

CITY OF FALCON HEIGHTS
City Council Workshop
City Hall
2077 West Larpenteur Avenue

AGENDA
September 6, 2023
6:30 P.M.

- A. CALL TO ORDER:
- B. ROLL CALL: GUSTAFSON___ LEEHY___
 MEYER ___ WASSENBERG ___ WEHYEE___
- STAFF PRESENT: LINEHAN___ VAN DER WERFF___
- C. POLICY ITEMS:
1. Third Sphere: Intercultural Leadership Training Cohort
 2. Cannabis Business Moratorium
- D. ADJOURNMENT:

DISCLAIMER: City Council Workshops are held monthly as an opportunity for Council Members to discuss policy topics in greater detail prior to a formal meeting where a public hearing may be held and/or action may be taken. Members of the public that would like to make a comment or ask questions about an item on the agenda for an upcoming workshop should send them to mail@falconheights.org prior to the meeting. Alternatively, time is regularly allotted for public comment during Regular City Council Meetings (typically 2nd and 4th Wednesdays) during the Community Forum.

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REQUEST FOR COUNCIL ACTION (RCA)

Meeting Date	September 6, 2023
Agenda Item	Presentation C1
Attachment(s)	Third Sphere Proposal
Submitted By	Jack Linehan, City Administrator

Item	Third Sphere’s Training: Building a Culture of Diversity, Equity, Inclusion, and Belonging
Description	<p>Falcon Heights has had an emphasis in inclusion for many years. Especially after the fatal shooting of Philando Castile on July 6th, 2016 strong efforts were made to examine and improve inclusion in Falcon Heights. The City Council then voted to organize the Inclusion and Policing Task Force which held meetings, Community Conversations, and gave recommendations on how the City could improve.</p> <p>Third Sphere is a consulting agency founded by Dr. Ramón Pastrano that focuses on culture building and emphasizes that an organization’s culture is key to its success. After meeting with Dr. Ramón Pastrano and his colleague, Dr. Jonathan Stuart, they have given us a proposal on how to proceed with the City’s inclusion efforts.</p> <p>The proposal includes multiple phases. The first phase encompasses the Intercultural Development Inventory (IDI) for 20 participants (10 council and commission chairs, 10 staff). Participants will take an online inventory, receive personalized reports, and spend 45-60 minutes in one on ones with Third Sphere’s coaches. Participants will be able to set up a plan on how to continue forward with their personalized reports. Phase I costs \$7,000.</p> <p>To start this project, Third Sphere will kick off the training for the City Council and the Chairs of the Commissions. Staff will hold a similar session during the day time. Dr. Ramón Pastrano and Dr. Jonathan Stuart will be present on Wednesday to lead the training exercise.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • Third Sphere Proposal
Action(s) Requested	Training



City of Falcon Heights: Building a Culture of Equity, Inclusion, and Belonging





To: Fredi Ponce Parra— Administrative and Inclusion Intern
Jack Linehan— City Administrator
Melanie Leehy— City Council

From: Dr. Ramón A. Pastrano— Third Sphere, LLC
Dr. Jonathan Stuart— Texture Consulting

Re: Leading with Cultural Competence, and Building a Culture of Equity, Inclusion and Belonging at City of Falcon Heights

Dear, Fred, Jack and Melanie,

I hope this email finds you well. I am writing to express my sincere gratitude for the opportunity to submit a proposal for how to build a culture of diversity, equity, inclusion and belonging that aligns with the city mission and vision. I truly appreciate your consideration and the opportunity to contribute to the growth and inclusivity of Falcon Heights.

I am passionate about fostering diverse and inclusive communities, and I firmly believe that effective leadership, cultural competence, and effective DEIB practices are essential pillars in achieving this goal. It is through collaborative efforts and initiatives like the one being considered that we can create a more equitable and inclusive society for all residents.

I am excited about the prospect of working with the City of Falcon Heights to design and implement a comprehensive initiative that addresses the specific needs of the community. By providing leadership training programs, promoting cultural competence, and implementing strategies to enhance diversity, equity, inclusion, and belonging, we can make a significant impact on the lives of residents and create a more harmonious and inclusive environment.

