

CITY COUNCIL WORK SESSION – AGENDA #34

If you need these materials in an alternative format or need reasonable accommodations for a City Council meeting, please provide the City with 72-hours' notice by calling 763-424-8000 or emailing Josie Shardlow at josie.shardlow@brooklynpark.org.
Para asistencia, 763-424-8000; Yog xav tau kev pab, 763-424-8000.

Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

- A. CALL TO ORDER – Mayor Hollies Winston**
- B. GENERAL INFORMATION**
None.
- C. DISCUSSION ITEMS/GENERAL ACTION ITEMS – These items will be discussion items but the City Council may act upon them during the course of the meeting.**
 - C.1** 2024-2025 Preliminary Budget Discussion
 - C.2** Discuss Central Fire Station Construction and Community Activity Center Improvements
 - C.3** Prevailing Wage Discussion
 - A.** DRAFT ORDINANCE
 - B.** PREVAILING WAGE COMPARISON TABLE
 - C.4** Discuss Cannabis and THC Regulations in Brooklyn Park
 - A.** CANNABIS MEMO MAP OF LICENSED THC EDIBLE BUSINESSES
 - B.** MAP OF LICENSED THC EDIBLE BUSINESSES
 - C.** MAP OF LICENSED TOBACCO AND LIQUOR BUSINESSES
 - D.** THC MAP SERIES
- D. VERBAL REPORTS AND ANNOUNCEMENTS**
 - D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS**
 - D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS**
- E. ADJOURNMENT**

City of Brooklyn Park Council Work Session

Meeting Date:	September 5, 2023	Originating Department:	Administration/Finance
Agenda Item:	C.1	Prepared By:	Dolly Lee Asst. Finance Director
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Jay Stroebel and LaTonia Green
Item:	2024-2025 Preliminary Budget Discussion		

Summary:

The presentation and discussion will focus on the General Fund proposed 2024 - 2025 Budget and potential levy calculations.

The purpose of this discussion is to provide an overview of the anticipated 2024-2025 Budget and to receive direction from the City Council on the maximum property tax levy impact for 2024.

The City Council must set a proposed property tax levy for 2024 to the county auditor on or before October 2, 2023. Setting the proposed property tax levy indicates the maximum amount of property tax levy the city can collect in 2024. This number cannot be increased, although the City Council maintains the flexibility to reduce the levy prior to final levy certification in December.

City of Brooklyn Park Council Work Session

Meeting Date:	September 5, 2023	Originating Department:	Fire / Recreation & Parks
Agenda Item:	C.2	Prepared By:	Shawn Conway, Fire Chief Brad Tullberg, Recreation & Parks Director
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Shawn Conway, Brad Tullberg,
Item:	Discuss Central Fire Station Construction and Community Activity Center Improvements		

Summary:

After the July 31 "Big Ticket Item" discussion, staff is seeking guidance on how to proceed with the Central Fire Station construction, Community Activity Center (CAC) improvements and Senior Center project. These projects are interconnected as the direction of the Central Fire Station project will dictate next steps in the CAC and Senior Center projects.

Fire Department Director Chief Conway will present supporting information for the Fire Station infrastructure project in the areas of: proposed project timelines, planning phases, and funding options. The primary focus will be on the Central Fire Station as this project is tied to the development of the Senior Center, with an overview of recommendations for the remaining three stations (East, West and North).

Recreation & Parks Director Tullberg will provide an overview of the potential components of Community Activity Center improvements, project background, usage summaries, project impacts and funding options. The Central Fire Station project directly affects the scope of the CAC improvements project and Senior Center.

City of Brooklyn Park Council Work Session

Meeting Date:	September 5, 2023	Originating Department:	Administration
Agenda Item:	C.3	Prepared By:	Zach Kramka, Asst to the City Manager
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Zach Kramka, Kim Berggren, Community Development Director
Item:	Prevailing Wage Discussion		

Summary:

During its June 5, 2023 work session, the City Council heard from several representatives from local organized labor organizations who underscored the importance of labor protections as a deterrent to wage theft and exploitation of workers. In response to the presentation, Council directed staff to develop a draft prevailing wage ordinance for consideration.

The federal government, State of Minnesota, and several local governments across the region have instituted prevailing wage requirements. Prevailing wage levels are defined by the State of Minnesota at the county level. The federal government also publishes its own prevailing wage calculations. Prevailing wage regulations establish a price floor for wages in addition to fringe benefits that must be paid by contractors and sub-contractors to their employees who are performing work on behalf of the government entity funding the work.

When constructing capital improvements (roads, buildings, utility infrastructure, etc.), local governments typically contract with outside firms to complete projects on their behalf. Governments are significant purchasers of goods and services in the economy, and prevailing wage requirements represent an opportunity to leverage public spending to promote livable wages for local workers. Deterrence of wage theft and labor exploitation are positive externalities of prevailing wage.

Upon the completion of outside research and consultation with neighboring jurisdictions, staff have developed a draft prevailing wage ordinance for feedback.

Primary Issues/Alternatives to Consider:

The key policy considerations that are components of prevailing wage regulations are described below. The recommended draft ordinance represents an attempt to develop a sustainable, effective model within the City of Brooklyn Park context.

1. *Capital Projects and/or Professional Services:* Traditionally, application of prevailing wage requirements has focused on capital project spending. This is the approach taken by all the Twin Cities suburbs that were consulted during policy development. Large jurisdictions such as the cities of St. Paul and Minneapolis, in addition to Hennepin County, also enforce prevailing wage requirements for professional service contracts.

In the draft ordinance, staff are recommending instituting prevailing wage requirements for capital projects only. This would align Brooklyn Park with its suburban peers. Larger jurisdictions are able to enforce prevailing wage on professional service contracts because they have multiple dedicated contract compliance employees. Staff believe the administrative burden that would result from implementing prevailing wage on professional service contracts in addition to capital projects in Brooklyn Park would be prohibitive due to limited staff capacity and expertise.

2. *Spending Threshold:* A decision must be made regarding at what spending threshold should prevailing wage requirements be triggered. Lower spending thresholds would constitute more projects being

impacted by prevailing wage. Each additional project that requires prevailing wage would add to the implementation cost of this ordinance.

There was no universal spending threshold identified through research of other Minnesota local governments. Thresholds to trigger prevailing wage ranged from one dollar in the City of Maplewood to \$300,000 in the City of Richfield. In the draft ordinance, staff are recommending a spending threshold of \$50,000 which aligns with the contract amount in the City Charter requiring City Council approval. In 2022, it is estimated that roughly 30 capital projects were started that would fit these criteria.

3. *Monitoring and Enforcement:* Many larger jurisdictions proactively monitor prevailing wage with a team of dedicated staff. Under a proactive model, all contractors and subcontractors are required to submit weekly certified payroll documents to the jurisdiction. Payroll information is entered into a software system which checks each document for compliance with prevailing wage.

Staff are recommending primarily a complaint-based approach to enforcement in Brooklyn Park. This would dramatically lower the implementation costs of any prevailing wage ordinance. Businesses engaging in wage theft and labor exploitation will likely choose to avoid contracts with the City of Brooklyn Park that are covered by prevailing wage since they do not want to risk getting caught. While the recommended implementation approach of prevailing wage in Brooklyn Park would primarily be complaint-based enforcement, the draft ordinance as written would enable staff to request certified payroll records at any time if they believed malfeasance was occurring.

4. *Full Funding or Financial Support:* Some jurisdictions trigger prevailing wage only in the instances of being the sole funder on a project. Others will apply prevailing wage to projects where they are providing financial assistance to the project, but they are not the sole funder, assuming any spending threshold provision is also met. This is especially relevant in the context of the Brooklyn Park Economic Development Authority which is involved in numerous projects as an entity that provides a portion of financing of a broader project with other partners. The draft ordinance would trigger prevailing wage in situations where the City or EDA provides a portion of the financing for a bigger project, if the contribution meets or exceeds the spending threshold and other provisions identified in the ordinance.
5. *Prevailing Wage and Family Sustaining Wage:* The wages paid with public funds under a prevailing wage ordinance exceed the family sustaining wage thresholds in almost all cases, yet the City as an employer is not paying family sustaining wages to a portion of its permanent employees and to most of its seasonal workers. If the Council is interested in proceeding with a prevailing wage ordinance for contracted workers, it is recommended that they examine addressing family sustaining wages for City employees during implementation of the compensation study.

Next Steps:

If the City Council seeks to proceed with a prevailing wage ordinance, next steps would include incorporating policy feedback gleaned from the Council Work Session, and targeted community engagement.

Budgetary/Fiscal Issues:

There will be implementation costs that need to be considered related to administering the prevailing wage ordinance and enforcing any complaints of violations of the ordinance. Staff currently do not have the capacity nor expertise in this area to enforce prevailing wage. Preliminary discussions have occurred with the Hennepin County Attorney's Office to negotiate a fee for service agreement which could be utilized when a prevailing wage complaint is filed requiring investigation. An estimated 5% to 10% of a position will be needed to ensure project managers across the City include prevailing wage information in all bid documents and related contracts and to oversee the contract for enforcement of complaints.

A quick search within the academic literature found no consensus regarding whether or not prevailing wage requirements increase overall capital project costs. One analysis found that project costs increased by roughly

six percent in the context of affordable housing construction, yet other reports found no, or limited, connection between prevailing wage and overall project costs.

Resources:

<https://www.dli.mn.gov/business/employment-practices/prevailing-wage-information>

Attachments:

- C.3A DRAFT ORDINANCE
- C.3B PREVAILING WAGE COMPARISON TABLE

Section 1. Purpose

It is in the public interest that Projects as defined herein, be constructed, maintained and provided by the highest quality of labor that is reasonably available and that persons working on such Projects be compensated according to the real and equitable value of the work they perform and that the wages for such work are comparable to wages paid for similar work in the community as a whole.

