

**ELYSIAN CITY COUNCIL  
REGULAR MEETING  
AUGUST 14, 2023**

The Elysian City Council met in regular session on Monday, August 14, 2023 at City Hall at 6:00 pm.

The meeting opened with the Pledge of Allegiance to the US Flag.

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

On motion by Westby, seconded by Houlihan, all voting in favor, to approve the minutes of the July 10, 2023 Regular Meeting, July 12, 2023 Emergency Meeting, July 31, 2023 Budget Workshop Meeting, and August 3, 2023 Budget Workshop Meeting as presented.

On motion by Houlihan, seconded by Westby, all voting in favor, to approve the agenda of the August 14, 2023 Regular Meeting as presented.

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

On motion by McBroom, seconded by Houlihan, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:02 pm.

The purpose of the hearing is to allow public input from citizens on proposed Ordinance No. 106/23 – An Interim Ordinance Prohibiting the Sale, Testing, Manufacturing, Cultivating, Growing, Transporting, Delivery, and Distribution of Cannabis Products in the City of Elysian.

City Attorney Moran stated that the Minnesota Legislature legalized recreational THC effective August 1, 2023. Part of that bill provides local government the opportunity / power to hold off the retail license for distribution until January 1, 2025. This provides an opportunity for cities to update their personnel policies and zoning ordinances. Ordinance No. 106/23 applies to retail sales.

Public Comment:

Daniel Jarosz, 102 Fourth Street NW, stated that he agreed with retail sales of THC being treated the same as retail sales of alcohol. But for manufacturing, cultivating, growing, transporting, delivery, at your own property and for your own use, he does not agree that this should be delayed until January 1, 2025. This has been passed by the State and it should be allowed now.

Moran stated there is nothing stopping the personal growing of up to four plants, but you can't sell or distribute on a retail basis. This ordinance does not regulate personal use.

There were no further public comments. There were no written comments.

On motion by McBroom, seconded by Suemnick, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:08 pm.

Public Comment:

Clayton Roemhildt, 200 Jason Drive, stated that the reconstruction of the cul-de-sac on James Drive has resulted in an even smaller cul-de-sac than was there before. He is not even able to turn around. He watched the truck with a trailer behind that was there to hydro seed and he had to back

up four times and then to get the trailer around he had to skid. Roemhildt has contacted the engineer and the City worker and both said they would look into it and get back to him but neither one did. He is not entirely unhappy with the street reconstruction, but he is unhappy that he cannot turn around. There is ten feet of right of way that could have been used up to make a 70 foot cul-de-sac. Instead, it is 49 foot back-to-back.

Roemhildt also stated the hydrant on First Street South is on his property not on City right-of-way.

Lee Istvanovich, SEH Engineering, stated he was not involved in the design of the cul-de-sac and noted there will be more maneuverability once the final layer of bituminous is installed. He also stated he will take another look at the location of the hydrant and if needed the hydrant can be moved.

The Council asked that the designer of the cul-de-sac, Istvanovich, and Roemhildt meet and look at options for the cul-de-sac.

Ordinance No. 106/23 was presented by Councilmember Suemnick and seconded by Councilmember Houlihan.

CITY OF ELYSIAN  
COUNTY OF LE SUEUR  
STATE OF MINNESOTA

ORDINANCE NO. 106/23

AN INTERIM ORDINANCE PROHIBITING THE SALE, TESTING,  
MANUFACTURING, CULTIVATING, GROWING, TRANSPORTING, DELIVERY,  
AND DISTRIBUTION OF CANNABIS PRODUCTS IN THE CITY OF ELYSIAN

The City Council of the City of Elysian does ordain:

SECTION 1. BACKGROUND.

