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Minn. R. Civ. App. Proc. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1898**

A Resolution Reaffirming the Issuance of a Cannabis Retail Registration to Jigar Patel,
DBA Nature Creation.

**Filed July 20, 2026
Affirmed
Ede, Judge**

City of Red Wing
Resolution No. 8128

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Rybolt Wellness LLC)

Nature Creation LLC, Moorhead, Minnesota (respondent)

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Considered and decided by Ede, Presiding Judge; Bentley, Judge; and Halbrooks,
Judge.*

NONPRECEDENTIAL OPINION

EDE, Judge

In this certiorari appeal, relator challenges respondent city's quasi-judicial decision denying relator's application for a cannabis retail registration and affirming its issuance of such a registration to respondent alternative applicant. Relator asserts that the city's

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

decision is arbitrary because (A) neither the relevant municipal ordinance nor the application materials provide a tie-breaking procedure for identically scored applications and (B) the city relied on external, unpublished factors not permitted by the municipal ordinance.¹ We affirm.

FACTS

In 2023, Minnesota legalized the adult use of cannabis and adopted a statutory scheme to regulate its growth, use, licensing, and sale. Minn. Stat. §§ 342.01–0.82 (2024); 2023 Minn. Laws. ch. 63, art. 1, at 2686–798. The governing statutes establish the Minnesota Office of Cannabis Management (OCM), which issues and renews cannabis licenses. Minn. Stat. § 342.02, subd. 2(6). To obtain final authorization and issuance of an appropriate license, applicants must, among other things, receive preliminary license approval from OCM, as well as confirmation that the proposed cannabis business meets zoning and land-use laws via certification by the local unit of government of the proposed retail location. *See* Minn. Stat. § 342.14, subds. 1, 6.

Relator Rybolt Wellness LLC completed the first step of the process and received preliminary license approval from OCM to operate a cannabis business. Rybolt’s proposed retail location is within the jurisdiction of respondent City of Red Wing. Only one cannabis

¹ Relator also asserted in its appellate brief that the city’s decision is not supported by substantial evidence and relies on explanations that conflict with the evidence. But relator’s counsel acknowledged at oral argument that the focus of its argument in this appeal is on relator’s claim that the city arbitrarily based its decision on facts that were not reasonably related to the governing ordinance. And relator’s counsel confirmed that relator does not contend that the facts cited by the city in its decision lack the support of substantial evidence in the record. Thus, our analysis focuses on relator’s arbitrariness arguments.

retail registration was available in the city when Rybolt applied. Two other businesses—respondent Nature Creation LLC² and Monday Park LLC—submitted applications at the same time.

The applicable municipal ordinance required that “[f]inal approval” of the three applications be “determined by the City Council as outlined in the City of Red Wing Policy for Local Cannabis Retail Registration Application Review” (the policy). Red Wing, Minn., City Code (RWCC) § 6.28, subd. 2(C)(3) (2025). The policy provides that it “is intended to be a thoughtful and deliberate approach in selecting a cannabis retail business while protecting the public health, safety and welfare of [the city’s] residents now and into the future.” And the policy states that “the issuance of retail registrations shall be in accordance with the criteria stated in [the policy’s] review process,” which involves four phases.

As relevant here, “Phase III” concerns “criteria evaluation, review, and scoring” of the applications by city staff, based on the following:

1. Applicants will receive [one] (1) point for each of the following standards that they meet:
 - i. If the proposed location will only be used for the retail sale of cannabis.
 - ii. If the applica[nt] is a resident of Red Wing. Applicants must provide proof of their residence in Red Wing, Minnesota at the time of application which may include any of the following:
 - a. The most recent Goodhue County property tax statement listing the applicant’s name, a residential address in Red Wing, Minnesota and indicating a homestead status.

² Nature Creation has neither appeared nor participated in this appeal.

