



**CITY COUNCIL AGENDA
SPECIAL CITY COUNCIL MEETING
July 31, 2023 7:00 P.M.**

The City of Montrose is committed to maintaining a safe, welcoming, family-friendly community, with affordable housing, where parents can raise their families; to ensuring our skilled, motivated employees provide high quality public services at a value; to sound stewardship and fiscal responsibility to ensure our city remains strong and prosperous, both now and into the future; to nurturing business-friendly partnerships to promote economic development and local jobs; to thoughtfully address community needs and plan for growth, innovation and sustainable development; and to ethical leadership that is responsive and accountable to our citizens.

Montrose City Community Center
200 Center Avenue South
Montrose, Minnesota 55363

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. PUBLIC HEARING

A. Public Hearing to Consider an Ordinance Establishing a Licensing Framework within the City of Montrose for Businesses to Sell Certain Products that are Authorized for Sale under Minnesota Statutes, section 151.72

- i. **Ordinance 2023-05** – *An Ordinance Adding a New Chapter 78.01 to the Montrose City Code Licensing the Sale of Edible Cannabinoid Products within the City of Montrose*
- ii. **Resolution 2023-17** – *A Resolution Authorizing Summary Publication of Ordinance 2023-05: An Ordinance Adding a New Chapter 78.01 to the Montrose City Code Licensing the Sale of Edible Cannabinoid Products within the City of Montrose*

B. Public Hearing to Consider an Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Establishment and Operation of Cannabis Businesses within the City of Montrose

- i. **Ordinance 2023-06** – *An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses within the City of Montrose*

- ii. **Resolution 2023-18** – *A Resolution Authorizing Summary Publication of Ordinance 2023-06: An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses within the City of Montrose*

5. **BUSINESS**

- A. Pheasant Hills Backyard Drainage
- B. Park and Recreation Spending Authorization Requests:
 - i. Ax Throwing at Fall Event – to be paid with donation received from Bolton and Menk
 - ii. Face Painting at Fall Event – to be paid with donation received from Bolton and Menk
- C. Hiring Operator I at \$29.50/hour
- D. **Resolution 2023-19** – *A Resolution Approving an Offsite Gambling License for the Delano Area Youth Hockey Association*

6. **ADJOURNMENT**

CITY OF MONTROSE
WRIGHT COUNTY, MINNESOTA

ORDINANCE NO. 2023-05

AN ORDINANCE ADDING A NEW CHAPTER 78.01 TO THE MONTROSE CITY CODE
LICENSING THE SALE OF EDIBLE CANNABINOID PRODUCTS WITHIN THE CITY OF
MONTROSE

THE CITY COUNCIL OF THE CITY OF MONTROSE ORDAINS:

Section 1. The Montrose City Code is hereby amended by adding a new Chapter 78, as follows:

CHAPTER 78: EDIBLE CANNABINOID PRODUCTS

78.01 – FINDINGS AND PURPOSE

The purpose of the Section is to regulate the sale of edible cannabinoid products, as that term is defined in Minnesota Statutes, section 151.72, that contain tetrahydrocannabinol (“THC”) for the following reasons:

- A) Minnesota Statutes, section 151.72 expressly allows the sale of certain products that are intended to be eaten or consumed as a beverage by humans and which contain a cannabinoid in combination with food ingredients (“Edible Cannabinoid Products”), including Edible Cannabinoid Products which contain tetrahydrocannabinol (“THC”).
- B) 2023 Session Law Chapter 63 (the “Cannabis Act”) both amended regulations for Edible Cannabinoid Products and established a framework for adult-use cannabis in the state of Minnesota. The Cannabis Act established the Office of Cannabis Management (“OCM”) effective July 1, 2023, and the OCM will eventually issue licenses for all cannabis products and edible hemp products, such as Edible Cannabinoid Products, but does not currently require a business to obtain a license to sell Edible Cannabinoid Products.
- C) The City enacted Ordinance No. 2022-07, an interim ordinance establishing a temporary prohibition on the sale of Edible Cannabinoid Products, which will expire on August 11, 2023, thereby leaving a regulatory gap between when businesses can begin selling Edible Cannabinoid Products in the City and when businesses will be required to obtain a state-level license to sell edible hemp products.
- D) The City recognizes that, based on the most reliable and up-to-date scientific evidence, the introduction of Edible Cannabinoid Products containing THC presents a potential threat to the public health, safety, and welfare of the residents of Montrose and has determined the establishing a licensing framework for Edible Cannabinoid Products is in the best interest of the City and its residents.

