

**PLAINVIEW CITY COUNCIL
REGULAR MEETING
Tuesday August 8, 2023, at 6:00 P.M.**

- 1. CALL TO ORDER** – Mayor Pro-Tempore Reeve called the Regular Plainview City Council meeting to order on Tuesday August 8, 2023, at 6:00 p.m.

Council Members in attendance: Holly Reeve, Lindsay Hammer Bartley, and Don Kuschel.

Council Members absent: Aaron Luckstein and Ben Jacobs.

Department Heads in attendance: City Administrator David Todd, City Clerk Carol Kujath, Police Chief Jason Timm, and Development Services Coordinator Richard Baker.

Department Heads absent: Finance Director Vicki Axley, Public Works Director Shane Loftus, Library Director Alice Henderson, and Fire Chief Ed Jacobs.

Guests in attendance: Brian Malm and Drew Weber with Bolton & Menk, Tim Weaver, Christian Timm, Greg Schumacher, Marshall Schumacher, Graham Schumacher, Chad Gelner, and Richard Johnson.

2. PLEDGE OF ALLEGIANCE –

3. PUBLIC HEARING – INTERIM ORDINANCE PROHIBITING THE OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY OF PLAINVIEW –

Mayor Pro-Tempore Reeve called for a motion to close the regular meeting and open the public hearing to discuss the Interim Ordinance Prohibiting the Operation of Cannabis Businesses within the City of Plainview. At 6:00 p.m. a motion was made by Hammer Bartley, second by Kuschel to open the public hearing.

Motion carried unanimously.

There were no public comments or written comments.

Motion by Kuschel, second by Hammer Bartley to close the public hearing and reopen the regular City Council meeting. Public hearing closed and regular City Council meeting reopened at 6:01 p.m.

Motion carried unanimously.

4. PUBLIC COMMENTS – None.

5. APPROVAL OF AGENDA – Motion by Kuschel, second by Hammer Bartley to approve the Agenda. Motion carried unanimously.

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

A. City Council Minutes – July 11, 2023.

B. Bills

C. Permits/Licenses/Donations

Chicken Permit(s) – Aaron Nicklay, and Johnathan & Rose Roth

Gambling Permit – Plainview Community Theater

D. Department Head Reports and Board Minutes

E. Suspend Public Consumption Ban for Corn on the Cob Days 2023 – Resolution 2023-18

F. Street Closure for Tractor Games and Parade for Corn on the Cob Days

7. UNFINISHED BUSINESS – None.

8. NEW BUSINESS –

A. An Interim Ordinance of the City of Plainview Prohibiting the Operation of Cannabis Businesses within the City – Ordinance 2023-04 –

The State Legislature enacted Minnesota State Statute 342 entitled Regulation of Adult Use Cannabis. The statute establishes that cities can regulate the retail sale of cannabis and hemp products. The law provides that local government may adopt reasonable restrictions to the time, place, and manner of operations of cannabis businesses and established the State Office of Cannabis Management. The Cannabis Law directs the Office of Cannabis Management to work with local units of government to (1) develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of a Cannabis Business, (2) develop standardized forms and procedures for the issuance of a retail registration, and (3) develop model policies and procedures for the performance of compliance checks local units of government are required to conduct.

Motion by Hammer Bartley, second by Kuschel to approve Ordinance 2023-04 Prohibiting the Operation of Cannabis Businesses within the City of Plainview until January 1, 2025.

Motion carried unanimously.

B. Partial Alley Vacation and Preservation of Utility Easement -Church of Christ Chas Posz Subdivision – Resolution 2023-19 –

Administrator David Todd explained to Council, that at the July 12, 2023, City Council meeting the Council adopted Resolution 2023-14, vacating an alley, and preserving a utility easement for the Church of Christ Quick Plat project. Resolution 2023-14 contained some language pursuant to the legal description that was inaccurate, and, as a result, failed to achieve its intended purpose of vacating the alley. Resolution 2023-19 has the correct legal description and needs Council approval to be recorded at Wabasha County.

Motion by Kuschel, second by Hammer Bartley to approve Resolution 2023-19 vacating a 20' wide portion of the alley and reserving the utility easement dedicated as part of the Chas Posz Subdivision in Plainview, Minnesota.

Motion carried unanimously.

C. Bolton & Menk – 2023 Street & Utility Improvement – Pay Estimate No. 2 –

Drew Weber and Brian Malm with Bolton & Menk presented Pay Estimate No. 2 for the 2023 Street & Utility Improvement Project for Elcor Construction in the amount of \$146,029.82.

Drew also gave Council an update on the project.

Motion by Kuschel, second by Hammer Bartley to approve Pay Estimate No. 2 from Bolton & Menk to Elcor Construction in the amount of \$146,029.82 for the 2023 Street & Utility Improvements.

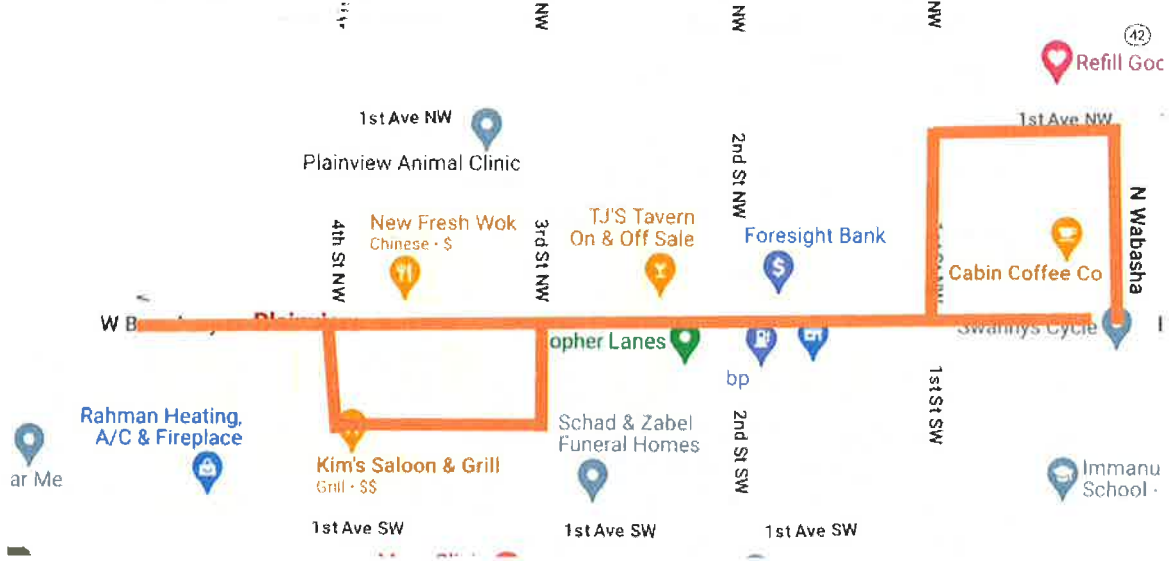
Motion carried unanimously.

D. Sip and Shop – Resolution 2023-20 –

The City received a letter from Annie Jurrens, owner of Refill Goods, stating several retailers and other participating businesses would like to hold a Sip and Shop event, and respectfully request a temporary suspension of the public consumption prohibition to allow shoppers and visitors to move between shops and businesses with their beverages in hand. A map of the locations for the temporary suspension of the public consumption prohibition was provided to

Council.

Motion by Kuschel, second by Hammer Bartley to approve Resolution 2023-20 suspending prohibition of public consumption for the Sip and Shop event on Thursday, September 14, 2023, from 2:00 p.m. to 8:00 p.m. in accordance with the map/locations below.



E. Amending City Fee Schedule – Ordinance 2023-05, Resolution 2023-21 –

Administrator Todd explained to Council, that with the passage of Ordinance 2023-03 Regulating the Sale of Tetrahydrocannabinol (THC) Products for the City of Plainview, a fee for the permit needs to be set. Research of other cities was completed by staff. Staff recommended the permit fee be set at \$500.

ADMINISTRATIVE FEES			
Bingo License	\$	150.00	
Chicken Permit	\$	45.00	
Dance Permit	\$	25.00	
Dog License (Options: 1-year 2-year 3-year)	\$	15.00	\$25.00 \$30.00
Cigarette License	\$	75.00	
Faxing	\$	2.00	for 1st page, \$1/per page a
Copies	\$	0.25	per page (Black and Whit
	\$	0.50	per page (Color)
License for Sale of Fireworks	\$	100.00	
Gaming Device/Raffle/Bingo		No Charge	
Insufficient Funds (NSF) Check	\$	30.00	
Loudspeaker Permit	\$	10.00	
Refuse Collector License	\$	500.00	
Transient Sales	\$	30.00	
Tetrahydrocannabinol (THC) Sales Permit	\$	500.00	
Research*	\$	100.00	
*Fee to be paid before the start of the research and any additional expenses that are incurred will be due upon completion of the project.			

Motion by Kuschel, second by Hammer Bartley to adopt Ordinance 2023-05, an Ordinance of the City of Plainview, Minnesota amending the City Fees and Charges and a motion to approve Resolution 2023-21 allowing for a Summary Publication of Ordinance Amending the City Fees and Charges.

Motion carried unanimously.

9. INFORMATION ONLY DOCUMENTS –

10. COUNCIL COMMENT –

- Administrator Todd – City staff has reached out to a company called Apptegy to increase the marketability and updating of the City's website. Apptegy provides a very modern website that allows each individual department to subscribe to it and implement their information into the whole of the website in a modern format. There is also an app associated with it, so residents can sign up for push notifications, which are essentially real time notifications from the City of Plainview to be delivered directly to residents' cell phones. We are hopeful to have the new website up and running late August to mid-September.

-Reeve – Attended The Annual League of MN Cities Conference in Duluth. Workshop topics included Conflict and Conversation, Sustainability, Human Resources, Legislative Updates, and Cultivating Connection through the Arts. Also toured Duluth Creative Solutions to Housing Needs. Next year's Annual League of MN Cities Conference is being hosted in Rochester, June 26 through June 28, 2024, and would like to see staff and Council members attend.

11. ADJOURN –

Motion by Kuschel, second by Hammer Bartley to adjourn the Plainview City Council meeting.
Motion carried unanimously.

Meeting adjourned at 6:22 p.m.



Aaron Luckstein, Mayor



Carol Kujath, City Clerk