



Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, July 24, 2023

1. Roll Call

Mayor Roe called the meeting to order at approximately 6:00 p.m. Voting and Seating Order: Strahan, Etten, Groff, and Roe. City Manager Patrick Trudgeon and City Attorney Rachel Tierney were also present. Councilmember Schroeder was absent.

2. Pledge of Allegiance

3. Approve Agenda

- a. City Manager Trudgeon requested removal of Item 10e (Adopt Resolution Prohibiting Parking on Dale Street by the Nature Center) from the agenda in order for staff to discuss this item further with Ramsey County.

Mayor Roe noted for anyone at the meeting regarding Item 10f, the Villas of Reservoir Woods Major Plat, it is on the consent agenda and will not be discussed in detail.

Groff moved, Etten seconded, approval of the agenda as amended.

Roll Call

Ayes: Strahan, Etten, Groff, and Roe.

Nays: None.

4. Public Comment

Mayor Roe called for public comment by members of the audience on any non-agenda items. No one appeared to speak.

5. Recognitions, Donations, and Communications

a. Roseville Golden K Kiwanis Peanut Day Proclamation

Mr. Jim Bowyer president of the Kiwanis NE club, introduced himself and explained the mission of the Golden K Kiwanis club organization.

Mayor Roe read the Golden K Kiwanis Peanut Day Proclamation.

Etten moved, Strahan seconded, proclaiming July 24, 2023 Roseville Golden K Kiwanis Peanut Day.

Roll Call

Ayes: Strahan, Etten, Groff, and Roe.

Nays: None.

b. Karen Martyr's Day Proclamation

Mayor Roe read the Karen Martyr's Day Proclamation.

Strahan moved, Groff seconded, proclaiming August 12, 2023 Karen Martyr's Day.

Roll Call

Ayes: Strahan, Etten, Groff, and Roe.

Nays: None.

- c. Accept General Donations to the City of Roseville Parks and Recreation**
City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 24, 2023

Etten moved, Groff seconded, adoption of Resolution No. 12007 entitled, "Resolution Accepting Donations."

Roll Call

Ayes: Strahan, Etten, Groff, and Roe.

Nays: None.

6. Items Removed from Consent Agenda

7. Business Items

- a. Consider a Resolution Approving an Interim Use for Prince of Peace Lutheran Church to Temporarily Allow Two Mobile Residential Micro-Unit Dwellings at 2555 Victoria Street (PF23-004)**

City Planner Thomas Paschke briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 24, 2023.

Mayor Roe asked for clarification in the resolution regarding the end date of December 31, 2023. He wondered if staff meant the end of the day on December 31, 2023.

Mr. Paschke indicated it would go until midnight of December 31, 2023.

Councilmember Strahan asked for clarification on item two of the resolution stating two micro-unit dwellings, instead of three.

Mr. Paschke explained State Statute will require Prince of Peace Lutheran Church to have three micro-units in order to be compliant with the Legislation that was crafted. The interim use is only for the two and this is to get them to the point of Legislation going into effect that supports these units in the community.

Mr. Michael Stetzler, President of Prince in Peace Lutheran Church, thanked the Council for engaging in this process. He added that he has been asked by the St.

Paul Synod of the ELCA to note that the Synod assembly did pass a resolution in support of this concept of tiny homes.

Public Comment

Mayor Roe offered an opportunity for public comment with no one coming forward.

Mayor Roe asked staff to discuss the process for the City between now and January 1, 2024 in terms of the City's plans on what staff will be doing related to some of the options cities have in terms of dealing with the Legislation.

Community Development Director Janice Gundlach explained staff has planned an agenda item for August 21, 2023 to discuss with the Council on how the City might want to amend the zoning code to address the Legislation that goes into effect on January 1, 2024. She reviewed the Legislation that passed.

Groff moved, Strahan seconded, adoption of Resolution No. 12008 entitled, "Resolution Approving an Interim Use for Prince of Peace Lutheran Church to Temporarily Allow Two Micro-Unit Dwellings Established as a Sacred Settlement on the Property Located at 2555 Victoria Street and Associated with 2561 Victoria Street (PF23-004)."

Council Discussion

Councilmember Groff thanked Prince of Peace for their work, noting he had heard the open house was a success with the residents in the City and thought it helped with the process.

Councilmember Strahan appreciated the ongoing dedication of everyone that is a part of this. She thought this was a step in the right direction.

Councilmember Etten indicated previously he was concerned about the health and welfare aspects. He explained he will support this effort because he thought it was good for the purpose of working on affordable housing.

Roll Call

Ayes: Strahan, Etten, Groff, and Roe.

Nays: None.

- b. Receive Presentation Regarding Minnesota Adult-Use Cannabis Law**
City Manager Patrick Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated July 24, 2023.

