

Regular City Council Meeting
Mountain Lake City Hall
Monday, December 16, 2024
5:45 p.m.

AGENDA

1. Meeting Called to Order *Additional information on agenda item is attached or at City Hall

2. Approval of Consent Agenda
 - a. Bills: Checks #28880-28924, 1214E-1229E (1-9)
 - b. Payroll: Checks #68484-68526
 - c. Approve November 12 Lake Commission Minutes (10-11)
 - d. Approve November 12 Library Minutes, Report, & Expenditures (12-14)
 - e. Approve November 18 EDA Minutes (15-16)
 - f. Approve November 27 Utilities Commission Minutes (17-18)
 - g. Approve December 3 City Council Minutes (19-21)
 - h. Approve Resolution #22-24 – \$6,500 Fire Relief Donation (22)
 - i. Accept Dawn Fast Resignation, Deputy Clerk-Treasurer, effective 12/20/2024
 - j. Approve Promotion- Alyssa Nesmoie for Deputy Clerk- Treasurer, effective 12/23/2024, Step 4
 - k. Accept Doug Bristol Resignation, Police Chief, effective 12/31/2024
 - l. Approve Promotion- Louis Norell for Police Chief, effective 1/1/2025, Step 4

3. Public – A total of ten (10) minutes is allotted for individuals to briefly discuss a topic of concern or provide comments to the Council.

4. Fire & Ambulance Hall
 - a. Discussion/Action – Fire & Ambulance Hall Next Steps

5. City Administrator
 - a. Discussion/Action – Cottonwood County Cannabis Ordinance (23-33)
 - b. Discussion/Action – Mountain Lake 500 ft Buffer (34)
 - c. Discussion/Action – Joint Powers Agreement (35-37)

6. Roundtable
 - a. Discussion – Commissions/Boards Update

7. Adjourn

Lake Commission Meeting**Tuesday, November 12, 2024, 6:30 p.m.****Members Present:** Dave Bucklin, Randy Loewen, Chad Klassen, Stan Bennett, Jon Beyer, Janell Bargen, Jean Haberman**Guests Present:** Michael Mueller, City Admin.; Rachel Yoder

Chair Bucklin called the meeting to order at 6:30 p.m. M/S/P Beyer/Bargen to approve the agenda and minutes of the October 15, 2024 meeting.

Treasurer's Report (11/8/24)**Weed Harvester Income/Expense:**

Beginning Balance:	\$39,750.54
Insurance Premium Refund	20.62
Mercury Boat Motor	<u>(3,885.00)</u>
Ending Balance	\$35,886.16

Trail Income/Expense:

Beginning Balance:	\$2,308.96
Engineering Fees / Sketch/Description	(1,555.50)
Trail Insurance Premium Refund	31.16
DNR Water Permit	(35.00)
Interest Earnings (10/2024)	<u>138.77</u>
Ending Balance:	\$888.39

M/S/P Loewen/Bennett to approve the Treasurer's Report and allow a transfer of \$3,885.00, the cost of the boat motor, from savings to the cash account.

Rachel Yoder expressed concern about trees that have been cut down without permission on their property. The City and the Lake Commission were not aware of this problem and will be watchful to see if it happens again.

Lake Projects:

- Dave talked to Andy Nickel and he is willing to clean out the cattails on the beach and put in washed sand for approx. \$2,500. He will also fill in crushed red rock along the lakeshore between the two dams for approx. \$6,000.
- Janell has been trimming and cutting trees along the shoreline between the two dams so people can fish from the shore. Lake Commission members will plan a date to cut

down a few more trees. Michael Mueller will check with Katie Wigen (DNR) to get permission to add crushed red rock to the shoreline.

- Many thanks to Hoek Outdoors for moving the fishing pier to its winter location!
- Many thanks to the Mountain Lake Foundation for the donation for the new boat motor. Randy Loewen will take a picture of the motor to send to them.

Aeration:

- Brian Janzen will build a table for the aeration pump and will also cut a pipe before the aeration system is started.
- Michael Mueller will put a thin ice notice in the Observer for two consecutive weeks.

Other:

- Trail safety was discussed. Installing a speed bump on the corner by the fishing pier to slow down bicycles was mentioned.
- Luke Winger would like to get permission to build a walking/bike dirt path on the Island. The DNR restrictions regarding the Island will be investigated.
- Luke Ewald has submitted a MnDOT 2024 Planning Assistance Grant Application to help with planning for several projects that the Active Living Plan has identified.
 1. Improving pedestrian and bicyclist Crossing Safety.
 2. Establishing a trail along 570th Ave. to the Commercial/Industrial Park (Casey's and A&W).
 3. Connecting downtown Mountain Lake to the Commercial/Industrial Park.
 4. Creating a trail to Lawcon Park via Golf Course Road.

It was decided to skip the December meeting, unless it is called. The next meeting will be Monday, January 13, 2025

Respectfully submitted,

Jean Haberman,
Secretary/Treasurer

MOUNTAIN LAKE PUBLIC LIBRARY BOARD MINUTES
November 12th, 2024

Members Present: Rick H., Rachel S., Rochelle M.

Members Absent: Carol L., Rachel B.

Staff Present: Daniel Mick

Others Present: Andy Ysker

Others Absent: Michael Mueller

The meeting was called to order at 4:30 PM by Library chairman Rachel S.

Reports: Rick H. / Rochelle M. Approved minutes for October 8th, 2024 meeting minutes.

Daniel M. presented the October reports indicating 3122 total circulation. The expenses for October were \$7,401.00. M/S Rochelle M. / Rachel S. to accept the October reports as given and to approve the October expenditures, Motion carried.

