

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 1, 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, City Administrator McCann, and City Clerk Van Genderen. Absent: Council Member Whitlock.

**Approval of Agenda**

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

**Approval of Council Minutes from July 18, 2022, Council Meeting.**

**Council Member Norland moved, seconded by Council Member Steiner, to approve the Council meeting minutes of July 18, 2022. Vote on the motion Norland, Oachs, Steiner, and Dehen aye; no nays. Motion carried.**

**Consent Agenda**

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

- A. Bills and Appropriations.
- B. Res. No. 71-22 Approving Donations/Contributions/Grants.
- C. Approved an Audio Permit for St. Paul's Lutheran Church at 304 Monroe Avenue on August 21, 2022, from 10:00 a.m. to 12:00 p.m. for Risen Savior Opening Service.
- D. Approved the Audio and Parade Permit for the Mankato Brewery at 1119 Center Street on September 17, 2022.
- E. Approved an Audio Permit for the Dynamic Duos Bike Polo Tournament at the Spring Lake Park Hockey Rinks from September 9, 2022, through September 11, 2022.
- F. Approved an Audio Permit for Arlington Lane's End of the Summer Party on September 17, 2022, from 6:00 p.m. until 10:00 p.m.
- G. Accepted and Approved the July Traffic & Safety Committee Minutes and Accepted the Recommendations.
- H. Authorized the City Administrator to Execute the Labor Agreement with Local No. 394.

**Vote on the motion Norland, Oachs, Steiner, and Dehen aye; no nays. Motion carried.**  
Council thanked the generous anonymous donor for the generous donation to the Police Department.

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

None.

**Business Items**

None.

**Open Forum**

Barb Church, 102 Wheeler Avenue, appeared before the council and asked if the \$25,000 anonymous donation to the Police Department had additional restrictions besides being for the Police Department.

City Administrator McCann reported that the donor specified the funds to replace office furniture and improve the squad room since the current furniture is original to the building.

Barb Church, 102 Wheeler Avenue, requested clarification on if North Mankato had watering restrictions.

City Administrator McCann reported that the City currently does not, but the Public Works Director and himself would monitor the situation.

**City Administrator and Staff Comments**

City Administrator McCann invited everyone to National Night Out hosted by the Taylor Library on August 2, 2022.

City Administrator McCann reported the Caswell Park groundbreaking ceremony would take place on August 3<sup>rd</sup> at 10:00 a.m. at Caswell Park.

City Administrator McCann reminded residents that the Primary Election would be held on Tuesday, August 9<sup>th</sup>, with polls open from 7 am to 8 pm. He encouraged residents to review their polling locations as some may have changed due to redistricting.

City Administrator McCann reported the splash pad features will be installed the week of August 1<sup>st</sup> and will open upon final inspection.

**Mayor and Council Comments**

Council Member Norland thanked local environmentalist Leigh Pomeroy for his article in the Star Tribune.

Council Member Oachs reported that Blues on Belgrade went well and thanked Business on Belgrade, Katie Heintz, and Jolinda Grabiniowski for their work.

Council Member Steiner said he has received comments of dislike about the DNA slogan and requested reconsideration of the slogan.

Mayor Dehen thanked everyone who planned, assisted, and participated in Blues on Belgrade.

Mayor Dehen thanked City Planner Lassonde and Public Information Officer Brown for their work on the newly installed bike maps. The project used SHIP money to put up bike path signs around town.

At 7:10 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



City of North Mankato, MN

# Claims List - Regular

By Vendor Name

Date Range: 8-15-22

| Vendor Number          | Vendor Name                       | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|------------------------|-----------------------------------|--------------|--------------|-----------------|----------------|--------|
| Bank Code: APBNK-APBNK |                                   |              |              |                 |                |        |
| 00007                  | A&B TRANSMISSIONS                 | 08/15/2022   | Regular      | 0               | 4,331.00       | 96261  |
| 00012                  | ABDO LLP                          | 08/15/2022   | Regular      | 0               | 3,000.00       | 96262  |
| 03444                  | ALLEN, THOMAS                     | 08/10/2022   | Regular      | 0               | 210.00         | 96204  |
| 00070                  | AMLAWN, INC.                      | 08/15/2022   | Regular      | 0               | 830.00         | 96263  |
| 03448                  | ANDERSON, ARLYCE                  | 08/10/2022   | Regular      | 0               | 99.00          | 96205  |
| 03774                  | ANNIS, AARON                      | 08/02/2022   | Regular      | 0               | 750.00         | 96189  |
| 02959                  | ARTIFACT                          | 08/15/2022   | Regular      | 0               | 1,146.00       | 96264  |
| 02434                  | AUSTIN'S AUTO REPAIR CENTER, INC. | 08/15/2022   | Regular      | 0               | 44.79          | 96265  |
| 03819                  | BAKER, JOHN                       | 08/10/2022   | Regular      | 0               | 93.50          | 96206  |
| 02883                  | BAUER, KATHLEEN                   | 08/10/2022   | Regular      | 0               | 165.00         | 96207  |
| 03805                  | BEE BALM FIELDS                   | 08/09/2022   | Regular      | 0               | 750.00         | 96202  |
| 00136                  | BENCHS                            | 08/15/2022   | Regular      | 0               | 152.00         | 96266  |
| 03228                  | BICKETT, WILLIAM                  | 08/10/2022   | Regular      | 0               | 96.25          | 96208  |
| 03829                  | BRADY'S CONCRETE & CONSTRUCTION   | 08/15/2022   | Regular      | 0               | 12,043.86      | 96267  |
| 03379                  | BROSKOFF, ANNE                    | 08/10/2022   | Regular      | 0               | 93.50          | 96209  |
| 03814                  | BRUEGGER, EMMA                    | 08/10/2022   | Regular      | 0               | 110.00         | 96210  |
| 03822                  | BRUEGGER, KIMBERLY                | 08/10/2022   | Regular      | 0               | 110.00         | 96211  |
| 02414                  | BULLERT, DAVID                    | 08/10/2022   | Regular      | 0               | 93.50          | 96212  |
| 00238                  | CHAMPLIN AUTO WASH                | 08/15/2022   | Regular      | 0               | 560.00         | 96268  |
| 00255                  | CITY OF MANKATO                   | 08/15/2022   | Regular      | 0               | 145,198.23     | 96269  |
| 03800                  | CLARK, CHRIS                      | 08/02/2022   | Regular      | 0               | 650.00         | 96190  |
| 03804                  | COOK, KEITH                       | 08/02/2022   | Regular      | 0               | 740.00         | 96191  |
| 03460                  | COOKLOCK, JENNIFER                | 08/10/2022   | Regular      | 0               | 93.50          | 96213  |
| 03454                  | DALE, PATRICIA                    | 08/10/2022   | Regular      | 0               | 110.00         | 96214  |
| 00326                  | DAVIS COMFORT SYSTEMS, INC.       | 07/29/2022   | Regular      | 0               | 235.85         | 96182  |
| 02878                  | DEHEN, HELEN                      | 08/10/2022   | Regular      | 0               | 93.50          | 96215  |
| 03452                  | DEWITTE, KENNY                    | 08/10/2022   | Regular      | 0               | 110.00         | 96216  |
| 00344                  | DIAMOND VOGEL PAINT CENTER        | 08/15/2022   | Regular      | 0               | 252.71         | 96271  |
| 03372                  | DINSMORE, KRISTA                  | 08/10/2022   | Regular      | 0               | 216.00         | 96217  |
| 03370                  | DOYLE, CHRISTINE                  | 08/10/2022   | Regular      | 0               | 93.50          | 96218  |
| 00364                  | DRUMMER'S GARDEN CENTER & FLORAL  | 08/15/2022   | Regular      | 0               | 79.92          | 96272  |
| 03816                  | EVANS, ANN                        | 08/10/2022   | Regular      | 0               | 99.00          | 96219  |
| 00401                  | EXPRESS SERVICES, INC.            | 08/15/2022   | Regular      | 0               | 1,884.85       | 96273  |
| 02321                  | FIELD TRAINING SOLUTIONS          | 08/15/2022   | Regular      | 0               | 590.00         | 96274  |
| 03088                  | FRITZ, KATIE                      | 08/02/2022   | Regular      | 0               | 550.00         | 96192  |
| 03568                  | GOPHER SPORT                      | 08/15/2022   | Regular      | 0               | 399.86         | 96275  |
| 00499                  | GRAINGER                          | 08/15/2022   | Regular      | 0               | 29.40          | 96276  |
| 03377                  | HALSTEAD, MITCHELL                | 08/10/2022   | Regular      | 0               | 93.50          | 96220  |
| 00524                  | HALSTEAD, WILLIAM                 | 08/10/2022   | Regular      | 0               | 216.00         | 96221  |
| 00528                  | HANSEN SANITATION INC             | 08/15/2022   | Regular      | 0               | 141.40         | 96277  |
| 02879                  | HANSON, MAE                       | 08/10/2022   | Regular      | 0               | 110.00         | 96222  |
| 00819                  | HARRISON FORD OF MANKATO LLC      | 08/15/2022   | Regular      | 0               | 409.03         | 96278  |
| 03807                  | HARTMANN, DANA                    | 08/10/2022   | Regular      | 0               | 110.00         | 96223  |
| 03462                  | HENRICKSON, KIM                   | 08/10/2022   | Regular      | 0               | 110.00         | 96224  |
| 03463                  | HENRICKSON, SHAROLYN              | 08/10/2022   | Regular      | 0               | 110.00         | 96225  |
| 03586                  | HINDBERG, RODNEY                  | 08/02/2022   | Regular      | 0               | 550.00         | 96193  |
| 03362                  | HOPKINS, NANCY                    | 08/10/2022   | Regular      | 0               | 93.50          | 96226  |
| 00590                  | HUDSON, DAVID                     | 08/10/2022   | Regular      | 0               | 216.00         | 96227  |
| 03817                  | HUETTL, DENNIS                    | 08/10/2022   | Regular      | 0               | 93.50          | 96228  |
| 00595                  | HY-VEE, INC.                      | 08/15/2022   | Regular      | 0               | 845.98         | 96279  |
| 03827                  | JIM ANDERSEN                      | 08/15/2022   | Regular      | 0               | 190.68         | 96280  |
| 00638                  | JOEL, CHER                        | 08/10/2022   | Regular      | 0               | 88.00          | 96229  |
| 03820                  | JOEL, MARTIN                      | 08/10/2022   | Regular      | 0               | 93.50          | 96230  |
| 03665                  | KATO MANUFACTURING LLC            | 08/15/2022   | Regular      | 0               | 1,687.50       | 96281  |
| 00681                  | KELLER, TOM                       | 08/02/2022   | Regular      | 0               | 625.00         | 96194  |
| 03608                  | KELLERMAN, JEFFREY                | 08/02/2022   | Regular      | 0               | 600.00         | 96195  |
| 00682                  | KELLY, ANGELA                     | 08/10/2022   | Regular      | 0               | 216.00         | 96231  |

