



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

City Council Work Session

September 13, 2022

CALL TO ORDER

The work session was called to order by Mayor Regan Gonzalez at 6:06 p.m. in the Bartholomew Room.

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen

Council Members Absent: None

Staff Present: Katie Rodriguez, City Manager; Mary Teitjen, City Attorney; Jay Henthorne, Public Safety Director/Police Chief; Jennifer Anderson, Support Services Manager; Melissa Poehlman, Community Development Director; Ellen Cutter, Business Licensing Clerk; Chris Swanson, Management Analyst; and Kari Sinning, City Clerk.

Mayor Regan Gonzalez introduced the topic for discussion for the work session and turned it over to City Manager Rodriguez.

ITEM #1	PRESENTATION AND DISCUSSION OF RECOMMENDATIONS REGARDING MINNESOTA'S NEW CANNABINOID LAW
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City Manager Rodriguez turned over the work session to Police Chief Henthorne and Support Services Manager Anderson who gave a presentation that overviewed what we know about the statute, League of Minnesota Cities recommendations, the concerns and options for Council consideration, and staff recommendations.

Council Member Trautmann asked if the option to ban the product would be for sales and/or possession. City Attorney Tietjen shared that other cities have not taken that approach and stated that it would be a prohibition on the sale of the products which would have to include a very detailed ordinance with findings that support the banning of the product in our City.

Council Member Supple expressed concern for youth having access to the products and supported a moratorium which would give time to study the issue and to allow the State time to add regulation and the eventual licensing of sellers. She suggested that the products be sold behind a counter and that those that sell be of legal age.

Council Member Hayford Oleary stated that a moratorium is not a helpful approach because the surrounding cities are planning on licensing which could still cause public safety issues here and would take opportunities away from Richfield businesses. He agreed with the concerns of Council Member Supple in regards to protecting our youth. He expressed support for limited licensing that would support Richfield businesses.

Council Member Whalen appreciated the comments of Council Members Supple and Hayford Oleary and questioned the need for the moratorium. Chief Henthorne shared that the moratorium would allow staff to research the licensing structure that works for the specific product since there are so many unknowns. Manager Anderson stated that the moratorium would be helpful to create the ordinance specific to Richfield and would be less confusion to retailers if we were to implement and then revise. City Attorney Teitjen clarified that the moratorium would be an active pause that would allow the City to work towards finding a solution and that the moratorium could be up to a year and can be repealed once a licensing structure is adopted.

Council Member Trautmann supported the recommendation of the moratorium given our limited resources. He shared concerns for the health and safety of children and does not want to create criminal records for children if they are in possession of the products. He asked if restaurants would be able to offer edible cannabinoid products. Manager Anderson stated the products are legal at this point and it would be up to our discretion to decide who sells the products.

Council Member Hayford Oleary emphasized that this product is already available and that a moratorium would affect those businesses that already have the products for sale or want to sell the products as they might be losing customers during a moratorium. He asked if age checks of identification would be much like purchasing spray paint. Chief Henthorne stated they are required to check identification for spray paint due to an ordinance and the police department does conduct compliance checks of which there would be an administrative penalty if they failed. Council Member Hayford Oleary asked if that would be an option for edible cannabinoid products. Chief Henthorne stated that other cities have not done an administrative licensing due to the type of product and that it is too early to tell if there will be state oversight.

Council Member Whalen shared concerns on how the moratorium would help reduce youth use and possession since the moratorium would be for the sale of the product. Chief Henthorne shared there is no way to test the products on the spot to enforce the legality of the product. Council Member Whalen expressed that there is not a clear answer of whether or not a moratorium is the best decision and wondered about the thoughts of the Mayor.

Mayor Regan Gonzalez shared her support of the moratorium due to a cost benefit analysis, short-term impact for potential future gain, and limited resources. She expressed the need for a better, clear cut understanding of the moratorium and how the concerns of the community could be addressed.

Council Member Trautmann asked if adults could buy products for minors currently. Chief Henthorne shook his head in the affirmative. Council Member Whalen stated an urgency to specifically address possession by minors. City Attorney Teitjen shared that the City of Mankato passed an ordinance that specifically addressed underage possession and how it would be enforced. Council Member Trautmann thanked City Attorney Teitjen for sharing that comment because it addresses underage possession but does not create more drug-oriented criminal records.

Council Member Hayford Oleary commented on the licensing fee being affordable. Chief Henthorne spoke about the need for testing protocols to come from the State for the regulation of the products and for law enforcement.

Manager Anderson summarized the next steps by stating that staff would be to actively be working on the ordinance and licensing during the moratorium. Attorney Tietjen stated that the language for the moratorium could be available as soon as the next council meeting.

Council Member Whalen asked other Council Members if there was interest regarding an ordinance specifically related to minor possession. Mayor Regan Gonzalez asked if it could be prioritized. Manager Anderson stated that the specifics of purchase, use, and possession would be included in the ordinance language and considered at the same time.

Mayor Regan Gonzalez thanked staff for their work and research.

ADJOURNMENT

Mayor Regan Gonzalez adjourned the work session at 6:49 p.m.

Date Approved: September 27, 2022



Maria Regan Gonzalez
Mayor



Kari Sinning
City Clerk



Katie Rodriguez
City Manager