Unfinished Business: Daniel M. has reported that the water pipe in the wall is repaired and the damage did not get as bad as was believed. Currently we are waiting for assistance in purchasing and installing a plate to cover the opening in the restroom. Until it has been covered the bathroom will be closed to ensure safety for younger patrons. SammyJo requests a sign off on the bench project so she can order the metal before the prices rise.

In New Business: Daniel M. reports that Jon Mewes, the libraries latest donator, is open to purchase new computers since the current ones are beginning to break down and even have hardware issues. Daniel M. also reported that he had received the Acre Workplace redesign. He believes the majority of the changes sadly will not work for our small space, but it has given ideas and Daniel will move to locating the furniture and discussing it with Mr. Mewes. Daniel M. is also advertising a fundraising craft event to help earn money for the Bench Project, the program will be Friday, December 13th.

Director Check In: Daniel M. has lined up a program in January, Sir Jacques La Christian is a historical reenactor that while portraying a French man during the 1800s fur trading years he also explains, discusses and show examples of items, money and some of the furs that trappers would look for. Daniel M. also reported on his MLA conference this year, the pain take away from the event was a book repair machine that would cut the time it takes to repair a book more then half. Rochelle M. suggested using the machine for fundraising to help patrons repair personal books. The board and Daniel agreed this would be a great idea. Halloween was slow again this year but the library did have around 15 visitors.

Materials Suggested: NONE

The meeting was adjourned at 5:20 PM

Respectfully submitted,

Daniel Mick

NOVEMBER LIBRARY EXPENDITURES

Expenditure	Description	Budget #	Total
A&B Buisness Solu	Monthly Contract Fee	200	\$72.50
Amazon	Paper Cutter-0035403	200	\$11.38
Peterson Pharmac	Batteries & Staples	200	\$67.30
Indoff	Air Freshener X 2	200	\$87.62
Lenovo	4 New Computers (J)	309	\$2,945.48
Reinbursment	Norm Vet Visit	331	\$141.44
MN Energy	Monthly Bill	383	\$66.63
Amazon	Aluminum Plate-3234636	400	\$37.81
Hanson Plumbing	Pipe Repair	404	\$539.09
Walmart	Halloween Candy	430	\$12.82
Vital Animal	Norm Vet Check Up & Medicine	430	\$107.66
Etsy	Replacment Sorry Pieces	430	\$11.48
Peterson Pharmac	Christmas Lights	430	\$20.81
Amazon	Christmas Deco.-0819423	430	\$8.99
Amazon	Heat Bulb Bracket	434	\$12.99
Pet Supplies Plus	Norm's Hornworms	434	\$19.09
Amazon	Board Games - 5583411	434	\$88.03
Amazon	Polaroid Camera & Case	434	\$137.98
Amazon	Extra Film-7797847	434	\$124.84
Amazon	Christmas Craft-9823416	434	\$31.98
Demco	Shelves & Labels	434	\$90.78
Ingram	Monthly Book Order	590	\$530.22
Amazon	Book-2521857	590	\$16.99
Amazon	Books-7131425	590	\$24.59
Amazon	Books-0858620	590	\$29.87
Amazon	Book-1331417	590	\$9.88
Amazon	Book-1107454	590	\$5.92
Amazon	Book-5865842	590	\$12.22
Amazon	Books-1979401	590	\$136.14
Amazon	Spanish Drivers Manuals	590	\$44.97
Time	Magazine Renewal	591	\$53.38
Popular Mechanics	Magazine Renewal	591	\$29.97
Amazon	Movie-9555456	592	\$17.95
Amazon	Movies-9432240	592	\$94.65
Amazon	Movie-0405818	592	\$12.53
Amazon	Movie-5359451	592	\$19.96
Amazon	Movies-0819423	592	\$30.99
		Sub-Total:	\$5,706.93

Mountain Lake
Public Library
November 2024

Children	
Audio	13
Books	1069
DVDs	89
Non Print	6
Multi Media	4
Periodicals	8
ADULT	
Audio	11
Books	520
DVDs	145
Non Print	9
Multi Media	0
Periodicals	12
Other Physical Media	0
SUBTOTAL:	1886
Ebooks	
Downloadable Audio	
TOTAL CIRCULATION:	2733
ILLN(MNLink)	59
Interlibrary Loan Sent	516
Interlibrary Loan Received	272

REVENUE	
Cash Income	\$ -
County Revenue	\$ -
Donations (Monetary)	\$ -
Fines	\$ -
Misc. Revenue	\$ 787.96
Meeting Room Rental	\$ -
Sale of supplies	\$ -
TOTAL REVENUE	\$ 787.96
EXPENDITURES	
Books	\$ 810.80
Periodicals	\$ 83.35
Audio/Visual	\$ 176.08
Gas Utilities	\$ 66.63
Janitorial Supplies	\$ -
Office Supplies	\$ 238.80
Library Supplies	\$ 90.78
Postage	\$ -
Project Expense	\$ 414.91
Repairs & Maintenance Building	\$ 539.09
Repairs & Maint-Materials	\$ 37.81
Tech/Automation Expense	\$ 2,945.48
Telephone	\$ -
Training, Instruction & Milage	\$ 141.44
MISC.	\$ 161.76
PCLS Delivery	\$ -
TOTAL EXPENDITURES	\$ 5,706.93

Economic Development Authority
Monday, November 18, 2024
Mt. Lake City Hall
Council Chambers

PRESENT: Steve Syverson, Eileen Augustin, Phil Skow, Mike Nelson, Travis Smith and Darla Kruser. Vern Peterson, Advisors.