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|-------|---|------------|------------|---|------------|------------|
| 00639 | KIBBLE EQUIPMENT LLC                    | 08/15/2022 | Regular    | 0 | 1,886.12   | 96282      |
| 03232 | KIM, EMILY                              | 08/10/2022 | Regular    | 0 | 110.00     | 96232      |
| 00724 | LEAGUE OF MINNESOTA CITIES INSURANCE TR | 07/29/2022 | Regular    | 0 | 219,329.00 | 96188      |
| 03799 | LEANNE NIERE                            | 07/29/2022 | Regular    | 0 | 550.00     | 96183      |
| 03825 | LONGSTREET, JUDY                        | 08/10/2022 | Regular    | 0 | 96.25      | 96233      |
| 03821 | MAHOWALD, CHRISTOPHER                   | 08/10/2022 | Regular    | 0 | 110.00     | 96234      |
| 00812 | MANKATO BEARING COMPANY                 | 08/15/2022 | Regular    | 0 | 87.47      | 96283      |
| 00832 | MANKATO TENT & AWNING CO.               | 08/15/2022 | Regular    | 0 | 113.00     | 96284      |
| 00847 | MATHESON TRI-GAS, INC.                  | 08/15/2022 | Regular    | 0 | 324.35     | 96285      |
| 03378 | MC GRAW, KATHRYN                        | 08/10/2022 | Regular    | 0 | 99.00      | 96235      |
| 00875 | METRO SALES, INC.                       | 08/15/2022 | Regular    | 0 | 120.00     | 96286      |
| 03466 | MEYER, NICK                             | 08/10/2022 | Regular    | 0 | 110.00     | 96236      |
| 02413 | MEYERS, DIANE                           | 08/10/2022 | Regular    | 0 | 187.00     | 96237      |
| 00885 | MIDLER, MARK                            | 08/10/2022 | Regular    | 0 | 93.50      | 96238      |
| 03813 | MOLLER, KEVIN                           | 08/10/2022 | Regular    | 0 | 99.00      | 96239      |
| 03823 | MORGAN, LOREN                           | 08/10/2022 | Regular    | 0 | 96.25      | 96240      |
| 00993 | MRCI                                    | 08/15/2022 | Regular    | 0 | 1,000.00   | 96287      |
| 03808 | MUELLER, PEGGY                          | 08/10/2022 | Regular    | 0 | 110.00     | 96241      |
| 03815 | NELSON, ELIJAH                          | 08/10/2022 | Regular    | 0 | 110.00     | 96242      |
| 01045 | NIELSEN BLACKTOPPING                    | 08/15/2022 | Regular    | 0 | 36,064.83  | 96288      |
| 02060 | NORTHERN COMFORT                        | 07/29/2022 | Regular    | 0 | 21.00      | 96184      |
| 02060 | NORTHERN COMFORT                        | 08/15/2022 | Regular    | 0 | 523.95     | 96289      |
| 02569 | NORTHLAND LIFT SALES AND SERVICE        | 08/15/2022 | Regular    | 0 | 10,958.50  | 96290      |
| 02658 | PEARSON, DOUG                           | 08/02/2022 | Regular    | 0 | 600.00     | 96196      |
| 03748 | PERFORMANCE FOODSERVICE                 | 08/15/2022 | Regular    | 0 | 361.78     | 96291      |
| 01106 | PETTY CASH                              | 08/15/2022 | Regular    | 0 | 46.39      | 96292      |
| 03826 | POLCO                                   | 08/15/2022 | Regular    | 0 | 17,000.00  | 96293      |
| 03548 | RANDALL'S TREE SERVICE, INC             | 08/15/2022 | Regular    | 0 | 3,000.00   | 96294      |
| 01184 | REHRIG PACIFIC COMPANY                  | 08/15/2022 | Regular    | 0 | 14,747.40  | 96295      |
| 03802 | RILEY, JEFF                             | 08/02/2022 | Regular    | 0 | 600.00     | 96197      |
| 00224 | ROBERT W. CARLSTROM CO., INC.           | 08/15/2022 | Regular    | 0 | 193,611.90 | 96296      |
| 03818 | ROEMHILDT, TIM                          | 08/10/2022 | Regular    | 0 | 110.00     | 96243      |
| 03360 | ROREM, NANCY                            | 08/10/2022 | Regular    | 0 | 99.00      | 96244      |
| 03812 | RUBY, SHIRLEY                           | 08/10/2022 | Regular    | 0 | 99.00      | 96245      |
| 03371 | RYKHUS, BETTY                           | 08/10/2022 | Regular    | 0 | 110.00     | 96246      |
| 02151 | SAFE ASSURE CONSULTANTS INC             | 08/15/2022 | Regular    | 0 | 7,650.34   | 96297      |
| 01242 | SAWATZKY POOLS, INC.                    | 08/15/2022 | Regular    | 0 | 403.45     | 96298      |
| 01247 | SCHILLING, ELAINE                       | 08/10/2022 | Regular    | 0 | 210.00     | 96247      |
| 01252 | SCHMIDT, RONALD                         | 08/10/2022 | Regular    | 0 | 110.00     | 96248      |
| 01263 | SCHWICKERT'S TECTA AMERICA LLC          | 08/15/2022 | Regular    | 0 | 5,292.38   | 96299      |
| 02416 | SENDEN, THOMAS                          | 08/10/2022 | Regular    | 0 | 93.50      | 96249      |
| 03811 | SNYDER, ANN                             | 08/10/2022 | Regular    | 0 | 99.00      | 96250      |
| 01320 | SPRING TOUCH LAWN SPECIALIST            | 08/15/2022 | Regular    | 0 | 647.66     | 96300      |
| 01331 | STANDARD & POOR'S                       | 08/15/2022 | Regular    | 0 | 12,375.00  | 96301      |
| 03588 | STOEN, JEFF                             | 08/02/2022 | Regular    | 0 | 750.00     | 96198      |
| 02430 | STRATEGIC INSIGHTS INC.                 | 08/10/2022 | Regular    | 0 | 775.00     | 96203      |
| 03806 | STURM, CHRISTIAN                        | 08/10/2022 | Regular    | 0 | 110.00     | 96251      |
| 01358 | SULLIVAN, PATRICIA                      | 08/10/2022 | Regular    | 0 | 93.50      | 96252      |
| 03468 | SWANSON, AMY                            | 08/10/2022 | Regular    | 0 | 93.50      | 96253      |
| 03738 | TOTAL LANDSCAPE SUPPLY LLC              | 08/15/2022 | Regular    | 0 | 36.00      | 96302      |
| 03035 | TOW DISTRIBUTING CORPORATION            | 08/15/2022 | Regular    | 0 | 169.85     | 96303      |
| 01414 | TOWMASTER                               | 08/15/2022 | Regular    | 0 | 144,349.00 | 96304      |
| 01436 | ULMEN, ANTHONY                          | 08/10/2022 | Regular    | 0 | 216.00     | 96254      |
| 03810 | VANDERPLAS, ANNETTE                     | 08/10/2022 | Regular    | 0 | 110.00     | 96255      |
| 01474 | VETTER STONE COMPANY                    | 08/15/2022 | Regular    | 0 | 1,924.00   | 96305      |
| 03307 | VINNIES MINN. SNO PENTICO ICE & MFG     | 08/15/2022 | Regular    | 0 | 1,023.80   | 96306      |
| 02875 | WAHOSKE, MARCIA                         | 08/10/2022 | Regular    | 0 | 99.00      | 96256      |
| 01525 | WEST CENTRAL SANITATION, INC.           | 08/15/2022 | Regular    | 0 | 30,314.23  | 96307      |
| 03824 | WINCHESTER, DOMINIQUE                   | 08/10/2022 | Regular    | 0 | 96.25      | 96257      |
| 03803 | WITTHUS, KINDRA                         | 08/02/2022 | Regular    | 0 | 700.00     | 96199      |
| 01556 | WYROWSKI, MARY CLARE                    | 08/10/2022 | Regular    | 0 | 264.00     | 96258      |
| 01564 | ZELLMER, GARY                           | 08/10/2022 | Regular    | 0 | 216.00     | 96259      |
| 02402 | ZELLMER, MARY                           | 08/10/2022 | Regular    | 0 | 216.00     | 96260      |
| 02033 | AMAZON.COM                              | 08/08/2022 | Bank Draft | 0 | 63.58      | DFT0007060 |
| 00137 | BENCO ELECTRIC COOPERATIVE              | 08/08/2022 | Bank Draft | 0 | 38,581.64  | DFT0007052 |
| 00447 | FREE PRESS                              | 08/05/2022 | Bank Draft | 0 | 20.16      | DFT0007045 |
| 00465 | GALE/CENGAGE LEARNING                   | 08/10/2022 | Bank Draft | 0 | 183.14     | DFT0007063 |

