

Pursuant to due call and notice thereof, a regular meeting of the North Mankato City Council was held in the Municipal Building Council Chambers on February 3, 2014. Mayor Dehen called the meeting to order at 7:00 p.m. asking that everyone join in the Pledge of Allegiance. The following were present for the meeting, Mayor Dehen, Council Members Freyberg, Spears and Steiner, City Administrator Harrenstein, Finance Director Thorne, City Clerk Gehrke, Attorney Kennedy, Planner Fischer and Public Works Director Swanson. Absent: Council Member Norland.

Approval of Agenda

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

Approval of Minutes

Council Member Freyberg moved, seconded by Council Member Steiner, to approve the minutes of the Council meeting of January 21, 2014. Vote on the motion: Freyberg, Spears, Steiner and Dehen, aye; no nays. Motion carried.

Consent Agenda

Council Member Freyberg moved, seconded by Council Member Steiner, to approve the Consent Agenda which includes:

- A. Bills and Appropriations.
- B. Res. No. 10-14 Approving Donations/Contributions/Grants.
- C. Audio and Large Group Permit for True Value Picnic, Spring Lake Park, Saturday, August 2, 2014 from 9 a.m. to 5 p.m.
- D. Parade Permit for March of Dimes March for Babies Annual Walk on Sunday, April 13, 2014, noon to 4 p.m.
- E. Audio and Large Group Permit for March of Dimes, Wheeler Park, Sunday, April 13, 2014, 1-4 p.m. (Audio 1-2 p.m. and 3-4 p.m. only).
- F. Audio and Large Group Permit for "Movies in the Park," Spring Lake Park, June 13, 2014 from 7-10 p.m. and August 15, 2014 from 7-10 p.m.
- G. Res. No. 11-14 Authorizing Temporary Extension to Electrical and Cable Communication Franchises.
- H. Set Board of Appeal and Equalization Meeting for Thursday, April 24, 2014 at 9 a.m. in the Police Annex Community Room.
- I. Add Signatories to Frandsen Bank and Wells Fargo Bank Accounts.

Vote on the motion: Freyberg, Spears, Steiner and Dehen, aye; no nays. Motion carried.

Public Comments

John Hurd, 732 Garfield Avenue

John Hurd, 732 Garfield Avenue, appeared before the Council to speak about the property known as 1610 LorRay Drive noting the farmstead has very old oak trees. He asked the City Council to consider options for buying and preserving the property.

Erin Simmons, 52698 Valley View Circle, North Mankato

Erin Simmons, 52698 Valley View Circle, North Mankato, appeared before the Council to speak on behalf of the American Lung Association voicing their opposition to e-cigarettes

Rhonda Geving, 506 Ivanhoe Court

Rhonda Geving, 506 Ivanhoe Court, appeared before the Council and asked their consideration to keep the property known as 1610 LorRay Drive as residential. Administrator Harrenstein reported the Planning Commission will be discussing the Land Use Map in the next month. Council Member Steiner asked if application for Heritage Funds or some other source could be a possibility to secure this property. Administrator Harrenstein stated staff will review options and email the Council.

Bess Tsaouse, 136 Mary Circle

Bess Tsaouse, 136 Mary Circle, appeared before the Council and asked if the City had a tree ordinance prohibiting cutting down large trees. Planner Fischer reported the City did not have a tree ordinance. Ms. Tsaouse also asked if funds may be obtained through the Audubon Society for purchase of the property at 1610 LorRay Drive.

Barb Church, 102 E. Wheeler Avenue

Barb Church, 102 E. Wheeler Avenue, appeared before the Council and stated Envision 2020 talks about a Historic Preservation group who would inventory the community for historical sites and provide suggestions of how to preserve them. Council Member Spears noted there is nothing preventing citizens from forming their own Historic Preservation group.

Business Items

Set Public Hearing for 7 p.m. on Tuesday, February 18, 2014 to Consider E-Cigarette Ordinances

Attorney Kennedy reported he met with Planner Fischer and Chief Boyer regarding e-cigarettes. He drafted two e-cigarette ordinances; the first for the sale of products and consumption on premises and the second relating to the use of e-cigarettes. He reported the ordinance relating to the use of e-cigarettes primarily prohibits the same locations as the Indoor Clean Air Act. The Attorney reported the City of Mankato has adopted ordinances similar to the ones he presented, which are based on the League of Minnesota Cities model ordinances. He stated the item before the Council tonight is to set a public hearing to consider the E-Cigarette Ordinances. If the Council sets a public hearing, the Attorney stated those citizens wishing to provide information regarding these ordinances should forward their comments to the City Clerk prior to the public hearing or appear at the public hearing. **Council Member Spears moved not to set a public hearing. This motion died for lack of a second. Council Member Steiner moved, seconded by Council Member Freyberg, to set a public hearing for 7 p.m. on Tuesday, February 18, 2014 to Consider E-Cigarette Ordinances. Vote on the motion: Freyberg, Steiner and Dehen, aye; Spears, nay. Motion carried.**

City Administrator and Staff Comments

Discuss Old Belgrade Hill Neighborhood Meeting

Administrator Harrenstein requested a meeting be held at 5 p.m. on Tuesday, February 18, 2014 with the residents affected by the Old Belgrade Hill Project.

Public Works Director Swanson

The Public Works Director reported removal of snow from the boulevards is underway. He also reported that he spoke with Greg Hansen, Hansen Sanitation, and they are on schedule and conducting business as usual after the fire at their warehouse which destroyed seven trucks.

Mayor and Council Members

Council Member Steiner

Council Member Steiner reported he has received complaints about residents not shoveling their sidewalks. Administrator Harrenstein reported a notice will go out in the next e-newsletter regarding the City Code regulation which requires residents to shovel their sidewalks no later than 48 hours after the snow has stopped.

Council Member Steiner reported he was contacted by a resident who stated appreciation for the roadside assistance received from Officer Jeremy Swenson during a snowstorm.

Mayor

Coffee with the Council

The Mayor reported Coffee with the Council will be held at Belgrade Business Center, 422 Belgrade Avenue, Suite 103, on Saturday, February 8, 2014 from 10-11 a.m.

The Mayor invited Council and staff to join the "Mayor's Maniacs" team to raise funds in the Pedal Past Poverty event which will be held on Saturday, March 1, 2014 from 9 a.m. to 2 p.m. at the Mankato YMCA.

Public Comments

Jim Whitlock, 332 Belgrade Avenue

Jim Whitlock, 332 Belgrade Avenue, appeared before the Council and reported that Boogie on Belgrade will take place Friday, February 7, 2014 with 5 bars/restaurants having bands starting at 8 p.m. He reported that Business on Belgrade will hold a total of four events this year.

There being no further business, on a motion by Council Member Steiner, seconded by Council Member Freyberg, the meeting was adjourned at 7:45 p.m.

Mayor

City Clerk

NOTICE OF PUBLIC HEARING
FOR AMENDMENT TO THE CITY CODE CHAPTER 32
ENTITLED "DEPARTMENTS, BOARDS AND COMMISSIONS"
SPECIFICALLY SECTION 32.30
PORT AUTHORITY COMMISSION

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, at 7 p.m. on the 18th day of February, 2014 to hold a public hearing to amend Chapter 32 of the City Code entitled "Departments, Boards and Commissions" specifically Section 32.30 Port Authority Commission.

Such persons as desire to be heard with reference to the proposed amendment to the City Code will be heard at this meeting.

Dated this 4th day of February 2014.

Nancy Gehrke, CMC
City Clerk
City of North Mankato, Minnesota

ORDINANCE NO. 54, FOURTH SERIES

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA,
AMENDING NORTH MANKATO CITY CODE, TITLE III, ADMINISTRATION,
CHAPTER 32, ENTITLED DEPARTMENTS, BOARDS AND COMMISSIONS

Section 1. The City Council of the City of North Mankato, Minnesota, ordains Section 32.30. PORT AUTHORITY COMMISSION is amended to read as follows:

(A) *Establishment.* A Port Authority Commission is hereby established.

(B) *Membership.* The Port Authority Commission shall consist of 7 members. Five members of the Commission shall be comprised of the Mayor and City Council and 2 members shall be appointed by the Council and may be removed by a 4/5 vote of the Council. The term of the appointment to the Port Authority for both the Mayor and City Council Members shall be the term of office they were elected to by the voters of North Mankato. Appointed members of the Commission shall serve 6-year overlapping terms as defined by the applicable Minnesota State statute. The Commission shall appoint an Executive Vice President, a Secretary and an Assistant Treasurer and such other positions as it may deem appropriate in the circumstance. The City Attorney shall serve in an advisory capacity to the Commission without voting privileges.

(C) *Organization and meetings.* The Commission shall elect a President, Vice President and Treasurer from among its members for terms of 1 year or until their successors are elected and seated. The Commission shall hold an annual meeting in July of each year and shall hold such other meetings as it deems appropriate for the transaction of its business. The Secretary of the Commission shall keep a record of its resolutions, transactions and its minutes, which record shall be a public record.

(D) *Powers of the Commission.* The Commission shall serve as the economic development arm of the City of North Mankato and shall have all the powers of a Port Authority as established under applicable Minnesota Statute and may exercise the same powers as a Municipal Housing and Redevelopment Authority established under M.S. § 462.425 or other law.

Section 2. After adoption, signing and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

Adopted by the City Council this 18th day of February 2014.

Mayor

ATTEST:

City Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of North Mankato, Minnesota, will meet in the Council Chambers of the Municipal Building, 1001 Belgrade Avenue, North Mankato, Minnesota, at 7 p.m. on the 18th day of February, 2014, to hold a public hearing to consider amendments to Section 110.22, Tobacco, of the City Code.

Such persons as desire to be heard with reference to the proposed amendment to the City Code will be heard at this meeting.

Dated this 7th day of February 2014.

Nancy Gehrke, CMC
City Clerk
City of North Mankato, Minnesota



CITY OF NORTH MANKATO

OFFICE OF
CITY ATTORNEY

MICHAEL H. KENNEDY
CHRISTOPHER M. KENNEDY

REPLY TO:
99 NAVAHO AVENUE, SUITE 104
P.O. BOX 3223
MANKATO, MN 56002-3223
TELEPHONE: 507-345-4582
FAX: 507-345-1010

February 11, 2014

To: Mayor and Council

From: Michael Kennedy, City Attorney

Subject: E-cigarettes, etc.

I attended the annual meeting of City Attorneys on February 7-8, 2014. One of the subjects was **OPTIONS FOR REGULATING E-CIGARETTES**. The presentation included a number of slides and I will share the substance with you.

OPTIONS FOR REGULATING E-CIGARETTES

"Why should retailer consider adding electronic cigs to their inventories? Sales . . . continue to rise, and the allow for very high, very attractive margins" International Vapor Group

Healthy Markups on E-Cigarettes turn vacant storefronts into "Vape Shops". Business Week Magazine.

"You can use them anywhere!" e-cigarette radio advertisement December 2013.

"More socially acceptable than cigarettes. . .Smoke in many places where traditional cigarettes aren't allowed!" www.blucigs.com

Options:

If your city code does not already account for e-cigarettes in its regulatory framework, what are a city's options?

1. Allow businesses and the market to operate without regulation or enforcement
2. Await federal regulations
3. Await state regulations
4. Amend city code

Restaurants, bars and other businesses have adopted their own rules (Target Field, Starbucks)

Federal regulations do not currently apply to e-cigarettes



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20% Post-Consumer Waste

FDA has not approved e-cigarettes as a smoking cessation method—advocates frequently tout the health effects of e-cigarettes relative to tobacco, but manufacturers are not legally allowed to make claims that their product can help people quit smoking

Federal regulations forthcoming (?)

The Minnesota Clean Indoor Air Act does not current apply to e-cigarettes.
State Legislative change?

Options for Cities:

1. Include e-cigarettes in licensing framework
2. Adopt restrictions on use in particular locations (e.g. public buildings)
3. Treat e-cigarettes like tobacco

Licensing—Change the definitions in licensing ordinances. Example: “Tobacco-related device means any tobacco product as well as a pipe, rolling paper, or other device, including without limitation e-cigarettes or similar devices which is used or can be used, for the chewing, sniffing, of any vaping of any tobacco or tobacco product.

Ban of use of e-cigarettes in particular locations:

- (1) Adopt MCIAA and future amendments
- (2) Ban e-cigarettes in “enclosed public areas”
- (3) Define “enclosed public area”

Ban e-cigarettes in all locations where tobacco is banned: New York City, Los Angeles, Chicago, Metro Transit and Hennepin County, Duluth, Mankato

ORDINANCE NO. _____

ORDINANCE REGULATING ELECTRONIC DELIVERY DEVICES

WITHIN THE CITY OF NORTH MANKATO, MINNESOTA

ELECTRONIC DELIVERY DEVICES

SECTION 1. PURPOSE AND INTENT

Unregulated electronic delivery devices, commonly referred to as electronic cigarettes, or e-cigarettes, closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine or other substances created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that quality control processes used to manufacture these products are inconsistent or non-existent. ("Summary of results: Laboratory analysis of electronic cigarettes conducted by FDA, "Food and Drug Administration (FDA), July 22, 2009.

E-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

SECTION 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply:

Electronic Delivery Device. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

Use. The inhaling or exhaling of vapor from any electronic delivery device. Use shall also mean carrying an electronic delivery device that is turned on or otherwise activated.

SECTION 3. PROHIBITION

The use of any electronic delivery device is prohibited anywhere smoking is prohibited by the Minnesota Clean Indoor Act.

SECTION 4 – OTHER APPLICABLE LAWS

This ordinance is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statute Sec. 144.411 to 144.417, as amended from time to time. Nothing in this ordinance authorizes smoking in any location where smoking is restricted by other applicable laws.

SECTION 5 – VIOLATION AND PENALTIES

Subd. 1. Use Where Prohibited. It is a violation of this Ordinance for any person to smoke in an area where smoking is prohibited by this Ordinance, or to smoke in an area where smoking is prohibited by a private policy established by the proprietor or other person in charge of the area, as authorized by section 6 of this Ordinance.

Subd. 2. Proprietors. It is a violation of this Ordinance for the proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which smoking is prohibited under this Ordinance to knowingly fail to comply with the provisions of this Ordinance.

Subd. 3. Penalties. A person who violates any provision of this Ordinance shall be guilty of a petty misdemeanor. Each day of violation constitutes a separate offense.

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE POSSESSION, SALE AND CONSUMPTION OF
TOBACCO AND TOBACCO RELATED DEVICES AND PRODUCTS WITHIN THE CITY
OF NORTH MANKATO MINNESOTA

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA DOES
ORDAIN:

Section

- 1 Purpose and intent
- 2 Definitions
- 3 License
- 4 Fees
- 5 Basis for denial of license
- 6 Prohibited sales
- 7 Self-service sales
- 8 Responsibility
- 9 Compliance checks and inspections
- 10 Other illegal acts
- 11 Exceptions and defenses
- 12 Severability
- 13 Violations and penalty

SECTION 1. PURPOSE AND INTENT.

Because the city recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess and use tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices, and the sales, possession, and use are violations of both state and federal laws; and because studies, which the city hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession and use of tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in M.S. § 144.391, as it may be amended from time to time. In making these findings, the City Council accepts the conclusions and recommendations of Center for Disease Control in their study "Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997," and of the following medical professionals in these medical journals: Khuder SA, et al., "Age at Smoking Onset and its Effect on Smoking Cessation," *Addictive Behavior* 24(5):673-7, September-October 1999; D'Avanzo B, et al., "Age at Starting Smoking and Number of Cigarettes Smoked," *Annals of Epidemiology* 4(6):455-59, November 1994; Chen, J & Millar, WJ, "Age of Smoking Initiation: Implications for Quitting," *Health Reports* 9(4):39-46, Spring 1998; Everett SA, et al., "Initiation of Cigarette Smoking and Subsequent Smoking Behavior Among U.S. High School Students," *Preventive Medicine*, 29(5):327-33, November 1999, copies of which are adopted by reference.

SECTION 2. DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLUNT WRAPS. “Blunt Wraps” shall mean rolling papers or similar tobacco-related devices that are manufactured or packaged for use as wraps or hollow tubes that are designed or intended to be filled with loose tobacco, plant products, or other fillers to create custom cigars or cigar-like products.

* **COMPLIANCE CHECKS.** The system the city uses to investigate and ensure that those authorized to sell tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices are following and complying with the requirements of this ordinance. **COMPLIANCE CHECKS** shall involve the use of minors as authorized by this ordinance. **COMPLIANCE CHECKS** shall also mean the use of minors who attempt to purchase tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices 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 tobacco, tobacco products, tobacco-related devices, and nicotine or lobelia delivery devices.

ELECTRONIC DELIVERY DEVICES. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic Delivery Device includes any component part of such a product whether or not sold separately. Electronic Delivery Device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

INDIVIDUALLY PACKAGED. The practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include but not be limited to single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.

INDOOR AREA. All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

LOOSIES. The common term used to refer to a single or individually packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term “loosies” does not include individual cigars with a retail price, before any sales taxes, of more than \$2.00 per cigar.

MINOR. Any natural person who has not yet reached the age of 18 years.

MOVEABLE PLACE OF BUSINESS. Any form of business operated out of a 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.

NICOTINE OR LOBELIA DELIVERY DEVICES. Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this

section, not including any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

RETAIL ESTABLISHMENT. Any place of business where tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices are available for sale to the general public. The phrase shall include but not be limited to grocery stores, convenience stores, restaurants, and drug stores.

SALE. Any transfer of goods for money, trade, barter or other consideration.

SELF-SERVICE MERCHANDISING. Open displays of tobacco, tobacco products, tobacco-related devices, e-cigarettes, or nicotine or lobelia delivery devices in any manner where any person shall have access to the tobacco, tobacco products, tobacco-related devices, e-cigarette, or nicotine or lobelia delivery devices, without the assistance or intervention of the licensee or the licensee's employee or other personnel, or any placement of a retail roll-your-own machine in an open area of a retail establishment where any person shall have access to the machine without the assistance or intervention of the licensee or the licensee's employee or other personnel. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, tobacco-related device, e-cigarettes, or nicotine or lobelia delivery device between the customer and the licensee or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the product between the clerk and the customer.

SMOKING. Inhaling or exhaling smoke from any lighted or heated cigarette, cigar, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling vapor from an e-cigarette or any Electronic Delivery Device. Smoking shall include carrying a lighted or heated cigarette, cigar, or pipe or any other lighted or heated tobacco or plant product intended for inhalation or carrying an Electronic Delivery Device that is turned on or otherwise activated.

SYNTHETIC CANNABINOIDS "synthetic cannabinoid." (1) A synthetic equivalent of the substance contained in the Cannabis plant, or in the resinous extractives of the genus Cannabis, or a synthetic substance, derivative, or its isomers with similar chemical structure or pharmacological activity such as the following: (a) 1-Pentyl-3-(1-naphthoyl) indole; some trade or other names; also known as JWH-018; (b) 1-Butyl-3-(1-naphthoyl) indole; some trade or other names; also known as JWH-073; (c) Phenol, CP 47, 497 and homologues, or 2-[(1R, 3S)]-3-[hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol, where side chain n=5, and homologues where side chain n=4, 6 or 7; (d) Any similar structural analogs; (2) Products, by whatever trade name, that are treated, sprayed, or saturated with one or more of the above chemicals. Some currently marketed products containing synthetic cannabinoids identified in subdivision (1) include K2, Spice, Mojo, Smoke, Genie, Yucatan Fire, Diamond Spice, Red Dragon Smoke, Skunk, K2 Summit, Bath Salts, and Pandora Potpourri.

TOBACCO or TOBACCO PRODUCTS. Tobacco and tobacco products includes cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

TOBACCO PRODUCTS SHOP. "Tobacco Products Shop" shall mean any licensed retail establishment that derives at least 90 percent of its revenue from tobacco or tobacco products and where no person under the age of eighteen (18) is present, or permitted to enter, at any time.

TOBACCO-RELATED DEVICES. Tobacco-related devices includes any tobacco product as well as a pipe, rolling papers, ashtray, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing or smoking of tobacco or tobacco products, or e-cigarettes.

VENDING MACHINE. Any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products or tobacco-related or e-cigarette, nicotine or lobelia delivery devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product or tobacco-related device.

SECTION 3. LICENSE.

(A) *License required.* No person shall sell or offer to sell any tobacco, tobacco products, tobacco-related device, e-cigarette, or nicotine or lobelia delivery device without first having obtained a license to do so from the city.

(B) *Application.* An application for a license to sell tobacco, tobacco products, tobacco-related devices, e-cigarette, or nicotine or lobelia delivery devices shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the City Council for action at its next regularly scheduled City Council meeting. If the City Clerk shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

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

(D) *Fees.* No license shall be issued under this Section until the appropriate license fee shall be paid in full. The annual tobacco license fee shall be established by resolution of the City Council.

(E) *Term.* All licenses issued under this section shall be valid for one calendar year from the date of issue.

(F) *Revocation or suspension.* Any license issued under this section may be revoked or suspended as provided in Section 14.

(G) *Transfers.* All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the City Council.

(H) *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this section.

(I) *Display*. All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

(J) *Renewals*. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.

(K) *Smoking Prohibited in Tobacco Retail Establishments*. Smoking shall not be permitted and no person shall smoke indoors at any location with a tobacco retailer license. Smoking for the purposes of sampling tobacco, tobacco-related products, or plant products shall be prohibited.

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

(M) *Smoking*. Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking for the purposes of sampling tobacco and tobacco related products, and cigarette, or nicotine or lobelia delivery devices are prohibited.

Penalty, see Section 14.