Once again, I extend my deepest gratitude for this opportunity. I am committed to putting forth my best efforts in developing a proposal that aligns with the vision of the City of Falcon Heights. Should you require any further information or have any questions, please do not hesitate to reach out to me or Jonathan. I am eagerly looking forward to the next steps in this process.

Thank you once again for your trust and consideration.

Warm regards,

Dr. Ramon A. Pastrano
Third Sphere, LLC



Recommendations:

According to Gallup, To succeed, leaders and managers need to acquire these seven leadership competencies:

Build relationships: Create partnerships, build trust, share ideas and accomplish work.

Develop people: Help others become more effective through strengths, expectations and coaching.

Drive change: Embrace change and set goals that align with a stated vision.

Inspire others: Encourage others through positivity, vision, confidence, challenges and recognition.

Think critically: Gather and evaluate information that leads to smart decisions.

Communicate clearly: Share information regularly and concisely.

Create accountability: Hold oneself and one's team responsible for performance.

Based on our conversation, I recommend that the City of Falcon Heights Leadership Team work from the inside out (from ego to eco) and focus on building cultural competence first.

The best Intercultural Competence Practices occur at a level supported by the individual's underlying developmental orientation. Training, experiential education and leadership development efforts directed at building intercultural competence are more



successful when focused on the underlying developmental orientation as presented in the DMIS (Developmental Model of Intercultural Sensitivity) continuum and assessed by the IDI (Intercultural Developmental Inventory).

“Cultural Competence is the ability to understand, communicate with, and effectively interact with people across all dimensions of cultures and diversity. Cultural competence encompasses being aware of one's own world view (biases, mental models, etc.), developing positive attitudes towards cultural differences, and gaining knowledge of different cultural practices and world views. Cultural competence is having the wisdom, humility, courage and the ability to bridge, adapt and cognitively shift” (Dr. Ramon Pastrano).

Phase I: The Intercultural Developmental Inventory- Cohort of 20 Participants

The IDI is designed and validated as a “culture-general” measure of intercultural competence. The IDI has been statistically validated to generalize across other cultural communities than the respondent’s own culture group.

Participation in this process includes:

1. Access Codes for all participants to take the on-line inventory
2. IDI and Intercultural Development Plan (IDP) Reports
3. Workshop: “Intercultural Leadership and the Role of the IDI in building cultural competence and DEI+B
4. 45-60 minutes 1:1 (each) Facilitated individual coaching conversation to understand the individual results and how to construct their Individual Development Plan (IDP).
5. Customized handouts and extra resources to support the participant experience.
6. Group Feedback and Group Report
7. Organizational Report

Package Cost for 20.....\$7,000.00

Reg. Price: \$8500.00

Part 2: Supporting Workshops for the DEI Journey and IDI Work. These workshops can also be used to support the organization as a whole.

**Being an Effective Leader in the 21st Century:
The Role of Unconscious Bias and the Power of Awareness Based Leadership**



Everyone has unwritten scripts and biases. It is what makes us humans! We often make questionable decisions because mental distortions and biases sabotage our reasoning. Scientific research has demonstrated how these unconscious, automatically activated, and pervasive mental processes can be manifested across a variety of contexts producing significant impacts. When we unconsciously link whole groups of people with an attribute or behavior, we might make an implicit association that may be in direct conflict with our stated values and beliefs. And, because these actions happen in our unconscious, they may cause us to be unfair even when we think we are being fair. As we seek to lead in transformational ways among multicultural diverse groups, it is important to identify those mental processes which affect social judgements and operate without our conscious awareness or conscious control. This immersive interactive session includes exercises and small group discussions. uncovering what is hiding in our brains can we move to thoughts and behaviors that lead to greater equity, inclusion and collaboration.

Cost.....\$3000



Designing an Inclusive and Equitable City of Falcon Heights: Visioning Session for DEIB Exploration and Implementation

Objective: The objective of this visioning session is to engage stakeholders in the city to collectively envision and strategize the implementation of a robust Diversity, Equity, Inclusion, and Belonging (DEIB) process. By fostering collaboration and generating ideas, the session aims to lay the foundation for a more inclusive and equitable city for all residents.

Duration: TBD

Agenda:

I. Welcome and Introductions

Explain the importance of DEIB and its potential impact on the city

II. Setting the Context

Present a brief overview of DEIB concepts, principles, and benefits

Share examples of successful DEIB initiatives in other cities

Highlight challenges and opportunities specific to the city

III. Sharing Personal Experiences

Facilitate a roundtable discussion where participants share personal experiences related to DEIB (positive or negative)

Encourage active listening and empathy

Record key themes and insights on a whiteboard or flip chart paper

IV. Visioning Exercise: Open Space Technology

Provide each group with a set of questions or prompts related to DEIB exploration and implementation. Choose the questions from the list below

V. Group Presentations and Discussion

Each group to present their vision to the larger group

Emphasize the importance of collective input and collaboration

VI. Action Planning

- a. Facilitate a plenary discussion to identify common themes, ideas, and priorities from the group presentations



- b. Create an action plan with specific goals, timelines, and responsible parties
- c. Encourage participants to volunteer or nominate representatives to contribute to the DEIB implementation process
- d. Document the action plan on a whiteboard or flip chart paper for all participants to see

VII. Wrap-up and Next Steps

Summarize the key outcomes and actions discussed during the session

Provide participants with evaluation forms to gather feedback

Announce upcoming events or opportunities for continued engagement

VIII. Closing Remarks

Reinforce the importance of ongoing commitment and collaboration for successful DEIB implementation.

Potential Questions to Explore:

1. What does diversity mean to our city? How do we define diversity in terms of race, ethnicity, gender, sexual orientation, age, disability, and socioeconomic status? How do we account for other relevant dimensions of diversity that are not visible?
2. How do we currently address issues of equity in our city? What are the existing disparities and inequities that need to be addressed?
3. What is the level of inclusivity in our city? Are there groups or communities that feel excluded or marginalized? How can we create a more inclusive environment where everyone feels valued and respected?
4. What are the unique strengths and assets of our city's diverse communities? How can we leverage these strengths to promote equity and inclusion?
5. How can we ensure equitable access to resources, opportunities, and services for all residents in our city? What barriers currently exist and how can they be overcome?



6. How can we promote cultural awareness and sensitivity among city officials, employees, and community members? What strategies can be implemented to enhance cultural competency and reduce biases?
7. What policies, practices, and procedures need to be reviewed or developed to embed DEIB principles into the fabric of our city? How can we ensure these policies are enforced and monitored effectively?
8. How can we engage and involve diverse community members in decision-making processes? What mechanisms can be put in place to solicit input and feedback from underrepresented groups?
9. How can we foster collaboration and partnerships with community organizations, businesses, educational institutions, and other stakeholders to advance DEIB goals?
10. What steps can be taken to raise awareness and educate the community about the importance of DEIB? How can we promote dialogue and understanding among different groups?
11. How can we measure progress and success in our DEIB efforts? What metrics and indicators can be used to track changes in equity, diversity, inclusion, and belonging within the city?
12. How can we ensure accountability and transparency in our DEIB process? What mechanisms can be implemented to evaluate and report on our progress?
13. How can we create safe spaces for dialogue and difficult conversations about DEIB within our city? What resources and support systems should be in place to facilitate these conversations?
14. How can we integrate DEIB considerations into urban planning, infrastructure development, and community revitalization initiatives to create equitable and inclusive neighborhoods?
15. How can we sustain and continuously improve our DEIB efforts over the long term? What strategies can be implemented to embed DEIB into the city's DNA and ensure it remains a priority?



*Remember, these questions are meant to serve as starting points for discussion and exploration. The goal is not to choose them all but only the ones that are relevant to your mission and vision. They can be tailored and expanded upon based on the specific context and needs of the city.