|       |   |            |            |   |           |            |
|-------|---|------------|------------|---|-----------|------------|
| 00506 | GREATER MANKATO GROWTH, INC.            | 08/09/2022 | Bank Draft | 0 | 2,149.00  | DFT0007069 |
| 00733 | LAKES GAS CO #10                        | 08/05/2022 | Bank Draft | 0 | 158.30    | DFT0007038 |
| 00857 | MC GOWAN WATER CONDITIONING, INC.       | 08/05/2022 | Bank Draft | 0 | 45.31     | DFT0007039 |
| 00857 | MC GOWAN WATER CONDITIONING, INC.       | 08/05/2022 | Bank Draft | 0 | 21.00     | DFT0007040 |
| 00857 | MC GOWAN WATER CONDITIONING, INC.       | 08/05/2022 | Bank Draft | 0 | 31.50     | DFT0007041 |
| 00910 | MINNESOTA VALLEY TESTING LAB, INC.      | 08/05/2022 | Bank Draft | 0 | 70.04     | DFT0007034 |
| 00910 | MINNESOTA VALLEY TESTING LAB, INC.      | 08/05/2022 | Bank Draft | 0 | 70.04     | DFT0007035 |
| 00910 | MINNESOTA VALLEY TESTING LAB, INC.      | 08/05/2022 | Bank Draft | 0 | 70.04     | DFT0007036 |
| 00910 | MINNESOTA VALLEY TESTING LAB, INC.      | 08/05/2022 | Bank Draft | 0 | 70.04     | DFT0007037 |
| 00910 | MINNESOTA VALLEY TESTING LAB, INC.      | 08/09/2022 | Bank Draft | 0 | 99.09     | DFT0007062 |
| 01083 | OVERDRIVE, INC.                         | 07/14/2022 | Bank Draft | 0 | 998.76    | DFT0007056 |
| 01083 | OVERDRIVE, INC.                         | 08/05/2022 | Bank Draft | 0 | 1,312.36  | DFT0007059 |
| 01242 | SAWATZKY POOLS, INC.                    | 08/05/2022 | Bank Draft | 0 | 33.98     | DFT0007043 |
| 01335 | STAPLES ADVANTAGE                       | 08/03/2022 | Bank Draft | 0 | 228.25    | DFT0007058 |
| 02591 | UNITED TEAM ELITE                       | 08/05/2022 | Bank Draft | 0 | 306.00    | DFT0007042 |
| 02591 | UNITED TEAM ELITE                       | 08/05/2022 | Bank Draft | 0 | 165.00    | DFT0007046 |
| 01470 | VERIZON WIRELESS                        | 08/08/2022 | Bank Draft | 0 | 972.03    | DFT0007061 |
| 01525 | WEST CENTRAL SANITATION, INC.           | 08/11/2022 | Bank Draft | 0 | 4,286.40  | DFT0007068 |
| 03221 | ZIBSTER                                 | 07/27/2022 | Bank Draft | 0 | 32.00     | DFT0007057 |
| 02182 | RYAN, JESSICA                           | 08/17/2022 | EFT        | 0 | 213.00    | 5452       |
| 00551 | A.H. HERMEL COMPANY                     | 08/17/2022 | EFT        | 0 | 7,080.43  | 5453       |
| 00028 | AFFORDABLE TOWING OF MANKATO, INC.      | 08/17/2022 | EFT        | 0 | 350.00    | 5454       |
| 02254 | ALBRIGHT LAWNS                          | 08/17/2022 | EFT        | 0 | 240.00    | 5455       |
| 00050 | ALPHA WIRELESS COMMUNICATIONS           | 08/17/2022 | EFT        | 0 | 117.70    | 5456       |
| 01090 | AMERICAN SOLUTIONS FOR BUSINESS         | 08/17/2022 | EFT        | 0 | 7,237.38  | 5457       |
| 00105 | AUTO VALUE MANKATO                      | 08/17/2022 | EFT        | 0 | 1,379.67  | 5458       |
| 00174 | BOLTON & MENK, INC.                     | 08/17/2022 | EFT        | 0 | 4,050.00  | 5459       |
| 00216 | C & S SUPPLY CO, INC.                   | 08/17/2022 | EFT        | 0 | 384.42    | 5460       |
| 00230 | CCP INDUSTRIES, INC.                    | 08/17/2022 | EFT        | 0 | 171.49    | 5461       |
| 03747 | CHARGEPOINT                             | 08/17/2022 | EFT        | 0 | 1,406.00  | 5462       |
| 02757 | CINTAS                                  | 08/17/2022 | EFT        | 0 | 339.01    | 5463       |
| 00322 | DALCO                                   | 08/17/2022 | EFT        | 0 | 333.42    | 5464       |
| 00343 | DH ATHLETICS LLC                        | 08/17/2022 | EFT        | 0 | 2,389.00  | 5465       |
| 00369 | EBSCO INFORMATION SERVICES              | 08/17/2022 | EFT        | 0 | 1,951.63  | 5466       |
| 00434 | FLINT HILLS RESOURCES LP                | 08/17/2022 | EFT        | 0 | 77,543.10 | 5467       |
| 01098 | GILLETTE GROUP/PEPSI-COLA               | 08/17/2022 | EFT        | 0 | 2,821.00  | 5468       |
| 00482 | GMS INDUSTRIAL SUPPLIES, INC.           | 08/17/2022 | EFT        | 0 | 356.92    | 5469       |
| 00494 | GOPHER STATE ONE-CALL                   | 08/17/2022 | EFT        | 0 | 284.85    | 5470       |
| 00503 | GREAT AMERICAN BUSINESS PRODUCTS        | 08/17/2022 | EFT        | 0 | 697.60    | 5471       |
| 00538 | HAWKINS, INC.                           | 08/17/2022 | EFT        | 0 | 13,538.38 | 5472       |
| 00646 | HEINTZ, KATIE                           | 08/17/2022 | EFT        | 0 | 228.47    | 5473       |
| 00657 | JT SERVICES                             | 08/17/2022 | EFT        | 0 | 739.00    | 5474       |
| 03779 | KAUS, NEIL                              | 08/17/2022 | EFT        | 0 | 58.21     | 5475       |
| 00691 | KENNEDY & KENNEDY LAW OFFICE            | 08/17/2022 | EFT        | 0 | 8,683.43  | 5476       |
| 00743 | LARKSTUR ENGINEERING & SUPPLY, INC.     | 08/17/2022 | EFT        | 0 | 61.13     | 5477       |
| 00776 | LLOYD LUMBER CO.                        | 08/17/2022 | EFT        | 0 | 2,330.34  | 5478       |
| 03352 | LUXE QUARTERLIES                        | 08/17/2022 | EFT        | 0 | 1,500.00  | 5480       |
| 02644 | MACQUEEN EMERGENCY GROUP                | 08/17/2022 | EFT        | 0 | 368.38    | 5481       |
| 00874 | MENARDS-MANKATO                         | 08/17/2022 | EFT        | 0 | 60.34     | 5482       |
| 00956 | MINNESOTA WASTE PROCESSING CO.          | 08/17/2022 | EFT        | 0 | 21,093.57 | 5483       |
| 00970 | MOBILE GLASS SERVICE                    | 08/17/2022 | EFT        | 0 | 269.01    | 5484       |
| 02323 | MOBOTREX                                | 08/17/2022 | EFT        | 0 | 28.00     | 5485       |
| 00997 | MTI DISTRIBUTING CO                     | 08/17/2022 | EFT        | 0 | 3,138.08  | 5486       |
| 01052 | NORTH CENTRAL INTERNATIONAL             | 08/17/2022 | EFT        | 0 | 5,809.91  | 5487       |
| 01056 | NORTH MANKATO FIREMEN'S RELIEF ASSOCIA  | 08/17/2022 | EFT        | 0 | 7,224.00  | 5488       |
| 03160 | NOVEL SOLAR THREE LLC (DBA GREEN STREET | 08/17/2022 | EFT        | 0 | 9,412.72  | 5489       |
| 02245 | ONSITE                                  | 08/17/2022 | EFT        | 0 | 5,123.48  | 5490       |
| 01084 | OVERHEAD DOOR CO. OF MANKATO, INC.      | 08/17/2022 | EFT        | 0 | 98.00     | 5491       |
| 02005 | PANTHEON COMPUTERS                      | 08/17/2022 | EFT        | 0 | 8,659.14  | 5492       |
| 01099 | PET EXPO DISTRIBUTORS                   | 08/17/2022 | EFT        | 0 | 264.97    | 5493       |
| 01402 | POMPS TIRE                              | 08/17/2022 | EFT        | 0 | 552.72    | 5494       |
| 01179 | RED FEATHER COMPANY                     | 08/17/2022 | EFT        | 0 | 359.25    | 5495       |
| 02281 | REINDERS                                | 08/17/2022 | EFT        | 0 | 4,396.80  | 5496       |
| 02747 | RENT-N-SAVE                             | 08/17/2022 | EFT        | 0 | 150.00    | 5497       |
| 01211 | RIVER BEND BUSINESS PRODUCTS            | 08/17/2022 | EFT        | 0 | 287.30    | 5498       |
| 01281 | SIGN PRO                                | 08/17/2022 | EFT        | 0 | 175.00    | 5499       |
| 01286 | SKARPOHL PRESSURE WASHER SALES          | 08/17/2022 | EFT        | 0 | 156.70    | 5500       |

|       |                              |            |            |   |                     |            |
|-------|------------------------------|------------|------------|---|---------------------|------------|
| 01336 | STAPLES OIL CO., INC.        | 08/17/2022 | EFT        | 0 | 26,498.79           | 5501       |
| 02150 | U.S. BANK                    | 08/17/2022 | EFT        | 0 | 850.00              | 5502       |
| 01478 | VIKING FIRE & SAFETY LLC     | 08/17/2022 | EFT        | 0 | 128.86              | 5503       |
| 00234 | CENTER POINT ENERGY          | 08/08/2022 | Bank Draft | 0 | 1,726.33            | DFT0007053 |
| 01477 | VIKING ELECTRIC SUPPLY, INC. | 08/05/2022 | Bank Draft | 0 | 131.99              | DFT0007044 |
| 01477 | VIKING ELECTRIC SUPPLY, INC. | 08/11/2022 | Bank Draft | 0 | 435.13              | DFT0007055 |
| 01557 | XCEL ENERGY                  | 08/08/2022 | Bank Draft | 0 | 15,252.59           | DFT0007054 |
|       |                              |            |            |   | <u>1,192,830.76</u> | <u>198</u> |

## Authorization Signatures

### All Council

The above manual and regular claims lists for 8-15-22 are approved by:

\_\_\_\_\_  
MARK DEHEN- MAYOR

\_\_\_\_\_  
DIANE NORLAND- COUNCIL MEMBER

\_\_\_\_\_  
WILLIAM STEINER- COUNCIL MEMBER

\_\_\_\_\_  
SANDRA OACHS- COUNCIL MEMBER

\_\_\_\_\_  
JAMES WHITLOCK- 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   |
|---------------------------------|---------------------------------|----------|
| Anonymous                       | Library -Summer Reading Program | \$39.00  |
| Jane Zenk-Grace Lutheran Church | Library-Book Donation           | \$100.00 |
|                                 |                                 |          |
|                                 |                                 |          |
|                                 |                                 |          |
|                                 |                                 |          |
|                                 |                                 |          |
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|                                 |                                 |          |
|                                 |                                 |          |
|                                 |                                 |          |
|                                 |                                 |          |
|                                 |                                 |          |
| Total                           |                                 | \$139.00 |

Adopted by the City Council this 15<sup>th</sup> day of August 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



1001 Belgrade Avenue  
North Mankato, MN 56003  
507-625-4141 Fax: 507-625-4151  
[www.northmankato.com](http://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: Car audio

DATE OF EVENT: 9/17/22  
BEGIN TIME: ~~8:00 am~~ 10:00 am  
END TIME: ~~10:00 pm~~ 9:00 pm

LOCATION / SHELTER: Caswell Park

EVENT NAME: SPL meets

ONSITE COORDINATOR: PRINT NAME: Shane Wright

MOBILE NUMBER: 507-8432-6913

☒ 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: Shane Wright SIGNATURE: Shane Wright  
DATE: 7/28/22 EMAIL: mr.wright.of.92@gmail.com

POLICE CHIEF: \_\_\_\_\_

CITY CLERK: \_\_\_\_\_

☐ DENIED ☐ APPROVED

☐ BOOK ☐ POLICE ☐ ONLINE ☐ \$25.00 FEE

STAFF INITIALS \_\_\_\_\_



Permit submitted by Gabe Holzhueter

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AMPLIFIED SOUND:

☒  
☐  
☐

LIVE MUSIC/BAND  
DJ/KARAOKE MACHINE  
OTHER: \_\_\_\_\_

DATE OF EVENT: 8/21/22  
BEGIN TIME: 8am  
END TIME: 2pm

LOCATION / SHELTER:

304 Monroe Ave

EVENT NAME:

Risen Savior Sunday

ONSITE COORDINATOR:

PRINT NAME: Jesse Becker

MOBILE NUMBER: ~~507-345-7049~~ 507-519-0107

☒ 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: \_\_\_\_\_

DATE:

8/21/22

EMAIL: \_\_\_\_\_

POLICE CHIEF:

126

CITY CLERK: \_\_\_\_\_

☐ DENIED ☐ APPROVED

☐

BOOK

☒

POLICE

☐

ONLINE

☐

\$25.00 FEE

STAFF INITIALS \_\_\_\_\_

Permit #: \_\_\_\_\_ -2021

Date: 8/21/2022

Start time: 8 AM

Stop time: 2 PM

Location: St. Paul Lutheran

Event Name: Risen Savior Sunday

Name: St. Paul Lutheran

Address: 304 Monroe Ave

Phone: 507-345-7049

# of People: 200

Use of Tents (or anything requiring staking) ☒ No ☐ Yes \* If Yes, Please contact **Gopher State One Call**  
800-252-1166 one week prior to event.

Notes: Tables will be set up in road for small event

Street (Monroe Ave) will be closed right in front of church.

PLEASE INCLUDE A MAP OF THE AREA.

Audio (requires audio permit)

☐ No ☒ Yes

\* If Yes, Please fill out Audio Permit.  
Permit already submitted by  
Galen Holzmueter

☒ I, the undersigned, have received the Audio Permit Instructions and understand that failure to comply with the audio instructions may terminate the event and prevent future ability to obtain an audio permit.

SIGNED: \_\_\_\_\_

Applicant

8/5/2022  
Date

☐ APPROVED ☐ DENIED

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

Receipt # \_\_\_\_\_ Book \_\_\_\_\_ Online \_\_\_\_\_ Park \_\_\_\_\_ Police nb Staff Initials \_\_\_\_\_

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|                  |   |                                 |
|------------------|---|---------------------------------|
| AMPLIFIED SOUND: | <input checked="" type="checkbox"/> LIVE MUSIC/BAND | DATE OF EVENT: <u>8/14/2022</u> |
|                  | <input type="checkbox"/> DJ/KARAOKE MACHINE         | BEGIN TIME: <u>8:30am</u>       |
|                  | <input type="checkbox"/> OTHER: _____               | END TIME: <u>12:30</u>          |

LOCATION / SHELTER: 2000 Howard Dr W

EVENT NAME: Crossview Covenant Outdoor Baptism Worship Service

ONSITE COORDINATOR: \_\_\_\_\_ PRINT NAME: Brad Jackson, Senior Pastor

MOBILE NUMBER: 507-508-0734

☒ 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: <u>Dawn Sandborg</u> | SIGNATURE: <u>Dawn Sandborg</u>                |
| DATE: <u>8/8/2022</u>            | EMAIL: <u>dawnsandborg@crossviewcov.church</u> |

POLICE CHIEF: 126

CITY CLERK: \_\_\_\_\_

☐ DENIED ☐ APPROVED

☐ BOOK ☒ POLICE ☐ ONLINE ☐ \$25.00 FEE

STAFF INITIALS \_\_\_\_\_

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- Failure to comply will affect future ability to obtain an audio permit.

|                  |   |                           |
|------------------|---|---------------------------|
| AMPLIFIED SOUND: | <input checked="" type="checkbox"/> LIVE MUSIC/BAND | DATE OF EVENT: 08/19/2022 |
|                  | <input type="checkbox"/> DJ/KARAOKE MACHINE         | BEGIN TIME: 4pm           |
|                  | <input type="checkbox"/> OTHER: _____               | END TIME: 6pm             |

LOCATION / SHELTER: 1960 Commerce Dr.

