

Pursuant to due call and notice thereof, a Planning Commission meeting was held on Tuesday, November 19, 2024 at 5:30 p.m.

**PRESENT:** Jim Read, Dick Glatzmaier, Aaron Goebel, Jeff Manthe, Bryan Becker

**ABSENT:** None

The meeting was called to order at 5:30 p.m.

**MINUTES OF SEPTEMBER 2024**

*Motion was made by Aaron Goebel to approve the minutes, second by Jeff Manthe, all in favor and carried.*

**JEFF LANGE ADMINISTRATIVE SUBDIVISION**

Jeff Lange was present at the meeting to explain his lot split. Mr. Lange's plan is to sell one of the lots to Kanati. Mr. Lange explained the easements on the property. The small strip on the south end will be beneficial to the City as there is a sewer line that does not have a correct easement. Mr. Lange also explained that easement (A) will give the City access to maintain a manhole. The meets and bounds will be recorded in the new split.

Mr. Lange stated as part of this subdivision, all buildings have to meet setbacks so they will be taking a majority of the buildings down on the second lot. He might use the building on the south side under tract A as storage. He will speak to the tax assessor for information.

Mr. Lange noted that there is no pollution on the property. This subdivision will not affect PJ's parking/driveway area. Mr. Lange stated Stearns County will give them an access to feed Tract A. It was noted that Saatzer's property does not have legal access either so down the road they might want to clean up that corner. Right now, they just want to divide the property to be able to sell. The Planning Commission did ask about possible future beach parking on Tract A but this would require a designated walking area to the beach.

*Motion was made by Bryan Becker to recommend approval of the Administrative Subdivision, second by Aaron Goebel, all in favor and carried.*

**AN ORDINANCE TO REGULATE CANNABIS BUSINESSES - PUBLIC HEARING**

The public hearing was opened at 5:39 p.m.

Jim Read gave a brief explanation of the draft ordinance. He stated that the City has until Dec. 31 to adopt an ordinance. It was noted that if we don't adopt an ordinance before December 31, cannabis businesses will be allowed anywhere with no regulations. Mr. Read explained the cannabis law does not permit the City to prohibit cannabis completely. The law also says the State of MN will be responsible for product inspection. Gordy Smith (Avon Estates) was present at the meeting. Mr. Smith stated it is important to understand that cannabis helps with medical issues and noted cannabis does help veterans. He feels we need to look at what retailers will offer such as microbusinesses. Mr. Smith feels that a cannabis shop that was recreational and medicinal would be beneficial. There was discussion about how many retail licenses the City

should allow. Jodi Austing-Traut stated the City is allowed to have a limit of 1 business per 12,500 residents.

There was discussion about possible locations for a retail cannabis business. Medicinal cannabis retail located in the pharmacy building would be a suitable location but this is close to the wrestling facility and also a day care. Mr. Smith feels it might be hard to find a suitable location in the City with the restrictions listed in the ordinance. It was noted that we could change the language in the ordinance to state 500 ft. vs. 1,000 ft. from a school, day care, residential treatment facility, or a public park. There was discussion about the City ordinance that deals with smoking in public places. Would this also include cannabis? It was noted that you can smoke on private property but not in public places. There were also questions regarding if a bar would be allowed to sell the cannabis drinks, would we count that as the one business that we would allow. It was noted that a possible argument will be if we allow liquor sales, we should also allow cannabis sales. The State of MN is advising cities to treat cannabis retail similar to liquor sales.

Jodi Austing-Traut looked into some of the fees through the State of MN for licensing cannabis sales. It was explained that the City would need to also set their own licensing fees. Mr. Manthe stated that he wasn't aware of any interest in opening a business. It was noted that there are a few cities that are discussing opening a municipal dispensary.

Jodi Austing-Traut stated that her recommendation to City Council would be to take this slow and maybe cap at one business right now as this is new to Avon, Stearns County, and the State of MN. If it goes well, we can make amendments to the ordinance. Mr. Smith asked if there was some way to do a preapproval process so a potential business doesn't lose their license fee with the State.

There were questions regarding what the licensing process looks like or if there are background checks done. Corey Nellis stated backgrounds aren't what people think as we have to have consent from the person being backgrounded and also this is for Minnesota records only. We can't run a nationwide background. The person requesting a license is responsible to find out what licensing looks like through the State of MN. They would just need certification that they are meeting our ordinance.

***Motion by Jeff Manthe to close the public hearing at 6:23 p.m., second by Dick Glatzmaier, all in favor and carried.***

Changes to draft ordinance as follows:

Adopt same language as Albany for industrial zone.

We would like to use an Interim Use instead of a Conditional Use throughout the ordinance. Conditional Use Permits run with the property which could create a problem if someone sells to a new owner. With an Interim Use Permit if they sell the property, the new owner would need to apply for a new IUP. We are allowed to put conditions on such as screening, signage, etc.

Change Cannabis Retail to C-2 and Low Potency Edible retail to C-1 and C-2.

Change draft ordinance to 500 ft. of a school, day care, residential treatment facility, and public park.

Beverages. We do not want to add this provision.

Number of businesses: It was noted that once Stearns County reaches 13 licenses, we are no longer required to allow even one in the City of Avon. Allow the cap of one business right now.

***Motion was made by Dick Glatzmaier to recommend the above changes to the draft Cannabis Business Ordinance, second by Bryan Becker, all in favor and carried.***

Motion to adjourn at 6:40

Respectfully Submitted by Amy Pease