- b. A current housing lease agreement in Red Wing, Minnesota naming the applicant as a lessee.
 - c. A State of Minnesota issued identification card showing the applicant's name and residential address in Red Wing, Minnesota.
- 2. Applicants will receive one (1) point if they meet the following standard:
 - i. If the proposed location is a single-tenant building, rather than where two or more business uses are located within one structure or on one property.
- 3. Applicants can receive up to two (2) points based on the completeness of the business plan submitted. A complete business plan[] should contain the following: owner experience, qualifications, budget, capitalization, pro forma, and daily operation procedures.
- 4. Applicants can receive up to two (2) points based on the completeness of their preliminary safety and security plan. This should be a description of planned safety and security measures for the site/business.
- 5. Applicants will receive one (1) additional point for including a ventilation and odor control plan detailing how odor impacts will be prevented and mitigated.
- 6. Applicants will receive two (2) additional points for including a neighborhood compatibility plan outlining how they will respond to complaints to neighborhood nuisances related to noise, light, odor, litter, vehicle and pedestrian traffic.
- 7. After being evaluated and scored through Phase III, applicants who submitted complete retail registration applications would be ranked from highest to lowest to establish an eligibility list. The highest score possible would be 10 points.
- 8. The city reserves the right to request and obtain additional information from any applicant who advances to Phase III and Phase IV.

In "Phase IV"—"Final Selection for Retail Registration Approval"—the policy explains:

- 1. The eligibility list and applications for cannabis business retail registration would be forwarded to the city council for review and final selection to determine which applicant is

eligible to receive a City of Red Wing retail registration. The final selection would take place at a public meeting where applicants would have the opportunity to address the city council and answer any additional questions prior to the city council making a final decision. *The city council has the authority to choose from any of the applicants on the eligibility list.*

(Emphasis added.)

Rybolt and Nature Creation both received scores of nine based on the above criteria; Monday Park received a score of seven. In a report prepared for a public meeting on the three applications, city staff noted the scoring tie between Rybolt and Nature Creation. City staff nonetheless recommended that the city issue the cannabis retail registration to Nature Creation for several reasons, including: (1) that “a Red Wing resident will be 10% owner of Nature Creation”; (2) that “Nature Creation . . . states they will employ security personnel”; (3) that “Nature Creation . . . submitted the most complete business plan at the time of submission”; (4) that Nature Creation’s place of business “has 12 dedicated off-street private parking stalls and 12 shar[e]d parking stalls available to customers”; and (5) that Nature Creation’s place of business “is a single-tenant building containing a commercial grade vault.”

Consistent with the policy, the city council held a public meeting on the three applications, during which representatives of the applicants spoke in support of their requests for cannabis-retail-registration approval. The city’s permits and license manager also provided, among other things: “background information”; “statistics relating to the licensing process in Minnesota”; a review of “the regulations,” “the cannabis retail operation application[,] and . . . [the] processes that were utilized,” during which she

“referenced the [city] staff report” and explained “the five-phase[s,] . . . scoring criteria, point system, and ranking procedures that were [used] to evaluate the applications”; and a summary of “the three applications that were submitted[,]. . . not[ing] minor differences between the three applications.” Following these presentations, as well as questions and discussion by city council members, the city council voted to approve Nature Creation’s application, with five members voting in favor of the motion and two voting against it. Based on the availability of only one cannabis retail registration at the time, this approval effectively denied Rybolt’s application.

Rybolt later sent the city a letter requesting a hearing before the city council to reconsider the denial of Rybolt’s application. Soon after, the city council informed Rybolt that it had added such a hearing to the agenda of an upcoming meeting and that Rybolt would “have the opportunity to be heard again by the city council,” as well as the chance to submit “any information” that Rybolt “wishe[d] to give the council prior to the meeting.” Before the scheduled hearing, city staff prepared another report “recommend[ing] [that] the city council reaffirm [its] decision . . . to grant the one cannabis retail registration available in Red Wing to . . . Nature Creation.” Along with a reiteration of the reasons for issuing the cannabis retail registration to Nature Creation that are set forth above, city staff “provide[d] the city council with additional context on those items” and “outlin[ed] how the two applicants compare[d] on [those] points,” with an analysis of the corresponding aspects of Rybolt’s application.