EVENT NAME: Ignition Fitness & Sports

ONSITE COORDINATOR: PRINT NAME: Jason Tompkins

MOBILE NUMBER: 5074791414

☒ 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: Jason Tompkins | SIGNATURE: <i>Jason Tompkins</i>        |
| DATE: 08/9/2022            | EMAIL: connectingcommerce2020@gmail.com |

POLICE CHIEF: \_\_\_\_\_

CITY CLERK: \_\_\_\_\_

☐ DENIED ☐ APPROVED

☐ BOOK ☐ POLICE ☐ ONLINE ☐ \$25.00 FEE

STAFF INITIALS \_\_\_\_\_

RESOLUTION WAIVING WAITING PERIOD  
FOR EXEMPTION FROM LAWFUL GAMBLING LICENSE FOR  
HOLY ROSARY CHURCH

WHEREAS, Holy Rosary Church has made an application for exemption from a charitable gambling license to conduct a raffle on November 6, 2022, at 546 Grant Avenue, within the City of North Mankato, Minnesota, which application was received by the City on July 28, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, that the City waives the mandatory waiting period concerning the issuance of an exemption from lawful gambling license concerning the above-identified organization.

Adopted by the City Council this 15<sup>th</sup> day of August 2022.

---

Mayor

ATTEST:

---

City Clerk

**CITY OF NORTH MANKATO**  
**REQUEST FOR COUNCIL ACTION**



|                  |                          |                               |
|------------------|--------------------------|-------------------------------|
| Agenda Item # 9A | Department: Police Dept. | Council Meeting Date: 8/15/22 |
|------------------|--------------------------|-------------------------------|

**TITLE OF ISSUE: Consider Setting a Public Hearing Concerning a Moratorium or an Ordinance Regulating the Sale of Cannabinoids on September 19, 2022, at 7:00 p.m.**

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** At a Council Work Session the City Council received information concerning State Statute 151.72 which allows the sale of Delta-9 THC cannabinoid products. The issue before Council tonight is how to proceed with regulation, either setting a public hearing to place a moratorium on the sale of cannabinoids, or setting a public hearing to consider the draft proposed ordinance regulating the sale of cannabinoids.

*If additional space is required, attach a separate sheet*

**REQUESTED COUNCIL ACTION: Set a public hearing concerning a moratorium or the consideration of an Ordinance Regulating the Sale of Cannabinoids on September 19, 2022, at 7:00 p.m.**

**For Clerk's Use:**

Motion By: \_\_\_\_\_  
Second By: \_\_\_\_\_

Vote Record:

|  | Aye                      | Nay                      |          |
|--|--------------------------|--------------------------|----------|
|  | <input type="checkbox"/> | <input type="checkbox"/> | Oachs    |
|  | <input type="checkbox"/> | <input type="checkbox"/> | Norland  |
|  | <input type="checkbox"/> | <input type="checkbox"/> | Whitlock |
|  | <input type="checkbox"/> | <input type="checkbox"/> | Steiner  |
|  | <input type="checkbox"/> | <input type="checkbox"/> | Dehen    |

**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) <u>Public Hearing Notices</u> |                                     |                          |                          |                          |
| _____   |                                     |                          |                          |                          |
| _____   |                                     |                          |                          |                          |
| _____   |                                     |                          |                          |                          |

|   |
|---|
| <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: _____       |

**CITY OF NORTH MANKATO  
ORDINANCE NO. FOURTH SERIES  
AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA,  
AMENDING NORTH MANKATO CITY CODE, CHAPTER 110, ENTITLED  
“GENERAL BUSINESS REGULATIONS” AND ADDING CITY CODE  
SECTION 110.29 ENTITLED CANNABINOIDS**

**Sale of Cannabinoid Products**

*(A) Definitions.* The following words, terms and phrases, when used in this section, except where 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 a 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 a 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.

(B) *License Required.* It is unlawful for any person, directly or indirectly, to keep for retail sale, sell at retail, or otherwise dispose of any cannabinoid product, in any form unless a license is obtained from the City.

(1) *Application.* An application for a license shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's business and residential addresses, the applicant's phone number, the name of the business for which the license is sought, and any additional information the city may find necessary. Upon receipt of the completed application the City Clerk shall forward the application to the City Council for action at its next regularly scheduled City Council meeting. If the Clerk determines that the application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

(2) *Action.* The City Council may either approve or deny the license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant that it deems necessary. If the City Council approves the license the City Clerk shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the council's decision.

(3) *Term.* All licenses shall expire on December 31 of each year.

(4) *Revocation and Suspension.* Any license issued may be revoked or suspended as provided for in this ordinance.

(5) *Transfers.* All licenses issued shall be valid only for the premises and party for which the license has been issued. No transfer of any license to another location or person shall be valid.

(6) *Display.* All license shall be posted and displayed in plain view of the general public on the licensed premises.

(7) *Renewals.* The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for renewal shall be made at least 30 days but not more than 60 days prior to the expiration of the current license.

(8) *Issuance as a privilege and not a right.* The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

(9) All licensed premises shall be open to inspection by any police officer, as a condition of receiving a license and must consent to such inspection, without a warrant. If a license holder refused to allow an inspection the license shall be suspended immediately and may be revoked by the City Council at their next scheduled meeting.

(C) *Limits on License.* The license only allows 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.

(D) *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) A license may not be issued to any establishment that has an on-sale or an off-sale intoxicating liquor license*
- (5) It is unlawful for any person to sell or give away any cannabinoid in any form to any person under the age of 21. Licensees shall verify by means of a government issued photographic identification that the person is over the age of twenty-one (21).*
- (6) Any product placed for sale must conform to the labeling requirements under Minnesota Statute 151.72 Sub 5.*

*(E) 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.

*(F) 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-one 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 minor to consumer 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.* A person who violates a provision of this subdivision when he or she performs an act thereby prohibited and upon conviction thereof, shall be punished as a misdemeanor.

*(G) Fees.* No license shall be issued under this chapter until the appropriate license fee has been paid in full. Fee for any license under this chapter shall be established by the City's resolution establishing fees and charges, as it may be amended from time to time.

*(H) 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

(1) *Effective date.* This section becomes effective on the date of its publication, or upon the publication of the summary of the Ordinance \_\_\_\_\_, \_\_\_\_\_ 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.

DRAFT

NOTICE OF PUBLIC HEARING TO  
CONSIDER AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA, AMENDING  
NORTH MANKATO CITY CODE, CHAPTER 110, ENTITLED "GENERAL BUSINESS  
REGULATIONS" AND ADDING CITY CODE SECTION 110.29 ENTITLED CANNABINOIDS

Notice is hereby given that the City Council of the City of North Mankato, Minnesota, will hold a Public Hearing on Monday, September 19, 2022, at 7 p.m. in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, to consider an Ordinance Regulating the sale, testing, manufacturing, and distribution of hemp-derived THC food and beverages within the City of North Mankato.

Such persons as desire to be heard with reference to this issue should appear at this meeting. Public comments may be sent to the North Mankato Municipal Building, 1001 Belgrade Avenue, North Mankato, MN 56003.

Dated this 19<sup>th</sup> day of August 2022.

April Van Genderen  
City Clerk  
City of North Mankato

# **CITY OF NORTH MANKATO**

## **ORDINANCE NO.**

### **AN INTERIM ORDINANCE PROHIBITING THE SALE, TESTING, MANUFACTURING, AND DISTRIBUTION OF THC PRODUCTS**

**The City Council of the City of North Mankato, Minnesota, ordains:**

#### **Section 1. BACKGROUND**

1. By enacting Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minnesota Statute Section 151.72 and permitted the sale of edible and nonedible cannabinoid products containing less than 0.3% of Tetrahydrocannabinol, commonly known as THC ("THC Products").
2. The new law does enact some requirements for labeling and testing, but the law provides no parameters regulating production, compliance checks, sales, or possession of THC Products.
3. The new law does not prohibit local regulation.
4. Pursuant to Minnesota Statute Section 462.355 sub 4, the City is authorized to enact by ordinance a moratorium to consider the regulation, restriction, or prohibition of use within the city to protect the public health, safety, and welfare. Specifically, the City is authorized to enact a moratorium ordinance to allow it to undertake a study to determine whether to adopt any regulations or restrictions, including the location and manner of use, related to the use, sales, testing, manufacturing, and distribution of THC products.
5. Pursuant to its general police powers, including but not limited to Minnesota Statute Section 421.221, sub 32, the City may enforce regulations or restrictions on TCH Products within the City to protect the public safety, health, and welfare, including restrictions and a moratorium on the use, sales, testing, manufacturing, and distribution, during the pendency of a study to determine the needs for police power regulations, including but not limited to the need to license or permit.

#### **Section 2. FINDINGS**

1. The City Council finds that there is a need to study THC Products, uses, and businesses related thereto in order to assess the necessity for and the efficacy of regulation and restrictions relating to the possession, sales, testing, manufacturing, and distribution of THC products, including through licensing or zoning ordinances, in order to protect the public health, safety and welfare of its residents.
2. The study will allow the City Council to determine the appropriate changes if any, that the City Council should make to City ordinances.
3. The City Council, therefore, finds that there is a need to adopt a City-wide moratorium on the sale, testing, manufacturing, and distribution of THC Products within the City while staff studies the issue.

