

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 28, 2023 - 6:00 P.M. - 8150 BARBARA AVENUE**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, August 28, 2023, in person. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Dietrich; Council Members: Murphy, Gliva, T’Kach, Scales; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Associate Planner Botten, Police Chief Chiodo, Environmental Specialist Sutherland, Public Works Director Connolly, City Engineer Merchlewicz

3. PRESENTATIONS:

4. CONSENT AGENDA:

A. Approve Minutes of the July 24, 2023 City Council Meeting

B. Approval of Disbursements. **Resolution 2023-179**

C. Personnel Actions

D. Approval of Charitable Gambling Raffles by Spartan End Zone Club. **Resolution 2023-180**

E. Resolution 2023-181 Scheduling Public Hearings for 2024 Pavement Management Projects 2024-09 D, E, F, G, H, and I

F. Release of Development Contract for plat of Total Construction Addition

G. Approval to Purchase New Fitness Equipment for the Veterans Memorial Community Center
Resolution 2023-182

H. Agreement for Community and Public Service Messages on Digital Billboard

I. Resolution 2023-183 Accepting Work and Authorizing Final Payment for City Project No. 2215 - Vista Pines Trail Connections

J. Approval of Contract with WSB for Final Design, Preparation of Plans, Specifications, and Bid Documents, and Construction Administration for Heritage Village Park Phase 5

K. Rezoning, Comprehensive Plan Amendment and Conditional Use Permit for 9150 Jefferson Trail
Resolutions 2023-184 & 2023-185

L. Variance to Exceed the Maximum Fence Height on a Riparian Yard, 6790 River Road

M. Resolution 2023-186 Approving Workers' Compensation Insurance Renewal

N. Resolution 2023-187 Accepting FY 2023 JAG Grant and Amending 2023 Police Department Budget

Councilmember Scales requested pulling Agenda Items 4A. and 4K.

Motion by Murphy, second by Gliva, to approve the Consent Agenda except for Agenda Items 4A. and 4K.

Ayes: 5

Nays: 0 Motion carried.

Agenda Item 4A. Approve Minutes of the July 24, 2023 City Council Meeting

Councilmember Scales requested a portion of the minutes be reworded where he stated, “I am a firm believer of doing whatever you want.” He said his thoughts at the time was that he did not like getting

into homeowners and what they do with their property. He said he tends to think that government does not improve things but gets in the way sometimes. It came across a little different than he meant.

Agenda Item 4K. Rezoning, Comprehensive Plan Amendment and Conditional Use Permit for 9150 Jefferson Trail. Resolutions 2023-184 & 2023-185

Councilmember Scales asked if permits were pulled when doing the work.

Associate Planner Heather Botten responded the request is a comprehensive plan amendment to change the land use from community commercial to light industrial, rezoning from general business to limited industry, and a conditional use permit for a contractor's yard.

Regarding permits, she checked with the inspections department to see what has been pulled. She has also spoken with the applicant. Some windows and doors were replaced, they were not aware they needed permits. They said they would work with the city to get those done as soon as possible. Other improvements stated in a letter from a concerned resident were not made.

Councilmember Scales asked about the fence that was put up.

Associate Planner Botten replied the fence has been permitted.

Councilmember Scales referenced a list of vehicles kept on site. He said there has been a camper parked there, it is not there now. He asked if that would be checked out occasionally by staff.

Associate Planner Botten responded yes. The city is a reactive city for code compliance. Anyone that sees it out there should contact the code compliance officer who would go out and inspect.

Motion by Scales, second by Gliva, to accept the letter into the record for Agenda Item 4K. Rezoning, Comprehensive Plan Amendment and Conditional Use Permit for 9150 Jefferson Trail.

Ayes: 5

Nays: 0 Motion carried.

Councilmember T'Kach asked if this property could stay B-3 with a conditional use for the contractor's yard.

Associate Planner Botten replied a contractor's yard is not a permitted/conditional use in the B-3 district with the outdoor storage. The way it is being used could not be allowed in that commercial district.

Councilmember T'Kach asked if a commercial property could come in later to the I-1.

Associate Planner Botten replied that would require rezoning back to B-3.

Mayor Dietrich requested the meaning of community commercial.

Associate Planner Botten replied community commercial is what the comprehensive plan designation is guided for. It is similar to businesses, restaurants, uses along Cahill, big box stores, and service uses.

Councilmember T'Kach, asked if this goes to I-1, if agricultural would lean toward Industrial I-1.

Associate Planner Botten replied both properties to the east and south are currently residential.

If wanting to change it to industrial use, they would have to go through this public process.

Councilmember T'Kach mentioned she was torn with this item. She felt it might be possible a small business may work in this area due to the traffic on 149.

Mayor Dietrich asked when this was last inspected. She referenced the letter received in the record that stated it was previously residential. She asked if there were bedrooms or things that would indicate it has been or is being used for that purpose.

Associate Planner Botten replied the Code Enforcement Officer went to the site on or around July 10th. A drive by was done, no type of residential uses were noted at that time.

Councilmember Murphy asked regardless of zoning, what the rules were for having a camper on a lot and someone living in the camper.

Associate Planner Botten replied it would not be permitted.

Julie Dotas and Corey Dotas, 13261 Couchtown Court, Rosemount. Mr. Dotas mentioned that this came up Friday. He did not realize that a permit was needed to put new windows in a garage that already had windows, doors were also put in. It is not an insulated garage, Ms. Dotas mentioned the concerned resident said they had made additions, that is not true. The porch was existing and most of the windows were damaged. Mr. Dotas said they took the walls and glass down. It has the same roof, lights, and structure. Ms. Dotas stated their relator found the property and said it was commercial. They did not know it was not commercial or that it had different zoning. Directly across Rich Valley is a landscaping business and a trucking business. Mr. Dotas mentioned they are there from about 8:00 a.m. until 3:00 p.m., they do not do weekends. He has received a lot of compliments from neighbors regarding the place.

Mayor Dietrich referenced the steps and asked if a permit was pulled for the footings.

Mr. Dotas replied they did not because the footings were already in. They poured a floating slab. They were told a permit was not needed for a floating slab.

Mayor Dietrich stated anything attached to the house needs footings.

Mr. Dotas replied it is not attached or drilled into the house.

Mayor Dietrich asked if the front posts were holding up the house or if they were visual.

Mr. Dotas replied it was technically not holding it up.