ABSENT: Clara Johnson

STAFF: Rod Hamilton and Tabitha Garloff

CITY ADMINISTRATOR: Michael Mueller

GUEST: Bryan Barga and Daniel Barga, Barga Inc.

1. CALL TO ORDER: President Syverson called the meeting to order at 12 noon.
2. Motion to Approve Consent Agenda
Consent Agenda:
 - a. Approval of October 21st, 2024, Meeting Minutes.
 - b. Approval of Financial Reports and Bills. Motion made by Eileen to approve the consent agenda with the addition of 1 bill. Seconded by Mike. Motion carried.
Discussed need to update signers on EDA checks. Motion made by Phil to add Eileen as a signer on the checking account. Seconded by Travis. Motion carried.
3. Krienke Foods International, Inc. Update. Rod stated that Krienke Foods' lease payments are current to notices sent by Maryellen.
4. Hotel Update. Rod gave a brief update stating Harchanko is scheduling a meeting with the investors. Harchanko reported to Rod that the rate and term sheet from the bank is acceptable. Dollar amount from investors in very close to amount needed. Rod will be attending the school board meeting tonight to discuss the tax abatement. Rod will also be attending the city council meeting to discuss the forgivable loan in exchange for an agreement for community access to the pool at the hotel. The loan agreement would be a deferred loan over 20 years. There is a strong need for the use of the pool in Mountain Lake.
5. 12-Unit Apartment Update. Paperwork has been received and Tabitha is in the process of completing and submitting. The grant will be to the city and then awarded to the developer. The developer has until the end of May 2025 to begin construction.
6. Welcome Sign. The board appointed Mike, Travis and Tabitha as the Welcome Sign Committee. The board directed them to meet and bring back their recommendation to the December meeting for further discussion.
7. Lakeview Estates – Spec home incentives. Motion needed. An incentive program was discussed to encourage the building and selling of spec homes in Mountain Lake. Motion made by Mike to approve the city-wide Spec Home Incentive of \$10,000 to anyone building a spec home in Mountain Lake, and matched dollar for dollar by the builder/seller. This is a pilot program, and the incentive will be valid from November 1st, 2024, through May 1st,

2025, and reviewed as needed. Payment will be made to the closing agent. Seconded by Travis. Motion carried.

8. Open Board Position Recommendations. Rod will contact Kyle Smith, Midway Farm Equipment and invite to serve on the EDA Board.
9. GENERAL DISCUSSION:
 - a. Next Regular Board Meeting is December 9th, 2024
 - b. Other Business.
 - Heritage Estates – 4 apartments available for rent.
 - Chamber assistance. Rod and Tabitha stated they will be assisting the Chamber for the next 3 months while they reorganize and advertise for a new director.
10. ADJOURN. President Syverson adjourned the meeting at 1:06 p.m.

**Mountain Lake Utilities Commission Meeting
Mountain Lake City Hall
Thursday, November 27, 2024
7 AM**

Members Present: Todd Johnson; Mark Langland; Sue Garloff; City Council Liaison Dean Janzen; Brian Janzen; David Savage

Members Absent:

Staff Present: Michael Mueller, City Administrator; Dave Watkins; Electric Superintendent; Lane Anderson; Lineman; Superintendent; Steve Peters; Lineman; Taylor Nesmoe; Water/Wastewater Superintendent; Scott Pankratz; Water/Wastewater

Others Present:

Call to Order

The meeting was called to order at 7 AM.

Approval of Minutes and Bills

Motion by Johnson, seconded by Langland to approve the November 14th Minutes and Check Numbers 23838-23859 (601E-602E). Motion carried.

Electric Department

Watkins stated that he is still waiting on Farabee Mechanical to repair generator #2. Right now, there is some trouble keeping the radiator warm as the engine is not running and it is placed on a temporary bypass. Farabee is scheduled to come out within the next few weeks. Barr Engineering is still waiting on Qualus and there is no update on the Power Plant at this time.

Water/Wastewater Department

The leak in the old water plant was caused by a break in the water main that goes into the building. There should be one more bill from Hanson for the plumbing. Water pressure needed to be added back into the building to feed the sensor. Nickel has completed all repairs. Nesmoe mentioned that he needed to make some minor corrections on discharge reports. Matt Johnson is still moving forward on the water connection and is trying to find someone to complete the underground work needed.

City Administrator

Brian Janzen will be ending his term at the end of the year and Dean Janzen will be stepping in for appointment for Utilities Commission. The new liaison should be either Jeff Jack or Brian Bargaen. Each line item for the 2025 budget was reviewed. Mueller mentioned that there was a discussion requesting the water and sewer mains to be covered by the utilities for the Lakeview Estates expansion. The developer will be responsible for paying for street infrastructure and curbs. This is different than the usual process, however, EDA is hoping to get some new

construction started. The proposed budget includes an 8% increase for electrical services and a 2% increase for water and sewer. Langland questioned if the SIU fees and base fees were combined. Mueller will discuss with Falk and update the budget so the fees and penalties for Milk Specialties are in separate funds. Langland made a motion to approve the proposed 2025 Budget and Rates to submit to the City Council. Brian Janzen seconded the motion, and the motion passed.

Adjourn

The meeting was adjourned at 7:43 a.m.

ATTEST:

Jill Falk, Utilities Office Manager

**City of Mountain Lake
Regular City Council Meeting
Mountain Lake City Hall – 930 Third Ave
Tuesday, December 3, 2024
5:45 p.m. – Regular City Council Meeting
5:45 p.m. – Truth In Taxation Meeting**

Members Present: Andrew Ysker, Darla Kruser, Dean Janzen, Bryan Bargen, Mike Nelson

Members Absent: None

City Staff Present: Michael Mueller City Administrator; Ben McHenry Police Officer

Others Present: Deanna Anderson, David & Cheryl Abelson, Doug Regehr

Call to Order

The meeting was called to order by Mayor Nelson at 5:45 p.m.