Section 2. Definitions

Subdivision 1. Terms. For the purposes of this Chapter, the following words and phrases have the meanings ascribed to them in this section:

- a) Basic Hourly Rate mean the hourly wage paid to any employee.
- b) Prevailing Wage Rate shall have the meaning contained in Minnesota Statute, Section 177.42, Subd. 6, as determined from time to time by the Minnesota Department of Labor and Industry for the area where the Project is located. The Minnesota Department of Labor and Industry shall determine the prevailing wage rate in accordance with Minnesota Statutes, Sections 177.41-177.44, as amended from time to time, and applicable rules promulgated thereto, including but not limited to Minnesota Rules 5200.1000-5200.1120 as amended from time to time. In those instances where the Minnesota Department of Labor and Industry has not certified and published a prevailing rate of wages and benefits for a particular work classification, the minimum wage and benefit rate per hour to be paid for such work classification means the union wage and benefit rate in the locality of the Project as the case may be for such classification over which the union has jurisdiction.
- c) Prevailing Hours of Labor means the hours of labor per day and per week worked within the area by a large number of workers of the same class than are employed within the area for any other number of hours per day and per week.
- d) Project means any construction work, demolition work, or repair work on any roads, bridges, sewers, streets, alleys, parks, parkways, buildings, water infrastructure, removal of public nuisances or any other improvement of public or private property where all the following conditions exist:
 - a. The project is financed in whole or in part with City funds, including but not limited to contract payments, grants, loans, loan guarantees, tax increment financing, tax abatements, tax credits, lease payments, loan payments, contract for deed payments or revenue from bonds;
 - b. The estimated cost of the Project exceeds \$50,000.
- e) City means the City of Brooklyn Park and all related agencies, including all Housing and Redevelopment Authorities and Economic Development Authorities created by the City of Brooklyn Park.
- f) Covered Persons means contractors, subcontractors, holders of interests in real property, agents, or other persons regardless of the form of business entity used by the Covered Person, including but not limited to individuals, sole proprietorships and independent contractors, performing all or part of work on projects.
- g) Laborers, Mechanics and Workers means all persons utilized employed, or working on a Project who are doing work usually done by Laborers, Mechanics and Workers.

- h) Apprenticeship Program means a bona fide apprenticeship program registered with the U.S. Department of Labor or recognized by a governmental agency of the State of Minnesota.
- i) Department means the department or office of the City designated to undertake a Project.
- j) Certified Payroll Records means payroll records furnished under oath signed by an owner or officer of an employer and provided to the City Department named in the contract no more than five (5) working days after the submission of a written request by the Compliance Officer for such records. A certified payroll report includes information related to the wages and benefits paid to each employee during the requested time frame specifying for each employee: name; prevailing wage master job classification; number of hours worked each day; total hours worked in the week; rate of pay; gross amount earned; each deduction for taxes; total deductions; net pay for week; dollars contributed per hour for each benefit, including name and address of administrator; benefit account number; and telephone number for health and welfare, vacation or holiday, apprenticeship training, pension, and other benefit programs.
- k) Compliance Officer means those persons designated by the City Manager to investigate complaints pertaining to this Ordinance on behalf of the City.

Section 3. Prevailing Wage Rate and Prevailing Hours of Labor Required

Subdivision 1. Prevailing Wage Required. Except as otherwise provided below in Section 7, all Covered Persons shall pay Laborers, Mechanics, and Workers directly performing work on a Project, at a minimum, the Prevailing Wage Rate.

Subdivision 2. Prevailing Hours of Labor. Laborers, Mechanics, and Workers employed directly on a Project by a Covered Person may not work more hours than the Prevailing Hours of Labor, unless paid for all hours in excess of the Prevailing Hours of Labor at a rate of at least one and one-half (1 ½) times the Basic Hourly Rate of pay.

Subdivision 3. Notice. All Covered Persons must post a notice describing the applicable Prevailing Wage Rate in at least one conspicuous place located on the Project site for the duration of the project.

Section 4. Contract Requirements

The requirements and obligations contained in this Ordinance are deemed to be incorporated into the bid specifications and requests for bids or proposals for all Projects are material and binding in terms and conditions of all contracts and subcontracts for Projects. The Prevailing Wage Rates, Prevailing Hours of Labor, and Hourly Basic Rates of pay must be set forth specifically in the contract. All contracts for Projects must include applicable schedules of Prevailing Wage Rates.

Section 5. Monitoring and Compliance

Subdivision 1. Submission of Certified Payroll Records. Upon request of the City, all Covered Persons shall, within five (5) working days, supply the City a copy of Certified Payroll Records for all work performed on the Project by Laborers, Mechanics, and Workers.

Subdivision 2. Compliance Officer. The Compliance Officer will investigate all complaints and monitor compliance upon receipt of a complaint regarding violations of this Ordinance. The Compliance Officer may request additional records reasonably required to monitor compliance or investigate

complaints regarding this Ordinance. Upon request made by the Compliance Officer, all Covered Persons shall promptly provide additional records reasonably required to monitor compliance with this Ordinance. All Covered Persons shall permit the Compliance Officer physical access to the Project site at any time for the purpose of monitoring compliance with this Ordinance.

Section 6. Violations and Penalties

Subdivision 1. Civil Enforcement. In addition to pursuit of criminal sanctions as provided in Section 6, Sub. 2, of this Ordinance, a violation of this Ordinance may result in the City undertaking the following actions: seeking injunctive relief to compel specific performance of the requirements contained in this Ordinance; withholding funds owed by the City to the violating party pursuant to an agreement in amounts sufficient to fully remedy and satisfy the violation together with the withholding of a fee equal to five (5) percent of the entire contract price to the City as liquidated damages; or the termination of the contract with the violating party. None of the foregoing remedies are intended to be exclusive of any other remedy, but each is in addition to every other remedy listed above or otherwise available.

Subdivision 2. Criminal Enforcement. Any Covered Person who violates the provisions of this Ordinance shall be guilty of a misdemeanor with each day of violation constituting a separate offense.

Section 7. Exceptions

This Ordinance does not apply to apprentices working on Projects pursuant to a bona fide registered Apprenticeship Program for work performed in their trade. A trainee and a helper are not exempt under this provision; the Covered Person must assign the trainee or helper a job classification that is the "same or most similar" to the work being performed and compensate the trainee or helper for the actual work performed regardless of the trainee's or helper's skill.

Section 8. No Conflict with Related Federal, State, County, or Municipal laws, Ordinances, and Policies

Except as otherwise stated herein, no provision of this Ordinance is intended nor shall be construed as being in conflict with any federal, State of Minnesota, county or municipal laws, ordinances, rules, regulations or policies related to the matters to be regulated herein. Further, the obligations and requirements contained in this Ordinance shall be deemed to be in addition to the obligations and requirements contained in any such federal, state county or municipal laws, ordinances, rules or regulations.

Section 9. Severability

If any provision or application of this chapter is declared illegal, invalid, or inoperative, in whole or in part, by any court of competent jurisdiction, the remaining provisions and portions thereof and applications not declared illegal, invalid, or inoperative shall remain in force or effect.

Prevailing Wage Comparison Table

City	Contract Threshold	Project Type	Full Funding or Financial Support
Duluth	\$2,000	Capital only	Financial Support
Minneapolis	\$50,000	All contracts	Financial Support
St Paul	\$25,000	Capital only	Financial Support
Hennepin County	\$175,000	All contracts	Full Funding
Coon Rapids	\$100,000	Capital only	Financial Support; No TIF
Grand Rapids	\$25,000	Capital only	Financial Support
Maplewood	\$1	Capital only	Full Funding
Richfield	\$300,000	Capital only	Financial Support
West St Paul	\$50,000	Capital only	Financial Support
White Bear Lake	\$15,000	Capital only	Full Funding

City of Brooklyn Park Council Work Session

Meeting Date:	September 5, 2023	Originating Department:	Community Development
Agenda Item:	C.4	Prepared By:	Keith Jullie, Rental & Business Licensing Manager Mark Bruley, Police Chief
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Keith Jullie Mark Bruley
Item:	Discuss Cannabis and THC Regulations in Brooklyn Park		

Summary:

This work session is for the City Council to provide additional direction regarding cannabis and THC edible products in Brooklyn Park and related ordinances and requirements. Staff are requesting direction regarding two things:

- 1) Does the City Council want to restrict sales in public places?
Currently it is legal to possess and use marijuana. However, it cannot be legally sold until the Office of Cannabis is established by the State. It is estimated that this will take 16 months to occur. This has resulted in a flourishing black market selling marijuana in public places including our parks. State law establishes that it is a petty misdemeanor crime to sell marijuana. Creating a City Ordinance could elevate this to a misdemeanor crime.
- 2) Does the City Council want to change the current THC licensing regulations, which include:
 - a. total number of THC edible licenses allowed (45),
 - b. locations of licenses (15 per City Council district), and/or
 - c. distancing (300 feet from any school).

Whether or not cannabis can be used in public spaces is also a topic needing additional Council consideration at a future meeting.

Budgetary/Fiscal Issues: N/A

Attachments:

- C.4A CANNABIS MEMO
- C.4B MAP OF LICENSED THC EDIBLE BUSINESSES
- C.4C MAP OF LICENSED TOBACCO AND LIQUOR BUSINESSES
- C.4D THC MAP SERIES



MEMORANDUM

DATE: Aug 22, 2023

TO: Jay Stroebel, City Manager

FROM: Kim Berggren, Director of Community Development
Keith Jullie, Rental and Business Licensing Manager
Jason Newby, Inspections and Environmental Health Manager

CC: Mark Bruley, Chief of Police
Brad Tullberg, Recreation and Parks Director

SUBJECT: Cannabis Legalization and THC Sales in Brooklyn Park

A new law enacted by the State at the end of the 2023 legislative session legalizes adult-use cannabis in Minnesota and establishes a regulatory framework over the cannabis industry. Since the enactment of the law, city staff has been collecting information from the League of Minnesota Cities and the State.

This memo aims to provide information to the City Council about the new law to assist in making decisions related to the law. Laws and practices for tobacco and liquor can serve as a guide for policy, regulations, and enforcement strategies. This topic is planned for discussion at the August 28 City Council meeting. Please let staff know before the meeting if you or the City Council would like additional information or have specific questions.

What is the city doing currently with THC sales?

In 2022 the Minnesota State legislature legalized the possession, use, manufacturing, and sale of limited edible THC products and allowed cities to create regulations and licensing requirements for those products. The Brooklyn Park City Council adopted an ordinance and licensing language which took effect on March 1st, 2023. Currently, Brooklyn Park has 9 THC licensed businesses and 6 requests for new THC licenses (Table 1). The number of THC licenses is limited to 15 in each council district (west, central, east) with a total of 45 maximum allowed city wide. THC licenses are allowed in any retail area so long as they are not within 300 feet of a school. Under the new State law, THC licensed business must register with the State by October 1, 2023.

