



AGENDA

**Mankato City Council
Regular Meeting
September 9, 2024 - 6 p.m.
IGC - Mankato Room**

1. **Call Meeting to Order**

Roll Call

Pledge of Allegiance

2. **Approval of Agenda**

3. **Approval of Minutes**

Regular Meeting of August 26, 2024

4. **Public Open Forum (15 Minutes)**

Citizens may address the Council on matters not on the agenda, and are encouraged to register with the City Clerk prior to the start of the meeting. Those wishing to speak are limited to three minutes and must state their name and address for the record.

5. **Consent Calendar**

NOTE: All items listed under the Consent Calendar will be enacted by one motion. There will be no separate discussion of these items. If a Council Member wishes to discuss any of these items, they may ask that the item be removed from the Consent Calendar. Removed item(s) will be discussed and acted upon by separate motion.

- A. Motion approving Proclamation designating September 5-8, 2024, as Mankato Pride Celebration Days in the City of Mankato.
- B. Motion approving Proclamation designating September 17-23, 2024, as Constitution Week in the City of Mankato.
- C. Motion approving Proclamation designating November 1, 2024, as Extra Mile Day in the City of Mankato.

- D. Resolution approving an amendment to the Planned Unit Development to allow for a use to operate an outdoor physical therapy area within the medical campus (1431 Premier Drive); by request of Orthopedic and Fracture Clinic.
- E. Resolution approving the Final Plat for Hotel Mankato Redevelopment (101 East Main Street, 121 and 123 East Main Street, and 118 South 2nd Street).
- F. Resolution approving a Certificate of Design Compliance for the construction of a new, approximately 5,200 square foot structure in the Highway Gateway Overlay District (1896 Adams Street); by request of Civil Site Group.
- G. Resolution approving a Certificate of Design Compliance for the construction of a new, approximately 10,700 square foot structure in the Highway Gateway Overlay District (Lot 3, Block 2, Victory Commercial Park).
- H. Resolution approving the Mankato Regional Airport Disadvantaged Business Enterprise (DBE) Program Participation Plan for federal funding through fiscal year 2025.
- I. Set October 15, 2024, as the date of public hearing for an ordinance rezoning property to R-T, Residential Transition; and for amendments to the Institutional Overlay District and the approved campus plan (1918 South Riverfront Drive); by request of Jacob Hummer.

6. **Public Hearings**

- A. Resolution denying a request for a variance from Section 10.13, Subd.6.C. of the Mankato City Code to reduce the rear yard setback from 25 feet to 15.2 feet in order to construct a 26' X 29.5' attached garage addition (129 Uriah Court).
- B. Ordinance rezoning properties to OR, Office Residential and adding properties to the Institutional Overlay District and Resolution approving an amended campus plan (1025 Marsh Street); by request by HDR, on behalf of the property owner, Mayo Clinic Health System.
- C. Motion authorizing submittal of the Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program.

7. **Licenses**

- A. Review of Rental License at 123 North 4th Street - License #934.

8. **City Manager's Report**

- A. Resolution ordering the abatement of hazardous conditions, code violations, and public nuisances at 1908 4th Avenue.
- B. Resolution adopting the Preliminary Property Tax Levy payable in 2025.
- C. Update regarding Tourtellotte Pool

9. **Reports of City Council Members**

10. **Miscellaneous Business**

View all city committee meetings by clicking on our [City Calendar](#)

Council Community Investment Plan Bus Tour, September 12, 2024, 5 p.m.,
departs from the Intergovernmental Center

Community Investment Plan Open House, September 19, 2024, 6 p.m. - 8
p.m., Mankato Room

Regular Council Meeting, September 23, 2024, 6 p.m., Mankato Room (with
Work Session to follow)

11. **Adjournment**



MINUTES

**Mankato City Council
Regular Meeting
August 26, 2024 - 6 p.m.
IGC - Mankato Room**

1. **Call Meeting to Order**

Roll Call

Members Present: Jessica Hatanpa, Kevin Mettler, Mike Laven, Dennis Dieken, Michael McLaughlin, Jenn Melby-Kelley, and Mayor Najwa Massad.

Staff Present: City Manager Susan Arntz, Administrative Services Director Parker Skophammer, Public Works Director Jeff Johnson, Community Development Director Mark Konz, Associate Director of Housing and Economic Development Nancy Bokelmann, and City Clerk Renae Kopischke.

Pledge of Allegiance

2. **Approval of Agenda**

Mayor Massad noted the addition of item 6.I. and Mr. Dieken requested the addition of an item regarding parking on Premier Drive be added to the City Manager's Report as 8.B. Mr. Laven moved and Ms. Hatanpa seconded a motion to approve the agenda as amended. The motion carried unanimously.

3. **Approval of Minutes**

Ms. Hatanpa moved and Mr. McLaughlin seconded a motion to approve the minutes of the Regular Meeting of August 12, 2024 as written. The motion carried unanimously.

4. **Appearances, Recognition, and Proclamations**

Joey Schugel with the Minnesota Parks and Recreation Association presented an Award for Thomas Park.

5. **Public Open Forum (15 Minutes)**

No one spoke.

6. **Consent Calendar**

NOTE: All items listed under the Consent Calendar will be enacted by one motion. There will be no separate discussion of these items. If a Council Member wishes to discuss any of these items, they may ask that the item be removed from the Consent Calendar. Removed item(s) will be discussed and acted upon by separate motion.

Mr. Dieken pulled item 6.D. Ms. Hatanpa moved and Mr. Mettler seconded a motion to approve the Consent Calendar as amended. With all members voting in favor, the motion carried.

- A. Motion approving Proclamation designating September 2024, as Celebrate Recovery Month in the City of Mankato.
- B. Resolution approving application to conduct Off-Site Gambling on October 3, 2024, for Mankato Area Youth Baseball Association (MAYBA) at Loose Moose Saloon & Conference Center, 119 South Front Street, Mankato.
- C. Resolution approving application for Loyola Booster Club to conduct Lawful Gambling at Buffalo Wild Wings, 301 St. Andrews Drive, Mankato.
- D. Mr. Dieken asked for an explanation of the work being done as he had received several questions from the residents.

Mr. Arntz noted that work was scheduled this fall along Cree Court which involved the extension of a pipe which was approved previously by the Council. She commented on the current request that included several slope sections along Shiloh Court that suffered failures due to the amount of precipitation that was received in the spring.

Mr. Johnson provided an overview of what has happened to date and noted that the approval tonight would start the process and allow staff to conduct the work by coordinating the design of both the private and public improvements with anticipated preliminary work to take place in 2025.

Laurie Rossow, 119 Shiloh Court, mentioned the ravine failure and the people that have come to their aid. She asked if the ravine on Cree Court was already done. She expressed a concern about the timeline of work being conducted in 2025 and 2026 due to the current status of the erosion.

Mr. Johnson responded that the work on Cree Court was completed and noted the next steps which would involve discussion with the residents in the area.

Mr. Dieken moved and Mr. Laven seconded a motion to approve the Resolution determining adequacy of petition for Capital Improvement Project 11128, Shiloh Court Ravine Improvements. The motion carried unanimously.

- E. Resolution authorizing the City Manager to enter into a modified Low-and-Moderate Income Community Solar Program Subscription Agreement with Cooperative Energy Futures Community Solar, LLC.
- F. Resolution authorizing the City Manager to enter into grant agreements with the FAA and MnDOT for Capital Improvement Project 11118; 2024 Airside Improvements at the Mankato Regional Airport (MKT).
- G. Set September 9, 2024, as the date of public hearing for the Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program.
- H. Set October 15, 2024, as the date of public hearing for establishment of Development District No. 50 and Tax Increment District No. 50-1 (101 East Main Street, 121 East Main Street and 118 South 2nd Street).
- I. Set September 9, 2024, as the date of public hearing for a variance from Section 10.13, Subd.6.C of the Mankato City Code to reduce the rear yard setback from 25 feet to 15.2 feet. The variance is being requested in order to construct a 26' X 29.5' attached garage addition at 102 Uriah Court.

7. **Public Hearings**

- A. Ms. Bokelmann stated that in 2017, the Minnesota Legislature defined a Local Housing Trust Funds (LHTF) in law providing clarity to assist local jurisdictions with housing investments. She summarized that LHTFs are established by a local government dedicating public revenue to housing, and are a consistent, flexible resource for housing within local jurisdictions. She noted that trust funds help communities leverage public and private resources and jump start projects that draw investment and jobs.

Ms. Bokelmann explained the state match funding and mentioned that MN Housing anticipates releasing an RFP for the matching funds this fall for communities with established LHTFs. She also reviewed the Statewide Affordable Housing Aid (SAHA) program.

Ms. Bokelmann indicated that the City of Mankato identified the need to establish a LHTF during the development of the Affordable Housing Action Plan. She stated that the ordinance to establish the LHTF was drafted in consultation with the Minnesota Housing Partnership and sets the purpose and intent of the LHTF to encourage the creation of affordable housing for renters and homeowners, promote the preservation of affordable housing resources, prevent and end homelessness, and provide rental assistance.

Ms. Bokelman also pointed out that a Resolution to create a LHTF Advisory Committee was included that outlines the creation of a LHTF Advisory Committee in partnership with Blue Earth County.

Ms. Melby-Kelley moved and Mr. Mettler seconded a motion to approve the Ordinance establishing a Housing Trust Fund. The motion carried unanimously.

Mr. Dieken moved and Ms. Melby-Kelley seconded a motion to approve the Resolution creating the Housing Trust Fund Committee. The motion carried unanimously.

8. **City Manager's Report**

- A. Ms. Arntz reported that on August 23, 2024, bids were opened on Capital Improvement Project Number 11088 with five bids being received, and the low bid submitted by Holtmeier Construction, Inc. of \$680,349.14. The Engineer's Estimate for the project was \$707,655.08. She noted the overall project cost was reduced from the initial budget in the Capital Improvement Plan due to changes made during the final design to the force main and lift station structures.

Ms. Arntz stated that staff recommended awarding the construction contract for Capital Improvement Project Number 11088 to Holtmeier Construction, Inc. She indicated that the contract has a final completion date of May 15, 2025, to allow for final restoration along the project. She added that the lift station has an in-service date of January 31, 2025, and construction is anticipated to start in late September.

Ms. Arntz concluded that staff would notify residents along the project of the upcoming construction to explain the work schedule, access to homes and businesses during construction, mail delivery, garbage collection, and other miscellaneous items of interest.

Ms. Hatanpa moved and Mr. Mettler seconded a motion to approve the Resolution accepting bid on Capital Improvement Project 11088; Viking Ravine Lift Station. The motion carried unanimously.

- B. Mr. Dieken requested that the previous action taken by the Council on August 26 regarding parking on Premier Drive be amended. He asked that "no parking" be installed immediately on the west side of Premier Drive.

Mr. Dieken moved and Mr. Laven seconded a motion to rescind R-2024-0812-164, and approve a Resolution that would install "no parking" immediately on the west side of Premier Drive with the "no parking" on the east side taking effect upon substantial completion of the construction. The motion carried unanimously.

9. **Reports of City Council Members**

None.

10. **Miscellaneous Business**

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Regular Council Meeting, September 9, 2024, 6 p.m., Mankato Room (with EDA to follow if needed)

Council Community Investment Plan Bus Tour, September 12, 2024, 5 p.m., departs from Intergovernmental Center

Community Investment Plan Open House, September 19, 2024, 6 p.m. - 8 p.m., Mankato Room

11. **Adjournment**

There being no further business before the Council, Mr. McLaughlin moved and Ms. Melby-Kelley seconded a motion to adjourn. With all members voting in favor, the meeting adjourned at 6:46 p.m.

Minutes Approved.

Mayor Massad

ATTEST:

Renae Kopischke
City Clerk



AGENDA RECOMMENDATION

City Council Regular Meeting

5. A.

Meeting Date: 09/09/2024

Agenda Item:

Motion approving Proclamation designating September 5-8, 2024, as Mankato Pride Celebration Days in the City of Mankato.

Recommendation/Action(s):

Motion approving proclamation.

Summary:

See attached. Proclamation is effective upon approval of the City Council and signature of the Mayor.

Attachments

Proclamation

PROCLAMATION

WHEREAS, Mankato is a city richly endowed with a great diversity of people, cultures, lifestyles and languages; and

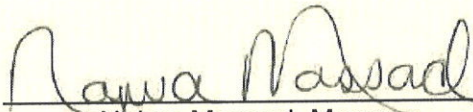
WHEREAS, the strength of our community must be based upon participation without prejudice of all people; and

WHEREAS, our City is committed to being inclusive and welcoming of all and knows that we are enriched by the contributions the LGBTQIA+ community has and continues to make.

NOW, THEREFORE, I, Najwa Massad, Mayor of Mankato, Minnesota do hereby proclaim September 5-8, 2024, as Mankato Pride Celebration Days in the City of Mankato.

IN WITNESS WHEREOF, I have hereunto signed my name and caused the seal of the City of Mankato to be affixed this 9th day of September 2024.




Najwa Massad, Mayor



AGENDA RECOMMENDATION

City Council Regular Meeting

5. B.

Meeting Date: 09/09/2024

Agenda Item:

Motion approving Proclamation designating September 17-23, 2024, as Constitution Week in the City of Mankato.

Recommendation/Action(s):

Motion approving proclamation.

Summary:

See attached. Proclamation is effective upon approval of the City Council and signature of the Mayor.

Attachments

Proclamation

PROCLAMATION

WHEREAS: September 17, 2024, marks the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

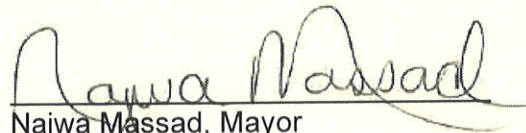
WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE I, Najwa Massad, Mayor of Mankato, Minnesota do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto signed my name and caused the seal of the City of Mankato and North Mankato to be affixed this 9th day of September 2024.


Najwa Massad, Mayor





AGENDA RECOMMENDATION

City Council Regular Meeting

5. C.

Meeting Date: 09/09/2024

Agenda Item:

Motion approving Proclamation designating November 1, 2024, as Extra Mile Day in the City of Mankato.

Recommendation/Action(s):

Motion approving proclamation.

Summary:

See attached. Proclamation is effective upon approval of the City Council and signature of the Mayor.

Attachments

Proclamation

PROCLAMATION

WHEREAS, Mankato is a community which acknowledges that a **special vibrancy exists within the entire community** when its individual citizens collectively “go the extra mile” in **personal effort, volunteerism, and service**; and

WHEREAS, Mankato is a community which encourages its citizens to **maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction** to their individual ambitions, family, friends, and community; and

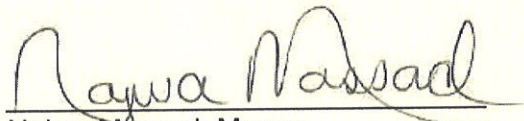
WHEREAS, Mankato is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to **make a difference and lift up fellow members of their community**; and

WHEREAS, Mankato acknowledges the **mission of Extra Mile America to create 550 Extra Mile cities in America** and is proud to support “Extra Mile Day” on November 1, 2024.

NOW, THEREFORE, I, Najwa Massad, Mayor of Mankato, do hereby proclaim November 1, 2024 to be **Extra Mile Day**. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also **acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place**.

IN WITNESS WHEREOF, I have hereunto signed my name and caused the seal of the City of Mankato to be affixed this 9th day of September 2024.




Najwa Massad, Mayor



AGENDA RECOMMENDATION

Consent Calendar 5. D.

City Council Regular Meeting

Meeting Date: 09/09/2024

Agenda Item:

Resolution approving an amendment to the Planned Unit Development to allow for a use to operate an outdoor physical therapy area within the medical campus (1431 Premier Drive); by request of Orthopedic and Fracture Clinic.

Recommendation/Action(s):

At the August 28, 2024, meeting, the Planning Commission recommended the adoption of the resolution amending the Planned Unit Development to allow for a use to operate an outdoor physical therapy area within the medical campus (1431 Premier Drive) with the following findings:

1. The operation of the outdoor physical therapy space, as proposed, is complementary to the operation of the site as a medical clinic that provides physical therapy services.
2. The proposal does not interfere with or diminish the use of the property in the immediate vicinity.
3. To the extent known, the property conforms with all other applicable regulations of the district, and other applicable ordinances.
4. The proposal will not jeopardize the public's health, safety, or general welfare.
5. It is in keeping with the comprehensive planning policies of the city as amended from time to time.
6. The development of the planned unit development will conform to the approved development plan, including all proposed covenants, easements, conditions of approval, and other provisions relating to the bulk, location, and density of permitted structures, accessory structures, parking, and other public facilities.

Summary:

The applicant, Orthopedic and Fracture Clinic, is requesting an amendment to the previously issued Planned Unit Development. The amendment would allow for a use to operate outside a completely enclosed structure for an outdoor physical therapy area at the existing Orthopedic and Fracture Clinic building within the Wickersham medical campus in the Office Zoning District.

The planned unit development provisions in the City Code allow the City Council the authority to approve any planned unit development to change, alter, modify, or waive any portion of the applicable standards as they apply to the proposed planned unit development. In allowing flexibility, the City Council shall find that the proposed planned unit development will achieve the purpose of a planned unit development and will not violate the general purpose, goals, and objectives of this chapter and of any plans adopted by the Planning Agency or the City Council.

The applicant is requesting that the planned unit development be amended to allow for flexibility to City Code, Section 10.42. Subd. 2. Permitted Uses, which states: "*Except as specifically limited herein, the following uses are permitted in the O-Office District. Every use shall be operated in its entirety, within a completely enclosed structure, including the storage of all materials, products, and equipment*". The use of the property as a medical clinic is considered a Permitted Use in the OR Zoning District, although this only applies to those uses that operate entirely within a completely enclosed structure. The applicant's narrative states that the operation of physical therapy on a dedicated exterior turf area would be complementary to the functionality of the development as a medical clinic and physical therapy operations. This is not dissimilar to outdoor operations for child-care facilities or restaurants.

The applicant makes a case for its complimentary use in their narrative, stating that: "*The amendment is to accommodate a new synthetic turf area for the benefit of OFC patients. The added exterior turf area allows for enhanced on-campus rehabilitation opportunities by mimicking an actual outdoor experience. A combined indoor/outdoor therapy setting enhances rehabilitation efforts and results for patients. The goal of this request is to provide a more comprehensive rehabilitation experience with a connection to the outdoors, allowing patients to learn to adapt to the external conditions they will face when they have completed their physical therapy. Different surfaces allow patients to simulate navigation of the many terrains they will encounter, such as sidewalks, curbs, pavement, natural grass, and synthetic turf. Due to the unique medical use of this property, special considerations for spaces and materials must be made to accommodate the therapy setting for recovering patients. The outdoor synthetic turf area is meant to simulate outdoor environmental conditions as a rehabilitative therapy tool. This indoor/outdoor therapy experience better prepares rehabilitation patients for life after recovery.*"

As previously stated, the applicant's submission states that the code allows for unlisted uses that are complimentary to the functionality of the planned unit development. The applicant states that the outdoor turf area to be used for enhanced physical therapy should be considered as complimentary to the development's function as an Orthopedic and Fracture Clinic. This modification would be allowed as an amendment to the Planned Unit Development on the basis that the modification of the regulation will achieve the purpose for which a planned unit development may be approved pursuant to this section, and that it will not violate the general purpose, goals, and objectives of this chapter and of any plans adopted by the Planning Agency or the City Council.

The applicant's narrative states that the outdoor turf will be for patient use and that it will provide a more comprehensive rehabilitation experience with a connection to the outdoors, allowing patients to learn to adapt to the external conditions they will face when they have completed their physical therapy. In addition, the narrative states that different surfaces allow patients to simulate navigation of the many terrains they will encounter, such as sidewalks, curbs, pavement, natural grass, and synthetic turf. The applicant also adds that the added exterior turf area allows for enhanced on-campus rehabilitation opportunities by mimicking an actual outdoor experience. A combined indoor/outdoor therapy experience enhances rehabilitation efforts and results for patients. The applicants feel that synthetic turf, in lieu of sod, would provide better performance under expected use by patients during their rehabilitation activities. The proposed hours of operation for the outdoor area are from 8:00am to 8:00pm and would be based on pre-scheduled appointments. It is expected there will be no increased noise levels or impacts on surrounding properties. During intensely cold temperatures and inclement weather, the outdoor turf space will not be utilized on a frequent basis. However, the clinic advocates allowing patients the opportunity to train for maneuvering in adverse weather, with the intention that this will also provide benefits to their rehabilitation and recovery efforts.

Lighting of the area will be indirect and minimal, as the only exterior lighting of the area will come from the previously approved lighting, located above the entrance door to the south of the turf area. No additional lighting of any kind is proposed in or for the outdoor turf area.

A condition has been included that prohibits the storage of all materials, products, and equipment used in the operation of physical therapy in the outdoor synthetic turf area. The applicant confirmed that there will be "no storage of materials, products, or equipment on the exterior turf area" in their narrative.

Regarding physical changes proposed in the amendment, the creation of an outdoor area of synthetic turf is shown on the site plan and other associated documents. The synthetic turf area is shown to be 60-feet long by 14-feet wide, or 840 square feet. The area projects out of the Northeastern corner of the recently approved addition to the physical therapy area of the Orthopedic and Fracture Clinic toward the new parking area.

The applicant proposes to screen the outdoor turf area from the parking area using landscaping and a four-foot ornamental fence. The fence will fully enclose the outdoor turf area and limit access to the area. Access to the turf area will only be available from the garage-type door of the physical therapy. Therefore, access to the external use (physical therapy) will only be provided in conjunction with the internal, complementary use (physical therapy).

Attachments

Resolution amending Planned Unit Development

General Location Map

Aerial

Site Plan

Landscaping Plan

Rendering

Narrative

**RESOLUTION OF THE MANKATO CITY COUNCIL
GRANTING AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT
UNDER THE MANKATO ZONING ORDINANCE**

WHEREAS, the applicants of the following property located in the City of Mankato, to wit:

Lot 1, Block 1, Mankato Clinic First Addition, etal (1431 Premier Drive).

Has applied for an amendment to the Planned Unit Development to allow for a use to operate outside the completely enclosed structure for an outdoor physical therapy area at the existing building within the medical campus; and

WHEREAS, the Planning Agency of the City of Mankato has completed a review of the application and made a report pertaining to said request (CY36-24), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission of the City, on the 28th day of August 2024, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the request for an amendment to a planned unit development be approved with conditions; and

WHEREAS, the minutes of such public hearing and recommendation of the Commission have been presented to the City Council; and

WHEREAS, based upon the Planning Agency report, minutes, and recommendation, the City Council hereby finds that:

1. The operation of the outdoor physical therapy space, as proposed, is complementary to the operation of the site as a medical clinic that provides physical therapy services.
2. The proposal does not interfere with or diminish the use of the property in the immediate vicinity.
3. To the extent known, the property conforms with all other applicable regulations of the district, and other applicable ordinances.
4. The proposal will not jeopardize the public's health, safety, or general welfare.
5. It is in keeping with the comprehensive planning policies of the City as amended from time to time.
6. The development of the planned unit development will conform to the approved development plan; including all proposed covenants, easements, conditions of approval, and other provisions relating onto the bulk, location, and density of permitted structures, accessory structures, parking, and other public facilities.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Mankato that the amendment to the planned unit development be approved subject to the following conditions:

1. Storage of all materials, products, and equipment used in the operation of physical therapy within the outdoor synthetic turf area shall be prohibited. They must be returned to and stored entirely within an enclosed structure when not actively in use, during stated operating hours.
2. The applicant shall provide a snow removal plan for the outdoor turf area, in conjunction with the building permit.
3. If additional lighting is proposed for the outdoor turf area in the future, it shall conform to Mankato City Code, including full-cut, fully shielded light fixtures and a lighting level of no more than 1/2-foot candle at the property line.
4. The landscaping and screening, as per the landscaping plan, shall be installed prior to operation of the outdoor turf area.
5. Conditions and recommendations from the previously approved amendment to the Planned Unit Development that was approved on 07/08/2024 will continue to apply.

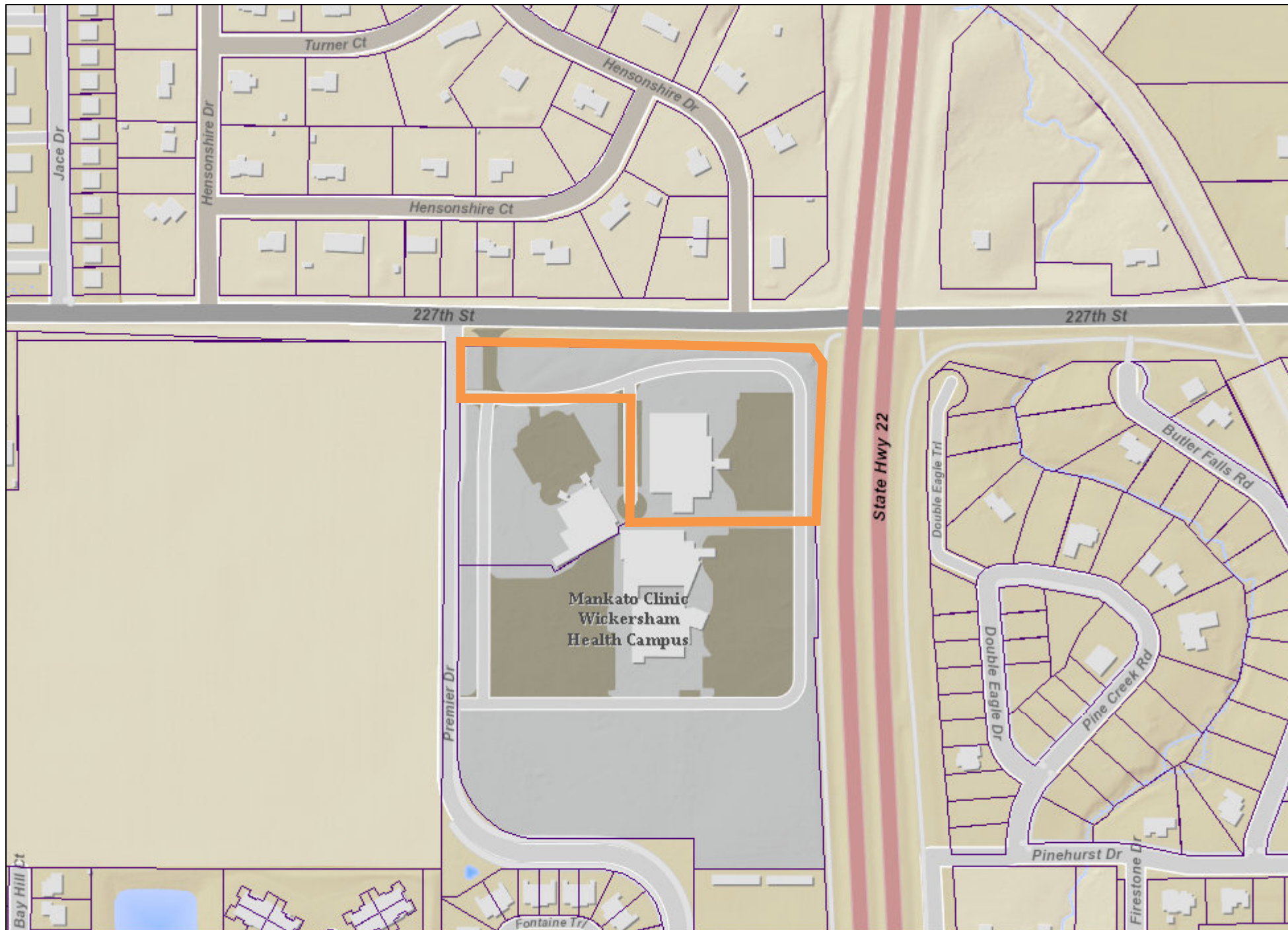
This resolution shall become effective immediately upon passage.

Dated this ____ day of _____, 2024.

Najwa Massad
Mayor

ATTEST: _____
Renae Kopischke, MMC
City Clerk

General Location Map



Date: July 2024

Author:

This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation.

Aerial Map



Date: July 2024

Author:

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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

BRYAN M. PETZEL

DATE: _____ LIC. NO. 53191

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____ LIC. NO. _____

SHEET NOT VALID UNLESS THIS TEXT IS COLOR.

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PROJECT

**WICKERSHAM
HEALTH CAMPUS
OFC RENOVATION
AND ADDITION**

MANKATO MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	24-30313
FILE NAME	30313-C3-SITE
DRAWN BY	LHH
DESIGNED BY	LHH
REVIEWED BY	BMP
ORIGINAL ISSUE DATE	-/-/-
CLIENT PROJECT NO.	-

TITLE

**SITE AND UTILITY
PLAN**

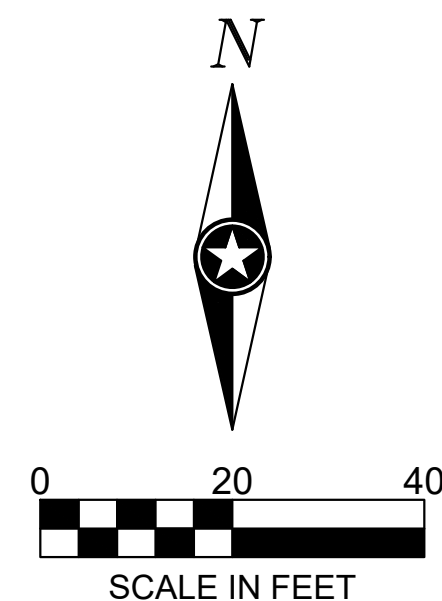
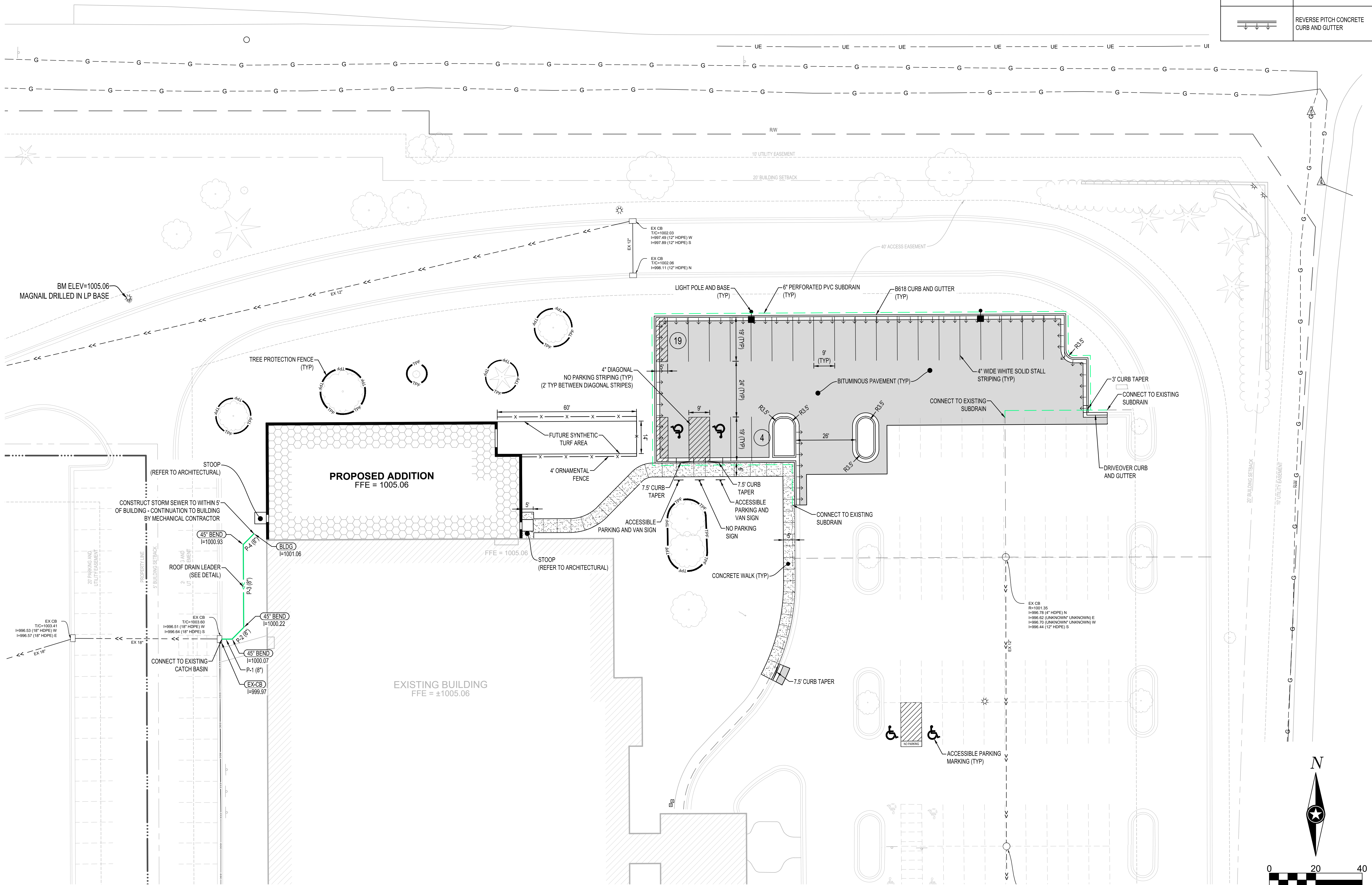
SHEET

C3-10

STORM DRAIN PIPE SCHEDULE									
PIPE NO.	DRAIN FROM	INLET ELEVATION	DRAIN TO	OUTLET ELEVATION	PIPE SIZE (IN)	MATERIAL	PIPE CLASS	PIPE GRADE	PIPE LENGTH (FT)
P-1	45° BEND	1000.07	EX-CB	999.97	8	PVC	SCH 40	2.00%	5
P-2	45° BEND	1000.22	45° BEND	1000.07	8	PVC	SCH 40	2.00%	7
P-3	45° BEND	1000.93	45° BEND	1000.22	8	PVC	SCH 40	2.00%	36
P-4	BLDG	1001.06	45° BEND	1000.93	8	PVC	SCH 40	2.00%	7

SYMBOL	DESCRIPTION
	BITUMINOUS PAVEMENT
	HEAVY DUTY CONCRETE PAVEMENT
	CONCRETE WALK
	REVERSE PITCH CONCRETE CURB AND GUTTER

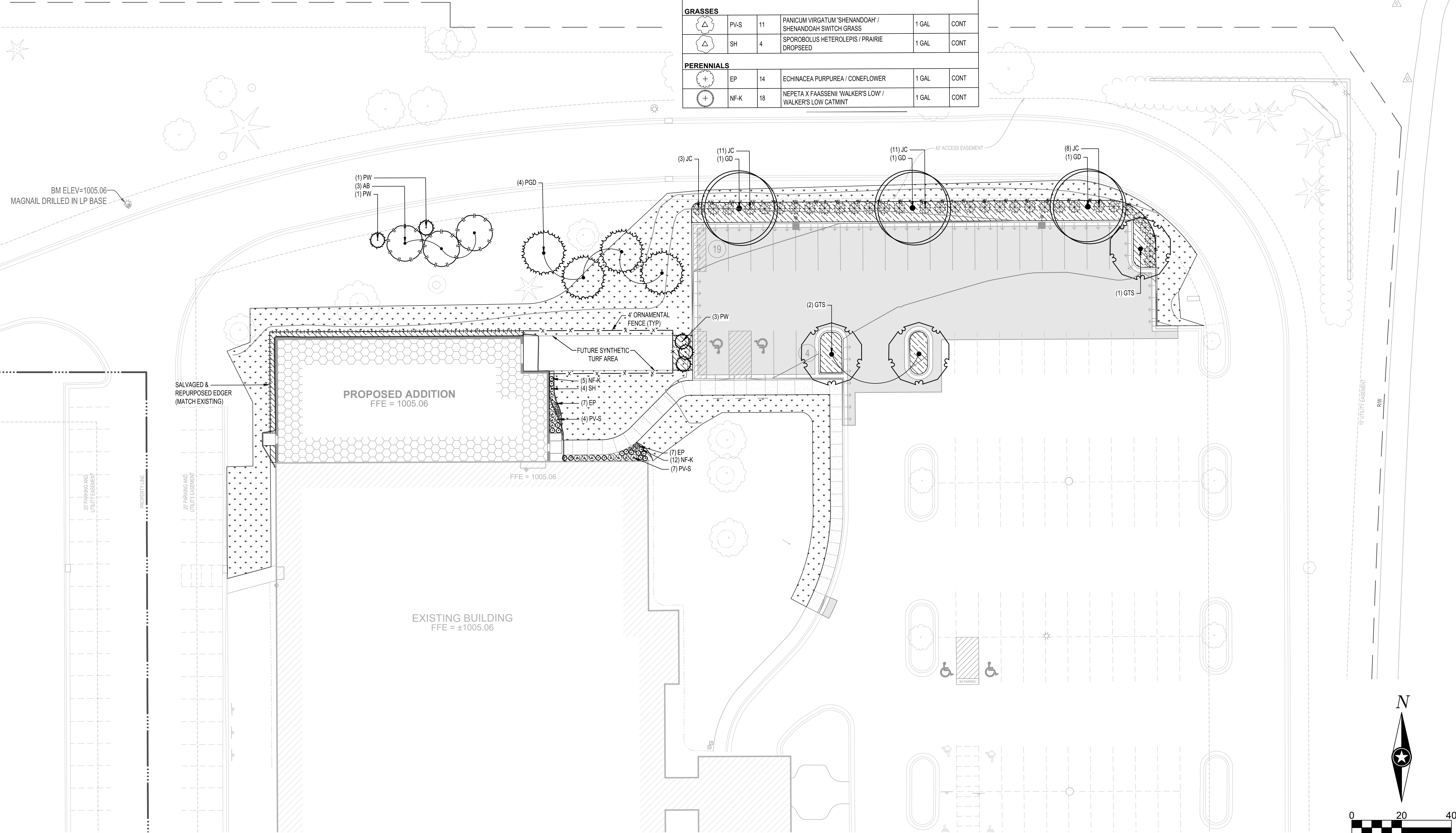
COUNTY ROAD 26



LANDSCAPE CODE SUMMARY	
ZONING	OR- OFFICE RESIDENTIAL / OFFICE
PARKING LOT PERIMETER LANDSCAPING SHADE TREES REQUIRED / PERIMETER LANDSCAPING TREES PROVIDED	1 SHADE TREE/ 50 LF OF PARKING PERIMETER LENGTH, 290 LF = 6 SHADE TREES REQUIRED/ 6 SHADE TREES PROPOSED
PARKING LOT PERIMETER LANDSCAPING EVERGREEN TREES REQUIRED / PERIMETER LANDSCAPING TREES PROVIDED	1 EVERGREEN SHRUB/ 25 LF OF PARKING PERIMETER LENGTH, 290 LF = 12 EVERGREEN SHRUBS REQUIRED / 12 EVERGREEN SHRUBS PROPOSED
LANDSCAPE SIZING REQUIREMENTS	
MINIMUM OVERSTORY TREE SIZE	2.5" CALIPER
MINIMUM EVERGREEN TREE SIZE	6' HEIGHT

RESTORATION SCHEDULE		
SYMBOL	QTY	DESCRIPTION
MULCH		
	2,481 SF	RIVER ROCK MULCH (MATCH EXISTING)
SEEDING		
	8,736 SF	TURF SOD
EDGER		
	215 LF	USE CONCRETE PAVER EDGER (MATCH EXISTING)
	150 LF	SALVAGED AND REPURPOSED EDGER

PLANT SCHEDULE					
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	ROOT
EVERGREEN TREES					
	AB	3	ABIES BALSAMEA / BALSAM FIR	6' HT MIN	
	PGD	4	PICEA GLAUCA 'DENSATA' / BLACK HILLS SPRUCE	6' HT MIN	B & B
	PW	5	PINUS CEMBRA 'HERMAN' TM / PRAIRIE STATESMAN SWISS STONE PINE	6' HT MIN	B & B
SHADE TREES					
	GTS	3	GLEDITSIA TRIACANTHOS 'SKYLINE' / SKYLINE HONEYLOCUST	2.5" CAL	B & B
	GD	3	GYMNOCLADUS DIOICA / KENTUCKY COFFEETREE	2.5" CAL	B & B
EVERGREEN SHRUBS					
	JC	33	JUNIPERUS CHINENSIS 'SEA GREEN' / SEA GREEN JUNIPER	5 GAL	CONT
GRASSES					
	PV-S	11	PANICUM VIRGATUM 'SHENANDOAH' / SHENANDOAH SWITCH GRASS	1 GAL	CONT
	SH	4	SPOROBOLUS HETEROLEPIS / PRAIRIE DROPSEED	1 GAL	CONT
PERENNIALS					
	EP	14	ECHINACEA PURPUREA / CONEFLOWER	1 GAL	CONT
	NF-K	18	NEPETA X FAASSENII 'WALKER'S LOW' / WALKER'S LOW CATMINT	1 GAL	CONT



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: _____ LIC. NO. _____

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

MITCHELL R. WORKMON

DATE: _____ LIC. NO. 53748

SHEET NOT VALID UNLESS THIS TEXT IS COLOR.

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PROJECT

WICKERSHAM HEALTH CAMPUS

OFC RENOVATION AND ADDITION

MANKATO MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO. 24-30313

FILE NAME 30313-CS-LAND

DRAWN BY LHH

DESIGNED BY LHH

REVIEWED BY BMP

ORIGINAL ISSUE DATE -/-/-

CLIENT PROJECT NO. -

TITLE

PLANTING AND RESTORATION PLAN

SHEET

C5-10

PRELIMINARY NOT FOR CONSTRUCTION



Architecture + Engineering + Environmental + Planning | ISGInc.com

ORTHOPAEDIC & FRACTURE CLINIC

Mankato, MN | 2024-08-05 | ISG Project #30313



AUGUST 9, 2024

Molly Westman
Planning Coordinator
City of Mankato
10 Civic Center Plaza
Mankato, MN 56002
mwestman@mankatomn.gov



RE: PUD AMENDMENT NARRATIVE
ORTHOPAEDIC AND FRACTURE CLINIC (OFC) - 1431 PREMIER DRIVE, MANKATO, MN 56001

Molly,

Thank you for reviewing the PUD Amendment Application and associated materials in support of the Orthopaedic and Fracture Clinic Project. The PUD Amendment request is outlined in further detail within the following narrative.

The amendment is to accommodate a new synthetic turf area for the benefit of OFC patients. The added exterior turf area allows for enhanced on-campus rehabilitation opportunities by mimicking an actual outdoor experience. A combined indoor/outdoor therapy setting enhances rehabilitation efforts and results for patients.

The goal of this request is to provide a more comprehensive rehabilitation experience with a connection to the outdoors allowing patients to learn to adapt to the external conditions they will face when they have completed their physical therapy. Different surfaces allow patients to simulate navigation of the many terrains they will encounter, such as sidewalks, curbs, pavement, natural grass, and synthetic turf.

Due to the unique medical use of this property, special considerations for spaces and materials must be made to accommodate the therapy setting for recovering patients. The outdoor synthetic turf area is meant to simulate outdoor environmental conditions as a rehabilitative therapy tool. This indoor/outdoor therapy experience better prepares rehabilitation patients for life after recovery.

The space will be utilized for a variety of rehabilitation activities to be determined based on the individual OFC treatment plan developed for each patient. Synthetic turf is being proposed in lieu of sod. The durability of the synthetic turf will perform better under the expected use by patients during their rehabilitation activities. There will be no storage of materials, products, or equipment on the exterior turf area. It will serve as open area for rehabilitation activities and any items required for appointments will be removed upon completion of that appointment. The turf area will be enclosed by a 4-foot ornamental fence to screen the area. The proposed fence is illustrated on the attached rendering.

Typical hours of operation will be from 8:00am-8:00pm based on scheduled appointments. It is expected there will be no increased noise levels or impacts to surrounding property. The required safety and security lighting was provided within the scope of work for the addition and will be located above the entrance door south of the turf area. No additional lighting of any kind is proposed at the turf area.

The turf will be available as weather permits. During extremely cold temperatures and inclement weather, this space will not be utilized as frequently. However, allowing patients the opportunity to learn to maneuver during times of adverse weather will also provide benefits to their rehabilitation and recovery efforts.

This request complements the previously approved PUD Amendment for an interior renovation of approximately 1,900 SF to improve the existing clinical and scheduling spaces and an approximately 5,000 SF physical therapy addition to the existing clinic to expand the physical therapy patient care area.

Thank you again for your consideration of this PUD Amendment request. Please contact me at 507.387.6651 or via email at Emily.Nepp@ISGInc.com with any questions or if there is any additional information we can provide in support of this project.

Sincerely,



Emily Nepp

Development Services Coordinator

Emily.Nepp@ISGInc.com



AGENDA RECOMMENDATION

Consent Calendar 5. E.

City Council Regular Meeting

Meeting Date: 09/09/2024

Agenda Item:

Resolution approving the Final Plat for Hotel Mankato Redevelopment (101 East Main Street, 121 and 123 East Main Street, and 118 South 2nd Street).

Recommendation/Action(s):

At the August 28, 2024, meeting, the Planning Commission recommended a motion approving the preliminary plat and the adoption of the final plat of Hotel Mankato Redevelopment with the following findings:

1. General Requirements

1. The site is designed in conformance with the location and widths of streets as no changes are proposed to the streets, the general drainage situation, lot sizes and arrangement.
2. Drainage study information has been submitted to the City Engineer to verify compliance with the City drainage requirements, and recommended conditions of approval are included for the preliminary plat relative to the drainage and storm sewer system.

2. Streets

1. There are no proposed changes to the public street width or public road right of way associated with the proposed plat.
2. The applicant has received approval for the vacation of a portion of the existing public alley that traverses the proposed development property.

3. Easements

1. The preliminary plat does not dedicate new easements as the buildings and structures encompass a large portion of the lot to the property line in several locations.
2. The existing private telephone easement on the subject site will be vacated privately by the easement holder.
3. The other existing easements on the site are proposed to remain.

4. Block Standards

1. The one block, one lot subdivision within the subdivision was designed for the intended end use as an urban redevelopment that includes two hotels.

5. Lot Standards

1. The lots within the subdivision are intended for central business district core development. The lots are designed in conformance with the standards set forth in Chapter 10.
2. The concept plans submitted for the commercial development depict areas for off-street parking and conditions are included with the approvals that require participation in the Downtown Parking District. The current request reduces the parking by 100 stalls from the previous approval.
3. The concept plans submitted for the redevelopment project show off-street parking, loading and other such areas to satisfy the requirements of Chapter 10 of the Mankato City Code, which includes participation in the Downtown Parking District for the required parking not provided on the development site.

6. Public Sites and Open Spaces

1. The applicant will not be paying a parkland dedication fee because all parcels within the plat have previously been platted.

Summary:

ISG, on behalf of the property owner, Hotel Mankato, LLC, is requesting the review of an amended preliminary plat for Hotel Mankato Redevelopment, and review of the final plat. The proposed redevelopment is bordered by South 2nd Street, East Main Street and South Riverfront Drive. The current addresses associated with the plat are 101 East Main Street, 121 and 123 East Main Street, and 118 South 2nd Street.

An amended preliminary plat and the proposed final plat of Hotel Mankato Redevelopment has been presented for consideration. The amendment to the preliminary plat and the final plat is consistent with the original in the creation of a one lot, one block subdivision. However, the amendment makes provisions for the applicant obtaining a 7.5 foot strip of the vacated alley from the adjacent property owner which is now included in the plat. The proposed subdivision combines the underlying nine parcels along with the vacated alley into a new one-lot, one block subdivision that encompasses 2.05 acres.

The previously reviewed and approved hotel development project is consistent with the prior approvals, and the only request for this submission is for the amendment to the preliminary plat, and consideration of the final plat.

Attachments

Resolution approving Final Plat
General Location Map
Aerial
Preliminary Plat
Final Plat

**RESOLUTION OF THE MANKATO CITY COUNCIL
APPROVING THE FINAL PLAT OF
HOTEL MANKATO REDEVELOPMENT SUBDIVISION**

WHEREAS, the applicants have prepared a final plat of Hotel Mankato Redevelopment Subdivision; and

WHEREAS, the plat (CY 34-24) has been referred to the Mankato Planning Commission, which has reviewed and recommended approval of said plat; and

WHEREAS, the final plat conforms to the standards set forth in Chapters 10 and 11 of the Mankato City Code; and

WHEREAS, it is found that the final plat complies with the amended preliminary plat intent as recommended:

1. General Requirements

1. The site is designed in conformance with the location and widths of streets as no changes are proposed to the streets, the general drainage situation, lot sizes and arrangement.
2. Drainage study information has been submitted to the City Engineer to verify compliance with the City drainage requirements, and recommended conditions of approval are included for the preliminary plat relative to the drainage and storm sewer system.

2. Streets

1. There are no proposed changes to the public street width or public road right of way associated with the proposed plat.
2. The applicant has received approval for the vacation of a portion of the existing public alley that traverses the proposed development property.

3. Easements

1. The preliminary plat does not dedicate new easements as the buildings and structures encompass a large portion of the lot to the property line in several locations.
2. The existing private telephone easement on the subject site will be vacated privately by the easement holder.
3. The other existing easements on the site are proposed to remain.

4. Block Standards

1. The one block, one lot subdivision within the subdivision was designed for the intended end use as an urban redevelopment that includes two hotels.

5. Lot Standards

1. The lots within the subdivision are intended for central business district core development. The lots are designed in conformance with the standards set forth in Chapter 10.

2. The concept plans submitted for the commercial development depict areas for off-street parking and conditions are included with the approvals that require participation in the Downtown Parking District. The current request reduces the parking by 100 stalls from the previous approval.
 3. The concept plans submitted for the redevelopment project show off-street parking, loading and other such areas to satisfy the requirements of Chapter 10 of the Mankato City Code, which includes participation in the Downtown Parking District for the required parking not provided on the development site.
6. Public Sites and Open Spaces
1. The applicant will not be paying a parkland dedication fee because all parcels within the plat have previously been platted.

WHEREAS, an amended preliminary plat was reviewed by the Planning Commission on August 28, 2024 and recommended for approval with the following conditions:

1. Drainage from the city-owned parking lot will need to be routed in such a way that lies within the parcel that it serves or in a public right-of-way.
2. Storm sewer facilities within the area of vacation become property of the petitioner.

WHEREAS, it is found that the final plat complies with the amended preliminary plat intent as recommended.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Mankato hereby approves the final plat of Hotel Mankato Redevelopment Subdivision and authorizes the Mayor and City Clerk to sign said plat.

This resolution shall become effective immediately upon passage.

Dated this ____ day of _____, 2024.

Najwa Massad
Mayor

ATTEST: _____
Renae Kopischke, MMC
City Clerk

General Location Map



Date: July 2024

Author:

This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation.

Aerial Map

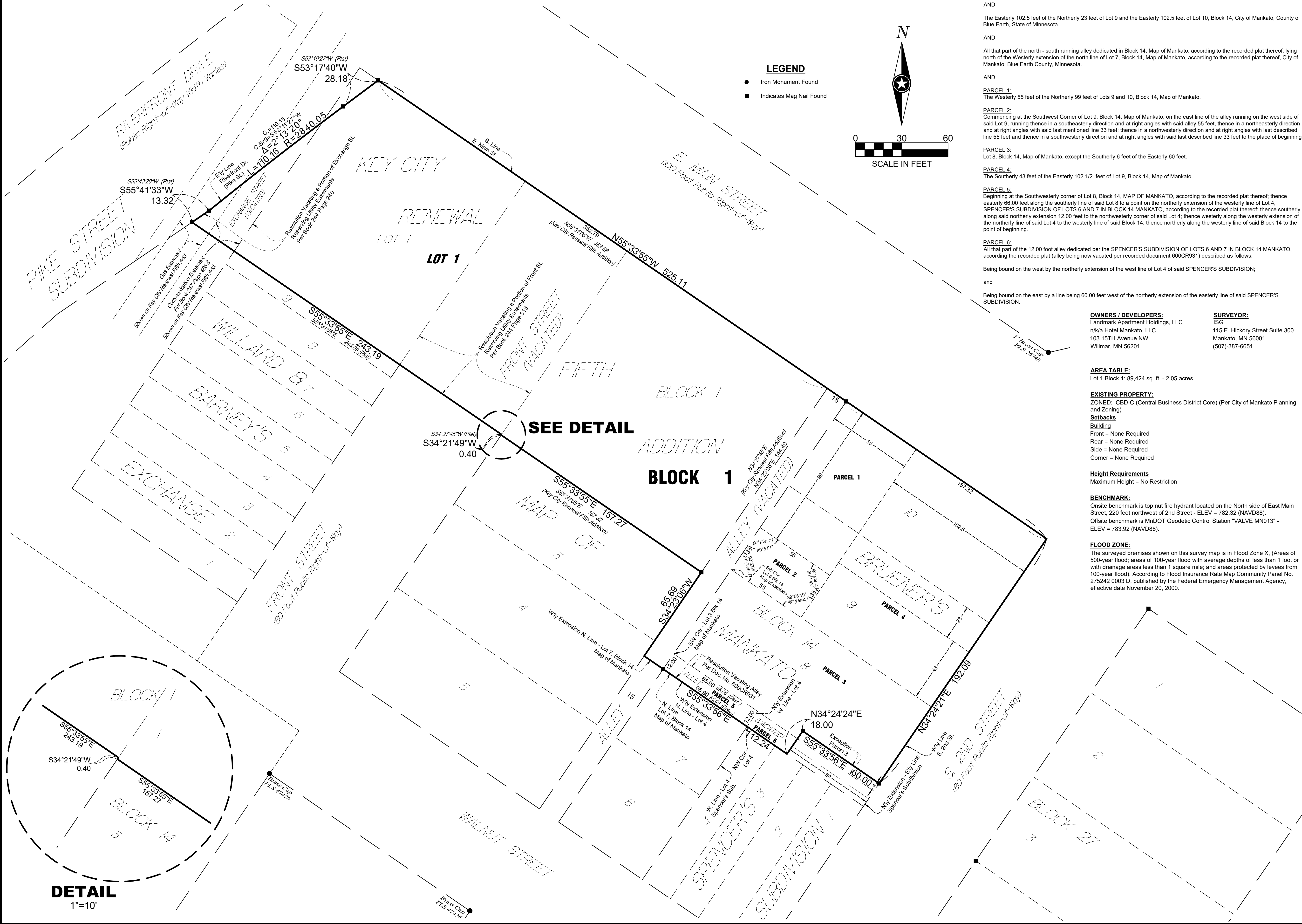


Date: July 2024

Author:

This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation.

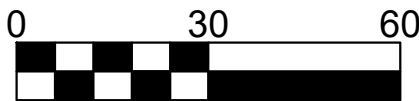
HOTEL MANKATO REDEVELOPMENT



LEGEND

- Iron Monument Found
- Indicates Mag Nail Found

N



SCALE IN FEET

EXISTING LEGAL DESCRIPTION:

(per client)

Lot 1, Block 1, Key City Renewal Fifth Addition, Blue Earth County, State of Minnesota.

AND

The Easterly 102.5 feet of the Northerly 23 feet of Lot 9 and the Easterly 102.5 feet of Lot 10, Block 14, City of Mankato, County of Blue Earth, State of Minnesota.

AND

All that part of the north - south running alley dedicated in Block 14, Map of Mankato, according to the recorded plat thereof, lying north of the Westerly extension of the north line of Lot 7, Block 14, Map of Mankato, according to the recorded plat thereof, City of Mankato, Blue Earth County, Minnesota.

AND

PARCEL 1:

The Westerly 55 feet of the Northerly 99 feet of Lots 9 and 10, Block 14, Map of Mankato.

PARCEL 2:

Commencing at the Southwest Corner of Lot 9, Block 14, Map of Mankato, on the east line of the alley running on the west side of said Lot 9, running thence in a southeasterly direction and at right angles with said alley 55 feet, thence in a northeasterly direction and at right angles with said last mentioned line 33 feet; thence in a northwesterly direction and at right angles with last described line 55 feet and thence in a southwesterly direction and at right angles with said last described line 33 feet to the place of beginning.

PARCEL 3:

Lot 8, Block 14, Map of Mankato, except the Southerly 6 feet of the Easterly 60 feet.

PARCEL 4:

The Southerly 43 feet of the Easterly 102 1/2 feet of Lot 9, Block 14, Map of Mankato.

PARCEL 5:

Beginning at the Southwest corner of Lot 8, Block 14, MAP OF MANKATO, according to the recorded plat thereof; thence easterly 66.00 feet along the southerly line of said Lot 8 to a point on the northerly extension of the westerly line of Lot 4, SPENCER'S SUBDIVISION OF LOTS 6 AND 7 IN BLOCK 14 MANKATO, according to the recorded plat thereof; thence southerly along said northerly extension 12.00 feet to the northwesterly corner of said Lot 4; thence westerly along the westerly extension of the northerly line of said Lot 4 to the westerly line of said Block 14; thence northerly along the westerly line of said Block 14 to the point of beginning.

PARCEL 6:

All that part of the 12.00 foot alley dedicated per the SPENCER'S SUBDIVISION OF LOTS 6 AND 7 IN BLOCK 14 MANKATO, according the recorded plat (alley being now vacated per recorded document 600CR931) described as follows:

Being bound on the west by the northerly extension of the west line of Lot 4 of said SPENCER'S SUBDIVISION;

and

Being bound on the east by a line being 60.00 feet west of the northerly extension of the easterly line of said SPENCER'S SUBDIVISION.

OWNERS / DEVELOPERS:

Landmark Apartment Holdings, LLC
n/k/a Hotel Mankato, LLC
103 15TH Avenue NW
Willmar, MN 56201

SURVEYOR:

ISG
115 E. Hickory Street Suite 300
Mankato, MN 56001
(507)-387-6651

AREA TABLE:

Lot 1 Block 1: 89,424 sq. ft. - 2.05 acres

EXISTING PROPERTY:

ZONED: CBD-C (Central Business District Core) (Per City of Mankato Planning and Zoning)

Setbacks:

Building
Front = None Required
Rear = None Required
Side = None Required
Corner = None Required

Height Requirements:

Maximum Height = No Restriction

BENCHMARK:

Onsite benchmark is top nut fire hydrant located on the North side of East Main Street, 220 feet northwest of 2nd Street - ELEV = 782.32 (NAVD88).
Offsite benchmark is MnDOT Geodetic Control Station "VALVE MN013" - ELEV = 783.92 (NAVD88).

FLOOD ZONE:

The surveyed premises shown on this survey map is in Flood Zone X, (Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood). According to Flood Insurance Rate Map Community Panel No. 275242 0003 D, published by the Federal Emergency Management Agency, effective date November 20, 2000.



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DANIEL L. STUEBER

DATE: 6/25/24 LIC. NO. 43110

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PROJECT

HOTEL MANKATO

Lot 1, Block 1, Key City Renewal Fifth Addition and part of Block 14, Map of Mankato, City of Mankato, Blue Earth County, Minnesota.

REVISION SCHEDULE

DATE	DESCRIPTION	BY
6/25/24	Included full width of entire alley vacation	KH
	Removed easement in vacated Front Street	

PROJECT NO. 23-30180

FILE NAME 30180 PPLAT

DRAWN BY KH

DESIGNED BY ---

REVIEWED BY ---

ORIGINAL ISSUE DATE 6/17/24

CLIENT PROJECT NO. -

TITLE

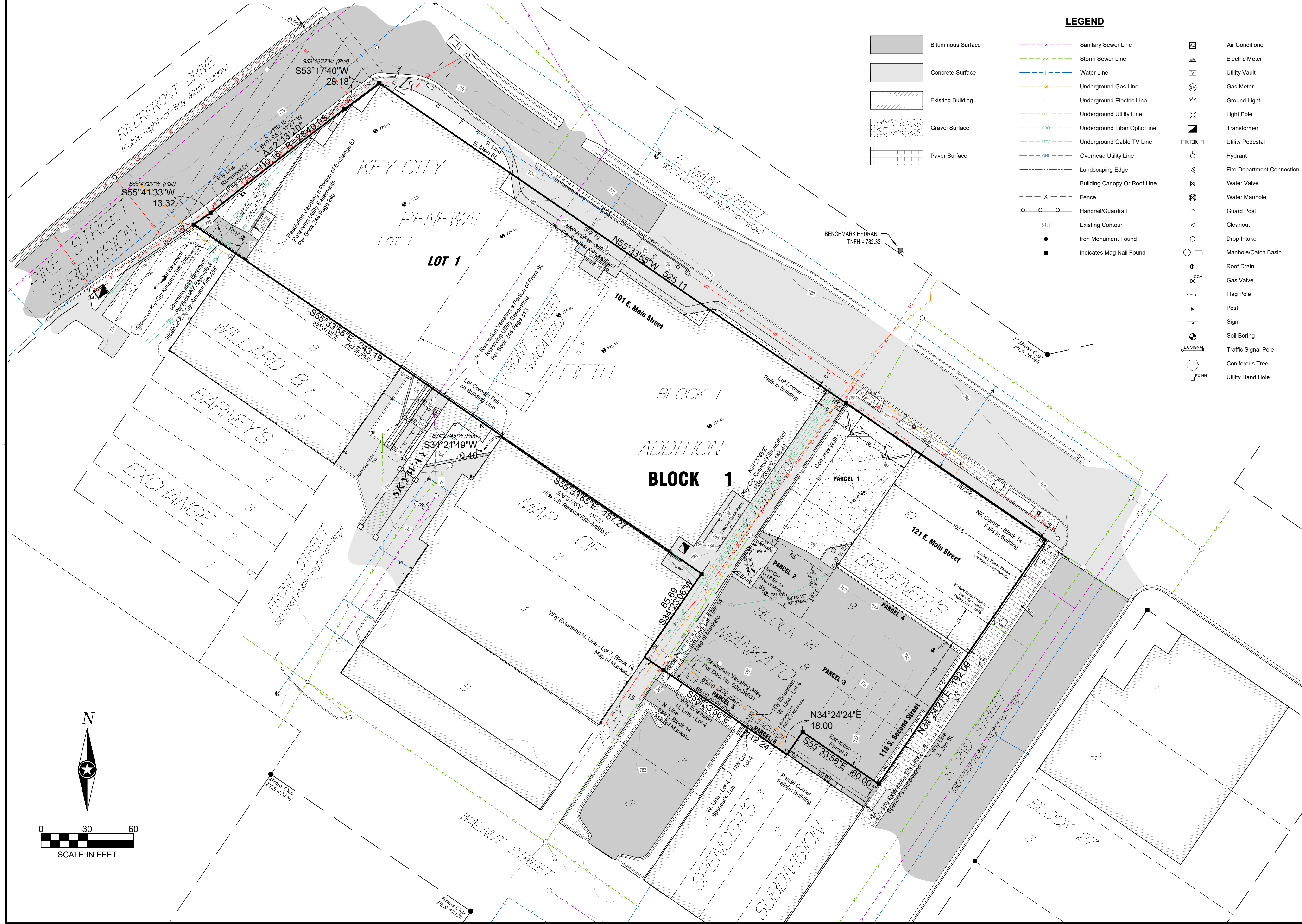
PRELIMINARY PLAT

SHEET

1

OF 2

HOTEL MANKATO REDEVELOPMENT



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DANIEL L. STUEBER

DATE 6/25/24 LIC. NO. 43110

SHEET NOT VALID UNLESS THIS TEXT IS COLOR.

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PROJECT

HOTEL MANKATO

Lot 1, Block 1, Key City Renewal Fifth Addition and part of Block 14, Map of Mankato, City of Mankato, Blue Earth County, Minnesota.

REVISION SCHEDULE		
DATE	DESCRIPTION	BY
6/25/24	Included full width of entire alley vacation	KH
	Removed easement in vacated Front Street	

PROJECT NO.	23-30180
FILE NAME	30180 PPLAT
DRAWN BY	KH
DESIGNED BY	---
REVIEWED BY	---
ORIGINAL ISSUE DATE	6/17/24
CLIENT PROJECT NO.	-

TITLE

PRELIMINARY PLAT

SHEET

HOTEL MANKATO REDEVELOPMENT

INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That Landmark Apartment Holdings, LLC n/k/a Hotel Mankato, LLC, a Minnesota limited liability company, owner of the following described property:

Lot 1, Block 1, Key City Renewal Fifth Addition, Blue Earth County, State of Minnesota.

AND

All that part of the north - south running alley dedicated in Block 14, Map of Mankato, according to the recorded plat thereof, lying north of the Westerly extension of the north line of Lot 7, Block 14, Map of Mankato, according to the recorded plat thereof, City of Mankato, Blue Earth County, Minnesota.

AND

The Easterly 102.5 feet of the Northerly 23 feet of Lot 9 and the Easterly 102.5 feet of Lot 10, Block 14, City of Mankato, County of Blue Earth, State of Minnesota.

AND

The Westerly 55 feet of the Northerly 99 feet of Lots 9 and 10, Block 14, Map of Mankato.

AND

Commencing at the Southwest Corner of Lot 9, Block 14, Map of Mankato, on the east line of the alley running on the west side of said Lot 9, running thence in a southeasterly direction and at right angles with said alley 55 feet, thence in a northeasterly direction and at right angles with said last mentioned line 33 feet; thence in a northwesterly direction and at right angles with last described line 55 feet and thence in a southwesterly direction and at right angles with said last described line 33 feet to the place of beginning.

AND

Lot 8, Block 14, Map of Mankato, except the Southerly 6 feet of the Easterly 60 feet.

AND

The Southerly 43 feet of the Easterly 102 1/2 feet of Lot 9, Block 14, Map of Mankato.

AND

Beginning at the Southwesterly corner of Lot 8, Block 14, MAP OF MANKATO, according to the recorded plat thereof; thence easterly 66.00 feet along the southerly line of said Lot 8 to a point on the northerly extension of the westerly line of Lot 4, SPENCER'S SUBDIVISION OF LOTS 6 AND 7 IN BLOCK 14 MANKATO, according to the recorded plat thereof; thence southerly along said northerly extension 12.00 feet to the northwesterly corner of said Lot 4; thence westerly along the westerly extension of the northerly line of said Lot 4 to the westerly line of said Block 14; thence northerly along the westerly line of said Block 14 to the point of beginning.

AND

All that part of the 12.00 foot alley dedicated per the SPENCER'S SUBDIVISION OF LOTS 6 AND 7 IN BLOCK 14 MANKATO, according to the recorded plat (alley being now vacated per recorded document 600CR931) described as follows:

Being bound on the west by the northerly extension of the west line of Lot 4 of said SPENCER'S SUBDIVISION;

and

Being bound on the east by a line being 60.00 feet west of the northerly extension of the easterly line of said SPENCER'S SUBDIVISION.

Has caused the same to be surveyed and platted as **HOTEL MANKATO REDEVELOPMENT**.

In witness whereof said Landmark Apartment Holdings, LLC n/k/a Hotel Mankato, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

Signed: Landmark Apartment Holdings, LLC n/k/a Hotel Mankato, LLC

Bryan Sowers, Vice President

State of _____

County of _____

This instrument was acknowledged before me on _____, 20____ by Bryan Sowers, Vice President, of Landmark Apartment Holdings, LLC n/k/a Hotel Mankato, LLC, a Minnesota limited liability company.

(sign)

(print)

Notary Public _____

My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Daniel L. Stueber, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or, will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Daniel L. Stueber, Licensed Land Surveyor
Minnesota License No. 43110

State of Minnesota
County of Blue Earth

This instrument was acknowledged before me on _____, 20____ by Daniel L. Stueber, Licensed Land Surveyor.

Kent A. Hays
Notary Public, Minnesota
My Commission Expires Jan. 31, 2025

MANKATO PLANNING COMMISSION

Be it known that on this _____ day of _____, 20____, the Planning Commission of the City of Mankato did duly review this plat of **HOTEL MANKATO REDEVELOPMENT**.

Chair Person Secretary

CITY COUNCIL, CITY OF MANKATO, MINNESOTA

This plat of **HOTEL MANKATO REDEVELOPMENT**, was approved and accepted by the City Council of the City of Mankato, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

Mayor Clerk

TITLE OPINION

I, Abbie S. Olson, Licensed Attorney, State of Minnesota, do hereby certify that the owners as indicated hereon represent all ownership interest in the land encompassed by this plat.

Abbie S. Olson, Licensed Attorney

BLUE EARTH COUNTY PROPERTY AND ENVIRONMENTAL RESOURCES

I hereby certify that there are no delinquent taxes and/or delinquent special assessments, that the current taxes have ben paid and that the transfer has been entered on the land described herein on the _____ day of _____, 20____.

