



Trail to the Past. Road to the Future.

REGULAR CITY COUNCIL MEETING

MANTORVILLE CITY COUNCIL CHAMBERS

21 5TH STREET E, MANTORVILLE, MN 55955

Monday, July 8, 2024

6:30 PM

1. Call to Order

2. Pledge of Allegiance

3. Adopt the Agenda

4. Consent Agenda *

A. Accounts Payable - Warrant List 7.8.24

B. County Commissioners Regular Meeting Minutes 6.11.24

C. Year 2023 Financial Report

5. Proclamations, Presentations and Recognitions

A. Amy Evans – Dodge County – Cannabis Ordinance

6. Public Concerns

*Individuals may address the City Council about any item not included on the regular agenda. **Speakers are requested to come to the podium and state their name and address for the Clerk's audio and written record. Each individual has 5 minutes.** Generally, the City Council will not take official action on items discussed at this time but may, typically, refer the matter to Staff for a future report or direct that the matter be scheduled on an upcoming agenda.*

7. Public Safety Update

A. Sheriff's Office Report

B. Fire Chief Duke Harbaugh request to close 5th Street for the Fireman's Relief benefit dance

8. Public Hearings – No Items

9. New Business/Old Business – No Items

10. Tabled Items – No Items

11. Reports

A. Public Works Report

B. City Clerk Report

C. Consultant Report

D. Committee Reports

Chamber, EDA, Finance/Budget, Fire Department, Infrastructure, KM Joint Powers, MRA, Park Board, Personnel, Township

E. Councilmember Reports

F. Mayor's Report

12. Executive Session – No Items

13. Adjourn *

<i>Upcoming Meetings and Events in Mantorville:</i>		
Wednesdays at 2:00pm – Weekly HWY 57 Community Q&A at County Seat Coffeehouse		
<i>July 1-Sept 1, 2024</i>	<i>Ongoing</i>	<i>Larger Than Life Art Exhibit in Riverside Park</i>
<i>July 8, 2024</i>	<i>6:30pm</i>	<i>Mantorville City Council Regular Meeting</i>
<i>July 22, 2024</i>	<i>6:30pm</i>	<i>Mantorville City Council Regular Meeting</i>
<i>Notice of Possible Quorum - Members of the City Council and other Boards may be in attendance at all meetings and community events in Mantorville</i>		

* Indicates Council Action Items

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Payments

Current Period: June 2024

Payments Batch June 2024 Aps _____		\$5,364.22	
Refer	0 INTERNAL REVENUE SERVICE	Ck# 006212 6/26/2024	
Cash Payment	G 101-21703 FICA Tax Withholding	PR 13 2024	\$1,302.28
Invoice	6.26.24 6/26/2024		
Cash Payment	G 101-21709 Medicare	PR 13 2024	\$304.56
Invoice	6.26.24 6/26/2024		
Cash Payment	G 101-21701 Federal Withholding	PR 13 2024	\$1,253.35
Invoice	6.26.24 6/26/2024		
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$2,860.19
Refer	0 RESNEXUS	Ck# 006213 6/17/2024	
Cash Payment	E 603-45183-210 Tax and Licensing	Monthly Service Fee 6/15-7/15	\$50.25
Invoice	553942 6/17/2024		
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$50.25
Refer	0 WEX HEALTH, INC.	Ck# 006214 6/27/2024	
Cash Payment	G 101-21714 Health Savings Account	PR 13 2024 ER HSA	\$184.62
Invoice	6.27.24 6/27/2024		
Cash Payment	G 101-21714 Health Savings Account	PR 13 2024 EE HSA	\$90.00
Invoice	6.27.24 6/27/2024		
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$274.62
Refer	0 MN PERA	Ck# 006215 6/27/2024	
Cash Payment	G 101-21704 PERA	PR 13 2024	\$1,589.54
Invoice	6.27.24 6/27/2024		
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$1,589.54
Refer	0 MINNESOTA REVENUE	Ck# 006216 6/26/2024	
Cash Payment	G 101-21702 State Withholding	PR 13 2024	\$559.62
Invoice	6.26.24 6/26/2024		
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$559.62
Refer	0 RESNEXUS	Ck# 006217 6/17/2024	
Cash Payment	E 603-45183-440 Refunds and Reimburse Refund Busho		\$30.00
Invoice	9477633 6/17/2024		
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$30.00

Fund Summary

	10100 MBT Bank Checking	
101 GENERAL FUND		\$5,283.97
603 RV PARK		\$80.25
		<u>\$5,364.22</u>

Pre-Written Checks	\$5,364.22
Checks to be Generated by the Computer	\$0.00
Total	<u>\$5,364.22</u>

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Payments

Current Period: July 2024

Payments Batch 070324PAY		\$69,135.62	
Refer	0 UNITED STATES TREASURY	-	
Cash Payment	E 101-41500-120 Benefits	PCORI Return	\$9.12
Invoice	6.27.24	7/8/2024	
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$9.12
Refer	0 PLUNKETTS PEST CONTROL	-	
Cash Payment	E 101-41940-220 Bldg.Repair and Mainten	Pest Control for july 2024-June 2025	\$423.50
Invoice	8631749	7/8/2024	
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$423.50
Refer	0 CMS - CONSTRUCTION MGMT.SE	-	
Cash Payment	E 101-42400-300 Professional Srvs (GEN	Fees for May	\$1,064.67
Invoice	817-244590-5	7/8/2024	
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$1,064.67
Refer	0 BADGER METER	-	
Cash Payment	E 601-49400-300 Professional Srvs (GEN	June 2024	\$172.59
Invoice	80163280	7/8/2024	
Cash Payment	E 602-49450-300 Professional Srvs (GEN	June 2024	\$258.89
Invoice	80163280	7/8/2024	
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$431.48
Refer	0 BLUE CROSS BLUE SHIELD OF MI	-	
Cash Payment	G 101-21715 Employee Paid Vision Plan	Vision for July	\$20.64
Invoice	24-611459537	7/8/2024	
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$20.64
Refer	0 SMITH SCHAFFER & ASSOCIATES	-	
Cash Payment	E 101-41530-301 Auditing and Acct g Serv	Final for 2023 Audit	\$9,250.00
Invoice	31968	7/8/2024	
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$9,250.00
Refer	0 WARSAW SOLAR, LLC	-	
Cash Payment	E 101-43160-381 Electric Utilities	Power Sales for May	\$4,958.33
Invoice	2406-6994D	7/8/2024	
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$4,958.33
Refer	0 PAYMENT SERVICE NETWORK, IN	-	
Cash Payment	E 601-49400-300 Professional Srvs (GEN	June Service	\$66.98
Invoice	296520	7/8/2024	
Cash Payment	E 602-49450-300 Professional Srvs (GEN	June Service	\$100.47
Invoice	296520	7/8/2024	
Transaction Date	7/3/2024	MBT Bank Checking 10100	Total \$167.45
Refer	0 PITNEY BOWES PURCHASE POWE	-	
Cash Payment	E 101-41500-322 Postage	June Postage	\$60.00
Invoice	6.25.24	7/8/2024	
Cash Payment	E 601-49400-430 Miscellaneous	June Postage	\$40.00
Invoice	6.25.24	7/8/2024	
Cash Payment	E 602-49450-437 Other Miscellaneous	June Postage	\$80.00
Invoice	6.25.24	7/8/2024	

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Payments

Current Period: July 2024

Cash Payment	E 604-43150-352	Publishing	June Postage	\$20.00
Invoice	6.25.24	7/8/2024		
Transaction Date	7/3/2024		MBT Bank Checking 10100	Total \$200.00
Refer	0	CEDA	-	
Cash Payment	E 101-46500-437	Other Miscellaneous	3rd Qtr Billing	\$5,717.50
Invoice	7.2.24	7/8/2024		
Transaction Date	7/3/2024		MBT Bank Checking 10100	Total \$5,717.50
Refer	0	VERIZON WIRELESS	Ck# 006218 7/8/2024	
Cash Payment	E 101-42200-321	Communications Phone/	June Service	\$54.66
Invoice	9967417590	7/8/2024		
Transaction Date	7/3/2024		MBT Bank Checking 10100	Total \$54.66
Refer	0	NORTHLAND TRUST SERVICES, IN	-	
Cash Payment	E 601-49400-611	Bond Interest	2019A Interest Due August 1st	\$5,175.00
Invoice	6.6.24	7/8/2024		
Cash Payment	E 311-47000-611	Bond Interest	2019A Interest Due August 1st	\$7,050.00
Invoice	6.6.24	7/8/2024		
Cash Payment	E 311-47000-611	Bond Interest	2019A Interest Due August 1st	\$4,106.25
Invoice	6.6.24	7/8/2024		
Cash Payment	E 602-49450-611	Bond Interest	2019A Interest Due August 1st	\$1,368.75
Invoice	6.6.24	7/8/2024		
Cash Payment	E 311-47000-620	Fiscal Agent s Fees	2019A Interest Due August 1st	\$495.00
Invoice	6.6.24	7/8/2024		
Transaction Date	7/3/2024		MBT Bank Checking 10100	Total \$18,195.00
Refer	0	SIMPLY TIDY, LLC	-	
Cash Payment	E 101-41940-439	Janitors	Service for June	\$130.00
Invoice	2967	7/8/2024		
Transaction Date	7/3/2024		MBT Bank Checking 10100	Total \$130.00
Refer	0	DODGE COUNTY SHERIFF	-	
Cash Payment	E 101-42100-310	Other Professional Servi	July Law enforcement	\$8,944.50
Invoice	July	7/8/2024		
Transaction Date	7/3/2024		MBT Bank Checking 10100	Total \$8,944.50
Refer	0	WHKS & COMPANY	-	
Cash Payment	E 101-41950-303	Engineering Fees	CSAH Lift Station	\$3,447.43
Invoice	51377	7/8/2024		
Cash Payment	E 457-41950-303	Engineering Fees	HWY 57 Project Mgmt	\$12,671.15
Invoice	51426	7/8/2024		
Cash Payment	E 101-41950-303	Engineering Fees	Bandshell	\$1,501.50
Invoice	51427	7/8/2024		
Cash Payment	E 101-41950-303	Engineering Fees	Eagle Meadows Asst	\$786.28
Invoice	51427	7/8/2024		
Cash Payment	E 101-41950-303	Engineering Fees	Historical Plan Scanning	\$44.06
Invoice	51427	7/8/2024		
Transaction Date	7/3/2024		MBT Bank Checking 10100	Total \$18,450.42
Refer	0	GOPHER STATE ONE CALL	-	
Cash Payment	E 601-49400-300	Professional Srvs (GEN	Locates for June	\$23.22
Invoice	4060571	7/8/2024		

