

PLAINVIEW CITY COUNCIL
REGULAR MEETING
Tuesday July 11, 2023, at 6:00 P.M.

1. CALL TO ORDER- Mayor Luckstein called the Regular Plainview City Council meeting to order on Tuesday July 11, 2023, at 6:00 p.m.

Council Members in attendance: Aaron Luckstein, Lindsay Hammer Bartley, Ben Jacobs, and Don Kuschel.

Council Members absent: Holly Reeve.

Department Heads in attendance: City Administrator David Todd, Finance Director Vicki Axley, Police Chief Jason Timm, Library Director Alice Henderson, City Clerk Carol Kujath, Deputy Clerk Kayla Hall, and Development Services Coordinator Richard Baker.

Department Heads absent: Public Works Director Shane Loftus and Fire Chief Ed Jacobs.

Guests in attendance: Drew Weber with Bolton & Menk, Michael Flaherty with Flaherty & Hood, Mike Bubany with David Drown, Bob Blanshan, Tim Weaver, and Richard Johnson.

2. PLEDGE OF ALLEGIANCE -

3. PUBLIC COMMENTS – None.

4. APPROVAL OF AGENDA – Motion by Luckstein, second by Kuschel to approve the Agenda with the addition of 7.E. Series 2023A General Obligation Utility Revenue Bond – Resolution 2023-17.
Motion carried.

6. APPROVAL OF CONSENT AGENDA –Motion by Kuschel, second by Hammer Bartley to approve the Consent Agenda.
Motion carried.

- A. City Council Minutes – June 13, 2023, and June 28, 2023.
- B. Bills
- C. Permits/Licenses/Donations
 - a. Chicken Permit – Tonya Laden
 - b. Multiple Pet Permit – Dustin Jacobs
- D. Department Head Reports and Board Minutes
- E. 2023-2024 Facility Use and License agreement for Eckstein Field with PEM Schools
- F. TJ's Tavern License Agreement for Corn on the Cob Days Dance
- G. Street Closures for Corn on the Cob Days

7. UNFINISHED BUSINESS – None.

8. NEW BUSINESS –

- A. **Church of Christ Quick Plat – Resolution 2023-16 –**
The Church of Christ submitted an application for a Quick Plat to combine the property they currently own within Block 9 of the Chas Posz subdivision. The proposed plat is titled Church of Christ Addition. This property is zoned R-1. A parking lot is not a permitted use or conditional use within the R-1 zoning district, however, a church is a conditional use in the R-1 district and a parking lot is a reasonably expected accessory use for a church. For the expanded parking lot to be considered an accessory use for the church, it would need to be

constructed on the same lot as the church. Therefore, the proposed plat is necessary to combine the lots and allow for the parking lot expansion. The Planning Commission recommends the City Council approve the Church of Christ Addition plat, as the plat meets the requirements for lots within the R-1 district.

Motion by Jacobs, second by Kuschel to approve Resolution 2023-16 approving the quick plat of the Church of Christ Addition.

Motion carried.

B. Bolton & Menk Pay Estimate No. 1 –

Drew Weber, from Bolton & Menk brought forward the Contractor's Pay Estimate No. 1 in the amount of \$158,328.90 for the 2023 Street and Utility Improvements Project.

Motion by Hammer Bartley, second by Jacobs to approve the Pay Estimate No.1 to Bolton & Menk in the amount of \$158,328.90.

Motion carried.

C. Adult-Use Cannabis Temporary Moratorium –

Mayor Luckstein explained to Council that at the end of the 2023 Minnesota legislative session a new law was enacted that legalizes adult-use cannabis and establishes a regulatory framework over the cannabis industry. The new law is set to take effect on August 1, 2023. An Office of Cannabis Management which will be the entity that has regulatory authority over cannabis consumer industry has been created. The legislation limits local control. A local unit of government may not prohibit the possession and transportation or use of the cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived product long-term. However, cities may impose reasonable restrictions on the time, place, and manner of the operation of a cannabis business provided that restrictions do not effectively prohibit the establishment of the business. Cities are also specifically authorized to prohibit the operation of a cannabis business within 1,000 feet of a school, or five hundred feet of a daycare, school, park, or recreation facility regularly used by minors. Cities cannot license these businesses but can require that they register and are allowed to perform compliance checks. The law allows an interim moratorium up to one year for cities to conduct a study on how to regulate the sale, manufacturing, and distribution of adult-use cannabis. The City of Plainview needs time to study cannabis products and businesses, and their impacts related to land use and zoning, growing operations and sales, and distribution in order to protect the public health, safety, and welfare of the residents. City Attorney Michael Flaherty told Council that a moratorium is valid for a year, however, it can be ended early. The League of MN Cities is putting together a model ordinance, as other cities are struggling with this as there are a lot of unknowns at a state level.

Motion by Luckstein, second by Jacobs to authorize Michael Flaherty, City Attorney, to draft an interim moratorium prohibiting the sale, manufacturing, and distribution of adult-use cannabis to provide time for the City to study the appropriate implementation of local regulations, and to authorize Michael Flaherty, City Administrator Todd, and Chief of Police Timm to study the new law, cannabis products, and potential businesses, and their impacts related to land use and zoning, growing operations and sales, and distribution in order to protect the public health, safety, and welfare of the residents of Plainview.

Motion carried.

D. Ordinance 2023-03 Regulating the Sale and Establishing a Permitting Process for Tetrahydrocannabinol (THC) Products–

In order to legislate the sale of THC products, the ordinance will regulate the sale of adult-use of any product that contains tetrahydrocannabinol (THC) and will meet the requirements to be sold for human or animal consumption under Minn Statute 151.72. The ordinance also established a process for permitting the retail sale of THC products. A fee structure shall be considered adequate to conduct full background investigations of the applicant, administration of the application process, as well as continued monitoring of the point of sale via compliance checks by law enforcement. It was discussed to add the sentence, "Licensed Product or THC Product

does not include substances described in Minn Stat. Chapter 342.”, however the Council chose not to add the sentence after Police Chief mentioned the ordinance was well written as it is. Council will need to set the fee for this permit, Flaherty recommended the fee be set at the August meeting.

Motion by Luckstein, second by Hammer Bartley to approve Ordinance 2023-03 regulating the sale and permitting process for tetrahydrocannabinol (THC) products in the City of Plainview and approving the summary publication of the ordinance.

Motion failed 0-4

Motion by Luckstein, second by Jacobs to approve Ordinance 2023-03 regulating the sale and permitting process for tetrahydrocannabinol (THC) products in the City of Plainview and approving the summary publication of the ordinance, with the amendment to section 514.6 to add the sentence, “The fee shall be set by the City’s fee schedule.”

Motion carried.

E. Series 2023A General Obligation Utility Revenue Bond – Resolution 2023-17 –

The Council awarded the contracts for the 2023 Street & Utility Improvement Project, as part of the City’s Capital Improvement Plan. The City chose to finance a portion of the project using a GO Utility Revenue Bond. The remaining portion of the project will be paid with cash from the Water and Sewer Utility Funds and the state grant that was awarded to the City for the sidewalk portion of the project.

Motion by Jacobs, second by Kuschel to approve Resolution 2023-17 authorizing the issuance and awarding the sale of a \$3,630,000 General Obligation Utility Revenue Bond, Series 2023A. Motion carried.

9. INFORMATION ONLY DOCUMENTS – None

10. COUNCIL COMMENT –

-Jacobs – Nothing new in the Parks/Trails Department. The City signs have been removed, and Shane is working with the sign company to get everything lined up for the new signs.

-Kuschel – Lots of people watering lawns, call City Hall to apply for the winter sewer rates.

-Kuschel – Check with tax professionals to possibly get hundreds of dollars back in a rebate from the state on property taxes.

-Luckstein – Concerns with how dry it has been, and the noise factor regarding fireworks. If it explodes, it is not allowed in city limits. Any complaints call the police department.

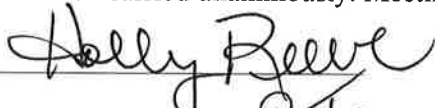
-Luckstein – Thank you to everyone, regarding this agenda, for talking through difficult conversations, a lot to learn regarding cannabis. Mayors all around the state are having to have difficult discussions and are struggling through them.

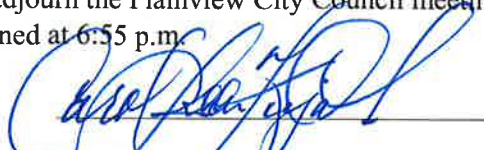
-Luckstein – Thank you to residents for your patience as we work through the 2nd Avenue NW construction project. Thank you to Drew with Bolton & Menk and the communication from your team as well.

11. ADJOURN –

Motion by Luckstein, second by Kuschel to adjourn the Plainview City Council meeting.

Motion carried unanimously. Meeting adjourned at 6:55 p.m.


Holly Reeve, Mayor Pro Tem


Carol Kujath, City Clerk