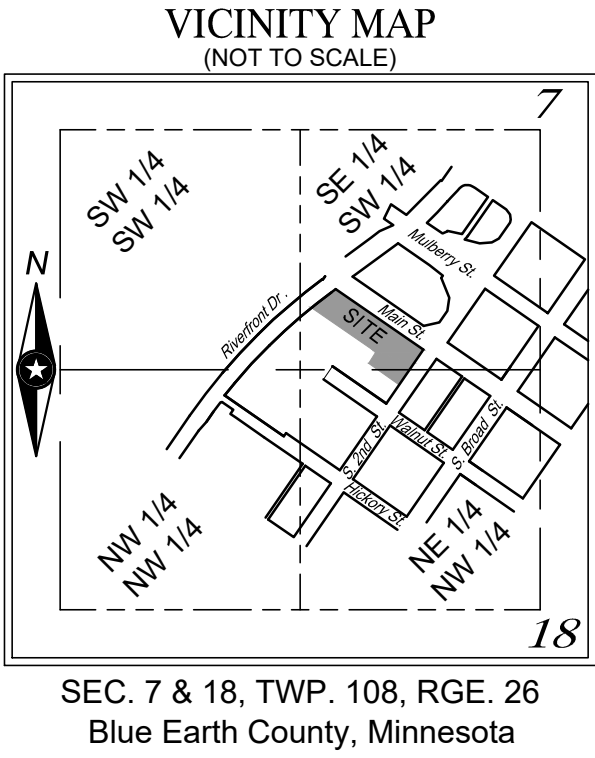
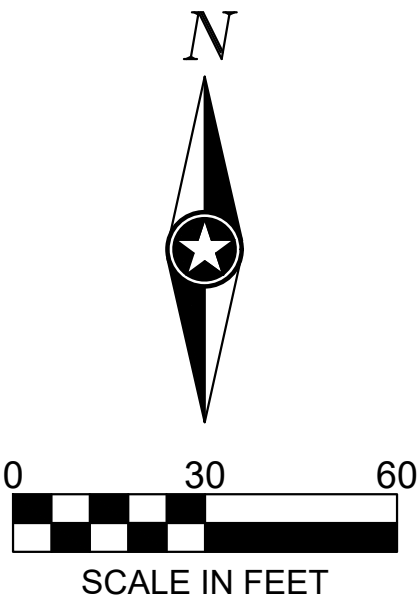
Blue Earth County Property and Environmental Resources

COUNTY RECORDER, BLUE EARTH COUNTY, MINNESOTA

I hereby certify that this plat of **HOTEL MANKATO REDEVELOPMENT** was filed in the office of the County Recorder for public record on this _____ day of _____, 20____, at _____ o'clock _____.M. and was duly filed in Book _____ of Plats, page _____, as Document No. _____.

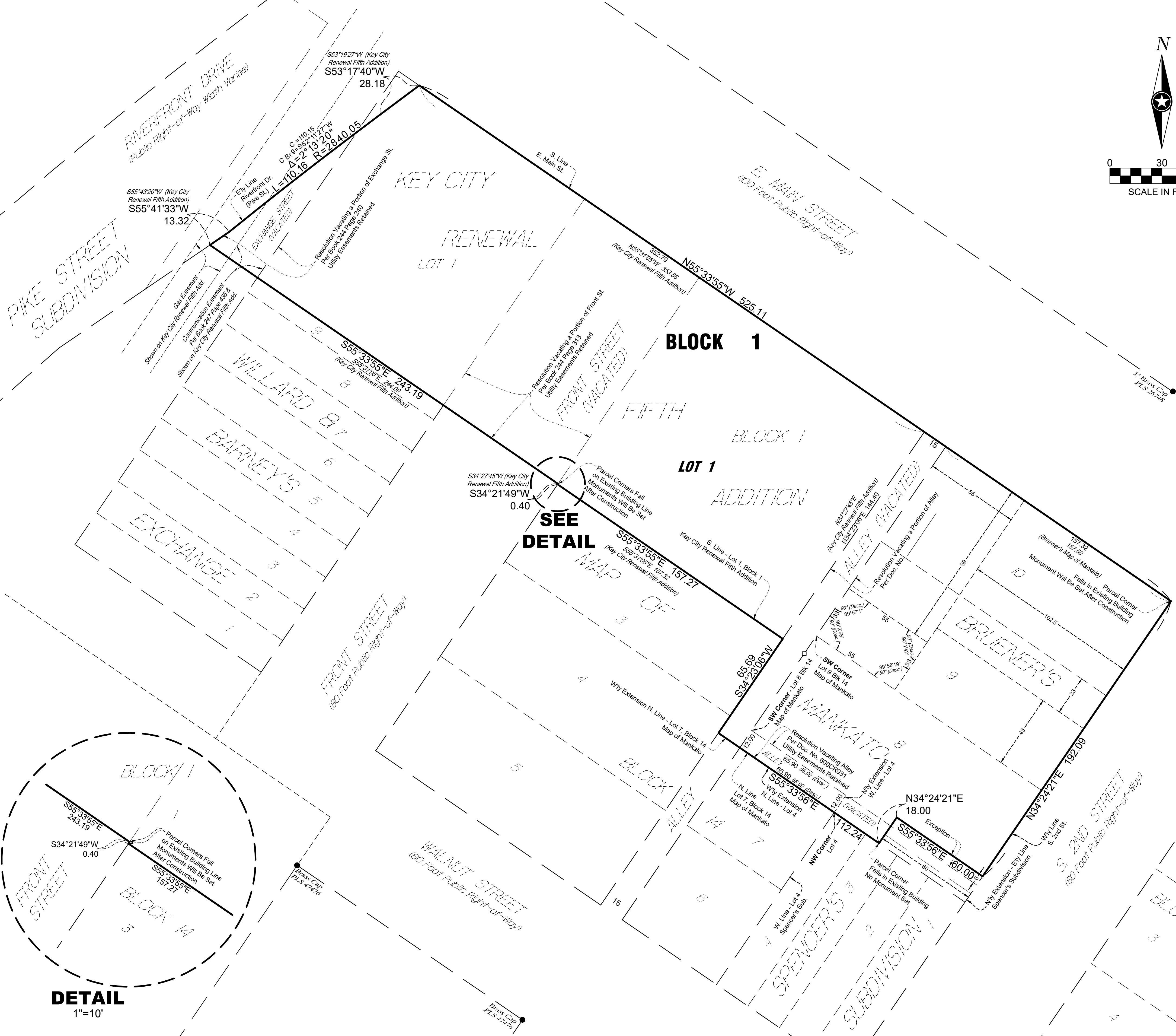
Blue Earth County, County Recorder

HOTEL MANKATO REDEVELOPMENT



- LEGEND**
- Iron Monument Found
 - Mag Nail Found
 - Indicates Mag Nail Set

BEARING NOTE:
The orientation of this bearing system is based on the south line of East Main Street. Said line bears North 55 degrees 33 minutes 55 seconds West.





AGENDA RECOMMENDATION

Consent Calendar 5. F.

City Council Regular Meeting

Meeting Date: 09/09/2024

Agenda Item:

Resolution approving a Certificate of Design Compliance for the construction of a new, approximately 5,200 square foot structure in the Highway Gateway Overlay District (1896 Adams Street); by request of Civil Site Group.

Recommendation/Action(s):

At the August 28, 2024, meeting, the Planning Commission recommended the adoption of the resolution granting a certificate of design compliance for the proposed carwash with the following findings:

1. The property is located in the Highway Gateway Overlay District and the proposed value of the project exceeds \$500,000.
2. The design of building elevations conforms to the guidelines when considered with the proposed approving conditions in the underlying district as the use of brick, CMU, EIFS, glass, and metal accents as a minor part of the overall design conforms to the standards. All sides of the building visible to the public will be treated consistently with quality materials and finishes.

Summary:

Civil Site Group is requesting a certificate of design compliance for the construction of a new, approximately 5,200 square foot car wash in the Highway Gateway Overlay District. The subject property is located at 1896 Adams Street and is legally described as Lot 8, Block 1, River Hills Mall Addition.

The applicant is seeking a certificate of design compliance for the construction of a new structure in the Highway Gateway Overlay District, HGT. The HGT is intended to promote high quality design in Mankato's gateways. The areas included within this district are located at major entryways into the city and are located in commercial and office zoning districts. The design features and standards included in the City Code are not only to create a positive first impression upon entering the city, but also to establish an image and character that is uniquely Mankato's.

Plans submitted by the applicant show the removal of the existing structure on the lot located on the easterly side of River Hills Mall adjacent to Highway 22.

The site plan shows access to the previously platted lot from the mall ring road, a private road. River Hills Mall Realty Holdings, LLC, the mall property owner, has submitted a letter of approval providing their formal consent to the proposed project and site plan as submitted. There are two access points to the subject lot; one access point on the southerly side of the lot for both ingress and egress to this site and one access point on the northerly side of the lot for egress only from the subject site. The site plans depict two car wash drive-thru lanes accessing the car wash structure, along with a by-pass lane for the drive-thru area. The location of the drive-thru conforms to the Highway Gateway Overlay standards. While the original submission included a request for a conditional use permit for the location of the drive-thru, upon further review, the location of the drive-thru conforms to the Code standards without the need for a conditional use permit, as the drive-thru is not located between the building and the primary frontage.

Proposed construction includes a new, approximately 5,200 square foot car wash building. The main building on the site, which is located on the easterly side of the lot, achieves the Highway Gateway Overlay District setback standards. On interior lots, the minimum front yard building setback shall be 15 feet and the maximum shall be 150 feet from the right-of-way or roadway easement, and as proposed, the setback is 16 feet from the Highway 22 property line. The proposal also achieves the rear and side yard setbacks of a three-foot side yard or rear yard setback to an impervious parking or storage surface and a six-foot setback to any portion of a building.

The site contains 19 surface parking lot stalls in the new parking lot area, along with sufficient room for three stacking stalls in each of the car wash drive-thru lanes, which achieves City Code parking standards. City Code, Section 10.85 outlines that car wash uses shall provide three off-street vehicle stacking spaces per wash stall and one off-street parking space per employee on a major shift. The narrative provided indicates that on the largest shift there will be three employees maximum. The narrative indicates that there will be nine vacuums serving the parking stalls and that the vacuums will be free for use during regular business hours. A slightly larger parking stall is designed to accommodate the vacuums and the vacuums are aligned with one vacuum post serving two parking stalls. Each vacuum has two hoses that are attached to a central vacuum system that routes to either the main building or the detached pump house at the southeast corner of the site. Each vacuum station is also equipped with a trash bin, a mat clip for easy vacuuming, and a central blower system to help clean those hard-to-reach places. The color of the exterior vacuum hoses and components will need to achieve the city's franchise coloring standards, and a condition is included herein.

The City Code allows a maximum ground coverage of 75 percent and the proposed development achieves the code criteria at 12.6 percent structure coverage.

A new, cast in place concrete retaining wall is proposed on the eastern side of the site. The site plans include that the new wall will be tied into the existing wall and the top of the new retaining wall will match the existing wall on both the north and south ends of the property.

In addition to the main car wash building, the applicant's site plan also shows accessory structures including a sales booth, and a pump house structure, each of which achieves the City Code setback criteria and the design criteria as having a proposed finish similar to the primary structure. A trash enclosure is shown on the northern side of the site, and the materials are depicted as structural brick to match the primary structure.

The Highway Gateway Overlay District building design and construction standards are achieved with the proposal. The proposed building will be constructed of a mixture of brick, cast stone, split face concrete masonry units, CMU, a stucco-like product, EIFS, metal and aluminum storefront window systems. The applicant has submitted the exterior wall material elevation percentages, which confirm that the proposal achieves the allowable 20% maximum usage of each elevation of CMU. Exterior wall coloring achieves the franchise coloring standards as gray is an earth tone color.

The snow removal plan indicates that all snow will be stored onsite outside the parking lot. When full, a snow removal company will be hired to remove the excess snow from the site. The applicant's plans do not show an off-street loading area, and the applicant has indicated that deliveries will occur at the front door by standard commercial delivery vehicles such as UPS, Fed-Ex, or USPS. The applicant does not anticipate deliveries which would require the use of a semi-truck or a loading dock.

A landscaping plan has been provided. The Highway Gateway Overlay standards require that wherever a parking surface faces a street frontage, the parking area shall be screened from the street with a wall, fence or hedge to a minimum of four-feet, but not more than eight-feet, nor be less than eighty percent opaque. The applicant will be required to demonstrate that this standard is achieved with the height of the proposed retaining wall along with the proposed plantings. In addition, the general landscaping standards include one, six-foot evergreen tree for every 25' lineal feet of parking area, and one, 2.5 include caliper shade tree for every 50 feet of parking area will be required. A condition is included herein that a landscaping plan verifying conformance with the City Code shall be provided at the time of building permit submission.

The location will be for the operation of Tsunami Express Car Wash, which is allowed in the B-3 zoning district. The applicant's narrative states that regular business hours will be from 7:00 am to 8:00 pm daily and that there will be attendants on duty for the full duration of the operating hours. Tsunami expects to service 200-400 customers per day, according to the narrative.

Attachments

Resolution approving Certificate of Design Compliance

General Location Map

Aerial

Site Plan

Landscaping Plan

Architectural Plans

**RESOLUTION OF THE MANKATO CITY COUNCIL
GRANTING A CERTIFICATE OF DESIGN COMPLIANCE UNDER
THE MANKATO ZONING ORDINANCE**

WHEREAS, the applicant of the following property located in the City of Mankato, to wit:

Lot 8, Block 1, River Hills Mall Addition (1896 Adams Street).

Has applied for a certificate of design compliance for the construction of a new, approximately 5,200 square foot structure in the Highway Gateway Overlay District; and

WHEREAS, the Planning Agency of the City of Mankato has completed a review of the application and made a report pertaining to said request (CY 37-24), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission of the City, on the 28th day of August 2024, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the request for a certificate of design compliance be approved; and

WHEREAS, the minutes of such public hearing and recommendation of the Commission have been presented to the City Council; and

WHEREAS, based upon the Planning Agency report, minutes, and recommendation, the City Council hereby finds that:

1. The property is located in the Highway Gateway Overlay District and the proposed value of the project exceeds \$500,000.
2. The design of building elevations conforms to the guidelines when considered with the proposed approving conditions in the underlying district as the use of brick, CMU, EIFS, glass, and metal accents as a minor part of the overall design conforms to the standards. All sides of the building visible to the public will be treated consistently with quality materials and finishes.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Mankato that the certificate of design compliance to allow for the construction of a new approximately 5,200 square foot structure in the Highway Gateway Overlay District be approved subject to the following conditions:

1. At the time of building permit submission, all lighting cut sheets shall be provided. All lighting shall achieve Mankato City Code section 10.89 standards.
2. At the time of building permit submission, the applicant shall provide a photometric plan that demonstrates conformance with Mankato City Code.
3. The site shall achieve Mankato City Code franchise coloring standards. This shall include all exterior components including, but not limited to, the exterior vacuum hoses and components.

Resolution Certificate of Design Compliance

Page 2 of 2

4. Bicycle parking stalls shall be provided in conformance with Mankato City Code.
5. At the time of building permit submission, the applicant shall provide a noise study that demonstrates conformance with Minnesota Rule 7030 noise standards.
6. A landscaping plan conforming to Mankato City Code shall be provided at the time of building permit submission.
7. Prior to the fabrication or procurement of signage, the applicant shall submit sign permits for review and approval. All signage shall adhere to the City Code standards.

This resolution shall become effective immediately upon passage.

Dated this _____ day of _____, 2024.

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke, MMC
City Clerk

General Location Map



Date: July 2024

Author:

This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation.

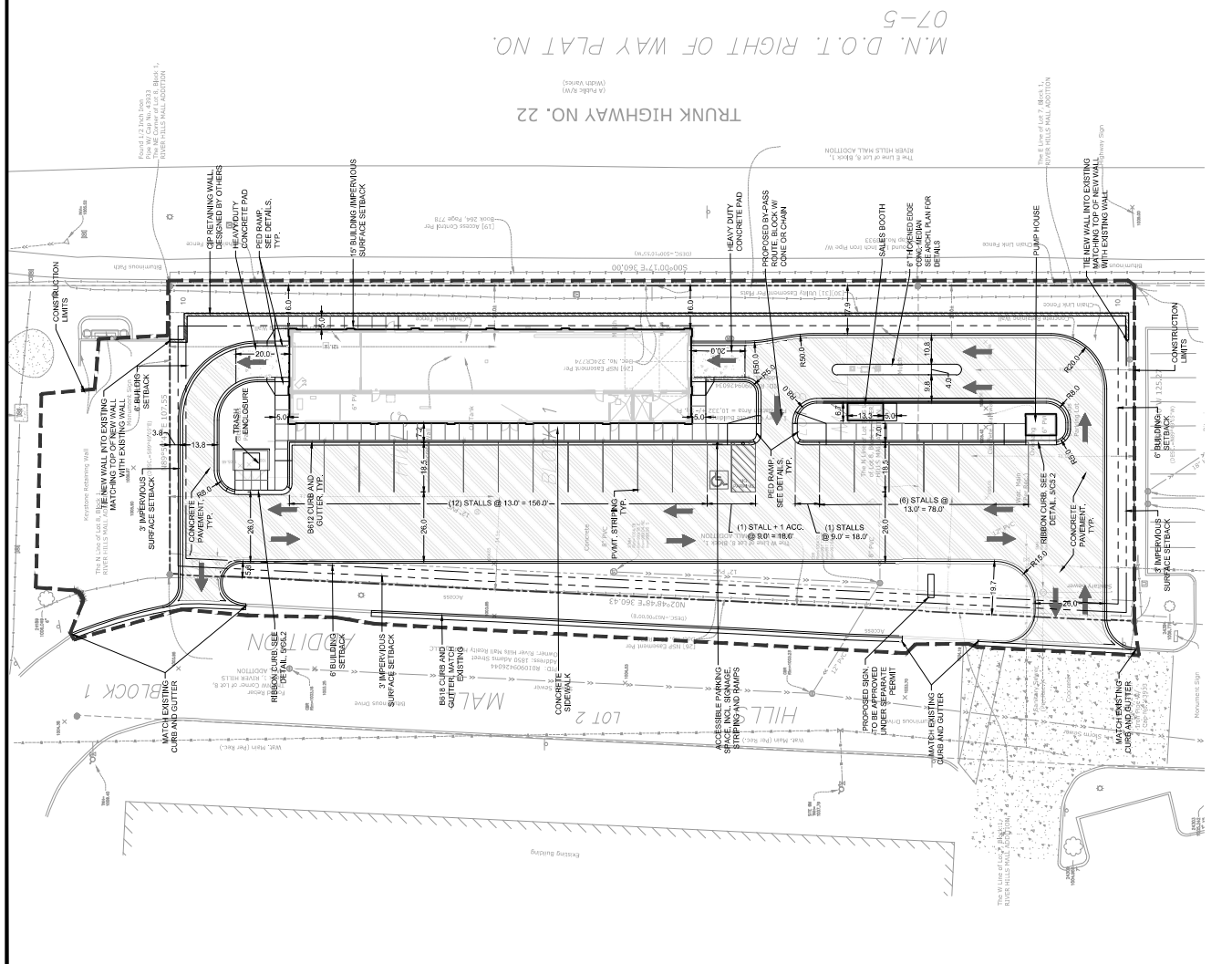
Aerial Map

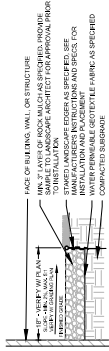


Date: July 2024

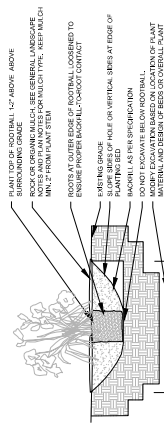
Author:

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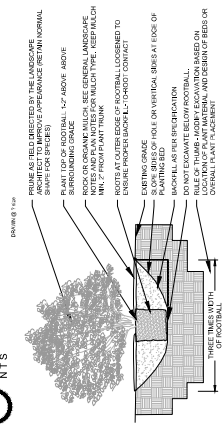


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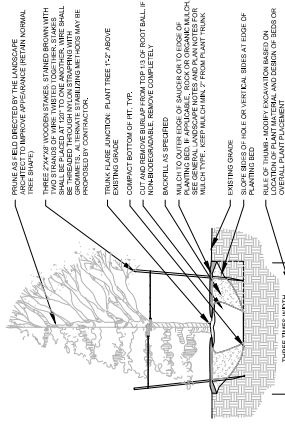
AGGREGATE MAINTENANCE STRIP



SEE LANDSCAPE PLAN



3 DECIDUOUS & CONIFEROUS SHRUB PLANTING



THREE TIMES WIDTH OF ROOTBALL

IRRIGATION NOTES:

1. ENTIRE SITE SHALL BE FULLY IRRIGATED. THE CONTRACTOR SHALL SUBMIT IRRIGATION SHOP DRAWINGS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
2. PROVIDE SITE SPECIFIC IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE FULLY PROGRAMMED AND CAPABLE OF ALTERNATE SCHEDULING. IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO ALL PLANTS AND TREES TO MAINTAIN FULL PRECIPITATION PER YEAR. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF ADJACENT CURB OF CURB.
3. CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRELIM FROM OWNER PRIOR TO INSTALLATION.
4. SEE MECHANICAL AND ELECTRICAL PLANS FOR SPECIFICATIONS FOR IRRIGATION WATER, METER, AND POWER CONNECTIONS.
5. CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND UTILITY FOUNDING FACILITIES PRIOR TO ANY EXCAVATION/INSTALLATION. ANY CORRECTING DAMAGES SHALL BE BORNE ENTIRELY BY THE CONTRACTOR.
6. CONTRACTOR SHALL PROVIDE ALL MATERIALS AND EQUIPMENT TO BE USED IN THE CONSTRUCTION OF THE CONTRACT AND COSTS ASSOCIATED WITH SERVICE EQUIPMENT AND INSTALLATION SHALL BE PER LOCAL UTILITY COMPANY STANDARDS AND SHALL BE PER NATIONAL AND LOCAL CODES. EXACT LOCATION OF SERVICE EQUIPMENT SHALL BE COORDINATED WITH THE LANDSCAPE ARCHITECT OR EQUIVALENT AT THE JOB SITE.
7. CONTRACTOR WATER LINE CONNECTION SIZES IS 12" AT BUILDING. VERIFY WITH MECHANICAL PLANS.
8. IRRIGATION WATER LINE CONNECTION SIZES IS 12" AT BUILDING. VERIFY WITH MECHANICAL PLANS.

11. ALL EXPOSED PVC RISERS, IF ANY, SHALL BE GRAY IN COLOR.

- [illegible]

LANDSCAPE PLANTING NOTES:

1. IF PLANTING SEASON SCHEDULE FOR PLANT INSTALLATION WATERING IS REQUIRED, THE CONTRACTOR SHALL PROVIDE A REASON OF WATERING BEYOND THE STANDARD 1 YEAR MATERIALS INSTALLATION WARRANTY SPECIFIED BY CONTRACT.
2. PLANT MATERIAL SHALL COMPLY WITH THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR PLANT MATERIALS. THE CONTRACTOR SHALL PROVIDE A REASON OF WATERING BEYOND THE STANDARD 1 YEAR MATERIALS INSTALLATION WARRANTY SPECIFIED BY CONTRACT.
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4. PLANT MATERIAL SHALL COMPLY WITH THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR PLANT MATERIALS. THE CONTRACTOR SHALL PROVIDE A REASON OF WATERING BEYOND THE STANDARD 1 YEAR MATERIALS INSTALLATION WARRANTY SPECIFIED BY CONTRACT.
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10. PLANT MATERIAL SHALL COMPLY WITH THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR PLANT MATERIALS. THE CONTRACTOR SHALL PROVIDE A REASON OF WATERING BEYOND THE STANDARD 1 YEAR MATERIALS INSTALLATION WARRANTY SPECIFIED BY CONTRACT.

SEE SHEET L1.0 FOR GENERAL
LANDSCAPE NOTES & LEGEND

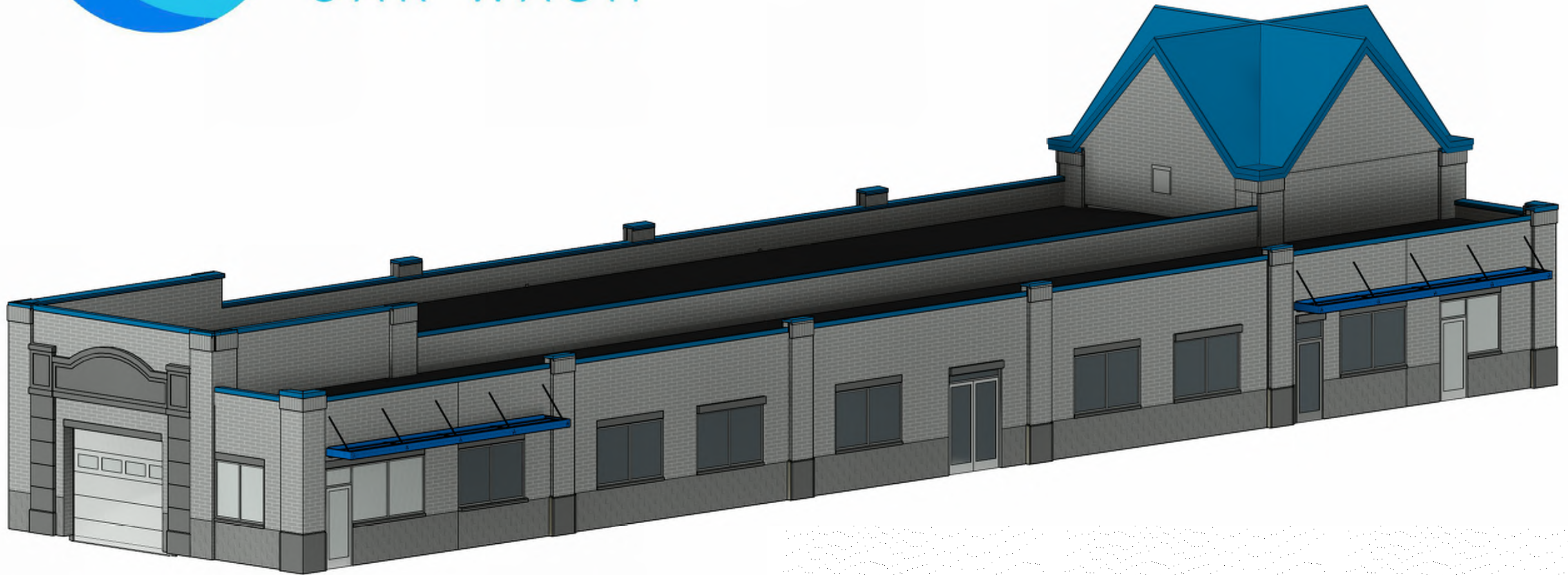


know what's below.
Call before you dig.

[illegible]



**TSUNAMI
EXPRESS**
CAR WASH



Tsunami Express Car Wash

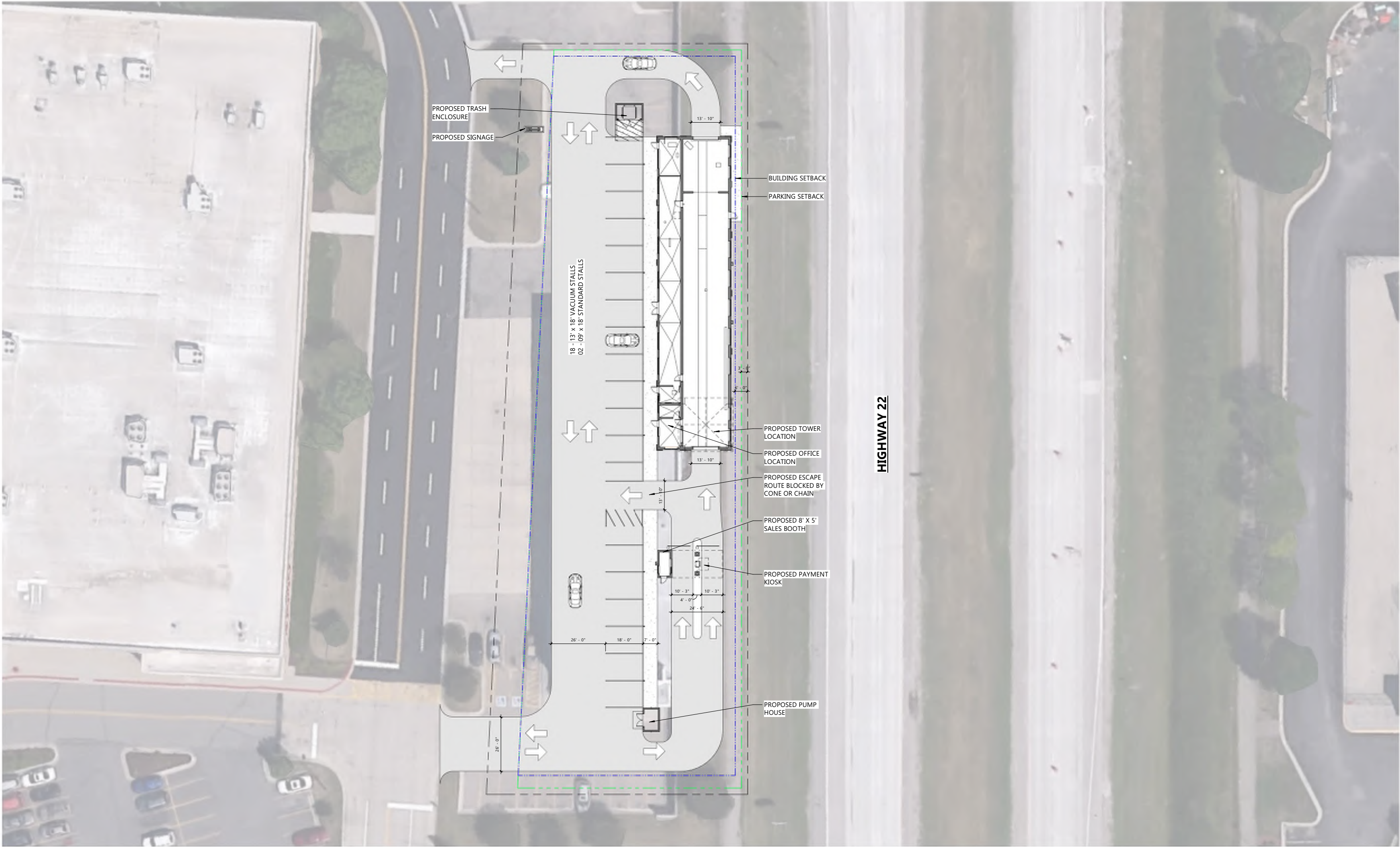
Cover Sheet



24032

06.11.2024

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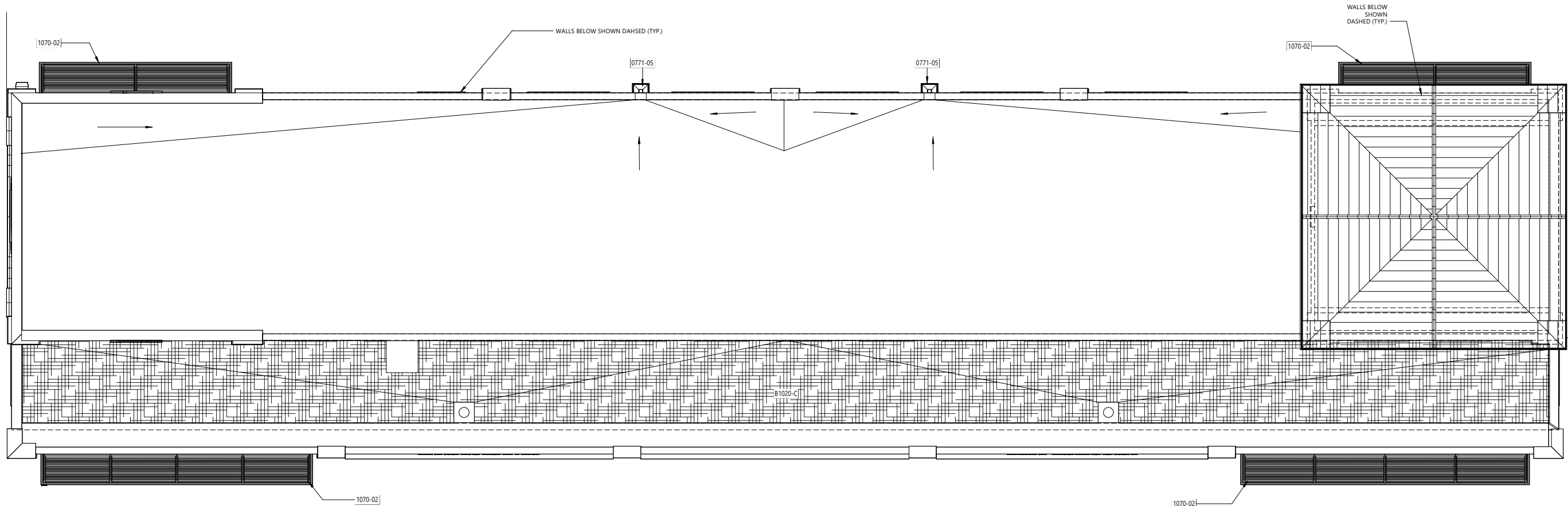


Tsunami Express Car Wash

SITE PLAN - 1896 Adams St, Mankato, MN - Option 3

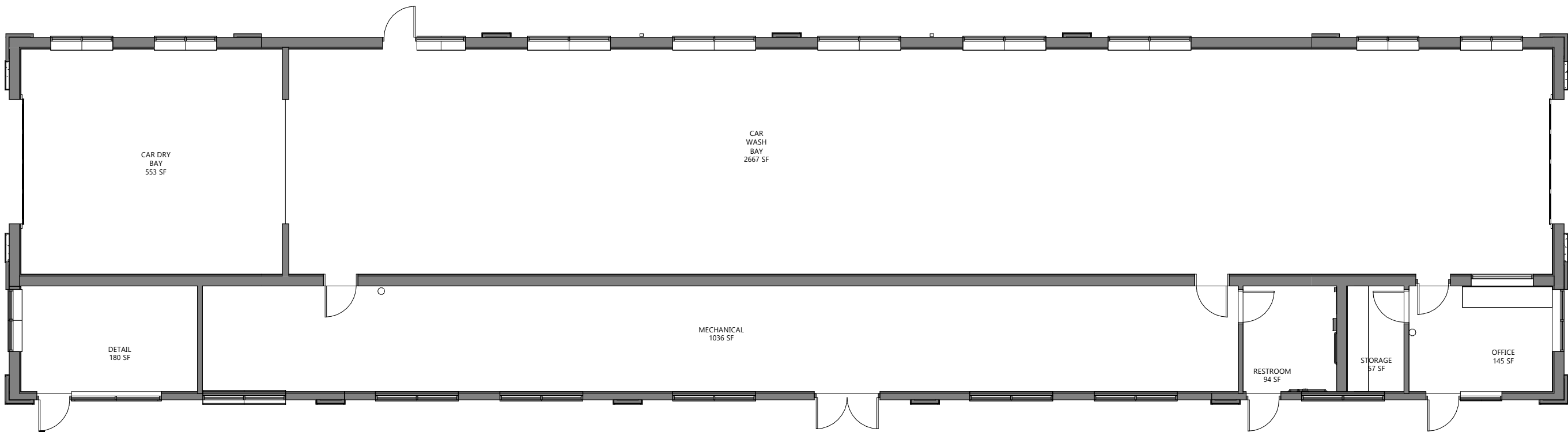


Tsunami Express Car Wash



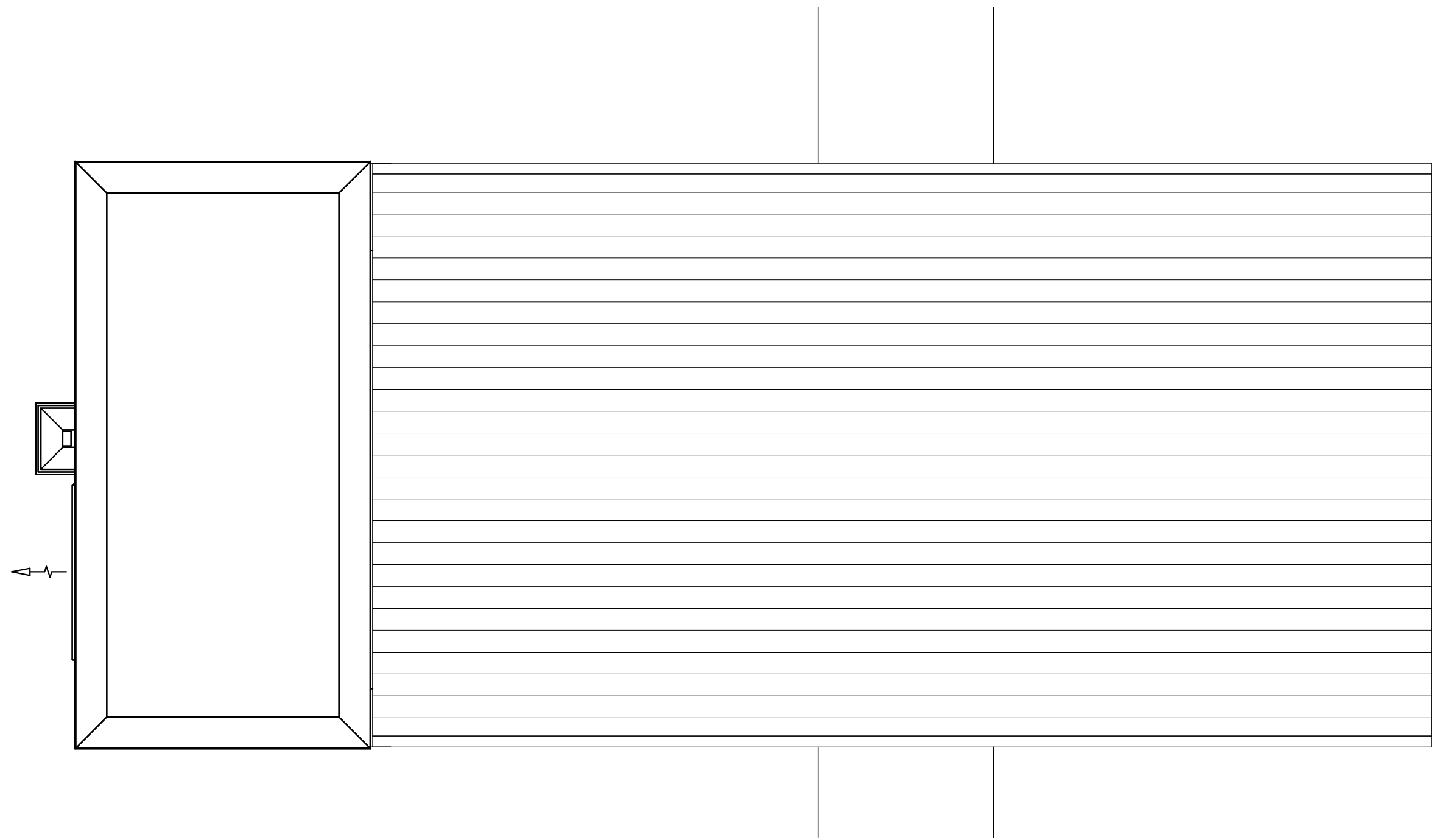
KEYNOTES PER SHEET	
0771-05	PREFINISHED ALUMINUM SCUPPER W/ DOWNSPOUT (TYP.) SEE EXTERIOR MATERIAL LEGEND FOR COLOR. CONNECT TO STORM SEWER; SEE CIVIL DRAWINGS.
1070-02	PREFABRICATED ALUMINUM CANOPY
B1020-C	FULLY ADHERED 60 MIL EPDM MEMBRANE ROOFING OVER 4" (R-30) MIN POLYISOCYANURATE RIGID INSULATION (FORMED FROM 2 LAYERS, WITH JOINTS OFFSET, BOTTOM LAYER MECHANICALLY ATTACHED, TOP LAYER ADHERED). OVER STRUCTURAL METAL DECK. PROVIDE CRICKETS AND SADDLES FROM XPS RIGID INSULATION TO MAINTAIN 1/4" PER FOOT (MIN.) POSITIVE DRAINAGE TO ROOF DRAINS.

2 H 150 EN DE ROOF PLAN PRESENTATION
3/16" = 1'-0"

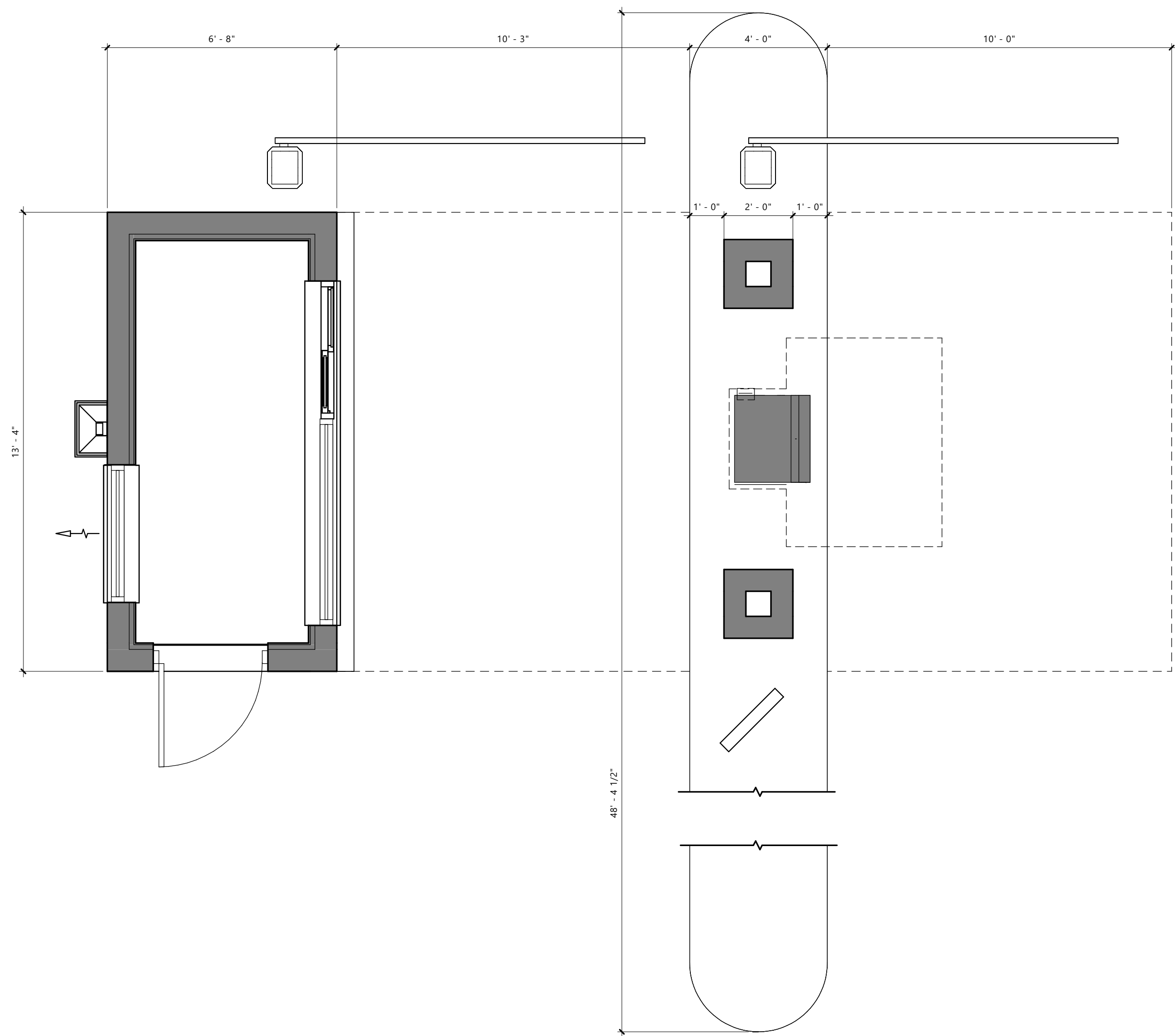


1 H 150 EN DE FLOOR PLAN PRESENTATION
3/16" = 1'-0"

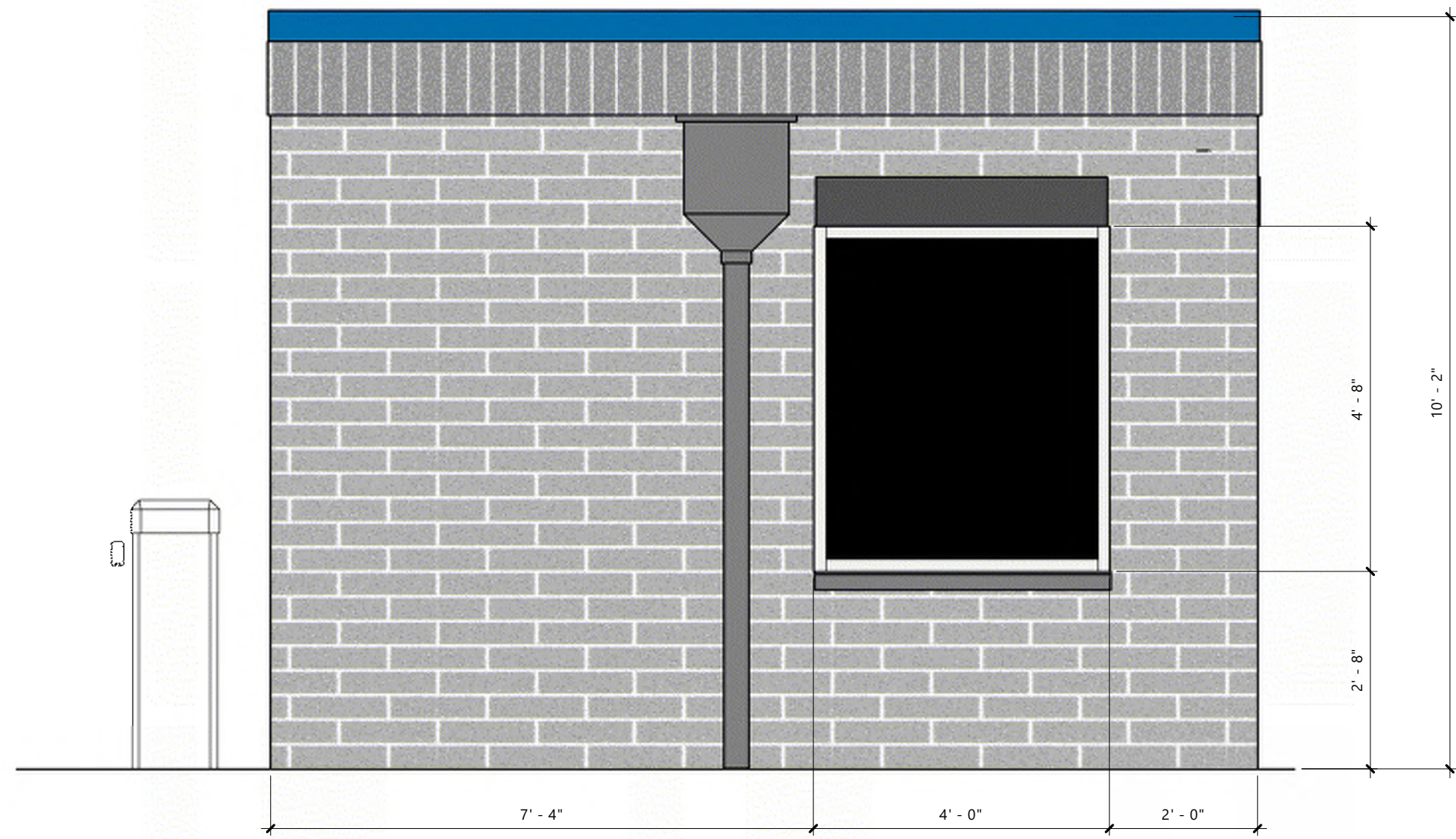
Tsunami Express Car Wash



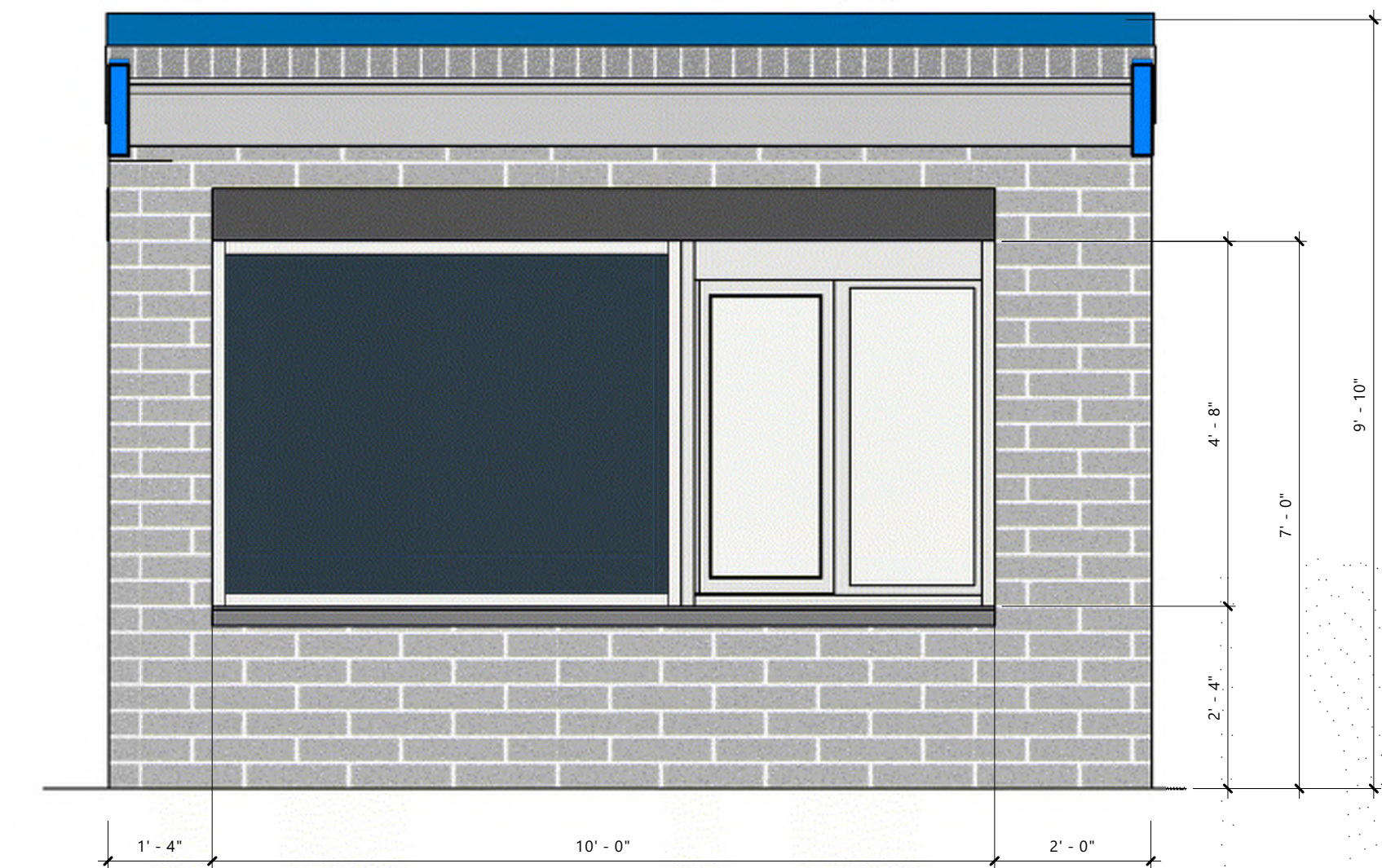
2 SALES BOOTH - ROOF PLAN
3/8" = 1'-0"



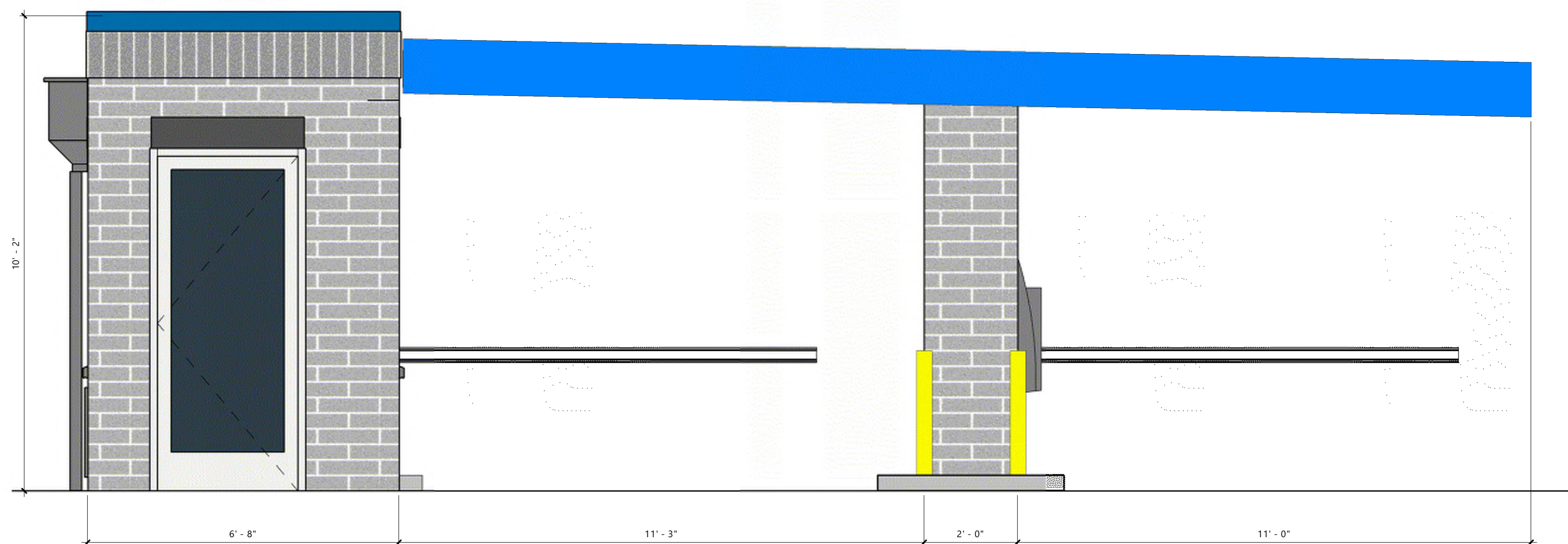
1 SALES BOOTH - FLOOR PLAN
3/8" = 1'-0"



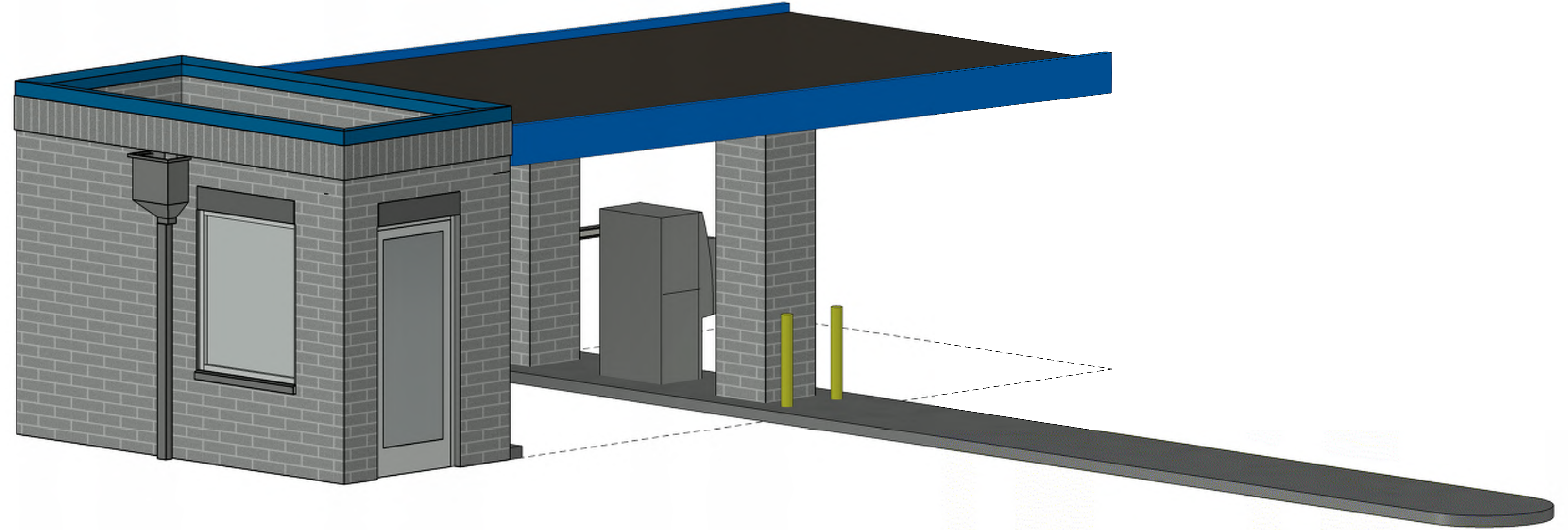
4 SALES 2 LANE - BACK ELEV
1/2" = 1'-0"



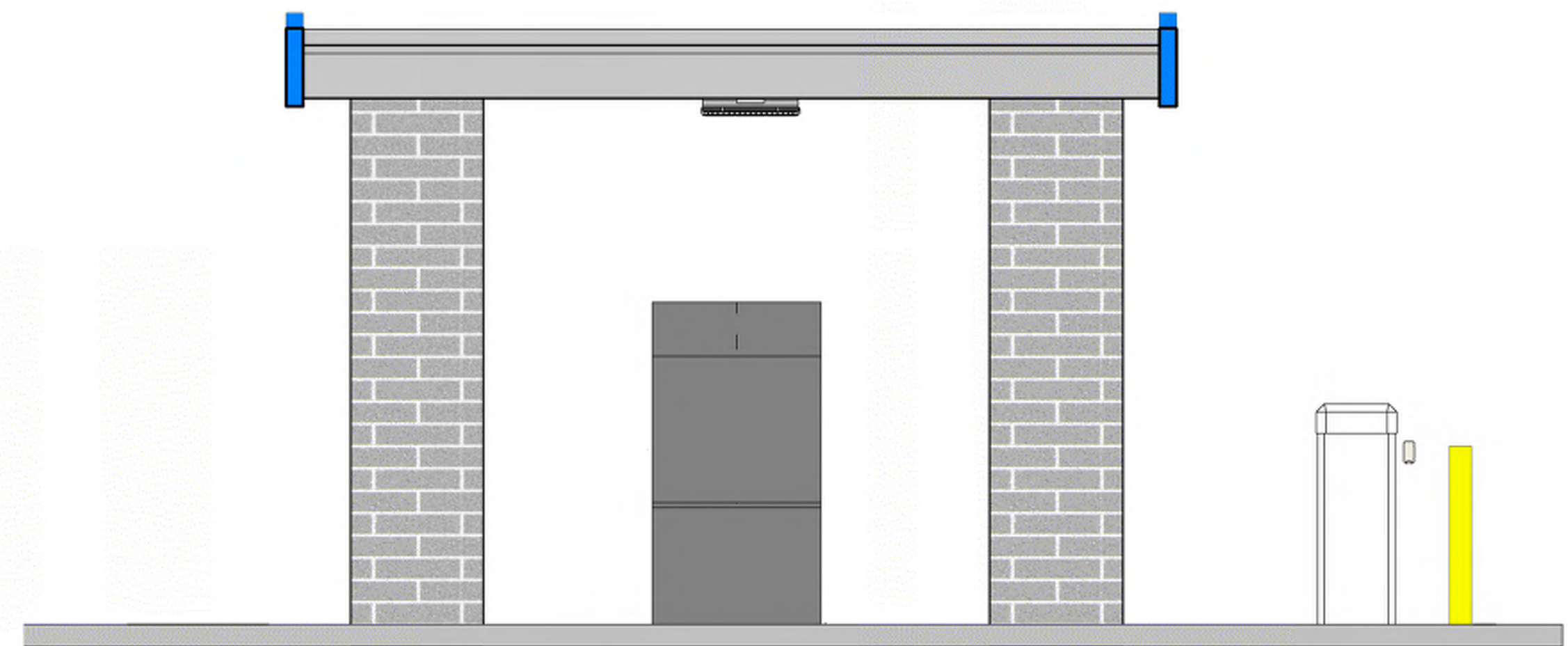
3 SALES - 2 LANE FRONT ELEV
1/2" = 1'-0"



