

Minutes
Woodbury City Council
Wednesday, August 9, 2023

Pursuant to the due call and notice thereof, a regular meeting was duly held virtually and at the Woodbury City Hall, 8301 Valley Creek Road, on the 9th day of August 2023.

Call to Order

Mayor Anne Burt called the meeting to order at 7:08 p.m.

Mayor Burt welcomed those listening and attending. She said members of the public may attend the meeting but will be required to comply with social distancing parameters as determined by the City. Members of the public may also join the meeting using a PC, Mac, iPad, iPhone or Android device. Public comments will be accepted during the meeting both in person and by using the link to the virtual meeting to join the meeting and then submit your questions via the online Q&A feature within the meeting. Questions regarding the meeting will also be taken between the hours of 8:00 a.m. to 4:30 p.m. via email council@woodburymn.gov or call 651-714-3524 and leaving a voicemail message.

Pledge to Flag

Audience, staff, and Council pledged allegiance to the flag of the United States of America.

Roll Call

Upon roll call the following were present: Mayor Anne Burt, Councilmembers: Kim Wilson, Andrea Date, Steve Morris, and Jennifer Santini. Absent: None

Others Present: Kimberlee K. Blaeser, City Clerk; Kevin Sandstrom, City Attorney; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; Annie Coyle, Assistant to the City Administrator/Deputy Clerk; and Chris Hartzell, Engineering Director.

Special Order of Business

No items scheduled

Open Forum

The Open Forum is a portion of the Council meeting where a maximum of three persons will be allowed to address the Council on subjects, which are not a part of the meeting agenda. Persons wishing to speak must complete a sign-up sheet prior to the start of the meeting. Give the sign-up sheet to any staff person. Speakers are limited to two minutes each. The Council will listen attentively to comments but, in most instances, will not respond at the meeting. Typically, replies to the concerns expressed will be made via letter or phone call within a week.

Walter Dobgima, 2166 Woodcrest Drive, stated he was representing Woodbury for Justice and Equality. He expressed his concerns about Councilmember Wilson due to video and social media discriminating comments against minorities. The most recent comment came up during a Council workshop on July 26, 2023 when she described a proposal for funding an initiative as racist. He noted the initiative was a leadership program for people of color. He expressed his hurt hearing Councilmember Wilson explain the implication that the lack of capabilities is the sole reason for the lack of BIPOC representation in leadership. He added that Councilmember Wilson does not see the reason for having representation in leadership. He added that she does not have a problem with white people continuing to speak for people of other races and that it is a threat to inclusiveness to the community. He expressed the importance of speaking out before it spreads. He noted Councilmember Wilson fails as a public servant when she fails to understand the issues that affect many in the community. He expressed his appreciation for those on the Council who push to include and strengthen everyone in the community.

Mayor Burt thanked Mr. Dobgima for his comments and added the Council values input from the community. She added the Council aims towards being a learning organization and appreciates any feedback to improve and reflect. Staff and the Council value diversity and inclusion and have taken positive steps in that direction.

Councilmember Wilson stated she does not appreciate being called a racist and was clear during the meeting that by excluding everyone from the training it is racism. She noted equality is treating everyone the same and was what she was looking for.

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Consent Agenda

All items listed under the consent agenda are considered to be routine by the City Council and will be enacted by one motion and an affirmative vote by roll call of a majority of the members present. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event, the items will be removed from the consent agenda and considered a separate subject of discussion by the Council.

Item A Approval of Council Minutes – July 19, 2023

Item B To adopt the following resolution **Resolution 23-122**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the acceptance of two public AED units valued at \$15,520 from Teddy's Heart Foundation and Woodbury Lions Club.

Item C To adopt the following resolution **Resolution 23-123**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the acceptance of The First Tee of Minnesota at Eagle Valley coaching area improvements, including a new concrete slab and twenty-two new hitting mats.

Item D 2024 Roadway Rehabilitation Project; Amend Letter of Engagement; Authorize Preparation of Preliminary Reports; Amend Budget. **This item was removed from the Consent Agenda and moved to the Discussion portion of the meeting.**

Item E To adopt the following resolution **Resolution 23-125**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute a letter of engagement with WSB as the City's consultant and engineering firm for geotechnical services associated with the Woodbury Water Treatment Plant Pipe Networks.

Item F To adopt the following resolution **Resolution 23-126**

Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase of two Road Rescue Ambulances from Everest Emergency Vehicles through the Savvik Buying Group, Ambulance and Transport Vehicles contract #2020-04 cooperative purchasing for an amount not to exceed the cost of \$665,000.

Item G To adopt the following resolution **Resolution 23-127**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing acceptance of City of Woodbury Communications and Public Engagement Services Grant Amendment #1, Contract #211361 for up to \$128,400 from the Minnesota Pollution Control Agency to reimburse the City's expenses for implementation of communications and public engagement plan for Long-Term Water Treatment Plant project and approving a budget

Item H To adopt the following resolution **Resolution 23-128**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute a letter of engagement with Advanced Engineering and Environmental Services, LLC (AE2S) as the City's consultant and engineering firm for continued Woodbury Water Treatment Plant professional services for communications, branding and public engagement.

Item I To adopt the following resolution **Resolution 23-129**

Resolution of the City of Woodbury, Washington County, Minnesota approving applications for Minnesota Lawful Gambling LG214 Premises Permit and Minnesota Lawful Gambling LG215 Lease for Lawful Gambling Activity for North Tartan Area Girls Basketball Booster Club conducted at Tamarack Taproom located at 8418 Tamarack Village.

Item J To approve the issuance of a Consumption and Display Permit to Dreamers Point LLC, effective August 10, 2023, through March 31, 2024.

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Item K Approval of Twin Cities Gay Softball World Series Organizing Committee Temporary On-Sale Liquor License. **This item was removed from the Consent Agenda and moved to the Discussion portion of the meeting.**

Item L The abstract of bills includes payments made from the operating or project budgets for expenses of the city. The expenditures are from all funds of the city. Any purchased contracts requiring signature of the mayor and City Administrator is hereby approved. Staff recommends approval of the abstract of bills for July 14, 2023 in the amount of \$2,430,703.44, July 21, 2023 in the amount of \$391,868.34 and July 28, 2023 in the amount of \$4,066,286.64.

Councilmember Santini moved, seconded by Councilmember Date, to approve the Consent Agenda items with the exception of items 6D and 6K.

Voting via voice:

Kim Wilson – aye
Andrea Date – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

Discussion

Consent Agenda Item 6K. Approval of Twin Cities Gay Softball World Series Organizing Committee Temporary On-Sale Liquor License

Councilmember Morris pulled this item for discussion and stated he would abstain since he is an employee.

Councilmember Santini moved, seconded by Councilmember Date, to approve issuing a temporary on-sale intoxicating liquor license to Twin Cities Gay Softball World Series Organizing Committee effective Tuesday, August 29, 2023 through September 1, 2023 between the hours of 8:00 a.m. and 10:00 p.m. with the restrictions as outlined in Council Letter 23-177:

- The Twin Cities Gay Softball World Series Organizing Committee must hire a police officer to work:
 - Tuesday, August 29: 5:00 p.m. to 10:00 p.m.
 - Wednesday, August 30: 5:00 p.m. to 10:00 p.m.
 - Thursday, August 31: 5:00 p.m. to 10:00 p.m.
 - Friday, September 1: 5:00 p.m. to 10:00 p.m.
- When there is not an officer present, only servers that have been trained will be allowed to work. The Public Safety Department will provide this training at no cost to the applicant.
- Servers shall not drink any alcoholic beverages three hours prior to their shift or during their shift.
- The applicant must put up a temporary fence to help monitor access.
- A Minnesota produced beer must be available for purchase.
- There will be no glass containers served to customer

Voting via voice:

Kim Wilson – aye
Andrea Date – aye
Steve Morris – abstain
Jennifer Santini – aye
Anne Burt – aye

Consent Agenda Item 6D. 2024 Roadway Rehabilitation Project; Amend Letter of Engagement; Authorize Preparation of Preliminary Reports; Amend Budget.

Councilmember Wilson pulled this item for discussion and asked what kind of project it would be. City Engineer Chris Hartzell replied that it would be a full rehabilitation with removal of the pavement and replacement of the pavement with some spot curb replacements.

Councilmember Wilson asked if it would follow under narrower streets and sidewalks. Mr. Hartzell stated it would not since it is not a full reconstruction.

Councilmember Wilson noted there have been pockets of projects and in the past it has been cheaper for residents to do larger projects and asked why the City is not looking into doing larger projects. Mr. Hartzell replied overall there are larger projects but are piecing together three projects which allows the project to have a better deal on it. Generally, the projects need to be \$1 million or over to take advantage of the economy scales. All of the projects are over \$1 million and will have bids together.

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Mayor Burt asked staff to explain how unique the request is since roadway rehabilitation is typically done differently. Many residents requested to move the project forward from 2026 to next year. Mr. Hartzell agreed and added that the Boulder Ridge area is in fairly good condition but recognized that many residents were requesting to fix areas that needed additional attention. Staff have been working with the neighborhood to collect data and received many petitioners requesting to move up the project. Staff were not prepared to include the project in the CIP but Staff are willing to move it forward because of the support from residents in the neighborhood and the fund balance is available.

Councilmember Wilson asked if residents knew how much it would cost them. Mr. Hartzell replied that the petition letter provided a range of potential numbers. If the Council approved of the resolution, it would ask Council to authorize the preparation of the report which would confirm the costs.

Councilmember Date asked other neighborhoods with different densities were assessed. Mr. Hartzell stated it is by lot for each residential property. Councilmember Date wondered if there was a way to ensure fairness within the neighborhoods. Mayor Burt asked if a way to ensure fairness was to subdivide. Mr. Hartzell explained that it is the lesser of the benefit appraisal or the assessment report. He added that there are different rules and will be able to provide more information during the public improvement hearing.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-124

Resolution of the City of Woodbury, Washington County, Minnesota amending the Letter of Engagement with Bolton and Menk, Inc., as the engineering consultant, authorizing the preparation of preliminary reports to include a section of the Boulder Ridge neighborhood area, and amending the Street Reconstruction/Maintenance Fund budgets for the 2024 Roadway Rehabilitation Project.

Voting via voice:

Kim Wilson – aye
Andrea Date – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

Public Hearings

A. Interim Ordinance Prohibiting Cannabis Businesses and Prohibiting the Operation of Hemp Businesses in the City

Mayor Burt declared the public hearing open.

Assistant to the City Administrator/Deputy Clerk Annie Coyle stated the new Minnesota State law legalizes and decriminalizes sale, possession, use, and growth of cannabis. Home growth, use and possession is allowed as of August 1, 2023. New sales in cities are expected to begin in 2025. The Woodbury timeline includes:

- July 19, 2023: Council workshop to discuss the interim ordinance
- August 9, 2023: Council Action including interim ordinances, limit cannabinoid licenses, and no smoking policy
- August 16, 2023: Council Workshop
- August 2023-December 2024: Engagement, ordinance work, Staff training
- TBD 2024: Lower-potency hemp edible manufacturers licensed by OCM
- March 2024: Council Workshop
- August 2024: Council Workshop
- January 1, 2025 OCM operational and cannabis licenses begin.

Ms. Coyle reviewed the immediate policy choices which include:

- Most Restrictive:
 - Interim Ordinance bans all cannabis businesses until January 2025, all hemp businesses until August 2024 and new cannabinoid licenses until March 2025.
- Moderately Restrictive:
 - Interim Ordinances bans all cannabis business until January 2025. New cannabinoid businesses allowed.
- Least Restrictive:
 - Repeals cannabinoids ordinance and the State manages low potency.

Ms. Coyle stated the Council gave direction to Staff to go with the most restrictive option. The Interim Ordinance prohibits the operation of cannabis and hemp businesses in the City. It would cause a temporary freeze on cannabis businesses until January 2025 and lower-potency hemp businesses until at least 2024.

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Ms. Coyle explained the purpose of doing the interim ordinance would be to learn more about the new State law, perform community engagement and it would allow additional future discussion about local cannabis regulations.

Mayor Burt clarified that the discussion is on cannabis and not cannabinoid products. She asked if the interim ordinance was speaking to lower potency hemp products or the higher level hemp products. Ms. Coyle replied it would encompass all higher potency cannabis products, and low potency hemp products. Mr. Sandstrom added that under the new law there is a category for hemp businesses and will include businesses that manufacture hemp products. Products that were allowed in the law that was passed last year will still be allowed. Mayor Burt clarified that Ordinance 2036 addresses the new Minnesota State law and does not address the law that was passed last year.

Josh Wilken-Simon 7317 East Franklin Circle, Eden Prairie, stated he is the founder and owner of Legacy Glassworks which is a locally made glass pipe gallery and cannabinoid retailer. He thanked the Council for beginning the discussion regarding adult use cannabis legalization. He asked the Council to amend Ordinance 2037 section 2 to read "there shall be six cannabinoid product licenses to be available in the City." The current draft limits four licenses and would result in his business to be prevented from expanding with a Woodbury location. It would also prevent other businesses to invest in the City. He has found a location for a Woodbury retail store that meets the distance requirements and he signed a letter of intent. If a license was granted, he would hire a Woodbury contractor and have 15 jobs available with the intent of hiring at least 80% of Woodbury residents. He noted if the Council decides to continue with the most restrictive option, it would result in six retail establishments in the City. There is currently one retail business in the City that specializes in hemp products. The other three retail establishments in the City are vape and tobacco shops. He noted while he has self-interest in requesting the license limit to be increased to six licenses, he added that it would be a benefit to the City.

Mayor Burt clarified that Mr. Wilken-Simon was addressing Ordinance 2037 which is in item 7B. Mr. Wilken-Simon agreed and noted that he spoke with Councilmember Wilson and they agreed to have him speak during item 7A since item 7B does not have a public hearing. Mayor Burt suggested having Mr. Wilken-Simon speak again during item 7B in order to answer questions.

David Sutton, 9000 Hudson Road, Suite 616 stated he is the first hemp oriented business in the City called Midwest Craft which opened in November 2019. He explained that there can be a variety of cannabinoids when extracting from hemp including small traces of THC but are still in the compliant range according to the State law.

Mayor Burt asked Mr. Sutton if his business already had a license through the City. Mr. Sutton stated they do. Mr. Sutton asked if the license renewal would still be available in 2024 or if there would be a pause. Mayor Burt replied that his question would need to wait until item 7B but the plan is for current license holders to continue to have a license.

Aymane Hajji, 681 Kingfisher Lane, Unit A, owner of A1 Smokes stated he is a current license holder and asked if hemp products would fall under the current license. Mr. Sandstrom stated the statutes define hemp and cannabis products differently. The 2022 statute calls the products cannabinoid edible products. The ordinance regarding those products is expected to continue. The interim ordinance that is being considered has language that includes hemp businesses that would sell products beyond the cannabinoid items legalized in 2022. The proposed interim ordinance will not allow in the City the new products that the State intends to regulate with the new law with new licenses. The existing City licenses will continue to permit products legalized by last year's law.

Mayor Burt asked if Mr. Hajji would like to provide a list of products to see if they would be covered under the ordinance. Mr. Sandstrom stated edible gummy products will continue to be allowed to be sold. Products that are beyond edible and are derived from hemp such as hemp vape products would fall under the State's new regulations and would not be allowed.

Councilmember Morris noted that the current license holders would still be able to bring in new product as long as it falls under the 2022 law of having products that are edible or drinkable. Mr. Sandstrom agreed and added if the product's THC is derived from hemp and complies with other aspects it is allowed. Mayor Burt added that there are compliance checks to the licensed businesses.

Mr. Sandstrom noted no one can get a license under the new State law since OCM is not fully running yet. The City is putting a pause in case the State begins issuing licenses so the Council can put ordinances in place.

Councilmember Wilson explained her confusion on the language of hemp since in the past hemp was discussed as low potency. Mr. Sandstrom clarified that the City does not want to figure out the new hemp laws and business definitions yet and will continue to allow only what was legalized last year in order to have time to understand how the State will define hemp businesses and products.

Councilmember Wilson asked why hemp businesses were being prohibited. Mr. Sandstrom explained that the State created a new category of products under the new statute.

Councilmember Wilson asked the two licensed businesses present if they were comfortable with the clarity. Mr. Sutton explained his concern was that he would lose his license due to the hemp language during the renewal period. Mayor Burt stated the intent is for existing business cannabinoid licenses to continue until the State sets up their own regulations.

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Eckberg Lammers Attorney Christina Benson stated hemp business is defined in the statute as manufacturers or retailers who are licensed under Minnesota Statute 342. Businesses can continue to sell products under the City's ordinance since they are not licensed through the State. The specific definition of hemp business the interim ordinance is referring to are businesses that will be licensed by the State of Minnesota through the Office of Cannabis Management (OCM).

Councilmember Date noted that it is an interim ordinance and does not believe it is the intent to keep the policy once the State has figured out licenses and regulations. Mr. Sandstrom added that many people are realizing all of the issues that have been created with the new law that is enacted and the legislature is likely to make more changes next session.

Mayor Burt moved, seconded by Councilmember Morris, to close the public hearing.

Voting in Favor: Wilson, Date, Morris, Santini, Burt
Absent: None

Mayor Burt opened opportunity for discussion and questions from the Council.

Councilmember Morris moved, seconded by Councilmember Date,

To adopt the following ordinance

Ordinance 2036

Ordinance of the City of Woodbury, Washington County, Minnesota Prohibiting the Operation of Cannabis Businesses in the City under Minn. Stat. §342.13 (e) and Prohibiting the Operation of Hemp Businesses in the City.

Voting via voice:

Kim Wilson – aye
Andrea Date – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

B. Adoption of Ordinances Amending Chapter 11 Cannabinoid Products and Chapter 13 Miscellaneous Provisions and Offenses (Item is not a public hearing. Council action needed after close of the Interim Ordinance Prohibiting Cannabis Businesses and Prohibiting the Operation of Hemp Businesses in the City public hearing.)

Mayor Burt stated that the Council is open to hearing questions and comments from the public even though it is not a public hearing.

Mayor Burt requested to reorder the agenda to have item 2, Ordinance 2038, to be discussed first.

Ms. Coyle explained that Ordinance 2038 is related to no cannabis smoking in public places and would be an amendment to chapter 13, article 7. Cannabis smoking is already subject to MN Clean Indoor Air Act. The ordinance would ban cannabis/hemp smoking in public spaces with a violation of a petty misdemeanor offense.

Mayor Burt asked if Tamarack Village parking lot would be considered a public area. Ms. Coyle agreed that it would be. She added that smoking would be permitted in a private residence including the person's yard, private property not generally accessible by the public, and the premise of an establishment or event licensed to permit on-site consumption.

Mayor Burt asked if multi-family homes and apartments were permitted. Ms. Coyle replied that it is currently up to the owner of the multi-family housing but believes next year it will be illegal to smoke in multi-family buildings.

Councilmember Santini asked if the ordinance mirrors tobacco regulations. Mr. Sandstrom explained it does not since people can smoke tobacco on a sidewalk, for example, but will not be permitted to smoke or vape cannabis under this new ordinance.

Councilmember Morris asked if gummy and liquid products were included in the ordinance. Ms. Coyle stated the ordinance excludes those products. Mr. Sandstrom added that it was the request of the Council to exclude edible products from a public use ban despite the fact that the State statute allows a city to ban any use of any THC products in public places.

Councilmember Date stated it is a complex issue and the Council discussed how it is legal to drink in public places and that eating and consuming cannabis products does not have the same effect as smoking it. Mayor Burt added that many other cities are doing the same thing.

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Councilmember Wilson asked if the “lower-potency hemp edibles” referred to smoking them. Mr. Sandstrom agreed.

Councilmember Morris moved, seconded by Councilmember Santini,

1. To adopt the following ordinance

Ordinance 2038

Ordinance of the City of Woodbury, Washington County, Minnesota amending Chapter 13, Miscellaneous Provisions and Offenses by adding Article XII, Smoking of Cannabis Flower, Cannabis Products, Lower-Potency Hemp Edibles or Hemp Derived Consumer Products in Public Places.

Voting via voice:

Kim Wilson – aye
Andrea Date – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

Ms. Coyle explained that the Ordinance 2037 was to amend the existing cannabinoid products ordinance in the City Code, chapter 11, article XV and would limit the number of cannabinoid product licenses. The existing cannabinoid ordinances allows licensed sales of cannabinoid products legalized in 2022 and does not have a limit on the number of licenses issued. The eligibility criteria includes limiting sales to beyond 500 feet from schools, child care centers, parks, and playgrounds and excludes exclusive liquor stores. There is a \$10,200 license fee. The existing cannabinoid ordinance must be repealed by 2025 due to new State licensing for lower potency hemp retailers. The State law now requires sales behind the counter (except for beverages) and limitations on sale hours.

Ms. Coyle noted there are four current licensed businesses in the City. Three additional businesses are operating under memorandums of understanding agreements (MOU) a in effect until August 31. The proposed amendment limits licenses to four which ties to the four current businesses and would put a pause on new businesses until there is more information from the State regarding lower-potency hemp edible licenses.

Mr. Coyle stated cannabinoid sales are now allowed by State law to occur at liquor stores and there are liquor stores in the City that have expressed interested to begin sales. If the Council would like to move forward with this, it would require an additional amendment to the ordinance to eliminate the eligibility exclusion for exclusive liquor stores and would need an increase in the number of allowed licenses. There are currently 14 exclusive liquor stores licensed in the City.

Mayor Burt explained that the Council had a meeting on July 19 to discuss the item. She explained she does not have a personal connection with cannabinoid products but likes to support local businesses and desires to have a thriving business community. She noted she has had discussion with a number of residents who have mentioned they go to a different city to obtain products if it is not sold in a liquor store. She wondered why the City would not allow liquor stores to sell the products if they are coming forward and willing to pay for the licensing fee and it will be allowed in the future. She added the products would be liquid and potentially gummies. Mr. Sandstrom agreed and added that all products that are allowed to be sold in tobacco stores are being allowed in liquor stores now.

Councilmember Morris expressed his concern of not having a license limit since it is difficult to pull it back once it has been opened. He noted it is a different story when it is age-restricted establishments since minors are already not allowed and meet the requirements. He added that he is more willing to allow more licenses for those businesses than non-age-restrictive facilities.

Councilmember Santini asked if businesses would need a separate license if they were selling only products under 151. Mr. Sandstrom replied that they would need a low potency hemp retailer license. There are currently no limits to the number of hemp retailer licenses in the City but could change as the State continues to make edits.

Councilmember Santini asked if the hemp related products would be under the City’s control for 12 months since the ordinance is in effect for 12 months. She explained she does not want to hinder business but 12 months will go by quickly. She added she does not want to damage some of the business owners.

Councilmember Date asked if the City had a limit on how many liquor stores there could be. Ms. Coyle replied that there are currently no limits to the licensing programs but the City could decide to put a limit to it. Councilmember Date agreed with Councilmember Morris’ comments regarding age-restrictive facilities. She asked if the ordinance could include language regarding only age-restrictive facilities could be permitted to sell the products. Mr. Sandstrom stated it is possible and that there is existing language in the ordinance that states products can only be sold behind locked cases.

Mayor Burt asked if cannabinoid products were required to be behind a locked case. Mr. Sandstrom replied yes and that the law says it has to be behind a counter.

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Councilmember Date asked if in the future there would be any distance restrictions from schools for hemp licenses. Mr. Sandstrom replied that for now there will not be any distance restrictions but the statute could be changed in the future. Councilmember Wilson asked if the City could set their own zoning ordinances. Mr. Sandstrom stated it is up in the air for now.

Councilmember Date noted while there could be a limit of six cannabis retailer licenses, there are seven operators and expressed concern on how to continue to manage that. Councilmember Santini agreed and asked if the ordinance is passed if it shuts the door since the ordinance limits to four licenses. Ms. Coyle explained that it would require an ordinance update in order to change the number of licenses allowed. Mr. Gridley added that the Council could include that in the motion.

Councilmember Date explained that there are four current licenses and three operators and one pending application. She added that the MOUs are complicated and should be resolved next week. Mr. Gridley stated the Council could decide not to take action and have the workshop next week. Councilmember Morris asked if businesses who have an MOU were notified about the meeting. City Clerk Kimberlee Blaeser replied that they did.

Councilmember Santini expressed her confliction of allowing licensed businesses to show what the potential market could be on products and not being able to regulate it in the future if certain products were allowed in the past.

Councilmember Date suggested tabling the ordinance in order to allow time to sort out the MOU and ask Staff to bring it back to Council early in September or August. She explained she would like to put some sort of limit on the amount of licenses issued. Mr. Sandstrom noted there are no pending applications but there are inquiries and staff could see a flood of applications if businesses hear that it is a possibility to get a license. He added that it could put the Council in a difficult spot and would be in a better position by enacting a limit on the number of licenses right now with the understanding that the number of licenses issued could be increased at any point.

Councilmember Date stated that having a limit of four is too low. Considering existing liquor stores, she noted there is the potential of 22 licenses that could be issued in the City. Councilmember Morris agreed with Councilmember Santini's comments regarding having difficulty regulating products in the future but also noted that the State is allowing liquor stores to sell products regardless of the City's decision. Councilmember Wilson stated that the City could still maintain control while the State figures out regulations.

Councilmember Date asked if something could be included in the ordinance that would allow products at liquor stores and an additional number for license limits. Mayor Burt agreed with the language about allowing products in liquor stores and suggested having the limit at four and address the MOUs next week.

Councilmember Wilson asked what would constitute a liquor store. Councilmember Date replied that it would be a store that exclusively sells liquor.

Mr. Sandstrom stated increasing the number of licenses would bring the same concerns as tabling the item since there may be a lot of businesses that apply for the license until the Council has a direct limit. He suggested to enact the four limitation tonight since it allows Staff to put the brakes on additional applications coming in and then provide Staff will direction next week so that they can bring the Council a new ordinance.

Jesse Griffith, 8470 Centre Drive, stated he is the owner of Smokeless – Vape and CBD and has concerns since he is an MOU holder. He noted it felt like a “cart before the house” situation since the current suggestion was to pass an ordinance in order to wait until the next ordinance is ready.

Councilmember Morris asked if the ordinance could include the four current licenses holders plus the three MOUs in order to continue to have a limit but also address the MOUs that are currently out there. Mr. Sandstrom stated that it is addressed in the ordinance, section 1 where it states that the limit of number of licenses is not intended to affect the MOUs.

Mayor Burt moved, seconded by Councilmember Wilson,

2. To adopt the following ordinance

Ordinance 2037

Ordinance of the City of Woodbury, Washington County, Minnesota amending Chapter 11, Licenses, Permits, and Miscellaneous Business Regulations Article XV, Cannabinoid Products to Limit the Number of Cannabinoid Product License.

Voting via voice:

Kim Wilson – aye
Andrea Date – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

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Transportation Report (2nd meeting of the month, May-October)

No items scheduled

City Administrator's Report

Mr. Gridley noted that Woodbury Days would be on August 18-20, 2023 at Ojibway Park. The Mayor and Councilmembers will be available to the public and Parks and Recreation Staff will be there to provide opportunity for the public to give feedback on the updates to the Lookout Ridge playground at Central Park.

Mr. Gridley stated there is a new community event called One Woodbury that celebrates diversity in Woodbury and is in partnership with Washington County, South Washington School District, Woodbury Community Foundation, YMCA and the Chamber of Commerce. The event is Saturday, September 30, 2023 at Ojibway Park from 11 a.m.-4 p.m. The event will feature a collection of diverse food trucks, vendors, education booths, kid's activities, and performances.

Mr. Gridley mentioned that the City has been recognized as a step 4 and step 5 GreenStep City for the fifth year in a row. During a step 5 GreenStep City, the City must improve in at least three metrics showing progress and sustainability. There are 146 cities and tribal nations that participate in the program and Woodbury is among 33 cities recognized for achieving step 5. The City showed improvement in five metrics including the number and capacity renewal energy generation sites in the City, renewable energy purchases by the City for City buildings, number of electric vehicle charging stations, and City fleet improvements.

Mr. Gridley explained the 29th year of youth safety camp was filled and the recreation programs are doing well. There are a number of Public Safety events coming up in order to provide additional resources to the community and getting officers out into the community.

Mr. Gridley noted in his report that there is an update on the expenditures that have been made on PFAS mitigation which now exceeds \$18 million.

Mr. Gridley gave a verbal update of upcoming City meetings:

- August 16, 2023 – Council Workshop to discuss Adult-Use Cannabis/Ensure Long-term drinking water sustainability strategic initiative.
- August 17, 2023 – Neighborhood Meeting on the proposed 2023-2024 Pond Maintenance Project. 7 p.m., Council Chambers
- August 22, 2023 – Economic Development Commission. 7:30 a.m., Ash North and South Conference Rooms
- August 23, 2023 – CSAH 13 (Radio Drive) Expansion Project Open House. 4-6 p.m., East Ridge High School.

Mayor Burt noted two public comments that had come via email related to item 7a and 7b. The two emails came from Jessica Hauser and Linda Stanton.

Councilmember Wilson stated every member of Council supports Public Safety and noted there may have been some miscommunication during the last workshop on whether the Council thinks Public Safety supported the Wounded Warrior Ride. She stated that Public Safety 100% supported the Wounded Warrior Ride. She clarified that the City could do a better job of letting the public know that it was happening. The only notice she found was three days before the ride. She added she wished there was more advertisement so that there would be more people supporting the Wounded Warrior Ride and Public Safety along the route.


Councilmember Santini agreed and added that the sentiments that Council intended may not have been taken the same way. She added the Council would like to offer more resources or services on how to promote and support the event. Councilmember Morris agreed and stated the Council did not community effectively during the workshop to explain what the concerns were.

Adjournment

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 8:46 p.m.

Voting in Favor: Wilson, Date, Morris, Santini, Burt
Absent: None

Respectfully submitted,



Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on August 23, 2023.