

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 5, 2018. 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 roll call: Mayor Dehen, Council Members Steiner, Norland, and Freyberg, City Administrator Harrenstein, Finance Director McCann, Attorney Kennedy, Community Development Director Fischer, and City Clerk Van Genderen. Absent: Council Member Whitlock and Public Works Director Swanson.

Approval of Agenda

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

Approval of Council and Open Forum Meeting Minutes

Council Member Norland moved, seconded by Council Member Freyberg, to approve the minutes of the Council and Open Forum meeting of January 16, 2018. Vote on the motion: Steiner, Norland, Freyberg, and Dehen aye; no nays. Motion carried.

Proclamation

Mayor Dehen read the following proclamation into the record.

WHEREAS, the health and well-being of our children is of paramount importance; and

WHEREAS, each year in the United States, more than 40,000 babies are born with a congenital heart defect; and

WHEREAS, the medical community has identified congenital heart defects as the leading cause of birth defect-related deaths; and

WHEREAS, it is crucial that parents, pediatricians, and all those in the health profession have greater awareness of the potential for congenital heart defects among newborns and children; and

WHEREAS, Congenital Heart Defect Awareness Week provides the opportunity for families and patients affected by these conditions to share their experiences and knowledge with the public, so that we all may be made more aware of how this defect affects all our lives.

NOW, THEREFORE, I, Mark Dehen, Mayor of the City of North Mankato, Minnesota, do hereby proclaim February 7-14, 2018, to be

Congenital Heart Defect Awareness Week

in the City of North Mankato, and encourage all North Mankato residents to join me in this special observance.

Dated this 5th day of February 2018.

Mayor Dehen read the following proclamation into the record.

WHEREAS, March is St. Jude Month and a celebration of philanthropy where people give whatever they are able to give; and

WHEREAS, March is St. Jude Month where citizens of North Mankato work together to share commitments, and rally in the fight to support the St. Jude Children's Research Hospital mission of finding cures, saving children; and

WHEREAS, it is fitting and proper that March is St. Jude Month that will realize and recognize the tremendous impact of philanthropy, volunteerism and community service in the City of North Mankato; and

WHEREAS, March is St. Jude Month and creates an opportunity to encourage all citizens to serve others throughout this month and during other times during the year; and

WHEREAS, March is St. Jude Month and our regions understanding of the compassion of St. Jude Children's Research Hospitals commitment to families who will never receive a bill for their St. Jude treatment, travel, housing or food-because all a family should worry about is helping their child live; and

WHEREAS, March is St. Jude Month fundraises for the global resource known as St. Jude Children's Research Hospital that is completely focused on childhood cancer and other life-threatening diseases in children, including kids' right in our community.

NOW, THEREFORE, I, Mark Dehen, Mayor of the City of North Mankato, Minnesota, do hereby proclaim March 2018, to be

March is St. Jude Month

in the City of North Mankato, and encourage all North Mankato residents to join me in this special observance.

Consent Agenda

Council Member Steiner moved, seconded by Council Member Norland, to approve the Consent Agenda which included:

- A. Bills and Appropriations.
- B. Res. No. 11-18 Approving Donations/Contributions/Grants.
- C. Set Spring Clean-up for April 16-20 for the Valley and April 23-27 for the Hilltop.
- D. Consider Setting Water Main Flushing for April 2-6 for the Valley and April 2-20 for the Hilltop.
- E. Res. No. 12-18 Waiving Waiting Period for Exemption for Lawful Gambling License for Holy Rosary Church.
- F. Res. No. 13-18 Designating the Polling Places for 2018.
- G. Consider Dance Conservatory of Southern Minnesota Parade Permit for Tulips & Tutu 5K Run from 10:00 a.m. to 1:00 p.m. on April 28, 2018, at Benson Park.
- H. Approved Renewal of 3.2% On Sale License Liquor License for 2018 for Caswell Park, 1875 Howard Drive W.
- I. Set Public Hearing for 7 p.m. on February 20, 2018, to Consider a Petition for Vacation of Utility Easements in Benson West.
- J. Approved Park and Audio Permit for True Value Company Picnic on August 4, 2018, from 9:00 a.m. to 5:00 p.m. at Spring Lake Park.
- K. Approved Purchase of Shop Work Truck for \$66,529.77.
- L. Res. No. 14-18 Closing and Transferring City Funds.
- M. Set a Public Hearing for 7 p.m. on February 20, 2018, to Consider a Petition for Vacation Utility Easements in Nature View Subdivision.