1 SALES 2 LANE - APPROACH
1/2" = 1'-0"



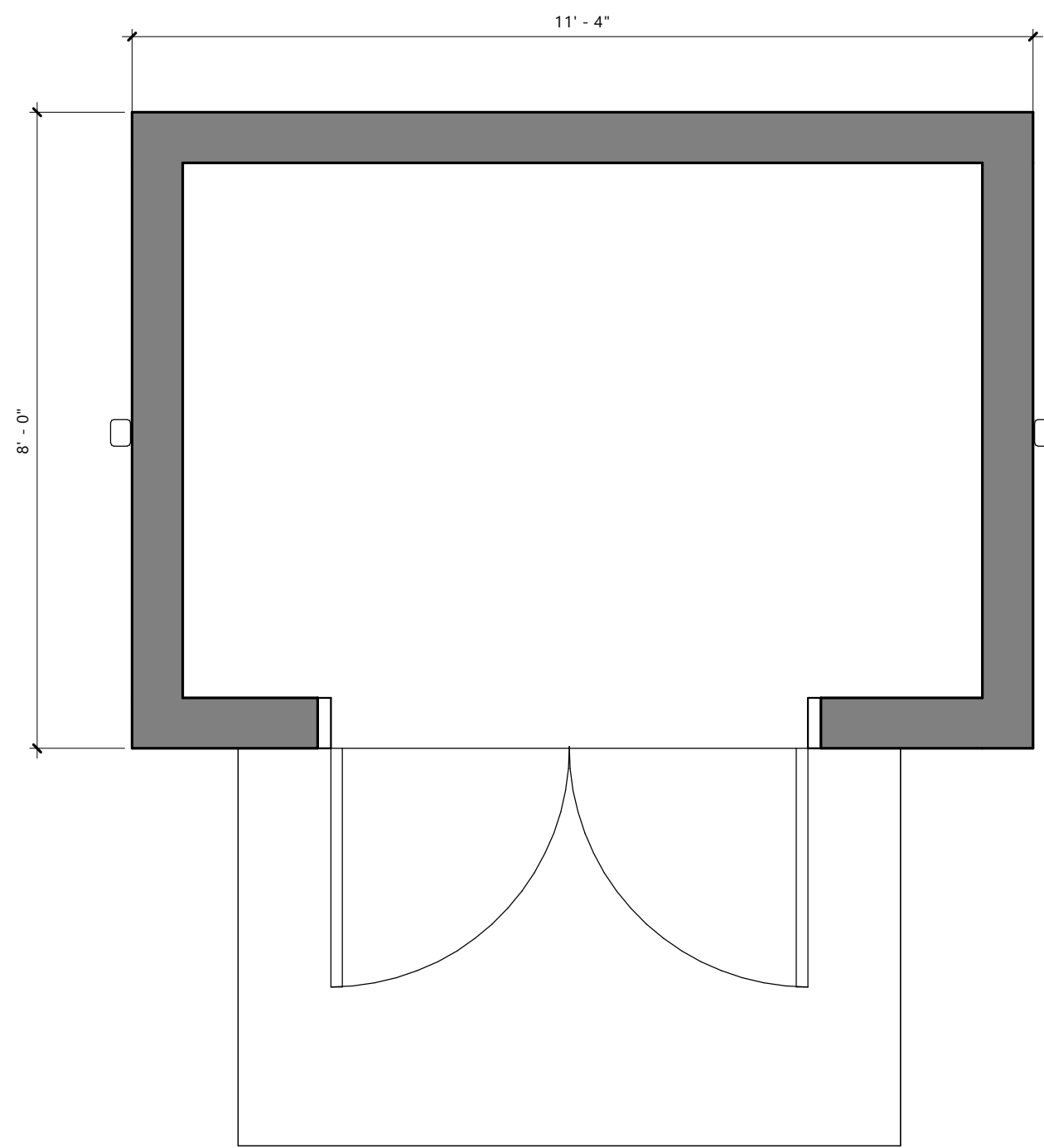
5 SALES BOOTH - 3D VIEW



2 SALES BOOTH - SALES LANE ELEVATION
1/2" = 1'-0"

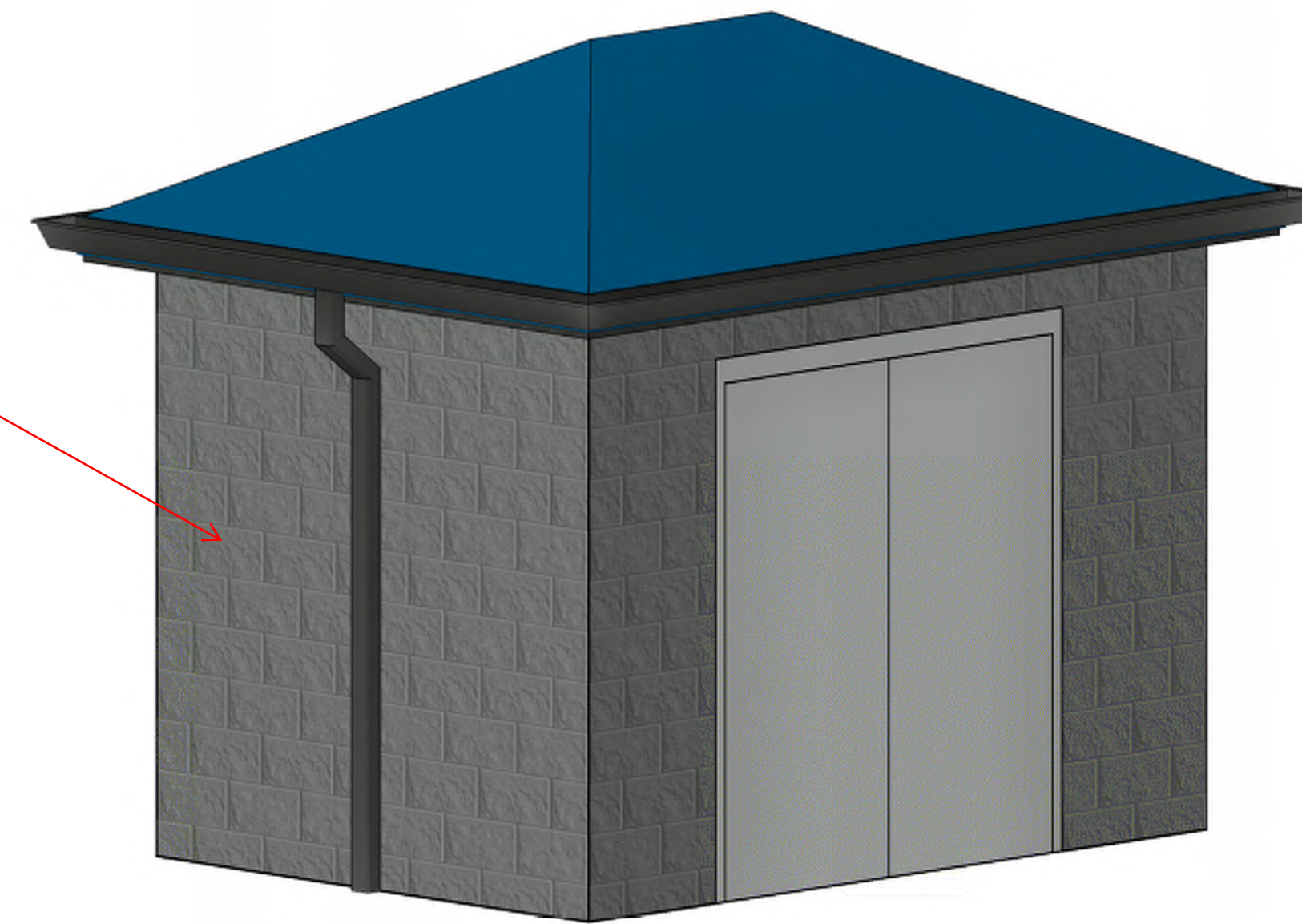
Tsunami Express Car Wash

DE_Sales Booth - 2 Lane_Presentation

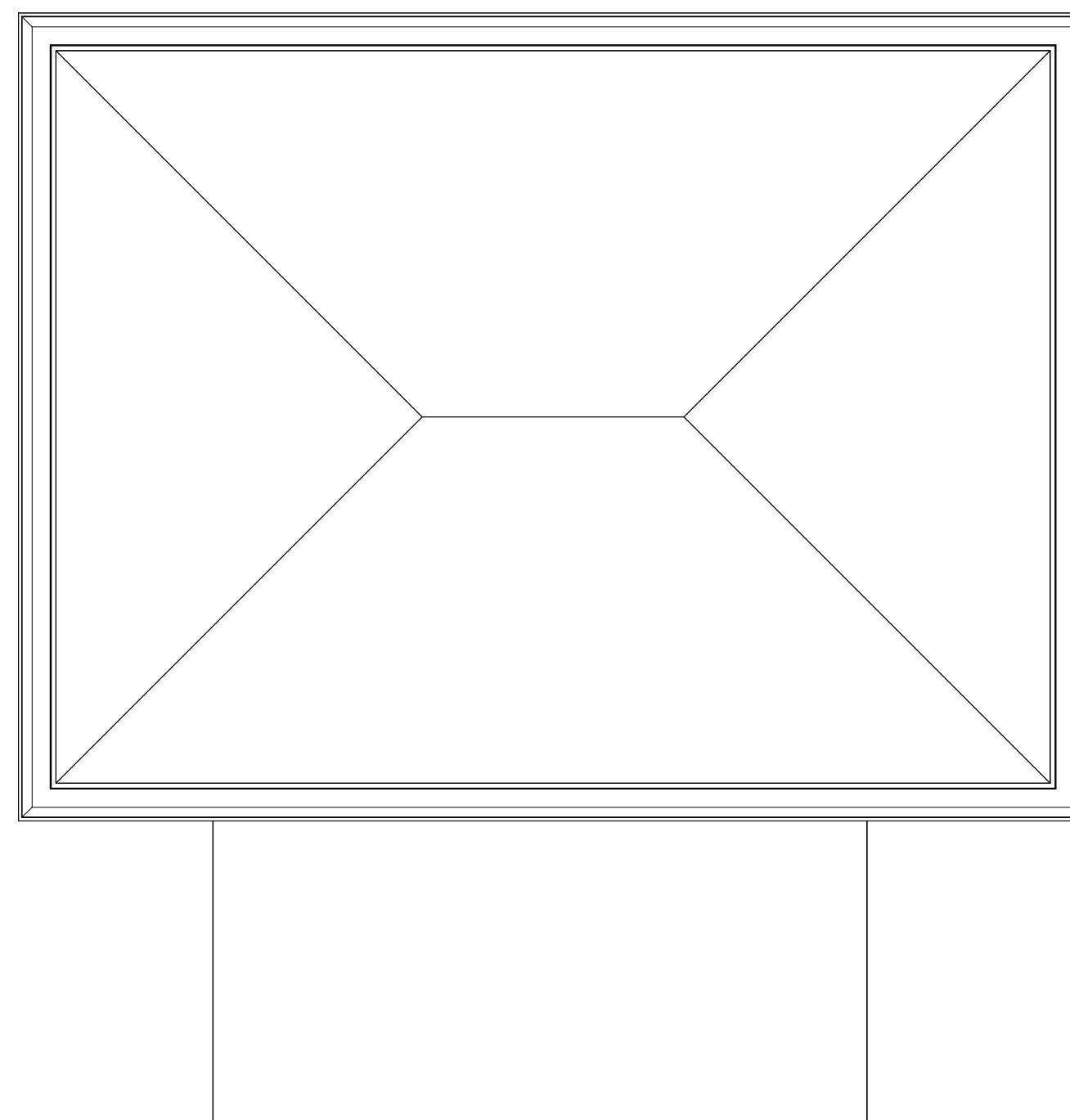


3 H_PUMP HOUSE - FLOOR PLAN PRESENTATION
1/2" = 1'-0"

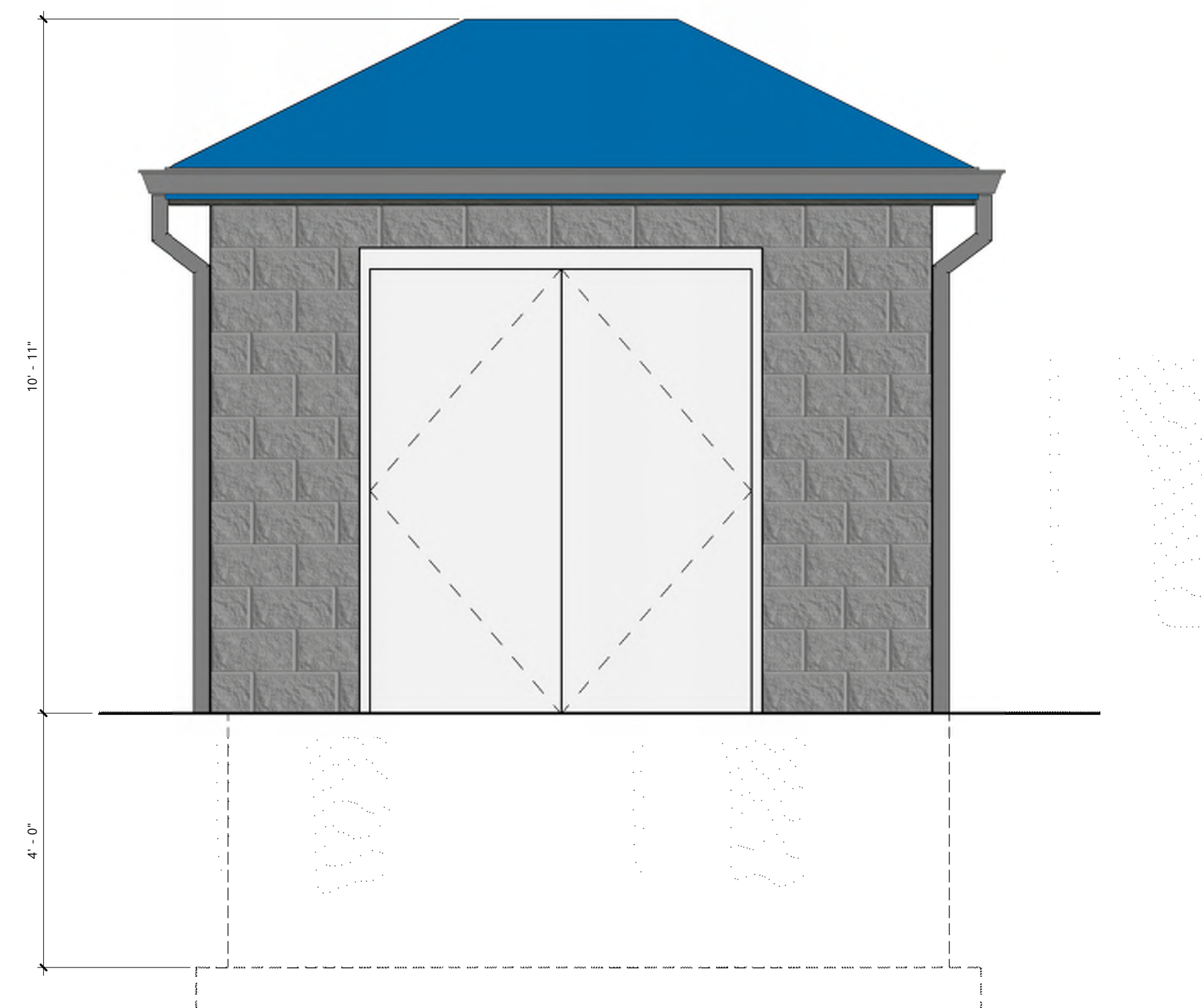
REVISED TO BRK-2 TO
MATCH MAIN BUILDING



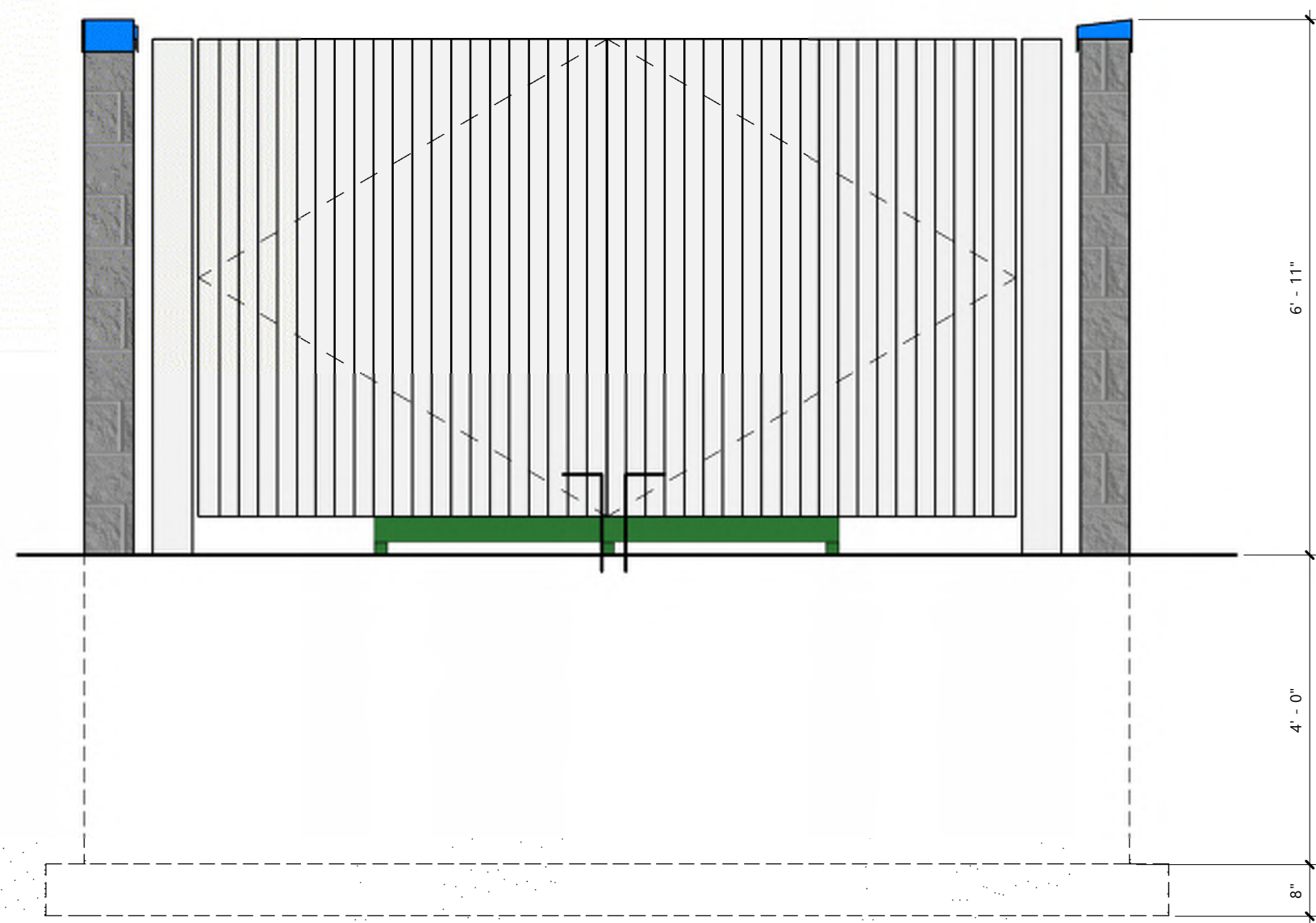
4 3D - PUMP Only



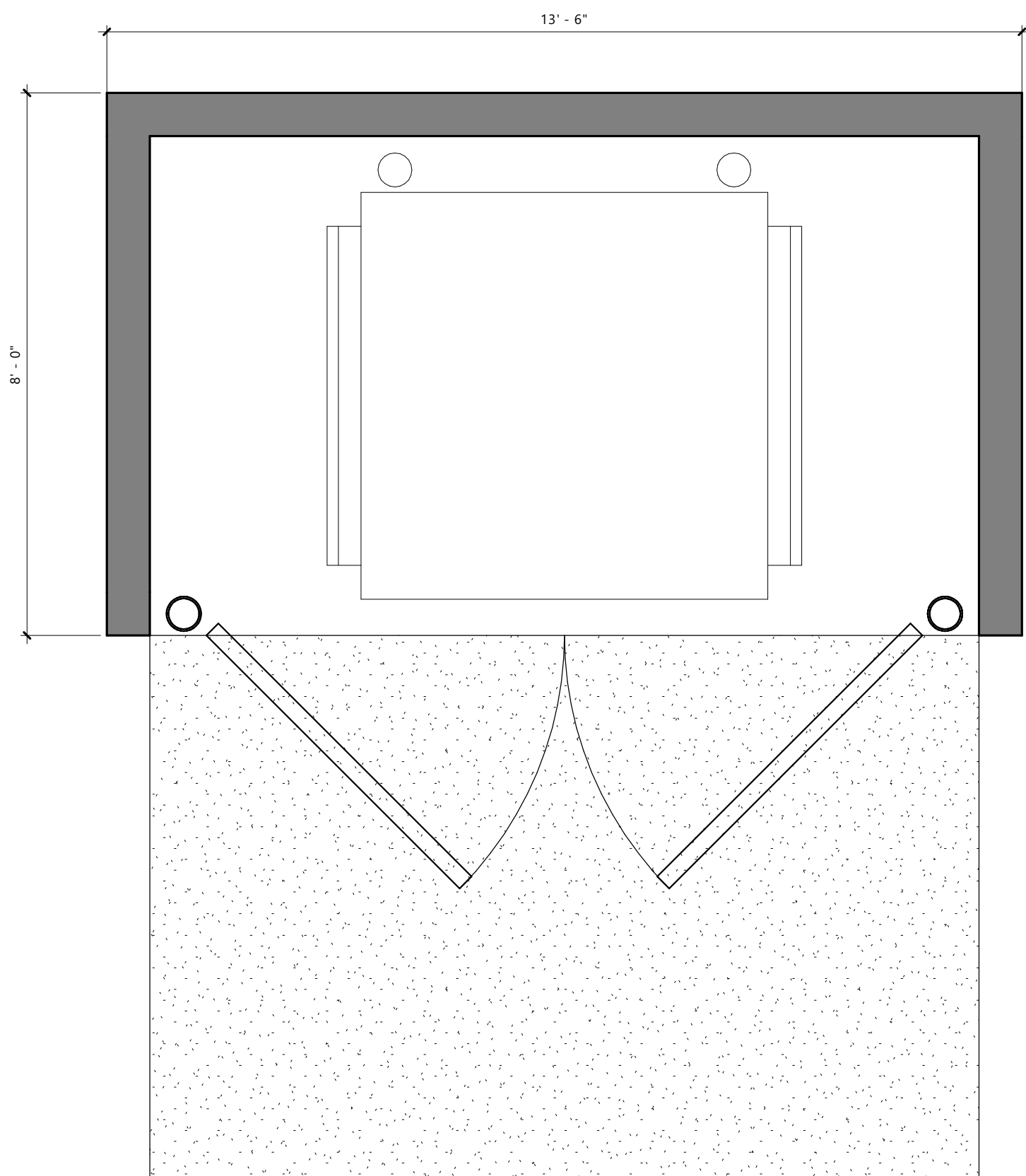
1 H_PUMP HOUSE - ROOF PLAN PRESENTATION
1/2" = 1'-0"



2 H_PUMP HOUSE - FRONT ELEVATION PRESENTATION
1/2" = 1'-0"

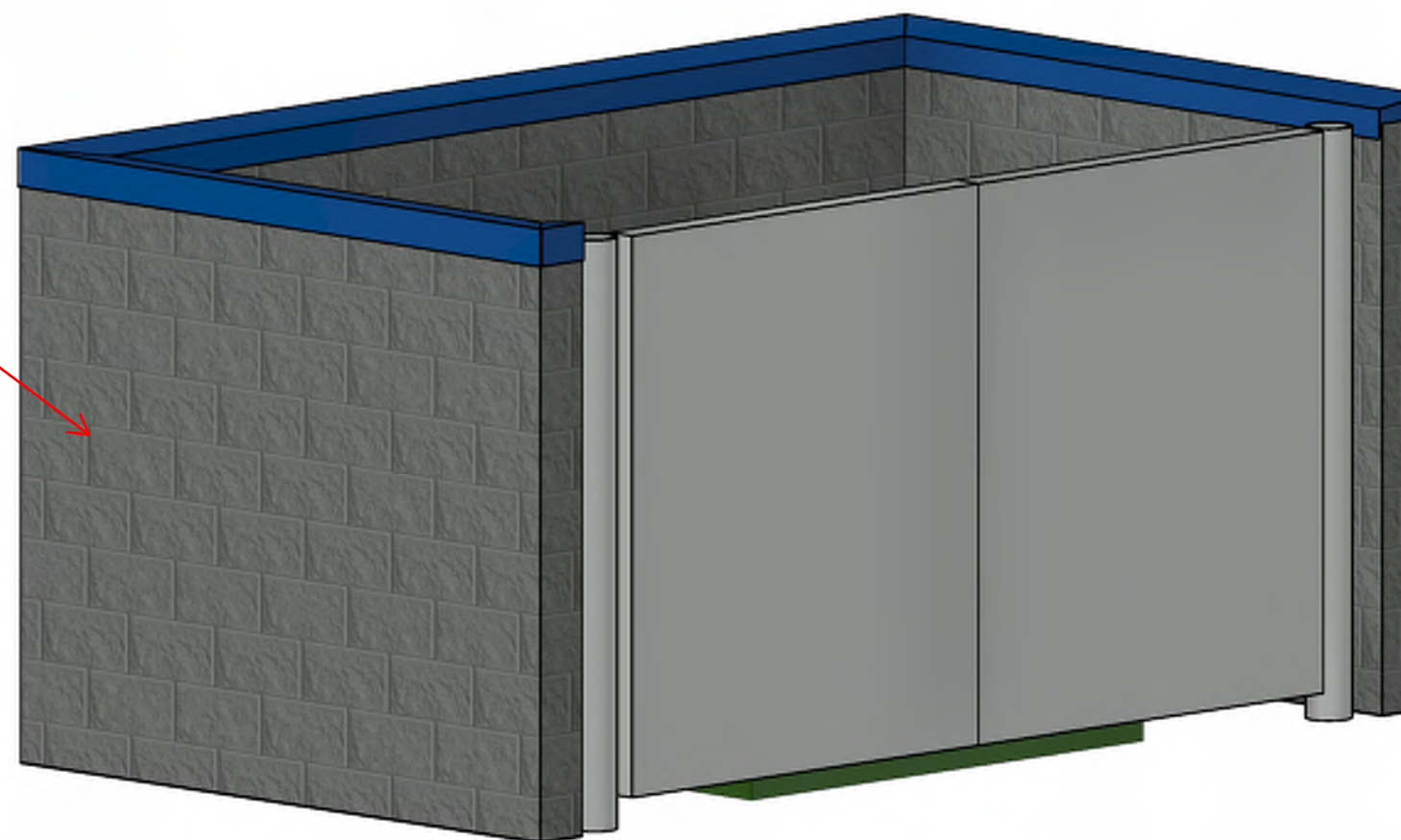


2 H TRASH ENCLOSURE - FRONT ELEVATION PRESENTATION
1/2" = 1'-0"



1 H TRASH ENCLOSURE - PLAN PRESENTATION
1/2" = 1'-0"

REVISED TO BRK-2 TO
MATCH MAIN BUILDING



3 3D - TRASH Only



AGENDA RECOMMENDATION

Consent Calendar 5. G.

City Council Regular Meeting

Meeting Date: 09/09/2024

Agenda Item:

Resolution approving a Certificate of Design Compliance for the construction of a new, approximately 10,700 square foot structure in the Highway Gateway Overlay District (Lot 3, Block 2, Victory Commercial Park).

Recommendation/Action(s):

At the August 28, 2024, meeting, the Planning Commission recommended the adoption of the resolution granting a certificate of design compliance for the proposed tire facility with the following findings:

1. The proposed use conforms with the standards set forth in the B-3 Highway Business District.
2. The proposal, when including implementation of the required conditions, conforms to Mankato City Code section 10.48 Highway Gateway Overlay District.

Summary:

The applicant is requesting a certificate of design compliance for the construction of a new approximately 10,700 square foot structure located in the Highway Gateway Overlay District. The proposed use, a vehicle repair shop, is a permitted use within the B-3, Highway Business District. The subject property is described as Lot 3, Block 2, Victory Commercial Park.

Access to the site will be via two entrances connecting to Interlachen Drive. The building is situated in the center of the parcel. The interior drive lane wraps around the building and goes under a canopy on the western side of the building. A landscaping plan was submitted showing landscaping around the perimeter of the lot. The trash enclosure is located under the canopy and shall be screened in conformance with the Mankato City Code.

Parking surrounds the building on the east and south sides and provides for 42 parking stalls with 35 required per the City Code.

The floor plan shows a sales area, showroom, lounge area, restrooms, vending hallway, employee lounge, employee restroom, managers' office, and training room. In the service area, there are service bays and a bullpen.

The exterior renderings show a mix of different pre-cast concrete panels in the color grizzle gray, integral white, and carriage door all exhibit different textures. The exterior canopy contains refinished standing seam metal roofing panels in dark bronze.

Exterior lighting shall conform to the standards set forth in the City Code. The applicant will need to revise the photometric and exterior lighting standards in order to meet the required lighting levels. The required revisions to the plan will be submitted and reviewed for compliance with the application for a building permit.

Attachments

Resolution approving Certificate of Design Compliance

General Location Map

Aerial

Civil Plans

Landscaping Plan

Renderings

Material Sample Board

Floor Plans

**RESOLUTION OF THE MANKATO CITY COUNCIL
GRANTING A CERTIFICATE OF DESIGN COMPLIANCE UNDER
THE MANKATO ZONING ORDINANCE**

WHEREAS, the applicant of the following property located in the City of Mankato,
to wit:

Lot 3, Block 2, Victory Commercial Park.

Has applied for a certificate of design compliance for the construction of a new,
approximately 10,700 square foot structure in the Highway Gateway Overlay
District; and

WHEREAS, the Planning Agency of the City of Mankato has completed a
review of the application and made a report pertaining to said request (CY 38-24), a
copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission of the City, on the 28th day of August
2024, following proper notice, held a public hearing regarding the request, and
following said public hearing, adopted a recommendation that the request for a
certificate of design compliance be approved; and

WHEREAS, the minutes of such public hearing and recommendation of
the Commission have been presented to the City Council; and

WHEREAS, based upon the Planning Agency report, minutes, and
recommendation, the City Council hereby finds that:

1. The proposed use conforms with the standards set forth in the B-3,
Highway Business District.
2. The proposal when including implementation of the required conditions,
conforms to Mankato City Code section 10.48 Highway Gateway Overlay
District.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of
Mankato that the certificate of design compliance for the construction of a new,
approximately 10,700 square foot structure in the Highway Gateway Overlay District
be approved subject to the following conditions:

1. The applicant shall construct the building per the plans approved by the
Mankato City Council.
2. Outside storage of refuse, tires, or debris shall be prohibited.
3. The applicant shall provide bicycle parking.
4. The applicant shall update the photometric plan to show lighting levels at the
property line to meet the requirements set forth in the code. Lighting levels at
the property line may not exceed ½ foot candle.
5. A sign permit will be required for all proposed exterior signage and shall
adhere to Mankato City Code Section 10.87.
6. The dumpster enclosure shall be fully screened and shall achieve Mankato
City Code standards.

Resolution Certificate of Design Compliance

Page 2 of 2

7. There shall be no long-term storage of inoperable or junk vehicles on site.
8. Landscaping shall be installed in accordance with City Code Section 10.48.
9. The building/uses within the proposal will not be issued a certificate of occupancy until all streets and private drives have been completed and approved by the City of Mankato and the intersection improvements have been completed at the intersection of Victory Drive and Hazeltine Road.

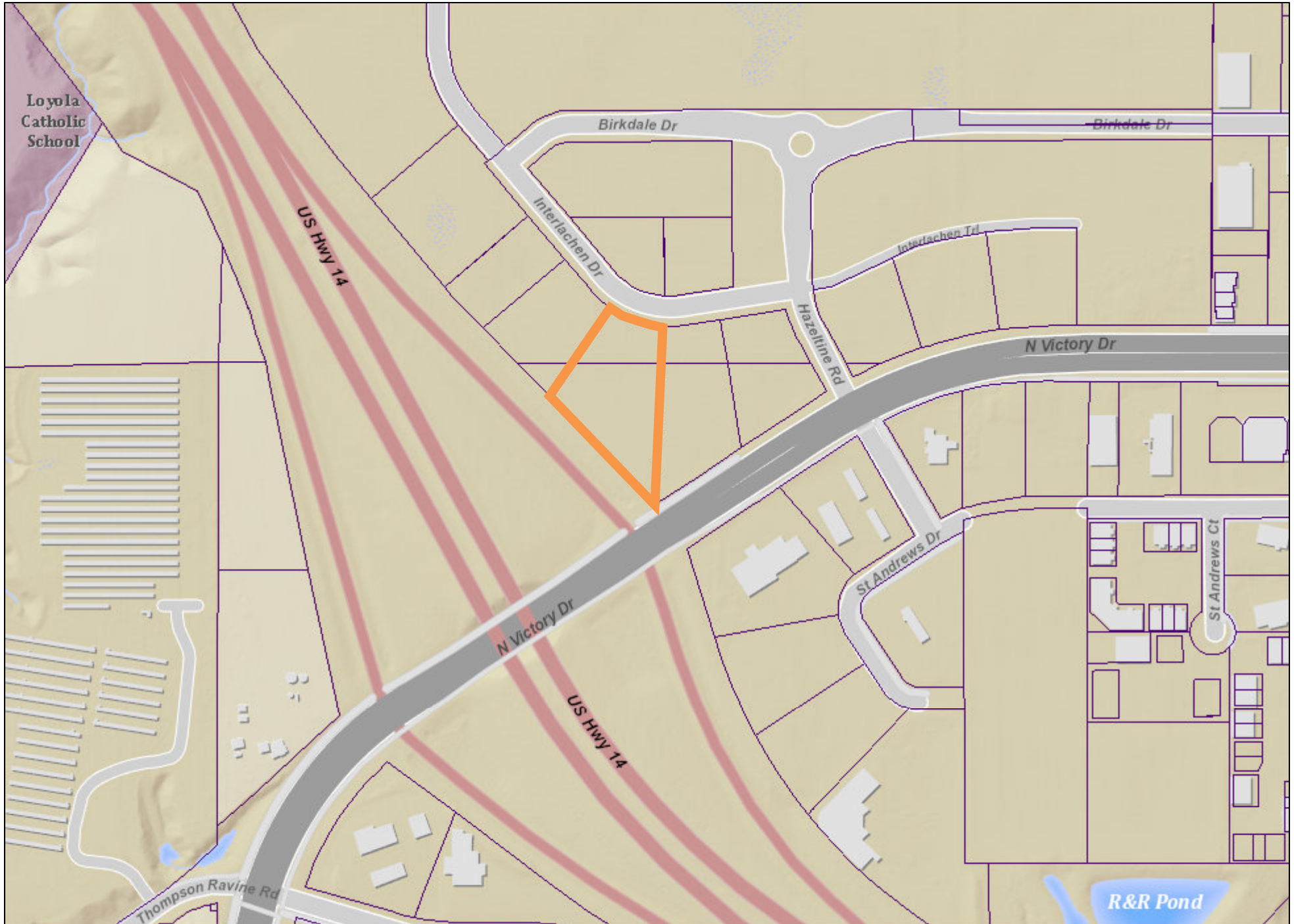
This resolution shall become effective immediately upon passage.

Dated this ____ day of _____, 2024.

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke, MMC
City Clerk

General Location Map



Date: July 2024

Author:

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Aerial Map



Date: July 2024

Author:

This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation.

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PRELIMINARY - NOT
FOR
CONSTRUCTION

FOR
CITY OF MANKATO
DESIGN REVIEW
ONLY

COVER SHEET

LOT 3, VICTORY COMMERCIAL PARK
LES SCHWAB TIRE CENTERS
MANKATO, MN

PROJECT NO. 30003 / 13861 (MANKATO) Drawn: D.W. Date: 04/24/2008

ORIGINAL DATE: 2024.07.23
EXPIRY DATE:
C DATE:
DRAWING NUMBER:
C1.0

Augusta Dr

Hwy-14

St Andrews Dr

N Victory Dr

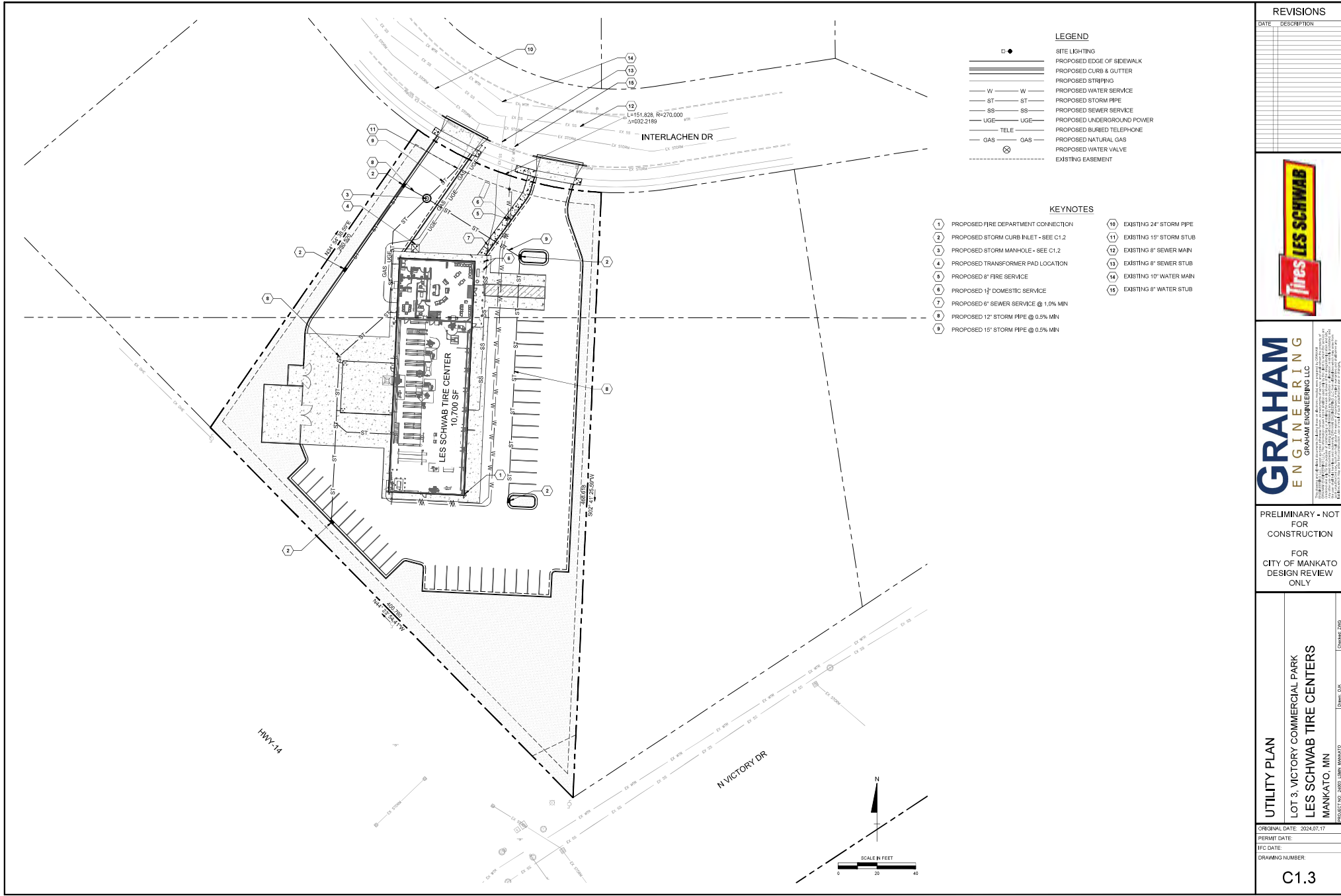
Raintree Rd

PROJECT SITE

N

VICINITY MAP
(NOT TO SCALE)

SHEET INDEX	
SHEET	DISCRPTION
C1.0	COVER SHEET
C1.1	SITE PLAN
C1.2	DRAINAGE PLAN
C1.3	UTILITY PLAN
L1.0	OVERALL SITE LANDSCAPE PLAN
L3.0	PLANTING PLAN
L5.0	LANDSCAPE DETAILS & NOTES
A1.1	FLOOR PLANS
A2.1	EXTERIOR ELEVATIONS
A2.2	EXTERIOR ELEVATIONS
A2.3	MATERIALS BOARD
E1.0	SITE PHOTOMETRIC PLAN
E2.0	SITE FIXTURE CUT SHEETS



- LEGEND**
- SITE LIGHTING
 - ===== PROPOSED EDGE OF SIDEWALK
 - ===== PROPOSED CURB & GUTTER
 - ===== PROPOSED STRIPING
 - W — W — PROPOSED WATER SERVICE
 - ST — ST — PROPOSED STORM PIPE
 - SS — SS — PROPOSED SEWER SERVICE
 - UGE — UGE — PROPOSED UNDERGROUND POWER
 - TELE — PROPOSED BURIED TELEPHONE
 - GAS — GAS — PROPOSED NATURAL GAS
 - ⊗ PROPOSED WATER VALVE
 - - - - - EXISTING EASEMENT

- KEYNOTES**
- 1 PROPOSED FIRE DEPARTMENT CONNECTION
 - 2 PROPOSED STORM CURB INLET - SEE C1.2
 - 3 PROPOSED STORM MANHOLE - SEE C1.2
 - 4 PROPOSED TRANSFORMER PAD LOCATION
 - 5 PROPOSED 8" FIRE SERVICE
 - 6 PROPOSED 1 1/2" DOMESTIC SERVICE
 - 7 PROPOSED 6" SEWER SERVICE @ 1.0% MN
 - 8 PROPOSED 12" STORM PIPE @ 0.5% MN
 - 9 PROPOSED 15" STORM PIPE @ 0.5% MN
 - 10 EXISTING 24" STORM PIPE
 - 11 EXISTING 15" STORM STUB
 - 12 EXISTING 6" SEWER MAIN
 - 13 EXISTING 6" SEWER STUB
 - 14 EXISTING 10" WATER MAIN
 - 15 EXISTING 6" WATER STUB

REVISIONS	
DATE	DESCRIPTION



GRAHAM ENGINEERING
GRAHAM ENGINEERING LLC

GRAHAM ENGINEERING LLC is a professional engineering firm licensed in the State of Minnesota. The firm is located at 1000 1st Avenue South, Mankato, MN 56001. The firm's website is www.graham-engineering.com. The firm's phone number is 507-388-1111. The firm's fax number is 507-388-1112. The firm's email address is info@graham-engineering.com. The firm's principal engineer is David A. Graham, P.E., License No. 00000001. The firm's principal engineer is David A. Graham, P.E., License No. 00000001. The firm's principal engineer is David A. Graham, P.E., License No. 00000001.

PRELIMINARY - NOT FOR CONSTRUCTION

FOR CITY OF MANKATO DESIGN REVIEW ONLY

UTILITY PLAN	LOT 3, VICTORY COMMERCIAL PARK	LES SCHWAB TIRE CENTERS	MANKATO, MN
PROJECT NO. 2023-0306, MANKATO	Drawn: DAK	Checked: DAK	

ORIGINAL DATE: 2024.07.17
PERMIT DATE:
IFC DATE:
DRAWING NUMBER:

C1.3

Plot Date: 11/01/24 11:01 AM Copyright 2024 Graham Engineering LLC

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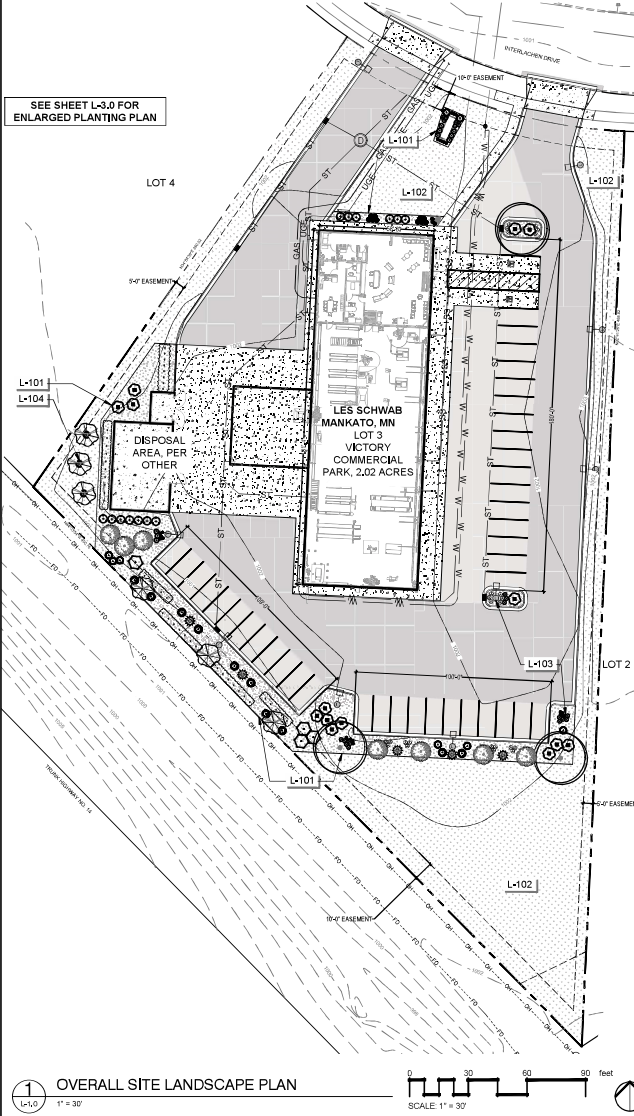
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MANKATO LES SCHWAB SHEET INDEX	
SHEET	DESCRIPTION
L-1,0	OVERALL SITE LANDSCAPE PLAN
L-3,0	PLANTING PLAN
L-5,0	LANDSCAPE DETAILS & NOTES

LANDSCAPE CODE REQUIREMENTS
B-3 HIGHWAY COMMERCIAL DISTRICT, HIGHWAY GATEWAY OVERLAY DISTRICT

SEC. 10.87. - SIGNS SUBD. 9, LANDSCAPING REQUIREMENTS	
REQUIRED	PROVIDED
THE GROUND AREA AROUND THE BASE OF THE SIGN OF THE MONUMENT AND GROUND / PYLON SIGNS SHALL BE LANDSCAPED WITH SHRUBS AND GROUND COVER EQUAL TO THE AREA OF 50% OF SIGN FACE. THE LANDSCAPING SHALL CONSIST OF SHRUBS AND GROUND COVERS THAT CAN WITHSTAND THE ENVIRONMENTAL CONDITIONS OF THE SITE, WILL PROVIDE SEASONAL INTEREST	REQUIRED: SIGN FACE = 56.25 SF PER SIDE, 112.50 SF TOTAL 112.50 X 50% = 56.25 SF PROVIDED: 132 SF OF LANDSCAPING AT BASE OF SIGN, SEE PLANTING PLAN

SEC. 10.48. - GT GATEWAY OVERLAY DISTRICTS SUBD. 3, HIGHWAY GATEWAY OVERLAY DISTRICT	
REQUIRED	PROVIDED
WHEREVER A SURFACE PARKING AREA FACES A STREET FRONTAGE, THE PARKING AREA SHALL BE SCREENED FROM THE STREET WITH A WALL FENCE, OR HEDGE TO A MINIMUM OF 4 FEET NOR MORE THAN 8 FEET IN HEIGHT, NOR BE LESS THAN 80% OPAQUE, THIS SCREENING MUST BE ACCOMPLISHED IN THE SETBACK AREA BETWEEN 10 FEET AND 15 FEET FROM THE RIGHT-OF-WAY LINE.	MIN. 4' TALL HEDGE ALONG PARKING AREA, SEE PLANTING PLAN AND PLANT SCHEDULE
THE SUM TOTAL OF GROUND AREA THAT MAY BE COVERED BY ALL STRUCTURES LOCATED ON THE ZONING LOT IN THE HIGHWAY GATEWAY OVERLAY DISTRICT SHALL NOT EXCEED 75% OF THE LOT AREA.	STRUCTURE COMPRISES 12% OF TOTAL LOT AREA

SEC. 10.88. - LANDSCAPING AND SCREENING SUBD. 3, LANDSCAPE PLANS	
REQUIRED	PROVIDED
EVERGREENS SHOULD BE INCORPORATED INTO THE LANDSCAPE TREATMENT OF A SITE. PARTICULARLY IN THOSE AREAS SCREENING PARKING LOTS FROM DEDICATED PUBLIC RIGHT-OF-WAYS OR PROPERTY ZONED FOR RESIDENTIAL USE, ALL EVERGREENS SHALL HAVE A MINIMUM HEIGHT OF 6 FEET.	EVERGREENS INCORPORATED IN LANDSCAPE AT APPROPRIATE PLANTING SIZE, SEE PLANTING PLAN
ALL SHADE TREES SHALL HAVE A MINIMUM TRUNK SIZE AT THE TIME OF INSTALLATION OF 2 1/2" IN DIAMETER, AS MEASURED BY A CALIPER 6" ABOVE THE ESTABLISHED GROUND LEVEL.	ALL SHADE TREES SPECIFIED AT 2 1/2" CALIPER, SEE PLANT SCHEDULE

SEC. 10.88 LANDSCAPING AND SCREENING SUBD. 7, OFF-STREET LOADING AREAS	
REQUIRED	PROVIDED
EVERY OFF-STREET LOADING AREA VISIBLE FROM A PUBLIC STREET, SHALL BE SCREENED ON ALL SIDES VISIBLE FROM SUCH LOT OR STREET BY AN OPAQUE FENCE, WALL, OR DENSELY PLANTED EVERGREEN HEDGE OF NOT LESS THAN 6 FEET IN HEIGHT, EXCEPT AS NECESSARY FOR ACCESS.	EVERGREEN HEDGE PROVIDED BETWEEN LOADING AREA AND STREET, SEE PLANTING PLAN

SEC. 10.88 LANDSCAPING AND SCREENING SUBD. 8, REFUSE CONTAINERS	
REQUIRED	PROVIDED
ALL REFUSE AND RECYCLABLE MATERIAL CONTAINERS SHALL BE FULLY ENCLOSED BY A GATED OPAQUE FENCE OR WALL OF SUFFICIENT HEIGHT TO COMPLETELY SCREEN SUCH CONTAINERS FROM VIEW BY ALL ADJOINING PROPERTIES AND ALL STREETS, THE OUTSIDE BASE OF THE WALL OR FENCE SHALL BE LANDSCAPED IF THE WALL OR FENCE FRONTS ON A PUBLIC STREET.	OUTSIDE OF FENCE AROUND REFUSE CONTAINERS IS LANDSCAPED, SEE PLANTING PLAN, FENCE BY OTHERS

SEC. 10.88. - LANDSCAPING AND SCREENING SUBD. 5, PERIMETER LANDSCAPING - OFF-STREET PARKING LOTS	
REQUIRED	PROVIDED
EVERY OFF-STREET PARKING LOT CONTAINING 4 OR MORE PARKING STALLS SHALL BE BUFFERED AND SCREENED BY PERIMETER LANDSCAPING CONSISTING OF AN AREA AT LEAST 3 FEET OR GREATER IN HEIGHT AS REQUIRED IN THE YARD AND SETBACK STANDARDS OF EACH ZONING DISTRICT, THE REQUIRED PERIMETER LANDSCAPING AREA SHALL BE MEASURED FROM THE BACK CURB AND EXCLUDES ANY PARKING SPACE OVERHANG AREA. THE PERIMETER LANDSCAPING SHALL CONSIST OF A COMBINATION OF GROUND COVER, SHADE TREES OR EVERGREEN TREES, SHRUBS, AND APPROPRIATE SCREENING DEVICES SUCH AS DECORATIVE WALLS, FENCES OR BERMS, SHADE TREES SHALL BE PROVIDED AT A RATE OF 1 TREE FOR EVERY 50 LINEAR FEET OF PERIMETER LENGTH OR FRACTION THEREOF, EVERGREEN TREES SHALL BE PROVIDED AT A RATE OF 1 TREE AND SHRUB FOR EVERY 25 LINEAR FEET OF PERIMETER LENGTH OR FRACTION THEREOF, EVERGREEN TREES SHALL BE MAINTAINED AT A HEIGHT OF NOT LESS THAN 3 FEET, AREAS NOT PLANTED WITH SHRUBS, TREES, OR OTHER APPROPRIATE SCREENING DEVICES SHALL BE MAINTAINED WITH LIVING GROUND COVER, OR PLANTING BEDS WITH BARK OR ROCK MULCH.	PERIMETER LANDSCAPING ABIDING TO STANDARDS SET FORTH IN THIS SECTION HAS BEEN PROVIDED, SEE PLANTING PLAN. 109' EAST PERIMETER LENGTH: 109 / 50 = 2.18 SHADE TREES REQ'D, 3 SHADE TREES PROVIDED 109 / 25 = 4.36 EVERGREEN TREES AND SHRUBS REQUIRED 5 EVERGREEN TREES AND 11 EVERGREEN SHRUBS PROVIDED 100' SOUTH PERIMETER LENGTH: 100 / 50 = 2 SHADE TREES REQ'D, 2 SHADE TREES PROVIDED 100 / 25 = 4 EVERGREEN TREES AND SHRUBS REQUIRED 7 EVERGREEN TREES AND 5 EVERGREEN SHRUBS PROVIDED

PLANT SCHEDULE					
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CAL	SPACING
TREES					
	AL	6	AMELANCHIER LAEVIS ALLEGHANY SERVICEBERRY * ¹	2.5" CAL.	PER PLAN
	GO	3	OLEDTISIA TRIACANTHOS 'NORTHERN ACCLAIM' NORTHERN ACCLAIM HONEY LOCUST * ^{1,0}	2.5" CAL.	PER PLAN
	PN	7	PINUS NIGRA 'OREGON GREEN' OREGON GREEN AUSTRALIAN PINE ²	6' HEIGHT MIN.	PER PLAN
	TS	5	THUJA OCCIDENTALIS 'SMARAGD' EMERALD GREEN ARBORVITAE *	6' HEIGHT MIN.	PER PLAN
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	
SHRUBS					
	CF	13	CORNUS SERICEA 'FARROW' ARCTIC FIRE ² RED TWIG DOGWOOD *	5 GAL	PER PLAN
	CS	4	CORNUS SERICEA 'FLAVIRAMEA' YELLOW TWIG DOGWOOD *	5 GAL	PER PLAN
	JP	10	JUNIPERUS HORIZONTALIS 'PRINCE OF WALES' PRINCE OF WALES JUNIPER *	5 GAL	PER PLAN
	MC	8	MICROBIOTA DECUSSATA 'PRIDES' CELTIC PRIDES SIBERIAN CARPET CYPRESS	5 GAL	PER PLAN
	RG	14	RHUS AROMATICA 'GRO-LOW' GRO-LOW FRAGRANT SUMAC ²	5 GAL	PER PLAN
HEDGES					
	SX	34	SYRINGA X 'JEFLADY' LITTLE LADY TM LILAC	10 GAL	PER PLAN
	TH	8	THUJA OCCIDENTALIS 'SMARAGD' EMERALD GREEN ARBORVITAE	5 GAL	PER PLAN
PERENNIALS					
	BB	9	BOULEOUA GRACILIS 'BLONDE AMBITION' BLONDE AMBITION BLUE GRAMA * ^{1,0}	1 GAL	PER PLAN
	CR	10	CAREX RADIATA EASTERN STAR SEDGE *	1 GAL	PER PLAN
	GM	3	GERANIUM MACULATUM SPOTTED GERANIUM * ^{1,0}	4" POT	PER PLAN
	NL	19	NEPETA RACEMOSA WALKER'S LOW WALKER'S LOW CATMINT ^{1,0}	1 GAL	PER PLAN
	RS	23	RUDBECKIA FULGIDA 'LITTLE GOLDSTAR' LITTLE GOLDSTAR CONEFLOWER *	1 GAL	PER PLAN
	SS	24	SCHREYA X RIUM SCOPARIUM 'STANDING OVATION' STANDING OVATION LITTLE BLUESTEM * ^{1,0}	1 GAL	PER PLAN
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SPACING
GROUND COVERS					
	PW	8	PHLOX DIVARICATA WOODLAND PHLOX *	4" POT	12" o.c.

*Minnesota native plant / variety of native plant
²Drought tolerant

REFERENCE NOTES SCHEDULE

SYMBOL	LANDSCAPE DESCRIPTION	QTY
	LANDSCAPE EDGING COLMET, 4" HT X 3/16" THICK, BLACK POWDER COAT FINISH INSTALL PER MANUFACTURER'S SPECIFICATIONS	555 LF
	LOW-MAINTENANCE LAWN CONTACT: RAMY TURF, RAMYTURF.COM, 507-387-4091, MANKATO, MN HYDROSEED ALL AREAS INDICATED ON PLAN WITH "CUT LESS LOW GROWING TURF MIX" BY RAMY TURF, HYDROSEED WITH "TERRA BLEND HYDRO MULCH" UNLESS SEEDING DORMANTLY IN NOVEMBER, IF DORMANT SEEDING, THEN USE "FLEXTERA HYDRO MULCH"	23,023 SF
	LANDSCAPE BED, TYP. CONTACT: TOTAL LANDSCAPE SUPPLY, TOTALLANDSCAPESUPPLYMN.COM, 507-642-7625, MANKATO, MN MIN. THREE TO FOUR INCH LAYER OF 1 1/2" ST. CLOUD GRANITE ROCK MULCH INSTALLED OVER NON-MOVEN WEED FABRIC	6,823 SF
	TREE RING 3/4" DIA. TREE RING WITH WESTERN RED CEDAR MULCH FROM TOTAL LANDSCAPE SUPPLY, OR EQUIVALENT, INSTALL AROUND ALL TREES OUTSIDE OF LANDSCAPE BEDS, SEE PLAN AND DETAIL 2 ON SHEET L-5,0	

ALL LANDSCAPED AREAS TO BE IRRIGATED.
IRRIGATION PLANS TO BE PROVIDED.

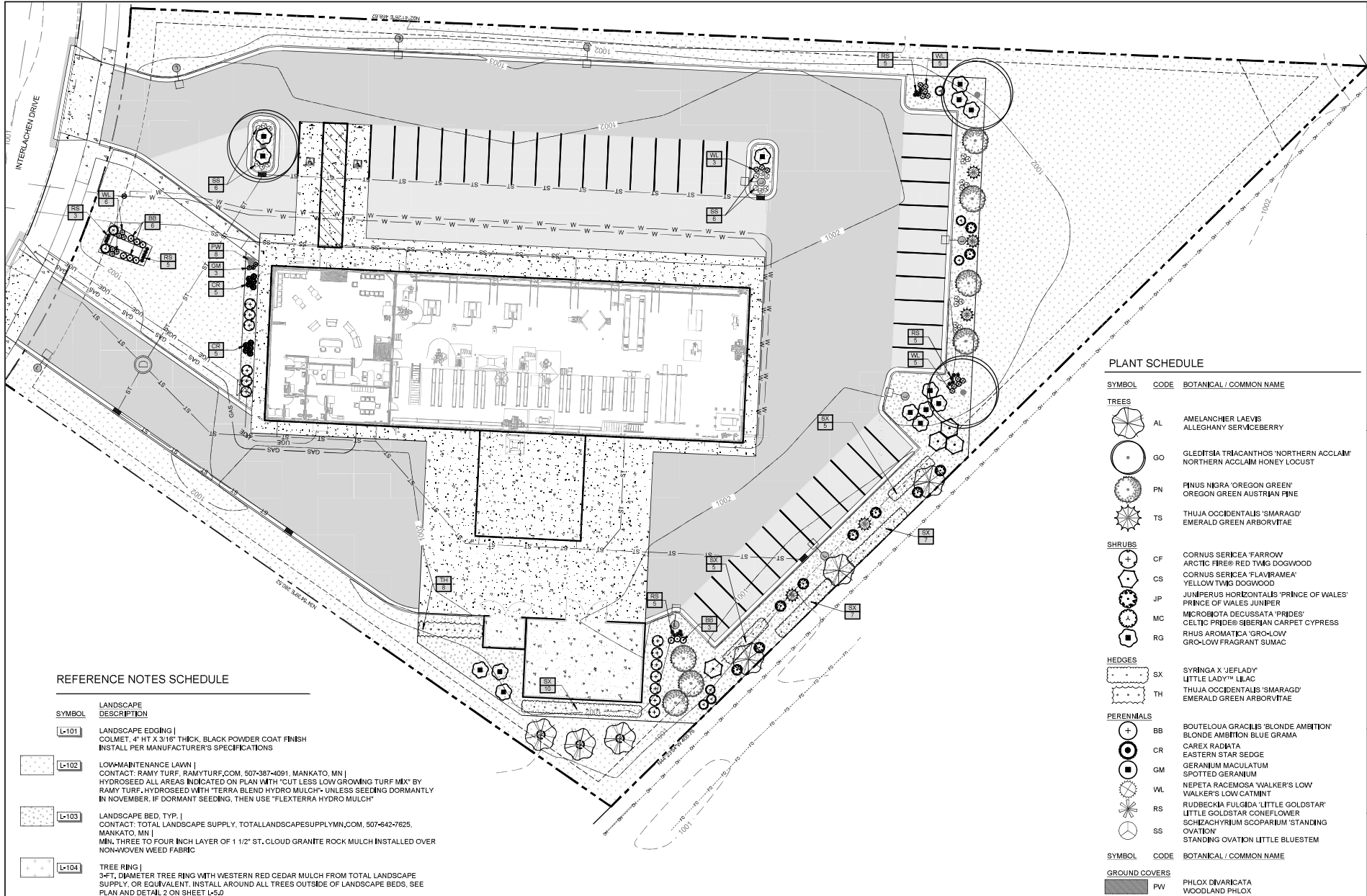
DATE: 07/20/2024
BY: [Signature]
REVISIONS:
1. DATE: 07/20/2024
BY: [Signature]
DESCRIPTION: [Signature]

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COMMERCIAL SERVICES
1000 1ST AVE. SUITE 200
MANKATO, MN 56001
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OVERALL SITE LANDSCAPE PLAN

LES SCHWAB TIRE CENTERS
LOT 3 BLOCK 2 HIGHWAY GATEWAY OVERLAY DISTRICT
MANKATO, MN

PROJECT NAME: [Signature]
DESIGNER: MARK S. GARFF
DATE: 07/20/2024
DRAWN BY: [Signature]
APPROVED BY: [Signature]
JOB NO: [Signature]
DRAWING FILE NO: [Signature]
DRAWING NO: [Signature]
SHEET NO: L-1.0
OF 03



REFERENCE NOTES SCHEDULE

SYMBOL	LANDSCAPE DESCRIPTION
L-101	LANDSCAPE EDGING COLMET, 4" HT X 3/16" THICK, BLACK POWDER COAT FINISH. INSTALL PER MANUFACTURER'S SPECIFICATIONS
L-102	LOW MAINTENANCE LAWN CONTACT: RAMY TURF, RAMYTURF.COM, 507-387-4091, MANKATO, MN HYDROSEED ALL AREAS INDICATED ON PLAN WITH "CUT LESS LOW GROWING TURF MIX" BY RAMY TURF, HYDROSEED WITH "TERRA BLEND HYDRO MULCH" UNLESS SEEDING DORMANTLY IN NOVEMBER. IF DORMANT SEEDING, THEN USE "FLEX TERRA HYDRO MULCH"
L-103	LANDSCAPE BED, TYP. CONTACT: TOTAL LANDSCAPE SUPPLY, TOTALLANDSCAPESUPPLYMN.COM, 507-642-7625, MANKATO, MN MIN. THREE TO FOUR INCH LAYER OF 1 1/2" ST. CLOUD GRANITE ROCK MULCH INSTALLED OVER NON-WOVEN WEED FABRIC
L-104	TREE RING 34" DIA. TREE RING WITH WESTERN RED CEDAR MULCH FROM TOTAL LANDSCAPE SUPPLY, OR EQUIVALENT. INSTALL AROUND ALL TREES OUTSIDE OF LANDSCAPE BEDS, SEE PLAN AND DETAIL 2 ON SHEET L-5.0

PLANT SCHEDULE

SYMBOL	CODE	BOTANICAL / COMMON NAME
TREES		
	AL	AMELANCHIER LAEVIS ALLEGHANY SERVICEBERRY
	GO	GLEDITSIA TRIACANTHOS 'NORTHERN ACCLAIM' NORTHERN ACCLAIM HONEY LOCUST
	PN	FINUS NIGRA 'OREGON GREEN' OREGON GREEN AUSTRIAN PINE
	TS	THUJA OCCIDENTALIS 'SMARAGD' EMERALD GREEN ARBORVITAE
SHRUBS		
	CF	CORNUS SERICEA 'FARROW' ARCTIC FIRE® RED TWIG DOGWOOD
	CS	CORNUS SERICEA 'FLAVIRAMEA' YELLOW TWIG DOGWOOD
	JP	JUNIPERUS HORIZONTALIS 'PRINCE OF WALES' PRINCE OF WALES JUNIPER
	MC	MICROBIOTA DECUSATA 'PRIDES' CELTIC PRIDE® SIBERIAN CARPET CYPRESS
	RG	RHUS AROMATICA 'GRO-LOW' GRO-LOW FRAGRANT SUMAC
HEDGES		
	SX	SYRINGA X 'JEFELADY' LITTLE LADY™ LILAC
	TH	THUJA OCCIDENTALIS 'SMARAGD' EMERALD GREEN ARBORVITAE
PERENNIALS		
	BB	BOUTELOUA GRACILIS 'BLONDE AMBITION' BLONDE AMBITION BLUE GRAMA
	CR	CAREX RADIX EASTERN STAR SEDGE
	GM	GERANIUM MACULATUM SPOTTED GERANIUM
	WL	NEPETA RACEMOSA 'WALKER'S LOW' WALKER'S LOW CATMINT
	RS	RUDBECKIA FULGIDA 'LITTLE GOLDSTAR' LITTLE GOLDSTAR CONEFLOWER
	SS	SCHIZACHYRIUM SCOPARIUM 'STANDING OVATION' STANDING OVATION LITTLE BLUESTEM
SYMBOL	CODE	BOTANICAL / COMMON NAME
GROUND COVERS		
	PW	PHLOX DIVARICATA WOODLAND PHLOX

DATE: 07/20/2024
BY: NC

REVISIONS: HIGHWAY GATEWAY CORRELA (REF. JESSE COMPLIANCE)

PROJECT NAME: LES SCHWAB TIRE CENTERS
LOT 3 BLOCK 2 COMMERCIAL PARK
MANKATO, MN

DESIGNER: NC
DRAWN BY: MS
APPROVED BY: MS
DATE: 07/23/2024
JOB NO: 1792
DRAWING FILE NO:
DRAWING NO: L-3.0
SHEET NO: 02 OF 03

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PLANTING PLAN

PROJECT NAME: LES SCHWAB TIRE CENTERS
LOT 3 BLOCK 2 COMMERCIAL PARK
MANKATO, MN

DESIGNER: NC
DRAWN BY: MS
APPROVED BY: MS
DATE: 07/23/2024
JOB NO: 1792
DRAWING FILE NO:
DRAWING NO: L-3.0
SHEET NO: 02 OF 03



PERSPECTIVE

MATERIAL LEGEND:

PC-1	FABCON PRE-CAST PANEL, EXPOSED AGGREGATE W/ 4" HORIZONTAL RELIEF STARK SHERWIN WILLIAMS, COLOR: 7088 - GRIZZLE GRAY
PC-2	FABCON PRE-CAST PANEL, EXPOSED AGGREGATE, MFR. FINISH, COLOR: INTEGRAL WHITE STARK SHERWIN WILLIAMS, COLOR: 7094 - CHIMBAGE DOOR
PC-3	FABCON PRE-CAST PANEL, EXPOSED AGGREGATE W/ VERTICAL PATTERNED RELIEF STARK SHERWIN WILLIAMS, COLOR: 7088 - GRIZZLE GRAY
PC-4	FABCON PRE-CAST PANEL, EXPOSED AGGREGATE W/ VERTICAL PATTERNED RELIEF STARK SHERWIN WILLIAMS, COLOR: 7088 - GRIZZLE GRAY
SP-1	SOFFIT PANEL, PAC-CLAD FLUSH SOLID W/ PVD WOOD GRAIN FINISH (COOPER)
SK-1	SITE FURNISHINGS IN DARK BRONZE, TRASH RECEPTACLE AND BENCH
EP-2	PRE-FINISHED METAL AND/OR EXTERIOR PAINT SUPERPAINT EXTERIOR ACRYLIC LATEX SATIN ABBOTT 151 (MATCH KAWNEER #40 DARK BRONZE)
PC-4	PRE-FINISHED STANDING SEAM METAL ROOFING PANELS - DARK BRONZE
F-1	PRE-FINISHED STEEL FENCE & GATE SYSTEM BY ALPINE INDUSTRIAL FENCING - DARK BRONZE



FRONT ELEVATION

1/8" = 1'-0"



SHOWROOM ELEVATION

1/8" = 1'-0"

TBD INTERLACHEN DR., MANKATO, MN
7 BAY LH LINEAR STORE - PROTOTYPE Q2 2024
LES SCHWAB TIRE CENTER - MANKATO, MN

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ENTITLEMENT

07.18.24
PROJECT # 13417
DESIGNED BY | COOMBS
DRAWN BY | MARQUETTE
REVISIONS

EXTERIOR
ELEVATIONS

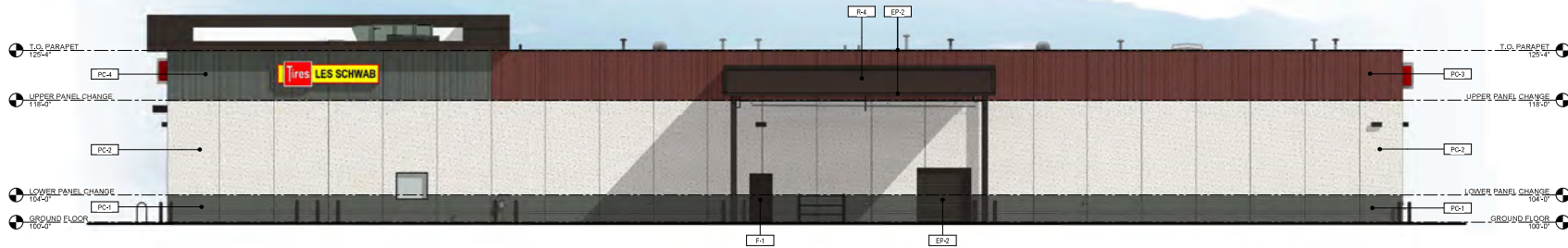
A2.1



PERSPECTIVE

MATERIAL LEGEND:

PC-1	FABCON PRE-CAST PANEL EXPOSED AGGREGATE W/ 4" HORIZONTAL RELIEF STAIN: SHERWIN WILLIAMS, COLOR: 7068 - GRIZZLE GRAY
PC-2	FABCON PRE-CAST PANEL EXPOSED AGGREGATE, MFR. FINISH, COLOR: INTEGRAL WHITE
PC-3	FABCON PRE-CAST PANEL EXPOSED AGGREGATE W/ VERTICAL PATTERNED RELIEF STAIN: SHERWIN WILLIAMS, COLOR: 7594 - CHARIAGE DOOR
PC-4	FABCON PRE-CAST PANEL EXPOSED AGGREGATE W/ VERTICAL PATTERNED RELIEF STAIN: SHERWIN WILLIAMS, COLOR: 7068 - GRIZZLE GRAY
SP-1	SOFFIT PANEL PAC-CLAD FLUSH SOLID W/ PAOF WOOD GRAIN FINISH (COPPER)
EP-1	SITE FURNISHINGS IN DARK BRONZE, TRASH RECEPTACLE AND BENCH
EP-2	PRE-FINISHED METAL AND/OR EXTERIOR PAINT SUPERPAINT EXTERIOR ACRYLIC LATEX SATIN ABBW01151 (MATCH KAMMEER AND DARK BRONZE)
R-4	PRE-FINISHED STANDING SEAM METAL ROOFING PANELS - DARK BRONZE
F-1	PRE-FINISHED STEEL FENCE & GATE SYSTEM BY ALPINE INDUSTRIAL FENCING - DARK BRONZE



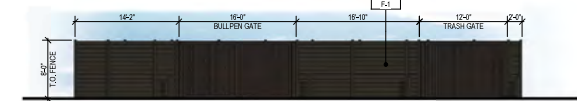
REAR ELEVATION

1/8" = 1'-0"



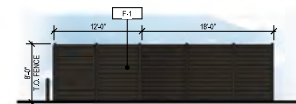
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1/8" = 1'-0"



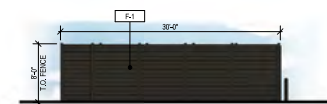
ENCLOSURE FRONT ELEVATION

1/8" = 1'-0"



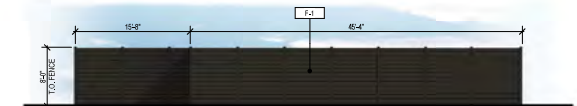
ENCLOSURE RIGHT ELEVATION

1/8" = 1'-0"



ENCLOSURE LEFT ELEVATION

1/8" = 1'-0"



ENCLOSURE REAR ELEVATION

1/8" = 1'-0"

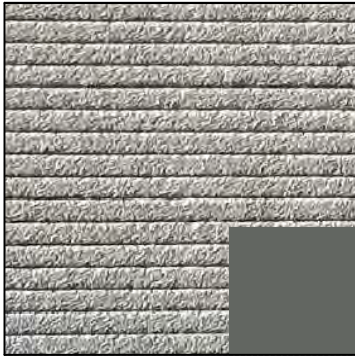
TBD INTERLACHEN DR. MANKATO, MN
7 BAY LH LINEAR STORE - PROTOTYPE Q2 2024
LES SCHWAB TIRE CENTER - MANKATO, MN

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ENTITLEMENT

07.18.24
PROJECT # 13417
DESIGNED BY JNC
DRAWN BY JNC
REVISIONS

EXTERIOR
ELEVATIONS

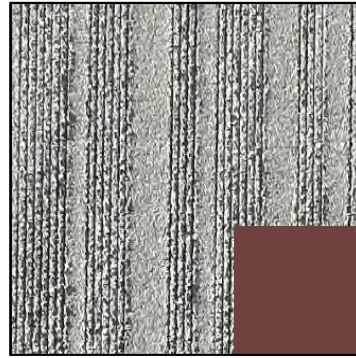
A2.2



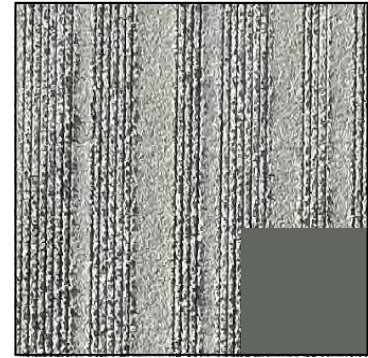
PC-1 EXPOSED AGG. W/ HORIZONTAL RELIEF
SCALE: 1/4" = 1'-0"



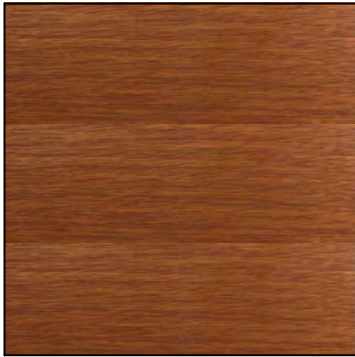
PC-2 EXPOSED AGGREGATE
SCALE: 1/4" = 1'-0"



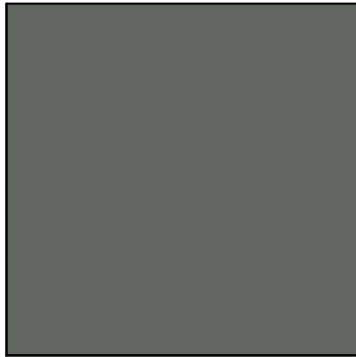
PC-3 EXPOSED AGG. W/ VERTICAL RELIEF
SCALE: 1/4" = 1'-0"



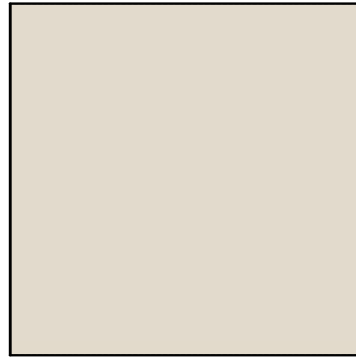
PC-4 EXPOSED AGG. W/ VERTICAL RELIEF
SCALE: 1/4" = 1'-0"



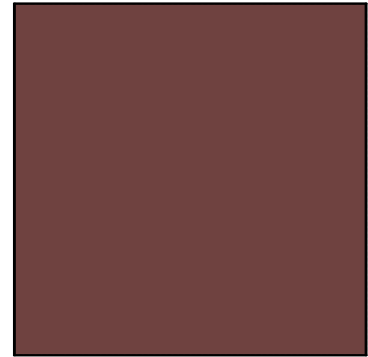
SP-1 WOODGRAIN COPPER
SCALE: 1/4" = 1'-0"



COLOR - GRIZZLE GREY
1/4" = 1'-0"



COLOR - INTEGRAL WHITE
1/4" = 1'-0"



COLOR - CARRIAGE DOOR
1/4" = 1'-0"



COLOR - DARK BRONZE
1/4" = 1'-0"



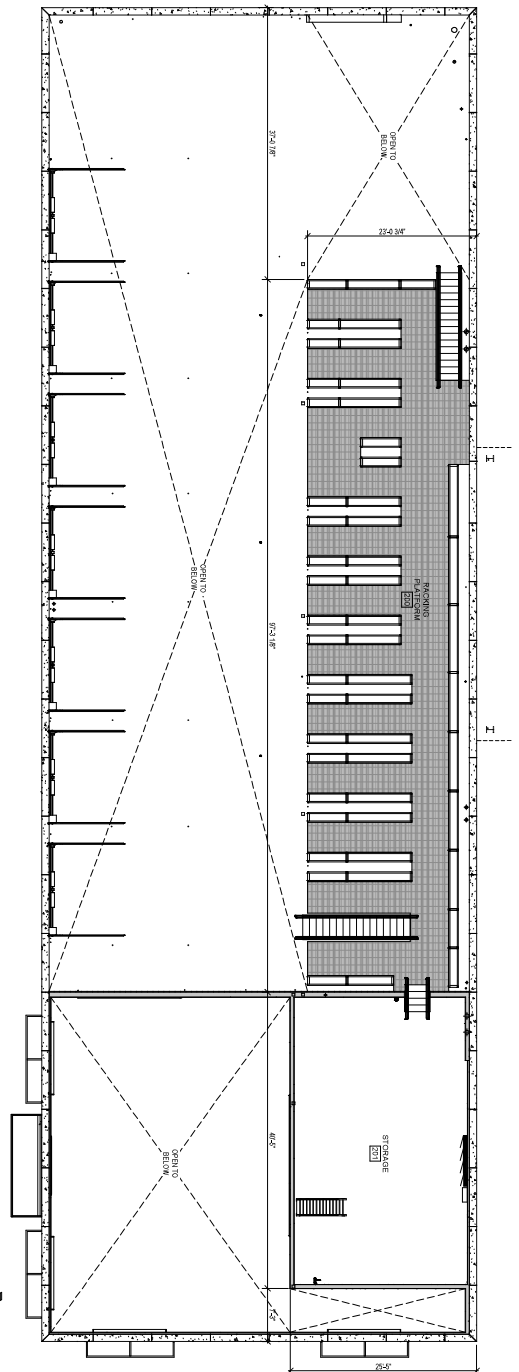
TBD INTERLACHEN DR., MANKATO, MN
7 BAY LH LINEAR STORE - PROTOTYPE Q2 2024
LES SCHWAB TIRE CENTER - MANKATO, MN

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ENTITLEMENT

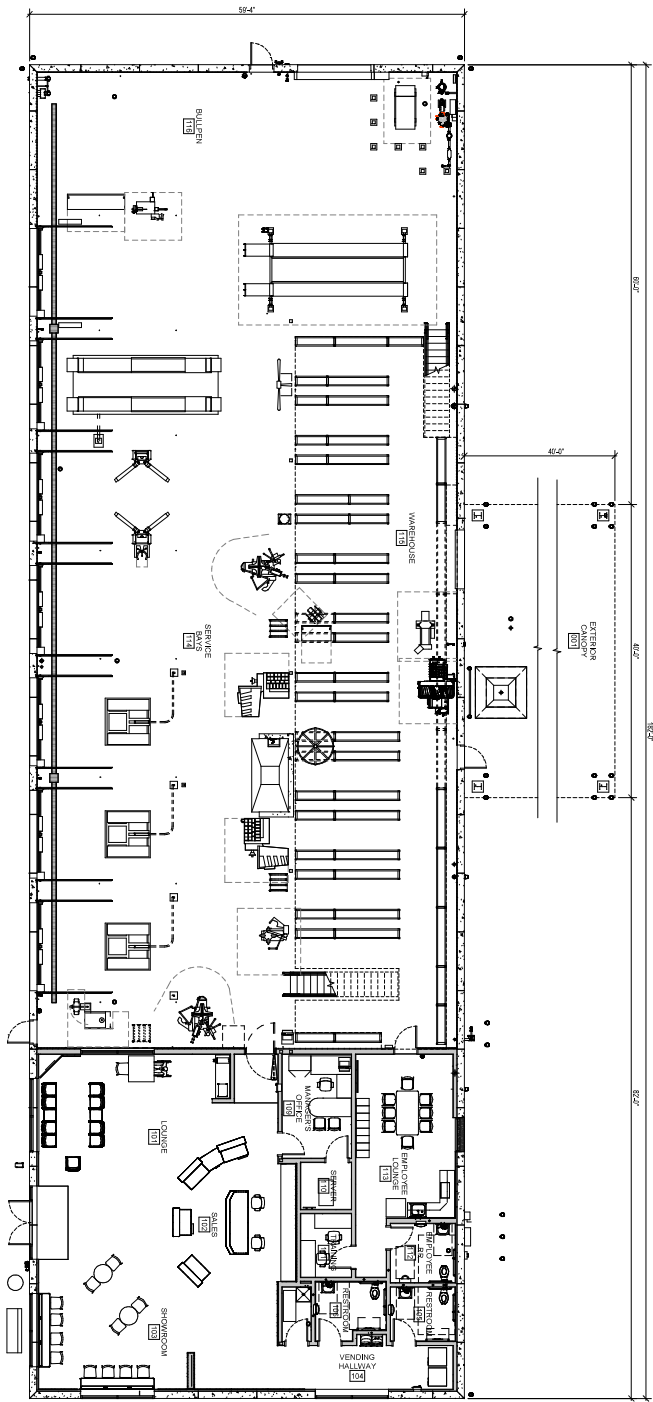
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PROJECT# 2417
DESIGNED BY JNC
DRAWN BY JNC
REVISIONS

MATERIALS BOARD

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PSYCHOLOGIE
Prof. Dr. J. SCHWAB



TBD INTERLACHEN DR., MANKATO, MN
7 BAY LH LINEAR STORE - PROTOTYPE Q2 2024

LES SCHWAB TIRE CENTER - MANKATO, MN



AGENDA RECOMMENDATION

Consent Calendar 5. H.

