

THIEF RIVER FALLS CITY COUNCIL AGENDA

Tuesday, December 3, 2024

**COUNCIL CHAMBERS
CITY HALL – 405 3RD STREET EAST
5:30 PM**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PUBLIC FORUM - *Individuals may address the City Council about any item not included on the regular agenda. A maximum of 5 minutes is allotted for the public forum. The City Council will not take official action on items discussed at this time, with the exception of referral to staff or a committee, board or commission for a future report.***
- 5. PRESENTATIONS/PROCLAMATIONS/PUBLIC INFORMATION ANNOUNCEMENTS**
 - 5.1. Retirement Plaque Presentation - Trevor Swanson, Volunteer Fire Fighter
 - 5.2. Megan Maloney, Executive Director, *Visit TRF* - 2025 Budget Presentation
- 6. APPROVE AGENDA - *Council members may add items to the agenda for discussion purposes or staff direction. The Council will not normally take official action on items added to the agenda.***
- 7. CONSENT AGENDA - *These items are considered routine in nature and are approved with one motion without discussion/debate. The Mayor will ask if any Council member wishes to remove an item and place it on the regular agenda for discussion and consideration. If no items are to be removed, the Mayor will then ask for a motion to approve the Consent Agenda.***
 - 7.1. Approval of November 19, 2024 Council Proceedings
 - 7.2. City of Thief River Falls Bills and Disbursements and Council Per Diems
- 8. NEW BUSINESS**
 - 8.1. Step Reclassifications in Water Department
 - 8.2. Second Reading of Ordinance 114.02 - Cannabis and Lower Potency Hemp Edibles
 - 8.3. Approval of Ordinance 114.02 - Cannabis and Lower Potency Hemp Edibles.

- 8.4. Authorize City Administrator to advertise for Council Member Ward 3 January 2025 vacancy

9. COUNCIL BOARDS AND COMMISSIONS REPORTS - *Not all boards or commissions will have met prior to the Council meeting. These reports are intended to keep the other council members informed of actions or proposed actions taken by these boards and commissions. Only those with something to report would be on the agenda.*

10. UPCOMING MEETINGS

- 10.1. Public Utilities Committee - December 9th at 7:00 a.m.
- 10.2. Public Safety/Liquor Committee - December 9th at 4:30 p.m.
- 10.3. Administrative Services Committee - December 10th at 4:30 p.m. Room 201 City Hall
- 10.4. Public Works Committee - December 11th at 4:30 p.m.
- 10.5. City Council Meeting - December 17th at 5:30 p.m.

11. INFORMATIONAL ITEMS

- 11.1. Canadian Pacific Holiday Train 12/15/2024 - Cookies and Hot Chocolate will be at the Heritage Center. Port-a-Potties will be available in the City Hall gravel parking lot due to construction. The event is free to the public with CP encouraging attendees to make a monetary or heart-healthy food donation to benefit the local food shelf. Estimated time of arrival is 7:45 pm (time will vary). Dress warm and be mindful of street closures and pedestrians.

12. ADJOURNMENT TO TRUTH IN TAXATION HEARING AT 6 P.M. TONIGHT

13. TRUTH IN TAXATION

14. ADJOURNMENT

City of Thief River Falls complies with the ADA. Individuals with disabilities requiring special aids should contact the City Administrator, 405 Third Street East, Thief River Falls, MN 56701, 218-681-2943, 48 hours prior to the scheduled meeting.