Table 1: Current and requested THC licenses in Brooklyn Park by Council District

Map #	Business Name	Location	Council District	Total in District		
				Central	East	West
1	A&J Tobacco	8058 Brooklyn Blvd	West			X
2	Boone Tobacco	6284 Boone Ave	West			X
3	BP Smoke Shop (new license requested)	7654 Brooklyn Blvd	East		X	
4	Cellar's Wine & Spirits (new license requested)	7944 Brooklyn Blvd	West			X
5	E-Vapor and Tobacco	4658 85 th Ave	Central	X		
6	Good Zen (new license requested)	8509 Jefferson Ln	West			X
7	Ike's Wine & Spirits (new license requested)	9682 Colorado Ln	West			X
8	Lifted	8470 Xerxes Ave	East		X	
9	Love is an Ingredient	6276A Boone Ave	West			X
10	Love is an Ingredient	8505 Jefferson Ln	West			X
11	Neighborhood Gas and Tobacco (new owner with new license requested)	7416 Brooklyn Blvd	East		X	
12	New Superette	6290 Boone Ave	West			X
13	Speedy Market & Tobacco	7401 Regent Ave	East		X	
14	Winner Gas	1500 Brookdale Dr	East		X	
15	Cub Liquor (not shown on map) (new license requested)	7555 W Broadway	West			X
			TOTALS	1	5	9

What does the new law allow the city to do in the future?

In 2023, the Minnesota State legislature legalized the possession, use, manufacturing, and sale of additional cannabis products and created regulations regarding the future use and sales of these products. The State must now create an Office of Cannabis Management (OCM) and establish licensing requirements which is expected to occur in January 2025. After this date all licensing will be handled by the State with a registration component and City regulations handled locally.

When can Cannabis sales start?

Cannabis cannot be sold until the Office of Cannabis Management is able to issue licenses. And, before beginning sales a cannabis retailer must obtain a local retail registration. Any business attempting to sell cannabis before licenses are issued should be reported to the State Department of Health.

What can the city do right away?

- 1) Licensing of new THC edible products and renewals of existing licenses may continue until the State licensing is in place in January 2025. The City Council has discussed increasing the current 300-foot distance requirement between THC licensed businesses and schools as well as adding other restrictions such as a distance requirement for other uses such as childcare, playgrounds, and other THC licensed businesses. The Council also indicated interest in preventing clustering. State law allows distance requirements of up to 1,000 feet from a school, and 500 feet from a childcare center, parks or other areas frequently attended by children. Upon direction from the City Council, staff will bring forward additional distance requirements or clustering restrictions for discussion and consideration.

Changing the distance requirements or other regulations may cause current THC license holders to become non-compliant with city code. If that occurs, the likely scenario would be that they would be able to continue their business until the next license renewal date, at which time they would not be renewed and would have to stop selling THC edibles and unless the City Council wants to grandfather those licenses in. Further discussion and input from the city attorney is necessary.

- 2) **Prohibit sale of cannabis in public places.** The city could draft an ordinance to prohibit the sale of cannabis in public places (e.g., in parks) which would be a misdemeanor level offense. It is currently a petty misdemeanor. The police department supports this change.
- 3) **Consumption in parks and public spaces.** The city can regulate consumption in public places such as in parks, at public facilities, and on sidewalks. Currently the City has a Tobacco Free Parks policy, but no related ordinance making it a crime to violate this policy. Staff recommends updating the Tobacco Free Parks policy to also prohibit the use of Cannabis. Related to use, the City could choose to adopt an ordinance establishing a petty misdemeanor offense as detailed in A24 of the League of Minnesota Cities' FAQ document (web link provided below in the resources section). The police

department is not currently recommending this action. The City Council also has the option of prohibiting the use of Cannabis at public facilities and on sidewalks, similar to the current regulations for liquor consumption and example ordinance from the City of Maple Grove (see below).

- As discussed at the July 31, 2023, Council Work Session, one consideration may be the effects of secondhand smoke on others, especially young children. The CDC says that second hand smoke from marijuana can have some health impacts and has also been shown to be detectable in children exposed to second hand smoke from someone from their home
<https://www.cdc.gov/marijuana/health-effects/second-hand-smoke.html>
- Brooklyn Park City Code excerpt:

§ 112.047 DRINKING PROHIBITED.

The drinking of intoxicating liquor and/or 3.2 percent malt liquor on the public streets, public parking lots, public property, or in other public areas within the city is prohibited except in designated picnic areas approved by the City Council. The drinking of intoxicating liquor and/or 3.2 percent malt liquor in automobiles, on the public streets, public parking lots, or other public property within the city is prohibited.

- Example Ordinance from the City of Maple Grove
<https://www.maplegrovern.gov/AgendaCenter/ViewFile/Item/4545?fileID=16568>

- 4) **Interim ordinance.** Cities may adopt an interim ordinance prohibiting the sale, manufacturing, and distribution as detailed in A47 of the LMC frequently asked questions document (link below) to allow for a study. Staff are not currently making this recommendation.

What does the city need to do prepare for January 2025 when cannabis can be sold?

Under the new law, the city is required to register cannabis retail sellers and perform compliance checks, so related regulations need to be adopted by January 2025. The City is not allowed to prohibit cannabis sales; however, additional regulations the City could adopt include:

- **Distancing.** Distancing Cities may prohibit the operations 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. It is still unclear if cities are allowed to restrict the clustering of licenses.
- **Number.** Cities may limit the number of retailers to no fewer than one registration for every 12,500 residents, which would be seven (7) establishments with Brooklyn Park's current population.
- **Temporary Sales.** Cities can set standards for temporary sale at events.

Staff recommends waiting for model ordinances to be developed by the Office of Cannabis Management before putting regulations in place.

How does the city enforce Cannabis laws?

It is well documented that the enforcement of the use of Cannabis disproportionately has negative impacts on Black and Brown communities. Currently the City is doing limited enforcement of related law violations in recognition of the impacts of enforcement.

What are other key facts about the new Cannabis State Law

The city has the option of opening a city-owned Cannabis retail store.

- Cannabis retailers will not be allowed to also sell tobacco or liquor.
- Cannabis cannot be consumed in multifamily housing including on patios and balconies.
- Private property owners can prohibit the use of Cannabis on their properties.

Reference information

The League of Minnesota Cities has published a Frequently Asked Questions article which outlines the details of the new law and how it will affect cities across the State. Below are excerpts from that article.

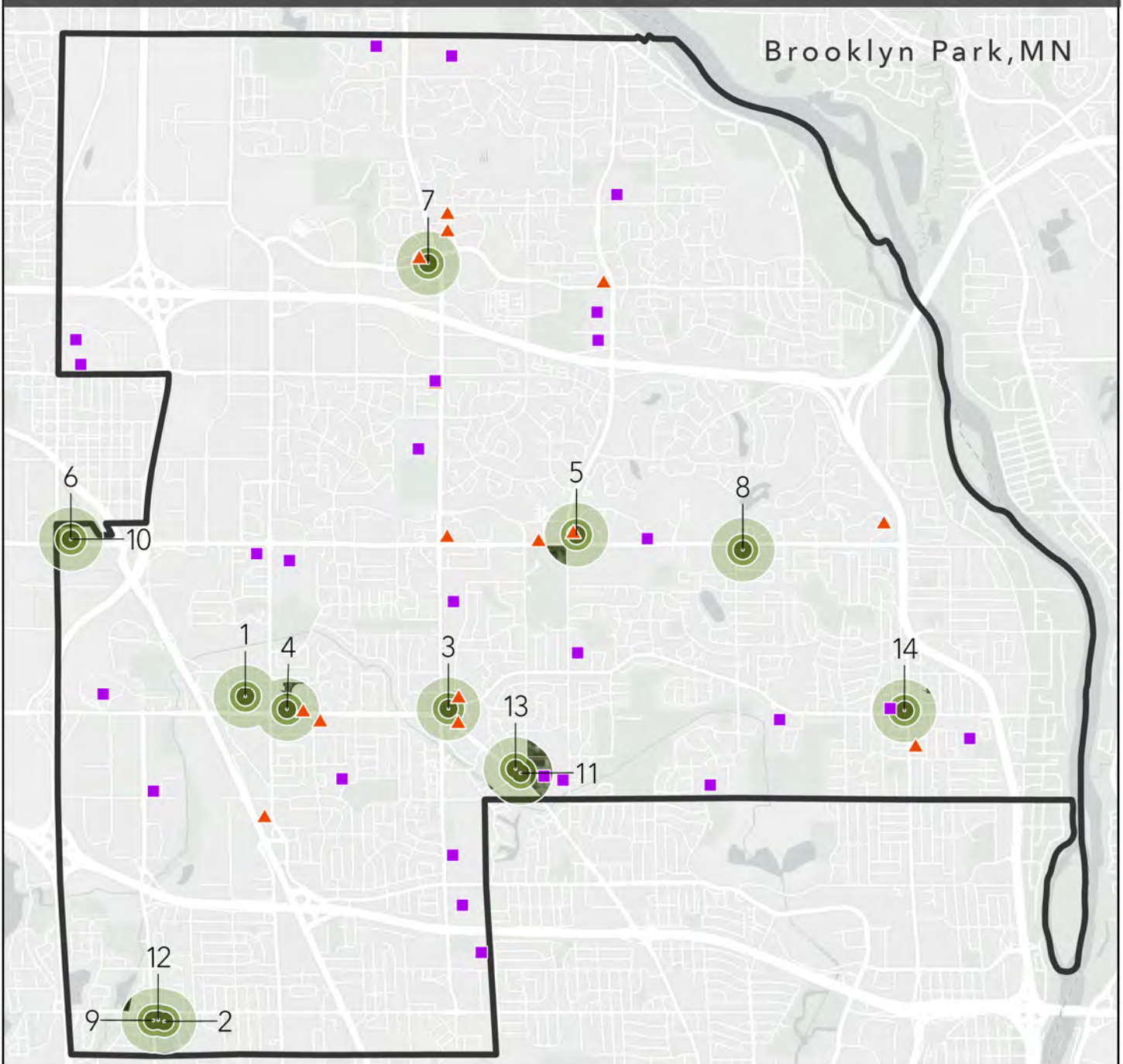
FAQ document can be located here: <https://www.lmc.org/resources/adult-use-cannabis-what-cities-need-to-know/#Q1>