City Council Regular Meeting

Meeting Date: 09/09/2024

Agenda Item:

Resolution approving the Mankato Regional Airport Disadvantaged Business Enterprise (DBE) Program Participation Plan for federal funding through fiscal year 2025.

Recommendation/Action(s):

Adoption of the attached resolution.

Summary:

The City of Mankato is required to have a Disadvantaged Business Enterprise (DBE) Program to comply with 49 CFR 26 since we fall into one of the below categories and let DOT-assisted contracts:

1. All FHWA primary recipients receiving funds authorized by a statute to which this part applies;
2. FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$250,000 in FTA funds in a Federal fiscal year;
3. FAA recipients receiving grants for airport planning or development who will award prime contracts, the cumulative total value of which exceeds \$250,000 in FAA funds in a Federal fiscal year.

The current DBE Program is expiring and needs to be renewed through fiscal year 2025. The program attached to this agenda item can be used for FHWA, FTA, and FAA programs, except for the DBE goals, which may vary between FHWA, FTA, and FAA programs. Some DBE goals may be set globally, as is the case for the FAA, or by project in the case of FHWA and FTA.

The City of Mankato's DBE Program for the Mankato Regional Airport will establish a minority and women-owned business participation goal of 1.5% on all Federally Assisted construction projects from the FAA.

Program requirements also include the annual monitoring of the DBE Program participation goal, and re-evaluation of the DBE participation goal percentage. Records will be kept to track and evaluate direct DBE participation, subcontractors' lists, bidder lists, good faith efforts and other factors that may indicate evidence for subsequent adjustment of the DBE participation goal.

It is recommended that the City Council approve the city's Disadvantaged Business Enterprise (DBE) Program by adopting the attached resolution.

Attachments

Resolution

DBE Program

**RESOLUTION APPROVING THE MANKATO REGIONAL AIRPORT DISADVANTAGED
BUSINESS ENTERPRISE PROGRAM (DBE) PARTICIPATION PLAN FOR FEDERAL
FUNDING THROUGH FISCAL YEAR 2025**

WHEREAS, the U.S. Department of Transportation ("DOT") Disadvantaged Business Enterprise ("DBE") Program provides a vehicle for increasing the participation of minority business enterprises in state and local procurement; and

WHEREAS, adherence to DBE Program regulations is required in order for the Mankato Regional Airport ("Airport") to remain eligible to receive federal financial assistance and grants from the DOT and the Federal Aviation Administration ("FAA") for Airport capital development projects; and

WHEREAS, the Airport is required to submit to the FAA a DBE Program participation plan ("Participation Plan") every three (3) years that identifies the overall DBE participation goal ("Participation Goal") and the methods by which it is to be achieved; and

WHEREAS, the City's airport consultant, Tolz, King, Duvall, and, Anderson (TKDA) is currently revising the DBE program participation goals, which are to be achieved through race-neutral methods;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MANKATO, MINNESOTA:

1. The overall race-neutral DBE Program Participation Goal of 1.5% for through FFY 2025 is approved.
2. The City Manager is hereby authorized to submit the DBE Program Participation Plan to the FAA when complete.
3. The City Manager is hereby authorized to make revisions to the three year DBE Program Participation Plan as requested by the FAA.

This resolution shall become effective upon its adoption.

Passed this 9th day of September 2024

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke
City Clerk

DBE PROGRAM – 49 CFR PART 26

CITY OF MANKATO

MANKATO REGIONAL AIRPORT

August 01, 2024



POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The City of Mankato has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City of Mankato has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of Mankato has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of the City of Mankato to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also the City of Mankato policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT- assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Jeffrey E. Johnson has been delegated as the DBE Liaison Officer. In that capacity, the DBE Liaison Officer is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Mankato in its financial assistance agreements with the Department of Transportation.

The City of Mankato has disseminated this policy statement to the City's Chamber of Commerce, Blue Earth County Public Works Department, State of Minnesota Contractors Association, MnDOT Aeronautics, State of Minnesota Minority Business Development Office and the Federal Aviation Administration Office of Civil Rights. This statement has been distributed to DBE and non-DBE business communities that may perform work on City of Mankato DOT-assisted contracts. The distribution was accomplished via the City's official internet website.

Susan MH Arntz

Date

GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are elaborated in the policy statement on the first page of this program.

Section 26.3 Applicability

The City of Mankato is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The City of Mankato will use terms in this program that have their meanings defined in Part 26, § 26.5.

Section 26.7 Non-discrimination Requirements

The City of Mankato will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the City of Mankato will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Data Collection and Reporting Requirements

Reporting to DOT

The City of Mankato will provide data about its DBE Program to the Department as directed by DOT and its operating administrations.

DBE participation will be reported to the Federal Aviation Administration (FAA) as follows:

The City of Mankato will transmit to FAA annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and

Payments”, as described in Part 26. The City of Mankato will similarly report the required information about participating DBE firms. All reporting for this purpose will be done through the FAA’s designated reporting system.

Bidders List

The City of Mankato will collect bidders list information as described in § 26.11(c)(2) and enter it into the system designated by DOT. The purpose of the bidders list is to compile as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our federally assisted contracts for use in helping you set your overall goals, and to provide the Department with data for evaluating the extent to which the objectives of § 26.1 are being achieved.

The City of Mankato will obtain the following bidders list information about all DBE and non-DBEs who bid as prime contractors and subcontractors on each of our federally assisted contracts:

- Firm name
- Firm Address including Zip code
- Firm’s status as a DBE or non-DBE
- Race and gender information for the firm’s majority owner
- NAICS code applicable to each scope of work the firm sought to perform in its bid
- Age of the firm
- Annual gross receipts of the firm. The gross receipts can be obtained by asking each firm to indicate into what gross receipts bracket they fit (e.g. less than \$1 million; \$1-3 million; \$3-6 million; \$6-10 million, etc) rather than requesting an exact figure from the firm.

The City of Mankato will collect the data from all bidders for our federally assisted contracts by requiring the information in paragraph (c)(2) of this section to be submitted with their bids or initial responses to negotiated procurements.

The City of Mankato will enter this data in the Department’s designated system no later than December 1 following the fiscal year in which the relevant contract was awarded.

In the case of a “design-build” contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan pursuant to § 26.53(e), The City of Mankato will enter the data no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).

The City of Mankato will maintain records documenting a firm’s compliance with the requirements of this part. At a minimum, the City of Mankato will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with all applicable record retention requirements of The City of Mankato’s financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention

requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Assurances Recipients and Contractors Must Make

The City of Mankato has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a) - Each financial assistance agreement The City of Mankato signs with a DOT operating administration (or a primary recipient) will include the following assurance:

The City of Mankato shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The City of Mankato shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The City of Mankato DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Mankato of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

Contract Assurance: 26.13(b) - The City of Mankato will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the contractor from future bidding as non-responsible.

ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The City of Mankato is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year.

The City of Mankato is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and the City of Mankato is in compliance with it and Part 26. The City of Mankato will continue to carry out this program until all funds from DOT financial assistance have been expended. The City of Mankato does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted to the relevant operating administration for approval.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this DBE Program.

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for the City of Mankato:

Jeffrey E. Johnson
Director of Public Works
10 Civic Center Plaza, Mankato, MN 56001
Phone: (507) 387-8640
E-mail: jjohnson@mankato.mn.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Mankato complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the *City Manager* concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of 4, including the consulting engineer for the airport, to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the City of Mankato's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of the City of Mankato to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Availability of such institutions will be investigated on an annual basis on the Minnesota United Certification Program's website (<http://mnucp.metc.state.mn.us/Default.aspx>).

This information will be provided to the prime contractors on applicable projects. Information for DBE Financial Institutions will be gathered for the following NAICS codes:

522320 Processing financial transactions
522320 Electronic financial payment services
522320 Financial transactions processing (except central bank)
523930 Financial planning services, customized, fees paid by client
524126 Credit and other financial responsibility insurance carriers, direct

Section 26.29 Prompt Payment Mechanisms

The City of Mankato requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law. Prompt payment and return of retainage requirements also apply to lower-tier subcontractors.

In accordance with 49 CFR § 26.29, the City of Mankato established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the City of Mankato.

The City of Mankato ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, the City of Mankato has selected the following method to comply with this requirement:

The City of Mankato will decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor(s) within 30 days after the subcontractor's work is satisfactorily completed.

For every airport construction project funded under Federal grant assistance programs, the City of Mankato includes the applicable clause from FAA Advisory Circular 150/5370-10 (Section 90-06) pertaining to the selected retainage method. If state or local prompt payment laws provide for payment in less than 30 days, any reference to "30 days" will be revised accordingly.

Prompt Payment Monitoring for DBEs and Non-DBEs

The City of Mankato clearly understands and acknowledges that reliance on complaints or notifications from subcontractors about a contractor's failure to comply with prompt payment and retainage requirements is not a sufficient monitoring and oversight mechanism. Therefore, the City of Mankato undertakes proactive monitoring and oversight of prime contractors' compliance with subcontractor prompt payment and return of retainage requirements of 49 CFR Part 26. Such monitoring activities will be accomplished through the following method(s):

1. Withholding of payment to the contractor under the contract until they comply.
2. Cancellation, termination, or suspension of the contract in whole or in part.
3. Any other available legal remedy.

The City of Mankato requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the City of Mankato's

financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the City of Mankato or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

- The City of Mankato proactively reviews contract payments to subcontractors including DBEs quarterly. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to the City of Mankato by the prime contractor.

Prompt Payment Dispute Resolution

The City of Mankato will take the following steps to resolve disputes as to whether timely prompt payment and retainage releases are being made as required by § 26.29.

The Architect/Engineer/Construction Coordinator shall decide any and all questions which may arise as the quality and acceptability of materials furnished and work performed and as to the manner of performance and rate of progress of said work. Their decision shall be final and binding on all parties concerned.

The City of Mankato has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage:

The Contractor shall pay interest of 1-1/2 percent per month or any part of a month to any Subcontractor on any undisputed amount not paid within ten days of receipt of payment by the Contractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the Contractor shall pay the actual penalty due to the Subcontractor. Pursuant to Minn. Stat. § 471.425, subd. 4a, a Subcontractor who prevails in a civil action to collect interest penalties from the Contractor must be awarded its costs and disbursements, including attorney fees, incurred in bringing the action.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.

- If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint.
- If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by the City of Mankato to resolve prompt payment disputes,

affected subcontractor may contact the responsible Architect/Engineer/Construction Coordinator contact.

- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

The City of Mankato provides appropriate means to enforce the requirements of § 26.29. These means include:

- In accordance with the contract, the Contractor shall pay interest of 1-1/2 percent per month or any part of a month to the Subcontractor on any undisputed amount not paid within ten days.
- Subcontractor may seek payment from the surety on the payment bond provided by the Contractor.

The City of Mankato will actively implement the enforcement actions detailed above.

Section 26.31 Directory of Certified Firms

The City of Mankato is a non-certifying member of the Minnesota Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs and/or ACDBEs, and it contains all the elements required by §26.31. The directory lists all firms eligible to participate as a DBE and/or ACDBE in the program. In the listing for each firm, the UCP directory includes the following details about the firm:

- Business address
- Business phone number
- Firm website(s)
- The types of work the firm has been certified to perform as a DBE and/or ACDBE.
- The type of work a DBE and/or ACDBE is eligible to perform is listed by using the most specific NAICS code available to describe each type of work the firm performs. Pursuant to § 26.81(n)(1) and (3), the UCP directory allows for NAICS codes to be supplemented with specific descriptions of the type(s) of work the firm performs.
- The UCP directory may include additional data fields of other items readily verifiable in State or locally maintained databases, such as State licenses held, Pre-qualifications, and Bonding capacity.
- The UCP directory is an online system that permits the public to search and/or filter for DBEs by:
 1. Physical location
 2. NAICS code(s)
 3. Work descriptions

4. All additional data fields of readily verifiable optional information described above.

The directory includes a prominently displayed disclaimer that states the information within the directory is not a guarantee of the DBE's capacity and ability to perform work.

Section 26.33 Over-concentration

The City of Mankato has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development and Mentor-Protégé Programs

The City of Mankato has not established a Business Development Program or a Mentor-Protégé Program as described by 49 CFR Part 26.

Section 26.37 Monitoring Responsibilities

The City of Mankato implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants and describes and sets forth these mechanisms in this DBE program.

The City of Mankato actively monitors attainment toward overall goals by maintaining running tally that provides for a frequent comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards to determine whether our implementation of contract goals is projected to be sufficient to meet the annual goal. The running tally for overall goal monitoring will be maintained by the Architect/Engineer/Construction Coordinator by requesting the Prime Contractor to provide DBE payment information with each Partial Payment request during the project. This mechanism to maintain a running tally of overall goal attainment will be used to inform The City of Mankato's decisions to implement goals on contracts to be advertised, according to our established contract goal-setting process.

The City of Mankato actively monitors participation with respect to each DBE commitment by using a running tally that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor. The running tally for contract goal monitoring will be maintained by the Architect/Engineer/Construction Coordinator by requesting the Prime Contractor to provide DBE payment information with each Partial Payment request during the project. These contract-specific running tallies will be used to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g).

Monitoring Contracts and Work Sites

The City of Mankato reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed, and such work is counted according to the requirements of § 26.55. Work site monitoring for counting and commercially useful function review is performed the Consultant. Contracting records are reviewed by the Consultant and the DBELO. The City of Mankato will maintain written certification that contracting records have been reviewed and work sites have been monitored to ensure the counting of each DBE's participation is consistent with its function on the contract.

Section 26.39 Fostering Small Business Participation

The City of Mankato has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The small business element is incorporated as Attachment 10 to this DBE Program. The program elements will be actively implemented to foster small business participation. The City of Mankato acknowledges that implementation of the small business element is required for us to be considered by DOT as implementing our DBE program in good faith.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The City of Mankato does not use quotas or race-conscious set-asides in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The City of Mankato will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), the City of Mankato will submit its Overall Three-year DBE Goal to the FAA by August 1st of the year in which the goal is due, as required by the schedule established by FAA.

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City of Mankato does not anticipate awarding prime contracts

the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect and the City of Mankato will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. The City of Mankato will use the DBE Directory Information and Census Bureau Data as a method to determine the base figure. The City of Mankato understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. The City of Mankato will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the City of Mankato market.

In establishing the overall goal, the City of Mankato will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by the City of Mankato to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before the City of Mankato is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which the City of Mankato engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, the City of Mankato will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on the City of Mankato official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the

proposed goal changes following review by the FAA, the revised goal will be posted on the City of Mankato official internet web site.

The Overall Three-Year DBE Goal submission to the FAA will include any information and comments received, who provided the comment, and how the City of Mankato considered and responded to any comments and information received before finalizing the goal.

The City of Mankato will begin using the overall goal on October 1 of the relevant period, unless other instructions from the FAA have been received.

Project Goals

If permitted or required by the FAA an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and it must meet all the substantive and procedural requirements pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

Prior Operating Administration Concurrence

The City of Mankato understands that prior FAA concurrence with the overall goal is not required. However, if the FAA review suggests that the overall goal has not been correctly calculated or that the method employed by the City of Mankato for calculating goals is inadequate, the FAA may, after consulting with the City of Mankato, adjust the overall goal or require that the goal be adjusted by the City of Mankato. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to § 26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

Section 26.47 Failure to meet overall goals

The City of Mankato cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless the City of Mankato fails to administer its DBE program in good faith.

The City of Mankato understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

The City of Mankato understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year.
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met.
- (3) The City of Mankato will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. The City of Mankato will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to the FAA upon request.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

The City of Mankato will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
- (2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);

- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
- (6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- (7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

The City of Mankato will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.

Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order to meet the overall goal.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established on every such contract, and the size of contract goals will be adapted to the circumstances of each

such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

Contract goals will be expressed as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals

Demonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeree that has made good faith efforts to meet the contract goal. The bidder/offeree can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO is responsible for determining whether a bidder/offeree who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsible.

The City of Mankato will ensure that all information is complete and accurate and adequately documents the bidder/offeree's good faith efforts before committing to the performance of the contract by the bidder/offeree.

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeree:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
 - a. The names and addresses of DBE firms that will participate in the contract;
 - b. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - c. The dollar amount of the participation of each DBE firm participating;
 - d. Written documentation of the bidder/offeree's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - e. Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment. Each DBE listed to perform work as a regular dealer or distributor must confirm its participation according to the requirements of § 26.53 (c)(1).

- f. If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract;
- (3) The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section:
- (4) No later than 5 days after bid opening as a matter of responsibility.

Provided that, in a negotiated procurement, such as a procurement for professional services, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (b)(2) of this section before the final selection for the contract is made by the City of Mankato. This paragraph (b)(3)(ii) does not apply to a design-build procurement, which must follow the provisions in paragraph (e) of 49 CFR § 26.53.

For each DBE listed as a regular dealer or distributor the City of Mankato will make a preliminary counting determination to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in §§ 26.55(e)(2)(iv)(A), (B), (C), and (3) under the contract at issue. The preliminary determination will be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. Where the DBE supplier does not affirm that its participation will meet the specific requirements of either a regular dealer or distributor, the City of Mankato will make appropriate adjustments in counting such participation toward the bidder's good faith efforts to meet the contract goal. The bidder is responsible for verifying that the information provided by the DBE supplier is consistent with the counting of such participation toward the contract goal.

In a design-build contracting situation, in which the City of Mankato solicits proposals to design and build a project with minimal project details at time of letting, the City of Mankato may set a DBE goal that proposers must meet by submitting a DBE Open-Ended DBE Performance plan (OEPP) with the proposal. The OEPP replaces the requirement to provide the information required in paragraph (b) of § 26.53(b). To be considered responsive, the OEPP must include a commitment to meet the goal and provide details of the types of subcontracting work or services (with projected dollar amounts) that the proposer will solicit DBEs to perform. The OEPP must include an estimated time frame in which actual DBE subcontracts would be executed. Once the design-build contract is awarded, the City of Mankato will provide ongoing monitoring and oversight to evaluate whether the design-builder is using good faith efforts to comply with the OEPP and schedule. The City of Mankato and the design-builder may agree to make written revisions of the OEPP throughout the life of the

project, e.g., replacing the type of work items the design-builder will solicit DBEs to perform and/or adjusting the proposed schedule, as long as the design-builder continues to use good faith efforts to meet the goal.

The City of Mankato will apply the requirements of this section to DBE bidders/offerors for prime contracts. In determining whether a DBE bidder/offeror for a prime contract has met a contract goal, the City of Mankato will count the work the DBE has committed to performing with its own forces as well as the work that it has committed to be performed by DBE subcontractors and DBE suppliers.

Administrative Reconsideration of Good Faith Efforts determinations

Within 2 business days of being informed by the City of Mankato that it is not responsible because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Susan Arntz – City Manager
Mankato City Hall, 10 Civic Center Plaza, Mankato, MN 56001
(507) 387-8695

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do so. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts procedural requirements (post-solicitation/award)

The City of Mankato will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section that the City of Mankato deems appropriate if the prime contractor fails to comply with the requirements of this section.

The City of Mankato will require the awarded contractor to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

The City of Mankato will require that a prime contractor not terminate a DBE or any portion of its work listed in response to § 26.53(b)(2) (or an approved substitute DBE firm per § 26.53(g)) without our prior written consent, unless the City of Mankato causes the termination or reduction. A termination includes any reduction or underrun in work listed for a DBE not caused by a material change to the prime contract by the recipient. This requirement applies to instances that include but are not limited to: when a prime contractor seeks to perform work originally designed for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

The City of Mankato will include in each prime contract a provision stating that:

- (1) The contractor must utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the City of Mankato's written consent as provided in § 26.53(f); and
- (2) Unless the City of Mankato consent is provided under § 26.53(f), the prime contractor must not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The City of Mankato may provide such written consent only if it agrees, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the listed DBE or any portion of its work.

Good cause does not exist if the prime contractor seeks to terminate a DBE or any portion of its work that is relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged, or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award. For purposes of § 26.53(f)(3), good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements;
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit worthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR parts 180, 215, and 1200 or applicable state law;

- (6) The City of Mankato has determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to the City of Mankato written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract; and
- (10) Other documented good cause that the City of Mankato determines compels the termination of the DBE subcontractor;

Before transmitting to the City of Mankato the request to terminate a DBE subcontractor or any portion of its work, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the City of Mankato sent concurrently, of its intent to request to terminate and the reason for the proposed request.

The prime contractor's written notice must give the DBE five (5) days to respond, advising the City of Mankato and the prime contractor of the reasons, if any, why it objects to the proposed termination of its subcontract or portion thereof and why the City of Mankato should not approve the prime contractor's request. If required in a particular case as a matter of public necessity (e.g., safety), the City of Mankato may provide a response period shorter than five (5) days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions or changes to DBEs or their listed work put forward by offerors in negotiated procurements.

When a DBE subcontractor or a portion of its work is terminated by the prime contractor as provided in § 26.53(f), or if work committed to a DBE is reduced due to overestimations made prior to award, the prime contractor must use good faith efforts to include additional DBE participation to the extent needed to meet the contract goal. The good faith efforts shall be documented by the contractor. If the City of Mankato requests documentation under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days, if necessary, at the request of the contractor. The City of Mankato shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in § 26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in § 26.87(j).

For FAA-funded projects **only**, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and may be counted for DBE credit toward overall and contract goals on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The City of Mankato is a **non-certifying member** of the Minnesota Unified Certification Program (UCP) and relies upon the UCP's determinations of certification eligibility. Minnesota UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying Minnesota UCP members make all certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

MnDOT Office of Civil Rights
Transportation Building, MS 170
395 John Ireland Blvd
St. Paul, MN 55155-1899
651-366-3073 (main office line)
651-366-3129 (fax)

The Uniform Certification Application form, Personal Net Worth statement, and documentation requirements can be reviewed at <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>.

SUBPART E – CERTIFICATION PROCEDURES

Any procedures included here are highlights only. Detailed certification procedures are enumerated in the full Minnesota UCP agreement. The full UCP agreement is included in Attachment 9.

Section 26.81 Unified Certification Programs

The City of Mankato is a non-certifying member of a Unified Certification Program (UCP) administered by the Minnesota UCP Commission. The UCP will meet all certification standards and procedures requirements of Subparts D and E of Part 26.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to the City of Mankato

The City of Mankato understands that if it fails to comply with any requirement of this part, the City of Mankato may be subject to formal enforcement action under § 26.103 or § 26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

The City of Mankato understands that, as provided in statute, it will not be subject to compliance actions or sanctions for failing to carry out any requirement of this part because it has been prevented from complying because a Federal court has issued a final order in which the court found that the requirement is unconstitutional.

Section 26.103 Enforcement Actions Applicable to FHWA and FTA Programs

The provisions of this section apply to enforcement actions under FHWA and FTA programs. **ONLY** paragraph (2) of this section is also applicable in FAA programs.

- (1) **Noncompliance complaints.** Any person who believes that a recipient has failed to comply with its obligations under this part may file a written complaint with the concerned operating administration's Office of Civil Rights. A complaint must be filed no later than 180 days after the date of the alleged violation or the date on which the complainant learned of a continuing course of conduct in violation of this part. In response to a complainant's written request, the Office of Civil Rights may extend the time for filing in the interest of justice, specifying in writing the reason for so doing. The Office of Civil Rights may protect the confidentiality of a complainant's identity as provided in § 26.109(b). Complaints under this part are limited to allegations of violation of the provisions of this part.
- (2) **Compliance reviews.** The concerned operating administration may review the recipient's compliance with this part at any time, including reviews of paperwork and on-site reviews, as appropriate. The Office of Civil Rights may direct the operating administration to initiate a compliance review based on complaints received.
- (3) **Reasonable cause notice.** If it appears, from the investigation of a complaint or the results of a compliance review that the City of Mankato is in noncompliance

with part 26, the appropriate DOT office will promptly send the City of Mankato, return receipt requested, a written notice advising that there is reasonable cause to find the City of Mankato in noncompliance. The notice states the reasons for this finding and directs the City of Mankato to reply within 30 days concerning whether you wish to begin conciliation.

(4) Conciliation.

- a. If the City of Mankato requests conciliation, the appropriate DOT office shall pursue conciliation for at least 30, but not more than 120, days from the date of the request. The appropriate DOT office may extend the conciliation period for up to 30 days for good cause, consistent with applicable statutes.
- b. If the City of Mankato and the appropriate DOT office sign a conciliation agreement, then the matter is regarded as closed and the City of Mankato is regarded as complying. The conciliation agreement sets forth the measures the City of Mankato has taken or will take to ensure compliance. While a conciliation agreement is in effect, the City of Mankato remains eligible for FHWA or FTA financial assistance.
- c. The concerned operating administration shall monitor the implementation of the conciliation agreement and ensure that its terms are complied with. If the City of Mankato fail to carry out the terms of a conciliation agreement, the City of Mankato is in noncompliance.
- d. If the City of Mankato does not request conciliation, or a conciliation agreement is not signed within the time provided earlier in this section, then enforcement proceedings begin.

(5) Enforcement actions.

- a. Enforcement actions are taken as provided in this subpart.
- b. Applicable findings in enforcement proceedings are binding on all DOT offices.

Section 26.105 Enforcement Actions Applicable to FAA Programs

Compliance with all requirements of this part by airport sponsors and other recipients of FAA financial assistance is enforced through the procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

The provisions of § 26.103(b) and this section apply to enforcement actions in FAA programs.

Any person who knows of a violation of this part by a recipient of FAA funds may file a complaint under 14 CFR part 16 with the Federal Aviation Administration Office of Chief Counsel.

Section 26.107 Enforcement Actions Applicable to Participating Firms

If a firm that does not meet the eligibility criteria of subpart D of this part attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.

If a firm, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, the Department may initiate suspension or debarment proceedings against you under 2 CFR parts 180 and 1200.

In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the concerned operating administration may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

The Department may take enforcement action under [49 CFR Part 31](#), Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under [49 CFR part 31](#).

The Department may refer to the Department of Justice, for prosecution under [18 U.S.C. 1001](#) or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

Section 26.109 Confidentiality, Cooperation, and Intimidation or Retaliation

In responding to requests for information concerning any aspect of the DBE program, the Department complies with provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Department may make available to the public any information concerning the DBE program release of which is not prohibited by Federal law.

Notwithstanding any provision of Federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to DOT in any certification appeal proceeding under § 26.89 or to any other state to which the individual's firm has applied for certification under § 26.85.

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The City of Mankato, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The City of Mankato understands that it is in noncompliance with Part 26 if it violates this prohibition.

ATTACHMENTS

- Attachment 1 Regulations: Link to 49 CFR Part 26 (eCFR)
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 Link to UCP Directory of Certified Firms
- Attachment 5 Overall Goal Calculations
- Attachment 6 Demonstration of Good Faith Efforts Forms
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 Link to Certification Application Form and Personal Net Worth Statement
- Attachment 9 State's UCP Agreement
- Attachment 10 Small Business Element Program

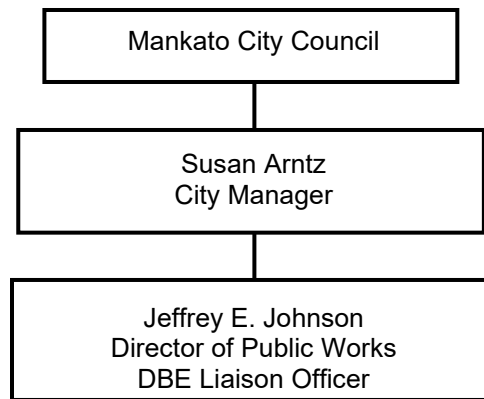
ATTACHMENT 1

DBE program regulations are codified in Title 49 of the Code of Federal Regulations, Part 26. They can be retrieved using the following link to the Electronic Code of Federal Regulations:

<https://www.ecfr.gov/current/title-49/subtitle-A/part-26>

ATTACHMENT 2

ORGANIZATIONAL CHART



ATTACHMENT 3

Bidder's List Collection Form

Firm Name	Firm Address (including ZIP code)	DBE or Non-DBE Status	NAICS Code(s) of Scope(s) Bid	Race/Gender of Majority Owner	Age of Firm	Annual Gross Receipts
				☐ Black American ☐ Hispanic American ☐ Asian-Pacific American ☐ Subcontinent Asian American ☐ Native American ☐ Non-minority Woman ☐ Other	☐ Less than 1 year ☐ 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than \$1 million ☐ \$1-3 million ☐ \$3-6 million ☐ \$6-10 million ☐ Over \$10 million
				☐ Black American ☐ Hispanic American ☐ Asian-Pacific American ☐ Subcontinent Asian American ☐ Native American ☐ Non-minority Woman ☐ Other	☐ Less than 1 year ☐ 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than \$1 million ☐ \$1-3 million ☐ \$3-6 million ☐ \$6-10 million ☐ Over \$10 million
				☐ Black American ☐ Hispanic American ☐ Asian-Pacific American ☐ Subcontinent Asian American ☐ Native American ☐ Non-minority Woman ☐ Other	☐ Less than 1 year ☐ 3 years ☐ 4-7 years ☐ 8-10 years ☐ More than 10 years	☐ Less than \$1 million ☐ \$1-3 million ☐ \$3-6 million ☐ \$6-10 million ☐ Over \$10 million

ATTACHMENT 4

Minnesota UCP Directory may be found here:

<https://mnucp.metc.state.mn.us/>

ATTACHMENT 5

Overall DBE Three-Year Goal Methodology

Name of Recipient: City of Mankato

Goal Period: FY 2023-25 (10/1/2022 through 9/30/2025)

DOT-assisted contract amounts:

Year 1	\$390,902
Year 2	\$340,152
Year 3	\$2,160,000
Totals	\$2,891,054

Overall Three-Year Goal: 1.5%, to be accomplished through 1.5% Race Conscious and 0.0% Race Neutral

Total dollar amount to be expended on DBEs: \$19,165

Describe the Number and Type of Contracts that the airport anticipates awarding:

Contracts in Fiscal Year #1

1. AIR TRAFFIC CONTROL TOWER SITE SELECTION - \$390,902

Contracts in Fiscal Year #2

1. ENVIRONMENTAL ASSESSMENT - ATCT - \$137,600
2. RUNWAY 15/33 AND TAXIWAY A PAVEMENT REHABILITATION - \$202,552

Contracts in Fiscal Year #3

1. AIR TRAFFIC CONTROL TOWER DESIGN - \$1,800,000
2. CONSTRUCT PERIMETER ROAD - \$315,000
3. PLANNING - RUNWAY 4/22 SHIFT STUDY - \$45,000

Market Area

MnDOT District No. 6 (Southeast), 7 (Southcentral), and 8 (Southwest)

Step 1. Actual relative availability of DBEs

The base figure for the relative availability was calculated as follows:

Method: Use DBE Directories (<https://mnucp.metc.state.mn.us/>) and Census Bureau Data (<https://data.census.gov/cedsci/>).

Weighted Availability of DBE firms:

Fiscal Year #1

For 10/1/2022 - 9/30/2023, award of the following is anticipated:

Project Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Directory	Census	DBE (%)	DBE (\$) (= Trade \$ x DBE %)
AIR TRAFFIC CONTROL TOWER SITE SELECTION	ENGINEERING/PLANNING	Engineering Services	541330	\$390,902	1	879	0.1%	\$391
AIR TRAFFIC CONTROL TOWER SITE SELECTION				\$390,902			0.1%	\$391
Year 1 Total				\$390,902			0.1%	\$391

Fiscal Year #2

For 10/1/2023 - 9/30/2024, award of the following is anticipated:

Project Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Director y	Censu s	DBE (%)	DBE (\$) (= Trade \$ x DBE %)
ENVIRONMENTAL ASSESSMENT - ATCT	ENGINEERING/PLANNING	Engineering Services	541330	\$137,600	1	879	0.1%	\$138
ENVIRONMENTAL ASSESSMENT - ATCT				\$137,600			0.1%	\$138
RUNWAY 15/33 AND TAXIWAY A PAVEMENT REHABILITATION	ENGINEERING/PLANNING	Engineering Services	541330	\$18,000	1	879	0.1%	\$18
RUNWAY 15/33 AND TAXIWAY A PAVEMENT REHABILITATION	TESTING & INSPECTION	Testing Laboratories and Services	541380	\$9,000	1	122	0.8%	\$72
RUNWAY 15/33 AND TAXIWAY A	TRUCKING	Trucking, specialized freight	484220	\$63,000	14	774	1.8%	\$1,134

PAVEMENT REHABILITATION		(except used goods), local							
RUNWAY 15/33 AND TAXIWAY A PAVEMENT REHABILITATION	PAVEMENT REPAIR	Highway, Street, and Bridge Construction	237310	\$112,552	9	260	3.5 %	\$3,939	
RUNWAY 15/33 AND TAXIWAY A PAVEMENT REHABILITATION				\$202,552			2.5 %	\$5,163	
Year 2 Total				\$340,152			1.6 %	\$5,301	

Fiscal Year #3

For 10/1/2024 - 9/30/2025, award of the following is anticipated:

Project Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Director y	Censu s	DBE (%)	DBE (\$) (= Trade \$ x DBE %)
AIR TRAFFIC CONTROL TOWER DESIGN	ARCHITECTURAL SERVICES	Architectural Services	541310	\$1,800,000	1	345	0.3 %	\$5,400
AIR TRAFFIC CONTROL TOWER DESIGN				\$1,800,000			0.3 %	\$5,400
CONSTRUCTION PERIMETER ROAD	ENGINEERING/PLANNING	Engineering Services	541330	\$36,000	1	879	0.1 %	\$36
CONSTRUCTION PERIMETER ROAD	TESTING & INSPECTION	Testing Laboratories and Services	541380	\$9,000	1	122	0.8 %	\$72
CONSTRUCTION PERIMETER ROAD	TRUCKING	Trucking, specialized freight (except used goods), local	484220	\$90,000	14	774	1.8 %	\$1,620
CONSTRUCTION PERIMETER ROAD	ROAD CONSTRUCTION	Highway, Street, and Bridge	237310	\$180,000	9	260	3.5 %	\$6,300

		Construction							
CONSTRUCTION				\$315,000			2.5%	\$8,028	
PERIMETER ROAD									
PLANNING - ENGINEERING/PLANNING	ENGINEERING/PLANNING	Engineering Services	541330	\$45,000	1	879	0.1%	\$45	
RUNWAY 4/22 SHIFT STUDY									
PLANNING - RUNWAY 4/22 SHIFT STUDY				\$45,000			0.1%	\$45	
Year 3 Total				\$2,160,000			0.6%	\$13,473	

The base goal projection after weighting is as follows:

- Total Weighted DBE Availability: **\$19,165**
- Total for All Trades: **\$2,891,054**

Dividing the weighted DBE totals by the total estimate for all trades gives a base DBE availability figure for the projects anticipated during the goal-setting period. This figure is expressed as a percentage and serves as the basis for the three-year overall goal.

Base of DBE Goal: **0.7%**

Past History Participation

One piece of data used to determine the adjustment to the base figure was the median of historical DBE accomplishments, as follows:

FY	Total Grant \$ Amount	DBE Goals			Accomplishments			Type of Work
		Race Conscious (%)	Race Neutral (%)	Total	Race Conscious (%)	Race Neutral (%)	Total	
FY 22	\$2,265,234	2.1%	0.0%	2.1%	2.2%	0.0%	2.2%	Highway, Street, and Bridge Construction, Other Support Activities for Road Transportation
FY 21	\$3,332,118	2.1%	0.0%	2.1%	2.3%	0.0%	2.3%	Highway, Street, and Bridge Construction, Other Support Activities for Road Transportation
FY 20	\$3,845,898	2.1%	0.0%	2.1%	2.3%	0.0%	2.3%	Supplier of Water, Sewer, and Storm Sewer parts, Hauling/Supply of asphalt
FY 19	\$337,770	2.1%	0.0%	2.1%	0.0%	0.0%	0.0%	None

Arranging this historical data from low to high (0%, 2.2%, 2.3%, 2.3%), the median is **2.3%**.

Step 1 Base averaged with historical median: **$(0.7\% + 2.3\%) / 2 = 1.5\%$**

To arrive at an overall goal, the Step 1 base figure was added to the Step 2 adjustment figure and the total was averaged, arriving at an overall goal of **1.5%**. City of Mankato believes this adjusted goal accurately reflects DBE participation that can be achieved for the type(s) of work being awarded during this three-year goal period (FY 2023-25).

Furthermore, there are no applicable disparity studies for the local market area or recent legal case information from the relevant jurisdictions to show evidence of barriers to entry or competitiveness of DBEs in the market area that is sufficient to warrant making an adjustment to the base goal.

Breakout of Estimated "Race and Gender Neutral" (RN) and "Race and Gender Conscious" (RC) Participation

City of Mankato will meet the maximum feasible portion of the overall goal by using race neutral means of facilitating DBE participation.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing;
3. Providing technical assistance and other services;
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
9. Assist DBEs and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

City of Mankato estimates that in meeting the established overall goal of 1.5%, it will obtain 0.0% from RN participation and 1.5% through race conscious measures.

This breakout is based on: *Mankato Regional generally achieves the DBE participation goal, with a few cases of over-achievement. Using DBE contract goals and race conscious efforts should best ensure that the goal is achieved.*

City of Mankato holds quarterly meetings open to all small businesses that are realistically expected to result in at least 0.0% additional DBE participation in 2018; therefore, 0.0% of the 1.5% goal is anticipated to be met via race-neutral means and the remaining 1.5% through race-conscious participation.

City of Mankato will adjust the estimated breakout of race neutral and race conscious DBE participation as needed to reflect actual DBE participation (see §26.51(f)) and track and report race neutral and race conscious participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to the following: DBE participation through a prime contract obtained through

customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal, and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Consultation

In establishing the overall goal, City of Mankato provided for consultation and publication. This process included consultation with minority, women's, and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Mankato's efforts to establish a level playing field for the participation of DBEs. The consultation included a scheduled, direct, interactive exchange with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and was conducted before the goal methodology was submitted to the operating administration for review. Details of the consultation are as follows.

The consultation was engaged via electronic mail correspondence describing upcoming FAA CIP identified projects, which was sent on 1/16/2023 to contractors listed on the Minnesota Unified Certification Program (MNUCP) in the relevant work areas in upcoming projects. Contractors were given contact information and encouraged to ask questions regarding the upcoming work.

The following comments were received during the course of the consultation: No comments were received after outreach was conducted.

A notice of the proposed goal was published on the City of Mankato official website before the methodology was submitted to Federal Aviation Administration.

Following the consultation, a notice was published on the Mankato Regional official website regarding the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City of Mankato offices for 30 days following the date of the notice, and informing the public that the City of Mankato will accept comments on the goals for 30 days from the date of the notice.

If the proposed goal changes following review by Federal Aviation Administration, the revised goal will be posted on City of Mankato official website.

Notwithstanding paragraph (f)(4) of §26.45, City of Mankato proposed goals will not be implemented until this requirement has been met.

Sample Public Notice Language

PUBLIC NOTICE

City of Mankato hereby announces its proposed Disadvantaged Business Enterprise (DBE) participation goal of 1.5% for FAA-funded contracts/agreements. The proposed goal pertains to federal fiscal years 2023 through 2025 (10/1/2022 - 9/30/2025). A consultation was engaged via electronic mail correspondence was sent on 1/19/2023 for the purpose of consulting with stakeholders to obtain information relevant to the goal-setting process.

Revision Date: 2024-08-01

The proposed goal and its attendant methodology are available for inspection between 8:00 a.m. 6:00 p.m. Monday through Friday at 10 Civic Center Plaza, Mankato, MN 56001 for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

Jeffrey E. Johnson

Director of Public Works

10 Civic Center Plaza, Mankato, MN 56001

Phone: (507) 387-8640

E-mail: jjohnson@mankato.mn.gov

ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1, 2, and 3

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner:

☐ Bidder/offeror has met the DBE contract goal

The bidder/offeror is committed to a minimum of ____ % DBE utilization on this contract.

☐ Bidder/offeror has not met the DBE contract goal

The bidder/offeror is committed to a minimum of ____% DBE utilization on this contract and has submitted documentation demonstrating good faith efforts.

Legal name of bidder/offeror's firm: _____

Bidder/Offeror Representative:

Name & Title

Signature

Date

FORM 2: LETTER OF INTENT

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

Name of bidder/offeror's firm: _____

Name & title of firm's AR: _____

Phone: _____ Email: _____

Name of DBE firm: _____

Name & title of DBE firm's AR: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Work to be performed by DBE firm:

Description of Work	NAICS	Dollar Amount / %*	Manufacturer/Regular Dealer/Distributor/Broker**

**Percentage is to be used only in negotiated procurements*

***For DBE suppliers only, state how the DBE will perform. For dealer/distributor/broker, Form 3 must be included.*

The undersigned bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The total expected dollar value of this work is \$ _____. The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, §26.53.

Signature of Bidder/Offeror's Authorized Representative

Date: _____

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for DBE participation therefore.

Signature of DBE's Authorized Representative

Date: _____

If the bidder/offeror does not receive award of the prime contract, all representations in this Letter of Intent shall be null and void.

Submit this page for each DBE subcontractor.

Form 3: DBE Regular Dealer/Distributor Affirmation Form

OMB Approval Pending 04/17/2024

U.S. Department of
Transportation**DBE Regular Dealer/Distributor
Affirmation Form**

Bidder Name:

Contract Name/Number:

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

DISCLAIMER: This form has not yet received OMB/PRA approval and is subject to change. We are making it available for your voluntary use.

DBE Name:

Total Subcontract/Purchase Order Amount:

Authorized DBE Representative (Name and Title):

NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will all items sold or leased be provided from the on-hand inventory at your establishment? ☐ YES ☐ NO

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.** If "NO" Continue.)

- a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)?

☐ YES ☐ NO (If "YES," Go to Question 2. If "NO" Continue.)

- b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?

☐ YES ☐ NO* (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.**

*If 1., 1.a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?

☐ YES ☐ NO¹

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacturer's facility)?

☐ YES² ☐ NO³

- a) Will you be using sources other than the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased?

☐ YES² ☐ NO³

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:

ATTACHMENT 7

Administrative Enforcement Mechanisms

The City of Mankato has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract, as follows
 - I. Withholding of payment to the contractor under the contract until they comply.
 - II. Cancellation, termination, or suspension of the contract in whole or in part.
 - III. Any other available legal remedy.
2. Breach of contract action, pursuant to **Minnesota State Statute 337.**
3. In addition, the Federal government has available several enforcement mechanisms that it may apply including, but not limited to, the following:
 - I. Suspension or debarment proceedings pursuant to 2 CFR Parts 180 & 1200.
 - II. Enforcement action pursuant to 49 CFR Part 31.
 - III. Prosecution pursuant to 18 USC 1001.

ATTACHMENT 8

[MNUCP - About the MNUCP](#)

ATTACHMENT 9

Minnesota UCP Agreement can be found here:

Minnesota Uniform Certification Program (MnUCP) was established in accordance with Federal regulations (49 CFR Part 26) to offer a "one-stop" shop for certification of Disadvantaged Business Enterprises on U.S. Department of Transportation contracts in Minnesota.

The Minnesota Unified Certification Program includes both certifying and non-certifying members. Certifying members include MnDOT, the Metropolitan Airports Commission, the Metropolitan Council and the City of Minneapolis. Non-certifying members include all other government entities in Minnesota that receive U.S. DOT funds.

The MNUCP DBE Program is subject to the following Federal Regulations · CFR 49 Part 26 · CFR 49 Part 23· EPA Regulations

ATTACHMENT 10

Small Business Element

CITY OF MANKATO MANKATO REGIONAL AIRPORT

The Mankato Regional Airport and its Sponsor are committed to procuring race and gender-neutral small business enterprise participation in construction, professional services and procurement, as prime and subcontractors. Since DBE firms are also defined as small businesses, participation by these entities will augment the Airport's race-neutral efforts to meet their DBE goal(s). In facilitating participation by small businesses, the Airport hopes to facilitate additional opportunities for DBE participation in addition to expanding opportunities for all small businesses.

a. Definitions:

"Small Business Enterprise" or SBE for the purposes of this section means a for-profit business:

1. That is at least 51% owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens.
2. Whose management and daily business operations are controlled by one or more of the individuals who own the small business; and
3. That is not dominant in its field, and which its size is not greater than the Small Business Administration business size standard(s) found in 13 CFR Part 121 appropriate to the type(s) of work the firm seeks to perform in DOT-assisted contracts under this section of the Airport's DBE Program.

b. Certification and Verification:

The Airport and its Sponsor will accept the following certifications for participation in the small business element of the Airport's DBE Program:

1. Minnesota Unified Certification Program (MnUCP) Certification – Valid DBE certification by a certifying UCP member which stipulates that a firm was determined to meet all requirements outlined in 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by a UCP certifying agency. The Applicant shall submit a copy of the certification letter and verification of status on the current Minnesota UCP database.
2. Valid certification by UCP along with two years of business tax returns or a copy of the business' current balance sheet if the business has been established for less than twelve (12) months to verify ability to meet size standards;
3. City/County/Authority Certification – The SBE shall provide a current, valid city, county and/or authority government certification indicating eligibility to participate in women, minority and/or veteran's procurements. Further, applicants also must submit two years of business tax returns or a copy of the business' current balance sheet if the business has been established for less than twelve (12) months to verify ability to meet size standards;
4. SBA 8(a) Business Development Certification – The applicant will submit a copy of the Federal 8(a) certification as described in 13 CFR Part 121 and

124 and two years of business tax returns or a copy of the business' current balance sheet if the business has been established for less than twelve (12) months to verify ability to meet size standards.

c. Methods:

To facilitate competition and expand opportunities for small businesses, the Airport has and continues to take all reasonable steps to eliminate potential obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The Airport will meet this objective using a combination of the following methods and strategies.

1. On a case-by-case basis, the Mankato Regional Airport and the City of Mankato may consider dividing a project into smaller-sized packages (i.e. unbundling) that are within the financial resources and capacity of SBEs. Solicitation documents will clearly identify these contract opportunities. The Airport will determine the feasibility of unbundling by reviewing the grant application for the federal project and determining the work elements that are likely to be grouped for construction and/or purchase. The Airport will also consider the economic feasibility, constructability and schedule impacts associated with unbundling a project to provide additional opportunities for small business participation.
2. In certain multi-year, design-build contracts or other large contracts the Airport will encourage bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform;
3. On prime contracts that do not have DBE contract goals, the Airport may encourage the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
4. To meet the portion of our overall goal projected to be met through race-neutral measures, the Airport will ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
5. The Airport advertises contracting opportunities through various outlets, including local newspapers, websites, and public meetings. The Airport also addresses the small business enterprise element and opportunities during pre-bid and other public outreach meetings including the periodic Chamber of Commerce Economic development meetings. Mankato Regional Airport and City of Mankato Staff are also available via phone or email to address small business and disadvantaged business questions and concerns. These meetings and other contact will continue to illustrate the Airport's commitment to the new small business enterprise (SBE) element and encourage participation of both SBE and DBE firms on airport-related projects.

The Airport will utilize a variety of methods to facilitate small business participation. In each federally assisted contract, the DBELO will document the method in which the small business elements will be implemented.

d. Implementation:

The Airport will implement this SBE Program element of its DBE Program within 90 days of receipt of FAA approval. The Airport will utilize the time to properly set

up the program in order to maximize the successful implementation of this program element. Activities will include:

1. Review, in coordination with the Development Staff, all upcoming projects in an effort to determine which, if any, will be conducive to any of the selected
2. Review, in coordination with Development Staff, Compliance, and Contract/Legal staff the necessary revisions and modifications to solicitation language and documentation prior to implementation.
3. Coordination with current consultants, contractors, and the FAA will identify existing and upcoming projects that may be candidates for “unbundling” or other race-neutral methods to support small business participation as well as providing information regarding small business certification, bid documentation, good faith efforts, monitoring and payment requirements, etc.

e. Principal Responsible Person

The principal responsible person for overseeing and implementing the Airport’s Small Business Program will be the Disadvantaged Business Enterprise Liaison Officer.

f. Assurances:

The Airport makes the following assurances regarding the small business element of the Airport’s DBE Program:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size requirements established under the DBE program are presumptively eligible to participation in the small business element of the DBE Program;
3. There are no geographic or local preferences/limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging or untried businesses; and
6. Steps will continue to be taken to encourage minority and/or women-owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to obtain UCP DBE certification.

In order to actively implement the Airport’s program elements to foster small business participation and to comply with the requirement of good faith implementation of our DBE program, the Airport will require that the Prime Contractor(s) for Construction Work Items and for Professional Services Work Items complete the form entitled, Fostering Small Business Participation, located in of pages 4 and 5 of this SBE program.

The Special Conditions of the Contract will indicate the amount of small business participation as determined by the Mankato Regional Airport and the City of Mankato.

Fostering Small Business Participation

Sponsor's Name:	
Airport Name:	
City, State:	
AIP Number:	
Federal Fiscal Year:	

In accordance with Section 26.39 the following detailed list shall be completed by Prime Contractor(s) for Construction Work Items as well as by Prime Contractor(s) for Professional Services Work Items. Note: The firms listed below may or may not be certified DBEs.

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	☐ Yes ☐ No		

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	☐ Yes ☐ No		

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	☐ Yes ☐ No		

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	☐ Yes ☐ No		

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	☐ Yes ☐ No		

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, St, Zip			
Telephone			
Is the firm a Certified DBE?	☐ Yes ☐ No		

The following notation is for Sponsor Use Only:

Accepted by: _____ **Date:** _____



AGENDA RECOMMENDATION

Consent Calendar 5. I.

City Council Regular Meeting

Meeting Date: 09/09/2024

Agenda Item:

Set October 15, 2024, as the date of public hearing for an ordinance rezoning property to R-T, Residential Transition; and for amendments to the Institutional Overlay District and the approved campus plan (1918 South Riverfront Drive); by request of Jacob Hummer.

Recommendation/Action(s):

At the August 28, 2024, meeting, the Planning Commission recommended setting October 15, 2024, as the date of hearing to review a request to rezone a property to R-T, Residential Transition, from B-1, Community Business District with the following findings of fact:

1. The proposed zoning classification change conforms to the land use plan for the City of Mankato.
2. The continued use of the property as a single-family dwelling conforms to the standards set forth in the Residential Transition Zoning District.
3. The proposed RT, Residential Transition zoning classification is consistent with adjacent properties and promotes areas of transition between adjacent land uses.

Summary:

The applicant is requesting to set October 15, 2024, as the date of hearing to rezone a property to R-T, Residential Transition, from B-1, Community Business District. The subject property is described as the south 80 feet of lot 13 and the east 10 feet of the south 68 feet of lot 14, Block 175, Plan of West Mankato subdivision.

The property located at 1918 South Riverfront Drive has a zoning designation of B-1, Community Business District; however, the current use of the property is a single-family residence. The property owner is seeking a rezoning of the property from the current B-1, Community Business District, to R-T, Residential Transition, to be more in line with the current use.

The rezoning to R-T is intended to serve as an area of transition between residential development and commercial and industrial development and the uses that are allowed in the district are limited to existing one- and two-family dwellings. The change in zoning will allow limited future residential improvement on the property.

Attachments

Resolution

General Location Map

Aerial

Proposed Rezoning

**ORDINANCE REZONING CERTAIN REAL PROPERTY
LOCATED IN THE CITY OF MANKATO TO R-T, RESIDENTIAL TRANSITION**

WHEREAS, that tract or parcel of land, herein called the "tract", lying and being in the City of Mankato, County of Blue Earth and State of Minnesota, legally described as the south 80 feet of lot 13 and the east 10 feet of the south 68 feet of lot 14, Block 175, Plan of West Mankato Subdivision (1918 S. Riverfront Dr.) is currently zoned B-1, Community Business District by the City of Mankato; and

WHEREAS, the owner, has petitioned the City of Mankato for rezoning of the south 80 feet of lot 13 and the east 10 feet of the south 68 feet of lot 14, Block 175, Plan of West Mankato Subdivision (1918 S. Riverfront Dr.) to R-T, Residential Transition; and

WHEREAS, the Planning Agency of the City of Mankato has completed a study of the request and made a report (CY 35-24), recommending such rezoning, a copy of which report has been referred to the Council of the City; and

WHEREAS, the Planning Commission of the City, on the 28th of August, 2024, following proper notice, held a public hearing regarding the proposed rezoning, the minutes of which hearing have been presented to the Council of the City; and

WHEREAS, based upon such staff report, the Planning Commission's recommendations, minutes, and the presentation made to the City Council at the time of the public hearing on this ordinance, the City Council hereby finds and determines that the rezoning of the property to R-T, Residential Transition is in the best interest and promotes the health and welfare of the community, and is in conformity with the comprehensive plan of and for the City.

NOW, THEREFORE, the City of Mankato, Minnesota does ordain that the tract shall be and is hereby zoned and classified, pursuant to the provisions of Chapter 10 of the Mankato City Code, as being in and constituting R-T, Residential Transition.

This ordinance shall, in accordance with the provisions of Sections 2.14 and 5.06 of the Mankato City Charter, become effective 30 days after publication of notice of its adoption.

Passed this _____ day of _____, 2024.

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke, MMC
City Clerk

General Location Map

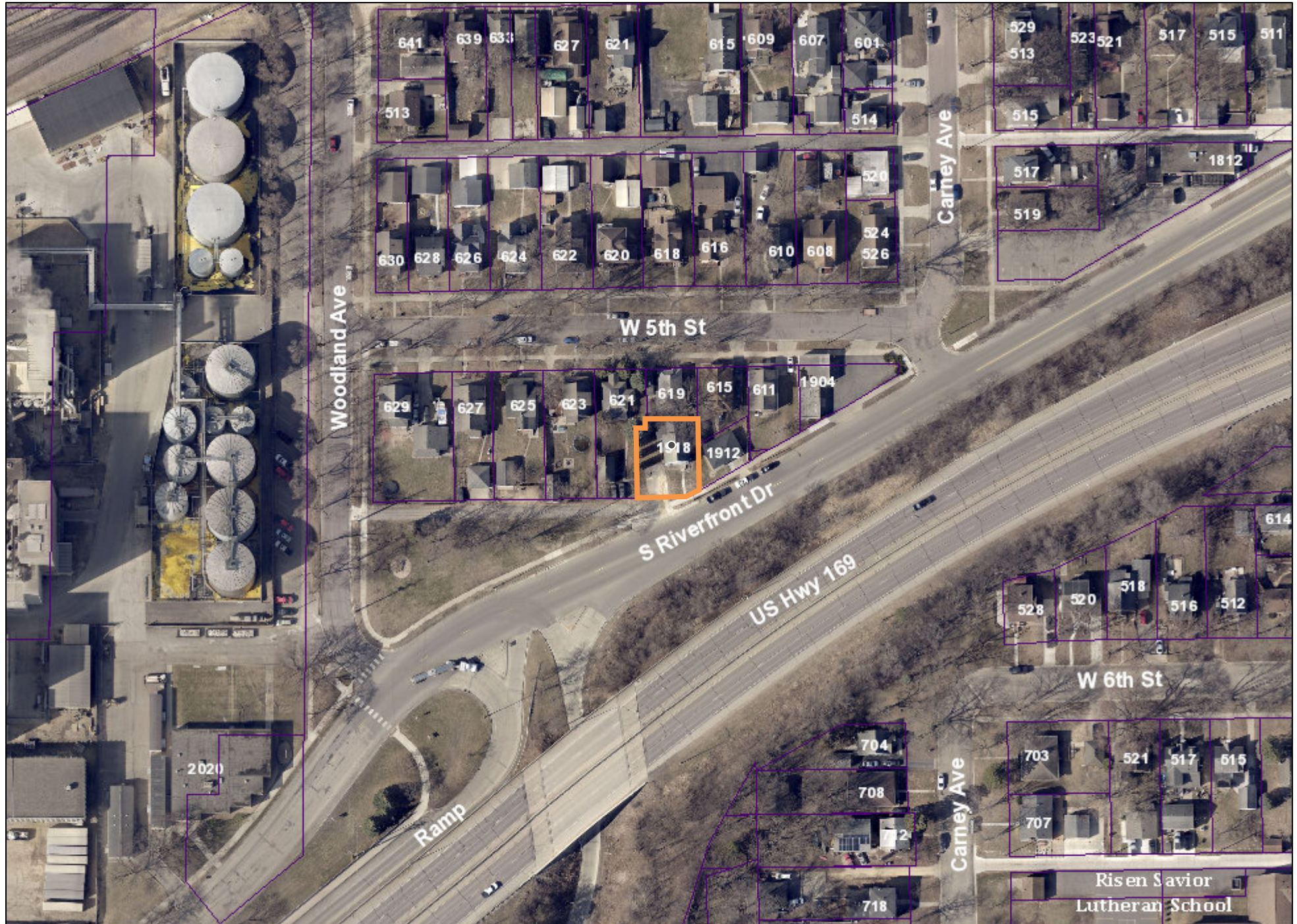


Date: July 2024

Author:

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Aerial Map



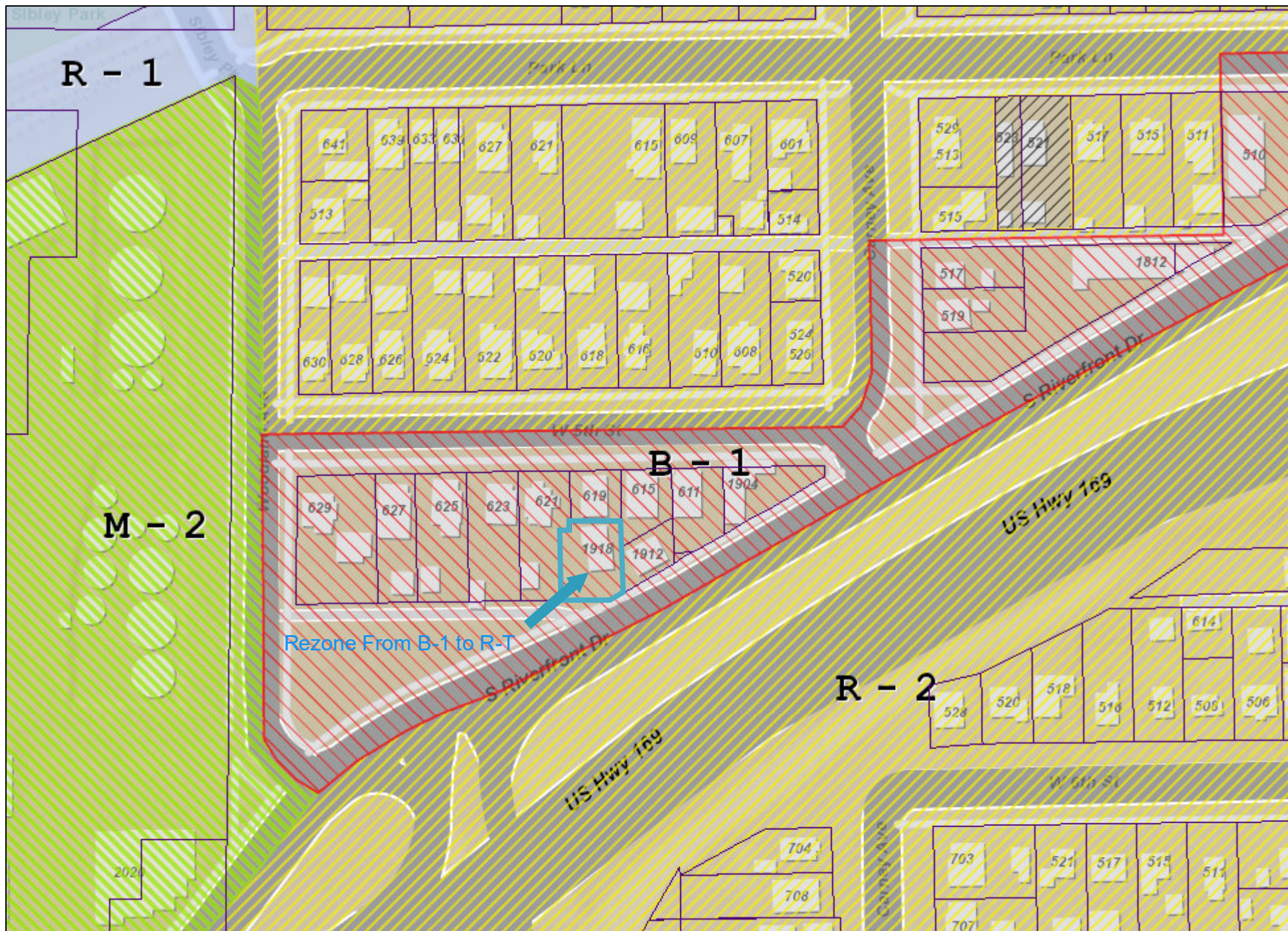
Date: July 2024

Author:

This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuser misinterpretation.

Rezone - Existing Zoning Map

Proposed Rezoning Request



Date: August 2024

Author:

This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation.



AGENDA RECOMMENDATION

Public Hearings 6. A.

City Council Regular Meeting

Meeting Date: 09/09/2024

Agenda Item:

Resolution denying a request for a variance from Section 10.13, Subd.6.C. of the Mankato City Code to reduce the rear yard setback from 25 feet to 15.2 feet in order to construct a 26' X 29.5' attached garage addition (129 Uriah Court).

Recommendation/Action(s):

Adoption of a resolution denying the request for a variance with the following findings:

1. The use allowed by the variance is a reasonable use.
2. The necessity of a variance does not arise out of uniqueness of the lot. Other options exist to achieve the addition while being within the code requirements. The lot was platted in 2004 and currently meets Mankato City Code standards. The cul-de-sac shaped lot is similar to other cul-de-sac lots near the subject property. There are also no wetlands, slopes, or woodlands on the lot, which may reduce the amount of buildable land.
3. The variance does not achieve the essential character as other surrounding single-family dwellings and garages meet the required setback standards in the city code and, this structure would, instead, allow a continuous structure to extend closer to neighboring lot lines, disrupting the character of the neighborhood.
4. The variance is not in harmony with the intent of the ordinance. The R-1 One-Family Dwelling District standards state setbacks for the dwelling and detached accessory structures that need to be met and was intentionally adopted for that zoning district.
5. The variance is consistent with the comprehensive plan as the land use is "low density" and R-1, One-Family Dwelling District. The applicant is not requesting that the use of the property as a single-family dwelling changes. The applicant is requesting flexibility from the setbacks in the R-1, District.

