



COTTAGE GROVE CITY COUNCIL

12800 RAVINE PARKWAY SOUTH
COTTAGE GROVE, MINNESOTA 55016

November 9, 2022

SPECIAL MEETING - 5:00 P.M. TRAINING ROOM

1 CALL TO ORDER

2 ROLL CALL

3 AGENDA ITEM

A Minnesota Law Enforcement Support Office (MN-LESO) Presentation

Staff Recommendation: Receive a presentation from Sergeant Petersen to cover program changes and provide notice of the controlled property Cottage Grove Public Safety may acquire in 2023 from the MN-LESO program.

B City Code Recodification Work Session

4 ADJOURNMENT



City Council Action Request

3A

Meeting Date	11/9/2022
Department	Public Safety
Agenda Category	Agenda Item
Title	Minnesota Law Enforcement Support Office (MN-LESO) Presentation
Staff Recommendation	Receive a presentation from Sergeant Petersen to cover program changes and provide notice of the controlled property Cottage Grove Public Safety may acquire in 2023 from the MN-LESO program.
Budget Implication	N/A
Attachments	MN.LESO.Program.Presentation.11.03.2022 (1).TIF 797.33KB



To: Honorable Mayor and City Council
Jennifer Levitt, City Administrator

From: Peter J Koerner, Director of Public Safety

Date: November 3, 2022

Subject: **MN LAW ENFORCEMENT SUPPORT OFFICE (MN-LESO) PRESENTATION**

Minnesota Law Enforcement Support Office (MN-LESO) is a program which allows law enforcement agencies to obtain surplus Department of Defense (DOD) property at no cost. All items must have a direct application to the law enforcement agency's public safety mission. Homeland Security and Emergency Management (HSEM) is the administrator of the program in Minnesota.

Since enrolling in the MN-LESO program in November 2019, Cottage Grove Public Safety (CGPS) has acquired an armored vehicle, language translators, robots, night vision devices, personal protective equipment, first aid supplies, and many more items that have enhanced the capabilities and safety for our officers and the community we serve.

In May 2022, Presidential Executive Order # 14074 was signed, impacting the LESO (Law Enforcement Support Office) Program. In accordance with Section 12 of this order, a law enforcement agency participating in the LESO Program must notify its civilian governing body and the community of its intent to request controlled property from federal sources.

Additionally, steps to achieve community engagement, transparency, training, regulation and supervision regarding the acquisition and use of controlled property were mandated. Fortunately, Cottage Grove Public Safety was already employing these practices, so no significant changes will be required. CGPD policy was updated to reflect these new requirements.

Sergeant Petersen will update City Council during the public workshop and will outline the benefits of continued participation in the LESO Program, program requirements, and notice to City Council and our community.

RECOMMENDATION

Receive a presentation from Sergeant Petersen to cover program changes and provide notice of the controlled property Cottage Grove Public Safety may acquire in 2023 from the MN-LESO program.



City Council Action Request

3B

Meeting Date	11/9/2022	
Department	Administration	
Agenda Category	Agenda Item	
Title	City Code Recodification Work Session	
Staff		
Recommendation		
Budget Implication	N/A	
Attachments	Memo and Comm. Event Ord. Draft.tif	27.58MB



To: Mayor Myron Bailey and Members of the Cottage Grove City Council
From: Kori Land, City Attorney
Date: November 9, 2022
Subject: City Code Recodification Work Session

INTRODUCTION

Included in the Council packet is the entire City Code and Zoning Code for semi-final review. We are still finalizing the formatting and cross-referencing, as numbers have been adjusted along the way, so while it looks pretty good, it still has some last-minute tweaks. At the Workshop, we have 4 sections that need direction:

1. Intoxicating CBD Products
2. Special Event Centers
3. Car Washes
4. Liquor Penalties

TITLE 3 CHAPTER 13 **INTOXICATING CBD PRODUCTS**

The Council requested that the City's CBD ordinance closely resemble that of Woodbury's ordinance, both because you liked some of its characteristics, and because it offers consistency with our neighboring community.

The proposed ordinance allows most businesses to sell intoxicating CBD products or devices with a license from the City. The performance standards require the statutory labeling and package requirements, proof of age, hours of operation between 8:00 a.m. and 10:00 p.m., 1,000 feet from a school, park or playground, and 1,000 feet between CBD businesses. In addition, CBD products require employee/customer interaction, meaning the customer cannot have direct access to the products. It is prohibited for anyone under 21 to sell the product or to purchase, use or possess it. No CBD product can contain more than .3% THC. No sampling, no free giveaways, no mobile vendors, home occupations or transient merchants, no delivery or internet sales. We also prohibit intoxicating CBD at on-sale and off-sale liquor establishments.

Any business can sell non-intoxicating CBD products without a license (typically topicals).

The license fee will be \$10,200, mirroring Woodbury's fee, which will be included with the updated fee resolution on December 21.

Please review the ordinance and offer any questions, comments, additions or deletions.

TITLE 11 CHAPTER 10D-1
COMMERCIAL EVENT CENTERS

Currently, the code states that “Convention, banquet and exhibition halls” are conditional uses in the B3, PB and MU zoning districts but there are no performance standards for these uses. Both Hope Glen and Furber Farm have a Historic CUP (HCUP) and are the only existing venues.

As you are aware, we continue to have a request for a commercial event center in the B-2 zoning district, where it is currently not allowed. We would like to request the Council’s position on expanding event centers to the B-2 zoning district. A *DRAFT* ordinance is attached to this memo.

First, we define “event centers” as follows:

Commercial Event Center: An establishment which is rented by individuals or groups to host private social gatherings including, but not limited to, banquets, meetings, weddings, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens, patios or outdoor gathering areas.

Then, we established performance standards.

- The maximum number of guests would be 100, unless approved by the Council.
- If adjacent to residential:
 - Patios and outdoor seating must be setback 150 feet
 - Screening is required around outdoor seating and parking areas
 - No outdoor amplification
- Off-street parking requirements are the same as restaurant parking requirements
- Hours of operation are no later than 10:00 Sunday through Thursday and midnight on weekends.

We would like the Council to respond to the following questions:

1. Do you want to expand this type of venue to the B-2 zoning districts knowing the potential issues with noise (i.e. amplified music, small concert, even if held indoors), parking, distance from existing residential, etc.
2. Even if we do not expand to the B-2, we will provide include a definition of event centers and performance standards in the new code, so are there other areas of concern that need to be addressed or need to be changed from the attached draft?

TITLE 11 CHAPTER 10B
COMMERCIAL DISTRICT USES
CAR WASHES

There was a question raised about where we allow car washes. The use table below identifies these areas.

USE TYPE	B-1	B-2	B-3	P-B	M-U	Reference
Accessory uses or retail sales which are customarily incidental and clearly subordinate to the primary use within the principal structure	A	A	A	A	A	
Adult uses			P			
Apartments / condominiums					C	
Automated car wash as an accessory use	A	A	A	A	A	
Automobile car wash (drive- through, mechanical and self-service)		C	C	C	C	

The question being asked is whether the Council wants to consider adjusting the districts in which stand-alone car washes are allowed.

TITLE 3 CHAPTER 11
LIQUOR PENALTIES

Currently, the City Code and the Fee Resolution have specific penalties for each liquor violation. Since the Council has indicated it prefers an ability to adjust penalties, depending on the situation, we want to recognize the full statutory authority in the code, and give the flexibility in the Fee Resolution.

We propose the following language for the City Code:

A. Penalties: The penalties may include revocation of the license or permit, suspension of the license or permit for up to sixty (60) days, the imposition of a civil penalty of up to two thousand dollars (\$2,000.00) for each violation, or any combination of these sanctions. No suspension or revocation may take effect until the license or permit holder has been given an opportunity for a hearing. Upon a finding that the license holder or permit holder has committed one of the above mentioned violations, the City Council shall impose a liquor license civil penalty pursuant to the following guidelines:

1. For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor whether the only license is for 3.2 percent malt liquor, the license shall be revoked.

2. After a hearing, if the City Council finds that the licensee has committed a violation of subsection B of this Section, the Council shall impose at least the minimum fines and suspensions pursuant to the Fee Schedule.

(emphasis added)

This language in the Code gives the full authority of up to a \$2,000 fine and up to a 60 day suspension or license revocation, but does not specifically require a penalty each time there is a violation. Instead, it refers to the Fee Schedule, which will include the following flexible language for first-offenses in 24 months:

Liquor penalties

1st Viol/24 months	\$500 (plus 1-day suspension) or, in lieu of the suspension and the fine, at the City Council's discretion, participation of all employees in an educational program approved by the Public Safety Director
2nd Viol/24 months	\$1,000.00 (plus 3-day suspension)
3rd Viol/24 months	\$1,500 (plus 7-day suspension)
4th Viol/24 months	\$2,000 (plus license revocation)

This is consistent with recent liquor penalties issued against 1st-time violations. Please confirm that this is the direction the Council desires to follow in the Code and in the fee resolution.

