



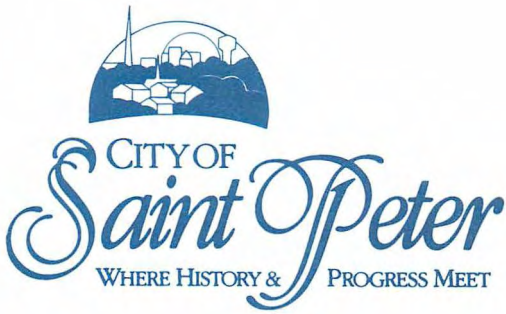
**CITY OF SAINT PETER, MINNESOTA  
AGENDA AND NOTICE OF MEETING**

Regular Workshop Session of Monday, October 2, 2017  
Community Center - St. Peter Room – 5:30 p.m.  
600 South Fifth Street

- III. **CALL TO ORDER**
  
- II. **DISCUSSION**
  - A. Mary's Flowers Site/Exterior Plan
  - B. Tobacco 21
  - C. APPA Legislative Rally
  
- III. **ADJOURNMENT**

Office of the City Administrator  
Todd Prafke

TP/bal



## Memorandum

**TO:** Todd Prafke  
City Administrator

**DATE:** 09/28/17

**FROM:** Russ Wille  
Community Development Director

**RE:** 1123 South Minnesota Avenue (Mary's Flowers)

### **ACTION/RECOMMENDATION**

None needed. For City Council review and discussion only.

### **BACKGROUND**

Growth Holdings, LLC has purchased the former Mary's Flowers site at 1123 South Minnesota Avenue as well as the abutting residential property at 1115 South Minnesota Avenue. Growth Holdings, LLC would seek to develop the site as a small strip mall containing a Dunkin Donuts franchise and one or two additional commercial businesses.

To accommodate the redevelopment of the site, the City Council has provided for the rezoning of the 1115 South Minnesota Avenue from (RP-1) Residential/Professional Services to (C-4) Highway/Service Commercial.

The City has also prepared a Tax Increment Financing plan for the properties. The plan contemplates the Developer's access to a pay-as-you-go tax increment benefit in an amount not to exceed \$60,000. The reimbursement is for the partial cost of demolition as well as the cost of utility extensions and removals.

Once a Development Agreement by and between the City and Growth Holdings, LLC has been prepared and adopted, the City Council will be asked to formally adopt the Tax Increment Financing plan. It is necessary to finalize the site plan in order to draft the Development Agreement for the project.

The proposed site plan and building elevations are presented for City Council consideration. Public Works Director Moulton and I have worked with the City Engineer to ensure that the development meets the utility design standards adopted by the Council.

The proposed site plan meets all of the requirements of the adopted Zoning Ordinance as to lot coverage, setbacks, signage and height. It should be noted that "permeable pavers" will be utilized to get the appropriate lot coverage ratio and to optimize the drainage of the site following periods of rainfall or during the spring thaw.

The Tax Increment Plan requires that the City Council give their approval to the final site plan and building elevations. If the Council does not give its approval or an approval cannot be negotiated, no TIF would be made available. The lot could still be developed as long as the design meets the land use, utility connection rules and standards and building code regulations.

The Council is asked to provide feedback and input regarding the site and elevations so that the Development Agreement can be prepared for consideration at a future Council meeting.

Please feel free to contact me should you have any questions or concerns about this agenda item.

RJW



PRELIMINARY  
NOT FOR CONSTRUCTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

MATHEW THIBERT

DATE: \_\_\_\_\_ LIC. NO. 51719

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: \_\_\_\_\_ LIC. NO. \_\_\_\_\_

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PROJECT

**TAILWIND GROUP**

**SAINT PETER CENTER**

ST PETER MINNESOTA

REVISION SCHEDULE	
DATE	DESCRIPTION

PROJECT NO.	17-20789
FILE NAME	20789 CS - SITE
DRAWN BY	MMA
DESIGNED BY	MMA
REVIEWED BY	MMT
ORIGINAL ISSUE DATE	01/11/17
CLIENT PROJECT NO.	