SECTION 4. FEES.

No license shall be issued under this chapter until the appropriate license fee shall be paid in full. The fee for a license under this chapter shall be established in the city's Ordinance Establishing Fees and Charges, as it may be amended from time to time.

Penalty, see Section 14.

SECTION 5. BASIS FOR DENIAL OF LICENSE.

(A) Grounds for denying the issuance or renewal of a license under this chapter include but are not limited to the following:

(1) The applicant is under the age of 18 years.

(2) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco, tobacco products, tobacco-related devices, e-cigarette, or nicotine or lobelia delivery devices.

(3) The applicant has had a license to sell tobacco, tobacco products, tobacco-related devices, e-cigarette, or nicotine or lobelia delivery devices revoked within the preceding 12 months of the date of application.

(4) The applicant fails to provide any information required on the application, or provides false or misleading information.

(5) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

(B) However, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license.

(C) If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this chapter.

(D) It shall be unlawful for any person licensed under this ordinance to sell or offer to sell blunt wraps.

(F) It shall be unlawful for any person licensed under this ordinance to allow the sale of tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not an in-person physical exchange of the tobacco, tobacco product, tobacco-related device, e-cigarette, or nicotine or lobelia delivery device between the licensee or his or her employee and the customer.

Penalty, see Section 14.

SECTION 6. PROHIBITED SALES.

It shall be a violation of this chapter for any person to sell or offer to sell any tobacco, tobacco product, tobacco-related device, e-cigarette, or nicotine or lobelia delivery device:

(A) To any person under the age of 18 years.

(B) By means of any type of vending machine.

(C) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, tobacco-related device, or nicotine or lobelia delivery device and whereby there is not a physical exchange of the tobacco, tobacco product, tobacco-related device, e-cigarette, or nicotine or lobelia delivery device between the licensee, or the licensee's employee, and the customer.

(D) By means of loosies as defined in Section 2.

(E) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products.

(F) No person shall use, possess, purchase, sell, give away, barter, exchange, dispense, deliver, distribute or manufacture any synthetic cannabinoid, as defined in this chapter, within the city. A violation of this section shall be a misdemeanor.

(G) By any other means, to any other person, in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.

Penalty, see Section 14.

SECTION 7. SELF-SERVICE SALES.

It shall be unlawful for a licensee under this chapter to allow the sale of tobacco, tobacco products, tobacco-related devices, or nicotine or lobelia delivery devices by any means where by the customer may have access to those items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, tobacco-related device, e-cigarette, or nicotine or lobelia delivery device between the licensee or his or her clerk and the customer.

All tobacco, tobacco products, tobacco-related devices, **e-cigarette**, and nicotine or lobelia delivery devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, tobacco-related devices, **e-cigarette**, or nicotine or lobelia delivery devices at the time this chapter is adopted shall comply with this section within 90 days following the effective date of this chapter.

Penalty, see Section 14.

SECTION 8. RESPONSIBILITY.

All licensees under this chapter shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, tobacco-related devices, **e-cigarette**, or nicotine or lobelia delivery devices on the licensed premises and the sale of an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the clerk to whatever penalties are appropriate under this chapter, state or federal law, or other applicable law or regulation.

Penalty, see Section 14.

SECTION 9. COMPLIANCE CHECKS AND INSPECTIONS.

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years but less than 18 years to enter the licensed premise to attempt to purchase tobacco, tobacco products, tobacco-related devices, **e-cigarette**, or nicotine or lobelia delivery devices. Minors used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, tobacco-related devices, **e-cigarette**, or nicotine or lobelia delivery devices when those items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.

Penalty, see Section 14.

SECTION 10. OTHER ILLEGAL ACTS.

Unless otherwise provided, the following acts shall be a violation of this chapter:

(A) *Illegal sales.* It shall be a violation of this chapter for any person to sell or otherwise provide any tobacco, tobacco product, tobacco-related device, **e-cigarette**, or nicotine or lobelia delivery device to any minor.

(B) *Illegal possession.* It shall be a violation of this chapter for any minor to have in his or her possession any tobacco, tobacco product, tobacco-related device, **e-cigarette**, or nicotine or lobelia delivery device. This division (B) shall not apply to minors lawfully involved in a compliance check.

(C) *Illegal use.* It shall be a violation of this chapter for any minor to smoke, chew, sniff or otherwise use any tobacco, tobacco product, tobacco-related device, **e-cigarette**, or nicotine or lobelia delivery device.

(D) *Illegal procurement.* It shall be a violation of this chapter for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, tobacco-related device, e-cigarette, or nicotine or lobelia delivery device, and it shall be a violation of this chapter for any person to purchase or otherwise obtain those items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, tobacco-related device, e-cigarette, or nicotine or lobelia delivery device. This division (D) shall not apply to minors lawfully involved in a compliance check.

(E) *Use of false identification.* It shall be a violation of this chapter for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

Penalty, see Section 14.

SECTION 11. EXCEPTIONS AND DEFENSES.

Nothing in this chapter shall prevent the providing of tobacco, tobacco products, tobacco-related devices, e-cigarette, or nicotine or lobelia delivery devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this chapter for a person to have reasonably relied on proof of age as described by state law.

SECTION 12. SEVERABILITY.

If any section or provision of this ordinance is held invalid, such invalidity shall not affect other sections or provisions which can be given force and effect without the invalidated section or provision.

SECTION 13. VIOLATIONS AND PENALTY.

(A) *Misdemeanor prosecution.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this ordinance.

(B) *Violations.*

(1) *Notice.* A person violating this chapter may be issued, either personally or by mail, a citation that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter. The citation shall provide notice that a hearing must be requested within ten (10) business days of receipt and that hearing rights shall be terminated if a hearing is not promptly requested. The citation shall provide information on how and where a hearing may be requested, including a contact address and phone number.

(2) *Hearings.*

(a) Upon issuance of a citation, a person accused of violating this chapter may request in writing a hearing on the matter. Hearing requests must be made within ten (10) business days of the issuance of the citation and delivered to the city clerk or other designated city officer. Failure to request a hearing within ten (10) business days of the issuance of the citation will terminate the person's right to a hearing.

(b) The city clerk or other designated city officer shall set the time and place for the hearing. Written notice of the hearing time and place shall be mailed or delivered to the accused violator at least ten (10) business days prior to the hearing.

(3) *Hearing Officer.* The city official designated by the City Council shall serve as the hearing officer. The hearing officer must be an impartial employee of the city or an impartial person

retained by the city to conduct the hearing.

(4) *Decision.*

(a) A decision shall be issued by the hearing officer within ten (10) business days. If the hearing officer determines that a violation of this chapter did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under division (B) of this section, shall be recorded in writing, a copy of which shall be provided to the city and the accused violator by in person delivery or mail as soon as practicable. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings shall be recorded and a copy provided to the city and the acquitted accused violator by in person delivery or mail as soon as practicable.

(b) *Costs.* If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of \$1,000.00 shall be paid by the person requesting the hearing.

(c) The decision of the hearing officer is final.

(5) *Appeals.* Appeals of any decision made by the hearing officer shall be filed in the district court for the city in which the alleged violation occurred within ten (10) business days.

(6) *Occurrence of Violations.* For purposes of determining the number of occurrences of violations, the City Council shall consider a violation as a second occurrence if it occurred within thirty-six (36) months of the first violation; shall consider a violation as a third occurrence if it occurred within forty-eight (48) months of the first violation; and shall consider a violation as fourth occurrence if it occurred within sixty(60) months of the first violation. If there is a change of ownership (meaning at least fifty percent (50%) of the ownership is transferred to an unrelated party) of the licensed establishment, previous violation(s) will not apply. For purposes of this chapter, violations occurring prior to the effective date of this Ordinance shall be disregarded. Further, for purposes of this chapter, a first violation shall be disregarded if a second violation does not occur within thirty-six (36) months of such first violation. If another violation occurs more than thirty-six (36) months after the occurrence of a disregarded first violation, then that violation shall be deemed the first violation for purposes of this chapter.

(a) *Misdemeanor Prosecution.* Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this section in addition to any administrative penalty, suspension or revocation.

(b) *Failure to Pay.* A failure to pay an administrative penalty imposed by operation of this Section 400 within the time limit set for the payment of such fine shall be grounds for the suspension of the licensee's license until the administrative penalty is paid.

(c) *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense

(C) *Administrative penalties.*

(1) *Licensees.* Any licensee found to have violated this chapter, or whose employee shall have violated this chapter, shall be charged an administrative fine of \$75 for a first violation of this chapter; \$200 for a second offense at the same licensed premises within a 24-month period; and \$250 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the license shall be suspended for not less than seven consecutive days.

(2) *Other individuals.* Other individuals, other than minors regulated by division (C)(3) of this section, found to be in violation of this chapter shall be charged an administrative fine of \$50.

(3) *Minors.* Minors found in unlawful possession of or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, tobacco-related devices, e-cigarette, or nicotine or lobelia delivery devices, shall be subject to an administrative fine, or may be subject to tobacco-related education classes, diversion programs, community services, or another penalty that the city believes will be appropriate and effective. The administrative fine or other penalty shall be established by City Council ordinance upon the City Council's consultation with interested parties of the courts, educators, parents and children to determine an appropriate penalty for minors in the city. This administrative fine or other penalty may also be established from time to time by the Ordinance Establishing Fees and Charges, as it may be amended from time to time.

(4) *Statutory penalties.* If the administrative penalties authorized to be imposed by M.S. § 461.12, as it may be amended from time to time, differ from those established in this section, then the statutory penalties shall prevail.

SECTION 14. EFFECTIVE DATE.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

CLAIM REPORT
FOR REGULAR COUNCIL MEETING OF FEBRUARY 18, 2014

Wire	First Financial Title	purchase 410 Range Street-Unallocated	\$94,255.53
Wire	City of Corvallis	purchase Bookmobile-Bookmobile	\$28,000.00
77040	Business on Belgrade	2014 City sponsorship-Area Agency	\$10,000.00
77041	CenterPoint Energy	gas bill-All Depts.	\$11,864.65
77042	Lloyd Lumber	equipment parts & supplies-All Depts.	\$477.62
77043	Verizon Wireless	cell phone replacement & cell phone bill-All Depts.	\$479.78
77044	Greater Mankato Rotary	luncheon-Mayor & Gen Gov	\$70.00
77045	Casey's General Stores, Inc.	unleaded fuel-Police Dept.	\$40.69
77046	Charter Communications	high speed data service-All Depts.	\$463.96
77047	ICMA Retirement Trust - 457	employee payroll deductions	\$3,468.85
77048	ICMA Retirement Trust - Roth IRA	employee payroll deductions	\$660.00
77049	Enventis	telephone & internet bill-All Depts.	\$3,525.99
77050	National Insurance Services	life insurance February	\$598.12
77051	National Insurance Services	long term disability insurance February	\$1,269.79
77052	National Insurance Services	voluntary life insurance February	\$68.50
77053	Delta Dental	employee payroll deductions	\$890.85
77054	AT & T Mobility	cell phone bill-Bookmobile	\$24.82
77055	City of Mankato	board room recording system-P/A Equip Replacement	\$58,958.71
77056	Cardmember Service	charge card items-All Depts.	\$14,356.08
	Adams, Nicole	travel expenses for training-Police Dept.	\$102.91
	Ameripride Services, Inc.	mats, uniform & towel service-Street, Shop & Library	\$522.54
	Arnold's of North Mankato	equipment parts-Park Dept.	\$73.54
	Baker & Taylor	books-Library & Bookmobile	\$161.88
	Bauer's Upholstery	equipment parts-Water Dept.	\$425.00
	Bolton & Menk, Inc.	engineering fees-Sewer & Storm Water	\$7,722.55
	Caretakers of Mankato	snow removal-Public Access	\$594.90
	Cargill, Inc.	road salt-Street Dept.	\$5,784.22
	Carquest Auto Parts	equipment parts & supplies-All Depts.	\$1,058.22
	CDW Government	computer part & equipment parts-Library	\$1,095.31
	City Center Partnership	2014 partnership agreement-Port Authority	\$5,000.00
	City of Mankato	water bill-Public Access	\$24.51
	Clark Mosquito Control Products	chemicals-Park Dept.	\$669.28
	Computer Technology Solutions	license for software-Public Access	\$230.86
	Crysteel Truck Equipment	equipment parts-Street & Park Depts.	\$1,740.16

CLAIMS CONTINUED

Express Service, Inc.	crossing guards-Police Dept.	\$572.52
Ferguson Enterprises, Inc.	equipment parts-Water Dept.	\$572.79
FleetPride	equipment parts-Street & Shop	\$165.27
Foth Infrastructure & Environment	professional service-Recycling	\$8,701.90
Free Press	ads-Comm Dev	\$3,895.08
G & L Auto Supply	equipment parts & supplies-All Depts.	\$1,266.96
Gale/Cengage Learning	book-Bookmobile	\$14.39
Greater Mankato Growth	Greater Mankato at the Capital-Legislative	\$85.00
Greater Mankato Rotary Club	membership dues-Gen Gov	\$398.00
H & L Mesabi	plow blades-Street Dept.	\$805.50
Hansen Sanitation	refuse pickup-Shop, Park, Recycling & Public Access	\$159.12
Hawkins, Inc.	chemicals-Water Dept.	\$2,712.08
Hlavac, Steve	elliptical machine-Police Physical Fitness	\$170.00
Ingram Library Services	books-Library & Bookmobile	\$648.78
JT Services	equipment parts-Street Lighting	\$566.40
Javens Mechanical Contracting Co.	test backflow preventer-Street Dept.	\$95.00
Jetter Clean, Inc.	clean sewer line-Sewer Dept.	\$275.00
Johnson, Lonnie	travel expenses for conference-Sewer Dept.	\$133.08
Keller, J. J. & Associates, Inc.	drug testing-All Depts.	\$582.00
Kennedy & Graven, Chartered	legal services-Port Authority	\$101.75
Kennedy & Kennedy Law Office	legal services-Attorney & Port Authority	\$8,926.10
Knudson, Dave	travel expense for training-Comm Dev	\$361.20
Kwik Trip, Inc.	unleaded & diesel fuel-All Depts.	\$26,602.51
LJP Enterprises, Inc.	trailer rent-Recycling	\$600.00
LJP Enterprises of St. Peter	wire baling-Recycling	\$180.00
LJP Waste & Recycle	transportation charges-Recycling	\$583.20
Lager's of Mankato, Inc.	equipment parts-Park Dept.	\$135.66
Lakes Gas Company	LP gas-Recycling	\$215.00
Larkstur Engineering	equipment parts-Street Dept.	\$15.00
League of Minnesota	fee for workshop-Park Dept.	\$20.00
Mac Tools Distributor	supplies-Shop	\$55.96
Mankato Bearing Company	lubricant-Street Dept.	\$115.68
Mankato Ford, Inc.	equipment parts-Police, Street & Park Depts.	\$1,155.27
Mankato Motor Company	equipment parts-Street Dept.	\$106.68
Mankato Public Schools	transportation for special program-Library	\$64.12
Matheson Tri-Gas, Inc.	welding supplies-Shop	\$183.01
McGowan Water Conditioning	salt for softener-Library	\$39.15
Menards-Mankato	equip parts, supplies & ladder-All Depts.	\$362.13
Minnesota DNR Eco-Waters	2013 water permit-Water Dept.	\$5,620.69
Minnesota Iron & Metal	equipment parts & supplies-All Depts.	\$343.36

CLAIMS CONTINUED

Minnesota Elevator, Inc.	annual service-Fire Dept.	\$925.76
Minnesota Pipe & Equipment	water meters, equip parts & supplies-Water Dept.	\$3,833.89
Minnesota Pollution Control Agency	registration fee for conference-Sewer Dept.	\$300.00
Minnesota Truck & Tractor, Inc.	equipment parts-Street Dept.	\$116.92
Minnesota Valley Testing Lab	sample testing-Sewer Dept.	\$59.25
Minnesota Waste Processing Co.	processing fees-Solid Waste	\$20,591.97
Nicollet County Sheriff's Office	annual support fee for CODY-Police Dept.	\$1,983.84
North American Title Company	abstract fee/commitment-2011 Construction	\$350.00
North Central International	lubricant & equipment parts-Street & Water Depts.	\$1,252.93
Northern Safety Technology, Inc.	equipment for new squad car-Capital Facilities	\$5,584.45
Northland Securities	continuing disclosure report-Gen Gov	\$3,600.00
O'Reilly Auto Parts	equipment parts-Police Dept.	\$66.84
Paragon, Printing, Mailing & Specialties	printed material & mailing of utility bills-All Depts.	\$3,761.06
Partners for Affordable Housing	10% gambling disbursement	\$1,000.00
Pet Expo Distributors	aquatic service-Library	\$40.00
Petty Cash, Clara Thorne	petty cash items-Library, Bookmobile & Water	\$73.81
Rader, Duane	reimbursement air fare for conference-Water Dept.	\$354.00
Random House	books for community read-Library	\$3,108.00
Redline Signworks	updated aerial photo installed-Gen Gov	\$995.00
Retrofit Companies, Inc.	recycle light bulbs & supplies-Recycling	\$243.68
River Bend Business Products	copier maint & supplies-Gen Gov, Pol, Library & P/A	\$1,491.99
Schwicker's	furnace repairs-Library & Public Access	\$822.00
Seath, Dale	travel expenses for purchase of Bookmobile-Cap Fac	\$326.47
Select Account	January & February participant fees-Gen Gov	\$232.10
SPS Companies, Inc.	building repair supplies-Water Dept.	\$138.39
Staples Advantage	supplies-All Depts.	\$483.68
Texas Refinery Corp.	grease-All Depts.	\$695.00
Tire Associates	tires & tire repairs & equipment parts-All Depts.	\$1,554.87
US Postal Service	postage-All Depts.	\$3,000.00
Verizon Wireless	cell phone bill-Gen Gov, Police & Comm Dev	\$145.54
Weir, James R. Agency, Inc.	electrical contractor bond-Water Dept.	\$219.00
Werner Electric Supply	furnace repair-Sewer Dept.	\$236.73
Winter Equipment Co.	plow blades-Street Dept.	\$10,927.55
Zahl Equipment Service, Inc.	equipment parts-Street Dept.	\$232.15
Ziegler, Inc.	equipment parts-Street Dept.	\$64.46
Total		<u>\$391,096.49</u>

CLAIMS CONTINUED

General	\$242,830.77
Library	\$580.00
Community Development Block Grant	\$191.01
Port Authority	\$5,782.17
Capital Facilities & Equipment Replacement	\$8,398.47
2011 Construction	\$350.00
Water	\$23,318.35
Sewer	\$4,654.57
Recycling	\$13,618.03
Storm Water	\$7,209.71
Solid Waste	\$21,082.79
Public Access	\$3,121.91
Public Access Equipment Replacement	\$58,958.71
10% Gambling Contribution Fund	<u>\$1,000.00</u>
Total	<u><u>\$391,096.49</u></u>

List of Bills in the Amount of \$391,096.49

Council Meeting of February 18, 2014

Mayor Mark Dehen

Council Member Kim Spears

Council Member Diane Norland

Council Member William Steiner

Council Member Robert Freyberg

PORT AUTHORITY INVOICES
FOR REGULAR COUNCIL MEETING OF FEBRUARY 18, 2014

Verizon Wireless	cell phone bill-Port Authority	\$50.42
City Center Partnership	2014 partnership agreement-Port Authority	\$5,000.00
Kennedy & Graven, Chartered	legal services-Port Authority	\$101.75
Kennedy & Kennedy Law Office	legal services for January-Port Authority	<u>\$630.00</u>
Total		<u><u>\$5,782.17</u></u>

List of Port Authority Bills in the Amount of \$5,782.17

Council Meeting of February 18, 2014

Mayor Mark Dehen

Council Member Kim Spears

Council Member Diane Norland

Council Member William Steiner

Council Member Robert Freyberg

RESOLUTION NO.

RESOLUTION APPROVING DONATIONS/CONTRIBUTIONS/GRANTS

WHEREAS, the Minn. Stat. 465.03 and 465.04 allows 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 of Gift	Restriction on Gift	Amount
Jennifer/Matthew Schindle	Library	\$1,000.00
MN River Valley Master Gardeners	CCTV	\$75.00

Adopted by the City Council this 18th day of February 2014.

Mayor

City Clerk

CITY OF NORTH MANKATO PARK PERMIT

This permit does reserve space in a City Park.

PERMIT #: 29 -2014 SHELTER: Grassy Area in front of Municipal Bldg FEE: —
TYPE OF EVENT: Shakespeare in the Park (ing lot) DATE VALID: May 29, 2014 HOURS: Setup 5:30 pm Show 7pm - 9:30 pm

ORGANIZATION: Mankato Mosaic Theater Company SIZE: 100
APPLICANT NAME: Elaine O. Hardwick (Board member)
ADDRESS: 806 Garfield Ave CITY: North Mankato MN
ZIP: 56003 DAYTIME PHONE #: 507.995.2170

TENTS: — ELECTRICITY: Yes ALCOHOL: —

If keg beer, a \$250 deposit and \$25 fee are required.

AUDIO DEVICES: Speaker system (mic, speakers, CD unit)
Amplified music or band requires Council approval

OTHER: people to bring blankets/chairs for seating

PERMIT APPROVED: _____ DATE: 1-31-14

PERMIT DENIED: _____

REFER TO COUNCIL: ✓

Nancy Dahnke
City Clerk

The following rules and regulations have been set by the City Code which apply to all parks and are enforced:

PROHIBITED

- * Vehicles are not allowed to be parked or driven on the grass for any reason unless permission is given from the Park Department.
- * Pets (Allowed in Benson Park and Bluff Park only. Must be on a 6' leash).
- * Glass containers.
- * Bonfires.
- * Snowmobiles, ATVs, golfing, swimming, boating and motorized flotation devices.
- * Audio equipment may not be played so loud as to interfere with the reasonable use of the park by others. All audio devices shall end at 8 p.m.

