

Special Meeting of the City Council
May 10, 2023

The Fergus Falls City Council met for a special council meeting at 8:06 am on May 10, 2023, at 7:00 am in the City Council Chambers to consider an appeal to the city's decision to deny a THC license to Lincoln Vapors. Mayor Schierer called the meeting to order and council members in attendance were Kremeier, Thompson, Rachels, Hicks, Fish, Job, Kvamme and Rufer.

Chief of Public Safety Kile Bergren said applicants for a THC Product Sales license must undergo a background check of the store manager and any owners of 10% or more of the business. Lincoln Vapors submitted a THC license application, which the Police Department recommended denying based on their findings of the report. Especially concerning were violations with controlled substance convictions and this business has already failed a compliance check. City Code 110.03 E (2) outlines the appeals process that is available to those who have been denied a license. The owners of Lincoln Vapors and their store manager have chosen to appeal to the council.

Owner Justin Danbury agreed if the city is strictly looking at their backgrounds, they would likely be denied such a license. He spoke about the mistakes of his past and how he is doing his best to separate himself from who he was and who he is today. He described himself as a family man, businessman and law-abiding citizen and although he has dealt with substance abuse issues, and he is no longer the person his background suggests. He felt their experience of turning their lives around could be beneficial and they would be a responsible place to sell these products. Their tobacco compliance failure last year was due to an error by the store manager, and they have made changes to run the business responsibly. Todd Fiechtner echoed Danbury's comments and said his controlled substance issues are a part of his past and he has been in recovery for the last 12 years. He is using his experiences to educate the public and help others. Dustin Severson said it was his mistake that caused the compliance check failure. He admitted his rocky past and said since being indicted in 2012, he went to prison, completed his treatment and is trying to lead a better life. He is actively continuing his treatment and believes he has personally grown from his experiences.

Fish congratulated all three on their sobriety and understands it is hard to move past your mistakes. He commented on his 53 years of sobriety and felt their situation warranted giving the business and their owners a second chance. He offered Resolution #88-2023 to grant a THC Edible Sales Product license to Lincoln Vapors, which was seconded by Rufer. Rufer said it takes courage to explain your past errors in a public setting and agreed being involved and helping others during recovery is important. He encouraged them to dissuade young people from the dangers of substances and he applauded their sobriety. Kremeier said it was good they have turned their lives around but questioned why they would stay in a business that may tempt them personally. Danbury explained his addiction was alcohol and THC products are not a temptation for him. He is running this business to make a living and provide income for his family. Rachels spoke about his family's background and said he would be voting in opposition to granting the license. Kvamme asked if Lincoln Vapors could reapply for a license and asked about the state legislature's likelihood of legalizing marijuana. Thompson stated his concerns were the repeated violations of laws and could the owners be trusted to comply with the rules and regulations.

Chief Bergren said the pending legislative action is likely to pass and he has informed the owners can apply to the state if they choose. He again said he is asked to make a recommendation based on facts,

but if the council wants to go another way, it was fine with him. He suggested if the license is approved, it would be on a probationary basis and if the business runs with the state and local laws, it can apply for a license without a probationary status in 2024. Fish and Rufer agreed to an amended **Resolution #88-2023** grant a THC Edible Sales Product license to Lincoln Vapors on a probationary basis and if there are no violations through the end of 2023, they can apply for a regular 2024 license. The resolution which was called to a vote and failed 3-5. Voting in favor were Hicks, Fish and Rufer. Voting in opposition were Kremer, Thompson, Rachel, Job and Kvanne.

The special meeting adjourned at 8:27 am

Lynne Olson