

AGENDA
HARMONY SPECIAL CITY COUNCIL MEETING
HARMONY ECONOMIC DEVELOPMENT AUTHORITY
Some members may participate by telephone or other electronic means
Regular Meeting

October 18th, 2022
5:00 P.M.

Council Room
Community Center

1. Call to Order
2. Roll Call
3. Public Forum
4. New Business
 - a. THC Moratorium Discussion – Ordinance 22-14
 - b. City Council Pay –
 - c. City Administrator Search Discussion
5. Adjourn



CITY OF HARMONY, MINNESOTA
Ordinance No. 22 - 14

**AN INTERIM ORDINANCE AUTHORIZING A STUDY OF THE SALE OF HEMP
DERIVED THC (TETRAHYDROCANNABINOLS) FOOD AND BEVERAGES AND
IMPOSING A MORATORIUM ON SALE OF THC FOOD AND BEVERAGES IN THE
CITY OF HARMONY**

The City Council of the City of Harmony ordains:

Section 1: Purpose and Intent. The purpose and intent of this interim ordinance (“Ordinance”) is to impose, pursuant to Minnesota Statutes, section 462.355, subdivision 4, a temporary moratorium within the City of Harmony (“City”) on the sale of hemp derived THC (Tetrahydrocannabinols) food and beverage, during the period of this Ordinance in order to protect the planning process and the health, safety, and welfare of the citizens of the City.

Section 2: Legislative Findings. The City Council hereby finds and determines as follows:

- (a) The City Council intends to conduct a study for the purpose of considering the regulation and licensing of businesses selling THC food and beverages as defined in Minnesota Statutes, section 462.352;
- (b) Minnesota Statutes, section 462.355, subdivision 4 authorizes the City Council to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision within the City;
- (c) The City previously adopted official zoning controls November 4, 1976, with subsequent amendments to certain provisions;
- (d) Existing official zoning controls may not be sufficient to meet the modern needs of the City in lieu of recent law changes authorizing the use and sale of THC food and beverages and it may be necessary for the City Council to exercise its authority under Minnesota Statutes, sections 462.351 to 462.364 to amend its official controls;
- (e) The City Council determines it to be in the best interests of the public to study whether the City should amend current zoning controls, as authorized pursuant to Minnesota Statutes, sections 471.351 to 471.364, to avoid or mitigate the potential impacts of the sale of THC food and beverage and to otherwise further protect the City and its residents concerning such other matters as the City may determine are currently not being adequately regulated;
- (f) The City Council intends to conduct the study for the purpose of fulfilling the City’s legal obligation to adequately protect the public health, safety and welfare;
- (g) **The City Council recognizes that a couple of existing businesses in the community have begun selling limited products containing THC as a supplement to their**

existing business. The City Council determines it is in the best interests of the City to impose a moratorium on the sale of **additional** THC food and beverages within the community, to allow sufficient time for the City Council to undertake the study and to determine whether the City should amend official zoning controls to address the concerns cited herein, whether the City should regulate any other uses, how the identified uses should be regulated as compared to how they are currently being regulated by the City, to identify any other issues that may have an impact on the City zoning regulations generally, and on the identified uses specifically, for the City Council to consider the recommendation, and, if it decides to proceed, amend the zoning ordinance; and

- (h) This ordinance is intended to protect the health, safety, and welfare of the City of Harmony residents and is further intended to protect the planning process, and is not adopted for the purpose of unlawfully delaying or preventing any single project.

Section 3. Definitions. For the purposes of this interim ordinance the following terms shall have the meaning given them in this Section. Any term not specifically defined in this Section shall have the meaning given the term in the City Ordinance. If a term is defined in this interim ordinance and the City Ordinance, the definition contained herein shall be controlling. If the term is not defined in this interim ordinance or in the City Ordinance, then the term shall have the meaning given it in the most applicable Minnesota statute or rule.

- (a) City Ordinance. “City Ordinance” means the current enactment of the Harmony City Ordinances, as amended.
- (b) Ordinance. “Ordinance” means this interim ordinance.
- (c) City. “City” means Harmony, Minnesota.
- (d) City Council. “City Council” means the council members and mayor of the City of Harmony, Minnesota.
- (e) THC Food and Beverages: “THC food and beverages” shall mean food and beverages that contain up to 5 milligrams of THC per serving, with a limit of 50 milligrams per package.
- (f) Zoning Study Committee or Committee. “Zoning Study Committee” or “Committee” means the group of individuals appointed by the City Council to study the need for zoning regulations in the City consistent with this Ordinance.

Section 4. Zoning Study Committee Established. The City Council hereby establishes a Zoning Study Committee to assist the City with conducting the zoning study authorized herein. The City Council directs the planning and zoning commission to serve as the Zoning Study Committee. A majority of the members in the Committee shall constitute a quorum. The Committee shall appoint a chairperson and secretary from among its members. The Committee shall hold its meetings in compliance with the Minnesota Open Meeting Law (Minnesota Statutes, chapter 13)

and shall keep minutes of its proceedings. The Committee is not authorized to enter into contracts, expend any public funds, or to make any representations or take any actions on behalf of the City beyond conducting the study and making the report authorized herein. The Committee is ad hoc in nature and shall terminate upon the expiration or termination of this Ordinance. The Committee shall provide its approved minutes to the City and shall turn its materials and any remaining minutes to the City upon its termination.

Section 5. Study Authorized.

- (a) The Committee is hereby authorized and directed to conduct a study of planning and zoning of THC food and beverage stores, as well as the licensing of such entities, for the purpose of developing a report to the City Council with recommendations on each of the following:
 - (1) Whether the existing regulations within the City Ordinance are sufficient to protect the interests of the City and its residents concerning THC food and beverage sales;
 - (2) Whether the City Council should adopt zoning amendments or licensing rules to regulate THC food and beverage sales; and
 - (3) If the recommendation is to adopt zoning amendments to regulate THC food and beverage sales, identify which regulations the City should implement to assure any business operations or licensing are in alignment with the developmental goals of the community.

- (b) In conducting its study, the Commission shall, at a minimum, consider the following:
 - (1) Existing regulations imposed by the City Ordinance on uses allowed within the City;
 - (2) The steps taken, and the regulations adopted, by other communities to avoid or reduce the impacts of THC food and beverage sales generally;
 - (3) Such other planning and zoning matters as the Committee determines is appropriate to assist it to develop and present a report and recommendation to the City Council.

Section 6. Moratorium Imposed. A moratorium is hereby imposed within the City on the establishment of businesses selling THC food and beverages. During the period of the moratorium, it shall be a violation of this Ordinance for any person, firm, partnership, corporation, or other entity to sell THC food and beverages in Harmony, Minnesota, **EXCEPT the specific products being sold in existing business at the time this Ordinance is passed. Businesses presently selling THC food and beverages may continue to do so during the duration of the moratorium, however, they may not add any additional THC products during the moratorium. Even business selling THC food and beverages as of the date of**

passage of this moratorium shall be expected to follow any regulating ordinances, if any, that result from the authorized study.

Section 7. Exemptions. The moratorium imposed by this Ordinance does not apply to any of the following: Businesses selling THC products as of the date of enactment of this ordinance, only as to those products currently being stocked and sold. Additional THC products shall remain prohibited during the moratorium.

Section 8. Other Regulations. Nothing herein shall be interpreted as exempting or otherwise limiting the application of any federal, state, or local law, statute, rule, regulation, code, or ordinance applicable to the uses allowed to occur within the City during the period of this moratorium.

Section 9. Interpretation. The City Council shall decide any questions regarding the application of this Ordinance. All inquiries regarding the application of this Ordinance shall be submitted to the City in writing and the City Council’s decision regarding the matter shall be final. As part of interpreting this Ordinance, the City Council may issue written clarifications of, and variances from, its terms as needed to effectuate its purpose and intent.

Section 10. Duration. This interim ordinance shall remain in effect through September 30, 2023, until it is expressly repealed by City Council resolution, or until the effective date of a zoning ordinance adopted by the City Council, whichever occurs first. The City Council may extend the duration of this interim ordinance beyond its initial period as provided in law.

Section 11. Penalty and Enforcement. Any person, firm, partnership, corporation, or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment for up to 90 days, a fine of up to \$1,000, or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense. The City may enforce this Ordinance through criminal prosecution or by undertaking such civil actions or proceedings, including injunctive relief, as it determines appropriate to prevent, restrain, correct, or abate any violation or threatened violation of this Ordinance. The initiation of one type of enforcement action shall not preclude the City from instituting any other action or proceeding available to it under law to enforce this Ordinance.

Section 12. Incorporation. The provisions of the City Ordinance are incorporated into and made part of this interim ordinance to the extent needed to effectuate the intent and purpose of this Ordinance.

Section 13. Severability. Every section, provision and part of this Ordinance is declared severable from every other section, provision and part thereof. If any section, provision or part of this interim ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this interim ordinance.

Section 14. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Adopted this ____ day of October 2022.

BY THE CITY COUNCIL

Steve Donney, Mayor

Attest: _____
Devin Swanberg, City Administrator

Ordinance No. 22-15

AN ORDINANCE AUTHORIZING AN INCREASE IN THE SALARY FOR THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF HARMONY.

WHEREAS, Minn. Stat. § 415.11 authorizes the City Council to increase the salaries of the mayor and council members by ordinance; and

WHEREAS, on or about October 10, 2000, City of Harmony Ordinance No. 146 established compensation for the mayor at \$1,600.00 per year and council members at \$1,300.00 per year; and

WHEREAS, after 22 years the City Council of Harmony deems the present salary of the mayor and council members inadequate to compensate them for the work incident to these offices and to attract qualified candidates to run for such offices.

THEREOFRE, The Council of the City of Harmony, Fillmore County Minnesota ordains:

Sec. 1. Compensation of Mayor and Council Members.

- 1.1 The salary of the mayor is fixed at \$_____ per year.
- 1.2 The salary of each council member is fixed at \$_____ per year.

Sec. 2. Repeal. City of Harmony Ordinance No. 146 is hereby repealed.

Sec. 3. Effective date. This ordinance becomes effective on January 1, 2023.

The foregoing ordinance was initiated by Council Member _____, duly seconded by Council Member _____.

Voting for: _____
 Voting against _____
 Abstained from Voting: _____
 Absent: _____

Passed by the City Council of Harmony, Minnesota this 18th day of October 2022.

Mayor

ATTEST:

City Clerk