

1 CITY OF ST. ANTHONY
2 PLANNING COMMISSION MEETING
3 JULY 18, 2023
4 7:00 p.m.
5

6 **CALL TO ORDER.**

7
8 Vice Chair Morita called the meeting to order at 7:00 p.m.
9

10 **PLEDGE OF ALLEGIANCE.**

11
12 Vice Chair Morita invited the Commission and the audience to join him in the Pledge of Allegiance.
13

14 **ROLL CALL.**

15
16 Commissioners Present: Vice Chair Morita, Commissioners Erickson, Gaveske, Hendrickson,
17 and Rude.
18

19 Absent: Chair Socha, and Commissioner Kuykendall.
20

21 Also Present: City Planner Stephen Grittman, and Assistant to the City Manager
22 Nicole Miller.
23
24

25 **I. APPROVAL OF THE JULY 18, 2023 PLANNING COMMISSION MEETING**
26 **AGENDA.**

27
28 Motion by Commissioner Erickson, seconded by Commissioner Rude, to approve the July 18,
29 2023, Regular Planning Commission Meeting Agenda.
30

31 **Motion carried 5-0.**
32

33 **II. APPROVAL OF THE JUNE 20, 2023, REGULAR PLANNING COMMISSION**
34 **MEETING MINUTES.**

35
36 Motion by Commissioner Erickson, seconded by Commissioner Rude, to approve the June 20,
37 2023, Regular Planning Commission Meeting Minutes as corrected.
38

39 **Motion carried 5-0.**
40

41 **III. PUBLIC HEARING.**

42
43 A. Ordinance 2023-03 Regulating the Sale and Distribution of Hemp-Based Cannabinoid
44 Products.
45

46 Vice Chair Morita opened the public hearing at 7:02 p.m.
47

48 City Planner Steven Grittman reviewed in response to the 2022 Minnesota Legislature's
49 adoption of an allowance for the sale and consumption of hemp-based edible products
50

1 containing cannabinoids (primarily limited amounts of THC), the City adopted an interim
2 moratorium ordinance in late July 2022. The purpose of the moratorium ordinance was to
3 study the public policy issues surrounding the new legislation, gain additional guidance from
4 the League of Minnesota Cities and other resources, and eventually, develop local regulations
5 that manage the sale of the products allowed by the Legislature.

6
7 In 2023, the Legislature adopted some changes to the Hemp/THC legislation, but in more
8 prominent news, also adopted allowances for adult-use cannabis (marijuana). As it stands,
9 there are two separate tracks occurring on these products – one for the prior Hemp/THC
10 products, and one for the upcoming legalization of marijuana.

11
12 Later materials will address the options for marijuana regulation. Adult-use marijuana will
13 become legal in August of 2023 (personal use and limited growing) with business sales
14 coming later (probably in 2024) – dependent on further State organization and legislation.

15
16 Mr. Gritman provided updated information related to THC/Hemp sales pursuant to the City
17 Council’s discussion at a Work Session in June. Staff provided an early draft ordinance for
18 Council discussion, and based on feedback from the work session, created the attached
19 version. The materials below are redlined to identify changes to the provided ordinance draft
20 as they have evolved. The redlines in the memo relate to the redlines in the ordinance.

21
22 The moratorium ordinance was adopted for a 12-month period on July 26, 2022, and will
23 expire on that date in 2023, pending any extension necessary to complete the City’s study of
24 the issues. A sample ordinance that establishes a basic licensing program and process for
25 applying, reviewing, issuing, and enforcing regulations for these products was provided. If the
26 City decides to do so, it may consider the City’s municipal liquor stores as eligible licensed
27 locations.

28
29 The ordinance language is based on a review of several other communities adopted
30 regulations. The resource ordinances were compiled, and in this version, customized to create
31 three categories of products:

- 32 • Solid edible products (such as gummies and bars) which will track the City’s tobacco
33 sales licensing.
- 34 • THC-infused beverages which will be for sale as packaged products at the City’s
35 municipal liquor stores.
- 36 • THC-infused beverages which will be available for on-sale consumption at the City’s
37 licensed alcohol establishments.

38
39 This structure was chosen as these various establishments already have created protocols for
40 sales of regulated products to ensure that minors are not served, that on-sale consumption is
41 addressed in the event of over-use and similar controls. It further tracks the City’s (or
42 County’s) enforcement and verification processes. Thus, those with tobacco licenses may
43 apply for a Hemp/THC edibles license, those with on-sale alcohol licenses may apply for
44 THC-infused beverage license, and the City’s municipal liquor stores may apply for a THC-
45 infused beverage off-sale license. Sampling of these products will be limited to the municipal
46 liquor operations only.

1
2 Mr. Grittmann provided the red-line draft ordinance for the Commission's review.

3
4 It is anticipated that the Council will consider adoption of the ordinance at its regular July 25th
5 meeting, waiving the third reading.

6
7 The Planning Commission may provide comments related to the proposed ordinance for
8 forwarding to the City Council, along with a summary ordinance for the Council agenda on
9 July 25, 2023. A formal recommendation from the Commission may be made, but it is not
10 required.

11
12 Commissioner Hendrickson asked what is proposed here compared to the surrounding
13 communities. Mr. Grittmann stated there is a wide variety of approaches and this is the top of
14 the bell curve as to how cities are handling this. Some communities are allowing specific
15 storefront operations separate from having prior licensing.

16
17 Commissioner Erickson asked about the number of licenses and how that would work. Mr.
18 Grittmann stated our approach is to set a certain number of licenses within the City. The
19 existing licensing requirements will be followed.

20
21 Commissioner Hendrickson asked if a business could choose to sell this type of product
22 without selling tobacco products. Mr. Grittmann stated they could not. Stores that currently
23 sell tobacco have the processes in place but why must they still sell tobacco. Mr. Grittmann
24 stated the Council's discussion was that this is a legal product but a new venture and they
25 wanted to open the door slowly.

26
27 Vice Chair Morita stated if the City goes forward with this there will be future regulations for
28 the marijuana based products.

29
30 Commissioner Rude stated a business would need to have a tobacco license but wouldn't need
31 to sell tobacco products. He hopes the finance department and police department have been
32 consulted. He questioned how income will be generated to cover compliance costs. This needs
33 to be balanced. He asked if the reasons for disqualification can be expanded to include any
34 schedule 1 convictions.

35
36 Vice Chair Morita closed the public hearing at 7:27 p.m.

37
38 **IV. STAFF REPORTS.**

39
40 Mr. Grittmann reported the Planning Commission had considered a set of code amendments
41 previously and those went through three readings of City Council and were adopted. The
42 Planning Commission also considered a Conditional Use Permit for the carwash for a new
43 vacuum system and that was also adopted. The Council also did a first reading of the THC
44 ordinance and it is expected the Third Reading will be waived and the Ordinance will be
45 adopted in some form. Another set of code revisions will come before the Planning

1 Commission in the near future. The City is also recodifying it's entire City Code. Rental
2 residential properties will also be reviewed this fall.

3

4 **V. OTHER BUSINES.**

5

6 Commissioner Hendrickson asked if there were materials available on the Urban Land
7 Institute TAP. Mr. Grittmann stated they are expecting a report from them and a part of that
8 included a meeting with a larger group.

9

10 **VI. COMMUNITY FORUM - NONE.**

11

12 No one appeared to address the Planning Commission.

13

14 **VII. INFORMATION AND ANNOUNCEMENTS.**

15

16 Commissioner Gaveske stated the St. Anthony Chamber of Commerce now has a full board.

17

18 **VIII. ADJOURNMENT.**

19

20 Motion by Commissioner Rude, seconded by Commissioner Erickson, to adjourn the meeting
21 at 7:35 p.m.

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23

24

25 Respectfully submitted,

26 Debbie Wolfe

27 *TimeSaver Off Site Secretarial, Inc.*

28

Motion carried 5-0.

APPROVED