Approval of Agenda & Consent Agenda

Motion by Bargen, seconded by Kruser to add Resolution #21-24 Unpaid Utility Bills, 521 Klein Street demolition estimate, and spray way misters to the agenda. Motion carried 5 – 0.
Motion by Kruser, seconded by Ysker to approve the agenda and consent agenda as amended.
Motion carried 5 – 0.

Bills: Checks #28836-28879, 1201E-1213E

Payroll: Checks #68445 – 68483

Approve November 14 Utilities Commission Minutes

Approve November 18 City Council Minutes

Approve November Street Department Report

Approve 2025 Tobacco and Liquor Licenses

Accept Chanah Brandt Resignation, EMT, effective 11/19/2024

Hire Breanna Wagner, EMT, effective 12/3/2024

Hire Ken Classen, Jean Haberman & Cheryl Hiebert, Ice Rink & Warming House Attendant, effective 12/3/24

Approve Resolution # 20-24 Accept Police Department Donation

Public

A letter was presented to the council from Rachel Yoder and Jay Schied.

2025 Items

Motion by Kruser, seconded by Ysker to approve 2025 wages, salaries, and step changes accordingly for each employee. Motion carried 5 – 0.

Unpaid Charges

A public hearing was held regarding the matter to object to certification of unpaid charges from the city and utilities. There were no comments.

Motion by Bargaen, seconded by Kruser to approve Resolution #17-24 Unpaid Utility Bills. Motion carried 5 – 0. Motion by Janzen, seconded by Bargaen to approve Resolution #21-24 Unpaid Utility Bills. Motion carried 5 – 0.

Utilities

The 2025 budget and rates were presented. Northland Securities recommends continuing to raise water and sewer rates by 2% every year. Missouri River Energy Resources conducted an electric rate study in September 2023, which recommended 8% rate increases for the next three years, to cover the capital costs for the new power plant. Motion by Ysker, seconded by Janzen to approve the 2025 Utilities budget. Motion carried 5 – 0. Motion by Janzen, seconded by Ysker to approve Resolution #18-24 Electric, Water, and Wastewater Rates as presented. Motion carried 5 – 0.

City Administrator

The council reviewed a list of meeting dates for 2025.

Council reviewed an estimate for demolition for 521 Klien Street, before demolition, the fire department will review the property if they could conduct a fire training exercise involving a controlled burn.

Spray way misters for City Park were briefly discussed, City Council requested more information on maintenance, installation, and overall costs.

Roundtable

An update was given to the council regarding board and commission meetings.

A list of expiring and vacancies for the various city boards and commissions were briefly discussed. Mayor Nelson is still working on the list and contacting those whose term expires at the end of this year and finding vacancies.

Truth In Taxation Public Hearing To Discuss 2025 Budget & Levy

Review – Preliminary 2025 Summary Budget and Tax Levy

Review – Local Government Aid

Review – 2025 Capital Improvement Plan

Review – 2025 Budget Packet

The administrator reviewed and explained the preliminary 2025 summary budget and tax levy, Local Government Aid, levy information, the 2025 Capital Improvement Plan, and the 2025 budget packet as approved in September. The preliminary levy was set at a 5% increase. The total levy is \$1,070,748.70, a \$54,419.14 increase from last year. No public questions regarding the budget and levy increase. A large amount of the levy increase, \$52,000.00, will be budgeted towards a new building for the Fire & Ambulance Hall. No changes were made to the levy or budget.

Resolution #19-24 - 2025 Final Levy & 2025 Budget

Motion by Janzen, seconded by Ysker, to approve Resolution #19-24 – 2025 Final Levy & 2025 Budget. Motion carried 5– 0.

Adjourn

The meeting was adjourned at 6:35 p.m.

ATTEST:

Michael Mueller, Administrator/Clerk

RESOLUTION #22-24

CITY OF MOUNTAIN LAKE, MINNESOTA

**RESOLUTION TO ACCEPT A \$6,500 GIFT FROM
THE MOUNTAIN LAKE FIRE RELIEF ASSOCIATION**

Whereas, the Mountain Lake Fire Relief Association has a valid license to conduct lawful gambling at “The Den” located in the City of Mountain Lake; and

Whereas, money raised from lawful gambling can be used for ‘lawful purposes’; and

Whereas, a contribution to the City of Mountain Lake is a ‘lawful purpose’ in accordance with MN Statute 349.12, Subd. 25; and

Whereas the Mountain Lake Fire Relief Association has stated its intent to assist the City of Mountain Lake by gifting funds for Mountain Lake’s Fire Hall Building Fund.

Therefore, be it resolved that the Mountain Lake City Council accept the gift of \$6,500 from the Mountain Lake Fire Relief Association; and

Be it further resolved that said funds be reserved for future development of Mountain Lake’s Fire Hall Building; and

Be it further resolved that the Mountain Lake City Council thanks the Mountain Lake Fire Relief Association for their gift.

Adopted this 16th day of December, 2024.