New State cannabis website can be located here: <https://cannabis.mn.gov/>

Attachments

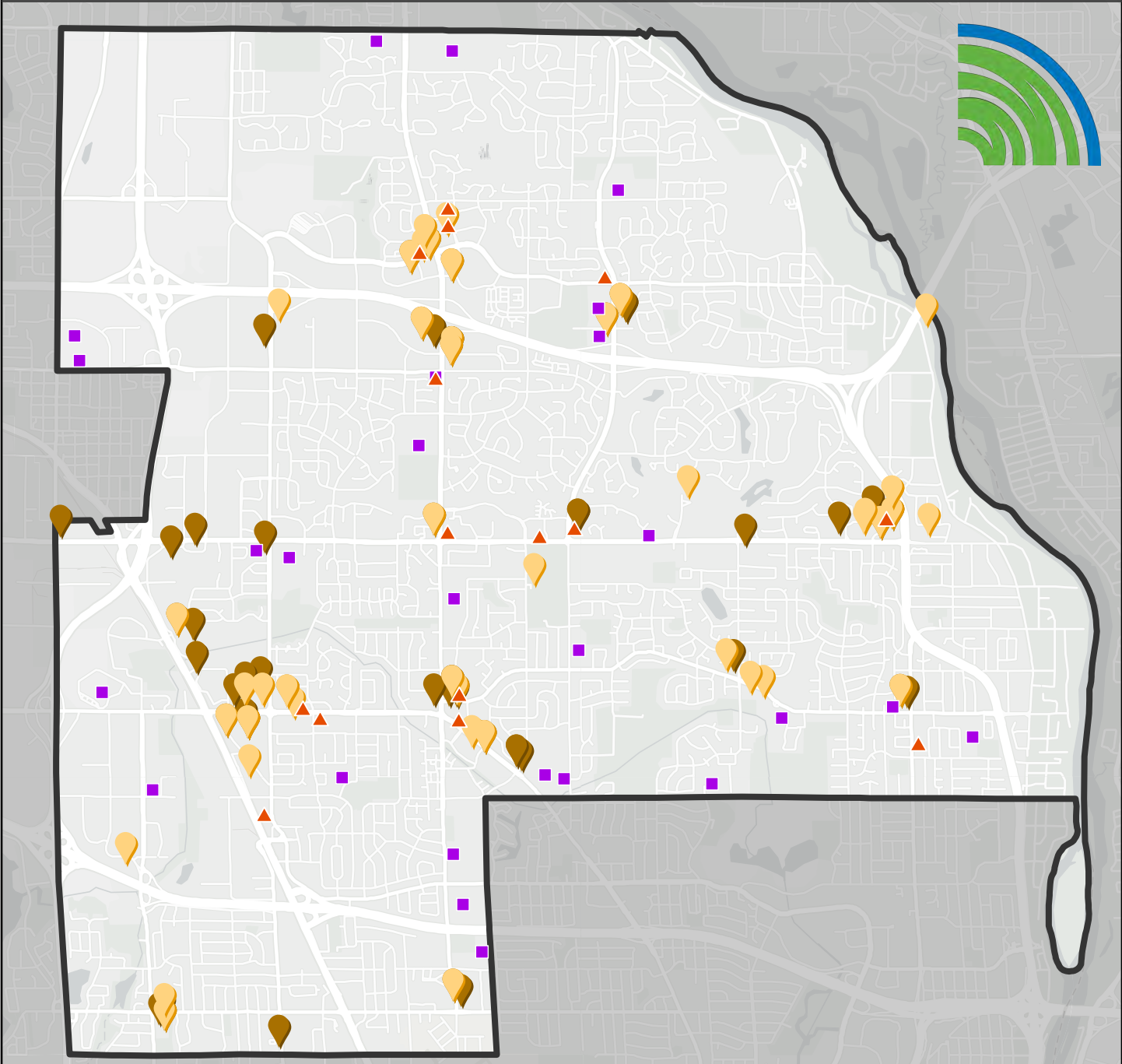
- Map of locations of existing THC licenses
- Map of Tobacco and Liquor licenses
- Tobacco Free Parks Resolution (2011)

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS



- Schools
 - ▲ Daycares
 - THC Businesses
 - Parks within 1000ft of THC Business
- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft

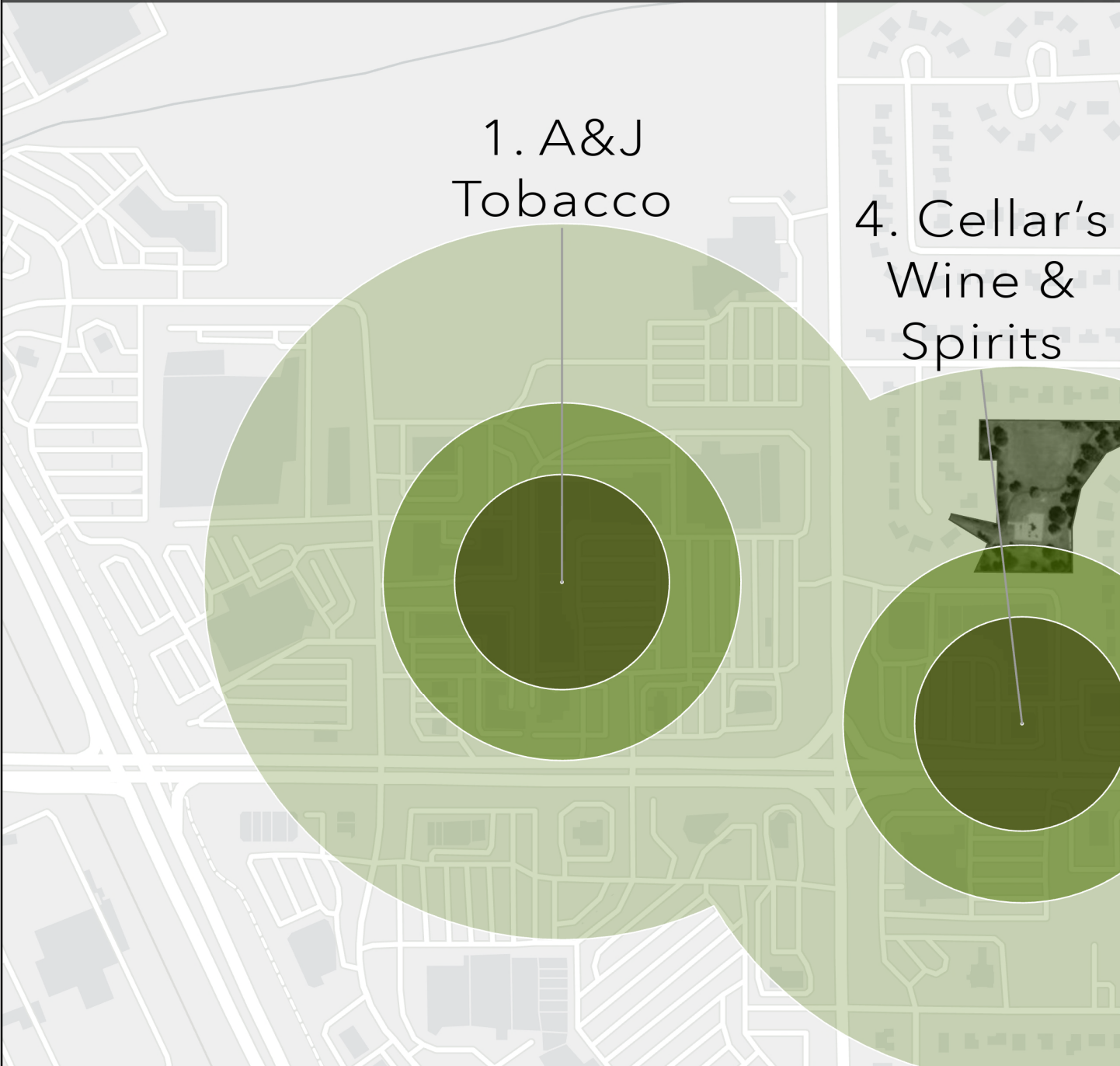
LIQUOR AND TOBACCO LICENSES IN BROOKLYN PARK



- ▲ Daycare
- School
- Liquor License
- Tobacco License

This map is for general reference only. It is not for legal, engineering, or surveying use. Please contact the sources of the information if you desire more details. Basemap source: ArcGIS Online.

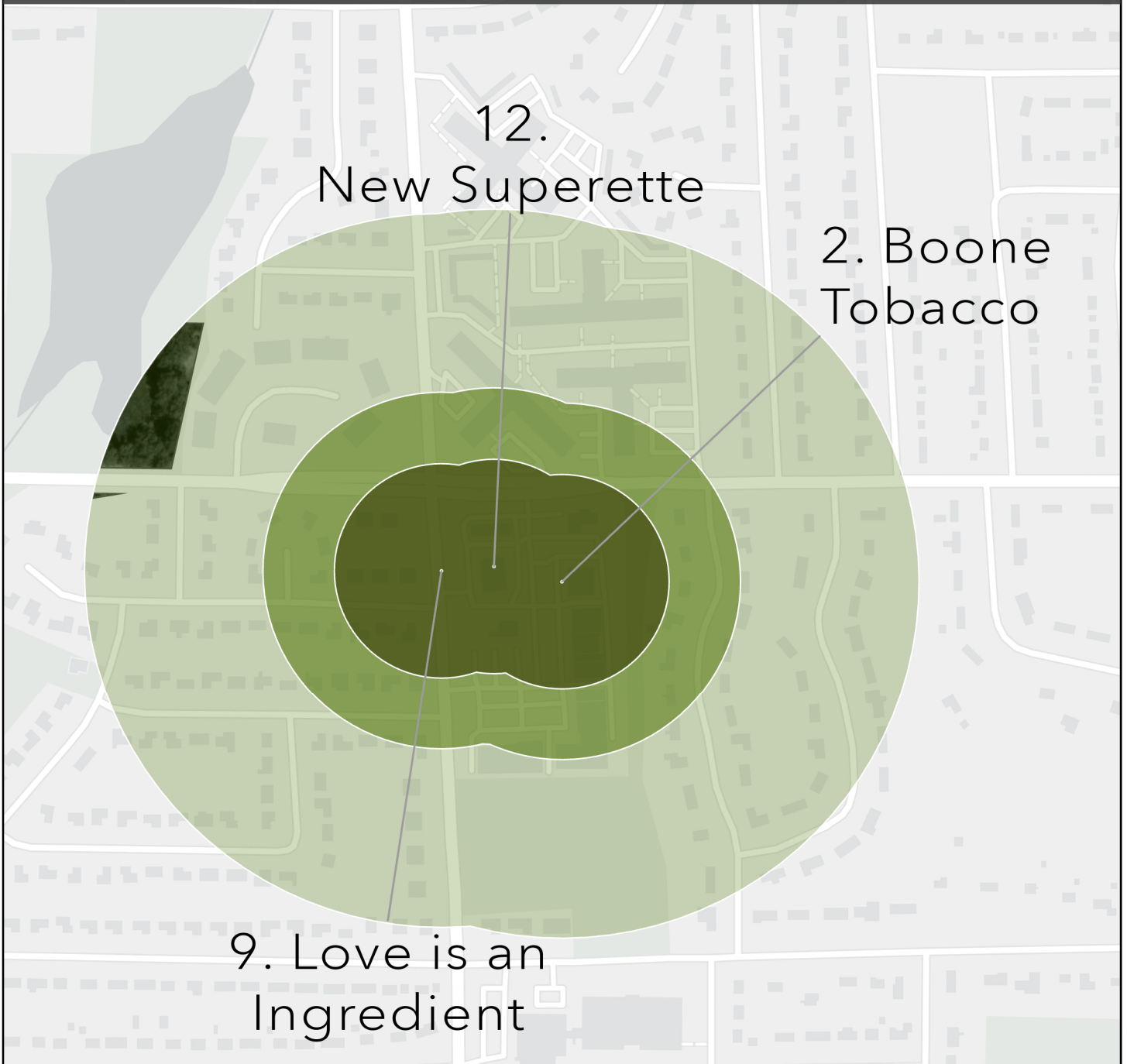
PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS



- Schools
- ▲ Daycares
- THC Businesses
- ▭ Parks within 1000ft of THC Business

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

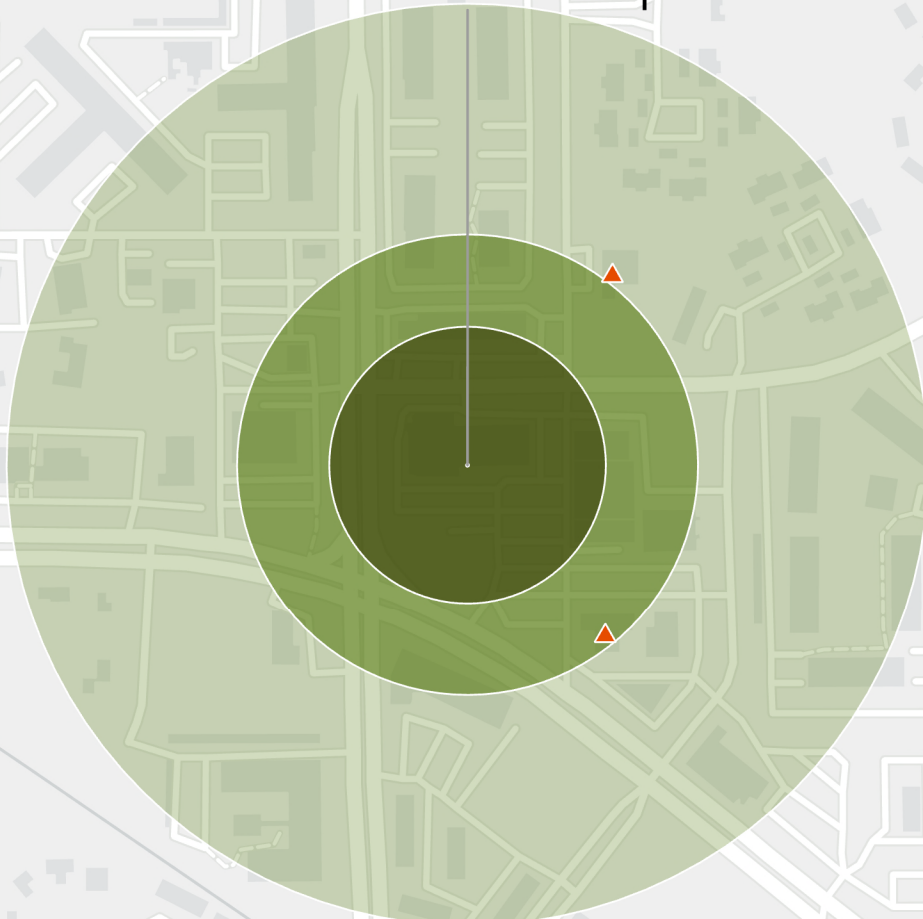


- Schools
- ▲ Daycares
- THC Businesses
- ▭ Parks within 1000ft of THC Business

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

3. BP Smoke Shop



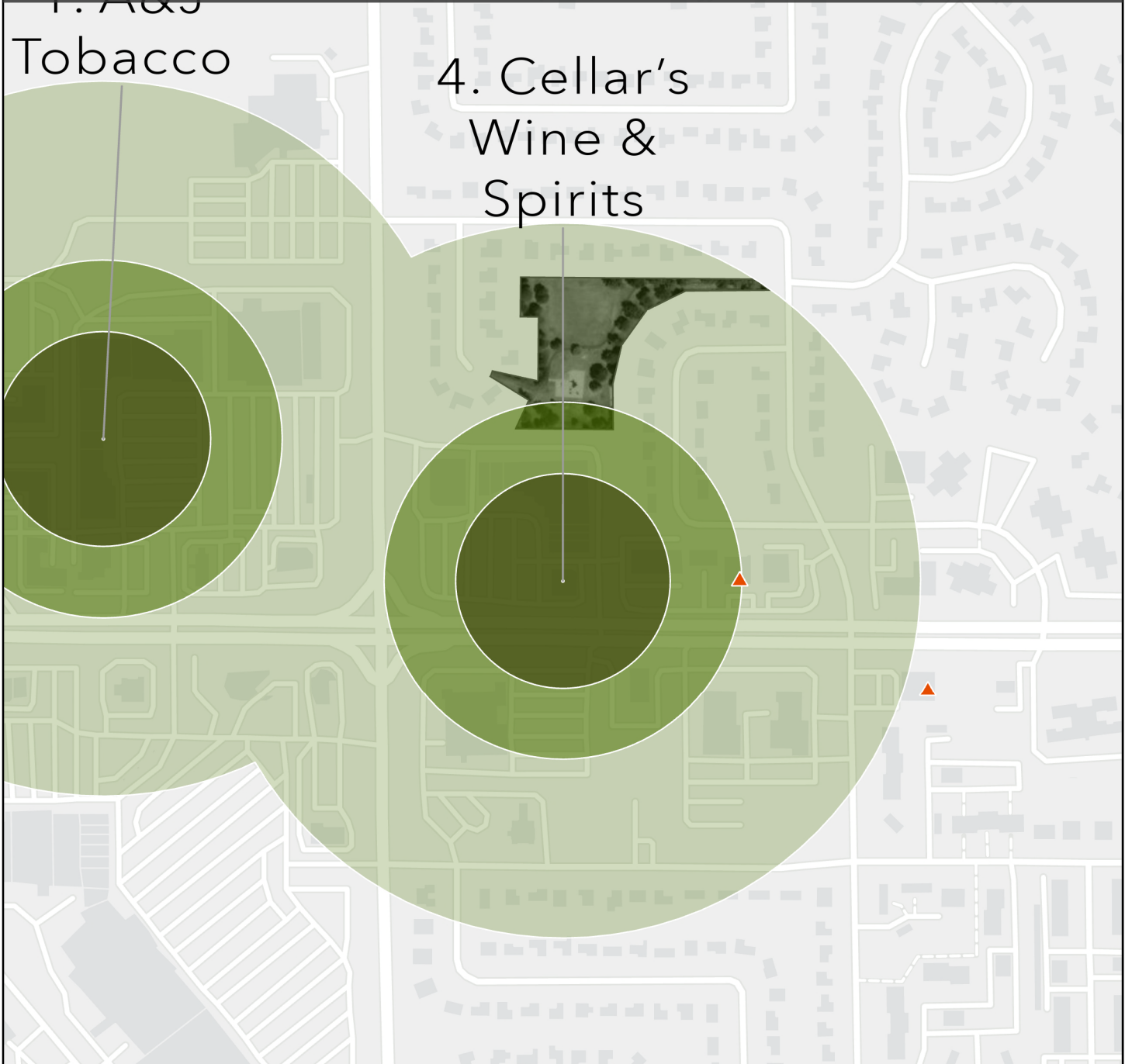
- Schools
- ▲ Daycares
- THC Businesses

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

1. A&J
Tobacco

4. Cellar's
Wine &
Spirits

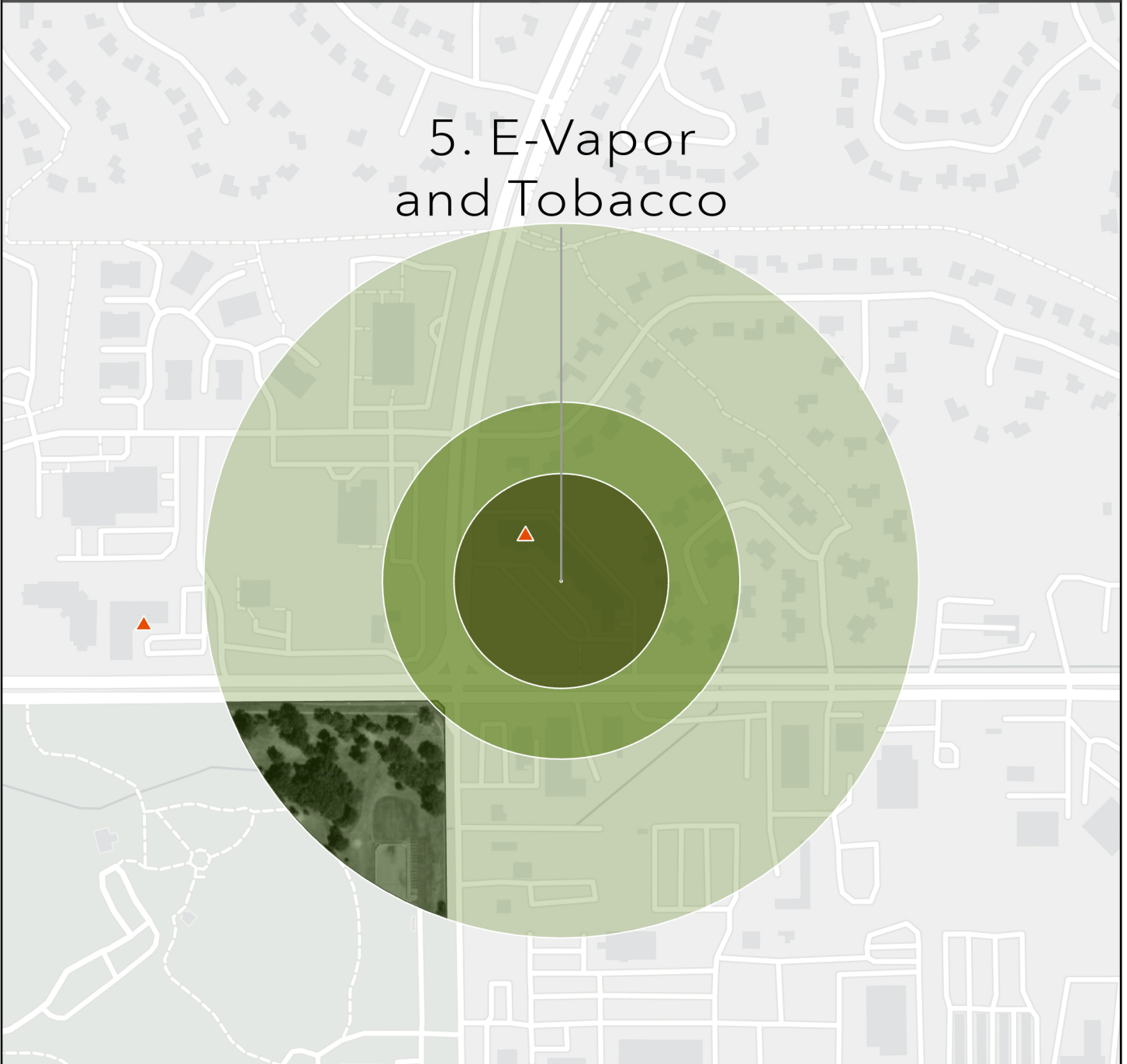


- Schools
