.

City Administrator Harrenstein reported that in June/July, staff was contacted by the Circle Inn inquiring on whether or not a food truck can be operated on the property. This request was granted because no explicit prohibition existed on private property. An additional request was made to the City to use a mobile food unit as a permanent fixture to serve under existing COVID-19 restrictions and as a supplemental revenue source for the business. Staff proposes a resolution enacting additional days of use for mobile food units to accommodate their use during the peace-time emergency. City staff recommends that a mobile food unit ordinance comply with Minnesota and Nicollet Brown County service days, which is 21 days in one location, but additionally, pass the emergency resolution to extend the use during the pandemic.

City Administrator Harrenstein reported the ordinance would require a city license, would allow for the use of food trucks at special events, and be licensed by the appropriate State agency and the Brown-Nicollet Environmental Health Department, requires insurance, and may not serve within 500 feet from other food license holders or community or special events unless otherwise authorized. The units may vend from 8 am to 10 pm, may not operate in residential districts without special approval from the City Administrator or designee, and pay all local fees, taxes, and licenses. He noted breweries and wineries are exempt from locating a food truck within 500 feet of another business.

City Administrator Harrenstein addressed the conflict of interest, noting the League of Minnesota Cities has a memo that addresses the conflict of interest. He stated the memo notes that no one should be prevented from debating a topic. The issue comes when the Council votes. He said Council Members should discuss with Attorney Kennedy or himself concerning conflict of interest or perceived conflict of interest.

Mayor Dehen requested Council input on the proposed draft ordinance. Council Member Oachs stated she believed it addresses all of the concerns. Council Member Steiner said it seems fair, and he likes the exemptions and compromises made for the Circle Inn. Council Member Norland agreed with the assessment. Council Member Whitlock stated he was in favor of the ordinance as it is currently written. Mayor Dehen said he had reviewed several ordinances and would like to add that mobile food units could not open within 500 feet of a sports facility or regional parks to help protect the Swim Facility and Caswell Park.

Other Business

Mayor Dehen requested the consideration of reopening the business loan program. City Administrator Harrenstein reported staff has been in contact with business owners who have expressed some interest in additional funds due to the current COVID-19 restrictions enacted on November 20 by Governor Walz. He reported Finance Director McCann had identified \$60,000 in additional funds. Council Member Norland stated Nicollet County may still have funds available for businesses. Mayor Dehen encouraged everyone to reach out to the Nicollet County Board of Commissioners and the County Administrator to see if they would open up additional CARES Act dollars. Council Member Oachs requested everyone encourage the State to give additional funds to businesses impacted by the most recent shutdown as the businesses are suffering.

Council Member Norland moved, seconded by Council Member Whitlock, to close the meeting at 1:35 pm.

Mayor

City Clerk