Summary:

The property owner is requesting a variance from Section 10.13, Subdivision 6, of the Mankato City Code, to reduce the rear yard setback from 25 feet to 15.2 feet in the R-1, One-Family Dwelling District. The variance is being requested in order to construct a 26' x 29.5' garage addition. The property contains a single-family dwelling with an attached garage. The applicant is requesting a larger attached garage to store vehicles and indoor spaces to maintain the vehicles. The proposed garage addition will be 26' x 29.5' and will extend from the eastern wall of the existing garage. The proposed garage addition will be accessed through the current garage. Along with the surveyed site plan, the applicant submitted their response to the five questions set forth in the League of Minnesota Cities Land Use Variance.

According to MN §462.357 Subd. 6(2) variances shall only be permitted when: (1) The variance is in harmony with the general intent and purpose of the Ordinance; (2) The variance is consistent with the comprehensive plan; and (3) The applicant establishes that there are practical difficulties, which is measured by meeting ALL of the following:

- a. The property owner proposes to use the property in a reasonable manner not permitted by the official controls;
- b. There are circumstances unique to the property not created by the landowner; and
- c. The variance will not change the essential character of the area.

Case law exists in which the courts find that if the record upon which the decision is made does not contain evidence supporting that practical difficulties exist, or doesn't demonstrate alignment with the comprehensive plan or the intent of the Ordinance, then the variance should not be approved.

Practical Difficulties Analysis:

1. **Reasonableness**- This factor means the landowner's desired use of the property is reasonable. For example, if the variance application is for a building that does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

Applicant: The applicant's proposal to the reasonableness is: "Yes, the attached garage we wish to build would use the property more reasonably than any alternative detached garage options we may have. An attached structure would have a smaller footprint and blend into the existing house and garage more. If a detached structure were to be built, it would require substantially more materials and impervious surfaces to be used. The attached structure is more responsible use of materials and resources, including energy efficiency that would be lost by having overhead doors on the front and back of the house garage and on the front of the detached garage. These extra doors would require access to a detached structure to the backyard."

Staff: The proposed approximately 767 square foot attached garage addition is considered a part of the dwelling, and therefore is required to be in conformance with the dwelling setback from the rear property line 25 feet. It is subject to Section 10.13, Subdivision 6C of Mankato City Code, which states: "Rear Yard Setback. 1. Dwellings. A minimum of twenty-five (25) feet." Although the new use would not meet the setback, the use itself is a reasonable use for the property.

2. **Uniqueness**- The second factor is that the landowner's desired use is not possible due to circumstances unique to the property that was not caused by the landowner or by the landowner's desire to do something the code does not allow. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land, and not personal characteristics or preference of the landowner. When considering the variance for a building encroaching into a setback, the focus factor is whether or not there is anything physically unique to the property, for example, sloping topography or wetlands.

Applicant: the applicant's proposal to the uniqueness is: "Yes, the lot shape and existing structures make it impossible to put up a detached garage in a useable size for vehicles while still allowing access for motor vehicles. We would be unable to access a detached structure in the backyard with a car/truck without having to drive on to adjacent properties. An attached addition would allow this to happen."

Staff: Staff's review of the lot showed that it was platted in 2004 and is a conforming lot according to Mankato City Code, Chapter 10.13, Subdivision 4. Minimal Lot Area. Lot standards in the R-1 One-Family Dwelling District minimal lot area is 7,000 square feet. The subject property's area is approximately 10,657 square feet according to the City's GIS data. While it is a cul-de-sac lot, this is not unique to other cul-de-sac lots throughout the city as, in order to get around the radius of the circle, lots are subject to odd shapes and are not the typical "rectangle" shaped lots. There are also no known physical characteristics on the property that would impact the available building area.

Additionally, the property owner has alternatives on the property to get the larger garage. The applicant has stated that the options are not cost efficient, however, according to State Statute 462.357, subd.6 "Economic consideration alone cannot create practical difficulties." For these reasons, there are not unique circumstances arising out of the lot pertaining to the variance request. There is also the possibility of other options on the property to build a larger garage while meeting the required setbacks other than the detached accessory structure. As a result, the difficulty does NOT arise out of uniqueness of the lot and, therefore, the variance does not meet the legal standards.

3. **Essential Character**- Under this factor, the Council should consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to the lot line and if it fits within the character of the area.

Applicant: The applicant's proposal to essential character is: "Yes, the addition planned would be built in a way that the style/color/materials will match or blend in with the existing home. There are no views that construction would block. The attached structure would be more visually appealing and would be more modest than an alternative detached structure would be."

Staff: The other single-family homes have attached garages that all meet the standards set forth in the code for the zoning district in regard to setbacks. Though the addition will be similar in appearance to the rest of the dwelling itself, the fact remains that there will be a structure closer to the lot line than any other attached addition in the area and are not consistent with the essential character of the neighborhood/zone as required by the legal practical difficulties standard.

4. **Harmony with the Intent of Zoned Area as set forth in the Ordinance:** In addition to the three-factor practical difficulties, city staff has made findings during the evaluation of the variance on the harmony with the proposal and the intent of the ordinance and consistency with the comprehensive plan.

Applicant: The applicant's narrative relative to whether the proposal is in harmony with the ordinance is; "Yes, the attached garage is being requested so we can park, work on, and store additional vehicles in an enclosed garage instead of leaving them in the driveway or having the rent storage facilities to store them. It is for personal use. I would be allowed to have a structure similar to size or larger in a location even closer to the property lines than I am proposing if it wasn't attached."

Staff: The intent of the R-1 ordinance is to create a standard for properties and dwellings, including space of continuous structures from lot lines. The standard of setbacks is one of many other standards set forth in the code for dwellings in the low-density residential district. An attached addition would need to meet the setbacks that are required for the dwelling on the lot. A detached accessory structure's setback is 3 feet according to Mankato City Code Chapter 10.13 Subdivision 6E. There are other ways to expand the existing garage and be in conformance with Mankato City Code or choose to add a detached accessory structure that meets the requirements for setbacks and will look different than other homes and may obstruct views of others.

5. **Consistencies with Uses set forth in the Comprehensive Plan.**

Applicant. The applicant's narrative response to how the project achieves the comprehensive plan is: "Yes, according to the comprehensive plan, the property is low density residential, and the request is consistent with the characteristics of this classification. We are not going to be using this garage for any business purposes. There will be no living quarters added to the addition. There is no request for an ADU. We would not be requesting to build any closer to the public walkway adjacent to the property."

Staff: The comprehensive plan addresses the intent of how the city is planned and use of the properties in those zones. The land use designates the zoning district as R-1, One-Family dwelling district. The R-1, One-Family dwelling district allows for residential use such as additions to the principal dwelling and the use of an attached garage. The variance is not requesting the property to be used in a different manner than residential use. The variance is only requesting the setback to be reduced for an attached garage. The variance meets this requirement as the use is not proposed to change.

Staff held an administrative hearing regarding the variance request on August 28, 2024. In attendance at the meeting were property owners, Shawn Griffiths and Denise Schweim, contractor, David Miller, City of Mankato Planning and Zoning Administrator, Molly Westman, City of Mankato Planner, Sydney Deprenger, and Director of Community Development, Mark Konz. Staff explained the criteria for evaluating the variance for conformance with MN §462.357 Subd. 6. No additional comments related to the proposal were submitted, but the applicant did reaffirm the reasons for the request.

Attachments

Resolution denying variance

General Location Map

Aerial

Survey

Floor Plans and Elevations

Applicant's Narrative

**RESOLUTION OF THE MANKATO CITY COUNCIL
DENYING A VARIANCE UNDER
THE MANKATO ZONING ORDINANCE**

WHEREAS, Shawn Griffiths and Denise Schweim, owners of the following described real estate located in Mankato, Minnesota, to wit:

Lot 16, Block 3, Copperfield No. 2 (129 Uriah Court).

have applied for a variance from Section 10.13, Subd.6.C of the Mankato City Code to reduce the rear yard setback from 25 feet to 15.2 feet. The variance is being requested in order to construct a 26' X 29.5' attached garage addition; and

WHEREAS, the Director of Community Development of the City of Mankato has completed a review of the application and made a report pertaining to said request (CYV 01-24), a copy of which has been presented to the City Council; and

WHEREAS, the Director of Community Development of the City of Mankato, on the 28th day of August, 2024, following proper notice, held a public variance hearing regarding the request, and following said public hearing, adopted a recommendation that the variance request be denied; and

WHEREAS, the City Council find the property owner has not demonstrated a practical difficulty and finds:

1. The use allowed by the variance is a reasonable use.
2. The necessity of a variance does not arise out of uniqueness of the lot. Other options exist to achieve the addition while being within the code requirements. The lot was platted in 2004 and currently meets Mankato City Code standards. The cul-de-sac shaped lot is similar to other cul-de-sac lots near the subject property. There are also no wetlands, slopes, or woodlands on the lot that may reduce the amount of buildable land.
3. The variance does not achieve the essential character as other surrounding single-family dwellings and garages meet the required setback standards in the city code and, this structure would, instead, allows a continuous structure to extend closer to neighboring lot lines, disrupting the character of the neighborhood.
4. The variance is not in harmony with the intent of the ordinance. The R-1 One- Family Dwelling District standards state setbacks for the dwelling and detached accessory structures that need to be met and was intentionally adopted for that zoning district.
5. The variance is consistent with the comprehensive plan as the land use is "low density" and R-1 One- Family Dwelling District. The applicant is not requesting that the use of the property as a single-family dwelling changes. The applicant is requesting flexibility from the setbacks in the R-1, District.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Mankato, that the request for a variance from Section 10.13, Subd.6.C of the Mankato City Code to reduce the rear yard setback from 25 feet to 15.2 feet be denied.

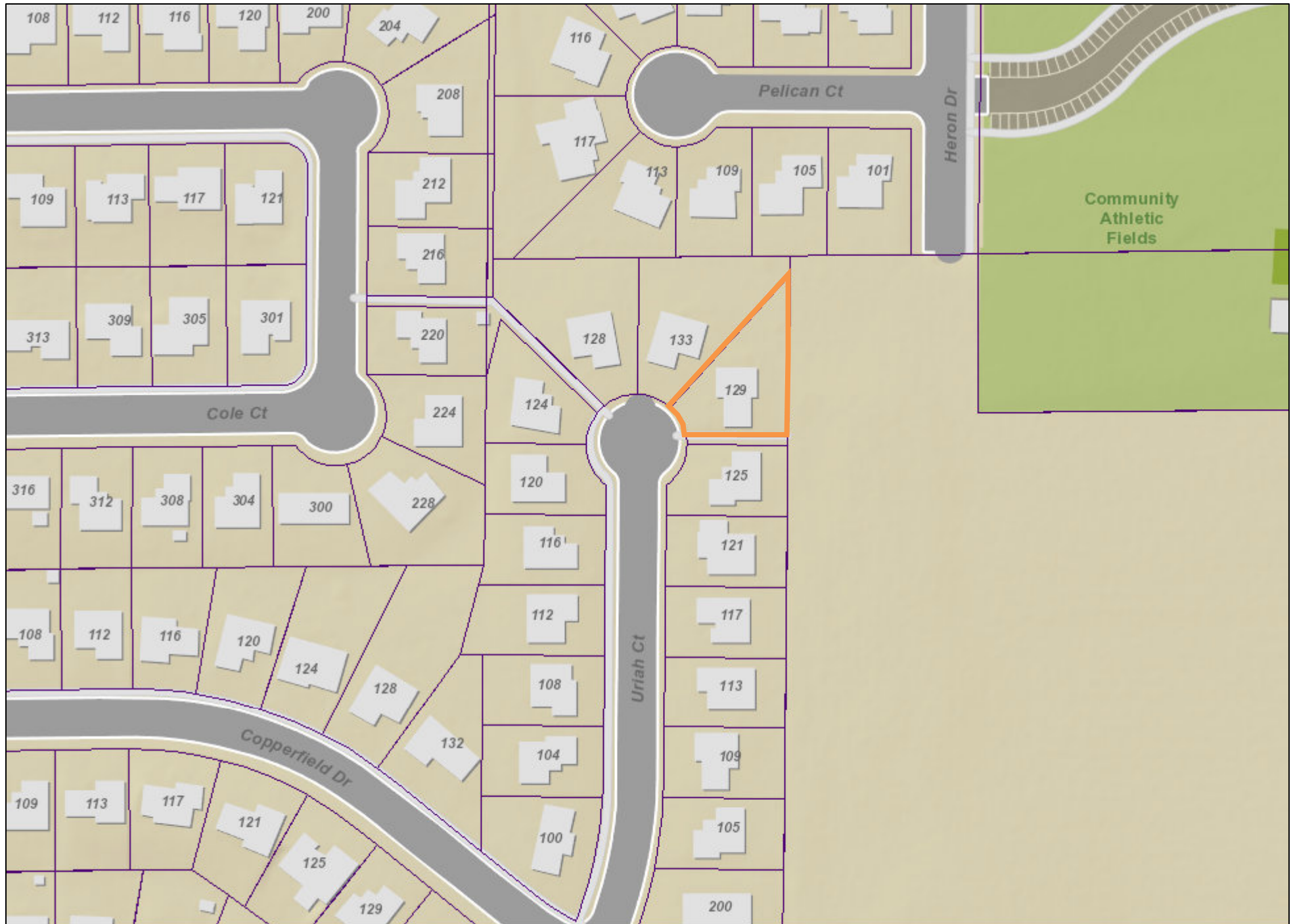
This resolution shall become effective immediately upon passage.

Dated this _____ day of _____, 2024.

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke, MMC
City Clerk

General Location Map

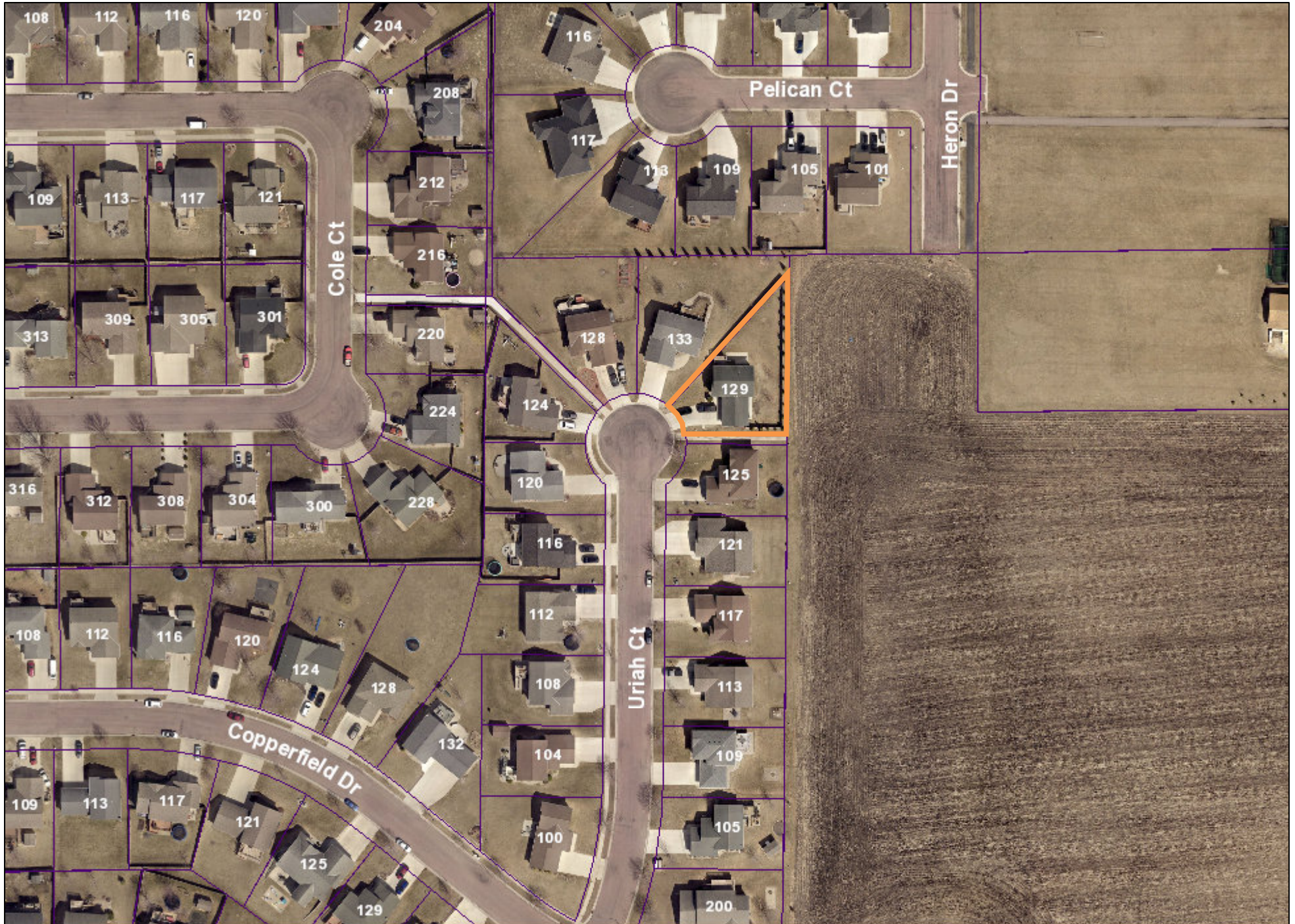


Date: July 2024

Author:

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Aerial Map



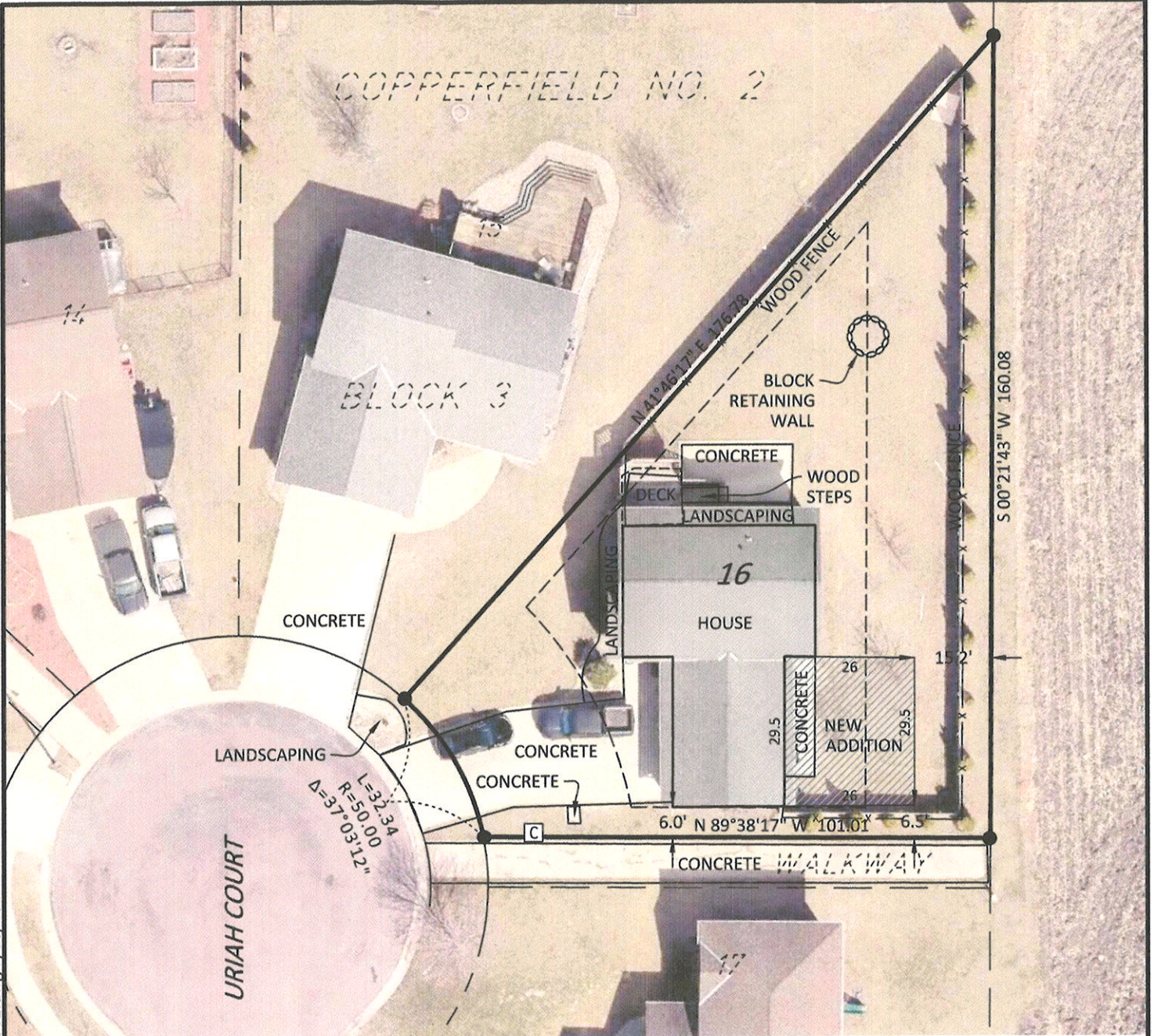
Date: July 2024

Author:

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COPPERFIELD NO. 2

BLOCK 3



LEGEND

- MONUMENT FOUND

Horizontal Datum: Blue Earth County
Coordinate System (1996 Adj.)

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SCALE IN FEET

DESCRIPTION

Lot 16, Block 3, Copperfield No. 2,
Blue Earth County, Minnesota.

EXHIBIT
MANKATO, MINNESOTA



**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171

LOT 16, BLOCK 3, COPPERFIELD NO. 2,
BLUE EARTH COUNTY, MINNESOTA

FOR: HOME SWEET HOME REMODELING

SDB135342H

JOB NUMBER: 24X.135342.000

FIELD BOOK:

DRAWN BY: CDT

1.0 S29-T108N-R26W-(23)

H:\HOMESWEE PR\24X135342000\CAD\C3D\135342V-BNDY2.dwg 7/16/2024 4:15 PM

COPPERFIELD NO. 2

15

14

BLOCK 3

N 41° 46' 17" E 176.78' WOOD FENCE

BLOCK
RETAINING
WALL

CONCRETE
DECK
LANDSCAPING
WOOD
STEPS

16
HOUSE

26
29.5
NEW
ADDITION
26
29.5

S 00° 21' 43" W 160.08'

15.2'

6.0' N 89° 38' 17" W 101.01' W 6.5'
CONCRETE WALKWAY

CONCRETE

LANDSCAPING
L=32.34
R=50.00
Δ=37° 03' 12"

CONCRETE
CONCRETE

URIAH COURT

LEGEND

● MONUMENT FOUND

Horizontal Datum: Blue Earth County
Coordinate System (1996 Adj.)

DESCRIPTION

Lot 16, Block 3, Copperfield No. 2,
Blue Earth County, Minnesota.

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CERTIFICATE OF SURVEY MANKATO, MINNESOTA



**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171



0 30
SCALE IN FEET

SURVEYOR'S CERTIFICATION

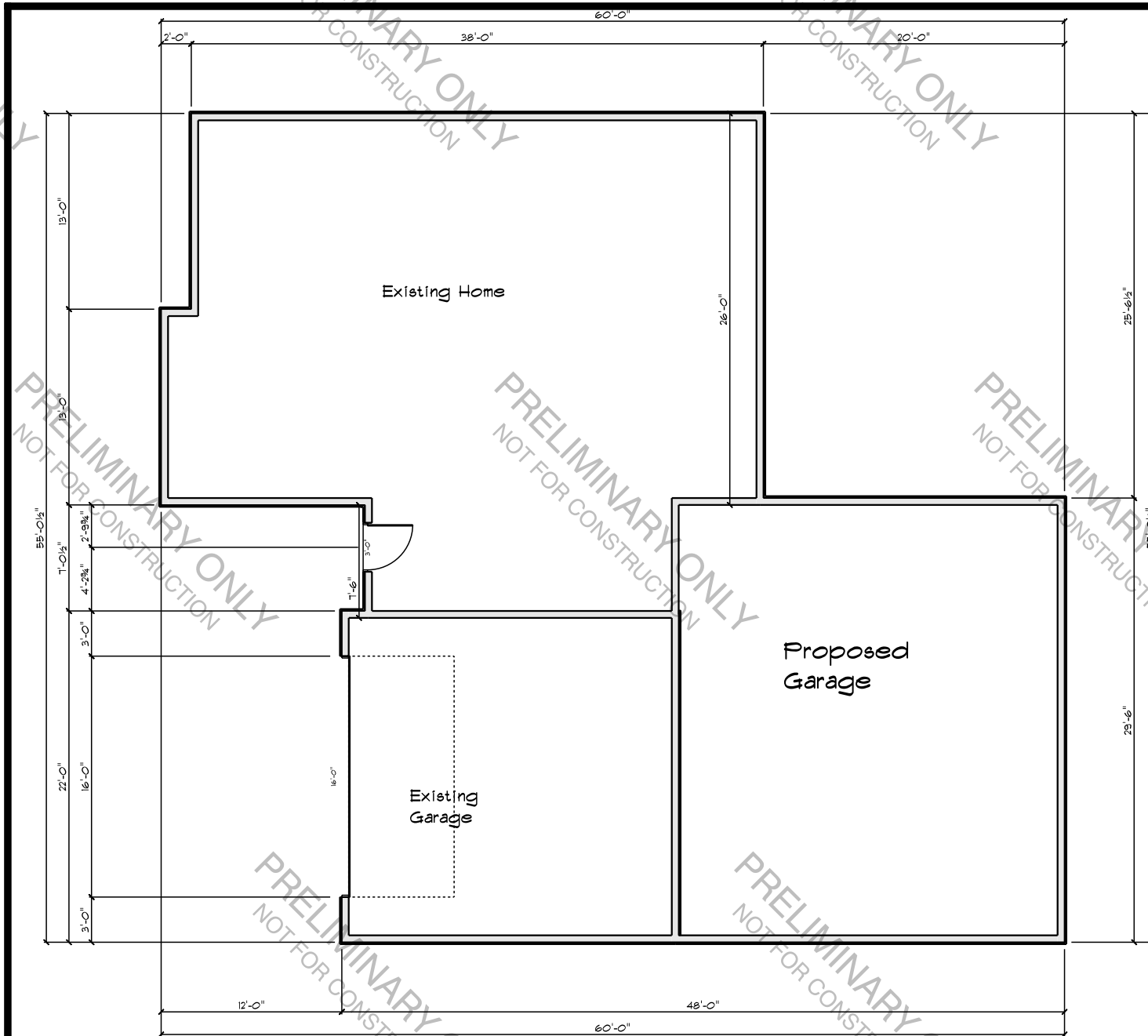
I hereby certify that this survey, plan, or report was prepared
by me or under my direct supervision and that I am a duly
Licensed Land Surveyor under the laws of the State of
Minnesota.

Michael M. Eichers
License Number 46564

XX/XX/XXXX
Date

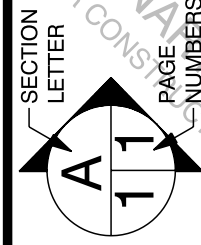
LOT 16, BLOCK 3, COPPERFIELD NO. 2,
BLUE EARTH COUNTY, MINNESOTA

FOR: HOME SWEET HOME REMODELING



GARAGE ADDITION SITE

SCALE: 1" = 10'-0"



PAGE: 1/2
Site proposal 1 & 2

Shawn Griffiths

PHONE:
FAX:
MOBILE:

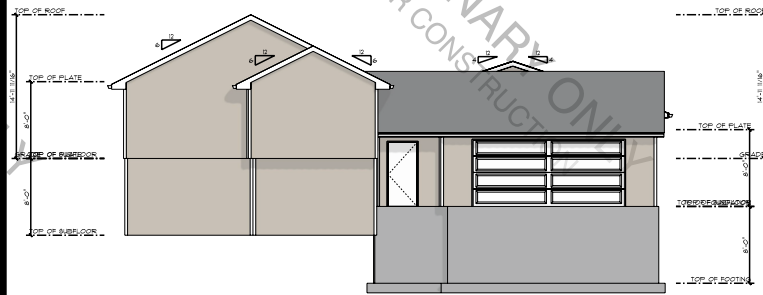
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SCALE: 1" = 10'-0"

DATE: Friday, August 2, 2024

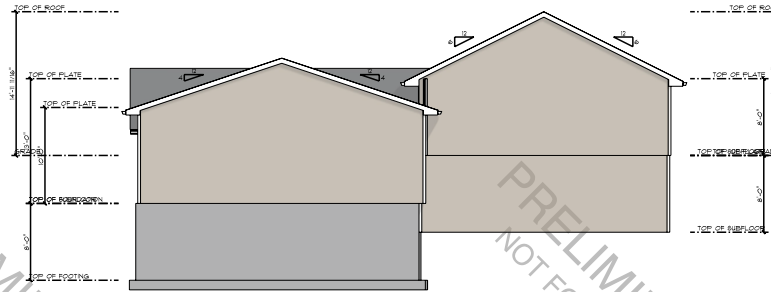
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SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE



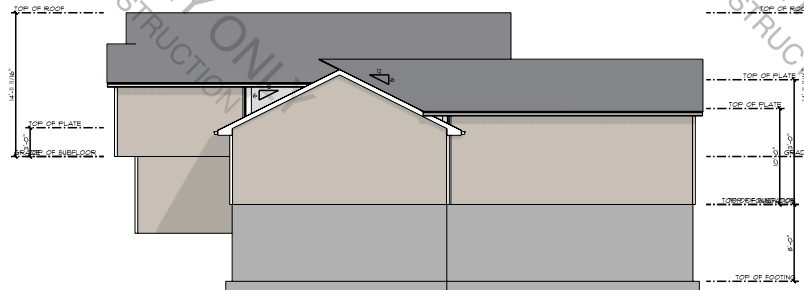
FRONT ELEVATION

SCALE: 1" = 20'-0"



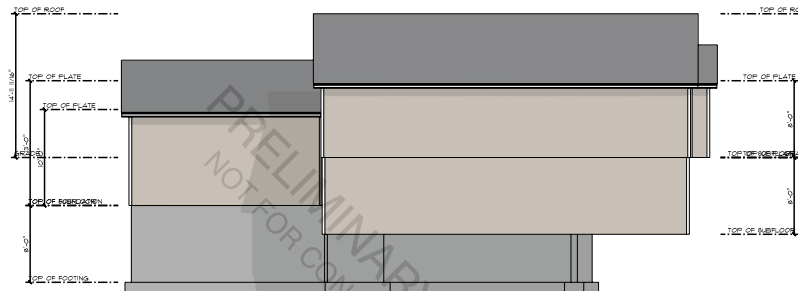
REAR ELEVATION

SCALE: 1" = 20'-0"



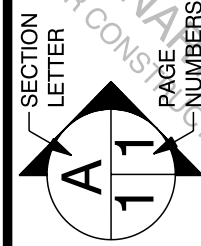
Right Elevation

SCALE: 1" = 20'-0"



LEFT ELEVATION

SCALE: 1" = 20'-0"



PAGE: **2/2**
Elevations

Shawn Griffiths

PHONE:
FAX:
MOBILE:

DRAWN BY:

SCALE: 1" = 20'-0"

DATE: Friday, August 2, 2024

PHONE:
FAX:
MOBILE:

SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

Applicant's Variance Responses

Variance questions/answers

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes, the attached garage is being requested so we can park, work on, and store additional vehicles in an enclosed garage instead of leaving them in the driveway or having the rent storage facilities to store them. It is for personal use. I would be allowed to have a structure of similar size or larger in a location even closer to the property lines than I am proposing if it wasn't attached to the house.

2. In your opinion, is the variance consistent with the comprehensive plan?

Yes, according to the comprehensive plan, the property is low density residential, and the request is consistent with the characteristics of this classification. We are not going to be using this garage for any business purposes. There will be no living quarters added to the addition. There is no request for an ADU. We would not be requesting to build any closer to the public walkway adjacent to the property.

3. In your opinion, does the proposal put property to use in a reasonable manner?

Yes, the attached garage we wish to build would use the property more reasonably than any alternative detached garage options we may have. An attached structure would have a smaller footprint and blend into the existing house and garage more. If a detached structure were to be built it would require substantially more materials and impervious surface to be used. The attached structure is a more responsible use of materials and resources including energy efficiency that would be lost by having overhead doors on the front and back of the house garage and on the front of the detached garage. These extra doors would be required to have access to a detached structure in the backyard.

4. In your opinion, are there circumstances unique to the property?

Yes, the lot shape and existing structures make it impossible to put up a detached garage in a usable size for vehicles while still allowing access for motor vehicles. We would be unable to access a detached structure in the back yard with a car/truck without driving on adjacent properties. An attached addition would allow this to happen.

5. In your opinion, will the variance maintain the essential character of the locality?

Yes, the addition planned would be built in a way that the style/color/materials will match or blend in with the existing home. There are no views that construction would block. The attached structure would be more visually appealing and would be more modest than an alternative detached structure would be.



AGENDA RECOMMENDATION

Public Hearings 6. B.

City Council Regular Meeting

Meeting Date: 09/09/2024

Agenda Item:

Ordinance rezoning properties to OR, Office Residential and adding properties to the Institutional Overlay District and Resolution approving an amended campus plan (1025 Marsh Street); by request by HDR, on behalf of the property owner, Mayo Clinic Health System.

Recommendation/Action(s):

At the July 24, 2024, meeting, the Planning Commission recommended approval of the rezoning of properties to OR, Office Residential and to add properties into the institutional overlay district, and a resolution adopting the amended campus plan with the following findings of fact:

1. The proposed use conforms with the goals of the Mayo Clinic Campus Plan,
2. The proposed use is determined to be in conformance with the overall intent of the campus plan in the IO, Institutional Overlay District.

Summary:

The applicant, HDR, on behalf of Mayo Clinic Health Systems is requesting an amendment to the Institutional Overlay and approved campus plan.

History

The Mankato City Council approved the Mayo Health Systems (previously Immanuel St. Joseph's Hospital) Institutional Overlay District on September 10, 2001. The process for establishing the district involved building design and construction criteria, rezoning the property from a residential zoning to either an O-Office, or Office Residential District designation, providing development plans and boundaries for the entire proposed district, location of future structures, the projected number of employees and residents, a traffic study, a concept plan for future development, and a various other plans (i.e. landscaping, exterior lighting, and drainage).

The original Master Plan contained the following major elements:

1. The realignment of Dane Street and Dickinson Street along the east side of the campus. In addition to the possible realignment of Marsh Street. These realignments would allow the campus to have buildings and parking within the campus area and reduce pedestrian/automobile conflicts.
2. A proposed expansion of the Mankato Clinic that would have a floor area of 45,000 square feet and a proposed expansion to the Hospital that would have a floor area of 60,000 –100,000 square feet and be from 3 to 5 stories in height.
3. The construction of additional off-street parking as well as the construction of three, two-story parking ramps.

Over the years, the Institutional Overlay District has been amended multiple times to allow for the expansion of the district and to improve the operations of the hospital. Examples of amendments include the addition of an essential utility structure and realignment of Marsh Street in 2004. In 2005, the ultimate site plan for the Campus Plan depicted a bed tower connected to the northeast corner of the hospital structure. In order to create efficiencies, preserve parking, and maintain internal traffic flow, the previous location of the bed tower was relocated to the current location. The most recent, 2022, approved the amendment to allow for the new bed tower, kitchen and pharmacy expansion.

Rezoning

The areas in blue on the campus map will be rezoned to IO-Institutional Overlay. Under the institutional Overlay District, the properties depicted in the Campus Plan that are owned by the applicant would be zoned to Office Residential; however, the only uses that would be allowed are restricted to those depicted on the Campus Master Plan and the permitted uses must conform to the conditions in the resolution establishing performance standards.

Properties not included in the rezoning, but are depicted in the Campus Plan Boundaries, may be added to the district by the City Council at the request of the property owner, provided the property area conforms to the conditions of approval. Properties outside the Campus Plan may not be added to the district, unless the Council approves revising the plan.

The areas concerning rezoning are the areas outlined on the Institutional overlay area in blue. These are new parcels that are being added to the institutional overlay and campus map. These are all properties that have already been obtained by Mayo Clinic. The corner of Dickinson Street and Main Street lots are being rezoned to the OR Office Residential and Institutional Overlay District. The other areas on the map are to the north of Main Street, where some residential properties are being rezoned to fit with the Institutional Overlay District.

Proposal

The applicant is requesting to modify the existing, approved Institutional Overlay for the Mayo Clinic Mankato Campus as outlined below:

Parking and South Green Space

Parking lot conversion - the existing construction laydown area that is located at the corner of Mulberry Street and Garden Boulevard. This use of the property was approved as part of the 2022 Institutional Overlay Amendment and built last year to support the various construction projects occurring over the past year. This area is no longer needed for construction functions. The applicant is requesting that this area be converted into a parking lot.

The proposed parking lot will contain 62 parking stalls. The parking lot is expected to be used as employee parking. There will be no access to the existing alley located to the south-west of the proposed project. To the west of the parking lot, the applicant is proposing a rain garden, similar to the one north of Main Street, for stormwater management. Final design and landscaping will be required to meet Mankato City Code requirements.

The recently acquired property by Mayo Clinic on the corner of Main and Dickinson Streets, the expected plan is to remove the existing home on Main Street driveway access. The garages would remain to be utilized for equipment/maintenance storage. Access to the garage would be provided by a new driveway accessed off the existing driveway to the "Boldt" House. Landscaping and green space will be designed in accordance with the Mankato City Code during the project design phase.

Internal Green Space Options

The applicants are considering two alternatives for an additional internal green space within the campus:

Option number one is for an internal green space addition that is located adjacent to the recently completed Pharmacy Addition that eliminated an existing green space area. This layout would encroach onto an existing internal road and parking lot and is currently shown as a concept subject to change. This area is also where the temporary heliport is located and is being relocated to the recently completed bed tower.

There were 92 parking stalls in this area prior to establishing the temporary heliport. If this green space option is chosen, parking counts would be reduced to 67 stalls. Note that the previously narrated parking lot conversion would add 62 stalls, providing a net gain of 33 stalls.

Option number two for an internal green space is located at the north end of the property near Marsh Street. The concept shown is in-kind to the surrounding area and would be further refined and landscaping determines if the project were selected to move forward. 6 accessible parking stalls would be removed with this option.

Radiology Addition and Bulk Oxygen Relocation

The applicant is proposing a future radiology addition. The location of the radiology addition is to be positioned between the kitchen, boiler plant, and other building areas. Primary patient and staff access would be provided from internal access from existing buildings. Some operations and staff may access the building from the exterior. The final building design will be reviewed at the time of permitting.

The proposal for the radiology addition is 10,000 square feet and reconstruction of existing site improvements. The building addition will have a two-story Radiology addition to the existing hospital and will include patient, staff, and support spaces, as well as a mechanical penthouse on the 2nd level to provide space for new mechanical units to serve the addition. Access to Radiology addition is provided through a connection to the existing hospital. Floor plans show patient spaces, staff spaces, and support space.

The exterior materials for this addition will be complementary to the esthetics of the existing hospital and the surrounding area of the Mankato campus.

With the radiology addition, the bulk oxygen system is to be relocated because of the proposed radiology addition and the increased demand required by the bed tower expansion.

The proposed project consists of establishing a new 27' x 27' pad next to a loading dock. Retaining walls will be required for guarding purposes and protection of the bulk oxygen system. A portion of an existing retaining wall enclosing the chiller plants will be replaced and new screening with landscaping will be established along Dickinson Street.

Monument and Wayfinding Signage

Based off a Wayfinding Study, the applicants are proposing modifications to the signage on the site. City Code, Section 10.87, states that monuments in the Institutional Overlay District are allowed a maximum height of 8 feet and 32 square feet in area. Directional signs are allowed to be a maximum of 6 feet in height and 8 square feet in area.

The applicant is requesting modification to the allowed sign size per City Code for the monument signs and directional signs. The requested height for the monument signs is 11'7" feet in height. As for the directional signs, they are requesting a height of 16 feet and 16 square feet in area. The applicant is aware that approval is required to allow construction of the proposed signage.

These signs will be internally illuminated with no exposed bulbs that would cause glare or light trespass.

Future Specialty Clinic Vertical Expansion

The applicant is proposing a future vertical expansion for a Specialty Clinic. It is anticipated that the future expansion will match the height of the recently completed Bed Tower expansion.

The future specialty clinic's potential floor plan depicts patient space, staff space, and support space.

Verizon Antenna

The site plan shows the proposed location of Verizon's antennas that need to be relocated because of the recent bed tower expansion. The Verizon antennas were originally on the penthouse of the original building. The antennas were selected to be placed on the roof of the northeast mechanical penthouse, which is apart of the bed tower expansion. The height of the existing building is 113' 0"; the proposed height of the antenna is 106'5".

Attachments

Ordinance rezoning properties

Exhibits A and B

Resolution approving amendment to Mayo Health Systems Campus Plan

General Location Map

Campus Plan

Radiology Plans

Oxygen Tank Relocation

Signage Plans

Specialty Clinic

Antenna

**ORDINANCE REZONING CERTAIN REAL PROPERTY
LOCATED IN THE CITY OF MANKATO TO
IO, INSTITUTIONAL OVERLAY & OR, OFFICE RESIDENTIAL**

WHEREAS, that tracts or parcels of land, lying and being in the City of Mankato, County of Blue Earth and State of Minnesota, legally described in Exhibit A and shown in Exhibit B are currently zoned R-1, One-Family Dwelling District by the City of Mankato; and

WHEREAS, the owner, has petitioned the City of Mankato for rezoning of all tracts or parcels of land described in Exhibit A to OR, Office Residential District; and

WHEREAS, the Planning Agency of the City of Mankato has completed a study of the request and made a report (CY 30-24), recommending such rezoning, a copy of which report has been referred to the Council of the City; and

WHEREAS, the Planning Commission of the City, on the 24th of July, 2024, following proper notice, held a public hearing regarding the proposed rezoning, the minutes of which hearing have been presented to the Council of the City; and

WHEREAS, based upon such staff report, the Planning Commission's recommendations, minutes, and the presentation made to the City Council at the time of the public hearing on this ordinance, the City Council hereby finds and determines that the rezoning of the properties to IO, Institutional Overlay District and OR, Office Residential District is in the best interest and promotes the health and welfare of the community, and is in conformity with the comprehensive plan of and for the City.

NOW, THEREFORE, the City of Mankato, Minnesota does ordain that the tract shall be and is hereby zoned and classified, pursuant to the provisions of Chapter 10 of the Mankato City Code, as being in and constituting IO, Institutional Overlay District and OR, Office Residential District.

This ordinance shall, in accordance with the provisions of Sections 2.14 and 5.06 of the Mankato City Charter, become effective 30 days after publication of notice of its adoption.

Passed this _____ day of _____, 2024.

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke, MMC
City Clerk

Exhibit A

DESCRIPTION

All of Lots 1-26, Block 4, Map of Oaklawn Mankato, Blue Earth County, Minnesota, according to the plat thereof on file and of record in the office of the Register of deeds in and for said County and State, together with all of the vacated alley in said Block 4 and together with all of the north half of vacated Plum Street south of and adjacent to said Block 4.

All of Lots 7-15 and Lot 16, except the West 20.16 feet of said Lot 16, all in Block 5, Map of Oaklawn Mankato, Blue Earth County, Minnesota, according to the plat thereof on file and of record in the office of the Register of deeds in and for said County and State, together with all of the vacated alley south of and adjacent to said Lots 7-13 and together with the north half of the vacated alley south of and adjacent to said Lots 14, 15 and 16, except the West 20.16 feet of said Lot 16 and together with all of the south half of vacated Plum Street north of and adjacent to said Lots 7-15 and north of and adjacent to said Lot 16, except the West 20.16 feet of said Lot 16.

Lot 1, Agency Heights Addition to the City of Mankato, according to the official plat thereof on file and of record in the Office of the County Recorder.

Lot 1, Lot 2 and Lot 3, SUBDIVISION OF DICKINSON'S 12 ACRES, Excepting therefrom the East 50.00 feet of Lot 1, of said SUBDIVISION OF DICKINSON'S 12 ACRES.

Outlot B, Dane Street/ISJ Addition, according to the recorded plat thereof.

Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 10, Lot 12, Block 6, MAP OF OAKLAWN

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REZONING EXHIBIT A MANKATO, MINNESOTA



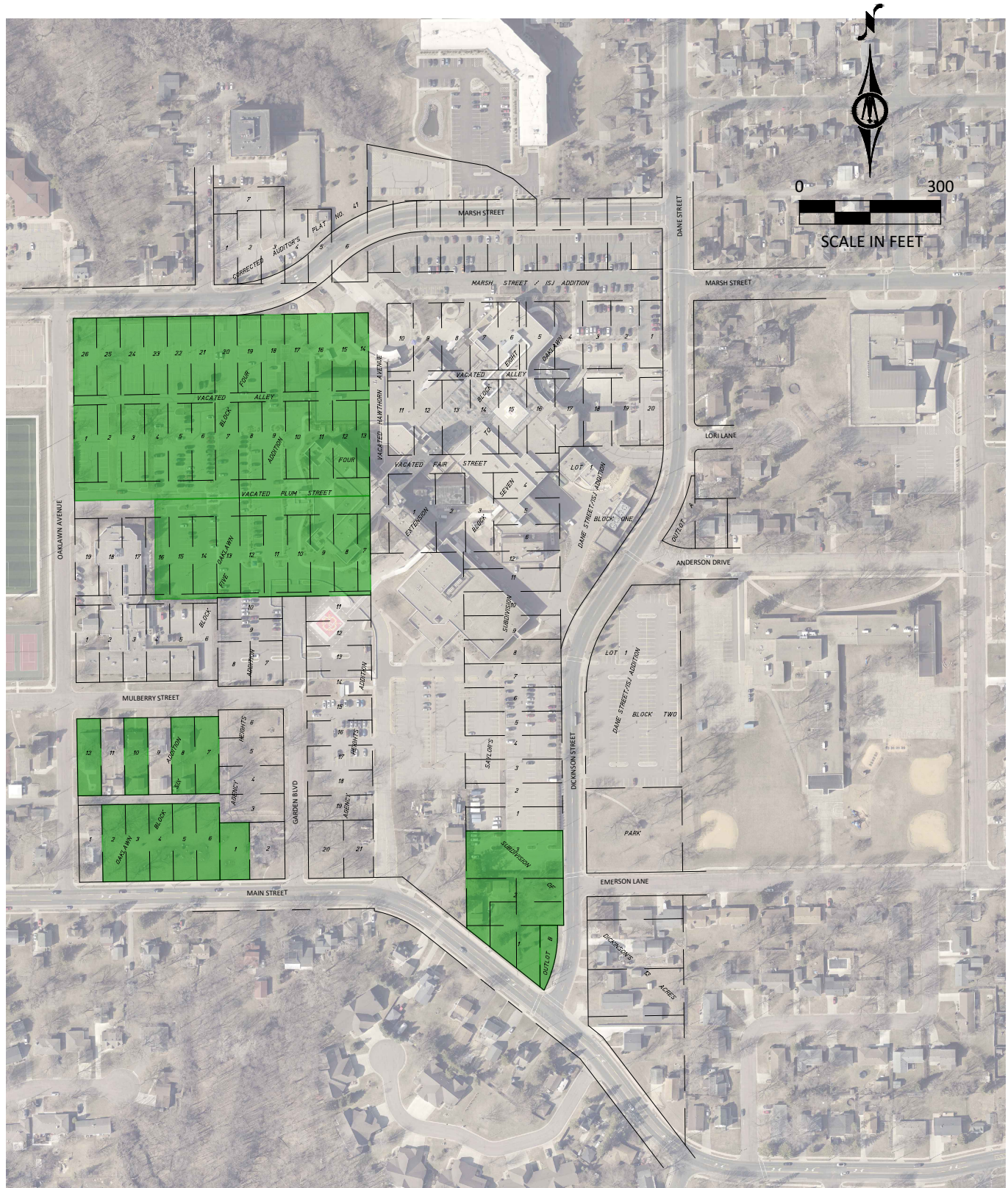
**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171

SHEET 1 OF 2

FOR: Mayo Clinic Health System - Mankato, Minnesota

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REZONING EXHIBIT B

MANKATO, MINNESOTA



1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171

SHEET 2 OF 2

FOR: Mayo Clinic Health System - Mankato, Minnesota

JOB NUMBER: 0M1.134200

FIELD BOOK:

DRAWN BY: RPS

Exhibit A

DESCRIPTION

All of Lots 1-26, Block 4, Map of Oaklawn Mankato, Blue Earth County, Minnesota, according to the plat thereof on file and of record in the office of the Register of deeds in and for said County and State, together with all of the vacated alley in said Block 4 and together with all of the north half of vacated Plum Street south of and adjacent to said Block 4.

All of Lots 7-15 and Lot 16, except the West 20.16 feet of said Lot 16, all in Block 5, Map of Oaklawn Mankato, Blue Earth County, Minnesota, according to the plat thereof on file and of record in the office of the Register of deeds in and for said County and State, together with all of the vacated alley south of and adjacent to said Lots 7-13 and together with the north half of the vacated alley south of and adjacent to said Lots 14, 15 and 16, except the West 20.16 feet of said Lot 16 and together with all of the south half of vacated Plum Street north of and adjacent to said Lots 7-15 and north of and adjacent to said Lot 16, except the West 20.16 feet of said Lot 16.

Lot 1, Agency Heights Addition to the City of Mankato, according to the official plat thereof on file and of record in the Office of the County Recorder.

Lot 1, Lot 2 and Lot 3, SUBDIVISION OF DICKINSON'S 12 ACRES, Excepting therefrom the East 50.00 feet of Lot 1, of said SUBDIVISION OF DICKINSON'S 12 ACRES.

Outlot B, Dane Street/ISJ Addition, according to the recorded plat thereof.

Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 10, Lot 12, Block 6, MAP OF OAKLAWN

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REZONING EXHIBIT
MANKATO, MINNESOTA



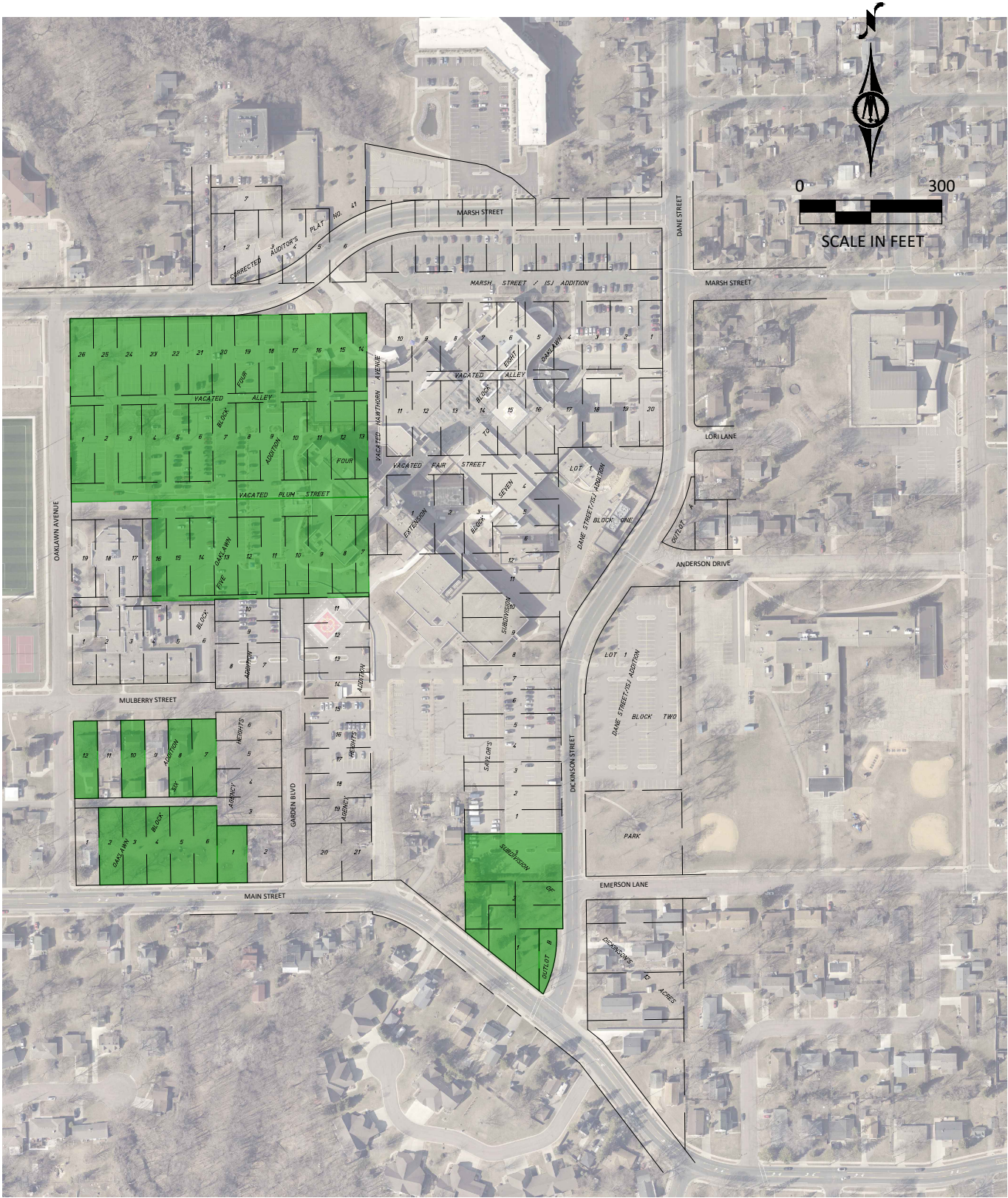
**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171

SHEET 1 OF 2

FOR: Mayo Clinic Health System - Mankato, Minnesota

Exhibit B



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REZONING EXHIBIT
MANKATO, MINNESOTA



**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171

FOR: Mayo Clinic Health System - Mankato, Minnesota

JOB NUMBER: OM1.134200

FIELD BOOK:

DRAWN BY: RPS

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**RESOLUTION OF THE MANKATO CITY COUNCIL
GRANTING AN AMENDMENT TO AN INSTITUTIONAL OVERLAY DISTRICT UNDER
THE MANKATO ZONING ORDINANCE**

WHEREAS, the applicants of the following property located in the City of Mankato, to wit:

Lots 7-22, Block 4, Oaklawn Addition including vacated alley; Lots 7-15 and the easterly 29.84 feet of Lot 16, Block 5 Oaklawn Addition, including vacated Plum Street and vacated alley; Lots 1-7, Block 7, Oaklawn Addition including vacated Hawthorn Avenue and Fair Street and vacated alley; Lots 1-20, Block 8, Oaklawn Addition, Lots 7-21; Lots 2-6, 7, 8, 10 and 12, Block 6, Oaklawn Subdivision and Agency Heights Subdivision; commencing at the northwest corner of the southeast quarter of the northwest quarter, Section 17, Township 108 N, Range 26 W, then south 514.8', west 198' to beginning; West 60 feet of the south 175 feet of the west six acres of the southeast quarter of the northwest quarter north of road, Section 17, Township 108 N, Range 26 W; All area north of road and west six acres of the southeast quarter of the northwest quarter except 3.16 acres; East 52' of the south 150' of the west six acres of the southeast quarter of the northwest quarter north of the road, Section 17, Township 108 N, Range 26 W; Lots 2-20 Saylor Addition; Lots 13-16 Dickinson's Subdivision; Lots 1-12 Thielges Addition; .146 Acres in the northeast quarter of the northwest quarter, Section 17, Township 108 N, Range 26 W, Record Book 156, Page 496; .12 acres in the northeast quarter of the northwest quarter, Section 17, Township 108 N, Range 26 W, Record Book 156, Page 509; Tract 48' X 90' directly rear of the west 48' of Lot 4, Thielges Addition; .094 acres directly in the rear of Lot 5, Thielges Addition, east 2' of Lot 4, Thielges Addition; and west 2' of Lot 6, Thielges Addition; .07 acres directly rear of Lot 6, Thielges Addition; .02 acres directly in rear of Lot 7, Thielges Addition, etal. (1025 Marsh Street).

Has applied for an amendment to the Institutional Overlay District and the approved campus plan; and

WHEREAS, the Planning Agency of the City of Mankato has completed a review of the application and made a report pertaining to said request (CY30-24), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission of the City, on the 24th day of July 2024, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the request for an amendment to the Institutional Overlay and approved campus plan be approved; and

WHEREAS, the minutes of such public hearing and recommendation of the Commission have been presented to the City Council; and

WHEREAS, based upon the Planning Agency report, minutes, and recommendation, the City Council hereby finds that:

1. The proposed use conforms with the goals of the Mayo Clinic Campus Plan.

2. The proposed use is determined to be in conformance with the overall intent of the campus plan in the IO, Institutional Overlay District.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Mankato that the amendment to the Institutional Overlay District and the approved campus plan be approved subject to the following conditions:

1. Landscaping shall be installed in accordance with Mankato City Code. A conforming landscaping plan shall be submitted for review and approval prior to installation.
2. The temporary driveway on Garden Blvd and Mulberry Street will not be permitted and therefore will need to be removed in conjunction with the removal of the temporary helipad.
3. The conditions from the previous approvals for the Mayo Clinic Health Systems Institutional Overlay District shall remain in effect unless amended in the conditions listed below.
4. All exterior lighting shall adhere to Mankato City Code Section 10.89. The applicant shall provide lighting cut sheets for all exterior lighting fixtures. All fixtures shall be full cut, fully shielded style.
5. The applicant shall provide a photometric plan at the time of building permit submission that depicts no more than 1/2-foot candle lighting levels at the property lines. Field lighting shall conform to section 10.89 Subpart 3A.
6. Screening for the Bulk Oxygen relocation shall be screened in accordance with Mankato City Code Section 10.88.
7. Applicant shall have a pre-construction meeting with the neighborhood 30 days prior to construction of the facilities. The meeting shall address timing, staging areas, and contractor parking.
8. Any changes to the approved campus signage plans for the development will require additional review and approval of the overall campus plans.
9. Building elevations and materials of the proposed new structures shall be similar to the existing structure.
10. The applicant will be required to submit a subdivision in accordance with the Mankato City Code.
11. A noise study shall be submitted to the city upon completion. If the results of the noise study are found to be above what is allowed by Minnesota Rule 4030, more sound mitigation shall be added.

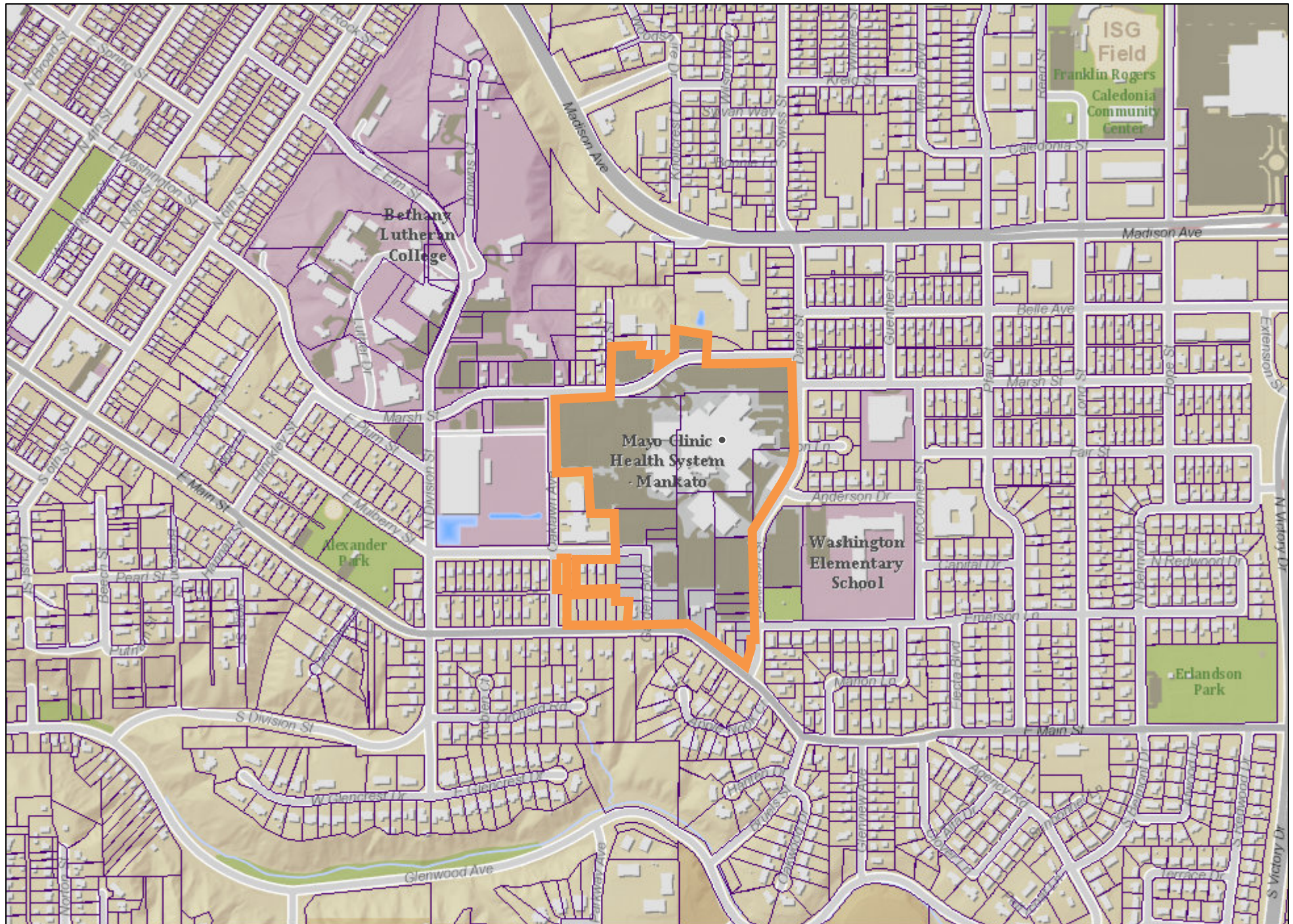
This resolution shall become effective immediately upon passage.

Dated this _____ day of _____, 2024.

Najwa Massad
Mayor

ATTEST: _____
Renae Kopischke, MMC
City Clerk

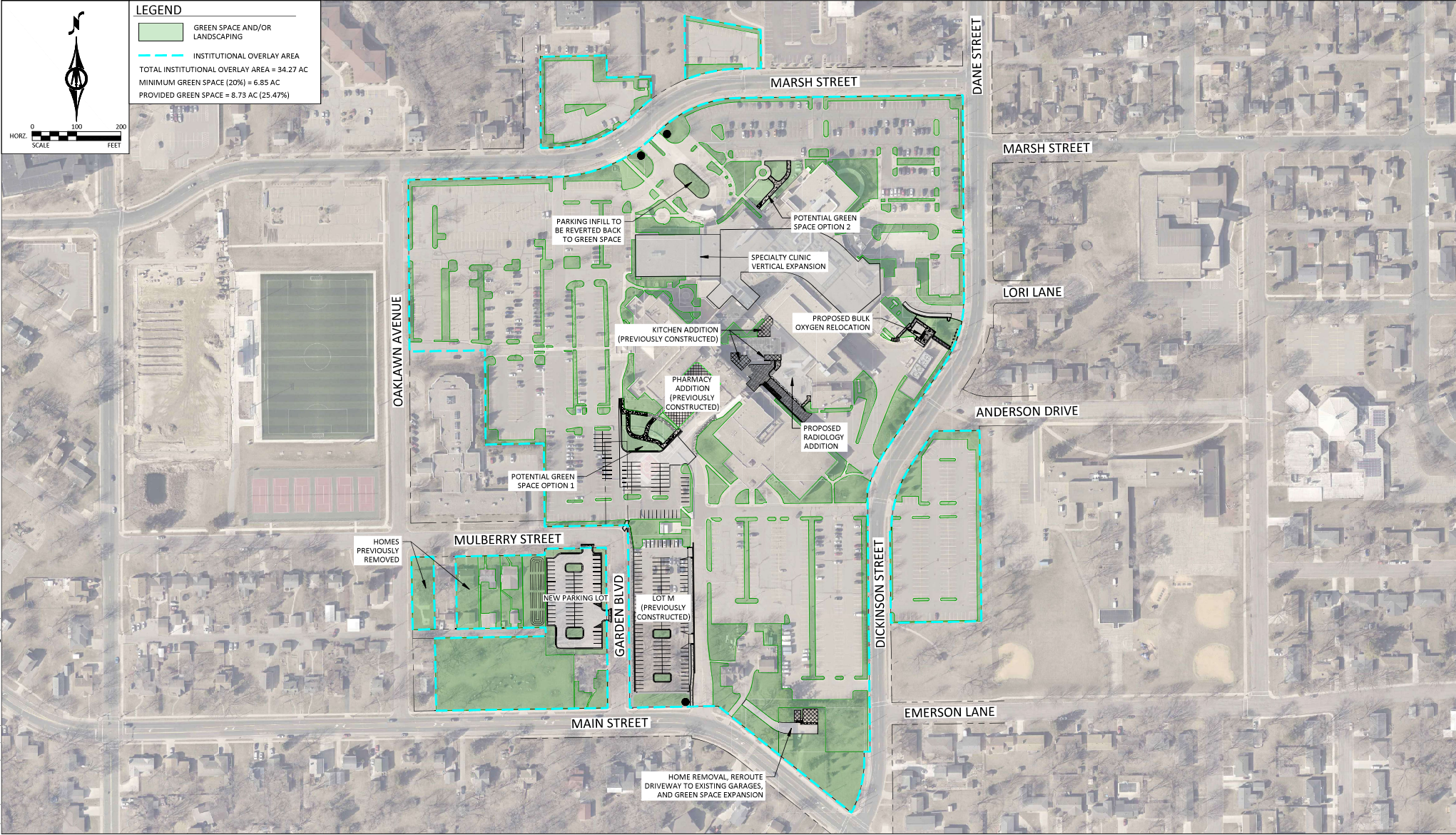
General Location Map

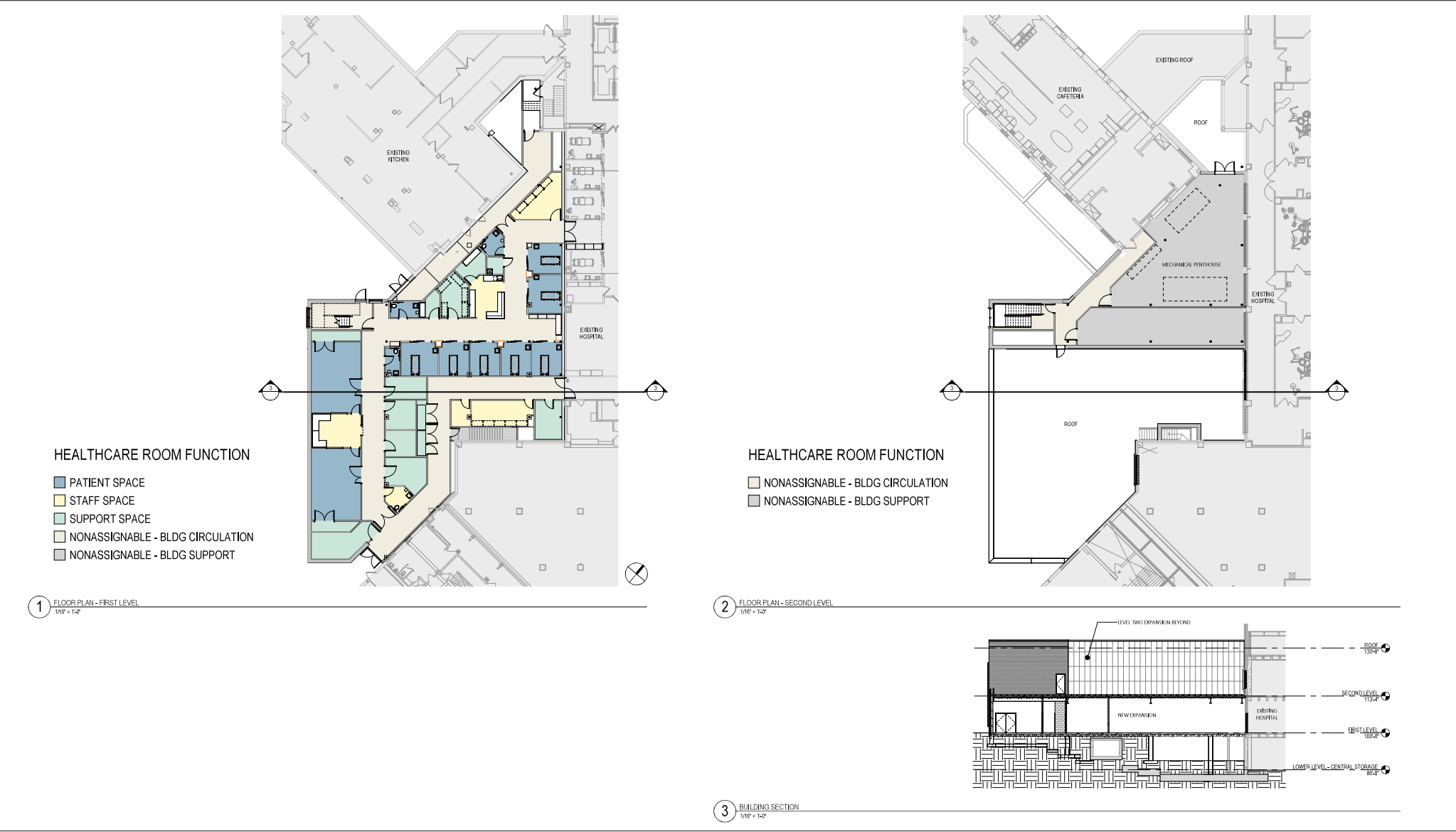


Date: July 2024

Author:

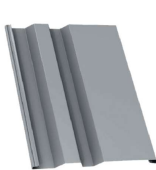
This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation.







