

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 9, 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, Police Chief Ross Gullickson, Community Development Director Fischer, City Planner Lassonde, Public Works Director Host, City Attorney Chris Kennedy, City Attorney Mike Kennedy, and City Clerk Van Genderen. Citizen monitoring was available through a conference call.

### **Discuss Nuisance Property**

City Attorney Chris Kennedy reported the discussion is to review the process the City Council will be taking concerning the property located at 229 Allan Avenue. The City will follow the City Code and conduct a public hearing to determine if the property complies with the City Code. City staff will present the property's condition, property owners will be able to comment, and the Council will review the proposed Resolution. If the Council adopts the Resolution, the residents at 229 Allan Avenue will need to bring the property into compliance. City Administrator Harrenstein stated the purpose today is to discuss the procedure, and City Council will be acting in more of a judicial manner during the public hearing.

Mayor Dehen requested clarification if the City will be discussing a pollinator garden ordinance. City Administrator Harrenstein reported it was the next topic on the Council Work Session agenda. City Attorney Chris Kennedy stated the 229 Allan Avenue property needs to be treated differently and tried as a separate issue. City Council Member Norland requested clarification on the Resolution when it states rank growth of vegetation as a public health concern. City Attorney Chris Kennedy reported that the rank growth allows the spreading of weeds and invasive species and can be a habitat for unwanted animals, rodents, and vermin and affects neighboring properties. Council Member Norland stated the Resolution would be served to the residents of 229 Allan Avenue, and then they would have 20 days to bring the property into compliance. She asked for clarification concerning the fact that it is the fall and winter is coming. Attorney Chris Kennedy stated the weather would be taken into consideration. City Administrator Harrenstein reported the Council had the same thing happen last year. Council Member Steiner commented that someone was working to clean it when he drove by the property.

### **Discuss Pollinator Garden Information**

City Administrator Harrenstein reported the staff has been working to create an Ordinance that will allow pollinator gardens within the City. Current City code does not allow for creating a pollinator garden but instead requires the maintenance of grass at 6 inches. The proposed regulation would enable homeowners to create a pollinator garden on 250 square feet or 30% of their yard, whichever is less. If a homeowner wants an area larger than 250 square feet, the ordinance requires an application, the sign-off of neighbors, a land management plan, and approval by the Planning Commission and City Council. Community Development Director Fischer reported the Planning Commission received information concerning pollinator gardens in December of 2019. The Planning Commission requested additional information. City staff held a series of public informational meetings with the DNR and had planned some with the Master Gardeners, but those were canceled due to COVID-19. Mayor Dehen requested clarification on other city ordinances and guidance from the League of Minnesota Cities. City Administrator Harrenstein reported a variety of responses from cities concerning creating an ordinance for pollinator gardens. Council Member Norland commented that there is a difference between natural lawns and pollinator gardens in her research, and the ordinance should address those differences. She stated she was concerned about including neighbor

approval in the ordinance. Mayor Dehen said he would like to do the process incrementally, maybe allow the 250 square feet, and then move to enable more extensive pollinator gardens. Council Member Oachs reported she agreed with incrementally moving to pollinator gardens. Council Member Steiner also agreed. Council Member Norland requested the City consider taking a closer look at an ordinance reducing the use of herbicides and pesticides but decided it should be a different ordinance. Mayor Dehen asked staff to consider putting together clinics to construct a pollinator garden and approach the master gardeners to see if they would be consultants. Mayor Dehen stated it would help prevent residents from accidentally putting noxious weeds in their pollinator gardens. He commented this ordinance would expand property owner rights.

### **Discuss Proposed Food Truck Ordinance**

City Administrator Harrenstein reported the Council received an initial draft of the proposed ordinance about two months ago. The purpose of the proposed Food Truck Ordinance would be to protect the City's brick and mortar businesses. He stated the first draft restricted food trucks from within 750 feet of a licensed food or liquor establishment but allowed a business owner with a specific food license to own and operate a food truck. The second draft maintains the 750-foot restriction but does not allow business owners to own and operate a food truck on their property. City Administrator Harrenstein reported food trucks might be used during special events. He stated the policy questions include limiting the proximity a food truck may operate near a bar and restaurant, and if a property owner can operate a food truck on their property. City Planner Lassonde reported several stakeholder meetings were held, and most license holders supported maintaining a distance between their businesses and food trucks. Attorney Kennedy commented that it might be easier for enforcement to use streets rather than feet. City Planner Lassonde mentioned the included maps were for discussion and were not comprehensive, missing a few businesses.

Council Member Whitlock stated the proposed food truck ordinance is being discussed to protect the businesses who are paying taxes. He said that BOB had been built to gain growth and prosperity in North Mankato. Businesses open and close. It is the natural maturation of businesses. Through Business on Belgrade, Belgrade became the place to be, and Frandsen, who is constructing a new building, would not want to have a food truck parked next to it. There are different styles of establishments, including bars, bars and grills, and bars and restaurants. If a bar wants to serve food, they need to invest in their building and a kitchen. A vote against this ordinance should be considered a vote against bars and grills. Council Member Oachs stated she was not against food trucks, but the restaurant industry has some concerns. She stated food trucks operate without complying with all the restaurant industry standards; she expressed concerns about where the truck would dispose of grease and waste. She mentioned food trucks are designed as to-go, increasing the waste produced, which is detrimental to the environment. Food trucks also have an economic advantage because their overhead is lower.