At the hearing, the city council again received background information from the city’s permits and license manager about Rybolt’s reconsideration request and the policy.

Rybolt’s counsel expressed “concern over fairness given identical scores between applicants,” asked whether the city could “remedy this arbitrary decision by allowing for a second registration,” and urged the city council to create “a tie-breaking mechanism or [to] amend the ordinance to allow for a second registration.” After questions and discussion by members of the city council, the city council unanimously voted to reaffirm its earlier decision to issue the sole available cannabis retail registration to Nature Creation.

In a written resolution to that effect, the city council “affirm[ed] that it [was] appropriate to issue the final registration to Nature Creation.” The city council stated five reasons in support of its decision: (1) Nature Creation’s partial owner is a resident of Red Wing; (2) Nature Creation intends to employ security personnel directly; (3) Nature Creation “had the most complete business plan at the time of submission of its application”; (4) Nature Creation “has sufficient parking on site without being subject to agreements with third parties and potential termination of those agreements”; and (5) Nature Creation “would be located in a single-tenant building containing a commercial grade vault.” Moreover, the city council decided: “Ultimately, the city council has the final authority to issue a registration. While Rybolt . . . and Nature Creation . . . tied on the scoring criteria in the . . . policy, the city council . . . determined that there is a sufficient basis to award the final registration to Nature Creation.”

This certiorari appeal follows.

DECISION

Rybolt argues that the city’s decision is arbitrary because (A) neither the relevant municipal ordinance nor the application materials provide a tie-breaking procedure for

identically scored applications and (B) the city relied on external, unpublished factors not permitted by the municipal ordinance. We address each argument seriatim.

A. The city’s decision not to establish a tie-breaking procedure for identically scored cannabis-retail-registration applications was a function of its quasi-legislative authority that is not within the scope of our certiorari review.

Rybolt contends that “[t]he fact that the city did not originally include a tie-breaking procedure in the ordinance, the application form, or the . . . policy was, in and of itself, an arbitrary decision that essentially guaranteed a stalemate in the scoring process.” And Rybolt argues that “it was certainly not reasonable for the city council to affirmatively reject any tie-breaker after it became clear that the original process did not produce a winner,” asserting that the city “acted arbitrarily” in doing so because it did not consider an important aspect of the issue. The city counters that these “arguments are not properly before this court under certiorari jurisdiction.” We agree with the city.

“[C]ertiorari is an extraordinary remedy only available to review judicial or quasi-judicial proceedings and actions, and not administrative actions more generally.” *Lancaster v. Dep’t of Hum. Servs.*, 18 N.W.3d 80, 83 (Minn. 2025) (quotations omitted). “We have certiorari jurisdiction to review quasi-judicial decisions of local government entities when authorized by statute or when no other avenue of review is provided.” *In re Brown*, 28 N.W.3d 486, 497 (Minn. App. 2025) (citing Minn. Stat. § 480A.06 (2024); *In re Calm Waters Cannabis Co.*, 24 N.W.3d 507, 517 (Minn. App. 2025)), *rev. denied* (Minn. Jan. 21, 2026). “In general, quasi-judicial decisions affect the rights of a few individuals analogous to the way they are affected by court proceedings.” *Reetz v. City of Saint Paul*,

956 N.W.2d 238, 243 (Minn. 2021) (quotations omitted). “[T]hree indicia of a quasi-judicial decision . . . must exist for certiorari review: (1) investigation into a disputed claim and weighing of evidentiary facts; (2) application of those facts to a prescribed standard; and (3) a binding decision regarding the disputed claim.” *Lancaster*, 18 N.W.3d at 83 (quotation omitted). “The failure to meet any of the three indicia of a quasi-judicial decision is fatal to a claim that the proceedings are quasi-judicial.” *Brown*, 28 N.W.3d at 498 (quotation omitted).

