

**ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
AUGUST 15, 2023**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof, a regular meeting of the Rosemount City Council was held on Tuesday, August 15, 2023, at 7:00 PM. in Rosemount Council Chambers, 2875 145th Street West.

Mayor Weisensel called the meeting to order with Councilmembers Freske, Essler, Theisen and Klimpel.

APPROVAL OF AGENDA

Motion by Mayor Weisensel **Second by** Council Member Klimpel

Motion to approve the agenda

Ayes: 5.

Nays: None. Motion .

PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS

- a. 2023 City of Excellence Award

The League of Minnesota Cities was present to award the City with the 2023 City of Excellence Award for the 20,000 and over population category. Rosemount was honored for its "Comprehensive Officer Wellness Program."

PUBLIC COMMENT

None

RESPONSE TO PUBLIC COMMENT

None

CONSENT AGENDA

Motion by Council Member Essler **Second by** Council Member Klimpel

Motion to approve consent agenda with items 6.e. and 6.g. pulled for further discussion

Ayes: 5.

Nays: None. Motion Carried.

- a. Bill Listings
- b. Minutes of the August 2, 2023 Regular Meeting Minutes
- c. Minutes of the August 2, 2023 Work Session Proceedings

d. Approve Subdivision Agreement for Rosecott Place

e. Donation Acceptance from Minnesota Energy Resource

Councilmember Essler pulled for recognition. Parks & Recreation Director Schultz noted this is the first year Minnesota Energy has made a donation to the event.

Motion by Council Member Essler **Second by** Council Member Klimpel

Motion to Motion to approve the acceptance and expenditure of \$2000 from Minnesota Energy Resources to be used for Fall Food Truck Festival expenses.

Ayes: 5.

Nays: None. Motion .

f. Jimnist LLC Escrow Agreement

g. Amended Resolution Authorizing Interfund Loan for

Councilmember Theisen pulled this item for further clarification. City Administrator Martin clarified due to the construction bids coming in higher than expected, this resolution amends a previous resolution approved to allow the City to pay for the full cost of the project.

Motion by Council Member Theisen **Second by** Council Member Freske

Motion to Motion to adopt the attached resolution amending Resolution No. 2021-83

Ayes: 5.

Nays: None. Motion .

h. Resolution and Consent Order Imposing Civil Penalty

i. Halloween Event – Service Agreement

j. Life Time Facility – Bid

k. Conveyance of Outlot A - Rich Valley 1st Addition

l. Ardan Place 1st Addition Accept Improvements

m. Ardan Place 2nd Addition Accept Improvements

PUBLIC HEARINGS

a. Moratorium on the Operation of Cannabis Businesses

City Clerk Fasbender discussed the progression of the State legalizing adult-use cannabis and permitting the sale of cannabis flower and cannabis products for human consumption in the 2023 legislative session. Kennedy & Graven and staff suggest that the staff begin the process to study and develop reasonable restrictions prior to the state's issuance of cannabis-related licenses, which is anticipated to occur in early 2025. If the state completes its work of forming a new agency to regulate and distribute licenses, the City can terminate its moratorium and respond accordingly. Before adopting an interim ordinance, state law requires that the City must hold a public hearing on the issue.

The Mayor opened public hearing at 7:22 p.m.

Motion by Weisensel **Second by** Essler

Motion to close the public hearing at 7:23 p.m.

Ayes: 5.

Nays: None. Motion carried.

City Attorney Tietjen noted several cities are following suit by adopting an interim ordinance to allow for the state to establish rules and procedures. This in return will allow the council to have further discussions on how the City would like to proceed within their capabilities. Staff will continue to research and wait for guidance from the state on how to move forward. Once guidance is released, staff will update Council with a proposed plan.

Motion by Council Member Essler **Second by** Council Member Freske

Motion to Approve an interim ordinance establishing a moratorium on the operation of cannabis businesses until January 1, 2025, unless repealed earlier by the City Council.

Ayes: 5.

Nays: None. Motion Carried.

b. Use of Cannabis in Public Places

City Clerk Fasbender discussed the amendments passed by the State of Minnesota in regards to the regulating of adult use cannabis. The law authorizes the City to adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived products in a public place.

Staff recommends adopting an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis in a public place. Based on research and feedback from neighboring cities, staff would propose to define public place as "property owned, leased, or controlled by a governmental unit". This would cover parks, trails, and facility grounds. Staff is requesting feedback from the public and Council on how to proceed with regulating cannabis in a public place.

The Mayor opened the public hearing at 7:37 p.m.

Upon a motion by the Mayor, the public hearing was closed 7:38 p.m.

Councilmembers questioned what other cities were doing with Dakota County especially nearby cities. Councilmembers agreed to regulate cannabis only and not tobacco due to the intoxicating factor of cannabis. Councilmembers also wanted to make sure that whatever policy decision is made, that it doesn't have a disadvantage to our officers.

Parks and Recreation Director Schultz noted staff would be bring this agenda item to the Parks & Recreation commission at their August regular meeting and will bring a recommendation to the Council. Police Chief Dahlsrom noted there have been no issues historically with tobacco smoking enforcement.

Staff will continue to research and bring forth a recommendation to City Council at a future meeting.

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

a. City Staff Updates

Parks & Recreation Schultz reminded the Council and the community of several upcoming events hosted by the Parks & Recreation Department.

b. Upcoming Community Calendar

Mayor Weisensel reviewed the calendar of events and upcoming meetings.

ADJOURNMENT

There being no further business to come before the City Council at the regular council meeting and upon a motion by Freske and a second by Theisen the meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Erin Fasbender
City Clerk