Mike Nelson, Mayor

ATTEST:

Michael Mueller, Administrator/Clerk



COTTONWOOD COUNTY ORDINANCE #43

Cannabis Oriented Business and Land Use Ordinance

**The Cottonwood County Board of
Commissioners hereby ordains:**

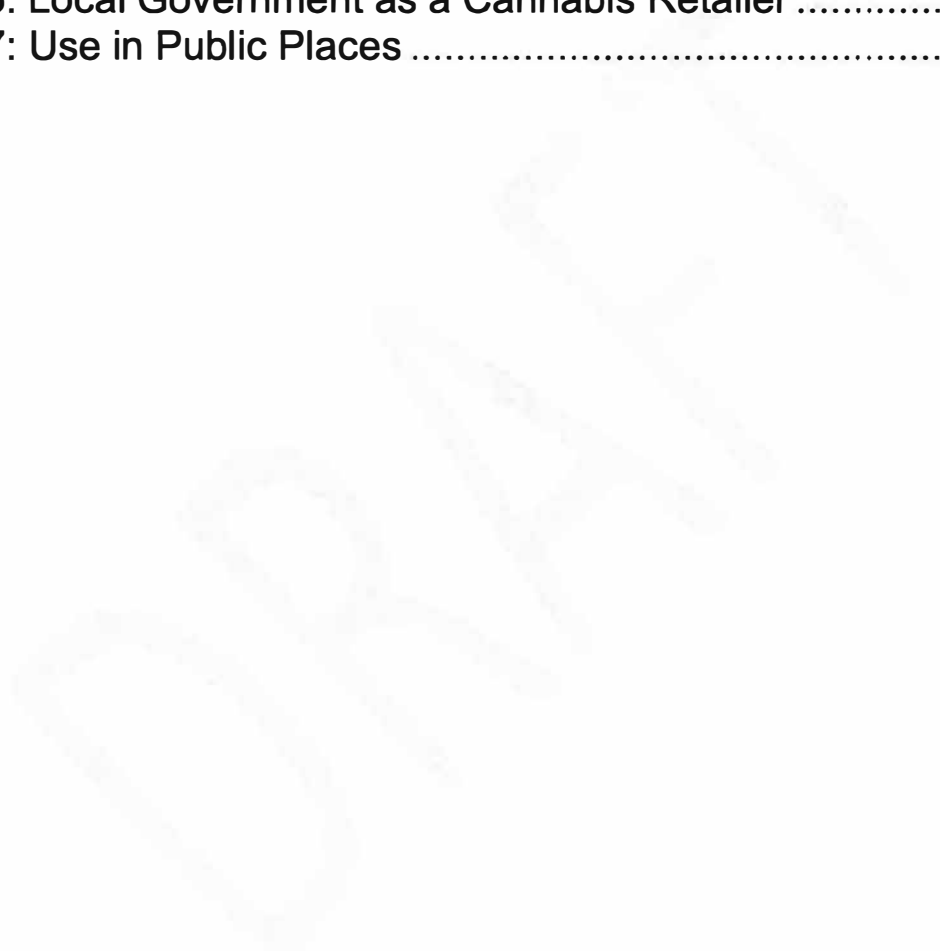
COTTONWOOD COUNTY

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Section 1: Administration

- Subdivision 1- Findings and Purpose
 - Cottonwood County makes the following legislative findings:
 - The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Cottonwood County to protect the public health, safety, welfare of Cottonwood County residents by regulating cannabis businesses within the legal boundaries of Cottonwood County
 - Cottonwood County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Cottonwood County, 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.
- Subdivision 2- Authority & Jurisdiction
 - Cottonwood County has the authority to adopt this ordinance pursuant to:
 - Minn. Stat. 342.13c, 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
 - Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail business and lower-potency hemp edible retail businesses.
 - Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
 - Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.
- Subdivision 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.
- Subdivision 4- Enforcement
 - The Cottonwood County Sheriff’s Department is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.
- Subdivision 5- Definitions
 - 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.
 - 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

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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.

- Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.
- 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.
- 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.
- Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
- Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance
- 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
- Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17
- 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.
- Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
- Retail Registration: An approved registration issued by the Cottonwood County to a state licensed cannabis retail business
- 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.
- 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 Business

- Subdivision 1- Consent to registering of Cannabis Business
 - No individual or entity may operate a state-licensed cannabis retail business within Cottonwood County without first registering with the Cottonwood County Auditor's Office.
 - Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registrations, the first violation shall incur from Cottonwood County Board of Commissioners a

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civil penalty of \$500. For subsequent violations, the Cottonwood County Board of Commissioners shall impose a penalty of \$2,000.

- 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.
- Subdivision 2- Compliance Checks Prior to Retail Registration
 - Prior to issuance of a cannabis retail business registration, Cottonwood County 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, Cottonwood County 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.
- Subdivision 3- Registration & Application Procedure
 - Subd 2.3.1 - Fees
 - Cottonwood County shall not charge an application fee.
 - A registration fee as established in Cottonwood County's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
 - An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
 - Any renewal retail registration fee imposed by Cottonwood County 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.
 - Subd 2.3.2 Application Submittal
 - Cottonwood County shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.
 - An applicant for a retail registration shall fill out an application form, as provided by Cottonwood County's Auditor's Office. Said form shall include, but is not limited to:
 - Full name of the property owner and applicant;
 - Address, email address, and telephone number of the applicant;
 - The address and parcel ID for the property which the retail registration is sought;
 - Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13

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- Any additional standards as requested by the Cottonwood County Auditor's Office
 - The applicant shall include with the form:
 - The application fee as required in Subd 2.3.1
 - A copy of a valid state license or written notice of OCM license preapproval
 - Any additional standards as requested by the Cottonwood County Auditor's Office
 - Once an application is considered complete, the Cottonwood County Auditor's Office shall inform the applicant as such, process the application fees, and approve or deny the application
 - The application fee shall be non-refundable once processed
- Subd. 2.3.3 Application approval
 - A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Subdivision 2.6
 - 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.
 - A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.
- Subd. 2.3.4 Annual Compliance Checks
 - The Cottonwood County Sheriff's Department 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. 4b and Minn. Stat. 342.24 and this Ordinance #43 Cannabis Oriented Business and Land Use Ordinance.
 - The Cottonwood County Sheriff's Department 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.
- Subd. 2.3.5 Location Change
 - A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of Cottonwood County.
- Subdivision 4- Renewal of Registration

