



**CITY OF OAK GROVE COUNCIL MEETING  
CITY COUNCIL CHAMBERS  
19900 NIGHTINGALE ST. NW  
Monday, July 10, 2023, at 6:00PM**

**AGENDA**

**CALL TO ORDER; PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

	<b>Present</b>	<b>Absent</b>
Mayor Rolf	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Bray Johnson	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Tradewell	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember West	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Wylie	<input type="checkbox"/>	<input type="checkbox"/>

**1. PUBLIC FORUM**

*Speakers are requested to come to the podium, state their name and address for the clerk's record, and limit their remarks to three minutes.*

**2. ANNOUNCEMENTS**

**3. SETTING OF REGULAR AGENDA**

*This is an opportunity to approve the regular agenda as presented or add/delete an agenda item by a majority vote of the Council members present.*

**4. APPROVAL OF JUNE 26, 2023 COUNCIL MINUTES**

**5. SHERIFFS REPORT – JUNE**

**6. CONSENT AGENDA**

*The Consent Agenda contains several items, which are acted upon by the Council in one motion. Upon request by any one Councilmember, City staff, or the public a consent agenda item may be removed and put on the regular agenda for discussion and consideration.*

- A. Claims and Accounts
- B. Resolution 23-083 Interim Use Permit Renewal - Sheppard

**7. FIRE DEPARTMENT**

- A. Resolution 23-084 Accepting Center Point Energy Community Safety Grant

**8. PUBLIC WORKS DEPARTMENT**

- A. Resolution 23-085 Authorizing Purchase of Snow Plow

**9. CITY ATTORNEY**

- A. Memo – Overview of Options to Regulate Adult Use Cannabis

**10. PLANNING DEPARTMENT**

- A. Resolution 23-086 Interim Use Permit Revocation - Thull

**11. CITY ADMINISTRATOR UPDATES & DISCUSSION ITEMS**

- A. Administrator Updates

**12. MAYOR/COUNCIL REQUESTS/UPDATES**

***The next Regular Meeting is scheduled for Monday, July 31, 2023, at 6:00 p.m.***

## 13. ADJOURNMENT

**OAK GROVE COUNCIL  
Regular Meeting Minutes  
Monday, June 26, 2023**

The Regular Meeting of the Oak Grove City Council was called to order by Mayor Rolf at 6:00 p.m. on Monday, June 26, 2023. Pledge of Allegiance was said, and roll call taken.

Present:	Weston Rolf, Mayor Angie Bray Johnson, Council Member Paul Tradewell, Council Member	John West, Council Member Mike Wylie, Council Member
Also Present:	Loren Wickham, City Administrator Jerry Auge, Assistant County Engineer Joe Sathe, City Attorney	Chuck Schwartz, City Engineer Michelle Pritchard, Anoka County Design Engineer Brad Johnson, Planning Commission Chair

**1. PUBLIC FORUM**

**2. ANNOUNCEMENTS**

Mayor Rolf noted Night to Unite would be on August 1, 2023 and you can register with the Anoka County Sherriff's office. Mayor Rolf, Council Member West, Council Member Tradewell, Councilmember Bray Johnson, and Park Commissioner West attended the Heart Safe training course.

**3. SETTING OF REGULAR AGENDA**

Administrator Wickham mentioned Resolution 23-081, Appointing Deputy Clerk, should be included in the Consent Agenda as Item G.

**MOTION MADE BY COUNCIL MEMBER WEST, SECOND BY COUNCIL MEMBER WYLIE TO APPROVE THE REGULAR AGENDA AS REVISED ABOVE. All in favor.**

**4. APPROVAL OF COUNCIL MINUTES**

- A. Regular Meeting June 12, 2023
- B. Work Session June 12, 2023

**MOTION MADE BY COUNCIL MEMBER TRADEWELL, SECOND BY COUNCIL MEMBER WEST TO APPROVE THE REGULAR MEETING AND WORK SESSION MINUTES. All in favor.**

**5. ACKNOWLEDGE RECEIPT OF COMMISSION AND COMMITTEE MINUTES**

- A. Parks Commission minutes for June 21, 2023

The Council acknowledged receipt of commission minutes.

**6. PETITIONS, INDIVIDUALS, PRESENTATIONS, AND INQUIRIES**

- A. Lake George Improvement District (LGID) Update – Juanita Reed-Boniface

Chair of the Lake George Improvement District Juanita Reed-Boniface reviewed the taxing authority of the LGID, and the board of directors. She explained what the LGID has done to address the aquatic plant control, lake levels, other in-lake studies, and services relating to Lake George. She added that the LGID works in partnership with the Anoka Conservation District, the Rum River Watershed District, Minnesota Department of Natural Resources, Anoka County Parks, Lake George Conservation Club, and the City of Oak Grove.

Ms. Reed-Boniface explained how curly leaf pondweed would be managed and treated. Boat inspections are a large educational resource for boaters. Anoka County Parks has begun day camps at Lake George and the Lake George Conservation Club has donated \$500 towards the camp supplies.

City Council June 26, 2023

B. Request for support from LGID for Aquatic Invasive Species (AIS) Treatment on Lake George  
Ms. Reed-Boniface asked the Council to renew the annual commitment of \$3,000 to be applied to the treatment of aquatic invasive species.

Ms. Reed-Boniface mentioned the LGID annual meeting would be held on August 15, 2023 at 6 p.m. at City Hall.

Council Member West stated he would be in favor of the renewal.

Council Member Bray Johnson asked how often the boat landing was staffed. Mr. Reed-Boniface replied the boat landing is opened from Memorial Day until Labor Day. Council Member Wylie added that it is not staffed during the weekend and seems to have less staff.

Council Member Bray Johnson asked if the staff members were hired by the Parks Department. Council Member Wylie explained that staff works under a grant program. Ms. Reed-Boniface noted the Parks Department is in charge of hiring.

Council Member Bray Johnson asked who potential applicants for the boat landing job to contact. Ms. Reed-Boniface stated the Anoka County Parks Department.

Mayor Rolf asked what the grant amount was that was received from Anoka County. Mr. Reed-Boniface did not know but added that she would follow-up.

**MOTION BY COUNCIL MEMBER WEST, SECOND BY COUNCIL MEMBER WYLIE TO APPROVE RESOLUTION 23-082 DONATING \$3,000 FROM THE PUBLIC BENEFIT FUND TO THE LAKE GEORGE IMPROVEMENT DISTRICT TO TREAT AQUATIC INVASIVE SPECIES ON LAKE GEORGE. All in favor.**

## **7. CONSENT AGENDA**

*The Consent Agenda contains several items, which are acted upon by the Council in one motion. Upon request by any one Councilmember, City staff, or the public a consent agenda item may be removed and put on the regular agenda for discussion and consideration.*

Council Member West requested to pull item A.

### ~~A. Claims and Accounts~~

- B. Resolution 23-075 Accepting Donation of Lot 3 Block 5, Menkveld's Riverdale Estates from Westphal Construction Co. Inc
- C. Resolution 23-076 Interim Use Permit Renewal -Atchison
- D. Resolution 23-077 Accepting Resignation of City Clerk
- E. Resolution 23-078 Accepting Resignation of Street Maintenance Worker
- F. Resolution 23-079 Interim Use Permit Renewal – Wahlstrom
- G. Resolution 23-081 Appointing Deputy City Clerk

**MOTION MADE BY COUNCIL MEMBER TRADEWELL, SECOND BY COUNCIL MEMBER BRAY JOHNSON TO APPROVE THE CONSENT AGENDA ITEMS B-G. All in favor.**

### **7A. Claims and Accounts**

Council Member West noted he would abstain from the vote as the claims include an invoice from his company for Fire Station #2 upgrades for access to the control system.

Administrator Wickham stated a payment of \$425 to PC2 Solutions has been added to the claims.

**MOTION BY COUNCIL MEMBER TRADEWELL, SECOND BY COUNCIL MEMBER BRAY JOHNSON TO APPROVE THE CLAIMS AND ACCOUNTS. Motion carried 4 ayes, 0 nays, 1 abstain. Council Member West abstained.**

## **8. CONSULTING ENGINEER**

A. Resolution 23-080 Partial Pay Request #1 for 2023 Street Improvements Project  
Engineer Schwartz presented the request to approve partial payment of \$391,725.81 for the 2023 Street Improvement Project which includes the overlay work at the Refuge, the Fern Hills neighborhood, the Curtis Addition, 204<sup>th</sup> Street, and Eidelweiss Street NW.

Council Member asked how much surplus would cover if the contract was not fulfilled. Engineer Schwartz replied it is a 5% retain of \$21,000.

Mayor Rolf noted moving forward, the cleanup could be better. Engineer Schwartz agreed and made a note of it.

**MOTION MADE BY COUNCIL MEMBER WEST, SECOND BY COUNCIL MEMBER TRADEWELL TO ADOPT RESOLUTION 23-080 PARTIAL PAY REQUEST #1 FOR 2023 STREET IMPROVEMENTS PROJECT. All in favor.**

B. Anoka County JPA for Construction Projects

Engineer Schwartz stated there are two JPAs for construction. The first JPA project is for the roundabout at CSAH 7 and CSAH 22 and the second JPA is for the bridge project. He explained ongoing costs include future maintenance of the trail, the center line in the roundabout and street lights. The total estimated cost for the roundabout is projected to be at \$2.8 million, the federal portion is \$1.35 million with the City's portion at \$179,176.51. The City's portion will be covered by Municipal State Aid Funds.

Council Member Tradewell asked if it was typical for the City to pay for the lighting even on a County road. Administrator Wickham stated it is typical to pay for ongoing electrical expenses.

Assistant County Engineer Jerry Auge replied it is a common practice for Anoka County to have cities pay for ongoing electrical expenses.

Council Member West asked what the projected cost would be for lighting. Anoka County Design Engineer Michelle Pritchard stated she did not know. Mr. Auge added the lights that are used are LED which are more cost effective. Administrator Wickham noted he would get an estimate.

Engineer Schwartz stated the bridge project is \$7 million with the City and JPA portion estimated at \$55,000.

Mayor Rolf expressed his desire for additional information regarding what the City portion would entail so the Council is more informed. Council Member West agreed.

Council Member Tradewell asked Mr. Auge if there would be two lanes and a roundabout up to County Road 22. Mr. Auge replied that the County is still looking at the section and submitted for additional funding.