City of Thief River Falls

405 Third Street East • PO Box 528
Thief River Falls MN 56701-0528

PHONE: 218-681-2943
FAX: 218-681-6223
email: @citytrf.net
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Request for Council Action

DATE: 12/3/2024

SUBJECT: Step Reclassifications in Water Department

RECOMMENDATION: It is respectfully requested that the Council consider the following:

MOTION TO: To approve the Step Reclassification of the following Water Systems Employees effective December 4, 2024:

Nicholas Trudeau, Water Systems Foreman, from Grade 7 Step 4 to Grade 7 Step 6
Wade Wallace, Water Plant Operator, from Grade 5 Step 5 to Grade 5 Step 7
Terry Benson, Water Plant Operator, from Grade 5 Step 3 to Grade 5 Step 5
Trentyn Groslie, Water Plant Operator, from Grade 5 Step 2 to Grade 5 Step 4
Wade Cardinal, Water Systems Operator, from Grade 5 Step 4 to Grade 5 Step 6
Ben Myers, Water Systems Operator, from Grade 5 Step 4 to Grade 5 Step 6
Austin Stavenes, Water Systems Operator, from Grade 5 Step 2 to Grade 5 Step 4

The step changes are not retroactive and do not affect Anniversary dates.

BACKGROUND: Labor Ad Hoc Committee reviewed the current steps with seven employees after meeting with the Superintendent

KEY ISSUES:

FINANCIAL CONSIDERATIONS:

LEGAL CONSIDERATION:

DEPARTMENT/RESPONSIBLE PERSON: Wayne Johnson, Water System Superintendent

ATTACHMENTS:

None



Request for Council Action

DATE: 12/3/2024

SUBJECT: Second Reading of Ordinance 114.02 - Cannabis and Lower Potency Hemp Edibles

RECOMMENDATION: It is respectfully requested that the Council consider the following recommendation:

MOTION TO: Hold the Second Reading of Ordinance 114.2 an amendment to City Code Chapter 114 entitled “Cannabis” by adding section 114.02 - Cannabis and Lower Potency Hemp Edibles Ordinance, and adopting by reference city code Chapter 10, which, among other things, contains penalty provisions

BACKGROUND: The Minnesota State Legislature has adopted Minnesota State Statute 342. Cannabis, which regulates the cultivation, manufacturing, transportation, wholesale and retail sales, and adult use of Cannabis products and Lower Potency Hemp Edibles and Topical products. Section 342.13 addresses Local Control. 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.

KEY ISSUES: • Per Minnesota State Statute 342.13 – Local Control, NO fewer than one retail registration for every 12,500 residents is allowed.

- The City of Thief River Falls may establish, own, and operate one municipal cannabis retail business subject to the restrictions in Minnesota State Statute 342 and the same retail license requirements and procedures applicable to all other applicants. The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses.
- The recommended prohibited distance from schools, daycare centers, residential treatment centers, and city park attractions has been set at 300 feet which allows location of cannabis businesses in the C-3 - Central Business District and along our C-2 General Business Corridors. Setting a prohibited distance limit greater than that results in nearly no locations to place a cannabis business.
- Section 3.3 sets the Hours of Operation to follow Minnesota State Statute 342.27, Subd. 7 on Cannabis operations.

MN State Statute 342.27, Subd. 7 currently reads:
Subd. 7. Hours of operation.

- (a) Except as provided by paragraph (b), a cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may not sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday nor between 2:00 a.m. and 10:00 a.m. on Sunday.
- (b) A city or county may adopt an ordinance to prohibit sales for any period between 9:00 p.m. and 2:00 a.m. the following day or between 8:00 a.m. and 10:00 a.m. on the days of Monday through Saturday.
- (c) A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may not be open to the public or sell any other products at times when the cannabis business is

prohibited from selling cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

- A cannabis retail registration application and fee schedule need to be established. A local unit of government may impose an initial retail registration fee of \$500 or up to half the amount of the applicable initial license fee under section 342.11, whichever is less. The local unit of government may also impose a renewal retail registration fee of \$1,000 or up to half the amount of the applicable renewal license fee under section 342.11, whichever is less. The initial registration fee shall include the fee for initial registration and the first annual renewal. Any renewal fee imposed by the local unit of government shall be charged at the time of the second renewal and each subsequent annual renewal thereafter. Note: the initial license fee for a microbusiness is \$0. It is also \$0 for the license and renewal of a medical cannabis cultivator, a medical cannabis processor and a medical cannabis retailer.
- Per Minnesota State Statute 342.22, Subd. 4 – A local unit of government shall conduct compliance checks of every cannabis business and hemp business with a retail registration issued by them. The checks shall assess compliance with age verification requirements, the applicable operation requirements, and the applicable limits on the types of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products being sold.