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- The Cottonwood County Auditor's Office 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 Cottonwood County Auditor's Office.
- A cannabis retail registration issued under this ordinance shall not be transferred.
- Subd. 2.4.1 Renewal Fees
 - Cottonwood County may charge a renewal fee for the registration starting at the second renewal, as established in Cottonwood County's fee schedule
- Subd. 2.4.2 Renewal Application
 - The application for renewal of a retail registration shall include, but is not limited to:
 - Items required under Subd. 2.3.2 of this Ordinance
 - Any additional standards as requested by the Cottonwood County Auditor's Office
- Subdivision 5- Suspension of Registration
 - Subd. 2.5.1 When Suspension is Warranted
 - Cottonwood County may suspend a cannabis retail business's registrations if it violates the ordinance of Cottonwood County or poses an immediate threat to the health or safety of the public. Cottonwood County shall immediately notify the cannabis retail business in writing the grounds for the suspension.
 - Subd. 2.5.2
 - Cottonwood County shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Cottonwood County and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
 - Subd. 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.
 - Cottonwood County may reinstate registration if it determines that the violations have been resolved.
 - Cottonwood County shall reinstate a registration if OCM determines that the violation(s) have been resolved.
 - Subd. 2.5.4 Civil Penalties
 - Subject to Minn. Stat. 342.22, subd. 5(e) Cottonwood County may impose a civil penalty, as specified in the Cottonwood County's Fee Schedule, for registration violations, not to exceed \$2,000.
- Subdivision 6- Limiting of Registrations
 - Cottonwood County shall limit the number of cannabis retail businesses to no more than 3 registration for every 12,500 residents within Cottonwood County:



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- 12,500- 24,999 – 4 registrations
- 25,000- 37,499 – 5 registrations
- 37,500- 50,000 – 6 registrations

Section 3: Requirements for Cannabis Businesses

- Subdivision 1- Minimum Buffer Requirements
 - Cottonwood County shall prohibit the operation of a cannabis business within 500 feet of a school (as measured by the business building to the school property line);
 - Cottonwood County shall prohibit the operation of a cannabis business within 500 feet of a daycare (as measured by the business building to the Daycare property line);
 - Cottonwood County shall prohibit the operation of a cannabis business within 500 feet of a Residential Treatment Facility (as measured by the business building to the Residential Treatment Facility property line);
 - Cottonwood County shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors including but not limited to a playground, swimming pool, or athletic field (as measured by the business building to the attraction).
 - Pursuant to Minn. Stat. 462.367 Subd. 14, nothing in Section 3 Subd 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, or attraction within a public park that is regularly used by minors, moves within the minimum buffer zone.
- Subdivision 2- Zoning and Land Use
 - Subd. 3.2.1 Cultivation
 - Cannabis business licensed or endorsed for cultivation are permitted as a permitted use in the following zoning districts:
 - Agriculturally (Ag-1) zoned districts
 - Subd. 3.2.2 Cannabis Manufacturer
 - Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a Conditional Use in the following zoning districts:
 - Agriculturally (Ag-1) zoned districts
 - Commercially (C-1) zoned districts
 - Industrially (I-1) zoned districts
 - Subd. 3.3.3 Hemp Manufacturer
 - Business licensed or endorsed for low-potency hemp edible manufacturers permitted as a Conditional Use in the following zoning districts:
 - Agriculturally (Ag-1) zoned districts
 - Commercially (C-1) zoned districts
 - Industrially (I-1) zoned districts

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- Subd. 3.2.4 Wholesale
 - Cannabis businesses licensed or endorsed for wholesale are permitted as a Conditional Use in the following zoning districts:
 - Agriculturally (Ag-1) zoned districts
 - Commercially (C-1) zoned districts
- Subd. 3.2.5 Cannabis Retail
 - Cannabis businesses licensed or endorsed for transportation are permitted as a Conditional Use in the following zoning districts:
 - Agriculturally (Ag-1) zoned districts
 - Commercially (C-1) zoned districts
- Subd. 3.2.6 Cannabis Transportation
 - Cannabis businesses licensed or endorsed for transportation are permitted as a permitted use in the following zoning districts:
 - Agriculturally (Ag-1) zoned districts
 - Commercially (C-1) zoned districts
- Subd. 3.2.7 Cannabis Delivery
 - Cannabis businesses licensed or endorsed for delivery are permitted as a permitted use in the following zoning districts:
 - Agriculturally (Ag-1) zoned districts
 - Commercially (C-1) zoned districts
- Subdivision 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 between the hours of 10 a.m. and 9 p.m. Sunday through Saturday.

Section 4: Temporary Cannabis Events

- Subdivision 4- License or Permit Required for Temporary Cannabis Events
 - Subd. 4.1.1 License Required
 - A license or permit is required to be issued and approved by Cottonwood County prior to holding a Temporary Cannabis Event.
 - Subd. 4.1.2 Registration & Application Procedure
 - A registration fee, as established in Cottonwood County's Fee Schedule, shall be charged to applicants for Temporary Cannabis Events
 - Subd. 4.1.3 Application Submittal & Review
 - The Cottonwood County Auditor's Office shall require an application for Temporary Cannabis Events.

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- An applicant for a retail registration shall fill out an application form, as provided by the Cottonwood County Auditor's Office. Said form shall include, but is not limited to:
 - Full name of property owner and applicant
 - Address, email address, and telephone number of the applicant
 - Any additional standards as requested by the Cottonwood County Auditor's Office
- The applicant shall include with the form:
 - The application fee as required in Subd. 4.1.2
 - A copy fo the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2
- The application shall be submitted to the Cottonwood County Auditor's Office 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.
- Once an application is considered complete, the designee shall inform the applicant as such, process the application fees and approve or deny the application
- The application fee shall be non-refundable once processed.
- A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved
- A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The County shall notify the applicant of the standards not met and basis for denial.

Section 5: Lower-Potency Hemp Edibles

- Subdivision 1- Sale of Low-Potency Hemp Edibles
 - The sale of Low-Potency Edibles is permitted, subject to the conditions within this section
- Subdivision 2- Zoning Districts
 - Low-Potency Edibles businesses are permitted as a Permitted use in the following zoning districts:
 - Agriculturally (Ag-1) zoned districts
 - Commercially (C-1) zoned districts
- Subdivision 3- Additional Standards
 - Subd. 5.3.1 Sales within a Municipal Liquor Store
 - The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store
 - Subd. 5.3.2 Age Requirements
 - The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.
 - Subd. 5.3.3 Beverages

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- The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this Section
- Subd. 5.3.4 Storage of Product
 - Low-Potency Edibles shall be sold behind a county and stored in a locked case

Section 6: Local Government as a Cannabis Retailer

- A government entity 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 Subdivision 2.6.
- A government entity shall be subject to all the same rental license requirements and procedures applicable to all other applicants.

Section 7: Use in Public Places

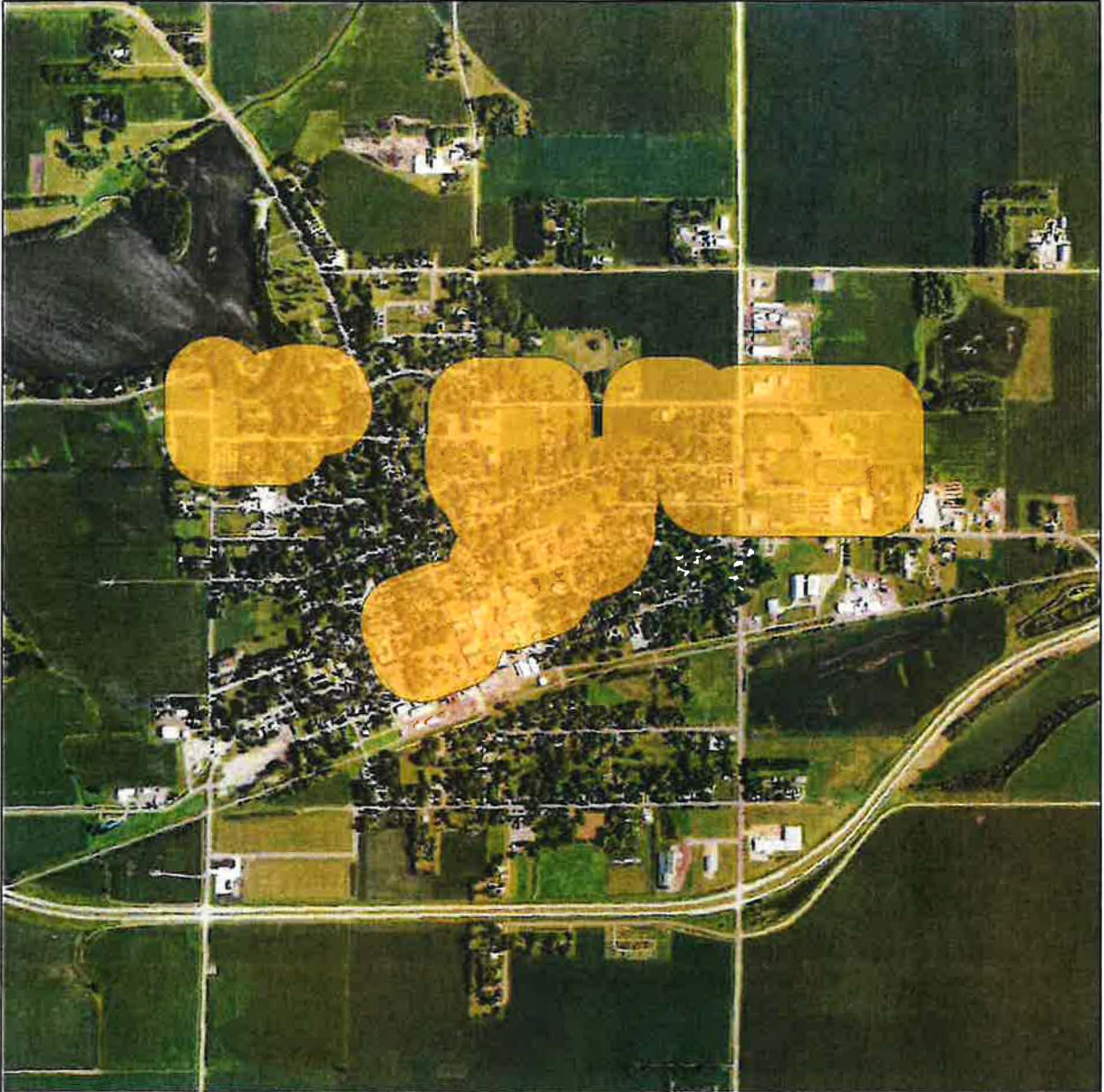
- No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Cottonwood County

500' ft Buffer
Mountain Lake

City

Date 8/9/2025



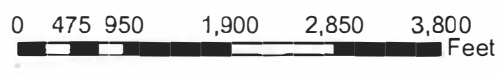
This is a computer generated top of bank, a field investigation was not completed. Top of bank was determined using State LiDAR elevation data.

Based on 2015 aerial imagery.



Legend

 Full Mountain Lake Buffers



JOINT POWERS AGREEMENT BETWEEN THE COTTONWOOD COUNTY AND THE CITY OF MOUNTAIN LAKE FOR THE ENFORCEMENT AND REGULATION OF CANNABIS

This agreement is made between the Cottonwood County and the City of **Mountain Lake** for administration and regulation of cannabis as regulated under Minnesota Chapter 342 and the rules and regulations promulgated thereunder.

This agreement is authorized by Minnesota Statutes § 342.22, subdivision 1 and Minn. Stat. § 471.59.

Cottonwood County and the City of **Mountain Lake** agree that:

1. Cottonwood County will act in place of the City of **Mountain Lake** as the local government unit for the regulation and enforcement of ~~the sale of lower-potency hemp edibles and~~ cannabis under Minnesota Chapter 342 ~~and any regulations adopted under Minnesota Chapter 342 by the State of Minnesota or the Office of Cannabis Management.~~
2. Cottonwood County is authorized to adopt, administer, and enforce within the jurisdictional limits of the City of **Mountain Lake** any ordinances, laws, regulations, or registration requirements concerning cannabis ~~and lower-potency hemp edibles including, but not limited to, the adoption of a moratorium.~~
3. Cottonwood County is authorized and has the consent of the City of **Mountain Lake** to register and enforce all registration requirements under Minnesota Statute §342.22. Any fees or penalties collected for registration and enforcement will remain entirely with Cottonwood County. The parties will retain any Local Government Cannabis Aid allocated to ~~them each entity by the State of Minnesota.~~
4. The City of **Mountain Lake** shall retain all ~~zoning powers regarding cannabis and lower-potency hemp edibles uses per its~~ authority ~~granted to it under~~ in Minnesota Chapter 462.
5. Any ordinance adopted by Cottonwood County with regards to cannabis ~~or lower-potency hemp edibles~~ shall ~~be construed to supersede any local municipal regulation or ordinance~~ apply to the extent the local municipal regulation is less restrictive. Where the conditions imposed by any ordinance provision are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.
6. The parties to this agreement will be subject to and follow the terms of the Minnesota Government Data Practice Act as provided under Minnesota Statutes Chapter 13 for all requests for access to data. Cottonwood County shall maintain all records, accounts, and reports for the regulation and registration of cannabis ~~and lower-potency hemp edible businesses.~~
7. Cottonwood County shall account for any funds, and they shall provide a report on all receipts and disbursements upon request. If any surplus property or funds are obtained

Commented [LK1]: The county wants authority to implement all non-zoning regulations and registration. City keeps zoning. City should still adopt buffers for non-retail businesses within the City's own zoning.

The Cottonwood ordinance also is regulating use in *public places*. But that doesn't seem to be a part of this JPA explicitly

Let's explicitly mention the following:

- the cap
- the temporary cannabis events.
- Use in public places (very broad).

Certification of zoning, building code, fire code is still a City obligation.

Cottonwood isn't taking the opportunity to charge a \$2,000 civil penalty.

Cottonwood's zoning is combined with their other regulations about cannabis.

Is the City generally okay with the County's approach?

The City must tell OCM about the Delegation.
<https://mn.gov/ocm/local-governments/contactform.jsp>

through this joint powers agreement, they shall be distributed to Cottonwood County in the event this agreement is terminated.

8. Cottonwood County shall be solely responsible for the compensation of its employees and elected members, including specifically but not exclusively worker's compensation insurance and all taxes, while performing their duties under this agreement. The City of **Mountain Lake** shall be solely responsible for the compensation of its employees and elected members, including specifically but not exclusively worker's compensation insurance and all taxes, while performing their duties under this agreement. No employee of Cottonwood County shall become an employee of the City of **Mountain Lake** and no employee of the City of **Mountain Lake** shall become an employee of Cottonwood County by virtue of this agreement.
9. All responsibilities not specifically set out to be jointly exercised by the Parties under this Agreement are hereby reserved to the Parties individually. Nothing in this Agreement shall act as a waiver by a participating Party of its individual power and legal authority to provide services.
10. Indemnification and Hold Harmless:

To the full extent permitted by law, actions by the Parties pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the Parties that they shall be deemed a "single governmental unit" for the purpose of liability, as set forth in Minnesota Statutes, Section 471.59, subd. 1a(a); provided further that for purposes of that statute, each Party to this Agreement expressly declines responsibility for the acts or omissions of the other Party.

The Parties of this Agreement are not liable for the acts or omissions of the other participants to this Agreement except to the extent to which they have agreed in writing to be responsible for acts or omissions of the other Parties.

Add:

Limiting of Registrations

~~Cottonwood County shall limit the number of cannabis retail businesses to no more than 3 registration for every 12,500 residents within Cottonwood County~~

~~12,500- 24,999 – 4 registrations~~

~~25,000- 37,499 – 5 registrations~~

~~37,500- 50,000 – 6 registrations~~

Formatted: No bullets or numbering

This agreement may be amended by mutual agreement of Cottonwood County and the City of **Mountain Lake** by resolutions of their respective boards

This agreement shall become effective upon signature of all duly authorized signatures and shall remain in effect until terminated by agreement of the parties or thirty days after written notice of termination by either party.

County of Cottonwood Board Chair

Date

City of _____
(Mayor or Clerk)

Date