- ▲ Daycares
- THC Businesses
- ▭ Parks within 1000ft of THC Business

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

5. E-Vapor and Tobacco

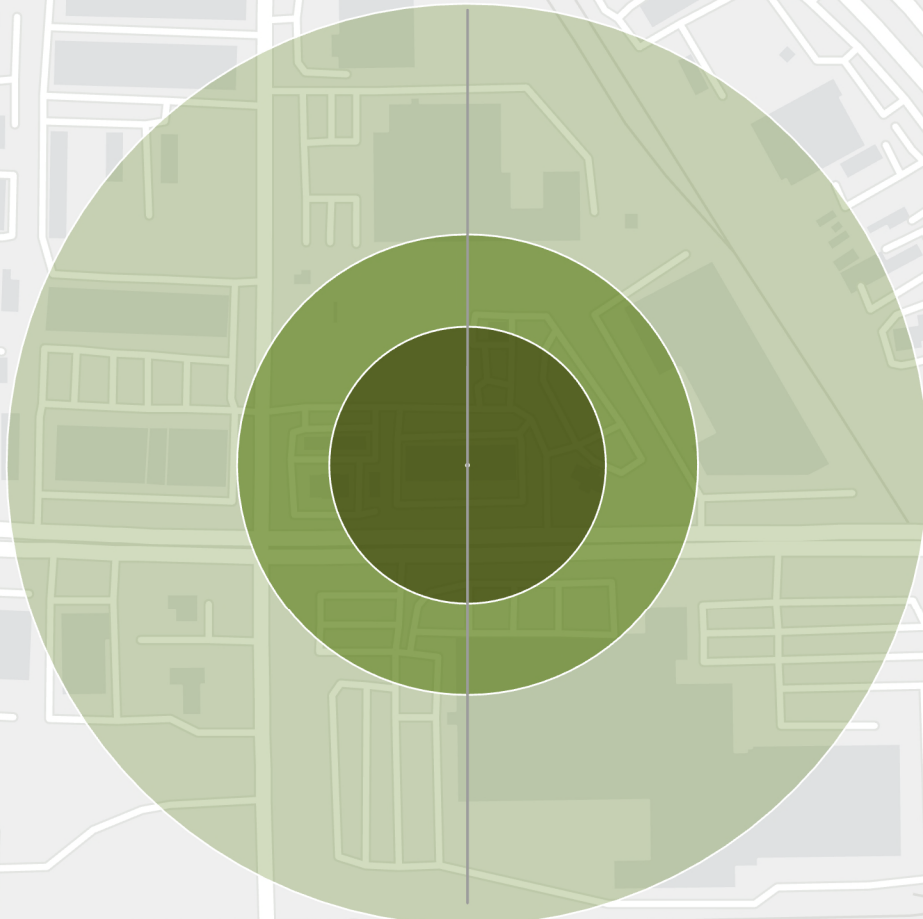


- Schools
- ▲ Daycares
- THC Businesses
- ▭ Parks within 1000ft of THC Business

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

6. Good Zen



10. Love is
an Ingredient

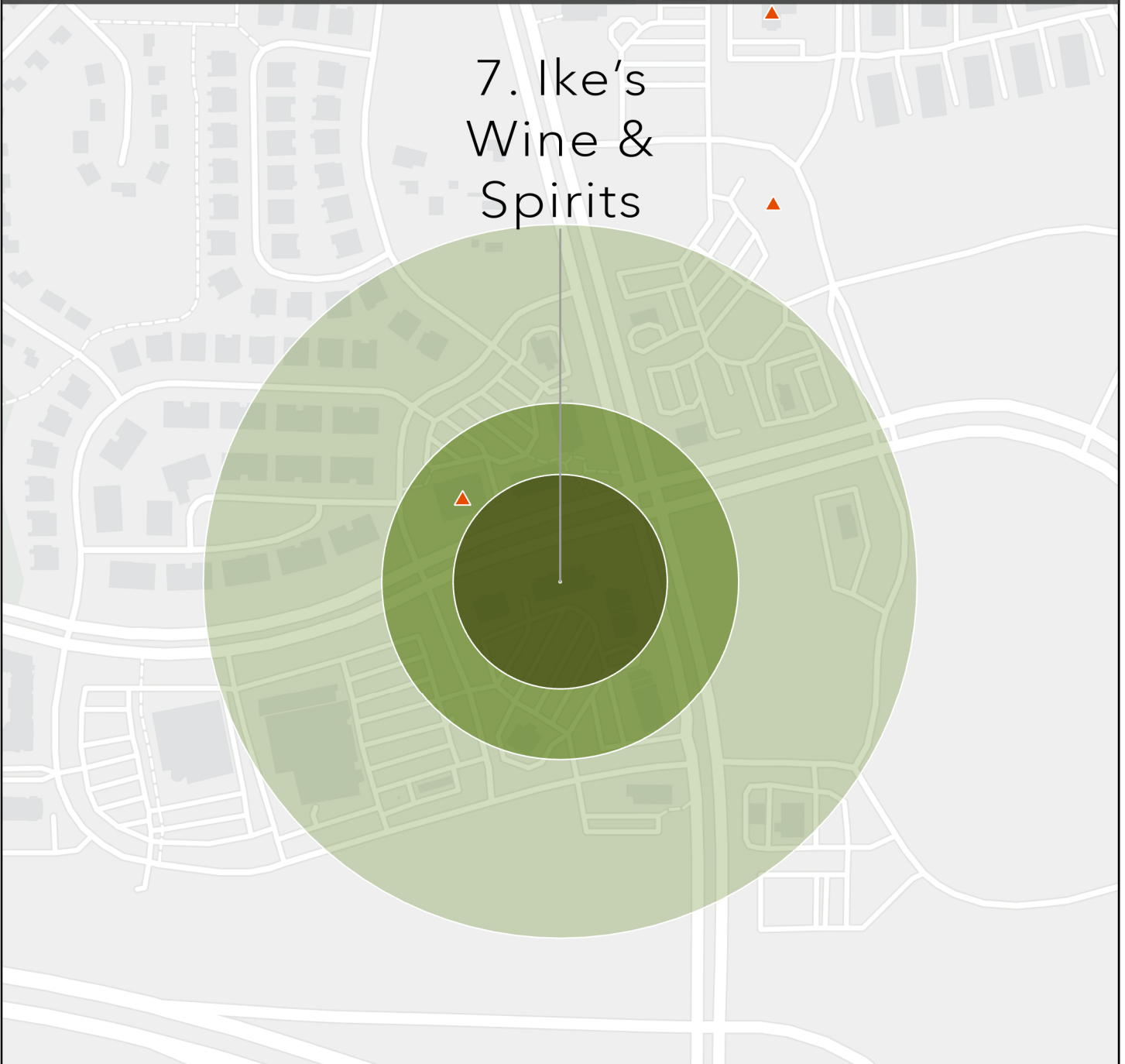
- Schools
- ▲ Daycares
- THC Businesses

Distance from THC
Business

- 0 - 300ft
- 300 - 500ft
- 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