FINANCIAL CONSIDERATIONS: We may charge a business registration fee which should cover the costs of compliance checks.

LEGAL CONSIDERATION: A public hearing was held at 5:00 pm at the Planning Commission meeting on November 12, 2024 and the First Reading was held at the November 19, 2024 City Council meeting.

DEPARTMENT/RESPONSIBLE PERSON: Richard Baker - Economic/Community Development Director

ATTACHMENTS:

1.	Cannabis Ordinance - DRAFT.rev2
2.	Cannabis 300 300
3.	Cannabis Lower Potency Hemp Edibles Addition to Zoning Code.revised

ORDINANCE NO. ____, 3rd SERIES

**AN ORDINANCE OF THE CITY OF THIEF RIVER FALLS,
MINNESOTA, AMENDING CITY CODE CHAPTER 114
ENTITLED "CANNABIS" BY ADDING CHAPTER 114.02
"CANNABIS AND LOWER POTENCY HEMP EDIBLES", AND
ADOPTING BY REFERENCE CITY CODE CHAPTER 10,
WHICH, AMONG OTHER THINGS, CONTAIN PENALTY
PROVISIONS.**

THE CITY COUNCIL OF THIEF RIVER FALLS ORDAINS:

**Section 1. City Code Chapter 114 is hereby amended
to add Section 114.02, to read as follows:**

**Cannabis and Lower Potency Hemp Edibles
Ordinance No. 114.02**

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

**AN ORDINANCE OF THE CITY OF THIEF RIVER FALLS TO REGULATE CANNABIS
BUSINESSES**

The city council of Thief River Falls hereby ordains:

Section 1. Administration

1.1 Findings and Purpose

The City of Thief River Falls makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of Thief River Falls to protect the public health, safety, welfare of Thief River Falls residents by regulating cannabis businesses within the legal boundaries of Thief River Falls.

The City of Thief River Falls finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Thief River Falls that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

The City of Thief River Falls has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

This Ordinance shall be applicable to the legal boundaries of the City of Thief River Falls.

1.3 Severability

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

1.4 Enforcement

The City Police Chief and Zoning Administrator are responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers.
4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the City of Thief River Falls to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within the City of Thief River Falls without first registering with the City of Thief River Falls.

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

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

2.2 Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, the City of Thief River Falls shall conduct a preliminary compliance check to ensure compliance with local ordinances.

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

2.3 Registration & Application Procedure.

2.3.1 Fees.

The City of Thief River Falls shall not charge an application fee.

A registration fee, as established in the City of Thief River Falls' fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

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

Any renewal retail registration fee imposed by the City of Thief River Falls shall be charged at the time of the second renewal and each subsequent renewal thereafter.

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

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

2.3.2 Application Submittal.

The City of Thief River Falls shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the City of Thief River Falls. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;

- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.

(B) The applicant shall include with the form:

- i. the application fee as required in [Section 2.3.1];
- ii. a copy of a valid state license or written notice of OCM license preapproval;

(C) Once an application is considered complete, the Zoning Administrator shall inform the applicant as such, process the registration fees, and forward the application to the City Council that will approve or deny the request for approval or denial.

(D) The application fee shall be non-refundable once processed.

2.3.3 Application Approval

(A) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

(B) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The City of Thief River Falls shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24 and this Ordinance.

The City of Thief River Falls shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

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

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

2.3.5 Location Change

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

2.4 Renewal of Registration

The City of Thief River Falls shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of Thief River Falls.

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

2.4.1 Renewal Fees.

The City of Thief River Falls may charge a renewal fee for the registration starting at the second renewal, as established in the City of Thief River Falls' fee schedule.

2.4.2 Renewal Application.

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

- Items required under Section 2.3.2 of this Ordinance.