Mayor Rolf asked if there was an update on the railroad crossings. Mr. Auge replied the closure of the rail road track crossing will occur on July 10 and will be closed for 10 working days.

C. Engineer Update

Engineer Schwartz explained there was project management team meeting for the intersection study for Nightingale Street NW, Flamingo Street NW, and Tamarack Street NW and would include minutes at an upcoming meeting.

**9. CITY ATTORNEY**

A. Attorney Updates – Overview of Options to Regulate Adult Use Cannabis

Attorney Sathe gave an update on the cannabis law. He explained the City could have an 18-month cannabis business moratorium which would establish a temporary pause on the establishment or operation of any business that deals with cannabis products. This would allow time for the State to establish its framework before licenses are already permitted. If the Council agreed to this, the moratorium would be valid until January 1, 2025.

Attorney Sathe explained the City has a moratorium on hemp products currently and will expire September 9, 2023 and does not have a way to extend it. The options are to let it expire and let the products be sold without regulation or enact a licensing framework which could include zoning. If zoning is enacted with regulations on the City licenses, City Staff will be able to inform the Council if there is an opportunity to enact the same zoning regulations on the State licenses. Attorney Sathe recommended using the Tabaco code as an example for regulations.

Council Member Tradewell asked if there were any guidelines on permit costs in order to sell cannabis products. Attorney Sathe replied there are guidelines for the maximum fees that can be charged for registration. He believed it was \$500 or \$5,000 for the license but would follow-up on the correct amount.

Mayor Rolf mentioned he would like to move forward with zoning regulations.

Attorney Sathe asked the Council if they would like to do licensing regulations as well. The Council agreed they would like to.

Council Member Wylie asked if there were business distancing regulations from youth buildings. Attorney Sathe explained the current regulations are 1,000 feet from schools and 500 feet from day cares, State license mental health facility or a park with a feature that attracts children including a playground or sports field.

Planning Commission Chair Johnson stated the Planning Commission has discussed the potential of an ordinance for zoning regulations and asked the City Staff to task the Planning Commission for their July meeting to continue to work on the ordinance so a public hearing could occur in August and the Council could vote on it in September. By having the vote in September, there would be no gap when the moratorium expires in September. He explained the Planning Commission has discussed having the fines and enforcement higher than alcohol businesses since there are currently no tests for intoxication levels.

Attorney Sathe pointed out that the Planning Commission meetings and City Council meetings did not line up to have a vote before the moratorium expires in September. Mr. Johnson stated he would work with Administrator Wickham to arrange the Planning Commission meetings in order to get information to the City Council sooner. He asked the Council to provide guidance on the direction they desired to go.

Council Member Wylie explained he would like to have the maximum distance from churches and daycares and signage limitations.

Council Member West suggested beginning at looking at existing commercial property.

Mr. Johnson mentioned the City would need to factor in the agricultural aspect of cannabis in the area and consider including something in the zoning ordinance.

Mayor Rolf asked if liquor stores are able to sell THC. Attorney Sathe replied that liquor stores can sell gummies, and beverages.

Mr. Johnson suggested considering if the zoning ordinance would be from the parcel line or from the address point.

Attorney Sathe explained cities are not allowed to regulate the content in signage ordinance but would look into the possibilities of what the City can do.

Council Member Tradewell asked if the same guidelines would apply to home businesses (IUP) as commercial businesses. Mr. Johnson stated the IUPs are restrictive with egress activities.

Council Member Bray Johnson asked if someone could have an online business selling cannabis products. Attorney Sathe replied there are delivery licenses but for the City licenses the Council would be able to decide to prohibit online sales or not. However, there is no licensing authority on what is brought into the City when it comes to online purchases.

## **10. FIRE DEPARTMENT**

Administrator Wickham gave an update on the Fire Department and explained the City applied for a grant through Center Point Energy and were awarded \$2,500 for a Community Safety Grant for water rescuing equipment.

## **11. PUBLIC WORKS DEPARTMENT**

Administrator Wickham stated there was nothing new to report regarding the Public Works Department.

Council Member Tradewell asked if it was a full-time employee that left. Administrator Wickham replied it was.

Mayor Rolf asked if all of the Lion's benches were installed. Administrator Wickham stated not all of them were installed yet.

## **12. PARKS**

Council Member Wylie gave an update on the Parks Commission. He noted the Parks Commission is getting quotes for a floating dock to cross the wetlands at Dunlop Park and asked the Parks Commission Chair to add more.

Parks Commission Chair Jerry Tri explained there is a trail that walks down to the cattail swamp and are working with a company in Center City to build a 150 foot dock bridge. If the dock was installed it would create an additional loop for the trail. The Park Commission is anticipating the bid will come in July or August and will take a day to install if approved.

Council Member Wylie explained the money for the benches came from the Oak Grove Lion's after it was disbanded last year.

## **13. PLANNING DEPARTMENT**

### **A. Interim Use Permit Revocation – Thull**

Administrator Wickham reviewed the history of the Interim Use Permit (IUP) and stated it was issued in 2019 and had issues with compliance. There was a Public Hearing to revoke the permit in October 2022 and ultimately decided to work with the property owner to give the owner time to come into compliance. The Planning Commission decided to table the item until May 2023 to give the property owner time to install a fence to enclose the business activity on the property. The property owner has two gaps in the fence to install custom gates but has had supply chain issues. The Planning Commission voted 5-1 to recommend to revoke the Interim Use Permit if it is not in compliance by June 26, 2023. The property owner was working to have a temporary solution and planned to have the custom gates finished by August 15. Staff recommends to work with the property owner since there has been progress.

Council Member Wylie stated the City zones lots residential instead of business which allows property owners to conduct business from their homes. He expressed that he felt torn on the issue.

Council Member West explained at some point the rules need to be enforced and would not be in favor for allowing the property owner more time.

Council Member Tradewell asked if the gates were required to be installed on June 26, 2023. Mr. Johnson replied the property owner was to come into compliance with the Interim Use Permit and provided additional guidance on how to come into complete compliance including having complete screening. He added that they gave the property owner sufficient time to come into compliance.

Mayor Rolf asked when the first complaint was made. Administrator Wickham noted there have been a number of complaints but a complaint in 2022 generated the notice letter to the property owner. He added that he was not able to view the property today to know if it was in compliance on June 26, 2023.

Council Member Bray Johnson noted the property owner spent \$10,000 for the fence and included additional trees to provide screening and agreed that the property owner is trying but did not make an effort to attend the City Council.

Mayor Rolf explained he personally has an Interim Use Permit and follows the regulations in order to keep the permit. He added if he was not in full compliance but was working to get there, he would make an effort to attend the Council meeting in order to explain how he is going to come into compliance. Resources and time of Staff are being wasted waiting for the property owner to come into compliance.

Council Member Wylie asked if the property owner could apply for the Interim Use Permit again when he is in compliance. Administrator Wickham replied he did not believe the code addressed that.

The Council discussed how they need to enforce the rules, that it is a privilege to have the permit and the amount of time the property owner had to come into compliance.

Council Member Bray Johnson asked how much it would cost to revoke the permit and have the property owner reapply. Administrator Wickham explained the cost cannot be calculated at the moment.

Administrator Wickham noted there was no resolution but could draft one after verifying the findings.

**MOTION BY COUNCIL MEMBER WEST, SECOND BY WYLIE TO DIRECT STAFF TO DRAFT A RESOLUTION WITH FINDINGS TO REVOKE THE INTERIM USE PERMIT FOR THE CITY COUNCIL TO CONSIDER AT THE JULY 10, 2023 CITY COUNCIL MEETING. All in favor.**

Council Member Bray Johnson gave an update on the Planning Commission and noted the next meeting would be on July 20, 2023.

**14. CITY ADMINISTRATOR UPDATES & DISCUSSION ITEMS**

**A. Administrator Updates**

Administrator Wickham noted there was discussion about closing City Hall one Friday a month during the summer months. The dates City Hall will be closed are June 30, July 14, and August 25.

Administrator Wickham stated there are almost 30 applicants for the Administrative Assistant position and hopes to have a recommendation during the next Council meeting on July 10.

Administrator Wickham asked the Council for newsletter content so it can be sent out mid-July.

Administrator Wickham noted a service was typing the City Council and Planning Commission minutes for the interim and was doing a good job. Council Member West asked if the service would be able to type the minutes for the Upper Rum River WMO. Administrator Wickham replied that he would follow up.

Administrator Wickham mentioned that Council Member Bray Johnson brought up the discussion of changing the size and lot size for accessory buildings and asked the Council to provide more direction for Staff.

Council Member Bray Johnson stated she posted on the Community page and received over 100 likes of people who were in support of making a change to the size requirements for accessory buildings. Out of 71 comments, there were a few negative comments regarding controlling regulations.

Council Member Wylie explained he was not in favor of it because when the regulations were originally created, it was due to many lots becoming residential. He added that he has not heard from any residents regarding the issue. By changing the lot sizes, it could create complications down the road on finding the size that would please everyone. Council Member West agreed and added the desire is for the building to not become bigger than the home.

Council Member Tradewell stated he did not like that a developer can average out the lots, which can create inconsistencies on who can build a pole barn on the property. He suggested getting rid of the average so everyone has the 2.5 acres to build on, require the builders to have 2.5 acre lots, or change the lot size regulations for accessory buildings.

Council Member Wylie explained he was in favor of not allowing developers to average out the lots and to require them to do lots 2.5 acres or more.



Council Member Bray Johnson noted there were property owners who came to the Planning Commission for variances who had 2.3 acre lots and were turned down and asked Administrator Wickham for additional information. Administrator Wickham stated since he has been here no one has applied for variance to exceed the maximum square footage for a lot, but if the Planning Commission was inclined to grant such a variance, they should consider changing the code.

Mr. Johnson added the Planning Commission uses the Practical Difficulties Test to determine if variance would be granted. There could be some tightening up on how the Planning Commission calculates the average and median lot sizes and would need direction from the Council.

Mayor Rolf stated he was not in support of the proposed changes because it was originally set as a regulation for a reason, and City Staff have too much on their plate to include looking into changing the regulations. He agreed with Council Member Tradewell's comments regarding developers averaging lot sizes and believes it should be a standard of 2.5 acres per lot.