ALLOWED

- * Personal grills may be brought in.
- * Keg beer is allowed only with a permit.
- * Fishing/Ice fishing on Ladybug Lake and Spring Lake only.
- * Non-motorized canoes and kayaks on Ladybug Lake and Spring Lake. Children under 12 must be accompanied by an adult. Flotation device required.
- * Hog roasts are allowed in the parks on hard-surfaced lots only.

I, the undersigned, understand that the park shelter reservation fee is NOT a deposit and is NOT refundable for any reason other than inclement weather making it impossible to hold a picnic. Cancellation of this park shelter reservation will NOT result in a refund of the fee. **If prior approval is not obtained for the installation of additional tents or stakes and causes disruption of utility services, I agree to be held liable for any repairs to service lines.**

SIGNED: Elaine O. Hardwick 1/31/2014
Applicant Date

For Office Use Only

Receipt # _____ Book _____ Park _____ Police _____

The Mankato Mosaic Theatre Company
presents
“Shakespeare in the Park(ing Lot)

Thursday, May 29, 6–8 PM

A free performance of Shakespeare parodies, written by national and international playwrights, and accompanied by skits, music, and dance reflective of the Shakespearian period. This is the pilot of an annual outdoor spring event featuring local actors, directors, and other artists.

Venue: North Mankato City Hall

- Open theater stage: parking lot
- Audience seating: open grassy area surrounding the parking lot (bring own chairs and food/drink)
- Props/tech set-up/dressing room: Ramp/foyer/stair area into city hall

Format: Plays, skits, music, dance, & other performance

- 4 plays: 3 performed by Mosaic, 1 by New Ulm theatre company
 - o Already selected, all comedies; auditions mid-March
 - o Call for directors at the end of February
- 1 skit: “Shakespeare Jeopardy” (comedy, local author)
- 1 dance: TBD (e.g., skit format or traditional)
- 1 music: TBD (e.g., strolling musicians)
- 1 performer (tentative - Kristopher Hoehn, stick juggler)

Funding: Acquired by Mosaic

- Prairie Lakes Regional Arts Council Small Arts Grant to cover production costs (including marketing) & artist stipends (submission date of February 20)
- Good will donations and local business sponsorships

Other:

- Mosaic requests provision of electricity, free-of-charge by the City of North Mankato for our sound system
- Any lighting will be already in place (street lights, etc.)
- Mosaic will be responsible for clean-up of the stage/performance area and audience seating area
- If possible, Mosaic requests an electronic (e.g., newsletter email or city website) announcement of the performance in early May
- 2 p.m. Sunday, June 1st, in case of rain



CITY OF NORTH MANKATO
APPLICATION FOR PARADE PERMIT

This application, accompanied by a map of the parade route and the required application fee, shall be submitted to the Chief of Police at least fourteen (14) days in advance of the parade date.

Applicant Information

Name: Curt Van Asten
 Address: Po Box 121
 City: Nestrand State: MN Zip: 55053
 Telephone: 507 649 7747
 Sponsoring Organization: Final Stretch, Inc.
 Address: Po Box 121
 City: Nestrand State: MN Zip: 55053
 Telephone: 507 649 2322
 Occasion for Parade: North Mankato Triathlon
 Date of Parade: June 28 Estimated Length of Parade: 3 hrs
 Estimated Starting Time: 8am Estimated Finish Time: 11am
 General Composition of Parade: Triathlon w/ 1/2 mi swim, 12 mi Bike, 3 mi Run. Start + finish @ Huiker Pond

As a duly authorized representative or agent of the parade sponsoring organization, I hereby make application for a permit to parade in the City of North Mankato, Minnesota. I hereby certify that, to the best of my knowledge, the above is an accurate and true description of the parade. I agree to execute the parade according to this permit and subject to the provisions and conditions which may be necessary to provide for the safety of parade participants and the orderly and safe movement of public traffic.

[Signature]
Applicant

1/27/14
Date

Pursuant to Section 70.21 of the North Mankato City Code, I hereby authorize a parade permit for the applicant organization. This permit shall be valid only under the conditions recommended by the City of North Mankato and only for the date and time indicated.

#701
Chief of Police

02-10-14
Date

COMMENTS/ADDITIONAL STIPULATIONS:

**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

01/17/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Faribo Insurance Agency, Inc. 1404 NW 7th Street Faribault, MN 55021 Tara Langevin	CONTACT NAME: Tara Langevin	FAX (A/C, No): 507-332-8830	
	PHONE (A/C, No, Ext): 507-334-3929	E-MAIL ADDRESS: tara@fariboins.com	
INSURED Final Stretch, Inc. Mark Bongers PO Box 121 Nerstrand, MN 55053	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: National Specialty Insurance		
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

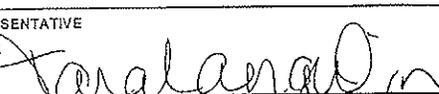
INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSUR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL. AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X	NSN1866543	05/01/2014	05/01/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 200,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	X	NSN1866543	05/01/2014	05/01/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (PER ACCIDENT) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	X	NUN1866545	05/01/2014	05/01/2015	EACH OCCURRENCE \$ AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Inland Marine		NSN1866543	05/01/2014	05/01/2015	Equipment 74,650

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

This certificate or memorandum of insurance does not affirmatively or negatively amend, extend, or alter the coverage afforded by the insurance policy. City of North Mankato it's employees, volunteer's and assigns named as additional insured-automatic status when required by written contract with you. (WB1890) (04/08)

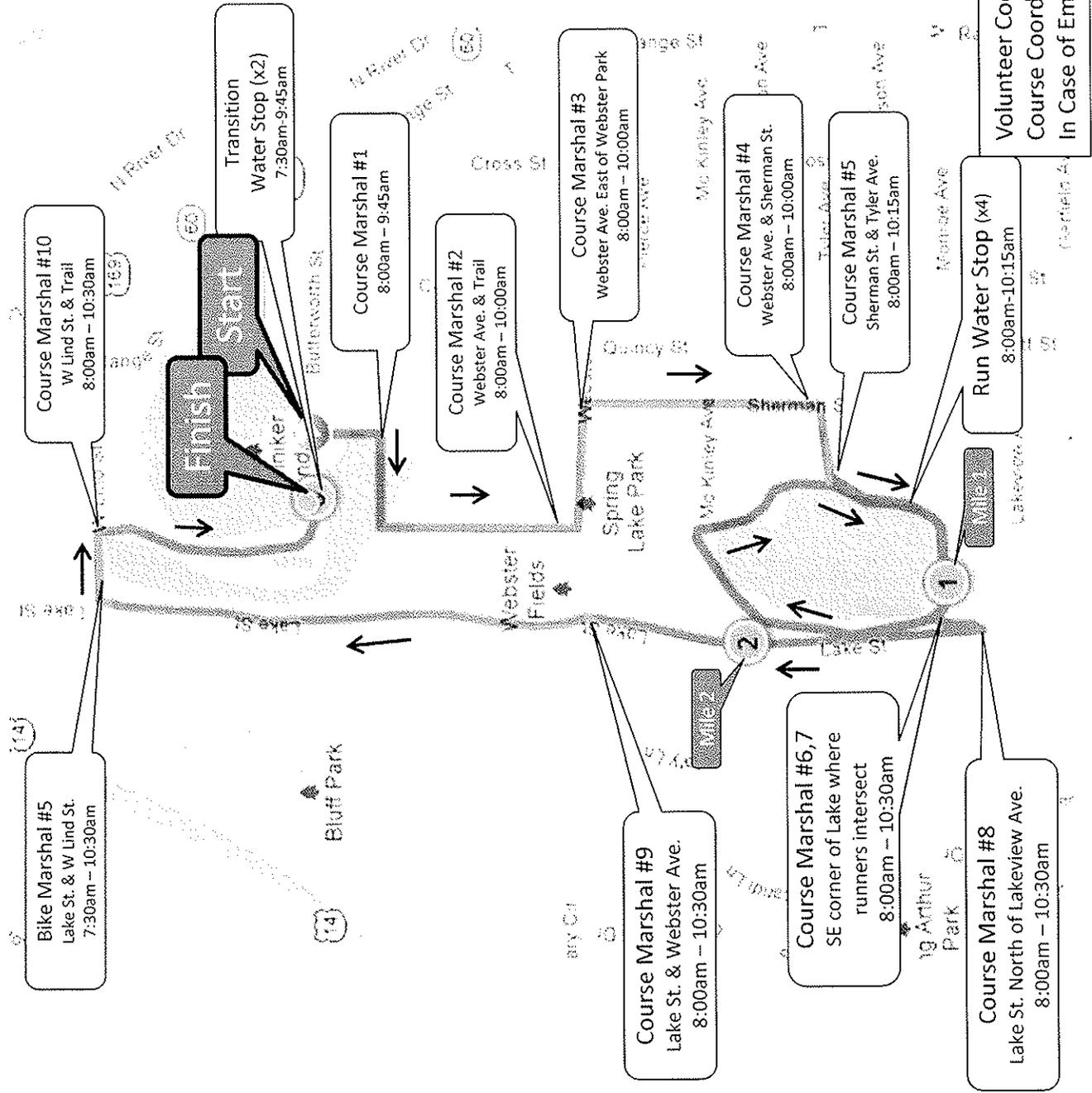
CERTIFICATE HOLDER

CANCELLATION

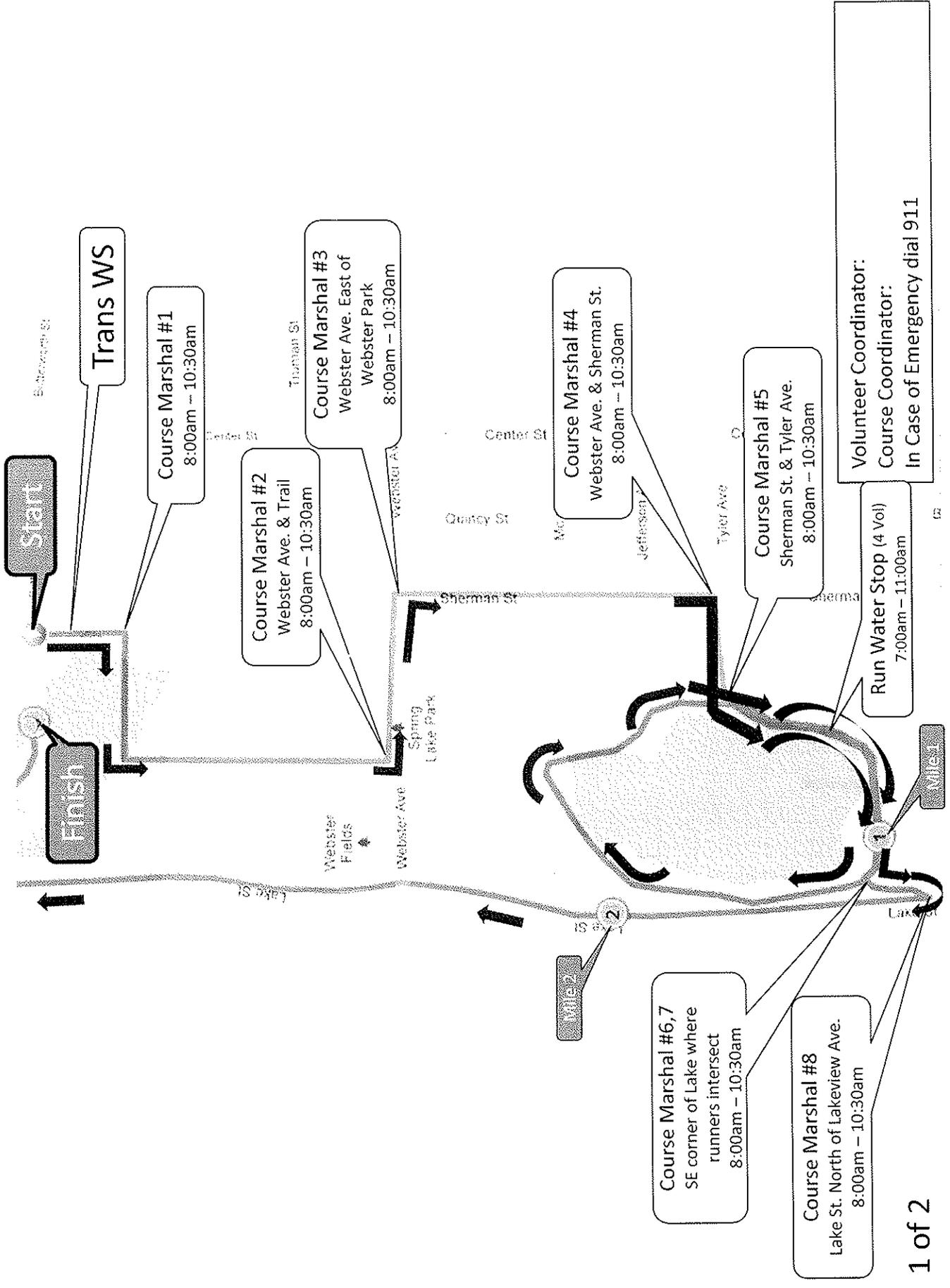
City of North Mankato North Mankato Triathlon 1001 Belgrade Ave North Mankato, MN 56002	FS-11-1 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Tara Langevin 

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N. Mankato Tri - 3 Mile Run 2 = Mile Marker



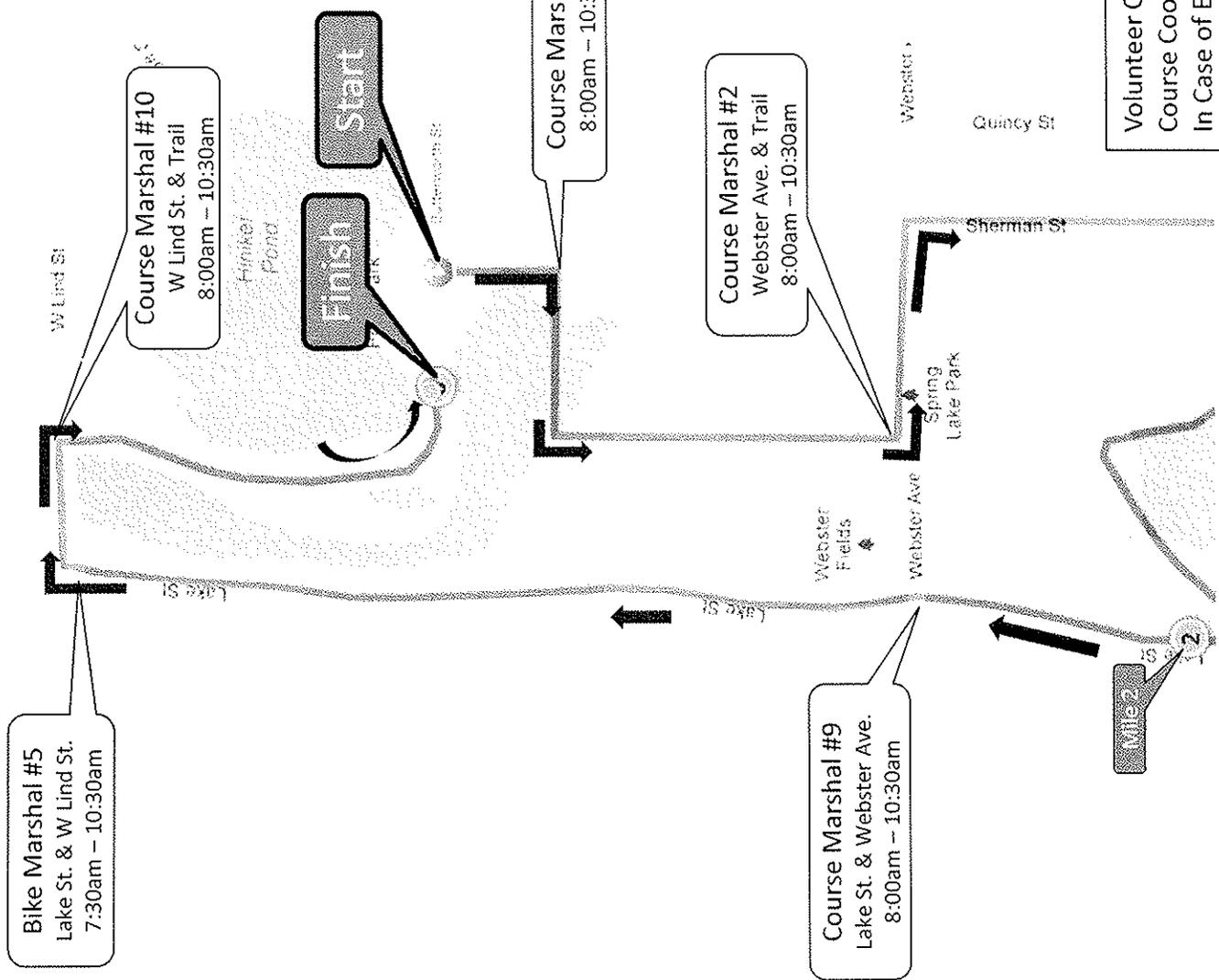
Volunteer Coordinator:
 Course Coordinator:
 In Case of Emergency dial 911



