

AGENDA

City Council Work Session

Tuesday, September 3, 2024

5:00 PM

City Hall - Conference Room

1. CALL TO ORDER

a. FOLLOWING THE CITY COUNCIL REGULAR MEETING:

The Council may choose to reconvene the work session after the adjournment of the regular meeting if the business of the work session is unable to be completed in the allotted time.

2. DISCUSSION

a. Community Band Commissioned Music

b. Cannabis Regulatory Decisions

3. UPDATES

a. Staff Reports

4. ADJOURNMENT

City Council Work Session: September 3, 2024

AGENDA ITEM: Community Band Commissioned Music	AGENDA SECTION: DISCUSSION
PREPARED BY: Logan Martin, City Administrator	AGENDA NO. 2.a.
ATTACHMENTS: Donation Opportunity Background from RCB	APPROVED BY: LJM
RECOMMENDED ACTION: Receive info and provide feedback	

BACKGROUND

The City has a long and valuable partnership with the Rosemount Community Band (RCB), with the Band and its subgroups prominently featured regularly throughout the region. RCB founder (and former Middle School educator) John Zschunke recently retired from RCB, and the group aims to commission a piece of music in his honor.

RCB reached out to the City to gauge our interest in supporting this effort, which has a grand total cost of \$18,000. A commissioned piece of music would honor Mr. Zschunke, the role of RCB, and acknowledge the City of Rosemount as it premieres and is played by bands for years to come.

RCB provided a detailed funding request that is attached, and staff will discuss the opportunity to support these efforts.

RECOMMENDATION

Receive info and provide feedback



Mark Enochs
Development Director
Rosemount Community Band
Menochs12@gmail.com

July 13, 2024

Logan Martin, City Administrator
City of Rosemount

Subject: Rosemount Community Band
Commission of Musical Piece by Jodie Blackshaw
In honor of John Zschunke

Administrator Martin

The City of Rosemount's own Rosemount Community Band, founded in 2011 by John Zschunke, former Rosemount Middle School band director, is honored to have the opportunity to commission the world-renowned and accomplished composer Jodie Blackshaw to write an original piece of music for the band in dedication to John Zschunke for starting this high quality ensemble for the City of Rosemount. This piece of music will not only recognize Mr. Zschunke for his priceless contribution to the City of Rosemount and the world of music, but will also amplify the voice of female composers and provide the City of Rosemount with a lasting piece of music that will carry its name as well as the name of the Rosemount Community Band and John Zschunke out into the world and into the future. In addition, through the process of creating this music, the composer will include and involve the community band musicians in making contributions to the piece and will provide educational opportunities in the community by holding music clinics with local middle schools, high schools, and universities.

We have estimated the total cost to create, perform, and professionally record the commissioned piece to be around \$18,000. The Rosemount Community Band is presenting the City with an opportunity to participate in funding this effort.

The City of Rosemount and the Rosemount Community Band (RCB) have been in relationship since January 2021 via a Service Agreement. This relationship exists to promote the City and its businesses and to provide arts and cultural opportunities for its residents contributing to the economy of the City. RCB and its musical groups works in cooperation with the City to perform concerts throughout the year, such as kicking off Leprechaun Days each year. The Agreement



enables the City to support the RCB through financial contributions such as acquiring commissioned pieces of music.

RCB is a non-profit entity. We are planning to fund this project through a combination of efforts including use of our own funds; soliciting donations from the musical community, City residents, and its businesses; and other donations.

There are many benefits of having a piece of music commissioned for a city's community band. First, a commissioned work is a major project that adds to the ongoing libraries of concert bands locally and around the world. After the premier performance by the Rosemount Community Band in the City of Rosemount, the music will continue to be purchased and played in the future by community, university, high school and middle school bands worldwide. It will be a signature piece of the community that can be played numerous times and in numerous places throughout the globe. Whenever another band in any location acquires the sheet music, they will see the names of the band, the city, and John Zschunke prominently featured in the dedication immediately under the song's title at the top of the music. Then, at performances of the work, it will be noted during concert presentations and in concert programs.