“Certiorari is not available if an alternate right of review is provided by statute or the appellate rules[.]” *Reetz*, 956 N.W.2d at 243 (quotations and citation omitted), and it generally “is not available to review legislative or administrative actions,” *Minn. Ctr. for Env’t Advoc. v. Metro. Council*, 587 N.W.2d 838, 842 (Minn. 1999).³ “Decisions are legislative if they have broad applicability and affect the rights of the public generally.” *Zweber v. Credit River Twp.*, 882 N.W.2d 605, 609 (Minn. 2016) (quotation omitted). Additionally, “the decision to make policy, including rules or regulations, is generally a part of an agency’s quasi-legislative power.” *Brown*, 28 N.W.3d at 498 (citing *Kmart Corp. v. County of Stearns*, 710 N.W.2d 761, 770 (Minn. 2006)).

We conclude that the city’s decision not to establish a tie-breaking procedure for identically scored cannabis-retail-registration applications stemmed from its quasi-

³ We recognize that, in limited circumstances, we may review quasi-legislative decisions. *See, e.g., In re Application by Minn. Power for Auth. to Increase Rates*, 12 N.W.3d 477, 496 (Minn. App. 2024) (reviewing a quasi-legislative rate-design decision made by the Minnesota Public Utilities Commission). But there is no rule or statute that permits us to exercise certiorari review of the city’s quasi-legislative decision not to establish a tie-breaking procedure for identically scored cannabis-retail-registration applications.

legislative authority. Such a procedure would have “broad applicability” and would affect the rights of all applicants requesting that the city issue a cannabis retail registration. *See Zweber*, 882 N.W.2d at 609. Consequently, as much as Rybolt challenges as arbitrary the city’s decision not to establish a tie-breaking procedure for identically scored cannabis-retail-registration applications, that claim is not within the scope of our certiorari review and must be brought in a district court action ab initio. *See County of Washington v. City of Oak Park Heights*, 818 N.W.2d 533, 539 (Minn. 2012) (“Typically, decisions by local government bodies that are legislative in nature are not subject to certiorari review. Instead, parties challenging a municipality’s legislative decisions must first litigate the question of their validity in district court.”); *accord Interstate Power Co. v. Nobles Cnty. Bd. of Comm’rs*, 617 N.W.2d 566, 574 (Minn. 2000) (“Legislative acts are not reviewable by certiorari in the court of appeals, but by a direct action in district court.”); *see also Brown*, 28 N.W.3d at 497–98 (concluding that a relator’s arguments “challeng[ing] the city’s decision to make policy and procedural changes to its process for determining whether to accept requests for defense and indemnification . . . fall outside the scope of our certiorari review and must be raised in a district court proceeding in the first instance”).

B. The city’s decision does not arbitrarily rely on factors prohibited by the applicable municipal ordinance.

Rybolt asserts that the city’s decision is arbitrary because, despite the “identical scores” that city staff assigned to Rybolt’s and Nature Creation’s applications, the city issued the cannabis retail registration to Nature Creation based on five factors not “mentioned in the ordinance or the application materials subsumed therein (i.e., the

application form and [the] policy).” In response, the city maintains that its decision “was legally and factually sound because the tie-breaking licensing decision was supported by five legally sound, rational, and factually supported reasons.” The city’s argument is persuasive.

Appellate courts “review a quasi-judicial decision made by a municipality under a limited and nonintrusive standard of review.” *Reetz*, 956 N.W.2d at 247 (quotation omitted). More specifically, appellate courts “review a quasi-judicial decision for whether it is arbitrary, oppressive, unreasonable, fraudulent, under an erroneous theory of law, or without any evidence to support it.” *Id.* at 244 (quotation omitted).⁴

[I]n analyzing arbitrariness, we have reviewed whether a quasi-judicial determination (1) relied on factors which the legislature had not intended for consideration; (2) entirely failed to consider an important aspect of the problem; (3) offered an explanation for the decision that runs counter to the evidence; or (4) is so implausible that it could not be ascribed to a difference in view or the product of the decision-maker’s expertise.