Volunteer Coordinator:
 Course Coordinator:
 In Case of Emergency dial 911

N. Mankato Tri - 3 Mile Run

N. Mankato Tri - 3 Mile Run

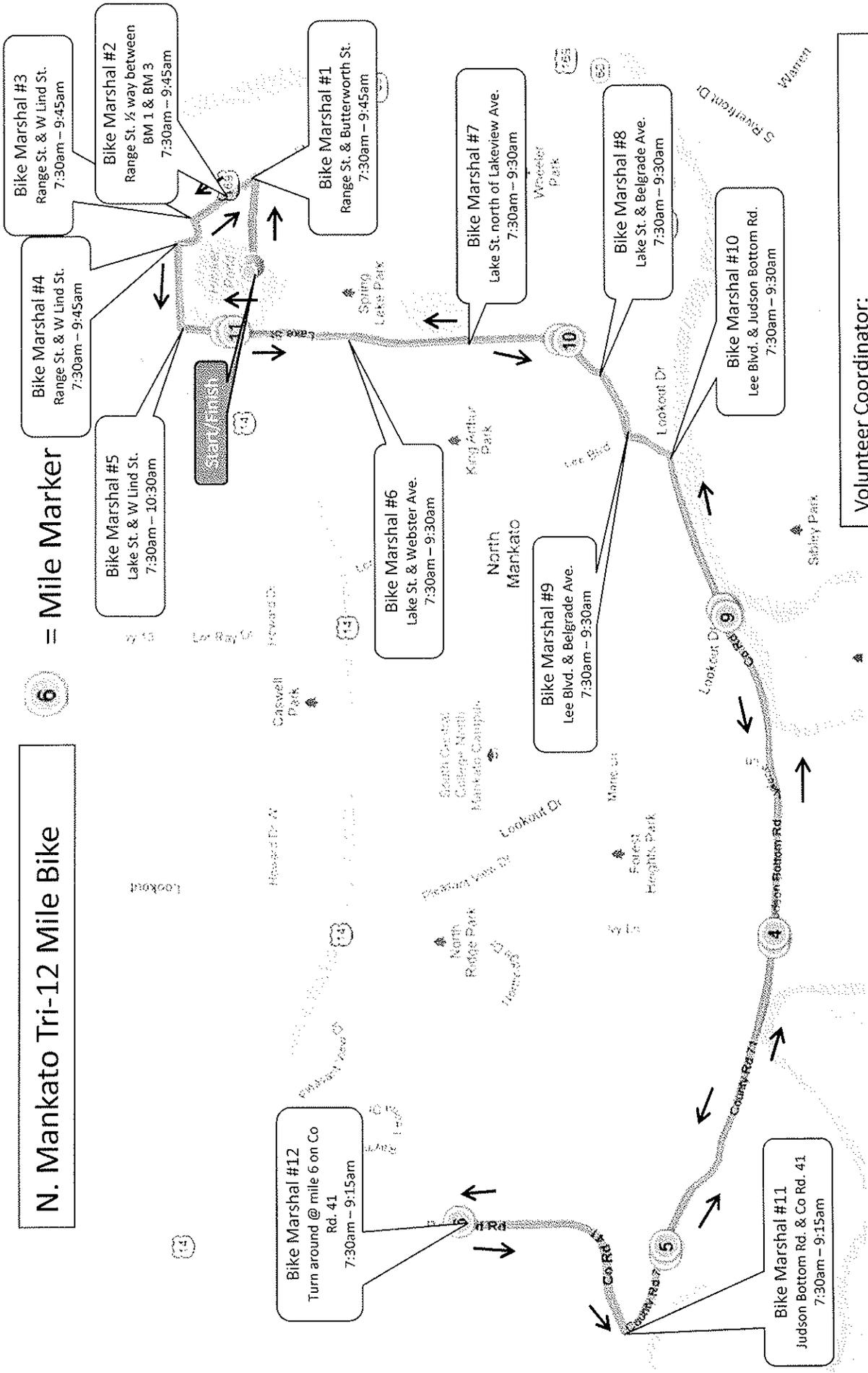


Volunteer Coordinator:
Course Coordinator:
In Case of Emergency dial 911

N. Mankato Tri-12 Mile Bike

6

= Mile Marker



Volunteer Coordinator:
Course Coordinator:
In Case of Emergency dial 911

MAIN

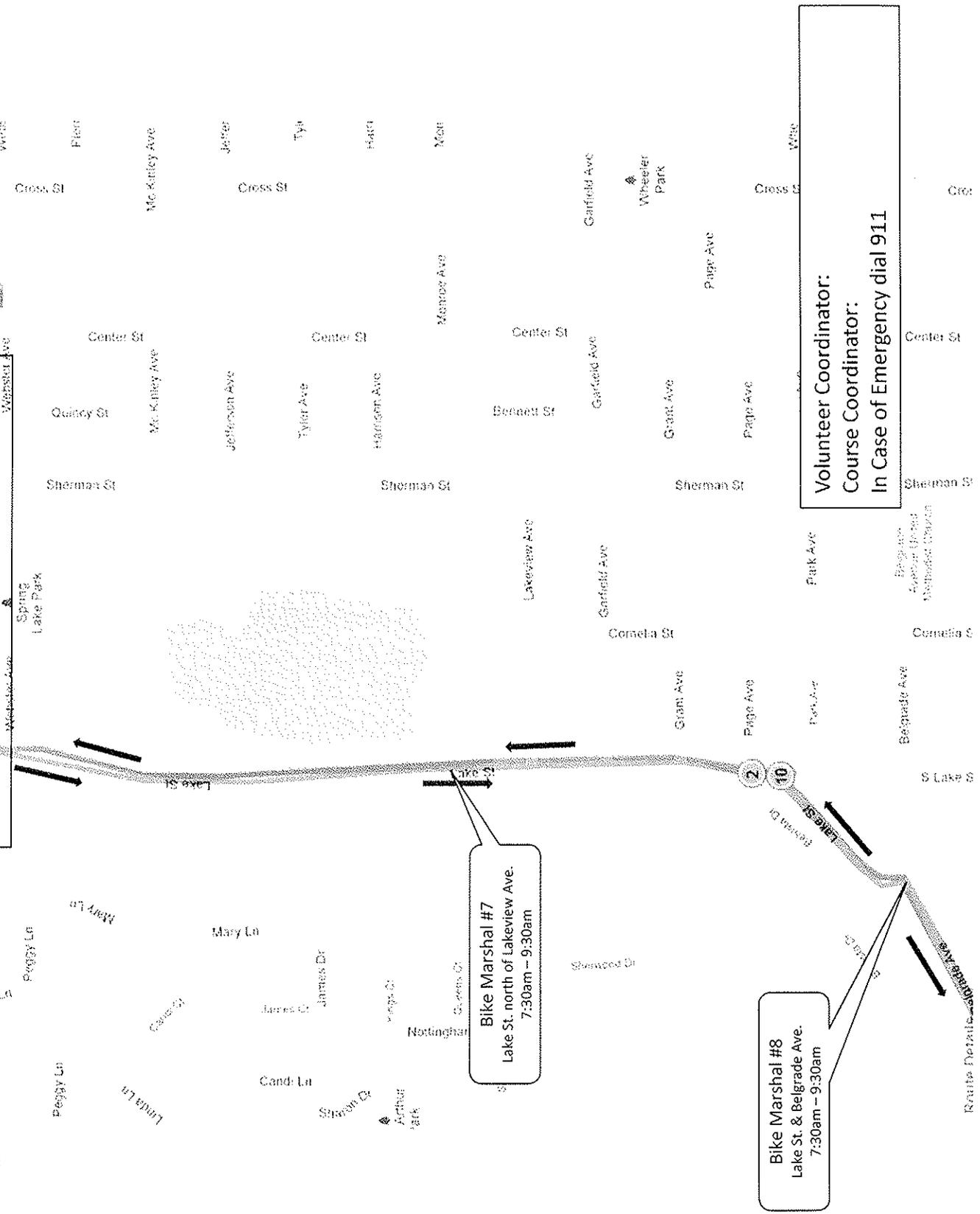


= Bike Direction



= Mile Marker

N. Mankato Tri-12 Mile Bike



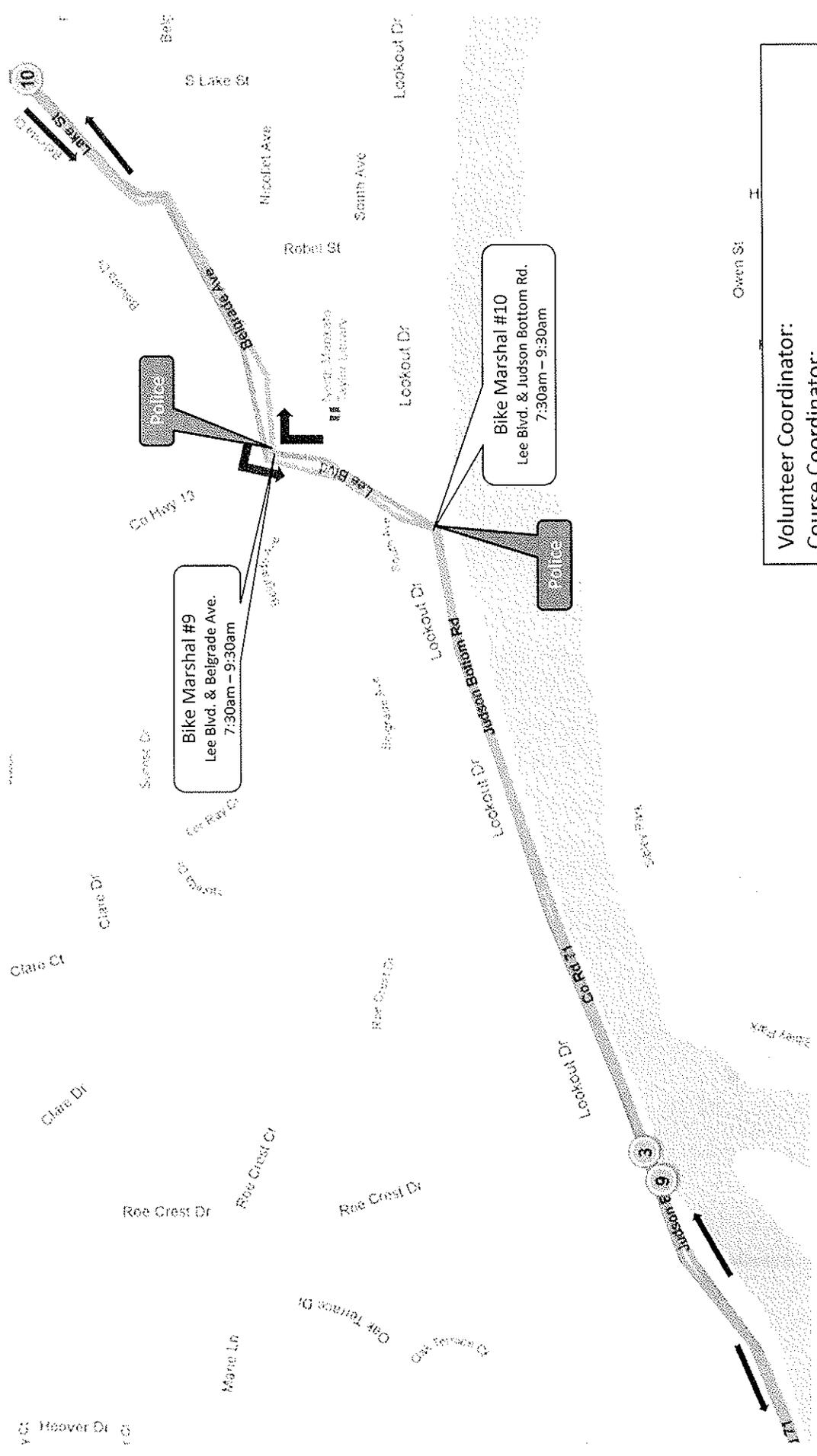


= Bike Direction



= Mile Marker

N. Mankato Tri-12 Mile Bike



Volunteer Coordinator:
 Course Coordinator:
 In Case of Emergency dial 911

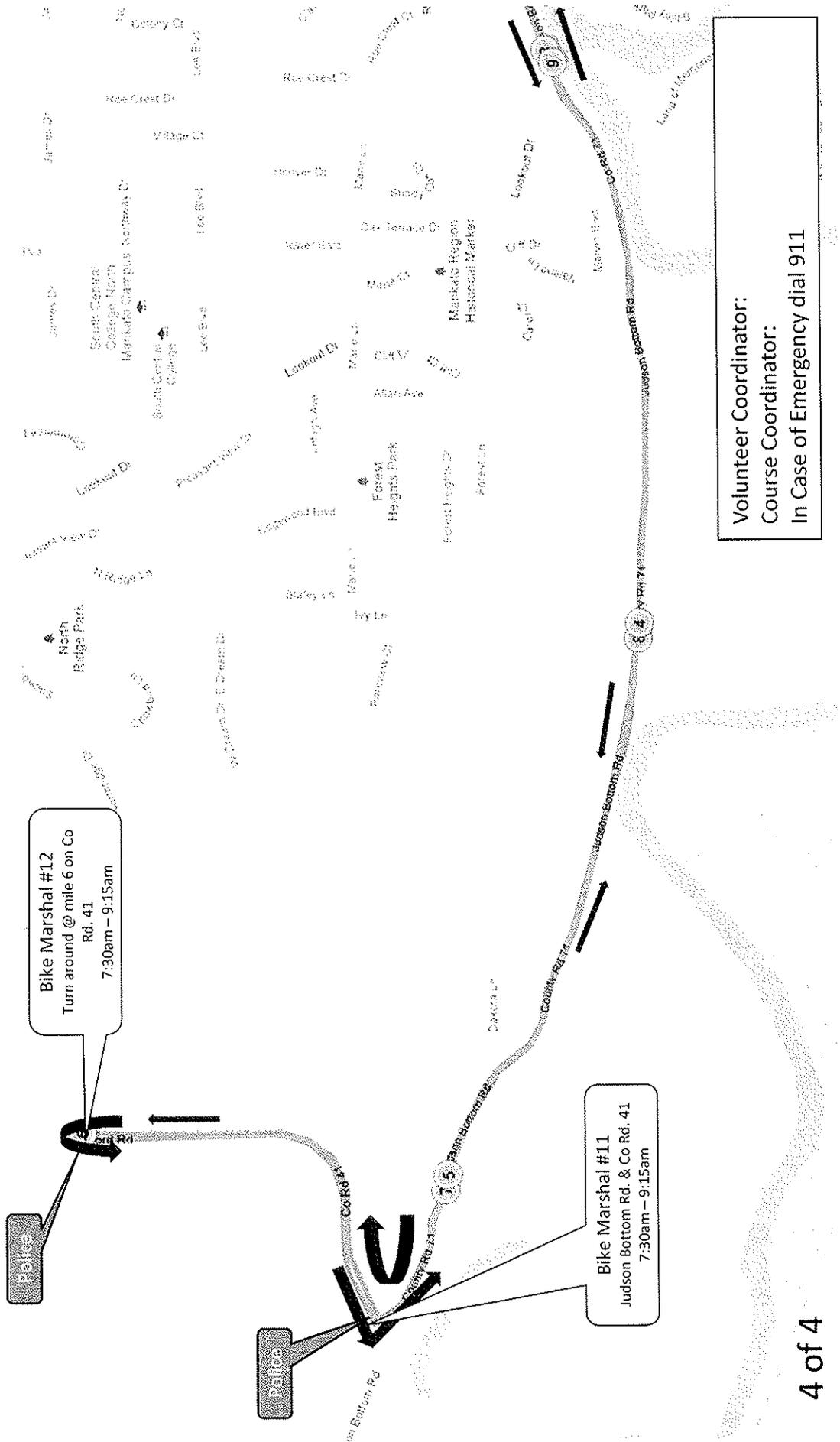


= Bike Direction

N. Mankato Tri-12 Mile Bike



= Mile Marker



MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Michael Fischer, City Planner
DATE: February 5, 2014
SUBJECT: February Traffic & Safety Committee Meeting

On Wednesday, February 5, 2014, the Traffic & Safety Committee met to discuss items of business. Traffic & Safety Committee Members present: Council Liaison Kim Spears, Police Chief Chris Boyer, Public Works Director Brad Swanson and City Planner Michael Fischer.

The following is a summary of the meeting:

1. Request for Mid-Block Crosswalk on James Drive

Staff presented a request from Taylor Corporation to create a mid-block crosswalk on James Drive between LorRay Drive and Roe Crest Drive. According to Taylor Corporation, they plan to have staff moving between buildings on James Drive and are requesting a mid-block pedestrian crosswalk. The Traffic & Safety Committee discussed area traffic counts, existing area sidewalks, street widths, sight lines, crosswalk expenses and the false sense of security a crosswalk may provide.

Recommendation

For safety purposes, the Traffic & Safety Committee recommends denial of a mid-block crosswalk on James Drive.

2. Request to Review Intersection at James Drive and Sharon Drive

Staff presented a request from a concerned citizen to review the intersection at James Drive and Sharon Drive. Staff noted that this request made by the same citizen was reviewed in 2010. At that time the speed trailer was placed in the area and the results showed no consistent traffic speed problems. According to the Police Department, there have been no reported accidents or other issues at this intersection. The Traffic & Safety Committee discussed the existing area conditions and any options to improve safety at this intersection.

Recommendation

The Traffic & Safety Committee recommends no action be taken at this time and that area residents should provide the Police Department with specific descriptions of vehicles that may be violating traffic laws.

MEMORANDUM

TO: Traffic & Safety Committee
FROM: Michael Fischer, City Planner
DATE: January 23, 2014
SUBJECT: February Traffic & Safety Committee Meeting

The next meeting of the Traffic & Safety Committee has been scheduled for Wednesday, February 5, 2014 at 9 a.m. in the Municipal Building Conference Room. Below is the meeting agenda:

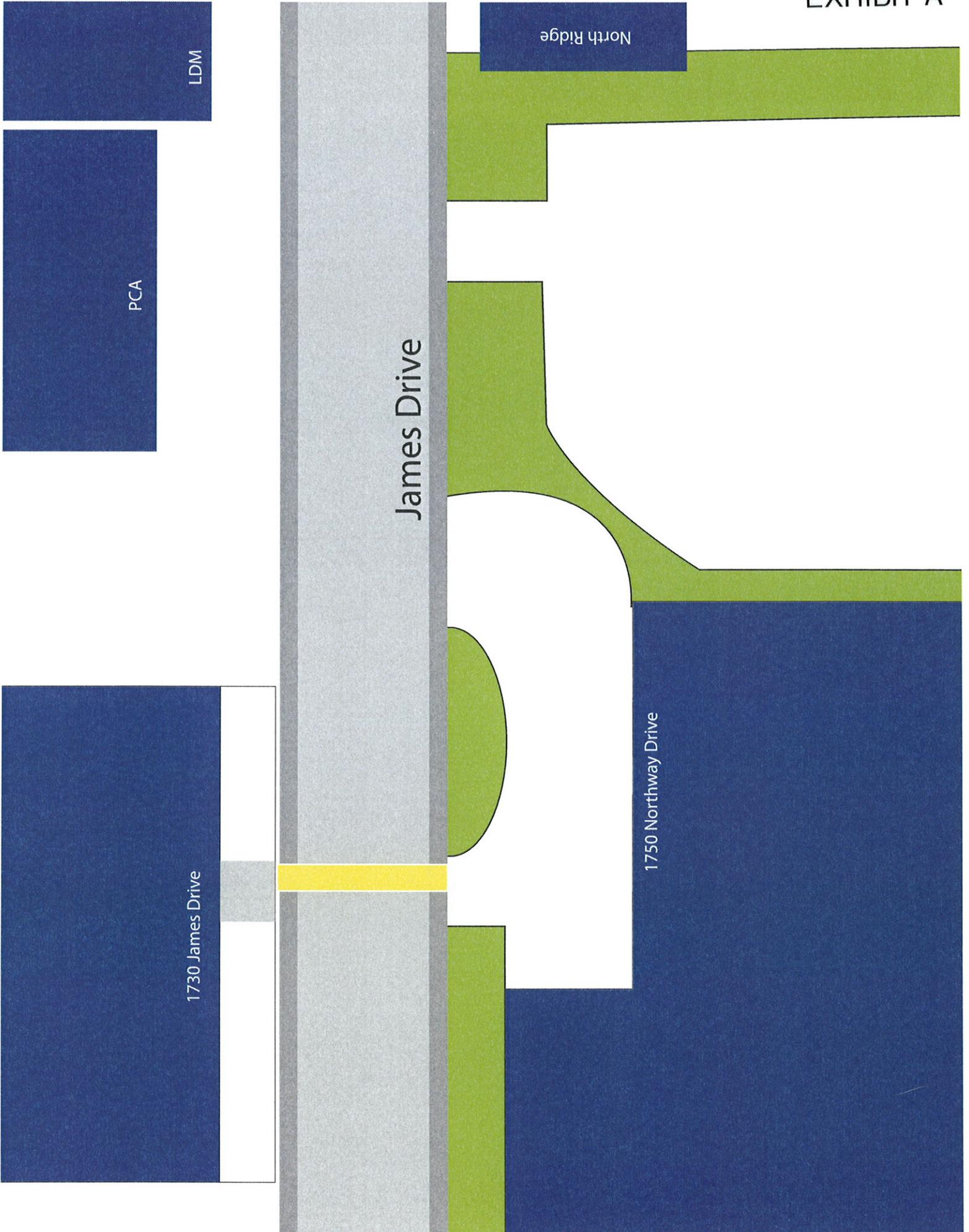
AGENDA

1. Request for mid-block crosswalk on James Drive.
2. Request to review intersection at James Drive and Sharon Drive.

1. Request for mid-block crosswalk on James Drive.

The City has been contacted by Taylor Corporation about the potential to install a mid-block crosswalk on James Drive. Attached as Exhibit A is a location map submitted by Taylor Corporation and the general area is shown on Exhibit B. In summary, Corporate Graphics Commercial at 1750 Northway Drive will be taking over a large part of the Taylor Corporation building addressed as 1730 James Drive. As Taylor Corporation will have staff work out of both buildings, a significant amount of foot traffic is expected between buildings. For this reason, a mid-block crosswalk is requested in the general location as shown on the exhibits.

In the past, the City has discouraged mid-block crosswalks due to research which shows that pedestrian crossing markings are significantly more dangerous than unmarked crossings. This is primarily due to pedestrians generally feel safer when markings and signs are displayed, but motorists generally disregard pedestrian crossing markings and signs.



2. Request to review intersection at James Drive and Sharon Drive

The City has received a request to review the intersection at James Drive and Sharon Drive. According to a concerned citizen, there are few sidewalks in the area, a large amount of pedestrian traffic and high traffic speeds which can be unsafe as this intersection is a bus stop.

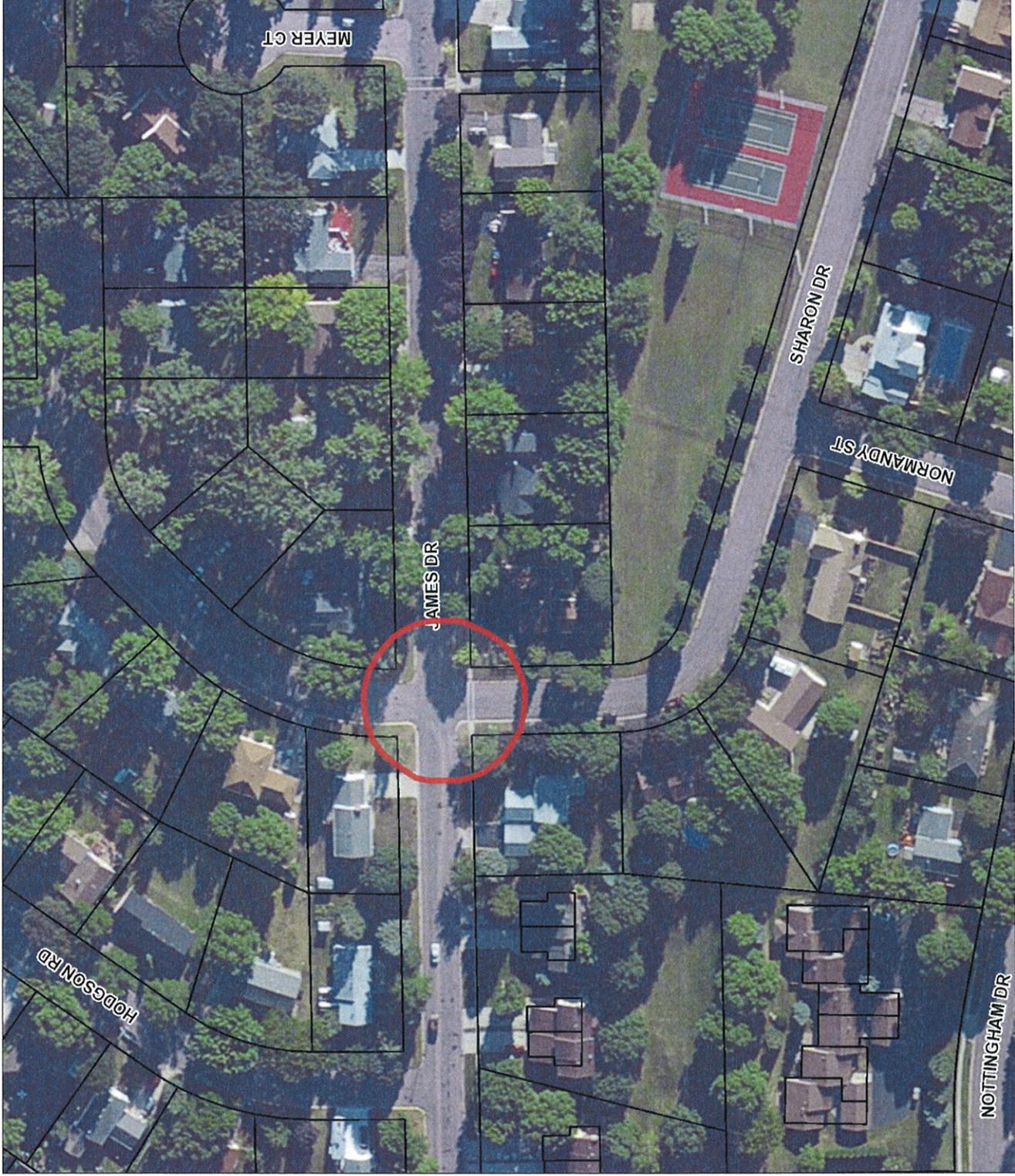
In 2010, this intersection was reviewed by the Traffic & Safety Committee and the City Council. As a result, staff was directed to locate the speed trailer near the intersection and monitor the area. Since that time, there have been no traffic accidents or pedestrian related incidents reported in this area.