7. Ike's Wine & Spirits



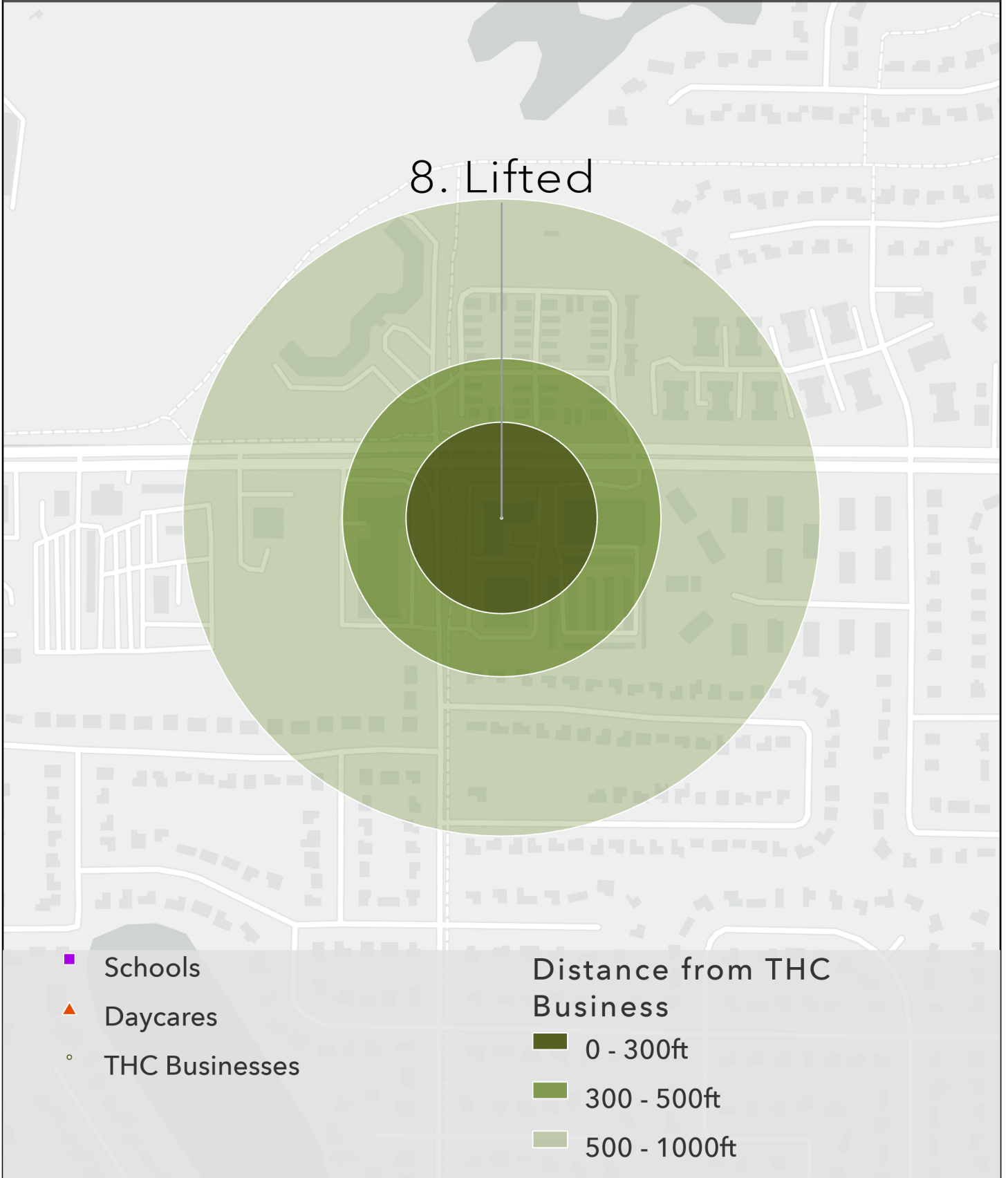
- Schools
- ▲ Daycares
- THC Businesses

Distance from THC Business

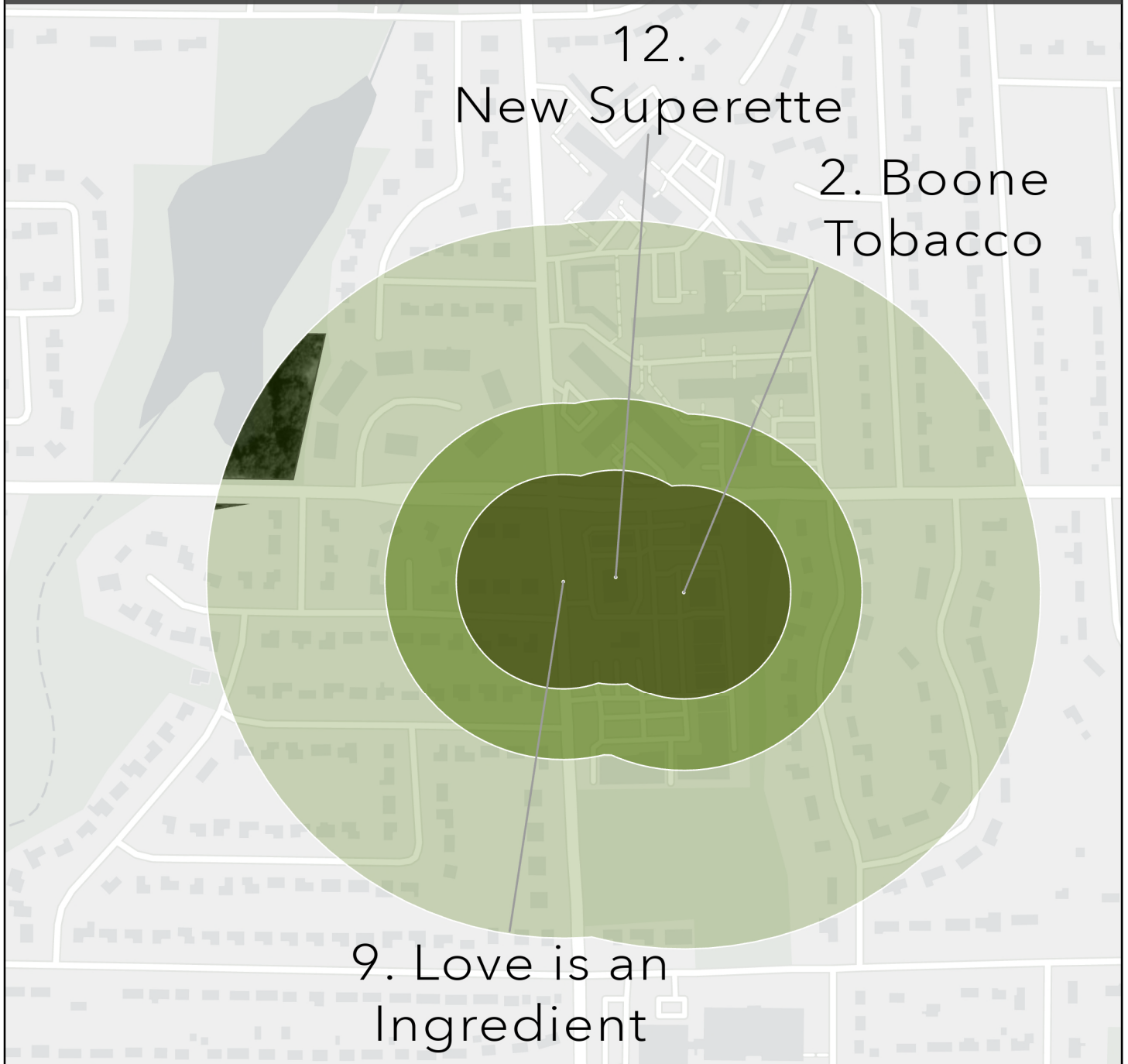
- 0 - 300ft
- 300 - 500ft
- 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