Cost.....TBD

Fred, Jack and Melanie, I look forward to hearing about the next steps. If you have any questions or require further information, do not hesitate to contact me at ramon@the3Sphere.com; 612-396-2537

Thank you again!

Dr. Ramon A. Pastrano IV
Third Sphere, LLC

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REQUEST FOR COUNCIL ACTION (RCA)

Meeting Date	September 6, 2023
Agenda Item	Policy C2
Attachment(s)	PP Presentation, DRAFT Ordinance 23-XX: An Interim Ordinance Prohibiting the Operation of Cannabis Businesses
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Cannabis Business Moratorium until January 1, 2025
Description	<p>Adult-use cannabis was legalized via Chapter 63. Legal sales are expected to begin January 2025 upon establishment of the Minnesota Office of Cannabis Management and the licensing process beginning. Cities are permitted to place an interim ordinance prohibiting cannabis businesses until January 1, 2025. The current moratorium in place expires September 28, 2023. At the time of its expiration, the new moratorium would be the primary in place until January 1, 2025.</p> <p>The attached drafted moratorium ordinance is as broad as allowed under the final state law and prohibits all cannabis businesses until January 1, 2025. A public hearing is required to pass this moratorium, which is unusual for a moratorium, but is a special requirement from this new state statute.</p> <p>During the period of the moratorium, staff and the Planning Commission would take a deeper dive in to our ordinances revolving around Cannabis sales.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • PowerPoint Presentation re. MN Cannabis Legalization from Jack S. Brooksbank, Campbell Knutson • DRAFT Ordinance 23-XX: An Interim Ordinance Prohibiting the Operation of Cannabis Businesses
Action(s) Requested	Staff is seeking direction whether to start the process for noticing a public hearing for our Wednesday, September 27 th City Council meeting.

Minnesota Cannabis Legalization 2023

JACK BROOKSBANK, ATTORNEY

MAY 2023



CAMPBELL KNUTSON
PROFESSIONAL ♦ ASSOCIATION

High-Level Plan:

1. Legalize private individual purchase, possession, use, and limited growing (8 plants per residence)
 - Starting July/August 1, 2023
 - It appears possession is legalized July 1; however, the statutes imposing criminal penalties for possession are not changed until August 1
 - Reporting indicates August 1
2. Commercial growth, processing, and sales under regulation of new state Office of Cannabis Management (OCM)
 - Starting as early as January 1, 2024
3. Expungement of convictions under previous laws
 - Handled through BCA, likely limited or no city involvement

NOTE: STILL NO CHANGE TO FEDERAL LAWS

Use

Broadly permits adult (21+) use and possession

- Limits on potency, quantity possessed
- May possess larger amount in home than in public
- May give without payment up to limited amount
- May grow plants at home but may not make concentrates at home



Limited restrictions on use

- May use in private residences, on private property NOT generally open to the public, or at a licensed premises
- Subject to general smoking prohibitions
- May not use or possess open packages in motor vehicle
- May not use or possess in schools or correctional facilities
- May not use where secondhand smoke could affect minors

Office of Cannabis Management

State administrative agency

- Due for creation July 1, 2023
- Commercial operations could begin January 1, 2024
- Reporting, agency website, legislation's author all indicate that will be unlikely to start sales until as much as a year later

Agency will conduct studies and provide reports

- Including recommendations for need to change transportation laws
- Pilot programs for new testing methods
- Use prevalence, adverse events
- Recommendations to reduce use by underage individuals

Responsible for regulating cannabis industry

Will take over medical cannabis program starting 2025

Commercial Regulation

Cannabis businesses split into categories

- 16 license types
- Split between cultivation, manufacture, distribution, and retail
- Further split between “full strength,” “lower-potency,” and medical
- Also includes “microbusiness” and “mezzobusiness”
 - Think craft brewery, more “farm to table”

This presentation mainly focuses on retail regulations

Note that cannabis businesses are still subject to general business regulations such as zoning

- A cannabis cultivator is still an agricultural business and regulated as such
- Food and beverage production still requires food handler permits and must contain food-approved ingredients
- Etc.