City Attorney Rachel Tierney of Kennedy & Graven Chartered made a presentation on the Minnesota Adult-Use Cannabis Law.

Councilmember Etten asked if people could be using marijuana in local restaurants once it has a hemp license and could people consume edibles at a local restaurant.

City Attorney Tierney indicated that is correct, people could be consuming edibles, and could be drinking a THC beverage in a restaurant. She noted the Clean Indoor Air Act does apply to marijuana.

Councilmember Strahan asked how this would impact schools or would schools be regulated by the Clean Indoor Air Act.

City Attorney Tierney indicated the schools are regulated by the Clean Indoor Air Act but she believed schools would be able to ban the use on their own properties, plus no one under 21 is allowed to consume. She continued on with the presentation.

Mayor Roe thought it might make sense for the City to remind themselves at the end of the first quarter of next year to think about a moratorium on this because the Council would want to put that in effect to make sure there is enough time to assure all the conditions are put into effect.

City Attorney Tierney explained the City would only need a moratorium if the regulations are not ready to be implemented. She noted the City should not be adopting zoning regulations before the State provides a model Ordinance. She continued with the presentation and highly recommended enacting a "time, place and manner" restriction.

Mayor Roe asked if there was a sense if the City wanted any consistency between what the City might do with cannabis or hemp establishment locations in the Zoning Code and things like liquor stores from a point of view of treating people equally. He noted that right now, the City does not really have many restrictions, if any, in the Zoning Code about location of liquor stores and certainly not, on-sale establishments other than they have to be restaurants or have at least fifty percent of revenue from non-alcohol sales.

City Attorney Tierney thought it made a lot of sense to treat hemp like the City treats on-sale. She thought the Council should have some conversations about whether the City wants to have distance restrictions for on-sale licenses. The City will find itself in a grey area about what to do with existing on-sales and can those establishments have hemp. She thought those would probably be pre-empted by State Law for denying if for currently licensed, but it is hard to say.

Mayor Roe indicated there is also off-sale.

City Attorney Tierney noted she would probably include off-sale with the same analysis of on-sale, although many cities do not regulate on-sale and off-sale the same. She thought it would be the same thing with THC.

Mayor Roe explained he wanted to make sure as to that question about whether the City should be looking at the liquor sale side of it because he did not want to be in the position where the City puts something into effect and it is much more strict for cannabis and/or hemp products than liquor stores and people are looking at that as not being equitable between the two and causing the City issues.

City Attorney Tierney thought that was a good point to make because moving forward, the City should think of those as twin licenses.

Councilmember Groff asked what if a day care center wanted to move into an area where these establishments are located.

Mayor Roe thought the answer would be whoever was there first would remain.

City Attorney Tierney explained generally the prohibition is kind of a one way. If the use is established, from a zoning perspective, uses run with the land, so the City would not prohibit someone from engaging in a non-conforming zoning activity. She explained if a day care center wanted to move next door, it would not be prohibited from being there from a zoning perspective because the zoning regulation does not tell a day care where it can go. She continued with her presentation regarding operating hours.

Mayor Roe indicated for on-sale liquor, the City can either limit to 1 a.m. or 2 a.m. under the law since that went into effect a few years ago. He thought it would be interesting to look at that parity or equity between those types of licenses and time limitations.

City Attorney Tierney continued with her presentation on temporary cannabis events. She noted this is a huge grey area and hopefully the State will fill this in with answers. She also discussed current tobacco licenses being suspended for cannabis and hemp selling violations. She noted the City Council will need to discuss this as well to figure out a way to work that into the licensing scheme and how that would be tracked.

City Attorney Tierney reviewed the process that the City will be required to follow for licensing of cannabis, THC and hemp, including compliance checks. She also reviewed adult use and what is legal and illegal.

Councilmember Strahan brought up a situation she encountered in another city regarding the sale of cannabis and wondered if she walked into a store in Roseville

and this was occurring, what would be the ramifications at this point. She explained the item in the store she was at was listed as cannabis.

City Attorney Tierney explained if it is over .3 percent THC, then it is cannabis and is not legal to sell without a license and since there is no such thing as a license, the best thing to do would be to call someone with authority in that City.

Councilmember Strahan explained she was curious because there was a restaurant in Roseville that was selling THC beverages and the restaurant was advertising externally that the beverage was above a certain percentage but now the restaurant has indicated that in Roseville, they are not allowed to do that anymore. She thought there was much misinformation about what is allowed and what is not allowed. She was also curious about the regulation of potency and such. She wondered if there will be any type of proposed ruling on how cannabis is sold and if it will be a certain percentage of potency. She also wondered if there will be some sort of quality control on this.

City Attorney Tierney thought the Office of Cannabis Management was going to be involved in that.

Mayor Roe thought it would be similar to producing alcoholic beverages and there will be regulations in place that control and check that.

Mr. Trudgeon explained he knew that with THC products, those have to be below a certain potency and are supposed to be labeled as such with really strict restrictions on how it is labeled. Although, he thought that looking at it will be hard to determine what it is unless you are trained so having guidance from the State will be beneficial for them.

Mr. Trudgeon thought the Council needed to discuss a moratorium as well as licenses allowed in the City for THC. He indicated THC licenses are currently capped at 8. The law now allows liquor stores to have THC so maybe it is a matter of right or a separate process. He indicated the City is at the cap of 8 licenses now with businesses calling weekly about licensing. He thought the Council should have a discussion about the number of licenses for THC and if the number should be increased or lifted altogether.

City Attorney Tierney noted as of October 1, 2023 the State is requiring any business that is selling THC edibles to register with the State. She noted there are no regulations with that.

Mayor Roe indicated he had a question on the exclusive liquor store definition. To his mind, it sounds like that is all the liquor store sells, essentially. So if off-sale, it is a liquor store and on-sale is probably a bar as opposed to what the City allows but he would like information on this.

City Attorney Tierney explained it is on-sale and off-sale, it is everything.

Mayor Roe asked if it included on-sale without any restrictions, noting the City puts restrictions on the on-sale licenses but that exclusive liquor store definition includes the City's on-sale as well.

City Attorney Tierney indicated that was correct.

Mayor Roe explained to him, from a point of view of like establishments and what they do, and a point of view of sales products with THC, the Council will want to talk about looking at the City's limit in terms of those two things. If they can, it would be one way the Council could talk about to differentiate between types of establishments. He thought the Council needed to have that conversation as well as about public use. To the extent that the City's ordinances regulate public intoxication, which is under State regulation, the City does not have anything on its books regarding that but it might need to be looked at as well.

City Attorney Tierney explained she was not sure if public intoxication is something that cities can regulate.

Councilmember Groff asked how this compares to other states.

City Attorney Tierney indicated she did not know but her assumption is that for all of the holes in it, this is a very well written and covers all of the bases. Presumably this references other states' regulations and Minnesota has chosen what it feels is best, but she did not know.

Councilmember Strahan indicated she heard it was modeled closely after Colorado.

Mayor Roe thanked City Attorney Tierney for the presentation.

8. Council Direction on Councilmember Initiated Agenda Items

9. Approve Minutes

Comments and corrections to draft minutes had been submitted by the City Council prior to tonight's meeting and those revisions were incorporated into the draft presented in the Council packet.

a. Approve July 10, 2023 City Council Meeting Minutes

Groff moved, Etten seconded, approval of the July 10, 2023 City Council Meeting Minutes as presented.

Roll Call

Ayes: Etten, Groff, and Roe.

Nays: None.

Abstain: Strahan

10. Approve Consent Agenda

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action dated July 24, 2023 and related attachments.

Groff moved, Strahan seconded, approval of the Consent Agenda including claims and payments as presented and detailed.

Roll Call

Ayes: Strahan, Etten, Groff, and Roe.

Nays: None.

a. Approve Payments

ACH Payments	\$946,088.61
107031-107196	1,314,160.66
TOTAL	\$2,260,249.27

b. Approve 2 Temporary Gambling Permits and 1 Tetrahydrocannabinol License

c. Receive Grant Applications Update

d. Approve Facility Management Agreement with McGough Facility Management, LLC

e. Removed from the agenda

f. Approve Resolution No. 12009 Providing Preliminary Approval of the Villas of Reservoir Woods Major Plat of Two Existing Parcels as Six Lots with an Existing Home Remaining on One of the Lots (PF23-001)

g. Accept State of Minnesota Auto Theft Prevention Grant Award

h. Approve Agreement for Professional Services for County Road B and Snelling Avenue (TH 51) Pedestrian Traffic Study 23-11

11. Future Agenda Review, Communications, Reports, and Announcements – Council and City Manager

City Manager Patrick Trudgeon reviewed the August 7, 2023 City Council meeting, August 21, 2023 City Council meeting and the August 24, 2023 City Council meeting.

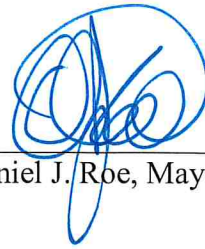
12. Adjourn

Etten moved, Strahan seconded, adjournment of the meeting at approximately 7:12 p.m.

Roll Call

Ayes: Strahan, Etten, Groff, and Roe.

Nays: None.



Daniel J. Roe, Mayor

ATTEST:



Patrick J. Trudgeon, City Manager