

**Announcement of Meeting
City Council
Regular Meeting Agenda**

Tuesday, June 17, 2025

5:00 PM

Council Chambers

A. CALL TO ORDER - ROLL CALL

Mayor or Presider will call the meeting to order, state the time, and take roll call.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA AND SPECIAL ORDERS

Mayor or Presider will ask whether any items are to be added to the agenda. If not, a motion would be in order to approve the agenda and special orders as presented. If an item is added to the agenda, a motion would be in order to approve the agenda and special orders as amended.

D. APPROVAL OF MINUTES OF PRECEDING MEETING(S)

D.1. 2025-207 City Council Minutes from May 27, 2025.

E. RECOGNITION OF GUEST(S)

Mayor or Presider will recognize the guests present.

F. PETITIONS, COMMUNICATIONS, COMMITTEE/COMMISSION REPORTS

Motion to receive and file the following reports/minutes:

F.1. 2025-178 Planning Commission Minutes from April 7, 2025.
EDA Minutes from May 12, 2025.
HRA Minutes from April 9 and May 14, 2025.

G. STAFF AND CONSULTANT REPORTS

G.1. 2025-144 Palace Theatre Bi-annual Report--Shawn Kinsinger.

G.2. 2025-208 City Administrator Report.

H. FINANCE AND BUDGET

H.1. 2025-175 Claim Report for June 2025 (Check No. 164892-).

H.2. 2025-214 Motion to approve petty cash reconciliation as of May 31, 2025.

I. PERSONNEL

- I.1. No items under personnel to consider.

J. ORDINANCES AND RESOLUTIONS

- J.1. [11-25](#) PROPOSED RESOLUTION
RESOLUTION APPOINTING A DELEGATE AND ALTERNATE TO
REPRESENT THE CITY OF LUVERNE AT THE LEWIS & CLARK
REGIONAL WATER SYSTEM, INC. ANNUAL MEMBERSHIP
MEETING

This proposed resolution ensures the City of Luverne will be represented at the Lewis & Clark Regional Water System Annual Membership Meeting on June 26, 2025. Patrick T. Baustian has been appointed as the delegate, with Jill Wolf and Kevin Aaker named as alternates to ensure the City's interests are represented at this important regional event.

City Administrator Recommendation: City Council Approve
Proposed Resolution No. 11-25.

- J.2. [50](#) Proposed Ordinance, Fourth Series
AN ORDINANCE AUTHORIZING CONVEYANCE OF REAL
ESTATE
(712 WEST LAWN PARK AVE, CITY OF LUVERNE, ROCK
COUNTY, MINNESOTA)

The City has received a \$5,000 offer to purchase the vacant lot at 712 W Lawn Park for the construction of a new home. A development agreement has been negotiated and signed by the buyer, requiring the home to be built within one year. As this sale is governed by ordinance, a roll call vote is required for approval.

City Administrator Recommendation: City Council Introduce and Adopt Proposed Ordinance No. 50, Fourth Series.

- J.3. [51](#)** Proposed Ordinance, Fourth Series
AN ORDINANCE AUTHORIZING CONVEYANCE OF REAL ESTATE
(LOT 1, BLOCK 1, MAYES ADDITION, CITY OF LUVERNE, ROCK COUNTY, MINNESOTA)

This proposed ordinance transfers the Marty Mayes Addition in the industrial park from the City to the Economic Development Authority (EDA). The EDA takes on the role of developer for this property because it has the authority and expertise to manage redevelopment projects, market the site, and facilitate new investment in the community. Approval of this transfer will support the EDA's efforts to attract and guide appropriate development on the site. As this sale is governed by ordinance, a roll call vote is required for approval.

City Administrator Recommendation: City Council Introduce and Adopt Proposed Ordinance No. 51, Fourth Series.

- J.4. [12-25](#)** PROPOSED RESOLUTION
RESOLUTION ALLOWING THE WAIVER OF CHAPTER 152
SUBDIVISION REQUIREMENTS AND RECORDING OF MAYES
FOURTH ADDITION (City of Luverne to Luverne Economic
Development Authority)

This proposed resolution waives the subdivision requirements of Chapter 152 of the City Code for the platting of Mayes Fourth Addition. Staff and the City Engineer have collaborated to plat a 6-acre area north of the waterway in the industrial park, creating four lots for sale and development by the Luverne Economic Development Authority (EDA). Requiring full compliance with subdivision procedures, such as public hearings and additional meetings, would impose unnecessary hardship and delay on the project without providing any corresponding public benefit. This waiver will allow the Luverne EDA to move forward efficiently with lot sales and development to support local economic growth.

City Administrator Recommendation: City Council Adopt Proposed Resolution No. 12-25.

