

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD PUBLIC HEARING
July 24, 2023 – 7:00 P.M.

Call to Order

The Eureka Township Town Board Public Hearing was called to order at 7:01 p.m. by Chair Barfknecht and Pledge of Allegiance was given.

Supervisors Present: Lu Barfknecht, Nancy Sauber, Allen Novacek, and Randy Wood.

Others Present: Liz Atwater, Troy Gilchrist, Adam Rozen, Brian Ahern, Deb Burkhardt, Donovan Palmquist, Glenn Benson, Beth Eilers

Zoom Attendance: Ralph Fredlund

Purpose of the Public Hearing

Chair Barfknecht announced the purpose of the Public Hearing is to consider, and possible act on a proposed interim ordinance authorizing a study and imposing a moratorium on cannabis businesses within the Township pursuant to the authority under Minnesota Statutes, section 342.13(e).

Attorney Gilchrist presented the background since the new legislation was adopted. The bill legalized cannabis and an Office of Cannabis Management is being developed in the State. The state agency is anticipated to be up and running at the end of 2024 or beginning of 2025. There are 16 types of licenses being developed under the law. Local Government has the authority to adopt a moratorium but cannot prohibit cannabis businesses. The Township has an opportunity to review and comment on the State licensing process. The Township needs to decide if they want to get involved and require registration of retail establishments. If the Township would decide to require registration, they would also be responsible for inspection of the businesses. There are two types of inspection: age compliance check and operational check. If the Township were to require registration, then the Township could also have a cap on the number of businesses, which is one business per 12,500 residents. Townships cannot limit the hours of operation and the default is 8 am to 2 am Monday through Saturday and 10 am to 2 am on Sunday. Townships can make use of cannabis in a public place a petty misdemeanor by ordinance. The edible gummies that are legal now are not affected by the moratorium. The moratorium allows for continued lawful cultivation of hemp or cannabis in compliance with all applicable laws.

Chair Barfknecht reported she spoke with Catherine at the Department of Agriculture. Catherine stated no licenses would be granted until 2025, and if that should change, then the Cities and Townships would be notified. The oversight by the state will increase as the new law takes effect. Chair Barfknecht reported that there are currently 13 registered cultivators in Dakota County and 1 in Eureka Township. This information was available on the Department of Agriculture website.

Public Comment

Chair Barfknecht opened the floor for public comment.

Adam Rozen- Operating Partner at BKR Brands

Mr. Rozen requested a path towards registration in the Township. They would be happy to work with the Board as to what the registration process would be like. He voiced his concerns about being vulnerable to being prohibited from transitioning their businesses due to the cap as discussed by Mr. Gilchrist. Mr. Rozen stated their intention is to transition to a retail business, but not have a retail business within the Township.

Mr. Gilchrist explained that businesses must get the state license prior to registering with the Township.

Beth Eilers- 10185 250th Street

Ms. Eilers encouraged the Board to go ahead and enforce the Moratorium. She stated the law is in a testing phase and the Township should not be a part of the test. The Moratorium will give the Township time to wait for the results and information from the State. She also recommended leaving the registration to the County.

Melanie Storlie- 8680 235th Street

Ms. Storlie directed her question at Mr. Rozen asking about his statement they are not planning to open a retail business in the Township, but what guarantee that if license is issued they will not open that retail business?

Mr. Rozen responded they are willing to do whatever is allowable to make that commitment. From a business perspective, he stated it doesn't make sense for them to have a retail location in Eureka.

Mr. Gilchrist explained that all decisions will come down to policy decisions made by the Board over the next year. Is the Township going to put a cap in place? Is the Township going to have a registration process? How is the Township going to zone this? Mr. Gilchrist further explained the question has come up how to allow a retail business if the ordinances prohibit businesses, but the Cannabis Law states you can't prohibit the retail business. There are still many questions that need to be answered over the next year.

Chair Barfknecht asked three times if there were any additional attendees who would like to make a comment. Hearing none, the floor was closed.

Town Board discussion

Town Board Supervisors discussed and agreed they are in favor of the Moratorium.

Motion: Vice Chair Sauber moved that we postpone the action by the Board on the moratorium until tomorrow evening's regular meeting. Chair Barfknecht seconded the motion. *Motion carried 4-0.*

Adjournment

Motion: Chair Barfknecht moved to adjourn the public hearing. Vice Chair Sauber seconded the motion. *Motion carried 4-0.*

The public hearing adjourned at 8:58 pm.

Respectfully submitted,



Liz Atwater, Town Clerk

Minutes Officially Approved By:


Town Chair

on: 12/12/2023
Date