- Legend**
- City Limits
 - Parcels (8-6-2013)
 - Lakes & Ponds
 - Minnesota River



Disclaimer:
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of North Mankato is not responsible for any inaccuracies herein contained.



0 121 Feet

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CITY OF NORTH MANKATO

REQUEST FOR COUNCIL ACTION



Agenda Item #9H	Department: Finance Director	Council Meeting Date:2/18/14
-----------------	------------------------------	------------------------------

TITLE OF ISSUE: Monthly Budget Report

BACKGROUND AND SUPPLEMENTAL INFORMATION:
 Staff has prepared a Budget Monitoring Report for Council for 2014; to be updated and presented to Council at the second meeting of each month.

If additional space is required, attach a separate sheet

REQUESTED COUNCIL ACTION: No Action Required; Informational Only.

For Clerk's Use:

Motion By: _____
 Second By: _____

Vote Record:

	Aye	Nay	
_____	_____	_____	Spears
_____	_____	_____	Steiner
_____	_____	_____	Norland
_____	_____	_____	Freyberg
_____	_____	_____	Dehen

SUPPORTING DOCUMENTS ATTACHED

Resolution	Ordinance	Contract	Minutes	Map
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify) <u>Monthly Budget Report</u>				

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

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

**City of North Mankato
2014 Budget Monitoring
January 31, 2014**

Budgeted Funds	2014 Budgeted Expense	Year to Date Expenses	2014 Budgeted Expense Balance	Year to Date % Expensed	2014 Budgeted Revenue	Year to Date Revenue	2014 Budgeted Revenue Balance	Year to Date % Revenue	2014 Beginning Fund (Cash) Balance	2014 Projected Year End Fund (Cash) Balance
Operating Funds										
General Fund	\$ 7,286,443	\$ 495,236	\$ 6,791,207	7%	\$ 7,390,721	\$ 23,558	\$ (7,367,163)	0%	\$ 1,440,673	\$ 1,544,951
Local Option Sales Tax	\$ 309,288	\$ -	\$ 309,288	0%	\$ 500,000	\$ 76	\$ (499,924)	0%	\$ 73,176	\$ 263,888
Port Authority	\$ 218,260	\$ 479	\$ 217,781	0%	\$ 211,754	\$ -	\$ (211,754)	0%	\$ 35,328	\$ 28,822
Port Authority Revolving Loan - Local	\$ -	\$ -	\$ -	0%	\$ 19,615	\$ 667	\$ (18,948)	3%	\$ 111,546	\$ 131,161
Port Authority Tax Increment Funds	\$ 280,593	\$ -	\$ 280,593	0%	\$ 298,866	\$ -	\$ (298,866)	0%	\$ 313,170	\$ 331,443
Port Authority Joint Economic Development (*)	\$ 156,000	\$ 114,000	\$ 42,000	73%	\$ 129,307	\$ 261	\$ (129,046)	0%	\$ 296,160	\$ 269,467
Debt Service Funds	\$ 2,878,005	\$ 1,546,011	\$ 1,331,994	54%	\$ 2,930,260	\$ 42,440	\$ (2,887,820)	1%	\$ 83,422	\$ 135,677
Capital Facilities/Equipment - General	\$ 205,000	\$ -	\$ 205,000	0%	\$ 370,000	\$ -	\$ (370,000)	0%	\$ 33,054	\$ 198,054
Construction Funds	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ 1,405,225	\$ 1,405,225
Port Authority Construction	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ 17,030	\$ 17,030
Water Utility	\$ 2,043,405	\$ 471,433	\$ 1,571,972	23%	\$ 2,050,684	\$ 147,193	\$ (1,903,491)	7%	\$ 1,038,438	\$ 1,045,717
Sewer Utility	\$ 1,855,755	\$ 212,686	\$ 1,643,069	11%	\$ 2,181,800	\$ 184,831	\$ (1,996,969)	8%	\$ 420,636	\$ 746,681
Sanitary Collection Utility	\$ 355,215	\$ 100,128	\$ 255,087	28%	\$ 377,935	\$ 19,675	\$ (358,260)	5%	\$ 134,988	\$ 157,708
Storm Water Utility	\$ 275,000	\$ 16,325	\$ 258,675	6%	\$ 275,000	\$ 22,938	\$ (252,062)	8%	\$ 115,790	\$ 115,790
Solid Waste Utility	\$ 1,109,250	\$ 49,073	\$ 1,060,177	4%	\$ 1,112,000	\$ 81,867	\$ (1,030,133)	7%	\$ -	\$ 2,750
Library Endowment (*)	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ 51,049	\$ 51,049
Park Development (*)	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ 14,180	\$ 14,180
CDBG (*)	\$ 54,000	\$ -	\$ 54,000	0%	\$ 50,000	\$ -	\$ (50,000)	0%	\$ -	\$ (4,000)
Port Authority Revolving Loan - Federal (*)	\$ -	\$ -	\$ -	0%	\$ 81,117	\$ 2,795	\$ (78,322)	3%	\$ 750,202	\$ 831,319
Port Authority Revolving Loan - State (*)	\$ 28,968	\$ 397	\$ 28,571	1%	\$ 28,968	\$ 397	\$ (28,571)	1%	\$ 993	\$ 993
Public Access Authority (*)	\$ 253,742	\$ 15,823	\$ 237,919	6%	\$ 185,450	\$ -	\$ (185,450)	0%	\$ 410,015	\$ 341,723
Public Access Equipment (*)	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ 126,117	\$ 126,117
Gambling (*)	\$ -	\$ -	\$ -	0%	\$ -	\$ -	\$ -	0%	\$ 2,794	\$ 2,794
Totals	\$ 17,308,924	\$ 3,021,591	\$ 14,287,333	17%	\$ 18,193,477	\$ 526,698	\$ (17,666,779)	3%	\$ 6,873,984	\$ 7,758,537

(*) Restricted cash balances

Z-1-14

410 RANGE STREET

A REQUEST FROM CITY OF NORTH MANKATO

THE CITY OF NORTH MANKATO

SUBJECT: Z-1-14
APPLICANT: City of North Mankato
LOCATION: 410 Range Street
EXISTING ZONING: R-3, Limited Multiple Dwelling
DATE OF HEARING: February 13, 2014
DATE OF REPORT: February 4, 2014
REPORTED BY: Michael Fischer, City Planner

APPLICATION SUBMITTED

Request to rezone 410 Range Street from R-3, Limited Multiple Dwelling, to CBD, Central Business District.

COMMENT

In an effort to provide additional off-street parking opportunities in the downtown, the City has purchased the home and property addressed as 410 Range Street. As shown on Exhibit A, the property is located adjacent to the CBD behind the American Legion and the public parking lot. Exhibit B shows the existing area zoning.

As proposed, the City intends to demolish the home on the property and create an off-street parking area to serve the downtown area.

Within the 2011 Downtown Planning Study, it was stated that sufficient parking is imperative to the success of the downtown and that as part of the public input process, there were many comments regarding the lack of convenient parking. The study includes various redevelopment concepts including the creation of additional off-street parking adjacent to the alley between the 200 Block of Wheeler Avenue and Belgrade Avenue.

One potential parking lot concept for the property at 410 Range Street is shown on Exhibit C. The concept includes 13 parking spaces and a six-foot high privacy fence along the north side of the property.

RECOMMENDATION

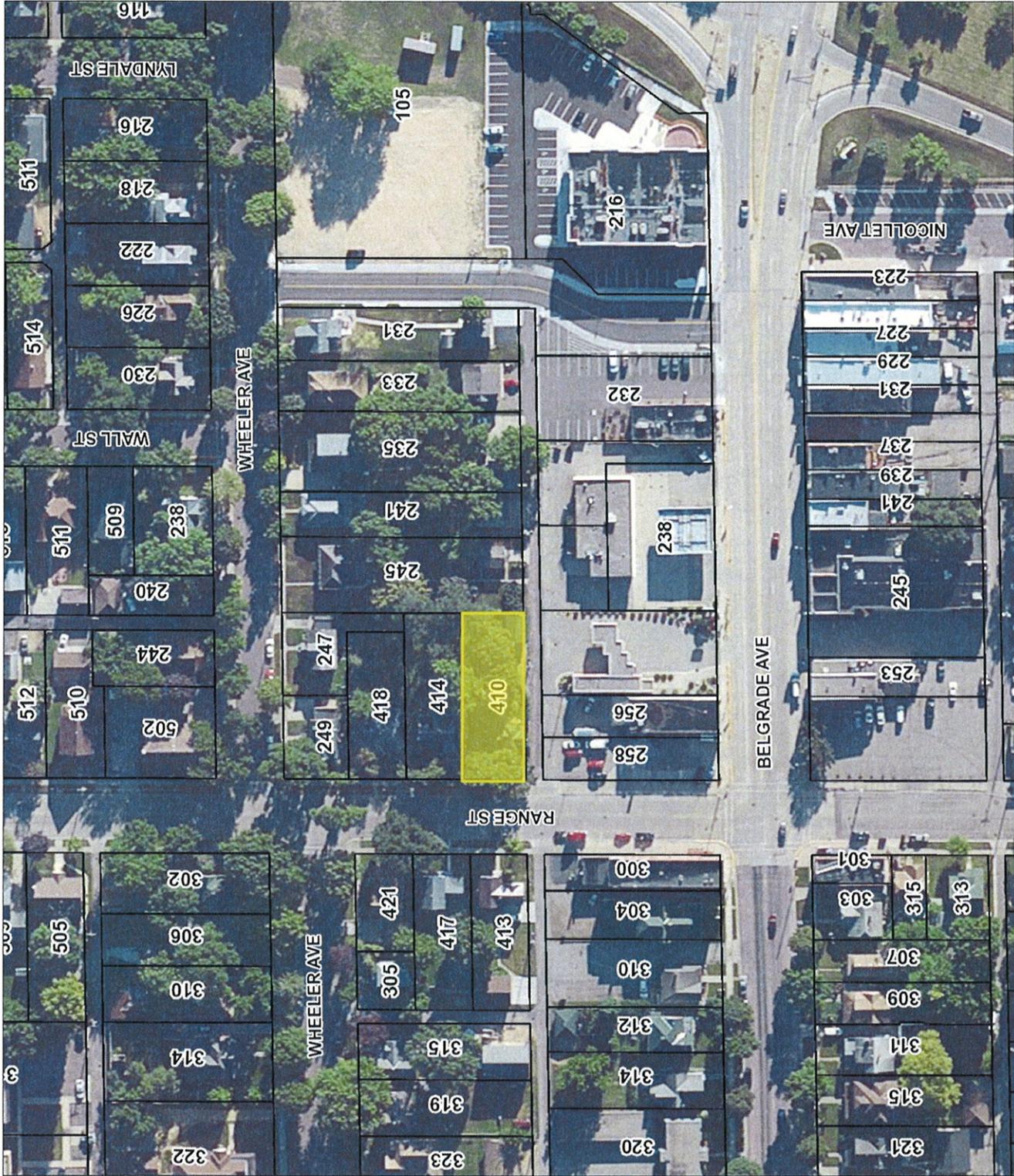
Staff recommends approval of Z-1-14.



- Legend**
- City Limits
 - Parcels (8-6-2013)
 - Lakes & Ponds
 - Minnesota River



Disclaimer:
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0 121 Feet



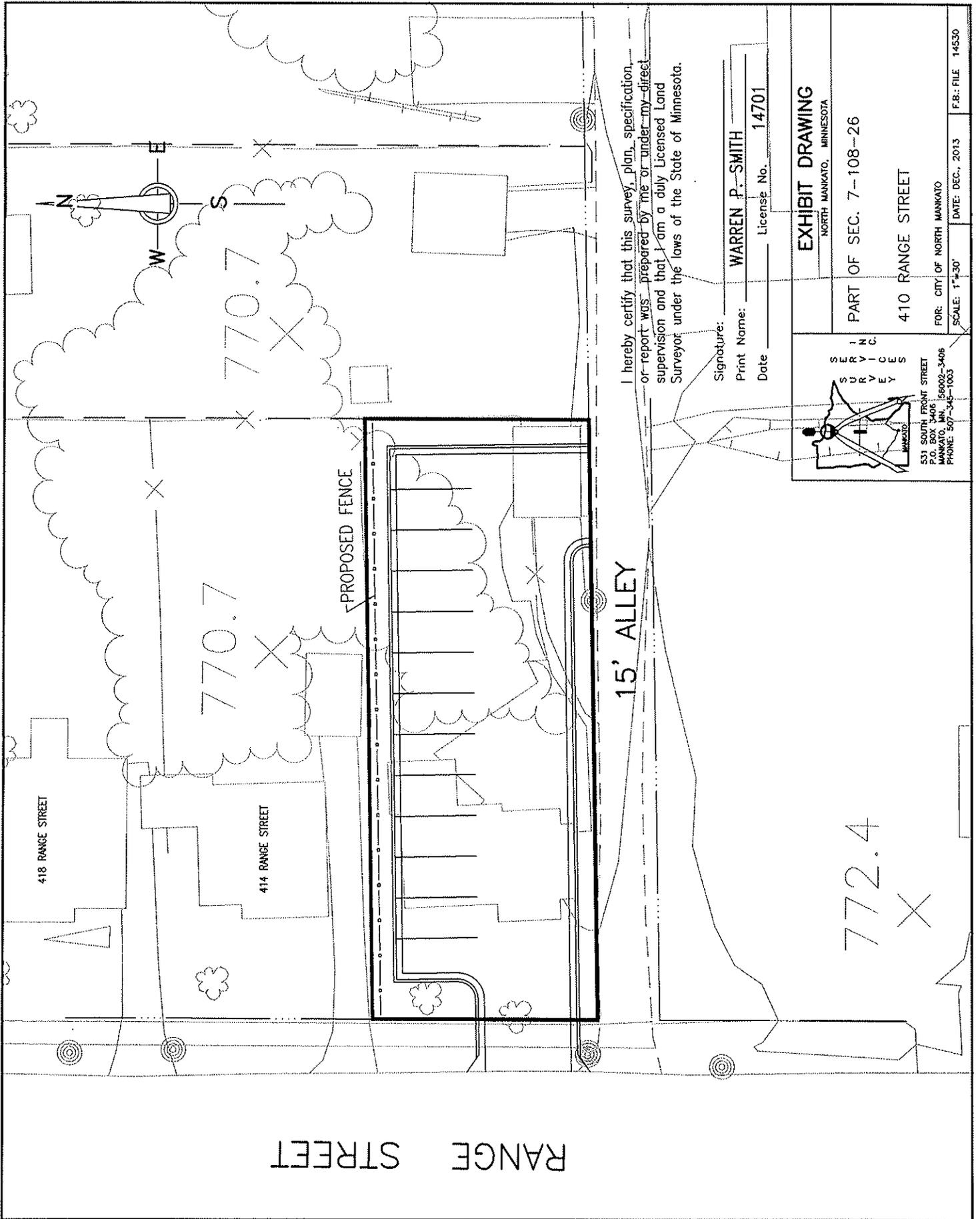
Legend

- City Limits
- Road Edge
- Parcels (8-6-2013)
- Lakes & Ponds
- Minnesota River
- Zoning**
 - R-A Residential Agricultural
 - R-1 One Family Living
 - R-1S One Family Dwelling Small
 - R-2 One and Two Family Dwelling
 - R-3 Limited Multiple Dwelling
 - R-4 Multiple Dwelling
 - OR-1 Office Residential
 - CBD Central Business
 - B-1 Neighborhood Business
 - B-3 General Commercial
 - B-2 Community Business
 - M-2 Heavy Industrial
 - M-1 Light Industrial
 - I-1 Planned Industrial
 - TUD Transitional Unzoned District
 - P-1 Public Park



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I hereby certify that this survey, plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signature: _____
 Print Name: **WARREN P. SMITH**
 Date: _____ License No. **14701**

S I N C
S U R V E Y S
S E R V I C E

531 SOUTH FRONT STREET
 F.O. BOX 3406
 MANKATO, MN 56002-3406
 PHONE: 507-345-1003

EXHIBIT DRAWING
 NORTH MANKATO, MINNESOTA

PART OF SEC. 7-108-26
 410 RANGE STREET

FOR: CITY OF NORTH MANKATO

SCALE: 1"=30'

DATE: DEC. 2013 F.B. FILE 14530



CITY OF NORTH MANKATO

January 30, 2014

Dear Property Owner:

This letter serves as notice that the City of North Mankato is requesting to rezone the property addressed as 410 Range Street from R-3, Limited Multiple Dwelling, to Central Business District. A map showing the location of the property is attached. As proposed, the existing home at 410 Range Street would be demolished and off-street parking would be created to serve the downtown area.

This request will be considered by the North Mankato Planning Commission on February 13, 2014 and by the City Council on February 18, 2014. Both meetings begin at 7 p.m. in the Municipal Building Council Chambers located at 1001 Belgrade Avenue.

As a nearby property owner, you have the opportunity to comment on this rezoning request. You may send written comments prior to February 13, 2014 or appear at either or both meetings.

Sincerely,

THE CITY OF NORTH MANKATO

Michael Fischer
City Planner

MF:ng



American Legion Post No. 518
P.O. Box 2233
North Mankato, MN 56002-2233

The Marigold, LLC
200 Belgrade Avenue
North Mankato, MN 56003

James J Dailey Jr.
20182 586th Lane
Mankato, MN 56001

WSK Mankato Holdings, LLC
8109 W Bush Lake Road
Bloomington, MN 55438-1017

Thomas J Bohrer
232 Belgrade Avenue
North Mankato, MN 56003

Staples & Roozen, LLC
P.O. Box 243
Windom, MN 56101

Allison J & Sharon A Schaller
241 Belgrade Avenue
North Mankato, MN 56003

P-Jack Properties
1812 S Riverfront Drive
Mankato, MN 56001

Claudia F Vosbeck
245 Wheeler Avenue
North Mankato, MN 56003

Elaine Y Shea
241 Wheeler Avenue
North Mankato, MN 56003

Carl R & Sandra A Kiewatt
235 Wheeler Avenue
North Mankato, MN 56003

Gerald L Troidahl
414 Range Street
North Mankato, MN 56003

Tim McDonald
214 Jamaica Drive
Mankato, MN 56001

Alan D Oachs & Scott A Oachs
105 Golden Tee Drive
Mankato, MN 56001

Keith Eilbert
3110 N Chestnut St; Unit 315
Chaska, MN 55318

Phillip M Miller & Jillian Padgett
511 Wall Street
North Mankato, MN 56003

Thomas W Daly
413 ½ Range Street
North Mankato, MN 56003

Norman L & Judith K Douglas
240 Wheeler Avenue
North Mankato, MN 56003

Thomas J & Erin Barthel
311 Belgrade Avenue
North Mankato, MN 56003

James C & Sharon I Olson
309 Belgrade Avenue
North Mankato, MN 56003

Julie K Nickel
310 Wheeler Avenue
North Mankato, MN 56003

Frandsen Bank & Trust
245 Belgrade Avenue
North Mankato, MN 56003

Shannon M Finnegan &
Karen L Foreman
509 Wall Street
North Mankato, MN 56003

Ryan E Luedtke
1216 Albion Avenue
Fairmont, MN 56031

J Downs Properties LLC
2444 North Ridge Drive
North Mankato, MN 56003

Vicki J Lauruhn
306 Wheeler Avenue
North Mankato, MN 56003

Jessica A Malakowsky
418 Range Street
North Mankato, MN 56003

David K Dubke
4710 Goldenrod Lane N
Plymouth, MN 55442-2494

Larry & Joy Hanson
310 Belgrade Avenue
North Mankato, MN 56003

Tia Enger
305 Wheeler Avenue W
North Mankato, MN 56003

Bradley C & Ximena E Hanson
2386 Rolling Green Lane
North Mankato, MN 56003

Adam Huiras & John Huiras
19 Otter Court
North Mankato, MN 56003

Nicole R Blackman
249 Wheeler Avenue
North Mankato, MN 56003

Lisa Hughes
247 Wheeler Avenue
North Mankato, MN 56003

Ryan Pedersen
322 Wheeler Avenue
North Mankato, MN 56003

Lenore M Else
1545 Nottingham Drive
North Mankato, MN 56003

Michael A Becker
315 Wheeler Avenue
North Mankato, MN 56003

Michael M & Brenda K Burger
238 Wheeler Avenue
North Mankato, MN 56003

William J Lee
205 E 12th Street
Blue Earth, MN 56013

C & C Property Group, LLC
225 Belgrade Avenue
North Mankato, MN 56003

Windy City Holdings, LLC
724 Madison Avenue
Mankato, MN 56001

Craig R Joerg
417 Range Street
North Mankato, MN 56003

Daniel K & Stacey A Williams
510 Range Street
North Mankato, MN 56003

Michael H & Julie A Gustafson
312 Belgrade Avenue
North Mankato, MN 56003

Natural Pathways, LLC
229 Belgrade Avenue
North Mankato, MN 56003

Robert W & Heather J Milton
244 Wheeler Avenue
North Mankato, MN 56003

Shawn & Tanya Ange
301 Belgrade Avenue
North Mankato, MN 56003

Kyle L Ramaker
325 Woodshire Drive
Mankato, MN 56001

Brian D Mechler
303 Belgrade Avenue
North Mankato, MN 56003

Jesse Pearson
421 Range Street
North Mankato, MN 56003

Ai Yun Zhang Kretsch
477 Marvin Boulevard
North Mankato, MN 56003

Thomas S & Marti J Jancoski
314 Wheeler Avenue
North Mankato, MN 56003

Theresa May Kopischke
502 Range Street
North Mankato, MN 56003

Stephanie S Case &
Shane M Wendland
302 Wheeler Avenue
North Mankato, MN 56003

Application for
REZONING

Pursuant to Chapter 156 of the North Mankato City Code, application is hereby made to amend the City of North Mankato Zoning Map as described herein.