J.5. [52](#)

Proposed Ordinance, Fourth Series

AN ORDINANCE AMENDING CITY CODE CHAPTER 118. CANNABIS BUSINESS REGULATIONS, SECTION 118.09, SUBD (A)

This ordinance amendment clarifies the City's role in cannabis retail registration in accordance with the new state law (Minnesota Statutes, Chapter 342.22). Under this law, local governments shall issue a local retail registration to applicants who have received a license or preliminary license approval from the Office of Cannabis Management, even before full state licensure is granted. This update requires the City to process and approve local retail registrations earlier in the state licensing process, providing greater clarity and efficiency for applicants. The ordinance aligns local procedures with the requirements and intent of the new state law, supporting a streamlined and transparent approach to cannabis business regulation. As this amendment is governed by ordinance, a roll call vote is required for approval.

City Administrator Recommendation: City Council Introduce and Adopt Proposed Ordinance No. 52, Fourth Series.

J.6. [53](#)

Proposed Ordinance, Fourth Series

AN ORDINANCE AMENDING CITY CODE CHAPTER 91. HEALTH AND SANITATION; NUISANCES, REPEALING AND REPLACING SECTION 91.02 OPEN BURNING WITH NEW REGULATIONS FOR RECREATIONAL FIRES

Due to ongoing complaints about residents burning large piles of branches, staff recommends repealing the current open burning ordinance and adopting a new ordinance that aligns with Minnesota State Fire Marshal guidelines. The proposed ordinance restricts outdoor burning to small recreational fires with clear limitations on size, location, and materials, requiring fires to be no larger than three feet in diameter and two feet in height, set at least 25 feet from buildings, and attended by an adult at all times. Only clean, dry, natural wood may be burned, and fires must be extinguished if they pose a safety risk or when directed by authorities. This update will help address nuisance complaints, improve public safety, and ensure local regulations are consistent with state standards. As this amendment is governed by ordinance, a roll call vote is required for approval.

City Administrator Recommendation: City Council Introduce and Adopt Proposed Ordinance No. 53, Fourth Series.

J.7. [54](#)

Proposed Ordinance, Fourth Series
AN ORDINANCE AMENDING CITY CODE CHAPTER 91. HEALTH AND SANITATION; NUISANCES BY ADDING SECTION 91.05 GARAGE OR RUMMAGE SALE

This proposed ordinance amends City Code Chapter 91 to add Section 91.05, regulating garage and rummage sales. The ordinance limits sales to personal property, restricts sales to three per year per property, and sets a maximum duration of four consecutive days per sale. Signage is limited and must be promptly removed after the sale. Exceptions apply for court-ordered sales, auctions, and sales of farm or garden products. This ordinance aims to prevent nuisance, address nuisance complaints, and maintain neighborhood character. As this amendment is governed by ordinance, a roll call vote is required for approval.

City Administrator Recommendation: City Council Introduce and Adopt Proposed Ordinance No. 54, Fourth Series.

K. MOTIONS AND GENERAL BUSINESS**K.1. [2025-204](#)**

Requested Conditional Use Permit (CUP) application submitted by Terry Gray, to open and operate a Cannabis Retail Establishment, located at 206 West Main Street (20-1649-000), in D-Downtown District, City of Luverne, Minnesota.

Following the public hearing held by the Planning Commission on June 9, the Planning Commission recommends approval of a conditional use permit (CUP) to allow operation of a cannabis retail establishment at 206 West Main, subject to specific conditions including off-street parking, screening for automobile headlights, odor control, exterior property maintenance, obtaining a state license for proposed business type, and compliance with all state and local regulations. Under Minnesota law, if an applicant meets all the general and specific standards set forth in the city's zoning ordinance, the city is required to grant the CUP. The applicant for this cannabis retail establishment has satisfied all ordinance requirements, and therefore, the city council must approve the CUP as recommended by the Planning Commission. This ensures the city's actions are consistent with state law and local land use standards.

City Administrator Recommendation: City Council Approve Requested Conditional Use Permit (CUP) application submitted by Terry Gray, to open and operate a Cannabis Retail Establishment, located at 206 West Main Street (20-1649-000), in D-Downtown District, City of Luverne, Minnesota.

- K.2.** [2025-206](#) Requested Conditional Use Permit (CUP) application submitted by Terry Gray, to open and operate a Cannabis Retail Establishment, located at 218 East Main Street (20-1125-000), in D - Downtown District, City of Luverne, Minnesota.

Following the public hearing held by the Planning Commission on June 9, the Planning Commission recommends denial of the conditional use permit (CUP) application to operate a cannabis retail establishment at 218 East Main. Under Minnesota law, a city may deny a CUP if the proposed use does not meet the specific standards or conditions established in the city's zoning ordinance. In this case, the applicant's site plan provides only two off-street parking spaces, which does not meet the minimum requirement for retail uses as set forth in the ordinance-specifically, one space per 200 square feet of gross floor area. Because the application fails to satisfy this key standard for adequate off-street parking, the Planning Commission finds that the proposal does not meet all required criteria for a CUP and recommends denial. The city council may deny the CUP on this basis, as Minnesota law allows denial when an application does not comply with the ordinance's established standards.

City Administrator Recommendation: City Council Deny Requested Conditional Use Permit (CUP) application submitted by Terry Gray, to open and operate a Cannabis Retail Establishment, located at 218 East Main Street (20-1125-000), in D - Downtown District, City of Luverne, Minnesota.

- K.3.** [2025-209](#) Requested Conditional Use Permit (CUP) application submitted by Dylan Stokes, to open and operate a Cannabis Retail and Manufacturing Establishment, located at 1202 South Kniss Avenue (20-1943-000), in H-C - Highway Commercial District, City of Luverne, Minnesota.

Following the public hearing held by the Planning Commission on June 9, the Planning Commission recommends approval of a conditional use permit (CUP) to allow operation of a cannabis retail establishment at 1202 South Kniss Avenue, subject to specific conditions including off-street parking, screening for automobile headlights, odor control, exterior property maintenance, obtaining a state license for proposed business type, and compliance with all state and local regulations. Under Minnesota law, if an applicant meets all the general and specific standards set forth in the city's zoning ordinance, the city is required to grant the CUP. The applicant for this cannabis retail establishment has satisfied all ordinance requirements, and therefore, the city council must approve the CUP as recommended by the Planning Commission. This ensures the city's actions are consistent with state law and local land use standards.

City Administrator Recommendation: City Council Approve Requested Conditional Use Permit (CUP) application submitted by Dylan Stokes, to open and operate a Cannabis Retail and Manufacturing Establishment, located at 1202 South Kniss Avenue (20-1943-000), in H-C - Highway Commercial District, City of Luverne, Minnesota.

- K.4. [2025-210](#)** Requested Conditional Use Permit (CUP) application submitted by Peter Dikun, to open and operate a Cannabis Retail Establishment, located at 704 South Kniss Avenue (20-0675-000), in C-C - Community Commercial District, City of Luverne, Minnesota.

Following the public hearing held by the Planning Commission on June 9, the Planning Commission recommends approval of a conditional use permit (CUP) to allow operation of a cannabis retail establishment at 704 South Kniss Avenue, subject to specific conditions including off-street parking, screening for automobile headlights, odor control, exterior property maintenance, obtaining a state license for proposed business type, and compliance with all state and local regulations. Under Minnesota law, if an applicant meets all the general and specific standards set forth in the city's zoning ordinance, the city is required to grant the CUP. The applicant for this cannabis retail establishment has satisfied all ordinance requirements, and therefore, the city council must approve the CUP as recommended by the Planning Commission. This ensures the city's actions are consistent with state law and local land use standards.

City Administrator Recommendation: City Council Approve Requested Conditional Use Permit (CUP) application submitted by Peter Dikun, to open and operate a Cannabis Retail Establishment, located at 704 South Kniss Avenue (20-0675-000), in C-C - Community Commercial District, City of Luverne, Minnesota.

- K.5. [2025-211](#)** Requested Conditional Use Permit (CUP) application submitted by Terry Kapple, to open and operate a Cannabis Retail Establishment, located at 401 South Kniss Avenue (20-0037-200), in C-C - Community Commercial District, City of Luverne, Minnesota.

Following the public hearing held by the Planning Commission on June 9, the Planning Commission recommends approval of a conditional use permit (CUP) to allow operation of a cannabis retail establishment at 401 South Kniss, subject to specific conditions including off-street parking, screening for automobile headlights, odor control, exterior property maintenance, obtaining a state license for proposed business type, compliance with all state and local regulations, and visual screening installation on the East property line. Under Minnesota law, if an applicant meets all the general and specific standards set forth in the city's zoning ordinance, the city is required to grant the CUP. The applicant for this cannabis retail establishment has satisfied all ordinance requirements, and therefore, the city council must approve the CUP as recommended by the Planning Commission. This ensures the city's actions are consistent with state law and local land use standards.

City Administrator Recommendation: City Council Approve Requested Conditional Use Permit (CUP) application submitted by Terry Kapple, to open and operate a Cannabis Retail Establishment, located at 401 South Kniss Avenue (20-0037-200), in C-C - Community Commercial District, City of Luverne, Minnesota.

- K.6. [2025-212](#)** Private Use of Public Property Request for Luverne Lake Events at The Lake on July 4, 2025

Representing Luverne Lake Events, Jen Wiebe applied for permission to host a public 4th of July event at The Lake, located on West Edgehill Street. Activities include a triathlon, inflatables, bean bags, log rolling, hula hoops, limbo, tug o war, bingo, food vendors, a band from 8:30-Midnight, and Fireworks at 10:00 p.m. Certificates of Insurance and Fireworks Operator Permit have been received.

City Administrator Recommendation: City Council Approve Private Use of Public Property Request for Luverne Lake Events at The Lake on July 4, 2025

- K.7. [2025-213](#) Application for Exempt Permit for the Rock County Agriculture Society to Conduct a Raffle on July 26, 2025 at the Rock County Fairgrounds.

Representing the Rock County Agriculture Society, Lee Sells has applied for an exempt permit to conduct a raffle on July 26, 2025 in conjunction with the Rock County Fair.

City Administrator Recommendation: City Council Approve the Application for Exempt Permit with No Waiting Period.

L. **COUNCIL REQUESTS - GENERAL DISCUSSION**

Mayor or Presider will ask for council request and/or general discussion items.

M. **ADJOURNMENT**

A motion to adjourn would be in order.