

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
DECEMBER 09, 2024

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of December was called to order by Mayor Mike Poellinger at 5:00 PM in the La Crescent Community Building, La Crescent, Minnesota, on Monday, December 09, 2024.

Upon a roll call taken and tallied by the City Clerk, the following members were present: Members Ryan Hutchinson, Cherryl Jostad, Teresa O'Donnell-Ebner, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present were, Public Works Director Tyler Benish, City Engineer Tim Hruska (via Zoom), Community Development Coordinator Larry Kirch, Sustainability Coordinator Jason Ludwigson, City Attorney Skip Wieser, and City Clerk Angie Boettcher.

Interim Fire Chief Josh Tarrence was also in attendance.

**ITEM 1 – CONSENT AGENDA**

At this time, the Mayor read the following items to be considered as part of the Consent Agenda for this regular meeting:

- 1.1 MINUTES – NOVEMBER 25, 2024
- 1.2 BILLS PAYABLE THROUGH – DECEMBER 6, 2024

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion.

Member Hutchinson made a motion, seconded by Member O'Donnell-Ebner, as follows:

**A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED.**

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mayor Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**2. PUBLIC HEARING/MEETING – STREET VACATION**

At 5:00 PM Mayor Poellinger closed the regular meeting for City Council to hold a public hearing to consider a street vacation. City Attorney Wieser reviewed the street vacation request and stated that prior to the meeting, the applicant withdrew his request to vacate the street. Attorney Wieser suggested that the public hearing continue as planned. Mayor Poellinger asked for questions or public comment. Max Weber, the applicant, addressed City Council regarding the street vacation. There were no further questions or comments.

Mayor Poellinger closed the public hearing and resumed the regular council meeting.

It was recommended that City Council make a motion to deny the request due to the following findings:

1. the applicant is no longer seeking the request and;
2. an agreement could not be reached with the applicant regarding sharing the City’s access to the dog park to the East.

Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Williams as follows:

**MOTION TO DENY THE STREET VACATION REQUEST DUE TO THE STATED FINDINGS.**

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mayor Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.1 – STORMWATER ANNUAL MEETING**

City Sustainability Coordinator Jason Ludwigson and City Engineer Tim Hruska (via Zoom) were in attendance to conduct the City’s annual stormwater meeting. This satisfies one of the requirements of the stormwater permit's public participation/involvement sections. The public was allowed to review and comment on the City’s Public Education, Outreach, and Public Involvement Program Implementation

Plan/SWPPP. A copy of the document was included. No public comment was received from those in attendance at the meeting.

**ITEM 3.2 – RESOLUTION – TRANSPORTATION ALTERNATIVES GRANT**

Community Development Coordinator Larry Kirch reviewed with City Council for approval a Resolution authorizing the submittal of and sponsorship of a MnDOT Transportation Alternatives Program Grant Application. Following discussion, Member Hutchinson introduced the following Resolution and moved its passage and adoption as follows:

**RESOLUTION NO. 12-24-41**

**A RESOLUTION AUTHORIZING SUBMITTAL OF AND SPONSORSHIP OF A  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION ALTERNATIVES PROGRAM GRANT APPLICATION  
FOR THE CITY OF LA CRESCENT, MN**

**WHEREAS**, the Minnesota Department of Transportation has funding available from the federal government for the Transportation Alternatives (TA) program for 80 percent of the cost of planning, design and construction of surface transportation projects including on-road and off-road trail facilities for pedestrians, bicyclists and other non-motorized forms of transportation; and

**WHEREAS**, the City of La Crescent has completed several planning processes including the City Comprehensive Plan, the Downtown Vision and Strategic Plan and an Active Transportation Action Plan for the Highway 16 corridor between the Wagon Wheel Trail and Wagon Wheel Bicycle-Pedestrian bridge to Miller’s Corner, all of which have had extensive public involvement and broad community support; and

**WHEREAS**, the Active Transportation Action Plan outlines both in-town on-road and off-road trail facilities along the Minnesota Highway 16 corridor including Oak Street and S. Chestnut Street; and

**WHEREAS**, S. Chestnut Street is part of the Mississippi River Trail and U.S. Bike Route 45 and is adjacent to the Great River Road and Bluff Country National Scenic Byways and the city intends to implement the Active Transportation Action Plan in the Highway 16 corridor by planning, designing and constructing a multi-use bicycle and pedestrian facility along S. Chestnut Street and Mn Hwy 16 from the Wagon Wheel Bridge to S. 14<sup>th</sup> Street for transportation and recreational purposes which will also provide safe routes for non-drivers including children, older adults and individuals with disabilities to access daily needs; and

**WHEREAS**, a multimodal shared-use trail facility will connect the Wagon Wheel Trail to an eventual Root River Trail along the busy stretch of the MRT/U.S. Bike Route 45 and serve to connect several state and regional corridors for safe bicycling and walking; and

**WHEREAS**, the City of La Crescent fully supports this project and commits to cost-sharing the local share of 20 percent and has the ability to maintain the project improvements and is capable and ready to fully manage the project and understands that it is responsible for all costs not covered by federal funding; and

**WHEREAS**, the City of La Crescent agrees to maintain such improvements for the lifetime of the improvements; and

**WHEREAS**, the city desires to proactively implement the Active Transportation Action Plan for the Highway 16 corridor, the adopted Bicycle and Pedestrian plan, and Safe Routes to School Plan and its Complete Streets policy to improve bicyclist and pedestrian safety, improve accessibility for all user groups, and improve community connectedness especially for vulnerable users and underserved members of the community.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City Council of the City of La Crescent authorizes the submittal of a Transportation Alternatives Grant Application to the Minnesota Department of Transportation and, if awarded, agrees to act as project sponsor and carry out the following responsibilities:

- 1) Execute the standard Grant Contract and be the fiscal agent and have funds flow from MnDOT to the city and to the contractor.
- 2) Request SAP/SP number for the project.
- 3) Ensure the project meets milestones and dates.
- 4) Develop, review and/or approve the plan, submit plan, engineers estimate, and proposal to the DSAE.
- 5) Advertise, let, and award the project.
- 6) Submit pay requests to State Aid.
- 7) Communicate progress and updates with the DSAEs and State Aid Programs Engineer.
- 8) Ensure that the project receives adequate supervision and inspection.
- 9) Assist with project closeout.