Brown, 28 N.W.3d at 505 (quotation omitted).

⁴ We are mindful that, “[i]n analyzing evidentiary support, our judicial review of quasi-judicial decisions is conducted under the substantial[-]evidence test[,]” which looks to whether there is “1) such relevant evidence as a reasonable mind might accept as adequate to support a conclusion; 2) more than a scintilla of evidence; 3) more than some evidence; 4) more than any evidence; and 5) evidence considered in its entirety.” *Brown*, 28 N.W.3d at 505 (quotations omitted); *accord Signal Delivery Serv., Inc. v. Brynwood Transfer Co. (Appeal of Signal Delivery Serv., Inc.)*, 288 N.W.2d 707, 710 (Minn. 1980); *Rsrv. Mining Co. v. Herbst*, 256 N.W.2d 808, 825 (Minn. 1977). As noted above, however, because relator makes no argument that the facts cited by the city in its decision lack the support of substantial evidence in the record, we do not apply the substantial-evidence test in our analysis.

The municipality must “at a minimum” have “the reasons for its decision recorded or reduced to writing and in more than just a conclusory fashion.” *White Bear Rod & Gun Club v. City of Hugo*, 388 N.W.2d 739, 742 (Minn. 1986) (quotation omitted). Appellate courts may look to city council discussions to understand the “reason or motive for passing a resolution,” but only the official action of the whole body—not the private motivations of individual council members—constitutes a binding municipal decision. *Queen City Constr., Inc. v. City of Rochester*, 604 N.W.2d 368, 377 (Minn. App. 1999) (quoting *Cannon River Mfrs. Ass’n v. Rogers*, 53 N.W. 759, 761 (Minn. 1892)), *rev. denied* (Minn. Mar. 14, 2000). And appellate courts neither “substitute [their] own findings of fact for those of a city” nor “engage in a de novo review of conflicting evidence.” *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 635 (Minn. 2012).

The interpretation of municipal ordinances and resolutions presents questions of law that appellate courts review de novo. *See, e.g., RDNT, LLC v. City of Bloomington*, 861 N.W.2d 71, 75 (Minn. 2015) (ordinances); *Eagan Econ. Dev. Auth. v. U-Haul Co. of Minn.*, 787 N.W.2d 523, 529 (Minn. 2010) (resolutions). “Rules of statutory construction are applicable to the construction of municipal ordinances and resolutions.” *Eagan Econ. Dev. Auth.*, 787 N.W.2d at 535. “When interpreting a statute, [appellate courts] first look to see whether the statute’s language, on its face, is clear or ambiguous. A statute is only ambiguous when the language therein is subject to more than one reasonable interpretation.” *Eagle Lake of Becker Cnty. Lake Ass’n v. Becker Cnty. Bd. of Comm’rs*, 738 N.W.2d 788, 792 (Minn. App. 2007) (quoting *Am. Fam. Ins. Grp. v. Schroedl*, 616 N.W.2d 273, 277 (Minn. 2000)). “At the same time, appellate courts’ ‘authority to interfere

in the management of municipal affairs is, and should be, limited and sparingly invoked.” *Id.* (quoting *White Bear Docking & Storage, Inc. v. City of White Bear Lake*, 324 N.W.2d 174, 175 (Minn. 1982)). “Whenever possible, a statute should be interpreted to give effect to all of its provisions.” *Eagan Econ. Dev. Auth.*, 787 N.W.2d at 535; *see also Am. Fam. Ins. Grp.*, 616 N.W.2d at 277 (explaining that “no word, phrase, or sentence should be deemed superfluous, void, or insignificant” (quotation omitted)). Appellate courts “must read and construe a statute as a whole and must interpret each section in light of the surrounding sections to avoid conflicting interpretations.” *Eagan Econ. Dev. Auth.*, 787 N.W.2d at 535 (quotation omitted). “When determining the plain and ordinary meaning of undefined words or phrases in a statute, courts should look to the dictionary definitions of those words and apply them in the context of the statute.” *Anoka County v. L. Enf’t Lab. Servs., Inc.*, 3 N.W.3d 586, 594 (Minn. 2024) (quotation omitted).

