

**ELYSIAN CITY COUNCIL
REGULAR MEETING
AUGUST 8, 2022**

The Elysian City Council met in regular session on Monday, August 8, 2022 at City Hall at 6:00 pm.

Roll Call: Mayor Tom McBroom; Councilmembers Bobby Houlihan, Dennis Schnoor, and Derek Westby (via Google Meet); City Administrator Lorri Kopischke; Public Works Director Ron Greenwald; City Attorney Jason Moran. Absent: Councilmember Bryan Suemnick.

On motion by Schnoor, seconded by Houlihan, all voting in favor, to approve the minutes of the July 11, 2022 Regular Meeting and August 1, 2022 Budget Workshop Meeting as presented.

On motion by McBroom, seconded by Schnoor, all voting in favor, to approve the agenda of the August 8, 2022 Regular Meeting as presented.

Le Sueur County Chief Deputy Greenig reported all has been quiet in the City.

Public Comment: None.

Le Sueur County Commissioner Rohlfing thanked the City for the nice National Night Out event. He reported the County is working on the 2023 budget. The preliminary budget is high which stems from material, equipment, and fuel costs. The County ATV Ordinance went into effect on August 1, 2022. Class 1 (ATV) and Class 2 (Side by Side) are legal to drive on roads. ATVs are not legal to drive in ditches, cannot carry passengers, and require valid license and proof of insurance. The remodel of the old jail to be repurposed to the public health building is expected to be completed February 1, 2023. The costs of the government center remodel came in higher than budgeted and will be looked into again. The east entrance of the government center is completed.

John Manning reported the goose eradication program is going well. The 2022 Program is reaching the end of Phase 2 and approaching Phase 3. Manning requested approval to close the sewer treatment pond facility and possibly Lake Tustin Park to allow for early harvesting of waterfowl on weekend mornings beginning September 3rd. While harvesting is being done at the sewer treatment pond, an extra lock will be placed on the gates and signage will be posted. The same will be done at Tustin Park if early harvesting is appropriate in that location. Manning proposed the following dates for harvesting: September 3rd – 5th, 9th – 11th, 16th – 18th, 24th and 25th, September 30th – October 2nd, October 8th and 9th. Manning reported that all necessary paperwork for the controlled/direct harvest of geese will be filed with the MN Department of Natural Resources and the Le Sueur County Sheriff.

In an ongoing effort to eradicate the goose population within the City of Elysian, on motion by McBroom, seconded by Houlihan, all voting in favor, to approve the discharge of firearms during the established Minnesota waterfowl hunting season to target and dispatch waterfowl within the City's limits on City owned property or lake waters in the City's limits by a controlled/directed harvest of geese under the employee John Manning's direction; the planned dates of discharge include: September 3rd – 5th, 9th – 11th, 16th – 18th, 24th and 25th, 30th – October 2nd, and September 8th – 9th; to adjust the hours of the compost/burning piles on those Saturdays to 1:00 to 4:30 pm; and to provide signage and an additional lock at both locations while engaged in the controlled/directed harvest of geese under the employees' direction.

Brent Kavitz, SEH Engineering, provided two proposals for Geotechnical Services for the 2023 Street and Utility Improvement Project – American Engineering Testing in the amount of \$4,000.00 and Braun Intertec Corporation in the amount of \$5,760.00. Kavitz stated that SEH Engineering has worked with both companies and has been satisfied with the results.

On motion by Houlihan, seconded by Schnoor, all voting in favor, to approve and accept the proposal for Geotechnical Services for the 2023 Street and Utility Improvement Project from American Engineering Testing in the amount of \$4,000.00.

Kavitz provided two proposals for televising the sanitary and storm sewer for the 2023 Street and Utility Project – Empire Pipe Services in the amount of \$11,348.00 and Hydro-Klean, LLC in the amount of \$22,900.00. Kavitz stated the specs of the proposals are the same except Hydro Klean has included a price for an “Easement machine per day”. SEH Engineering has worked with both companies and has been satisfied with the results.

On motion by Houlihan, seconded by McBroom, all voting in favor, to approve and accept the proposal for televising the sanitary and storm sewer for the 2023 Street and Utility Improvement Project from Empire Pipe Services in the amount of \$11,348.00.

Greenwald reported that while preparing the tennis court for W W Blacktopping, Inc. it was discovered that at some point a level course had been installed. The layer is thick oil and approximately one inch thick. The layer was loose and was able to be removed on the west side of the court but not on the east side. W W Blacktopping would like the court to be level prior to the asphalt being laid. They have suggested two options. The first option is to lay a one-inch level course and then a one-half inch wear course. This would be completed for the original price of \$13,985.00. The second option would be for W W Blacktopping to install a level course of up to one inch in the deepest cracks for an additional \$4,800.00 and then once the entire course is level to lay a one-and-a-half-inch wear course for the original cost of \$13,985.00 with the total cost being \$18,785.00.

On motion by Westby, seconded by Houlihan, all voting in favor, to approve W W Blacktopping, Inc. to install a level course of up to one inch in the deepest cracks of the tennis courts for an additional \$4,800.00 and then once the entire course is level to lay a one and a half inch wear course for the original cost of \$13,985.00 with the total cost being \$18,785.00.

Greenwald reported he continues to work with contractors to obtain quotes for needed repairs at the Wayside Rest.