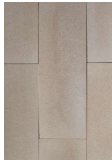
WEST ELEVATION



PROFILE METAL PANEL -
VERTICAL INSTALLATION
COLOR TBD



CURTAIN WALL VISION
GLASS & SPANDREL
GLASS
COLOR TBD



NATURAL STONE
COLOR & TYPE TBD



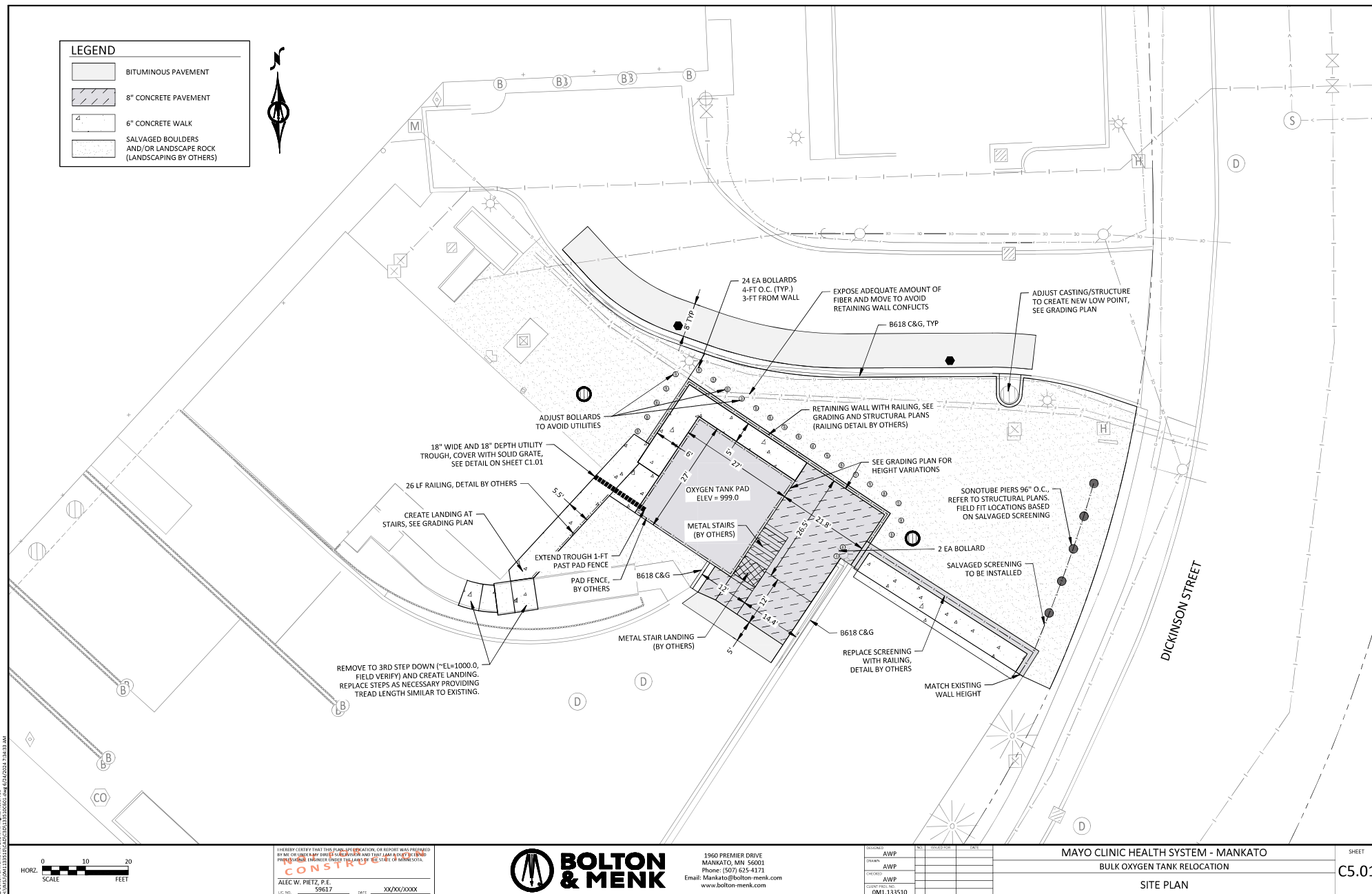
NORMAL BRICK
TO MATCH EXISTING



PERSPECTIVE VIEW

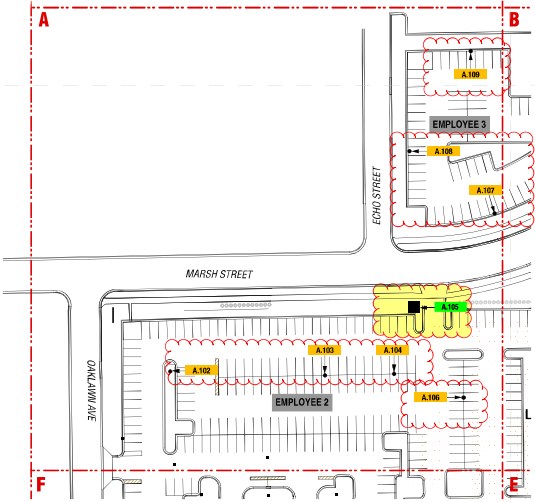
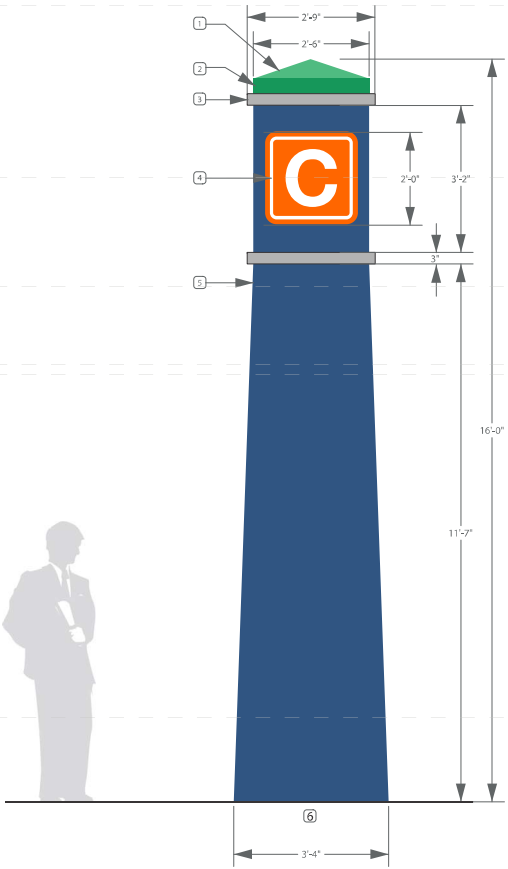


PERSPECTIVE VIEW





- 1 Routed aluminum sheeting over aluminum angle frame. 3/16" acrylic face backer panels. Illuminated via USLED Lighting (or pre-approve equivalent). Adjust LED configuration to eliminate viewable hotspots.
- 2 Cap painted MCHS Kelly Green with clear coat & UV inhibitor.
- 3 3" aluminum banding painted Silver
- 4 Acrylic face with 3M Orange showing reverse cut lettering. FONT: Helvetica Neue Bold
- 5 Main body painted MCHS Blue with clear coat & UV inhibitor
- 6 Footings: Page 8

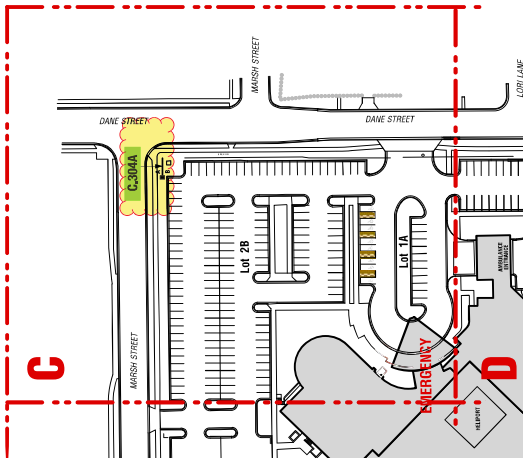
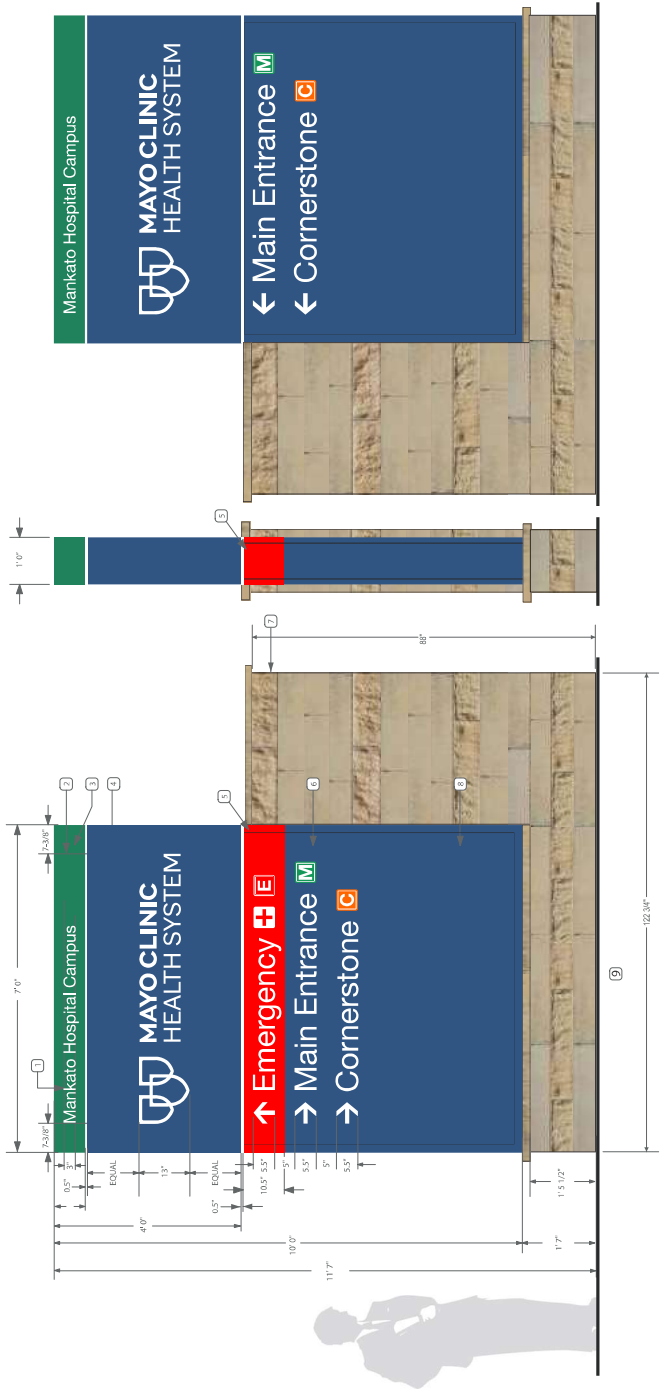




- 1 SignComp Series 12 illuminated cabinet with 3M 3630-143 Poppy Red vinyl. 100" aluminum face panel combined with SignComp Series 12 - Hinge Body #1612, Side Retainer #1624, and Slide Cover #1694, capturing 3/16" acrylic face panel. Illuminated via USLED Tandem Cabinet LED Lighting (or pre-approved equivalent). Adjust LED configuration to eliminate verifiable hotspots.
- 2 3M White Opaque vinyl
- 3 Painted MCHS Kelly Green
- 4 Aluminum face painted MCHS Blue with clear coat & UV inhibitor showing logo 1/2" beyond face. Edges left raw from router cutting, not polished, to provide halo lighting effect.
- 5 Reverse cut 3M 3630-143 Poppy Red vinyl. Retainers and profiles to be painted to match Red vinyl or wrapped with 3M 7725-13 Tomato Red. White vinyl separation line between logo and directional.
- 6 Acrylic face with 3M Sultan Blue vinyl over 3M black opaque vinyl showing reverse cutting and 3M 7725-13 Tomato Red. FONT: Helvetica Neue Regular
- 7 FOUNDATION: Cold Springa Dakota Limestone over treated plywood/ steel frame
- 8 MCHS Blue with clear coat & UV inhibitor
- 9 Footings: Page 8

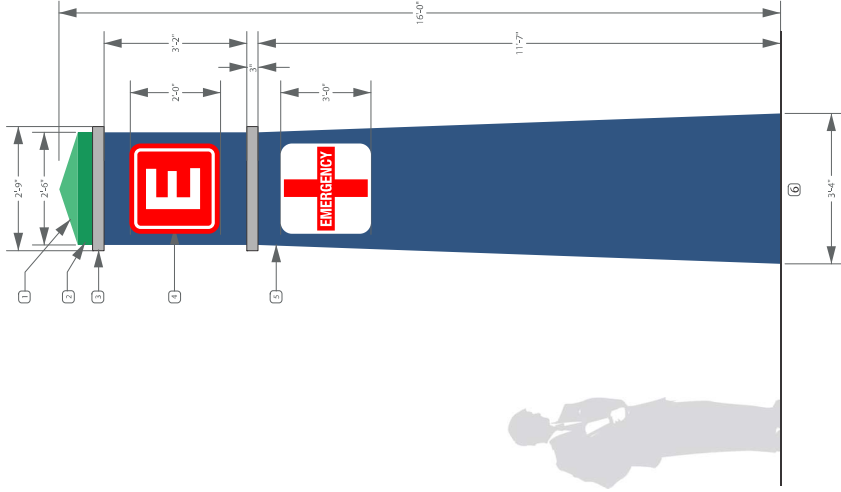
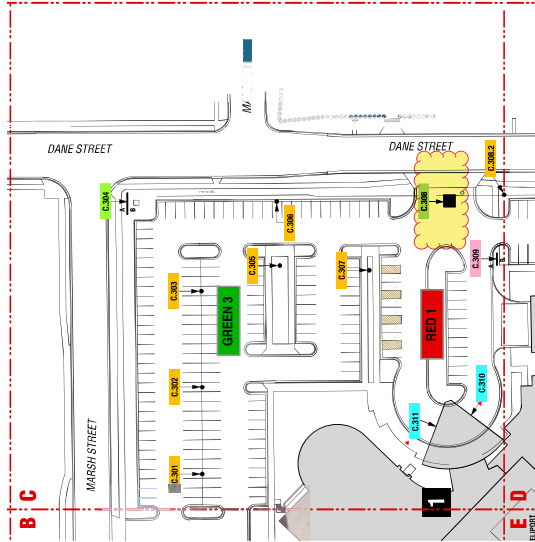
Side A

Side B





- ① Routed aluminum sheeting over aluminum angle frame. 3/16" acrylic face backer panel. Illuminated via USLED Lighting (or pre-approved equivalent). Adjust LED configuration to eliminate viewable hotspots.
- ② Cap painted MCHS Kelly Green with clear coat & UV inhibitor.
- ③ 3" aluminum banding painted Silver
- ④ Acrylic face with 3M Red showing reverse side.
FONT: Helvetica Neue Bold
- ⑤ Main body painted MCHS Blue with clear coat & UV inhibitor
- ⑥ Footings- Page 8

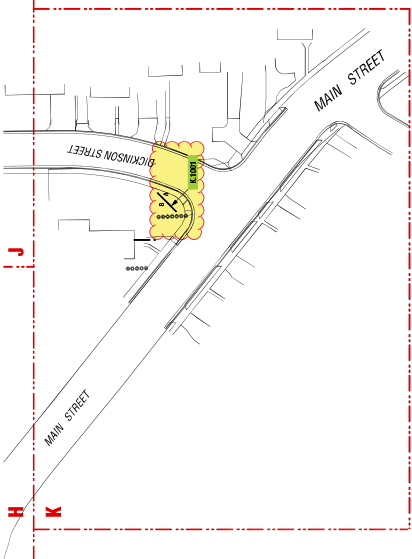
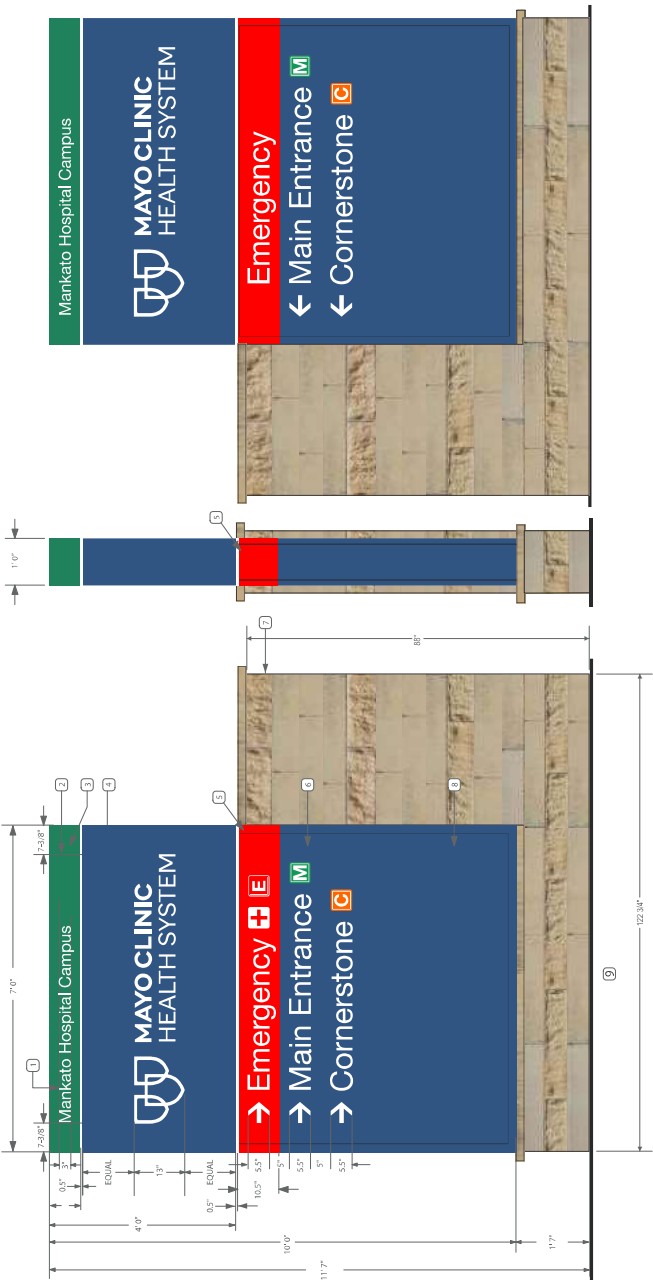


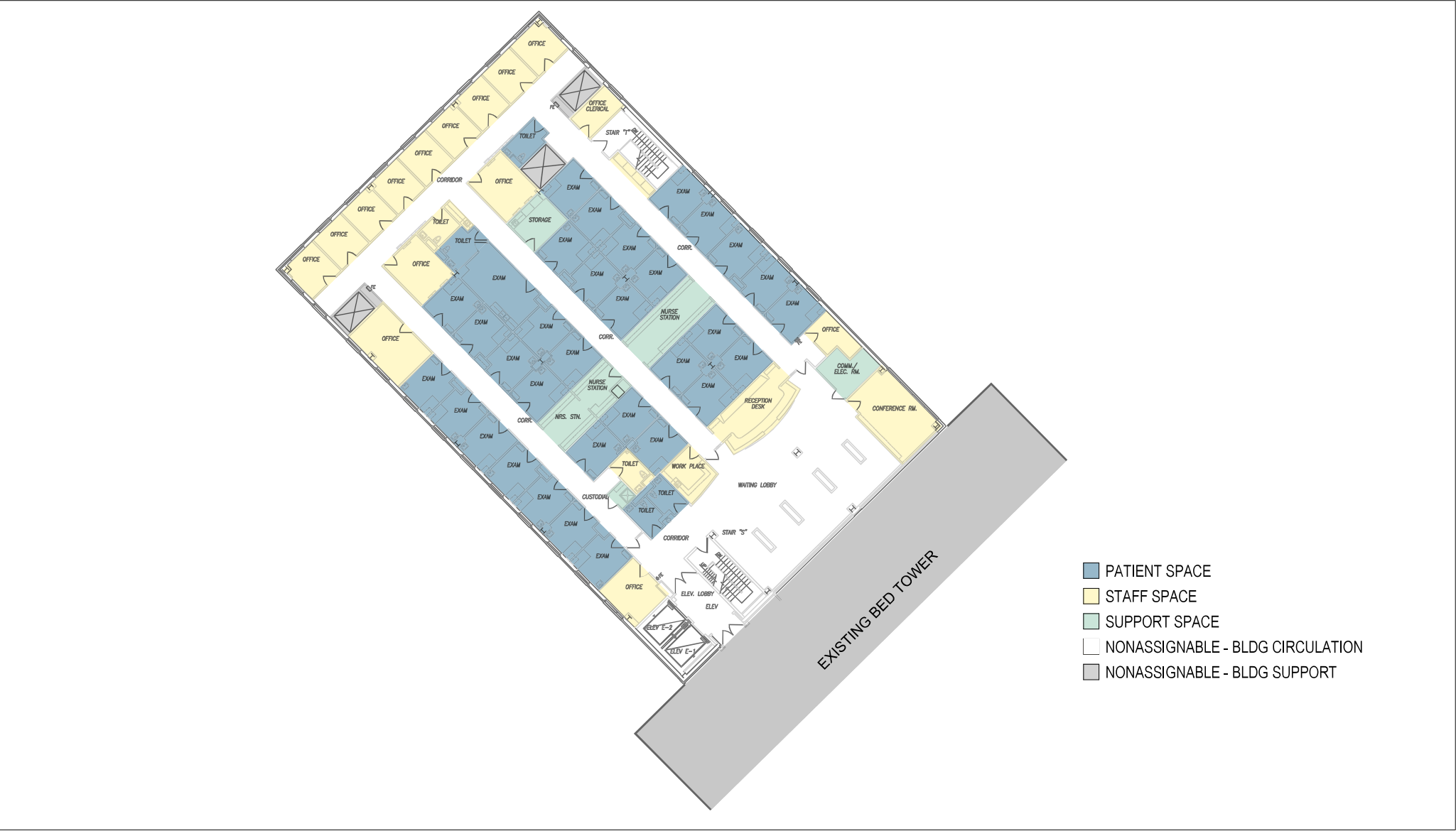


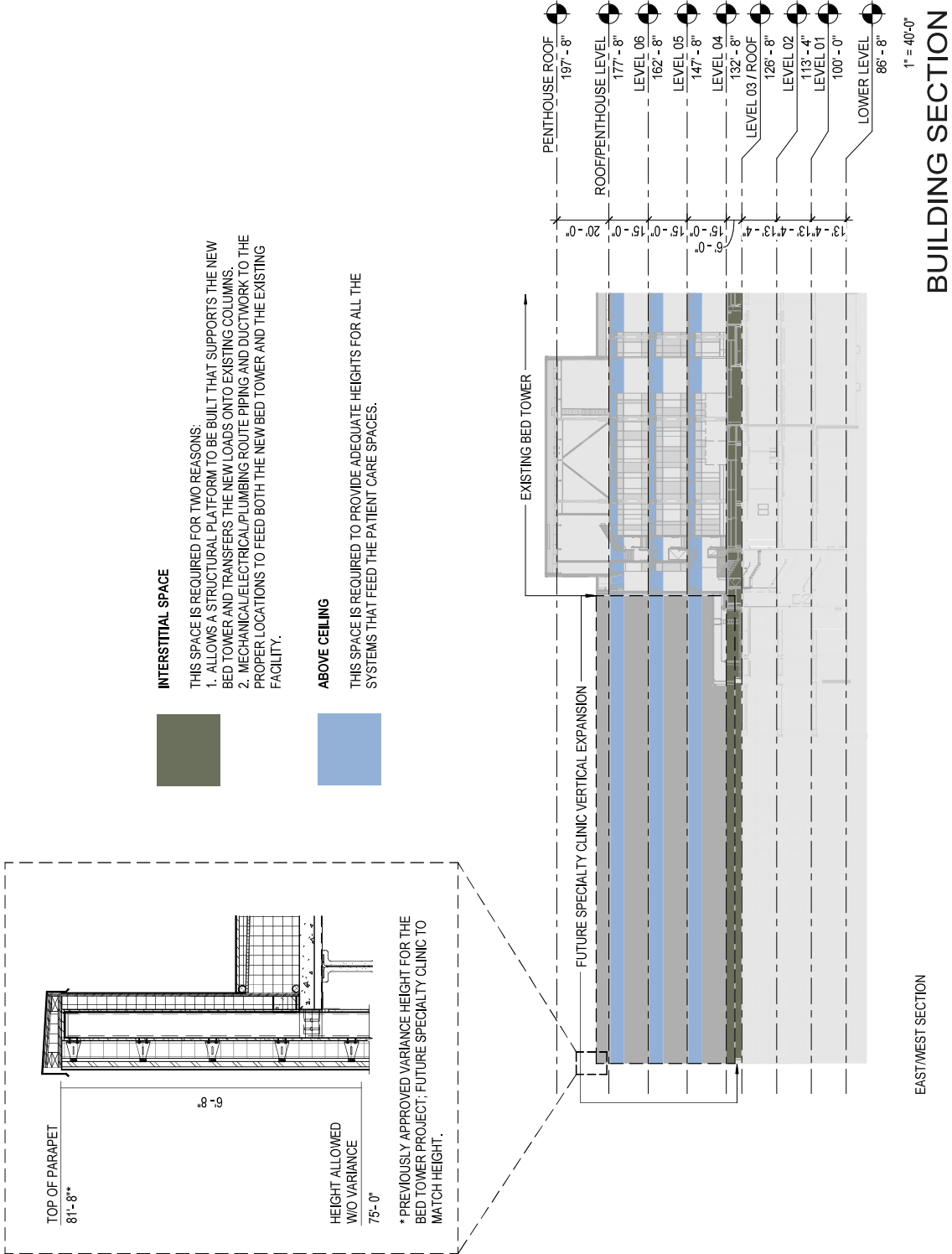
- 1 SignComp Series 12 illuminated cabinet with flush faced bleed retainers capturing .100" aluminum face panel, combined with SignComp Series 12 - Hinge Body #1612, Side retainer #1624, and Slide cover #1694, capturing 3/16" acrylic face panel. Illuminated via LED and ambient lighting for even appearance. Adjust LED lighting for configuration to eliminate viewable hotspots.
- 2 3M White Opaque vinyl
- 3 Painted MCHS Kelly Green
- 4 Aluminum face painted MCHS Blue with clear coat & UV inhibitor showing logo .1/2" translucent White acrylic push-thru to .25" beyond face. Edges left raw from router cutting, not polished, to provide halo lighting effect
- 5 Reverse cut 3M 3630-143 Poppy Red vinyl. Retainers and profiles to be painted to match Red vinyl or wrapped with 3M 7725-13 Tomato Red. White vinyl separation line between logo and directional.
- 6 Acrylic face with 3M Sulpan Blue vinyl over 3M black opaque vinyl showing reverse cut lettering and symbols
FONT: Helvetica Neue Regular
- 7 FOUNDATION: Cold Springs Dakota Limestone over treated plywood / steel frame
- 8 MCHS Blue with clear coat & UV inhibitor
- 9 Footings: Page 8

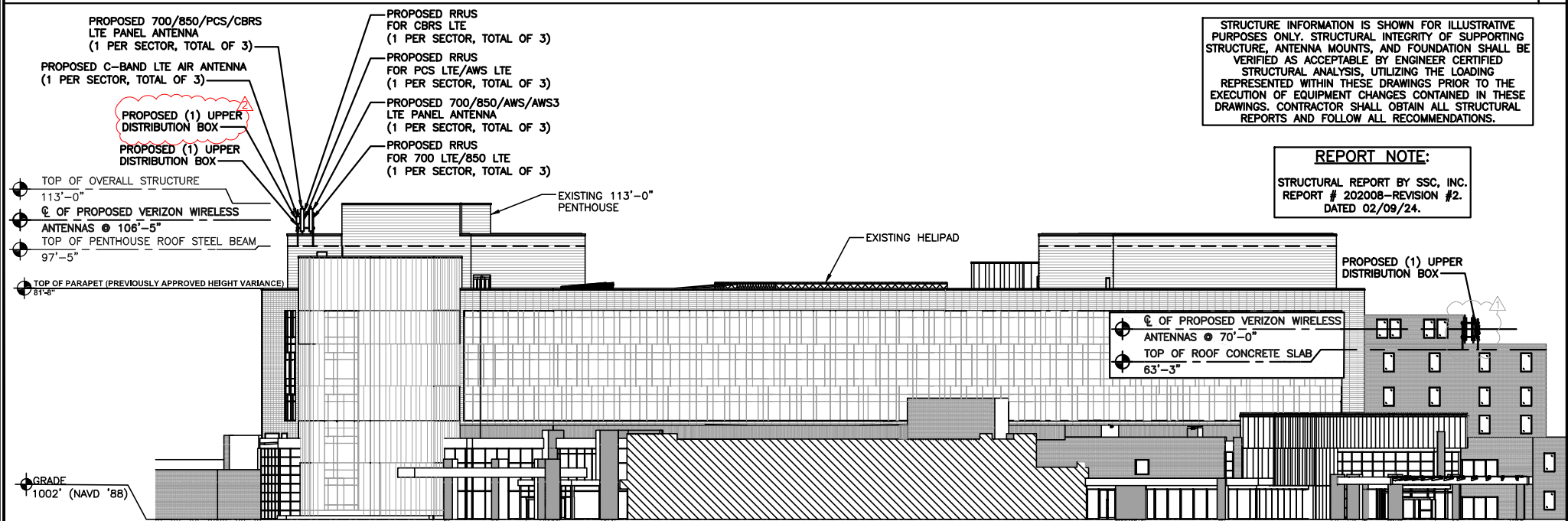
Side A

Side B









PROPOSED NORTH ELEVATION (OBLIQUE VIEW)



AGENDA RECOMMENDATION

Public Hearings 6. C.

City Council Regular Meeting

Meeting Date: 09/09/2024

Agenda Item:

Motion authorizing submittal of the Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program.

Recommendation/Action(s):

Public hearing followed by motion authorizing submittal of the CAPER.

Summary:

On [June 8, 2020](#), the City Council adopted the City of Mankato 2020–2024 Consolidated Plan for utilization of Community Development Block Grant (CDBG) funding. The plan details how the expected funding will be used in conformance with CDBG guidelines. The fourth funding year of this plan ended on June 30, 2024. The federal regulations that govern the CDBG program require two public hearings every year. The purpose of the first hearing is to review the Action Plan for the coming year and the Consolidated Plan (when applicable), which was held by the City Council on April 22, 2024. The purpose of the second hearing is to review the program performance for the previous year, which is the subject of the requested action and summarized in a standardized format referred to as the Consolidated Annual Performance Evaluation Report or CAPER. Staff has completed the CAPER and it is attached.

The 2023 program year operated from July 1, 2023, and ended June 30, 2024. Activities completed during the 2023 program year included activities committed from prior program years and include the following:

The City of Mankato made progress in achieving the goals of the 2023 Action Plan. Activities completed during the 2023 program year include the following:

- Public service grants were provided benefitting low to moderate income households to help meet the identified needs of health services, food support, homeless shelter operations, COVID-19 vaccination clinics, affordable child care, chore services for seniors and education of special needs groups.

- Park improvements were completed in Erlandson Park, which included replacement of playground equipment, improving the quality of life for a neighborhood with a high population of low to moderate income households.
- Owner-occupied housing rehabilitation was completed on four dwelling units. This activity assists with preserving the city's affordable housing stock, removal of lead-based paint hazards and improving the living conditions for low to moderate income households.
- Rental housing rehabilitation was completed on eight dwelling units. This activity assists with preserving the city's affordable rental housing stock and improves the living conditions for low to moderate income households.

Additionally, CDBG and CDBG-CV funds from prior program years were spent assisting 82 low to moderate income households with subsistence payments. This activity provided assistance with making payment to their landlord and/or utility provider for past due rent, past due utilities, rent deposit and rent payments. Subsistence payments helped to prevent eviction and homelessness.

Activities underway, but not yet complete include the following:

- Park improvements to Lions Park.
- Owner-occupied housing rehabilitation is underway on six single family dwellings.
- Affordable housing projects utilize CDBG funds towards site acquisition costs. Rehabilitation began in 2024 and is underway at Walnut Towers, which will preserve 86 units of existing affordable housing. It is anticipated the rehabilitation will be complete by the end of 2024. Construction of Lewis Lofts began in 2024 and is underway, which will create 64 units of affordable senior housing. It is anticipated construction will be complete in 2025.

The following table shows the Action Plan for the 2023 program year, including the funds obligated and spent during the program year. The city has a total of eight years to expend funds from each program year.

Activity Goals for the 2023 Program year	Obligated	Disbursed	Encumbered
Owner Occupied Housing Rehabilitation	\$107,093	\$5,000	\$102,093
Rental Housing Rehabilitation	\$100,000	\$71,038	\$28,962
Park Improvements	\$100,000	\$45,991.70	\$54,008.30
Public Services	\$59,487	\$48,487	\$11,000
Administration	\$30,000	\$19,621.26	\$10,378.74

The CAPER was posted for public comment on August 24, 2024, and will run through September 8, 2024. Any public comments received will be reported at the time of the public hearing on September 9, 2024.

Attachments

Draft CAPER

Community Development Block Grant (CDBG)
Consolidated Annual Performance and Evaluation Report (CAPER)
Program Year 2023

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

The City of Mankato made progress in achieving the goals of the 2023 Action Plan. Activities completed during the 2023 program year include the following:

- Public service grants were provided benefitting low to moderate income households to help meet the identified needs of health services, food support, homeless shelter operations, COVID-19 vaccination clinics, affordable child care, chore services for seniors and education of special needs groups.
- Park improvements were completed on Erlandson Park which included replacement of playground equipment improving the quality of life for a neighborhood with a high population of low to moderate income households.
- Owner occupied housing rehabilitation was completed on four dwelling units. This activity assists with preserving the City's affordable housing stock, removal of lead based paint hazards and improving the living conditions for low to moderate income households.
- Rental housing rehabilitation was completed on eight dwelling units. This activity assists with preserving the City's affordable rental housing stock and improves the living conditions for low to moderate income households.

Additionally, CDBG and CDBG-CV funds from prior programs years were spent to assist 82 low to moderate income households with subsistence payments. This activity provided assistance with making payment to their landlord and/or utility provider for past due rent, past due utilities, rent deposit and rent payments. Subsistence payments helped to prevent eviction and homelessness.

Activities underway, but not yet complete include the following:

- Park improvements to Lions Park.
- Owner occupied housing rehabilitation is underway on 6 single family dwellings.

- Affordable housing projects utilized CDBG funds towards site acquisition costs. Rehabilitation began in 2024 and is underway at Walnut Towers which will preserve 86 units of existing affordable housing. It is anticipated the rehabilitation will be complete by the end of 2024. Construction of Lewis Lofts began in 2024 and is underway which will create 64-units of affordable senior housing. It is anticipated construction will be complete in 2025.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Affordable Housing	Affordable Housing	CDBG: \$	Rental units constructed	Household Housing Unit	200	45	22.50%			
Affordable Housing	Affordable Housing	CDBG: \$	Other	Other	0	77				
Business Assistance	Non-Housing Community Development	EDA: \$	Businesses assisted	Businesses Assisted	10	8	80.00%			
Childcare	Non-Homeless Special Needs	CDBG: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	20	65	325.00%			
COVID-19	Homeless Non-Homeless Special Needs	CDBG-CV: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	465				

COVID-19	Homeless Non- Homeless Special Needs	CDBG- CV: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	1703		0	159	
COVID-19	Homeless Non- Homeless Special Needs	CDBG- CV: \$	Homeless Person Overnight Shelter	Persons Assisted	0	615				
COVID-19	Homeless Non- Homeless Special Needs	CDBG- CV: \$	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0				
COVID-19	Homeless Non- Homeless Special Needs	CDBG- CV: \$	Other	Other	1800	0	0.00%			
Education for New Americans	Non- Homeless Special Needs	CDBG: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	60	43	71.67%			
Food Support	Non- Homeless Special Needs	CDBG: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	2000	3535	176.75%			
Homeless Shelter Beds	Homeless	CDBG: \$	Homeless Person Overnight Shelter	Persons Assisted	35	0	0.00%			
Medical Care	Non- Homeless Special Needs	CDBG: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	315	589	186.98%			

Owner Occupied Housing Rehabilitation	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	12	9	75.00%	3	4	133.33%
Park Improvements	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0		4545	4545	100.00%
Park Improvements	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	300	4545	1,515.00%			
Park Improvements	Non-Housing Community Development	CDBG: \$	Other	Other	0	0			0	
Public Services	Non-Homeless Special Needs	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1500	2402	160.13%	1500	3547	236.47%
Public Services	Non-Homeless Special Needs	CDBG: \$	Other	Other		0				
Rental	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Rental units rehabilitated	Household Housing Unit	30	8	26.67%	8	8	100.00%

Rental	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	0	0		0	0	
Rental	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	235	155	65.96%			
Rental	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Housing for Homeless added	Household Housing Unit	0	0		0	0	
Rental	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Housing for People with HIV/AIDS added	Household Housing Unit	0	0		0	0	
Rental	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Other	Other	65	0	0.00%			
Seniors	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	8	0	0.00%			

Seniors	Affordable Housing Non-Homeless Special Needs	CDBG: \$	Other	Other	775	0	0.00%			
Transportation	Non-Homeless Special Needs	CDBG: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	100	0	0.00%			

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City has assessed the success in administering the CDBG funds and has found that stated needs are being met. CDBG resources have been dedicated to the development of additional affordable housing to be funded by the Low Income Housing Tax Credit (LIHTC) program. Additional affordable housing was the number one stated need during the public participation sessions. Additionally, the City developed an Affordable Housing Action Plan which was adopted by the EDA February 2023. The Affordable Housing Action Plan was an initiative of the City of Mankato Strategic Plan. The community was engaged on housing affordability which included local housing developers, nonprofit service providers, property management businesses, Greater Mankato Growth, realtors, neighborhood associations, housing and community advocates and the community at large. Engagement methods included tables at community events, round table discussions, 1:1 interviews, online surveys and other strategies. Housing needs identified through the planning process include the need to preserve existing housing stock, need for shelter beds and creation of additional affordable housing units. Rose Place II finished construction of 51 units of affordable housing and opened fall 2022. Sinclair Flats finished construction of 48 apartment units, 38 of which are affordable and opened fall 2023.

The City coordinated with one developer on making application for LIHTC in 2024 for the construction of a new supportive housing project. The supportive housing facility would include 40 housing units that would support singles and families transitioning from community shelters. The supportive housing component would include project-based housing vouchers to subsidize rents and CDBG funds would be used towards site acquisition. The City also provided support for another LIHTC application in 2024 for an affordable housing project which would construct 64 housing units. It is anticipated LIHTC awards will be announced in December 2024. Construction on Lewis Lofts began in 2024 which will create

64 units of affordable senior housing. Rehabilitation of Walnut Towers to preserve affordable housing units began in 2024. Implementing a community land trust is another initiative of the City to expand affordable housing options in Mankato. The City of Mankato entered into an agreement with Southwest Minnesota Housing Partnership (SWMHP) in July 2022 to implement a community land trust for the purchase and rehabilitation of three homes for low to moderate income households in Mankato. SWMHP submitted an application to Minnesota Housing July 2023 which was approved for additional funding to implement the community land trust which would be leveraged by the City for the purchase/rehabilitation of five homes. CDBG funds would be used towards housing rehabilitation. Lead based paint hazards will be abated as part of housing rehabilitation activities

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	2,101
Black or African American	601
Asian	69
American Indian or American Native	40
Native Hawaiian or Other Pacific Islander	10
Total	2,821
Hispanic	120
Not Hispanic	2,701

Table 2 – Table of assistance to racial and ethnic populations by source of funds

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	953,588	953,588

Table 3 - Resources Made Available

Narrative

Actual CDBG funds expended during the 2023 program year totaled \$953,587.55 which includes dollars from the 2017, 2018, 2019, 2020, 2021, 2022 and 2023 program years.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Affordable Housing - New Construction			
Germainia Park			
Hilltop			
Lincoln Park		9	
North Highland Park			
Sibley Park			
Tourtellotte Park			
Washington Park		7	

Table 4 – Identify the geographic distribution and location of investments

Narrative

The City has targeted areas for housing rehabilitation activities. Applications are accepted on a first come, first served basis and are accepted from any of the targeted areas.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City of Mankato requires a 50% match for public service grants. Before the grants are dispersed, verification of matching funds is submitted and is maintained in the CDBG records. A 50% match is required for rental housing rehabilitation projects and a 20% match is required for

owner occupied housing rehabilitation projects for households with an income at 80% the area median income (AMI). For owner occupied housing rehabilitation projects, households with incomes at or below 60% AMI do not have a match requirement. Additionally, owner occupied housing rehabilitation is leveraged by the Community Land Trust where acquisitions occur on existing homes that have rehabilitation needs. Affordable housing projects that use CDBG funds are leveraged with Low Income Housing Tax Credits. Federal and State funds outside of CDBG are used to provide affordable housing. Programs such as public housing and the Housing Choice Voucher, VASH, Continuum of Care funding and Bridges rental assistance are used to house very low income residents as well as homeless and disabled. The use of these funds frees CDBG to be used to serve other identified needs. The City of Mankato owns, manages and maintains 181 units (57 structures) in Mankato which provide affordable housing. Units range in size from 1 to 5 bedrooms.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	12	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	12	0

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	12	0

	One-Year Goal	Actual
Number of households supported through Acquisition of Existing Units	0	0
Total	12	0

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Discuss how these outcomes will impact future annual action plans.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	1	0
Moderate-income	0	0
Total	1	0

Table 7 – Number of Households Served

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Staff have been very active in the development of the area Coordinated Entry System; an intake, evaluation, and waiting list for homeless in our area. Staff meet monthly to update the waiting list and to share success in service to those in need.

Continuum of Care provided 8 households with "project based" rental subsidy and supportive services at Cherry Ridge and Sibley Park apartments. The program is in partnership with Blue Earth County Human Services for people who are long-term homeless and chronically homeless and disabled. Participants pay 30% of their income towards housing expense. The county provides the required case management; the individual is required to meet during set times by the case manager.

The Mankato EDA received 112 Mainstream vouchers from HUD to serve non-elderly, disabled households and administer 15 emergency vouchers and 5 housing stability vouchers provided by HUD to serve households experiencing homelessness. The number of homeless served under the housing choice voucher program increased by 33%. With the Mainstream vouchers, the EDA has been able to serve all the disabled households making application to the Housing Choice Voucher program. Individuals are referred by a case manager or mental health practitioner or can make application directly with the EDA. As a regional coordinated effort, the EDA partnered with South Central Community Based Mental Health Initiative and service providers, Blue Earth County, and other Housing Authorities in the region to seek Mainstream funding to expand supportive housing options for disabled households in Mankato and the region.

Staff continue to search for a way to increase the number of shelter beds in our area. Staff has identified additional preferences to target identified needs in the community for program eligibility on the Housing Choice Voucher and Public Housing programs. The City participates in the regional Continuum of Care and collaborates in the implementation of the Coordinated Entry (CE) system. CE is a coordinated process designed to manage participant intake, assessment, and provision of referrals as part of the local homeless response. The EDA continues biweekly shelter case conference meetings to ensure coordination for homeless in the Coordinated Entry system.

Addressing the emergency shelter and transitional housing needs of homeless persons

The need for additional shelter beds has been identified and increasing the number of beds in the city has been an identified goal. The City coordinated with Blue Earth County, Partners for Housing, Connections Shelter, and one developer on making application for LIHTC in 2023 for the construction of a new 24/7 homeless shelter and supportive housing project. That application was not funded, so the

partners worked together to change the project to a phased approach. The first phase being construction of the supportive housing units and the second phase being construction of a 24/7 emergency shelter. An application was submitted to Minnesota Housing for LIHTC in July 2024 and it's anticipated awards will be announced in December 2024. The supportive housing component would include project-based housing vouchers to subsidize rents and CDBG funds would be used towards site acquisition costs. The supportive housing units would serve families and singles who are homeless, dealing with multiple barriers to shelter and housing, with income under 50% of the area median income. The partners continue to meet to work towards developing the second phase. In developing the project, the City held listening sessions and 1:1 conversations with persons experiencing homelessness to assist in developing the design of the project. Individuals experiencing homelessness and those with lived experience will continue to be consulted throughout the process of developing the new shelter and supportive housing units.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Intake staff refer citizens who are homeless or threatened with homelessness to the area Homeless Prevention Program for services. Intake staff will also complete the assessment needed to add the citizen to the Coordinated Entry list for service. The Housing Choice Voucher Program, which includes Mainstream vouchers, administered by the Mankato EDA gives preference to individuals who are homeless, who are about to be discharged from a publicly funded institution or system of care. The Mankato EDA also has 12 Foster Youth to Independence vouchers to ensure youth ages 18-25 exiting the foster care program receive rental assistance and partner with Luther Social Service The Reach in providing supportive services.

The EDA under the Mainstream vouchers, does provide priority preference to eligible households with serious mental illness who are homeless, leaving health care centers, mental health treatment centers, ERTS, correctional facilities, and or institutions. Staff start working with households prior to release to assist them in securing housing as they leave these segregated settings. the EDA will continue to monitor needs for additional Mainstream vouchers and seek additional funds as they become available. The EDA revised its administrative policies and practices that have loosened the requirements around criminal histories and provides opportunity to appeal terminations based on criminal background.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals

and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Through the provision of the Continuum of Care units, VASH Vouchers, Mainstream vouchers, Emergency Housing Vouchers, and dedicated long term homeless units, homeless citizens are moved to stable affordable housing. The Mankato EDA also administers State local homeless prevention aid to youth and youth families in partnership with the Homework Starts With Home program and local school district to provide 25 families with rental assistance who are homeless or at risk of homelessness. Staff work closely with service providers to achieve success for these families. The development of the Coordinated Entry system allows for those who are homeless to access services across the many counties of our regional Continuum of Care without having to make multiple applications. Should additional Low Income Housing Tax Credit units be funded, the number of units dedicated to serving homeless families will increase.

Recently, we were awarded vouchers through the Foster Youth to Independence Initiative (FYI). Under FYI, we provide vouchers to youth, at least 18 years and nor more than 24 years of age who have left foster care and are homeless or at risk of becoming homeless. EDA staff partners with LSS to provide supportive services to assist the youth on a path to self-sufficiency.

The EDA has partnered with other local housing and supportive services to conduct a SPARC (Supporting Partnerships for Anti-racial Communities) project that has been collecting and assessing racial data from our HMIS and CE systems in an effort to identify areas of disparity and strategizing efforts to provide services more equitable and attempt to end homelessness in our community. Working with stakeholders to strengthen opportunities that encourage education, communication, and wealth building to lift individuals and families out of poverty. The EDA is now using the same path the existing SPARC project used and broadening the efforts from a local to region wide effort through the River Valley Continuum of Care (CoC) Racial Equity Accountability Project (REAP).

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City of Mankato works to provide adequate and affordable housing and economic opportunity to lift low income households out of poverty. The City identifies housing needs in the community and collaborates with local, state and federal resources to meet those needs. Affordable Rental Housing (ARH) Program (Public Housing) has assisted 290 low-income households in subsidized housing this past year, managed by the City of Mankato. Rent paid by tenants is structured to 30% of income. To qualify for the Affordable Rental Program, applicants must meet income guidelines, have good rental references, no history of drug involvements or violent behavior. Staff manages and maintains 181 units (57 structures) in Mankato and 84 units (20 structures) in Blue Earth County. Units range in size from 1 to 5 bedrooms. We are continuing the process to convert our Public Housing program into RAD and Section 18 to ensure that these units can maintain affordability and be cost effective. The Housing Choice Voucher (HCV) Program provided rental subsidies to 667 very low income households within Blue Earth County this past year. Participants of this program receive a voucher that allows them to choose housing in the private rental market; they pay about 30% of income for rent and utilities. Before assistance is paid, the unit is inspected to ensure it is safe, decent, and sanitary. Applicants must meet income guidelines, have no history of drug involvements or violent behavior

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

Currently the EDA contracts with Southwest Minnesota Housing Partnership to provide Homestretch and homeownership counseling. Home Stretch involves eight hours of classroom instruction that covers every aspect of the home purchasing process. Professionals in home inspection, lending, real estate, insurance, personal and property safety, credit repair and financial literacy are on hand to share expertise and answer questions to program participants. Participants receive a certificate upon course completion that is required for Minnesota Housing, RD, and VA first time homebuyer mortgage products. Research has shown that graduates of Home Stretch have fewer foreclosures than first time home buyers who have not taken the course. The staff with Southwest Minnesota Housing Partnership and the EDA provide personal coaching to move families from public housing and the Housing Choice Voucher Program to homeownership. The public housing and Housing Choice Voucher families who successfully complete the program are eligible to receive up to \$5,000 in downpayment assistance from the City of Mankato. This year 1 family closed on their new home and there are 5 other households currently in the process. Home Stretch is a homebuyer education program taught in small group "club" classroom setting. Staff have found that this program has been essential for helping new immigrants prepare for home purchase. This home buyer educational workshop is open to the general public and served 12 people this past year.

Family Self-Sufficiency Program (FSS) is a voluntary option for individuals under lease with a Housing Choice Voucher Program. This past year 23 participants developed goals to increase earned income and

ultimately become self-sufficient over a 5 year period, and 6 households became economically self sufficient. A savings account is established and deposits are made when the participants' earned income increases. Money the EDA saves by paying less rent for the participant is deposited into the interest earning escrow account. Participants who complete the program goals may use this savings account for a variety of opportunities such as purchasing a home, returning to school, or buying a vehicle.

The residents of Orness Plaza meet regularly to plan activities and share ideas regarding the management of the facility. The Tenants Advisory Board meets every year to review the proposed PHA Annual Plans and their comments are considered. Additionally, under a RAD Conversion, we have held multiple meetings with Public Housing tenants to discuss and take feedback on the conversion to project-based vouchers

Actions taken to provide assistance to troubled PHAs

There are no troubled PHAs in the Mankato entitlement area.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

In the recent past, the Mankato EDA developed a plan for project based vouchers and has used this plan to award project based vouchers in new tax credit funded developments as well as rehabilitation projects.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The two most important underserved needs in our community continue to be the lack of affordable housing and lack of shelter beds. The City supported two applications for Low Income Housing Tax Credits (LIHTC) in 2024 and if awarded, would allocate CDBG funds towards site acquisition costs. One of the applications is to develop 40 units of supportive housing for households at or below 50% area median income (AMI) and the second application is to develop 64 units of affordable housing. The City coordinated with affordable housing and shelter providers (Partners for Housing and Connections Shelter), Blue Earth County and a developer (Trelis) to make an application to Minnesota Housing for LIHTC to develop 40 supportive housing units.

CDBG funds were used in 2020 for rehabilitation to provide homeless shelter beds within an existing building. Funds were also used in 2021 for the Salvation Army to be open as a day shelter. The City, shelter providers (Partners for Housing and Connections Shelter) and Blue Earth County continue to meet to work on developing a new 24/7 emergency shelter.

EDA Levy funds and American Rescue Plan (ARP) funds were used to support the construction of Rosa Place II, an affordable housing project that includes 51 units of affordable housing and 3 project based vouchers. Rosa Place II opened the fall of 2022. Staff worked with a developer, Cohen-Esrey Development Group, for the redevelopment of the City's former public works site to construct Sinclair Flats and Lewis Lofts, an affordable housing project. ARP funds were used to support the construction of Sinclair Flats, a 48-unit building with 38 units that are affordable. Construction of Sinclair Flats was completed the fall of 2023. For Lewis Lofts, CDBG funds were used towards site acquisition costs and ARP funds, a deferred forgivable loan from the City and tax increment financing were used to support the construction. Lewis Lofts will include 64 units of affordable senior housing. Construction on Lewis Lofts began in spring 2024 and is anticipated to be completed in 2025. Sinclair Flats and Lewis Lofts will also include project-based vouchers. Staff worked with a developer, Trelis, for the preservation of existing affordable housing at Walnut Towers. An application for LIHTC to support the preservation of Walnut Towers was submitted to Minnesota Housing in July 2022 and was funded. Rehabilitation began in 2024 and is anticipated to be finished late 2024 which will preserve 86 units of affordable housing located within the City's downtown core. CDBG funds were used towards site acquisition costs and ARP

funds were also used to support the rehabilitation project. Staff will continue efforts to meet the need for affordable housing. Implementing a community land trust is another initiative of the City to expand affordable housing options in Mankato. The City entered into an agreement with Southwest Minnesota Housing Partnership (SWMHP) in July 2022 to implement a community land trust for the purchase and rehabilitation of three homes for low to moderate income households in Mankato. The first home closed December 2023.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Lead paint assessments are completed on every residential unit that receives rehabilitation. If lead hazards are present, the abatement of the hazards are included in the scope of work. Contractors certified to properly eradicate lead hazards are hired to complete the work. Homes that will be assisted by the Housing Choice Voucher Program built before 1978 and will have children under five years of age are inspected for lead paint hazards. If chipped or peeling paint is found, an assessment is completed and the property owner is required to abate the lead hazards.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City of Mankato seeks to reduce the number of persons living below the poverty level by administering the HUD funded Family Self-Sufficiency Program, the goal of which is to move families from the dependence on government assistance to self-sufficiency. We also provide two homeownership education programs: for the general community, Home Stretch is offered the second Tuesday and Thursday of every month. The Mankato EDA has actively administered the Voucher Homeownership Program and currently has 18 families actively on the homeownership program.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City of Mankato works diligently to overcome gaps in institutional structure and to enhance coordination. The City has enhanced the customer service portal on the website to receive complaints and concerns 24 hours a day, and an app was introduced to access the customer service system via a smart phone. Additional 311 call center operators have been hired to answer questions and provide resources to the general public. Community Development staff work alongside neighborhood associations as well as area social service organizations in the provision of the rental licensing program and Housing Choice Voucher, Public Housing, VASH, Continuum of Care, and Bridges rental assistance programs.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Community Development staff maintain close relationships with area housing and social service providers. Staff are active in the Mankato chapter of the Multi-Housing Association as well as in the state and local National Association of Housing and Redevelopment Officials (NAHRO) organizations.

Staff also meet regularly with the Family Self-Sufficiency Board of Directors, Homeless Response team, Continuum of Care, Coordinated Entry Committee, REAP Committee and staff of Blue Earth County Mental Health team. The Community Development department participates in the annual Veteran's Stand down and the Project Community Connect; both events that provide services to the homeless. Through the administration of the public housing and voucher programs staff work daily with area property owners and social service staff. Community Development staff also work with neighborhood associations throughout the city.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The Mankato EDA Voucher Homeownership Program was chosen as part of the pilot of the State of Minnesota Emerging Market Homeownership Program, the goal being to increase the number of minority homeowners in the state. The City also refers potential homeowners to the Emerging Market Homeownership Initiative in southern Minnesota to further this end. To date, staff has assisted 32 minority households to purchase homes under the City's Homeownership programs; currently 18 are continuing using Housing Choice Vouchers for this purpose

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

To monitor social service activities, CDBG funds are not dispersed until staff have received verification that the services were provided as agreed to in the signed service agreement contracts. For rehab projects, City staff are completing intake, then contracting with Minnesota Valley Action Council to develop scopes of work, bid projects, and inspect construction as specified in the rehab standards and policies approved by the City of Mankato EDA Board. Bidding and program administration follows all federal requirements including Davis-Bacon, Section 3, and Women and Minority Owned Business regulations. No payments are made until all work is completed and inspected to the satisfaction of the rehab specialist, the owner, and the City building inspector, and lien waivers are received. Additionally, City staff have tried to make a point of completing a HUD draw and updating IDIS on a monthly basis. Disbursements to subrecipients and contractors are processed immediately upon receipt of all necessary documentation and inspections (if needed). Actual expenditures do not differ from letter of credit disbursements. The City of Mankato has surveyed all licensed contractors in Nicollet and Blue Earth counties and has certified as Section 3 businesses for those who qualify. These businesses are included when soliciting bids for work with the City. The public will be encouraged to participate in the planning process for the CDBG program through inclusion in focus groups, public hearings, and the provision of comments. Comments can be received through the City of Mankato customer service portal or by simply calling 311.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The public was invited to attend the public hearing to discuss the administration of the 2023 CDBG program. The CAPER was posted for comments on August 24, 2024 in advance of the hearing through notice in the Mankato Free Press. Comments can be received anytime through the customer service portal via smart phone app, website or by calling 311. The draft CAPER was posted to the City's website which allows for web pages to be translated. The City of Mankato employs staff who speak different languages who are able to translate. The City of Mankato also provides translators as needed. Staff are available to answer any questions and take comments and will provide accommodations for those with disabilities. Information is provided in multiple formats and locations. The public hearing will be broadcasted on television on the public access channel. The public comment period will occur from August 24, 2024 through September 8, 2024.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

DRAFT

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours					
Total Section 3 Worker Hours					
Total Targeted Section 3 Worker Hours					

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					
Other.					

Table 9 – Qualitative Efforts - Number of Activities by Program



AGENDA RECOMMENDATION

City Council Regular Meeting

7. A.

Meeting Date: 09/09/2024

Agenda Item:

Review of Rental License at 123 North 4th Street - License #934.

Recommendation/Action(s):

Adoption of the attached resolution.

Summary:

The property at 123 North Fourth Street is owned by River Bluff Suites, LLC and is currently licensed for 28 units (Rental License #934). The license is set to expire on December 31, 2025.

On November 22, 2023, the property at 123 North Fourth Street was court ordered into administration pursuant to a 504B action brought by the city and certain tenants, which was filed with the Blue Earth County Court, arising out of continued code violations and unsafe health and public safety conditions.

On January 17, 2024, the Court entered an Order Accepting the Settlement Agreement and appointed Lighthouse Management as the Administrator of a number of properties, including 123 North Fourth Street.

On August 7, 2024, the Administrator filed a report with the Court which concluded that the property is not economically viable in its current state, and it continues to have significant security issues, is unsafe for tenants, and continues to need repairs to comply with the City Code. At this time, the Court also ordered the defendants to work with the property Administrator and the city to transition tenants to alternative housing on or before October 15, 2024. In addition, the Court ordered the defendants to secure the property, not lease any of the units to new tenants until all city ordered repairs were completed with an approved inspection, and to obtain an updated and current rental license.

Prior to the 504B action, the police and/or inspectors/enforcement officers found that the property was being used in a disorderly manner and that nuisance conditions and

violations of the City Code existed. The property owner had been notified as well as the listed agent of the property and provided with the violations and action required. Additional instances of disorderly use and code violations continued to occur for over 12 months, giving rise to unsuccessful problem-solving discussions up to the filing of the 504B action.

Mankato City Code, Section 5.42, Subd. 10, Inspection, indicates that no rental license shall be issued by the city unless the property complies with the provisions of the City Code and the Mankato Housing Maintenance Code which pertains to such dwelling unit. [Section 5.42, Subd. 15](#), Conduct on Licensed Premise, includes the responsibilities of the license holder and language regarding revocation and/or suspension of rental licenses.

Mankato City Code, [Section 5.03, Subd. 8](#), states that *"the City Council may either suspend, not to exceed 90 days, or revoke any license issued pursuant to this chapter, for good cause, including, but not limited to, a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to the operation of the licensee. No suspension or revocation shall take effect until the licensee has been afforded the opportunity for a hearing provided by the City Council."*

A letter was sent to the property owner via regular and certified mail on August 28, 2024, notifying them of the Council's intent to consider the revocation of the rental license for 123 North Fourth Street at the September 9, 2024, Council Meeting.

Due to the property owners, and the Administrator's failure to comply with the City Code to correct deficiencies in the numerous violations, as well as the Administrator's determination of ongoing health and safety violations at the property and the Court's order requiring the vacation of tenants from the property and that it be secured, it is recommended that effective October 15, 2024, that the Rental License #934 for the property at 123 North Fourth Street be revoked.

Attachments

Resolution

Order Granting Request for Termination

**RESOLUTION REVOKING RENTAL LICENSE FOR PROPERTY AT 123 NORTH
FOURTH STREET, CITY OF MANKATO, MINNESOTA**

WHEREAS, the City of Mankato, Minnesota (the “City”) administers dwelling rental unit licensing to protect the public health, safety and welfare of the community, including residents of rental dwellings, to ensure that rental housing is decent, safe and sanitary, and to ensure that such housing is operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration, or creates a disincentive to reinvestment in the community; and,

WHEREAS, the City issued a dwelling unit rental license pursuant to Mankato City Code, Section 5.42 (Dwelling Unit Rentals) for a multi-family building, located at 123 North Fourth Street; and,

WHEREAS, the license issued for 123 North Fourth Street (the “Rental Property” or “Property”) is in the name of River Bluff Suites, LLC (the “Owner”), with the Registered Agent listed with the Secretary of State as Shawn Clow; and,

WHEREAS, the Property at 123 North Fourth Street was court ordered into Administration pursuant to a 504B action brought by City and certain tenants, and filed with Blue Earth County Court on November 22, 2023, arising out of the continued code violations and unsafe health and public safety conditions of that property; and,

WHEREAS, on January 17, 2024, the Court entered an Order Accepting the Settlement Agreement dated January 17, 2024, and appointed Lighthouse Management as Administrator (“Administrator”) of a number of properties, including 123 North Fourth Street, Mankato, MN; and

WHEREAS, on August 7, 2024, the Administrator filed a Report with the Court which is attached hereto as Exhibit A and which concluded, among other things, that the property at 123 North Fourth Street, also known as River Bluff Suites by the Court and the Administrator, (i) is not economically viable in its current state; (ii) continues to have significant security issues; (iii) is unsafe for tenants and (iv) continues to need repairs to comply with City Code; and

WHEREAS, the Court, in the August 7, 2024, Order, ordered Defendants to work with INH and the City to transition the tenants of 123 North Fourth Street to alternative housing on or before October 15, 2024; and

WHEREAS, the Court, in the August 7, 2024 Order, ordered Defendants to secure 123 North Fourth Street in the manner provided in Minnesota Statutes 463.251, by installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, and installing a monitored alarm or other security system to ensure the property is not a hazard to the Community of Mankato; and

WHEREAS, the Court, in the August 7, 2024 Order, ordered Defendants to not lease any of the units to new tenants until (i) all the City ordered repairs are completed and the property successfully passes City inspection, (ii) Defendants have obtained an updated and current rental license, and (iii) Defendants have installed bars on all ground floor windows, video monitoring on the front and back entrances of the building, and access control systems to the front and back door of the building; and

WHEREAS, previous to the 504B action, the police and/or housing inspector/enforcement officers (i) had determined that the premises were used in a disorderly manner and that nuisance conditions and violations of Chapter 10 of the Mankato City Code existed and (ii) had notified the Owner as the license holder, Shawn Clow as the registered agent and Gail Flohrs as the listed property manager of the violations and the steps to take to remedy those violations and prevent further violations; and

WHEREAS, after the notifications referenced in the immediately preceding WHEREAS clause, additional instances of disorderly use of the premises and code violations occurred within the following twelve (12) months and beyond giving rise to unsuccessful problem solving discussions, and resulting in additional instances of disorderly use of the premises and code violations, making it unsafe and triggering the filing of the 504B action by the City, joined by certain tenants in November 2023; and

WHEREAS, City Code Sec. 5.42, subd. 10 includes the following:

No rental license shall be issued by the City unless the property complies with the provisions of the City Code and the Mankato Housing Maintenance Code which pertain to such dwelling unit.

WHEREAS, City Code Sec. 5.42, subd. 15 includes the following:

The license holder shall be responsible to cause persons occupying the dwelling unit to conduct themselves in such a manner as to not cause the premises to be disorderly (such term, for purposes of this subdivision encompassing conduct as would violate Section 9.34, 9.35, 9.36 or 9.72 of the City Code and/or to be used in connection with the illegal sale or distribution or use of alcoholic beverages or controlled substances).

The license holder shall be responsible for maintaining the dwelling unit and the licensed property so that a nuisance condition, as defined by the Mankato City Code or a violation of Chapter 10 of the Mankato City Code is not allowed or permitted to exist occur, remain upon or be in any license property.

If another instance of disorderly use of the premises occurs within a 12-month period after receipt of notices as pursuant to paragraph C and D, the dwelling unit rental license may be revoked or suspended for such dwelling unit.

WHEREAS, City Code Sec. 5.42, subd. 18 includes the following:

The City Manager, or designee, is hereby authorized and directed to enforce all of the provisions of the Mankato City Code. For such purposes they shall be known and appointed as enforcement officers having the authority to issue notices of violation, issue criminal citations for violations of the Mankato City Code, issue administrative penalties as established in Chapter 13 for violations of the Mankato City Code, issue orders for occupants to vacate a dwelling unit found to be in violation of the Mankato City Code, and order suspension of City services for properties found to be in violation of the Mankato City Code.

WHEREAS, City Code Sec. 5.03, subd. 8 includes the following:

The City Council may either suspend, not to exceed 90 days, or revoke any license issued pursuant to this chapter, for good cause, including, but not limited to, a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to the operation of the licensee. No suspension or revocation shall take effect until the licensee has been afforded the opportunity for a hearing provided by the City Council.

WHEREAS, the City Manager sent a letter to River Bluff Suites, LLC and Mr. Clow, with the City Attorney sending a courtesy copy to Attorney Gates, informing the Owner and Mr. Clow of the Council's intent to consider the revocation of the rental license for 123 North Fourth Street at the September 9, 2024, Council Meeting; and

WHEREAS, due to (i) the Owner's failure to comply with City Code to correct deficiencies noted in the numerous notices of violation within the times specified in the notices, (ii) the Administrator's inability to comply with City Code to correct deficiencies noted in the numerous notices of violations; (iii) the Administrator's determination of ongoing health and safety violations at the Property; (and iv) the Court's order referenced herein requiring the vacation of tenants from the property and requiring the property to be secured, the City provided notice and an opportunity to be heard to the Owner at the September 9, 2024 regular Council Meeting; and

WHEREAS, the City Council conducted such a rental license revocation hearing on September 9, 2024, providing opportunity for the Owner and any member of public to be heard, and considered whether to take any action on the licenses previously issued to the Owner for the Rental Property; and,

WHEREAS, following such revocation hearing, the Council hereby finds and determines as follows:

123 North Fourth Street, Mankato, MN

- a. The City issued to the Owner a dwelling unit rental license for 123 North Fourth Street that is set to expire on December 31, 2025;

- b. On August 26, 2024, the Court ordered the Property vacated and secured no later than October 15, 2024;
- c. On August 24, 2024, the Court ordered that no units at the Property shall be leased to new tenants until (i) all the City ordered repairs are completed the property successfully passes City inspection, (ii) Defendants have obtained an updated and current rental license, and (iii) Defendants have installed bars on all ground floor windows, video monitoring on the front and back entrances of the building, and access control systems to the front and back door of the building.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mankato, as follows:

- 1. Effective October 15, 2024, the dwelling unit rental license issued for the property located at 123 North Fourth Street (License #934), which was set to expire on December 31, 2025, is hereby **REVOKED**. The revocation for said license applies to all parts and units of 123 North Fourth Street.
- 2. The owner shall not be entitled to obtain new dwelling unit rental licenses for the subject property unless and until all required corrective actions are duly made in accordance with the requests of City staff, as otherwise required by the Dwelling Unit Rental Licensing Ordinance, and in compliance with any additional requirements set forth in any Court order.
- 3. The City Council directs City staff and the City Attorney to take all actions to enforce this resolution and its results, including, but not necessarily limited to, City Code, which states “[i]t is unlawful for any person, as the owner, manager, or other person having control of any dwelling unit, to lease, rent, offer for rent or lease, or permit to be leased, rented or offered for rent or lease, or permit the occupancy of any dwelling unit within the City without first having obtained a rental license for such dwelling unit as hereafter provided”.
- 4. City Staff and the City Attorney shall remain aware of any state orders that might prevent or limit the enforcement of this order and to the extent deemed advisable by the City Attorney.