### **Section 3. MORATORIUM**

1. No individual, establishment, organization, corporation, or business may sell, test, manufacture, or distribute THC for twelve (12) months from the effective date of this ordinance.
2. The City shall not issue any license or permit related to THC Products for twelve (12) months from the effective date of this ordinance. No license or permit application, of any kind, by any individual, establishment, organization, corporation, or business involved in the proposed sale, testing, manufacturing, or distribution of THC Products within the City of North Mankato, shall not be accepted or considered for twelve (12) months from the effective date of this ordinance.
3. Planning or zoning applications related to TCH Products or applications from individuals, establishments, organizations, corporations, or businesses involved in the proposed sale, testing, manufacturing, or distribution of THC Products within the City of North Mankato shall not be accepted or considered for twelve (12) months from the effective date of this ordinance.

### **Section 4. STUDY**

The City Council directs City staff to study the need for local regulation regarding the possession, sale, testing, manufacturing, or distribution of THC Products within the City of North Mankato. Staff must also study the need for creating or amending zoning ordinances, licensing ordinances, or other ordinances to protect the citizens of the City of North Mankato from any potential negative impacts of THC Products. Upon completion of the study, the City Council, together with such commission as the City Council deems appropriate or as may be required by law, will consider the advisability of adopting new ordinances or amending its current ordinances.

### **Section 5. ENFORCEMENT**

The City may enforce this Ordinance by mandamus, injunctive relief, or other appropriate city remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Administrator, in consultation with the City Attorney and Chief of Police, to initiate any legal actions deemed necessary to secure compliance with this Ordinance. A violation of this ordinance is also subject to the City's General Penalty North Mankato City Code 130.99.

### **Section 6. TERM**

Unless earlier rescinded by the City Council, the moratorium established under this Ordinance shall remain in effect until twelve (12) months from its effective date, at which point, it will automatically expire.

**Section 7. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after its passage by the City Council.

Passed by the City Council of the City of North Mankato this \_\_\_\_ day of September 2022.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

DRAFT

**NOTICE OF PUBLIC HEARING TO  
CONSIDER A MORATORIUM ON THE PRODUCTION AND SALE OF HEMP-DERIVED  
TETRAHYDROCANNABINOL (THC) FOOD AND BEVERAGES WITHIN THE CITY OF NORTH  
MANKATO**

Notice is hereby given that the City Council of the City of North Mankato, Minnesota, will hold a Public Hearing on Monday, September 19, 2022, at 7 p.m. in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, to consider an Interim Ordinance Prohibiting the Sale, Testing, Manufacturing, and Distribution of Hemp-Derived THC Food and Beverages within the City of North Mankato.

Such persons as desire to be heard with reference to this issue should appear at this meeting. Public comments may be sent to the North Mankato Municipal Building, 1001 Belgrade Avenue, North Mankato, MN 56003.

Dated this 19<sup>th</sup> day of August 2022.

April Van Genderen  
City Clerk  
City of North Mankato

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



|                  |                            |                               |
|------------------|----------------------------|-------------------------------|
| Agenda Item # 9B | Department: Community Dev. | Council Meeting Date: 8/15/22 |
|------------------|----------------------------|-------------------------------|

**TITLE OF ISSUE:** Consider Setting a Public Hearing Repealing and Replacing Chapter 153: Flood Plain Regulation on September 6, 2022, at 7:00 p.m.

**BACKGROUND AND SUPPLEMENTAL INFORMATION:** Earlier this year we were 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 we must amend our floodplain ordinance or adopt a new ordinance in order 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.

If additional space is required, attach a separate sheet

**REQUESTED COUNCIL ACTION:** Set a public hearing repealing and replacing Chapter 153: Flood Plain Regulation on September 6, 2022, at 7:00 p.m.

**For Clerk's Use:**

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

Vote Record:

|  | Aye   | Nay   |          |
|--|-------|-------|----------|
|  | _____ | _____ | Oachs    |
|  | _____ | _____ | Norland  |
|  | _____ | _____ | Whitlock |
|  | _____ | _____ | Steiner  |
|  | _____ | _____ | Dehen    |

**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) Public Hearing Notices

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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



NOTICE OF PUBLIC HEARING TO  
CONSIDER REPEALING AND REPLACING CITY CODE CHAPTER 153: FLOOD PLAIN  
REGULATION

Notice is hereby given that the City Council of the City of North Mankato, Minnesota, will hold a Public Hearing on Monday, September 6, 2022, at 7 p.m. in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, to consider an ordinance repealing and replacing City Code Chapter 153: Flood Plain Regulation. The complete ordinance is available for review at [www.northmankato.com](http://www.northmankato.com) or by calling 507-625-4141.

Such persons as desire to be heard with reference to this issue should appear at this meeting. Public comments may be sent to the North Mankato Municipal Building, 1001 Belgrade Avenue, North Mankato, MN 56003.

Dated this 18<sup>th</sup> day of August 2022.

April Van Genderen  
City Clerk  
City of North Mankato

## CHAPTER 153: FLOOD PLAIN REGULATION

### Section

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**§ 153.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE**

- (A) *Statutory Authorization.* This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- (B) *Purpose.*
- (1) This ordinance regulates development in the flood hazard areas of the City of North Mankato. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
  - (2) This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
  - (3) This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
  - (4) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- (C) *Abrogation and Greater Restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance takes precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (D) *Warning and Disclaimer of Liability.* This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of North Mankato or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- (E) *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

**§ 153.02 DEFINITIONS**

Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

**ACCESSORY STRUCTURE.** A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

**BASE FLOOD.** The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

**BASE FLOOD ELEVATION (BFE).** The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

**BASEMENT.** Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**BUILDING.** See *Structure*.

**CHANNEL.** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**EQUAL DEGREE OF ENCROACHMENT.** A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**FEMA.** Federal Emergency Management Agency.

**FLOOD.** A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

**FLOOD FRINGE.** The portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**FLOOD INSURANCE STUDY (FIS).** The study referenced in § 153.03(B), which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

**FLOODPLAIN.** The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

**FLOODPROOFING.** A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

**FLOODWAY.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

**INTERIOR PONDING AREA.** Stillwater flooded area identified on the adopted FEMA FIRM associated with interior drainage behind a levee.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

**PRINCIPAL STRUCTURE.** The main building or other structure on a lot that is utilized for the property's principal use.

**REACH.** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

**RECREATIONAL VEHICLE.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

**REGULATORY FLOOD PROTECTION ELEVATION (RFPE).** An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from

designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

**REPETITIVE LOSS.** Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

**STAGE INCREASE.** Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

**START OF CONSTRUCTION.** Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE.** A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in § 153.04(D) shall also be considered a structure for the purposes of this ordinance.

**SUBDIVISION.** Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

**VARIANCE.** "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2).

**WATERCOURSE.** A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

## **§ 153.03 JURISDICTION AND DISTRICTS**

(A) **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of the City of North Mankato within the boundaries of the Floodway, Flood Fringe, Interior Ponding Areas, and General Floodplain Districts.

- (1) The Floodway, Flood Fringe, Interior Ponding Areas, or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
- (2) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the

one-percent annual chance floodplain, with the exception of areas protected from flooding by the Minnesota River North Mankato Levee as indicated on the FIRM.

- (3) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Zoning Administrator, Planning Commission and City Council and to submit technical evidence.

- (B) *Incorporation of Maps by Reference.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Nicollet County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, and prepared by the Federal Emergency Management Agency.

27103C0405H, dated October 13, 2022

27103C0410H, dated October 13, 2022

27103C0415H, dated October 13, 2022

27103C0416H, dated October 13, 2022

27103C0417H, dated October 13, 2022

These materials are on file in the City Hall at 1001 Belgrade Ave, North Mankato, MN 56003.

- (C) *Districts.*

- (1) *Floodway District.* Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in § 153.03(B).
- (2) *Flood Fringe District.* Those areas within Zones AE located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in § 153.03(B).
- (3) *Interior Ponding Areas.* Those areas within the flood fringe district located in the area protected by the Minnesota River North Mankato Levee. The following Interior Ponding Areas are identified:

Sherman Street Ponding Area

Wheeler Avenue Ponding Area

- (4) Reserved for General Floodplain District.

- (D) *Annexations.* The Flood Insurance Rate Map panels referenced in § 153.03(B) may include floodplain areas that lie outside of the corporate boundaries of the City of North Mankato at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of North Mankato after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in § 153.03(B) require ordinance amendment in accordance with § 153.13.

#### **§ 153.04 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS**

- (A) *Permit Required.* A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
  - (1) The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in § 153.11(A)(3).
  - (2) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction.
  - (3) The change or expansion of a nonconforming use.
  - (4) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
  - (5) The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.
  - (6) The storage of materials or equipment, in conformance with § 153.04(C)(2).

- (7) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
  - (8) Any other type of "development," as defined in § 153.02 of this ordinance.
- (B) *No Permit Required.* Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.
- (C) *Minimum Development Standards.*
- (1) All development must:
    - (a) Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
    - (b) Be constructed with materials and equipment resistant to flood damage;
    - (c) Be constructed by methods and practices that minimize flood damage;
    - (d) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
    - (e) Be reasonably safe from flooding and consistent with the need to minimize flood damage;
    - (f) Be assured to provide adequate drainage to reduce exposure to flood hazards;
    - (g) Not be detrimental to uses in adjoining areas; and
    - (h) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
  - (2) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

**Table 1. Summary of Permitting Requirements for Structures**

| <b>Structure Type</b>                                 | <b>Floodway</b>                                 | <b>Flood Fringe</b> | <b>Standards*</b>                          |
|---|---|---------------------|--|
| Accessory Structures – on fill                        | Only specific uses and types allowed – with CUP | Allowed with Permit | §153.06(B)(1)(a), via §153.06(B)(3)(d)(ii) |
| Accessory Structures – Wet Floodproofing              | Only specific uses and types allowed – with CUP | Allowed with Permit | §153.06(B)(3)(d)(i)                        |
| Accessory Structures – Dry (watertight) Floodproofing | Only specific uses and types allowed – with CUP | Allowed with Permit | §153.06(B)(3)(d)(iii)                      |
| Residential – on fill                                 | Not allowed                                     | Allowed with Permit | §153.06(B)(1)(a)                           |
| Residential – Dry (watertight) Floodproofing          | Not allowed                                     | Not allowed         | N/A  |
| Non-Residential – on fill                             | Not allowed                                     | Allowed with Permit | §153.06(B)(1)(a), via §153.06(B)(2)(a)     |
| Non-Residential – Dry (watertight) Floodproofing      | Not allowed                                     | Allowed with Permit | §153.06(B)(2)(b)                           |

*\*Note - many of these standards are cross-referenced to avoid duplication*

(D) **Recreational Vehicles.** Recreational vehicles must be travel ready, meeting the following criteria:

- (1) The vehicle must be fully licensed.
- (2) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
- (3) No permanent structural type additions may be attached to the vehicle.

#### **§ 153.05 FLOODWAY DISTRICT**

(A) **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in § 153.05(B):

- (1) Recreational uses, parking lots, loading areas, water control structures, navigational facilities, as well as public open space uses.
- (2) Roads, railroads, trails, bridges, and culverts.
- (3) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
- (4) Grading, filling, land alterations, and shoreline stabilization projects.
- (5) No structures, as defined in § 153.02, are allowed in the Floodway District, except structures accessory to the uses detailed in § 153.05(A)(1).

(B) **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in § 153.04:

- (1) The applicant must demonstrate that the development will not result in any of the following during the one-percent chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”
- (2) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in § 153.10(A)(5) and § 153.13.
- (3) Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in § 153.10(A)(5) and § 153.13.
- (4) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing



license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.

- (5) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.

#### § 153.06 FLOOD FRINGE DISTRICT

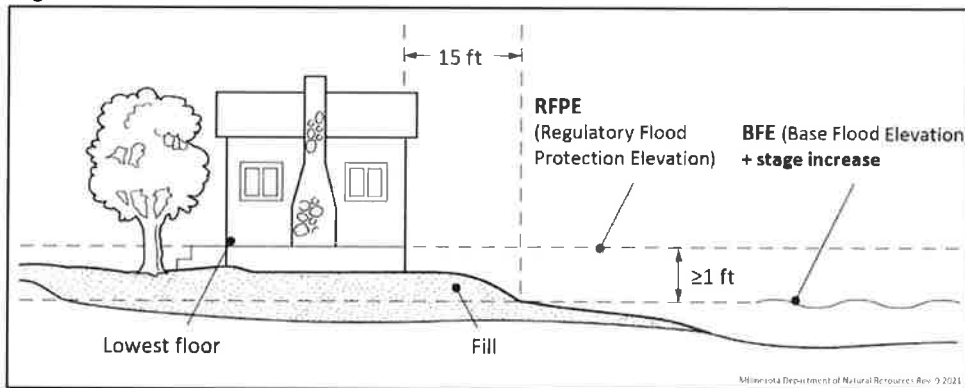
- (A) *Permitted Uses in Flood Fringe.* Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in § 153.06(B).

- (B) *Standards for Permitted Uses in Flood Fringe.* In addition to the applicable standards detailed in § 153.04:

(1) *Residential Structures.*

- (a) *Elevation on Fill.* All structures to be erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in § 153.02 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.

Figure 1: Overview of fill standards for residential structures.



- (2) *Nonresidential Principal Structures.* Nonresidential principal structures must meet one of the following construction methods:

- (a) *Elevation on Fill.* Structures may be elevated on fill, meeting the standards in § 153.06(B)(1)(a) of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
- (b) *Dry Floodproofing.* Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:
- (i) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
  - (ii) Must meet the standards of FEMA Technical Bulletin 3, as amended; and
  - (iii) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

- (3) *Accessory Structures.* All accessory structures must meet the following standards:

- (a) Structures shall not be designed or used for human habitation.
- (b) Structures will have a low flood damage potential.
- (c) Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.

- (d) Structures with two or more rigid walls, must meet one of the following construction methods:
  - (i) *Wet Floodproofing.* Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
  - (ii) *Elevation on Fill.* Structures may be elevated on fill, meeting the standards in § 153.06(B)(1)(a) and § 153.06(C) of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure for accessory structures.
  - (iii) *Dry Floodproofing.* Structures may be dry-floodproofed, or watertight, meeting the standards in § 153.06(B)(2)(c) of this ordinance.
- (4) Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of North Mankato that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.
- (C) *Standards for Interior Ponding Areas.* In addition to the applicable standards detailed in § 153.06(A) through (B), the following criteria apply to activities in the Interior Ponding Areas identified in § 153.03(C)(2).
  - (1) *Compensatory Storage Requirement.* Any fill placed in the Interior Ponding Areas must be offset with compensatory flood storage volume of equal or greater volume below the BFE. Compensatory storage must occur contiguous with the same impacted Interior Ponding Area. The excavated material removed to create the compensatory storage area must not be deposited elsewhere in the floodplain. Preparation and final grading must be consistent with the applicable flood fringe standards set forth in § 153.06.
  - (2) Earthwork, grading, or construction in the Interior Ponding Areas cannot inhibit, reroute, or restrict runoff patterns, and must maintain adequate area for runoff to flow to the stormwater system.

**§ 153.07 RESERVED FOR GENERAL FLOODPLAIN DISTRICT**

**§ 153.08 SUBDIVISION STANDARDS**

- (A) *Subdivisions.* All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
  - (1) All lots within floodplain districts must be suitable for a building site outside of the Floodway District.
  - (2) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of North Mankato.
  - (3) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of North Mankato.
  - (4) The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

**§ 153.09 RAILROADS, ROADS, BRIDGES, AND PUBLIC AND PRIVATE UTILITIES AND SERVICE FACILITIES**

- (A) *Public Transportation Facilities.* Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

- (B) *Public Utilities.* All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- (C) *Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.* Private facilities shall be subject to applicable provisions detailed in § 153.09(B). In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

## **§ 153.10            ADMINISTRATION**

- (A) *Duties.* A Zoning Administrator or other official must administer and enforce this ordinance.
  - (1) *Permit Application Requirements.* Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
    - (a) A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
    - (b) Location and detail of grading, fill, or storage of materials.
    - (c) Compensatory storage calculations for projects in the Interior Ponding Areas of the Flood Fringe District.
    - (d) Copies of any required local, state or federal permits or approvals.
    - (e) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
  - (2) *Recordkeeping.* The Zoning Administrator must maintain applicable records in perpetuity documenting:
    - (a) All certifications for dry floodproofing, where applicable.
    - (b) Analysis of no-rise in the Floodway District, as detailed in § 153.05 (B)(1), and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in § 153.07.
    - (c) Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
    - (d) Substantial damage and substantial improvement determinations, as detailed in § 153.11(A)(3), including the cost of improvements, repairs, and market value.
    - (e) All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
  - (3) *Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.* No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.
  - (4) *Notifications for Watercourse Alterations.* Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
  - (5) *Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.* Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of North Mankato must notify FEMA of the changes in order to obtain a Letter of Map Revision

(LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available.

(B) *Variances.*

- (1) *Variance Applications.* An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
- (2) *Adherence to State Floodplain Management Standards.* Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- (3) *Additional Variance Criteria.* The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  - (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - (b) Variances may only be issued by a community upon:
    - (i) A showing of good and sufficient cause;
    - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) *Flood Insurance Notice.* The Zoning Administrator must notify the applicant for a variance in writing that:
  - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - (b) Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (6) *Considerations for Approval.* The community may consider the following factors in granting variances and imposing conditions on variances in floodplain districts:
  - (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
  - (b) The danger that materials may be swept onto other lands or downstream to the injury of others.
  - (c) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (7) *Conditions of Approval.* The City of North Mankato may attach such conditions to the granting of variances as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
  - (a) Limitations on period of use, occupancy, and operation.
  - (b) Imposition of operational controls, sureties, and deed restrictions.
  - (c) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
  - (d) Other conditions as deemed appropriate by the Zoning Administrator, Planning Commission and City Council.