LEGAL DESCRIPTION OF PROPERTY:

Lot # _____ Block # _____
Subdivision Section 7-108-26 Address 410 Range Street

APPLICANT:

Name City of North Mankato Address 1001 Belgrade Avenue Phone (507) 625-4141
North Mankato, MN 56003

PROPERTY OWNER (If Other Than Applicant):

Name _____ Address _____ Phone _____

CURRENT ZONING: R-3 CURRENT USE OF PROPERTY: Single-Family Residential

PROPOSED ZONING: CBD Central Business District

REASON ZONING CHANGE NEEDED: Parking Lot

REQUEST PREVIOUSLY CONSIDERED? Yes _____ No X If Yes, date _____

Comments:

SUPPORTING DOCUMENTS:

	Required	Attached		Required	Attached
Plot Plan	_____	_____	Comment Letters	_____	_____
Floor Plan	_____	_____	Performance Test	_____	_____
Landscaping Plan	_____	_____	Petition	_____	_____
Parking/Loading Plan	_____	_____	Development Schedule	_____	_____
Survey	_____	_____	Proposed Regulations	_____	_____
Other _____	_____	_____			

FEES: Application Fee \$ 95.00

Notice Charge # 54 @ \$ 2.00 = \$ 108.00

Total Fee \$ 203.00 Receipt # _____

I hereby certify that the information both described in and attached to this application is correct and true.

Signature of Applicant _____ Date _____

ORDINANCE NO. 55, FOURTH SERIES

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA,
AMENDING NORTH MANKATO CITY CODE, CHAPTER 156, ENTITLED "ZONING CODE", BY
CHANGING THE ZONING DISTRICT MAP AND, BY ADOPTING BY REFERENCE NORTH MANKATO
CITY CODE, CHAPTER 10 AND SECTION 10.99 WHICH,
AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, ORDAINS:

Section 1. North Mankato City Code, Section 156.021, entitled "Zoning District Map", is hereby amended by changing the zoning as follows:

- A. To re-zone Part of Government Lot 7, Section 7-108-26 (410 Range Street) from R-3, Limited-Multiple Dwelling to Central Business District (CBD).

Section 2. North Mankato City Code, Chapter 10, entitled "General Provisions" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. After adoption, signing and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

Adopted by the Council this 18th day of February 2014.

Mayor

ATTEST:

City Clerk

Chapter 3: Land Use & Growth Management

Introduction

The Land Use & Growth Management Chapter is a roadmap that helps guide City officials and staff on how to make policy decisions related to land use and future growth. These policies may influence the type, location and density of future development within the community. This chapter is intended to result in orderly and efficient development that utilizes land efficiently and makes the most of the community's resources. It offers guidance on key initiatives for the community which is consistent with the City's vision and goals.

In this chapter is a description of existing land use patterns, as well as an overview of how the City anticipates land will be used and developed in the future. It accommodates growth and applies the desired qualities of the community.

Another important aspect of this chapter is that it also serves as the foundation for reviewing the City's Zoning Ordinances, Zoning Map, Subdivision Regulations and other implementation tools.

Implementation of the Land Use Plan produces several important implications:

- **Uses.** Every parcel is placed into a specific land use category. Each category includes a description of the type of land use or uses intended for that category. This description should match with the types and forms of development currently found in North Mankato and desired for the future.
- **Relationships.** Much like a jigsaw puzzle, the true picture comes from how each piece fits together into a whole. The Land Use Plan guides how elements of the built and natural environment come together in North Mankato. These relationships will determine how North Mankato will look, function and feel.
- **Actions.** The Land Use Plan sets the framework for public actions and investments. Utilities, streets, parks, and facilities are all influenced by the form and pace of development.

Inventory and Analysis

Existing Land Use Characteristics

Figure 3-1: Existing Land Use shows the location, amount, and types of existing land uses in the City of North Mankato in 2013. The inventory as conducted as part of this planning process reflects general development patterns and is intended for general planning purposes only. Table 3-A: Summary of Existing Land Use - 2013 summarizes the amount and type of existing land uses in North Mankato.

Insert Figure 3-1: Existing Land Use Map

Table 3-A: Summary of Existing Land Use - 2013		
Existing Land Use	Gross Acres*	Net Percent of City
Low Density Residential	1256.7	43.6%
Medium Density Residential	169.2	5.9%
High Density Residential	86.2	3.0%
Neighborhood Commercial	15.4	0.6%
General Commercial	81.8	2.8%
Light Industrial	87.5	2.8%
Heavy Industrial	298.6	10.4%
Public/Institutional	227.4	7.9%
Park and Open Space	459.2	16.0%
Vacant/Undeveloped	202.5	7.0%
TOTAL	2884.5	100%

* Gross acres of use determined by WSB & Associates, Inc. based on parcel data provided by the City of North Mankato

The following provides a general description of each of the existing land uses in North Mankato.

Low Density Residential

Low Density Residential is the largest land use within the City of North Mankato in terms of total acres, making up almost half of the City's area with 1256.7 acres or 43.6%. This land use is largely characterized by single-family homes with densities of 1 to 5 dwelling units per acre. One of the greatest strengths of the City of North Mankato is the quality and variety of its single-family homes, which helps make it such an attractive community for families. The City has an abundance of older single-family homes, mostly in Lower North, that have been well preserved and provide a classic small town feel to these neighborhoods. Alternatively there has been an abundance of new single-family and two-family home construction, mostly in Upper North, which provides a more modern style of home. Ensuring older housing stock continues to be well maintained is a priority, as is the ongoing efforts to add new housing units. This balance between old and new ensures a quality and variety of housing stock is available throughout the City.

Medium Density Residential

Medium Density Residential makes up 169.2 acres or 5.9% of the total acreage in the City of North Mankato. Medium Density Residential is mostly characterized by townhome style development, duplexes, and small scale apartment and condo buildings with densities of 5 to 10 dwelling units per acre.

High Density Residential

High Density Residential land use consists of all forms of multi-family attached housing units such as apartment buildings and condominiums. High density residential has densities of over 10 dwelling units per acre. In 2013, roughly 86.2 acres or 3.0% of North Mankato was classified as high density residential use. High Density Residential units may be rental units or may be owner-occupied and can provide housing options for all income levels. In some cases, high-density residential units in North Mankato are exclusively for seniors, while in other cases there are no limitations for who can live in the development.

Neighborhood Commercial

Neighborhood Commercial uses generally serve the nearby surrounding areas and are intended to allow residents to meet some of their basic needs within a close proximity to where they live. These uses are generally smaller in nature and may be mixed in with residential uses. Examples of some Neighborhood Commercial uses might include bakeries, drug stores, banks, coffee shops, post offices and similar types of uses. Roughly 15.4 acres or 0.6% of North Mankato is classified as Neighborhood Commercial land use.

General Commercial

The General Commercial designation is intended for more intense commercial uses that may draw from a wider geographic area. It includes a broad range of commercial uses that are generally larger in size, require more parking spaces, and may not be compatible adjacent to residential uses in some cases. Examples of General Commercial uses might include department stores, restaurants, offices, health care services and similar types of uses. Many residents currently travel to Mankato to meet most of the needs generally served by this land use category. In 2013, roughly 81.8 acres or 2.8% of North Mankato was classified as General Commercial residential use.

Light Industrial

The Light Industrial land use includes all forms of businesses with manufacturing, distribution, warehousing or other industrial uses that are less intense and may have fewer negative impacts to surrounding properties generally associated with industrial uses such as noise, odor, dust or low quality aesthetics. Light Industrial land use makes up approximately 87.5 acres or 2.8% of the City.

Heavy Industrial

Similar to the Light Industrial land use category, Heavy Industrial land uses are all forms of businesses with manufacturing, distribution, warehousing or other industrial uses. Heavy Industrial uses may be more intense than the types of uses in the Light Industrial land use category and may be less compatible with residential and commercial uses. Heavy Industrial Land uses may exhibit more of the externalities generally associated with industrial uses such as noise, odor, or dust or storage of equipment. Heavy Industrial land use makes up approximately 298.6 acres or 10.4% of the City.

Public/Institutional

Public/Institutional uses make up approximately 227.4 acres or 7.9% of area in North Mankato. These uses include all government buildings, schools, libraries, and religious institutions. These types of uses are generally mixed in with residential or commercial uses.

Park and Open Space

The Park and Open Space category contains public parks and open spaces and all property owned by the City that is preserved as natural land. Approximately 459.2 acres or 16.0% of land in 2013 is allocated to the Park Open Space land use. Park and Open Space uses are intended to provide a variety of recreational opportunities for all residents of the community. The City of North Mankato is generally well served by the amount and placement of existing park facilities.

Vacant/Undeveloped

Vacant/undeveloped land refers to land that is in an undeveloped state, but that is guided and zoned for future development. Wetlands are not included in this category. In 2013, roughly 202.5 acres or 7.0% of North Mankato consisted of vacant/undeveloped land.

Analysis of Existing Land Use

With over 2,800 acres of land, an analysis of the existing land use illustrates several important issues about current and future development:

- The largest land use category in the City is low density residential. It is anticipated that the share of this land use category will continue to grow throughout the life of this plan. The three residential categories account for 52.5% of the total land use in the City. Residential uses make up 56.4% of all non-vacant land use.
- The Central Business District is characterized by a development style common among other older downtowns. It is pedestrian oriented in nature with greater commercial and residential densities and buildings built to the sidewalk. Parking for these uses is typically on street, in the rear of buildings, or shared among several users. The Central Business District also serves as a common gathering place for community events such as Blues on Belgrade and Oktoberfest.
- Of the existing commercial uses, most would generally be characterized as neighborhood commercial uses that serve the surrounding area. North Mankato is lacking in community commercial type uses and residents typically travel to the City of Mankato for these types of goods and services. Although it is not anticipated that this will change significantly, some community commercial type uses may be necessary in the City as this area develops.
- The City has an ample amount of existing industrial uses. These land uses supply a significant number of jobs for residents. This plan anticipates the continued growth of industrial uses in the north and west half of the City. For heavy industrial uses, consideration should be given for compatibility with adjacent land uses. Controls should be in place that protect against negative impacts to neighboring property.
- The City is well served by existing park facilities. There are approximately 396.6 acres of Park and Open Space uses. General guidelines for parks and open spaces suggest there are at least 7 acres of municipal park land per 1,000 residents and that 90% or more of residents are within one-half mile of a park or protected green space. Further analysis on Parks and Open Space is described in Chapter 8: Parks and Recreation.
- There are significant commercial and industrial development opportunities in the northwest portion of the city.
- The “vacant/undeveloped” category includes all of the non-developed land uses. These uses include wetlands, flood plain areas, open water, natural areas, and other undeveloped land. Majority of the vacant/undeveloped land is located in the northwest portion of the City and is guided for future industrial/commercial type development. Further analysis and study is warranted as the City looks to grow and potentially annex lands over time, especially in areas to the northwest.
- Commercial and industrial uses represent 16.6% of total land use (18.0% of non-vacant uses).

Key Land Use Issues and Opportunities

The following provides an overview of the key land use issues and opportunities relating to land use in North Mankato.

Land Supply and Demand

The City of North Mankato is fortunate there remain opportunities for growth and development within the city limit. This serves as an excellent opportunity for North Mankato to grow as a great place to live and visit. A majority of the remaining vacant land supply located in the north, northwest, west and southwest portions of the City. There are also opportunities for future annexation to expand the boundaries of the City. This plan generally calls for residential in these areas; mostly low density, with some medium and high density residential mixed in. Because these areas are furthest from the City of Mankato, guiding some areas for commercial, both neighborhood and general, will be necessary. As the population increases in this direction, North Mankato may be able to attract the types of businesses that residents currently must travel to Mankato for, such as larger retailers.

Neighborhood commercial uses, such as gas stations, convenience stores, and banks serve most of the day to day needs of many residents; however, many of the larger commercial uses may not be found within the City limits. Proximity to Mankato has made it very easy for most residents to get what they need that may not be available in North Mankato. Mankato has an abundance of what would be considered General Commercial uses, such as the larger retail stores, grocery stores, shopping centers, restaurants and movie theaters and other entertainment venues. As the community continues to grow its population, some of these types of commercial users may choose to locate in North Mankato.

Development and Neighborhood Character

The City of North Mankato has portions of the City which have developed over a number of different decades. As a result, some parts of the City tend to feel very different from others.

The oldest areas are in Lower North, in the southeast portion of the City. These areas developed on a typical grid pattern, consistent with most development prior to the 1960s. Residential lots in Lower North tend to be smaller in area and are generally more consistent with one another in terms of their lot dimensions. Many of these houses have been well maintained and enhance the small town character of the neighborhoods. The Central Business District is also part of this area for which Belgrade Avenue serves as a main street and provides a number of small businesses to residents of the surrounding area. The classic small town feel of Lower North attracts some residents to North Mankato. Preserving this character will be a challenge and a priority in the future.

Areas to the west of Lake Street developed later and generally follow more of a suburban style layout with a series of arterials and residential streets. Residential subdivisions in the more recently developed areas tend to have winding streets, which result in a variety of different lot shapes and sizes. Cul-de-sacs are also common in many of these neighborhoods. Generally, these newer subdivisions have larger lots overall. Since 1995, the City of North Mankato has approved building permits for 758 single family housing units, which has contributed to there being an abundance of quality housing in the City.

Downtown North Mankato (Central Business District)

Although not the geographic center of the City, Downtown North Mankato represents a focal point for the community. It is a central gathering place for community events throughout the year and has a unique sense of place with its small business environment. Just west of Highway 169 along Belgrade Avenue, the location of Downtown North Mankato is a strength and will be a critical factor to its future success. Because many people enter North Mankato at this point along Belgrade Avenue, an opportunity exists to create a more attractive gateway into the community by prioritizing the appearance of the downtown. This could be accomplished through a variety of streetscape improvements such as lighting, façade improvements, revised signage regulations, trees and other vegetation, outdoor seating, and additional public art. Design requirements for buildings in the Central Business District should be considered to maintain a consistent character.

Land use in the downtown should be aimed at optimizing the pedestrian environment. This means encouraging a mix of uses including small shops, restaurants, office and service uses, and higher housing densities. Buildings should be built no more than ten feet from front lot lines and parking should be located in the rear of buildings. Long and narrow lots should be preserved in order to encourage smaller store fronts. Policies should also be explored that preserve many of the existing buildings that give the downtown its cherished character.

Downtowns are beginning to make a comeback as cities are realizing the value they have in creating identity and sense of community. North Mankato is fortunate to have a well preserved downtown that withstood the trend of auto-oriented development. Through the community engagement process, the downtown was clearly identified as a value of the community. Some other values of residents revealed through the community engagement process regarding the Central Business District were a preference for more walkability, more mixed use development, street trees, emphasis on Belgrade Avenue, and rehabilitation of existing buildings.

Northport Industrial Park

The Northport Industrial Park serves as an economic hub for the City of North Mankato. This plan anticipates that the City will look to expand its industrial base in the Northport Industrial park located in the northwest part of the City. Industrial businesses supply a significant portion of the jobs in North Mankato. Continuing to attract industrial business to this area is viewed as an opportunity that will help ensure the long term economic health of the community, as they tend to provide higher wage jobs than most retail businesses. The Northport Industrial Park is conveniently located near Highway 14 and Lookout Drive. The new interchange at Highway 14 and County State Aid Highway 41 improves access to a number of sites that are fully serviced and ready to build.

The Future Land Use Map shown in **Figure 3-2** guides several parcels in the Northport Industrial Park for General Commercial along CSAH 41, north of Highway 14. In recognizing that there are currently few commercial opportunities in the city, this plan aims to provide additional commercial areas where appropriate. With prime access to Highway 14, and anticipated nearby residential growth, these parcels are believed to be viable for commercial development. The City acknowledges that these sites would also be appropriate for industrial use. If market forces prove that the area is unattractive for

commercial development, the City may choose to re-designate these areas for either heavy or light industrial use in the future.

Recreation Opportunities and Facilities

One of the greatest strengths of the City of North Mankato is the quality and quantity of existing park space. The City of North Mankato currently has an extremely healthy ratio of 21.8 acres of park space per 1,000 residents. In addition, a wide variety of quality recreational programs are offered for both adults and youth. An opportunity exists to strengthen North Mankato as a recreational center within the region. Caswell Park is already one of the premiere softball complexes in the nation, having hosted numerous state, regional and national tournaments since opening in 1987. Benson Park, although not yet fully developed, will soon be a natural resources themed destination with habitat restoration, natural resource education, nature based play and water quality improvements, a natural amphitheater, outdoor classrooms and demonstration areas and more. Spring Lake Park is another significant park in the community with a variety of amenities and has something for everyone. Continuing to maintain and strengthen these existing facilities is a priority of the City. In addition, this plan calls for better trail connections between these areas and surrounding neighborhoods, schools, and neighborhood parks. This will ensure that people of all ages and abilities can reach these areas safely and comfortably. In 2013, a market analysis was completed for a proposed sports complex which would provide year round activities and would further enhance North Mankato as a recreational destination. See Chapter 8 – Parks and Recreation for more detailed information on future park and recreation development.

Vision for Land Use

The City of North Mankato is a complete community that provides a well-balanced and wide range of places to live, work, shop and play. Land uses make efficient use of existing infrastructure, contribute to a strong local economy, preserve natural resources and contribute to a high quality of life.

Residential Uses

A diverse housing stock allows people at any stage in their life to be able to find a home in North Mankato. Older housing is well maintained while new development respects the character of existing neighborhoods.

Commercial and Industrial Uses

A significant amount of commercial and industrial uses can be found within the City that allow residents to work in North Mankato, while also being able to meet all of their day-to-day needs. Commercial and industrial uses are compatible with their surrounding land uses.

Public/Institutional

Public and institutional uses are viewed as valued resources to the community and contribute to making North Mankato a better place to live and do business.

Parks and Open Space

Quality parks and open space are within close proximity to all residents, providing recreational opportunities to encourage an active lifestyle. A wide variety of community facilities are provided to serve a range of interests.

Goals, Objectives, and Policies

The following is the primary goal for land use followed by a series of objectives and policies intended to influence future land use decisions in a direction that is aligned with the Vision Statement above.

GOAL 1: Maximize the use of land within the City of North Mankato in a way that strengthens the local economy, preserves natural resources, and ensures a high-quality of life for all residents.

Objective 1.1: Preserve and enhance the small business environment of the downtown.

- Policy 1.1.1: Encourage and promote the renovation and rehabilitation of existing buildings within the downtown.
- Policy 1.1.2: Connect businesses with façade improvement grants and loans.
- Policy 1.1.3: Make infrastructure improvements that enhance the pedestrian realm such as lighting and seating.
- Policy 1.1.4: Explore opportunities for purchasing property within the downtown for the purpose of constructing a public plaza as a central gathering place for community activities.
- Policy 1.1.5: Increase the permitted density for residential uses in the downtown.
- Policy 1.1.6: Establish a maximum front yard setback of no more than ten (10) feet for commercial uses.
- Policy 1.1.7: Consider property acquisition for parking in the downtown area.

Objective 1.2: Use land in a manner that strengthens the economy of North Mankato.

- Policy 1.2.1: Expand the amount of property guided for industrial and commercial use in the northwest portions of the City within the industrial park.
- Policy 1.2.2: Work with site selectors on attracting businesses which can economically succeed in North Mankato and incentivize qualifying commercial and industrial projects for the Northport Industrial Park and other industrial/commercial areas within the City.

Policy 1.2.3: Identify residential areas prime for redevelopment and analyze whether these sites could be suitable for commercial use. Work to re-zone these properties and amend this plan as appropriate.

Policy 1.2.4: Increase the number of residential housing units in the City to improve the local market for commercial opportunities.

Objective 1.3: Protect and preserve natural resources for long term environmental sustainability and the enjoyment of residents.

Policy 1.3.1: Work with landowners to either obtain property or ensure protection of natural areas with high ecological value.

Policy 1.3.2: Increase opportunities for neighborhood commercial uses in close proximity to residential uses to minimize travel distances and encourage alternative modes of transportation.

Policy 1.3.3: Work with the watershed district to ensure that all ground and surface water ordinances are consistent with the recommended standards.

Objective 1.4: Use land in a manner that ensures a high quality of life for residents.

Policy 1.4.1: Maintain a ratio of 15-20 acres of park land per 1,000 residents as the City's population continues to grow.