John Reintjes, Maintenance Worker, Wayside Rest, reported there was a man sleeping on the bench inside the men’s bathroom. He asked if Council policy is to allow anyone to sleep inside the bathrooms. Council stated they did not approve of sleeping on the benches in the Wayside Rest bathrooms. Greenwald will have signs made to reflect this policy.

Council considered the request of Joe Meixl 1234/1238 Scenic Hideaway Lane, for an adjustment to sewer charges. Meixl’s bill is calculated based on the hours pumped on his sewer pump which is then converted to gallons. The sewer pump was malfunctioning and running continuously even when it was not pumping out any sewage. Meixl has stated the occupancy in 2021 and 2022 was basically the same. The Council was provided with a printout of the gallons of sewer pumped for January – July 2021 and the gallons of sewer pumped for January – July 2022. Meixl is requesting a credit for the sewer charges based on his 2021 usage.

Greenwald confirmed that the sewer pump was malfunctioning and that the pump has now been replaced and is working correctly. The pump was operating continuously with little to no sewage being pumped out.

On motion by McBroom, seconded by Westby, all voting in favor, to approve a credit of 150,000 gallons to the Meixl sewer account 1234/1238 Scenic Hideaway Lane, due to a malfunction of the sewer pump.

The State of Minnesota Primary Election will be held at City Hall August 9, 2022 from 7:00 am to 8:00 pm.

Filings are open for (1) City of Elysian Mayor (2) two-year term and (2) City of Elysian Council (4) four-year term until August 16, 2022 at 5:00 pm. That election will be held at the General Election on November 8, 2022.

Thank you to Elysian Area Chamber of Commerce, all the volunteers and City staff for a fun filled National Night Out Event.

Staff is gathering quotes for various security options for the City and also for alternative IT support.

Jason Moran, City Attorney, reported the Minnesota Legislature recently passed a law that essentially legalizes the sale of marijuana in liquid and edible form. The law also allows cities to place restrictions on the sale of these items such as licensing, area where it can be sold or zoning where the sale will be allowed. Some cities are addressing this by placing a moratorium on the sale of these items to allow time to conduct a study and decide the best way to address this item.

On motion by McBroom, seconded by Schnoor, all voting in favor to approve Ordinance No. 103-22 – Providing a Moratorium on the Sale of Hemp Derived THC (Tetrahydrocannabinols) Food and Beverages in the City of Elysian, Le Sueur County, Minnesota as follows:

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA
ORDINANCE NO. 103-22

AN ORDINANCE PROVIDING A MORATORIUM ON THE SALE OF HEMP DERIVED THC
(TETRAHYDROCANNABINOLS) FOOD AND BEVERAGES IN THE CITY OF ELYSIAN, LE SUEUR
COUNTY, MINNESOTA.

THE CITY COUNCIL FOR THE CITY OF ELYSIAN DOES ORDAIN:

1. Purpose/Study Authorized. This Ordinance establishes a moratorium on the sale of hemp derived THC (tetrahydrocannabinols) food and beverages in order to allow the City time to study the issue and consider licensing, rules and regulations, and sale management controls, for the sale of hemp derived THC food and beverages. The Minnesota Legislature recently amended Minnesota Statutes, Section 151.72 relating to the sale of certain cannabinoid products. The new law permits the sale of edible cannabinoid products, provided that a product sold for human consumption does not contain more than .03% of tetrahydrocannabinol and an edible cannabinoid product does not contain any amount of tetrahydrocannabinol that exceeds more than 5 milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package. Sales of THC products became legal on July 1, 2022.

The new law allows sales and establishes some labeling and testing requirements, but it does not establish any licensing criteria or parameters for compliance by retailers. The new law does not prohibit local regulation.

Minnesota Statutes, Section 462.355, Subd. 4 provides that if a municipality is conducting studies or has authorized a study to be conducted for the purpose of considering adoption or amendment to an official control, the City Council may adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. This interim ordinance authorizes such a study on this issue. City Staff shall conduct a study on this issue for presentation to the Council on whether to amend its zoning, business-licensing, or other general Code provisions related to this issue. An interim ordinance may regulate, restrict, or prohibit any use within the city of a period not to exceed one year from the effective date of the interim ordinance. Many cities have adopted interim ordinances to study the impacts of certain uses and determine whether regulations are appropriate for the purpose of protecting the public health, safety, and welfare of their citizens.

2. Restrictions. For a period of one year from the effective date of this Ordinance, unless terminated sooner by City Council action, no sale of hemp derived THC (tetrahydrocannabinols) food and beverages is allowed in the City of Elysian, Minnesota. The City Council reserves the right to extend this moratorium for such additional periods as are necessary to complete the study as allowed by State Law. Any violation of this Ordinance shall be deemed a misdemeanor offense punishable by up to 90 days incarceration, and or a fine of up to \$1,000, or both. Each such day that a violation occurs shall constitute a separate offense.

This Ordinance becomes effective upon publication.

Passed by the City Council for the City of Elysian, Minnesota this 8th day of August, 2022.

Tom McBroom, Sr., Mayor

ATTEST:

Lorri Kopischke, City Administrator

On motion by Houlihan, seconded by McBroom, all voting in favor, bills, payroll, and transfers were approved in the amount of \$209,578.73.

Public Comment: None.

On motion by McBroom, seconded by Houlihan, all voting in favor, to adjourn the meeting at 6:48 pm.

Approved:

Tom McBroom, Sr., Mayor

Attested:

Lorri Kopischke, City Administrator