- A. By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minn. Stat. §151.72 and permitted the sale of edible and nonedible cannabinoid products that contain no more than 0.3% of Tetrahydrocannabinol, commonly known as THC ("THC Products").
- B. The Minnesota Legislature recently passed, and Minnesota Governor Tim Walz recently signed into law, Minnesota Statutes Chapter 342 which legalized THC products.
- C. Minnesota Statutes Chapter 342 establishes a regulatory framework for adult-use cannabis, as well as the lower potency hemp edibles; moves the medical cannabis program under a newly created state agency called the Office of Cannabis Management; establishes taxes on regulated products; creates grants to assist individuals entering into the legal cannabis market; amends criminal penalties; provides for expungement and resentencing of certain convictions; provides for temporary regulation of hemp-derived edible cannabinoid products; reschedules marijuana; and appropriates money.
- D. Various provisions of Minnesota Statutes Chapter 342 becomes effective July 1, 2023, and the Legislation calls for the State to establish a model ordinance for cities, which the City of Elysian would benefit from reviewing and analyzing before making any decisions related to cannabis businesses and products regulated under Minnesota Chapter 342 in

the City.

- E. Chapter 342 specifies what distance restrictions cities can put in place under their zoning power. The City would benefit from having time to study and analyze acceptable time, place and manner restrictions that would be feasible for the City of Elysian as allowed under Chapter 342.
- F. The City would benefit from taking time to analyze and study the impact of the new law on the City's Moratorium and any necessary revisions of the Moratorium.
- G. Pursuant to Minn. Stat. § 462.355, subd. 4, the City is authorized to enact by ordinance a moratorium to regulate, restrict or prohibit land uses within its jurisdiction to protect the public health, safety, and welfare. Specifically, the City is authorized to enact a moratorium ordinance to allow it to undertake a study to determine whether to adopt any regulations or restrictions, including siting and location of uses, related to the sales, testing, manufacturing, cultivating, growing, transporting, delivery and distribution of Cannabis Products.
- H. Pursuant to its general police powers and also Minn. Stat. § 421.221, subd. 32, the City may enact and enforce regulations or restrictions on Cannabis Products within the City to protect the public safety, health, and welfare, including restrictions and a moratorium on the sales, testing, manufacturing, cultivating, growing, transporting, delivery and distribution, during the pendency of a study to determine the need for police power regulations, including but not necessarily limited to any additional licensing and permitting that may be allowed, if any, by the State.
- I. Pursuant to the language of Chapter 342 cities, as soon as the bill becomes effective, may have authority to adopt an interim ordinance to prohibit a cannabis business from opening until January 1, 2025, to conduct studies or consider adopting or amending allowed restrictions on the operation of a cannabis business. Because the effective date of the Legislation is not until July 1, 2023, the City cannot take advantage of this authorization until on or after that date.

## SECTION 2. FINDINGS.

- A. The City Council finds there is a need to study (i) cannabis products, including products: using any part of the genus Cannabis plant; containing cannabis concentrate; infused with cannabinoids (including but not limited to tetrahydrocannabinol); extracted or derived from cannabis plants or cannabis flower; synthetically derived cannabinoids; and any lower potency hemp edibles that contain more than 0.3% of Tetrahydrocannabinol, (ii) cannabis businesses related thereto, and (iii) the impact of those businesses and products as related to allowed land uses and zoning, in order to assess the necessity for and efficacy of regulation and restrictions relating to the retail sales, wholesale sales, testing, growing, cultivating, manufacturing, transporting, delivery of or distribution of any of the products referenced herein, including through zoning ordinances or licensing, if allowed, in order to protect the public health, safety, and welfares of its residents.
- B. The study will allow the City Council to determine the appropriate changes, if any, that it should make to the Elysian City Code, including any necessary zoning changes.

C. The time will allow for any state agency licensing cannabis businesses to rule make and adopt its model ordinances which will further aid the Council in studying and considering restrictions on the operation of a cannabis businesses and the use of the products listed in paragraph 1 above.

