

**MINUTES  
CITY OF ELKO NEW MARKET  
PARKS COMMISSION MEETING  
October 11, 2023  
6:00 PM**

**1. CALL TO ORDER**

Chair Sutton called the meeting of the Elko New Market Parks Commission to order at 6:01 p.m.

Commission members present: Sutton, Vernon, Jones, Hokeness, and West

Members absent and excused: Recreation Specialist Jessica Davidson

Staff Present: City Administrator Thomas Terry, Planner Brandon Malecha, Maintenance Worker Derek Cavanaugh and Planner Jake Skluzacek

**2. PLEDGE OF ALLEGIANCE**

Chair Sutton led the Parks Commission in the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

Chair Sutton asked if there were any changes to the agenda. City Administrator Thomas Terry had a correction to the September Parks Commission Update. Terry stated that Public Works and Community Development Staff would be working to bring back options for the proposed bathroom shelters for City Parks and that item would be removed from the update for this meeting.

A motion was made by Vernon and seconded by Jones to approve the agenda as presented. Motion carried: (5-0).

**4. PUBLIC COMMENT**

There was no public comment.

**5. APPROVAL OF MINUTES**

A motion was made by Hokeness and seconded by Jones to approve the minutes of the September 13, 2023, meeting as submitted. Motion carried: (5-0).

## **6. GENERAL BUSINESS**

### **A. Capital Outlay Budget Discussion**

City Administrator Thomas Terry gave background on the Capital Outlay analysis that was performed last year. The result of the analysis was that the City did not have enough funds to cover necessary replacements of park equipment and facilities.

A motion was made by Sutton and seconded by Jones to recommend that the City Council approve the 5-year Capital Outlay plan as presented. Motion carried: (5-0).

### **B. Cannabis and Tobacco Use in Parks**

Planner Skluzacek introduced the topic by first covering the new State law that went into effect on July 1<sup>st</sup>, 2023 which allows adults over the age of 21 to legally purchase, possess, transport and use cannabis. The new law specifically states that use of cannabis is allowed in three types of locations:

- Private residences
- Private property that is not generally open to the public
- A premise or event licensed for on-site consumption of cannabis

The new State law does not allow for cannabis use in public places; however, it does not directly establish a penalty for use in public. Minnesota law contains a “default” penalty which provides that if an act is prohibited, and no penalty is otherwise established, the act may be punished as a petty misdemeanor. However, this is an obscure, little-used statute and it is uncertain if relying on this statute would suffice as it does not clearly provide notice to the public of what the City plans to enforce.

The City Attorney rather recommends that Cities may adopt an ordinance specifically laying out what the City intends to enforce. Cities that have passed ordinances using this authority have been faced with two policy choices in crafting their ordinances including what types of use should be included and how should the City define a public place.

At the September 14<sup>th</sup> City Council meeting, the City Council decided that they would not adopt any ordinance regulating the public use of cannabis on public streets or sidewalks. Rather, the City Council wished to obtain a recommendation from the Parks Commission regarding regulating the public use of cannabis within City owned park land. Currently, there is no prohibition of tobacco use within City park land. Skluzacek added that if the Parks Commission also wished to include tobacco use in their ordinance, the Commission may do so in the same motion.

Skluzacek next updated the Commission on the different forms of cannabis and tobacco use that may take place in the modern day. This included the smoking and vaping of cannabis but also edible forms of cannabis including cannabis infused beverages. Skluzacek also covered the many different forms of tobacco use including smoking, vaping, oral, and nasal ingestion.

Skluzacek explained the specific concerns associated with the various forms of cannabis and tobacco use. Smoking and vaping of these substances produces a risk for secondhand smoke and vapor exposure to others. Skluzacek clarified that no evidence exists to confirm that secondhand smoke or vapor can lead to intoxication; however, it is a consideration before the Commission. Edible cannabis and smokeless tobacco generally only affect the individual user, but all forms of cannabis and tobacco use present the same following risks:

- Litter
- Abandoned products could be consumed by children or animals
- May be difficult to enforce as possession of these items remains legal even if a usage ban in the parks is enacted

Skluzacek displayed a list of common reasons cities have cited for banning the public use of cannabis within City park land including health and safety concerns. Skluzacek also shared an ordinance example from the City of Plymouth which recently created an ordinance prohibiting only the smoking and vaping of cannabis and tobacco in all City parks. In order to provide a recommendation to the City Council, Skluzacek explained that the Commission will need to answer three questions:

- Does the Parks Commission wish to regulate the public use of cannabis within City parks?
- If yes, will regulation include edibles, smoking, vaping or all three forms of use?
- Will the City provide any additional regulations related to the public use of tobacco in any form, in City parks?

Commissioner West shared his opinion that if the City should prohibit cannabis, then it should also prohibit tobacco and vice-versa. Commissioner Hokeness was in favor of prohibiting both cannabis and tobacco within City parks. Commissioner Jones shared the opinion of Commissioner West that it should be both or neither. Commissioner Vernon stated that cannabis has medicinal properties, and that the City should not regulate the use of either cannabis or tobacco in City parks. Chair Sutton shared the opinion of Commissioner Hokeness and wished both cannabis and tobacco use to be prohibited within City parks.

Skluzacek wished to gain further clarification on the opinions of Commissioners West and Jones to see which way they were leaning on the subject. Discussion followed on the need for an ordinance as there have been no reported complaints or instances of use in the parks. The State Law also contains language that use of cannabis is not allowed where it exposes underage youth to any secondhand smoke. Due to that reasoning as well as the belief that this behavior will be self-policed by those using the park facilities, Commissioners West and Jones were in favor of no regulation of cannabis and tobacco products in City parks. City Administrator Terry worded the motion for the Parks Commissioners and notified them to take a roll call vote in an effort to better document the meeting minutes.

A motion was made by Jones and seconded by Vernon to recommend to the City Council that no local ordinances should be enacted prohibiting the use of cannabis or tobacco products within City parks. Motion carried: (3-2) Hokeness and Sutton objected.

## **7. UPDATES & REPORTS**

### **A. September Parks Commission Update**

Planner Skluzacek had his report attached to the packet. City Administrator Terry introduced Maintenance Worker Cavanaugh and informed the Commission that he would be attending quarterly meetings and serve as the Public Works liaison for Parks. Cavanaugh informed the Commission of general updates including the future purchase and placement of additional dog waste stations throughout City parks. Cavanaugh provided a map to the Commissioners showing the placement of current dog waste stations as well as the future locations of the new waste stations.

### **B. September Parks Financial Report**

Planner Skluzacek had his report attached to the packet. There was no discussion on the September Parks Financial Report included in the packet.

## **8. PARKS COMMISSIONER'S QUESTIONS & COMMENTS**

Commissioner Hokeness wished to share information related to the Adopt a Park program. Information shared was from the Cities of Burnsville and Prior Lake who have or once had an Adopt a Park program. Hokeness shared that he helped start the program in some of the Cities he has worked for in the past and that it is a low-cost initiative that could produce benefits for the City. It is similar to the Adopt a Highway program with the placement of a sign indicating what group or individual “adopted” the park. Hokeness explained that typically there is a fall and spring clean up for the park which the group completes with the assistance of the City in providing necessary supplies.

City Administrator Terry asked some questions to Maintenance Worker Cavanaugh related to time spent by Public Works Staff cleaning the parks during the year and if there is a real need or benefit being addressed by the program. Cavanaugh’s response deemed a need to assist the Public Works Department with park clean up. Terry admitted that a program like this can be used to address a need, but it also can produce other benefits including gaining public support of parks by giving groups ownership in the condition of the parks.

Planner Skluzacek shared updates with Prior Lake’s program and how they have now moved to a Friends of the Park program. Now Public Works Staff in Prior Lake compile a list of projects and that list is available to the public year-round to potentially pick a project that they have a desire to do. This way there is no multi-year commitment and no concerns with dropping participation levels as the projects can be completed when convenient for the group or individual to complete. Direction was provided to City Staff to investigate a possible program and bring back more information for comment by the Commission.

## **9. NEXT MEETING**

The next regular meeting of the Parks Commission is set for Wednesday, November 8<sup>th</sup>, 2023, at 6:00 PM at City Hall in the Council Chambers.

**10. ADJOURNMENT**

It was moved by Hokeness and seconded by Jones to adjourn the meeting at 7:28 p.m. Motion carried: (5-0).

Respectively submitted by:

A handwritten signature in black ink, appearing to read "Jake Skluzacek". The signature is written in a cursive, flowing style.

Jake Skluzacek  
Planner 1