With these principles in mind, we begin by observing that the scores under Phase III of the policy did not compel the issuance of a cannabis retail registration to any particular candidate. The applicable municipal ordinance required that the city determine final approval of the three applications pursuant to the policy. RWCC § 6.28, subd. 2(C)(3). And the policy provides that “the issuance of retail registrations shall be in accordance with the criteria stated in [the policy’s] review process,” which included Phases III and IV. “[L]ooking to legal dictionaries,” the Minnesota Supreme Court has explained that “in accordance with” has the same meaning as “‘pursuant to[,]’ . . . ‘under,’ . . . ‘in compliance with,’ or ‘in carrying out’ the subject.” *White Bear Lake Restoration Ass’n ex rel. State v. Minn. Dep’t of Nat. Res.*, 946 N.W.2d 373, 384 (Minn. 2020) (citing *Getz v. Peace*, 934

N.W.2d 347, 354–55 (Minn. 2019)); accord *Risdall v. Brown-Wilbert, Inc.*, 753 N.W.2d 723, 730 n.6 (Minn. 2008) (citing *Black’s Law Dictionary* 1272 (8th ed. 2004)); see also *Anoka County*, 3 N.W.3d at 594. Applying those parallel definitions here, we conclude that the policy required that the city council issue retail registrations pursuant to, under, in compliance with, and in carrying out the criteria set forth in the policy’s review process—including Phases III and IV. See *White Bear Lake Restoration*, 946 N.W.2d at 384.

One of the criterion set forth in Phase III of the policy states that, “[a]fter being evaluated and scored[,] . . . applicants who submitted complete retail registration applications would be ranked from highest to lowest to establish an eligibility list.” In accordance with that criterion per Phase IV of the policy’s review process, “[t]he eligibility list and [three scored] applications for cannabis business retail registration . . . [were] forwarded to the city council for review and final selection to determine which applicant [was] eligible to receive a City of Red Wing retail registration.” And Phase IV of the policy’s review process afforded the city council “the authority to choose from any of the applicants on the eligibility list” that was established via Phase III.

Accordingly, that Rybolt received a score of nine, tying it with Nature Creation and exceeding Monday Park’s score of seven, did not of itself demand that the city issue Rybolt a cannabis retail registration. Our conclusion is based on the plain meaning of the municipal ordinance’s and the policy’s unambiguous language, giving effect to all provisions. See *Eagan Econ. Dev. Auth.*, 787 N.W.2d at 535.

We must uphold the city’s quasi-judicial decision to issue the cannabis retail registration to Nature Creation instead of Rybolt because Rybolt has not shown that it was

arbitrary. Applying our “limited and nonintrusive standard of review,” *Reetz*, 956 N.W.2d at 247 (quotation omitted), we cannot say that the city’s decision “relied on factors which the [city council] had not intended for consideration,” “entirely failed to consider an important aspect of the problem,” “offered an explanation . . . that runs counter to the evidence,” or “is so implausible that it could not be ascribed to a difference in view or the product of the decision-maker’s expertise.” *Brown*, 28 N.W.3d at 505 (quotations omitted). Through its resolution affirming the issuance of the cannabis retail registration to Nature Creation, the city “reduced [its reasoning] to writing[,] . . . in more than just a conclusory fashion.” *White Bear Rod & Gun Club*, 388 N.W.2d at 742 (quotation omitted).

In particular, because each of the five reasons cited by the city council in the resolution are reasonably related to the criteria set forth in Phase III of the policy, Rybolt has not established that the city acted arbitrarily by relying on factors not intended for consideration in exercising its authority at Phase IV of the policy’s review process “to choose from any of the applicants on the eligibility list” established under Phase III. *See Brown*, 28 N.W.3d at 505. The five reasons that the city relied on in its decision are consistent with the stated intent of the policy that it “be a thoughtful and deliberate approach in selecting a cannabis retail business while protecting the public health, safety and welfare of [the city’s] residents now and into the future.”