Cultivation

Licensed by state

- Cultivator, Microbusiness with endorsement, Mezzobusiness with endorsement

Size limits

- Indoor vs. outdoor
- Restriction on other licenses

OCM to establish rules

- Cultivation and growing
- Allowable chemical use
 - Fertilizer
 - Pesticides
- Water use
- Waste processing
- Odor

Retail Sales

Will create separate businesses for cannabis sales

- Think liquor stores
- City may operate own store, like a municipal liquor store, but not exclusive

Subject to State Licensing and Regulation

- Some home growing allowed, but no sales of any products without state license
- Initial license fees and renewal fees
- Restricted on size of operation
 - Maximum number of retail locations
 - Restriction on concurrent licenses held
- Limitation on types of products sold
 - Includes specific restrictions preventing products that appeal to children
- Restriction on display and storage of products
- Compliance requirements
 - Age verification, etc.

State will issue licenses based on demonstrated compliance with regulations and equity score

- Including consideration of applicant, proposed location, and market conditions



What about the current products?

Will remain legal without change until January 1, 2024

Will then also be governed by State licensing

- Includes manufacturer, retail setup
- Exempted from most local control
- Enforcement under MDH until 2025, then transfer to OCM

May sell other products without restriction

- If have proper licensing, e.g. tobacco
- May sell for on-premises consumption if licensed
 - Extra license endorsement, requires separated designated consumption space



Municipal Regulation

Municipal regulations are generally preempted

- May not ban use, possession, or transportation
- May not prohibit businesses from operating if licensed by the state

So what role is left? Three areas:

1. Zoning
2. Specific regulations exempted from preemption
3. Enforcement and compliance

Zoning

Cannabis businesses will simply be another type of legal business, subject to the City's general zoning regulations.

- An explicit condition of obtaining a retail license will be demonstrating compliance with local zoning regulations.
- The City will therefore have the power to choose where the businesses may be located

The City may choose to designate businesses as conditional uses to address specific concerns

- E.g. lighting, security windows, etc.
- Specific setbacks from schools
- Must ensure that conditions are not preempted by state licensing regulations
 - Legislation added more security requirements recently, might limit local ability to regulate

Note: while the City may choose which zoning districts will allow cannabis businesses, the City cannot *ban* those businesses. The City should therefore designate at least one zoning district allowing cannabis businesses.

Note: Moratorium

Local governments may adopt a moratorium on cannabis businesses lasting until January 1, 2025

- Provision to conduct study on best way to handle zoning
- Can be internal staff review, but must be a study
- Includes full strength and lower-potency businesses—anything licensed under new law
- Could be passed in conjunction with existing moratorium
- Requires public hearing before going into effect

Remaining Local Regulation

City may not license businesses, ban businesses, or ban use or possession

May adopt ordinances adopting “reasonable restrictions on the time, place, and manner of the operation of a cannabis business”

- Not entirely clear what this will mean beyond generally applicable zoning and business regulations
- Specifically mentions setbacks:
 - 1000 feet of a school
 - 500 feet from a daycare, residential treatment facility, or “attraction within a public park that is regularly used by minors” like a playground
- Specifically mentions hours of operation
 - Businesses can sell between 10:00 am and 9:00 pm; cannot sell between 2:00 am and 8:00 am (10:00 am Sundays)
 - City may restrict the hours not listed above

City will be involved in state licensing process:

- After application, City will be asked to certify if proposed business complies with zoning, fire code, and building code
- City may provide “any additional information it believes is relevant” to application such as concerns about location or specific applicant

Local Registration

Businesses making retail sales, including low-potency hemp, must register with the city

City must issue registration if

- Applicant has valid state license
- Applicant has paid registration fees
- Applicant passes any initial compliance checks
- Applicant is current on local taxes and assessments

City may impose registration fees for initial registration and registration renewal

- Initial application: lesser of \$500 or half state license fee
- Renewal: lesser of \$1,000 or half of state license fee

City may limit number of full-strength registrations available

- Not fewer than 1 license per 12,500 residents
- May decline registration if one active registration per 12,500 residents *countywide*

Enforcement and Compliance

May make use in public a petty misdemeanor

Cities are responsible for conducting compliance checks assessing:

- Age verification
 - Like with liquor, will do unannounced checks by having an underage person attempt to purchase cannabis
- Operation requirements
 - Types of products sold, hours of operation, age of staff, etc

These compliance checks must be done at least once per year for each permit holder

City may also continue to ensure compliance with all local ordinances such as zoning, sign ordinances, snow removal, etc.

Enforcement Powers:

All preexisting power to enforce local ordinances

OCM will set up complaint process to report license violations; must give cities “expedited” process

Potential registration suspension:

- If the city determines that a business is in violation of its state license, or
- If the business is “an immediate threat to the health or safety of the public”

City has limited suspension power

- Suspension may be for no longer than 30 days
- Must immediately notify state office
- State may then impose longer license suspension or cancellation
- City may reinstate registration early if problems are addressed
- City may impose civil penalty of up to \$2,000 per violation if business continues to operate during suspension

Appeals: maximum 30-day suspension if City suspension, then becomes State action. But, likely still needs city appeal mechanism to avoid constitutional due process or takings issues

Finance: How is this all being paid for?

Law contains about \$70 million in state appropriations for initial funding

Long term funding by 10% sales tax on all sales

- Comparatively low
- Other states legalizing have started with lower initial rate to quash black market
- Could increase

Of tax money collected:

- 80% to general revenue
- 20% to dedicated local government aid account
 - 50% of this account to counties, 50% to cities
 - Will be distributed based on share of total cannabis businesses located in each city

State Aid/Assistance

State OCM charged with compiling informational reports and setting initial regulations

OCM also tasked with drafting model ordinances for cities

- We expect the office will work closely with the League of Minnesota Cities on these model ordinances
- Will likely cover licensing, enforcement; may not address zoning of business controls as those are more purely local issues

State aid for local law enforcement

- Training for compliance enforcement
- Financial aid for local law enforcement training
 - Impaired driver assessment
 - Field testing/evaluation
 - Drug recognition expert assistance
- State support for enforcement activities

Next steps for the City:

1. Start thinking about zoning:
 - a. Where should cannabis businesses be located?
 - Liquor stores are currently permitted uses in B-1 and B-3 districts
 - b. Permitted vs. Conditional use
2. Review general regulations
 - a. Loitering
 - b. Smoking in public
 - c. Public nuisance (noise, odor)
3. Business regulations
 - a. Registration
 - b. Time, Place, Manner (hours of operation, etc.)
 - c. Number of licenses
 - d. Fees (up to ½ State fees)
 - e. Enforcement/Appeals

Next Steps Cont.

4. State model ordinances
 - a. We will follow these as they develop
5. Police:
 - a. Research available trainings
 - b. Reach out to state associations etc. about potential funding for training
6. Internal Policy
 - a. Consider amending employee handbook
 - b. Clarify expectations for employees
 - c. Prohibit possession on the clock/on City property
7. Use Regulations
 - a. Penalty for use in public

Ordinances

1. Zoning Ordinance regarding cannabis businesses
 - Will require notice, public hearing
 - Likely need to permit businesses in at least one zoning district
 - Setbacks
2. Business regulations
 - Likely best to set up new section, potentially article 10-IX in chapter 10
 - Set desired maximum number of licenses
 - Hours of operation
 - Local registration
 - Compliance checks
 - Registration suspension and appeal
3. Fees
4. Use
 - Penalty for use in public
5. Moratorium if desired

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

ORDINANCE NO. [REDACTED]

**AN INTERIM ORDINANCE PROHIBITING THE OPERATION OF CANNABIS
BUSINESSES**

The City Council of the City of Falcon Heights does ordain:

SECTION 1. FINDINGS AND PURPOSE.