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

The City of Thief River Falls may suspend a cannabis retail business's registration if it violates the ordinance of the City of Thief River Falls or poses an immediate threat to the health or safety of the public. The City of Thief River Falls shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM.

The City of Thief River Falls shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City of Thief River Falls and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 Length of Suspension.

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

The City of Thief River Falls shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the City of Thief River Falls may impose a civil penalty, as specified in the City of Thief River Falls' Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

The City of Thief River Falls shall not limit the number of cannabis retail businesses within the city limits and at all times will comply with state statute to allow no fewer than one registration for every 12,500 residents.

Section 3. Requirements for Cannabis Businesses

State Statutes allow the City of Thief River Falls to “adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business.”

3.1 Minimum Buffer Requirements

The City of Thief River Falls shall prohibit the operation of a cannabis business within 300 feet of a school.

The City of Thief River Falls shall prohibit the operation of a cannabis business within 300 feet of a day care.

The City of Thief River Falls shall prohibit the operation of a cannabis business within 300 feet of a residential treatment facility.

The City of Thief River Falls shall prohibit the operation of a cannabis business within 300 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

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

3.2 Zoning and Land Use

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as an Industry in the following zoning districts:

- Light Industrial District (I-1);
- or General Industrial District (I-2)

3.2.1. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as an Industry in the following zoning districts:

- Light Industrial District (I-1);
- or General Industrial District (L-2)

3.2.1. Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as an Industry in the following zoning districts:

- Light Industrial District (I-1);
- or General Industrial District (I-2)

3.2.1. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as an Industry in the following zoning districts:

- Light Industrial District (I-1);
- or General Industrial District (I-2)

3.2.1. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a commercial business in the following zoning districts:

- General Business District (C-2);
- Central Business District (C-3)
- Downtown Fringe District (C-4)

3.2.1. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a Wholesale Distributor in the following zoning districts:

- Light Industrial District (I-1);
- or General Industrial District (I-2)

3.2.1. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a Wholesale Distributor in the following zoning districts:

- Light Industrial District (I-1);
- or General Industrial District (I-2)

3.3 Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products as allowed pursuant to Minnesota State Statute section 342.27, Subd. 7, as it presently exists or may hereafter be amended.

3.4 Advertising

Cannabis Businesses must follow the sign regulations as described in section 152 of the City's Ordinances for their respective zoning district.

Section 4. Temporary Cannabis Events

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

4.1 License or Permit Required for Temporary Cannabis Events

Notwithstanding any provision of this Code to the contrary, the council may issue a license for the temporary cannabis events in connection with a social event sponsored by the licensee.

4.1.1 License Required.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days.

A license or permit is required to be issued and approved by the City of Thief River Falls prior to holding a Temporary Cannabis Event.

Application

4.1.2 Registration & Application Procedure

Application for a license shall be made to the city administrator on an application provided by the city administrator. Before issuance, the license must be approved by the city council and issued by the city administrator upon payment of required fee and completion of other requirements.

A registration fee for a temporary cannabis event license shall be established by the council by resolution, which fee may be changed from time to time.

4.1.3 Application Submittal & Review.

The City of Thief River Falls shall require an application for Temporary Cannabis Events.

(A) An application for a retail registration shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;

(B) The applicant shall include with the form:

- i. the application fee as required in (Section 4.1.2);
- ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the City of Thief River Falls, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

(C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.

(D) The application fee shall be non-refundable once processed.

(E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

- i. The event area shall be cordoned off with fencing to prevent anyone under the age of 21 to enter.

