

Pursuant to the due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Municipal Building Council Chambers on June 5, 2023. Mayor Carlson called the meeting to order at 7:00 pm, asking everyone to join the Pledge of Allegiance. The following were present for roll call: Council Members Oachs, Peterson, Whitlock, Steiner, City Administrator McCann, Finance Director Ryan, Community Development Director Fischer, Public Works Director Arnold, and City Clerk Van Genderen.

**Approval of Agenda**

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

**Approval of Council Minutes from May 15, 2023, Council Meeting.**

**Council Member Steiner moved, seconded by Council Member Oachs, to approve the Council Meeting Minutes of May 15, 2023. Vote on the motion Oachs, Peterson, Whitlock, Steiner, and Carlson, aye, no nays. Motion carried.**

**Approval of Council Work Session Minutes from May 15, 2023, Council Work Session Meeting.**

**Council Member Oachs moved, seconded by Council Member Steiner, to approve the Council Work Session Minutes of May 15, 2023. Vote on the motion Oachs, Peterson, Whitlock, Steiner, and Carlson, aye, no nays. Motion carried.**

**Public Hearing, 7 pm, Consider Ordinance No. 156, Fourth Series Compiling Certain Ordinances of the City Dealing with the Subjects Embraced in the Code.**

City Planner Lassonde appeared before the Council and summarized the changes made to City Code 156 Zoning Code. He stated that during the April 2023 Planning Commission Meeting, the Planning Commission tabled proposed amendments to the City Code Chapter 156: Zoning Code. The Planning Commission again addressed the amendments on May 11, 2023, and finalized the clarification of the code. City Planner Lassonde stated the changes were made to help clarify the code for the City that enforces the code and the residents. Changes included the clarification of definitions, including Apartment Building and Landscaping. The addition of several terms, including Accessory Recreational Building, Sports Court or Athletic Court, Storage or Utility Shed, and Pool House or Cabana. The added terms were enforced through other portions of the code, but adding the definitions helps clarify for residents. City Planner Lassonde noted the changes consolidate into tables the setbacks for permitted accessory uses for properties. There are two tables, one for properties platted prior to 1958 and one after 1958. The changes also clarified appropriate uses for accessory structures. City Planner Lassonde reviewed additional changes made to the Zoning Code related to the Central Business District, mainly clarifying setbacks within the district. Council Member Oachs noted that vehicles were not allowed to be parked on the Sports Court or Athletic Courts but wanted clarification on if vehicles, if this also included RV's and trailers that are not motorized, rather pulled. City Planner Lassonde stated that those would not be allowed, which is how the planning and inspection department would interpret the word vehicle. With no one else appearing, the Mayor closed the Public Hearing.

**Consent Agenda**

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

A. Bills and Appropriations.

B. Res. No. 38-23 Accepting Donations/Contributions/Grants.

C. Approved Mobile Food License for Reve Coffee Company LLC, 101 High View Court, Courtland, MN.

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

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

Barb Church, 102, Wheeler Avenue, appeared before the Council and spoke on Item E Resolution Supporting the 2024 Bonding Request of the North Mankato City Council. She commented that a review of the current Local Sales Tax use should be reviewed and that she did not believe the proposed indoor recreation center would cash flow because the City has not cash flowed the Caswell Softball Complex.

Lucy Lowry, 2263 Northridge Drive, appeared before the Council and stated that the Caswell Indoor Recreation Center project began in 2018, and a review of the project should be taken. She noted that the project should be brought back to the public. Ms. Lowry stated that Caswell runs at a deficit and questioned who benefits from the economic impact of the field.

Tom Hagen, 927 Lake Street, appeared before the Council and stated he believed there should be a regional buy-in for the project. He said that Mankato should contribute because North Mankato contributes to the All-Seasons Arena. He questioned why other items voted on by voters in 2016 were not included.

Mark Haack, 713 Bennett Street, appeared before Council and stated that the general maintenance of the town has suffered because of the City's focus on sports.

**Business Items**

**Ordinance No. 156, Fourth Series Compiling Certain Ordinances of the City Dealing with the Subjects Embraced in the Code of Ordinances and Providing Penalties for the Violation of the Code of Ordinances.**

City Administrator McCann stated that the Ordinance approval corresponds with the Public Hearing held earlier in the evening. Council Member Oachs questioned the use of the word vehicles and said that maybe there should be additional clarification on the term. City Administrator McCann stated in State Statute a vehicle is defined as "every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks." City Planner Lassonde stated that the Ordinance could be amended to include "as defined by State Statute."

**Council Member Oachs moved, seconded by Council Member Steiner, to Amend 156.003 Definitions, Sports Court or Athletic Court to Include the Statement "as defined by State Statute" Following the Term Vehicle. Vote on the motion Oachs, Peterson, Whitlock, Steiner, and Carlson, aye, no nays. Motion carried.**

**Council Member Oachs moved, seconded by Council Member Whitlock, to Adopt Ordinance No. 156, Fourth Series Compiling Certain Ordinances of the City Dealing with the Subjects Embraced in the Code of Ordinances and Providing Penalties for the Violation of the Code of Ordinance. Vote on the motion Oachs, Peterson, Whitlock, Steiner, and Carlson, aye, no nays. Motion carried.**

**Res. No. 39-23 Calling Public Hearing on the Proposed Establishment of Tax Increment Financing District No. 2-2 (Hotel Redevelopment) within Development District No. 2: The Proposed Adoption of a Tax Increment Financing Plan Relating Thereto: and the Proposed Approval of a Business Subsidy.**

City Administrator McCann reported that the information included in the packet would set a Public Hearing on July 17, 2023, on a proposed Tax Increment Financing District 2-2 Hotel Redevelopment. The project will assist with financing certain project costs for the redevelopment of the property located at 1111 Range Street in the City. City Administrator McCann reviewed the schedule for the TIF Plan and noted that the Public Hearing and approval of the TIF District is scheduled for July 17, 2023.

**Council Member Oachs moved, seconded by Council Member Steiner, to Adopt Res. No. 39-23 Calling Public Hearing on the Proposed Establishment of Tax Increment Financing District No. 2-2 (Hotel Redevelopment) within Development District No. 2: The Proposed Adoption of a Tax Increment Financing Plan Relating Thereto: and the Proposed Approval of a Business Subsidy. Vote on the motion Oachs, Peterson, Whitlock, Steiner, and Carlson, aye, no nays. Motion carried.**

**Res. No. 40-23 Accepting Bid Project No. 22-03 DEF Lor Ray Drive/Howard Drive Roundabout Construction Project.**

City Engineer Sarff reported bids were opened on Tuesday, May 16, 2023, at 11:00 am for the Lor Ray/Howard Drive Roundabout Project. Two bids were received:

Bidder	Bid Amount
Dirt Merchant, Inc	\$1,949,178.32
W.W. Blacktopping, Inc.	\$2,033,896.61

The low bidder for the project is Dirt Merchant, Inc., from Mankato. The low bid is approximately 7% below the Engineer's Estimate of \$2,104,223.06.

The estimated cost for the project is \$2,663,059. Funding for the project includes Federal Funds of \$1,407,696, Municipal State Aid Funds of \$898,523, and City Funds of \$356,840. Bolton & Menk recommend approving the bid. The project is scheduled to start on June 18, 2023, with completion before the start of school. Mayor Carlson requested clarification on if there is a contingency plan if the project is delayed. City Engineer Sarff stated that several contingency plans had been reviewed.

**Council Member Steiner moved, seconded by Council Member Oachs, to Adopt Res. No. 40-23 Accepting Bid Project No. 22-03 DEF Lor Ray Drive/Howard Drive Roundabout Construction Project. Vote on the motion Oachs, Peterson, Whitlock, Steiner, and Carlson, aye, no nays. Motion carried.**

**Res. No. 41-23 Accepting Bid Project No. 23-03 C Northport Industrial Park Stormwater Improvement Project.**

City Engineer Sarff reported bids were opened on Tuesday, May 23, 2023, at 11:00 am for the Northport Industrial Park Stormwater Improvement Project. The project will extend a regional holding pond that Blue Star Power Systems established. The extension will connect to the new Gordini site located at the southwest corner of Timm Road and Lookout Drive but will also service additional development west of the new Gordini site. Four bids were received:

Bidder	Bid Amount
W. Lorentz & Sons Construction, Inc.	\$135,392.23
Selly Excavating, Inc.	\$200,375.90
Holtmeier Construction, Inc.	\$201,940.40
J.R. Ferche, Inc.	\$290,031.00

The low bidder for the project is W. Lorentz & Sons Construction, Inc. The low bid is approximately 43% below the Engineer's Estimate of \$238,460.

Due to the unexpectedly low bid, Mr. Sarff reported reviewing the project with the low bidder's representatives, who are comfortable with their bid. The company has completed projects in North Mankato, and Bolton & Menk is comfortable recommending that the City award the bid.

**Council Member Steiner moved, seconded by Council Member Oachs, to Adopt Res. No. 41-23 Accepting Bid Project No. 23-03 C Northport Industrial Park Stormwater Improvement Project. Vote on the motion Oachs, Peterson, Whitlock, Steiner, and Carlson, aye, no nays. Motion carried.**

**Res. No. 42-23 Supporting the 2023 Bonding Request of the North Mankato City Council.**

City Administrator McCann reported that the Resolution would be required to move forward with submitting a request to the State for \$12.75 million for the Caswell Indoor Recreation Facility. The request is due by June 16, 2023, so the Council will need to move forward tonight with the request if it is to be included in the 2024 bonding session. He stated there may be many questions concerning redesigning or phasing the construction, but the request must be made if the Council wants to move forward. He noted that staff has been working with Pinnacle Sports to revise and update the pro-forma and should be able to bring the report to an upcoming Council Work Session. Council Member Oachs asked for clarification on if the project was not shovel-ready, how much the project would increase, and would the ask from the State and Local Option Sales Tax be enough to fund the project.