8. Lifted



PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

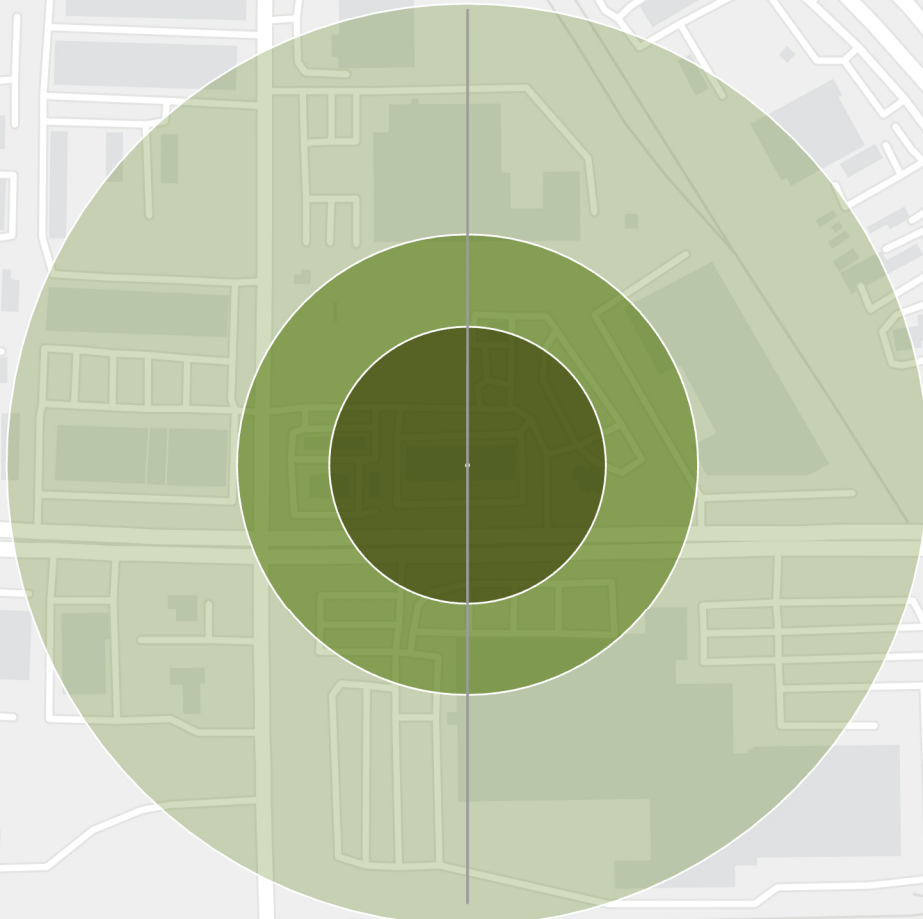


- Schools
- ▲ Daycares
- THC Businesses
- ▭ Parks within 1000ft of THC Business

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

6. Good Zen



10. Love is
an Ingredient

- Schools
- ▲ Daycares
- THC Businesses

Distance from THC
Business

- 0 - 300ft
- 300 - 500ft
- 500 - 1000ft

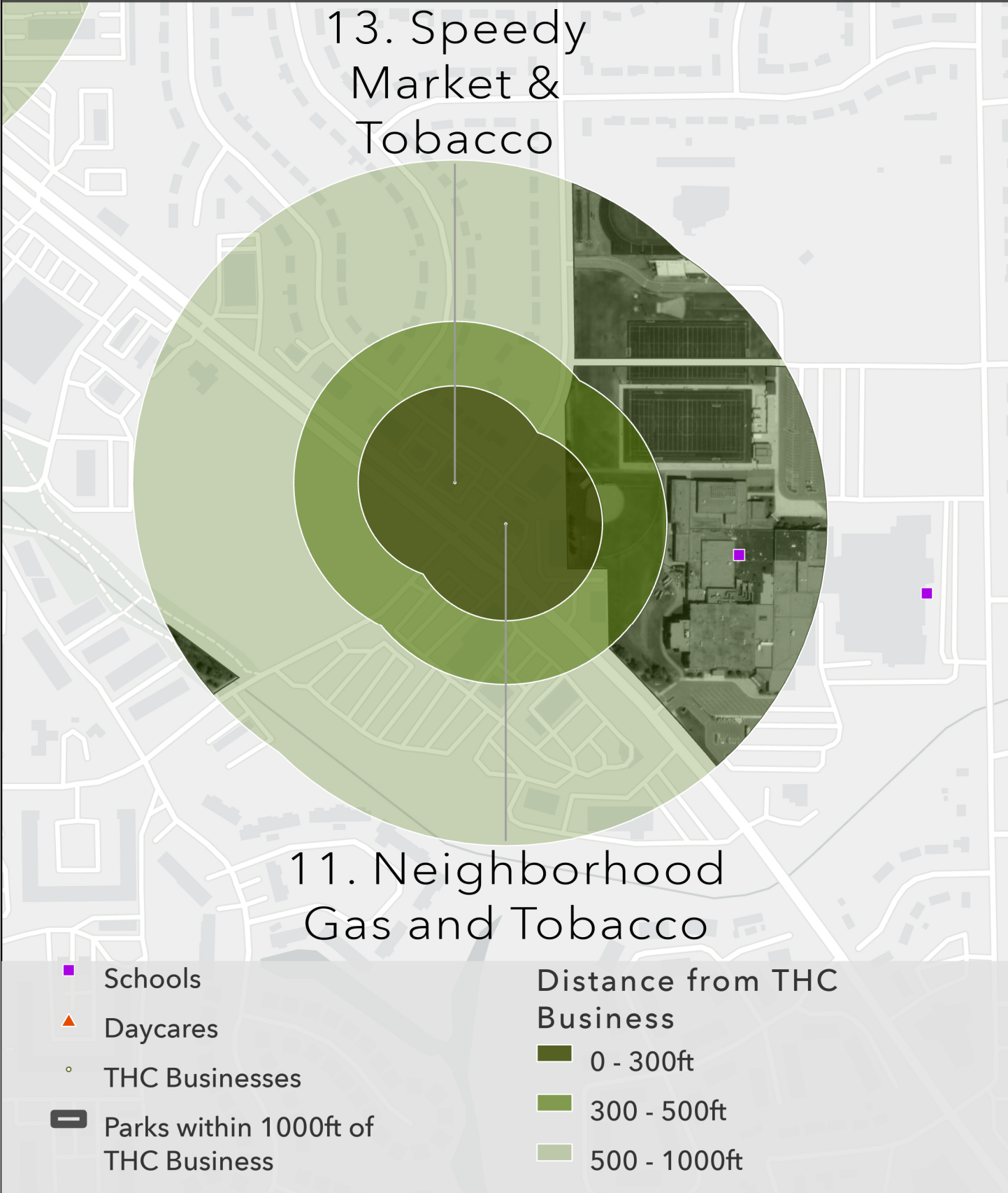
PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

13. Speedy
Market &
Tobacco

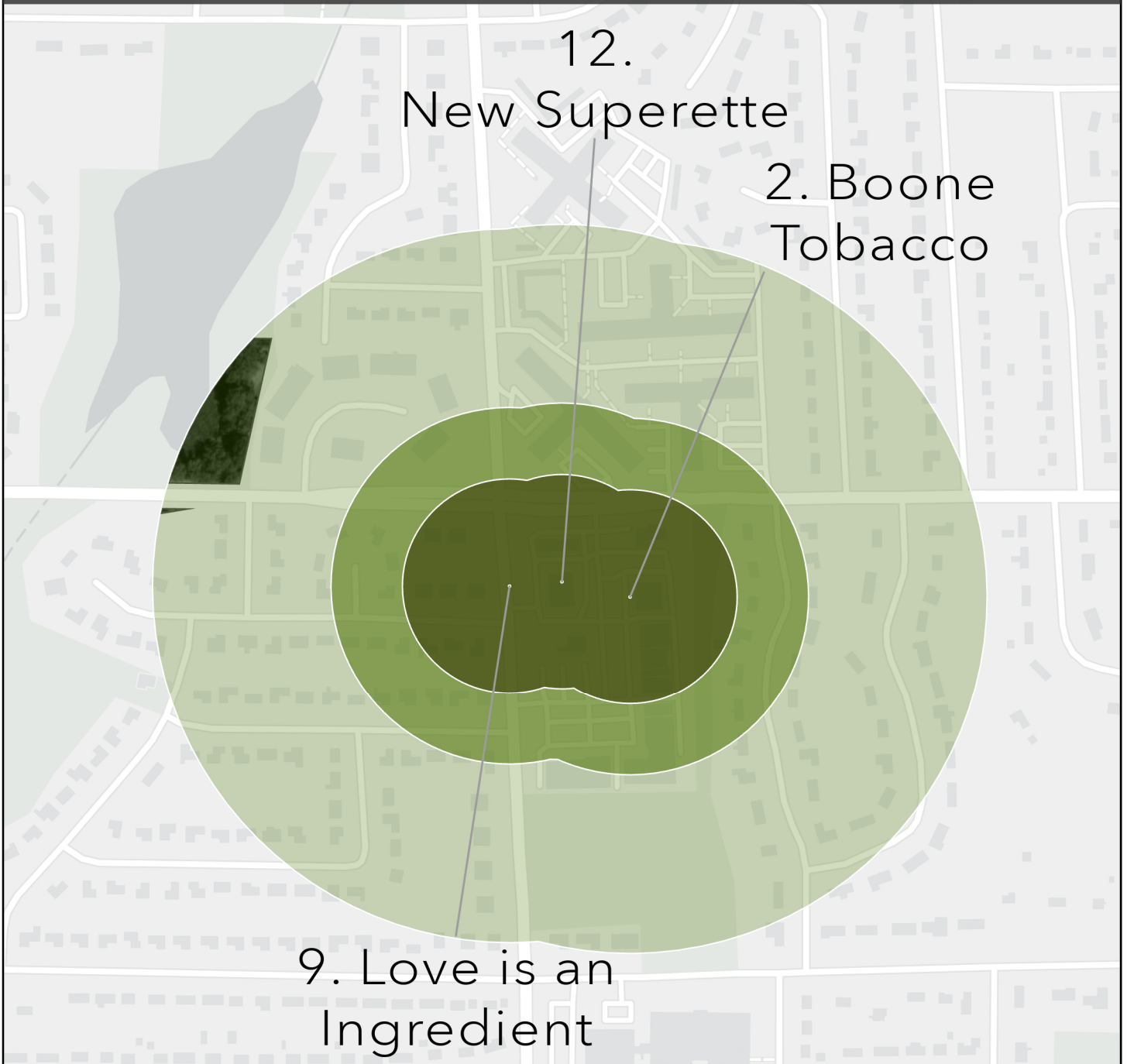
11. Neighborhood
Gas and Tobacco

- Schools
- ▲ Daycares
- THC Businesses
- ▭ Parks within 1000ft of THC Business

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft



PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS



- Schools
- ▲ Daycares
- THC Businesses
- ▭ Parks within 1000ft of THC Business

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

13. Speedy
Market &
Tobacco



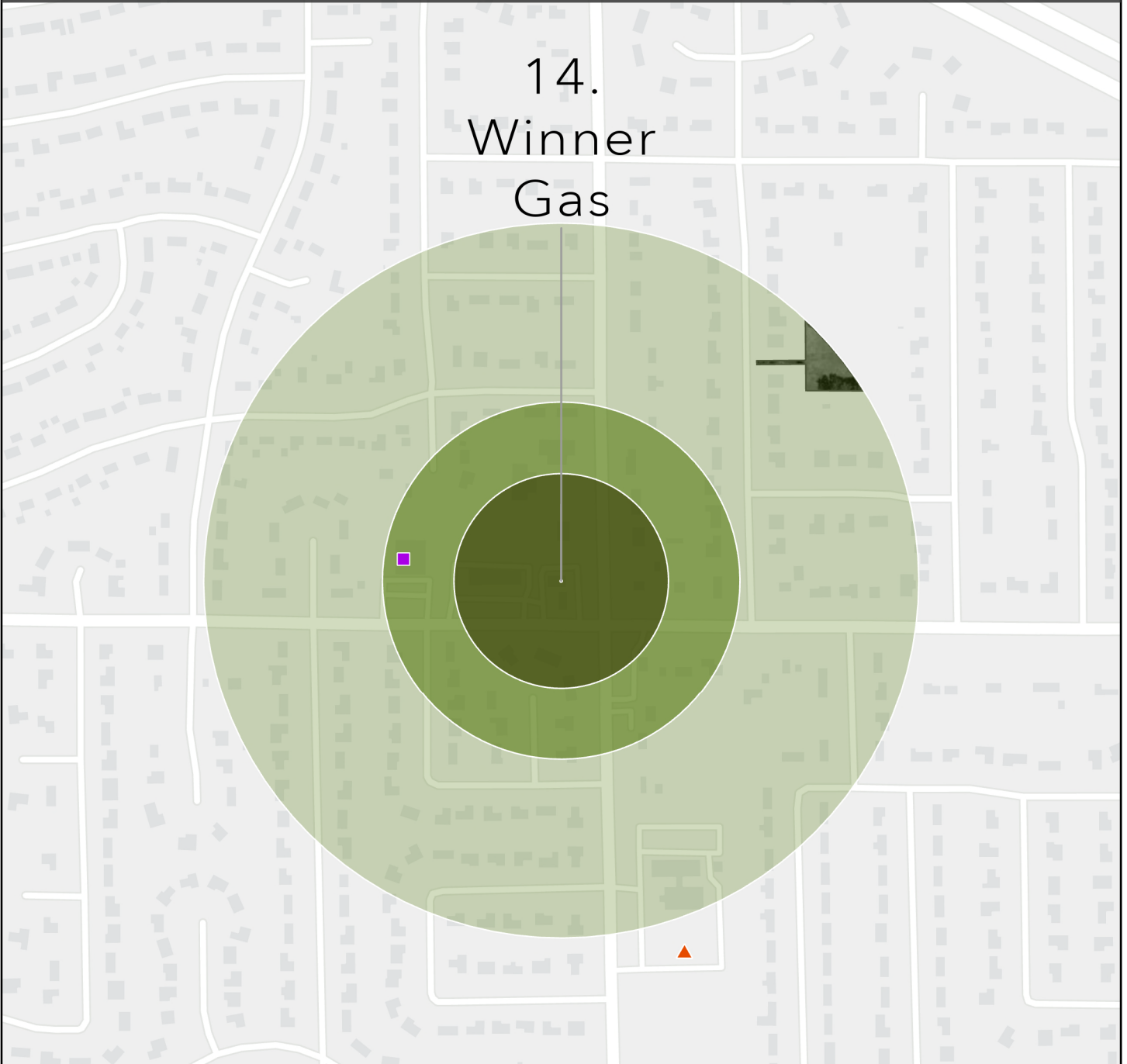
11. Neighborhood
Gas and Tobacco

- Schools
- ▲ Daycares
- THC Businesses
- ▭ Parks within 1000ft of THC Business

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft

PROXIMITY OF THC BUSINESSES TO DAYCARES AND SCHOOLS

14. Winner Gas



- Schools
- ▲ Daycares
- THC Businesses
- ▭ Parks within 1000ft of THC Business

- Distance from THC Business
- 0 - 300ft
 - 300 - 500ft
 - 500 - 1000ft