That Nature Creation’s partial, 10% owner is a resident of Red Wing relates to the policy’s residency criterion. Rybolt “does not have a Red Wing resident with an ownership interest.”

Nature Creation’s intent to directly employ security personnel relates to the policy’s safety-and-security-plan criterion. Rybolt’s safety-and-security plan provided that it did “not currently plan to employ armed security personnel” and that “[s]ecurity alerts and response may be handled by trained staff or contracted services.” By contrast, Nature Creation’s safety-and-security plan involved a director of security and the direct employment of security personnel. The city’s assistant chief of police recommended Nature Creation over Rybolt based on Nature Creation’s safety-and-security plan because it was more detailed, involved a director of security that would “bring their knowledge of safety and security from other current operations/locations to the proposed Red Wing location,” and Nature Creation intended to collaborate with the police department.

The completeness of Nature Creation’s business plan at the time of submission of its application relates to that criterion of the policy. Nature Creation submitted a 23-page business plan, yet Rybolt’s business plan was seven pages in length. And while Rybolt “had back and forth with city staff to get the required and correct application information to be considered by the city,” “Nature Creation submitted a complete application and did not require any further follow-up or clarifications from [city] staff.” Although the city’s permits and license manager stated at the first public meeting on the three applications that city staff were “willing to give Rybolt the opportunity to revise their [submission] so that [they] could look at them and they made sense to [the staff] . . . [b]ecause [they] weren’t trying to use simple things as a means of weeding [an applicant] out” and “wanted everybody on the same playing field,” only the city’s official action—i.e., its resolution issuing the cannabis retail registration to Nature Creation based on the city’s relative assessment of the

applicants' business plans—constitutes a binding municipal decision. *See Queen City Constr.*, 604 N.W.2d at 377.

The sufficiency of parking at Nature Creation's site relates to the policy's criterion that applicants' neighborhood-compatibility plan outline, among other things, "how they will respond to complaints to neighborhood nuisances related to . . . vehicle . . . traffic." Nature Creation's plan included "twelve dedicated off-street private parking stalls and twelve shared parking stalls available to customers." Rybolt, on the other hand, had "an encroachment agreement for nine off-street parking stalls," as well as "a letter of intent to lease ten more parking stalls." Despite comments at the first public meeting on the three applications that both Rybolt's and Nature Creation's applications contemplated adequate parking, our focus is on the resolution issuing the cannabis retail registration to Nature Creation based on the city's comparative analysis of the applicants' parking plans. *See id.*

Lastly, Nature Creation's planned location "in a single-tenant building containing a commercial grade vault" relates to the policy's safety-and-security-plan criterion. The city's assistant chief of police noted that Nature Creation's "[p]roposed site . . . was a bank, so it was built with security measures in mind when it was constructed," and that the "[v]ault is built of commercial grade." Rybolt's intended location was "a single-tenant building that [did] not currently have a vault" but eventually would be equipped with "a secure vault room with biometric access, reinforce[d] walls and limited users." The second report by city staff adds that Rybolt's site was "formerly used as an automotive center." Although the municipal ordinance and the policy do not expressly require the presence of a vault at the intended business location, the application explains that applicants'

“preliminary safety and security plan[s]” should address, inter alia, “issues surrounding . . . securing monetary transactions” and “building security and alarm systems, both internal and external.”

In sum, we discern no arbitrariness in the city’s conclusion that it had “the final authority to issue a registration” and that, “[w]hile Rybolt . . . and Nature Creation . . . tied on the scoring criteria in the . . . policy, . . . there is a sufficient basis to award the final registration to Nature Creation.” We therefore conclude the city’s decision does not arbitrarily rely on factors prohibited by the applicable municipal ordinance.

Affirmed.