Council Member Steiner requested clarification on if this ordinance would prevent the Circle Inn from having a food truck. City Administrator Harrenstein stated it would prevent the owner from having a food truck on her premises. Council Member Steiner asked if the food truck could be grandfathered in. City Administrator Harrenstein said the food truck would not be grandfathered in. Council Member Norland stated the ordinance would prevent a bar owner from buying a food truck. City Administrator Harrenstein clarified it would prevent them from operating the food truck on their property. Mayor Dehen stated the 750 feet seems like a long-distance and requested information on what other cities have used as a distance. City Administrator Harrenstein reported a survey had not been completed. The City reduced the distance from 1000 feet to 750 feet, which prevents a food truck from operating with two or three blocks of a restaurant or establishment.

Mayor Dehen stated the ordinance's original purpose was to prevent outside competition and preventing our brick and mortar businesses from thriving. He said it would be good to allow businesses to have food trucks for special events and enhanced events. The intent was not to be restrictive to our bars and restaurants but to protect them from outside vendors in direct competition with our local businesses. Council Member Steiner stated he agreed with protecting our businesses. Council Member Oachs said that while restaurants support one another, they are also in direct competition for customers. If a person wants to get into the restaurant business, they need to buy a restaurant or put in a kitchen. She stated a food truck is mobile, not stationary. Mayor Dehen stated he does not want to ban all food trucks because food trucks are at music in the park, ArtSplash, and other events and are a nice amenity to make available. Council Member Oachs requested clarification on limiting a food truck to 21 days of service or less in one location or what happens if they are stationary and a fixture attached to a building. City Administrator Harrenstein read the definition of a food truck in the proposed city code "Mobile food trucks which are vending under a Special Event Permit issued by the city is allowed to operate under that Special Event Permit as authorized by the organizers/managers of the event, at the location of, and for the event's duration. Special event organizers are responsible for obtaining proof of all applicable food truck licenses from the State and County." He stated there is no operation limit proposed in the City Code. According to Brown-Nicollet Environmental Health, City Planner Lassonde noted that once a food truck moves, it becomes a mobile food truck; it can only serve in one location for 21 days. Council Member Oachs stated she was concerned about a brick and mortar purchasing a food truck and using that as their permanent kitchen. City Attorney Chris Kennedy noted that a food truck ordinance would not usurp any other ordinance in place, and those laws would also need to be followed. Council Member Norland commented that Mankato Brewery could have a food truck. City Administrator Harrenstein stated they could because staff views their business model differently, and it becomes a part of their amenity. Mayor Dehen commented that maybe the ordinance should limit the time and place a food truck could operate in a specific location. Council Member Whitlock stated the ordinance was created to protect restaurants, not bars. Mayor Dehen commented that it was created to protect any property owner who pays taxes in our City, so all bars and restaurants. Council Member Oachs stated a significant issue was the lower overhead associated with food truck prices as a food truck can be lower; she said she did not want anyone to suffer. City Administrator Harrenstein stated the staff would look at limiting total days per year. Mayor Dehen requested staff research the addition of language limiting the total number of days per year and review how difficult it would be to enforce the 750 feet restriction. He requested clarification on if there would be legal concerns similar to the challenges faced by cities who restricted sex offenders to outside 1,000 feet of schools, and daycares. Attorney Chris Kennedy stated this would not have the same challenge because, in the sex offender challenges, the restrictions made it so the offender could not live in the City. The food truck ordinance would not prohibit food trucks from operating in North Mankato. City Administrator Harrenstein requested City Planner Lassonde discuss the Brown-Nicollet Environmental Health agencies' view on a food truck's mobility. City Planner Lassonde stated there are no hard and fast rules, and the director works with each food truck within the City Codes of each City. He said once a food truck moves; it can not be licensed as anything but a mobile food truck.

### **Discuss 2021-2025 CIP Plan**

Mayor Dehen requested Council review the 2021 Levy Options, which now includes an option for a -0.763% decrease in Tax Rate. He indicated the reduction, while less than the proposed initial -1.4% decrease, still reduces the tax rate while allowing the City to proceed with capital improvements. Council Member Oachs reported she would like to maintain a conservative approach due to COVID-

19. Council Members Whitlock, Steiner, and Norland said they were comfortable with the -.75% decrease. Mayor Dehen stated with the -.75% decrease; the City could proceed with planned capital improvements. Still, if projects come in high or the economic environment changes, the City would not have to move forward with those projects. If the Council chooses to go with the -1.4% decrease, there would not be any opportunity to complete tasks. Mayor Dehen stated the final decision will be made in December but wanted Council to consider the proposed Levy before the meeting. Council Member Oachs requested information on if the City has a five to ten-year bonding plan. City Administrator Harrenstein reported there is no official plan, but staff has considered options including Caswell Fieldhouse, ravine maintenance, and Public Works ground remediation.

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

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Mayor

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City Clerk