**Council Member Steiner moved, seconded by Council Member Peterson, to Adopt Res. No. 42-23 Supporting the 2023 Bonding Request of the North Mankato City Council. Vote on the motion Peterson, Whitlock, Steiner, and Carlson, aye, Oachs nay. Motion carried.**

**Open Forum**

Barb Church, 102 Wheeler Avenue, appeared before Council and asked if the Council could amend something after a public hearing due to the public commenting on the proposed language. City Administrator McCann stated that the change to the Ordinance was minor; if the change had been major, the Council would have probably decided to return to the ordinance at another meeting.

Lucy Lowry, 2263 Northridge Drive, appeared before Council and stated she liked the new and updated signage and colors but would like the Darn Nice Area branding to go away.

Daniel Umhoeffer, 1552 Nottingham Drive, indicated he works for R.W. Carlstrom, who provided the potential cost increase for the Caswell Indoor Recreation Facility and stated that usually, the growth would be closer to 2% to 3%, but they were being extra cautious.

**City Administrator and Staff Comments**

City Clerk Van Genderen stated she attended the opening of the Farmers' Market and invited everyone out on Mondays from 3 pm to 6 pm at South Central College.

Community Development Director Fischer reported that the State Demographers office sent their population estimate for April 2022. North Mankato's population estimate is 14,886, an increase of 425 from 2021.

Public Works Director Arnold reported that the swim facility has opened. And City crews are busy preparing everything for State Softball on June 8<sup>th</sup> and 9<sup>th</sup>.

City Planner Lassonde invited everyone to attend the second Comprehensive Plan open house at the Spring Lake Park Warming House on Tuesday, June 6<sup>th</sup>, from 6 pm to 8 pm.

City Administrator McCann reported the Swim Facility opened for Memorial Day weekend and did well on its opening weekend. The official facility hours will begin on June 9<sup>th</sup>.

City Administrator McCann reported Caswell will host the MSHSL Girls Softball Tournament on June 7<sup>th</sup> and 8<sup>th</sup>, and he welcomed all players and coaches.

City Administrator McCann said the Taylor Library would kick off the Summer Reading Program on June 10<sup>th</sup> at Storybook Park. ArtSplash will be held on June 17<sup>th</sup> at SCC from 11 am to 3 pm.

City Administrator McCann reported that the North Mankato Taylor Library and City Hall will be closed on June 19<sup>th</sup> during Juneteenth National Independence Day.

City Administrator McCann announced that the Splash Pad Shelter is now available for rental reservation on the City's Website.

#### **Mayor and Council Comments**

Council Member Peterson stated he had seen many people using the Splash Pad. He invited everyone to Soccer Fest on June 10<sup>th</sup> to see all the players and the facility in use.

Council Member Oachs asked if the City offered a place to cool off on hot and humid days. City Administrator McCann reported that the Police Annex had been used in the past.

Council Member Steiner thanked all the donors.

Council Member Whitlock reported that the northbound lane of hwy 169 off-ramp to Lookout Drive and Center Street is closed for repairs on June 5<sup>th</sup> and June 6<sup>th</sup>.

Mayor Carlson stated he spent some time down at the Splash Pad visiting with visitors and reported that 3 out of 4 of the people out there were from somewhere other than North Mankato. He noted it is a regional draw.

**At 8:02 pm, on a motion by Council Member Oachs, seconded by Council Member Steiner, the Council Meeting was adjourned.**

---

Mayor

---

City Clerk

## **COUNCIL WORK SESSION June 5, 2023**

Under due call and notice thereof, a Council Work Session of the North Mankato City Council was held in the Council Chambers on June 5, 2023. Mayor Carlson called the meeting to order at 6:00 pm. The following were present for roll call: Council Members Peterson, Whitlock, Steiner, and Oachs, City Administrator McCann, Finance Director Ryan, Public Works Director Arnold, and City Clerk Van Genderen.

### **Receive Information on Recreational Marijuana and Possible City Response**

City Administrator McCann stated the purpose of the discussion is to learn about the new Marijuana law that will go into effect on August 1, 2023, legalizing the sale of recreational marijuana in Minnesota. Attorney Kennedy stated that an issue would be how the statute would be enforced in the first 12 to 18 months. The legislation creates an Office of Cannabis Management, which will be the regulatory agency over the cannabis and hemp consumer industry. The legislation limits local control. The new law will make it legal for an individual 21 years of age or older to use, possess, and transport cannabis paraphernalia, possess two ounces or less of the adult-use cannabis flower in a public place, possess up to two pounds in their own residence, possess or transport eight grams or less of adult-use cannabis concentrate, possess lower potency hemp edibles and give to another for no remuneration 2 ounces or less of the cannabis flower or eight grams of the cannabis concentrate. The law will continue to make it illegal for a person under the age of twenty-one to possess marijuana or its concentrate. Attorney Kennedy stated the statute limits local control. A local government may not prohibit product possession, transportation, or use. A local government may not prohibit establishing or operating a cannabis business licensed under this chapter. The City of North Mankato may impose reasonable restrictions on the time, place, and manner of the operation of the cannabis business, provided the restrictions do not prohibit the establishment of the cannabis business. Local governments are authorized to prohibit the operation of a cannabis business within 1,000 feet of a school or 500 feet of a daycare, school, park, or recreation facility regularly used by minors. Local government units cannot license businesses but can require they register with the City. A city is required to allow no less than one per 12,500 residents. The City can offer more but not less. The City will be required to perform compliance checks on any establishments. By ordinance, the City can prohibit the sale from 9:00 pm to 2:00 am to the following day between 8:00 am and 10:00 am.

City Attorney Kennedy stated the City of Mankato has approved a moratorium that can last up to a year, allowing government officials time to craft local regulations. The new legislation will override most, if not all, of the City's current Ordinance that addresses cannabinoids. The City will no longer be allowed to license the sale of THC Cannabinoids; that will become a function of the state. The City does not have to repeal the ordinance but will not be able to enforce the ordinance when the new Marijuana Law goes into effect on August 1, 2023.

Council Member Steiner requested clarification on how the new law affects the City's current ordinance concerning the sale of THC/cannabinoids. Police Chief Gullickson stated that State Legislation in 2022 allowed the sale of THC/Cannabinoids, and the licensing of those establishments will now transfer to the Office of Cannabis Management(OCM); the two licensed establishments will need to register with the OCM by October 31, 2023. He noted that the projected date for the OCM to be able to license dispensaries is several years out, possibly as far out as 2025. Police Chief Gullickson stated that the City would work with the OCM, but it would be good to have some local control over where and when the sale of marijuana occurs.

## **COUNCIL WORK SESSION June 5, 2023**

Council Member Whitlock requested that the Council consider amending the current City Ordinance Section 113.04 Restrictions No. 4 “A license may not be issued to any establishment with an on-sale or an off-sale intoxicating liquor license.” He stated that removing the restriction would eliminate an uneven playing field due to the ability of the bars and liquor stores in Mankato to sell THC products. Attorney Kennedy stated that the law would be unenforceable on August 1, 2023. Police Chief Gullickson reported that after August 1, 2023, the licensing would be transferred to the OCM. Mayor Carlson stated he was not in favor and would want to wait until there is more clarity on what other cities are doing. A discussion was held on the tax rate for cannabinoid products and future marijuana products. Attorney Kennedy stated it would be similar to liquor with a higher tax rate of 10%.

### **Caswell Park Improvement (Indoor Recreation)**

City Administrator McCann reported that since the City’s legislative bonding request was not approved in 2023, City staff is preparing a request for 2024. He stated that according to R.W. Carlstrom, the estimated cost for the project is estimated to increase by approximately 10% up to \$25.5 million. The bonding request to the State is due by June 16, 2023; he noted that a resolution supporting the bonding request is included in the Council Packet. The resolution will need to be approved in order for the City to submit the request. City Administrator McCann did note that the City also submitted a request to the Federal Government and is still waiting to hear about those results. Mayor Carlson noted that he is a proponent of the investment and would like to move forward with the request. He did request clarification on if the project could be phased. Daniel Umhoeffer from R.W. Carlstrom appeared before Council and stated it would be possible but would be difficult and may alienate a user group. Mayor Carlson asked about updating the drawings. Mr. Umhoeffer stated that the project could be updated, and it would take minimal design updates to make it possible to phase the project. Mayor Carlson stated he was not a big fan of reducing the size of the project because once you reduce the size, you lose the ability to host tournaments. Council Member Peterson stated that not compromising on size would allow the City to host larger tournaments like Caswell North will be hosting soccer fest on June 10, 2023, with over 143 teams and 1600 participants. Council Member Oachs stated she believes in the project but is concerned that the City should consider cash flow with the upcoming expenditures at the All Seasons Arena (ASA). Mayor Carlson stated that the City should review community partner funding and search for local partners in the meantime. Council Member Steiner stated the City should move forward with the request. City Administrator McCann stated that Pinnacle Sports should be able to present its proforma for the facility at an upcoming Council Work Session.

### **All Seasons Arena**

City Administrator McCann reported the ASA board received estimates for the proposed improvements and maintenance of the ASA facility. He stated there were six options presented, and the City of Mankato recommended either option one or option 2. Option one included items 1-13 on the improvement plan, which included equipment replacement and addition, reducing the Olympic-sized rink to NHL-sized, and Interior Space Improvements. Option two included equipment replacement and addition, reducing the Olympic-sized rink to NHL-sized, and Interior Space Improvements along with Exterior Building Improvements and other options. The total cost for option one was \$11,372,559, with 22.4% of the total cost for the City of North Mankato. Option two total costs were \$12,956,241, with the City of North Mankato’s portion at 22.4%.

## **COUNCIL WORK SESSION June 5, 2023**

Mayor Carlson requested clarification on why option 6, which includes only the high-priority options, was not recommended. The total cost for option six is \$7,660,000, with the City of North Mankato responsible for 22.4%. He stated that option would complete high-priority items, and sometimes we can't get everything we want. Council Member Oachs stated that while she agrees that the Caswell Recreation Center is an important project, she believes the ASA is more important due to the fact that without the ASA, the Mankato area will lose hockey.

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

---

Mayor

---

City Clerk





City of North Mankato, MN

# Check Report

By Vendor Name

Date Range: 6/20/23

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK-APBNK						
00416	1st LINE/LEEWES VENTURES LLC	06/20/2023	Regular	0	2,514.75	97548
00008	A+ SYSTEMS GROUP	06/20/2023	Regular	0	190.00	97549
00012	ABDO FINANCIAL SOLUTIONS	06/20/2023	Regular	0	7,398.75	97550
00083	ANDERSON-CRANE RUBBER CO. INC.	06/20/2023	Regular	0	17.96	97551
02813	BARTEN, MIKE	06/20/2023	Regular	0	350.00	97552
03837	BECKER, ETHAN	06/20/2023	Regular	0	100.00	97553
00136	BENCHS	06/20/2023	Regular	0	360.00	97554
03735	BENNING, TIM	06/20/2023	Regular	0	450.00	97555
03391	BICKELL, SCOTT	06/20/2023	Regular	0	90.00	97556
03985	BLUE EARTH COUNTY ELECTIONS	06/20/2023	Regular	0	100.00	97557
02169	BLUE LINE SHARPENING & SALES	06/20/2023	Regular	0	312.00	97558
03193	BRUGMAN FENCING	06/20/2023	Regular	0	5,747.50	97559
00228	CARR'S TREE SERVICE	06/07/2023	Regular	0	69,050.00	97543
00255	CITY OF MANKATO	06/20/2023	Regular	0	157,577.45	97560
00344	DIAMOND VOGEL PAINT CENTER	06/20/2023	Regular	0	215.71	97561
00364	DRUMMER'S GARDEN CENTER & FLORAL	06/20/2023	Regular	0	119.94	97562
00074	EARL F. ANDERSEN INC.	06/20/2023	Regular	0	886.55	97563
00380	ELECTRIC PUMP, INC.	06/20/2023	Regular	0	3,911.64	97564
00401	EXPRESS SERVICES, INC.	06/20/2023	Regular	0	1,934.96	97565
03584	FACTORY MOTOR PARTS	06/20/2023	Regular	0	406.82	97566
00458	FRONTLINE WARNING SYSTEMS	06/20/2023	Regular	0	165.00	97567
00595	HY-VEE, INC.	06/20/2023	Regular	0	1,386.85	97568
03980	JOHNSON, MCKAYLA	06/07/2023	Regular	0	32.84	97544
03982	KIMBLE, DORIS E	06/07/2023	Regular	0	224.84	97545
03737	MALECHA, CRAIG	06/20/2023	Regular	0	400.00	97569
00832	MANKATO TENT & AWNING CO.	06/20/2023	Regular	0	409.20	97570
00837	MANTRONICS MAILING SYSTEMS, INC.	06/20/2023	Regular	0	201.00	97571
00847	MATHESON TRI-GAS, INC.	06/20/2023	Regular	0	13.32	97572
02892	MICHEL'S TRAILER SALES	06/20/2023	Regular	0	86.00	97573
00951	MINNESOTA TRUCK & TRACTOR, INC.	06/20/2023	Regular	0	58.26	97574
03572	NEGOV	06/20/2023	Regular	0	8,644.04	97575
02060	NORTHERN COMFORT	06/20/2023	Regular	0	225.00	97576
02127	NORTHLAND FARM SYSTEMS	06/20/2023	Regular	0	241.49	97577
03981	NORTON, VIRGINIA	06/07/2023	Regular	0	12.18	97546
03748	PERFORMANCE FOODSERVICE	06/20/2023	Regular	0	6,934.73	97578
01106	PETTY CASH	06/20/2023	Regular	0	100.88	97579
02512	PLAY IT AGAIN SPORTS	06/20/2023	Regular	0	1,500.00	97580
01133	POWERPLAN/RDO EQUIPMENT	06/20/2023	Regular	0	1,778.25	97581
03149	RADEMAKER, CHAD	06/20/2023	Regular	0	1,352.00	97582
03548	RANDALL'S TREE SERVICE, INC	06/20/2023	Regular	0	7,735.00	97583
01385	SANCO EQUIPMENT, LLC	06/20/2023	Regular	0	317.99	97584
02819	SETTER & ASSOCIATES LLC	06/20/2023	Regular	0	3,175.00	97585
03794	SIR LINES-A-LOT, LLC	06/20/2023	Regular	0	23,564.16	97586
01352	STREICHER'S, INC	06/20/2023	Regular	0	1,701.00	97587
01354	SUBURBAN TIRE WHOLESale, INC.	06/20/2023	Regular	0	1,621.12	97588
02519	SUN-UP CONSTRUCTION, INC.	06/07/2023	Regular	0	1,499.00	97547
02519	SUN-UP CONSTRUCTION, INC.	06/20/2023	Regular	0	10,629.00	97589
03776	TAHO SPORTSWEAR	06/20/2023	Regular	0	297.07	97590
03738	TOTAL LANDSCAPE SUPPLY LLC	06/20/2023	Regular	0	168.00	97591
01443	UNITED STATES POSTAL SERVICE	06/20/2023	Regular	0	2,000.00	97592
03662	VAN METER INC	06/20/2023	Regular	0	74.89	97593
03307	VINNIES MINN. SNO PENTICO ICE & MFG	06/20/2023	Regular	0	962.45	97594
02187	VISIT MANKATO	06/20/2023	Regular	0	75.00	97595
02282	WARD EINESS STRATEGIES	06/20/2023	Regular	0	3,000.00	97596
01523	WENZEL AUTO ELECTRIC CO	06/20/2023	Regular	0	201.00	97597
01525	WEST CENTRAL SANITATION, INC.	06/20/2023	Regular	0	31,464.33	97598
02339	WOLF LANDSCAPING	06/20/2023	Regular	0	3,630.00	97599

01562	ZAHL EQUIPMENT SERVICE, INC.	06/20/2023	Regular	0	95.00	97600
01568	ZIEGLER, INC.	06/20/2023	Regular	0	356.00	97601
02033	AMAZON.COM	06/05/2023	Bank Draft	0	30.19	DFT0008126
02033	AMAZON.COM	06/05/2023	Bank Draft	0	560.46	DFT0008127
02033	AMAZON.COM	06/11/2023	Bank Draft	0	115.96	DFT0008128
03564	AWARD DECALS	06/05/2023	Bank Draft	0	573.95	DFT0008129
00137	BENCO ELECTRIC COOPERATIVE	06/07/2023	Bank Draft	0	34,058.31	DFT0008114
00447	FREE PRESS	05/09/2023	Bank Draft	0	300.00	DFT0008125
00511	GREENCARE	06/15/2023	Bank Draft	0	477.50	DFT0008130
00608	INGRAM LIBRARY SERVICES	06/07/2023	Bank Draft	0	7,812.32	DFT0008131
00860	MCFOA	06/11/2023	Bank Draft	0	50.00	DFT0008132
00923	MINNESOTA DEPARTMENT OF LABOR & INDU	06/05/2023	Bank Draft	0	60.00	DFT0008133
00910	MINNESOTA VALLEY TESTING LAB, INC.	06/05/2023	Bank Draft	0	70.95	DFT0008134
00910	MINNESOTA VALLEY TESTING LAB, INC.	06/02/2023	Bank Draft	0	141.90	DFT0008135
00910	MINNESOTA VALLEY TESTING LAB, INC.	06/12/2023	Bank Draft	0	70.95	DFT0008136
00910	MINNESOTA VALLEY TESTING LAB, INC.	06/09/2023	Bank Draft	0	70.95	DFT0008137
00910	MINNESOTA VALLEY TESTING LAB, INC.	06/08/2023	Bank Draft	0	156.75	DFT0008138
02766	SPROUT SOCIAL	06/06/2023	Bank Draft	0	124.74	DFT0008141
01335	STAPLES ADVANTAGE	06/01/2023	Bank Draft	0	186.19	DFT0008142
03254	TAFT	06/07/2023	Bank Draft	0	13,464.00	DFT0008143
02591	UNITED TEAM ELITE	06/07/2023	Bank Draft	0	1,252.00	DFT0008144
01470	VERIZON WIRELESS	06/15/2023	Bank Draft	0	1,130.18	DFT0008148
01525	WEST CENTRAL SANITATION, INC.	06/15/2023	Bank Draft	0	28,140.54	DFT0008157
03221	ZIBSTER	05/27/2023	Bank Draft	0	32.00	DFT0008116
00551	A.H. HERMEL COMPANY	06/22/2023	EFT	0	16,949.51	6407
03016	ACTIVE NETWORK	06/07/2023	EFT	0	2,000.00	6406
00028	AFFORDABLE TOWING OF MANKATO, INC.	06/22/2023	EFT	0	244.00	6408
02254	ALBRIGHT LAWNS	06/22/2023	EFT	0	450.00	6409
01090	AMERICAN SOLUTIONS FOR BUSINESS	06/22/2023	EFT	0	4,284.12	6410
00103	AUTO BODY SPECIALTIES	06/22/2023	EFT	0	28.44	6411
00105	AUTO VALUE MANKATO	06/22/2023	EFT	0	430.15	6412
03745	BIEVER, DAN	06/22/2023	EFT	0	930.00	6413
00174	BOLTON & MENK, INC.	06/22/2023	EFT	0	243.00	6414
00176	BORDER STATES ELECTRIC SUPPLY	06/22/2023	EFT	0	12.00	6415
03703	BROMLEY, SANDRA	06/22/2023	EFT	0	203.05	6416
00216	C & S SUPPLY CO, INC.	06/22/2023	EFT	0	145.88	6417
02757	CINTAS	06/22/2023	EFT	0	229.58	6418
00310	CRYSTEEL TRUCK EQUIPMENT, INC	06/22/2023	EFT	0	1,261.78	6419
00322	DALCO	06/22/2023	EFT	0	878.20	6420
02275	DEM-CON MATERIALS & RECOVERY	06/22/2023	EFT	0	3,329.49	6421
00373	ECKERT, LELAND	06/22/2023	EFT	0	450.00	6422
03338	FISCHENICH, WILLIAM	06/22/2023	EFT	0	150.00	6423
00453	FREYBERG PETROLEUM SALES, INC.	06/22/2023	EFT	0	1,329.90	6424
03746	GAUKER, KYLE	06/22/2023	EFT	0	90.00	6425
01098	GILLETTE GROUP/PEPSI-COLA	06/22/2023	EFT	0	6,469.00	6426
00482	GMS INDUSTRIAL SUPPLIES, INC.	06/22/2023	EFT	0	71.48	6427
00494	GOPHER STATE ONE-CALL	06/22/2023	EFT	0	621.00	6428
00538	HAWKINS, INC.	06/22/2023	EFT	0	3,300.62	6429
00646	HEINTZ, KATIE	06/22/2023	EFT	0	753.37	6430
00680	J.J. KELLER & ASSOCIATES, INC.	06/22/2023	EFT	0	1,389.04	6431
03744	LASSONDE, MATTHEW	06/22/2023	EFT	0	83.09	6432
00776	LLOYD LUMBER CO.	06/22/2023	EFT	0	2,893.54	6433
00793	M & M SIGNS, INC.	06/22/2023	EFT	0	600.00	6434
00797	MAC TOOLS DISTRIBUTOR	06/22/2023	EFT	0	25.99	6435
02644	MACQUEEN EMERGENCY GROUP	06/22/2023	EFT	0	1,098.65	6436
00796	MACQUEEN EQUIPMENT, INC.	06/22/2023	EFT	0	268,852.19	6437
00800	MADDEN, GALANTER, HANSEN, LLP	06/22/2023	EFT	0	1,680.00	6438
00825	MANKATO MOTOR COMPANY	06/22/2023	EFT	0	115.70	6439
00874	MENARDS-MANKATO	06/22/2023	EFT	0	978.50	6440
00889	MIDWEST TAPE/HOOPLA	06/22/2023	EFT	0	1,358.89	6441
00902	MINNESOTA IRON & METAL CO	06/22/2023	EFT	0	8.00	6442
00956	MINNESOTA WASTE PROCESSING CO.	06/22/2023	EFT	0	31,428.10	6443
00997	MTI DISTRIBUTING CO	06/22/2023	EFT	0	471.06	6444
03287	NEILSON, NICK	06/22/2023	EFT	0	180.00	6445
01052	NORTH CENTRAL INTERNATIONAL	06/22/2023	EFT	0	3,798.73	6446
03160	NOVEL SOLAR THREE LLC (DBA GREEN STREET	06/22/2023	EFT	0	7,251.32	6447
02245	ONSITE	06/22/2023	EFT	0	507.30	6448

02005	PANTHEON COMPUTERS	06/22/2023	EFT	0	2,620.48	6449
01099	PET EXPO DISTRIBUTORS	06/22/2023	EFT	0	114.99	6450
03141	PIPES, ROGER	06/22/2023	EFT	0	1,230.00	6451
01402	POMPS TIRE	06/22/2023	EFT	0	3,945.19	6452
01160	QUALITY OVERHEAD DOOR CO, INC	06/22/2023	EFT	0	350.00	6453
02281	REINDERS	06/22/2023	EFT	0	59.08	6454
01211	RIVER BEND BUSINESS PRODUCTS	06/22/2023	EFT	0	1,560.00	6455
03971	RIVER BEND LEASING	06/22/2023	EFT	0	217.62	6456
01263	SCHWICKERT'S TECTA AMERICA LLC	06/22/2023	EFT	0	625.39	6457
01281	SIGN PRO	06/22/2023	EFT	0	16.00	6458
03191	US SOLAR	06/22/2023	EFT	0	6,021.13	6459
03140	VELDHUISEN, ROSE	06/22/2023	EFT	0	730.00	6460
03276	VITZTHUM, JACOB	06/22/2023	EFT	0	93.57	6461
03442	WASMUND, LARRY	06/22/2023	EFT	0	2,585.00	6462
03328	WOLLENZIEN, RICK	06/22/2023	EFT	0	450.00	6463
01552	WW BLACKTOPPING, INC	06/22/2023	EFT	0	903.54	6464
03482	CARDCONNECT	06/02/2023	Bank Draft	0	2,030.33	DFT0008118
00219	CARDMEMBER SERVICE	06/12/2023	Bank Draft	0	14,704.95	DFT0008117
00234	CENTER POINT ENERGY	06/15/2023	Bank Draft	0	5,421.18	DFT0008149
02003	MINNESOTA DEPT OF REVENUE	05/31/2023	Bank Draft	0	16,917.00	DFT0008119
02003	MINNESOTA DEPT OF REVENUE	05/31/2023	Bank Draft	0	524.97	DFT0008120
03029	OPEN EDGE	06/02/2023	Bank Draft	0	92.20	DFT0008121
03945	TYLER PAYMENTS	06/02/2023	Bank Draft	0	4,701.48	DFT0008122
01557	XCEL ENERGY	06/07/2023	Bank Draft	0	10,694.87	DFT0008115
01557	XCEL ENERGY	06/07/2023	Bank Draft	0	272.39	DFT0008123
					<b>901,401.79</b>	<b>149</b>

## Authorization Signatures

### All Council

The above manual and regular claims lists for 6/20/23 are approved by:

\_\_\_\_\_  
SCOTT CARLSON- MAYOR

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

\_\_\_\_\_  
JAMES WHITLOCK- COUNCIL MEMBER

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

\_\_\_\_\_  
MATT PETERSON- COUNCIL MEMBER

## RESOLUTION APPROVING DONATIONS/CONTRIBUTIONS/GRANTS

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

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

Donor	Restriction	Amount
James and Dolores Portz	Swim Scholarship	\$45.00
Anonymous	2- 12x12 Pavers	\$190.00
Total		\$235.00

Adopted by the City Council this 20th day of June 2023.

Mayor

City Clerk

## 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      DATE OF EVENT: 9-20-23  
☐ DJ/KARAOKE MACHINE      BEGIN TIME: 4pm  
☐ OTHER: \_\_\_\_\_      END TIME: 8pm

LOCATION / SHELTER: Shelter 1 Springlake

EVENT NAME: South Point Member Event

ONSITE COORDINATOR: \_\_\_\_\_ PRINT NAME: Shane Wilmes

MOBILE NUMBER: 507-380-9338

☒ 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 Wilmes SIGNATURE: Shane Wilmes

DATE: 6-12-23 EMAIL: Shane.Wilmes@SouthPointFinancial.com

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

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

☐ DENIED ☐ APPROVED

☐ BOOK ☐ POLICE ☐ ONLINE ☐ \$25.00 FEE

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

PD 1200383409

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 10A	Dept: Administration	Council Meeting Date: 6/20/23																																																																		
<b>TITLE OF ISSUE:</b> Consider Setting a Public Hearing for July 3, 2023, at 7 pm to Consider City Code Business Regulations, Chapter 113, Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis, or Cannabinoids.																																																																				
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b> City Attorney Kennedy will review the two proposed ordinances. One would repeal the entire Ordinance, the other would repeal and replace a portion of the Ordinance specifically the ban on sales at premises that sell alcohol and the licensing requirements. City staff recommends, if the Council determines to amend the ordinance, to repeal and replace a portion of the ordinance and leave the current ordinance in place.																																																																				
<i>If additional space is required, attach a separate sheet</i>																																																																				
<b>REQUESTED COUNCIL ACTION:</b> Set a Public Hearing for July 3, 2023, at 7 pm to Consider City Code Business Regulations, Chapter 113, Sales, Testing, Manufacturing, and Possession of Products Containing THC, Cannabis, or Cannabinoids.																																																																				
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Vote Record:</td> <td style="width: 10%; text-align: center;">Aye</td> <td style="width: 10%; text-align: center;">Nay</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Steiner</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Peterson</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Oachs</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Whitlock</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Carlson</td> </tr> </table>	Vote Record:	Aye	Nay								_____	_____						Steiner		_____	_____						Peterson		_____	_____						Oachs		_____	_____						Whitlock		_____	_____						Carlson	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">Resolution</td> <td style="width: 20%;">Ordinance</td> <td style="width: 20%;">Contract</td> <td style="width: 20%;">Minutes</td> <td style="width: 20%;">Map</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) _____ _____ _____ _____ _____				Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vote Record:	Aye	Nay																																																																		
	_____	_____						Steiner																																																												
	_____	_____						Peterson																																																												
	_____	_____						Oachs																																																												
	_____	_____						Whitlock																																																												
	_____	_____						Carlson																																																												
Resolution	Ordinance	Contract	Minutes	Map																																																																
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input type="checkbox"/> Workshop</td> <td style="width: 50%;"></td> </tr> <tr> <td><input checked="" type="checkbox"/> Regular Meeting</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Special Meeting</td> <td></td> </tr> </table>	<input type="checkbox"/> Workshop		<input checked="" type="checkbox"/> Regular Meeting		<input type="checkbox"/> Special Meeting		<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input type="checkbox"/></td> <td style="width: 50%;">Refer to: _____</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Table until: _____</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Other: _____</td> </tr> </table>				<input type="checkbox"/>	Refer to: _____	<input type="checkbox"/>	Table until: _____	<input type="checkbox"/>	Other: _____																																																				
<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: _____																																																																			

# NORTH MANKATO MINNESOTA

OFFICE OF CITY ATTORNEY

June 14, 2023

MICHAEL H. KENNEDY  
CHRISTOPHER M. KENNEDY

REPLY TO:  
99 NAVAHO AVENUE, SUITE 104  
MANKATO, MN 56001  
PHONE: 507-345-4582  
FAX: 507-345-1010

Mayor Scott Carlson  
Councilmembers  
City of North Mankato  
1001 Belgrade Avenue  
North Mankato MN 56003

Re: Ordinances


Dear Mayor and Councilmembers:

On the council's agenda on June 20, 2023 will be the issue of repealing the CBD ordinance in full or a portion of the ordinance. While I intend on being at the meeting, I had previously scheduled a meeting for 6:00 p.m. on that date, it is not clear how long that meeting will take place.

I wanted to send this letter on the off chance that I am not able to get to the council meeting before this matter is discussed. I have prepared two potential ordinances for the council's consideration. One resolution will repeal the entire ordinance that was passed last year. It is anticipated that we will create a new statute to replace it during the moratorium.

I have also included a proposed ordinance that will repeal only portions of the current ordinance, specifically the ban on sales at premises that sell alcohol and the licensing requirements. The council would also be able to modify portions of this ordinance. The provisions that remain would form the framework of any new ordinance that the council passes during the moratorium.

Sincerely,

  
Christopher M. Kennedy  
CMK/cmk



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

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

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

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

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

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

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

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

Shall be repealed in its entirety.

**Sale of Cannabinoid Products**

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

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

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



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

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

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

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

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

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

***SECTION 113.02 Restrictions.***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED by the City Council of the City of North Mankato, this \_\_ day of \_\_\_\_\_, 2023.

---

Mayor

ATTEST:

---

City Clerk

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

**AN ORDINANCE REPEALING SECTIONS OF THE CITY CODE SECTION**

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

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

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

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

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

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

Shall be repealed in its entirety.

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

PASSED AND ADOPTED by the City Council of the City of North Mankato, this \_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scott Carlson, Mayor

ATTEST:

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

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 10B	Dept: Administration	Council Meeting Date: 6/20/23																																		
<b>TITLE OF ISSUE:</b> Consider Setting a Public Hearing for July 3, 2023, at 7 pm to Consider Amending City Code Chapter 34 Sales and Use Tax.																																				
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b> The proposed amendment to City Code Chapter 34 Sales and Use Tax would incorporate the changes approved by legislation in the 2023 Session Laws Chapter 64, Article 10, Section 20. The legislature approved the total amount of sales tax revenue collected shall be limited to \$15,000,000 and associated bond costs and shall expire earlier on December 31, 2044, or when revenues collected from the sales tax exceed \$21,00,000 plus associated bond costs.																																				
<i>If additional space is required, attach a separate sheet</i>																																				
<b>REQUESTED COUNCIL ACTION:</b> Set a Public Hearing for July 3, 2023, at 7 pm to Amending City Code Chapter 34 Sales and Use Tax.																																				
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Vote Record:</td> <td style="width: 10%; text-align: center;">Aye</td> <td style="width: 10%; text-align: center;">Nay</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Steiner</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Peterson</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Oachs</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Whitlock</td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Carlson</td> </tr> </table>	Vote Record:	Aye	Nay			_____	_____	Steiner		_____	_____	Peterson		_____	_____	Oachs		_____	_____	Whitlock		_____	_____	Carlson	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; text-align: center;"> <tr> <td style="width: 20%;">Resolution</td> <td style="width: 20%;">Ordinance</td> <td style="width: 20%;">Contract</td> <td style="width: 20%;">Minutes</td> <td style="width: 20%;">Map</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> Other (specify) _____ _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vote Record:	Aye	Nay																																		
	_____	_____	Steiner																																	
	_____	_____	Peterson																																	
	_____	_____	Oachs																																	
	_____	_____	Whitlock																																	
	_____	_____	Carlson																																	
Resolution	Ordinance	Contract	Minutes	Map																																
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																
<input type="checkbox"/> Workshop  <input checked="" type="checkbox"/> Regular Meeting  <input type="checkbox"/> Special Meeting	<input type="checkbox"/> Refer to: _____ <input type="checkbox"/> Table until: _____ <input type="checkbox"/> Other: _____																																			

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

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

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

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

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

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

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

Shall be repealed and replaced in its entirety.

**34.40 Authority**

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

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

**§ 34.41 DEFINITIONS. 34.41 Definitions**

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

**CITY.** The City of North Mankato, Minnesota.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

## **FOOD AND BEVERAGE TAX**

### **§ 34.60 DEFINITIONS.**

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

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

**CITY.** City of North Mankato, Minnesota.

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

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

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

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

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

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

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

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

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

Shall be repealed and replaced in its entirety.

**34.40 Authority**

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

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

**Definitions**

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

**CITY.** The City of North Mankato, Minnesota.

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

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

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

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

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

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

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

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

#### **34.43 Effective Date of Tax; Transitional Sales**

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

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

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

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

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

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

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

#### **34.44 Tax Clearance; Issuance of Licenses**

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

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

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

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

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

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

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

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

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

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

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

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

(1) December 31, 2044; or

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

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

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

### **34.46 Agreement with the Commissioner**

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

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

## **FOOD AND BEVERAGE TAX**

### **§ 34.60 DEFINITIONS.**

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

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

**CITY.** City of North Mankato, Minnesota.

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

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

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

Passed and Adopted by the City Council of the City of North Mankato, this \_\_\_\_ day of \_\_\_\_\_, 2023.

---

Mayor

ATTEST:

---

City Clerk

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 10C	Dept: Administration	Council Meeting Date: 6/20/23																											
<b>TITLE OF ISSUE: Consider Resolution Approving Local Sales Tax and Authorizing Actions to be Taken by the City in Connection with Such Taxes.</b>																													
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b> State Law requires that a special law shall not be effective without the approval of the local government. Tonight City Council will approve the special law through resolution, and the City Clerk will file the approval with the Secretary of State.																													
<i>If additional space is required, attach a separate sheet</i>																													
<b>REQUESTED COUNCIL ACTION: Adopt Resolution Approving Local Sales Tax and Authorizing Actions to be Taken by the City in Connection with Such Taxes.</b>																													
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  Vote Record: <table style="margin-left: 40px; border: none;"> <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>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Peterson</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>Whitlock</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Carlson</td> </tr> </table>	Aye	Nay		_____	_____	Steiner	_____	_____	Peterson	_____	_____	Oachs	_____	_____	Whitlock	_____	_____	Carlson	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify) _____ _____ _____ _____	Resolution	Ordinance	Contract	Minutes	Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aye	Nay																												
_____	_____	Steiner																											
_____	_____	Peterson																											
_____	_____	Oachs																											
_____	_____	Whitlock																											
_____	_____	Carlson																											
Resolution	Ordinance	Contract	Minutes	Map																									
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																									
<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: _____																												

**A RESOLUTION APPROVING LOCAL SALES TAX AND AUTHORIZING ACTIONS  
TO BE TAKEN BY THE CITY IN CONNECTION WITH SUCH TAXES**

**BE IT RESOLVED** by the City Council of the City of North Mankato, Minnesota (the “City”) the following:

1. The City has several proposed projects and improvements in capital and operating costs, which cannot be adequately funded with existing resources. The Minnesota Legislature previously authorized the City of North Mankato to impose a sales tax to fund the costs of projects. The citizens of the City of North approved the imposition of a sales tax on November 7, 2006. The City was allowed to collect 0.5% (one-half of one center)
2. The Minnesota Legislature passed 2023 Session Laws Chapter 64, Article 10, Section 20, amending 2017 Session Laws Chapter 1, Article 5, Chapter 17.
3. The Minnesota Legislature, in its 2023 session, authorized the City of North Mankato to extend the sales for the following additional uses:
  - a. The local share of Trunk Highway 14/County State Aid Highway 41 interchange;
  - b. Development of regional parks, hiking and biking trails, and the construction of indoor regional athletic facilities.
  - c. Expansion of the North Mankato Taylor Library.
  - d. Riverfront redevelopment.
  - e. Law improvement projects
4. The total amount of sales tax revenue collected shall be limited to \$15,000,000 and associated bond costs.
5. The sales tax shall expire earlier on December 31, 2044, or when revenues collected from the sales tax exceed \$21,000,000 plus associated bond costs.
6. The City Council authorizes the extension and the collection of the sales tax for the projects approved by the original legislation and as amended by the legislature in 2023
7. The City Administrator and the City Clerk, or their designees, are hereby authorized to take all actions necessary or appropriate, and in accordance with applicable laws of the State of Minnesota, in order to extend the time and scope of the sales tax

Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

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

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 10D	Dept: Community Dev.	Council Meeting Date: 6/20/23																																																																																
<b>TITLE OF ISSUE:</b> Consider Approving V-1-23 Variance Request to Reduce Side and Rear Setbacks at 738 Park Avenue.																																																																																		
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b> Community Development Director Fischer will review the Planning Commissions discussion on the proposed variance.																																																																																		
<i>If additional space is required, attach a separate sheet</i>																																																																																		
<b>REQUESTED COUNCIL ACTION:</b> Approve V-1-23 Variance Request to Reduce Side and Rear Setbacks at 738 Park Avenue.																																																																																		
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;">Vote Record:</td> <td style="width: 10%; text-align: center;">Aye</td> <td style="width: 10%; text-align: center;">Nay</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Steiner</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Peterson</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Oachs</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Whitlock</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Carlson</td> </tr> </table>	Vote Record:	Aye	Nay									_____	_____																	Steiner										Peterson										Oachs										Whitlock										Carlson	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">Resolution</td> <td style="width: 20%;">Ordinance</td> <td style="width: 20%;">Contract</td> <td style="width: 20%;">Minutes</td> <td style="width: 20%;">Map</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify)    Report _____ _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vote Record:	Aye	Nay																																																																																
	_____	_____																																																																																
									Steiner																																																																									
									Peterson																																																																									
									Oachs																																																																									
									Whitlock																																																																									
									Carlson																																																																									
Resolution	Ordinance	Contract	Minutes	Map																																																																														
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																																														
<table style="width: 100%; border: none;"> <tr> <td style="width: 20%; text-align: center;"><input type="checkbox"/></td> <td style="width: 80%;">Workshop</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Regular Meeting</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Special Meeting</td> </tr> </table>	<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Regular Meeting	<input type="checkbox"/>	Special Meeting	<table style="width: 100%; border: none;"> <tr> <td style="width: 20%; text-align: center;"><input type="checkbox"/></td> <td style="width: 80%;">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: _____																																																																				
<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: _____																																																																																	



**V-1-23**

**VARIANCE REQUEST TO REDUCE SIDE AND REAR SETBACKS AT 738 PARK  
AVENUE**

## THE CITY OF NORTH MANKATO

SUBJECT: V-1-23  
APPLICANT: Kevin & Mollie Fischer  
LOCATION: 738 Park Avenue  
EXISTING ZONING: R-1, One-family dwelling  
DATE OF HEARING: June 8, 2023  
DATE OF REPORT: May 30, 2023  
REPORTED BY: Mike Fischer, Community Development Director

### APPLICATION SUBMITTED

Variance to reduce side yard setback from 5 feet to 0.25 feet and the rear setback from 5 feet to 3 feet for reconstruction of a garage.

### COMMENT

The applicants are requesting variances at 738 Park Avenue to reconstruct an existing garage on the property. Their formal variance request is included as Exhibit A. As shown on Exhibit B, prepared by a licensed surveyor, the applicants have an existing detached single stall garage in their backyard located inches from their side property line. The applicants have a shared driveway with their next door neighbor. As proposed, the applicants wish to demolish the existing garage and replace it with a larger garage as shown on Exhibit B. While the existing garage is located inches from the side property line, the side yard building setback is 5 feet. Therefore, should a structure that violates the current setback be demolished, the replacement structure is required to meet all building setbacks. In this case, should the applicants demolish their existing garage, a new garage would need to be located a minimum of 5 feet from their side property line. Based on the location of the shared driveway and the house, to reasonably access and exit a garage, the applicants are requesting a variance to relocate a new garage to within 0.25 feet of their side property line. Additionally, a reduction of the rear property line setback from 5 feet to 3 feet is requested.

When considering a variance application, a city exercises "quasi-judicial" authority. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. If the applicant meets the standard, then the city may grant the variance.

Practical difficulties:

“Practical difficulties” is a legal standard that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

### **Reasonableness**

The first factor is that the property owner proposes to use the property in a reasonable manner.

This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.

It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

### **Uniqueness**

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

### **Essential character**

The third factor is that the variance, if granted, will not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

In the applicant's variance request (Exhibit A), they state why they believe they meet the practical difficulties test. Based on the existing conditions at the property and the proposal for a new garage, staff believes there is justification for a variance as proposed.

**RECOMMENDATION**

Staff recommends approval of V-1-23 based on the existing conditions at the property and responses to the three factor test to grant a variance.

May 17, 2023

Ref. 738 Park Ave North Mankato, MN

Mike Fischer

Mike,

I am requesting side and rear variances on the 738 Park Ave property. The existing garage was built back in 1938 and has outlived its life and is in disrepair. I would like to propose a reasonably sized 22' x 22' replacement to make the property look more to scale with the existing building next to it. The current garage was built on the west-side property line of an adjoining and shared driveway. With the new Variances of 5' side and 5' rear setbacks, the way the lot size and existing house was built, this restricted space would make it impossible to access the garage and house placement on the lot. The narrow driveway would not make it possible to drive into. The new proposed garage pushed back to a 3' to match existing neighbor's garage rear and 0" Westside setback or existing garage wall, would make it possible to have a reasonably sized garage for lot size.

The lot and property size is small due to the time of the property being built. Shared driveway along with the narrow lot of 49-1/2' makes it very restrictive to the possibilities of an accessible garage without turning the garage in a different direction and greatly depleting the properties backyard, therefore turning the backyard into an all-concrete driveway to make it accessible. The driveway width at the back of the house is only 7'-6" and only 16' to the front of the garage, making it very tight for a front access without the variance. With the variance it wouldn't impose on any existing properties and not look out of place.

Granting the variance would make the rear property structure in line with the existing Neighboring building. The new structure would be a much-improved look and would match the scale of other existing buildings in the surrounding neighboring properties.

We thank you for your consideration and I truly believe if you physically look at the existing and proposed structure it will make for an improved look, instead of an eyesore.

Sincerely,

Kevin Fischer and Mollie Fischer





May 26, 2023

Dear Property Owner:

In a letter dated May 25, 2023, from the City, you were notified of a variance request at 738 Park Avenue to reduce a side yard building setback from 5 feet to 0.25 feet for the reconstruction of a garage. As that request has changed, attached is a revised drawing. In summary, the applicant is also requesting a variance to reduce the rear yard building setback from 5 feet to 3 feet.

Please feel free to contact me should you have any questions regarding this issue.

Sincerely,

Mike Fischer  
Community Development Director

Enc





**738 Park Avenue Mailing**  
350-Foot Radius

Owner Full Name	Owner Address	Owner City
PAWLITSCHKE BENJAMIN J & SARA L PAWLITSCHKE	2800 MONKS AVE	MANKATO MN 56001
DIMMERMAN SAMANTHA & JACOB EGGESTEIN	732 PAGE AVE	NORTH MANKATO MN 56003
MORRIS ELIJAH & DARLAIN MORRIS	730 PAGE AVE	NORTH MANKATO MN 56003
MEIER JAN R	724 PAGE AVE	NORTH MANKATO MN 56003
INKLUSIVE PROPERTIES LLC	1200 S BROADWAY ST	NEW ULM MN 56073
JOHANNECK EMILY	721 GRANT AVE	NORTH MANKATO MN 56003
DOYLE RENEE & GUY DOYLE	717 GRANT AVE	NORTH MANKATO MN 56003
EVANS PAUL ALLEN & JULIE A EVANS	715 GRANT AVE	NORTH MANKATO MN 56003
PADILLA JENNIFER JOSIGNA	810 BELGRADE AVE	NORTH MANKATO MN 56003
STROUP RYAN D	1605 JAMES DR	NORTH MANKATO MN 56003-1930
ALVERAZ JOSE RENTAS & ZULMA ENEIDA RENTAS	802 BELGRADE AVE	NORTH MANKATO MN 56003
BARKER KAYLYNN T	800 BELGRADE AVE	NORTH MANKATO MN 56003
DUNCANSON DONALD & OLIVIA DUNCANSON	744 BELGRADE AVE	NORTH MANKATO MN 56003
SVOBODA LYNN M	14114 200TH ST	HUTCHINSON MN 55350
SHERWOOD KEITH BRUCE	736 BELGRADE AVE	NORTH MANKATO MN 56003
BYBEE MICHELLE M	732 BELGRADE AVE	NORTH MANKATO MN 56003
SCHALOW EMMA GRACE & JOSEPH SMITH	728 BELGRADE AVE	NORTH MANKATO MN 56003
DEMASTER JARED W & AMY J DEMASTER	724 BELGRADE AVE	NORTH MANKATO MN 56003
DRUMMER PROPERTIES LLC	720 BELGRADE AVE	NORTH MANKATO MN 56003
INVESTIO LLP	59 BENSON TR	NORTH MANKATO MN 56003
WU XUANHUI & YU HE	59072 199TH ST	MANKATO MN 56001
HILLESHEIM STACY M	748 PARK AVE	NORTH MANKATO MN 56003
HABBERSTAD BRUCE C	745 PAGE AVE	NORTH MANKATO MN 56003
RAKER MATTHEW L	823 PARK AVE	NORTH MANKATO MN 56003
JENSEN LAMINDA M	PO BOX 1966	MANKATO MN 56002
PADILLA BETTY M	905 BEL VISTA DR	NORTH MANKATO MN 56003
HAYCRAFT REBECCA & GREGORY SWANSON	809 PARK AVE	NORTH MANKATO MN 56003
SCOTT DOUGLAS J & BREANNA J SCOTT	807 PARK AVE	NORTH MANKATO MN 56003
KOZITZA KURTIS & AMANDA KOZITZA	904 BELVISTA DR	NORTH MANKATO MN 56003
BERNARDY RICHARD L & GWEN A BERNARDY	601 LAKE ST	NORTH MANKATO MN 56003
MARTINEZ SOLEDAD	805 PARK AVE	NORTH MANKATO MN 56003
ARNDT BRENDA L	745 PARK AVE	NORTH MANKATO MN 56003
SHULT MARK O & BONNIE M SHULT	741 PARK AVE	NORTH MANKATO MN 56003
HEDGES J DAVID	7 CAPRI DR	MANKATO MN 56001
PETERSON RAYMOND	735 PARK AVE	NORTH MANKATO MN 56003
DUNCANSON DONALD & OLIVIA DUNCANSON	744 BELGRADE AVE	NORTH MANKATO MN 56003
BORCHERT JOANN MARY	39265 472ND LN	SAINT PETER MN 56082
HORN SARA	723 PARK AVE	NORTH MANKATO MN 56003
FORDERER JACKSON E	717 PARK AVE	NORTH MANKATO MN 56003
VETTERKIND DERECK	715 PARK AVE	NORTH MANKATO MN 56003
BROOKS JOHNATHAN S & JUDITH K BROOKS	709 PARK AVE	NORTH MANKATO MN 56003
HUGHES ASHLEY	742 PARK AVE	NORTH MANKATO MN 56003
FISCHER KEVIN T & ANNETTE M FISCHER	732 PARK AVE	NORTH MANKATO MN 56003
WHITE REED D & MEGAN L WHITE	728 PARK AVE	NORTH MANKATO MN 56003
OACHS THOMAS F REVOCABLE TRUST	411 RIVER HILLS LN	MANKATO MN 56001
KROON HERBERT C III & SUSAN R KROON	503 CORNELIA AVE	NORTH MANKATO MN 56003
GEER BENJIMAN CHARLES & ELIZABETH MARIE GEER	507 CORNELIA ST	NORTH MANKATO MN 56003
LAGER ANGELA	911 BELVISTA DR	NORTH MANKATO MN 56003
RUBY BENJAMIN	739 PAGE AVE	NORTH MANKATO MN 56003
WINTERS GERALD L & KAREN K WINTERS	735 PAGE AVE	NORTH MANKATO MN 56003
GRABIANOWSKI JOLINDA	727 PAGE AVE	NORTH MANKATO MN 56003
LANGSJOEN DINAH	723 PAGE AVE	NORTH MANKATO MN 56003
RIEWE PAUL A	719 PAGE AVE	NORTH MANKATO MN 56003
BROWN JANIS M	715 PAGE AVE	NORTH MANKATO MN 56003
ELLINGSON GARY J & JANE R ELLINGSON	711 PAGE AVE	NORTH MANKATO MN 56003
BAUER CHRISTOPHER & BRITTANY BAUER	509 CORNELIA ST	NORTH MANKATO MN 56003