- E) State law does not preempt municipalities from adopting and enforcing local ordinances to regulate retailers of Edible Cannabinoid Products including, but not limited to, establishing business licensing requirements. The Cannabis Act directs the OCM to draft administrative rules and model ordinances related to cannabis and hemp products, which may address Edible Cannabinoid Products, but the timing and details of those regulations are uncertain. Therefore, the City Council determines it is appropriate to adopt the regulations in this ordinance without delay.
- F) In making these findings and enacting this ordinance, it is the intent of the City to facilitate responsible retail activities associated with Edible Cannabinoid Products by allowing legal sale and access without promoting increases in use, and to discourage violations of Edible Cannabinoid Product-related laws, especially those which prohibit or discourage the marketing, sale, or distribution of Edible Cannabinoid Products to persons under the age of 21 years.

78.02. DEFINITIONS AND INTERPRETATIONS.

A) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1) **EDIBLE CANNABINOID PRODUCTS LICENSE** means the license issued by the city that allows a business to sell Edible Cannabinoid Products.

2) **COMPLIANCE CHECKS** means the system the city uses to investigate and ensure that those authorized to sell Edible Cannabinoid Products are following and complying with the requirements of this section. Compliance checks shall involve the use of persons under the age of 21 as authorized by this section. Compliance checks shall also mean the use of persons under the age of 21 who attempt to purchase Edible Cannabinoid Products for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to Edible Cannabinoid Products.

3) **MOVEABLE PLACE OF BUSINESS** means any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

4) **RETAIL ESTABLISHMENT** means any place of business where Edible Cannabinoid Products are available for sale to the general public. The sale of Edible Cannabinoid Products is limited to establishments that are also licensed to sell tobacco or off-sale liquor. Retail establishments shall not include home occupations.

5) **SALE** means any transfer of goods for money, trade, barter, or other consideration.

6) **SELF-SERVICE MERCHANDISING** means open displays of Edible Cannabinoid Products in any manner where any person shall have access to the Edible Cannabinoid Product without the assistance or intervention of the licensee or the licensee's employee. The assistance

or intervention shall entail the actual physical exchange of the Edible Cannabinoid Product between the customer and the licensee or employee.

7) EDIBLE CANNABINOID PRODUCT has the same meaning as provided in Minnesota Statutes, section 151.72, subdivision 1 (f).

8) VENDING MACHINE means any mechanical, electric, electronic, or other type of device that dispenses Edible Cannabinoid Products upon the insertion of money, tokens, or other forms of payment directly into the machine by the person seeking to purchase the Edible Cannabinoid Product.

9) YOUTH ORIENTED FACILITY means a public or private elementary, middle, or high school, a state-licensed child or day care program with more than ten children, and any City park.

78.03 LICENSE REQUIRED

A) No person shall directly, by coin machine, or otherwise, keep for retail sale, sell at retail, or otherwise furnishing, any Edible Cannabinoid Products at any place in the city unless they have obtained an Edible Cannabinoid Products License.

78.04 APPLICATION AND ISSUANCE

A) Application for such license shall be made to the city clerk and shall state the full name and address of the applicant, the location of the building to be occupied by the applicant in the conduct of the business, the kind of business to be conducted, and such other information as the city clerk may require. The application shall be presented to the city council for its consideration, and if granted by the council, a license will be issued by the city clerk upon payment of the required fee.

78.05 BASIS FOR DENIAL OF LICENSE.

A) Grounds for denying the issuance of a license include, but are not limited to, the following:

- 1) The applicant is under 21 years of age.
- 2) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to Edible Cannabinoid Products.
- 3) The applicant has had a license to sell Edible Cannabinoid Products suspended or revoked within the preceding 12 months of the date of application.
- 4) The applicant fails to provide any information required on the application, or provides false or misleading information.
- 5) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.

