

City of Long Prairie
7:00 P.M., Monday December 5th, 2022
City Council Meeting Held in Person & Via-Teleconference

The Long Prairie City Council met in person and by phone at City Hall, 7:00 pm, on Monday December 5th, 2022, Acting Mayor David Wright called the meeting to order with the following present by phone or at City Hall: Council members, Bob Klick, Lilah Gripne, and City Administrator Ted Gray. Mayor Jodi Dixon and Council member Datrik Mitchell were absent. Others present Police Chief Ryan Hanson, Fire Chief Dan Laumeyer, Kent Louwagie, Katherine Mackedanz, Jim Kreemer, Scott Thomas, Gabrier Perez, Miozoti Nieves.

Council member Klick motioned Gripne seconded to approve the consent agenda:

- (a) Approve Agenda for December 5th, 2022 with the addition of item 8 under New Business, Approving the hiring of Part Time Police Officers Joseph Riveria Robles and Cody Vail.**
- (b) Approve Council Meeting Minutes from November 21st, 2022**
- (c) Approve Work Session Meeting Minutes from November 29th, 2022**
- (d) Approve Donation Resolution 22-12-05-37**

Motion carried unanimously.

Resolution #22-12-05-37
RESOLUTION ACKNOWLEDGING DONATIONS

WHEREAS, the City of Long Prairie has received the following donations during the month(s) of October & November for the following purposes:

Long Prairie Plumbing	\$25.00	DARE
American Legion	\$300.00	DARE
Shadys Golden Eagle	\$100.00	DARE
LP Lions Club	\$200.00	DARE
Prairie Woods Laundry	\$100.00	DARE
Budget Inn	\$200.00	DARE
Hormel	\$100.00	DARE
American Family Ins	\$100.00	DARE
Ming Dynasty Buffet	\$50.00	DARE
Countryside Plumbing	\$50.00	DARE
Hometown Abstract	\$100.00	DARE
Vanguard Insurance	\$50.00	DARE

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LONG PRAIRIE, MINNESOTA THAT: The City Council of the City of Long Prairie acknowledges and accepts the donations received the month of October & November.

BE IT FURTHER RESOLVED THAT: The City Council of the City of Long Prairie expresses its thanks and appreciation for the donations to all Donor(s) listed.

Adopted this 5th day of December 2022 by the City Council of the City of Long Prairie.

ATTEST:

Theodore Gray
City Administrator/Clerk

David Wright
Acting Mayor

(Council Reports)

Public Works: Administrator Gray reported for public works. The daily water/wastewater rounds, and samples are going fine. Public works has been busy sweeping streets, completing equipment maintenance at the wastewater treatment plant, along with patching some holes, and trimming some trees. In the next few weeks, we will continue to plow snow as needed, and continue working on shop projects/equipment maintenance.

EDA: Council member Wright reported on the EDA activities. At the next meeting there will be an update from Rick Utech on the Child Care Project.

Public Safety: Council member Wright reported for the Fire and Police Departments. The Police Department had 179 reports in the last two weeks. There has been some vandalism in the downtown area that is being investigated. Both the Fire Department and Police Departments participated in the Bright Lights Parade. The Fire Department is continuing to work through truck repairs and tire replacement.

Liquor Store: Council member Klick reported the Liquor Store hours for the upcoming Holidays. On December 24th the Liquor Store will close at 3:00 p.m. and closed on December 24th and 25th. The Liquor Store will be open regular hours on New Years Eve and closed New Years Day, January 1st, 2023.

Library: Council member Gripne reported on the upcoming Holidays Bells performance at the Library on December 8th.

Administration: Administrator Gray discussed with the council on upcoming final Work Session to discuss the deferred assessment application related to the road project. The meeting will be set for Thursday December 15th, at 6:30 p.m.

Road Project Updated: City Engineer Kent Louwagie presented to the council a road project update. The final work for 2023 has been completed. They have installed the chain link fences on the box culverts.

(Public Hearing)

Acting Mayor David Wright opened the Public Hearing at 7:10 p.m. on the Ordinance 22-12-05-02, An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Sale of Cannabis Products. Through discussion the council would like a committee to be put together to discuss the creation of the final ordinance to which regulates the sale of THC products. After no further discussion Acting Mayor Wright closed the hearing at 7:14 p.m.

Council member Klick motioned Gripne seconded to approve the Ordinance 22-12-05-02 creating an Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Sale of Cannabis Products. Motion carried unanimously.

ORDINANCE NO. 22-12-05-02

**AN INTERIM ORDINANCE
AUTHORIZING A STUDY AND IMPOSING A MORATORIUM
ON THE SALE OF CANNABIS PRODUCTS**

THE CITY OF LONG PRAIRIE DOES ORDAIN:

SECTION 1. Legislative Findings

(a) There is a great deal of uncertainty regarding the effect of Minnesota Laws 2022, Chapter 98 amending Minnesota Statutes, section 151.72 (“Act”) to allow the sale of edible cannabinoid products (“Cannabis Products”).

(b) Because the proposal to allow the sale of Cannabis Products received little publicity until the Act went into effect on July 1, 2022, the City of Long Prairie (“City”) did not have an opportunity to study and consider the potential impacts of the Act on the City. Nor did the City Council have sufficient time to engage in policy discussions regarding the regulations the City Council may elect to impose on the sale of Cannabis Products.

(c) The Act authorizes the Minnesota Board of Pharmacy to enforce the Act, but the Act does not provide for any licensing of manufacturers or of those who sell Cannabis Products. The Act is also silent regarding the enactment of local regulations related to Cannabis Products.

(d) The Legislature did not expressly prohibit or limit local regulations, and the regulations established in the Act clearly do not constitute the Legislature having occupied the field of regulation regarding the sale of Cannabis Products.

(e) The City Council finds the uncertainties associated with sale of Cannabis Products, and the options for local regulation, compels the need for a study to develop information the City Council can rely on as it engages in policy discussions related to potential regulation of Cannabis Products through the adoption of licensing and zoning controls.

(f) The City Council is authorized to adopt an interim ordinance “to regulate, restrict, or prohibit any use . . . within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.” Minnesota Statutes, section 462.355, subdivision 4(a).

(g) The City Council is also authorized as part of its general police powers to adopt business licensing requirements related to the sale of Cannabis Products.

(h) The Minnesota Supreme Court in *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976) upheld the enactment of a moratorium despite the lack of express statutory authority as being a power inherent in a broad legislative grant of power to municipalities. In most cases, the enactment of business licensing requirements is based on a city’s police powers, which is the broadest grant of power to cities. Inherent in that broad grant of authority is the power to temporarily place a moratorium on a business activity to study and potentially implement licensing regulations on that business activity.

(i) There are both business licensing and zoning issues associated with the sale of Cannabis Products the City Council determines it needs time to study to consider the development and adoption of appropriate local regulations. In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts its study and the City Council engages in policy discussions regarding possible regulations, the City Council determines it is in the best interests of the City to impose a temporary moratorium on the sale of Cannabis Products.

SECTION 2. Definitions. For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings given them in this Article.

(a) “Act” means 2022 Minnesota Session Laws, Chapter 98 (H.F. No. 4065), amending Minnesota Statutes, section 151.72.

(b) “Cannabis Products” means Edible Cannabinoid Product regulated by the Act, effective July 1, 2022. This term excludes products that are not intended to be eaten or consumed by humans or that contain less than 0.1 percent of any tetrahydrocannabinol.

(c) “City” means the City of Long Prairie.

(d) “City Code” means the Long Prairie City Code.

(e) “Edible Cannabinoid Product” has the same meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(c).

SECTION 3. Study. City staff shall conduct a study regarding Cannabis Products and provide the City Council a report on the potential regulations of such products. The report shall include the City staff’s recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations. The study shall consider, but is not limited to, the following:

(a) The potential impacts of the sale of Cannabis Products within the City;

(b) Licensing the sale of Cannabis Products and related regulations; and

(c) Zoning regulations related to the sale, manufacture, and distribution of Cannabis Products as uses within the City.

SECTION 4. Moratorium. A moratorium is hereby imposed to prohibit any business, person, or entity from offering for sale or selling Cannabis Products to the public within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of Cannabis Products.

SECTION 5. Violations. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to offer for sale, or to sell, Cannabis Products within the City.

SECTION 6. Exceptions. The moratorium imposed by this Ordinance does not apply to the sale of medical cannabis or non-edible hemp products that were lawful to sell prior to the effective date of the Act.

ARTICLE 7. Enforcement. A violation of this Ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, other appropriate civil remedy in any court of competent jurisdiction, or through applicable penalties under the City Code.

ARTICLE 8. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part of this Ordinance. 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.

ARTICLE 9. Effective Date and Term. This Ordinance shall be effective immediately and shall have a term of 12 months. This Ordinance shall remain in effect until the expiration of the 12-month term, until it is expressly repealed by the City Council, or until the effective date of an ordinance amending the City Code to address the sale of Cannabis Products, whichever occurs first.

SECTION 10. Summary Publication. The verbatim text of the amendment is cumbersome, and the expense of publication of the complete text is not justified. The City Council of the City of Long Prairie adopts the following summary for official publication:

- (a) This summary of the ordinance is published pursuant to MN ST Section 331A.01, Subd. 10.
- (b) This ordinance does the following: authorizes a study and imposes a one-year moratorium on the sale of Cannabis products.
- (c) Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Support Services Manager at 320-732-2167.

Adopted by the City of Long Prairie this _____ day of December 2022.

David Wright, Acting Mayor

ATTEST:

Ted Gray, City Clerk/Administrator

(New Business)

Council member Gripne motioned Klick seconded to approve Pay Request #7 in the amount of \$263,466.24 payable to C&L Excavating. Motion carried unanimously.

Council member Klick motioned Gripne seconded to approve Braun Intertec Invoice in the amount of \$11,657.50. Motion carried unanimously.

Council member Klick motioned Gripne seconded to approve Resolution 22-12-05-38 Decertification of Tax Increment District 1-6. Motion carried unanimously.

RESOLUTION NO. 22-12-05-38

**RESOLUTION OF THE CITY OF LONG PRAIRIE, MINNESOTA APPROVING THE
DECERTIFICATION OF TAX INCREMENT FINANCING DISTRICT NO. 1-6 (A
HOUSING DISTRICT)**

BE IT RESOLVED by the City Council (the “Council”) of the City of Long Prairie, Minnesota (the “City”), as follows:

Section 1. Recitals.

1.01 By Resolution No. 05-02-07-01, adopted on February 7, 2005, the City approved the establishment of Tax Increment Financing District No. 1-6 (a housing district) (the “TIF District”) within Master Development District No. 1, and approved a Tax Increment Financing Plan therefor (the “TIF Plan”).

1.02. The City desires by this resolution to cause the decertification of the TIF District after which all property taxes generated by property within the TIF District will be distributed in the same manner as all other property taxes beginning in 2023.

1.03. All conditions precedent to decertification of the TIF District set forth in Minnesota Statutes, Section 469.1763, Subdivision 4, and Section 469.177, Subdivision 12, have been met by December 31, 2022.

Section 2. Decertification. The TIF District shall be decertified on December 31, 2022.

Section 3. Directions to the City Administrator. The City Administrator is authorized to transmit a certified copy of this resolution to the County Auditor of Todd County, which

shall serve as the Council's written request for decertification of the TIF District effective December 31, 2022.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Long Prairie that the City's staff shall take such action as is necessary to cause the County Auditor of Todd County to decertify the TIF District as a tax increment district and to no longer remit tax increment from the District to the City.

Adopted: December 5, 2022.

David Wright
Acting Mayor

Attest:

Theodore Gray
City Administrator

Council member Gripne motioned Klick seconded to approve Resolution 22-12-05-39 Designating Polling Location for 2023. Motion carried unanimously.

RESOLUTION #22-12-05-39
Resolution Designating a Polling Place for the Calendar Year of 2023

WHEREAS, MN Statues requires cities to annual designate a polling place by December 31st of each year for the following calendar year;

WHEREAS, the City Council designates the Long Prairie City Hall located at 615 Lake St S as the polling place for the City of Long Prairie;

THEREFORE BE IT RESOLVED that the City Council designates the Long Prairie City Hall located at 615 Lake St S as the polling place for the City of Long Prairie for the 2023 calendar year.

Adopted by the city council this 5th day of December 2022.

Theodore Gray
City Administrator/Clerk

David Wright
Acting Mayor

Council member Wright motioned Klick seconded to approve Resolution 22-12-05-40 PERA Police Officer Declaration. Motion carried unanimously.

RESOLUTION # 22-12-05-40
PERA POLICE OFFICER DECLARATION

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of other; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the City Council of the City of Long Prairie hereby declares that the position titled Police Officer, currently held by Joseph A Rivera Robles, meets all of the following Police and Fire membership requirements:

- 1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;**
- 2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;**
- 3. Said position charges this employee with the prevention and detection of crime**
- 4. Said position gives this employee full power of arrest, and**
- 5. Said position is assigned to a designated police or sheriff's department.**

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

**STATE OF MINNESOTA
COUNTY OF TODD**

I, Theodore Gray, City Administrator/Clerk of the City of Long Prairie, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 5th day of December 2022; the original of which is on file in this office. I further certify that 4 members voted in favor of this resolution and that 4 members were present and voting.

**Signed: _____
Theodore Gray
City Administrator/Clerk**

Date: _____

Council member Gripne motioned Klick seconded to approve the quote from Braun Intertec to complete material testing for the Long Prairie City Lift Station Project in the amount of \$9,910.00. Motion carried unanimously.

Council member Klick motioned Gripne seconded to approve the 2023 Cigarette Licenses for Riverside Liquors, Northern Star Coop, Casey's, Holiday Gas Station, Coborn's, Family Dollar, Dollar General, and Viva Tobacco & More. Motion carried unanimously.

Council member Wright motioned Klick seconded to approve the 2023 Beer 3.2% Off Sale Licenses for Holiday Gas Station, Coborn's, Mi Pueblito Market, and Novedades Bronco. Motion carried unanimously.

Council member Klick motioned Wright seconded to approve the 2023 General Corporate License and Sunday Liquor License for the American Legion. Motion carried unanimously.

Council member Klick motioned Wright seconded to approve the 2023 General Corporate License, Intoxicating Liquor License, and Sunday Liquor License for Irish's Place, Chavez Event Center, and The Red Lounge. Motion carried unanimously.

Council member Wright motioned Gripne seconded to approve the hiring of Part Time Police Officers Joseph Riveria Robles and Cody Vail. Motion carried unanimously.

There being no further business, motion by Klick seconded by Gripne to adjourn the meeting at 7:29 p.m.

Ted Gray, City Administrator

David Wright, Acting Mayor