# CITY OF NORTH MANKATO

## REQUEST FOR COUNCIL ACTION



Agenda Item # 10E	Dept: Administration	Council Meeting Date: 6/20/23																												
<b>TITLE OF ISSUE:</b> Consider Resolution Approving Design Request for Proposal Authorizing the All Seasons Arena Board to Order Advertisement for the Design of the All Seasons Arena Improvement.																														
<b>BACKGROUND AND SUPPLEMENTAL INFORMATION:</b> Please review the memo provided by City Manager Susan Arntz. City Administrator McCann will review the proposal and possible City responses.																														
<i>If additional space is required, attach a separate sheet</i>																														
<b>REQUESTED COUNCIL ACTION:</b> Approve Resolution Approving Design Request for Proposal Authorizing the All Seasons Arena Board to Order Advertisement for the Design of the All Seasons Arena Improvement.																														
<b>For Clerk's Use:</b>  Motion By: _____ Second By: _____  Vote Record: <table style="margin-left: 40px; border: none;"> <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>Steiner</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Peterson</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>Whitlock</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td>Carlson</td> </tr> </table>	Aye	Nay		_____	_____	Steiner	_____	_____	Peterson	_____	_____	Oachs	_____	_____	Whitlock	_____	_____	Carlson	<b>SUPPORTING DOCUMENTS ATTACHED</b>  <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Resolution</td> <td style="text-align: center;">Ordinance</td> <td style="text-align: center;">Contract</td> <td style="text-align: center;">Minutes</td> <td style="text-align: center;">Map</td> </tr> <tr> <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> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> Other (specify)    Report _____ _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Map	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aye	Nay																													
_____	_____	Steiner																												
_____	_____	Peterson																												
_____	_____	Oachs																												
_____	_____	Whitlock																												
_____	_____	Carlson																												
Resolution	Ordinance	Contract	Minutes	Map																										
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																										
<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Workshop</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Regular Meeting</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Special Meeting</td> </tr> </table>	<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Regular Meeting	<input type="checkbox"/>	Special Meeting	<table style="width: 100%; border: none;"> <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: _____																
<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 APPROVING DESIGN REQUEST FOR PROPOSAL  
AUTHORIZING THE ALL SEASONS ARENA BOARD TO ORDER ADVERTISEMENTS  
FOR THE DESIGN OF THE ALL SEASONS ARENA IMPROVEMENTS

WHEREAS, the City of North Mankato, pursuant to Minnesota Statutes, Section 471.59 entered into a Joint Powers Agreement for the All Seasons Arena with the County of Blue Earth and the City of Mankato.

WHEREAS, the Joint Powers Agreement requires that any Capital Improvements above \$25,000 shall be referred back to the governing bodies of each Party for their review and authorization.

WHEREAS, the All Seasons Arena Board is requesting to expend funds to complete a Design RFP process.

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

1. The Council approves the ASA Boards' recommendation of completing a Design RFP for the options presented as Options 1-13 and Option 17.
2. The All Seasons Arena Board shall prepare a Request for Design Proposal and advertise as required.
3. The bids will then be tabulated, considered by the All Seasons Arena Board, and submitted to the North Mankato City Council for consideration and approval.

Adopted by the City Council this 20<sup>th</sup> day of June 2023.

---

Mayor

ATTEST:

---

City Clerk



## MEMORANDUM

To: Bob Meyer, Blue Earth County Administrator  
Kevin McCann, North Mankato Administrator

From: Susan Arntz, Mankato City Manager

Date: June 14, 2023

RE: All Seasons Arena Improvement Recommendation

On May 12, 2023, the All Seasons Arena Board of Directors met with Construction Manager, Knutson Construction, to review recommendations improvements to the arena. On May 25, the Administrators met to review possible funding scenarios for the various improvements. Attached is a copy of the list of recommendations.

At their June 9, 2023, the Board reviewed the funding scenarios and formulated a recommendation. The Board is recommending moving forward with Options 1-13 and Option 17. They have recommended Options 5 and 18 as possible fundraising opportunities.

As part of the recommendation, the Board has been working to incorporate ISD 77 as a financial partner in the improvements. The School District has six teams that use the ASA ice as their home ice. Hence, they find value in investing in these improvements for their teams and the community as a whole. They have identified approximately \$1.1 Million available in their Lease Levy for this project.

Below is a summary of the project recommendation and financing estimates. Currently the anticipated construction cost would be \$11,592,559. The estimates assume a 4.2% interest rate over 15 years. The summary below is based on the apportionment percentages from the Joint Powers Agreement.

Jurisdiction	2020 Census Population	% of Total	Project Cost Apportionment	ISD 77 Contribution	Net Project Cost Apportionment	Initial Cash Contribution	Bonding Amount	Annual Bond Payment	Total Cash & Bond Payments
City of Mankato	44,468	69.82%	\$8,093,351	\$765,487	\$7,327,864	\$ 4,500,000	\$2,827,864	(\$257,911)	\$8,368,664
City of North Mankato	14,275	22.41%	\$2,598,106	\$245,735	\$2,352,372		\$2,352,372	(\$214,544)	\$3,218,165
Blue Earth County	4,951	7.77%	\$901,102	\$85,228	\$815,873		\$815,873	(\$74,410)	\$1,116,157
ISD 77				(\$1,096,450)	\$1,096,450		\$1,096,450	(\$100,000)	\$1,500,000
<b>Total</b>	<b>63,694</b>	<b>100.00%</b>	<b>\$11,592,559</b>	<b>\$0</b>	<b>\$11,592,559</b>	<b>\$ 4,500,000</b>	<b>\$7,092,559</b>	<b>(\$646,866)</b>	<b>\$14,202,986</b>

As part of the Joint Powers Agreement, each party's governing body now needs to review the Board's recommendation. If a majority of the governing bodies approve the Board's recommendation, the next step will be to begin the Design RFP process. Many of the items in the project have a long lead time for ordering, including the ice system. Hence, once decisions are made, time is of the essence.

For your information, I have attached a copy of the proposed schedule based on current information. As you review the material with your governing bodies, please let us know how we can support your efforts.

*Leading the Way as a Prosperous Diverse Regional Community*  
 •Responsive    •Efficient    •Greater Good    •Innovative    •Open    •Neighborly



Owner: **City of Mankato**  
 Project: **All Seasons Arena**  
 Location: Mankato, MN  
 Date: 05/12/23



**ALL SEASON ARENA ROUGH-ORDER OF MAGNITUDE PRICING**

Priority Options	Equipment Replacement & Addition (Rinks Remain Same Size)	Budget Price
Option #1	Building Addition: Refrigeration room addition to house new ice making equipment (900 sf, SW side of building). Price includes moving electrical service.	\$1,300,000
Option #2	Ice Making Equipment Replacement for both rinks: This assumes both rinks remain same size.	\$4,270,000
Option #3	Fire Code Compliance: Includes replacing wood paneling at observation area in south rink. Price also includes re-sheetrocking interior wood partitions at south rink level 2.	\$360,000
<b>Equipment Replacement &amp; Addition Cost</b>		<b>\$5,930,000</b>

Rink Reduction Options	Reducing Olympic Sized Rink to NHL Sized	Budget Price
Option #4	Premium to Reduce Rink Size: Includes replacing floor, piping & modifying dasher boards (New dasher boards add option 4).	\$1,460,000
Option #5	Replace Dasher Boards: Accommodate NHL sized rink. (Item assumes existing boards cannot be modified)	\$270,000

Interior Add Options	Interior Space Improvements	Budget Price
Option #6	Observation Balcony on North Rink: Replace bleachers to accommodate new layout for smaller rink. Price includes new balcony / stair access. Option Only Possible if Rink Shrinks.	\$870,000
Option #7	Lobby Improvement: Renovation (1,700 sf) front entry to improve congestion. Pricing Includes moving electrical room.	\$1,200,000
Option #8	Concessions / Dryland Moved: Move Concessions & Core Restroom Upstairs & Move Dryland Downstairs.	\$750,000
Option #9	Pedestrian Access: Add board lift with operator on (1) rink for ice resurfacers.	\$20,000
Option #10	HVAC Equipment: Replace Dehumidification Unit.	\$349,913
Option #11	HVAC Equipment: Replace Existing (8) furnaces.	\$95,662
Option #12	HVAC Equipment: Replace Existing Water Heaters.	\$35,273
Option #13	HVAC Equipment: Replace (2) Boilers.	\$91,711

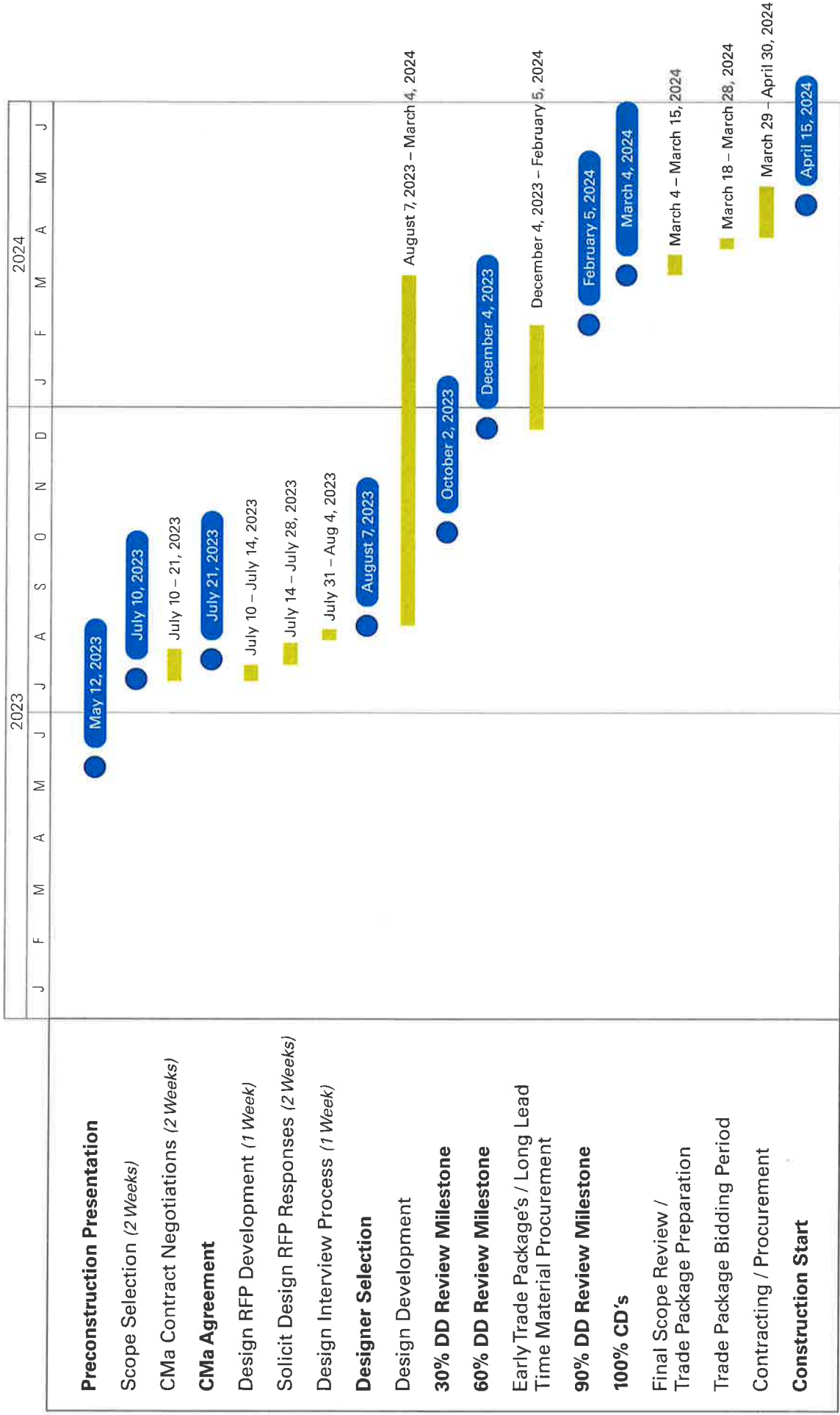
Exterior Add Options	Exterior Building Improvements	Budget Price
Option #14	Parking Lot Replacement: Demolish existing parking lot & complete 2' deep over-excavation & regrade to eliminate steep entrance. Pricing assumes 50% of curbs to be replaced.	\$1,113,682
Option #15	Parking lot improvements: Add entrance & exit on to Balcerzak.	\$50,000
Option #16	Parking Lot Repair: Patching & restriping existing lot.	\$30,000
Option #17	Building Façade Improvement: Repaint & Add new Signage (3 signs)	\$220,000

Other Options	Budget Price
Option #18 Improve Existing Dryland Area: Impact Resistant Sheetrock on walls, New hard lid Ceiling, protection of lights, sprinklers, etc. (Option can only be selected if Option #8 is rejected).	\$170,000

Other Recommendations	Budget Price
-----------------------	--------------

Recommendation #1 Recommendation to City of Mankato to add bus drop off lane at Balcerzak.

# PRELIMINARY PRECONSTRUCTION SCHEDULE: ALL SEASONS ARENA





## AARP Network of Age-Friendly States and Communities

An age-friendly community is livable for people of *all* ages

### America's Population Is Rapidly Aging

According to the U.S. Census Bureau, by 2034 the nation will have more people age 65 or older than under 18. By 2060, nearly 1 in 4 people in the United States will be at least 65 years old.

This demographic shift presents an opportunity for communities that are prepared. Well-designed, age-friendly communities foster economic growth and make for happier, healthier residents of all ages.

The **AARP Network of Age-Friendly States and Communities** supports the work of local, regional and state governments as they prepare for the nation's changing demographics. Established in 2012, the network includes towns, cities, counties and states that have made a commitment to being more livable for people of all ages, and especially older adults.

The program's framework equips local leaders and residents with resources for assessing the needs of older adults related to housing and transportation options, access to key services, and opportunities to participate in community activities. Once identified, those needs can be incorporated into an action plan.



Age-Friendly Communities  
Are Livable for  
People of All Ages  
[aarp.org/livable](http://aarp.org/livable)

#### Membership in the network:

- Serves as an organizing structure for making community improvements
- Fosters partnerships among community groups and local stakeholders
- Provides resources for identifying and assessing community needs
- Enables community improvements that benefit people of all ages

#### Membership provides local leaders with:

- Access to expert-led webinars and technical assistance from livability professionals
- Connections to a national network of more than 700 enrolled communities
- A private group forum for discussions, asking questions and finding answers
- Support, guidance and best-practice resources from AARP about creating an action plan and documenting progress

Membership in the AARP Network of Age-Friendly States and Communities is *free*!

#### Membership matters:

- 68% of communities successfully advanced policy changes
- 86% of communities overcame barriers
- More than 100 million people in the United States live in a community that is committed to being age-friendly.

DEMOGRAPHIC DATA: "Demographic Turning Points for the United States: Population Projections for 2020 to 2060," *Current Population Reports*, P25-1144, U.S. Census Bureau, Washington, D.C., 2020

AARP NETWORK OF AGE-FRIENDLY STATES AND COMMUNITIES DATA: 2022 Member List and Survey



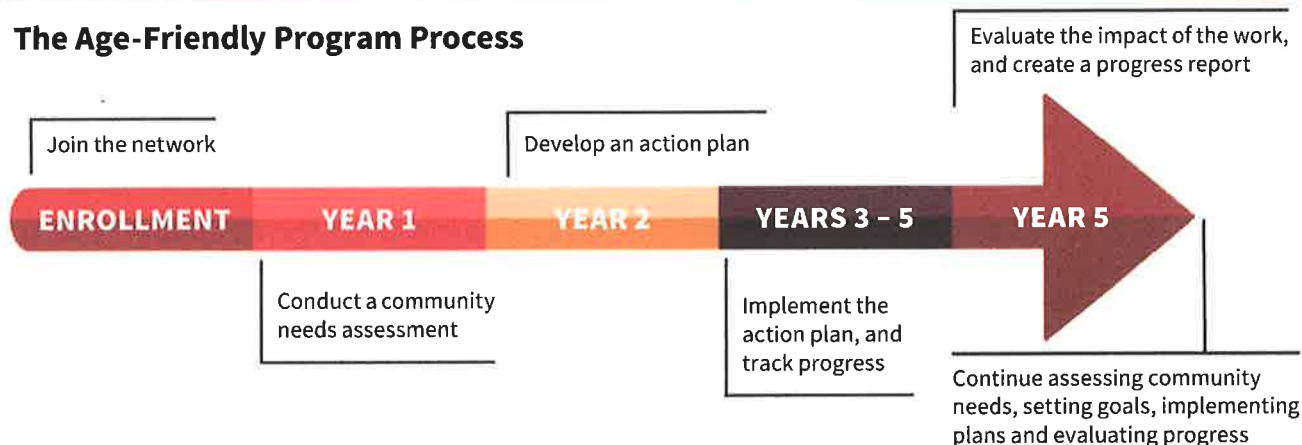


## Enrolling in the Network

Communities enroll individually or as part of a region. A governor can choose to enroll an entire state. All towns, villages, townships, boroughs, cities, counties and states seeking to enroll in the AARP Network of Age-Friendly States and Communities are required to submit a membership application. The community must also provide a letter of commitment signed by the jurisdiction's highest elected official (e.g., a governor, mayor, county executive) or a legislative body can pass and provide a resolution in support of membership.

Learn more and find the membership application via [AARP.org/AgeFriendly](https://www.aarp.org/AgeFriendly).

### The Age-Friendly Program Process

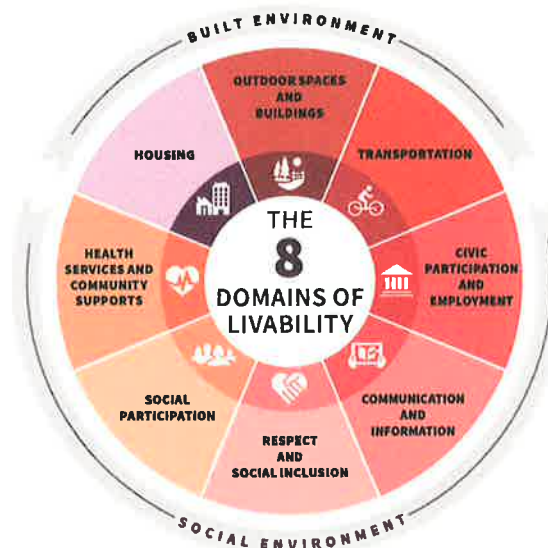


## The Program Steps

Members of the **AARP Network of Age-Friendly States and Communities** commit to an assessment process and cycle of continuous improvement, the steps of which typically require the member community to:

1. Establish a way to include older residents in all stages of the age-friendly process
2. Conduct a community needs assessment (*AARP provides survey examples and access to an online tool*)
3. Develop an action and evaluation plan based on the assessment results and submit to AARP for review
4. Implement the plan and work toward its goals
5. Assess the impact of implementing the plan and submit progress reports
6. Share solutions, successes and best practices across the age-friendly network
7. Repeat!

The **8 Domains of Livability** is the framework used by states and communities enrolled in the network to organize and prioritize their work. The availability and quality of these community features impact the well-being of older adults and people of all ages.



## LEARN MORE, GET IN TOUCH

- **Website:** [AARP.org/AgeFriendly](https://www.aarp.org/AgeFriendly) or [AARP.org/Livable](https://www.aarp.org/Livable)
- **Free Newsletter:** [AARP.org/LivableSubscribe](https://www.aarp.org/LivableSubscribe)
- **Email:** [AARPAge-FriendlyNetwork@AARP.org](mailto:AARPAge-FriendlyNetwork@AARP.org)
- **Locate Your AARP State Office:** [AARP.org/States](https://www.aarp.org/States) or call 1-888-687-2277
- **Facebook:** [/AARPLivableCommunities](https://www.facebook.com/AARPLivableCommunities)
- **Twitter:** [@AARPLivable](https://twitter.com/AARPLivable)

OR SCAN THIS CODE



D19860