



**BROWNS VALLEY CITY COUNCIL MEETING
BROWNS VALLEY PUBLIC LIBRARY MEETING ROOM**

Monday November 27, 2023 - 5:30 P.M.

AGENDA

Call to order

Pledge of Allegiance

Roll Call: Mike Heck Tony Miller Neil Madison Jan Biewer Devan Dobbs

Others in attendance: Jodi Hook-Hansen, Tony Serocki, Bernice Piechowski, Terry Biewer,

Absent:

Approval of Agenda:

Consent Agenda

➤ Approval of November 13, 2023 Regular Meeting Minutes

➤ Approval of grand total of \$63,461.88 in claims

Wages: November 1st = \$7,150.99

Claims: November 13th = \$56,310.89

➤ Approval of Resolution 23-28 a Resolution Accepting a donation to the City of Browns Valley in the amount of \$300.00 from Brenda Reed.

Department Reports: Sheriff's Dept-Ambulance-Fire Department-Public Works-Library-Admin/Code Officer

Communications: EDA Committee

Unfinished Business:

➤ Approval of Website Development

New Business:

Discussion of Security Cameras

Discussion of Budget

Discussion- Coming up with Permanent THC ordinance

Other Business:

Public Comment:

Dates: November 20th Sheriff Meeting 9:00 AM- EDA Meeting 4:00 PM

December 4th Notice of Hearing on Proposed Assessments 5:30 PM

December 4th Truth and Taxation Hearing 6:00 PM

December 18th Final Tax Levy to County Auditor

Items for council to consider for future: Ordinance concerning the public use of Hemp and Cannabis Products & Dispensary

Next scheduled meeting Monday November 27th - 5:30 PM

Adjournment: Time _____

NOTE: The agenda is produced in advance of the council meeting. The actual meeting may consist of additional items, as may come before the council after the agenda is posted, or during the meeting itself.



The regular council meeting of the City of Browns Valley, MN was held in the meeting room of the Public Library. Council members present were Mayor Mike Heck, Tony Miller, Neil Madison, Devan Dobbs, and Jan Biewer. Also in attendance were City Maintenance Supervisor Tony Serocki, City Administrator Jodi Hook-Hansen, Library Director Bernice Piechowski, Code Enforcement Officer Terry Biewer, and City Attorney Matt Franzese.

Absent: Jan Biewer Entered at 5:50

Others Present: Edith Foren

The meeting was called to order at 5:30 p.m. by Mayor Heck.
The Pledge of Allegiance was recited by those in attendance.

Agenda:

Upon a motion by Dobbs with a second by Miller, the Council unanimously approved the agenda, with the additional Building Permit at 422 East Broadway (Jerry Johnson).

Visitors: David and Candy Duffield came to the council meeting in regards to have water and sewer plumbed in at new location. City Attorney Matt Franzese will ask the Commissioners about the property tax in city limits going to Folsom Township.

Consent Agenda:

- Upon a motion by Dobbs with a second by Miller, the Council unanimously approved the October 23, 2023, Regular Meeting Minutes.
- Upon a motion by Biewer with a second by Dobbs, the Council unanimously approved the claims for a grand total of \$168,965.71, including Wages (November 1st= \$11,742.74) and Claims (November 13th = \$157,222.97).
- Upon a motion by Miller with a second by Biewer, the Council unanimously approved the Treasurer's Report.
- Upon a motion by Dobbs with a second by Miller, the Council unanimously approved the Delinquency Report.

Department Reports:

- Library Director Piechowski reported on activities at the library.
- City Maintenance Serocki gave a verbal report on public works items completed

**Browns Valley Regular City Council Meeting Approved Minutes
November 13, 2023**

- Code Enforcement Officer Biewer reported on actions done to enforce City ordinances and items completed in the office.
- City Administrator Hook-Hansen reported on administrative items completed in the office.
- City Attorney Franzese gave a verbal report on actions performed for the City of Browns Valley.

Unfinished Business:

- Upon a motion by Miller with a second by Madison, the Council unanimously approved Resolution 23-26, a Resolution Setting the Monthly Water and Sewer Rates for 2024. Water usage will be \$4.00 per thousand gallons, with a monthly base rate of \$21.25 for residents and \$30.00 for non-residents. Sewer usage will be \$3.50 per thousand gallons, with a monthly base rate of \$35.00.

New Business:

- Upon a motion by Miller with a second by Dobbs, the Council unanimously approved of Building Permit at 422 East Broadway (Jerry Johnson).
- Upon a motion by Miller with a second by Dobbs, the Council unanimously approved of Resolution 23-27, a Resolution accepting a donation to the City of Browns Valley in the amount of \$40.00 from Jerry and Diane Johnson.
- Upon a motion by Biewer with a second by Miller, the Council approved 4 to 1 Resolution 23-28, a Resolution Authorizing the City of Browns Valley To Acquire by Tax Forfeiture Land PID 20-0399000. Dobbs dissented.
- Upon a motion by Miller with a second by Madison, the Council unanimously approved of the quote from Dakota Pump and Control in the amount of \$5,600.00 to replace Soft Start, \$5,060.00 to repair the hydromatic pump, for a total of \$10,660.00
- Upon a motion by Miller with a second by Madison, at 5:55 p.m. the Council unanimously agreed to close the meeting pursuant to Minn. Stat. 13D.05, Subd. 3(c)(3): to determine the asking price for real or personal property to be sold by the government entity. The real property to be discussed is the City's property located at 106 4th Street - the Browns Valley Community Center.
- At 6:18 p.m., upon a motion by Miller with a second by Biewer, the Council unanimously agreed to re-open the meeting.
- As a result of the closed meeting, upon a motion by Madison with a second by Miller, the Council unanimously approved selling the 106 4th Street the Browns Valley Community Center to the Food Shelf for \$170,000.000 contingent upon receiving the Food Shelf receiving a grant.

Public Comment: None at this time

Other Business: None at this time

Dates:

Dates: November 20th Sheriff Meeting 9:00 AM- EDA Meeting 4:00 PM

December 4th Notice of Hearing on Proposed Assessments 5:30 PM

December 4th Truth and Taxation Hearing 6:00 PM

December 18th Final Tax Levy to County Auditor

Items for Council to consider for future: Ordinance concerning the public use of Hemp and Cannabis Products

Next scheduled meeting: Monday November 27th at 5:30 p.m.

The meeting adjourned at 7:26 p.m.

Minutes submitted by:

Approved by:

Jodi Hook-Hansen, City Administrator

Mike Heck, Mayor

BROWNS VALLEY, MN

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*Check Summary Register©

Batch: Claims112723

	Name	Check Date	Check Amt	
10100	PRAIRIE SUN BANK			
13282e	MN DEPT OF REVENUE	11/21/2023	\$399.04	
13283e	IRS	11/21/2023	\$1,978.61	Federal
13284e	PUBLIC EMPLOYEES RETIREME	11/21/2023	\$1,264.56	
20306	HOFFMAN ELECTRIC	11/15/2023	\$15,000.00	Material and labor draw on shop
20314	BAKER & TAYLOR	11/27/2023	\$53.60	books
20315	CENGAGE LEARNING	11/27/2023	\$111.26	large print books
20316	CITY OF MORRIS	11/27/2023	\$20.00	library books
20317	DAKOTA SUPPLY GROUP	11/27/2023	\$581.96	hydrant repairs
20318	DAKOTA WASTE SOLUTIONS	11/27/2023	\$4,000.00	Dec garbage service
20319	First Lease LLC	11/27/2023	\$18,650.76	Principal
20320	GOODHART EXCAVATING, INC	11/27/2023	\$3,246.08	mounting new wing and new wing hitch
20321	IVERSON, LOGAN	11/27/2023	\$7,360.00	sidewalk, curb and gutter
20322	MADISON, NEIL G.	11/27/2023	\$103.49	West Central EDA meeting 158 miles+meeting
20323	MINNESOTA DEPT OF HEALTH	11/27/2023	\$493.00	Community Water Supply Service Connection
20324	OTTERTAIL POWER COMPANY	11/27/2023	\$2,914.82	14-004844 321 Lift Sation
20325	PIECHOWSKI, BERNICE	11/27/2023	\$133.71	Directors mtg Fergus Falls
	Total Checks		\$56,310.89	

FILTER: (([Act Year]='2023' and [period] in (11))) and (Source in ('Claims112723'))

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Payments

Current Period: November 2023

Payment Batch Claims112723		\$56,310.89	
Refer	1251 <u>HOFFMAN ELECTRIC</u>	Ck# 020306	11/15/2023
Cash Payment	E 101-43000-500 Capital Outlay (GENERA	Material and labor draw on shop	\$15,000.00
Invoice	16288	11/14/2023	
Transaction Date	11/14/2023	PRAIRIE SUN BANK 10100	Total \$15,000.00
Refer	1252 <u>GOODHART EXCAVATING, INC</u>	Ck# 020320	11/27/2023
Cash Payment	E 101-43000-220 Repair/Maint Supply (GE	mounting new wing and new wing hitch	\$3,246.08
Invoice	10893	10/5/2023	
Transaction Date	11/16/2023	PRAIRIE SUN BANK 10100	Total \$3,246.08
Refer	1254 <u>First Lease LLC</u>	Ck# 020319	11/27/2023
Cash Payment	E 101-43000-500 Capital Outlay (GENERA	Principal	\$8,852.15
Invoice			
Cash Payment	E 101-43000-500 Capital Outlay (GENERA	Interest	\$9,798.61
Invoice			
Transaction Date	11/16/2023	PRAIRIE SUN BANK 10100	Total \$18,650.76
Refer	1255 <u>OTTERTAIL POWER COMPANY</u>	Ck# 020324	11/27/2023
Cash Payment	E 101-41000-381 Electric Utilities	14-060262 Comm Ctr	\$62.19
Invoice			
Cash Payment	E 602-49450-381 Electric Utilities	14-065992 W Brdwy Grind	\$87.18
Invoice			
Cash Payment	E 101-43000-381 Electric Utilities	14-061130 Bulk Station	\$19.65
Invoice			
Cash Payment	E 601-49400-381 Electric Utilities	14-061130 Bulk Station	\$3.93
Invoice			
Cash Payment	E 602-49450-381 Electric Utilities	14-061130 Bulk Station	\$2.62
Invoice			
Cash Payment	E 101-43160-381 Electric Utilities	14-004837 Street lights	\$1,198.56
Invoice			
Cash Payment	E 601-49400-381 Electric Utilities	14-004838 Well #3	\$247.72
Invoice			
Cash Payment	E 602-49450-381 Electric Utilities	14-004839 Renville Disp Lift	\$368.71
Invoice			
Cash Payment	E 601-49400-381 Electric Utilities	14-004840 Well #1	\$69.83
Invoice			
Cash Payment	E 101-41000-381 Electric Utilities	14-004841 Fire Siren	\$7.79
Invoice			
Cash Payment	E 101-41000-381 Electric Utilities	14-004843 City/Fire Hall	\$84.93
Invoice			
Cash Payment	E 101-42153-381 Electric Utilities	14-004843 City/Fire Hall	\$18.20
Invoice			
Cash Payment	E 101-42260-381 Electric Utilities	14-004843 City/Fire Hall	\$18.20
Invoice			
Cash Payment	E 602-49450-381 Electric Utilities	14-004844 321 Lift Sation	\$40.32
Invoice			
Cash Payment	E 101-45000-381 Electric Utilities	14-005010 Bdwy Museum	\$26.10
Invoice			
Cash Payment	E 101-43000-381 Electric Utilities	14-005159 Shop	\$144.83
Invoice			

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Payments

Current Period: November 2023

Cash Payment	E 601-49400-381 Electric Utilities	14-005159 Shop	\$28.96
Invoice			
Cash Payment	E 602-49450-381 Electric Utilities	14-005159 Shop	\$19.31
Invoice			
Cash Payment	E 101-45000-381 Electric Utilities	14-010558 796 W Bdwy SB Cabin	\$26.10
Invoice			
Cash Payment	E 101-42260-381 Electric Utilities	14-020839 Fire Hall	\$106.95
Invoice			
Cash Payment	E 211-45500-381 Electric Utilities	14-023343 Library	\$222.23
Invoice			
Cash Payment	E 101-45000-381 Electric Utilities	14-034884 Backus Field	\$26.10
Invoice			
Cash Payment	E 101-45000-381 Electric Utilities	14-036446 Backus Field	\$26.10
Invoice			
Cash Payment	E 101-45000-381 Electric Utilities	14-040532 Hwy 28 Shelter	\$0.00
Invoice			
Cash Payment	E 101-43000-381 Electric Utilities	14-086156 New City Shop	\$43.73
Invoice			
Cash Payment	E 601-49400-381 Electric Utilities	14-086156 New City Shop	\$8.75
Invoice			
Cash Payment	E 602-49450-381 Electric Utilities	14-086156 New City Shop	\$5.83
Invoice			
Transaction Date	11/20/2023	PRAIRIE SUN BANK 10100	Total \$2,914.82
Refer	1256 DAKOTA WASTE SOLUTIONS	Ck# 020318 11/27/2023	
Cash Payment	E 603-49500-300 Professional Svcs (GENE	Dec garbage service	\$4,000.00
Invoice 126443 11/14/2023			
Transaction Date	11/20/2023	PRAIRIE SUN BANK 10100	Total \$4,000.00
Refer	1257 MADISON, NEIL G.	Ck# 020322 11/27/2023	
Cash Payment	E 101-41110-331 Travel Expenses	West Central EDA meeting 158 miles+meeting\$50	\$103.49
Invoice			
Transaction Date	11/20/2023	PRAIRIE SUN BANK 10100	Total \$103.49
Refer	1258 DAKOTA SUPPLY GROUP	Ck# 020317 11/27/2023	
Cash Payment	E 601-49400-220 Repair/Maint Supply (GE	hydrant repairs	\$581.96
Invoice S103136503.001 11/7/2023			
Transaction Date	11/21/2023	PRAIRIE SUN BANK 10100	Total \$581.96
Refer	1259 MINNESOTA DEPT OF HEALTH	Ck# 020323 11/27/2023	
Cash Payment	E 601-49400-438 Regulated permits/fees	Community Water Supply Service Connection Fee	\$493.00
Invoice			
Transaction Date	11/21/2023	PRAIRIE SUN BANK 10100	Total \$493.00
Refer	1260 MN DEPT OF REVENUE SW	Ck# 013282E 11/21/2023	
Cash Payment	G 101-21702 State Withholding		\$399.04
Invoice			
Transaction Date	11/21/2023	PRAIRIE SUN BANK 10100	Total \$399.04
Refer	1261 IRS	Ck# 013283E 11/21/2023	
Cash Payment	G 101-21701 Federal Withholding	Federal	\$490.17
Invoice			

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Payments

Current Period: November 2023

Cash Payment	G 101-21703 FICA Tax Withholding	SS & Medicare		\$1,488.44
Invoice				
Transaction Date	11/21/2023	PRAIRIE SUN BANK 10100	Total	\$1,978.61
Refer	1262 PUBLIC EMPLOYEES RETIREMEN	Ck# 013284E 11/21/2023		
Cash Payment	G 101-21704 PERA			\$1,264.56
Invoice				
Transaction Date	11/21/2023	PRAIRIE SUN BANK 10100	Total	\$1,264.56
Refer	1263 IVERSON, LOGAN	Ck# 020321 11/27/2023		
Cash Payment	E 601-49400-220 Repair/Maint Supply (GE sidewalk, curb and gutter			\$2,930.00
Invoice 56335 11/20/2023				
Cash Payment	E 602-49450-220 Repair/Maint Supply (GE sidewalk, curb and gutter			\$2,930.00
Invoice 56335 11/20/2023				
Cash Payment	E 101-42260-220 Repair/Maint Supply (GE fire dept sewer			\$1,500.00
Invoice 56335 11/20/2023				
Transaction Date	11/21/2023	PRAIRIE SUN BANK 10100	Total	\$7,360.00
Refer	1264 PIECHOWSKI, BERNICE	Ck# 020325 11/27/2023		
Cash Payment	E 211-45500-331 Travel Expenses	Directors mtg Fergus Falls		\$106.11
Invoice				
Cash Payment	E 211-45500-435 Books and Pamphlets	books		\$23.98
Invoice				
Cash Payment	E 211-45500-333 Freight and Express	books		\$3.62
Invoice				
Transaction Date	11/21/2023	PRAIRIE SUN BANK 10100	Total	\$133.71
Refer	1265 BAKER & TAYLOR	Ck# 020314 11/27/2023		
Cash Payment	E 211-45500-435 Books and Pamphlets	books		\$53.07
Invoice 2037935396 11/10/2023				
Cash Payment	E 211-45500-333 Freight and Express	books		\$0.53
Invoice 2037935396 11/10/2023				
Transaction Date	11/21/2023	PRAIRIE SUN BANK 10100	Total	\$53.60
Refer	1266 CENGAGE LEARNING	Ck# 020315 11/27/2023		
Cash Payment	E 211-45500-429 Misc Grant Items for Rei	large print books		\$111.26
Invoice 82961651 11/8/2023				
Transaction Date	11/21/2023	PRAIRIE SUN BANK 10100	Total	\$111.26
Refer	1267 CITY OF MORRIS	Ck# 020316 11/27/2023		
Cash Payment	E 211-45500-435 Books and Pamphlets	library books		\$20.00
Invoice				
Transaction Date	11/22/2023	PRAIRIE SUN BANK 10100	Total	\$20.00

Payments

Current Period: November 2023

Fund Summary

	10100 PRAIRIE SUN BANK	
101 GENERAL FUND		\$43,951.97
211 LIBRARY		\$540.80
601 WATER FUND		\$4,364.15
602 SEWER FUND		\$3,453.97
603 REFUSE (GARBAGE) FUND		\$4,000.00
		<u>\$56,310.89</u>

Pre-Written Checks	\$56,310.89
Checks to be Generated by the Computer	\$0.00
Total	<u>\$56,310.89</u>

RESOLUTION NO. 23-28

A RESOLUTION ACCEPTING A DONATION TO THE CITY OF BROWNS VALLEY

WHEREAS, the City of Browns Valley is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts.

WHEREAS, the following persons and entities have offered to contribute the cash amount(s) set forth below to the city:

Donated by	Purpose	Amount donated
Brenda Reed	Fire Department Operating	\$300.00

WHEREAS, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donation(s) offered.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNS VALLEY, MINNESOTA AS FOLLOWS:

1. The donations described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.
2. The city clerk is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

Passed by the City Council of Browns Valley, Minnesota this 27th day of November, 2023.

Mayor / Acting Mayor

Attested:

City Administrator

Jodi Hook-Hansen

From: MN_MDOR_PropTax Admin <PropTax.Admin@state.mn.us>
Sent: Monday, June 26, 2023 1:21 PM
To: Jodi Hook-Hansen
Subject: RE: Public aid for city of browns valley ambulance and fire dept.

Jodi,

We will be providing information about the one-time public safety aid when we certify aid amounts – this will be done by September 1, 2023. The aid will be paid December 26, 2023.

In the meantime, the League of Minnesota Cities included a summary under “State aid provisions include:” here: <https://www.lmc.org/news-publications/news/all/taxes-conference-committee/>

You can also read the law by searching for “2023 public safety aid” here: <https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/64/>. Of particular interest is likely subdivision 6, which covers eligible uses of the aid.

Thank you,

Auditor/Treasurer Services
Property Tax Division

Minnesota Department of Revenue
Office: 651-556-6091
www.revenue.state.mn.us



Working together to fund Minnesota's future.



From: Jodi Hook-Hansen <cityadminbv@prtcl.com>
Sent: Monday, June 26, 2023 12:30 PM
To: MN_MDOR_PropTax Admin <PropTax.Admin@state.mn.us>
Subject: Public aid for city of browns valley ambulance and fire dept.

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Hello,

Jodi Hook-Hansen

From: Jodi Hook-Hansen <cityadminbv@prtcl.com>
Sent: Tuesday, July 11, 2023 3:39 PM
Subject: Public safety aid monies

The money will be paid on December 26, 2023

equipment related to fire, rescue, and emergency services; or to pay other personnel or equipment costs.

It probably wont work for sidewalks we do not have a police station.

Subd. 6. Eligible uses. (a) A county, Tribal government, or local unit must use the aid under this section to provide public safety, including community violence prevention and intervention programs; community engagement; mental health crisis responses; victim services; training programs; first responder wellness; equipment related to fire, rescue, and emergency services; or to pay other personnel or equipment costs.

(b) Notwithstanding paragraph (a), a county, Tribal government, or local unit may not apply the aid under this section toward:

- (1) its employer contribution to the public employees police and fire fund if the county, Tribal government, or local unit received police state aid under Minnesota Statutes, chapter 477C, in calendar year 2022;
- (2) any costs associated with alleged wrongdoing or misconduct;
- (3) the purchase of an armored or tactical vehicle or substantially similar vehicle;
- (4) the purchase of tear gas, chemical munitions, or substantially similar items; or
- (5) the costs of construction, reconstruction, remodeling, expansion, or improvement of a police station, including related facilities. For purposes of this clause, "related facilities" includes access roads, lighting, sidewalks, and utility components on or adjacent to the property on which the police station is located that are necessary for safe access to and use of the building;

Jodi Hook-Hansen

From: Scott Toso <scott.toso@parkregion.com>
Sent: Wednesday, March 8, 2023 10:37 AM
To: Jodi Hook-Hansen; Becky Samuelson
Subject: Re: City of Browns valley -Quotes

Better security and coverage for your Wi-fi network, one access point will be installed in the Fire Department area. Future Wi-Fi cameras will also utilize the 8- port switch.

Get [Outlook for iOS](#)

From: Jodi Hook-Hansen <cityadminbv@prtcl.com>
Sent: Wednesday, March 8, 2023 9:24:26 AM
To: Becky Samuelson <becky.samuelson@parkregion.com>
Cc: Scott Toso <scott.toso@parkregion.com>
Subject: RE: City of Browns valley -Quotes

What will the new equipment provide for us that we are not receiving now?

JODI HOOK-HANSEN

City Administrator/Clerk/Treasurer
City of Browns Valley
320-695-2110-Office
605-759-4324-Cell

The City of Browns Valley is an Equal Opportunity Provider and Employer.

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From: Becky Samuelson <becky.samuelson@parkregion.com>
Sent: Wednesday, March 8, 2023 9:07 AM
To: Jodi Hook-Hansen <cityadminbv@prtcl.com>
Cc: Scott Toso <scott.toso@parkregion.com>
Subject: RE: City of Browns valley -Quotes

Jodi,

I spoke with Dan and Scott and for the wireless this is what we can do:
We would need to add another 8 port switch for \$14.00/month
2-Ap Pro Access Points at \$10.00 each for additional \$20.00/month
So monthly bill would increase \$34.00/month and
2 hours of labor for installation, \$220.00.

PROPOSAL FORM

Offer Tail Telcom, LLC
230 W Lincoln Ave
Fergus Falls, MN
56537218.998.2000

Proposal Submitted To: City of Browns Valley

Date: 11/22/22

Phone: 320-695-2110

Address: 19 3rd St South PO Box 334

City, State, Zip: Browns Valley, MN 56219

RE: ATTN: Jodi

We hereby submit specifications and estimates for:

1- Ubiquiti UDM Pro SE Security Gateway W/8 POE Ports	\$29.00/mo.
1- Ubiquiti 4TB Internal Hard Drive	\$ 6.95/mo.
1- Ubiquiti G3 Bullet Camera Indoor	\$11.00/mo.
1- Ubiquiti G3 Pro Camera Outdoor	\$22.00/mo.

Misc. Materials: Wire/Connectors \$150.00

Installation-Training-Programing \$660.00

PUBLIC NOTICE
CLOSE PROXIMITY OWNERS AND LOCAL OFFICIALS
BIG STONE COUNTY BOARD OF ADJUSTMENT

Notice is hereby given that the Big Stone County Board of Adjustment will hold a public hearing in the Commissioner's Room located at the Big Stone County Courthouse located at 20 2nd Street SE in the City of Ortonville for the following applicant on November 30, 2023, to act on the following application appeal:

Time: 8:45 a.m.
Applicant: Jeffrey Haanen
Property Owner: Jeffrey Haanen, Etal.
Legal Description: Lot 1
Section 5, Township 124, Range 49

The applicant is appealing a denial decision on an after the fact permit to construct an ag dike in a flood plain. The purpose of this meeting is to make a ruling on this appeal.

All persons interested may appear and be heard at said time and place or submit views in writing or by representative. If you know of any interested property owner who, for any reason, has not received a copy of this notice, please inform him/her of the time and place of the hearing.

Dated: November 14, 2023
Connie Jurgens
Environmental Office Manager
20 SE 2nd St.
Ortonville, MN 56278
(320)839-6376
connie.jurgens@bigstonecounty.gov

**SUMMARY OF AN INTERIM ORDINANCE PLACING A MORATORIUM ON THE SALE OF
HEMP DERIVED TETRAHYDROCANNABINOLS (THC) FOOD AND BEVERAGES
WITHIN THE CITY OF BROWNS VALLEY**

In order to protect the public health, safety, and welfare of the residents of the City of Browns Valley, the Browns Valley City Council hereby enacts a moratorium prohibiting any business, person, or entity from offering for sale or selling Cannabis Products to the public within the jurisdictional boundaries of the City for the next twelve (12) months. The City shall not accept, process, or act on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of Cannabis Products. This moratorium will allow the City to conduct a study regarding Cannabis Products and provide the City Council a report on the potential regulations of such products. A violation of this moratorium shall constitute a misdemeanor offense, subject to a penalty of 90 days in jail and/or a \$1000 fine for each violation. Each day such violation continues shall constitute a separate offense.

This summary is being published in compliance with Minnesota Statutes Section 331A.01, Subdivision 10 and Minnesota Statutes Section 412.191, Subdivision 4. A copy of the full text of this Ordinance shall be available at regular office hours of the office of the Browns Valley City Administrator. The full text of this Ordinance will be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED this 24th day of April, 2023.

BROWNS VALLEY CITY COUNCIL


Mike Heck, Mayor

ATTEST:


Jodi Hook-Hansen, City Administrator

**INTERIM ORDINANCE PLACING A MORATORIUM ON THE SALE OF
HEMP DERIVED TETRAHYDROCANNABINOLS (THC) FOOD AND BEVERAGES
WITHIN THE CITY OF BROWNS VALLEY**

The City Council of the City of Browns Valley ordains:

SECTION I: PURPOSE AND FINDINGS

- A. The City of Browns Valley (the “City”) recognizes significant public interest in a new State law that took effect July 1, 2022, Minnesota Laws 2022, Chapter 98 amending M.S.A. §151.72 (“Act”), that now makes it legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp (“Cannabis Products”).
- B. The purpose of the interim ordinance placing a moratorium on the sale of hemp derived THC food and beverages is to allow the City time to study the issue and consider licensing and rules, sales management controls for the sale of hemp derived THC food and beverages behind the sales counter; similar to tobacco sales and products, checking identifications (ID’s), enforcement, compliance checks, license fees and other regulatory issues to consider.
- C. Based on the most reliable and up-to-date scientific evidence, the City Council finds that the rapid introduction of newly legalized edible THC (specifically Delta-8, Delta-9, and Delta-10) products (“edibles”), presents a significant potential threat to the public health, safety, and welfare of the residents of the City of Browns Valley, and particularly to youth.
- D. The City of Browns Valley has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products and to the marketing of these products.
- E. The United States Surgeon General has issued an advisory to alert the public to the known and potential harms to developing brains, posed by the increasing availability of highly potent THC in multiple, concentrated forms; and the reasons for concerns with the increasing use of marijuana by pregnant women, adolescents, and youth.
- F. The National Academies of Science, Engineering and Medicine note that the growing acceptance, accessibility, and use of cannabis and its derivatives have raised important public health concerns, while the lack of knowledge by the public of known cannabis-related health effects has led to misinformation about the negative health impact of its use.
- G. The Minnesota Board of Pharmacy has filed a civil lawsuit against a Minnesota manufacturer and retailer of edible Cannabis products. M.S.A. §151.72 provides that an edible cannabinoid product sold in Minnesota must not contain more than five milligrams of any hemp derived tetrahydrocannabinol (THC) in a single serving or more than a total of 50 milligrams per package. The lawsuit alleges the retailer sold edible cannabinoid products that contain THC far in excess of five milligrams per serving and far in excess of 50 milligrams per package. Investigators allegedly found packages containing 2,500 milligrams of THC. This is 50 times the amount permitted under Minnesota law. In addition, M.S.A. §151.72 states that edible cannabinoid products must not resemble or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children and must not be modeled after brands

primarily consumed by or marketed to children. Investigators allegedly found products resembling characteristics of a fictional bear, as well as products that are modeled after common gummy bear candies that are primarily consumed by and marketed to children, including packages of gummy bears that contained 50 times the amount of THC permitted under Minnesota law. (See *Minnesota Board of Pharmacy vs. Northland Vapor Moorhead, LLC; Northland Vapor Bemidji; and Wonky Confections, LLC* filed in Clay County, Minnesota)

- H. Research has found cannabis use during adolescence, especially of products high in THC or when use is heavy, is associated with suicide attempt, high school drop-out, higher likelihood of use of other illicit drugs, mental health impairment, elevated risk for addiction to THC, impaired driving, and deficits in memory and learning.
- I. The State of Minnesota has recognized the danger of cannabis use among youth by prohibiting the sale of edibles to those under age 21 (M.S.A. §151.72, subd. 3(c)) and by requiring that edibles be packaged without appeal to children and in child-resistant containers (M.S.A. §151.72, subd. 5a(b)).
- J. Many years of alcohol and tobacco retailing, which are likely to have parallels in cannabis retailing, have demonstrated that Minnesota retailers continue to sell alcohol and tobacco to underage consumers.
- K. Children and young people are particularly influenced by cues suggesting tobacco smoking is acceptable, which holds relevance for cannabis smoking.
- L. While the sale of edible THC products has been legalized in Minnesota, THC continues to be a Schedule I prohibited substance federally and therefore presents special challenges in multiple federally regulated spheres including banking, broadcasting, and immigration.
- M. All the above criteria and many more require consideration by health officials and policy makers before the City can ensure the public safety is preserved.
- N. The Act authorizes the Minnesota Board of Pharmacy to enforce the Act, but the Act does not provide for any licensing of manufacturers or of those who sell Cannabis Products. The Act is also silent regarding the enactment of local regulations related to Cannabis Products.
- O. The Legislature did not expressly prohibit or limit local regulations, and the regulations established in the Act clearly do not constitute the Legislature having occupied the field of regulation regarding the sale of Cannabis Products.
- P. The City Council finds the uncertainties associated with sale of Cannabis Products, and the options for local regulation, compels the need for a study to develop information the City Council can rely on as it engages in policy discussions related to potential regulation of Cannabis Products through the possible adoption of licensing and zoning controls.

SECTION II: AUTHORITY AND JURISDICTION

- A. The City Council is authorized to adopt an interim ordinance “to regulate, restrict, or prohibit any use . . . within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.” M.S.A. §462.355, Subdivision 4(a).

- B. The City Council is also authorized as part of its general police powers, including but not limited to, M.S.A. §421.221, Subd. 32, through which the City may enact and enforce regulations or restrictions on THC Products within the City to protect the public safety, health, and welfare, including restrictions and a moratorium on the use of sales, testing, manufacturing, and distribution, during the pendency of a study to determine the need for police power regulations, including but not necessarily limited to licensing and permitting.
- C. The Minnesota Supreme Court in Almquist v. Town of Marshan, 245 N.W.2d 819 (Minn. 1976) upheld the enactment of a moratorium despite the lack of express statutory authority as being a power inherent in a broad legislative grant of power to municipalities. In most cases, the enactment of business licensing requirements is based on a city's police powers, which is the broadest grant of power to cities. Inherent in that broad grant of authority is the power to temporarily place a moratorium on a business activity to study and potentially implement licensing regulations on that business activity.
- D. There are business licensing and zoning issues associated with the sale of Cannabis Products the City Council determines it needs time to study to consider the development and adoption of appropriate local regulations. In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts its study and the City Council engages in policy discussions regarding possible regulations, the City Council determines it is in the best interests of the City to impose a temporary moratorium on the sale of Cannabis Products.
- E. This Ordinance is enacted pursuant to Minnesota Statutes Chapters 145A allowing for local ordinances for counties to regulate actual and potential threats to the public health.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BROWNS VALLEY ORDAINS AS FOLLOWS:


- 1. That the following Interim Ordinance is hereby enacted to read as follows:
 - A. **Definitions.** For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings given them in this Article.
 - (1) "Act" means 2022 Minnesota Session Laws, Chapter 98 (H.F. No. 4065), amending Minnesota Statutes, section 151.72.
 - (2) "Cannabis Products" means Edible Cannabinoid Product regulated by the Act effective July 1, 2022. This term excludes products that are not intended to be eaten or consumed by humans or that contain less than 0.1 percent of any tetrahydrocannabinol.
 - (3) "City" means the City of Browns Valley.
 - (4) "City Code" means The Browns Valley City Code.
 - (5) "Edible Cannabinoid Product" has the same meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(c).

- B. **Study.** The City shall conduct a study regarding Cannabis Products and provide the City Council a report on the potential regulations of such products. The report shall include the City staff's recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations. The study shall consider, but is not limited to, the following:
- (1) The potential impacts of the sale of Cannabis Products within the City;
 - (2) Licensing the sale of Cannabis Products and related regulations; and
 - (3) Zoning regulations related to the sale, manufacture, and distribution of Cannabis Products as uses within the City.
- C. **Moratorium.** A moratorium is hereby imposed within the City to prohibit any business, person, or entity from offering for sale or selling Cannabis Products to the public within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of Cannabis Products.
- D. **Violations.** During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to offer for sale, or to sell, Cannabis Products within the City. Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this ordinance is guilty of a misdemeanor and is subject to a penalty of 90 days in jail and/or a \$1000 fine for each violation. Each day such violation continues shall constitute a separate offense.
- E. **Exceptions.** The moratorium imposed by this Ordinance does not apply to the sale of medical cannabis or non-edible hemp products that were lawful to sell prior to the effective date of the Act.
- F. **Enforcement.** A violation of this Ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, other appropriate civil remedy in any court of competent jurisdiction, or through the City's administrative penalties program under Section 205 of the City Code.
- G. **Severability.** Every section, provision, and part of this Ordinance is declared severable from every other article, section, provision, and part thereof. If any article, section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other article, section, provision, or part of this Ordinance.
- H. **Not Codified.** This Ordinance is transitory in nature and shall not be codified into the City Code.
- I. **Effective Date and Term.** This Ordinance shall be effective immediately and shall have a term of 12 months. This Ordinance shall remain in effect until the expiration of the 12-month term, until it is expressly repealed by the City Council, or until the effective date of an ordinance amending the City Code to address the sale of Cannabis Products,


whichever occurs first.

PASSED AND ADOPTED this 24th day of April, 2023.

BROWNS VALLEY CITY COUNCIL


Mike Heck, Mayor

ATTEST:


Jodi Hook-Hansen, City Administrator