- 6) Applicant is acting as an agent or pass through for another person or entity whose prior acts violated subsections A) 1, 2, 3, or 4 above or who is otherwise prohibited from holding a license under any applicable rule or law.
- 7) The applicant does not also have a license for the sale of tobacco or an off-sale liquor license.
- 8) The applicant is not located with the B-1: Central Business District or B-2 Highway Business District.
- 9) The proposed business is a movable place of business. Only fixed-location businesses are eligible to be licensed and separate licenses are required for each location.
- 10) The location of the business is within 500 feet of a Youth Oriented Facility.

B) However, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license.

C) If a license is mistakenly issued to a person, it may be revoked upon the discovery that the person was ineligible for the license under this ordinance. Notice of the revocation will be given to the person along with information on the right to appeal.

78.06 LICENSE FEE.

- A) The fee for a license is set by the City's fee schedule.

78.07 TERM.

- A) All licenses issued under this chapter shall be valid until March 1, 2025, or until the Office of Cannabis Management assumes licensing of Edible Cannabinoid Products.

78.08 LICENSE DISPLAYED.

- A) The license must be kept conspicuously posted on the premises for which the license is issued and must be exhibited to any person upon request.

78.09 PROHIBITED ACTS.

- A) In General.

- 1) No person shall sell or offer to sell any Edible Cannabinoid Product:
 - i) By means of any type of vending machine.
 - ii) By means of self-service merchandising.

iii) By any other means, to any other person, on in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.

2) No person shall sell or offer for sale a product containing THC that does not meet all the requirements of Minnesota Statutes, section 151.72, except sales pursuant to a license issued by the Office of Cannabis Management.

B) Legal Age. No person shall sell any Edible Cannabinoid Product to any person under the age of 21.

- 1) Age verification. Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age as required in Minnesota Statutes, section 151.72.
- 2) Signage. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where Edible Cannabinoid Products are offered for sale. The required signage, which will be provided to the licensee by the City, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

C) Samples Prohibited. No person shall distribute samples of any Edible Cannabinoid Product free of charge or at a nominal cost.

78.10 OTHER ILLEGAL ACTS.

A) Illegal procurement. It shall be a violation of this section for any person 21 years of age or older to purchase or otherwise obtain Edible Cannabinoid Products on behalf of a person under the age of 21.

B) Use of false identification. It shall be a violation of this section for any person to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

C) Violations of Minnesota Statutes, section 151.72. Any violation of Minnesota Statutes, section 151.72 shall also be considered a violation of this chapter.

78.11 RESPONSIBILITY.

A) All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of Edible Cannabinoid Products on the licensed premises. The sale, offer to sell, or furnishing of any Edible Cannabinoid Product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the City from also subjecting the employee to any civil penalties that the City deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

78.12 COMPLIANCE CHECKS AND INSPECTIONS.

A) All premises licensed under this subdivision shall be open to inspection by the City during regular business hours. From time to time, the City may conduct compliance checks.

B) No person used in compliance checks shall attempt to use a false identification misrepresenting their age. All persons lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. The City will conduct a compliance check that involves the participation of a person at least 18 years of age, but under the age of 21 to enter the licensed premises to attempt to purchase the Edible Cannabinoid Products. Persons used for the purpose of compliance checks shall be supervised by law enforcement or other designated personnel. Nothing in this article shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

C) Additionally, from time to time, the City will conduct inspections to determine compliance with any or all other aspects of this ordinance.

78.13 VIOLATIONS AND PENALTY

A) Administrative Civil Penalties – Individuals. If a person who is not a licensee is found to have violated this article, the person shall be charged an administrative penalty as follows:

- 1) First Violation. The Council shall impose a civil fine not to exceed \$50.00.
- 2) Second Violation Within the License Term. The Council shall impose a civil fine not to exceed \$100.00.
- 3) Third Violation Within the License Term. The Council shall impose a civil fine not to exceed \$150.00.