- ii. All entrances to the event area must be manned for security and all attendees must be checked for ID and age verification. Only adults aged 21 or older may enter the event area.
 - iii. Organizers will submit a map of the event area indicating entrances/ID check areas, vendor areas, etc.
 - iv. No license/permit is valid until a Temporary Cannabis License is approved by the Office of Cannabis Management.
 - v. No license shall be issued for more than three four-day, four three-day, six two-day or 12 one-day temporary licenses, in any combination not to exceed 12 days per year, for a temporary cannabis event to any one individual, organization or registered political committee, or for any one location, within a 12-month period.
 - vi. The city shall not issue more than one temporary cannabis event license to any one individual, organization, or registered political committee, or for any one location, within any 30-day period, unless the licenses are issued in connection with an event officially designated a community festival by the city.
 - vii. All licenses/permits and licensees are subject to all provisions of State Statutes and this Code relating to temporary cannabis events. The licensee shall provide proof of financial responsibility coverage (insurance.)
 - viii. Licenses/permits may authorize sales on premises other than those owned or permanently occupied by the licensee.
- (G) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.
- (H) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City of Thief River Falls shall notify the applicant of the standards not met and basis for denial.
- (I) Temporary cannabis events shall only be held between the hours of 10 AM and 8 PM.

Section 5. Lower-Potency Hemp Edibles

5.1 Sale of Low-Potency Hemp Edibles

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

5.2 Zoning Districts

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

- General Business District (C-2);
- Central Business District (C-3)
- Downtown Fringe District (C-4)

5.3 Additional Standards

5.3.1 Sales within Municipal Liquor Store.

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

5.3.2 Age Requirements.

Per Minnesota State Statute, the sale of Low-Potency Edibles is permitted only to persons 21 years of age or older.

5.3.3 Beverages.

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

5.3.4 Storage of Product.

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

Section 6. Local Government as a Cannabis Retailer

The City of Thief River Falls may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

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

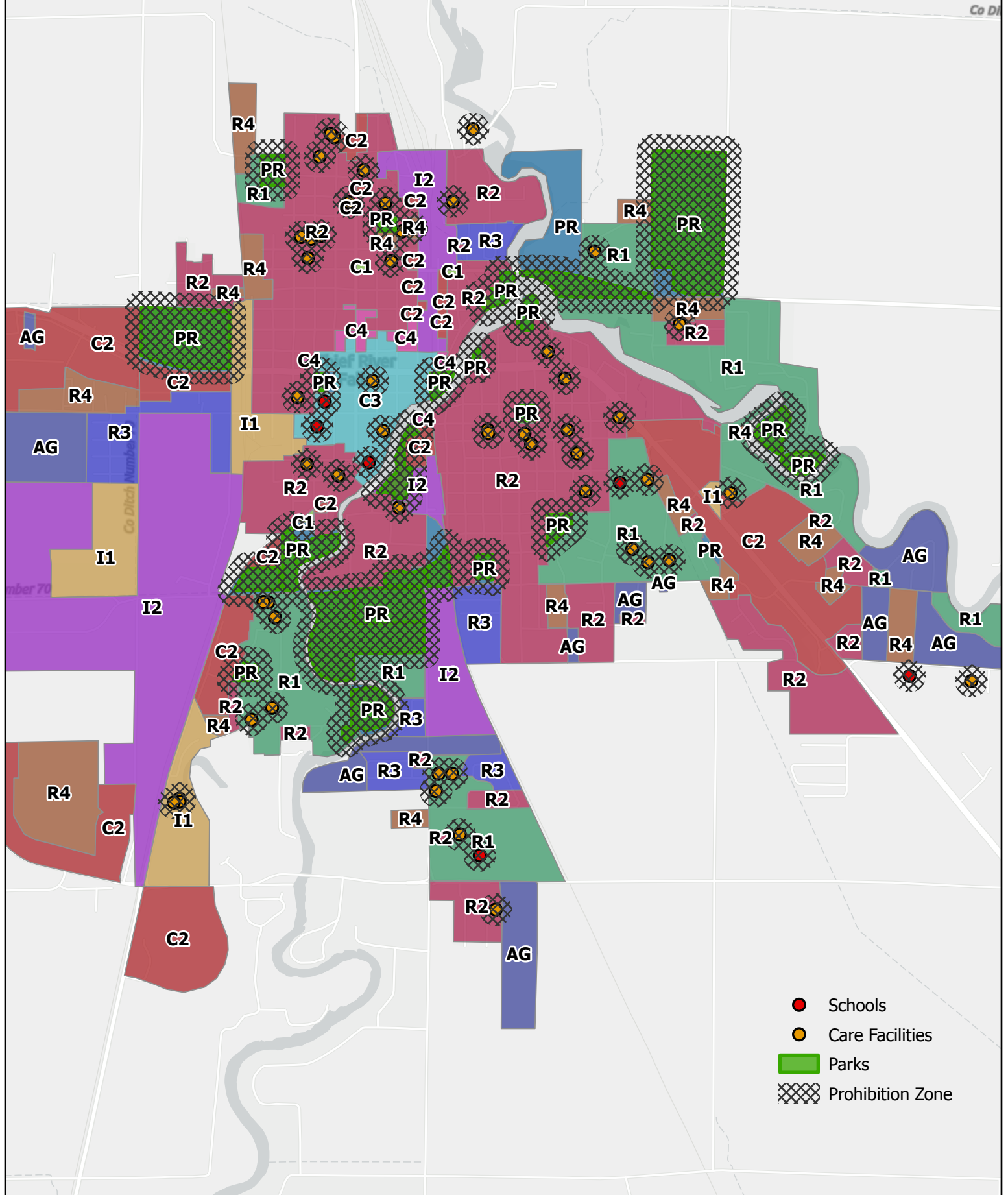
The City of Thief River Falls shall be subject to all the same retail license requirements and procedures applicable to all other applicants.

