

A regular meeting was held in person and virtually with the meeting originating at City Hall, Canby Minnesota on August 3, 2022 at 6:00 pm.

Members: Nancy Bormann, Dillan Meyer, Diana Fliss,

Absent: Marisa Kack

Visitors: Rebecca Schrupp, City Administrator
Gerald Boulton, City Attorney
Aalex Hubin, Canby News

Virtually Attending:
Denise Hanson, Alderman
Sheila Kroshe, City Engineer

The regular Council meeting was called to order.

The agenda was reviewed. A motion was made by Fliss to approve the agenda with the additions of Theater 2 Lease. The motion was seconded by Meyer. All voted in favor. None voted against. The motion was carried.

The minutes from the July 20th meeting were reviewed. A motion was made by Meyer and seconded by Fliss to approve the corrected minutes from the July 20th meeting. All voted in favor. None voted against. The motion was carried.

Kroshe gave an update on the project. Kuechle agreed to a three-way split for milling and overlaying 5th Street. A motion was made by Fliss and seconded by Meyer to approve a one-third, one-third, one-third split per entity. All voted in favor. None voted against. The motion was carried. They will start on Friday.

Ordinance 333 was reviewed. A motion was made by Meyer and seconded by Fliss to adopt Ordinance 333. All voted in favor. None voted against. The motion was carried.

ORDINANCE NUMBER 333

AN ORDINANCE AMENDING THE ZONING USE DISTRICT BOUNDARIES SHOWN ON THE MAP WHICH IS A PART OF THE COMPREHENSIVE ZONING ORDINANCE NUMBER 125 OF THE CITY OF CANBY, MINNESOTA.

THE CITY OF CANBY DOES ORDAIN:

That the Map entitled "Zoning Use District, City of Canby, Minnesota" which is incorporated by reference, as part of Comprehensive Zoning Ordinance Number 125, be and hereby is amended so as to reflect a change in Zoning Use District Boundary for the property shown and described in survey attached hereto

From Zoning Use Agricultural (A) to Commercial A (CA) and Commercial B (CB).

(Said rezoned property being located at 116 Fairgrounds East, Canby MN, proposed site of new Runnings store)

ADOPTED BY THE COUNCIL OF THE CITY OF CANBY THIS 3rd DAY OF AUGUST, 2022.

MAYOR

ATTEST:

CITY ADMINISTRATOR

Ordinance 334 was reviewed. A motion was made by Fliss and seconded by Meyer to adopt Ordinance 334. All voted in favor. None voted against. The motion was carried.

**ORDINANCE NO.
334**

**AN INTERIM ORDINANCE PROHIBITING THE SALE, TESTING,
MANUFACTURING, AND DISTRIBUTION OF THC PRODUCTS**

NOW, THEREFORE , the City Council of the City of Canby does ordain:

SECTION 1. BACKGROUND.

1. By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minn. Stat. §151.72 and permitted the sale of edible and nonedible cannabinoid products that contain no more than 0.3 % of Tetrahydrocannabinol, commonly known as THC (“THC Products”).
2. The new law does enact some requirements for labeling and testing, but the law provides no parameters regulating production, compliance checks, or sales of THC Products. The new law does not prohibit local regulation.
3. Pursuant to Minn. Stat. § 462.355, subd. 4, the City is authorized to enact by ordinance a moratorium to regulate, restrict or prohibit any use within the jurisdiction to protect the public health, safety, and welfare. Specifically, the City is authorized to enact a moratorium ordinance to allow it to undertake a study to determine whether to adopt any regulations or restrictions, including siting and location of uses, related to the sales, testing, manufacturing, and distribution of THC Products.

4. Pursuant to its general police powers, including but not limited to, Minn. Stat. § 421.221, subd. 32, the City may enact and enforce regulations or restrictions on THC Products within the City to protect the public safety, health, and welfare, including restrictions and a moratorium on the use of sales, testing, manufacturing, and distribution, during the pendency of a study to determine the need for police power regulations, including but not necessarily limited to licensing and permitting.

SECTION 2. FINDINGS.

1. The City Council finds there is a need to study THC Products and uses and businesses related thereto, in order to assess the necessity for and efficacy of regulation and restrictions relating to the sales, testing, manufacturing, and distribution of THC Products, including through licensing or zoning ordinances, in order to protect the public health, safety, and welfares of its residents.
2. The study will allow the City Council to determine the appropriate changes, if any, that that it should make to City ordinances.
3. The City Council, therefore, finds that there is a need to adopt a City-wide moratorium of the sale, testing, manufacturing, and distribution of THC Products within the City while City staff studies the issue.

SECTION 3. MORATORIUM .

1. No individual, establishment, organization, or business may sell, test, manufacture, or distribute THC Products for twelve (12) months from the effective date of this ordinance.
2. The City shall not issue any license or permit related to THC Products or twelve (12) months from the effective date of this ordinance. No license or permit application, of any kind, by any individual, establishment, organization, or businesses involved in the proposed sale, testing, manufacturing, or distribution of THC Products within the City of Canby shall be accepted or considered for twelve (12) months from the effective date of this ordinance.
3. Planning or zoning applications related to THC Products or applications from individuals, establishments, organizations, or businesses involved in the proposed sale, testing, manufacturing, or distribution of THC Products within the City of Canby shall not be accepted or considered for twelve (12) months from the effective date of this ordinance.

SECTION 4. STUDY. The City Council directs City staff to study the need for local regulation regarding the sale, testing, manufacturing, or distribution of THC Products within the City of Canby. Staff must also study the need for creating or amending zoning ordinances, licensing ordinances, or any other ordinances to protect the citizens of Canby from any potential negative impacts of THC Products. Upon completion of the study, the City Council, together with such commission as the City Council deems appropriate, or as may be required by law, will consider the advisability of adopting new ordinances or amending its current

ordinances.

SECTION 5. ENFORCEMENT. The City may enforce this Ordinance by mandamus, injunctive relief, or other appropriate civil remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Manager, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance

SECTION 6. TERM. Unless earlier rescinded by the City Council, the moratorium established under this Ordinance shall remain in effect until twelve (12) months from its effective date, at which point, it will automatically expire.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage by the City Council.

Nancy Bormann, Mayor

ATTEST:

Rebecca Schrupp, City Administrator

The squad car that is at auction was discussed. A minimum cap of \$9,000.00 was the consensus.

The special assessment for 409 1st St E was discussed. A motion was made by Fliss and seconded by Meyer to approve the special assessment for 409 1st St. E. All voted in favor. None voted against. The motion was carried.

The playground equipment at Central Park was discussed. A survey will go out to see if the community is supportive of new playground equipment.

The vendor transactions for July were reviewed. A motion was made by Fliss and seconded by Meyer to approve the transactions in the amount of \$779,706.69. All voted in favor. None voted against. The motion was carried.

The theater lease for theater 2 was reviewed. This was tabled until the next meeting.

A motion was made by Fliss and seconded by Meyer to adjourn the meeting. All voted in favor. None voted against. The motion was carried.

Attest:

Mayor

City Administrator