B) Administrative Civil Penalties – Licensee. If a licensee or an employee of a licensee is found to have violated this article, the licensee shall be charged an administrative penalty as follows:

- 1) First Violation. The Council shall impose a civil fine of \$500.00 and suspend the license for not less than 1 day.
- 2) Second Violation Within the License Term. The Council shall impose a civil fine of \$1,000.00 and suspend the license for not less than 3 consecutive days.
- 3) Third Violation Within The License Term. The Council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 10 consecutive days.

- 4) Fourth Violation Within The License Term. The Council shall revoke the license for at least one year.

C) Administrative Penalty Procedures. Notwithstanding anything to the contrary in this section:

- 1) Any of the administrative civil penalties set forth in this section that may be imposed by the Council, may in the alternative be imposed by an administrative citation
- 2) If one of the foregoing penalties is imposed by an action of the Council, no penalty shall take effect until the licensee or person has received notice (served personally or by mail) of the alleged violation and of the opportunity for a hearing before the Council, and such notice must be in writing and must provide that a right to a hearing before the Council must be requested within 10 business days of receipt of the notice or such right shall terminate.

D) Misdemeanor Prosecution. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this article.

78.14 SEVERABILITY

A) If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

78.15 EXCEPTIONS AND DEFENSES.

A) Nothing in this chapter shall prevent the providing of an Edible Cannabinoid Product to a person under the age of 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied upon proof of age.

Section 2. Effective Date. This ordinance becomes effective upon passage and publication.

ADOPTED this 31st day of July, 2023 by the City Council of the City of Montrose.

CITY OF MONTROSE

By: _____
Kirby Moynagh, Mayor

ATTEST:

By: _____
Michael Sommerfeld, City Clerk/Treasurer

**CITY OF MONTROSE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

RESOLUTION NO. 2023-17

**A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 2023-05 AN
ORDINANCE ADDING A NEW CHAPTER 78.01 TO THE MONTROSE CITY CODE
LICENSING THE SALE OF EDIBLE CANNABINOID PRODUCTS WITHIN THE CITY OF
MONTROSE**

WHEREAS, The City Council of the City of Montrose has determined the publication of the title and a summary of “Ordinance 2023-05 AN ORDINANCE ADDING A NEW CHAPTER 78.01 TO THE MONTROSE CITY CODE LICENSING THE SALE OF EDIBLE CANNABINOID PRODUCTS WITHIN THE CITY OF MONTROSE”, finding a summary publication would clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, Pursuant to Minnesota Statutes 412.191, Subdivision 4 and M.S. 331A.01, Subd. 10, the City Council may, by a four-fifths vote of its members, direct that only the title of the Ordinance and a summary be published with notice that a printed copy of the Ordinance is available for inspection by any person during regular office hours at the City Offices; and,

WHEREAS, Prior to the publication of the title and summary, the City Council has read and approved the text of the summary and determined that it clearly informs the public of the intent and effect of the Ordinance.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Montrose, Minnesota that the title and summary of “Ordinance 2023-05 AN ORDINANCE ADDING A NEW CHAPTER 78.01 TO THE MONTROSE CITY CODE LICENSING THE SALE OF EDIBLE CANNABINOID PRODUCTS WITHIN THE CITY OF MONTROSE” be published with notice that a printed copy of Ordinance 2023-05 is available in its entirety for inspection by any person during regular office hours at the City Offices.

BE IT FURTHER RESOLVED: the publication shall read as follows:

“On July 31, 2023 the Montrose City Council approved the reading of Ordinance 2023-05 “AN ORDINANCE ADDING A NEW CHAPTER 78.01 TO THE MONTROSE CITY CODE LICENSING THE SALE OF EDIBLE CANNABINOID PRODUCTS WITHIN THE CITY OF MONTROSE”.

The Ordinance, in its entirety is available for review and/or photocopying during regular office hours at the City of Montrose Offices, 311 Buffalo Avenue South, Montrose Minnesota.

Ordinance 2023-05 shall be in full force and effect from and after the date of its passage (July 31, 2023) and this summary publication according to law.”

The motion for the adoption of the foregoing Resolution was duly made by _____ and upon vote being taken thereon, the following voted in favor: _____

And the following voted against the same: _____

Whereupon said Resolution was declared duly passed and adopted this 31st day of July, 2023.

Robert W. Moynagh, III
Mayor
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose

CITY OF MONTROSE
WRIGHT COUNTY, MINNESOTA

ORDINANCE NO. 2023-06

AN INTERIM ORDINANCE AUTHORIZING A STUDY AND
IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS
BUSINESSES WITHIN THE CITY OF MONTROSE

THE CITY COUNCIL OF THE CITY OF MONTROSE ORDAINS:

Section 1. Legislative Findings and Authority.

- (A) The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of Edible Cannabinoid Products.
- (B) The Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (i) require local registration of certain Cannabis Businesses operating retail establishments, (ii) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Business, (iii) limit the number of certain Cannabis Businesses based on the population of the community, and (iv) prohibit the operation of a Cannabis Business within 1,000 feet of a school, or 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.
- (C) The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. It is anticipated that the city of Montrose (the “City”) will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.
- (D) The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim

ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.

- (E) Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.
- (F) The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.
- (G) On July 31, 2023, after providing at least 10 days published notice, the city council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.

Section 2. Definitions. For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (A) “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- (B) “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- (C) “City” means the city of Montrose, a Minnesota municipal corporation.
- (D) “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (E) “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- (F) “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

Section 3. Study Authorized. The city council hereby authorizes and directs City staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the city council on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the city council’s consideration of this matter. The report may also include City staff’s recommendations on whether the city council should adopt regulations and, if so, the recommended types of regulations.

Section 4. Moratorium. A moratorium is hereby imposed on the operation of any Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or

operate a Cannabis Business within the jurisdictional boundaries of the City. Accordingly, during the period that this Ordinance is in effect, the City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

Section 5. Exceptions. The moratorium imposed by this Ordinance does not apply to: (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the City prior to the effective date of this Ordinance; or (ii) the sale of Edible Cannabinoid Products, provided, however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions. For example, sale of Edible Cannabinoid Products is currently subject to a moratorium under Ordinance No. 2022-07, which is scheduled to expire on August 11, 2023, and the City Council is considering implementing a licensing ordinance that would be effective until March 1, 2025 or until the OCM assumes licensing of Edible Cannabinoid Products.

Section 6. Enforcement. Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalties prescribed in the city code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The city council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

Section 7. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Section 8. Effective Date and Term. This Ordinance shall become effective immediately upon passage and publication. This Ordinance shall remain in effect until January 1, 2025, or until the city council expressly repeals it, whichever occurs first.

ADOPTED this 31st day of July, 2023 by the City Council of the City of Montrose.

CITY OF MONTROSE

By: _____
Kirby Moynagh, Mayor

ATTEST:

By: _____
Michael Sommerfeld, City Clerk/Treasurer

**CITY OF MONTROSE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

RESOLUTION NO. 2023-18

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 2023-06 AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY OF MONTROSE

WHEREAS, The City Council of the City of Montrose has determined the publication of the title and a summary of "Ordinance 2023-06 AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY OF MONTROSE", finding a summary publication would clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, Pursuant to Minnesota Statutes 412.191, Subdivision 4 and M.S. 331A.01, Subd. 10, the City Council may, by a four-fifths vote of its members, direct that only the title of the Ordinance and a summary be published with notice that a printed copy of the Ordinance is available for inspection by any person during regular office hours at the City Offices; and,

WHEREAS, Prior to the publication of the title and summary, the City Council has read and approved the text of the summary and determined that it clearly informs the public of the intent and effect of the Ordinance.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Montrose, Minnesota that the title and summary of "Ordinance 2023-06 AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY OF MONTROSE" be published with notice that a printed copy of Ordinance 2023-06 is available in its entirety for inspection by any person during regular office hours at the City Offices.

BE IT FURTHER RESOLVED: the publication shall read as follows:

"On July 31, 2023 the Montrose City Council approved the reading of Ordinance 2023-06 "Ordinance 2023-06 AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY OF MONTROSE".