The Council discussed the benefits of having a standard for developers to have 2.5 acre lots.

## **15. MAYOR/COUNCIL REQUESTS/UPDATES**

Mayor Rolf asked if the roof leak at Station 2 has been resolved. Administrator Wickham stated replied that he was not aware of it but would follow-up.

Mayor Rolf mentioned he would like to continue the discussion to make a decision about constructing a new fire station. Administrator Wickham added that the Council could do a work session to discuss.

Ted Thull, 21540 Linnet Street NW, stated he was at the meeting to discuss the IUP. He noted his focus is contracting such as roofing, siding and additions. Complaints should decrease as he continues to move in the direction of enclosing the area. Mayor Rolf explained that the Council passed a motion to have Staff draft a resolution to revoke the IUP. He stated the Council is willing to listen but it has been going on for too long.

Mr. Thull explained he provided more fencing than what was required which cost him \$9,000. He moved to the City in order to have a home based business and is working hard to meet the requirements.

The Council explained he still had the opportunity to apply for an IUP if he continued the work.

Council Member Bray Johnson asked if the gate was up yet. Mr. Thull stated it was not and had not planned on it since it was discussed at the previous meeting.

Mayor Rolf noted Mr. Thull could reapply once he is in compliance and added that the City has been working with him for years but compliance is not moving along fast enough. He mentioned it was not fair for the neighbors to have to deal with it. Mr. Thull explained that his next door neighbor had positive remarks for him.

***The next Regular Meeting is scheduled for Monday, July 10, 2023, at 6:00 p.m.***

## **16. ADJOURNMENT**

**MOTION MADE BY COUNCIL MEMBER TRADEWELL, SECOND BY COUNCIL MEMBER BRAY JOHNSON TO ADJOURN. Motion carried 4-1. Council Member West opposed. The meeting was adjourned at 8:21 p.m.**

Respectfully Submitted,

Loren Wickham  
City Administrator



CITY OF OAK GROVE

\*Check Summary Register©

7/10/2023

Name	Check Date	Check Amt
<b>10100 Primary Account</b>		
Unposted ABDO FINANCIAL SOLUTIONS	7/6/2023	\$6,383.00
Unposted AMERICAN PUMP COMPANY	7/6/2023	\$2,121.93
Unposted BERGLUND, BAUMGARTNER, KI	7/6/2023	\$5,706.83
Unposted CITY OF ST PAUL	7/6/2023	\$509.16
Unposted CITY OF ST. FRANCIS	7/6/2023	\$42,569.36
Unposted DANIEL BIESECKER	7/6/2023	\$55.59
Unposted EAGLE GARAGE DOOR	7/6/2023	\$510.00
Unposted ELITE SANITATION	7/6/2023	\$576.66
Unposted FEDERATED CO-OPS INC.	7/6/2023	\$858.77
Unposted HAM LAKE HARDWARE	7/6/2023	\$12.75
Unposted ISTATE TRUCK CENTER	7/6/2023	\$1,804.14
Unposted KENNEDY & GRAVEN, CHARTER	7/6/2023	\$416.25
Unposted LAKE RESTORATION, INC.	7/6/2023	\$3,000.00
Unposted MENARDS - ELK RIVER	7/6/2023	\$134.23
Unposted METRO PRODUCTS INC.	7/6/2023	\$18.75
Unposted METRO SALES INC.	7/6/2023	\$174.78
Unposted MN FIRE SVC CERTIFICATION B	7/6/2023	\$126.00
Unposted MN FIRE SVC CERTIFICATION B	7/6/2023	\$50.00
Unposted NORTH VALLEY, INC.	7/6/2023	\$391,725.81
Unposted OREILLY AUTO PARTS	7/6/2023	\$16.99
Unposted PACE ANALYTICAL SERVICES IN	7/6/2023	\$291.20
Unposted PAT JOHNSON	7/6/2023	\$248.00
Unposted S & S INDUSTRIAL SUPPLY	7/6/2023	\$33.63
Unposted SMITH BROTHERS DECORATIN	7/6/2023	\$184.75
Unposted TIMESAVER OFF SITE SECRETA	7/6/2023	\$276.00
Unposted TOTAL CONTROL SYSTEMS, INC	7/6/2023	\$28,056.00
Unposted TRUE NORTH STEEL, INC.	7/6/2023	\$1,504.32
Unposted Z SYSTEMS	7/6/2023	\$229.00
<b>Total Checks</b>		<b>\$487,593.90</b>



CITY OF OAK GROVE

**\*Check Detail Register©**  
7/10/2023

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
<b>10100 Primary Account</b>					
<b>0</b>	07/01/23	<b>ABDO FINANCIAL SOLUTIONS, LLC</b>			
E 101-41500-302		Accounting Services	\$6,383.00	473611	JULY 2023 SVC
		Total	\$6,383.00		
<b>0</b>	06/23/23	<b>AMERICAN PUMP COMPANY</b>			
E 611-49450-403		Repairs/Maint Veh & Equi	\$2,121.93	20385	Pump repair
		Total	\$2,121.93		
<b>0</b>	05/07/23	<b>BERGLUND, BAUMGARTNER, KIMBALL</b>			
E 101-41600-304		Legal Fees - Civil	\$5,706.83	20230705	June 2023 SVC
		Total	\$5,706.83		
<b>0</b>	06/15/23	<b>DANIEL BIESECKER</b>			
E 612-49460-438		Refunds and Reimbursme	\$55.59	10087851	REFUND OVERPAYMENT OF FINAL UTILITY
		Total	\$55.59		
<b>0</b>	06/08/23	<b>EAGLE GARAGE DOOR</b>			
E 101-43100-401		Repairs/Maint Buildings	\$510.00	8906	PW garage door repair
		Total	\$510.00		
<b>0</b>	07/06/23	<b>ELITE SANITATION</b>			
E 101-45100-410		Rentals/Leases	\$576.66	29716	5/28-6/24/23 Portables
		Total	\$576.66		
<b>0</b>	06/27/23	<b>FEDERATED CO-OPS INC.</b>			
E 101-43100-212		Motor Fuels	\$858.77	1790839	DYED DIESEL
		Total	\$858.77		
<b>0</b>	04/25/23	<b>HAM LAKE HARDWARE</b>			
E 101-42200-210		Operating/Office Supplies	\$5.69	957179	shop supplies
E 101-42200-210		Operating/Office Supplies	\$7.06	970374	shop supplies
		Total	\$12.75		
<b>0</b>	06/29/23	<b>ISTATE TRUCK CENTER</b>			
E 101-43100-403		Repairs/Maint Veh & Equi	\$1,804.14	R241080241	REPLACE CO2 SENSOR
		Total	\$1,804.14		
<b>0</b>	04/17/23	<b>JOHNSON, PAT</b>			
E 101-41100-340		Advertising	\$200.00	20230417	2023 SPRING NEWSLETTER
G 101-21711		Life Ins-Lincoln/NCPERS	\$48.00	6.668E+11	JUNE 2023 Premium
		Total	\$248.00		
<b>0</b>	03/03/22	<b>KENNEDY &amp; GRAVEN, CHARTERED</b>			
E 101-41600-304		Legal Fees - Civil	\$416.25	166398	AK15500001 OG GEN ADMIN
		Total	\$416.25		
<b>0</b>	05/31/23	<b>LAKE RESTORATION, INC.</b>			
E 208-49990-490		Contributions/Donations	\$3,000.00	INV038863	2023 LAKE GEORGE MILFOIL TREATMENT
		Total	\$3,000.00		
<b>0</b>	06/14/23	<b>MENARDS - ELK RIVER</b>			



CITY OF OAK GROVE

07/06/23 4:54 PM

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**\*Check Detail Register©**

7/10/2023

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 101-43100-210		Operating/Office Supplies	\$100.00	75583	MISC SHOP
E 101-45100-404		Repairs/Maint Equipment	\$34.23	76374	Bench Boards
		Total	\$134.23		
<b>0</b>	06/14/23	<b>METRO PRODUCTS INC.</b>			
E 101-43100-210		Operating/Office Supplies	\$18.75	174638	Misc Supplies
		Total	\$18.75		
<b>0</b>	06/21/23	<b>METRO SALES INC.</b>			
E 101-41400-404		Repairs/Maint Equipment	\$174.78	INV2309661	6/21-7/20/23 COPIER CONTRACT
		Total	\$174.78		
<b>0</b>	05/06/23	<b>MN FIRE SVC CERTIFICATION BRD</b>			
E 101-42200-434		Conferences/Training	\$126.00	11567	FO1 CENTURY COLLEGE TT
E 101-42200-434		Conferences/Training	\$50.00	11573	RETEST HAZMET CC JC
		Total	\$176.00		
<b>0</b>	06/26/23	<b>NORTH VALLEY, INC.</b>			
E 403-43100-590		Street Improvements	\$391,725.81	23-080 PR#1	PAY #1 2023 STREET IMPROVEMENTS
		Total	\$391,725.81		
<b>0</b>	06/22/23	<b>OREILLY AUTO PARTS</b>			
E 101-43100-403		Repairs/Maint Veh & Equi	\$16.99	1539197916	063 Diff Filter
		Total	\$16.99		
<b>0</b>	06/23/23	<b>PACE ANALYTICAL SERVICES INC</b>			
E 611-49450-407		SW-Monitoring and Mainte	\$291.20	23100418533	water testing
		Total	\$291.20		
<b>0</b>	03/23/23	<b>S &amp; S INDUSTRIAL SUPPLY</b>			
E 101-43100-210		Operating/Office Supplies	\$33.63	328851	Socket
		Total	\$33.63		
<b>0</b>	06/26/23	<b>SMITH BROTHERS DECORATING CENT</b>			
E 101-45100-210		Operating/Office Supplies	\$181.56	Jan-01	Park Sign Paint
E 101-45100-210		Operating/Office Supplies	\$3.19	Jan-03	Park Sign Paint
		Total	\$184.75		
<b>0</b>	05/07/23	<b>ST FRANCIS, CITY OF</b>			
E 622-49520-382		Water residential	\$30,222.68	202323	6/1/23-7/1/23 USAGE
E 612-49460-380		Utility Services	\$12,346.68	202323	6/1/23-7/1/23 USAGE
		Total	\$42,569.36		
<b>0</b>	06/23/23	<b>ST. PAUL, CITY OF</b>			
E 101-43100-590		Street Improvements	\$509.16	IN54336	Asphalt
		Total	\$509.16		
<b>0</b>	06/30/23	<b>TIMESAVER OFF SITE SECRETARIAL</b>			
E 101-41400-300		Professional Srvs	\$276.00	M28356	June 12, 23 Council Minutes
		Total	\$276.00		
<b>0</b>	06/30/23	<b>TOTAL CONTROL SYSTEMS, INC.</b>			