**BE IT FURTHER RESOLVED** that the City Council of the City of La Crescent agrees to act as sponsoring agency for the project identified as MRT/USBR 45 – Root River Trail Connector Phase 1 seeking Federal funding under the Transportation Alternatives program and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.

**BE IT FURTHER RESOLVED** that City Administrator and Community Development Director are hereby authorized to act as agent(s) on behalf of this sponsoring agency.

#### Certification

I hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted by the City Council of the City of La Crescent, Minnesota on this 9<sup>th</sup> day of December, 2024.

SIGNED:

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*(Signature)*

Mayor Mikel Poellinger

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*(Title)*

*(Date)*

WITNESSED:

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*(Signature)*

City Administrator Bill Waller

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*(Title)*

*(Date)*

The motion for the adoption of the foregoing resolution was duly seconded by Member Williams and upon a roll call vote taken and tallied by the City Clerk, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.3 – RESOLUTION – ACTIVE TRANSPORTATION GRANT**

Community Development Coordinator Larry Kirch reviewed with City Council for approval a Resolution authorizing the submittal of and sponsorship of a MnDOT Active Transportation Program Infrastructure Grant Application. Following discussion, Member Jostad introduced the following Resolution and moved its passage and adoption as follows:

**RESOLUTION NO. 12-24-42**

**A RESOLUTION AUTHORIZING SUBMITTAL OF AND SPONSORSHIP OF A  
MINNESOTA DEPARTMENT OF TRANSPORTATION**

**ACTIVE TRANSPORTATION PROGRAM INFRASTRUCTURE GRANT APPLICATION  
FOR THE CITY OF LA CRESCENT, MN**

WHEREAS, the Minnesota Department of Transportation has \$12.502 million dollars available in Active Transportation funding available statewide, with a minimum of \$50,000 and cap of \$1 for each project; and

WHEREAS, the City of La Crescent adopted a bicycle and pedestrian plan in and identified projects for implementation which included sidewalk infill projects throughout the city to buildout a connected sidewalk system; and

WHEREAS, the City of La Crescent is a state aid city and is the sponsor of this requested active transportation infrastructure project; and

WHEREAS, the active transportation infrastructure project may include installation of sidewalks adjacent to county highways 25 and 29 and therefor the city is coordinating with the Houston County Highway Engineer and the city is looking for the Houston County Board of Supervisors to pass a resolution in support of this project; and

WHEREAS, the City's project was deemed eligible for submittal of a final application after review of the city's Letter of Intent (LOI) by MnDOT; and

WHEREAS, the City of La Crescent fully understands that it is responsible for all costs not covered by Active Transportation funding including but not limited to consultant engineering, right-of-way acquisition, construction administration and inspection, utility construction, as well as construction costs above the Active Transportation grant award; and

WHEREAS, the City of La Crescent agrees to maintain such improvements for the lifetime of the improvements; and

WHEREAS, the city desires to proactively implement the adopted bicycle and pedestrian plan to improve bicyclist and pedestrian safety, improve accessibility for all user groups, improve community connectedness, especially for vulnerable users and underserved members of the community.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of La Crescent authorizes the submittal of an Active Transportation (AT) Program Infrastructure Grant Application to the Minnesota Department of Transportation and, if awarded, agrees to act as project sponsor and carry out the following responsibilities:

- 1) Execute the grant agreement be the fiscal agent and have funds flow from MnDOT to the city and to the contractor.
- 2) Request SAP/SP number for the project.
- 3) Ensure the project meets milestones and dates.
- 4) Develop, review, and/or approve the plan, submit plan, engineer's estimate, and proposal to the DSAE.
- 5) Advertise, let, and award the project.
- 6) Submit pay requests to State Aid.
- 7) Communicate progress and updates with the DSAEs and State Aid Programs Engineer.
- 8) Ensure that the project receives adequate supervision and inspection. 9) Assist with project closeout.

Adopted this 9<sup>th</sup> day of December, 2024  
City of La Crescent

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Mikel Poellinger, Mayor

Attest: \_\_\_\_\_  
Angie Boettcher, City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Clerk, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.4 – SMALL CITIES DEVELOPMENT GRANT CONTRACT**

Community Development Coordinator Larry Kirch reviewed with City Council information regarding an application made by the City to the MnDEED’s Small Cities Development Grant Program for the Walnut Street corridor project. The City was awarded \$600,000 in federal funding, from the U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) funds under the Small Cities program. Of the \$600,000, \$580,000 can be used for streetscaping and \$20,000 for grant administration. The City also committed to match that grant with \$33,500 of city funds. City funds can be used for other costs related to the streetscaping project such as engineering services or streetscaping elements associated with the streetscaping portion of the Walnut Street corridor project which is scheduled for construction in 2026. It was recommended that the City Council authorize the Mayor and City Administrator to execute the grant agreement, authorize the expenditure of grant funding, and authorize the City’s local matching funds. Following discussion, Member O’Donnell-Ebner made a motion, seconded by Member Hutchinson as follows:

**MOTION TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE GRANT AGREEMENT FOR \$600,000 IN FEDERAL FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE WALNUT STREET CORRIDOR PROJECT TO BE USED AS STATED AND AUTHORIZE THE CITY TO MATCH THE GRANT WITH \$33,500 OF CITY FUNDS.**

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mayor Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.5 – FIRE DEPARTMENT GRANT – AUTHORIZE EXPENDITURE**

Community Development Coordinator Larry Kirch reviewed with City Council information regarding an application made by the City requesting \$25,000 to the Taylor Family Farms Foundation (TFFF) for a LUCAS Device (automatic chest compression device), a multi-parameter monitor/cuff, and a smoke house. The total cost of the three items when the grant was submitted was \$33,407 however, in that time the cost of the LUCAS Device increased by \$300.00 for a new total cost of \$33,707. The city agreed to match the grant with funding and 456 hours of training. A grant was awarded to the City for \$10,000. Staff is proposing to purchase all three items using the \$10,000 in grant funds plus \$8,000 in 2024 Fire Department

donation, and up to \$15,707 from city capital budget dollars. As part of the grant, the city agrees to give some recognition to the TFFF as part of implementing the grant with the new life-saving equipment. The city will place a story and picture on the city website, issue a press release, and conduct a press conference when the new equipment is unveiled. The La Crescent Heart Safe Committee provided a letter of support for the grant application along with Gundersen Lutheran Health Systems/Tri-State Ambulance. It was recommended that City Council approve the grant agreement and authorize the expenditure as stated. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner as follows:

**MOTION TO APPROVE THE GRANT AGREEMENT AND AUTHORIZE \$10,000 IN TAYLOR FAMILY FARMS FOUNDATION FUNDS, \$8,000 IN 2024 FIRE DEPARTMENT DONATION, AND UP TO \$15,707 FROM CITY CAPITAL BUDGET DOLLARS TO PURCHASE A LUCAS DEVICE, MULTI-PARAMETER MONITOR/CUFF, AND A SMOKE HOUSE FOR THE FIRE DEPARTMENT.**

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mayor Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.6 – ARMER RADIO GRANT AGREEMENT – AUTHORIZE EXPENDITURE**

Community Development Coordinator Larry Kirch reviewed with City Council information regarding an application made by the City to the Minnesota Department of Public Safety Emergency Communication Networks division (DPS-ECN) for their 2024-2026 Allied Radio Matrix for Emergency Response (ARMER) Equipment Grant Program. The city applied for \$86,450 and was awarded \$40,000 for the purpose of replacing the Police Departments hand-held radios. The city must match that grant with five percent of city funds (\$2,105.26). The city committed to this match in Resolution 06-24-20 and the original request was for ten radios and backup batteries. The grant and city match cover the cost of five radios but not batteries. City staff is requesting to spend an additional \$2,500 for the necessary backup batteries. It was recommended that City Council approve the grant agreement and authorize the execution of the grant agreement and authorize the Police Department to expend the grant funds of \$40,000, as well as the required city match of \$2,105.26 plus an additional \$2,500 for the purchase of radios and backup batteries. The matching funds and funds for the backup batteries will utilize the 2022 Capital Equipment

Certificate. Following discussion, Member Hutchinson made a motion, seconded by Member Jostad as follows:

**MOTION TO APPROVE THE GRANT AGREEMENT AND AUTHORIZE \$40,000 IN DPS-ECN GRANT FUNDS, A CITY MATCH OF \$2,105.26, AND AN ADDITIONAL \$2,500 FOR THE PURCHASE OF RADIOS AND BACKUP BATTERIES FOR THE LA CRESCENT POLICE DEPARTMENT WITH THE MATCHING FUNDS AND FUNDS FOR THE BACKUP BATTERIES COMING FROM THE 2022 CAPTIAL EQUIPMENT CERTIFICATE.**

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mayor Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.7 – RESOLUTION – SAFE ROUTES TO SCHOOL GRANT**

Sustainability Director Jason Ludwigson reviewed with City Council for approval a Resolution authorizing the submittal of and sponsorship of a MnDOT Safe Routes to School Infrastructure Grant Application. Following discussion, Member Hutchinson introduced the following Resolution and moved its passage and adoption as follows

**RESOLUTION NO. 12-24-43**

**A RESOLUTION AUTHORIZING SUBMITTAL OF AND SPONSORSHIP OF A MINNESOTA DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO SCHOOL INFRASTRUCTURE GRANT APPLICATION FOR THE CITY OF LA CRESCENT, MN**

**WHEREAS**, the Minnesota Department of Transportation has \$10.9 million dollars available in Safe Routes to School Infrastructure funding available statewide, with a minimum of \$50,000 and cap of \$1,000,000 for each project; and

**WHEREAS**, the City of La Crescent adopted a Safe Routes to School plan in 2020 and identified projects for implementation which include projects on 4<sup>th</sup> Street, Elm Street, Lancer Boulevard, and Redwood Drive which will address safety hazards by shortening pedestrian crossing distances and making intersections safer, and

**WHEREAS**, the project will benefit students, pedestrians, and cyclists across the city, and making changes to the streetscape will make walking and bicycling to school safer; and

**WHEREAS**, the City of La Crescent is a state aid city and is the sponsor of this requested active transportation infrastructure project and supports the construction of the Safe Routes to School projects and submittal of the Safe Routes to School application; and

**WHEREAS**, the Safe Routes to School infrastructure project borders Minnesota Highway 16 and the project is identified in a recently completed and MnDOT-sponsored Active Transportation Action Plan for the Highway 16 corridor; and

**WHEREAS**, the City of La Crescent fully understands that it is responsible for all costs not covered by Safe Routes to School Infrastructure grant funding including but not limited to consultant engineering, right-of-way acquisition, construction administration and inspection, utility construction, as well as construction costs above the Active Transportation grant award; and

**WHEREAS**, the City of La Crescent agrees to maintain such improvements for the lifetime of the improvements; and

**WHEREAS**, the city desires to proactively implement the adopted Safe Routes to School plan to improve the safety of school age children, improve bicyclist and pedestrian safety, improve accessibility for all user groups, improve community connectedness, especially for vulnerable users and underserved members of the community.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City Council of the City of La Crescent authorizes the submittal of a Safe Routes to School Infrastructure Grant Application to the Minnesota Department of Transportation and, if awarded, agrees to act as project sponsor and carry out the following responsibilities:

- 10) Execute the grant agreement and be the fiscal agent and have funds flow from MnDOT to the city and to the contractor.
- 11) Request SAP/SP number for the project.
- 12) Ensure the project meets milestones and dates.
- 13) Develop, review and/or approve the plan, submit plan, engineers estimate, and proposal to the DSAE.
- 14) Advertise, let, and award the project.
- 15) Submit pay requests to State Aid.
- 16) Communicate progress and updates with the DSAEs and State Aid Programs Engineer.
- 17) Ensure that the project receives adequate supervision and inspection.
- 18) Assist with project close out.

Adopted this 9th day of December, 2024

City of La Crescent

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Mike Poellinger, Mayor

Attest: \_\_\_\_\_  
Angie Boettcher, City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Clerk, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.8 – PINE CREEK CPL PROJECT – GRANT AWARDS**

Sustainability Coordinator Jason Ludwigson reviewed with City Council a letter from the Carl and Verna Schmidt Foundation awarding the city \$25,000 in grant funds for the restoration of Pine Creek. The \$25,000 has been received and will come before the council on a future donation resolution. It was recommended that City Council approve the grant funds. Following discussion, Member Williams made a motion, seconded by Member O'Donnell-Ebner as follows:

**MOTION TO APPROVE \$25,000 IN GRANT FUNDS FROM THE CARL AND VERNA SCHMIDT FOUNDATION FOR THE PINE CREEK RESTORATION PROJECT.**

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mayor Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.9 – SUSTAINABILITY COORDINATOR’S 2024 YEAR-END REPORT**

Sustainability Coordinator Jason Ludwigson reviewed his 2024 year-end report with the city council to highlight the grant funding secured for the city and the many completed projects from 2024. These projects align with the framework developed by the MPCA to improve community sustainability with the GreenStep program. This was informational only; no action was required.

**ITEM 3.10 – 2025 LICENSE RENEWALS**

City Council reviewed a list of proposed license renewals for 2025. The applications appear to be in order, and it was recommended City Council approve the license renewal applications. Following discussion, Member Hutchinson made a motion, seconded by Member O’Donnell-Ebner as follows:

**MOTION TO APPROVE THE PRESENTED LIST OF LICENSE RENEWALS FOR 2025 FOR THE FOLLOWING:**

**CIGARETTES:**

Kwik Trip #437 and Kwik Trip #614

**GAS INSTALLERS:**

7 Rivers Mechanical, La Crosse Fireplace Company, and Paul’s Heating & Air Conditioning

**ON SALE 3.2:**

La Crescent Hotel Group/Best Western Plus

**OFF SALE 3.2:**

Kwik Trip #437 and Kwik Trip #614

**SOLID WASTE:**

Harter’s Quick Clean-Up, Hilltopper Refuse & Recycling

**MESSAGE BUSINESS:**

La Crescent Massage

**MESSAGE TECHNICIAN:**

La Crescent Massage

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O’Donnell-Ebner	Yes
Dale Williams	Yes

Mayor Poellinger

Yes

and none voted against the same. The motion was declared duly carried.

**3.11 – DONATION RESOLUTION**

City Council reviewed a Resolution regarding the acceptance of a donation to the City for the Month of November. Following review and discussion, Member Jostad introduced the following Resolution and moved its passage and adoption:

**RESOLUTION NO. 12-24-44**

**RESOLUTION ACCEPTING A DONATION MADE TO THE  
CITY OF LA CRESCENT IN NOVEMBER 2024**

WHEREAS, the following donations were made to the City of La Crescent in the month of November 2024:

1. Gregory Fiegen wishes to donate \$1,000.00 to the La Crescent Fire Department.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of La Crescent hereby accepts the donations as stated above.

ADOPTED this 9<sup>th</sup> Day of December 2024.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

The foregoing motion was duly seconded by Member Hutchinson and upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **3.12 – CANNABIS ORDINANCE/ZONING ORDINANCE TEXT AMENDMENTS**

City Attorney Skip Wieser reviewed with City Council for approval an Ordinance regarding the City of La Crescent to regulate cannabis businesses within the city. Following discussion, Member Hutchinson introduced the following Ordinance and moved it passage and adoption:

#### **ORDINANCE NO. 587**

#### **AN ORDINANCE OF THE CITY OF LA CRESCENT TO REGULATE CANNABIS BUSINESSES**

The City Council of the City of La Crescent ordains as follows:

#### **SECTION 1 – ADMINISTRATION**

##### **1.1 Findings and Purpose**

City of La Crescent makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes City of La Crescent to protect the public health, safety, welfare of City of La Crescent residents by regulating cannabis businesses within the legal boundaries of City of La Crescent.

City of La Crescent finds and concludes that the proposed provisions are appropriate and lawful land use regulations for City of La Crescent, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

##### **1.2 Authority & Jurisdiction**

City of La Crescent has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis

business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of City of La Crescent.

### 1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

### 1.4 Enforcement

The City of La Crescent, through its police department and building and inspections department, is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

### 1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp

edible retailers.

4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.
8. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the City of La Crescent to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

## SECTION 2 – REGISTRATION OF CANNABIS BUSINESSES

### 2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within City of La

Crescent without first registering with City of La Crescent.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of up to \$2,000 for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

Any Cannabis Retailer that proposes to occupy or construct a new building for the purposes of operating a Cannabis Retail Business must prepare and submit the appropriate building permit and other applicable applications concurrently to the required City Registration application. The Applicant agrees that the application for Registration shall be conditional and will only become effective upon the Certificate of Occupancy being granted at the completion of construction. The conditional Registration shall be communicated to the OCM during the Zoning Compliance check process identified in subsection 2.2. The conditional Registration shall be counted towards the City's identified allocation in subsection 2.6 of this ordinance.

## 2.2 Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, City of La Crescent shall conduct a preliminary zoning verification to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, City of La Crescent shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

## 2.3 Registration & Application Procedure

### 2.3.1 Fees

A registration fee, as established in City of La Crescent 's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by City of La Crescent shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

### 2.3.2 Application Submittal

The City of La Crescent shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

- A. An applicant for a retail registration shall fill out an application form, as provided by the City of La Crescent. Said form shall include, but is not limited to:
  - i. Full name of the property owner and applicant;
  - ii. Address, email address, and telephone number of the applicant;
  - iii. The address and parcel ID for the property which the retail registration is sought;
  - iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- B. The applicant shall include with the form:
  - i. the application fee as required in Section 2.3.1;
  - ii. a copy of a valid state license or written notice of OCM license preapproval;
  - iii. If new development, summary of proposed Project and timeline for construction. Description must include building permits or approvals identified by the City's Building and Zoning Department.
- C. If an application is for an existing location, and no other land use or zoning approvals are necessary, the City shall determine that the application for Registration is complete or request additional information from the applicant. The City of La Crescent shall inform the applicant as such, process the application fees, and forward the application to the Building and Inspections Department for approval or denial.
  - i. If the Registration sought is associated with a new development and the building is not yet constructed, the applicant must obtain a Conditional Registration concurrently to the land use application process. The Conditional Registration will become effective once the applicable land use applications are deemed complete and approved. The Conditional Registration shall count towards the City's registration allocation identified in Section 2.6. In order to obtain a conditional registration, the City reserves the right to require an applicant to enter

into a Development Agreement (“Development Agreement”) with the City to ensure the compliance with all applicable ordinances and state law.

- ii. The Conditional Registration may be converted to a full Registration when 1) all land use approvals are obtained; 2) all conditions of the land use approval process are met; 3) site work is complete; 4) the building is constructed; and 5) a Certificate of Occupancy for the identified location is issued. If the Certificate of Occupancy is not obtained within the timeframe contained in the Development Agreement, the City will have the option to rescind and revoke any conditional registration without recourse or liability.

D. The application fee shall be non-refundable once processed.

### 2.3.3 Application Approval

- A. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- B. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- C. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

### 2.3.4 Annual Compliance Checks

The City of La Crescent shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this ordinance.

The City of La Crescent shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

### 2.3.5 Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of City of La Crescent.

## 2.4 Renewal of Registration

The City of La Crescent shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by City of La Crescent.

A cannabis retail registration issued under this ordinance shall not be transferred.

### 2.4.1 Renewal Fees.

The City of La Crescent may charge a renewal fee for the registration starting at the second renewal, as established in City of La Crescent 's fee schedule.

### 2.4.2 Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.

## 2.5 Suspension of Registration

### 2.5.1 When Suspension is Warranted.

The City of La Crescent may suspend a cannabis retail business's registration if it violates the ordinance of City of La Crescent or poses an immediate threat to the health or safety of the public. The City of La Crescent shall immediately notify the cannabis retail business in writing the grounds for the suspension.

### 2.5.2 Notification to OCM.

The City of La Crescent shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide City of La Crescent and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

### 2.5.3 Length of Suspension.

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to

customers if their registration is suspended.

The City of La Crescent may reinstate registration if it determines that the violations have been resolved.

The City of La Crescent shall reinstate the registration if OCM determines that the violation(s) have been resolved.

#### 2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the City of La Crescent may impose a civil penalty, as specified in the City of La Crescent 's Fee Schedule, for registration violations, not to exceed \$2,000.

### 2.6 Limiting of Registrations

The City of La Crescent shall limit the number of cannabis retail businesses to three (3).

## SECTION 3. REQUIREMENTS FOR CANNABIS BUSINESSES

### 3.1 Minimum Buffer Requirements

The City of La Crescent shall prohibit the operation of a cannabis business within 475 feet of a school.

The City of La Crescent shall prohibit the operation of a cannabis business within 250 feet of a daycare.

The City of La Crescent shall prohibit the operation of a cannabis business within 250 feet of a residential treatment facility.

The City of La Crescent shall prohibit the operation of a cannabis business within 250 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

### 3.2 Limits on Location

Distances shall be computed by direct measurement from the nearest property line of the land use listed above to the nearest portion of the building being used for the cannabis business.

Distances shall be verified by the applicant and confirmed by the person(s) responsible for

enforcing this ordinance, via a method deemed acceptable by City of La Crescent.

### 3.3 Zoning and Land Use

#### 3.3.1 Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a conditional use in the following zoning districts:

- I, Industrial District

#### 3.3.2 Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a conditional use in the following zoning districts:

- I, Industrial District

#### 3.3.3 Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a conditional use in the following zoning districts:

- I, Industrial District

#### 3.3.4. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a conditional use in the following zoning districts:

- I, Industrial District

#### 3.3.5. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are a permitted use in the following zoning districts:

- C-1, Commercial District
- CBD-1 and CBD-2, Central Business District
- Commercial-Planned Development Overlay, if Waiver is granted, or as explicitly identified within the Planned Development Agreement.

#### 3.3.6. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a conditional use in the following zoning districts:

- I, Industrial District

#### 3.3.7. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a conditional use in the following zoning districts:

- C-1, Commercial District

#### 3.4 Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m. seven (7) days per week.

#### 3.5 Advertising

Cannabis businesses are permitted to erect signs in compliance with City of La Crescent Ordinance No. 531.

#### 3.6 No cannabis business shall be allowed in any residentially zoned district.

### SECTION 4. TEMPORARY CANNABIS EVENTS

#### 4.1 License or Permit Required for Temporary Cannabis Events

##### 4.1.1 License Required

A license or permit is required to be issued and approved by City of La Crescent prior to holding a Temporary Cannabis Event.

##### 4.1.2 Registration & Application Procedure

A registration fee, as established in City of La Crescent 's fee schedule, shall be charged to applicants for Temporary Cannabis Events.

##### 4.1.3 Application Submittal & Review

The City of La Crescent shall require an application for Temporary Cannabis Events.

- A. An applicant for a retail registration shall fill out an application form, as provided by the City of La Crescent. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. Site plan of event space, including location and number of access points;
- iv. Proposed capacity of event space;
- v. Other information as required by the City based on the type or size of the event.

B. The applicant shall include with the form:

- i. the application fee as required in Section 4.1.2;
- ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2;
- iii. The application shall be submitted to the City Clerk or designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

The application shall be submitted to the City of La Crescent, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

C. Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the Building and Inspections Department for approval or denial.

D. The application fee shall be non-refundable once processed.

E. The application for a license for a Temporary Cannabis Event shall meet the following standards:

- i. Liability insurance satisfactory to City of La Crescent;
- ii. Minimum Buffer Zone Required: A temporary cannabis event shall provide a minimum buffer zone from the following uses:
  1. Four Hundred Seventy-Five (475) feet from a school;
  2. Two Hundred Fifty (250) feet of a daycare;
  3. Two Hundred Fifty (250) feet of a residential treatment facility;

4. Two Hundred Fifty (250) feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
  - iii. Temporary cannabis events shall only occur between the hours of 10:00 a.m. and 9:00 p.m., unless extended by the City Council with approval of a special event permit.
  - iv. Adequate security for the event is in place to ensure compliance with the requirements of state law at applicant's sole expense.
- F. A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.
- G. A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City of La Crescent shall notify the applicant of the standards not met and basis for denial.

Temporary cannabis events shall only be held at locations approved by La Crescent City Council.

#### SECTION 5. USE IN PUBLIC PLACES

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

#### SECTION 6 – PERFORMANCE STANDARDS

- 6.01 Operation of a cannabis business of the types established by Minnesota Statutes section 342.10 within the city shall comply with the provisions of this chapter and the following:
- A. Building Code. The cannabis business shall comply with Minnesota State Building Code.
  - B. Zoning Ordinance. The cannabis business shall comply with the provisions of Zoning Ordinance.
  - C. Ventilation: A cannabis business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the cannabis business at the property line.
  - D. Age Limitations: No person under twenty-one (21) years of age shall be within the cannabis business premises.
  - E. Public View:

- i. All activities of a cannabis business businesses, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling, and storage, shall be conducted out of public view.
- ii. No cannabis or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

F. Prohibited Activities:

- i. Consumption or use of cannabis products onsite of a cannabis retail business is prohibited unless an onsite license is first obtained.
- ii. There shall be no outdoor events or sales associated with a cannabis business; all such activities shall occur within a principal or accessory building, including temporary structures in compliance.
- iii. No cannabis business shall occupy a residential dwelling unit.

G. Odor Mitigation. All cannabis cultivation operations, production and processing facilities, including but not limited to any: drying, aging, trimming and packing facilities shall be equipped with the following odor mitigation measures:

- i. Installation and maintenance of activated carbon filters on all exhaust outlets to the building exteriors.
- ii. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade.
- iii. Maintenance of negative air pressure within the facility, or an alternative odor control system approved by the person(s) responsible for enforcing this ordinance, based upon a mechanical engineer licensed in the State of Minnesota, demonstrating the alternative system will control odor equally or better than the required activated carbon filtration system.
- iv. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.

H. Security/Theft Mitigation.

- i. A plan to prevent individuals from loitering on the premises of the business if they are not engaging in activity expressly related to the cannabis business.
- ii. Twenty-four-hour emergency contact information for the owner or an on-site employee which shall be provided to the La Crescent Police Department.

- iii. A professionally installed, maintained, and monitored alarm system.
- iv. Except for live cannabis plants being cultivated at a cannabis cultivation facility, and limited amounts of cannabis for display purposes, all cannabis and cannabis products shall be stored in a secured and locked structure, and in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft or loss.
- v. Twenty-four-hour security cameras to monitor all entrances and exits to the cannabis business, all interior spaces open and accessible to the public, and all interior spaces where cannabis, cash, or currency is being stored for any period of time on a regular basis. The holder of the cannabis license shall be responsible for ensuring that the security cameras footage is accessible. The footage shall be retained for a minimum of ninety days and shall be made available to the person(s) responsible for enforcing this ordinance, as well as the La Crescent Police Department upon demand.
- vi. Sensors shall be installed to detect entry/exit from all secure areas.
- vii. Any bars installed on the windows/doors of a cannabis business shall be installed only on the interior of the building.

**SECTION 7 – EFFECTIVE DATE AND EXPIRATION**

7.01 This Ordinance shall take effect and be enforced from and after its passage and publication.

PASSED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

The foregoing motion was duly seconded by Member Williams and upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and Member Jostad voted no. The motion was declared duly carried by a 4-1 vote.

Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson as follows:

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 587 BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY AND WITH "OFFICIAL COPY" SO MARKED BE KEPT ON FILE IN THE OFFICE OF THE CITY ADMINISTRATOR.**

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

City Attorney Wieser reviewed with City Council for approval an Ordinance amending the Zoning Ordinance of the City of La Crescent regarding the zoning of cannabis businesses within the city. Following discussion, Member Hutchinson introduced the following Ordinance and moved its passage and adoption:

**ORDINANCE NO. 588**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LA CRESCENT REGARDING THE ZONING OF CANNABIS BUSINESSES**

The City Council of La Crescent ordains:

SECTION 1. That the following provisions of the Zoning Ordinance of the City of La Crescent are hereby amended as follows:

**12.21 CBD – CENTRAL BUSINESS MIXED USE DISTRICT (CBD-1 and CBD-2)**

Is hereby amended to include the following provisions with subparts relabeled accordingly.

Subd. 2. PERMITTED USES. Within the CBD district, no structure or land may be used, except for one or more of the following uses:

- A. Bakery.
- B. Cannabis businesses licensed or endorsed for cannabis retail.
- C. Copy shop.
- D. Financial services, without drive-through.
- E. Hotels, motels, inns and bed and breakfast establishments serving transient guests.
- F. Multi-family attached residential dwellings, with a minimum density of 8 units per acre, which may include units combining living and working space within the unit, if all units on the same floor of a building are such.
- G. Office, including medical and dental.
- H. Public buildings.
- I. Public infrastructure.
- J. Restaurants, without drive-through.
- K. Retail goods and services within a fully enclosed building.
- L. Places of assembly

Subd. 3. CONDITIONAL USES. Within the CBD district, no structure or land may be used for one or more of the following except by Conditional Use permit:

- A. Taverns.
- B. Childcare.
- C. Dry cleaning drop-off, incidental pressing and repair without on-site cleaning.
- D. Financial services, with drive through.
- E. Health clubs and fitness centers.
- F. Laundromats.

- G. Mortuary or funeral home.
- H. Multi-family attached residential dwellings, with a minimum density of 8 units per acres, if purely residential units and units combining living and working space within the units are mixed on the same floor of a building.
- I. Museum.
- J. Manufactured Home Park.
- K. Theater with a maximum of one screen or stage.
- L. Age Restricted, Senior Living Facility including Assisted Living.

## **12.22 C-1 HIGHWAY COMMERCIAL DISTRICT**

Is hereby amended to include the following provisions with subparts relabeled accordingly.

Subd. 2. PERMITTED USES. Within any C-1 Highway Commercial District, no structure or land shall be used except for one or more of the following uses:

- A. Bakery
- B. Bowling Alley with no more than eight (8) lanes
- C. Cannabis businesses licensed or endorsed for cannabis retail
- D. Copy Shop
- E. Financial Services, without drive through
- F. Health clubs and fitness centers
- G. Hotels, Motels, Inn
- H. Office, including Medical and Dental
- I. Public Buildings
- J. Public Infrastructure
- K. Restaurants, without drive through
- L. Retail goods and services within a fully enclosed building

M. Temporary/seasonal outdoor sales use, subject to the provisions of this title.

Subd. 4. CONDITIONAL USES. Within a C-1 district, no structure or land shall be used for the following uses except by a conditional use permit:

- A. Animal hospital
- B. Auto filling station, car wash or oil change, and auto repair and maintenance.
- C. Auto sales and rental.
- D. Cannabis businesses licensed or endorsed delivery.
- E. Childcare
- F. Dry cleaning drop-off, incidental pressing and clothing repair without on-site cleaning
- G. Financial services, with drive through
- H. Garden supply store or greenhouse with or without outdoor storage or display
- I. Laundromats
- J. Mortuary or funeral home
- K. Museum
- L. Pawn shops, provided the operator meets license requirements established by the City Council and provided an inventory in the shop is provided on a weekly basis to the Chief of Police.
- M. Personal Services, such as beauty shops
- N. Private clubs and lodges
- O. Repair shops, excluding engine repair
- P. Restaurants, with drive through
- Q. School
- R. Showroom (indoors only)
- S. Theater, assembly hall or arena

## **12.23 C-PD COMMERCIAL PLANNED DEVELOPMENT OVERLAY**

Subd. 1. **PURPOSE AND INTENT.** The purpose of the C-PD Planned Development District is to promote planned, high-quality development in the commercial area along Highway 61 at the east gateway to the City, as a Planned Unit Development.

Subd. 2. **CANNABIS BUSINESSES.** Cannabis businesses licensed or endorsed for cannabis retail if Waiver is granted, or as explicitly identified within the Planned Development Agreement.

Subd. 3. **USES.** Permitted, accessory and conditional in the C-PD District shall be the same as the respective permitted, accessory and conditional uses in the C-1 except for the following additional Conditional Use.

- a. Auto Repair
- b. Auto Sales and Rental
- c. Construction Yards, for the storage of construction equipment and materials, are conditionally permitted, as well as any necessary buildings for the storage of construction equipment and construction materials, which comply with zoning and applicable building codes. The conditions for approval are as follows and no other conditions are placed on this Conditional Use, including those in 12.06, that are not listed below:
  - 1) that the construction yard be proximal to a construction company's primary office and not be located on the highway frontage.
  - 2) that construction materials be stored on racks or pallets in an orderly and safe manner with perimeter screening of the site by a secure fence and landscaping so the outside storage is screened from view from of public right-of-ways and adjacent properties.

Subd. 4. **DEVELOPMENT STANDARDS.** Lot standards and general provisions for development within the C-PD shall be the same as for the C-1 District, except for the setback of buildings to the Highway 14/61 frontage, which shall require a build-to line of twenty feet (20') minimum and forty feet (40') maximum.

Subd. 5. **MASTER PLAN REQUIRED.** All rezoning, plats, site plan approvals or redevelopment plans will be approved by the City within the C-PD District only if a master development plan is submitted and approved which comprises at least three (3) acres of land and is agreed to by all property owners within the master plan area. Such master plan shall be prepared and reviewed according to the Planned Unit Development (PUD) standards of this title.

Subd. 6. **WAIVER.** The City Council may waive the requirement that a master plan be prepared and reviewed in accordance with the Planned Unit Development (PUD) standards of this title, if what is

proposed for the site is in accordance with all other provisions of the Zoning Ordinance, is consistent with the City’s Comprehensive Plan and is presented to the Planning Commission, who shall hold a public meeting, and provide a recommendation prior to City Council action.

Subd. 7. USES IN COMMERCIAL DISTRICTS

Use – P = Permitted, C = Conditional	C-1	CBD	C-PD
Animal hospitals	C		
Assembly Halls		C	
Auto filling station, car wash or oil change and auto repair and maintenance.	C		
Auto sales and rental.	C		C
Bakery	P	P	P
Bowling Alley no more than 8 lanes	P		P
Childcare	C	C	C
Copy shop	P	P	P
Dry cleaning drop-off, incidental pressing and repair without on-site cleaning	C	C	C
Financial services, without drive through	P	P	P
Financial services, with drive through	C	C	C
Garden supply store or greenhouse with or without outdoor storage or display	C		C
Health clubs and fitness centers	C	C	C
Hotels, motels, inns, bed and breakfast	P	P	P
Laundromats	C	C	C
Mortuary or funeral home	C	C	C
Multi-family attached residential dwellings, with a minimum density of 8 units per acres, which may include units combining living and working space within the unit, if all units on the same floor of a building are such		P	

Multi-family attached residential dwellings, with a minimum density of 8 units per acres, if purely residential units and units combining living and working space within the units are mixed on the same floor of a building		C	
Museum	C	C	C
Office, including medical and dental	P	P	P
Outdoor seating within the public right-of-way		C	
Personal services, such as beauty shops	C	C	C
Private clubs and lodges	C	C	C

Use – P = Permitted, C = Conditional	C-1	CBD	C-PD
Assembly Halls	P	P	P
Public buildings	P	P	P
Public infrastructure	P	P	P
Repair shops, excluding engine repair	C	C	C
Restaurants, without drive through	P	P	P
Restaurants, with drive-through	C		C
Retail goods and services in a fully enclosed building	P	P	P
School	C	C	C
Showroom (indoors only)	C	C	C
Tavern		C	
Theaters and arenas	C	C	C
Auto Repair	C		C
Auto Sales and Rental	C		C
Construction yards (with limitations)			C

**12.24 I - INDUSTRIAL DISTRICT**

Subd 4. CONDITIONAL USES.

- A. Heavy manufacturing, no emission industries
- B. Food processing industries
- C. Manufacturing industries with emissions
- D. Waste disposal sites and facilities
- E. Bulk fuel storage facilities
- F. Mini Storage Buildings.
- G. Cannabis businesses licensed or endorsed for cultivation.
- H. Cannabis businesses licensed or endorsed for cannabis manufacturer.
- I. Cannabis businesses licensed or endorsed for wholesale.
- J. Cannabis businesses licensed or endorsed for transportation.
- K. Other industrial uses

#### **12.55 DEFINITIONS LISTED**

Is hereby amended to include the following:

**Adult-Use Cannabis Product:** As defined under Minnesota Statutes, section 342.01 , subd .4.

**Cannabis Business.** A cannabis microbusiness, cannabis mezzobusiness, cannabis cultivator, cannabis manufacturer, dispensary, cannabis wholesaler, cannabis transporter, cannabis testing facility, cannabis delivery services, or medical cannabis combination business licensed, or any use otherwise authorized, under Minnesota Statutes, Chapter 342.

**Cannabis Cultivation:** A cannabis business licensed for planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants cannabis flower, hemp plants, or hemp plant parts by a business licensed or authorized to cultivate cannabis or medical cannabis pursuant to Minnesota Statutes Chapter,342.

**Cannabis delivery service.** A person or entity licensed or otherwise authorized to purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a retail endorsement, cannabis mezzobusinesses with a retail endorsement, dispensaries, medical cannabis dispensaries, and medical cannabis combination businesses; transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived

consumable products to customers; and perform other actions pursuant to Minnesota Statutes, Chapter 342.

Cannabis or lower-potency hemp edible manufacturing. An entity licensed or otherwise authorized for the creation of cannabis concentrate and manufacture of cannabis products and hemp-derived consumer products for public consumption pursuant to Minnesota Statutes, Chapter 342, an entity licensed or authorized to purchase hemp and artificially derived cannabinoids to make hemp concentrate; manufacture artificially derived cannabinoids and hemp edibles for public consumption; package and label lower-potency hemp edibles for sale to customers; sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses; and perform other actions pursuant to Minnesota Statutes, Chapter 342, or an entity in possession of a medical cannabis processor license pursuant to Minnesota Statutes, Chapter 342

Cannabis mezzobusiness. A person or entity licensed to cultivate, manufacture, and sell products containing cannabis and related supplies and products and perform other actions authorized under a cannabis mezzobusiness license pursuant to Minnesota Statutes, Chapter 342.

Cannabis microbusiness. A person or entity licensed to cultivate, manufacture, and sell products containing cannabis and related supplies and products and perform other actions authorized under a cannabis microbusiness license pursuant to Minnesota Statutes, Chapter 342.

Cannabis Retail Business: A state licensed retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers, pursuant to Minnesota Statutes, Chapter 342.

Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

Cannabis testing facility. A facility licensed to obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis cultivators, medical cannabis processors, medical cannabis combination businesses, and industrial hemp growers pursuant to Minnesota Statutes, Chapter 342.

Cannabis transporter. An entity licensed or otherwise authorized to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from a cannabis business to a cannabis business pursuant to Minnesota Statutes. Chapter 342.

Cannabis wholesaler. An entity licensed or authorized to obtain, store, and sell or otherwise transfer cannabis or hemp seeds, plants, flower, or other products for the purpose of resale or other transfer to a

cannabis business but not to consumers, pursuant to Minnesota Statutes, Chapter 342.

**Dispensary.** An entity in possession of a cannabis retailer license or otherwise authorized to acquire, possess, transfer, sell, dispense, or distributes products containing cannabis and related supplies and products pursuant to Minnesota Statutes, Chapter 342.

**Lower Potency Hemp Edible:** As defined under Minnesota Statutes, section 342.01, subd. 50.

**Lower-potency hemp edible retailer.** A person or entity licensed or authorized to acquire, possess, transfer, sell, dispense, or distribute lower-potency hemp edible products and related supplies and products pursuant to Minnesota Statutes, Chapter 342.

**Medical cannabis combination business.** An entity authorized to cultivate, manufacture, and sell cannabis, hemp, and cannabis and hemp related supplies and products, and perform other actions authorized under a medical cannabis combination license pursuant to Minnesota Statutes, Chapter 342.

**Office of Cannabis Management:** State of Minnesota Office of Cannabis Management, as may be referred to as "OCM" in reference to this title.

**Public Place:** A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

**Retail Registration:** An approved registration issued by the city to a cannabis retail business.

**State License:** An approved license issued by the Office of Cannabis Management to a cannabis retail business.

## **12.10 GENERAL PROVISIONS**

Is hereby amended to include the following:

### **Subd. 19. GENERAL PERFORMANCE STANDARDS – CANNABIS BUSINESS**

All cannabis businesses must be in compliance with Ordinance No. 587 of the City of La Crescent and all applicable state laws and regulations relating to the operation of a cannabis business.

**SECTION II.** This provision shall become effective from an after due passage and enactment and publication, according to law.



Passed and enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

The foregoing motion was duly seconded by Member O'Donnell-Ebner and upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and Member Jostad voted no. The motion was declared duly carried by a 4-1 vote.

Following discussion, Member O'Donnell-Ebner made a motion, seconded by Member Hutchinson as follows:

**MOTION THAT A PRÉCIS FORMAT OF SAID ORDINANCE 588 BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY AND WITH "OFFICIAL COPY" SO MARKED BE KEPT ON FILE IN THE OFFICE OF THE CITY ADMINISTRATOR.**

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

City Attorney Wieser reviewed with City Council for approval a map of the cannabis business dispensary off-limit areas with a correction to remove the canoe/kayak launch which does not meet the definitions of a park or attraction. Attorney Wieser will provide a copy of the corrected map at the December 16, 2024 Council Meeting. Following discussion, Member Hutchinson made a motion, seconded by Member Williams as follows:

**MOTION TO APPROVE THE CANNABIS BUSINESS DISPENSARY OFF-LIMIT AREA MAP WITH A CORRECTION TO REMOVE THE CANOE/KAYAK LAUNCH AND ATTORNEY WIESER PROVIDING THE CORRECTED COPY AT THE DECEMBER 16, 2024 CITY COUNCIL MEETING.**

Upon a roll call vote taken and tallied by the City Clerk, the following Members voted in favor thereof, viz;

Ryan Hutchinson	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and Member Jostad voted no. The motion was declared duly carried by a 4-1 vote.

**6. STAFF CORRESPONDENCE/COMMITTEE UPDATES:**

6.1  
6.2

**7. CORRESPONDENCE:**

**8. CHAMBER OF COMMERCE:**

Chamber of Commerce Representative Ben Horn was in attendance and provided an update.

Council Member Hutchinson announced this would be his last council meeting after ten years of having a council seat. Member Hutchinson expressed his pleasure in working with city staff, the Mayor, and Council Members over that time.

Newly elected Council Member Chris Langen was in attendance and was introduced by the Mayor. Council Member Langen will begin his term at the January 13, 2025, City Council meeting.

There being no further business to come before the Council at this time, Member Hutchinson made a motion, seconded by Member Williams to adjourn the meeting. Upon a roll call vote taken and tallied by the City Clerk, the following Members present voted in favor thereof, viz;

Ryan Hutchinson	Yes
Cherryl Jostad	Yes
Teresa O'Donnell-Ebner	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 5:53 P.M.

APPROVAL DATE: December 16, 2024.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator