



City of Blaine

City Council Workshop

October 7, 2024 | 5:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

AGENDA

NOTICE OF WORKSHOP MEETING

In accordance with the provisions of Section 3.01 of the Blaine City Charter, a Council Workshop meeting is scheduled for the following purpose:

1. Call to Order

2. Roll Call

3. New Business

3.1. 2024-411 (5:00-5:30 PM North Parking Lot) Police Department Unmanned Aerial System (UAS) and Armored Rescue Vehicle (Bearcat) Demonstrations
Sponsors: Brian Podany, Safety Services Manager/Police Chief

3.2. 2024-450 Review of Investigative Report
Sponsors: Lida Bannink, Labor Attorney

3.3. 2024-395 Adult-Use Cannabis Zoning Discussion
Sponsors: Erik Thorvig, Community Development Director

4. Other Business

5. Adjournment



City of Blaine Staff Report

File Number: 2024-411

Agenda Date	Status
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October 7, 2024

In Control	File Type
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City Council

Workshop Item

New Business - Brian Podany, Safety Services Manager/Police Chief

Agenda Item # 3.1

(5:00-5:30 PM North Parking Lot) Police Department Unmanned Aerial System (UAS) and Armored Rescue Vehicle (Bearcat) Demonstrations

Background

Police Department staff will give a demonstration of the Unmanned Aerial System (UAS) Drone and the Armored Rescue Vehicle (Bearcat) at 5:00 PM in the North Parking Lot near the Fire Garage.

In October 2023, the City of Blaine established an Unmanned Aerial System (UAS) unit and purchased a DJI Matrice M30T UAS. Training began of 16 Officers to become certified FAA Part 107 Pilots. The use of drones provides many benefits to public safety during emergency response by quickly locating missing persons, dangerous suspects, surveying scenes of natural disasters, and assisting in security assessments for the many large events hosted in Blaine.

In October 2022, the City of Blaine purchased an Armored Rescue Vehicle (Bearcat) and took possession of the vehicle in the Spring of 2024. The Bearcat vehicle has the capability to protect and rescue personnel during public safety operations. It contains armor and bullet resistant glass. It provides the ability to safely transport personnel, bystanders, and victims to and away from an active/hostile scene.

Both pieces of equipment have been activated and used as part of the Police Department fleet. This demonstration will provide an overview of each tool and their utilization.

Staff Recommendation

Questions for Council

Attachment List

None



City of Blaine Staff Report

File Number: 2024-450

Agenda Date	Status
October 7, 2024	
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City Council	Workshop Item

New Business - Lida Bannink, Labor Attorney

Agenda Item # 3.2

Review of Investigative Report

Background

After receiving a formal complaint from a city employee alleging a violation of the Blaine City Council Code of Conduct and a lack of upholding the City of Blaine Mission Statement by Councilmember Saroya, Councilmember Saroya requested, and the City Council authorized an independent third-party investigation on June 3, 2024. The investigation is now complete and will be presented to the city council.

Staff Recommendation

N/A

Questions for Council

Attachment List

None



City of Blaine Staff Report

File Number: 2024-395

Agenda Date	Status
October 7, 2024	
In Control	File Type
City Council	Workshop Item

New Business - Erik Thorvig, Community Development Director

Agenda Item # 3.3

Adult-Use Cannabis Zoning Discussion

Background

Adult-use cannabis was legalized in August 2023. The legislation created the framework for licensing and establishing the Office of Cannabis Management (OCM) for regulation, and requires cities to issue a retail registration to a cannabis microbusiness/mezzobusiness with a retail operations endorsement, a cannabis retailer, medical cannabis retailer, or lower-potency hemp edible retail that:

- Has a valid license issued by the OCM.
- Has paid the registration fee.
- Is found to be in compliance with the requirements of the applicable state laws through a preliminary compliance check performed by the city.
- Is current on all property taxes and assessments at the location where the retail establishment is located.

The city council discussed preliminary zoning regulations at the July 8, 2024, workshop. The following guidance was provided.

Location of Registrations

Statute allows cities to adopt restrictions for cannabis businesses if they choose by prohibiting registrations within:

- 1,000 feet of a school
- 500 feet of a daycare
- 500 feet of a residential treatment facility
- 500 feet from an attraction in a public park regularly used by minors, such as a playground or athletic field.

One question that came up was whether these requirements would be measured from property line to property line or building to building. Staff have learned that cities will be able to dictate what the measuring requirement will be.

Guidance: Adopt these distance requirements into a future ordinance.

Hours of Operation

Cannabis sales are not allowed between 2AM and 8AM Monday through Saturday, or between 2AM and 10AM on Sunday. Cities may adopt an ordinance to further prohibit sales between 9PM and 2AM or between 8AM and 10AM Monday through Saturday if they choose.

Guidance: Hours of operation to be 10AM-9PM all days of the week.

Number of Registrations

Statute states that cities may limit the number of cannabis retailers, but this limit can be no fewer than one registration for every 12,500 residents. Based on the Metropolitan Council's most recent population estimate of 73,546, Blaine must allow for 6 cannabis licenses (assuming the number of licenses is rounded up and not down). The city can allow more than 6 registrations if they choose, but at this time staff suggests the council consider allowing the minimum number of registrations required to allow time to gauge the impact of compliance checks, enforcement, and other factors. It should be noted that any municipal license would not count against the required minimum and that the number of hemp retailers (currently allowed edibles) cannot be limited by local governments.

Since the July 8 workshop, a letter was received from Green Goods, who currently operates a medical cannabis location in the Northtown area. The plan is to expand their operation to include retail cannabis and also keep the medical component. If, for some reason, they aren't granted one of the six registrations that will be available, they have asked whether the city would consider allowing an additional registration for a retailer that also has a medical cannabis component. The city of Moorhead specifically identifies this use as a "medical cannabis combination business".

Guidance: Limit the registrations to the minimum number required by the state.

QUESTION: Should language be included in the future ordinance to allow additional licenses for medical/retail businesses?

Zoning

Further discussion is required to determine retail locations based on zoning. Attached is a map depicting the areas in the city where retail licenses could be prohibited based on distance requirements. For the remaining areas, staff is suggesting registrations could be allowed in the following zoning districts: Community Commercial (B-2), Regional Commercial (B-3), Town Commercial (B-5), Planned Business District (PBD) and County Road 10 Mixed Use (MU). Currently, the code prohibits tobacco/vape use in the Highway 65 Overlay District (HOD), 105th Redevelopment District (RD), MU and B-5.

QUESTION: Which zoning districts should retail locations be permitted?

In addition to retail locations, other cannabis-related industrial operations are expected. These include cultivating, manufacturing, testing, transporting or wholesaling. If enclosed within an existing building (nothing outside), these types of operations are similar to other types of manufacturing/warehousing/distribution facilities that exist elsewhere in Blaine's industrial zoning

areas. A broker who represents the cannabis industry asked staff whether, if these industrial uses are allowed, would a small retail component also be permitted in the same building, provided it falls within the six registrations allowed in Blaine. Current language in the zoning ordinance in industrial districts allows *"retail sales, incidental to manufacturing, or products manufactured, assembled or warehoused on the premises, provided no more than ten percent (10%) of the building is used for retail space"*.

QUESTION: Should cultivating, manufacturing, testing, transporting or wholesaling be permitted in industrial zoning districts?

QUESTION: Should a small retail component be permitted as an accessory use to these operations?

Based on feedback from the workshop, staff will prepare an ordinance for review by the council at a future workshop this fall.

Staff Recommendation

Discuss and provide guidance.

Questions for Council

1. Should language be included in the future ordinance to allow additional licenses for medical/retail businesses?
2. Which zoning districts should retail locations be permitted?
3. Should cultivating, manufacturing, testing, transporting or wholesaling be permitted in industrial zoning districts?
4. Should a small retail component be permitted as an accessory use to these operations?

Attachment List

1. Model Zoning Ordinance
2. Prohibited Locations
3. Zoning Map

The (insert local here) may reinstate a registration if it determines that the violations have been resolved.

The (insert local here) shall reinstate a 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 (insert local here) may impose a civil penalty, as specified in the (insert local here)'s Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

A jurisdiction may choose to set a limit on the number of retail registrations within its boundaries. The jurisdiction may not however, limit the number of registrations to fewer than one per 12,500 residents.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within (insert local legal boundaries here).

(Optional) If (insert county here) has one active cannabis retail businesses registration for every 12,500 residents, the (insert local here) shall not be required to register additional state-licensed cannabis retail businesses.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to (insert number <= minimum required).

Section 3. Requirements for Cannabis Businesses

State Statutes note that jurisdictions may “adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business.” A jurisdiction considering other siting requirements (such as a buffer between cannabis businesses, or a buffer from churches) should consider whether there is a basis to adopt such restrictions.

3.1 Minimum Buffer Requirements

A jurisdiction can adopt buffer requirements that prohibit the operation of a cannabis business within a certain distance of schools, daycares, residential treatment facilities, or from an attraction within a public park that is regularly used by minors, including a playground or athletic field. Buffer requirements are optional. A jurisdiction cannot adopt larger buffer requirements than the requirements here in Section 3.1. A jurisdiction should use a measuring system consistent with the rest of its ordinances, e.g. from lot line or center point of lot.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-1,000] feet of a school.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a day care.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a residential treatment facility.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

(Optional) The (insert local here) shall prohibit the operation of a cannabis retail business within [X] feet of another cannabis retail business.

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 Zoning and Land Use

For jurisdictions with zoning, said jurisdiction can limit what zone(s) Cannabis businesses can operate in. As with other uses in a Zoning Ordinance, a jurisdiction can also determine if such use requires a Conditional or Interim Use permit. A jurisdiction cannot outright prohibit a cannabis business. A jurisdiction should amend their Zoning Ordinance and list what zone(s) Cannabis businesses are permitted in, and whether they are permitted, conditional, or interim uses. While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business.

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Hemp Manufacturer.

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

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.3 Hours of Operation

A jurisdiction may adopt an ordinance limiting hours of operation between 10 a.m. and 9 p.m., seven days a week, and that State statute prohibits the sale of cannabis between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays.

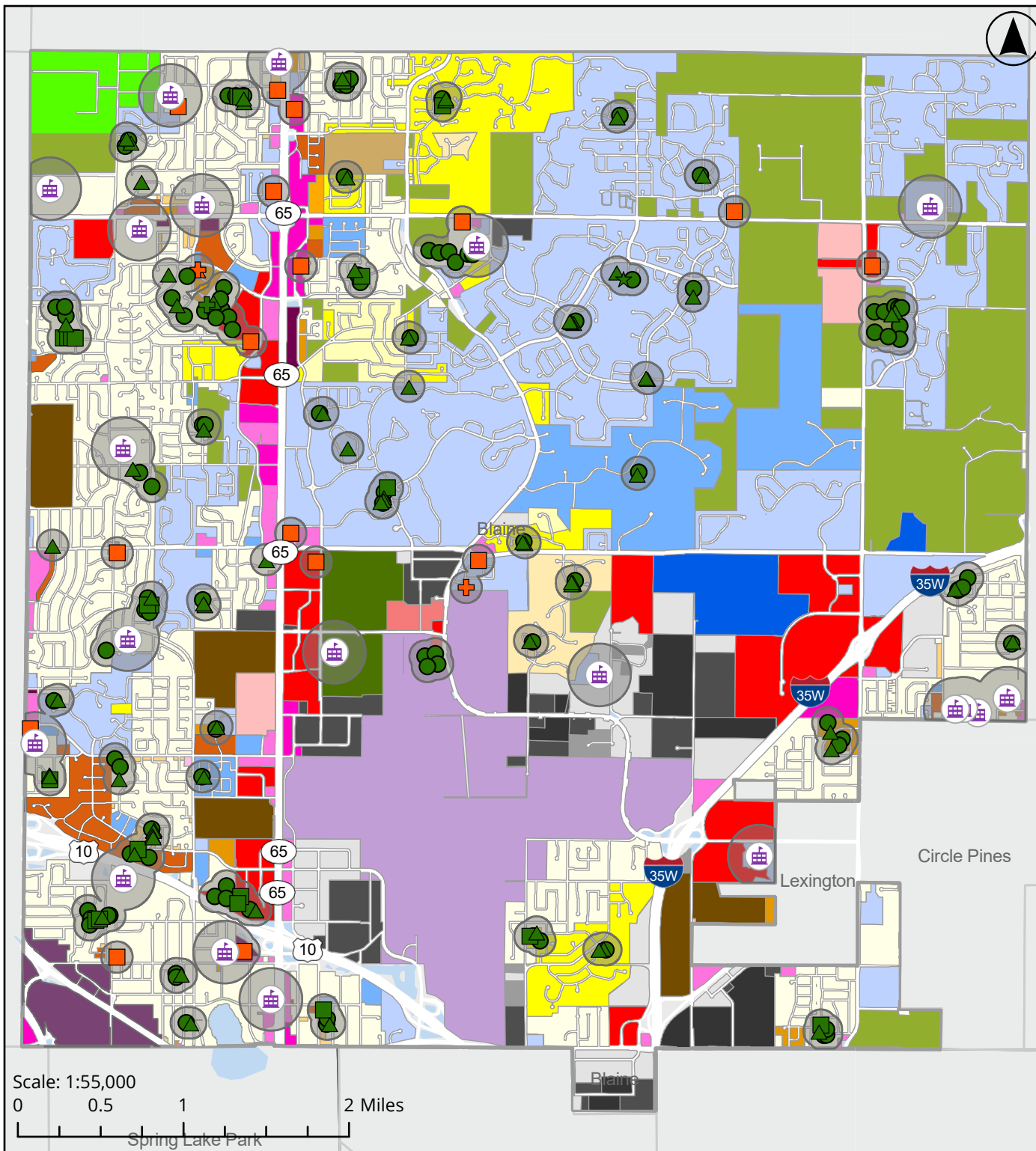
(Optional) Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of (insert time here) and (insert time here).

3.4 (Optional) Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by (insert local here)'s sign ordinances.



Proposed Cannabis Sale Prohibition Zones



Schools - 1,000 ft

Park Amenities - 500 ft

Fields & Courts

Ice Rink

Playground

Skateboard Area

Splashpad

Active DHS Licenses - 500 ft

Certified Child Care Center (7)

Child Care Center (17)

Children's Residential Facilities (2)

Substance Use Disorder Treatment (2)

Cannabis Sale Prohibition Zone (derived)

Date: May 30, 2024

Author: GIS & Data Services

Map Credits: City of Blaine, Minnesota Department of Education, Minnesota Department of Human Services

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