CITY OF OAK GROVE

**\*Check Detail Register©**

7/10/2023

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 611-49450-540		Equipment	\$28,056.00	10751	West Lift station cabinet
		Total	\$28,056.00		
<b>0</b>	06/26/23	<b>TRUE NORTH STEEL</b>			
E 101-43100-210		Operating/Office Supplies	\$1,504.32	BL00000161	culverts
		Total	\$1,504.32		
<b>0</b>	06/30/23	<b>Z SYSTEMS</b>			
E 101-41920-309		Computer Services	\$229.00	84358	BenQ Replacement Puck
		Total	\$229.00		
		<b>10100 Primary Account</b>	<b>\$487,593.90</b>		

Fund Summary

**10100 Primary Account**

101 GENERAL FUND	\$19,774.01
208 PUBLIC BENEFIT	\$3,000.00
403 ROAD IMPROVEMENTS/SEALING	\$391,725.81
611 SEWER - LAKE GEORGE	\$30,469.13
612 SEWER - THE PONDS	\$12,402.27
622 WATER - THE PONDS	\$30,222.68
	<u>\$487,593.90</u>

**RESOLUTION 23-083**

**CITY OF OAK GROVE  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**A RESOLUTION APPROVING THE RENEWAL APPLICATION OF  
PHILIP AND KATHY SHEPPARD FOR A HOME OCCUPATION TO OPERATE SHEPPARD  
PLUMBING**

**WHEREAS**, the City of Oak Grove (the City) allows certain uses by Interim Use Permit pursuant to Section 109-195 (c) and 109-136 of the City of Oak Grove Code; and

**WHEREAS**, Philip and Kathy Sheppard, (the Applicants), made application for renewal of an Interim Use Permit to operate Sheppard Plumbing at 102 222<sup>nd</sup> Ln NW, legally described as Lot 2 Block 2 Idlewood 4<sup>th</sup> Addition and further described by Property Identification Number 01-33-24-44-0007 (the Property); and

**WHEREAS**, the City of Oak Grove Planning Commission conducted a public hearing at its November 16, 2006 regular meeting to review the request for an Interim Use Permit to operate Sheppard Plumbing on the Property, which public hearing resulted in finding the application in conformance with the requirements necessary for granting approval of an Interim Use Permit; and

**WHEREAS**, the Oak Grove City Council, at its regular meeting of December 11, 2006, considered and heard the Applicants request for an Interim Use Permit, advice from its staff and upon consideration of such testimony, approved Resolution 06-71 for an Interim Use Permit subject to the conditions contained in this resolution; and

**WHEREAS**, City Staff has reviewed the application, inspected the site, and supports the Applicant's request for renewal of an Interim Use Permit to operate Sheppard Plumbing and it meets the standards and criteria for renewal of an Interim Use Permit set out in Section 109-195 (c) (3) of the City Code; and

**WHEREAS**, the applicant has been permitted to operate in this location since December 11, 2006; and

**WHEREAS**, Section 109-195 (c) (3) of the Oak Grove City Code allows for renewal of an Interim Use Permit for a home occupation administratively by the City Council;

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Oak Grove hereby finds the Applicant's request for renewal of an Interim Use Permit for Sheppard Plumbing meets the standards and criteria for an Interim Use Permit set out in Section 109-195 (c) (3), and 109-136 of the City Code, subject to the following conditions:

1. The Applicant shall operate the business in conformity with the submittal on file at City Hall dated December 5, 2009.
2. City Staff may inspect the site for compliance with the conditions of approval.
3. The Interim Use Permit is issued only to Philip and Kathy Sheppard and expires on July 31, 2028. The IUP also expires if they discontinue the business for six months or if they move from or sell the

property. The City Council may revoke the interim use permit for good cause including but not limited to compliance with the conditions of approval.

Passed and adopted this 10<sup>th</sup> day of July 2023.

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Weston Rolf, Mayor

ATTEST:

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Loren Wickham, City Administrator and Deputy City Clerk  
(Seal)



505 Nicollet Mall  
P.O. Box 59038  
Minneapolis, MN 55459-0038

June 15, 2023

Rob Engler, Fire Chief  
19900 Nightingale St NW  
Oak Grove, MN 55011

Dear Rob,

We are pleased to present the City of Oak Grove with a Community Safety Grant in the amount of \$2500 for water rescue equipment.

The Community Safety Grant program offers an opportunity for CenterPoint Energy to invest in the cities we serve. For over 150 years we have partnered with communities supporting our shared commitment to safety while delivering safe, reliable natural gas.

Since 2003, the program has awarded more than \$3 million in donations and provided funding to support more than 1,500 projects in communities throughout CenterPoint Energy's service area.

Through the grant program, we help cities leverage local funds to purchase needed safety equipment or support safety projects that are important to your community.

**IMPORTANT! Please confirm receipt of the check as soon as possible by emailing me at [whitneyjo.peterson@centerpointenergy.com](mailto:whitneyjo.peterson@centerpointenergy.com).**

Thank you for your efforts to make our communities safer.

Sincerely,

A handwritten signature in blue ink that reads "Whitney Jo Peterson". The signature is written in a cursive style with a large, looped initial "W".

Whitney Jo Peterson  
Executive Assistant, MN Gas Operations  
612-321-5002





## Community Safety Grant

CenterPoint Energy is pleased to present the City of Oak Grove with a Community Safety Grant for \$2500 that will be used for water rescue equipment.

Across our Minnesota service area, CenterPoint Energy awarded nearly \$104,000 to 49 communities to support safety projects in 2023. The Community Safety Grant program helps communities leverage local funds to purchase critical safety equipment or support safety projects that are important to your community.

CenterPoint Energy Community Safety Grants have enabled communities to install public AEDs (automated external defibrillators), update emergency communication equipment, purchase protective gear for first responders, install traffic control signs, purchase gas monitoring devices and more.




CenterPoint Energy is Minnesota's largest natural gas utility, serving 900,000 residential and business customers in more than 260 communities.

The Community Safety Grant program offers an opportunity for CenterPoint Energy to invest in the communities we serve. For more than 150 years, we have partnered with communities in support of our shared commitment to safety while delivering safe, reliable natural gas.

Since 2003, the Community Safety Grant program has awarded more than \$3 million in donations and provided funding to support more than 1,500 projects in communities throughout CenterPoint Energy's service area.

Thank you for your efforts to make your community safer.

Please feel free to celebrate our support for your community by tagging us on social media:

-  Facebook: CenterPointEnergy
-  Twitter: CenterPoint
-  LinkedIn: centerpoint-energy

**RESOLUTION 23-084**  
**CITY OF OAK GROVE**  
**COUNTY OF ANOKA**  
**STATE OF MINNESOTA**

**ACCEPTING CENTER POINT ENERGY COMMUNITY SAFETY GRANT**

**WHEREAS**, Center Point Energy offers a Community Safety Grant program to invest in the cities it serves;

**WHEREAS**, Since 2003, the Community Safety Grant program has awarded more than \$3 million in donations and provided funding to support more than 1,500 projects in communities throughout CenterPoint Energy's service area;

**WHEREAS**, The grant program helps cities leverage local funds to purchase needed safety equipment or support safety projects that are important to the community;

**WHEREAS**; The Fire Chief applied for \$2,500 for water rescue equipment and the grant application was successful;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Oak Grove, hereby accepts the \$2,500 community safety grant from Center Point Energy for the purchase of water rescue equipment.

Approved this 10<sup>th</sup> day of July 2023.

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Weston Rolf, Mayor

ATTEST:

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Loren Wickham, City Administrator and Deputy City Clerk  
(Seal)



## CITY OF OAK GROVE REQUEST FOR COUNCIL ACTION

**DEPARTMENT:** Public Works

**MEETING DATE:** July 10, 2023

**AGENDA ITEM:**

Approving the Purchase of a Snowplow from Country Wide Services

**BACKGROUND AND SUPPLEMENTAL INFORMATION:**

The City Council authorized the purchase of a 2024 Chevrolet Silverado from Saxon Fleet Services on May 8, 2023.

Attached is a quote off the state contract for a snowplow for the truck from Countrywide Services in the amount of \$10,719.87.

This plow will be used for cul-de-sacs and parking lots. The wings on this plow extend on both sides to make a 10ft wide pass for large areas and retracts down to 8ft for driving down the road. Public Works has a similar plow on another truck and prefers this type.

**SOURCE OF FUNDING:**

CIP>Public Works Asset Acquisition Fund (411)

**REQUESTED COUNCIL ACTION:**

Consider Resolution 23-085 approving the snowplow from Countrywide Services.