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Payments

Current Period: July 2024

Cash Payment	E 602-49450-300	Professional Srvs (GEN	Locates for June						\$34.83
Invoice	4060571		7/8/2024						
Transaction Date	7/3/2024			MBT Bank Checking	10100		Total		\$58.05
Refer	0	CASEYS BUSINESS MASTERCARD							
Cash Payment	E 101-45200-212	Motor Fuels	Statement 6/18/24						\$404.65
Invoice	6.18.24		7/8/2024						
Cash Payment	E 101-45200-404	Repairs/Maint Machiner	Statement 6/18/24						\$14.70
Invoice	6.18.24		7/8/2024						
Cash Payment	E 101-42200-212	Motor Fuels	Statement 6/18/24						\$224.17
Invoice	6.18.24		7/8/2024						
Transaction Date	7/3/2024			MBT Bank Checking	10100		Total		\$643.52
Refer	0	KMTELECOM							
Cash Payment	E 101-41940-321	Communications Phone/	CITY HALL MAIN 5170						\$140.41
Invoice	10220098		7/8/2024						
Cash Payment	E 101-41940-321	Communications Phone/	CITY HALL - 5176 - 2ND LINE						\$20.79
Invoice	10220098		7/8/2024						
Cash Payment	E 601-49400-321	Communications Phone/	CITY HALL FAX 5300						\$25.00
Invoice	10220098		7/8/2024						
Cash Payment	E 101-42200-321	Communications Phone/	FD 5440						\$25.78
Invoice	10220098		7/8/2024						
Cash Payment	E 101-41940-321	Communications Phone/	STREETS - SHOP 5119						\$80.77
Invoice	10220098		7/8/2024						
Cash Payment	E 601-49400-321	Communications Phone/	WATER TOWER ALARM 3588						\$46.06
Invoice	10220098		7/8/2024						
Cash Payment	E 602-49450-321	Communications Phone/	LIFT STATION ALARM 5066						\$36.06
Invoice	10220098		7/8/2024						
Cash Payment	E 602-49450-321	Communications Phone/	WWTP 5463 ALARM						\$36.06
Invoice	10220098		7/8/2024						
Cash Payment	E 101-41940-321	Communications Phone/	LONG DISTANCE/TAXES/FEES						\$5.85
Invoice	10220098		7/8/2024						
Cash Payment	E 101-46500-437	Other Miscellaneous	EDA 800 NUMBER						\$0.00
Invoice	10220098		7/8/2024						
Transaction Date	7/3/2024			MBT Bank Checking	10100		Total		\$416.78

Fund Summary

	10100 MBT Bank Checking	
101 GENERAL FUND		\$37,329.31
311 GO SERIES BOND 2019A		\$11,651.25
457 STATE HIGHWAY 57 PROJECT		\$12,671.15
601 WATER FUND		\$5,548.85
602 SEWER FUND		\$1,915.06
604 STORM SEWER FUND		\$20.00
		<u>\$69,135.62</u>

Pre-Written Checks	\$54.66
Checks to be Generated by the Computer	\$69,080.96
Total	<u>\$69,135.62</u>

**UNAPPROVED MINUTES OF THE
DODGE COUNTY BOARD OF COMMISSIONERS REGULAR MEETING HELD
JUNE 11, 2024**

Chair

Convene County Board Meeting

The Dodge County Commissioners met in regular session June 11, 2024, in the Commissioner's Room at the Dodge County Government Services Building, Mantorville, MN, at 9:30 a.m. Chair John Allen called the meeting to order at 9:30 a.m.

Attendee Name	Title	Status	Arrived
John Allen	District 1	Present	9:30 AM
Tim Tjosaas	District 2	Absent	
Rodney Peterson	District 3	Present	10:13 AM
Rhonda Toquam	District 4	Present	9:30 AM
David Kenworthy	District 5	Present	9:30 AM

Pledge of Allegiance

The pledge of allegiance was recited.

Determine Quorum

The Chair acknowledged those present and established there was a quorum.

Also present:

Jim Elmquist County Administrator
Becky Lubahn Deputy Clerk
Paul Kiltinen County Attorney

New Employee Introductions

Amy Evans introduced Haakon Colwell who is a new Health Educator in the Public Health department.

The Board welcomed Mr. Colwell.

Establish Agenda

Agenda Approved

The County Administrator informed the Board that they will be moving item 8.1 - Consider Interim Replacement of Fairview Executive Director before item 2.0 on the agenda.

Motion by Kenworthy seconded by Toquam to approve and adopt the agenda as amended to move item 8.1 in front of item 2.0.

Motion Adopted [Unanimous]

Consent Agenda

Motion by Toquam seconded by Kenworthy to approve the following Consent Agenda items:

Motion Adopted [Unanimous]

- 1.1. Committee of the Whole - Committee Meeting - May 28, 2024 4:30 PM
- 1.2. Board of Commissioners - Regular Meeting - May 28, 2024 5:00 PM

Jim Elmquist, County Administrator

Consider Interim Replacement of Fairview Executive Director

Mr. Elmquist reported that with the resignation of the Fairview Care Center Executive Director and her last day set for July 2, 2024, he is asking for consideration of an Interim Replacement (and authorization to fill the vacancy permanently on the Personnel Agenda). The County Administrator noted that he is not necessarily asking for action at this meeting on the interim but wanted to offer that consideration in case the Board wanted a vote after dialogue. The Executive Director presented Mr. Elmquist with two options, and while there are probably more to consider, he has explored the ones Ms. Thompson mentioned.

One option mentioned was Pathway Health. This is the agency currently operating the Pine Island facility. Mr. Elmquist spoke with Cheryl Studzinski, Business Development Manager at the facility, and she outlined for him how this works. Their rate is \$115.00 an hour for a temporary replacement which includes expenses along with a retainer of \$7,500. This proposal was included in the Board packet for review.

The second option the Fairview Care Center Administrator offered was to approach Hayfield about a potential joint temporary director with Field Crest (currently Kelly Ellis). The County Administrator spoke with Mayor Fjerstad about a possible MOU and how that would look on Tuesday and it sounds like she's interested in exploring that option. The hope is that Dodge County would reciprocate with temporary help in the future when the Hayfield facility has needs.

Mr. Elmquist stated understanding the next meeting with Fairview is June 25th, he added this for the regular Board agenda for a possible Board determination. The County Administrator informed the Board that he has no recommendation at this point, as he's aware other options could be explored.

Fairview Care Center Business Office Manager Courtney Giesler and HR Coordinator Tessa Stevenson were available to comment on the interim Executive Director replacement proposal.

Motion by Kenworthy seconded by Toquam to approve and authorize the County Administrator to move forward with presenting the proposed Interim Replacement MOU to Kelly Ellis. Also included in the motion was authorization for the County Administrator and Executive Board, along with administrative staff from Fairview Care Center, to meet and further negotiate a

MOU with Ms. Ellis on behalf of the County Board as needed.

Motion Adopted [Unanimous]

**Guy Kohlhofer, County Engineer & Jessica Brennan, Highway Accountant
Road & Bridge 2023 Annual Report**

Mr. Kohlhofer and Ms. Brennan met with the Board to provide them with a 2023 road and bridge annual report.

Included in the Board packet was the completed 2023 annual report for fund 13, Road & Bridge. The report covered in detail the activities of the various accounts within the Road & Bridge Fund. The activities reported on are the revenues and expenditures necessary for the maintenance of the road and bridges within the county.

The Board thanked the County Engineer and Highway Accountant for the report.

Commissioner Kenworthy stated that he appreciated the work that went into putting the report together.

Motion No Vote

Paul Kiltinen, County Attorney

Legal Update

Mr. Kiltinen provided the Board with a legal update.

The County Attorney informed the Board that Waste Management is not taking their waste to Dodge County, they are taking it to Olmsted County. All garbage collected by haulers in Dodge County must be taken to the Dodge County Transfer Station for disposal.

Ms. Cornelius was present and reported there are a couple of ways they can deal with this. They can issue fines to Waste Management or they can suspend their hauler's license.

The County Attorney suggested waiting to see how Waste Management responds to being notified that they are in violation of their agreement to haul waste in Dodge County. Mr. Kiltinen reported this is a potential issue for the county.

Motion No Vote

**Catherine Grondin, Zoning Administrator & Elizabeth Harbaugh, SSTS Program
Manager**

Online Software

Ms. Grondin presented for the Board's consideration a request to approve an online software purchase.

The Cloudpermit software solution was discussed during the May 14th, 2024, Committee of the Whole meeting. During the meeting, two questions were raised by Commissioners, which were forwarded to Brian Liszka, Regional Sales Manager for Cloudpermit. Below are his answers:

Question 1 - Data privacy: *Client is sole owner of their data, Cloudpermit does not sell or share data with any 3rd parties.*

Question 2 - Code enforcement label: *The submission portal can be changed to say whatever you like, there doesn't need to be a reference to code enforcement (public view). Additionally, the renaming of modules should be available later this year in an update (municipal staff view).*

Included in the Board packet was a 3-year contract with the associated fee schedule for the Board's consideration. The contract was reviewed by the County Attorney, Paul Kiltinen. Mr. Kiltinen's comments were included with the Board memo.

Also included with the memo were the Cloudpermit brochures for the permitting and enforcement modules. A 3-year contract with Cloudpermit for online permitting (Building module) would be \$5,000 a year and the implementation fee (one-time payment) would be \$1,500. For enforcement (Code Enforcement module), the yearly cost would be \$1,500 and the implementation fee (one-time payment) would be \$750.

Cost summary:

Year 1: \$8,750

Year 2: \$6,500

Year 3: \$6,500

The first year would be paid for using the existing Environmental Services 2024 budget from Zoning and Septic.

Environmental Services would like to enter into a contract with Cloudpermit this year. This would allow for the implementation phase and all required training to be conducted in 2024 in order to have online permitting available to the public starting January 1st, 2025.

Commissioner Allen reported that he is not supportive of purchasing code enforcement software.

The Zoning Administrator informed the Board that the software will be used to keep better track of enforcement issues and for office purposes at this point.

Motion by Kenworthy seconded by Toquam to approve and authorize the Zoning Administrator to sign a 3-year agreement with Cloudpermit for online permitting software as recommended.

Motion Adopted [2 to 1]

Catherine Grondin, Zoning Administrator

CUP #21-05 Hasley (Amend)

Ms. Grondin presented for the Board's consideration CUP #21-05 Hasley (Amend).

Motion by Kenworthy seconded by Toquam to approve of the following action of the Planning and Zoning Commission as reviewed on June 5, 2024 with the reasons, recommendations and conditions as found in the individual permit:

CUP #21-05 Hasley (Amend)

The first public hearing is to consider an application for an amendment to Conditional Use Permit #21-05 to allow for the expansion of an existing deck, the change in business hours, and the addition of a year-round reception hall for an existing Agritourism Business event center in the Agricultural District on approximately 10 acres located in Section 11, Ashland Township. The applicant is Aaron Hasley, and the current property owner is Divanyx Event Center LLC.

RECOMMENDATIONS

The applicant is put on notice that violation of any of the conditions of the CUP may result in amendment or termination of the permit. In the event the permit is terminated, the business shall be required to cease until the applicant re-applies for and obtains a new CUP. If the Planning Commission approves the applicant's request, the following conditions are recommended:

1. Operation will comply with all local, state, and federal regulations regarding the proposed use of the property.
2. The permittee, event host, all subcontractors and/or any employee working for the permittee, event host, or subcontractor shall be properly licensed and/or permitted by the state for all event activities and services provided on site.
3. For the business as proposed in 2021, a septic system with a drainfield be designed and installed per MN Rules 7080-7083. ~~Should a kitchen be added, an external grease trap will need to be installed prior to the septic tank for the kitchen generated waste.~~ The septic system is to be held under an Operating Permit with the County and a monitoring contract with a Licensed Service Provider.
4. The Ag Covenant shall be signed and recorded prior to the first scheduled event.
5. All waste generated on site shall be properly disposed of in accordance with the Dodge County Solid Waste Ordinance and MPCA rules.
6. The driveway and adequate space to turn-around shall be left open to allow access to emergency vehicles during events.
7. The permittee shall obtain insurance to adequately address the Inherent Risks and activities from the Agritourism Business. A copy of proof of insurance shall be submitted to the Environmental Services Department on an annual basis to be kept on file with the Conditional Use Permit.

8. Any change involving the addition of new business-related structures or employees beyond that specified in the Conditional Use Permit, enlargement, intensification of the use or similar changes not specifically permitted by the CUP shall require an amended CUP to be issued.
9. The business shall comply with the conditions of this permit and meet all the criteria of Chapter 16.7 (performance standards for Agriculturally Oriented Business & Agritourism Activities).
10. The business shall comply with the Nuisance Standards of the Dodge County Zoning Ordinance. Nuisance complaints shall result in review of the CUP by the Planning Commission.
11. Hours and days of operation shall be as indicated by the applicant in the Findings of Fact. The permittee shall keep a log of all scheduled events on site. The log shall include the type of event, event host contact information, date of event, hours of the event and temporary permit number (if non-profit) or license number of the caterer, when alcohol is involved as part of any event. In addition, the permittee shall notify the Dodge County Sheriff's Office prior to any catered event. Notification shall include the information required in the event log.
12. Hosting events out of a structure, under the state of Minnesota code is an assembly use. Therefore, the applicant will be required to provide documentation that all structures used for the public or any employees, as well as, the grounds meet all Department of Labor and Industries (DLI) Accessibility, Building and Fire Codes. This is mandatory from a State level and not optional.
13. ~~If a sign is erected in association with the Agritourism business, it shall be no more than sixteen (16) square feet, no greater than ten (10) feet above grade and must be located upon the applicant's property no closer than ten (10) feet from the road right of way. Any signs proposed on the property shall comply with Chapter 17, section 17.24 of the Dodge County Zoning Ordinance.~~
14. The owner shall ensure to their best and reasonable ability that dust is controlled to the satisfaction of Ashland Township and the adjacent property owner.
15. ~~To mitigate dust, noise, and vibration impacts, to adjacent dwellings, traffic exiting from the north (primary) parking lot shall be directed north on 200th Avenue and traffic exiting from the south (overflow) parking lot shall be directed south on 200th Avenue.~~
15. The business shall comply with the Nuisance and General Health, Safety, and welfare Standards of Chapter 17. Complaints shall result in review of the CUP by the Planning Commission and may result in amendment or termination of the permit, depending upon the severity of the issue.

16. Any well upon the site that provides drinking water to employees, or the public shall meet all drinking water standards or the business/activity shall provide alternative drinking water sources. The well shall meet all Minnesota Department of Health standards for non-transient public water supplies, when applicable. It is possible that the active well will need to be registered as a non-community water supply with the Minnesota Department of Health. Any new well or modifications to the existing well would need to comply with the Minnesota Department of Health's regulations.
17. The permittee shall comply with the access requirements of Ashland Township.
18. At least one (1) business owner or event coordinator shall be on site at all times during events.
19. If located on neighboring properties, access easements shall be recorded for both the north and south accesses providing access to the applicant's property.
20. There shall be no more than one (1) event on site on any given day.
- ~~21. The reception hall building shall be designed to maintain the farm character of the property. The Environmental Services Department shall be provided with the exterior design for review and approval prior to construction.~~
- ~~22. The reception hall building shall be served by a separate septic system, which shall meet the recommendations and requirements of the SSTS Program Manager, Dodge County Zoning Ordinance and MN Rules 7080-7083.~~
213. Water meters shall be installed in all business use structures that generate sewage and graywater. A diagram including the location of all bathrooms, sinks, handwash sinks and any sewage and graywater water appliances (clothes washer, dishwasher etc.) will need to be submitted to the SSTS Program Manager.

Motion Adopted [Unanimous]

IUP #24-04 Thomforde

Ms. Grondin reviewed with the Board IUP #24-04 Thomforde.

Motion by Toquam seconded by Kenworthy to approve of the following action of the Planning and Zoning Commission as reviewed on June 5, 2024 with the reasons, recommendations and conditions as found in the individual permit:

IUP #24-04 Thomforde

The second public hearing is to consider an application for Interim Use Permit #24-04 for a request to establish a dwelling on less than 53 acres in the Ag District. The proposed property to be split would be approximately 3.10-acres located in Section 8, Milton Township. The applicant is Lawrence Thomforde, and the property owners are Lawrence and Sandra Thomforde.

RECOMMENDATIONS

The Environmental Services Staff recommends approval of the Interim Use Permit (I.U.P.) as the request meets the ordinance requirements and criteria.

The following conditions are recommended:

1. An Ag Covenant shall be signed and recorded prior to issuance of the Zoning Permit.
2. A Septic Permit shall be required prior to issuance of the Zoning Permit.
3. The access and driveway shall adhere to the requirements of the Minnesota Department of Transportation (MnDOT). MnDOT shall approve of the location of the access and driveway prior to submitting a Zoning Permit application.
4. A Dodge County Zoning Permit shall be obtained before construction.
5. An address shall be obtained from the Dodge County Road Authority.

Motion Adopted [Unanimous]

ZA #24-03 Park Ordinance

Ms. Grondin presented for the Board's consideration ZA #24-03 Park Ordinance.

Commissioner Kenworthy thanked Ms. Grondin for her work on the Park Ordinance.

Commissioner Kenworthy offered the following resolution (#2024-21), seconded by Commissioner Toquam:

WHEREAS, performance standards for Public Recreational Lands and Trails currently exist in Chapter 16 (Performance Standards), Section 16.42 of the Dodge County Zoning Ordinance which is enforced by the Environmental Services Department; and

WHEREAS, these performance standards have become outdated as new issues have arisen and new parkland has been developed; and

WHEREAS, the amendment of Chapter 18 (Administration) could allow the County to adopt and administer public recreation fees; and

WHEREAS, these types of amendments serve to correct existing issues and assist staff and the public in ordinance interpretation and administration; and

WHEREAS, a summary of the language to be amended in Chapter 16 (Performance Standards) and Chapter 18 (Administration) has been published in the legal newspaper on May 23rd, 2024 and posted upon the county website; and

WHEREAS, a public hearing on the proposed amendments was held by the Dodge County

Planning Commission on June 5th, 2024; and

WHEREAS, the Dodge County Planning Commission found the draft language to be consistent with the Dodge County Comprehensive Land Use Plan; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments to Chapters 16 (Performance Standards) and 18 (Administration) to the Dodge County Board of Commissioners; and

WHEREAS, the Dodge County Board of Commissioners adopted the proposed amended Chapters (Performance Standards) and 18 (Administration) at its June 11th, 2024 meeting.

THEREFORE, BE IT RESOLVED, that the County Board of Dodge County hereby adopts the amendments to Chapter 16 (Performance Standards) and Chapter 18 (Administration) of the Dodge County Zoning Ordinance.

Resolution Adopted [Unanimous]

Lauren Cornelius, Environmental Services Director & Rita Cole, Waste Management Administrator

Sustainable Building and Materials Management Grant Program

Ms. Cornelius reported they are meeting with the Board to request permission to apply for the Sustainable Building and Materials Management Grant Program to further complete the Dodge County Renovation ReUse Building for year-round use.

Grant Funding:

Sustainable Building and Materials Management Grant Program

- Application deadline: June 20th, 2024
- Grant request: \$200,000.00
- Match: \$50,000.00
- Project Total: \$250,000.00

Motion by Kenworthy seconded by Toquam to approve and authorize Environmental Services to apply for the Sustainable Building and Materials Management Grant Program on behalf of Dodge County as requested.

Motion Adopted [Unanimous]

Jim Elmquist, County Administrator

Personnel Agenda Reviewed

Mr. Elmquist presented the Personnel Agenda for the Board's consideration.

Motion by Kenworthy seconded by Toquam to approve the following personnel actions and authorization for Ms. Hager and Mr. Elmquist to use a recruiter to find a replacement for F.1 - Fairview Care Center Administrator:

- A. Highway**
- A.1 Tate Miller - Seasonal Maintenance
Authorization to employee at A13 step 6 \$17.96 to fill approved vacancy.
Effective Date: 6/10/24
- B. Sheriff's Office**
- B.1 Isaac Gronseth - Transport Officer
Authorization to employee at B21 step 1 \$19.05 to fill approved vacancy.
Effective Date: 5/28/24
- B.2 Amy Amidon - Records Support Specialist
No longer employed.
Effective Date: 5/23/24
- B.3 Records Support Specialist
Authorization to post and fill vacancy.
Effective Date: 6/11/24
- B.4 David Miller - 911 Dispatcher
Authorization to employ at B23 step 1 \$24.71 to fill approved vacancy.
Effective Date: 6/17/24
- B.5 Stephanie French - Patrol Sergeant
Step increase from C43 step 3 \$39.97 to C43 step 4 \$40.76.
Effective Date: 12/19/23
- C. Public Health**
- C.1 Madison Snitker - Health Educator
Step increase from C41 step 8 \$30.19 to C41 step 7 \$31.35.
Effective Date: 6/6/24
- D. Land Records**
- D.1 Breea Hare - Recorder Office Supervisor
Status change from Senior Deputy Recorder Abstractor B24 step 3 \$28.50 to Recorder Office Supervisor C42 step 8 \$34.98.
Effective Date: 10/01/24
- E. Extension**
- E.1 Alyson Laganier - Administrative Assistant
No longer employed.
Effective Date: 6/7/24
- F. Fairview Care Center**
- F.1 Amy Thompson - Fairview Care Center Administrator
No longer employed.
Effective Date: 7/2/24
- F.2 Fairview Care Center Administrator
Authorization to post and fill vacancy.
Effective Date: 6/11/24

Motion Adopted [Unanimous]

Administrator Update

The County Administrator reported that as the Board can see, on this Personnel Agenda, the Administration Assistant for Extension has resigned. In a conversation with Lisa Dierks,

Regional Director for Southeast Minnesota, Lisa Hager and himself, Mr. Elmquist asked about the replacement of the position and learned that if the county wishes, this position can become an Extension position like all other members in the office rather than a county position. Approximately 12 years ago, the County Administrator inquired with the then SE Regional Extension Director if this was an option as all personnel in the office are State employees and was told this was not an option. At a recent meeting with Mr. Elmquist and Ms. Hager, Lisa Dierks informed them that this is allowable and there are multiple counties who have it this way. Finding a replacement for this position would be addressed in a Memorandum of Understanding (MOU) and the cost includes salary, fringe, mileage, professional development and if there were a situation that required payment of unemployment, this would be an Extension cost. Ms. Hager and Mr. Elmquist believe this would make a lot of sense for the county if the Board is agreeable.

Included in the Board packet was a quick cost analysis done by Nichole Farnsworth.

The County Administrator stated if the Board is open to a revised MOU, Lisa Dierks indicated she would bring this request to them at the July 9, 2024 meeting for this consideration.

Commissioner Peterson arrived at the meeting at 10:13 a.m.

The County Attorney left the meeting at 10:16 a.m.

Motion by Toquam seconded by Kenworthy to approve and authorize the County Administrator and Employee Relations Director to move forward with creating a MOU with the University of Minnesota to fill the Dodge County Administrative Assistant opening in Extension.

Motion Adopted [Unanimous]

Discussion on Guidelines for Outside Agency Funding

Mr. Elmquist reported that at the last meeting there was a presentation by the Dodge County Community Foundation. Included in the Board packet is the MN State Auditor's Statement of Position on Donation and Dues that Lisa Kramer provided which was also referenced by a few other counties for their rules on whether or not a county can/should contribute to another agency.

Essentially, without guidelines, this is what Dodge County resorts to when determining eligibility. The rest is a policy decision.

A question was posed to several counties on whether or not they had guidelines regarding this issue and only a few responded by email or by call. Below is a list of what was communicated from the other counties:

Mower County: (response included in the Board packet) but stated they reference statute.

Wabasha County: No guidelines and are seeing an influx of requests so "if you find something, please share."

Fillmore: Reference statute.

Stearns: No criteria (response included in Board packet).

Aitkin: No criteria (response included in Board packet).

Commissioner Allen stated that he was not supportive of giving the Dodge County Community Foundation \$10,000, he would rather give them \$500 a year to help get the foundation up and running. Commissioner Allen was also concerned with appropriating money to the Dodge County Community Foundation and the possibility of others coming to the County requesting startup funding as well.

Commissioner Kenworthy commented this is what a foundations do, they approach businesses and government agencies for donations or appropriations when they need start-up money.

Commissioner Toquam informed the Board that she was impressed with the fact that this foundation had four particular areas that they wanted to focus on (emergency response services, parks & recreation, education, and community events). Ms. Toquam stated she understands that they need to do this appropriation right and that the Board doesn't want to encourage others who are looking for funding to come to the county to ask for money. Commissioner Toquam reported that ultimately, emergency services could fall back on the county if things don't improve.

Commissioner Peterson stated he is supportive of the \$10,000 allocation to the Dodge County Community Foundation, however he also noted the county can't guarantee that they'll have the \$500 allocation that Commissioner Allen suggested per year.

It was the general consensus of the group to further discuss allocation requests during budget discussions.

Motion No Vote

Lisa Kramer, Finance Director

EDIAM Identified Official w/Authority Resolution

Ms. Kramer informed the Board that the Minnesota Department of Education (MDE) will be modernizing several of the County Auditor submissions through a new reporting portal called the County Auditor Reporting Data Submissions (CARDS). The CARDS project will produce a web-based automated data reporting tool that County Auditors will use to deliver data to MDE for use by School Finance in a variety of reporting and calculation functions. This new reporting system will be in lieu of receiving and submitting the current Excel documents via email. The first report that will use CARDS is the Six-Month Abatement Report due to MDE by July 15th, and then MDE will modernize the School Tax Report, the County Apportionments Report, Tax Increment Financing (TIF) Report, Taconite Report, and the Year-End Abatement Report. MDE will roll additional information out on the reports as submission deadlines become closer.

In order to ensure authorized users are submitting data on behalf of the Counties, each County Auditor or designated staff will have to create an account within MDE's security system: Education Identity and Access Management (EDIAM). Access to the CARDS system cannot be granted unless there is an EDIAM account.

The proposed resolution was supplied by MDE for County Boards to use to designate an Identified Official of Authority. All of the listed reports are ones the Finance Director submits, so she is requesting that the Board appoint her as the Identified Official of Authority.

Commissioner Kenworthy offered the following resolution (#2024-22), seconded by Commissioner Peterson:

WHEREAS, the Minnesota Department of Education (MDE), Professional Educator Licensing Standards Board (PELSB), and Office of Higher Education (OHE) require annual designation of an Identified Official with Authority (IOwA) for each local educational agency that uses the Education Identity and Access Management (EDIAM) system. The IOwA is responsible for authorizing, reviewing, and recertifying user access for their local educational agency in accordance with the State of Minnesota Enterprise Identity and Access Management Standard, which states that all user access rights to Minnesota state systems must be reviewed and recertified at least annually. The IOwA will authorize user access to State of Minnesota Education secure systems in accordance with the user's assigned job duties, and will revoke that user's access when it is no longer needed to perform their job duties.

Your school board or equivalent governing board must designate an IOwA to authorize user access to State of Minnesota Education secure websites for your organization. This EDIAM board resolution must be completed and submitted to the Minnesota Department of Education annually, as well as any time there is a change in the assignment of the Identified Official with Authority.

WHEREAS, it is strongly recommended that only one person at the local educational agency or organization (the superintendent or exec. director) is designated as the IOwA. The IOwA will grant the IOwA Proxy role(s).

Designation of the Identified Official with Authority for Education Identity and Access Management

NOW THEREFORE BE IT RESOLVED,

Organization Name: **Dodge County**

6-Digit or 9-Digit Organization Number (e.g. 1234-01 or 1234-01-000): **0020-91**

Superintendent or Exec. Director Name: **Jim Elmquist**

Will act as the IOwA? _____ Yes ___**X**___ No

If no, identify below the individual who will act as the IOwA for your organization.

The Superintendent or Exec. Director recommends the Board authorize the below named individual(s) to act as the Identified Official with Authority (IOwA) for this organization:

Print Name: **Lisa Kramer**

Title: **Finance Director**

Resolution Adopted [Unanimous]

Bills Reviewed

Ms. Kramer reviewed bills with the Board.

Motion by Toquam seconded by Kenworthy to approve the bills as discussed in the following amounts from the appropriate funds as determined by Finance:

01	Revenue Fund	\$ 90,638.09
13	Road and Bridge Fund	\$ 121,860.84
16	Environmental Quality Fund	<u>\$ 121,388.41</u>
	Total	\$ 524,683.27

Motion Adopted [Unanimous]

Administration Committee Report - Commissioner John Allen

Commissioner Allen presented a summary of the Administration Committee report and action items.

Commissioners provided their agency reports. Commissioner Allen attended a SEMREX meeting. Commissioner Kenworthy attended a retirement reception for Pat Adamson, a Fair Board meeting, a road tour and a SEMNECB meeting. Commissioner Peterson attended an AMC District 7 meeting, a State Advisory Council on Mental Health and a Dodge County road tour. Commissioner Tjosaas was not available to report his meeting attendance. Commissioner Toquam attended a SCHA Joint Powers Board meeting, a road tour, a SCHA Policy Committee meeting and a Board meeting.

Motion No Vote

Pull-Tabs Gambling Permit(s)

K-M Snowdrifters are requesting gambling permits for pull-tabs to be held on July 17- July 21 during the Dodge County Fair. They also are requesting a permit for September 5 - September 7 during the Big Iron Classic. The pull-tabs will take place at Dodge County Fairgrounds, 62922 State Hwy 57, Kasson, MN 55944.

It is Ms. Marquardt's recommendation that the County Board set forth a motion to approve pull-tabs Gambling Permits for K-M Snowdrifters and to sign the resolution for the gambling permits.

Commissioner Kenworthy offered the following resolution (#2024-23), seconded by Commissioner Peterson:

BE IT RESOLVED that approval for Premises Permit Renewal Application has been given to the following:

1. K-M Snowdrifters, Kasson, Minnesota to conduct gambling (Pull-tabs) at Dodge County Fairgrounds (Dodge County Agricultural and Mechanical , 62922 State Hwy 56, Kasson, Minnesota for the dates of July 17 - 21 and September 5 - 7, 2024.

Resolution Adopted [Unanimous]

There were no Other Deferred Business items to discuss.

Motion No Vote

Jim Elmquist, County Administrator

Closed Session

Motion by Peterson seconded by Kenworthy to closed the meeting to the public at 10:50 a.m. to discuss a possible offer on properties per Minnesota Stat. § 13D.03; 13D.05, Subd. 3.

Motion Adopted [Unanimous]

Meeting Opened to the Public

Motion by Peterson seconded by Kenworthy to open the meeting to the public at 10:59 a.m.

Motion Adopted [Unanimous]

Adjourn

The Chair adjourned the meeting at 10:59 a.m.

The next meeting of the Dodge County Board of Commissioners will be held on June 25, 2024 at 5:00 p.m.

CITY OF MANTORVILLE, MINNESOTA
Summary of Financial Report - Year 2023

The purpose of this report is to provide a summary of financial information concerning the City of Mantorville to interested citizens. The complete financial statements may be examined at the City Hall, 21 5th Street East. Questions about this report should be directed to Gretchen Lohrbach, City Clerk Treasurer (507) 635-5170.

Receipts and Disbursements for General Operations
(Governmental Funds)

	Total 2023	Total 2022	Percent Increase (Decrease)
RECEIPTS			
Property taxes	602,168	552,912	9%
Special Assessments	6,332	34,536	-82%
Licenses and permits	20,193	34,161	-41%
Fines and forfeits	1,449	964	50%
Intergovernmental	390,102	393,062	-1%
Charges for services	118,280	111,663	6%
Interest Income	37,749	18,985	99%
Miscellaneous	49,134	33,521	47%
Total Receipts	<u>1,225,407</u>	<u>1,179,804</u>	
Per Capita	1,103	1,062	
DISBURSEMENTS			
General government	278,661	244,034	14%
Public safety	215,212	209,448	3%
Public Works	145,559	168,290	-14%
Culture and recreation	91,721	105,786	-13%
Economic development	41,289	81,057	-49%
Debt service	73,667	86,230	-15%
Unallocated			
Capital Outlay	413,065	767,236	-46%
Total Disbursements	<u>1,259,174</u>	<u>1,662,081</u>	
Per Capita	1,133	1,496	
Total Long-term Indebtedness	2,318,220	2,467,220	-6%
Per Capita	2,087	2,221	-6%
General Fund and Special Revenue Funds			
Fund Balance December 31, 2023	1,435,153	1,497,520	-4%
Per Capita	1,292	1,348	-4%



MINNESOTA

OFFICE OF CANNABIS MANAGEMENT



A Guide for Local Governments on Adult-Use Cannabis



**Version 1.2
June 25, 2024**

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Introduction

This guide serves as a general overview of **Minnesota’s new adult-use cannabis law**, and how **local governments** can expect to be involved. The guide also provides important information about Minnesota’s new Office of Cannabis Management (OCM), and the office’s structure, roles, and responsibilities. While medical cannabis continues to play an important role in the state’s cannabis environment, this guide is primarily focused on the adult-use cannabis law and marketplace.

The following pages outline the variety of cannabis business licenses that will be issued, provide a broad summary of important aspects of the adult-use cannabis law, and cover a wide range of expectations and authorities that relate to local governments. This guide also provides best practices and important requirements for developing a local cannabis ordinance.

Chapter 342 of Minnesota law was established by the State Legislature in 2023 and was updated in 2024. Mentions of “adult-use cannabis law” or “the law” throughout this guide refer to Chapter 342 and the changes made to it.

As of this guide’s date of publication, state regulations governing the adult-use cannabis market have not yet been published—**this document will be updated** when such regulations become effective.



This guide is not a substitute for legal advice, nor does it seek to provide legal advice. Local governments and municipal officials seeking legal advice should consult an attorney.

About OCM

Minnesota's **Office of Cannabis Management** is the state regulatory office created to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis market, and the consumer hemp industry. Housed within OCM are the **Division of Medical Cannabis** (effective July 1, 2024), which operates the medical cannabis program, and the **Division of Social Equity**, which promotes development, stability, and safety in communities that have experienced a disproportionate, negative impact from cannabis prohibition and usage.



OCM, through Chapter 342, is tasked with establishing rules and policy and exercising its regulatory authority over the Minnesota cannabis industry. In its duties, OCM is mandated to:

- Promote public health and welfare.
- Protect public safety.
- Eliminate the illicit market for cannabis flower and cannabis products.
- Meet the market demand for cannabis flower and cannabis products.
- Promote a craft industry for cannabis flower and cannabis products.
- Prioritize growth and recovery in communities that have experienced a disproportionate, negative impact from cannabis prohibition.

OCM governs the application and licensing process for cannabis and hemp businesses, specific requirements for each type of license and their respective business activities, and conducts enforcement and inspection activities across the Minnesota cannabis and hemp industries.

License Types

Minnesota law allows for **13** different types of business licenses, each fulfilling a unique role in the cannabis and hemp supply chain. In addition to license types below, OCM will also issue endorsements to license holders to engage in specific activities, including producing, manufacturing, and sale of medical cannabis for patients.

Microbusiness

Microbusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Microbusiness may also operate a single retail location.

Mezzobusiness

Mezzobusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may also operate up to three retail locations.

Cultivator

Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

Manufacturer

Manufacturers may manufacture cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer.

Retailer

Retailers may sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp products, and other products authorized by law to customers and patients.

Wholesaler

Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business.

Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

License Types (continued)

Transporter

Transporters may transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

Testing Facility

Testing facilities may obtain and test immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis businesses.

Event Organizer

Event organizers may organize a temporary cannabis event lasting no more than four days.

Delivery Service

Delivery services may purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

Medical Cannabis Combination Business

Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package such products for sale to customers, patients, or another licensed cannabis business. Medical cannabis combination businesses may operate up to one retail location in each congressional district.

Lower-Potency Hemp Edible Manufacturer

Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.

Lower-Potency Hemp Edible Retailer

Lower-potency hemp edible retailers may sell lower-potency hemp edibles to customers.

Each license is subject to further restrictions on allowable activities. Maximum cultivation area and manufacturing allowances vary by license type. Allowable product purchase, transfer, and sale between licensees are subject to restrictions in the law.

The Adult-Use Cannabis Law

Minnesota's new adult-use cannabis law permits the personal use, possession, and transportation of cannabis by those 21 years of age and older, and allows licensed businesses to conduct cultivation, manufacturing, transport, delivery, and sale of cannabis and cannabis products.

For Individuals

- **Possession limits:**
 - Flower - 2 oz. in public, 2 lbs. in private residence
 - Concentrate - 8 g
 - Edibles (including lower-potency hemp) - 800 mg THC
- **Consumption** only allowed on private property or at licensed businesses with on-site consumption endorsements. Consumption not allowed in public.
- **Gifting** cannabis to another individual over 21 years old is allowed, subject to possession limits.
- **Home cultivation** is limited to four mature and four immature plants (eight total) in a single residence. Plants must be in an enclosed and locked space.
- **Home extraction** using volatile substances (e.g., butane, ethanol) is not allowed.
- **Unlicensed sales** are not allowed.



For Businesses

- **Advertising:**
 - May not include or appeal to those under 21 years old.
 - Must include proper warning statements.
 - May not include misleading claims or false statements.
 - Billboards are not allowed.
- The flow of all products through the supply chain must be tracked by the state-authorized **tracking system**.
- All products sold to consumers and patients must be **tested for contaminants**.
- **Home delivery** is allowed by licensed businesses.



The Cannabis Licensing Process

An applicant will take the following steps to proceed from application to active licensure. As described, processes vary depending on social equity status and/or whether the type of license being sought is capped or uncapped in the general licensing process.

License Preapproval: Early Mover Process for Social Equity Applicants

The license preapproval process is a one-time application process available for verified social equity applicants. State law requires OCM to open the application window on July 24, 2024, and close the window on August 12, 2024. The preapproval process is available for the following license types, and all are capped in this process: microbusiness, mezzobusiness, cultivator, retailer, wholesaler, transporter, testing facility, and delivery service.

Preapproval steps:

1. Applicant's social equity applicant (SEA) status verified.
2. Complete application and submit application fees.
3. Application vetted for minimum requirements by OCM.
4. Application (if qualified) entered into lottery drawing.
5. If selected in lottery, OCM completes background check of selected applicant and issues license preapproval.
6. Applicant with license preapproval* submits business location and amends application accordingly.
7. OCM forwards completed application to local government.
8. Local government completes certification of zoning compliance.
9. OCM conducts site inspection.
10. When regulations are adopted, license becomes active, operations may commence.

*For social equity applicants with license preapproval for microbusiness, mezzobusiness, or a cultivator license, they may begin growing cannabis plants prior to the adoption of rules if OCM receives approval from local governments in a form and manner determined by the office. This is only applicable to cultivation and does not authorize retail sales or other endorsed activities of the licenses prior to the adoption of rules.

The Cannabis Licensing Process (cont.)

The general licensing process will align with the adoption of rules and OCM will share more information about the timing of general licensing process. The general licensing process includes social equity applicants and non-social equity applicants.

General Licensing: Cultivator, Manufacturer, Retailer, Mezzobusiness

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. Application (if qualified) entered into lottery drawing.
4. If selected in lottery, OCM completes background check of selected applicant and issues preliminary approval.
5. Applicant with preliminary approval submits business location and amends application accordingly.
6. OCM forwards completed application to local government.
7. Local government completes certification of zoning compliance.
8. OCM conducts site inspection.
9. License becomes active, operations may commence.*

General Licensing: Microbusiness, Wholesaler, Transporter, Testing Facility, Event Organizer

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. For qualified applicants, OCM completes background check of vetted applicant and issues preliminary approval.
4. Selected applicant submits business location and amends application accordingly.
5. OCM forwards completed application to local government.
6. Local government completes certification of zoning compliance.
7. OCM conducts site inspection.
8. License becomes active, operations may commence.*

*For businesses seeking a retail endorsement (microbusiness, mezzobusiness, and retailer), a valid local retail registration is required prior to the business commencing any retail sales. See Page 16 for information on the local retail registration process.

General Authorities

Local governments in Minnesota have various means of oversight over the cannabis market, as provided by the adult-use cannabis law. Local governments may not issue outright bans on cannabis business, or limit operations in a manner beyond what is provided by state law.

Cannabis Retail Restrictions (342.13)

Local governments may limit the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality, as long as there is **at least one retail location per 12,500 residents**. Local units of government are not obligated to seek out a business to register as cannabis business if they have not been approached by any potential applicants, but cannot prohibit the establishment of a business if this population requirement is not met. Local units of government may also issue more than the minimum number of registrations. Per statutory direction, a municipal cannabis store (Page 19) cannot be included in the minimum number of registrations required. For population counts, the state demographer estimates will likely be utilized.

Tribal Governments (342.13)

OCM is prohibited from and will not issue state licenses to businesses in Indian Country without consent from a tribal nation. Tribal nations hold the authority to license tribal cannabis businesses on tribal lands – this process is separate than OCM’s licensing process and authority. Subject to compacting, Tribal nations may operate cannabis businesses off tribal lands. There will be more information available once the compacting processes are complete.

Taxes (295.81; 295.82)

Retail sales of taxable cannabis products are subject to the state and local sales and use tax and a 10% gross receipts tax. Cannabis gross receipts tax proceeds are allocated as follows: 20% to the local government cannabis aid account and 80% to the state general fund. Local taxes imposed solely on sale of cannabis products are prohibited.

Cannabis retailers will be subject to the same real property tax classification as all other retail businesses. Real property used for raising, cultivating, processing, or storing cannabis plants, cannabis flower, or cannabis products for sale will be classified as commercial and industrial property.

General Authorities (cont.)

Retail Timing Restrictions (342.13)

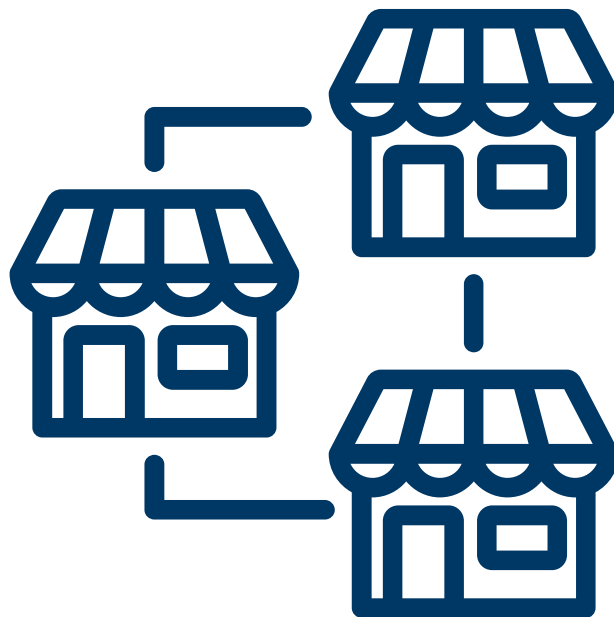
Local governments may prohibit retail sales of cannabis between the hours of 8 a.m. and 10 a.m. Monday-Saturday, and 9 p.m. and 2 a.m. the following day.

Operating Multiple Locations with One License

Certain cannabis licenses allow for multiple retail locations to be operated under a single license, with the following limitations:

- **Retailers:** up to five retail locations.
- **Mezzobusinesses:** up to three retail locations.
- **Microbusinesses:** up to one retail location.
- **Medical cannabis combination businesses:** one retail location per congressional district. Additionally, medical cannabis combination businesses may cultivate at more than one location within other limitations on cultivation.

For all other license types, one license permits the operation of one location. Each retail location requires local certification and/or registration.



Zoning and Land Use

Buffer Guidelines (342.13)

State law does not restrict how a local government conducts its zoning designations for cannabis businesses, except that they may prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including playgrounds and athletic fields.

Zoning Guidelines

While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite, and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Industrial hemp is an agricultural product, and should be zoned as such.

Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business. Note that certain types of licenses may be able to perform multiple activities which may have different zoning analogues. In the same way municipalities may zone a microbrewery that predominately sells directly to onsite consumers differently than a microbrewery that sells packaged beer to retailers and restaurants, so too might a municipality wish to zone two microbusinesses based on the actual activities that each business is undertaking. Table 1, included on Pages 13 and 14, explains the types of activities that cannabis businesses might undertake, as well as, some recommended existing zoning categories.

Zoning and Land Use (cont.)

Table 1: Cannabis and Hemp Business Activities

Endorsed Activity	License Type Eligible to Do Endorsed Activity	Description of Activity	Comparable Districts	Municipal Considerations
Cultivation	Cultivator Mezzobusiness Microbusiness Medical Cannabis Combination	"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.	Indoor: Industrial, Commercial, Production Outdoor: Agricultural	Odor Potential need for transportation from facility Waste, water, and energy usage Security
Cannabis Manufacturing, Processing, Extraction	Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This group of endorsed activities turn raw, dried cannabis and cannabis parts into other types of cannabis products, e.g. edibles or topicals.	Industrial, Commercial, Production	Odor Potential need for transportation from facility Waste, water, and energy usage Security
Hemp Manufacturing	Lower-Potency Hemp Edible (LPHE) Manufacturing	These business convert hemp into LPHE edible products.	Industrial, Commercial, Production	Odor Waste, water, and energy
Wholesale	Wholesale Cultivator Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This activity and license type allows a business to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail.	Industrial, Commercial, Production	Need for transportation from facility Security

Zoning and Land Use (cont.)

Table 1: Cannabis and Hemp Business Activities (continued)

Endorsed Activity	License Type Eligible to Do Endorsed Activity	Description of Activity	Comparable Districts	Municipal Considerations
Cannabis Retail	Retail Mezzobusiness Microbusiness Medical Cannabis Combination	This endorsed activity and license types allow a business to sell cannabis and cannabis products directly to consumers.	Retail, Neighborhood Shopping Districts, Light Industrial, Existing districts where off-sale liquor or tobacco sales are allowed.	Micros may offer onsite consumption, similar to breweries. Micros and Mezzos may include multiple activities: cultivation, manufacture, and/or retail.
Transportation	Cannabis Transporter	This license type allows a company to transport products from one license type to another.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Delivery	Cannabis Delivery	This license type allows for transportation to the end consumer.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Events	Event Organizer	This license entitles license holder to organizer a temporary event lasting no more than four days.	Anywhere that the city permits events to occur, subject to other restrictions related to cannabis use.	On site consumption. Retail sales by a licensed or endorsed retail business possible.

Local Approval Process

Local governments play a critical role in the licensing process, serving as a near-final approval check on cannabis businesses nearing the awarding of a state license for operations. Once an applicant has been vetted by OCM and is selected for proceeding in the verification process, they are then required to receive the local government's certification of zoning compliance and/or local retail registration before operations may commence.



Local Certification of Zoning Compliance (342.13; 342.14)

Following OCM's vetting process, local governments must **certify** that the applicant with preliminary approval has achieved **compliance with local zoning ordinances** prior to the licensee receiving final approval from OCM to commence operations.

During the application and licensing process for cannabis businesses, OCM will notify a local government when an applicant intends to operate within their jurisdiction and request a certification as to whether a proposed cannabis business complies with local zoning ordinances, and if applicable, whether the proposed business complies with state fire code and building code.

According to Minnesota's cannabis law, a local unit of government has 30 days to respond to this request for certification of compliance. If a local government does not respond to OCM's request for certification of compliance within the 30 days, the cannabis law allows OCM to issue a license. OCM may not issue the final approval for a license if the local government has indicated they are not in compliance.

OCM will work with local governments to access the licensing software system to complete this zoning certification process.

Local Approval Process (cont.)

Local Retail Registration Process (342.22)

Once the licensing process begins, local government registration applies to cannabis retailers or other cannabis/hemp businesses seeking a retail endorsement. Local governments must issue a retail registration after verifying that:

- The business has a valid license or license preapproval issued by OCM.
- The business has paid a registration fee or renewal fee to the local government;
 - Initial registration fees collected by a local government may be \$500 or half the amount of the applicable initial license fee, whichever is less, and renewal registration fees may be \$1,000 or half the amount of the applicable renewal license fee, whichever is less.
- The business is found to be in compliance with Chapter 342 and local ordinances.
- If applicable, the business is current on all property taxes and assessments for the proposed retail location.

Local registrations may also be issued by counties if the respective local government transfers such authorities to the county.

Determining a Process for Limiting Retail Registrations

If a local government wishes to place a limitation on the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality (as long as there is at least one retail location per 12,500 residents, see Page 10), state law does not define the process for a local government's selection if there are more applicants than registrations available. A few options for this process include the use of a lottery, a first-come/first-serve model, a rolling basis, and others. Local governments should work with an attorney to determine their specific process for selection if they wish to limit the number of licensed cannabis retailers per 342.13. Local governments are not required to limit the number of licensed cannabis retailers.

Local Approval Process (cont.)

Local governments are permitted specific authorities for registration refusal and registration suspension, in addition to—and not in conflict with—OCM authorities.

Registration and Renewal Refusals

Local governments may refuse the registration and/or certification of a license renewal if the license is associated with an individual or business who no longer holds a valid license, has failed to pay the local registration or renewal fee, or has been found in noncompliance in connection with a preliminary or renewal compliance check.



Local Registration Suspension (342.22)

Local governments may suspend the local retail registration of a cannabis business or hemp business if the business is determined to not be operating in compliance with a local ordinance authorized by 342.13 or if the operation of the business poses an immediate threat to the health and safety of the public. The local government must immediately notify OCM of the suspension if it occurs. OCM will review the suspension and may reinstate the registration or take enforcement action.

Expedited Complaint Process (342.13)

Per state law, OCM will establish an expedited complaint process during the rulemaking process to receive, review, read, and respond to complaints made by a local unit of government about a cannabis business. Upon promulgation of rules, OCM will publish the complaint process.

At a minimum, the expedited complaint process shall require the office to provide an initial response to the complaint within seven days and perform any necessary inspections within 30 days. Within this process, if a local government notifies OCM that a cannabis business poses an immediate threat to the health or safety of the public, the office must respond within one business day.

Inspections & Compliance Checks

Local governments are permitted specific business inspection and compliance check authorities, in addition to—and not in conflict with—OCM authorities.

Inspections and Compliance Checks (342.22)

Local governments must conduct **compliance checks** for cannabis and hemp businesses holding retail registration **at least once per calendar year**. These compliance checks must verify compliance with age verification procedures and compliance with any applicable local ordinance established pursuant to 342.13. OCM maintains inspection authorities for all cannabis licenses to verify compliance with operation requirements, product limits, and other applicable requirements of Chapter 342.



Municipal Cannabis Stores

As authorized in Chapter 342.32, local governments are permitted to apply for a cannabis retail license to establish and operate a municipal cannabis store.

State law requires OCM issue a license to a city or county seeking to operate a single municipal cannabis store if the city or county:

- Submits required application information to OCM,
- Meets minimum requirements for licensure, and
- Pays applicable application and license fee.

A municipal cannabis store will not be included in the total count of retail licenses issued by the state under Chapter 342.

A municipal cannabis store cannot be counted as retail registration for purposes of determining whether a municipality's cap on retail registrations imposed by ordinance.



Creating Your Local Ordinance

As authorized in 342.13, a local government may adopt a local ordinance regarding cannabis businesses. Establishing local governments' ordinances on cannabis businesses in a timely manner is critical for the ability for local cities or towns to establish local control as described in the law, and is necessary for the success of the statewide industry and the ability of local governments to protect public health and safety. The cannabis market's potential to create jobs, generate revenue, and contribute to economic development at the local and state level is supported through local ordinance work. The issuance of local certifications and registrations to prospective cannabis businesses is also dependent on local ordinances.

- Local governments may not prohibit the possession, transportation, or use of cannabis, or the establishment or operation of a cannabis business licensed under state law.
- Local governments may adopt reasonable restrictions on the time, place, and manner of cannabis business operations (see Page 11).
- Local governments may adopt interim ordinances to protect public safety and welfare, as any studies and/or further considerations on local cannabis activities are being conducted, until January 1, 2025. A public hearing must be held prior to adoption of an interim ordinance.
- If your local government wishes to operate a municipal cannabis store, the establishment and operation of such a facility must be considered in a local ordinance.



Model Ordinance

For additional guidance regarding the creation of a cannabis related ordinance, please reference the addendum in this packet.

Additional Resources

OCM Toolkit for Local Partners

Please visit OCM webpage (mn.gov/ocm/local-governments/) for additional information, including a toolkit of resources developed specifically for local government partners. The webpage will be updated as additional information becomes available and as state regulations are adopted.

These resources are also included in the addendum of this packet.

Toolkit resources include:

- Appendix A: Model Ordinance
- Appendix B: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist
- Appendix C: Enforcement Notice from the Office of Cannabis Management
- Appendix D: Notice to Unlawful Cannabis Sellers

Local Organizations

There are several organizations who also have developed resources to support local governments regarding the cannabis industry. Please feel free to contact the following for additional resources:

- League of Minnesota Cities
- Association of Minnesota Counties
- Minnesota Public Health Law Center

Appendix A: Model Ordinance

Cannabis Model Ordinance

The following model ordinance is meant to be used as a resource for cities, counties, and townships within Minnesota. The italicized text in red is meant to provide commentary and notes to jurisdictions considering using this ordinance and should be removed from any ordinance formally adopted by said jurisdiction. Certain items are not required to be included in the adopted ordinance: 'OR' and (optional) are placed throughout for areas where a jurisdiction may want to consider one or more choices on language.

Section 1	Administration
Section 2	Registration of Cannabis Business
Section 3	Requirements for a Cannabis Business (Time, Place, Manner)
Section 4	Temporary Cannabis Events
Section 5	Lower Potency Hemp Edibles
Section 6	Local Government as a Retailer
Section 7	Use of Cannabis in Public

AN ORDINANCE OF THE (CITY/COUNTY OF _____) TO REGULATE CANNABIS BUSINESSES

The (city council/town board/county board) of (city/town/county) hereby ordains:

Section 1. Administration

1.1 Findings and Purpose

(insert local authority) makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes (insert local authority) to protect the public health, safety, welfare of (insert local here) residents by regulating cannabis businesses within the legal boundaries of (insert local here).

(insert local authority) finds and concludes that the proposed provisions are appropriate and lawful land use regulations for (insert local here), that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

A county can adopt an ordinance that applies to unincorporated areas and cities that have delegated authority to impose local zoning controls.

(insert local authority) has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of

a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of (insert local here).

(Optional) (insert city here) has delegated cannabis retail registration authority to (insert county here). However, (insert city here) may adopt ordinances under Sections (2.6, 3 and 4) if (insert county here) has not adopted conflicting provisions.

1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.4 Enforcement

The elected body of a jurisdiction can choose to designate an official to administer and enforce this ordinance.

The (insert name of local government or designated official) is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.

4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the (insert local here) to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

A city or town can delegate authority for registration to the County. A city or town can still adopt specific requirement regarding zoning, buffers, and use in public places, provided said requirements are not in conflict with an ordinance adopted under the delegated authority granted to the County.

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within (insert local here) without first registering with (insert local here).

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of (up to \$2,000) for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

2.2 Compliance Checks Prior to Retail Registration

A jurisdiction can choose to conduct a preliminary compliance check prior to issuance of retail registration.

Prior to issuance of a cannabis retail business registration, (insert local here) (shall/shall not) conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, (insert local here) shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

2.3 Registration & Application Procedure

2.3.1 Fees.

(insert local here) shall not charge an application fee.

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by (insert local here) shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2.3.2 Application Submittal.

The (insert local here) shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- v. (insert additional standards here)

(B) The applicant shall include with the form:

- i. the application fee as required in [Section 2.3.1];
 - ii. a copy of a valid state license or written notice of OCM license preapproval;
 - iii. (Insert additional standards here)
- (C) Once an application is considered complete, the (insert local government designee) shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
- (D) The application fee shall be non-refundable once processed.

2.3.3 Application Approval

- (A) (Optional) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- (B) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The (insert local here) shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this/these [chapter/section/ordinances].

The (insert local here) shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

2.3.5 Location Change

A jurisdiction may decide to treat location changes as a new registration, or alternatively treat a location change as allowable subject to compliance with the rest of the registration process.

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of (insert local here).

or

If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of (insert local here), it shall notify (insert local here) of the proposed location change, and submit necessary information to meet all the criteria in this paragraph.

2.4 Renewal of Registration

The (insert local here) shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by (insert local here).

A cannabis retail registration issued under this ordinance shall not be transferred.

2.4.1 Renewal Fees.

The (insert local here) may charge a renewal fee for the registration starting at the second renewal, as established in (insert local here)'s fee schedule.

2.4.2 Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.
- Insert additional items here

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

The (insert local here) may suspend a cannabis retail business's registration if it violates the ordinance of (insert local here) or poses an immediate threat to the health or safety of the public. The (insert local here) shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM.

The (insert local here) shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide (insert local here) and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 Length of Suspension.

A jurisdiction can wait for a determination from the OCM before reinstating a registration.

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The (insert local here) may reinstate a registration if it determines that the violations have been resolved.

The (insert local here) shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the (insert local here) may impose a civil penalty, as specified in the (insert local here)'s Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

A jurisdiction may choose to set a limit on the number of retail registrations within its boundaries. The jurisdiction may not however, limit the number of registrations to fewer than one per 12,500 residents.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within (insert local legal boundaries here).

(Optional) If (insert county here) has one active cannabis retail businesses registration for every 12,500 residents, the (insert local here) shall not be required to register additional state-licensed cannabis retail businesses.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to (insert number <= minimum required).

Section 3. Requirements for Cannabis Businesses

State Statutes note that jurisdictions may “adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business.” A jurisdiction considering other siting requirements (such as a buffer between cannabis businesses, or a buffer from churches) should consider whether there is a basis to adopt such restrictions.

3.1 Minimum Buffer Requirements

A jurisdiction can adopt buffer requirements that prohibit the operation of a cannabis business within a certain distance of schools, daycares, residential treatment facilities, or from an attraction within a public park that is regularly used by minors, including a playground or athletic field. Buffer requirements are optional. A jurisdiction cannot adopt larger buffer requirements than the requirements here in Section 3.1. A jurisdiction should use a measuring system consistent with the rest of its ordinances, e.g. from lot line or center point of lot.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-1,000] feet of a school.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a day care.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a residential treatment facility.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

(Optional) The (insert local here) shall prohibit the operation of a cannabis retail business within [X] feet of another cannabis retail business.

Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

3.2 Zoning and Land Use

For jurisdictions with zoning, said jurisdiction can limit what zone(s) Cannabis businesses can operate in. As with other uses in a Zoning Ordinance, a jurisdiction can also determine if such use requires a Conditional or Interim Use permit. A jurisdiction cannot outright prohibit a cannabis business. A jurisdiction should amend their Zoning Ordinance and list what zone(s) Cannabis businesses are permitted in, and whether they are permitted, conditional, or interim uses. While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business.

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.3 Hours of Operation

A jurisdiction may adopt an ordinance limiting hours of operation between 10 a.m. and 9 p.m., seven days a week, and that State statute prohibits the sale of cannabis between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays.

(Optional) Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of (insert time here) and (insert time here).

3.4 (Optional) Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by (insert local here)'s sign ordinances.

Section 4. Temporary Cannabis Events

Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event.

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 License Required.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events.

A license or permit is required to be issued and approved by (insert local here) prior to holding a Temporary Cannabis Event.

4.1.2 Registration & Application Procedure

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

4.1.3 Application Submittal & Review.

The (insert local here) shall require an application for Temporary Cannabis Events.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. (Insert additional standards here)
- (B) The applicant shall include with the form:
 - i. the application fee as required in (Section 4.1.2);
 - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the (insert local authority), or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

- (C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
- (D) The application fee shall be non-refundable once processed.
- (E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

A jurisdiction may establish standards for Temporary cannabis events which the event organizer must meet, including restricting or prohibiting any on-site consumption. If there are public health, safety, or welfare concerns associated with a proposed cannabis event, a jurisdiction would presumably be authorized to deny approval of that event.

- **Insert standards here**

(G) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(H) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The (insert city/town/county) shall notify the applicant of the standards not met and basis for denial.

(Optional) Temporary cannabis events shall only be held at **(insert local place)**.

(Optional) Temporary cannabis events shall only be held between the hours of **(insert start time)** and **(insert stop time)**.

Section 5. (Optional) Lower-Potency Hemp Edibles

A jurisdiction can establish different standards or requirements regarding Low-Potency Edibles. A jurisdiction can consider including the following section and subsections in their cannabis ordinance.

5.1 Sale of Low-Potency Hemp Edibles

The sale of Low-Potency Edibles is permitted, subject to the conditions within this Section.

5.2 Zoning Districts

If sales are permitted, a jurisdiction can limit what zone(s) the sales of Low-Potency Edibles can take place in. A jurisdiction can also determine if such activity requires a Conditional or Interim Use permit.

Low-Potency Edibles businesses are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

5.3 (Optional) Additional Standards

5.3.1 Sales within Municipal Liquor Store.

A jurisdiction that already operates a Municipal Liquor Store may sell Low-Potency Edibles within the same store.

The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.

5.3.2 Age Requirements.

A jurisdiction is able to restrict the sale of Low-Potency Edibles to locations such as bars.

The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.

5.3.3 Beverages.

The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this Section.

5.3.4 Storage of Product.

A jurisdiction is able to set requirements on storage and sales of Low-Potency Edibles.

Low-Potency Edibles shall be sold behind a counter, and stored in a locked case.

Section 6. (Optional) Local Government as a Cannabis Retailer

(insert local here) may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 2.6.

(insert local here) shall be subject to all same rental license requirements and procedures applicable to all other applicants.

Section 7 Use in Public Places

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Appendix B: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist



Office of Cannabis Management
Department of Health

Hemp Flower and Hemp-Derived Cannabinoid Product Checklist

Minnesota Statute 18K.02, Definitions

Minnesota Statute 152.01, Subdivision 9

Minnesota Statute 151.72, Sale of Certain Cannabinoid Products

Minnesota Statute 152.0264, Cannabis Sale Crimes

Minnesota Statute 342.09, Personal Adult Use of Cannabis

Question	Yes	No	Comments	Additional Information
Business License and Registration Compliance				
Is the business registered with the Minnesota Department of Health?				All businesses selling hemp-derived cannabinoid products must be registered. See Hemp-Derived Cannabinoid Products (www.health.state.mn.us/people/cannabis/edibles/index.html)
If the business offers on-site consumption, do they have a liquor license?				Local authorities issue on-site consumption licenses. These are required for all businesses permitting on-site consumption of THC.
Product Compliance – All Products				
Does the business ensure that all sales are made to persons 21 years old or older?				Only persons 21 years of age or older may purchase hemp-derived cannabinoid products, with the exception of topicals. These products may be sold to anyone.
Does the business have all edible cannabinoid products, except beverages, behind the counter or in a locked cabinet?				Businesses must ensure all edible cannabinoid products are secure and inaccessible to customers.

Question	Yes	No	Comments	Additional Information
<p>Only delta-8 and delta-9 are allowed for human consumption. Does the business sell edibles or beverages with any other intoxicating cannabinoids?</p>				<p>MIDH has identified products containing many different intoxicating cannabinoids, such as HHC, THC-O, THC-P, PHC, delta-10, delta-11, delta-8p, delta-9p, etc. The product must contain only delta-8 and/or delta-9.</p>
<p>Does the business sell any edible products that are similar to a product marketed to or consumed by children?</p>				<p>Edible products that appear similar to candy or snacks marketed toward or consumed by children are not allowed.</p>
<p>Does the label on the edible or beverage state “Keep out of reach of children”?</p>				<p>All products must include the warning label “Keep out of reach of children.”</p>
<p>Is the manufacturer’s name, address, website, and contact phone number included on the label or provided through a QR code?</p>				<p>If not, the product is not in compliance.</p>
<p>Does the QR code on the product bring the user to a Certificate of Analysis on the website, which includes the name of the independent testing laboratory, cannabinoid profile, and product batch number?</p>				<p>All products must be tested by batch in an independent, accredited laboratory. The results must include the cannabinoid profile.</p>
<p>Does the label on the product indicate the cannabinoids by serving and in total?</p>				<p>The label must indicate the potency by individual serving as well as in total.</p>

Question	Yes	No	Comments	Additional Information
Does the label on the product make any claim the product offers any kind of health benefit?				Health claims are not permitted on hemp or cannabis products unless approved by the FDA. At this time, there is not an approved statement.
Does the label on the product state that the product does not claim to diagnose, treat, cure or prevent any disease?				The manufacturer cannot claim the product will provide any health benefit unless the product has been formally approved by the FDA.
Does the business sell CBD (or other forms of cannabidiol) in the form of a softgel, tablet, or tincture?				Non-intoxicating cannabinoids may only be sold in the form of an edible, beverage, or topical. Therefore, softgels and tablets cannot be sold. Tinctures must be labeled as either an edible or beverage and comply with the edible or beverage requirements.
Product Compliance – Edibles				
Does the edible product contain more than 5 mg delta-8 and/or delta-9 per serving?				Edibles may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the edible product package/container contain more than 50 mg total THC (delta-8 and/or delta-9)?				Edibles may not exceed 50 mg total delta-8 or delta-9 per package. The edible cannot contain any other form of THC or intoxicating cannabinoid.
Are all the edible product's servings clearly marked, wrapped, or scored <u>on</u> the product?				Edible product servings must be clearly distinguished on the product. Bulk products that require the consumer to measure are not allowed.

Question	Yes	No	Comments	Additional Information
Does the business sell any edible products in the shape of bears, worms, fruits, rings, ribbons?				Edibles in shapes that appeal to children are not allowed.
Is the edible product in a child-proof, tamper-evident, opaque container?				All edibles must be in a container that is child-resistant and tamper evident. If the container is clear, the business must place the edible into an opaque bag at the point of sale. Clear bags are not allowed.
Product Compliance - Beverages				
Does the beverage product contain more than 5 mg delta-8 or delta-9 per serving?				Beverages may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the beverage product contain more than 2 servings?				Beverages cannot exceed two servings, regardless of the THC potency.
Is the beverage product in an opaque container?				If the beverage is in a clear container, the business must place the beverage in an opaque bag at the point of sale.
Product Compliance – Smokables (non-flower)				
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain more than 0.3% THC?				<p>A product’s certificate of analysis will show the concentration of THC the product contains. The certificate typically is found through the QR code on the product package. In MDH’s experience, most vapes contain 50% - 90%+ THC.</p> <p>Pre-rolls may consist of raw hemp flower. These products are not regulated by 151.72. However, if a pre-roll is labeled as “infused” or “coated” have additional cannabinoids applied to the material, of which the product typically exceeds the 0.3% THC limit.</p>

Question	Yes	No	Comments	Additional Information
Does the business sell vapes, pre-rolls, dabs, or other smokeable products that contain other intoxicating cannabinoids, such as HHC?				MN Statutes do not allow any cannabinoid, other than delta-8 or delta-9, to be sold if the cannabinoid is intended to alter the structure or function of the body. HHC is a cannabinoid known to have potency greater than THC.
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain CBD?				Non-intoxicating cannabinoids cannot be smoked, vaped, or inhaled.
Product Compliance – Flower				
Does the business sell raw hemp flower?				<p>Raw hemp flower must contain 0.3% or less of delta-9 on a dry weight basis. Products exceeding 0.3% delta-9 dry weight are marijuana, and are illegal for sale.</p> <p>THC-A is the non psychoactive precursor to delta-9. Once heated THC-A converts to delta-9. In that process some amount of THC-A is lost.</p> <p>To determine whether, once heated, the hemp flower will exceed the allowable 0.3% of delta-9, one can use a decarboxylation formula which takes into account the conversion of THC-A into delta-9.</p> <p>That formula is as follows: Total THC = (0.877 X THC-A) + d-9 THC</p> <p>Raw flower must include a certificate of analysis to show testing below 0.3% delta-9.</p> <ul style="list-style-type: none"> • A lack of a certificate of analysis would constitute an illegal sale.

Question	Yes	No	Comments	Additional Information
				<ul style="list-style-type: none"> A certificate of analysis showing that under the decarboxylation formula that delta-9 would exceed the 0.3% threshold would also indicate the flower is cannabis and not hemp and therefore being sold illegally.
Product Compliance – On-Site Consumption				
If the business offers on-site consumption, do they serve the edible or beverage in its original packaging?				The business may not pour out or remove an edible from its original packaging.
If the business offers on-site consumption, do they mix a cannabis-infused beverage with alcohol?				The business may not mix cannabis-infused products with alcohol.
If the business offers on-site consumption, do they permit customers to remove from the premises products which have been removed from their original packaging?				Products which have been removed from their original packaging cannot be removed from the premises by the customer.

NOTE: If a person suspects that a hemp-derived cannabinoid product is being sold in violation of Minnesota law, they can use the complaint form at [Submitting Hemp-Derived Cannabinoid Product Complaints \(www.health.state.mn.us/people/cannabis/edibles/complaints.html\)](http://www.health.state.mn.us/people/cannabis/edibles/complaints.html).

Appendix C: Enforcement Notice from the Office of Cannabis Management

Enforcement Notice from the Office of Cannabis Management

Dear Registered Hemp Derived Cannabinoid Business:

The Office of Cannabis Management (OCM), established in 2023, is charged with developing and implementing the operational and regulatory systems to oversee the cannabis industry in Minnesota as provided in Minnesota Statutes Chapter 342.

When Minnesota legalized the sale of adult-use of cannabis flower, cannabis products, and lower-potency hemp edibles/ hemp-derived consumer products, the Minnesota Legislature included statutory provisions, [Minnesota Statutes, chapter 152.0264](#), making the sale of cannabis illegal until a business is licensed by OCM. The Office of Cannabis Management has not yet issued licenses for the cultivation, manufacture, wholesale, transportation or retail sale of cannabis, therefore any retail sales of cannabis products, including cannabis flower, are illegal.

The Office of Cannabis Management has received complaints of retailers selling cannabis flower under the label of hemp flower. Under an agreement between The Minnesota Department of Health (MDH) and OCM, inspectors from MDH will begin to examine any flower products being sold during their regular inspections to determine whether they are indeed hemp flower or cannabis flower.

In distinguishing between hemp and cannabis flower, OCM, consistent with federal rules and regulations related to hemp under 7 CFR 990.1, will consider the total concentration of THC post- decarboxylation, which is the process by which THC-A is converted into Delta-9 to produce an intoxicating effect. The examination of raw flower products will include reviewing the certificate of analysis for compliance in several areas, including:

Compliance with the requirement that raw flower listed for sale includes a Certificate of Analysis (COA). Products for sale without a COA will constitute an illegal sale.

A COA that affirms concentrations of 0.3% or less of Delta-9 on a dry weight basis. Products exceeding 0.3% Delta-9 dry weight are considered marijuana and are therefore illegal to sell.

A COA that confirms that the total levels of Delta-9 and THC-A after the decarboxylation process do not exceed 0.3%. A COA that indicates the raw flower will exceed 0.3 percent Delta-9 post-decarboxylation, or a subsequent test conducted by an independent laboratory utilized by OCM that confirms Delta-9 in excess of 0.3 percent will be considered illegal.

[Minnesota Statutes, Chapter 342](#) governs Minnesota’s cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4](#) prohibits the retail sale of cannabis flower and cannabis products “without a license issued under this chapter that authorizes the sale.”

To date, the Office of Cannabis Management has not issued any cannabis licenses, applications for licenses are expected to be available in the first half of 2025. As such, selling cannabis is a clear violation of law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6](#), OCM may assess fines in excess of a \$1 million for violations of this law. Likewise, under [Minnesota Statutes, chapter 342.19](#), OCM is empowered to embargo any product that it has “probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]” Furthermore, violations of law may be considered in future licensing decisions made by OCM.

As inspectors enter the field, we encourage you to review the products you are currently selling to ensure they fall within the thresholds outlined above. If you have any questions related to the products you are selling, please send an email to cannabis.info@state.mn.us.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "Charlene Briner", with a long horizontal flourish extending to the right.

Charlene Briner
Interim Director
Office of Cannabis Management

Appendix D: Notice to Unlawful Cannabis Sellers

Notice to Unlawful Cannabis Sellers

This notice is to inform you that your current course of action may run afoul of Minnesota law, and continuing this course of action may result in civil actions and potential criminal prosecution. To avoid such outcomes, you should immediately cease and desist any plans to engage in the unlicensed sale of cannabis and cannabis products.

[Minnesota Statutes, Chapter 342 \(www.revisor.mn.gov/statutes/cite/342\)](http://www.revisor.mn.gov/statutes/cite/342) governs Minnesota’s cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4) prohibits the retail sale of cannabis flower and cannabis products “without a license issued under this chapter that authorizes the sale.” To date the Office of Cannabis Management has not issued any retail, or other, cannabis licenses. As such, your plan to sell cannabis in a retail setting at this date would be in flagrant violation of the law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6), OCM may assess fines in excess of a \$1,000,000 for violations of this law.

Likewise, under [Minnesota Statutes, chapter 342.19 \(www.revisor.mn.gov/statutes/cite/342.19\)](http://www.revisor.mn.gov/statutes/cite/342.19), OCM is empowered to embargo any product that it has “probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]” It is believed that products attempted to be sold at your retail location might be distributed in violation of the law, and would therefore be subject to embargo by OCM. Under [Minnesota Statutes, chapter 342.19, subd. 2 \(www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2\)](http://www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2), once embargoed OCM “shall release the cannabis plant, cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product when this chapter and rules adopted under this chapter have been complied with or the item is found not to be in violation of this chapter or rules adopted under this chapter.”

While Minnesota has legalized the sale of adult-use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, the legislature did add new statutory provisions, [Minnesota Statutes, chapter 152.0264 \(www.revisor.mn.gov/statutes/cite/152.0264\)](http://www.revisor.mn.gov/statutes/cite/152.0264), making illegal the unlawful sale of cannabis. As there are not yet any licenses issued by OCM for the cultivation, manufacture, wholesale, transportation, or retail of cannabis, any sales of cannabis products in excess of the limits in 152.0264 is illegal.

If you are only planning to sell cannabinoid products that are derived from hemp, you should ensure that the sale of those products is consistent with [Minnesota Statutes, chapter 151.72 \(www.revisor.mn.gov/statutes/cite/151.72\)](http://www.revisor.mn.gov/statutes/cite/151.72), including but not limited to the requirement that your business be registered with the Commissioner of Health, and that all products are in compliance with the relevant statutes.

Finally, in addition to the state laws outlined above, please be aware that any retail location must be in compliance with local government ordinances and zoning requirements.

OCM takes seriously its charge to enforce Minnesota Statutes, Chapter 342, and its responsibility to ensure a safe and legal cannabis market. In order to avoid the above-described actions, all attempts to open a cannabis retail dispensary in Minnesota without the appropriate license should be ceased.

City **Mantorville**
 Date 6/1/2024 thru 6/30/2024

<u>Agency</u>	<u>Incident_Nr</u>	<u>Location</u>	<u>LocCity</u>	<u>Activity</u>
S	202400004108	1002 Hickory Ln	Mantorville	9-1-1 Hang Up Call
S	202400004067	1002 West St	Mantorville	Fraud
S	202400003909	1009 Walnut St	Mantorville	Ambulance Run
S	202400004423	1009 Walnut St	Mantorville	Ambulance Run
S	202400004498	1105 7th St W	Mantorville	Suspicious Activity
S	202400004578	1105 7th St W	Mantorville	Lost Animals
S	202400004070	129 State Hwy 57	Mantorville	Burning Permit
S	202400003926	203 Bergmann Dr	Mantorville	Ambulance Run
S	202400004274	22 6th St E	Mantorville	Assist Other Agency
S	202400003994	22 6th St E	Mantorville	Assist Other Agency
S	202400004002	22 6th St E	Mantorville	Miscellaneous
S	202400004010	22 6th St E	Mantorville	Warrants- Out of Co.
S	202400004020	22 6th St E	Mantorville	Violate/cond-release
S	202400004198	22 6th St E	Mantorville	Found Property
S	202400003936	220 6th St W	Mantorville	Property Damage
S	202400003952	22 6th St E	Mantorville	Weather Related Compl
S	202400004039	22 6th St E	Mantorville	Drug Court Order
TRN	202400000003	22 6th St E	Mantorville	TeST Only-No Resp Needed
S	202400004541	22 6th St E	Mantorville	TeST Only-No Resp Needed
S	202400004507	320 Main St N	Mantorville	Public Assist
S	202400004150	320 Main St N	Mantorville	Traffic
S	202400004276	320 Mantor Dr	Mantorville	Suspicious Activity
S	202400004546	320 4th St W	Mantorville	Lost Property
S	202400004102	320 Main St N	Mantorville	Other Driving Complai
S	202400004300	320 Main St N	Mantorville	Evacuation/gas Leak
S	202400004548	320 Main St N	Mantorville	Evacuation/gas Leak
S	202400004330	401 Walnut St	Mantorville	Ambulance Run
S	202400003934	522 Eagle Ct	Mantorville	Ambulance Run
K	202400001660	522 Eagle Ct	Mantorville	Assist Other Agency
S	202400004334	602 Clay St	Mantorville	Residence/business Ck
S	202400004266	611 East St	Mantorville	Residence/business Ck
S	202400004356	612 Chestnut St	Mantorville	Traffic Hazard
S	202400004647	614 Walnut St	Mantorville	Animal Comp
S	202400004398	704 6th St W	Mantorville	Paper Service
S	202400004193	721 Main St N	Mantorville	Trespassing
S	202400004547	721 Main St N	Mantorville	Disturbance
S	202400004016	721 Main St N	Mantorville	9-1-1 Hang Up Call
S	202400004557	715 Chestnut St	Mantorville	Alarm
S	202400004579	910 Adams St	Mantorville	Ambulance Run
S	202400003918	820 Hickory Ln	Mantorville	Animal Comp
K	202400001993	8th Ave Nw	Mantorville	Traffic
S	202400004128	715 Blanch St	Mantorville	Welfare Check
S	202400004494	812 Hickory Ln	Mantorville	Residence/business Ck
Total		43		