

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 August 15, 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, Public Works Director Host, Community Development Director Fischer, and City Clerk Van Genderen.

### **Approval of Agenda**

**Council Member Steiner moved, seconded by Council Member Norland, to approve the agenda as presented. Vote on the motion Oachs, Steiner, Norland and Dehen aye, Whitlock abstain. Motion carried.**

### **Approval of Council Minutes from August 1, 2022, Council Meeting.**

**Council Member Norland moved, seconded by Council Member Steiner, to approve the Council meeting minutes of August 1, 2022. Vote on the motion Oachs, Steiner, Norland and Dehen aye, Whitlock abstain. Motion carried.**

### **Consent Agenda**

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

- A. Bills and Appropriations.
- B. Res. No. 72-22 Approving Donations/Contributions/Grants.
- C. Approved Audio Permit for SPL Meets Car Show at Caswell Park Parking Lots from 10:00 a.m. to 9:00 p.m.
- D. Approved Audio and Block Party Permit for St. Paul Lutheran Church's Risen Savior Sunday, August 21, 2022, from 8:00 a.m. to 2:00 p.m.
- E. Approved the Audio Permit for Crossview Covenant Outdoor Baptism Worship Service at 2000 Howard Drive W. on August 14, 2022, from 8:30 a.m. to 12:30 p.m.
- F. Approved the Audio Permit for Connecting Commerce event at 1960 Commerce Drive on August 19, 2022, from 4 pm to 6 pm.
- G. Res. No. 73-22 Waiving Waiting Period for Exemption from Lawful Gambling License for Holy Rosary Church.

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

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

None.

### **Business Items**

**Set Public Hearing Concerning an Ordinance Regulating the Sale of Cannabinoids on September 19, 2022, at 7:00 p.m.**

City Administrator McCann reported the topic was brought before Council at a Council Work Session, where it was decided to bring the topic back to set a public hearing on either a moratorium or an ordinance regulating and licensing cannabinoids. He noted staff has worked with Attorney Kennedy to prepare an ordinance that would probably be implemented following a moratorium. Staff would request Council proceed with a public hearing on the ordinance regulating and licensing

cannabinoids. Council Member Steiner pointed out that the ordinance would be similar to the ordinance regulating alcohol, and the City does not want to ban only regulate. Council Member Norland agreed with the option to regulate the sale and proceed with setting a public hearing on the ordinance to regulate the sale of cannabinoids. Council Member Oachs noted that Minnesota Licensed Beverage Association would discuss cannabinoids in the next few months, which may impact the sale. Mayor Dehen noted Alexandria took up the issue and concluded it would be easier to start with regulations than it would be to try and impose regulations after the sales had been going on.

Police Chief Gullickson noted he was comfortable with the planned ordinance. It covered the bases his department would need.

Council Member Oachs questioned if the gummies would be considered food and would not qualify for the food and beverage tax.

Attorney Kennedy noted that the tax issue may still be an open issue as the Board of Pharmacy will regulate cannabinoids, and there continues to be an ongoing discussion. Attorney Kennedy asked if the prepared language was what the Council wanted as there were several items that they would need to determine. City Administrator McCann noted the ordinance currently has five allowed licenses in the City, but that could change based on Council direction. Attorney Kennedy pointed out the City has 12 on-sale intoxicating liquor licenses available. Council Member Steiner thought the number was restrictive, and Council Member Norland questioned if the items could be sold where liquor is sold. Attorney Kennedy said they could not be sold at off-sale locations, but by state law, it is not prohibited at on-sale locations.

Council Member Oachs mentioned a few spelling and grammar issues she would like updated before the public hearing.

It was determined to proceed with the Ordinance as presented and listen to the public during the public hearing concerning the number of licenses and where the cannabinoids could be sold.

**Council Member Steiner moved, seconded by Council Member Norland, to set a Public Hearing to Consider an Ordinance Regulating the Sale of Cannabinoids on September 19, 2022, at 7:00 p.m. Vote on the motion Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.**

**Set Public Hearing Repealing and Replacing Chapter 153: Flood Plain Regulation on September 6, 2022, at 7:00 p.m.**

Community Development Director Fischer reported that earlier this year, the City was contacted by the Federal Emergency Management Agency (FEMA), indicating that the Flood Insurance Rate Maps and Nicollet County Flood Insurance Study are complete and will become effective on October 13, 2022. FEMA indicated that the City must amend the current floodplain ordinance or adopt a new ordinance to continue participating in the National Flood Insurance Program. For the past several months, staff has been working with the DNR to create a new floodplain ordinance that meets state and federal standards. Attached is a floodplain ordinance approved by the DNR, which would replace our existing ordinance. As part of the ordinance amendment process, it is necessary to set a public hearing for September 6, 2022.

Mayor Dehen requested clarification on if there were many changes to the current Ordinance. Community Development Director Fischer reported that there were not a lot of changes due to the flood wall. Public Works Director Host noted there should be a reduction in residents' insurance rates.