# Work Order



Countryside Services  
6228 US - 10  
Ramsey, MN 55303

Page: 1  
Order#: 1-108165  
Ticket date: 5/3/23

**Sold to:** City of Oak Grove  
19900 Nightengale Street NW  
Oak Grove, MN 55011  
763 753 1920

**Ship to:**

Customer #: 102554  
Sls rep: SCOTT  
**Work Order Status** ESTIMATE

Quantity	Item #	Description	Price	Selling unit	Ext prc
1	NOTE:	wants price state bid wide out and flap	0.00	EACH	0.00
1	NOTE:	new chevy 3500hd	0.00	EACH	0.00
1	85810	BLADE ASSEMBLY, WIDE OUT	5,621.00	EACH	5,621.00
1	85900	BIG BOX ASSY WIDE-OUT	4,981.00	EACH	4,981.00
1	31700	GM K2500/3500 SILVERADO/SIERRA	733.00	EACH	733.00
1	72199	PLUG-IN HARNESS KIT	316.00	EACH	316.00
1	29070	MODULE 3 PORT - DRL/NON-DRL	185.00	EACH	185.00
1	35500	CONTROL, PLOW, HANDHELD WP	544.00	EACH	544.00
1	DISCOUNT	PRODUCT DISCOUNT	-2,050.00	EACH	-2,050.00
1	DISCOUNT	State Bid Discount (Municipal)	-899.13	EACH	-899.13
1	INSTALL PLOW	Install Snow Plow	800.00	EACH	800.00
1	52280	WO 810 10" DEFLECTOR KIT	455.00	EACH	455.00
1	DISCOUNT	PRODUCT DISCOUNT	-91.00	EACH	-91.00
1	INSTALL SNOW FLAP	Install Snow Flap	125.00	EACH	125.00

User: SCOTT

Total line items: 14

Order subtotal: 10,719.87

Tax amount: 0.00

Order total: 10,719.87

Order amt due: 10,719.87

3% CHARGED FOR CREDIT CARDS ON NEW PLOWS  
PLOW DEPOSITS ARE NONE REFUNDABLE  
WE DO NOT ACCEPT CHECKS  
3% CHARGED FOR CREDIT CARDS ON NEW PLOWS  
PLOW DEPOSITS ARE NONE REFUNDABLE  
WE DO NOT ACCEPT CHECKS

**RESOLUTION 23-085**

**CITY OF OAK GROVE  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**APPROVING THE PURCHASE OF A SNOW PLOW FROM COUNTRY WIDE  
SERVICES**

**WHEREAS;** The City Council authorized the purchase of a 2024 Chevrolet Silverado from Saxon Fleet Services on May 8, 2023;

**WHEREAS;** Staff obtained a quote for a snow plow for the truck off the state contract from Countrywide Services in the amount of \$10,719.87;

**NOW THEREFORE BE IT RESOLVED,** by the City Council of the City of Oak Grove, approves the purchase of a snow plow from Country Wide Services.

Adopted by the City Council on the 10<sup>th</sup> day of July 2023.

---

Weston Rolf, Mayor

Attest:

---

Loren Wickham, City Administrator and Deputy City Clerk

(SEAL)



Fifth Street Towers  
150 South Fifth Street, Suite 700  
Minneapolis, MN 55402  
  
(612) 337-9300 telephone  
(612) 337-9310 fax  
<http://www.kennedy-graven.com>  
Affirmative Action, Equal Opportunity Employer

## MEMORANDUM

**DATE:** (Updated July 7, 2023) June 22, 2023  
**TO:** Honorable Mayor and City Council Members  
**FROM:** Joseph L. Sathe, Assistant City Attorney  
**RE:** Overview of Options to Regulate Adult Use Cannabis and Hemp Products

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### JULY 7, 2023 UPDATE

The purpose of this memo update is to provide the City Council with a report on staff progress in regulating cannabis and hemp products and to seek input on the items noted in this memo. The City Council is not being asked to approve any of the proposed actions at the July 10 meeting.

Attached to this memo are three draft ordinances:

- 1) Cannabis Business Moratorium
- 2) Hemp Products Prohibition
- 3) Hemp Products Licensing and Zoning

#### **Adopt Option 1 – Cannabis Business Moratorium**

The Cannabis Business moratorium will prohibit the establishment of all “cannabis businesses”, including growers, manufacturers, wholesalers, retailers, delivery services, transporters, and medical cannabis businesses until January 1, 2025.

#### **City Council Direction Requested:**

- Council direction on June 12, 2023, was to move forward with the Cannabis Business Moratorium. Does the City Council want to hold the required public hearing for the Cannabis Business Moratorium, or should the Planning Commission should hold the public hearing?

#### **Consider Option 2 – Hemp Product Prohibition**

The attached draft ordinance would prohibit the sale of the hemp edibles (gummies and beverages) that are currently subject to the City’s hemp products moratorium.

If the City Council wants to adopt the hemp product prohibition, my recommendation would be to also continue considering what zoning restrictions the City Council would like to see for these products when they are sold under a state license.

The City Council is not required to hold a public hearing on this ordinance but could choose to do so. Doing so could help protect the City against a challenge that the process used by the City was

somehow invalid – doing so should be considered a “belt-and-suspenders” approach. The attached ordinance should be adopted at a future meeting prior to September 9, 2023.

City Council Direction Requested:

- Should staff proceed with Option #2 – Hemp Product Prohibition or Option #3 Hemp Products Licensing and Zoning?
- Should the City hold a discretionary public hearing on the ordinance? If so, should it be conducted by the City Council or Planning Commission?

**Consider Option 3 – Hemp Products Licensing and Zoning**

The attached licensing ordinance would require a business wanting to sell hemp edibles to obtain a license from the City. This licensing ordinance would be effective until March 1, 2025, or an earlier date if the state determines that all sales of hemp edibles (whether 151 Edibles legalized in 2022 or as Cannabis Act Hemp Edibles) are subject to a state issued license.

The draft limits eligible license locations to:

- Businesses in the General Business Zone.
- Businesses that are either exclusive liquor stores or are licensed as tobacco products dealers.
- Businesses that are more than 1000 feet from a private or public elementary, middle, or high school, or 500 feet from a state-licensed child or day care program with more than ten children or property zoned as City Park or Park.

The provisions related to these three regulations are highlighted in the draft. All three of these can be amended. The one type of sales that is allowed under state statute that is prohibited in the draft ordinance is sales for on-site consumption at a premises with an on-sale liquor license.

Since the licensing ordinance includes zoning provisions, the City should follow the process it uses to amend the zoning code and have the planning commission host a public hearing.

City Council Direction Requested:

- Should staff proceed with Option #2 – Hemp Product Prohibition or Option #3 Hemp Products Licensing and Zoning?
- If the Council wishes to move forward with licensing, does the Council have any input on the draft language prior to the Planning Commission hearing?

**Summary of Direction Requested:**

- 1) Does the Council wish to conduct the public hearing from the Cannabis Business Moratorium?
- 2) Does the Council wish to move forward with Option #2 – Hemp Product Prohibition or Option #3 Hemp Products Licensing and Zoning?
  - a. If the Council wishes to move forward with Option #2 – Hemp Product Prohibition, does the Council wish to hold a discretionary public hearing and if so, should that public hearing be conducted by the City Council or Planning Commission.
  - b. If the Council wishes to move forward with Option #3 – Hemp Products Licensing and Zoning, does the Council have any input on these regulations.

## JUNE 22, 2023 MEMO

The Cannabis Act (the “Act”) was signed into law on May 30, 2023, and establishes a regulatory framework for adult use cannabis in the State of Minnesota.

The purpose of this memo is to provide the City of Oak Grove with an overview of the products addressed by the Act, the new Office of Cannabis Management (“OCM”), potential long-term regulations, as well as shorter-term options the City may consider to temporarily pause the establishment and operation of certain businesses within the City.

### **I. Product Categories**

There are four main types of products that contain tetrahydrocannabinol (“THC”), the main psychoactive component in cannabis, that the City can choose to address. The following are very high-level definitions:

- A) ***Cannabis Products*** – Products derived from the cannabis plant (defined in the Act as a plant of the genus Cannabis containing *more than* .3% THC) and are generally considered to be higher impact and consist of cannabis flower, concentrates, edibles, and other authorized products. These products were legalized under Act.
- B) ***Lower-Potency Hemp Edibles (“Cannabis Act Hemp Edibles”)*** – Edibles and beverages derived from the hemp plant (defined in the Act as a plant of the genus Cannabis containing *no more than* .3% THC) and include a food ingredient and are intended to be eaten or consumed as a beverage. These products were established under the Act.
- C) ***Medical Cannabis Products*** – Products that contain cannabis or hemp that are provided to eligible individuals to treat or alleviate the symptoms of a qualifying medical condition. Some medical cannabis products have been available for years, but the Act provides for additional regulation.
- D) ***Edible cannabinoids and nonintoxicating cannabinoids (“151 Products”)*** – These products are derived from hemp plants and are authorized under Minnesota Statutes, Section 151.72 and include:
  - 1. **151 Edibles** – Products combining a cannabinoid (either THC or cannabidiol (“CBD”)) with a food ingredient and are intended to be eaten or consumed as a beverage (“151 Edibles”). 151 Edibles have been widely available since 2022.
  - 2. **Nonintoxicating Cannabinoids** – External application products that do not produce intoxicating effects when consumed by any route of administration.

### **II. Office of Cannabis Management**

The Act creates the Minnesota Office of Cannabis Management (“OCM”) effective July 1, 2023. The OCM will have several very broad powers and duties that include, in general: establishing rules and regulating the industry, promoting economic growth, issuance and renewal of licenses,



inspections, and authorizing research and studies. The regulation of medical cannabis, which is already legal in Minnesota, will also transfer to the OCM effective March 1, 2025.

### **III. License Types, Rulemaking, and Model Ordinance**

The Act establishes 16 different types of licenses for cannabis businesses, hemp businesses, and medical cannabis businesses, including licenses covering growing, manufacturing, retail sales, wholesale, transportation, delivery, and testing.

Each of these licenses will be issued by the OCM. After its establishment, the OCM will draft and put forward administrative rules that may help to clarify portions of the Act. It is not clear how long this process will take given the scope of the task at hand, but it seems apparent that rulemaking will not be completed for a significant period of time. The League of Minnesota Cities' website provides that the Act's authors anticipate that issuing retail licenses will begin sometime in 2024.

The OCM is also directed to work with cities to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of a cannabis business.

### **IV. Potential Long-Term City Regulations**

There are many outstanding questions on how cities will be able to regulate cannabis products and these questions may not be answered until further information is provided by the OCM. The following section provides the current understanding of the types of regulations the City may be able to adopt to regulate cannabis businesses and hemp businesses. However, the administrative rules and model ordinance being drafted by the OCM may clarify or otherwise impact what cities will be able to do.

#### **A) Cannabis Businesses**

Cities generally *may not* completely prohibit the establishment of cannabis businesses (businesses dealing in cannabis products and medical cannabis products). Cities are specifically authorized to enact time, place, and manner restrictions on cannabis business operations and may limit the number of cannabis retailers. Cities also should be able to adopt zoning regulations that impact cannabis businesses.

##### *1) Time, Place, and Manner Restrictions & Zoning Compliance*

The Act provides that “[a] local unit of government may adopt reasonable restrictions on 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. A local unit of government 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 a playground or athletic field.”

The Act also requires that the OCM contact the City when a cannabis business applies to operate within the City, and the City is required to certify whether the cannabis business complies with

inspections, and authorizing research and studies. The regulation of medical cannabis, which is already legal in Minnesota, will also transfer to the OCM effective March 1, 2025.

### **III. License Types, Rulemaking, and Model Ordinance**

The Act establishes 16 different types of licenses for cannabis businesses, hemp businesses, and medical cannabis businesses, including licenses covering growing, manufacturing, retail sales, wholesale, transportation, delivery, and testing.

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The OCM is also directed to work with cities to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of a cannabis business.

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##### *1) Time, Place, and Manner Restrictions & Zoning Compliance*

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The Act also requires that the OCM contact the City when a cannabis business applies to operate within the City, and the City is required to certify whether the cannabis business complies with

local zoning ordinances, as well as state and fire codes. Meaning that the authors of the bill at least contemplated that cities could establish zoning regulations that would impact cannabis businesses.

2) *Limiting Retail Cannabis Businesses*

The City may limit the number of *retail* cannabis licenses which may be issued to cannabis businesses within a City to one per 12,500 residents.

The City may decline to allow a cannabis retailer to operate if the county already has one cannabis retailer per 12,500 residents.

B) Cannabis Act Hemp Edible Businesses

Unlike cannabis businesses, the Act does not specifically address how cities can regulate Cannabis Act Hemp Edible businesses, including manufacturers and retailers. The OCM is responsible for licensing Cannabis Act Hemp Edible retailers and manufacturers, but cities can enact other regulations, such as zoning requirements.

Given the specific provisions in the Act addressing cannabis businesses, it is conceivable that the OCM will enact administrative rules that address a city's ability to regulate Cannabis Act Hemp Edible businesses.

C) 151 Products

The Act does not establish licensing for 151 Products nor does it address how cities can regulate 151 Products. The City has the same ability to enact licensing, zoning, or other regulations on 151 Products that it has had since 2022. However, Minnesota Statutes, Section 151.72 will automatically be repealed in March 2025. Cannabis Act Hemp Edibles will replace 151 Products in the market as they are substantially the same products.

V. Short-Term City Options

A) Cannabis Business Moratorium

The City may temporarily prohibit the establishment or operation of a cannabis business within all or a part of the City through a moratorium ("Cannabis Business Moratorium"). Unlike other moratoria which last up to a year, a Cannabis Business Moratorium may last until January 1, 2025.

To enact a Cannabis Business Moratorium, the City must authorize and conduct a study for the purpose of considering adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of a cannabis business. Before adopting the Cannabis Business Moratorium, a city must hold a public hearing.

Adopting a Cannabis Business Moratorium will provide the City some time to consider what options are available and what policy direction is most desirable prior to the state issuing Cannabis Business licenses. Adopting a Cannabis Business Moratorium will also allow the City to consider the not-yet-established rules and model ordinance the OCM will develop.

## B) Cannabis Act Hemp Edibles

The authority to enact a Cannabis Business Moratorium until January 1, 2025, does not also include Cannabis Act Hemp Edibles. Without the explicit authority to enact a moratorium on these state-licensed businesses, the most effective way to regulate these businesses will be to consider enacting zoning regulations prior to the state issuing licenses.

Since Cannabis Act Hemp Edibles and 151 Products are essentially the same, the City can consider adopting zoning regulations that are similar to zoning regulations it may want to adopt related to 151 Products (discussed in the next section).

## C) 151 Products

Oak Grove adopted a moratorium on 151 Products that expires on September 9, 2023. The City could choose to enact licensing and/or zoning regulations covering 151 Products that would be in place until March 1, 2025, or can choose to not regulate 151 Products at all.

If the City desires to enact zoning regulations on 151 Products or require businesses wishing to sell 151 Products to obtain a city-issued license, it should do so prior to September 9, 2023.

Additionally, when considering zoning regulations for 151 Products, the City can also consider adopting similar regulations for Cannabis Act Hemp Edibles businesses. Adopting consistent zoning requirements for both 151 Products and Cannabis Act Hemp Edibles should result in the City treating businesses selling similar products in a similar manner and doing so at the same time should help ensure the City has zoning regulations in place prior to the state issuing Cannabis Act Hemp Edible business licenses.

## **VI. Conclusion**

Given all of the questions and uncertainties surrounding the Act and its potential impacts, it is recommended that the City adopt a Cannabis Business Moratorium. Doing so will allow the City to consider the yet-to-be-drafted administrative rules and model ordinances, and to conduct a study on the potential impacts of Cannabis Businesses prior to the OCM issuing licenses.

The City can also consider adopting zoning regulation on Cannabis Act Hemp Businesses at the same time it considers how to address 151 Products. If the City desires to enact zoning regulations covering Cannabis Act Hemp Edibles businesses, doing so now will help ensure the City has regulations in place prior to the state issuing Cannabis Act Hemp Edible business licenses.

Finally, the City has the authority to adopt a licensing framework and/or zoning regulations for 151 Products that would allow the City to regulate the sale of 151 Products until March 1, 2025. If the City desires to enact either a licensing framework or zoning regulations, it should do so prior to the expiration of the City's current interim ordinance that is set to expire on September 9, 2023.

local zoning ordinances, as well as state and fire codes. Meaning that the authors of the bill at least contemplated that cities could establish zoning regulations that would impact cannabis businesses.

2) *Limiting Retail Cannabis Businesses*

The City may limit the number of *retail* cannabis licenses which may be issued to cannabis businesses within a City to one per 12,500 residents.

The City may decline to allow a cannabis retailer to operate if the county already has one cannabis retailer per 12,500 residents.

B) Cannabis Act Hemp Edible Businesses

Unlike cannabis businesses, the Act does not specifically address how cities can regulate Cannabis Act Hemp Edible businesses, including manufacturers and retailers. The OCM is responsible for licensing Cannabis Act Hemp Edible retailers and manufacturers, but cities can enact other regulations, such as zoning requirements.

Given the specific provisions in the Act addressing cannabis businesses, it is conceivable that the OCM will enact administrative rules that address a city’s ability to regulate Cannabis Act Hemp Edible businesses.

C) 151 Products

The Act does not establish licensing for 151 Products nor does it address how cities can regulate 151 Products. The City has the same ability to enact licensing, zoning, or other regulations on 151 Products that it has had since 2022. However, Minnesota Statutes, Section 151.72 will automatically be repealed in March 2025. Cannabis Act Hemp Edibles will replace 151 Products in the market as they are substantially the same products.

V. Short-Term City Options

A) Cannabis Business Moratorium

The City may temporarily prohibit the establishment or operation of a cannabis business within all or a part of the City through a moratorium (“Cannabis Business Moratorium”). Unlike other moratoria which last up to a year, a Cannabis Business Moratorium may last until January 1, 2025.

To enact a Cannabis Business Moratorium, the City must authorize and conduct a study for the purpose of considering adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of a cannabis business. Before adopting the Cannabis Business Moratorium, a city must hold a public hearing.

Adopting a Cannabis Business Moratorium will provide the City some time to consider what options are available and what policy direction is most desirable prior to the state issuing Cannabis Business licenses. Adopting a Cannabis Business Moratorium will also allow the City to consider the not-yet-established rules and model ordinance the OCM will develop.

## B) Cannabis Act Hemp Edibles

The authority to enact a Cannabis Business Moratorium until January 1, 2025, does not also include Cannabis Act Hemp Edibles. Without the explicit authority to enact a moratorium on these state-licensed businesses, the most effective way to regulate these businesses will be to consider enacting zoning regulations prior to the state issuing licenses.

Since Cannabis Act Hemp Edibles and 151 Products are essentially the same, the City can consider adopting zoning regulations that are similar to zoning regulations it may want to adopt related to 151 Products (discussed in the next section).

## C) 151 Products

Oak Grove adopted a moratorium on 151 Products that expires on September 9, 2023. The City could choose to enact licensing and/or zoning regulations covering 151 Products that would be in place until March 1, 2025, or can choose to not regulate 151 Products at all.

If the City desires to enact zoning regulations on 151 Products or require businesses wishing to sell 151 Products to obtain a city-issued license, it should do so prior to September 9, 2023.

Additionally, when considering zoning regulations for 151 Products, the City can also consider adopting similar regulations for Cannabis Act Hemp Edibles businesses. Adopting consistent zoning requirements for both 151 Products and Cannabis Act Hemp Edibles should result in the City treating businesses selling similar products in a similar manner and doing so at the same time should help ensure the City has zoning regulations in place prior to the state issuing Cannabis Act Hemp Edible business licenses.

## **VI. Conclusion**

Given all of the questions and uncertainties surrounding the Act and its potential impacts, it is recommended that the City adopt a Cannabis Business Moratorium. Doing so will allow the City to consider the yet-to-be-drafted administrative rules and model ordinances, and to conduct a study on the potential impacts of Cannabis Businesses prior to the OCM issuing licenses.

The City can also consider adopting zoning regulation on Cannabis Act Hemp Businesses at the same time it considers how to address 151 Products. If the City desires to enact zoning regulations covering Cannabis Act Hemp Edibles businesses, doing so now will help ensure the City has regulations in place prior to the state issuing Cannabis Act Hemp Edible business licenses.

Finally, the City has the authority to adopt a licensing framework and/or zoning regulations for 151 Products that would allow the City to regulate the sale of 151 Products until March 1, 2025. If the City desires to enact either a licensing framework or zoning regulations, it should do so prior to the expiration of the City's current interim ordinance that is set to expire on September 9, 2023.

**CITY OF OAK GROVE**

**ORDINANCE NO. \_\_\_\_\_.**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE OAK GROVE CITY CODE BY  
CREATING A NEW ARTICLE VIX ESTABLISH A LICENSE FOR THE SALE OF  
TETRAHYDROCANNABINOL PRODUCTS**

**THE CITY COUNCIL OF THE CITY OF OAK GROVE, ORDAINS AS FOLLOWS:**

**SECTION 1.** Chapter 12 of the Oak Grove, Minnesota, City Code is hereby amended to include a new Article VIX as follows:

***ARTICLE VIX. HEMP EDIBLE SALES***

***DIVISION 1. GENERALLY***

**§ 12.350 – Findings and Purpose**

The purpose of the Section is to regulate the sale of legalized adult-use of any product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption as an edible cannabinoid product under Minnesota Statutes, section 151.72 (“Hemp Edible(s)”) for the following reasons:

- (a) The City recognizes that, based on the most reliable and up-to-date scientific evidence, the rapid introduction of newly legalized adult-use Hemp Edibles, presents a significant potential threat to the public health, safety, and welfare of the residents of Oak Grove, and particularly to youth.
- (b) The City has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products or to the marketing of these products and improve compliance among Hemp Edible retailers with laws prohibiting the sale or marketing of Hemp Edibles to minors.
- (c) A local regulatory system for Hemp Edible retailers is appropriate to ensure that retailers comply with Hemp Edible laws and business standards of the City of Oak Grove to protect the health, safety, and welfare of our youth and most vulnerable residents.
- (d) Minnesota Statutes, section 151.72 requires Hemp Edible retailers to check the identification of purchasers to verify that they are at least 21 years of age, comply with certain packaging and labeling requirements to protect children and youth, and meet certain potency and serving size requirements.
- (f) State law does not preempt the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses selling Hemp Edibles including, but not limited to, local zoning and land use requirements and business license requirements.

- (g) A requirement for a Hemp Edible retailer license will not unduly burden legitimate business activities of retailers who sell or distribute Hemp Edibles to adults but will allow the City of Oak Grove to regulate the operation of lawful businesses to discourage violations of state and local Hemp Edible-related laws.

In making these findings and enacting this ordinance, it is the intent of the Oak Grove City Council to ensure responsible Hemp Product retailing, allowing legal sale and access without promoting increases in use, and to discourage violations of Hemp Edible-related laws, especially those which prohibit or discourage the marketing, sale or distribution of Hemp Edibles to youth under 21 years of age.

### **Sec. 12-351. Definitions and interpretations.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Compliance checks* means the system the city uses to investigate and ensure that those authorized to sell Hemp Edibles are following and complying with the requirements of this article. Compliance checks shall involve the use of persons under the age of 21 as authorized by this article. Compliance checks shall also mean the use of persons under the age of 21 who attempt to purchase Hemp Edibles for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to Hemp Edibles.

*Moveable place of business* means any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

*Retail establishment* means any place of business where Hemp Edibles are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants. Retail establishments shall not include home occupations.

*Sale* means any transfer of goods for money, trade, barter, or other consideration.

*Self-service merchandising* means open displays of Hemp Edibles in any manner where any person shall have access to the Hemp Edible without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the Hemp Edible between the customer and the licensee or employee.

*Hemp Edibles* means any edible cannabinoid product, as that term is defined in Minnesota Statutes, section 151.72, subdivision 1(f), that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72.



**Youth Oriented Facility** means a public or private elementary, middle, or high school, a state-licensed child or day care program with more than ten children, and property zoned as City Park or Park.

#### **Sec. 12-352. Penalties.**

- (a) *Licensees.* Any licensee found to have violated this article, or whose employee shall have violated this article, shall be charged an administrative fine of \$150.00 for a first violation of this article; \$400.00 for a second offense at the same licensed premises within a 24-month period; and \$500.00 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the license shall be suspended for not less than seven days.
- (b) *Other individuals.* Other individuals found to be in violation of this article shall be charged an administrative fine of \$200.00.
- (c) *Misdemeanor.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

#### **Sec. 12-353. Violations.**

- (a) *Notice.* Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his right to be heard on the accusation.
- (b) *Hearings.* If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.
- (c) *Decision.* If the city determines that a violation of this article did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under section 12-352, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- (d) *Appeals.* Appeals of any decision made by the hearing officer shall be filed in the district court for the city in which the alleged violation occurred.
- (e) *Misdemeanor prosecution.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this article. If the city elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.
- (f) *Continued violation.* Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

#### **Sec. 12-354. Responsibility.**

All licensees under this article shall be responsible for the actions of their employees in regard to the sale of Hemp Edibles on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting the employee to whatever penalties are appropriate under this article, state or federal law, or other applicable law or regulation.

**Sec. 12-355. Compliance checks and inspections.**

All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, persons over the age of 17 years but less than 21 years, with the written consent of the parents or guardians of persons under the age of 18, to enter the licensed premises to attempt to obtain Hemp Edibles. Persons under the age of 21 used for the purpose of compliance checks shall be supervised by city-designated law enforcement officers or other designated city personnel. No person under the age of 21 used in compliance checks shall attempt to use a false identification misrepresenting the person's age, and all persons lawfully engaged in a compliance check shall answer all questions about the person's age asked by the licensee or his employee and shall produce any identification, if any exists, for which he is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.

**Sec. 12-356. Prohibited sales.**

It shall be a violation of this article for any person to sell or offer to sell any Hemp Edible:

- (1) To any person under the age of 21 years.
- (2) By means of any type of vending machine.
- (3) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the Hemp Edible and whereby there is not a physical exchange of the Hemp Edible between the licensee, or the licensee's employee, and the customer.
- (4) By a mobile business, including but not limited to motorized vehicles, moveable sales kiosks or trailers.
- (5) By the means of providing samples of any Hemp Edible free of charge or at a nominal cost.
- (6) For on-site consumption.
- (7) By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance, provision, or other regulation.

**Sec. 12-357. Vending machines.**

It shall be unlawful for any person licensed under this article to allow the sale of Hemp Edibles by the means of a vending machine.

**Sec. 12-358. Self-service merchandising.**

It shall be unlawful for a licensee under this article to allow the sale of Hemp Edibles by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the Hemp Edible between the licensee or his employee and the customer. All Hemp Edibles shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

This section 12-358 related to self-service merchandising shall not apply to an exclusive liquor store selling Hemp Edibles that are intended to be consumed as a beverage.

**Sec. 12-359. Illegal sales.**

It shall be a violation of this article for any person to sell or otherwise provide product that contains tetrahydrocannabinol that does not comply with the requirements of Minnesota Statutes, section 151.72.

**Sec. 12-360. Exceptions and defenses.**

It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied upon proof of age.

**Sec. 12-361. Age Verification And Signage.**

- (a) Licensees and their employees shall verify by means of government issued photographic identification, as provided in Minnesota Statutes, section 151.72, subd. 5b that any purchaser of a Hemp Edible is at least 21 years of age.
- (b) Notice of the legal sales age and age verification requirement in subdivision a above must be posted prominently and in plain view at all times at each location where Hemp Edibles are offered for sale. The required signage must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

***DIVISION 2. LICENSE***

**Sec. 12-370. Required.**

No person shall sell or offer to sell any Hemp Edible without first having obtained a license to do so from the city.

**Sec. 12-371. Application and issuance.**

- (a) *Application.* An application for a license to sell Hemp Edibles shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the

business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city administrator shall forward the application to the city council for action at its next regularly scheduled council meeting. If the administrator shall determine that an application is incomplete, he shall return the application to the applicant with notice of the information necessary to make the application complete.

- (b) *Action.* The city council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the city council approves the license, the administrator shall issue the license to the applicant. If the council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the council's decision.

#### **Sec. 12-372. Moveable place of business.**

No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this division.

#### **Sec. 12-373. Tobacco Dealers and Liquor Stores.**

Only businesses that also have a license to operate as an exclusive liquor store or have a license to sell tobacco, tobacco products, and tobacco-related devices as provided in Chapter 12, Article VIII will be eligible to be licensed under this division.

#### **Sec. 12-374. Basis for denial of license.**

The following shall be grounds for denying the issuance or renewal of a license under this division; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section:

- (1) The applicant is under the age of 21 years.
- (2) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance, provision, or other regulation relating to Hemp Edibles.
- (3) The applicant has had a license to sell Hemp Edibles revoked within the preceding 12 months of the date of application.
- (4) The applicant fails to provide any information required on the application, or provides false or misleading information.
- (5) The applicant is prohibited by federal, state, or local law, ordinance, or other regulation from holding such a license.
- (6) The applicant does not have a license as provided Sec. 12-363.

(7) The business location is not within the General Business zoning district.

(8) The business is located within 1,000 feet of a Youth Oriented Facility that is a public or private elementary, middle, or high school, or 500 feet of any other Youth Oriented Facility. The distance shall be measured from the nearest lot line.

**Sec. 12-375. Fees.**

No license shall be issued under this division until the appropriate license fee shall be paid in full. The fee schedule for a license under this division shall be on file at city hall. Initial license applications for a period of less than one year shall be charged a fee on a pro rata basis.

**Sec. 12-376. Term.**

All licenses issued under this division shall expire on March 1 of each year.

**Sec. 12-377. Renewals.**

The renewal of a license issued under this division shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license. The issuance of a license issued under this division shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

**Sec. 12-378. Transfers.**

All licenses issued under this division shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the city council.

**Sec. 12-379. Display.**

All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

**Sec. 12-380. Revocation or suspension.**

Any license issued under this division may be revoked or suspended as provided in sections 12-272 and 12-273.

**SECTION 2.** This Ordinance shall be effective after passage and publication.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the City Council of the City of Oak Grove.

By: \_\_\_\_\_  
Weston Rolf, Mayor

ATTEST:

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Loren Wickham, City Administrator & Deputy City Clerk



**ORDINANCE NO. 2023-\_\_**

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND  
IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS  
BUSINESSES WITHIN THE CITY OF OAK GROVE**

THE CITY OF OAK GROVE DOES ORDAIN:

**Section 1. Legislative Findings and Authority.**

- (A) The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of Edible Cannabinoid Products.
- (B) The Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (i) require local registration of certain Cannabis Businesses operating retail establishments, (ii) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Business, (iii) limit the number of certain Cannabis Businesses based on the population of the community, and (iv) 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 a playground or athletic field.
- (C) The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. It is anticipated that the city of Oak Grove (the “City”) will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.
- (D) The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.
- (E) Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires



to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

- (F) The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.
- (G) On July 20, 2023, after providing at least 10 days published notice, the city council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.

**Section 2. Definitions.** For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (A) “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- (B) “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- (C) “City” means the city of Oak Grove, a Minnesota municipal corporation.
- (D) “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (E) “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- (F) “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

**Section 3. Study Authorized.** The city council hereby authorizes and directs City staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the city council on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the city council’s consideration of this matter. The report may also include City staff’s recommendations on whether the city council should adopt regulations and, if so, the recommended types of regulations.