Dated September 9, 2024.

Najwa Massad, Mayor

ATTEST:

Renae Kopischke, City Clerk

STATE OF MINNESOTA
COUNTY OF BLUE EARTHDISTRICT COURT
FIFTH JUDICIAL DISTRICT

Case Type: Housing

City of Mankato, a municipal corporation Under Minnesota law, Davida DePyper, and Destiny Richie, Plaintiffs, vs. Shawn C. Clow, Riverside Suites LLC, Riverfront Studio Suites LLC, The Artcraft Condominium of Mankato Association, Cray Mansion LLC, Echo Rivers LLC dba Mankato Towers, Swan River Suites LLC, River Center Properties LLC, River Crossing Townhomes LLC, Meadow Rivers LLC, River Bluff Suites LLC, Defendants.	Court File No. 07-CV-23-4326 ORDER GRANTING REQUEST FOR TERMINATION AND DISCHARGE OF ADMINISTRATION AND TO VACATE PROPERTY
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1. This matter came in front of the court on August 7, 2024 at the request by Lighthouse Management Group, Inc. (“Lighthouse”), in its capacity as court appointed administrator (the “Administrator”).

2. On January 17, 2024, the Court entered an Order Accepting Settlement Agreement (the “Acceptance Order”) whereby it incorporated the terms of settlement between the parties in the Settlement Agreement, also dated January 17, 2024 (the “Settlement Agreement” and along with the Acceptance Order, collectively defined as the “Appointment Order”). The Appointment Order appointed Lighthouse as the Administrator over the following properties:

- a. 1251 Pohl Road, Mankato, Minnesota (“Meadow Rivers”)
- b. 123 North Fourth Street, Mankato, Minnesota (“River Bluff Suites or RBS”)

c. 410 South Front Street (“River Center”)

(Meadow Rivers and River Bluff Suites, collectively defined as the “Properties.”)

3. On January 29, 2024, the Administrator was discharged from River Center.

4. On August 7, 2024, the Administrator filed a Report (the “Administrator’s Report”)

concluding that, among other things:

- a. All the City ordered repairs at Meadow Rivers have been completed;
- b. RBS is not economically viable in its current state;
- c. Significant security risks and City ordered repairs remain at RBS;
- d. Defendants have requested a Termination and Discharge of the Administrator in order to retake control of RBS;
- e. Without substantial funding of at least \$109,000, the Administrator does not believe it can effectively discharge its duties and manage RBS beyond the proposed vacate date; and
- f. Because of insufficient rent collections, the Administrator may be forced to terminate RBS early.

5. Concerning Meadow Rivers, the Administrator recommends:

- a. Operational control be turned over to the Defendants immediately.
- b. That the administration be terminated and Lighthouse discharged once its outstanding invoices in the amount of \$26,516.25 are paid in full by the Defendants.

6. Concerning River Bluff Suites, the Administrator recommends:

- a. The Property be vacated no later than October 15, 2024.
- b. Operational control be turned over to the Defendants immediately.

- c. The Defendants work with INH and the City to transition tenants to alternative housing on or before October 15, 2024.
- d. No units be leased to new tenants until all the City ordered repairs are completed and the property successfully passes City inspection.
- e. The Administrator be discharged once all the tenants have been vacated and all Administrator and property manager invoices are paid in full.

ORDER GRANTING MOTION TO VACATE RIVER BLUFF SUITES

Based on the foregoing, IT IS HEREBY ORDERED:

1. Operational control of Meadow Rivers shall immediately be turned over to the Defendants.
2. Once all its outstanding invoices are paid, the Administrator shall file correspondence with the Court confirming the same, and the Administrator will then be discharged from Meadow Rivers and the administration terminated.
3. Control of the Meadow Rivers account x0879 at CCF Bank in Mankato shall be turned over to the Defendants following the Administrator's discharge from Meadow Rivers.
4. Operational control of River Bluff Suites shall be turned over to the Defendants. However, the Administrator shall continue to administer River Bluff Suites in accordance with this Order and assert operational control to the extent that it deems necessary.
5. Control of the River Bluff Suites account x3908 at Community Bank in Mankato shall be turned over to the Defendants immediately.
6. The Defendants shall work with INH and the City of Mankato to transition River Bluff Suites tenants to alternative housing on or before October 15, 2024.

7. The Defendants will secure River Bluff Suites in the manner provided in Minnesota Statutes 463.251, by installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, and installing a monitored alarm or other security system. to ensure the property is not a hazard to the Community of Mankato.

8. No units at River Bluff Suites shall be leased to new tenants until (i) all the City ordered repairs are completed the property successfully passes City inspection, (ii) Defendants have obtained an updated and current rental license, and (iii) Defendants have installed bars on all ground floor windows, video monitoring on the front and back entrances of the building, and access control systems to the front and back door of the building.

9. Once all tenants have been vacated from River Bluff Suites and all Administrator and property manager invoices are paid in full, the Administrator shall file correspondence with the Court confirming the same, and the Administrator shall then be discharged from River Bluff Suites and the administration terminated.

10. Funds remaining in the INH managed accounts for the Properties shall be turned over to the Defendants following the Administrator's discharge from River Bluff Suites. After termination of the Administration, the Court will continue the jurisdiction of the Court over the residential buildings subject to this Order for a period of one year, and orders Defendants to maintain the residential buildings in compliance with all applicable State, County, and City health, safety, housing, building, fire prevention, and housing maintenance codes.

BY THE COURT:

Date: _____

Judge Mark Betters
Judge of District Court



AGENDA RECOMMENDATION

City Council Regular Meeting

8. A.

Meeting Date: 09/09/2024

Agenda Item:

Resolution ordering the abatement of hazardous conditions, code violations, and public nuisances at 1908 4th Avenue.

Recommendation/Action(s):

Adoption of the attached resolution/abatement.

Summary:

Staff have received numerous complaints over the years and have observed, from public rights-of-way and neighboring yards, significant code violations at the property located at 1908 4th Avenue. The property has had structures built on it which violate applicable setbacks, are located within the city right-of-way, and encroach onto neighboring properties. The construction activity occurred without obtaining appropriate building permits or encroachment licenses.

In addition to the structure, fencing exists in the rear yard of the property for which a permit was pulled but for which no final inspection was not approved because the fence is not complying with applicable setbacks and by being built on the property line. Also, the rear yard of the property has had additional fill added which appears to exceed 25 cubic yards for which no conditional use permit was pulled as required by City Code for substantial land alteration which significantly changes the documented contour.

Additionally, the property has an accessory structure located in the rear yard of the property which does not meet required setbacks and is located on a utility easement.

Staff met with the property owner and entered into a Plan of Correction action dated February 10, 2023, regarding the violations at the property which the property owner still has not addressed. The property owner signed the Plan of Corrective Action on February 23, 2023.

Staff have continued to address the noncompliance issues with the property owner over the past 18 months.

Staff obtained an administrative warrant on June 18, 2024, with docket number 07-CVF-24-2281, allowing the city to enter the property for purposes of inspection in order to enforce building code and state nuisance laws, including conducting a survey; taking measurements and photographs of the exterior of buildings, yard and curtilage; taking measurements and photographs of any and all fencing; conducting soil tests; and performing other such duties as are necessary document violations and may hold said evidence in custody according to law.

During that site visit, staff confirmed and documented the code violations on the property and also observed and documented additional nuisance violations in existence in plain sight, including junk, appliances, piles of construction material, fuel tanks covered by tarps and junk vehicles sitting in the yard.

MANKATO CODE SECTIONS AND STATE LAW

A. Structures.

Mankato City Code, Section 6.06, subd. 5, states that “no person shall obstruct, excavate, dig, tunnel, trench, or install any facilities, equipment or improvements above, on, or beneath the surface of any right-of-way in the City or any property owned by the City without first obtaining a permit pursuant to this subsection”.

Mankato City Code, Section 6.08, states that “it is unlawful for any person to erect or place any barricade, fence or obstruction upon any public right-of-way without having first obtained a permit for such erection or placement from the City Manager or designee”.

Mankato City Code, Section 6.16, subd. 1, states “[i]t is unlawful for any person, as owner, lessee, occupant or other person in control of any real property within the City, to install, place, build, erect, maintain, occupy or use upon any such property any building, structure or physical encroachment which, in whole or in part, is installed, placed, built, erected, maintained, occupied or used on any portion of the right-of-way ... Without first having obtained a written license therefore pursuant to the provisions of this section”.

Mankato City Code, Section 10.15, subd. 6A and 6B addresses yards and setbacks from the R-3 District and requires a minimum of twenty-five (25) feet for front yard setback and a minimum of six (6) feet for side yard setback.

Mankato City Code, Section 10.96, authorizes enforcement of violations of Chapter 10, including ensuring “compliance with, or to prevent or abate any violation of the provisions of this chapter, and in particular shall, when necessary or appropriate, shall cause the City Attorney to initiate any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this chapter”.

Mankato City Code, Section 12.01, incorporates the state building code, and the Minnesota Residential Building Code located at Minn. R. 1300.0120, subpart 1 and

states “An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit”.

B. Fences.

Mankato City Code, Section 10.88, subd. 11, requires that no fence or wall shall be erected, enlarged, expanded, altered, relocated, maintained, or repaired in any yard unless it shall first meet the requirements of this section (Section 10.88, subd. 11).

Mankato City Code, Section 10.88, 11.A.2, states “that all fences in residential districts shall be constructed of stone, brick, finished wood, or chain link and the finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties or streets” and Mankato City Code §10.88, subd. 11.A.3 requires that “every fence or wall shall be maintained in a good and safe condition at all times and [e]very damaged or missing element of any fence or wall shall be repaired or replaced immediately”.

Mankato City Code, Section 10.88, subd. 11.B.1, states “[n]o fence or wall located in a side or rear yard shall be of a height exceeding eight (8) feet, measured from its top edge to the ground at any point” and 11.B.2, states “No fence or wall located in a front yard shall be of a height exceeding four (4) feet, measured from its top edge to the ground at any point”.

Mankato City Code, Section 10.88 subd. 11.C.1 and 11.C.2 state, “[a] fence may be located adjacent to, but not on, a property line and [n]o fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way or be in violation of Section 12.71 of the Mankato City Code”.

Mankato City Code, Section 12.71, subd. 1, states “[n]o fence, more than thirty (30) inches in height shall be erected unless a fence permit has first been obtained from the Building Official, or designee”.

Mankato City Code, Section 12.71, subd. 3 states, “[f]ences must be maintained so as not to endanger life or property and any fence which through lack of repair, type of construction or otherwise that imperils health, life or property, or the well-being of a neighborhood shall be deemed a nuisance”.

Mankato City Code, Section 12.71, subd. 5, states that “a violation of this (Fence) Section represents a public nuisance pursuant to Chapter 9 of the Mankato City Code, which City may abate under Section 9.77 of the Mankato City Code”.

C. Unpermitted Fill.

Mankato City Code, Section 10.82, subd. 9, addresses substantial land alterations and states that a Conditional Use Permit shall be required where the excavation, grading, and filling of any land would result in the movement of earth and materials in excess of twenty-five (25) cubic yards and would significantly change the existing ground contour and existing drainage, or cause flooding and/or erosion

D. Junk & Garbage.

Mankato City Code, Section 9.13, requires “[t]he owner of any premises within the City upon which premises refuse, garbage, swill or waste matter is or may be present, shall provide and maintain on such premises sufficient containers for the storage of all refuse, garbage, swill, or waste matter placed, accumulated or stored on such premises....”.

Mankato City Code, Section 9.13, subd. 4, provides that “[a]ny accumulation upon any premises within the City of any refuse, garbage, swill or waste matter not stored in a container or containers as required by subdivision 2 of this section or stored in such a container or containers upon such premises for a period in excess of seven (7) days, is hereby declared to be a hazard to the public health and safety, and a public nuisance, and shall be abated according to the provisions of Section 9.77”.

Mankato City Code, Section 9.14, subd. 2, states that it is “unlawful for any person to park, store or leave any junked motor vehicle, whether attended or not, upon any public or private property within the City” and subd. 3 of that same section states “[t]he presence of a junked motor vehicle upon private or public property within the City is hereby declared to be a hazard to the public health and safety and a public nuisance and shall be abated according to the provisions of Section 9.77”.

Mankato City Code, Section 9.15, makes it “unlawful for any person to deposit garbage, rubbish, offal, the body of a dead animal, or other litter in or upon any public street, public or private lands, water or the ice thereon”.

E. Enforcement.

Mankato City Code, Section 9.66, makes it “unlawful for any person to maintain a public nuisance by his act of failure to perform a legal duty, and for purposes of this section, a public nuisance shall be defined as any of the following: (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; (2) interfering with, obstructing or rendering dangerous for passage, any street, public right-of-way, or waters used by the public; or (3) any other act or omission declared by law to be a public nuisance”.

Mankato City Code, Section 9.67, makes it “unlawful for any person to permit real or personal property under his control to be used to maintain a public nuisance or let the same to another knowing it is to be so used”.

Mankato City Code, Section 9.77, subd. 3, states that “[n]o person shall directly or indirectly or by omission create a nuisance, and [n]o owner or responsible party shall allow a nuisance to remain upon or in any property or structure under his or her control”.

Mankato City Code, Section 9.77, subd. 11 and subd. 12, provide for abatement of various nuisances if the Property Owner fails to comply with the notice and order provisions to remedy the issues.

Mankato City Code, Section 10.96, authorizes enforcement of violations of Chapter 10 (Land Use Regulations), including ensuring “compliance with, or to prevent or abate any violation of the provisions of this chapter, and in particular shall, when necessary or appropriate, shall cause the City Attorney to initiate any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this chapter”.

Mankato City Code, Section 12.71, subd. 5, states that “a violation of this (Fence) Section represents a public nuisance pursuant to Chapter 9 of the Mankato City Code, which the City may abate under Section 9.77 of the Mankato City Code”.

Minnesota Statutes Section 462.357 provides City authority to pursue remedying land use violations, including recognizing them as nuisances and abating them for non-compliance.

Minnesota Statutes § 609.74, 561.01 Minnesota Statutes defines nuisance as “[a]nything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property” and provides both civil and criminal statutory remedies to protect the public against such nuisances.

Staff recommends approval of the Abatement Order based on the findings addressed in the resolution.

Attachments

Resolution / Exhibit A
Exhibit B to Resolution
Exhibit C to Resolution
Exhibit D to Resolution
Exhibit E to Resolution
Exhibit F to Resolution
Survey

CITY OF MANKATO, MINNESOTA

**RESOLUTION ORDERING THE ABATEMENT OF HAZARDOUS CONDITIONS,
CODE VIOLATIONS AND PUBLIC NUISANCES AT 1908 4th AVENUE IN THE CITY
OF MANKATO, MN**

FINDINGS

WHEREAS, the City has received numerous Complaints over the years and has observed, from public rights-of-way and neighboring yards, significant code violations at the property located at 1908 4th Avenue in the City of Mankato, County of Blue Earth, State of Minnesota (the “Property”) and depicted on **Exhibit A**; and

WHEREAS, according to Blue Earth County property records, Thomas J. Haack, is the owner of the Property (“Property Owner”) with free and clear title; and

WHEREAS, the Property is located in the R-3 Limited Multiple-Family Dwelling District; and

WHEREAS, the Property has had structures built on it, without obtaining appropriate building permits or encroachment licenses, which violate applicable setbacks, are located within City rights-of-way and encroach onto neighboring properties, as depicted in **Exhibit B, Violation Packet**; and

WHEREAS, fencing exists in the front yard of the Property, for which no permit was pulled, and which exceeds the required height set forth in City Code, are located in rights-of way and encroach onto neighboring properties, as depicted in **Exhibit B, Violation Packet**; and

WHEREAS, fencing exists in the rear yard of the Property for which a permit was pulled but for which no final inspection was scheduled and which violates City code by not complying with applicable setbacks and by being built on the property line as depicted in **Exhibit B, Violation Packet**; and

WHEREAS, the rear yard of the Property has had additional fill added which appears to exceed 25 cubic yards for which no conditional use permit was pulled as required by City Code for substantial land alteration which significantly changes the documented contour, as shown on **Exhibit C, Contour Map Packet**, and which has an impact on drainage; and

WHEREAS, the Property has an accessory structure located in the rear yard of the Property which does not meet required setbacks and is located in the utility easement, as depicted in **Exhibit B, Violation Packet**; and

WHEREAS, some, if not all, of the above-mentioned violations were identified by the City on or before February 2023 through observation from public rights-of-way and based on complaints, and prompted the City to meet with the Property Owner in person; and

WHEREAS, after meeting with the Property Owner, the City and Property Owner entered into a Plan of Correction action dated February 10, 2023 regarding the violations at the Property with which the Property Owner still has not addressed; and

WHEREAS, attached as **Exhibit D, Corrective Action Plan Packet** is the February 10, 2023 Corrective Action Plan between Property Owner and the City, along with the signed acknowledgement by the Property Owner dated February 21, 2023, of receipt of documents memorializing a Compliance meeting between the City and the Property Owner held on February 10, 2023, and detailing agreed upon corrective actions and confirming offers of assistance by the City; and

WHEREAS, after the City and the Property Owner entered into the Corrective Action Plan, the City sent a number of letters to Property Owner, attached as **Exhibit E, Correspondence Packet**, regarding the continued and unaddressed violations, and the Property Owner's noncompliance with the Corrective Action Plan, including: (i) a letter dated March 6, 2023 and the signed acknowledgement of that letter which answers questions from Property Owner related to some of the agreed upon corrective actions and provides Property Owner with code sections; (ii) a letter from the City to Property Owner dated April 10, 2023, which answers questions from Property Owner related to some of the agreed upon corrective actions, providing data in response to Property Owner's data requests and, again, offering assistance to Property Owner and (iii) a letter dated August 14, 2023 from Molly Westman, Planning Coordinator for the City of Mankato, reminding Property Owner of compliance deadlines pursuant to the Plan for Correction; and

WHEREAS, the City hand delivered a Final Notice and Order to Property Owner on January 24, 2024, with an additional Final Violations letter from the City Attorney to the Property Owner, setting forth dates of compliance. These final notification letters are attached as part of **Exhibit E, Correspondence Packet**; and

WHEREAS, after Property Owner did not comply with dates set forth in the final violations letter, the City obtained an administrative warrant on June 18, 2024, with docket number 07-CVF-24-2281, allowing the City to enter the Property for purposes of inspection in order to enforce building code and state nuisance laws, including conducting a survey; taking measurements and photographs of the exterior of buildings, yard and curtilage; taking measurements and photographs of any and all fencing; conducting soil tests; and performing other such duties as are necessary document violations and may hold said evidence in custody according to law.; and

WHEREAS, with notice to the Property Owner, on July 11, 2024, Molly Westman, Planning Coordinator, Dan Schisel, the identified police escort, David Knudson, Building and Development Services Coordinator, Mark Konz, Director of Community Development, Devan Mortwedt, Department of Public Safety, Kurt Klinder, GIS Coordinator, Thomas Olson, GIS Technician, Michael Eichers, licensed surveyor, and Mitch Pettis, survey field technician ("City Inspection Team") entered the Property pursuant to the Administrative Warrant attached hereto as **Exhibit F** to document the code violations; and

WHEREAS, during that site visit, City Inspection Team confirmed and documented the above code violations on the property and also observed and documented additional nuisance violations in existence in plain sight, as documented in **Exhibit B, Violation Packet**, including junk, appliances, piles of construction material, fuel tanks covered by tarps and junk vehicles sitting in the yard.

MANKATO CODE SECTIONS AND STATE LAW

A. Structures.

Mankato City Code §6.06, subd. 5 states that “no person shall obstruct, excavate, dig, tunnel, trench, or install any facilities, equipment or improvements above, on, or beneath the surface of any right-of-way in the City or any property owned by the City without first obtaining a permit pursuant to this subsection”.

Mankato City Code §6.08 states that “it is unlawful for any person to erect or place any barricade, fence or obstruction upon any public right-of-way without having first obtained a permit for such erection or placement from the City Manager or designee”.

Mankato City Code §6.16 subd 1 states “[i]t is unlawful for any person, as owner, lessee, occupant or other person in control of any real property within the City, to install, place, build, erect, maintain, occupy or use upon any such property any building, structure or physical encroachment which, in whole or in part, is installed, placed, built, erected, maintained, occupied or used on any portion of the right-of-way ... without first having obtained a written license therefore pursuant to the provisions of this section”.

Mankato City Code §10.15, subd. 6A and 6B addresses yards and setbacks from the R-3 District and requires a minimum of twenty-five (25) feet for Front Yard Setback and a minimum of six (6) feet for side yard setback.

Mankato City Code § 10.96 authorizes enforcement of violations of Chapter 10, including ensuring “compliance with, or to prevent or abate any violation of the provisions of this chapter, and in particular shall, when necessary or appropriate, shall cause the City Attorney to initiate any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this chapter”.

Mankato City Code §12.01 incorporates the state building code, and Minnesota Residential Building Code located at Minn. R. 1300.0120, subpart 1 and states “An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit”.

B. Fences.

Mankato City Code §10.88, subd. 11 requires that no fence or wall shall be erected, enlarged, expanded, altered, relocated, maintained, or repaired in any yard unless it shall first meet the requirements of this section (Section 10.88, subd. 11).

Mankato City Code §10.88, 11.A.2, states “that all fences in residential districts shall be constructed of stone, brick, finished wood, or chain link and the finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties or streets” and Mankato City Code §10.88, subd. 11.A.3 requires that “every fence or wall shall be maintained in a good and safe condition at all times and [e]very damaged or missing element of any fence or wall shall be repaired or replaced immediately”.

Mankato City Code §10.88, subd 11.B.1 states “[n]o fence or wall located in a side or rear yard shall be of a height exceeding eight (8) feet, measured from its top edge to the ground at any point” and 11.B.2, states “No fence or wall located in a front yard shall be of a height exceeding four (4) feet, measured from its top edge to the ground at any point”.

Mankato City Code §10.88 subd. 11.C.1 and 11.C.2 state “[a] fence may be located adjacent to, but not on, a property line and [n]o fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way or be in violation of Section 12.71 of the Mankato City Code”.

Mankato City Code §12.71, subd 1 states “[n]o fence, more than thirty (30) inches in height shall be erected unless a fence permit has first been obtained from the Building Official, or designee”.

Mankato Code Section 12.71, subd. 3 states “[f]ences must be maintained so as not to endanger life or property and any fence which through lack of repair, type of construction or otherwise that imperils health, life or property, or the well-being of a neighborhood shall be deemed a nuisance”.

Mankato Code Section 12.71, subd. 5 states that “a violation of this (Fence) Section represents a public nuisance pursuant to Chapter 9 of the Mankato City Code, which City may abate under Section 9.77 of Mankato Code”.

C. Unpermitted Fill.

Mankato City Code Section 10.82, subd. 9 addresses substantial land alterations and states that a Conditional Use Permit shall be required where the excavation, grading, and filling of any land would result in the movement of earth and materials in excess of twenty-five (25) cubic yards and would significantly change the existing ground contour and existing drainage, or cause flooding and/or erosion

D. Junk & Garbage.

Mankato Code Section § 9.13 requires “[t]he owner of any premises within the City upon which premises refuse, garbage, swill or waste matter is or may be present, shall provide and maintain

on such premises sufficient containers for the storage of all refuse, garbage, swill, or waste matter placed, accumulated or stored on such premises....”.

Mankato Code Section § 9.13, subd. 4 provides that “[a]ny accumulation upon any premises within the City of any refuse, garbage, swill or waste matter not stored in a container or containers as required by subdivision 2 of this section or stored in such a container or containers upon such premises for a period in excess of seven (7) days, is hereby declared to be a hazard to the public health and safety, and a public nuisance, and shall be abated according to the provisions of Section 9.77”.

Mankato Code Section § 9.14, subd. 2 states that it is “unlawful for any person to park, store or leave any junked motor vehicle, whether attended or not, upon any public or private property within the City” and subd. 3 of that same section states “[t]he presence of a junked motor vehicle upon private or public property within the City is hereby declared to be a hazard to the public health and safety and a public nuisance and shall be abated according to the provisions of Section 9.77”.

Mankato Code Section § 9.15 makes it “unlawful for any person to deposit garbage, rubbish, offal, the body of a dead animal, or other litter in or upon any public street, public or private lands, water or the ice thereon”.

E. Enforcement.

Mankato Code § 9.66 makes it “unlawful for any person to maintain a public nuisance by his act of failure to perform a legal duty, and for purposes of this section, a public nuisance shall be defined as any of the following: (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; (2) interfering with, obstructing or rendering dangerous for passage, any street, public right-of-way, or waters used by the public; or (3) any other act or omission declared by law to be a public nuisance”.

Mankato Code § 9.67 makes it “unlawful for any person to permit real or personal property under his control to be used to maintain a public nuisance or let the same to another knowing it is to be so used”.

Mankato Code § 9.77, subd. 3 states that “[n]o person shall directly or indirectly or by omission create a nuisance, and [n]o owner or responsible party shall allow a nuisance to remain upon or in any property or structure under his or her control”.

Mankato Code § 9.77, subd. 11 and subd. 12 provide for abatement of various nuisances if the Property Owner fails to comply with the notice and order provisions to remedy the issues.

Mankato City Code § 10.96 authorizes enforcement of violations of Chapter 10 (Land Use Regulations), including ensuring “compliance with, or to prevent or abate any violation of the provisions of this chapter, and in particular shall, when necessary or appropriate, shall cause the City Attorney to initiate any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this chapter”.

Mankato Code Section 12.71, subd. 5 states that “a violation of this (Fence) Section represents a public nuisance pursuant to Chapter 9 of the Mankato City Code, which City may abate under Section 9.77 of Mankato Code”.

Minnesota Statutes Section 462.357 provides City authority to pursue remedying land use violations, including recognizing them as nuisances and abating them for non-compliance

Minnesota Statutes § 609.74, 561.01 Minnesota Statutes defines nuisance as "[a]nything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property" and provides both civil and criminal statutory remedies to protect the public against such nuisances.

FURTHER FINDINGS

WHEREAS, Mankato City Code §10.96, subd. 2 provides authorization for legal action to enforce city zoning and to ensure compliance with, or to prevent or abate any violation of the zoning code, including directing the City Attorney to initiate any and all actions to enforce of city zoning; and

WHEREAS, the existing documented set-back violations, unpermitted work, and evidence of structures that have been built encroaching upon rights-of-way or private property of others, fall within the purview of Mankato City Code §10.96; and

WHEREAS, a violation of State Building Code includes performing unpermitted work on structures and fences, and the Building Code is incorporated into the Mankato City Code, by reference, and Minnesota Statutes § 462.357 provides City authority to pursue remedying these types of land use violations, including recognizing them as nuisances and abating them for non-compliance; and

WHEREAS, Mankato Code § 12.71, subd. 5 states that “a violation of this (Fence) Section represents a public nuisance pursuant to Chapter 9 of the Mankato City Code, which City may abate under Section 9.77 of Mankato Code”; and

WHEREAS, the existing fences built on the Property are unpermitted, exceed height restriction, are installed improperly, are located on rights-of-way or are placed on or over the property and fall within the purview of Mankato Code § 12.71; and

WHEREAS, Section 9.15 of the City of Mankato City Code states “it is unlawful for any person to deposit garbage, rubbish, . . . or other litter in or upon any public street, public or private lands, water or the ice thereon”; and

WHEREAS, Section 9.66 of the Mankato City Code makes “[i]t . . . unlawful for any person to maintain a public nuisance by his act of failure to perform a legal duty and defines a public nuisance to include: (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public”; and

WHEREAS, Minnesota Statutes §§609.74, 561.01 similarly define nuisance as “[a]nything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property” and provides both civil and criminal statutory remedies to protect the public against such nuisances; and

WHEREAS, the garbage, junk, construction materials, junk vehicles and fuel tanks covered by tarps, evidenced and documented by the City Inspection Team represent nuisances which City has authority to abate; and

WHEREAS, Property Owner, based upon the documentation, is in violation of the mutually agreed upon Plan of Corrective Action, City Code and Minnesota Statutes by (1) not removing the fence in the front yard; (2) not removing the fence in the front yard right-of-way; (3) not removing structures identified as Numbers 1, 2, 3, 4 and 5 in **Exhibit B, Violation Packet**; (4) not removing the fill and regrading to the original grade; (5) not removing the fence and the retaining wall upon which the fence sits in the rear yard; (6) not removing right of way encroachments, including large boulders; (7) not removing all nuisance items in the yard, including garbage, construction materials, junk vehicles, and fuel tanks; and (8) not moving the accessory structure/shed to comply with setback distances to not sit within the utility easement; and

WHEREAS, the documentation shows Property Owner has allowed and continues to allows these violations and nuisances; and

WHEREAS, based on all the code and state law violations, the Property creates a hazard to public health and safety and a public nuisance; and

WHEREAS, Minnesota Statutes, section 463.161 et seq., in addition to Mankato City Code Sections 9.77, authorizes a city to correct or remove a hazardous condition of any property if the owner of record fails to do so after a reasonable time and the district court enters a judgment sustaining the city’s order; and

WHEREAS, Minnesota Statutes, section 609.74, in addition to Mankato City Code Sections 9.77, 10.96 and 12.71, authorizes the City Council to abate public nuisances following notice and an opportunity to be heard; and

WHEREAS, despite numerous attempts by City staff to communicate with the Property Owner, including multiple notice letters which outline city process to challenge the City’s findings of violations and providing notice to be heard, there have been little to no improvements made to the Property and, to date, the hazardous, unsafe, and nuisance conditions have not been adequately addressed; and

WHEREAS, based on information presented, the City Council of the City of Mankato finds that the condition of the Property, as summarized in this Resolution, violates state law and City Code, is hazardous, unsafe and a danger to the health, safety, and general welfare of the citizens of the City, and represents a public nuisance in violation of state and local law, and therefore, said conditions must be abated in accordance with applicable state and local laws; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mankato:

1. The City Council adopts, as factual findings, all of the above recitals.
2. Based on the aforementioned findings, the Property is hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15.
3. Based on all the findings and documentation, the condition of the Property also constitutes a public nuisance within the meaning of Minnesota Statutes, section 609.74, and Chapter 9.77 of the Mankato City Code.
4. Based on the aforementioned findings, the litter, junk vehicle and fuel tanks allowed to remain on the Property violates Sections 9.14, 9.15, 12.05 of the Mankato City Code respectfully and represents a nuisance which should be abated through removal.
5. Based on the aforementioned findings, the existing documented set-back violations, unpermitted work, and evidence of structures that have been built encroaching upon rights-of-way or private property of others violates city zoning and should be remedied through available processes set forth in Section 10.96 of Mankato City code, which includes abatement through removal of the structures violating setback, encroaching into right of way or onto other's private property.
6. Based on the aforementioned findings, the performance of unpermitted construction of structures and fences located on the Property violates the Building Code, which is incorporated into the Mankato City Code, by reference, and, pursuant to Minnesota Statutes § 462.357, represents nuisances which should be abated by removal.
7. Based on the aforementioned findings, the fences located on the front yard of the Property were built without a permit, exceed height restriction, are installed improperly, are located on rights-of-way or are placed on or over the property represent nuisances which should be abated through removal.
8. Based on the aforementioned findings, the fences and retaining wall located in the rear yard sit on the property line in violation of City Code, represent a nuisance and should be abated by removal.
9. Based on the aforementioned findings, the unpermitted fill added to the Property violated Mankato City Code and should be abated by re-grading the Property to the original grade, which may include removal of fill to return to that grade.
10. Based on the aforementioned findings, the shed accessory building located in the rear yard of the Property should be moved to comply with applicable setbacks set forth in City Code from the applicable property lines and to not be placed in the utility easement.

11. Based on the aforementioned findings, the large boulders located obstructing the right-of-way violate Mankato City Code and should be abated through moving them out of right-of-way.
12. The City Attorney shall prepare an Abatement order substantially similar to that attached hereto as **Exhibit G** (the “Abatement Order”).
13. City staff and consultants are further authorized to take all necessary and convenient steps to secure compliance with the requirements contained in the attached Abatement Order and may further effectuate the removal and abatement of the garbage, construction materials junk vehicles, fuel tanks, and the hazardous and nuisance conditions on the Property by court order or contract and shall subsequently facilitate assessment of the costs thereof against the Property in accordance with state and local laws.
14. The City Attorney and City staff are authorized to take all necessary legal steps to effectuate service of this Resolution and the Abatement Order, in the manner required by state or local law, including by posting the Abatement Order at the Property and by serving the Order on the owner of record, and any lienholders.

Adopted this ____ day of _____, 2024.

Najwa Massad, Mayor

ATTEST:

Renae Kopischke, City Clerk

(SEAL)

EXHIBIT A

Legal Description of the Property

Lot 2, Block 1, Stacey's First Addition (1908 4th Avenue, Blue Earth County Parcel Identification Number R01.09.06.403.030).

EXHIBIT B
Violations Packet

EXHIBIT C

Contour Map

EXHIBIT D
Corrective Action Plan Packet

EXHIBIT E
Correspondence Packet

EXHIBIT F

Warrant

EXHIBIT G

Proposed Abatement Order

ABATEMENT ORDER

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

Case Type: Other Civil

In the Matter of the Hazardous and Nuisance
Property and Building Located at 1908 4th Avenue,
Mankato, Minnesota

**ORDER FOR ABATEMENT OF
HAZARDOUS AND NUISANCE
PROPERTY AND STRUCTURES**

TO: All owners, occupants, and lienholders of record for the property located at 1908 4th Avenue, Mankato, Minnesota (the “Property”)

The City Council of the City of Mankato (the “City”) orders that within 30 days of service of this Abatement Order you remove the fencing from the front yard and rear yard; remove the structures identified in **Exhibit B, Violation Packet**, as structures 1, 2, 3, 4 and 5; remove unpermitted fill added to the rear yard and regrade the rear yard to its original grade, as shown in the contour map included as **Exhibit C, Contour Map**; remove the concrete retaining wall; remove the encroachments out of the right of way, including the structures, fencing and boulders shown in **Exhibit B, Violation Packet**; move the shed in the rear yard to comply with applicable setbacks and not be located in the utility easement; remove the garbage, construction materials, fuel tanks and junk vehicle from the Property and generally abate the hazardous and nuisance conditions which currently exist on the Property, as described on **Exhibit A** attached to this Abatement Order (the “Property”).

The City, pursuant to Minnesota Statutes, chapters 463, and 609, and the Mankato City Code, has determined, based on the aforementioned findings and the City Council Findings set forth in the Resolution to Abate attached hereto as **Exhibit D**, that (1) the Property is hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15; (2) based on all

the findings and documentation, the condition of the Property also constitutes a public nuisance within the meaning of Minnesota Statutes, section 609.74, and Chapter 9.77 of the Mankato City Code; (3) the litter, junk vehicle and fuel tanks allowed to remain on the Property violates Sections 9.14, 9.15, 12.05 of the Mankato City Code respectfully and represents a nuisance which should be abated through removal; (4) the structures that have been built encroaching upon rights-of-way or private property of others violate city zoning, represent nuisances and should be removed pursuant to Section 10.96 of Mankato City code; (5) fences, in both rear and front yard, and retaining wall upon which the fences sit violate City Code and should be removed; (6) unpermitted fill added to the Property should be abated by re-grading the Property to the original grade, which may include removal of fill to return to that grade; (7) the shed accessory building located in the rear yard of the Property should be moved to comply with applicable setbacks set forth in City Code from the applicable property lines and to not be placed in the utility easement; and (8) the large boulders located in and obstructing the right-of-way violate Mankato City Code should be moved out of the right-of-way.

Accordingly, it is hereby ORDERED that you abate the aforementioned conditions within 30 days of the date of service of this Abatement Order by:

- (i) removing the front yard fencing;
- (ii) removing the rear yard fencing or, in the alternative, relocating the rear yard fencing after obtaining a permit prior to installing the rear yard fencing in new location, making pins available for inspection prior to installation and obtaining the necessary final inspection from the City to ensure compliance with City Code;
- (iii) removing the concrete retaining wall on which the existing fencing sits;

(iv) removing structures that were built without permits, built out of compliance with setbacks and built on right-of-way or neighboring private properties, as identified as structures 1, 2, 3, 4, and 5 in **Exhibit B, Violations Packet** and obtaining a demolition permit from the City to remove these structures;

(v) removing excess fill added to the rear yard without a permit and returning the rear yard to the original grade as shown on **Exhibit C, Contour**

(vi) moving boulders in and obstructing the right-of-way out of the right-of-way;

(vii) moving the shed accessory structure in the rear yard to a location on the Property compliant with setbacks and not within a utility easement;

(viii) removing the junk vehicle(s) from the Property or into an enclosed structure; and

(ix) removing the garbage, construction materials and fuel tanks from the property.

You are further advised that unless such corrective action is taken or an Answer is timely served on the City within **20 days** of the date of service of this Abatement Order upon you, a motion for summary enforcement of this Abatement Order will be made to the Blue Earth County District Court.

Finally, you are further advised that if you do not comply with this Abatement Order and the City is compelled to take corrective action, as authorized under law, all necessary costs incurred by the City in enforcing this Abatement Order will be assessed against the Property pursuant to Minnesota Statutes, section 463.21 and Chapter 19 of the Mankato City Code, particularly Section 19.12. In connection to such assessment, the City further intends to recover all of its expenses incurred in carrying out this Abatement Order, including specifically but not exclusively, filing fees, service fees, publication fees, attorneys' fees, appraisers' fees, witness fees, including expert

witness fees and traveling expenses incurred by the City from the time this Abatement Order was originally made pursuant to Minnesota Statutes, section 463.22 and the Mankato City Code.

Dated _____, 2024

KENNEDY & GRAVEN, CHARTERED

By: _____

Pamela Whitmore (#0232440)
700 Fifth Street Towers
150 South Fifth Street
Minneapolis, MN 55402
(612) 337-9300
Attorney for City of Mankato

ACKNOWLEDGMENT

The undersigned acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, subd. 2, to the party against whom the allegations in this pleading are asserted.

Pamela J.F. Whitmore

EXHIBIT A TO ABATEMENT ORDER

Legal Description of the Property

**EXHIBIT B TO ABATEMENT ORDER
VIOLATIONS PACKET**

**EXHIBIT C TO ABATEMENT ORDER
CONTOUR MAP**

EXHIBIT D TO ABATEMENT ORDER
COUNCIL RESOLUTION AND RESOLUTION EXHIBITS
(To be completed after adoption)

Violation A – Non-permitted Fence in the Front Yard/Right of Way

Red circle – fence; red arrow; property line marker



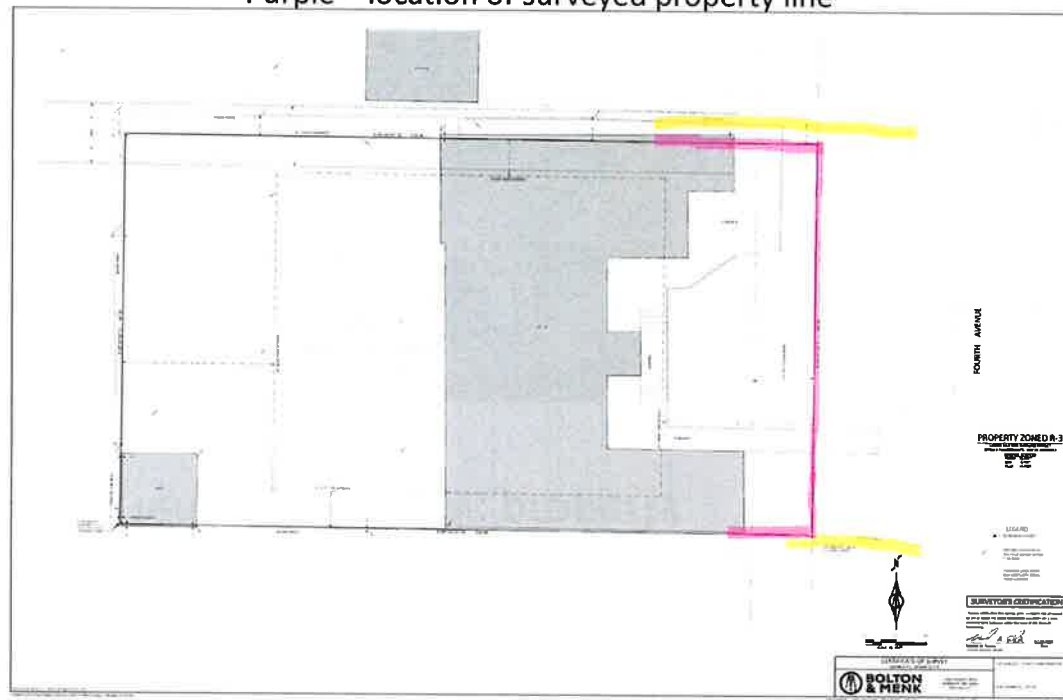
Red arrow – property line pin/lath



Violation A – Non-permitted Fence in the Front Yard/Right of Way

Yellow – location of surveyed wood fence

Purple – location of surveyed property line

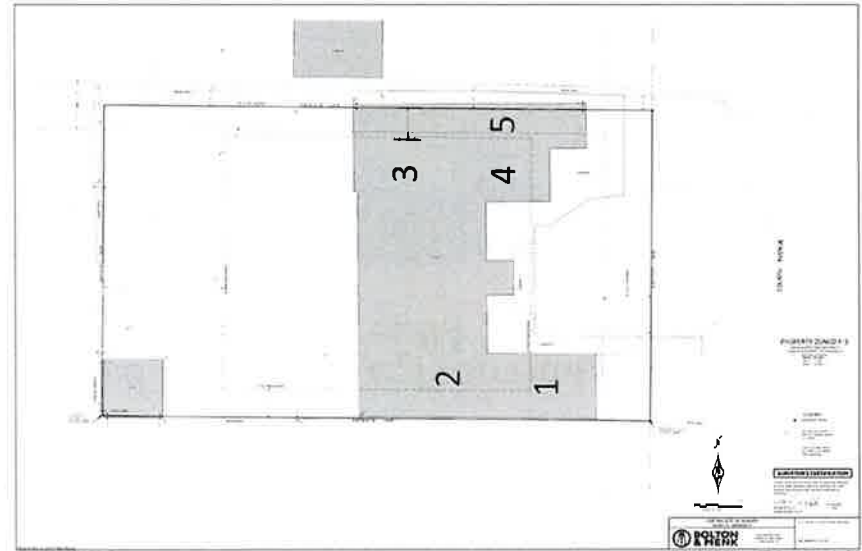


Violation B – 5, Non-permitted structures

Drone aerial footage taken July 11, 2024 of 5
unpermitted structures



Structures as shown on the survey



Violation B – 5, Non-permitted structures

Circled in red below; Front images of non-permitted structure #1 taken from street



Circled in red below; Front images of non-permitted structures #4 & 5 taken from street



Violation B – 5, Non-permitted structures

Circled in red below; Front images of non-permitted structure #1



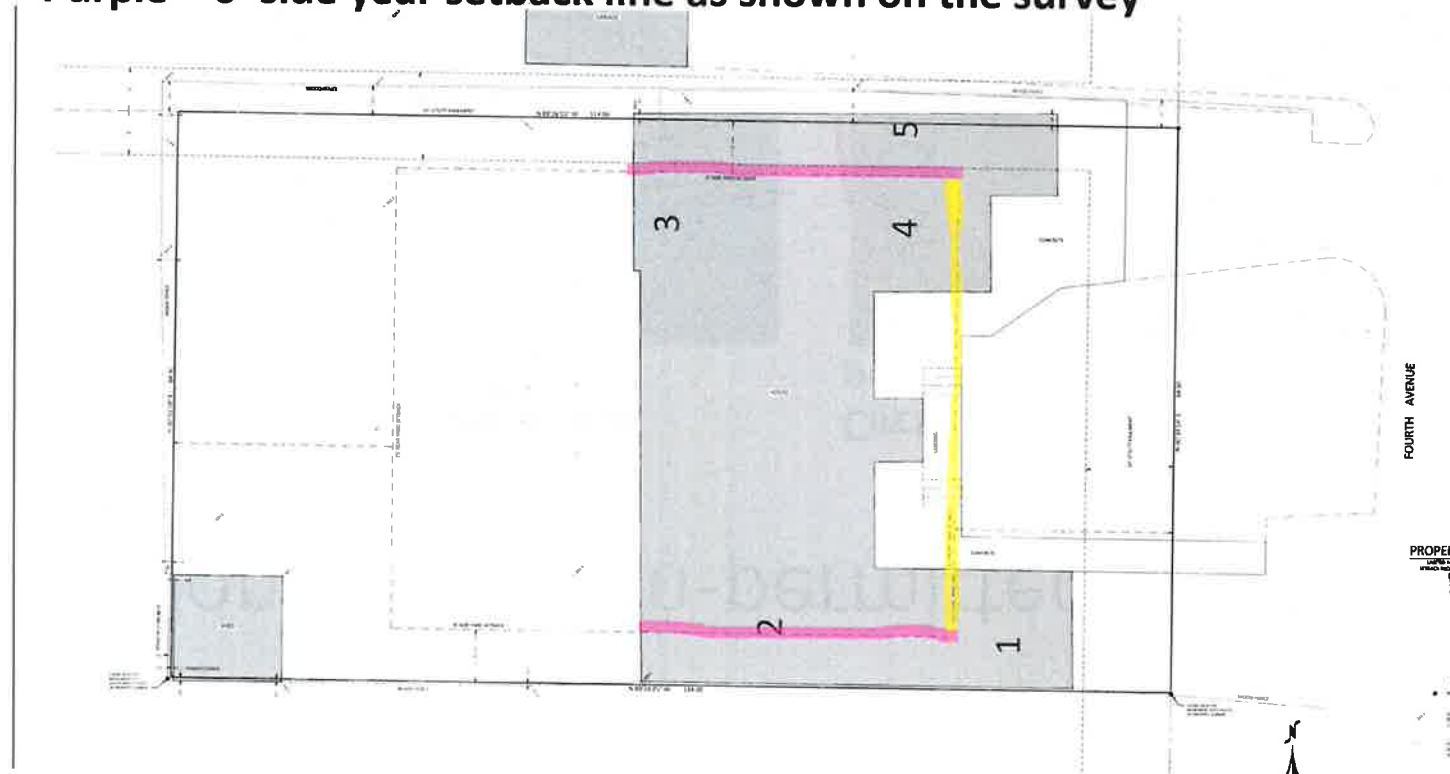
Circled in red below; Front images of non-permitted structures #4 & 5



Violation C – Non-conforming setbacks of unpermitted structures

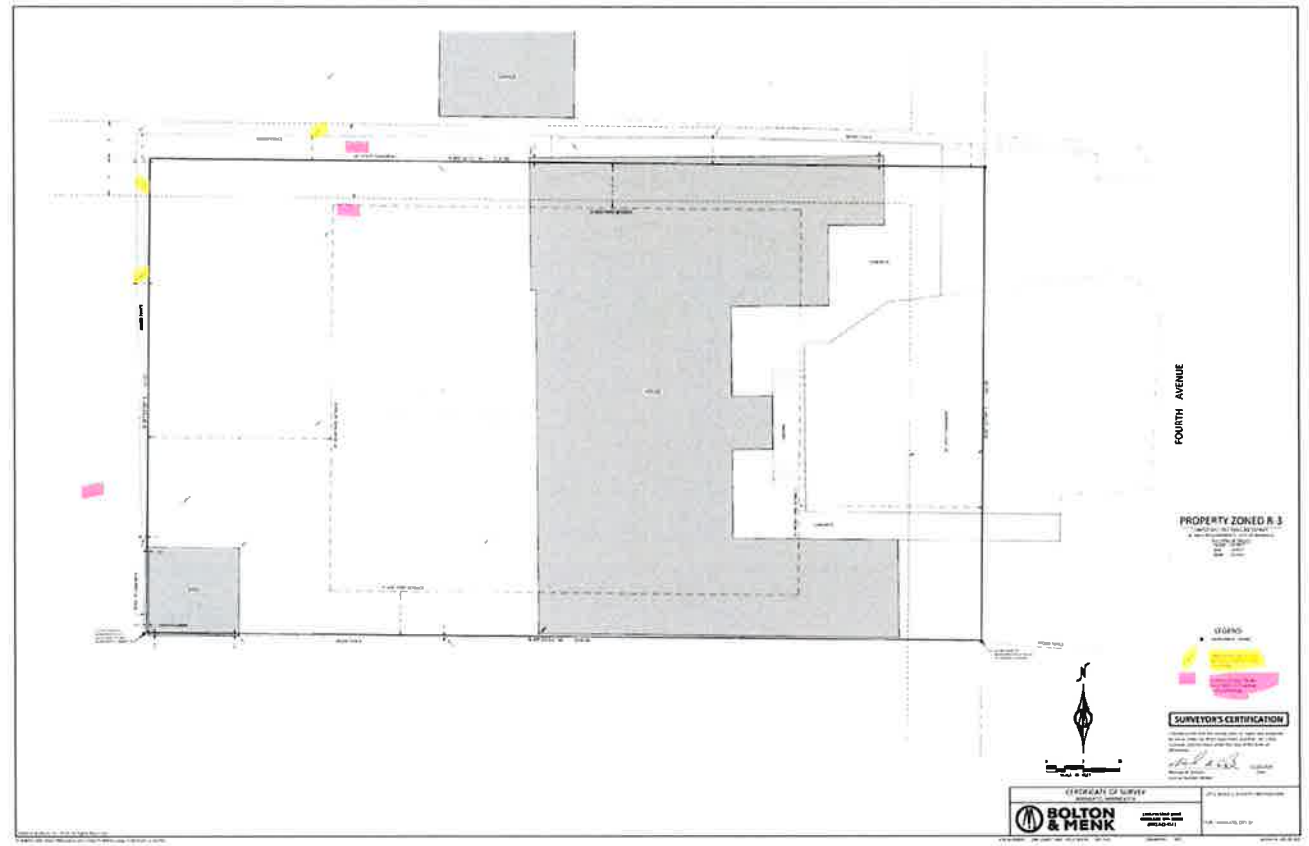
Yellow – 25' front yard setback line as shown on the survey

Purple – 6' side yard setback line as shown on the survey



Violation D – Non-permitted fill

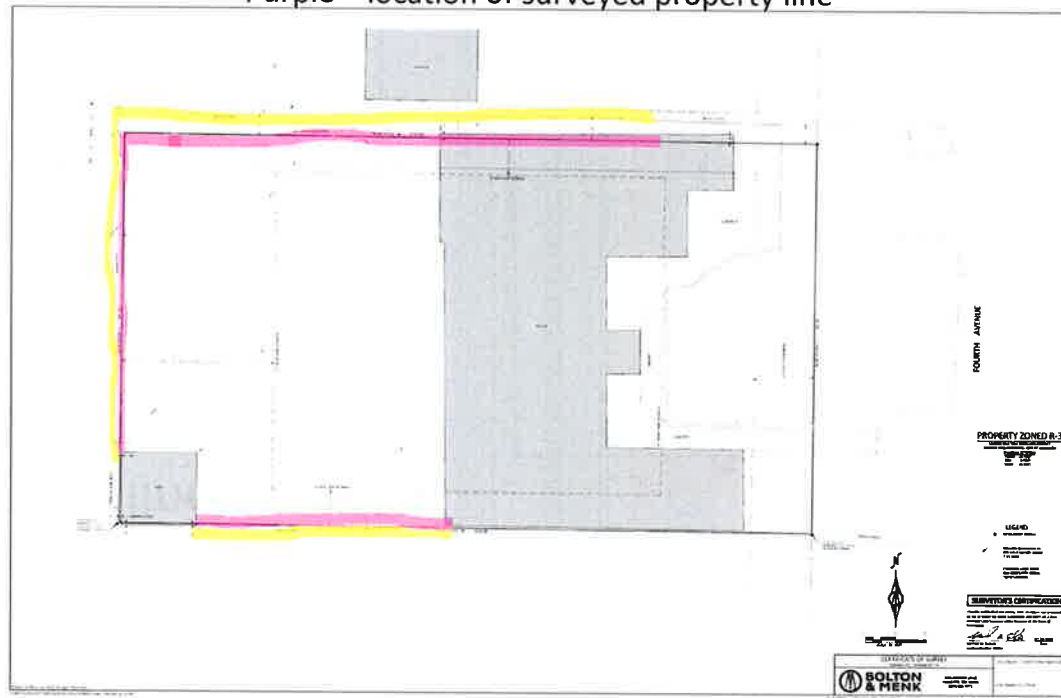
- Purple – existing contour lines
- Yellow – current contours at grade



Violation E – Non-conforming Fence/Retaining Wall in the Side and Rear Yard

Yellow – location of surveyed wood fence

Purple – location of surveyed property line



Violation E – Non-conforming Fence/Retaining Wall in the Side and Rear Yard

Fence and retaining wall on the northern side of the property



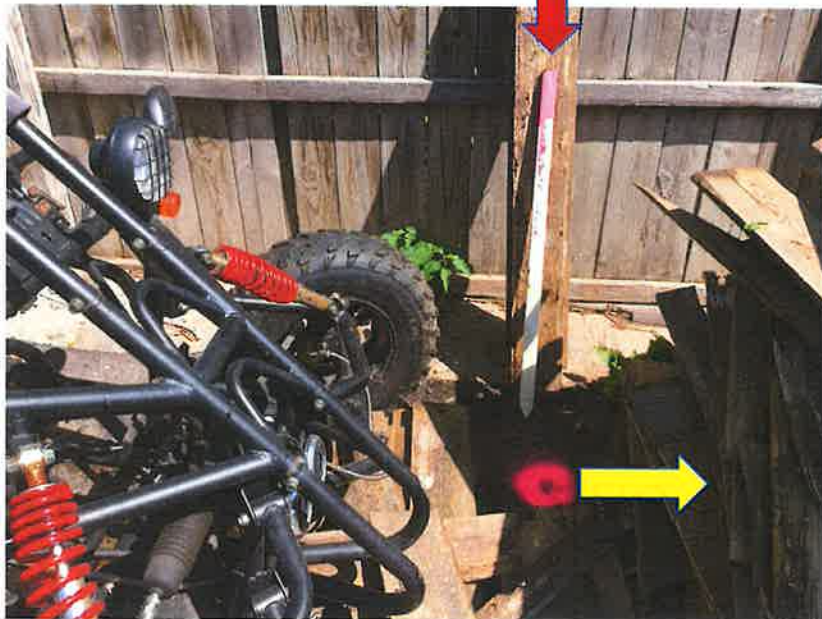
Image of retaining wall under the fence



Violation F – Non-permitted Right of Way Encroachments

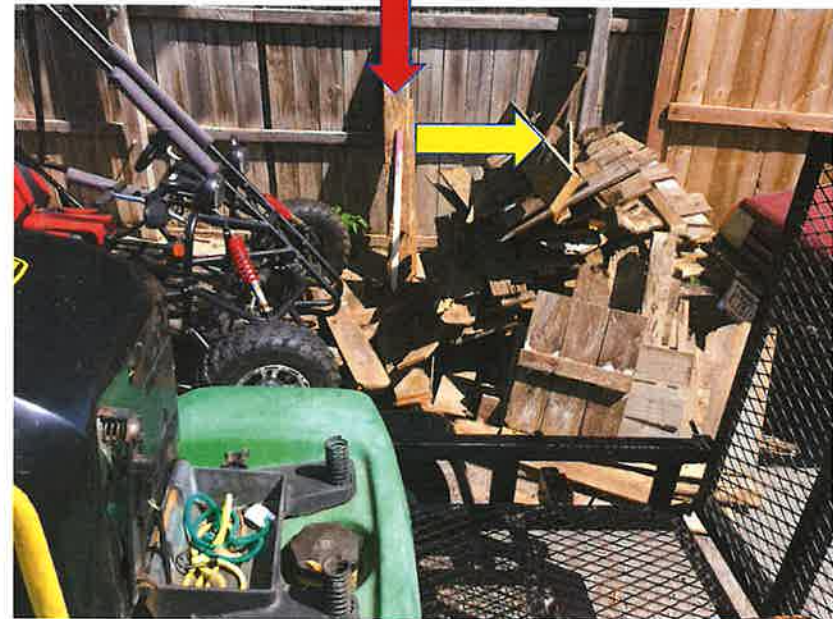
Red arrow – property line

Yellow arrow – right of way



Red arrow – property line

Yellow arrow – right of way



Violation F – Non-permitted Right of Way Encroachments

Red arrow – property line



Right of way encroachments



Violation F – Non-permitted Right of Way Encroachments

**Fuel tanks covered by camouflage tarp
– right of way encroachment**



Rocks – right of way encroachments



Violation F – Non-permitted Right of Way Encroachments

Rocks, trees, etc. – right of way encroachments



Violation G – Public Nuisance

Appliances, equipment, etc. in front yard



Vehicle in rear yard; piles of wood and other nuisance items in rear yard



Violation G – Public Nuisance

Appliances, equipment, etc. in front yard



Vehicle in rear yard; piles of wood and other nuisance items in rear yard



Violation G – Public Nuisance

Rear yard piles of wood, vehicle, tire pile, etc.



Vehicle in rear yard; piles of wood and other nuisance items in rear yard

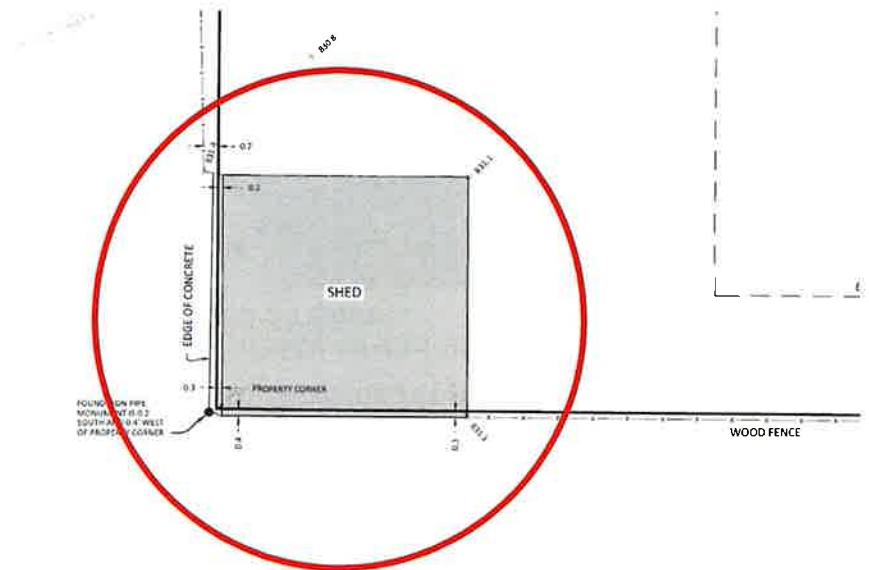


Violation H – Non-conforming Shed

Shed located in rear yard

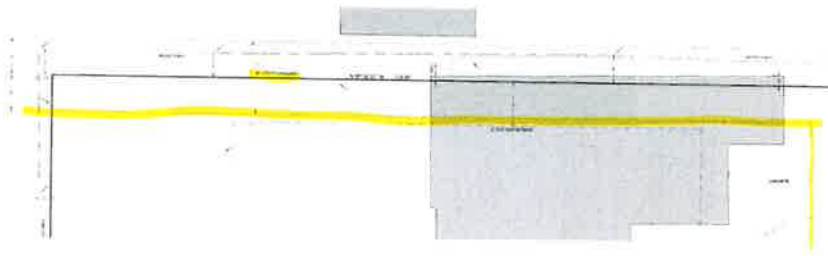


Shed and underlying concrete/retaining wall as shown on the survey encroaches over the property line and does not achieve the Code required 3' setback



Violation I – Structure in utility easement

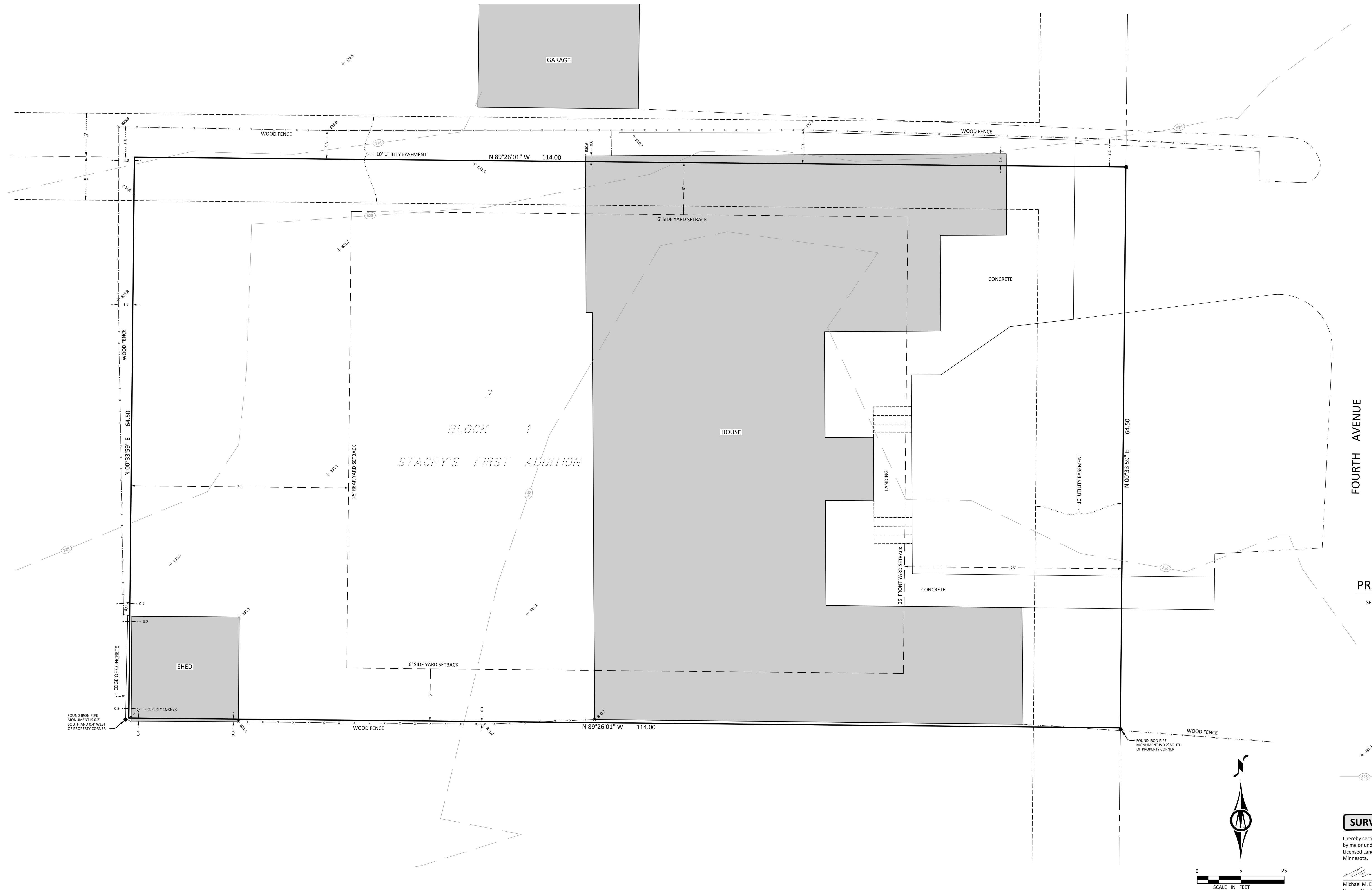
Utility easement – noted structure encroachment in easement on the northern side of the property



Red arrow – lath showing property line

Yellow arrow – utility easement 5' from the property line in the noted direction





PROPERTY ZONED R-3

LIMITED MULTIPLE DWELLING DISTRICT
SETBACK REQUIREMENTS - CITY OF MANKATO

<u>BUILDING SETBACKS</u>	
FRONT	25 FEET
SIDE	6 FEET
REAR	25 FEET

LEGEND

- MONUMENT FOUND

GROUND ELEVATION AS
PER FIELD SURVEY DATED
11-11-2024

CONTOUR LINES FROM
OLD 1990'S CITY AERIAL
TOPO MAPPING

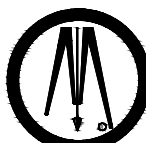
SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.


Michael M. Eichers
License Number 46564

07/29/202

CERTIFICATE OF SURVEY
MANKATO, MINNESOTA

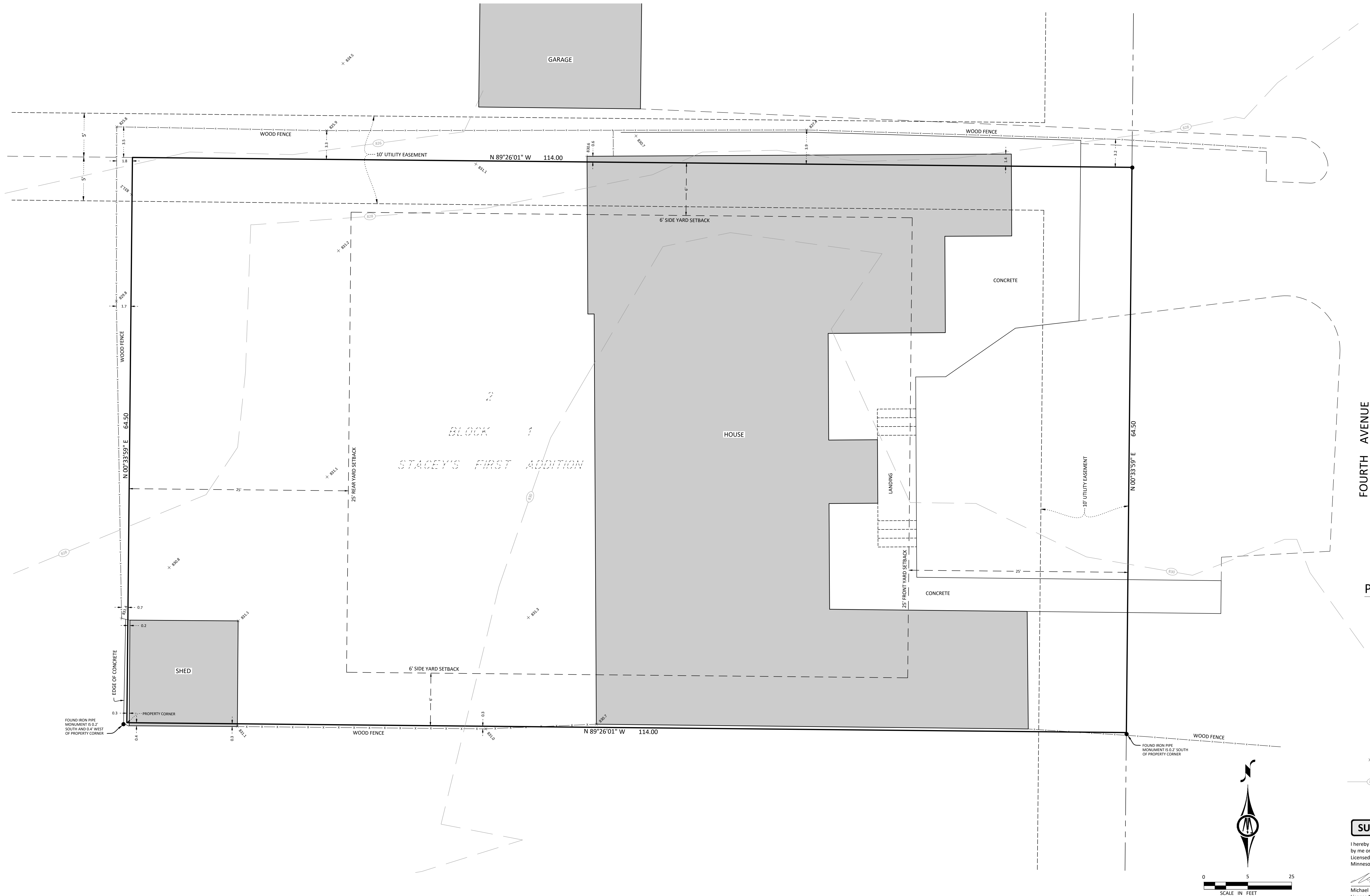


**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171

LOT 2, BLOCK 1, STACEY'S FIRST ADDITION

FOR: MANKATO, CITY OF



PROPERTY ZONED R-3

LIMITED MULTIPLE DWELLING DISTRICT
SETBACK REQUIREMENTS - CITY OF MANKATO
BUILDING SETBACKS
FRONT 25 FEET
SIDE 6 FEET
REAR 25 FEET

LEGEND

● MONUMENT FOUND

GROUND ELEVATION AS
PER FIELD SURVEY DATED
7-11-2024

CONTOUR LINES FROM
OLD 1990'S CITY AERIAL
TOPO MAPPING

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared
by me or under my direct supervision and that I am a duly
Licensed Land Surveyor under the laws of the State of
Minnesota.

