

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 January 16, 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 Freyberg, Whitlock, Steiner, and Norland, City Administrator Harrenstein, Finance Director McCann, Attorney Kennedy, Community Development Director Fischer, Public Works Director Swanson and City Clerk Van Genderen.

Approval of Agenda

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

Approval of Council and Open Forum Meeting Minutes

Council Member Steiner moved, seconded by Council Member Norland, to approve the minutes of the Council and Open Forum meeting of January 2, 2018. Vote on the motion: Freyberg, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.

Approval of Council Workshop Meeting Minutes

Council Member Norland moved, seconded by Council Member Freyberg, to approve the minutes of the Council Workshop meeting of January 2, 2018. Vote on the motion: Freyberg, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.

Proclamation

Mayor Dehen read the following proclamation into the record.

WHEREAS, all children in North Mankato should have access to the highest-quality education possible; and

WHEREAS, North Mankato recognizes the important role that an effective education plays in preparing all students in North Mankato to be successful adults; and

WHEREAS, quality education is crucial to the economic vitality of North Mankato; and

WHEREAS, North Mankato is home to a variety of high-quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy but also enhances the vibrancy of our community; and

WHEREAS, North Mankato has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools, and organizations to raise awareness of the need for effective educational options;

NOW THEREFORE I, Mark Dehen, Mayor of North Mankato, proclaim January 21-27, 2018 as:

NORTH MANKATO SCHOOL CHOICE WEEK

And I call this observance to the attention of all of our citizens.

Public Hearing-Consider Amending North Mankato City Code, Chapter 110, Entitled “General Business Regulations.” Tobacco 21.

Greg Kutcher, 2233 Dream Drive West, appeared before Council and stated tobacco use is the number one cause of preventable death, and most users begin before the age of 21. He encouraged the City Council to make the tough decision and vote to increase the minimum age to purchase tobacco and tobacco products to 21.

Lynn Solo, 726 Grant Avenue, appeared before Council representing the League of Women Voters of St. Peter Area, which includes Mankato and North Mankato. She reviewed the League’s continued advocacy for improved chemical health, which includes preventing the early use of tobacco products. She encouraged the City Council to be a leader and enact strict ordinances to protect the long-term health of the youth.

Kate Cox, 2108 Eagle Ridge Drive, appeared before Council reporting she was the program director for Project for Teens and each year they choose an initiative and this year they are trying to prevent nicotine use, smoking and vaping. She encouraged the City Council to consider increasing the age to purchase tobacco to 21.

Emily Landgraff, 2205 Aspen Lane, appeared before Council and stated she is a student at Dakota Meadows and she has seen many of her classmates smoking in the bathroom. She encouraged the City Council to make it more difficult for kids and teens to obtain cigarettes by raising the age to purchase tobacco.

Anna Leafblad, 80 Meadowbrook Court, appeared before Council and stated that as a teenager and an African American she is targeted by the tobacco companies. She indicated 95% of adult smokers started before the age of 21 and increasing the age gap between those who can legally purchase tobacco and kids will help remove access to tobacco products. She encouraged the Council to increase the legal age to buy tobacco to 21.

Claire Simmons, 52698 Valley View Circle, appeared before Council and encouraged the City Council to do what was right even if others do not.

Daric Zimmerman, 238 Belgrade Avenue, appeared before Council and stated there is a social stigma against smoking. He stated as a retailer, if the Council enacts the change so close to competition, it will hurt his ability to do business. He stated his goal and his businesses goal is to keep tobacco out of the hands of minors, and they are very strict about the We Card Policy. He stated in 2016, 8.4% of eleventh graders reported they were smoking which is down 31% from 2014, so he believes it is working. He stated the minimum age to purchase alcohol is already 21 and in 2016, 23.6 % of 11th graders admitted using alcohol. He encouraged the Council to not raise the age to 21.

Kim Spears, 916 South Avenue, appeared before Council and stated the country allows 18-year-olds to serve in the military, but now we will not let them decide if they can smoke. He stated he believed making the changes would be extending childhood by not allowing 18-year-olds to make their own decisions. Mr. Spears stated this would criminalize the citizens and take away the right of parents to parent. Mr. Spears indicated he smoked until he was 40 years old and made the decision to quit just like he decided to start smoking. He asked the Council not to raise the minimum age to purchase tobacco to 21.

Griffin Goode, 251 Butterworth Street Apartment No. 7, Mankato, MN, Shelly Thao, 1551 Monks Avenue Apartment 5, Mankato, MN and Alimatou Bah, 416 East Vine Street, Mankato, MN appeared before Council representing the Minnesota State University, Mankato student Council. Mr. Goode reported the student council adopted a resolution encouraging increasing the age to purchase tobacco to 21. Mr. Goode reported he started smoking at the age of 14, stating it was easier to get cigarettes from those that were younger than 21 because most 14-year-olds do not have a relationship with someone over 21. Ms. Thao reported she grew up with a smoker and stated she believes smoking is addictive and hopes by raising the age to 21 a difference can be made. Ms. Bah reported the student council advocates for raising the age to purchase tobacco to 21.

Mary Hildebrandt, 2014 North 5th Street, St. Peter, MN, the Nicollet County Public Health Director, reported tobacco use is the leading cause of preventable death. She reported that 90% of smokers start before the age of 21. She stated she believed the tobacco companies were targeting the youth with the flavored tobacco. Ms. Hildebrandt indicated that there is a potential impact on retail, but those losses may not be as significant as the medical costs and death. She encouraged the City Council to raise the minimum age to purchase tobacco to 21.

Bruce Keckhafer, 148 Creekside Drive, Mankato appeared before Council and stated he owns Happy Dan's in Mankato. He stated he supported Tobacco 21, just not at the City level, because it could run revenue to other cities. He encouraged the Council not to raise the minimum age to purchase tobacco to 21.

Kelly McIntee, 2120 Arlington Trail #4, appeared before Council and reported she believes the tobacco industry targets youth with flavored tobacco products which could lead to a lifetime of addiction. She reported the e-cigarette usage has increased and it is reflected in the Mankato school district. She encouraged the City Council to raise the minimum age to purchase tobacco to 21.

Sandra Renor, 622 South Front Street, St. Peter, MN, appeared before Council and stated that as a former public health nurse she had conversations with patients who wished someone had tried harder to stop them from using tobacco. She encouraged the Council to raise the minimum age to purchase tobacco to 21.

Vickie Hotchkiss, 407 Pierce Avenue, appeared before Council and encouraged the Council to raise the minimum age to purchase tobacco to 21.

Kim Spears, 916 South Avenue, appeared before Council and stated he wanted to refute the statement that smoking is the #1 leading cause of death. He stated in 2017 the #1 cause of death was obesity.

Greg Kutcher, 2233 Dream Drive West, appeared before Council and stated he refuted Mr. Spears comment. Mr. Kutcher stated that he did not believe anyone would say opioids should be unregulated, but he believes many more of those addicted to opioids would die from tobacco-related causes than from opioid addiction.

Erin Simmons, 52698 Valley View Circle, appeared before Council and stated that while the use of regular cigarettes appears to be decreasing the use of other forms of tobacco are increasing with 13% of male eleventh graders using e-cigarettes. She stated this policy does not criminalize. Ms. Simmons noted four cities have passed tobacco 21 and encouraged North Mankato also to pass Tobacco 21. She reported the City of Duluth is currently considering prohibiting flavored tobaccos but retailers are asking their Council Members to pass Tobacco 21 instead of prohibiting flavored tobacco.

Mary Hildebrandt, 2014 North 5th Street, St. Peter, MN, stated she had reported tobacco use is the #1 cause of preventable death.

With no one else appearing before Council Mayor Dehen closed the Public Hearing.

Consent Agenda

City Administrator Harrenstein requested Item 10H be removed from the Consent Agenda for separate consideration so Funds 861 and 862 could be removed from the resolution.

Council Member Freyberg moved, seconded by Council Member Steiner, to approve the Consent Agenda without Item H which included:

- A. Bills and Appropriations.
- B. Res. No. 10-18 Approving Donations/Contributions/Grants.
- C. Approved Appointment to KTV Board.
- D. Approved Park and Audio Permit for the MS Society from 8:00 a.m. to 1:00 p.m. on May 12, 2018, at Spring Lake Park.
- E. Approved Park and Audio Permit for the Holy Rosary Church Mass and Picnic on September 9, 2018, with Audio from 9:00 a.m. to 11:30 a.m. at Wheeler Park.
- F. Approved Audio Permit for the Anthony Ford Pond Hockey Tournament on January 27 and 28, 2018, from 8:00 a.m. to 5:00 p.m.
- G. Approved Audio Permit for the Anthony Ford Pond Hockey Tournament on January 26, 2018, from 5:00 p.m. to 8:00 p.m.

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

Motion carried.

Public Comments Concerning Business Items on the Agenda

Barb Church, 102 Wheeler Avenue, appeared before Council and requested clarification on why the resolution decertifying IDD No. 17 was going to be decertified now, when the budget says it would be decertified on December 31, 2018. Ms. Church questioned the resolution closing funds stating she did not agree with using sales tax to eliminate the deficit. She stated she also did not agree with closing funds and then dumping over \$100,000 into the General Fund without indicating its use.

Business Items**Consider Approving Recommendations for the Intersection Control Evaluations for Lor Ray/Carlson Drive and Lookout/Howard Drive Studies.**

City Engineer Dan Sarff appeared before Council to review the studies. He stated the Intersection Control Evaluations (ICE) were done for intersections having challenges and it was done in conjunction with MAPO. He reported the Lookout/Howard Drive intersection was working well, but the future may warrant the use of signals, and alternatives were also discussed including the use of a roundabout. SRF Consulting, who conducted the study, stated the preferred change would be a roundabout. In preliminary drawings SRF Consulting eliminated an access point for UPS. The recommendation would be to return the study to SRF Consulting to review possible alternatives to eliminating UPS' access.

City Engineer Sarff stated the Lor Ray/Carlson Drive study also recommended a mini-roundabout to accommodate traffic and decrease crashes. He stated the Planning Commission recommended Council approve the ICE study. Council Member Freyberg questioned the safety of installing a mini-roundabout when the area is heavily used for soccer games at Caswell North which includes a lot of pedestrian traffic, specifically youth. He indicated pedestrians have a harder time navigating roundabouts. City Engineer Sarff reported safety of pedestrians on roundabouts was still being debated. City Administrator Harrenstein stated a roundabout was not the only alternative and even if the Council approved the study it did not mean a roundabout would be installed. Mayor Dehen

stated the street might be conducive to higher speeds and with the possibility of a new school in the area the traffic would only become a bigger problem. He indicated the Council and staff should keep an eye on the location. **Council Member Norland moved, seconded by Council Member Whitlock to approve the Planning Commissions Recommendations concerning the ICE Studies. Vote on the motion: Freyberg, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.**

Res. No. 7-18 Decertifying Tax Increment Financing District No. IDD 1-17 (National Dentex Project) Located in the City of North Mankato, Minnesota. City Administrator Harrenstein reported the staff recommends decertifying the TIF as the property changed ownership and the TIF is not transferable. Council Member Steiner clarified that the property would be added to the tax roles. **Council Member Steiner moved, seconded by Council Member Norland to adopt Res. No. 7-18 Decertifying Tax Increment Financing District No. IDD 1-17 (National Dentex Project) Located in the City of North Mankato, Minnesota. Vote on the motion: Freyberg, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.**

Res. No. 8-18 Closing and Transferring City Funds. City Administrator Harrenstein requested Council remove Funds 861 and 862 from the resolution so he could further review the funds. **Council Member Freyberg moved, seconded by Council Member Norland to adopt Res. No. 8-18 Closing and Transferring City Funds with Funds 861 and 862 Removed. Vote on the motion: Freyberg, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.**

City Administrator and Staff Comments

City Administrator Harrenstein congratulated Finance Director McCann and Analyst Kietzer on being awarded a CERTs grant to convert a portion of the Police Department to LED.

Finance Director McCann reported the City would also be working with a firm to review utility bills over the past several years to see if the City should receive a refund.

Public Works Director Swanson reported the 10th Annual Anthony Ford Pond Hockey Tournament would be held at Spring Lake Park on January 26-28, 2018. He said two new rinks would be dedicated on Saturday and Sunday and thanked the Anthony Ford Foundation for the work in making those rinks possible.

Mayor and Council Comments

Council Member Norland encouraged the public to reach out to Council Members with their opinions on Tobacco 21. She also warned citizens of possible phone scams.

Mayor Dehen reported the US Highway 14 meeting packet was included in the packet. He stated a resolution was included in the packet that would support Corridors of Commerce and the completion of the remaining 4-lanes on Highway 14. He indicated all of the municipalities must adopt the resolution.

Res. No. 9-18 in Support of Corridors of Commerce Funding for the Expansion of U.S. Highway 14. Council Member Norland moved, seconded by Council Member Freyberg to adopt **Res. No. 9-18 in Support of Corridors of Commerce Funding for the Expansion of U.S. Highway 14. Vote on the motion: Freyberg, Whitlock, Steiner, Norland and Dehen aye; no nays. Motion carried.**

There being no further business, on a motion by Council Member Norland, seconded by Council Member Steiner, the meeting adjourned at 7:58 p.m.

Mayor

City Clerk