**Section 4. Moratorium.** A moratorium is hereby imposed on the operation of any Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. Accordingly, during the period that this Ordinance is in effect, the City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis

Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

**Section 5. Exceptions.** The moratorium imposed by this Ordinance does not apply to: (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the City prior to the effective date of this Ordinance; or (ii) the sale of Edible Cannabinoid Products, provided, however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions.

**Section 6. Enforcement.** Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City’s general penalties prescribed in the city code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The city council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

**Section 7. Severability.** Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

**Section 8. Effective Date and Term.** This Ordinance shall become effective on \_\_\_\_\_, 2023. this Ordinance shall remain in effect until January 1, 2025, or until the city council expressly repeals it, whichever occurs first.

Passed by the City council this \_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Weston Rolf, Mayor

ATTEST:

\_\_\_\_\_  
Loren Wickham, City Administator & Deputy City Clerk

**CITY OF OAK GROVE**

**ORDINANCE NO. \_\_\_\_\_.**

**AN ORDINANCE PROHIBITING THE SALE OF EDIBLE CANNABINOID PRODUCTS PURSUANT TO MINNESOTA STATUTES, SECTION 151.72**

**WHEREAS**, Minnesota Statutes, section 151.72 expressly allows the retail sale of edible cannabinoid products, as that term is defined therein; and

**WHEREAS**, the City of Oak Grove (the “City”) adopted an interim ordinance establishing a one-year moratorium, effective until September 9, 2023, on the sale of edible cannabinoid products in the City and authorizing a study to determine how the City should regulate such products; and

**WHEREAS**, in May of 2023, the Minnesota Legislature enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Minnesota Office of Cannabis Management (“OCM”), legalizing and limiting the sale, possession and use of cannabis and certain hemp products, providing for statewide licensing and regulation of cannabis and hemp businesses by OCM, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and, by way of an amendment to Minn. Stat. 151.72, providing certain temporary regulations relating to the unlicensed retail sale of edible cannabinoid products; and

**WHEREAS**, the Act provides that OCM, upon its formation and eventual operation, will regulate and license cannabis and hemp retail establishments that sell the various products regulated under the Act, including, but certainly not limited to, edible cannabinoid products that presently may be sold under Minn. Stat. 151.72 without OCM licensure; and

**WHEREAS**, the sale of edible cannabinoid products under Minn. Stat. 151.72 prior to the commencement of a comprehensive statewide regulatory scheme and licensing program administered by OCM could have drastic effects on the community due to the lack of regulatory oversight, including on those who use the products as well as those who are affected by the actions of such users; and

**WHEREAS**, Minn. Stat. 151.72 does not expressly prohibit or limit local regulations of edible cannabinoid products that are authorized for retail therein, and furthermore, the temporary regulations established in Minn. Stat. 151.72 clearly do not constitute the Legislature having occupied the field of regulation regarding the sale of edible cannabinoid products; and

**WHEREAS**, additionally, the city council is authorized, under Minnesota Statutes, section 412.221, subd. 32, “to provide for the government and good order of the city, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order, convenience, and the general welfare”; and

**WHEREAS**, based on the recitals contained herein, which are hereby adopted as factual findings of the city council, it is determined to be in the best interests of the City and its residents that a prohibition on the sale of edible cannabinoid products under section 151.72 be implemented to ensure that such products are not sold in the City unless and until they are regulated via OCM licensure and otherwise operate in accordance with all applicable state and local regulations, as contemplated under the Act.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK GROVE, ORDAINS AS FOLLOWS:**

**SECTION 1.** Chapter 16 of the Oak Grove, Minnesota, City Code, entitled Offenses and Miscellaneous Provisions, is hereby amended to include a new Section 16-7 as follows:

**§ 16-7 EDIBLE CANNABINOID PRODUCTS**

- (a) The retail sale of edible cannabinoid products, to the extent authorized under Minnesota Statutes, section 151.72, is hereby prohibited in the City. Nothing contained in this section shall be interpreted or construed to prohibit the sale of any product pursuant to Minnesota Statutes, chapter 342, including, but certainly not limited to, lower-potency hemp edibles, provided that such sales are made in compliance with Minn. Stat. Ch. 342 and any other applicable state or local law.
- (b) Any violation of this section shall be considered a misdemeanor, and the City may also enforce this section by mandamus, injunction, or other appropriate civil remedy, in law or equity, in any court of competent jurisdiction. A violation of this section is also subject to the City’s general penalties prescribed in the city code and may further result in the City reporting such violation to the Minnesota Office of Cannabis Management (“OCM”), if deemed relevant to OCM licensing.

**SECTION 2.** Upon the effective date of this ordinance, City Ordinance No. [insert interim ordinance citation], shall be repealed in its entirety.

**SECTION 3.** This ordinance shall take effect following its adoption and publication in accordance with law.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the City Council of the City of Oak Grove.

By: \_\_\_\_\_  
Weston Rolf, Mayor

ATTEST:

\_\_\_\_\_  
Loren Wickham, City Administrator & Deputy City Clerk



**RESOLUTION 23-086**

**CITY OF OAK GROVE  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**A RESOLUTION REVOKING AN INTERIM USE PERMIT ISSUED TO TED THULL TO  
OPERATE A CABINET SHOP/CONTRACTING OFFICE BUSINESS AT 21540 LINNET  
STREET NW**

WHEREAS, the City of Oak Grove (the “City”) allows certain uses by interim use permit pursuant to Section 109-195 (c) and 109-136 of the City of Oak Grove Code of Ordinances (the “City Code”); and

WHEREAS, the Oak Grove City Council (the “City Council”) approved an interim use permit pursuant to Resolution 18-023 and renewed pursuant to Council Resolution 19-012 (the “IUP”) requested by Ted Thull (“Thull”) for the operation of a cabinet shop/contracting business at the following location:

21540 Linett Street NW, Oak Grove, Minnesota, 55011

Legally described as LOT 1 BLOCK 3 NIGHTINGALE KNOLL (SUBJ TO EASE AS SHOWN ON PLAT)

Property Identification Number 10.33.24.42.0005

(the “Property”)

WHEREAS, the City has notified Thull multiple times about non-compliance in writing, including in a letter dated October 7, 2022, in which Thull was specifically informed that a public hearing was scheduled to consider revocation of the IUP; and

WHEREAS, the City of Oak Grove Planning Commission (the “Planning Commission”) conducted a public hearing, after providing notice to Thull and mailed to those entitled to receive such notice, at its October 20, 2022, regular meeting, during which all interested parties were provided an opportunity to provide input on the proposed revocation of the IUP but voted to table the decision on whether to revoke the IUP until its November 2022 meeting; and

WHEREAS, at its November 17, 2022, meeting, the Planning Commission tabled the discussion of revoking the IUP until the May 18, 2023, meeting; and

WHEREAS, the Planning Commission adopted the following findings at its meeting on May 18, 2023:

1. Ted Thull applied for and, pursuant to Resolution 18-023 approved on January 29, 2018, received an IUP conditionally authorizing operation of a cabinet shop/contracting business at 21540 Linett Street NW, legally described as:

Lot 1 Block 3 Nightingale Knoll (PID No. 10-33-24-42-0005)

2. The IUP was renewed on January 28, 2019 by Council Resolution 19-012.
3. Section 109-138 of the City Code provides that an IUP may be revoked upon a finding, following a public hearing, that any condition of the IUP has been violated.
4. The IUP issued to Ted Thull provided that the City Council may revoke this permit for good cause including but not limited to non-compliance with conditions of approval.
5. Ted Thull has violated conditions 2, 3, 9, and 12 of the IUP conditions in Resolution 18-023 and 19-012.
6. Ted & Meghan Thull have been notified in writing multiple times about the non-compliance of their IUP conditions of approval, most recently by email and letter dated October 7, 2022.
7. Ted & Meghan Thull have been notified in writing that they would be afforded an opportunity to participate at the hearing and be heard regarding revocation of the IUP.
8. The following exhibits are included in the packet:

Exhibit 1 – Staff Memos

Exhibit 2 – Final Notice Letter dated October 7, 2022

WHEREAS, on May 18, 2023, the Planning Commission also provided the following recommendation: “the Planning Commission recommends to the City Council revocation of the IUP if the conditions of approval are not met by the June 26<sup>th</sup> City Council meeting.”

WHEREAS, Thull was afforded an extension until June 26, 2023 to bring the Property into compliance with the requirements of the IUP, specifically that the fencing installed on the property be completed, but that if the gate could not be installed by June 26, 2023, that the opening be covered by temporary fencing.

WHEREAS, Thull did not complete the fencing by June 26, 2023, and the City Council voted to move forward with the revocation of the IUP and directed staff to draft this Resolution and it is the intent of the City Council to adopt this resolution and revoke the IUP.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Oak Grove as follows:

1. All of the above recitals constitute findings of fact and are fully incorporated into this Resolution as such.
2. The following additional findings of fact are hereby adopted by the City Council:
  - a. On June 26, 2023, the City Council approved a motion to move forward with revocation of the IUP because the conditions of approval had not been met, specifically that the required fence was not completed by June 26, 2023 and business operations and trailers are not screened from neighbors.

- b. Thull was not present for the City Council vote on June 26, 2023, but did arrive later in the meeting and was given the opportunity to address the City Council and did not acknowledge, claim, or provide that he was in compliance with the conditions of the IUP.
  - c. Thull has not adhered to the conditions of the IUP, including specifically the following conditions from Resolution 19-012:
    - i. “No outside storage of materials for the business.”
    - ii. “Applicant must construct fence to screen trailers from view by June 1, 2018 or remove 3 trailers from the property.”
    - iii. “A fence should be installed to screen operation from neighboring properties.”
3. The IUP granted to the Thull pursuant to Resolution 18-023 and renewed pursuant to Resolution 19-012 to operate a cabinet shop/contracting office business on the Property is hereby revoked effective immediately due to non-compliance with conditions of the IUP.
  4. City staff and consultants are authorized and directed to take such further steps as necessary or appropriate to effectuate this Resolution. The Property shall continue to remain subject to all state and local laws and regulations, including, but certainly not limited to, all provisions contained in the Oak Grove Code of Ordinances.

Passed and adopted this 10th day of July, 2023

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Weston Rolf, Mayor

Attest:

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Loren Wickham, City Administrator and Deputy City Clerk