**Council Member Norland moved, seconded by Council Member Steiner, to Set a Public Hearing Repealing and Replacing Chapter 153: Flood Plain Regulation on September 6, 2022, at**

7:00 p.m. Vote on the motion Oachs, Whitlock, Steiner, Norland, and Dehen aye; no nays. Motion carried.

**Res. No. 74-22 Encouraging the Legislature to Meet for a Special Session.**

City Administrator McCann reported the City received communication from the Coalition of Greater Minnesota Cities requesting Councils consider passing a resolution encouraging the State Legislature to meet for a special session. Council agreed that the resolution was important.

**Council Member Norland moved, seconded by Council Member Steiner, to Adopt Res. No. 74-22 Encouraging the Legislature to Meet for a Special Session. Mayor Dehen Requested A Friendly Amendment to the Resolution Adding Language to the Resolution to Include the City of Mankato’s Waste Resource Recovery Facility Bond Request. Council Member Norland Accepted the Friendly Amendment. Vote on the motion Oachs, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Res. No. 75-22 Accepting Caswell Shelter Bid.**

Public Works Director Host reported staff bid on the Caswell Park Shelter and received five bids as totaled below:

	RW Carlstrom	Rice Construction	DeMars	Apex	Web Construction	
Base Bid	\$ 346,140.00	\$ 319,350.00	\$ 339,800.00	\$ 358,777.00	\$ 366,483.00	Accepted
Alternate #001 - T&G Ceiling	\$ (3,155.41)	\$ (3,000.00)	\$ -	\$ (3,438.00)	\$ (2,205.00)	Accepted
Alternate #002 - Earthwork By City	\$ (40,863.00)	\$ (44,950.00)	\$ (31,000.00)	\$ (44,363.00)	\$ (38,607.00)	Accepted
Alternate #003 - Electrical By City	\$ (30,000.00)	\$ -	\$ (34,785.00)	\$ (34,785.00)	\$ (34,785.00)	Rejected
Alternate #004 - Concrete in Lieu of Block	\$ 23,402.00	\$ (10,000.00)	\$ -	\$ (2,085.00)	\$ 3,738.00	Accepted
Alternate #005 - Spring 2023 vs Fall 2022	\$ 22,557.00	\$ 30,000.00	\$ 33,980.00	\$ 23,550.00	\$ 3,038.00	Rejected
<b>Total of Base Bid and Accepted Alternates</b>	<b>\$ 325,523.59</b>	<b>\$ 261,400.00</b>	<b>\$ 308,800.00</b>	<b>\$ 308,891.00</b>	<b>\$ 329,409.00</b>	

Public Works Director Host noted the low bid was from Rice Construction with a start date after Labor Day with completion this fall. He reminded Council that the City received a DNR Grant to offset the cost, and the staff recommends approval.

**Council Member Steiner moved, seconded by Council Member Oachs, to Adopt Res. NO. 75-22 Accepting Caswell Shelter Bid. Vote on the motion Oachs, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.**

**Open Forum**

None.

**City Administrator and Staff Comments**

City Administrator McCann reported the Splash Pad ribbon cutting was held this afternoon and thanked the Ward Family Foundation for making the project possible.

City Administrator McCann reported Connecting Commerce Business Association will hold its final Concert on Commerce on August 19<sup>th</sup> from 4 pm to 6 pm.

City Administrator McCann said the last Adult Night of the season would be held on Saturday, August 20<sup>th</sup>, and tickets are on sale. The final day for the open swim is Sunday, August 28<sup>th</sup>.

Youth Football was featured in an article by USA football and highlighted the City’s program and the grant received to fund the 3rd-grade tackle teams’ equipment. The Annual Jamboree will be at the Caswell North Soccer Complex on Tuesday, August 23<sup>rd</sup>, and Wednesday, August 24<sup>th</sup>.

The City continues to encourage residents to implement water conservation measures as requested by the DNR.

Public Works Director Host reported McKinley Avenue is completed, just waiting to proceed with the restoration. He noted Lor Ray Drive is proceeding, and they are wrapping up the sewer and moving to water. Caswell Fields 5 and 6 are torn out, and work is proceeding.

City Clerk Van Genderen thanked all election judges for their work at the primary and noted an excellent primary turnout of approximately 28.6% of registered voters.

**Mayor and Council Comments**

Council Member Whitlock thanked the Ward Family Foundation for the donation of the Splash Pad.

Council Member Steiner also thanked the Ward Family Foundation.

Council Member Norland stated she appreciated the community working together to create a beautiful community.

Council Member Oachs reported the ASA Board met and stated a new Joint Powers Agreement would need to be created. She noted that Nicollet County left the organization in 2018, and Eagle Lake is considering leaving. If more partners back out, it may be difficult to do the work necessary to keep the rink going. If that happens, there might not be a rink for the community.

Mayor Dehen thanked the Ward Family Foundation for their donation and commented it is an excellent addition to the park. The bike trail continues to be recognized as a positive collaborative effort. He thanked everyone who worked as Election Judges at the primary and wished everyone well who was running for office.

At 7:30 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