It is a wonderful benefit to have such a world-renowned and accomplished composer such as Jodie Blackshaw be the artist for the project. Jodie is a composer, conductor, ensemble director, and classroom music teacher who is from Australia. Some of her many accomplishments include completing a six-week invitational tour of the United States in January and February of 2024 that involved headlining three music education conferences, realizing two newly commissioned works, and conducting residencies at a number of universities. In 2022 she proudly became a board member of the World Association of Symphonic Bands and Ensembles. She has conducted residencies and conference presentations in the Middle East, Hong Kong, Canada, Australia, and the United States and has presented at the Midwest Clinic in Chicago in 2012, 2014, and 2018. In 2006, she won the inaugural Frank Ticheli Composition Contest.

The most special accomplishment in connection with the commission project, and the main reason that the Rosemount Community Band selected Blackshaw as their choice for the composer of the commissioned piece, is that in May of 2014 she worked with Rosemount Middle School and John Zschunke to premiere a new work. According to the website www.yourclassical.org, "on today's date in 2014, a new work by Blackshaw intended for middle-school band students was premiered by the Rosemount Middle School Band of Rosemount, Minn., under the direction of John Zschunke. The new piece, 'Letter from Sado,' was inspired by a Japanese haiku and traditional Japanese taiko drumming. This work is part of the BandQuest series commissioned by the American Composers Forum, intended to offer young musicians a diverse variety of fresh new wind band works by leading composers of our day." The Wind



Repertory Project website noted that Blackshaw is “proud to be the first composer outside of North America to be invited to make such a contribution.” In speaking about creating the piece, as described on the American Composers Forum website, Blackshaw stated “the students are invited to become decision makers about particular sections in the music.” She added, “the students themselves decide how to play these figures as individuals, in small teams and then as a whole band.” Speaking of Blackshaw, the American Composers Forum website wrote that “she desires that her music not just be ‘another piece, but an educational and spiritual journey for both the players and the director.’”

Written by a female composer, this commissioned piece of music will foster and increase equity and representation for an under-represented population, namely female composers. The Boulanger Initiative Database states on their website, “according to a recent study, during the 2021-2022 concert season, the top orchestras in the U.S. dedicated under three percent of their programming to the works of non-living women composers.” They added, “this underrepresentation perpetuates a damaging myth that women have historically created little of artistic merit.” On her website, Blackshaw says, “in addition to composing and presenting music education workshops, [she] is passionate about fostering equality in concert programs, especially in schools. In 2017 she founded the Female Band Composer database (<https://www.jodieblackshaw.com/female-band-composers>) which is now cited as a tool for repertoire selection by The Midwest Clinic.” She declares on her website, “through more frequent performances we can break the bias towards female composers and make programming their music on a regular basis the new normal.”

Another community benefit and positive influence that would be provided by the City’s support of this commission project and concert performance, would be the chance for Rosemount community members who are also community band members to participate in the creation of the music in cooperation with this prominent composer, Jodie Blackshaw - truly an invaluable experience. By allowing the community musicians to help in the development of the work through making editing suggestions and cooperative participation, they will be part of creating a piece of art for the City of Rosemount. As explained on the Educational Resources - Music for All website, “Now that she is a full-time composer, Jodie achieves this in her music by offering students the opportunity to make decisions and be creative with the material. This experience enables the players to take ownership of the piece they are learning to play. This simple idea is incredibly under-utilized in educational wind band literature yet it offers students and the conductor an opportunity to grow and change in ways they had perhaps not thought possible, at any stage of learning.”

Finally, by supporting the commission project, the City of Rosemount will not only encourage and increase the growth of music education in the community, but the City will also enable the legacy of John Zschunke’s gift of music education to live on and spread in the community and



beyond. A commissioned piece gives community bands, universities, high school bands and middle school bands new literature for them to draw upon for their future performances. Plus, having the composer in the community not only provides our RCB musicians with a valuable composing and performance experience, but it can also provide middle schools, high schools and local universities with a great resource through clinic sessions with Jodie Blackshaw. On their website, Educational Resources - Music for All, says of Blackshaw, "as a teacher, her ultimate goal is to foster self-esteem and love of self through music." Furthermore, "She is sincerely concerned about her students, about their welfare, about their personal growth, and the pathways they choose."

Clearly, this opportunity to commission a piece of music by eminent composer Jodie Blackwell in honor of John Zschunke's creation of the Rosemount Community Band for the City of Rosemount is an unsurpassable gift for the community. The gift is not only a new piece of music for worldwide bands of all ages to perform and share with others, but it is also a chance to introduce a new piece of music by a female composer, thus increasing diversity and representation in the world of music. The gift provides further value by providing educational music experiences to the community band members during the composing process as well as to local students of middle, high school and college age through clinic sessions with Jodie Blackwell. For all of these reasons and more that may be unseen, this is an opportunity that must not be missed.

We look forward to hearing from you. I can be reached at 952-334-9257 and menochs12@gmail.com.

Sincerely,

Mark B. Enochs
Development Director
Rosemount Community Band

c: Michelle Hoff, President RCB

City Council Work Session: September 3, 2024

AGENDA ITEM: Cannabis Regulatory Decisions	AGENDA SECTION: DISCUSSION
PREPARED BY: Erin Fasbender, City Clerk Logan Martin, City Administrator Adam Kienberger, Community Development Director	AGENDA NO. 2.b.
ATTACHMENTS: Kennedy & Graven Memo	APPROVED BY: LJM
RECOMMENDED ACTION: Staff requests the City Council provide directions on how to proceed.	

BACKGROUND

Staff is seeking feedback and recommendations on the regulation of cannabis within Rosemount. Staff will provide a high-level overview of the regulatory options cities have regarding adult-use cannabis and will obtain preliminary input from the Council and Planning Commission on these issues. The City Attorney's office has provided a detailed memo that is attached, with 9 key policy questions for the City Council to consider (highlighted in green). Staff will discuss those questions with Council during the work session.

It will be important to note, this memo is based on the information available currently. The State's Office of Cannabis Management ("OCM") has released a draft of its administrative rules which will go through a comment period and are subject to change over the next few months.

RECOMMENDATION

Staff requests the City Council provide directions on how to proceed.



Mary D. Tietjen
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9255 direct
email: jsathe@kennedy-graven.com

MEMORANDUM

TO: Mayor and City Council, City of Rosemount
Logan Martin, City Administrator

FROM: Mary Tietjen, City Attorney
Joseph L. Sathe, Assistant City Attorney

DATE: August 22, 2024

RE: **Initial Cannabis Regulatory Decisions**

The purpose of this memo is to provide a high-level overview of the regulatory options cities have regarding adult-use cannabis and to obtain preliminary input from the Council and Planning Commission on these issues. The Planning Commission's role will be primarily related to the zoning issues.

This memo is based on the information available currently. The State's Office of Cannabis Management ("OCM") has released a draft of its administrative rules which will go through a comment period and are subject to change over the next few months.

The OCM has issued a Guide for Local Government on Adult-Use Cannabis. It can be found on the OCM's website. The Guide includes information on local regulation of cannabis businesses and a model ordinance. Our office is working with city clients to develop ordinances that include many of the same concepts as the model but is drafted in a style like a city alcohol or tobacco ordinance and separates zoning and non-zoning provisions. This memo addresses both zoning and non-zoning topics.

Getting input from the Council and Planning Commission on the questions outlined below will guide staff in drafting language for city ordinances related to cannabis and hemp. Staff will likely have recommendations on some or all these questions.

I. ZONING DECISIONS – GENERALLY

Under the Cannabis Act, cities generally maintain their ability to enact zoning regulations with two primary limitations: (1) the City may not prohibit the establishment or operation of a cannabis

or hemp business licensed by the OCM; and (2) the Legislature has established a maximum buffer from certain uses. Cities will retain the ability to enact zoning ordinances even if it consents to have the county issue registrations, as discussed in Section IV.

II. ZONING DECISIONS – DESIGNATING ZONING DISTRICTS

The City can amend its zoning code to specifically allow each business type in a particular district or it can choose to simply allow cannabis businesses in zones with similar uses (e.g., retailers in commercial zones with other retail). The following table includes each type of licensed cannabis business, a high-level description of the business’s operations, and an example zoning use designation.

Question 1: Does the City want to designate zoning districts where cannabis businesses can be located or rely on each businesses underlying use?

<u>License Type</u>	<u>Main Function</u>	<u>Use Type(s)</u>
<i>Cannabis Retailer</i>	Sales to the customers	Commercial
<i>Medical Cannabis Retailer</i>	Sales to registered patients	Commercial
<i>Cannabis Delivery Service</i>	Delivery of products directly to customers	Commercial
<i>Lower Potency Hemp Retailer</i>	Sale of hemp products directly to customers	Commercial
<i>Cannabis Cultivator</i>	Growing and tending to cannabis and hemp plants	Indoor: Industrial, Commercial, Production Outdoor: Agricultural
<i>Medical Cannabis Cultivator</i>	Growing cannabis plants	Industrial/Agricultural/ Commercial
<i>Cannabis Event Organizer</i>	Coordinate cannabis events	Office/Commercial
<i>Cannabis Manufacturer</i>	Create cannabis products that are sold to retailers	Industrial
<i>Medical Cannabis Manufacturer</i>	Creating cannabis products that are sold to medical retailers	Industrial
<i>Lower-Potency Hemp Edible Manufacturer</i>	Creating lower-potency hemp products that are sold to retailers	Industrial
<i>Cannabis Testing</i>	Testing cannabis and hemp products	Industrial
<i>Cannabis Wholesaler</i>	Warehousing and Storage	Industrial

<i>Cannabis Transporter</i>	Transport products from one license type to another.	Industrial/Commercial
<i>Medical Cannabis Combination Business</i>	Cultivation, Manufacturing, and Retail to both the public and medical patients.	Cultivation, Manufacturing, & limited Retail
<i>Cannabis Mezzobusiness</i>	Cultivation, Manufacturing, and Retail	Cultivation, Manufacturing, and Retail
<i>Cannabis Microbusiness</i>	Cultivation, Manufacturing, and Retail	Cultivation, Manufacturing, and Retail

III. ZONING DECISIONS – BUFFERS

A. *Cannabis Business Buffers from Certain Uses*

A local unit of government may prohibit the operation of a cannabis business within:

- 1) 1,000 feet of a school; or
- 2) 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

The terms school, day care, residential treatment facility, and attraction within a public park that is regularly used by minors, including a playground or athletic field are not further defined in statute or administrative rule, so the city has some discretion in defining these terms. The OCM Guide includes some definitions that were drafted for the OCM's model ordinance (which is different than the administrative rules).

Question 2: Is the City interested in adopting buffers for cannabis businesses?

The City can also impose distance requirements for hemp businesses. State law does not impose the same limits on buffers for hemp businesses. Cities can differentiate between hemp businesses selling for on-site consumption and those selling products for off-site consumption.

Question 3: Is the City interested in adopting buffers for hemp businesses?

B. *Buffers from Other Cannabis Businesses*

While not explicitly listed in statute, the OCM proposes that cities could adopt requirements that cannabis businesses must be located a certain distance from each other.

Question 4: Is the City interested in adopting buffers between cannabis businesses?

IV. REGISTRATION, COMPLIANCE CHECKS, & SOME OPERATIONS

The OCM reviews, approves, and issues cannabis business licenses. However, each retail business must also register with the city in which it will operate, unless the city has consented to the county issuing registrations on its behalf. A registration fee can be imposed in addition to the state license fee.

A. Registrations

The registration process involves issuing a registration to a retail business that: (1) has a valid license issued by the OCM; (2) has paid the registration fee or renewal fee (if applicable); (3) is found to be in compliance with the requirements of the Cannabis Act at any preliminary compliance check; and (4) if applicable, is current on all property taxes and assessments.

Question 5: Does the City wish to issue registrations or ask the county to do it?

B. Registration Fee

Registration Fees by Business Type

The following shows the maximum amount the city could charge for an initial registration fee and renewal registration fee for retail businesses and includes the amount the state charges for a license, for reference.

The city's initial registration cannot exceed \$500 or half of the license fee (whichever is less) and the renewal registration fee cannot exceed \$1,000 or half of the license fee (whichever is less)

The initial registration fee shall include the fee for initial registration and the first annual renewal. Any renewal fee imposed by the local unit of government shall be charged at the time of the second renewal and each subsequent annual renewal thereafter.

<u>Business</u>	<u>Initial</u>	<u>Renewal</u>
<i>Cannabis Retailer</i>	City (Optional) - \$500; State - \$2,500	City (Optional) - \$1,000; State - \$5,000
<i>Lower Potency Hemp Retailer</i>	City (Optional) - \$125; State - \$250	City (Optional) - \$125; State - \$250
<i>Medical Cannabis Combination Business</i>	City (Optional) - \$500; State - \$20,000	City (Optional) - \$1,000; State - \$70,000
<i>Cannabis Mezzobusiness</i>	City (Optional) - \$500; State - \$5,000	City (Optional) - \$1,000; State - \$10,000

<i>Cannabis Microbusiness</i>	City (Optional) - \$0; State - \$0	City (Optional) - \$500; State - \$1000
--	------------------------------------	---

Question 6: Does the City want to impose a registration fee?

C. Compliance Checks

Once the registration is issued, the entity issuing the registration must conduct annual compliance checks that include assessing compliance with age verification requirements (using underage purchasers), the applicable operational requirements, and the applicable limits on the types of products being sold.

D. Limiting Number of Retailers

The Cannabis Act allows (but does not require) a limitation on the number of retailers in the City. The Act states: “[a] local unit of government that issues cannabis retailer registration...may, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzo businesses with retail endorsements, and cannabis mezzo businesses with retail endorsements to no fewer than one registration for every 12,500 residents.”

The City is not required to issue a municipal registration if other cities/the county have issued 1 registration per 12,500 residents in the county. Consenting to have the county issue registrations could mean that the county then can limit retailers, not cities.

Question 7: Does the City wish to limit the number of retailers to 1 per 12,500 city residents? Does the City wish to not register retailers if there is already 1 registration per 12,500 county residents?

Note: Cities will receive a portion of the taxes imposed by the state as part of “local government cannabis aid”. This aid will be distributed to cities based on the number of cannabis businesses (not just retailers) in the City.

E. Limiting Hours of Operation

The Cannabis Act says that retail cannabis businesses may operate from 8:00 am-2:00 am Monday-Saturday and 10:00 am-2:00 am on Sunday. The City can limit the hours of operation to between 10:00 am-9:00 pm. seven days a week.

Question 8: Does the City want to impose additional hours of operation limits?

F. Cannabis Events

A temporary cannabis event is a gathering organized by a licensed cannabis event organizer that may last for no more than four days.

The process for these events should generally follow the normal process for handling similar events, but the City could choose to require additional standards for temporary cannabis events, such as prohibiting on-site consumption, limiting the hours or the events, etc.

Question 9: Does the City want to consider additional standards for temporary cannabis events?

V. NEXT STEPS

Any Council and Planning Commission input will be used to draft ordinances related to cannabis and hemp businesses. Zoning changes must go through the zoning amendment process (Planning Commission/public hearing), while the registration and operational ordinances will follow the general ordinance amendment process (Council only). If the OCM updates its draft administrative rules, we will update the City with any additional decision points.

City Council Work Session: September 3, 2024

AGENDA ITEM: Staff Reports	AGENDA SECTION: UPDATES
PREPARED BY: Logan Martin, City Administrator	AGENDA NO. 3.a.
ATTACHMENTS: Upcoming Council Events	APPROVED BY: LJM
RECOMMENDED ACTION: Receive Update	

BACKGROUND**Community Development**

- Project Updates

Public Works

- Connemara Trail Roundabout Update

Administrative Services

- Elections Update
- Joint Parks & Recreation and City Council Meeting Date

RECOMMENDATION

Receive update

January – 25'

City Admin Annual Review

TBD

CC Goal Setting Session

TBD

February – 25'

DCRC Legislative Reception

TBD

LMC Leaders Institute

TBD

March – 25'

Commissioner Interviews

Home & Business Expo

TBD

NLC Congressional City Conference

April – 25'

State of City

TBD

**Volunteer & Commissioner
Recognition Event**

TBD

May – 25'

Public Service Recognition Event

1st week of May

June– 25'

Public Safety in the Park –

TBD

LMC Annual Conference -

June 25-27 - Duluth

July – 25'

**Lep Days Booth – Council Out &
About**

July 26th – 27th

August - 25'

**Nat'l Night Out – Council Out &
About**

August 5th starting at 5pm

September - 24'

Food Truck Festival

September 21st

October – 24'

Fire Department Open House

TBD

**Haunted Woods Trail – Central
Park**

October 26th

November– 24'

Canvass Election Results

Nov. 12th or 13th?

Night on the Town-
TBD

NLC City Summit –

Nov. 13-16 Tampa, FL

Steeple Center Tree Lighting –
Nov. 30th

December– 24'

DCR Holiday Luncheon

TBD

“Santa Tour of Rosemount” –
December 14th?

Staff Holiday Luncheon
TBD