Mr. Dotas stated nobody has spent the night there. He did not know anything about a camper.

Ms. Dotas said they go there on the weekends to water new plantings. A sprinkler system was installed. They want the front to look nice.

Mayor Dietrich asked if there were photos indicating what the inside looks like. She asked for a description of the interior.

Mr. Dotas replied he has photos on his phone. It looks like a house; it has been painted.

Ms. Dotas replied it looks like a house without kitchen cabinets. It was badly damaged. There are chairs in the kitchen, and there is a couch in the living room. They want it to look like someone could be living there. There is a light upstairs that is left on at times.

Mr. Dotas said the lights are on timers. Within a week of buying this property, the neighbor across the street came over and told him he was robbed again, he has been robbed 6 times. He was trying to secure the place and put new windows, doors, and cameras in.

Councilmember Murphy mentioned he drove by the property, the outside is very well kept, it looks wonderful. He said there was a camper in the lot, he asked if anyone was living in the camper.

Mr. Dotas responded that nobody is living there. The camper is temporary. They use it and it goes into storage up north.

Ms. Dotas said she did not believe a light had been on in the camper to indicate someone living there.

Councilmember Scales liked the look of the site.

Mayor Dietrich asked what permits have been applied for and what the process was going forward for code compliance or permits for previous or future work to be done.

Associate Planner Botten replied code compliance is removed because they are going through this process. There is no active code enforcement she was aware of.

The only permit that has been pulled is a fence permit. Regarding permits they have not received yet; she spoke with the building official today who recommended the applicants contact the inspections department. They should apply for the windows and doors permit and get the certificate of occupancy done at the same time. Inspectors will be out on site to verify if anything else has been done on the property that would cause concern or require permits.

Motion by Scales, second by Murphy, to approve Agenda Item 4A. Minutes of the July 24, 2023 City Council Meeting and Agenda Item 4K. Rezoning, Comprehensive Plan Amendment, and Conditional Use Permit for 9150 Jefferson Trail. Resolutions 2023-184 & 2023-185

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Conduct a Public Hearing for a Temporary Premise Expansion for On-Sale Liquor License - Inver Grove Brewing Co.

City Clerk Rebecca Kiernan discussed the process for a temporary premise expansion for an on-sale liquor license for Inver Grove Brewing Co. for an event being held on September 8th in conjunction with Inver Grove Heights Days. Documentation has been submitted for their location at 9051 Buchanan Trail. An area of the parking lot would be used for cornhole games. The application has been reviewed and approved by inspections, planning, fire, and police departments. Staff recommends holding the public hearing and approving the application.

Motion by T’Kach, second by Gliva, to close the public hearing at 6:25PM

Ayes: 5

Nays: 0 Motion carried.

Motion by Murphy, second by Gliva, to approve a Temporary Premise Expansion for On-Sale Liquor License - Inver Grove Brewing Co. located at 9051 Buchanan Trail.

Ayes: 5

Nays: 0 Motion carried.

6. REGULAR BUSINESS:

A. POSTPONED at the REQUEST of APPLICANT: Comprehensive Plan Amendment for 7950 Blaine Avenue.

B. First Reading of Ordinance Amending Reference to Bow Hunting Map and Related Resolution Adopting Revised Bow Hunting Map. Resolution 2023-190

Police Chief Melissa Chiodo discussed the following items for Council consideration:

1. Waiving the Three Reading requirement.
2. Slight change in the ordinance. The effective date for the map was listed as August 22, 2022. The date should be struck in the event there are updates to the map. It now reads “Designated Map approved by City Council.”
3. Looking at a possible change to the hunting map.

The hunting ordinance started in 2018. In June 2019 she was tasked with revamping the ordinance.

- September 12, 2022 the current ordinance was passed.

- Anyone that had registered to hunt in the city between 2012 and 2022 were contacted for input.
 - Hunting ordinance changes were posted on social media and the website
 - Information was included in the Community Safety Survey two years in a row
 - Met with community members

The border of the hunting map was on River Heights Way. In the past it included several homes. From 2012 to 2022 none of the homeowners applied to hunt in the area. If the city had received applications and were aware they were hunting, those would have been included. After this item was passed, Mr. Gabriel, 8755, reached out as he had been hunting. Staff learned that a lot of residents did not know they had to apply in order to hunt in the city. Residents in the area have inquired as to why they were not included on the map. The lots meet the ordinance updates where 2.5 acres is needed with exception of two lots under 2.5 acres. Changes to the ordinance:

1. If having a parcel with more than 2.5 but less than 5 acres, the owner of the land or their tenant can hunt. With written permission their spouses, parents, children, grandparents, aunts, uncles, brothers, and sisters of the owner can also hunt. These are properties designated with an "F" as they are less than 5 acres.
2. "F+," which is 8765, 8775, 8785, have more than 5 acres and can allow anybody to hunt, but must have written permission on them when hunting.

Based on residents reaching out, the request is to extend the map to the property line behind the road. Staff requests waiving the third reading and accepting the changes, eliminating the map effective date, and considering approval of the bowhunting map with the extension.

Councilmember T'Kach questioned if people to the north of the boundary wanted to be on the hunting map. She asked if there would be another more prominent public process for feedback, or if there were expectations that this map will expand or change the next time someone asks to be included.

Police Chief Chiodo replied it is up to the Council to decide.

Councilmember T'Kach asked what the urgency was to waive the three readings.

City Administrator Kris Wilson did not believe there was urgency. Staff did not believe the item needed to be brought forward three times. It is a modest ordinance change. If there is time sensitiveness, bow hunting season is coming up in September.

Police Chief Chiodo said it was not expanding but going back to the northern border.

Councilmember T'Kach asked if three readings would put them beyond the hunting start date. A date of September 16th was mentioned for the bow hunting opener.

Motion by Scales, second by Gliva, to waive the Three (3) Reading requirement.

Ayes: 5

Nays: 0 Motion carried.

Motion by Murphy, second by Gliva, to adopt the Ordinance Amending Reference to the Bow Hunting Map and approve the Ordinance and Related Resolution 2023-190 Adopting the Revised Bow Hunting Map.

Ayes: 5

Nays: 0 Motion carried.

C. Use of Energy Efficiency and Conservation Block Grant (EECBG) Funds

Environmental Specialist Ally Sutherland discussed the use of the Energy Efficiency and Conservation Block Grant.