Policy 1.4.2: Review and encourage methods of development which promote linkages to recreational facilities using trails and sidewalks.

Land Use Plan

The land use plan provides the framework or "road map" for the growth and development of the City. The land use plan serves as a guide for the character and intensity of development and will be supported by other land use controls and public actions taken pursuant to the Comprehensive Plan.

The land use map appears in Figure 3-2: Future Land Use. The Plan illustrated by this map evolved from inputs and evaluations received through the planning process completed in 2013. The Plan builds on the existing community pattern to achieve the desired vision for the future of North Mankato.

Insert Figure 3-2: Future Land Use Map

Table 3-B: Summary of Future Land Use		
Existing Land Use	Gross Acres*	Net Percent of City
Low Density Residential	2,531.6	54.4%
Medium Density Residential	313.5	6.8%
High Density Residential	112.4	2.4%
Neighborhood Commercial	26.3	0.6%
General Commercial	95.1	2.0%
Central Business District	18.4	0.4%
Commercial/Industrial Mixed Use	74.86	1.6%
Light Industrial	98.1	2.1%
Heavy Industrial	525.5	11.3%
Public/Institutional	218.5	4.7%
Park and Open Space	638.8	13.7%
TOTAL	4653.1	100%

* Gross acres of use determined by WSB & Associates, Inc. based on parcel data provided by the City of North Mankato

Residential

Low Density Residential

The predominant land use in this category is single-family detached homes but may also include some duplexes and townhomes. This plan anticipates that this is where the majority of new housing units will be added over the next 20 years. One of the biggest strengths of the City of North Mankato is its attractiveness to young families. Part of this attraction is due to the amount of quality affordable single-family homes. Continuing to add new housing units will provide more opportunities for all families to locate in North Mankato, while making older housing more affordable. Several areas in Upper North are expected to see new low density residential development. Densities targeted in this category are 1 to 5 dwelling units per acre with an overall average of 3.5 dwelling units per acre. However, an important policy of this Plan is that the allowable density of each neighborhood will be based on the desired character of the neighborhood.

Medium Density Residential

Medium density residential uses are typically in the form of townhomes, duplexes, and small scale apartment and condo buildings. Advantages of these types of housing are that less property maintenance may be required since yards are smaller and some medium density developments may have associations that handle lawn care and snow removal. As a result, these types of housing tend to be very attractive to seniors. As part of the community engagement process, some residents felt there was a shortage of quality medium density housing. This plan guides approximately 35.4 additional acres of property for medium density housing. Providing enough medium density housing options helps residents stay within the City of North Mankato as they age to different stages in their lives. Densities targeted in this category are over 5 dwelling units and up to 10 dwelling units per acre.

One area currently guided for Medium Density Residential is the existing manufactured home community (Camelot Park) located at the northwest corner of Lor Ray Drive and Howard Drive. Long term, the City views this property as a potential redevelopment area and would support a combination

of park, institutional, and commercial land uses. Redevelopment of this site could be a great opportunity for a public/private partnership between the City, school district, and commercial developers. An opportunity presents itself for a connected greenway and regional recreation amenities with connections to Benson Park and Caswell Park, with a commercial land use designation at the intersection of Lor Ray Drive and Howard Drive. A future planning study should be performed prior to site redevelopment.

High Density Residential

The High Density Residential land use category consists of multiple family attached housing oriented in a vertical fashion, more commonly referred to as apartments and condominiums. Housing units may be owner or renter occupied. High density housing is an efficient land use because it contains more dwelling units per acre than other residential uses.

High density residential uses are located in places with compatible adjacent land uses and where the local street system will accommodate the traffic. Ideally, they are located near commercial uses or employment centers to maximize the number of people who can walk or use alternative modes of transportation. Residential areas near the downtown suitable for redevelopment may be prime locations for new high density housing.

Because high density housing is generally associated with renting, it may be a very attractive option for recent graduates looking to live in North Mankato. Providing enough quality high density residential housing is essential for providing a diverse housing stock. The densities targeted in this category are over 10 dwelling units per acre.

Commercial

Neighborhood Commercial

Areas guided for Neighborhood Commercial are those intended to serve the nearby surrounding area. Neighborhood commercial uses are small scale businesses that are generally compatible with residential uses. These uses may include bakeries, drug stores, coffee shops, banks, small offices and similar uses. While some parking may be provided, they may also rely on on-street parking, pedestrians and bicyclists. Residential properties suitable for redevelopment should be analyzed as potential neighborhood commercial uses. Single family homes located near the downtown may be especially well suited for this. Although not designated on the Future Land Use Map, the City envisions a future neighborhood commercial node developing in the vicinity of Lor Ray Drive and Belgrade Township 121 as residential development increases on the north end of the City. The City also views the area on the west side of Lookout Drive between Carol Court and Commerce Drive as a redevelopment area that could incorporate new Neighborhood Commercial uses in the future.

General Commercial

General Commercial land uses are those that may have a wider draw beyond the nearby surrounding area. They are larger in size than Neighborhood Commercial uses and are intended to serve the entire community and potentially adjacent communities as well. They are generally clustered together and situated along arterial roadways. North Mankato has traditionally been underserved with these types

of commercial uses but may create demand for some additional general commercial uses as the population continues to grow. Because residents in the northern parts of the city are generally farthest from the city of Mankato, it anticipated that there will be demand for additional commercial uses as this area continues to grow and develop. Properties at the northeast, southeast, and southwest corners of Lor Ray Drive and Howard Drive have been guided for General Commercial despite currently being used for industrial purposes. The City values these existing businesses and will wait to rezone these properties until the current property owners are prepared to sell or redevelop the sites so as to not make these uses non-conforming. The City views General Commercial as the best use for these sites long term.

Properties at 1840 and 1880 Commerce Drive are other areas currently used for industrial purposes where the City supports a transition to commercial uses should these property owners decide to redevelop their properties. This would be in an effort to continue the flow of commercial uses existing on the east end of Commerce Drive.

As mentioned above, the City views the area on the west side of Lookout Drive between Carol Court and Commerce Drive as a redevelopment area. Redevelopment of this area could incorporate new General Commercial uses in the future. See the Economic Development chapter for more details.

Central Business District

The Central Business District is generally the property adjacent to Belgrade Avenue between Highway 169 and property just west of Center Street. This land use category is a mixed use district for a combination of residential and commercial uses. It has historically served as the City's downtown and is intended to be pedestrian oriented.

A number of the community's small businesses are located here. It is also the location for several community events throughout the year. Rather than guiding individual parcels for a specific use, this district provides flexibility in that it envisions commercial, residential, or a combination of both.

Ideally, the Central Business District will contain a wide mix of commercial uses which bring people to the area for a variety of different reasons. Although a number of single family homes currently exist in the Central Business District, new residential development should be consistent with medium or high density districts. Increasing the residential population in the downtown will help support a healthy business environment and allow more people to be able to walk to their destinations.

Buildings should be located close to the street and parking should be located in the rear or side of properties. Streetscape improvements that enhance the pedestrian realm, such as street trees, outdoor seating, public art, street lighting, should be prioritized here. The City should continue to work with business owners and encourage façade improvements by connecting them to grant and funding opportunities.

Industrial

Light Industrial

Light Industrial uses include all forms of businesses with manufacturing, distribution, warehousing or other industrial uses that are less intense and may have fewer of the negative impacts to surrounding properties generally associated with industrial uses such as noise, odor, dust or low quality aesthetics. As a result, these uses can be in closer proximity to residential, commercial, park and open space uses, without causing as many negative impacts as might occur with Heavy Industrial uses. This plan allows for light industrial expansion.

Heavy Industrial

Heavy Industrial uses also include manufacturing, distribution, warehousing or other industrial uses; however these uses are generally more intensive than light industrial uses. This means that the nature of activity typically requires more land, generates more noise and truck traffic, and may involve outdoor storage. Areas guided as new Heavy Industrial are located in the Northport Industrial Park, located north of US Highway 14 and near Lookout Drive. The new interchange at CSAH 41 and US Highway 14 improves access to other sites and minimizes the number of semi-trucks on arterial roadways. In addition, there is a significant amount of undeveloped land to the northwest that is currently outside the City limits, which could be added in the future.

Commercial/Industrial Mixed Use

The only area guided for Commercial/Industrial Mixed Use is located just north of Highway 14, along County Road 41. This land use designation provides flexibility in that it allows for commercial or industrial development. There are few other parcels north of Highway 14 that are guided for commercial use on the Future Land Use Map. Therefore, this area provides an opportunity to provide additional commercial uses where they may be underserved. Because of the proximity to the new interchange, commercial uses envisioned for this land use category would be those classified as General Commercial uses. These types of uses have a wider draw than Neighborhood Commercial uses, may be larger in scale, and generate higher traffic volumes. However, depending on market conditions, the area may be more favorable for industrial development, which would also be an appropriate use for the area. Industrial uses could be those consistent with either the Light or Heavy Industrial land use category.

Park and Open Space

This land use category includes all City parks, as well as natural preserve areas such as woods and wetlands. As new residential subdivisions develop, sufficient park and open space should be added to serve new residents.

The property located at 1895 Howard Drive is currently used and guided for industrial purposes. The northernmost portion of the property is currently undeveloped. In the future, if the property owner were interested in subdividing the property, the City may be interested in acquiring this property for additional park land space to contribute to the Caswell Park regional park area; however, the City also supports a continuation of industrial uses at the site should the property owner desire to do so.

Public /Institutional

This category includes land used for public and institutional purposes. These uses include all government buildings, schools, libraries, and religious institutions.

Required Zoning Changes

The City has adopted zoning regulations for the purpose of carrying out the policies and goals of the land use plan element of the Comprehensive Plan. The application of zoning districts and the specific regulations should support the objectives of the Plan. As a result, an outcome of adopting the plan will be the review and modification of the Zoning Ordinance and Zoning Map as necessary.

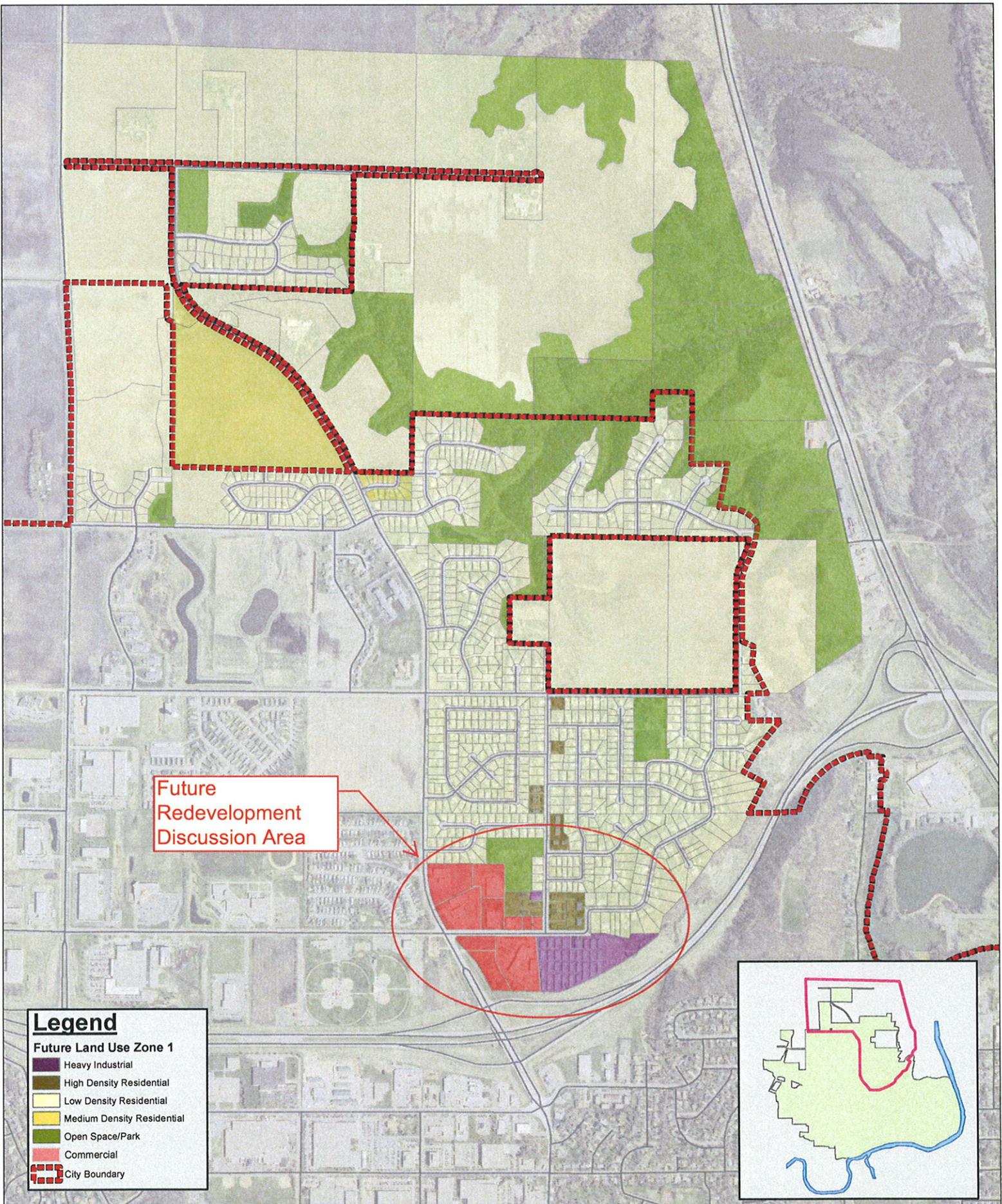
The land use plan provides the basis for guiding zoning decisions that will be made by the City and private property owners. Minnesota Statutes Section 462.357 states that “.....the planning agency shall study and propose to the governing body reasonable and practical means for putting the plan into effect. Subject to the limitations of the following sections, such means include, but not limited to, zoning regulations, for the subdivision of land, an official map.....”

This statute anticipates that the zoning regulations will be reviewed and updated to ensure implementation of the land use plan. In a broad sense, this review of the zoning ordinance should examine the following:

- The regulations for each zoning district should be reviewed to determine if they fit with the intent of the Comprehensive Plan.
- Zoning districts should be examined in relationship to the land use designation. Changes in zoning districts will be needed to match zoning with land use.
- The City will need to thoroughly review and update its Ordinances to address inconsistencies and conflicts to integrate the concepts described in this Comprehensive Plan. Updating the Zoning Ordinance will be a large undertaking that will require significant input, time and energy.

One of the policy decisions the City will need to make is how to implement the land use plan through the zoning map. Unlike the Metropolitan Land Planning Act (Minnesota Statutes Section 473), which requires consistency between the land use plan and zoning in cities within the Twin Cities metropolitan area, North Mankato may choose to take a number of implementation strategies. It is recommended that North Mankato elect to have the Zoning Map consistent with the Comprehensive Plan. Each has varying implications for existing property uses and current zoning. The strategies include, but are not limited to, the following:

- Keep current zoning in place until such time as the use terminates or redevelopment is initiated.
- Rezone property to a zoning district compatible with a land use plan category.
- Develop an interim strategy to address current use situations as they relate to long term objectives.

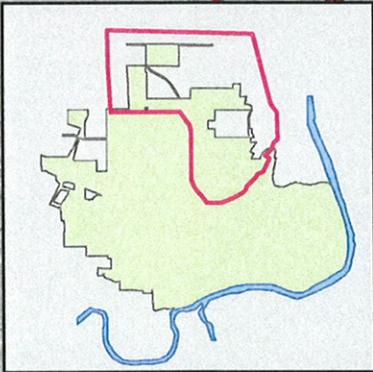


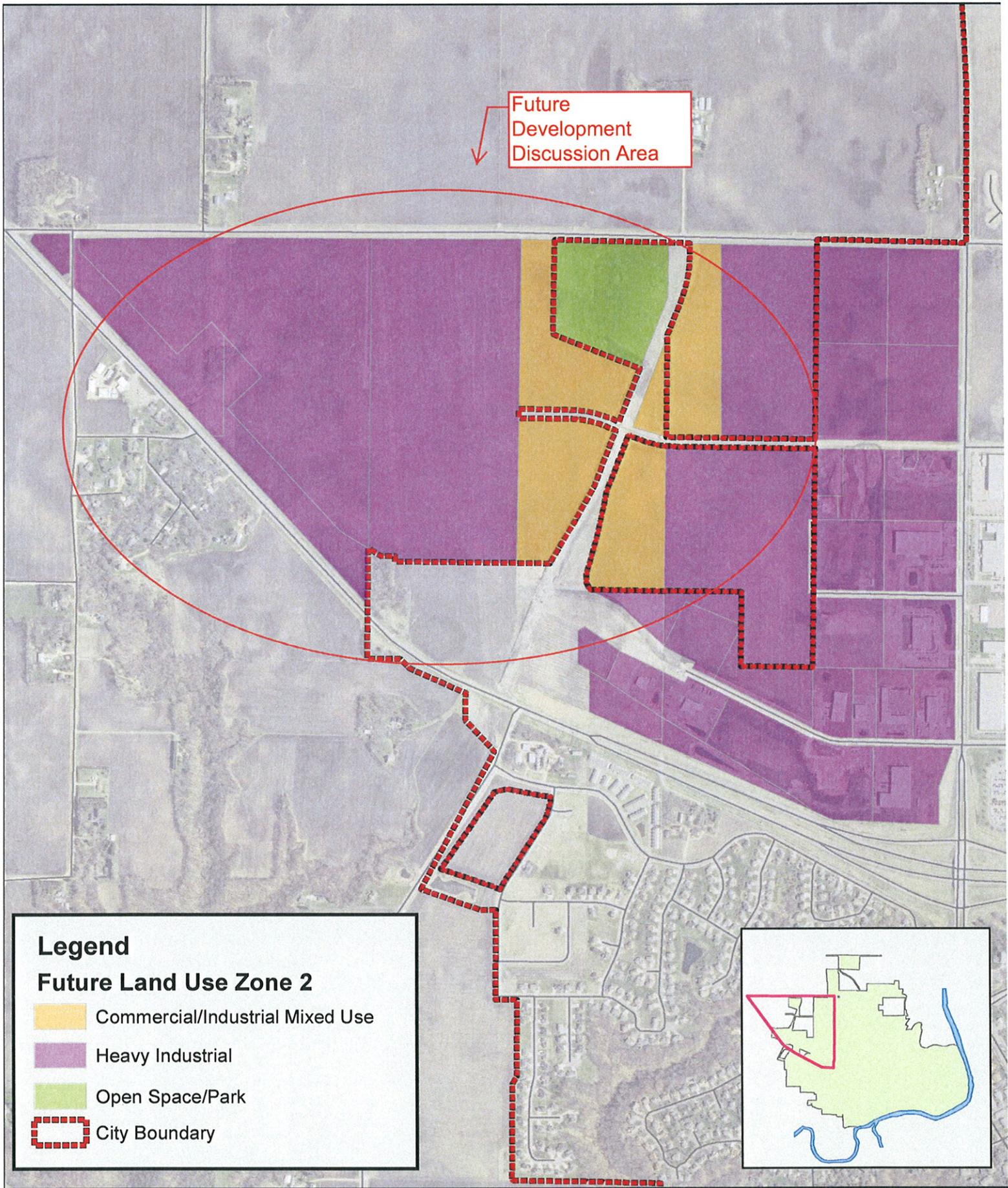
Future
Redevelopment
Discussion Area

Legend

Future Land Use Zone 1

- Heavy Industrial
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Open Space/Park
- Commercial
- City Boundary





Future Development Discussion Area

Legend

Future Land Use Zone 2

- Commercial/Industrial Mixed Use
- Heavy Industrial
- Open Space/Park
- City Boundary