TITLE

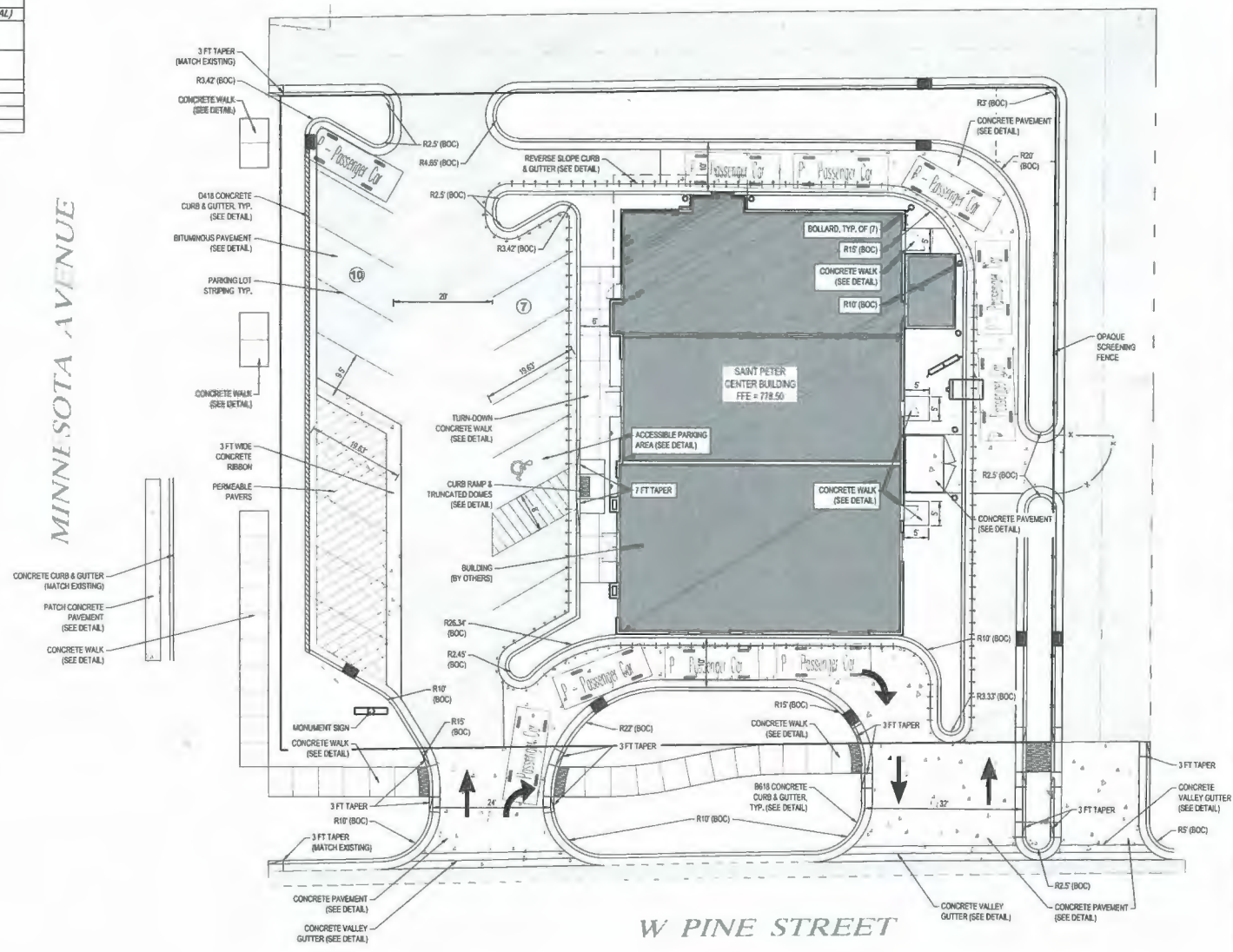
**SITE PLAN**

SHEET

**C3-10**

SITE DATA	
TOTAL LOT AREA	20,790 S.F. (0.48 AC)
REQUIRED PERVIOUS	5200 S.F. (25% OF TOTAL)
PERVIOUS SHOWN	5282 S.F.
IMPERVIOUS SHOWN	15516 S.F.
REQUIRED PARKING	17 STALLS
PARKING SHOWN	17 STALLS

