

Pursuant to the due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Municipal Building Council Chambers on June 20, 2023. Mayor Carlson called the meeting to order at 7:00 pm, asking everyone to join the Pledge of Allegiance. The following were present for roll call: Council Members Whitlock, Steiner, Peterson, Oachs, City Administrator McCann, Community Development Director Fischer, Public Works Director Arnold, and City Clerk Van Genderen. Absent: Finance Director Ryan.

Approval of Agenda

Council Member Oachs moved, seconded by Council Member Steiner, to approve the agenda as presented. Vote on the motion Whitlock, Steiner, Peterson, Oachs, and Carlson, aye, no nays. Motion carried.

Approval of Council Minutes from June 5, 2023, Council Meeting.

Council Member Steiner moved, seconded by Council Member Oachs, to approve the June 5, 2023, Council Meeting Minutes. Vote on the motion Whitlock, Steiner, Peterson, Oachs, and Carlson, aye, no nays. Motion carried.

Approval of Council Work Session Minutes from June 5, 2023, Council Work Session Meeting.

Council Member Oachs moved, seconded by Council Member Steiner, to approve the Council Work Session Minutes of June 5, 2023. Vote on the motion Whitlock, Steiner, Peterson, Oachs, and Carlson, aye, no nays. Motion carried.

Consent Agenda

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

- A. Bills and Appropriations.
- B. Res. No. 45-23 Accepting Donations/Contributions/Grants.
- C. Approved Audio Permit for South Point Member Event on September 20, 2023, from 4 pm to 8 pm at Spring Lake Park Shelter #1.

Vote on the motion Whitlock, Steiner, Peterson, Oachs, and Carlson, aye, no nays. Motion carried.

Public Comments Concerning Business Items on the Agenda.

None.

Business Items

Set a Public Hearing for July 3, 2023, at 7 pm to Consider City Code Business Regulations, Chapter 113, Sales, Testing, Manufacturing, and Possession of Products containing THC, Cannabis, or Cannabinoids.

City Administrator McCann stated that following the Council Work Session on June 5, 2023, without a clear consensus from Council, staff prepared two Ordinances pertaining to City Code Chapter 113. Council has three options, leave the City Code as is, repeal the entire Chapter 113, or amend the existing City Code to allow for the sale of CBD-type products at on-sale and off-sale establishments. Council Members Whitlock and Steiner were both in favor of the amendments. Mayor Carlson, stated he was not in favor of the amendments or repealing the ordinance. Council Member Oachs stated she was concerned about the possible consequences of changing the ordinance

from a business owners perspective. Council Member Peterson stated he was not sure there was an uneven playing field between Mankato and North Mankato with the current ordinance.

Council Member Steiner moved, seconded by Council Member Whitlock, to set a Public Hearing for July 3, 2023, at 7 pm to Consider Amending City Code Business Regulations, Chapter 113, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis, or Cannabinoids. Vote on the motion Whitlock, Steiner, and Oachs aye, Peterson and Carlson nay. Motion carried.

Set a Public Hearing for July 3, 2023, at 7 pm to Consider Amending City Code Chapter 34 Sales and Use Tax.

City Administrator McCann stated that with the State Legislature authorizing the extension of the Sales Tax to \$15 million with a grand total of \$21 million, the current City Code needs to reflect the updated language.

Council Member Oachs moved, seconded by Council Member Steiner to Set a Public Hearing for July 3, 2023, at 7 pm to Consider Amending City Code Chapter 34 Sales and Use Tax. Vote on the motion Whitlock, Steiner, Peterson, Oachs, and Carlson, aye, no nays. Motion carried.

Res. No. 43-23 Approving Local Sales Tax and Authorizing Actions to be Taken by the City in Connection with Such Taxes.

City Administrator McCann reported that State Statute requires the resolution to approve the special law that will extend the sales tax collection.

Council Member Steiner moved, seconded by Council Member Peterson to Adopt Res. No. 43-23 Approving Local Sales Tax and Authorizing Actions to be Taken by the City in Connection with Such Taxes. Vote on the motion Whitlock, Steiner, Peterson, Oachs, and Carlson, aye, no nays. Motion carried.

V-1-23 Variance Request to Reduce Side and Rear Setbacks at 738 Park Avenue.

Community Development Director Fischer reported the Planning Commission reviewed the request and returned with a 2-2 split vote. Council will now need to determine if the variance should be granted.

Community Development Director Fischer reported that Kevin and Mollie Fischer were the applicants, and they are requesting to reduce the side yard setback from 5 feet to 0.25 feet and the rear setback from 5 feet to 3 feet for the garage reconstruction. The applicants have an existing detached single-stall garage in their backyard located inches from their side property line. The applicants have a shared driveway with their next-door neighbor. As proposed, the applicants wish to demolish the existing garage and replace it with a larger garage. The current garage is inches from the property line, and the side yard setback is 5 feet. Therefore, should a structure that violates the current setback be demolished, the replacement structure is required to meet all building setbacks. In this case, should the applicants demolish their existing garage, a new garage would need to be located a minimum of 5 feet from their side property line. Based on the location of the shared driveway and the house, to reasonably access and exit a garage, the applicants are requesting a variance to relocate a new garage to within 0.25 feet of their side property line. Additionally, a reduction of the rear property line setback from 5 feet to 3 feet is requested.

Community Development Director Fischer reviewed the 3-factor test the Council should use to approve or deny the applicants the variance. The factors include reasonableness, uniqueness, and essential character. Reasonableness means that the landowner would like to use the property in a

particular reasonable way but cannot do so under the rules of the ordinance. Uniqueness relates to the physical characteristics of the particular piece of property, that is, to the land and not the personal characteristics or preferences of the landowner. When considering this for a building, is there anything physically unique about the particular piece of property? Essential character refers to whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. He reviewed the arguments expressed by the Planning Commission. Some commissioners believed the nature of the shared driveway and the location of the house made this meet the reasonableness factor. Others disagreed. Some commissioners believed the shared driveway met the unique factor. Some commissioners believed the essential character of the neighborhood would not be changed.

Council Member Peterson asked if all the neighbors were aware of the request and if any concerns were expressed. Community Development Director Fischer reported the neighbors were made aware, and no concerns were raised. Council Member Peterson asked if, with the larger garage, the property still met the percentage requirements for structures to open space. Community Development Director Fischer stated they still met the requirements. Council Member Oachs asked if additional concrete would be added to the area behind the second stall. Property owner Fischer appeared before Council and said there would be concrete behind the second stall. He did note that after the survey, it was discovered that the garage is slightly on his back neighbor's property, and they would like to remedy that situation. Council Members reviewed the 3-factor practical difficulties test and agreed that the property met all 3-factors to grant a variance.

Council Member Steiner moved, seconded by Council Member Whitlock, to Approve V-1-23 Variance Request to Reduce Side and Rear Setbacks at 738 Park Avenue. Vote on the motion Whitlock, Steiner, Peterson, Oachs, and Carlson, aye, no nays. Motion carried.

Res. No. 44-23 Approving Design Request for Proposal Authorizing the All Seasons Arena Board to Order Advertisements for the Design of the All Seasons Arena Improvements.

City Administrator McCann introduced Parker Skophammer, Director of Administrative Services from the City of Mankato, who would review the proposal. Mr. Skophammer reviewed how the ASA Board came to the point of requesting the partners approve an RFP for designs. He stated that Mankato took over the operations of the facility in 2020 and began reviewing the issues with the facility. He stated that through the process, the ASA Board involved experts in the field and had discussions with the facility's users. Most recently, the ASA Board worked with Knutson Construction to evaluate the property and prepare proposed facility improvement options. The ASA Board of Directors met on June 9, 2023, to review funding scenarios and formulate a recommendation. The Board is recommending moving forward with Options 1-13 and Option 17. They have recommended Options 5 and 18 as possible fundraising opportunities. As part of the recommendation, the Board has been working to incorporate ISD 77 as a financial partner in the improvements. The School District has six teams that use the ASA ice as their home ice. So they find value in investing in the improvements for their teams and their community. The school has identified approximately \$1.1 million available in their Lease Levy for the project. Currently, the estimated construction cost is \$11,592,559. The estimates assume a 4.2% interest rate over 15 years. Mr. Skophammer reviewed the apportionment percentages that would be in place due to the Joint Powers Agreement. The City of North Mankato would have a total percentage of the total cost of 22.41%, with the project cost apportionment at \$2,598,106 and the Net Project Cost Apportionment after the ISD 77 contribution of \$2,352,372 and an annual bond payment of \$214,544. Mayor Carlson requested clarification on how the apportionment percentage cost was based on the total population and asked if it was fair due to Mankato having a much larger tax base. City Administrator McCann reported that using both

methods, population and tax base the apportionment is fairly equal. Mayor Carlson requested clarification on if there are plans to put money aside for future needs. Mr. Skophammer stated yes, that the ASA Board is working on planning for the future. Council Member Peterson requested clarification on if the cost estimates contained inflationary prices. Mr. Skophammer stated yes Knutson Construction's estimates included room for inflation. Council Member Whitlock requested clarification if the resolution would approve the amount for the reconstruction of the facility. City Administrator McCann stated it would approve a commitment to the project, so it would commit to supporting the project and the funding sources. Council Member Whitlock asked for clarification on if the facility is considered a North Mankato asset. City Administrator McCann reported it is a residual asset.

Council Member Oachs moved, seconded by Mayor Carlson, to Adopt Res. No. 44-23 Approving Design Request for Proposal Authorizing the All Seasons Arena Board to Order Advertisements for the Design of the All Seasons Arena Improvements. Vote on the motion Whitlock, Steiner, Peterson, Oachs, and Carlson, aye, no nays. Motion carried.

Open Forum

Tom Hagen, 927 Lake Street appeared before Council, stated it would be good to create citizen committees, and suggested a few options.

Barb Church, 102 Wheeler Avenue, appeared before Council and stated it would be good to put watering restrictions on the residents due to the drier year and thought it would be a good idea to create an ordinance and require water conservation every year.

City Administrator and Staff Comments

City Administrator McCann invited everyone out for a free presentation on Violent Critical Incidents, presented by the Police Department on June 23rd at 6 pm in the Police Annex.

City Administrator McCann invited everyone out to the Let's Pollinate Event on June 24th from 9 am to noon at Spring Lake Park between Shelter #2 and the gazebo.

City Administrator McCann reported the Wheeler Park tennis courts were resurfaced, and 2 new pickleball courts have also been installed at Wheeler Park's courts.

City Administrator McCann stated the Swim Facility's first adult night would be Friday, June 23rd, starting at 6:30 pm. Tickets are available online for \$12 or at the door for \$15 until sold out.

City Administrator McCann invited everyone out to the Farmers' Market on Monday afternoons from 3-6 pm at South Central College.

City Administrator McCann reported that VINE was the recipient of an Age-Friendly designation, and the City will be working as part of the steering committee.

Public Works Director Arnold, reported the City is looking at information concerning water restrictions and working with the public to conserve water.

Mayor and Council Comments

Council Member Whitlock thanked Jim Albright for his years of volunteer service for the City of North Mankato as a firefighter and a Police Reserve. He will be missed.

Council Member Steiner stated Jim Albright would be missed.

Mayor Carlson stated it is good to see residents out enjoying the City's amenities. He stated he is looking forward to Fun Days.

At 7:58 pm, on a motion by Council Member Oachs, seconded by Council Member Steiner, the Council Meeting was adjourned.

Mayor

City Clerk

COUNCIL WORK SESSION June 20, 2023

Under due call and notice thereof, a Council Work Session of the North Mankato City Council was held in the Council Chambers on June 20, 2023. Mayor Carlson called the meeting to order at 6:00 pm. The following were present for roll call: Council Members Peterson, Whitlock, Steiner, and Oachs, City Administrator McCann, Public Works Director Arnold, and City Clerk Van Genderen.

Receive Indoor Multipurpose Sports Complex Market Feasibility Report Update and Pro Forma

City Administrator McCann introduced Norm Gill from Pinnacle Indoor Sports Facility Development, Marketing & Management. Mr. Gill reviewed a brief history of his company and reported that he has been assisting with the development of the project for the past five years. Due to the age of the study, it was determined to complete an update to the report. He stated the report was updated, but few changes were made. Mr. Gill stated the user groups are still committed, and the price points are good. He noted that the proforma was also updated, and two scenario summaries were included in the packet. Mr. Gill emphasized that the proforma was very conservative. He noted there are three ways to run this type of facility. It could be a wholesale project where the City owns the facility, rents out the space, and takes reservations. It could be a retail project where the City runs the programs and leagues, and it needs to be approached like a business to maximize revenue. The third option is to hire a third-party management firm. He noted that if the City were to contract with a third-party management firm, it would be important to vet the firm to ensure it aligns with the City's priorities. He did note that there could be hybrid options.

Mayor Carlson requested clarification on if a lot has changed since COVID-19. Mr. Gill stated the demand remains high in the area, and there is not a lot of competition. He did note that it would be important with a new facility to ensure user fees are based on demand. Council Member Peterson asked if the proformas that were presented were based on hybrid models. Mr. Gill confirmed they are hybrid models and are very conservative in operations. Mayor Carlson asked if he would recommend adding or removing anything from the current plan. Mr. Gill stated he thought the facility was built with options for alternative uses and growth. Mr. Gill did note that there may be a crossover with the current Caswell Softball facility and considerations would need to be made concerning parking. Council Member Oachs asked Mr. Gill if he has built facilities with renewable or solar options. Mr. Gill stated it was easier to accomplish when there were Solar Renewable Energy Credits. Without those credits, it becomes a question of fiscal prudence and whether it is an environmental benefit. Council Member Peterson asked if Mr. Gill could say what the facility was missing. Mr. Gill stated in terms of economic impact; the facility is in line with the area's needs. He noted the tennis portion is a little oversized, and the courts for volleyball and basketball may be used simultaneously. He noted a turf area would interest the local residents but would not have the regional economic draw. Aquatics is not about money and would be an expensive option with not a lot of economic benefits. A walking track may draw in local residents but would need to be balanced with the use of the facility. Mr. Gill stated a fitness component might not be welcomed due to private-sector competition.

With no further questions, City Administrator McCann stated he could send out an email with the background of the provided proforma models.

COUNCIL WORK SESSION June 20, 2023

Receive Information on Golf Carts in North Mankato

City Planner Lassonde reported this is a follow-up to a discussion that was held in 2020 concerning a request for motorized golf carts (MGCs) to be permitted on the North Mankato roadway system. Currently, the ordinance does not allow the operation of a motorized golf cart on streets, alleys, sidewalks, or other public property. Initially, Traffic and Safety reviewed the request and denied it based on public safety concerns, enforcement issues, and the lack of demonstrated need to use golf carts as a form of transportation. When the Traffic and Safety rejection was brought to Council, City Council requested an additional study of the topic. During the process of reviewing and providing information to the City Council, staff reviewed 12 cities and their use of golf carts. Staff prepared a change to City Ordinance 73.08 Motorized Golf Carts to allow the use of golf carts on designated roadways in North Mankato. Staff prepared a draft ordinance and a map designating roadways. Council reviewed the proposed draft ordinance, and the discussion was centered around the map and access throughout the City. The restrictions would prevent MGC drivers from traveling from Lower North to Upper North or crossing Highway 14. Due to questions, Council requested further review of the proposal. The staff has refined the ordinance, although additional changes could still be made. Mayor Carlson stated he was a proponent of the ordinance, and even with the restrictions, there could be room for modifications. Council Member Oachs asked if, during the Lookout Drive hill reconstruction, golf carts could possibly be considered to allow a connection from upper to lower north. City Planner Lassonde stated it could be considered, but discussions would need to be held with the engineers to see about possibilities. Mayor Carlson asked about the use of Judson to Valerie to get up and down the hill. On a separate topic, Mayor Carlson asked if consideration could be made to allow the use of UTVs for snow removal. City Planner Lassonde stated that would be a different discussion. Council Member Peterson requested clarification on why Howard Drive, which is 30 mph, would not allow the use of MGCs. City Planner Lassonde stated it could be considered, but initially, there were concerns with school access. Mayor Carlson asked Police Chief Gullickson if he had any comments. Police Chief Gullickson stated there are options for the use of golf carts but stated there are dangers when in use with the regular motoring public. He thought there were options to allow the golf carts while maintaining safety for everyone. Council reached a consensus to direct staff to proceed with bringing forward an Ordinance to consider. A discussion was held about reviewing additional road and trail options.

Council Member Steiner moved, seconded by Council Member Oachs, to adjourn the Council Work Session at 6:57 pm.

Mayor

City Clerk

The Free Press MEDIA

418 S Second Street, Mankato, MN 56001
www.mankatofreepress.com phone: (507) 344-6314

THE LAND

Affidavit of Publication

STATE OF MINNESOTA, COUNTY OF BLUE EARTH, SS.

Steve Jameson, being duly sworn, on oath states as follows:
1. I am the publisher of The Free Press, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

The printed notice which is attached was cut from the columns of said newspaper, and was printed and published the following dates: 06/23/23, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

4. The Publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: 38.83.

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notice: The newspaper's known office is located in Blue Earth County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

By: _____

Steve Jameson, Publisher

Sworn to and subscribed before me, this day
06/23/2023

Notary Public

Public Notice

June 23, 2023

NOTICE OF PUBLIC HEARING CITY OF NORTH MANKATO COUNTY OF NICOLLET STATE OF MINNESOTA

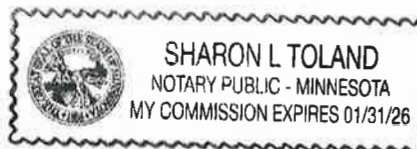
NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will hold a public hearing on Monday, July 3, 2023, at a meeting of the Council beginning at approximately 7:00 p.m. at the North Mankato Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, to consider an Ordinance repealing and replacing City Code Chapter 113 Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis, or Cannabinoids. To view the complete ordinance, please contact the City Clerk.

All interested persons may appear at the public hearing and present their views orally or in writing.

Dated: This 20th day of June 2023.

BY ORDER OF THE NORTH
MANKATO CITY COUNCIL

April Van Genderen
City Clerk



**ORDINANCE NO. 157
FOURTH SERIES
CITY OF NORTH MANKATO
NICOLLET, COUNTY MINNESOTA**

**AN ORDINANCE REPEALING AND REPLACING SECTIONS OF CITY CODE
SECTION TITLE XI, SECTION 113**

WHEREAS, the City Council of the City of North Mankato is the official governing body of the City of North Mankato, Minnesota ("the City"); and

WHEREAS, the State of Minnesota in its 2023 legislative session enacted a new law regulating THC, CANNABIS and CANNINOIDS

WHEREAS, the City Council at its regular meeting on July 3, 2023, enacted Ordinance No. 157, repealing the sections of the city code regarding the regulation of the sales, testing, manufacturing, and possession of products containing THC, Cannabis or Cannabinoids.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, does hereby ordain as follows:

SECTION 1. REPEAL AND REPLACE. The Code of the City of North Mankato, County of Nicollet, State of Minnesota section:

TITLE XI: BUSINESS REGULATIONS, CHAPTER 113 SALES, TESTING,
MANUFACTURING AND POSSESSION OF PRODUCTS CONTAINING THC,
CANNABIS OR CANNABINOIDS

Shall be repealed in its entirety.

Sale of Cannabinoid Products

SECTION 113.01 Definitions. The following words, terms and phrases, when used in this section, except her the context clearly indicates a different meaning:

Certified Hemp. Means hemp plants that have been tested and found to meet the requirements of Minnesota Statute Chapter 18K.

Child Resistant Packaging. Packaging that meets the definition set forth in C.F.R., Title 16 Section 1700.15 (b), as in effect on January 1, 2022, and was tested in accordance with the method described in C.F.R., Title 16, Section 1700.20.

Compliance Checks. The system the city uses to investigate and ensure that those authorized to sell licensed product are following and complying with chapter. Compliance checks may involve the use of persons under the age of twenty-one (21) as authorized by this chapter. Compliance checks shall also mean the use of persons under the age of twenty-one (21) who attempt to purchase licensed products for educational, research, and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to the licensed products.

Edible Cannabinoid product. Means any product that is intended to be eaten or consumed as a food or beverage by humans and containing a cannabinoid in combination with food ingredients and is not a drug.

Moveable Place of Business. Any form of business operated out of kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Nonintoxicating cannabinoid. Means a substance extracted from certified hemp plants that do have produce intoxicating effects when consumer by any route of administration.

Retail Establishment. Any place of business where licensed products are available for sale to the general public.

SECTION 113.01. Limits on Business. A business may only allow for the sale or disposing of cannabinoid products that have been made legal in the State of Minnesota under the provision of Minnesota State Statues.

SECTION 113.02 Restrictions.

- (1) No cannabinoid product may be sold from a dispensing machine.*
- (2) No cannabinoid product may be sold by law online, through a delivery service, by transient sales or by any movable place of business.*
- (3) All cannabinoid products must be sold in child resistant packaging.*
- (4) It is unlawful for any person to sell or give away any cannabinoid in a form to any person under the age of 21. Businesses shall verify by means of a government issued photographic identification that the person is over the age of twenty-one (21).*
- (5) Any product placed for sale must conform to the labeling requirements under Minnesota Statute Law.*
- (6) Any product placed for sale must be sold in child resistant packaging.*

SECTION 113.03 Limits on the Number of Licenses. The City Council shall issue no more than five (5) licenses as required under this ordinance at any given time.

SECTION 113.04. Other illegal acts .Unless otherwise provided, the following acts shall be a violation of this chapter:

(1) *Illegal Sales*. It shall be a violation of this chapter for any person to sell otherwise provide any licensed product to a person who has not reached the age of twenty-one (21).

(2) *Illegal possession*. It shall be a violation of this chapter for any person under the age of twenty to have in possession any licensed product. This shall not apply to persons under the age of twenty-one lawfully involved in a compliance check.

(3) *Illegal use*. It shall be a violation of this chapter for any person under the age of twenty-one (21) years to consume or otherwise use any licensed product.

(4) *Illegal procurement*. It shall be a violation of this chapter for any person under the age of twenty-one (21) to purchase or attempt to purchase, obtain or attempt to obtain, any licensed product, and it shall be a violation of this chapter for any person to purchase or otherwise obtain those items on behalf of a person under the age of twenty-one (21). This shall not apply to a person under of the age of twenty-one (21) who is involved in a compliance check.

(5) *Violation a misdemeanor*. Any person who violated a provision of this subdivision when he or she performs an act thereby prohibited and upon conviction thereof, shall be punished as a misdemeanor.

SECTION 113.05 Violations and penalties. Per administrative penalties any licensee found to have violated this chapter or whose employee shall have violated this chapter shall be charged an administrative fine of \$300.00 for a first violation of this chapter; \$600.00 for a second offense on the same licensed premises within a twenty-four (24) month period; and \$1,000.00 for a third or subsequent offense at the same located within a twenty-four (24) month period. In addition, after the third or any subsequent violation the license shall be suspended for not less than 7 consecutive days.

Summary Publication, Pursuant to Minnesota Statutes Section 412.191, in case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council to be published in lieu of the publishing the entire ordinance:

On July 3, 2023 at its regular meeting, the North Mankato City Council enacted Ordinance No 157 Fourth Series. The following is a summary of the ordinance. The full text is available for public inspection by any person during regular office hours at City Hall.

An ordinance modifying the ordinance providing for the regulation of the sale, testing, manufacture, and possession of products that contain THC, Cannabis or Cannabinoids. The ordinance requires that any person that directly or indirectly seeks to sell or otherwise dispose of any cannabinoid product to have a license issued by the City. The ordinance limits the number of licenses that may be issued to five (5). The ordinance restricts the manner in which these products may be sold. The ordinance restricts

sales and possession of these products to persons who are over the age of twenty-one. The ordinance further establishes penalties for the violation of the ordinance.

Effective date. This section becomes effective on the date of its publication or upon the publication of the summary of Ordinance 157 Fourth Series as provided by M.S. Section 412-191 Sub 4 as may be amended from time to time, which meets the requirements of M.S. Section 331A.01 Sub 10 as it may be amended from time to time.

PASSED AND ADOPTED by the City Council of the City of North Mankato, this __ day of _____, 2023.

Mayor

ATTEST:

City Clerk

The Free Press MEDIA

418 S Second Street, Mankato, MN 56001
www.mankatofreepress.com phone: (507) 344-6314

THE LAND

Affidavit of Publication

STATE OF MINNESOTA, COUNTY OF BLUE EARTH, SS.

Steve Jameson, being duly sworn, on oath states as follows:

1. I am the publisher of The Free Press, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

The printed notice which is attached was cut from the columns of said newspaper, and was printed and published the following dates: 06/23/23, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

4. The Publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: 36.50.

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notice: The newspaper's known office is located in Blue Earth County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

By: _____

Steve Jameson, Publisher

Sworn to and subscribed before me, this day
06/23/2023

Notary Public

Public Notice

June 23, 2023

NOTICE OF PUBLIC HEARING CITY OF NORTH MANKATO COUNTY OF NICOLLET STATE OF MINNESOTA

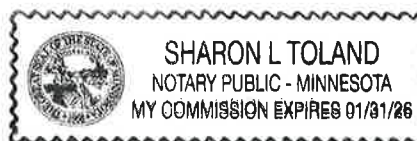
NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will hold a public hearing on Monday, July 3, 2023, at a meeting of the Council beginning at approximately 7:00 p.m. at the North Mankato Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, to consider an Ordinance repealing and replacing City Code Chapter 34.4 through 34.60 Local Sales and Use Tax. To view the complete ordinance, please contact the City Clerk.

All interested persons may appear at the public hearing and present their views orally or in writing.

Dated: This 20th day of June 2023.

BY ORDER OF THE NORTH
MANKATO CITY COUNCIL

April Van Genderen
City Clerk



**ORDINANCE NO. 158
FOURTH SERIES
CITY OF NORTH MANKATO,
NICOLLET COUNTY, MINNESOTA
AN ORDINANCE REPEALING AND REPLACING SECTION SOF CITY CODE SECTION
TITLE III; ADMINISTRATION, CHAPTER 34.40 TO 34.60**

WHEREAS, the City Council of the City of North Mankato is the official governing body of the City of North Mankato, Minnesota ("The City"); and

WHEREAS, the State of Minnesota, in its 2023 legislative session, approved a special law that extended the tax authorized under subdivision 1 to cover an additional \$15,000,000 in bonds and extended the collection date to December 31, 2044

WHEREAS, the City Council at its regular meeting on July 3, 2023, enacted Ordinance No. 158, repealing the sections of the City Code regarding the Sales and Use Tax.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, does hereby ordain as follows:

SECTION 1. REPEAL AND REPLACE. The Code of the City of North Mankato, County of Nicollet, State of Minnesota section:

TITLE III: ADMINISTRATION CHAPTER 34.40 TO 34.61 SALES AND USE TAX

Shall be repealed and replaced in its entirety.

34.40 Authority

Pursuant to Laws 2023, Chapter 64, article 10, Section 20, amending Pursuant to Laws 2017, 1st Special Session Chapter 1, Article 5, Section 17 amends Laws 2008 Chapter 366, Article 7, Section 20, the Minnesota Legislature has authorized the City of North Mankato to impose a local sales and use tax to provide revenues to pay the costs of collecting and administering the tax to the Commissioner of Revenue of the State of Minnesota and to finance the capital and administrative costs related to the funding of designated projects as defined in Laws 2023, Chapter 64, article 10, Section 20, Laws 2017, 1st Special Session Chapter 1, Article 5, Section 17 and approved by the voters at the 2016 referendum.

(Ord. 18, 4th series, passed 6-16-2008; Am. Ord. 121, 4th series, passed 11-4-2019)

§ 34.41—DEFINITIONS. 34.41 Definitions

For the purposes of this subchapter, the following words, terms, and phrases have the meanings given to them in this section unless the language or context clearly indicates a different meaning is intended.

CITY. The City of North Mankato, Minnesota.

COMMISSIONER. The Commissioner of Revenue of the State of Minnesota or a person to whom the Commissioner has delegated functions.

DESIGNATED PROJECTS. The acquisition and development of regional parks, hiking and biking trails, existing and new recreational facilities, expansion of the North Mankato Taylor

Library, riverfront redevelopment and lake improvement projects as authorized by the Minnesota Legislature in Laws 2023, Chapter 64, article 10, Section 20, amends 1st Special Session Chapter 1, Article 5, Section 17, amends Laws 2008 Chapter 366, Article 7, Section 20 and approved by the voters at the 2016 referendum.

STATE SALES AND USE TAX LAWS AND RULES. Those provisions of the state revenue laws applicable to state sales and use tax imposition, administration, collection, and enforcement, including M.S. Chapters 270C, 289A, 297A, and Minn. Rules Chapter 8130, as amended from time to time.

(Ord. 18, 4th series, passed 6-16-2008; Am. Ord. 121, 4th series, passed 11-4-2019)

~~§ 34.42 LOCAL SALES AND USE TAX IMPOSED; AMOUNT OF TAX;
COORDINATION WITH STATE SALES AND USE TAX LAWS AND RULES~~34.42
Local Sales and Use Tax imposed; Amount of Tax Coordination with State Sales and Use
Tax Laws and Rules.

A local sales tax is imposed in the amount of 0.5% on the gross receipts from sales at retail sourced within city limits which are taxable under the state sales and use tax laws and rules. A local use tax is imposed in the amount of 0.5% on the storage, use, distribution or consumption of goods or services sourced within city limits which are taxable under the state sales and use tax laws and rules. All of the provisions of the state sales and use tax laws and rules apply to the local sales and use tax imposed by this chapter. The local sales and use tax imposed by this chapter shall be collected and remitted to the Commissioner on any sale or purchase when the state sales tax must be collected and remitted to the Commissioner under the state sales and use tax laws and rules and is in addition to the state sales and use tax.

(Ord. 121, 4th series, passed 11-4-2019)

~~§ 34.43 EFFECTIVE DATE OF TAX; TRANSITIONAL SALES~~34.43 Effective Date of
Tax; Transitional Sales

Except as otherwise provided herein, the local sales and use tax imposed by this chapter shall apply to sales and purchases made on or after October 1, 2008. The local sales and use tax imposed by this chapter shall not apply to:

(A) The gross receipts from retail sales or leases of tangible personal property made pursuant to a bona fide written contract, which unconditionally vests the rights and obligations of the parties thereto, provided that such contract was enforceable prior to October 1, 2008 and that delivery of the tangible personal property subject thereto is made on or before October 1, 2008;

(B) The gross receipts from retail sales made pursuant to a bona fide lump sum or fixed price construction contract, which unconditionally vests the rights and obligations of the parties thereto and which does not make provision or allocation of future taxes, provided that such contract was enforceable prior to October 1, 2008 and that delivery of the tangible personal property used in performing such construction contract is made before March 31, 2009;

(C) The purchase of taxable services, including utility services, if the billing period includes charges for services furnished before and after October 1, 2008, but the local sales and use tax imposed by this subchapter shall apply on the first billing period not including charges for services furnished before October 1, 2008; and

(D) Lease payments for tangible personal property and motor vehicles that includes a period before and after October 1, 2008, but the local sales and use tax imposed by this subchapter shall apply on a prorated basis to lease payment amounts attributable to that portion of the lease payment period on or after October 1, 2008, and on the entire lease payment for all lease payment periods thereafter.

(Ord. 121, 4th series, passed 11-4-2019)

§ 34.44 TAX CLEARANCE; ISSUANCE OF LICENSES; 34.44 Tax Clearance; Issuance of Licenses

(A) The city may not issue or renew a license for the conduct of a trade or business within the city if the Commissioner notified the licensing division of the city that the applicant owes delinquent city taxes as provided in this subchapter, or penalties or interest due on such taxes.

(1) City taxes include sales and use taxes provided in this subchapter. Penalties and interest are penalties and interest due on taxes included in this definition.

(B) Delinquent taxes do not include a tax liability if:

(1) An administrative or court action which contests the amount or validity of the liability has been filed or served;

(2) The appeal period to contest the tax liability has not expired; or

(3) The applicant has entered into a payment agreement and is current with the payments.

(C) **APPLICANT** means an individual if the license is issued to or in the name of an individual or the corporation or partnership if the license is issued to or in the name of a corporation or partnership.

(1) A copy of the notice of delinquent taxes given to the licensing division of the city shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests in writing, within 30 days of receipt of the notice of hearing, then, a contested hearing shall be held under the same procedures as provided in M.S. Chapter 270A for the state sales and use tax imposed under M.S. Chapter 297A; provided further that if a hearing must be held on the state sales and use tax, hearings must be combined.

(Ord. 121, 4th series, passed 11-4-2019)

§ 34.45 DEPOSIT OF REVENUES; COSTS OF ADMINISTRATION; TERMINATION OF TAX; 34.45 Deposit of Revenues; Costs of Administration; Termination of Tax

(A) All of the revenues, interest, and penalties derived from the local sales and use tax imposed by this subchapter, collected by the commissioner, and remitted to the city shall be deposited by the City Finance Director in the city treasury and shall be credited to the fund established to pay the costs of collecting the local sales and use tax imposed by this chapter and to finance the capital and administrative costs directly related to completing the designated projects.

(B) The local sales and use tax imposed by this chapter shall terminate at the earlier of:

(1) December 31, ~~2038~~2044; or

(2) When the City Council determines that \$~~15,000,000~~21,000,000, plus an amount sufficient to pay the costs related to issuing bonds and interest on the bonds has been received from the local sales and use tax imposed by this chapter to pay for all the capital and administrative costs directly related to completing the designated projects. Any funds remaining after payment of all such costs and retirement or redemption of the bonds shall be placed in the general fund of the city. The local sales and use tax imposed by this chapter may terminate at an earlier time if the City Council so determines by ordinance.

(Ord. 121, 4th series, passed 11-4-2019)

~~§ 34.46 AGREEMENT WITH THE COMMISSIONER.~~34.46 Agreement with the Commissioner

The city may enter into an agreement with the Commissioner regarding each party's respective roles and responsibilities related to the imposition, administration, collection, enforcement, and termination of the local sales and use tax imposed by this subchapter. Any such agreement shall not abrogate, alter, or otherwise conflict with the state sales and use tax laws and rules, this subchapter, or Laws 2023, Chapter 64, article 10, Section 20, amends 2017, 1st Special Session Chapter 1, Article 5, Section 17, amends Laws 2008 Chapter 366, Article 7, Section 20.

(Ord. 121, 4th series, passed 11-4-2019)

FOOD AND BEVERAGE TAX

§ 34.60 DEFINITIONS.

The words, terms, and phrases used in this subchapter shall have the meaning ascribed to them in M.S. § 297A.01 except where the context clearly indicates otherwise. In addition, for the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ACT. Law of Minnesota for ~~2019 Chapter 6, Article 6, Section 23~~2023, Chapter 64, Article 10, Section 20.

CITY. City of North Mankato, Minnesota.

COMMISSIONER. Commissioner of Revenue for the State of Minnesota, acting under the authority of an agreement entered into between the city and the State of Minnesota pursuant to the Act, or such other person designated to administer and collect the North Mankato sales and use, and food and beverage tax.

(Ord. 118, 4th series, passed 10-21-2019)

**ORDINANCE NO. 158
FOURTH SERIES
CITY OF NORTH MANKATO,
NICOLLET COUNTY, MINNESOTA
AN ORDINANCE REPEALING AND REPLACING SECTION SOF CITY CODE SECTION
TITLE III; ADMINISTRATION, CHAPTER 34.40 TO 34.60**

WHEREAS, the City Council of the City of North Mankato is the official governing body of the City of North Mankato, Minnesota ("The City"); and

WHEREAS, the State of Minnesota, in its 2023 legislative session, approved a special law that extended the tax authorized under subdivision 1 to cover an additional \$15,000,000 in bonds and extended the collection date to December 31, 2044

WHEREAS, the City Council at its regular meeting on July 3, 2023, enacted Ordinance No. 158, repealing the sections of the City Code regarding the Sales and Use Tax.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, does hereby ordain as follows:

SECTION 1. REPEAL AND REPLACE. The Code of the City of North Mankato, County of Nicollet, State of Minnesota section:

TITLE III: ADMINISTRATION CHAPTER 34.40 TO 34.61 SALES AND USE TAX

Shall be repealed and replaced in its entirety.

34.40 Authority

Pursuant to Laws 2023, Chapter 64, article 10, Section 20, amending Laws 2017, 1st Special Session Chapter 1, Article 5, Section 17 amends Laws 2008 Chapter 366, Article 7, Section 20, the Minnesota Legislature has authorized the City of North Mankato to impose a local sales and use tax to provide revenues to pay the costs of collecting and administering the tax to the Commissioner of Revenue of the State of Minnesota and to finance the capital and administrative costs related to the funding of designated projects as defined in Laws 2023, Chapter 64, article 10, Section 20, and approved by the voters at the 2016 referendum.

(Ord. 18, 4th series, passed 6-16-2008; Am. Ord. 121, 4th series, passed 11-4-2019)**34.41 Definitions**

For the purposes of this subchapter, the following words, terms, and phrases have the meanings given to them in this section unless the language or context clearly indicates a different meaning is intended.

CITY. The City of North Mankato, Minnesota.

COMMISSIONER. The Commissioner of Revenue of the State of Minnesota or a person to whom the Commissioner has delegated functions.

DESIGNATED PROJECTS. The acquisition and development of regional parks, hiking and biking trails, existing and new recreational facilities, expansion of the North Mankato Taylor Library, riverfront redevelopment and lake improvement projects as authorized by the Minnesota Legislature in Laws 2023, Chapter 64, article 10, Section 20, amends 1st Special Session Chapter

1, Article 5, Section 17, amends Laws 2008 Chapter 366, Article 7, Section 20 and approved by the voters at the 2016 referendum.

STATE SALES AND USE TAX LAWS AND RULES. Those provisions of the state revenue laws applicable to state sales and use tax imposition, administration, collection, and enforcement, including M.S. Chapters 270C, 289A, 297A, and Minn. Rules Chapter 8130, as amended from time to time.

(Ord. 18, 4th series, passed 6-16-2008; Am. Ord. 121, 4th series, passed 11-4-2019)

34.42 Local Sales and Use Tax imposed; Amount of Tax Coordination with State Sales and Use Tax Laws and Rules.

A local sales tax is imposed in the amount of 0.5% on the gross receipts from sales at retail sourced within city limits which are taxable under the state sales and use tax laws and rules. A local use tax is imposed in the amount of 0.5% on the storage, use, distribution or consumption of goods or services sourced within city limits which are taxable under the state sales and use tax laws and rules. All of the provisions of the state sales and use tax laws and rules apply to the local sales and use tax imposed by this chapter. The local sales and use tax imposed by this chapter shall be collected and remitted to the Commissioner on any sale or purchase when the state sales tax must be collected and remitted to the Commissioner under the state sales and use tax laws and rules and is in addition to the state sales and use tax.

(Ord. 121, 4th series, passed 11-4-2019)

34.43 Effective Date of Tax; Transitional Sales

Except as otherwise provided herein, the local sales and use tax imposed by this chapter shall apply to sales and purchases made on or after October 1, 2008. The local sales and use tax imposed by this chapter shall not apply to:

(A) The gross receipts from retail sales or leases of tangible personal property made pursuant to a bona fide written contract, which unconditionally vests the rights and obligations of the parties thereto, provided that such contract was enforceable prior to October 1, 2008 and that delivery of the tangible personal property subject thereto is made on or before October 1, 2008;

(B) The gross receipts from retail sales made pursuant to a bona fide lump sum or fixed price construction contract, which unconditionally vests the rights and obligations of the parties thereto and which does not make provision or allocation of future taxes, provided that such contract was enforceable prior to October 1, 2008 and that delivery of the tangible personal property used in performing such construction contract is made before March 31, 2009;

(C) The purchase of taxable services, including utility services, if the billing period includes charges for services furnished before and after October 1, 2008, but the local sales and use tax imposed by this subchapter shall apply on the first billing period not including charges for services furnished before October 1, 2008; and

(D) Lease payments for tangible personal property and motor vehicles that includes a period before and after October 1, 2008, but the local sales and use tax imposed by this subchapter shall apply on a prorated basis to lease payment amounts attributable to that portion of the lease

payment period on or after October 1, 2008, and on the entire lease payment for all lease payment periods thereafter.

(Ord. 121, 4th series, passed 11-4-2019)

34.44 Tax Clearance; Issuance of Licenses

(A) The city may not issue or renew a license for the conduct of a trade or business within the city if the Commissioner notified the licensing division of the city that the applicant owes delinquent city taxes as provided in this subchapter, or penalties or interest due on such taxes.

(1) City taxes include sales and use taxes provided in this subchapter. Penalties and interest are penalties and interest due on taxes included in this definition.

(B) Delinquent taxes do not include a tax liability if:

(1) An administrative or court action which contests the amount or validity of the liability has been filed or served;

(2) The appeal period to contest the tax liability has not expired; or

(3) The applicant has entered into a payment agreement and is current with the payments.

(C) **APPLICANT** means an individual if the license is issued to or in the name of an individual or the corporation or partnership if the license is issued to or in the name of a corporation or partnership.

(1) A copy of the notice of delinquent taxes given to the licensing division of the city shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests in writing, within 30 days of receipt of the notice of hearing, then, a contested hearing shall be held under the same procedures as provided in M.S. Chapter 270A for the state sales and use tax imposed under M.S. Chapter 297A; provided further that if a hearing must be held on the state sales and use tax, hearings must be combined.

(Ord. 121, 4th series, passed 11-4-2019)

34.45 Deposit of Revenues; Costs of Administration: Termination of Tax

(A) All of the revenues, interest, and penalties derived from the local sales and use tax imposed by this subchapter, collected by the commissioner, and remitted to the city shall be deposited by the City Finance Director in the city treasury and shall be credited to the fund established to pay the costs of collecting the local sales and use tax imposed by this chapter and to finance the capital and administrative costs directly related to completing the designated projects.

(B) The local sales and use tax imposed by this chapter shall terminate at the earlier of:

(1) December 31, 2044; or

(2) When the City Council determines that \$21,000,000, plus an amount sufficient to pay the costs related to issuing bonds and interest on the bonds has been received from the local sales and use tax imposed by this chapter to pay for all the capital and administrative costs directly related to completing the designated projects. Any funds remaining after payment of all such

costs and retirement or redemption of the bonds shall be placed in the general fund of the city. The local sales and use tax imposed by this chapter may terminate at an earlier time if the City Council so determines by ordinance.

(Ord. 121, 4th series, passed 11-4-2019)

34.46 Agreement with the Commissioner

The city may enter into an agreement with the Commissioner regarding each party's respective roles and responsibilities related to the imposition, administration, collection, enforcement, and termination of the local sales and use tax imposed by this subchapter. Any such agreement shall not abrogate, alter, or otherwise conflict with the state sales and use tax laws and rules, this subchapter, or Laws 2023, Chapter 64, article 10, Section 20, amends 2017, 1st Special Session Chapter 1, Article 5, Section 17, amends Laws 2008 Chapter 366, Article 7, Section 20.

(Ord. 121, 4th series, passed 11-4-2019)

FOOD AND BEVERAGE TAX

§ 34.60 DEFINITIONS.

The words, terms, and phrases used in this subchapter shall have the meaning ascribed to them in M.S. § 297A.01 except where the context clearly indicates otherwise. In addition, for the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ACT. Law of Minnesota for 2023, Chapter 64, Article 10, Section 20.

CITY. City of North Mankato, Minnesota.

COMMISSIONER. Commissioner of Revenue for the State of Minnesota, acting under the authority of an agreement entered into between the city and the State of Minnesota pursuant to the Act, or such other person designated to administer and collect the North Mankato sales and use, and food and beverage tax.

(Ord. 118, 4th series, passed 10-21-2019)

Effective Date. This section becomes effective on the date of its publication or upon the publication of Ordinance No. 158 Fourth Series.

Passed and Adopted by the City Council of the City of North Mankato, this ____ day of _____, 2023.

Mayor

ATTEST:

City Clerk



City of North Mankato, MN

Check Report

By Vendor Name

Date Range: 7/3/23

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
00002	4 SEASONS TRUCK WASH, INC.	07/03/2023	Regular	0	150.00	97615
00012	ABDO FINANCIAL SOLUTIONS	07/03/2023	Regular	0	21,000.00	97616
00067	AMERICAN WATER WORKS ASSOC.	07/03/2023	Regular	0	233.00	97617
00142	BETHANY LUTHERAN COLLEGE	07/03/2023	Regular	0	11,625.00	97618
02637	C & H SPORT SURFACES, INC.	07/03/2023	Regular	0	14,995.00	97619
00255	CITY OF MANKATO	07/03/2023	Regular	0	80.00	97620
00074	EARL F. ANDERSEN INC.	07/03/2023	Regular	0	3,624.00	97621
00401	EXPRESS SERVICES, INC.	07/03/2023	Regular	0	2,003.40	97622
03584	FACTORY MOTOR PARTS	07/03/2023	Regular	0	642.33	97623
00409	FERGUSON ENTERPRISES, INC	07/03/2023	Regular	0	4,139.58	97624
03310	GERDES, DOUG	06/22/2023	Regular	0	300.00	97614
00499	GRAINGER	07/03/2023	Regular	0	95.22	97625
03989	GUARANTEED ELECTRIC SERVICE, INC.	07/03/2023	Regular	0	372.00	97626
03476	HAWK ALARM SYSTEMS	07/03/2023	Regular	0	93.75	97627
03729	HEDGES PLUMBING LLC	07/03/2023	Regular	0	278.01	97628
00555	HEYN BROTHERS ROOFING	07/03/2023	Regular	0	186.74	97629
00577	HOLTMEIER CONSTRUCTION	07/03/2023	Regular	0	127,414.77	97630
03137	JOHN WINGERT PLASTERING, LLC	07/03/2023	Regular	0	420.00	97631
03525	LAKE CRYSTAL AREA RECREATION CENTER	07/03/2023	Regular	0	200.00	97632
00746	LAW ENFORCEMENT LABOR SERVICES, INC.	06/16/2023	Regular	0	1,004.16	97605
03571	LEONARDO MUSIC	07/03/2023	Regular	0	395.00	97633
00817	MANKATO EAST	06/16/2023	Regular	0	1,265.78	97602
00847	MATHESON TRI-GAS, INC.	07/03/2023	Regular	0	494.75	97634
03791	MINNESOTA NATIVE LANDSCAPES	07/03/2023	Regular	0	450.00	97635
00906	MINNESOTA STATE HIGH SCHOOL LEAGUE	06/20/2023	Regular	0	3,378.74	97611
00951	MINNESOTA TRUCK & TRACTOR, INC.	07/03/2023	Regular	0	1,259.90	97636
03632	MOON FINDER	06/20/2023	Regular	0	250.00	97612
01035	NICOLLET COUNTY SHERIFF'S OFFICE	07/03/2023	Regular	0	5,500.00	97637
01044	NICOLLET FIRE DEPARTMENT	07/03/2023	Regular	0	960.00	97638
01045	NIELSEN BLACKTOPPING	07/03/2023	Regular	0	480,155.82	97639
03789	NOAH RIEMER PRODUCTIONS LLC	07/03/2023	Regular	0	750.00	97640
02060	NORTHERN COMFORT	07/03/2023	Regular	0	41.00	97641
01066	NORTHLAND SECURITIES, INC.	07/03/2023	Regular	0	750.00	97642
03993	PAPER PLAINS LLC	07/03/2023	Regular	0	575.00	97643
03748	PERFORMANCE FOODSERVICE	07/03/2023	Regular	0	1,088.98	97644
01106	PETTY CASH	07/03/2023	Regular	0	108.36	97645
01133	POWERPLAN/RDO EQUIPMENT	07/03/2023	Regular	0	153.12	97646
02769	PRESENCE MAKER INC.	07/03/2023	Regular	0	8,332.00	97647
03954	PRINTWEAR GRAPHICS	07/03/2023	Regular	0	1,605.50	97648
03990	QUAST, CARTER	07/03/2023	Regular	0	900.00	97649
03149	RADEMAKER, CHAD	07/03/2023	Regular	0	1,346.00	97650
01182	REGION 2A	06/16/2023	Regular	0	683.63	97603
03987	RIVER VALLEY SPRINKLERS LLC	07/03/2023	Regular	0	205.00	97651
01385	SANCO EQUIPMENT, LLC	07/03/2023	Regular	0	369.56	97652
01279	SHINE-WAY JANITORIAL SERVICE, INC.	07/03/2023	Regular	0	3,500.00	97653
02646	STEINER, BILLY	06/16/2023	Regular	0	1,200.00	97604
03427	TRUCK CENTER COMPANIES	07/03/2023	Regular	0	346.20	97654
03662	VAN METER INC	07/03/2023	Regular	0	191.74	97655
03307	VINNIES MINN. SNO PENTICO ICE & MFG	07/03/2023	Regular	0	1,325.20	97656
01562	ZAHL EQUIPMENT SERVICE, INC.	07/03/2023	Regular	0	310.00	97657
00101	AT&T MOBILITY	06/21/2023	Bank Draft	0	65.44	DFT0008161
00241	CHARTER COMMUNICATIONS	06/21/2023	Bank Draft	0	394.04	DFT0008162
00311	CULLIGAN (HEALTHY WATER SOLUTIONS LLC)	06/21/2023	Bank Draft	0	123.00	DFT0008163
03248	FREDRIKSON & BYRON, P.A.	06/28/2023	Bank Draft	0	4,182.72	DFT0008165
00447	FREE PRESS	06/28/2023	Bank Draft	0	182.16	DFT0008169
00511	GREENCARE	06/21/2023	Bank Draft	0	183.00	DFT0008173
00733	LAKES GAS CO #10	06/21/2023	Bank Draft	0	400.92	DFT0008174

00733	LAKES GAS CO #10	06/21/2023	Bank Draft	0	252.74	DFT0008177
03903	MAYO CLINIC AMBULANCE SERVICE	06/28/2023	Bank Draft	0	450.00	DFT0008178
03991	MINNESOTA ASSOCIATION OF GOVERNMENT	06/16/2023	Bank Draft	0	85.00	DFT0008179
00910	MINNESOTA VALLEY TESTING LAB, INC.	06/14/2023	Bank Draft	0	141.90	DFT0008180
00910	MINNESOTA VALLEY TESTING LAB, INC.	06/15/2023	Bank Draft	0	227.70	DFT0008182
01083	OVERDRIVE, INC.	06/22/2023	Bank Draft	0	2,651.81	DFT0008184
01327	ST. PETER HERALD	06/15/2023	Bank Draft	0	78.00	DFT0008189
01335	STAPLES ADVANTAGE	06/23/2023	Bank Draft	0	349.22	DFT0008183
01335	STAPLES ADVANTAGE	06/09/2023	Bank Draft	0	86.55	DFT0008187
03279	STERICYCLE INC	06/26/2023	Bank Draft	0	28.94	DFT0008188
03947	TDI SAFETY TRAINING	06/28/2023	Bank Draft	0	790.00	DFT0008191
02591	UNITED TEAM ELITE	06/28/2023	Bank Draft	0	2,219.75	DFT0008192
00551	A.H. HERMEL COMPANY	07/05/2023	EFT	0	8,052.60	6465
00016	ADAMS, NICOLE	07/05/2023	EFT	0	49.99	6466
00036	ALEX AIR APPARATUS 2, INC.	07/05/2023	EFT	0	1,459.59	6467
01090	AMERICAN SOLUTIONS FOR BUSINESS	07/05/2023	EFT	0	3,463.43	6468
00105	AUTO VALUE MANKATO	07/05/2023	EFT	0	390.88	6469
03745	BIEVER, DAN	07/05/2023	EFT	0	750.00	6470
00172	BOHRER, TOM	07/05/2023	EFT	0	460.20	6471
00174	BOLTON & MENK, INC.	07/05/2023	EFT	0	477.50	6472
00216	C & S SUPPLY CO, INC.	07/05/2023	EFT	0	640.50	6473
02757	CINTAS	07/05/2023	EFT	0	186.41	6474
03886	CLOUDPERMIT INC	07/05/2023	EFT	0	6,000.00	6475
00322	DALCO	07/05/2023	EFT	0	630.96	6476
00348	DIRT MERCHANT, INC.	07/05/2023	EFT	0	137,093.69	6477
03338	FISCHENICH, WILLIAM	07/05/2023	EFT	0	660.00	6478
03076	FREYBERG MANAGEMENT	07/05/2023	EFT	0	347.68	6479
00453	FREYBERG PETROLEUM SALES, INC.	07/05/2023	EFT	0	23,450.59	6480
03746	GAUKER, KYLE	07/05/2023	EFT	0	120.00	6481
01098	GILLETTE GROUP/PEPSI-COLA	07/05/2023	EFT	0	12,659.20	6482
00538	HAWKINS, INC.	07/05/2023	EFT	0	5,057.26	6483
00646	HEINTZ, KATIE	07/05/2023	EFT	0	33.48	6484
00632	JAVENS MECHANICAL CONTRACTING CO.	07/05/2023	EFT	0	550.00	6485
00691	KENNEDY & KENNEDY LAW OFFICE	07/05/2023	EFT	0	7,051.93	6486
00743	LARKSTUR ENGINEERING & SUPPLY, INC.	07/05/2023	EFT	0	30.00	6487
00776	LLOYD LUMBER CO.	07/05/2023	EFT	0	823.06	6488
02644	MACQUEEN EMERGENCY GROUP	07/05/2023	EFT	0	5,855.10	6489
00796	MACQUEEN EQUIPMENT, INC.	07/05/2023	EFT	0	165.50	6490
00874	MENARDS-MANKATO	07/05/2023	EFT	0	587.17	6491
00902	MINNESOTA IRON & METAL CO	07/05/2023	EFT	0	326.00	6492
00997	MTI DISTRIBUTING CO	07/05/2023	EFT	0	45.91	6493
03287	NEILSON, NICK	07/05/2023	EFT	0	120.00	6494
01052	NORTH CENTRAL INTERNATIONAL	07/05/2023	EFT	0	303.44	6495
01064	NORTHERN STATES SUPPLY, INC.	07/05/2023	EFT	0	81.54	6496
03994	PIPES, CHRISTOPHER	07/05/2023	EFT	0	360.00	6497
03141	PIPES, ROGER	07/05/2023	EFT	0	1,260.00	6498
01402	POMPS TIRE	07/05/2023	EFT	0	1,299.57	6499
02747	RENT-N-SAVE	07/05/2023	EFT	0	285.00	6500
01263	SCHWICKERT'S TECTA AMERICA LLC	07/05/2023	EFT	0	3,051.61	6501
01281	SIGN PRO	07/05/2023	EFT	0	24.00	6502
03924	SMITH, JACOB	07/05/2023	EFT	0	100.00	6503
01323	SPS COMPANIES, INC.	07/05/2023	EFT	0	224.48	6504
01411	TOSTENSON, PHILLIP	07/05/2023	EFT	0	120.00	6505
01492	WACO SCAFFOLDING & SUPPLY CO.	07/05/2023	EFT	0	15.74	6506
03442	WASMUND, LARRY	07/05/2023	EFT	0	500.00	6507
03328	WOLLENZIEN, RICK	07/05/2023	EFT	0	540.00	6508
01552	WW BLACKTOPPING, INC	07/05/2023	EFT	0	1,724.90	6509
00234	CENTER POINT ENERGY	06/21/2023	Bank Draft	0	1,683.24	DFT0008194
02766	SPROUT SOCIAL	06/06/2023	Bank Draft	0	124.74	DFT0008202
01477	VIKING ELECTRIC SUPPLY, INC.	06/21/2023	Bank Draft	0	1,157.20	DFT0008203
01477	VIKING ELECTRIC SUPPLY, INC.	06/21/2023	Bank Draft	0	109.14	DFT0008209
01477	VIKING ELECTRIC SUPPLY, INC.	06/21/2023	Bank Draft	0	1,924.27	DFT0008209

952,068.63

119

Authorization Signatures

All Council

The above manual and regular claims lists for 7/3/23 are approved by:

SCOTT CARLSON- MAYOR

SANDRA OACHS- COUNCIL MEMBER

JAMES WHITLOCK- COUNCIL MEMBER

WILLIAM STEINER- COUNCIL MEMBER

MATT PETERSON- COUNCIL MEMBER

RESOLUTION APPROVING DONATIONS/CONTRIBUTIONS/GRANTS

WHEREAS, the Minnesota Statute 465.03 and 465.04 allow the governing body of any city, county, school district or town to accept gifts for the benefit of its citizens in accordance with terms prescribed by the donor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the following donations/contributions/grants are approved as follows:

Donor	Restriction	Amount
Keely Brenno	Swim Scholarship	\$25.00
M Thompson	Police Donation	\$50.00
Total		\$75.00

Adopted by the City Council this 3rd day of July 2023.

Mayor

City Clerk

Audio Permit Application

[Print](#)

Submitted by: Jesse Becker

Submitted On: 2023-06-22 09:05:18

Submission IP: (129.176.151.15)
proxy-IP (raw-IP)

Status: Open

Priority: Normal

Assigned To: Anna Brown

Due Date: Open



1001 Belgrade Avenue

North Mankato, MN 56003

507-625-4141 Fax: 507-625-4151

www.northmankato.com

Audio Permit

About:

An audio permit is required for anyone operating outdoor amplified sound (i.e., a loudspeaker, public address system, or sound amplifying equipment). All Audio Permits must be approved by the Council. The sound system cannot be operated before 7:00 am or after 10:00 pm. There is a \$25 fee.

Audio Permit Responsibilities:

- An onsite event coordinator must be available by mobile during the event.
- An applicant will provide a schedule of any music or entertainment proposed to occur during the event.
- A beginning and end time must be supplied on the application, and the event coordinator must ensure compliance.
- Applicants must comply with City Code Ordinance 90.045 and Minnesota Rules Chapter 7030 which limits noise.
- Noise levels cannot exceed 60 dBA more than 50 percent of the time.

What happens if there is a noise complaint?

- A North Mankato Patrol Officer will meet with the complainant and evaluate and measure the noise using a decibel reader at the location of the complainant.
- If the noise is found out of compliance, the Patrol Officer will contact the onsite event coordinator, and the amplified sound must be turned down.
- If the onsite event coordinator does not comply, the event will be immediately terminated, and the group will be disbursed.
- Failure to comply will affect future ability to obtain an audio permit.

* AMPLIFIED SOUND

- ☐ LIVE MUSIC/BAND
☐ DJ/KARAOKE MACHINE
☒ OTHER

* If Other:

Outside church service. Speaker, piano, singing

* DATE OF EVENT

07/23/2023

Format: MM/DD/YYYY

* BEGIN TIME:

08:30

HH:MM:SS

* END TIME:

10:30

HH:MM:SS

* LOCATION / SHELTER:

St Paul Lutheran Church 304 Monroe Ave

* EVENT NAME:

Soccer Camp sunday

ONSITE COORDINATOR:

* PRINT FIRST NAME

Jesse

* PRINT LAST NAME

Becker

* MOBILE NUMBER

5075190107

*

☒ I, THE UNDERSIGNED, HAVE RECEIVED THE AUDIO PERMIT AND UNDERSTAND THAT FAILURE TO COMPLY WITH THE AUDIO POLICY MAY TERMINATE THE EVENT AND PREVENT FUTURE ABILITY TO OBTAIN AN AUDIO PERMIT.

* PRINT NAME

Jesse Becker

* SIGNATURE:

Jesse Becker

* Date

06/22/2023

* Email

507socccercamp@stpaulsnorthmankato.com

Format: MM/DD/YYYY

* POLICE CHIEF:

Ross Gullickson

* CITY CLERK:

April Van Genderen

*

☒ BOOK ☒ POLICE ☒ ONLINE ☒ \$25.00 FEE

Res

*

☐ DENIED ☒ APPROVED

STAFF INITIALS

NOTICE OF PUBLIC HEARING

**CITY OF NORTH MANKATO
COUNTY OF NICOLLET
STATE OF MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will hold a public hearing on Monday, July 17, 2023, at a meeting of the Council beginning at approximately 7:00 p.m. at the North Mankato Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, to consider an Ordinance Amending Chapter 73: Recreational Vehicles. The amendment would permit the use of motorized golf carts on designated roadways. To view the complete ordinance, please contact the City Clerk.

All interested persons may appear at the public hearing and present their views orally or in writing.

Dated: This 3rd day of July 2023.

BY ORDER OF THE NORTH MANKATO CITY COUNCIL

/s/April Van Genderen
April Van Genderen
City Clerk

CHAPTER 73: RECREATIONAL VEHICLES

Section

73.01	Purpose and intent
73.02	Definition
73.03	Operation requirements
73.04	Street crossings
73.05	Hours of operation
73.06	Minimum equipment requirements
73.07	Designation of public areas for use
73.08	Motorized golf carts
73.09	Specialized vehicles: utility-terrain vehicles and mini-trucks

§ 73.01 PURPOSE AND INTENT.

(A) (1) The purpose of this chapter is to provide reasonable regulations for the use of recreational motor vehicles on public and private property in the city.

(2) This chapter is not intended to allow what the Minnesota Statutes prohibit nor to prohibit what the Minnesota Statutes expressly allow.

(B) It is intended to ensure the public safety and prevent a public nuisance.

§ 73.02 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RECREATIONAL MOTOR VEHICLE. Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including, but not limited to trail bikes, off-highway motorcycles, as defined by M.S. § 84.787, Subd. 7, as it may be amended from time to time, or other all-terrain vehicles as defined by M.S. § 84.92, Subd. 8, as it may be amended from time to time, motorized golf carts, motorized go-carts, hovercraft or motor vehicles licensed for highway operation which is being used for recreational purposes. **§ 73.03 OPERATION REQUIREMENTS.**

It is unlawful for any person to operate a recreational motor vehicle:

(A) On private property of another without specific written permission of the owner of the property; (Written permission may be given by a posted notice of any kind or description, so long as it specifies the kind of vehicles allowed, that the owner, occupant or lessee prefers, such as by saying "Recreational Vehicles Allowed," "Trail Bikes Allowed," "All-Terrain Vehicles Allowed" or words substantially similar.)

(B) On publicly-owned land, including school, park property, playgrounds, recreation areas and golf courses, except where permitted by this chapter;

(C) In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons;

(D) On a public sidewalk or walkway provided or used for pedestrian travel;

(E) At a place while under the influence of intoxicating liquor or narcotics or habit-forming drugs;

(F) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;

(G) At any place in a careless, reckless or negligent manner so as to endanger or be likely to endanger any person or property or to cause injury or damage thereto;

(H) On any public street, highway or right-of-way unless licensed pursuant to Minnesota law and this chapter of the City Code;

(I) To intentionally drive, chase, run over or kill any animal, wild or domestic;

(J) By halting any recreational motor vehicle carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or be likely to endanger any person or property or in excess of 25 miles per hour on publicly-owned lands; and/or

(K) Within 150 yards of any public recreational area or gathering of people. This provision does not apply to the occasional use of recreational motor vehicles on private property for the purpose of loading or unloading it from a trailer or for mechanically checking it.

Penalty, see § [10.99](#)

§ 73.04 STREET CROSSINGS.

No person under 14 years of age operating the vehicles regulated herein shall make a direct crossing of any street, highway or public right-of-way.

Penalty, see § [10.99](#)

§ 73.05 HOURS OF OPERATION.

Recreational motor vehicles can operate from 8:00 a.m. to 10:00 p.m., with the exception of motorized golf carts operating on designated roadways where operation can only be during daylight hours between sunrise and sunset.

Penalty, see § [10.99](#)

§ 73.06 MINIMUM EQUIPMENT REQUIREMENTS.

(A) Standard mufflers shall be properly attached and in constant operation to reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a recreational motor vehicle motor. The exhaust system shall not emit or produce a sharp popping or crackling sound.

(B) Brakes shall be adequate to control the movement of and to stop and hold under any conditions of operation.

(C) At least one clear lamp shall be attached to the front with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The head lamp shall be so that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. This equipment shall be required and shall be in operating condition when the vehicle is operated between the hours of one-half hour after sunset and one-half hour before sunrise, or at times of reduced visibility.

Penalty, see § [10.99](#)

§ 73.07 DESIGNATION OF PUBLIC AREAS FOR USE.

(A) The Council may designate areas for use of recreational motor vehicles by approval of a majority of the members of the City Council. The areas designated may be changed from time to time by the City Council. Any area designated shall be published in the official newspaper of the city in a conspicuous place after the approval. If an area is changed, the change shall be published in like manner in the official newspaper of the

city. An up-to-date map of any designated park areas open for recreational motor vehicle use shall be kept on file in the office of the City Clerk, who shall provide on request a copy of the map together with the applicable rules, regulations and this chapter to each person requesting the information from the city.

(B) Unless designated by the City Council as an area for recreational motor vehicles, the use on city park property or designated off-street trail shall be unlawful. Further, the use of city parks designated by the City Council shall be in accordance with all of the applicable provisions of this chapter.

Penalty, see § [10.99](#)

§ 73.08 MOTORIZED GOLF CARTS.

A. *Authorization.* Pursuant to its authority under M.S. § 169.045, the City authorizes the operation of motorized golf carts on designated roadways as permitted under this Section.

B. *Definitions.*

MOTORIZED GOLF CART. A self-propelled vehicle of the type and style designated for, and commonly used by, patrons of golf courses, but excluding vehicles commonly known as all-terrain vehicles or ATV's (including Class 1 and Class 2 ATVs as defined by the MN Department of Natural Resources), utility-terrain (or -utility-task) vehicles or UTV's, mini-trucks, and other specialized vehicles not considered a motorized golf cart.

DESIGNATED ROADWAY. Roadways within the City of North Mankato with a posted speed limit of thirty (30) miles-per-hour or less and/or identified on the "Permitted Roadways" figure accompanying this ordinance. The operator, under permit, of a motorized golf cart may cross any street or highway intersecting a designated roadway within City limits.

C. *Operation Requirements.* It is unlawful for any person to operate a motorized golf cart on a roadway unless:

- a. The operator possesses a valid driver's license.
- b. The operation is on a designated roadway, except when crossing any non-designated street or highway intersecting a designated roadway.
- c. The operation is during daylight hours between sunrise and sunset as stated in § 73.05.
- d. The operation is only during the months of April through October of each year and not during inclement weather, or when visibility is impaired by weather, smoke, fog, or other conditions, or when there is insufficient light to clearly see persons or vehicles thereon at a distance of 500 feet.
- e. The motorized golf cart displays a slow-moving vehicle emblem, as described by M.S. § 169.522, on the rear thereof.
- f. The motorized golf cart is equipped with rear view mirrors as required by M.S. § 169.70.
- g. The motorized golf cart is equipped with headlights and taillights as defined in § 73.06.
- h. The operator provides a signal of intention when turning or stopping the motorized golf cart as defined in M.S. § 169.19. The signals herein required shall be given either by means of the hand and arm or by a signal

lamp or signal device of a type approved by the commissioner of public safety.

- i. The operator has insurance coverage required by State statute (presently M.S. § 65B.48, subd. 5 where the term "Motorcycle" shall be understood to represent "Motorized Golf Cart").
 - j. The operator observes all traffic laws, except such as cannot reasonably be applied to motorized golf carts.
 - k. The number of persons occupying a motorized golf cart in motion does not exceed the manufacturer specifications.
 - l. The operator has displayed a permit obtained from the City of North Mankato on the motorized golf cart as provided for herein, or as otherwise authorized by other provisions of this City code or State statute.
- D. *Permits.* Persons wishing to operate motorized golf carts on designated roadways must complete a permit application obtained from the City clerk. Permits shall be valid for one year from the date of issuance. Conditions for issuance of a permit are as follows:
- a. Applicant must possess a valid driver's license.
 - b. If the applicant is physically disabled, the applicant must submit a certificate signed by a licensed physician that the applicant is able to operate a motorized golf cart on the designated roadways.
 - c. Applicant must have proof of insurance as required by M.S. § 65B.48, subd. 5.
 - d. Permit decals obtained from the City of North Mankato shall be affixed to the front panel of the driver's side of the golf cart to ensure visibility for law enforcement.
- E. *Inspections.* Owners/Operators of motorized golf carts attempting to obtain a permit from the City of North Mankato for operation on designated roadways shall have the motorized golf cart inspected by the City during the permit application process. To have inspection completed, owners/operators can drive the motorized golf cart to the North Mankato City Hall on designated roadways as defined herein. Where lack of available designated roadways does not permit an owner/operator of a motorized golf cart to drive to City Hall, the owner/operator can:
- a. Have the motorized golf cart transported by trailer to City Hall.
 - b. Submit photos of the motorized golf cart to City staff for review. Submitted photos should include one (1) photo of the front, rear, and each side of the motorized golf cart and shall be clear enough so that a detailed inspection can be completed. City staff reserves the right to request additional photos if they feel the original submitted photos are inadequate for a detailed inspection of the motorized golf cart.
- F. *Storage.* The storage of motorized golf carts on residentially zoned properties will comply with § 92.19 and § 156.035 of the City Code.
- G. *Penalty.* see § 10.99

§ 73.09 SPECIALIZED VEHICLES: UTILITY-TERRAIN VEHICLES AND MINI-TRUCKS.

(A) *Purpose and intent.* The purpose of this section is to provide reasonable regulations for the use of specialized vehicles on public property within the city. This section is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow. It is intended to ensure the public safety and prevent a public nuisance.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVER. The person driving and having physical control over the utility-terrain vehicle or mini-truck.

MINI-TRUCK. As defined in M.S. § 169.011, Subd. 40(a), as may be amended from time to time, a motor vehicle that has 4 wheels, is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less, has a total dry weight of 900 to 2,200 pounds, contains an enclosed cabin and a seat for the vehicle operator, commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the 49 C.F.R. §§ 571.101 to 571.404, and successor requirements.

UTILITY-TERRAIN VEHICLE. A motorized flotation-tired vehicle with at least 3 but no more than 6 low pressure tires that has an engine displacement of less than 960 cubic centimeters and total dry weight of less than 1800 pounds and side-by-side seating.

(C) *Operation.* Utility-terrain vehicles may only be used for business or commercial purposes.

(D) *Conditions of operation.*

(1) A driver shall be at least 18 years of age.

(2) Utility terrain vehicles shall display the slow-moving vehicle emblem provided for in M.S. § 169.045, as it may be amended from time to time, when operated on designated roadways.

(3) Utility-terrain vehicles and mini-trucks shall be equipped with a rearview mirror to provide the driver with adequate vision from behind as required by M.S. § 169.70, as it may be amended from time to time.

(4) Every person operating a utility-terrain vehicle or a mini-truck on designated roadways has all the rights and duties applicable to the driver or any other vehicle under provisions of M.S. Chapter 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to utility-terrain vehicles or mini-trucks and except as otherwise specifically provided in M.S. § 169.045, Subd. 7, as it may be amended from time to time.

(5) The number of occupants on the utility-terrain vehicle or mini-truck shall not exceed the design occupant load.

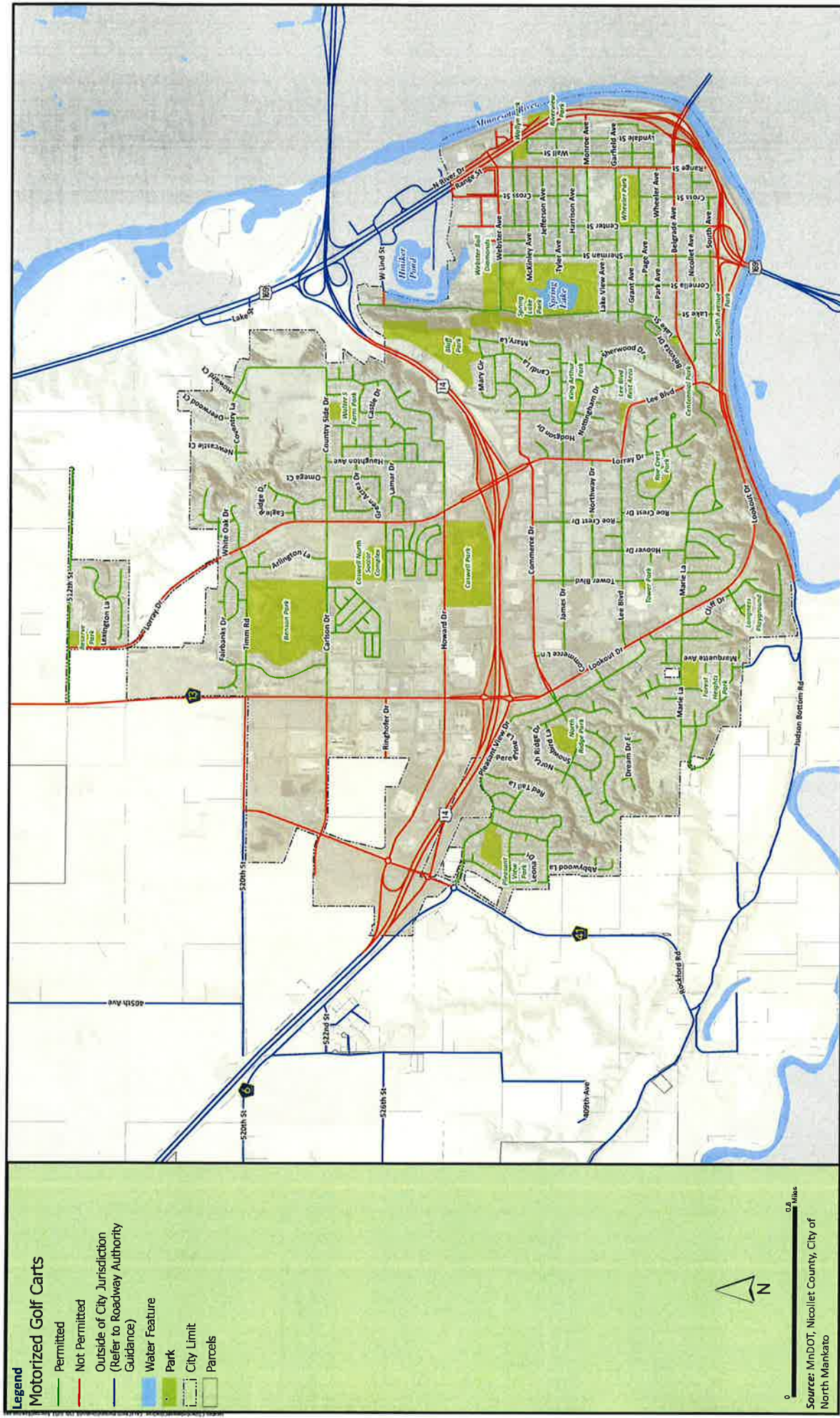
(6) No operation of a utility-terrain vehicle and mini-truck shall be allowed on private property without the consent of the owner, or on any city sidewalk, trail or park.

(7) A mini-truck may be operated on roadways within the city if it is equipped with all of the following:

(a) At least 2 headlamps;

(b) At least 2 tail lamps;

- (c) Front and rear turn signal lamps;
 - (d) An exterior mirror mounted on the driver's side of the vehicle and either (a) an exterior mirror mounted on the passenger's side of the vehicle or (b) an interior rear-view mirror;
 - (e) A windshield;
 - (f) A seat belt for the driver and front passenger; and
 - (g) A parking brake.
- (E) *Violation; penalty.* Any person who operates a utility-terrain vehicle or a mini-truck within the city in violation of this section shall be guilty of a misdemeanor.
(Ord. 48, 4th Series, passed 1-22-2013)



Motorized Golf Carts - Permitted Roadways

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item # 12A	Dept: Administration	Council Meeting Date: 7/3/23
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TITLE OF ISSUE: Consider Ordinance No. 157 City Code Business Regulations, Chapter 113, Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis, or Cannabinoids.

BACKGROUND AND SUPPLEMENTAL INFORMATION: The proposed Ordinance would repeal and replace a portion of the Ordinance. The Ordinance would change City Code to allow establishments with on-sale or off-sale liquor licenses to sell products containing consumable THC.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: Adopt Ordinance No. 157 City Code Business Regulations, Chapter 113, Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis, or Cannabinoids.

For Clerk's Use:

 Motion By: _____
 Second By: _____

Vote Record:	Aye	Nay	
	_____	_____	Steiner
	_____	_____	Peterson
	_____	_____	Oachs
	_____	_____	Whitlock
	_____	_____	Carlson

SUPPORTING DOCUMENTS ATTACHED

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (specify) _____

<input type="checkbox"/>	Workshop
<input checked="" type="checkbox"/>	Regular Meeting
<input type="checkbox"/>	Special Meeting

<input type="checkbox"/>	Refer to: _____
<input type="checkbox"/>	Table until: _____
<input type="checkbox"/>	Other: _____

**ORDINANCE NO. 157
FOURTH SERIES
CITY OF NORTH MANKATO
NICOLLET, COUNTY MINNESOTA**

**AN ORDINANCE REPEALING AND REPLACING SECTIONS OF CITY CODE
SECTION TITLE XI, SECTION 113**

WHEREAS, the City Council of the City of North Mankato is the official governing body of the City of North Mankato, Minnesota ("the City"); and

WHEREAS, the State of Minnesota in its 2023 legislative session enacted a new law regulating THC, CANNABIS and CANNINOIDS

WHEREAS, the City Council at its regular meeting on July 3, 2023, enacted Ordinance No. 157, repealing the sections of the city code regarding the regulation of the sales, testing, manufacturing, and possession of products containing THC, Cannabis or Cannabinoids.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, does hereby ordain as follows:

SECTION 1. REPEAL AND REPLACE. The Code of the City of North Mankato, County of Nicollet, State of Minnesota section:

TITLE XI: BUSINESS REGULATIONS, CHAPTER 113 SALES, TESTING, MANUFACTURING AND POSSESSION OF PRODUCTS CONTAINING THC, CANNABIS OR CANNABINOIDS

Shall be repealed in its entirety.

Sale of Cannabinoid Products

SECTION 113.01 Definitions. The following words, terms and phrases, when used in this section, except her the context clearly indicates a different meaning:

Certified Hemp. Means hemp plants that have been tested and found to meet the requirements of Minnesota Statute Chapter 18K.

Child Resistant Packaging. Packaging that meets the definition set forth in C.F.R., Title 16 Section 1700.15 (b), as in effect on January 1, 2022, and was tested in accordance with the method described in C.F.R., Title 16, Section 1700.20.

Compliance Checks. The system the city uses to investigate and ensure that those authorized to sell licensed product are following and complying with chapter. Compliance checks may involve the use of persons under the age of twenty-one (21) as authorized by this chapter. Compliance checks shall also mean the use of persons under the age of twenty-one (21) who attempt to purchase licensed products for educational, research, and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to the licensed products.

Edible Cannabinoid product. Means any product that is intended to be eaten or consumed as a food or beverage by humans and containing a cannabinoid in combination with food ingredients and is not a drug.

Moveable Place of Business. Any form of business operated out of kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Nonintoxicating cannabinoid. Means a substance extracted from certified hemp plants that do have produce intoxicating effects when consumer by any route of administration.

Retail Establishment. Any place of business where licensed products are available for sale to the general public.

SECTION 113.01. Limits on Business. A business may only allow for the sale or disposing of cannabinoid products that have been made legal in the State of Minnesota under the provision of Minnesota State Statues.

SECTION 113.02 Restrictions.

(1) No cannabinoid product may be sold from a dispensing machine.

(2) No cannabinoid product may be sold by law online, through a delivery service, by transient sales or by any movable place of business.

(3) All cannabinoid products must be sold in child resistant packaging.

(4) It is unlawful for any person to sell or give away any cannabinoid in a form to any person under the age of 21. Businesses shall verify by means of a government issued photographic identification that the person is over the age of twenty-one (21).

(5) Any product placed for sale must conform to the labeling requirements under Minnesota Statute Law.

(6) Any product placed for sale must be sold in child resistant packaging.

SECTION 113.03 Limits on the Number of Licenses. The City Council shall issue no more than five (5) licenses as required under this ordinance at any given time.

SECTION 113.04. Other illegal acts .Unless otherwise provided, the following acts shall be a violation of this chapter:

(1) *Illegal Sales*. It shall be a violation of this chapter for any person to sell otherwise provide any licensed product to a person who has not reached the age of twenty-one (21).

(2) *Illegal possession*. It shall be a violation of this chapter for any person under the age of twenty to have in possession any licensed product. This shall not apply to persons under the age of twenty-one lawfully involved in a compliance check.

(3) *Illegal use*. It shall be a violation of this chapter for any person under the age of twenty-one (21) years to consume or otherwise use any licensed product.

(4) *Illegal procurement*. It shall be a violation of this chapter for any person under the age of twenty-one (21) to purchase or attempt to purchase, obtain or attempt to obtain, any licensed product, and it shall be a violation of this chapter for any person to purchase or otherwise obtain those items on behalf of a person under the age of twenty-one (21). This shall not apply to a person under of the age of twenty-one (21) who is involved in a compliance check.

(5) *Violation a misdemeanor*. Any person who violated a provision of this subdivision when he or she performs an act thereby prohibited and upon conviction thereof, shall be punished as a misdemeanor.

SECTION 113.05 Violations and penalties. Per administrative penalties any licensee found to have violated this chapter or whose employee shall have violated this chapter shall be charged an administrative fine of \$300.00 for a first violation of this chapter; \$600.00 for a second offense on the same licensed premises within a twenty-four (24) month period; and \$1,000.00 for a third or subsequent offense at the same located within a twenty-four (24) month period. In addition, after the third or any subsequent violation the license shall be suspended for not less than 7 consecutive days.

Summary Publication, Pursuant to Minnesota Statutes Section 412.191, in case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council to be published in lieu of the publishing the entire ordinance:

On July 3, 2023 at its regular meeting, the North Mankato City Council enacted Ordinance No 157 Fourth Series. The following is a summary of the ordinance. The full text is available for public inspection by any person during regular office hours at City Hall.

An ordinance modifying the ordinance providing for the regulation of the sale, testing, manufacture, and possession of products that contain THC, Cannabis or Cannabinoids. The ordinance requires that any person that directly or indirectly seeks to sell or otherwise dispose of any cannabinoid product to have a license issued by the City. The ordinance limits the number of licenses that may be issued to five (5). The ordinance restricts the manner in which these products may be sold. The ordinance restricts

sales and possession of these products to persons who are over the age of twenty-one. The ordinance further establishes penalties for the violation of the ordinance.

Effective date. This section becomes effective on the date of its publication or upon the publication of the summary of Ordinance 157 Fourth Series as provided by M.S. Section 412-191 Sub 4 as may be amended from time to time, which meets the requirements of M.S. Section 331A.01 Sub 10 as it may be amended from time to time.

PASSED AND ADOPTED by the City Council of the City of North Mankato, this __ day of _____, 2023.

Mayor

ATTEST:

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item # 12B	Dept: Administration	Council Meeting Date: 7/3/23
-------------------	----------------------	------------------------------

TITLE OF ISSUE: Consider Ordinance No. 158, An Ordinance Repealing and Replacing Sections of City Code Section Title III: Administration, Chapter 34.40 to 34.60.

BACKGROUND AND SUPPLEMENTAL INFORMATION: The proposed amendment to City Code Chapter 34 Sales and Use Tax would incorporate the changes approved by legislation in the 2023 Session Laws Chapter 64, Article 10, Section 20. The legislature approved the total amount of sales tax revenue collected shall be limited to \$15,000,000 and associated bond costs and shall expire earlier on December 31, 2044, or when revenues collected from the sales tax exceed \$21,00,000 plus associated bond costs.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: Adopt Ordinance No. 158, An Ordinance Repealing and Replacing Sections of City Code Section Title III: Administration, Chapter 34.40 to 34.60.

For Clerk's Use:

Motion By: _____

Second By: _____

Vote Record:

	Aye	Nay	
	<input type="checkbox"/>	<input type="checkbox"/>	Steiner
	<input type="checkbox"/>	<input type="checkbox"/>	Peterson
	<input type="checkbox"/>	<input type="checkbox"/>	Oachs
	<input type="checkbox"/>	<input type="checkbox"/>	Whitlock
	<input type="checkbox"/>	<input type="checkbox"/>	Carlson

SUPPORTING DOCUMENTS ATTACHED

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) _____				

<input type="checkbox"/>	Workshop
<input checked="" type="checkbox"/>	Regular Meeting
<input type="checkbox"/>	Special Meeting

<input type="checkbox"/>	Refer to: _____
<input type="checkbox"/>	Table until: _____
<input type="checkbox"/>	Other: _____

**ORDINANCE NO. 158
FOURTH SERIES
CITY OF NORTH MANKATO,
NICOLLET COUNTY, MINNESOTA
AN ORDINANCE REPEALING AND REPLACING SECTIONS OF CITY CODE SECTION
TITLE III; ADMINISTRATION, CHAPTER 34.40 TO 34.60**

WHEREAS, the City Council of the City of North Mankato is the official governing body of the City of North Mankato, Minnesota ("The City"); and

WHEREAS, the State of Minnesota, in its 2023 legislative session, approved a special law that extended the tax authorized under subdivision 1 to cover an additional \$15,000,000 in bonds and extended the collection date to December 31, 2044

WHEREAS, the City Council at its regular meeting on July 3, 2023, enacted Ordinance No. 158, repealing the sections of the City Code regarding the Sales and Use Tax.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, does hereby ordain as follows:

SECTION 1. REPEAL AND REPLACE. The Code of the City of North Mankato, County of Nicollet, State of Minnesota section:

TITLE III: ADMINISTRATION CHAPTER 34.40 TO 34.61 SALES AND USE TAX

Shall be repealed and replaced in its entirety.

34.40 Authority

Pursuant to Laws 2023, Chapter 64, article 10, Section 20, amending Laws 2017, 1st Special Session Chapter 1, Article 5, Section 17 amends Laws 2008 Chapter 366, Article 7, Section 20, the Minnesota Legislature has authorized the City of North Mankato to impose a local sales and use tax to provide revenues to pay the costs of collecting and administering the tax to the Commissioner of Revenue of the State of Minnesota and to finance the capital and administrative costs related to the funding of designated projects as defined in Laws 2023, Chapter 64, article 10, Section 20, and approved by the voters at the 2016 referendum.

(Ord. 18, 4th series, passed 6-16-2008; Am. Ord. 121, 4th series, passed 11-4-2019)**34.41**

Definitions

For the purposes of this subchapter, the following words, terms, and phrases have the meanings given to them in this section unless the language or context clearly indicates a different meaning is intended.

CITY. The City of North Mankato, Minnesota.

COMMISSIONER. The Commissioner of Revenue of the State of Minnesota or a person to whom the Commissioner has delegated functions.

DESIGNATED PROJECTS. The acquisition and development of regional parks, hiking and biking trails, existing and new recreational facilities, expansion of the North Mankato Taylor Library, riverfront redevelopment and lake improvement projects as authorized by the Minnesota Legislature in Laws 2023, Chapter 64, article 10, Section 20, amends 1st Special Session Chapter

1, Article 5, Section 17, amends Laws 2008 Chapter 366, Article 7, Section 20 and approved by the voters at the 2016 referendum.

STATE SALES AND USE TAX LAWS AND RULES. Those provisions of the state revenue laws applicable to state sales and use tax imposition, administration, collection, and enforcement, including M.S. Chapters 270C, 289A, 297A, and Minn. Rules Chapter 8130, as amended from time to time.

(Ord. 18, 4th series, passed 6-16-2008; Am. Ord. 121, 4th series, passed 11-4-2019)

34.42 Local Sales and Use Tax imposed; Amount of Tax Coordination with State Sales and Use Tax Laws and Rules.

A local sales tax is imposed in the amount of 0.5% on the gross receipts from sales at retail sourced within city limits which are taxable under the state sales and use tax laws and rules. A local use tax is imposed in the amount of 0.5% on the storage, use, distribution or consumption of goods or services sourced within city limits which are taxable under the state sales and use tax laws and rules. All of the provisions of the state sales and use tax laws and rules apply to the local sales and use tax imposed by this chapter. The local sales and use tax imposed by this chapter shall be collected and remitted to the Commissioner on any sale or purchase when the state sales tax must be collected and remitted to the Commissioner under the state sales and use tax laws and rules and is in addition to the state sales and use tax.

(Ord. 121, 4th series, passed 11-4-2019)

34.43 Effective Date of Tax; Transitional Sales

Except as otherwise provided herein, the local sales and use tax imposed by this chapter shall apply to sales and purchases made on or after October 1, 2008. The local sales and use tax imposed by this chapter shall not apply to:

(A) The gross receipts from retail sales or leases of tangible personal property made pursuant to a bona fide written contract, which unconditionally vests the rights and obligations of the parties thereto, provided that such contract was enforceable prior to October 1, 2008 and that delivery of the tangible personal property subject thereto is made on or before October 1, 2008;

(B) The gross receipts from retail sales made pursuant to a bona fide lump sum or fixed price construction contract, which unconditionally vests the rights and obligations of the parties thereto and which does not make provision or allocation of future taxes, provided that such contract was enforceable prior to October 1, 2008 and that delivery of the tangible personal property used in performing such construction contract is made before March 31, 2009;

(C) The purchase of taxable services, including utility services, if the billing period includes charges for services furnished before and after October 1, 2008, but the local sales and use tax imposed by this subchapter shall apply on the first billing period not including charges for services furnished before October 1, 2008; and

(D) Lease payments for tangible personal property and motor vehicles that includes a period before and after October 1, 2008, but the local sales and use tax imposed by this subchapter shall apply on a prorated basis to lease payment amounts attributable to that portion of the lease

payment period on or after October 1, 2008, and on the entire lease payment for all lease payment periods thereafter.

(Ord. 121, 4th series, passed 11-4-2019)

34.44 Tax Clearance; Issuance of Licenses

(A) The city may not issue or renew a license for the conduct of a trade or business within the city if the Commissioner notified the licensing division of the city that the applicant owes delinquent city taxes as provided in this subchapter, or penalties or interest due on such taxes.

(1) City taxes include sales and use taxes provided in this subchapter. Penalties and interest are penalties and interest due on taxes included in this definition.

(B) Delinquent taxes do not include a tax liability if:

(1) An administrative or court action which contests the amount or validity of the liability has been filed or served;

(2) The appeal period to contest the tax liability has not expired; or

(3) The applicant has entered into a payment agreement and is current with the payments.

(C) **APPLICANT** means an individual if the license is issued to or in the name of an individual or the corporation or partnership if the license is issued to or in the name of a corporation or partnership.

(1) A copy of the notice of delinquent taxes given to the licensing division of the city shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests in writing, within 30 days of receipt of the notice of hearing, then, a contested hearing shall be held under the same procedures as provided in M.S. Chapter 270A for the state sales and use tax imposed under M.S. Chapter 297A; provided further that if a hearing must be held on the state sales and use tax, hearings must be combined.

(Ord. 121, 4th series, passed 11-4-2019)

34.45 Deposit of Revenues; Costs of Administration: Termination of Tax

(A) All of the revenues, interest, and penalties derived from the local sales and use tax imposed by this subchapter, collected by the commissioner, and remitted to the city shall be deposited by the City Finance Director in the city treasury and shall be credited to the fund established to pay the costs of collecting the local sales and use tax imposed by this chapter and to finance the capital and administrative costs directly related to completing the designated projects.

(B) The local sales and use tax imposed by this chapter shall terminate at the earlier of:

(1) December 31, 2044; or

(2) When the City Council determines that \$21,000,000, plus an amount sufficient to pay the costs related to issuing bonds and interest on the bonds has been received from the local sales and use tax imposed by this chapter to pay for all the capital and administrative costs directly related to completing the designated projects. Any funds remaining after payment of all such

costs and retirement or redemption of the bonds shall be placed in the general fund of the city. The local sales and use tax imposed by this chapter may terminate at an earlier time if the City Council so determines by ordinance.

(Ord. 121, 4th series, passed 11-4-2019)

34.46 Agreement with the Commissioner

The city may enter into an agreement with the Commissioner regarding each party's respective roles and responsibilities related to the imposition, administration, collection, enforcement, and termination of the local sales and use tax imposed by this subchapter. Any such agreement shall not abrogate, alter, or otherwise conflict with the state sales and use tax laws and rules, this subchapter, or Laws 2023, Chapter 64, article 10, Section 20, amends 2017, 1st Special Session Chapter 1, Article 5, Section 17, amends Laws 2008 Chapter 366, Article 7, Section 20.

(Ord. 121, 4th series, passed 11-4-2019)

FOOD AND BEVERAGE TAX

§ 34.60 DEFINITIONS.

The words, terms, and phrases used in this subchapter shall have the meaning ascribed to them in M.S. § 297A.01 except where the context clearly indicates otherwise. In addition, for the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ACT. Law of Minnesota for 2023, Chapter 64, Article 10, Section 20.

CITY. City of North Mankato, Minnesota.

COMMISSIONER. Commissioner of Revenue for the State of Minnesota, acting under the authority of an agreement entered into between the city and the State of Minnesota pursuant to the Act, or such other person designated to administer and collect the North Mankato sales and use, and food and beverage tax.

(Ord. 118, 4th series, passed 10-21-2019)

Effective Date. This section becomes effective on the date of its publication or upon the publication of Ordinance No. 158 Fourth Series.

Passed and Adopted by the City Council of the City of North Mankato, this ____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item # 12C	Dept: Administration	Council Meeting Date: 7/3/23																																																											
TITLE OF ISSUE: Consider Assignment and Assumption of Promissory Note, Mortgage and Consent.																																																													
BACKGROUND AND SUPPLEMENTAL INFORMATION: City Administrator McCann will review the proposed assignment and assumption of the promissory note, mortgage, and consent.																																																													
<i>If additional space is required, attach a separate sheet</i>																																																													
REQUESTED COUNCIL ACTION: Approve Assignment and Assumption of Promissory Note, Mortgage and Consent.																																																													
For Clerk's Use: Motion By: _____ Second By: _____ <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Vote Record:</td> <td style="width: 10%; text-align: center;">Aye</td> <td style="width: 10%; text-align: center;">Nay</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td>Steiner</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td>Peterson</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td>Oachs</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td>Whitlock</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td>Carlson</td> <td></td> </tr> </table>	Vote Record:	Aye	Nay							_____	_____				Steiner			_____	_____				Peterson			_____	_____				Oachs			_____	_____				Whitlock			_____	_____				Carlson		SUPPORTING DOCUMENTS ATTACHED <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">Resolution</td> <td style="width: 20%;">Ordinance</td> <td style="width: 20%;">Contract</td> <td style="width: 20%;">Minutes</td> <td style="width: 20%;">Map</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) _____ _____ _____ _____ _____			Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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(Above Space Reserved For Recording Data)

ASSIGNMENT AND ASSUMPTION OF PROMISSORY NOTE, MORTGAGE AND CONSENT

THIS ASSIGNMENT AND ASSUMPTION OF PROMISSORY NOTE, MORTGAGE AND CONSENT, (“**Assignment**”) is made and entered into as of July ____, 2023, (the “**Effective Date**”) by and between **WW Land Company, LLC**, a Minnesota limited liability company (“**Assignor**”), **AH Hermel Properties LLC**, a Minnesota limited liability company (“**Assignee**”), and the **City of North Mankato** (“**City**”), a Minnesota municipal corporation.

RECITALS

- A. Assignor as “Seller” and Assignee as “Buyer” have entered into a Purchase Agreement dated April 25, 2023, as amended and assigned (the “**Purchase Agreement**”) pursuant to which Assignee has agreed to purchase certain real property more particularly described on attached **Exhibit A** (the “**Property**”).
- B. Assignor entered into a Promissory Note dated February 1, 2021 payable to North Mankato Port Authority (“**NMPA**”) in the Principal Amount of \$118,600.00 (“**Note**”), a copy of which is attached as **Exhibit B**. NMPA assigned its interest in and to the Note to the City by an Assignment and Assumption Agreement dated July ____, 2023, a copy of which is attached as **Exhibit C**.
- C. The Note is secured by a mortgage from Assignor to NMPA on the Property, dated February 1, 2021, filed April 12, 2022 with the Nicollet County Recorder as Document No. 342581 (“**Mortgage**”), a copy of which is attached as **Exhibit D**. NMPA assigned its interest in and to the Mortgage by Assignment of Mortgage dated July ____, 2023, a copy of which is attached as **Exhibit E**.

- D. As of June 23, 2023, there remains on the Note a principal balance of \$71,160.00, together with interest of \$9,646.57 for a total of \$80,806.57, ("**Note Balance**").
- E. In connection with the transactions contemplated by the Purchase Agreement, (i) the Assignor has agreed to assign to the Assignee all of its right, title, interest, and obligations under the Note and Mortgage to Assignee; (ii) Assignee accepts all right, title, interest, and obligations of the Note and Mortgage; and (iii) City consents to the Assignment of the Note and Mortgage to Assignee as of the Effective Date.

C O V E N A N T S

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor, Assignee and NMPA agree:

1. Recitals; Exhibits. The above Recitals and **Exhibit A, Exhibit B, Exhibit C, Exhibit D** and **Exhibit E** are incorporated.

2. Assignment. Effective as of the Effective Date, Assignor hereby assigns, transfers, conveys and sets over to Assignee all of Assignor's right, title, interest and obligations, in and to the Note and Mortgage.

3. Acceptance. Assignee hereby accepts the assignment of the Note and Mortgage and agrees to assume all obligations of Assignor under the Note and Mortgage which arise from and after the Effective Date.

4. Consent. City hereby consents to Assignor assigning its interest in the Note and Mortgage to Assignee as of the Effective Date, and further consents to Assignee's Assumption of Assignor's obligations arising on or after the Effective Date under the Note and Mortgage. City agrees to the Note Balance.

5. Indemnification by Assignor. Assignor agrees to indemnify, defend, protect and hold Assignee harmless from and against any and all losses, claims, obligations, actions, suits, damages, liabilities, costs and expenses (including attorneys' fees) ("**Losses**") relating to or arising out of any default or obligation of Assignor with respect to the Note or Mortgage occurring before the Effective Date, including, without limitation, Losses relating to the failure of Assignor to comply with or perform any obligation under any of the Note or Mortgage, and any Losses of any nature, type, kind, or category under any of the Note or Mortgage.

6. Indemnification by Assignee. Assignee agrees to indemnify, defend, protect and hold Assignor harmless from and against any and all losses, claims, obligations, actions, suits, damages, liabilities, costs and expenses (including attorneys' fees) relating to or arising out of any default or obligation of Assignee with respect to the Note or Mortgage occurring on or after the Effective Date, including, without limitation, any claims arising out of the failure of Assignee to comply with or perform any obligation under any of the Note or Mortgage, and any claims of any nature, type, kind, or category under any of the Note or Mortgage.

7. Binding Effect. This Assignment shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

8. No Modification. This Assignment shall not be altered, amended or otherwise modified, except as set forth in a written document executed by the parties hereto.

9. Governing Law. This Assignment and all questions arising in connection herewith shall be governed by and construed in accordance with the internal laws of the state in which the Property is located.

10. Counterparts; Facsimiles. This Assignment may be executed in two or more counterparts, all of which shall be read together and be construed as one instrument. A facsimile copy of a signature shall be as binding as an original signature.

[Remainder of page intentionally left blank. Signature pages and Exhibits to follow.]

4

ASSIGNEE:

AH HERMEL PROPERTIES LLC

By: _____

Heidi Hermel

Its: President / Chief Manager

By: _____

Andrew Hermel

Its: Vice President / Vice Chief Manager

STATE OF MINNESOTA)

) ss

COUNTY OF _____)

On the _____ day of July, 2023, before me, personally appeared Heidi Hermel and Andrew Hermel, to me personally known, who, being by me duly sworn, did say that they are the President / Chief Manager and Vice President / Vice Chief Manager, respectively, of **AH Hermel Properties LLC**, the limited liability company named in the foregoing instrument, and that said instrument was signed on behalf of said limited liability company by authority of its managers and they acknowledged said instrument to be the free act and deed of said limited liability company.

Notary Public

[Signature page 2 of 3 of Assignment and Assumption of Promissory Note, Mortgage and Consent]

CITY:

CITY OF NORTH MANKATO

By: _____

Kevin P. McCann

Its: City Administrator

STATE OF MINNESOTA)

) ss

COUNTY OF NICOLLET)

On the _____ day of July, 2023, before me, personally appeared Kevin P. McCann, to me personally known, who, being by me duly sworn, did say that he is the City Administrator of the **City of North Mankato**, the municipal corporation named in the foregoing instrument, and that said instrument was signed on behalf of said municipal corporation by authority of its managers and they acknowledged said instrument to be the free act and deed of said municipal corporation.

Notary Public

[Signature page 3 of 3 of Assignment and Assumption of Promissory Note, Mortgage and Consent]

**EXHIBIT A
TO
ASSIGNMENT AND ASSUMPTION OF PROMISSORY NOTE, MORTGAGE AND
CONSENT**

PROPERTY

The West 25 feet of Lot 7 in Block 6 of Subdivision of Block 1 and part of Block 6 of North Mankato, according to the plat thereof on file in the office of the register of Deeds in and for Nicollet County, Minnesota.

**EXHIBIT B
TO
ASSIGNMENT AND ASSUMPTION OF PROMISSORY NOTE, MORTGAGE AND
CONSENT**

PROMISSORY NOTE

PROMISSORY NOTE

\$118,600.00

February 1, 2021

For Value Received, WW Land Company LLC, a Minnesota limited liability company ("Borrower"), promises to pay to the order of North Mankato Port Authority, a municipal corporation ("Lender"), at 1001 Belgrade Avenue, North Mankato, MN 56003, or at such other location as Lender may direct, in lawful money of the United States of America, the principal amount of One Hundred Eighteen Thousand Six Hundred and 00/100ths Dollars (\$118,600.00), with interest at the Stated Rate computed on the principal balance of this promissory note ("Note") outstanding from time to time. The principal balance and all accrued interest are fully due and payable on the Maturity Date, unless sooner required under the terms hereof.

1. **Definitions.** The following terms have the following meanings as are used in this Note:
 - (a) "Lender" means the Lender named in the first paragraph and each subsequent holder of this Note, and their respective heirs, personal representatives, successors and assigns.
 - (b) "Loan" means all amounts advanced hereunder and pursuant to the Loan Agreement, plus all interest, charges and fees due to Lender hereunder.
 - (c) "Loan Agreement" means the Loan Agreement (Sales Tax – Riverfront Redevelopment) between Lender and Borrower dated February 1, 2021.
 - (d) "Maturity Date" means February 1, 2026.
 - (e) "Stated Rate" means four percent (4%) per annum.
2. **Payments.** Subject to any forgiveness pursuant to Section 5 below, on the Maturity Date, the entire outstanding principal, together with all accrued interest, shall be due and payable in one lump sum.
3. **Application of Payments.** All payments and prepayments shall be applied first to any costs of collection, ~~second to accrued interest on this Note, and third to principal.~~
4. **Prepayment.** This Note may be prepaid in full or in part at any time without premium or penalty. Prepayments shall apply to Borrower's indebtedness last incurred.
5. **Forgiveness.** Provided Borrower is not in Default, Lender shall forgive Twenty-Three Thousand Seven Hundred Twenty and 00/100ths Dollars (\$23,720.00) of the principal balance on the first, second, third, and fourth anniversary dates. ~~Provided Borrower is not in default, on the Maturity Date, the remaining principal balance and all interest accrued thereon shall be forgiven.~~
6. **Defaults.** If Borrower fails to pay any sum to Lender as and when the same becomes due, or breaches any provision contained herein, in the Loan Agreement, or in any supporting loan documents, and such failure continues for five (5) days or more after written notice from Lender to Borrower ("Default"), then Lender shall have, besides any and all other rights, remedies, and recourse available to Lender, the right and option to declare the unpaid principal balance and accrued interest on this Note immediately due and payable without notice, demand or presentment for payment to Borrower or others, and to foreclose all liens and security interests securing the payment of the same and to invoke all rights, remedies, and recourse relating thereto. The remedies of Lender may be pursued singly, successively, or together, at the sole discretion of Lender, and may be exercised as often as occasion arises. No act of omission or

commission of Lender, including any failure to exercise any right, remedy or recourse, shall be deemed a waiver or release of same, such waiver or releases to be effective only as set forth in a written document executed by Lender and then only to the extent specifically recited. A waiver or release for one event or occurrence shall not be construed as continuing as a bar to, or as a waiver or release of, any subsequent right, remedy, or recourse as to any subsequent event or occurrence.

7. **Lender's Costs.** If Lender engages legal counsel for advice to Lender regarding Lender's rights and remedies under, or enforcement of, this Note, Borrower shall pay all legal expenses incurred by Lender, irrespective of whether any suit or other proceeding has been or is filed or commenced. Any such expenses, costs and charges will constitute additional indebtedness of Borrower to Lender, payable upon demand, accruing interest at the time of such expenditure by Lender at the Stated Rate.
8. **Interest Limitation.** All agreements between Borrower and Lender are limited so that in no contingency or event (whether by acceleration of maturity of the indebtedness evidenced by this Note or otherwise) shall the amount paid or agreed to be paid to Lender for the Loan exceed the maximum permissible under applicable law. If from any circumstances: (a) fulfillment of any provisions of this Note cause the interest to be paid to exceed the maximum permitted under applicable law, then the obligation to be fulfilled shall automatically be reduced to an amount that complies with applicable law; or (b) Lender should ever receive as interest an amount that would exceed the highest lawful rate of interest, such amount over such lawful rate shall apply to the reduction of the principal balance of this Note and not to the payment of interest.
9. **Joint and Several Obligation.** All obligations of Borrower herein are fully joint and several. Lender may exercise its rights completely against any or all Borrower, so long as there is no double recovery.
10. **Waivers.** Borrower waives presentment for payment, protest, notice of nonpayment, and notice of dishonor.
11. **Governing Law and Venue.** This Note shall be governed by, interpreted, and enforced under the laws of Minnesota, without giving effect to its conflict of laws provisions. Any litigation between the Parties shall be conducted exclusively in the state and federal courts in Minnesota, and any arbitration or similar proceeding shall be conducted exclusively at a location within such county and state. Each Party consents to the jurisdiction and venue of the courts described above.
12. **Security.** This Promissory Note is secured by a Real Estate Mortgage of even date herewith, given by Borrower in favor of Lender, securing the sum of \$118,600.00.

Borrower:

WW LAND COMPANY, LLC

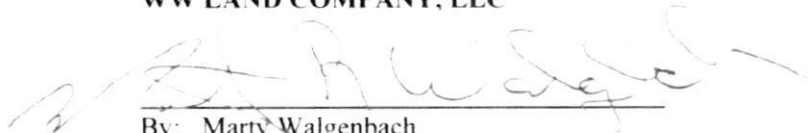

By: Marty Walgenbach
Its: Owner

EXHIBIT C
TO
ASSIGNMENT AND ASSUMPTION OF PROMISSORY NOTE, MORTGAGE AND
CONSENT
ASSIGNMENT AND ASSUMPTION AGREEMENT

ASSIGNMENT AND ASSUMPTION AGREEMENT

This **ASSIGNMENT AND ASSUMPTION AGREEMENT** (this “Agreement”), dated as of July ____, 2023 (the “Effective Date”), is made and entered into between North Mankato Port Authority, a municipal corporation (the “Assignor”), and City of North Mankato, a municipal corporation (the “Assignee”).

WHEREAS, WW Land Company LLC, a Minnesota limited liability company, issued to Assignor a Promissory Note, dated February 1, 2021, (the “Note”), in an aggregate principal amount of \$118,600.00.

WHEREAS, the Assignor desires to assign, transfer, convey, and deliver to the Assignee, and the Assignee desires to accept such assignment, transfer, conveyance, and delivery of, the Note.

WHEREAS, the Assignor has agreed to assign certain rights and agreements to the Assignee, and the Assignee has agreed to assume certain obligations of the Assignor, on and subject to the terms set forth herein.

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein, the parties hereto hereby agree as follows:

1. **Assignment of Note.** The Assignor hereby irrevocably assigns, transfers, conveys, and delivers to the Assignee, and the Assignee hereby accepts such assignment, transfer, conveyance, and delivery of (the “Assignment”), all of Assignor’s right, title, and interest in and to the Note.

2. **Headings.** The section headings contained herein are for reference purposes only and will not affect in any way the meaning or interpretation of this Agreement.

3. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior agreements and undertakings, both written and oral, between the parties hereto with respect to the subject matter hereof.

4. **Counterparts.** This Agreement may be executed in counterparts, each of which when executed and delivered will be deemed an original and all of which, taken together, will constitute the same agreement. This Agreement may be executed and delivered by facsimile signature or other electronic means, which will be considered legally binding for all purposes.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Assignment and Assumption Agreement as of the date set forth above.

ASSIGNOR:

**NORTH MANKATO PORT
AUTHORITY**

By: _____
Its: _____

ASSIGNEE:

CITY OF NORTH MANKATO

By: Kevin McCann
Its: City Administrator

Acknowledged and agreed:

BORROWER:

WW Land Company LLC

By: Martin R. Walgenbach
Its: President

EXHIBIT D
TO
ASSIGNMENT AND ASSUMPTION OF PROMISSORY NOTE, MORTGAGE AND
CONSENT
MORTGAGE

Nicollet County, Minnesota No. U22.641
Mortgage Registration Tax hereon of \$272.78



Jaci Kopet

Property & Public Services Director
Office of the County Recorder

Document No. 342581

Certified Recorded on 04-12-2022 at 08:00 AM

Paid this 12th day of April, 2022
Jaci Kopet, Property & Public Services Director
Nicollet County, Minnesota, by Deputy PZ

Fee: \$46.00

Pkg: 160917

Rec'd: CITY OF NORTH MANKATO

(Top 3 Inches reserved for recording data)

MORTGAGE Minnesota Uniform Conveyancing Blanks
by Business Entity Form 20.1.2 (2011)

MORTGAGE REGISTRY TAX DUE: \$ 272.78

DATE: February 1, 2021

☒ CHECK IF APPLICABLE: NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, ENFORCEMENT OF THIS MORTGAGE IN MINNESOTA IS LIMITED TO A DEBT AMOUNT OF \$118,600 UNDER CHAPTER 287 OF MINNESOTA STATUTES.

THIS MORTGAGE ("Mortgage") is given by WW Land Company LLC, a Minnesota limited liability company, as the mortgagor (the "Borrower") to North Mankato Port Authority, a municipal corporation, as mortgagee ("Lender").

In consideration of the receipt of credit in the amount of \$118,600.00 (the "Indebtedness") issued by Borrower to Lender, Borrower hereby mortgages, with power of sale, the real property in Nicollet County, Minnesota, legally described as follows:

See attached Exhibit A.

Check here if all or part of the described real property is Registered (Torrens) ☐

together with all hereditaments and appurtenances belonging thereto (the "Property"), subject to the following exceptions:

- (a) Covenants, conditions, restrictions (without effective forfeiture provisions) and declarations of record;
- (b) Reservations of minerals or mineral rights by the State of Minnesota, if any;
- (c) Utility and drainage easements which do not interfere with present improvements;
- (d) Applicable laws, ordinances, and regulations;
- (e) The lien of real estate taxes and installments of special assessments not yet due and payable; and
- (f) The following liens or encumbrances, if any: _____

Borrower covenants with Lender as follows:

1. **Repayment of Indebtedness.** If Borrower (a) pays the Indebtedness to Lender according to the terms of the promissory note, dated even date herewith, that evidences the Indebtedness and all renewals, extensions, and modifications thereto (the "Note"), final payment of which is due on February 1, 2026; (b) pays interest on the Indebtedness as provided in the Note; (c) repays to Lender, at the times and with interest as specified, all sums advanced in protecting the lien of this Mortgage, if any; and (d) keeps and performs all the covenants and agreements contained in the Note and herein, then Borrower's obligations under this Mortgage will be satisfied, and Lender will deliver an executed satisfaction of this Mortgage to Borrower. It is Borrower's responsibility to record any satisfaction of this Mortgage at Borrower's expense.

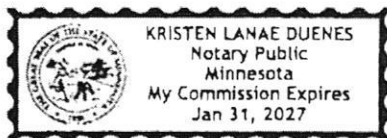
Borrower

WW LAND COMPANY LLC, a Minnesota limited liability company

By: _____

Name: Marty WalgenbachIts: ownerState of MINNESOTA, County of Blue Earth

This instrument was acknowledged before me on March 31, 2022, by Marty Walgenbach the owner of WW Land Company LLC, a Minnesota limited liability company, on behalf of the limited liability company.



Kristen Duenes
(signature of notarial officer)

Title (and Rank): Office Mgr.My commission expires: 1/31/27
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:

Fredrikson & Byron, P.A. (ASO)
111 South 2nd Street, Suite 400
Mankato, MN 56001

Note: Failure to record or file this mortgage may give other parties priority over this mortgage.

EXHIBIT A

The East Twenty-five (25) feet of Lot Eight (8) in Block Six (6) of plat entitled "Subdivision of Block 1 and part of Block 6, North Mankato", now on file and of record in the office of the Register of Deeds in and for said County of Nicollet, subject to an easement, running to premises abutting on the West, of the right to use and benefit of a two story party wall on the North Fifty (50) feet of the West One (1) foot of said East Twenty-five (25) feet of said Lot Eight (8), according to a party wall agreement now of record in the said office of the Register of Deeds against said premises. AND West 25 feet of Lot 7, Block 6 of Subdivision of Block 1 and part of Block 6 of North Mankato; also described as: The West 25 feet of Lot 7 in Block 6 of Subdivision of Block 1 and part of Block 6 of North Mankato, according to the plat thereof on file in the office of the Register of Deeds in and for Nicollet County, Minnesota.

EXHIBIT E
TO
ASSIGNMENT AND ASSUMPTION OF PROMISSORY NOTE, MORTGAGE AND
CONSENT
ASSIGNMENT OF MORTGAGE

(Top 3 inches reserved for recording data)

**ASSIGNMENT OF MORTGAGE
by Business Entity**

**Minnesota Uniform Conveyancing Blanks
Form 20.3.2 (2011)**

DATE: July, 2023
(month/day/year)

FOR VALUABLE CONSIDERATION, North Mankato Port Authority
(insert name of Assignor)
a municipal corporation under the laws of Minnesota,
("Assignor"), hereby sells, assigns, and transfers to City of North Mankato, a municipal corporation under the laws of Minnesota
(insert name of each Assignee)

("Assignee"), the Assignor's interest in the Mortgage dated February 1, 2021, executed by WW Land Company, LLC
(month/day/year)
a Minnesota limited liability company, as mortgagor,
to North Mankato Port Authority, a municipal corporation
as mortgagee, and recorded on April 12, 2022, as Document Number 342581 (or in Book _____
(month/day/year)
of _____ Page _____), in the Office of the ☒ County Recorder ☐ Registrar of Titles of Nicollet
(check the applicable boxes)
County, Minnesota, together with all right and interest in the note and obligations therein specified and the debt thereby secured.

Check here if all or part of the described real property is Registered (Torrens) ☐

Assignor

North Mankato Port Authority
(name of Assignor)

By: _____
(signature)

Its: _____
(type of authority)

By: _____
(signature)

Its: _____
(type of authority)

State of Minnesota, County of Nicollet

This instrument was acknowledged before me on July, 2023, by _____,
(month/day/year) (name of authorized signer)

_____ as _____
(type of authority)

and by _____
(name of authorized signer)

as _____ of North Mankato Port Authority, a municipal corporation.
(type of authority) (name of Assignor)

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Fredrikson & Byron P.A. (ASO)
111 S 2nd Street, Suite 400
Mankato, MN 56001