N. Set a Public Hearing for 7 p.m. on February 20, 2018, to Consider a Petition for a Vacation of a Portion of Marie Lane Right of Way in the City of North Mankato.

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

Public Comments Concerning Business Items on the Agenda

Barb Church, 102 Wheeler Avenue, appeared before Council and stated while she did not support Tobacco 21, if Council passed the Ordinance, the Council should provide assistance for those 18-21 who are already smokers, work with the local school district, have consequences for both retailers and buyers, and lobby the State.

Kim Spears, 916 South Avenue, appeared before Council and stated he did not agree with Tobacco 21 and encouraged the Council not to pass the Ordinance.

Lucy Lowry, 2263 Northridge Drive, appeared before Council and requested clarification on the bill that was introduced at the State. Mayor Dehen responded that the bill would be brought back for the complete hearing process in 2019.

Phil Henry, 1300 Noretta Drive, appeared before Council and stated he did not like the idea of banning something that was currently legal and encouraged the Council not to pass Tobacco 21.

Michael Pham, 644 Maple Lane, Mankato, appeared before Council and stated he worked for E-Cig Crib and stated he wanted to continue to see underage smoking decrease. He stated if the Ordinance passed, the 18-21-year-olds would go to other towns to obtain nicotine products, and there may be the emergence of a black market for nicotine. He encouraged Council not to pass Tobacco 21. He provided letters and a signed petition to Council.

Bruce Keckhafer, 148 Creekside Drive, Mankato appeared before Council and encouraged Council to help him keep his store open by not adopting Tobacco 21.

Josh Ramaker, 1551 Nottingham Drive, appeared before Council and stated he believed that when bars went smoke-free businesses were not harmed and people appreciated the change. He indicated he did not believe changing the legal age to purchase tobacco would stop underage smoking. He encouraged Council to pass Tobacco 21.

Jeremy Kolars, 2116 Eagle Ridge Drive, stated he respected the concerns of businesses, but he believes health is paramount and encouraged the Council to pass Tobacco 21.

Kelly McIntee, 2120 Arlington Trail, appeared before Council and stated she believed there was community support for Tobacco 21 and indicated she thought the Ordinance would create a barrier for 15 to 17 years to obtain nicotine products. She encouraged Council to pass Tobacco 21.

Susan Sent, an Independent Vapor Retailers representative, appeared before Council and reported she believed vaping provides a form of cessation critical to helping smokers quit smoking. She encouraged Council not to pass Tobacco 21.

With no one else appearing Mayor Dehen closed the Public Comments.

Business Items

Ordinance No. 93 Fourth Series, An Ordinance of the City of North Mankato, Minnesota, Amending North Mankato City Code, Chapter 110, Entitled “General Business Regulations.” Tobacco 21.

City Administrator Harrenstein read the following statement into record provided by Council Member James Whitlock.

Greetings, I will not be able to attend tonight’s North Mankato City Council Meeting, nor will I be able to cast my vote on the City’s legislation, T-21. I have received numerous letters concerning this

subject from Jeremy Kolars, Josh Ramaker, and Ramona Beiswanger just to mention a few of the citizens that have reached out to me. The citizens that voiced support for T-21 are very passionate about this ordinance either from past experiences with tobacco in their families or for protection of their children.

My journey with smoking began in my early teens with the usual neighborhood children, experimenting with cigarettes, “It can’t be that bad, my father smokes,” were some of the rationale used by us to be “big shots.” Cigarettes were acquired by stealing from family or getting someone older to purchase for us. My addiction lasted until 2003 when I made a very conscious attempt to stop smoking. I kicked the habit, which was one of the hardest things I have ever done in my life.