CONCLUSION

We are at the final stages of review of the Code, so please ask questions and offer direction if you feel that any section needs to be adjusted. The next time you see the Code as a Council will be on December 21, when it is on the agenda for adoption, so this is the last scheduled opportunity to provide feedback.

Schedule:

Nov. 15 – Chamber Lunch

Dec. 1 & 6 – Public Open Houses

Dec. 19 – PC Public Hearing on Zoning

Dec. 21 – CC final adoption of City Code and Zoning Ordinance

Attachments:

Commercial Event Centers Draft Ordinance

City Code/Zoning Code

CITY OF COTTAGE GROVE, MINNESOTA
ORDINANCE NO. XXXX

**AN ORDINANCE FOR THE CITY OF COTTAGE GROVE, MINNESOTA, AMENDING
VARIOUS SECTIONS OF THE COTTAGE GROVE
CITY CODE RELATING TO EVENT CENTERS**

The City Council of the City of Cottage Grove, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending Section 11-1-3 by adding the definition of Commercial Event Center as follows:

11-1-3 RULES OF WORD CONSTRUCTION; DEFINITIONS.

Commercial Event Center: An establishment which is rented by individuals or groups to host private social gatherings including, but not limited to, banquets, meetings, weddings, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens, patios or outdoor gathering areas.

SECTION 2. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by amending the use table in Section 11-10b-1 for "Convention, banquet and exhibition halls" as follows:

11-10B-1 PERMITTED, CONDITIONAL, ACCESSORY, AND INTERIM USES:

Commercial Event Center is a Conditional Use in the B-2, B-3, P-B and M-U Zoning Districts

SECTION 3. AMENDMENT. The Code of the City of Cottage Grove, County of Washington, State of Minnesota, shall be amended by adding Section 11-10D-1 to read as follows:

11-10D-1 COMMERCIAL EVENT CENTER PERFORMANCE STANDARDS:

Event centers are subject to the following performance standards:

- A. The maximum number of guests per event shall be limited to one hundred (100). A larger number of guests may be approved by the City Council based on the size of site, structures, parking availability, and other relevant factors.
- B. Patios and outdoor seating, dining or gathering areas:
 - 1. When adjacent to residentially zoned property, there shall be a minimum setback of 150 feet from any patio or outdoor gathering area to the nearest residentially zoned property line. Patio or outdoor gathering areas shall be separated from residential use or district by the principal structure or other method of screening acceptable to the city. The minimum distance from a residential use or district

may be reduced should the city determine the applicant has added sufficient elements to reduce the impact of this use.

2. Patio or outdoor gathering areas shall be screened in a manner that completely restricts vision of the patio or gathering area from an adjacent residentially zoned property.
3. No outdoor sound amplification systems shall be allowed when adjacent to residential properties. When not located adjacent to residentially zoned property an outdoor sound amplification system shall not be allowed after 8:00 p.m. All speakers must be directed away from any residentially zoned property.
4. Any outdoor seating or dining area shall comply with city code section 11-10D-8.

C. Parking areas:

1. Parking areas shall be screened from any adjacent residentially zoned property.
2. Off street parking requirements shall meet the restaurant parking requirements and other standards identified in city code section 11-3-9.

D. Lighting:

1. Lighting shall be provided as necessary for security safety, and traffic circulation. All light poles shall be a maximum of 20 feet in height, including base, and shall be shoebox style, with LED lamps. Other than wash or architectural lighting, attached security lighting shall be shoebox style. In addition, any entry lighting under canopies shall be recessed and use a flush lens. All lighting shall be downward directed with flush lens and shall be zero lumen at any residentially zoned property line or 1.0 lumen at any nonresidential zoned property line.
 2. Lights producing varying intensities, changing colors, moving lights or search lights are prohibited.
- E. The hours of operation shall be no later than 10:00 p.m. on Sunday through Thursday and 12:00 a.m. on Friday and Saturday.
- F. The serving of food and beverages is permitted only in conjunction with a private event that is not open to the general public.
- G. Trash containers shall be stored indoors, or if outdoors, all trash enclosures shall be screened.

SECTION 4. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire Official Zoning ordinance:

The ordinance allows changes the terminology from “convention, banquet and exhibition hall” to an “event center” and allows the use as a conditional use in the B-

2, B-3, P-B and M-U zoning districts, under certain performance standards that protect adjacent properties by restricting noise, parking, lighting and hours of operation.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this [Day] day of [Month Year].

Myron Bailey, Mayor

Attest:

Tamara Anderson, City Clerk

Published in the *Saint Paul Pioneer Press* on [Date].