This federal grant program was created to assist state, local, and tribal governments. It creates projects/programs to reduce energy use, cut carbon emissions, or to improve energy efficiency.

- Based on population, the city is eligible for a non-competitive grant of \$76,160
- No match required
- Submit application by January 2024
- Spend the funds within 2 years after receiving

There are 14 different project categories to select from. After meeting with internal staff, the following three options were determined and recommended:

1. Upgrade existing lighting to LED bulbs in 4 different city facilities. Estimated cost: \$105,000
 - a. Locations: Fire Station #3, City Hall/Police Station, Public Works Main Truck Bay, Rich Valley Maintenance Shop
 - b. Project currently being led by Operations and Maintenance Supervisor Phil Stier
 - i. Planned/proposed expense in the 2024 Budget under Fund 605
 - ii. Falls under approved 5-year Capital Improvement Plan (CIP) for city facilities
 - c. Sustainable Operations (TSO) Plan, McKinstry (2019)
 - i. Maintenance and replacement schedule
 - ii. Optimize building performance
 - iii. Decrease energy use
 - iv. Improve vendor contracts
 - d. Benefits and Consideration:
 - i. Funds are a part of the approved 5-year CIP. Will occur with/without funding. CIP funds would be available for future projects
 - ii. Energy cost savings of approximately \$6,830 per year
 - iii. Energy kWh savings of \$68,300 kWh/year (electric use of 9.4 households)
2. Replace an existing fleet vehicle up for replacement with an electric vehicle (EV) along with an EV charger. Estimated cost of \$65,000 for vehicle and charger
 - a. Aligns with 2023 EAC Work Plan and the Energy Action Plan
 - b. Mirrors trends in other government fleets; counties, cities, and state
 - c. Regional trends. Transportation sectors generate the largest share of greenhouse gases (GHG)
 - d. Low to zero tailpipe emissions
 - e. Growing EV market
 - f. Save fuel and maintenance costs
 - g. PHEV: Plug in Hybrid or BEV: Battery Electric Vehicle
 - h. Cities with Electric Vehicles in Dakota County: Apple Valley, Burnsville, Eagan
 - i. Most vehicles replaced were in building inspections and police patrol
 - i. Benefits and Considerations:
 - i. If receiving Council direction, additional fleet analysis is needed. Has been shown to have reduced fuel costs, maintenance costs, and GHG reductions.
 - ii. Fund a replacement vehicle
 - j. Next Steps - Fleet Review:
 - i. Check replacement schedule for 2024 & 2025. Compare vehicle sizes, range, use needs
 - ii. Leased versus purchased
 - iii. Adjustments to the replacement schedule such as cost of replacement and timing
 - iv. Standardized vehicle make/model (currently Ford)
 - v. Mechanics training
3. Install a public electric vehicle charger at the VMCC: \$52,000 for a Level 2, dual port charger that would be publicly accessible
 - a. Level 1. Standard 120v outlet, charges slowly 2-5 miles per hour. Used in households.
 - b. Level 2. Faster charge. 240v outlet, 10-50 miles per hour, most common public charger.

- c. Level 3. DC fast charger or DCFC. Varying charging speeds, full charge in 30 minutes. Significantly more expensive. Installed along highways.
- d. Installed Level 2 Public EV Chargers
 - i. 80% of charging takes place at home
 - ii. Dakota County cities using them: Apple Valley, Burnsville, Eagan
- e. PlugShare.com. Free website used by EV drivers indicating charging stations
 - i. Inver Grove Heights does not have any charging stations
 - ii. Opportunity to fill the gap on electric chargers
- f. Costs:
 - i. Charger \$10,500
 - ii. Electric costs (labor and equipment) \$30,000
 - iii. Parking stall markings and signs \$3,000
 - iv. Conduit for future adjacent charger \$2,600
 - v. Charger warranty/maintenance plan, prepaid for 5 years \$3,110
 - vi. Charger software, prepaid 5 years \$2,620
- g. Benefits and Considerations:
 - i. In response to resident inquiries
 - ii. Location chosen is the most utilized city owned facility and parking lot
 - iii. Centrally located, near Highways 52 and 55
 - iv. Could be a VMCC amenity
 - v. Collect usage fees (more research is needed)
 - vi. Allows the ability to complete the project without a match

Recommendation: Staff recommends all projects. After discussions with the EAC regarding this it was determined that a recommendation was needed. Staff recommends:

- Project 1: LED lighting. This was recommended because it is a planned expense, approved and supported by the City Council.

EAC's recommendation:

- Project 2: EV Fleet vehicle replacement with the understanding of the need to go through a fleet review.
- Reasons:
 - LED project is already planned and budgeted for
 - Local communities have demonstrated savings
 - Spurs change
 - Existing use of funds, strong sustainability messaging
 - Supports the fleet replacement budget

Request for Council Action: Provide direction on the use of funds. The grant is not available yet but should be soon.

Councilmember Gliva asked if there was an expiration date.

Environmental Specialist Sutherland stated the application needs to be submitted by the end of January. They have not specified how quickly they would review the application (could be a couple of months). Likely to be in 2024/2025 Budget years; it is possible it could go into 2026.

Councilmember Gliva liked the idea of LED lighting. She said it was in the budget, the city has had a hard time with the 2024 Budget and meeting needs. It meets environmental needs and frees up CIP. It is also good for staff who work in the facility.

Councilmember Scales agreed with Option 1. He said he tends to go to what benefits residents the most when possible. The other two projects have ongoing costs associated with them. He agrees with helping the budget where they can.

Councilmember T'Kach agreed with the recommendation given to the EAC with LED lighting. There is a cost savings. She said there is a long way to go with establishing a fleet transition plan, there are a lot

of considerations, a lot of research to be done. She would like to see that in place for better understanding. They may want to look down the road for CIP investment and study. She mentioned that Xcel Energy offers programs the city could take advantage of. She said the city hall and fire station were close to the amount available. She could see narrowing the focus and putting the other dollars in the CIP.

Mayor Dietrich agrees with the choice selected by Councilmembers. She said it is the best and most effective for residents and employees.

D. Joint Powers Agreement with Dakota County for Absentee Mail-In Ballot Services

City Clerk Kiernan discussed a Joint Powers Agreement (JPA) with Dakota County for Absentee Mail In Ballot Services.

- Dakota County is the third most populated county in the state with 282,062 registered voters
- Inver Grove Heights has approximately 22,534 voters
- One of the few counties in Minnesota requiring its cities to conduct Absentee Mail Voting for the various elections

Joint Powers Agreement:

- Centralizes Absentee Mail Voting Services allowing for consistency across the county.
- Dakota County would be responsible for holding absentee ballot boards for accepting ballots.
- Dakota County would be responsible for processing absentee ballots into the absentee ballot central counter and reporting results on Election Day.

Benefits for Consolidating Absentee Services:

- Eases the growing responsibilities on the Clerk's office
- Streamlines Election Night reporting as absentee ballots will already be at Dakota County
- Enhances voter experience to have consistent and uniform handling for absentee voting services across all jurisdictions

Proposal Includes:

- 2-year JPA
- Full time equivalents form a base cost, proportioned by registered voter count. Base costs would be shared annually. Actual cost of absentee services would be paid in the election year.
- Applied Voting Operations, Technology, and Election Resource (VOTER) funds appropriated by the State to offset the costs of providing this service.
- Cost share is 55% for the County and 45% for the city.

Fiscal Impact:

- City cost for 2024 would be \$22,997 or \$1.03 per voter.
- Staff included sufficient funding for this amount in the proposed 2024 Budget for the Election Division at the July 31st Work Session.

Next Steps:

- Council approval of staff entering into the Joint Powers Agreement with Dakota County for Absentee Mail Ballot Services once the city receives the final draft in September.

Mayor Dietrich asked when this is noticed by staff in September, if there would be an opportunity for residents to see the consistent and uniform handling of absentee votes.

City Clerk Kiernan replied Dakota County proposes having all ballots handled in house. She was unsure if some of the offices would have windows to be able to view the process. She mentioned they are hiring Election Judges to staff the Absentee Ballot Board.

Mayor Dietrich asked for Council to be kept updated going forward.

Councilmember T'Kach asked the Mayor if it was the verification of the vote counting system.

Mayor Dietrich replied residents have asked her about the process in general.

City Clerk Kiernan replied the public accuracy test would still take place. City equipment would have to be tested before the Election (typically 14 days prior to the Election).

Councilmember T’Kach shared that the public is invited.

Councilmember T’Kach asked if there was a not to exceed clause in the JPA. For example, if there were a lot of challenges in the Election or extra work the county had to do. She questioned if the city and other cities would find themselves with an exorbitant bill.

City Clerk Kiernan did not believe they had a not to exceed but have come down tremendously from what was quoted in April. They are finding funds in order to make this a success.

Councilmember Gliva asked if other Dakota County cities have accepted the JPA or not.

City Clerk Kiernan responded that most cities are on board but discussing it with their City Council.

Councilmember Gliva asked if it would raise costs if some cities say no.

City Administrator Wilson replied the county has said they need everyone on board in order to make this happen. They have not said what would happen if a city opts out. If costs shift significantly, staff would be back before the Council to ask if they still wish to participate.

City Clerk Kiernan mentioned it is a 2-year JPA for the 2024 Elections. This can be revisited after the elections to see how it went.

Councilmember Scales asked if there was any benefit to opting out.

City Clerk Kiernan replied she could not think of any benefit to not going with the plan. It will save on staff time, there are very long hours.

City Administrator Wilson said the original proposal for cost sharing was not well received by some cities because they could not see a comparable reduction in their expenses. Costs have come down significantly. City staff will continue to help those coming into city offices to fill out ballots and place them in an envelope or into the tabulator. The change went from a week prior to the Election to 18 days. The county will be taking over all mail portions of the process.

Motion by T’Kach, second by Scales, to approve the Joint Powers Agreement with Dakota County for Absentee Mail-In Ballot Services as presented.

Ayes: 5

Nays: 0 Motion carried.

E. Second Reading of Interim Ordinance Temporarily Prohibiting the Establishment and Operation of Cannabis Businesses within the City. Resolution 2023-191

City Attorney Bridget McCauley Nason discussed the Interim Ordinance regarding Cannabis Businesses. Background:

- In 2022, legislature legalized the sale and consumption of hemp-derived cannabinoids
- Allowed edibles, beverages, and topical products
- Limited the amount of THC in the product
- State licensing was not adopted
- Inver Grove Heights adopted an Interim Ordinance of which expired mid-August
- In 2023, legislature legalized the adult use of cannabis in the state
- Legislation was comprehensive, meant to create uniformity across the state
- Legislation created the Office of Cannabis Management (OCM), tasked with developing, maintaining, and enforcing an organized system for the hemp and cannabis industry
- OCM is authorized to issue licenses for cultivators, manufacturers, distributors, and retailers, from seed to sale
- Cities are prohibited from issuing licenses to cannabis businesses

Products not impacted by the moratorium:

- Edible cannabinoid products, (lower potency hemp) currently legal in the state

Cannabis businesses is a term defined by state statute and includes 14 different types of licensed businesses. Before operating in the state and city, must first obtain a license from the OCM. The OCM is not functioning yet. It is anticipated first licenses would be issued sometime in 2025.

City Role in Regulation:

- A cannabis business would apply for a license through the OCM
- OCM consults with cities to confirm the proposed business complies with zoning and other regulations
- Cities can choose to issue registrations to certain cannabis businesses once they receive a license
- Cities can conduct compliance checks and may suspend registrations if necessary
- Cities may collect registration fees. If the cannabis business is located within the city, the city is provided 10% of the tax revenue
- Legislative details/local control is limited based on legislation:
 - Cities cannot prohibit cannabis businesses
 - Cities can require registration
 - Cities can limit the number of licensed cannabis retailers and other businesses with retail operations based on population size
 - Cities are allowed to adopt reasonable time, place, and manner restrictions on cannabis businesses such as setbacks and zoning related regulations
 - Legislature authorized cities to adopt an interim ordinance to establish a moratorium on cannabis businesses operating in the city until such time as the city completes a study regarding what reasonable time, place, and manner restrictions the city may wish to enact
 - Legislature authorized that this moratorium could extend out to January 1, 2025; longer than what a typical moratorium under a zoning ordinance could last

What other cities are doing:

- Many are adopting interim ordinances
- Moving forward with direction for staff to complete a study regarding these regulations
- Provide city staff with the opportunity to review model regulations from OCM, LMNC, and other cities
- Gives cities sufficient time to prepare and make any necessary changes to the city code prior to the issuance of the first cannabis business licenses by OCM

Council options:

- Council can choose to take no action.
 - While no business licenses will be issued in the near future, it could impact the city's ability to regulate cannabis businesses
- Adopt an Interim Ordinance
 - Staff will be directed to complete a study
 - The city has the opportunity to adopt these regulations before any cannabis business license is issued

Requested Council Action:

1. Consider a second reading of the interim ordinance establishing a moratorium on the establishment and operation of cannabis businesses until January 1, 2025.
 - a. Council can move forward with waiving the three-reading requirement. If it passes, can adopt the interim ordinance.
 - b. Council can move the second reading of the interim ordinance. A third reading would be scheduled for September.
2. If the interim ordinance is approved, and the three-reading requirement is waived, the Council is asked to consider a summary publication resolution for the ordinance.

Motion by Murphy, second by Scales, to waive the three-reading requirement.

Ayes: 4

Nays: 1 (T'Kach) Motion failed.

Motion by Scales, second by Gliva, to approve the Second Reading of an Interim Ordinance Temporarily Prohibiting the Establishment and Operation of Cannabis Businesses within the City.

Ayes: 5

Nays: 0 Motion carried.

F. Third Reading of Ordinance Prohibiting Cannabis and Tobacco Smoking and Vaping In Public Places

City Attorney McCauley Nason discussed an Ordinance Prohibiting the Use of Certain Cannabis Products in Public Places. Background:

- The legislature did not prohibit the use of cannabis products in public spaces
- Can adopt an ordinance establishing that a petty misdemeanor offense for persons that use certain types of cannabis products in public places provided three (3) exceptions are met:
 1. Cannot prohibit the use in private residences
 2. On private property generally not accessible to the public
 3. On the premises of an establishment or an event licensed to permit onsite consumption

What other cities are doing:

- Many are adopting prohibition on outdoor use
- Some are adopting smoking and vaping only restrictions
- Prohibitions range from a broad range of public places or limiting to just in public parks
- Some are copying existing smoking restrictions

Ordinance background:

- Ordinance was presented to the Council for a first reading on July 24th, 2023
- Council directed revisions be made to the draft ordinance and approved the first reading
- Revised ordinance was brought forward and presented for a second reading at the August 14th Council meeting. Council approved the second reading.
- Since that meeting staff completed additional research regarding the status of similar ordinances adopted by other cities around the state
- Prepared ordinances with varying language for consideration based on additional research and Council questions and discussion

Changes from the First Reading to the Second Reading:

- Prohibition on the use of all edible cannabinoid products was removed
- Revised the definition of a public place
- Prohibition limited to the smoking and vaping of tobacco products as well as certain adult use cannabis products

Two areas for final Council decision:

1. Finalizing the definition of what is a "public place"
 - Option #1: All property owned, leased, or controlled by any governmental unit.
Lakeville and Prior Lake have used this broad definition
 - Option #2: All property owned, leased, or controlled by the City of Inver Grove Heights.
Excludes property owned by the county, state, or any other governmental unit

Option #3: All property owned, leased, or controlled by the City of Inver Grove Heights, excluding city owned or controlled right of way and sidewalks and trails located within right of way.

2. Determining what types of prohibited products may not be consumed or used in those public places

Option #1: Cannot smoke or vape any tobacco, nicotine, or cannabis product in any public place.

Option #2: Keep that prohibition but clarify that smoking or vaping of tobacco products within a motor vehicle is allowed on city right of way.

The consumption, smoking or vaping, of cannabis products in a car or on a roadway is prohibited by State Statute (like the open bottle law).

Option #3: There is no smoking or vaping of any tobacco, nicotine, or cannabis product on any city owned property but not including, sidewalks or trails located within right of way or the right of way itself.

With this option, could walk down the public sidewalk and smoke a joint.

Some cities have included the broad definition of public place.

She mentioned staff had a conversation regarding what the city does with alcohol. A person cannot walk down a city sidewalk and consume an alcoholic beverage. The alcohol section does not define public place, it is understood that includes sidewalks.

The question for Council would be if wanting to mirror what is done with alcohol for cannabis products. If that is the case, Council may want to prohibit the use in the right of way.

Final Direction Needed:

1. What products are prohibited in the existing City Code
 - a. Consumption of alcoholic beverages is prohibited in public places subject to various exceptions
2. What are the products Council wants to see prohibited within the public place
 - a. Tobacco and nicotine products (smoking and vaping only)
 - b. Cannabis products (smoking and vaping only)
3. If the Council wants to also consider prohibiting the consumption of THC infused beverages in a similar manner to how alcoholic beverages are prohibited to be consumed in public.

Council Options:

- Take No Action
- Discuss ordinance options and provide direction to staff for preparation of the final ordinance

Requested Council Action:

1. Finalize the definition of a public place and any exceptions
2. Finalization of the list of prohibited products
3. Confirm if tobacco/nicotine products and THC/cannabis products should be treated identically or differently

Councilmember Scales asked if there could have been an Option #4, any property owned by any government unit, then go to the sidewalks/right of ways. He asked if there was a reason they went to "city" in Option #3.

City Attorney McCauley Nason responded that this has been the challenge since going with this ordinance. Staff brought forward the broadest possible ordinance and then asked for Council direction as far as narrowing.

In response to the question as to if it could be said a public place is any property owned, leased, or controlled by a governmental unit, including the city, and exempt out any right of way owned by the city or by any governmental unit would be allowable.

Councilmember T'Kach asked if the city has jurisdiction over state, county, or other government lands.

City Attorney McCauley Nason replied the way the ordinance is drafted and the way the statute is, it states the city can regulate in what is a public place. For this prohibition, the definition of a public place is needed. Based on statute, the city has the right to create regulations on public places. She has noticed other communities that have differences between city ordinances and county ordinances which creates an unresolved conflict.

Councilmember T'Kach questioned what has been noticed in Dakota County or the state.

City Attorney McCauley Nason replied Dakota County has adopted some restrictions. She was unsure if cannabis was addressed.

Councilmember Murphy believed residents would not like to be exposed to second hand smoke whether tobacco or marijuana. He addressed Option #2 where it includes sidewalks and roads stating if those were eliminated there may be some people walking down the middle of the road smoking marijuana. He does not want it to be against the law to smoke a cigarette in a car. He questioned if this was Option #2.

City Attorney McCauley Nason replied that was Option #1 with a carveout for use of tobacco products in a motor vehicle on the right of way. If wanting to say no public places (broadly defined: any property that is owned or controlled by any governmental unit), cannot use these products in any public place except if driving a motor vehicle down the road, can utilize tobacco products, (smoking or vaping) within the confines of the motor vehicle.

Councilmember Murphy said this would be his thoughts for Council and staff.

Mayor Dietrich requested hearing feedback from Police Chief Melissa Chiodo.

Police Chief Melissa Chiodo stated one concern public safety has is the consumption of beverages containing THC. It would be difficult to enforce anything with edibles. They have serious public safety concerns about being able to drink a THC infused beverage in public. It is very similar to someone drinking alcohol. THC beverages can do the same to a system as alcohol does. It can cause paranoia, impairment, acting out. Public Safety does not believe this should be in parks around children. If doing this out in public, people need to get back to their home, most likely in a car. It is known that THC infused beverages without alcohol, have a slow reaction time, there have been car accidents. Allowing THC infused beverages with alcohol is even worse. From a public safety standpoint this is something they are going to have to deal with and spend a lot of resources on if allowing people to walk around drinking THC infused beverages in public. It is not allowed with alcohol; this has the same type of affects on people when drinking it.

Mayor Dietrich asked if the Police Chief would like to see this mimic alcohol.

Police Chief Chiodo replied yes.

Councilmember Murphy questioned how to answer the question if someone were to ask him how it is different than edibles. He questioned why they could not drink the beverage but could have a gummy.

Police Chief Chiodo replied that it comes down to enforcement; what they could reasonably enforce without infringing on people. If someone is acting out, they can look to see what product a person is holding. This would affect a person like an edible could. With enforcement, they do not want to set themselves up for failure and have the community frustrated. It can be more difficult to determine without infringing on rights. It comes down to what can reasonably be enforced to keep the community safe. If they can reasonably, do it, she believes they should.

Councilmember Murphy said he struggles with personal behavior. He said he does not have the history of when whatever governmental body decided you cannot have a beer and walk down the sidewalk.

Police Chief Chiodo replied that predates her being with the city. She said she thought of someone coming into the meeting, drinking a beer, coming up for public comment, or having a THC infused beverage and making comments on something. Everyone is impacted differently.

In noticing what other states have done, their problems are with people consuming and driving. They are trying to keep this use in people's homes. If people use this in public places and then get behind the wheel, there would be consequences noticed like other states. She said it could be stated they would not make any edibles legal in public but would hate to set the police department up for failure in being unable to detect it. They do not want to get into infringing on rights but want to keep the community safe if seeing something that could be a problem.

City Attorney McCauley Nason listed the first item for Council consideration:

1. What the Councils definition of public place would be.
 - Option #1: All property owned, leased, or controlled by any governmental unit. (This is the language that has been in the First and Second Reading versions of the Ordinances).
 - Option #2: Just property owned, leased, or controlled by the City of Inver Grove Heights.
 - Option #3: Property owned, leased, or controlled by the City of Inver Grove Heights, excluding right of way within the definition of public places.

Councilmember T'Kach mentioned during the first reading they had a discussion that came down to public parks and trails; no tobacco smoking, vaping (of tobacco or cannabis). The second reading came back differently but was not technically in the reading of the ordinance. She said she has asked a lot of people about this topic and received a lot of feedback. Some felt it was too broad as it stands with including all right of way, public land, sidewalks, and roadways; the focus needs to be narrowed. She proposed going back to city parks, VMCC, City Hall, and the City Hall parking lot. She said Option #3, which excludes right of ways and streets. She said she was thinking of a contractor installing fiber cable who may want to smoke a cigarette, or a contractor who is holding the stop/slow sign and may be smoking a cigarette. Technically they are in violation of the law if having a broad definition. She said she thought people felt it was a bit of governmental overreach. She mentioned that a couple of people said they would like more community input on the topic. There are people that do not want cigarette smoke in their face or cigarette butts when at public parks. She said there was a difference between people who smoke cigarettes and those who smoke cannabis. One may smoke 2-3 cigarettes while watching a child on the playground or walking the trails, smoking joints seemed a little unrealistic. She suggested narrowing it down, being focused, and making sure the city is not allowing pressure on people who want personal freedoms.

Councilmember Scales believed the definition of public places has nothing to do with any of this. They need to determine public spaces irrelevant to what they are trying to do. He looks at it as a public space. To him its parks and city property, he could be convinced either way about the right of way. He felt the question was if they were trying to define a public space based on what they are trying to do, or trying to separate that and determine a public space irrelevant to what they are trying to do. They could work on the ordinance after the fact. Defining a public space based on one thing they are trying to do could set them up for trouble in the future.

Councilmember Murphy said he did not think this was about government overreach. If it is a public space, then everybody gets to use it. Nobody would be able to blow smoke in his face if standing on a sidewalk or walking down the street. He said his rights end where someone else's begins. He looks at it as the broader the definition, the more people are protected.

Councilmember Gliva mentioned she liked Option #1 for the broader public space. She agreed with looking at the definition first. The goal was not to stop someone from smoking a cigarette in their car or standing by a street sign; that was not the intent. She agreed with public space, no one should be infringing on someone else's space. She liked the broad definition to begin with.

Mayor Dietrich thanked the Police Chief for weighing in. She liked Option 1 as it can be narrowed.

Councilmember T’Kach shared an example of people living in multifamily or single-family housing that is rented. There are residents on Upper 55th and Cahill where the CDA owns the building, smoking is not allowed in the apartments or on the property. This is true of other CDA buildings too, they will go out to the sidewalk and have a cigarette. That would be where they would have to go to smoke cannabis for pain abatement or sleeping issues. If prohibiting smoking on sidewalks and right of ways, some have no sidewalks in their neighborhoods, right of ways go into people’s yards. It would be tough for police to measure out from the center line of individual streets to enforce this rule. She said they were doing a disservice, there are several rental properties in the city where smoking is prohibited on the property. That leaves people to get in a car and drive somewhere, that is what they want to avoid. She believes they need to think of other people, all residents in the community. She said she is a property owner and has the luxury to smoke anywhere on her property. She knows other residents in the city do not have that option. She selects Option #3. If there are problems or issues, they could go a step further and say they need to regulate or manage differently. Starting with the broadest definition does a disservice for a lot of people in the community.

Motion by Gliva, second by T’Kach, to accept the letters received into public record.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Scales mentioned if a private property owner does not allow smoking on their property, he was unsure it was the government’s job to give them a place. He was unsure it was their job to make up for a deficiency, or a perceived deficiency on private property.

Councilmember T’Kach said the CDA is public property technically, it is a government agency that prohibits smoking on their properties.

Councilmember Scales mentioned it was one property out of many. There are a lot that are different.

Councilmember Gliva said it would be up to the CDA to approve on their space. She does not believe it is up to the city.

City Attorney McCauley Nason mentioned staff could take the majority of direction, Option #1. A third reading of the ordinance would be brought back and voted on at the September 14th meeting.

City Attorney McCauley Nason discussed what would be prohibited. The products under discussion were “to prohibit the smoking or vaping of cannabis and tobacco products and products containing nicotine.” She asked if the Council wanted to see all those products treated the same or see something different with respects to smoking cigarettes. For example: The Council could say they want to prohibit the smoking of cannabis in all public places, including sidewalks, but are not concerned about prohibiting the smoking of cigarettes on sidewalks. The question is if wanting to treat tobacco products and cannabis products the same (how the ordinance is currently drafted). She understood the carveout with respect to public places. The ordinance will reflect that the Council is not intending to prohibit the smoking of tobacco products in a motor vehicle on right of way. She asked if there was a difference the Council wanted to see in the final version of the ordinance between what you can smoke in a park or on a sidewalk.

Mayor Dietrich mentioned the residents she has spoken with do not want secondhand smoke.

Councilmember Murphy agreed and stated that was what he has been hearing. He said the state did a favor in stating marijuana cannot be smoked in a car. He said it was important to carve out the car.

Mayor Dietrich and Councilmember Gliva agreed.

Councilmember T’Kach stated for public health reasons, smoking tobacco is probably more dangerous than cannabis smoke. She thought they would want to treat smoking and cannabis together. She did not know if they had to carve out tobacco specifically, she thought it seemed like added verbiage if considering a street, a public place.

City Attorney McCauley Nason asked if the Council wanted to see a prohibition on the consumption of beverages containing THC or THC infused beverages in the same public places where smoking and vaping of tobacco and cannabis products would be prohibited.

Mayor Dietrich stated she would go with the Police Chief’s direction; the drinks should be treated the same as alcohol.

Councilmember Gliva agreed.

Councilmember Murphy shared that he struggles with this as he is big on people managing their own personal behavior. He does not know enough about it. He said he would defer to the experts on it and concur with the Council on those that have spoken on prohibiting the beverages. He shared that this was a tough decision for him, he does not see a difference.

City Attorney McCauley Nason believed she has clear direction on how to draft the third reading version of the ordinance for Council consideration and discussion at the upcoming meeting.

G. Potential Regulation of Short-Term Rentals

Motion by Gliva, second by Scales, to accept three emails into the record.

Ayes: 5

Nays: 0 Motion carried.

City Administrator Wilson presented the possible regulation of Short Term/Vacation Rental Housing. This topic has been under discussion for about one year. During the summer of 2022, staff and elected officials started receiving complaints about the operation of short-term rentals such as Airbnb or VRBO. The Council discussed options in August, and most recently in March 2023. At that time staff was asked to do additional research on how other cities were tackling this issue.

- Commonly advertised and reserved through website or Apps such as Airbnb or VRBO
- Rentals of one night, a weekend, a week, or something more
- Used for personal or business travel, group gatherings of friends or family, special occasions such as bachelor or bachelorette parties
- Small number of current listings in Inver Grove Heights with approximately 6-10 properties
- Many seem to be large homes, advertising that they sleep a large quantity of people
- There have been a few with a single room or small suite listed for rent
- 1 new home is in a residential neighborhood currently under development

Surveyed other metro area cities:

- There is significant variation from one city to the next
- Regardless of the path IGH chooses, staff would be able to identify cities taking the same/similar path

Cities prohibiting short term rentals:

- Eagan, Bloomington, Coon Rapids, Brooklyn Park, Woodbury
 - This is done by requiring a rental license and having a minimum rental period of 30 days

Cities with a specific license for short term rentals:

- Chanhassen, Plymouth
 - Established specific rental licensing programs and structures for short term rentals

Cities with a single license – short- or long-term rentals:

- Eden Prairie, Maplewood, Oakdale, Blaine
 - Have to be licensed with license terms, conditions, fees
 - Identical to longer term licenses such as those renting on an ongoing basis

Options:

- Prohibit short term rentals by establishing a 30-day minimum rental period for residential properties
 - May wish to consider a carve out for homesteads
- Establish a specialized rental license for short term rentals
 - Example: If having a specialized rental license structure for short term rentals, may have regulations about parking on site, violation structure in terms of complaints/police calls, occupancy standards
- Apply the city's standard rental license to short term rentals. (Could be a challenge)
 - Current rental license requires landlords do a criminal history check on every tenant
 - Practicality of this for someone renting a property for a weekend is an area that would need further research
- Take no action and allow short term rentals to continue operating as they are

Considerations:

During discussions of this topic, Council has heard from multiple owners/operators of short-term rentals in the city. Several operate in other cities.

Pros of short-term rentals as presented by advocates:

- Attract visitors to IGH who spend money on food and entertainment
- Popular option, service in the marketplace, brings friends and families together
- Provides additional income/resources to help owners offset mortgage and upkeep costs
- Some operate as a business, not homesteading, not living on any portion of the property

Cons of short-term rentals as presented by opponents:

- Negative impacts on neighborhood livability
 - Noise, large parties, music, excessive parking
 - Operating a business in a residential zoning district was not what they expected/wanted in a residential neighborhood
- City resources needed for administration/enforcement

She asked the Council for direction on if there was an option on the list they would like to go with. Staff and legal counsel would develop a specific ordinance for further discussion.

Councilmember Scales liked Option #2. He does not like prohibiting the use, but wants it regulated. He liked this option along with a list of what is allowed and what is not allowed that can be controlled better. From what he has heard from residents, the complaints are coming from bigger homes with a lot of people. The big party houses are what they need to find a way to control.

Councilmember Murphy mentioned the bigger homes are what he receives phone calls and emails about. He was unsure how to decide smaller rentals would be treated differently than larger rentals, that could be problematic. The two most important things to him would be the need to have a minimum rental period of 30 days and a 2 or 3 strike rule if there are neighborhood complaints.

Councilmember Gliva said she did not believe they wanted to prohibit a legitimate business. She was struggling with how to control the nonsense that happens and the effects on public safety. She asked if staff has noticed if other cities collect a lodging tax. She questioned if that would offset public safety or administration costs.