The Ordinance, in its entirety is available for review and/or photocopying during regular office hours at the City of Montrose Offices, 311 Buffalo Avenue South, Montrose Minnesota.

Ordinance 2023-06 shall be in full force and effect from and after the date of its passage (July 31, 2023) and this summary publication according to law."

The motion for the adoption of the foregoing Resolution was duly made by _____ and upon vote being taken thereon, the following voted in favor: _____

And the following voted against the same: _____

Whereupon said Resolution was declared duly passed and adopted this 31st day of July, 2023.

Robert W. Moynagh, III
Mayor
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose



**BOLTON
& MENK**

Real People. Real Solutions.

2040 Highway 12 East
Willmar, MN 56201-5818

Ph: (320) 231-3956
Fax: (320) 231-9710
Bolton-Menk.com

MEMORANDUM

Date: July 25, 2023

To: Honorable Mayor Moynagh
Members of the City Council
City of Montrose, Minnesota

From: *SJ* Spencer Johnson, P.E.
Project Manager

Subject: Pheasant Hills Backyard Drainage
City of Montrose
Project No.: W13.120188

As a result of continued discussions regarding the potential Pheasant Hills Drainage Improvements, the benefitting residents have requested further consideration on whether the estimated assessment amount can be reduced. The estimated construction amount for the project is \$17,540. The estimated engineering amount for the administration of the project is approximately \$2,200. The assessment amount would be split among the three benefitting property owners to 202, 204, and 206 Pheasant Run Drive. We are requesting Council direction if the assessment calculation should include the estimated engineering amount of \$2,200.

If you have any questions, please call.

QUOTE SCHEDULE

PHEASANT HILLS BACK YARD DRAINAGE
CITY OF MONTROSE, MN
BMI PROJECT NO. W13.120188

ONLY ONE QUOTE SCHEDULE from each QUOTER shall be considered for the project. When more than one QUOTE SCHEDULE from an individual QUOTER is received only the last submittal meeting the quoting requirements shall be considered and all other copies shall be left unopened.

QUOTER agrees to perform all of the work described in the CONTRACT DOCUMENTS for the following unit prices:

NOTE: QUOTES shall include sales tax and all applicable taxes and fees.

QUOTER must fill in unit prices in numerals, make extension for each item, and total.

CY (LV) = Cubic Yards, Loose Volume

CY (CV) = Cubic Yards, Compacted Volume (Measured in Place)

(P)=Planned Quantity Basis of Measurement

ITEM NO.	ITEM	NOTES	APPROX. QUANT.	UNIT	UNIT PRICE	AMOUNT
GRADING & DRAINTILE IMPROVEMENTS						
1	MOBILIZATION		1	LUMP SUM	\$300.00	\$300.00
2	CLEARING		9	TREE	\$100.00	\$900.00
3	GRUBBING		9	TREE	\$100.00	\$900.00
4	GRUBBING		4	BUSH	\$50.00	\$200.00
5	REMOVE EDGING & VEGETATION		170	SQ YD	\$5.88	\$1000.00
6	4-INCH DRAINTILE		580	LIN FT	\$10.25	\$5945.00
7	YARD INLET		5	EACH	\$120.00	\$640.00
8	CONNECT TO EXISTING DRAINTILE		1	EACH	\$25.00	\$25.00
9	CONNECT TO EXISTING STORM SEWER STRUCTURE		1	EACH	\$300.00	\$300.00
10	REMOVE & REPLACE CONCRETE SIDEWALK		75	SQ FT	\$25.00	\$1875.00
11	GRADE DRAINAGE SWALE		1	LUMP SUM	\$900.00	\$900.00
12	TOPSOIL ALLOWANCE		25	CU YD	\$45.00	\$1125.00
13	TURF RESTORATION (SEED WITH EROSION CONTROL BLANKET)		760	SQ YD	\$4.25	\$3230.00

TOTAL :

\$ 17,540.00

Cristy Gerard

From: Woodsman Axe LLC
<quickbooks@notification.intuit.com>
Sent: Friday, July 21, 2023 6:50 PM
To: Joshua.swanson.34@gmail.com; Cristy Gerard
Subject: Invoice 000095 from Woodsman Axe LLC

320-219-7711



Your invoice is ready!

Total \$961.00

BALANCE DUE **\$961.00**

Date: 30 September 2023 Saturday

HappyFaces Entertainment Company Agreement

PO Box One Long Lake, MN 55356

Mid-west Div in MN * (952) 476-7676

www.happyfaces.biz Email lorraineowings@msn.com.

CUSTOMIZED ENTERTAINMENT * TELL A FRIEND ABOUT HAPPYFACES

The Place to Call for Caricatures, Face Painting, Clowns, Magic, Photo Buttons & Much More Fun

Toby Nelson:

26 July

This is to confirm an agreement between us that Happyfaces will provide you with the following performer(s) for the below event.

Event: Fall Festival Notes: 200

Address of event: Community Center

Address: 200 Center Ave South, Montrose, MN 55363

Toby Nelson

Toby Nelson29@yahoo.com

763-213-2743

311 Buffalo Ave South, Montrose, MN 55363

Date: 30 September 2023 Saturday

Type of Performance requested: (1) Festive Face Painter

Quantity: 1 Hours: 5 Time: 1:30 – 6:30pm

\$118 x 5 = \$590

Travel

\$40

Please provide a small table and two chairs for the face painter in an area protected from the elements.

Special instructions: The Total is \$630 payable to Happy Faces. The deposit is \$330 due with a signed contract. You may call in with a credit card. The balance is \$300 due the day of the event and can be given to the Performer in charge upon arrival. Please complete, sign and return the contract to the above address along with a deposit. You can call in with a credit card.

Directions:

You may accept this agreement by signing the line indicated below on the copy sheet and returning the original to the above address. The contract must be received in ample time before the event along with maps and parking passes if needed. Should the performer stay any additional time, the cost will be prorated at the above rates and payment is to be made to happy faces only. There may be a cancellation fee if not done two weeks prior to the event. Canceling within 48 hours of the event may result in loss of deposit. Thank you for calling Happyfaces. We look forward to being a part of the event.

Sincerely L. Owings, Happy faces Talent Coordinator

Signed Signature name/title date.

Please complete, sign and return the contract to the above address with a deposit. Can call in with a credit card.

Meeting Date: July 31, 2023

Submitted by: Jessica Bonniwell
City Administrator



City Council Request

Subject: Hiring of Operator I

ACTION REQUESTED:

Motion to approve staff recommendation to hire Mr. Brent Mickolichuk as Operator I starting at \$29.50/hour.

BACKGROUND:

Staff has been working to hire for the Operator I position and interviewed a fully qualified candidate on July 25, 2023. Mr. Mickolichuk has a Class "B" CDL and a Class "C" Water and Wastewater Licenses. Mr. Mickolichuk has been working for cities for 12+ years and has a lot of great experience.

FINANCIAL/BUDGET:

The wage range for Operator I is currently \$28-30, and staff had previous approval to hire up to \$28.00/hour. However, we feel with Mr. Mickolichuk's experience and licensing, the higher starting wage is justified. The starting wage of \$29.50 still falls within the range for the Operator I position.

**CITY OF MONTROSE
COUNTY OF WRIGHT
STATE OF MINNESOTA**

RESOLUTION 2023-19

**A RESOLUTION APPROVING AN OFFSITE GAMBLING LICENSE FOR THE DELANO
AREA YOUTH HOCKEY ASSOCIATION**

Upon motion duly made, seconded and carried, it was:

Resolved: that the City of Montrose approves the issuance of a Minnesota Lawful Gambling License for the Delano Area Youth Hockey Association to Conduct Off-Site Gambling in Lions Park at 260 2nd Street South, Montrose, Minnesota.

Adopted this 31st day of July, 2023 by the Montrose City Council.

In Favor:

Opposed:

Kirby Moynagh, Mayor

ATTEST:

Michael Sommerfeld, City Clerk/Treasurer