The gang that I grew up with that experimented with smoking, out of the five guys, there are only two of us alive today. Ray Templin, died of throat cancer, Mike Pasek died of heart failure, Dave Leitzig died of throat cancer, Mike Dorn who still smokes today and me, and I have throat cancer and today February 5, 2018, I start Oncology Radiation and Chemo in Rochester for the next seven weeks. I don’t know what the future holds for me, but by passing this legislation T-21 today, for the children of North Mankato, we have done our best to protect our children from the producers and advertisers of smokeable products.

If I could be present tonight, you would hear this, Whitlock, yes...

Submitted, North Mankato City Council James Whitlock

Council Member Steiner reported he does not smoke, and he hates smoking and has buried three friends from smoking-related deaths, but he does not believe in legislating morality. He stated 18-21-year-olds would get cigarettes and this should be a State, not a local issue. Mr. Steiner indicated that if 18-year-olds can serve in the military, they should be able to choose if they smoke. He reported he would vote against the Ordinance.

Council Member Norland stated she would support the Ordinance for the health and well being of the children.

Mayor Dehen stated he believed this Ordinance was about the health of the children in our Community. He said he appreciates the information on using nicotine related products for cessation, but thinks creating a barrier to obtaining nicotine products as a form of prevention is better.

Council Member Norland moved, seconded by Council Member Freyberg to adopt Ordinance No. 93 Fourth Series, An Ordinance of the City of North Mankato, Minnesota, Amending North Mankato City Code, Chapter 110, Entitled “General Business Regulations.” Tobacco 21. Vote on the motion: Norland, Freyberg, and Dehen aye; Steiner nay. Motion carried. Mayor Dehen stated the Ordinance implementation date would be coordinated with Mankato if Mankato passed a similar Ordinance.

Receive Information from Excel Energy concerning the Huntley Wilmarth 345 KV Transmission Line.

Trisha Rosenfeld, Manager, Community Relations and Economic Development, Xcel and Tim Carlsgaard, Communications and Public Outreach, Xcel, appeared before Council and updated the Council on the proposed Huntley Wilmarth 345 KV Transmission Line. Ms. Rosenfeld reviewed the study area and proposed routes for the line. She stated the target in-service date for the project is the end of 2021. Ms. Rosenfeld updated the Council that the Certificate of Need Application on January 17, 2018, along with the Route Permit Application on January 22, 2018, was filed with the Minnesota Public Utilities Commission. In the Certificate of Need proceeding, the Commission determines whether the project is needed and the appropriate size, type and timing for the project. The Route Permit process examines potential effects of various routes, considers input from affected parties and seeks to identify and approve the route that meets the project need and minimizes impacts on people

and the environment. Ms. Rosenfeld informed the Council that if the Commission determines that the project is needed, the Commission then determines the route for the proposed project. There will be several opportunities for stakeholder and public input in both of these proceedings. Mr. Carlsgaard stated there would be opportunities to come forward to speak about the routes. Ms. Rosenfeld indicated information would be updated on their website and a copy is held at the North Mankato Taylor Library. Mr. Carlsgaard reported the State, with previous projects, has created a routing task force and they are considering building one for this project. Attorney Kennedy stated Xcel has indicated they do not put forth a preferred route, but the cost is included in the information. Mr. Carlsgaard reported the certificate of need includes cost estimates but the State also looks at environmental impact.

City Administrator and Staff Comments

City Administrator Harrenstein congratulated the Anthony Ford Committee on the successful pond hockey event held at Spring Lake Park.

City Administrator Harrenstein reported MnDOT, North Mankato and Mankato will host an Open House on February 21, 2018, from 4:00 to 6:00 pm at 2151 Bassett Drive, Mankato that will discuss the 2018 Levee Construction Project. The project would raise the grade on Hwy 169 north of Hwy 14 to an elevation above Base Flood Elevation to function as a levee and meet the 100-year base flood elevation eliminating areas of Mankato and lower North Mankato from being designated as flood prone.

Mayor and Council Comments

Mayor Dehen noted Coffee with the Council would be held on February 17, 2018, at 10:00 am at the NaKato.

There being no further business, on a motion by Council Member Steiner, seconded by Council Member Norland, the meeting adjourned at 7:52 p.m.

Mayor

City Clerk