SURFACE LEGEND	
SYMBOL	DESCRIPTION
	BITUMINOUS PAVEMENT
	CONCRETE PAVEMENT
	CONCRETE SIDEWALK
	PERMEABLE PAVERS



7

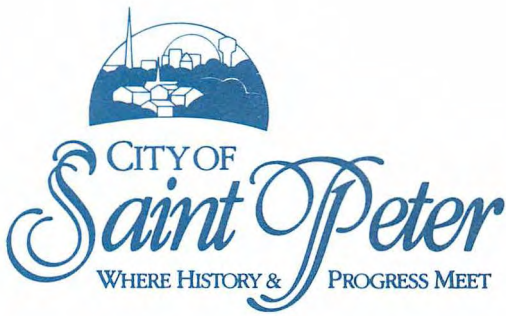


B.M. ELEVATION=781.48  
T IS 4 FT APPROX. 345 FT NORTH-EAST OF THE  
PINE ST STREET GDM ON EAST SIDE OF HWY 169









## Memorandum

**TO:** Honorable Mayor Zieman  
Members of the City Council

**DATE:** 9/28/2017

**FROM:** Todd Prafke  
City Administrator

**RE:** Tobacco 21 Update

### **ACTION/RECOMMENDATION**

None needed. For your information and further discussion only.

### **BACKGROUND**

At your Goal Session at the end of July the Council listened to and discussed information related to "Tobacco 21" and discussed the challenges of singular action (City of Saint Peter only) vs. a more regional or statewide approach. Staff was directed to keep an eye on our region and when a critical mass is reached, plan for additional Council discussion based on changing the age for sale/purchase, but not criminalization of use under 21 years of age.

As a follow up to that discussion I have include newspaper articles from the Mankato Free Press that reports on the activities of both Mankato and North Mankato.

I have also included your applicable ordinances on this issue related to sale, use and possession of tobacco products.

My goal for the meeting is solely to provide you an update. I do not intend for you to provide any additional direction on this issue since the threshold you established at your Goal Session has not been met. I do feel an update is appropriate at this time.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal



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[http://www.mankatofreepress.com/news/mankato-north-mankato-councilors-differ-on-tobacco-ordinance/article\\_f3155c06-7725-11e7-831d-ff329e01211e.html](http://www.mankatofreepress.com/news/mankato-north-mankato-councilors-differ-on-tobacco-ordinance/article_f3155c06-7725-11e7-831d-ff329e01211e.html)

FEATURED

## Mankato, North Mankato councilors differ on tobacco ordinance

Cities likely to hold public hearings, vote on Aug. 28

By Mark Fischenich [mfischenich@mankatofreepress.com](mailto:mfischenich@mankatofreepress.com) Aug 1, 2017



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MANKATO — A preview of the upcoming public hearings on raising the tobacco-purchase age to 21 was provided by the Mankato-North Mankato Intergovernmental Committee Tuesday night.

"As far as I'm concerned we're doing social engineering," said North Mankato Council member Bob Freyberg, adding that legal age to purchase nicotine-related products should be set by the Legislature. "It's a state issue."

"But Robert, you have to remember we were told the same thing with the indoor smoking ordinance," Mankato Council member Mark Frost said, recalling his city's early advocacy for banning smoking in indoor public spaces 11 years ago. "It became a state issue because of our leadership."

That was different because smoking in bars and restaurants impacted the health of non-smokers breathing second-hand smoke, said Mankato Mayor Eric Anderson.

"It was a general health issue inside a business," Anderson said, pointing out that the state — not local government — sets the age for everything from writing a will to making life-and-death medical decisions. And that age is 18.

But there are various ages where rights are granted or denied to young people, countered North Mankato Mayor Mark Dehen.

People can get married at 16, vote at 18, drink at 21 and rent a car at 25, Dehen said, referencing studies that suggest the portion of the brain governing rational judgement isn't fully developed until well beyond age 18.

"They say you don't get logic until you're 25," Dehen said.

While the Intergovernmental Committee — made up of two members of each council — was deadlocked Tuesday night, the broader councils appear supportive of joining Edina and St. Louis Park as Minnesota's first cities to raise the age to purchase tobacco and e-cigarettes.

"I anticipate we'll set a public hearing at our meeting on Monday," Dehen said, suggesting that Aug. 28 is the most likely date for the hearing and a vote on the ordinance.

Mankato has already set a public hearing for the same date, with a vote to follow and a 30-day waiting period before the higher tobacco purchase age could be enforced.

Mankato City Manager Pat Hentges said he would include the issue on the agenda of the council's Aug. 14 meeting, reporting on the discussion of the Intergovernmental Committee and the action of North Mankato on Aug. 7. A majority of the Mankato Council has indicated a willingness to at least bring the issue to the public hearing stage, and it's likely the decision wouldn't change unless North Mankato reversed course.

Proponents boosting the legal age of tobacco purchases say their top priority is reducing the likelihood of younger teenagers getting cigarettes from relatives and acquaintances who are 18, 19 or 20 years old.

From the start of the discussion in June, the two cities have aimed to move on the issue only if there was consensus on both sides of the river — because unity was necessary to make it effective and because a disparity in purchase ages would create winners and losers among tobacco retailers. Tuesday's Intergovernmental Committee meeting aimed to confirm that both cities were on the same path, and a comparison of proposed ordinances showed that they were.

(Mankato staff drafted a proposed ordinance last month that also banned possession of tobacco — not just purchases — by young adults. North Mankato quickly objected to that, as did Mankato council members, and that provision has been dropped.)

Because neither city appears willing to pass an ordinance without the other — Mankato's discussion on Aug. 14 may also involve gauging support on the council to provide assurance to North Mankato prior to Aug. 28 that it retains majority support.

The North Mankato Council has already done that. At a work session two weeks ago, Council members Diane Norland and Jim Whitlock joined Dehen in indicating strong support for the ordinance. Only Freyberg was solidly opposed, with Council member Billy Steiner saying he was conflicted on the issue.

And Freyberg doesn't expect much backing at the public hearing, despite his vocal support for preserving the rights of 18-, 19- and 20-year-olds to make their own choices about tobacco use.

"Not one apathetic individual has contacted me," Freyberg said of young adults in the area. "I'm sitting here fighting this battle and I'm like, 'Who for?'"

2 comments

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1 person listening

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Newest | Oldest



smokefree1988

Aug 2, 2017

Stop with the social engineering line. The only engineering going on is the tobacco industry doing whatever they can do to prevent Tobacco 21 bills from spreading across the landscape of this country.

Unfortunately, cigarettes (including e-cigarettes) and other tobacco products are legal in the USA. Therefore, until society is able to remove the financial incentives and lobbying aspects of the tobacco industry on so many of our federal, state and local elected officials who rely on the industry to be initially elected and then remain in office, we must enact every possible restriction on the use of tobacco products (and e-cigarettes) that affect the health and safety of non-users.

Like Reply



Douglas\_J\_Snicklefoot

Aug 1, 2017

So they should raise the voting, drinking, driving, getting loans, and marriage age to 25. As Dehen said, you don't get logic until then. Why would I trust anyone driving behind the wheel who has no grasp on logic?

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[http://www.mankatofreepress.com/news/mankato-n-kato-out-of-sync-on-tobacco/article\\_e99abbe2-8168-11e7-a903-13f79eefdcf8.html](http://www.mankatofreepress.com/news/mankato-n-kato-out-of-sync-on-tobacco/article_e99abbe2-8168-11e7-a903-13f79eefdcf8.html)

## Mankato, N. Kato 'out of sync' on tobacco

Mankato cancels hearing to raise purchase age to 21

By Mark Fischenich [mfischenich@mankatofreepress.com](mailto:mfischenich@mankatofreepress.com) Aug 14, 2017



MANKATO — For a pair of cities aiming to reduce the likelihood of youngsters starting smoking, Mankato and North Mankato are looking a bit like a pair of youngsters holding their first cigarette daring the other to try it first.

The question — under discussion since June — is whether to raise the legal age from 18 to 21 for purchasing tobacco. The problem is that one doesn't want to do it unless the other does.

"Both cities are really out of sync," Mankato City Manager Pat Hentges told the Mankato City Council Monday night.

Mankato had set a public hearing, with a likely final vote to approve the higher purchase age, for Aug. 28. North Mankato had originally been looking at a public hearing on Aug. 21, but it is prohibited by its bylaws from voting that same night.

"So it was revealed that they will likely push the matter off to September for a final vote," Hentges said.

The Mankato council's response was to cancel its Aug. 28 public hearing and send the issue back to the Mankato-North Mankato Intergovernmental Committee for more discussion.

The goal will be to get the two cities on a process "that's in sync," Hentges said. "Not, 'Well, we'll vote for it if you vote for it.'"

The last minute do-over frustrated Mankato Council President Mike Laven.

"We're seeing exactly the ineffectiveness of the Intergovernmental Committee," Laven said. "... We could have had this process taken care of a month ago."

Mayor Eric Anderson has also critiqued the process, particularly that it originally arose through emails from North Mankato Mayor Mark Dehen to Anderson and the top administrators of the two cities. Anderson feels it should have been first brought to the Intergovernmental Committee.

"The difference is this did not originate from the body," Anderson said.

Mankato Councilman Mark Frost, a pharmacist and one of the most vocal supporters of joining Edina and St. Louis Park in passing the Tobacco 21 ordinance, took exception at the criticism.

The two cities have a history of struggling to reach consensus on issues. That's changed recently on a number of issues, but this one is more complex because it involves attempting to jointly pass identical ordinances under dissimilar rules of procedure, according to Frost.

"That's what's different," he said. "We've never done this before."

It may have also been problematic that the Intergovernmental Committee is made up of four members who are split between strong supporters of the ordinance — Frost and Dehen — and opponents — Anderson and North Mankato Council member Bob Freyberg.

After Monday's meeting, Frost said he is uncertain exactly what the revised process might look like. Council member Karen Foreman speculated about the possibility of a joint public hearing or even combined council meeting for back-to-back votes.

The final outcome — if the who-goes-first issue is worked out — appears to be passage of the higher tobacco-buying age in both cities. Three of five North Mankato elected officials have publicly expressed support for the ordinance, and the majority of the Mankato council approved the public hearing.

"I would sense, if there's strong opposition, we wouldn't be where we are now," Foreman said.

Getting there might take another month or two.

"We need to do a little more intergovernmentally," Hentges said.

The council voted unanimously to cancel the hearing and refer it back to the committee.

"I would hope the Intergovernmental Committee could at least do a little better the second

ARTICLE III. - TOBACCO PRODUCTS<sup>[2]</sup>

Footnotes:

--- (2) ---

**State Law reference**— Authority of municipality to license and regulate tobacco sales, M.S. § 461.12.

DIVISION 1. - GENERALLY

Sec. 12-58. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Self-service merchandising means open display of tobacco-related products that the public has access to without the intervention of an employee.

Tobacco-related product means cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready, rubbed or other smoking tobacco, snuff, snuff flower, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scrips, clippings, cuttings and sweepings of tobacco prepared in such manner as to be suitable for chewing, sniffing or smoking in a pipe, rolling paper or other tobacco-related devices.

(Code 1989, § 6.34(subd. 2); Ord. No. 238(2nd Ser.), 12-12-1994)

Sec. 12-59. - Penalty.

Any person who shall violate any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$700.00 or imprisonment not to exceed 90 days or both, together with the costs of prosecution.

(Code 1989, § 6.34(subd. 19); Ord. No. 238(2nd Ser.), 12-12-1994)

Secs. 12-60—12-89. - Reserved.

DIVISION 2. - LICENSING AND REGULATION

Sec. 12-90. - License required.

No person shall directly or indirectly, or by means of any device keep for retail sale, sell at retail or otherwise dispose of or dispense any cigarette or cigarette wrapper tobacco-related product at any place in the City unless a license therefor shall first have been obtained as provided in this article.

(Code 1989, § 6.34(subd. 1); Ord. No. 238(2nd Ser.), 12-12-1994)

Sec. 12-91. - Application and issuance.

Application for such license shall be made to the City Clerk-Administrator on a form supplied by the City. Such application shall state the full name and address of the applicant, the location of the building and the part intended to be used by the applicant under such license, the kind of business



conducted at such location, and such other information as shall be required by the application form. Upon the filing of such application with the Clerk, it shall be presented to the City Council for its consideration, and if granted by the Council, a license shall be issued by the City Clerk-Administrator upon the payment of the required fee.

(Code 1989, § 6.34(subd. 3); Ord. No. 238(2nd Ser.), 12-12-1994)

Sec. 12-92. - Employees trained.

The applicant of a license shall certify on the license application that all employees are trained on the laws relating to the sale of tobacco-related products.

(Code 1989, § 6.34(subd. 4); Ord. No. 238(2nd Ser.), 12-12-1994)

Sec. 12-93. - License fee.

The fee for every such license shall be as set forth by City Council resolution. Every such license shall expire on December 31 next after its issuance.

(Code 1989, § 6.34(subd. 5); Ord. No. 238(2nd Ser.), 12-12-1994)

Sec. 12-94. - License shall be displayed.

Every such license shall be kept conspicuously posted about the place for which the license is issued and shall be exhibited to any person upon request.

(Code 1989, § 6.34(subd. 6); Ord. No. 238(2nd Ser.), 12-12-1994)

Sec. 12-95. - Restrictions.

Subd. 1.

No license shall be issued:

(1)

Except to a person of good moral character and repute; and

(2)

To a person under the age of 18 years of age.

Subd. 2.

No new retail license may be issued to a person who, within five years of the application, has been convicted of a violation of a State, Federal or local ordinance governing the manufacture, sale, distribution, or possession of a tobacco-related product or an alcoholic beverage.

Subd. 3.

No license shall be issued to an applicant for sale of tobacco-related products at any place other than his established place of business.



Subd. 4.

No license shall be issued for the sale of tobacco-related products at a movable place of business.

Subd. 5.

No one license shall be issued for more than one place of business or location.

Subd. 6.

No person shall sell or dispense any tobacco-related products through the use of a vending machine.

Subd. 7.

No person shall sell or give any tobacco-related products to any person below the age of 18 years.

Subd. 8.

No person shall keep for sale, sell, dispose of or dispense any tobacco-related products containing opium, morphine, jimson, weed, belladonna, strychnia, cocaine, marijuana, or any other deleterious or poisonous drug except nicotine.

Subd. 9.

All tobacco products including individually packaged tobacco-related products offered for sale shall be located within plain view, and control of a responsible employee, so that all tobacco purchases will be readily observable by that employee.

Subd. 10.

Proof of age for the sale of tobacco products may be established only by one of the following:

(1)

A valid driver's license or identification card issued by the State, another state, or a province of Canada, and including a photograph and date of birth of the licensed person;

(2)

A valid military identification card issued by the United States Department of Defense; or

(3)

In the case of a foreign national from a nation other than Canada, by a valid passport.

(Code 1989, § 6.34(subd. 7); Ord. No. 238(2nd Ser.), 12-12-1994)

Sec. 12-96. - Suspension or revocation of license.

The Council shall suspend for a period not to exceed 30 days, or revoke a license granted under the provisions of this article, or impose a civil fine not to exceed \$250.00, for each violation on a finding that the licensee has failed to comply with a statute, regulation or provision of this City Code relating

Sec. 30-83. - Unlawful use and furnishing tobacco.

Subd. 1.



It is unlawful for any person, under the age of 18 years, to possess or use any tobacco or tobacco-related product as defined in section 12-58.

Subd. 2.

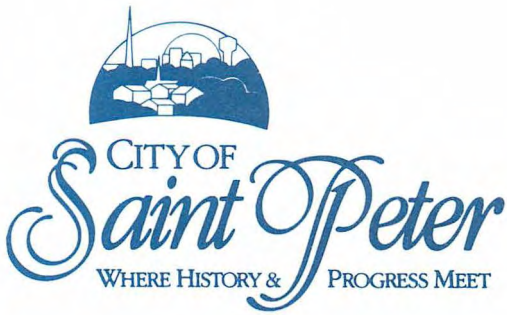
It is unlawful for any person to furnish tobacco or a tobacco-related product, by any manner or means and in any form, to any person under the age of 18 years.

Subd. 3.

It is unlawful for any person to allow any person under the age of 18 years to use any identification for the purpose of attempting to purchase or to purchase tobacco or a tobacco-related product or in any way otherwise assists another in violating any provision of article III of chapter 12 or this section.

(Code 1989, § 10.05; Ord. No. 164(2nd Ser.), § 1, 12-12-1988; Ord. No. 238(2nd Ser.), 12-12-1994)

**State Law reference**— Sale of tobacco to children, M.S. § 609.685; illegal purchase of alcohol or tobacco, M.S. § 609B.277.



## Memorandum

**TO:** Honorable Mayor Zieman  
Members of the City Council

**DATE:** 9/28/2017

**FROM:** Todd Prafke  
City Administrator

**RE:** APPA 2018 Legislative Rally

### **ACTION/RECOMMENDATION**

None needed. For your information and discussion only.

### **BACKGROUND**

The American Public Power Association Legislative Rally schedule has been announced as follows:

February 26-28, 2018

Time has been set aside on the workshop agenda for Monday evening to discuss Council participation in the rally. You have previously (2016 and 2017) indicated your belief that having two members plus Public Works Director Moulton attend was "about right". It is my hope to get a sense of how many you wish to send in 2018 so that hotel reservations can be made at this time. With the election in November, you may want to wait to determine who specifically will be going unless a slot or so is to be filled by a member who is not up for re-election. Also, the sooner we get rooms and flights the cheaper it will be.

In a previous year you also sent me to the National League of Cities Congressional conference that overlapped with APPA. They do not overlap in 2018.

Previously the Council has discussed the value of this activity and Member participation. While it is maybe a bit easier to articulate the reason for your Public Work Director to be there, I also believe that Elected Officials and the community gain through efforts like this. Specifically, the ability to meet and confirm with Federal staff about electric and other issues has been important in our ability to gain support and funding for major projects within your community. In addition, the networking opportunities within the Minnesota contingent and SMMPA delegates are enormous and allow us to learn, know, explore opportunities and sway policy decision that we would otherwise not truly know or understand.

Please let me know if you have any questions or concerns about this agenda item.

TP/bal



*(Excerpt from APPA website – the actual agenda for the rally is not yet published.)*

AMERICAN PUBLIC POWER ASSOCIATION LEGISLATIVE RALLY - As a public power advocate, you are in the best position to talk to Congress about the direct impact of federal action at the local level. Our coordinated outreach efforts are strengthened because you represent not only your public power community, but also 49 million other Americans served by public power.

#### Who Should Attend

- Public power staff and leaders
- Mayors, city council and board members
- Others who want to get involved and advocate for public power

At the Legislative Rally, the American Public Power Association provides the resources, connections, and collective power to help public power communities make your voices heard in Washington, D.C.

Check out the key issues to discuss with your elected officials when you visit them in Washington, D.C.