A. By enacting 2023 Session Laws Chapter 63, the Minnesota Legislature enacted Minn. Stat. chapter 342, legalizing adult-use cannabis and permitting the operation of cannabis businesses and the sale of cannabis flower and cannabis products for human consumption. This law creates a new agency, the Office of Cannabis Management, to regulate the sales of cannabis products.

B. The new law does enact some requirements for production, labeling and testing, and sale of cannabis products at the state government level. However, the new law creates uncertainty that will need to be resolved by the passage of further regulations by the Office.

C. The new law establishes that the sale of cannabis products is still subject to local planning and zoning restrictions, and must comply with local zoning code. The new law provides no guidance on how cities are to zone the new businesses, leaving it to local control.

D. Pursuant to Minn. Stat. § 342.13, the City is authorized to adopt an interim ordinance protecting the planning process and the health, safety, and welfare of its citizens. Under Section 342.13, such ordinance may remain in effect until January 1, 2025.

E. Pursuant to its general police powers, including but not limited to, Minn. Stat. § 421.221, subd. 32, the City may enact regulations regarding to promote the health, safety, order, convenience, and the general welfare of the City. This power permits the City to implement a moratorium to study the sales, testing, manufacturing, and distribution of cannabis products to determine if regulations are necessary for the sake of good order of the City.

F. The City Council finds that it is necessary to study the application of 2023 Session Laws Chapter 63, and the products, uses, and businesses related thereto, in order to assess the necessity for and efficacy of regulation and restrictions relating to the sales, testing, manufacturing, and distribution of cannabis flower, cannabis products, and lower-potency products including through zoning ordinances, in order to protect the public health, safety, and welfare of its residents.

SECTION 2. DEFINITIONS: The following terms when used in this ordinance shall mean:

Official controls. “Official controls” or “controls” means ordinances and regulations which control the physical development of the city or any part thereof or any detail thereof and

implement the general objectives of the comprehensive plan. Official controls include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

Cannabis Business. “Cannabis Business” has the meaning given in Minn. Stat. § 342.01, subd. 14.

Cannabis Flower. “Cannabis Flower” means the harvested flower, bud, leaves, and stems of a cannabis plant.

Cannabis Product. “Cannabis Product” means a product infused with cannabinoids, including but not limited to tetrahydrocannabinol (THC), including hemp-derived cannabinoids.

SECTION 3. INTENT AND AUTHORIZATION:

A. It is the intent of this ordinance to allow the City of Falcon Heights time to complete an in-depth study concerning adoption of revisions of the City’s official controls for the manufacturing, testing, distributing, and selling of Cannabis Flower and Cannabis Products, and the operation of Cannabis Businesses.

B. City staff is directed and authorized to conduct a study of the City’s official controls that may need to be adopted or amended to protect the public health, safety, and welfare as they relate to the manufacturing, testing, distributing, and selling of Cannabis Flower and Cannabis Products, and the operation of Cannabis Businesses.

SECTION 4. TEMPORARY PROHIBITION:

A. Pending the completion of the above referenced study and the adoption of appropriate official controls, the following is prohibited within the City:

The manufacturing, distributing, and selling of Cannabis Flower and Cannabis Products, and the operation of any Cannabis Business.

B. This moratorium does not apply to the selling, testing, manufacturing, or distributing of THC Products related to the Medical Cannabis Program as administered by the Minnesota Department of Health, provided that such activity is done in accordance with the regulations and laws of Minnesota regarding Medical Cannabis.

SECTION 5. ENFORCEMENT. The City may enforce this Ordinance by mandamus, injunctive relief, or other appropriate civil remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Administrator, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance. A violation of this Ordinance is also subject to the City’s general penalty in City Code § 1-7 et seq.

SECTION 6. EFFECTIVE DATE: This ordinance shall take effect immediately upon its passage and shall remain in effect until January 1, 2025, or until the adoption of the official controls being studied, whichever occurs first.

ADOPTED this ____ day of _____, 2023 by the City Council for the City of Falcon Heights.

CITY OF FALCON HEIGHTS

BY: _____
Randy Gustafson, Mayor

ATTEST:

Jack Linehan, City Administrator