Section 7. City Code Chapter 10 entitled "General Provisions" and Section 152.998 entitled "Violation" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 8. This ordinance shall be in force and effect from and after its passage, approval, and publication.

Cannabis Prohibition Zone

The prohibition zone is 300 feet from schools, care and treatment facilities and parks



**NOTICE OF HEARING
PLANNING COMMISSION
CITY OF THIEF RIVER FALLS**

Notice is hereby given, pursuant to Chapter 114 of the Thief River Falls City Code, that the Planning Commission will consider:

An amendment to City Code Chapter 114 entitled “Cannabis” by adding section 114.02 “Cannabis and Lower Potency Hemp Edibles Ordinance”, and adopting by reference city code Chapter 10, which, among other things, contains penalty provisions. The proposed ordinance amendment will address: zoning classifications for cultivation, wholesale activities, and retail sale; classifying the number of licenses which may be issued; restricting hours of operation; preclusion of retail locations within certain distances from churches, schools, daycares and playground areas; and other provisions. A copy of the full draft ordinance is available at City Hall, or on the City’s website <https://www.trfmn.gov>.

Notice is further given that the Planning Commission will conduct a hearing on the proposed ordinance amendment at 5:00 p.m. on Tuesday, November 12, 2024, in the City Council Chambers, 405 3rd Street East, Thief River Falls, MN. All persons wishing to comment on the proposed ordinance amendment will have the option to be heard at that time. Persons who wish to submit written comments prior to the Hearing or who have questions should address them to the office of the Zoning Administrator, City Hall, P.O. Box 528, Thief River Falls, MN 56701, or telephone 218-681-8506.

If you have a disability and need accommodation in order to attend this hearing, please contact the Zoning Administrator at the above address or phone number.

Dated this 25th day of October 2024

CITY OF THIEF RIVER FALLS

/s/ Richard L. Baker
Zoning Administrator

Published in the Wednesday, October 30th edition of The Times.



Request for Council Action

DATE: 12/3/2024

SUBJECT: Approval of Ordinance 114.02 - Cannabis and Lower Potency Hemp Edibles.

RECOMMENDATION: It is respectfully requested that the Council consider the following recommendation:

MOTION TO: Approve an amendment to City Code Chapter 114 entitled “Cannabis” by adding section 114.02 - Cannabis and Lower Potency Hemp Edibles Ordinance, and adopting by reference city code Chapter 10, which, among other things, contains penalty provisions.

BACKGROUND: The Minnesota State Legislature has adopted Minnesota State Statute 342. Cannabis, which regulates the cultivation, manufacturing, transportation, wholesale and retail sales, and adult use of Cannabis products and Lower Potency Hemp Edibles and Topical products. Section 342.13 addresses Local Control. 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.