Michael M. Eichers
License Number 46564

07/29/2024
Date



0 5 25
SCALE IN FEET

CERTIFICATE OF SURVEY
MANKATO, MINNESOTA



1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171

LOT 2, BLOCK 1, STACEY'S FIRST ADDITION

FOR: MANKATO, CITY OF

PLAN OF CORRECTIVE ACTION CITY OF MANKATO VIOLATION

LOCATION OF PROPERTY: 1908 4th Avenue

OWNER(S) OF PROPERTY: Thomas Haack

THE FOLLOWING IS A PLAN OF CORRECTIVE ACTION (PCA) FOR CORRECTING MAJOR PROBLEMS OR DEFICIENCIES IDENTIFIED AT THE ABOVE ADDRESS. THE PLAN IS DESIGNED TO GUARANTEE THE LONG TERM AND CONTINUOUS COMPLIANCE OF THE PROPERTY WITH THE MANKATO CITY CODE. THE CONTENTS OF THE PCA MUST ALSO REFLECT THE PURPOSE AND INTENT OF THE MANKATO CITY CODE. FAILURE TO COMPLETE THE CONTENTS OF THE PCA BY THE DATE OR MANNER DESCRIBED BELOW SHALL RESULT IN A CITATION.

THE FOLLOWING ARE THE PROBLEMS OR DEFICIENCIES IDENTIFIED ON THE SUBJECT PROPERTY (OR SEE ATTACHED REPORT):

Work has occurred without a permit, and without the appropriate approvals.

Structures have been constructed and a fence has been constructed without appropriate approvals, and
that are not in conformance with the applicable codes.

THE FOLLOWING IS A PLAN OF CORRECTIVE ACTION FOR THE SUBJECT PROPERTY:

The property owner shall complete one of the following to ensure conformance of the structures on the site.

Either:

1. Have prepared a surveyed site plan that shows compliant structures and setbacks AND an engineered structural report that demonstrates building code compliance for all the structures identified in the attached photo no later than May 1, 2023. A building permit submission with this detail shall be applied for; OR
2. Remove all structures no later than August 31, 2023.

The owner shall complete the following in regard to the fence:

1. A surveyor shall locate the property corners and the property pins shall be visible by May 1, 2023.

Then, based on the findings of the survey, subsequent work will be determined and may include grading, fence removal including foundation or moving, among other corrections depending on the outcome of the survey.

Rental license shall either be ~~granted~~ issued or will be withdrawn no later than August 31, 2023.

I am aware that failure to comply w/this PCA may result in the issuance of an administrative penalty.

I am aware that it is my responsibility to achieve the terms of this Plan of Corrective Action.

I am aware that this is my notice. I will not receive additional notice before action is taking against me to remedy the violation(s). This may include, but is not limited to, an administrative penalty, a criminal penalty.

the work may be complete and assessed to my property, or any other remedy to achieve conformance.

I am further aware that failure to comply will result in action to remedy the situation.

THE PLAN OF CORRECTIVE ACTION MUST BE COMPLETED BY:

August 31, 2023

APPROVED BY:

Glenn Mottuatt

DATE:

2/10/2023

ACKNOWLEDGEMENT AND SIGNATURE: The undersigned hereby agrees to comply with the terms of the Plan of Corrective Action. The undersigned acknowledges that failure to complete the contents of the Plan of Corrective Action by the date or manner described above shall result in a citation.

PROPERTY OWNER:

[Signature]

DATE:

2-10-23

as long as we work together
and come to a middle ground
to help or come close or or agreement;

1908 4th Avenue

Apperonaix H



Date: February 2023

Author:

Compliance meeting

February 10, 2023

Intergovernmental Center, Lincoln Park Room (of note, the letter issued stated that the meeting was to be held onsite, however the location was switched as Mr. Haack came to the Intergovernmental Center)

Attendees:

Mr. Tom Haack, property owner, 1908 4th Avenue
Devan Mortwedt – Community Resource Coordinator
Dave Knudson – Building and Development Services Coordinator
Molly Westman – Planning Coordinator

Notes from the meeting

Surveyor – ID pins before we can do anything. Last on site, not one in back right corner. You may know where they are, we need to see them visibly. Need legally set survey stake.

Front Right – bob brown tree busting wall apart – trees encroaching.

Structures: biggest challenge because there is more cost associated; the fence is the second issue to be resolved.

Dave – no documentation of these things happening. Start from scratch. Survey drawing needs to have pins set / marked. Need all buildings on site plans. Must be survey not a drawing.

Survey done – depending on what is found either need to show that can be brought up to code or they need to be removed.

- Tom stated that the structures Will not meet setbacks, and noted, “I couldn’t get a permit.”
 - o That means it needs to be removed.
 - o Then Brown’s needs to be removed.
 - Not why we’re here.
 - o Working part time, not much money. There’s paperwork.
 - No permits. Only found fire separations and handicapped ramp, siding, and roof. No structure permits. From 2009 from 2022 no permits no documentation
 - o Moving forward, move them or remove them.
 - Variance? Staff informed Mr. Haack that the statutory criteria for issuance of a variance is practical difficulty. It was noted that willful construction of a structure that he knew would not achieve setbacks would not likely achieve the practical difficulty threshold.
 - Nothing on record.
 - o Easement is legal between neighbors, issues with that would be a legal issue with attorney. Not a variance.
 - These were built w/o permit and approval, have to meet practical difficulty thresholds – this doesn’t meet that and those are addressed during the permit process.

- Get survey and move back to setbacks or remove.
 - Mr. Haack inquired about getting his Tax money back for the structure.
 - He was informed that property taxes are through county, and so he would need to inquire with them.
- Set backs?
 - R 3
 - Front yard of 25 feet
 - Side (south side) is 6 won't meet as sits according to Mr. Haack.
 - Rear is 25 for the primary structure. 6' for a detached accessory structure.
 - Allowed 35% coverage – appears to be ok based on a quick calculation staff conducted during the meeting using publicly available data from Blue Earth County.
- Some way around – hardship?
 - Mr. Haack stated that he will need help with all of this. He stated that he is handicapped / disabled.
 - ADA – someone from the city?
 - Help doing with proper thing, reviewing ordinances.
 - Currently what we are doing. Can print the ordinances for him.
 - Need surveyor – don't have money - hardship?
 - Take it down until can get survey
 - Then we go to penalty step
 - Then he will go around to neighborhoods and find other properties that do not conform.
- Determine if removing or survey on structures.
 - Survey to determine whether the structures fit on the lot is the first piece. Then, if they fit and achieve the setbacks, a structural engineer to review structures.
 - The structures will need to meet current building code. That is why it is necessary that Mr. Haack hires someone. To be clear, an Engineer will only be required if the buildings do not meet minimum code requirements. Any plans submitted for review must show existing conditions.

Fence needs to be on property and the legally set property pin will need to be visible in order to verify the location of said fence.

The process moving forward will be a Survey to document the location of the structures. Then variance, if Mr. Haack chooses to pursue a variance, which staff has advised does not likely achieve the practical difficulty standards, can be sought.

May 1, but if editing timeline can – need path forward

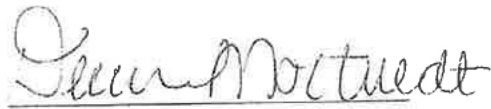
Staff reviewed a plan of corrective action with Mr. Haack and agreed upon a path forward that includes:

1. By May 1 Mr. Haack shall have prepared a survey that shows the structures that he built conform to the setback requirements and structural engineering information prepared to show conforming structures, and a building permit should be applied for by or before May 1; or;

2. The structures, labels on an image as 1, 2, 3, 4, and 5 shall be removed no later than August 31, 2023.
3. Rental license that has been pending on the property since 2018 shall either be issued or will be withdrawn no later than August 31, 2023. This will require all standards as per the inspections of the property to be achieved.

Mr. Haack signed the plan of corrective action while noting that he desires staff to continue to assist him. It was noted that that staff will continue to assist, however, Mr. Haack has to do his part to move these projects towards compliance. For example, that will not include calling a surveyor on April 29 in an attempt to achieve the May compliance date.

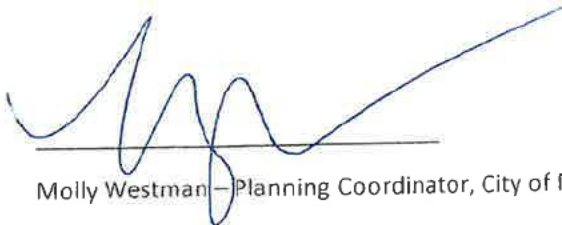
By way of signature below, I attest to the above notes as a true and correct representation of the conversation that occurred between the undersigned parties and Mr. Tom Haack on February 10, 2023.



Devan Mortwedt – Community Resource Coordinator, City of Mankato



Dave Knudson - Building and Development Services Coordinator, City of Mankato



Molly Westman – Planning Coordinator, City of Mankato

710 S. Front St.
Mankato, MN 56001
Phone: (507) 387-8735

www.mankatomn.gov



Tom Haack
1908 4th Avenue
Mankato, MN 56001

Re: Follow Up to Requests Made via Telephone to Devan Mortwedt dated February 10, 2023
and Mark Konz dated February 14, 2023

February 16, 2023

Dear Mr. Haack,

As you and I spoke on February 15, 2023 I have received your requests as noted above and interpreted those requests as follows:

You are seeking:

- Information pertaining to documentation in the City's possession regarding the five (5) structures;
- A variance application and applicable information;
- Information as to the City's availability to provide assistance in creating building plans;
- A copy of your past property survey;
- And transcripts or notes from the compliance meeting that occurred on February 10, 2023.

As for the **information the City has pertaining to your structures** (1,2,3,4, and 5) the city has no documentation or issued permits for the construction of any of the five (5) structures. These structures are labeled and depicted in the overhead photo attached to this letter entitled **Appendix A.**

As for the information pertaining to a variance, please find the following information:

The Board of Adjustments has the authority to grant variances in instances where their strict enforcement of the provisions of the Code would cause undue hardship because of circumstances unique to the individual property that are not self-created.

"Practical difficulties" is a legal standard that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors - reasonableness, uniqueness, and essential character- of the test must be satisfied. The applicant has the burden of proof to show that all of the criteria has been satisfied.

A complete variance application for the City of Mankato shall include the application, a complete supplemental variance application question form, fee (\$95 at the time of application,

and there will be an additional billing for the mailed notices), and a surveyed site plan outlining the requested variance(s).

Attached and entitled **Appendix B**, is the **variance application and supplemental questions**; **Appendix C** is the **copy of the past property survey**; **Appendix D** is the **notes** from the compliance meeting which occurred on February 10, 2023.

As for the City's availability to assist in creating building plans, City staff does not hold the credentials or qualifications to design or aide in the design of structures therefore leaving City staff unable to assist in such planning.

Should you have any questions, please don't hesitate to contact me at the number listed below.



Devan Mortwedt
Community Resource Coordinator - #3175
City of Mankato – Department of Public Safety
710 S. Front Street, Mankato, MN 56001
507-508-3835

CC: Dave Knudson, Molly Westman

Enclosures

1908 4th Avenue

Appendix A



Date: February 2023

Author:



City of Mankato Zoning request application

10 Civic Center Plaza ~ PO Box 3368, Mankato, MN 56002-3368
Phone 311 or 507-387-8600 FAX (507) 387-6845

Primary contact (Check one)	Site address and legal description:			
☐	Applicant	Address	Email	Phone
☐	Owner	Address	Email	Phone
☐	Contractor	Address	Email	Phone
☐	Architect/Designer	Address	Email	Phone
☐	Engineer	Address	Email	Phone
☐	Developer	Address	Email	Phone

☐	Conditional Use Permit (CUP) (3104)	Include the items listed below.	\$335 plus \$2 per notice
☐	Planned Unit Development (PUD) (3154)	Include the items listed below.	\$335 plus \$2 per notice
☐	Variance residential (3132)	Indicate variance requested and practical difficulty making variance necessary. Also furnish a site plan on 8 1/2" X 11" paper showing size of lot, size of structure, and distance from lot lines. Site plan shall be drawn to a tenth scale (1:10, 1:20, etc.)	\$95 plus \$2 per notice
☐	Variance – non-residential (3133)	Indicate variance requested and practical difficulty making variance necessary. Also furnish a site plan on 8 1/2" X 11" paper showing size of lot, size of structure, and distance from lot lines. Site plan shall be drawn to tenth scale (1:10, 1:20, etc.)	\$325 plus \$2 per notice
☐	Rezoning (3108)	Please contact zoning administrator for submittal requirements.	\$335 plus \$2 per notice
☐	Ordinance Amendment	Please contact zoning administrator for submittal requirements.	
☐	Certificate of Design Compliance (CDC) (3152)	Include items listed below.	\$335 plus \$2 per notice
☐	Combined CUP and CDC (3156)	Include items listed below.	\$670 plus \$2 per notice

Zoning request fee: Payable with application (make check payable to City of Mankato):

Hearing notice fee: Payable prior to Planning Commission/Administrative Hearing: _____ notices X \$2/notice = \$ _____.

Public hearing notices are billed to applicant and **must** be paid prior to the Planning Commission/Administrative Hearing.

Summary of request - Attach additional sheets if necessary.

Signature of contractor or authorized agent

Date

Signature of owner (if not same as above)

Date

- ☐ a. The location, dimensions, floor area, type of construction and
- ☐ b. Floor plan showing specific uses within the building.
- ☐ c. The number, the size and type of dwelling units in each building, and the overall dwelling unit density.
- ☐ d. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations.
- ☐ e. Architectural graphics, including typical floor plans and elevations, profiles, and cross-sections.
- ☐ f. The number, location, and dimensions of parking spaces and loading docks, with means of ingress and egress.
- ☐ g. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.
- ☐ h. The location of all fire hydrants on the property and the location of all fire hydrants within one-hundred fifty (150) feet of the property.

- ☐ i. The location, dimensions, and use of all structures for fire and emergency vehicles.
- ☐ j. Statement of whether or not the building will be sprinkled and fire flow availability for the sprinkler system and fire hydrants.
- ☐ k. The location, intensity and design of exterior lighting.
- ☐ l. The location and purpose of any existing or proposed dedication or easement.
- ☐ m. The general drainage plan for the development tract.
- ☐ n. The location and dimensions of adjacent properties, abutting public right-of-ways and easements on the property.
- ☐ o. Significant topographical or physical features of the site including existing trees.
- ☐ p. Wetland delineations for all wetlands on the site.
- ☐ q. The location and proposed treatment of any historical structure or other historical design element or feature.
- ☐ r. Utility service plans (water, sewer, storm).
- ☐ s. Landscaping plans.

Note: All plans shall be drawn to a tenth scale (1:10, 1:20, etc.)

Note: All plans shall be drawn to a tenth scale (1:10, 1:20, etc.)

For staff use

Date received:

Application number: CY ____ - ____

Variance questions

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes () No () Why or why not?

2. In your opinion, is the variance consistent with the comprehensive plan?

Yes () No () Why or why not?

3. In your opinion, does the proposal put property to use in a reasonable manner?

Yes () No () Why or why not?

4. In your opinion, are there circumstances unique to the property?

Yes () No () Why or why not?

5. In your opinion, will the variance maintain the essential character of the locality?

Yes () No () Why or why not?

The Planning Commission/City Council must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

710 S. Front St.
Mankato, MN 56001
Phone: (507) 387-8735

www.mankatomn.gov



I, Thomas Haack, property owner of 1908 4th Avenue, Mankato, MN 56001, affirm by my signature as placed below, personally picked up the following:

Letter with Appendices A – D

from The Mankato Department of Public Safety, 710 S. Front Street, Mankato, MN 56001 on February 17, 2023.

A courtesy copy was placed in standard first class mail.



Thomas Haack

2-21-23

Date

710 S. Front St.
Mankato, MN 56001
Phone: (507) 387-8735

www.mankatomn.gov



I, Thomas Haack, property owner of 1908 4th Avenue, Mankato, MN 56001, affirm by my signature as placed below, personally picked up the following:

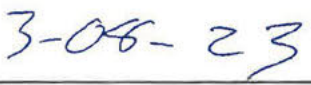
Letter dated March 6, 2023

from The Mankato Department of Public Safety, 710 S. Front Street, Mankato, MN 56001 on February 17, 2023.

A courtesy copy was placed in standard first class mail.



Thomas Haack



Date

710 S. Front St.
Mankato, MN 56001
Phone: (507) 387-8735

www.mankatomn.gov



Tom Haack
1908 4th Avenue
Mankato, MN 56001

Re: Follow Up to Phone Call to Devan Mortwedt dated February 24, 2023

March 6, 2023

Dear Mr. Haack,

As you and I spoke on February 24th, I took note of your concerns and passed them along to our team as indicated. I understood your concerns to be summarized as noted below:

- You were concerned about the language in our previous letter indicating that the issues on your property are self created;
- You were looking for information pertaining to the variance obtained by Mr. Chatleain in reference to the addition onto his home;
- You were concerned that the residents at 500 Brooks Street would also need a variance for the construction of their garage;
- You felt you are entitled to the variance because there are utilities running through both your front and back yard and further there are trees in your way – all of these things you feel inhibit your ability to build a structure in your backyard;
- And finally, the legal description of your property does not reflect the changes made to the property lines and that you then felt it was unlawful that Mr. Brown at 1914 4th Avenue was allowed to add on to his home as that was done on your property due to the mismatched legal description.

As for your concern to the language of “self-created”, this language was taken directly from City Code Section 10.94 subd. 5c. That section is highlighted and attached to this letter for your reference.

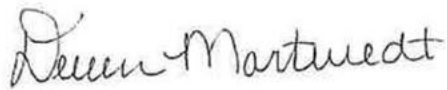
As for your request for the information regarding Mr. Chatleain's variance, a formal, written request for that information may be made through the City Manager's Office, through Renae Kopischke.

As for your concern regarding the property located at 500 Brooks Street, the residents are working through the permit process as required with the appropriate city staff.

In review the survey you had previously provided to the City, it does not show utility easements. Additionally, the City's maps do not show any infrastructure or utilities running through the front or back yards.

Finally, issues with your lender's legal description of your land will need to be resolved privately between you and your lender.

Should you have further questions, please don't hesitate to contact me at the number below.



Devan Mortwedt
Community Resource Coordinator - #3175
City of Mankato – Department of Public Safety
710 S. Front Street, Mankato, MN 56001
507-508-3835

CC: Dave Knudson, Molly Westman, Renae Kopischke

Enclosures

•Responsive

Leading the Way as a Prosperous Diverse Regional Community

•Efficient

•Greater Good

•Innovative

•Open

•Neighborly

Sec. 10.94. - Variances.

Subd. 1. Authority. In accordance with the procedures and standards set forth in this section, the Board of Adjustments and Appeals shall have the authority to grant variances from the provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property.

Subd. 2. Purpose. The variance procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this chapter that create practical difficulties or particular hardships.

Subd. 3. Parties Entitled to Seek Variances. Applications for variances may be filed by the owner of, or any person having contractual interest in, the property.

Subd. 4. Procedure. An application for a variance shall be processed in accordance with the following procedures:

- A. **Application.** An application for a variance shall be filed with the Zoning Administrator and shall include, at least, the following information:
 1. Variance applications shall contain the following information:
 - a. The applicant's name, address, and proof of interest in the property.
 - b. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
 - c. The names and addresses of all professional consultants advising the applicant with respect to the proposed development.
 - d. The street address and legal description of the property.
 - e. The present use of the subject property.
 - f. A site plan showing existing lot lines and dimensions as well as lot area, all easements, all public streets and private right-of-ways bordering and adjacent to the site, the use and location of all adjacent property.
 - g. The specific feature or features of the proposed use, construction, or development that require a variance.
 - h. The specific provisions of this chapter from which a variance is sought and the precise variance therefrom being sought.
 - i. Statement of the characteristics of the property that prevent compliance with the provisions of this chapter.
- B. **Action of Zoning Administrator.** Upon receipt of a properly completed application for an appeal, the Zoning Administrator shall forthwith transmit to the Board of Adjustments and

Appeals the application together with all papers and plans attached thereto.

- C. **Public Hearing.** Upon receipt of a properly completed application for a variance, the Board of Adjustments and Appeals shall set a date for a public hearing.
- D. **Notice.** Notice of the public hearing shall be given by the Zoning Administrator by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published a minimum of ten (10) days prior to the hearing date and a maximum of thirty (30) days to the hearing. Notice shall also be given by first class mail to all owners of property within two hundred (200) feet from the proposed location of the variance. The notice shall describe the particular variance and shall contain a brief description thereof. County assessment records and street addresses shall be deemed sufficient for the location or certification of ownership for notification purposes.
- E. **Board of Adjustments and Appeals Action.** The Board of Adjustments and Appeals shall render its decision in accordance with the Board's adopted Rules of Procedures. The Board of Appeals may grant the variance, grant the variance subject to conditions, or deny the variance.

Subd. 5. Standards. In considering an application for a variance, the Board of Adjustments and Appeals may approve such variance only upon the finding that the application complies with the standards set forth below.

- A. **General Standard.** No variance shall be granted unless the applicant shall establish that conforming to the strict letter of the provisions of this chapter would create a unique and particular hardship.
- B. **Unique and Particular Hardship.** Unique and particular hardship is defined as the property is exceptional as compared to other property subject to the same provisions by reason of a unique physical condition, including the presence of an existing use or structure, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot. The hardship shall amount to more than a mere inconvenience to the owner and the hardship shall relate to the physical situation of the lot rather than the personal situation of the current owner of the lot.
- C. **Not Self-Created.** The unique physical condition and hardship shall not be the result of any action or inaction of the property owner or its predecessors in title. The unique physical condition shall have existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this chapter.
- D.

Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other property subject to the same provisions.

- E. **Not Merely Special Privilege.** The alleged hardship shall not include the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision. The alleged hardship shall not include the inability of the property owner to realize a greater profit than if the variance were not granted.
- F. **No Other Remedy.** There are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the lot.
- G. **Variance Less Than Requested.** A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
- H. **Essential Character of the Area.** The variance would not result in a development on the lot that:
 - 1. Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity.
 - 2. Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity.
 - 3. Would substantially increase congestion in the public streets due to traffic or parking.
 - 4. Would unduly increase the danger of flood or fire.
 - 5. Would unduly tax public utilities and facilities in the area.
 - 6. Would endanger the public health or safety.
 - 7. Would not be in harmony with the general and specific purposes of this chapter and the comprehensive planning policies and objectives of the City.

Subd. 6. Conditions on Variances. The Board of Adjustments and Appeals may impose specific conditions and limitations upon the granting of a variance as are necessary to achieve the purpose and objectives of this chapter. Such conditions and limitations may include, but are not limited to, those concerning the use, construction, character, location, landscaping, screening, parking, and other matters relating to the purpose and objectives of this chapter and shall be expressly set forth in the resolution granting the variance. Violation of any such condition or limitation shall be a violation of this chapter and shall constitute grounds for revocation of the variance pursuant to Section 10.96.

Subd. 7. Effect of Grant of Variance. The approval of a proposed variance by the Board of Adjustments and Appeals shall not authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulation of the City, including, but not limited to, a Building Permit and a Certificate of Occupancy.

Subd. 8. Limitations on Variance. Subject to an extension of time granted by the Board of Adjustments and Appeals, no variance shall be valid for a period longer than twelve (12) months unless a Building Permit is issued, or unless a Certificate of Occupancy is issued and a use commenced within that period of time. Except when otherwise provided in the resolution approving a variance, a variance shall be deemed to relate to, and be for the benefit of, the lot in question, rather than the owner of such lot.

(Ord. of 2-9-2004)

Subd. 9. Prohibited Variances. Notwithstanding any other provision in this section, no variance shall be granted to establish a use not permitted in the zoning district where the property subject to the application is located.

Subd. 10. Fee. An applicant for a variance shall pay a non-refundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established, from time to time, by the City Council.

copy file

10 Civic Center Plaza
Post Office Box 3368
Mankato, Minnesota 56002-3368

Phone: (507) 387-8600
Fax: (507) 388-7530
www.mankatomn.gov



April 10, 2023

Thomas Haack
1908 4th Avenue
Mankato, MN 56001

RE: FOLLOW UP LETTER

Dear Thomas:

Please accept this as follow-up to your recent letter requesting information. Responses are outlined below.

1. The Planning and Zoning department does not have property photographed or inspected annually.
2. The property file is available for public inspection upon request and appointment. You can phone Renae Kopischke to set up a time to view what is available in the file.
3. Time limits on contract for deed sales are a legal matter not generally handled by the city. A property being purchased on a contract for deed, if occupied by the purchaser, does not require a rental license. If there is someone other than the contract for deed purchaser occupying the premise, a rental license is required.
4. You will need to work with your bank on any necessary modifications.
5. The City of Mankato will continue to provide as much assistance as possible with filling out paperwork. Staff are not able to prepare plans, specifications, surveys, or other types of documents that require professional certification. Additionally, in the case of a variance, the City's role is limited to applying the legal standards of practical difficulties to the facts that are presented by the applicant, and the applicant has the burden of proof to show that all of the criteria have been achieved.
6. Property owners who wish to shift property lines, such as what you are suggesting to be an increased lot width from 64.5' to 66' on your lot, are welcome to make an application for a re-plat or a lot split, depending on the terms of the change. The request will be evaluated based on the criteria in the Code. Of note, such a change will require both property owners to be applicants.
 - a. A survey is needed for a variance to illustrate the requested variance.
 - b. If a structure has been constructed without a permit, the City of Mankato will not issue a letter indicating that a structure does not exist.

- c. To establish calibration on city aerial imagery, ground control points are matched to the aerials. However, because the earth is round and the picture is flat, there is some variation.
- d. Please contact Dave Knudson with questions regarding building permits.
- e. Larson Sod – this appears to be a grandfathered business.
- f. Chatlain's variance – the variance request was evaluated for code standards.

7. A petition to request vacation the public right of way, which is located to the east of your property line, is enclosed; see Attachment A. A complete petition for vacation request will include a survey with a drawing of the area to be vacated and its legal description, the petition, and utility sign off from all utility companies. Of note, based on the information available to-date about such a vacation request, it is not likely that the vacation of the remaining public right of way will achieve Code standards.

8. Please contact Public Safety at 311.

9. The resolution approving the variance at 1905 5th Avenue, which outlines the findings, is enclosed as Attachment B.

10. The City of Mankato will continue to provide as much assistance as possible with filling out paperwork. Staff are not able to prepare plans, specifications, surveys, or other types of documents that require professional certification. Additionally, in the case of a variance, the City's role is limited to applying the legal standards of practical difficulties to the facts that are presented by the applicant, and the applicant has the burden of proof to show that all of the criteria have been achieved.

11. The ordinances and codes apply equally to all businesses and people in the community.

12. 416 Brooks Street is required to conform to the standards of the code, as are all properties. If a new home occupation is occurring at the premise in the residential district, it will be required to the standards in Mankato City Code section 10.82 subd. 1. All lot standards for subdivisions and zoning lots are required to conform as well.

13. Certain types of business, such as those associated with a liquor licenses, gambling, explosives, or others, may be required to have background checks. Mankato City Code provides guidance on requirements for business background checks. Please contact Public Safety at 311 with questions.

14. Minnesota Statute 13.44, et al, states, "the identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data." For this reason, the information of complainants is not able to be provided.

15 and 16. The City of Mankato generally addresses violations when a complaint is received from the public.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Molly Westman', with a long horizontal flourish extending to the right.

Molly Westman
Planning Coordinator

Cc: Dave Knudson, Building Official

Enclosure(s): Attachment A – Petition for Vacation
Attachment B – Resolution Approving Variance for 1905 5th Avenue

10 Civic Center Plaza
Post Office Box 3368
Mankato, Minnesota 56002-3368

Phone: (507) 387-8600
Fax: (507) 388-7530
www.mankatomn.gov



August 14, 2023

Thomas Haack
1908 4th Avenue
Mankato, MN 56001

Sent via: USPS mail and certified mail

RE: STATUS UPDATE

Dear Mr. Haack:

Please accept this as a friendly reminder of the upcoming compliance date associated with a Plan of Corrective Action (PCA) for your property.

The PCA was executed in February, 2023 in order to bring your property into conformance with Mankato City Code.

Enclosed you'll find the Plan of Correction, which outlines, among other things, August 31, 2023 as the date for removal of the unpermitted structures, fence compliance (which is noted for May 1, but has not yet been complete), and the rental license issuance or withdraw.

If your property does not achieve the terms of the PCA by, or before, August 31, 2023, proceedings will begin for an administrative penalty, or other applicable penalty.

Please contact myself to arrange an inspection, to be conducted no later than September 1, 2023, to assess compliance. If the property is not in compliance, an administrative penalty, a criminal citation, which is considered a misdemeanor, or other will be issued.

To bring the property into conformance, the terms of the Plan of Correction Action shall be achieved.

Consider this your notice. Failure to comply with this order will result in a citation and/or abatement procedures and/or administrative penalties being undertaken against you as the property owner and/or against your property. The administration penalty fee is \$500 per day of non-compliance. If you do not remedy this situation within the allowed timeframe, an administrative penalty, and potentially a criminal citation, will be assessed.

The authority to pursue appropriate legal and/or equitable relief for zoning violations via an administrative penalty is allowed under Mankato City Ordinance chapter 19, chapter 10, and others.

Additionally, the City of Mankato will continue to provide as much assistance as possible with filling out paperwork. Staff are not able to prepare plans, specifications, surveys, or other types of documents that require professional certification, or other specialty skills.

As always, please feel free to reach out to us with questions.

Warm regards,

A handwritten signature in blue ink, appearing to read 'Molly Westman', with a long horizontal flourish extending to the right.

Molly Westman
Planning Coordinator

Cc: Dave Knudson, Building Official

10 Civic Center Plaza
Post Office Box 3368
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January 24, 2024

Thomas Haack
1908 4th Avenue
Mankato, MN 56001

Delivery via: Certified mail, USPS and hand delivery

Re: **Code violations – Final Notice and Order**

Dear Mr. Haack:

This letter is being sent regarding the on-going violations of Mankato City Codes that have been personally observed and investigated by various city staff at your property at 1908 4th Avenue.

Violations have been on-going over the course of several years, and as of today, the non-compliant work at the property has continued, and the previous violations have not been remedied. In an effort to bring the property into conformance, a Plan of Corrective Action, (PCA), was executed between yourself and the City of Mankato on February 10, 2023. The terms of the PCA were to be achieved by, or before, August 31, 2023. At the beginning of September, 2023, an additional letter was received by the City, which provided an outline for moving forward to bring your property into conformance. To date, the property remains out of conformance and the items identified in the PCA have not been achieved.

Further, recently, you have continued to make improvements at your property that are out of conformance with Mankato City Code. An investigation from the Right of Way, today, January 24, 2024, identified that a non-conforming fence has recently been constructed in the front yard/street right of way at your property.

Notice

You are required to ensure that your property achieves conformance with the standards of City Code.

The following City Code violations have been observed, and to bring the property into conformance, the following action shall occur by the specified dates.

Violation	Code section	Code section citation	Details	Action required
Fence in front yard	10.88 subd. 11.B.2	Front Yards. No fence or wall located in a front yard shall be of a height exceeding four (4) feet, measured from its top edge to the ground at any point.	The fence located in the front yard appears to approximately 6' in height.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Fence in front yard	10.88 subd. 11.C.2	No fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way or be in violation of Section 12.71 of the Mankato Municipal Code.	The fence is encroaching into the City right of way.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Fence in front yard	10.88 subd. 11.C.1	A fence may be located adjacent to, but not on, a property line.	The property pins have not been made visible and the installation of the fence may encroach over the southerly property line based on GIS overhead imagery.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Fence in front yard	12.71 subd. 1	No fence, more than thirty (30) inches in height shall be erected unless a fence permit has first been obtained from the Building Official, or designee.	A fence was installed without a permit.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Fence in front yard	6.16 subd. 1. Buildings, Structures or Encroachments in Right-of-Way.	License Required. It is unlawful for any person, as owner, lessee, occupant or other person in control of any real property within the City, to install, place, build, erect, maintain, occupy or use upon any such property any building, structure or physical encroachment which, in whole or in part, is installed, placed, built, erected, maintained, occupied or used on any portion of the right-of-way of any public street or alley, whether such right-of-way exists by reason of statutory or common law dedication or easement, without first having obtained a written license therefore pursuant to the provisions of this section.	A fence was installed and is encroaching in the right of way.	Fence in the front yard shall be removed no later than March 1, 2024. See attached image for area of fence removal.
Non-permitted structures. 5 structures on the site, identified in the attached image by numbering 1, 2, 3, 4, 5, have been constructed without first obtaining a building permit for their respective construction.	Minnesota Residential Building Code, Minnesota Rule 1300.0120 Subpart 1	An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.	Structures have been constructed, and continue to be constructed on the property, without first obtaining a building permit.	The structures shall be removed from the site. A demolition permit shall be obtained prior to removal and shall be in place no later than March 1, 2024. All removal shall be complete no later than May 1, 2024.

Structure setbacks. The 5 structures that were constructed without a permit do not appear to achieve the required front and side yard setbacks.	Mankato City Code section 10.15 subd. 6.A and B	A. Front Yard Setback. All Buildings. A minimum of twenty-five (25) feet. B. Side Yard Setback. One- and Two-Family Dwellings. A minimum of six (6) feet	Unpermitted structures have been constructed without a permit, and based upon available aerial imagery, they do not achieve the required setbacks.	The structures shall be removed from the site. A demolition permit shall be obtained prior to removal and shall be in place no later than March 1, 2024 . All removal shall be complete no later than May 1, 2024 .
Unpermitted fill. Fill has been placed in the rear yard, in an amount estimated to exceed 25 cubic yards, and a conditional use permit has not been requested or obtained.	Mankato City Code section 10.82 Subd. 9, Substantial Land Alteration.	Subd. 9. Substantial Land Alteration. A Conditional Use Permit shall be required where the excavation, grading, and filling of any land would result in the movement of earth and materials in excess of twenty-five (25) cubic yards and would significantly change the existing ground contour and existing drainage, or cause flooding and/or erosion.	Fill has been placed in the rear yard of your property without obtaining the required permits.	The fill shall be removed and grade returned to original grade. All removal shall be complete no later than May 1, 2024 .
Fence final inspection. A fence permit was issued March 7, 2022 for a fence in the rear yard. A final inspection is required for the fence, and at the time of the previous inspection the support posts for the fence were facing outward and the finished side of the fence was facing inward.	10.88 Subd. 11.A.2	Approved Material. All fences in residential districts shall be constructed of stone, brick, finished wood, or chain link. <u>The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties or streets.</u>	The fence requires a final inspection to verify compliance with the code requirement. The finished side of the fence shall face outward and the posts inward.	The applicant shall ensure that the fence achieves Mankato City Code, and this shall be achieved no later than March 1, 2024 . The final inspection by the City shall be requested by the property owner, and be conducted prior to March 1, 2024 approving the fence for conformance with Mankato City Code.

Despite the on-going attempts to work with you to bring the property into conformance, the property remains out of compliance with City Code. The unpermitted construction of structures, fencing and fill are violations of Mankato City Code.

You are responsible for ensuring that your property conforms and the corrections and the work occur on your property in conformance with City Code. During our previous correspondence, it was suggested that if you need assistance in navigating the process the City is willing to assist within our parameters, however since staff is not able to design or survey the property.

You are required to ensure that your property achieves conformance with the standards of City Code. If you are not moving towards conformance by way of the terms specified herein, the property will be considered out of conformance.

Failure to comply with this notice and order will result in citation and/or abatement procedures and/or administrative penalties being undertaken against you as the property owner and/or against your property. **Consider this your final notice.** If you do not remedy this situation within the allowed timeframe as prescribed herein, an administrative penalty, and potentially a criminal citation, or other remedy will be assessed.

The authority to pursue appropriate legal and/or equitable relief for zoning violations via an administrative penalty is allowed under Mankato City Ordinance 19.05, chapter 10.96, and others.

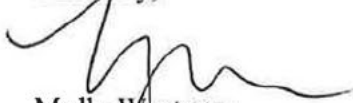
Mankato City Ordinance Section 19.05 states that violations of City Code Chapter 10.96, and nuisance violations in accordance with Mankato Chapter 9.77 such as these violations, are deemed an administrative offense, and further defines that this violation is a property violation allowing any unpaid violations to be assessed to your property.

The Mankato City Council has established a \$500.00 penalty each day of violation.

As we have discussed, no additional physical work shall occur on the property unless an official City of Mankato permit has been issued. Do not conduct any additional work at the property until you have received authorization to do so.

If you have any questions, please contact me at (507) 387-8571 or Dave Knudson at (507) 387-8547.

Sincerely,



Molly Westman
Community Development

Enclosures: February 10, 2023 Plan of Corrective Action and image depicting
structures 1, 2, 3, 4 and 5
Image of fencing to be removed in front yard

Cc: Mark Konz, Associate Director of Planning and Development Services
Dave Knudson, Building Official
Jon Nelson, Engineering

PLAN OF CORRECTIVE ACTION CITY OF MANKATO VIOLATION

LOCATION OF PROPERTY: 1908 4th Avenue

OWNER(S) OF PROPERTY: Thomas Haack

THE FOLLOWING IS A PLAN OF CORRECTIVE ACTION (PCA) FOR CORRECTING MAJOR PROBLEMS OR DEFICIENCIES IDENTIFIED AT THE ABOVE ADDRESS. THE PLAN IS DESIGNED TO GUARANTEE THE LONG TERM AND CONTINUOUS COMPLIANCE OF THE PROPERTY WITH THE MANKATO CITY CODE. THE CONTENTS OF THE PCA MUST ALSO REFLECT THE PURPOSE AND INTENT OF THE MANKATO CITY CODE. FAILURE TO COMPLETE THE CONTENTS OF THE PCA BY THE DATE OR MANNER DESCRIBED BELOW SHALL RESULT IN A CITATION.

THE FOLLOWING ARE THE PROBLEMS OR DEFICIENCIES IDENTIFIED ON THE SUBJECT PROPERTY (OR SEE ATTACHED REPORT):

Work has occurred without a permit, and without the appropriate approvals.

Structures have been constructed and a fence has been constructed without appropriate approvals, and
that are not in conformance with the applicable codes.

THE FOLLOWING IS A PLAN OF CORRECTIVE ACTION FOR THE SUBJECT PROPERTY:

The property owner shall complete one of the following to ensure conformance of the structures on the site.

Either:

1. Have prepared a surveyed site plan that shows compliant structures and setbacks AND an engineered structural report that demonstrates building code compliance for all the structures identified in the attached photo no later than May 1, 2023. A building permit submission with this detail shall be applied for; OR
2. Remove all structures no later than August 31, 2023.

The owner shall complete the following in regard to the fence:

1. A surveyor shall locate the property corners and the property pins shall be visible by May 1, 2023.

Then, based on the findings of the survey, subsequent work will be determined and may include grading, fence removal including foundation or moving, among other corrections depending on the outcome of the survey.

Rental license shall either be ~~granted~~ issued or
will be withdrawn no later than August 31, 2023.

I am aware that failure to ~~comply~~ ^{comply w/this PCA} may result in the issuance of an administrative penalty.

I am aware that it is my responsibility to achieve the terms of this Plan of Corrective Action.

I am aware that this is my notice. I will not receive additional notice before action is taking against me to remedy the violation(s). This may include, but is not limited to, an administrative penalty, a criminal penalty, the work may be complete and assessed to my property, or any other remedy to achieve conformance.

I am further aware that failure to comply will result in action to remedy the situation

THE PLAN OF CORRECTIVE ACTION MUST BE COMPLETED BY: August 31, 2023
APPROVED BY: Glenn Mottuett DATE: 2/10/2023

ACKNOWLEDGEMENT AND SIGNATURE: The undersigned hereby agrees to comply with the terms of the Plan of Corrective Action. The undersigned acknowledges that failure to complete the contents of the Plan of Corrective Action by the date or manner described above shall result in a citation.

PROPERTY OWNER: [Signature] DATE: 2-10-23

as long as we work together
and come to a middle ground
to help or come close as or agreement;

1908 4th Avenue

Appendix A

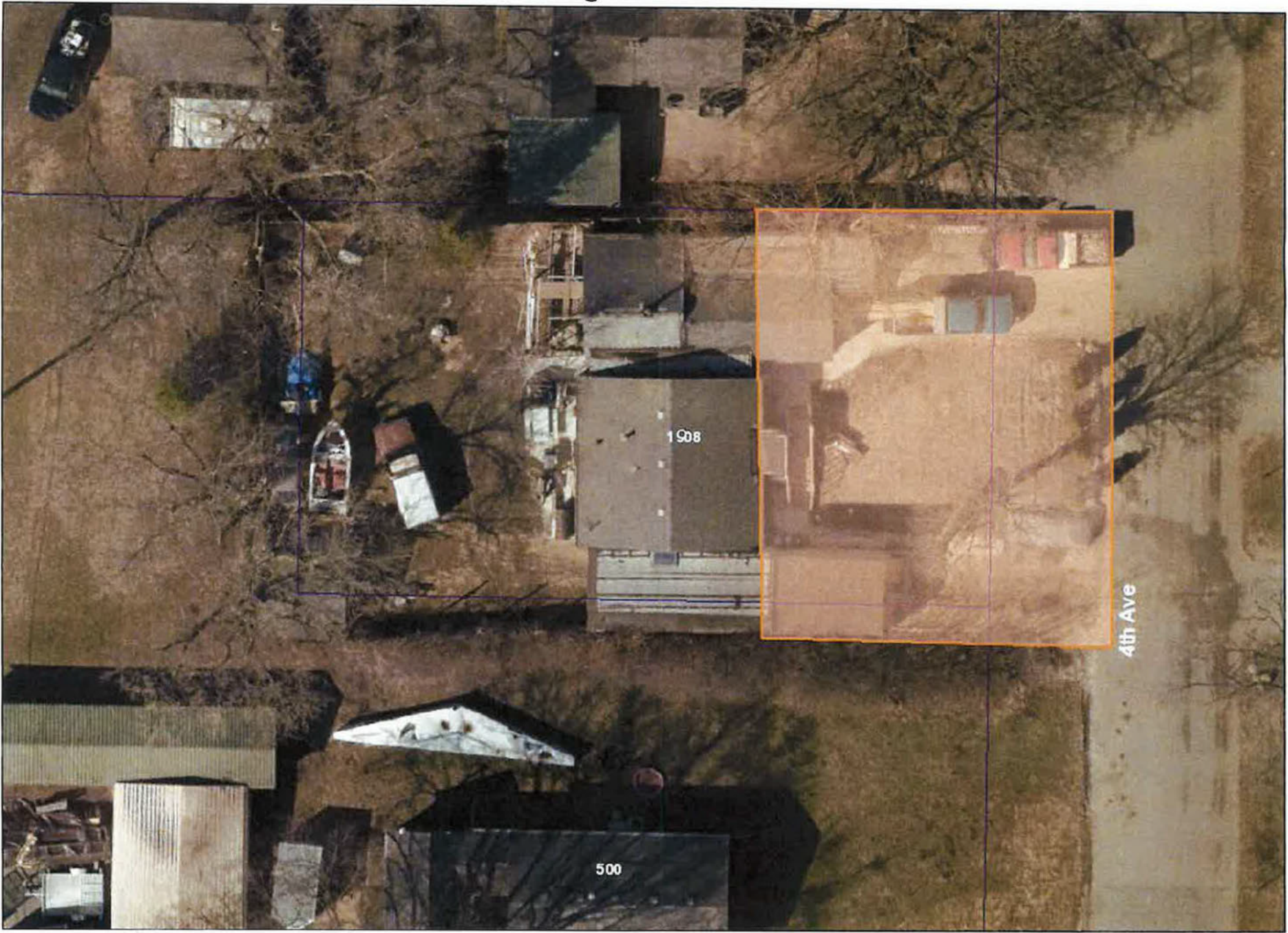


Date: February 2023

Author:

EXHIBIT E

Fencing to be removed



Date: January 2024

Author:







Minneapolis

Fifth Street Towers
 150 South Fifth Street, Suite 700
 Minneapolis, MN 55402
 (612) 337-9300 telephone
 (612) 337-9310 fax
 kennedy-graven.com
 Affirmative Action, Equal Opportunity Employer

Pamela J.F. Whitmore

Attorney at Law

Direct Dial: (612) 337-9276

Email: pwhitmore@kennedy-graven.com

April 16, 2024

RE: 1908 Fourth Avenue, Mankato

Dear Mr. Haack:

I am the City Attorney for the City of Mankato. Staff has made me aware that, on February 20, 2024, the City of Mankato received a letter from you requesting assistance with preparing paperwork and requesting some accommodations related to certain code provisions for your property. I understand from your letter that you and a member of your family have a disability or special needs. Thank you for reaching out and the City certainly can assist with filling out paperwork.

As a reminder, your February 20, 2024 correspondence responded to the City's January 29, 2024, Final Notice and Order that was hand delivered to you at 1908 Fourth Avenue in Mankato, with a copy of that same letter also being sent via U.S. mail. In the January 29, 2024 letter, staff outlined the ongoing code violations at 1908 Fourth Avenue, which you had agreed to address in a Plan of Corrective Action ("PCA") over a year ago, on February 10, 2023. Not only have these violations not been addressed, but staff have also documented additional, new non-compliant work on the property since the execution of that PCA, including work done in City right of way. For your convenience, attached is an updated table with all the violations.

Violation	Code section	Code section citation	Details	Action required
Violation #1 - Fence in front yard	10.88 subd. 11.B.2	Front Yards. No fence or wall located in a front yard shall be of a height exceeding four (4) feet, measured from its top edge to the ground at any point.	The fence located in the front yard appears to be approximately 6' in height.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.
Violation #1 - Fence in front yard	10.88 subd. 11.C.2	No fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way or be in violation of Section 12.71 of the Mankato Municipal Code.	The fence is encroaching into the City right of way.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.
Violation #1 - Fence in front yard	10.88 subd. 11.C.1	A fence may be located adjacent to, but not on, a property line.	The property pins have not been made visible and the installation of the fence may encroach over the southerly property line based on GIS overhead imagery.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.

Violation #1 - Fence in front yard	12.71 subd. 1	No fence, more than thirty (30) inches in height shall be erected unless a fence permit has first been obtained from the Building Official, or designee	A fence was installed without a permit.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.
Violation #1 - Fence in front yard	6.16 subd. 1. Buildings, Structures or Encroachments in Right-of-Way.	License Required. It is unlawful for any person, as owner, lessee, occupant or other person in control of any real property within the City, to install, place, build, erect, maintain, occupy or use upon any such property any building, structure or physical encroachment which, in whole or in part, is installed, placed, built, erected, maintained, occupied or used on any portion of the right-of-way of any public street or alley, whether such right-of-way exists by reason of statutory or common law dedication or easement, without first having obtained a written license therefore pursuant to the provisions of this section.	A fence was installed and is encroaching in the right of way.	Fence in the front yard shall be removed no later than May 15, 2024 . See attached image for area of fence removal.
Violation #2 - Non-permitted structures. 5 structures on the site, identified in the attached image by numbering 1, 2, 3, 4, 5, have been constructed without first obtaining a building permit for their respective construction.	Minnesota Residential Building Code, Minnesota Rule 1300.0120 Subpart 1	An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.	Structures have been constructed, and continue to be constructed on the property, without first obtaining a building permit.	The structures shall be removed from the site. A demolition permit shall be obtained prior to removal and shall be in place no later than May 1, 2024 . All removal shall be complete no later than May 15, 2024 .
Violation #3 - Structure setbacks. The 5 structures that were constructed without a permit do not appear to achieve the required front and side yard setbacks.	Mankato City Code section 10.15 subd. 6.A and B	A. Front Yard Setback. All Buildings. A minimum of twenty-five (25) feet. B. Side Yard Setback. One- and Two-Family Dwellings. A minimum of six (6) feet.	Unpermitted structures have been constructed without a permit, and based upon available aerial imagery, they do not achieve the required setbacks.	The structures shall be removed from the site. A demolition permit shall be obtained prior to removal and shall be in place no later than June 1, 2024 . All removal shall be complete no later than August 1, 2024 .
Violation #4 - Unpermitted fill. Fill has been placed in the rear yard, in an amount estimated to exceed 25 cubic yards, and a conditional use permit has not been requested or obtained.	Mankato City Code section 10.82 Subd. 9, Substantial Land Alteration.	Subd. 9. Substantial Land Alteration. A Conditional Use Permit shall be required where the excavation, grading, and filling of any land would result in the movement of earth and materials in excess of twenty-five (25) cubic yards and would significantly change the existing ground contour and existing drainage, or cause flooding and/or erosion.	Fill has been placed in the rear yard of your property without obtaining the required permits.	The fill shall be removed and grade returned to original grade. All removal shall be complete no later than August 1, 2024 .

Violation #5 - Fence final inspection. A fence permit was issued March 7, 2022 for a fence in the rear yard. A final inspection is required for the fence, and at the time of the previous inspection the support posts for the fence were facing outward and the finished side of the fence was facing inward.	10.88 Subd. 11.A.2	Approved Material. All fences in residential districts shall be constructed of stone, brick, finished wood, or chain link. <u>The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties or streets.</u>	The fence requires a final inspection to verify compliance with the code requirement. The finished side of the fence shall face outward and the posts inward.	The applicant shall ensure that the fence meets Mankato City Code, and this shall be achieved no later than May 1, 2024. The final inspection by the City shall be requested by the property owner and be conducted prior to May 15, 2024 approving the fence for conformance with Mankato City Code.
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In response to your February 20, 2024 letter, the City of Mankato will provide assistance with:

1. Completing the necessary building permit applications and zoning applications. To be clear, this assistance does not include creation of plans or surveys. Please contact Travis Johnson at 507-387-8387 to schedule a time to come to City Hall to begin this process.
2. Providing printed code information, which has been attached here for your convenience.
3. Consideration of flexibility regarding fence heights that are currently set forth in Mankato's code.

Regarding the rest of the violations and your responses in the February 20, 2024 letter, all structures and fences must comply with City Code and also must be located on your property at 1908 Fourth Avenue in Mankato, as opposed to being in right-of-way or intruding upon others' private property. The structures and portions of structures on neighboring private property must be removed by August 1, 2024. The fence, portions of fence located within the City right of way must be removed by May 15.

If those structures and fences are not removed by that time, the City will pursue an administrative warrant from the Court to enter the property to survey the property lines, and then will pursue an additional order and warrant to enter the property to remove structures, portions of structures and any fencing not located on your property. The cost of having to petition the court and enforce the code, including any removal costs associated with doing so, will be assessed to the property as allowed under City Code and state law.

We look forward to hearing from you.

Sincerely,

/s/ Pamela J.F. Whitmore
Pamela J.F. Whitmore

cc: Mark Konz
Molly Westman
Dave Knudson

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

ADMINISTRATIVE SEARCH WARRANT

Based upon the application of the City of Mankato for an administrative search warrant to enter property located at 1908 Fourth Avenue in the City of Mankato, County of Blue Earth, State of Minnesota ("Property") pursuant to Section, and Minnesota case law:

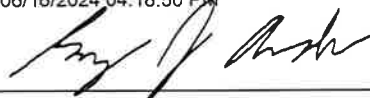
IT IS HEREBY ORDERED THAT Community Development Director Mark Konz or his designee(s), with a police escort, may enter, examine, and investigate the Property for the purpose of inspection in order to enforce Sections 9.66, 9.77, 10.96 and 12.71 of the Mankato City Code, state building code and state nuisance laws, including conducting a survey; taking measurements and photographs of the exterior of buildings, yard and curtilage; taking measurements and photographs of any and all fencing; conducting soil tests; and performing other such duties as are necessary document violations and may hold said evidence in custody according to law.

IT IS FURTHER ORDERED that said entry shall take place on a regular business day between the hours of 9:00 a.m. and 4:00 p.m. Said entry may be accomplished by using reasonable force in the least intrusive manner.

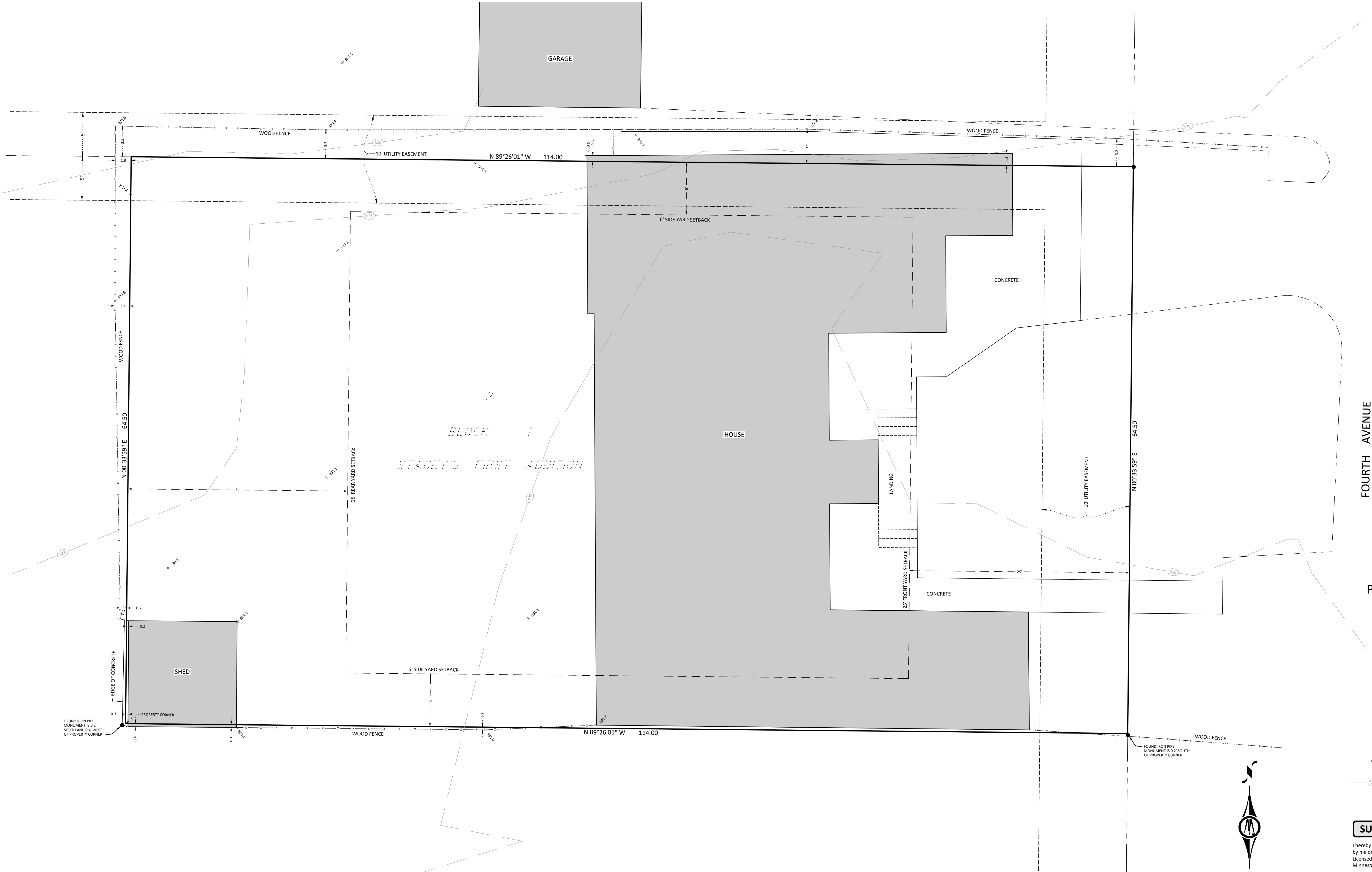
Dated: _____

BY THE COURT

06/18/2024 04:18:50 PM



Judge of District Court



FOURTH AVENUE

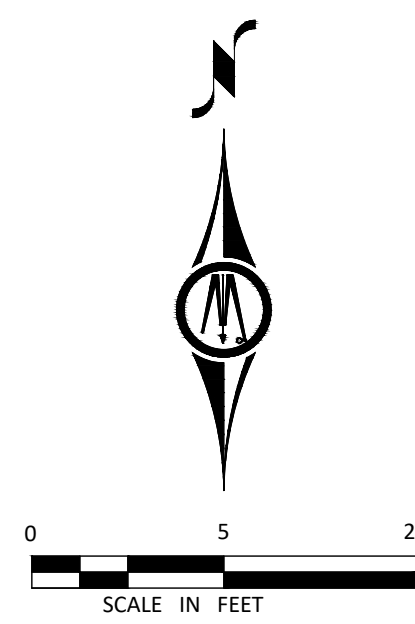
PROPERTY ZONED R-3
LIMITED MULTIPLE DWELLING DISTRICT
SETBACK REQUIREMENTS - CITY OF MANKATO
BUILDING SETBACKS
FRONT 25 FEET
SIDE 6 FEET
REAR 25 FEET

LEGEND

- MONUMENT FOUND
- + 82.5 GROUND ELEVATION AS PER FIELD SURVEY DATED 7-11-2024
- 82.5 CONTOUR LINES FROM OLD 1990'S CITY AERIAL TOPO MAPPING

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Michael M. Eichers
Michael M. Eichers
License Number 46564
07/29/2024
Date



CERTIFICATE OF SURVEY MANKATO, MINNESOTA		LOT 2, BLOCK 1, STACEY'S FIRST ADDITION
	1960 PREMIER DRIVE MANKATO, MN 56001 (507) 625-4171	FOR: MANKATO, CITY OF



AGENDA RECOMMENDATION

City Council Regular Meeting

8. B.

Meeting Date: 09/09/2024

Agenda Item:

Resolution adopting the Preliminary Property Tax Levy payable in 2025.

Recommendation/Action(s):

Adoption of one of the attached resolutions.

Summary:

During the August 26 initial preliminary budget overview, members of the City Council asked staff to provide additional levy increases for the City Council to consider. In addition to the initial payable 2025 levy consideration of 3%, staff also formulated three additional options for the City Council to consider, including increases of 3.5%, 4%, 4.5%.

- The City Council has discussed the 2025 Budget Document.
- The City Council has been presented information regarding the General fund, Debt Service fund, Transit fund, & Economic Development fund tax levies.
- The proposed Tax Levy Options for 2025 are listed in the table below.

Levy Increase %	Additional Levy Raised	Approximate Tax Rate	Total Levy Amount	Pay 2025 Median Residential Valuation	Increase from Prior Year
3	\$ 723,095	39.22 %	\$24,826,264	\$ 315,000	\$ 7
3.5	\$ 843,611	39.41 %	\$24,946,780	\$ 315,000	\$ 13
4	\$964,127	39.61 %	\$25,067,296	\$ 315,000	\$ 18
4.5	\$1,084,643	39.80 %	\$25,187,812	\$ 315,00	\$ 24

- The proposed tax rates to be considered for 2025 are: 39.22 %; 39.41 %; 39.61%; or 39.80%.
- The estimated tax capacity for 2024 (paid in 2025) is \$63,292,849.
- The growth in estimated tax capacity is \$74,367.
- The rate of growth in estimated tax capacity is 0.1%.
- The proposed levy increases to be considered are: 3%; 3.5%; 4%; or 4.5%.

- The General Fund Levy has been presented to be considered at either: \$20,220,964; \$20,341,480; \$20,461,996; or \$20,582,512.
- The Debt Service Fund Levy has been presented at \$3,825,300.
- The Transit Fund Levy has been presented at \$415,000.
- The EDA Fund Levy has been presented at \$365,000.
- The total levy has been presented to be considered in the following amounts: \$24,826,264; \$24,946,780; \$25,067,296; or \$25,187,812.
- The Preliminary Levy for FY 2025 must be certified by September 30, 2024, to both Blue Earth and Nicollet counties.
- The Preliminary Levy may be decreased at a future date; however, it may not be increased.
- The Public Hearing for the Proposed Final Budget is scheduled for Monday, December 2, 2024.

Attachments

Resolution 3%

Resolution 3.5%

Resolution 4%

Resolution 4.5%

**RESOLUTION ESTABLISHING PRELIMINARY PROPERTY TAX LEVY
FOR THE PROPERTY TAXES TO BE COLLECTED DURING
THE 2025 FISCAL YEAR**

WHEREAS, the City of Mankato is required to adopt a preliminary property tax levy at a regular meeting prior to the 30th of September each year; and

WHEREAS, the City of Mankato will certify that levy to Blue Earth and Nicollet Counties so that the Counties may use that information to prepare parcel specific notices to property owners about the projected amount of their property tax payable in 2025; and

WHEREAS, City staff presented a 2025-2026 Budget document via discussions to the Council detailing the proposed preliminary property tax levy and the accompanying budget to be supported by that levy; and

WHEREAS, the Preliminary Property Tax Levy will be subjected to additional scrutiny during budget analysis and review sessions prior to adoption of the final levy in December of 2024; and

WHEREAS, all actions taken in these matters conform to and comply with the requirements of Minnesota Statutes 275.065; and

WHEREAS, the Economic Development Authority has authority under M.S. 469.107 to request a property tax levy not to exceed 0.01813 percent of the taxable market value; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANKATO, BLUE EARTH COUNTY, MINNESOTA that the preliminary property tax levy for the property taxes payable in 2025 shall be established and certified to Blue Earth and Nicollet Counties as follows:

General Fund	\$ 20,220,964
Debt Service Fund	3,825,300
Transit Fund	415,000
	\$ 24,461,264
	=====

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANKATO, BLUE EARTH COUNTY, MINNESOTA that the request for a property tax levy by the Economic Development Authority is hereby approved and granted, in the amount of \$365,000, for the benefit of the Economic Development Authority and that said sum so levied shall be in addition to the preliminary property tax levy and certified to Blue Earth and Nicollet Counties.

General Fund	\$ 20,220,964
Debt Service Fund	3,825,300
Transit Fund	415,000
Economic Development Authority Levy	365,000
Total Levy for fiscal year 2025	\$ 24,826,264

=====

Dated this day 9th day of September 2024.

This resolution shall become effective immediately upon passage.

Najwa Massad

Mayor

Attest:

Renae Kopischke, MMC

City Clerk

**RESOLUTION ESTABLISHING PRELIMINARY PROPERTY TAX LEVY
FOR THE PROPERTY TAXES TO BE COLLECTED DURING
THE 2025 FISCAL YEAR**

WHEREAS, the City of Mankato is required to adopt a preliminary property tax levy at a regular meeting prior to the 30th of September each year; and

WHEREAS, the City of Mankato will certify that levy to Blue Earth and Nicollet Counties so that the Counties may use that information to prepare parcel specific notices to property owners about the projected amount of their property tax payable in 2025; and

WHEREAS, City staff presented a 2025-2026 Budget document via discussions to the Council detailing the proposed preliminary property tax levy and the accompanying budget to be supported by that levy; and

WHEREAS, the Preliminary Property Tax Levy will be subjected to additional scrutiny during budget analysis and review sessions prior to adoption of the final levy in December of 2024; and

WHEREAS, all actions taken in these matters conform to and comply with the requirements of Minnesota Statutes 275.065; and

WHEREAS, the Economic Development Authority has authority under M.S. 469.107 to request a property tax levy not to exceed 0.01813 percent of the taxable market value; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANKATO, BLUE EARTH COUNTY, MINNESOTA that the preliminary property tax levy for the property taxes payable in 2025 shall be established and certified to Blue Earth and Nicollet Counties as follows:

General Fund	\$ 20,341,480
Debt Service Fund	3,825,300
Transit Fund	415,000
	\$ 24,581,780
	=====

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANKATO, BLUE EARTH COUNTY, MINNESOTA that the request for a property tax levy by the Economic Development Authority is hereby approved and granted, in the amount of \$365,000, for the benefit of the Economic Development Authority and that said sum so levied shall be in addition to the preliminary property tax levy and certified to Blue Earth and Nicollet Counties.

General Fund	\$ 20,341,480
Debt Service Fund	3,825,300
Transit Fund	415,000
Economic Development Authority Levy	365,000
Total Levy for fiscal year 2025	\$ 24,946,780
	=====

Dated this day 9th day of September 2024.

This resolution shall become effective immediately upon passage

Najwa Massad

Mayor

Attest:

Renae Kopischke, MMC

City Clerk

**RESOLUTION ESTABLISHING PRELIMINARY PROPERTY TAX LEVY
FOR THE PROPERTY TAXES TO BE COLLECTED DURING
THE 2025 FISCAL YEAR**

WHEREAS, the City of Mankato is required to adopt a preliminary property tax levy at a regular meeting prior to the 30th of September each year; and

WHEREAS, the City of Mankato will certify that levy to Blue Earth and Nicollet Counties so that the Counties may use that information to prepare parcel specific notices to property owners about the projected amount of their property tax payable in 2025; and

WHEREAS, City staff presented a 2025-2026 Budget document via discussions to the Council detailing the proposed preliminary property tax levy and the accompanying budget to be supported by that levy; and

WHEREAS, the Preliminary Property Tax Levy will be subjected to additional scrutiny during budget analysis and review sessions prior to adoption of the final levy in December of 2024; and

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NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANKATO, BLUE EARTH COUNTY, MINNESOTA that the preliminary property tax levy for the property taxes payable in 2025 shall be established and certified to Blue Earth and Nicollet Counties as follows:

General Fund	\$ 20,461,996
Debt Service Fund	3,825,300
Transit Fund	415,000
	\$ 24,702,296
	=====

BE IT FURTHER RESOLVEDBY THE CITY COUNCIL OF THE CITY OF MANKATO, BLUE EARTH COUNTY, MINNESOTA that the request for a property tax levy by the Economic Development Authority is hereby approved and granted, in the amount of \$365,000, for the benefit of the Economic Development Authority and that said sum so levied shall be in addition to the preliminary property tax levy and certified to Blue Earth and Nicollet Counties.

General Fund	\$ 20,461,996
Debt Service Fund	3,825,300
Transit Fund	415,000
Economic Development Authority Levy	365,000
Total Levy for fiscal year 2025	\$ 25,067,296
	=====

Dated this day 9th day of September 2024.

This resolution shall become effective immediately upon passage

Najwa Massad
Mayor

Attest:

Renae Kopischke, MMC
City Clerk

**RESOLUTION ESTABLISHING PRELIMINARY PROPERTY TAX LEVY
FOR THE PROPERTY TAXES TO BE COLLECTED DURING
THE 2025 FISCAL YEAR**

WHEREAS, the City of Mankato is required to adopt a preliminary property tax levy at a regular meeting prior to the 30th of September each year; and

WHEREAS, the City of Mankato will certify that levy to Blue Earth and Nicollet Counties so that the Counties may use that information to prepare parcel specific notices to property owners about the projected amount of their property tax payable in 2025; and

WHEREAS, City staff presented a 2025-2026 Budget document via discussions to the Council detailing the proposed preliminary property tax levy and the accompanying budget to be supported by that levy; and

WHEREAS, the Preliminary Property Tax Levy will be subjected to additional scrutiny during budget analysis and review sessions prior to adoption of the final levy in December of 2024; and

WHEREAS, all actions taken in these matters conform to and comply with the requirements of Minnesota Statutes 275.065; and

WHEREAS, the Economic Development Authority has authority under M.S. 469.107 to request a property tax levy not to exceed 0.01813 percent of the taxable market value; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANKATO, BLUE EARTH COUNTY, MINNESOTA that the preliminary property tax levy for the property taxes payable in 2025 shall be established and certified to Blue Earth and Nicollet Counties as follows:

General Fund	\$ 20,582,512
Debt Service Fund	3,825,300
Transit Fund	415,000
	\$ 24,822,812
	=====

BE IT FURTHER RESOLVEDBY THE CITY COUNCIL OF THE CITY OF MANKATO, BLUE EARTH COUNTY, MINNESOTA that the request for a property tax levy by the Economic Development Authority is hereby approved and granted, in the amount of \$365,000, for the benefit of the Economic Development Authority and that said sum so levied shall be in addition to the preliminary property tax levy and certified to Blue Earth and Nicollet Counties.

General Fund	\$ 20,582,512
Debt Service Fund	3,825,300
Transit Fund	415,000
Economic Development Authority Levy	365,000
Total Levy for fiscal year 2025	\$ 25,187,812

=====

Dated this day 9th day of September 2024.

This resolution shall become effective immediately upon passage.

Najwa Massad

Mayor

Attest:

Renae Kopischke, MMC

City Clerk