City Administrator Wilson responded that was one of the areas she noted a consistent theme with survey results. They were not able to identify another city that applied the lodging tax to this use. If applying to this use, the only legal use of lodging tax revenue is to support the local

Convention and Visitors Bureau. The city would not be able to retain the lodging tax to offset service costs.

Councilmember T'Kach agreed the complaints received are regarding larger houses. There are nuisance ordinances to address this. She was unsure how to address this effectively. She liked the idea of a special license for these kinds of short-term rentals. It creates an opportunity for those renting to know they are renting a place that is legal. She questioned the idea of limiting the number of people to square footage, if having a larger house that is where the parties are. For a family with kids, this could seem to be micro managing. She said those who sign up for VRBO and Airbnb go through a lot of processes, they are vetted, they have background checks to help protect the owners. That could be a reason not to blanket prohibit these rentals. There are a lot of fees paid by owners for these services. She said it was a good idea to move forward with this in a positive way. She was unsure of homesteaded but liked the idea of homesteaded properties. She said she hears that people do not want a lot of noise in their community, that is on the person who is licensed to make sure of. There are rules placed inside these places, if not following the rules, people will get booted out. There are other guiding parameters in place.

City Administrator Wilson stated the property she gets the most complaints about states no parties and not to violate the city ordinance. She said residents do not want the city to trust that the platforms are going to protect them or govern this. From the calls she receives, they are looking for city government to do something. She mentioned this is a challenging issue for residents living directly near these. People have said they are frustrated because the city has not done something faster. It is a small occurrence, what is done has major implications for the proprietors and surrounding neighbors.

Councilmember T'Kach asked if a special license for these types of rentals would help depending on the parameters of the license.

City Administrator Wilson replied it has the potential. Staff tries to convey that 911 should be called when the disturbance is happening. They do not receive a lot of calls. If residents knew these were licensed establishments, and that calls to 911 had an impact other than driving by and quieting them down for the night, maybe there would be more engagement when there is a problem. She mentioned some of the communications accepted into the record phrased to "please regulate this activity."

Councilmember Gliva said it seemed like they could use some communication on calling 911 to report. She questioned if there may be a need for three strikes you cannot come back for a year, or whatever the case may be. She was unsure what that would be, there should be serious consequences. She said nothing speaks louder than prohibiting someone from making an income on the property. She believed that may be the only thing that works.

City Administrator Wilson replied staff could check into that. Whatever the process for license violations is, it would have to provide due process to the property owner. Staff would have to find a way to have justifiable or proven license violations. She noted that the City of Plymouth's Ordinance requires property owners to go to some type of safety training. Staff could follow up to learn more if that is the route Council takes.

Mayor Dietrich shared that she was somewhere between the first and second bullet points. It is those not doing it well that are ruining it for those that are doing it well. The ones not doing it well are disrupting their neighborhoods. Those residents pay taxes here and carry a lot of weight. She questioned what this looks like in practicality to carry out and put in place.

City Administrator Wilson replied staff would take that specifically. When returning to Council with this item, they would speak to enforceability of what is being proposed. This would give the police department time to consider and weigh in.

Mayor Dietrich does not want those that are doing it well to have to stop.

Councilmember Murphy mentioned he does not see Option 1 and 2 being mutually exclusive.

City Administrator Wilson replied a 30-day minimum period is not a short-term rental. It is not what this business model is about. She views that as having little reason to develop and invest in a specialized rental license if defining them as still having a minimum of 30 days. If doing Option #1, there is likely not a need to do Option #2.

She said it seems as though Council was interested in seeing Option #2 in more detail.

Mayor Dietrich said she would still like to hear from public safety in that option.

City Administrator Wilson said staff would attempt to be back before the Council in four weeks.

7. PUBLIC COMMENT:

Jerry Slama, 9185 Inver Grove Trail, mentioned that a lot of residents were in attendance regarding this topic last summer. He asked if the comments and letters were still a part of this ongoing conversation, if they were valid, or if they needed to be re-entered.

Mayor Dietrich replied they were still in the public record. If there is anything he wished to refresh, he was encouraged to always be in conversations.

Mr. Slama said his wife Lisa and himself are in support of some type of registering, licensing, of short-term rentals. They moved to the city over a year ago and built a unit above their garage that would be up on Airbnb shortly. They would like to have the freedom to do what they planned on doing with their home and property.

Stephen Dick, 1630 52nd Street East, said he has lived here for 12 years. He lives next to a short-term rental which he also manages. He said he sees firsthand the people coming in and going out. He owns three short-term rentals in the city and agrees with everything the Council has said. He believes licensing is the answer. He mentioned of the 60 cities in the metro area, all but 10 have agreed that licensing or not having anything, is ok. 85% of cities are in favor of licensing. He said he has been doing this for 9 years, he has hosted approximately 3,000 nights. There could have been 30 disturbances but was unsure as there are no police records. He was happy to hear that the Council may not go toward banning. If banned, it would strip the rights of 99% of the people who can go into an Airbnb and act responsibly and respectfully to weed out the 1% who might cause a problem.

Diantha Cavin, 4588 Bloomberg Lane, has been in her home about 12 years. She has been doing Airbnb for the last year. It has been a wonderful experience, she has been able to supplement her income, she is booked most of the time. She provides affordable short-term rentals; every one of them has been a pleasure. They recommend local eating suggestions for renters. She said it would be wrong to put them out of business because there are a couple of party houses that cannot be controlled. Those are not the norm.

Councilmember T'Kach asked if there was a difference in the ability to enforce something if it is a license versus registration.

City Attorney McCauley Nason replied they typically do not require registrations. Registrations are the lowest level of obtaining government approval. A license is how the city handles other types of business licenses, liquor licenses. Caselaw describes how cities can issue licenses and how they are discretionary in the city's ability to revoke/rescind for violating conditions. It is a stronger tool than registration. If the Council wants to have requirements or have staff do more research, those are criteria best suited for a license structure.

Councilmember T’Kach asked the Council if they were clear that licensing was the message sent to the City Administrator. She said it sounded like the Council wanted to go down the licensing path.

City Administrator Wilson replied she did not hear any suggestion of registration.

8. MAYOR AND COUNCIL COMMENTS:

9. ADJOURN:

Motion by Scales, second by T’Kach, to adjourn the meeting at 8:35 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek