

REGULAR CITY COUNCIL WORK SESSION
October 11, 2022
After the REDA Meeting that takes place at 7pm
Robbinsdale City Hall
4100 Lakeview Avenue North

A G E N D A

1. CITY COUNCIL WORK SESSION CALLED TO ORDER BY MAYOR PRO TEM
2. ROLL CALL: Selman, Backen, Webb, Mayor Blonigan
3. Discussion: Proposed Zoning Text Amendment for the sales and service of THC products (Attachments 1-3)
4. Update: 25 MPH Speed Limit (Attachment 4)
5. Discussion: Public Parking – 42nd Avenue North/West Broadway Avenue (Attachment 5)
6. Update: Problem Properties (to be distributed at meeting)
7. ADJOURNMENT

To: Mayor, City Council

From: Rick Pearson, Community Development Coordinator

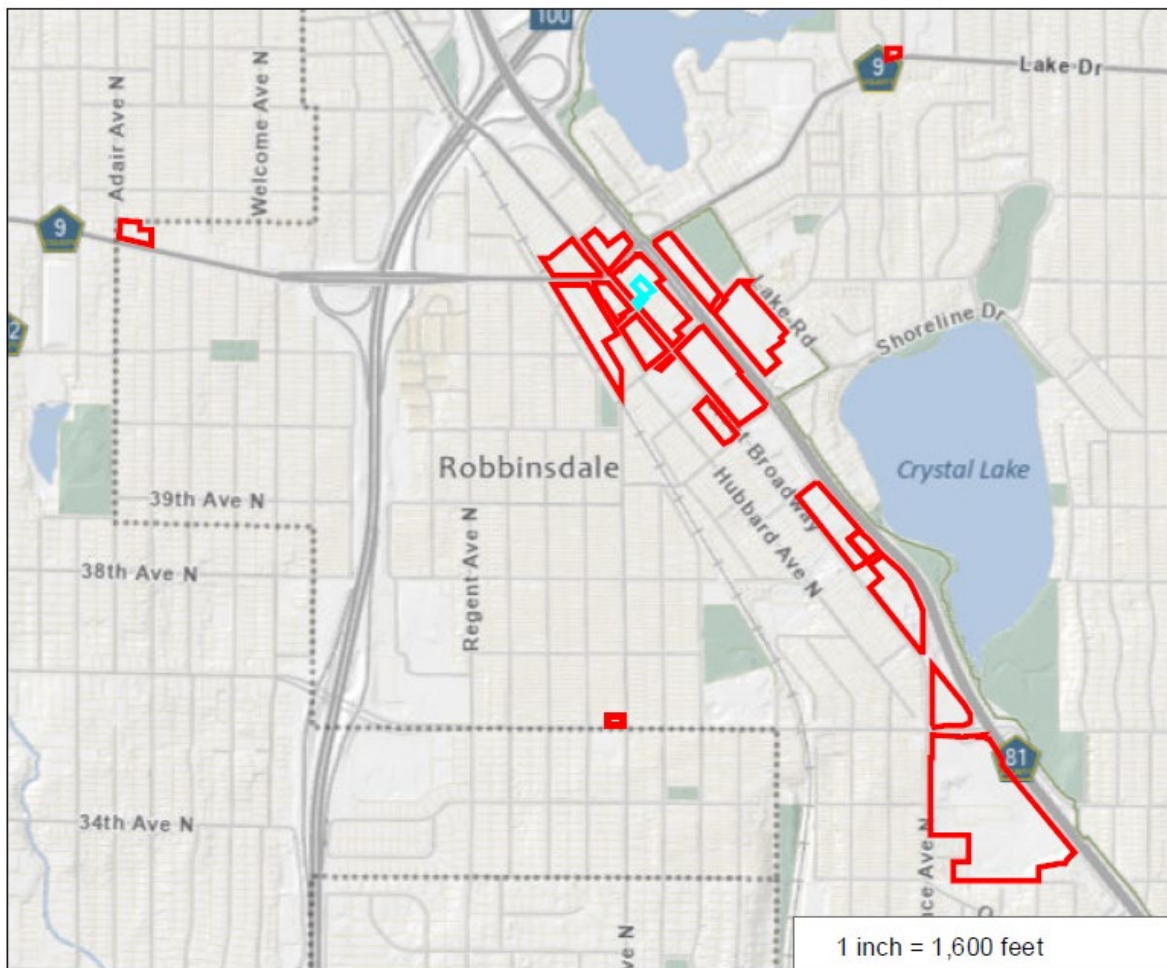
Date: October 11, 2022

Re: Proposed Zoning Text Amendment for the sales and service of THC products.

Staff is moving forward with a draft zoning text amendment with the benefit of Council direction provided at the August 10 worksession. A Planning Commission public hearing has been scheduled for October 27 for the text amendment. Assuming the Planning Commission adopts a recommendation after the public hearing, the Text amendment could be placed on a Council agenda in November.

Staff found examples of language in the Golden Valley and Stillwater ordinances with the most useful coming from Golden Valley. THC products as allowed by State Statutes will be permitted retail and restaurant service uses in the B-2, Limited Community and DD-1, Downtown districts. As the Council knows, Robbinsdale's zoning is cumulative in this instance meaning that those products are also allowed in the B-3 and B-4 districts. The ordinance will refer to licensing requirements that will be defined prior to the second reading and adoption of the ordinance.

The map shown below illustrates the properties affected by the proposed ordinance.



Draft Zoning Language

505.09. Definitions

Subd. 119. "THC or Cannabinoid Products" means any product that contains more than trace amounts of tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72, as may be amended from time to time. Licensed product does not include medical cannabis as defined in Minnesota Statutes, section 152.22, subdivision 6, as may be amended from time to time.

520.03. B-2 limited commercial district

(x) retail and restaurant establishments that sell THC products, as defined in City Code subject to licensing requirements of Section 12XX.XX of the City Code.

521.01. DD-1 – downtown district

Subd. 2. Permitted uses

(a) retail including, but not limited to, the sale of hardware, paint and wallpaper, meat market, bakery, grocery food items, gifts, flowers, drug store/pharmacy, books, hobby supplies, jewelry, antiques, new wearing apparel, pets and pet supplies, marine tropical fish sales and service, **THC products, as defined in City Code subject to licensing requirements of Section 12XX.XX of the City Code** and craft shops making articles exclusively for sale at retail on the premises.

(c) food retail services including, but not limited to, restaurant, delicatessen, coffee shop, ice cream shop, **THC products, as defined in City Code subject to licensing requirements of Section 12XX.XX of the City Code**, and convenience food establishment, excluding those establishments that provide drive-through window service.

Recommended Licensing Language

xxxx.xx License Required

No person shall directly, by coin machine, or otherwise, keep for retail sale, sell at retail, or otherwise furnishing, any Cannabinoid Products at any place in the city unless they have obtained a license.

The total number of Cannabinoid Products licenses issued by the city shall be limited (**will there be limitations?**) The total number of Cannabinoid Products Dealer licenses shall be limited (**???**). Establishments or locations holding licenses on the effective date of this ordinance shall not be affected by these limitations subject to conditions under which a license would be revoked.

xxxx.xx Application and Issuance

Application for such license shall be made to the city clerk and shall state the full name and address of the applicant, the location of the building to be occupied by the applicant in the conduct of the business, the kind of business to be conducted, and such other information as the city clerk may require. The application shall be presented to the city council for its consideration, and if granted by the council, a license will be issued by the city clerk upon payment of the required fee.

xxxx.xx Basis for denial of license.

(a) Grounds for denying the issuance or renewal of a license include, but are not limited to, the following:

- (1) The applicant is under 21 years of age.
- (2) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
- (3) The applicant has had a license to sell licensed products suspended or revoked within the preceding 12 months of the date of application.
- (4) The applicant fails to provide any information required on the application, or provides false or misleading information.
- (5) The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.
- (6) Applicant is acting as an agent or pass through for another person or entity whose prior acts violated subsections (a) 1, 2, 3, or 4 above or who is otherwise prohibited from holding a license under any applicable rule or law.

(b) However, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license.

(c) If a license is mistakenly issued or renewed to a person, it may be revoked upon the discovery that the person was ineligible for the license under this ordinance. Notice of the revocation will be given to the person along with information on the right to appeal.

xxxx.xx License fee.

The fee for a license is set by Appendix B.(**Would need to be amended**)

xxxx.xx Term

The issuance of license is a privilege and does not entitle the holder to an automatic renewal of the license. Licenses expire annually on December 31. Licenses are not transferable. License renewal is subject to the license provisions described in section 1005 Licensing Procedures.

xxxx.xx License displayed

The license must be kept conspicuously posted on the premises for which the license is issued and must be exhibited to any person upon request.

xxxx.xx Location

(a) A license will not be issued to a movable place of business. Only fixed-location businesses are eligible to be licensed and separate licenses are required for each location.

Zoning: Cannabinoid Products Shops must be located in **B-2, Limited Community Business, B-3 Highway commercial, B-4, Community business or DD-1, Downtown districts**

1132.15. Prohibited acts.

(a) In general.

(1) No person shall sell or offer to sell any licensed product:

- (i) By means of any type of vending machine.
- (ii) By means of self-service merchandising.
- (iii) By any other means, to any other person, on in any other manner or form prohibited by state or other local law, ordinance provision, or other regulation.

(2) No person shall sell or offer for sale a product containing THC that does not meet all the requirements of Minnesota Statutes, section 151.72, subdivision 3.

(b) Legal Age. No person shall sell any licensed product to any person under the age of 21.

(1) Age verification. Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.

(2) Signage. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the City, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

(c) Samples Prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost.

xxxx.xx Other illegal acts.

(a) Illegal procurement.

It shall be a violation of this section for any person 21 years of age or older to purchase or otherwise obtain licensed products on behalf of a person under the age of 21.

(b) Use of false identification.

It shall be a violation of this section for any person to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

(c) Storage.

All licensed products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

xxxx.xx Responsibility.

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the City from also subjecting the employee to any civil penalties that the City deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

xxxx.xx Compliance Checks and Inspections.

All premises licensed under this subdivision shall be open to inspection by the City during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks.

No person used in compliance checks shall attempt to use a false identification misrepresenting their age. All persons lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. The City will conduct a compliance check that involves the participation of a person at least 18 years of age, but under the age of 21 to enter the licensed premises to attempt to purchase the licensed products. Persons used for the purpose of compliance checks shall be supervised by law enforcement or other designated personnel. Nothing in this article shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

Additionally, from time to time, the City will conduct inspections to determine compliance with any or all other aspects of this ordinance.

xxxx.xx Violations and Penalty

(a) Administrative Civil Penalties—Individuals. If a person who is not a licensee is found to have violated this article, the person shall be charged an administrative penalty as follows:

(1) First Violation. The Council shall impose a civil fine not to exceed \$50.00.

(2) Second Violation Within 12 months. The Council shall impose a civil fine not to exceed \$100.00.

(3) Third Violation Within 12 months. The Council shall impose a civil fine not to exceed \$150.00.

(b) Same—Licensee. If a licensee or an employee of a licensee is found to have violated this article, the licensee shall be charged an administrative penalty as follows:

(1) First Violation. The Council shall impose a civil fine of \$500.00 and suspend the license for not less than 1 day.

(2) Second Violation Within 36 Months. The Council shall impose a civil fine of \$1,000.00 and suspend the license for not less than 3 consecutive days.

(3) Third Violation Within 36 Months. The Council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 10 consecutive days.

(4) Fourth Violation Within 36 Months. The Council shall revoke the license for at least one year.

(c) Administrative Penalty Procedures. Notwithstanding anything to the contrary in this section:

(1) Any of the administrative civil penalties set forth in this section that may be imposed by the Council, may in the alternative be imposed by an administrative citation

(2) If one of the foregoing penalties is imposed by an action of the Council, no penalty shall take effect until the licensee or person has received notice (served personally or by mail) of the alleged violation and of the opportunity for a hearing before the Council, and such notice must be in writing and must provide that a right to a hearing before the Council must be requested within 10 business days of receipt of the notice or such right shall terminate.

(d) Misdemeanor Prosecution. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this article.

xxxx.xx **Severability**

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

xxxx.xx **Effective Date**

This ordinance becomes effective upon passage and publication.



TO: Mayor and City Council

FROM: Tim Sandvik, City Manager

DATE: October 11, 2022

RE: 25 MPH Update

Background:

In May, Council discussed the possibility of lowering speed limits in residential areas to 25-mph. During that conversation, Council requested that staff solicit resident feedback online, and advertise the opportunity to share concerns at the June 7, 2022, Council meeting. Online feedback was a part of the Council item provided at June 14, 2022 Council work session. This conversation continued at the June and July work sessions, where Council ultimately directed staff to provide recommendations to implement a 25 Mile Per Hour speed limit policy for city-streets.

As a reminder, under Minnesota State Statutes, Chapter 169, municipalities have the authority to govern the setting, or adjusting, of speed limits within a local jurisdiction. Specifically, cities may consider alleys, residential roadways, urban districts, rural residential districts, and others.

To further consider this item, staff discussed the following considerations from a Public Safety and Engineering/Public Works perspective:

- Higher traffic volume streets shall maintain current posted speed limits – staff will administratively assign these designations.
- Discussions with neighboring cities regarding shared streets will need to occur.
- A 30-mph limit can be difficult in certain areas due to obstructions (trees, parked vehicles, signs, etc....) and these challenges remain with a 25-mph limit.
- While a change could lead to an increase in stops, citations would not necessarily increase but could provide for educational opportunities.

As increased safety is a priority for everyone, staff will introduce the following considerations that are measures beyond residential speed limit changes:

- Dynamic (mobile) speed signs
- Striping (both lane narrowing and highlighting pedestrian facilities)
- (continued) Educational Campaigns
- Signage (like gateway treatments)
- Materials/appearance



The safety of all road users is of utmost importance and using all the available tools in the right places to achieve the safest road environment possible is a worthwhile goal to strive for. Reducing speeds in residential areas is one of the tools that can be adopted toward achieving this goal, however complete road safety is complex, as it includes the element of driver behavior which is often the most difficult component to predict and control. It should be noted that blanket speed reduction by itself, without enforcement and engineering changes as a complement, will likely not achieve the results desired.

At this time, staff is recommending Council consider the adoption of a resolution that would Adopt Reduced Speed Limit of 25 MPH on City Owned Residential Roadways, Unless Otherwise Posted. Language to consider may include:

WHEREAS, *beginning in 2019 authority was given to cities to adopt a reduced speed limit of 25 mph on residential roadways under city jurisdiction per Minnesota Statute 169.14; and*

WHEREAS, *the City of Robbinsdale is a walkable community, that is sustainable and safe and lowering the speed limits will provide for safer streets and reduce the likelihood of death or life-changing injuries; and*

WHEREAS, *following adoption, staff will install new speed limit signs and the lower speed limits go into effect immediately and; and*

NOW THEREFORE BE IT RESOLVED, *by the City Council of the City of Robbinsdale adopt reduced speed limit of 25 mph for city owned residential roadways.*

Staff will introduce the item, and if of Council appetite, discuss a timeline for implementation.

Tim Sandvik, City Manager



TO: Mayor and City Council

FROM: Tim Sandvik, City Manager

DATE: October 11, 2022

RE: Public Parking – 42nd Ave N/W Broadway Ave

Background:

The City (REDA) owns a piece of property at the intersection of 42nd Ave N and Broadway Ave that is used for Public Parking. The philosophy of maintaining this parking is to alleviate parking concerns for businesses in the area.

Staff has received a number of calls/emails asking about overnight parking.

Staff will introduce the item and further provide considerations for the public parking lot. The lot in question, is highlighted below.



Tim Sandvik, City Manager