D. The City Council, therefore, finds that there is a need to adopt a city-wide moratorium on the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery of, and distribution of Cannabis Products, including products: using any part of the genus Cannabis plant; containing cannabis concentrate; infused with cannabinoids (including but not limited to tetrahydrocannabinol); extracted or derived from cannabis plants or cannabis flower; synthetically derived cannabinoids, or lower potency hemp edibles.

### SECTION 3. MORATORIUM.

A. No individual, establishment, organization, or business may engage in the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery of or distribution of Cannabis Products, including products using any part of the plant of the genus Cannabis plant; containing cannabis concentrate; infused with cannabinoids (including but not limited to tetrahydrocannabinol); extracted or derived from cannabis plants or cannabis flower; synthetically derived cannabinoids, or lower potency hemp edibles, to the date allowed by Chapter 342; January 1, 2025. The City can, pursuant to Chapter 342, terminate this moratorium prior to January 1 2025 if it so chooses.

B. Planning or zoning applications related to any of the products listed in Subsection A of Section 3 herein or applications from individuals, establishments, organizations, or businesses involved in the proposed sale, testing, growing, cultivating, manufacturing, transporting, delivery of or distribution of Cannabis Products within the City of Elysian shall not be accepted or considered from the effective date of this ordinance up to the time outlined in Subsection A of Section 3.

D. This moratorium does not apply to the selling, testing, manufacturing, or distributing of Cannabis Products related to the Medical Cannabis Program as administered by the Minnesota Department of Health, provided that such activity is done in accordance with the regulations and laws of Minnesota regarding Medical Cannabis.

E. Pursuant to Chapter 342, this moratorium does apply to the sale of THC Products allowed under the 2022 Legislation, which includes edible and nonedible cannabinoid products that contain no more than 0.3% of Tetrahydrocannabinol.

SECTION 4. STUDY. The City Council directs City staff to study the need for local regulation regarding the retail sale, wholesale sale, testing, growing, cultivating, manufacturing, transporting, delivery or distribution of Cannabis Products listed in Section 3(A) herein within the City of Elysian. Staff must also study the need for creating or amending zoning ordinances, licensing ordinances, as allowed by the state, or any other ordinances, as allowed and not preempted by the state, to protect the citizens of Elysian from any potential negative impacts. Upon completion of the study, the City Council, together with such commission as the City Council deems appropriate or, as may be required by law, will consider the advisability of adopting new ordinances or amending its current ordinances.

SECTION 5. ENFORCEMENT. The City may enforce this Ordinance by mandamus, injunctive relief, or other appropriate civil or criminal remedy in any court of competent jurisdiction. The City Council

hereby authorizes the City Administrator, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance. A violation of this Ordinance is also subject to a misdemeanor penalty which is incarceration of up to 90 days and a fine of up to \$1,000 or both. Each day that a violation occurs constitutes a separate violation.

SECTION 6. TERM. Unless earlier rescinded by the City Council, the moratorium established under this Ordinance shall remain in effect until January 1, 2025.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective upon Summary Publication as allowed by law.

Voting Yes on the motion: Houlihan, McBroom, Suemnick, Westby  
Voting No on the motion: None

Passed this 14<sup>th</sup> day of August, 2023.

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Tom McBroom, Sr., Mayor

ATTEST:

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Lorri Kopischke, City Administrator

Steve Hoppe, Elysian American Legion Post #311 Little League, presented a brief recap of the year and a request for funding. Elysian Little League ended the year with 108 registered players from the Waterville, Elysian, Morrystown area, covering levels of 6U-13U. There is an opportunity to apply for a Minnesota Twins Grant where they match funds raised up to \$15,000 and they are hoping to raise \$15,000 locally. The estimated costs of renovations are: Beach Field – Permanent fence installed \$11,000, Batting cages \$3,000, Field work \$5,000, Equipment shed/Dugouts roofs and paint \$500; School Field – Dugouts four posts and roof only \$3,000, Field work \$5,000; Morrystown location – Is privately owned and we are working with the owner on developing a plan for its use.

Hoppe reported requests for funding have been sent to the Legions, Lions Club, Fire Relief Associations, Minnesota Elevators, and other businesses. Possible fundraising events include a breakfast feed, a burger feed, and a cash raffle.

McBroom encouraged Hoppe to present the funding request at the American Legion Meeting August 29<sup>th</sup> at 6:00 pm.

The Planning and Zoning Commission met on August 1, 2023 and held a public hearing to consider the conditional use permit request of Jacob and Leslie Lee to convert two existing 40 x 60 foot Morton sheds into two short term rental units. Each unit will have six suites with private baths and one common living area in the center of the building. This property is located in the C-2 Highway Commercial District and this use would be allowed under section (D) Conditional Uses (2) Hotels and Motels.

The Planning and Zoning Commission recommend approval of the conditional use permit without any conditions. Staff is recommending approval of the conditional use permit with the following conditions:

1. Screening from Sunset Park and the School to the east.
2. Paving and Parking Requirements.
3. Conditions of City of Elysian Code of Ordinance TITLE XI: BUSINESS REGULATIONS: Chapter 112. SHORT TERM VACATION PROPERTIES

The Council discussed the number of occupants allowed per bedroom in the Short Term Vacation Properties Ordinance. The consensus was to update that Ordinance to allow four occupants per bedroom rather than three. The Ordinance will be discussed at the September City Council meeting.

Mayor McBroom introduced the resolution and was seconded by Councilmember Suemnick.

CITY OF ELYSIAN  
ELYSIAN, MINNESOTA  
RESOLUTION NO. 862/23  
APPROVING CONDITIONAL USE PERMIT  
FOR JACOB AND LESLIE LEE

WHEREAS, the City of Elysian has received an application from Jacob and Leslie Lee for a conditional use permit to convert two existing 40 x 60 foot Morton sheds into two short term rental units which is a conditional use in §156.068 of the City of Elysian Zoning Ordinance pertaining to C-2 Highway Commercial District Section D. (2); and

WHEREAS, the subject property is known as Le Sueur County Parcel Identification R16.410.0992, and legally described as shown on the attached Exhibit A; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on August 1, 2023 to receive public comment on the conditional use permit request; and

WHEREAS, the use proposed by the Lees is a conditionally permitted use; and

WHEREAS, following the public hearing, the Planning and Zoning Commission recommended approval of the conditional use permit, as the proposed use is within the spirit of the City's Zoning ordinance, it is beneficial to the City's tax base, the use makes good use of the land in issue, the proposed use does comply with the City's existing Zoning Ordinance, the proposed use has the ability to create employment opportunities for the City of Elysian, and is in the best interest and general welfare of the City of Elysian; and

WHEREAS, the City Council for the City of Elysian met, discussed the recommendations of the Planning and Zoning Commission, reviewed the application for the Conditional Use Plan, questioned the Lees regarding the proposed use and reviewed concept plans; and

WHEREAS, considering all of the above:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Elysian, Minnesota hereby finds that the proposed use is within the spirit of the City's Zoning ordinance, it is beneficial to the City's tax base, the use makes good use of the land in issue, the proposed use does comply with

the City's existing Zoning Ordinances, the proposed use has the ability to create employment opportunities for the City of Elysian, and is in the best interest and general welfare of the City of Elysian, and therefore the City Council for the City of Elysian herein and hereby approves the conditional use permit in accordance with and subject to the following conditions:

1. Conditions of City of Elysian Code of Ordinance TITLE XI: BUSINESS REGULATIONS: Chapter 112. SHORT TERM VACATION PROPERTIES

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Suemnick, Westby

Council Members voting in the negative: None.

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of August, 2023.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

Resolution #862/23

Exhibit A

Property located in Le Sueur County, Minnesota more fully described as follows:

Lots 7, 8, 9, 10, 11, 12, and 13, of Block 15, excepting therefrom the North 64 feet, and also excepting the railroad right of way One Hundred feet (100) wide across lots Ten (10) and Eleven (11), Block 15, Town Site of Elysium, now known as the City of Elysian.

Also

All that part of York Street lying coincident with and southerly of the south line of Lots 7, 8, 9, 10, 11, 12 and 13, Block 15, Amended Plat and Resurvey of Elysium Townsite, on file and of record with the Le Sueur County Recorder. Containing 9,568 square feet (0.22 acres).

The City Council discussed the annual benefit level of Elysian Fire Relief. The current annual benefit is \$1,700 and was ratified in 2022. There was Council consensus to consider an increase to an annual benefit of \$2,000.

Jason and Pamela Glende, owners of the property at 101 and 103 East Main Street were present to discuss a water service line repair to their property at 103 East Main Street.

Ms. Glende reported that they had purchased the property at 103 East Main Street in 2019 with the plan to tear it down. In 2020, there was water in the northeast corner of the basement of the 101 East Main Street property. She asked the City Public Works to test the water and there was no trace that it was City water. The building was 110 years old and there had never been any issues with water

coming in before. James Bros. Construction then installed a sump pump in the basement. Then this spring there was water starting to shoot out of the street. The sidewalks on both sides of Main Street are caved in toward the curb.

Wednesday, July 12<sup>th</sup>, Jacob James came and looked at the leak. On Thursday he talked about hiring a water leak locator. I was waiting to hear from Jacob. Then Ron came back and said the City wanted to know if I was going to pay for the water leak guy. I didn't know why I would pay for it. I didn't have any water pressure issues in my shop. Then we realized it was the line to the other property. I did not know they were coming that Friday. James Bros. said the City determined it was an emergency and had to be done. James Bros said that when the work was done, the Public Works said the City would take care of it. Then when the City received the bill, they said that I had to pay it.

I did not realize the ordinance stated it was my responsibility to the main. In other small towns like Elysian, it is the curb stop to the building. Here in Elysian it is to the main. The Elysian ordinance was changed in June of 2018, and I believe this water line was leaking before 2018 and it took three years for it to come up through the street into my building and now three years to come up through the street.

Public Works Director Greenwald stated he had informed Ms. Glende of the ordinance. And he advised her to come down and talk to the Administrator if she had questions.

The Council asked how long the City would wait before repairing a leak. Greenwald stated that if a leak was bad enough the water would be shut off within 24 hours. The first day the City waited and contacted the water leak locator. They can only locate a leak in copper or metal lines. There is no guarantee they will locate a leak in a plastic line, and they charge \$600 for trip charge. Elysian's water mains are plastic.

Greenwald stated the water was leaking worse each day and after the County crack sealed the road it was way worse, there was water squirting out of the cracks in the street. By Friday the water had heaved Main Street up by one inch and the leak had to be fixed. So, in the best interest of the City infrastructure, the leak had to be repaired. On Friday morning James Bros arrived to find the leak and the best educated guess was made as to where to begin digging. They started where the water began leaking and then moved to the other curb stop. There was water there and so they moved to the main. It was determined that the water service line to 103 Main Street East was leaking and the Glendes requested that the water service be capped off.

Jason Glende stated they would pay to the curb stop like every other small town, but it seemed strange that in Elysian you would have to pay to the main. It should be like every other utility, gas, electric, you are liable to the shutoff. He asked how old that water service was. Pam Glende reported that when they were working they reported that there were huge chunks of tar thrown back in there.

The Council asked how old the service lines are. Greenwald reported that in 1999 they installed a larger plastic water main but they did not replace all the service lines. Jason Glende stated this was shady workmanship and because the City wanted to save money, now the property owner has to pay for it.

Motion by Houlihan, seconded by Suemnick, all voting in favor, for the owner to pay for the repair to the service line (James Bros Construction), and the City will pay for the repair to the curb, sidewalk, and pavement (D.J. Siehndel Const. and W W Blacktopping, Inc.) due to the following:

1. Main Street – more traffic contributed.



2. Bunch of tar stuffed in the hole during replacement of water main in 1999.

John and Janice Manning reported the goose management is going well. They are now entering Phase 3, the harvesting of geese at the sewage treatment plant and Tustin Park. The Mannings requested the sewage treatment plant be closed from midnight the day prior until 12:00 noon the day of for Fridays, Saturdays, and Sundays during the following dates: September 2 – 17 and September 23 – December 27, 2023. They also requested to secure/close Tustin Park during those same time periods if/when needed for harvest. They also requested the ability to secure those areas with their own locking devices to prevent others from entering the area(s) while harvest is being conducted for safety reasons.

On motion by Suemnick, seconded by Westby, all voting in favor, to close the sewage treatment plant from midnight the day prior until 12:00 noon the day of for Fridays, Saturday, and Sundays from September 2 – 17, and September 23 – December 27, 2023; to allow the closure of Tustin Park for the same time periods if/when needed; and to allow the security of locking those areas with their own locking devices for safety and to provide signage to alert residents.

Councilmember Suemnick introduced the resolution and was seconded by Councilmember Westby.

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 863/23  
A RESOLUTION ALLOWING DISCHARGE OF FIREARMS WITHIN  
CITY LIMITS DURING A SPECIFIED PERIOD FOR THE PURPOSE  
OF GEESE CONTROL

BE IT RESOLVED by the City Council of the City of Elysian Minnesota that:

WHEREAS, the City of Elysian is in need of goose control at several locations within its jurisdictional limits; and

WHEREAS, the City of Elysian has entered into an employment agreement with temporary seasonal employees who can provide that goose control service; and

WHEREAS, the temporary seasonal employees have submitted a proposal to provide that goose control service and the same is acceptable to the City; and

WHEREAS, the proposal does include the discharge of firearms during the established Minnesota early (September 2 - 17) and regular (September 23 – December 27) 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 employees' direction.

NOW THEREFORE BE IT RESOLVED, that the City of Elysian does hereby 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 employees' direction. The temporary seasonal employees will keep the City Administrator apprised of when the discharge of firearms will occur so as to keep the public and users of the City's parks apprised of such activity.

Upon vote being taken:

Councilmembers voting in the affirmative: Houlihan, McBroom, Suemnick, Westby  
Councilmembers voting in the negative: None

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of August, 2023.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

Council thanked the Mannings. The beach and parks look great.

Lee Istvanovich, SEH Engineering, presented W W Blacktopping Change Order No. 1 in the amount of \$5,149 for installation of Iowa Yard Hydrant for the Cedar Hill Cemetery in the amount of \$1300 lump sum and installation of biaxial geogrid on Lewis Lane and the associated cul-de-sac in the amount of \$3,849.

On motion by Westby, seconded by Suemnick, all voting in favor, to approve W W Blacktopping Change Order No. 1 in the amount of \$5,149 as presented.

Istvanovich presented W W Blacktopping, Inc. Pay Application No. 3 in the amount of \$515,044.51.

On motion by Suemnick, seconded by Westby, all voting in favor, to approve and accept W W Blacktopping, Inc. Pay Application No. 3 in the amount of \$515,044.51.

Istvanovich provided an update on the 2023 Street and Utility Improvement Project. He also reported that a proposal for the Water Treatment Plant will be presented at the September Council Meeting.

Public Works Director Greenwald reported the new roof on the pavilion at Lake Tustin Park is completed. The tennis courts and basketball hoops are installed at the Sunset Park Sports Courts. The surfacing is scheduled for some time this month. The steps behind City Hall are next on the list.

Greenwald reported the West Central Sanitation truck had a hydraulic leak today and lost 60 gallons of hydraulic fluid on City streets. Floor dry has been applied. Pictures and videos have been taken.

Councilmember Houlihan introduced the resolution and was seconded by Councilmember Suemnick.

CITY OF ELYSIAN  
LE SUEUR COUNTY, MINNESOTA  
RESOLUTION NO. 864/23  
RESOLUTION ACKNOWLEDGING  
SEVERAL DONATIONS FOR THE  
SUNSET SPORTS COURTS RENOVATION

WHEREAS, the City of Elysian has received donations for the Sunset Park Sports Courts renovation in the amount of \$1,300.00 as follows:

Kyle and Rachel Short	\$ 300
Scoops	\$1,000

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELYSIAN, MINNESOTA THAT: the City Council of the City of Elysian acknowledges and accepts donation for the Sunset Park Sports Courts from those listed and in the amounts listed above for a total donation of \$1,300.00.

Upon vote being taken:

Council Members voting in the affirmative: Houlihan, McBroom, Suemnick, Westby

Council Members voting in the negative: None

Adopted by the City Council of the City of Elysian this 14<sup>th</sup> day of August, 2023.

Approved:

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Tom McBroom Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator

On motion by McBroom, seconded by Westby, all voting in favor, to approve the contract for the collection, transportation, and disposal of garbage, refuse, and recyclable materials for the City of Elysian, Le Sueur County with West Central Sanitation Inc. for the period of October 1, 2023 through September 30, 2026.

The Council considered a bid from Xcel Energy for lighting replacement on Main Street. The quote is as follows: Install (4) 30' Aluminum Base Mounted Poles with outlets (Black), (10) 15' Washington Style Aluminum Base Mounted Poles with outlets (Black), (4) "C" Cobras (Black), (4) 4' Mastarms (Black), (10) "B" Acorn lights (Black), (1) Streetlight Control, 195' 4/0 Triplex, 195' 2" Conduit, 6851' #6 CU Wire, and 1713' 1 ½ Conduit. Install all cable and conduit by bore. Restoration not included. (The layout was attached.)

Prepaid Rate: **\$132,935**

If Council approves the bid, Xcel Energy will submit a construction agreement for consideration at the September Council meeting.

There was consensus to approve the bid from Xcel Energy for lighting replacement on Main Street as submitted.

The Council reviewed a notice of Zoning Code Violation for the owner of 205 East Highway 60. Any questions, please contact City Attorney.

The Council thanked the Elysian Area Chamber, Fire Department and all Emergency Responders, volunteers, and City Staff for a fun-packed National Night Out Event.

City Attorney Moran presented Ordinance No. 107/23 – Prohibiting the Use of Tetrahydrocannabinol (THC) Products in Public Places. This does not regulate the use of THC at home on private property.

On motion by McBroom, seconded by Suemnick, all voting in favor, to set a public hearing for Consideration of Ordinance No. 107/23, Prohibiting the Use of Tetrahydrocannabinol (THC) Products in Public Places in the City of Elysian, for Monday, September 11, 2023 at 6:00 pm.

On motion by McBroom, seconded by Westby, all voting in favor, bills, payroll, and transfers were approved in the amount of \$711,605.97.

Public Comment:

Daniel Jarosz, 102 Fourth Street NW, stated he would be against Ordinance #107/23 – Prohibiting the use of THC in public places. He didn't think a petty misdemeanor for someone eating edibles or smoking some weed is worth the sheriff's time. Yeah, smoking, keep it away, keep it in a designated area but if someone wants to use an edible or oil at the beach like they would use alcohol then it should be regulated the same way.

There was no further public comment.

On motion by McBroom, seconded by Westby, all voting in favor, to adjourn the meeting at 7:30 pm.

Approved:

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Tom McBroom, Sr., Mayor

Attested:

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Lorri Kopischke, City Administrator