KEY ISSUES: • Per Minnesota State Statute 342.13 – Local Control, NO fewer than one retail registration for every 12,500 residents is allowed.

- The City of Thief River Falls may establish, own, and operate one municipal cannabis retail business subject to the restrictions in Minnesota State Statute 342 and the same retail license requirements and procedures applicable to all other applicants. The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses.
- The recommended prohibited distance from schools, daycare centers, residential treatment centers, and city park attractions has been set at 300 feet which allows location of cannabis businesses in the C-3 - Central Business District and along our C-2 General Business Corridors. Setting a prohibited distance limit greater than that results in nearly no locations to place a cannabis business.
- Section 3.3 sets the Hours of Operation to follow Minnesota State Statute 342.27, Subd. 7 on Cannabis operations.

MN State Statute 342.27, Subd. 7 currently reads:

Subd. 7. Hours of operation.

(a) Except as provided by paragraph (b), a cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may not sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday nor between 2:00 a.m. and 10:00 a.m. on Sunday.

(b) A city or county may adopt an ordinance to prohibit sales for any period between 9:00 p.m. and 2:00 a.m. the following day or between 8:00 a.m. and 10:00 a.m. on the days of Monday through Saturday.

(c) A cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may not be open to the public or sell any other products at times when the cannabis business is prohibited from selling cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

- A cannabis retail registration application and fee schedule need to be established. A local unit of government may impose an initial retail registration fee of \$500 or up to half the amount of the applicable initial license fee under section 342.11, whichever is less. The local unit of government may also impose a renewal retail registration fee of \$1,000 or up to half the amount of the applicable renewal license fee under section 342.11, whichever is less. The initial registration fee shall include the fee for initial registration and the first annual renewal. Any renewal fee imposed by the local unit of government shall be charged at the time of the second renewal and each subsequent annual renewal thereafter. Note: the initial license fee for a microbusiness is \$0. It is also \$0 for the license and renewal of a medical cannabis cultivator, a medical cannabis processor and a medical cannabis retailer.
- Per Minnesota State Statute 342.22, Subd. 4 – A local unit of government shall conduct compliance checks of every cannabis business and hemp business with a retail registration issued by them. The checks shall assess compliance with age verification requirements, the applicable operation requirements, and the applicable limits on the types of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products being sold.

FINANCIAL CONSIDERATIONS: We may charge a business registration fee which should cover the costs of compliance checks.

LEGAL CONSIDERATION: A public hearing was held at 5:00 pm at the Planning Commission meeting on November 12, 2024. the First Reading was held at the November 19, 2024 City Council meeting and the Second Reading at the December 3, 2024 City Council meeting.

DEPARTMENT/RESPONSIBLE PERSON: Richard Baker - Economic/Community Development Director

ATTACHMENTS:

None



City of Thief River Falls

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Request for Council Action

DATE: 12/3/2024

SUBJECT: Authorize City Administrator to advertise for Council Member Ward 3 January 2025 vacancy

RECOMMENDATION: It is respectfully requested the Council consider the following:

MOTION TO: Advertise two weeks in December in The Times and Watch for the City of Thief River Falls to accept applications to fill a vacancy of Council Member Ward 3 on the Thief River Falls City Council that will be vacant after January 7, 2025.

BACKGROUND: Mike Lorenson, current Ward 3 Council Member won the Mayor seat in the November 5th General Election. Mr. Lorenson will be sworn into the Mayor seat on January 7, 2025. This will create a vacant Ward 3 Council Member seat. The City of Thief River Falls can take applications and then interview applicants after January 7, 2025.

KEY ISSUES: to be eligible for appointment a person must be a United States citizen, a resident of the city within ward 3 district, and at least 21 years old. This term expires December 31, 2026.

FINANCIAL CONSIDERATIONS:

LEGAL CONSIDERATION:

DEPARTMENT/RESPONSIBLE PERSON: Angela Philipp, City Administrator

ATTACHMENTS:

None