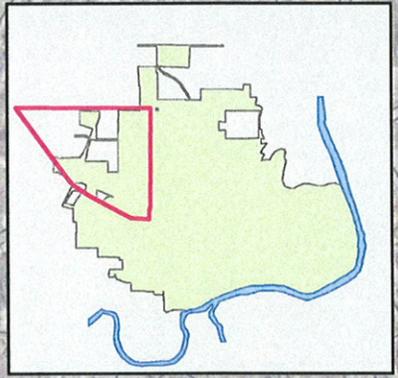
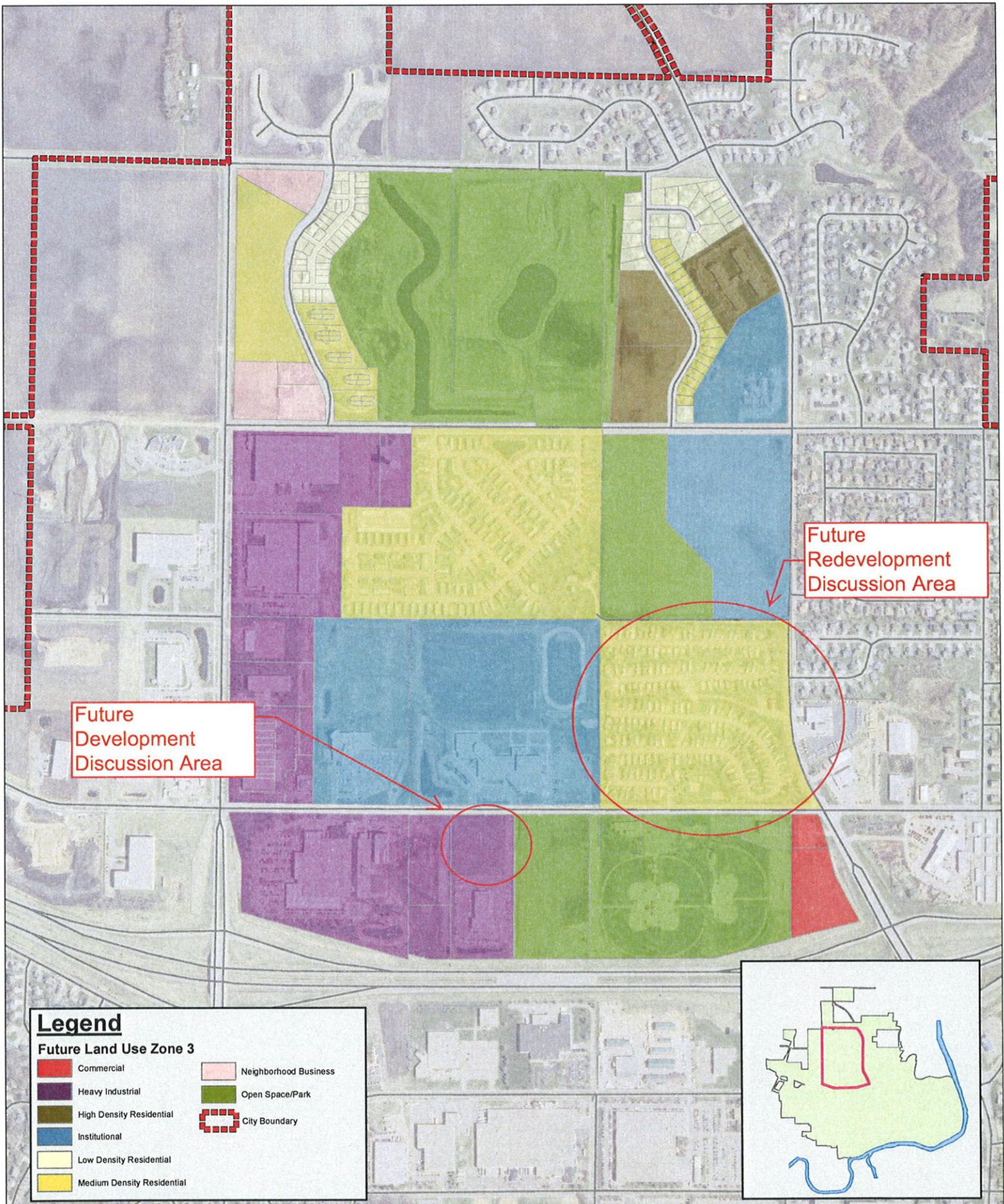


Figure 3-1B: Future Land Use
North Mankato Comprehensive Plan - Zone 2

1 inch = 1,100 feet
February, 2014





Legend

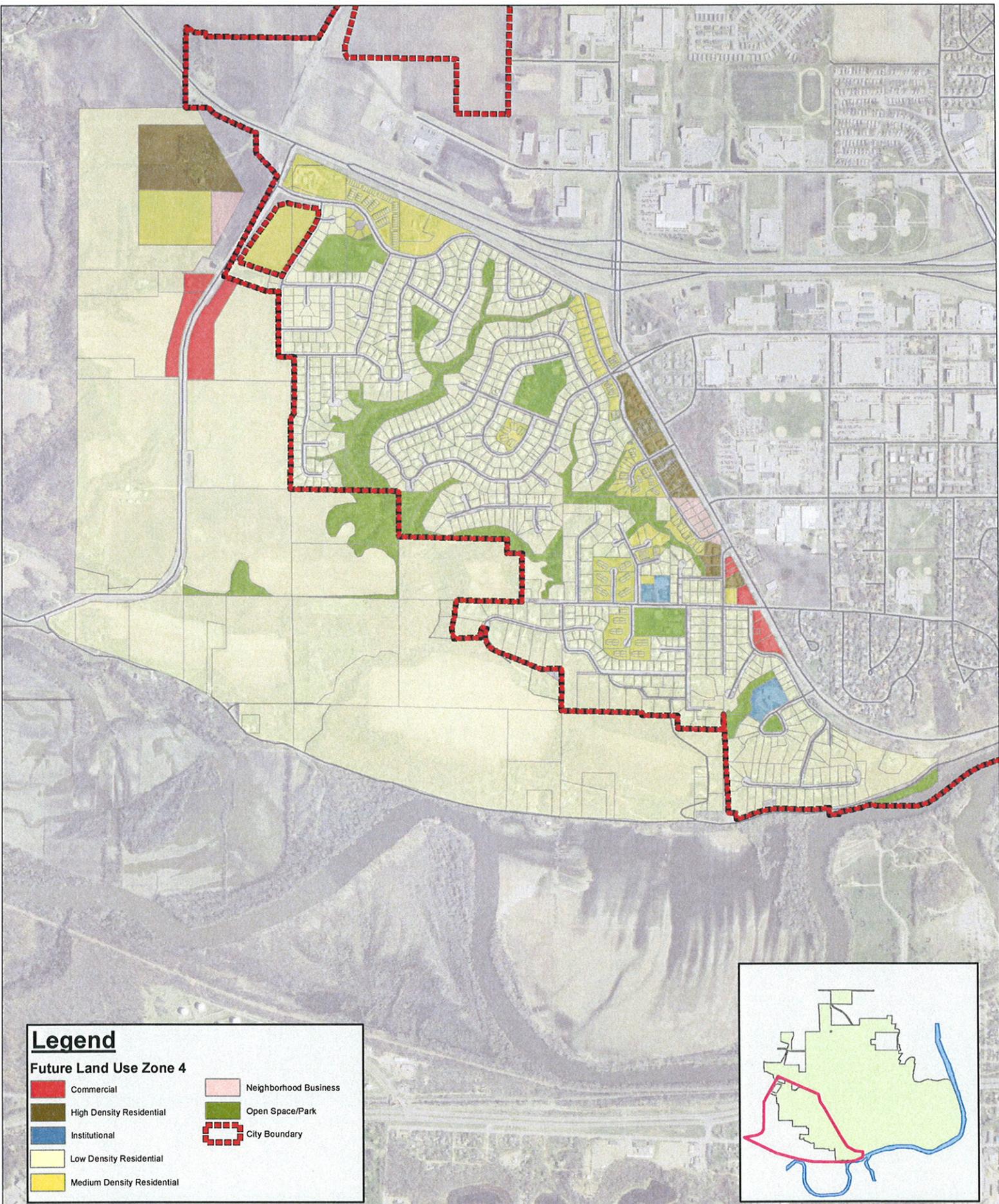
Future Land Use Zone 3

- | | |
|---|---|
|  Commercial |  Neighborhood Business |
|  Heavy Industrial |  Open Space/Park |
|  High Density Residential |  City Boundary |
|  Institutional | |
|  Low Density Residential | |
|  Medium Density Residential | |

Figure 3-1C: Future Land Use
North Mankato Comprehensive Plan - Zone 3

1 inch = 850 feet
February, 2014

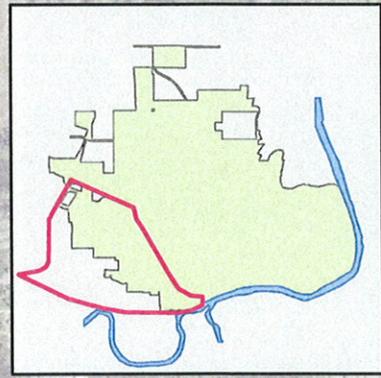


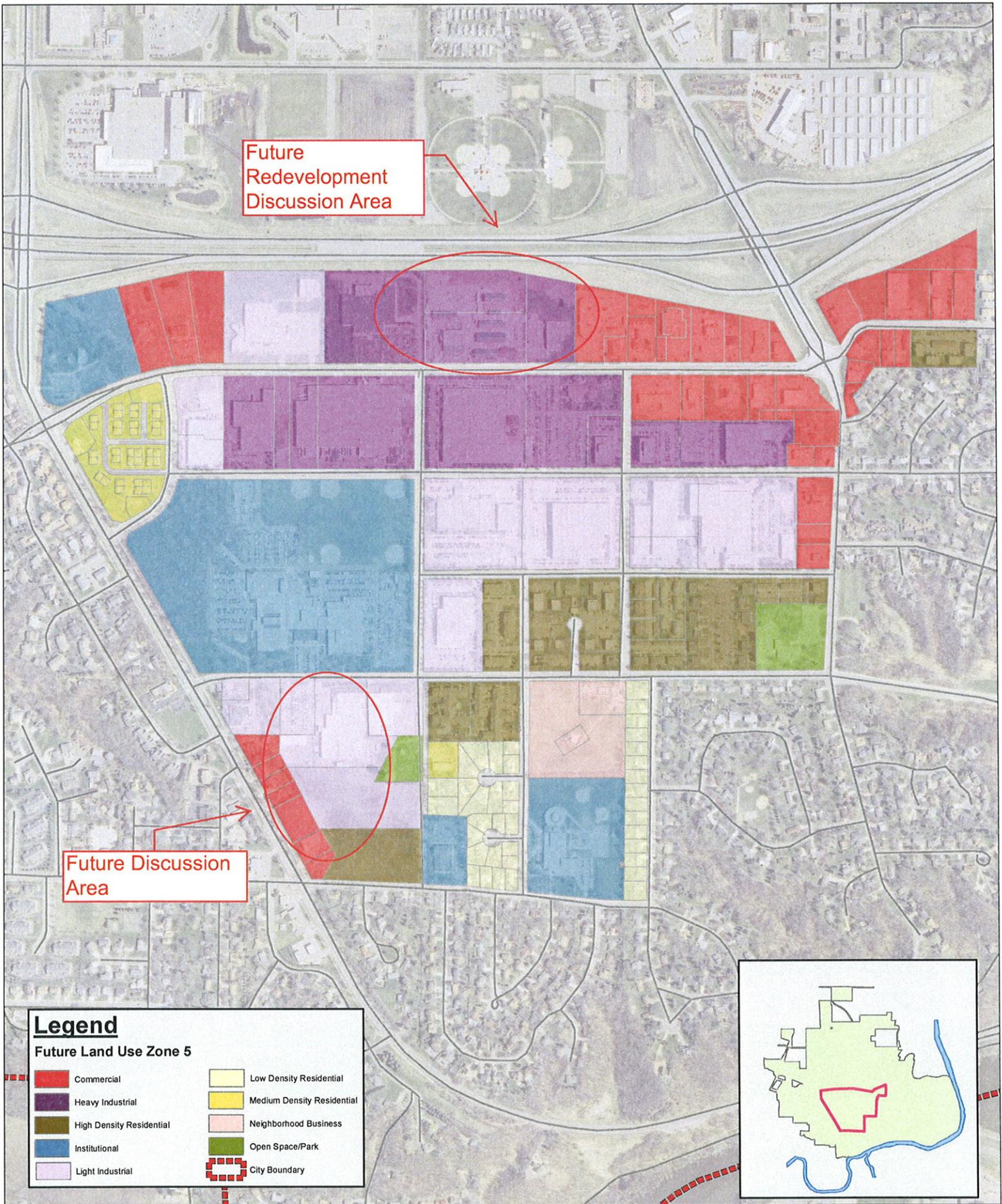


Legend

Future Land Use Zone 4

- Commercial
- High Density Residential
- Institutional
- Low Density Residential
- Medium Density Residential
- Neighborhood Business
- Open Space/Park
- City Boundary





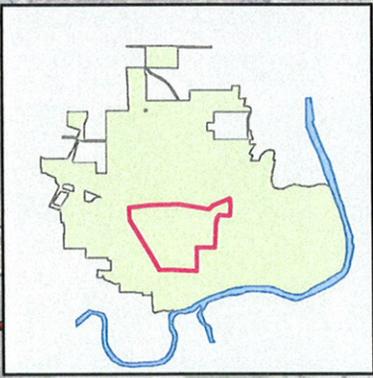
Future
Redevelopment
Discussion Area

Future Discussion
Area

Legend

Future Land Use Zone 5

- | | |
|--------------------------|----------------------------|
| Commercial | Low Density Residential |
| Heavy Industrial | Medium Density Residential |
| High Density Residential | Neighborhood Business |
| Institutional | Open Space/Park |
| Light Industrial | City Boundary |





Legend

Future Land Use Zone 6

 Commercial	 Medium Density Residential
 Heavy Industrial	 Neighborhood Business
 High Density Residential	 Open Space/Park
 Institutional	 City Boundary
 Light Industrial	
 Low Density Residential	

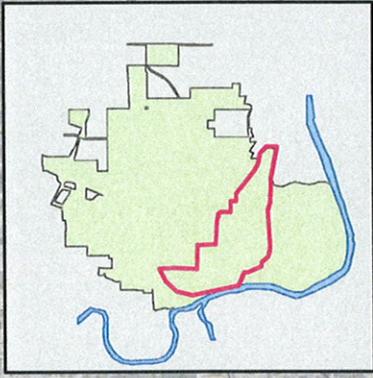
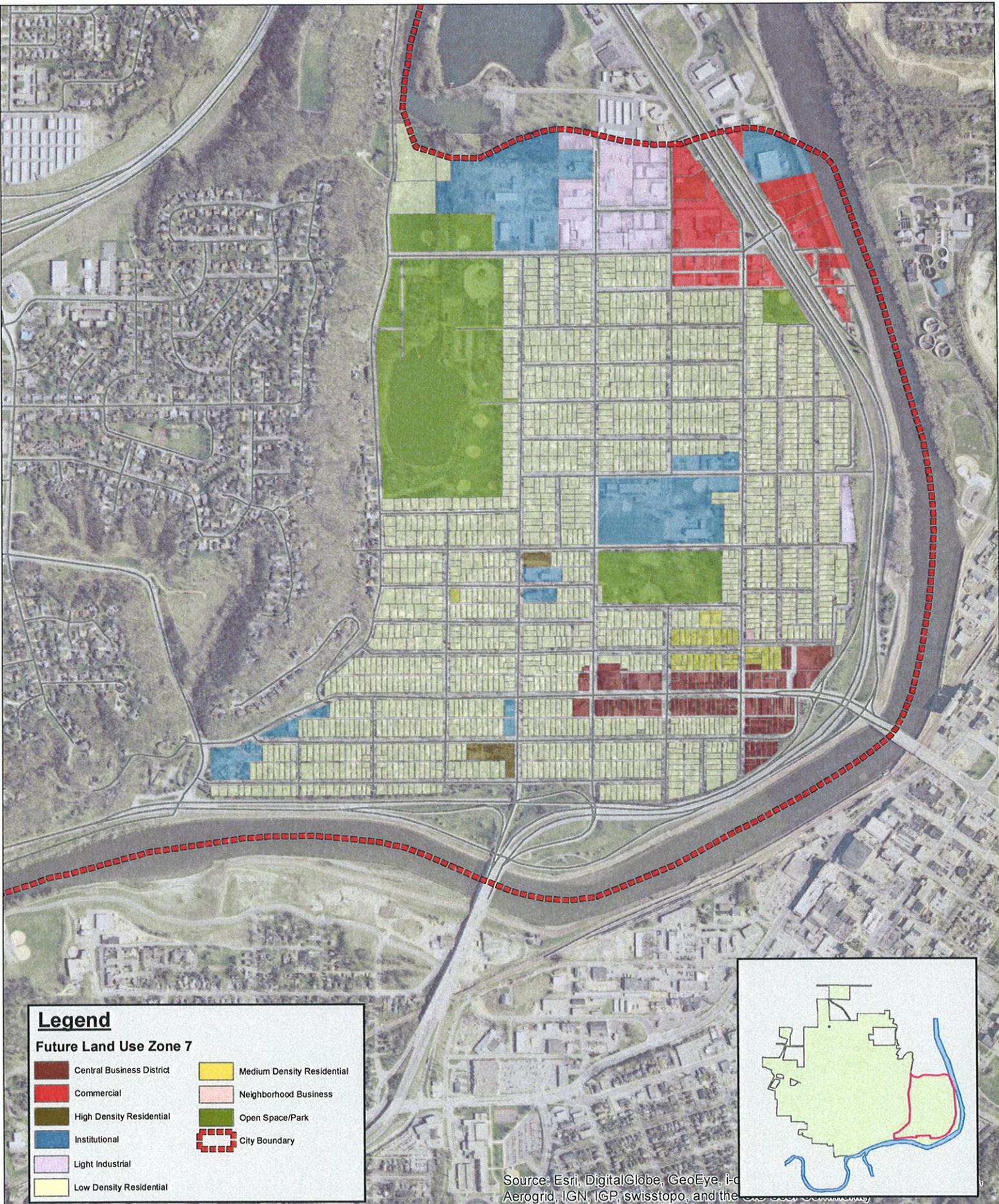


Figure 3-1F: Future Land Use
 North Mankato Comprehensive Plan - Zone 6

1 inch = 1,250 feet
 February, 2014

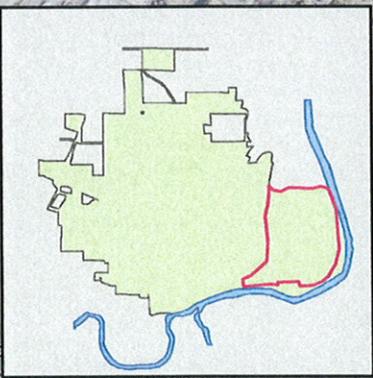




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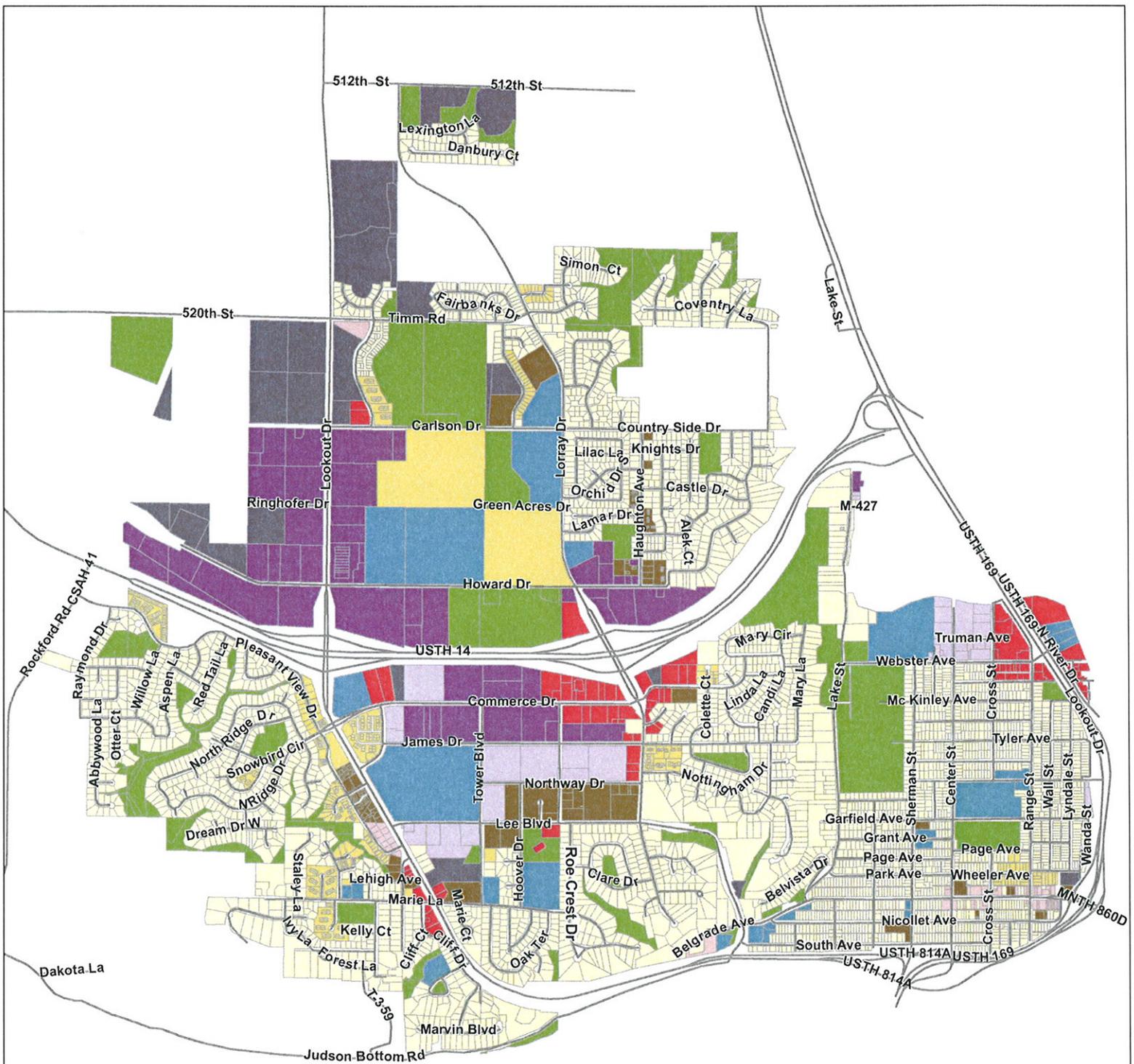
Future Land Use Zone 7

 Central Business District	 Medium Density Residential
 Commercial	 Neighborhood Business
 High Density Residential	 Open Space/Park
 Institutional	 City Boundary
 Light Industrial	
 Low Density Residential	



Source: Esri, DigitalGlobe, GeoEye, i-c...
Aerogrid, IGN, IGP, swisstopo, and the... Community





Legend

Existing Land Use

	Low Density Residential		Public/Institutional
	Medium Density Residential		Light Industrial
	High Density Residential		Heavy Industrial
	Neighborhood Commercial		Park and Open Space
	General Commercial		Vacant

Figure 3-1: Existing Land Use
North Mankato Comprehensive Plan

1 inch = 2,325 feet

February, 2014