(C) *Notifications to the Department of Natural Resources.*

- (1) All notices of public hearings to consider variances under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
- (2) A copy of all decisions granting variances under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

**§ 153.11 NONCONFORMITIES**

- (A) *Continuance of Nonconformities.* A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
  - (1) Within the floodway and general floodplain districts, expansion or enlargement of uses or structures is prohibited.
  - (2) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
  - (3) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in § 153.11(A)(2), it may not be reconstructed except in conformity with the provisions of this ordinance. Existing structures within the regulatory floodplain, but outside of the one-percent annual chance floodplain, are exempt from this provision.
  - (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- (B) *Substantial Improvement and Substantial Damage Determinations.* Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:
  - (1) *Estimate the market value of the structure.* In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
  - (2) *Estimate the cost of the project.* The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
    - (a) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
    - (b) Costs to restore damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
  - (3) Compare the cost of the project and/or repairs to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in § 153.02 of this ordinance.
  - (4) Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

**§ 153.12 VIOLATIONS AND PENALTIES**

- (A) *Uses in Violation of the Ordinance.* Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- (B) *Civil Remedies.* The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of North Mankato or the Department of Natural Resources.

- (C) *Enforcement.* Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of North Mankato must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

**§ 153.13 AMENDMENTS**

- (A) *Ordinance Amendments.* Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in § 153.03. of this ordinance.
- (B) *Required Approval.* All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

**EFFECTIVE DATE:** This ordinance shall be in full force and effect from and after its passage and approval and publication.

Adopted by the North Mankato City Council

This \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_

(Day) (Month) (Year)

Attest: \_\_\_\_\_, Mayor

(Name of Elected Official)

Attest: \_\_\_\_\_, City Clerk

**CITY OF NORTH MANKATO**  
**REQUEST FOR COUNCIL ACTION**



|   |                                   |  |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
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| Agenda Item # 9C  | Department: Administration        | Council Meeting Date: 8/15/22                              |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
| <b>TITLE OF ISSUE: Consider Adopting Resolution Encouraging the Legislature to Meet for a Special Session.</b>  |                                   |  |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
| <b>BACKGROUND AND SUPPLEMENTAL INFORMATION: The Coalition of Greater Minnesota is encouraging cities to pass a resolution encouraging the legislature to meet in a special session to pass a bonding bill and a tax bill with Local Government Aid increases. The City of North Mankato's bonding request for the Caswell Indoor Recreation Facility is part of the bonding bill and would be considered if a special session was held.</b>   |                                   |  |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
| <i>If additional space is required, attach a separate sheet</i>   |                                   |  |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
| <b>REQUESTED COUNCIL ACTION: Adopt a Resolution Encouraging the Legislature to Meet for a Special Session.</b>  |                                   |  |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
| <b>For Clerk's Use:</b><br><br>Motion By: _____<br>Second By: _____<br><br>Vote Record:<br><table style="margin-left: 40px;"><tr><td style="text-align: center;">Aye</td><td style="text-align: center;">Nay</td><td></td></tr><tr><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td>Oachs</td></tr><tr><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td>Norland</td></tr><tr><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td>Whitlock</td></tr><tr><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td>Steiner</td></tr><tr><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td>Dehen</td></tr></table> | Aye                               | Nay  |  | _____  | _____                    | Oachs           | _____                    | _____              | Norland                  | _____        | _____ | Whitlock | _____ | _____ | Steiner | _____ | _____ | Dehen | <b>SUPPORTING DOCUMENTS ATTACHED</b><br><table style="width: 100%; text-align: center;"><tr><td>Resolution</td><td>Ordinance</td><td>Contract</td><td>Minutes</td><td>Map</td></tr><tr><td style="text-align: center;"><input checked="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><td style="text-align: center;"><input type="checkbox"/></td></tr></table> <p>Other (specify) _____</p> <p>_____</p> <p>_____</p> <p>_____</p> | Resolution | Ordinance | Contract | Minutes | Map | <input checked="checked" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Aye   | Nay                               |  |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
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| _____   | _____                             | Steiner  |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
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| Resolution  | Ordinance                         | Contract   | Minutes                                  | Map  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
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| <table style="width: 100%;"><tr><td style="text-align: center;"><input type="checkbox"/> Workshop</td></tr><tr><td style="text-align: center;"><input checked="checked" type="checkbox"/> Regular Meeting</td></tr><tr><td style="text-align: center;"><input type="checkbox"/> Special Meeting</td></tr></table>   | <input type="checkbox"/> Workshop | <input checked="checked" type="checkbox"/> Regular Meeting | <input type="checkbox"/> Special Meeting | <table style="width: 100%;"><tr><td style="text-align: center;"><input type="checkbox"/></td><td>Refer to: _____</td></tr><tr><td style="text-align: center;"><input type="checkbox"/></td><td>Table until: _____</td></tr><tr><td style="text-align: center;"><input type="checkbox"/></td><td>Other: _____</td></tr></table> | <input type="checkbox"/> | Refer to: _____ | <input type="checkbox"/> | Table until: _____ | <input type="checkbox"/> | Other: _____ |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
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| <input checked="checked" type="checkbox"/> Regular Meeting  |                                   |  |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
| <input type="checkbox"/> Special Meeting  |                                   |  |  |  |                          |                 |                          |                    |                          |              |       |          |       |       |         |       |       |       |   |            |           |          |         |     |  |                          |                          |                          |                          |
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**RESOLUTION ENCOURAGING THE LEGISLATURE TO  
MEET FOR A SPECIAL SESSION**  
City of North Mankato

WHEREAS, the people of Minnesota have critical infrastructure needs, including the replacement and upgrade of aging drinking water systems, sewage treatment, roads, and bridges, and other public improvements that cannot be delayed; and

WHEREAS, without additional funding through a bonding bill, cities will have to drastically raise water rates or taxes on residents and businesses to pay for necessary infrastructure projects made even more expensive due to inflation; and

WHEREAS, the Minnesota Legislature failed to pass a bonding bill in the 2022 legislative session; and

WHEREAS, the City of North Mankato has requested \$8.5 million in state bonding funds to construct the Caswell Regional Sporting Complex; and

WHEREAS, Local Government Aid (LGA) is an essential aid program to Minnesota cities, helping to restrain local property taxes; and

WHEREAS, the LGA appropriation has not kept up with city needs and inflation, making it more difficult for cities to provide public safety, core infrastructure, libraries, recreational amenities, and other services without imposing significant property tax increases or service cuts; and

WHEREAS, the Legislature failed to pass a tax bill in the 2022 legislative session that would have increased the LGA appropriation, and

WHEREAS, the state of Minnesota has a multi-billion-dollar budget surplus, and

WHEREAS, additional funds are required to match millions of dollars in available federal funds;

BE IT RESOLVED that the City Council of North Mankato, Minnesota urges through this Resolution to Governor Walz to declare a special session and to its lawmakers to work in a bipartisan way to pass a bonding bill and a tax bill that includes an LGA increase; and

BE IT FURTHER RESOLVED that this resolution be transmitted State Representative Akland and State Senator Frentz, Speaker of the House Melissa Hortman, Senate Majority Leader Jeremy Miller, House Minority Leader Kurt Daudt, Senate Minority Leader Melissa López Franzen, and Governor Tim Walz.

Adopted this 15<sup>th</sup> day of August 2022.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest



# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



|                  |                          |                               |
|------------------|--------------------------|-------------------------------|
| Agenda Item # 9D | Department: Public Works | Council Meeting Date: 8/15/22 |
|------------------|--------------------------|-------------------------------|

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| <b>TITLE OF ISSUE: Consider Adopting Resolution Accepting Bid on Caswell Park Shelter.</b> |
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| <b>BACKGROUND AND SUPPLEMENTAL INFORMATION: Public Works Director Host will review the bids and staff recommendations.</b> |
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*If additional space is required, attach a separate sheet*

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| <b>REQUESTED COUNCIL ACTION: Adopt a Resolution Accepting Bid on Caswell Park Shelter.</b> |
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|                         |       |          |
|-------------------------|-------|----------|
| <b>For Clerk's Use:</b> |       |          |
| Motion By: _____        |       |          |
| Second By: _____        |       |          |
| Vote Record:            | Aye   | Nay      |
| _____                   | _____ | Oachs    |
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|                                      |                          |                          |                          |                          |
|--------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>SUPPORTING DOCUMENTS ATTACHED</b> |                          |                          |                          |                          |
| Resolution                           | Ordinance                | Contract                 | Minutes                  | Map                      |
| <input checked="" type="checkbox"/>  | <input 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: _____       |

**RESOLUTION ACCEPTING BID  
CASWELL PARK SHELTER**

WHEREAS, pursuant to an advertisement for bids for electrical structural work related to the Caswell Park Shelter, bids were received, opened, and tabulated according to the law, and

WHEREAS, the following bids were received complying with the advertisement:

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

AND WHEREAS, it appears that Rice Construction is the lowest responsible bidder.

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

- 1) The Mayor and Administrator are hereby authorized and directed to enter into a construction contract with Rice Construction in the name of the City of North Mankato, Minnesota, in the amount of \$261400.00, according to the plans and specifications therefore approved by the city council and on file in the office of the city clerk.
- 2) The city clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted by the City Council this 15<sup>th</sup> day of August 2022.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk