

Pursuant to due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Municipal Building Council Chambers on October 3, 2022. Mayor Dehen 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 Norland, Oachs, Steiner, Whitlock, City Administrator McCann, Interim Finance Director Ryan, Police Chief Gullickson, and City Clerk Van Genderen.

**Approval of Agenda**

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

**Approval of Council Minutes from September 19, 2022, Council Meeting.**

**Council Member Steiner moved, seconded by Council Member Norland, to approve the Council Meeting Minutes of September 19, 2022. Vote on the motion Norland, Oachs, Whitlock, Steiner, and Dehen aye, no nays. Motion carried.**

**Approval of Council Work Session Minutes from September 26, 2022, Council Work Session.**

**Council Member Norland moved, seconded by Council Member Oachs, to approve the Council Work Session Meeting Minutes of September 26, 2022. Vote on the motion Norland, Oachs, Whitlock, Steiner, and Dehen aye, no nays. Motion carried.**

**Public Hearing, 7 pm Consider Amending City Code Chapter 54: Stormwater, Chapter 92: Health and Safety: Nuisances, Chapter 155 Subdivision Regulations, and Chapter 156 Zoning Code.**

City Engineer Sarff appeared before Council and noted that the MS4 permit (Municipal Separate Storm Sewer System) is administered by the Minnesota Pollution Control Agency. The City of North Mankato, as a City of 10,000, is required to have an MS4 permit with the goal of reducing debris in the stormwater system. In 2021 the MS4 was updated, so the City needs to update its MS4 and the ordinances that pertain to the MS4. There are seven different paragraphs in the City Code that needs to be updated. Most of the changes modify the language to refer to the MS4 permit reducing the times the City needs to complete ordinances to change the City Code. The City will also need to adopt the City's MS4 Stormwater Pollution Prevention Plan. The plan covers Public Education and Outreach, Public Participation/Involvement, Illicit Discharge Detection, and Elimination, Construction Site Stormwater Runoff Control, Post-Construction Stormwater Management, and Pollution Prevention/Good Housekeeping for Municipal Operations.

With no one appearing before Council, the Mayor closed the public hearing.

**Consent Agenda**

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

- A. Bills and Appropriations.
- B. Res. No. 88-22 Approving Donations/Contributions/Grants.
- C. Approved Parade and Audio Permit for Mankato YMCA Stride 5K on November 19, 2022, at Spring Lake Park from 9:00 am to 11:30 am.
- D. Approved Parade and Audio Permit for My Place Mankato, My Pace Mile on October 30, 2022, from 10:30 am to 12:30 pm.

- E. Accepted Petition and Set a Public Hearing on October 17, 2022, at 7 pm for the Vacation of Utility Easement.

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

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

Husein Saramah, Tip Top Tobacco, appeared before Council and noted his shop's sales taxes produced for both the State and the City. He expressed his concerns if he is not allowed to sell THC. He said they had lost 20% profit in the last month due to not being able to sell everything that locations in Mankato and Nicollet are allowed to sell.

**Business Items**

**Council Member Norland moved, seconded by Council Member Steiner, to take Ordinance No. 152, Fourth Series, an Ordinance Regulating the Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis, or Cannabinoids off the table. Vote on the motion Norland, Oachs, Whitlock, Steiner, and Dehen aye, no nays. Motion carried.**

**Ordinance No. 152, Fourth Series, an Ordinance Regulating the Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis, or Cannabinoids.**

Police Chief Gullickson stated that the City appreciates the Tip Top Tobacco business. The Ordinance would not prohibit the sale of legal THC Cannabis or Cannabinoid products. The licensure would restrict the number of licenses, allow inspections similar to what is allowed when someone sells alcohol, and follow all state statutes. City Administrator McCann reviewed the changes made since the last presentation of the Ordinance, noting the allowed licenses increased from five to ten.

Husein Saramah requested clarification on if vape products would also be allowed. Police Chief Gullickson reviewed the history of legalized products and noted that vapes are no longer legal and only edibles are legal in Minnesota. He stated there might be locations that are selling and are out of compliance with State laws.

Council Member Oachs noted that a question concerning the legality of inspections without warrants was brought up at a previous meeting. She said that liquor establishments are subject to no warrant inspections and the police are always very respectful and only conduct inspections during business hours.

A discussion was held about whether properties outside the commercial districts would be allowed to sell cannabinoids. Police Chief Gullickson noted that authorizing licenses outside of the commercial districts would be outside of the spirit of the law because the Police would not be able to conduct any warrant searches on the locations. City Administrator McCann noted that cannabis sales would not be an eligible home-based business. Police Chief Gullickson pointed out that the Planning Commission might discuss the issue later.

**Council Member Steiner moved, seconded by Council Member Oachs, to Adopt Ordinance No. 152, Fourth Series, an Ordinance Regulating the Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis, or Cannabinoids. Vote on the motion Norland, Oachs, Whitlock, Steiner, and Dehen aye, no nays. Motion carried.**

**Council Member Steiner moved, seconded by Council Member Norland, to adopt Res. No. 89-22 Setting Fees and Charges.** The resolution set the license fee for the sale of cannabinoid

products at \$200.00, the same as a tobacco license. **Vote on the motion Norland, Oachs, Whitlock, Steiner, and Dehen aye, no nays. Motion carried.**

**Ordinance No. 153 Fourth Series, an Ordinance of the City of North Mankato, Minnesota, Amending North Mankato City Code, Chapter 54: Stormwater, Chapter 92: Health and Safety; Nuisances, Chapter 155: Subdivision Regulations, and Chapter 156: Zoning Code.**

**Council Member Norland moved, seconded by Council Member Steiner, to Adopt Ordinance No. 153 Fourth Series, an Ordinance of the City of North Mankato, Minnesota, Amending North Mankato City Code, Chapter 54: Stormwater, Chapter 92: Health and Safety; Nuisances, Chapter 155: Subdivision Regulations, and Chapter 156: Zoning Code. Vote on the motion Norland, Oachs, Whitlock, Steiner, and Dehen aye, no nays. Motion carried.**

**Res. No. 90-22 Adopting the City of North Mankato MS4 Stormwater Pollution Plan.**

**Council Member Steiner moved, seconded by Council Member Oachs, to Adopt Res. No. 90-22 Adopting the City of North Mankato MS4 Stormwater Pollution Plan. Vote on the motion Norland, Oachs, Whitlock, Steiner, and Dehen aye, no nays. Motion carried.**

### **Open Forum**

Joel Faugstad, 11 Benson Trail, appeared before Council and requested clarification on the utility easement vacation process. City Clerk Van Genderen reported that the Public Hearing was set for October 17, 2022, and letters were sent to the utility companies so they could review the property and see if they have utilities. The utility companies will respond before the meeting. The public hearing will be held, and the request will go to Nicollet County for recording if everything is approved.

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

City Administrator McCann thanked the participants of the first Brewing New Ideas event and invited everyone out to the second event on October 19<sup>th</sup> from 6 pm to 8 pm at the Spring Lake Park Warming House.

City Administrator McCann reported that fall drop-off would be held October 6-8 from 7 am to 5 pm and October 9, 7 am to noon at the Public Works Yard at 610 Webster Avenue.

City Administrator McCann reported that Fall Leaf Collection will begin on Thursday, October 6<sup>th</sup>, and will continue until all leaves are picked up or weather prevents collection.

City Administrator McCann reported that Water Main Flushing would take place from October 7<sup>th</sup> through October 21<sup>st</sup>.

City Administrator McCann said that the League of Women Voters would be conducting a candidate forum for the North Mankato Mayor and City Council Candidates on October 6th. The event would be broadcast on KTV and shared on City social media and website.

City Administrator McCann reported that the library's Jack-O-Lantern Walk would be held on October 15<sup>th</sup> from 6 pm to 9 pm at Bluff Park.

City Administrator McCann invited residents to review the Fall 2022 Culture and Recreation Programming by visiting the City's website.

**Mayor and Council Comments**

Council Member Norland encouraged residents to mulch their leaves.

Council Member Oachs wanted to let residents know that if they have mattresses that they need to dispose of, Ponderosa takes them.

Mayor Dehen encouraged residents to participate in the subsequent Brewing New Ideas event. He thanked residents for attending the Party on the Prairie event at Benson Park.

Mayor Dehen thanked the City Electrician for installing the light at the corner of Lee Blvd and Lor Ray Drive.

Mayor Dehen thanked residents for their patience during the Lor Ray Drive closure as the contractors connected the new Chipotle and Starbucks to public utilities.

At 7:32 pm, on a motion by Council Member Norland, seconded by Council Member Steiner, the Council Meeting was adjourned.

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Mayor

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City Clerk